# Notes

## About the Politics File

#### Should I run this disad?

Sure. However, bear in mind that the agenda impact scenario here is intended primarily as a model. It is typically difficult to write an agenda impact during the summer because there is little on the legislative agenda during summer months, but it is even harder to do so in the summer prior to a presidential election when the agenda grinds to a standstill.

In all likelihood, the Jackson-Vanik issue will either be resolved before September (or sooner), or will become irresolvable prior to December on account of the November elections. As a result, you should not become too attached to the specific scenario, as it is unlikely to be viable other than for practice here. That said, you should have some practice rounds for the purpose of working on agenda DA skills, but should probably invest more time in learning and running the Elections DA, as that will probably be more representative of your political disad exposure this fall.

#### Additional arguments

Additional relevant arguments can be found in the Pre-Institute Elections file and the Elections file – those files are supplementary.

# Jackson-Vanik

## 1NC Shell

#### A. Clean Jackson-Vanik repeal likely now – Obama push and momentum

Russell, The Main Wire, 7-13-12

[Sarah, “Cold War Amendment Means US Could Lose in Trade With Russia”, Lexis]

The Obama administration has been pushing for repeal of Jackson-Vanik, and many in Congress also endorse PNTR with Russia, but some still view the amendment as a symbol of human rights protections and are hesitant to repeal it without a substitute.

U.S. Trade Representative Ron Kirk in testimony to key committees recently urged Congress to overturn the measure.

"If the WTO agreement does not apply between the United States and Russia, our businesses, innovators and exporters will be at a competitive disadvantage compared to their global counterparts," Kirk told the House Ways and Means Committee late last month.

"I think it is important to note that this legislation does not give Russia any special trade privileges," Kirk said. "Rather, it will ensure that the WTO agreement applies between us so that American companies, workers, farmers, ranchers, manufacturers, innovators, and service providers will reap the full benefits of Russia's WTO membership, and we will have the multilateral trade enforcement tools in place to enforce Russia's WTO commitments."

The USTR said in a fact sheet that while Russia must lower trade barriers, "the United States, by contrast, will merely extend permanently to Russia the same trade treatment it already extends to all other WTO members, and has extended to Russia every year since 1994."

National Foreign Trade Council Vice President Dan O'Flaherty told MNI repealing Jackson-Vanik and granting permanent normal trade relations would be a big improvement over the current situation, and has the potential to open up a major sector to U.S. businesses.

"The current arrangement with the Russians doesn't cover services, and services cover about 40% of our exports," he said. PNTR with Russia "brings in that whole sector of the economy that is excluded right now from the trade arrangement."

As part of the negotiations, Russia has agreed to allow 100% foreign ownership of banks, investment companies, and broker dealers, among other financial services, according to USTR. These companies will be allowed to own and trade the full range of securities, lead-manage Russian securities issuance, and participate in financing of privatization of government-owned firms. Russia must also allow cross-border services and data processing.

Andrew Kuchins, director of the Russia and Eurasia Program at the Washington-based Center for Strategic and International Studies, said in an interview, "major studies done argue that within five years time there will be a doubling of exports" to Russia once it joins the WTO.

According to U.S. government data, total U.S.-Russia trade was $42.9 billion in 2011. U.S. exports to Russia were $8.3 billion, and included machinery, meat, aircraft, and high-tech products. Two-thirds of U.S. imports from Russia are oil and oil products.

O'Flaherty said in addition to services, "American companies are well positioned to gain market share in areas such as earth-moving equipment, engineering, and construction, as well as consumer goods."

WTO rules and enforcement also will benefit U.S. firms.

Kuchins said Russia's trade reforms under the WTO "have and will continue to create a better investment environment within Russia for U.S. companies investing there ... that's positive for job creation and for the U.S. economy."

The USTR said Russia will be making meaningful tariff commitments in important U.S. export sectors such as civil aircraft, agriculture equipment, automobiles and automobile parts, construction equipment, medical equipment, among others.

Under the WTO agreement, Russia will reduce tariffs on industrial and consumer goods, and the maximum will be under 8% after seven years, the USTR said.

According to the U.S. Chamber of Commerce, Russia will be required to cut tariffs on wide body aircraft to 7.5%, on chemicals to 5.3%, and on combine harvesters to 5%.

Russia must also provide unbiased market access to U.S. companies, meet intellectual property rights standards, operate state-owned or -controlled enterprises based on commercial considerations, and cut its maximum customs fee by two-thirds, according to the USTR.

The Obama Administration, as well as members of both political parties, have urged Congress to repeal the Jackson-Vanik amendment and grant PNTR to Russia before its entrance into the WTO in August.

Putin and President Barack Obama issued a joint statement in June saying, "the Obama Administration is working closely with the U.S. Congress to terminate, as soon as possible, application of the Jackson-Vanik amendment ... and extend Permanent Normal Trade Relations to the Russian Federation."

R.K. Morris, a long time trade professional, told MNI, "with a PNTR legislation, we take away a from Russia a number of levers that it can use to tweak us in the larger geopolitical relationship ... they are free to do that in a number of areas if we don't have a WTO relationship with them.

"If we do have a WTO relationship with them, they must treat us on commercial terms across whole range of WTO issues," so PNTR with Russia is a "pure benefit for us at this point," Morris said. He also is the founder and president of the Global Business Dialogue.

The U.S. Chamber of Commerce also urged repeal. In a March statement to the Senate, it said "failure to do so puts U.S. workers, farmers, and businesses at a unique disadvantage in the growing Russian marketplace and drives new sales, exports, and job-creation opportunities to our European and Asian competitors."

Many U.S. companies, such as Caterpillar Inc. and General Electric, have also voiced their support of PNTR with Russia, and argue delay allows global competitors to get ahead of U.S. industry and penalize businesses in an already struggling economy.

Morris said one key reason for the delay in repealing Jackson-Vanik, is concern over human rights in Russia, and without the amendment, "they're afraid they won't have any other way to do it."

As an alternative to the Jackson-Vanik amendment, Sen. Ben Cardin submitted the Sergei Magnitsky Rule of Law Accountability Act, legislation named for a lawyer who was beaten and left to die in a prison after exposing police investigators in what has been called the largest tax fraud in Russian history.

The Magnitsky bill aims to restrict financial activities and visas of Russian officials implicated in Magnitsky's death or other human rights violations. House and Senate committees approved the bill recently but it has not yet moved to floor votes.

The Senate has advanced the Magnitsky bill and PNTR legislation separately, which the administration supports.

Kirk said, "Our priority is for Congress to terminate the Cold-War era Jackson-Vanik amendment as it applies to Russia in a clean bill that enables us to maintain our competitive edge."

#### B. Link – Plan drains political capital

[Insert link]

#### C. Political capital key to repeal

**Moscow Times, 11**

(Moscow Times, 10/21/11, “U.S. Senators Side with Georgia on WTO Issue,” <http://www.themoscowtimes.com/business/article/us-senators-side-with-georgia-on-wto-issue/445990.html>, Accessed 7/9/12, THW)

If Russia were to join the WTO, the United States would be required under world trade rules to establish “permanent normal trade relations,” or PNTR, by removing the Jackson-Vanik amendment.

The 1974 amendment denies normal trade relations to countries with command economies that restrict emigration.

Both the Senate and House of Representatives would have to approve PNTR.

That is already expected to be a difficult pair of votes, so the White House cannot afford to alienate lawmakers whose support it will need.

Blunt and Inhofe, two usually reliable votes for trade, said in their letter they could only support PNTR if Russia agrees to border and custom procedures that respect “Georgia’s security considerations and future sovereignty.”

#### D. Impact – Russia-US Relations Good

#### 1. Linkage will collapse relations

Pifer, Brookings Fellow, 6-29-12

[Steven Pifer, Brookings Fellow, “Brookings fellow Steven Pifer: Burying the Magnitsky bill’s message” <http://thehill.com/blogs/global-affairs/guest-commentary/235549-brookings-fellow-steven-pifer-burying-the-magnitsky-bills-message>, Accessed 7/5/12, THW)

Congress appears ready to take long-overdue action to graduate Russia from the provisions of the Jackson-Vanik amendment. At the same time, both the Senate and House seem intent on coupling that with passage of the Magnitsky human-rights bill, which would sanction Russian officials involved in the 2009 death of Sergei Magnitsky in a Moscow prison.

Unfortunately, by linking these measures, Congress will obscure the message that it seeks to send the Russian government. The two measures should be decoupled.

Congress passed the Jackson-Vanik amendment in 1974, denying permanent normal trade relations status to the Soviet Union and other countries that restricted emigration of religious minorities. Congress adopted the legislation primarily to press the Soviet government to allow Soviet Jews the freedom to emigrate, something that the Moscow authorities routinely denied. This changed after the collapse of the Soviet Union. Russia opened the gates in the early 1990s, and Moscow allowed virtually any Russian Jew to depart. Hundreds of thousands did, mainly for Israel and the United States. While Russia has slid badly backwards on democracy issues since Vladimir Putin first became president in 2000, emigration remains unrestricted. The Clinton administration found Russia to be in compliance with the Jackson-Vanik amendment in 1994. By the end of the 1990s, Russia merited full graduation. The George W. Bush administration made half-hearted efforts to push Congress to adopt the appropriate legislation in 2002 and 2003, but an ill-timed Russian ban on chicken imports and White House reluctance to engage the president directly with the congressional leadership undercut those attempts. Congress now has little choice but to act. When Russia enters the World Trade Organization this summer, continued application of Jackson-Vanik would mean that the United States is not according permanent normal trade relations status to Russia. As a result, U.S. companies exporting to Russia would not be able to benefit from World Trade Organization tariffs or dispute-resolution mechanisms. Essentially, Jackson-Vanik would then become a sanction on American business. Congress should now finally pass the legislation needed to graduate Russia from Jackson-Vanik. However, many in both houses propose to do this only in conjunction with passage of the Magnitsky bill. Magnitsky, a Russian lawyer, disclosed evidence that Russian officials embezzled some $230 million. Incredibly, those same officials were allowed to investigate and arrest Magnitsky. He spent nearly a year in pre-trial detention before dying in prison when his jailers denied him needed medical treatment. The Magnitsky bill will sanction Russian officials connected with Magnitsky’s imprisonment and death, and other officials in similar corruption cases. It would deny them visas to the United States and freeze any financial assets that they might have in U.S. banks. Magnitsky’s treatment was abhorrent. The Russian government has protested vociferously against the bill, which demeans the Russian government. The U.S. government has a sovereign right to decide who it will and will not allow to enter into the United States, and who can and cannot do business in American financial institutions. But linking Russia’s graduation from Jackson-Vanik to passage of the Magnitsky bill is a mistake. First, linkage will ensure that Washington gets no political credit for finally doing the right thing on Jackson-Vanik. To be sure, the credit would be modest, given Russian frustration that they have remained under Jackson-Vanik’s sanction for more than a decade after they did what it asked them to do. But better late than never. Second, linking the Magnitsky bill to Jackson-Vanik graduation will wholly obscure Congress’s message to the Russian government. The Russians will not see the Magnitsky bill as an expression of outrage over how the Russian legal system was shabbily and corruptly manipulated to kill one of its fellow citizens. They will instead see the bill as reflecting what they believe to be a deep-seated anti-Russia sentiment on the Hill: the Americans had to give up Jackson-Vanik, so they came up with another piece of legislation to beat Russia with. Congress is right to act on the Magnitsky bill. But it should not couple that with Jackson-Vanik graduation for Russia. Linkage only buries the message that Congress seeks to send.

#### 2. US-Russian relations are key prevent war, nuclear terrorism, and prolif.

Allison, Belfer Center for Science and International Affairs director, & Blackwill, Belfer Center for Science and International Affairs International Council member,

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(Graham Allison,; Douglas Dillon Professor of Government; Faculty Chair, Dubai Initiative, Harvard Kennedy School, Robert D. Blackwill, International Council Member, Belfer Center for Science and International Affairs, 10-30-11, "10 Reasons Why Russia Still Matters"http://belfercenter.ksg.harvard.edu/publication/21469/10\_reasons\_why\_russia\_still\_matters.html, accessed 2-23-12)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups.

#### 3. The ultimate impact of proliferation is extinction

Utgoff, Institute for Defense Analysis Strategy, Forces and Resources Division deputy director, 2

[Victor A. Utgoff, Deputy Dir – Strategy, Forces, and Resources Division, Institute for Defense Analysis, Proliferation, Missile Defence and American Ambitions, Survival, Vol. 44, No. 2, 2002, p. 87-90]

Many readers are probably willing to accept that nuclear proliferation is such a grave threat to world peace that every effort should be made to avoid it. However, every effort has not been made in the past, and we are talking about much more substantial efforts now. For new and substantially more burdensome efforts to be made to slow or stop nuclear proliferation, it needs to be established that the highly proliferated nuclear world that would sooner or later evolve without such efforts is not going to be acceptable. And, for many reasons, it is not. First, the dynamics of getting to a highly proliferated world could be very dangerous. Proliferating states will feel great pressures to obtain nuclear weapons and delivery systems before any potential opponent does. Those who succeed in outracing an opponent may consider preemptive nuclear war before the opponent becomes capable of nuclear retaliation. Those who lag behind might try to preempt their opponent’s nuclear programme or defeat the opponent using conventional forces. And those who feel threatened but are incapable of building nuclear weapons may still be able to join in this arms race by building other types of weapons of mass destruction, such as biological weapons. Second, as the world approaches complete proliferation, the hazards posed by nuclear weapons today will be magnified many times over. Fifty or more nations capable of launching nuclear weapons means that the risk of nuclear accidents that could cause serious damage not only to their own populations and environments, but those of others, is hugely increased. The chances of such weapons falling into the hands of renegade military units or terrorists is far greater, as is the number of nations carrying out hazardous manufacturing and storage activities. Increased prospects for the occasional nuclear shootout Worse still, in a highly proliferated world there would be more frequent opportunities for the use of nuclear weapons. And more frequent opportunities means shorter expected times between conflicts in which nuclear weapons get used, unless the probability of use at any opportunity is actually zero. To be sure, some theorists on nuclear deterrence appear to think that in any confrontation between two states known to have reliable nuclear capabilities, the probability of nuclear weapons being used is zero.3 These theorists think that such states will be so fearful of escalation to nuclear war that they would always avoid or terminate confrontations between them, short of even conventional war. They believe this to be true even if the two states have different cultures or leaders with very eccentric personalities. History and human nature, however, suggest that they are almost surely wrong. History includes instances in which states known to possess nuclear weapons did engage in direct conventional conflict. China and Russia fought battles along their common border even after both had nuclear weapons. Moreover, logic suggests that if states with nuclear weapons always avoided conflict with one another, surely states without nuclear weapons would avoid conflict with states that had them. Again, history provides counter-examples. Egypt attacked Israel in 1973 even though it saw Israel as a nuclear power at the time. Argentina invaded the Falkland Islands and fought Britain’s efforts to take them back, even though Britain had nuclear weapons. Those who claim that two states with reliable nuclear capabilities to devastate each other will not engage in conventional conflict risking nuclear war also assume that any leader from any culture would not choose suicide for his nation. But history provides unhappy examples of states whose leaders were ready to choose suicide for themselves and their fellow citizens. Hitler tried to impose a ‘victory or destruction’ policy on his people as Nazi Germany was going down to defeat.4 And Japan’s war minister, during debates on how to respond to the American atomic bombing, suggested ‘Would it not be wondrous for the whole nation to be destroyed like a beautiful flower?’5 If leaders are willing to engage in conflict with nuclear-armed nations, use of nuclear weapons in any particular instance may not be likely, but its probability would still be dangerously significant. In particular, human nature suggests that the threat of retaliation with nuclear weapons is not a reliable guarantee against a disastrous first use of these weapons. While national leaders and their advisors everywhere are usually talented and experienced people, even their most important decisions cannot be counted on to be the product of well-informed and thorough assessments of all options from all relevant points of view. This is especially so when the stakes are so large as to defy assessment and there are substantial pressures to act quickly, as could be expected in intense and fast-moving crises between nuclear-armed states.6 Instead, like other human beings, national leaders can be seduced by wishful thinking. They can misinterpret the words or actions of opposing leaders. Their advisors may produce answers that they think the leader wants to hear, or coalesce around what they know is an inferior decision because the group urgently needs the confidence or the sharing of responsibility that results from settling on something. Moreover, leaders may not recognise clearly where their personal or party interests diverge from those of their citizens. Under great stress, human beings can lose their ability to think carefully. They can refuse to believe that the worst could really happen, oversimplify the problem at hand, think in terms of simplistic analogies and play hunches. The intuitive rules for how individuals should respond to insults or signs of weakness in an opponent may too readily suggest a rash course of action. Anger, fear, greed, ambition and pride can all lead to bad decisions. The desire for a decisive solution to the problem at hand may lead to an unnecessarily extreme course of action. We can almost hear the kinds of words that could flow from discussions in nuclear crises or war. ‘These people are not willing to die for this interest’. ‘No sane person would actually use such weapons’. ‘Perhaps the opponent will back down if we show him we mean business by demonstrating a willingness to use nuclear weapons’. ‘If I don’t hit them back really hard, I am going to be driven from office, if not killed’. Whether right or wrong, in the stressful atmosphere of a nuclear crisis or war, such words from others, or silently from within, might resonate too readily with a harried leader. Thus, both history and human nature suggest that nuclear deterrence can be expected to fail from time to time, and we are fortunate it has not happened yet. But the threat of nuclear war is not just a matter of a few weapons being used. It could get much worse. Once a conflict reaches the point where nuclear weapons are employed, the stresses felt by the leaderships would rise enormously. These stresses can be expected to further degrade their decision-making. The pressures to force the enemy to stop fighting or to surrender could argue for more forceful and decisive military action, which might be the right thing to do in the circumstances, but maybe not. And the horrors of the carnage already suffered may be seen as justification for visiting the most devastating punishment possible on the enemy.7 Again, history demonstrates how intense conflict can lead the combatants to escalate violence to the maximum possible levels. In the Second World War, early promises not to bomb cities soon gave way to essentially indiscriminate bombing of civilians. The war between Iran and Iraq during the 1980s led to the use of chemical weapons on both sides and exchanges of missiles against each other’s cities. And more recently, violence in the Middle East escalated in a few months from rocks and small arms to heavy weapons on one side, and from police actions to air strikes and armoured attacks on the other. Escalation of violence is also basic human nature. Once the violence starts, retaliatory exchanges of violent acts can escalate to levels unimagined by the participants beforehand.8 Intense and blinding anger is a common response to fear or humiliation or abuse. And such anger can lead us to impose on our opponents whatever levels of violence are readily accessible. In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot-outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are headed toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing nuclear ‘six-shooters’ on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even whole nations.

## Uniqueness

### Obama Push Now

#### Obama pushing for separation of Jackson-Vanik and Magnitsky

Vasilyeva, Associated Press Business Writer, 7-7-12

(Nataliya Vasilyeva, AP Business Writer, “US official urges repeal of Russia trade law” 7/7/12, <http://www.google.com/hostednews/ap/article/ALeqM5jpeDyrYFB4Ags6a85_oax9AfJcjA?docId=c8fb92d7f73c41e794be3cca653ce672>, Accessed 7/7/12, THW)

Some U.S. lawmakers have indicated they would support repeal of Jackson-Vanik in exchange for passage of the so-called Magnitsky bill that would bar Russian officials accused of human rights abuses from the United States.

That bill calls for publicly identifying Russians tied to human rights abuses, but the Obama administration worries that could affect relations with Moscow. The bill was introduced by two Democrats and also is backed by prominent Republicans, including Sen. John McCain.

The bill was named for lawyer Sergei Magnitsky, who had accused Interior Ministry officials of corruption. He died in jail in 2009 from untreated pancreatitis.

Proponents of the bill say the death, and allegations of torture in jail, highlight corruption in Russia's judicial system.

Prospects for passing the measure as a stand-alone bill are uncertain, and senators saw an opportunity to boost its chances by tying it to the repeal of Jackson-Vanik.

Kirk said the two measures should not be linked.

"Our priority is for the Congress to lift Jackson-Vanik in a clean bill which deals only with the issue relevant to our ability to maintain our competitiveness," he said, adding the administration will "continue our work" with lawmakers concerned about Russian human rights.

#### **Administration push now**

Vasilyeva, Bloomberg Businessweek, 6-7-12

(Natalyiya, “U.S. Official urges repeal of Russia Trade Law”, Bloomberg Businessweek, 6-7-12, <http://www.businessweek.com/ap/2012-06/D9V877M80.htm>, accessed 7-4-12, FFF)

U.S. Trade Representative Ron Kirk said Thursday that the repeal of a U.S. law that can be used to put trade restrictions on Russia is a top priority for his office this year.

The Cold War-era Jackson-Vanik amendment denies normal trading arrangements to non-market countries that restrict emigration. It was originally a reaction to hurdles the Soviet Union put up for Jews who wanted to leave the country in the 1970s.

Although Russia has not restricted emigration in any way since 1991 and the U.S. has granted Russia annual waivers since 1994, the law remains in force and is an irritant to investors and Russian politicians.

Russia has wrapped up negotiations on membership in the World Trade Organization, and its parliament is expected to ratify Russia's membership on July 4.

"Once Russia becomes a member of the World Trade Organization, we need to make sure that American businesses have the full advantages of that, and therefore it's necessary for us to lift Jackson-Vanik," Kirk told the American Chamber of Commerce in Russia.

#### Administration pushing clean repeal now

Palmer, Reuters, 6-20-12

(Doug, 6-20-12, “US trade bill “not a gift” to Russia, Kirk says”, Reuters, <http://www.reuters.com/article/2012/06/20/us-usa-russia-trade-idUSBRE85J12Q20120620>, accessed 7-4-12, FFF)

President Barack Obama's top trade official urged Congress on Wednesday to quickly approve legislation to improve trade ties with [Russia](http://www.reuters.com/places/russia), unencumbered by human rights requirements, saying it was vital to keep U.S. exports competitive in the Russian market.

"Authorizing the president to provide permanent normal trade relations is not a gift to Russia," U.S. Trade Representative Ron Kirk said in testimony to the House of Representatives Ways and Means Committee.

U.S. lawmakers have expressed concern about Russian support of the bloody crackdown on the opposition in [Syria](http://www.reuters.com/places/syria) and many support proposed human rights requirements on Russia.

Congress is under pressure to approve permanent normal trade relations (PNTR) by repealing a Cold War-era trade restriction known as the Jackson-Vanik amendment because of Russia's entry in the World Trade Organization by August 22 at the latest.

If the Jackson-Vanik provision is not lifted, Russia would be entitled under WTO rules to deny U.S. companies the market-opening benefits it made to join the WTO, Kirk said.

"We could be paying tariffs sometimes double what other countries are paying," Kirk said.

#### Obama pushing for repeal now

Pecquet, The Hill, 7-7-12

(Julian, 7-7-12, “Time Running out for Russia Trade Bill”, The Hill, <http://thehill.com/blogs/global-affairs/russia/236523-time-running-out-for-russia-trade-bill>, accessed 7-7-12, FFF)

“The [Obama] administration has consistently urged Congress to terminate application of the Jackson-Vanik amendment and authorize the president to extend permanent normal trade relations to Russia before it becomes a WTO Member,” a spokesperson for the Office of the U.S. Trade Representative told The Hill via e-mail.

Doing so would “ensure that American workers and businesses will be able to reap the full benefits of Russia’s WTO membership and to put them on a level playing field with their competitors in Latin America, Europe and Asia,” the spokesperson said.

U.S. trade relations with Russia are governed by the Jackson-Vanik amendment, a Cold War-era statute that permits the United States to slap trade restrictions on Russia. Although U.S. administrations have waived the restrictions every year since the collapse of the Soviet Union in the early 1990s, keeping it on the books violates WTO terms, meaning U.S. firms would not benefit from the preferential access to the Russian market that will be extended to other WTO members.

Russia intends to drive home that point by sending a high-ranking parliamentary delegation to Washington right after the vote to make the case for permanent normal trade relations on Capitol Hill and to the media.

#### Obama pushing for clean Jackson-Vanik repeal

RIA-Novosti 6-27-12

(Russian and international news from the state news agency, “US Senate Committee Approves Magnitsky Bill” <http://02varvara.wordpress.com/tag/jackson-vanik-amendment/>, Accessed 7/5/12, THW)

On Tuesday, the US Senate Foreign Relations Committee unanimously approved a bill that would impose sanctions on Russian officials allegedly linked to Hermitage Capital lawyer Sergei Magnitsky’s death in 2009. The Sergei Magnitsky Rule of Law Accountability Act, sponsored by US Senator Benjamin Cardin (D-MD), seeks to impose visa bans and asset freezes on Russian officials allegedly involved in the death of 37-year-old Russian lawyer Magnitsky, as well as in other gross human rights abuses in Russia. Russia strongly objects to the act, but it has broad support in Congress, although the Obama administration doesn’t look too enthusiastic about it. In November 2008, the cops arrested Magnitsky on tax evasion charges days after accusing police investigators of a 230 million USD tax refund fraud, and he died after almost a year in the Matrosskaya Tishina pre-trial detention centre in Moscow. A probe into his death revealed that the lawyer, who was suffering from untreated pancreatitis and a heart condition, didn’t receive proper medical treatment. Human rights activists pointed to multiple violations of his rights during his arrest and in detention, including signs that prison guards beaten him hours before his death. Russia warned that it’d respond to the adoption of the bill in kind, imposing restrictions on US officials. The US State Department issued visa bans on several dozen Russian officials in connection to the Magnitsky case in July 2011. In response, Russia imposed travel bans on several US officials. A group of influential US senators, including former Republican presidential candidate John McCain, proposed in mid-March to cancel the Jackson-Vanik amendment, but simultaneously adopting the Magnitsky bill. The Jackson-Vanik amendment, passed in 1974, barred favourable trade relations with the Soviet Union because it wouldn’t let Jews emigrate. The restrictions imposed by Jackson-Vanik are often waived, but they remain in place, and are a thorn in the side of Russia-US trade relations. The Magnitsky case, along with the Jackson-Vanik amendment and the rift over the Syrian crisis, are major stumbling blocks in the “reset” of US-Russian relations. The Obama administration, which has been evasive about the proposed legislation, on said on 18 June that it considers it necessary to distinguish between the adoption of the Magnitsky blacklist and the repeal of the Jackson-Vanik amendment.

#### Obama pushing for de-linkage

RIA-Novosti 6-20-12

(Russian and international news from the state news agency, “Putin Calls For End to Jackson-Vanik, Slates Magnitsky Bill” <http://en.ria.ru/world/20120620/174139131.html>, Accessed 7/5/12, THW)

Russian President Vladimir Putin said he hopes for the soonest possible cancellation of the Jackson-Vanik amendment. “I hope the amendment, which discriminates against Russia on U.S. markets, will be canceled, the more so as we have joined the World Trade Organization, and its preservation would only harm American companies working on the Russian market,” Putin told journalists after the G20 summit in Mexico. “The United States is itself interested in canceling the amendment,” he said, adding that the cancelation would boost bilateral trade. The Jackson-Vanik amendment, passed in 1974, barred favorable trade relations with the Soviet Union because it wouldn’t let Jewish citizens emigrate. It has been defunct for the past two decades, and both Moscow and Washington have warned that, if not repealed, it would be an obstacle to productive U.S.-Russian trade relations when Russia joins the WTO. The restrictions imposed by Jackson-Vanik are often waived, but remain in place and are a thorn in the side of Russia-U.S. trade relations. A group of influential U.S. senators, including former Republican presidential candidate, John McCain, proposed in mid-March introducing a blacklist of Russian officials allegedly linked to Hermitage Capital lawyer Sergei Magnitsky’s death, in a Moscow pre-trial detention center in November 2009, in exchange for Jackson-Vanik cancellation. During Tuesday’s press conference in Los Cabos, Putin reiterated Russia’s position on the linking of the Magnitsky list and the Jackson-Vanik amendment. “If there are any restrictions for some Russian nationals’ entry to the United States, then there will be relevant restrictions for the entry of a certain number of Americans to the Russian Federation,” he said. “I do not know why and who needs that, but if someone does this, it will be like this,” Putin said. “But this is not our choice.” Magnitsky was arrested on tax evasion charges in November 2008, just days after accusing police investigators in a $230 million tax refund fraud, and died after almost a year in the Matrosskaya Tishina pre-trial detention center in Moscow. Moscow has previously warned the U.S. administration that replacement of Jackson-Vanik amendment with the Magnitsky blacklist is 'unacceptable'. The U.S. Administration on June 18 said it considers it necessary to distinguish between the adoption of the Magnitsky blacklist and the repeal of the Jackson-Vanik amendment.

#### Obama is pushing for the bills to be separated

Vasilyeva, Associated Press, 6-7-12

(Nataliya Vasiyeva, Member of the Associated Press, “US official urges repeal of Russia trade law” <http://www.businessweek.com/ap/2012-06/D9V877M80.htm>, Accessed 7/5/12, THW)

Russia has wrapped up negotiations on membership in the World Trade Organization, and its parliament is expected to ratify Russia's membership on July 4. "Once Russia becomes a member of the World Trade Organization, we need to make sure that American businesses have the full advantages of that, and therefore it's necessary for us to lift Jackson-Vanik," Kirk told the American Chamber of Commerce in Russia. Some U.S. lawmakers have indicated they would support repeal of Jackson-Vanik in exchange for passage of the so-called Magnitsky bill that would bar Russian officials accused of human rights abuses from the United States. That bill calls for publicly identifying Russians tied to human rights abuses, but the Obama administration worries that could affect relations with Moscow. The bill was introduced by two Democrats and also is backed by prominent Republicans, including Sen. John McCain. The bill was named for lawyer Sergei Magnitsky, who had accused Interior Ministry officials of corruption. He died in jail in 2009 from untreated pancreatitis. Proponents of the bill say the death, and allegations of torture in jail, highlight corruption in Russia's judicial system. Prospects for passing the measure as a stand-alone bill are uncertain, and senators saw an opportunity to boost its chances by tying it to the repeal of Jackson-Vanik. Kirk said the two measures should not be linked. "Our priority is for the Congress to lift Jackson-Vanik in a clean bill which deals only with the issue relevant to our ability to maintain our competitiveness," he said, adding the administration will "continue our work" with lawmakers concerned about Russian human rights.

[Note – Kirk = US Trade Representative Ron Kirk]

### Clean Jackson-Vanik Will Pass Now

#### Clean Jackson-Vanik repeal likely now – administration push

Associated Press, 6-27-12

(6-27-12, “Clinton optimistic over U.S-Russian relations and repeal of Jackson-Vanik bill”, Newser, <http://www.newser.com/article/d9vlgpd02/clinton-optimistic-over-us-russian-relations-and-repeal-of-jackson-vanik-bill.html>, accessed 7-4-12, FFF)

U.S. Secretary of State Hillary Rodham Clinton says she's optimistic that relations with Moscow will not suffer despite planned legislation in Congress that would impose tough sanctions on Russian human rights violators.

Clinton says she expects "something to move" on both the repeal of the Jackson-Vanik law and on Congress' concerns about Russian human rights.

She told reporters in Finland on Wednesday that the concerns could be expressed "without derailing the relationship (with Moscow) and that is what we are working with our Congress to do and we have every reason to believe we can accomplish that."

#### Clean repeal now

Needham, The Hill, 6-20-12

(Vikki, “Top Republican, trade official press for clean Russia trade bill”, The Hill, <http://thehill.com/blogs/on-the-money/1005-trade/233785-top-republican-trade-official-press-for-clean-russia-trade-bill->, accessed 7-7-12, FFF)

A top House Republican and the Obama administration's leading trade official are pressing for Congress to pass a bill normalizing trade relations with Russia without tacking on human rights legislation.

House Ways and Means Committee Chairman Dave Camp (R-Mich.) and U.S. Trade Representative Ron Kirk said Wednesday they prefer a clean bill that repeals the obsolete Jackson-Vanik provision and grants Moscow permanent normal trade relations (PNTR).

"I think that legislation granting Russia PNTR should be clean and targeted, or else the legislation could be unduly complicated and delayed," Camp said during a hearing.

Camp said while he shares the view of his colleagues that "Russia poses significant problems relating to foreign policy and human rights," he emphasized that "holding up PNTR because of non-trade concerns does not increase our leverage to address them and does not delay Russia’s WTO [World Trade Organization] accession.

#### Jackson-Vanik will pass separately from the Magnitsky Act

**Wasson and Needham, The Hill Staff,** **5/25/12**

(Erik Wasson and Vicki Needham, both The Hill Newspaper Staff Writers, 5/25/12, The Hill Newspaper, “Russia trade, farm bill not on House summer calendar,” <http://thehill.com/blogs/on-the-money/1005-trade/229563-russia-trade-farm-bill-not-on-house-summer-calendar>, Accessed 7/9/12, THW)

Meanwhile, House Ways and Means Committee Chairman Dave Camp (R-Mich.) has said he plans to hold a June hearing on granting permanent normal trade relations to Russia.

Camp and Trade Subcommittee Chairman Kevin Brady (R-Texas) have urged the White House to focus its efforts on convincing skeptical lawmakers that the long-standing and outdated Jackson-Vanik should be repealed and normal trade relations granted to Russia as that nation votes to join the World Trade Organization this summer.

U.S. trade officials have said that ending Jackson-Vanik is a top priority of the White House because Russia joining the WTO gives the United States a new tool to enforce and handle any disputes over trade laws.

Granting Russia permanent normal trade relations does not require the United States to make any changes to its tariffs and, if not completed, would leave U.S. exporters at a disadvantage with other international trading partners that would enjoy reduced duties.

President Obama and Russian President Vladimir Putin are scheduled to meet at the Group of 20 meeting next month in Mexico where the topic is likely to be discussed. The Russian Duma has until July 23 to vote on WTO membership and is currently scheduled to adjourn on July 15. Once the Duma votes, and Russia quickly notifies the WTO, its membership goes into effect in 30 days.

Camp and Senate Finance Chairman Max Baucus (D-Mont.) have said they would not hold up PNTR with Russia over questions of human-rights issues that they say would only hurt U.S. trade interests by indefinitely delaying lower tariffs for U.S. exporters with Russia.

### Repeal Pass Now

#### Momentum – Business lobby proves

Radio Free Europe, 7-14-12

[“U.S. Businessmen Want Trade Bill With Russia Passed”, Lexis]

U.S. businessmen are upping efforts to win approval of a controversial Russian trade bill.

Randi Levinas, executive vice president of the U.S.-Russian Business Council, argued that U.S. jobs are at stake if the bill is not approved.

Business groups have bolstered their case for action on the legislation with a letter signed by 73 Republicans.

Congress is under pressure to lift a Cold War human rights provision known as the Jackson-Vanik amendment and approve "permanent normal trade relations," because of Russia's expected entry into the World Trade Organization in August.

#### Momentum for repeal now – GOP and lobbies

US-Russia Business Council and the Coalition for US-Russia Trade, press release, 7-13-12

[PR Newswire, July 13, 2012, “USRBC and Business Coalition Welcome Letter from House GOP Freshmen Urging Action on PNTR with Russia”, Lexis]

Letter Boasts Record Number of GOP Freshman

The U.S.-Russia Business Council (www.usrbc.org) and the Coalition for U.S.-Russia Trade - a broad-based group of approximately 150 U.S. corporations, trade associations and small businesses actively seeking to increase U.S. exports and jobs with increased trade with Russia - today welcomed a letter from 73 House Republican freshmen to President Obama that stressed a commitment to working together to ensure opportunities for American entrepreneurs and workers through increased trade with Russia. The Coalition for U.S.-Russia Trade is housed at the U.S.-Russia Business Council (USRBC).

(Logo: http://photos.prnewswire.com/prnh/20120713/MM40069LOGO-b)

USRBC President and CEO Edward Verona applauded the letter, saying "We are delighted to see a record number of House Republican freshmen demonstrating leadership on an issue that seeks to sustain U.S. competitiveness in a growing market. Russia, the 9th largest economy in the world, is poised to become a WTO member in a matter of weeks, and U.S. manufacturers, service providers, farmers and their workers should have access to the same economic reforms and market-opening measures that their foreign competitors will as part of Russia's WTO accession. We urge President Obama and Congressional leadership to work together to see through enactment of PNTR by the August recess."

### Uniqueness – AT – Magnitsky

#### Political capital overcomes the non-uniques – Clinton proves

Reuters, 11

(12-14-11, “U.S. Congress Not Ready For Russian WTO Entry,” http://www.ocnus.net/artman2/publish/Business\_1/U-S-Congress-Not-Ready-For-Russian-WTO-Entry.shtml, accessed 2-18-12, CMM)

The White House faces a major challenge next year persuading the U.S. Congress to permanently normalize trade relations with Russia due to concerns about human rights and Moscow's relations with Iran, a senior Republican lawmaker said Tuesday.
"I've counted a lot of trade votes in my time in Congress. This will be a hard lift," Representative Kevin Brady said in a speech to the Washington International Trade Association. "Even among our pro-trade members there is skepticism about Russia."
Members of the World Trade Organization meeting later this week in Geneva are expected to approve Russia's entry into the world trade body after nearly 18 years of negotiations.
That would require the United States to establish permanent normal trade relations (PNTR) by revoking a Cold War provision known as the Jackson-Vanik amendment that tied U.S. trade relations with state-controlled economies to the rights of religious minorities to emigrate freely.
Brady, who chairs the House of Representatives Ways and Means subcommittee on trade, said it was possible Congress could vote on PNTR for Russia in the first half of 2012, provided that the White House lays the ground for a vote.
Unless Congress revokes the provision, trade experts say Russia would be entitled under WTO rules to deny the United States most or all of the market-opening concessions Moscow made to join the WTO. That would put U.S. companies at disadvantage in the Russian market to other suppliers.
Brady said it is "important for the Obama administration, for our private sector, business and agriculture, and the Russian government to educate Congress, to build a foundation as to why Russia's WTO accession is in our interest, in both countries' interest, so that we can get beyond the general distrust that members of Congress feel today."
He compared the upcoming vote on Russia to the bitter debate in 2000 over China's accession to the WTO. Congress approved PNTR for China but only after a major push by the administration of President Bill Clinton.

#### Kerry-White House negotiations now – linkage not inevitable

Inside U.S. Trade, 6-29-12

[“FOREIGN RELATIONS APPROVES MAGNITSKY BILL, KERRY WANTS MORE TWEAKS”, SECTION: Vol. 30 No. 26, Lexis]

The Senate Foreign Relations Committee this week unanimously approved human rights legislation critical to moving forward a bill that would effectively grant Russia permanent most favored nation (MFN) status, but Chairman John Kerry (D-MA) said he wants to continue to work with the bill's main sponsor, Sen. Ben Cardin (D-MD), on further changes before a final Senate vote.

"I still have some issues of where we are in this, not sufficient to say we shouldn't pass it out of committee, but sufficient that I would want to work on those with Sen. Cardin before we actually come to the floor to vote on it," Kerry said at the June 26 Foreign Relations Committee markup. "I don't view this as a completely finished product."

Cardin's version of the bill as approved, the Sergei Magnitsky Rule of Law Accountability Act of 2012, would require the administration to produce a public list of people engaged in gross human rights violations. Individuals on the list would be denied visas for entry to the U.S. and would be eligible to have their U.S.-based assets frozen.

The version approved by the committee was offered by Cardin as an amendment in the nature of a substitute. No other amendments were offered during the markup of the bill.

Kerry raised objections over a provision in the revised Cardin bill that would allow the administration to list names secretly in a "classified annex."

But he said he was confident that the work still remaining on the Magnitsky bill will not hold up the markup of the Russia MFN legislation in the Finance Committee, where chairman Max Baucus (D-MT) has said he wants to include the human rights bill during a markup he hopes to hold in July.

Kerry made it clear he wants to have more talks about the bill with the administration, which opposes it. "We're going to be right on it, I've already been talking to some folks in the State Department, White House and elsewhere," Kerry said. "We're trying to figure out the best way to go forward."

Cardin, for his part, said he is not worried that the legislation will get watered down and that Kerry's concerns are "to make this bill even more effective."

Secretary of State Hillary Clinton on June 27 said the administration is "very keen" on lifting Russia from the Jackson-Vanik amendment and said she expected that legislation to move. In an apparent reference to the Magnitsky bill, she acknowledged that accompanying legislation "to reflect the Congress' concerns" will be passed as well.

Clinton said there is a way to address human rights concerns without "derailing" the U.S.-Russia relationship. "That is what we are working with our Congress to do, and we have every reason to believe we can accomplish that," she said.

The administration, Baucus and business supporters of the Jackson-Vanik bill want to have the final vote on the bill to remove Russia from the Jackson-Vanik amendment before the August recess

Last week, Obama said the Russia vote was a priority for him, and senior officials have expressed a similar message (Inside U.S. Trade, June 22).

#### Obama working to compromise with Congress now

Clinton, Secretary of State, 6-28-12

[Hillary, M2 PressWIRE, 6-28-12, “Remarks With Finnish Foreign Minister Erkki Tuomioja; Hillary Rodham Clinton, Secretary of State Government Banquet Hall, Helsinki, Finland“, Lexis]

QUESTION: Madam Secretary, hi. Just a quick follow-up on that question, and then I've got my own. I'm wondering if you can tell us what your message would be to Foreign Minister Lavrov about the Magnitsky bill which moved out of a committee yesterday, I believe.

And then my question is a quick return to Egypt. Now that President-elect Morsi has been -- is due to be sworn in on Saturday, do you still have concerns about the military's willingness to transfer power? Have you received any fresh assurances from the new civilian leadership that they plan to uphold the Israel peace treaty? And can we expect a personal visit to Cairo anytime soon? Thanks.

SECRETARY CLINTON: These are the kind of multi-part questions that my friends ask me, and then I have to test my memory.

With respect to Magnitsky -- and for our Finnish friends -- in order for the United States to benefit from the accession to the WTO by Russia, we have to make some legislative changes because we have some preexisting legislation derived from the past that imposed certain burdens on Russia unless they released Jews who could then leave the former Soviet Union and migrate to Israel, Europe, the U.S., and other places. It's called the Jackson-Vanik bill. And so we are very keen in the Administration of repealing the Jackson-Vanik bill, because we want to open the doors to greater trade and investment between our two countries.

However, there is great concern in our country, and in particular in our Congress, over human rights in Russia, and in particular the case of the lawyer, Mr. Magnitsky, who died in prison. There's a lot of interest in our Congress over a full, transparent investigation of the circumstances of his death in prison.

And so our Congress, while they are being asked by the Administration to repeal Jackson-Vanik, want to pass legislation that will require the United States Government to take action against any persons who are connected with the death of Mr. Magnitsky. That's probably more than you want to know, but that's the background to the question.

And so we expect something to move on the repeal of Jackson-Vanik and something to move to reflect the Congress's concerns. Now, we discussed this directly with President Putin when I was with President Obama in Mexico. We made it very clear that we do have concerns about human rights in Russia and we have concerns in particular about this case. But again, to go back to the original question, we think there is a way expressing those concerns without derailing the relationship. And that is what we are working with our Congress to do, and we have every reason to believe we can accomplish that.

#### Still unique – new version of Magnistky assuages Russia concerns

[Borshchevskaya](http://www.foxnews.com/archive/author/anna-borshchevskaya/index.html), [Atlantic Council](http://www.acus.org/) Dinu Patriciu Center assistant director, 7-7-12

(Anna, 7-7-12, “Supporting Human Rights in Russia Should Be A Core Strategic Interest”, <http://www.foxnews.com/opinion/2012/07/06/supporting-human-rights-in-russia-should-be-core-strategic-interest-for-us/#ixzz1zy5l2RyT>, accessed July 8, 2012, A.R.)

On Tuesday, July 10, the Russian Duma will vote on ratification of the agreement for Russia’s entry into the World Trade Organization (WTO).  Policymakers in both countries view Russia’s entry as a foregone conclusion.  The question before Congress therefore is how best to pressure Russia to respect human rights following its repeal of the Jackson-Vanik amendment.

Passed in 1974, Jackson-Vanik tied favorable trade to the freedom to emigrate from the Soviet Union. It provided a foundation for Cold War human rights advocacy. The Sergei Magnitsky Rule of Law Accountability Act, approved unanimously by the Senate Foreign Relations Committee on June 26, was meant to fill the void left by lifting Jackson-Vanik.

Named after a Russian anti-corruption lawyer tortured and killed in prison in 2009 after he uncovered a $230 million embezzlement scheme, it would sanction Russia’s worst human rights violators by denying them U.S. visas and freezing their assets in U.S. banks.

However, at the last minute, in order to assuage the Kremlin, the Committee chose not to single out Russia and passed a watered-down version of the bill, applying it to human rights abusers worldwide. Lost is the original purpose of the Act—to show ordinary Russians that the United States wants to see a better Russia—one that does not abuse its citizens and one that can be a strong partner to the United States, an ally with whom we share values.

#### Low risk of linkage – Watering-down and Russian lobby

Dougherty, CNN Foreign Affairs correspondent, 7-12-12

[Jill, CNN Wire, 7-12-12, “Russian lawmakers lobby Capitol Hill not to pass human rights bill”, Lexis]

The original draft of the Magnitsky Bill targeted Russia but U.S. lawmakers in the Senate have broadened the wording to include human rights violators from around the world.

The bill is being considered even as Congress is preparing to end the Cold War-era Jackson-Vanik amendment that enforced economic sanctions on Russia for not allowing Soviet Jews to emigrate. With the collapse of the Soviet Union that no longer was an issue but legislators kept the amendment on the books in order to pressure Russia on other issues.

The Russian delegation is meeting with members of Congress, the Obama administration and the State Department to make its case. They expressed some hope their colleagues would be convinced by their report but, when asked what the reaction has been so far, they said they're being asked "Why did you come so late?"

#### Russians lobbying to de-link Magnitsky

ITAR-TASS, 7-12-12

[“Jackson-Vanik amendment, Magnitsky Act must be considered separately”, Lexis]

Russian senators tried to persuade the U.S. Congress not to link the bill to repeal a Cold War-era provision known as the Jackson-Vanik amendment with the so-called Magnitsky Act.

One of the main goals of the Federation Council delegation's visit to the United States is "to restore juridical logic and call on counterparts from the House of Representatives and the Senate that the Magnitsky Act and a bill cancelling discriminatory Jackson-Vanik amendment for Russia should be considered separately," the deputy head of the Federation Council constitutional legislation committee, Alexander Savenkov, told Itar-Tass at a news conference in Russia's embassy.

At present, there are two versions of the Magnitsky Act on the agenda of the U.S. Congress envisaging sanctions against Russian senior officials. The law stipulates sanctions against Russian law enforcers and judges who have relation to the death of anti-corruption lawyer Sergei Magnitsky.

Members of the delegation briefed their U.S. counterparts on the results of the preliminary investigation of the Magnitsky case, which found out that he became victim of wrong medical treatment in prison, but was arrested on legal grounds.

"All our meetings took place with regard to the fact that the provided material should be studied and worked on," Savenkov said. "If some questions emerge, it is necessary to conduct dialogue and consultations on them."

He noted that consideration of the Magnitsky case should be taken from the political to legal dimension.

"Thus, in my opinion, we will be able to resolve this issue without creating the legal basis for some subsequent confrontation. Then the issue of Russia's reaction in case of adoption of the Magnitsky Act will be lifted from the agenda."

## Internal Links

### Political Capital Key to Repeal

#### Obama political capital key – Magnitsky proves

ITAR-TASS, 6-29-12

[“Matviyenko points to impermissibility of one-sided interpretation of law re Magnitsky Act”, Lexis]

The vote on the Magnitsky Act was due originally in April, but active lobbying of the U.S. President Barack Obama Administration delayed the voting. Foreign Relations Committee Chairman John Kerry explained the delay with the need to overcome disagreements over certain provisions of the bill.

Senator Benjamin Cardin (a Democrat) is the main sponsor of the bill, which will bar the aforesaid Russians and their families from visiting the United States and freeze their accounts in U.S. banks. The Cardin draft compelled the U.S. state secretary and treasury secretary to publish the Magnitsky list within 90 days since the adoption of the bill, together with the list of persons responsible for torture and other serious abuse of human rights.

#### Jackson Vanik repeal will pass but political capital is key

**Inside US Trade 2/10/12**

(Inside US Trade, news source, 2/10/12, “RUSSIA COALITION GEARS UP FOR PERMANENT MFN VOTE, SEEKS NEW MEMBERS,” Lexis, THW)

The coalition is holding the letter open for signature until Feb. 24 in order to allow new companies and trade associations that may join the coalition to also sign the letter, sources said. Key members of the coalition, including the U.S. Chamber of Commerce, are seeking to recruit more companies and trade associations to join. The coalition is the organization through which business groups such as the U.S.-Russia Business Council, the Chamber of Commerce, the Business Roundtable, and the American Farm Bureau Federation are coordinating the lobbying effort for a Jackson-Vanik vote. The Chamber of Commerce is also working on a "dear colleague" letter that will be sent by a member of Congress to other members. That letter will stress the importance of graduating Russia from Jackson-Vanik, and describe Jackson-Vanik as a restriction on the ability of U.S. businesses to take advantage of Russia's accession, one source said. However, this effort is still in the early stages. For instance, the Chamber of Commerce has not yet determined which members will actually spearhead the letter, this source said. The American Chamber of Commerce in Russia is also planning a lobbying visit next week of executives from companies such as Exxon, Intel, and the Oshkosh Corporation. These executives are planning to meet with key members on the congressional trade committees to push their case for a Jackson-Vanik vote, one source said. In prepared testimony to the House Foreign Affairs subcommittee on Europe and Eurasia, Chamber Vice President John Murphy argues that once Russia joins the WTO, the current $10 billion worth of U.S. exports of goods and services to Russia could double or triple. In 2010, Russia ranked 37th, which was behind Panama, in terms of U.S. goods exports. The testimony for the hearing, which was postponed after originally being scheduled for Feb. 9, states that business opportunities in Russia are significant and expected to grow, especially in the area of infrastructure improvement where spending is expected to be $500 billion over the next five years. Congress must vote to remove Russia from the terms of the Jackson-Vanik amendment, which links U.S. tariff benefits to a country's emigration policy, in order to grant the president the authority to extend permanent MFN status. Without permanent MFN, U.S. companies will only receive a limited benefit from Russia's WTO accession. At the same time as the business community is stepping up its efforts, the administration is reaching out to congressional committees on the Russia vote, according to a coalition source. In addition, there are signs the committees of jurisdiction are planning to move forward on the Russia vote. The House Ways and Means Committee is in the process of considering when to hold a hearing and when it could hold the actual Jackson-Vanik vote, according to a coalition source. Finance Committee Chairman Max Baucus (D-MT) has scheduled his expected trip to Russia for mid-February around the Presidents' Day recess, which sources said is a further sign that he sees the Russia vote as a priority. Observers noted that Baucus traveled to Colombia early last year to assess the situation on the ground there before intensifying his efforts to gain passage of the U.S.-Colombia free trade agreement, which passed last fall. These observers said Baucus likely will use the same formula this time around for the Russia vote. Last month, the Democratic staff of the Finance Committee said the panel plans to hold a hearing in March on extending permanent MFN for Russia, and hopes to mark up legislation in April (Inside U.S. Trade, Jan. 27).At this point, Ways and Means Committee Chairman Dave Camp (R-MI) and Ranking Member Sander Levin (D-MI) are not planning a trip to Russia, but that does not mean that they will not visit Russia at some point, according to congressional aides. Sources close to Republicans generally are stressing that the administration and Congress still have a lot of work to do in order to pave the way for a successful Jackson-Vanik vote. Anything related to Russia is a tough vote in Congress because of foreign policy and human rights considerations that end up getting wrapped up in the debate, they say. On the other hand, some sources close to Democrats believe that Congress is coming around to a Jackson-Vanik vote. In particular, members are starting to realize that this vote on Russia differs from a similar vote on China roughly ten years ago, which was extremely controversial. They differ, some sources close to Democrats argue, partly because China has a much more powerful economy and much deeper trade ties to the United States than does Russia. For this reason, there is less at stake when it comes to economic relations, and therefore the Russia vote could be less controversial, these sources argue.

#### Political capital is key to getting a vote

Stokes, National Journal, 11

(Bruce, 1-26-11, “An Agenda, If You Can Keep It,” factiva, accessed 2-18-12, CMM)

After years of relative quiescence, Congress actually has a trade agenda in 2011: possible votes on the Korea, Colombia, and Panama trade agreements, and on Russia’s application to join the World Trade Organization.

Whether, when, how, and which elements of this agenda will be completed will largely depend on political calculations in the White House and on Capitol Hill.

“The first question,” observed William Reinsch, president of the National Foreign Trade Council, “is, how many of these fights does the administration want to have?”

At the top of the list will be the U.S.-Korea Free Trade Agreement, which President Obama made his own by arm-wrestling the South Koreans for fixes to benefit the American auto industry. Now, that it has the support of Ford and the United Auto Workers, most observers agree that the deal with South Korea has sufficient votes for passage. And Obama has said he wants Congress to act on it by June.

But the business community also wants action on the Colombia and Panama agreements negotiated by the George W. Bush administration. “From our perspective,” said Calman Cohen, president of the Emergency Committee for American Trade, “they are like three children. We want them all to go forward.”

Congressional GOP leaders agree. “I strongly believe that we should consider all three agreements in the next six months,” House Ways and Means Committee Chairman Dave Camp, R-Mich., said at a trade hearing this week.

Objections to the Panama accord, based on tax and labor issues, seem to pose no major obstacles. Organized labor continues to highlight the murders of union organizers in Colombia and other labor-rights abuses there, but Ways and Means ranking member Sander Levin, D-Mich., a longtime critic of Colombia’s record on these issues, suggested in testimony this week that some accommodation might be possible. “I believe there is now an opportunity for the two governments to work together mutually to achieve real progress on the ground,” he said.

Republican leaders in Congress have talked of voting on all three trade deals, possibly one right after the other, to facilitate the legislative calendar and, the administration suspects, to aggravate divisions among Democrats.

Parliamentarians, meanwhile, will have to decide if fast-track negotiating authority still applies to the Colombia agreement. Because Congress failed to act on it when it was first submitted, the fast-track authority for the deal expired. This is not a problem in the House, where Republicans control the Rules Committee, but it is in the Senate, where fast-track is needed to facilitate a vote.

Business lobbyists think that the Korea deal could move by itself before the August recess but that doing all three together will take considerably more time, contrary to Camp’s ambitions.

Members of the business community are less sanguine about legislation blessing Russia’s application to join the WTO, where membership can be held up by any current member. Georgia has yet to give its assent to Russia’s application, which might make the need for U.S. action moot.

To give Moscow the green light, Congress would have to accord Russia most-favored-nation trading status, thus granting it the lowest possible U.S. tariffs.

That, in turn, requires waiving the Jackson-Vanik amendment to the 1974 trade act, effectively acknowledging that emigration from Russia is no longer a U.S. concern. Although Washington has no complaints about Russian emigration policy, Jackson-Vanik has long been seen as useful leverage over Moscow that many in Congress may be loath to relinquish.

Capitol Hill staffers warn that passage of Russian WTO membership will be an uphill fight. Moscow has few champions in Congress, where Senate debate late last year over the New START deal demonstrated deep-seated suspicion among conservatives.

Russia’s piracy of intellectual property and its past use of health and safety standards to bar the importation of U.S. poultry have also soured business interests. Buyers’ remorse over China’s admission to the WTO fuels congressional reluctance to make the same mistake twice. And Moscow’s past history of quixotic actions—cutting off gas to Ukraine, for example—makes advocates of WTO membership wary of going out on a limb only to have Moscow cut it off.

Moscow is anxious to join the WTO, however, and membership is a key element in the administration’s “reset” of U.S.-Russia relations. Moreover, a Russia that is subject to international rules and dispute settlement might be better than a Russia operating outside the law. Ever since the financial crisis began in 2008, Russia has been one of the most frequent instigators of protectionist trade practices. WTO membership could help discipline such behavior.

Veterans of past trade battles on Capitol Hill advise that the administration might have to give Congress something to vote for—some new oversight or restraint—to ease the pain of voting to waive Jackson-Vanik. When China was granted admission to the WTO, for example, Congress created a commission to report on Beijing’s human-rights record.

After two years of relegating divisive trade issues to the back burner, in 2011 the administration now has a legislative trade agenda. The question is how much political capital it is willing to invest to get it through Congress. The White House can anticipate hand-to-hand combat in budget negotiations with Republicans over discretionary spending. Such conflict will unavoidably preoccupy administration strategists, who may want to husband their resources for more electorally attractive issues.

Congress could accomplish a fair amount on trade this year, but doing so could be an uphill slog.

## Jackson-Vanik Repeal Good Impacts

### Repeal Good – Russia-US Relations

#### Repeal good – key to stable relations and cooperation

Clinton, Secretary of State, 6-19-12

[Hillary, 6-19-12, Wall Street Journal, “Trade with Russia is a Win-Win”, Wall Street Journal, <http://online.wsj.com/article/SB10001424052702303836404577475061208876588.html?mod=googlenews_wsj>, accessed 7-4-12]

Extending permanent normal trading relations isn't a gift to Russia. It is a smart, strategic investment in one of the fastest growing markets for U.S. goods and services. It's also an investment in the more open and prosperous Russia that we want to see develop.

As the demonstrations across Russia over the past six months make clear, the country's middle class is demanding a more transparent and accountable government, a more modern political system, and a diversified economy. We should support these Russian efforts.

When Russia joins the WTO, it will be required—for the first time ever—to establish predictable tariff rates, ensure transparency in the publication and enactment of laws, and adhere to an enforceable mechanism for resolving disputes. If we extend permanent normal trading relations to Russia, we'll be able to use the WTO's tools to hold it accountable for meeting these obligations.

The Obama administration is under no illusions about the challenges that lie ahead. WTO membership alone will not suddenly create the kind of change being sought by the Russian people. But it is in our long-term strategic interest to collaborate with Russia in areas where our interests overlap.

Already our work together over the past three years has produced real results, including the New Start Treaty to reduce strategic nuclear weapons, an agreement on civilian nuclear cooperation, military transit arrangements to support our efforts in Afghanistan, and cooperation on Iran sanctions. With permanent normal trading relations, we would add expanded trade to the list.

To be sure, we have real differences with Russia. We disagree fundamentally about the situation in Georgia. On Syria, we are urging Russia to push Bashar al-Assad to implement former U.N. Secretary-General Kofi Annan's six-point plan, end the violence, and work with the international community in promoting a transition.

In addition, President Obama and I have clearly expressed our serious concerns about human rights in Russia. And we have taken steps to address these challenges, including support for programs that promote human rights, rule of law, and civil society there. We have strengthened ties between nongovernmental organizations in both countries, from political activists to groups working for women's rights. Following the tragic death of Sergei Magnitsky, a lawyer who blew the whistle on official corruption, we imposed restrictions to ensure that no one implicated in this crime can travel to the United States. We are continuing to work with Congress on addressing these issues.

Some argue that continuing to apply Jackson-Vanik to Russia would give us some leverage in these areas of disagreement. We disagree—and so do leaders of Russia's political opposition. They have called on the U.S. to terminate Jackson-Vanik, despite their concerns about human rights and the Magnitsky case. In fact, retaining Jackson-Vanik only fuels more anti-American sentiment in Russia.

Russia's membership in the WTO will soon be a fact of life. Failing to extend permanent normal trading relations will not penalize Russia, nor will it provide a lever with which to change Moscow's behavior. It will only hurt American workers and American companies. By extending those trading relations, we can create new markets for our people and support the political and economic changes that Russia's people are demanding. These reforms will ultimately make Russia a more just and open society as well as a better partner over the long term for the U.S.

#### Clean Jackson-Vanik repeal key to economic interests and Russia-US relations

Doughtery, CNN Foreign Affairs correspondent, and Crawford, CNN White House Producer, 6/21/12

(Jill Doughtery, foreign affairs correspondent for CNN, and Jamie Crawford, CNN White House Producer, “U.S. could feel effects of amendment meant to hurt Russia” 6/21/12, <http://security.blogs.cnn.com/2012/06/21/u-s-could-feel-effects-of-amendment-meant-to-hurt-russia/>, Accessed 7/7/12, THW)

Almost four decades ago, as the Cold War raged, the U.S. Congress passed an amendment to the Trade Act of 1974 aimed squarely at the Soviet Union's policy preventing Jews from emigrating from the USSR.

The Jackson-Vanik amendment, which denied favorable trade relations to the Soviet Union, worked. In 1991, Russia stopped slapping exit fees on Jews who wished to emigrate and they have been free to leave ever since.

But the amendment has stayed on the books even though it has outlived its purpose, a Cold War relic that infuriated the Kremlin. In reality, it was only symbolic; since 1994, presidents, Republicans and Democrats have certified annually that Russia complies with the amendment. In fact, the U.S. maintains normal trade relations with Russia.

As part of its "reset" with Moscow, the Obama administration urged Congress to abolish the amendment, to "graduate" Russia from Jackson-Vanik. Now, there's an economic reason to do it.

Last December, after 18 years of trying, Russia was given the green light to join the World Trade Organization. Russia's Parliament is expected to ratify and approve entry, and President Vladimir Putin to sign it by the end of July. Once that happens, the Jackson-Vanik amendment could end up hurting the U.S. instead of Russia.

Having it on the books means the U.S. is in violation of WTO rules requiring all members to grant other members "immediate and unconditional free trade." The U.S. would not be able to take advantage of all the concessions Russia will make as a WTO member – including market liberalization, transparency, committing to intellectual property protection, eliminating nontariff barriers and other provisions – and that would mean higher tariffs for American businesses seeking access to Russian markets.

The Obama administration and many members of Congress have called for the amendment's repeal, moving forward with a permanent normal trade relations pact with Russia. But disagreements between the U.S. and Russia over human rights, missile defense, Syria, Georgia and other issues are complicating that move.

In a Tuesday editorial in The Wall Street Journal, Secretary of State Hillary Clinton tried to make the case that "Trade with Russia Is a Win-Win."

Ending Jackson-Vanik is not "a gift to Russia," Clinton argued. "It is a smart, strategic investment in one of the fastest growing markets for U.S. goods and services."

By extending permanent normal trading relations to Moscow, Clinton said, "will be a vote to create jobs in America. Until then, Russia's markets will open and our competitors will benefit, but U.S. companies will be disadvantaged."

From the G-20 meeting in Mexico, Putin said he agrees.

"I hope the amendment, which discriminates against Russia on U.S. markets, will be canceled," he said Tuesday, "especially since we are joining the World Trade Organization and its preservation would only harm American companies working on the Russian market."

The U.S. Chamber of Commerce, the Business Roundtable, the U.S.-Russia Business Council and other business groups support ending the Jackson-Vanik amendment and enacting Permanent Normal Trade Relations (PNTR) with Russia.

"PNTR is all about U.S. companies and farmers and workers. Unless we do this, we're shooting ourselves in the foot," says USRBC's executive vice president, Randi Levinas. Levinas also is executive director of the Coalition for US-Russian Trade, the umbrella organization supporting PNTR.

U.S. Trade Representative Ron Kirk on Wednesday told the House of Representatives Ways and Means Committee that not ending Jackson-Vanik will have an adverse impact on U.S. businesses.

"We could be paying tariffs sometimes double what other countries are paying," Kirk said.

PNTR has bipartisan support from Democrats such as Senators Max Baucus and John Kerry, and Republicans John Thune and John McCain.

But even if many members of Congress support ending Jackson-Vanik and passing a new trade pact with Russia, some still think the U.S. needs a way of holding Russia's feet to the fire on human rights and other issues. They support the "Sergei Magnitsky Rule of Law Accountability Act," named in memory of the Russian lawyer Sergei Magnitsky who died in 2009 after a year in prison, apparently beaten to death, after revealing official corruption.

Under the law, which is not linked to trade, the U.S. would deny visas and freeze the assets of Russians linked to Magnitsky's death or to human rights abuses. A House committee passed its version but a Senate committee delayed a vote until later this month.

Rep. Ileana Ros-Lehtinen (R-FL), chairman of the House Foreign Affairs Committee says the bill "strikes directly at the corrupt officials and others in power who have benefited from their crimes and those who have sent their stolen wealth abroad."

But Ros-Lehtinen and others in Congress say the issues of normalizing trade and passage of the Magnitsky bill are distinct and should proceed on separate tracks.

Sen. Ben Cardin (D-MD), the main sponsor of the Senate version of the Magnitsky bill disagrees and wants to link its passage to any extension of normalized trade relations with Russia.

"Russia's disregard for human rights in their own country, combined with their enabling of human rights abuses in Syria and elsewhere solidifies the need for the Magnitsky Act,” he says.

The Obama administration says it agrees with the aim of the legislation, but says it is not needed. The State Department has imposed restrictions on travel to the U.S. by anyone implicated in Magnitsky's death.

And the legislation has infuriated the Kremlin. Moscow says if the bill passes, the Russian government will devise its own list of alleged American violators of human rights and ban them from travel to Russia.

#### Replacing Jackson-Vanik with the Magnitsky Act was deemed “unacceptable” by Russia – it would destroy any US-Russian Relations

RIA-Novosti, Russian State News Agency, 6-17-12

(Russian and international news from the state news agency, “Kremlin: Replacement of Jackson-Vanik with Magnitsky Bill Unacceptable” 6/17/12, <http://en.rian.ru/russia/20120617/174086727.html>, Accessed 7/7/12, THW)

Moscow has warned the U.S. Administration that replacement of Jackson-Vanik Amendment with Magnitsky blacklist is 'unacceptable', Russian Presidential Aide Yuri Ushakov said on Sunday.

A group of influential U.S. senators, including former Republican presidential candidate, John McCain, proposed in mid-March to introduce a blacklist of Russian officials allegedly linked to Hermitage Capital lawyer Magnitsky’s death, in a Moscow pre-trial detention center in November 2009, in exchange for the cancellation of the Jackson-Vanik amendment.

The amendment limits trade with Russia and is an obstacle to the application of World Trade Organization (WTO) rules between the two countries. The restrictions imposed by Jackson-Vanik are often waived, but remain in place and are a thorn in the side of Russia-U.S. trade relations.

“We’ve warned the U.S. administration that replacement of Jackson-Vanik with Magnitsky bill is unacceptable,” Ushakov said ahead of a meeting between the Russian president and his U.S. colleague that will be held at the sidelines of the upcoming G8 summit in Los Cabos.

The projected Magnitsky bill is an ostentatious anti-Russian move and if this bill is passed Russia will introduce retaliatory measures, Ushakov continued.

“Many countries… deny entry to undesirable persons. This is done not publicly and is a common diplomatic practice. But now the issue is about an ostentatious anti-Russian move, they [the congress] are trying to assign an expanded value to the bill, first of all, to use this law when the U.S. is dissatisfied with Russia,” Ushakov said.

“Everybody understands that it [the Magnitsky blacklist] is a negative element in the bilateral ties. Everybody understands that retaliatory Russian measures would be inevitable, but we would like to avoid them,” he added.

#### Passage of Magnitsky will strain U.S.-Russia relations – Russia will retaliate

The Moderate Voice 6-18-12

(“U.S. Magnitsky Act Likely to Trigger Harsh Backlash from Kremlin (Kommersant, Russia)”, accessed 7-7-12, FFF)

With the U.S. Congress set to pass a law to punish Russia for official corruption, the Kremlin is making its displeasure abundantly known. According to this news item from Russia s Kommersant, passage of the Justice for Sergei Magnitsky Act, named for a Russian lawyer employed by an American company whose death looks like a murder-cover-up, is likely to seriously worsen already strained U.S.-Russia relations.

For Kommersant, reporters Yelena Chernenko and Alexander Gabuyev write in part:

It was announced yesterday that the U.S. Senate Foreign Affairs Committee will vote on the bill, known as Justice for Sergei Magnitsky Act on June 19. The bill provides for visa and economic sanctions against 60 Russian citizens who, according to Washington, are implicated in the death of lawyer Sergei Magnitsky during his incarceration.

[Editor s Note: Sergei Magnitsky was jailed in 2008 on charges of tax evasion and fraud after implicating top officials in a complex scheme to defraud the Russian government. His colleagues say the charges were fabricated by police investigators whom he had accused of stealing $230 million from the state through fraudulent tax returns. The Kremlin's own human rights council said in 2011 that he was probably beaten to death.]

Moscow still hopes the Magnitsky Act fails to pass. If something that outrageous does happen, our reaction will be complex, multifaceted, and extremely harsh, says Deputy Foreign Minister Sergei Ryabkov. According to him, the Kremlin could lash out with a series of retaliatory negative measures, although he didn t delve into specifics. I do hope we don t have to do that, he added.

#### Russia will backlash if Magnitsky is passed

Radio Free Europe 6-27-12

(6-27-12, “Russia warns U.S. over Magnitsky Bill”, Lexis, accessed 7-7-12 FFF)

Russia has warned the United States that Moscow will retaliate if American lawmakers pass a law blacklisting Russian officials connected to the death in prison of lawyer Sergei Magnitsky.

Deputy Foreign Minister Sergei Ryabkov said the Russian government not only regrets but was "astonished" by the June 26 approval by a key U.S. Senate panel of a bill that would deny visas and freeze assets of Russian officials who have been linked to Magnitsky's death.

Ryabkov warned that if U.S. lawmakers pass the bill and it becomes law, Moscow would respond with even harsher measures targeting the United States.

#### Repeal is key to future US-Russian relations

Gvosdev, U.S. Naval War College faculty, 12

(Nikolas, 2-10-12, “The Realist Prism: Resetting the U.S.-Russia Reset,” http://www.worldpoliticsreview.com/articles/11441/the-realist-prism-resetting-the-u-s-russia-reset, accessed 2-12-12)

An upcoming decision-point could offer a good indication of what to expect. The World Trade Organization is expected to ratify Russia’s accession later this spring. However, American firms will not be able to take advantage of Russia's WTO membership as long as U.S. trade with Russia is still subject to the Cold War-era Jackson-Vanik amendment. Congress would first have to agree to "graduate" Russia from the terms of the legislation, but many members remain hesitant. An unofficial swap would see Russia given permanent normal trading relations status, but with new legislation applying "smart sanctions" against specific Russian individuals and entities accused of condoning human rights abuses, most notably in the death of Russian lawyer Sergei Magnitsky.

Whether this Solomonic compromise could work, however, remains to be seen. The Russian government has already responded very negatively to sanctions unilaterally imposed by the State Department and may be quite unwilling to accept such a compromise, even if it means graduating Russia from Jackson-Vanik. At the same time, there remains resistance within Congress to "giving up" one of its last remaining tools to pressure Russia on a whole range of issues, from chicken imports to religious freedom.

The fate of the Jackson-Vanik amendment, therefore, is the canary in the coal mine for U.S.-Russia relations. If a successful repeal is negotiated, it bodes well for regenerating the relationship. However, if Obama, like George W. Bush before him, is unable to secure Russia’s graduation, this could end up being a fatal blow to the whole idea of the reset.

### Repeal Good – Trade

#### Repealing Jackson-Vanik will reap enormous economic benefits

Connors, Portland Press Herald, editorial, 7-7-12

(Dana, 7-7-12, “Maine Voices: Normalizing trade with Russia would end up as big win for Maine”, The Portland Press Herald, <http://www.pressherald.com/opinion/normalizing-trade-with-russia-would-end-up-as-big-win-for-maine_2012-07-07.html>, accessed 7-7-12 FFF)

AUGUSTA - By the end of August, Russia is expected to lower tariffs and eliminate other trade barriers in order to join the World Trade Organization. Russia's entry into the trade union presents the United States with an opportunity to reap enormous economic benefits -- but only if lawmakers strike down an outdated statute that could disadvantage American firms at the expense of foreign competitors.

Russia's legislative body, the Duma, plans to take up a vote on WTO membership Tuesday. Policymakers in the U.S. Congress will have a choice to make as well: permanently normalize trade with Russia or force American workers and businesses to lose out on more open access to the world's ninth-largest economy.

Maine already has strong trade ties to Russia, thanks to companies like General Electric and Procter & Gamble. In 2011, the state exported more than $13 million in goods to Russia. Normalizing trade would open trade with Russia even further and help protect the state's exports.

This is hardly a choice at all. If Congress grants Russia permanent normal trade relations, it sets the stage for doubling America's annual exports to the country -- from $11 billion today to $22 billion in 2017

#### Repeal key to opening markets – delay risks US competitiveness

Russell, The Main Wire, 7-13-12

[Sarah, “Cold War Amendment Means US Could Lose in Trade With Russia”, Lexis]

By the end of the summer, Russia will become the newest member of the World Trade Organization, opening its economy to the other 155 trading partners. However, a Cold War era U.S. law will prevent American firms from reaping the benefit of the increased export opportunities.

While Russia will lower duties on goods and remove barriers to financial services, which could double U.S. exports in five years -- conditions Washington helped negotiate as part of the WTO accession process -- the United States will be blocked from participation because of the Jackson-Vanik amendment.

The 1974 law is a Cold War relic designed to restrict trade with the Soviet Union due to the severe limits on Jewish emigration and human rights violations. It was later applied to other countries.

After the Soviet Union collapsed, Congress granted normal trade relations to Russia annually, waiving the terms of Jackson-Vanik.

However, the WTO requires its members to grant permanent normal trade relations to fellow members. So unless the Jackson-Vanik amendment is repealed, the U.S. will be in violation of WTO rules, allowing Russia to penalize American companies until PNTR is enacted.

Russia's lower house ratified the WTO accession agreement Tuesday by a vote of 238-208-1. The legislation next goes to the upper house, and to President Vladimir Putin for final approval by July 23.

WTO membership will become official 30 days after ratification, and 18 years after its original application, making Russia is the last of the Group of 20 economies to join the trading organization.

The Obama administration has been pushing for repeal of Jackson-Vanik, and many in Congress also endorse PNTR with Russia, but some still view the amendment as a symbol of human rights protections and are hesitant to repeal it without a substitute.

U.S. Trade Representative Ron Kirk in testimony to key committees recently urged Congress to overturn the measure.

"If the WTO agreement does not apply between the United States and Russia, our businesses, innovators and exporters will be at a competitive disadvantage compared to their global counterparts," Kirk told the House Ways and Means Committee late last month.

"I think it is important to note that this legislation does not give Russia any special trade privileges," Kirk said. "Rather, it will ensure that the WTO agreement applies between us so that American companies, workers, farmers, ranchers, manufacturers, innovators, and service providers will reap the full benefits of Russia's WTO membership, and we will have the multilateral trade enforcement tools in place to enforce Russia's WTO commitments."

The USTR said in a fact sheet that while Russia must lower trade barriers, "the United States, by contrast, will merely extend permanently to Russia the same trade treatment it already extends to all other WTO members, and has extended to Russia every year since 1994."

National Foreign Trade Council Vice President Dan O'Flaherty told MNI repealing Jackson-Vanik and granting permanent normal trade relations would be a big improvement over the current situation, and has the potential to open up a major sector to U.S. businesses.

"The current arrangement with the Russians doesn't cover services, and services cover about 40% of our exports," he said. PNTR with Russia "brings in that whole sector of the economy that is excluded right now from the trade arrangement."

As part of the negotiations, Russia has agreed to allow 100% foreign ownership of banks, investment companies, and broker dealers, among other financial services, according to USTR. These companies will be allowed to own and trade the full range of securities, lead-manage Russian securities issuance, and participate in financing of privatization of government-owned firms. Russia must also allow cross-border services and data processing.

Andrew Kuchins, director of the Russia and Eurasia Program at the Washington-based Center for Strategic and International Studies, said in an interview, "major studies done argue that within five years time there will be a doubling of exports" to Russia once it joins the WTO.

According to U.S. government data, total U.S.-Russia trade was $42.9 billion in 2011. U.S. exports to Russia were $8.3 billion, and included machinery, meat, aircraft, and high-tech products. Two-thirds of U.S. imports from Russia are oil and oil products.

O'Flaherty said in addition to services, "American companies are well positioned to gain market share in areas such as earth-moving equipment, engineering, and construction, as well as consumer goods."

WTO rules and enforcement also will benefit U.S. firms.

Kuchins said Russia's trade reforms under the WTO "have and will continue to create a better investment environment within Russia for U.S. companies investing there ... that's positive for job creation and for the U.S. economy."

The USTR said Russia will be making meaningful tariff commitments in important U.S. export sectors such as civil aircraft, agriculture equipment, automobiles and automobile parts, construction equipment, medical equipment, among others.

Under the WTO agreement, Russia will reduce tariffs on industrial and consumer goods, and the maximum will be under 8% after seven years, the USTR said.

According to the U.S. Chamber of Commerce, Russia will be required to cut tariffs on wide body aircraft to 7.5%, on chemicals to 5.3%, and on combine harvesters to 5%.

Russia must also provide unbiased market access to U.S. companies, meet intellectual property rights standards, operate state-owned or -controlled enterprises based on commercial considerations, and cut its maximum customs fee by two-thirds, according to the USTR.

The Obama Administration, as well as members of both political parties, have urged Congress to repeal the Jackson-Vanik amendment and grant PNTR to Russia before its entrance into the WTO in August.

Putin and President Barack Obama issued a joint statement in June saying, "the Obama Administration is working closely with the U.S. Congress to terminate, as soon as possible, application of the Jackson-Vanik amendment ... and extend Permanent Normal Trade Relations to the Russian Federation."

R.K. Morris, a long time trade professional, told MNI, "with a PNTR legislation, we take away a from Russia a number of levers that it can use to tweak us in the larger geopolitical relationship ... they are free to do that in a number of areas if we don't have a WTO relationship with them.

"If we do have a WTO relationship with them, they must treat us on commercial terms across whole range of WTO issues," so PNTR with Russia is a "pure benefit for us at this point," Morris said. He also is the founder and president of the Global Business Dialogue.

The U.S. Chamber of Commerce also urged repeal. In a March statement to the Senate, it said "failure to do so puts U.S. workers, farmers, and businesses at a unique disadvantage in the growing Russian marketplace and drives new sales, exports, and job-creation opportunities to our European and Asian competitors."

Many U.S. companies, such as Caterpillar Inc. and General Electric, have also voiced their support of PNTR with Russia, and argue delay allows global competitors to get ahead of U.S. industry and penalize businesses in an already struggling economy.

Morris said one key reason for the delay in repealing Jackson-Vanik, is concern over human rights in Russia, and without the amendment, "they're afraid they won't have any other way to do it."

As an alternative to the Jackson-Vanik amendment, Sen. Ben Cardin submitted the Sergei Magnitsky Rule of Law Accountability Act, legislation named for a lawyer who was beaten and left to die in a prison after exposing police investigators in what has been called the largest tax fraud in Russian history.

The Magnitsky bill aims to restrict financial activities and visas of Russian officials implicated in Magnitsky's death or other human rights violations. House and Senate committees approved the bill recently but it has not yet moved to floor votes.

The Senate has advanced the Magnitsky bill and PNTR legislation separately, which the administration supports.

Kirk said, "Our priority is for Congress to terminate the Cold-War era Jackson-Vanik amendment as it applies to Russia in a clean bill that enables us to maintain our competitive edge."

#### Jackson-Vanik repeal key to securing foothold in Russian markets – failure jeopardizes US business’ competitiveness

Clinton, Secretary of State, 6-19-12

[Hillary, 6-19-12, Wall Street Journal, “Trade with Russia is a Win-Win”, Wall Street Journal, <http://online.wsj.com/article/SB10001424052702303836404577475061208876588.html?mod=googlenews_wsj>, accessed 7-4-12]

Later this summer, Russia will join the World Trade Organization (WTO) in the culmination of a process that began nearly two decades ago. This is good news for American companies and workers, because it will improve our access to one of the world's fastest-growing markets and support new jobs here at home.

U.S.-Russian bilateral trade isn't reaching anything close to its full potential today. While that trade has increased over the past few years, America's exports to Russia still represent less than 1% of our global exports. Given the potential for expanding these links, Russia's WTO membership will be a net benefit for our economy.

But there is one obstacle standing in the way. American businesses won't be able to take advantage of this new market opening unless Congress terminates the application of the Jackson-Vanik Amendment and extends "permanent normal trading relations" (PNTR) to Russia.

Jackson-Vanik, which restricts U.S. trade with countries that limit their people's emigration rights, was adopted by Congress in the early 1970s to help thousands of Jews leave the Soviet Union. It long ago achieved this historic purpose.

Now it's time to set it aside. Four decades after the adoption of this amendment, a vote to extend permanent normal trading relations to Russia will be a vote to create jobs in America. Until then, Russia's markets will open and our competitors will benefit, but U.S. companies will be disadvantaged.

#### Repealing Jackson Vanik key to sound trade

Palmer, Reuters, 6-20-12

(Doug, 6-20-12, “US trade bill “not a gift” to Russia, Kirk says”, Reuters, <http://www.reuters.com/article/2012/06/20/us-usa-russia-trade-idUSBRE85J12Q20120620>, accessed 7-4-12, FFF)

President Barack Obama's top trade official urged Congress on Wednesday to quickly approve legislation to improve trade ties with [Russia](http://www.reuters.com/places/russia), unencumbered by human rights requirements, saying it was vital to keep U.S. exports competitive in the Russian market.

"Authorizing the president to provide permanent normal trade relations is not a gift to Russia," U.S. Trade Representative Ron Kirk said in testimony to the House of Representatives Ways and Means Committee.

U.S. lawmakers have expressed concern about Russian support of the bloody crackdown on the opposition in [Syria](http://www.reuters.com/places/syria) and many support proposed human rights requirements on Russia.

Congress is under pressure to approve permanent normal trade relations (PNTR) by repealing a Cold War-era trade restriction known as the Jackson-Vanik amendment because of Russia's entry in the World Trade Organization by August 22 at the latest.

If the Jackson-Vanik provision is not lifted, Russia would be entitled under WTO rules to deny U.S. companies the market-opening benefits it made to join the WTO, Kirk said.

"We could be paying tariffs sometimes double what other countries are paying," Kirk said.

#### Jackson Vanik repeal key – trade relations

Evans, Chicago Tribune, 6-28-12

(Michael A., “Business with Russia fuels Illinois jobs”, Chicago Tribune, 6-28-12, <http://articles.chicagotribune.com/2012-06-28/news/ct-perspec-0628-russia-20120628_1_wto-jackson-vanik-new-trade>, accessed 7-4-12, FFF)

The Illinois business community has a particular interest in the U.S. establishing permanent normal trade relations with Russia. Without federal action, our state could miss out on billions of dollars in new trade opportunities.

Russia's expected admission to the World Trade Organization this summer will force Russia to become a more hospitable place for international trade. Admission requires, among other things, that the country slash tariffs on a wide range of goods, improve its enforcement of [intellectual property](http://articles.chicagotribune.com/2012-06-28/news/ct-perspec-0628-russia-20120628_1_wto-jackson-vanik-new-trade) protections and settle trade disputes through the WTO arbitration system.

#### Repeal of Jackson Vanik key to foothold in Russian markets

Srebnick, Courier-Journal writer, 7-4-12

(Darren, 7-4-12, “Free Trade with Russia means jobs for Kentucky”, Courier-journal.com, http://www.courier-journal.com/article/20120705/OPINION04/307050019/Darren-Srebnick-Free-trade-Russia-means-jobs-Kentucky, accessed 7-4-12 FFF)

With the world’s ninth-largest economy and more than 140 million consumers, Russia represents a once-in-a-generation opportunity for the overseas expansion of American commerce. In 2011, American businesses exported goods and services worth more than $10 billion to Russia. With the benefits that come from WTO membership and PNTR, that number could double or even triple.

The stakes are particularly high for Kentucky, which has long enjoyed a robust trading relationship with Russia. Our state’s exports to Russia in 2011 reached nearly $40 million. Those exports helped create hundreds of jobs for Kentuckians, not only at local companies like Holmberg Forest Products in Louisville and Cincinnati Machine, but at locally based national brands like Papa John’s.

If Congress doesn’t establish PNTR with Russia — automatically requiring Russia to extend the same benefits and protections to the U.S. — Kentucky businesses will quickly lose their foothold in Russia to foreign competitors.

#### Repeal good – failure to repeal will weaken US competitiveness

Pecquet, The Hill, 7-7-12

(Julian, 7-7-12, “Time Running out for Russia Trade Bill”, The Hill, <http://thehill.com/blogs/global-affairs/russia/236523-time-running-out-for-russia-trade-bill>, accessed 7-7-12, FFF)

“The [Obama] administration has consistently urged Congress to terminate application of the Jackson-Vanik amendment and authorize the president to extend permanent normal trade relations to Russia before it becomes a WTO Member,” a spokesperson for the Office of the U.S. Trade Representative told The Hill via e-mail.

Doing so would “ensure that American workers and businesses will be able to reap the full benefits of Russia’s WTO membership and to put them on a level playing field with their competitors in Latin America, Europe and Asia,” the spokesperson said.

U.S. trade relations with Russia are governed by the Jackson-Vanik amendment, a Cold War-era statute that permits the United States to slap trade restrictions on Russia. Although U.S. administrations have waived the restrictions every year since the collapse of the Soviet Union in the early 1990s, keeping it on the books violates WTO terms, meaning U.S. firms would not benefit from the preferential access to the Russian market that will be extended to other WTO members.

Russia intends to drive home that point by sending a high-ranking parliamentary delegation to Washington right after the vote to make the case for permanent normal trade relations on Capitol Hill and to the media.

### Economic Impact Time Frame

#### Short-time frame – US will be locked out of massive new global market within weeks

US-Russia Business Council and the Coalition for US-Russia Trade, press release, 7-13-12

[PR Newswire, July 13, 2012, “USRBC and Business Coalition Welcome Letter from House GOP Freshmen Urging Action on PNTR with Russia”, Lexis]

Russia's Duma passed legislation affirming Russia's WTO package of commitments on July 10, and its Senate will consider the package next week. As soon as the Russian president signs this legislation and notifies the WTO, Russia will automatically become a WTO member 30 days later. However, U.S. companies and farmers will not have access to the key benefits of Russia's WTO accession until there is affirmative legislation passed by the U.S. Congress acknowledging Russia's compliance with the Jackson-Vanik amendment and making Russia's normal trade relations (NTR) status permanent. The U.S. President has the authority to extend normal trade relations to countries, but permanent NTR status requires action by the U.S. Congress. Since 1994, both Republican and Democratic U.S. presidents have found Russia in compliance with Jackson-Vanik.

### Repeal Good – AT – Hurts Human Rights

#### Repealing Jackson-Vanik good – transparency and relations

Clinton, Secretary of State, 6-19-12

[Hillary, 6-19-12, Wall Street Journal, “Trade with Russia is a Win-Win”, Wall Street Journal, <http://online.wsj.com/article/SB10001424052702303836404577475061208876588.html?mod=googlenews_wsj>, accessed 7-4-12]

Extending permanent normal trading relations isn't a gift to Russia. It is a smart, strategic investment in one of the fastest growing markets for U.S. goods and services. It's also an investment in the more open and prosperous Russia that we want to see develop.

As the demonstrations across Russia over the past six months make clear, the country's middle class is demanding a more transparent and accountable government, a more modern political system, and a diversified economy. We should support these Russian efforts.

When Russia joins the WTO, it will be required—for the first time ever—to establish predictable tariff rates, ensure transparency in the publication and enactment of laws, and adhere to an enforceable mechanism for resolving disputes. If we extend permanent normal trading relations to Russia, we'll be able to use the WTO's tools to hold it accountable for meeting these obligations.

The Obama administration is under no illusions about the challenges that lie ahead. WTO membership alone will not suddenly create the kind of change being sought by the Russian people. But it is in our long-term strategic interest to collaborate with Russia in areas where our interests overlap.

Already our work together over the past three years has produced real results, including the New Start Treaty to reduce strategic nuclear weapons, an agreement on civilian nuclear cooperation, military transit arrangements to support our efforts in Afghanistan, and cooperation on Iran sanctions. With permanent normal trading relations, we would add expanded trade to the list.

To be sure, we have real differences with Russia. We disagree fundamentally about the situation in Georgia. On Syria, we are urging Russia to push Bashar al-Assad to implement former U.N. Secretary-General Kofi Annan's six-point plan, end the violence, and work with the international community in promoting a transition.

In addition, President Obama and I have clearly expressed our serious concerns about human rights in Russia. And we have taken steps to address these challenges, including support for programs that promote human rights, rule of law, and civil society there. We have strengthened ties between nongovernmental organizations in both countries, from political activists to groups working for women's rights. Following the tragic death of Sergei Magnitsky, a lawyer who blew the whistle on official corruption, we imposed restrictions to ensure that no one implicated in this crime can travel to the United States. We are continuing to work with Congress on addressing these issues.

Some argue that continuing to apply Jackson-Vanik to Russia would give us some leverage in these areas of disagreement. We disagree—and so do leaders of Russia's political opposition. They have called on the U.S. to terminate Jackson-Vanik, despite their concerns about human rights and the Magnitsky case. In fact, retaining Jackson-Vanik only fuels more anti-American sentiment in Russia.

Russia's membership in the WTO will soon be a fact of life. Failing to extend permanent normal trading relations will not penalize Russia, nor will it provide a lever with which to change Moscow's behavior. It will only hurt American workers and American companies. By extending those trading relations, we can create new markets for our people and support the political and economic changes that Russia's people are demanding. These reforms will ultimately make Russia a more just and open society as well as a better partner over the long term for the U.S.

#### Jackson-Vanik doesn’t provide leverage on human rights

Needham, The Hill, 6-20-12

(Vikki, “Top Republican, trade official press for clean Russia trade bill”, The Hill, <http://thehill.com/blogs/on-the-money/1005-trade/233785-top-republican-trade-official-press-for-clean-russia-trade-bill->, accessed 7-7-12, FFF)

A top House Republican and the Obama administration's leading trade official are pressing for Congress to pass a bill normalizing trade relations with Russia without tacking on human rights legislation.

House Ways and Means Committee Chairman Dave Camp (R-Mich.) and U.S. Trade Representative Ron Kirk said Wednesday they prefer a clean bill that repeals the obsolete Jackson-Vanik provision and grants Moscow permanent normal trade relations (PNTR).

"I think that legislation granting Russia PNTR should be clean and targeted, or else the legislation could be unduly complicated and delayed," Camp said during a hearing.

Camp said while he shares the view of his colleagues that "Russia poses significant problems relating to foreign policy and human rights," he emphasized that "holding up PNTR because of non-trade concerns does not increase our leverage to address them and does not delay Russia’s WTO [World Trade Organization] accession.

## AT – Magnitsky Linkage Good

### Linkage Bad – Russia Relations

#### Linkage bad – Magnitsky hurts Russia-US relations

Bloomberg Editors 7-2-12

(7-2-12, “The Right way to Repeal Jackson Vanik”, Bloomberg Opinions, <http://www.bloomberg.com/news/2012-07-02/u-s-should-upgrade-russian-trade-without-rights-sanction.html>, accessed 7-4-12, FFF)

The Magnitsky case is just one of many reasons for grave concern over the Russian government’s repeated repression of democratic freedoms and human-rights violations. Yet combining the two pieces of legislation would do more harm than good.

WTO membership will further bind Russia and President [Vladimir Putin](http://topics.bloomberg.com/vladimir-putin/) to a global regime of rules and laws and also open opportunities for U.S. companies. Those are important goals in their own right. Failure to repeal Jackson-Vanik would just give Russia free rein to punish U.S. companies.

Congress can, and should, shine a strong spotlight on Russia’s deplorable human-rights record by putting the Magnitsky Act before President [Barack Obama](http://topics.bloomberg.com/barack-obama/) as a separate piece of legislation. Yet for all the act’s good intentions, we think its desire to sanction not just people linked to the Magnitsky case is overbroad. In addition, its positive effects don’t outweigh the costs of censuring a country whose help the U.S. and the world needs to curb [Iran’s nuclear program](http://topics.bloomberg.com/iran%27s-nuclear-program/) and to unseat the murderous regime of Bashar al-Assad in [Syria](http://topics.bloomberg.com/syria/).

#### Linkage bad – perceived as Russia-bashing, hurting relations

The Hill, editorial, 6-29-12

(6-29-12, “Burying the Magnitsky Bill’s Message”, Brookings Institution, <http://www.brookings.edu/research/opinions/2012/06/29-russia-pifer>, accessed 7-4-12 FFF)

But linking Russia’s graduation from Jackson-Vanik to passage of the Magnitsky bill is a mistake.

First, linkage will ensure that Washington gets no political credit for finally doing the right thing on Jackson-Vanik. To be sure, the credit would be modest, given Russian frustration that they have remained under Jackson-Vanik’s sanction for more than a decade after they did what it asked them to do. But better late than never.

Second, linking the Magnitsky bill to Jackson-Vanik graduation will wholly obscure Congress’s message to the Russian government. The Russians will not see the Magnitsky bill as an expression of outrage over how the Russian legal system was shabbily and corruptly manipulated to kill one of its fellow citizens. They will instead see the bill as reflecting what they believe to be a deep-seated anti-Russia sentiment on the Hill: the Americans had to give up Jackson-Vanik, so they came up with another piece of legislation to beat Russia with.

Congress is right to act on the Magnitsky bill. But it should not couple that with Jackson-Vanik graduation for Russia. Linkage only buries the message that Congress seeks to send.

#### Linkage bad – will undermine relations

The Independent (London), 7-13-12

[“A chance to stand up to Putin;” p. 16, Lexis]

In November 2009, the lawyer Sergei Magnitsky was beaten to death by guards after 358 days in "preventive custody" in Moscow. His offence had been to uncover a massive tax fraud scheme stretching high into the Russian government. The case became a cause célèbre, Exhibit A of the lawlessness and corruption that plagues the country's business life.

Now, almost three years later, in a rare display of bipartisanship, the US Congress is moving to pass the Sergei Magnitsky Rule of Law Accountability Act, denying visas to Russians implicated in human rights abuses and freezing their financial assets. Congress is absolutely right to pursue such legislation. But it is essential it does so in the right way. What would be wrong would be - as some on Capitol Hill demand - to link the passage of the Magnitsky Bill directly to the repeal of the Jackson-Vanik amendment.

The latter is an obsolete vestige of the Cold War, dating from 1974 and imposing trade restrictions designed to force Moscow to accelerate the emigration of Soviet Jews. That problem no longer exists, and since 1990 Jackson-Vanik has been waived annually. It is time for it to go for good. Russia is about to join the World Trade Organisation. Not only will membership bind it further into a global system of rules and laws. If the US persists with Jackson-Vanik, it will itself be in violation of WTO rules. But to insist that Jackson-Vanik be replaced by the Magnitsky bill is the wrong course, playing into President Putin's argument that Washington and the West are viscerally and irredeemably anti-Russian.

The Magnitsky Bill stands on its own merits. Yes, objections can be made. It is, by any standard, interference in the internal affairs of another country. Understandably, the Obama administration, anxious not to jeopardise Russian co-operation over international problems from Iran to Syria, is extremely wary of it. And who will decide which individuals are targeted - the State Department, or Congress? The measure could even prove counter-productive, further poisoning business practices in Russia as feuding factions and oligarchs seek to have each other placed on Washington's blacklist.

The advantages, however, far outweigh the disadvantages. In the best Soviet fashion, the Russians promise to retaliate in kind. But Mr Putin himself has expressed alarm, a sign of his desire to avoid anything that might destabilise the rotten system, almost wholly dependent on energy and raw material revenues, over which he presides. The Russian opposition welcomes the Bill, as does almost every Russian who believes in the rule of law. Above all, it is the least that we owe Sergei Magnitsky.

#### Russia perceives Magnitsky as an anti-Russian move

RiaNovosti 6-17-12

(6-17-12, “[Kremlin: Replacement of Jackson-Vanik with Magnitsky Bill Unacceptable](http://en.rian.ru/russia/20120617/174086727.html)”, RiaNovosti, <http://en.rian.ru/russia/20120617/174086727.html>, accessed 7-4-12)

We’ve warned the U.S. administration that replacement of Jackson-Vanik with Magnitsky bill is unacceptable,” Ushakov said ahead of a meeting between the Russian president and his U.S. colleague that will be held at the sidelines of the upcoming G8 summit in Los Cabos.

The projected Magnitsky bill is an ostentatious anti-Russian move and if this bill is passed Russia will introduce retaliatory measures, Ushakov continued.

“Many countries… deny entry to undesirable persons. This is done not publicly and is a common diplomatic practice. But now the issue is about an ostentatious anti-Russian move, they [the congress] are trying to assign an expanded value to the bill, first of all, to use this law when the  U.S. is dissatisfied with Russia,” Ushakov said.
“Everybody understands that it [the Magnitsky blacklist] is a negative element in the bilateral ties. Everybody understands that retaliatory Russian measures would be inevitable, but we would like to avoid them,” he added.

[NOTE – Ushakov = Russian Presidential Aide Yuri Ushakov]

#### Magnitsky linkage bad – doesn’t solve and worsens relations

Bloomberg 7/2/12

(Bloomberg News, by the Editors, 7/2/12, “The Right Way to Repeal Jackson-Vanik” <http://www.bloomberg.com/news/2012-07-02/u-s-should-upgrade-russian-trade-without-rights-sanction.html>, Accessed 7/5/12, THW)

By the end of this month, Russia will become the 154th member of the World Trade Organization. The ratification vote in the State Duma will conclude 19 years of arduous negotiations and enshrine promises by Moscow to open its markets, lower tariffs, enforce transparent laws and resolve trade disputes according to global rules of commerce.

The U.S. Congress should encourage the opening of the world’s seventh-largest economy by upgrading Russia to the status of Permanent Normal Trade Relations. That requires the repeal of the Jackson-Vanik amendment, a set of trade restrictions adopted in 1974 that was designed to compel the Soviet Union to allow emigration of its Jewish population, a goal that has long ceased to be appropriate or useful. Since the early 1990s, successive U.S. administrations have granted annual waivers of its terms. Now, keeping the law on the books would put the U.S. in violation of WTO rules and allow Russia to penalize American companies. Some U.S. lawmakers want to combine the repeal of Jackson- Vanik with a punitive measure aimed at pressuring Russia for human-rights violations. The Sergei Magnitsky Rule of Law Accountability Act, which was approved June 26 by the Senate Foreign Relations Committee, would name and sanction Russian officials thought to be responsible for the 2009 death in a Moscow prison of Sergei Magnitsky, a lawyer who disclosed evidence that government officials had embezzled $230 million. The scope of the act has been broadened from its initial focus on Russia and now requires the U.S. to seize the assets of and deny visas to any official deemed to be involved in any human- rights violations. The Magnitsky case is just one of many reasons for grave concern over the Russian government’s repeated repression of democratic freedoms and human-rights violations. Yet combining the two pieces of legislation would do more harm than good. WTO membership will further bind Russia and President Vladimir Putin to a global regime of rules and laws and also open opportunities for U.S. companies. Those are important goals in their own right. Failure to repeal Jackson-Vanik would just give Russia free rein to punish U.S. companies. Congress can, and should, shine a strong spotlight on Russia’s deplorable human-rights record by putting the Magnitsky Act before President Barack Obama as a separate piece of legislation. Yet for all the act’s good intentions, we think its desire to sanction not just people linked to the Magnitsky case is overbroad. In addition, its positive effects don’t outweigh the costs of censuring a country whose help the U.S. and the world needs to curb Iran’s nuclear program and to unseat the murderous regime of Bashar al-Assad in Syria.

#### Linkage bad – crushes relations – decoupling net better

Pifer, Brookings research fellow, 6-29-12

(Steven Pifer, Brookings Fellow, “Brookings fellow Steven Pifer: Burying the Magnitsky bill’s message” <http://thehill.com/blogs/global-affairs/guest-commentary/235549-brookings-fellow-steven-pifer-burying-the-magnitsky-bills-message>, Accessed 7/5/12, THW)

Congress appears ready to take long-overdue action to graduate Russia from the provisions of the Jackson-Vanik amendment. At the same time, both the Senate and House seem intent on coupling that with passage of the Magnitsky human-rights bill, which would sanction Russian officials involved in the 2009 death of Sergei Magnitsky in a Moscow prison.

Unfortunately, by linking these measures, Congress will obscure the message that it seeks to send the Russian government. The two measures should be decoupled.

Congress passed the Jackson-Vanik amendment in 1974, denying permanent normal trade relations status to the Soviet Union and other countries that restricted emigration of religious minorities. Congress adopted the legislation primarily to press the Soviet government to allow Soviet Jews the freedom to emigrate, something that the Moscow authorities routinely denied. This changed after the collapse of the Soviet Union. Russia opened the gates in the early 1990s, and Moscow allowed virtually any Russian Jew to depart. Hundreds of thousands did, mainly for Israel and the United States. While Russia has slid badly backwards on democracy issues since Vladimir Putin first became president in 2000, emigration remains unrestricted. The Clinton administration found Russia to be in compliance with the Jackson-Vanik amendment in 1994. By the end of the 1990s, Russia merited full graduation. The George W. Bush administration made half-hearted efforts to push Congress to adopt the appropriate legislation in 2002 and 2003, but an ill-timed Russian ban on chicken imports and White House reluctance to engage the president directly with the congressional leadership undercut those attempts. Congress now has little choice but to act. When Russia enters the World Trade Organization this summer, continued application of Jackson-Vanik would mean that the United States is not according permanent normal trade relations status to Russia. As a result, U.S. companies exporting to Russia would not be able to benefit from World Trade Organization tariffs or dispute-resolution mechanisms. Essentially, Jackson-Vanik would then become a sanction on American business. Congress should now finally pass the legislation needed to graduate Russia from Jackson-Vanik. However, many in both houses propose to do this only in conjunction with passage of the Magnitsky bill. Magnitsky, a Russian lawyer, disclosed evidence that Russian officials embezzled some $230 million. Incredibly, those same officials were allowed to investigate and arrest Magnitsky. He spent nearly a year in pre-trial detention before dying in prison when his jailers denied him needed medical treatment. The Magnitsky bill will sanction Russian officials connected with Magnitsky’s imprisonment and death, and other officials in similar corruption cases. It would deny them visas to the United States and freeze any financial assets that they might have in U.S. banks. Magnitsky’s treatment was abhorrent. The Russian government has protested vociferously against the bill, which demeans the Russian government. The U.S. government has a sovereign right to decide who it will and will not allow to enter into the United States, and who can and cannot do business in American financial institutions. But linking Russia’s graduation from Jackson-Vanik to passage of the Magnitsky bill is a mistake. First, linkage will ensure that Washington gets no political credit for finally doing the right thing on Jackson-Vanik. To be sure, the credit would be modest, given Russian frustration that they have remained under Jackson-Vanik’s sanction for more than a decade after they did what it asked them to do. But better late than never. Second, linking the Magnitsky bill to Jackson-Vanik graduation will wholly obscure Congress’s message to the Russian government. The Russians will not see the Magnitsky bill as an expression of outrage over how the Russian legal system was shabbily and corruptly manipulated to kill one of its fellow citizens. They will instead see the bill as reflecting what they believe to be a deep-seated anti-Russia sentiment on the Hill: the Americans had to give up Jackson-Vanik, so they came up with another piece of legislation to beat Russia with. Congress is right to act on the Magnitsky bill. But it should not couple that with Jackson-Vanik graduation for Russia. Linkage only buries the message that Congress seeks to send.

### Linkage Bad – Human Rights

#### Magnistky linkage will fuel anti-Semitism

Kanner, President of the Jewish Russian Congress, 7-13-12

[Yury, President of the Russian Jewish Congress Moscow, Russia, 7-13-12, The Forward, “Inappropriate Linkage”, p. 6, Lexis]

Contrary to Larry Lerner's remarks, expressed in his June 29 op-ed, Time for a New Jackson-Vanik, the Magnitsky Act now under consideration is not the modern-day version of Jackson-Vanik. Organized American Jewry lobbied for Jackson-Vanik, and Congress adopted it in 1974 with full support and after consultation with Soviet Jews the courageous refuseniks who fought for free emigration to Israel.

Today, no legislator or Jewish organizations is asking for support or advice on the Magnitsky Act from the Russian Jewish community. The discussion about whether this legislation could be effective in fighting corruption or if it would only complicate relations between the United States and Russia has no connection with the issue of Jewish emigration or other Jewish causes. Accordingly, the vote on the Magnitsky Act should not be tied to Jackson-Vanik.

Such a replacement would bring to Russian Jews more harm than good. This substitution is even more dangerous if it will, as Lerner suggests, irresponsibly exploit the legacy of the Soviet Jewry campaign. Linking Russia's graduation from this amendment to any other laws or sanctions might in turn cause a negative response toward Russian Jews by corrupt security forces and officials, as well as by those groups who benefit from supporting anti-Semitic stereotypes in Russian society.

Today, freedom of travel is an undeniable right of all citizens of Russia, and even the most radical and eccentric political forces do not advocate restricting emigration from Russia on an ideological or any other basis. Regarding immigration to Israel, the availability of such opportunities are best illustrated by the fact that Israel and Russia signed a visa-free agreement resulting in nearly half a million Russian citizens freely visiting Israel each year.

Jackson-Vanik played an important historical role in the liberation of Soviet Jews. Now it has completely fulfilled its purpose and should be lifted for the mutual benefit of two nations.

### Linkage Bad – Hurts Business

#### Magnitsky will provoke Russian retaliation – backfiring on US businesses

Gusovsky, Examiner, 7-2-12

(Dina, 7-2-12, “The Magnitsky Bill could backfire, US would lose business as a result”, Examiner, <http://www.examiner.com/article/the-magnitsky-bill-might-backfire-us-could-lose-business-as-a-result>, accessed 7-4-12, FFF)

The Russian Government is also universal in its objection to the bill, threatening retaliation if it becomes law.

Because the human rights legislation would be tied to a measure that would normalize trade relations with Russia and subsequently repeal the Jackson-Vanik Amendment, the Senate Foreign Relations Committee approved the provisions of the bill that would impose visa bans and freeze the assets of those responsible for ‘gross human rights violations’ in Russia.

But if the whole purpose of repealing the Jackson-Vanik Amendment is to potentially double US exports to Russia, then the Magnitsky Bill might just have the opposite effect---depending on the steps Russia takes in terms of “retaliation.”

Though Russian officials are certainly not innocent when it comes to committing human rights violations, especially in the Magnitsky case, the very measure could hurt American businesses at a time when the US economy needs all the business it can get. And Russia is well aware of this.

**Magnitsky Bill would destroy US business**

**Gusovsky, International Politics Examiner, 7-2-12** (Dina, The Examiner: “Magnitsky Bill could be a backfire, US would lose business”, <http://www.examiner.com/article/the-magnitsky-bill-might-backfire-us-could-lose-business-as-a-result>, accessed 6/6/12, A.R.)

In a move that is almost certain to strain already worsening relations between the United States and Russia, a Senate panel has moved ahead on the “Magnitsky Bill.”

The bill is said to replace the Jackson-Vanik Amendment which was enacted in 1974 and meant to restrict US trade relations with the Soviet Union for not allowing Jews to leave the USSR.

Though the Soviet Union is no longer, the Jackson Vanik Amendment still exists.

Ahead of Russia’s officially joining the WTO, the US Chamber of Commerce declared that lifting the restrictions associated with Jackson-Vanik was its main priority.

Those interested in trading with Russia want to ensure that the US does not end up on the losing end when Russia’s markets finally open up to the world and vice versa.

Instead of completely doing away with the bill, lawmakers are proposing a replacement. That replacement, however, may have an even worse effect in terms of trade relations, or any relations for that matter, with Russia.

Though the Magnitsky Bill is meant to target those allegedly involved with the death of lawyer Sergei Magnitsky, Senator Ben Cardin, who sponsored the bill, claimed it would be more far reaching.

"This bill is universal," the Democratic Senator from Maryland said.

"It's absolutely motivated by Sergei Magnitsky, but it's universal in its application."

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## Russia-US Relations Good Impact

### Laundry List

#### U.S-Russia relations key to Middle East stability, global energy security, curb nationalism, global warming, pandemic diseases, prolif, and the global economy

Graham, Kissinger Associates, Senior Director 8

(Thomas, National Security Council, previous assistant to the president and senior director for Russia, 2008, “U.S –Russia Relations:Facing Reality Pragmatically”, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CE8QFjAA&url=http%3A%2F%2Fcsis.org%2Ffiles%2Fmedia%2Fcsis%2Fpubs%2F080717\_graham\_u.s.russia.pdf&ei=-Z\_4T8C6JsbqqQH9nf2LCQ&usg=AFQjCNE2EvkM8OjEnCxMJcP4lVkb0eT2Hw, Pg. 6, accessed 7-6-12, FFF)

In this uncertain world, the United States and Russia are not strategic rivals, and neither poses a strategic threat to the other (despite some overwrought Russian rhetoric to the contrary), in contrast to the situation during the Cold War. Rather, they share a set of common strategic challenges. Russia, by virtue of its geographic location, and the United States, by virtue of its global role, must build new relationships with a Europe that is expanding and deepening; they both must find a way to cope with the growing instability in the Middle East, the challenge to energy security that implies, and, at least for Russia, the threat that instability will infect Russia’s southern reashes; and they both must manage relations with a rising China. In addition, both countries must deal with the dark side of globalization, and both have a keen interest in the role and effectiveness of the institutions of global governance, such as the United Nations and the G-8, the World Bank and the International Monetary Fund.

Common challenges, however, are not the same as common interests. And there are deep differences in the way the United States and Russia think of global order (consider,for example, the role of democracy or the United Nations). But the question each country needs to ask is how important the other is to its achieving its own strategic goals. For example:

Given their standing as the world’s two leading nuclear powers, the United States and Russia are each indispensable to dealing with the problems of proliferation of weapons of mass destruction, nuclear terrorism,, and strategic stability.

The United States, as the world’s largest energy consumer, and Russia, as the largest producer of hydrocarbons, are essential to any discussion of energy security and energy’s future

Global economic dynamics and transfers of wealth will require bringing Russia, along with China, India, and others, into a more central role in managaing the global economy, a service long performed by Europe and the United States.

In East Asia, to create a favorable new equilibrium, Russia has an interest in a strong power-that is, the United States- acting as a moderating influence on China, and the United States has no interest in a weakening Russian presence in Siberia and the Russian Far East, regions rich in the natural resources that fuel modern economies.

In the Middle East, Both the United States and Russia have levers that could help promote stability, if the two countries were working in concert, or fuel conflict, if they were not.

In Europe, Russian energy is critical to economic well-being, and the United States remains essential to security and stability

On a range of other issues-for example, civil nuclear energy, pandemic diseases, climate change- each country is capable of making a major contribution, given the vast scientific talent of each.

In the former Soviet space, both countries will be critical to building lasting security and economic structures.

In short, the United States and Russia are better off working together rather than at cross purposes, managing the inevitable differences rather than magnifying them, as is too often the case today.

#### Russia-US relations are key to solve proliferation in North Korea, Iran and the Middle East in General – a collapse in relations would lead to the impacts

Hart, American Security Project chair, 11

(Gary Hart, chairman of the American Security Project, represented Colorado in the U.S. Senate from 1975 to 1987. He is a professor at the University of Colorado at Denver and was co-chairman of the U.S. Commission on National Security for the 21st Century, 12/12/11, “Russia and the United States in the 21st Century”, <http://www.theatlantic.com/international/archive/2011/12/russia-and-the-united-states-in-the-21st-century/249831/>, Accessed 7/5/12, THW)

We both are committed to reduction of weapons of mass destruction. We both have immediate interests in combating terrorism. Russia stands on the border of five significant Islamic republics and shares concerns with us regarding stability in the Balkans and the Black Sea region. Russia possesses immense natural resources (especially energy), supplies many of our allies in Europe, and offers an alternative source to precarious Persian Gulf supplies. Russia has world-class scientists, physicist, and mathematicians. We use Russian rocket propulsion systems to launch space missions and cooperate on manned space missions. Russia offers a vast market for American and Western products and services, an opportunity more appreciated by European enterprises than American ones.

Further, Russia can be of considerable help to us and our allies in venues as disparate as Iran, North Korea, and the Middle East. In each of these cases, they stand to lose at least as much as we do, if not more, from war in these regions. We should treat the Russians as partners, not subordinates, and appeal to these and other common interests.

#### Russian relations solve prolif, terror, Afghanistan, Iran, Middle East instability, North Korea, and global warming

**National Security Network, 9**

(American National Security Network, 7/1/9, “OBAMA SEEKS NEW START - WHILE NEOCONSERVATIVES BETRAY REAGAN'S LEGACY,” http://archives.nsnetwork.org/node/1354, Accessed 7/11/12, THW)

U.S. cooperation with Russia vital not just for nonproliferation, but for other key national security priorities. The U.S. – Russia relationship is too important to rest on the personality politics, as it did during the Bush administration. In order for the U.S. to solve pressing national security dilemmas, it must put its relations with Russia back on solid, strategic footing. After a meeting this week with his Russian counterpart, General Makarov, Chairman of the Joint Chiefs Admiral Michael Mullen remarked on the areas of mutual interest in the context of hard security, “There are areas of common interest that we agree we need to work on – Afghanistan – logistic support to the Afghanistan conflict, the issue of counterterrorism, the issue of Iran.” On Afghanistan, Russia hopes to prevent the growth of an insurgency that could threaten its interests. In that spirit, Russia has offered assistance to the U.S. – led international mission to stabilize the country. AFP reports that “[t]he United States and Russia may soon sign a deal boosting the transit of US supplies to Afghanistan through Russia, the Kommersant daily reported Monday, citing diplomatic sources.” The deal would reportedly involve “a dozen US planes flying over Russia each day with military cargos, rather than just rail shipments of non-lethal supplies as Moscow now allows,” according to the original article in the Kommersant Daily. Recent developments have also clarified the importance of Russian involvement in developing an international response to both Iran and North Korea. Russia’s relationship with Iran means that it will be an indispensable interlocutor for any effort to dissuade the country from further developing its nuclear program. Russia has also been cooperative in responding to North Korea’s recent belligerence. According to the New York Times, the latest round of UN sanctions would not have been possible without Russia and also China, which are “the closest thing North Korea has to friends,” both “agreed to a mixture of financial and trade restrictions designed to choke off military development.” Apart from traditional security concerns, Russia is also at the nexus of energy and climate change. A recent Center for Naval Analysis report cites Russia’s status as the “world’s largest exporter of natural gas and the second largest exporter of oil” making U.S. – Russia relations a key energy security consideration. In addition, the Center for American Progress points out that “If the European Union is disaggregated, Russia is the third-largest emitter of carbon dioxide behind the United States and China and still currently ahead of India. More importantly Russian per capita emissions are on the rise, and are projected at this point to approach America’s top rank as per capita emitter by 2030,” suggesting that “[m]aking Russia a partner on these issues could be critical in order to advance a sound global climate change agenda.” And, as Robert Levgold observes in the latest issue of Foreign Affairs, “attempts to reform international financial and security institutions will be optimized only if Russia is given a chance to contribute constructively.” [Admiral Michael Mullen, 6/29/09. AFP, 6/29/09. NY Times, 6/12/09. CNA, May 2009. CAP, 6/30/09. Foreign Affairs, July/August 2009]

#### Relations are key to solving Iranian and North Korean proliferation and global warming

**Taylor, Atlantic Editor, 8**

(Jeffery Taylor, Editor for the Atlantic, November 2008, “Medvedev Spoils the Party,” <http://www.theatlantic.com/magazine/archive/2008/11/medvedev-spoils-the-party/7130/>, Accessed 7/11/12, THW

Like it or not, the United States cannot solve crucial global problems without Russian participation. Russia commands the largest landmass on earth; possesses vast reserves of oil, natural gas, and other natural resources; owns huge stockpiles of weapons and plutonium; and still wields a potent brain trust. Given its influence in Iran and North Korea, to say nothing of its potential as a spoiler of international equilibrium elsewhere, Russia is one country with which the United States would do well to reestablish a strong working relationship—a strategic partnership, even—regardless of its feelings about the current Kremlin government. The need to do so trumps expanding NATO or pursuing “full-spectrum dominance.” Once the world financial crisis passes, we will find ourselves returning to worries about resource depletion, environmental degradation, and global warming – the greatest challenges facing humanity. No country can confront these problems alone. For the United States, Russia may just prove the “indispensable nation” with which to face a volatile future arm in arm.

### Relations Check Accidental Nuclear War

#### Russian Relations solve Accidental Nuclear War

**Martin, Stanley Foundation Policy Analysis and Dialogue Program Officer, 8**

(Matthew Martin, program officer in Policy Analysis and Dialogue at the Muscatine-based Stanley Foundation, July 2008, Stanley Foundation, “Avoiding an Accidental Nuclear War,” <http://www.stanleyfoundation.org/articles.cfm?id=498>, Accessed 7/11/12, THW)

Common sense might indicate that better relations between the two countries would mean that less oversight is needed. But due to the history of the Cold War and the nature of the arsenals as discussed above, precisely the opposite is true, especially if the goal is to reduce the danger of an accidental nuclear launch. Surviving the Cold War without a nuclear exchange demanded intense and sustained efforts on a range of fronts from the political to the military, and as the global community strives to move beyond a Cold War mindset, it is clear that succeeding in this new world will as well. It is good that President Bush has found in Russian president Medvedev a smart colleague who understands the issues. The question is how will these two leaders apply their smarts and understanding in order to avoid an accidental nuclear war.

#### US Russian relations are key to prevent nuclear war – that’s the only scenario for nuclear extinction.

Bostrom, Oxford philosophy faculty, 2

[Nick, “Existential Risks Analyzing Human Extinction Scenarios and Related Hazards,” Published in the Journal of Evolution and Technology, Vol. 9, March, http://www.nickbostrom.com/existential/risks.html]

A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal. There was a real worry among those best acquainted with the information available at the time that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization.[4] Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind’s potential permanently.

### Relations Prevent Russian Nationalism

#### Relations are key to prevent Russian nationalism

Simes, The National Interest, publisher, 7

(Dimitri, 10-27-07, “Losing Russia,” Real Clear Politics, <http://www.realclearpolitics.com/articles/2007/10/losing_russia.html>, accessed 07-09-12, VZ)

But if the current U.S.-Russian relationship deteriorates further, it will not bode well for the United States and would be even worse for Russia. The Russian general staff is lobbying to add a military dimension to the Shanghai Cooperation Organization, and some top officials are beginning to champion the idea of a foreign policy realignment directed against the West. There are also quite a few countries, such as Iran and Venezuela, urging Russia to work with China to play a leading role in balancing the United States economically, politically, and militarily. And post-Soviet states such as Georgia, which are adept at playing the United States and Russia off against each other, could act in ways that escalate tensions. Putin’s stage management of Moscow’s succession in order to maintain a dominant role for himself makes a major foreign policy shift in Russia unlikely. But new Russian leaders could have their own ideas—and their own ambitions—and political uncertainty or economic problems could tempt them to exploit nationalist sentiments to build legitimacy. If relations worsen, the UN Security Council may no longer be available—due to a Russian veto—even occasionally, to provide legitimacy for U.S. military actions or to impose meaningful sanctions on rogue states. Enemies of the United States could be emboldened by new sources of military hardware in Russia, and political and security protection from Moscow. International terrorists could find new sanctuaries in Russia or the states it protects. And the collapse of U.S.- Russian relations could give China much greater flexibility in dealing with the United States. It would not be a new Cold War, because Russia will not be a global rival and is unlikely to be the prime mover in confronting the United States. But it would provide incentives and cover for others to confront Washington, with potentially catastrophic results.

#### Russia nationalism goes nuclear

Israelyan, former Soviet ambassador, diplomat, arms control negotiator, and political scientist, 98

(Victor, 1998, “Russia at the crossroads: Don't tease a wounded bear” The Washington Quarterly: Journal of the Center for Strategic and International Studies (CSIS), Volume 21, Issue 1, pages 47-65, VZ)

The first and by far most dangerous possibility is what I call the power scenario. Supporters of this option would, in the name of a "united and undivided Russia," radically change domestic and foreign policies. Many would seek to revive a dictatorship and take urgent military steps to mobilize the people against the outside "enemy." Such steps would include Russia's denunciation of the commitment to no-first-use of nuclear weapons; suspension of the Strategic Arms Reduction Treaty (START) I and refusal to ratify both START II and the Chemical Weapons Convention; denunciation of the Biological Weapons Convention; and reinstatement of a full-scale armed force, including the acquisition of additional intercontinental ballistic missiles with multiple warheads, as well as medium- and short-range missiles such as the SS-20. Some of these measures will demand substantial financing, whereas others, such as the denunciation and refusal to ratify arms control treaties, would, according to proponents, save money by alleviating the obligations of those agreements. In this scenario, Russia's military planners would shift Western countries from the category of strategic partners to the category of countries representing a threat to national security. This will revive the strategy of nuclear deterrence -- and indeed, realizing its unfavorable odds against the expanded NATO, Russia will place new emphasis on the first-use of nuclear weapons, a trend that is underway already. The power scenario envisages a hard-line policy toward the CIS countries, and in such circumstances the problem of the Russian diaspora in those countries would be greatly magnified. Moscow would use all the means at its disposal, including economic sanctions and political ultimatums, to ensure the rights of ethnic Russians in CIS countries as well

to have an influence on other issues. Of those means, even the use of direct military force in places like the Baltics cannot be ruled out. Some will object that this scenario is implausible because no potential dictator exists in Russia who could carry out this strategy. I am not so sure. Some Duma members -- such as Victor Antipov, Sergei Baburin, Vladimir Zhirinovsky, and Albert Makashov, who are leading politicians in ultranationalistic parties and fractions in the parliament -- are ready to follow this path to save a "united Russia." Baburin's "Anti-NATO" deputy group boasts a membership of more than 240 Duma members. One cannot help but remember that when Weimar Germany was isolated, exhausted, and humiliated as a result of World War I and the Versailles Treaty, Adolf Hitler took it upon himself to "save" his country. It took the former corporal only a few years to plunge the world into a second world war that cost humanity more than 50 million lives. I do not believe that Russia has the economic strength to implement such a scenario successfully, but then again, Germany's economic situation in the 1920s was hardly that strong either. Thus, I am afraid that economics will not deter the power scenario's would-be authors from attempting it. Baburin, for example, warned that any political leader who would "dare to encroach upon Russia" would be decisively repulsed by the Russian Federation "by all measures on heaven and earth up to the use of nuclear weapons." n10 In autumn 1996 Oleg Grynevsky, Russian ambassador to Sweden and former Soviet arms control negotiator, while saying that NATO expansion increases the risk of nuclear war, reminded his Western listeners that Russia has enough missiles to destroy both the United States and Europe. n11 Former Russian minister of defense Igor Rodionov warned several times that Russia's vast nuclear arsenal could become uncontrollable. In this context, one should keep in mind that, despite dramatically reduced nuclear arsenals -- and tensions -- Russia and the United States remain poised to launch their missiles in minutes. I cannot but agree with Anatol Lieven, who wrote, "It may be, therefore, that with all the new Russian order's many problems and weaknesses, it will for a long time be able to stumble on, until we all fall down together."

### Relations Prevent Arctic Conflict

#### **US-Russia Relations key to Russia – Exxon Arctic Deal**

Levine, Foreign Policy Editor, 8/30/11

(Steve,“Horse-trading with Russia wins Exxon the Arctic Gold”, [http://oilandglory.foreignpolicy.com/posts/2011/08/30/horse\_trading\_with\_russia\_wins\_exxon\_the\_arctic\_gold,](http://oilandglory.foreignpolicy.com/posts/2011/08/30/horse_trading_with_russia_wins_exxon_the_arctic_gold%2C) accessed 7-10-12, A.R.)

ExxonMobil has emerged the surprising big winner from the breach made earlier this year by [BP's fumbling](http://oilandglory.foreignpolicy.com/posts/2011/05/18/is_bps_latest_fiasco_evidence_of_law_or_chess) of its blockbuster agreement with Russia's state-owned Rosneft oil company. In a [$3.2 billion agreement](http://www.portfolio.com/business-news/reuters/2011/08/30/exxon-rosneft-tie-up-in-russian-arctic-us) presided over today by Russian Prime Minister Vladimir Putin and Exxon chief Rex Tillerson, Exxon gains the hugely prized right to explore for oil and gas underneath Russia's fabulously rich Arctic region. It's the [same three Arctic fields](http://www.bp.com/genericarticle.do?categoryId=2012968&contentId=7066710) that BP lost earlier this year, and the agreement puts Exxon in the same leading catbird seat next to Rosneft that BP lost.

Chris Weafer, chief strategist for Moscow-based Troika Dialog Bank, says that given Exxon’s lobbying pull in Washington, the deal is “a major prize for Putin and has very direct implications for U.S. relations. It is a major step that puts the [‘reset’](http://www.worldpoliticsreview.com/articles/9837/dont-sweat-the-russia-reset) back on track. Moscow has a new major ally in Washington.”

In an email exchange, Weafer said that as Russia works to maintain its daily production of 10 million barrels of oil a day, the deal hits at two layers of vital Russian need. “Ten million barrels a day is both an important base for the economy, but is also the justification for Moscow's geo-political standing,” he said. “It is critical for the Kremlin to maintain that average for as long as possible.”

That Exxon would horse-trade with Rosneft to obtain this sweet deal is not surprising -- the Arctic holds some 25 percent of the world's remaining untapped oil and gas reserves, according to the U.S. Geological Survey, most of it underneath Russia's part of the region. But BP had been prepared to swap shares with Rosneft for that right, and it did not seem possible that any other Big Oil company -- and certainly not Exxon -- would be willing to have Rosneft potentially sitting on its board of directors.

#### **US and Russia would start an Arctic resource conflict – relations key to check**

Matthews, Daily Mail UK 9

(Owen, “The coldest war: Russia and U.S. face off”,  <http://www.dailymail.co.uk/news/article-1184291/The-coldest-war-Russia-U-S-face-Arctic-resources.html#ixzz20IJKfMm4>)

As the oil wells run dry, the planet's last great energy reserves lie miles beneath the North Pole. And as the U.S. and Russia race to grab them at any cost, the stage is set for a devastating new cold war.

The year is 2020, and, from the Middle East to Nigeria, the world is convulsed by a series of conflicts over dwindling energy supplies. The last untapped reserves of oil and gas lie in the most extreme environment on the planet - the North Pole - where an estimated bonanza of 100 billion barrels are buried deep beneath the Arctic seabed.

The ownership of this hostile no-man's-land is contested by Russia, Denmark, Norway, the U.S and Canada. And, in an increasingly desperate battle for resources, each begins to back up its claim with force.

Soon, the iceberg-strewn waters of the Arctic are patrolled by fleets of warships, jostling for position in a game of brinkmanship. Russia's Northern Fleet, headed by the colossal but ageing guided missile cruiser Pyotr Velikiy (Peter The Great), and the U.S. Second Fleet, sailing out of Norfolk, Virginia, are armed with nuclear-tipped cruise missiles - and controlled by leaders who are increasingly willing to use them.

For now, such a scenario is pure fiction. But it may not be for long. Only recently, respected British think-tank Jane's Review warned that a polar war could be a reality within 12 years. And the Russians are already taking the race for the North Pole's oil wealth deadly seriously.

Indeed, the Kremlin will spend tens of millions upgrading Russia's Northern Fleet over the next eight years. And its Atomic Energy Agency has already begun building a fleet of floating nuclear power stations to power undersea drilling for the Arctic's vast oil and gas reserves. A prototype is under construction at the SevMash shipyard in Severodvinsk.

The prospect of an undersea Klondike near the North Pole, powered by floating nuclear plants, has environmentalists deeply worried - not least because Russia has such a dismal record on nuclear safety and the disposal of radioactive waste.

#### **Arctic conflict escalates into nuclear war and extinction**

Staples, Rideau Institute 9

(Steven, August 10, 2009, “Steps toward an arctic nuclear weapon free zone”, <http://www.diis.dk/graphics/Events/2009/Presentation%20Staples.pdf>, accessed 6-27-12, A.R.)

The fact is, the Arctic is becoming an zone of increased military competition. Russian President Medvedev has announced the creation of a special military force to defend Arctic claims. Russian General Vladimir Shamanov declared that Russian troops would step up training for Arctic combat, and that Russia’s submarine fleet would increase its “operational radius.” This week, two Russian attack submarines were spotted off the U.S. east coast for the first time in 15 years. In January, on the eve of Obama’s inauguration, President Bush issued a National Security Presidential Directive on Arctic Regional Policy. As Michael Hamel-Greene has pointed out, it affirmed as a priority to preserve U.S. military vessel and aircraft mobility and transit throughout the Arctic, including the Northwest Passage, and foresaw greater capabilities to protect U.S. borders in the Arctic. The Bush administration’s disastrous eight years in office, particularly its decision to withdraw from the ABM treaty and deploy missile defence interceptors and a radar in Eastern Europe, has greatly contributed to the instability we are seeing today. The Arctic has figured in this renewed interest in Cold War weapons systems, particularly the upgrading of the Thule Ballistic Missile Early Warning System radar for ballistic missile defence. The Canadian government, as well, has put forward new military capabilities to protect Canadian sovereignty claims in the Arctic, including proposed ice-capable ships, a northern military training base and a deep water port. Denmark last week released an all-party defence position paper that suggests the country should create a dedicated Arctic military contingent that draws on army, navy and air force assets with ship-based helicopters able to drop troops anywhere. Danish fighter planes could be patrolling Greenlandic airspace. Last year, Norway chose to buy 48 Lockheed F-35 fighter jets, partly because of their suitability for Arctic patrols. In March, that country held a major Arctic military practice involving 7,000 soldiers from 13 countries in which a fictional country called Northland seized offshore oil rigs. The manoeuvres prompted a protest from Russia – which objected again in June after Sweden held its largest northern military exercise since the end of the Second World War. About 12,000 troops, 50 aircraft and several warships were involved. Jayantha Dhanapala, President of Pugwash and former UN Under-Secretary for Disarmament Affairs, summarizes the situation bluntly. He warns us that “From those in the international peace and security sector, deep concerns are being expressed over the fact that two nuclear weapon states – the United States and the Russian Federation, which together own 95 per cent of the nuclear weapons in the world – converge on the Arctic and have competing claims. These claims, together with those of other allied NATO countries – Canada, Denmark, Iceland, and Norway – could, if unresolved, lead to conflict escalating into the threat or use of nuclear weapons.”

### Relations Solve Prolif

#### **US Russia relations are key to preventing proliferation**

Rumer and Sokolsky, Institute for National Strategic Studies senior research fellows, 2

(Eugene B. and Nikolai D., 09-02, “U.S.-Russian Relations: Toward

a New Strategic Framework,” Strategic Forum: Institute for National Strategic Studies

National Defense University, no. 192, https://www.ciaonet.org/wps/rue02/rue02.pdf, accessed: 07-09-12, VZ)

Even a cursory examination of the alternatives should make clear why investing in a stable and positive relationship with Russia is in the national interest. We must not take Russia’s pragmatism and ability to act in its self-interest for granted. We need to look no further than the record of Russia adrift throughout the 1990s for proof. Russia may have achieved a substantial degree of stability since the nadir of 1998 when its currency collapsed and its leadership became mired in a succession of crises and corruption scandals. However, this achievement and Russia’s constructive stance in the international arena should not be considered irreversible. **Russia’s ability to act in its self-interest will not always translate into compliance with U.S. interests**. **But** dealing with a responsible and coherent leadership presiding over **a stable and secure Russia is preferable to coping with an erratic Russia**. In the short and medium term, **U.S. efforts to combat proliferation and terrorism would face much tougher odds without Russian cooperation**. Despite Russia’s diminished stature in the international arena, **its cooperative approach to U.S.-Russian relations** since September 11 **has had a positive, soothing impact on trans-Atlantic relations, making it possible for the United States** in turn **to focus its diplomatic and political energies where they have been needed most**. **The** record of the **1990s offers an important lesson: a weak Russia is in the interest of no one**. The ability of Russia to put its own house in order—from securing its nuclear weapons to pumping oil and gas to global markets—is an important element of U.S. national and international security. **The danger to U.S. interests is** not from a potential challenger to President Putin, who might shy away from a good personal relationship with his American counterpart, but from **Russia failing to consolidate its political and economic accomplishments** of the last few years. In the long run, U.S. interests would be well served by a cooperative relationship with Russia, as envisioned by President Bush. Russia is by no measure likely to regain its global superpower status. However, as a regional power, it could be a useful collaborator with the United States—from helping to balance **China to supplying energy to key markets to exercising restraint in critical areas of** conventional and WMD **proliferation**. Thus, **shaping positive** and collaborative long-term **Russian attitudes is an important U.S. objective.**

#### Relations are key to solving Iranian and North Korean proliferation

**Taylor, Atlantic Editor, 8**

(Jeffery Taylor, Editor for the Atlantic, November 2008, “Medvedev Spoils the Party,” <http://www.theatlantic.com/magazine/archive/2008/11/medvedev-spoils-the-party/7130/>, Accessed 7/11/12, THW

Like it or not, the United States cannot solve crucial global problems without Russian participation. Russia commands the largest landmass on earth; possesses vast reserves of oil, natural gas, and other natural resources; owns huge stockpiles of weapons and plutonium; and still wields a potent brain trust. Given its influence in Iran and North Korea, to say nothing of its potential as a spoiler of international equilibrium elsewhere, Russia is one country with which the United States would do well to reestablish a strong working relationship—a strategic partnership, even—regardless of its feelings about the current Kremlin government. The need to do so trumps expanding NATO or pursuing “full-spectrum dominance.” Once the world financial crisis passes, we will find ourselves returning to worries about resource depletion, environmental degradation, and global warming – the greatest challenges facing humanity. No country can confront these problems alone. For the United States, Russia may just prove the “indispensable nation” with which to face a volatile future arm in arm.

### Iran Prolif Impact

#### Nuclear Iran leads to cascade proliferation and inevitable escalating nuclear conflict

Phillips, Heritage Foundation Foreign Policy Studies Middle Eastern Affairs Senior Research Fellow, 10

(James Phillips, Senior Research Fellow for Middle Eastern Affairs at the Douglas and Sarah Allison Center for Foreign Policy Studies at The Heritage Foundation. He has written extensively on Middle Eastern issues and international terrorism since 1978, “An Israeli Preventive Attack on Iran's Nuclear Sites: Implications for the U.S.” 1/15/10, <http://www.heritage.org/research/reports/2010/01/an-israeli-preventive-attack-on-iran-nuclear-sites-implications-for-the-us>, Accessed 7/7/12, THW)

Recognize Israel's right to self-defense against a hostile Islamist dictatorship that also threat­ens U.S. interests and regional stability. Wash­ington should not seek to block Israel from taking what it considers to be necessary action against an existential threat. The United States does not have the power to guarantee that Israel would not be attacked by a nuclear Iran in the future, so it should not betray the trust of a democratic ally by tying its hands now. Although an Israeli attack on Iran's nuclear program will entail increased risks for U.S. interests in the Middle East, these risks would be dwarfed by the threats posed by a nuclear-armed Iran. Not only would a nuclear Iran pose a much more dire direct threat to the U.S., Israel, and other allies, but Tehran might pass a nuclear weapon to one of its Islamist ter­rorist surrogates. Its support for terrorism against Israel, insurgent attacks against U.S. troops in Iraq, and subversive efforts against moderate Arab governments are likely to grow steadily if it believes its nuclear capability gives it a carte blanche to act with impunity. Moreover a nuclear Iran would induce many other Middle Eastern states to seek their own nuclear weapons. This cas­cade of nuclear proliferation would enormously increase the risks of a future nuclear exchange involving some combination of Middle Eastern nuclear powers, threaten Israel and other U.S. allies, and increase the risks of oil disruptions, even if Iran was not involved in a future crisis.

### North Korean Prolif Impact

#### North Korean proliferation turns every impact and leads to extinction

Hayes, Nautilus Institute for Security and Sustainable Development Executive Director, & Hamel-Green, Victoria University Education and Human Development Executive Dean, 10

(Peter Hayes, Executive Director of the Nautilus Institute for Security and Sustainable Development, Michael Hamel-Green, Executive Dean of the Faculty of Arts, Education and Human Development at Victoria University, “The Path Not Taken, The Way Still Open: Denuclearizing The Korean Peninsula And Northeast Asia” 1/5/10, <http://www.japanfocus.org/-Michael-Hamel_Green/3267>, Accessed 7/7/12, THW)

The international community is increasingly aware that cooperative diplomacy is the most productive way to tackle the multiple, interconnected global challenges facing humanity, not least of which is the increasing proliferation of nuclear and other weapons of mass destruction. Korea and Northeast Asia are instances where risks of nuclear proliferation and actual nuclear use arguably have increased in recent years. This negative trend is a product of continued US nuclear threat projection against the DPRK as part of a general program of coercive diplomacy in this region, North Korea’s nuclear weapons programme, the breakdown in the Chinese-hosted Six Party Talks towards the end of the Bush Administration, regional concerns over China’s increasing military power, and concerns within some quarters in regional states (Japan, South Korea, Taiwan) about whether US extended deterrence (“nuclear umbrella”) afforded under bilateral security treaties can be relied upon for protection.

The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community.

At worst, there is the possibility of nuclear attack1, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities. On the Korean Peninsula itself, key population centres are well within short or medium range missiles. The whole of Japan is likely to come within North Korean missile range. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. Even a limited nuclear exchange would result in a holocaust of unprecedented proportions.

But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming. Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years.3 In Westberg’s view:

That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years. The temperature over the continents would decrease substantially more than the global average. A decrease in rainfall over the continents would also follow…The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger…To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4

These, of course, are not the only consequences. Reactors might also be targeted, causing further mayhem and downwind radiation effects, superimposed on a smoking, radiating ruin left by nuclear next-use. Millions of refugees would flee the affected regions. The direct impacts, and the follow-on impacts on the global economy via ecological and food insecurity, could make the present global financial crisis pale by comparison. How the great powers, especially the nuclear weapons states respond to such a crisis, and in particular, whether nuclear weapons are used in response to nuclear first-use, could make or break the global non proliferation and disarmament regimes. There could be many unanticipated impacts on regional and global security relationships5, with subsequent nuclear breakout and geopolitical turbulence, including possible loss-of-control over fissile material or warheads in the chaos of nuclear war, and aftermath chain-reaction affects involving other potential proliferant states. The Korean nuclear proliferation issue is not just a regional threat but a global one that warrants priority consideration from the international community.

### AT – Magnitsky Won’t Hurt Relations

#### Magnitsky linkage would crush relations for decades

Solash, Radio Free Europe, 7-14-12

[Richard, Radio Free Europe, “U.S. Congressmen Unmoved By Russian Visit To Protest Magnitsky Bill”, Lexis]

At a July 11 press conference at the Russian Embassy in Washington, Russian lawmaker Malkin warned that implementation of the Magnitsky sanctions could hurt bilateral relations for "decades" -- even as he acknowledged that the new investigation was late.

His fellow lawmaker, Savenkov, said the U.S. Congress "will be ashamed" if it implements sanctions "based on the current political agenda."

#### Risk is large – will damage relations for years

Dougherty, CNN Foreign Affairs correspondent, 7-12-12

[Jill, CNN Wire, 7-12-12, “Russian lawmakers lobby Capitol Hill not to pass human rights bill”, Lexis]

(CNN) -- A delegation of Russian senators is in Washington this week in a last-ditch lobbying attempt to persuade their fellow legislators not to pass a bill that would ban Russian officials who violate human rights from visiting the United States and freeze their assets.

The legislation, dubbed the Magnitsky Bill, was named in honor of Sergei Magnitsky, a Russian lawyer working for a major investment company in Moscow, Hermitage Capital Management, who was arrested and died in jail.

Even as the bill moves closer to passage, the Russian legislators, in a news conference at the Russian Embassy, called it political and warned the bill would damage relations between the two countries "for years to come."

#### Impact widespread – Magnitsky will affect relations at all levels

ITAR-TASS, 6-29-12

[“Matviyenko points to impermissibility of one-sided interpretation of law re Magnitsky Act”, Lexis]

Meanwhile, Moscow has warned Washington about the negative effect of the bill on bilateral relations.

Russia will retaliate the possible endorsement of 'the Sergei Magnitsky bill' by the U.S. Congress, Presidential Aide for International Affairs Yuri Ushakov.

"We insist in all-level contacts with the U.S. administration that it is impermissible to swap the Jackson-Vanik Amendment for the anti-Russian 'Sergei Magnitsky bill', which introduces visa restrictions and other sanctions under far-fetched 'human rights' pretexts. Washington must realize that we will have to take retaliation measures," Ushakov said.

### AT – Relations Resilient

#### Relations are sustainable but that can collapse easily – maintaining cooperation is critical.

Allison, Director of Harvard Kennedy School’s Belfer Assistant Secretary of Defense in the first Clinton Administration, and Blackwill, Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations, 11

(Graham and Robert D., Deputy national security adviser for strategic planning under President George W. Bush, presidential envoy to Iraq and was the administration’s coordinator for U.S. policies regarding Afghanistan and Iran, Belfer Center for Science and International Affairs Harvard University, “Russia and U.S. National Interests: Why Should Americans Care?,” A Report of the Task Force on Russia and U.S. National Interest, http://belfercenter.ksg.harvard.edu/files/Russia-and-US-NI\_final-web.pdf, accessed 2-23-12)

Just as the United States should expect Russia to adjust many of its policies to achieve a sustainable cooperative relationship, Washington should recognize that Moscow is unlikely to support U.S. policy goals if the U.S.-Russian relationship significantly deteriorates. As a result, the failure to establish an ongoing working relationship with Russia would be quite costly for the United States.

As a practical matter, even a stalled relationship could be problematic. The United States and Russia are both motivated to improve relations largely on the basis of hopes for what a stronger relationship could produce. If the prospects for realizing those hopes become too remote, it is uncertain whether what has been accomplished so far is sufficient to prevent our substantial remaining differences from tearing the U.S.-Russian relationship apart.

U.S. officials must carefully weigh not only the American national interests in working more closely with Russia, but also the costs and benefits of failing to do so, keeping in mind Moscow’s capacity
to act as a spoiler in a number of areas and on a number of issues that are of vital national interest to Washington. In our considered judgment, the choice is clear: the United States should pursue a sustainable cooperative relationship with Russia to advance vital American national interests, but do so without illusions regarding either Moscow’s sometimes neo-imperial ambitions, or the pace of democratic change in Russia.

# Uniqueness

## Political Capital

### Obama Has Political Capital Now

#### Obama has the ability to set the agenda now

Pace, Associated Press, 7-16-12

[Julie, Detroit News, “Obama's incumbency lets him set agenda”, <http://www.detroitnews.com/article/20120716/POLITICS03/207160345/Obama-s-incumbency-lets-him-set-agenda?odyssey=mod%7Cnewswell%7Ctext%7CFRONTPAGE%7Cs>, accessed 7-16-12]

A look at Obama's assets and liabilities:

Advantages

Incumbency: He's the president, and that means he can set the national agenda. It's a power Obama has put to good use during his re-election campaign.

Demographics: Obama leads Romney among women, African-Americans, Hispanics and young people, key voting blocs that could help him capture battleground states. The Obama campaign is banking on support from Hispanics to win in places like Nevada and Colorado, and in Virginia. High turnout among African-Americans would help Obama in North Carolina.

#### Obama setting agenda now – Rose Garden strategy proves

Seib, Wall Street Journal Washington Wire, 7-10-12

[Gerald F., 7-10-12, “Political Perceptions: Obama’s Home-Court Advantages”, <http://blogs.wsj.com/washwire/2012/07/10/political-perceptions-obamas-home-court-advantage/>, accessed 7-15-12]

If you’re running for president, having the White House at your disposal is quite handy in framing your message and controlling the agenda, as President Barack Obama proved this week

When Mr. Obama announced on Monday that he was seeking a one-year extension of Bush-era tax cuts for families making under $250,000 a year, he did so in a full-bore White House event, with all the attendant bells, whistles and national television coverage that brings.

The president delivered remarks from the White House’s East Room—the event was going to be in the even more scenic Rose Garden until rainy weather intervened—standing in front of risers full of people who would benefit from the continued lower tax rates he was calling for. Cable news networks turned the switch to carry the event live.

All of which was particularly striking considering that all Mr. Obama was doing, really, was repackaging what has long been his position: that the tax rates put in place when President George W. Bush enacted across-the-board tax cuts should remain in place for families with adjusted gross incomes below $250,000, while the tax cuts should go away for wealthier families with higher incomes.

So in that sense, Mr. Obama and his staff pulled off a master stroke of leveraging the power of the incumbency: They used the White House pulpit to change the subject away from last week’s lackluster report on jobs and employment, they got a whole lot of free attention in doing so, and they delivered their pitch for tax “fairness” directly to the middle-class voters who are their principal campaign target.

And Mr. Obama did it all without leaving the comfort of home, or, technically, even having to stage a campaign event.

It was a variation on what used to be called the Rose Garden strategy, the term used when presidents seeking re-election would simply stay home and command attention from the White House while staying beyond the partisan fray. Mr. Obama is both hitting the road and using the White House platform in 2012.

And while the free publicity a president can command undoubtedly comes in handy, even more important to Mr. Obama’s strategy has been his ability to use his position to control the agenda.

On the core issue of jobs, the news this spring and summer hasn’t been so good for the president. But he has deftly used his position to make politically deft moves on other issues that have worked well for him. His declaration that he now favors gay marriage went over well with his Democratic base; his new policy stopping deportations of the children of illegal aliens who have gotten an education and stayed out of trouble proved widely popular with both Hispanics and the general public; and he has countered Republican Mitt Romney’s tough talk on trade with China by pressing the World Trade Organization to force China to stop imposing duties on U.S. auto exports.

Being president carries its own burdens, notably the need to accept responsibility for economic developments that can’t really be controlled. But as Mr. Obama is demonstrating, it has its advantages as well.

#### Obama has political capital now – Gay marriage endorsement

Nanamaker, InvestorPlace Money and Politics Editor, 7-4-12

(Benjamin, InvestorPlace Money and Politics Editor, “Same-sex Marriage Endorsement Worth $9M to Obama”, <http://www.investorplace.com/investorpolitics/same-sex-marriage-endorsement-worth-9m-to-obama/>, accessed July 5, 2012, A.R.)

President Barack Obama’s May announcement that he supports legalizing same-sex marriage earned him a lot of political capital with gay rights groups and criticism from some conservative organizations. Perhaps more importantly, it helped him bolster his campaign coffers. According to a report by NPR, in the three days following his endorsement of gay marriage, his campaign donations almost tripled. He pulled in $9 million over those three days, compared to $3.4 million for the prior three days. This figure doesn’t even factor in donations of $200 or less, which are not required to be documented in the Federal Election Commission reports the figures were pulled from. While that enthusiasm is likely unsustainable into November, it was a silver lining in the cloud that was his May fundraising figures.

#### Health care approval

Fox News 6-28-12

(Fox News, “Supreme Court Upholds Health Care Reform Law in Big Win for Obama”, <http://latino.foxnews.com/latino/politics/2012/06/28/supreme-court-obama-health-care-reform-act-is-constitutional/>, July 5, 2012, A.R.)

The Supreme Court upheld President Barack Obama's Affordable Care Act, including its individual mandate requiring nearly all Americans to buy health insurance. The 5-4 decision, with Chief John Roberts writing the decision for the majority, means Obama's Affordable Care Act will go into effect over the next several years. The decision is a big win for President Barack Obama who invested much of the political capital of his first term in passage of the health care measure. This is the second major court victory by the Obama Administration. Earlier this week, the court agreed with the federal government and struck down three of four provisions of Arizona's immigration law. On health care, possibly the most anticipated court decision since Bush vs. Gore in 2000, which decided a presidential election, the Supreme Court fully upheld the health care measure. The individual mandate will not be upheld under the Constitution's Commerce Clause, but will be upheld as a tax, according to the majority opinion written by Roberts. The Supreme Court disagreed with the government’s argument that it has the authority, due to its role in regulating commerce, to penalize people for failing to buy health insurance. “Every day individuals do not do an infinite number of things,” Justice Roberts wrote in the Court’s majority opinion. “Indeed, the Government’s logic would justify a mandatory purchase to solve almost any problem.” But the Court upheld the individual mandate by reframing it as a tax, rather than a penalty—a second line of reasoning advanced before the Court by the Obama administration. The individual mandate “makes going without insurance just another thing the Government taxes, like buying gasoline or earning income,” Roberts wrote. Those required to buy health insurance under the new law but who choose not to must begin paying the new tax in 2014. The Court also supported the health care law’s expansion of Medicaid, which is jointly funded by the federal government and the states, but narrowed the law’s interpretation. The health care law required states to expand Medicaid, facing the loss of federal funds for the program as a penalty for declining. Under the ruling, the government may still penalize states for failing to expand Medicaid under the Obama health care law, but the federal government may only withhold new funds, rather than all federal funds for Medicaid destined to a particular state. The court's four liberal justices, Stephen Breyer, Ruth Bader Ginsburg, Elena Kagan and Sonia Sotomayor, joined Roberts in the majority view. Justices Samuel Alito, Anthony Kennedy, Antonin Scalia and Clarence Thomas dissented.

### AT – Partisanship Now – Tax Cuts

#### Partisanship on tax cuts is staged campaign strategy by both sides – no one thinks either side will get their way

Cowan, Reuters, 7-11-12

[Richard, Chicago Tribune, “Obama, Democrats put tax cuts at center of 2012 agenda”,

<http://articles.chicagotribune.com/2012-07-11/news/sns-rt-us-usa-congress-democratsbre86a1go-20120711_1_tax-cuts-middle-class-tax-tax-bill>, accessed 7-15-12]

WASHINGTON (Reuters) - Congressional Democrats and President Barack Obama on Wednesday plotted their legislative priorities for the months leading up to November's elections, showcasing an extension of middle-class tax cuts as well as with measures to keep government agencies functioning beyond September 30.

Later this month, the Democratic-led Senate is expected to stage a vote on continuing tax cuts for families earning up to $250,000 - an election-year initiative that the Republican-controlled House of Representatives will not go along with.

Instead, Republicans want to renew all Bush-era tax cuts that are set to expire on December 31, including those for families earning above $250,000, despite Obama's opposition. The House is expected to vote this month on full renewal.

Both of these tax initiatives are aimed at more at energizing Democratic and Republican voters than actually enacting legislation before November's election as few think the House and Senate are capable of agreeing on much of anything.

## Obama Agenda

### Obama Obama Pushing Mass Transit Now

#### Obama pushing mass transit now

The Washington Times, editorial, 12

(The Washington Times, 04-10-12, “A streetcar named debt” <http://www.washingtontimes.com/news/2012/apr/10/a-streetcar-named-debt/>, accessed: 07-03-12, VZ)

The District on Friday completed the first phase of testing for its $1.5 billion streetcar project. The nation’s capital joins big cities like Los Angeles in advancing the revival of a transportation option that has been obsolete for more than half a century. The Obama administration is spearheading the effort to turn back the clock. If $1.5 billion seems like a lot - it’s an entire year’s income-tax revenue for the city - Washington bureaucrats have a ready answer. A January 2012 study commissioned by the city concluded the 19th-century-style trolley service “strengthens real-estate values by adding $5 billion to $7 billion to the value of existing property and sparking an additional $5 billion to $8 billion in new development in the 10 years after completion.” But wait, there’s more. Operating electric trains in the middle of busy city streets will “draw an additional 6,300 to 7,700 jobs” to the District. It’s a perpetual-motion machine of prosperity, and Transportation Secretary Ray LaHood wants more of it. Two years ago, he loosened funding rules so light-rail and trolley projects would have an easier time bypassing pesky cost-benefit analyses. “Measuring only cost and how fast a project can move the most people the greatest distance simply misses the boat,” Mr. LaHood wrote on his Fast Lane blog on Jan. 14, 2010. On Easter Sunday, Mr. LaHood blogged triumphantly over a 5 percent bump in transit ridership for the month of February, saying, “If we build it, riders will come.” Objective measurements suggest that’s simply not the case. According to the Census Bureau, the number of people commuting to work on public transportation dropped from 12.6 percent in 1960 to 5 percent today. The percentage of the population that depends on the automobile for this task has remained essentially unchanged since the 1970s despite the hundreds of billions of dollars spent by state and federal authorities on transit. Almost as many people work from home - 4.3 percent - as take the bus or subway to work. The number who take a streetcar or trolley is an almost unmeasurable 0.1 percent, but not because the systems are unavailable. Last year, the Cascade Policy Institute surveyed five major events in Portland, Ore., to count how many in the liberal stronghold took advantage of the tram or train. A mere 8 percent hopped on the trolley on the way to the circus. About 80 percent of the environmentally conscious attendees of a “green building” show at the Expo Center used internal-combustion machines to get there. Light rail accounted for just 2.2 percent of trips to the shopping center on the Friday before Thanksgiving. The folly of trolleys goes far beyond the massive debt they create. Mixing a rail system with automobile and pedestrian traffic is a recipe for accidents. Houston’s “Wham Bam Tram” caused 245 accidents between 2004 and 2009. They also take away on-street parking spaces and significantly increase congestion. Still, public officials remain infatuated with the idea of getting other people out of their automobiles so the government can decide when and where they can travel. In these tight budgetary times, such old-fashioned transit boondoggles should be the first to go.

### AT – Energy Hurting Obama Now

#### Energy policy has gone off the political radar now – GOP not bashing

Shenk and Burkhardt, Bloomberg, 7-3-12

(Mark and Paul, Bloomberg Weekly, “Gasoline Drop Towards $3 Provides Obama a Lift”, <http://www.bloomberg.com/news/2012-07-03/gasoline-s-drop-toward-3-provides-obama-a-lift-energy-m.html>, accessed 7/7/12, A.R.)

U.S. gasoline prices at the pump, headed to $4 a gallon in April, are dropping toward $3 as the July Fourth holiday approaches, giving consumers relief and a boost to President [Barack Obama](http://topics.bloomberg.com/barack-obama/)’s re-election campaign.

[Retail prices](http://www.bloomberg.com/quote/3AGSREG%3AIND) have fallen 15 percent to $3.329 from a peak of $3.936 on April 4, according to Heathrow, Florida-based AAA, the largest U.S. motoring group. They’re also 6.6 percent lower than a year ago, underscoring how slowing economies are sapping demand even as an embargo on Iranian oil starts.

June 15 (Bloomberg) -- Philip Verleger, founder of PK Verleger LLC, talks about the outlook for U.S. gasoline prices. He speaks with Adam Johnson on Bloomberg Television's "Street Smart." (Source: Bloomberg)

Republican criticism of Obama’s energy policies has faded as oil fell as much as 29 percent from this year’s high in February and stockpiles ballooned to the most in 22 years. Americans bought less gasoline in the four weeks ended June 26 than a year earlier even as prices dropped, [MasterCard Inc. (MA)](http://www.bloomberg.com/quote/MA%3AUS) data show. Last month, the [Federal Reserve](http://topics.bloomberg.com/federal-reserve/) cut its estimate for U.S. growth, [Spain](http://topics.bloomberg.com/spain/) became the fourth euro-region country to seek an international bailout and China’s manufacturing shrank.

“Two months ago, the Republicans in Congress were trying to place blame on the administration for the high energy prices, and, boy, you haven’t heard that in a month now,” [Bruce Oppenheimer](http://topics.bloomberg.com/bruce-oppenheimer/), a Nashville, Tennessee-based Vanderbilt University professor who has studied energy and politics, said in a June 29 telephone interview. “All of a sudden, it went from the front burner, to the back burner, to off the burner.”

March High

August gasoline futures on the [New York Mercantile Exchange](http://topics.bloomberg.com/new-york-mercantile-exchange/) dropped 0.79 cent to $2.6239 a gallon yesterday, down 23 percent from the March 26 high for the year. Prices were as much as 4.1 percent higher today at $2.7317.

Crude for August delivery rose as much as 5.1 percent today to $88.04 a barrel after sliding to an eight-month low of $77.69 on June 28. Oil futures surged to $109.77 on Feb. 24, highest settlement price since May 3, 2011.

Gasoline at the pump, averaged nationwide, was last below $3 a gallon in December 2010. Prices would need to drop a further 9.9 percent to reach that level, based on AAA data. There is about a [27 percent chance](http://www.eia.gov/forecasts/steo/uncertainty/index.cfm) that retail prices will be below $3 in September, the Energy Department said in its June 12 Short-Term Energy Outlook.

Pump prices are down from $3.565 a gallon a year ago, AAA data show. Prices declined 8 percent during the second half of 2011 to end the year at $3.278.

[Mitt Romney](http://topics.bloomberg.com/mitt-romney/), Obama’s Republican challenger, said in a March 18 “Fox News Sunday” interview that there’s “no question” Obama was to blame for rising gasoline prices. In a Gallup poll taken June 22-28, Obama led Romney 48 percent to 43 percent. On April 12-16, Romney led Obama 48 percent to 43 percent.

## Transportation Bill

### AT - Non-Unique – Transportation Bill Partisanship

#### Transportation bill proves – transportation bills have bipartisan support

Fleet Owner, commercial trucking magazine, 7/2/12

(“Transportation bill formally passes Congress, awaits president’s signature,” <http://fleetowner.com/regulations/transportation-bill-formally-passes-congress-awaits-president-s-signature>, accessed 7/3/12, YGS)

Late Friday afternoon, before formally heading out on break, both houses of Congress passed the transportation bill that was initially agreed to on Thursday. The House passed MAP-21 373-52 while the Senate passed it 74-19. “This is a good, bipartisan bill that will create jobs, strengthen our transportation system and grow our economy,” said U.S. Transportation Secretary Ray LaHood. “It builds on our aggressive safety efforts, including our fight against distracted driving and our push to improve transit and motor carrier safety. The bill also provides states and communities with two years of steady funding to build the roads, bridges and transit systems they need. We look forward to working with Congress, states and local communities to put this bill to work quickly and effectively.” Technically, Congress passed the 10th extension of the bill on Friday – a one-week extension. The extension was needed because of Congressional rules that made it impossible to get the 600-page plus bill onto President Obama’s desk for his signature before funding ran out on Saturday. Obama will sign MAP-21 when it formally reaches his desk this week. For reaction to the bill, click here.

### AT – Non-Unique – Transportation Bill Spending

#### **Transportation bill didn’t increase spending**

Snyder, Capitol Hill Blog Editor, 6/29/12

(Tanya, “A New Bill Passes, But America’s Transpo Policy Stays Stuck in 20th Century,” <http://dc.streetsblog.org/2012/06/29/a-new-bill-passes-but-americas-transpo-policy-stays-stuck-in-20th-century/>, Date Accessed: 7/1, JS)

After more than 1,000 days of waiting since the last transportation bill expired, the nation’s new transportation policy is a grave disappointment to people seeking to reform the current highway-centric system. The fact that the House GOP tried and, for the most part, failed to reverse the progress made under presidents Reagan and Bush the elder offers a small degree of consolation. “Some of the worst ideas pushed initially by House Republicans went nowhere – funding the highway system with new oil drilling revenues, taking transit out of the highway trust fund, de-federalizing transportation funding – to mention some of the most radical proposals that were seriously being put forward,” wrote Deron Lovaas of NRDC this morning. “But… that pretty much exhausts the good news.” So what does the bill actually do? Overall, it doesn’t change a whole lot, and the most significant changes tend not to benefit livable streets or sustainable transportation. Here’s a breakdown. Length and funding. The bill lasts a year longer than the Senate bill would have, expiring at the end of September 2014. That gives states, cities, and the construction industry substantially more stability and allows them to move forward on projects that have been delayed for years because of the uncertainty surrounding federal funding. It maintains funding levels at around $54 billion a year, as did the Senate bill, which is roughly current levels plus inflation. While some have criticized the complex funding mechanisms that prop it up and its departure from a user-pays model, the Congressional Budget Office reported this morning that the bill actually reduces the deficit by $16.3 billion. Everyone seems to understand that Congress won’t be able to pull this kind of magic for long and will soon have to deal with the long-term insufficiency of current Highway Trust Fund revenues to cover the nation’s transportation needs. However, the gas tax was not raised, and at the same time the House passed this bill, it also approved an appropriations bill that prohibits even studying the possibility of moving toward a VMT fee. Non-transportation-related items. The Keystone XL pipeline and the EPA’s ability to regulate coal ash as a hazardous substance, introduced into the transportation negotiations by the House Republicans, were stripped out of the bill. The RESTORE Act to spend BP oil spill fines on Gulf Coast restoration is included. Transit. Funding stays level, adjusted for inflation. Some high points are a new transit-oriented development pilot program and a big bump in funding to help keep transit systems in a state of good repair. Advocates are also bullish on the streamlining of the “New Starts” program, which could mean new transit projects get built quicker. A new “bus and bus facilities” program has also been added. The bill also establishes federal oversight over transit safety for the first time. However, an attempt to allow transit systems the flexibility to use capital funds for operations in hard economic times was scrapped. So was a measure to bring the maximum commuter tax benefit for transit up to the level of the maximum parking benefit. Drivers can deduct up to $240 a month on their taxes for parking, whereas transit riders max out at an inequitable $125. Bicycle and pedestrian projects. This is one of the unmitigated failures of the bill. It’s been clear for a while that the Republicans had the Transportation Enhancements program and other programs dedicated to safer biking and walking in their sights. Sen. Barbara Boxer fought to save the program, but it verged on “deal-breaker” status for Republicans. The GOP managed to paint these life-saving, community-enhancing programs as a frivolous waste of money spent planting flowers, and they hacked off a big chunk of money that used to be set aside for them. The end result is a “Transportation Alternatives” program which, according to America Bikes, cuts bike/ped funding by 60 to 70 percent. Not only is the overall pot smaller, but these funds can now be used on certain types of road projects. Worse, although half the funds will go straight to local areas to distribute, the half that goes to the states doesn’t need to be used for active transportation – they can “transfer” it to a whole host of other uses if they want. “Complete streets” language in the Senate bill that created a federal requirement for accommodation of non-motorized road users was stripped as well. TIFIA. Over the last few years, the TIFIA loan program has gotten 12 to 14 times more applications than it can fund for infrastructure projects around the country. TIFIA leverages private investment and local dollars, historically making $1 billion in loans with its $122 million annual budget. Both the House and the Senate, cheered on by advocates like Los Angeles Mayor Antonio Villaraigosa, expanded TIFIA’s budget from $122 million to $1 billion. Experts from Taxpayers for Common Sense and the Bipartisan Policy Center have urged caution, saying that this might actually be too high a level. They worry that there aren’t enough creditworthy projects in the TIFIA pool to use up all that money and that lowering the bar too much could expose U.S. taxpayers to debt if those projects default. Somewhat tangentially, the bill also expands tolling authority – not to existing roadways, but to more highway expansions than were previously allowed. Maintaining infrastructure. The bill establishes performance measures for highway and transit maintenance. However, overzealous program consolidation has meant that dedicated funding for road and bridge repair – currently about 32 percent of highway funds – has disappeared. A focus on repair reins in state DOTs bent on building new roads while not maintaining old ones, a tendency that creates sprawl as development crops up along the new roads. This bill is a step backwards on road maintenance and sprawl prevention. Freight. Calls for a national freight policy have been answered in this bill, but Joshua Schank of the Eno Transportation Center says the final product is disappointing. It’s not one of the core formula programs and doesn’t include a discretionary grant program. It also has a heavy emphasis on road freight, meaning highways, although railway-highway grade separations and intermodal connectors are listed as eligible projects for prioritized federal funding. The bill also calls for a freight strategic plan. Performance measures. The bill includes performance goals for air quality, freight movement, safety and state of good repair for both highways and transit, but largely without teeth. The House stripped provisions for financial penalties out of the bill. The bill “requires” agencies to incorporate these goals in their planning but does not tie funding to achievement. Calls to create performance measures for emissions reductions and oil consumption went unheeded. Solid goal-based performance requirements could be the key to reforming the entire system. “You don’t need mandated spending on anything – including Safe Routes to School and bike/ped — if you have the right performance measures in place and the right goals in place,” said Schank when asked whether the consolidation or elimination of nearly 70 federal programs in the bill was a good thing. Performance goals could help achieve the conservative goal of reducing federal bureaucracy and eliminating programs without losing any important functions. “How far you go on performance determines how far you go on consolidation,” Schank said. “I don’t think we need a separate program for congestion mitigation and air quality. But that’s because I think we should have a performance measure for emissions and for air quality and for oil consumption. If we don’t have those things then you kind of have to keep the CMAQ program.” Unfortunately, what we ended up with, he said, was the “worst of both worlds.” “We lost mandated spending, and we didn’t get the performance measures that would encourage that kind of spending,” Schank said. TIGER. This bill was a perfect opportunity to authorize the TIGER grant program, an enormously popular initiative that rewards transportation innovation at all levels of government — including cities, which can’t directly access federal transportation dollars. There is a program, maintained from SAFETEA-LU, which funds “Projects of National and Regional Significance” on a discretionary basis, “which could be a TIGER-like program,” according to Transportation amount for each state, instead simply awarding states money at the levels mandated in SAFETEA-LU – essentially, ossifying formulas set in 2005. for America Director James Corless, but “cities are not allowed to apply for grants.” One of the strengths of the TIGER program is that it allows metropolitan areas to coordinate directly with the federal government on projects without going through state governments. PNRS is funded at about the same level as TIGER’s last round. Environmental “streamlining” (NEPA). The Republicans led the charge against community consultation and environmental review. By perpetuating the myth that environmental reviews have made a 13-year timeline “average” for road construction projects, they have managed to cut away at the limited protections communities have when a major infrastructure project threatens to do harm. The final conference deal lifts the cap on lateness penalties when agencies hold up projects, potentially forcing rushed decisions. It reduces the window for litigation from 180 to 150 days, which could potentially increase litigation, since it leave less time to settle differences outside of court. Even complex projects will be held to a four-year timeline. Other initiatives. The inter-agency Partnership for Sustainable Communities, gutted in recent appropriations bills, could have had a place in this bill, though no one necessarily expected it to. High-speed rail isn’t even mentioned. Rail is authorized separately from the rest of surface transportation, an awkward procedural issue that could have been solved here but wasn’t. Perhaps it’s for the best: given the way other compromises worked in this bill, Amtrak could have been eviscerated and high-speed rail buried for good. However, it’s disappointing to see the removal of a good rail section in the Senate bill, which according to NRDC’s Lovaas positioned rail planning “as a viable alternative to highways.” And finally, there is no infrastructure bank in the final version of the bill, which at this point is hardly a surprise. How money is distributed. The bill bypassed an opportunity to reward innovation and performance with discretionary money, due to pressure from Republicans keeping this bill strictly formula-based. “If Congress doesn’t have earmarks, they sure as hell aren’t going to give the president the chance to have discretionary grant authority,” said Schank. However, he says, it doesn’t actually use formulas to update the correct

### No Transportation Reforms Now

#### No political will – no reforms coming

Shane, Miller Center Director, 11

(Jeffrey, Fall 2011, Miller Center, “Are We There Yet? Selling America on Transportation” <http://web1.millercenter.org/conferences/report/conf_2011_transportation-Miller-Center.pdf>, accessed 7/8/12, , JGC).

“Sit still,” however, is more or less what Washington has done on transportation issues

for 15 months since that Rose Garden ceremony. Amid an increasingly polarized debate

over how to deal with the nation’s long-term debt and deficit problems, and despite the

recent emergence of transportation bills from the House and Senate, discussions about

transportation reform have been largely sidelined. Today, with the stimulus funding of

the 2009 American Recovery and Reinvestment Act all but exhausted, with revenues to

the Highway Trust Fund projected to remain flat or decline, and with not only federal

but also local and state budgets still stretched tight by the lingering effects of the recession, the outlook for future investment in the U.S. transportation system and for needed

policy reforms is far from clear.

# Links

## Link Boosters

### Controversial Policies Spend Political Capital

#### Controversial policies drain political capital

Burke, University of Vermont political science professor, 9

(John P., Presidential Studies Quarterly 39.3 (Sept 2009), “The Contemporary Presidency: The Obama Presidential Transition: An Early Assessment”, p574(31). Academic One; accessed 7-15-10)

President Obama signaled his intention to make a clean break from the unpopular Bush presidency with his executive orders and early policy and budget proposals. At the same time, he also sought to tamp down public expectations for quick results on the economy. Early--and ambitious--actions were taken, but as he cautioned in his inaugural address, "the challenges we face are real" and they "will not be met easily or in a short span of time." His initial political capital seemed high.

But was the right course of action chosen? The decision was made to embrace a broad range of policy reforms, not just to focus on the economy. Moreover, it was a controversial agenda. His early efforts to gain bipartisan support in Congress--much like those of his predecessors--seem largely for naught and forced the administration to rely on narrow partisan majorities. The question that remains is whether his political capital, both in Congress and with the public, will bring him legislative--and ultimately policy--success. Good transition planning is propitious, but it offers no guarantees. Still, without it, political and policy disaster likely awaits. So far, President Obama seems to reside largely on the positive side of the equation. But what the future might portend remains another matter.

#### Unpopular action ensures backlash against the president – politicians are emboldened when they smell blood in the water

Stolberg, New York Times, 3

(Sheryl Gay, 9-13-3, New York Times, “Democrats Find Some Traction On Capitol Hill”, p. A1, Lexis)

"A presidential speech, instead of boosting support, is followed by a seven-point drop and suddenly the atmosphere changes," said Thomas Mann, a scholar at the Brookings Institution who follows Congress. "Republicans, who have been reluctant to get off the reservation, now say, 'Wait just one minute.' And Democrats have all the more reason to be unified." Ross K. Baker, a political scientist at Rutgers University, agreed. "Any sign of weakness out of the White House is going to be perceived by the president's allies in Congress as an opportunity to act a little bit more like free spirits, and on the part of the opposition to be more aggressive," Professor Baker said. "It's the blood-in-the-water syndrome."

### Keystone Pipeline Linkage

#### Plan re-ignites the Keystone debate – it will not be legislated now – plan provides a forum

Geman, The Hill, 7-1-12

(Ben, Staff Writer for The Hill: Healthcare Watch, “Poll: Voters Back Keystone Pipeline but give Obama the Edge on Energy Security”, <http://thehill.com/blogs/e2-wire/e2-wire/235791-poll-voters-back-keystone-pipeline-but-obama-edges-romney-on-energy-security>, accessed July 5, 2012, A.R.)

But the same Washington Post/ABC News poll shows Obama edging Romney when asked whether the presumptive GOP White House nominee would have made more or less progress on moving the nation toward energy independence if he had been in office since 2009. On Keystone, 62 percent of registered voters say the federal government should approve the pipeline, while just 18 percent say it should not be authorized. Among independents, 57 percent support approval, compared to 82 percent of Republicans and 48 percent of Democrats. Environmental groups bitterly oppose Keystone because of greenhouse gases released by the extraction process, forest damage and other effects of Alberta’s massive oil sands projects, and fears about spills along the pipeline route. Advocates of Keystone say it will create thousands of jobs and boost energy ties with Canada, which is already the largest supplier of oil to the United States. Advocates also call concerns about spills overblown. According to the Washington Post/ABC News poll, 34 percent of registered voters say the pipeline would damage the environment while 52 percent say it would not. Among independents, 38 percent say it would damage the environment, while 19 percent of Republicans and 44 percent of Democrats believe it would be harmful. In the same poll, 82 percent of registered voters say the pipeline would create a significant number of jobs; that belief is held widely across party identifications. Obama, facing divides among his political base (many labor unions favor the Keystone project), has extended the projects federal review process, which is now slated to last into 2013. Romney, in television ads, has vowed to authorize Keystone on “day one” if elected. Romney more broadly has made attacks on White House energy policies a staple of his stump appearances, arguing Obama is leaving too many federal lands and waters off-limits to drilling and imposing too many environmental rules. The White House has parried the attacks by touting its support for drilling and noting that U.S. oil and natural gas production has been on the upswing for years. The new poll asks whether the country would have made more or less progress if Romney had been president since 2009. Twenty-two percent of voters say there would have been more progress, 28 percent say less, while 41 percent responded that things would be about the same. U.S. reliance on petroleum imports (which includes crude oil, gasoline, jet fuel and other products) and crude oil specifically have been falling for several years, reflecting a range of factors such as increased auto efficiency, expanded domestic oil production, growth in biofuels and other reasons. Last year, total petroleum imports were 45 percent, the lowest level since 1995,according to the federal Energy Information Administration. On Keystone, Capitol Hill Republicans have been pushing legislation that would require a federal cross-border permit for the project. However, the provision was left on the cutting room floor when lawmakers struck a deal to advance a sweeping transportation bill last week. Republicans may seek more votes on Keystone this year, though a measure to mandate approval narrowly failed in the Senate earlier this year and was subsequently left out of the transportation bill when House-Senate negotiations wrapped up last week. “There may be some other opportunity that comes up where we might be able to get a vote on it, but probably it ends up being an issue that gets litigated on the campaign trail this fall,” said Sen. John Thune (R-S.D.), the chairman of the Senate Republican Conference, in a short interview Friday. “The window ... actually get something done with it was probably here,” he said, referring to the transportation bill negotiations. “But you never know. There is always another legislative vehicle coming around, and so we will see what the options are if we can try and put it to them again, put everybody on the record on it.”

#### Plan will become a fight – it will spiral into debate over Keystone

**Schor, Environment and Energy Daily Reporter, 12**

(Elana, 1-30-12, Environment and Energy Daily, “POLITICS: Partisan battles loom over Keystone, drilling proposals,” Lexis, THW)

The House GOP this week will edge closer to a high-stakes, two-track confrontation with Senate Democrats and the Obama administration with a politically popular infrastructure measure serving as the battlefield.

House Speaker John Boehner (R-Ohio) announced yesterday that he will seek to override the president's veto of the Keystone XL pipeline as part of a long-term transportation bill -- if the oil link is not already advanced during bicameral payroll tax-cut talks. The move adds a second volatile issue to a typically noncontroversial infrastructure package that his chamber wants to pay for in part by expanding offshore and Alaskan drilling, which is opposed by most Democrats and the White House (see related stories).

"If [Keystone XL is] not enacted before we take up the American Energy and Infrastructure Jobs Act, it will be part of it," Boehner said of the pipeline in an interview with ABC's "This Week," referring to the GOP's title for its drilling-and-transportation package.

Boehner's comments stand to put new pressure on his Senate counterparts to go beyond the bipartisan, middle-ground approach to the infrastructure measure taken so far by their Environment and Public Works Committee. A two-year federal transportation bill passed unanimously last year by panel Chairwoman Barbara Boxer (D-Calif.) and ranking Republican James Inhofe of Oklahoma did not include language allowing new coastal oil production and in the Arctic National Wildlife Refuge (Greenwire, Nov. 9, 2011).

### AT – Plan Popular

#### Only a risk of a link – There’s always opposition to be overcome

Rosati, University of South Carolina Government and International Studies professor, 4

(Jerel A., THE POLITICS OF UNITED STATES FOREIGN POLICY, 2004, p. 388)

The fragmentation of public ideological and foreign policy beliefs gives a president great opportunities but also creates great risks. Unlike those in the 1950s, presidents now are no longer driven to pursue only an anticommunist containment policy. Yet it is unclear how far a president may go in pursuing any policy before losing public support. Presidents no longer come to office with automatic majorities behind their policies. No matter what the president and his advisers believe, a substantial number of Americans – in the mass public and especially the elite public – disagree, or are open to disagreement, with presidential policy. Hence, the continual presidential search for, and frustration in obtaining, consensus and policy legitimation.

### AT – Plan Popular with Public

#### Public popularity is irrelevant – Tea Party opposition overwhelms

**Tomasky, Democracy editor in chief, 11**

(Michael Tomasky is a liberal American columnist, journalist and author. He is the editor in chief of Democracy, a special correspondent for Newsweek / The Daily Beast, a contributing editor for The American Prospect, and a contributor to The New York Review of Books, 9/19/11, “America Needs Its Edge Back; Obama is right. We need new roads and schools. But the Tea Partiers will fight him all the way.” Lexis, THW)

The most pertinent bill in Congress is the one Obama name-checked in his speech: an infrastructure-bank proposal sponsored by Democratic Sen. John Kerry of Massachusetts and Republican Sen. Kay Bailey Hutchison of Texas. It's designed specifically to try to win bipartisan backing: the bank's initial funding would be only $10 billion; it would have to become self-sufficient within a few years; it would be overseen by an independent board; there's even a provision for making sure rural projects don't get shafted. The public-private nature of the proposal is key, says Congresswoman Rosa DeLauro of Connecticut, lead sponsor of a companion House bill. "If we can really bring clarity to that," she says, "we have a shot."

Hutchison, who got interested in infrastructure when George H.W. Bush appointed her to a commission, says she thinks the bill could appeal to Republicans, but she hasn't spent much time talking it up to her colleagues. "It's a kind of complicated and in-the-weeds type of legislation, so I have not tried to get a big sponsorship," she says. Kerry holds on to optimism. "The idea is so powerful and such common sense that my hope is that the better angels will prevail for the good of the country," he says. A member of the recently formed "supercommittee" tasked with meeting the spending numbers agreed to in the debt-ceiling deal, Kerry says that the panel has a broad-enough mandate that his bill could be included in any deficit-cutting agreement.

But that's an awfully tall order. Janet Kavinoky of the U.S. Chamber of Commerce says the chamber endorsed the Kerry-Hutchison plan and has backed the infrastructure-bank idea since 1982. Trying to get Republicans on board, she says, has been daunting. "We've got several who say, 'We believe you, and we'd like to do this,' but getting people to say publicly that they want to make infrastructure an exception is a real challenge."

This is all the more maddening because support for such investments among the general public is broad and deep and crosses ideological boundaries, notes Nicholas Turner, who heads transportation initiatives for the Rockefeller Foundation. "The bipartisan support was stunning," Turner says. In a poll the foundation commissioned in February, even 59 percent of Tea Party supporters considered infrastructure investment to be vital. But as long as Barack Obama is for it, the Tea Partiers in Washington will fight it.

#### No public engagement – public doesn’t prioritize transportation investment over fiscal discipline

Shane, Miller Center Director, 11

(Jeffrey, Fall 2011, Miller Center, “Are We There Yet? Selling America on Transportation” <http://web1.millercenter.org/conferences/report/conf_2011_transportation-Miller-Center.pdf>, accessed 7/8/12, JGC).

To set change in motion, however, there must first be public pressure for transportation investment and reform. Despite broad support in principle, however, active public engagement on these issues has been elusive. While many Americans experience the inefficiencies of our current transport systems on a daily basis, other impacts—such as the impact of lost productivity on the broader economy or the impact of high transportation costs on the price of goods—are less immediately obvious. Faced with other urgent concerns and economic challenges, many Americans believe we simply can’t afford to invest in transportation repairs and upgrades given our country’s current budget situation. Many also do not have faith that money allocated to transportation projects will be used in the most efficient and effective ways possible Simply put, there is a lack of confidence and trust in the ability of policymakers to make good decisions in transportation policy and planning. And without a mandate from the broader public, most policymakers don’t want to risk reforming the current system in a political landscape fraught with many other challenges and competing demands.

#### Public support doesn’t matter – politicians are greedy

Knott, University of Southern California School of Policy, Planning and Development professor, 12

(Jack H., March, Presidential Studies Quarterly, “The President, Congress, and the Financial Crisis: Ideology and Moral Hazard in Economic Governance,” p. 82, YGS)

How was it possible that senior economic officials in the president’s administration

and prior administrations did not see this crisis developing or pursue policies to avert

it? The basic argument of the article is that the system for governing the market—the

institutions, rules, regulations, and personnel practices that shape the way the market

operates—is central to understanding the development of and failure to anticipate the

financial crisis. In developing this argument, the article focuses on the role of the president

in interactions with the Congress, economic advisors, and the independent regulatory

agencies. Over the course of three decades leading up to the financial crisis, the give and take

of macroeconomic ideas representing different economic interests and professional views

converged into a common set of policy preferences and ideology across political parties, the

houses of Congress, the president, and professional experts. Reinforcing this development

was a powerful political moral hazard—a condition in which public officials and private

interests had strong incentives to take actions mutually beneficial to them but adverse

to the overall economy and the interests of the general public—that led to a decline

in institutional checks and balances in economic regulation. The system of economic

governance thus failed to function as envisioned, and thereby, contributed to the crisis.

### AT – Jobs Spin

#### Spinning the plan as jobs creation would hurt Obama’s political capital even more

Snider, POLITICO Pro transportation reporter, 11

[Adam, Politico, “Jobs focus setting up a roadblock?” Lexis, THW)

The Obama administration continues to fight for its American Jobs Act as a way to boost the sagging transportation construction sector. But Democrats, Republicans and the construction industry have all said the White House's focus is misdirected.

A six-year highway and transit reauthorization is the best possible way to boost the economy, lawmakers say. And backers of the long-term plans say singular focus on the jobs bill - though it puts a positive light on pressing infrastructure issues that don't always receive national attention - has been a distraction.

"Mr. President, the country doesn't need another stimulus like the last one" Pete Ruane, president of the American Road & Transportation Builders Association, wrote in a Washington Times op-ed in September. "The 2009 Recovery Act road and bridge initiative set the movement toward really improving the nation's transportation infrastructure back big time."

Opponents of President Barack Obama's proposal for $50 billion in stimulus-style transportation spending, along with $10 billion to capitalize a national infrastructure bank, say it's akin to putting a Band-Aid on a bullet wound. A better solution, they say, is a long-term, well-funded reauthorization that would create far more jobs than another round of stimulus spending.

For all the talk about a second round of stimulus spending, Obama's proposal would offer less money for roads and transit systems than one year of regular program funds. The stimulus-style spending also suffers from bad timing - a number of states will soon halt construction for the winter, meaning the sought-after jobs largely won't appear until next spring anyway.

But the White House wants to create jobs as quickly as possible and recognizes that if something sidetracks the reauthorization, Obama might not be around to sign a multiyear bill when it is finally approved. Eyeing the immediate future, the administration keeps fighting for another stimulus while staying out of the reauthorization debate.

West Virginia Rep. Nick Rahall, the top Democrat on the Transportation and Infrastructure Committee, says the White House's focus on the jobs proposal distracts from the much-needed long-term bill.

#### Spin fails – transportation policy drains capital – Tea Party, energy salience, and local politics ensure the link

**Johnson, National Journal correspondent, 3/13/12**

Fawn Johnson is a correspondent for National Journal, covering a range of issues including immigration, transportation and education. Johnson is a long-time student of Washington policymaking, previously reporting for Dow Jones Newswires and the Wall Street Journal where she covered financial regulation and telecommunications, 3/13/12, “House GOP Cools to Senate Highway Bill,” Lexis, THW)

Bipartisanship, investment, job creation: What's not to love about the two-year surface-transportation bill that the Senate is poised to pass on Wednesday?

Maybe that it's not going anywhere.

Despite threatening, there is no indication that House Speaker John Boehner, R-Ohio, will actually bring the Senate-passed version to the floor when the House returns next week. House GOP leaders are still hammering out a five-year bill akin to the speaker's original plan that would streamline transportation programs and tie additional highway funding to domestic oil drilling. They can't count on any Democratic votes, so Republican leaders face the task of appeasing their own caucus.

House Republicans don't like the idea of passing a Senate bill. It's just not clear whether they can agree on anything else. Boehner spokesman Michael Steel said House members are "actively pursuing" a "better alternative." Another staffer called the Senate bill "a crap sandwich that we're going to have to eat" if members can't agree on a different transportation bill.

This week, House leaders, Transportation and Infrastructure Chairman John Mica, R-Fla., and other committee members are doing a lot of explaining about how Mica's surface-transportation bill would affect the federal government or their districts. One member sought adjustments already contained in the bill, according to an aide. Committee Republicans also are inserting minor tweaks into the bill when they can. For example, some rural members wanted to change a provision pertaining to horse trailers.

But the real persuasion game comes from beating up the White House. Some rank-and-file members worry that in passing the Senate's two-year bill, they would hand President Obama another political win, according to another aide. Two years is extremely short in terms of highway planning and construction funding, and going with a short-term measure could give Obama another crack at enacting an ambitious highway package if he's reelected.

Reversing themselves now could be a dicey bit of jockeying for some of the new, hard-line House GOP members, since they protested the most about Boehner's original plan. But they may have no choice. The idea that Obama would write the next bill is likely to irk the tea party, and that's exactly whose support Boehner needs to pass his version. The Transportation Department has no problem advocating for big increases in infrastructure investment, precisely the opposite of tea party dogma. In his 2013 budget proposal, the president proposed $476 billion for a six-year surface-transportation mechanism, which is about $200 billion more than House Republicans are proposing, and at least $150 billion more than current infrastructure spending.

Members also are getting pressure in their districts. With so many new members of Congress, it's hard for some freshmen to grasp the (albeit wonky) importance of a fairly unwieldy government program. On its face, the federal transportation system runs counter to their ideology. So committee members and staff have told the transportation industry to target members at home during recess and explain the need for a long-term bill.

### AT – Obama Not Involved

#### Gridlock and GOP obstructionism forces Obama’s involvement – draining his political capital

**Nance, Washington Current editor and publisher, 12**

(Scott, 2/15/12, The Democratic Daily, “Partisan Sniping Infects Even The Bipartisan Transportation Bill,” Lexis, THW)

Partisanship has begun to overtake the bipartisanship which Sens. Inhofe, left, and Boxer once forged on the new transportation bill.

Last fall, Democrats and Republicans on the Senate Environment and Public Works (EPW) Committee together linked arms to unanimously approve a new federal transportation bill.

The committee's liberal chairwoman, Sen. Barbara Boxer (D-Calif.) and conservative ranking Republican, Sen. James Inhofe of Oklahoma, alike cheered the ability of the legislation, known as S. 1813, to put Americans back to work nationwide.

Sadly, that Kumbaya moment just couldn't last.

Now that it's moved from committee to the Senate floor, even this rare bill to achieve extraordinary bipartisan support has fallen victim to partisan sniping.

Boxer complained Monday about an effort by Republican senators to introduce controversial, unrelated amendments to the highway bill, which would authorize the government to spend $109 billion over two years on roads, bridges and other transportation infrastructure.

"We're trying to get out of this recession. This is a jobs bill that's just waiting to happen. We have myself and Senator Inhofe as partners in this effort. We want to get to this highway bill," she says. "Listen, we have to put aside these wedge issues, these 'gotcha' issues. We have business after business after business that is struggling. This is a bipartisan bill. This will save 1.8 million jobs and create an additional million jobs."

Meanwhile, Inhofe himself was busy making sure President Obama couldn't take any credit for the transportation bill, if it were to pass.

"The bottom line is that the President's involvement is detrimental to our bipartisan efforts. Whenever the President gets involved in transportation infrastructure, he turns it in to a partisan, political issue," Inhofe says. "Remember back to his $787 billion failed stimulus bill, the one he claimed was an infrastructure bill? Despite all of his talk, only 3% went for infrastructure, 3% went for defense, and the rest went to liberal social engineering."

#### Obama knows transportation faces opposition – that’s why he’ll get involved and lose political capital

**Freemark, Master of Science in Transportation from MIT, 12**

(Yonah Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology; Bachelor of Arts in Architecture, Department of Civil and Environmental Engineering, Yale University with Distinction. Also a freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; The Atlantic Cities; Next American City Online; and The Infrastructurist, 2/14/12, “The President’s Budget: Full of Ambition, Short on Congressional Support,” <http://www.thetransportpolitic.com/2012/02/14/the-presidents-budget-full-of-ambition-short-on-congressional-support/>, Accessed 7/9/12, THW)

The White House has introduced a budget — and a reauthorization proposal — that would significantly increase investment in transportation infrastructure over the next six years. Though the legislation as currently designed will not be passed into law because of reluctance from Congress, the Obama Administration’s continued efforts to expand funding for sustainable mobility options are to be praised.

Over the course of the next six years, the Administration proposes significant expansions in transit and rail spending, increasing those programs from 22.9% of the overall DOT budget for surface transportation in fiscal year 2013 (and 21% in actual spending in FY 2011) to 35.7% of the budget in FY 2018. See table below. Though expenditures on highways would increase significantly as well, it would be in public transportation modes that the real expansion would be made. Significant spending on intercity rail — almost $50 billion over six years — as well as new transit capital projects ($21 billion) and state of good repair (SOGR, at $32 billion) would be the most important contributions of the program.

In addition to revenues from the fuel tax (which no one seems willing to advocate increasing), the White House proposes to pay for its transportation bill by reducing the size of the Overseas Contingency Operations fund, which is used to support armed operations abroad. Because of the decision to pull out of Iraq and Afghanistan, the amount of money needed for this purpose is lessened, and thus the possibility of expanding spending on transportation.

Most of the President’s proposal is unlikely to see the light of day in the House of Representatives, controlled by Republicans newly hostile to the idea of using Highway Trust Fund revenues to pay for transit projects. Yet their proposal would create a $78 billion funding shortfall in the Highway Trust Fund over the next ten years according to an analysis by the Congressional Budget Office. That’s with $0 committed to transit! The Administration proposal, on the other hand, is fully funded (or at least accounted for\*) and would transform the Highway Trust Fund into the much more reasonably titled Transportation Trust Fund; the priorities of each piece of legislation are very clear.

The defection of several House Republicans away from their own party’s transportation bill suggests that the legislation may not even get out of their chamber. At this point, the Senate’s bipartisan, mostly status-quo-extending two-year transportation reauthorization bill is now the most likely of all three proposals to be official government policy by the end of the spring. But even it faces the strong possibility of being ditched in favor of a simple extension of the existing bill, which will expire on March 31 according to the current law.

Nonetheless, the Obama Administration’s plans for this expansion in transit funding, which mirror similar proposals from previous years, are a reminder of the ambitions for improved transportation that are possible in this country but continue to be derailed by political forces hostile to the idea of investing in the nation’s infrastructure. This is a serious proposal to significantly improve the state of the nation’s rail and bus systems — if we choose to take it.

### AT – No Blame

#### Zero sum nature of politics ensures president is assigned political blame

Fitts, Professor of Law at the University of Pennsylvania Law School, 96

(Michael, “The Paradox of Power in the Modern State,” *University of Pennsylvania Law Review,* January, 144 U. Pa. L. Rev. 827, Lexis, accessed 7-8-09, AB)

To the extent that the modern president is subject to heightened visibility about what he says and does and is led to make increasingly specific statements about who should win and who should lose on an issue, his ability to mediate conflict and control the agenda can be undermined. The modern president is supposed to have a position on such matters as affirmative action, the war in Bosnia, the baseball strike, and the newest EPA regulations, the list is infinite. Perhaps in response to these pressures, each modern president has made more speeches and taken more positions than his predecessors, with Bill Clinton giving three times as many speeches as Reagan during the same period. In such circumstances, the president is far less able to exercise agenda control, refuse to take symbolic stands, or take inconsistent positions. The well-documented tendency of the press to emphasize the strategic implications of politics exacerbates this process by turning issues into zero-sum games.

#### Presidency is the focal point of politics – president gets the credit or the blame

Rosati, University of South Carolina Government and International Studies professor, 4

(Jerel A., THE POLITICS OF UNITED STATES FOREIGN POLICY, 2004, p. 80)

Given the popular image of presidential power, presidents receive credit when things are perceived as going well and are blamed when things go badly. Unfortunately, American politics and the policy process are incredibly complex and beyond considerable presidential control. With so many complex issues and problems to address – the debt problem, the economy, energy, welfare, education, the environment, foreign policy – this is a very demanding time to be president. As long as presidential promises and public expectations remain high, the president’s job becomes virtually an impossible task. Should success occur, given the lack of presidential power, it is probably not by the president’s own design. Nonetheless, the president – the person perceived to be the leader of the country – will be rewarded in terms of public prestige, greater power, and reelection (for him or his successor). However, if the president is perceived as unsuccessful – a failure – this results not only in a weakened president but one the public wants replaced, creating the opportunity to challenge an incumbent president or his heir as presidential nominee.

### AT – Plan Not Perceived

#### Salience ensures a link – policies that are salient with the public receive congressional scrutiny

Rosati, University of South Carolina Government and International Studies professor, 04

(Jerel A., THE POLITICS OF UNITED STATES FOREIGN POLICY, 2004, p. 309-11)

The third pattern to consider is that Congress is the ultimate political body within the U.S. government. Members of Congress are “political animals” who are preoccupied with their institutional status and power, their electoral security, and how they are perceived within and beyond the Washington beltway. They tend to be obsessed with reelection and are constantly soliciting funds from private contributors for reelection campaigns. A preoccupation with reelection also makes them overly sensitive to public perceptions, political support, political trends, and their public images. If the public and their constituents are interested in an issue and have staked out a position, members of Congress tend to reflect the dominant public mood. If the public is uninterested, members of Congress have more freedom of action; yet they are constantly pressured by the president, executive agencies, congressional colleagues, special interest groups, and their constituents.

## Generic – Transportation

### Spending – Unpopular

#### Transportation funding unpopular – public doesn’t perceive need

Orski, Innovation NewsBriefs publisher, 12

(Ken, 2/5/12, New Geography “WHY PLEAS TO INCREASE INFRASTRUCTURE FUNDING FALL ON DEAF EARS,” http://www.newgeography.com/content/002662-why-pleas-increase-infrastructure-funding-fall-deaf-ears, accessed 7/2/12, JGC)

There are various theories why appeals to increase infrastructure spending do not resonate with the public. One widely held view is that people simply do not trust the federal government to spend their tax dollars wisely. As proof, evidence is cited that a great majority of state and local transportation ballot measures do get passed, because voters know precisely where their tax money is going. No doubt there is much truth to that. Indeed, thanks to local funding initiatives and the use of tolling, state transportation agencies are becoming increasingly more self-reliant and less dependent on federal funding Another explanation, and one that I find highly plausible, has been offered by Charles Lane, editorial writer for the Washington Post. Wrote Lane in an October 31, 2011 Washington Post column, "How come my family and I traveled thousands of miles on both the east and west coast last summer without actually seeing any crumbling roads or airports? On the whole, the highways and byways were clean, safe and did not remind me of the Third World countries. ... Should I believe the pundits or my own eyes?" asked Lane ("The U.S. infrastructure argument that crumbles upon examination"). Along with Lane, I think the American public is skeptical about alarmist claims of "crumbling infrastructure" because they see no evidence of it around them. State DOTs and transit authorities take great pride in maintaining their systems in good condition and, by and large, they succeed in doing a good job of it. Potholes are rare, transit buses and trains seldom break down, and collapsing bridges, happily, are few and far between.

### Spending – GOP Opposition

#### GOP opposes new transportation infrastructure spending

The Economist, 11

(04-28-11, “Life in the slow lane,” The Economist, <http://www.economist.com/node/18620944/print>, accessed 07-05-12, VZ)

Economists press for direct user fees. An early Obama administration flirtation with a tax on miles driven attracted little support, but some cities have run, or are thinking of running, pilot schemes. Congestion charges present another possibility. State governments have increasingly turned to tolls to fund individual projects, but tolling inevitably meets stiff public resistance. Meanwhile, Manhattan’s attempt to duplicate the congestion charges of London and Stockholm failed to win the necessary political support, despite the offer of a generous federal subsidy in return for trying the experiment. An earlier attempt to auction scarce landing and departure slots at New York’s three large airports faced stiff resistance from airlines and was ultimately killed. Whatever the source of new revenue, America’s Byzantine funding system will remain an obstacle to improved planning. Policymakers are looking for ways around these constraints. Supporters of a National Infrastructure Bank—Mr Obama among them—believe it offers America just such a shortcut. A bank would use strict cost-benefit analyses as a matter of course, and could make interstate investments easier. A European analogue, the European Investment Bank, has turned out to work well. Co-owned by the member states of the European Union, the EIB holds some $300 billion in capital which it uses to provide loans to deserving projects across the continent. EIB funding may provide up to half the cost for projects that satisfy EU objectives and are judged cost-effective by a panel of experts. American leaders hungrily eye the private money the EIB attracts, spying a potential solution to their own fiscal dilemma. But there are no free lunches. To keep project costs down, the bank must offer low rates, which depend in turn upon low capital costs. That may be impossible without government backing, but the spectacular failure of the two government-sponsored housing organisations, Fannie Mae and Freddie Mac, illustrates the dangers of such an arrangement. The EIB mitigates this problem by attempting to maximise public return rather than profit. To earn funding, projects must meet developmental and environmental goals, along with other requirements. But giving the bank a public mission would invite congressional oversight—and tempt legislators to meddle in funding decisions. The right balance of government support and independence may prove elusive. Budget crises could give a boost to public-private partnerships. Partnerships can be a useful way to screen out poorly conceived projects that are unlikely to generate the promised returns. No private firm will bid to build and operate a project that will probably fail to cover its costs through toll or fare revenue. Well-designed contracts can also improve incentives by giving the construction firm a long-run interest in the project. Infrastructure projects built through public-private partnerships in Britain and Chile, where the arrangement is far more common than in America, have sometimes, though not always, been completed more cheaply and quickly than public plans. At the state and local level transport budgets will remain tight while unemployment is high. With luck, this pressure could spark a wave of innovative planning focused on improving the return on infrastructure spending. The question in Washington, apart from how to escape the city on traffic-choked Friday afternoons, is whether political leaders are capable of building on these ideas. The early signs are not encouraging. Mr Obama is thinking big. His 2012 budget proposal contains $556 billion for transport, to be spent over six years. But his administration has declined to explain where the money will come from. Without new funding, some Democratic leaders have warned, a new, six-year transport bill will have to trim annual highway spending by about a third to keep up with falling petrol-tax revenues. But Republicans are increasingly sceptical of any new infrastructure spending. Party leaders have taken to using inverted commas around the word “investment” when Democrats apply it to infrastructure. Roads, bridges and railways used to be neutral ground on which the parties could come together to support the country’s growth. But as politics has become more bitter, public works have been neglected. If the gridlock choking Washington finds its way to America’s statehouses too, then the American economy risks grinding to a standstill.

#### Increased spending will trigger the link

Freemark, Master of Science in Transportation from MIT, 4/2/12

(Yonah Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology; Bachelor of Arts in Architecture, Department of Civil and Environmental Engineering, Yale University with Distinction. Also a freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; The Atlantic Cities; Next American City Online; and The Infrastructurist, 4/2/12, “If Washington Can’t Commit, Chicago is Ready to Go It Alone,” <http://www.thetransportpolitic.com/2012/04/02/if-washington-cant-commit-chicago-is-ready-to-go-it-alone/>, Accessed 7/9/12, THW)

What a contrast to the U.S. Congress, an allusion to which I can hardly overlook in this context. Last week, House and Senate officials pushed forward an extension of the existing surface transportation legislation — the ninth such extension since SAFETEA-LU, the previous law, originally was supposed to expire in 2009.

The problem, suffice it to say, is not cowardice or nonsense political wheeling-dealing, but rather relatively minor — but painfully partisan — differences in perspective on the national transportation system. Over in the House, Republicans have campaigned for no increase in spending on mobility infrastructure (under the guise of fiscal moderation, with the goal of remaining within the constraints imposed by revenues provided by the Highway Trust Fund). Transit and other alternative mobility programs have been put under threat. In the Senate, Democrats promoted (and passed) a small increase in overall funding through a diversion of money from general (non-gas tax) revenues.

#### Transportation Infrastructure Spending inevitably drains capital – GOP obstruction ensures

**Tomasky, Democracy editor in chief of Democracy, 11**

(Michael, 9/19/11, “America Needs Its Edge Back; Obama is right. We need new roads and schools. But the Tea Partiers will fight him all the way.” Lexis, THW)

Finally, Barack Obama found the passion. "Building a world-class transportation system is part of what made us an economic superpower," he thundered in his jobs speech on the evening of Sept. 8. "And now we're going to sit back and watch China build newer airports and faster railroads? At a time when millions of unemployed construction workers could build them right here in America?"

Obama's urgency was rightly about jobs first and foremost. But he wasn't talking only about jobs when he mentioned investing in America--he was talking about our competitiveness, and our edge in the world. And it's a point he must keep pressing.

In a quickly reordering global world, infrastructure and innovation are key measures of a society's seriousness about its competitive drive. And we're just not serious. The most recent infrastructure report card from the American Society of Civil Engineers gives the United States a D overall, including bleak marks in 15 categories ranging from roads (D-minus) to schools and transit (both D's) to bridges (C). The society calls for $2.2 trillion in infrastructure investments over the next five years.

On the innovation front, the country that's home to Google and the iPhone still ranks fourth worldwide in overall innovation, according to the Information Technology & Innovation Foundation (ITIF), the leading think tank on such questions, which conducts a biannual ranking. But we might not be there for long. In terms of keeping pace with other nations' innovation investments--"progress over the last decade," as ITIF labels it--we rank 43rd out of 44 countries.

What's the problem? It isn't know-how; this is still America. It isn't identifying the needs; they've been identified to death. Nor is it even really money. There are billions sitting around in pension funds, equity funds, sovereign wealth funds, just waiting to be spent.

The problem--of course--is politics. The idea that the two parties could get together and develop bold bipartisan plans for massive investments in our freight-rail system--on which the pro-business multiplier effects would be obvious--or in expanding and speeding up broadband (it's eight times faster in South Korea than here, by the way) is a joke. Says New York University's Michael Likosky: "We're the only country in the world that is imposing austerity on itself. No one is asking us to do it."

There are some historical reasons why. Sherle Schwenninger, an infrastructure expert at the New America Foundation, a leading Washington think tank, says that a kind of anti-bigness mindset developed in the 1990s, that era in which the besotting buzzwords were "Silicon Valley" and "West Coast venture capital." Wall Street began moving away from grand projects. "In that '90s paradigm, the New Economy-Silicon Valley approach to things eschewed the public and private sectors' working together to do big things," Schwenninger says. "That model worked for software, social media, and some biotech. But the needs are different today."

That's true, but so is the simple point that the Republican Party in Washington will oppose virtually all public investment. The party believes in something like Friedrich von Hayek's "spontaneous order"--that is, get government off people's backs and they (and the markets they create) will spontaneously address any and all problems. But looking around America today, can anyone seriously conclude that this is working?

#### Transportation spending drains capital – election proves the link

**Szakonyi, Journal of Commerce Associate Editor, 3/20/12**

(Mark Szakonyi, Associate Editor for the Journal of Commerce – focusing on reporting rail and intermodal issues, regulation and policy out of the JOC’s Washington, D.C., bureau. Journal of Commerce, 3/20/12, lexis, THW)

House Republicans are considering a short-term extension of the surface transportation bill instead of adopting the Senate's two-year plan.

The decision to seek an extension as the March 31 deadline nears signals that the fight over transportation spending could become even more partisan as the presidential election nears. House Republicans are looking to push an extension of current spending for the ninth time, House Transportation and Infrastructure Committee Chairman John Mica, R.-Fla., told attendees of an American Association of Port Authorities conference, where he was honored as Port Person of the Year.

His statement on Tuesday was a clear sign that Republicans won't heed Senate leaders' and President Obama's call to adopt the Senate's $109 billion plan. Mica said he hoped the extension would be exempt from riders, which helped lead to a shutdown of the Federal Aviation Administration last summer .

#### Transportation policy ensures loss of political capital – Republican obstructionism proves

**Freemark, Master of Science in Transportation from MIT, 11**

(Yonah Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology; Bachelor of Arts in Architecture, Department of Civil and Environmental Engineering, Yale University with Distinction. Also a freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; The Atlantic Cities; Next American City Online; and The Infrastructurist, 1/25/11, “Understanding the Republican Party’s Reluctance to Invest in Transit Infrastructure,” <http://www.thetransportpolitic.com/2011/01/25/understanding-the-republican-partys-reluctance-to-invest-in-transit-infrastructure/>, Accessed 7/9/12, THW)

Conservatives in Congress threaten to shut down funding for transit construction projects and investments in intercity rail. One doesn’t have to look far to see why these programs aren’t priorities for them. Late last week, a group of more than 165 of the most conservative members of the House of Representatives, the Republican Study Committee, released a report that detailed an agenda to reduce federal spending by $2.5 trillion over ten years. Spurred on by increasing public concern about the mounting national debt, the group argues that the only choice is to make huge, painful cuts in government programs. With the House now in the hands of the Republican Party, these suggestions are likely to be seriously considered. Transportation policy is prominent on the group’s list, no matter President Obama’s call for investments in the nation’s transportation infrastructure, expected to be put forward in tonight’s state of the union address. Not only would all funding for Amtrak be cut, representing about $1.5 billion a year, but the Obama Administration’s nascent high-speed rail program would be stopped in its tracks. A $150 million commitment to Washington’s Metro system would evaporate. Even more dramatically, the New Starts program, which funds new rail and bus capital projects at a cost of $2 billion a year, would simply disappear. In other words, the Republican group suggests that all national government aid for the construction of new rail or bus lines, intercity and intra-city, be eliminated. These cuts are extreme, and they’re not likely to make it to the President’s desk, not only because of the Democratic Party’s continued control over the Senate but also because some powerful Republicans in the House remain committed to supporting public transportation and rail programs. But how can we explain the open hostility of so many members of the GOP to any federal spending at all for non-automobile transportation? Why does a transfer of power from the Democratic Party to the Republicans engender such political problems for urban transit? We can find clues in considering the districts from which members of the House of Representatives of each party are elected. As shown in the chart above (in Log scale), there was a relatively strong positive correlation between density of congressional districts and the vote share of the Democratic candidate in the 2010 elections. Of densest quartile of districts with a race between a Democrat and a Republican — 105 of them, with a density of 1,935 people per square miles or more — the Democratic candidate won 89. Of the quartile of districts with the lowest densities — 98 people per square mile and below — Democratic candidates only won 23 races. As the chart below demonstrates (in regular scale), this pattern is most obvious in the nation’s big cities, where Democratic Party vote shares are huge when densities are very high. This pattern is not a coincidence. The Democratic Party holds most of its power in the nation’s cities, whereas the GOP retains greater strength in the exurbs and rural areas. The two parties generally fight it out over the suburbs. In essence, the base of the two parties is becoming increasingly split in spatial terms: The Democrats’ most vocal constituents live in cities, whereas the Republicans’ power brokers would never agree to what some frame as a nightmare of tenements and light rail. What does this mean? When there is a change in political power in Washington, the differences on transportation policy and other urban issues between the parties reveal themselves as very stark. Republicans in the House of Representatives know that very few of their constituents would benefit directly from increased spending on transit, for instance, so they propose gutting the nation’s commitment to new public transportation lines when they enter office. Starting two years ago, Democrats pushed the opposite agenda, devoting billions to urban-level projects that would have been impossible under the Bush Administration. Highway funding, on the other hand, has remained relatively stable throughout, and that’s no surprise, either: The middle 50% of congressional districts, representing about half of the American population, features populations that live in neighborhoods of low to moderate densities, fully reliant on cars to get around. It is only in the densest sections of the country that transit (or affordable housing, for instance) is even an issue — which is why it appears to be mostly of concern to the Democratic Party. Republicans in the House for the most part do not have to answer to voters who are interested in improved public transportation. This situation, of course, should be of significant concern to those who would advocate for better transit. To put matters simply, few House Republicans have any electoral reason to promote such projects, and thus, for the most part they don’t. But that produces a self-reinforcing loop; noting the lack of GOP support for urban needs, city voters push further towards the Democrats. And sensing that the Democratic Party is a collection of urbanites, those from elsewhere push away. It’s hard to know how to reverse this problem. Many Republicans, of course, represent urban areas at various levels of government. No Democrat, for instance, has won the race for New York’s mayoralty since 1989. And the Senate is a wholly different ballgame, since most states have a variety of habitation types. As Bruce McFarling wrote this week, there are plenty of reasons for Republicans even in places of moderate density to support such investments as intercity rail. But the peculiar dynamics of U.S. House members’ relatively small constituent groups, in combination with the predilection of state legislatures to produce gerrymandered districts designed specifically to ensure the reelection of incumbents, has resulted in a situation in which there is only one Republican-controlled congressional district with a population density of over 7,000 people per square mile. And that’s in Staten Island, hardly a bastion of urbanism. With such little representation for urban issues in today’s House leadership, real advances on transport issues seem likely to have to wait.

### Spending – Partisanship

#### Transportation funding triggers massive debate – sides can’t agree

Wall Street Journal, 12

(04-16-12, “Why Your Highway Has Potholes,” The Wall Street Journal, p. A14, VZ)

Nothing shows off the worst of Congress like a highway bill. And this year's scramble for cash is worse than ever because the 18.4 cent a gallon gasoline tax will raise $70 billion less than the $263 billion Congress wants to spend over the next five years. Let the mayhem ensue.

The Senate has passed a two-year $109 billion bill sponsored by Barbara Boxer of California that bails out the highway trust fund with general revenues, including some $12 billion for such nonessentials as the National Endowment for the Oceans and the Land and Water Conservation Fund. The bill requires little or no reform. The prevailing Senate view is the more concrete that gets poured, the more jobs back home. So more "shovel-ready" nonstimulus.

House Republicans oppose the Senate version amid a $1.3 trillion deficit and have their own bill to give states more flexibility—though still not enough—on how to spend transportation dollars. Congress had to pass a temporary 90-day extension of highway funding through June 30 because the two sides can't agree.

What's missing is any new thinking. Clear evidence of inefficient transportation spending comes from a new Treasury study estimating that traffic gridlock costs motorists more than $100 billion a year in delays and wasted gas. In cities like Los Angeles, commuters waste the equivalent of two extra weeks every year in traffic jams. This congestion could be alleviated by building more highway lanes where they are most needed and using market-based pricing—such as tolls—for using roads during peak travel times.

### Infrastructure – Political Capital

#### Transportation infrastructure requires substantial expenditure of political capital

The Economist Gulliver (Business Travel) blog, 11

(Aug, 20, “Why do Americans have so much trouble with infrastructure projects?”, <http://www.economist.com/blogs/gulliver/2011/08/high-speed-rail-boondoggles>, accessed: 7/5/12, ML)

MATT YGLESIAS is upset that his fellow progressives are attacking California's planned high-speed rail system as a "boondoggle":

I think it’s sad that in the United States, talk of the fact that building a high-speed rail network in California, home to 12 percent of the American population, might cost something in the $40-$80 billion range prompts infighting amongst progressives as to whether that’s too high a price even while the Fiscal Year 2012 budget request for the war in Afghanistan is $113.7 billion dollars for one year. In Iraq, where $805.8 billion has already been spent and the war is “over,” $17.7 billion more has been requested for FY 2012. Heck, the total construction costs here are just two or three years’ worth of federal farm subsidies, and I hardly think the California HSR project could be completed on a three-year schedule anyway. So it’s not like this is an inconceivable sum.

Mr Yglesias claims this is all a result of how the American political system is "wired" for "large-scale, complicated, highly uncertain public sector undertakings in foreign countries relative to proposals for large-scale, complicated, highly uncertain public sector undertakings in the United States." This is true—It's certainly easier for an American president to start bombing Libya than to, say, introduce a massive reorganization of the world's largest health care market. But it's worth remembering that America recently did both those things.

It's not just that the American political system makes it hard to launch big public sector undertakings at home. It's also that even when the America's liberals do get the (admittedly rare) chance to launch a big public sector project at home, there is a long list of things that take precedence over infrastructure development. The American left has a lot more ground to cover before it gets to the point where infrastructure projects like high-speed rail are a top priority.

The United States is still embroiled in a large-scale argument over size and scope of the state that is far fiercer than in the rest of the first world. Britain's Conservatives don't propose dismantling the National Health Service. Progressives can wish that lefty legislators and politicians had more energy to focus on pushing large-scale, complicated infrastructure projects. But for better or worse, those politicians seemed focused on expanding (or preserving) the government's social insurance programmes. The Democrats' Affordable Care Act is, by any measure, a "large-scale, complicated, highly uncertain" undertaking, and while it relies on private sector insurance, it has huge public-sector components. It also has the kind of national scope that all but the most comprehensive infrastructure projects lack.

Mr Yglesias is right, of course, that "we ought to be disturbed by the fact that rail construction costs in the United States seem to be senseless[ly] high in part thanks to bad regulations," and "the fact that there are hugely expensive road boondoggles." But the current Republican Congress has very little interest in expanding high-speed rail, and it's hard to blame the previous Democratic Congress for focusing its time and political capital on health care reform, financial regulatory reform, and (to a lesser extent) global climate change, perhaps at the expense of infrastructure investment.

#### Transportation funding will require substantial political capital

**Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 10**

(Yonah, December 29th, 2010, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “After Two Years of Democratic Control in Washington, A Transportation Roundup”, http://www.thetransportpolitic.com/2010/12/29/after-two-years-of-democratic-control-in-washington-a-transportation-roundup/ , ML, accessed: 7/8)

Two years of Democratic Party power in Washington, then, meant quite a few improvements to the nation’s transportation policy-making, bringing to the fore projects that have been largely ignored by the government for decades. The Obama Administration and its allies in Congress have made clear their collective interest in funding projects that are founded on the idea that transportation can be an important element in the creation of livable cities. This represents a significant and positive change from past federal policy. But there is more work to be done.

Republican control of the House of Representatives is unlikely to simplify the extension of many of the new programs undertaken over the past two years — from high-speed rail to TIGER. Though these programs have faced some controversy and should be made more transparent, they have been well-managed, largely fair in their distribution of grants, and, crucially, have spread funding to cities across the country, in both Red and Blue states. In order to assure their future, President Obama will have to articulate their positive effects nationwide and advance ways to fund them that appear bipartisan and consensus-worthy.

Will he make the effort to do so when the nation has so many other pressing needs? Is there enough political support on either side of the aisle to maintain a major federal commitment to transport policies that do not revolve around the construction of highways?

#### Transportation policy drains Obama’s political capital

Freemark, Master of Science in Transportation from MIT, 1/25/12

(Yonah Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology; Bachelor of Arts in Architecture, Department of Civil and Environmental Engineering, Yale University with Distinction. Also a freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; The Atlantic Cities; Next American City Online; and The Infrastructurist, 1/25/12, “On Infrastructure, Hopes for Progress This Year Look Glum” <http://www.thetransportpolitic.com/2012/01/25/on-infrastructure-hopes-for-progress-this-year-look-glum/>, Accessed 7/9/12, THW)

The contributions of the Obama Administration to the investment in improved transportation alternatives have been significant, but it was clear from the President’s State of the Union address last night that 2012 will be a year of diminished expectations in the face of a general election and a tough Congressional opposition.

Mr. Obama’s address, whatever its merits from a populist perspective, nonetheless failed to propose dramatic reforms to encourage new spending on transportation projects, in contrast to previous years. While the Administration has in some ways radically reformed the way Washington goes about selecting capital improvements, bringing a new emphasis on livability and underdeveloped modes like high-speed rail, there was little indication in the speech of an effort to expand such policy choices. All that we heard was a rather meek suggestion to transform a part of the money made available from the pullout from the Afghanistan and Iraq conflicts — a sort of war dividend whose size is undefined — to “do some nation-building right here at home.”

If these suggestions fell flat for the pro-investment audience, they were reflective of the reality of working in the context of a deeply divided political system in which such once-universally supported policies as increased roads funding have become practically impossible to pursue. Mr. Obama pushed hard, we shouldn’t forget, for a huge, transformational transportation bill in early 2011, only to be rebuffed by intransigence in the GOP-led House of Representatives and only wavering support in the Democratic Senate. For the first term at least, the Administration’s transportation initiatives appear to have been pushed aside.

Even so, it remains to be seen how the Administration will approach the development of a transportation reauthorization program. Such legislation remains on the Congressional agenda after three years of delays (the law expires on March 31st). There is so far no long-term solution to the continued inability of fuel tax revenues to cover the growing national need for upgraded or expanded mobility infrastructure. But if it were to pass, a new multi-year transportation bill would be the most significant single piece of legislation passed by the Congress in 2012.

The prospect of agreement between the two parties on this issue, however, seems far-fetched. That is, if we are to assume that the goal is to complete a new and improved spending bill, rather than simply further extensions of the existing legislation. The House could consider this month a bill that would fund new highways and transit for several more years by expanding domestic production of heavily carbon-emitting fossil fuels, a terrible plan that would produce few new revenues and encourage more ecological destruction. Members of the Senate, meanwhile, have for months been claiming they were “looking” for the missing $12 or 13 billion to complete its new transportation package but have so far come up with bupkis. The near-term thus likely consists of either continued extensions of the current law or a bipartisan bargain that fails to do much more than replicate the existing law, perhaps with a few bureaucratic reforms.

### Infrastructure – Congressional Oppostion

Even though the transportation bill passed – funding for transportation is unpopular

Cassata, Associated Press Political Editor, 7/9/12

(Donna, Associated Press, “Conservatives make it rough for business,” <http://www.wtvm.com/story/18976891/gop-conservatives-make-it-rough-for-business>, accessed 7/9/12, YGS)

"The world has changed," Chocola said in an interview. "People understand that the size and scope of government is not just entitlements. It's also transportation bills. It's also programs like Ex-Im bank. It's corporate welfare as well. And things that have automatically been reauthorized are being questioned as to whether that's really good policy and whether we can afford it."

Blair Latoff, a spokeswoman for the Chamber, said the organization understands that lawmakers are not going to agree with it 100 percent of the time.

Democratic Sen. Maria Cantwell of Washington state, home to major Boeing facilities, recalled at least five or six times when reauthorization of the Export-Import Bank occurred with no problems.

"All of sudden to throw it up in that kind of disarray when we need to win in the international marketplace - we need to be competitive in getting U.S. manufacturers products into international markets," she said in an interview. "It was definitely disappointing."

Brian Hansen, vice president of Dustrol Inc., an asphalt recycling and resurfacing company in Towanda, Kan., came face to face with the new political reality on the transportation bill.

Hansen was part of a group of Kansas construction industry executives who met with the state's congressional delegation and staff in May to press for the transportation bill.

"They are all in favor of it but nobody wants to fund it. That's the big problem," Hansen said. "It all boils down to money and how are we going to pay for it. With the economy and all the other issues going on, everybody is very reluctant to talk about funding anything with any type of increase, which is ridiculous when infrastructure is one of the few things the federal government should be involved in."

Freshman Republican Rep. Tim Huelskamp of Kansas was one of those who voted against both the Ex-Im Bank and the transportation package. "Conservative folks like myself believe in the marketplace making decisions," he said.

#### There is bipartisan opposition to transportation infrastructure projects

Utt, Heritage Foundation Institute for Economic Studies senior research, 11

(Ronald, 03-04-11, The Heritage Foundation, “President Obama Busts the Budget for Pie-in-the-Sky Amtrak and “Livability” Proposals” <http://www.heritage.org/research/reports/2011/03/transportation-spending-busting-the-budget-for-amtrak-and-livability>, accessed: 7-03-12, VZ)

President Obama’s budget proposal for fiscal year (FY) 2012 is an unabashed attempt to grow government and add $1 trillion to the national debt. While a detailed review of the flaws in the President’s budget is beyond the scope of this paper,[1] one of the budget’s more fiscally irresponsible components is the proposal to increase surface “transportation” spending by more than 84 percent (from $58 billion to $107 billion) over FY 2010 spending levels.[2] To put this in context: The President’s overall spending totals for the same period would rise by 7.9 percent, so transportation spending would rise more than 10 times faster than all programs combined. As proposed by the President, this would be a one-time blast of money. In the next fiscal year (2013), total transportation spending would decline by $30 billion, so the new transportation plan should be seen as a “twofer” for the President, validating his borrow–and-spend policies and lavishing money on supporters before the election. One reason for the explosion in proposed transportation spending is the President’s commitment to create two new programs—Amtrak/high-speed rail (HSR) and Livability—that have strong appeal to unions and environmentalists. The Alchemy of Fiscal Extravagance As is apparent from the President’s first two years in office, he and his team believe in a primitive form of Keynesian economics, one of the tenets of which is that government can spend its way to economic prosperity. Despite the revolving collection of euphemisms to define these varied schemes—“stimulus,” “jobs,” and now “investments”—this proposal would fare no better than the first several efforts. Notwithstanding the failure of the first several mega-billion-dollar stimulus plans, the President seems determined to find validation for his views, and taxpayers are expected to finance the search. The Politics of Fiscal Extravagance Added to this is the political allure of federal transportation spending that disproportionately benefits members of labor unions and their leaders. All workers on federally supported construction projects must be paid “prevailing” wages in accordance with the Davis–Bacon Act, and these wages are higher than those in the competitive market. Such wages are common to union contracts. A recent Heritage Foundation study found that the Davis–Bacon Act increases the cost of federal construction projects by 9.9 percent and that its repeal would create 155,000 more construction jobs at the same cost to taxpayers.[3] Davis–Bacon is not the only cost problem. All federally funded transit systems are operated by unionized workers who are paid wages and benefits, and provided costly job protections under Section 13(c) of the Federal Transit Act and other federal statutes, well above those of comparable workers in the private sector, whether unionized or not. The President’s Amtrak Plan While the President promises high-speed rail (HSR) service (top speeds of at least 150 mph), most of his projects involve signal and track improvements on privately owned freight rail systems that would provide marginal improvements in the Amtrak service sharing those tracks. As Heritage has noted, the President’s HSR plan is best characterized as an exercise to benefit Amtrak and for-profit freight railroads, which received 55 percent of the so-called HSR rail money included in the American Recovery and Reinvestment Act.[4] Despite his State of the Union proclamation to spend $56 billion on HSR over five years, the President’s transportation budget offers no such plan. Of the $8 billion of “HSR” money for FY 2012, “$4 billion [$15 billion over six years] fully funds Amtrak’s national network operating, capital, and debt service requirements,” while the other $4 billion [$38 billion over six years] “funds competitive grants for development of core express, regional and feeder corridors, to advance the President’s goal to provide Americans with convenient access to a passenger rail system featuring high-speed rail service.”[5] The key word here is featuring. What does “convenient access” to something featuring HSR mean? As written, this program could subsidize Washington, D.C.’s deficit-ridden Metro system because it provides “convenient access” to Union Station, where Amtrak’s so-called HSR Acela trains run. If so, spending on real HSR will account for (or feature) a relatively minor amount of the $38 billion that the President proposes. The President’s Livability Plan Transportation Secretary Ray LaHood has been pressing for an expansive and costly “livability” effort and formally defines livability as “being able to take your kids to school, go to work, see a doctor, drop by the grocery or post office, go out to dinner and a movie, and play with your kids in a park, all without having to get in your car.”[6] In order to achieve the LaHood vision for America, government must nudge/force/coerce people into buses or trolleys and create tighter living arrangements. The President proposes a total of $7.8 billion in livability spending for FY 2012 and $48.1 billion over the next six years.[7] More than half of these funds would come from shifting money from roads. Delusional on Arrival There is little chance that any of this will be enacted. In the weeks and months leading up to the budget’s release, the governors of three states rejected the President’s Amtrak/HSR plans for their states and sent $3.7 billion back to Washington. Reflecting how little confidence the Congress has in the President’s Department of Transportation, the House of Representatives cut a greater percentage from the remaining FY 2011 transportation budget than it cut from any other account. Nor are Republicans the only opponents of the President’s transportation policy: In the last Congress, the Democrat-controlled Senate and House Appropriations committees rejected his infrastructure bank proposal. Now he is asking for it again, and the price tag is $30 billion over six years. With federal transportation programs becoming little more than political slush funds, perhaps it’s time to turn the program back to the states.

### Infrastructure – Politicized

#### Transportation funding heavily politicized

McKivergan, Weekly Standard Former Online Editor, 6

(Daniel, 2-23-6, “How About an Independent Investigation into Port Security Congressional Pork Barrel?” http://www.weeklystandard.com/weblogs/TWSFP/2006/02/how\_about\_an\_independent\_inves.asp, accessed: 7/1/12, ML)

Port security has been totally neglected," said New York Sen. Chuck Schumer during a press conference with his fellow Democrats in July 2004. But as with so many other federal programs -- from the Army Corps to education, transportation and health care -- Congress, on a bipartisan basis, is also guilty of negligence. Spending is often not prioritized and is doled out according to a politicians' wishes leading to ridiculous results, such as the one described in this 60 Minutes episode in July 2005. KROFT: The 9/11 commission recommended that homeland security money be allocated to protect the most vulnerable strategic targets from attacks that would cause the most casualties or economic damage. But Congress, led by a group of powerful senators from smaller states, had a different plan. It decided to ignore the recommendations and distribute the money much the same way it hands out federal highway funds, with everyone getting a share.

Rep. COX (R-CA): It's pork barrel. It's the kind of distribution of funds that Washington always makes when politics comes before substance. And here we find that the monies are being doled out not necessarily according to national security risks, but rather according to political formulas.

Mr. TOM SCHATZ: Everybody wants a piece of this pie. And after September 11th, it's one of the biggest pies around.

KROFT: (Voiceover) Tom Schatz, who runs a group called Citizens Against Government Waste, estimates that pork barrel spending on homeland security this year will reach $1.7 billion.

Mr. SCHATZ: Members of Congress have figured out how to get their hands on homeland security pork. (Footage of barges)

KROFT: (Voiceover) Why else, he asks, would the state of Oklahoma get federal funds designated for port security? I mean, Oklahoma's a landlocked state. I didn't know that they had any ports.

### Infrastructure – AT – Plan Popular

Lack of public engagement means politicians won’t support the plan

Shane, Miller Center Director, 11

(Jeffrey, Fall 2011, Miller Center, “Are We There Yet? Selling America on Transportation” <http://web1.millercenter.org/conferences/report/conf_2011_transportation-Miller-Center.pdf>, accessed 7/8/12, JGC).

To set change in motion, however, there must first be public pressure for transportation investment and reform. Despite broad support in principle, however, active public engagement on these issues has been elusive. While many Americans experience the inefficiencies of our current transport systems on a daily basis, other impacts—such as the impact of lost productivity on the broader economy or the impact of high transportation costs on the price of goods—are less immediately obvious. Faced with other urgent concerns and economic challenges, many Americans believe we simply can’t afford to invest in transportation repairs and upgrades given our country’s current budget situation. Many also do not have faith that money allocated to transportation projects will be used in the most efficient and effective ways possible Simply put, there is a lack of confidence and trust in the ability of policymakers to make good decisions in transportation policy and planning. And without a mandate from the broader public, most policymakers don’t want to risk reforming the current system in a political landscape fraught with many other challenges and competing demands.

## Generic – Spending

### Infrastructure Requires Pork Barrel Spending

#### Infrastructure require pork barrel spending

MacDonald, DC Velocity, 12

(Mitch, 4-16-12, DC Velocity, DC Velocity, “Who doesn't want a piece of the infrastructure pie?,” http://www.dcvelocity.com/articles/20120316-who-doesnt-want-a-piece-of-the-infrastructure-pie/, accessed 7-4-12, ML).

**Why**, then, **is it so hard to get the federal government to focus on** what may be the single best **step it can take to improve our economy? Because the mechanism for making that happen comes in the form of the congressional reauthorization bill for surface transportation programs, such as roads, bridges, railroads, and public transit.** Unfortunately, in addition to being the means to further investment in infrastructure, **it is also perhaps the best single example of congressional earmarking and pork barrel spending you'll ever come across**. A just-released report from MapLight, a nonprofit, nonpartisan research organization that tracks money's influence on politics, reveals **the vast amounts of special interest money being thrown at members of Congress from organizations and businesses with a vested interest in the final form of the reauthorization bill.**

#### Much pork barrel spending comes from infrastructure

Hamilton, Indiana University Center on Congress director and former member of US House of Representatives, 1

(Lee, May 16, The Center for Congress at Indiana University, “Congress and the Pork Barrel”, <http://congress.indiana.edu/congress-and-the-pork-barrel>, Accessed: 7/4/12, ML)

But think for a moment about what we characterize as "pork-barrel spending." Much of it is for infrastructure: highways, canals, reservoirs, dams and the like. There's money for erosion-control projects, federal buildings and military installations. There's support for museums and arts centers. There's backing for academic institutions, health-care facilities and job-training institutes. All of these have some value, and indeed may prove important to lots of people. Especially when it comes to infrastructure spending, "pork-barrel projects" are rarely worthless.

At the same time, my scolder in Tell City was on to something. In and of itself, "pork" may provide valuable support to worthy projects. But it also helps shore up projects that most of the country would rightly question. The problem is, Congress doesn't do a good job of distinguishing between the two.

To begin with, pork-barrel projects are often inserted by powerful members in spending bills surreptitiously, literally in the dark of night. It may happen within a day of the final vote on a spending measure, and most legislators don't even notice. Nothing is more frustrating for members than to vote for major national legislation only to discover later that it also contained obscure pork-barrel items like a Lawrence Welk memorial. Or when legislators do notice a particular project and have concerns about it, they are often reluctant to object, because they may have legislation or projects of their own that they don't want to put at risk. The current process frequently doesn't allow Congress to weigh the relative merit of spending projects, to look at the interests of the country as a whole, or to weigh the needs of one region against another before deciding how to spend the public's money. The problem is not so much that the spending is wasted (it usually does some good), but whether it could better be spent for other projects. Congress usually ignores this question and simply provides the money at the influential member's request.

### Pork Barrel Spending – Congressional Opposition

#### Pork barrel spending unpopular

Cowan, Huffington Post, 12

(Richard, 4-2-12, The Huffington Post, “House GOP Discusses Reviving Earmarks,” http://www.huffingtonpost.com/2012/04/02/house-gop-earmarks\_n\_1396368.html, accessed 7-4-12, ML).

**Boehner has acknowledged that the ban makes his job more difficult. In past years, one reason the sprawling transportation bill could move through Congress with bipartisan support was because thousands of lawmakers' pet projects were tacked onto the bill**, he has said. **But reviving earmarks is still so controversial that Boehner and other leaders are unlikely to publicly discuss it in an election year in which pork barrel spending is still under attack**. The discussions so far appear to be among Republicans. "**The House did the right thing in instituting an earmark ban, and the American people strongly support it**," a Boehner spokesman said in response to questions.

## Generic – Taxation

### Taxation Funding – Unpopular

#### Only a risk of a link –opposition to taxation overwhelms perceived perks of the plan

Lovaas, National Resources Defense Council Chief Strategist, 12

(Deron, April 24, 2012, NDRC Switchboard, “Failing to Communicate the Promise of Transportation Investments,” <http://switchboard.nrdc.org/blogs/dlovaas/failing_to_communicate_the_pro.html>, accessed 7/8/12, JGC).

The report also usefully distills the sobering clash that has overcome renewal of transportation law: Two imperatives have collided: on the one hand the imperative to invest in a transportation system that will continue to grow our nation’s economy, create jobs, and enhance U.S. competitiveness; on the other hand, the imperative to come to grips with the nation’s short- and long-term fiscal problems, including especially the federal treasury’s unsustainable and still growing level of debt. In short, it’s not that our political leaders don’t agree that transportation is important or that infrastructure investments are needed; rather they can’t agree on whether or how to fund those investments given the current budget situation. This massive clash is exacerbated by other tensions noted in the report. A Rockefeller Foundation poll found that while 80 percent of voters agree that transportation improvements “will boost local economies and create millions of jobs” fully 71 percent of voters “oppose an increase in the federal gas tax with majorities likewise opposing a tax on foreign oil, the replacement of the gas tax with a per-mile-traveled fee, and the imposition of new tolls to increase federal transportation funding.” So we the voters want transportation investments yet oppose all the tools that enable such things.

### Gas Tax – Unpopular

#### Gas taxes unpopular with public

Singh, Examiner cognitive science contributor, 11

(Gunjan, Examiner, 11-30-11, “Why economists love but public hates gasoline taxes” <http://www.examiner.com/article/why-economists-love-but-public-hates-gasoline-taxes>, accessed: 7/4/12, ML)

There are logical reasons for not liking gasoline taxes. Some people do not like them because they do not believe that money procured from environmental taxes is spent only on environmental issues (Clinch & Dunne, 2006). Others believe that increasing taxes on gasoline will disproportionally affect poorer members of the society. Both of these are good reasons for disliking gasoline taxes. But there is more to the story.

#### Americans hate the gas tax

Finn, Toll Services chair, 12

(Jack, HNBT, “Vaporizing the gas tax myth”, <http://www.hntb.com/news-room/view-points/vaporizing-the-gas-tax-myth>, accessed: 7/4/12, ML)

Americans hate the gasoline tax about as much as they love their cars. At the federal level, money from a gas tax was first placed into the Highway Trust Fund in 1956 as the country embarked on President Dwight Eisenhower’s grand vision of establishing a network of interstate highways to spur commerce and aid in the country’s defense. Now, more than 50 years later, Eisenhower’s long-ago realized vision is reaching the end of its useful lifespan, and the gas tax itself is running on empty. This is unwelcome news to the average American driver, already suffering through the current economic downturn and rising fuel costs. For years we’ve comforted ourselves with the notion that filling up at the pump pays for our roads in full. This is nothing more than a myth, a misperception that must end. In fact: There is no such thing as a free road. Anyone who has paid off a mortgage knows there are always costs of home ownership. Renovations, expansions and simple upkeep — while necessary — can be expensive. Simply paying off the original financing on a transportation project doesn’t mean it’s paid for either. Roads don’t pay for themselves. Research from the Texas Department of Transportation has compared how much gasoline is consumed on a roadway with how much gas tax that generates, revealing that no road completely pays for itself over a 40-year lifespan. We’ve run up a huge transportation tab. Crumbling roads, rusting bridges and congestion are all signs we’ve deferred too much maintenance. According to a national commission that studied our surface transportation needs, we need to invest at least $225 billion annually for the next 50 years to repair and upgrade the system. The longer we wait the more expensive it becomes. The gas tax isn’t what it used to be. The federal gas tax, now set at 18.4 cents per gallon, was last increased in 1993. A combination of inflation, changing driving habits — due in part to higher gas prices — and better fuel economy of our cars has robbed it of much of its purchasing power. In fact, the trust fund is broke, needing infusions from the general treasury to keep it solvent.

### Gas Tax – Political Third Rail

#### Gas tax is a political third rail

Feller, Senior Planner, Energy Policy Program; and Kooris, Vice President at Regional Plan Association 11

(Jessie and David, Jan 19, “Raise Gas Tax To Prepare For 'Peak Oil'”, <http://articles.courant.com/2011-06-19/news/hc-op-gas-tax-prepare-for-peak-oil-sc20110619_1_higher-gas-gas-tax-peak-oil>, ML, accessed 7/6)

Unfortunately, it's apparent that raising the gas tax is still a "third rail" politically, rather than the priority it needs to be. Connecticut's new governor, Dannel P. Malloy, proposed a 3-cent-per-gallon increase as part of a larger revenue package, yet it was the only aspect of that package the legislature cut from the budget Malloy signed two weeks ago.

The state's senators and representatives just couldn't stomach charging an extra 45 cents to fill up a tank.

## Alternative Energy

### Alternative Energy – Unpopular – West Virginia

#### Alternative energy policies wildly unpopular in West Virginia

Freishtat, Washington Times, 6-24-12

(Sarah, 6-24-12, The Washington Times, “Obama too toxic for West Virginia Democrats,” http://www.washingtontimes.com/news/2012/jun/24/obama-too-toxic-for-west-virginia-democrats/, accessed 7/2/12, JGC).

Mr. White said he expects Democrats to do well again at the state level in November, although Mr. Obama is given little chance against presumptive Republican nominee Mitt Romney for the state’s five electoral votes. One big problem, party officials say, is that key parts of the party’s national agenda — energy, health care and social issues — play poorly in the state. The coal industry is vital to the state economy, and Mr. Obama’s efforts to promote alternative energy sources have been wildly unpopular. Mr. Tomblin faces GOP businessman Bill Maloney, while Mr. Manchin will run against four-time Republican senatorial candidate John Raese. Mr. Rahall, the state’s only Democrat in the House, will face state Delegate Rick Snuffer.

[NOTE - White = James A. White, a political scientist at Concord University in Athens, W.Va., Tomblin = West Virginia Gov. Earl Ray Tomblin, Democrat, Manchin = West Virginia Sen. Joe Manchin, Democrat]

## Alternative Transportation

### Alternative Transportation – GOP Opposition

#### Massive GOP opposition to the funding of Alternative Transportation

Freemark ,Transport Politic 12

(Yonah, Massachusetts Institute of Technology, Master of Science in Transportation Yale University, Arts in Architecture, Bachelors, Department of Civil and Environmental Engineering, 2-6-12 ,“Time to Fight”, The Transport Politic, <http://www.thetransportpolitic.com/2012/02/06/time-to-fight/>, accessed 7-8-12, FFF)

With a House like this, what advances can American transportation policy make?

Actions by members of the U.S. House over the past week suggest that Republican opposition to the funding of alternative transportation has developed into an all-out ideological battle. Though their efforts are unlikely to advance much past the doors of their chamber, the policy recklessness they have displayed speaks truly poorly of the future of the nation’s mobility systems.

By Friday last week, the following measures were brought to the attention of the GOP-led body:

The Ways and Means Committee [acted to eliminate](http://transportationnation.org/2012/02/03/house-votes-to-cut-transit-funding-stream-to-howls-of-pain/) the [Mass Transit Account](http://www.fhwa.dot.gov/safetealu/factsheets/htft.htm) of the Highway Trust Fund, destroying public transportation’s source of steady federal financing for capital projects, first established in the 1980s. The members of the committee determined that to remedy the fact that gas taxes have not been increased since 1993,\* the most appropriate course was not to raise the tax (as would make sense considering inflation, more efficient vehicles, and the negative environmental and congestion-related effects of gas consumption) but rather to transfer all of its revenues to the construction of highways. Public transit, on the other hand, would have to fight for an appropriation from the general fund, losing its traditional guarantee of funding and forcing any spending on it to be offset by reductions in other government programs.\*\* This as the GOP has made evident its intention to reduce funding for that same general fund through a continued push for income tax reductions, even for the highest earners.

The House Transportation and Infrastructure Committee [approved a transportation reauthorization bill](http://dc.streetsblog.org/2012/02/03/who-still-likes-the-house-transpo-bill-big-oil-big-truck-and-big-box-retail/) on partisan lines (with the exception of one Republican who voted against it, Tom Petri of Wisconsin) that would do nothing to increase funding for transportation infrastructure in the United States over the next five years despite the fact that there is considerable demand for a large improvement in the nation’s road, rail, and transit networks just to keep them in a state of good repair, let alone expand them to meet the needs of a growing population.

The committee voted to eliminate all federal requirements that states and localities spend 10% of their highway [funding on alternative transportation projects](http://dc.streetsblog.org/2012/02/02/house-amendment-to-save-federal-bikeped-programs-fails/) (CMAQ), such as Safe Routes to School, sidewalks, or cycling infrastructure, despite the fact the those mandated investments are often the only ones of their sort that are actually made by many states.

The committee eliminated the Obama Administration’s trademark TIGER program, which has funded dozens of medium-scale projects throughout the country with a innovative merit-based approach. Instead, virtually all decisions on project funding would be made by state DOTs, which not unjustly have acquired a reputation as only interested in highways. Meanwhile, members couldn’t resist suggesting that only “true” high-speed rail projects (over 150 mph top speed) be financed by the government — even as they [conveniently defunded the only such scheme](http://www.miamiherald.com/2012/02/03/2623089/house-panel-moves-to-block-high.html) in the country, the California High-Speed Rail program.

The same committee added provisions to federal law that would [provide special incentives](http://images.politico.com/global/2012/01/120123_highway.html) for privatization of new transportation projects — despite the fact that there is no overwhelming evidence that such mechanisms save the public any money at all. And under the committee’s legislation, the government would provide extra money to localities that contract out their transit services to private operators, simply as a reward for being profit-motivated.

Meanwhile, House leadership recommended funding any gaps in highway spending not covered by the Trust Fund through a [massive expansion in domestic energy production](http://switchboard.nrdc.org/blogs/dlovaas/worst_transportation_bill_ever.html?utm_source=twitterfeed&utm_medium=twitter) that would destroy thousands of acres of pristine wilderness, do little for decreasing the American reliance on foreign oil, and reaffirm the nation’s addiction to carbon-heavy energy sources and ecological devastation. New energy production of this sort is highly speculative in nature and would produce very few revenues in the first years of implementation. As a special treat, the same leadership proposed overruling President Obama’s decision to cancel the Keystone XL pipeline by [bundling an approval for it](http://fuelfix.com/blog/2012/01/30/boehner-says-highway-bill-fair-game-for-keystone-xl-provision/) into the transportation bill.

## Aviation

### Essential Air Service - Controversial

#### Essential Air Service subsidy controversial

Hiar, Center for Public Integrity, reporter, 11

(Corbin, 09-15-11, “Costly subsidy was at heart of recent agency shutdown” iWatch News by the Center for Public Integrity, <http://www.iwatchnews.org/2011/09/15/6542/controversial-faa-program-serves-just-153-communities-cost-200-million>, accessed: 07-08-12, VZ)

Created in 1978 as a part of the Airline Deregulation Act , the Essential Air Service subsidy was designed as a 10-year initiative to help rural airports likely to be left without routes as commercial aviation converted to a market-driven system. In most cases, the program limits assistance to isolated communities more than a 70-mile drive from the nearest major hub airport, which could be subsidized at a rate of less than $200 per passenger.

But EAS has persisted almost 25 years past its original congressionally mandated expiration date. It now serves 153 communities and costs some $200 million a year.

With growing political and economic pressure to reduce spending, some in Washington are focusing renewed attention on a subsidy program that, for example, has allowed constituents of Senate Majority Leader Harry Reid, D-Nev., to fly from Ely, Nev., to Denver for as little as $70 — even though the cost of each ticket to taxpayers is reportedly $4,107 . A standoff over the program was at the root of a two-week FAA shutdown this summer and threatened earlier this week to shutter the agency again. A clean extension of the FAA passed the Senate Thursday night, averting the potential for a second shutdown.

“The effectiveness of [EAS] as anything other than enabling commercial airports to remain afloat is questionable, since the goal of the program was to help airports transition away from federal subsidies for air carrier service,” said Sen. Tom Coburn, R-Okla., in his “Back in Black” deficit reduction plan , published in July. “Taxpayers should not be expected to subsidize air service indefinitely.”

While EAS is a vital support program for Alaska communities with no other transportation options, there are also 109 airports in the lower 48 states that still benefit from the long-lived subsidy. These include Hagerstown, Md., an hour and a half drive from both Washington and Baltimore with a reported per ticket subsidy of $191, and Jonesboro, Ark., where the Transportation Department estimates taxpayers are on the hook $840 for every ticket even though it's only 79 miles from Nashville.

The persistence of the subsidy “is a classic example of a small but vocal constituency trumping a large and unfocused majority – most folks don’t know about the Essential Air Service,” said Douglas Holtz-Eakin, president of the conservative American Action Forum and a former chief of the Congressional Budget Office. “Every administration knows this is a bad policy, but it’s not worth all the political pain you have to go through to [cut it]. It’s exactly the right size to live on like this.”

But others contend that current political realities may have altered the dynamic. “By any standard, you can’t justify the cost to benefit ratio here,” said Norman J. Ornstein, an expert on congressional politics at the conservative American Enterprise Institute. Although this is not “a program in the billions,” he said, “the pressure and the squeeze on almost every area of discretionary spending is such that even the smaller items are going to come under more scrutiny.”

### NextGen – Congressional Opposition

#### Congress opposes NextGen reform

Poole, Reason Foundation, director of transportation policy and Searle Freedom Trust Transportation Fellow, 10

(Robert W. Jr, 06-10, “Airports and Air Traffic Control,” The Cato Institute, <http://www.downsizinggovernment.org/transportation/airports-atc>, accessed: 06-08-12, VZ)

However, Congress tends to resist consolidating ATC facilities because of concerns about job losses and the like, which is similar to the political resistance to closing post offices and military bases. A major 1982 proposal for consolidating ATC facilities was quietly dropped after it became clear that getting it through Congress would be very difficult. Similarly, Congress came extremely close to forbidding the FAA's recent success in outsourcing its Flight Service Station system, which involved reducing the system from 58 facilities to 20. The prohibition was defeated only by a credible veto threat from the White House. In sum, as long as ATC remains government-owned and controlled, making the needed reforms to improve efficiency and implement NextGen will be very difficult.

#### Cost makes the plan politically unpopular

Pyper, Environment and Energy Daily, reporter, 12

(Julia, 04-13-12, “AVIATION: Industry says efficient air traffic program still needs more political support,” ClimateWire, LexisNexis, accessed: 06-09-12, VZ)

A system designed to make air transport faster, safer and more fuel efficient still lacks the political backing it needs to really take off, industry leaders said yesterday at the 11th Annual Aviation Summit.

Congress passed a Federal Aviation Administration reauthorization bill earlier this year after 23 extensions, which increased authorized spending to develop the Next Generation Air Transportation System, or NextGen.

But at a time of steep budget cuts and slow regulatory action, air carriers and their supporting industries are concerned about how the program will roll out.

"We haven't made as much progress on capacity and efficiency as we need to make, and this isn't as much about the technology as it is about the political alignment and the will to implement it," said Dennis Muilenburg, president and CEO of Boeing's Defense, Space & Security division.

NextGen will make air transport more efficient and less carbon-polluting by integrating new and existing technologies, including satellite navigation and advanced digital communications.

FAA estimates NextGen will reduce delays by 38 percent compared to the status quo by 2020 and achieve 14 million metric tons in cumulative reductions of carbon dioxide emissions by the end of the decade.

To realize these benefits, the U.S. government needs to provide incentives for airports and airlines to become NextGen-equipped and encourage the adoption of existing technologies that fit with the program, said Muilenburg. Some big commitments

For American Airlines, the transition to NextGen "absolutely cannot happen fast enough," said Cpt. Brian Will, the airline's director of airspace modernization and advanced technologies.

American has already invested $1.4 billion in its NextGen programs and upgraded the navigation and surveillance technology on hundreds of planes. But FAA has repeatedly delayed the technology certification process. This makes the upgrades unusable, said Will. The road map to mandate many new technologies now lies in the 2020 to 2025 time frame, he said.

"For the amount of money that we've put into equipage, we're not seeing the benefits accrue at a rapid enough pace to justify the investment," he said.

NextGen is a "transformational" project, said Duane Woerth, U.S. ambassador to the Council of the International Civil Aviation Organization (ICAO), the U.N. agency that handles global aviation matters.

"When, at long last, NextGen becomes fully operational, it will feel like a chapter from the big bang theory of evolution of aviation policy," he said. A $40B price tag

NextGen is made up a multiple programs that must fit together like a puzzle but also need to be put into place in the right order. Woerth added that ICAO is currently working to integrate U.S. technologies with similar systems being developed in Europe and Japan to ensure they are harmonized.

To keep up the momentum on NextGen, David Barger, president and CEO of JetBlue Airways Corp., said the airline industry needs to keep selling the benefits of the system to policymakers and the public.

"I would like to see NextGen used in the presidential debate. Someone use it, please. Because it really is significant when it comes to energy, the environment and the economy," he said.

Clayton Jones, president and CEO of Rockwell Collins, a leading company in aviation electronics, said the price tag on NextGen is about $40 billion over 15 years. Half of that amount is needed for airplane equipage and the other half is needed to upgrade ground systems.

"The problem now is getting $40 billion in this economic climate, and I just don't have confidence in that," Jones said.

## Banks

### Infrastructure Bank – Congressional Opposition

#### Infrastructure bank faces substantial opposition in Congress

Mitchell, Wall Street Journal, 11

(Josh, 08-15-11, Wall Street Journal, “Plan for Highway Bank Faces Uphill Battle” <http://online.wsj.com/article/SB10001424053111904823804576500692477795126.html>, accessed: 07-03-12, VZ)

President Barack Obama is pressing Congress to create a new "infrastructure bank" to finance highway and rail construction, create jobs and jump-start the stalled economy, but the proposal faces hurdles on Capitol Hill. White House officials have described the bank as a new government entity that would make loans to support public-works projects of regional and national significance with private funding. That includes interstate highways, rail lines linking Midwest farmers to West Coast ports, and equipment for planes to link up to a new satellite-based air-traffic-control network. By luring more private capital to infrastructure projects with low-interest loans, the bank is designed to provide a long-term solution to more immediate problems. The law authorizing the gasoline tax that provides the bulk of federal transportation money expires Sept. 30, and the tax, currently at 18.4 cents a gallon, isn't generating enough funds to keep pace with the nation's infrastructure needs anyway. But the White House, House Republicans and some Senate Democrats differ on the best way to encourage more private investment in public infrastructure. Those disagreements are likely to be swept into a broader debate over how to shrink the federal deficit that could stretch to the November 2012 elections. Some lawmakers fear that once they return from their August recess, a political fight over spending could delay reauthorization of the law for weeks or even months. The government would lose up to $100 million a day in gas-tax revenue, payments to states would be halted and construction jobs would likely be lost if the law lapses, business groups warn. The U.S. Chamber of Commerce and others say they support the idea of an infrastructure bank but worry that the administration is giving short shrift to the more urgent problem. "They have not focused on the need to pass a highway and transit bill," said Janet Kavinoky, the Chamber's chief lobbyist on transportation policy, noting that several years could pass before large-scale projects supported by the bank would get under construction. "We are very frustrated that they continue to hold out the bank as a substitute for doing a highway and transit bill." A White House official said the administration has been in touch regularly with members of Congress to push for both a highway bill and a national infrastructure bank. The official said "no one is taking this for granted," referring to passage of the highway bill, and added that when the president talks about an infrastructure bank, he is referring to his long-term vision of how to reform transportation policies. In a time of dwindling public resources, said Jason Furman of the White House economic council, "you want to stretch the dollars you do have farther." Under the White House plan, the infrastructure bank would augment current highway and transit programs. The bank would receive $30 billion over six years and would issue grants, loans and other financial tools. The president's budget proposal in February suggested the bank reside in the Transportation Department and be controlled by an executive director and board of officials from various federal agencies. Projects would need to meet "rigorous" criteria to ensure they benefit the maximum number of people, preventing more "bridges to nowhere." Some Republicans say that such a bank would simply add a new bureaucracy in Washington and shift decision-making from Congress to the executive branch. "How this project would be funded, what it would fund and how those funds would be repaid are critical questions the Obama administration has not answered yet," said Kevin Smith, a spokesman for House Speaker John Boehner (R., Ohio). "If this is more of the same 'stimulus' spending, we won't support it." The White House didn't respond to a request for comment. A bill unveiled this year, by Sens. John Kerry (D., Mass), Kay Bailey Hutchison (R., Texas) and Lindsey Graham (R., S.C.), and backed by the Chamber, would take a slightly different approach that could be more palatable to conservatives. First, the price tag would be lower, with the bank getting $10 billion in initial "seed money." Aides to Mr. Kerry said last week that they were looking to lower that amount further and trying to find savings from other programs to fund the bank. The bank would be controlled by a chief executive and a board appointed by the president and confirmed by the Senate. And it would issue only loans and loan guarantees, not grants, which critics have called a handout. The proposal also requires that projects have a dedicated revenue stream—tolls—to ensure the money is paid back. And by limiting funding assistance to 50% of a project's costs, proponents say, the risk to taxpayers would be limited. Mr. Kerry said the bank, under his bill, would finance economically viable projects without political influence. "We can't keep pace with our rapidly crumbling infrastructure, and at the same time hardworking Americans are out of work. An infrastructure bank is the key to addressing both problems," Mr. Kerry said in a statement. Both proposals probably would face resistance from rural lawmakers, whose states are less likely to have large-scale projects able to draw private investors. They fear that the funding would go to the most populous regions, such as California and the Northeast.

#### National Infrastructure bank is massively unpopular – would be linked to FannieMae and FreddieMac

Samuels, Toll Road News editor, 11

(Peter Samuels, Toll Road news editor, 8-31-11, “Alternatives to MBUFs, VMT fees, national tolls - devolution, privatization”, <http://www.tollroadsnews.com/node/5459>, accessed 7-4-12)

Secretary Ray LaHood and the Obama administration and some Democrats in the Congress yearn for the stopgap of a government 'National Infrastructure Bank' a kind of Infrafanniemae or Transportfreddiemac, a US government sponsored but pseudo-independent borrowing and lending entity that would operate largely outside the budgetary process while having the implicit backing of the US Government. It needs that to be able to borrow cheaper than commercial firms. Its office holders appointed by the administration would be likely to direct funds to politically correct and favored projects, pretty much regardless of their financial viability. But the Democrats are whistling in the wind. The Congress is not going to authorize an Infrafanniemae. People realize it would enlarge already bloated federal debt, be a new avenue to onerous taxpayer liability for subsidies and bailouts, support non-viable and wasteful investments, and be a new vehicle for pork barrel handouts. An infrabank would exacerbate all our existing problems, not solve them. Viable projects can attract support of private investors and of real banks in the commercial money markets since they can earn fees from users sufficient to pay real investors and real banks. Only non-viable projects need an Infrafanniemae. The Wall Street Journal in an editorial (2011-08-31) wrote: "The infrastructure bank is merely a new gimmick to maintain the old system (of corrupt earmarks and deficit spending)." Ron Utt of Heritage notes the proposal for an Infrabank "has consistently been rejected by bipartisan majorities in the House and Senate transportation and appropriations committees, and for good reason."

#### Bank funding unpopular – triggers debate linked to Fannie Mae and Freddie Mac

The Economist, 11

(04-28-11, “Life in the slow lane,” The Economist, <http://www.economist.com/node/18620944/print>, accessed 07-05-12, VZ)

Economists press for direct user fees. An early Obama administration flirtation with a tax on miles driven attracted little support, but some cities have run, or are thinking of running, pilot schemes. Congestion charges present another possibility. State governments have increasingly turned to tolls to fund individual projects, but tolling inevitably meets stiff public resistance. Meanwhile, Manhattan’s attempt to duplicate the congestion charges of London and Stockholm failed to win the necessary political support, despite the offer of a generous federal subsidy in return for trying the experiment. An earlier attempt to auction scarce landing and departure slots at New York’s three large airports faced stiff resistance from airlines and was ultimately killed. Whatever the source of new revenue, America’s Byzantine funding system will remain an obstacle to improved planning. Policymakers are looking for ways around these constraints. Supporters of a National Infrastructure Bank—Mr Obama among them—believe it offers America just such a shortcut. A bank would use strict cost-benefit analyses as a matter of course, and could make interstate investments easier. A European analogue, the European Investment Bank, has turned out to work well. Co-owned by the member states of the European Union, the EIB holds some $300 billion in capital which it uses to provide loans to deserving projects across the continent. EIB funding may provide up to half the cost for projects that satisfy EU objectives and are judged cost-effective by a panel of experts. American leaders hungrily eye the private money the EIB attracts, spying a potential solution to their own fiscal dilemma. But there are no free lunches. To keep project costs down, the bank must offer low rates, which depend in turn upon low capital costs. That may be impossible without government backing, but the spectacular failure of the two government-sponsored housing organisations, Fannie Mae and Freddie Mac, illustrates the dangers of such an arrangement. The EIB mitigates this problem by attempting to maximise public return rather than profit. To earn funding, projects must meet developmental and environmental goals, along with other requirements. But giving the bank a public mission would invite congressional oversight—and tempt legislators to meddle in funding decisions. The right balance of government support and independence may prove elusive. Budget crises could give a boost to public-private partnerships. Partnerships can be a useful way to screen out poorly conceived projects that are unlikely to generate the promised returns. No private firm will bid to build and operate a project that will probably fail to cover its costs through toll or fare revenue. Well-designed contracts can also improve incentives by giving the construction firm a long-run interest in the project. Infrastructure projects built through public-private partnerships in Britain and Chile, where the arrangement is far more common than in America, have sometimes, though not always, been completed more cheaply and quickly than public plans. At the state and local level transport budgets will remain tight while unemployment is high. With luck, this pressure could spark a wave of innovative planning focused on improving the return on infrastructure spending. The question in Washington, apart from how to escape the city on traffic-choked Friday afternoons, is whether political leaders are capable of building on these ideas. The early signs are not encouraging. Mr Obama is thinking big. His 2012 budget proposal contains $556 billion for transport, to be spent over six years. But his administration has declined to explain where the money will come from. Without new funding, some Democratic leaders have warned, a new, six-year transport bill will have to trim annual highway spending by about a third to keep up with falling petrol-tax revenues. But Republicans are increasingly sceptical of any new infrastructure spending. Party leaders have taken to using inverted commas around the word “investment” when Democrats apply it to infrastructure. Roads, bridges and railways used to be neutral ground on which the parties could come together to support the country’s growth. But as politics has become more bitter, public works have been neglected. If the gridlock choking Washington finds its way to America’s statehouses too, then the American economy risks grinding to a standstill.

**Infrastructure bank has no bipartisan support in the House or Senate**

**Utt,** **Morgan Senior Research Fellow in Economic Policy at the Heritage Foundation, 11** (Ronald, September 15, The Washington Times: “What's the Big Idea: Infrastructure 'bank' doomed to fail”, <http://www.washingtontimes.com/news/2011/sep/14/utt-infrastructure-bank-doomed-to-fail/>, accessed 7/8/12, A.R.)

President [Obama](http://www.washingtontimes.com/topics/barack-obama/) remains enamored of an “infrastructure bank,” an idea flogged, in one shape or another, for several years now.

All of the proposals floated to date involve creating a new federal bureaucracy that would provide loans and grants for construction or repair projects sought by state or local governments. In some proposals, those funds would be provided via the congressional appropriations process. In others, the bank simply would borrow the money.

But no matter what the source of the cash, this hard fact remains: An infrastructure bank would do little to spur the economic recovery — and nothing to create new jobs.

Such a bank has all the liabilities of the American Revitalization and Investment Act of 2009 (ARRA). You’ll recall that this $800 billion “stimulus” included $48.1 billion for transportation infrastructure. Yet, as the president acknowledged recently and the [Heritage Foundation](http://www.washingtontimes.com/topics/heritage-foundation/) predicted, the funded projects have been very slow to get under way and have had little impact on economic activity.

Why is an infrastructure bank doomed to fail? For starters, it’s not really a bank in the common meaning of the term. The infrastructure bank proposed in the president’s 2011 highway reauthorization request, for example, would provide loans, loan guarantees and grants to eligible transportation infrastructure projects. Its funds would come from annual appropriations of $5 billion in each of the next six years.

Normally, a bank acts as a financial intermediary, borrowing money at one interest rate and lending it to creditworthy borrowers at a somewhat higher rate to cover the costs incurred in the act of financial intermediation. That would not be the case here.

Grants are not paid back. As a former member of the National Infrastructure Financing Commission observed, “Institutions that give away money without requiring repayment are properly called foundations, not banks.”

Infrastructure bank bills introduced by Sen. John Kerry, Massachusetts Democrat, and Rep. Rosa L. DeLauro, Connecticut Democrat, illustrate the time-consuming nature of creating such a bank. Both bills are concerned — appropriately — with their banks’ bureaucracy, fussing over such things as detailed job descriptions for the new executive team; how board members would be appointed; duties of the board; duties of staff; space to be rented; creating an orderly project solicitation process; an internal process to evaluate, negotiate and award grants and loans; and so on. This all suggests that it will take at least a year or two before the bank will be able to cut its first grant or loan check.

Indeed, the president’s transportation “bank” proposal indicates just how bureaucracy-intensive such institutions would be. It calls for $270 million to conduct studies, administer the bank and pay the 100 new employees required to run it.

In contrast, the transportation component of the ARRA worked through existing and knowledgeable bureaucracies at the state, local and federal levels. Yet, despite the staff expertise and familiarity with the process, as of July — 2½ years after the enactment of ARRA — 38 percent of the transportation funds authorized were still unspent, thereby partly explaining ARRA’s lack of impact.

The president’s fixation on an infrastructure bank as a means of salvation from the economic crisis at hand is — to be polite about it — a dangerous distraction and a waste of time. It also is a proposal that has been rejected consistently by bipartisan majorities in the House and Senate transportation and appropriations committees.

Those rejections have occurred for good reason. Based on the ARRA’s dismal and remarkably untimely performance, an infrastructure bank likely would yield only modest amounts of infrastructure spending by the end of 2017 while having no measurable impact on job growth or economic activity. And whatever it did manage to spend would have to be borrowed, only adding to the deficit.

That’s no way to meet the economic challenges confronting the nation.

**Plan unpopular – fiscal constraints**

**Cooper, 11** (Michael, 3/15, “Group Wants New Bank to Finance Infrastructure,” <http://www.nytimes.com/2011/03/16/us/politics/16infrastructure.html?_r=1&partner=rss&emc=rss>, date accessed 7/8/12, A.R.)

Amid growing concerns that the nation’s infrastructure is deteriorating, a group of Democrats, Republicans, and labor and business leaders called Tuesday for the creation of a national infrastructure bank to help finance the construction of things like roads, bridges, water systems and power grids.

A one-stop destination for the latest political news — from The Times and other top sources. Plus opinion, polls, campaign data and video.

The proposal — sponsored by SenatorJohn Kerry, Democrat of Massachusetts, and Senator Kay Bailey Hutchison, Republican of Texas — would establish an independent bank to provide loans and loan guarantees for projects of regional or national significance. The idea is to attract more infrastructure investment from the private sector: by creating an infrastructure bank with $10 billion now, they say, they could spur up to $640 billion worth of infrastructure spending over the next decade.

“We have a choice,” Mr. Kerry said at a news conference in Washington. “We can either build, and compete, and create jobs for our people, or we can fold up, and let everybody else win. I don’t think that’s America. I don’t believe anybody wants to do that.”

To underscore the need for better infrastructure, two frequent rivals were on hand at the news conference: Richard Trumka, the president of the A.F.L.-C.I.O., and Thomas J. Donohue, the president of the U.S. Chamber of Commerce, the main business lobby. With a nod to the strange-bedfellows experience of having a labor leader as an ally, Mr. Donohue said, “He and I are going to take our show on the road as the new ‘Odd Couple.’ ”

But the proposal may not have clear sailing. While Senators Harry Reid of Nevada, the majority leader, and Charles E. Schumer of New York, the No. 3 Democrat, will undoubtedly support the measure, Senate officials said the outlook for such a program is dim, given the current fiscal constraints. And Congress, like state governments, has been hesitant to cede control of choosing which projects to finance, even as their spending priorities have often been questioned.

President Obama has called for establishing an infrastructure bank since his 2010 campaign. His budget calls for establishing one — and gives it the catchier name I-Bank — that would work somewhat differently: it would create a $30 billion bank that would invest in transportation projects alone, and that would provide grants as well as loans.

With an expanded reach that includes water and energy projects, the bank being proposed in the Senate would be able to spur investment from more types of private funds, and back projects in a wider swath of the nation, said Michael B. Likosky, the author of “Obama’s Bank: Financing a Durable New Deal.”

**Bipartisan opposition to bank –seen as bureaucratic, slow, and too expensive**

**Orski, Former Associate Administrator of the Urban Mass Transportation Administration and government transportation consultant for 2 decades, 11** (Ken, “Infrastructure Bank: Losing Favor with the White House?” August 30, <http://www.newgeography.com/content/002408-infrastructure-bank-losing-favor-with-white-house>, date accessed 7-9-12, A.R.)

But today, the idea is on life support. Neither the Senate nor the House have seen fit to include the Bank in their proposed transportation bills. Congressional Democrats and Republicans alike are in agreement that decision making control over major federal investments should not be ceded to a group of "unelected bureaucrats." Rather than creating a new federal bureaucracy, they think the focus should be placed on expanding federal credit assistance tools already in place, such as the Transportation Infrastructure Finance and Innovation Act (TIFIA) and the Railroad Rehabilitation & Improvement Financing Program (RRIF).

There are other reasons for congressional skepticism. House Republicans are suspicious that the Obama-proposed Bank is nothing more than a vehicle for more stimulus spending, disguised as "capital investment." They want the Administration to be more specific about its proposal: how the Bank would be funded, what kind of investments it would fund and how the $30 billion capital would be repaid. "If this is more of the same stimulus spending, we won’t support it," Kevin Smith, spokesman for House Speaker John Boehner (R-OH) has been quoted as saying.

House Transportation and Infrastructure Committee chairman John Mica (R-FL) thinks state-level infrastructure banks would be a more appropriate means of financing major transportation projects at the state and local level. Decentralized infrastructure financing would "keep the federal financing bureaucracy at a minimum and maximize states’ financial capabilities," according to the House transportation reauthorization proposal.

Senate Democrats, while not necessarily opposed to another fiscal stimulus, want quick results. They fear that a centralized Infrastructure Bank, with its complex governance structure and layers of bureaucratic conditions, requirements and approvals would be far too slow and cumbersome to be an effective job generator. One or two years could pass before large-scale projects appropriate for Bank financing would get evaluated, selected, approved and under construction, one Senate aide told us.

What is more, there is a lack of agreement on how the proposed Infrastructure Bank should function. The Administration wants a mechanism that would serve several different purposes. In the words of Undersecretary for Transportation Policy Roy Kienitz who testified at a September 21, 2010 hearing of the Senate Banking Committee, "We need a financing institution that can provide a range of financing options— grants for projects that by their nature cannot generate revenue, and loans and loan guarantees for projects that can pay for their construction costs out of a revenue stream. In short, we need the Infrastructure Bank that the President has proposed."

But, "banks don’t give out grants, they give out loans. There is already a mechanism for giving out federal transportation grants — it’s called the highway bill," countered Sen. James Inhofe (R-OK), ranking member of the Senate Environment and Public Works (EPW) Committee.

If the proposed entity is to be a true bank – as proposed in a recent bill sponsored by Senators John Kerry (D-MA) and Kay Bailey Hutchison (R-TX) and endorsed by the AFL-CIO and the U.S. Chamber of Commerce– its scope would be confined to projects that can repay interest and principal on their loans with a dedicated stream of revenue — in other words, the Bank could finance only income-generating facilities such as toll roads and bridges. By all estimates, such projects will constitute only a small fraction of the overall inventory of transportation improvements needed to be financed in the years ahead, the bulk of which will be reconstruction of existing toll-free Interstate highways. Hence, a true Infrastructure Bank would be of limited help in creating jobs and reviving the economy, critics argue.

"A national infrastructure bank must garner broad bipartisan support to move forward," says Michael Likosky, Director of NYU's Center on Law & Public Finance and author of a recent book, Obama's Bank:Financing a Durable New Deal. "This means no grants, a multi-sector reach and a realistic idea of what projects will benefit straight away."

President Obama was expected to include the infrastructure bank among his recommended stimulus measures when he lays out his new job-creation plan before the congressional deficit reduction committee in early September. But lately, he seems to have put the idea on the back burner and turned his attention to more traditional "shovel-ready" highway investments using existing financing programs. His advisers may have concluded that the Bank will do little to stimulate immediate job creation--- and that the proposal will find little support among congressional Democrats and Republicans alike. If so, check off the Infrastructure Bank as an idea whose time had come and gone.

### Infrastructure Bank Unpopular – House Committee Chair

**Bank unpopular – Mica**

Ichniowski, Washington Bureau Chief and B.A. History, 2011 (Tom, 10/12, "Mica Shoots Down National Infrastructure Bank Idea,", http://www.smartcontractor.com/In-The-News/Mica-Shoots-Down-National-Infrastructure-Bank-Idea.html#ixzz1yeXTBPHE , accessed 7/8/12, A.R.)

House Transportation and Infrastructure Committee Chairman John Mica (R-Fla.) has called President Obama's proposed national infrastructure bank "dead on arrival in the House of Representatives."
Mica's comments came near the start of an Oct. 12 hearing of his committee's highway and transit subcommittee on the proposed public-works financing entity.
Mica opposes the national bank because, he contends, it would be another bureaucratic organization and would take too long to become operational to have a quick impact on jobs.
To be sure, the Florida lawmaker has been looking for way to stretch existing federal dollars as he drafts a six-year surface transportation authorization bill, which has yet to be introduced.
Instead of a federal infrastructure bank, Mica wants to give a boost to state infrastructure banks, which exist in 33 states, he says.
He also wants to expand the 13-year old Transportation Infrastructure Finance and Innovation Act (TIFIA) program, which provides federal loans and loan guarantees to major highway, transit and other projects.
Obama proposed a "National Infrastructure Bank" in his fiscal 2012 budget request, in February. As then envisioned, the bank would be launched with $30 billion over six

years and be housed at the Dept. of Transportation.
In early September, the president included an infrastructure bank in his [proposed American Jobs Act](http://enr.construction.com/policy/washington_observer/2011/0919-obamajobsplanfacestoughroad.asp),  a legislative package of spending increases and tax breaks.  This time the bank's up-front funding was to be $10 billion.
But his jobs bill suffered a setback on Oct. 11, when the Senate fell short of the 60 votes needed to overcome a filibuster--effectively blocking the package. There is speculation, however, that some of the jobs measure's  tax provisions may face a better fate in Congress.

### Infrastructure Bank – GOP Opposition

#### Republicans oppose an infrastructure bank

Johnson, National Journal correspondent and long-time student of Washington policymaking, 11

(Fawn, 02-14-11, National Journal, “Is There Hope for an Infrastructure Bank?” <http://transportation.nationaljournal.com/contributors/fawn-johnson.php>, accessed 7-5-12, VZ)

The White House's release of its fiscal 2012 budget proposal this week kicks off the discussion about the administration's priorities, and infrastructure is at the top of the list. The administration has been honing the idea of an infrastructure "bank" or "fund" since President Obama took office. The fund would be designed to vet and provide cash for large projects that use multiple modes of transportation and take several years to complete. It's a safe bet that we'll hear more about this idea in the weeks to come as Transportation Department officials trot up to Capitol Hill to brief lawmakers on their ideas. Obama sees infrastructure investment as the key to job growth and economic competitiveness. The infrastructure bank would ensure success on large transportation projects because the administration would select only the best ideas for federal funding, in the White House view. Skeptics in Congress have balked at an infrastructure bank, worrying that it would face the same problems as the politically unpopular Fannie Mae and Freddie Mac. House Republicans are unlikely to give the Transportation Department the funding to make an infrastructure bank work as Obama would like.

#### Unanimous GOP opposition to infrastructure bank

Drutman, Progressive Policy Institute Senior Fellow, 10

(Lee, October 4, 2010, Progressive Policy Institute, “Financing Future Growth: How Do We Pay For New Projects?,” <http://progressivepolicy.org/financing-future-growth-how-do-we-pay-for-new-projects>, Accessed 7/8/12, JGC).

And yet, Rep. DeLauro’s bill to create a National Infrastructure Bank and turn a chaotic ad-hoc infrastructure appropriations process into a rational national strategy has attracted only 60 co-sponsors – and not a single Republican. “Resistance is internal to Congress,” said Hindery. “They would give up so much grant and earmark authority. Members are hesitant to see that move into an independent entity.” Hindery argued that the key was leadership, and that the President wasn’t doing enough of it. “It has to be a stated priority,” he said. “It can’t be a proffered idea with tepid support.” Ehrlich, who wrote a PPI Policy Memo on how an infrastructure bank should operate, was optimistic that this is an idea whose time has come. “This is a remarkable moment in infrastructure,” he said. “We are finally at a place where all the communities know the current programs are brain-dead…Local planners are wondering where the funds are going to come from, private investors are circling around the periphery of the area, looking for a way in.” Hindery also noted that both the Chamber of Commerce and the Business Roundtable – both of whom have been largely resistant to any form of domestic spending – have come out in favor of an infrastructure bank. However, DeLauro said her Republican colleagues in Congress were not hearing this.

#### GOP opposition to the plan

Alessi, Staff Writer for the Council on Foreign Relations, 11

(Christopher, Council on Foreign Relations, 9/8, “Banking on U.S. Infrastructure Revival,” <http://www.cfr.org/economics/banking-us-infrastructure-revival/p25782>, accessed 7/9/12, A.R.)

U.S. President Barack Obama is expected to propose an employment stimulus package worth over [$300 billion (Bloomberg)](http://www.bloomberg.com/news/print/2011-09-06/obama-said-to-plan-more-than-300-billion-for-jobs-to-boost-u-s-economy.html) in a speech to both houses of Congress on Thursday. The plan will aim to create new jobs through a combination of tax cuts and--more contentiously--government spending on infrastructure projects. The most sweeping proposal for government investment in public works being debated around Washington is the creation of a national [infrastructure bank (CNN).](http://money.cnn.com/2011/09/06/news/economy/obama_stimulus_options/?cnn=yes) Such an institution would require an initial, one-time investment by the government of approximately $10 billion. Most urgently, the bank would be a means of creating jobs in the construction, manufacturing, and retail trade sectors of the economy.

With unemployment stuck above 9 percent, a plan to get fourteen million unemployed Americans back to work is a top government priority. Moreover, as the U.S. economy continues to stagnate--and fears of a global double-dip recession abound--generating jobs is seen as crucial. Investing in infrastructure, along with education and technology, is a way to tackle unemployment by addressing longstanding structural problems on "the tradable side of the economy," economist and Nobel laureate [A. Michael Spence](http://www.cfr.org/united-states/reviving-us-economic-leadership/p25680) recently told CFR.

At the same time, U.S. infrastructure is undoubtedly deteriorating, undermining the foundations of the country's economy. In turn, this is weakening the ability of the United States--the world's largest economy--to exercise economic leadership throughout the globe. The World Economic Forum's 2011-2012 [Global Competitiveness Report](http://www.weforum.org/news/us-competitiveness-ranking-continues-fall-emerging-markets-are-closing-gap) said the United States declined in competitiveness for the third year in a row, dropping to fifth place. The Global Competitive Index is composed of twelve pillars, including infrastructure.

"For decades, we have neglected the foundation of our economy while other countries have invested in state-of-the-art water, energy, and transportation infrastructure, wrote [Michael B. Likosky](http://www.nyu.edu/ipk/people/michael-likosky), a senior fellow at New York University's Institute for Public Knowledge, in a July 12 [New York Times op-ed](http://www.nytimes.com/2011/07/13/opinion/13likosky.html).

[Congressional Democrats (WSJ)](http://blogs.wsj.com/washwire/2011/09/06/house-democrats-tout-job-ideas-ahead-of-obama-speech/)--and President Obama--are Washington's biggest proponents of an independent, national infrastructure bank. They argue that the bank would incite private investment and spur job creation in the short term--while strengthening the foundations of the economy in the long run. But many congressional Republicans say that, as with the stimulus package implemented during the height of the financial crisis, U.S. workers would not immediately feel the effects of infrastructure spending, if at all. Senate Republican leader Mitch McConnell says [more government spending (NYT)](http://www.nytimes.com/2011/09/07/us/politics/07cong.html) would only strangle already-anemic economic growth.

Experts remain divided, too, using historical precedent to bolster competing arguments. The Heritage Foundation's [Ronald D. Utt](http://www.heritage.org/about/staff/u/ronald-utt) wrote in an August 30 [memo](http://www.heritage.org/Research/Reports/2011/08/Using-Infrastructure-Banks-to-Spur-Economic-Recovery) that the [American Recovery and Reinvestment Act (PDF)](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.pdf) of 2009 (ARRA)--the stimulus package--included $48.1 billion for transportation infrastructure development that had a limited effect on the job market and larger economy. "Based on ARRA's dismal and remarkably untimely performance, Obama's infrastructure bank would likely yield only modest amounts of infrastructure spending by the end of 2017 while having no measurable impact on job growth or economic activity," Utt wrote. In a September 6 [entry](http://247wallst.com/2011/09/06/why-an-infrastructure-jobs-bank-won%E2%80%99t-work/) for 24/7 Wall Street, media entrepreneur [Douglas A. McIntyre](http://www.huffingtonpost.com/douglas-a-mcintyre) contended that an infrastructure bank would face the same bureaucratic conditions that rendered the 2008 stimulus ineffective.

Some opponents to the bank think the most efficient way to address the United States' infrastructure needs is by encouraging private consortia to operate projects at the state level. "A federal infrastructure bank would be swayed by political criteria and would be tempted to invest in low-return projects, such as roads to nowhere," Manhattan Institute senior fellow [Diana Furchtgott-Roth](http://www.manhattan-institute.org/html/furchtgott-roth.htm) argued in a May 26 piece for [Real Clear Markets.](http://www.realclearmarkets.com/articles/2011/05/26/lets_leave_our_roads_to_the_states_99043.html)

#### GOP hates plan – assumes link turns

Schulz, Contributing Editor -- Logistics Management ‘10

(John D., “Transportation infrastructure: Is a U.S. Infrastructure Bank an idea whose time has come?”, April 2. <http://www.logisticsmgmt.com/article/455228-Transportation_infrastructure_Is_a_U_S_Infrastructure_Bank_an_idea_whose_time_has_come_.php>, accessed 7/9/12, a.r.)

A National Infrastructure Bank is an idea whose time has come. The politics are tricky, but there is clear recognition from leading public and private sector thinkers that we need to make big investments in infrastructure, and that we need to make those investments in a rational way.

These were the key takeaway points from Friday’s second panel on the question of “Financing Future Growth,” which was part of the Progressive Policy Institute’s Second Annual North American Strategic Leadership Infrastructure Leadership Forum in Washington, DC.

The panelists were: U.S. Representative Rosa L. DeLauro (D-CT), Sponsor of National Infrastructure Development Bank Act of 2009 (H.R. 2521); Chris Bertram, Assistant Secretary for Budget and Programs and C.F.O., U.S. Department of Transportation; Leo Hindery, Jr., Investor, Managing Partner of InterMedia Partners VII; former President and CEO of AT&T Broadband; former President, Tele-Communications, Inc. (TCI); and Everett Ehrlich, Economist, President of ESC Company; former Under Secretary of Commerce for Economic Affairs. PPI President Will Marshall moderated.

Rep. DeLauro set the tone for the panel by underlining the urgency for doing something big. “We need to be serious about a growth strategy,” DeLauro told a packed audience. “This is not stimulus, this is not recovery, this is whether we can grow and create jobs to compete with the economic power centers of the world. China invests nine percent of its GDP in infrastructure. India invests five percent. We invest less than two percent.”

And yet, Rep. DeLauro’s bill to create a National Infrastructure Bank and turn a chaotic ad-hoc infrastructure appropriations process into a rational national strategy has attracted only 60 co-sponsors – and not a single Republican.

“Resistance is internal to Congress,” said Hindery. “They would give up so much grant and earmark authority. Members are hesitant to see that move into an independent entity.”

## Bicycles

### Bicycle Funding – Congressional Opposition

Bicycle funding is contentious in Congress

Malouff, Arlington Country Department of Transportation professional transportation planner, 7/3/12

(Dan, Greater Greater Washington, “Federal transportation bill clings to the status quo,” <http://greatergreaterwashington.org/post/15422/federal-transportation-bill-clings-to-the-status-quo/>, accessed 7/912, YGS)

Bicycle and pedestrian funding was a major target for attack, and a major point of contention. Many rural and conservative congresspeople don't understand the importance of these modes to urban transportation, and view them as unnecessary luxuries.

At several points throughout the negotiation process, it looked like dedicated bike/ped funding might be eliminated entirely. With the final adopted bill, it was reduced from about $1 billion annually to about $700 million annually. That's too bad, but the fact that any survived at all is good news.

## Electric Vehicles

### Electric Vehicles – Political Football

#### Electric vehicles are a political football

Berman, New York Times, 11

(Brad, 9-28-11, Reuters, KQED, “Electric Cars Become Political Football”, <http://www.plugincars.com/electric-cars-become-political-football-107954.html> JGC)

When I reported on this three years ago, Walter McManus, auto economist at the University of Michigan, told me, “Investing in new products and technologies takes cash. Without incentives to invest in the fuel-efficient products that consumers are now demanding, Detroit will continue to spend scarce resources to sell yesterday’s products instead of developing tomorrow’s cleaner products.” Automakers have up to 25 years to repay the money. Such sober thinking is lost in today’s heated political environment. “Electric cars have become a political football,” said Lisa Margonelli, fellow at the New America Foundation, speaking at [Green Drive Expo](http://www.greendriveexpo.com/) earlier this month in Richmond, Calif. “They are attracting tremendous amounts of negative attention. They are becoming hot.”

### Electric vehicles – Unpopular

#### Electric vehicles are unpopular with the public

Drevna, Investor's Business Daily 12

(Charles, 5-22-12, Investor's Business Daily, “Call Off War On Fossil Fuels,” Lexis Nexis, Accessed, 7/9/12 , JGC)

Obama's approach is to over-regulate and raise taxes on the oil and natural gas sector. His rationale is that by raising the cost of petroleum-based fuels and energy from oil and natural gas, Americans will flock to so-called "alternative" energy sources like biofuels, wind power and solar power, and start driving electric vehicles.

These "alternative" sources of power and vehicles need billions of taxpayer dollars to survive, yet are still unpopular with consumers and plagued with problems. And even at today's elevated gasoline costs, these "alternatives" are more expensive for consumers.

The president has also blocked construction of the Keystone XL pipeline, which would bring more than 800,000 barrels of oil each day from Canada, Montana and North Dakota to U.S. Gulf Coast refineries. Sadly, Obama continues to pander to anti-fossil fuel extremists who will look for any reason -- no matter how baseless and absurd -- to oppose the vital pipeline that would benefit millions of Americans.

## High Speed Rail

### Obama Push

#### Obama supports high speed rail

Bader, Competitive Enterprise Institute Counsel for Special Projects, 11

(Hans, 7-16-11, Globalwarming.org, “Obama Thwarts Debt-Ceiling Deal by Clinging to Wasteful Green-Jobs and Stimulus Spending,” http://www.thebeezbuzz.com/index.php?option=com\_content&view=article&id=2478:obama-thwarts-debt-ceiling-deal-by-clinging-to-wasteful-green-jobs-and-stimulus-spending&catid=41:more-news&Itemid=70, accessed 7-4-12, ML)

President **Obama is refusing to accept deals that would raise the federal debt ceiling** [**because they would require him to accept cuts**](http://online.wsj.com/article/SB10001424052702304911104576443863077227784.html) **in wasteful green-jobs and rail boondoggles and** [**stimulus**](http://pajamasmedia.com/instapundit/124302/) **spending:** **“The president has made a bipartisan agreement even more difficult by** [**declaring**](http://online.wsj.com/article/SB10001424052702304911104576443863077227784.html?mod=rss_opinion_main) **certain spending off-limits to cuts.** **Mr. Obama’s ‘untouchable’ list includes** his $1 trillion health-care reform, $128 billion in unspent stimulus funds, education and training outlays, **his $53 billion high-speed rail proposal,** spending on ‘green’ jobs and student loans, and virtually any structural changes to entitlements except further squeezing payments to doctors, hospitals and health-care professionals.” If the debt ceiling is not raised, America’s credit rating may be downgraded, leading to higher interest payments on the debt in the future.

#### Obama will have to make efforts for HSR

**Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 10**

(Yonah, December 29th, 2010, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “After Two Years of Democratic Control in Washington, A Transportation Roundup”, http://www.thetransportpolitic.com/2010/12/29/after-two-years-of-democratic-control-in-washington-a-transportation-roundup/ , ML, accessed: 7/8/12)

Two years of Democratic Party power in Washington, then, meant quite a few improvements to the nation’s transportation policy-making, bringing to the fore projects that have been largely ignored by the government for decades. The Obama Administration and its allies in Congress have made clear their collective interest in funding projects that are founded on the idea that transportation can be an important element in the creation of livable cities. This represents a significant and positive change from past federal policy. But there is more work to be done.

Republican control of the House of Representatives is unlikely to simplify the extension of many of the new programs undertaken over the past two years — from high-speed rail to TIGER. Though these programs have faced some controversy and should be made more transparent, they have been well-managed, largely fair in their distribution of grants, and, crucially, have spread funding to cities across the country, in both Red and Blue states. In order to assure their future, President Obama will have to articulate their positive effects nationwide and advance ways to fund them that appear bipartisan and consensus-worthy.

Will he make the effort to do so when the nation has so many other pressing needs? Is there enough political support on either side of the aisle to maintain a major federal commitment to transport policies that do not revolve around the construction of highways?

#### Obama will be linked to HSR

**Laing, The Hill national political correspondent, 12**

(Keith Laing , The Hill, May 30, 12, “Obama administration officials to speak at high-speed rail conference” ,http://thehill.com/blogs/transportation-report/railroads/230145-obama-administration-officials-to-speak-at-high-speed-rail-conference, ML, accessed: 7/9/12)

 The Obama administration has maintained its push for high-speed rail in the face of staunch opposition from Republicans in Congress and in state governments. The president called early in the first half of his tenure in office for a nationwide network of high-speed railways that he said would rival the reach of the interstate highway system, and he included $8 billion for construction in the 2009 economic stimulus.

But the money was rejected by three prominent Republican governors, and GOP members in the House moved successfully last year to eliminate future funding for high-speed rail.

#### Obama will have to push for programs such as high speed rails

Freemark ,Transport Politic 10

(Yonah, Massachusetts Institute of Technology, Master of Science in Transportation, Yale University, Arts in Architecture, Bachelors, Department of Civil and Environmental Engineering, 12-29-10,“After Two Years of Democratic Control in Washington, A Transportation Roundup”, The Transport Politic, <http://www.thetransportpolitic.com/2010/12/29/after-two-years-of-democratic-control-in-washington-a-transportation-roundup/>, accessed 7-8-12, FFF)

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Republican control of the House of Representatives is [unlikely to simplify the extension of many of the new programs](http://www.thetransportpolitic.com/2010/12/01/growing-conservative-strength-puts-transit-improvements-in-doubt/) undertaken over the past two years — from high-speed rail to TIGER. Though these programs have faced some controversy and should be made more transparent, they have been well-managed, largely fair in their distribution of grants, and, crucially, have spread funding to cities across the country, in both Red and Blue states. In order to assure their future, President Obama will have to articulate their positive effects nationwide and advance ways to fund them that appear bipartisan and consensus-worthy.

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### High Speed Rail – Political Capital

#### High speed rail drains capital

Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 11

(Yonah, February 6th, 2011, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “Time to Fight”, <http://www.thetransportpolitic.com/2012/02/06/time-to-fight/>, ML, accessed: 7/8/12)

With a House like this, what advances can American transportation policy make?

Actions by members of the U.S. House over the past week suggest that Republican opposition to the funding of alternative transportation has developed into an all-out ideological battle. Though their efforts are unlikely to advance much past the doors of their chamber, the policy recklessness they have displayed speaks truly poorly of the future of the nation’s mobility systems.

By Friday last week, the following measures were brought to the attention of the GOP-led body:

The Ways and Means Committee acted to eliminate the Mass Transit Account of the Highway Trust Fund, destroying public transportation’s source of steady federal financing for capital projects, first established in the 1980s. The members of the committee determined that to remedy the fact that gas taxes have not been increased since 1993,\* the most appropriate course was not to raise the tax (as would make sense considering inflation, more efficient vehicles, and the negative environmental and congestion-related effects of gas consumption) but rather to transfer all of its revenues to the construction of highways. Public transit, on the other hand, would have to fight for an appropriation from the general fund, losing its traditional guarantee of funding and forcing any spending on it to be offset by reductions in other government programs.\*\* This as the GOP has made evident its intention to reduce funding for that same general fund through a continued push for income tax reductions, even for the highest earners.

The House Transportation and Infrastructure Committee approved a transportation reauthorization bill on partisan lines (with the exception of one Republican who voted against it, Tom Petri of Wisconsin) that would do nothing to increase funding for transportation infrastructure in the United States over the next five years despite the fact that there is considerable demand for a large improvement in the nation’s road, rail, and transit networks just to keep them in a state of good repair, let alone expand them to meet the needs of a growing population.

The committee voted to eliminate all federal requirements that states and localities spend 10% of their highway funding on alternative transportation projects (CMAQ), such as Safe Routes to School, sidewalks, or cycling infrastructure, despite the fact the those mandated investments are often the only ones of their sort that are actually made by many states.

The committee eliminated the Obama Administration’s trademark TIGER program, which has funded dozens of medium-scale projects throughout the country with a innovative merit-based approach. Instead, virtually all decisions on project funding would be made by state DOTs, which not unjustly have acquired a reputation as only interested in highways. Meanwhile, members couldn’t resist suggesting that only “true” high-speed rail projects (over 150 mph top speed) be financed by the government — even as they conveniently defunded the only such scheme in the country, the California High-Speed Rail program.

The same committee added provisions to federal law that would provide special incentives for privatization of new transportation projects — despite the fact that there is no overwhelming evidence that such mechanisms save the public any money at all. And under the committee’s legislation, the government would provide extra money to localities that contract out their transit services to private operators, simply as a reward for being profit-motivated.

Meanwhile, House leadership recommended funding any gaps in highway spending not covered by the Trust Fund through a massive expansion in domestic energy production that would destroy thousands of acres of pristine wilderness, do little for decreasing the American reliance on foreign oil, and reaffirm the nation’s addiction to carbon-heavy energy sources and ecological devastation. New energy production of this sort is highly speculative in nature and would produce very few revenues in the first years of implementation. As a special treat, the same leadership proposed overruling President Obama’s decision to cancel the Keystone XL pipeline by bundling an approval for it into the transportation bill.

This litany of disastrous policies were endorsed by the large majority of Republicans on each committee, with the exception of two GOP members in House Ways and Means\*\*\* and one in the Transportation Committee who voted against the bill, though the vote was entirely along party lines for an amendment attempting to reverse course on the elimination of the Mass Transit Account.

Fortunately, these ideas are unlikely to make it into the code thanks to the Senate, whose members, both Democratic and Republican, have different ideas about what makes an acceptable transportation bill. I’ll get back to that in a bit.

The House’s effort to move forward on a new multiyear federal transportation bill — eagerly awaited by policy wonks for three years — follows intense and repeated Republican obstructions of the Obama Administration’s most pioneering efforts to alter the nation’s transportation policy in favor of investments that improve daily life for inhabitants of American metropolitan areas. As part of that process, federally funded high-speed rail, streetcar, and transit center projects have been shot down by local politicians as a waste of money, even as road construction has continued apace.

The Tea Party’s zany obsession with the supposed U.N. plot to take over American land use decisions through Agenda 21 seems to have infected GOP House members and even presidential contenders. Michele Bachmann’s claim in 2008 that Democrats are attempting to force people onto light rail lines to travel between their housing “tenements” and government jobs may have made it into the mind of Newt Gingrich, who recently made the claim that the “elite” in New York City who ride the subway and live in high-rise condos don’t understand “normal” Americans. What kind of language is this?

In the Senate, there is clear evidence that the hard-core proposals of the House will not become law. The upper body’s Environment and Public Works Committee unanimously endorsed a different type of transportation reauthorization, one that would last only two years but that would reform and simplify the grants provided by the Department of Transportation so that they are more based on merit in such matters as ecological sensitivity and the creation of livable communities.

Similarly, in the Senate Banking Committee, the transit portion of the proposed bill (approved unanimously) would maintain funding guarantees and allow transit agencies to use federal dollars for operations spending during periods of high unemployment, which would be an excellent policy if pushed into law. How the Senate will be able to compromise with the House in time for the March 31st deadline set by the current legislation is up in the air.

The strange and laudable part of the Senate side of the story — at least as compared to the House — is the bipartisan nature of decision-making there. Why are Republicans in the Senate promoting a transportation bill that explicitly would promote multimodalism as a goal, in a contrast to the highway focus of their peers in the House? Why are they accepting environmental criteria as appropriate measures of quality in transportation policy? Perhaps the Democratic Party’s control of the Senate makes fighting such ideas a waste of time. Or perhaps longer Senate terms in office allow clearer, more reasonable thinking.

Whatever the reason, in the long-term, it is hard to envision reversing the continued growth of the GOP’s strident opposition to sustainable transportation investments in the House. As I have documented, density of population correlates strongly and positively with the Democratic Party vote share in Congressional elections; the result has been that the House Republicans have few electoral reasons to articulate policies that benefit cities. Those who believe in the importance of a sane transportation policy need to make more of an effort to advance a sane transportation politics to residents of suburban and rural areas, who also benefit from efforts to improve environmental quality, mobility alternatives, and congestion relief, but perhaps are not yet convinced of that fact. Doing so would encourage politicians hoping for votes outside of the city core — Democratic or Republican — to promote alternatives to the all-highways meme that currently rules the GOP in the House

**High speed rail drains capital – California HSR scandals**

**Doyle,** **reporter who covers California issues for the Modesto Bee and Fresno Bee and legal affairs for the McClatchy's Washington Bureau, ‘12**

(Michael Doyle I, McClatchy Washington Bureau – March 8, 2012 – lexis, ML, accessed: 7/9/12)

Federal auditors are now scrutinizing California's politically embattled high-speed rail program, in a search for facts that could turn up the heat.

Prompted by Republican congressional skeptics, thenon-partisan **G**overnment Accountability Office has started examining some of the most crucial questions surrounding the California project, including cost, ridership and potential ticket prices.

"The fact that they are looking at it is good news for the taxpayer, and it's good news for the high-speed rail authority itself," Rep. Jeff Denham, R-Turlock, Calif., said in an interview Thursday. "We shouldn't just go out and waste money."

The government watchdog agency confirmed Thursday that it is undertaking the California high-speed rail study in response to a congressional request made last December. A dozen House members, including Denham, House Majority Whip Kevin McCarthy, R-Bakersfield, and eight others from California, made the original request. With the help of some $3.6 billion in federal funds, combined with state dollars, the California High-Speed Rail Authority intends to start construction on an initial route connecting Bakersfield to Merced. Ultimately, the state plan calls for high-speed rail lines connecting Los Angeles with San Francisco, at a currently estimated price tag of some $98 billion. The federal auditors are supposed to probe some of the plan's most sensitive aspects, including: -- The amount of state and federal money that will be needed both to complete the project and to operate it annually. --The accuracy of the ridership projections relied upon by state officials in determining cost-effectiveness. The California High-Speed Rail Authority has projected attracting between 88 million and 117 million passengers annually by the year 2030. -- The price of tickets necessary to keep the rail project self-sustaining without continued reliance on government subsidies. For its own studies, the rail authority pegged ticket costs at half the average airfare between Los Angeles and San Francisco.

#### High speed rail requires substantial expenditure of political capital

The Economist Gulliver (Business Travel) blog, 11

(8-20-11, “Why do Americans have so much trouble with infrastructure projects?”, <http://www.economist.com/blogs/gulliver/2011/08/high-speed-rail-boondoggles>, accessed: 7/5/12, ML)

MATT YGLESIAS is upset that his fellow progressives are attacking California's planned high-speed rail system as a "boondoggle":

I think it’s sad that in the United States, talk of the fact that building a high-speed rail network in California, home to 12 percent of the American population, might cost something in the $40-$80 billion range prompts infighting amongst progressives as to whether that’s too high a price even while the Fiscal Year 2012 budget request for the war in Afghanistan is $113.7 billion dollars for one year. In Iraq, where $805.8 billion has already been spent and the war is “over,” $17.7 billion more has been requested for FY 2012. Heck, the total construction costs here are just two or three years’ worth of federal farm subsidies, and I hardly think the California HSR project could be completed on a three-year schedule anyway. So it’s not like this is an inconceivable sum.

Mr Yglesias claims this is all a result of how the American political system is "wired" for "large-scale, complicated, highly uncertain public sector undertakings in foreign countries relative to proposals for large-scale, complicated, highly uncertain public sector undertakings in the United States." This is true—It's certainly easier for an American president to start bombing Libya than to, say, introduce a massive reorganization of the world's largest health care market. But it's worth remembering that America recently did both those things.

It's not just that the American political system makes it hard to launch big public sector undertakings at home. It's also that even when the America's liberals do get the (admittedly rare) chance to launch a big public sector project at home, there is a long list of things that take precedence over infrastructure development. The American left has a lot more ground to cover before it gets to the point where infrastructure projects like high-speed rail are a top priority.

The United States is still embroiled in a large-scale argument over size and scope of the state that is far fiercer than in the rest of the first world. Britain's Conservatives don't propose dismantling the National Health Service. Progressives can wish that lefty legislators and politicians had more energy to focus on pushing large-scale, complicated infrastructure projects. But for better or worse, those politicians seemed focused on expanding (or preserving) the government's social insurance programmes. The Democrats' Affordable Care Act is, by any measure, a "large-scale, complicated, highly uncertain" undertaking, and while it relies on private sector insurance, it has huge public-sector components. It also has the kind of national scope that all but the most comprehensive infrastructure projects lack.

Mr Yglesias is right, of course, that "we ought to be disturbed by the fact that rail construction costs in the United States seem to be senseless[ly] high in part thanks to bad regulations," and "the fact that there are hugely expensive road boondoggles." But the current Republican Congress has very little interest in expanding high-speed rail, and it's hard to blame the previous Democratic Congress for focusing its time and political capital on health care reform, financial regulatory reform, and (to a lesser extent) global climate change, perhaps at the expense of infrastructure investment.

#### High speed rail politically unpopular – spun as wasteful spending

Cruickshank, Californian for High Speed Rail chairr, 7-2-12

(Robert, July 2, 2012, California Progress Report “Will Tea Party Democrats Destroy California HSR,” <http://www.californiaprogressreport.com/site/comment/reply/10266>, accessed 7/5/12, JGC).

They want to put $3.3 billion in immediate federal stimulus in jeopardy. Like Tea Party Republican governors in Wisconsin, Ohio and Florida, or Tea Party Republicans in Congress, these Tea Party Democrats believe that stimulus and jobs aren’t needed, that spending money on bullet trains is too much of a risk to state budgets to be worth taking. Never mind the fact that the independent peer review found the ridership numbers to be sound and that HSR systems around the world are profitable.

President Barack Obama has a lot at stake in this vote. Republicans, including Mitt Romney and Darrell Issa, want to argue that high speed rail is a wasteful project, a transportation version of Solyndra. If Tea Party Democrats in the State Senate kill the California HSR, they will be giving Romney a major boost. Republicans can say “even California Democrats think Obama’s HSR plan is wasteful.” Why would DeSaulnier, Simitian, and Lowenthal undermine their president like that?

### High Speed Rail – Congressional Opposition

#### High speed rail has massive bipartisan opposition

**Barone, resident fellow at the American Enterprise Institute, 11**

(Michael, October 13 0 2011, The National Review, <http://ngoulding.public.dev.nationalreview.com/articles/279970/congress-governors-nix-obama-s-high-speed-trains-michael-barone>, “[Congress, Governors Nix Obama’s High-Speed Trains](http://ngoulding.public.dev.nationalreview.com/articles/279970/congress-governors-nix-obama-s-high-speed-trains-michael-barone)”, ML, accessed: 7/9/12)

Dead. Kaput. Through. Finished. Washed up. Gone-zo. That, I think, is a fair description of the Obama administration’s attempt to build high-speed-rail lines across America. It hasn’t failed because of a lack of willingness to pony up money. The Obama Democrats’ February 2009 stimulus package included $8 billion for high-speed-rail projects. The Democratic Congress appropriated another $2.5 billion. But Congress is pulling the plug. The Republican-controlled House has appropriated zero dollars for high-speed rail. The Democratic-majority Senate Appropriations Committee has appropriated $100 million in its budget recommendation. That’s effectively “a vote of ‘no confidence’ to President Obama’s infrastructure initiative,” concludes transportation analyst Ken Orski, “a bipartisan signal that Congress has no appetite for pouring more money into a venture that many lawmakers have come to view as a poster child for wasteful spending.” The Transportation Department is struggling to push some of the previously appropriated money out the door. Some $480 million of planning, engineering, and construction grants were made to eleven state governments in September. But this doesn’t build many rail lines, and with one exception, none of them is really high-speed, like France’s TGV or Japan’s bullet train.

### High Speed Rail – GOP Opposition

#### High speed rail faces massive GOP opposition

Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 11

(Yonah, February 8th, 2011, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “The White House Stakes Its Political Capital on a Massive Intercity Rail Plan”, <http://www.thetransportpolitic.com/2011/02/08/the-white-house-stakes-its-political-capital-on-a-massive-intercity-rail-plan/>, ML, accessed: 7/8/12)

The White House’s commitment to fast trains has been evident throughout the Administration’s two-year lifespan, beginning with the addition of $8 billion for the mode in the 2009 stimulus bill and continued with $2.5 billion included in the Fiscal Year 2010 budget. Yet this new funding, which would add up to $53 billion over the six-year period, is remarkable for its ambition. It is clear that President Obama’s 2012 re-election campaign, already being framed in terms of “winning the future,” will hinge partially on whether voters agree with his assessment of the importance of investing in the nation’s rail transport infrastructure.

In his speech, Mr. Biden argued that American wealth was founded on “out-building” the competition. Infrastructure, he noted, is the “veins and the arteries of commerce.” The President and his team will be making this case to the American people the next two years, hoping that the public comes to endorse this message of national advancement through construction.

Whether the proposal — to be laid out in more detail with next week’s introduction the President’s full proposed FY 2012 budget — has any chance of success is undoubtedly worth questioning. Republicans have campaigned wholeheartedly against rail improvement projects in Iowa, Ohio, and Wisconsin; even Florida’s project, which would require no operating subsidies once in service, hangs in the balance. But as part of the larger transportation reauthorization legislation, which is apparently slated to move forward by this summer, a real expansion in high-speed rail funding seems possible, especially if Mr. Obama pressures the Democratic-controlled Senate to push hard for it.

High-speed rail considered a boondoggle in Congress

Doyle, McClatchy Newspapers reporter, 7/5/12

(Michael, McClatchy Newspapers, “Unclear if feds will stay aboard California’s plans for high-speed rail,” <http://www.kansascity.com/2012/07/05/3691986/unclear-if-feds-will-stay-aboard.html>, accessed 7/5/12, YGS)

WASHINGTON -- The California state legislators who will vote by Friday on a high-speed rail program are leaning on a potentially unreliable federal government.

In theory, California High-Speed Rail Authority planners anticipate receiving more than $41 billion in federal funds through the year 2026. In practice, the money might be harder to come by than the federal funds already in hand.

Congressional Republican opposition now seems locked into party doctrine. Mitt Romney, the presumptive GOP presidential candidate, has sounded skeptical. A crushing federal debt will constrict future spending, and all of this complicates a project that is depending on the federal government for the bulk of its budget.

"In light of the federal government's trillion-dollar budget deficits, there is no money for a lot of things, including the poorly planned, massive boondoggle of high-speed rail," Rep. Devin Nunes, R-Calif., said Thursday.

#### High speed unpopular – GOP demographics bolster opposition

**Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 11**

(Yonah, January 25th, 2011, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “Understanding the Republican Party’s Reluctance to Invest in Transit Infrastructure”, <http://www.thetransportpolitic.com/2011/01/25/understanding-the-republican-partys-reluctance-to-invest-in-transit-infrastructure/>, ML, accessed: 7/8/12)

» Conservatives in Congress threaten to shut down funding for transit construction projects and investments in intercity rail. One doesn’t have to look far to see why these programs aren’t priorities for them.

Late last week, a group of more than 165 of the most conservative members of the House of Representatives, the Republican Study Committee, released a report that detailed an agenda to reduce federal spending by $2.5 trillion over ten years. Spurred on by increasing public concern about the mounting national debt, the group argues that the only choice is to make huge, painful cuts in government programs. With the House now in the hands of the Republican Party, these suggestions are likely to be seriously considered.

Transportation policy is prominent on the group’s list, no matter President Obama’s call for investments in the nation’s transportation infrastructure, expected to be put forward in tonight’s state of the union address. Not only would all funding for Amtrak be cut, representing about $1.5 billion a year, but the Obama Administration’s nascent high-speed rail program would be stopped in its tracks. A $150 million commitment to Washington’s Metro system would evaporate. Even more dramatically, the New Starts program, which funds new rail and bus capital projects at a cost of $2 billion a year, would simply disappear. In other words, the Republican group suggests that all national government aid for the construction of new rail or bus lines, intercity and intra-city, be eliminated.

These cuts are extreme, and they’re not likely to make it to the President’s desk, not only because of the Democratic Party’s continued control over the Senate but also because some powerful Republicans in the House remain committed to supporting public transportation and rail programs. But how can we explain the open hostility of so many members of the GOP to any federal spending at all for non-automobile transportation? Why does a transfer of power from the Democratic Party to the Republicans engender such political problems for urban transit?

We can find clues in considering the districts from which members of the House of Representatives of each party are elected.

As shown in the chart above (in Log scale), there was a relatively strong positive correlation between density of congressional districts and the vote share of the Democratic candidate in the 2010 elections. Of densest quartile of districts with a race between a Democrat and a Republican — 105 of them, with a density of 1,935 people per square miles or more — the Democratic candidate won 89. Of the quartile of districts with the lowest densities — 98 people per square mile and below — Democratic candidates only won 23 races. As the chart below demonstrates (in regular scale), this pattern is most obvious in the nation’s big cities, where Democratic Party vote shares are huge when densities are very high.

This pattern is not a coincidence. The Democratic Party holds most of its power in the nation’s cities, whereas the GOP retains greater strength in the exurbs and rural areas. The two parties generally fight it out over the suburbs. In essence, the base of the two parties is becoming increasingly split in spatial terms: The Democrats’ most vocal constituents live in cities, whereas the Republicans’ power brokers would never agree to what some frame as a nightmare of tenements and light rail.

What does this mean? When there is a change in political power in Washington, the differences on transportation policy and other urban issues between the parties reveal themselves as very stark. Republicans in the House of Representatives know that very few of their constituents would benefit directly from increased spending on transit, for instance, so they propose gutting the nation’s commitment to new public transportation lines when they enter office. Starting two years ago, Democrats pushed the opposite agenda, devoting billions to urban-level projects that would have been impossible under the Bush Administration.

Highway funding, on the other hand, has remained relatively stable throughout, and that’s no surprise, either: The middle 50% of congressional districts, representing about half of the American population, features populations that live in neighborhoods of low to moderate densities, fully reliant on cars to get around. It is only in the densest sections of the country that transit (or affordable housing, for instance) is even an issue — which is why it appears to be mostly of concern to the Democratic Party. Republicans in the House for the most part do not have to answer to voters who are interested in improved public transportation.

This situation, of course, should be of significant concern to those who would advocate for better transit. To put matters simply, few House Republicans have any electoral reason to promote such projects, and thus, for the most part they don’t. But that produces a self-reinforcing loop; noting the lack of GOP support for urban needs, city voters push further towards the Democrats. And sensing that the Democratic Party is a collection of urbanites, those from elsewhere push away. It’s hard to know how to reverse this problem.

Many Republicans, of course, represent urban areas at various levels of government. No Democrat, for instance, has won the race for New York’s mayoralty since 1989. And the Senate is a wholly different ballgame, since most states have a variety of habitation types. As Bruce McFarling wrote this week, there are plenty of reasons for Republicans even in places of moderate density to support such investments as intercity rail.

But the peculiar dynamics of U.S. House members’ relatively small constituent groups, in combination with the predilection of state legislatures to produce gerrymandered districts designed specifically to ensure the reelection of incumbents, has resulted in a situation in which there is only one Republican-controlled congressional district with a population density of over 7,000 people per square mile. And that’s in Staten Island, hardly a bastion of urbanism. With such little representation for urban issues in today’s House leadership, real advances on transport issues seem likely to have to wait.

**GOP does not support high speed rail**

**Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 11**

(Yonah, September 9th, 2011, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “With Diminished Expectations, President Obama Renews Attempt to Expand Transportation Financing” <http://www.thetransportpolitic.com/2011/09/09/with-diminished-expectations-president-obama-renews-attempt-to-expand-transportation-financing/>, ML, accessed: 7/8/12)

A year and two months away from the United States’ next big election, politics in Washington are at a virtual standstill, with Democrats and Republicans completely at odds with one another when it comes to government policies. The situation has aggravated an already difficult funding situation for the nation’s transportation, which lacks an adequate funding source and faces a murky future. Meanwhile, the unemployment situation worsens.

President Obama’s speech tonight, in which he introduced a proposed American Jobs Act, was designed to stake a strong ground in opposition to the anti-investment GOP. In addition to a number of other policies, it promoted transportation investment as a great opportunity for reducing the rate of joblessness and improving the sometimes miserable condition of the country’s highways, rail, and transit. While the speech is unlikely to result in much Congressional action — Republicans do not seem inclined to support any of the President’s initiatives — it came across as thoughtful and in line with the nation’s great economic needs of the moment.

For transportation, the bill would direct $50 billion to the construction of highways, transit, rail, and aviation. Another measure would deposit $10 billion into an infrastructure bank. Both funds would identify and sponsor the projects most likely to spur job growth as quickly as possible. Though the proposal was not laid out in further detail tonight, it represented another variation of the ramp-up in investments in transportation the Obama Administration has been attempting to promote for several years now.

Even so, the project was a clear step back from the far more ambitious proposals Mr. Obama made at the beginning of the year, when he suggested directing $70.4 billion to highways, $18.5 billion to transit grants, and $8.0 billion to high-speed rail in 2012 alone. In response to the President’s new plans, House Majority Leader Eric Cantor (R-VA) criticized him for being unwilling to describe how the investments would be paid for, evidently unwilling to accept the Keynesian evidence that in difficult economic periods it is a good idea for governments to use deficit funding to support the economy. Chair of the House Transportation and Infrastructure Committee John Mica (R-FL) immediately articulated a position against the plans for the infrastructure bank, arguing that states should take on the responsibility. Just yesterday, the Republican leaders of the House Appropriations Committee unveiled their proposals for massive reductions in spending at the U.S. Department of Transportation, reducing highway expenditures to $27.7 billion in 2012 (from $41.8 billion in 2011) and transit formula spending to $5.2 billion (from $8.3 billion). No new New Start or Small Start transit capital grants would be funded. The high-speed rail program, which had once been one of Mr. Obama’s signature policies, would be entirely cut. These are austerity measures completely out of step with an economy desperately in need of stimulus, job creation, and infrastructure improvements.

#### Republican oppose high speed rail

Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology, 10

(Yonah, November 3rd, 2010, freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; and The Infrastructurist, “For Advocates of Alternative Transportation, A Difficult Election Day”, <http://www.thetransportpolitic.com/2011/02/08/the-white-house-stakes-its-political-capital-on-a-massive-intercity-rail-plan/>, ML, accessed: 7/8/12)

For advocates who hope for the creation of a major high-speed rail system connecting the country’s largest cities, a Republican-led House is not good news: The party’s chosen spokesmen have been criticizing President Obama’s fast train initiative since it was announced in early 2009 and their rhetoric has been mostly unchanged. In general, Republican senators have been unwilling to vote for bills that have aided in the production of alternative infrastructure. The Bush Administration, the most recent example of Republican sentiment, was anti-rail and in favor of decreased funding for agencies like the Federal Transit Administration.

There are, of course, some GOP members who haven’t been enemies of the program, notably likely new House Transportation and Infrastructure Chairman John Mica of Florida; it is possible that he and people like him will play a more prominent role over the next two years.

Yet the more problematic aspect of the GOP’s new power is the party’s unity around the issue of fiscal austerity. Whatever one’s personal thinking about the importance of reducing budget deficits, the fact remains that transportation is largely funded by the government, so a decrease in public expenditures in general likely means fewer funds for highway and transit projects. There is little hope for exceptionalism in transportation: Considering their votes on the 2009 Stimulus bill and their complete opposition to increasing taxes (which will be necessary for any transportation program), Republicans appear not to share the philosophy of the Conservative Party in the United Kingdom, for instance, whose leaders have cut back massively on social programs even as infrastructure spending has been maintained.

### High Speed Rail – Unpopular - California

#### High speed rail unpopular among voters – California proves

Grad, Los Angeles Times, City Editor, 12

(Shelby, 06-03-12, Los Angeles Times, “Californians turn against high-speed rail project, poll finds,” LexisNexis, accessed: 07-06-12, VZ)

A controversial $68-billion high-speed rail project in California has lost support from a majority of Californians, a USC Dornsife/Los Angeles Times poll found.

Across the state, 55% of the voters want the bond issue that was approved in 2008 placed back on the ballot, and 59% say they now would vote against it.

Since voters approved that $9-billion borrowing plan, the state and national economic outlook has dimmed and some of the promises about the bullet train have been compromised. Its projected cost has roughly doubled, and it will now share track with slower commuter and freight trains in some areas. Powerful agriculture groups and freight railroads have asserted that proposed routes would damage their interests and compromise safety. Churches, schools, businesses and homeowners are fighting the project.

The poll shows that concerns about the project extend broadly across regions, ethnic groups, income brackets and even political affiliations. In Southern California, 67% of voters said they would reject issuing bullet train bonds if they could vote again.

Although organized labor has been among the biggest proponents of the project, 56% of union households now would reject the state funding plan, the poll found. Even among Democrats, the strongest backers of the project, only 43% would support the bond in a new vote, while 47% would oppose it. And 76% of Republicans would vote it down.

The poll found that most voters don't expect to use it. Sixty-nine percent said they would never or hardly ever ride it. Zero percent said they would use it more than once a week. Public opinion surveys cannot predict the revenues and ridership a rail service might generate. The poll results raise questions about whether the system would serve as a robust commuter network, allowing people to live in small towns and work in big cities or vice versa. On the other hand, 33% of respondents said they would prefer a bullet train over an airplane or car on trips between L.A. and the Bay Area.

The USC Dornsife/L.A. Times survey contacted 1,002 registered voters in mid-May. Two other polls last year also found shrinking support for the project, which was approved by 52.7% of voters in 2008. A third poll this year also found likely voters opposed the project, though adults in general favor it by a small margin.

#### High speed rail unpopular – California proves

Rep. Nunes, 11

(Devin, R-CA, 12-15-12, Devin Nunes' website, “House Committee holds oversight hearing on California high-speed rail ” <http://nunes.house.gov/News/DocumentSingle.aspx?DocumentID=272851>, Accessed 7-5-12, , JGC).

Washington, Dec 15 - Today Congressman Devin Nunes testified before the House Committee on Transportation and Infrastructure, which held an important oversight hearing on the skyrocketing cost of California high-speed rail.

"The House Committee on Transportation and Infrastructure gave opponents of California high-speed rail a unique opportunity to tell members why they oppose this growingly unpopular project," said Congressman Nunes. "We need to look for better options to high- speed rail, such as freight rail and other transportation projects that are more beneficial to California and don't bankrupt our state. Chairman Mica should be praised for showing considerable leadership in holding this hearing."

"The Administration's so-called high-speed rail program continues to take us in the wrong direction, as the continued implosion of the California project continues to demonstrate. Congressman Nunes clearly highlighted Californians' growing frustration with this project today, and I appreciate his participation in this informative hearing," said Transportation and Infrastructure Committee Chairman John L. Mica.

### High Speed Rail – Unpopular – Spending

#### High speed rail unpopular due to budget tradeoff

Greenberg Quinlan Rosner and American Viewpoint, Democratic polling firm and Republican polling firm, 12

(06-02-12, States News Service, “MAJORITY OF CALIFORNIANS WOULD OPPOSE HIGH-SPEED RAIL IF GIVEN ANOTHER CHANCE TO VOTE ON IT,” LexisNexis, accessed: 07-06-12, VZ)

Just weeks before the California legislature must decide the fate of the nation's first high-speed rail project, a majority of Californians say the state has bigger priorities right now and they would veto the rail project if given another chance to vote on it, according to the results of the latest USC Dornsife College of Letters, Arts and Sciences/Los Angeles Times Poll.

In 2008, California voters approved a ballot proposition to borrow $9 billion to help fund a high-speed rail line, which is supported by Governor Jerry Brown and President Barack Obama. In the latest poll, conducted May 17-21, 59 percent of voters said they would oppose the plan if given another chance to vote on it, while 33 percent said they would support funding high-speed rail.

"California voters have clearly reconsidered their support for high-speed rail," said Dan Schnur, director of the USC Dornsife/Los Angeles Times Poll and director of the Unruh Institute of Politics at USC. "They want the chance to vote again and they want to vote no. The growing budget deficit is making Californians hesitant about spending so much money on a project like this one when they're seeing cuts to public education and law enforcement. But they also seem to be wary as to whether state government can run a big speed rail system effectively."

As proposed, the 520-mile train will go through the Central Valley, eventually connecting the San Francisco Bay Area to Los Angeles. The fastest trip between the two largest cities in the state would take 2 hours and 40 minutes, and cost about $120 one way.

Overall, 55 percent of California voters said they want another chance to weigh in on whether the state should borrow money for high-speed rail, agreeing with the statement that "the plan for the project has changed, the total costs have increased and there are doubts that high speed rail can actually turn a profit."

In contrast, 36 percent of voters said they should not be asked to go back to the ballot box, agreeing with the statement that "a new vote could halt any planned construction, and even though the plan has changed, the intent is the same, voters have already committed funding and the project will finish earlier than projected."

### High Speed Rail – Oil Lobby Opposition

#### Oil lobbies oppose HSR

**RePass, Principal Executive of the National Corridors Initiative, a bi-partisan business and environmental transportation advocacy group, 11**

(James P., Providence Journal – June 9, 2011 – lexis ML, accessed: 7/8/12)

Recently, word began to dribble out of the Midwest that a game-changing event regarding the future of America s high-speed-rail program might be afoot. Since the election of Barack Obama, pro-rail stories have made the national news more than at any time in decades; keeping his campaign promise, the new president committed $8 billion in stimulus funds in his April 2009 high-speed-rail plan, which identified 10 initial corridors ranging from 100 to 600 miles long. Another $5 billion in federal capital for new rail programs was also created that year.

That $13 billion is kick-starting high-speed rail as the first Interstate Highway System construction programs did: States that organized and asked, got the money, and built their segments first. That s the technique President Eisenhower used, pitting one region against another in a competition to get superhighways built.

There is, however, a big difference between rail now and highways then: Rail has a well-funded enemy, the oil lobby. It pays experts to issue reports that debunk rail, loudly and dishonestly. Still, America is going forward with high-speed rail, just as we did with the Interstate Highway System a half century ago, and the competition to be first is starting to get hot.

#### Oil lobby key to agenda and causes vote-switching

**Stein,** **Political Reporter at the Huffington Post, 11**

(Sam Stein, May 19, 2011, “Oil Lobby Contributions To House Members Yield Results “He has a masters from the Columbia University Graduate School of Journalism and is a graduate of Dartmouth College. Huffington Post <http://www.huffingtonpost.com/2011/05/19/oil-lobbying_n_864270.html>, ML, accessed: 7/8/11)

In the month leading up to an early May vote over whether to expand oil drilling in the Gulf of Mexico and open the coastal waters of Virginia for exploration, three of the nation's top oil companies made donations through their political action committees to 26 House lawmakers.

All but one of those lawmakers, including five Democrats, ended up supporting the oil-industry-backed bill. The 26th lawmaker, Rep. Sam Johnson (R-Tex.), abstained from voting, according to data compiled for The Huffington Post by the good government group Public Campaign.

The House of Representatives ultimately passed the Restarting American Offshore Leasing Now Act by a 266 to 149 margin, meaning that even if these 26 lawmakers had flipped their votes, the measure would have passed anyway.

The amount donated by Exxon, Chevron and ConocoPhillips -- information for other oil company PACs has not yet been made public -- was a relative pittance: Just $40,000 in total was distributed among the 26 House members in the month leading up to the vote. By contrast, the 67 co-sponsors of the Restarting American Offshore Leasing Now Act have received a combined total of $8.8 million in campaign contributions from the oil and gas industry over the course of their careers.

That said, the last minute tending the oil industry paid to House members is emblematic of how invested it was in the outcome of that particular legislation and its ability to quickly flex its political clout.

"The pattern doesn't get more clear than this -- those who sided with Big Oil received campaign contributions," said David Donnelly, National Campaigns Director for Public Campaign Action Fund. "Those who didn't got nothing. Oil companies walk away with record profits while sticking it to Americans at the pump. But it's really these politicians who are in the tank."

## Highways

### New Highways – Unpopular

#### Public opposes new highway spending

**Davis, National Association of Realtors Deputy Communications Director, 9**

(Stephen, January 16, 2009, Transportation for America, “Poll Finds Americans Favor Smarter Transportation Spending in Stimulus Bill,” <http://t4america.org/blog/2009/01/16/poll-most-americans-want-stimulus-to-emphasize-road-and-bridge-repair-and-transit-not-new-road-construction-poll-finds/>, accessed 7-7-12, JGC).

Eighty percent of Americans want transportation and other infrastructure spending included in the economic stimulus bill to target projects that achieve multiple goals and create new jobs, according to a survey sponsored by the National Association of Realtors® and Transportation for America.

The 2009 Growth and Transportation Survey describes what Americans think about how development affects their immediate community. An overwhelming 80 percent believe it’s more important that a stimulus plan include efforts to repair existing highways and build public transit rather than build new highways. Forty-five percent of those polled said construction of new highways should “definitely” or “probably” not be included in the plan.

## Mass Transit

### Mass Transit – Unpopular

#### Voters oppose investment in mass transit – not a priority

Hagen, San Bernardino County Sun, 7-2-12

(Ryan, 07-02-12, San Bernardino County Sun, “San Bernardino amends general plan to allow sbX overlay districts” LexisNexis, accessed: 07-06-12, VZ)

A rapid-transit bus system moved one step closer to operation Monday after the City Council approved a general plan amendment that creates specific zoning areas surrounding 13 transit stations along the route.

San Bernardino, Omnitrans and other transportation agencies have already begun constructing those stops along the sbX route, which will stretch from Cal State San Bernardino to Loma Linda University and include a designated bus lane for part of the trip.

There was no sign this was a done deal from the residents, business owners and two City Council members who spoke against the plan amendment and the broader sbX project.

Councilman John Valdivia said Hospitality Lane and other areas he represents would be particularly hard-hit by construction and other aspects of sbX, because that ward has the most acres under sbX construction.

"The central part of this city will bear the brunt of this boondoggle," Valdivia said, adding that the project would cost $200 million the city and other funding agencies can't afford.

"Is this a priority for this city at this time when we have a great surplus of foreclosed homes and businesses are shuttering their doors? ... I continue to oppose this bus to nowhere."

Mayor Pat Morris said the plan would spur greater development and argued that money used for the project couldn't be used for anything else because it came from Measure I, a bond for mass transit.

"The voters approved that, by a 70 percent margin, for a specific use," Morris said. "(The money) cannot be used for public safety or to fill potholes in our streets. Those are not permissible uses."

Councilman Robert Jenkins contested that, saying Fontana has used Measure I money to repair potholes on streets used by public transit and private vehicles.

"We have a transit system already -- Omnitrans," he said. "Use (Measure I money) to fix the transit system we have. Use it to fix Waterman, use it to fix Highland."

Slightly more public speakers said they opposed the project than supported it, in contrast to two weeks ago when a majority said it would revitalize the city and reduce pollution.

#### Government spending on mass transit is perceived as ineffective and unpopular by the public – and no spin – politicians don’t make the case for spending

Cox, Heritage Foundation Institute for Economic Policy Studies visiting fellow, 07

(Wendell, 09-10-07, The Heritage Foundation, “Mass Transit: Separating Delusion from Reality,” <http://www.heritage.org/research/reports/2007/09/mass-transit-separating-delusion-from-reality>, accessed: 7-03-12, VZ)

The diversion of federal road user fees to non-highway projects began in 1982; since that time, annual transit expenditures have doubled, after adjusting for inflation. Fair value would have been for transit ridership to double. It hasn't even come close. Today, annual miles of travel by transit are only 25 percent higher than in 1982. This means that, after adjusting for inflation and the increase in ridership, spending on transit by all levels of government is at least $15 billion more per year than in 1982-more than twice the amount being diverted at the federal level from fuel taxes paid by motorists. The massive diversion of highway money to transit did not reduce traffic congestion or road use. In every one of the nation's urban areas with a population of more than one million (where more than 90 percent of transit ridership occurs), road use increased per capita and by no less than one-third. Even worse, peak-period traffic congestion rose by 250 percent. Congestion has increased even in urban areas that invested substantial local revenue in transit improvements. Portland is a prime example. Located just a few miles downriver from Congressman DeFazio's district, Portland's leaders have embraced an anti-highway ideology on the assumption that they can get people to ride transit instead. Portland went so far as to cancel a freeway and use the money to build its first light rail line, which opened in 1985. The results have been dismal. A smaller share of people in Portland take transit to work today than before the light rail line (and the subsequent three other lines) was built. Portland's traffic congestion has increased at a rate well above the average for large urban areas. Few of the nation's largest urban areas have experienced so great an increase in traffic congestion. Minneapolis is another urban area where transit has failed to deliver. The urban area opened a 12-mile light rail line 2004, costing more than $700 million. The line diverted few people from using their cars, and traffic increased after it opened. The new ridership added to the transit system was less than the passenger volume on the one-third mile long I-35W before it collapsed. Of course, no one knows how much of this modest increase was due to the new light rail line and how much was due to exploding gasoline prices. In either event, the results have been negligible. Barely one percent of travel in the Minneapolis area is on transit. It seems that raising transit usage to a mere two percent would be a monumental challenge no matter how much money is spent. Congress has failed to make the connection between wasteful transit spending and inadequate roads and bridges. In Washington, where more money is the solution to every problem, Congress is breaking out the taxpayers' checkbook even before anyone knows why the bridge collapsed.

### Mass Transit – GOP Opposition

#### Public transit is massively unpopular amongst Republicans

Freemark ,Transport Politic, 10

(Yonah, Massachusetts Institute of Technology, Master of Science in Transportation, Yale University, Arts in Architecture, Bachelors, Department of Civil and Environmental Engineering, 12-1-10 ,“Growing Conservative Strength Puts Transit Improvements in Doubt”, The Transport Politic, http://www.thetransportpolitic.com/2010/12/01/growing-conservative-strength-puts-transit-improvements-in-doubt/, accessed 7-8-12, FFF)

The next few years are likely to be difficult for advocates of public transportation because of increased hostility to government investment.

1987, 1991, 1995, 1998, and 2005 share a significant feature: In each of those years, members of Congress were able to come together to pass a multi-year bill that codified how the U.S. government was to collect revenues for and allocate expenditures on transportation. Not coincidentally, in each of those years, one political party controlled both the House and Senate.

In the 112th Congress, set to enter office in just one month, Democrats will run the Senate and Republicans the House. This split control will make passing any legislation difficult. Unlike in those aforementioned years, there is little chance that this group of legislators will be able to pass a multi-year transportation bill either in 2011 or 2012.

These circumstances, combined with increasingly strident conservative rhetoric about the need to reduce government expenditures, may fundamentally challenge the advances the Obama Administration and the Democratic Congress have been able to make over the past two years in expanding the nation’s intercity rail network, promoting a vision for livable communities, and reinforcing funding for urban transit. Continuing those efforts would require identifying sources of increased revenue and a steadfast commitment to reducing the role of the automobile in American society.

But there is little support for increased taxes from any side of the political table and there is a fundamental aversion from the mainstream Republican Party to the investments that have defined the government’s recent transportation strategy. Meanwhile, declining power of the purse resulting from a fuel tax last increased in 1993 means that the existing situation is unacceptable, at least if there is any sense that something must be done to expand investment in transportation infrastructure. Gridlock — and myopic thinking about how to improve mobility in the United States — will ensue.

#### GOP will oppose mass transit – they have no geographical incentive

Freemark, Transport Politic, 11

(Yonah, Massachusetts Institute of Technology, Master of Science in Transportation, Yale University, Arts in Architecture, Bachelors, Department of Civil and Environmental Engineering, 1-25-11 ,“Understanding the Republican Party’s Reluctance to Invest in Transit Infrastructure”, The Transport Politic, http://www.thetransportpolitic.com/2011/01/25/understanding-the-republican-partys-reluctance-to-invest-in-transit-infrastructure/, accessed 7-8-12, FFF)

Highway funding, on the other hand, has remained relatively stable throughout, and that’s no surprise, either: The middle 50% of congressional districts, representing about half of the American population, features populations that live in neighborhoods of low to moderate densities, fully reliant on cars to get around. It is only in the densest sections of the country that transit (or affordable housing, for instance) is even an issue — which is why it appears to be mostly of concern to the Democratic Party. Republicans in the House for the most part do not have to answer to voters who are interested in improved public transportation.

This situation, of course, should be of significant concern to those who would advocate for better transit. To put matters simply, few House Republicans have any electoral reason to promote such projects, and thus, for the most part they don’t. But that produces a self-reinforcing loop; noting the lack of GOP support for urban needs, city voters push further towards the Democrats. And sensing that the Democratic Party is a collection of urbanites, those from elsewhere push away. It’s hard to know how to reverse this problem.

#### GOP opposes sustainable transportation investments in the house

Freemark ,Transport Politic 12

(Yonah, Massachusetts Institute of Technology, Master of Science in Transportation, Yale University, Arts in Architecture, Bachelors, Department of Civil and Environmental Engineering, 2-6-12 ,“Time to Fight”, The Transport Politic, <http://www.thetransportpolitic.com/2012/02/06/time-to-fight/>, accessed 7-8-12, FFF)

The strange and laudable part of the Senate side of the story — at least as compared to the House — is the bipartisan nature of decision-making there. Why are Republicans in the Senate promoting a transportation bill that explicitly would promote multimodalism as a goal, in a contrast to the highway focus of their peers in the House? Why are they accepting environmental criteria as appropriate measures of quality in transportation policy? Perhaps the Democratic Party’s control of the Senate makes fighting such ideas a waste of time. Or perhaps longer Senate terms in office allow clearer, more reasonable thinking.

Whatever the reason, in the long-term, it is hard to envision reversing the continued growth of the GOP’s strident opposition to sustainable transportation investments in the House. As I have documented, [density of population correlates strongly and positively with the Democratic Party vote share in Congressional elections](http://www.thetransportpolitic.com/2011/01/25/understanding-the-republican-partys-reluctance-to-invest-in-transit-infrastructure/); the result has been that the House Republicans have few electoral reasons to articulate policies that benefit cities. Those who believe in the importance of a sane transportation policy need to make more of an effort to advance a sane transportation politics to residents of suburban and rural areas, who also benefit from efforts to improve environmental quality, mobility alternatives, and congestion relief, but perhaps are not yet convinced of that fact. Doing so would encourage politicians hoping for votes outside of the city core — Democratic or Republican — to promote alternatives to the all-highways meme that currently rules the GOP in the House.

## Pedestrians

### Pedestrian Funding – Congressional Opposition

Pedestrian funding is contentious in Congress

Malouff, Arlington Country Department of Transportation professional transportation planner, 7/3/12

(Dan, Greater Greater Washington, “Federal transportation bill clings to the status quo,” <http://greatergreaterwashington.org/post/15422/federal-transportation-bill-clings-to-the-status-quo/>, accessed 7/912, YGS)

Bicycle and pedestrian funding was a major target for attack, and a major point of contention. Many rural and conservative congresspeople don't understand the importance of these modes to urban transportation, and view them as unnecessary luxuries.

At several points throughout the negotiation process, it looked like dedicated bike/ped funding might be eliminated entirely. With the final adopted bill, it was reduced from about $1 billion annually to about $700 million annually. That's too bad, but the fact that any survived at all is good news.

## Ports

### Ports – Earmarking Links

#### Ports funding requires earmarking

Nixon, New York Times, 12

(Ron, 2-5-12, The New York Times, “Congress Appears to Be Trying to Get Around Earmark Ban,” http://www.nytimes.com/2012/02/06/us/politics/congress-appears-to-be-trying-to-get-around-earmark-ban.html?pagewanted=all, accessed 7-4-12, ML).

One example of using a jobs criterion to finance a questionable project, watchdog groups say, could be the Delaware River dredging project. **For years, lawmakers from Delaware and Pennsylvania have earmarked millions of dollars to dredge the river to allow bigger ships to enter the port of Wilmington. But with an earmark ban in place, members have had to lobby the administration or the corps for money. Lawmakers and local officials have argued that the project is essential to national security and the local economy. But a 2010 report by the Government Accountability Office questioned some of the economic claims of the project**. Local officials called the report flawed. Wilmington is in competition with several East Coast seaports, including Charleston, S.C., Savannah, Ga., and Miami, that are seeking money from the corps for dredging projects. Officials at the ports say that an expansion of the Panama Canal will mean larger ships coming through in 2014, but that the ports are not deep enough to accommodate them. **In the past, Congressional delegations simply earmarked money for the ports, but the ban on earmarks has made it more difficult to finance the projects.** Lawmakers from South Carolina, Georgia and Florida say their states would be hurt economically unless they are able to deepen their ports to allow larger ships.

#### Funding port security is pork barrel spending

**Rittgers, Cato Institute legal policy analyst, 11**

(David, 9-8-11, “Abolish the Department of Homeland Security”, <http://www.cato.org/publications/policy-analysis/abolish-department-homeland-security>, ML, Accessed: 7/7/12)

National defense is a key governmental responsibility, but focusing too many resources on trying to defend every potential terrorist target is a recipe for wasteful spending. Our limited resources are better spent on investigating and arresting aspiring terrorists. DHS responsibilities for aviation security, domestic surveillance, and port security have made it too easy for politicians to disguise pork barrel spending in red, white, and blue. Politicians want to bring money home to their districts, and as a result, DHS appropriations too often differ from what ought to be DHS priorities.

### Earmarking Controversial

#### Earmarks spark controversy

Hayward, Human Events, 12

(John, 2/7/12, Eagle Publishing, “EARMARKS AND SELFISH CONCERNS,” http://www.humanevents.com/2012/02/07/earmarks-and-selfish-concerns/, accessed 7-4-12, ML).

**An amendment to eliminate earmarks was proposed for the STOCK Act, which is intended to restore public faith in Congress by cracking down on methods for using congressional power for personal enrichment. The amendment was defeated, but the controversy surrounding earmarks continues.** The [Washington Post](http://www.washingtonpost.com/investigations/congressional-earmarks-sometimes-used-to-fund-projects-near-lawmakers-properties/2012/01/12/gIQA97HGvQ_story.html) added some fuel to the fire Monday, as it published the results of what it bills as “the first systematic effort to examine the alignment of earmarks with lawmakers’ private interests.” **Specifically, the Post discovered that some congressional earmarks have been used to fund public improvements located suspiciously close to property owned by the sponsoring representative**:

A U.S. senator from Alabama directed more than $100 million in federal earmarks to renovate downtown Tuscaloosa near his own commercial office building. A congressman from Georgia secured $6.3 million in taxpayer funds to replenish the beach about 900 feet from his island vacation cottage. A representative from Michigan earmarked $486,000 to add a bike lane to a bridge within walking distance of her home.

Thirty-three members of Congress have directed more than $300 million in earmarks and other spending provisions to dozens of public projects that are next to or within about two miles of the lawmakers’ own property, according to a Washington Post investigation.

Under the ethics rules Congress has written for itself, this is both legal and undisclosed.

#### The public dislikes pork barrel spending when it does not benefit their area

Bohl, Senior Assistant Director of Communications at Hofstra University, 9

(Brian, May 30, “Politicians should practice what they preach with pork-barrel spending”, <http://www.hofstrachronicle.com/2.1155/politicians-should-practice-what-they-preach-with-pork-barrel-spending-1.52387>, ML, accessed: 7-7-12)

Pork, like public opinion with politicians, is something people tend to hate in the abstract while doing nothing to change the culture that allows it to permeate. Everyone points to projects like Alaska's famous "Bridge to Nowhere" as examples of runaway government spending that should be stopped. Every candidate for office lambasts Washington's culture of entitlement and selfishness in vowing that taxpayer money would not be allocated for frivolous projects under their watch.

Realistically, politicians and the public embrace pork spending when it benefits their state and pork is only a problem when the area benefitting from the funding is far away from those critical of the expenditures. New Yorkers look at money earmarked for a little-used bridge in a far-off state and scream that government is once again participating in wasteful spending.

#### Public opposes pork barrel spending that doesn’t benefit their locale

Iuliano, Harvard Law School JD candidate, 10

(Jason, “ELIMINATING EARMARKS: WHY THE CONGRESSIONAL LINE ITEM VOTE CAN SUCCEED WHERE THE PRESIDENTIAL LINE ITEM VETO FAILED”, <http://wvlawreview.wvu.edu/r/download/60832>, ML, accessed 7/7/12)

By focusing the spotlight on the legislators who request earmarks, the Act is perversely creating a system that rewards this behavior. Lawmakers routinely brag about their earmarking prowess,49 and citizens prefer to be represented by politicians who can bring home the pork.50 Reasonably, however, voters dislike when pork is funneled to other districts at their expense.

Reporting earmarks in this manner only serves to anger citizens outside of the pork-laden districts. On the other hand, the voters inside those districts — and the only people who can remove these “earmark kings”51 from office — will be more likely to support their senators and representatives.

## States

### Delegation/State Authority – Drains Capital

#### Functional delegation of authority would drain political capital

Dilger, Senior Specialist in American National Government, 10

(Robert Jay, 01-05-10, “Federalism Issues in Surface Transportation Policy: Past and Present,” Congressional Research Service, <http://www.policyarchive.org/handle/10207/bitstreams/18824_Previous_Version_2010-01-05.pdf>, accessed 07-08-12, VZ)

Externally, interest groups representing both the private and public sectors have historically been united in their advocacy of additional federal funding, but have been divided over how program funds should be allocated, both among states and among transportation modes. Congress has tended to arbitrate the differences among these varied interests by balancing the need to promote the national interest with the recognition that, for the most part, state and local government officials have proven over time to be relatively capable administrators of surface transportation programs. As a result, Congress has rejected efforts to devolve programmatic authority to states. Instead, it has adopted policies that have expanded state programmatic flexibility while, at the same time, promote the national interest by requiring state and local governments to adhere to federal guidelines for managing the project development process and monitoring highway and bridge conditions, highway safety programs, traffic congestion mitigation programs, transit facility and equipment maintenance programs, as well as intermodal transportation facilities and systems.

Presidents, perhaps reflecting their role in representing the national interest as a whole and, perhaps, at least in part, because several Presidents had formerly served as governors, have tended to be more supportive of program consolidation and devolution of programmatic authority in surface transportation policy than Congress. This has been especially the case when the President’s ideology favored smaller government. Typically, presidential efforts to consolidate surface transportation programs have faced strong opposition from private sector interest groups worried that program consolidation will result in less funding for the consolidated programs over time, and from Members worried that consolidation could lead to less funding for specific programs that are important to them.

#### Devolution to the states is unpopular in Congress

Freemark, The Transport Public, journalist, 12

(Yonah, 03-15-12, “The Senate’s Transportation Program,” The Transport Public, <http://www.thetransportpolitic.com/2012/03/15/the-senates-transportation-program/>, accessed: 07-08-12, VZ)

Despite the limited nature of the MAP-21 legislation, there were nonetheless some significant changes to federal transportation law contained within. Most intriguingly, the bill puts into question the future of private sector involvement in the transportation field.

What MAP-21 does not do is either cut funding for sustainable transportation dramatically (as would have the still-born House Republican proposal, H.R. 7) or devolve transportation funding and decision-making entirely to the states, a revision whose primary consequence would be putting more highway-crazed State Departments of Transportation in charge. It was, in other words, not a good policy. Thankfully, two amendments to MAP-21 that would have done so failed by huge margins in the Senate (Senator Jim DeMint (R-SC)’s by 30 to 67; Senator Rob Portmans (R-OH)’s by 30 to 68), suggesting that there is little support on either side of the aisle for moving all transportation policy to the states.

### Federal Funding to States – Opposition

#### States oppose federal delegation of funds for transportation

Lieb, Associated Press, correspondent and political reporter, 11

(David A., 09/12/11, “Obama Jobs Plan: Federal Aid For States Splits Democrats, Republicans,” Huffington Post, <http://www.huffingtonpost.com/2011/09/12/obama-jobs-plan-federal-aid-states_n_958103.html>, accessed: 07-09-12, VZ)

President Barack Obama's latest jobs plan calls for $130 billion in aid to state and local governments, providing either a welcome infusion of cash for those struggling with budget gaps, government layoffs and crumbling roads or merely a temporary patch for budget holes that are likely to remain long after the federal money runs out.

The perspective of governors and state lawmakers varies but often follows political affiliation, with Democrats generally praising Obama's plan and Republicans remaining skeptical.

"It's a no-brainer: Congress should pass the bill. Now," said California Gov. Jerry Brown, a Democrat, whose state would receive some $13 billion for construction projects and teaching and public safety jobs at a time when it has the nation's second highest unemployment rate.

Many Republican lawmakers and governors are less enthusiastic about accepting the federal money, especially if it locks in costs they will have to account for once the aid runs out.

"If we're given the flexibility to spend it as we see fit and not as they see fit, I could see some benefit," particularly for long-delayed infrastructure projects, said Missouri House Budget Committee Chairman Ryan Silvey, a Republican. "I'm not a big fan of using one-time money for ongoing expenses. I think that's what the state should be getting away from, not getting deeper into."

Obama's plan has to clear a politically divided Congress, which could scuttle it entirely or enact bits and pieces of it. As envisioned by Obama, state and local governments would receive $50 billion for transportation projects, $35 billion for school, police and fire department payrolls, $30 billion to modernize public schools and community colleges, and $15 billion to refurbish vacant and foreclosed homes or businesses.

It would mark the second, sizable infusion of federal cash to states in less than three years, coming just as they are burning through the last of the billions of dollars they received under the 2009 stimulus act.

In many cases, states used the original stimulus money to fill in for declining tax revenue and lessen or delay spending cuts for public schools, health care programs and other services. But those budget holes remain in many states as high unemployment persists and government tax revenue remains lackluster.

With another round of money, "the federal government may be able to play a critical role in helping states close their budget gaps," said David Adkins, executive director of the Council of State Governments.

But he said the prospects for receiving the money appear "very, very slim" given the focus on reducing government spending among Republicans in Congress. He said state government leaders are more interested in long-term stable federal funding for transportation projects and education programs.

In New Mexico, Democratic state Sen. John Arthur Smith said provisions of the Obama proposal, such as infrastructure financing for highways and aid to schools, should provide a short-term economic boost for the state. But he worries that it could create a future financial squeeze if state government needs to replace the federal money when the program ends.

He said state spending had to be cut this year to help close a $200 million budget gap created when federal stimulus money ran out.

"I'm one of those who would rather confront the enemy at hand right now," Smith said. "I don't think we're elected to push the issue down the road."

State budget officials have only estimates of how much they would receive under the Obama proposal, which was announced Thursday to a joint session of Congress. They are waiting to learn exactly how those dollars would be disbursed and what strings, if any, would be attached.

Some Republican governors already have established a precedent of rejecting portions of the federal stimulus money.

Wisconsin Gov. Scott Walker rejected $810 million in federal funding for a high-speed rail line between Madison and Milwaukee, and Ohio Gov. John Kasich turned down $400 million for a rail project to connect Cincinnati, Cleveland and Columbus. Florida Gov. Gov. Rick Scott canceled a $2 billion federal grant for a high-speed train between Orlando and Tampa, citing concern that state government would be locked into years of operating subsidies.

## TIGER

### Obama Push

#### Obama will have to push for programs such as TIGER

Freemark ,Transport Politic 10

(Yonah, Massachusetts Institute of Technology, Master of Science in Transportation, Yale University, Arts in Architecture, Bachelors, Department of Civil and Environmental Engineering, 12-29-10,“After Two Years of Democratic Control in Washington, A Transportation Roundup”, The Transport Politic, <http://www.thetransportpolitic.com/2010/12/29/after-two-years-of-democratic-control-in-washington-a-transportation-roundup/>, accessed 7-8-12, FFF)

Two years of Democratic Party power in Washington, then, meant quite a few improvements to the nation’s transportation policy-making, bringing to the fore projects that have been largely ignored by the government for decades. The Obama Administration and its allies in Congress have made clear their collective interest in funding projects that are founded on the idea that transportation can be an important element in the creation of livable cities. This represents a significant and positive change from past federal policy. But there is more work to be done.

Republican control of the House of Representatives is [unlikely to simplify the extension of many of the new programs](http://www.thetransportpolitic.com/2010/12/01/growing-conservative-strength-puts-transit-improvements-in-doubt/) undertaken over the past two years — from high-speed rail to TIGER. Though these programs have faced some controversy and should be made more transparent, they have been well-managed, largely fair in their distribution of grants, and, crucially, have spread funding to cities across the country, in both Red and Blue states. In order to assure their future, President Obama will have to articulate their positive effects nationwide and advance ways to fund them that appear bipartisan and consensus-worthy.

# Internal Links

## Political Capital

### Political Capital Defined

#### Political capital is the combined resources available to the president to influence lawmakers

Beckmann, UC-Irvine political science professor, & Kumar, Indian Institute of Technology economics professor, 11

[Matthew N., & Vimal, Presidential Studies Quarterly, 41: 488-503, September 2011, “Opportunism in Polarization: Presidential Success in Senate Key Votes, 1953-2008”, p. 489, footnote 2, Wiley, accessed 2-5-12, AFB]

2. To elaborate, we conceptualize “political capital” as selective-incentives presidents control and may allocate to induce changes in lawmakers’ votes. So, even as tactical applications may vary—for example, arm-twisting, brow-beating, horse-trading, etc.—all reflect the same underlying purpose: allocating the presidency’s unique reservoir of persuasive resources bargaining with particular lawmakers.

### Political Capital Key to Agenda

#### Obama’s political capital crucial to the agenda – especially in election season

Terigopula , Writer for the Harvard Political Review , 11

(Rajiv, 1-14-11, Harvard Political Review , “President Obama’s Political Capital,” <http://hpronline.org/hprgument/president-obamas-political-capital/> , 7-6-11, GJV)

Much [hullabaloo](http://www.cbsnews.com/8301-503544_162-20027301-503544.html) has been made in the last two weeks over the state of the 112th Congress and how it can possibly operate without political gridlock. By popular media’s account, a three-way Western-style showdown between Speaker Boehner, Leader Reid, and President Obama is all but imminent.  In the[words](http://www.brookings.edu/opinions/2011/0104_congress_galston.aspx) of William A. Galston, a senior fellow at the Brookings Institute, The polarization of American politics will make a tough job even harder.  The two parties disagree on economic fundamentals, and because each now enjoys a share of real power, nothing will get done unless they manage to agree…Flash-points will occur early and often in 2012…Many analysts are predicting two years of gridlock, and it’s easy to see why. Indeed, as the 112th Congress kicks off, our President and the Democratic Party he leads is headed down a grim road for passing any major legislation on its short-term and long-term policy agenda.  The pause in harsh rhetoric and fierce contention borne of the tragic, horrifying events of Tucson is unfortunately going to be short-lived, by many [accounts](http://www.npr.org/templates/story/story.php?storyId=132911323).  Even as legislators’ [efforts for unification](http://www.cbsnews.com/8301-503544_162-20028499-503544.html) might bring together the parties for symbolic purposes such as the State of the Union address, House and Senate Republicans are largely [seeking](http://www.csmonitor.com/USA/Politics/2011/0113/With-new-oversight-powers-House-GOP-aims-to-put-Obama-on-defensive) to exercise their mandate to check the perceived Democratic excesses of the last two years.  The President of Change is going to have to grapple with the [ways of the past](http://www.politico.com/news/stories/0111/47526.html), if the House GOP intends to keep its promise to implement the Pledge to America.  Inherent in all of these impending political firefights is the realization that President Obama’s intelligent utilization of his quickly diminishing political capital is going to play a larger role than ever in our national political process over the next two years, and may very well determine the outcome of the 2012 presidential race.

#### Policymaking requires horse trading – President must use political capital to secure agenda

Ryan, Political scientist & University of the West Indies University Director of the Institute of Social and Economic Studies, 9

(Selwyn, 1-18-9, Trinidad Express, "Obama and political capital," Trinidad Express, <http://www.trinidadexpress.com/index.pl/article_opinion?id=161426968>, accessed 7-15-10)

One of the "realities" that Obama has to face is that American politics is not a winner-take-all system. It is pluralistic vertically and horizontally, and getting anything done politically, even when the President and the Congress are controlled by the same party, requires groups to negotiate, bargain and engage in serious horse trading. No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what I the leader say you do.

#### Political capital determines success of the President’s agenda

Light, Brookings Center for Public Service founding director, 99

(Paul Charles, New York University Professor of Public Service, The President’s Agenda: Domestic Policy Choice from Kennedy to Clinton, p. 25-26, Google Books, <http://books.google.com/books?id=vuWJHWdgstsC&printsec=frontcover&dq=the+Presidents+Agenda&hl=en&ei=X2FATOLRFIWKlwflvLHxDQ&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCwQ6AEwAA#v=onepage&q=the%20Presidents%20Agenda&f=false>, accessed 7-15-10)

In chapter 2, I will consider just how capital affects the basic parameters of the domestic agenda. Though the internal resources are important contributors to timing and size, capital remains the cirtical factor. That conclusion will become essential in understanding the domestic agenda. Whatever the President’s personal expertise, character, or skills, capital is the most important resource. In the past, presidential scholars have focused on individual factors in discussing White House decisions, personality being the dominant factor. Yet, given low levels in presidential capital, even the most positive and most active executive could make little impact. A president can be skilled, charming, charismatic, a veritable legislative wizard, but if he does not have the basic congressional strength, his domestic agenda will be severely restricted – capital affects both the number and the content of the President’s priorities. Thus, it is capital that determines whether the President will have the opportunity to offer a detailed domestic program, whether he will be restricted to a series of limited initiatives and vetoes. Capital sets the basic parameters of the agenda, determining the size of the agenda and guiding the criteria for choice. Regardless of the President’s personality, capital is the central force behind the domestic agenda.

#### Political support key to agenda – collapse of support crushes agenda

Ornstein, American Enterprise Institute fellow and political analyst, 3

(Norman J., Roll Call, 9-10-3, “As Issues Pile Up; Bush Needs New Approach With Hill”, Lexis)

When a president operates with sky-high approval and a reputation as a winner no matter what the odds, he has immense leverage with Members of Congress who fear his wrath and assume he will prevail. When he stumbles, the assumptions change, and the ability to exercise power attenuates.

#### Policymaking requires compromise

Barrett & Eshbaugh-Soha, University of North Texas, 7

[Andrew W. & Matthew, March, Political Research Quarterly, Vol. 60, No. 1, “Presidential Success on the Substance of Legislation”, pp. 100-112, Stable URL: http://www.jstor.org/stable/4623810, Accessed: 7-15-10)

Congress as an institution depends upon the willingness of its members to compromise to produce legislation (Elving 1995). The lawmaking process is protracted and complicated with dozens of opportuni- ties for unsatisfied legislators to kill legislation, including simple inaction by committee chairs or party leaders. With more than five hundred individu- als divided into two legislative bodies, little can be accomplished without building majority coalitions through bargaining and compromise.

Presidents, however, are only one among several cues that legislators use to decide how to vote (Kingdon 1981), with much coalition building taking place independent of presidential involvement (Arnold 1990). Moreover, presidents must overcome several obstacles unique to their office when attempting to build congressional coalitions (Edwards 2000). These include, but are not limited to, the president's limited tenure in office as well as a different electoral clock and constituency than members of Congress. Each of these provides different incentives for presi- dents and legislators to bargain, compromise, and ultimately agree on legislative language. The hierarchical nature of the executive, in contrast to the more decentralized legislature, also exacerbates presidential responsibility and accountability while obscuring that of Congress. Given the difficulty of the lawmaking process itself and the unique obstacles facing the president in building congressional coalitions, presidents will likely be forced to make concessions on most bills they support, as they bargain with legisla- tors to secure their passage. Therefore, we hypothesize that presidents will need to compromise on the substance of legislation before they sign most bills into law.

#### The President has a limited capability to pass his agenda. Passing items like the plan take away from his ability to pass other legislation

Feehery, former House Speaker Hastert staffer and Feehery Group president, 9

(John, Feehery Group is a Washington-based advocacy firm, 7-21-9, CNN, “Commentary: Obama enters 'The Matrix'” [www.cnn.com/2009/POLITICS/07/21/feehery.obama.matrix/index.html](http://www.cnn.com/2009/POLITICS/07/21/feehery.obama.matrix/index.html), accessed 7-16-10)

And, indeed, the Congress has its own rules that make quick legislative action, no matter how popular with the American people, hard to achieve. The Obama agenda is breathtaking in its scope and eye-popping in its cost. He seeks to completely recast the health care, energy, financial services and automobile sectors of this country, as he seeks to make the tax code more progressive, retirement programs more sustainable, and the immigration system more welcoming to immigrants. And he also wants to stimulate the economy and get us out of what some people are calling the "Great Recession." But can it all get done, and in a form that makes his political base happy? The president insists that he can get this all done, and his chief of staff, Rahm Emanuel, has implied that the financial crisis has actually given the White House more momentum to get it all done. But history tells a different story. Congress has its own code, and cracking that code usually means taking into account five different factors. These five factors are: Money: It may seem trite, but the biggest factor in determining the size and scope of a legislative agenda is how much money -- and more importantly, the perception of how much money -- is available for the government to use. Bill Clinton's legislative agenda was necessarily limited because his budget constraints made it difficult to spend money on big things. George Bush, who inherited a fairly large budget surplus, had money to burn, which allowed him to pass a prescription drug benefit. President Obama has no money, which means that if he wants to pass a big new entitlement like a health care public option, he will have to make the Congress take the painful step of raising a lot of taxes. Time: The legislative calendar is simply not that long. A new administration has a little less than a year to pass its big-ticket items, mostly because it is very hard to get major initiatives done in an election year. Take away the three months it takes to hire key staff, a couple of months for the various congressional recesses, and you have about six months to really legislate. Since Congress is supposed to use some time to pass its annual spending bills (there are 12 that need to be passed each year, not counting supplemental spending bills), time for big initiatives is actually very limited. Each day the president takes time to travel overseas or to throw out the first pitch at an All Star game, he is taking time away from making contacts with legislators whose support is crucial for the president's agenda. Time is not a limitless resource on Capitol Hill. Political capital: A president enters office with the highest popularity ratings he will ever get (barring a war or some other calamity that brings the country together), which is why most presidents try to pass as much as possible as early as possible in their administrations. The most famous example of that was Franklin Roosevelt's Hundred Days. But there are other examples. Ronald Reagan moved his agenda very early in his administration, George Bush passed his tax proposals and the No Child Left Behind law very early in his White House. They understood the principle that it is important to strike while the iron is hot. President Bush famously misunderstood this principle when he said that he was going to use the "political capital" gained in his re-election to pass Social Security reform. What he failed to understand was that as soon as he won re-election, he was a lame duck in the eyes of the Congress, and he had no political capital. President Obama believes he has a lot of political capital, and perhaps he does. But each day he is in office, his political capital reserve is declining. And each time he goes to the well to pass things like "cap and trade" makes it more difficult for him to pass his more important priorities like health care. Focus: Congress can walk and chew gum at the same time. But focus is essential to achieving results. Presidential focus quite often moves off the domestic agenda and into the wider world of diplomacy. But that can spell greater political danger for a president and his party. George H.W. Bush spent most of his presidency winning a war against Iraq and successfully concluded the Cold War conflict with the Soviet Union. But neither of those foreign policy successes helped him win re-election. His son, George W. Bush, understood that he had to keep a tight focus on the economy and one big domestic policy item (education), and while the war on terror did end up dominating his presidency, Bush never forgot to focus on his domestic achievements. The biggest danger to President Obama is not just foreign entanglements, it is also competing domestic priorities that threaten to undermine his ability to get big things done. For example, the House vote on cap and trade has made it very hard for conservative and moderate Democrats to join with Speaker Nancy Pelosi on a more important health care bill.

### AT – Political Capital Theory Flawed

#### Political capital theory is true – it has been common since FDR

Beckmann, UC-Irvine political science professor, & Kumar, Indian Institute of Technology economics professor, 11

[Matthew N., & Vimal, Presidential Studies Quarterly, 41: 488-503, September 2011, “Opportunism in Polarization: Presidential Success in Senate Key Votes, 1953-2008”, p. 491-2, Wiley, accessed 2-5-12, AFB]

Returning to our model and its implications, we see a prerequisite to presidential influence is the president’s willingness and ability to spend political capital lobbying lawmakers. When a president either chooses not to get involved (A = 0) or lacks political capital to spend (B = 0), the pivotal senator will propose and pass her preferred bill. In such circumstances, the chamber’s preference distribution does not matter; the president will have no influence.

In other circumstances—ones commonplace since Franklin D. Roosevelt entered the Oval Office—the president not only seeks to exert influence on Capitol Hill, but also wields some political capital to invest to that end. We now turn to these cases and in doing so uncover how presidents’ influence turns on more than his supply of political capital and the location of the pivotal voter; it also depends on the level ideological polarization. Let us explain.

#### Political capital improves president’s ability to win agenda – studies prove

Beckmann, UC-Irvine political science professor, & Kumar, Indian Institute of Technology economics professor, 11

[Matthew N., & Vimal, Presidential Studies Quarterly, 41: 488-503, September 2011, “Opportunism in Polarization: Presidential Success in Senate Key Votes, 1953-2008”, p. 492, Wiley, accessed 2-5-12, AFB]

Below we illustrate this general finding for three archetype distributions—one unimodal, one uniform, and one bimodal—as shown in Figure 2 and defined in Appendix A. Note that, although these three archetype distributions vary substantially in terms of polarization, from low (unimodal) to moderate (uniform) to high (bimodal), they all have the same median voter, which allows us to isolate the impact of ideological polarization per se, independent of the pivotal voter’s preference. Put differently, comparing presidents’ influence across these three distributions reveals how polarization (or lack thereof) affects presidents’ legislative influence (or lack thereof), all else equal.

Figure 3 displays the president’s influence on the policy outcome given these different levels of congressional polarization, assuming the president’s goal is to achieve an outcome as far to the right as possible (toward 1 2 ). Perhaps the most obvious result is that presidents endowed with political capital and executing a vote-centered strategy can always improve their prospects for success by lobbying. Across all three distributions, even modest supplies of political capital permit the president to pull the outcome toward his preferred outcome. And, of course, added supplies of political capital only serve to further enhance presidents’ policy-making influence.

Political capital theory true – leverage is used to curb public support in favor of the President, and to assert policies

Ponder, Drury University’s Political Science Professor, 12

(Daniel E., June 2012, Presidential Studies Quarterly, “Presidential Leverage and the Politics of Policy Formulation,” 42, no. 2, p. 304-5, YGS)

Presidents can use leverage strategically so as to maximize their power potential.

The notion of the president’s public standing to attitudes toward government as a whole

derives in part from Stephen Skowronek’s observation that “Presidents stand preeminent

in American politics when government has been most thoroughly discredited, and when

political resistance to presidency is weakest, presidents tend to remake the government

wholesale” (1993, 37). Indeed, at one level, presidential leverage can be conceived of as

having a familial resemblance to Skowronek’s “warrant” for power, by which he means a

kind of license or authority to put political power into action (1993, esp. chaps. 2 and 3).

Skowronek argues that these warrants are contingent on the political time in which

presidents’ serve. Leverage is similar in that it systematically measures or quantifies this

contingency and identifies when a president truly does “stand preeminent” in American

politics. This state of affairs obtains when leverage is high. When government action (or

inaction) has left the public wanting, distrustful, and/or skeptical of political action,

presidents may enjoy leverage over competing institutions and thus feel emboldened to increase the variety of their public policy proposals, perhaps realizing increased policy

success in the legislative arena. Presidential leverage conveys how presidents (via the

imperfect measure of presidential approval) fare in the presence of public attitudes in the

other institutions of government, with specific reference to trust in government. When

the public lacks trust in other institutions and the president is able to rise above those

institutions, he builds distance between himself and the beleaguered institutions of

government; on the downside, he may sense he has more of a warrant for action than is

actually the case (see Schlesinger 1973; Skowronek 1993).9

Similar too is Charles O. Jones’s consideration of “leeway.” Jones sees leeway as

“essentially an exercise in capitalizing on the conspicuous features of separationism

. . . encouraged in post-World War II politics by the frequency of split party government”

(2000, 6). Leeway is similar to Skowronek’s warrants in that they both imply that

presidents can use structural and institutional contexts to forge their own paths, perhaps

working outside the boundaries of what might be acceptable or predictable.

Leverage focuses on the public dimension of presidential action, and presidents

with considerable leverage can further veer “off course” and take advantage of the

“feeling,” however temporary, that they are “first among equals” with the leverage to set

the course of American politics.10 Leverage, broadly conceived, derives from and builds

upon these insights into presidential authority. I conceive it not as antagonistic to

“warrants” or “leeway,” but rather as part of a cumulative process that helps explain

presidential action where presidents can assert, however intuitively, leverage over the

course of American politics and public policy.

### AT – Political Capital Not Key

#### Political capital key – working behind the scenes, especially pre-floor

Beckmann, UC-Irvine political science professor, & Kumar, Indian Institute of Technology economics professor, 11

[Matthew N. Beckmann PhD and Associate Professor, Political Science School of Social Sciences at UC Irvine; and Vimal Kumar, Journal of Theoretical Politics “How presidents push, when presidents win: A model of positive presidential power in US lawmaking,”, 23: 3, Ebsco]

Fortunately for those inside the West Wing, some researchers paint a more optimistic picture regarding presidents’ potential for passing important planks of their legislative agenda. Covington et al. (1995), Barrett and Eshbaugh-Soha (2007), Edwards III and Barrett (2000), Kellerman (1984), Light (1982), Peterson (1990), and Rudalevige (2002) all observe that presidents secure greater support for their ‘priority’ items, and when they exert ‘effort’ pushing them. In addition, Covington (1987) concludes that White House officials can occasionally win greater support among legislators by working behind the scenes, while Canes-Wrone (2001, 2005) shows that presidents can induce support from a recalcitrant Congress by strategically ‘going public’ when advocating popular proposals (see also Kernell (1993)). Sullivan (1987, 1988) finds that presidents can amass winning congressional coalitions by changing members’ positions as a bill moves through the legislative process. However, even among these relative optimists, the prescription for presidents appears to be an ephemeral combination of luck and effort, not a systematic strategy. In discussing the challenge for a president looking to push legislation on Capitol Hill, Samuel Kernell offers a comparable assessment. He writes, The number and variety of choices place great demands upon [presidents’] strategic calculation, so much so that pluralist leadership must be understood as an art…an ability to sense ‘right choices’. (Kernell, 1993: 36) Furthermore, the seemingly paradoxical findings noted above, that is, a general (if modest) pattern of president-supported legislative success on passage and policy content, but not on ‘key’ roll-call votes, remain unexplained. This paper aims to demystify the White House’s legislative strategies, both their logic and their effects. Developing a non-cooperative game in which the president allocates scarce ‘political capital’ to induce changes in legislators’ behavior, we deduce two lobbying strategies White House officials may execute and, in turn, investigate their impact on the laws that result. Interestingly, we theorize that presidents’ foremost influence comes from bargaining with congressional leaders over policy alternatives before bills reach the floor, not bargaining with pivotal voters for their support once they do. Precisely because so much of the presidents’ influence comes in the legislative earlygame (rather than the endgame), we theorize that typical roll-call-based tests of presidents’ legislative influence have missed most of it.

### AT – Political Capital Not Key – Ideology and/or Little Effect [Dickinson, Beckmann & Kumar]

#### Aff overgeneralizes – despite partisanship and ideology, laws do still pass, and that is where political capital is key

Beckmann, UC-Irvine political science professor, & Kumar, Indian Institute of Technology economics professor, 11

[Matthew N., & Vimal, Presidential Studies Quarterly, 41: 488-503, September 2011, “Opportunism in Polarization: Presidential Success in Senate Key Votes, 1953-2008”, p. 488-9, Wiley, accessed 2-5-12, AFB]

That Congress has experienced increased polarization is clear, and burgeoning is the literature investigating its causes and consequences. Here we examine a counterintuitive wrinkle on the latter. Drawing from a simple game-theoretic model in which a president strategically allocates scarce “political capital” to induce changes in legislators’ votes, we show congressional polarization can actually improve a president’s prospects for winning key roll-call votes—a hypothesis that emerges inasmuch as polarization enables presidents to concentrate their resources lobbying fewer members (compared to a more homogenous chamber). We test this hypothesis by investigating presidents’ success on Congressional Quarterly’s “key” Senate roll-call votes, 1953-2008.

That the last half-century has seen increased polarization in Washington is clear. Holders of most key posts and key votes just a few decades back, conservative Democrats and liberal Republicans are now few and far between, so much so that one scribe recently referred to the former as “endangered species” and the latter as “essentially extinct” (Roll Call, October 27, 2005). Replacing these moderates have been resolute ideologues and loyal partisans (Fleisher and Bond 2004; McCarty, Poole, and Rosenthal 2006; Poole and Rosenthal 1984; 1997; Sinclair 2006; Theriault 2008). Plainly, Jim Hightower’s aphorism that “There’s nothing in the middle of the road but yellow stripes and dead armadillos” remains instructive, and more so with each passing year.

In light of Congress’s increasingly polarized character, a burgeoning literature has sought to uncover the causes and consequences. While a myriad of factors have been identified as contributing to congressional polarization (Brady and Han 2007; Carson et al. 2007; Fleisher and Bond 2004; Jacobson 2000; Ladewig 2010; McCarty, Poole, and Rosenthal 2006; Poole and Rosenthal 1997; Sinclair 2006; Stonecash, Brewer, and Mariani 2003; Theriault 2008), the hypothesized effect is comparatively clear: legislative gridlock. Partisan polarization (via divided government) is thought to engender gridlock by promoting posturing over compromising (Gilmour 1995; Groseclose and McCarty 2001; Lee 2009; Sinclair 2006), and ideological polarization is predicted to encourage gridlock by reducing the range of status quos that can be beat by a coalition preferring something else (Brady and Volden 1998; Krehbiel 1998).

But, of course, gridlock is not an all-or-nothing proposition. Although polarization certainly inhibits lawmaking (Barrett et al. 1997; Binder 1999, 2003; Coleman 1999; Howell et al. 2000; Jones 2001; Kelly 1993), significant laws continue to pass— underunified and divided government, and even in the face of substantial polarization (see esp. Mayhew 2005). This article considers these exceptions to the general rule. Specifically, building on Snyder (1991) (see also, Beckmann and McGann 2008; Groseclose and Snyder 1996) we develop a simple game-theoretic model in which the president allocates scarce political capital to induce changes in senators’ votes and, in turn, show how a polarized chamber, compared to one with more homogenous preferences, can actually improve a president’s prospects for winning important roll-call votes and passing preferred legislation. We test this hypothesis against data on presidents’ success on key Senate roll-call votes from 1953 to 2008.1

#### Ideological polarization is exactly when political capital is most key – study of over 50 years of data prove

Beckmann, UC-Irvine political science professor, & Kumar, Indian Institute of Technology economics professor, 11

[Matthew N., & Vimal, Presidential Studies Quarterly, 41: 488-503, September 2011, “Opportunism in Polarization: Presidential Success in Senate Key Votes, 1953-2008”, p. 492-4, Wiley, accessed 2-5-12, AFB]

But beyond these basic results is the more intriguing insight: as polarization grows, increasing are the president’s policy returns on lobbying investments. By allowing the president to focus his political resources on only a handful of swing voters, polarization permits presidents to exert greater influence than would be possible in a chamber packed with so-called centrists. Consequently, given some level of political capital, the president exerts the least influence in the nonpolarized (unimodal) legislature and the greatest influence in the polarized (bimodal) one.4 Again, this illustration just affirms the general result proved earlier: all else equal, ideological polarization around the pivotal voter improves presidents’ prospects for exerting influence, prevailing on key votes, and securing legislative success.

### AT – No Persuasion (Klein)

#### No internal link – the majority of Klein’s article is talking about big speeches like Obama’s jobs speech and the State of the Union – our internal link is political capital, not “going public”

#### Klein admits no alternative – passivity more dangerous

Klein, Washington Post columnist, 3-19-12

[Ezra, New Yorker, “The Unpersuaded? Who listens to a President?”, <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 3-28-12, AFB]

After three years in Washington, David Axelrod, who served as the chief strategist for President Obama’s 2008 campaign, agrees. “Some folks in politics believe this is all just a rhetorical game, but when you’re governing it’s not,” he says. “People are viewing their lives through the lens of their own experience, not waiting for you to describe to them what they’re seeing or feeling.” Paul Begala, who helped set the message in the Clinton White House, puts it more piquantly: “The Titanic had an iceberg problem. It did not have a communications problem. Right now, the President has a jobs problem. If Obama had four-per-cent unemployment, he would be on Mt. Rushmore already and people would look at Nancy Pelosi like Lady Gaga.”

The question, Begala says, is: What is the alternative to Presidential persuasion? “If you don’t try it at all, it guarantees you won’t persuade anybody,” he says. “And, to put it simply, your people in Congress and in the country will hate you if you don’t.” That’s the real dilemma for the modern White House. Aggressive, public leadership is typically ineffective and, during periods of divided government, can actually make matters worse. But passivity is even more dangerous. In that case, you’re not getting anything done and you look like you’re not even trying.

One option is to exert private leadership. The Obama Administration has had some success with this approach. Late in 2010, some observers wondered why the White House, which clearly believed that there was a need for further stimulus, wasn’t pushing Republicans on a payroll-tax cut, one of the few stimulus measures they had seemed somewhat open to. Then, suddenly, after the midterm election, it appeared in the tax deal. Axelrod says, “We didn’t put the payroll-tax cut into our speeches in the fall because we didn’t think we could pass it, and we worried that if we included it in our rhetoric it might pollute the issue and impair our chances of getting it done after the election.”

#### Klein’s argument is flawed – focused too narrowly in specific speeches, and has no alt

Drum, Mother Jones political analyst, 3-12-12

[Kevin, Mother Jones, “Presidents and the Bully Pulpit”, <http://motherjones.com/kevin-drum/2012/03/presidents-and-bully-pulpit>, accessed 3-28-12, AFB]

Do presidents really have the power to persuade? Citing the work of political scientists George Edward and Frances Lee, Ezra Klein writes in the New Yorker this week that they don't. Not much, anyway. When presidents talk, he argues, all they really do is polarize: instead of persuading, they simply make partisan divides even starker. So if you didn't have much of an opinion about contraceptive coverage a month ago, you probably do now — and thanks to President Obama's intervention, you're now for it if you're a Democrat and against it if you're a Republican: [1]

Edwards’s work suggests that Presidential persuasion isn’t effective with the public. Lee’s work suggests that Presidential persuasion might actually have an anti-persuasive effect on the opposing party in Congress. And, because our system of government usually requires at least some members of the opposition to work with the President if anything is to get done, that suggests that the President’s attempts at persuasion might have the perverse effect of making it harder for him to govern.

....The question, [Paul] Begala says, is: What is the alternative to Presidential persuasion? “If you don’t try it at all, it guarantees you won’t persuade anybody,” he says. “And, to put it simply, your people in Congress and in the country will hate you if you don’t.” That’s the real dilemma for the modern White House. Aggressive, public leadership is typically ineffective and, during periods of divided government, can actually make matters worse. But passivity is even more dangerous. In that case, you’re not getting anything done and you look like you’re not even trying.

The entire essay is worth a read. It's surprisingly persuasive. And yet, that bolded passage makes a key point: even if presidential speeches don't accomplish much, we really don't know if shutting up would be any better. After all, we've never had a modern president who specialized in shutting up. And since it's not a trait likely to lead to the Oval Office, we probably never will.

I also think that Ezra doesn't really grapple with the strongest arguments on the other side. For one thing, although there are examples of presidential offensives that failed (George Bush on Social Security privatization), there are also example of presidential offensives that succeeded (George Bush on going to war with Iraq). The same is true for broader themes. For example, Edwards found that "surveys of public opinion have found that support for regulatory programs and spending on health care, welfare, urban problems, education, environmental protection and aid to minorities increased rather than decreased during Reagan’s tenure." OK. But what about the notion that tax cuts are good for the economy? The public may have already been primed to believe this by the tax revolts of the late '70s, but I'll bet Reagan did a lot to cement public opinion on the subject. And the Republican tax jihad has been one of the most influential political movements of the past three decades.

More generally, I think it's a mistake to focus narrowly on presidential speeches about specific pieces of legislation. Maybe those really don't do any good. But presidents do have the ability to rally their own troops, and that matters. That's largely what Obama has done in the contraception debate. Presidents also have the ability to set agendas. Nobody was talking about invading Iraq until George Bush revved up his marketing campaign in 2002, and after that it suddenly seemed like the most natural thing in the world to a lot of people.

Beyond that, it's too cramped to think of the bully pulpit as just the president, just giving a few speeches. It's more than that. It's a president mobilizing his party and his supporters and doing it over the course of years. That's harder to measure, and I can't prove that presidents have as much influence there as I think they do. But I confess that I think they do. Truman made containment national policy for 40 years, JFK made the moon program a bipartisan national aspiration, Nixon made working-class resentment the driving spirit of the Republican Party, Reagan channeled the rising tide of the Christian right and turned that resentment into the modern-day culture wars, and George Bush forged a bipartisan consensus that the threat of terrorism justifies nearly any defense. It's true that in all of these cases presidents were working with public opinion, not against it, but I think it's also true that different presidents might have shaped different consensuses.

Maybe I'm protesting too much. I actually think Ezra has the better of the argument here. But even if public opinion can rarely be directly challenged and turned around, it can be molded and channeled. Presidents and their party machines can influence which latent issues stay dormant and which ones become national obsessions. They can take advantage of events in ways that others can't. After all, talking is what human beings do. It's hard to credit the idea that it never really accomplishes anything.

### AT – Winners Win

#### Contentious debate ensures plan is not perceived as a victory

Mann, Brookings Governance Studies senior fellow, 10

[Thomas, Brookings, November, “American Politics on the Eve of the Midterm Elections”, <http://www.brookings.edu/articles/2010/11_midterm_elections_mann.aspx>, accessed 6-20-11]

The well-documented successes of the financial stabilisation and stimulus initiatives are invisible to a public reacting to the here and now, not to the counterfactual of how much worse it might have been. The painfully slow recovery from the global financial crisis and Great Recession have led most Americans to believe these programmes have failed and as a consequence they judge the President and Congress harshly.

HIGHLY POLARISED That perception of failure has been magnified by the highly contentious process by which Obama’s initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place.

Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President’s agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

#### Link outweighs “winners win” turn

Silber, Political Science PhD, 7

[Marissa Silber, Political Science PhD Student at the University of Florida, Prepared for delivery at the 2007 Annual Meeting of the American Political Science Association, August 30th-September 2nd, 2007, “WHAT MAKES A PRESIDENT QUACK?

 UNDERSTANDING LAME DUCK STATUS THROUGH THE EYES OF THE MEDIA AND POLITICIANS,” <http://convention3.allacademic.com/meta/p_mla_apa_research_citation/2/1/0/8/9/p210893_index.html>, Accessed 7/9/12, THW]

Important to the discussion of political capital is whether or not it can be replenished over a term. If a President expends political capital on his agenda, can it be replaced? Light suggests that “capital declines over time – public approval consistently falls: midterm losses occur” (31). Capital can be rebuilt, but only to a limited extent. The decline of capital makes it difficult to access information, recruit more expertise and maintain energy. If a lame duck President can be defined by a loss of political capital, this paper helps determine if such capital can be replenished or if a lame duck can accomplish little. Before determining this, a definition of a lame duck President must be developed.

#### **Winners win isn’t true for Obama**

Galston, Brookings, Governance Studies, Senior Fellow 10

(William, 11-4-10, “President Barack Obama’s Two Years: Policy Accomplishments, Political Difficulties”, Brookings , <http://www.brookings.edu/research/papers/2010/11/04-obama-galston>, accessed 7-9-12 FFF)

Second, the administration believed that success would breed success—that the momentum from one legislative victory would spill over into the next.  The reverse was closer to the truth: with each difficult vote, it became harder to persuade Democrats from swing districts and states to cast the next one.  In the event, House members who feared that they would pay a heavy price if they supported cap-and-trade legislation turned out to have a better grasp of political fundamentals than did administration strategists.

#### Winners win theory is false - Congress too polarized

Mann, Brookings, Governance Studies, Senior Fellow 10’

(Thomas E, November 2010, “AMERICAN POLITICS ON THE EVE OF THE MIDTERM ELECTIONS”, Brookings, [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CEwQFjAA&url=http%3A%2F%2Fwww.brookings.edu%2F~%2Fmedia%2FFiles%2Frc%2Farticles%2F2010%2F11\_midterm\_elections\_mann%2F11\_midterm\_elections\_mann.pdf&ei=QaL7T6qvO8WhrAGpwNyLCQ&usg=AFQjCNHgxxtq3WWIhoKbhRhv2P1Q0oPtjw](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CEwQFjAA&url=http%3A%2F%2Fwww.brookings.edu%2F~%2Fmedia%2FFiles%2Frc%2Farticles%2F2010%2F11_midterm_elections_mann%2F11_midterm_elections_mann.pdf&ei=QaL7T6qvO8WhrAGpwNyLCQ&usg=AFQjCNHgxxt), accessed 7-9-12 FFF)

That perception of failure has been magnified by the highly contentious process by which Obama’s initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place.

Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President’s agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

#### Winners win isn’t true – going public backfires –raising the salience hurts the president

Klein, Washington Post columnist, 3-19-12

[Ezra, New Yorker, “The Unpersuaded? Who listens to a President?”, <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 3-28-12, AFB]

Representative Jim Cooper, a Democrat from Tennessee, takes Lee’s thesis even further. “The more high-profile the communication effort, the less likely it is to succeed,” he says. “In education reform, I think Obama has done brilliantly, largely because it’s out of the press. But on higher-profile things, like deficit reduction, he’s had a much tougher time.”

Edwards’s work suggests that Presidential persuasion isn’t effective with the public. Lee’s work suggests that Presidential persuasion might actually have an anti-persuasive effect on the opposing party in Congress. And, because our system of government usually requires at least some members of the opposition to work with the President if anything is to get done, that suggests that the President’s attempts at persuasion might have the perverse effect of making it harder for him to govern.

[Lee = Frances Lee, political science professor at the University of Maryland]

#### Winners don’t win, Obama’s miscalculation proves

Baker, New York Times 10

(Peter, White House correspondent for The Times and a contributing writer for the magazine, 10-12-10, “Education of a President”, New York Times, <http://www.nytimes.com/2010/10/17/magazine/17obama-t.html?pagewanted=all>, accessed 7-9-12 FFF)

But it is possible to win the inside game and lose the outside game. In their darkest moments, White House aides wonder aloud whether it is even possible for a modern president to succeed, no matter how many bills he signs. Everything seems to conspire against the idea: an implacable opposition with little if any real interest in collaboration, a news media saturated with triviality and conflict, a culture that demands solutions yesterday, a societal cynicism that holds leadership in low regard. Some White House aides who were ready to carve a new spot on Mount Rushmore for their boss two years ago privately concede now that he cannot be another [Abraham Lincoln](http://topics.nytimes.com/top/reference/timestopics/people/l/abraham_lincoln/index.html?inline=nyt-per) after all. In this environment, they have increasingly concluded, it may be that every modern president is going to be, at best, average.

“We’re all a lot more cynical now,” one aide told me. The easy answer is to blame the Republicans, and White House aides do that with exuberance. But they are also looking at their own misjudgments, the hubris that led them to think they really could defy the laws of politics. “It’s not that we believed our own press or press releases, but there was definitely a sense at the beginning that we could really change Washington,” another White House official told me. “ ‘Arrogance’ isn’t the right word, but we were overconfident.”

The biggest miscalculation in the minds of most Obama advisers was the assumption that he could bridge a polarized capital and forge genuinely bipartisan coalitions. While Republican leaders resolved to stand against Obama, his early efforts to woo the opposition also struck many as halfhearted. “If anybody thought the Republicans were just going to roll over, we were just terribly mistaken,” former Senator [Tom Daschle](http://topics.nytimes.com/top/reference/timestopics/people/d/tom_daschle/index.html?inline=nyt-per), a mentor and an outside adviser to Obama, told me. “I’m not sure anybody really thought that, but I think we kind of hoped the Republicans would go away. And obviously they didn’t do that.”

## Public

### Public Popularity Key to Agenda

#### The president’s agenda lives and dies by the polls – public approval is crucial

Gregg, Clarion political science professor, 97

(Gary, THE PRESIDENTIAL REPUBLIC, 1997, p. 143-44)

But if presidential power thrives by the polls, it might also die by the polls. While popular presidents tend to get much of what they want and are willing to fight for, unpopular presidents are trapped and constrained by the polls. As a senior aide to President Carter mused about that president's problems with Congress controlled by his own party, "When the President is low in public opinion polls, the members of Congress see little hazard in bucking him...They read the polls and from that they feel secure in turning their backs on the President with political impunity." Unquestionably, the success of the President’s policies bear a tremendous relationship to his popularity in the polls. Without effective public relations, modern presidents and their programs whither on the vine of public opinion.

#### Public opinion has a strong influence on the passage of legislation

Barrett & Eshbaugh-Soha, University of North Texas, 07

[Andrew W. & Matthew, March, Political Research Quarterly, Vol. 60, No. 1, “Presidential Success on the Substance of Legislation”, pp. 100-112, Stable URL: http://www.jstor.org/stable/4623810, Accessed: 7-15-10)

Public attitudes also should influence the presi- dent's bargaining position. Despite evidence to the contrary (Bond and Fleisher 1990; Collier and Sullivan 1995), presidents, White House staff, and legislators believe that public approval is important to the president's success in Congress (Edwards 1997; Neustadt 1960; Rivers and Rose 1985). Theoretically, public support will improve the president's bargain- ing position as members of Congress will not want to risk alienating their constituents by opposing a popu- lar president's policy preferences. Therefore, we hypothesize that the higher his level of approval, the more a final statute will reflect the president's policy preferences.

#### Public opinion polls influence presidential agenda

Sparrow, University of Texas at Austin government professor, 8

(Bartholomew H., “Who Speaks for the People? The President, the Press, and Public Opinion in the United States”, 10-13-8, Presidential Studies Quarterly, Volume 38, Issue 4, Pages 578-592, Wiley InterScience, accessed 7-8-9)

Public opinion serves as a metric of presidential leadership with respect to presidential approval ratings. Presidents and their advisors use public opinion not as an absolute guide, but rather for tactical purposes, and instrumentally, for reaching particular political ends (Jacobs and Shapiro 2000). In general, political analysts conceive of public opinion as a channel or guide for policy makers, boundaries beyond which they cannot go but which also offer leeway in terms of the exact path policy makers take. Public opinion serves as a "permissive limit" for policy makers (Almond 1950; Key 1961; Sobel 2001).

### Tea Party – Clout

#### The Tea Party controls the GOP – Bachmann’s rise proves

Holland, Irish Times, 11

(Steve, 6-27-11, “Tea Party luminary Bachmann begins Republican presidential selection bid” The Irish Times, Lexis, Accessed July 6, 2011, EJONES)

CONSERVATIVE FIREBRAND Michele Bachmann will test the limits of how far a favourite of the Tea Party movement can go when she formally launches her campaign for the 2012 Republican presidential nomination today. The Minnesota congresswoman, who promises to cut spending, shrink the government and repeal President Obama s 2010 healthcare overhaul law, may well pull the Republican campaign toward the right in her bid for an upset victory. After months of flirting with a run, Ms Bachmann (55) enters the Republican campaign with an event in her home town of Waterloo, Iowa. Her strong performance at a New Hampshire debate two weeks ago has given her a boost. A Des Moines Registerpoll issued on Saturday of likely participants in the state s Republican presidential caucuses showed her in second place, with 22 per cent support, right behind former Massachusetts governor Mitt Romney, with 23 per cent. Interviewed on the Fox News Company Dossier Sundayprogramme, she was confronted with what the interviewer called past verbal gaffes and mis-statements of fact, and he asked her: Are you a flake? That would be insulting, to say something like that, because I m a serious person, Ms Bachmann responded, listing her achievements as a former tax lawyer with a postdoctorate degree in federal tax law, a state lawmaker and businesswoman. Her rise is proof that the Tea Party conservative movement remains a potent force after helping Republicans win control of the House in elections in November. The Tea Party was wildly successful because it was not personality driven, said Republican strategist Scott Reed. Bachmann s challenge is to harness that energy and score an early state victory. Ms Bachmann will be vying with conservative rivals such as former Minnesota governor Tim Pawlenty in Iowa, where social conservatives play a major role in Republican politics. Her presence could dampen the chances that former Alaska governor Sarah Palin will make a late entry into the campaign, since their messages resonate with the same conservative voters. Unlike Ms Palin, Ms Bachmann holds public office and has a role in the Republican Party, as head of the Tea Party House caucus. Ms Bachmann s brand of conservatism has generated such proposed legislation as the Light Bulb Freedom of Choice Act that would prevent the government from requiring Americans to use energy-efficient light bulbs. The question for me is whether she can get any establishment support, said Republican strategist Matt Mackowiak. We know she has Tea Party support. But the question is, can she gain credibility with the establishment, governors, senators, senior members of the party in and out of office. Ms Bachmann has rejected as scare tactics warnings of economic catastrophe if lawmakers don t approve raising the US debt ceiling. I have no intention of voting to raise the debt ceiling because, right now, the federal government continues to spend more money than what it takes in, she told CBS. (Reuters)

### Tea Party – Clout – AT - Inexperience

#### The Tea Party was trained – they now have effective methods

Zernike, New York Times, 11

(Kate, 6-27-11, “Tea Party to Come Up With Debt-Cutting Proposals” The New York Times, June 27, 201, Lexis, Accessed July 5, 2011, EJONES)

While the Tea Party movement has led the charge for cutting the national debt, its supporters have often struggled to explain how, exactly, they would do so. Now some are out to change that, joining a Tea Party debt commission that plans to hold hearings over the summer, in the hopes of delivering recommendations to lawmakers by January. The commission is being organized by FreedomWorks, the libertarian advocacy group that helped grow the Tea Party movement and mobilize it for the midterm elections. And its recommendations are likely to line up with the goals of that group, which in turn tend to reflect those of libertarian organizations like the Cato Institute. (FreedomWorks' motto is Lower Taxes, Less Government, More Freedom, and it has worked against environmental regulations and for increased privatization of health care.) ''If you look if you look at the landscape in Washington, D.C., there's a lot of Democrats who control two-thirds of the process who are now sitting on their hands, waiting to point fingers at Republicans who propose something, and there's too many Republicans who are afraid that the public won't understand a serious proposal to solve the budget deficit,'' said Matt Kibbe, the group's president.''We think, like with the first days of the Tea Party movement, that the only way we will ever reduce the debt and balance the budget is if America beats Washington and Tea Party activists take over this process, take over the public debate and engage the American people in the hard work of making tough choices.'' FreedomWorks held training for about 150 activists from 30 states at its headquarters in Washington over the weekend, with sessions dedicated to educating them about the budget proposals by Senator Rand Paul of Kentucky and Representative Paul D. Ryan of Wisconsin, both Republicans who strongly embrace libertarian economic principles. The activists, along with FreedomWorks staff, came up with parameters for their budget proposals, declaring that they would have to balance the federal budget within 10 years, reduce federal spending to 18 percent of the gross domestic product, reduce the national debt to no more than 66 percent of the G.D.P., assume that revenue accounts for no more than 19 percent of the G.D.P., reduce federal spending by at least $300 billion in the first year and reduce federal spending by at least $9 trillion over 10 years.

# AT – Theory Arguments

### AT – Not Intrinsic

#### Links prove the DA is intrinsic

Obama will have to spend political capital to get the plan done – that is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ link evidence in the 1NC and the other link evidence I read in this speech

#### Their interpretation of intrinsicness is bad for debate

1. Their intrinsicness standard would exclude politics disads – we should discuss the political ramifications of the plan – politics is at the heart of why most plans haven’t been done – we should be able to talk about the real world political ramifications
2. Infinitely regressive – no disad would be legitimate because no disad is intrinsic if an intervening actor or phenomena can solve the impact
3. Voting issue - fairness and education – their interpretation would result in no neg ground and no debate about real world implications

### AT – Fiat Solves the Link

#### “Fiat solves” is a claim without a warrant –

They need to explain what their interpretation of fiat is, why it is a good interpretation, and how is solves the link

#### Their interpretation of fiat is bad –

1. Their interpretation allows the aff to spike out of too many real world process implications – we could never win a link to a DA if they get to use a magic wand to create utopian context for the plan
2. Our interpretation – The aff gets to fiat the outcome, but not the process. This still allows the aff the durable fiat necessary to get out of “plan rollback” args, but still allows the neg the real world ground of links about the process of the plan
3. Our interpretation is better – We should be allowed to discuss the political ramifications of the plan
* Better education – talking about the political process allows us to become better decision makers. It also allows us to have in depth knowledge about the topic
* More real world – Congress always talks about the ramifications of passing a plan
* Fairness – we should be allowed to discuss the political consequences of the plan – don’t let them just spike out of our politics DA with an arbitrary interpretation of fiat

### AT – Bottom of the Docket/Normal Means Solves the Link

1. **Fiat is immediate, ensuring the link**

Even if it doesn’t pass immediately, the process begins immediately – the sponsors of the plan would announce it, the lobbying and political capital process would be triggered, ensuring a link to the plan

1. **Bad interpretation of fiat –**
2. Makes the aff a moving target- they shouldn’t be allowed to switch interpretations of fiat- moots 1NC
3. Means they don’t solve – if normal means is unpopular plans get pushed to the bottom our links prove the plan will never get to the top of the docket – agenda is huge
4. Most reasonable use of fiat is the plan is immediate – key to DA uniqueness and link ground

### AT – Voting Negative Triggers the Link

#### No link –

This debate is not a proxy for the debate in Congress – the format is different, the procedures are different, and there is no singular judge in Congress

#### This a is a bad interpretation of fiat

1. Forces the judge to take the stance of a member of Congress, making it impossible to understand fiat as the process of the plan passing because it never depends on just a single member of Congress – judge’s ballot would have to be unanimous vote in either direction
2. Not real world – they are just using a rhetorical ploy to claim the politics and fiat high ground – when in reality, they gut education and the policymaking process by eliminating discussion about things like politics DAs – this ground is uniquely important on this topic
3. Destroys neg ground – The negative would never be able to win a disad because “this debate” would make the link inevitable – or the debate next door does – the mere existence of the activity would make all DAs inevitable and the negative could never win a unique reason to vote against the plan
4. That’s a voter for fairness and education

# Affirmative Answers

## Uniqueness Answers

### Partisanship Now

#### No cooperation now – Obama partisanship

Martin, Examiner columnist, 7-16-12

[Anthony, Examiner, “Obama tells CBS News he expected more Republican cooperation”, <http://www.examiner.com/article/obama-tells-cbs-news-he-expected-more-republican-cooperation>, accessed 7-16-12]

During a comprehensive interview that CBS News has gradually broadcast over several days, President Obama stated that he expected more cooperation from Republicans than he got when he took office.

The segment of the interview in which Obama lamented the supposed lack of GOP cooperation was aired today on CBS This Morning.

"My expectation was that we would see more cooperation," Obama stated.

However, as this reporter noted in a fact check article Sunday, the president did not exactly come to Washington in a bipartisan mood, ready to meet Republicans halfway. Rather, detractors say that Obama's agenda was purely partisan, as evidenced by his willingness to shove the healthcare reform bill through Congress over the objections of most citizens and Congressional Republicans.

And rather than reaching out to his staunchest critics among Republicans, Obama decided that he would only focus on negotiating with those Republicans who shared at least some of his ideological stance, such as former Utah Gov. Jon Huntsman, who took a job in the Obama administration and who many conservatives had already written off as a sellout to a more liberal agenda.

On those rare occasions when Obama met with conservatives, he often displayed an elitist mentality that failed to take seriously the point of view held by his political opponents, cutting them off during their statements and lecturing them about the fact that the election was over and he won.

One Republican told this reporter at the time, "This is not exactly the way to win friends and influence people."

In observing Obama and listening closely to his statements concerning his opponents, one is often struck by the fact that the very characteristics he ascribes to his opponents are his own. Psychologists refer to such a phenomenon as "projection." Critics have stated on numerous occasions that the president expects others to "cooperate" while failing to cooperate with others himself. He expects others to show bipartisanship and a willingness to compromise although he has shown little willingness to do so himself.

#### Partisanship coming – tax cuts

Cowan, Reuters, 7-11-12

[Richard, Chicago Tribune, “Obama, Democrats put tax cuts at center of 2012 agenda”,

<http://articles.chicagotribune.com/2012-07-11/news/sns-rt-us-usa-congress-democratsbre86a1go-20120711_1_tax-cuts-middle-class-tax-tax-bill>, accessed 7-15-12]

Congressional Democrats and President Barack Obama on Wednesday plotted their legislative priorities for the months leading up to November's elections, showcasing an extension of middle-class tax cuts as well as with measures to keep government agencies functioning beyond September 30.

Later this month, the Democratic-led Senate is expected to stage a vote on continuing tax cuts for families earning up to $250,000 - an election-year initiative that the Republican-controlled House of Representatives will not go along with.

### Transportation Bill Partisanship

Their links are non-unique - transportation bill and partisanship

Associated Press, 6/29/12

(FoxNews.com, “Congress passes highway jobs bill, halts student loan rate hike,” [http://www.foxnews.com/politics/2012/06/29/house-passes-highway-jobs-bill-halts-student-loan-rate-hike/,](http://www.foxnews.com/politics/2012/06/29/house-passes-highway-jobs-bill-halts-student-loan-rate-hike/%2C) accessed 7/9/12, YGS)

Finding rare political accommodation on the cusp of a holiday recess, Congress passed legislation Friday designed to salvage 2.8 million jobs and shield students from a sharp increase in loan interest rates.

The legislation, which also revamps highway and transit programs and shores up the federal flood insurance program, now goes to the White House for President Obama's signatures.

Lawmakers trying to leave town for a weeklong Fourth of July recess had been facing twin deadlines: Federal highway and transit aid programs and the government's authority to levy federal fuel taxes were expiring Saturday. And interest rates on new student loans were set to double on Sunday.

The burst of legislating came just four months before the November elections, giving lawmakers achievements to show off to voters who have increasingly held Congress in low esteem while the economy continues to flounder.

"We have a bill that will boost this economy. We have a bill that is supported by conservatives and liberals, progressives and moderates. I think it's a great day," said Sen. Barbara Boxer, D-Calif., who led Senate negotiations on the transportation portion of the package.

Boxer estimated the bill would save about 1.8 million jobs by keeping aid for highway and transit construction flowing to states and create another 1 million jobs by using federal loan guarantees to leverage private sector investment in infrastructure projects.

Rep. John Mica, R-Fla., chairman of the Transportation and Infrastructure Committee, said: "Probably millions would have been put out of work if we hadn't acted."

Not all lawmakers were happy.

"At least it's not as bad as our Republican colleagues wanted," complained Rep. Earl Blumenauer, D-Ore., who has championed bike and pedestrian programs that the measure would squeeze. "But make no mistake, it is not a bill to be proud of."

In the bargaining that led up to an agreement on the package earlier this week, House Republicans gave up their demands that the bill require approval of the contentious Keystone XL oil pipeline and block federal regulation of toxic waste generated by coal-fired power plants. Democrats gave ground on environmental protections and biking, pedestrian and safety programs.

The bill consolidates various transportation programs and reduces the number of programs by two-thirds. States would have more flexibility on how they spend transportation aid. It also revamps rules on environmental studies of the potential impact of highway projects, with an aim toward cutting in half the time it takes to complete construction projects. And the measure contains an array of safety initiatives, including requirements that would make it more likely passengers would survive a tour bus crash.

"It doesn't have everything," Mica said. But "we were able to do more with less and move transportation for the nation forward."

The bill would spend about $100 billion on federal highway programs over two years, but puts off the politically tricky decision on how to pay for them after that.

The federal 18.4 cent-a-gallon gasoline tax and 24.4 cent-a-gallon diesel tax are no longer enough to pay for current spending on highway and transit programs. And two commissions and an array of private sector experts have said the U.S. should be spending about twice as much or more on its transportation infrastructure as it does now.

But Congress and the White House have refused to discuss raising fuel taxes or an alternative long-term source of money. The federal trust funds that pay for highway and transit programs are forecast to be nearly broke by the time the bill expires.

"When the bill expires we face a high cliff from which the program could fall," said Erich Zimmerman, a policy analyst with Taxpayers for Common Sense.

Non-unique – Congress just passed the transportation bill

Truckinginfo Staff, newswire, 7/2/12

(Editorial Staff has won more than 100 top journalism awards, Truckinginfo, “Congress Passes Highway Bill; House Bill Would Block EOBR Mandate,” <http://truckinginfo.com/news/news-detail.asp?news_id=77386>, accessed 7/9/12, YGS)

The House and Senate passed the highway reauthorization bill Friday afternoon. The bill easily cleared both chambers: The House vote was 373-52, and the Senate vote was 74-19. It now goes to President Obama, who is expected to sign it.

The bill holds transportation spending at current levels, authorizing $101.3 billion for highways and transit over the next 27 months.

Highway interests, including state transportation departments, get a modicum of stability out of the 27-month bill. They didn’t get the traditional six-year bill, so important for long-term planning, but certainly two-plus years is much better than the short-term extension that would have been the result had the negotiators failed.

The agreement dodges the all-important question of how to secure long-term reinvestment in surface transportation – it does not touch the federal fuel tax – but it does continue the highway program at current funding levels. To get there, Congress had to overcome a push by the conservative Republicans in the House to cut spending by about a third to levels that could be supported by the Highway Trust Fund alone, and the Senate had to cobble together a one-time package of funding transfers to make up the difference.

### AT – No Transportation Fights Coming

Transportation bill didn’t end fights – more to come

New York Times 7/1/12

(The New York Times Opinion Pages: Editorial, “At Last, a Transportation Bill,” <http://www.nytimes.com/2012/07/02/opinion/at-last-a-transportation-bill.html?_r=1>, accessed 7/9/12, YGS)

Thanks to the stubbornness of the Senate’s political odd couple — the liberal Barbara Boxer of California and the conservative James Inhofe of Oklahoma — Congress approved on Friday afternoon a [serviceable transportation bill.](http://www.nytimes.com/2012/06/30/us/politics/congress-approves-transportation-and-student-loan-package.html) And in the nick of time, too. The current program was due to expire Saturday night, potentially disrupting highway and mass transit projects at the height of the construction season and jeopardizing 2.9 million jobs.

Though the final bill is far from perfect, it more nearly resembles the solid Senate measure crafted by Ms. Boxer and Mr. Inhofe, the chairwoman and ranking member of the Senate public works committee, than the appalling House version. It will sustain current financing for 27 months, at a cost of $120 billion, along the lines of the Senate bill. And it does not include two anti-environmental riders pressed by the House — one approving the risky Keystone XL oil pipeline from Canada, the other preventing regulation of toxic coal ash waste from power plants.

As a welcome bonus, both houses agreed to establish a Gulf Coast Restoration Trust Fund and earmark 80 percent of civil penalties paid in connection to the BP oil spill to restoring the coastal ecosystem’s long-term health.

There are flaws, some serious. Financing for “transportation alternatives” — bike paths, pedestrian walkways and the like — suffered modest cuts. The bill also directs the transportation secretary to suspend environmental reviews of highway and transit projects costing less than $5 million, in violation of environmental law.

Finally, no one pretends that the new bill will provide solid long-term footing for the transportation system. Its main funding source is the Highway Trust Fund, which depends entirely on an 18.4-cents-per-gallon tax on gas that hasn’t gone up since 1993, even as project costs have.

The fund now provides only about $40 billion of the $50 billion or so the program needs annually, which means lawmakers have to raid general revenues to make up the shortfall. At some point Congress must summon the courage to increase the tax. Until then, it’s all patchwork.

## Link Answers

### Obama Won’t Be Perceived

Obama won’t be perceived – Congress uses passage to their own advantage

Laing, The Hill congressional reporter, 7/2/12

(Keith, The Hill’s Transportation, “Highway bill negotiators like Ike,” <http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/235885-highway-bill-negotiators-like-ike>, accessed 7/3/12, YGS)

A president’s name was on everyone’s lips last week after lawmakers finished work on a $105 billion transportation bill, but it wasn’t Barack Obama. Instead, Democratic and Republican lawmakers involved in the painstaking negotiations over the first federal highway bill in seven years portrayed themselves as protectors of the legacy left by the 34th president, Republican Dwight Eisenhower. House Transportation and Infrastructure Committee Chairman John Mica (R-Fla.) boasted to his constituents that he passed "the most important transportation reform bill since Eisenhower" as he builds a case for reelection in a contested primary later this summer. Not to be outdone, Senate Environment and Public Works Committee Chairwoman Barbara Boxer (D-Calif.) portrayed herself as the congressional defender of the transportation system that was created by the general-turned-president in the 1950s. "On June 29, 1956 — exactly 56 years ago — President Dwight Eisenhower started us on a path to a national transportation system, and today we saved that system," Boxer said in a statement after both chambers had passed the bill. The transportation bill authorized $105 billion in spending on road and transit projects over the next two years. It was approved by wide margins in the House and Senate after months of contentious negotiations between the chambers.

### Winners Win

#### Winners win – plan will boost Obama

Singer, MyDD, Senior Writer and Editor 9

 Jonothan, 3-3-09, “By Expending Capital, Obama Grows His Capital”, My Direct Democracy, <http://mydd.com/2009/3/3/by-expending-capital-obama-grows-his-capital>, accessed 7-9-12, FFF)

Peter Hart gets at a key point. Some believe that political capital is finite, that it can be used up. To an extent that's true. But it's important to note, too, that political capital can be regenerated -- and, specifically, that when a President expends a great deal of capital on a measure that was difficult to enact and then succeeds, he can build up more capital. Indeed, that appears to be what is happening with Barack Obama, who went to the mat to pass the stimulus package out of the gate, got it passed despite near-unanimous opposition of the Republicans on Capitol Hill, and is being rewarded by the American public as a result.

Take a look at the numbers. President Obama now has a 68 percent favorable rating in the NBC-WSJ poll, his highest ever showing in the survey. Nearly half of those surveyed (47 percent) view him very positively. Obama's Democratic Party earns a respectable 49 percent favorable rating. The Republican Party, however, is in the toilet, with its worst ever showing in the history of the NBC-WSJ poll, 26 percent favorable. On the question of blame for the partisanship in Washington, 56 percent place the onus on the Bush administration and another 41 percent place it on Congressional Republicans. Yet just 24 percent blame Congressional Democrats, and a mere 11 percent blame the Obama administration.

So at this point, with President Obama seemingly benefiting from his ambitious actions and the Republicans sinking further and further as a result of their knee-jerked opposition to that agenda, there appears to be no reason not to push forward on anything from universal healthcare to energy reform to ending the war in Iraq.

#### Victories increase capital

Lee, Claremont McKenna College 5

(Andrew, “Invest or Spend? Political Capital and Statements of Administration Policy in the First Term of the George W. Bush Presidency,” Georgia Political Science Association Conference Proceedings, <http://a-s.clayton.edu/trachtenberg/2005%20Proceedings%20Lee.pdf>, accessed 7-9-12 FFF)

To accrue political capital, the president may support a particular lawmaker’s legislation by issuing an SAP urging support, thereby giving that legislator more pull in the Congress and at home. The president may also receive capital from Congress by winning larger legislative majorities. For example, the president’s successful efforts at increasing Republican representation in the Senate and House would constitute an increase in political capital. The president may also receive political capital from increased job favorability numbers, following through with purported policy agendas, and defeating opposing party leaders (Lindberg 2004). Because political capital diminishes, a president can invest in policy and legislative victories to maintain or increase it. For example, President George W. Bush invests his political capital in tax cuts which he hopes will yield returns to the economy and his favorability numbers. By investing political capital, the president assumes a return on investment.

#### Winners win – plan is a legislative victory

Mead, Council on Foreign Relations senior fellow for U.S. foreign policy, 6-20-11

[Walter Russell, Business Insider, “Here's How Obama Can Save His Presidency,” <http://www.businessinsider.com/heres-how-obama-can-save-his-presidency-2011-6>, accessed 7-3-11]

Americans are realistic enough to understand that the breakdown of the blue social model is a messy process and that perhaps no president can deliver a pain free transition to the next stage. But what they aren’t hearing from President Obama is a compelling description of what has gone wrong, how it can be fixed, and how the policies he proposes will take us to the next level. What they hear from this administration are defensive responses: Hooveresque calls for patience mingled with strange-sounding attacks on ATMs and sharp, opportunistic jabs at former President Bush. The White House has responded to strategic challenges at home and abroad with tactical maneuvers. Voters sense that we live in historic times that demand leadership of a different kind. What does President Obama think about the fiscal squeeze forcing trade-offs between state employee benefits and services to the poor? How much trouble is the American middle class in — and what changes are needed to save it? The President of the United States has to own this conversation. His vision, his initiatives must dominate the political scene. His opponents may fight him and defeat his proposals in Congress — that is not the worst thing that can happen. Harry Truman did very well running against a ‘do-nothing’ Congress in 1948. At a time of historic anxiety and tension like the present, the President of the United States cannot be an administrator, a fence-sitter, a finger-pointer. He must first and foremost stand for something — and he must be able to make that something resonate with the voters. The President’s job is to lead. The longer the President fails to dominate the discussion about where this country is going the more his authority will erode. In the end, a failure to define the problem and outline a convincing solution will hurt more than what now appears his likely failure to regenerate healthy economic growth by the next election. He may have only one chance to get this right. A failed attempt to define the problem and control the discussion would further fuzz the President’s image and reinforce the sense among many voters that the man is not up to the hour. The Obama Presidency can still be saved, but only if the President becomes the kind of inspiring and effective leader these tough and uncertain times demand.

#### Victory begets more victories – politicians won’t cross a winner

Ornstein, American Enterprise Institute fellow and political analyst, 1

(Norman J., Roll Call, 9-10-1, “High Stakes and an Overloaded Agenda”, Lexis)

Those victories came at a crucial time, psychologically, for the White House. Imagine if the Democrats' preferred patients' rights legislation had passed by a wide margin in the House (as it has in the past) and if the President had been rebuffed on drilling in ANWR. He would have spent the month of August as the target of news stories declaring him weak and on the defensive, and arrived back in Washington in September with no momentum and limited leverage in the legislative battles of the fall. Instead, by showing that he can win even when he's expected to lose, and even on high-stakes issues, Bush left lawmakers with reason to pause before writing him off when key votes loom.

#### Winners win – plan is a win for Obama because he overcomes opposition

Ornstein, American Enterprise Institute fellow and political analyst, 1993

(Norman J., Roll Call, “Clinton Can Still Emerge a Winner; Here's What to Do”, May 27, p. Online)

2. Winning comes to those who look like winners. This only sounds redundant or cliche-ish. If power is the ability to make people do something they otherwise would not do, real power is having people do things they otherwise wouldn't do without anybody making them - when they act in anticipation of what they think somebody would want them to do.

If a president develops a reputation as a winner, somebody who will pull out victories in Congress even when he is behind, somebody who can say, "Do this!" and have it done, then Members of Congress will behave accordingly.

They will want to cut their deals with the president early, getting on the winning team when it looks the best and means the most. They will avoid cutting deals with the opposition.

Stories that show weakness, indecisiveness, or incompetence in the White House - and there are always lots of them - will go unreported or will be played down because they will be seen as the exception that proves the rule of strength and competence.

#### Coalition building using leadership bolsters agenda

Ornstein, American Enterprise Institute fellow and political analyst, 93

(Norman J., Roll Call, “Clinton Can Still Emerge a Winner; Here's What to Do”, May 27, p. Online)

1. A president's power is defined by his relations with Congress. A president must exercise power in many arenas, persuading many audiences at home and abroad. But the key test for a president's clout or success is how he is judged in dealing with Congress: Does he master them, or do they master him?

The successful president, I suggested in these pages in March, comes across like animal tamer Gunther Gebel-Williams: He gets into the ring with the Congressional lions and tigers, cracks the whip, and, although they growl and roar, they still get up on their tiny little stools and perform. But if a president looks like Gulliver, a pitiful, helpless giant dominated by Congressional Lilliputians, then watch out.

Winning in this regard does not mean forcing sweeping proposals, in toto, down the throats of lawmakers. It means compromising, cutting back, and ceding ground to build majorities, but doing so in ways that make it clear that you are in control.

#### Perception of successful policy boosts president’s power to control agenda

Rosati, University of South Carolina Government and International Studies professor, 04

(Jerel A., THE POLITICS OF UNITED STATES FOREIGN POLICY, 2004, p. 98)

It was the sense of national emergency associated with the cold war during the fifties and sixties, after all, that was the ultimate source of presidential power and American global leadership following World War II. This means that the fragmented and pluralist political environment that has prevailed since Vietnam will likely continue in the post-cold war future, posing greater foreign policy opportunities and political risks for presidents and American leadership abroad. And as the American public focuses its concern increasingly on “intermestic” (and especially economic) issues, presidents who are perceived as dealing successfully with those issues are likely to enjoy an increase in their popularity and ability to govern in foreign policy and in general. But much will depend on the image that Americans have of a president’s policies and of their relative success, at home and abroad – a function of the turn of events and the strength of presidential leadership.

### Winners Win – Lobby Version

Attacking lobbies bolsters support for Obama’s agenda

#### Thurber, American University Center for Congressional and Presidential Studies Director, 11

(James, Presidential Studies Quarterly 41, no. 2 (June), “Changing the Way Washington Works? Assessing President Obama’s Battle with Lobbyists,”, <http://www.american.edu/spa/ccps/upload/Thurber-psq-article.pdf>, p. 361, date accessed - 7-9-11, GJV)

The president has also used attacks on lobbyists to build support for his policy agenda, especially in the battles over health care and ﬁnancial regulation. During his ﬁrst two years in ofﬁce, President Obama attacked lobbyists dozens of times for hindering or even stopping his policy agenda (e.g., cap and trade legislation), stating that they undermined democracy and the public interest. However, he used them when needed to help push through historic reforms. He used criticisms about the role of lobbyists and money in politics to his advantage in building support for health care reform and ﬁnancial regulation reforms, but he was later criticized for “selling out” to the special interests when compromises were necessary and when their support was essential for passage of these historic acts. For example, in a speech on the need for health care reform on March 19, 2010, he attacked health insurance lobbyists for stopping what he felt was in the public interest:

#### Massive public hatred of lobbyists makes them easy foils for Obama

Thurber, American University Center for Congressional and Presidential Studies Director, 11

(James, Presidential Studies Quarterly 41, no. 2 (June), “Changing the Way Washington Works? Assessing President Obama’s Battle with Lobbyists,”, <http://www.american.edu/spa/ccps/upload/Thurber-psq-article.pdf>, p. 359, date accessed - 7-9-11, GJV)

The overwhelming public perception of lobbyists, whether convicted or investigated for malfeasance, is that they are bad, a corrupting inﬂuence on government and the way Washington works. The public agrees that lobbyists undermine the rights of other citizens, to summarize Madison. This negative public perception of lobbyists was a major cause of Obama’s attacks on them. Fifty-eight percent of the respondents in the 2008 Cooperative Congressional Election Study (CCES) national poll felt Obama would be very likely or somewhat likely to change the way Washington works. (See the Appendix for CCES public opinion survey results.) After the economic crisis, government corruption was the second-most important issue mentioned by voters in national surveys in 2008 and the most important issue among the electorate in the midterm election of 2006 (See the Appendix for 2008 CCES public opinion about Obama and lobbying reform).

### Ike Spin

No link – plan will be spun as a continuation of the Eisenhower legacy

Laing, The Hill congressional reporter, 7/2/12

(Keith, The Hill’s Transportation, “Highway bill negotiators like Ike,” <http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/235885-highway-bill-negotiators-like-ike>, accessed 7/3/12, YGS)

A president’s name was on everyone’s lips last week after lawmakers finished work on a $105 billion transportation bill, but it wasn’t Barack Obama. Instead, Democratic and Republican lawmakers involved in the painstaking negotiations over the first federal highway bill in seven years portrayed themselves as protectors of the legacy left by the 34th president, Republican Dwight Eisenhower. House Transportation and Infrastructure Committee Chairman John Mica (R-Fla.) boasted to his constituents that he passed "the most important transportation reform bill since Eisenhower" as he builds a case for reelection in a contested primary later this summer. Not to be outdone, Senate Environment and Public Works Committee Chairwoman Barbara Boxer (D-Calif.) portrayed herself as the congressional defender of the transportation system that was created by the general-turned-president in the 1950s. "On June 29, 1956 — exactly 56 years ago — President Dwight Eisenhower started us on a path to a national transportation system, and today we saved that system," Boxer said in a statement after both chambers had passed the bill. The transportation bill authorized $105 billion in spending on road and transit projects over the next two years. It was approved by wide margins in the House and Senate after months of contentious negotiations between the chambers.

### Election Year Bipartisanship

No partisanship on transportation – recent bill proves

Fram, and Lowy, Associated Press transportation reporters, 6/29/12

(Alan, Joan, Huffington Post Politics, “House, Senate Pass Transportation Bill, Extend Current Student Loan Rates,” <http://www.huffingtonpost.com/2012/06/29/transportation-bill-student-loans_n_1638116.html>, accessed 7/9/12, YGS)

WASHINGTON — Congress emphatically approved legislation Friday preserving jobs on transportation projects from coast to coast and avoiding interest rate increases on new loans to millions of college students, giving lawmakers campaign-season bragging rights on what may be their biggest economic achievement before the November elections.

The bill sent for President Barack Obama's signature enables just over $100 billion to be spent on highway, mass transit and other transportation programs over the next two years, projects that would have expired Saturday without congressional action. It also ends a bare-knuckle political battle over student loans that raged since spring, a proxy fight over which party was best helping voters muddle through the economic downturn.

Obama signed a one-week temporary measure Friday evening, permitting the highway and loan programs to continue until the full legislation reaches his desk.

Under the bill, interest rates of 3.4 percent for subsidized Stafford loans for undergraduates will continue for another year, instead of doubling for new loans beginning on Sunday as scheduled by a law passed five years ago to save money.

Had the measure failed, interest rates would have mushroomed to 6.8 percent for 7.4 million students expected to get the loans over the coming year, adding an extra $1,000 to the average cost of each loan and antagonizing students – and their parents – four months from Election Day.

The Democratic-led Senate sent the measure to Obama by a 74-19 vote, just minutes after the Republican-run House approved it 373-52. The unusual display of harmony, in a bitterly partisan year, signaled lawmakers' eagerness to claim credit for providing transportation jobs, to avert higher costs for students and their families and to avoid being embarrassed had the effort run aground.

### AT – Third Rail Link

Third-rail issues don’t create backlash – the Red Sox do

Graham, The Atlantic associate editor, 12

(David A., June 26, 2012, The Atlantic, “The Last Remaining Third Rail in U.S. Politics: The Boston Red Sox,” <http://www.theatlantic.com/politics/archive/2012/06/the-last-remaining-third-rail-in-us-politics-the-boston-red-sox/258997/>, accessed 7/6/12, YGS)

Some things just aren't OK to joke about.

Red Sox Nation sent that message to President Obama Monday at a fundraiser in Boston. The president, a staunch fan of his hometown White Sox, was goofing on a trade this week that sent third baseman Kevin Youkilis to the south-side Chicago squad. "Boston, I just want to say thank you for Youkilis," Obama said. Met with boos, he went on: "I'm just saying he's going to have to change the color of his sox. I didn't think I'd get any boos out of here. I guess I should not have brought up baseball. I understand, my mistake, my mistake. You gotta know your crowd."

Truer words, Mr. President, have never been spoken. In today's political sphere, where even Social Security -- long said to be the nation's third-rail -- has been targeted for reform by both parties, the Red Sox may be the only thing that can reliably guarantee backlash for a candidate. The rule holds true even for Democratic superstars in deep-blue Massachusetts.

The Romney campaign, based in Boston, was quick to respond with umbrage: "The Red Sox have suffered many setbacks over the years -- the Babe Ruth trade, the ball through Buckner's legs, the Bucky Dent home run. Maybe the President should have congratulated the team for winning the World Series in 2004 and 2007. Instead, he chose to mock them for trading away one of its favorite players at a time when the team is struggling." (As some wags pointed out, Romney has been much slower to articulate a position on immigration than on the trade.)

### Infrastructure – Popular

#### Transportation investment overwhelmingly popular

**Department of the Treasury 12**

(4/3/12, Department of the Treasury, “A New Economic Analysis of Infrastructure Investment” <http://www.treasury.gov/press-center/news/Pages/03232012-infrastructure.aspx>, Accessed 7/7/12, JGC)

**O**ne study found that four out of every five Americans agree with the statement that: “In order for the United States to remain the world’s top economic superpower, we need to modernize our transportation infrastructure and keep it up to date.” Another study found that almost 19 out of 20 Americans are concerned about America’s infrastructure and 84 percent support greater investment to address infrastructure problems.

### Infrastructure – Bipartisan

#### Transportation investment has bipartisan support

Wytkind, AFL-CIO President, 12

(Edward 2-14-12, Huffington Post “House GOP Needs to Stop Pushing 'Message' Bill and Pass a Transportation Jobs Bill,” <http://www.huffingtonpost.com/edward-wytkind/house-gop-needs-to-stop-p_b_1273890.html>, accessed 7-5-12, JGC).

Thankfully for working Americans and millions of people and businesses that need a safer and modernized transportation system, sanity is prevailing in the Senate where S.1813, the Moving Ahead for Progress in the 21st Century Act (MAP-21), is being debated. The bipartisan support shown for this bill -- demonstrated by an 85-11 vote to consider the bill on the Senate floor -- will help move this legislation to create millions of jobs, jump-start our popular but resource-starved transit and rail systems, expand and repair our surface transportation infrastructure, and ensure a competitive U.S. economy.

Hopefully a deal can be reached to add a robust port and dredging section that boosts longshore and maritime jobs.

Transportation bill is popular – bipartisan support

Laing, Congressional Reporter, 7/6/12

(Keith, The Hill’s Transportation, “Obama signs highway bill,” <http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/236519-obama-signs-highway-bill>, accessed 7/8, YGS)

Supporters of the transportation portion of the bill touted it as a bipartisan compromise.

“As a conferee and Chairman of the Committee responsible for making our transportation system safer, I’m pleased we approved a bill that’s bipartisan and makes smart investments in our national infrastructure and safety system,” Sen. Jay Rockefeller (D-W. Va.), chairman of the Senate Commerce, Science and Transportation Committee, said in a statement.

“Finding consensus is never easy, but this was a major priority and making the country’s roads, bridges, and highways safer and more efficient is good for all of us,” Rockefeller continued. “I know West Virginia can make good use of the over $420 million coming to the state next year to rebuild our highways.”

Republican lawmakers also applauded the signing of the transportation bill, even as they continued to hammer Obama over both unemployment and his role in the fractious negotiations between the chambers of Congress that led to Friday’s ceremony.

“The bill becoming law today is the result of strong bipartisan and bicameral work by a number of my House and Senate colleagues,” House Transportation and Infrastructure Committee Chairman John Mica (R-Fla.) said in a statement released after he attended Obama’s signing of the transportation bill.

Transportation bill was unique – bipartisan support

Kearney Hub, newswire, 7/6/12

(“Two side were in same lane with roads bill,” <http://www.kearneyhub.com/news/opinion/two-sides-were-in-same-lane-with-roads-bill/article_e4129c06-c784-11e1-92e7-0019bb2963f4.html>, accessed 7/9/12, YGS)

The level of partisan bickering and gridlock in Washington is so debilitating in this election year that when Congress actually comes together and moves some beneficial legislation forward, it’s cause for celebration.

In a rare example of good sense trumping political gamesmanship, Congress passed a transportation bill that has the potential to put some people back to work.

Sure, lawmakers have occasionally used transportation funding legislation to push through pet projects for their home constituents, with the so-called “bridge to no where” in Alaska the poster project of such pork barrel politics.

But, fortunately, those abuses are the tolerable exceptions. Our nation’s record on investment in transportation infrastructure is, on the whole, very positive. Indeed, historically very few if any investments of tax money have been as consistently beneficial to the public good as spending on improvements to roads and mass transit.

The $105 billion measure passed last week is not a perfect bill, but it does break a legislative stalemate that had kept the nation operating on weak extensions of the last comprehensive transportation plan passed in 2005. Much has changed in the intervening seven years, not the least of which is the stubbornly high unemployment levels that stand to benefit from the stimulus of construction investment.

Also changed from 2005 is a growing recognition that the staple of transportation funding — a tax on gasoline consumption — is no longer sufficient. Advances in vehicle fuel [economy](http://www.kearneyhub.com/content/tncms/live/) are holding down revenues already, and with Americans demanding ever more efficient cars the future reliance on fuel taxes to support roads projects is an untenable proposition.

The legislative agreement behind the 2012 transportation bill began to open Republican minds, particularly, to the necessity of developing a broader base of revenue to support what is such an essential [foundation](http://www.kearneyhub.com/content/tncms/live/) of our economy.

With the November election bearing down on us quickly, bringing rising political tempers, Americans probably can’t expect this refreshing cooperative spirit to persist.

The transportation bill passed with bipartisan support

Cooper, Center for American Progress Senior Fellow, 7/2/12

(Donna, Center for American Progress, “New Highway Bill Leaves Bumps in the Road: Congress Has to Start Working on Legislation that Meets 21st Century Needs,” <http://www.americanprogress.org/issues/2012/07/highway_bill.html>, accessed 7/9/12, YGS)

Congress finally reached a bipartisan agreement on Friday to [continue](http://www.americanprogress.org/issues/2012/07/highway_bill.html/) highway and transit funding, and passed the [Moving Ahead for Progress in the 21st Century Act](http://www.rules.house.gov/Media/file/PDF_112_2/LegislativeText/CRPT-112hrpt-HR4348.pdf), or MAP 21.

The bill faced a rough road to passage. Some Republicans in the House and Senate pulled out all the stops to derail an agreement. They [proposed to link passage of the bill to forced approval of the Keystone tar sands pipeline from Canada without determining the pipeline's impact on air or water pollution and overturning the Environmental Protection Agency’s ruling on coal ash](http://www.bloomberg.com/news/2012-06-27/keystone-coal-ash-dropped-from-highway-bill-inhofe-says-1-.html). But [Senate leadership](http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/217081-reid-does-not-plan-senate-vote-on-house-short-term-highway-bill-extension) stood firm, demanding a two-year bill without the highly charged and environmentally damaging provisions.

The bill is a political victory for Democrats. It also means America’s construction sector will enjoy a year and a half of predictable work, nearly [2 million jobs](http://thinkprogress.org/economy/2012/06/18/501154/house-gop-transportation-deadline/) will be sustained, and some of the urgently needed road, bridge, transit, and rail improvements will get underway. But let’s not kid ourselves. The bill falls far short of what’s needed to build a 21st century transportation system capable of improving [U.S. competitiveness](http://www.americanprogress.org/issues/2012/02/pdf/infrastructure.pdf).

### Infrastructure – Politically Popular

#### Plan popular – economic spin will generate support

Shatz et. al, RAND Writer, 11

(Howard J. Shatz, Karin E. Kitchens, Sandra Rosenbloom, Martin Wachs 2011 RAND Investment in people and Ideas, “Highway Infrastructure and the Economy Implications for Federal Policy,” <http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND_MG1049.pdf>, accessed 7/8/12, JGC).

Despite the more recent focus of policymakers on transportation infrastructure and the economy, President Dwight D. Eisenhower did not cite the promotion of economic growth in his original letter calling for the creation of an interstate highway system. Rather, he cited benefits to highway safety; savings to vehicle maintenance—and with them, savings on the costs of transported goods to consumers; mobilization of defense forces in the case of an atomic attack; and congestion relief as the economy grew (Eisenhower, 1955). The law authorizing the interstate system, the Federal-Aid Highway Act of 1956, focused on defense as a justification more than on other benefits. It formally changed the name “National System of Interstate Highways,” as authorized in 1944, to “National System of Interstate and Defense Highways” (Public Law 627 Title I §108(a)). In more recent decades, promoting economic growth has occupied an important place in federal statements about transportation infrastructure. This is particularly so in the major transportation program reauthorization bills that Congress considers approximately every six years. In the transportation authorization act approved in 1991, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Congress found that the construction of the interstate highway system “greatly enhanced economic growth in the United States” and that many parts of the nation still require “further highway development in order to serve the travel and economic development needs of the region” (Public Law 102-240 §1105(a)(1) and (2)). Indeed, “regional and rural economic development were invoked during Congressional hearings as reasons for adopting this legislation” (Rephann and Isserman, 1994). Nearly seven years later, in the Transportation Equity Act for the 21st Century (TEA-21), Congress found that it is in the national interest to “encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster eco nomic growth and development” (Public Law 105-178 §1203(a) and §1204(a)). Approved in 1998, it also authorized the Secretary of Transportation to fund a documentary that would “demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the Nation” (Public Law 105-178, §1212(b)(1)).1 More recently, in 2005, a new transportation reauthorization law (Public Law 109-59, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU) found that the benefits of major national and regional projects included “improving economic productivity” (Public Law 109-59 §1301(a)(4)). It further found that construction of such projects would “improve the health and welfare of the national economy” (Public Law 109-59 §1301(a)(6)). Calls to Reform U.S. Transportation Policy Calls for the reform of U.S. transportation policy have been mounting since Congress approved the reauthorization of transportation funding for the nation’s surface transportation network from 2005 to 2009, in SAFETEA-LU, a $286.4 billion law. In part, this stemmed from the law itself. Among its many measures, the law mandated the creation of two study commissions to consider the future of the U.S. transportation system. Congress established the National Surface Transportation Policy and Revenue Study Commission to study the revenue needs of the U.S. surface transportation system over a 30-year period and to develop a plan to ensure that the system would continue to serve U.S. needs, including making recommendations about federal policies and legislative changes (Public Law 109-59, §1909(b)(3)). In addition, Congress established the National Surface Transportation Infrastructure Financing Commission to focus on the future financing needs of the transportation system and, in particular, on alternative approaches for funding the federal Highway Trust Fund (HTF) (Public Law 109-59, §11142(b)(1)). The HTF, historically funded with federal gasoline and diesel fuel taxes, has been the federal government’s main financing vehicle for surface transportation. But Congress did not provide the only impetus for reconsidering U.S. transportation policy. Voices both inside and outside the government also made such calls. Inside the government, the independent Government Accountability Office (GAO) has been particularly clear about the need for reconsideration. For example, the GAO has found that many current federal transportation programs are “not effective at addressing key transportation challenges such as increasing congestion and growing freight demand because federal goals and roles are unclear, many programs lack links to needs or performance, and the programs in some areas do not employ the best tools and approaches to ensure effective investment decisions” (U.S. Government Accountability Office, 2008, p. 3). Outside the government, the Bipartisan Policy Center, in a 2009 report by its National Transportation Policy Project, noted that although the U.S. transportation system has changed dramatically since the 1950s, the federal government has not substantially reformed its policies and programs since then, although those policies and programs have proliferated in the government’s attempt to respond to changing priorities (National Transportation Policy Project, 2009). The time is ripe to reconsider federal roles because the federal government is once again debating a major transportation funding bill. SAFETEA-LU lasted through federal fiscal year 2009 (ending September 30, 2009). Although there is not yet a new law, as of late March 2011, Congress had extended SAFETEA-LU seven times, most recently through September 30, 2011 (American Public Transportation Association, 2011).

### Infrastructure Bank – Popular

#### Public supports infrastructure bank

Anand, MSNBC, 11

(Anika, 7/6/2011, MSNBC, “Bank plan would help build bridges, boost jobs” <http://today.msnbc.msn.com/id/43606379/ns/business-eye_on_the_economy/#.T7QxBlKbw1A>, accessed 7/8/12, , JGC).

Voters, facing ever-growing commutes on crumbling roads and bridges, clearly want rancor over the issue to end. A Rockefeller Foundation poll in February found 71 percent of those surveyed wanted legislatures to come to a consensus on transportation — more than any other issue. And 60 percent said they would support an unspecified national infrastructure bank.

The debate surrounding the national infrastructure bank boils down to the age-old battle between government control versus private investment. Given the bailouts of government-chartered Freddie and Fannie and the bailouts of the privately-funded Wall Street, lawmakers will have to decide whether voters trust the government or the private sector, or if these two can actually work together to rebuild America's infrastructure.

**Infrastructure bank has massive public support**

**Tiexeria, Center for American Progress senior fellow**, **11**

(Ruy, 2/22/11, “Public Opinion Snapshot: Public Backs Infrastructure Investment” <http://www.americanprogress.org/issues/2011/02/snapshot022211.html>, accessed 7/9/12, A.R.)

It’s no secret that our country’s infrastructure is in urgent need of repair and serious modernization. Conservatives, in their mania for cutting government spending, have lost whatever little interest they once had in addressing this problem. But the public hasn’t.

Eighty percent declared themselves in agreement with President Barack Obama’s State of the Union call for a major effort to rebuild and modernize America’s infrastructure in a new Hart Research/Public Opinion Strategies survey for the Rockefeller Foundation.

What’s more, the public backs a number of government actions to provide additional funding for infrastructure projects. These include a National Infrastructure Bank (60 percent support), issuing national transportation bonds (59 percent), and eliminating oil company subsidies (58 percent).

No doubt conservatives are too busy running around with their budget axes to pay much attention to findings like these. But serious policymakers should. Infrastructure investment is important—and the public’s got your back.

### Infrastructure Bank – Bipartisan

#### Infrastructure bank will generate bipartisanship

The Infrastructurist, 12

(The Infrastructurist, March 16, 2012, CG/LA Infrastructure “

Kerry, Hutchison Propose National Infrastructure Bank,” <http://www.cg-la.com/en/cgla-news/1162-nib>, Accessed 7/8/12, JGC)

Lately Republicans and Democrats can’t seem to agree on much when it comes to transportation spending, but a crowd of senators have set aside their differences in an effort to stimulate the country’s infrastructure investments. Democrats John Kerry and Mark Warner joined Republican Kay Bailey Hutchison to propose the BUILD Act yesterday. The bipartisan legislation would create a national infrastructure bank the senators are calling the American Infrastructure Financing Authority — the term “bank” being anathema these days. The plan is pretty straightforward. The federal government would kick-start A.I.F.A. with a $10 billion initial investment, after which the authority would be independent and self-sustaining. Projects can receive up to 50 percent of their financing from the federal money, but the rest (ideally much more than half) will have to come through private investments. If all goes according to plan, the authority can expect to leverage hundreds of billions in private infrastructure funding over the next several years. On the surface, the bipartisan proposal appears to have something for everyone. The White House may prefer an I-Bank that begins with a $30 billion federal investment over six years, but the Kerry et al plan would give Obama the infrastructure operation he has wanted for a long time. Meanwhile Republicans could boast fiscal austerity, having bargained down Democrats to a third of their initial offer. The AFL-CIO and the Chamber of Commerce also support the effort — and now appear to agree on anything that will stimulate infrastructure financing and, with it, job creation. The big winner, of course, would be America’s deteriorating transportation system. Bob Herbert says the proposal has what the country has been lacking of late — the “ability to imagine”: Creation of an infrastructure bank would be an important indication that leaders in Washington are still capable, despite most of the available evidence, of moving beyond partisan paralysis to engage one of the biggest challenges facing the country. If there is such a thing as a master key to a better American future, investment in the nation’s infrastructure would be it. That is the biggest potential source of jobs. That is how you build the foundation for new and innovative industries.

**NIB is popular with Democrats and business**

**Greene, US News political correspondent, 11**

(Brian, “Is Obama's National Infrastructure Bank the Answer on Jobs?”, US News and World Report, October 6, <http://www.usnews.com/news/articles/2011/10/06/is-obamas-national-infrastructure-bank-the-answer-on-jobs>, accessed 7/9/12, A.R.)

With debate about President Obama's American Jobs Act occurring all over Washington this week, the Progressive Policy Institute held a forum on infrastructure and jobs on Thursday. Leaders from the White House, Congress, private industry, labor, and the financial sector discussed the National Infrastructure Bank, a $10 billion component of the president's proposal.

Rep. Rosa DeLauro of Connecticut, an advocate of a federal infrastructure bank since 1994, explained, "The United States is one of the only leading nations without a national plan for public-private partnership for infrastructure projects or a national infrastructure bank to finance large-scale projects." The proposed bank, modeled after the European Investment Bank, would be a federal political correspondent, operated bank overseen by a board of directors whose focus would be to fund strategically important public works projects. State, local, or federal entities seeking funding for infrastructure programs from roads and railways to telecommunications and energy could come to the bank with proposals in need of federal assistance.

The call for a National Infrastructure Bank in the United States is directly linked with the sluggish pace of job creation. According to the U.S. Department of Transportation, every $1 billion invested in infrastructure supports nearly 35,000 American jobs. With a languid economy and unemployment stuck at 9.1 percent, proponents of an infrastructure bank view investment in building projects as an immediately necessary step toward long-term financial stability.

Director of the National Economic Council Gene Sperling voiced his support for the National Infrastructure Bank, saying, "There is nothing fiscally disciplined about deferred maintenance." Sperling explained that investing in infrastructure is not a quick fix for America's economic woes but the start of a continuing strategy to create jobs while improving the country and enticing new businesses to invest in America.

The emphasis on the long-term benefits of the National Infrastructure Bank permeated the discussion on Thursday. Investment in public works would put a considerable number of people to work in the coming years, but, as Sen. Mark Warner of Virginia warned, "This is not a silver bullet." Rather, supporters of the proposal view it as one of an array of options for how America can improve its dire economic climate.

Support for the National Infrastructure Bank from Democratic members of Congress and senior White House officials is unsurprising, but the Progressive Policy Institute's forum also featured leaders of multinational businesses. Dan DiMicco, the chairman and CEO of Nucor, North America's largest steel manufacturing company, explained, "What's good for America is good for Nucor." DiMicco clarified by saying that his company is interested in changing the trend of sending domestically manufactured steel abroad for building projects. Ed Smith, CEO of Ullico Inc., a major provider of insurance and financial solutions for labor unions, described his company's idea of the "double bottom line" approach. The strategy involves looking for investments that produce both profits and jobs, a criteria that infrastructure investment fits well. Daryl Dulaney, president and CEO of Siemens, was open in his concern that doing business in the United States was getting too expensive. He explained that a Siemens operation that produces wind turbines in Fort Madison, Iowa, had to rebuild railways in the area to transport its product. "How many companies are going to do that?" he asked the panel.

Large businesses with overseas cash like the ones represented at the forum are possible targets for capitalization of the National Infrastructure Bank. While the idea is not explicitly spelled out in the president's bill, Warner noted that one of the ideas making the rounds in Washington is to allow big corporations to repatriate fund s from overseas tax-free with the caveat that a set percentage of the cash must be used to fund the infrastructure bank.

**Bank has bipartisan support**

**Isidore, CNN Money,** **11 (**Chris, CNNMoney, “Infrastructure Bank: fixing how we fix roads”, <http://money.cnn.com/2011/09/07/news/economy/jobs_infrastructure/index.htm>, accessed 7/9/12, A.R.)

NEW YORK (CNNMoney) -- It sounds like the latest Apple product, but it has the power to create far more jobs with little government money. The I-Bank, or infrastructure bank, has support of both Democrats, Republicans and big business. Legislation has been co-sponsored in the Senate by Democrat John Kerry of Massachusetts and Republican Kay Bailey Hutchinson of Texas. It is likely to once again get support from President Obama when he lays out his jobs agenda. The idea is to create a government agency to help arrange financing for infrastructure projects using investments from private investors. Working through the I-Bank, the government would encourage private investment by providing cheap loans and loan guarantees. But it would only fund a fraction of the overall cost, just enough to attract private investors who would provide most of the financing. States and municipalities would get much needed upgrades of bridges and roads. The local economies would get a stimulus boost from more people working. And the lion's share of the money would come from major institutional investors -- pension funds, hedge funds and sovereign wealth funds from other countries.

**Bank is popular on both sides**

**US Newswire 10**

(January 20, “Coalition Urges Congress and Obama Administration to Create National Infrastructure Bank”, US Newswire, ProQuest, accessed 7/9/12, A.R.)

Today, at a news conference on Capitol Hill, a broad coalition of members of Congress, experts and stakeholders called on Congress and the Obama Administration to create a National Infrastructure Bank (NIB) to help generate the investment needed for infrastructure projects of regional and national importance.

"America needs a variety of methods -- action by the government and private sector, current and new revenues, and federal leadership and local innovation -- to repair and modernize our nation's infrastructure," said Governor Ed Rendell (PA), Co-chair, Building America's Future. "A National Infrastructure Bank should play a role as a funding and financing vehicle for projects that have major national or regional impact. This is an important reform that is urgently needed to address our nation's infrastructure funding shortfalls."

A National Infrastructure Bank would help improve the nation's roads and highways, bridges, ports, rail (freight and passenger), drinking and waste water treatment plants, smart grid, broadband, and schools.

"Too many of our cities have structurally deficient bridges and outdated water and sewer pipes still made of wood," said Governor Arnold Schwarzenegger (CA), Co-chair, Building America's Future. "Faced with shrinking revenues and budget deficits, the National Infrastructure Bank could help finance projects that will allow cities and states to provide the high quality of life and safety our citizens deserve."

A National Infrastructure Bank could also serve as an effective vehicle to ensure that long-term funding was maximized and allocated to projects based on merit, rather than politics.

"Funding infrastructure projects that are in the pipeline and can be started in the next year is one of the most effective ways Congress can support job creation and economic growth," said Mayor Michael Bloomberg (NYC), Co-chair, Building America's Future. "But we have to go further, with long-term reform of how projects get built in this country. One way to do that is through creation of an independent, nonpartisan entity -- a National Infrastructure Bank -- that would fund our most vital needs based on merit, not politics."

"Any strategy for long-term job creation and economic growth must be centered on moving from a consumption economy to an economy that puts people to work building things again," said Representative Rosa DeLauro (D-CT)."That is why I introduced the National Infrastructure Development Bank Act, to establish an independent entity that can objectively leverage significant investment into the transportation, environmental, energy and telecommunications infrastructure systems critical to rebuilding America and keeping us competitive in the 21st century. The coalition assembled today demonstrates the broad support behind moving forward with the establishment of a National Infrastructure Bank as part of a bold, forward-looking and transformative U.S. infrastructure policy."

"With a National Infrastructure Bank, Los Angeles and other cities could jump start sustainable transit and infrastructure projects and energize the economic recovery," said Los Angeles Mayor Antonio Villaraigosa (D). "It's a win-win for everyone -- for jobs, the environment, public health, and the economy."

"A national infrastructure that facilitates America's competitive position in the 21st century will be essential for our future," said former Senator Chuck Hagel (R-NE)."New and creative thinking and institutions, like a National Infrastructure Bank, will be required to finance this critical infrastructure."

"Establishing a National Infrastructure Bank is a solution that both sides of the aisle can readily embrace for the simple fact that it is sure-fire economic policy," stated former House Democratic Leader Dick Gephardt (D-MO), President and CEO, Gephardt Government Affairs. "The urgency for jobs felt by individuals on Main Street is more acute than ever. A National Infrastructure Bank will fuel economic opportunities at the local, state and national levels. We need the smartest policies in place now to ensure that the federal government does what it can to improve our nation's infrastructure while at the same time improving our economy."

### Electric Vehicles – Popular

#### Bipartisan support for government action on electric vehicles

Berman, New York Times, 1-19-12

(Brad, NYTimes, Reuters, KQED, “Factions Square Off in Battle for Electric Car Future”, <http://www.plugincars.com/factions-square-battle-electric-car-future-111588.html> JGC)

The policy piece that’s been largely missing from American clean energy strategy is research and development. This have been a fundamental element for the growth of military technology, the space program and medical sciences. But it’s been conspicuously absent as a major driving force for renewables. The lack of research, development and deployment (RD&D) funding really starts in the private sector, where U.S. energy firms reinvest about 1 percent of their revenues. In the information technologies, semiconductor and pharmaceutical industries, these numbers usually run between 15 and 20 percent. The federal government isn’t doing much better in this respect. In 2012, federal RD&D spending will fall below $4 billion. That compares unfavorably with the levels of early funding received by NASA ($19 billion), health research ($33.5 billion) and defense ($80 billion). Even pushing energy related RD&D funding to $15 billion would have profound effects. This may be an area with political common ground. Republicans who have been against the government “picking winners and losers” are usually quick to respond that federal investment should come in the research phase of new technologies.

#### Electric vehicles have bipartisan support

Rep. Markey, 12

(Ed, D-MA, 3-7-12, Congressional Documents and Publications, “Markey Applauds Obama's Long-term Vision to Get America Off Foreign Oil; Obama Plan Tracks Bi-partisan Legislation Co-authored by Markey; Rep. Ed Markey (D-MA) News Release,” <http://markey.house.gov/press-release/markey-applauds-obama%E2%80%99s-long-term-vision-get-america-foreign-oil>, accessed July 9, 2012, JGC)

WASHINGTON (March 7, 2012) - Today President Obama laid out another piece of an "All of the Above" energy plan to address the pain consumers are currently feeling at the pump. The plan calls for incentives to deploy electric vehicles and other alternative fuel vehicles and infrastructure through a community-centered strategy similar to the bi-partisan vision laid out by Reps. Edward J. Markey (D-Mass.), Judy Biggert (R-Ill.), Jerry McNerney (D-Calif.), and Anna Eshoo (D-Calif.) in the Electric Drive Vehicle Deployment Act (H.R. 1685), which was introduced last May.

This announcement is in addition to the commitment the administration has made to increase the average fuel efficiency of our nation's vehicles to 54.5 miles per gallon by 2025. Domestic oil production has also reached an eight year high and is projected to continue growing as the President has made 75 percent of oil and gas resources on public lands and waters available for drilling. As a result, dependence on foreign oil has recently fallen below 50 percent for the first time since 1997.

### High Speed Rail – Bipartisan Support

#### HSR has bipartisan support

Swearengin, Mayor of Fresno, California, 11

(Ashley, 12-15-11, House Transportation and Infrastructure Committee hearing testimony, Congressional Quarterly, Proquest Congressional)

In reviewing the record of Congress, including this committee, I am pleased to see that there has been bi-partisan support for High Speed Rail dating back to the early 1990s through Republican and Democrat Administrations and Congresses alike. As a Republican mayor, and former economic development professional, I applaud that position and share that view for three reasons. First and foremost is High Speed Rail's profitable business model. No other transportation mode in the world makes a profit and requires no public subsidies for operations. Yes, public dollars are required for the upfront capital costs, just as they are to construct highways, low-speed rail systems, or airports. But, once the capital costs are provided for High Speed Rail, the operational costs are paid for by the farebox - and you can't say that about any of these other transportation modes.

#### High Speed Rail builds capital – political momentum proves

**Hart, US High Speed Rail Association Government Affairs Vice President, 5/23/12**

(Thomas Hart Jr. is director of government relations at Quarles & Brady, and vice president of government affairs for the US High Speed Rail Association, 5/23/12, Politico, “High-speed rail's many benefits,” Lexis, THW)

Brown has long been strongly committed to high-speed rail as a transportation alternative for the state's rapidly growing population. He is supported by Sen. Barbara Boxer (D-Calif.), chairwoman of the Environment and Public Works Committee and co-chairwoman of the conference committee of the surface transportation bill, and House Democratic leader Nancy Pelosi (D-Calif.), whose slogan "It's About Time" has become a rallying cry for progressive Californians.

The political winds are beginning to shift, and some elected officials see that there can be political consequences from strongly opposing high-speed rail. The governors on record as opposing projects are among the least popular - including Rick Scott in Florida, who rejected federal money. A new political group is now forming Republicans for Rail. There is also talk of starting a rail super PAC to generate money and grass-roots support for additional rail transit investments.

If this political shift continues in the crucial 2012 elections, prospects for U.S. high-speed rail, particularly along the East and West Coasts, could finally brighten.

#### Neg links exaggerate – public support and economic and environmental concerns outweigh

**Business Wire quoting Environmental Law & Policy Center Executive Director, 11**

(Quoting Environmental Law & Policy Center Executive Director Howard Learner – The Environmental Law & Policy Center is the Midwest's leading public interest environmental legal advocacy and eco-business innovation organization, 4/13/11, “High-Speed Rail Moving Forward Even with Budget Cuts, According to the Environmental Law & Policy Center,” <http://www.businesswire.com/news/home/20110413006559/en/High-Speed-Rail-Moving-Budget-Cuts-Environmental-Law>, Accessed 7/11/12, THW)

CHICAGO--(BUSINESS WIRE)--Rumors of high-speed rail’s demise have been greatly exaggerated, according to Environmental Law & Policy Center (ELPC) Executive Director Howard Learner. The Federal Railroad Administration will soon be making $2 billion in new federal high-speed rail grants for shovel-ready projects in response to competitive requests from 24 Governors—12 Democrats, one Independent and 11 Republicans. These upcoming investments should move high-speed rail forward notwithstanding the disappointing FY 2011 budget cuts.

The partisan attacks are counter to the pragmatic understanding of both Democratic and Republican Governors that modern high-speed rail makes sense for their states and for the nation. Americans want modern, fast and better rail service that can improve mobility, reduce pollution, create jobs and spur economic growth, Mr. Learner commented:

“High-speed rail investments are on track with vast bipartisan support across the country. While bickering continues inside the Beltway, projects are moving forward, jobs are being created, and dozens of governors from both sides of the aisle are applying for $2 billion in available funding.

#### MAP-21 proves the plan is popular

**Freemark, Master of Science in Transportation from MIT, 3/15/12**

(Yonah Freemark, Master of Science in Transportation from the Massachusetts Institute of Technology; Bachelor of Arts in Architecture, Department of Civil and Environmental Engineering, Yale University with Distinction. Also a freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; The Atlantic Cities; Next American City Online; and The Infrastructurist, 3/15/12, “The Senate’s Transportation Program,” http://www.thetransportpolitic.com/2012/03/15/the-senates-transportation-program/, Accessed 7/11/12, THW)

Yet the political conditions in which MAP-21 did pass are indicative of the bill’s importance. We are, after all, in a tightly contested election year in which Republicans have set their sights on the White House and Senate as Democrats eye the House. The bipartisan passage of the legislation — though not as close to unanimity as many previous transportation bills — suggests that there continues to be relative consensus among both parties that there is a rationale for federal investment in transportation infrastructure. Republicans in the Senate could have easily deflected the bill’s passage, forcing yet another extension — but they chose to cooperate and produce a less-than-ideal bill that will nonetheless keep people employed and America’s infrastructure in reasonable condition.

### Highway Maintenance – Popular

#### Public strongly supports maintenance of current highways

**Davis, National Association of Realtors Deputy Communications Director, 9**

(Stephen, January 16, 2009, Transportation for America, “Poll Finds Americans Favor Smarter Transportation Spending in Stimulus Bill,” <http://t4america.org/blog/2009/01/16/poll-most-americans-want-stimulus-to-emphasize-road-and-bridge-repair-and-transit-not-new-road-construction-poll-finds/>, accessed 7-7-12, JGC).

Eighty percent of Americans want transportation and other infrastructure spending included in the economic stimulus bill to target projects that achieve multiple goals and create new jobs, according to a survey sponsored by the National Association of Realtors® and Transportation for America.

The 2009 Growth and Transportation Survey describes what Americans think about how development affects their immediate community. An overwhelming 80 percent believe it’s more important that a stimulus plan include efforts to repair existing highways and build public transit rather than build new highways. Forty-five percent of those polled said construction of new highways should “definitely” or “probably” not be included in the plan.

### Port Security – Politically Popular

#### Tightening port security overwhelmingly popular – prior votes prove

Weisman Washington Post 6

(Jonathan, May 5, 2006, Washington Post, “House Passes $7.4 Billion Port Security Bill” <http://www.washingtonpost.com/wp-dyn/content/article/2006/05/04/AR2006050401672.html>, accessed 7/9/12, JGC)

The House overwhelmingly approved legislation yesterday to provide $7.4 billion in spending on new port security inspectors, nuclear weapons screening and the development of an automated system to pinpoint high-risk cargo. The 421 to 2 vote came just hours after the White House expressed strong misgivings over the cost and feasibility of the bill. But the lopsided vote underscored how politically sensitive the issue of port security has become since the state-owned Dubai Ports World moved to purchase terminal operations at six major U.S. seaports in February. Republicans had voted several times in the past two years against Democratic proposals to increase funding for port security, saying that enough was already being spent. Indeed, White House officials repeated that assertion yesterday in a policy statement that depicted the House bill as overly generous and technologically unrealistic. But the furor over the Dubai deal brought the two parties together on bipartisan port security legislation. Only two House members opposed the measure yesterday, Rep. Jeff Flake (R-Ariz.), who said the price tag is too high, and Rep. Edward J. Markey (D-Mass.), who contended that the bill does not go far enough to ensure the safety of vulnerable seaports.

## Internal Link Answers

### No Political Capital

#### **Obama not perceived as a leader**

Klein, Washington post columnist, 12

(Ezra, March 19, 2012, The New Yorker Political Scene, “The Unpersuaded,” <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 7/7, YGS)

After three years in Washington, David Axelrod, who served as the chief strategist for President Obama’s 2008 campaign, agrees. “Some folks in politics believe this is all just a rhetorical game, but when you’re governing it’s not,” he says. “People are viewing their lives through the lens of their own experience, not waiting for you to describe to them what they’re seeing or feeling.” Paul Begala, who helped set the message in the Clinton White House, puts it more piquantly: “The Titanic had an iceberg problem. It did not have a communications problem. Right now, the President has a jobs problem. If Obama had four-per-cent unemployment, he would be on Mt. Rushmore already and people would look at Nancy Pelosi like Lady Gaga.”

The question, Begala says, is: What is the alternative to Presidential persuasion? “If you don’t try it at all, it guarantees you won’t persuade anybody,” he says. “And, to put it simply, your people in Congress and in the country will hate you if you don’t.” That’s the real dilemma for the modern White House. Aggressive, public leadership is typically ineffective and, during periods of divided government, can actually make matters worse. But passivity is even more dangerous. In that case, you’re not getting anything done and you look like you’re not even trying.

[Note – Begala = Begala, Paul, served as adviser to Bill Clinton, political consultant and political commentator]

#### **Opposition parties act in their own interest**

Klein, Washington post columnist, 12

(Ezra, March 19, 2012, The New Yorker Political Scene, “The Unpersuaded,” <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 7/7, YGS)

This, Edwards says, is the reality facing modern Presidents, and one they would do well to accommodate. “In a rational world, strategies for governing should match the opportunities to be exploited,” he writes. “Barack Obama is only the latest in a long line of presidents who have not been able to transform the political landscape through their efforts at persuasion. When he succeeded in achieving major change, it was by mobilizing those predisposed to support him and driving legislation through Congress on a party-line vote.”

That’s easier said than done. We don’t have a system of government set up for Presidents to drive legislation through Congress. Rather, we have a system that was designed to encourage division between the branches but to resist the formation of political parties. The parties formed anyway, and they now use the branches to compete with one another. Add in minority protections like the filibuster, and you have a system in which the job of the President is to persuade an opposition party that has both the incentive and the power to resist him.

Jim Cooper says, “We’ve effectively lost our Congress and gained a parliament.” He adds, “At least a Prime Minister is empowered to get things done,” but “we have the extreme polarization of a parliament, with party-line voting, without the empowered Prime Minister.” And you can’t solve that with a speech. ♦

[Note – Edwards, George, past Texas A. & M. University Center for Presidential Studies director

Cooper, Jim, Tennessee’s 5th congressional district U.S. Representative]

#### No unique internal link – Obama doesn’t have capital to spend effectively – Congressional and public opposition

Morgan, Moneytalk Radio host, 3-12-12

[Tom, Evening Sun, “Political Capital”,

<http://www.evesun.com/news/stories/2012-03-12/14376/Political-capital/>, accessed 3-28-12, AFB]

Sometimes watching a president is like watching a small business operator. Or the CEO of a big business. Or the big business itself. This is particularly true with President Obama. It can help you understand why he does what he does.

A president arrives from his election with political capital. This is a currency he can spend. It is made up of the good wishes of the people who voted for him. And good wishes from many who did not. These are people who simply want a president to do a good job.

A small business also owns capital. This is money, assets of the business. And the good wishes of customers, employees, bankers who finance it.

A CEO has capital too. It is the support of the board that hired him or her. As well as the analysts on Wall Street who watch his moves under a microscope.

Meanwhile, a big business has capital in the form of money and other assets.

The vital question is: How wisely do each of these spend their capital?

Let us say the small business deploys its capital wisely. This earns more capital in the form of more customers, more business, happy employees. Since it made good use of its capital, it also can now borrow more easily from the bank.

If it spends its capital poorly, its business does not grow. Maybe shrinks. So its options get trimmed.

Likewise, the CEO. By deploying his capital wisely he earns more support from his board. If he deploys it poorly, he loses support. He will be less likely to get his way, because of his track record.

The story is the same for the big company. If it spends its capital wisely it builds markets, builds business. It earns more profit, which can be additional capital. Its shares have increased in value. It can more easily issue new shares, for additional capital. It can more easily sell bonds, for more capital.

If it spends its capital unwisely, the opposite happens. It loses capital. And thereby loses opportunities. Because it has less capital to pursue them.

President Obama spent most of his political capital on unpopular projects. On Obamacare, for instance. At no point has a majority of voters favored it. His green projects are another case. A majority of voters don’t like them. Especially now, when so many have failed. And when we learn how the guys who got the billions in government money gave tens of millions to the president’s campaign.

The President has spent smaller amounts of his political capital on a range of initiatives that were equally unpopular. And by creating policies that disappointed or angered majorities of voters.

The President’s moves clearly caused his party to lose control of the House and to lose ground in the Senate. This is like the CEO losing support of some key board members. It is like the small business losing the confidence of the loan officer at the bank. It is like the big company losing the confidence of Wall Street. Each of them will have to scrub some plans because they no longer have the capital to spend on them. This includes the President.

Lots of critics accuse the President of kicking various cans down the road. They point to the Iran crisis. And Social Security reform, so badly needed. And Medicare reform, needed even more. And tax reform, desperately needed.

The President kicks these cans down the road because he has no other choice. He has spent his political capital. He does not have the support to tackle them. Not in Congress, especially the House. Not with the public. His poll numbers have not been healthy. They tell us that on this run-up to the election he cannot afford to offend any of his supporters.

If he wins re-election he is likely to earn less political capital than four years ago. If the trends hold, he will have even less support in the new Congress than he has now. And at the moment, most experts don’t expect him to win by a landslide. A landslide would add to his political capital. Just as a squeaker would diminish it.

The President may not understand business very well. But a lot of people who run businesses understand his situation. Many of them will call it his predicament.

### Political Capital/Persuasion Not Key

#### No internal link – Presidents don’t have persuasive power – only limited agenda-setting ability if latent public opinion is on their side

Klein, Washington Post columnist, 3-13-12

[Ezra, “Presidential persuasion: The case of Iraq”

<http://www.washingtonpost.com/blogs/ezra-klein/post/presidential-persuasion-the-case-of-iraq/2011/08/25/gIQAzemh9R_blog.html>, accessed 3-28-12, AFB]

Kevin Drum responds to my piece on the ineffectiveness of presidential persuasion by asking, in effect: What about Iraq? The question gets to a weakness in my article. For space reasons, I didn’t spend much time making the distinction between “persuasion” and “agenda setting.” But it’s a crucial one

There’s no doubt that the president can focus both the public and the political system on a particular issue. Iraq is the ultimate example. Neither Congress nor the American people were thinking very much about Saddam Hussein and Iraq in July 2001, or even in October 2001. By the middle of 2003, it was all they were thinking about. That’s the power of presidential agenda setting. It is, perhaps, the most significant power the president possesses.

But it, too, is a limited power. In particular, it’s limited, at least in my view, by the fact that presidents are typically unable to persuade the public or the Congress of things they don’t already believe. This is what keeps the president from being, in political scientist George Edwards’s terminology, a “director of change” and makes him instead a “facilitator of change.”

So the question with Iraq is whether it’s an example of agenda setting, persuasion or both?

The polling suggests that although Iraq was a remarkable example of ambitious and sustained agenda setting, was not necessarily an example of persuasion. John Sides posts this graph from Gary Jacobson:

Gary Jacobson

The American people, in other words, were persuaded of the virtue of removing Saddam Hussein long before 9/11. They may not have seen it as something we needed to do right this second, or even as the best use of federal resources, but when asked whether they were for or against it, they were for it. Bush used 9/11 to make Iraq a high-priority issue, and his administration did expend considerable persuasive energy justifying this decision. But they were working from a base line in which most Americans, when asked, agreed that we should overthrow Hussein.

That doesn’t take away from Bush’s achievement, such as it was. He saw that 9/11 presented an opportunity to invade Iraq, and he was very effective in using his agenda-setting power to make that happen. If not for him, the fact that Americans were passively in favor of regime change in Iraq wouldn’t have mattered. But if Americans hadn’t been against regime change in Iraq — if he hadn’t been working off of a favorable base line — it’s not clear he could have succeeded.

To put it another way, it sounds obvious to the point of being silly to say that if Bush had asked Congress to authorize war with Peru, they wouldn’t have done it. But that’s actually precisely the point: There was a preexisting willingness to “finish the job” in Iraq, and that was crucial to Bush’s success. If the “persuasion” lift had been larger, the war likely wouldn’t have happened.

That said, you can see something else I argue in that graph: Bush’s efforts on Iraq eventually polarized public opinion. In 2001, large majorities of Democrats and Republicans supported further action against Hussein. By 2004, only 20 percent of Democrats supported the war.

Kevin also argues that Ronald Reagan’s presidency changed the public’s attitude towards taxation in an enduring way. This is conventional wisdom, but it’s not evident in the polling. If anything, the belief that the income tax people paid was “too high” fell after Reagan:

It’s clear that Reagan’s presidency — and, perhaps as importantly, George H.W. Bush’s presidency — changed the politics of taxes inside the Republican Party. But I’m not certain that the country’s attitude toward taxes changed dramatically. Bill Clinton raised taxes when he was president, and he seemed to do okay. More recently, Barack Obama has had considerable success arguing for tax increases on wealthier Americans. But I’m sure there’s more thorough scholarship on this subject, and I’m open to being proved wrong.

Presidential persuasion not guaranteed – American Jobs Act proves

Klein, Washington Post columnist, 3-19-12

[Ezra, New Yorker, “The Unpersuaded? Who listens to a President?”, <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 3-28-12, AFB]

Richard Neustadt, who died in 2003, was the most influential scholar of the American Presidency. He was a founder of Harvard’s Kennedy School of Government and an adviser to Harry Truman, John F. Kennedy, Lyndon Johnson, and Bill Clinton, and, in his book “Presidential Power” (1960), he wrote the most frequently quoted line in Presidential studies: “The power of the presidency is the power to persuade.” On August 31st of last year, President Barack Obama prepared to exercise that power. Frustrated with the slow recovery of the economy, he wanted to throw the weight of his office behind a major new stimulus package, the American Jobs Act. To this end, the White House announced that the President would deliver a televised speech to a joint session of Congress, and, as is customary, the President sent a letter to the Speaker of the House, John Boehner, asking him to schedule the address for September 7th. Boehner, the man Obama needed to persuade above all others, said no.

In a written reply to the President, the Speaker said that the House had votes scheduled for six-thirty that evening. He added, “It is my recommendation that your address be held on the following evening, when we can ensure there will be no parliamentary or logistical impediments that might detract from your remarks.” Few believed that this was all there was to it. Boehner’s real objection, most thought, was that the Republican Presidential candidates were scheduled to hold a televised debate at the Reagan Library on the seventh, and Obama’s speech would upstage it. The White House, meanwhile, had its own concerns: Boehner’s suggested date would pit the President against the opening game of the N.F.L. season.

No Speaker of the House had ever refused a President’s request to address a joint session of Congress, but the House Republicans refused to budge, and the back-and-forth, which was dominating and delighting the political news media, threatened to overwhelm the President’s message on jobs. In the end, Obama agreed to speak on the eighth.

He was in a combative mood, and, after a summer in which the Republicans had driven the economic debate, with their brinkmanship over the debt ceiling, the Democrats were thrilled to see him take back the legislative initiative. When the TV ratings came in, the White House was relieved: with thirty-one million viewers, the President had beaten the N.F.L. But, in the days following the speech, Obama’s approval rating was essentially unchanged—according to a Gallup poll, it actually dropped a percentage point. The audience, apparently, had not been won over. Neither had Congress: the American Jobs Act was filibustered in the Senate and ignored in the House. The White House attempted to break the act into component parts, but none of the major provisions—expanded payroll-tax cuts, infrastructure investment, and a tax credit for businesses that hired unemployed workers—have passed. The President’s effort at persuasion failed. The question is, could it have succeeded?

#### No persuasion – zero-sum nature of politics ensure opposition is not persuaded

Klein, Washington Post columnist, 3-19-12

[Ezra, New Yorker, “The Unpersuaded? Who listens to a President?”, <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 3-28-12, AFB]

Back-room bargains and quiet negotiations do not, however, present an inspiring vision of the Presidency. And they fail, too. Boehner and Obama spent much of last summer sitting in a room together, but, ultimately, the Speaker didn’t make a private deal with the President for the same reason that Republican legislators don’t swoon over a public speech by him: he is the leader of the Democratic Party, and if he wins they lose. This suggests that, as the two parties become more sharply divided, it may become increasingly difficult for a President to govern—and there’s little that he can do about it.

Theorists have long worried over this possibility. They note that our form of government is not common. As Juan Linz, a professor of political science at Yale, pointed out in a 1989 paper, “The only presidential democracy with a long history of constitutional continuity is the United States.” A broad tendency toward instability and partisan conflict, he writes, is woven into the fabric of a political system in which a democratically elected executive can come from one party and a democratically elected legislature from another. Both sides end up having control over some levers of power, a claim to be carrying out the will of the public, and incentives that point in opposite directions.

The American system has traditionally had certain features that reduced the stakes—notably, political parties that encompassed a diverse range of opinions and often acted at cross purposes with themselves. But today the parties operate as disciplined, consistent units. According to Congressional Quarterly, in 2009 and 2010 Democrats and Republicans voted with their parties ninety per cent of the time. That rigidity has made American democracy much more difficult to manage—and it has made the President, as party leader, a much more divisive figure.

Edwards, ever the data cruncher, has the numbers to back up this perception. “When President Obama took office, he enjoyed a 68 percent approval level, the highest of any newly elected president since John F. Kennedy,” he wrote in a recent paper. “For all of his hopes about bipartisanship, however, his early approval ratings were the most polarized of any president in the past four decades. By February 15, less than a month after taking office, only 30 percent of Republicans approved of his performance in office while 89 percent of Democrats and 63 percent of Independents approved. The gap between Democratic and Republican approval had already reached 59 percentage points—and Obama never again reached even 30 percent approval among Republicans.”

This, Edwards says, is the reality facing modern Presidents, and one they would do well to accommodate. “In a rational world, strategies for governing should match the opportunities to be exploited,” he writes. “Barack Obama is only the latest in a long line of presidents who have not been able to transform the political landscape through their efforts at persuasion. When he succeeded in achieving major change, it was by mobilizing those predisposed to support him and driving legislation through Congress on a party-line vote.”

That’s easier said than done. We don’t have a system of government set up for Presidents to drive legislation through Congress. Rather, we have a system that was designed to encourage division between the branches but to resist the formation of political parties. The parties formed anyway, and they now use the branches to compete with one another. Add in minority protections like the filibuster, and you have a system in which the job of the President is to persuade an opposition party that has both the incentive and the power to resist him.

Jim Cooper says, “We’ve effectively lost our Congress and gained a parliament.” He adds, “At least a Prime Minister is empowered to get things done,” but “we have the extreme polarization of a parliament, with party-line voting, without the empowered Prime Minister.” And you can’t solve that with a speech. ♦

### Political Capital/Popularity Not Key to Agenda

#### No internal link – popularity and political capital are not key to agenda

Rockman, Purdue University Political Science professor, 9

(Bert A., October 2009, Presidential Studies Quarterly, “Does the revolution in presidential studies mean "off with the president's head"?”, volume 39, issue 4, Academic OneFile. accessed 7-15-10)

Although Neustadt shunned theory as such, his ideas could be made testable by scholars of a more scientific bent. George Edwards (e.g., 1980, 1989, 1990, 2003) and others (e.g., Bond and Fleisher 1990) have tested Neustadt's ideas about skill and prestige translating into leverage with other actors. In this, Neustadt's ideas turned out to be wrong and insufficiently specified. We know from the work of empirical scientists that public approval (prestige) by itself does little to advance a president's agenda and that the effects of approval are most keenly felt--where they are at all--among a president's support base. We know now, too, that a president's purported skills at schmoozing, twisting arms, and congressional lobbying add virtually nothing to getting what he (or she) wants from Congress. That was a lot more than we knew prior to the publication of Presidential Power. Neustadt gave us the ideas to work with, and a newer (and now older) generation of political scientists, reared on Neustadt but armed with the tools of scientific inquiry, could put some of his propositions to an empirical test. That the empirical tests demonstrate that several of these propositions are wrong comes with the territory. That is how science progresses. But the reality is that there was almost nothing of a propositional nature prior to Neustadt.

### Turn – Persuasion Backfires

#### Presidential persuasion backfires, raising level of partisanship – studies prove Presidential persuasion not guaranteed – American Jobs Act proves

Klein, Washington Post columnist, 3-19-12

[Ezra, New Yorker, “The Unpersuaded? Who listens to a President?”, <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein?currentPage=all>, accessed 3-28-12, AFB]

But being President isn’t the same as running for President. When you’re running for President, giving a good speech helps you achieve your goals. When you are President, giving a good speech can prevent you from achieving them.

In January, 2004, George W. Bush announced his intention to “take the next steps of space exploration: human missions to Mars and to worlds beyond.” It was an occasion that might have presented a moment of bipartisan unity: a Republican President was proposing to spend billions of dollars on a public project to further John F. Kennedy’s dream of venturing deep into the cosmos. As Frances Lee, now a professor at the University of Maryland, recalls, “That wasn’t a partisan issue at all. Democrats had no position on sending a mission to Mars.” But, she says, “they suddenly began to develop one. They began to believe it was a waste of money.” Congressional Democrats pushed the argument in press releases, public statements, and television appearances. In response, the White House, which had hinted that the Mars mission would feature prominently in the State of the Union address, dropped it from the speech.

The experience helped to crystallize something that Lee had been thinking about. “Most of the work on the relationship between the President and Congress was about the President as the agenda setter,” she says. “I was coming at it from the perspective of the increase in partisanship, and so I looked at Presidents not as legislative leaders but as party leaders.” That changes things dramatically. As Lee writes in her book “Beyond Ideology” (2009), there are “inherent zero-sum conflicts between the two parties’ political interests as they seek to win elections.” Put more simply, the President’s party can’t win unless the other party loses. And both parties know it. This, Lee decided, is the true nature of our political system.

To test her theory, she created a database of eighty-six hundred Senate votes between 1981 and 2004. She found that a President’s powers of persuasion were strong, but only within his own party. Nearly four thousand of the votes were of the mission-to-Mars variety—they should have found support among both Democrats and Republicans. Absent a President’s involvement, these votes fell along party lines just a third of the time, but when a President took a stand that number rose to more than half. The same thing happened with votes on more partisan issues, such as bills that raised taxes; they typically split along party lines, but when a President intervened the divide was even sharper.

One way of interpreting this is that party members let their opinion of the President influence their evaluation of the issues. That’s not entirely unreasonable. A Democrat might have supported an intervention in Iraq but questioned George W. Bush’s ability to manage it effectively. Another interpretation is that party members let their political incentives influence how they evaluate policy. “Whatever people think about raw policy issues, they’re aware that Presidential successes will help the President’s party and hurt the opposing party,” Lee says. “It’s not to say they’re entirely cynical, but the fact that success is useful to the President’s party is going to have an effect on how members respond.” Or, to paraphrase Upton Sinclair, it’s difficult to get a man to support something if his reëlection depends on his not supporting it.

Both parties are guilty of this practice. Karl Rove, President Bush’s deputy chief of staff, recalls discussing the Social Security privatization plan with a sympathetic Democrat on the House Ways and Means Committee. He says that the representative told him, “You wouldn’t get everything you want and I wouldn’t get everything I want, but we could solve the problem. But I can’t do it because my leadership won’t let me.” Rove says, “It was less about Social Security than it was about George W. Bush.” At various times during the nineteen-nineties, Clinton and other Democrats had been open to adding some form of private accounts to Social Security, and in 1997 there were, reportedly, quiet discussions between Democrats and Republicans about doing exactly that. In theory, this background might have led to a compromise in 2005, but Bush’s aggressive sales pitch had polarized the issue.

The Obama Administration was taken by surprise when congressional Republicans turned against the individual mandate in health-care reform; it was the Republicans, after all, who had championed the idea, in 1993, as an alternative to the Clinton initiative. During the next decade, dozens of Senate Republicans co-sponsored health-care plans that included a mandate. Mitt Romney, of course, passed one when he was governor of Massachusetts. In 2007, when Senator Jim DeMint, of South Carolina—now a favorite of the Tea Party—endorsed Romney for President, he cited his health-care plan as a reason for doing so.

Senator Orrin Hatch, of Utah, who supported the mandate before he opposed it, shrugs off his party’s change of heart. “We were fighting Hillarycare,” he has said, of the Republicans’ original position. In other words, Clinton polarized Republicans against one health-care proposal, and then Obama turned them against another.

#### Political capital is false – Obama’s accomplishments set him back

Jacobson, Distinguished UCSD Professor of Politics, 2011

(Gary, “Legislative Success and Political Failure: The Public's Reaction to Barack Obama's Early Presidency.” Presidential Studies Quarterly, Vol. 41, 3-17, 220-243, accessed 7/8/11, GJV)

The idea that a president's legislative and political success go hand in hand is starkly contradicted by the first two years of Barack Obama's presidency. With the help of Democratic majorities in the House and Senate, Obama pushed through a huge economic stimulus package targeting the deep recession he had inherited, initiated comprehensive reforms of the nation's health care system, and signed a major redesign of financial regulation aimed at preventing a repeat of the financial meltdown that had made the recession so severe. These legislative achievements made the 111th Congress among the most productive in many years, and they were fully consistent with promises Obama made during his successful campaign for the White House. Obama also kept his campaign pledge to wind down the United States' involvement in Iraq and to reallocate American forces to confront the resurgent Taliban in Afghanistan. In short, Obama had done what he might reasonably believe he was elected to do. His reward was to see his Democratic Party suffer a crushing defeat in the 2010 midterm elections, with Republicans gaining 64 House seats to win their largest majority (242193) since 1946, and six Senate seats, putting them within easy striking distance of a majority in that chamber in 2012. (1) Not only did the president and his party reap no political benefit from their legislative accomplishments, they were evidently punished for them. The congressional Republicans' strategy of all-out opposition, adopted not long after Obama took office, turned out to be remarkably successful, delivering a stunning setback to a majority party that had won a sweeping victory just two years earlier.

## Theory Arguments

### Not Intrinsic

**The disad is non-intrinsic –**

A logical policy maker can do both the plan and solve the agenda item - the disad is not an opportunity cost of doing the plan.

### Fiat Solves the Link

#### Fiat solves the link –

Fiat means we debate the plan as if it were in place – debates about the political process blur the debate between whether the plan should be done or would be done. Fiat allows the aff to bypass political process without expending capital.

This is a good interpretation of fiat because

A) Arguing about process implementation bad - Debate should be about what happens after the passage of the plan, not the steps that are taken during the passage

B) Education - Enabling the aff to bypass the political process allows for more cost benefit analysis on the effect the plan would have on the world

### Bottom of the Docket Solves the Link

#### Bottom of the docket solves the link –

“Normal means” means that the plan gets placed on the bottom of the docket and does not bypass anything else on the legislative agenda

### Normal Means Solves the Link

#### Normal means solves the link –

The plan goes through the normal process for passage – it still has to go through the various committees and votes before it is signed in to law – there is no reason that the plan gets voted on before the short-term vote on the DA’s agenda item

### Voting Negative Triggers the Link

#### Voting negative triggers the link to the DA

Their focus on process and politics justifies treating this debate round as a proxy for the Congressional debate about the plan. At the conclusion of the debate, whether you vote aff or neg, the political capital has already been spent in the process of this debate. Voting negative doesn’t avoid the link – in fact it may worsen it, because when you vote negative the plan doesn’t pass, so it is a bigger loss.

# Jackson-Vanik Affirmative Answers

## Uniqueness Answers

### Magnitsky Will Pass Now

#### **Magnitsky will be paired with Jackson Vanik to provide support for the passage**

Byers and Talmadge, King and Spalding Law firm 7-11-12

(Bonnie B. and William C., 7-11-12, “Congress Reconsiders Stance on Trade with Russia”, JDSUPRA, <http://www.jdsupra.com/legalnews/congress-reconsiders-stance-on-trade-wit-12817/>, accessed 7-11-12)

The legislation is not, however, without its problems. Several Members in both chambers have insisted that any concessions on Russia trade must be tied to human rights concerns. Senator Ben Cardin (D-MD) introduced a provision, referred to as the Magnitsky bill in honor of Sergei Magnitsky, a lawyer activist who died in a Russian jail after investigating high level corruption. The bill would deny visas to and freeze the assets of individuals guilty of significant human rights violations. A version of Senator Cardin’s bill was voted out of the Senate Foreign Relations Committee last week as well as from the House Foreign Affairs Committee.
The Obama Administration supports PNTR for Russia and dropped objections to a Magnitsky-like human rights provision in order to build further Congressional support for passage. Senator Baucus has indicated his desire to move the legislation before the August recess.

#### No clean repeal now – Jackson-Vanik will be coupled with the Magnitsky – Senate Finance Committee linkage ensures

Rogin, Foreign Policy, 6-12-12

(Josh, 6-12-12, “Magnitsky Act will be linked to Russia Trade Bill in Senate”, *Foreign Policy*, <http://thecable.foreignpolicy.com/posts/2012/06/12/magnitsky_act_will_be_linked_with_russian_trade_bill_in_senate>, accessed 7-4-12 FFF)

The bill to grant Russia Permanent Normal Trade Relations (PNTR) was introduced in the Senate Tuesday and the head of the Senate Finance Committee promised he will combine it with a bill to sanction Russian human rights violators.

Sen. Max Baucus (D-MT), who is the main sponsor of the PNTR bill and who will shepherd the legislation through his Finance Committee and then on the floor, has agreed to link it to the Magnitsky bill and pledged to pass them both this year. In doing so, Baucus secured the support of Sen. John McCain (R-AZ) for the PNTR bill, which includes a repeal of the 1974 Jackson-Vanik law that was set in place to punish the Soviet Union for refuses to let Jews emigrate.

"It is clear the Magnitsky Act has overwhelming support in the Senate and growing support in the House," Baucus wrote in a letter today to McCain, Sen. Ben Cardin (D-MD), Sen. Joe Lieberman (I-CT), and Sen. Roger Wicker (R-MS). "It is equally clear that many of our colleagues are rallying around the position you have advanced -- that the repeal of Jackson-Vanik for Russia must be accompanied by passage of the Magnitsky Act. I am fully committed to ensuring that the Senate can act on both items this year."

#### Magnitsky will pass now

Solash, Radio Free Europe, 7-14-12

[Richard, Radio Free Europe, “U.S. Congressmen Unmoved By Russian Visit To Protest Magnitsky Bill”, Lexis]

WASHINGTON -- U.S. congressmen appear to be unmoved following the visit of a Russian delegation to Washington this week aimed at protesting pending U.S. sanctions over the death of Russian lawyer Sergei Magnitsky.

Describing the Russian initiative as "too late," the congressmen told RFE/RL that they expected the legislation to be signed into law. The move would deny visas to dozens of Russian officials implicated in Magnitsky's death and also freeze any U.S. assets they may hold.

Senator Roger Wicker (Republican-Mississippi) is a member of the U.S. Helsinki Commission, where the Magnitsky legislation was first initiated.

"The reports about this tragedy are not isolated," he said. "There have been two independent reports inside Russia that indicated this was a violation of Mr. Magnitsky's rights and an abusive process.

"So it's going to be very difficult, I think, for one packet of information provided by a group of Russian [lawmakers] to overcome the huge body of information."

Wicker was one of several U.S. lawmakers who met with Aleksei Chernyshev, Vitaly Malkin, Aleksandr Savenkov, and Valery Shnyakin -- all members of Russia's upper house of parliament, the Federation Council.

#### House Democrats pushing linkage

Russell, The Main Wire, 7-13-12

[Sarah, “Cold War Amendment Means US Could Lose in Trade With Russia”, Lexis]

However, House Democrats haved refused to support a separate PNTR bill that does not include human rights.

Rep. Sander Levin testified before the House Ways and Means Committee in June, saying, "PNTR legislation should not be enacted without the Magnitsky bill to address gross human rights violations."

### Magnitsky Will Pass Now – AT – Russian Lobby

#### Magnistky inevitable – Russian lobbying too little, too late

Block & Kelemen, National Public Radio, 7-12-12

[Melissa & Michele, National Public Radio, All Things Considered, “U.S. Bill Targets Russians For Human Rights Abuses”, Lexis]

MELISSA BLOCK: Members of Russia's upper house of parliament came to Washington on an unusual lobbying trip, but they are probably too late to accomplish their goal. At issue is pending U.S. legislation that would punish Russian officials involved in human rights abuses. The bill would freeze their assets and deny them visas.

NPR's Michele Kelemen reports.

MICHELE KELEMEN: The bill is named for Sergei Magnitsky, a young Russian lawyer who died in prison after allegedly being beaten and denied medical care. The Russian senators say the U.S. has the wrong impression about Magnitsky, who they believe was helping a company called Hermitage Capital dodge Russian taxes.

VITALY MALKIN: (Foreign language spoken).

MICHELE KELEMEN: Magnitsky's arrest was absolutely legal, argues Vitaly Malkin, one of the Russian senators who came to Washington. Malkin, who's listed as a Russian billionaire by Forbes magazine, says while Magnitsky's death in prison was tragic, he believes the U.S. is overplaying this.

Another member of the Russian Federation Council, Alexander Savenkof, says it makes no sense that U.S. lawmakers are trying to tie the Magnitsky bill to legislation that would repeal Cold War-era trade restrictions to ensure that both measure pass.

ALEXANDER SAVENKOF: (Foreign language spoken).

MICHELE KELEMEN: That linkage is absurd, Savenkof told reporters at the Russian Embassy. He pointed out that the Cold War-era Jackson Vanik Amendment, which was meant to promote emigration from the Soviet Union, has been on the books for decades.

ALEXANDER SAVENKOF: (Foreign language spoken).

MICHELE KELEMEN: It has lasted from the Brezhnev era all the way through Vladimir Putin, he says. Savenkof and his colleagues warn that the Magnitsky bill could also become an irritant in relations for decades to come.

They didn't get to meet one of the main proponents of the bill, Maryland Democrat Ben Cardin, who didn't have the time according to his staff. Senator John McCain, though, did give the Russian delegation a fair hearing, though McCain's staff says the Arizona Republican hasn't changed his position.

JOHN MCCAIN: The Sergei Magnitsky Rule of Law Accountability Act has been passed by our Foreign Relations Committee and, no matter what you hear, make no mistake. It will become law.

MICHELE KELEMEN: McCain made that comment recently at the headquarters of the Organization for Security and Cooperation in Europe, which passed a resolution encouraging its members to impose sanctions on those implicated in Magnitsky's death.

JOHN MCCAIN: What happened to him was a horrific crime, but it's also an example - an extreme example, to be sure - but an example, nonetheless, of the pervasive and systemic corruption in the Russian government.

MICHELE KELEMEN: The Russian senators say they're still hoping they can change minds in Washington about this and they've been circulating documents to bolster their case.

VITALY MALKIN: (Foreign language spoken).

MICHELE KELEMEN: Vitaly Malkin says the main thing they heard from U.S. officials was, guys, why are you so late? Michele Kelemen, NPR News, Washington.

## Magnitsky Impact Answers

### AT – Magnitsky Hurts Relations

#### No major impact on relations – reaction will be manageable

Russell, The Main Wire, 7-13-12

[Sarah, “Cold War Amendment Means US Could Lose in Trade With Russia”, Lexis]

Morris said, "We would be fools not to expect Russia to be quite annoyed" by the legislation, but "that doesn't mean we shouldn't do it. They will find ways to express their displeasure but ... it probably will not be out of the realm of the manageable and should not affect the WTO relationship."

[Note – Morris = R.K. Morris, a long time trade professional]

#### Russia will react, but won’t complicate relations

Russia & CIS Military Weekly, 6-29-12

[“Corridors of Power”, Lexis]

Russia will offer tough response to U.S. Magnitsky Bill - diplomat

Russia's response to the expected approval by the U.S. Congress of the Sergei Magnitsky Rule of Law Accountability Act (known informally as the Magnitsky Bill) will be tough, but it will not be aimed at further complicating the Russian-U.S. relationship, Russian Deputy Foreign Minister Sergei Ryabkov said.

"As for Russia's possible response to the American lawmakers' initiative, this response will follow. It will be balanced, it will not add more complications to our relations, but this response will be tough," Ryabkov said on Rossiya 24 news television channel on Wednesday.

Russia's response "will not necessarily be only symmetrical," he said.

"I think there is still some time for the initiators of the Magnitsky legislation to weigh the situation once again and think about consequences," Ryabkov said.

#### No relations decline – Russia won’t over-react

Russia & CIS Military Weekly, 6-29-12

[“Corridors of Power”, Lexis]

Magnitsky Bill goes against positive trend in Russian-U.S. relations - diplomat

The approval of the Sergei Magnitsky Rule of Law Accountability Act by the U.S. Senate Committee on Foreign Relations goes against positive trends in relations between Moscow and Washington, Russian Deputy Foreign Minister Sergei Ryabkov said.

"The situation causes our great concerns. The decision made by the Committee on Foreign Relations of the upper house of the U.S. Congress, in our view, runs counter to the generally not bad spirit and essence of our relations with the U.S. that have been in place over the past years," Ryabkov said on Rossiya-24 news television channel on Wednesday.

"Perhaps the U.S. lawmakers are eager to break the positive trend in our relations by adding such serious irritants to them," he said.

Moscow is not inclined to over-dramatize the decision by the U.S. lawmakers, he said.

"We regret but do not over-dramatize this situation. We will continue working on a positive agenda as much as we can, we will be trying to strengthen Russian-U.S. partnership on a mutually-advantageous basis, and we will be reminding our American partners about the principle of non-interference in another country's internal affairs. This is the ABC of international law, but unfortunately it has to be addressed," Ryabkov said.

#### US-Russia relations resilient despite Magnitsky – Clinton agrees

US News, 6-27-12

(US News/Associate Press, “Clinton cites concerns over human rights in Russia”, <http://www.usnews.com/news/us/articles/2012/06/27/clinton-optimistic-over-us-russian-relations>, accessed 7/7/12, A.R.)

HELSINKI (AP) — U.S. Secretary of State Hillary Rodham Clinton says she's optimistic that relations with Moscow will not suffer despite planned legislation in Congress that would impose tough sanctions on Russian human rights violators.

Clinton says she expects "something to move" on both the repeal of the Jackson-Vanik law and on Congress' concerns about Russian human rights.

She told reporters in Finland on Wednesday that the concerns could be expressed "without derailing the relationship (with Moscow) and that is what we are working with our Congress to do and we have every reason to believe we can accomplish that."

The 1974 Jackson-Vanik Act tied trade with the then-Soviet Union to Moscow's willingness to allow Jews and other minorities to leave the country. The repeal of Jackson-Vanik is necessary if U.S. businesses are to enjoy lower tariffs and increased access to Russian markets when Russia joins the World Trade Organization this summer.

Following talks with Finnish Foreign Minister Erkki Tuomioja, Clinton told reporters that "we discussed this directly with President (Vladimir) Putin when I was with President Obama in Mexico. We made it very clear that, you know, we do have concerns about human rights in Russia."

### Magnitsky Good – Watered-down Version Fails

#### Watered-down Magnitsky Act fails – no solvency for human rights

[Borshchevskaya](http://www.foxnews.com/archive/author/anna-borshchevskaya/index.html), [Atlantic Council](http://www.acus.org/) Dinu Patriciu Center assistant director, 7-7-12

(Anna, 7-7-12, “Supporting Human Rights in Russia Should Be A Core Strategic Interest”, <http://www.foxnews.com/opinion/2012/07/06/supporting-human-rights-in-russia-should-be-core-strategic-interest-for-us/#ixzz1zy5l2RyT>, accessed July 8, 2012, A.R.)

On Tuesday, July 10, the Russian Duma will vote on ratification of the agreement for Russia’s entry into the World Trade Organization (WTO).  Policymakers in both countries view Russia’s entry as a foregone conclusion.  The question before Congress therefore is how best to pressure Russia to respect human rights following its repeal of the Jackson-Vanik amendment.

Passed in 1974, Jackson-Vanik tied favorable trade to the freedom to emigrate from the Soviet Union. It provided a foundation for Cold War human rights advocacy. The Sergei Magnitsky Rule of Law Accountability Act, approved unanimously by the Senate Foreign Relations Committee on June 26, was meant to fill the void left by lifting Jackson-Vanik.

Named after a Russian anti-corruption lawyer tortured and killed in prison in 2009 after he uncovered a $230 million embezzlement scheme, it would sanction Russia’s worst human rights violators by denying them U.S. visas and freezing their assets in U.S. banks.

However, at the last minute, in order to assuage the Kremlin, the Committee chose not to single out Russia and passed a watered-down version of the bill, applying it to human rights abusers worldwide. Lost is the original purpose of the Act—to show ordinary Russians that the United States wants to see a better Russia—one that does not abuse its citizens and one that can be a strong partner to the United States, an ally with whom we share values.

Naming and shaming Russian human rights abusers provides an essential metric by which the White House can gauge its reset.

The final version further allows the State Department to keep the list of human rights violators secret. This contradicts the original purpose of the bill to name and shame human rights abusers in order to address Russia’s deteriorating human rights record.

Limelight is important. Ronald Reagan spoke up for Natan Sharansky and Andrei Sakharov.

“There was a long list of all the Western leaders who had lined up to condemn the evil Reagan for daring to call the great Soviet Union an evil empire,” Sharansky  told the Weekly Standard in 2004 when asked if there was a particular moment when Reagan became a source of encouragement “…This was the moment…Finally a spade had been called a spade.”

As a small child in the Soviet Union, I knew the name Ronald Reagan for exactly the same reason, as did many other Eastern Europeans, who will be forever grateful to the former president for the hope his words brought.

It is difficult to imagine how financial institutions in the United States would ever freeze assets of human rights violators if classification and the State Department’s sense of diplomatic nicety prevented the release of their names.

Furthermore, keeping the list classified may create a precedent for the Obama administration not to publicize Syrian officials guilty of mass murder in Syria, or IRGC officials engaged in torture.

Almost four years after President Obama and Secretary of State Clinton inaugurated their “reset” policy toward Russia, they should recognize that such gestures will not win Russia’s cooperation on Syria, Afghanistan, Iran or missile defense; Moscow only cooperates on issues that it believes bolsters its own interests or strategic position.

Russia’s human rights situation has not improved an iota despite the lip service that it pays to the issue. While realists like Secretary of State Henry Kissinger once counseled against human rights advocacy because they did not want it to interfere with their Cold War dealings with the Soviet Union, hindsight shows that moral clarity and willingness to sanction human rights abuses provided a turning point in the Cold War.

Vladimir Putin’s government reacted with anger and condemnation to the Magnisky act when it first introduced, vowing “grave consequences” should it pass, and  threatened to deny Americans visas to visit Russia.

Not only does this bluster indicate Russian vulnerability, but it also shows that Putin remains more interested in bolstering his own image as a popular strongman than taking any serious steps to punish those who responsible for Magnisky’s murder.  His manufactured outrage at the United States is simply a political crutch which he shows no intention of abandoning no matter how obsequious President Obama or Senate Foreign Relations Committee chairman John Kerry may be.

Advancing human rights is not simply a nice thing to do; it is a core strategic interest. Allies share values. Alleviating pressure on Russia will win not Russian respect, but rather ridicule. Naming and shaming Russian human rights abusers provides an essential metric by which the White House can gauge its reset. Watering down the Magnisky Act is not statesmanship; rather, it signals to Putin that the United States is a pushover, and he can get away with murder.

## Relations Impact Answers

### Relations Resilient

#### **Relations resilient – stronger than ever and too much to lose**

Pifer, Brookings, Senior Fellow 12

(Steven, 3-21-12, “The Future Course of the U.S.-Russia Relationship”, Brookings Institute, <http://www.brookings.edu/research/testimony/2012/03/21-arms-control-pifer>, accessed 7-8-12 FFF)

By any objective measure, the U.S.-Russian relationship is stronger today than it was in 2008. Then, sharp differences over the future of strategic arms limitations, missile defense in Europe, NATO enlargement and Georgia dominated the agenda. Relations between Washington and Moscow plunged to their lowest point since the end of the Soviet Union. The bilateral relationship had become so thin that there are no indications that concern about damaging it affected in any way the Kremlin’s decisions regarding military operations against Georgia. The Russian government saw little of value to lose in its relationship with Washington. That was not a good situation from the point of view of U.S. interests. It is different today. There are things in the U.S.-Russian relationship that Moscow cares about, and that translates to leverage and even a restraining influence on Russian actions.

#### Relations resilient

[Bazhanov](http://www.themoscowtimes.com/sitemap/authors/yevgeny-bazhanov/178393.html), Moscow Times 10

[Yevgeny, 8-20-10, “5 Barriers to a Western Partnership”, The Moscow Times, <http://www.themoscowtimes.com/opinion/article/5-barriers-to-a-western-partnership/413335.html>, 7-8-12, FFF]

But despite these significant obstacles, there is still a lot of potential for strengthening Russia’s partnership with the West. The driving force behind this natural convergence is Russia’s pressing need to modernize and diversify its economy. Post-Soviet Russia is committed to build a market economy and a democratic society. As a result, for the first time in history, the Russian economic, social and political models are not antagonistic to the Western model. For its part, the West has an objective — if not self-serving — interest in seeing Russia become a well-functioning civil society with a prosperous market economy.

The process of globalization and modernization necessarily means that Russia will never return to Soviet-style isolationism. The economic centers of the modern world — Europe, the United States, China, India and Southeast Asia — are becoming increasingly dependent on one another. If Russia were to reject economic ties with those power centers, the country would become so weak that it would disintegrate.

In addition, common security risks and threats — mainly terrorism — will naturally bring Russia and the West together to fight the common enemies on all fronts.

One other factor that will help the partnership is that Russia will gradually cure itself of its complex as a “defeated superpower” and will come to terms with its more modest geopolitical role in the global arena. For its part, the West will cease to view Moscow as a geopolitical rival.

### Tensions Inevitable

#### Tensions in U.S-Russia relations are inevitable

Pifer, Brookings, Senior Fellow 12

(Steven, 3-21-12, “The Future Course of the U.S.-Russia Relationship”, Brookings Institute, <http://www.brookings.edu/research/testimony/2012/03/21-arms-control-pifer>, accessed 7-8-12 FFF)

U.S. and Russian interests differ in the post-Soviet space, the region that is most likely to generate a major crisis in bilateral relations. Moscow seeks to gain influence over its neighbors, using mechanisms such as the Customs Union with Kazakhstan and Belarus. The Russians seek deference from other states in the post-Soviet space on issues that they define as affecting critical Russian interests. One example is staunch Russian opposition to the enlargement of NATO or the European Union into the post-Soviet space. Russian policies often seem to have the effect of pushing neighboring states away from Moscow, but the Russians have not changed course.
The United States takes a different approach, rejecting the notion of a sphere of influence and supporting the right of each post-Soviet state to choose its own course. Some tension between the two approaches is inevitable. Washington should expect the kinds of tit-for-tat exchanges that have occurred in the past, such as when a U.S. Navy ship visit to Georgia was followed by a Russian warship calling on Venezuela. Given the difference in approaches, it would be wise for Washington and Moscow to consult closely and be transparent with one another on their policies in the post-Soviet space, so as to avoid surprises and minimize the chances that a clash of interests could escalate.

### Relations Bad – Advantages Russia

#### **U.S.-Russian relations unequal – Russia gets more benefits**

Rubin, Washington Post 11

Jennifer,1-4-11, “Evaluating Russian ‘Reset’”, Washington Post, <http://voices.washingtonpost.com/right-turn/2011/01/evaluating_russian_reset.html>, accessed 7-8-12, FFF)

Critics of Obama's reset policy argue that Obama has given up too much and gotten too little from Russia. A case in point is the crackdown on Russian dissidents in the wake of START ratification. [Eli Lake reports](http://www.washingtontimes.com/news/2011/jan/3/pro-democracy-activists-arrested-after-reset/):

Russian authorities detained one of the country's leading opposition figures less than two weeks after the U.S. Senate ratified a key arms-control treaty that the White House promised would help reset ties with Moscow.

Over the weekend, members of Russia's FSB internal security service disrupted demonstrations in St. Petersburg and Moscow, arresting nearly 130 pro-democracy activists and reversing a policy of tolerating political protests once every 60 days by a coalition of democratic opposition figures in the country.

Jamie Fly of the Foreign Policy Initiative [explained](http://www.foreignpolicyi.org/node/19243) earlier this year that on Iran, for example, we've gotten less than advertised:

To get Russian support for new sanctions, the Obama administration paid a steep price - removing U.S. sanctions against five Russian entities, and resubmitting a nuclear cooperation agreement that was previously frozen after Russia's invasion of Georgia. Despite administration denials, many observers wonder whether President Obama's cancellation of missile defense sites in Poland and the Czech Republic in September 2009 also were part of a package deal with Moscow. . . .Despite U.S. efforts to placate Russia in return for support on Iran, Russia has done little more than it did during the Bush administration to halt Tehran's march toward a nuclear weapon.

And, of course, with Russian help, Iran was able to open the Bushehr nuclear reactor.

On Afghanistan, Fly also contends the number of supply routes opened by Russia have been limited.

Others are more generous in their assessment but nevertheless argue that we have failed to alter the underlying nature of the U.S.-Russian relationship. Leon Aron, a Russian scholar at AEI, in a telephone interview describes the administration as "fairly successful in achieving very limited objectives" such as the rescinding of the S-300 missile deal with Iran, agreement on sanctions (albeit watered down) against the Iranian regime, and some success on opening flights into Afghanistan. He, however, cautions "that on larger things Russia is going in the opposite direction" than we would like.

He notes specifically the long sentence handed down against [Mikhail Khodorkovsky](http://www.aei.org/article/102877) gives us insight into what is going on. "Almost as in the Soviet system, Russia is largely a black box," he says. "But every now and then something comes out that it is a fairly good indicator." The lesson of the Khodorkovsky verdict, he contends, is that "we better start thinking about living with an increasingly authoritarian Russia." This suggests that Vladimir Putin is "determined to reassert the state in politics and the economy." He fully expects Putin to come back as president in 2012.

That domestic oppression, Aron suggests, bodes ill for cooperation with Russia on external matters. He contends that not unlike Soviet times, the greater the internal oppression, the more "detrimental repercussions" there will be for Russian-U.S. relations. He says, "It is my sense that we are going in that direction."

## AT – Accidental Nuclear War

#### Accidental launches are impossible – communication centers

**Ford, Hudson Institute, Center for Technology and Global Security, Fellow and Director 8**

(Chris, October 7, 2008, “Dilemmas of Nuclear Force ‘De-Alerting’” Int’l Peace Institute Policy Forum, [www.hudson.org/files/documents/De-Alerting%20FINAL2%20(2).pdf](http://www.hudson.org/files/documents/De-Alerting%20FINAL2%20%282%29.pdf), accessed 7-9-12, FFF)

The United States and Russia have also worked for years to improve communications, reduce misunderstandings, and develop ways to lessen the risk of inadvertent launch or other errors in their strategic relationship. Most readers will be familiar with the Direct Communications Link (the famous “hotline”) established in 1963.27 In 1971, however, Washington and Moscow also signed an agreement establishing basic procedures to increase mutual consultation and notification regarding relatively innocent but potentially alarming activities – thereby reducing the risk of accidental nuclear war.28 Since 1987, the two parties have also operated securely-linked 24-hour communications centers-the U.S. node of which is the Nuclear Risk Reduction Center (NRRC) operated by the State Department- which specialize in transmitting such things as notifications required under arms control treaties. Pursuant to a 1988 memorandum, NRRC transmittals, which go directly to the Russian Ministry of Defense, include ballistic missile launch notifications. This link also proved useful to help prevent strategic tensions after the terrorist assault of September 11, 2001-which point U.S. officials used the NRRC to reassure their Russian counterparts that the sudden American security alert in the wake of the Manhattan and Pentagon attacks was not in any way an indication of impending U.S. belligerence vis-à-vis Russia.