# Agenda Politics Updates

## Jackson-Vanik Updates

### 1nc Uniqueness

#### Administration is pushing Jackson-Vanik repeal now --- human rights issues won’t undermine relations

AP 6/27 (“Clinton optimistic over US-Russia relations and repeal of Jackson-Vanik”, Associated Press, June 27, 2012, <http://www.newser.com/article/d9vlgpd02/clinton-optimistic-over-us-russian-relations-and-repeal-of-jackson-vanik-bill.html>,) MG

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 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.

Clinton to reporters at newser after talks with Finnish Foreign Minister Erkki Tuomioja:

"We expect something to move on the repeal of Jackson-Vanik and something to move to reflect the Congress' concerns," she told reporters in Helsinki.

"Now, 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," Clinton said.

"But again, to go back to original question, we think there is a way of expressing those concerns without derailing the relationship," she said, "and that is what we are working with our Congress to do and we have every reason to believe we can accomplish that."

### 2nc Uniqueness --- Bipartisan Support

#### Bipartisanship support now for Jackson-Vanik Repeal

White House Bulletin 6/25 (“House GOP sides with Obama on repeal of Jackson Vanik Amendments”, The White House Bulletin, lexis nexis, accessed June 30, 2012) MG

US News Weekly (6/22, Zalan) reports that in a "rare alliance, House Republicans this week sided with the Obama administration in arguing that Congress must act immediately to normalize trade relations with Russia, which is expected to join the World Trade Organization this summer," and repeal the Jackson-Vanik Amendments. Otherwise, US companies will not be eligible for WTO trade privileges, but Democratic opponents "have concerns about Russia's poor record on the rule of law and human rights." Brookings Fellow Steven Pifer said, "The result will then be that American companies exporting to Russia will not be able to take advantage of the WTO tariffs and they will not be able to make use of WTO dispute resolution mechanisms. Jackson-Vanik then becomes a sanction on American business and disadvantages them against everybody else exporting to Russia."

### 2nc Uniqueness --- Top Priority

#### Clean Jackson-Vanik repeal is top priority

Vasilyeva 6/7 (Nataliya 2012, “US official urges repeal of Russia trade law” Bloomberg Business Week. http://www.businessweek.com/ap/2012-06/D9V877M80.htm)

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. 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.

### 2nc Solves Economy / Jobs / Competitiveness

#### Repeal will boost the economy, create jobs in every sector and bolster U.S. competitiveness

Senate Committee on Finance 6/12 (2012 Baucus, Thune, Kerry, McCain.“Baucus, Thune, Kerry, McCain Unveil Bill Enabling U.S. Businesses to Boost Exports to Russia, Create Jobs at Home” http://www.finance.senate.gov/newsroom/chairman/release/?id=388beba7-8eaa-482e-a970-df43d80187e4)

Washington, DC – Senate Finance Committee Chairman Max Baucus (D-Mont.), International Trade Subcommittee Ranking Member John Thune (R-S.D.), Foreign Relations Committee Chairman John Kerry (D-Mass.) and Armed Services Committee Ranking Member John McCain (R-Ariz.) unveiled legislation today to enable American businesses to pursue new job-creating export opportunities in Russia when it joins the World Trade Organization (WTO) this summer. The legislation establishes permanent normal trade relations (PNTR) with Russia and repeals the 1974 Jackson-Vanik amendment, steps which are required for American businesses to capitalize on the new market access in Russia. Establishing PNTR will provide a boost to the U.S. economy, doubling American exports to Russia in just five years and helping create jobs across every economic sector – services, manufacturing and agriculture included. “This is an opportunity to double our exports to Russia and create thousands of jobs across every sector of the U.S. economy, all at no cost to the U.S. whatsoever. We give up nothing as part of this process – not one single tariff reduction – so it’s truly a one-sided benefit for the U.S.,” Baucus said. “Jackson-Vanik served its purpose during the Cold War, but it’s a relic of another era that now stands in the way of our farmers, ranchers and businesses pursuing opportunities to grow and create jobs. We owe it to American workers and businesses to enable them to take advantage of the doors opening in Russia. This bill will give our businesses and workers the level playing field they need to succeed against foreign competition. The clock is ticking for us to move, so we need to act now.” “Russia’s entry into the WTO later this summer will increase export opportunities for U.S. producers, especially American agriculture,” said Thune. “Presidents of both parties have granted Russia normal trade relations status on a yearly basis since 1992 and it is time to establish this treatment on a permanent basis so that American farmers, manufacturers, investors, and service providers will have the ability to take full advantage of the new business opportunities resulting from Russia’s entry into the WTO. This legislation will ensure that Russia’s commitments upon entering the WTO are enforced and ensure that American businesses are on an equal playing field in the Russian market.” “This is an effort to make sure that the United States isn’t left behind. We cannot afford to dither, delay, and deny ourselves the job creation and major export opportunities that come from passing PNTR. If we do, our global competitors will continue to benefit from favorable treatment in the Russian market while America is on the sidelines clinging to an outdated policy of a different era,” Kerry said. “We have to send the market and businesses a signal that America will not allow congressional inaction to put ourselves at a commercial disadvantage. We will have an opportunity during this debate to make real progress on the human rights and democratic reform agenda as well.” “This important legislation will ensure that U.S. workers and businesses can take full advantage of freer trade with Russia as it accedes to the World Trade Organization,” McCain said. “While I recognize there are significant concerns about the climate for foreign businesses and investors in Russia that the Finance Committee may want to address, this legislation is the critical first step. At the same time, as I and others have made clear, the extension of Permanent Normal Trade Relations status and the repeal of the Jackson-Vanik amendment for Russia must be accompanied by passage of the Magnitsky Act (S.1039). I appreciate Senator Baucus’s written commitment that he will work for Senate passage of both of these pieces of legislation as soon as possible this year. As we take steps to liberalize U.S. trade with Russia, as we should, we must also maintain our long-standing support for human rights and the fight against corruption in Russia.” Russia is expected to join the WTO formally this summer, regardless of any action Congress does or does not take. As part of the accession process, Russia will lower tariffs and increase market access for foreign businesses from countries that have permanent normal trade relations with it. Congress must pass legislation establishing PNTR by the time Russia joins the WTO for the United States to enjoy the full economic benefits. U.S. exports to Russia currently total $9 billion per year, and one recent study predicted that number would double within a half-decade following PNTR. Russia is already the world’s sixth-largest economy, and it could outgrow Germany and Japan by 2040, meaning the long-run gains of increased exports there would be even greater. Unlike a free trade agreement, the United States will not provide any market access benefits, lower any U.S. tariffs, or make other changes to our trade laws as a result of Russia’s WTO accession. PNTR simply allows American businesses to take advantage of Russia’s concessions. These will include: additional market access for U.S. service providers; intellectual property enforcement; higher quotas for U.S. beef, poultry and pork producers; decreased domestic agriculture subsidies; science-based sanitary and phytosanitary (SPS) measures; and dispute settlement to enforce WTO rules. Baucus also sent a letter regarding the Magnitsky Act to Senators McCain, Cardin (D-M.D.), Wicker (R-M.S.), and Lieberman (I-Conn).

## General Neg Updates

### 1nc Link

#### Congress has no appetite for more transportation spending --- its tapped out

Pittsburg Post-Gazette 6/30 (June 30, 2012, Ed O’keefe, staff writer for the Washington Post, “Congress’ bipartisan deal Oks transportation funds, student loan rate”, post-gazette.com,http://www.post-gazette.com/stories/news/us/congress-bipartisan-deal-oks-transportation-funds-student-loan-rate-642596/?print=1) MG

Republicans agreed to drop language authorizing the Keystone pipeline, and Democrats agreed to omit $1.4 billion for conservation projects. Supporters said the transportation deal would help save more than 2 million jobs.

House Transportation and Infrastructure Committee Chairman John Mica, R-Fla., had fought for a more ambitious spending plan, but conceded Friday, "With the financial condition of the United States, it's the best we could do right now."

### **AT: Magnitsky / Human Rights**

#### Magnitsky won’t undermine relations

White House News Bulletin 6/27 (“Clinton says Magnitsky Act Won’t Hurt Relations with Russia”, The white house news bulletin, June 27, 2012, lexis nexis, accessed July 1, 2012) MG

Secretary of State Hillary Clinton said she did not think legislation that would impose sanctions on Russian officials who violate human rights, known as the Magnitsky Act, would hurt relations with Russia. Clinton said she expected Congress to repeal the Jackson-Vanik Act, which linked trade with Russia's willingness to permit the migration of Jews and other minorities. Repeal of Jackson-Vanik will enable US businesses to take advantage of trade advantages under the WTO when Russia joins this summer. Clinton said, "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."

### Link Ext

#### **Our link was proven last week --- limited resources constrained what the Congress was able to include in the compromise transportation bill**

The Columbian 6/28 – June 28, 2012 (Andrea Damewood and Dave Mathieu, staff writers for The Colombian, “Herrera Beutler: Compromise drove transportation bill”, Colombian.com, <http://www.columbian.com/news/2012/jun/28/herrera-beutler-compromise-drove-transportation-bi/>) MG

Congresswoman Jaime Herrera Beutler said the compromise on the transportation bill reached Wednesday includes some provisions she's happy about, and some she's not — but that's to be expected when Democrats and Republicans sit down to hammer out their differences in a high-profile piece of legislation.

The first-term Republican representative from Camas pointed out that, under the compromise bill, $500 million would be reauthorized for a grant program that could help finance the Columbia River Crossing project. The previous transportation bill had only allowed $356 million for the grant program, which doles out money based on a project's national and regional significance.

"From day one, I have said that the federal government must be prepared to pay its fair share of replacing the (Interstate 5) bridge," she said.

The $500 million allotment for all megaprojects nationwide could send money the CRC's way, but it's likely to be far less than what the $3.5 billion project needs. Project officials as recently as this month told state lawmakers that they're banking on $400 million to $500 million from the Projects of Regional and National Significance account -- or one year's allotment for all of the United States.

As U.S. Deputy Secretary of Transportation Polly Trottenberg said in an interview with Bike Portland last December: "The truth is, one thing we're seeing all over the country is there are still a lot of places that want to see a lot of big and grand projects and the scale of funding that's available at the state and national level is just not what it used to be. So that bigger conflict is looming in places all over the country. Certainly, with the CRC, that's been the issue all along."

Project leaders have said that they can phase construction to build as cash flows in over a number of years from a variety of sources.

That's not enough to convince CRC critic and Portland economist Joe Cortright.

"CRC has no contingency plan — they've never said what happens, or how they will get the money, if the federal government provides less than $400 million for the highway portion," he wrote in an email to The Columbian on Thursday, adding that the states would be left on the hook for the gap.

Congress' transportation compromise was reached Wednesday night and still must pass through the House and Senate, but "it's in a really good place" to do so, Herrera Beutler said. The compromise legislation gives Congress the go-ahead to spend more than $100 billion over the next two years on surface transportation and infrastructure projects.

Trails, streamlined provisions

Herrera Beutler was recently appointed to the special transportation committee tasked with reconciling differences between the transportation proposals presented by the mostly Democratic Senate and the mostly Republican House. This was Herrera Beutler's first time serving on a bill reconciliation committee.

Herrera Beutler said she's happy that the nation's Recreational Trails Program was safeguarded in the bill. At one point, lawmakers wanted to "wipe that program right out," she said, but "we were able to protect that, and that was bipartisan. There are a lot of folks in our area that utilize trails."

The compromise bill also would dedicate Harbor Maintenance Trust Fund money for dredging and upkeep of waterways and ports. And, it would streamline the administrative process for transportation projects, which means the average amount of time it takes to complete a transportation project would be reduced.

"It's basic, good government reform," she said of the streamlining provision, adding that important oversight rules wouldn't be circumvented. "You just don't have to do it multiple times."

The transportation streamlining provision was one of the trade-offs during negotiations on the bill. Democrats allowed the Republicans' streamlining plan while Republicans gave up their provision affirming a controversial oil pipeline project and another provision to block the Environmental Protection Agency from regulating toxic ash generated by coal-fired power plants.

The transportation bill also includes language to keep down the interest rates on subsidized Stafford loans for undergraduates, which are provided to low-income students. The 3.4 percent interest rate established by Congress five years ago was expected to double on Sunday if lawmakers didn't act.

Herrera Beutler said she supports keeping the interest rate low and was comfortable with including that provision in the transportation bill because it was an issue that had already been vetted and debated in both chambers of Congress.

"I don't think we should double the student loan interest rate," she said. "That's important."

Limited by resources

Herrera Beutler said she wishes the transportation bill could authorize money for a longer period of time, but "everybody wishes we had more money to work with. The economy's not doing well, and I don't want to raise taxes and we have a certain amount of money to work with."

### AT: Transportation Bill Thumper

#### The passage of the transportation bill was the result of extensive negotiations – the plan gets rammed through Congress, destroying bipartisanship

Pittsburg Post-Gazette 6/30 (June 30, 2012, Ed O’keefe, staff writer for the Washington Post, “Congress’ bipartisan deal Oks transportation funds, student loan rate”, post-gazette.com,http://www.post-gazette.com/stories/news/us/congress-bipartisan-deal-oks-transportation-funds-student-loan-rate-642596/?print=1) MG

WASHINGTON -- Lawmakers approved a broad measure Friday that freezes federally subsidized student loan rates for another year, reauthorizes the government flood insurance program and extends federal transportation funding for two more years.

The deal resolved months of acrimonious debate on key legislative concerns on the eve of the July Fourth recess, and offered President Barack Obama an opportunity to claim victory after a high-profile campaign to pressure Congress into action on both the student loan and transportation issues.

But it also provided an opening to Republicans to challenge the president's long-running argument that he is hamstrung by a do-nothing Congress: GOP aides jokingly claimed Friday that they had eliminated half of the president's campaign stump speech in a single day of action.

White House press secretary Jay Carney said, "There is still much more Congress can do to create jobs and grow the economy," and he urged lawmakers to pass Mr. Obama's jobs plan.

Friday's agreement includes the first long-term transportation spending plan agreed to since 2005, replacing a series of short-term extensions. The House passed it 373 to 52, and the Senate by a vote of 74 to 19.

"This legislation proves that when Republicans decide to work with Democrats, we can do a lot to move our economy forward," said Senate Majority Leader Harry Reid, D-Nev.

House Speaker John Boehner, R-Ohio, called the bill "far from perfect," but thanked both parties for working to resolve disagreements on how to pay for the measure. He said Republicans plan to keep fighting to authorize construction of the Keystone XL pipeline, which was not included in the final deal.

#### Only passed because of election year pressures specific to that bill --- the plan doesn’t have the same political cover

Reuters 6-28 – June 28, 2012 (John Crawley, staff writer for Reuters, and Roberta Rampton, editor for Reuters, “Congress to vote on compromise transportation bill”, Reuters.com) MG

Congress took more than two years to reach the point of finalizing a transportation bill, and only because the potential consequences of inaction proved too risky in an election year.

The bipartisan blueprint was largely crafted by the Democratic-led Senate and was in line with White House expectations.

One of the most liberal senators worked with one of the most conservative to convince other lawmakers to accept the deal, defying analysts who had predicted a short-term extension rather than a longer-term deal given the overheated political climate.

"This agreement provides stability and flexibility for the nation's transportation planners," said Democratic Senator Barbara Boxer, who chaired the negotiations, in a statement.

Senator James Inhofe, the top Republican on the Environment and Public Works Committee, has been credited with working with fiscally conservative House Republicans to find common ground.

"As with any compromise we didn't get everything we wanted, but I believe we truly have a good bill - one conservatives can be proud to support," Inhofe said.

The resolution was praised by business groups like the U.S. Chamber of Commerce. But environmental groups were unhappy that Republicans won some concessions on environmental reviews of highway projects.

#### The bill maintains spending – not an increase

Bloomberg 6/29 – June 29, 2012 (“Highway Deal Leaves US Trust Fund In Bankrupting Cycle”, Bloomberg.com) MG

The transportation bill maintains current spending levels through September 2014, or $94.3 billion for fiscal 2013 and 2014 combined, according to the Congressional Budget Office. The federal gasoline tax won’t provide enough to cover that level of construction, so the bill uses $18.8 billion of general tax money to bridge the gap.

#### Transportation bill only extends funding – the plan is an increase and marks a change from SQ

Reuters 6-28 – June 28, 2012 (John Crawley, staff writer for Reuters, and Roberta Rampton, editor for Reuters, “Congress to vote on compromise transportation bill”, Reuters.com) MG

Transportation leaders were at times convinced the gridlocked Congress was too divided to pass such a big bill without sweeteners so individual members could claim credit for infrastructure improvements in their states.

Their priorities in the end were to simply maintain current funding and give states some certainty about the financial commitment from Washington. States rely on federal transportation dollars to help them plan and carry out projects, especially road repairs.

### --- XT: SQ Involved Extensive Negotiations

#### Only passed because of extensive bipartisan negotiations and compromises --- the plan is not analagous

Boston Herald 6/30 – June 30, 2012 (Richard Simon, staff writer for LA Times, “Congress passes transportation bills, halts student loan increase”, BostonHerlad.com, June 30, 2012) MG

Congress, in a rare display of bipartisanship, on Friday sent to President Barack Obama a roughly $105 billion transportation bill that lawmakers from both parties touted as perhaps the largest jobs measure of the year.

The measure also would avert a doubling of interest rates for millions of college student loans that was threatened to hit Sunday.

“The American people finally will have a jobs bill from this Congress,” said Eleanor Holmes Norton, a Democrat who is Washington, D.C.’s delegate to the House.

The first major transportation bill since 2005, the legislation would keep highway and transit spending at current levels through the end of fiscal year 2014. It includes an expansion of a federal loan program sought by a group of U.S. mayors to fast-track bus and rail projects in traffic-choked regions.

The House approved the bill by a lopsided 373-52 vote, demonstrating the power of pothole politics. The Senate approved it 74-19.

The bill would provide financial incentives to states that crack down on distracted driving, require ignition interlock devices for DUI offenders and establish graduated licensing programs that restrict teenagers’ driving privileges. It also would impose new safety rules on interstate passenger buses in response to a number of high-profile tour bus crashes.

“Do not give up hope,’’ Sen. Barbara Boxer, D-Calif., chairwoman of the Senate Environment and Public Works Committee, said, calling the bill’s passage evidence “that we can work together.”

The bill’s passage came only after lawmakers once again faced deadlines — a shutdown of the highway program Saturday and a doubling of student interest loan rates Sunday. Lawmakers also did something unusual for this Congress: They compromised.

Republicans, in the face of White House opposition, dropped an effort to use the bill to try to advance the controversial Keystone XL pipeline. Environmentalists said the bill would weaken environmental reviews in order to satisfy GOP calls for speedier project approvals.

“The dramatic reforms in this measure will get projects moving by cutting the red tape that delays projects across the country and drives up construction costs,” said House Transportation Committee Chairman John Mica, R-Fla.

Democrats made concessions that are likely to lead to less funding for bicycle, pedestrian and beautification projects. Republican leaders, despite opposition within their conservative ranks, agreed to find money from other than the gas tax to fund transportation projects, such as higher employer premiums to the pension insurance agency, the Pension Benefit Guaranty Corp. All the no votes were cast by Republicans.

“It has been obvious for many years that the current gasoline tax is not enough to meet the desire of Congress to spend on transportation,” said Ryan Alexander, president of the watchdog Taxpayers for Common Sense, accusing lawmakers of relying on “budgetary smoke and mirrors” to fund projects.

### AT: Winners-Win

#### Not unique --- recent bill was a win for Obama

Pittsburg Post-Gazette 6/30 – June 30, 2012 (Ed O’keefe, staff writer for the Washington Post, “Congress’ bipartisan deal Oks transportation funds, student loan rate”, post-gazette.com,http://www.post-gazette.com/stories/news/us/congress-bipartisan-deal-oks-transportation-funds-student-loan-rate-642596/?print=1) MG

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## Aff Answers

### 2ac Winners-Win

#### Winners-win --- confrontation yields political momentum

Klein, 12 (Ezra, 2/16/2012, “Wonkbook: For White House, compromise through confrontation,” <http://www.washingtonpost.com/blogs/ezra-klein/post/wonkbook-for-white-house-compromise-through-confrontation/2012/02/16/gIQAYrySHR_blog.html>)

Most in the White House will admit it: Over the past few months, their strategy has swung from seeking compromise to welcoming confrontation. After the debt-ceiling debacle, they stopped believing that they could reach a deal with House Republicans. And so they stopped emphasizing policies they thought Republicans would like and began emphasizing policies -- like the Buffett rule -- that they thought the public would like. But then a funny thing began to happen. The president's numbers began to rise. And with it, the possibility that seeking confrontation might force the Republicans to welcome compromise.

Since August, President Obama's job approval has risen from 43 percent to 49 percent. Disapproval of his job performance has fallen from 53 percent to 46 percent. Much of that likely reflects renewed signs of economic recovery. Some, perhaps, is due to the the White House's new communications strategy, which has been to hang back from the congressional fray and campaign on what is popular rather than what is possible. And the Republican primary probably hasn't hurt, both in terms of attracting Democrats back into the president's corner and leaving independents wondering whether there weren't better off sticking with Obama.

As the president's numbers have improved, some in the White House have begun talking quietly, cautiously, about the possibility -- which they admit is slim -- of a "1996 moment."

From 2009 to 2011, Ronald Klain was chief of staff to Vice President Joe Biden. Before that, he was chief of staff to Vice President Al Gore. And in a January Bloomberg View column, he explained the way the White House understands what happened in 1996:

"Back in 1995, as in 2011, powerful Republican leaders (including Gingrich, then speaker of the House) faced a Democratic president who had been weakened by a stinging midterm defeat. They blocked the president’s initiatives, and tried to use their power in Congress to bring him down. By the end of 1995, gridlock had reached a new high with the government shutdown and the failure of budget talks between the White House and Congress. Sound familiar?"

"Most experts expected things to get even worse in 1996. Then, a few things happened to change that outcome. Bill Clinton, the Democratic president, regained his footing, sharpened his message for re-election and was buoyed by improving economic news. Congress grew less popular as voters became dissatisfied with the lack of progress and obstructioznism. There were mounting signs of another tidal wave election, this one to sweep out the new Republican members who had been seated in the previous election. As 1996 unfolded, the party lost enthusiasm for its lackluster emerging nominee, Bob Dole."

"The result: Gingrich and fellow Republican leaders in Congress decided to work with Clinton to pass a raft of important legislation. These included a balanced budget deal, an extension of health-care coverage (the Kennedy-Kassebaum Act) and sweeping welfare reform."

But there hasn't been much evidence of a 1996 moment in the offing. At least, not until this week. Over the last few days, however, something remarkable happened: The negotiations over the payroll tax cut, the unemployment-insurance benefits, and the Medicare doc fix moved from deadlock to deal. And it didn't happen at the last minute, or because the markets were about to tumble into the abyss. It happened because Republicans coolly assessed the politics and decided they were better off compromising with the Democrats than taking this one to the edge.

Would this deal have happened if the president's numbers were weaker, if the economy was in worse shape, and if the Republican primary was producing a more able set of champions? Perhaps. But perhaps not. Rather, it looks as if the president's strengthened position and his clear appetite for further conflict led Republicans to conclude that compromise might serve them better in this case.

The payroll tax cut deal is, to be sure, not a 1996 moment all on its own. It's very likely a one-off. It may even still fall apart. But it is, at the least, a template for how further deals might go. If Obama's numbers continue to rise, if the economy continues to recover, and if the GOP's presidential nominee falls behind in the polls, it's easy to see how Boehner and McConnell and Cantor and Kyl begin worrying more about their own majorities than about what happens at the top of the ticket. And if that happens, they may decide their members need a few accomplishments of their own. A big infrastructure bill, perhaps. Or, if gas prices rise, a serious compromise on energy.

But if that happens, it won't be because the White House offered Republicans a deal they couldn't refuse. It will be because they offered them a confrontation they couldn't win.

### 2ac Compartmentalization

#### Political capital not key --- issues compartmentalized

Dickinson, 09 – professor of political science at Middlebury College and taught previously at Harvard University where he worked under the supervision of presidential scholar Richard Neustadt (5/26/09, Matthew, Presidential Power: A NonPartisan Analysis of Presidential Politics, “Sotomayor, Obama and Presidential Power,” http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/, JMP)

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below).

What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is **rarely influenced by anything a president does.** Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – **this mistakes an outcome with actual evidence of presidential influence.** Once we control for other factors – **a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants.** (I am ignoring the importance of a president’s veto power for the moment.)

Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee.

If we want to measure Obama’s “power”, then, we need to know what his real preference was and why he chose Sotomayor. My guess – and it is only a guess – is that after conferring with leading Democrats and Republicans, he recognized the overriding practical political advantages accruing from choosing an Hispanic woman, with left-leaning credentials. We cannot know if this would have been his ideal choice based on judicial philosophy alone, but presidents are never free to act on their ideal preferences. Politics is the art of the possible. Whether Sotomayer is his first choice or not, however, her nomination is a reminder that the power of the presidency often resides in the president’s ability to dictate the alternatives from which Congress (or in this case the Senate) must choose. Although Republicans will undoubtedly attack Sotomayor for her judicial “activism” (citing in particular her decisions regarding promotion and affirmative action), her comments regarding the importance of gender and ethnicity in influencing her decisions, and her views regarding whether appellate courts “make” policy, they run the risk of alienating Hispanic voters – an increasingly influential voting bloc (to the extent that one can view Hispanics as a voting bloc!) I find it very hard to believe she will not be easily confirmed. In structuring the alternative before the Senate in this manner, then, Obama reveals an important aspect of presidential power that cannot be measured through legislative boxscores.

### 1ar Compartmentalization

#### The overwhelming majority of political science votes aff

Beckman & Kumar ‘11

[Matt and Vimal – Prof Poli Sci @ UC Irvine and PhD Candidate at UC Irvine. “Practicing Presidential Leadership: A Model of Presidents’ Positive Power in US Lawmaking” The Journal of Theoretical Politics, Vol 23 No 1. 2011//GBS-JV]

For political scientists, however, the resources allocated to formulating and implementing the White House’s lobbying offensive appears puzzling, if not altogether misguided. Far from highlighting presidents’ capacity to marshal legislative proposals through Congress, the prevailing wisdom now stresses contextual factors as predetermining his agenda’s fate on Capitol Hill. Indeed, from the particular “political time” in which he happens to take office (Skowronek (1993)) to the state of the budget (Brady and Volden (1998); Peterson (1990)), the partisan composition of Congress (Bond and Fleisher (1990); Edwards (1989); see also Gilmour (1995); Groseclose and McCarty (2001); Sinclair (2006)) to the preferences of specific “pivotal” voters (Brady and Volden, 1998; Krehbiel, 1998), current research suggests a president’s congressional fortunes are basically beyond his control. The implication is straightforward, as Bond and Fleisher indicate: . . . presidential success is determined in large measure by the results of the last election. If the last election brings individuals to Congress whose local interests and preferences coincide with the president’s, then he will enjoy greater success. If, on the other hand, most members of Congress have preferences different from the president’s, then he will suffer more defeats, and no amount of bargaining and persuasion can do much to improve his success. (1990, 13).

### 2ac Political Capital Fails

#### Studies prove presidential involvement reduces chance of passage

Klein, 12 (Ezra, 3/19/2012, “The Unpersuaded; Who listens to a President?” <http://www.newyorker.com/reporting/2012/03/19/120319fa_fact_klein#ixzz1pxjQpFdO>)

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.

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.

### 1ar Political Capital Fails

#### Backlash from Obama push is especially likely now

Dennis, 12 (Steven T., Roll Call, 3/26/2012, “White House Hasn't Found Sequel to Payroll Tax Fight,” Lexis)

Asked about the lack of a single top priority last week, senior administration officials at a background briefing pointed the finger at House Republicans. They said the administration and Obama want to get as much accomplished as possible but need to see signs of cooperation from the House in order to take action. They mentioned several bills, including the highway bill, as proposals they hope can get accomplished.

But even some of Obama's allies on the Hill think that with the election already under way, there's only so much appetite for taking on additional big-ticket items before November. And the more Obama pushes for something, the more pushback he's likely to encourage from the GOP.

Aside from the highway reauthorization, the next key deadline is the end of September, when Congress must approve at least a stopgap spending measure to avoid a government shutdown. But the bigger deadlines come at the end of the year, when assorted tax cuts expire and big spending cuts are triggered. Administration officials acknowledged those decisions are going to wait until the lame-duck session.

Rep. Barney Frank (D-Mass.) said he doesn't see a singular priority coming from the president, but that's not necessarily a bad thing with Republicans in control of the House. "It makes sense to have a bunch out there and see if one of them works," he said.

Rep. Chris Van Hollen (D-Md.) said the administration does have a top priority - the remainder of the jobs act - and predicted it would step up its push for the transportation bill in particular.

But other Democrats give puzzled looks when asked what the White House's top priority is beyond the generic topic of "jobs."

"My guess is, generally, it's the economy, but you'd have to ask them that," Sen. Mark Pryor (D-Ark.) said. "I don't know."

Rep. Luis Gutierrez (D-Ill.) said everything is about jobs, but at this point, there's not much chance Obama can get much else through, and if he pushes hard for something in particular, it could send Republicans running in the other direction.

"I don't think there's a legislative piece that stands a great opportunity of passage," he said. "They're not going to do it. It's like, 'Nope! It's Obama's idea? Nope!'"

Republicans say they want to work with Obama on jobs - pointing to the bipartisan support for House Majority Leader Eric Cantor's (R-Va.) JOBS Act reducing regulations on most startup companies, which the president embraced, as well as GOP efforts aimed at addressing gas prices. But they say the president already seems focused on his re-election campaign.

"We welcome any White House assistance, but we're not expecting much since they've already made clear in words and actions that the payroll bill was their last priority before shifting full-time to election mode," said Brendan Buck, spokesman for Speaker John Boehner (R-Ohio). "They can campaign; we'll keep governing."

#### Backlash is empirically true

Bouie, 11 (1/18/2011, Jamelle, American Prospect, “Taxes and Presidential Leadership,” http://prospect.org/article/taxes-and-presidential-leadership)

I sympathize with Sullivan, but I'm not sure that he gets Yglesias' point. Simply put, on sensitive issues where bipartisan compromise is necessary for a satisfactory result, presidential leadership is usually counterproductive. When the president takes a position, that position tends to polarize. Not only will his rhetoric intensify already-held views, but the sheer act of taking a stance will push the other side into opposition, even when there's plenty of agreement. The DREAM Act was relatively uncontroversial up until a Democratic president decide to stump for it. At that point, Republicans -- even former supporters -- found reasons to vote against the bill. Yglesias doesn't want presidential involvement in tax reform because presidential involvement in tax reform would doom the project. As soon as Barack Obama came out in support of one element, conservatives would come out in opposition. Like Yglesias said, fundamental reform is only possible if the president stays out of the conversation.

# Elections Updates

## Obama Win

#### Obama ahead in key swing states now

Quinnipac 6/27 (6/27/2012, Quinnipac University Polling Institute, a New England private college, “Presidential Swing States”, Quinnipac.edu)

FLORIDA: Obama 45 - Romney 41 OHIO: Obama 47 - Romney 38 PENNSYLVANIA: Obama 45 - Romney 39 Voters in Florida, Ohio and Pennsylvania support President Barack Obama's new immigration policy and are divided on whether the president or Gov. Mitt Romney would be better for their personal economic future, as they give Obama leads in these three critical swing states, a razor thin 4 points in Florida, a healthy 9 points in Ohio and 6 points in Pennsylvania, according to a Quinnipiac University Swing State Poll released today.

This compares to the results of a May 3 Swing State Poll by the independent Quinnipiac (KWIN-uh-pe-ack) University, showing Obama with an 8-point lead in Pennsylvania with Florida and Ohio too close to call.

Matching Obama against Romney in each of these key states - no one has won the White House since 1960 without taking at least two of them - shows: Florida: Obama edges Romney 45 - 41 percent; Ohio: Obama over Romney 47 - 38 percent; Pennsylvania: Obama tops Romney 45 - 39 percent.

"President Barack Obama has decent margins over Gov. Mitt Romney in Ohio and Pennsylvania and a smaller advantage in Florida. If he can keep those leads in all three of these key swing states through election day he would be virtually assured of re-election," said Peter A. Brown, assistant director of the Quinnipiac University Polling Institute.

"Of course the election is more than four months away, which is a lifetime in politics," Brown added.

#### Republicans and independents support for health care is increasing

Reuters 7/1 (Patricia Zengerle, staff writer for Reuters, “Obamacare Support Rises After Supreme Court Ruling, Poll Finds”, Huffingtonpost.com, from Reuters.com, July 1, 2012, <http://www.huffingtonpost.com/2012/07/01/obamacare-supreme-court-ruling_n_1641560.html?view=print&comm_ref=false>) MG

WASHINGTON, July 1 (Reuters) - Voter support for President Barack Obama's healthcare overhaul has increased following the U.S. Supreme Court's ruling upholding it, a Reuters/Ipsos poll released on Sunday showed.

Among all registered voters, support for the law rose to 48 percent in the online survey conducted after Thursday's ruling, up from 43 percent before the court decision. Opposition slipped to 52 percent from 57 percent.

The survey showed increased backing from Republicans and, crucially, the political independents whose support will be essential to winning the Nov. 6 presidential election.

Thirty-eight percent of independents supported the healthcare overhaul. That was up from 27 percent from a Reuters/Ipsos poll taken days before the justices' ruling. Opposition among independents was 62 percent, versus 73 percent earlier.

"This is a win for Obama. This is his bill. There's not really any doubt in people's minds, that it belongs to him," said Julia Clark, vice president at Ipsos Public Affairs. "It's his baby. It's literally been labeled 'Obamacare' ... which maybe it works in his favor now that there's a little bit of a victory dance going on."

Republican opposition to the law stayed strong, if somewhat weaker than before the high court ruled. Eighty-one percent of Republicans opposed it in the most recent survey, down from 86 percent in the poll conducted June 19-23. In the earlier poll, 14 percent of Republicans supported the healthcare plan, compared to 19 percent in the more recent one.

Illustrating the political polarization on the issue, three-quarters of Democrats backed the law, the same as a week earlier. One quarter opposed it.

The two top Republicans in Congress vowed on Sunday to push ahead with efforts to repeal the law despite the Supreme Court upholding it, but the White House said it is time to stop fighting and start implementing it.

#### Administration will continue to spin health care as a victory

Washington Post 6-28-12 (Peter Wallsten, staff writer for WP, “Ruling secures for Obama a larger place in history”, Washingtonpost.com, June 28, 2012, http://www.washingtonpost.com/politics/ruling-secures-for-obama-a-larger-place-in-history/2012/06/28/gJQAxNSDAW\_story.html)

Nevertheless, Obama — who has drawn scorn from critics for comparing himself to the greats, from ­Abraham Lincoln to Franklin D. Roosevelt — can finally include his name on the list of those who have secured landmark legislation. One senior aide told reporters Thursday that the law was on a par with Medicare and Social Security in its lasting importance.

“Today, I’m as confident as ever that when we look back five years from now, or 10 years from now, or 20 years from now, we’ll be better off because we had the courage to pass this law and keep moving forward,” Obama said in an address to the nation from the East Room of the White House hours after the ruling.

The short-term political gains were clear to strategists and experts. The decision undercut a key GOP attack line — that the president wasted two years pursuing an unconstitutional law rather than fixing the economy.

The ruling also offered the White House, and Obama’s reelection campaign, a chance to try to undo some of the lasting political damage from the 2009-10 health-care debate. Republicans successfully painted the law as a big-government power grab, but administration officials signaled Thursday that they intend to mount a new effort to portray the law as a boon to consumers — particularly African Americans, Hispanics and other groups crucial to Obama’s political coalition.

## Obama Lose

#### The Healthcare ruling gives Romney a silver bullet against Obama

Washington Post 6-28-12 (Peter Wallsten, staff writer for WP, “Ruling secures for Obama a larger place in history”, Washingtonpost.com, June 28, 2012, http://www.washingtonpost.com/politics/ruling-secures-for-obama-a-larger-place-in-history/2012/06/28/gJQAxNSDAW\_story.html)

Until Thursday, it wasn’t clear that future generations would have much to assess about the enduring legislative legacy of the Obama presidency. There had been no victory on climate change, no shift in the way Washington worked, no grand bargain to cut the deficit. And it looked as if a hostile Supreme Court was going sour on the Obama administration’s one big policy accomplishment — the marquee law achieving the liberal movement’s decades-long goal of near-universal health care. So when the justices announced their 5 to 4 ruling upholding the health law, they suddenly put Obama back on a path to achieving the historic significance he promised in his campaign and so deeply desires.

The ruling, however, may well complicate the president’s quest for the biggest affirmation of all — a second term — by memorializing a broadly unpopular law. The measure that came to be known derisively as “Obamacare” inspired the rise of the tea party, helped spawn a voter backlash that handed Republicans the House just two years after Obama’s convincing 2008 election victory, and now stands as one of the GOP’s main arguments for ousting the president in November.

Obama will have to explain the law’s central provision — a requirement that all Americans buy health insurance or pay a penalty — in the face of aggressive efforts by Mitt Romney and other Republicans to portray the mandate as an unfair middle-class tax increase. Obama has categorically denied that it is a tax increase, but his administration’s legal defense of the bill and now the Supreme Court ruling say otherwise, setting up a rhetorical tightrope for a president who vowed to cut middle-class taxes.

Moreover, the administration will be forced to fend off criticism from experts that the law will achieve little, if any, of the cost containment that was the initial White House rationale for its passage.

The ruling also included a surprising, and potentially costly, defeat for the Obama administration in allowing states to opt out of the health-care law’s expansion of Medicaid coverage. That might lead to more people signing up for newly created insurance exchanges, which would add to the federal cost.