# \*\*\*Aff Theory

# Process CPs Bad

**Focus on process undermines real world education**

**Clark et al 07** Director of Maritime Security Projects at the California Maritime Academy

(Bruce G., Dr. Donna J. Nincic, Associate Professor and Chair of Global and Maritime Studies at the The California Maritime Academy, and Nevin Fidler, Intelligence Coordinator of the Dept. of Sponsored Projects & Extended Learning at the The California Maritime Academy, “Protecting America’s Ports: Are We There Yet?”, October, Product of the Port and Maritime Security Working Group, U.S. Maritime Administration, Department of Transportation, prepared for by THE CALIFORNIA MARITIME ACADEMY, [www.hsdl.org/?view&did=24892](http://www.hsdl.org/?view&did=24892) SW)

10. The regulatory enforcement regimen often focuses on the wrong elements and forces the regulated community to respond to the wrong issues. 11. Training and education aspects of the maritime security program are failing to properly **emphasize** important, practical aspects of the "**real world**" operational environment while overly emphasizing regulatory, administrative and management elements which -- although important -- **do not greatly effect the attainment of** "**real** **security**" over the long term.

# EA

**Impacts aren’t discussed**

**Ma et al 9** (Zhao Ma, Dennis R. Becker and Michael A. Kilgore, “The Integration of Cumulative Environmental Impact Assessments and State Environmental Review Frameworks,” January 2009, Staff Paper Series No. 201, <http://www.forestry.umn.edu/prod/groups/cfans/@pub/@cfans/@forestry/documents/asset/cfans_asset_184736.pdf> MGE)

In summary, it is widely believed that existing environmental review procedures are an effective tool for examining the potential environmental impacts of proposed development activities (Beattie, 1995). However, two major issues remain unclear. First, despite the rich literature on federal environmental review, current knowledge of state policies and procedures has a narrow focus on a few SEPA states and demonstrates an incomplete understanding of the landscape of state environmental review processes. Second, the literature suggests that existing environmental review procedures, particularly at the federal level, have been generally effective in evaluating project-specific environmental impacts, while the assessment of cumulative impacts is lacking. However, the extent to which environmental review procedures at the state level address the issue of cumulative impacts remains unclear in most cases.

**No lit basis**

**Ma et al 9** (Zhao Ma, Dennis R. Becker and Michael A. Kilgore, “The Integration of Cumulative Environmental Impact Assessments and State Environmental Review Frameworks,” January 2009, Staff Paper Series No. 201, <http://www.forestry.umn.edu/prod/groups/cfans/@pub/@cfans/@forestry/documents/asset/cfans_asset_184736.pdf> MGE)

Despite the federal efforts to promote CIA, cumulative impacts have been only marginally assessed in the NEPA process (Canter and Kamath, 1995). McCold and Holman (1995) reviewed 89 environmental assessments (EAs) published in the Federal Register in 1992 and found that only 39% of the EAs provided evidence that cumulative impacts were considered. Burris and Canter (1997a) systematically reviewed cumulative impact considerations in environmental review documents prepared on a variety of project types under NEPA regulations. They also found that cumulative impacts were neither normally mentioned nor thoroughly analyzed in these documents.

**No literature**

**Wasserman 11** (Cheryl, Associate Director for Policy Analysis, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, “ENFORCEMENT OF ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS” Ninth International Conference on Environmental Compliance and Enforcement 2011, <http://inece.org/conference/9/proceedings/57_Wasserman.pdf> MGE)

2 Although most country EIA laws explicitly require consideration of alternatives, this is notoriously absent or poorly developed in submitted EIA documents and often officials find this requirement too difficult to “enforce”. Alternatives are different ways to achieve the same purpose and need that might be more environmentally benign, i.e. alternative sites, site configurations, size, staging, pollution control, and means of providing infrastructure to support the project. Officials responsible for implementing EIA laws sometimes view their authority as limited to what is contained in the Terms of Reference or submitted EIA document. Even in circumstances in which public comments identify better ways to address their concerns, the combination of time deadlines, comments taken late in the process, the lack of conflict resolution mechanisms or authority to accommodate them present high barriers which are likely to only be overcome in instances in which impacts are too large and pockets too deep to ignore.

# \*\*\*Neg Theory

# Conditions CPs Good

**Counter interp — the neg is allowed one conditions CP grounded in the literature – solves their offense**

**Offense –**

**1) Education – increases topic specific education**

**Necessary for decisionmaking**

**Gaines and Lurie 11** (Lisa Gaines, Ph.D., Associate Director Sue Lurie, Ph.D., Consultant, “NEPA for the 21 st Century: A Comparative Analysis of Other Organizations’ Environmental Review Structures” 5/16/07, <http://www.fs.fed.us/pnw/about/programs/fsd/NEPA/Final%20Draft%20Report-160507.pdf> MGE)

As the foregoing examples illustrate, developing appropriate, accurate measures are important in terms of being able to interpret and explain actual performance in relation to developed metrics. Having performance measures and tracking systems offer agency personnel a broad picture of how well they are meeting certain targets and may help shed light on unusual events or overall trends affecting agency ability to meet targets influenced by environmental decision making

**2) Negative ground – conditions forces them to defend the immediate enactment of the plan – key to all DA links and all other CPs**

**3) Best policy option—if it’s an opportunity cost, then we should discuss it. Key to rational forms of decisionmaking which outweighs.**

**4) key to neg flex, checks unpredictable add ons and beats small affs**

**Defense –**

**1) Literature checks abuse – limited lit about binding conditions – means that it doesn’t explode research**

**2) Probabilistic solvency increases aff ground – the counterplan guarantees delay and potential non-adoption – guaranteed solvency deficit**

**3) Net benefits check abuse – straight turn it, that solves aff ground**

**4) Your interp doesn’t solve – debates about transportation policy are inevitable, especially if we just read the DA, since the CP is competitive it’s relevant**

**Reject the argument and not the team – we haven’t killed their ability to answer other positions, means they still have the ability to debate.**

# Mechanism Edu Good

**Discussing the mechanisms of the topic is good**

**Bloomberg et al 11** (Michael R. Bloomberg Edward G. Rendell Arnold Schwarzenegger, Building America’s Future Fund, “Falling Apart and Falling Behind” Transportation Infrastructure Report 2011, <http://www.bafuture.com/sites/default/files/Report_0.pdf> MGE)

The first section of the report, A Mounting Crisis, makes the case why U.S. infrastructure has fallen from first place in the World Economic Forum’s 2005 economic competitiveness ranking to number 15 today. We have let more than a half-century go by without devising a strategic plan on a national scale to update our freight and passenger transport systems. The size of our federal investment in transportation infrastructure as a share of GDP has been dwindling for decades, and most federal funds are dispersed to projects without imposing accountability and performance measures. This lack of vision, lack of funding, and lack of accountability has left every mode of transportation in the United States—highways and railroads, airports and sea ports—stuck in the last century and ill-equipped for the demands of a churning global economy.

# EA Edu Good

**Environmental assessments key to infrastructure education**

**Horvath 2009** – Ph.D. Associate Professor University of California, Berkeley Department of Civil and Environmental Engineering ( Arapd, “Environmental Life-cycle Assessment of Infrastructure Systems” <http://www.nae.edu/File.aspx?id=15631>)

Environmental assessment of infrastructure has appeared in the scientific literature decades ago. LCA studies are more recent, started about 15 years ago. In order to answer even the most burning infrastructure questions, we will need many more studies, especially adopted by practitioners.

**Must understand the environmental impact of the plan**

**Hanson et al 6** (Carl E. Hanson, David A. Towers, and Lance D. Meister, “TRANSIT NOISE AND VIBRATION

IMPACT ASSESSMENT” May 2006, USDOT, <http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf> MGE)

Environmental Impact Statements. Large fixed-guideway projects, such as heavy rail, light rail, commuter rail and automated guideway transit systems, normally require environmental impact statements, including an in-depth noise and vibration assessment. While there may be exceptions to the EIS requirement, in the great majority of cases new rail starts or extensions to existing systems involve significant environmental effects in the context of the National Environmental Policy Act (NEPA). Because they are located in dense urban areas, noise and vibration impacts are a frequent concern; thus it is likely that for the major infrastructure projects requiring an EIS, the most detailed treatment of noise and/or vibration impacts will also be required. There are other projects as well which may require a detailed analysis of noise and vibration impacts even if an EIS is not required to comply with NEPA. These could be bus/high-occupancy-vehicle (HOV) lanes built on existing highways or construction of certain bus or rail terminals and storage and maintenance facilities. If the project is proposed to be located in or very close to a sensitive area or site, it is prudent to use the most detailed procedures contained in the manual to predict noise and/or vibration levels since this will provide the most reliable basis for considering measures to mitigate excessive noise/vibration at a specific site.

**Even if the aff is normally excluded, it must still be evaluated for other impacts**

**Hanson et al 6** (Carl E. Hanson, David A. Towers, and Lance D. Meister, “TRANSIT NOISE AND VIBRATION

IMPACT ASSESSMENT” May 2006, USDOT, <http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf> MGE)

Categorical Exclusions. At the other extreme is a host of smaller transit projects which normally do not cause significant environmental impacts and do not require noise and vibration assessment. These projects are listed as "categorical exclusions" in FTA's environmental regulation, meaning that FTA has determined that there are no significant environmental impacts for those types of projects and no environmental document is required. Examples are: vehicle purchases; track and railbed maintenance; installation of maintenance equipment within the facility, etc. Section 771.117(c) contains a list of transit projects predetermined to be categorical exclusions. Other types of projects may also qualify as categorical exclusions, for example, certain transit terminals, transfer facilities, bus and rail storage and maintenance facilities (see 23 CFR 771.117(d)). These projects usually involve more construction and a greater potential for off-site impacts. They are presented in the regulation with conditions or criteria which must be met in order to qualify for categorical exclusion. The projects are reviewed individually by FTA to assure that any off-site impacts are properly mitigated. Depending on the proposed project site and the surrounding land use, a noise and vibration assessment may be needed even though the project may ultimately qualify as a categorical exclusion. The screening process in Chapters 4 and 9 will be helpful in pointing out potential noise and vibration concerns and the general assessment procedures may then be used to define the level of impact.

# EA Predictible

**Predictable**

**Hanson et al 6** (Carl E. Hanson, David A. Towers, and Lance D. Meister, “TRANSIT NOISE AND VIBRATION

IMPACT ASSESSMENT” May 2006, USDOT, <http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf> MGE)

Environmental Assessments. When a proposed project is presented to FTA, if it is uncertain whether the project requires an EIS or qualifies as a categorical exclusion, FTA will direct the project sponsor to prepare an environmental assessment (EA). Generally, an EA is selected (rather than trying to process the project as a categorical exclusion) if the FTA reviewer feels that several types of impacts need further investigation, for example, air quality, noise, wetlands, historic sites, traffic, etc. An EA is a relatively brief environmental study which helps determine the magnitude of the impacts that will likely be caused by the project. If, during the analysis, it appears that any impacts are significant, an EIS will be prepared. If the analysis shows that none of the impacts is significant or if mitigation measures are incorporated in the project to adequately deal

# EA has Lit

**Grounded in the literature**

**Gaines and Lurie 11** (Lisa Gaines, Ph.D., Associate Director Sue Lurie, Ph.D., Consultant, “NEPA for the 21 st Century: A Comparative Analysis of Other Organizations’ Environmental Review Structures” 5/16/07, <http://www.fs.fed.us/pnw/about/programs/fsd/NEPA/Final%20Draft%20Report-160507.pdf> MGE)

Since NEPA’s passage more than 35 years ago, a considerable body of literature has developed regarding its controversy, prescriptive recommendations for better implementation, and technical guidance. Less has been written about the perceptions and practical challenges experienced by federal agencies responsible for its implementation. Two studies are particularly instructive.

**Committee has set guidelines and principles**

**NOAA 3** (“Principles and guidelines for social impact assessment in the USA” The Interorganizational Committee on Principles and Guidelines for Social Impact Assessment, Impact Assessment and Project Appraisal, volume 21, number 3, September 2003, pages 231–250, Beech Tree Publishing, 10 Watford Close, Guildford, Surrey GU1 2EP, UK, <http://www.nmfs.noaa.gov/sfa/reg_svcs/social%20guid&pri.pdf> MGE)

SINCE PASSAGE OF the US National Environmental Policy Act (NEPA) of 1970, environmental impact assessment has become the key component of environmental planning and decision making in the United States. Agency planners and decision makers have recognized a need for better understanding of the social consequences of policies, plans, programs and projects (PPPPs). In response to this need, a group of social scientists formed the Interorganizational Committee on Guidelines and Principles for Social Impact Assessment 1 (SIA) in 1992, with the purpose of outlining a set of guidelines and principles that would assist public- and private-sector agencies and organizations to fulfill their obligations under the NEPA, related authorities and agency mandates (IOCGP, 1993). This monograph is the decade update of the original

**Worldwide legal documents written**

**Morgan 12** (Richard K., Professor at the University of Otago of biogeography, “Environmental impact assessment: the state of the art”, Impact Assessment and Project Appraisal Volume 30, Issue 1, 2012, <http://www.tandfonline.com/doi/full/10.1080/14615517.2012.661557> MGE)

Following the example of the early adopters (countries such as Australia, Canada, Eire, Sweden, New Zealand etc.) (O'Riordan and Sewell 1981, Wood 2003), many other countries have incorporated some form of impact assessment process into formal procedures or legislation relating to planning or to other areas of environmental decision-making. In the international arena, the institutionalization of EIA has progressed steadily over the last 15–20 years, gaining particular momentum from rising political recognition of the problems associated with climate change, loss of biodiversity, threats to freshwater sources and water quality, damage to marine areas and other forms of global environmental change. Hence, environmental impact assessment, or sometimes simply environmental assessment (EA), is recognized in a large number of international conventions, protocols and agreements, including: • the Convention on Transboundary Environmental Impact Assessment; • the Convention on Wetlands of International Importance; • the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; • the United Nations Framework Convention on Climate Change; • the United Nations Convention on the Law of the Sea; • the Protocol on Environmental Protection to the Antarctic Treaty. While many international legal instruments concern only a few countries, and usually for a narrow range of situations, some, such as those listed above, are broad and have been signed by many countries. This complicates efforts to determine how widely EIA is now used around the world. A search carried out in November 2011 on the ECOLEX database (an environmental law information service jointly operated by UNEP, FAO and IUCN: http://www.ecolex.org) for legislation and treaties containing text references to ‘environmental impact assessment’, or to the Spanish and French equivalent terms, across all countries, indicates that 191 of the 193 member nations of the United Nations either have national legislation or have signed some form of international legal instrument that refers to the use of EIA. The two that have no such commitments are the Democratic People's Republic of Korea and South Sudan (the latter only gaining UN membership in July 2011). Of the 191 countries, fewer than 10 appear not to have some form of national legislation that contains a reference to EIA or an equivalent process (e.g. ‘assessment of environmental effects’ in New Zealand), although the use in some cases can be for very specific sectors and purposes (e.g. pollution threats from marine resource development). When commitments under national legislation are combined with the commitments under the major international conventions on climate change and biological diversity, and the large number of regionally based agreements and protocols on topics such as marine pollution or water resource management, virtually all member countries of the UN have agreed in principle to use EIA within a number of policy contexts. After 40 years, it seems reasonable to say that EIA is now universally recognized as a key instrument for environmental management, firmly embedded in domestic and international environmental law.

**EIA is an integrated approach, means there’s literature**

**Abaza 4** (Hussein Abaza DTIE-ETB, UNEP Ron Bisset BMT Cordah Limited Barry Sadler UNEP Adviser, “Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach” UNEP, 2004, <http://www.unep.ch/etu/publications/textONUbr.pdf> MGE)

In that regard, EIA is no less valuable although it is frequently overlooked, possibly because it has been in place for much longer. During the past decade, there have been continuing efforts to improve coherence in the adoption of EIA practices and to identify basic principles and standards of good practice and guidelines on elements of an integrated approach. This document annotates and compares the lessons of EIA experience in developing and transitional countries to provide points of reference for EIA practitioners to review or develop EIA guidelines appropriate to the speciﬁc needs, development priorities and socio-economic and cultural background of countries. More than ever, the discussion here conﬁrms the ﬁndings of the previous volume that EIA exhibits many of the requirements for establishing an integrated approach to implement sustainable development. Speciﬁcally, EIA provides:

# EA k2 Policymaking

**Necessary for decisionmaking**

**Gaines and Lurie 11** (Lisa Gaines, Ph.D., Associate Director Sue Lurie, Ph.D., Consultant, “NEPA for the 21 st Century: A Comparative Analysis of Other Organizations’ Environmental Review Structures” 5/16/07, <http://www.fs.fed.us/pnw/about/programs/fsd/NEPA/Final%20Draft%20Report-160507.pdf> MGE)

As the foregoing examples illustrate, developing appropriate, accurate measures are important in terms of being able to interpret and explain actual performance in relation to developed metrics. Having performance measures and tracking systems offer agency personnel a broad picture of how well they are meeting certain targets and may help shed light on unusual events or overall trends affecting agency ability to meet targets influenced by environmental decision making

# EA - Precision

**Abaza 4** (Hussein Abaza DTIE-ETB, UNEP Ron Bisset BMT Cordah Limited Barry Sadler UNEP Adviser, “Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach” UNEP, 2004, <http://www.unep.ch/etu/publications/textONUbr.pdf> MGE)

Currently, there are a signiﬁcant number of countries that have legal requirements and accompanying guidelines for EIA/SEA, or in the case of SEA, are likely to do so in the near future. Many of these countries do not possess a group of EIA/SEA “experts” with easy access to international thinking/writings on EIA/SEA. Often there are individuals who have a reasonable knowledge of EIA/SEA basics, but who feel a certain sense of isolation in terms of their familiarity with and access to, mainstream EIA/SEA concepts and practice. In most cases they possess copies of guidelines and similar documents, but are not certain if these form a representative sample of current “good EIA/SEA practice”. Often it is to these individuals that governments turn when they wish to draft a law, regulation or guidelines. It would be of great beneﬁt to these people and their governments if they could obtain and use “model” or “reference” EIA/SEA advice or guidance that summarizes the important common features of good EIA/SEA practice. This information needs to be combined with emerging thinking and practice in the application of EIA/SEA and EIA/SEA-like approaches (such as sustainability assessment) to a variety of development-related actions such as trade negotiations and agreements, national policies and transport plans, and such guidance needs to focus on issues, concepts and approaches in a non-country speciﬁc and neutral manner. It is the objective of this document to provide this guidance. With the challenge of the Millenium Goal to “Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources”, all governments face the problem of ﬁnding mechanisms, tools and approaches which can be used in all socio-economic conditions to assist their countries to move toward achieving their sustainability objectives. Basically, how does a government know whether a particular development initiative moves it toward or away from sustainability (it may, of course, be neutral!)? It is clear that there is no single “magic bullet” which can be used, but it is becoming obvious that a suite of tools or approaches, in varying combinations, can be applied. One of these tools is EIA/SEA. In the future, attention will focus mainly on adapting and using EIA/SEA in conjunction with other tools as a means of testing development proposals against pre-determined sustainability criteria

# LCA Edu Good

**LCA predictable and key to environmental policy making**

**Schenck 2009**- Institute for Environmental Research and Education American Center for Life Cycle Assessment (Rita, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

Life cycle assessment is the basis of environmental policy making throughout the European Union, and it also is broadly used for policy in Japan, Australia, and increasingly across the globe: for example Costa Rica, South Africa and Thailand all have LCA-based policies. It is also being used as a policy instrument in American jurisdictions 1 and by many US companies. The reason for this trend is clear. Life cycle assessment is a comprehensive, sciencebased way to measure the environmental performance of product and service systems. It measures the environmental outcomes that policy-makers are trying to achieve. Full LCAs cover all relevant environmental issues and carbon footprinting is a part of every LCA. There is a rich literature of LCA studies to support policy decisions. Over the past forty years, life cycle studies have been performed on everything from petroleum to paper to regulations. There is consensus on LCA practice: most published LCAs conform to international standards, the ISO 14040 series standards. LCAs can support environmentally preferable purchasing, and thus they create a strong linkage between environmental performance and market forces. The output of an LCA study is a quantified listing of the environmental impacts produced over the product system’s life cycle, relative to the social benefit or market value provided by the system (the system function). This listing is sometimes called the ecoprofile and it is the basis of environmental product declarations (EPDs or Type III ecolabels, as described in ISO 14025). The use of LCA as a policy instrument provides many opportunities for rational and costeffective environmental decision-making and can provide substantial economic incentives to those organizations embracing environmental sustainability as a business strategy. Many of those opportunities require legislative support and relate to international trade.

# LCA has Lit

**Been in the literature for decades**

**Horvath 9** (Arpad, Associate Professor University of California, Berkeley Department of Civil and Environmental Engineering, “Environmental Life-cycle Assessment of Infrastructure Systems” <http://www.nae.edu/File.aspx?id=15631> MGE)

Environmental assessment of infrastructure has appeared in the scientific literature decades ago. LCA studies are more recent, started about 15 years ago. In order to answer even the most burning infrastructure questions, we will need many more studies, especially adopted by practitioners.

# \*\*\*Competition – Generic

# AT: Multiple Worlds Perm

**1) Intrinsic – adds multiple worlds, the outcome of the conditioning is an effect of the CP, not a mandate. Can’t permute effects, voting issue because it moots negative offense when they can add any plank to perm, kills negative strategy, and shifts the focus of the debate.**

**2) It’s severance – consulting before doing the plan severs the immediate nature of fiat which is a voting issue –makes the aff conditional killing advocacy skills and negative fairness and shifts the focus of the debate.**

**3) Infinitely regressive – aff could argue an infinite number of things could happen as a result of a CP and fiat them all through the perm, it’s unpredictable and makes it impossible to be negative**

# AT: Perm – Plan then Consult

**1) Double bind – EITHER**

**A) the plan happens immediately, means that perm links to the net benefit because consultation won’t be perceived or appreciated.**

**OR**

**B) Severs out of the immediacy of the plan – voting issue, makes the aff conditional killing advocacy skills and negative fairness and shifts the focus of the debate.**

**2) [[insert binding consult key]]**

# AT: Perm – FW for Consultation

**1) Intrinsic – adds a “framework for consultation” – that’s not a mandate of the CP text. That’s a voting issue, moots negative offense when they can add any plank to perm, kills negative strategy, and shifts the focus of the debate.**

**2) Links to the net benefit – our evidence is specific to consulting over the plan, simply setting up a framework won’t solve.**

# AT: Perm do Both

**1) Illogical – does the plan twice, don’t let them garner double solvency, perms are just tests of competition.**

**2) [[insert binding consultation key]]**

# AT: Perm do CP

**1) Textually competitive –**

**Should is distinct from could – should means certain**

**Dilip 11**, Aron Dilip (Contributing Editor – India) – Professor in Social Science Difference Between Should and Could Aug 10th, 2011 http://www.differencebetween.com/difference-between-should-and-vs-could/#ixzz1yLCypJ6k BK

Should and Could are two auxiliary verbs in English that show difference between them when it comes to their meanings and usage. The auxiliary verb ‘should’ is normally used in the sense of ‘have to’. The auxiliary verb ‘could’ is used in sentences that make a request. This is the main difference between the two auxiliary verbs, namely, should and could. Observe the two sentences, 1. I should get it in the morning. 2. She should make it possible. In both the sentences, you can find that the auxiliary verb ‘should is used in the sense of ‘have to’ and hence, the meaning of the first sentence would be ‘I have to get it in the morning’, and the meaning of the second sentence would be ‘she has to make it possible’. Observe the two sentences, 1. Could you please tell me your address? 2. Could you give me your pen? In both the sentences, the auxiliary verb ‘could’ is used in sentences with request. It is interesting to note that the auxiliary verb ‘could’ is used as the past tense form of the verb ‘can’ as in the sentences 1. I could do it easily. 2. She could not do it. In both the sentences, you can find that the verb ‘could’ is used as the past tense form of the verb ‘can’. On the other hand, the verb ‘should’ is used sometimes in a peculiar sense of ‘if’ as in the sentence ‘should you get it today, the work can get over’. In this sentence, the versb ‘should’ is used in a peculiar sense of ‘if’ and hence, the meaning of the sentence would be ‘if you get it today then the work can get over’. These are the differences between the two verbs, should and could.

**The fiat of the plan must be unconditional and immediate – otherwise allows them to spike out of all DA links by claiming delay or the plan doesn’t happen.**

**Resolved is a legal determination**

**Merriam Webster’s Dictionary of Law 1** (“Resolve” <http://research.lawyers.com/glossary/resolve.html> MGE)

Resolve Definition - Noun 1 : something that is resolved 2 : a legal or official determination esp : a legislative declaration

**Risk of say no means the plan wouldn’t be an official determination**

**2) Functionally competitive – CP is a PIC out of the certainty and immediacy of the plan**

**That means the perm is severance –**

**Voting issue, makes the aff conditional killing advocacy skills and negative fairness and shifts the focus of the debate.**

**And perm is anti-topical because of the risk of say no. Even if perms are extra topical they can’t reject the entire aff.**

# Investment is unconditional

**Infrastructure investment isn’t conditional**

**Russell Investment** **9** (“Listed infrastructure investing,” Russell Open World, January 2009, <http://www.openworldinvesting.com/PDFs/Strategy_Brochures/Brochure_Listed_Infrastructure_Investing_2008_11.pdf> MGE)

We define infrastructure investment as being investment in assets that provide sustainable services that are essential for a functioning economy. The services provided are typically monopolistic or quasi-monopolistic in nature as a result of geography or regulation. Demand for these services is often inelastic to price changes and these investments can therefore provide predictable and sustainable cashflows.

**Provisional funding is distinct from investment**

**House of Commons 10** (“Communities and Local Government's Departmental Annual Report 2009, and the performance of the Department in 2008–09” 2/22/10, <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/391/391.pdf> MGE)

Capital funding allocations from the Growth Fund will be re-profiled by £128 million in 2010-11 to £167 million, making a total of £685 million resource and capital funding committed over this three year CSR period. We will therefore shortly be consulting local authorities in the Growth Areas and Growth Points on my proposals to reduce their provisional 20l0-ll capital funding allocations. This recognizes that growth has been slower and more difficult than planned, and that the infrastructure investment needed today is very different to that envisaged when CSR funding decisions and provisional funding allocations were made. The switch allows us to support new homes this year and next, rather than in the longer term.

**Supreme Court 55** (Supreme Court of the United States, United States V. Leslie Salt Co. No. 74, 350 U.S. 383; 76 S. Ct. 416; 100 L. Ed. 441; 1956 U.S. LEXIS 1800; 56-1 U.S. Tax Cas. (CCH) P9319; 48 A.F.T.R. (P-H) 693; 1956-1 C.B. 677 Argued December 7, 1955 March 5, 1956 Lexis MGE)

"It is therefore held that the term 'certificate of indebtedness' as used in subdivision 1 of Schedule A, Title XI, Revenue Act of 1918, includes only instruments having the general character of investment securities, as distinguished from instruments evidencing debts arising in ordinary transaction between individuals; and that conditional bills of sale are not certificates of indebtedness.

# \*\*\*Neg - Flag Shipping

# 1NC

The United States should \_\_\_\_ if and only if all affected ports substantially expand their use of US-flag ships for foreign trade.

**Plan can be used as a quid-pro-quo to increase the use of US flag vessels – ports say yes**

**Navy League of the United States 07** (“MARITIME ADMINISTRATION”,

<http://navyleague.org/sea_power/jan07-marad.php> SW)

When the government provides a benefit to help an American industry export U.S.-made products, it often establishes a quid pro quo that requires a certain portion of the exports to be carried on U.S.-flag vessels — when such vessels are available at fair and reasonable rates. Two or more industries therefore are assisted at the same time. The government recaptures the added cost: (a) through taxes on the total gross revenue of the U.S. carrier and (b) on the taxes generated as that total gross revenue flows through the American economy. Without the combination of the limited direct subsidy and the cargo-preference laws, the already much-diminished U.S.-flag foreign trade fleet might well disappear completely.

**New transport bill means the merchant marine is on the bring – more shipping through US flag ships is key**

**The Telex Times, 12** (“Number 26”, The Official Union Newsletter of AFL-CIO, <http://mebaunion.org/2012_TELEX_TIMES/telex2012-06-29-12.htm> SW)

On Thursday, June 29, Republican House leadership made a deliberate attack on the U.S. maritime industry and other transportation jobs. This is a continuation of a disturbing trend where the Republican leadership bows to the wishes of the Tea Party congressional members and their outside interests. In the House, Republicans added language to the surface transportation bill compromise legislation to repeal certain aspects of cargo preference applied to food aid programs. The bill essentially repeals the 1985 cargo preference compromise for the US flag and reduces the cargo preference requirement from 75% to 50%. While the M.E.B.A. does not crew the Liberty Maritime bulker vessels that carry the vast majority of food aid cargo, this represents a severe and deliberate attack on the entire U.S.-flagged maritime sector. M.E.B.A. has continued to work with others around the industry to protect and maintain our cargo preference laws. Last month, M.E.B.A. successfully pushed reauthorization of the Export-Import bank and the application of cargo preference laws related to exports generated by the bank-- 100% of Export-Import Bank cargo is required to be carried on U.S.-flag vessels. Unfortunately, in the 11th hour before the final surface transportation bill was agreed to, Republican leadership made a subversive and direct attack on the food aid section of the cargo preference laws that keep the U.S. merchant marine **afloat**. Many others in the transportation industry found themselves victims of last minute attacks by Republican leadership. The bill also went on to gut important provisions for thousands of transit workers across the country. Larry Hanley, president of the Amalgamated Transit Union said of the bill “This transportation bill is a death blow to public transportation; it not only does nothing to address the American mass transit crisis, but will make it much worse.”

**Merchant Marine key to the economy, DOD rapid response, and naval supremacy – increased use of US-flag ships solves**

**Doyle, 11** Chief of Staff, Marine Engineers’ Beneficial Association (William, Statement of the Marine Engineers’ Beneficial Association And The International Organization of Masters, Mates, & Pilots “Public Meeting on Existing Cargo Preference Regulations”, 10/3, Testimony before the Maritime Administration of the U.S. Department of Transportation <http://mebaunion.org/WHATS-NEW/10-04-11_MEBA_MMP_Statement_MarAd_Cargo_Preference.pdf> SW)

Cargo Preference is necessary in order to maintain national security priorities. The Cargo Preference program works to maintain a strong pool of skilled seafarers. These hard working middle-class mariners are the same people who, when needed, are called on to deliver the goods critical to the U.S. military in foreign operations. In 2004, the Deputy Undersecretary of Defense for Logistics and Material Readiness stated that "The Department of Defense supports a strong and viable United States merchant marine which provides DOD with needed U.S.-flag vessels and mariners during war. Any change in cargo preference that would adversely impact the U.S. merchant marine will have a similar negative impact on DOD's mobilization capabilities." There should be no question that, in order to grow and maintain the U.S. merchant marine, U.S. flagged vessels should be used to the greatest extent possible when shipping government-impelled cargoes. In the shipment of military, Export-Import Bank, agricultural, and civilian agency cargoes, the expansion of the U.S. merchant marine **should be a goal**, and not merely a byproduct. When American taxpayers are footing the bill, American mariners should be earning a portion of the benefit. As then-Senator Barack Obama stated in 2008, “Whether it is carrying needed goods to those overseas in distress or moving government-generated cargo, American mariners aboard American ships make sure the job is done. People around the world look to the U.S.-flag as a symbol of hope and ships flying Old Glory with American crews are important icons of our resolve.” Rigorous enforcement and oversight of cargo preference laws enables MARAD to fulfill its mission of promoting the U.S. merchant marine. Privately owned U.S.-flag vessels trading in the international market depend on cargo preference. Without oversight and enforcement from MARAD the presence of the U.S.-flag fleet in the foreign trades would cease to exist, **leaving a glaring hole in our national defense capabilities and** **negatively impacting our economy**. The potential for economic activity generated by such enforcement of these laws cannot be overlooked. A 2010 study prepared by Promar International stated that “the combination of handling, processing and transporting commodities from the farm to U.S. ports, and from U.S. ports to foreign ports, generated more than $1.9 billion in output from U.S. industries and $523 million in U.S. household earnings.”

# Solvency Advocate

**Economic incentives are key to increase use of US flag vessels – sustained stream of cargo means it is long term beneficial**

**MARAD 11** ( “COMPARISON OF U.S. AND FOREIGN‐FLAG OPERATING COSTS”, September, DOT, <http://www.marad.dot.gov/documents/Comparison_of_US_and_Foreign_Flag_Operating_Costs.pdf> SW)

The likelihood that the option may influence carrier registry decisions and encourage growth in the U.S.-flag fleet: Incentives such as a tax credit or rebate for firms using U.S.-flag vessels may encourage firms to transport their commercial cargo on U.S.-flag vessels. The extent of this increase may be difficult to assess as it may reflect the level of benefit received by U.S. firms. If the benefit to U.S. firms is significant, then firms may look to engage U.S-flag vessels to transport their cargo and increase in commercial cargo for U.S.-flag vessels. This will encourage carriers to retain their current U.S.-flag vessels and also encourage growth in the fleet in the longer term if a sustained stream of commercial cargo becomes available.

# US-Flag Shipping Low

**And, brink is now – we just reduced shipping on US-Flagships**

**GREAT LAKES-SEAWAY NEWS 7/5/12** (“What The U.S. Surface Transportation Bill Did And Didn't Do For (Or To) The Great Lakes”, <http://www.greatlakes-seawaynews.com/great-lakes-and-saint-lawrence/2012/7/5/what-the-us-surface-transportation-bill-did-and-didnt-do-for.html> SW)

One interesting and potentially controversial piece of legislative language with a potential impact on Great Lakes-Seaway commerce did make it into the final version of the bill. Agriculture interests slipped a provision into the bill that reduced U.S.-flag cargo preference requirements for food aid cargos shipped as part of the "Food for Peace" program (Public Law 480) from 75 to 50 percent. This specific cargo preference requirement had a major impact on agricultural exports from U.S. Great Lakes ports in the mid and late 1980s. Major legislative battles were fought in a number of successive farm bills for a decade from the mid-1980s to the mid-1990s over this very provision. The Great Lakes set-aside was born and eventually died during the course of this protracted battle. It remains to be seen what impact this U.S. flag cargo preference change will have on PL 480 food aid shipments through the Seaway, but a return to pre-1985 levels will be met by considerable optimism from Duluth, MN to Ogdensburg, NY.

**Jones act not enforced now – that hurts US shipping**

**Keefe, 12** Eitor of both Maritime Professional and MarineNews print magazines (Joseph, “AWO’s Allegretti: The Jones Act is Settled Law”, 5/16, <http://www.maritimeprofessional.com/Blogs/The-Final-Word-with-Joseph-Keefe/May-2012/AWO%E2%80%99s-Allegretti--The-Jones-Act-is-Settled-Law.aspx> SW)

The Jones Act may well be, as AWO President & CEO Tom Allegretti puts it – stare decisis – or settled law. On the other hand, laws get changed and overturned all the time. Mr. Allegretti also noted just last week that the Jones Act “has been supported by U.S. presidents from Ronald Reagan to Barack Obama, by bipartisan leaders in the U.S. Congress, by the U.S. Department of Defense, and by the Navy League of the United States.” But, that lip service has rarely over the years translated into concrete support for the cause. The “Congressional Sail-Ins,” therefore, make for good newspaper copy but these pleas usually fall on deaf ears. This year will be no different. If, for example, Barack Obama is a supporter of the Jones Act, then he has also done a poor job at putting that position into practice over the course of the past 3-1/2 years. Starting with the systematic dismantling and emasculation of the Department of Transportation’s Maritime Administration, he followed that with what Allegretti characterizes as the “SPR Scandal of 2011.” He is referring, of course, to last year’s federal edict (publicity stunt) to release some 30 million barrels of crude oil from the Strategic Petroleum Reserve (SPR). Packaging the drawdown into neat volumetric packages that cleverly eliminated U.S. tonnage from the mix (that’s the excuse; in any event), Obama’s Department of Homeland Security issued more than 50 Jones Act waivers. Clearly, his love of labor does not extend to the waterfront. It’s unfair to pick on Mr. Obama alone, however. There is plenty of blame to go around – from U.S. Senators who can’t seem to understand that the wars we fight need reliable merchant ships to carry rolling stock and bombs – all the way to U.S. heartland members of congress who carry the water for their grain and bulk commodities constituents. Speaking for myself only, I’d prefer that, when push comes to shove, we didn’t have to depend on all those friendly, foreign countries that operate 98 percent of the world’s blue water tonnage. We can beat to death the broad economic, national, homeland security, and jobs benefits that the Jones Act provides to the nation. I won’t bore you by doing that today – you’ve heard it all before in any case. Last week, Mr. Allegretti called for the administration to “put its policy and its decisions where its mouth is,” and hold its appointees accountable for managing the Jones Act waiver process in accordance with the letter and the spirit of the law. Fair enough. Because as long as the Jones Act is the law, then the folks tasked with upholding it ought to do just that. Even as Allegretti declared that “…investment decisions are planned and carried out with the understanding that the Jones Act is stare decisis,” we find Jones Act operators themselves not necessarily practicing what they preach. Just recently, Horizon Lines, for example, declared that it is, “and always has been, a very staunch supporter of the Jones Act and all of its requirements." In the meantime, they also declared their intentions to dry-dock three Jones Act vessels – all engaged in the Puerto Rico trades, of all places – in Asia. Now, I’m sure there are perfectly good business metrics supporting that decision, not the least of which is their less-than-excellent financials. And, apparently, it’s all perfectly legal, too. To be fair, Horizon isn’t the only U.S. carrier that, from time to time, dips their toes into the overseas ship repair market. Addressing the maritime industry itself, Mr. Allegretti further declared, “The Jones Act will remain stare decisis only if we take the lead in fortifying the administration and Congress in their resolve to uphold the law. We must educate, we must advocate, and we must invest our time and our financial resources to decisively beat back challenges to the Jones Act that undermine the investments of American companies and the livelihoods of American workers.” That’s all well and good. But, when Congress appropriates some $168 million annually to support a Maritime Security Program (MSP) fleet of 60 vessels – none of which are any longer built in the United States – it is clear that we are shoveling the rhetoric against a very strong spring tide. And, I don’t know about you, but those numbers don’t necessarily make me feel very secure.

**More US-flag ships are crucial**

Whitehurst 1 (Clinton H, Defense Transportation Journal, “Defining America’s military sealift capability: U.S. or foreign flag”, Proquest)

Strictly enforce cargo preference laws. Preference cargo has declined since the end of the Cold War. Present law requires international government-owned or financed cargo be entirely or partially moved on U.S. flag ships. In the past, preference cargo was an important consideration in keeping American tonnage employed. Today it is critical. While the Maritime Administration can grant waivers when U.S. flag tonnage is not available, when waivers are granted, the burden of proof (need) should rest squarely on Marad. In 1997, a typical year, Marad granted over 300 waivers.

The Jones Act and the U.S. Passenger Vessel Services Act of 1886 must be kept in place without modification. Proponents of repeal having failed in the Congress are now offering a number of compromises, e.g., allowing foreign built ships into the coastal bulk trades.

One author has noted that coastal shipping could provide an alternative to highway congestion along Interstate 95 and other coastal interstate highways.4

The preferred vessel for such a trade is the RoRo, which is also high on DoD's sealift wish list. Suggested here is a U.S. General Accounting Office review of the option, not only with respect to highway congestion, but improving the U.S. transportation infrastructure in general. Multimodal transportation that includes ship, rail and trucking assets has proven viable in the past.

The most persuasive argument for reserving the domestic trades to U.S. flag, U.S. built ships is the unquestioned fact that domestic shipping firms will not pay higher U.S. yard costs if they believe the reservation laws are negotiable. The end result is older ships and eventually no ships at all.

**And, government-compelled cargo isn’t enough – need more shipments on US-Flagships**

**Staats 78 Former Comptroller General,** (Elmer B., “Cargo Preference Programs for Government-Financed Ocean Shipments Could Be Improved”, 6/8, Report to Congress, House Committee on Merchant Marine and Fisheries; Senate Committee on Commerce, Science, and Transportation,

<http://www.gao.gov/assets/130/123249.pdf> SW)

Despite the existence of the cargo preference laws, **only a small portion of the Nation's imports and exports are carried on U.S.-flag vessels**. MarAd data shows that for calendar years 1970-1976 U.S.-flag vessels accounted for about 5.5 percent of the country's total imports and exports. Without the cargo preference laws, the percentage of the Nation's cargo carried by the domestic merchant marine would be even less.

# CP Solves the Merchant Marines

**But the industry has not reached a point of no return – the CP can solve with a long-term strategy**

**Edmonson 4** (R. G., Associate Editor at the Journal of Commerce, October, “US-flag carriers get a break” ProQuest)

Even before the American Jobs Creation Act of 2004 passed Congress on Oct. 11, critics were assailing it as a boondoggle for corporate special interests. It includes tax breaks for the U.S. shipping industry, which means carriers may be tarred with the same brush that's been slapped on baseball team owners, native American whalers, and importers of Chinese fans - companies that presumably will soon be feeding at the government trough.

Boondoggle or not, the bill has given some in the industry a glimmer of hope that they can reverse the decades-long decline of the U.S. merchant marine. A provision in the bill would allow owners of U.S.-flag ships in international service to pay an annual tax on their fleets' tonnage instead of traditional corporate income taxes. Tonnage-tax backers contend that it would lower a U.S. carrier's tax burden, and make it more competitive with foreign companies. It's a first step, but not the only one.

"I'm sure every auditor and accountant in our industry is trying to figure out if this going to be useful," said Gloria Tosi, president of the American Maritime Congress, which lobbied hard for the tonnage tax. "This doesn't level the playing field with foreign competition, but it's a step in the right direction. I don't want to minimize this; this is a big deal."

It's unlikely the tonnage tax will bring owners flocking to reflag their ships. That may happen in the future, but Tosi said the main concern was preserving the fleet that's still under the U.S. flag. She said similar programs have worked well in Europe. "We can increase the size of the fleet, but it's not going to happen overnight," she said.

"It gives you a positive outlook for what we do for the American flag," said Erik F. Johnsen, chairman of International Shipholding Corp. in New Orleans. "One step doesn't make for success, but by gosh, if you don't take that step, you'll never know where you're going to be able to go."

Johnsen and Warren G. Leback, president of First American Bulk Carrier Corp., say that the tonnage tax will work its magic on the U.S.-flag fleet only if it's used in concert with other benefits, including the Maritime Security Program or government food-aid or cargo-preference programs.

"You reflag American, you've got to be able to participate in the government-impelled cargoes, military, PL 480, Title II, and so forth," Leback said. Carriers will weigh factors such as crew costs, insurance and operating expenses before they decide that reflagging is right for them.

"You can call me a heretic or naysayer, but when you take a look at it, it's more than the tax breaks," Leback said. "For example, if I reflag a ship, and bring it under the MSP program, and time- charter it to Lykes or APL, my profits aren't going to be substantial. Normally most of us can figure out how to come out with a zero tax, because the profit margin isn't that great, and you have a lot of deductions.

"I don't see a rush to bring in ships under the American flag to take advantage of the tax break," Leback said. "If my taxes are going to give me an advantage on the bottom line, I'll come in. If it's a wash, I'll stay out, or if it's going to cost me more, I'm going to stay out. It's purely a business decision. We don't have patriotism when it comes to the American flag anyway."

But the fact that the federal government did anything to help the U.S.-flag fleet is remarkable, Tosi and Johnsen said. To build on the benefits of the tonnage tax, the government must give the industry the opportunity to plan longer-term than it can now, Johnsen said. When Congress began considering renewing MSP two years ago, carriers proposed a 20-year program, so operators could match operating contracts with the service life of their ships. Congress renewed MSP for only another 10 years.

"We have to make sure the administration encourages the industry with longer-term programs and longer-term decisions on policy, so we can make decisions with a little bit more substance to them," Johnsen said. He said access to cargo preference, MSP and the tonnage tax were all steps to making U.S.-flag carriers competitive. "Without the tonnage tax, we were out of the box," he said. "We're beginning to get to the edge of the box, and all of that is a plus."

# Merchant Marines on the Brink

**Merchant marine fails now – no diversity of ships**

**Fisher, o2** Lieutenant colonel of the US army (Edward J., “Merchant Marine Seamen Shortage and Its Impact Upon Strategic Sealift”, US Army War College Strategy Research Project, 4/09, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA401051> SW)

Although operational efficiencies were dramatically enhanced and despite the further infusion of shipbuilding funds (as a result of the Merchant Marine Act of 1970), by 1990 American-flag ships carried just four percent of the country's seaborne commercial tonnage. U.S. ship owners had continued to "flag-out" their ships to take advantage of less onerous tax and regulatory systems and lower crew costs offered by foreign registry. On the eve of Operations Desert Shield/Desert Storm, which validated the need for massive strategic sealift capabilities in the post-Cold War era, the active, privately-owned, oceangoing U.S. flag merchant fleet comprised 377 ships of 17.8 million tons capacity. 6 In addition to the nagging flags-of-convenience issue, throughout the late 1970's and early 1980's Defense Department planners worried about the remaining U.S. flag fleet's ability to meet its national security missions. Increasingly, the merchant marine comprised of highly efficient container ships, barge carriers, and LASH (Lighter Aboard Ship) vessels that had questionable "military utility." And while the new Roll-On/Roll-Off (RO/RO) ships were seen as having the potential to carry any sort of military vehicle, increasingly scarce were the older, less efficient, but self-sustaining breakbulk ships that could meet the varied transportation needs of the military: carrying tanks, armored fighting vehicles, artillery, helicopters, trucks, ammunition, and all of the stuff - "beans, bullets, and black oil" - needed for war.

US merchant marine and US-flagship are on the brink – investors are incentivized to invest internationally

Pouch 2k (Robert H., United States Naval Institute, May, “The U.S. Merchant Marine and maritime industry in review”, Proquest)

Although it is responsible for 25-30% of all world trade, the United States carries less than 3% of its international commerce in its own national-flag ships, and that percentage is dropping every year. What has caused this near extinction of the high-seas U.S. merchant marine? The simplest answer is evolution. The industry has not been able to adapt and evolve in the face of changing political and market conditions.

This means that the key players ? investors, managers, operators, labor, and the government ? both individually and collectively, have failed on countless occasions over a long period of time to seize opportunities and innovate the way they did in the 1940s. The whole industry has slid into oblivion and no longer is in a position to attract investment.

On the other hand, there is enormous U.S. public investment and participation in maritime-oriented businesses that are traded on the New York, Oslo, London, and other international stock exchanges. This is not an anomaly. U.S. and other investors with the expertise who want to run businesses in the international maritime sector have to sidestep the antiquated rules, legal restrictions, and business practices that for decades have impaired this industry's ability to operate sensibly and profitably. The alternative has been to globalize, internationalize, and move the business offshore, to compete for market share on a more level playing field.

Contemporary investors don't look at how an industry benefits society ? as shipping undeniably did 55 years ago in helping to win World War II ? but at how much potential it has to grow, to be competitive, and to endure. They are impressed with competitive, resilient companies that have products or services that can deliver consistent rewards over the long haul. Unfortunately, the overwhelming majority of U. S. -flag shipping companies cannot compete in this arena, and the extinction of this sector of the industry is probable ? and imminent.

# Merchant Marines Good – Econ and Heg

**Merchant Marine key to the economy, DOD rapid response, and naval supremacy**

**Doyle, 11** Chief of Staff, Marine Engineers’ Beneficial Association (William, Statement of the Marine Engineers’ Beneficial Association And The International Organization of Masters, Mates, & Pilots “Public Meeting on Existing Cargo Preference Regulations”, 10/3, Testimony before the Maritime Administration of the U.S. Department of Transportation <http://mebaunion.org/WHATS-NEW/10-04-11_MEBA_MMP_Statement_MarAd_Cargo_Preference.pdf> SW)

Cargo Preference is necessary in order to maintain national security priorities. The Cargo Preference program works to maintain a strong pool of skilled seafarers. These hard working middle-class mariners are the same people who, when needed, are called on to deliver the goods critical to the U.S. military in foreign operations. In 2004, the Deputy Undersecretary of Defense for Logistics and Material Readiness stated that "The Department of Defense supports a strong and viable United States merchant marine which provides DOD with needed U.S.-flag vessels and mariners during war. Any change in cargo preference that would adversely impact the U.S. merchant marine will have a similar negative impact on DOD's mobilization capabilities." There should be no question that, in order to grow and maintain the U.S. merchant marine, U.S. flagged vessels should be used to the greatest extent possible when shipping government-impelled cargoes. In the shipment of military, Export-Import Bank, agricultural, and civilian agency cargoes, the expansion of the U.S. merchant marine **should be a goal**, and not merely a byproduct. When American taxpayers are footing the bill, American mariners should be earning a portion of the benefit. As then-Senator Barack Obama stated in 2008, “Whether it is carrying needed goods to those overseas in distress or moving government-generated cargo, American mariners aboard American ships make sure the job is done. People around the world look to the U.S.-flag as a symbol of hope and ships flying Old Glory with American crews are important icons of our resolve.” Rigorous enforcement and oversight of cargo preference laws enables MARAD to fulfill its mission of promoting the U.S. merchant marine. Privately owned U.S.-flag vessels trading in the international market depend on cargo preference. Without oversight and enforcement from MARAD the presence of the U.S.-flag fleet in the foreign trades would cease to exist, **leaving a glaring hole in our national defense capabilities and** **negatively impacting our economy**. The potential for economic activity generated by such enforcement of these laws cannot be overlooked. A 2010 study prepared by Promar International stated that “the combination of handling, processing and transporting commodities from the farm to U.S. ports, and from U.S. ports to foreign ports, generated more than $1.9 billion in output from U.S. industries and $523 million in U.S. household earnings.”

**Continued use of the US-Flag Fleet key to the economy and military –secures naval supremacy**

**AFL-CIO, 11 (**“UNIONS CALL ON MARAD TO ENFORCE CARGO PREFERENCE LAWS”, 10/08, Maritime Trades Department, <http://maritimetrades.org/unions-call-on-marad-to-enforce-cargo-preference-laws/> SW)

Doyle added, “Without oversight and enforcement from MarAd, the presence of the U.S.-flag fleet in foreign trades would cease to exist, leaving a glaring hole in our national defense capabilities and negatively impacting our economy. The strict enforcement of our cargo preference laws by MarAd is in the interest of all Americans and must be maintained.” He reminded the panel that the Deputy Undersecretary of Defense for Logistics and Material Readiness stated in 2004 that “any change in cargo preference that would adversely impact the U.S. merchant marine will have a similar negative impact on (the Department of Defense’s) **mobilization capabilities**.” Both Doyle and Duncan quoted from a letter then-U.S. Senator Barack Obama sent to the presidents of the U.S. maritime unions in the summer of 2008 proclaiming his support for the nation’s cargo preference laws: “A strong U.S.-flag commercial fleet needs our nation’s cargo preference laws. Whether it is carrying needed goods to those overseas in distress or moving government-generated cargo, American mariners aboard American ships make sure the job is done. People around the world look to the U.S. flag as a symbol of hope and determination. Ships flying Old Glory with American crews are important icons of our resolve.” In addition, Duncan said cargo preference laws are job creators: “Cargo preference laws help create good-paying jobs for American workers, provide tax revenues at the local, state and federal levels, and make sure America’s merchant marine is ready and available when needed for strategic sealift and other **defense interests.”**

A strong US-flag merchant marine is critical to our economic security and military projection – current decline is a crisis – immeadiete action is necessary

Panneton 6 (John A., National President of the Navy League of the United States, January, Sea Power, “A Maritime Policy for Our Sea Services”, Proquest)

The primary lesson arising from the devastation of Hurricane Katrina and other recent disasters is that we must not wait until tragedy strikes to refurbish and maintain the nation's critical infrastructures. The breach of the levies of New Orleans had been forecast by press reports and government warnings. But government officials did nothing, and much of the city was destroyed.

The federal government now is making that same mistake. Just as reliable levies were required to hold back the waters surrounding New Orleans, a strong U.S.-flag Merchant Marine is essential to support the defense of our nation and our economic security in the 21st century. As our future needs are rising, however, our capacity is declining, creating a framework for disaster.

In peacetime, 95 percent of trade tonnage is waterborne. During a conflict, 95 percent of the equipment and supplies required to deploy the U.S. armed forces overseas are delivered by ship. U.S.-flag commercial and government-owned vessels, manned by more than 7,000 U.S. citizen mariners, played an indispensable role in providing strategic sealift for Operation Enduring Freedom in Afghanistan and in the continuing Operation Iraqi Freedom. Sea Power 21, the Navy's strategic vision of the future, underscores the need for a robust logistics force and commercial sealift capability to support and sustain Special Operations Forces, maritime coalition forces and additional expeditionary strike groups. A variety of commercial maritime vessels, in-stream cargo handling systems and highspeed connector vessels also will be needed.

But the base of skilled mariners is shrinking in proportion to the declining numbers of U.S.-flag commercial ships. Similarly, the Maritime Administration's Ready Reserve Force, a versatile strategic sealift fleet of 68 ships with unique capabilities, is being reduced. This diminishing level of resources presents a crisis that threatens the nation's ability to project timely military power. These are among the reasons why the Navy League believes that the problems facing the U.S.-flag Merchant Marine require presidential attention.

Our call for White House intervention to bolster the Merchant Marine is a central element of the Navy League's Maritime Policy for 2006-07. The underlying purpose of our policy is to establish the basis for Navy League support of the sea services' mission success. The Navy, Marine Corps, Coast Guard and Merchant Marine are beset by rising expectations of performance and diminishing resources. Personnel and equipment are being driven to extremes as the sea services continue to prosecute the global war on terrorism in the Middle East and Southeast Asia while vastly increasing their humanitarian operations around the globe, from tsunami relief in Southeast Asia to hurricane relief on the U.S. Gulf Coast and earthquake relief in Pakistan.

Accordingly, the Navy League Maritime Policy for 2006-07 concludes that the sea services are stretched to the point where they can no longer do more with less. The nation must provide the funding for the reconstitution and modernization of its forces, and avoid the specter of failure that lies on our horizon.

**U.S.-flag is key to our economy and military projection**

**Atkinson 5** (Peter, Deputy Editor of the Navy League News, December, “Pacific Central Region Works to Build Merchant Marine Support”, Proquest)

"What we want to do is bring broad focus to the whole industry," said San Francisco Bay Area President Michèle Lockwood, a member of the Navy Leagues national Merchant Marine/Maritime Industry Committee. "Its health and viability are crucial to our country's economy and our national security."

The U.S.-flag Merchant Marine comprises the tankers, cargo carriers, container ships and other vessels that make up the American commercial maritime transportation system. They are owned by U.S. companies, and registered and operated under the American flag.

In time of war or national emergency, the Merchant Marine becomes a vital "fourth arm of defense," according to the U.S. Merchant Marine Academy, bearing the brunt of delivering military supplies overseas to U.S. forces and allies. It also can be called upon to provide disaster relief services, as it was along the Gulf Coast recently following Hurricane Katrina.

Base closures throughout the 1990s shut down nearly all of the military installations in and around the San Francisco Bay area, leaving the Coast Guard as the primary service asset there. Pacific Central Region Navy Leaguers had been focusing much of their support efforts on the Coast Guard during the last several years, Lockwood said.

# Merchant Marines Good – Heg

**US Merchant marine understaffed now – absent improvement, this will be the Achilles heel of our military**

**Fisher, o2** Lieutenant colonel of the US army (Edward J., “Merchant Marine Seamen Shortage and Its Impact Upon Strategic Sealift”, US Army War College Strategy Research Project, 4/09, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA401051> SW)

The U.S. Merchant Marine and the entire Marine Transportation System (MTS) is not only vital to our economy, but to our national defense as well. This system has been vital to the sealift operations of the Department of Defense throughout our history and continues to grow in importance. Our need to maintain domestic shipping and an industrial shipbuilding base for national defense purposes must be **a priority**. The requirement that U.S. flag vessels be U.S. built, U.S. crewed, and U.S. citizen owned ensures the **continuation of a domestic merchant marine** and a shipbuilding industry. It also ensures the availability of U.S. vessels and merchant mariners to crew for our Ready Reserve Force and Department of Defense strategic sealift ships in times of national emergency. It is the goal of this system to "be the world's most technologically advanced, safe, secure, efficient, effective, accessible, globally competitive, dynamic and environmentally responsible system for moving goods and people." 1 In reality, however, **this has not been the result**. The main problem with our current system is one of logistics; our marine transportation system is in decline and suffering from a shortage of vessels, and most importantly, qualified, experienced seamen. Today, despite some improvements in recent years, this system has become the **Achilles' Heel** of our national defense. The United States must make it a priority to rectify this situation before the negative effects of this trend are felt in the context of a national emergency. 2

**Empirics prove**

**Fisher, o2** Lieutenant colonel of the US army (Edward J., “Merchant Marine Seamen Shortage and Its Impact Upon Strategic Sealift”, US Army War College Strategy Research Project, 4/09, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA401051> SW)

Two world wars and numerous crises during the Cold War confirmed the critical role of the U.S. merchant marine in military strategies. From World War II on, some 95 percent of all military equipment and material sent to crisis and combat theaters was carried by sea. The nation's response to Iraq's invasion of Kuwait in August 1990 -the first post-Cold War crisis conflict — dramatically confirmed the need for the merchant marine to satisfy defense requirements, and underscored the compelling demand for dramatic solutions to ensure these requirements will be met in the future. Probably the greatest show of the need and capability of our marine transportation system and sealift power was demonstrated in Desert Storm. Operation Desert Shield — from August 7, 1990 through January 15, 1991 - was the fastest movement and build-up of combat power across greater distances than at any other time in history. Operation Desert Storm --15 January to 10 March 1991 -- sustained the more than 540,000 U.S. forces in the theater until Iraq's will was broken. General H. Norman Schwartzkopf, Commander-in-Chief of the U.S. Central Command, noted "It was an absolutely gigantic accomplishment, and I can't give credit enough to the logisticians and transporters who were able to pull this off." "Much of the unrecognized credit for the success of Operation Desert Shield must be given to the Department of Transportation's Maritime Administration, the Navy's Military Sealift Command, and the commercial merchant mariners who manned many of the ships." During the Gulf war, these agencies conducted the largest and fastest sealift in history moving nearly 10 million tons 85% of the total cargo in support of the war. 9 The government's Fast Sealift Ships -- operated by private U.S. companies and manned by American merchant-marine crews -- did the work of 116 World War II breakbulk Liberty vessels and at speeds that averaged greater than 27 knots. The first Fast Sealift Ship to arrive in theater, the USNS CAPELLA, delivered nearly 15,500 tons of cargo on its initial run, equal to 300 C-5 Galaxy strategic airlift aircraft flights over the same distance. Seventy nine Ready Reserve Fleet (RRF) vessels manned by more than 3,000 volunteer U.S. merchant mariners carried 21 percent of all dry cargo, one-third of all military unit equipment, and, despite some frustrating difficulties in the initial mobilization, achieved a 93.5 percent reliability level, exceeding Defense Department expectations. Nearly 80 percent of the RRF ships were late in breaking-out, with ships broken out later in the crisis averaging 10 days longer to get on line than those in the first three months. Significantly, the 21 previously activated ships averaged 8.2 days to activate while the 53 ships not previously activated averaged 18 days. More than half of the RRF ships were steamships over 20 years old, which presented problems with regard to their material condition, especially propulsion piping and boilers. Of the 79 Ready Reserve Force ships activated, only 21 had ever been broken-out and tested, and some had never been operated in the 14 years before the "Storm." Based upon limited pre-war planning, the government estimated that it would take less than a million dollars per ship for a real-world breakout; in reality the average cost was about $1.8 million. It must be capable of supporting our objectives since the projection of U.S. military force and their sustainment depend almost entirely on sealift deployment. 10 In peacetime, the military moves 90 percent of its equipment and supplies by sealift. During wartime this increases to over 95 percent. 11 **Our military depends on the marine transportation system to be their lifeline for equipment and supplies.**

**U.S.-flag merchant marine is key to other parts of the military – long term sea service improvement solves**

**Hessman 1** (James D., Editor in Chief of Sea Power, Nov., “Fanning rallies NLUS councils to support war on terrorism”, Proquest)

Fanning made several additional points in the first of the several e-- mail letters he sent to the NLUS leadership. The first was to "get every member of the council involved [his emphasis]." Council presidents can do this, he said, by creating "whatever ad hoc committees are needed" to plan and carry out the council's new sea-service support programs, and by ensuring that "every member is assigned to at least one committee."

Councils also should remember, Fanning said, not to overlook the Coast Guard or the U.S.-flag Merchant Marine. All of the nation's armed services depend on the U.S.flag merchant fleet to provide the sustainment shipping needed to resupply U.S. ground and air units that are deployed overseas in times of international crisis. And the Coast Guard-which is responsible for the security of U.S. ports, coastal waters, and inland waterways, Fanning pointed out-"will be playing a major role ... in homeland defense" for the foreseeable future.

The terrorist strikes will have an "immense" effect on all of the nation's armed services, Fanning summarized. He cautioned, though, that the war on terrorism, although it will be of paramount importance in the new U.S. national-defense strategy for many years to come, will not translate into a reduction of any of the other responsibilities that have been assigned to the services. "All the various 'things'-ships, aircraft, weapon systems, spare parts, etc.that were needed before are still needed, and most of them in larger quantities than before," Fanning said.

"Aging ships and aircraft will wear out more quickly. The much higher tempo of operations that is now likely will translate into a need for additional maintenance and more spare parts, and will consume even more defense dollars.

"There will be new needs as well," he continued, "in the fields of surveillance, special-forces operations, and counterterrorism in general, to cite the most obvious examples. Nonetheless, the long-term needs of the sea services, and of the nation's other armed forces, will continue-and will become even more important as our nation faces a number of new challenges that will not go away soon."

# Merchant Marine Good – Trade

**Our merchant marine is key to trade**

**Herberger 10** (Albert J, USN. Defense Transportation Journal, Feb, “THE CRUCIAL Need FOR MARITIME Research & Innovation”, Proquest)

When you consider that we are a maritime nation, die greatest global trading partner with a highly successful maritime history, in peace and in war, this onagain/off-again policy pattern is a paradox. It seems that major policy initiatives are enacted when conditions are extreme and not before, in spite of warnings and recommendations for corrective action.

Since the end of WWII, US international trade has grown dramatically, yet all that volume growth went to foreign ships. While other countries' maritime policies, including tax and shipbuilding policies, encouraged investment in new shipping tonnage to capture the growing trade, our own spotty policies barely sustained a fleet of sufficient size to carry the same quantity of cargo today that we did 40 years ago.

# Merchant Marines Turns Ports

**Shortage of Mariners turns ports – prevents effectiveness**

**Fisher, o2** Lieutenant colonel of the US army (Edward J., “Merchant Marine Seamen Shortage and Its Impact Upon Strategic Sealift”, US Army War College Strategy Research Project, 4/09, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA401051> SW)

One direct effect of this shortage would be decreased productivity of our ports and mobilization assets. On the commercial side, many ports are already feeling this. At the Port of Tacoma, for example, the lack of skilled longshore workers is stressing the capacity of the port and the quality and speed in which they handle ship traffic. 34 They are currently processing many fewer ships per day than the nearby port of Seattle. If a similar shortage was suffered during a military conflict, the length of time it would take to get our troops and equipment loaded for departure would be extended. This means taking longer to get our military to the region of conflict.

# Foreign Dependence Bad – Military

**Dependence on foreign flag ships short-circuits national security**

**Fisher, o2** Lieutenant colonel of the US army (Edward J., “Merchant Marine Seamen Shortage and Its Impact Upon Strategic Sealift”, US Army War College Strategy Research Project, 4/09, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA401051> SW)

Another important effect this shortage will cause is a higher reliance on foreign-flagged ships. Our military has always taken advantage of the large maritime industries of other nations, especially our close European friends, to supplement our own marine transportation system. However, many of those we traditionally relied on are also experiencing labor shortages. It has been the Far East or third world regions that have been enjoying a surplus of labor in their maritime industries. These nations, with a few exceptions, do not hold tight allegiances to us. They would want to protect access to our markets, however, are less likely to risk heavy losses in order to support our foreign policy. There were many reports during the Gulf War that foreign-flagged ships aided in oursealift operations, refused to pull into some Gulf ports because they felt these areas were not safe. 37 This situation has worsened even more since then. "There are not as many militarily useful U.S.-flag ships available now as there were just nine years ago; there also are not as many American seafarers on hand to man those ships, and reliance on foreign-flag ships and Third World crews would be much more risky than in 1990." 38 The majority of merchant ships are currently being crewed by Chinese or Filipinos and on the third flag registry are also Muslims. This, of course, has huge national security implications, especially today. How many of these ships will volunteer to help with an American sealift, should one be needed, in our current war against terrorism? We have been able to gain the support of a few Muslim nations, however, this support has been conditional. Many of these nations have been open to criticize our current policy and have been restrictive in their offers of help. Many, like Saudi Arabia, have been direct in making it known that their support would decrease should we choose to mount a campaign against Iraq. This could prove to be the most important direct effect of the shortage of American maritime labor on strategic sealifts in the months or years to come.

**Foreign ships cannot fill in in a time of crisis**

**Whitehurst 1** (Clinton H, Defense Transportation Journal, “Defining America’s military sealift capability: U.S. or foreign flag”, Proquest)

This paper has argued that in future major conflicts where the United States may have to go it alone, the foreign flag ships needed to make up a sealift shortfall might not be available in terms of timeliness, numbers and vessel type. The logical counter-argument to this assertion is that "money talks," i.e., if charter rates are high enough, the needed tonnage will be there. However, a key assumption to this response is that the respective foreign governments will not intervene, that is, forbid chartering of their national flag ships. Taken together, the above points of view raise the question - at what point does it pay to own rather than rent sealift assets? The answer depends on how much foreign flag tonnage will be needed should the most demanding scenario in terms of sealift requirements materialize which in turn defines two possibilities. One is where U.S. flag, privately owned shipping is so inconsequential in defense planning that funds must be committed to increase MSC's general cargo fleet and Marad's RRF fleet to make up the shortfall. This is a high cost option. America's sealift capability would then be made up of government owned tonnage supplemented by chartered foreign flag ships at, most likely, premium charter rates.

A second possibility is where the federal government supports a private sector merchant marine, that together with DoD and Marad assets, would be sufficient to meet a major contingency with little or no dependence on foreign flag ships. This also is a high cost option.

# Jobs Impact

**Expansion of US Flag Shipping is key to jobs**

**Doyle, 11** Chief of Staff, Marine Engineers’ Beneficial Association (William, Statement of the Marine Engineers’ Beneficial Association And The International Organization of Masters, Mates, & Pilots “Public Meeting on Existing Cargo Preference Regulations”, 10/3, Testimony before the Maritime Administration of the U.S. Department of Transportation <http://mebaunion.org/WHATS-NEW/10-04-11_MEBA_MMP_Statement_MarAd_Cargo_Preference.pdf> SW)

The creation of U.S. jobs through MARAD’s promotion of the U.S.-flagged shipping industry is not limited to those mariners sailing in international commerce. Working in conjunction with the international fleet, the domestic maritime fleet directly employs over 500,000 Americans. Further, cargo preference requirements also support both the shipbuilding and long shore industries in the U.S. The 11,500 American jobs that are directly involved in the shipment of Food-for-Peace cargoes alone support more than 97,000 American jobs in other parts of the US economy. Without strict oversight of cargo preference laws by MARAD, these jobs will be negatively impacted.

# Offshore Energy Impact

**US-flag vessels are critical to our economy and offshore energy industry**

Sullivan 10 (John A., Natural Gas Week, Feb 22, “Study Links Maritime Industry to Offshore E&P, US Economy”, Proquest)

A first-of-its kind study released earlier this month has shown the relationship between the offshore E&P industry and US vessels, and how much of an impact American ships have on the national economy.

The Offshore Marine Service Association (OMSA) commissioned the study and pointed out that offshore vessels "are America's lifeline to offshore energy."

The OMSA study focuses on the spending and employment associated with US flag vessels that carry supplies and workers to offshore energy facilities or are used to work on those facilities. It indicates that those vessels and the shipyards that build them are responsible for about $18 billion in annual spending and more than 100,000 jobs, paying about $4.6 billion in wages.

Nowhere is that more evident than along the US Gulf Coast where key ports provide marine transportation hubs to and from the Gulf of Mexico. In Louisiana, these hubs are the Ports of Grand Isle, Iberia and Fourchon and in Texas, the Gulf Access Base at Port Aransas which is under construction (NGW, Jun.8,p1).

In addition to these ports, there are numerous shipyards along the Texas-Louisiana coast that provide everything from crewboats to the 8,500-ton topside stack for the recently completed Perdido offshore production platform.

The study, The Economic Impact of the Shipbuilders and Vessel Operators Servicing the Offshore Exploration, Development, and Production Industry on the US Economy, was conducted by Baton Rouge-based Loren C. Scott & Associates. It is the first known study that looks specifically at the economic impact of what are referred to as the "Jones Act" fleet of offshore vessels, meaning that they are owned by Americans, crewed by Americans and built in America.

Currently, the federal government is reviewing its policy that governs when US vessels must be used instead of foreign vessels in the offshore industry.

The OMSA study looks at four key impacts generated by offshore vessel companies and American shipbuilders: new sales for US firms; new household earnings for US residents; new jobs in the US; and federal, state and local tax collections in the US.

The study cites that US businesses experience about $18.1 billion in new sales annually as a result of economic activities within this segment of US shipbuilding and offshore vessel operations.

In his report, Scott also wrote that these new businesses help to generate about $4.6 billion in new household earnings annually for US workers. Approximately 103,160 jobs are supported by the economic activity of these segments, with average annual earnings of about $43,992. And it is estimated that the federal government collected nearly $1.4 billion annually in taxes directly and indirectly in 2008, and $770.8 million in state and local government taxes in the same year.

In his study, Scott wrote that "a number of studies have looked at the importance of offshore energy to the country." He added that study his company showed that just a three-week shut down of Port Fourchon -- home of the bulk of the offshore work fleet servicing the Gulf E&P industry -- would equal to a national economic impact of $9.9 billion in sales loss; $2.9 billion in household earnings lost; and the loss of about 77,000 jobs nationwide.

In a recent column, Marine Systems President Dorman L. Strahan said the study shows that the US needs a thriving marine industry. It also shows the impact the offshore E&P industry has on its maritime counterpart. Dorman is also on the OMSA board of directors.

# AT: Perm Do Both

1. **If they’re right about plan solvency, 1 use of the plan would remedy their impacts – means there is no extra incentive to incur a cost when the companies already got what they needed**
2. **All our cards say that a unique incentive is key to the use of US-Flag vessels – the perm ruins that**
3. **Overinvestment DA – they overinvest in ports, hurting the environment and the economy**

**Chang, et al 01** all Ph.Ds and staff in Department of Environmental and Natural Resource Economics and Korea-America Joint Marine Policy Research Center University of Rhode Island (Yong-Tae, Thomas Grigalunas, and Meifeng Luo, “Comprehensive Framework for Sustainable Container Port Development for the United States East Coast”, 10/11, UNIVERSITY OF RHODE ISLAND TRANSPORTATION CENTER , <http://www.uritc.uri.edu/media/finalreportspdf/536106.pdf> SW)

A state’s goal of promoting economic growth through support of port development need not conflict with national goals of an efficient transportation system. However, conflicts between national and state goals can arise due to “spillover effects” and failure to consider substitutability and complementary between ports. First, consider spillover effects. Local port planners may not fully consider important benefits from port development, such as transportation cost savings that fall outside state boundaries. Likewise, local port planners may not fully weigh costs imposed on other areas, such as contributions port activity may make to congestion, air pollution, or traffic delays at rail crossings perhaps many miles from the port. Failure to account for (internalize) costs or benefits can create several problems. Understatement of benefits by a private investor or port authority may lead to a less than ideal (in the sense of maximum net benefits) level of investment from the national viewpoint. On the other hand, failure to consider offsite costs can lead to **excessive investment** compared to the level (or type) that would provide the **largest economic benefits**. Second, conflicts between national and state policies also can arise if the benefits and costs of a potential port are assessed in isolation, without considering substitute or complementary effects among ports within a region. When ports are substitutes, such as when two ports vie for status as a hub port for a market area, an isolated assessment of the benefits of development at each port will overstate the combined economic benefits of the ports as compared to a consideration of both ports at the same time. This occurs because **growth at one port comes at the expense of the other**. Failure to take substitution into account creates the familiar problem noted in the literature that, when projects are inappropriately viewed in isolation, “too many projects pass the benefit-cost test” (Hoehn and Randall, 1989). In this case, **too much investment** in ports may occur. On the other hand, if ports are complementary, for example when one is a hub port and the other is a feeder port, then a separate assessment of the benefits of development at each port will understate the combined economic benefits of the ports. 2 In this case, too little investment may occur. The consequences of the failure to consider substitutability among ports are: (1) excessive resources are committed to port activity, by that drawing scarce resources away from other worthwhile projects, and (2) overall environmental quality may be lower due to this excess development, unless avoided by design measures or through mitigation. These consequences will be exacerbated if proponents exaggerate economic benefits or underestimate environmental costs. And of course, the opposite occurs if opponents of port development understate benefits or overstate environmental costs. Failure to consider complementarity between ports leads to the opposite effects—too little investment. Whether and the degree to which ports are competitive or substitutes (or independent of each other) is an important empirical question. Our port demand simulation model (Chapter II) is designed to shed some quantitative light on these issues in later stages of our work.

# AT: Perm do the CP

**Infrastructure investment isn’t conditional**

**Russell Investment** **9** (“Listed infrastructure investing,” Russell Open World, January 2009, <http://www.openworldinvesting.com/PDFs/Strategy_Brochures/Brochure_Listed_Infrastructure_Investing_2008_11.pdf> MGE)

We define infrastructure investment as being investment in assets that provide sustainable services that are essential for a functioning economy. The services provided are typically monopolistic or quasi-monopolistic in nature as a result of geography or regulation. Demand for these services is often inelastic to price changes and these investments can therefore provide predictable and sustainable cashflows.

**Provisional funding is distinct from investment**

**House of Commons 10** (“Communities and Local Government's Departmental Annual Report 2009, and the performance of the Department in 2008–09” 2/22/10, <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/391/391.pdf> MGE)

Capital funding allocations from the Growth Fund will be re-profiled by £128 million in 2010-11 to £167 million, making a total of £685 million resource and capital funding committed over this three year CSR period. We will therefore shortly be consulting local authorities in the Growth Areas and Growth Points on my proposals to reduce their provisional 20l0-ll capital funding allocations. This recognizes that growth has been slower and more difficult than planned, and that the infrastructure investment needed today is very different to that envisaged when CSR funding decisions and provisional funding allocations were made. The switch allows us to support new homes this year and next, rather than in the longer term.

**Supreme Court 55** (Supreme Court of the United States, United States V. Leslie Salt Co. No. 74, 350 U.S. 383; 76 S. Ct. 416; 100 L. Ed. 441; 1956 U.S. LEXIS 1800; 56-1 U.S. Tax Cas. (CCH) P9319; 48 A.F.T.R. (P-H) 693; 1956-1 C.B. 677 Argued December 7, 1955 March 5, 1956 Lexis MGE)

"It is therefore held that the term 'certificate of indebtedness' as used in subdivision 1 of Schedule A, Title XI, Revenue Act of 1918, includes only instruments having the general character of investment securities, as distinguished from instruments evidencing debts arising in ordinary transaction between individuals; and that conditional bills of sale are not certificates of indebtedness.

# AT: US-Flag Ship Encouragement = Protectionism

**Its not**

**Keefe, 12** Eitor of both Maritime Professional and MarineNews print magazines (Joseph, “AWO’s Allegretti: The Jones Act is Settled Law”, 5/16, <http://www.maritimeprofessional.com/Blogs/The-Final-Word-with-Joseph-Keefe/May-2012/AWO%E2%80%99s-Allegretti--The-Jones-Act-is-Settled-Law.aspx> SW)

The concept of coastwise cabotage is anything but unique to the United States. And, I reject the notion that it smacks of protectionism at a time when billions of dollars are poured into Detroit for every one dollar spent on the waterfront. Nevertheless, the Jones Act is anything but “stare decisis.” If it is, some folks haven’t yet got the memo. They probably never will. – MarPro

# AT: Normal Means

**Not normal means for non-government shipping and the perm severs immediacy**

**Maritime administration no date** (“Cargo Preference”, Department of Transportation, <http://www.marad.dot.gov/ships_shipping_landing_page/cargo_preference/Cargo_Preference_Landing_Page.htm> SW)

Welcome to the Maritime Administration's Office of Cargo Preference and Domestic Trade (Office) web site. The Office's primary focus is to promote and monitor the use of U.S.-flag vessels in the movement of cargo on international waters. The office is composed of three sections: Agricultural Cargoes, Civilian Agencies, and Military Cargoes. Information related to these three sections may be accessed by the appropriate links below. In addition, links to Government and private entities have been provided for your viewing. However, it should be noted that the Office only accounts for the accuracy of information on its web site. To fully understand the movement of cargo, let's first define: What is Cargo Preference? The Cargo Preference program works to promote and facilitate a U.S. maritime transportation system that is accessible and efficient in the movement of goods and people. It oversees the administration of and compliance with U.S. cargo preference laws and regulations. Those laws require shippers to use U.S.-flag vessels to transport any **government-impelled oceanborne** cargoes. What is Government-impelled cargo? Government-impelled cargo is cargo that is moving: Either as a direct result of Federal Government involvement Or, indirectly through financial sponsorship of a Federal program Or, in connection with a guarantee provided by the Federal Government Why Do We Have Cargo Preference? To provide a revenue base that will retain and encourage a privately owned and operated U.S.-flag merchant marine because the U.S.-flag merchant marine is a vital resource providing: Essential sealift capability in wartime or other national emergencies A cadre of skilled seafarers available in time of national emergencies Help to protect United States ocean commerce from total foreign domination and control What percent of cargo is required to be carried on U.S.-flag vessels? Military Cargo = 100% (governed by Military Cargo Preference Act of 1904); Export Import Bank = 100% (governed by Public Resolution 17); Civilian Agencies Cargo = at least 50% (governed by Cargo Preference Act of 1954); and Agricultural Cargoes = at least 75% (governed by the Food Security Act of 1985) What is the Process? The process is framed below: Shipper/cargo interests identify potential cargo move Fully identify cargo to be shipped to extent possible Identify timeframe for expected move to extent possible Shipper must work in advance with potential U.S.-flag carriers and with the Maritime Administration, and must solicit U.S.-flag carriers as listed on the following web site: Listing of U.S.-Flag Carriers Evaluate U.S.-flag carrier responses as to availability and cost Book the cargo on a U.S.-flag vessel or contact the Maritime Administration (1- 800-9US-FLAG [987-3524]; or (202) 366-4610; Email: cargo.marad@dot.gov) for assistance. File required reports (bill of lading) with the Maritime Administration.

# AT: No Solvency Advocate for expansion

**Our CP is grounded in the literature – previous bills requested that cargo preference be expanded to non-government shipments**

**Staats 78** Former Comptroller General,(Elmer B., “Cargo Preference Programs for Government-Financed Ocean Shipments Could Be Improved”, 6/8, Report to Congress, House Committee on Merchant Marine and Fisheries; Senate Committee on Commerce, Science, and Transportation,

<http://www.gao.gov/assets/130/123249.pdf> SW)

Historically, cargo preference requirements have affected only that commerce involving a Federal interest and have excluded private trade transactions. At the time our field work was completed in August 1977, however, the Congress was considering a bill that would require U.S.-flag ships to carry up to 9.5 percent of imported oil by 1982 as a way of boosting the U.S. merchant marine. This bill would increase the tonnage carried by U.S.-flag tankers. However, in October 1977 this bill was defeated in the House of Representatives. In a prior report we estimated that the cost to the consumer of this bill would be at least $240 million per year. (PAD-77-82, Sept. 9, 1977.)

# AT: Cargo Preference Solves

**And, government-compelled cargo alone aren’t enough – need more shipments on US-Flagships**

**Staats 78 Former Comptroller General,** (Elmer B., “Cargo Preference Programs for Government-Financed Ocean Shipments Could Be Improved”, 6/8, Report to Congress, House Committee on Merchant Marine and Fisheries; Senate Committee on Commerce, Science, and Transportation,

<http://www.gao.gov/assets/130/123249.pdf> SW)

Despite the existence of the cargo preference laws, **only a small portion of the Nation's imports and exports are carried on U.S.-flag vessels**. MarAd data shows that for calendar years 1970-1976 U.S.-flag vessels accounted for about 5.5 percent of the country's total imports and exports. Without the cargo preference laws, the percentage of the Nation's cargo carried by the domestic merchant marine would be even less.

# AT: Say No

**Use of US Flag ships is net good for shippers – cargo preference laws prove that they overall increase revenues**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Under DOD rules, U.S. flag operators participating in VISA receive a preference in bidding on military “cargo preference” shipments. There is considerable evidence (including but not limited to our interviews with carriers) that preference cargoes provide an important source of revenue to VISA operators. The Cargo Preference Act of 1904 and other laws 33 require that ships registered in the United States be used to carry certain government-owned or government-financed cargo that is shipped internationally. DOD, the Agency for International Development (AID), and the Department of Agriculture (USDA) account for most of the tonnage shipped under cargo preference laws. The preference applies to all of DOD’s freight shipments and to 75 percent of shipments of food aid, and in varying percentages to shipments associated with programs sponsored by other Federal agencies. Of the 47 vessels participating in the MSP during 1999 to 2003, 37 vessels participated in cargo preference food aid shipments. MSP vessels shipped about 45 percent of all the bagged food aid cargo during that time period. 34 Between FYs 1999 and 2007, the annual tonnage of dry cargo preference shipments averaged 6.4 million metric tons (Table 3). Annual dry cargo preference shipments have decreased by more than 3 million metric tons from FY 1999 to FY 2007. In FY 2007, dry cargo shipment tonnage was only 5.2 million metric tons. Military shipments accounted for about 50 percent of the tonnage in FY 2007, and food aid shipments accounted for another 41 percent. Approximately 120 U.S. flag vessels carry this cargo in any given year. 35 The ocean freight revenue associated with dry cargo preference shipments made on U.S. flag ships has averaged about $1.2 billion during the period of FY 1999 to 2007 (Table 4). Cargo preference revenue has remained fairly steady in the five years ending in FY 2007, ranging between $1.2 and $1.4 billion. **High levels of revenue of military shipments offset a general decline in the revenue generated by food aid and other shipments**. The increase in the ocean freight revenue of cargo preference shipments since 2002 is largely due to military operations in Iraq and Afghanistan. In FY 2007, military cargo accounted for 68 percent of the ocean freight revenue of all cargo preference shipments. Food aid comprised about 25 percent. **Carriers engaged in liner shipping are able to include government-impelled cargoes such as food aid or military cargo in containerships** or RO/ROs that are part of regularly scheduled service, and carrying this cargo allows the vessels to be more fully utilized. Carriers interviewed for this evaluation indicated that these cargoes are considered valuable “backhaul.” The United States imports more than it exports, and as a result the vessels are more fully loaded when arriving at U.S. ports. Transporting food aid and military cargo on the return trip helps to balance out the load.

# \*\*\*Neg – MSP

# 1NC

**The United States Maritime Administration should offer to \_\_\_\_ if and only if the United States Maritime Administration receives 1 ship required to engage in activities similar to activities required by the Maritime Security Program from every affected port.**

**The government should use investment to encourage companies to join the MSP**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The purpose of this evaluation of the Maritime Security Program (MSP) is to assess the impact of the program in supporting U.S. Department of Defense (DOD) mobility requirements and ensuring an ongoing presence of U.S. flag ships in the movement of international trade. The MSP is a national defense program intended to ensure military access to commercial shipping during times of war or national emergency. The MSP has been designed to provide annual financial payments to commercial ship owners and operators to keep their ships under United States flag, in exchange for the commitment to provide sealift support to DOD in times of war or national emergency.

**New MSP ships are needed – the current cap is unflexible**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Interview comments made by stakeholders in the military/DOD community, while highly supportive of the current MSP, also indicate that it makes little sense for MSP legislation to mandate a fixed number of ships, or use a fixed payment schedule (e.g., $2.6 million per ship in FY 2008), regardless of military utility. From a military standpoint, it would be better to base payments on degree of risk and/or military usefulness—such as by taking a given amount of money and conducting an auction. Using an auction or some other variable pricing arrangement, DOD could take into account both the military utility of the ship and its cost. DOD would then be able to pay a premium for ships with additional military capability. Heavy lift ships are sometimes valuable to DOD, so they might command a higher price than, for example, containerships.

**That’s key to sealift – vital to rapid response and power projection**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

A long-established DOD policy, known as “Commercial First,” has been to rely on the commercial maritime industries to the maximum extent possible for sealift. The policy was first articulated in the Wilson-Weeks Agreement of 1954 between the Department of Commerce and the Department of Defense and then reinforced in the still-applicable Presidential Directive 28 on national security sealift policy in 1989: “…the U.S.-owned commercial ocean carrier industry, to the extent that it is capable, will be relied on to provide sealift in peace, crisis, and war. This capability will be augmented during crisis and war by reserve fleets comprised of ships with national defense features that are not available in sufficient numbers or types in the active U.S. owned commercial industry.” 17 The DOD relied extensively on the commercial oceangoing fleet during the Persian Gulf War; in Bosnia, Kosovo, and Somalia; and during Operations Enduring Freedom and Iraqi Freedom. This section documents the contribution of the MSP fleet in sealift, providing context on the role of the MSP within DOD’s overall sealift mission. USTRANSCOM is responsible for a defense transportation system that consists of airlift, sealift, land lift, and prepositioning. These programs transport the forces necessary to successfully and swiftly defeat enemy forces in a projected time period. 18 Within USTRANSCOM, The Military Sealift Command (MSC) is responsible for a sealift program that provides ocean transportation for DOD during peacetime and war. More than 90 percent of U.S. war fighters’ equipment and supplies travels by sea. The program manages a mix of government-owned and long-termchartered dry cargo ships and tankers, as well as additional short-term or voyage-chartered ships. By DOD policy, **MSC must first look to the U.S. flag commercial market to meet its sealift requirements.** Government-owned ships are used when suitable U.S. flag commercial ships are unavailable or cannot meet DOD requirements. 19 Most containerized cargo for DOD is booked on U.S. flag vessels by the Military Surface Deployment and Distribution Command (SDDC), which provides various DOD shipping services under the Defense Transportation System (DTS). Shipping via DTS allows DOD to use the pre-negotiated ocean shipping contracts under the Universal Service Contract (USC), providing cost and convenience benefits. 20 These “voluntary rates” are less expensive than the rates that would be applicable under VISA activation. According to our interviews with MSP carriers, the voluntary rates fluctuate with the market, but with less volatility than international shipping rates. In both peacetime and contingency situations, rates for shipment of military cargo on commercial liner vessels are negotiated by DOD and the carriers and established in the USC. Rates for the VISA program are also negotiated between DOD and the carriers for both the “voluntary stage” and Stages I, II, and III, as described above. The rates are determined through competition among the VISA carriers and are very specific as to routes and types of cargo that may be transported by an individual carrier. Strategic sealift needs can be categorized as prepositioned, surge, and sustainment. 21 “Afloat prepositioning” strategically places military equipment and supplies aboard ships located in key ocean areas to ensure rapid availability during a major theater war, a humanitarian operation, or other contingency. These ships give U.S. soldiers, who are flown into a theater of operations the assurance that they will have what they need to quickly respond in a crisis. USTRANSCOM may use commercial shipping assets, including U.S. and foreign flag vessels, to support surge missions. Often, the timing necessary for the rapid movement of forces and cargo is usually faster than can be supported by the commercial industry, and USTRANSCOM via its MSC component must rely on government-owned or chartered vessels. 22 The MSP fleet of commercial, U.S. flag vessels is used primarily to support and sustain combat forces.

# Solvency Advocate - MSP expansion Key

**MSP expansion is key to the merchant marine and sealift – current decline means more MSP ships are needed**

**American Maritime Congress no date** (“Issue Focus”,

<http://www.americanmaritime.org/issue/> SW)

Fully Fund MSP - With the increasing cost of the Global War on Terror and the war in Iraq, funding for defense programs has been a major issue. The Maritime Security Program is critical to the survival of the U.S. Merchant Marine, and it is equally important that AMC and the rest of the industry educate Congress on the need to provide the full funding level authorized for MSP during its annual appropriations process. Last year, MSP saw a 1% cut in its overall program appropriation, along with every other defense program. It is important that Congress understand that short-changing MSP in the short term will have **far more expensive consequences** in the future. Expand MSP - The Maritime Security Program is one of the most efficient ways for the government to ensure it has the adequate sealift it needs at cost-effective levels. With many Military Sealift Command and MARAD Ready Reserve Force ships reaching the end of their useful lives, it is important that we find a way to replace that lost capacity and that we do so in a way that represents the best value to the taxpayer. The best way to do that would be to further **expand the M**aritime **S**ecurity **P**rogram. By replacing lost government-owned capacity with commercially owned and operated militarily useful vessels, you support both the operators and vessels - keeping more ships under the U.S.-Flag and more companies in America - and you support the seafarer - providing a stable employment base for our merchant mariners.

# Brink Now

**Squo MSP not enough – the merchant marine is failing**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Maritime Policy—The project team identified a need for review of maritime policy more broadly. The long-term decline of the U.S. flag fleet has reached a point where the continued existence of a privately owned, commercial fleet engaged in foreign trade is **not certain**. In 2009, other sectors of the U.S. economy are being reviewed to assess infrastructure needs and to determine potential for long-term job creation. Oceanborne transport is taken for granted by the American public and often overlooked in government and academic circles, and yet maintaining a viable maritime sector is vital for the nation’s commercial and security needs.

# Military Impact

**Good MSP key to the military**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Military Impact: The MSP clearly has a positive impact on the number of U.S. commercial oceangoing cargo vessels available for military use. Currently, the MSP makes available 60 ships and related intermodal infrastructure that support the sealift mission of DOD. Commercial logistics capacity in the Middle East has been crucial for execution of Operations Enduring Freedom and Iraqi Freedom. **Reducing** or eliminating **MSP financial payments would have** significant **adverse impacts on the nation’s ability to respond to military** or humanitarian **crises**. Without the MSP, there would very likely be a significant reduction in the number of U.S. flag ships— perhaps a reduction of half of the vessels currently in the MSP fleet (30 vessels). As a result, DOD would need to build or charter additional ships at significantly greater expense than at present. DOD would also need to lease access to intermodal infrastructure. The authorization for MSP outlays in fiscal year (FY) 2008 was $156 million. Without the MSP, the costs to DOD would be orders of magnitude greater than the current MSP costs. By one estimate, replicating only the RO/RO and containership 1 capacity of the current MSP, without taking into account the intermodal infrastructure, would require a capital expenditure of $13 billion.2

**MSP is vital to responding to critical flashpoints and sustaining the power of the merchant marines – more ships need to get chartered through the MSP – (payments make MSP ships commercially viable)**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Clearly, the current MSP provides 60 ships and their **related intermodal infrastructure** to support DOD’s sealift mission. On October 24, 2000, based on performance of the MSP and VISA programs through that date, USTRANSCOM indicated to the Maritime Administration that these programs offered a significant advantage to DOD in meeting its contingency sealift requirements, assuring access to the U.S. flag commercial sealift and intermodal capacities. This statement remains true today. In fact, statistics presented above indicate that the DOD has relied on commercial shipping to a greater extent than in the past during Operations Enduring Freedom and Iraqi Freedom. **Commercial logistics** capacity in the Middle East has been crucial for execution of these operations. Future military or humanitarian operations may occur in Africa or Asia, and carriers participating in the MSP provide the logistics capacity necessary to reach these areas. To remain **commercially viable,** the current fleet of MSP vessels depends on MSP annual financial payments, revenues from cargo preference shipments, and revenues from private commercial trade in the international market. Our interviews with industry, military, and academic experts indicate that in the absence of the MSP, there would very likely be a significant reduction in the number of ships operating under U.S. flag—perhaps a reduction by half of the vessels currently in the MSP fleet (30 vessels). Absent both the MSP and cargo preference, the experts we interviewed were unanimous in indicating there would no be U.S. flag presence in commercial foreign trade. Without MSP and cargo preference, owners of U.S.-registered ships would scrap or sell their vessels or would reflag to foreign registries, under which operating costs are significantly less. In order to overcome a significant reduction in the MSP fleet, DOD would need to build or charter more ships at significantly greater expense than at present (through the MSP). DOD would also need to lease access to intermodal infrastructure. Under the current MSP and VISA, **DOD pays the freight for military cargo shipments, but pays nothing for access to infrastructure**. The annual financial payments to MSP carriers cover only a small portion of the operating costs of the 60 ships. Without the MSP, the costs to DOD would be orders of magnitude greater than the current MSP costs (the authorization for MSP outlays in FY 2008 was $156 million). By one estimate, replicating only the RO/RO and containership capacity of the current MSP, without taking into account the intermodal infrastructure, would require a capital expenditure of $13 billion. 51 The MSP and VISA programs provide significant benefits that go beyond just the vessels. Access to intermodal infrastructure allows the DOD to get cargo **moved, in a seamless fashion, between any two points on the globe**. For example, a cargo transported to a port in the Middle East will be carried by truck or rail to the destination hundreds of miles inland where it is needed by American troops engaged in a contingency operation. Carriers participating in MSP maintain extensive, worldwide supply chains that make point-to-point transport of military shipments possible. MSP and VISA also offer DOD a more flexible and technologically superior way of transporting goods than was possible prior to enactment of MSP in 1996. MSP and VISA program participants work in a partnership with DOD to meet the nation’s sealift needs. Through the JPAG meetings and the more frequent EWG meetings, USTRANSCOM and the Maritime Administration work with ship owners and operators and maritime labor unions to better manage existing resources and determine the best ways to improve the mix and responsiveness of sealift resources over time.

# Naval Power Impact

**That’s key to the flag fleet- preserves naval power**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Impact on the U.S. Flag Fleet: Since the program’s implementation in 1997, the existence of MSP has not produced any lasting increase in tonnage of the U.S. flag, oceangoing commercial fleet engaged in foreign trade. However, MSP has become a critical part of the Federal Government’s approach to stabilizing and retaining the existing fleet and maintaining a commercial presence in foreign trade. Without the financial assistance provided by MSP, an important source of carrier income would no longer exist. A loss of thirty or more oceangoing vessels would be very substantial, given that there were only 120 such vessels engaged in foreign trade in 2007. If the United States were to discontinue both the MSP and cargo preference—a closely interconnected program that also is intended to help maintain a U.S. flag fleet presence in international trade—the **experts** that we interviewed **were unanimous** in indicating that there would no longer be an economic reason for operating a privately-owned, U.S. flag fleet of ocean going vessels engaged in foreign trade. In this case, the owners of most of these ships would scrap or sell their vessels, or would reflag to foreign registries, where operating costs are significantly less expensive than in the United States. Impact on Mariners: By law, U.S. flag fleet vessels are required to be operated by crews composed primarily of U.S. mariners. In order to maintain a merchant marine engaged in U.S. foreign trade, and **to support military ocean transport during times of war** or humanitarian crisis, there must be a labor supply of U.S. mariners ready to operate the ships. The MSP effectively places a floor under the number of U.S. crewmembers certified and available to serve as mariners on U.S. merchant vessels. The 60 ship MSP fleet provides 1,200 billets and employment for 2,400 U.S. mariners. The labor pool of U.S. mariners engaged in oceangoing, merchant marine activities is at most 20,500, including 6,400 officers and 14,100 others. Thus, the loss of employment for 2,400 U.S. mariners would represent a very significant reduction relative to the size of the U.S. mariner labor pool. One of the main benefits of the MSP is that it helps maintain a cohort of U.S. mariners actively engaged in oceangoing shipping, **knowledgeable about current technology used on a variety of types of cargo vessels** and **available for U.S.-defined military contingency and humanitarian missions**. Military sources emphasize the need for U.S. mariners in contingency operations. Officers who have graduated from the maritime academies are effectively a branch of the military service, along with the Army, Navy, Air Force, Marines, and Coast Guard. The loss of some 2,400 U.S. mariner positions would throw into doubt the ability of the United States Government to find sufficient numbers of mariners to maintain the 51 vessels in the Ready Reserve Force or to operate approximately 100 ships for the Military Sealift Command.

# Merchant Marines Impact

**MSP key to the merchant marine – intelligence coordination**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The introduction of MSP and VISA represented an attempt to adapt DOD sealift requirements to emerging realities in the commercial liner industry, seeking to replace a “contract-for-ships” mentality with a “contract-for-logistics” approach. Rather than just calling on specific ships, MSP and VISA enable DOD to bring the whole origin-to-destination system into play by accessing services common in the commercial liner industry. This system of integrated services includes freight consolidation, truck and rail services, 24-hour monitoring and intransit visibility, customs clearances, and flexible routing and scheduling options. 16 An additional benefit for which the MSP incurs no additional cost is the availability of trained mariners. Maritime Labor Unions, including the Seafarers International Union, the Masters, Mates and Pilots, and the Marine Engineers Beneficial Association, provide specialized training to mariners and assure the availability of qualified mariners in numbers adequate to meet the needs of DOD. The nature of this process is described in Section III-C. Finally, the MSP and VISA have provided a management and communications process for tapping into the capacity of the commercial merchant marine and refining the resources over time. This has been done through a Joint Planning Advisory Group (JPAG), organized under authority provided in the Defense Production Act of 1950 (DPA), and including DOD and participants from MSP and VISA carriers and labor unions. The purposes of JPAG meetings include: identifying and discussing DOD requirements versus industry capabilities; recommending Concept of Operations to meet DOD and commercial requirements; and testing and exercising program arrangements.

# Supply Lines Impact

**Its key to supply lines during conflict – that is the biggest internal link to military effectiveness**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The commercial shipping and intermodal capacity provided through the MSP and VISA has had a significant impact on sealift operations in support of Operations Enduring Freedom (OEF), beginning in late 2001, and Iraqi Freedom (OIF), beginning in 2003. Information provided to the Maritime Administration by USTRANSCOM indicates that between FYs 2002 and 2008, U.S. commercial carriers delivered military dry cargo to ports in 12 countries in the Middle East. 37 Data provided by USTRANSCOM/SDDC indicate that during this time period U.S. commercial shipping companies delivered 600,584 TEUs of military cargo on containerships and 15.2 million tons of cargo on RO/ROs and other dry cargo ships engaged in liner trade. In 2008, there were 145,366 total shipments to these ports. Eight companies participating in these shipments were carriers that owned or operated ships in the MSP fleet. 38 Information on the tonnage or destination is not available separately for MSP or VISA ships. However, the Maritime Administration has indicated that during Operation Iraqi Freedom, 78 VISA vessels (including 65 different vessels participating in the MSP) were utilized by SDDC shipments in liner service. In addition, 20 VISA vessels (including 3 MSP vessels) were chartered by the Military Sealift Command. 39 The fact that commercial shipping participated in so many military operations is consistent with DOD policy to use commercial resources whenever possible. Since the time of the Persian Gulf War, **DOD has increased its reliance on commercial shipping**. During the 1990-1991 Persian Gulf conflict, only about 21 percent of dry cargo shipped to and from the theater was through U.S. commercial liner service. About 38 percent was shipped on DOD-chartered vessels (23 percent on foreign flag vessels); and the rest was shipped on government-owned vessels. 40 By the time of OEF/OIF, the share of shipments on U.S. commercial liner service had increased to 49.3 percent, while the share on charters shrunk to 8.7 percent (3.4 percent on foreign charter). The Ready Reserve Force (RRF) accounted for 21.9 percent of shipping during the Persian Gulf War, but only 10.2 percent during OEF/OIF. The trend toward military use of liner services has continued—the commercial liner share of military shipments to discharge ports serving OEF/OIF increased to 68 percent in 2006, and to over 80 percent since that time. 41 Several factors have contributed to the increased use of commercial capability for military uses in recent years. First, the nature of the missions has changed. Government-owned vessels are more likely to be used during the prepositioning and surge phases, while commercial assets are more likely to be used during the sustainment phase. However, the creation and expansion of MSP and VISA fleets in 1996 and 2003 have also clearly contributed to this result. In particular, there has been an increase in the number of RO/ROs in the MSP fleet, from 9 in the original fleet created under MSA 1996; to 14 in the fleet created under MSA 2003; to 17 in the current MSP fleet.

# Economy Impact

**Key to the economy – mariner jobs**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Finally, the MSP creates a steady number of berths on U.S. ships that provide employment for U.S. mariners. These are strategic and economic benefits, because the pool of mariners who operate the MSP vessels also performs maintenance and operates the chartered vessels, RRF vessels, and other government-owned vessels in the organic fleet. Approximately two mariners are needed for every berth provided on an MSP ship. The MSP vessels are used primarily during the sustainment phases of military operations, but the same U.S. mariners are used to man the prepositioning and surge phases of military operations. Most of our interview respondents indicated that one of the most significant benefits of MSP has been the supply of mariners available to operate ships performing sealift. We will present separate estimates of the impact of the MSP on mariners in Section III-C.

# Saves Money for the Military

**MSP frees up money for the military**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

It might be argued that acquiring vessels and leasing intermodal infrastructure might be done less expensively than indicated above. Particularly in the 2008 international shipping market, when rates were falling and ships were being taken out of service due to lack of demand. However, government-acquired ships are required by law to be U.S. built, and this reduces the potential for cost savings. Also, an acquisition program necessarily causes the Government to incur both capital and operating costs, while the current MSP provides a payment towards a portion of operating cost only. Charter costs reflect both capital and operating costs to the owner of the chartered vessel. We estimate that during the fourth quarter of FY 2008, DOD sealift charter costs for the types of vessels provided through the MSP averaged $32,619 per day, per ship. This is based on current daily charter rates posted by MSC on the Procurement page of their Web site. We found charter rates for six vessels including containerships, one RO/RO, one heavy lift ship, and one combination RO/RO-heavy lift and container. The rates for these vessels ranged from $26,150 to $41,000. 46 In contrast, the daily cost of the MSP financial payment in 2008 was about $8,125 per day per ship (based on the minimum required 320 days of service in foreign trade). In an update to their 1996 report to the Military Sealift Committee, Reeve and Associates compared the cost of moving one measurement ton (equivalent to 40 cubic feet) of cargo to the Middle East through various means. The commercial freight rate, reflecting recovery of capital and operating costs, was estimated at $144 per measurement ton. The cost on a commercial time-charter was $212 (47 percent higher). The cost on a LMSR vessel, the type that might be made available through the RRF, was estimated at $348 (141 percent higher). No matter how measured, the commercial capability offered through MSP seems to be orders of magnitude less expensive than the alternatives.

# Say yes

**Say yes – MSP program provides collateral that makes it worthwhile**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Competitive payments would also interfere with one of the most important features of the MSP from the point of view of the carriers. The recurring, predictable annual payment provided by the MSP, and the operating agreement contract term of 10 years, subject to annual appropriation, helps to partially offset the highly volatile nature of the international shipping business. Ship owners use the MSP operating agreements as **collateral** to acquire or build ships.

# Econometrica research good

**Prefer our methodology - experts**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The research objectives set by the Maritime Administration for this evaluation were to conduct an analysis of existing quantitative data to develop estimates of the MSP’s impact on: 1. U.S. flag shipping presence in international commercial waters. 2. Number, types, and capacities of U.S. flag oceangoing ships available for military use. 3. Number of U.S. crewmembers available to serve on such ships. For each of these areas, the objective was to estimate the quantitative change directly resulting from MSP financial payments. The baseline comparison is counterfactual—an informed estimate of the number of ships and U.S. crewmembers that would be available today without the existence of the MSP. This approach required supplementing a review of past research and quantitative data with information from interviews of experts knowledgeable about trends, past and current, in DOD sealift and international commercial shipping. It should be noted that finding impact does not necessarily require a positive or negative, post 1997 trend line (i.e., after MSP implementation) for one or more indicators. The impact may still exist if the presence of MSP effectively altered trends after 1997 (e.g., “flattening” a negativelysloped trend line). Such a finding would be based on the counterfactual estimate of what the numbers would currently be if pre-MSP trends had continued. As part of this evaluation, Econometrica conducted three sets of stakeholder discussions, with the military/DOD community, 4 the maritime industry, and academic experts familiar with DOD sealift requirements or maritime policy. For the first two sets of interviews, Econometrica began with suggested contacts provided by the Maritime Administration, principally consisting of entities participating in the MSP. Econometrica employed a “snowball sample” technique to talk with a few others in the industry who we thought might add critical information to the discussion. The first set of interviews was undertaken with USTRANSCOM and other stakeholders in the military/DOD community. The objective of these interviews was to better understand the nature of DOD’s mobility requirements and sealift operations, to find out about actual use of the MSP and VISA fleets, and to gain feedback on the effectiveness of MSP in addressing DOD’s sealift needs. The second set of interviews was with the maritime and transportation industries, principally including ship owners and operators but also including one interview with representatives of maritime labor. The objectives of these interviews were to get a first-hand account of the past and current trend in the U.S. merchant marine; on the nature and costs of commercial shipping in today’s market; on the adequacy of the supply of mariners; on the perception of stakeholders on the effectiveness of MSP; and also to gather any recommendations for possible improvements in the program. The third set of interviews was with academic experts on sealift or maritime policy. We identified these experts from our own research, and used the academic interviews to verify and update our information on global maritime shipping, including the supply of mariners. For all three sets of interviews, Econometrica attempted to identify factors other than the MSP that have influenced trends in the U.S. commercial shipping industry. These factors included global economic conditions, changes in the market for international shipping, and foreign and domestic government policies that aid shipping, such as tax and cargo preference policies. Econometrica also conducted an organizational assessment of the current program and its operations. This assessment examined the extent to which the current MSP management configuration is well-suited to achieve the program’s statutory and regulatory objectives, and also whether organizational operational patterns are congruent with statutory mission objectives and the guiding regulation, 46 CFR Part 296. This was done primarily through use of a logic model, supplemented with information from completed reports and reviews by the Government Accountability Office (GAO) and DOT’s Office of Inspector General (OIG), and by information obtained through interviews with Maritime Administration personnel. Discussions with the military/DOD community and maritime industry representatives also provided information that helped to assess effectiveness and identify options for improvement in the MSP’s organizational structure.

# AT: Perm do the CP

**Infrastructure investment isn’t conditional**

**Russell Investment** **9** (“Listed infrastructure investing,” Russell Open World, January 2009, <http://www.openworldinvesting.com/PDFs/Strategy_Brochures/Brochure_Listed_Infrastructure_Investing_2008_11.pdf> MGE)

We define infrastructure investment as being investment in assets that provide sustainable services that are essential for a functioning economy. The services provided are typically monopolistic or quasi-monopolistic in nature as a result of geography or regulation. Demand for these services is often inelastic to price changes and these investments can therefore provide predictable and sustainable cashflows.

**Provisional funding is distinct from investment**

**House of Commons 10** (“Communities and Local Government's Departmental Annual Report 2009, and the performance of the Department in 2008–09” 2/22/10, <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/391/391.pdf> MGE)

Capital funding allocations from the Growth Fund will be re-profiled by £128 million in 2010-11 to £167 million, making a total of £685 million resource and capital funding committed over this three year CSR period. We will therefore shortly be consulting local authorities in the Growth Areas and Growth Points on my proposals to reduce their provisional 20l0-ll capital funding allocations. This recognizes that growth has been slower and more difficult than planned, and that the infrastructure investment needed today is very different to that envisaged when CSR funding decisions and provisional funding allocations were made. The switch allows us to support new homes this year and next, rather than in the longer term.

**Supreme Court 55** (Supreme Court of the United States, United States V. Leslie Salt Co. No. 74, 350 U.S. 383; 76 S. Ct. 416; 100 L. Ed. 441; 1956 U.S. LEXIS 1800; 56-1 U.S. Tax Cas. (CCH) P9319; 48 A.F.T.R. (P-H) 693; 1956-1 C.B. 677 Argued December 7, 1955 March 5, 1956 Lexis MGE)

"It is therefore held that the term 'certificate of indebtedness' as used in subdivision 1 of Schedule A, Title XI, Revenue Act of 1918, includes only instruments having the general character of investment securities, as distinguished from instruments evidencing debts arising in ordinary transaction between individuals; and that conditional bills of sale are not certificates of indebtedness.

# AT: Perm do both (MSP)

**Incentives key to the MSP - without unique benefits, no one uses US-Flag ships**

**Bradley, 05** Captain and President of The Council of American Master Mariners (Thomas. “Maritime Security Program Will be Renewed in 2006”, Spring, Sidelights Volume 34 Number 1<http://www.mastermariner.org/sidelights/spring05.pdf> SW)

President Bush signed into law legislation that will renew the Maritime Security Program for 10 years when it expires at the end of fiscal year 2005, expand the fleet of vessels enrolled in the program, and increase the amount of money allotted for each vessel in the Maritime Security Fleet. A congressional conference committee completed work last month on the National Defense Authorization Act for Fiscal Year 2004 and the House, Senate and President approved it. Among other things, the legislation will renew the Maritime Security Program (MSP), which will help secure funding for the Title XI shipbuilding loan guarantee program and provide substantial incentives for the construction of five double-hulled commercial tankers in U.S. shipyards. Currently, the Maritime Security Program, which was established by the Maritime Security Act of 1996, provides $2.1 million annually to each of the 47 U.S.-flag commercial vessels to offset the cost of meeting higher U.S. shipping standards while operating in international trades. In turn, the vessels and transportation systems of the contracted companies are made available to the U.S. government in times of war, conflict, or national crisis.

**More ev**

**DONNELLY 99** Editor of Defense Week (John, “The Next Time Around

MSP: The Key to a Reliable Logistics Capability”, Navy League of the United States, <http://www.navyleague.org/seapower/next_time_around.htm> SW)

The Maritime Security Program (MSP), run by the Department of Transportation's Maritime Administration, provides incentives to U.S. commercial carriers to keep 47 ships operating under the U.S. flag, crewed by U.S. citizens and on call. In addition to giving the government access to commercial sealift capacity in the event of conflict, the program also secures jobs for U.S. seafarers and helps maintain a U.S.-flag merchant marine. For 60 years prior to passage, in 1996, of the Maritime Security Act, the U.S. government had subsidized American ship carriers (under what was called the Operating-Differential Subsidy, or ODS, program). ODS paid carriers the difference between the higher costs, mainly labor costs, incurred by shipping cargo on U.S.-flag rather than foreign-flag vessels. U.S.-flagged vessels are effectively required to keep more expensive U.S. crews because of Coast Guard and U.S. union requirements that the majority of the crew be American. **If there were no MSP program**, said James E. Caponiti, associate administrator for national security at the Maritime Administration, **many and perhaps most merchant ships now operating under the U.S. flag would shift to a foreign-flag registry.**

# AT: Perm = double funding = double incentive

1. **If they’re right about plan solvency, 1 use of the plan is enough – means there is no extra incentive to incur a cost when the companies already got what they needed**
2. **Compensation can only happen once – they can’t use the money from the CP as incentive, which takes out solvency**

**DONNELLY 99** Editor of Defense Week (John, “The Next Time Around

MSP: The Key to a Reliable Logistics Capability”, Navy League of the United States, <http://www.navyleague.org/seapower/next_time_around.htm> SW)

In contrast, under the Maritime Security Program carriers can operate anywhere in the world, and **instead of** receiving **payments based on cost differentials**, MSP carriers are paid a **fixed** annual **amount**, said Caponiti, who runs the new program.

# AT: MSP = protectionism

**Its not**

**Keefe, 12** Eitor of both Maritime Professional and MarineNews print magazines (Joseph, “AWO’s Allegretti: The Jones Act is Settled Law”, 5/16, <http://www.maritimeprofessional.com/Blogs/The-Final-Word-with-Joseph-Keefe/May-2012/AWO%E2%80%99s-Allegretti--The-Jones-Act-is-Settled-Law.aspx> SW)

The concept of coastwise cabotage is anything but unique to the United States. And, I reject the notion that it smacks of protectionism at a time when billions of dollars are poured into Detroit for every one dollar spent on the waterfront. Nevertheless, the Jones Act is anything but “stare decisis.” If it is, some folks haven’t yet got the memo. They probably never will. – MarPro

# AT: Government Chartered Ships Solve

**MSP is a pre-requisite - key to high-skilled mariners for government chartered ships**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

A key objective of this evaluation is to analyze the impact of the MSP on the supply of U.S. crewmembers certified and available to serve as mariners on U.S. merchant vessels. Most respondents during industry and military/DOD interviews conducted for this evaluation stated that the impact on mariners was one of the most important aspects of the MSP. The 60 ship MSP fleet provides 1,200 billets and employment for 2,400 U.S. mariners. The U.S. labor pool for mariners engaged in oceangoing merchant marine activities is approximately 20,500, including 6,400 officers and 14,100 others. While there is a shortage of officers in international crews, U.S. mariners have generally not worked on foreign flag ships in significant numbers. For nonofficers, wages paid to crews working on foreign flag vessels are much less than wages paid to U.S. mariners. Most U.S. mariners would rather work inland in maritime jobs than on crews of foreign flag vessels. As of the end of calendar year 2008, the supply of and demand for U.S. mariners was approximately in balance. All RRF vessels could be crewed as needed, and mariners were available to man all active ships. **In the absence of the MSP, there would be a loss of some 2,400 U.S. mariner positions.** The primary source of mariners to crew DOD sealift ships is the pool of U.S. mariners actively sailing in the U.S. flag commercial industry. The sufficiency (availability, commitment, and skills) of this mariner pool depends on the continued viability of the merchant fleet. As described in Section III-B, **the MSP is a significant factor in the economic viability of the U.S. flag commercial fleet.** The loss of 2,400 U.S. mariner positions would reduce the ability of the United States to find sufficient numbers of mariners to maintain the RRF and to operate ships for the MSC. In times of war and national emergency, this reduction in the mariner pool would make it more difficult for the United States to project military force or address humanitarian needs. When needed, the U.S. mariner labor pool has proven to be very expandable in the past, most notably during the Persian Gulf War, but technological advances on ships and the increasing technical knowledge required of mariners may limit this expandability, thus making it more important than in the past to maintain the supply and demand of mariners in approximate balance.

# AT: Doesn’t apply to ports

**MSP includes infrastructure**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The purpose of this evaluation of the Maritime Security Program (MSP) is to assess the impact of the program in supporting U.S. Department of Defense (DOD) mobility requirements and ensuring an ongoing presence of U.S. flag ships in international trade. The MSP is a national defense program that provides financial assistance to oceangoing ship owners and operators in return for making their ships and crews—**and the intermodal transportation and communication network of the ship operator**—available to the Department of Defense for sealift operations during times of war or national emergency.

**MSP also allows the government to access infrastructure**

**DONNELLY 99** Editor of Defense Week (John, “The Next Time Around

MSP: The Key to a Reliable Logistics Capability”, Navy League of the United States, <http://www.navyleague.org/seapower/next_time_around.htm> SW)

There are major differences, though, between MSP and ODS, said Caponiti, and not just because taxpayers are paying $2.1 million per ship instead of the previous $4 million. In contrast to the previous subsidy program, for example, the government would have access during wartime not just to the ship or space on it, but also to the entire "intermodal" network associated with the ship--trucks, trains, roads, rails, communications links, and the like.

# AT: MSP too slow

**MSP not too slow – speed problems are minimal and can be managed**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

Using the MSP is less expensive to the U.S. government for its overall sealift, because providing a financial payment for a portion of a ship’s operating cost is less expensive than owning or chartering a ship. Particularly when the age of the RRF fleet is taken into account, it seems very likely that the commercial fleet could replace some of the capacity of the existing organic fleet through MSP or a similar program. There is a growing recognition that commercial vessels can work well, not just during sustainment, but also during some aspects of surges. The argument against relying more heavily on the commercial fleet is that the response during a surge is slower than the organic fleet. However, the difference between response times—10-12 days by commercial vessels and the 8-10 days under the organic fleet—may be manageable.

# AT: Normal means

1. **Not normal means – the status quo MSP can only sustain 60 ships and no more could be added – that’s the 2nd econometrica ev from the 1nc**
2. **The MSP program is optional and conditional – companies must actively seek out participation in the squo**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

NOTE: TABLE REMOVED

Ownership of MSP Vessels Thirteen ship owner/operator companies participated in the MSP program on October 1, 2008 (Figure 2). Two large companies, Maersk Line, Ltd. (Maersk) and APL Marine Services, Inc. (APL) operated most of the containerships in the program. Four companies provided only RO/ROs, and there were also companies that provided only tankers, or only heavy lift breakbulks. Of the 59 ships in the MSP fleet on October 1, 2008 (there was one open slot at that time). Maersk and APL operated almost half the vessels. In addition, Farrell Lines, Inc., a Maersk subsidiary, provided five other vessels. Waterman Steamship Corporation operates two geared containerships in the MSP, which they charter from Maersk. Companies entering into MSP operating agreements must be owned and controlled by U.S. citizens. This is documented in one of two manners: 1. “Section 2 Citizen” as defined under the Shipping Act of 1916, or 2. “Documentation Citizen,” which is a company located in the United States and operated by U.S. citizens, with a “foreign parent.” Documentation Citizens are U.S. subsidiaries of foreign companies. 14

# AT: No Ships meet requirements

**Many ships meet the MSP criteria**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The Maritime Administration uses a performance measurement process to assure that the potential for sealift represented by the 60 MSP slots is actually achieved. Under the Office of Management and Budget (OMB) Program Assessment and Rating Tool (PART) process, the Maritime Administration has established ongoing output performance measures for the MSP program. The established goal is to provide at least 110,000 TEUs of capacity and 1.8 million square feet of capacity on MSP fleet. The Maritime Administration has met these goals each year since 2006, and currently provides 115,296 TEUs and 2.7 million square feet. The MSP accounts for 77 percent of VISA’s capacity. The Maritime Administration has successfully kept MSP slots filled as a result of swaps for replaced vessels and the 2008 advertisement for an open slot. There can be **little doubt** that there is an ongoing capacity of commercially viable and militarily useful vessels that has been made available to the DOD to support sealift.

# AT: Visa Fleet Solves

**MSP is key to sustain the VISA fleet – its 3/4th the structure of the VISA fleet**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

The October 1, 2008 composition of the VISA fleet is indicated in Table 2. At that time, the VISA fleet consisted of 130 vessels. These included 57 dry cargo vessels enrolled in MSP (note that the three MSP tankers shown in Table 1 are not part of VISA) and 44 other vessels engaged in oceangoing commercial transport. Finally, there were 27 VISA vessels that were involved only in domestic trade, covered under the Jones Act. The MSP fleet accounted for 42 percent of the containerships, 90 percent of the geared containerships, and 65 percent of the RO/ROs included in the VISA fleet. Vessels capable of carrying both containers and wheeled or tracked equipment, most of the heavy lift vessels, and all of the breakbulk vessels were provided only by the International and Jones Act fleets. MSP provided about three-fourths of the overall capacity of the VISA fleet.

# AT: DOD replaces MSP

**DOD can’t fill in without incurring additional costs – commercial ships are key**

**Econometrica, 09** (“Maritime Security Program Impact Evaluation”, July, Report submitted to the U.S. Department of Transportation’s Maritime Administration, <http://www.marad.dot.gov/documents/MSP_Revised_Final_Report_Transmitted_07-24-09.pdf> SW)

It is generally acknowledged that a strong U.S. maritime sector is needed in order for the U.S. to be able to carry out its long term strategic security interests. Carriers participating in MSP and VISA understand that their ships may be put in harm’s way in support of a particular mission. U.S. mariners also understand that they are expected to be willing to operate vessels in war zones as needed. DOD has relied on charters of foreign vessels to transport military cargo, with generally good results, but there are documented instances where cargoes were delayed or delivered with unusual difficulty, during both the Persian Gulf War 42 and OEF/OIF 43 . There is a consensus view that, **for security reasons, a U.S. commercial maritime capacity is needed to support military sealift**. Absent this capacity, the United States would need to commit significant resources to developing a parallel military capacity. The Military Sealift Command within USTRANSCOM would need to develop other means of meeting DOD’s mobility requirements. This would likely involve some combination of acquiring (building or purchasing) ships, chartering U.S.-owned, foreign flag ships, and shipping materials on liner service procured on the international shipping market. **Building ships is an expensive proposition**—the cost of a newly built RO/RO suitable for use in the Ready Reserve Force has been estimated at $300 million, and the cost of a 4,300 TEU containership has been estimated at $220 million. Taking into account the square footage of RO/ROs available in the MSP fleet in 2006, Reeve and Associates estimated that the capital cost of replicating this capacity would be about $6 billion. If DOD needed to replicate both the RO/RO and containership capacity of the MSP fleet, as of 2006, the capital cost alone would be $13 billion (or $865 million annually, financed over 30 years). 44 As already noted, the MSP provides access to intermodal capacity as well as ships. Due to cost and diversity of the intermodal infrastructure **it is not practical for DOD to replicate the needed capacity**. The existing intermodal infrastructure supports an ongoing commercial purpose, not intermittent military needs. Even so, USTRANSCOM has estimated that it would cost the U.S. government $52 billion to replicate the intermodal system that has been developed, maintained, and continuously upgraded by MSP participants. 45

# \*\*\*Neg - EA

# 1NC

**The United States Federal Government should do [the plan] if, and only if, it is subject to a binding environmental life cycle assessment. The results of the life cycle assessment should be incorporated and implemented**.

**LCA key to efficient transportation infrastructure policy – current process doesn’t solve**

**Schenck 2009**- Institute for Environmental Research and Education American Center for Life Cycle Assessment (Rita, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

Over the last forty years, NEPA has required US government agencies to evaluate the life cycle impacts of government actions. Everything from facility construction to the development of policy instruments is subject to NEPA. Unfortunately, the NEPA compliance infrastructure that has been developed over that time is unwieldy, expensive, and time-consuming and does not cover life cycle issues with any rigor. Of particular concern is the need to evaluate cumulative impact, which the Environmental Impact Statement (EIS) does not accommodate well. The calculation engine of life cycle assessment is specifically designed to address cumulative effects: it adds up environmental impacts over the life cycle of a system and across geography and time. As a result, life cycle experts are increasingly looking at global consequences of policy decisions. While LCA is not well suited to address the site-specific NEPA issues such as the management of archeological sites, using LCA in the NEPA process in lieu of many of the EIS environmental analyses would decrease costs, increase the speed and comparability of studies, and address the issue of cumulative effects. It would bring in the best available science to measure the outcomes of government decisions. Finally, LCA is designed to measure environmental performance in relation to the social benefits provided by a system. In this respect it is very different from the NEPA process, which only evaluates the system impacts, not the system benefits. This makes it very difficult to decide among options, and strongly supports the do-nothing option. For example, if one is evaluating a transportation infrastructure, it is important to compare the environmental impacts to the function the system provides, i.e., rapid transportation of people and goods rather than simply building miles of roads and rails. A NEPA process currently focuses on the physical infrastructure impacts without asking how well the infrastructure delivers the transportation service. An LCA study would measure the impacts per unit rapid transportation delivered, and the public could see the services they get for the impacts they absorb. Currently there is a call for NEPA analysis of the stimulus package. Clearly, time is of the essence for the stimulus package, and standard NEPA practice cannot be done in a timely manner. NEPA assurances could be provided quickly by performing LCAs on key program options. This would be especially easy to do for energy and transportation programs, since many LCAs have been performed in these industries and LCA impacts are well understood. These are the very industries that are driving much of the stimulus package expenditures.

**Good domestic environmental assessments spillover – that solves resource wars, the economy, and environmental destruction**

**Purvis, 03** Nonresident Senior Fellow in Foreign Policy at the Brookings Institute (Nigel, “Greening U.S. Foreign Aid through the Millennium Challenge Account” Brookings Institute, June, <http://www.brookings.edu/research/papers/2003/06/energy-purvis> SW)

Third, the global environment affects the U.S. economy. Dealing with largely preventable threats posed by foreign invasive species, such as the super-weed kudzu, costs the U.S. economy several hundred million dollars a year. Dealing with pollution along the U.S.-Mexico border is also costly. In contrast, encouraging other countries to fight environmental ills helps promote U.S. exports as American firms produce some of the most advanced environmentally friendly technology products. Fourth, **avoiding international environmental tensions**, such as **regional conflicts over scarce water** in the Middle East and Africa, can contribute to regional stability and enhance our security interests. Finally, nature also has an important independent value for most Americans, who value it the way they value freedom—for its own sake. Human welfare and happiness depend on many nonmonetary intangibles, including a clean environment. Sustainable Development The strong U.S. interest in global environmental protection has meant that U.S. and international development efforts have been organized for more than a decade around the principle of 'sustainable development,' not merely economic growth. While the concept can be difficult to apply in practice and has stirred partisan debate at home, it means roughly meeting the needs of the present generations without compromising the needs of future generations. Because progress against poverty must be sustainable, economic development must be environmentally sustainable. To avoid long-term or **irreversible environmental damage**, economic growth and environmental protection must be pursued simultaneously. This concept has been enshrined in international thinking on development since the 1992 Earth Summit in Rio de Janeiro. The recent United Nations Millennium Development Goals, an ambitious set of anti-poverty objectives, highlight the centrality of sustainable development and include an extensive set of environmental benchmarks. Despite the fact that President Bush's MCA announcement came on the eve of a major international gathering in Monterrey, Mexico, dedicated to advancing those goals, the administration?s proposal neither acknowledges sustainable development nor the importance of environmental progress. The international consensus around the goal of sustainable development means that developing countries would welcome environmental aid. They lag behind industrialized nations in the adoption of modern energy technologies and are eager to close the gap. Many poor nations have created national parks but lack the capacity to keep away illegal squatters, miners, farmers, poachers, and loggers. Encouraging more action on issues affecting poverty and the environment was the central theme of the World Summit on Sustainable Development last year in Johannesburg, South Africa. The signal from the international community could not be clearer: sustainable development, including its environmental dimension, is the global priority. The international emphasis placed on environmental protection is primarily **a result of** **U.S. leadership**. The longstanding, bipartisan foreign policy of the United States maintains that economic growth and environmental protection must proceed in tandem. Not only does the United States pursue international environmental protection directly through treaties, trade negotiations, and foreign assistance, but it ensures that its commercial objectives do not produce unintended ecological consequences. Moreover, U.S. policymakers have demonstrated, **through domestic policies,** that sustained progress on the environment actually contributes to prosperity. For example, air and water have become substantially cleaner over the past two decades, even as the United States has led the developed world in economic growth. Reorienting the MCA Soon Congress will take up the president's MCA proposal with a view to enacting initial authorizing legislation that will define the purpose, scope, and modalities of this new U.S. approach to development. Lawmakers and the administration should use this opportunity to ensure that the MCA builds on U.S. and international sustainable development efforts. In practical terms, this will require the following changes to the administration's initial MCA proposal: Environmental Mandate The central objective of the MCA should be promoting sustainable development rather than economic growth alone. Not only would this bring the MCA in line with widely accepted development policy, but it also would make the MCA consistent with the goals of existing U.S. foreign affairs and development agencies. The State Department, the U.S. Agency for International Development (USAID), the Overseas Private Investment Corporation (OPIC), and the Export-Import Bank of the United States, for example, have explicit environmental and sustainable development statutory mandates. To help build a culture that values environmental protection, the MCA?s implementing agency should have a statutorily established environmental advisory committee for its first two years of operation. The advisory committee would help the agency establish responsible environmental policies and procedures. Environmental Safeguards The MCA's implementing agency should be required to adopt an extensive set of procedural safeguards to ensure MCA-funded projects are environmentally sensible. It should screen projects for environmental risks and disqualify categorically certain types of environmentally damaging or socially disruptive projects, such as large-scale dams that would forcibly displace thousands of people. The new agency should conduct technical assessments of the likely environmental effects of grant proposals. The MCA program would benefit if the agency monitored its overall environmental track record and prepared annual reports on the long-term environmental consequences of its grants. While the MCA should encourage developing countries to help prepare this analysis and follow similar procedures, the MCA should be responsible for the completeness and accuracy of environmental assessments. Environmental safeguards are a well-established part of U.S. development policy. Since 1979, Executive Order 12114 has required U.S. agencies to assess the environmental effects abroad of "major federal action." Because of the executive order's limited scope, Congress has in recent years required that existing U.S. development agencies follow additional strict environmental assessment and reporting procedures. Almost all U.S. international agencies (including USAID, the EX-IM bank, and OPIC) must screen projects for environmental sensitivity, conduct rigorous assessments of possible environmental consequences, and monitor environmental results. Executive Orders also extend similar requirements to some other U.S. commercial agencies, such as the U.S. Trade Representative. These assessments are performed by the U.S. agencies themselves based in part on information submitted by recipient nations, and they include opportunities for public comment. Importantly, both the environmental and business communities support these procedures. While some environmental organizations believe U.S. environmental assessments should be strengthened, they appreciate that these procedures make government decisions more transparent and participatory. The business community has found that government-sponsored environmental reviews can be commercially timely and add legitimacy to approved projects, which helps win public acceptance. Like existing environmental review processes in OPIC and elsewhere, great attention should be paid to making the MCA?s environmental screening and assessment procedures as simple and streamlined as possible. Given the success of past efforts, this would not be overly difficult. **Failing to** require the MCA's implementing agency to **adopt a rigorous environmental assessment policy** not only would depart from general U.S. practice but **it would also undermine longstanding, bipartisan efforts by the United States to convince other countries and multilateral institutions to conduct their own environmental assessments**. The United States has led global efforts to strengthen the World Bank Group's already extensive environmental assessment procedures. It has also for years urged industrialized countries to require their export credit agencies to adopt environmental criteria similar to those already used by OPIC and the EX-IM bank. As early as 1992, for example, the United States successfully negotiated a common donor statement of the importance of assessing the environmental impact of foreign assistance programs. Allowing U.S. foreign aid to be blind to the environment now would undercut the progress we have made internationally to coordinate donor efforts and ensure a level international playing field for U.S. companies.

# LCA Solvency Advocate

**Solvency advocate – Life cycle assessments key**

**Schofer et al 2011** – M.ASCE Northwestern (Joseph L., May 13th, “Research Agenda for Transportation Infrastructure

Preservation and Renewal: Conference Report” <http://transportation.mst.edu/media/research/transportation/documents/J5_2010_Myers.pdf>)

Innovative and environmentally responsible materials and methods for preservation, restoration, and reconstruction of transportation infrastructure. Examples of priority research include: • Assess long-term performance of traditional, recycled, and advanced infrastructure materials. • Determine technical and economic feasibility of using biorenewable resources as alternatives to petroleum-based materials. • Evaluate feasibility of improving the current cement manufacturing process to minimize energy usage. • Develop standards and life-cycle cost estimates for application of recycled materials. • Investigate self-healing cementitious and steel materials. • Promote practical applications of embedded sensors such as ﬁber optics, nanopowders, and piezo-composites for building intelligence into materials. • Develop innovative materials to generate energy from and for infrastructure system operation, including heat to prevent bridge deck freezing.

**yes life cycle analysis**

**Horvath 2009** – Ph.D. Associate Professor University of California, Berkeley Department of Civil and Environmental Engineering ( Arapd, “Environmental Life-cycle Assessment of Infrastructure Systems” <http://www.nae.edu/File.aspx?id=15631>)

ENVIRONMENTAL MODELING OF INFRASTRUCTURE In one word: difficult. Many decision-makers have heard about environmental life-cycle assessment (LCA) by now. It is an approach that has the potential to be very useful for infrastructure assessment. By design, it has to quantify all the resource inputs and environmental outputs of a product, process or service not just at the point of manufacturing or generation, but through the entire underlying supply chain. Unfortunately, few of us practice LCA. Rarely has it been applied yet that we know of. LCA was conceptualized to change practices throughout the entire economy, to protect human and ecological health, to preseve resources, and to allow for sustainable development without regretful decisions. We need to start applying LCA to infrastructure decisions. Not only should the billions of dollars be invested more effictively into infrastructure, they should be invested to enhance environmental quality. While this makes sense and there is general consensus among all societal stakeholders that this should be done, essential questions remain to be answered by LCA and other forms of environmentally informed decision making. Here are some significant questions that we do not have definitive answers for: 2 Should roadways be built to follow natural topography or utilize cuts, fills and tunnels? Does centralized or decentralized waste water treatment have a lower energy need? Is high-speed rail more environmentally efficient than flying or driving? Should we build concrete or steel bridge designs? What are the life-cycle environmental emissions of the U.S. telecommunications system? Should we build water reservoirs on a hill or on flatland? Is solar electricity more environmentally friendly than wind electricity? These are just some of the infrastructure decisions we ponder every day. The environmental implications of answering the above questions correctly are profound. Yet for many of these types of questions we do not even know the sign of the results, e.g., that one alternative is more environmentally friendly than another, let alone have robust answers about the absolute numbers, or differences between choices. We are many years away from knowing the answers with certainty.

# EA solvency Advocate

**Solvency advocate- EIS key in major transportation projects**

**Bureau of Design and Environment Manual** **2010** (September, *Environmental Impact Statements*, Chapter 25, <http://dot.state.il.us/desenv/BDE%20Manual/BDE/pdf/Chapter%2025%20Environmental%20Impact%20Statements.pdf>)

Tiering of EISs should be used when it will improve or simplify the environmental processing of proposed IDOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g., major urban transportation investments). The first tier EIS would focus on broad issues such as mode choice, general location, area wide air quality, and land use implications of the transportation improvement alternatives being considered. System planning activities should encompass environmental studies, and the first tier EIS(s) should use information from these system planning studies and appropriate corridor planning and other planning studies. A subsequent site-specific environmental document may be required when it is necessary to focus on more detailed project impacts and mitigation measures (e.g., addressing details of route location, highway interchange configurations, etc.). If tiered EISs are used, the subsequent document(s) shall state where the preceding document is available.

# EA Solvency Advocate for multiple affs

**Heavy rail, light rail, commuter rail, and transit systems should require EIS**

**Federal Transit Administration 6** (agency within the Department of Transportation, May, “Transit Noise and Impact Assessment”, http://www.fta.dot.gov/documents/FTA\_Noise\_and\_Vibration\_Manual.pdf)

Environmental Impact Statements. Large fixed-guideway projects, such as heavy rail, light rail, commuter rail and automated guideway transit systems, normally require environmental impact statements, including an in-depth noise and vibration assessment. While there may be exceptions to the EIS requirement, in the great majority of cases new rail starts or extensions to existing systems involve significant environmental effects in the context of the National Environmental Policy Act (NEPA). Because they are located in dense urban areas, noise and vibration impacts are a frequent concern; thus it is likely that for the major infrastructure projects requiring an EIS, the most detailed treatment of noise and/or vibration impacts will also be required. There are other projects as well which may require a detailed analysis of noise and vibration impacts even if an EIS is not required to comply with NEPA. These could be bus/high-occupancy-vehicle (HOV) lanes built on existing highways or construction of certain bus or rail terminals and storage and maintenance facilities. If the project is proposed to be located in or very close to a sensitive area or site, it is prudent to use the most detailed procedures contained in the manual to predict noise and/or vibration levels since this will provide the most reliable basis for considering measures to mitigate excessive noise/vibration at a specific site.

# No Planning Now

**Current transportation planning methods are ineffective**

**Dewar and Wachs 2006** – Dewar is Professor of Long-Term Policy Analysis at the Pardee RAND Graduate School and Wachs is senior principal researcher at RAND and a professor at the Pardee RAND Graduate School (James A. Dewar and Martin Wachs, December 13th, “Transportation Planning, Climate Change, and Decisionmaking Under Uncertainty” <http://onlinepubs.trb.org/onlinepubs/sr/sr290DewarWachs.pdf>)

Travel demand forecasting as widely practiced today deals inadequately with uncertainty. Methods currently used to forecast travel at the regional level simplify the world for which they forecast by relying heavily on point estimates. Forecasts are developed through the application of sequences of independent models in which the outputs from one become inputs to others. The current transportation modeling process is demanding in the sense that it employs a great deal of data to a large number of interconnected models having many parameters. The complexity of the modeling process, however, does not extend to the accurate representation of complex economic and social phenomena, and point estimates of many quantities are used that make it difficult to analyze or even to represent the uncertainty that characterizes transportation systems and traveler decisionmaking. After summarizing the major characteristics of travel forecasting procedures and their limited treatment of uncertainty, this paper presents several methods by which forecasting has been done outside the field of transportation that include explicit consideration of uncertainty. Influence trees and influence diagrams, real options, adaptive management, and the use of scenarios in planning and policy making are described and their application to policymaking under uncertainty is explored. Methods that aim to achieve robustness and resiliency rather than to optimize system performance are also described. Such methods would help us try to create transportation systems that perform acceptably under a range of potential future conditions rather than to find a single system design that best meets a set of precisely specified set of evaluation criteria. Case studies are presented that illustrate the application of methods which incorporate decisionmaking under uncertainty. The applications of these methods that are summarized in this paper deal with cases outside of transportation, including military planning and planning for higher education systems. The cases are indicative of ways in which such methods might be applied in transportation and comments are offered regarding opportunities and difficulties that might be involved if such methods were extended to applications in the field of transportation.

**Climate change means current planning will inevitably fail**

**Dewar and Wachs 2006** – Dewar is Professor of Long-Term Policy Analysis at the Pardee RAND Graduate School and Wachs is senior principal researcher at RAND and a professor at the Pardee RAND Graduate School (James A. Dewar and Martin Wachs, December 13th, “Transportation Planning, Climate Change, and Decisionmaking Under Uncertainty” <http://onlinepubs.trb.org/onlinepubs/sr/sr290DewarWachs.pdf>)

Climate change 1. INTRODUCTION Among the concerns facing the U.S. transportation sector, the potential effects of climate change is a relatively new and increasing one. As scientists struggle to understand the potential impact of increasing levels of carbon dioxide and other greenhouse gases in the atmosphere, it is becoming increasingly clear that those potential impacts could have significant consequences for the transportation sector. There are great uncertainties surrounding the eventual effects of climate change and the nature of those uncertainties differ in some important ways from the kinds of uncertainty presented by other transportation sector concerns. Although the uncertainties posed by climate change are somewhat new to the transportation sector, other organizations have faced similar uncertainties and there are planning techniques that have proved useful in those conditions. This paper explores the unique uncertainties posed by climate change and means that might be incorporated into transportation planning that would enable the transportation sector to better prepare for the challenges of climate change. To understand better how the transportation sector might address the threat of climate change, however, it is important to understand how the sector addresses the uncertainties that it confronts today. The issues associated with climate change only compound and enlarge a problem that transportation officials always face. Transportation planners must plan for the compounding influences of uncertainty and system complexity, yet those with the responsibility to do so always have insufficient knowledge and information with which to do so. The most common approach historically has been to use apparently complex yet relatively simple data sets and concepts to predict average, aggregate traffic flows and then to provide capacity to meet that demand, and to ignore possible wild card fluctuations in conditions. Consideration of climate change and its implications may suggest that paradigm is no longer adequate, and perhaps discussions of new approaches to decisionmaking under uncertainty can contribute to rethinking in general the current modes of analysis and models of decision making.

**Current models fail**

**Dewar and Wachs 2006** – Dewar is Professor of Long-Term Policy Analysis at the Pardee RAND Graduate School and Wachs is senior principal researcher at RAND and a professor at the Pardee RAND Graduate School (James A. Dewar and Martin Wachs, December 13th, “Transportation Planning, Climate Change, and Decisionmaking Under Uncertainty” <http://onlinepubs.trb.org/onlinepubs/sr/sr290DewarWachs.pdf>)

A related source of uncertainty very important to transportation planning is the compounding effect of the oversimplification that is broadly accepted in transportation planning and policy making as the result of the use of the institutionalized modeling approaches that were outlined above. That is, in addition to the genuine uncertainty that arises from an inability to know the future, additional uncertainties can be introduced into models because of technical limitations. Data used in travel demand forecasting are based on sampling, and sample values always differ from true population values of variables. In addition to sampling errors there are possibilities that errors are made when data are aggregated, when they are entered into data bases, and so forth. The models themselves suffer from misspecification. Even if they were perfectly specified, their unknown parameters are estimated with sample data and hence are not known with certainty. When models are used for purposes of prediction, additional errors are necessarily introduced because the values of input variables in the future are always estimates and thus subject to error. The parameters of the models themselves, even if initially estimated perfectly, may not remain stable over time. Errors are not avoidable nor do they prevent effective applications of modeling to forecasting and policymaking. It is necessary and appropriate, however, to develop sampling and modeling strategies that are informed by patterns with which errors occur and especially by understanding the ways in which errors are propagated through sequences of models.

# LCA Key

**Only LCA ensures a holistic assessment – empirics**

**Chester and Horvath 2010** – Mikhail Chester is an Assistant Professor at Arizona State University in the School of Sustainable Engineering and the Built Environment and Arpad Horvath is a Professor in the Engineering and Project Management Program and in the Energy, Civil Infrastructure and Climate Program (Fall, “Life-Cycle Environmental Assessment of California High Speed Rail” <http://www.uctc.net/access/37/access37_assessing_hsr.pdf>)

A life-cycle analysis also allows us to see the environmental impacts of a given transportation mode far beyond where the travel occurs. For example, manufacturing a car or propelling a train requires electricity, and the fossil fuels burned to generate that electricity produce sulfur dioxide emissions that can harm human health outside the regions where people drive the cars or ride the trains. Similarly, particulate matter emitted from a hot-mix asphalt plant harms people near the plant, rather than where travel occurs. When we evaluated the life-cycle externalities associated with the healthcare costs of treating exposure to emissions from urban travel, we found that the external costs of travel were as high as 11¢ per passenger-mile for automobile trips and 19¢ per passenger-mile for public transit trips. While these worst-case costs occur only when the highest environmental impact and lowest ridership are assumed, the assessment suggests the importance of encouraging passengers to shift to cleaner and higher-ridership modes.

**Only LCA addresses the central issues of transportation policy**

**Yusoff and Hansen 2005** – Sumiani Yusoff is part of Department of Civiil and Environmental Engineering, Sune Hansen is part of Center for Transportation Research (“THE LIFE CYCLE APPROACH FOR STRATEGIC TRANSPORTATION PLANNING, *Proceedings of the Eastern Asia Society for Transportation Studies*, Vol. 5, pp. 2294 - 2307, 2005)

One of the most pressing issues in transportation system design is long term planning. In order to be able to make long term decisions and optimize the management strategy, holistic tools must be introduced into the assessment and improvement of the system. Life cycle tools provide such features. Life Cycle Approach (LCA) takes into account environmental, technical, and cost considerations in a planning and decision-making process. The basic approach is to create an inventory of the current system and identify improvement opportunities in target areas of the planning system, and then explore the environmental, technical, and cost implications of the resulting changes. The objective is to provide a holistic approach for improvement in concern to environmental and socioeconomic performance and to integrate the improvements fully into the system making sure that no areas of the transportation are isolated in the planning process.

**A life-cycle analysis is key to evaluating indirect effects**

**Chester and Horvath, 09** Department of Civil and Environmental Engineering, University of California (Mikhail V and Arpad, “Environmental assessment of passenger transportation should include infrastructure and supply chains”, 6/8, ENVIRONMENTAL RESEARCH LETTERS 4, IOP Science, <http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf> SW)

LCA = Life cycle assesment

A hybrid LCA model was employed for this analysis [19]. The use of this LCA approach is discussed in the SI and detailed extensively in [20]. The life-cycle phases included are shown in table 1. The components are evaluated from the materials extraction through the use phase including supply chains. For example, the manufacturing of an automobile includes the energy and emissions from extraction of raw materials such as iron ore for steel through the assembly of that steel in the vehicle. End-of-life phases are not included due to the complexities of evaluating waste management options and material reuse. Indirect impacts are included, i.e., the energy and emissions resulting from the support infrastructure of a process or product, such as electricity generation for automobile manufacturing.

# LCA Key to Transportation

**LCA key to efficient transportation infrastructure policy – current process doesn’t solve**

**Schenck 2009**- Institute for Environmental Research and Education American Center for Life Cycle Assessment (Rita, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

Over the last forty years, NEPA has required US government agencies to evaluate the life cycle impacts of government actions. Everything from facility construction to the development of policy instruments is subject to NEPA. Unfortunately, the NEPA compliance infrastructure that has been developed over that time is unwieldy, expensive, and time-consuming and does not cover life cycle issues with any rigor. Of particular concern is the need to evaluate cumulative impact, which the Environmental Impact Statement (EIS) does not accommodate well. The calculation engine of life cycle assessment is specifically designed to address cumulative effects: it adds up environmental impacts over the life cycle of a system and across geography and time. As a result, life cycle experts are increasingly looking at global consequences of policy decisions. While LCA is not well suited to address the site-specific NEPA issues such as the management of archeological sites, using LCA in the NEPA process in lieu of many of the EIS environmental analyses would decrease costs, increase the speed and comparability of studies, and address the issue of cumulative effects. It would bring in the best available science to measure the outcomes of government decisions. Finally, LCA is designed to measure environmental performance in relation to the social benefits provided by a system. In this respect it is very different from the NEPA process, which only evaluates the system impacts, not the system benefits. This makes it very difficult to decide among options, and strongly supports the do-nothing option. For example, if one is evaluating a transportation infrastructure, it is important to compare the environmental impacts to the function the system provides, i.e., rapid transportation of people and goods rather than simply building miles of roads and rails. A NEPA process currently focuses on the physical infrastructure impacts without asking how well the infrastructure delivers the transportation service. An LCA study would measure the impacts per unit rapid transportation delivered, and the public could see the services they get for the impacts they absorb. Currently there is a call for NEPA analysis of the stimulus package. Clearly, time is of the essence for the stimulus package, and standard NEPA practice cannot be done in a timely manner. NEPA assurances could be provided quickly by performing LCAs on key program options. This would be especially easy to do for energy and transportation programs, since many LCAs have been performed in these industries and LCA impacts are well understood. These are the very industries that are driving much of the stimulus package expenditures.

**Only LCA solves**

**Schenck 2009**- Institute for Environmental Research and Education American Center for Life Cycle Assessment (Rita, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

But carbon credits are only the beginning of the kinds of externality markets that can be developed using LCA as the calculation engine. LCA typically calculates the full suite of pollution effects, including smog production (with its huge human health impacts and associated medical costs) and eutrophication (which causes fish kills and other problems in water bodies, thus affecting fisheries). It also can calculate biodiversity loss and water consumption over the life cycle. It is in the public interest that all environmental impacts be minimized through market mechanisms, and LCA is the only technique that is specifically designed as a comprehensive science-based method for measuring environmental performance of systems. It does so in such a way that the environmental impacts are standardized and fungible. This facilitates the creation of markets similar to those that currently exist. An externality market infrastructure backed by LCA measures holds out the potential to support sustainability quickly and comprehensively. It would help identify the unintended consequences of projects early on, identifying project scenarios that had lower negative externalities. This would provide more social benefits at lower environmental and economic costs.

**LCA key in transportation infrastructure**

**Park et al 2011** – Ph.D Associate Professor Civil and Environmental Engineering (Bryan, May, “quantifying benefits of cooperative adaptive cruise Control toward sustainable transportation system” <http://cts.virginia.edu/docs/UVACTS-14-5-161.pdf>)

2.4 Life Cycle Assessment in Transportation Life Cycle Assessment (LCA) is an emerging tool used to determine the greater environmental impacts of a product or process. As concerns for the environmental impacts of many products and services are becoming a greater priority to society, LCA is making its way into new fields. Life cycle assessment is a tool commonly associated with the field of industrial ecology; however, researchers are finding that LCA can be applied to any field, transportation included. One common application of LCA in transportation is the comparison of vehicles with different fuel types (33). Other areas of the transportation field that have begun to consider LCA applications include transportation planning, pavement and materials science, and construction or work zone management. These examples will be discussed briefly to show various applications of LCA. Although initial LCA applications dealt primarily with vehicles, LCAs in transportation can also extend to the infrastructure. Norman et al. (34) used LCA to study the impacts of high and low density housing communities on planning. Two communities in Toronto, Canada, one high density and that other low density were studied to determine how greenhouse gas emissions and energy use between the two communities (34). Three facets of the communities were examined; however, only ‘construction materials’ and ‘transportation’ relate to the topics discussed in this report. The construction materials required to all segments of the infrastructure (buildings and roadways) were listed, quantified and analyzed using EIOLCA. The transportation analysis dealt specifically with the use stage of transportation. Use or operations refers only to driving the vehicle. Vehicle manufacture or maintenance was not considered. This study only evaluated the emissions created by vehicles during their use phase. This resulted in a comparison of the impacts of personal vehicles in low density communities to the impacts of public transit service in high density communities. Other examples of using LCA to evaluate vehicles and infrastructure for emissions and energy use are in work zone management. Huang et al. examined how shutting down sections of freeway during pavement construction impacts traffic (35). A process LCA was implemented to examine the impact of pavement construction through all lifecycle stages, and a microscopic simulation was used to evaluate the impacts of traffic congestion that is caused by construction. It was found that the traffic congestion and backups caused by the construction were far more detrimental to the environment in terms of CO2 emissions than the construction. Burning fossil fuels is a tremendous source of CO2 emissions. Finally, a study conducted by Zhou in 2010 investigated sustainable traffic management strategies including high occupancy vehicle lanes and public transit availability against sustainable construction based on the Greenroads credit system to see where the greatest benefits could be found (36). The Greenroads credit system is a method for rating roadway construction for sustainability through a credit system (37). Traffic management was examined using a microscopic traffic simulator and construction was evaluated using EIOLCA. Once again, actual traffic operations caused far greater emissions than the construction. The author suggests that understanding the source of carbon emissions across various areas of transportation will help better prioritize projects and help decision makers when the opportunity to pursue such projects arises. Analyzing vehicles and infrastructure together has been a more recent practice, and a very useful one. Vehicle emissions can be greatly improved by infrastructure that improves mobility and supports vehicle movements. There is no clear methodology for analyzing vehicles and infrastructure together. In summary, this research intends to expand upon the current simulation evaluations of cooperative adaptive cruise control by analyzing a corridor of intersections for mobility and environmental benefits of using CACC technology, the results of which will be used as part of a comparative life cycle assessment of cooperatively equipped vehicles and infrastructure against traditional vehicles and actuated signalized intersection.

# LCA Key to leadership

**LCA key to US environmental leadership – its key to success at the fundamental level**

**Schenk 2009** (Riat, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” Institute for Environmental Research and Education, <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

The National Environmental Policy Act (NEPA)

The US has been a leader in markets for environmental impacts through its cap-and-trade programs for oxides of sulfur and nitrogen. There is a clear trend towards cap-and-trade solutions for climate change: these programs will be highly dependent on LCA analyses as the way to assure that all carbon emissions are addressed, not merely moved from one location to another. Existing carbon footprinting standards such as PAS 2050 6 can assist in this matter by providing a basis for measuring carbon credits. But carbon credits are only the beginning of the kinds of externality markets that can be developed using LCA as the calculation engine. LCA typically calculates the full suite of pollution effects, including smog production (with its huge human health impacts and associated medical costs) and eutrophication (which causes fish kills and other problems in water bodies, thus affecting fisheries). It also can calculate biodiversity loss and water consumption over the life cycle. It is in the public interest that all environmental impacts be minimized through market mechanisms, and LCA is the only technique that is specifically designed as a comprehensive science-based method for measuring environmental performance of systems. It does so in such a way that the environmental impacts are standardized and fungible. This facilitates the creation of markets similar to those that currently exist. An externality market infrastructure backed by LCA measures holds out the potential to support sustainability quickly and comprehensively. It would help identify the unintended consequences of projects early on, identifying project scenarios that had lower negative externalities. This would provide more social benefits at lower environmental and economic costs.

# LCA Key to env policy

**LCA is key in environmental policy making**

**Schenk 2009** (Riat, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” Institute for Environmental Research and Education, <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

The Business Case for Life Cycle Assessment in US Policy and Legislation Life cycle assessment is the basis of environmental policy making throughout the European Union, and it also is broadly used for policy in Japan, Australia, and increasingly across the globe: for example Costa Rica, South Africa and Thailand all have LCA-based policies. It is also being used as a policy instrument in American jurisdictions 1 and by many US companies. The reason for this trend is clear. Life cycle assessment is a comprehensive, sciencebased way to measure the environmental performance of product and service systems. It measures the environmental outcomes that policy-makers are trying to achieve. Full LCAs cover all relevant environmental issues and carbon footprinting is a part of every LCA. There is a rich literature of LCA studies to support policy decisions. Over the past forty years, life cycle studies have been performed on everything from petroleum to paper to regulations. There is consensus on LCA practice: most published LCAs conform to international standards, the ISO 14040 series standards. LCAs can support environmentally preferable purchasing, and thus they create a strong linkage between environmental performance and market forces. The output of an LCA study is a quantified listing of the environmental impacts produced over the product system’s life cycle, relative to the social benefit or market value provided by the system (the system function). This listing is sometimes called the ecoprofile and it is the basis of environmental product declarations (EPDs or Type III ecolabels, as described in ISO 14025).

# LCA key - HSR

**LCA key in high speed rail – California proves**

**Chester and Horvath 2010** – Mikhail Chester is an Assistant Professor at Arizona State University in the School of Sustainable Engineering and the Built Environment and Arpad Horvath is a Professor in the Engineering and Project Management Program and in the Energy, Civil Infrastructure and Climate Program (Fall, “Life-Cycle Environmental Assessment of California High Speed Rail” <http://www.uctc.net/access/37/access37_assessing_hsr.pdf>)

For California high-speed rail, life-cycle analysis offers a way to identify tradeoffs early in the policy development and planning phases. Our life-cycle analysis of California highspeed rail shows that its total energy use and greenhouse gas emissions per passengerkilometer will be significantly underestimated if analysts consider only operating the trains, and if they over-estimate the ridership. Extensive use of concrete and other materials, transportation of parts and materials in the supply chain, and electricity generation for many interrelated processes will consume much energy and produce much pollution before the trains begin transporting passengers. Accounting for these life-cycle effects and for the large range of potential ridership shows that California high-speed rail can be either better or worse for the environment than air or car travel. It is critical that before deploying high-speed rail, several key factors are comprehensively examined to ensure the system environmentally outperforms existing modes. These factors include the use of more frequent, smaller trains coupled with station placement that incorporates long-term regional planning and existing transit integration to promote high ridership. Electricity for trains and infrastructure should be generated from clean sources. And for infrastructure construction, the environmental impacts of certain materials, like concrete, should be minimized. Furthermore, mode shifting behavior and indirect effects including reduced congestion should be considered. Life-cycle assessment shows that high ridership coupled with planning for system-wide energy and emission reductions are necessary for a high-speed rail network to improve the environment and human health.

# AT: Perm do both

**Prior EIS key to public participation – turns solvency**

**CRS Report for Congress 2005** (Linda Luther, analyst in environmental policy resources, science, and industry division, “The National Environmental Policy Act: Background and Implementation” November 16th, <http://www.fta.dot.gov/documents/Unit1_01CRSReport.pdf>)

As the law has been interpreted, one of the primary goals of NEPA is to give the public a meaningful opportunity to learn about and comment on the proposed actions of the federal government before decisions are made and actions are taken. To meet this goal, CEQ’s regulations require agencies to encourage and facilitate public involvement in decisions that significantly affect the quality of the human environment (i.e., projects that require an EIS). 78 Specifically, agencies are required to provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform public stakeholders that may be interested in or affected by a proposed action. 79 Documentation related to the public’s participation in the NEPA process (e.g., public comments or hearings transcripts) must be included in the final EIS. As mentioned above, the lead agency must seek and respond to public comments. Public stakeholders likely to comment on federal actions will vary according to the action. They may include individuals or groups expected to benefit from or be adversely affected by the project, or special interest groups with concerns about the project’s environmental impacts. For example, a road-widening project may have an impact on adjacent homes or businesses. Such a project may elicit comments from the local business community (e.g., individual businesses, the Chamber of Commerce, or local development organizations) and area home owners. A project with impacts on sensitive environmental resources, such as wetlands or endangered species, may generate comments from environmental interest groups. If stakeholders have concerns about a project’s impacts, their comments may be directed at virtually any element of that project, the NEPA process, or related documentation. If stakeholder comments are not addressed sufficiently, stakeholders may may respond by filing suit. To avoid conflict after a project has reached an advanced stage of development, CEQ recommends that continuous contact with nonagency stakeholders be maintained throughout the decision-making process — from the earliest project planning stages to the selection of a particular alternative, including the intervening stages to define purpose and need and to develop a range of potential alternatives. The need for such contact was illustrated in a 1997 CEQ study. Study results found that one element of the NEPA process critical to effective and efficient implementation was “... the extent to which an agency takes into account the views of the surrounding community and other interested members of the public during its planning and decisionmaking process.” 80 CEQ regulations specify public involvement requirements only for federal actions requiring an EIS. Agencies may devise their own policy regarding public involvement in the preparation of an EA or in making a categorical exclusion determination. (For more information, see CRS Report RL32436, Public Participation in the Management of Forest Service and Bureau of Land Management Lands: Overview and Recent Changes, by Pamela Baldwin.)

**Prior and genuine is key**

**Ivanova and Esty 8** (Daniel C., Professor of Environmental Law and Policy – Yale University and Maria, Assistant Professor of Government and Environmental Policy – College of William and Mary, “Reclaiming U.S. Leadership in Global Environmental Governance”, SAIS Review, 28(2), Summer-Fall)

Third, mere U.S. participation in international environmental efforts will be insufficient. The United States must actively take a leadership role in bringing about a successful response to climate change and other issues. The history of past success in galvanizing the global community into action shows that the United States can and must take the lead. However, any attempt at U.S.-led reform without credible proofofgenuine U.S. leadership based on common values and the common good is likely to be met with distrust and opposition.

**Must be legally implemented as the EIA says**

**Wasserman 11** (Cheryl, Associate Director for Policy Analysis, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, “ENFORCEMENT OF ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS” Ninth International Conference on Environmental Compliance and Enforcement 2011, <http://inece.org/conference/9/proceedings/57_Wasserman.pdf> MGE)

Some EIA programs rely on the submitted documents from the project proponents as the sole basis for legally binding commitments. To facilitate follow up and clarity of commitments being made, countries may require separate mitigation, monitoring and/or environmental management plans. Still other countries have the advantage of drafting their own conditions for approval in the decision document or in a separate permit or contract. 1.9 Implementation of the Project The project should be built and operated as described in the EIA documentation as this is the basis for the impact assessment. Countries may or may not have mechanisms in place to entertain changes to the project and to determine whether a new or revised EIA document may be required. 1.10 Auditing, Monitoring, and Follow up Enforcement The auditing, monitoring and follow up enforcement may be done by of the same unit responsible for EIA, or may be handled by a different unit or not at all. Somehow this responsibility should be clearly assigned and with accountability for results stemming from the EIA process. Some countries distinguish responsibilities by whether it involves the construction phase or operating phase and shift to other forms of environmental permitting when the construction phase is completed. However, EIA commitments run the life of the project through closure and these 510 Ninth International Conference on Environmental Compliance and Enforcement 2011 commitments need to be

carried over into other vehicles and provisions made for the smooth transfer of responsibility.

**Binding conditions key to solvency**

**Chisholm 2** (Gwen, “Transit-Oriented Development and Joint Development in the United States: A Literature Review” RESEARCH RESULTS DIGEST October 2002—Number 52, <http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rrd_52.pdf> MGE) \*\*note TJD = transit joint development

Organizational and Institutional Factors. It is well understood that partnerships that pool resources, share risks, and nurture close working relationships are absolutely essential to the implementation of successful TODs. Moving beyond the rhetoric, however, one finds little in-depth research into the ingredients of successful TOD partnerships: Who typically initiates the process? Are most transit boards leaders, followers, or maybe even disinterested parties? How important are master plans in orchestrating the evolution of TODs? Are certain institutional models more successful than others? What about the involvement of higher levels of government? So far, the relative importance of vertical (federalstate-local) versus horizontal (transit agency-municipality-MPO) linkages in bringing about TODs has yet to be examined. By comparison, the literature on TJD tends to be more coherent and our understanding of factors that bring about successful projects tends to be better formed. This is partly because TJD is usually easier to define—it is project-specific, often based on some form of binding and legally enforceable agreement. A permissive legislative environment, combined with a successful track record at TJD in metropolitan Washington, is prompting more and more large transit agencies to become entrepreneurial. There is an increasing recognition that transit not only serves but can help create markets.

**Even if it’s not binding, perm still links to the impact**

**Black 8** (Brian, Associate Professor of history and environmental studies at Pennsylvania State University at Altoona, Pennsylvania. His research focuses on the landscape and environmental history of North America. He is author of PETROLIA: The Landscape of America's First Oil Boom (Johns Hopkins) and various reference books on environmental history., “National Environmental Policy Act (NEPA), United States” <http://www.eoearth.org/article/National_Environmental_Policy_Act_(NEPA),_United_States> MGE)

Unlike almost any other U.S. environmental policy, since their creation neither NEPA (1970), nor the CEQ NEPA Regulations (1978) have been substantively amended. Over the intervening years, both pro-environment and anti-regulation interests have tried unsuccessfully to make changes to these policies. To keep the process current, the CEQ periodically issues “Guidelines” (non-enforceable recommended practices), on topics such as the Safe Drinking Water Act (Nov. 1976), Biodiversity (Jan. 1993), and Environmental Justice (Dec. 1997). **The lack of updated centralized binding policy does not mean that the impact assessment process is obsolete.** From the outset, NEPA clearly placed the primary implementation of environmental responsibility on the federal agencies (42 U.S.C. Sec. 4333). All agencies involved in NEPA have their individual agency NEPA Regulations and Procedures which are continuously revised to reflect evolving environmental and agency laws and court cases. Major Continuing NEPA Issues

**Key to legal enforcement**

**EPA 11** (July 2011, “EIA Technical Review Guidelines: Tourism Related Projects Volume I Part 2 Example Terms of Reference” <http://www.epa.gov/international/regions/lac/eia-guidelines/tourismvol1parta2.pdf> MGE)

The basic format for the EIA document that should be followed is:  Table of Contents  Acronyms and Abbreviations  Executive Summary  General Information  Project and Alternatives Description  Environmental Setting  Assessment of Impacts  Mitigation and Monitoring Measures  Environmental Management Plan  Commitment Statement  Annexes In general, the EIA must identify and address:  Applicable environmental standards, norms, and requirements set forth at the international, national, regional and/or local levels including those designed to meet the objectives of resource management and/or land use plans that may be in effect in and around the jurisdiction(s) in which the proposed project is located. In the absence of such standards, the EIA should establish a set of benchmarks that can be used in the analysis and selection of an alternative. The Guidelines identify standards in use by various countries and international organizations in Appendix C.  Public/Stakeholder concerns related to impacts in and around the proposed project and alternatives at least for stakeholders within the geographic scope of potential impact. The project proponent should document specific steps taken to engage the public and other stakeholders, and engage these publics as early as possible before undertaking to prepare the EIA. Concerned publics include: local governments, persons living and working in the vicinity of the project, those with interests in resources that may be affected i.e., indigenous peoples, and those concerned about protected areas and prime agricultural lands. A summary of public outreach activities, audience, number of persons, organizations involved, concerns raised, responses to comments and actual copies of written comments received should be included in the Annex.  All relevant plans related to the proposed tourism project, for example, engineering and site preparation plans, operations and decommissioning/closure, environmental management, and mitigation in whatever form these may take.  All phases of the project from feasibility studies to site preparation to operations to closure and also plans to expand capacity at the current or adjacent sites.

**Monitoring means you’ll be caught**

**NOAA 3** (“Principles and guidelines for social impact assessment in the USA” The Interorganizational Committee on Principles and Guidelines for Social Impact Assessment, Impact Assessment and Project Appraisal, volume 21, number 3, September 2003, pages 231–250, Beech Tree Publishing, 10 Watford Close, Guildford, Surrey GU1 2EP, UK, <http://www.nmfs.noaa.gov/sfa/reg_svcs/social%20guid&pri.pdf> MGE)

A monitoring program must be developed that is capable of identifying both deviations from the proposed action and unanticipated social impacts (Magnuson-Stevens Act [compare with §302(g) and §302 (h)]). Furthermore, the monitoring plan should track project/program development and compare real impacts with projected impacts, and should spell out the nature and extent of additional steps to be taken when unanticipated impacts or impacts larger than the projections occur. Monitoring programs are necessary for projects and programs that lack detailed information or have high variability or uncertainty. It is important to recognize, in advance, the potential for ‘surprises’ that may lie completely outside the range of options considered during the assessment process. If monitoring procedures cannot be adequately implemented then mitigation agreements should work to the benefit of all parties involved in a decision-making process and should allow an approved action to move forward. It is generally only at this stage that the community or affected groups have the influence to ‘get it in writing.’ For example, a monitoring program, with subsequent provision for mitigation, was negotiated between the US Department of Energy and the State of Texas to build the Super Conducting Super Collator Laboratory. The process allowed for the payment of approximately US$800,000 to local jurisdictions to monitor the impacts of the construction activity.

**SEA requires political commitment**

**Sadler 96** (Barry, “ENVIRONMENTAL ASSESSMENT IN A CHANGING WORLD: Evaluating Practice to Improve Performance” <http://www.ceaa-acee.gc.ca/Content/2/B/7/2B7834CA-7D9A-410B-A4ED-FF78AB625BDB/iaia8_e.pdf> MGE)

An effective SEA system requires political commitment and organizational support, clear guidance, appropriate methods, monitoring and compliance mechanisms, and a follow-up and feedback capability. A detailed review of current SEA approaches and practices in several countries and international organizations identifies a range of benefits from the application of SEA, including promotion of integrated decision making consistent with the principles of Agenda 21.

**Permits make the decision binding**

**Abaza 4** (Hussein Abaza DTIE-ETB, UNEP Ron Bisset BMT Cordah Limited Barry Sadler UNEP Adviser, “Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach” UNEP, 2004, <http://www.unep.ch/etu/publications/textONUbr.pdf> MGE)

Most attention, however, is given to the ﬁnal decision. With few exceptions, proposed developments that have undergone EIA are subject to formal approval or authorization by the competent authority or other ofﬁcial body. Depending on the EIA system, the approval process may be linked to regulatory authorization, including the issuance of permits and licenses without which a project may not proceed. Typically, the approval process includes deciding whether or not the proposal is acceptable, and if so, setting environmental terms and conditions for project implementation. When making that decision, the approval body takes a variety of factors into account, including the information provided by an EIA.

**EIA is transparent, means lies will gte out**

**Abaza 4** (Hussein Abaza DTIE-ETB, UNEP Ron Bisset BMT Cordah Limited Barry Sadler UNEP Adviser, “Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach” UNEP, 2004, <http://www.unep.ch/etu/publications/textONUbr.pdf> MGE)

The review showed that to date, no country has abandoned EIA, or weakened its EIA procedures. Indeed, any legal amendments that have been made have tended to strengthen these procedures and increase their scope and effectiveness. Thus, EIA has been “tried and tested” at the project level. The main advantages and beneﬁts of EIA are: • improved project design/siting; • more informed decision-making (with improved opportunities for public involvement in decision-making. This aspect is discussed in Chapter 4); Chapter 1 Introduction and Objectives 7• more environmentally sensitive decisions; • increased accountability and transparency during the development process; • improved integration of projects into their environmental and social setting; • reduced environmental damage; • more effective projects in terms of meeting their ﬁnancial and/or socio-economic objectives; and • a positive contribution towards achieving sustainability.

# AT: Lie Perm

**It gets out**

**Wasserman 11** (Cheryl, Associate Director for Policy Analysis, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, “ENFORCEMENT OF ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS” Ninth International Conference on Environmental Compliance and Enforcement 2011, <http://inece.org/conference/9/proceedings/57_Wasserman.pdf> MGE)

EIA programs are not usually out in the field looking to find more projects that should have been submitted EIAs. To identify the outliers it is best to develop “eyes and ears” on the ground and in the field much as the work of police, or local governments and citizens is carried out. To relate construction or site clearance activities to EIA approval status requires readily available information. Panama and Costa Rica require that any site or construction work include clear posting of the required EIA approvals and permitting. Further, new tools described in Section 4 will greatly facilitate detection and access to information on the status of EIA approvals particularly since signage may not be visible for large sites.

**perm will leak**

**Wilson and DiLulio 98** (James Q., Professor of Political Science at UCLA, and John J., Professor of Political Science at Princeton, American Government: Institutions and Policies, p. 291)

American government is the **leakiest in the world**. The bureaucracy, members of Congress, and the White House staff regularly leak stories favorable to their interests. Of late the leaks have become geysers, gushing forth torrents of insider stories. Many people in and out of government find it depressing that our government seems unable to keep anything secret for long. Others think that the public has a right to know even more and that there are still too many secrets. However you view leaks, you should understand why we have so many. The answer is found in the Constitution. Because we have separate institutions that must share power, each branch of government competes with the others to get power. One way to compete is to try to use the press to advance your pet projects and to make the other side look bad. There are far fewer leaks in other democratic nations in party because power is centralized in the hands of a prime minister, who does not need to leak in order to get the upper hand over the legislature, and because the legislature has too little information to be a good source of leaks. In addition, we have no Official Secrets Act of the kind that exists in England; except for a few matters, it is not against the law for the press to receive and print government secrets.

# AT: Perm – Functionally Competitive

**EIA is a process, changes the function of the aff**

**Abaza 4** (Hussein Abaza DTIE-ETB, UNEP Ron Bisset BMT Cordah Limited Barry Sadler UNEP Adviser, “Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach” UNEP, 2004, <http://www.unep.ch/etu/publications/textONUbr.pdf> MGE)

EIA, therefore, is a process rather than a one-time activity. It should extend throughout and be integrated with the project planning and decision-making process, so that EIA inﬂuences many stages over a considerable period of time and is not aimed only at producing a report for the ﬁnal approval stage (see next section for critical decision points). However, the approval stage is still of critical importance. As noted earlier, the EIA report summarizes the results of this process and provides information that relates to project design, condition-setting and, in certain systems, permitting and other types of authorization. In addition, the extent to which EIA-derived information is taken into account and inﬂuences project approval or regulatory decisions determines what happens “on the ground” during project construction and operation. The actions taken at these stages are instrumental to realizing substantive beneﬁts from the use of EIA, particularly protecting the environment and avoiding disruption of local communities affected by a project.

# AT: Perm do the CP

**Substantial means unconditional**

**Words and Phrases ‘64** (40 W&P 759)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean

substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation,

reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive,

and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form;

actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

**Increase must be a legal mandate**

**HEFC 4** (Higher Education Funding Council for England, “Joint Committee on the Draft Charities Bill Written Evidence”, June, http://www.publications.parliament.uk/pa/jt200304/jtselect/jtchar/167/167we98.htm)

9.1 The Draft Bill creates an obligation on the principal regulator to do all that it "reasonably can to meet the compliance objective in relation to the charity".[45] The Draft Bill defines the compliance objective as "to increase compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity".[46] 9.2 Although the word "increase" is used in relation to the functions of a number of statutory bodies,[47] such examples demonstrate that "increase" is used in relation to considerations to be taken into account in the exercise of a function, rather than an objective in itself. 9.3 HEFCE is concerned that an obligation on principal regulators to "increase" compliance per se is unworkable, in so far as it does not adequately define the limits or nature of the statutory duty. Indeed, the obligation could be considered to be ever-increasing.

# AT: they don’t cause regulations

**No link – EIS doesn’t require regulations, the process of the cp is enough to send an international signal**

**CRS Report for Congress 2005** (Linda Luther, analyst in environmental policy resources, science, and industry division, “The National Environmental Policy Act: Background and Implementation” November 16th, <http://www.fta.dot.gov/documents/Unit1_01CRSReport.pdf>)

NEPA is a procedural statute that, along with CEQ and individual agencies’ regulations, specifies procedures that must be followed in the federal decisionmaking process. It imposes no requirement other than to require agencies to consider the environmental impacts of their actions before proceeding with them and to involve the public in that process. It does not dictate what the decision must be. More specifically, it does not require the agency to select the least environmentally harmful alternative or to elevate environmental concerns above others.

# AT: Delay

**No delay – statute of limitations solves**

**Bureau of Design and Environment Manual** **2010** (September, *Environmental Impact Statements*, Chapter 25, <http://dot.state.il.us/desenv/BDE%20Manual/BDE/pdf/Chapter%2025%20Environmental%20Impact%20Statements.pdf>)

23 USC 139 establishes a 180-day statute of limitations on claims against US Department of Transportation and other Federal agencies for certain environmental and other approval actions. The statute of limitations provision is intended to expedite the resolution of issues affecting transportation projects. IDOT prepares a draft statute of limitations notice (see Figure 25-2.M for a sample notice) and submits it to FHWA for publication in the Federal Register. The notice is provided at the same time the draft ROD is submitted to FHWA. BDE may provide the district a sample notice as an electronic document for use on specific projects. The FHWA SAFETEA-LU Environmental Review Process Final Guidance indicates “FHWA anticipates that it will publish notices for most EIS projects… .”

**No delay – streamlining solves**

**CRS Report for Congress 2007** ( January 9th, “The National Environmental Policy Act: Streamlining NEPA” Linda Luther, analyst in Environmental Policy Resources, Science and Industry division, <http://www.nationalaglawcenter.org/assets/crs/RL33267.pdf>)

In recent years, the time needed to comply with various environmental laws has been the subject of public scrutiny and debate in Congress. As a result, numerous administrative and legislative efforts (both proposed and enacted) have intended to expedite or streamline the environmental compliance process. Although methods to do so vary, streamlining measures are often proposed or implemented when the participation of multiple local, state, tribal, or federal agencies is necessary to comply with various environmental requirements. Streamlining measures may be applied to various environmental compliance processes, such as federal permitting or approvals. A major focus of streamlining efforts has been the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. §§ 4321, et seq.), the implementation of which is overseen by the Council on Environmental Quality (CEQ). Among other provisions, NEPA requires federal agencies to analyze environmental impacts and involve the public before proceeding with any major federal action significantly affecting the human environment. Many agencies have implemented administrative and legislative streamlining actions, including the Department of Agriculture (USDA), Department of Transportation (DOT), Department of the Interior (DOI), Army Corps of Engineers, Department of Energy (DOE), and Federal Energy Regulatory Commission (FERC). Streamlining efforts vary from agency to agency but usually involve one or more of the following elements: designating a specific agency as the lead agency responsible for ensuring compliance with applicable requirements, directing the lead agency to develop a coordinated environmental review process, specifying certain lead agency authority (e.g., to establish project deadlines or develop dispute resolution procedures), codifying existing regulations, delegating specific federal authority to states, designating specific activities as being categorically excluded or exempt from certain elements of NEPA, and establishing limits on judicial review.

# AT: Normal Means

**Isn’t practiced**

**Horvath 9** (Arpad, Associate Professor University of California, Berkeley Department of Civil and Environmental Engineering, “Environmental Life-cycle Assessment of Infrastructure Systems” <http://www.nae.edu/File.aspx?id=15631> MGE)

In one word: difficult. Many decision-makers have heard about environmental life-cycle assessment (LCA) by now. It is an approach that has the potential to be very useful for infrastructure assessment. By design, it has to quantify all the resource inputs and environmental outputs of a product, process or service not just at the point of manufacturing or generation, but through the entire underlying supply chain. **Unfortunately, few of us practice LCA. Rarely has it been applied yet that we know of.** LCA was conceptualized to change practices throughout the entire economy, to protect human and ecological health, to preseve resources, and to allow for sustainable development without regretful decisions. We need to start applying LCA to infrastructure decisions. Not only should the billions of dollars be invested more effictively into infrastructure, they should be invested to enhance environmental quality. While this makes sense and there is general consensus among all societal stakeholders that this should be done, essential questions remain to be answered by LCA and other forms of environmentally informed decision making. Here are some significant questions that we do not have definitive answers for: 2 Should roadways be built to follow natural topography or utilize cuts, fills and tunnels? Does centralized or decentralized waste water treatment have a lower energy need? Is high-speed rail more environmentally efficient than flying or driving? Should we build concrete or steel bridge designs? What are the life-cycle environmental emissions of the U.S. telecommunications system? Should we build water reservoirs on a hill or on flatland? Is solar electricity more environmentally friendly than wind electricity?

**Not normal means and solves better than the aff**

**Schenk 2009** (Riat, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” Institute for Environmental Research and Education, <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

Were EPA required to review its regulations on a life cycle basis it could implement regulations based on all environmental outcomes at once rather than on technical processes. This is a new approach that would lead to innovation and increased efficiency as well as overall environmental improvement and lower costs. The government of the Netherlands regulates on this basis, and each facility has only one permit and one annual report to produce, thus substantially decreasing compliance costs. In the US, it is not unusual to have separate permits for each water outfall and stack, with reporting requirements for each. The decreased permitting costs in the Netherlands provide a competitive advantage to companies operating there.

**Life Cycle Assessments not normal means**

**Horvath 09** Associate Professor at the University of California in Civil and Environmental Engineering (Arpad, “Environmental Life-cycle Assessment of Infrastructure Systems”, National Academy of Engineers, <http://www.naefrontiers.org/File.aspx?id=17998> SW)

In one word: difficult. Many decision-makers have heard about environmental life-cycle assessment (LCA) by now. It is an approach that has the potential to be very useful for infrastructure assessment. By design, it has to quantify all the resource inputs and environmental outputs of a product, process or service not just at the point of manufacturing or generation, but through the entire underlying supply chain. Unfortunately, few of us practice LCA. Rarely has it been applied yet that we know of.

**Its not normal means**

**Schenck No Date** - Ph.D. EcoSense, Inc (Rita, “Environmental Life Cycle Assessment For the U.S. Environmental Protection Agency” <http://www.geeasphalt.net/documents_public/U.S._EPA_Executive_Report.pdf>)

The U.S. Federal Government is under executive order to procure environmentally preferable products (Executive orders 12873 and 13101), and the U.S. EPA has an office (the office of the environmental executive) devoted to providing guidance on how to determine environmental preferability. EPA guidance does not require the use of LCA, but it does suggest that the assessment of multiple attributes and a life cycle approach would strengthen the quality of the decisions being made (64 FR 45809; <http://www.epa.gov/opptintr/epp>).

**The FTA can determine if infrastructure needs EIS or not**

**Federal Transit Administration 6** (agency within the Department of Transportation, May, “Transit Noise and Impact Assessment”, http://www.fta.dot.gov/documents/FTA\_Noise\_and\_Vibration\_Manual.pdf)

Environmental Assessments. When a proposed project is presented to FTA, if it is uncertain whether the project requires an EIS or qualifies as a categorical exclusion, FTA will direct the project sponsor to prepare an environmental assessment (EA). Generally, an EA is selected (rather than trying to process the project as a categorical exclusion) if the FTA reviewer feels that several types of impacts need further investigation, for example, air quality, noise, wetlands, historic sites, traffic, etc. An EA is a relatively brief environmental study which helps determine the magnitude of the impacts that will likely be caused by the project. If, during the analysis, it appears that any impacts are significant, an EIS will be prepared. If the analysis shows that none of the impacts is significant or if mitigation measures are incorporated in the project to adequately deal with adverse impact, the EA will fully document this and serve as the basis for a Finding of No Significant Impact issued by FTA. It is important to note that when mitigation measures are relied on, they must be described in detail in the EA since FTA's finding is based on the inclusion of these measures in the project. FTA's environmental regulation does not list typical projects that require EA’s. An EA may be prepared for any type of project if uncertainty exists about the magnitude or extent of the impacts. Experience has shown that most of the EA's prepared for transit projects require an assessment of noise impacts.

**Smaller projects do not require EIS**

**Federal Transit Administration 6** (agency within the Department of Transportation, May, “Transit Noise and Impact Assessment”, http://www.fta.dot.gov/documents/FTA\_Noise\_and\_Vibration\_Manual.pdf)

Categorical Exclusions. At the other extreme is a host of smaller transit projects which normally do not cause significant environmental impacts and do not require noise and vibration assessment. These projects are listed as "categorical exclusions" in FTA's environmental regulation, meaning that FTA has determined that there are no significant environmental impacts for those types of projects and no environmental document is required. Examples are: vehicle purchases; track and railbed maintenance; installation of maintenance equipment within the facility, etc. Section 771.117(c) contains a list of transit projects predetermined to be categorical exclusions. Other types of projects may also qualify as categorical exclusions, for example, certain transit terminals, transfer facilities, bus and rail storage and maintenance facilities (see 23 CFR 771.117(d)). These projects usually involve more construction and a greater potential for off-site impacts. They are presented in the regulation with conditions or criteria which must be met in order to qualify for categorical exclusion. The projects are reviewed individually by FTA to assure that any off-site impacts are properly mitigated. Depending on the proposed project site and the surrounding land use, a noise and vibration assessment may be needed even though the project may ultimately qualify as a categorical exclusion. The screening process in Chapters 4 and 9 will be helpful in pointing out potential noise and vibration concerns and the general assessment procedures may then be used to define the level of impact.

**List of projects that don’t require EIS**

**Department of Transportation 2001**– Federal Highway Administration (October 16, PART 771 -- ENVIRONMENTAL IMPACT AND RELATED PROCEDURES, <http://www.fhwa.dot.gov/hep/23cfr771.htm>)

The following actions meet the criteria for CEs in the CEQ regulation (section 1508.4) and §771.117(a) of this regulation and normally do not require any further NEPA approvals by the Administration: Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system. Approval of utility installations along or across a transportation facility. Construction of bicycle and pedestrian lanes, paths, and facilities. Activities included in the State's highway safety plan under 23 U.S.C. 402. Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction. Landscaping. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. Emergency repairs under 23 U.S.C. 125. Acquisition of scenic easements. Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation. Improvements to existing rest areas and truck weigh stations. Ridesharing activities. Bus and rail car rehabilitation. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE. Track and railbed maintenance and improvements when carried out within the existing right-of-way. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site. Promulgation of rules, regulations, and directives. Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to: Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing). Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings. Transportation corridor fringe parking facilities. Construction of new truck weigh stations or rest areas. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts. Approvals for changes in access control. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community. Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. 3 Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition quality for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. 3Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others. Protective acquisition is done to prevent imminent development of a parcel which is needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project. Where a pattern emerges of granting CE status for a particular type of action, the Administration will initiate rulemaking proposing to add this type of action to the list of categorical exclusions in paragraph (c) or (d) of this section, as appropriate.

**Its not normal means – over 92 percent of projects don’t require EIS**

**C**enter for **E**nvironmental **E**xcellence **2012**, - by AASHTO, the American Association of State Highway and Transportation Officials, (“NEPA process” <http://environment.transportation.org/environmental_issues/nepa_process/>)

Categorical Exclusions

Under NEPA, transportation projects that do not individually or cumulatively have significant environmental effects are classified as categorical exclusions (CEs). The purpose of a CE is to reduce paperwork and delay by providing a compliance mechanism where an EA or EIS is not obviously necessary. Research has indicated that approximately 92 percent of the projects processed by state transportation agencies and the FHWA are CEs.

**Statistics disprove normal means – only a small number of projects require EIS**

**CRS Report for Congress 2007** ( January 9th, “The National Environmental Policy Act: Streamlining NEPA” Linda Luther, analyst in Environmental Policy Resources, Science and Industry division, <http://www.nationalaglawcenter.org/assets/crs/RL33267.pdf>)

The preparation of EISs is probably the best-known requirement of NEPA. However, projects requiring an EIS represent a small fraction of all federal actions.CRS-2 For example, from 1984 to 2004, an average of 513 draft and final EISs were filed with EPA each year. 1 By comparison, in 1997, CEQ reported that federal agencies estimated that approximately 50,000 EAs were prepared annually. 2 Determining the total number of federal actions subject to NEPA is difficult, as most agencies track only the number of actions requiring an EIS. One agency that has tracked all projects is the Department of Transportation’s (DOT) Federal Highway Administration (FHWA). In 2005, FHWA reported that just over 84% of all highway projects were classified as categorical exclusions (representing just over 81.5% of FHWA project funding), 9% required an EA (5.5% of project funding), and approximately 7% required an EIS (13% of project funding). 3 Although they may be small in number compared with all federal actions, projects requiring an EIS do include some of those with the greatest impacts and highest stakeholder interest.

**the USFG is three branches**

**Alabama Law Review**, 20**02** (l/n)

The Framers sought to protect liberty by creating a central government of enumerated powers. They divided power between the state and federal governments, and they further divided power within the federal government by splitting it among the three branches of government, and they further divided the legislative power (the power that the Framers most feared) by splitting it between two Houses of Congress.

**That means EIS isn’t normal means**

**Council on Environmental Quality 2007** - Executive Office of the President (December, “A Citizens Guide to the NEPA” <http://ceq.hss.doe.gov/nepa/Citizens_Guide_Dec07.pdf>)

NEPA’s procedural requirements apply to all Federal agencies in the executive branch. NEPA does not apply to the President, to Congress, or to the Federal courts.

**Transit/highways don’t require EIS**

**C**enter for **E**nvironmental **E**xcellence **2012**, - by AASHTO, the American Association of State Highway and Transportation Officials, (“NEPA process” <http://environment.transportation.org/environmental_issues/nepa_process/>)

Categorical Exclusions

Each individual federal agency has regulations that implement NEPA. The CEQ regulations require these agencies’ regulations to include a list of specific classes or types of actions that qualify as CEs. FHWA’s and FTA’s NEPA regulations, titled Environmental Impact and Related Procedures, include two general types of CEs. Regulations at 23 CFR 771.117(c) provide a listing of 20 types of common highway- and transit-related actions found to meet CEQ’s CE requirements. Experience has shown that these actions never or almost never cause significant environmental impacts. These actions normally do not require any further NEPA approvals by FHWA or FTA.

# Net Benefit:

# Transportation key

**Transportation is uniquely key**

**PB Americas and Perkins Coie LLP 2009** (June “Guidelines on the Use of Tiered Environmental Impact Statements for Transportation Projects” <http://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25(38)_FR.pdf>)

Section 6002 establishes an overall framework for complying with NEPA as well as environmental review and permitting requirements under other laws. The U.S. DOT is defined as the lead agency in this process; the project sponsor also serves as a lead agency. Key steps in the Section 6002 process include: (1) inviting “participating agencies,” (2) developing a “coordination plan” that defines procedures for working with those agencies, (3) providing an opportunity for agency and public involvement in defining the purpose and need and the range of alternatives, and (4) collaborating with participating agencies in determining the level of detail and methodologies used for studying alternatives. The Section 6002 process also includes other requirements, including comment deadlines and procedures for resolving issues that could delay needed approvals.

# K2 Environmental Leadership

**Good domestic environmental assessments spillover – that solves resource wars, the economy, and environmental destruction**

**Purvis, 03** Nonresident Senior Fellow in Foreign Policy at the Brookings Institute (Nigel, “Greening U.S. Foreign Aid through the Millennium Challenge Account” Brookings Institute, June, <http://www.brookings.edu/research/papers/2003/06/energy-purvis> SW)

Third, the global environment affects the U.S. economy. Dealing with largely preventable threats posed by foreign invasive species, such as the super-weed kudzu, costs the U.S. economy several hundred million dollars a year. Dealing with pollution along the U.S.-Mexico border is also costly. In contrast, encouraging other countries to fight environmental ills helps promote U.S. exports as American firms produce some of the most advanced environmentally friendly technology products. Fourth, **avoiding international environmental tensions**, such as **regional conflicts over scarce water** in the Middle East and Africa, can contribute to regional stability and enhance our security interests. Finally, nature also has an important independent value for most Americans, who value it the way they value freedom—for its own sake. Human welfare and happiness depend on many nonmonetary intangibles, including a clean environment. Sustainable Development The strong U.S. interest in global environmental protection has meant that U.S. and international development efforts have been organized for more than a decade around the principle of 'sustainable development,' not merely economic growth. While the concept can be difficult to apply in practice and has stirred partisan debate at home, it means roughly meeting the needs of the present generations without compromising the needs of future generations. Because progress against poverty must be sustainable, economic development must be environmentally sustainable. To avoid long-term or **irreversible environmental damage**, economic growth and environmental protection must be pursued simultaneously. This concept has been enshrined in international thinking on development since the 1992 Earth Summit in Rio de Janeiro. The recent United Nations Millennium Development Goals, an ambitious set of anti-poverty objectives, highlight the centrality of sustainable development and include an extensive set of environmental benchmarks. Despite the fact that President Bush's MCA announcement came on the eve of a major international gathering in Monterrey, Mexico, dedicated to advancing those goals, the administration?s proposal neither acknowledges sustainable development nor the importance of environmental progress. The international consensus around the goal of sustainable development means that developing countries would welcome environmental aid. They lag behind industrialized nations in the adoption of modern energy technologies and are eager to close the gap. Many poor nations have created national parks but lack the capacity to keep away illegal squatters, miners, farmers, poachers, and loggers. Encouraging more action on issues affecting poverty and the environment was the central theme of the World Summit on Sustainable Development last year in Johannesburg, South Africa. The signal from the international community could not be clearer: sustainable development, including its environmental dimension, is the global priority. The international emphasis placed on environmental protection is primarily **a result of** **U.S. leadership**. The longstanding, bipartisan foreign policy of the United States maintains that economic growth and environmental protection must proceed in tandem. Not only does the United States pursue international environmental protection directly through treaties, trade negotiations, and foreign assistance, but it ensures that its commercial objectives do not produce unintended ecological consequences. Moreover, U.S. policymakers have demonstrated, **through domestic policies,** that sustained progress on the environment actually contributes to prosperity. For example, air and water have become substantially cleaner over the past two decades, even as the United States has led the developed world in economic growth. Reorienting the MCA Soon Congress will take up the president's MCA proposal with a view to enacting initial authorizing legislation that will define the purpose, scope, and modalities of this new U.S. approach to development. Lawmakers and the administration should use this opportunity to ensure that the MCA builds on U.S. and international sustainable development efforts. In practical terms, this will require the following changes to the administration's initial MCA proposal: Environmental Mandate The central objective of the MCA should be promoting sustainable development rather than economic growth alone. Not only would this bring the MCA in line with widely accepted development policy, but it also would make the MCA consistent with the goals of existing U.S. foreign affairs and development agencies. The State Department, the U.S. Agency for International Development (USAID), the Overseas Private Investment Corporation (OPIC), and the Export-Import Bank of the United States, for example, have explicit environmental and sustainable development statutory mandates. To help build a culture that values environmental protection, the MCA?s implementing agency should have a statutorily established environmental advisory committee for its first two years of operation. The advisory committee would help the agency establish responsible environmental policies and procedures. Environmental Safeguards The MCA's implementing agency should be required to adopt an extensive set of procedural safeguards to ensure MCA-funded projects are environmentally sensible. It should screen projects for environmental risks and disqualify categorically certain types of environmentally damaging or socially disruptive projects, such as large-scale dams that would forcibly displace thousands of people. The new agency should conduct technical assessments of the likely environmental effects of grant proposals. The MCA program would benefit if the agency monitored its overall environmental track record and prepared annual reports on the long-term environmental consequences of its grants. While the MCA should encourage developing countries to help prepare this analysis and follow similar procedures, the MCA should be responsible for the completeness and accuracy of environmental assessments. Environmental safeguards are a well-established part of U.S. development policy. Since 1979, Executive Order 12114 has required U.S. agencies to assess the environmental effects abroad of "major federal action." Because of the executive order's limited scope, Congress has in recent years required that existing U.S. development agencies follow additional strict environmental assessment and reporting procedures. Almost all U.S. international agencies (including USAID, the EX-IM bank, and OPIC) must screen projects for environmental sensitivity, conduct rigorous assessments of possible environmental consequences, and monitor environmental results. Executive Orders also extend similar requirements to some other U.S. commercial agencies, such as the U.S. Trade Representative. These assessments are performed by the U.S. agencies themselves based in part on information submitted by recipient nations, and they include opportunities for public comment. Importantly, both the environmental and business communities support these procedures. While some environmental organizations believe U.S. environmental assessments should be strengthened, they appreciate that these procedures make government decisions more transparent and participatory. The business community has found that government-sponsored environmental reviews can be commercially timely and add legitimacy to approved projects, which helps win public acceptance. Like existing environmental review processes in OPIC and elsewhere, great attention should be paid to making the MCA?s environmental screening and assessment procedures as simple and streamlined as possible. Given the success of past efforts, this would not be overly difficult. **Failing to** require the MCA's implementing agency to **adopt a rigorous environmental assessment policy** not only would depart from general U.S. practice but **it would also undermine longstanding, bipartisan efforts by the United States to convince other countries and multilateral institutions to conduct their own environmental assessments**. The United States has led global efforts to strengthen the World Bank Group's already extensive environmental assessment procedures. It has also for years urged industrialized countries to require their export credit agencies to adopt environmental criteria similar to those already used by OPIC and the EX-IM bank. As early as 1992, for example, the United States successfully negotiated a common donor statement of the importance of assessing the environmental impact of foreign assistance programs. Allowing U.S. foreign aid to be blind to the environment now would undercut the progress we have made internationally to coordinate donor efforts and ensure a level international playing field for U.S. companies.

# LCA Solves Warming

**Environmental assessment of transportation infrastructure must be expanded to include life cycle assessment of all areas of the supply chain – not normal means and key to solve warming**

**Chester and Horvath, 09** Department of Civil and Environmental Engineering, University of California (Mikhail V and Arpad, “Environmental assessment of passenger transportation should include infrastructure and supply chains”, 6/8, ENVIRONMENTAL RESEARCH LETTERS 4, IOP Science, <http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf> SW)

Passenger transportation’s energy requirements and emissions are receiving more and more scrutiny as concern for energy security, global warming, and human health impacts grows. Passenger transportation is responsible for 20% of US energy consumption (approximately 5% of global consumption) and combustion emissions are strongly positively correlated [1]. The potentially massive impacts of securing petroleum resources, climate change, human health, and equity issues associated with transportation emissions have accelerated discussions about **transportation environmental policy.** Governmental policy has historically relied on energy and emission analysis of automobiles, buses, trains, and aircraft at their tailpipe, ignoring vehicle production and maintenance, infrastructure provision and fuel production requirements to support these modes. Such is the case with CAFE and aircraft emission standards which target vehicle operation only [2, 3]. Recently, decision-making bodies have started to look to lifecycle assessments (LCA) for critical inputs, typically related to transportation fuels [4, 5]. In order to effectively mitigate environmental impacts from transportation modes, life-cycle environmental performance should be considered including both **the direct and indirect processes** and services required to operate the vehicle. This includes **raw materials extraction, manufacturing, construction**, **operation**, maintenance, and end of life of vehicles, **infrastructure**, and fuels. Decisions should not be made based on partial data acting as indicators for whole system performance. To date, a comprehensive LCA of passenger transportation in the US has not been completed. Several studies and models analyze a single mode, particular externalities, or speciﬁc phases, but none have performed a complete LCA of multiple modes including vehicle, infrastructure, and fuel inventories for energy consumption, greenhouse gas emissions, and criteria air pollutant emissions incorporating supply chains [6–9]. The automobile has received the greatest attention while buses, rail, and air have received little focus. A review of environmental literature related to the three modal categories is shown in table S1 of the supporting information (SI) (available at stacks.iop.org/ERL/4/024008).

# LCA solves Pollution

**Life-cycle assessment key to addressing the majority of pollution stemming from transportation infrastructure**

**Chester and Horvath, 09** Department of Civil and Environmental Engineering, University of California (Mikhail V and Arpad, “Environmental assessment of passenger transportation should include infrastructure and supply chains”, 6/8, ENVIRONMENTAL RESEARCH LETTERS 4, IOP Science, <http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf> SW)

The dominant contributions to energy consumption and GHG emissions for onroad and air modes are from operational components. This suggests that technological advancements to improve fuel economy and switches to lower fossil carbon fuels are the most effective for improving environmental performance. Rail’s energy consumption and GHG emissions are more strongly inﬂuenced by non-operational components than onroad and air. While energy efﬁciency improvements are still warranted coupled with lower fossil carbon fuels in electricity generation, reductions in station construction energy use and infrastructure operation could have notable effects. Particularly, the reduction in concrete use or switching to lower energy input and GHG-intensity materials would improve infrastructure construction performance while reduced electricity consumption and cleaner fuels for electricity generation would improve infrastructure operation. Utilizing higher percentages of electricity from hydro and other renewable sources for rail operations could result in signiﬁcant GHG reductions over fossil-based inputs such as coal. The life-cycle non-operational components are sometimes responsible for the majority of CAP emissions so reduction goals should consider non-operational processes. SO2 emissions for all modes are heavily inﬂuenced by direct or indirect electricity use. Similarly, signiﬁcant NOX emission reductions can be achieved through cleaner electricity generation but also the reduction of diesel equipment emissions in transport and material extraction operations. The reductions could be achieved by decreased or cleaner electricity consumption, using equipment with cleaner fuel inputs, or through the implementation of improved emissions controls. While automobile CO emissions are mainly from active operation (with a large portion attributed to the cold start phase), rail emission reductions are best achieved by reducing the use of concrete in stations. A switch away from diesel or gasoline equipment or stronger emission controls can have strong implications for aircraft total CO emissions in truck transport and GSE operations. This study focuses on conventional gasoline automobiles and it is important to consider the effects of biofuels and other non-conventional energy inputs on life-cycle results. LCAs of biofuels are starting to be developed and will provide the environmental assessments necessary for adjusting primarily the ‘fuel production’ component of this LCA. Inputs such as electricity for plugin hybrid electric vehicles could also signiﬁcantly change several components in this study. Batteries in vehicle manufacturing, differing operational characteristics, and electricity production (especially wind and solar) are just some of the components that would affect the results presented here. This study creates a framework for comprehensive environmental inventorying of several modes and future assessment of non-conventional fuels and vehicles can follow this methodology in creating technology-speciﬁc results. Future work should also focus on environmental effects not quantiﬁed herein, such as the use of water [30], generation of waste water, and toxic emissions [31]. Detailed assessments of the end-of-life fate of vehicles [32], motor oil [33] and **infrastructure** [34] should also be factored into decisions. **Through** the use of **life-cycle environmental assessments**, energy and **emission reduction decision-making can beneﬁt from the identiﬁed interdependencies among processes, services, and products**. The use of **comprehensive strategies that acknowledge these connections are likely to have a greater impact** than strategies that target individual components.

# Outweighs

Environment outweighs and accesses all their scenarios

Foster 2000 (Gregory Foster, civilian professor at the National Defense University, September 2000, http://www.aepi.army.mil/internet/china-environmental-dragon.pdf)

It has now been more than two decades since the Worldwatch Institute’s Lester Brown first issued a plea to adopt a new and more robust conception of national security attuned to the contemporary world. The threats to security, he argued even then, now may arise less from relations between nations than from man’s relations with nature—dwindling reserves of critical resources, for example, or the deterioration of earth’s biological systems: The military threat to national security is only one of many that governments must now address. The numerous new threats derive directly or indirectly from the rapidly changing relationship between humanity and the earth’s natural systems and resources. The unfolding stresses in this relationship initially manifest themselves as ecological stresses and resource scarcities. Later they translate into economic stresses—inflation, unemployment, capital scarcity, and monetary instability. Ultimately, these economic stresses convert into social unrest and political instability.1 Brown was followed—cautiously at first—by others who recognized the need not only to expand the bounds of national security thinking and discourse, but to take particular account of environmental concerns in such deliberations. Jessica Tuchman Mathews, then affiliated with the World Resources Institute, argued, for example: “Global developments now suggest the need for . . . [a] broadening definition of national security to include resource, environmental and demographic issues.”2 One of the most powerful observations made to date—one that could be judged, in equal measure, as either visionary or hyperbolic—is that by writer-analyst Milton Viorst, who argues that “population and environment . . . seem the obvious sources of the next wave of wars, perhaps major wars.”3…CONTINUES…Where Homer-Dixon is especially insightful is in leading us in the direction of the most powerful counterargument that can be made to resolute critics of environmental causation. He says that whereas, on first analysis, the main causes of civil strife appear to be social disruptions (e.g., poverty, migrations, ethnic tension, institutional breakdown), in reality scarcities of renewable resources, including water, fuelwood, cropland and fish, can precipitate these disruptions and thereby powerfully contribute to strife. By broadening his formulation, we may posit the existence of a more general masking phenomenon by which ostensibly political and economic causes of unrest, violence, conflict, and destabilization (e.g., political repression; economic deprivation, exploitation, and dislocation) actually may mask underlying, less visible, less discernible environmental sources of dissatisfaction, discontent, and alienation (e.g., diminished quality of life; threats to safety and well-being).

**Extinction inevitable– only a new ethic towards the environment can reverse the trend**

**Kendall 92** former chair of the Union of Concerned Scientists (11/19/92, Henry W., “World Scientists' Warning to Humanity”, <http://www.worldtrans.org/whole/warning.html>)

Human beings and the natural world are on a collision course. Human activities inflict harsh and often irreversible damage on the environment and on critical resources. If not checked, many of our current practices put at serious risk the future that we wish for human society and the plant and animal kingdoms, and may so alter the living world that it will be unable to sustain life in the manner that we know. Fundamental changes are urgent if we are to avoid the collision our present course will bring about. The Environment The environment is suffering critical stress: The Atmosphere Stratospheric ozone depletion threatens us with enhanced ultra-violet radiation at the earth's surface, which can be damaging or lethal to many life forms. Air pollution near ground level, and acid precipitation, are already causing widespread injury to humans, forests and crops. Water Resources Heedless exploitation of depletable ground water supplies endangers food production and other essential human systems. Heavy demands on the world's surface waters have resulted in serious shortages in some 80 countries, containing 40% of the world's population. Pollution of rivers, lakes and ground water further limits the supply. Oceans Destructive pressure on the oceans is severe, particularly in the coastal regions which produce most of the world's food fish. The total marine catch is now at or above the estimated maximum sustainable yield. Some fisheries have already shown signs of collapse. Rivers carrying heavy burdens of eroded soil into the seas also carry industrial, municipal, agricultural, and livestock waste -- some of it toxic Soil Loss of soil productivity, which is causing extensive Land abandonment, is a widespread byproduct of current practices in agriculture and animal husbandry. Since 1945, 11% of the earth's vegetated surface has been degraded -- an area larger than India and China combined -- and per capita food production in many parts of the world is decreasing. Forests Tropical rain forests, as well as tropical and temperate dry forests, are being destroyed rapidly. At present rates, some critical forest types will be gone in a few years and most of the tropical rain forest will be gone before the end of the next century. With them will go large numbers of plant and animal species. Living Species The irreversible loss of species, which by 2100 may reach one third of all species now living, is especially serious. We are losing the potential they hold for providing medicinal and other benefits, and the contribution that genetic diversity of life forms gives to the robustness of the world's biological systems and to the astonishing beauty of the earth itself. Much of this damage is irreversible on a scale of centuries or permanent. Other processes appear to pose additional threats. Increasing levels of gases in the atmosphere from human activities, including carbon dioxide released from fossil fuel burning and from deforestation, may alter climate on a global scale. Predictions of global warming are still uncertain -- with projected effects ranging from tolerable to very severe -- but the potential risks are very great. Our massive tampering with the world's interdependent web of life -- coupled with the environmental damage inflicted by deforestation, species loss, and climate change -- could trigger widespread adverse effects, including unpredictable collapses of critical biological systems whose interactions and dynamics we only imperfectly understand. Uncertainty over the extent of these effects cannot excuse complacency or delay in facing the threat. Population The earth is finite. Its ability to absorb wastes and destructive effluent is finite. Its ability to provide food and energy is finite. Its ability to provide for growing numbers of people is finite. And we are fast approaching many of the earth's limits. Current economic practices which damage the environment, in both developed and underdeveloped nations, cannot be continued without the risk that vital global systems will be damaged beyond repair. Pressures resulting from unrestrained population growth put demands on the natural world that can overwhelm any efforts to achieve a sustainable future. If we are to halt the destruction of our environment, we must accept limits to that growth. A World Bank estimate indicates that world population will not stabilize at less than 12.4 billion, while the United Nations concludes that the eventual total could reach 14 billion, a near tripling of today's 5.4 billion. But, even at this moment, one person in five lives in absolute poverty without enough to eat, and one in ten suffers serious malnutrition. No more than one or a few decades remain before the chance to avert the threats we now confront will be lost and the prospects for humanity immeasurably diminished. Warning We the undersigned, senior members of the world's scientific community, hereby warn all humanity of what lies ahead. A great change in our stewardship of the earth and the life on it, is required, if vast human misery is to be avoided and our global home on this planet is not to be irretrievably mutilated.

What we must do Five inextricably linked areas must be addressed simultaneously: 1. We must bring environmentally damaging activities under control to restore and protect the integrity of the earth's systems we depend on. We must, for example, move away from fossil fuels to more benign, inexhaustible energy sources to cut greenhouse gas emissions and the pollution of our air and water. Priority must be given to the development of energy sources matched to third world needs small scale and relatively easy to implement. We must halt deforestation, injury to and loss of agricultural land, and the loss of terrestrial and marine plant and animal species. 2. We must manage resources crucial to human welfare more effectively. We must give high priority to efficient use of energy, water, and other materials, including expansion of conservation and recycling. 3. We must stabilize population. This will be possible only if all nations recognize that it requires improved social and economic conditions, and the adoption of effective, voluntary family planning. 4. We must reduce and eventually eliminate poverty. 5. We must ensure sexual equality, and guarantee women control over their own reproductive decisions. The developed nations are the largest polluters in the world today. They must greatly reduce their overconsumption, if we are to reduce pressures on resources and the global environment. The developed nations have the obligation to provide aid and support to developing nations, because only the developed nations have the financial resources and the technical skills for these tasks. Acting on this recognition is not altruism, but enlightened self-interest: whether industrialized or not, we all have but one lifeboat. No nation can escape from injury when global biological systems are damaged. No nation can escape from conflicts over increasingly scarce resources. In addition, environmental and economic instabilities will cause mass migrations with incalculable consequences for developed and undeveloped nations alike. Developing nations must realize that environmental damage is one of the gravest threats they face, and that attempts to blunt it will be overwhelmed if their populations go unchecked. The greatest peril is to become trapped in spirals of environmental decline, poverty, and unrest, leading to social, economic and environmental collapse. Success in this global endeavor will require a great reduction in violence and war. Resources now devoted to the preparation and conduct of war -- amounting to over $1 trillion annually -- will be badly needed in the new tasks and should be diverted to the new challenges. A new ethic is required -- a new attitude towards discharging our responsibility for caring for ourselves and for the earth. We must recognize the earth's limited capacity to provide for us. We must recognize its fragility. We must no longer allow it to be ravaged. This ethic must motivate a great movement, convince reluctant leaders and reluctant governments and reluctant peoples themselves to effect the needed changes. The scientists issuing this warning hope that our message will reach and affect people everywhere. We need the help of many. We require the help of the world community of scientists -- natural, social, economic, political; We require the help of the world's business and industrial leaders; We require the help of the worlds religious leaders; and We require the help of the world's peoples. We call on all to join us in this task.

**LCA key to competitiveness**

**Schenck 2009**- Institute for Environmental Research and Education American Center for Life Cycle Assessment (Rita, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

The use of LCA as a policy tool is sweeping the globe. This presents both threats and opportunities for US business. Where countries implement regulations based on LCA, US businesses may not be prepared to compete and may be closed out of those markets. Implementation of LCA in policy in the US can support US companies’ global competitiveness by providing LCA infrastructure. Such a structure would reward the companies that have long been complying with stringent US laws and regulations. Within the US, the broad use of LCA in regulations can decrease compliance costs and increase effectiveness. It can also be used as a basis of externality markets to further decrease the cost of environmental improvement in the country. LCA is a measurement tool: as such, its applicability is broad and its use in policy creates many ways for US business to be globally competitive.

# Turns Case

**Lack of effective process mechanism turns aff solvency**

**Yusoff and Hansen 2005** – Sumiani Yusoff is part of Department of Civiil and Environmental Engineering, Sune Hansen is part of Center for Transportation Research (“THE LIFE CYCLE APPROACH FOR STRATEGIC TRANSPORTATION PLANNING, *Proceedings of the Eastern Asia Society for Transportation Studies*, Vol. 5, pp. 2294 - 2307, 2005)

Transportation system planning, implementation and maintenance will affect the manner and efficiency in which people and goods are transported and subsequently the daily life of all inhabitants in a town, city or even country. More people are driving further with more frequency, creating smog, global warming and traffic congestion. Ironically, we often attempt to build our way out of a jam with more roads, leading to more problems in stead of focusing on long term traffic management. The main stakeholders in a transportation system can be grouped into residents, business and ecosystems (the environment). It is crucial that the interests of these three groups are all equally integrated into the transportation system as they are all essential parameters in society. The lack of a holistic and flexible focus in the planning strategies will inevitably lead to an unsustainable system causing havoc with a decade. The development of sustainable transportation systems that enhance, not entrap, life in the urban and rural areas is very crucial. For example, it was found that upgrading existing roadways, rather than building a new highway is in many cases more cost effective and more environmentally friendly. With better planning for roadways, more mass transit, modern railway networks, and smart solutions for traffic problems, our cities and rural areas can be healthier places to live and work for everyone.

**EIS key to project efficiency and effectiveness – turns solvency**

**Department of Transportation 2011** (April , “Montana Links Planning and NEPA through Corridor Planning Studies” <http://environment.fhwa.dot.gov/strmlng/newsletters/apr11nl.asp>)

Connecting transportation planning and environmental review is a way to build interagency relationships that can reduce the time and cost of project development, and can result in projects that more effectively address transportation and environmental issues. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) presented guidelines in 2005 that recommend a corridor or sub-area planning [study](http://environment.fhwa.dot.gov/strmlng/newsletters/apr11nl.asp) to inform decisions during environmental review under the National Environmental Policy Act (NEPA). Since 2002, the Montana Department of Transportation (MDT) has used corridor studies to link planning and environmental project review. MDT's [corridor planning studies](http://wwwcf.fhwa.dot.gov/exit.cfm?link=http://www.mdt.mt.gov/pubinvolve/active_projects.shtml#corridor) can serve as a model for other States to improve the efficiency and effectiveness of transportation planning and project development.

# Competitiveness

**LCA key to competitiveness**

**Schenck 2009**- Institute for Environmental Research and Education American Center for Life Cycle Assessment (Rita, February 22nd, “The Business Case for Life Cycle Assessment in US Policy and Legislation” <http://lcacenter.org/Data/Sites/1/SharedFiles/whitepapers/thebusinesscaseforlca.pdf>)

The use of LCA as a policy tool is sweeping the globe. This presents both threats and opportunities for US business. Where countries implement regulations based on LCA, US businesses may not be prepared to compete and may be closed out of those markets. Implementation of LCA in policy in the US can support US companies’ global competitiveness by providing LCA infrastructure. Such a structure would reward the companies that have long been complying with stringent US laws and regulations. Within the US, the broad use of LCA in regulations can decrease compliance costs and increase effectiveness. It can also be used as a basis of externality markets to further decrease the cost of environmental improvement in the country. LCA is a measurement tool: as such, its applicability is broad and its use in policy creates many ways for US business to be globally competitive.

# Emissions

**LCA key to reduce emissions**

* **Current system fails/not normal means**

**Chester and Horvath 2009** – Department of Civil and Environmental Engineering, University of California (Mikhail Chester and Arpad Horvath “Environmental assessment of passenger transportation should include infrastructure and supply chains” <http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf>)

To appropriately mitigate environmental impacts from transportation, it is necessary for decision makers to consider the life-cycle energy use and emissions. Most current decision-making relies on analysis at the tailpipe, ignoring vehicle production, infrastructure provision, and fuel production required for support. We present results of a comprehensive life-cycle energy, greenhouse gas emissions, and selected criteria air pollutant emissions inventory for automobiles, buses, trains, and airplanes in the US, including vehicles, infrastructure, fuel production, and supply chains. We ﬁnd that total life-cycle energy inputs and greenhouse gas emissions contribute an additional 63% for onroad, 155% for rail, and 31% for air systems over vehicle tailpipe operation. Inventorying criteria air pollutants shows that vehicle non-operational components often dominate total emissions. Life-cycle criteria air pollutant emissions are between 1.1 and 800 times larger than vehicle operation. Ranges in passenger occupancy can easily change the relative performance of modes. Governmental policy has historically relied on energy and emission analysis of automobiles, buses, trains, and aircraft at their tailpipe, ignoring vehicle production and maintenance, infrastructure provision and fuel production requirements to support these modes. Such is the case with CAFE and aircraft emission standards which target vehicle operation only [2, 3]. Recently, decision-making bodies have started to look to lifecycle assessments (LCA) for critical inputs, typically related to transportation fuels [4, 5]. In order to effectively mitigate environmental impacts from transportation modes, life-cycle environmental performance should be considered including both the direct and indirect processes and services required to operate the vehicle. This includes raw materials extraction, manufacturing, construction, operation, maintenance, and end of life of vehicles, infrastructure, and fuels. Decisions should not be made based on partial data acting as indicators for whole system performance.

**Considering system and user optimizing behavior is key to reducing emissions – emissions independently degrade road infrastructure**

**Nagurney et. Al 8** (Anna, Department of Finance and Operations Management, Isenberg School of Management, University of Massachusetts, Qiang Qiang, Management Division, Pennsylvania State University, Graduate School of Professional Studies, Ladimer S. Nagurney, Department of Electrical and Computer Engineering, University of Hartford, August, International Journal of Sustainable Transportation, “Environmental Impact Assessment of Transportation Networks with Degradable Links in an Era of Climate Change”, http://supernet.isenberg.umass.edu/articles/nagurney-qiang-nagurney-environmental-robustness.pdf)

According to the American Society of Civil Engineers (2005), the degradation of transportation networks due to poor maintenance, natural disasters, deterioration over time, in addition to unforeseen attacks, leads to estimates of $94 billion in the United States in terms of needed repairs for roads alone. Moreover, in a new era of climate change, it is expected, as documented in numerous studies (cf. National Assessment Team (2001), US Department of Transportation (2002), Smith and Levasseur (2002), Zimmerman (2003), Arkell and Darch (2006), Schulz (2007)), that the degradation of critical infrastructure, including transportation networks, can be expected to increase. At the same time, emissions generated through transportation are some of the biggest contributors to climate change and global warming. According to a US EPA (2006) report, the transportation sector in 2003 accounted for 27% of the total greenhouse gas emissions in the US and the increase in this sector was the largest of any in the period 1990 – 2003. In addition, the energy use due to transportation is expected to increase by 48% between 2003 and 2025, even with modest improvements in the eﬃciency of vehicular engines. Indeed, the impact of the degradation of transportation network infrastructure is being increasingly documented. The American Society of Civil Engineers (2005) further reports that substandard road conditions in the United States cost its motorists $54 billion in repairs and operating costs each year. The degradation of roads not only impacts motorists but also freight. A report by the US Department of Transportation Federal Highway Administration (2006a) notes that the US is experiencing a freight capacity crisis that threatens US economic productivity. As reported in Jeanneret (2006), the American Road & Transportation Builders Association states that nearly 75% of US freight is carried in the US on highways and bottlenecks now cause truckers 243 million hours of delay annually with an estimated associated cost of $8 billion. Such delays result in additional generated emissions that, in turn, further impact negatively the environment and aﬀect the deterioration of the critical road infrastructure creating a vicious cycle. In this paper, we explore the assessment of the environmental impact of the degradation of transportation network infrastructure in the form of roads. The research reported in this paper builds on our work on network eﬃciency/performance measurement and vulnerability and robustness analysis (cf. Nagurney and Qiang (2007a, b, c)). However, unlike our previous research, which focused principally on the identiﬁcation of the critical network components, that is, those nodes and links, or combinations thereof, such that their removal would impact the network eﬃciency the most, here we are concerned with the total emissions generated as a consequence of link capacity deterioration. In addition, we consider not only user-optimizing (U-O) behavior but also system-optimizing (S-O) behavior (see, e.g.,Beckmann, McGuire, and Winsten (1956), Dafermos and Sparrow (1969), and Nagurney (1999, 2000a) and the references therein). Although the research on the topic of transportation network vulnerability and robustness analysis has been growing (cf. Berdica (2002), Sakakibara, Kajitani, and Okada (2004), Scott et al. (2006), Taylor, Sekhar, and D’Este (2006), Murray and Grubesic (2007), Nagurney and Qiang (2007a, b, c, d), Jenelius (2007), among others), the investigation into environmental impact assessment indices that capture the eﬀects on the environment of transportation network degradation has not been fully explored to-date. For example, Taylor and Anderson (1984) studied traﬃc ﬂow patterns, emission and noise distributions of the 1976 Melbourne traﬃc network based on diﬀerent user behaviors, including U-O and S-O behaviors. However, the authors mainly focused on comparing the diﬀerent traﬃc ﬂow patterns and emission and noise levels (see also, Wigan (1975)). In this paper, we go a step further, in that we explore the impact of transportation network capacity degradation on network emissions and alternative travel behaviors. Moreover, the identiﬁcation of link importance from an environmental perspective has not been adequately determined. Finally, given the existence of emission paradoxes (cf. Nagurney (2000b)) it is essential to consider both U-O and S-O behaviors in evaluating potential impacts on the environment of transportation network degradation.

# Noise Mitigation

**Noise and vibration assessments are critical to environmental impact assessments**

**Federal Transit Administration 6** (agency within the Department of Transportation, May, “Transit Noise and Impact Assessment”, http://www.fta.dot.gov/documents/FTA\_Noise\_and\_Vibration\_Manual.pdf)

Noise and vibration assessments are key elements of the environmental impact assessment process for mass transit projects. Experience has shown that noise and vibration are among the major concerns with regard to the effects of a transit project on the surrounding community. A transit system is of necessity placed near population centers and often causes significant noise and vibration at nearby residences and other sensitive types of land use.

**Noise mitigation is effective**

**Federal Transit Administration 6** (agency within the Department of Transportation, May, “Transit Noise and Impact Assessment”, http://www.fta.dot.gov/documents/FTA\_Noise\_and\_Vibration\_Manual.pdf)

Among the most effective noise mitigation treatments is noise control at the outset, during the specification and design of the transit vehicle. Such source treatments apply to all transit modes. By developing and enforcing stringent but achievable noise specifications, the transit property takes a major step in controlling noise everywhere on the system. It is important to ensure that the noise levels quoted in the specifications are achievable with the application of best available technology during the development of the vehicle and reasonable in light of the noise reduction benefits and costs. Effective enforcement includes significant penalties for non-compliance with the specifications. The noise mitigation achieved by source treatment depends on the quality of installation and maintenance. In the past, transit vehicles have been delivered that did not meet a noise specification, causing complaints from the public and requiring additional noise mitigation measures applied to the wayside.

! to noise mitigation

**Mitigation of noise pollution is key**

**Federal Transit Administration 6** (agency within the Department of Transportation, May, “Transit Noise and Impact Assessment”, http://www.fta.dot.gov/documents/FTA\_Noise\_and\_Vibration\_Manual.pdf)

Because intrusive noise is frequently among the most significant environmental concerns of planned mass transit projects, FTA, working with the project sponsor, makes every reasonable effort to reduce predicted noise to levels deemed acceptable for affected noise-sensitive land uses. The noise impact criteria in Chapter 3 provide the framework for identifying the magnitude of the impact. Then, the need for noise mitigation is determined based on the magnitude and consideration of factors specifically related to the proposed project and affected land uses.

Project-generated noise in the “No Impact” range is not likely to be found annoying. Noise projections in this range are considered acceptable by FTA and mitigation is not required. At the other extreme, noise projections in the “Severe” range represent the most compelling need for mitigation. However, before mitigation measures are considered, the projectsponsor should first evaluate alternative locations/alignments to determine whether it is feasible to avoid Severe impacts altogether. In densely populated urban areas, this evaluation of alternative locations may reveal a trade-off of one group of impacted noise-sensitive sites for another – especially for surface rail alignments passing through built-up areas. However, this is not always the case; projects which are characterized more as point sources of noise than line sources often present a greater opportunity for selecting alternative sites. Note that this guidance manual and FTA's environmental impact regulation both attempt to encourage project sites which are compatible with surrounding development. The regulation designates certain projects as categorical exclusions when located in areas with compatible land use (e.g., bus terminals and maintenance facilities located in areas with mostly commercial or industrial use). In this manual, the list of noise-sensitive land uses in Chapter 3 does not include most commercial and industrial land uses, thus obviating the need to consider noise mitigation in areas with predominantly commercial or industrial use.

If it is not practical to avoid Severe impacts by changing the location of the project, mitigation measures must be considered. Impacts in this range have the greatest adverse impact on the community; thus there is a presumption by FTA that mitigation will be incorporated in the project unless there are truly extenuating circumstances which prevent it. The goal is to gain substantial noise reduction through the use of mitigation measures, not simply to reduce the predicted levels to just below the Severe Impact threshold. Since FTA has to determine whether the mitigation is feasible and prudent, the evaluation of specific measures should include the noise reduction potential, the cost, the effect on transit operations and maintenance, and any other relevant factors, for example, any new environmental impacts which may be caused by the measure. A thorough evaluation enables FTA to make the findings required by section 5324(b) of the Federal Transit Laws and possibly other statutes, such as Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act. Projected noise levels in the Moderate Impact range will also require consideration and adoption of mitigation measures when it is considered reasonable. The range of Moderate Impact delineates an area where project planners are alerted to the potential for adverse impacts and complaints from the community and must then carefully consider project specifics as well as details concerning the affected properties in determining the need for mitigation. While impacts in this range are not of the same magnitude as Severe impacts, there can be circumstances regarding the factors outlined below which make a compelling argument for mitigation.

# Bio-D

**Community engagement key to bio-diversity**

**Environment and Natural Resources Group 2005** – planning Commission (“Influencing Public Infrastructure Design and Implementation: Transportation and Biodiversity” March, <http://www.chicagowilderness.org/files/9813/3081/6979/Influ_Infra_final.pdf>)

3.2. Public and Agency Influence on the Design Process Community and regulatory agency input remains key. The influence they hold to interject revisions to projects could be a significant and more common means of garnering biodiversity improvements in conjunction with infrastructure provision. As the presentation by Christopher B. Burke Engineering showed (Appendix D), communities and regulatory agencies, from their gatekeeping positions, can win concessions to enhance the local environment. The vehicle, in most cases, would be the MOA. Extending this idea, Group 1 pointed out that negotiations with the economic beneficiaries of infrastructure improvement could be approached in a similar way. Habitat restoration, land dedication for a biodiversity preserve, etc. could be presented as givebacks to the community. This process need not be adversarial. In IDOT’s Context Sensitive Solutions (CSS) policy (Section 4.2), the relation between stakeholder groups and IDOT is envisioned as a partnership that internalizes conflict and harnesses it to produce a better overall product. Not all infrastructure providers have a similar commitment. Firm but conciliatory pressure from stakeholder groups would then need to be brought through channels outside of the institutionally defined process. In any case, it is crucial for a community to feel biodiversity improvements are a valuable part of the package that makes a project a deal. Thus, outreach by groups such as Chicago Wilderness is an important catalyst.

# Planning Turns Case

**This turns the case – causes congestion, delay, and deaths**

**Dewar and Wachs 2006** – Dewar is Professor of Long-Term Policy Analysis at the Pardee RAND Graduate School and Wachs is senior principal researcher at RAND and a professor at the Pardee RAND Graduate School (James A. Dewar and Martin Wachs, December 13th, “Transportation Planning, Climate Change, and Decisionmaking Under Uncertainty” <http://onlinepubs.trb.org/onlinepubs/sr/sr290DewarWachs.pdf>)

This long-standing approach to predicting transportation patterns introduces an interesting and complex paradox into transportation planning and policymaking. Transportation planning is done to accommodate travel as though it is highly regular and predictable. The paradigm by which the current system plans to accommodate future needs is almost defiant in the extent to which it ignores uncertainty. Despite this, uncertainty arises in the performance of the transportation system every single day. Facilities are planned to meet forecasted average aggregate demands, which are quite predictable and regular, and systems are built to meet that expected demand. But, from time to time the system is challenged by “wild card” events that lie outside of the planning framework. California experienced drastic short-term changes in the system resulting from the Loma Prieta and Northridge earthquakes. In the Gulf States, hurricanes have had similar effects, and in many locations floods can change the characteristics of the system very quickly. In the northeast, blizzards can shut down the entire transportation system for days at a time. And, there have been at least a few terrorist incidents that have changed system performance dramatically. Even more regularly, serious crashes, jackknifed trucks, and spilled loads of lumber unexpectedly close some links in the system, and strikes by transit workers sometimes remove them from service at very short notice. In general, transportation agencies do not include the systematic anticipation of such “wild card” events in the planning or sizing or location of the system or its elements. Yet, something like half of all congestion and delay and almost all deaths, injuries and property damage due to crashes arise from such unplanned intrusions into the planned regularity of transportation system performance.

# Warming Turns Case

**Warming turns the case – collapses transportation infrastructure**

**Dewar and Wachs 2006** – Dewar is Professor of Long-Term Policy Analysis at the Pardee RAND Graduate School and Wachs is senior principal researcher at RAND and a professor at the Pardee RAND Graduate School (James A. Dewar and Martin Wachs, December 13th, “Transportation Planning, Climate Change, and Decisionmaking Under Uncertainty” <http://onlinepubs.trb.org/onlinepubs/sr/sr290DewarWachs.pdf>)

3. METHODS FOR DEALING WITH ISSUES LIKE CLIMATE CHANGE Unique Challenges Posed by Climate Change The second unusual challenge posed by climate change is the possibility of significant, long-lasting effects on transportation infrastructure. Roads, rail facilities, and airports in lowlying areas, for example, may be permanently overtaken by rising sea levels due to climate change. Manmade and natural events, such as accidents and earthquakes, can cause significant changes to transportation infrastructure, but those tend to be local and temporary. Climate change presents the possibility of requiring changes that are widespread and permanent. It is not just the ability of climate change to wreak significant changes in the transportation sector, but also the great uncertainty that accompanies the possibility of these changes that presents the greatest planning challenges. Earthquakes, for example, can cause great damage but the uncertainties tend to be not in where or whether they will cause damage, but when. With climate changes, the uncertainties are where, whether and when (while we tend to think that climate change will happen slowly over the coming decades, there are plenty of opportunities for tipping points and non-linear interactions to cause some effects much more quickly than we anticipate).

# Environmental leadership

# Leadership High

**Environmental leadership low now**

Steinberg 10- associate professor of political science and environmental policy (December 9, 2010. “ U.S. positioned for planet-saving leadership role.” Tampa Tribune. Metro; Pg 16. LexisNexis.)

The United Nations named 2010 the "International Year of Biodiversity," but the past year has proved to be a tough one for planet Earth. Last winter, negotiators returned from Copenhagen having failed to reach a meaningful global agreement to reduce greenhouse gases. In the spring and summer, the Gulf of Mexico was hit with the largest oil spill in history, due in part to lax oversight by regulatory agencies. This fall, diplomats met in Nagoya, Japan, to discuss the future of the U.N. Convention on Biological Diversity -- but produced few concrete proposals to stem the rapid disappearance of species and ecosystems worldwide. These events carry an important lesson: When it comes to protecting the planet, nations and their governments still call the shots. The race to save the Earth will be won or lost one country at a time, as a result of political decisions made in almost 200 sovereign nations and their capacity to implement reforms. Nowhere is the importance of national action clearer than in the United States. The U.S. was once the trendsetter in areas like air and water quality standards. In the mid-1980s, the U.S. led global efforts to address ozone depletion over the bitter objections of our European allies. But over the past two decades, we have ceded leadership to the European Union while falling behind in many areas, from consumer product safety to climate change and the reduction of toxic waste.

# Leadership on the Brink

**US environment leadership on the brink– bush**

**Ivanova and Esty 08** Assistant Professor of Government and Environmental Policy at The College of William and Mary and the Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy AND the Hillhouse Professor of Environmental Law and Policy at Yale University. He holds faculty appointments in both Yale’s Environment and Law Schools. (Maria and Daniel C., “Reclaiming U.S. Leadership in Global Environmental Governance”, Summer-Fall, SAIS Review lobal envivol. XXVIII no. 2, <http://www.umb.edu/editor_uploads/images/centers_institutes/center_governance_sustain/Ivanova-Esty-SAISReview-2008.pdf> SW)

However, the United States has since retreated from its global environmental leadership role. The George W. Bush Administration has obstructed progress on a number of international environmental initiatives: protecting biodiversity, regulating the trade in genetically modified products, and instituting a legally binding treaty banning mercury. The high watermark—or perhaps the low tide—of U.S. obstructionism, however, came with the U.S. “unsigning” of the Kyoto Protocol on climate change in 2001 and once more at the 2007 international climate negotiations in Bali, Indonesia. The only developed nation not having ratified the Kyoto Protocol, the United States was the main opponent in Bali to a proposal for greenhouse gas reductions by 25 to 40 percent by 2020 from 1990 levels. As the United States balked at the emerging Bali consensus, an extraordinary diplomatic breech occurred: the U.S. delegation was booed. Lest there be any doubt, Nobel Laureate Al Gore weighed in, observing that the United States was “obstructing progress.” The list of international environmental initiatives that the United States has failed to join has become longer. The United States has yet to ratify the 1982 Law of the Sea Treaty, the 1992 Basel Convention on Export of Hazardous Waste, the 1993 Convention on Biological Diversity, and, of course, the Kyoto Protocol (see Table 1 for a chronological overview of main international environmental conventions and the status of U.S. participation). The Bush Administration’s “go-it-alone” strategy in security issues has mirrored a similar unilateralism in the international environmental domain. Once a leader in international environmental policy, the United States has **lost much of its political influence** today. What is more, U.S. withdrawal from multilateralism has left the United Nations—the imperfect but important instrument for international cooperation—“in limbo, neither strengthened nor abandoned,” 1 threatening the ability of the world community **to resolve fundamental global problems**.

**The brink is now - Confused US environmental policy diminishes leadership**

**Ivanova and Esty 08** Assistant Professor of Government and Environmental Policy at The College of William and Mary and the Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy AND the Hillhouse Professor of Environmental Law and Policy at Yale University. He holds faculty appointments in both Yale’s Environment and Law Schools. (Maria and Daniel C., “Reclaiming U.S. Leadership in Global Environmental Governance”, Summer-Fall, SAIS Review lobal envivol. XXVIII no. 2, <http://www.umb.edu/editor_uploads/images/centers_institutes/center_governance_sustain/Ivanova-Esty-SAISReview-2008.pdf> SW)

Recent U.S. involvement in global environmental governance is characterized by a fundamental ambivalence about multilateralism and the inter- national institutions that support it. As Edward Luck explains, “Persistent strains of idealism and cynicism, multilateralism and unilateralism, internationalism and isolationism have long coexisted across the spectrum of American thinking. The resulting ambivalence . . . about the soul and shape of America’s place in the world . . . has yet to be resolved either intellectually or politically, leaving Washington unable to abandon the world organization or to give it full support.” 15 This dual-edged attitude toward international organizations has clearly diminished the U.S. leadership position and its ability to exert influence in the global environmental domain. 16

# AT: Decline Irreversible

**Declines reversible -- strong US action solves.**

**Ivanova\* and Esty\*\* in 8 -** \*Assistant Professor of Government and Environmental Policy at The College of William and Mary and the Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy, and \*\*Hillhouse Professor of Environmental Law and Policy at Yale University (2008. “ Reclaiming U.S. Leadership in Global Environmental Governance ” Vol 28 No. 2. http://mxivan.people.wm.edu/Ivanova&Esty-SAIS%20Review-2008.pdf)

Second, in the face of a set of problems that are inescapably transboundary in scope—security, trade, global health as well as environmental challenges such as climate change—America’s political leaders must explain to the public that international collaboration is essential for successful outcomes to be achieved. America benefits from worldwide cooperation on these issues and must therefore be willing to invest in global governance. Americans stand to gain substantially from a better functioning United Nations and a rejuvenated and well-governed international environmental regime. The new President must lead the way in building domestic support for a foreign policy of engagement. We need not surrender our insistence on better performance by international bodies, but we cannot let skepticism subvert a commitment to an appropriate degree of global cooperation. Third, mere U.S. participation in international environmental efforts will be insufficient. The United States must actively take a leadership role in bringing about a successful response to climate change and other issues. The history of past success in galvanizing the global community into action shows that the United States can and must take the lead. However, any attempt at U.S.-led reform without credible proof of genuine U.S. leadership based on common values and the common good is likely to be met with distrust and opposition. Finally, a commitment to revitalize the international environmental regime should be cast as part of a wider global effort for effective global governance. As the One UN concept 29 and strategy are gaining momentum, the United States could lead the establishment of a Global Environmental Re c l a i mi n g U.S. le a d eR Sh i p i n gl o b a l en v iRo n m e n t a l go v eRn a n c e 73 Leadership Commission to examine options for structural reform in the environmental governance system. In conclusion, we turn to the words of Russell Train, one of the early environmental governance architects, who wrote in a memo to Henry Kissinger: “It is our belief that the U.S. currently has a strong position of leadership in environmental matters that should be built on. Specifically we need to develop sharp and substantive proposals that will be of interest not only to the industrialized countries but also to the developing world.” 29 While today the U.S. leadership position in international environmental affairs has been eroded, the time has come for a conceptual leap forward under a new Administration. The United States can and should become a leader again in the global environmental arena.

# US leadership K2 environment

**US leadership is key to global environmental solutions – action is impossible without us**

**Ivanova and Esty 08** Assistant Professor of Government and Environmental Policy at The College of William and Mary and the Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy AND the Hillhouse Professor of Environmental Law and Policy at Yale University. He holds faculty appointments in both Yale’s Environment and Law Schools. (Maria and Daniel C., “Reclaiming U.S. Leadership in Global Environmental Governance”, Summer-Fall, SAIS Review lobal envivol. XXVIII no. 2, <http://www.umb.edu/editor_uploads/images/centers_institutes/center_governance_sustain/Ivanova-Esty-SAISReview-2008.pdf> SW)

In this article, we address these core questions. We argue that the next President of the United States must re-engage with other nations. Success in protecting the planet from climate change cannot be achieved by the United States acting on its own. International cooperation is essential. Similar collaborative efforts at the global scale will be required to protect the planet’s biological diversity, restore the vibrancy of the world’s fisheries, prevent the spread of persistent organic pollutants, conserve forests, and other issues that are inescapably trans-boundary in nature. We contend, moreover, that not only is U.S. participation critical, but **U.S. leadership is crucial and necessary to achieve successful environmental outcomes**. The U.S. environmental footprint is larger than any other country’s. The United States consumes a disproportionate share of the world’s energy and natural resources. With less than 5 percent of the world population, the United States uses 25 percent of the world’s fossil fuel resources—accounting for nearly 25 percent of the world’s annual coal burning, 26 percent of the world’s oil, and 27 percent of the world’s natural gas. 3 It also accounts for 18.5 percent of the consumption of global forestry products and 13.7 percent of the world’s water usage. The United States is in **a unique position**. Given its economic and strategic power as well as its financial and technological prowess, U.S. leadership could influence international environmental policy and promote effective environmental governance. Conversely, the record of the past fifteen years has demonstrated that “when the United States declines to exercise leadership, the impact is significant.” 4 **Little progress is made without the United States**. Reasserting global environmental leadership, however, will not be easy for the next U.S. president. There are considerable domestic challenges as the U.S. public remains deeply ambivalent about international entanglements and international organizations—even those related to protecting the planet.

**US leadership spills over - empirics prove**

**Ivanova and Esty 08** Assistant Professor of Government and Environmental Policy at The College of William and Mary and the Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy AND the Hillhouse Professor of Environmental Law and Policy at Yale University. He holds faculty appointments in both Yale’s Environment and Law Schools. (Maria and Daniel C., “Reclaiming U.S. Leadership in Global Environmental Governance”, Summer-Fall, SAIS Review lobal envivol. XXVIII no. 2, <http://www.umb.edu/editor_uploads/images/centers_institutes/center_governance_sustain/Ivanova-Esty-SAISReview-2008.pdf> SW)

The one-time U.S. leadership and more recent retreat from the global environmental governance system point to several important lessons for the new Administration. The historical record suggests that when the United States engages in the international arena with a view toward the common good and when American ideals coincide with global values, progress happens. In the 1970s and 1980s, new international environmental organizations were created and old ones reformed, international environmental treaties were initiated and immediately signed, partnerships were forged, and funding mobilized. Moreover, U.S. commitment internationally translated into consistent domestic compliance with international environmental law. At the core of these achievements, lay individual and collective leadership and a vision for the United States as a uniting force in a divided world. The 1990s ushered in a new era where the initial energy and enthusiasm about a global environmental agenda that could unite the world gave way to a ‘sole super-power syndrome’ and a gradual withdrawal from multilateralism. From a promise to internationalize U.S. domestic environmental policy objectives and bring about a greater common good, global environmental governance had become an international regulatory threat to U.S. domestic economic interests. 26 Without a rival on the world scene, the United States grew suspect of international initiatives as a way to curb its power and influence. At the close of the twentieth century, American political discourse regained the moralistic, self-righteous rhetoric that stalled the League of Nations at the beginning of the century.

# Global Coop Key

**Global, collective responses are key**

**Ivanova and Esty 08** Assistant Professor of Government and Environmental Policy at The College of William and Mary and the Director of the Global Environmental Governance Project at the Yale Center for Environmental Law and Policy AND the Hillhouse Professor of Environmental Law and Policy at Yale University. He holds faculty appointments in both Yale’s Environment and Law Schools. (Maria and Daniel C., “Reclaiming U.S. Leadership in Global Environmental Governance”, Summer-Fall, SAIS Review lobal envivol. XXVIII no. 2, <http://www.umb.edu/editor_uploads/images/centers_institutes/center_governance_sustain/Ivanova-Esty-SAISReview-2008.pdf> SW)

As the world’s only superpower, the United States is indeed in a unique position. Even in the face of increasing global interdependence and vulnerability to terrorism or other undeniably supranational threats, American exceptionalism persists, undermining meaningful international cooperation in many circumstances. Global environmental problems, and climate change in particular, offer a potential opportunity and platform for U.S. re-engagement in collaborative international affairs. Clearly, environmental challenges have global dimensions that illustrate the extent of interconnectedness of the earth’s ecology as well as its economic systems. Climate change has emerged as a top-tier threat 9 as the early effects of global warming are spreading across the planet, including the United States. Alaska’s permafrost is melting, taking down homes, roads, and livelihoods. Prolonged droughts in the West and Southwest have intensified the severity and frequency of wildfires and water reservoirs have dried up in the South. Ozone depletion due to chlorofluorocarbons (CFCs) and other chemicals threatens to reduce agricultural productivity and leave people exposed to higher levels of ultraviolet radiation and at a greater risk of skin cancer globally. Over-fishing has led to a collapse of fisheries in most of the world’s oceans. Deforestation unleashes carbon dioxide into the atmosphere, reduces the capacity of forests to serve as carbon “sinks,” and eliminates the forest habitat that supports much of the biological diversity of the planet. These problems are notable because they represent “super-externalities,” 10 which **inescapably require international collaboration**. The logic of collective action in this global context is awkward but unavoidable. Ecologically, the actions of one actor or a small subset of actors might delay but cannot solve a problem if others continue to run-down natural resource stocks or spread pollution. Economically, national action is likely to generate diffused benefits (spread across the world) and highly concentrated costs (on producers and consumers in the country taking action). The resulting cost-benefit analysis almost always argues against action. The realities of **national self-interest make it difficult to get harm-causers or natural resource users to confront the trans-boundary impact of their actions**. As a result, global public goods, including international environmental protection—controlling pollution and managing shared natural resources—tend to be underprovided. 11 In the absence of a collaborative response that draws all harm-causers and harm-bearers into a regime that internalizes these externalities and provides an appropriate degree of global-scale environmental protection, a tragedy of the commons will likely unfold. 12 Pollution-causing activities will be conducted at a large scale, and open-access resources, such as the atmosphere and the oceans, will be over-exploited. Protecting shared natural resources and preventing environmental spillovers at a global scale makes sense in the context of a shared destiny, as countries move together as a world community to address common threats. To this end, as countries recognize their inability to address critical environmental problems on a national basis, collective response will spur the development of international institutions and organizations. Almost forty years ago, global environmental governance took shape as the United Nations Environment Programme (UNEP) was established as the core, or “anchor institution” for the global environment. 13 The organization was intended to serve as the world’s ecological conscience, provide impartial monitoring and assessment, be a global source of information on the environment, “speed up international action on urgent environmental problems,” and “stimulate further international agreements of a regulatory character.” 14 Subsequently, additional elements of today’s environmental architecture have sprung up under the auspices of the United Nations to address various environmental concerns. As new problems were identified, new organizations and agreements were established and a multi-dimensional system of global environmental governance developed. However, **the earlier constructive engagement on the part of the United States has given way to a progressively more guarded and even openly hostile attitude**.