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#### Topical affs must increase prohibitions on for profit companies:

#### Private sector = for profit

Brock 20—(MBA from Franklin University and a BSBA from Bowling Green State University, CPA). Thomas Brock. December 25, 2020. Investopedia. <https://www.investopedia.com/terms/p/private-sector.asp>. Accessed 9/7/21.

**The private sector** is the part of the economy **that is run by individuals and companies for profit and is not state controlled**. **Therefore,** it encompasses all for-profit businesses that are not owned or operated by the government. Companies and corporations that are government run are part of what is known as the public sector, while **charities and** other **nonprofit organizations are part of the voluntary sector.**

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#### The United States federal government should establish a framework for contingent international cooperation that ends the non-profit exemption for hospitals

#### The CP’s framework multilateralizes antitrust---explicit reciprocity bypasses generic barriers AND spills over to deep economic integration

Dr. Daniel Francis 21, Climenko Fellow and Lecturer on Law at Harvard Law School, Doctorate of Laws Degree from the NYU School of Law, Master of Laws Degree from Harvard University, JD from Trinity College at Cambridge University, Former Deputy Director of the Federal Trade Commission, “Choices and Consequences: Internationalizing Competition Policy after TPP”, in Megaregulation Contested: The Global Economic Order After TPP, Ed. Kingsbury, Revised 8/26/2021, p. 40-48

B. Between Contracts and Networks: Frameworks

Another dichotomy that dominates the integration of competition policy pertains to the forms of internationalization, which in the competition policy space have generally been dominated by contract-style treaties on the one hand and by open networks on the other.166 Between these two models lies what seems to be an under-utilized alternative, which I call a “framework for contingent cooperation.”

[FOOTNOTE] 166 This binary view dominates the literature. See, e.g., Edward M. Graham, “Internationalizing” Competition Policy: An Assessment of the Two Main Alternatives, 48 Antitrust Bull. 947, 949 (2003) (“[M]echanisms [for antitrust internationalization] range from bilateral treaties creating arrangements for cooperation between or among national competition law enforcement agencies to informal working arrangements among agencies.”); Eleanor M. Fox, International Antitrust and the Doha Dome, 43 Va. J. Int’l L. 911, 912 (2003) (contrasting “horizontalism” with “globalism”); Anu Piilola, Assessing Theories of Global Governance: A Case Study of International Antitrust Regulation, 39 Stan. J. Int'l L. 207, 247 (2003) (“Rather than drafting overarching multilateral agreements on antitrust laws, cooperation efforts in the immediate future are more likely to succeed in managing existing diversity and promoting voluntary convergence based on approximation of domestically applied standards. Networks of antitrust authorities are well-suited to facilitate this process of cooperation and voluntary convergence.”). [END FOOTNOTE]

A “framework” in the sense that I am using that term is a facilitative arrangement that does not constitute a treaty under international law,167 and which does not carry the charge of international legal obligation, but which involves an exchange of specific and reciprocally contingent commitments by participant jurisdictions to engage in mutually beneficial conduct. Specifically, each party states that it will extend certain benefits to each other party so long as each other does likewise; the parties may also create supplementary mechanisms to monitor and/or adjudicate compliance with these commitments.168

A framework of this kind is not a treaty: it is what Kal Raustiala calls a “pledge,”169 and what Charles Lipson calls an “informal” agreement,170 involving no legal obligation, and it involves no commitment of the parties’ reputation for law-abiding behavior.171 On the other hand, it differs from an open, information-sharing network because it precisely specifies behavioral commitments, and because each of the parties shares an understanding that concrete consequences will promptly follow—exclusion from the benefits provided by others—if its behavior materially deviates from the terms of the commitment.172 A framework is therefore essentially a specific declaration of intention to engage in conduct that benefits others, contingent upon parallel behavior by other participating states, without obligatory status under international law.

This is, in some sense, the direct opposite of the approach typically taken in competition policy chapters in trade agreements. The provisions of competition policy chapters partake of the substance of treaty law, but are generally framed in broad terms rather than specifics, and generally do not reflect a shared understanding that specific consequences will attend breach. By contrast, frameworks do not bind in international law, are framed in specific terms than aspirational generalities, and reflect an understanding that the benefits of cooperation will be withdrawn in the event of violation.

Contingent cooperation thus depends for its effectiveness primarily upon three important dynamics. The first and most important of these is the rationality of strategic cooperation. A familiar mainstream view holds that to a significant extent states behave in international society in ways that rationally serve their interests.173 And when cooperation over a series of interactions is overall in the interests of each member of a group, but when each member faces a rational incentive to defect from the terms of cooperation in individual cases, familiar economic theory teaches that a strategic cooperative equilibrium can be maintained among the parties.174 In contingent cooperation, each party understands that if it defects materially from the terms of the framework, the other participants will withdraw the excludable benefits of cooperation, and this provides the incentive to comply.175

Contingent cooperation can be made more stable by the introduction of certain structures designed to monitor compliance (just as with a cartel among private companies).176 This might among other things involve the creation of a central “facilitator” that is responsible, in a general sense, for obtaining, collecting, and processing information necessary to sustain a cooperative equilibrium.177 Depending on the purpose and scope of the cooperation project, this could include (for example): reviewing the text of laws, regulations, and policy documents for consistency with the terms of the framework; conducting peer-review-style evaluations and certifications; hosting voluntary dispute resolution processes, including mediation and/or arbitration, to determine whether and when the framework has been violated; or even receiving and handling complaints of violations ombudsman-fashion (i.e., receiving the complaint, giving the subject of the complaint an opportunity to respond, and publishing findings and conclusions). A central facilitator could also go beyond a policing function and offer a common forum for certain forms of cooperation and information sharing. The nature of such broader functions, and the extent to which they would be useful or desirable, would depend on the nature and purpose of the cooperation.

The second dynamic that powers contingent cooperation is the normative appeal of the project itself. The point here is not unlike what Gráinne de Búrca calls “mission legitimacy”: the normative force of the underlying purpose of a cooperative project, and specifically the power of that normativity to secure the acceptance and cooperation of those who participate.178 Parties joining projects of contingent cooperation can be expected to be in some sense self-selecting: they join such endeavors because, in part, they are genuinely committed to promoting and achieving the ends that the project represents, and they embrace the project of cooperation as worthwhile.179 It may sound a little naïve to suggest that a project of cooperation may be more likely to “stick” if it has some normative appeal to the participating polities, but legal scholarship has long recognized that states do what they undertake to do more often than strictly rational analysis would predict.180 And I think the proposition that genuine commitment to a goal can contribute to compliance is in truth somewhat less naïve than the converse idea that compliance is just as likely without it.

The third source of a framework’s effectiveness is to be found in the acculturative and socializing effects of interaction in an environment in which values and practices are shared and reinforced as normative, and in which attention is paid to the existence and nature of violations. There is a rich and complex literature on the ways in which states, state actors, and the individuals within them may be “socialized” or “acculturated” by repeated engagement with others through common institutions and shared environments of normativity, eventually contributing to the emergence of obligations with genuine normative force.181 Jutta Brunnée and Stephen Toope have pointed out ways in which the force of legal obligation itself arises from shared communities of practice grounded in social reality and shared understandings, not formal commitments.182 As they put it, “[s]tability may be aided by explicit articulation of a norm in a text, but it is ultimately dependent upon [an] underlying shared understanding and a continuous practice of legality.”183

Participation in an endeavor of contingent cooperation may help to engender the development of such understandings and practices, and these may contribute to the effectiveness of the framework. In the longer term, this may even result in the creation of a legal instrument. But this progression is not necessary for acculturation to exert a reinforcing effect: for, as Anu Bradford accurately notes, there is no reason to think that “the pathway from nonbinding to binding rules” is an inevitable or even a natural one.184

The distinctive value of a framework is that it provides a low-cost way for jurisdictions to explore and participate in possible arrangements of mutual benefit that depend upon shared concrete understandings regarding future behavior, but without bearing the burden of an obligation under international law, without running the reputational risk of having to break a treaty, and without facing the domestic hurdles (or political scrutiny) that a treaty would necessitate.185 Use of such a framework may help to reduce the concerns grounded in political morality that might otherwise attend inter-jurisdictional action in sensitive areas:186 to use a term I have coined elsewhere, as contingent practices from which states could withdraw at any time, frameworks would benefit from considerable resources of “exit legitimacy.”187

Frameworks are not suited to every application. They seem particularly apt for types of international cooperation that generate excludable benefits for other participants and can be reasonably well monitored: in the sphere of competition policy, for example, this would include commitments to provide nondiscriminatory access to procurement markets as well as many forms of antitrust cooperation (including cooperation with one another’s investigations, coordination of enforcement activity, the operation of joint filing systems for merger review and cartel leniency programs, and so on). Certain guarantees of nondiscriminatory treatment by SOEs could also be extended on a selective basis. On the other hand, contingent cooperation is much less suitable for projects that require strong and highly credible guarantees of commitment from the participants (in which case a traditional treaty-contract would seem more appropriate188) or groups of parties still lacking the prerequisite agreement on the terms and ambit of desirable cooperation. Nor is it suitable in the absence of sufficient confidence in the ability or incentive of other parties to deliver on their commitments: in these cases, open dialogue and information exchange through a network would seem preferable. Nor, obviously, is it a good fit for projects in which the benefits of cooperation are non-excludable.189 To pick an obvious example, contingent cooperation would not recommend itself as a natural choice for an international project to introduce SOE discipline: the benefits are non-excludable (there is no obvious way to withdraw them selectively in the event of defection) and compliance is very difficult to monitor, so the use of a framework is unlikely to make much of a contribution.190

#### Normative convergence through antitrust harmonization prevents extinction from resource depletion, human rights abuse, and war

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A. The international political environment

At the root of international political theory is the fundamental maxim that relations between sovereign nations in the absence of mitigating factors is characterized by intense competition, mutual distrust, the inability to make credible commitments, and war.20

[FOOTNOTE] 20 Political scientists characterize the international system as “anarchic.” In the absence of world government (or other mitigating force), competition between states is largely unregulated by external laws or enforcement. The world is characterized by mistrust, the inability to contract, and the ultimate reliance on a state’s own devices. See THOMAS HOBBES, LEVIATHAN 80 (Edwin Curley ed., 1994) (in the state of nature “the condition of man . . . is a condition of war of everyone against everyone”). In fuller terms:

There is no authoritative allocator of resources: we cannot talk about a ‘world society’ making decisions about economic outcomes. No consistent and enforceable set of comprehensive rules exists. If actors are to improve their welfare through coordinating their policies, they must do so through bargaining rather than by invoking central direction. In world politics, uncertainty is rife, making agreements is difficult, and no secure barriers prevent military and security questions from impinging on economic affairs.

ROBERT O. KEOHANE, AFTER HEGEMONY: COOPERATION AND DISCORD IN THE WORLD POLITICAL ECONOMY 18 (1984). Efficiency-enhancing gains from trade are difficult to appropriate because trade itself (and any other form of exchange or agreement between nations) is characterized by the absence of credible commitments to future behavior. And underlying the problem is the ever-present threat of the use of force. See, e.g., Kenneth N. Waltz, Anarchic Orders and Balances of Power, in NEOREALISM AND ITS CRITICS 98, 98 (Robert O. Keohane ed. 1986) (“The state among states . . . conducts its affairs in the brooding shadow of violence . . . . Among states, the state of nature is a state of war.”). Although this dire characterization of the international environment is, of course, a stylized approximation of the real world—there are always overlying constraints on sovereign behavior in the form of norms, reputational effects, and customary international law, HEDLEY BULL, THE ANARCHICAL SOCIETY: A STUDY OF ORDER IN WORLD POLITICS (1977)—it is a useful and widely accepted heuristic for crafting a theory of international politics. [END FOOTNOTE]

As one commentator notes, “Nations dwell in perpetual anarchy, for no central authority imposes limits on the pursuit of sovereign interests.”21 And states are “unitary actors who, at a minimum, seek their own preservation and, at a maximum, drive for universal domination.”22 As a result, states operating on the international stage are unable to judge the sincerity of each others’ stated intentions when those intentions are contrary to this manifest interest. Because of self-help rules, states are forced in the main to assess their own security environment by assessing the capabilities of competitors, downplaying their motives. Given that the nature of the competition can implicate the fundamental survival of one (or more) of the actors, actions taken by one state to improve its own security must necessarily decrease the security of its competitor; in the absence of mitigation, security is a zero-sum game.23 In a world where cooperation is exceedingly difficult (because there is no authority to enforce agreements, nor any basis for assessing the reliability of another state’s commitments), international relations are characterized by a continuous race to the bottom, a mindless arms race rather than the opportunity to realize gains from cooperation.

It is obvious that not all relations between states are characterized by the security dilemma, however. Canada, for example, shares an unprotected border with the most powerful nation in the world without degenerating into a destructive and costly arms race. By some mechanism, then, Canada must be able reliably to judge U.S. intentions, even absent the apparent ability by the United States credibly to bind itself to a nonaggressive policy toward Canada. The key to mitigating the pressures of the security dilemma is the ability to distinguish a state with aggressive and expansionist tendencies from a benign one.24 States can be distinguished by their fundamental type. They can be classified as “revisionist,” that is, they seek to subvert the dominant order, or they can be classified as “status quo,” that is, they seek to support it.25 But, as noted, a state’s ability to judge another’s intentions (as opposed simply to counting its armaments) is extremely tenuous and comes at great cost. In fact, political science offers few well-understood mechanisms for judging a state’s propensity for aggression.

At the same time, hegemonic states have an abiding interest in spreading and maintaining their dominant worldview.26 Not only is it imperative that dominant states receive credible signals about other states’ intentions, but it is also important that dominant states attempt to inculcate their norms within other states that, over time, might mount credible challenges to the dominant states’ security.27 The spread of hegemony through internalization of norms occurs for three reasons. First, states with similar institutions and sympathetic domestic norms are simply better and more reliable trading partners, and it is in the hegemon’s economic interest to instill its norms.28 Second, states with defensive military postures and that adhere to the status quo present significantly less security risk to dominant states.29 And finally, the hegemon has a normative interest in the spread of its culture, its worldview, and its norms.30 This conception of the playing field upon which states interact leads to the conclusion that, entirely apart from the immediate and substantial economic benefits to a state from well-ordered interactions with other states, hegemonic states also have a national security and a normative interest in the information to be gleaned from the fact that these interactions are, in fact, well ordered.

In the absence of centralized enforcement, privately held and nonverifiable information as to a state’s fundamental type is the critical problem in assessing motives.31

[FOOTNOTE] 31 See KEOHANE, supra note 20, at 31 (“Order in world politics is typically created by a single dominant power [or hegemon].”). States are consequently classified as one of two types, “revisionist” or “status quo,” based on their acceptance and adherence to the political norms, institutions, and rules created by the hegemon. Status quo states are those that try to improve their condition from within the framework of the accepted world order. Revisionist states, by contrast, seek to gain position both by working outside that order and by working to subvert the hegemonic order itself. For instance, the existing world order is generally accepted to be that created by the United States after World War II. It comprises a liberal international economic order, the use of multilateral institutions (such as the United Nations and the WTO), negotiation for dispute resolution rather than the threat of violence, and the promotion of liberal democratic moral norms. See, e.g., Schweller, supra note 24, at 85; HANS J. MORGENTHAU, POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE 32 (1948). Trade disputes between status quo states (like tariff disputes between the United States and Europe) are resolved through peaceful negotiation rather than the threat of war. Although status quo states do not entirely eschew the use of violence, they typically seek international authorization and legitimization before employing military force, as in the multilateral operations in Iraq, Kosovo, and Afghanistan. Revisionist states, on the other hand, such as North Korea, Iran, and China, will more readily use military force as a bargaining tool and are more reluctant fully to participate in transparent military, economic, and political negotiations. [END FOOTNOTE]

States wishing to escape the pressures of the security dilemma and engage in cooperative behavior need a means of conveying their preferences to others in a credible manner. There are, in general, two means by which such information can be transmitted: states can either bind themselves in such a way that they are unable to deviate from a stated behavior (known as “hands tying” in Schelling),32 or they can signal their intention to engage in a specified course of action by incurring costs sufficiently large that they discourage the misrepresentation of preference.33

International institutions can play a crucial role in facilitating the transmission of this information.34 In particular, international agreements over the terms of trade, even without binding supranational enforcement authority, provide a means for states to bind themselves to a desirable course of behavior in the short run and, more importantly, to signal their acquiescence to the ruling world order in the long run. Because compliance with treaty obligations often requires signatories to alter their domestic laws to reflect the terms of the treaty, the costs of compliance can be substantial. In the short run, to the extent that states enforce their domestic laws they can bind themselves to a certain course of behavior. In the long run, a state’s willingness to incur the substantial costs of changing its laws, both the transaction costs inherent in changing domestic laws and the even more substantial costs in domestic political capital, signals a willingness to engage other states on the terms set by the reigning international power. Moreover, there may be unintended effects, as changes in domestic laws result in a new set of domestic incentives to which actors respond, and new windows of opportunity may open up through which policy entrepreneurs can push for the internalization of new norms.35 Competition laws in particular are susceptible to this mode of analysis.

Most nations have adopted competition laws as a way to actualize (as well as to symbolize) a degree of commitment to the competitive process and to the prevention of abusive business practices . . . . The introduction of competition laws and policies has also gone hand in hand with economic deregulation, regulatory reform, and the end of command and control economies.36

The surest way to remove the threat of war, increase wealth, conserve resources, and protect human rights is through fundamental agreement between all states (or at least effective agreement between verifiably status quo states) under a normative umbrella that promotes all of those values. This normative convergence can be effected through the stepwise internalization of the sorts of economic and democratic values inherent in international economic liberalization, perhaps most notably through the adoption of principled international antitrust standards.37

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#### Bill passes - Biden is using PC in negotiations with Manchin - all portions of the party are moving toward agreement

Meyer and Alemany, 1-3 (Theodoric Meyer, National political reporter and co-author of the Power Up newsletter, and Jacqueline Alemany, Anchor of The Early 202, “Here we go again: Build Back Better is back on the Senate stage”, Washington Post, 1-3-22, https://www.washingtonpost.com/politics/2022/01/03/here-we-go-again-build-back-better-is-back-senate-stage/)//babcii

[Never gonna give you up](https://www.youtube.com/watch?v=dQw4w9WgXcQ)**:** President Biden and White House aides spent part of the holiday recess working the phones with Senate Democrats on how to get the Build Back Better Act (BBB) through the Senate, according to a White House aide. But the dynamics of getting the big health care, child care and climate change package through the evenly divided chamber remain as tough as they were the week before the holidays, when Sen. Joe Manchin (D-W.Va.) announced he [opposed](https://www.washingtonpost.com/us-policy/2021/12/19/manchin-build-back-better-biden/?itid=lk_inline_manual_10) the current plan and opened a rift with the White House.

It's unclear how much Biden and his legislative emissaries have been in touch with Manchin since their unusually sharp pre-Christmas war of words. Biden and Manchin[did speak](https://www.politico.com/news/2021/12/20/biden-and-manchin-speak-525788)and pledge to continue negotiating after Manchin's bombshell announcement. Manchin's concerns are [rooted](https://www.washingtonpost.com/us-policy/2021/12/20/manchin-biden-child-tax-credit/?itid=lk_inline_manual_11) in his opposition to an extension of the beefed-up child tax credit — which expired on New Year's Day since Congress did not act — included in the House version of the bill, as well as some climate provisions.

And Senate Majority Leader Chuck Schumer (D-N.Y.) told Senate Democrats in a virtual caucus meeting days before Christmas that he would push to vote on the bill by the end of January, according to a person familiar with the call.

Manchin isn't the only thing standing in the way of passage; Sen. Kyrsten Sinema (D-Ariz.) also hasn't committed to voting for the bill.

New ideas floated over the recess to pass the package through the Senate include breaking it up into smaller pieces.

“Well, that's a strategy decision that's being negotiated," Sen. Ben Cardin (D-Md.)[told "](https://cnsnews.com/article/washington/susan-jones/sen-cardin-dems-plan-pare-down-bbb-weve-got-find-sweet-spot)Fox News Sunday" on Dec. 26. “We are open to a way to reach the finish line. We want to make it as comprehensive as possible, because the needs are just there."

The biggest problem with such strategy is that Senate rules limit the number of bills that can be passed via reconciliation, and there's little to no appetite among Republican senators to support any elements of BBB. Democrats also decided against trying to pass a separate bill last month to extend the child tax credit before it expired.

Meanwhile, many progressives are furious with Manchin. “The Progressive Caucus will continue to work toward legislation for [BBB], focused on keeping it as close to the agreed-upon framework as possible. At the same time, we are calling on the president to use executive action to immediately improve people’s lives,” Rep. Pramila Jayapal (D-Wash.), the CPC's chair, wrote in [a post-Christmas op-ed](https://www.washingtonpost.com/opinions/2021/12/26/pramila-jayapal-joe-manchin-build-back-better/?itid=lk_inline_manual_22) for The Post.

That's not all

Still, Schumer’s legislative to-do list is a little less punishing than it was last month.

Lawmakers this week will mark the first anniversary of the Jan. 6 attack on the Capitol, and Schumer and the White House plan to mount a renewed push this month to pass a voting rights bill. But Schumer isn’t confronting the same avalanche of deadlines he was last month, when the Senate had to pass a government funding bill, raise the debt limit and move a must-pass defense spending bill in only a few weeks.

And some think Manchin will find a way to “yes.”

Hoppy Kercheval, the West Virginia radio host to whom Manchin kvetched the day after he said he couldn’t back BBB, said Democrats shouldn’t be under any illusion that Manchin has given up.

“I’ll leave it to Washington insiders to suss out any moment-by-moment, event-by-event issues that led Manchin to finally put his foot down,” Kercheval wrote in [an op-ed](https://www.wvgazettemail.com/opinion/op_ed_commentaries/hoppy-kercheval-some-line-mustve-been-crossed-with-manchin-opinion/article_d7e77ecc-372a-5d64-97cc-81e60786bdd3.html) in West Virginia’s Gazette-Mail newspaper after Manchin dropped his pre-Christmas bombshell. “But know this after Manchin — he wants a deal, he craves a deal.”

#### Antitrust reform decks PC and trades off with infra

Carstensen, 21 (Peter C. Carstensen, the Fred W. & Vi Miller Chair in Law Emeritus, University of Wisconsin Law School, February 2021, “THE “OUGHT” AND “IS LIKELY” OF BIDEN ANTITRUST,” https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en)

14. Similarly, despite bipartisan murmurs about competitive issues, the potential in a closely divided Congress that any major initiatives will survive is limited at best. In part the challenge here is how the Biden administration will rank its commitments. If it were to make reform of competition law a major and primary commitment, it would have to trade off other goals, which might include health care reform or increases in the minimum wage. It is likely in this circumstance the new administration, like the Obama administration’s abandonment of the pro-competitive rules proposed under the PSA, would elect to give up stricter competition rules in order to achieve other legislative priorities.

15. Another key to a robust commitment to workable competition is the choice of cabinet and other key administrative positions. Here as well, the early signs are not entirely encouraging. In selecting Tom Vilsack to return as secretary of agriculture, the president has embraced a friend of the large corporate interests dominating agriculture who has spent the last four years in a highly lucrative position advancing their interests. Given the desperate need for pro-competitive rules to implement the PSA and control exploitation of dairy farmers through milk-market orders, the return of Vilsack is not good news. Who will head the FTC and who will be the attorney general and assistant attorney general for antitrust is still unknown, but if those picks are also centrists with strong links to corporate America the hope for robust enforcement of competition law will further attenuate!

16. In sum, this is a pessimistic prognostication for the likely Biden antitrust enforcement agenda. There is much that ought to be done. But this requires a willingness to take major enforcement risks, to invest significant political capital in the legislative process, and to select leaders who are committed to advancing the public interest in fair, efficient and dynamically competitive markets. The early signs are that the new administration will be no more committed to robust competition policy than the Obama administration. Events may force a more vigorous policy—I will cling to that hope as the Biden administration takes shape.

#### BBB solves climate change – massive transition and international follow-on

Davenport, 21 (Coral Davenport, NYT Staff, President Biden unveiled a revised spending plan in an effort to try to pass a $1.85 trillion social safety net bill and a $1 trillion infrastructure measure, 10-28-21, <https://www.nytimes.com/2021/10/28/climate/climate-change-framework-bill.html>, y2k)

WASHINGTON — **Climate** has emerged as the **single largest category** in President Biden’s **new** **framework** for a huge **spending bill**, placing **global warming** at the center of his party’s **domestic agenda** in a way that was hard to imagine just a few years ago. As the bill was pared down from $3.5 trillion to $1.85 trillion, paid family leave, free community college, lower prescription drugs for seniors and other Democratic priorities were dropped — casualties of negotiations between progressives and moderates in the party. But $555 billion in climate programs remained. It was unclear on Thursday if all Democrats will support the package, which will be necessary if it is to pass without Republican support in a closely divided Congress. Progressive Democrats in the House and two pivotal moderates in the Senate, Joe Manchin III of West Virginia and Kyrsten Sinema of Arizona, did not explicitly endorse the president’s framework. But Mr. Biden expressed confidence that **a deal was in sight.** If enacted, it would be the **largest action** ever taken by the **U**nited **S**tates to address **climate change.** And it would **enshrine** climate action **in law**, making it **harder** to be **reversed by a future president.** In remarks Thursday, Mr. Biden called it “the most significant investment to deal with the climate crisis that ever happened, beyond any other advanced nation in the world.” The centerpiece of the climate spending is $300 billion in **tax incentives** for **producers** and **purchasers** of **wind**, **solar** and **nuclear power**, inducements intended to speed up a **transition** away from **oil**, **gas** and **coal**. Buyers of **e**lectric **v**ehicles would also benefit, receiving up to $12,500 in tax credits — depending on what portion of the vehicle parts were made in America. The rest would be distributed among a mix of programs, including money to construct **charging stations** for electric vehicles and update the **electric grid** to make it more conducive to transmitting wind and solar power, and money to promote **climate-friendly farming** and **forestry** programs. The plan would still fall short of the ambitious pledge Mr. Biden has made to halve the country’s greenhouse gases, from 2005 levels, by the end of this decade. Scientists say that nations must quickly and deeply cut emissions from burning oil, gas and coal to avert the most harrowing impacts of climate change. As many of the social spending programs fell by the wayside, the primacy of climate remained during weeks of tense negotiations between the White House and progressive and centrist lawmakers. Mr. Manchin, who played an outsized role in shaping the debate, was able to kill the most powerful mechanism in Mr. Biden’s climate plan — a program that would have rewarded power companies that moved from fossil fuels to clean energy, and penalized those that did not. Mr. Manchin’s state is a top coal and gas producer, and he has personal financial ties to the coal industry. But during negotiations, Democratic lawmakers of different political leanings all made climate policy a priority. Rising activists and a sustained push Many Democrats said they were newly energized to take on climate change after cascading climate disasters over the past year. Record droughts, flooding, wildfires and heat waves — which scientists said are worsened by climate change — devastated nearly every corner of the country. Liberals and many moderates in Congress, including vulnerable House members in swing districts, pushed the administration to focus on the issue. One group of moderate House Democrats even suggested that Democrats not worry about offsetting climate spending with tax increases. There was also a sustained drive inside the administration to elevate the issue. Mr. Biden has repeatedly linked cutting emissions to job creation, echoing the views of many of his top economic advisers, like Brian Deese, who heads the National Economic Council. Mr. Deese has said he sees the fate of America’s middle class over the coming decades entwined with the country’s ability to dominate the industries powering emissions reduction. At the same time, a new generation of climate activists has been advising the president on his agenda, and warning lawmakers that they risk losing young voters if they do not act. Mr. Biden seemed to nod at the generational aspect of the crisis on Thursday, when he spoke about meeting an electrical worker in Pittsburgh worried that climate change threatened his children’s future. “Folks, we all have that obligation, an obligation to our children and to our grandchildren,” Mr. Biden said. In Congress, House Speaker Nancy Pelosi and Senate Majority Leader Chuck Schumer instructed committees to draft climate change legislation that would meet Mr. Biden’s targets to cut emissions. And Mr. Biden has been under **growing pressure** to demonstrate that the **U**nited **S**tates, as the country that has **fueled** climate change by emitting the most greenhouse gases, is taking action when he appears Monday at a pivotal **United Nations summit** on climate. Showing up empty-handed would damage the United States’ credibility on the world stage.

#### Warming causes extinction.

Bill McKibben 19. Schumann Distinguished Scholar at Middlebury College; fellow of the American Academy of Arts and Sciences; holds honorary degrees from 18 colleges and universities; Foreign Policy named him to their inaugural list of the world’s 100 most important global thinkers. "This Is How Human Extinction Could Play Out." Rolling Stone. 4-9-2019. https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310/

Oh, it could get very bad. In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.” A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska. Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high. There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most. I could, in other words, do my best to scare you silly. I’m not opposed on principle — changing something as fundamental as the composition of the atmosphere, and hence the heat balance of the planet, is certain to trigger all manner of horror, and we shouldn’t shy away from it. The dramatic uncertainty that lies ahead may be the most frightening development of all; the physical world is going from backdrop to foreground. (It’s like the contrast between politics in the old days, when you could forget about Washington for weeks at a time, and politics in the Trump era, when the president is always jumping out from behind a tree to yell at you.) But let’s try to occupy ourselves with the most likely scenarios, because they are more than disturbing enough. Long before we get to tidal waves or smallpox, long before we choke to death or stop thinking clearly, we will need to concentrate on the most mundane and basic facts: everyone needs to eat every day, and an awful lot of us live near the ocean. FOOD SUPPLY first. We’ve had an amazing run since the end of World War II, with crop yields growing fast enough to keep ahead of a fast-rising population. It’s come at great human cost — displaced peasant farmers fill many of the planet’s vast slums — but in terms of sheer volume, the Green Revolution’s fertilizers, pesticides, and machinery managed to push output sharply upward. That climb, however, now seems to be running into the brute facts of heat and drought. There are studies to demonstrate the dire effects of warming on coffee, cacao, chickpeas, and champagne, but it is cereals that we really need to worry about, given that they supply most of the planet’s calories: corn, wheat, and rice all evolved as crops in the climate of the last ten thousand years, and though plant breeders can change them, there are limits to those changes. You can move a person from Hanoi to Edmonton, and she might decide to open a Vietnamese restaurant. But if you move a rice plant, it will die. A 2017 study in Australia, home to some of the world’s highest-tech farming, found that “wheat productivity has flatlined as a direct result of climate change.” After tripling between 1900 and 1990, wheat yields had stagnated since, as temperatures increased a degree and rainfall declined by nearly a third. “The chance of that just being variable climate without the underlying factor [of climate change] is less than one in a hundred billion,” the researchers said, and it meant that despite all the expensive new technology farmers kept introducing, “they have succeeded only in standing still, not in moving forward.” Assuming the same trends continued, yields would actually start to decline inside of two decades, they reported. In June 2018, researchers found that a two-degree Celsius rise in temperature — which, recall, is what the Paris accords are now aiming for — could cut U.S. corn yields by 18 percent. A four-degree increase — which is where our current trajectory will take us — would cut the crop almost in half. The United States is the world’s largest producer of corn, which in turn is the planet’s most widely grown crop. Corn is vulnerable because even a week of high temperatures at the key moment can keep it from fertilizing. (“You only get one chance to pollinate a quadrillion kernels of corn,” the head of a commodity consulting firm explained.) But even the hardiest crops are susceptible. Sorghum, for instance, which is a staple for half a billion humans, is particularly hardy in dry conditions because it has big, fibrous roots that reach far down into the earth. Even it has limits, though, and they are being reached. Thirty years of data from the American Midwest show that heat waves affect the “vapor pressure deficit,” the difference between the water vapor in the sorghum leaf’s interior and that in the surrounding air. Hotter weather means the sorghum releases more moisture into the atmosphere. Warm the planet’s temperature by two degrees Celsius — which is, again, now the world’s goal — and sorghum yields drop 17 percent. Warm it five degrees Celsius (nine degrees Fahrenheit), and yields drop almost 60 percent. It’s hard to imagine a topic duller than sorghum yields. It’s the precise opposite of clickbait. But people have to eat; in the human game, the single most important question is probably “What’s for dinner?” And when the answer is “Not much,” things deteriorate fast. In 2010 a severe heat wave hit Russia, and it wrecked the grain harvest, which led the Kremlin to ban exports. The global price of wheat spiked, and that helped trigger the Arab Spring — Egypt at the time was the largest wheat importer on the planet. That experience set academics and insurers to work gaming out what the next food shock might look like. In 2017 one team imagined a vigorous El Niño, with the attendant floods and droughts — for a season, in their scenario, corn and soy yields declined by 10 percent, and wheat and rice by 7 percent. The result was chaos: “quadrupled commodity prices, civil unrest, significant negative humanitarian consequences . . . Food riots break out in urban areas across the Middle East, North Africa, and Latin America. The euro weakens and the main European stock markets lose ten percent.” At about the same time, a team of British researchers released a study demonstrating that even if you can grow plenty of food, the transportation system that distributes it runs through just fourteen major choke-points, and those are vulnerable to — you guessed it — massive disruption from climate change. For instance, U.S. rivers and canals carry a third of the world’s corn and soy, and they’ve been frequently shut down or crimped by flooding and drought in recent years. Brazil accounts for 17 percent of the world’s grain exports, but heavy rainfall in 2017 stranded three thousand trucks. “It’s the glide path to a perfect storm,” said one of the report’s authors. Five weeks after that, another report raised an even deeper question. What if you can figure out how to grow plenty of food, and you can figure out how to guarantee its distribution, but the food itself has lost much of its value? The paper, in the journal Environmental Research, said that rising carbon dioxide levels, by speeding plant growth, seem to have reduced the amount of protein in basic staple crops, a finding so startling that, for many years, agronomists had overlooked hints that it was happening. But it seems to be true: when researchers grow grain at the carbon dioxide levels we expect for later this century, they find that minerals such as calcium and iron drop by 8 percent, and protein by about the same amount. In the developing world, where people rely on plants for their protein, that means huge reductions in nutrition: India alone could lose 5 percent of the protein in its total diet, putting 53 million people at new risk for protein deficiency. The loss of zinc, essential for maternal and infant health, could endanger 138 million people around the world. In 2018, rice researchers found “significantly less protein” when they grew eighteen varieties of rice in high–carbon dioxide test plots. “The idea that food became less nutritious was a surprise,” said one researcher. “It’s not intuitive. But I think we should continue to expect surprises. We are completely altering the biophysical conditions that underpin our food system.” And not just ours. People don’t depend on goldenrod, for instance, but bees do. When scientists looked at samples of goldenrod in the Smithsonian that dated back to 1842, they found that the protein content of its pollen had “declined by a third since the industrial revolution — and the change closely tracks with the rise in carbon dioxide.” Bees help crops, obviously, so that’s scary news. But in August 2018, a massive new study found something just as frightening: crop pests were thriving in the new heat. “It gets better and better for them,” said one University of Colorado researcher. Even if we hit the UN target of limiting temperature rise to two degrees Celsius, pests should cut wheat yields by 46 percent, corn by 31 percent, and rice by 19 percent. “Warmer temperatures accelerate the metabolism of insect pests like aphids and corn borers at a predictable rate,” the researchers found. “That makes them hungrier[,] and warmer temperatures also speed up their reproduction.” Even fossilized plants from fifty million years ago make the point: “Plant damage from insects correlated with rising and falling temperatures, reaching a maximum during the warmest periods.”

### OFF

#### The United States federal judiciary should substantially increase prohibitions on the private sector by ending the non-profit exemption for hospitals.

#### The courts have broad authority

Hanley, 21 (Daniel A. Hanley, a policy analyst at the Open Markets Institute., 4-6-2021, accessed on 8-10-2021, Slate, "How Antitrust Lost Its Bite", https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html)//Babcii

History has consistently shown that only bright-line rules will lead to an effective and vigorous enforcement environment, as they do in other areas of law, and prevent the judiciary from favoring dominant economic enterprises and distorting the antitrust laws to preference increased concentration. The Supreme Court’s original development of the rule of reason and its subsequent gutting of the enforcement of the Clayton Act in the 1930s is particularly illustrative of why bright-line rules are necessary. A critical weakness of the Sherman Act when it was passed in 1890 was that it did not incorporate bright-line rules and left the interpretation of the act almost entirely to the judiciary. Despite its broad moral intentions, the first 15 years of its enforcement were anemic against concentrated private power and even [hostile to organized labor](https://escholarship.org/uc/item/8cj0z1tq). Eventually the federal government would obtain its first significant victory [in 1904](https://en.wikipedia.org/wiki/Northern_Securities_Co._v._United_States), but the legal standard that the court would use to determine the legality of antitrust violations was not fully decided until the 1911 Standard Oil case, in which the Supreme Court codified the rule of reason. [Standard Oil v. United States](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) is widely known for breaking up the company. However, the case was actually a pyrrhic victory for antitrust enforcers. In the case, the court created the foundation for the rule of reason by declaring that only “unreasonable” trade practices (known as restraints of trade) were illegal under the Sherman Act. In other words, the judiciary in Standard Oil anointed itself with unilateral discretionary power to manage and organize the economy and neutered the Sherman Act’s application. Outrage from Congress and the public over the judiciary’s seizure of power resulted in swift action. Less than three years later, Congress would try to reassert its position to ensure a deconcentrated marketplace with the Clayton Act. When Congress enacted the Clayton Act in 1914, its primary goal was to supplement the Sherman Act by bolstering a plaintiff’s ability to arrest certain enumerated conduct in its incipiency—to nip monopolistic behavior in the bud. The Clayton Act explicitly lessened the litigation burden on plaintiffs for certain exclusionary practices, including certain forms of tying (conditioning the purchase of a product on the purchase of another product), price discrimination, and exclusive dealing (contracts or coercive behavior that prevents suppliers or distributors from engaging with a firm’s rivals). Most importantly, Congress included in the Clayton Act a highly deferential and plaintiff-friendly legal standard meant to prohibit mergers (although only limited to acquisitions of assets and not for stock) that only “may be to substantially lessen competition” or “tend to create a monopoly.” The Clayton Act made clear that Congress was trying to arrest certain antitrust violations such as mergers as a means to grow corporate operations, and to reverse the Supreme Court’s declaration in [Standard Oil](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States). However, the Supreme Court would instead successfully hijack this antitrust law too, in order to favor its own prescription for managing the economy.

### OFF

#### The United States federal government should increase prohibitions on the private sector without using anti-trust law by establish a purpose-built competition agency comprised of industry and subject matters experts that establish basic rules of conduct for companies currently immune under non-profit exemption

#### CP solves --- establishes a new agency with full authority and acts fast

Lohr, 20 (Steve Lohr, Pulitzer Prize for Explanatory Reporting, a foreign correspondent for a decade, , 10-22-2020, accessed on 5-16-2021, The New York Times, "Forget Antitrust Laws. To Limit Tech, Some Say a New Regulator Is Needed.", <https://www.nytimes.com/2020/10/22/technology/antitrust-laws-tech-new-regulator.html)//Babcii>

But even as the [Justice Department filed an antitrust suit against Google](https://www.nytimes.com/2020/10/20/technology/google-antitrust.html) on Tuesday for unlawfully maintaining a monopoly in search and search advertising, a growing number of legal experts and economists have started questioning whether traditional antitrust is up to the task of addressing the competitive concerns raised by today’s digital behemoths. Further help, they said, is needed.

Antitrust cases typically proceed at the stately pace of the courts, with trials and appeals that can drag on for years. Those delays, the legal experts and economists said, would give Google, Facebook, Amazon and Apple a free hand to become even more entrenched in the markets they dominate.

A more rapid-response approach is required, they said. One solution: a specialist regulator that would focus on the major tech companies. It would establish and enforce a set of basic rules of conduct, which would include not allowing the companies to favor their own services, exclude competitors or acquire emerging rivals and require them to permit competitors access to their platforms and data on reasonable terms.

The British government has already said it would create a digital markets unit, with calls for a Big Tech regulator to also be introduced in the European Union and in Australia. In the United States, recommendations for a digital markets regulator have also been made in expert reports and in congressional testimony. It could be a separate agency or perhaps a digital division inside the Federal Trade Commission.

Significantly, the leading proponents of this path in the United States are mainstream antitrust experts and economists rather than break-’em-up firebrands. Jason Furman, a professor at Harvard University and chair of the Council of Economic Advisers in the Obama administration, led [an advisory group to the British government](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785547/unlocking_digital_competition_furman_review_web.pdf) that recommended the creation of a digital markets unit in 2019.

Breaking up the big tech companies, Mr. Furman said, is a bad idea because that would risk losing some of the consumer benefits these digital utilities undeniably deliver. A regulator is necessary to police digital markets and the behavior of the tech giants, he said.

“I’m a small ‘c’ conservative, and I’m not a fan of regulation generally,” Mr. Furman said. “But it’s needed in this space.”

Regulators that focus on specific sectors of the economy are common in the United States. For financial markets, there is the Securities and Exchange Commission; for airlines, the Federal Aviation Administration; for pharmaceuticals, the Food and Drug Administration; for telecommunications, the Federal Communications Commission; and so on.

There is also precedent for picking out a handful of big companies for special treatment. In banking, the biggest banks with the most customers and loans are classified as “systemically important financial institutions” and subject to more stringent scrutiny.

Several supporters of a new tech regulator were officials in the Obama administration, which was known for being friendly to Silicon Valley. But the advocates said that experience — as well as the conservative, pro-big business drift of court rulings in recent years — left them [frustrated with antitrust law](https://www.nytimes.com/2018/09/07/technology/monopoly-antitrust-lina-khan-amazon.html) as the only way to restrain the growing market power and conduct of the big tech companies.

“The mechanism of antitrust is not working to protect competition,” said Fiona Scott Morton, an official in the Justice Department’s antitrust division in the Obama administration, who is an economist at the Yale University School of Management. “**So let’s do something else — use a different tool.”**

### OFF

#### Massive consumer spending and confidence secures growth even through upcoming uncertainty

Entenmann, 1-3 (Kenneth J. Entenmann is chief economist and chief investment officer at NBT Wealth Management, “Despite labor constraints and inflation, cautious optimism expressed for 2022”, Hartford Business, 1-3-22, https://www.hartfordbusiness.com/article/despite-labor-constraints-and-inflation-cautious-optimism-expressed-for-2022)//babcii

The term “cautiously optimistic” comes to mind with the seemingly collective reservations regarding supply chains and labor — and I have to say I agree with the sentiment. I think you’re on to something, Connecticut.

The 2021 economy fought through significant challenges but has still improved materially. The U.S. GDP is estimated to have grown by 5.6% in 2021 and the consensus forecast for 2022 calls for 4.1% growth.

Both numbers are considerably better than the pre-COVID pace of 2% to 3%. So, it is more than just a positive attitude — there is good reason to be optimistic.

As a result of our collective COVID experience, consumers and companies were forced to adjust their behavior. That adjustment resulted in a great deleveraging of consumer and corporate balance sheets.

The personal savings rate skyrocketed to 35% during the initial COVID lockdown and still hovers around 10%. Many consumers took the COVID lockdown as an opportunity to pay down their debt; credit card, home equity and mortgage balances all declined significantly.

On the corporate front, a similar deleveraging has occurred. The original CARES Act provided a material safety net for companies of all sizes. Most significantly, the act created the Paycheck Protection Program that provided loans ($350 billion, mostly forgiven) to small businesses. The PPP loans allowed companies to remain solvent while adjusting to the new COVID world.

While the PPP loans provided support for revenue shortfalls and supported employment levels, non-labor expenses dropped materially. Expenses such as marketing, travel, training and development, fleet expenses and entertainment all plummeted.

Today, companies are flush with cash, expenses continue to run below “normal,” and debt has been paid down. Why is this great deleveraging important? It provides plenty of ammunition for economic growth when the uncertainties surrounding COVID diminish.

The combination of strong balance sheets, a continuing reopening of the economy and historically low interest rates provide fuel for growth and reason for cautious optimism as the economy works through a host of challenges.

#### Antitrust regs causes uncertainty and expands rent-seeking

Crews and Young 19 (Clyde Wayne Crews, Vice President for Policy and Senior Fellow @ Competitive Enterprise Institute, Ryan Young is a Senior Fellow @ Competitive Enterprise Institute, “The Case against Antitrust Law”, Competitive Enterprise Institute, 04/16/2019, <https://cei.org/studies/the-case-against-antitrust-law/>)//babcii

Uncertainty. Antitrust regulation creates an enormous amount of economic uncertainty. Nobody knows how it will be used at a given time. If antitrust statutes are interpreted literally, potentially any firm, no matter how small, can be charged with an antitrust violation—or for dominating its relevant market, however defined. If a business sells goods at a lower price than its competitors, it can be charged with predatory pricing. If it sells goods at the same price as its competitors, it can be charged with collusion. And if it sells goods at a higher price than its competitors, it can be charged with abusing market power. A century of case law has evolved some guidelines, but judicial precedents can be overturned any time a new case is brought. There are few bright-line legislative or judicial standards for antitrust enforcement. It is mostly guided by a mix of inconsistently enforced judicial precedents, regulators’ personal discretion, and political factors unrelated to market competition. Even the mere threat of antitrust enforcement can have a preemptive chilling effect on innovation, business strategies, and potential efficiency-enhancing arrangements. Rent-seeking. Neo-Brandeisians rightly want to reduce rent-seeking, but they routinely propose policies that will backfire because of a common misunderstanding of how governments work in practice. Government employees do not operate with only the public interest in mind. They are human beings, with the same incentives and flaws as other human beings. They want to increase their budgets and power and enjoy the publicity that accompanies big cases. It also makes regulators especially vulnerable to what is known as a Baptist-and-boot- legger dynamic. In Clemson University economist Bruce Yandle’s classic example, a moralizing Baptist and a profit-seeking bootlegger will both favor a law requiring liquor stores to close on Sundays, though for different reasons. A true-believing “Baptist” in Congress or at the Justice Department or the FTC would be inclined to listen seriously to the entreaties of corporate “bootleggers” who can come up with virtuous-sounding reasons for why regulators should give their businesses special favorable treatment.36 Oracle, one of Microsoft’s rivals, ran its own independent Microsoft investigation during that company’s antitrust case, for what it alleged were Baptist-style reasons. “All we did is try to take information that was hidden and bring it to light,” said Oracle CEO Larry Ellison. “I don’t think that was arrogance. I think it was a public service.”37 Former Sen. Orrin Hatch (R-UT), who counted Oracle among his constituents, was one of the loudest anti-Microsoft voices in Congress. Around that time, he also received $17,500 donations from executives at Netscape, AOL, and Sun Microsystems. Perhaps heeding Hatch’s admonition that, “If you want to get involved in business, you should get involved in politics,” Microsoft expanded its presence in Washington from a small outpost at a Bethesda, Maryland, sales office to a large downtown Washington office with a full-time staff plus multiple outside lobbyists.38 Microsoft quickly went from a virtual non-entity in Washington to the 10th-largest corporate soft money campaign donor by the 1997-1998 election cycle. Sen. Hatch’s campaign was among the beneficiaries.39 The lines between Baptist and boot- legger can be blurry, and some actors play both parts. But such ethical dynamics are an integral part of antitrust regulation in practice.

#### slow growth goes nuclear – breaks down global cooperation

**Landay 17** (Jonathan – Reuters National Security Correspondent, 1/9/17, “U.S. intelligence study warns of growing conflict risk”, <https://www.reuters.com/article/us-usa-intelligence-future-idUSKBN14T1J4>)

WASHINGTON (Reuters) - The risk of **conflicts** between and within **nations** will **increase** over the next five years to levels not seen since the Cold War as **global growth slows**, the post-World War Two order erodes and **anti-globalization** fuels **nationalism**, said a U.S. intelligence report released on Monday. “These **trends** will converge at an unprecedented pace to make governing and **cooperation** harder and to change the **nature of power** – fundamentally altering the **global landscape**,” said “Global Trends: Paradox of Progress,” the sixth in a series of quadrennial studies by the U.S. National Intelligence Council. The findings, published less than two weeks before U.S. President-elect Donald Trump takes office on Jan. 20, outlined factors shaping a “dark and difficult near future,” including a more assertive **Russia** and **China**, **regional conflicts**, **terrorism**, rising **income inequality**, **climate change** and **sluggish economic growth**. Global Trends reports deliberately avoid analyzing U.S. policies or choices, but the latest study underscored the complex difficulties Trump must address in order to fulfill his vows to improve relations with Russia, level the economic playing field with China, return jobs to the United States and defeat terrorism. The National Intelligence Council comprises the senior U.S. regional and subject-matter intelligence analysts. It oversees the drafting of National Intelligence Estimates, which often synthesize work by all 17 intelligence agencies and are the most comprehensive analytic products of U.S intelligence. The study, which included interviews with academic experts as well as financial and political leaders worldwide, examined political, social, economic and technological trends that the authors project will shape the world from the present to 2035, and their potential impact. ‘INWARD-LOOKING WEST’ It said the threat of **terrorism** would grow in coming decades as small groups and individuals harnessed “**new technologies**, ideas and relationships.” **Uncertainty** about the **U**nited **S**tates, coupled with an “inward-looking West” and the weakening of international human rights and conflict prevention standards, will encourage **China** and **Russia** to challenge **American influence**, the study added. Those challenges “will stay below the threshold of hot war but bring **profound risks** of **miscalculation**,” the study warned. “Overconfidence that material strength can manage escalation will **increase** the **risks** of **interstate conflict** to levels not seen since the Cold War.” While “hot war” may be avoided, differences in values and interests among states and drives for regional dominance “are leading to a **spheres of influence** world,” it said, The latest Global Trends, the subject of a Washington conference, added that the situation also offered opportunities to governments, societies, groups and individuals to make choices that could bring “more hopeful, secure futures.” “As the paradox of progress implies, the same trends generating near-term risks also can create opportunities for better outcomes over the long term,” the study said. THE HOME FRONT The report also said that while globalization and technological advances had “enriched the richest” and raised billions from poverty, they had also “hollowed out” Western middle classes and ignited backlashes against globalization. Those trends have been compounded by the largest migrant flows in seven decades, which are stoking “nativist, anti-elite impulses.” “**Slow growth** plus technology-induced **disruptions** in **job markets** will threaten poverty reduction and **drive tensions** within countries in the years to come, fueling the very **nationalism** that contributes to tension between counties,” it said. The trends shaping the future include contractions in the working-age populations of wealthy countries and expansions in the same group in poorer nations, especially in Africa and South Asia, increasing **economic**, employment, urbanization and welfare **pressures**, the study said. The world will also continue to experience weak **near-term growth** as governments, institutions and businesses struggle to overcome **fallout** from the Great **Recession**, the study said. “**Major economies** will confront **shrinking workforces** and **diminishing productivity** gains while recovering from the 2008-09 financial **crisis** with **high debt**, **weak demand**, and doubts about globalization,” said the study. “China will attempt to shift to a consumer-driven economy from its longstanding export and investment focus. **Lower growth** will **threaten poverty reduction** in developing counties.” **Governance** will become **more difficult** as issues, including global **climate change**, **environmental degradation** and **health threats** demand **collective action**, the study added, while such cooperation **becomes harder**.

## Case

### 1NC --- Framing

#### Existential risks come first – cognitive bias goes our way

GPP 17 (Global Priorities Project, Future of Humanity Institute at the University of Oxford, Ministry for Foreign Affairs of Finland, “Existential Risk: Diplomacy and Governance,” Global Priorities Project, 2017, <https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf> edited

1.2. THE ETHICS OF EXISTENTIAL RISK In his book Reasons and Persons, Oxford philosopher Derek Parfit advanced an influential argument about the importance of avoiding extinction: I believe that if we destroy mankind, as we now can, this outcome will be much worse than most people think. Compare three outcomes: (1) Peace. (2) A nuclear war that kills 99% of the world’s existing population. (3) A nuclear war that kills 100%. (2) would be worse than (1), and (3) would be worse than (2). Which is the greater of these two differences? Most people believe that the greater difference is between (1) and (2). I believe that the difference between (2) and (3) is very much greater. ... The Earth will remain habitable for at least another billion years. Civilization began only a few thousand years ago. If we do not destroy [hu]mankind, these few thousand years may be only a tiny fraction of the whole of civilized human history. The difference between (2) and (3) may thus be the difference between this tiny fraction and all of the rest of this history. If we compare this possible history to a day, what has occurred so far is only a fraction of a second.65 In this argument, it seems that Parfit is assuming that the survivors of a nuclear war that kills 99% of the population would eventually be able to recover civilisation without long-term effect. As we have seen, this may not be a safe assumption – but for the purposes of this thought experiment, the point stands. What makes existential catastrophes especially bad is that they would “destroy the future,” as another Oxford philosopher, Nick Bostrom, puts it.66 This future could potentially be extremely long and full of flourishing, and would therefore have extremely large value. In standard risk analysis, when working out how to respond to risk, we work out the expected value of risk reduction, by weighing the probability that an action will prevent an adverse event against the severity of the event. Because the value of preventing existential catastrophe is so vast, even a tiny probability of prevention has huge expected value.67 Of course, there is persisting reasonable disagreement about ethics and there are a number of ways one might resist this conclusion.68 Therefore, it would be unjustified to be overconfident in Parfit and Bostrom’s argument. In some areas, government policy does give significant weight to future generations. For example, in assessing the risks of nuclear waste storage, governments have considered timeframes of thousands, hundreds of thousands, and even a million years.69 Justifications for this policy usually appeal to principles of intergenerational equity according to which future generations ought to get as much protection as current generations.70 Similarly, widely accepted norms of sustainable development require development that meets the needs of the current generation without compromising the ability of future generations to meet their own needs.71 However, when it comes to existential risk, it would seem that we fail to live up to principles of intergenerational equity. Existential catastrophe would not only give future generations less than the current generations; it would give them nothing. Indeed, reducing existential risk plausibly has a quite low cost for us in comparison with the huge expected value it has for future generations. In spite of this, relatively little is done to reduce existential risk. Unless we give up on norms of intergenerational equity, they give us a strong case for significantly increasing our efforts to reduce existential risks. 1.3. WHY EXISTENTIAL RISKS MAY BE SYSTEMATICALLY UNDERINVESTED IN, AND THE ROLE OF THE INTERNATIONAL COMMUNITY In spite of the importance of existential risk reduction, it probably receives less attention than is warranted. As a result, concerted international cooperation is required if we are to receive adequate protection from existential risks. 1.3.1. Why existential risks are likely to be underinvested in There are several reasons why existential risk reduction is likely to be underinvested in. Firstly, it is a global public good. Economic theory predicts that such goods tend to be underprovided. The benefits of existential risk reduction are widely and indivisibly dispersed around the globe from the countries responsible for taking action. Consequently, a country which reduces existential risk gains only a small portion of the benefits but bears the full brunt of the costs. Countries thus have strong incentives to free ride, receiving the benefits of risk reduction without contributing. As a result, too few do what is in the common interest. Secondly, as already suggested above, existential risk reduction is an intergenerational public good: most of the benefits are enjoyed by future generations who have no say in the political process. For these goods, the problem is temporal free riding: the current generation enjoys the benefits of inaction while future generations bear the costs. Thirdly, many existential risks, such as machine superintelligence, engineered pandemics, and solar geoengineering, pose an unprecedented and uncertain future threat. Consequently, it is hard to develop a satisfactory governance regime for them: there are few existing governance instruments which can be applied to these risks, and it is unclear what shape new instruments should take. In this way, our position with regard to these emerging risks is comparable to the one we faced when nuclear weapons first became available. Cognitive biases also lead people to underestimate existential risks. Since there have not been any catastrophes of this magnitude, these risks are not salient to politicians and the public.72 This is an example of the misapplication of the availability heuristic, a mental shortcut which assumes that something is important only if it can be readily recalled. Another cognitive bias affecting perceptions of existential risk is scope neglect. In a seminal 1992 study, three groups were asked how much they would be willing to pay to save 2,000, 20,000 or 200,000 birds from drowning in uncovered oil ponds. The groups answered $80, $78, and $88, respectively.73 In this case, the size of the benefits had little effect on the scale of the preferred response. People become numbed to the effect of saving lives when the numbers get too large. 74 Scope neglect is a particularly acute problem for existential risk because the numbers at stake are so large. Due to scope neglect, decision-makers are prone to treat existential risks in a similar way to problems which are less severe by many orders of magnitude. A wide range of other cognitive biases are likely to affect the evaluation of existential risks.75

### 1NC --- Case

#### Mergers are good for access and mortality rates --- Our studies are comprehensive

**Johnson, 19** (Marie Johnson, Assosiate for American Hospital Association, 9-4-2019, accessed on 1-4-2022, American Hospital Association, "New Research Confirms: Hospital Mergers Reduce Costs, Enhance Quality of Care for Patients | AHA", https://www.aha.org/press-releases/2019-09-04-new-research-confirms-hospital-mergers-reduce-costs-enhance-quality-care)//Babcii

The newest analysis demonstrates that mergers can lead to enhanced quality through the expansion of clinical **best practices**, as evidenced by **statistically significant declines** in the **rates of readmission** and **mortality rates** following **mergers**. The study highlights how scale is increasingly critical to maintain and enhance the **infrastructure** necessary to address social determinants of health, adopt population health strategies and promote value-driven care.

In addition, integration can **ensure that local access to care and breadth of services are maintained for patients**, and in some cases expanded. Mergers can offer financial stability for struggling hospitals through operational efficiencies associated with shared costs for expensive IT infrastructures and purchasing, access to a robust network of system resources, equipment and facility upgrades. Newly integrated systems are also able to **provide patients with access** across the full continuum of care. This leads to more regular and convenient access to physicians, including specialists.

Key findings also include:

**Mergers decrease costs**. Due to increased scale, acquisitions decrease costs and are associated with a **statistically significant** 2.3% reduction in annual operating expenses.

Mergers often facilitate quality improvement through updating clinical operations across a health system, implementing consistent best practices and enhancing the promise of technology and data analytics.

Revenues per admission at acquired hospitals decline by a statistically significant 3.5% relative to non-merging hospitals, which suggests that “savings that accrue to merging hospitals **are passed on to patients** and their health plans.”

The report includes findings from structured interviews with 10 health systems, which identified a number of areas in which mergers and acquisitions have eased cost pressures and expanded access. The update also supplements previous econometric analysis with data on cost, quality and revenue measures for hospital transactions from 2015 to 2017.

#### Mergers are key to small hospitals AND access to care

**Devereux, 18** (Shane Devereux, 5-2-2018, accessed on 1-4-2022, The Kinetix Group, "The Merger Boom: How and Why Hospital Mergers are Transforming the Healthcare Ecosystem – The Kinetix Group", https://thekinetixgroup.com/the-merger-boom-how-and-why-hospital-mergers-are-transforming-the-healthcare-ecosystem/)//Babcii

The reasons behind hospital mergers are multitudinous, but the rationale at the forefront can be summarized by support in bearing the financial risk in emerging value-based payment systems, as well as clinical standardization to reduce cost and improve quality.

Smaller hospitals are readying themselves for the continued leap toward value-based payment systems. For example, with a small but high-cost patient population, smaller hospitals are gripping onto integration into larger systems, so they are **financially viable** in downside-risk payment systems. By growing, hospitals see potential in gaining larger payments from health plans.

Mergers are creating opportunistic advantages for smaller hospitals, alleviating administrative burdens via better access to **resources and tech**nology and offering attractive innovative technological equipment. For example, Catholic Health Initiatives and Dignity Health’s merger prioritised further advancement of digital technologies and innovations.3

Benefits of hospital mergers are seen in the standardization and enhancement of **clinical protocols**, which reduce hospital costs and improve the quality of care. One can look to the Stanford Healthcare-ValleyCare merger and its resulting hospitalist program, whereby unassigned patients in the ValleyCare Emergency Department are now covered by Stanford hospitalists, allowing ValleyCare physicians to spend more time with their assigned clinic outpatients and less time scrambling to inpatient wards.

Merging hospitals also may benefit patients to **move toward more robust options** in terms of accessing care. While a more integrated organization will create high-**quality care at a lower cost**, this will intentionally **make healthcare accessibility for individuals and communities more realistic.**

Benefits are not only directed toward patients; healthcare professionals may also find benefits in the form of provider consolidation through shareable electronic records, creating more coordinated patient care across the care continuum, alleviating administrative burden.

#### Merged healthcare system is better for patients and hospitals in general – streamlined costs, efficient systems, bargaining power, and technological advancements

MBA Healthcare Management ND (guide to getting an MBA in Healthcare Management, “5 Benefits When Hospital Systems Merge”, MBA Healthcare Management, ND, https://www.mba-healthcare-management.com/lists/5-benefits-when-hospital-systems-merge/)//babcii

Hospital merger decisions have been all over the news lately, including this report from [Forbes](https://www.forbes.com/sites/brucejapsen/2017/12/18/how-kindred-healthcare-fits-humanas-population-health-strategy/#809eb95741b5) that discusses the potential merger between Kindred Healthcare and Humana. While there is a lot to discuss in terms of advantages and disadvantages, patients often receive better care when systems merge. Here are five reasons why a hospital system merger should be seen as a good thing for the public and for patients.

1. Access to Capital and Resources

A hospital merger is often dictated by a smaller, private hospital system that is in danger of having to close its doors. While this may seem suspect, merging with a larger hospital system can benefit both systems; if the smaller hospital system delivers specialty care, then the new system would be able to cover the costs of that system and benefit from having specialists in-house. It’s also a great way for the new system to share capital and other resources, such as staff and technologies that one system may have but the other does not. This results in better care for patients and alleviates the financial pressure on the hospital system.

2. Reduced Costs

Many of the costs of running a hospital have nothing to do with technology or medical staff; it has to do with back-office functions. This can mean anything from how electronic health records are kept to supply chain management, which is an issue for smaller hospital systems. These systems can alleviate much of the financial burden of back-office functions by streamlining its general or specialty operations to be focused on one hospital campus or by combining the systems’ internal databases to ensure all necessary information is distributed through the entire system on a secure network.

3. Standardization of Clinical Protocols

An incredible strain on smaller hospital systems is clinical protocol. This includes everything from human resources to medical equipment buying to even inventory management. When hospital systems merge, one overall clinical protocol will become the standard. This is usually the standard that has demonstrated efficiency and can prove it has cost and quality benefits. When this protocol is exported to other hospitals, it can streamline clinical protocol system-wide, eliminate redundant practices, and create a stronger management team and workflow.

4. Better Access to Care

Better access to care is at the forefront of every patient’s mind, and rightfully so: if a hospital system cannot provide its patients with the care they require, that hospital will gain a reputation for low-quality services and will likely be forced to close its doors. With a hospital systems merger, the entire system will benefit. This is especially true if the merger brings in a hospital system that specializes in one or more types of medicine; patients would no longer have to go to an outside source for a second opinion and pay more for it, they will have access to specialists, and the costs are generally lower when patients remain within a merged hospital system.

5. Improved Efficiency

Efficiency is key in healthcare; a hospital system that has outdated technology or too much red tape for patients to get through are in serious trouble. That’s why a merger should be seen as a benefit; large hospital systems work on integrated networks that allow them to work more efficiently, deliver better care to their patients, and reduce the cost of patient care to individuals and families. Large hospital systems also tend to have standard protocols that enable them to see a patient at various hospitals in the system without any lag time for diagnosis and treatment.

Hospital systems mergers often get a bad reputation for being disadvantageous to the public. However, larger systems make it possible for patients to get the treatment they need when they need it. It is also a great way to lower costs because large hospital systems have bargaining power with insurers and pharmaceutical companies which they then pass on to their patients. With these five benefits in mind, patients should do research to see what their hospital system and its recent merger can do for them.

#### Courts circumvent the aff

Jones 20 (Alison Jones – professor of law and king’s college london, William E. Kovacic – law professor at George Washington, previously worked at the FTC, 3-20-2020, "Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy," SAGE Journals, <https://journals.sagepub.com/doi/full/10.1177/0003603X20912884> accessed: 9-14-21) //bp

A. Judicial Resistance to Extensions of Existing Antitrust Doctrine As noted in Section II.A, judicial decisions since the mid-1970s have reshaped antitrust law; created more permissive substantive standards governing dominant firm conduct, mergers, and vertical restraints; and raised the bar to antitrust claims in a number of ways. This remolding has been facilitated by the Court’s conclusion that the Sherman Act constitutes “a special kind of common law offense,”81 so that Congress “expected the courts to give shape to the statute’s broad mandate by drawing on common-law tradition.”82 This has allowed the statutory commands to be interpreted flexibly and the law to evolve with new circumstances and new wisdom;83 for example, where there is widespread agreement that the previous position is inappropriate or where the theoretical underpinnings of those decisions have been called into question.84 The proposed solutions will depend, in the short term at least, on the ability of enforcement agencies to navigate the described jurisprudence to find an antitrust infringement and, in some instances, a further rethinking, refinement, and/or development of doctrine, through softening, modification, or even a reversal of current case law. Although such an evolution could, in theory, result, as it did over the last forty years, from a steady stream of antitrust cases, judicial appointments since 2017 have arguably made such a change in direction unlikely. Rather, it seems more probable that successful prosecution of major antitrust, and especially Section 2 Sherman Act monopolization cases, will remain challenging and may even become more difficult. Cases will be litigated before judges who are ordinarily predisposed to accept the current framework, either by personal preference or by a felt compulsion to abide by forty years of jurisprudence that tells them to do so.85 A new president could gradually change the philosophy of the federal courts by appointing judges sympathetic to the aims of the proposed transformation.86 The reorientation of the courts through judicial appointments is, however, likely to take a long time.87 Until then, trial judges and the Court of Appeals will be compelled to abide by the existing jurisprudence and will only be at liberty to develop a more flexible approach in the “gaps” or spaces left by Supreme Court opinions—for example, in relation to mergers and rebates—and through creative interpretations of the law. Such cases are, however, likely to be hard fought. Indeed, Judge Lucy Koh’s finding in Federal Trade Commission v. Qualcomm, Inc.88 that Qualcomm’s licensing practices constituted unlawful monopolization of the market for certain telecommunications chips has provoked hostile attacks, not only from practitioners and academics but also from the DOJ, the U.S. Departments of Defense and Energy, and even one of the FTC’s own members. In a scathing oped in the Wall Street Journal, 89 Commissioner Christine Wilson attacked Judge Koh’s “startling new creation” of legal obligations that may trigger a new wave of enforcement actions and undermine intellectual property rights. Commissioner Wilson condemned the judge’s “judicial innovations,” and “alchemy,” through reviving and expanding the Supreme Court’s 1985 opinion in Aspen Skiing Co v. Aspen Highlands Skiing Corp90 (which she stresses was described by the Supreme Court in Trinko91 as “at or near the outer boundary” of U.S. antitrust law), turning contractual obligations into antitrust claims, and for departing from current federal agency practice, by imposing remedies requiring Qualcomm to negotiate or renegotiate contracts with customers and competitors worldwide. She has thus urged the Ninth Circuit (on appeal), and if necessary the Supreme Court, to assess the wisdom of these sweeping changes and to stay the ruling.92 It seems likely therefore that, at the same time as bringing cases seeking to develop procedural, evidential, and substantive antitrust standards under the existing regime, additional antidotes to the stringencies of existing jurisprudence will be required, including more extensive, and expansive, use of Section 5 FTC Act to plug the gaps created by the narrowing of the scope of Section 2 Sherman Act; and/or the adoption of legislation that directs courts to apply a wider goals framework.

# 2NC

## Courts CP

### 2NC --- S: Authority

#### Courts have broad authority

Popofsky 14 (Mark S. Popofsky – law lecturer at Harvard and prof @ Georgetown teaching classes on anti-trust law – works in private practice for antitrust law and Douglas Hallward-Driemeir – works with him in private practice – argued in front of the supreme court 17 times, specializes in antitrust law summer 2014 “Antitrust and the Roberts Court” Antitrust, Vol. 28, No. 3, Summer 2014. American Bar Association https://www.ropesgray.com/-/media/Files/articles/2014/July/Summer14-PopofskyC.pdf?la=en&hash=3B6CDB12F8F459A9EFCEEB08BC76A4E4C79E5008 accessed: 8-12-21)//bp

ALTHOUGH THE SUPREME COURT’S overall caseload has shrunk under Chief Justice Roberts, 1 the Court’s antitrust docket strikingly has tripled. Since 2005, when Chief Justice Roberts succeeded William Rehnquist, the Court has taken 14 antitrust cases, compared to just five decided by the Rehnquist Court between 1993 and 2003. 2 The Supreme Court’s renewed interest in antitrust law is welcome. Numerous important issues in the antitrust field remain unsettled. The common-law nature of American antitrust law, moreover, benefits from greater Supreme Court guidance. Some view competition law in general, and antitrust law in particular, as chiefly a form of administrative regulation— a field governed by rules and decisions formulated by the antitrust enforcement agencies. 3 Competition law, it is sometimes decried, merely involves predicting the positions regulators will take. The structure of competition law enforcement overseas—typically an agency model with limited judicial review—and the prominence of agency-driven merger enforcement domestically reinforce this perception. But the depiction of U.S. antitrust law as primarily a matter of administrative regulation is fundamentally wrong. The structure of American antitrust enforcement is at its essence a judicial enforcement (or “law enforcement”) model. Private attorneys general bring the vast majority of antitrust cases. 4 Likewise, the Department of Justice must bring suit in federal court in order to vindicate its views of antitrust law. Even the Federal Trade Commission, which can proceed administratively, ultimately is subject to judicial review. Just as in other areas of the law, the federal courts have the last word on the meaning of our antitrust laws. 5 The Court has interpreted the Sherman and Clayton Acts as creating a species of common law, the meaning of which can evolve with changing conditions, which gives the federal courts a critical role in fashioning our competition laws. As Professor Areeda put it, Congress “invest[ed] the federal courts with a jurisdiction to create and develop an ‘antitrust law’ in the manner of the common law courts.”6Tellingly, even in merger control, where the view of antitrust as administrative regulation has the most purchase, federal courts can and do render important decisions that shape the field and determine outcomes. Viewed from this perspective, the Supreme Court’s recent rediscovery of antitrust reaffirms the vital importance of the federal courts in the dynamic process of common-law development that characterizes our antitrust laws. 7 In this piece, we explore three themes emerging from this reengagement: the Roberts Court’s (1) raising the bar to class actions, a development that transcends antitrust; (2) resistance to specialized rules in favor of broad standards, a development that reinforces the importance of evolution of antitrust law in the lower courts; and (3) protection of price competition, which marks the continuation of a longstanding theme.

### 2NC --- AT: PDCP

#### The perm is severance –

#### Resolved means legislative

Lousiana House of Representatives 5 (<http://house.louisiana.gov/house-glossary.htm>)

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House  Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### Courts cannot create “antitrust law” and cannot “increase prohibitions”

Kalbfleisch 61 – Kalbfleisch, District Court judge. [Paul M. Harrod Co. v. A. B. Dick Co., 194 F. Supp. 502 (N.D. Ohio 1961)]//babcii

Defendant asserts that the term ‘antitrust laws,’ as used in the above section and as defined in 15 U.S.C.A. § 12, does not include a judgment or decree entered in connection with an antitrust case filed by the Government. Plaintiff, on the other hand, asserts that ‘the violation of the earlier decree of this court in itself gives rise to an independent cause of action under Section 4 of the Clayton Act.’ 15 U.S.C.A. § 15. Plaintiff's Brief, p. 7. Plaintiff concedes that ‘as far as he has been able to ascertain, this contention raises issues which have never before been decided by any appellate court.’ Plaintiff's Brief, p. 5. In Nashville Milk Co. v. Carnation Co., 1958, 355 U.S. 373, 78 S.Ct. 352, 2 L.Ed.2d 340, the Supreme Court held that the Robinson-Patman Act, 15 U.S.C.A. §§ 13-13b, 21a, was not included among the ‘antitrust laws' defined in Section 1 of the Clayton Act (15 U.S.C.A. § 12) and that ‘the definition contained in § 1 of the Clayton Act is exclusive.’ Id., 355 U.S. at page 376, 78 S.Ct. at page 354. The definition of ‘antitrust laws' in 15 U.S.C.A. § 12, clearly embraces only the statutes described therein. Even without such a definition the term ‘antitrust laws' could not be construed as pertaining to a judgment or decree entered by a court in connection with an antitrust case filed by the Government. Such decrees do not necessarily reflect the prohibitions of the antitrust laws but may, by their terms, seek to dissipate the effects of the past conduct of the parties and, to this end, frequently enjoin performance of acts lawful in themselves. To permit a private party to recover damages for violation of any provision of such a decree is so obviously beyond the scope of the term ‘antitrust laws,’ as used in the statute, as to require no further discussion. Defendant's motion to dismiss that part of the complaint based on alleged violations of the 1948 consent decree in United States v. A.B. Dick Company will be sustained.

#### ‘Prohibitions’ must be legislative enactments

Benjamin Hill 7, Judge on the Georgia Appeals Court, “Rose v. State”, Court of Appeals of Georgia, 1 Ga. App. 596, 601-602, 58 S.E. 20, 22-23, 1907 Ga. App. LEXIS 47, 4/11/1907

The words "otherwise prohibited," relied on by the State, really mean nothing in this statute. When the legislature used the words "prohibited by law," it exhausted the subject, and the addition of the words "high license or [\*\*\*11] otherwise" was "wasteful and ridiculous excess." These general words are sometimes added to specific enumeration in statutes out of abundance of caution, but they usually mean nothing. Certainly such words must be "restricted to the same genus as the things enumerated," and the use of the word "otherwise," following the words "prohibited by law," meant that the "otherwise" prohibition of the sale of liquor was to be a legal prohibition, that is, prohibited by the law of high license, or otherwise prohibited by law. But we do not think this general word means anything in this statute. Whatever it was intended to mean, it could not by any rule of logic give to the failure of the commissioners to grant licenses the force and effect of a positive enactment prohibiting the sale. The word "prohibit" is an active, transitive verb. As defined by the Standard Dictionary, it means "to forbid, especially by authority or legal enactment; interdict; as, to prohibit liquor-selling, or a person from selling liquor." The word "prohibit," [\*\*23] in its legal sense, implies some legislative enactment forbidding something. "The laws of England, from the early Plantagenets, sternly prohibited the [\*\*\*12] conversion of malt into alcohol." "Prohibition," in the United States, specifically means "the forbidding [\*602] by legislative enactment of the manufacture and sale of alcoholic liquors for use as beverage." Giving, therefore, to the word "prohibited" its ordinary signification and its technical meaning, as applied to the particular subject-matter of the sale of spirituous liquors, it must involve some positive act done by authority.

#### Courts cannot ‘expand’ antitrust law

George Bibikos 19, Founder of GA Bibikos LL.C., J.D. from Widener Commonwealth Law School; Supreme Court of Pennsylvania, “Commonwealth of Pennsylvania, Appelle, vs. Chesapeake Energy Corporation et al., Appellants,” <https://paforciviljusticereform.org/wp-content/uploads/2020/11/PCCJR-Chesapeake.pdf>

The court’s decision therefore (a) alters the rights of parties in Pennsylvania accused of engaging in anticompetitive behavior to defend against those claims in federal court, (b) creates new causes of action under the Consumer Protection Law, and (c) creates new remedies for antitrust violations that defendants would not face in federal court. These decisions are inherently legislative in nature. See, e.g., State v. Philip Morris, Inc., Nos. 96122017 and CL211487, 1997 WL 540913, at \*6 (Md. Cir. Ct. May 21, 1997) (“Altering common law rights, creating new causes of action, and providing new remedies for wrongs is generally a legislative function, not a judicial function.”). If these decisions are legislative in nature, then they are outside the purview of the courts and the executive.

Moreover, when the General Assembly prescribes specific statutory duties and remedies, those provisions must be strictly followed, 1 Pa.C.S. § 1504, and the courts cannot “expand coverage to subsume other remedies.” See Nat’l R. R. Passenger Corp. v. Nat’l Ass’n of R.R. Passengers, 414 U.S. 453, 458 (1974) (“A frequently stated principle of statutory construction is that when legislation expressly provides a particular remedy or remedies, courts should not expand the coverage of the statute to subsume other remedies.”). If the Consumer Protection Law is designed to protect buyers in consumer transactions and sets forth specific remedies, the courts are unable to expand the statute to subsume antitrust remedies.

#### USFG = all branches

Miller ‘86 [Arthur, Distinguished Visiting Professor of Law – Emory University. Summer 1986. “Congress, the Constitution, and First Use of Nuclear Weapons.” Review of Politics. Vol. 48, No. 3. ]

Three other points merit mention in this discussion of collective decision-making. First, both the formal and the secret constitutions allocate power over foreign relations and defense to the central government, to, that is, the United States of America visualized as a single entity. What, however, is "the" United States? The question has never been definitively answered; and indeed has seldom been asked in judicial opinion or scholarly discourse.42 Asked another way, the question is this: Where does sovereignty lie in the American polity? The formal constitution is supposedly based on popular sovereignty, with ultimate power resting in the people. That, however, is far from accurate. Proof positive that sovereignty lies in the "state" came when General Robert E. Lee surrendered at Appomattox: "the people" of the South were not to be permitted to exercise their "sovereignty." The powers of the national government are supposedly only those delegated to it, either expressly or impliedly. But that is scarcely accurate, as 200 years of constitutional development attest. The Framers of the formal constitution established a governmental system that, as Justice Robert Jackson commented, would ensure that the dispersed powers of the federal government would be integrated into a workable government. "Separateness but interdependence, autonomy but reciprocity" was the constitutional command.43 The meaning is unmistakable: "the" United States is a single metaphysical entity, encompassing state, society, and government in one artificial being. These terms are not synonymous. The state is the fundamental entity; government its apparatus; and society is composed of the individuals and groups governed. Much like the business corporation, the state-"the" United States-is an artificial construct, more a method than a thing. It exists in constitutional theory-in, for example, the state secrets privilege in litigation-even though judges and commentators alike often confuse the term with government and with society. A legal fiction that by itself can do no act, speak no work, and think no thought, the state (like the corporation) has "no anatomical parts to be kicked or consigned to the calaboose; no soul for whose salvation the parson may struggle; no body to be roasted in hell or purged for celestial enjoyment." 44 Despite loose language to the contrary from executive branch lawyers and even the Supreme Court, "the" state or "the" government-or "the" United States-is not to be equated with the executive branch. Nor with any one branch, for that matter; each branch is part of an indivisible whole.

#### And less than “the,” which denotes a holistic function.

Webster’s ND [Merriam Webster’s Online Dictionary, https://www.merriam-webster.com/dictionary/the]

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole

## Econ DA

### 2NC --- UQ

#### Every sector of the economy is boomin

Werlin, 21 (Ernest “Doc” Werlin, 35 years in fixed income as a trader and corporate bond salesman, including time as a partner at MorganStanley in charge of corporate bond trading, “Doc’s Prescription: U.S. economic outlook for 2022”, Herald Tribute, 12-27-21, https://www.heraldtribune.com/story/business/2021/12/27/economists-expect-u-s-enjoy-solid-economic-growth-2022/9022524002/)//babcii

There is a growing consensus that the United States will enjoy solid economic growth in 2022 despite concerns about inflation, supply chain disruptions, COVID-19 and Federal Reserve tightening. [The Conference Board,](https://www.conference-board.org/topics/global-economic-outlook/global-economic-outlook-2022-global-report) a research group comprising more than 1,000 public and private corporations, forecasts that the U.S. economy will grow by 3.5% in 2022.

The main challenges to the United States and the global economy in the next decade come from a continued trend toward [deglobalization](https://www.igi-global.com/dictionary/after-the-global-crisis-is-it-globalization-or-globalonelization/47261)and faster-than-expected inflation. The transition toward decarbonization of economies in response to climate change will create challenges and opportunities for global growth.

Despite the acceleration of new COVID-19 cases in December, largely associated with the delta and omicron variants, America enjoyed strong growth in Q4 2021.

COVID-19 remains a threat but its economic impact is fading. There remains uncertainty regarding the transmissibility, severity, and effectiveness of existing vaccines against omicron. [World Health Organization officials,](https://www.who.int/emergencies/diseases/novel-coronavirus-2019) in recognition of the dangers inherent with COVID-19, are advocating more coordinated and decisive efforts to vaccinate the world’s population to prevent the emergence of new, more dangerous variants.

The Food and Drug Administration recently granted emergency authorization to Pfizer’s COVID treatment pill for patients 12 years and up with mild to moderate COVID symptoms who are most likely to end up hospitalized. The agency said it should be prescribed as soon as possible after diagnosis and within five days of symptom onset.

The United States is experiencing robust but an uneven rebound from the pandemic. Demand growth is outstripping supply growth because of unprecedented fiscal and monetary stimulus.

A consensus of economists forecast a decline in the unemployment rate from the current 4.2%. The Bureau of Labor Statistics wrote, “As the nation’s demographic shift continues, with the baby-boom generation moving into retirement, the labor force participation rate will continue to decline, moderating growth.”

The U.S. Census Bureau released a report that the U.S. population grew at a slower rate in 2021 than in any other year since the founding of our nation. This year was the first time since 1937 that the U.S. population grew by fewer than one million people.

In response to COVID-19, households have redirected their spending away from activities that are “locked-down” (food and entertainment) and toward durable goods. Governments have eased COVID restrictions because of vaccines and the ability to more precisely target and curtail certain types of activities.

On Wednesday, in a fresh sign of his growing concerns about inflation, Federal Reserve Chairman Jerome Powell said the Federal Reserve can't be sure that price increases will slow in the second half of next year. To stem inflation, we can expect the Fed to stop bond purchases and raise interest rates three times in 2022.

### 2NC --- Link Wall

#### 2. predictability in antitrust enforcement is key – the aff flips the script devastating long term growth

Okuliar 20 (Alexander Okuliar – U.S. Department of Justice Antitrust Division Deputy Assistant Attorney General and Global Antitrust Law Practice Group Co-chair, December 8, 2020, “Promoting Predictability and Transparency in Antitrust Enforcement and Standards Essential Patents”, <https://www.justice.gov/opa/speech/file/1344721/download>, accessed 8/18/21, DL)

The Importance of Predictability and Transparency to Antitrust Enforcement Good afternoon. It’s a pleasure to join you today, thank you for the invitation. I’d like to begin with some prepared remarks addressing the importance of predictability and transparency to antitrust enforcement, particularly as it relates to standards-essential patents, give an overview of the Division’s recent activity in this space, and then turn to some questions. Antitrust law can be a very powerful tool to promote economic dynamism and innovation. It establishes important rules regarding how firms may operate in marketplaces across the economy. Firms, in turn, rely on these rules when making all sorts of strategic decisions, from day-to-day concerns to overall operating plans, from pricing or discounting strategies to long-term growth strategies. For any economy to realize meaningful long-term growth, firms (and consumers) must have confidence in the underlying legal rules governing their existence and behavior. Starting and growing a company is often expensive and risky. Maintaining a business is also costly, and firms are constantly assessing their ongoing viability and potential for growth. Confidence in the basic legal system is, of course, critical. Confidence in specialized regulatory regimes is likewise important. Firms are more likely to engage in costly R&D, and in the kind of expensive, time-consuming experimentation that innovation tends to require, when they are confident they will be rewarded for these investments—that, for example, antitrust laws will not change in the interim between investment and return in a way that deprives the firm from being able to recoup and benefit from its investments. This innovation and dynamic competition are critical to our modern economy. So the more that we, as enforcers, can do to ensure the basic competition law rules of the road are clear and predictable, the more we can help to preserve competition and to spur economic growth. Not only do firms benefit from this, but so, too, do consumers. They are the beneficiaries of the increased R&D and innovation that can thrive in a reliable regulatory and enforcement regime. Moreover, clear and foreseeable enforcement empowers consumers, who can then more readily understand when unlawful conduct may be occurring, and be better-positioned to identify violations and to protect themselves and others. Predictability and transparency in antitrust enforcement are important across markets and industries, but are often particularly important at the intersection of antitrust and intellectual property. Both competition and IP laws seek to foster long-term innovation and dynamic competition—which, again, depend on firms continuing to engage in risky and costly efforts today in the hopes of achieving rewards tomorrow. This is true for owners of various IP rights, including standards-essential patent holders. As competition law regimes have proliferated across the globe, it has become ever more important for antitrust enforcers to be clear regarding applicable rules and standards. As one of the oldest competition law regimes in the world, we at the Antitrust Division realize we have an important duty to provide an example of a transparent and predictable competition law system to which others may turn as a model. We use many tools to help raise awareness and build a better public understanding of our competition laws and policies. Of course, we primarily build transparency and predictability through the discrete law enforcement actions we bring. We supplement these actions with a host of efforts including: (1) guidelines and policy statements, like our Horizontal and Vertical Merger Guidelines and our Joint Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments; (2) business review letters, which provide insights to the requesting parties and to the public regarding factors the Division considers when analyzing certain conduct; (3) amicus briefs and statements of interest in courts, where we can assist generalist judges in analyzing important and developing competition law issues; and (4) speeches—like this one—which provide an opportunity for Division leadership to discuss with the public key issues and developments.

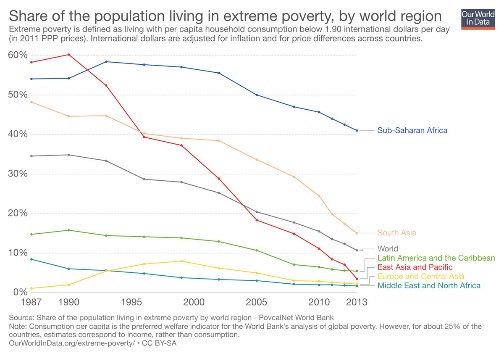
## Framing

#### Every metric for quality of life is up

Matthews, 18 (Dylan Matthews, Senior Correspondent for Vox, 2018, accessed on 12-18-2021, Vox, "Optimistic facts and charts that show the world is getting much, much better", <https://www.vox.com/2014/11/24/7272929/global-poverty-health-crime-literacy-good-news)//Babcii>  
\*Graph 16 is omitted because it won’t format to word for whatever reason, but says violent crime is going down

Economic progress

1) Extreme **poverty has fallen**

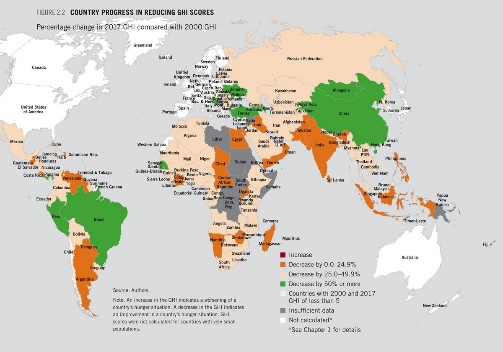


The huge drop in global poverty since 1987. [Our World in Data](https://ourworldindata.org/extreme-poverty)

This is probably the most important chart on this list. The extraordinary rate of economic growth in India and China — as well as slower but still significant growth in other developing countries — has led to a [huge decline in the share of the world population living on less than $1.90 a day](https://ourworldindata.org/extreme-poverty), from nearly 35 percent in 1987 to under 11 percent in 2013.

That’s a low bar for what counts as poverty, and some development experts argue we should be using a global poverty line of [$10-15 a day](https://elibrary.worldbank.org/doi/abs/10.1093/wbro/lkj002) instead. But that very debate is a sign of the tremendous progress made in recent decades.

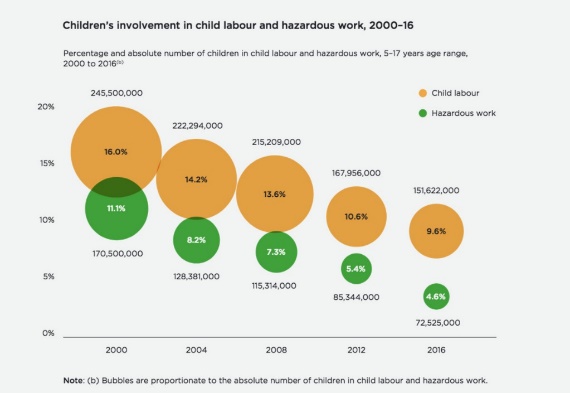
2) **Hunger is falling**



Reduction in hunger, by country, from 2000 to 2017. [International Food Policy Research Institute, 2017](http://ebrary.ifpri.org/cdm/ref/collection/p15738coll2/id/131422)

This map shows changes to the Global Hunger Index — a measure of undernutrition calculated by the [International Food Policy Research Institute](https://www.ifpri.org/publication/2017-global-hunger-index-inequalities-hunger) — between 2000 and 2017. In countries marked red, hunger has increased. In countries marked orange or tan, it’s decreased, and in countries marked green it’s decreased by one half or more. So it’s encouraging to see how much of the globe is orange, tan, or green, and especially encouraging that a few extremely populous countries like China and Brazil fall into the green category.

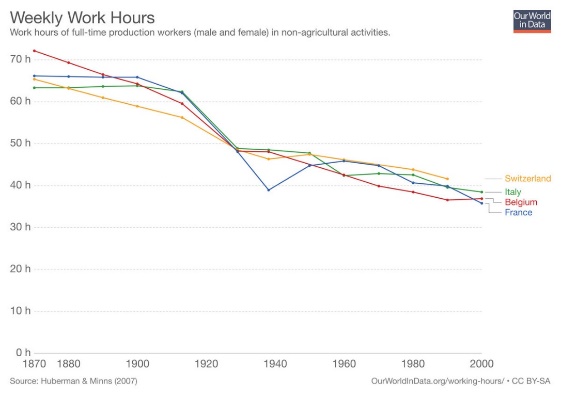
3) **Child labor** is **on the decline**



The decline in child labor, from 2000 to 2016. [International Labor Organization](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf)

Any amount of child labor is too much child labor, and the world didn’t meet the International Labor Organization’s [goal of eliminating the “worst forms” of child labor](https://www.ilo.org/ipec/programme/WCMS_113276/lang--en/index.htm) by 2016. But [the rate of decline](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf) — approximately a 40 percent reduction from 2000 to 2016 — is nontrivial and worth celebrating.

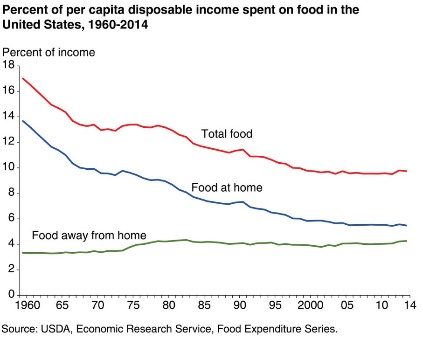
4) **People** in developed countries **have more leisure time**



Working hours in four rich countries, from 1870 to 2000. [Our World in Data](https://ourworldindata.org/working-hours#the-decline-of-working-hours-per-year-after-the-industrial-revolution)

Work hours in the US [haven’t fallen much](https://fred.stlouisfed.org/series/AVHWPEUSA065NRUG) in recent decades, certainly in relation to Europe, but [compared to the late 19th century](https://ourworldindata.org/working-hours#the-decline-of-working-hours-per-year-after-the-industrial-revolution), developed countries have much more reasonable work schedules today.

5) The **share of income spent on food has plummeted** in the US

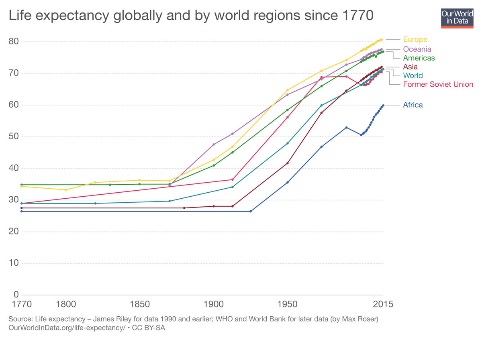


The fall in food costs as share of income, from 1960 to 2014. [USDA](https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=76967)

One reason the huge amount of economic progress made globally in recent decades gets ignored is that living standards for the median American have been fairly stagnant. One exception to that pattern, however, is the fact that cheaper food has freed up Americans to spend more on other expenses. “Between 1960 and 2007, the share of disposable personal income spent on total food by Americans, on average, fell from 17.5 to 9.6 percent,” the USDA notes, and the ratio has stayed at that low level since.

Health

6) **Life expectancy is rising**

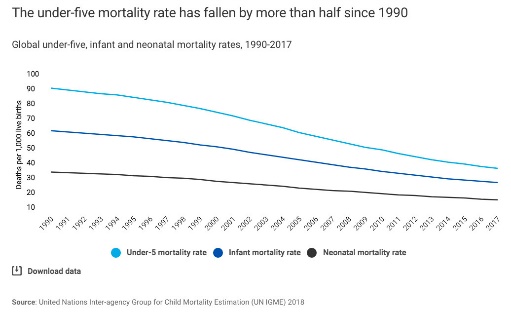


The explosion in global life expectancy from 1770 to the present [Our World in Data](https://ourworldindata.org/life-expectancy#life-expectancy-has-improved-globally)

The increase in human life expectancy is a pretty recent phenomenon; lifespans fell in Europe from 1850 to 1870, and a slower pace of public health improvements (driven by imperial neglect among other factors) meant that Africa’s takeoff started later. But lifespans have [doubled or more](https://ourworldindata.org/life-expectancy#life-expectancy-has-improved-globally) the world over since.

And the increase has persisted in more recent decades. [Female](https://data.worldbank.org/indicator/SP.DYN.LE00.FE.IN) and [male](https://data.worldbank.org/indicator/SP.DYN.LE00.MA.IN) [life expectancy](https://data.worldbank.org/indicator/SP.DYN.LE00.IN) both increased by more than six years between 1990 and 2016, and the [gains were biggest in poor countries in Africa and Asia](http://www.un.org/en/development/desa/population/publications/pdf/mortality/World-Mortality-2017-Data-Booklet.pdf). Inequalities remain (lifespans in Africa are still a shocking [16.3 years shorter](http://apps.who.int/iris/bitstream/handle/10665/272596/9789241565585-eng.pdf#page=76) than in Europe) but the gap is slowly closing.

7) **Child mortality is down**

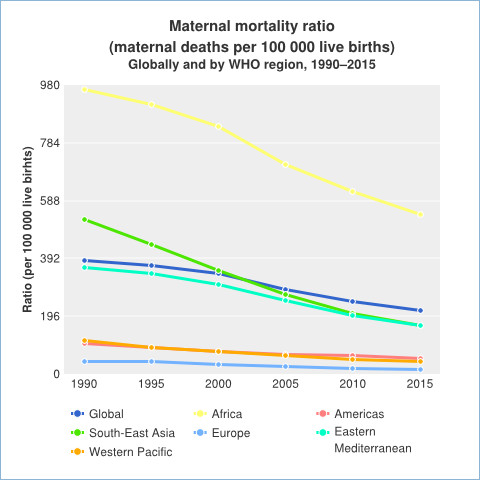


The decline in child mortality, 1990 to 2017. [UNICEF](https://data.unicef.org/topic/child-survival/under-five-mortality/)

Child mortality has fallen by [more than half since 1990](https://data.unicef.org/topic/child-survival/under-five-mortality/). If you look at [developing regions](https://ourworldindata.org/child-mortality#country-by-country-decline-in-child-mortality), the gains are even more impressive. In Africa, 17 percent of children died before reaching age 5 in 1990. By 2015, that was down to 8 percent.

In the world’s second-largest country, India, child mortality fell by 69 percent in that timespan, or over two-thirds. In China, the most populous, it fell by 83 percent. These are truly massive numbers that have helped drive the broader improvements in life expectancy.

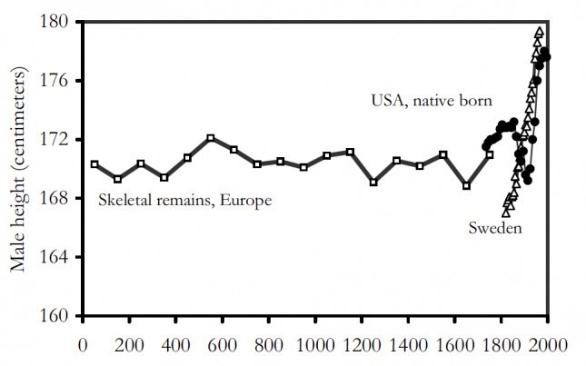
8) **Death in childbirth is rarer**



The drop in maternal mortality, 1990 to 2015. [World Health Organization](http://www.who.int/gho/maternal_health/mortality/maternal/en/index2.html)

Maternal mortality declined by 43 percent between 1990 and 2015, according to the World Health Organization. You can see the drop has been especially dramatic in African countries.

9) People have been getting taller for centuries



The growth in male height, from the year 0 to the year 2000. [Steckel 2001](http://www.nber.org/papers/w8542) and [Koepke/Baten 2005](https://www.econstor.eu/bitstream/10419/47594/1/574888918.pdf) via [Gregory Clark / Our World in Data](https://ourworldindata.org/human-height#the-last-two-millennia)

This chart, taken from economist Gregory Clark’s [A Farewell to Alms](http://www.amazon.com/Farewell-Alms-Economic-History-Princeton/dp/0691141282?ots=1&slotNum=1&imprToken=46bee673-f937-8653-d8a&ascsubtag=%5b%5dvx%5bp%5d7036970%5bt%5dw%5br%5dgoogle.com%5bd%5dD), tracks the height of male skeletons found in Europe across nearly 2000 years, and compares those data points to recent, more complete height data in the US and Sweden. For nearly two millennia, male heights were stable, but upon the advent of the Industrial Revolution, they began to shoot up. There are many determinants of human height, but nutrition and overall living standards are crucial ones. We happen to be living in the first couple centuries of human existence to see huge advances in living standards, which shows up in height data, among many other places.

10) More people have access to malaria bednets

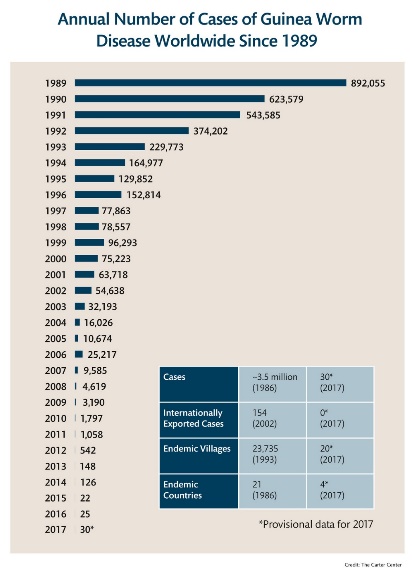
Chart, line chart

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The increase in the share of at-risk households with insecticide-treated bednets, from 2010 to 2016. [World Health Organization](http://www.who.int/malaria/publications/world-malaria-report-2017/en/)

Malaria is still one of the world’s biggest killers, particularly in tropical regions. It’s treatable, but far more effective than treatment is prevention through insecticide-treated bednets. Access to those has grown substantially in recent years, as this chart from the [World Health Organization](http://www.who.int/malaria/publications/world-malaria-report-2017/en/) shows. Charities like the [Against Malaria Foundation](http://www.againstmalaria.com/) have been very effective at bednet distribution.

11) Guinea worm is almost eradicated

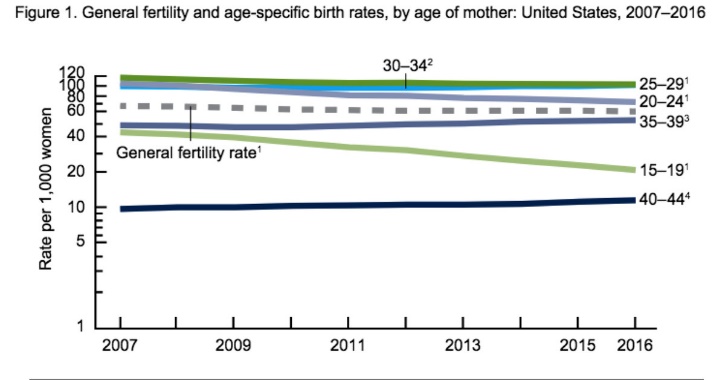


The collapse of guinea worm cases, from 1989 to 2017. [The Carter Center](https://www.cartercenter.org/health/guinea_worm/index.html)

Guinea worm is a [nonfatal but debilitating parasitic infection](https://www.vox.com/2016/1/9/10737988/guinea-worm-decline-chart), and as recently as 1986, [millions of people got it annually](https://www.cartercenter.org/health/guinea_worm/case-totals.html). There is no vaccine or cure. Guinea worms grow in your body cavity, then work their way out of your body, often through your leg or foot. Once the worm’s exposed, it needs to be gradually coaxed out of your body in a sterile environment. If, to relieve the pain, you place your foot in water with a worm exposed, the worm will burst and send millions of larvae into the water supply. If people drink the water later, then they’re at risk of getting the worm.

But despite the lack of a modern medical treatment for the condition, it’s almost gone, due to a coordinated international eradication campaign spearheaded by former President Jimmy Carter and the Carter Center.

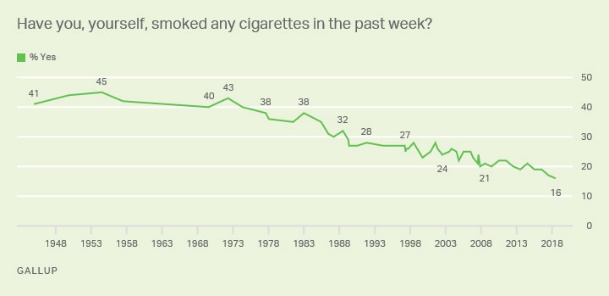
12) Teen births in the US are down



The declining teen fertility rate — number of births per 1,000 women — from 2007 to 2016. [CDC](https://www.cdc.gov/nchs/data/databriefs/db287.pdf)

We don’t know exactly why the teen birth rate has fallen so fast — by [more than half between 2007 and 2016](https://www.vox.com/science-and-health/2017/9/27/16373668/teen-births-declining) — though as Vox’s Sarah Kliff has [explained](http://www.vox.com/2014/8/20/5987845/the-mystery-of-the-falling-teen-birth-rate), there are a number of plausible factors. Everything from increased access to IUDs and Plan B to the show 16 and Pregnant could have played some role. But the trendline is dramatic and hugely encouraging.

13) **Smoking is down**, too



The decline of smoking, 1948 to 2018. [Gallup](https://news.gallup.com/poll/1717/tobacco-smoking.aspx)

We’ve come a long way from 1955, when 45 percent of Americans reported smoking in a given week to Gallup, to 2018, when a mere 16 percent do (which is itself a big drop from 21 percent in 2014). And with the FDA poised to [ban cigarettes with addictive levels of nicotine](https://www.vox.com/policy-and-politics/2018/3/15/17124034/smoking-fda-nicotine-limits), traditional cigarettes could soon be a thing of the past in the US.

The next frontier in the battle against smoking, then, is [in the developing world](https://80000hours.org/problem-profiles/tobacco/), where progress has been harder.

Peace and security

14) In the long term, **homicide rates have fallen dramatically**

Chart, line chart

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The decline in homicide rates in Western Europe, from 1300 to 2016. [Our World in Data](https://ourworldindata.org/homicides#global-long-run-perspective)

The past was a quite violent place. As research from criminologist [Manuel Eisner](https://www.vrc.crim.cam.ac.uk/vrcresearch/paperdownload/manuel-eisner-historical-trends-in-violence.pdf) shows, homicide in European countries has been on the decline for centuries. Eisner estimates that in the 1200s and 1300s, Europe had an average homicide rate of about 32 per 100,000. By the 1900s, that rate had fallen to about 1.4 per 100,000.

15) **In the short term, they’re down** in the US, **too**

Chart

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Homicide deaths in the US and the rest of the rich world, from 1960 to 2015. [Kieran Healy](https://www.washingtonpost.com/news/monkey-cage/wp/2017/10/03/america-is-a-violent-country/?utm_term=.f1fd7c0e1408)

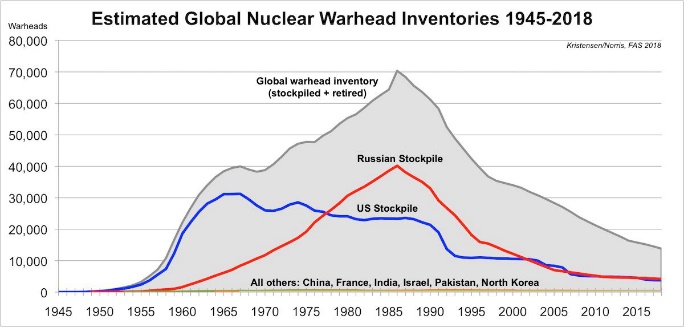
The US has historically been an outlier among rich countries, with an unusually high homicide rate. We still have a much higher rate than Western European countries do, but it has declined sharply in recent decades, as sociologist [Kieran Healy’s chart](https://kieranhealy.org/blog/archives/2015/10/01/assault-death-rates-1960-2013/) above shows. There were some spikes in the homicide rate in 2015 and 2016, but it’s [falling again](https://www.vox.com/2018/9/24/17895572/murder-violent-crime-rate-fbi-2017), and even in 2016 it was lower than any year from 1965 to 2007.

16) **Violent crime** in the US **is going down**

\*Graph omitted\*

Of course, other violent crimes are also serious, but they have been [decreasing steadily](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/tables/table-1) in the US since the early 1990s, as part of the overall dramatic decline in crime rates.

17) We’ve rapidly reduced the supply of nuclear weapons

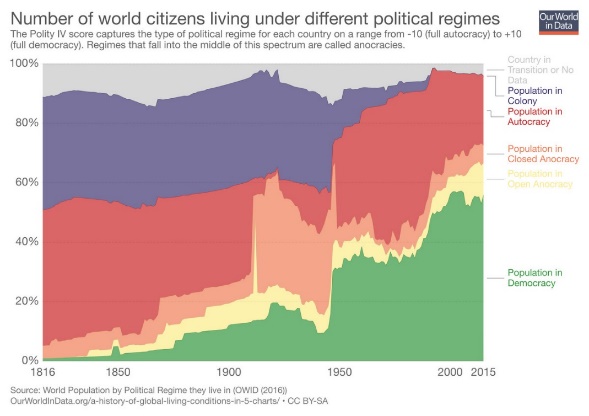


The collapse in nuclear weapons stockpiles, starting in the late 1980s. [Federation of American Scientists / Hans M. Kristensen and Robert S. Norris](https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/)

World nuclear weapons stockpiles peaked in 1986 at an astonishing level of 70,300 warheads, and the period since then has seen a sharp decline in US and Russian stockpiles, and, thus, the overall global total. There have been some lapses in the international nonproliferation regime, with [Pakistan](https://www.vox.com/2018/4/2/17096566/pakistan-india-nuclear-war-submarine-enemies) and [North Korea](https://www.vox.com/2018/9/6/17827100/north-korea-trump-kim-south-nuclear) developing weapons, but South Africa and post-USSR Belarus, Kazakhstan, and Ukraine all voluntarily gave up their arms.

Government and social services

18) More people in the world live in a democracy now



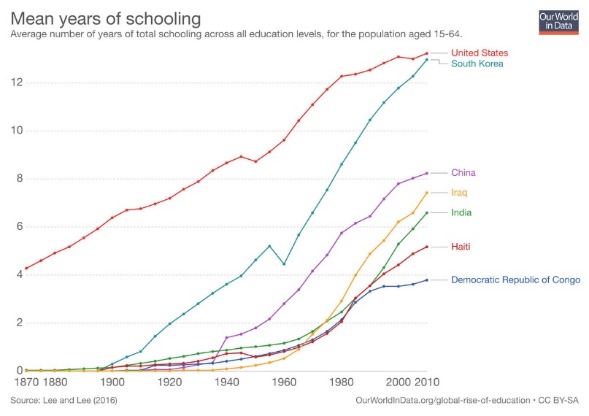
The rise of democracy, from 1816 to 2015. [Our World in Data](https://ourworldindata.org/democracy#share-of-world-population-living-in-democracies)

As recently as 1993, most people lived in autocratic states; in the 1970s and 1980s, autocracies outnumbered democracies by a considerable margin, and only about a third of the world’s population enjoyed democratic government. Soviet bloc countries were uniformly dictatorial, but the US didn’t make democracy promotion a particular priority in the Cold War either, allying with brutal dictatorships, from South Korea to Chile to Greece.

But after the [fall of the Berlin Wall](http://www.vox.com/2014/11/10/7185945/berlin-wall-anniversary), the Communist dictatorships almost all vanished, and most of the Eastern European ones were replaced with democratic systems. US-backed military governments in Latin America lost power, and a number of African dictators fell.

Some scholars have expressed concern that we’re entering a [“democratic recession”](https://www.economist.com/graphic-detail/2018/01/31/democracy-continues-its-disturbing-retreat); Freedom House, a pro-Western democracy promotion group, argues, [“Democracy is under assault and in retreat around the globe.”](https://freedomhouse.org/article/democracy-crisis-freedom-house-releases-freedom-world-2018) But while vigilance in the face of authoritarian threats is totally reasonable, it remains the case, as political scientist Daniel Treisman told my colleague Sean Illing, that, [“the proportion of democracies worldwide is at or near an all-time high.”](https://www.vox.com/2018/7/2/17500564/is-democracy-dying-trump-treisman-interview)

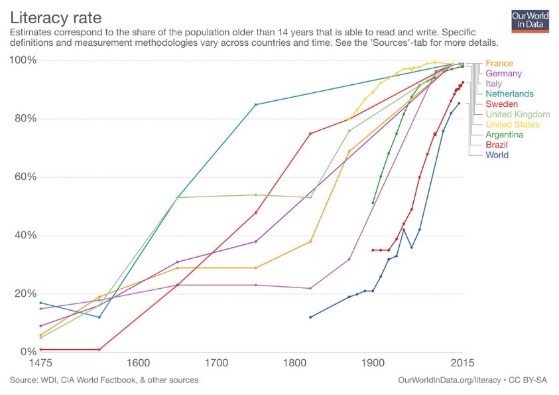
19) **More people are going to school for longer**



The global rise in schooling from 1870 to present. [Our World in Data](https://ourworldindata.org/global-rise-of-education#years-of-schooling)

We still have a lot to do to improve access to education, but even in developing countries like China and India, average years of schooling have been growing swiftly.

20) And **literacy is**, predictably, **up** as well

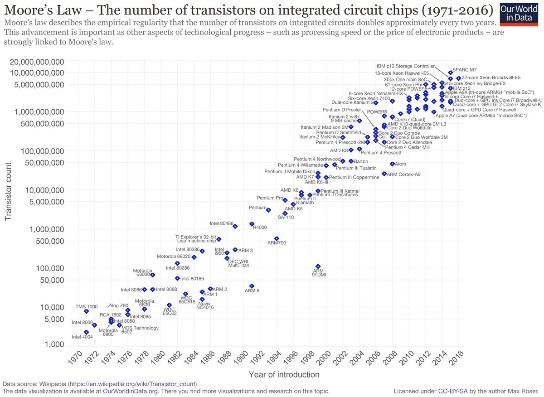


The rise of literacy, from 1475 to 2015. [Our World in Data](https://ourworldindata.org/literacy#historical-perspective)

Increased access to education has, unsurprisingly, coincided with increased literacy. A lot of progress has also been made by reducing racial gaps in literacy. In 1870, 79.9 percent of African-Americans aged 14 or older were illiterate, and by 1952 that number had only fallen to 10.2 percent. But by 1979, according to [National Center for Education Statistics](http://nces.ed.gov/naal/lit_history.asp) data, the illiteracy rate was down to 1.6 percent.

Technology

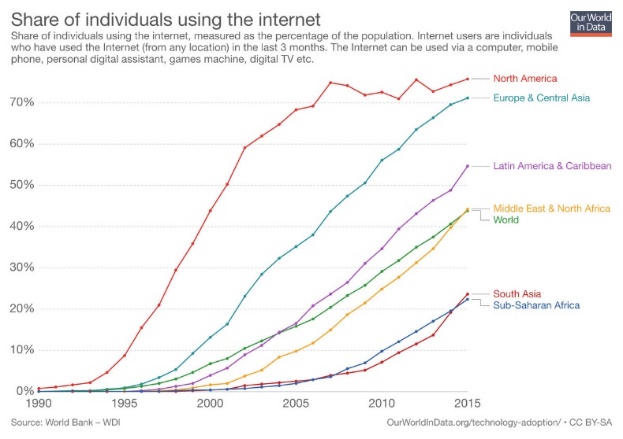
21) **Moore’s law isn’t** quite **over** yet



Moore’s law in action, from 1971 to 2016. [Our World in Data](https://ourworldindata.org/technological-progress)

Moore’s law — the empirical observation, first made by Intel’s Gordon Moore, that the number of transistors on a chip will double roughly every two years — has fueled the extraordinary growth in computing power over the past half-century. And while some analysts argue that that the pattern identified by Moore [has broken down](https://www.technologyreview.com/s/601441/moores-law-is-dead-now-what/) because of physical limitations on how many transistors can fit on a chip, decades of exponential progress is extraordinary, even if the trend doesn’t continue — and optimists in the industry argue that computing power can [continue to grow exponentially](https://cacm.acm.org/magazines/2017/1/211094-exponential-laws-of-computing-growth/abstract).

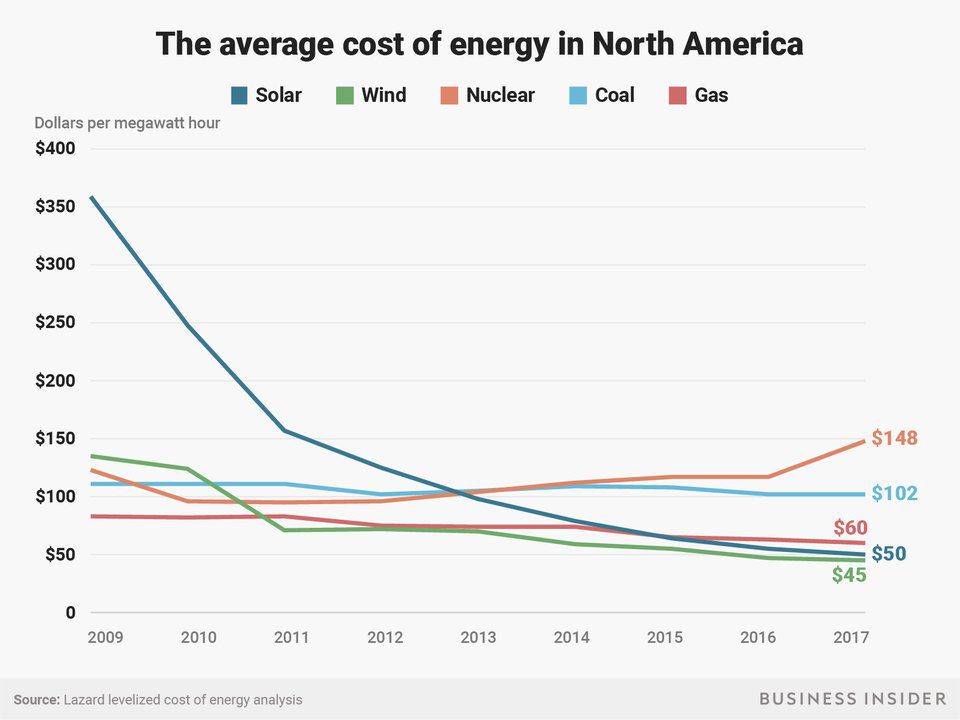
22) **Access to the internet is increasing**



Internet access by region, from 1990 to present. [Our World in Data](https://ourworldindata.org/technology-adoption#internet-access-technology)

At this point, internet use is fairly universal in developed countries — which occurred very, very rapidly, as this chart emphasizes — and while it’s less prevalent in developing countries and the world at large, the trendlines are going in the right direction.

23) **Solar energy is getting cheaper**



The spectacular fall in solar power costs, 2009 to 2017. [Business Insider / Shayanne Gal](https://www.businessinsider.com/solar-power-cost-decrease-2018-5)

Climate change is one big area where we’re not making progress, and things are getting considerably worse. There’s no sugar-coating that. One bright spot is the declining price of solar power, which is fueling a rapid increase in adoption. Solar and wind are now [cheaper per megawatt hour](https://www.businessinsider.com/solar-power-cost-decrease-2018-5) than gas or oil, though better batteries are needed if the two are to become primary sources of energy.

## Case

#### The plan causes small hospitals to go bankrupts --- Merging also allows experimentation which is net better for care in the long run

Ellis, 12 (James Ellis, CEO, Health Care Realty Development Company, 2-8-2012, accessed on 1-4-2022, Healthcare Finance News, "3 reasons why hospital mergers are advantageous ", <https://www.healthcarefinancenews.com/blog/3-reasons-why-hospital-mergers-are-advantageous)//Babcii>

3 Reasons Why **Merging Is Advantageous** Struggle to Survive: Small, **not-for-profit** and other types of hospitals seek mergers for a range of reasons as the atmosphere **to stay afloat** grows tougher. Not-for-profit hospitals throughout the U.S. are reducing unprofitable services while expanding more lucrative lines to help protect margins. A 2009 American Hospital Association study of 1000 hospital executives found one fifth of them reduced services that lost money including: behavioral health, post-acute care and patient education services while investing in services that deliver profits like neuro-surgery and interventional cardiology. **Mergers are seen as way to help struggling hospitals** through these especially tough times. When merging with a larger system it can help with capital needs as well as with technology and infrastructure upgrades. Recently, St. Luke’s Hospital and Health Network publicized its acquisition of Warren Hospital in Phillipsburg with plans to revitalize maternity services and pour $6 million in for the intensive care unit. New Model of Healthcare: Covering uninsured patients’ expenses, coping with diminishing government reimbursements and the upcoming challenges of healthcare reform are forcing hospitals everywhere to look at cost effective ways of managing care. **Merging plays an important role** in allowing hospitals to experiment with innovative new forms of healthcare such as the accountable care organization. Sanford B. Steever, Ph.D., editor at Irving Levin Associates, Inc.’s commented that he expects to see hospitals continue to engage in mergers and acquisitions in order to successfully position themselves for building accountable care organizations. Community Matters: A hospital serves its community and in doing so should keep the community informed and contented on the development of a merger. When hospitals change from nonprofit to for-profit it can have a large impact on the community such as reduced charity care and the ability to meet other local needs. Another case that may arise is when a religious based hospital system merges with a non-affiliated system and one health systems guidelines affect the other system such as reproductive sterilization. Merging can strengthen a facility’s relations with the community; helping with community health needs as well as the possibility of new service lines. Hospital mergers **allow for integration of patients’ care through new healthcare models,** the **ability to take on the financial risk tied with overseeing groups of patients** and simply, the ability to continue providing care to patients in the community.

# 1NR --- Swing 1 R1

## 1NR --- T No non-profit

### 2NC --- Limits / AT: Overlimiting

#### Opens the floodgates for more than a million new aff’s

Candid learning, ND (Candid learning, No Date, accessed on 1-4-2022, Candid Learning, "How many nonprofit organizations are there in the U.S.? | Knowledge base | Candid Learning", <https://learning.candid.org/resources/knowledge-base/number-of-nonprofits-in-the-u-s/#:~:text=According%20to%20the%20National%20Center,fraternal%20organizations%20and%20civic%20leagues.)//Babcii>

**According to the**[National Center for Charitable Statistics (NCCS)](https://beta-nccs.urban.org/project/nonprofit-sector-brief)**, more than 1.5 million nonprofit organizations are registered in the U.S.** This number includes public charities, private foundations, and other types of nonprofit organizations, including chambers of commerce, fraternal organizations and civic leagues.

## 1NR --- Infra

### 2NC --- O/V

#### Turns every impact.

Torres, 16 (Phil Torres; author, Affiliate Scholar @ Institute for Ethics and Emerging Technologies, founder of the X-Risks Institute, published articles for Bulletin of the Atomic Scientists, Salon, Journal of Future Studies, and the Journal of Evolution and Technology; 7-22-2016, "Op-ed: Climate Change Is the Most Urgent Existential Risk," FLI - Future of Life Institute, http://futureoflife.org/2016/07/22/climate-change-is-the-most-urgent-existential-risk/, accessed 8-9-2016)

For example, according to the Intergovernmental Panel on Climate Change, the effects of climate change will be “severe,” “pervasive,” and “irreversible.” Or, as [a 2016 study](http://www.climate.unibe.ch/~stocker/papers/clark16natcc.pdf) published in Nature and authored by over twenty scientists puts it, the consequences of climate change “will extend longer than the entire history of human civilization thus far.” Furthermore, [a recent article](http://advances.sciencemag.org/content/1/5/e1400253.full?con=&dom=pscau&src=syndication) in Science Advances confirms that humanity has already escorted the biosphere into the sixth mass extinction event in life’s 3.8 billion year history on Earth. Yet [another study](http://www.nature.com/nature/journal/v486/n7401/full/nature11018.html) suggests that we could be approaching a sudden, irreversible, catastrophic collapse of the global ecosystem. If this were to occur, it could result in “widespread social unrest, economic instability and loss of human life.” Given the potential for environmental degradation to elevate the likelihood of nuclear wars, nuclear terrorism, engineered pandemics, a superintelligence takeover, and perhaps even an [impact winter](https://en.wikipedia.org/wiki/Impact_winter), it ought to take precedence over all other risk concerns — at least in the near-term. Let’s make sure we get our priorities straight.

#### 5. Bill solves Health care and Disease

Kates 11-10-2021, PhD @ GWU, Senior Vice President and Director of Global Health & HIV Policy at KFF, where she oversees policy analysis and research focused on the U.S. government’s role in global health and on the global and domestic HIV epidemics. Widely regarded as an expert in the field, she regularly publishes and presents on global health and HIV policy issues and is particularly known for her work analyzing donor government investments in global health; assessing and mapping the U.S. government’s global health architecture, programs, and funding; and tracking and analyzing major U.S. HIV programs and financing, and key trends in the HIV epidemic, an area she has been working in for close to thirty years. Prior to joining KFF in 1998, Dr. Kates was a Senior Associate with The Lewin Group, a health care consulting firm, where she focused on HIV policy, strategic planning/health systems analysis, and health care for vulnerable populations. Among other prior positions, she directed the Office of Lesbian, Gay, and Bisexual Concerns at Princeton University. Dr. Kates has served on numerous federal and private sector advisory committees on global health and HIV issues, including PEPFAR’s Scientific Advisory Board, the NIH Office of AIDS Research Advisory Council, the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT), the board of the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the Governing Council of the International AIDS Society. She is also a lecturer at the Johns Hopkins School of Advanced International Studies. (Jennifer and Adam Wexler, “Public Health Infrastructure and Pandemic Preparedness Provisions in the Build Back Better Act,” *KFF*, <https://www.kff.org/coronavirus-covid-19/issue-brief/public-health-infrastructure-and-pandemic-preparedness-provisions-in-the-build-back-better-act/>)

The Build Back Better Act, originally introduced in Congress on September 27, 2021, is a broad funding and programmatic package supported by President Biden. The bill, as first introduced by the House, was estimated to total $3.5 trillion. A more recent version now under consideration in the House is estimated to total significantly less, at $1.75 trillion, due to pressures to reduce the bill’s cost. Among the provisions in the bill are several designed to strengthen the public health infrastructure, including the workforce, and to support pandemic preparedness. While the original version of the bill provided $51.8 billion for these purposes (with $36 billion directed toward improving the public health infrastructure and $15.8 billion toward pandemic preparedness), the new version of the bill provides 63% less, or $19.2 billion, including $16.2 billion for public health infrastructure and $3 billion for pandemic preparedness. Almost all public health and preparedness areas in the original bill saw reductions, and several were eliminated. The following table identifies the provisions of the bill related to public health infrastructure and pandemic preparedness, their specific funding amounts, and activities supported.1 Unless otherwise specified, all funding would be made available until expended, and, if ultimately enacted, would build on funding provided in previous emergency spending bills passed by Congress to respond to the COVID-19 pandemic. Area/Provision Amount Activities HEALTH CARE INFRASTRUCTURE AND WORKFORCE $16,160,000,000 SEC. 31001. FUNDING TO SUPPORT CORE PUBLIC HEALTH INFRASTRUCTURE FOR STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION $7,000,000,000 (provided between 2022-2026) Funding to support core public health infrastructure activities to strengthen the public health system and expand and improve activities of the Centers for Disease Control and Prevention (CDC). Activities include: health equity activities; workforce capacity and competency; all hazards public health and preparedness; testing capacity, including test platforms, mobile testing units, and personnel; health information, health information systems, and health information analysis (including data analytics); epidemiology and disease surveillance; contact tracing; policy and communications; financing; community partnership development; and relevant components of organizational capacity. Funding Allocation: To support core public health infrastructure activities throughout the U.S. Population-Based Grants: $3,500,000,000 provided to each State or territorial health department, and to local health departments that serve counties with a population of at least 2,000,000 or cities with a population of at least 400,000 people. Formula must consider population size and the Social Vulnerability Index. Competitive Grants: $1,750,000,000 provided through competitive grants to State, territorial, local, or Tribal health departments. NOTE: Of the grant funding provided to State health departments through formula and competitive awards, at least 25% must be reallocated to local health departments. CDC: $1,750,000,000 to expand and improve core public health infrastructure and activities at the CDC. SEC. 31002. FUNDING FOR HEALTH CENTER CAPITAL GRANTS $2,000,000,000 Funding to be awarded through grants and cooperative agreements to support community health centers for capital improvement projects. SEC. 31003. FUNDING FOR TEACHING HEALTH CENTER GRADUATE MEDICAL EDUCATION $3,370,000,000 Funding for direct payments and awards to support the establishment of new as well as the maintenance and expansion of existing graduate medical residency training programs. SEC. 31004. FUNDING FOR CHILDREN’S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS $200,000,000 Funding to support children’s hospitals that operate graduate medical education programs. SEC. 31005. FUNDING FOR NATIONAL HEALTH SERVICE CORPS $2,000,000,000 Funding to support the National Health Service Corps. SEC. 31006. FUNDING FOR THE NURSE CORPS $500,000,000 Funding to support the Nurse Corps. SEC. 31007. FUNDING FOR SCHOOLS OF MEDICINE IN UNDERSERVED AREAS $500,000,000 Funding to be awarded to support the establishment, improvement, or expansion of an allopathic or osteopathic school of medicine, with priority given to minority-serving institutions, and taking into consideration equitable distribution of awards among the geographical regions of the United States (including rural populations) in order to reach disadvantaged, rural, underserved, underrepresented, and low-income individuals. Among other things, supported activities include: recruiting, enrolling, and retaining students; curricula development, implementation, expansion, and modernization; facilities construction, modernization, or expansion; accreditation; and the hiring of faculty and staff. SEC. 31008. FUNDING FOR SCHOOLS OF NURSING IN UNDERSERVED AREAS $500,000,000 Funding to be awarded to support schools of nursing to enhance and modernize nursing education programs and increase the number of faculty and students at such schools, taking into consideration equitable distribution of awards among the geographical regions of the United States, the capacity of a school of nursing to provide care in underserved areas, and with priority to reach disadvantaged, rural, underserved, underrepresented, and low-income individuals. Among other things, supported activities include: recruiting, enrolling, and retaining students; creating, modernizing, enhancing, or expanding curricula and programs; hiring and retention of faculty; modernizing school infrastructure; and establishing partnerships with healthcare providers as well as interdisciplinary programs to further educational opportunities. SEC. 31009. FUNDING FOR PALLIATIVE CARE AND HOSPICE EDUCATION AND TRAINING $25,000,000 Funding to be awarded through grants and contracts to support the training of health professionals in palliative and hospice care as well as foster patient and family engagement, integration of palliative and hospice care with primary care and other appropriate specialties, and collaboration with community partners to address gaps in health care for individuals in need of palliative or hospice care with priority given to rural, medically underserved populations and communities, Indian Tribes or Tribal Organizations, or Urban Indian organizations. SEC. 31010. FUNDING FOR PALLIATIVE MEDICINE PHYSICIAN TRAINING $20,000,000 Funding to be awarded through grants and contracts to accredited schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs for the purpose of providing support for projects that fund the training of physicians or specialists who plan to teach or practice palliative medicine. SEC. 31011. FUNDING FOR PALLIATIVE CARE AND HOSPICE ACADEMIC CAREER AWARDS $20,000,000 Funding to be awarded to accredited schools of medicine, osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy applying on behalf of board-certified or board-eligible individuals to promote the academic career development as hospice and palliative care specialists. SEC. 31012. FUNDING FOR HOSPICE AND PALLIATIVE NURSING $20,000,000 Funding to be awarded as grants and contracts to accredited schools of nursing, health care facilities, programs leading to certification as a certified nurse assistant, or partnerships of such schools and facilities to develop and implement programs and initiatives to train and educate individuals in providing interprofessional, interdisciplinary, team-based palliative care in health-related educational, hospital, hospice, home, or long-term care settings. SEC. 31013. FUNDING FOR DISSEMINATION OF PALLIATIVE CARE INFORMATION $5,000,000 Funding to be provided through the award of grants or contracts to public and nonprofit private entities to disseminate information to inform patients, families, caregivers, direct care workers, and health professionals about the benefits of palliative care throughout the continuum of care for patients with serious or life-threatening illness. PANDEMIC PREPAREDNESS $3,000,000,000 SEC. 31021. FUNDING FOR LABORATORY ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION $1,400,000,000 Acting through the Director of the Centers for Disease Control and Prevention, funding shall be used to renovate, improve, expand, and modernize State and local public health laboratory infrastructure as well as CDC laboratories. Activities supported include improving and enhancing: testing and response capacity; the Laboratory Response Network for rapid outbreak detection; genomic sequencing capabilities to detect emerging diseases and variant strains; and biosafety and biosecurity capacity. Funding may also be used to enhance the ability of the Centers for Disease Control and Prevention to monitor and exercise oversight over biosafety and biosecurity of State and local public health laboratories. SEC. 31022. FUNDING FOR PUBLIC HEALTH AND PREPAREDNESS RESEARCH, DEVELOPMENT, AND COUNTERMEASURE CAPACITY $1,300,000,000 Acting through the Assistant Secretary for Preparedness and Response Activities, funding shall be used to support: Surge capacity, including through construction, expansion, or modernization of facilities, to respond to a public health emergency, for procurement and domestic manufacture of drugs, active pharmaceutical ingredients, vaccines and other biological products, diagnostic technologies and products, personal protective equipment, medical devices, vials, syringes, needles, and other components or supplies for the Strategic National Stockpile Expanded global and domestic vaccine production capacity, including by developing or acquiring new technology and expanding manufacturing capacity through construction, expansion, or modernization of facilities Activities to mitigate supply chain risks and enhance supply chain elasticity and resilience for critical drugs, active pharmaceutical ingredients, and supplies (including essential medicines, medical countermeasures, and supplies in shortage or at risk of shortage), drug and vaccine raw materials, and other supplies through the construction, expansion, or modernization of facilities, adoption of advanced manufacturing processes, and other activities to support domestic manufacturing of such supplies Activities conducted by the Biomedical Advanced Research and Development Authority for advanced research, standards development, and domestic manufacturing capacity for drugs, including essential medicines, diagnostics, vaccines, therapeutics, and personal protective equipment Increased biosafety and biosecurity in research on infectious diseases, including by modernization or improvement of facilities. SEC. 31023. FUNDING FOR INFRASTRUCTURE MODERNIZATION AND INNOVATION AT THE FOOD AND DRUG ADMINISTRATION $300,000,000 Funding provided to improve and modernize infrastructure at the Food and Drug Administration and to enhance food and medical product safety as follows: $150,000,000 for improving technological infrastructure, including through developing integrated systems, and improving the interoperability of information technology systems. $150,000,000 for modernizing laboratory infrastructure of, or used by, the Food and Drug Administration, including modernization of facilities related to, and supporting, such laboratory infrastructure, including through planning for, and the construction, repair, improvement, extension, alteration, demolition, and purchase of, fixed equipment or facilities.

### 2NC --- AT: Manchild

#### Progressives going on offense and massive ad campaigns will get Manchin to blink

Frazao, 1-3 (Kristine Frazao is an Emmy Award winning journalist, working as a National Correspondent for Sinclair Broadcast Group, “New year brings old routine for Democrats: courting Joe Manchin”, Local12, 1-3-22, https://local12.com/news/nation-world/new-year-brings-old-routine-for-democrats-courting-joe-manchin)//babcii

WASHINGTON (TND) – A new year on Capitol Hill may bring back an old routine for Democrats: courting Joe Manchin.

At a[Dec. 20 press conference](https://www.youtube.com/watch?v=Lvoe7Hl0WSU) in San Francisco, House Speaker Nancy Pelosi, D-California, was asked about the West Virginia senator's decision to not support the Build Back Better bill in its current form.

“I have confidence that Senator Manchin cares about the country, and that at some point very soon we can take up the legislation," she said.

Democrats had hoped to pass that legislation – which needed support from all 50 Democrats – before Christmas, but that plan fell apart after Manchin said [this on Fox News Sunday](https://www.youtube.com/watch?v=h61hhGMe_oA&t=560s)on Dec. 19:

“I cannot vote to continue with this piece of legislation.”

But there is [growing evidence](https://www.politico.com/news/2021/12/20/biden-and-manchin-speak-525788) he may be returning to the negotiating table. Axios [reported](https://www.axios.com/scoop-manchin-new-play-2cb59ff0-1577-44bf-81a4-a0d72b7e9be2.html?utm_source=twitter&utm_medium=social&utm_campaign=editorial&utm_content=politics-manchin)he’s "open to re-engaging" and "stayed in touch with White House officials over the holidays."

Some **Progressives have been on offense.**

Rep. Pramila Jayapal, D-Washington, wrote [an op-ed](https://www.washingtonpost.com/opinions/2021/12/26/pramila-jayapal-joe-manchin-build-back-better/?utm_campaign=wp_main&utm_medium=social&utm_source=twitter)in The Washington Post, suggesting that the legislative process can be bypassed and calling on the White House to use executive action.

Other Democrats are instead trying to appeal to Manchin's constituents, making the case that President Joe Biden’s agenda is good for West Virginians.

In a Dec. 31 interview with CNN, Rep. Barbara Lee, D-California, said,

"It's an ethical issue that we have to step up to, so I’m hoping that Joe Manchin understands that his constituents like many of mine live below the poverty line and they need the child tax credit.”

The child tax credit has been a major sticking point for Manchin, who is calling for far more accountability and argues it should only go to those who need it.

In [an interview](https://wvmetronews.com/channel/talkline/)with Hoppy Kerheval on Talkline with WV Metro News, Manchin said, “Do you believe people making $200,000 and $400,000 should still get the child tax credit, the same as someone making $50, $60 or $70,000, that really needs it ?”

And it’s not just lawmakers hoping to win over the West Virginia senator – special interest groups have **launched all-out ad wars**, spending $10 million in ads directly targeting Manchin, [according to Punchbowl news,](https://email.punchbowl.news/t/ViewEmail/t/997F6EBEEFD59FBB2540EF23F30FEDED/E92ECDC31263986E74AF8F7A76570606?alternativeLink=False)with about a third of that money specifically focused on Build Back Better.

#### Manchin is in talks now – at worst they remove the CTC

Elkind, 1-3 (Elizabeth Elkind, Politics reporter for dailymail, “[Manchin open to Build Back Better if child tax credits are cut: Report](https://www.dailymail.co.uk/news/article-10364623/Manchin-reopen-talks-Biden-Build-Better-child-tax-credits-limited-Report.html)”, dailymail, 1-3-22, https://www.dailymail.co.uk/news/article-10364623/Manchin-reopen-talks-Biden-Build-Better-child-tax-credits-limited-Report.html)//babcii

West Virginia Senator Joe Manchin could get back on board with President Joe Biden's Build Back Better bill, provided Democrats cut out or severely limit the spending bill's enhanced child tax credit extension, a report out Monday suggests.

Manchin is willing to talk about the $1.75 trillion package's provisions on climate change and child care measures, indicating Biden's agenda may not be dead in the water before the November midterm elections, sources told Axios.

But the enhanced child tax credit, an extension of a measure in Biden's American Rescue Plan, would either have to be eliminated altogether or its income cap for eligible families significantly raised.

The boost, which raised the child tax benefit from $2,000 per child to up to $3,600 for children under 6, expired last week at the end of 2021.

The moderate Democrat delivered a death blow to Senate Majority Leader Chuck Schumer's goal of passing the president's agenda before the end of the year when he announced on Fox News Sunday that he couldn't vote for the social and climate reform legislation.

In the following days it was revealed Manchin had presented his own alternate Build Back Better proposal to the White House which did include climate and healthcare measures but notably excluded the child tax credit, the Washington Post first reported.

The key centrist also reportedly told Biden that he'd be open to some form of a billionaire's tax to pay for the progressive spending bill.

#### More ev

Benen, 1-3 ([Steve Benen](https://www.nbcnews.com/author/steve-benen-ncpn433601), producer for "The Rachel Maddow Show," the editor of MaddowBlog and an MSNBC political contributor, “Senate Democrats set the stage for action on multiple fronts”, MSNBC, 1-3-22, https://www.msnbc.com/rachel-maddow-show/senate-democrats-set-stage-action-multiple-fronts-n1286868)//babcii

At this point two weeks ago, the Democrats' Build Back Better agenda was [effectively dead](https://www.msnbc.com/rachel-maddow-show/joe-manchin-rejects-build-back-better-what-happens-now-n1286297). Democratic Sen. Joe Manchin of West Virginia announced on Fox News that he wouldn't back the legislation; the White House was apoplectic; and the intra-party recriminations were well under way.

But the door wasn't completely closed. President Joe Biden took [incremental steps](https://www.msnbc.com/rachel-maddow-show/democrats-rally-keep-biden-s-build-back-better-agenda-alive-n1286428) to keep the negotiations going, and Politico [reported](https://www.politico.com/newsletters/playbook/2021/12/22/schumer-and-manchin-face-off-on-zoom-495536?8) on Dec. 22, "[F]or the first time since Manchin blew up everything, we are hearing some notes of optimism from Democratic senators."

It was against this backdrop that Axios [reported](https://www.axios.com/scoop-manchin-new-play-2cb59ff0-1577-44bf-81a4-a0d72b7e9be2.html) overnight:

Sen. Joe Manchin (D-W.Va.) is open to reengaging on the climate and child care provisions in President Biden's Build Back Better agenda if the White House removes the enhanced child tax credit from the $1.75 trillion package — or dramatically lowers the income caps for eligible families, people familiar with the matter tell Axios.

It's still difficult to envision what a final deal might look like, but the fact that the talks are ongoing reinforces the impression that the BBB package has a pulse. Axios' report added the conservative West Virginian remained "in touch with senior White House officials over the holidays."

For Democrats and those who might benefit from the Build Back Better agenda, difficult negotiations are preferable to no negotiations.

### 2NC --- AT: warming gets zapped

#### Climate provisions won’t get zapped – it’s the one thing guaranteed to pass with PC

**Becker, 1/3** (Bernie Becker, Becker has degrees from the College of William and Mary and the University of Maryland, 1-6-2022, accessed on 1-4-2022, POLITICO, "It's 2022. How does the BBB look now?", https://www.politico.com/newsletters/weekly-tax/2022/01/03/its-2022-how-does-the-bbb-look-now-799633)//Babcii

Majority Leader Chuck **Schumer has said the Senate will vote on the social spending package early this year**, though he hasn't offered many more details than that. (Axios reported that Senate Democrats will start working through that question as soon as today.)

But there are plenty of people who still believe there’s a **chance for Manchin, Biden and** Democratic congressional **leaders** to find some sort of agreement, by choosing just a handful of the policy initiatives currently in Build Back Better and enacting them more long-term.

For months now, lobbyists and aides have thought that the most likely fallback option for Democrats would center around **climate provisions** and the newly expanded Child Tax Credit, though those monthly child payments might need some changes to get Manchin’s approval.

But there’s definitely incentive for Senate Democrats to move quickly, with it already a midterm election year and their House counterparts not pleased that they passed a big tax-and-spend package only to see it stall across the way.

### 2NC --- Link Wall (Generic)

#### 3. The plan is controversial

Folio 21 Joseph Charles Folio III Of Counsel, David J. Shaw Partner, and Alexander Paul Okuliar Co-chair Global Antitrust Law Practice Group, 3-25-2021, " FTC Lays Groundwork for Rulemakings: Are New Substantive Competition Rules Coming?," No Publication, https://www.mofo.com/resources/insights/210511-ftc-lays-groundwork-rulemakings.html

In addition to the rulemaking proposal at the FTC, there is heightened activity on the Hill that may lead to reform in one way or another. The antitrust subcommittees in the Senate and the House have held numerous hearings on these competition issues, and legislators from both parties are debating different proposals to change the antitrust laws. In particular, in 2020, the House Judiciary Committee’s Antitrust Subcommittee conducted a bipartisan investigation into competition in digital markets. At the conclusion of the Subcommittee’s investigation, the Democratic majority issued a lengthy report finding that major digital companies were violating existing antitrust laws and recommending extensive changes to the law that could dramatically reshape how companies are allowed to operate.[17] Significantly, the report questioned the consumer welfare standard—the touchstone of antitrust enforcement for the past 50 years—and criticized the Supreme Court for “adopting a narrow construction of ‘consumer welfare’ as the sole goal of the antitrust laws.”[18] The report’s recommendations “for future consideration” included breaking up major digital companies in order to separate “adjacent lines of business,” mandating nondiscrimination and prohibiting self-preferencing, requiring interoperability and data portability, prohibiting mergers and acquisitions by “dominant platforms,” and prohibiting “abuses of superior bargaining power.”[19] Although the House Judiciary committee officially adopted the report on a party-line vote, aspects of its findings had bipartisan support. The Republican minority’s (more limited) companion report identified several areas of agreement, including concerns that tech companies were “using ‘killer acquisitions’ to remove up-and-coming competitors from the marketplace,” and that the burdens of proof for mergers and predatory pricing cases required reevaluation.[20] These narrow areas of agreement reflect a shared interest in action, which may embolden reformers, but most of the antitrust bills introduced this Congress seem intended more to “signal” to core constituencies rather than make new law. For these reasons, aside from modest proposals to increase funding for antitrust enforcement, significant bipartisan antitrust legislation remains unlikely. In an environment where broad antitrust legislation remains out of reach, the committee report is more likely to serve as a roadmap for future FTC rulemaking, especially insofar as one of its authors is set to become an FTC commissioner.

### 2NC --- Bi-part

#### Wins only build long-term capital – link outweighs

Purdum 10, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 [www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html](http://www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html))

With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair. So why isn’t his political standing higher? Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public. But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning. Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not. Obama knows better than most people that politics is the art of the possible (it’s no accident that he became the first black president after less than a single term in the Senate), and an endless cycle of two steps forward, one step back. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The short-term results are often messy and confusing. Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

#### PC is finite for biden and warming policies

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If we want clean energy to succeed in the upcoming Biden administration, we have to (a) be realistic, and (b) fight like hell to keep him focused on it as much as possible. Political capital is scarce, and the threats to our future from climate change are real, so allowing the various Democratic lobbies to suck all of the oxygen out of the room is not an option. Here’s a quick rundown of the problem and some ideas on what we can do to help clean energy win. It’s All About Political Capital In short, political capital is a way to think about political power in democratic countries. Yes, winning elections does give some political power, but you can’t effectively use it unless you have coalitions, alliances, trust, goodwill, and influence. Your earned trust and connections are like money (capital). You can work hard to earn it and build it up, but it’s easy to spend it and even waste it, just like money. If you get power from an election and then quickly spend all of the political capital impressing loyalists, you’ll get to the point where you can’t win future elections (Trump is a great example of this), can’t get votes together for legislation, and can’t get people to help you in a variety of other ways. At worst, a political leader who has run completely out of political capital might not even be able to get normal citizens to follow laws. As the consent of the governed is withdrawn, you see protests, riots, violence, terrorism, and even war. For better or worse, Biden won’t start out with much political capital to begin with. After a narrowly won election, not taking the Senate (because many voters rejected Trump but voted for Republicans further down the ballot), and then extended accusations of cheating, it’s not going to be easy to get things done. Earning More Political Capital Is Essential To get more political capital, Biden will need to find ways to heal the rifts after the election. This is true after any election, but the job is going to be that much harder in 2021. While there’s a segment of the population that will never accept a president of the opposite party, there are still plenty of reasonable people who will need to be won over (at least a little). If we want Biden to succeed, we need to not take part in divisive politics. Don’t rub Trump fans’ faces in it, as tempting as that can be. Be nice to people on social media, even if they’re hurt or feeling pain over the loss of an election. Try to understand that people have whipped up many people into fear of a Democratic president, and cut them some slack. Do anything you can to discourage “sore winners” next year. Don’t Encourage The Don Quixotes To Waste It On The Impossible There are things that simply aren’t possible with a Democratic president and a Republican Senate. No matter how badly people might want an expansive Green New Deal, gun control, high taxes on the rich, and other such things, it’s just not going to happen. Like Don Quixote, a fictional senile old man who tried to fight imaginary monsters (who were, in reality, windmills), there are people in the Democratic Party who would gladly waste what little political capital is available on their quixotic quests. If it’s not going to happen, it’s not harmless to try anyway, or even to make a bunch of noise about it. Everything has a cost, and the cost of pushing these policies is that policies you could get passed into law don’t happen. Executive Power Is Expensive While Trump abused executive power frequently, don’t be tempted by calls for Biden to take revenge and do the same thing. The short term gains may be enticing, but the longer term costs are much bigger than they might appear to be at first. Trump found out the hard way that pushing for things like the border wall, fights against LGBT rights, and attempts to prop up the failing coal industry alienates reasonable people. It’s easy to say “Trump did it! We can too!”, but don’t forget that was part of his undoing. The worst thing a President Biden could do is use unconstitutional executive orders for something divisive like gun control. Yes, Trump actually did this, because he thought it would make him look good after the Las Vegas shooting, but it divided his own supporters. Loyalists made excuses or claimed it was part of some elaborate game to “beat the libs,” while people who really believed in gun rights deeply lost trust in Trump. Make no mistake, a Democratic president doing this would quickly earn the hostilities of both camps and suffer a deeper cost than Trump did. That’s just one example. There are many other little regulatory things a President Biden could do to put the screws to Republicans, but in most cases it simply isn’t worth it when we need real legislation to get the job done. Focus On The Possible! The best way to make actual progress on clean energy is to look for ways to find common ground with part of the Republican Party. Libertarian-leaning Republicans are big on free markets, and don’t like things like tariffs and subsidies. One way to put renewable energy on better footing would be to cut fossil fuel subsidies, and that’s something you’d find Republican supporters for. Tariffs that drive up the cost of solar panels are another target that you’d find Republican allies against. Another possible source of Republican support comes from Republicans concerned with national preparedness and energy security. American cars (e.g., Tesla vehicles, the Nissan LEAF, the Chevy Bolt, the Ford Mustang Mach-E) that run on American fuel (electricity) would have been a Republican dream in 2005, and definitely could be today. Add in that you can generate the fuel at home, store it safely, and enable broad swaths of the public’s homes and most key facilities to run uninterrupted when the power goes out, and you have an emergency preparedness winner. Solar roofs and Powerwalls are also great for preppers and homesteaders, many of whom are Republicans. I’m sure with some creativity we can come up with many other ways to make real progress on renewable energy, but it’s going to take goodwill, trust, and lots of healing to get there. Be sure to be part of that solution.