# 1NC

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#### Undisclosed new affs are bad --- skews pre-round prep, and causes barriers to entry that stifle new and small program development --- Independently justifies all neg theory antics to get back in the debate --- C/I is disclosure 30 minutes before the round

### OFF

#### The United States federal judiciary should mandate data portability and interoperability for social media platforms

#### 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 establish a framework for contingent international cooperation that mandates data portability and interoperability for social media platforms.

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

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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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#### 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, including at least mandating data portability and interoperability for social media platforms

#### 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.”**

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#### Infra passes now with 0 margin of error --- PC, time, and focus are all key to lock in tail-end agreements

Amiri et al. 11-4 (Associated Press writers Farnoush Amiri, Kevin Freking, Aamer Madhani and Mary Clare Jalonick, “Biden’s big bill on brink of House votes, but fights remain”, KTAR News, 11-4-21, https://ktar.com/story/4753779/house-ready-for-debate-votes-after-bolstering-bidens-bill/)//babcii

WASHINGTON (AP) — Democrats in the House appear on the verge of advancing President Joe Biden’s $1.85 trillion-and-growing domestic policy package alongside a companion $1 trillion infrastructure bill in what would be a dramatic political accomplishment — if they can push it to passage. The House scrapped votes late Thursday but will be back at it early Friday, and White House officials worked the phones to lock in support for the president’s signature proposal. After months of negotiations, House passage of the big bill would be a crucial step, sending to the Senate Biden’s ambitious effort to expand health care, child care and other social services for countless Americans and deliver the nation’s biggest investment yet to fight climate change. Alongside the slimmer roads-bridges-and-broadband package, it adds up to Biden’s answer to his campaign promise to rebuild the country from the COVID-19 crisis and confront a changing economy. But they’re not there yet. House Speaker Nancy Pelosi worked furiously into the night at the Capitol Thursday and kept the House late to shore up votes. The party has been here before, another politically messy day like many before that are being blamed for the Democrats’ dismal showing in this week’s elections. On and off Capitol Hill, party leaders declared it’s time for Congress to deliver on Biden’s agenda. “We’re going to pass both bills,” Pelosi insisted at a midday press briefing. Her strategy now seems focused on passing the most robust bill possible in her chamber and then leaving the Senate to adjust or strip out the portions its members won’t agree to. The House Rules Committee processed final revisions including to a state-and-local tax deduction in a brief meeting late Thursday in preparation for floor votes. Half the size of Biden’s initial $3.5 trillion package, the now sprawling 2,135-page bill has won over most of the progressive Democratic lawmakers, even though it is smaller than they wanted. But the chamber’s more centrist and fiscally conservative Democrats continued to mount objections. Overall the package remains more far-reaching than any other in decades. Republicans are fully opposed to Biden’s bill, which is called the “Build Back Better Act” after the president’s 2020 campaign slogan. The big package would provide large numbers of Americans with assistance to pay for health care, raising children and caring for elderly people at home. There would be lower prescription drug costs, limiting the price of insulin to $35 a dose, and Medicare for the first time would be able to negotiate with pharmaceutical companies for prices of some other drugs, a long-sought Democratic priority. Medicare would have a new hearing aid benefit for older Americans, and those with Medicare Part D would see their out-of-pocket prescription drug costs capped at $2,000. The package would provide some $555 billion in tax breaks encouraging cleaner energy and electric vehicles, the nation’s largest commitment to tackling climate change. With a flurry of late adjustments, the Democrats added key provisions in recent days — adding back a new paid family leave program and work permits for immigrants. Late changes Thursday would lift a $10,000 cap on state-and-local tax deductions to $80,000. Much of the package’s cost would be covered with higher taxes on wealthier Americans, those earning more than $400,000 a year, and a 5% surtax would be added on those making over $10 million annually. Large corporations would face a new 15% minimum tax in an effort to stop big businesses from claiming so many deductions that they end up paying zero in taxes. From the White House, “the president has been very clear, he wants to get this moving,” said principal deputy press secretary Karine Jean-Pierre. As night fell, Democratic leaders struggled to resolve a catalog of remaining issues as lawmakers balanced the promise of Biden’s sweeping vision with the realities of their home-district politics. Biden has few votes to spare in the narrowly divided House and none when the bill ultimately arrives for consideration in the evenly split 50-50 Senate. Five centrist Democratic lawmakers want a full budgetary assessment before they vote. Others from more Republican-leaning regions are objecting to a new state-and-local tax deduction that favors New York, California and other high-tax states. Another group wants changes to the immigration-related provisions. In recent days, both the overall price tag and the revenue to pay for it have grown. A new White House assessment Thursday said revenue from the taxes on corporations and the wealthy and other changes are estimated to bring in $2.1 trillion over 10 years, according to a summary obtained by The Associated Press. That’s up from what had been $1.9 trillion in earlier estimates. Pelosi noted a similar assessment Thursday by the bipartisan Joint Committee on Taxation, and she echoed Biden’s frequent comment that the overall package will be fully paid for. But another model from the Wharton School at the University of Pennsylvania suggested a shortfall in revenue for covering the cost, breeding fresh doubts among some of the Democratic lawmakers. Still, the Democrats in the House are anxious to finish up this week, eager to deliver on the president’s agenda and, as some lawmakers prepare to depart for a global climate change summit in Scotland, show the U.S. taking the environmental issue seriously. Democrats have been working to resolve their differences, particularly with holdout Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, who forced cutbacks to Biden’s bill but championed the slimmer infrastructure package that had stalled amid deliberations. Manchin has panned the new family and medical leave program, which is expected to provide four weeks of paid time off after childbirth, for recovery from major illness or for caring for family members, less than the 12-week program once envisioned. Senators are also likely to strip out a just-added immigration provision that would create a new program for some 7 million immigrants who are in the country without legal standing, allowing them to apply for permits to work and travel in the U.S. for five years. It’s not clear that addition would pass muster with the Senate parliamentarian under special budget rules being used to process the package. On another remaining issue, Democrats are still arguing over a plan partly to do away with the $10,000 limit on state and local tax deductions that particularly hits high-tax states and was enacted as part of the Trump-era 2017 tax plan. While repeal of the so-called SALT deduction cap is a priority for several Northeastern state lawmakers, progressives wanted to prevent the super-wealthy from benefiting. Under the revised plan, the $10,000 deduction cap would be lifted to $80,000 for nine years, starting with the 2021 tax year.

#### 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.

#### Infrastructure secures the grid against worsening and increasing cyberattacks.

Chris Carney 21, senior policy advisor at Nossaman LLC, former US Representative, former professor of political science at Penn State University, 8/6/2021, "The US Senate Infrastructure Bill: Securing Our Electrical Grid Through P3s and Grants," <https://www.jdsupra.com/legalnews/the-us-senate-infrastructure-bill-4989100/>, MBA AM

As we begin to better understand the main components of the Infrastructure Investment and Jobs Act that the US Senate is working to pass this week, it is clear that public-private partnerships ("P3s") are a favored funding mechanism of lawmakers to help offset high costs associated with major infrastructure projects in communities. And while past infrastructure bills have used P3s for more conventional projects, the current bill also calls for P3s to help pay for protecting the US electric grid from cyberattacks. Responding to the increasing number of cyberattacks on our nation’s infrastructure, and given the fragile physical condition of our electrical grid, the Senate included provisions to help state, local and tribal entities harden electrical grids for which they are responsible.

Section 40121, Enhancing Grid Security Through Public-Private Partnerships, calls for not only physical protections of electrical grids, but also for enhancing cyber-resilience. This section seeks to encourage the various federal, state and local regulatory authorities, as well as industry participants to engage in a program that audits and assesses the physical security and cybersecurity of utilities, conducts threat assessments to identify and mitigate vulnerabilities, and provides cybersecurity training to utilities. Further, the section calls for strengthening supply chain security, protecting “defense critical” electrical infrastructure and buttressing against a constant barrage of cyberattacks on the grid. In determining the nature of the partnership arrangement, the size of the utility and the area served will be considered, with priority going to utilities with fewer available resources.

Section 40122 compliments the previous section as it seeks to incentivize testing of cybersecurity products meant to be used in the energy sector, including SCADA systems, and to find ways to mitigate any vulnerabilities identified by the testing. Intended as a voluntary program, utilities would be offered technical assistance and databases of vulnerabilities and best practices would be created. Section 40123 incentivizes investment in advanced cybersecurity technology to strengthen the security and resiliency of grid systems through rate adjustments that would be studied and approved by the Secretary of Energy and other relevant Commissions, Councils and Associations.

Lastly, Section 40124, a long sought-after package of cybersecurity grants for state, local and tribal entities is included in the bill. This section adds language that would enable state, local and tribal bodies to apply for funds to upgrade aging computer equipment and software, particularly related to utilities, as they face growing threats of ransomware, denial of service and other cyberattacks. However, under Section 40126, cybersecurity grants may be tied to meeting various security standards established by the Secretary of Homeland Security, and/or submission of a cybersecurity plan by a grant applicant that shows “maturity” in understanding the cyber threat they face and a sophisticated approach to utilizing the grant.

While the final outcome of the Infrastructure Investment and Jobs Act may still be weeks or months away, inclusion of these provisions not only demonstrates a positive step forward for the application of federal P3s and grants generally, they also show that Congress recognizes the seriousness of the cyber threats our electrical grids face. Hopefully, through judicious application of both public-private partnerships and grants, the nation can quickly secure its infrastructure from cyberattacks.

#### Cyberattacks on the grid spiral to all-out nuclear conflict.

Michael Klare 19, professor emeritus of peace and world security studies at Hampshire College, November 2019, “Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation,” Arms Control Association, <https://www.armscontrol.org/act/2019-11/features/cyber-battles-nuclear-outcomes-dangerous-new-pathways-escalation>

Yet another pathway to escalation could arise from a cascading series of cyberstrikes and counterstrikes against vital national infrastructure rather than on military targets. All major powers, along with Iran and North Korea, have developed and deployed cyberweapons designed to disrupt and destroy major elements of an adversary’s key economic systems, such as power grids, financial systems, and transportation networks. As noted, Russia has infiltrated the U.S. electrical grid, and it is widely believed that the United States has done the same in Russia.12 The Pentagon has also devised a plan known as “Nitro Zeus,” intended to immobilize the entire Iranian economy and so force it to capitulate to U.S. demands or, if that approach failed, to pave the way for a crippling air and missile attack.13

The danger here is that economic attacks of this sort, if undertaken during a period of tension and crisis, could lead to an escalating series of tit-for-tat attacks against ever more vital elements of an adversary’s critical infrastructure, producing widespread chaos and harm and eventually leading one side to initiate kinetic attacks on critical military targets, risking the slippery slope to nuclear conflict. For example, a Russian cyberattack on the U.S. power grid could trigger U.S. attacks on Russian energy and financial systems, causing widespread disorder in both countries and generating an impulse for even more devastating attacks. At some point, such attacks “could lead to major conflict and possibly nuclear war.”14

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#### Healthcare Antitrust is under the radar but top of the FTC agenda

Levine, 21 - master’s degree from the Columbia University Graduate School of Journalism and a bachelor of arts in English from the University of Pennsylvania. She is also an alumna of the Fellowships at Auschwitz for the Study of Professional Ethics, a program in Germany and Poland that explores the ethics of reporting on politics, war and genocide (Alexandra, “How Biden's tech trustbuster could change health care,” *Politico*, 8-25-2021, <https://www.politico.com/newsletters/future-pulse/2021/08/25/how-bidens-tech-trustbuster-could-change-health-care-797333>)

Lina Khan’s Federal Trade Commission has its eyes on health care. The agency known for efforts to rein in Big Tech companies like Facebook and Amazon is also enmeshed in high-stakes health care and health tech battles that extend well beyond Silicon Valley. Case in point: The FTC trial that kicked off yesterday examining monopoly concerns in the market for cancer screening technology. (More on that below.) That closely watched antitrust case — involving the giant Illumina and startup Grail — predates Khan’s confirmation as FTC chair. But it underscores how health issues are looming over the agenda, particularly heading into the pandemic's second year. The way health care companies and consumer health apps handle sensitive data “is an area that I'm sure [Khan’s] very, very interested in,” said Jessica Rich, former director of the FTC’s consumer protection bureau, adding that the Biden administration's FTC will also be closely scrutinizing hospital mergers. “I expect her and the commission to take a very bold approach to what constitutes harm for both,” Rich said. “I expect her to pay close attention to algorithms and potential discrimination in health care, both denials and pricing issues which the FTC's laws can address.” The FTC’s jurisdiction touches nearly the entire health economy. While its competition bureau looks at health care mergers like the Illumina-Grail deal, its consumer protection side is focused on health privacy and data security issues, as well as fighting bogus medical claims on everything from weight loss to Covid cures. When Congress passed the Covid-19 Consumer Protection Act last year, the agency was granted new authority to police Covid scams. Although Khan hasn't spoken publicly about her health care agenda, she's likely to take issue with health apps and companies whose business models maximize, incentivize and monetize data collection. Of particular concern is how firms disclose what they’re doing with consumers’ data — and whether it may still be deceptive or unfair.

**Antitrust enforcement saps up FTC resources and personnel, which are finite**

Tara L. **Reinhart, et al. 21**. \*\*Head of Skadden, Arps, Slate, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*Steven C. Sunshine, Co-head of Skadden, Arps, Slat, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*David P. Whales, antitrust lawyer with over 25 years of experience in both private and public sectors. \*\*Julia Y. York, partner at Skadden, Arps, Slat, Meagher & Flom LLP. \*\*Bre Jordan, associate at Skadden, Arps, Slat, Meagher & Flom LLP focusing on antitrust law. “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement.” 6/18/21. https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

Second, like all antitrust enforcers, Ms. Khan and the FTC will face resource constraints. Bringing **antitrust litigation is an expensive and laborious process**, often requiring millions of dollars for expert fees and a large army of FTC staff attorneys and taking many months or even years to accomplish. Typically, the FTC can only litigate a **handful of antitrust matters** at a time. It seems likely that Congress will provide more funding to the FTC in the current environment, but even with these extra resources, the **FTC will still have to pick its cases carefully** and cannot challenge every deal or every instance of alleged unlawful conduct.

#### Intervention in healthcare consolidation is key to innovation

Richman et. al 17 (Barak, Professor of Law, Duke University Law School; \* Elena Vidal, Professor of Strategic Management at University of Toronto, Will Mitchell, Rotman School of Business; Assistant Professor of Management, Baruch, and Kevin Schulman, College/CUNY, Zicklin School of Business; Professor of Medicine, Duke University Medical School. “Pharmaceutical M&A Activity: Effects on Prices, Innovation, and Competition” p. 798-799 <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=6441&context=faculty_scholarship>]

Perhaps even more important than the potential impact on prices, some observers and theorists suggest that M&A activity in the pharmaceutical sector might reduce innovative activity in the industry. Commentators not only worry that industry consolidation increases prices, but also that it reduces incentives to innovate.34 These commentators express concern that large pharmaceutical firms exhibited diminishing R&D productivity—producing fewer discoveries, generating less valuable discoveries, and creating discoveries that represent more incremental and duplicative innovations.35 In parallel, commentators suggest that the recent merger trend contributed to big pharma’s diminishing innovation, in part because mergers are often followed by layoffs in R&D personnel, changes in management and research priorities, and reductions in total R&D spending.36

#### innovation solves disease, bioterror, and ABR.

Sonja Marjanovic and Carolina Feijao 20. \*Sonja Marjanovic; Director, Healthcare Innovation, Industry and Policy, RAND Europe. \*Carolina Feijao; Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitive biology, Imperial College London; B.Sc. in biology, University of Lisbon. “Pharmaceutical Innovation for Infectious Disease Management” RAND Corporation. 2020. https://www.rand.org/content/dam/rand/pubs/perspectives/PEA400/PEA407-1/RAND\_PEA407-1.pdf

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context. The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests. Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accelerate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions. The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries. Similarly, in the United States AbbVie has waived intellectual property rights for an existing combination product that is being tested for therapeutic potential against COVID-19, which would support affordability and allow for a supply of generics. Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic. Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterrorism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious disease in recent times – for example those associated with Ebola and Zika outbreaks. However, it has done so to a lesser scale than for COVID-19 and with contributions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low. There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innovation conditions.

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#### Growth high now – dependent on business investment and spending

Mutikani 21 (Lucia Mutikani, Economics correspondent @ Reuters, “U.S. corporate profits soar in second quarter; economic growth raised”, August 26, 21, Reuters, https://www.reuters.com/business/us-second-quarter-economic-growth-revised-slightly-higher-weekly-jobless-claims-2021-08-26/)//babcii

The level of GDP is now 0.8% higher than it was at its peak in the fourth quarter of 2019. The upward revisions to last quarter's GDP growth reflected a slightly more robust pace of consumer spending and business investment than initially estimated. Demand was driven by one-time stimulus checks from the government to some middle- and low-income households. The Federal Reserve has maintained its ultra-easy monetary policy stance, keeping interest rates at historically low levels and boosting stock market prices. Stocks were trading lower. The dollar [(.DXY)](https://www.reuters.com/quote/.DXY) rose against a basket of currencies. U.S. Treasury prices were mostly lower. Consumer spending, which accounts for more than two-thirds of the U.S. economy, appears to be cooling. Credit card data suggests spending on services like airfares, cruises as well as hotels and motels has been slowing. "This is a speed bump due to the interaction of Delta and supply-side constraints," said Michelle Meyer, chief U.S. economist at Bank of America Securities in New York. "We still believe the foundation for the economy is solid and all signs point to strong underlying demand." Bank of America Securities has slashed its GDP growth estimate for the third quarter to a 4.5% pace from a 7.0% rate. Growth is expected to pick up in the fourth quarter, in part driven by businesses replenishing inventories, which were drawn down in the first half of the year to meet the strong demand. Overall, economists expect growth of around 7% this year, which would be the strongest performance since 1984. Though the boost from fiscal stimulus is waning, demand remains underpinned by a strengthening labor market. A separate report from the Labor Department on Thursday showed initial claims for state unemployment benefits rose 4,000 to a seasonally adjusted 353,000 for the week ended Aug. 21. Adjusting the data for seasonal fluctuations is tricky around this time of the year, a task that has been complicated by the pandemic. That could account for the increase in applications last week. Unadjusted claims dropped 11,699 to 297,765 last week.

#### broadening antitrust causes rent-seeking and uncertainty – wrecks growth

Keating 21 (Raymond J. Keating – Small Business & Entrepreneurship Council chief economist, February 24 2021, “The Treacherous Turn on Antitrust Regulation of U.S. Tech Companies”, https://sbecouncil.org/2021/02/24/the-treacherous-turn-on-antitrust-regulation-of-u-s-tech-companies/, accessed 8/16/21, DL)

• Proposal: “Reasserting the anti-monopoly goals of the antitrust laws and their centrality to ensuring a healthy and vibrant democracy.” – “[T]he Subcommittee recommends that Congress consider reasserting the original intent and broad goals of the antitrust laws by clarifying that they are designed to protect not just consumers, but also workers, entrepreneurs, independent businesses, open markets, a fair economy, and democratic ideals.” Response: This proposal would toss out the consumer welfare standard, and replace it with a broad basis for undermining businesses that have earned considerable market share. Antitrust actions would return to a period in which politics, special interest influences, rent-seekers, and uncertainty held even greatersway over the realm of antitrust – even more so than it does today. By effectively giving more control over business decisions and models to a political class that often fails to understand current business and market conditions, never mind where industries and markets are headed in the future, there inevitablywill be lossesin terms o**f** innovation, investment, efficiency, and growth. • Proposal: “Structural separations and prohibitions of certain dominant platforms from operating in adjacent lines of business.” – “Structural separations prohibit a dominant intermediary from operating in markets that place the intermediary in competition with the firms dependent on its infrastructure. Line of business restrictions, meanwhile, generally limit the markets in which a dominant firm can engage.” Response: Again, having government determine and dictate business decisions, rather than having decisions made by businesses and entrepreneurs subject to market competition and consumer sovereignty would mean lost innovation, productivity and consumer benefits.

#### Extinction – climate, pandemics, and fopo

**Baird, 20** (Zoë Baird, A.B. Phi Beta Kappa and J.D. from the University of California, Berkeley, Member of the Aspen Strategy Group, CEO and President of the Markle Foundation, Former Trustee at the Council on Foreign Relations and Partner in the law firm of O’Melveny & Myers, “Equitable Economic Recovery Is a National Security Imperative”, in Domestic and International (Dis)Order: A Strategic Response, Ed. Bitounis and King, October 2020, p. 89-90)

Broadly shared economic prosperity is a bedrock of America’s economic and political strength—both domestically and in the international arena. A strong and equitable recovery from the economic crisis created by COVID-19 would be a powerful testament to the resilience of the American system and its ability to create prosperity at a time of seismic change and persistent global crisis. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without bold action to help all workers access good jobs as the economy returns, the United States risks undermining the legitimacy of its institutions and its international standing. The outcome will be a key determinant of America’s national security for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, American policy makers need to establish job growth strategies that address urgent public needs through major programs in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A strong economy is essential to America’s security and diplomatic strategy. Economic strength increases our influence on the global stage, expands markets, and funds a strong and agile military and national defense. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. Widespread belief in the ability of the American economic system to create economic security and mobility for all—the American Dream— creates credibility and legitimacy for America’s values, governance, and alliances around the world.

After World War II, the United States grew the middle class to historic size and strength. This achievement made America the model of the free world—setting the stage for decades of American political and economic leadership

. Domestically, broad participation in the economy is core to the legitimacy of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority around the world. It will send a strong message about the strength and resilience of democratic government and the American people’s ability to adapt to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to NATO’s ability to solve shared geopolitical and security challenges. A renewed partnership with our European allies from a position of economic strength will enable us to address global crises such as climate change, global pandemics, and refugees. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

The U.S. has unique advantages that give it the tools to emerge from the crisis with tremendous economic strength— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

## Case

### 1NC --- Misinfo --- F/L

#### 2. Media AND democracy are resilient

Shattuck et al. 18 [John Shattuck---Professor of Practice in Diplomacy, Fletcher School of Law and Diplomacy, Tufts University; Senior Fellow, Carr Center for Human Rights Policy,Harvard Kennedy School; and Visiting Scholar (Spring 2018), Institute of International Studies, University of California Berkeley; Amanda Watson & Matthew McDole---Masters in Public Policy Candidate, Harvard Kennedy School, February 18, 2018, Care Center for Human Rights Policy, Trump’s First Year: How Resilient is Liberal Democracy in the US?, <https://carrcenter.hks.harvard.edu/files/cchr/files/democratic_resilience_2_16_2018_shattuck_final.pdf>, accessed 6/28/18]

Conclusion What lessons can be drawn from the first year of the Trump administration about the potential for resilience of institutions and elements of liberal democracy in the US? Long before the election of Donald Trump, liberal democratic institutions were in trouble and vulnerable to attack. For more than a decade there has been growing democratic discontent and a steady deterioration of public support for the US system of democratic governance.294 Political polarization and differing partisan perceptions of government performance are the main contributors to this trend. The electoral process has been weakened by the influence of unregulated campaign spending and an increase in state-level voting restrictions and legislative gerrymandering. The Congress has been in a prolonged period of polarization and gridlock. The institutions and elements of liberal democracy have come under attack from anti-establishment populist politics. The result has been a weakening of public belief in the ability of the courts, the Congress and the Constitution to be effective in checking and resisting abuses of power by the executive,295 and a “drop in the percentage of people who agree that the US fully or mostly lives up to democratic standards.” 296 President Trump has exacerbated and accelerated the degradation of liberal democratic institutions. By repeatedly lying and manipulating factual reality, he has promoted the view that there is no objective truth. By attacking, denigrating and insulting opponents, he has degraded public discussion of issues and politicized the public perception of institutions that have normally been perceived as nonpartisan guardrails of democracy. The federal courts, the media, law enforcement agencies and the federal civil service have all been attacked by the President as partisan when they have resisted his agenda. The President’s attack on the FBI in connection with its ongoing Russia investigation into potential collusion and obstruction of justice is a case study of how Trump has sought to benefit from politicizing nonpartisan institutions and thereby undermining democratic norms and the rule of law. An academic commentator observes that “polarization by party identity is so powerful at the moment that most voters see the world through thick red and blue lenses.”297 In the case of the FBI, the President’s attacks have been aimed at altering the public’s perception of an agency previously held in high regard as professional and nonpartisan.298 Notwithstanding these presidential attacks, some of the institutions studied in this report have demonstrated varying degrees of potential for resilience. Those that have been most resistant, like civil society, are strong and innately capable of defense, while others, such as the electoral process, have been weakened by partisan manipulation and are unlikely to prove resilient unless reformed. The greatest resilience has been demonstrated by the strongest institutions, civil society and state and local government, and the greatest vulnerability by the weakest, the electoral process and norms of presidential conduct. Several institutions vulnerable to presidential attack, such as the media, have shown significant levels of resistance, while others with inherent institutional strengths, such as the Congress, have exhibited little to none. What makes some liberal democratic institutions strong and others weak? The history of American political culture has shaped a strong and diverse civil society with a tradition of political activism often in opposition to government. Alexis de Tocqueville pointed out two centuries ago that Americans make up for their skepticism about government with their commitment to civic engagement. Political culture in the US has created a system of state and local government which, under constitutional federalism, shares governing responsibility with the federal government and serves to check and balance federal power, sometimes constructively, as over the past year, and sometimes destructively, as during the post-reconstruction period and the civil rights revolution. By the same token, American political culture has created a weak electoral process, plagued by historical anomalies such as the Electoral College, multiple state and local jurisdictions, unregulated campaign funding, legislative gerrymandering and state restrictions on voting. Presidential norms are weak because they are not written into law and are no match for a president who overrides them. The Congress has been badly weakened by political polarization, despite its express constitutional powers. The most surprising resistance to presidential attack during the first year of the Trump presidency has come from four institutions with significant political vulnerabilities that make them ready targets for an anti-democratic president – the media, the federal judiciary, law enforcement and the federal civil service. The mainstream media in the US have the protection of the First Amendment, but little else to defend them in a digital world in which facts and truth are manipulated and undermined, propaganda is everywhere and public support for accurate reporting is difficult to sustain. Nevertheless, the media have stood up to the President’s “fake news” attacks, expanding investigative reporting, boosting subscriptions and even reflecting a slight increase in public trust.

#### 3. ‘Truth decay’ is academic gibberish

Dr. Steven Pinker 19, Johnstone Professor of Psychology at Harvard University, “Why We Are Not Living in a Post‑Truth Era”, https://www.skeptic.com/reading\_room/steven-pinker-on-why-we-are-not-living-in-a-post-truth-era/

Anyone who urges universities to live up to their mission of promoting knowledge, truth, and reason is bound to be confronted with the objection that these aspirations are just so 20th century. Aren’t we living in a post-truth era? Haven’t cognitive psychologists shown that humans are fundamentally irrational? Mustn’t we acknowledge that the pursuit of disinterested reason and objective truth are Enlightenment anachronisms? The answer to all of these questions is “no.” First, we are not living in a post-truth era. Why not? Consider the statement “We are living in a post-truth era.” Is it true? If so, it cannot be true. Likewise, it is not the case that humans are irrational. Consider the statement, “Humans are irrational.” Is that statement rational? If it is, it cannot be true—at least, if it is uttered and understood by humans. (It would be another thing if it was an observation exchanged among an advanced race of space aliens.) If humans were truly irrational, who specified the benchmark of rationality against which humans don’t measure up? How did they conduct the comparison? Why should we believe them? Indeed, how could we understand them? In his book The Last Word, the philosopher Thomas Nagel showed that truth, objectivity, and reason are not negotiable.2 As soon as you start making a case against them, you are making a case, which means you are implicitly committed to reason. Nagel calls this argument Cartesian, after Descartes’ famous argument that just as the very fact that one is pondering one’s existence shows that one must exist, the very fact that one is examining the validity of reason shows that one is committed to reason. A corollary is that we don’t defend or justify or believe in reason, and we certainly do not, as it is sometimes claimed, have faith in reason. As Nagel puts it, each of these is “one thought too many.” We don’t believe in reason; we use reason. This may sound like logic-chopping, but it’s built into the way we make everyday arguments. As long as you’re not bribing or threatening your listeners to mouth agreement with you, but trying to persuade them that you’re right—that they should believe you, that you’re not lying, or full of crap— then you have conceded the primacy of reason. As soon as you try to argue that we should believe things by any route other than reason, you’ve lost the argument, because you’ve appealed to reason. That is why a defense of reason is unnecessary, perhaps even impossible. As for the “post-truth era,” journalists should retire this cliché unless they can keep up a tone of scathing irony. It comes from the observation that some politicians—one in particular—lies a lot. But politicians have always lied. They say that in war, truth is the first casualty, and that can be true of political war as well. (The expression “credibility gap” had its heyday during the administration of Lyndon Johnson in the 1960s.) And the bending or inverting of truth by people in power has long been consequential, leading, for example, to the Spanish-American war, the First World War, the Vietnam War, and the Iraq War, right up to the near miss in the Persian Gulf in 2019. Another inspiration for the post-truth cliché is the recent prominence of “fake news.” But this, too, is not a new development. The title of the James Cortada and William Aspray’s forthcoming Fake News Nation: The Long History of Lies and Misinterpretations in America, is self-explanatory, though the long history is by no means confined to America.3 The Protocols of the Elders of Zion, the hoaxed proceedings of a secret meeting of Jews plotting global domination, was advanced as fact by a number of prominent people in subsequent decades, including the industrialist Henry Ford. Countless pogroms, lynchings, and deadly ethnic riots have been sparked by rumors of the alleged perfidy of some minority group. And the belief that fake news is displacing the truth itself needs to be examined for its truth. In their analysis of fake news in the 2016 American presidential election, Andrew Guess, Brendan Nyhan, and Jason Reifler found that it took up a minuscule proportion of the online communications (far less than 1 percent) and was mainly directed at partisans who were impervious to persuasion.4 This is hardly surprising: unless you were already marinated in a rightwing fever swamp, if you came across a social media post claiming that Hillary Clinton was running a child sex ring out of a Washington DC pizzeria, you would treat it as exactly what it is.

#### 5. Warming doesn’t trigger extinction

* peer-reviewed journal shows IPCC exaggeration
* history proves resilience
* no extinction- warming under Paris goals
* rock breaking strategy could offset warming

IBD 18 [Investors Business Daily, Citing Study from Peer reviewed journal by Lewis and Curry, “Here's One Global Warming Study Nobody Wants You To See”, 4/25/18, https://www.investors.com/politics/editorials/global-warming-computer-models-co2-emissions/]

Settled Science: A **new study published in a peer-reviewed journal finds** that **climate models exaggerate** the global warming from CO2 emissions by as much as 45%. If these findings hold true, it's huge news. No wonder the mainstream press is ignoring it.

In the study, authors Nic Lewis and Judith Curry looked at actual temperature records and compared them with climate change computer models. What they found is that the planet has shown itself to be far less sensitive to increases in CO2 than the climate models say. As a result, they say, the planet will warm less than the models predict, even if we continue pumping CO2 into the atmosphere.

As Lewis explains: "Our results imply that, for any future emissions scenario, future warming is likely to be **substantially lower** than the central computer **model-simulated** level projected by the (United Nations **I**ntergovernmental **P**anel on **C**limate **C**hange), and highly unlikely to exceed that level.

How much lower? Lewis and Curry say that their findings show temperature increases will be 30%-45% lower than the climate models say. If they are right, then there's **little to worry about**, even if we don't drastically reduce CO2 emissions.

The planet will warm from human activity, but not nearly enough to cause the sort of end-of-the-world calamities we keep hearing about. In fact, the resulting warming would be **below the target** set at the Paris agreement.

This would be tremendously good news.

The fact that the Lewis and Curry study appears in the peer-reviewed American Meteorological Society's Journal of Climate

lends credibility to their findings. This is the same journal, after all, that recently published widely covered studies saying the Sahara has been growing and the **climate boundary** in central U.S. **has shifted 140 miles to the east** because of global warming.

The Lewis and Curry findings come after another study, published in the prestigious journal Nature, that found the **long-held view that a doubling of CO2 would boost global temperatures** as much as 4.5 degrees Celsius **was wrong.** The most temperatures would likely climb is 3.4 degrees.

It also follows a study published in Science, which found that rocks contain vast amounts of nitrogen that plants could use to grow and absorb more CO2, potentially offsetting at least some of the effects of CO2 emissions and reducing future temperature increases.

# 2NC

## International CP

### 2NC --- O/V

#### Only harmonized transnational antitrust solves the case---compliance and competition require streamlining the regulatory drag of conflicting legal systems, but the plan’s ad hoc unilateralism proliferates it

Camilla Jain Holtse 20, Associate General Counsel in Maersk Line, LL.M in European Law from King’s College, Master’s Degree from University of Aarhus, “Navigating Through Uncertain Waters—The Importance of Legal Certainty, Predictability, and Transparency in Future Antitrust Enforcement”, Journal of European Competition Law & Practice, Volume 11, Issue 8, October 2020, p. 446-447

I. Global developments suggest increased need for legal certainty in rulemaking and enforcement

Companies today operate in an increasingly globalised world, interconnected via digital platforms and ecosystems. The technological revolution is accelerating at an ever-increasing speed. It promises to fundamentally alter both the competitive landscape and the tools by which competition is regulated. Against this backdrop, the world is facing substantial environmental challenges with mounting pressure on businesses to change the way they operate, including an increasing need for firms to collaborate to achieve social goals and increased efficiency that no one firm could achieve independently.

While some progress has been made towards a unified view of competition law, companies are also facing rising geopolitical tensions that have led to protectionist measures and the pursuit of industrial policy objectives under the guise of competition law enforcement. Concepts including national security, full employment, and ‘fair’ or ‘level’ pricing frequently introduce domestic protection concerns into traditional economic tests. With the proliferation of competition regimes, now well over 100, the potential for regulatory drag on the global markets increases exponentially. Having spent the last two decades as competition counsel, I can say with certainty that the complexity of the legal landscape and uncertainty and unpredictability as to compliance with competition law regulations have increased dramatically in recent years both at a global and EU level. Companies are struggling to achieve legal competition law compliance despite consistent efforts including scaling up their compliance departments.

As our markets continue to evolve in the face of technology and sustainability and other social goals, it is now more important than ever for the European Commission (‘the Commission’) to ensure legal certainty, both in rulemaking and in enforcement. The costs associated with uncertainty should not be underestimated, particularly as the Commission considers new enforcement tools designed to address competition structures and practices that may fall outside of traditional economic analyses. Not only is transparency and predictability vital for the proper functioning of the European Economic Area, but it would also send a much-needed signal to the rest of the world. Conversely, if, in any new enforcement system transparency and predictability do not prevail, the Commission’s efforts would likely serve to indirectly legitimise non-transparent and unpredictable protectionist systems in other countries, not founded on the rule of law and due process.

Even if one of the key roles of the Commission is to enforce competition law, it is important to keep in mind that competition policy and enforcement are tools of economic policy. Implemented well, competition policy can stimulate economic growth and competitiveness but, if not, it can be a significant regulatory brake on investment, economic development, and sustainability advances.

### 2NC --- AT: PDB

#### Each action must be interlinked and conditional---otherwise, it’ll collapse

Dr. Daniel Francis 21, Climenko Fellow and Lecturer on Law at Harvard Law School, Doctorate from the NYU School of Law, Master of Laws Degree from Harvard University, JD from Trinity College at Cambridge University, “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

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

[FOOTNOTE] 168 It is almost universally appreciated that reciprocal behavior plays a crucial rule in compliance with international law more generally. See, e.g., Andrew T. Guzman, HOW INTERNATIONAL LAW WORKS: A RATIONAL CHOICE THEORY (Oxford 2008) 42 (“Reciprocity can serve as a powerful compliance-enhancing tool in the right circumstances.”). [END FOOTNOTE]

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

#### Including the plan shreds U.S. leverage

Dr. Rachel Brewster 6, Bigelow Fellow & Lecturer in Law at the University of Chicago Law School, BA and JD from the University of Virginia, PhD in Political Science from the University of North Carolina – Chapel Hill, Received the John Patrick Hagan Award for Excellence in Undergraduate Teaching, Former Assistant Professor of Law and Affiliate Faculty Member of The Weatherhead Center for International Affairs at Harvard University, “Rule-Based Dispute Resolution in International Trade Law”, Virginia Law Review, Volume 92, 92 Va. L. Rev. 251, April 2006, p. 281-282

Congress can always eliminate the President's agenda-setting power by engaging in unilateral trade policies. The Constitution allocates to Congress the power to set international commercial policy. The President only has significant trade-policy power (beyond his veto power) because the United States has chosen to engage in multilateral trade negotiations. 84 If Congress wished to undertake unilateral free trade policies, then the President's bargaining leverage would be reduced to threatening a veto, the same as in the realm of domestic legislation. Congress is unlikely to take such steps, however, because reciprocal agreements are valuable political commodities. 85 International agreements offer domestic exporters greater access to foreign markets, which could be lost if Congress were to pursue the unilateral route.

### 2NC --- AT: PDCP

#### “Perm, do the CP” is severance—voter for NEG ground:

#### 1 --- The CP fiats an opt-in framework --- Solvency is a follow-on argument, not a reason it doesn’t compete --- Competition is based on mandate, not outcome, otherwise no CP is competitive cause any action could lead to the aff

Jamie Wood 13, Avatel EVP, “The Butterfly Effect – What a Fascinating Theory!”, 6-10, https://avatel.wordpress.com/2013/06/10/the-butterfly-effect-what-a-fascinating-theory/

Every action or decision has some kind of effect on something or someone, if only in an indirect way. How we approach these decisions or actions we take can have a huge impact, not just on those directly involved, but on others we could hardly fathom would be affected. You never know what little action may be the tipping point for another action and or reaction. butterfly effect When you hear the words “The Butterfly Effect”, most of you will probably think of the movie. That was about the chaos theory, meaning one series of events leads to another and the effect of changing the course of those events. Actually the term “The Butterfly Effect”, was a phenomenon proposed in a doctoral thesis written in 1963 by Edward Lorenz. It states that a butterfly, by flapping its wings in one place and time is able to create a major weather event in another place and time, eventually having a far-reaching ripple effect on subsequent events. The butterfly effect suggests that cause and effect are applicable in the universe even if the pattern is indecipherable and the precise cause of our predicaments, rooted far away in time and space, are ultimately unfathomable. More than just an esoteric science, the chaos theory works off the concept that the relation between any two things is rarely linear in nature, that any reaction is usually the result of an accumulation of causative factors small and large, intentional and accidental.

#### 2 --- Ownership --- ‘its’ means laws expanded must ‘belong to’ the US.

Oxford Dictionary—(English language dictionary). “Its”. <http://www.oxforddictionaries.com/us/definition/american_english/its>. Accessed 9/3/21.

POSSESSIVE DETERMINER

1 Belonging to or associated with a thing previously mentioned or easily identified.

‘turn the camera on its side’

1.1 Belonging to or associated with a child or animal of unspecified sex.

‘a baby in its mother's womb’

#### ‘Antitrust law’ is U.S. domestic policy

Sean Murray 17, JD and Stein Scholar at the Fordham University School of Law, BA in Economics and Political Science from Vassar College, Associate at Case & White LLP, Research Assistant at the Fordham Competition Law Institute, Former Intern with the Federal Trade Commission, Former Intern with the U.S. Department of Justice, Former Junior Consultant with NERA Economic Consulting, “With A Little Help From My Friends: How A US Judicial International Comity Balancing Test Can Foster Global Antitrust Private Redress”, Fordham International Law Journal, Volume 41, Issue 1, 41 Fordham Int'l L.J. 227, November 2017, Lexis

For clarity's sake, the term "antitrust" is an American convention, whereas the more commonly employed synonymous term is "competition." See ELEANORA POLI, ANTITRUST INSTITUTIONS AND POLICIES IN THE GLOBALISING ECONOMY 2 (2016) (describing the genesis of the American "antitrust" as relating back to the late nineteenth century when US cartelists would label their joint activities "trusts" to conceal their collusive nature); PETER MORICI, ANTITRUST IN THE GLOBAL TRADING SYSTEM: RECONCILING U.S., JAPANESE, AND EU APPROACHES 3-4 (2000) (noting that though competition policy has a broader meaning than antitrust policy in most cases, the terms are used interchangeably); Diane P. Wood, The Impossible Dream: Real International Antitrust, 1992 U. CHI. LEGAL F. 277, 278 (1992) (noting that "antitrust" is synonymous with "competition" and "antimonopoly"). Labels may vary by country, such as in China where "antimonopoly" is used or in France where "concurrence" is used for the body of law. See "[THE ORIGINAL CHARACTER SET CANNOT BE REPRINTED HERE. PLEASE SEE TEXT IN ORIGINAL DOCUMENT] (Anti-Monopoly Law of the People's Republic of China) (promulgated by the Standing Comm. Nat'l People's Cong., Aug. 30, 2007, effective Aug. 1, 2008) 2007 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 68 (China) (setting out China's antitrust law); CODE DE COMMERCE [C. COM.][COMMERCIAL CODE] arts. 410-1 to 470-8 (Fr.) (book IV entitled "de la liberté des prix et de la concurrence," or "Freedom of Prices and Competition").

#### I-law doesn’t ‘belong to’ countries—only the resultant ‘obligations’ do.

Kodra 17—(Head of Law Department, Faculty of Juridical and Political Sciences, Mediterranean University of Albania). Luljeta Kodra. Febuary 2017. “The Relationship Between International Law And National Law”. <https://www.eajournals.org/wp-content/uploads/The-relationship-between-international-law-and-national-law.pdf>. Accessed 9/3/21.

Gerald Fitzmaurice has also expressed in the debate about the international law and domestic law report the concept of supremacy of international law.7Systems of international law and domestic law in his view can not come into conflict because they belong to different kingdoms. A state that fails because of the supremacy of its domestic law in the implementation of its international obligations has committed a violation of its international obligations. The concept that Fitzmaurice presents is more like a description of a divergence between international law and domestic law than with a theory of reconciliation between these two types of rights.

#### It’s an alternative to the plan

Anu Bradford 3, Published under the Maiden Name of Anu Piilola, Henry L. Moses Professor of Law and International Organization at Columbia Law School, LLM from Harvard Law School, Master of Laws from University of Helsinki, JD from Harvard Law School, Licentiate in Laws from the University of Helsinki, Fulbright Scholar, “Assessing Theories of Global Governance: A Case Study of International Antitrust Regulation”, Stanford Journal of International Law, Volume 39, Issue 2, 39 Stan. J Int'l L. 207, Summer 2003, Lexis

Antitrust law is illustrative of the legal realms in which conflicting ideas of international and national regulatory frameworks have yet to find a satisfactory equilibrium. While competition among multinational enterprises has increasingly disregarded national borders, antitrust laws have remained predominantly national. The traditional, though perhaps most controversial, way to deal with international antitrust issues is to rely on a unilateral application of national antitrust laws. This type of extraterritoriality, however, has caused significant tension and resistance. 1 A more radical, equally controversial approach would be to harmonize national antitrust laws or establish unified supranational antitrust rules. This is a far-reaching solution that lacks adequate support in today's political climate. 2 Other alternative [\*208] routes to solving existing frictions would be, for example, to expand bilateral and regional cooperative arrangements or to establish a choice of law system.

Consequently, there is an ongoing debate over whether there is a need to create an international antitrust regime that could better respond to the new economic environment, increased cross-border business activity, and the integration of markets. Proponents of such a regime view international antitrust rules as necessary tools to reduce transaction costs, increase efficiency, and cultivate legal certainty. However, there is little agreement concerning the form, substance, or timeframe of the proposed regulatory reform. Those who oppose the creation of an international antitrust regime emphasize the divergent policy goals of different nations and the conflicting understandings of the role and extent of antitrust enforcement in different jurisdictions. They argue that discrete policy and enforcement concerns clearly hinder attempts at internationalization and highlight the necessity of maintaining regulatory diversity. In this view, countries should retain regulatory powers on the national level, as part of the exclusive right of sovereign states to design their market structures and economic policies.

#### 3 --- the framework is opt-in --- the only outcome is a voluntary commitment that’s not binding, even if later implementation is

Michael Ristaniemi 20, PhD Candidate in Commercial Law at the University of Turku, Vice President for Sustainability at the Metsä Group, Participant in the Visiting Scholar Programme at the University of California, Berkeley, “International Antitrust: Toward Upgrading Coordination and Enforcement”, Doctoral Dissertation, October 2020, https://core.ac.uk/download/pdf/347180879.pdf

Structured cooperation, such as opt-in frameworks could be feasible, although binding commitments are likely to be difficult to agree on multilaterally. Such an approach could be particularly effective if combined with reporting obligations as is with the Global Compact – firms who have signed up must report annually on their efforts to comply in order to remain a member of the framework. Such comply-and-explain mechanisms are arguably effective, even if on a voluntary basis.280 Structured cooperation should focus on where sufficient common ground can be found, such as in procedural matters and concerning hard-core cartels. Other, more suitable fora exist for discussing points of divergence, such as how to treat firms in strong market positions, or how to address state aid and other industrial policy questions.

It is important for international antitrust to remain responsive. In the pluralist and polycentric environment that it is, norm collision will continue to occur. As such, fixed and binding constitutionalism is neither possible nor desirable, but rather ways should be found which preemptively coordinate the conduct of actors – competition agencies, policymakers, and firms alike – to avoid unnecessary conflict and to develop tools in which to reconcile and manage the remaining inevitable norm collision.281

#### ‘Prohibitions’ must be binding

Dr. Francis Jacobs 90, Member of the European Court of Justice, DPhil from the University of Oxford, Former Professor of European Law at the University of London and Director of the Centre of European Law for King's College London School of Law, “Commission of the European Communities v French Republic – Opinion of Mr Advocate General Roberts”, European Court Reports 1990 I-00925, Case C-62/89, 2/20/1990, p. 942

20. In my view, those arguments cannot be accepted. It is plain from the wording of Article 10(2) of Regulation No 2057/82 and from the scheme and objectives of the Community legislation that Member States are required to anticipate the exhaustion of the quota and to act to prohibit fishing provisionally before the quota is exhausted . That the exhaustion of the quota must be anticipated is indicated by the requirement in Article 10(2) that each Member State shall determine the date from which its vessels "shall be *deemed to have exhausted* the quota ..." ( emphasis added ). The use of the word "prohibit" in Article 10(2) and the mandatory wording of the second subparagraph of Article 10(3) (" Fishing vessels ... shall cease fishing ...") indicate that the measures taken to halt fishing provisionally must be of a binding nature. It is moreover apparent from the scheme of the legislation that the obligation imposed on Member States by Article 10(2) is of crucial importance for ensuring respect for quotas: the obligation must therefore be construed strictly. An interpretation of Article 10(2) which would permit Member States to wait until after the quota was exhausted before taking action, or to adopt measures of a non-binding nature, would be inconsistent with the binding character of the quotas. It would also undermine the underlying objective of quotas, i.e. the conservation of scarce fishing resources.

#### They must be immediately effective, not a result

Dr. Howard Newby 4, BA and PhD from the University of Essex, Chair of the Higher Education Funding Council for England, Former Vice-Chancellor of the University of Liverpool, “Joint Committee on the Draft Charities Bill - Written Evidence”, Memorandum from the Higher Education Funding Council for England, 9/30/2004, http://www.publications.parliament.uk/pa/jt200304/jtselect/jtchar/167/167we98.htm

9.1 The Draft Bill creates an obligation on the principal regulator to do all that it "reasonably can to meet the compliance objective in relation to the charity".[ 45] The Draft Bill defines the compliance objective as "to increase compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity".[ 46]

9.2 Although the word "increase" is used in relation to the functions of a number of statutory bodies,[47] such examples demonstrate that "increase" is used in relation to considerations to be taken into account in the exercise of a function, rather than an objective in itself.

9.3 HEFCE is concerned that an obligation on principal regulators to "increase" compliance per se is unworkable, in so far as it does not adequately define the limits or nature of the statutory duty. Indeed, the obligation could be considered to be ever-increasing.

### 2NC --- AT: Others Say No

#### It creates a coalition of the willing that bypasses general obstacles

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. 52-53

Conclusion

I have argued that strong, universalistic prescriptions regarding the internationalization of competition policy are unlikely to be very convincing or very interesting. Polities and societies have sharply differing accounts of what “free” and “fair” competition might mean, and when and how the state should shape it, interfere with it, or exclude it altogether. Liberalization and competition offer tremendous benefits to jurisdictions that embrace them; but no jurisdiction does so entirely, and each polity must find its own optimal balance between competition and the values that—so to speak—compete with it. This makes international action a very complex affair in which internationalization is likely to happen slowly when it happens at all. Sometimes it will be simply unavailable: “state preferences may be configured in such a way as to make cooperation unprofitable for all, in which case it will not occur, no matter what international mechanisms are in place.”204

As “[d]isagreement on matters of principle is . . . not the exception but the rule in politics,”205 I have suggested that there is considerable value in the provision of a wide range of tools and forms to facilitate international action. The bigger and more diverse the toolkit, the greater the likelihood of finding a solution that will serve the turn. To that end, I have emphasized the value of three forms of flexibility in this area: regionalism as a complement to bilateralism and multilateralism; frameworks as a complement to treaties and networks; and a willingness to explore cooperation on competition policy both alongside and separately from the liberalization of trade.

All the hard questions remain. But, as policymakers and scholars survey the wreckage of megaregionalism, I think there are plenty of reasons for optimism. I have emphasized that when grand megaregional bargains wrought in binding international law fail, other paths may remain open. Other combinations, other configurations, can offer the prospect of “progress”—in the right sense—to coalitions of the willing. At the time of writing, there is some evidence that many of the TPP’s parties continue to see value in deep cooperation in matters of trade and competition policy, even without the participation of the United States.206 With some creativity and imagination, and in partnership with like-minded jurisdictions, there is every reason to expect that they will achieve it.

### 2NC --- AT: US Say No

#### Biden will support multilat---especially on economics

Dr. Stewart Patrick 21, James H. Binger Senior Fellow in Global Governance at the Council on Foreign Relations, PhD in International Relations and MSt in Modern European History from Oxford University, MA from Stanford University, Former Professor of Politics at New York University, Former Research Fellow and Director of the Project on Weak States and U.S. National Security at the Center for Global Development, “The Biden Administration and the Future of Multilateralism”, Observer Research Foundation, 4/13/2021, https://www.orfonline.org/expert-speak/biden-administration-future-multilateralism/

International observers of US foreign policy can be excused for feeling disoriented. Just four years ago, Donald Trump entered the White House promising to put “America First” and repudiated seven decades of US internationalism. Since January, his successor, Joe Biden, has reasserted American global leadership and rededicated the United States to multilateral cooperation, including at the United Nations and other major international bodies. This new orientation is most obvious in global health, climate change, nuclear weapons, the Western alliance, and the defence of democracy. Although things are more complicated when it comes to trade, even here the president’s instinct is to work with others.

## 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)

#### 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

# 1NR

## Infra DA

### 2NC --- O/V

#### 1. It goes nuclear even if attacks are unsuccessful

Vladimir Orlov 20, Founder & Director of the PIR Center, President of the Trialogue Club International, Head of the Center for Global Trends and International Organizations at the Diplomatic Academy, Ministry of Foreign Affairs of the Russian Federation, Co-Founder and Academic Supervisor of the International Dual Degree MA Program in Nonproliferation and Global Security Studies, MGIMO University, Professor at MGIMO University, author (or coauthor) of more than a dozen books and monographs and more than three hundred research papers, articles, and essays, publishes his views in Russian and foreign periodicals, “‘No Holds Barred’ and the New Vulnerability: Are We in for a Re-Run of the Cuban Missile Crisis in Cyberspace?,” SSRN Scholarly Paper, ID 3538078, Social Science Research Network, 02/14/2020, papers.ssrn.com, doi:10.2139/ssrn.3538078

Not hundred per cent of the dialogue has been frozen, fortunately. Certain informal, mostly offthe-record, meetings of US and Russian experts on cyber agenda continue taking place, both through Track 2 and Track 1.5. One of the most intellectually stimulating meetings, with frank exchanges, took place in Vienna in December 2018. The report produced after the meeting stressed “the significant risk […] that cyber-attacks could conceivably lead to a military escalation that may further trigger a nuclear weapons exchange, a fact that became more explicit with the adoption of the current Nuclear Posture Review. This issue gets complicated given that third parties may have the capabilities to invoke a cyber conflict between Russia and the United States. Whether a country or a non-state actor, they could put the two countries on the verge of an armed conflict by attacking critical infrastructure of either of them and making it look as if the aggressor were the other one”[22]. However, one should have no illusion: such informal meetings may be fully fruitful only when their reports and policy recommendations are utilized by the governments. And for that, a warmer climate in bilateral relations is a must. So far, we see exactly the opposite: mercury falling to freezing levels.

Risk of cyber clashes growing into a chaotic global cyber war has been emphasized by the UN Secretary-General Antonio Guterres in his Agenda for Disarmament: “Malicious acts in cyberspace are contributing to diminishing trust among States… States should implement the recommendations elaborated under the auspices of the General Assembly, which aim at building international confidence and greater responsibility in the use of cyberspace.[23]” However, as the members of the US-Russian Track 1.5 working group on strategic stability recently concluded, “without a constructive dialogue on cyber issues between the United States and Russia, the world would most likely fail to agree on any norms of responsible behavior of states in cyber space”[24].

Do we really have to survive a cyber equivalent of the Cuban Missile Crisis to realize the importance of achieving some kind of agreement on cyber issues, and on the broader agenda of international information security?[25] Or is that kind of talk plain old alarmism?

I don’t want to sound a fatalist, but I am even less keen on sounding like an ostrich that’s buried its head in the sand. We cannot ignore the obvious: whether the world’s most powerful actors like it or not, the world is sliding to another major crisis like the one in 1962. The cyber war is already raging. There are no rules of engagement in that war. The uncertainty is high. The spiral of tension is getting out of control. The cyber arms race is gaining momentum. And there are no guarantees that the next crisis will be controllable, or that it will result in a catharsis as far as international information security regulation is concerned. There’s no telling what will happen once the cyber genie is out of the bottle.

#### 2. Disruption cascades.

Steven **Ferrey 14**, Professor of Law at Suffolk University Law School and served as a Visiting Professor of Law at Harvard Law School in 2003, has been a primary legal consultant to the World Bank and the U.N. Development Program on their renewable energy and climate control policies in developing countries, having worked extensively in Asia, Africa, and Latin America, holds a Bachelor of Arts in Economics, a Juris Doctor, a Master's Degree in Regional Planning, and between his two graduate degrees, was a post-doctoral Fulbright Fellow at the University of London, “ARTICLE: BROKEN AT BOTH ENDS: THE NEED TO RECONNECT ENERGY AND ENVIRONMENT,” 65 Syracuse L. Rev. 53, Lexis

**Reliable electricity supply requires a constant, second-by-second simultaneous balancing of power generation supply to meet demand** on the utility grid. 3 **The United States electric grid will collapse within approximately four seconds** **if sufficient generation of power is not constantly supplied to meet fluctuating consumer demand**. 4 Either **too** [\*55] **much or too little power causes system instability**, **5 and** a loss of power **would disrupt communication**, **transportation**, **heating** **and** **water supplies**, **hospitals**, **and** **emergency rooms**. 6 **According to Kirchoff's Law**, 7 **power moves almost at the speed of light on an energized grid. 8 If power supply does not constantly balance instantaneous demand, the grid can blackout large areas**, 9 as happened to the Northeast United States population on August 14, 2003, 10 and subsequently with rolling blackouts in Texas. 11 The 2003 blackout affected fifty million people and caused a loss of six billion dollars. 12 During this blackout, production was lost at approximately half of the Chrysler plants, a Ford plant was lost for a week of repairs, oil refineries shut down, one chain of 237 drugstores in New York City was forced to close, major urban airports closed causing more than a thousand flights to be cancelled, and frozen and perishable foods were lost. 13

#### 3. Destroys everything.

Alice Friedemann 16, Transportation expert, founder of EnergySkeptic.com and author of “When Trucks Stop Running, Energy and the Future of Transportation,” worked at American Presidential Lines for 22 years, where she developed computer systems to coordinate the transit of cargo between ships, rail, trucks, and consumers, “Electromagnetic pulse threat to infrastructure (U.S. House hearings)”, Energy Skeptic, http://energyskeptic.com/2016/the-scariest-u-s-house-session-ever-electromagnetic-pulse-and-the-fall-of-civilization/

**Modern civilization cannot exist** for a protracted period **without electricity. Within days of a blackout across the U.S., a blackout** that **could** **encompass the entire planet**, **emergency generators would run out of fuel, telecommunications would cease as would transportation due to gridlock, and eventually no fuel**. **Cities would have no** running **water and soon**, within a few days, **exhaust their food supplies**. Police, Fire, Emergency Services and **hospitals cannot** long **operate in a blackout. Government and Industry** **also need electricity** in order to operate. The EMP Commission warns that **a** natural or nuclear EMP **event**, **given** current **unpreparedness, would** likely **result in societal collapse.**

#### 4. Independently Wasted political capital causes extinction --- laws won’t be followed and triggers war.

Sensiba, 20 (MA in Emergency Management and Homeland Security at American Military University (Jennifer - long time efficient vehicle enthusiast and writer, “Don’t Encourage Biden To Waste Political Capital,” <https://cleantechnica.com/2020/11/06/dont-encourage-biden-to-waste-political-capital/>, 11/6/2020)

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.

#### Turns the aff ---

#### 1. Any risk of a link turns case --- Backlash means the FTC won’t take up the case to enforce the aff

**Jones and Kovacic, 20** (Alison Jones and William E. Kovacic, King’s College London, London, United Kingdom, George Washington University, Washington DC, USA. United Kingdom Competition and Markets Authority, United Kingdom, 3-20-2020, accessed on 5-16-2021, SAGE Journals, "Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy", https://journals.sagepub.com/doi/full/10.1177/0003603X20912884#\_i12)//Babcii

The second path is to lobby the Congress. The FTC is called an “independent” regulatory agency, but Congress interprets independence in an idiosyncratic way.[126](javascript:popRef('fn126-0003603X20912884')) Legislators believe independence means insulation from the executive branch, not from the legislature. The FTC is dependent on a good relationship with Congress, which controls its budget and can react with hostility, and forcefully, when it disapproves of FTC litigation—particularly where it adversely affects the interests of members’ constituents. Controversial and contested cases may consequently be derailed or muted if political support for them wanes and politicians become more sympathetic to commercial interests. The FTC’s sometimes tempestuous relationship with Congress demonstrates that political coalitions favoring bold enforcement can be volatile, unpredictable, and evanescent.[127](javascript:popRef('fn127-0003603X20912884')) If the FTC does not manage its relationship with Congress carefully, its litigation opponents may mobilize legislative intervention that causes ambitious enforcement measures to the founder.

Imagine, for a moment, that the DOJ and the FTC launch monopolization cases against each of the GAFA giants. Among other grounds, these cases might be premised on the theory that the firms used mergers to accumulate and protect positions of dominance. The GAFA firms have received unfavorable scrutiny from legislators from both political parties over the past few years, but the current wave of political opprobrium is unlikely to discourage the firms from bringing their formidable lobbying resources to bear upon the Congress. It would be hazardous for the enforcement agencies to assume that a sustained, well-financed lobbying campaign will be ineffective. At a minimum, the agencies would need to consider how many battles they can fight at one time, and how to foster a countervailing coalition of business interests to oppose the defendants.

#### 2. controls all their impacts --- Robust infrastructure solves the economy, climate change, pandemics, and food stability

**Jahn, 19** (Chris Jahn is president and CEO of The Fertilizer Institute. (“America is in desperate need of infrastructure investment: Senate highway bill a step in the right direction” The Hill, August 7, 2019. https://thehill.com/blogs/congress-blog/politics/456602-america-is-in-desperate-need-of-infrastructure-investment-senate)//JLPark

It’s no secret that our country’s **infrastructure** is in **desperate need** of **investment** after years of neglect. We’ve all groaned and said some choice words when hitting deep potholes or been late to an appointment due to road or bridge closures. As our network of **roads** and **bridges** have continued to **crumble**, the situation has **degraded** from an occasional personal inconvenience to a serious barrier to **national economic growth** and **prosperity**. The infrastructure network we depend upon to move people and commercial goods has long **outlived** its **designed lifespan** and is operating on **borrowed time**. For agriculture, [recent flooding in the Midwest](https://www.vox.com/2019/6/11/18659676/flood-midwest-nebraska-iowa-forecast) highlights how **vulnerable** our network is, the extensive nature of disrepair and how **quickly** **critical food supply chains** can be **severed**. These **disruptions** are not just headaches for the fertilizer and farming industries; they can potentially lead to **higher prices** on everyday goods for all consumers. Last week Sens. [John Barrasso](https://thehill.com/people/john-barrasso) (R-Wyo.), [Tom Carper](https://thehill.com/people/tom-carper) (D-Del.), [Shelley Moore Capito](https://thehill.com/people/shelley-moore-capito) (R-W.Va.) and [Ben Cardin](https://thehill.com/people/benjamin-cardin) (D-Md.) demonstrated much needed leadership by introducing [“America’s Transportation Infrastructure Act of 2019,”](https://www.epw.senate.gov/public/index.cfm/2019/7/epw-committee-leaders-introduce-most-substantial-highway-legislation-in-history) legislation that would provide $287 billion over five years to maintain and repair our crumbling roads and bridges. The funding level authorized in the bill is a nearly 30 percent increase over current levels and will be a much-needed economic shot in the arm for all communities and local economies across the country. Our country’s roads and bridges have always played a **critical role** in getting **plant nutrients** to farmers’ fields when they are needed. But with [railroad rate increases](https://www.theregreview.org/2019/06/24/moore-us-freight-customers-taxed-higher-rail-rates/), rail service challenges and stalled reform efforts due to oversight board vacancies, **roadway infrastructure** is **more important** **now than ever**. Unfortunately, the state of our road system is hurting our industry’s ability to deliver fertilizer to customers. Last year we had truck drivers waiting in line for up to 11 hours to pick up fertilizer due to bottlenecks and breakdowns in road networks. This year we saw heavy rains wash away deteriorating roads and bridges that should have long ago been repaired and upgraded to standards that keep our economy growing and our communities connected. The Senate proposal would provide $6 billion over five years to address the backlog of bridges in poor condition nationwide and alleviate and prevent future network delays. The importance of the timeliness of **fertilizer deliveries** **cannot** be **overstated**. The safe and reliable delivery of fertilizer to ensure that nutrients can be applied at **just** the **right time** in the growing process is **absolutely essential** to both keeping **crop yields** high enough to sate global demand and **protecting** the **environment**. The Fertilizer Institute (TFI) has for years been tirelessly promoting 4R Nutrient Stewardship, a collection of best management practices which include using the Right fertilizer source, at the Right rate, at the Right time and in the Right place. The 4Rs have been identified by multiple conservation and environmental stakeholders as one of the most impactful pathways to keep fertilizer on fields where it belongs and out of waterways where it doesn’t. A key part of that formula is getting it there at the Right time and a **reliable infrastructure network** is **necessary** to make that happen. In addition to providing needed investment in roads and bridges, the Senate legislation supports **increased research** for **carbon capture** and **storage projects**. Thanks to years of investment, nitrogen fertilizer production efficiency has essentially reached its technical efficiency limit due to the laws of chemistry. Carbon capture and recycling is and will **continue** to be a strategy to **reduce emissions** from the nitrogen fertilizer production process. In 2016, our industry **captured** **8 million metric tons** of carbon dioxide, the equivalent of removing 1.7 million cars from the road for a year. Additional investments in **research** and **development** in this area will **help continue** to reduce emissions by making the **technology** more **feasible**, **efficient** and **scalable** for future use. At the end of the day, the fertilizer industry relies heavily on the timely delivery of product to growers **where** and **when** they need it so they can grow the **food**, **fuel** and **fiber** to feed a **growing world**. Our country’s farmers are the best and **most productive** in the world and the United States is the **globe’s top agricultural exporter**. A **robust** and **well-maintained** infrastructure network to facilitate the movement of **critical inputs** is **necessary** to ensure that doesn’t change. “America’s Transportation Infrastructure Act” will help ensure U.S. agriculture has a 21st century transportation network that allows it to thrive and grow in a competitive global market place.

### 2NC --- Top

#### There is a renewed last-ditch effort that will resolve every dispute --- BUT PC and Time are key --- Waning support means getting everyone on board now is essential

Romm et al, 11-4 (Tony Romm, Marianna Sotomayor, and Mike DeBonis, Tony Romm is the congressional economic policy reporter at The Washington Post, Marianna Sotomayor covers the House of Representatives, primarily focusing on Democratic and Republican leadership, for The Washington Post., Mike DeBonis covers Congress, with a focus on the House, for The Washington Post, 11-4-2021, accessed on 11-5-2021, The Washington Post, "House Democrats near vote on $1.75 trillion spending plan", <https://www.washingtonpost.com/us-policy/2021/11/04/democrats-congress-biden-spending/>)//Babcii

House **Democrats** on Thursday **raced to unite their caucus** and hold a vote soon on a $1.75 trillion plan to overhaul the nation’s health care, education, climate and tax laws, seeking to put an end to months of arduous political wrangling over President Biden’s economic agenda. The new burst of activity played out in private meetings that stretched late into the night, as House Speaker Nancy Pelosi (D-Calif.) embarked on **an all-out campaign to finalize the legislation**, **wrangle sufficient support** in the narrowly divided chamber and bring the debate over the long-stalled tax-and-spending measure to a close. Democrats ultimately did not achieve the Thursday vote that they had initially hoped to hold. But they still ended the long day on track to bring the $1.75 trillion **bill to the House floor** as soon as Friday. The timetable would allow them to turn next to a separate, parallel bill to improve the nation’s infrastructure, which they also hope to adopt before the end of the week. The marathon stretch of legislating began with Pelosi striking a positive note, stressing to reporters that Democrats had **made significant progress in resolving some of the thorny policy battles** that have long divided them. Months of internecine bickering among the party’s liberal and moderate ranks had produced a newly retooled $1.75 trillion measure, which Pelosi and her top aides believed could come soon to the House floor. To bring it closer to that vote, however, Pelosi and her fellow Democratic leaders still had to navigate a slew of unresolved issues, some of which have plagued the party for months. Some lawmakers remained uncomfortable with the bill over the way it handles certain policy issues, including immigration, and they huddled privately with the speaker on the House floor and in her office try **to hammer out a resolution.** A handful of moderates, meanwhile, requested more time to study its **budgetary impact** and address potential roadblocks that the bill might later encounter in the Senate. With some suggesting they were not yet ready to vote for the measure, **Pelosi presented them with data** showing the bill would not add to the deficit. By late Thursday, the sum total of **Democrats’ efforts appeared to put them on the verge of a breakthrough**. Writing her caucus, Pelosi said that they were nearing **a final version of the bill** with the imminent goal of taking a critical, first procedural step toward bringing it to the floor. The developments came not a moment too soon for some Democrats, who had grown exasperated by the slog of the debate in recent days. “I’m ready to go — most people are ready to go,” said Rep. Tom Malinowski (D-N.J.). “If we wait until absolutely everybody is in agreement at precisely the same moment, I worry that we’re going to be waiting forever.” The renewed legislative frenzy reflected Democrats’ new vigor for adopting Biden’s agenda in the wake of an adverse gubernatorial election in Virginia and a too-close-for-comfort victory in New Jersey. Some say Democratic candidate Terry McAuliffe might have prevailed in Virginia’s race if only he could have pointed to his party’s accomplishments in Washington, especially the passage of infrastructure legislation. Speaking to reporters earlier in the day, Pelosi said she could not assess whether inaction on Capitol Hill had soured the party in the eyes of voters. But, she stressed: “Getting the job done, producing results for the American people, is always very positive.” **The Senate** on Thursday also **pledged to accelerate its efforts**. Majority Leader Charles E. Schumer (D-N.Y.) opened debate on the chamber floor by noting his hope that lawmakers can complete work on Biden’s spending agenda “before Thanksgiving.” “We are going to keep pushing to get these great policies over the finish line,” he said. First, however, the House needed to finalize its work on the $1.75 trillion bill, **sorting through a wide array of simmering policy disputes**, including unease among Democrats over how to handle **immigration**. The newly revised bill would allow the government to “parole” undocumented immigrants by giving them five-year work permits that shield them from deportation. Members of the Congressional Hispanic Caucus mounted a late attempt to secure a pathway for those immigrants to obtain citizenship, much as Democrats had proposed in their original spending legislation. Lawmakers including Reps. Jesús “Chuy” García, Lou Correa and Adriano Espaillat huddled late Thursday night for more than an hour with Pelosi, after which Garcia said they would not seek to rewrite the immigration section. House leaders earlier had told the bloc of lawmakers that there would be no more changes to that portion of the bill, as the debate prepares to shift to the Senate, where the future of its immigration provisions remains at the mercy of the chamber’s parliamentarian. Because Democrats are trying to pass the bill under a special budget process that prevents the legislation from being filibustered, it can only contain provisions that primarily affect government spending or tax policy. The parliamentarian has already said an earlier immigration proposal did not comply with these rules. “This is just the battle. This isn’t the end of the war when it comes to immigration,” said Rep. Lucille Roybal-Allard (D-Calif.) on Thursday. “There are so many things in this bill that will benefit immigrant families that we just can’t lose it all because of this one issue.” A separate skirmish arose **over** a plan to lift a cap on the state and local tax **deduction**. Democrats representing high-costs cities and states, including California and New Jersey, have pushed most for the policy — troubling other party lawmakers who see it as a tax cut that chiefly would benefit the wealthy. By Thursday night, Rep. Josh Gottheimer (D-N.J.) and others pushing to rethink the policy known as SALT had not yet resolved the dispute in a way that might satisfy critics across the Capitol, including Sen. Bernie Sanders (I-Vt.), who this week put forward a more limited proposal. But Gottheimer and other advocates, including Rep. Tom Suozzi, **did agree to a new proposal that would raise the** SALT **deduction cap** to $80,000 until 2031, after which it would be reimposed at $10,000, according to two people familiar with the plan who requested anonymity to describe the private talks. And Democrats further **agreed to tweaks to satisfy moderates** including Rep. Scott Peters (D-Calif.) **on the contentious issue of drug pricing reform**. The new agreement essentially delayed the ability of Medicare to negotiate prices on some category of drugs by another year, the two sources said. Resolving these and other policy fights is critical, since any delay in bringing the measure before the House would further stall a second, separate **effort** to improve the nation’s roads, bridges, pipes, ports and Internet connections. The $1.2 trillion infrastructure bill has been stuck in the House since it passed the Senate in August, as liberals have held up its adoption while they seek to negotiate the rest of Biden’s spending priorities with centrists including Sen. Joe Manchin III (D-W.Va.). The left-leaning bloc has said both bills must move in tandem to win their critical support, a position Pelosi appeared to affirm Thursday. Asked if she would move infrastructure alone, she replied: “No.” But the speaker’s approach also **rankled** some **moderates** within her own caucus. Roughly a dozen centrists told party leaders in recent days they needed more time to study the revised $1.75 trillion bill, evaluate its budgetary impact, address policy issues including immigration and ensure the full package actually can pass the Senate, according to two people familiar with the matter who spoke on the condition of requested anonymity to describe private talks. The **sources cautioned the situation is rapidly changing**, and moderates’ reasons for concern appear to vary. Many members do not appear opposed to the spending initiative, people familiar with their thinking said, they just want more time to process its implications.

#### Bill Passes --- Strong momentum means agreements are happening, but time and PC are key to finish up the bill and get the votes

Ferris et al. 11-4 (Sarah Ferris covers the House for POLITICO’s Congress team, Heather Caygle is a Congress reporter for POLITICO, and Nicholas Lu Writer @ POLITICO, “Pelosi amps up domestic-agenda pressure campaign, pressing Friday votes”, POLITICO, 11-04-21, https://www.politico.com/news/2021/11/04/pelosi-domestic-agenda-519503)//babcii

The planned Friday votes come after Pelosi and her leadership team spent a chaotic Thursday hustling to narrow the number of holdouts on the sweeping bill. Democrats made progress in three key areas: They reached a deal on repealing a Trump-era limit on state and local tax deductions, resolved concerns on immigration reform and convinced moderates to back a slightly altered drug pricing deal.

But Democratic leaders are still facing resistance from centrists who’ve raised procedural concerns, such as the lack of cost analysis, with the push for a vote on the sprawling social policy package this week. Pelosi circulated a letter Thursday night that included budgetary details from White House staff, but several Democrats say they want the details from Congress's independent scorekeepers.

The Democratic whip effort intensified throughout the day, with arm-twisting on the House floor and both members of Biden’s cabinet and the president himself making calls as top Democrats scrambled to get their members on board with the massive bill.

"Things are starting to move in the right direction,” said House Democratic Caucus Chair Hakeem Jeffries (D-N.Y.) earlier Thursday, before the vote was delayed. “Everybody understands this has to happen."  
A central part of Pelosi’s Thursday push focused on the five centrist Democrats who have said they’d be unwilling to back the full social safety net and climate bill until Congress’ budget offices can prove that the $1.75 trillion legislation will be fully paid for. Privately, even more centrists had aired the same grievance. Leaders chipped away at the holdouts — originally around a dozen — whose numbers have dwindled but are still numerous enough to block passage.

Democrats can only afford to lose three votes, since Republican support will be nil.

The party has also worked to close the gap on immigration. The three Democrats who had staked their votes on immigration provisions met Thursday evening in Pelosi's office as they tried to amend the social spending package to include stronger protections for undocumented immigrants.

But they left the meeting without a promise from leadership to update the language, which does not include a path to citizenship and faces a tough climb in the Senate.

An earlier dispute over prescription drug price negotiations in Medicare was fixed earlier Thursday, according to several lawmakers, after Rep. Scott Peters (D-Calif.) and his allies met with Democratic leaders. They emerged with tweaks to their proposal that change the number of years a drug has to be on the market before it can be subject to Medicare negotiations. Peters is now expected to vote yes, according to multiple Democrats.

Meanwhile, Biden made some calls to reluctant Democrats to urge them to vote for the social spending bill, a White House official said, though he did not specifically advocate for a vote on Thursday and left the timing of a final vote up to Pelosi. Rep. Abigail Spanberger (D-Va.) was among the lawmakers Biden called, according to a source familiar with the conversations.

#### Sinema is already on board --- Machin will come around through negotiations, Sinema’s whipping, and Schumer BUT there is no room for error

Everett and LeVine, 11-2 (Burgess Everett and Marianne LeVine, John Burgess Everett is the co-congressional bureau chief for POLITICO, specializing in the Senate since 2013. , Marianne LeVine is a reporter for POLITICO, where she covers the Senate, 11-2-2021, accessed on 11-5-2021, POLITICO, "The end of Manchema ", <https://www.politico.com/news/2021/11/02/end-of-sinema-manchin-manchema-518569)//Babcii>

Just a few days ago, Sinema sent her party scrambling with her opposition to raising tax rates on corporations and individuals. Still, she eventually agreed to a compromise that targeted high-income earners. And as of Tuesday afternoon, **Sinema was on board with a deal** on prescription drugs. Fellow Democrats view her as accepting Biden’s framework, according to senators and aides, even if she hasn’t explicitly said so and is somewhat mysterious to many in her party. Manchin is another story. After getting bombarded with text messages from House progressives over the weekend, according to a Democratic senator, Manchin once again reiterated Monday that his party shouldn't count on his vote if the final product doesn't meet his parameters. **Manchin “always negotiates until the end,"** the senator added, speaking candidly on condition of anonymity. "And Sinema -- when she’s close, she’s close. So I think **we’re done with Sinema. She’s now in the mode where she feels good about this bill**, both bills. She’ll try to execute, and she’ll be helpful. Whereas Joe is just a holdout, until he’s not.” And Manchin is certainly still a holdout. He’s fighting to yank out a Medicare expansion for hearing aids from the social spending bill, arguing the program is already going insolvent so an addition makes no sense. Unlike Sinema, he also opposed the inclusion of paid leave and certain climate provisions. Not to mention that the West Virginia Democrat is pointedly refusing to endorse the White House-backed framework, even calling a press conference to make his point. “I don’t know where Kyrsten is. I haven’t heard much from her lately. But I think it’s a question of satisfying Joe about what’s in the bill, what’s in the pay-fors,” said Sen. Angus King (I-Maine). He added that his impression is Sinema is more on board with her party’s plans: “The key word is impression, not knowledge.” Democrats can do little more than rely on word-of-mouth and her participation in their caucus meetings to assume where Sinema stands. A second Senate Democrat, who also spoke on condition of anonymity, likened the two senators to separate aircraft trying to land: **“If you had two airports, she’s on approach and he’s still circling. But they’re both going to get there.”** Asked about the state of play on the bill Tuesday, Sen. Bernie Sanders (I-Vt.) referred questions about Sinema's position to the Arizonan herself. He reacted more strongly when prodded on Manchin’s skepticism of some of the proposal’s climate provisions. “The issue ultimately is whether Sen. Manchin chooses to vote for legislation that will expand childcare, provide universal and free pre-K, build affordable housing, create millions of good pay jobs,” Sanders said. “He’s going to have to vote yes or he’s going to have to vote no.” Sinema’s office declined to comment on Democrats’ deduction that she’s more comfortable with Biden’s spending proposal than Manchin. But she did align with Manchin’s complaints that the House had held their bipartisan bill “hostage” to force an agreement on the social and climate spending bill. “The failure of the U.S. House to hold a vote on the Infrastructure Investment and Jobs Act is inexcusable, and deeply disappointing for communities across our country,” John LaBombard, Sinema’s spokesperson, said in a statement. “Denying Americans millions of good-paying jobs, safer roads, cleaner water, more reliable electricity, and better broadband only hurts everyday families.” It's not the first time Manchin's been the last Democrat to sign on with the party's agenda. When Biden’s coronavirus aid bill stalled out on the Senate floor this year, Sinema was left in the unusual position of **getting Manchin to yes** as he ruminated over whether the legislation would dissuade people from going back to work. In the end, Manchin cut a deal to trim some of that $1.9 trillion bill's benefits, **then voted for it. That same dynamic could soon play out again on social spending.** If it does, **Sinema might find her whipping job easier this month** than she did in March. For all of the party's internal handwringing about Manchin, he seems far more interested in working on the climate- and safety net-focused **bill than tanking it in the end**. That will happen at his own speed: He said he’s not interested in rushing the bill to the floor, unlike some of his colleagues. “**We just work through it,” Manchin said** Tuesday of his concerns about moving too quickly for a bill that hasn’t had hearings. Democrats are hoping to vote on the social spending **bill the week before Thanksgiving**, when Congress leaves again. **With no room for error** in an evenly divided Senate, Democratic leaders will need to lock down Manchin and Sinema’s votes. Sen. Jon Tester (D-Mont.) said Senate Majority Leader Chuck Schumer will have to **closely monitor both of them** even though “Sinema has not been as outspoken as Joe.” Schumer’s top deputy, Majority Whip Dick Durbin, described both Manchin and Sinema as “enigmatic and mysterious.”

### 2NC --- Link Wall (Big Tech)

#### 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.

#### 4. The tech lobby fights the aff – they are *absurdly* powerful – that eats up PC and causes fights

-The tech lobby would get involved, might even have to intervene…

Kang 19 (Cecilia Kang and Kenneth P. Vogel, 6-5-2019, "Tech Giants Amass a Lobbying Army for an Epic Washington Battle (Published 2019)," NYT, <https://web.archive.org/web/20210810105317/https://www.nytimes.com/2019/06/05/us/politics/amazon-apple-facebook-google-lobbying.html> accessed: 8-22-21)

WASHINGTON — Faced with the growing possibility of antitrust actions and legislation to curb their power, four of the biggest technology companies are amassing an army of lobbyists as they prepare for what could be an epic fight over their futures. Initially slow to develop a presence in Washington, the tech giants — Amazon, Apple, Facebook and Google — have rapidly built themselves into some of the largest players in the influence and access industry as they confront threats from the Trump administration and both parties on Capitol Hill. The four companies spent a combined $55 million on lobbying last year, doubling their combined spending of $27.4 million in 2016, and some are spending at a higher rate so far this year, according to the Center for Responsive Politics, which tracks lobbying and political contributions. That puts them on a par with long-established lobbying powerhouses like the defense, automobile and banking industries. As they have tracked increasing public and political discontent with their size, power, handling of user data and role in elections, the four companies have intensified their efforts to lure lobbyists with strong connections to the White House, the regulatory agencies, and Republicans and Democrats in Congress. Of the 238 people registered to lobby for the four companies in the first three months of this year — both in-house employees and those on contract from lobbying and law firms — about 75 percent formerly served in the government or on political campaigns, according to an analysis of lobbying and employment records. Many worked in offices or for officials who could have a hand in deciding the course of the new governmental scrutiny. The influence campaigns encompass a broad range of activities, including calls on members of Congress, advertising, funding of think-tank research and efforts to get the attention of President Trump, whose on-again, off-again streak of economic populism is of particular concern to the big companies. Last month, the industry lobbying group, the Internet Association, which represents Amazon, Facebook and Google, awarded its Internet Freedom Award to Ivanka Trump, the president’s daughter and White House senior adviser. “They are no longer upstarts dipping a toe in lobbying,” said Sheila Krumholz, the executive director of the Center for Responsive Politics. “They have both feet in.” Facebook and Google are dogged by concerns over their handling of consumer data, harmful content and misinformation. Amazon’s rapid expansion has been met with unease over labor conditions and the company’s effect on small businesses. Apple’s control over its app store makes it hard for new apps to get discovered, some rivals say. Earlier this week, the threat of government action became more real, driving down their stock prices. The House Judiciary Committee announced a broad antitrust investigation into big tech. And the two top federal antitrust agencies agreed to divide oversight over Apple, Amazon, Facebook and Google as they explore whether the companies have abused their market power to harm competition and consumers. “Unwarranted, concentrated economic power in the hands of a few is dangerous to democracy — especially when digital platforms control content,” Speaker Nancy Pelosi tweeted after the Judiciary Committee announced its investigation. “The era of self-regulation is over.” The industry’s troubles mean big paydays for the lawyers, political operatives and public relations experts hired to ward off regulations, investigations and lawsuits that could curtail the companies’ huge profits. The companies all had earlier ties to Democrats but have also worked to develop closer relationships with Republicans. Facebook is paying two lobbyists who worked for Ms. Pelosi, including her former chief of staff Catlin O’Neill, who now serves as a director of United States public policy for the social media company. Ms. Pelosi received nearly $43,000 in total donations for her 2018 re-election campaign from employees and political action committees of Facebook, Amazon and Alphabet, Google’s corporate parent — each of which ranked among her top half-dozen sources of campaign cash. She had been a champion of tech companies, which have a robust presence in her district in California. But her support for the industry appeared more tenuous last month, when she said Facebook’s refusal to take down a doctored video of her that made her appear drunk demonstrated how the social network contributed to misinformation and enabled Russian interference in the 2016 election. Google is paying two contract lobbyists who worked as lawyers on the Republican staff of the House Judiciary Committee. One of the lawyers, Sean McLaughlin, also served as a deputy assistant attorney general under President George W. Bush. “Having conducted congressional investigations from the inside, Sean is able to counsel clients on how to respond to them from the outside,” reads Mr. McLaughlin’s biography on the website of his firm, Hunton Andrews Kurth LLP, which was paid $50,000 by Google to lobby Congress during the first three months of the year, according to lobbying records. The Washington office of Amazon, whose chief executive, Jeff Bezos, has drawn regular criticism from Mr. Trump, is led by a former Federal Trade Commission official, Brian Huseman. And its roster of outside lobbyists includes three Democratic former members of Congress — Norm Dicks of Washington, Vic Fazio of California and Kendrick B. Meek of Florida — as well as two former Justice Department lawyers. One of them, Seth Bloom, was a trial lawyer in the department’s antitrust division in the late 1990s before going on to work on antitrust issues for the Senate Judiciary Committee’s Democratic staff. He went on to lobby for Amazon, including in connection with its purchase in 2017 of the grocery chain Whole Foods, which required a review of competition concerns by the Federal Trade Commission. Amazon paid $30,000 to Mr. Bloom’s firm to lobby Congress on issues “related to competition in technology industries” during the first three months of the year. In that span, Amazon also paid $70,000 to the lobbying firm of a top Trump fund-raiser, Brian Ballard, to lobby Congress and the administration. Top-tier lobbyists in Washington can make millions of dollars a year. One of the lobbyists on the account for Mr. Ballard’s firm, Daniel F. McFaul, worked on Mr. Trump’s presidential transition team and then briefly as chief of staff for Representative Matt Gaetz, Republican of Florida. Mr. Gaetz is a member of a House Judiciary subcommittee that is planning a set of hearings, testimony from executives of top companies and subpoenas for internal corporate documents. Even before Senator Josh Hawley, Republican of Missouri, was sworn in at the beginning of the year, the tech companies reached out to him. Mr. Hawley had investigated Google as his state’s attorney general, and the industry saw him as a threat. Facebook called, as did Twitter and Google. This winter, in Mr. Hawley’s windowless temporary office, the lobbyists for the companies came to meet with Mr. Hawley’s aides, arguing that their companies contributed to Missouri’s economy and were innovative businesses that did more good than harm for consumers, according to a person familiar with the meetings. “There is a burgeoning awareness that there is a big problem with the dominance of big tech,” Mr. Hawley said in a recent interview. “Big tech may be more socially powerful than the trusts of the Roosevelt era, and yet they still operate like a black box.” The internet giants have learned from the hard lessons of Microsoft, which was caught flat-footed with a sparse lobbying presence in the 1990s when federal antitrust officials called for a breakup of the software giant. Google has especially been forced to deal with regulatory issues, both in Europe, where it has been hit with three multibillion-dollar penalties, and in the United States, where it escaped an Obama administration-era Federal Trade Commission investigation without any action being taken. The companies have separately argued that they have not violated antitrust laws. Google and Facebook say that their services are free and do not harm competitors and that consumers can turn to alternative search and social networking apps. Amazon has said it has a large share of online commerce but only a small fraction of the overall retail market. And Apple argues that the majority of apps in its store are free and that the company rejects only apps that violate its policies on hate speech and pornography, for instance, or try to take too much data from users. “We have seen these tech companies escape accountability for years,” said Lisa Gilbert, the vice president of legislative affairs for the government watchdog group Public Citizen. The group, which has called for more user data protections and for breaking up Facebook, published a study last month showing that in the last two decades, 59 percent of top Federal Trade Commission officials who left the agency entered financial relationships with technology interests regulated by it. The head of the Justice Department’s antitrust division, Makan Delrahim, was paid as a contract lobbyist by Google in 2007 to win approval for its acquisition of DoubleClick, which had drawn antitrust concerns. He is now facing pressure to recuse himself if the Justice Department pursues an investigation of the company. Federal employees are barred from working on specific issues that affect their former private sector employers or interests, and generally face “cooling off” periods of one to two years after leaving government, during which they cannot lobby their former colleagues. But there are all manner of loopholes. Ms. Gilbert’s group has called for stricter conflict-of-interest provisions. She said that “in this moment of enhanced scrutiny, the tech companies are going to be looking for those who have the Rolodexes that matter to try to stop regulation and legislation of the type that’s required to protect consumers.” It is hard to avoid the increasing prominence of the companies in Washington. They finance some of the most influential think tanks from across the political spectrum, sometimes making it difficult for critical voices to win funding. Google and Facebook have provided funding to hundreds of influential trade groups and think tanks across the ideological spectrum, including the U.S. Chamber of Commerce, the American Conservative Union, the Brookings Institution and the Center for American Progress. In the spring of 2018, Facebook moved into a new office with room for as many as 200 lobbyists, policy experts and engineers for its Washington-based security team. With a full cafeteria, soaring ceilings, wall-size abstract art and concrete floors, the office copies its look from Facebook’s Frank Gehry-designed headquarters in Menlo Park, Calif. Apple is preparing to move into a bigger office, and Google recently opened one of the city’s biggest corporate lobbying offices. Amazon also opened a new office near Capitol Hill, where it regularly hosts policy events with members of Congress. And Amazon recently announced that it would place a second corporate headquarters across the Potomac River from downtown Washington, in Arlington, Va. Last December, in the evening after Google’s chief executive, Sundar Pichai, testified for the first time at a House hearing, the company hosted a holiday party with hundreds of government officials at the trendy Wharf along the Potomac. Scores of lawmakers, including Representatives Debbie Wasserman Schultz, Democrat of Florida, and Darrell Issa, Republican of California, gathered under neon displays of YouTube and Google. Mr. Issa, who had questioned Mr. Pichai earlier in the day and was within weeks of leaving office, was waiting near one of several open bars for a cocktail.

### 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

Sensiba, 20, MA @ American Military U, analyst @ Clean Technica (Jennifer, “Don’t Encourage Biden To Waste Political Capital,” Clean Technica, 11-6-20 <https://cleantechnica.com/2020/11/06/dont-encourage-biden-to-waste-political-capital/>)

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.

### 2NC --- IL

**Key to grid modernization AND cybersecurity**

David **Smith 8/19**, Marketing Director at Grid Forward, VP of Creative Services for Publitek North America, “The Grid in the Infrastructure Package – What’s In, What’s Out, What’s Next,” Grid Forward, 8/19/21, https://gridforward.org/the-grid-in-the-infrastructure-package-whats-in-whats-out-whats-next/

By now you are well aware that **the** U.S. **Senate** has **passed a** mammoth **$1.2T bill investing in infrastructure**. You may even know that the **energy** **investments were** **around $100B** **– a** **lot of funds** no doubt. What you may not have been able to sparse out in the 2700 pages and various steps is exactly what’s in there and what isn’t. Even with funding of this level, there are aspects of the energy grid that made it in the package and some that did not.

What’s In the Bipartisan Package

Resiliency

Right off the top of the energy title are **a few sections** that **invest** **$11B** over the next five years **to fund deployments** **that** **harden our grid** **to** increasing **disturbances and disruptions. In 2020 alone, over 20 $1B+ events occurred impacting our lives and communities** deeply, so this is a starting point for proactive investment to address the downside of these events. Additional aspects in the package invest in wildfire mitigation efforts including treatment of forest and new commission for coordinated planning. Sen Wyden of Oregon called for funding of $50B in his Disaster Safe Power Grid Act for wildfire work alone, so while this funding is a great start it is not enough to meet the needs of the grid.

Hydrogen

Much **talk in the industry surrounds the concept of longer duration** **storage** **and one solution may come in the form of** a dramatic expansion of **hydrogen** **capacity. The bipartisan bill places a** **big bet** **with** research, demos, and regional hubs totaling **upwards of** **$10B** **in this area**. It’s not quite as big as the investments that Europe is making in the area but it would be **an** **unprecedented infusion of funds** into this space in No. America.

Nuclear

There has been wide coverage of **the inclusion of** **nuclear** support in the infrastructure package. Funds to **help** the few **remaining resources in development in this capital intensive sector are** somewhat **significant**, however, for the future of this industry, even an investment of over $9B for demos and projects (including smaller scale modular) may only make a moderate impact.

Carbon Capture

Another area that got a rather significant boost in this package is carbon capture, sequestration, storage and utilization. Between demos and other funding support this area receives about $12B. **Finding effective ways to use and** **store carbon** **is** certainly **going to play a central role in our future**, but hopefully, this will not be an uneconomic use of extending assets on our system.

What’s In There but Only Somewhat

Modernization

One of the central aspects of the 2008 ARRA stimulus related to energy was a program that funded grid advancements via the smart grid investment grant projects. One section of **the bipartisan bill** **rekindles** this program **with** **$3B** in funding. What constitutes **a** **smart, modern grid** **to help develop necessary** grid **flexibility** has advanced quite a lot in the last 13 years, so this program may be a bit limited in scope but has a good starting place. The needs for the grid to instrument expanded flexibility have also advanced, so while this offers critical investment, significant expansion will be necessary for the near term.

Electric Vehicles

Much has been noted about how the package will transform electrified transportation. Yes, there is $7.5B for charging infrastructure, and yes there is another $2.5B for electrified buses (other portions are for other clean transit). But in the overall scheme of what it will take to transition the transportation system, this is a rather minor commitment.

Is the bipartisan package a major investment in our grid? YES! Is this something that the House should take up and pass as soon as possible? YES!

Bryce Yonker, executive director, Grid Forward

Energy Storage

Any energy insiders know that one of the keys to a smoother transition of our energy system is a dramatic expansion of energy storage. This package indeed includes $3B for second use and recycling demos and another $3B for supply chain materials support. However, by way of accelerating deployments of grid storage, this package actually does quite little. Even in the promising area of longer duration demos it only allocates a minor $150M and another section calls for one demonstration project.

Buildings and Efficiency

The overall level of funding and support for efficiency and buildings was somewhat limited in the package. Sure, there was the nearly $500M for revolving loan fund and building codes, and $500M for efficiency and renewables on schools, $3.5B for weatherization funds, and some funds for states that could go to these areas, but it overall was a rather small level of support. The concept of the first resource being the one you don’t build – Amory Lovins now famous negawatt – needs to remain a central part of the grid we are making.

Transmission

Political talking points play up how much support the package has for building out transmission infrastructure. There is a section that identifies critical transmission corridors, but it does not fund them. There is another section that creates a new authority with the ability to offer loans up to $2.5B to support transmission programs with early commercial interest. But this package does not fund, for example, long high-voltage transmission projects or create significantly streamlined processes for these areas moving ahead. Rolling up sleeves to get into the details on permitting and siting on transmission will remain critical and didn’t seem to substantially move in this package.

Cybersecurity

It really has been shocking under investment in grid cyber hygiene and hardening over recent years from federal resources and that cyber funding has not been part of any major energy legislation for over a decade. **This package** does **have** **$250M that will help** small, mostly rural **utilities** **with** the **cyber** capabilities **and** another **$350M** **that will** **go** **quite a way** **to support** **other cybersecurity programs**, but this is not an area to under invest in and it seems it was under invested in the package.

What’s Not In The Package

Demand-Side Flexibility

Demand response and wider demand side management capabilities are essentially not funded in the bi-partisan package. One section encourages utility demand side management considerations, but no real funding goes to bringing demand side resources on the grid. With the potential of FERC 2222 to bring aggregated demand side and distributed resources into markets, much more widely available and adopted controllable devices, and other market developments necessitating the type of resource coming on the grid, this is a bit striking.

Building Automation

Support to ensure that buildings have higher level controls and capabilities to respond to grid signals was also not in the package. See comments in demand side and DER integration above and below.

Distributed Resource Integration

It’s not a future state, but a current need, in which aggregated edge resources can provide significant value to the grid. Turning distributed assets (solar, storage, EVs, thermostats, generators, hot water heaters, and much more) into a resource requires new technology, evolved models, new partnerships and more. Support to help this transition is essential. When well established values can be equitably dispersed to owners and all grid customers (and for the benefit of the system itself), we will have reached a new milestone in the evolution of our energy system – the grid has not reached this place yet and investing to get there is critical.

Analytics & Digital Infrastructure

Real-time grid telemetry to better understand and optimize the dynamics of the system was essentially not in the package and is also not present in most parts of the grid. What’s the saying ‘you can’t manage what you don’t measure?’ Are there exciting things you can do with the roughly 70% of advanced meters that are now deployed? Absolutely! But additional investments are required to apply a suite of capabilities, largely powered by the cloud, to the grid and it’s time that we take them off the shelf and use them.

Renewable Energy

Remember that part of the grid that actually creates the energy we need to run our economy? There are a handful of minor areas of investment in targeted deployments and demonstrations here and there offering a few hundred million dollars. But this package does not help fund the build-out of clean energy resources, nor the grid capabilities to help facilitate it. Economics of resources like wind and solar in many jurisdictions are just so cost-effective that their additions have largely won out over recent years, but if we want a lower carbon society we have to dramatically expand renewable resources. And, importantly, we must build a grid that ensures affordable, reliable power gets to people and businesses when they need it. It seems that the reconciliation package may have central aspects to helping support the further build-out of clean energy resources, but if the IPCC report that came out this week didn’t wake you up to the needs I’m not sure what else may.

What’s Next

**The House** looks like it **will be coming back** from recess early later this month **to** continue **work on** the **infrastructure** package. Details of the reconciliation package may be together by mid-September. Early outlines show that of the $198B in energy, the clean energy spending may be a significant portion there and in the $67B for the environment, the clean energy accelerator may be a central feature there.

There are rumblings of the reconciliation package having aspects such as:

More significant support for electrified transportation

Tax and other incentives for storage, transmission and other grid infrastructure

Deeper support for efficiency, connected building and related areas

In Summary: Pass This Package

**Is the** **bipartisan** **package a major investment in our grid? YES!** Is this **something that the** **House** **should** **take up** **and** **pass as soon as possible**? YES! Would another $200B (or more) for energy and grid in a reconciliation package help move the functionality of our system ahead? YES! Should the reconciliation package take areas of grid modernization and flexibility further? ABSOLUTELY. **Should the** **bi-partisan** **package** **wait** **and** **risk not coming across the line** **as the** **reconciliation** **package comes together?** We say **no**, but understand that there are significant political dynamics in play. **If the** **bi-partisan package falls through** and so does the reconciliation package, **support for the** nation’s **electric grid** **and** the **functionally** **we** want (and really **need**) **during the** energy **transition will be** **far below where it needs to be**. It’s time that we dig into modernizing our energy system, let’s get this bill across the line and get to work.