# 1NC

### 1NC---FTC DA

#### FTC fraud prevention is funded now---unexpected demands trade off

Bilirakis et al. 21 (Gus Michael Bilirakis is an American lawyer and politician serving as the U.S. Representative for Florida's 12th congressional district since 2013; Hon. Noah Joshua Phillips is a Commissioner at the Federal Trade Commission; Hon. Lina Khan is the Chair of the Federal Trade Commission, “Transforming the FTC: Legislation to Modernize Consumer Protection,” *Committee on Energy and Commerce*, 6/28/21, <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-transforming-the-ftc-legislation-to-modernize-consumer>)

Gus Bilirakis (3:12:44): Thank you. Our committee has worked extensively in a bipartisan manner to protect consumers from fraud and scams. Mr. Carter's Combating Pandemic Scams Act was enacted at the beginning of the year thanks to all of our leadership here. Representive Blunt Rochester's Fraud and Scam Reduction Act, as well as Representative Kelly's Protecting Seniors from Emergency Scams Act both cleared our chamber with bipartisan support this year. My bill, HR 2672, the FTC Reports Act, would require the FTC to report on fraud against our seniors. Commissioner Philips, how important is the work the FTC staff does to protect Americans from scams? Noah Josuha Phillips (3:13:33): Congressman, thank you for your question. The work we do to protect American consumers against frauds and scams, is our bread and butter as an agency. There is no work that makes me feel better as a commissioner, when we watch our ability to find bad guys, or taking money from American consumers, dipping into their life savings, and get that money back to them. So the work that you have done on the committee to provide funding, to provide tools for us to go after scam artists, is critical. And I think that needs to continue with the agency. Gus Bilirakis (3:14:05): Thank you, and Chair Khan, again, as you pursue other initiatives, when staff and resources be shifted away from the fraud program, which is so essential in preventing bad actors from harming our constituents? That's the question, please. Lina Khan (3:14:22): Sorry, could you repeat the question - when should services be shifted... Gus Bilirakis (3:14:26): Yes, of course. As you pursue other initiatives, when staff and resources be shifted away from your fraud program, which is so essential in preventing bad actors from harming our constituents? Lina Khan (3:14:40): Well, of course, we're always limited by the appropriations bills when it comes to thinking through how we're delegating resources across the agency. In certain instances, I think there are exigent needs that can arise in certain aspects. Gus Bilirakis (3:14:54): But you don't anticipate moving money from the fraud program, is that correct? Lina Khan (3:15:00): Not especially, but I mean, I think overall, we are trying to look through the prism of managerial efficiency and trying to understand how we can best use our resources, especially given some of the exigent circumstances and so we'll be continuing to make those determinations. Gus Bilirakis (3:15:15): I suggest that you not because this is such a very important program. Commissioner Wilson, can you elaborate on why the FTC Reports Act would also prove beneficial to increasing much needed transparency and the flow of information within the commission?

#### Unplanned expanded enforcement drains finite resources from existing priorities

Dafny 21, Professor of Business Administration at the Harvard Business School and the John F. Kennedy School of Government, and former Deputy Director for Healthcare and Antitrust in the Bureau of Economics at the Federal Trade Commission. Professor Dafny’s research focuses on competition in health care markets, and the intersection of industry and public policy. (Leemore, “The Covid-19 Pandemic Should Not Delay Actions to Prevent Anticompetitive Consolidation in US Health Care Markets,” *Pro Market*, <https://promarket.org/2021/06/10/covid-pandemic-consolidation-pandemic-monopoly/>)

However, as Commissioner Rebecca Slaughter, the current acting FTC chair has noted, these efforts have “faced resistance, with two of these recent victories only coming after district court setbacks.” Blocking a horizontal merger, even when it appears to be an “open and shut” case to a layperson, requires extraordinary resources, including large investigation and litigation teams, as well as economic and other subject matter experts who must analyze the transaction, lay out the case for blocking the merger, and rebut arguments advanced by Defendants’ attorneys and experts. To pick a recent example, consider the proposed merger of two hospital systems in the Memphis area, which the FTC filed to block in November 2020. Based on the FTC’s complaint, the merger would have reduced the number of competing systems from four to three and created a system with over a 50 percent market share. In the face of litigation, the parties abandoned the deal—consistent with this being a straightforward case. Although the FTC prevailed without a trial, it took nearly a year from the merger announcement to the abandonment. Over that period, the FTC likely devoted thousands of staff hours to the investigation and lawsuit and expended substantial taxpayer resources on expert witnesses. The higher the payoff from the merger for the merging parties—and the payoff in the case of an increase in market power can be substantial—the greater the incentive for defendants to invest extraordinary resources to fight a merger challenge. Even if there is only a middling (and in some cases, small) chance of getting a merger through, it may well be in the parties’ interest to see if they can prevail, absorbing the agencies’ (i.e., DOJ and FTC’s) scarce resources in that attempt and preventing them from devoting those resources to investigate other transactions or anticompetitive practices. The substantial resources required to challenge transactions, paired with stagnating enforcement budgets, may explain why authorities have elected not to challenge some horizontal transactions they would likely have challenged in previous eras. Using data on a wide range of industries, antitrust scholar John Kwoka documents that enforcers rarely raise concerns about changes in market structure that used to draw scrutiny—that is, mergers that yield five or more market participants.

#### Fraud funds terror operations

Tierney 18, George & Mary Hylton Professor of International Relations; Director Global Research Institute (GRI) (Michael, “#TerroristFinancing: An Examination of Terrorism Financing via the Internet,” International Journal of Cyber Warfare and Terrorism, vol. 8, no. 1, 01/2018, pp. 1–11)

2. TERRORIST FINANCING AND THE INTERNET

As mentioned, terrorists’ use of the internet has become a major concern for security officials across the world in recent years. Like many other users, terrorists have found that the internet is an invaluable tool to share information quickly, in order to disseminate ideas and link up with likeminded individuals (Jacobson, 2010; Okolie-Osemene & Okoh, 2015). In this manner, terrorists use the internet for a variety of purposes, including recruitment, propaganda, and financing. As scholars have also noted, the internet is an attractive option for extremists due to the security and anonymity it provides (Jacobson, 2010). Yet while there have been a growing number of studies completed on the ways in which terrorist organizations use the internet to recruit and indoctrinate others, there has been relatively little focus on the methods by which terrorists finance themselves through online activities. Some researchers have attempted to fill gaps in this area by broadly studying internet aspects of terrorism financing. However, research on this particular aspect of terrorism financing still appears to be lacking, with little focus on new methods of terrorist financing via the internet or a marrying of strategies to combat online financing trends available to practitioners in the field.

For instance, Sean Paul Ashley (2012) assessed the mobile banking phenomenon, which is prevalent in regions such as the Middle East and Africa, and provides extremists with the ability to easily connect to the internet and remit funds around the world. The decentralization of this kind of banking, due to the fact that brick-and-mortar facilities are not needed to conduct transactions, has allowed terrorist financiersto more efficiently move funds while avoiding detection from authorities. Other researchers,such as MichaelJacobson (2010), have studied the waysin which terrorists engage in cyber-crime to raise and move funds. For example, Jacobson (2010) found that online credit card fraud was a fairly major source of terrorist financing. By stealing a victim’s private credit information, terrorists are able to co-opt needed funds and provide support to themselves or their counterparts. Yet as James Okolie-Osemene and Rosemary Ifeanyi Okoh (2015) note, the internet is mostly used to augment and assist activities which occur in the physical world. In this way, it would appear that the internet is far more useful as a means to move funds globally in support of terrorism, rather than simply as a method to raise funds.

#### Nuclear war---cash is key

Hayes 18, Executive Director of the Nautilus Institute for Security and Sustainability, Ph.D. in Energy and Resources from the University of California-Berkeley, Professor of International Relations at RMIT University (Dr. Peter J., “Non-State Terrorism and Inadvertent Nuclear War”, NAPSNet Special Reports, 1/18/2018, <https://nautilus.org/napsnet/napsnet-special-reports/non-state-terrorism-and-inadvertent-nuclear-war/>)

The critical issue is how a nuclear terrorist attack may “catalyze” inter-state nuclear war, especially the NC3 systems that inform and partly determine how leaders respond to nuclear threat. Current conditions in Northeast Asia suggest that multiple precursory conditions for nuclear terrorism already exist or exist in nascent form. In Japan, for example, low-level, individual, terroristic violence with nuclear materials, against nuclear facilities, is real. In all countries of the region, the risk of diversion of nuclear material is real, although the risk is likely higher due to volume and laxity of security in some countries of the region than in others. In all countries, the risk of an insider “sleeper” threat is real in security and nuclear agencies, and such insiders already operated in actual terrorist organizations. Insider corruption is also observable in nuclear fuel cycle agencies in all countries of the region. The threat of extortion to induce insider cooperation is also real in all countries. The possibility of a cult attempting to build and buy nuclear weapons is real and has already occurred in the region.[15] Cyber-terrorism against nuclear reactors is real and such attacks have already taken place in South Korea (although it remains difficult to attribute the source of the attacks with certainty). The stand-off ballistic and drone threat to nuclear weapons and fuel cycle facilities is real in the region, including from non-state actors, some of whom have already adopted and used such technology almost instantly from when it becomes accessible (for example, drones).[16]

Two other broad risk factors are also present in the region. The social and political conditions for extreme ethnic and xenophobic nationalism are emerging in China, Korea, Japan, and Russia. Although there has been no risk of attack on or loss of control over nuclear weapons since their removal from Japan in 1972 and from South Korea in 1991, this risk continues to exist in North Korea, China, and Russia, and to the extent that they are deployed on aircraft and ships of these and other nuclear weapons states (including submarines) deployed in the region’s high seas, also outside their territorial borders.

The most conducive circumstance for catalysis to occur due to a nuclear terrorist attack might involve the following nexi of timing and conditions:

1. Low-level, tactical, or random individual terrorist attacks for whatever reasons, even assassination of national leaders, up to and including dirty radiological bomb attacks, that overlap with inter-state crisis dynamics in ways that affect state decisions to threaten with or to use nuclear weapons. This might be undertaken by an opportunist nuclear terrorist entity in search of rapid and high political impact.
2. Attacks on major national or international events in each country to maximize terror and to de-legitimate national leaders and whole governments. In Japan, for example, more than ten heads of state and senior ministerial international meetings are held each year. For the strategic nuclear terrorist, patiently acquiring higher level nuclear threat capabilities for such attacks and then staging them to maximum effect could accrue strategic gains.
3. Attacks or threatened attacks, including deception and disguised attacks, will have maximum leverage when nuclear-armed states are near or on the brink of war or during a national crisis (such as Fukushima), when intelligence agencies, national leaders, facility operators, surveillance and policing agencies, and first responders are already maximally committed and over-extended.

At this point, we note an important caveat to the original concept of catalytic nuclear war as it might pertain to nuclear terrorist threats or attacks. Although an attack might be disguised so that it is attributed to a nuclear-armed state, or a ruse might be undertaken to threaten such attacks by deception, in reality a catalytic strike by a nuclear weapons state in conditions of mutual vulnerability to nuclear retaliation for such a strike from other nuclear armed states would be highly irrational.

Accordingly, the effect of nuclear terrorism involving a nuclear detonation or major radiological release may not of itself be *catalytic* of *nuclear* war—at least not intentionally–because it will not lead directly to the destruction of a targeted nuclear-armed state. Rather, it may be catalytic of non-nuclear war between states, especially if the non-state actor turns out to be aligned with or sponsored by a state (in many Japanese minds, the natural candidate for the perpetrator of such an attack is the pro-North Korean General Association of Korean Residents, often called Chosen Soren, which represents many of the otherwise stateless Koreans who were born and live in Japan) and a further sequence of coincident events is necessary to drive escalation to the point of nuclear first use by a state. Also, the catalyst—the non-state actor–is almost assured of discovery and destruction either during the attack itself (if it takes the form of a nuclear suicide attack then self-immolation is assured) or as a result of a search-and-destroy campaign from the targeted state (unless the targeted government is annihilated by the initial terrorist nuclear attack).

It follows that the effects of a non-state nuclear attack may be characterized better as a *trigger* effect, bringing about a *cascade* of nuclear use decisions within NC3 systems that shift each state increasingly away from nuclear non-use and increasingly towards nuclear use by releasing negative controls and enhancing positive controls in multiple action-reaction escalation spirals (depending on how many nuclear armed states are party to an inter-state conflict that is already underway at the time of the non-state nuclear attack); and/or by inducing concatenating nuclear attacks across geographically proximate nuclear weapons forces of states already caught in the crossfire of nuclear threat or attacks of their own making before a nuclear terrorist attack.[17]

### 1NC---Domestic Unity DA

#### Congress has fragile bipartisanship now. That’s vital for effective Russia policy.

Mascaro 2-28, Lisa Mascaro (Member, Associated Press); “State of the Union: Amid disputes, common cause for Ukraine;” The Philadelphia Inquirer; February 28th, 2022; <https://www.inquirer.com/wires/ap/state-union-amid-disputes-common-cause-ukraine-20220228.html>

They have argued viciously in Congress over just about everything: Whether the Capitol insurrection should be investigated or brushed aside. If the president’s choice for the Supreme Court should be the first Black woman. Even over whether or not to wear masks under the dome. But as lawmakers gather for President Joe Biden’s first State of the Union address amid the gravity of Russia’s invasion of Ukraine, they have mustered a rare and remarkable bipartisan resolve, determined to hold the U.S. and its allies together in the defense of a Western-oriented democracy. When Biden stands in the House chamber Tuesday evening, trying to make good on what until now has been a faltering attempt to resolve the nation’s bitter divisions, he may find that the threat from Russian President Vladimir Putin abroad has become the unexpected force pulling the U.S. political parties toward common purpose. “I think you will see in the State of the Union, a strong bipartisan support for our president,” predicts Sen. Chris Coons, D-Del., a Biden ally. The turn of events is both stunning and fragile. Foreign policy has not been the kind of bipartisan draw it was during the past century, when Congress and the White House worked together as the U.S. dominated the global stage. Factions on the right and left have broken off, most definitively over the long wars in Iraq and Afghanistan, creating oddball political alliances in the U.S. and chiseling away at a shared mission. The revival of a robust majority that’s largely supportive of Biden’s strategy toward Russia is even more striking because it is shaping up as one of the most significant rejections of Donald Trump’s embrace of Putin and the former president’s praise of Putin's tactics as Russia invaded Ukraine. “We’re all together at this point and we need to be together about what should be done,” said Senate Republican leader Mitch McConnell of Kentucky. Still, the State of the Union address may not be free of partisan antics, unfolding against the backdrop of a Congress deeply divided over many issues: a prime-time address to the nation, too tempting for lawmakers looking for attention. This year is particularly fraught amid ongoing COVID restrictions and a Capitol still largely shuttered to the public in part because of the security concerns in the aftermath of the deadly Jan. 6, 2021, assault by Trump supporters trying to stop Congress from certifying Biden’s election. “It’s a big worry of mine,” said Rep. Adam Kinzinger, R-Ill., who said he hoped his side of the aisle is respectful and doesn’t yell out “stupid” things. Tuesday’s gathering in the House chamber will be the first time all members are invited since the pandemic outbreak in 2020 and last year’s Capitol attack. Masks will no longer be required, removing one source of friction for those lawmakers who had flouted the guidelines and risked being booted from the session for failing to comply — though COVID tests and social distancing measures will still be required. But the heavy metal security fence is back up around the Capitol complex, a bow to the “new normal” of threats from within America’s own electorate. At least one Republican, Sen. Marco Rubio of Florida, will sit it out rather than participate in what he calls COVID “theater,” even as he is deeply involved in monitoring the war in Ukraine. "I’m just not taking any more COVID tests unless I’m sick,” Rubio said Monday. It can't be said that Republicans are fully pleased with Biden’s handling of the Ukraine war. McConnell has been highly critical of the president's runup to the crisis, calling the White House’s disastrous exit from Afghanistan last summesr a sign of U.S. weakness that opened the door to Putin’s invasion. Leading Republican lawmakers have derided what defense hawks view as Biden's initial reluctance to impose sanctions to deter Putin’s advance on Ukraine. Others have criticized the White House climate change agenda as creating an energy policy that boosts Russian exports, including via the Nord Stream 2 pipeline to Germany, now scrapped over the war. “We all know what Putin wants, and he said so publicly: He wants to reconstitute the USSR and pull back in his orbit all the countries that were in it before," said Sen. Jim Risch of Idaho, the top Republican on the Foreign Relations Committee. “This is a seminal moment.” But even some of the Trump’s staunch supporters are parting ways with the former president after he called Putin's invasion tactics “genius.” Republican Rep. Mo Brooks, who rallied with Trump supporters ahead of last year's assault on the Capitol and has won Trump’s endorsement in the Alabama Senate primary, lambasted Putin's invasion as “barbaric and evil.” But in a nod to the non-interventionist strain that runs deep in both left and right flanks, Brooks added, “While Putin’s Ukrainian invasion and murders are heinous, this is first and foremost a problem for Western Europe to resolve." Congress will face tests ahead, starting with Biden's request for at least $6.4 billion in supplemental funding to help Ukraine, which will require cooperation from both parties. Sen. Chris Van Hollen, D-Md., said the Trump voices remain "a big part of the Republican Party nationally, but at least so far on Capitol Hill, especially in the Senate, I think you’ve got an overall bipartisan consensus. I hope it stays that way.”

#### Congress will quickly aid Ukraine with lethal weapons now. Speed is key, otherwise Ukraine falls

Carney 3-1-2022 (Jordain, “Congress races clock on Ukraine aid amid invasion,” The Hill, <https://thehill.com/policy/international/596224-congress-races-clock-on-ukraine-aid-amid-invasion?rl=1>)

Congress is moving quickly to authorize new assistance for Ukraine following Russia’s invasion even as lawmakers wrestle with what, if any, sanctions legislation is needed. Lawmakers are mulling the administration’s request for $6.4 billion in military and humanitarian aid to respond to Russia’s invasion of Ukraine, which began while lawmakers were out of town last week. They’re under pressure to move quickly. Ukrainian President Volodymyr Zelensky is publicly urging the United States and other allies to provide additional assistance as the country faces a significantly larger Russian military, raising questions about how long Ukraine can hold out despite early headaches for Moscow. “There’s a lot to do,” said Sen. Dick Durbin (Ill.), the No. 2 Senate Democrat. “We better be there as needed.” Senate Minority Leader Mitch McConnell (R-Ky.) warned that Congress “cannot afford to move at the speed of bureaucracy.” “Congress must use its oversight tools to ensure we are providing Ukraine the weapons it needs as quickly as possible. The same goes for helping shore up our NATO allies’ defenses along the eastern flank,” McConnell said.

#### The plan eats away at Congressional time and energy

Stern 20 (Christopher, “Split Government Could Doom Antitrust Reform, but Tech to Remain in Crosshairs,” *The Information*, <https://www.theinformation.com/articles/split-government-could-doom-antitrust-reform-but-tech-to-remain-in-crosshairs>)

The Democrats’ apparent failure to secure a majority in the Senate will likely be a big disappointment to advocates of antitrust reform aimed at curtailing what they view as anticompetitive conduct by big tech companies. The changes they are seeking are aimed at making it easier for prosecutors to win antitrust convictions against companies with dominant market power. David Cicilline, the Democrat who chairs the House Antitrust Subcommittee, plans to introduce a series of bills to achieve those goals, after spending a year leading a congressional investigation into the business practices of Apple, Amazon, Google and Facebook. Democratic control of the Senate would have greatly improved the odds of those bills becoming law. While many Republican lawmakers are supportive of tougher antitrust enforcement, they have generally opposed efforts to change current legal standards. Still, hope for antitrust reform might not be completely dead, said Seth Bloom, a former general counsel for the Senate’s antitrust subcommittee, who represents firms including Amazon as a lobbyist. Bloom said the antagonism toward big tech of some prominent Senate Republicans, including Josh Hawley and Ted Cruz, could lead them to support proposals that undermine the power of those companies. Even if Democrats manage to squeak through antitrust changes, any legislation would likely take more than a year to make its way through Congress. Tech companies could see a more immediate impact on another aspect of their businesses: mergers and acquisitions approval.

#### The plan’s weaponized as Biden pursuing a “weak on Russia” antitrust agenda

Evers-Hillstrom 2-23-2022 (Karl and Chris Rodrigo, “Big Tech allies point to China, Russia threat in push to squash antitrust bill,” *The Hill*, <https://thehill.com/policy/technology/595414-big-tech-allies-point-to-china-russia-threat-in-push-to-squash-antitrust>)

Big Tech’s numerous allies in Washington are repeating a similar message as they lobby lawmakers to abandon antitrust legislation: The U.S. needs tech giants at full strength to counter China, Russia and other threats to national security. The last-ditch effort comes as the Senate gears up to consider the American Innovation and Choice Online Act, a bipartisan bill that would prevent dominant digital platforms from favoring their own services and empower antitrust enforcers to scrutinize the largest tech firms. Despite making it out of the Senate Judiciary Committee by a bipartisan 16-6 vote, the legislation targeting America’s largest tech companies faces an uphill battle. Many lawmakers who gave the legislation a thumbs-up on the panel cautioned that they would be unlikely to vote “yes” on the floor unless major changes are made. A handful of those lawmakers specifically expressed concern that stopping tech giants from self-preferencing could unintentionally advantage America’s adversaries. Russian aggression in Ukraine has only reinforced those industry talking points among lawmakers who are fearful of impending cyber conflicts with Russia and China, according to tech allies. “When you’re talking about a geopolitical conflict, all of a sudden the terms of the debate change, both for the Democrats and the Republicans. There’s an ongoing shift as people grapple with the magnitude of the global tensions,” said Michael Mandel, chief economist at the Amazon- and Meta-backed Progressive Policy Institute, which opposes the antitrust bill. “You don’t want to be in a position of disassembling your strongest tech companies at the same time you’re fighting a tech war.” The argument that antitrust enforcement weakens national security is by no means new. AT&T deployed a similar defense of its power in the 1980s. But tech giants’ hawkish stance on China is a more recent development. Industry lobbyists and tech-backed advocacy groups on both the right and left have inundated lawmakers with calls, emails, op-eds and political ads warning that the antitrust proposal will give Beijing the upper hand in the technological arms race.

#### Perception of a disunified and partisan US response to Russia leads to nuclear world war 3

Dailey and Farwell 1-26-2022, \*as commanded numerous special operations units in peacetime and wartime. As an ambassador, he headed the Department of State’s counterterrorism efforts, \*\*has advised U.S. Special Operations and the Department of Defense. An Associate Fellow in the Dept. of War Studies, King’s College, University of London, he is the author of Information Warfare (Quantico: Marine Corps U. Press, 2020) and The Corporate Warrior (Brookfield: Rothstein Publishing, 2022). (Dell and James, “Will the Ukraine Crisis Spark World War III?,” *National Interest*, <https://nationalinterest.org/feature/will-ukraine-crisis-spark-world-war-iii-199893>)

Will the Ukraine Crisis Spark World War III? All parties owe it to themselves, their citizens, and the world to avoid an armed conflict that could accidentally escalate into World War III. Time is growing short. Vladimir Putin’s rhetoric demands another Munich with Joe Biden capitulating, but Biden can’t and won’t oblige. But then the president predicted armed conflict. These smart leaders are better than that, and both need to avert an avoidable war. What both sides need is a grand strategy that redefines relations between the West and Russia, gives each what its pride and security interests require, and averts a conflict that could escalate into World War III. A key aspect of the U.S. posture is to stop reacting to Putin’s threats and shift to a pro-active posture to resolve the crisis, proposing actionable ideas that work for all sides. The talk is about deterrence, but the United States wants action from Russia that advances U.S. security interests just as Russia wants to advance its own. What plausible strategies might work for all the parties? Here are areas to consider for where the parties might find common ground and avoid war. If one characterized Dwight Eisenhower’s grand strategy as “containment,” this one seems to qualify as “equilibrium.” That notion doesn’t view Russia as a friend or ally. Let’s move beyond personalities and strike a balance for a stable order in Europe rooted in longer-term state-to-state relationships. Containment grasped that the Soviet Union had expansionist ambitions. Ike rightly rejected co-existence and worked to defeat communism. Russia wants to revive its Soviet sphere of influence, but it offers no ideology, and while seeking global influence as a great power, lacks communist imperial ambitions. A realistic coexistence rooted in strength makes sense for a united West, led by the United States, NATO—with its military focus—and the European Union—with its political focus. Achieving that goal will enable the West to direct fuller attention to its main challenges, particularly those posed by China’s ambitions. Russia Nationalism and hubris drive Putin to regain Russia’s influence and control over its former sphere. Putin views the Maidan Revolution that overturned a pro-Russian government in Ukraine as a U.S.-sponsored color revolution forming part of a scheme to oust him from power. Regime preservation is always Putin’s number one goal. While misguided, his fears help explain his tactics. Putin’s perception of the facts, not the facts themselves, governs Russian actions. A stable framework between Russia and the West might embrace the following ideas: First, assurances that neither Ukraine nor Georgia will become members of NATO. These nations enjoy no right to join NATO; membership is invitation only. Western security interests don’t require making them NATO members, and the West need not insinuate them so closely that Russia feels the relationship amounts to membership. Ukraine could accept a status similar to Austria’s. Austria is a democracy that does business with all sides and maintains its independence. Such status won’t harm the West, and would remove the threat that Putin most complains about. Ukraine needs to be a part of that negotiation. Second, some believe that Putin fears a successful democracy in Ukraine will spur knock-on consequences in Russia that undermine his regime. Unless he wants a real war, Putin is going to have to get real about this politically. He’s popular at home and may remain so unless Russians see lots of body bags coming home. That’s a more serious threat along, potentially, with Russia’s inept response to Covid-19. Third, Putin wants the United States to avoid meddling in Russian internal politics. Let’s be realistic. The United States rightly hit the roof over Russian meddling in U.S. elections. Putin has angered Europe by using weaponized social media and other hybrid warfare tactics to create political disruption and undercut NATO and the EU. But as Russia points out, no nation meddles in other countries’ politics as much as the United States does. One way forward may lie in a mutual agreement that the West and Russia will each stop meddling in one another’s internal affairs. Fourth, Putin would like to turn back the clock. He’s going to have to get real about that. Corruption and the failure of communism defeated the Soviet Empire, not the West. He led Russia to economic progress for the first part of his tenure. He needs to recognize that this record lights his way ahead, not armed conflict. Finally, Putin wants respect as a great power equal. One sore point for him is history. He feels that the West refuses to acknowledge that Russia fought most of the ground war against Germany during World War II and suffered the most casualties. He’s quite emotional about the issue. Addressing pride and nationalism is a matter of diplomacy. Working that out may not be easy, but the goal is achievable. In the meantime, if Putin wants more credit for Russia, Russian historians need to translate their work into English and publish in the West. The West The United States should require quid pro quos from Russia. First, as noted above, both sides must commit to cease meddling in one another’s politics or internal affairs. Second, Russia must commit to avoiding using the Nord Stream II as political leverage to influence European politics. Diplomacy must work out what that means in practice. Third, Russia must recognize that the West is acting with a united front through the United States, NATO, the EU, and the parties. The United States must make clear the West will do whatever is required to honor NATO’s Article V obligations. That includes boosting current military strength in Europe, especially airpower, which can be strategically positioned fairly rapidly. We feel clear lines of communication with Russia can help avoid confusion or cause miscalculation. Issues such as missile deployments have to be negotiated. Fourth, Russia must gain control over and crackdown on criminal cyber hacking in the West by the Russian state, its proxies, so-called “patriotic hackers,” and transnational criminal groups operating from Russia. Moscow’s attempts to disclaim such groups are nonsense and the West shouldn’t give credence to such efforts. Finally, and this is a matter for diplomacy that would take time to play out, Russia and the West should try to find common ground that recognizes the existential threat posed by China’s ambition to establish global military and economic supremacy by 2049. China’s achieving that ambition would pose an existential threat to both sides. Russia won’t join the West in an alliance against China, but the West can also influence Russia against allying with China against it. From the Western perspective, any deal has to stick. President Ronald Reagan once said that in dealing with Russia, “trust but verify.” That was a Russian proverb. If Russia plays fast and loose with a deal or breaks it, all bets are off and the West should move aggressively to protect its security interests, politically and militarily. That includes providing Ukraine with essential military support for defense. Matters are obviously more complicated and nuanced, but these ideas seem common sense and may help inform a framework for negotiation. For the United States, the Biden administration should seek bipartisan consultation and support so that the United States can present a unified front. We feel Russia perceives strategic weakness in the polarization evident in U.S. politics, and unity on Russia would strengthen the U.S. hand in dealing with Russia. All parties owe it to themselves, their citizens, and the world to avoid an armed conflict that could accidentally escalate into World War III. Time is growing short. It’s time to move out.

### 1NC---T-Statutory Exemptions

#### “Expanding scope” requires prohibiting practices that are currently legislatively exempted from antitrust laws

Garubo, citing Supreme Court, 84, Senior Vice President and Corporate Secretary, Commercial Credit Group, Juris Doctor, magna cum laude, from California Western School of Law (Angelo, “Severing the Legislative Veto Provision: The Aftermath of Chada,” *California Western law Review,* 21.1)

A proviso is a clause engrafted on an enactment to restrain or modify the enacting clause or to except from its operation something which otherwise would have been within it. It also acts to exclude or prevent possible grounds of misinterpretation. It is designed to prevent an interpretation which extends that statute to cases not intended by the legislature to be brought within its purview.140 By its very nature a veto provision can be considered as a proviso to the rest of the statute. The function of a veto provision is to allow Congress to exercise post enactment control over the executive. 141 It allows them to prevent officials of the executive branch from implementing a statute in a way which is inconsistent with the intent of the legislature.142 By "vetoing" an act of the executive branch, Congress could insure that any implementation of a statute was consistent with the purview of that statute. 143 The Department of Education Organization Act' 44 authorized the Secretary of Education, an executive official, to prescribe rules and regulations as he determines are necessary to administer and manage the functions of the department. 145 The statute also contained a veto provision which stated that rules and regulations promulgated under the Act could be disapproved by a concurrent resolution of Congress.146 As this example indicates, veto provisions act as provisos to the main body of a statute by allowing Congress to retain control over the implementation of the statute by the executive branch. Since a veto provision can qualify as a proviso, the rule in Davis v. Wallace 147 and Frost v. Corporation Commission 148 can be applied to show that the legislative intent test is inadequate to determine if a veto provision should be severed. In Davis and Frost, the Supreme Court ruled that a proviso could not be severed if it was originally written into the statute. 149 The Court reasoned that severing such a provision would result in an extension of the scope of the statute.' 50 Such an extension would be contrary to the legislative intent of a statute by including subject matter which the legislature expressly chose to exclude.151 The Davis and Frost analysis can be applied to the "congressional veto" because (1) the veto provision can be considered a proviso 152 and (2) severing a veto provision will expand the scope of the statute contrary to legislative intent. 5 3 By severing a veto provision the executive branch would be free to expand or limit the scope of a statute through its implementation. Such an expansion or limitation would constitute a defacto contradiction of legislative intent by altering the purview of the statute.' 54 A veto provision is a control mechanism.' 55 Its mere presence in a statute indicates the legislature's desire to restrict the scope of that statute. 5 6 By removing it, the court would affect a fundamental change in the nature of the statute, which was not accounted for when the legislature enacted the law. 157 Because a veto provision is a proviso, its excise from a statute would contradict legislative intent. A test which uses legislative intent to determine if a veto provision is severable could only find that the provision is not severable. Thus, when literally applied, the legislative intent test is not adequate to determine if a veto provision should be severed from its statutory framework.

#### VIOLATION---the plan does not reverse a statutory exemption.

#### VOTE NEG:

#### 1---Predictable limits and ground. Any other interp makes “stronger enforcement” topical, which justifies limitless sub-industry of the week and each of which has zero link uniqueness.

#### 2---Precision---Supreme Court definitions are the gold standard [our ev cites Davis v. Wallace and Frost v. Corporation Commission]

#### 2---Resolutional synergy. Our interp gives independent meaning to “scope of laws.”

### 1NC---T-Per Se

T-Per Se

**Only per se illegality is a prohibition.**

**Seita and Tamura 94** (Alex Y. Seita, Professor of Law, Albany Law School of Union University. B.S. 1973, California Institute of Technology; J.D. 1976, M.B.A. 1980, Stanford University, & Jiro Tamura, Associate Professor of Law, Keio University. B.A. 1981, M.A. 1983, Keio University; LL.M. 1985, Harvard University, [“The Historical Background of Japan's Antimonopoly Law,” 1994 U. Ill. L. Rev. 115, 177-178](https://advance.lexis.com/api/document/collection/analytical-materials/id/3S3T-WD60-00CW-508X-00000-00?page=177&reporter=8130&cite=1994%20U.%20Ill.%20L.%20Rev.%20115&context=1516831))

Upon the elimination of the restriction on undue substantial disparities in bargaining power, for example, economic concentration of power in and of itself was no longer a problem for business. The elimination of the prohibition against certain concerted activities meant that cartel behavior was no longer illegal per se. Most significantly, the authorization of depression and rationalization cartels under the Antimonopoly Law, with JFTC permission, legalized cartels under certain conditions. 418 Thus the rule of reason, rather than per se illegality, now governed cartel behavior. 419

#### The rule of reason is not a prohibition.

Skoczny 01 – Professor of law, Holder of the Jean Monnet Chair on European Economic Law at the Warsaw University Faculty of Management

Tadeusz Skoczny, “Polish Competition Law in the 1990s - on the Way to Higher Effectiveness and Deeper Conformity with EC Competition Rules,” European Business Organization Law Review, Vol. 2, Issue 3-4, September 2001, LexisNexis

Most importantly, the new Act departed from the relativity of the prohibition of dominant position abuses; as in Article 82 EC Treaty, it is now a general prohibition which does not allow for exemptions on the basis of a rule of reason. Also new is the prohibition of the abuse of dominant position by groups of undertakings, which will allow to effectively control the state and the development of competition on oligopolistic markets. The Act also eliminated the distinction between monopolistic and dominant position; in theory and in practice, it was difficult to justify the maintenance of this distinction. Therefore, the Act relates only to a dominant position, the definition of which however has been changed. According to the new Article 4 point 9, dominant position means a position "which allows [the undertaking] to prevent effective competition on the relevant market thus enabling [the undertaking] to act to a significant degree independently from its competitors, contracting parties and consumers". It is easy to notice that this definition is based on the United Brands and Hoffmann La-Roche standards. It must nevertheless be emphasised that such understanding of dominance was introduced by the AMC already in 1993; it considered dominance as the capacity to act "to a large extent independently of the competitors and clients, thus also the consumers". Thanks to the AMC's judgements also the relevant product and geographical markets are defined on the basis of the criteria of "close commodity substitutability" and "homogenous competition conditions".

#### Vote neg---limits and ground---rule of reason exemptions zero topic DAs and explode the topic to any law review. Per se is the only shot at unique links.

### 1NC---Regulations CP

#### The United States federal government should increase non-antitrust, regulatory prohibitions on business practices which cause net-competitive harm on one side of platforms that at least place a cap on the market share that a platform can hold.

#### Solves better.

Shelanski 18, Professor of Law @ Georgetown (Howard, “Antitrust and Deregulation,” Yale Law Journal)

A. Antitrust and Regulation as Policy Alternatives A variety of institutions can govern economic competition. Decentralized, capitalist economies generally rely on markets themselves to provide the incen- tives and discipline necessary to keep prices low, output high, and innovation moving forward.8 But sometimes market forces alone cannot ensure efficiency and economic welfare—for example, when the market structure has changed due to mergers or the rise of a dominant firm, or when the market is an oligopoly susceptible to parallel conduct or collusion. In such cases, governance of competition by a nonmarket institution might be warranted. Because concentrated markets or even monopolies can arise for good reasons related to efficiency, in- novation, and consumer preference, the governance of competition more often involves vigilance than liability or injunctions. Then-Judge Stephen Breyer, long a leading scholar of antitrust and regulation, described the best situation as being an unregulated, competitive market in which “antitrust may help maintain com- petition.”9 Antitrust law aims to prevent the improper creation and exploitation of market power on a case-by-case basis while avoiding the punishment of commercial success justly earned through “skill, foresight and industry.”10 Thus, competition authorities like the FTC and the DOJ’s Antitrust Division review mergers, inves- tigate single-firm conduct, and prosecute collusion.11 Private plaintiffs can pur- sue civil antitrust liability through suits in the federal courts.12 To win their claims, enforcement agencies and private plaintiffs bear the burden of showing that the effect of a firm’s activity is “substantially to lessen competition, or to tend to create a monopoly,”13 or to constitute a “contract, combination, . . . or conspir- acy” in restraint of trade,14 or to “monopolize, or attempt to monopolize” any line of business.15 Antitrust is not, however, the only institution through which government addresses competition concerns and market failures. Congress can give regulatory agencies authority to intervene where they see the need to address competition and market structure—and Congress has often done so. With such statutory authority, “[i]n effect, the agency becomes a limited-jurisdiction enforcer of antitrust principles.”16 For example, the Department of Transportation (DOT) has jurisdiction to approve transfers of routes between airlines carriers, giving it a role in reviewing airline mergers.17 The 1992 Cable Act gave the FCC authority to limit the share of the national cable market that a single operator could serve, thereby giving the agency some control over the industry’s market structure.18 The FCC has long regulated market entry and, through its control over license transfers, reviewed mergers and acquisitions in several sectors of the telecom- munications industry. More recently, the FCC issued,19 and then repealed, 20 “network neutrality” regulations intended to preserve ease of entry and a level playing field for digital services. The Food and Drug Administration (FDA), Securities and Exchange Commission (SEC), Department of Energy, and numerous other federal agencies have various powers that directly affect competition.21 State regulation can be important as well in governing competition, particularly in the insurance and healthcare industries.22 In contrast to the case-by-case approach of antitrust, regulation typically im- poses ex ante prohibitions or requirements on business conduct. The Telecommunications Act of 1996, for example, required incumbent local telephone com- panies to grant new competitors access to parts of their networks and prohibited incumbents from refusing to interconnect calls from their customers to custom- ers of competing networks.23 With the rule in place, the FCC bore no burden of proving that a specific instance of network access was necessary for competition, or that a specific denial of interconnection would harm competition. In contrast to antitrust, where the burden of proving liability is on the agency, under a regulatory regime the burden of seeking a waiver from regulation or challenging an agency’s enforcement decision is usually on the regulated party. Antitrust and regulation therefore present alternative approaches to governing competition and addressing market failures.24 The government can review individual mergers under the antitrust laws, as it does in most markets, or it can set rules that impose clear, ex ante limits on the extent of concentration, as the FCC did for media ownership under the Communications Act.25 Government can investigate under the antitrust laws whether a firm has monopoly power that it has “willful[ly]” acquired or maintained other than “as a consequence of a su- perior product, business acumen, or historic accident.”26 Alternatively, with au- thority from Congress an agency can regulate how much of a market a single firm can serve, as the FCC tried to do with cable companies,27 or require firms to dispose of key assets in order to promote competition in a relevant market, as the DOT has done with airline slots.28

### 1NC---States CP

States CP

Text: The 50 US states should enact and enforce coordinated antitrust laws that increase **prohibitions on those anticompetitive business practices which cause net-harm on one side of platforms.**

#### State antitrust is enforceable and solvent.

Lange et al. 21, \*Perry A., JD, antitrust lawyer, vice-chair of the ABA Antitrust Section’s Joint Conduct Committee. \*Brian K. Mahanna, JD, former chief of staff and deputy attorney general in the Office of the New York State Attorney General, \*Nicole Callan, JD, vice chair of the Civil Practice and Procedure Committee of the American Bar Association (ABA)'s Section of Antitrust Law, \*Álvaro Mateo Alonso, LLM, Law Degree, antitrust lawyer. (3-5-2021, "Developments in Antitrust Law: Keep an Eye on New York", *WilmerHale*, Full report accessible at: https://www.wilmerhale.com/en/insights/client-alerts/20210305-developments-in-antitrust-law-keep-an-eye-on-new-york)

Although much attention recently has been focused upon debates in Congress, potential legislative changes to U.S. antitrust law are not limited to proposals at the federal level. Many states are considering changes to their own antitrust laws, which usually can be enforced by state attorneys general and private plaintiffs. Importantly, New York legislators have introduced two bills that propose sweeping changes to the State’s antitrust law, the Donnelly Act, building on measures introduced in New York’s last legislative session.

These proposals, if enacted, would make New York’s single firm conduct statutory provisions the most aggressive in the United States and would give the New York Attorney General a more prominent role in reviewing transactions—including by creating a first-of-its-kind state merger notification requirement. These changes would allow New York’s antitrust law to reach a range of conduct not actionable under any existing federal or state antitrust law, and would introduce European-style antitrust standards to New York. Accordingly, this reform would create considerable new compliance challenges and risk for companies potentially subject to New York antitrust law, whether or not those companies are located in New York.

Other U.S. states and territories are considering antitrust law changes, but the New York proposals are the most significant. Although much of the conversation concerning developments in antitrust law has focused on “Big Tech” companies, these proposals would affect businesses across all sectors of the economy. This alert discusses these legislative proposals and key implications for businesses.

### 1NC---Data CP

#### The United States federal government should enact and adopt regulations that require the sharing of data that will increase innovation if shared.

#### That’s what Wheeler advocates.

**Wheeler 20**, visiting fellow in Governance Studies at The Brookings Institution, Chairman of the Federal Communication Commission (FCC) from 2013 to 2017, ‘20

(Tom, “Digital Competition With China Starts With Competition At Home,” <https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_digital_competition_china_wheeler_v3.pdf>)

Lawmakers have more flexibility in the actions they can take. Congress makes the rules. Legislation can — and should — reach the conclusion that to deal with data bottlenecks and enhance innovation the national policy should identify data with important public attributes and mandate its sharing. It is down this path that the European Union appears to be heading.62 By the end of 2020, the EU plans to have drafted new legislation that reportedly will require big companies to share data with smaller rivals.63 Also under consideration is leveraging the large amount of data produced by European industry into pools that can be shared among companies and economic sectors to aid in the development of AI.64 Once again, it is the EU, not the United States, that is leading the world in policies dealing with the impact of digital technology on the marketplace and innovation. If judicial remedies are slow and problematic; and American legislative initiative is absent, it falls to regulatory bodies to be the last stand for oversight to protect competition and innovation. While new and clear-cut statutes would be best, existing statutes do empower administrative agencies to reach the conclusion that data bottlenecks constrain competition and to propose solutions.

### 1NC---China Advantage CP

#### The United States federal government should establish a comprehensive technology policy that:

* Significantly expands Open-RAN and provides incentives to developing countries to adopt US and indigenously developed advanced technology
* Supports R and D in key tech, provides tax incentives for key building blocks, finances domestic production and scale-up, adopts a competitiveness screen for regulation and establishes reshoring financing

#### Plank 1 solves by leveraging the entire international community against China

Patey 21, senior researcher at the Danish Institute for International Studies and author of How China Loses: The Pushback Against Chinese Global Ambitions (Luke, “To Beat China on Tech, Biden Will Have to Learn from It,” *Wired*, https://www.wired.com/story/beat-china-tech-biden/)

But the incoming Biden administration may not be China’s saving grace. President Biden is expected to maintain a hard line against Chinese tech, up America’s own game by pumping billions of dollars into basic research and development, and rally fellow democracies together to promote global technology standards on cybersecurity and digital trade. China’s tech companies may soon find themselves facing both Trump’s restrictions and new competition from an international tech alliance led by the United States. Yet if President Biden is serious about winning the race against China on 5G mobile networks and other new technologies, he will need more than the support of America’s traditional allies; he’ll also need to learn from China’s own global tech expansion and work closer with developing countries in Africa, Latin America, and Asia. Cooperating more closely with the United Kingdom, Japan, and other advanced democracies in Western Europe and East Asia offers the US instant partners in its competition with China. But global economic growth will increasingly come from emerging markets in the coming decades. If America and its allies ignore large and populous economies like Nigeria, Brazil, and Indonesia, they’re certain to lose the long game on tech. Biden will surely ditch Trump’s derogatory language toward the developing world, but he also needs to shake off America’s entrenched reluctance to view the strategic gains possible in engaging these regions. The problem for the Biden administration is that China is already miles ahead of Western competition. For too long, the United States has viewed much of the developing world as overrun by poverty, humanitarian crises, and conflict. Conversely, China has recognized that these regions offer plenty of economic opportunity in trade, investment, and technology cooperation. In the last couple decades, Chinese tech companies have gained first-mover advantage by capturing large market shares in these budding economies and laying the groundwork as a standards-setter for how the next generation of technologies will work. In Africa, for example, after developing a long line of affordable smartphones, the Chinese tech company Transsion now dominates the continent’s mobile phone industry with over 40 percent of total market share. Chinese telecoms Huawei and ZTE built the majority of Africa’s 4th generation mobile networks, and are now carving a similar path in developing 5G mobile networks in Indonesia, Malaysia, and much of Southeast Asia. Guaranteed market share in China and billions in preferential loans for partner countries have allowed China’s telecoms to deeply underprice their competitors. Chinese tech executives also had the foresight to recognize the potential for future growth in these markets. But all is not lost for Biden. China’s geopolitical behavior has caused plenty of self-inflicted damage to its own tech companies. After deadly border clashes last year between Indian and Chinese soldiers, India banned dozens of popular Chinese social media apps, including TikTok and WeChat, over security concerns. This was hardly a small loss: India was TikTok’s largest market with some 200 million active users. China will find it difficult to lead the future of new technologies without India’s 1.3 billion population on board. And along with Australia, Japan, Vietnam, and others, India is also moving to deny Huawei’s involvement in developing 5G mobile networks within its borders. These decisions weren’t the result of Trump’s aggressive diplomacy, but rather grew out of deepening tensions in relations with Beijing. Huawei’s main competitors, such as Sweden’s Ericsson, are looking to fill any gaps left by China’s geopolitical troubles. But some countries also aspire to develop their own capabilities in 5G. Working alongside California-headquartered Qualcomm, the Indian conglomerate, Reliance Industries, is developing its subsidiary Jio Platforms to provide a homegrown solution for India’s 5G mobile networks. On top of partnering with Ericsson and Finland’s Nokia, Vietnam also aims to develop its own 5G mobile networks with its national company Viettel. For President Biden, China’s setbacks in these rapidly growing markets provide new openings the United States and its allies can pursue. See What’s Next in Tech With the Fast Forward Newsletter The Trump administration struggled to get Brazil and other emerging economies to block Huawei from participating in their 5G mobile networks, despite offering to finance equipment from its competitors. Now that Trump is no longer frustrating American allies with trade war threats, the Biden team can negotiate with South Korea, Japan, the European Union, and others to pool resources in order to level the playing field with China. While not all partners in the developing world will fit into the idea of a democratic tech alliance, President Biden should look to the India and Vietnam model and help other nations develop domestic capacities that lower dependencies on Huawei and other foreign providers over time. New open radio access network technology is one way to develop such alternative solutions. Open RAN essentially allows a variety of companies to supply different parts of a telecommunications network, decoupling the hardware from the software, rather than relying on one provider like Huawei or Ericsson. Though still a work-in-progress, this new technology is believed to have the potential to undermine Huawei’s cost advantage by dramatically lowering the necessary investment to develop 5G networks. European telecom service providers Orange and Vodafone are already introducing such networks in Africa and beyond. The United States is also realizing the possibilities for Open RAN. Late last year, amid political turmoil surrounding Trump’s election defeat, a bipartisan bill quietly passed the US House, unlocking $750 million in funding to accelerate Open RAN development and deployment. In the face of fierce Chinese competition, the next step will be to work with Japan, the United Kingdom, and other allies to explore how to push this new technology forward and make it amenable to emerging market demands. But Open RAN is no silver bullet to Biden’s Huawei challenge. Its potential will only be fully realized in the mid and long run, after high integration costs, security gaps, and other problems are worked out. It should not distract from finding new ways to compete with China in traditional mobile networks. If President Biden is serious about beating China in a global tech race, he will need to learn from the Chinese experience and reverse America’s longstanding failure to see the strategic gain from engaging the developing world on technology. The new administration must not follow Trump’s playbook page by page. Its egregious approach to crippling Chinese competition did little to win over new partners. By offering tech solutions that spur on new growth and development, President Biden can harness the power and ingenuity of America and its allies to outcompete China.

#### Plank 2 solves through a robust industrial strategy

Atkinson 20, founder and president of ITIF. Atkinson’s books include: Big Is Beautiful: Debunking the Myth of Small Business (MIT, 2018), Innovation Economics: The Race for Global Advantage (Yale, 2012), and The Past and Future of America’s Economy: Long Waves of Innovation That Power Cycles of Growth (Edward Elgar, 2005). Atkinson holds a Ph.D. in city and regional planning from the University of North Carolina, Chapel Hill, and a master’s degree in urban and regional planning from the University of Oregon. (Robert, “The Case for a National Industrial Strategy to Counter China’s Technological Rise,” *ITIF*, <https://itif.org/publications/2020/04/13/case-national-industrial-strategy-counter-chinas-technological-rise>)

KEY TAKEAWAYS

China has long posed a stark techno-economic challenge in the advanced industries that are most critical to America’s economic wellbeing and national security. To overcome that threat, policymakers must break free of conventional economic thinking. Trade and foreign policy measures are necessary, but not enough. America needs a robust domestic strategy, too—and it cannot be limited to generic policies to expand “factor inputs” like science, education, and infrastructure. America needs a national strategy that fortifies traded-sector tech industries that are “too critical to fail,” such as advanced machinery, aerospace, biopharma, electrical equipment, semiconductors and computing, software, transportation and more. To develop and implement a national industrial strategy, the federal government will need to significantly strengthen its institutional capabilities to conduct thorough sectoral analysis. Congress should act in four areas: support for R&D targeted to key technologies, tax incentives for key building blocks of advanced production, financing for domestic production scaleup, and adding a competitiveness screen for regulation. All these programs should be aligned with U.S. allies wherever possible. Without a robust industrial strategy to bolster its advanced industries, America will likely experience a steady erosion in its competitive position—akin to the UK’s path in the 1960s and 70s—and a concurrent rise in populist fervor. OVERVIEW Economic pundit Robert Reich once wrote that “industrial policy is one of those rare ideas that has moved swiftly from obscurity to meaninglessness without any intervening period of coherence.” But after 40 years of obscurity and meaninglessness, the concept is now gaining credence for one main reason: China. Elected officials and others from both sides of the political aisle have become increasingly concerned in recent years that China will overtake the United States as the world’s technology leader, with dire consequences for America’s prosperity and national security. And the COVID-19 pandemic, with its disruptions of supply chains, has put U.S. dependency on China in the news on an almost daily basis. Yet while efforts to push back against Chinese “innovation mercantilism” are needed, such steps, even if successful—which is increasingly doubtful—will not be enough. It is time for the federal government to put in place a national industrial strategy that focuses on supporting key industries critical to America’s economic vitality, public health, and national security: in other words, industries that are “too critical to fail.” Unfortunately, when it comes to industrial strategy, our institutional structures are holdovers from the Cold War era while our thinking remains stuck in the 1990s’ free-market, globalist-based Washington Consensus. It is time for a new way of thinking about national security, economic competitiveness, and advanced technology, coupled with new institutions that can effectively develop and implement a national industrial strategy in conjunction with our allies. As such, as Congress considers further stimulus in response to the COVID-19 crisis, it should focus on actions that will not only spur short-term growth and recovery, but also ensure long-term competitive and economic resilience

. It is time for the U.S. government to put in place a proactive and targeted national industrial strategy, focused on supporting key industries critical to America’s economic and national security. This report provides the “why, what, and how” of a national industrial strategy—explaining why advanced industrial competitiveness is important, particularly vis-à-vis China; what is the nature of the U.S. advanced industry competitiveness challenge and why markets acting alone are not enough to address the challenge; what a strategy should look like, both institutionally and substantively, and how policymakers should approach developing one; and finally, why common objections to such a strategy are misguided. While trade and foreign policy responses need to play a key role in any overarching strategy to address the China challenge, this report focuses only on proactive, domestic measures the United States can take to have a better chance of retaining, expanding, and making advanced technology industries more resilient in the face of Chinese competition.1 These recommendations include:

* Congress should task the administration with creating a national advanced industry strategy, as Sens. Chris Coons (D-DE), Jeff Merkley (D-OR), Marco Rubio (R-FL), and Todd Young (R-IN) have proposed.
* Congress should establish a unit within the National Institute of Standards and Technology (NIST) to monitor and analyze U.S. domestic production capabilities in advanced industry sectors and their supply chains.
* Congress should significantly expand funding for research related to key technologies, including, among others, artificial intelligence, biopharmaceuticals, robotic and autonomous systems, and semiconductors, and target it to maximize commercialization of these technologies in the United States.
* Congress should establish a Competitiveness Tax Credit, providing a tax credit of 45 percent of all business investments made in the United States in R&D, skills training, and global standards setting, and a 25 percent credit for expenditures on new equipment and software, with expenditures in excess of 75 percent of base-period expenditures qualifying for the credit.
* Congress should support the establishment of an industrial investment bank to drive advanced production scale-up in America, as well as a reshoring incentive fund to encourage relocation from China to the United States
* of production in critical industries.
* These efforts should be coordinated with our allies, and as such, the federal government should work to establish a joint U.S.-EU-Japan Technology Alliance.

WHY ADVANCED INDUSTRY COMPETITIVENESS IS IMPORTANT The competitiveness of advanced, traded-sector establishments is a key component of healthy economies, and why dozens of nations have implemented strategies to bolster advanced industry competitiveness. There are at least five reasons why policymakers should focus on these sectors. First, advanced traded sectors are critical to America’s trade performance, accounting for 60 percent of U.S. exports.2 More competitive sectors mean a lower trade deficit and a higher value of the dollar relative to other currencies. The former is important because a lower trade deficit means less foreign debt owed by future generations. The latter matters because a stronger dollar means cheaper imports and a higher living standard now. Given the debate over the role of the value of the dollar in competitiveness, it is important to understand that the goal is not a weak dollar; the goal is globally competitive robust advanced traded sectors. If these sectors are competitive, and if the value of the dollar is determined by market forces rather than by foreign government policy, the dollar’s value will be high because sectors are competitive and the U.S. is exporting as much as—or more—than it imports. As such, U.S. currency policy should be focused not on keeping the dollar high or low, but rather on letting the price reflect market conditions (including by fighting foreign currency manipulation). However, U.S. economic policy should work to ensure these market conditions include having the most globally competitive advanced industries. Second, advanced traded sectors are a key source of high-wage jobs, including for non-college-educated workers. Workers in advanced industries earn 80 percent more than average, while workers without college degrees earn 57 percent more in high-tech industries.3 Third, a strong advanced technology sector is a source of growth and vitality for the macroeconomy. For example, 35 percent of U.S. economic growth came from 75 intellectual property (IP)-intensive industries.4 In this sense, having healthy and growing advanced technology traded sectors is akin to the Fed cutting interest rates: They provide a stimulus for continued growth. When advanced industries decline, they generate a headwind for economic growth, in part because spending by their workers and non-traded-sector suppliers falls. Fourth, these sectors give nations needed flexibility and resilience in the face of global challenges. Strength in a broad array of advanced technology sectors makes it easier to respond to external threats to supply chains, either from natural disasters like pandemics, or from actions by other nations to intentionally harm or exert leverage over the United States. Finally, advanced traded sectors and many of the technologies associated with them are critical to America’s ability to field a robust military force, particularly as China’s technological capabilities and efforts at “civil-military fusion” advance.5 As a recent Department of Defense (DOD) report on the defense industrial base stated, “To provide for our national security, America’s manufacturing and defense industrial base must be secure, robust, resilient, and ready.”6 And while much of the U.S. defense capability could once be provided principally by defense contractors, today, advancements in technology require “spin on” from the commercial sector. This is why Mike Griffin, undersecretary of defense for research and engineering, wrote, “Superiority in these [commercial] technologies…is the key to deterring or winning future conflicts.”7 And with the loss of advanced manufacturing capabilities to overseas locations over the last two decades, this makes it harder not just to produce needed technologies, but even to develop them. As Bonvillian, Van Atta, and Windham wrote in a report on the Defense Advanced Research Projects Agency (DARPA), “For the DARPA model agencies to be cut off from these innovation system capabilities, and unable to rely on a strong U.S. manufacturing base for rapid prototyping and innovative production, spells a major potential challenge to their ability to develop and implement hard technologies.”8 This is one reason DOD launched its Defense Innovation Unit to work with the private sector, and is supporting 8 of the 14 Manufacturing USA institutes.9 As such, the ability to defend the nation’s interests comes not only from traditional defense firms in sectors such as aerospace, shipbuilding, and munitions, it also comes from firms in dual-use sectors such as software, materials, machine tools, industrial automation systems, semiconductors, and technology hardware. Moreover, even other sectors, such as consumer electronics and autos, while not directly defense related, contribute to the overall technical capabilities and production resilience of the U.S. economy, in part by supporting science, technology, engineering, and mathematics (STEM) workers and technologically sophisticated suppliers.

## Advantage 1

### 1NC---!D---Iran Prolif

#### Fintech does not make bitcoin anonymous. It’s not anonymous, and their evidence just says it allows Iran to bypass regulations, not hide transactions.

#### Or, Iran will switch to an alternative crypto that’s truly anonymous post aff.

#### Iran can’t and won’t prolif.

Ditz 20, news editor at Antiwar.com, a nonprofit organization dedicated to the cause of non-interventionism. (Jason C., 9-9-2020, "Iran’s Uranium Stockpile Is Not a Nuclear Proliferation Risk", *American Conservative*, https://www.theamericanconservative.com/articles/irans-uranium-stockpile-is-not-a-nuclear-proliferation-risk/)

On top of that, Iran has never attempted to take such uranium to make a weapon, which is also non-trivial. Figuring out the exact process of turning uranium into an atomic bomb would take quite a bit of time, and converting that into a weapon small enough to deliver is a whole other challenge which would take a lot of time. And again, with the IAEA monitoring the centrifuges, Iran would be telling the whole world its intentions to even go down this path. They haven’t, and Iran has publicly, repeatedly vowed to never produce nuclear weapons.

More to the point, if Iran could snap its fingers and convert the whole stockpile, they would wind up with, optimistically, 80 kg of weapons-grade 90% uranium. How does this translate to a uranium-based arsenal?

Not great, it turns out. There are a lot of nuclear weapons designs, but let’s use America’s Little Boy design from WW2 as a model, because it is halfway well-documented, and a good example of a first-generation weapon. This contained 64 kg of weapons-grade uranium.

If Iran somehow went through all of this process, which again would take years, not three and a half months, the next step would be a successful detonation in a test to prove they’d entered the nuclear club. And beyond starting a huge war, a detonation of this type of bomb would cost them 64 kg of weapons-grade uranium, meaning they wouldn’t have enough to make a second bomb to do anything with.

While it would be conceivably possible to make smaller bombs to get more than one out of the stockpile, that is a far more complicated design problem and makes this whole process take even longer.

In conclusion, Iran has no easy path to a nuclear weapon, even if they tried to make one, which they aren’t doing anyhow. The stockpile’s size is irrelevant to making weapons, because it is far too low-enriched, and meant for energy production.

### 1NC---!D---Israel-Iran War

#### No Israel-Iran war.

Waqar 18, Lecturer, Department of Politics and International Relations, University of Westminster. (Annie, 5-22-2018, "Iran and Israel don't want to fight a war – can they avoid one?", *Conversation*, https://theconversation.com/iran-and-israel-dont-want-to-fight-a-war-can-they-avoid-one-96437)

For a moment, it looked like two of the Middle East’s major political and military players to the verge of a full-scale military conflict. An Israeli-Iranian war could throw the Middle East into one of its most destructive clashes in modern history, one that could polarise the world’s powers, dragging in the US, a reliable ally of Israel, and Russia, Syria’s strongest ally and hence Iran’s strategic ally. And yet, neither has so far chosen to escalate further. Why? For its part, Iran knows that its capacity to strike back is limited. But more than that, the two countries’ history and military development makes an explosive conflict unlikely. While Israel has openly clashed with its Arab neighbours before – notably Egypt, Jordan and Syria – it has never engaged in a direct military showdown with Iran. In fact, it’s easy to forget now that before Iran’s 1979 Islamic Revolution, Iran and Israel enjoyed a close relationship. They were the US’s two main Middle Eastern allies, and Iranian oil was delivered to Israel during the 1973 Arab-Israeli war. Things only changed when the Iranian Shah was ousted in 1979; after that, the revolution’s spiritual leader, Ayatollah Khomeini, proclaimed Israel a “foe of Islam” and cut off all ties with it. Analysis of the world, from experts But then came the Iran-Iraq War of 1980-88. This gruelling conflict had a huge impact on Iran’s military doctrine, and the experience of it underpins the country’s geopolitical and national security concerns to this day. The reality of war with Saddam Hussein’s Iraq compelled the Iranian government to prioritise a more defensive foreign policy; where it participates in other conflicts, it usually prefers to do so via proxies rather than by direct military action. As a result, to the extent Israel considers Iran a major existential threat today, it’s particularly worried about Iranian involvement in other Middle Eastern conflicts. It has more than once fought Iran’s ally Hezbollah in Lebanon, most recently in 2006. And while the protracted conflict in Yemen, for example, is in many ways a proxy war between Iran and Saudi Arabia, Iranian-backed forces could use Yemeni territory to strike Israeli targets. But even if a conflict erupted on one of these fronts, there’d be another calculation to factor in: the two countries’ very different military assets. Treading carefully The bulk of Iran’s arms stockpile is domestically developed and manufactured, its own-brand rockets and missiles tested in the field mostly by Hezbollah. But in recent years, Iran has also been procuring weapons and technical expertise from nations antagonistic toward the West: China, Russia, and possibly (in nuclear form) North Korea. Israel’s main strength is its exceptional military power. Its weapons systems include the Iron Dome and David’s Sling missile defence shields, extremely precise defence tools that can pulverise perhaps more than 90% of hostile missiles in mid-air. Israel also commands air power unrivalled in the Middle East; it recently took possession of the US-manufactured F-35 Joint Strike Fighter, which it is augmenting with its own technology. On top of all this, in 2016, the US agreed to increase its military aid to Israel to US$3.8 billion a year until 2028. And yet, Israel too is less than confident about the consequences of an conflict with Iran. However formidable its strategic and technological edge, it’s still unable to fully mend political and diplomatic fences with many of its Arab neighbours. It lives in hostile surroundings, constantly vulnerable to attack on almost all fronts. A major war with another heavily armed power is the last thing it needs. At arm’s length One advantage Iran does have is its array of proxies and non-state allies, which allow it to project hard power far closer to Israel than it would want to send regular forces. It has a valuable ally in Hamas, which controls Gaza; in Lebanon, Hezbollah could be prepared to assist if necessary. It could also exploit Sunni/Shia splits across the Middle East to secure the support of Shia volunteer armies. And since Saddam Hussein’s fall, Iran has been hugely influential in Iraq, which is struggling to establish a political order that can accommodate Shia, Kurds, and Sunnis. Yet even with all this influence at its disposal, Iran would clearly prefer not to end up escalating a military conflict with Israel. Aside from the military implications, to do so would squander what moral and diplomatic support it’s gathered since the US’s withdrawal from the nuclear deal. So for now, both sides are being cautious. Israel’s recent airstrikes targeted raid on military installations, not individuals – an acknowledgement that a heavy casualties might put Iran under pressure to retaliate. Meanwhile, Iran’s domestic debate on whether and how to respond is still rumbling, with progressives insisting the nuclear deal must be safeguarded while their hawkish countrymen would prefer a more confrontational stance. The government has yet to decide which road to take. But whatever happens in the immediate future, Israel and Iran remain bitter foes, both heavily armed and tied up in a mess of geopolitical interests. Were a war to break out between them, they would gravely damage each other, but neither is likely to rise as the ultimate victor. That both seem to be fully aware of this reality is perhaps the most important thing standing on the way of what could be a true catastrophe.

### \*\*\*1NC---!D---Saudi Prolif

#### It would get MBS ousted.

McDaniel 20, Master’s thesis. (Katelyn, “A Critical Analysis of the Theory of Cascading Nuclear Proliferation in the Middle East”, Department of Political Studies, University of Manitoba, pg. 82, https://mspace.lib.umanitoba.ca/bitstream/handle/1993/34946/McDaniel\_Katelyn.pdf?sequence=1)

Mohammed Bin Salman being instilled as crown prince over one of King Salman Bin Abdelaziz’s brothers was perceived as a move away from tradition, and has caused resentment and upset within the royal family. This has led some academics, including Stig Stenslie, to view Saudi Arabia under the leadership of the crown prince as the least stable it has been in its recent history, and susceptible to internal upheaval, or action from other members of the royal family to try to remove him from power.225 While nuclear policy is not typically a divisive issue among the royal family in Saudi Arabia, as they are more concerned with their own wealth and family politics, it is possible that it could be used by other members of the royal family as justification to replace him.226 Also, as Minister of Defence, Salman possesses a large concentration of power and has been criticized for his aggressive and impulsive decision-making such as the military intervention against the Houthis in Yemen. This change has academics such as Karim questioning “whether the departure of Saudi policy from a pragmatic to a more belligerent line is largely due to a change in Saudi royalty and its decision making model, or a change in the nature of the rising political and security challenges posed by Iran.

## Advantage 2

### 1NC---Turn

#### The plan artificially props up the smallest and least secure companies— turns cybersecurity

Tom Wheeler 19. Fellow in Governance Studies at The Brookings Institution, former Chairman of the FCC. 9/3/2019. “Why 5G requires new approaches to cybersecurity.” https://www.brookings.edu/research/why-5g-requires-new-approaches-to-cybersecurity/#cancel.

Proactive cyber investment today is the exception rather than the rule. For public companies, the Securities and Exchange Commission (SEC) and others are driving change from the corporate board-level on down through management. A favorite entrance point for cyberattacks, however, remains the smaller companies, many of which are outside of the scope of these efforts. Unfortunately, the SEC’s efforts [impact only the less than 10% of American companies that are publicly owned](https://www.privco.com/knowledge-bank/intro-to-private-companies/). At the very least, where companies have a role in critical infrastructure or provide a product or service that, if attacked, could imperil public safety, there must be the expectation that cybersecurity risks are being addressed proactively.[[2]](https://www.brookings.edu/research/why-5g-requires-new-approaches-to-cybersecurity/#footnote-2) Implementation of machine learning and artificial intelligence protection Cyberattacks on 5G will be software attacks; they must be countered with software protections. During a Brookings-convened discussion on 5G cybersecurity, one participant observed, “We’re fighting a software fight with people” whereas the attackers are machines. Such an approach was like “looking through soda straws at separate, discrete portions of the environment” at a time when a holistic approach and consistent visibility across the entire environment is needed. The speed and breadth of computer-driven cyberattacks requires the speed and breadth of computer-driven protections at all levels of the supply chain.

### 1NC---!D---Cyber

#### No cyber impact.

Lewis 20, PhD, a senior vice president and director of the Technology Policy Program at the Center for Strategic and International Studies in Washington, D.C. (James Andrew, 8-17-2020, "Dismissing Cyber Catastrophe", *CSIS*, https://www.csis.org/analysis/dismissing-cyber-catastrophe)

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack.

To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With ~~man-made~~ actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools—things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge.

It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted.

More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are:

Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals.

There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.)

No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare.

State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war.

This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation.

The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability.

One major failing of catastrophe scenarios is that they discount the robustness and resilience of modern economies. These economies present multiple targets and configurations; they are harder to damage through cyberattack than they look, given the growing (albeit incomplete) attention to cybersecurity; and experience shows that people compensate for damage and quickly repair or rebuild. This was one of the counterintuitive lessons of the Strategic Bombing Survey. Pre-war planning assumed that civilian morale and production would crumple under aerial bombardment. In fact, the opposite occurred. Resistance hardened and production was restored.1

This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often?

## Advantage 3

### 1NC---Turn

#### Cracking down on big tech signals a new era of over-enforcement, which halts innovation.

Mitchell 21, JD, former Research Associate at the Mercatus Center at George Mason University. (Trace, 3-3-2021, "Weaponizing Antitrust to Attack Big Tech Is a Bad Idea", *Morning Consult*, <https://morningconsult.com/opinions/weaponizing-antitrust-to-attack-big-tech-is-a-bad-idea/>)

From the House Judiciary report calling for dramatic antitrust reform to federal antitrust regulators and state attorneys general initiating lawsuits against Facebook and Google, government officials are once again calling for more aggressive antitrust enforcement to go after America’s tech businesses. And while critics from all sides are reaching for any and all tools to go after “Big Tech,” weaponizing antitrust will only end up harming American consumers and the American economy at a time when we’re still trying to keep our heads above water. Using antitrust to go after American tech won’t stop at Silicon Valley. Every sector of our economy will be at risk of politically motivated antitrust enforcement. And that won’t just hurt consumers searching for information on Google or shopping for products on Amazon — America’s economy could lose its global competitiveness amid a global pandemic. In fact, the recent cases against Google from the Department of Justice and state attorneys general are a great example of just how this misuse of antitrust could harm Americans across the country and halt innovation in its tracks. These suits conveniently forget how consumers benefit from Google’s suite of products in attempts to claim that Google unfairly monopolized the search and search advertising markets. Even worse, by claiming consumer harm, the government fails to truly grasp what consumers actually want. You see, under the consumer welfare standard, antitrust enforcement is built to focus on what consumers want and whether consumers benefit. When the government argues Google is harming Americans because its products are preinstalled and even the default search engine on Apple, the government forgets that American consumers don’t think this is a problem. The vast majority of search users prefer Google to its competitors. And through preinstallation, we get free-to-use products, quick searches and near-limitless information in an integrated system with the click of a mouse. It isn’t a problem; it’s a time saver. Further, because Google can reinvest in developing more user-friendly tech in a preinstalled ecosystem, we get interoperable apps that make our experience that much more convenient and intuitive. And even if consumers do want a different app, they can fix this problem with no heavy leg work or travel — just the swipe of a finger. But if the government gets its way, the message could be disastrous for innovation: Even if your business benefits Americans and improves the user experience, the government can still put a target on your back. Not to mention, the government would be more likely to put a target on your back if you’re large and politically disfavored. Consumers across the internet and the American economy would be hurt and left without more accessible and more affordable technology as options. We should be working to reward, not punish, innovation. Otherwise, the next Google may just decide it isn’t worth the time and effort. Similarly, the Federal Trade Commission’s recent case against Facebook also puts the wants of policymakers above the actual interests of consumers. Here, the government claims that Facebook harms consumers by acquiring and then integrating services like Instagram and WhatsApp. So harmful, the Federal Trade Commission says, that Facebook must divest from these services, even if that would harm American consumers, innovation and entrepreneurship for decades to come. But this is not a case of consumer harm or bad behavior — Facebook’s acquisition of Instagram and WhatsApp helped ensure that consumers’ desires were prioritized. Through millions of investment dollars into research and development, Facebook turned good services into great services that consumers actively keep coming back to. Through relentless product improvement, WhatsApp became a free-to-use platform and Instagram became one of the most successful photo-sharing social media apps in the world. In both cases, consumers benefited from convenient and state-of-the-art advancements. No longer do we have to pay to use messaging or search through multiple results to shop our influencer feed. As it stands, the Federal Trade Commission case could splinter one successful tech company into multiple, less efficient organizations, setting a precedent that could affect every American industry. Consumers would not only lose Facebook’s free-to-use services but also potentially the next big clothing brand or the next hit microbrewed beer. By impeding mergers, the sheer fear of potential antitrust enforcement would shutter the doors on small businesses from all sectors of the economy. So much investment in innovation is built on the possibility of being acquired by a larger player. Entrepreneurs and innovators from manufacturing, automotive and tech alike would be left with an unfortunate takeaway — succeed and benefit consumers, but not too much. And with an economy still struggling to recover, the absolute last thing we need is to leave consumers without innovative and affordable choices, small businesses without key investment opportunities and our economy without a competitive edge globally. But by weaponizing antitrust, we’ll get neither thoughtful intervention nor consumer benefits. Instead, the United States will lose ground to foreign competitors and American consumers will ultimately pay the price.

### 1NC---!D---China War

#### They don’t solve big tech closing off access to data, which Wheeler says prevents innovation.

#### **No US-China war.**

Lei 20, PhD and MA in International Politics, associate research fellow with the China Institute of International Studies. (Cui, 7-24-2020, "Despite heated talk, risk of a US-China hot war is small", *South China Morning Post*, https://www.scmp.com/comment/opinion/article/3094121/why-risk-us-china-hot-war-small-despite-heated-talk)

Many observers are pessimistic about deteriorating US-China relations and believe the two countries are heading towards a cold war. Even worse, some argue that the situation might be more dangerous than the US-Soviet Union Cold War, and that a hot war might break out between the two. This argument is unconvincing. First of all, deterrents to a flare-up are much stronger in US-China relations than in US-Soviet relations. Although economic and people-to-people ties between China and the US are declining, they are still close compared to US-Soviet ties. It is hard to decouple two closely intertwined economies and societies. Take two examples. China is expected to become the world's largest consumer market, a temptation hard to resist for exporters, including those from the US. And in education, more than 300,000 Chinese students study in the US, bringing in huge revenues for the US education industry. Many universities go to great lengths to woo international students. Recently Harvard and the Massachusetts Institute of Technology even sued the government over its new visa restrictions, now aborted, on international students. Second, even if there is decoupling, the pain would not be too great and can be kept out of the national security sphere if properly handled. In fact, for national security reasons, a modest degree of isolation will make both sides more secure and comfortable. For instance, if China’s information technology equipment cannot capture Western markets, the US will be more relaxed. If China cannot get advanced technologies from the US and its technological progress slows down, the US will be less anxious. In the same vein, China feels assured knowing that if the Trump administration does impose a travel ban on Communist Party members, it would be abandoning one of the tools available to the US to promote “peaceful evolution” in China. Economic decoupling is undeniably more painful for China than for the US. But unlike Japan during WWII, which was hit hard by the US oil embargo because of its lack of natural resources, China has no such problems. Given its large domestic market, losing the US as a major customer is not a disaster for China, and can be compensated through more dynamic economic activities at home. China can also make up for being freezed out of technological exchanges by turning to indigenous innovation. As for the US, it can import goods from other developing countries, albeit less cheaply. The relative loss is acceptable when weighed against the heightened perception of economic independence and security. Third, the ideological confrontation between China and the US is less intense than that during the Cold War. Unlike the obsession with ideology in those days, the line between capitalism and socialism is blurred today. The market economy has become universally recognised as the best way to promote economic growth and, politically, many countries have embraced democracy. Even North Korea calls itself the Democratic People’s Republic of Korea. Although ideological hawks in the US still long for the day when the beacon of freedom will light up the world, after many years of fighting bloody wars overseas, most American people are not interested in promoting democracy abroad. Meanwhile, China just wants to preserve its political system and has no interest in exporting it to other countries, as the Soviet Union did. Thus, ideological antagonism in China-US relations can easily be eased by calculations of realistic interests, which create conditions for compromise and cooperation. Fourth, both China and the US have many options other than war to achieve their policy goals. While they have no allies to serve as a buffer, given the nature of the potential conflict in the South China Sea or Taiwan Strait, both countries are adept at operating in grey zones and fighting psychological, public opinion or diplomatic warfare below the threshold of war. The forced closure of the Chinese consulate in Houston by the US government is just the latest act of brinkmanship. In addition, given China’s huge economic and financial interests in the US, the latter can wield the stick of sanctions when use of force is highly risky or not worth it. When both sides have many tools and options, why would they rush to war to achieve their goals? Last but not least, the imbalance of power will act as a deterrent. Some say the US and Soviet Union did not fight a hot war because they were evenly matched. It was not the case, actually. At the beginning of the Cold War, the Soviet Union was at a relative military disadvantage. Moreover, a country needs the will to fight before going to war, even if it is stronger militarily than its adversary. Having fought years of meaningless wars, the US is weary of war. China, too, abhors war. Having a clear understanding of US strength, especially when its own economy is slowing down and it is facing various domestic challenges, China would not wish to recklessly start a war with the US. In summary, the possibility of a hot war between China and the US is very small. The greatest danger for China is not a cold or hot confrontation with the US, but policymakers’ interpretation of the momentary hostility towards Beijing of a portion of the American population and the larger world. An erroneous interpretation could end China’s march to further opening up, and see it turn instead towards self-isolation.

# 2NC

## T EXPAND SCOPE

#### Court exemptions aren’t Congressional.

Roberts 99, former professor of law (Gary, “A BRIEF APPRAISAL OF THE CURT FLOOD ACT OF 1998 FROM THE MINOR LEAGUE PERSPECTIVE,” Marquette Sports Law Journal)

Ever since 1953 when in Toolson v. New York Yankees2 the Supreme Court reaffirmed Justice Holmes' 1922 Federal BasebalP decision that first recognized that baseball was neither commerce nor interstate, it has seemed like a biannual ritual for at least one congressman or senator to propose a bill that would either wholly or partially bring the business of professional baseball within the scope of the Sherman and Clayton Antitrust Acts. Such efforts seemed to increase in both number and rhetorical levels after Justice Blackmun's famous 1972 opinion for a 7-2 majority in Flood v. Kuhn4 that once again held that the business of baseball was not covered by the antitrust laws. However, even though some congressmen and senators were able occasionally to convene committee hearings on the merits of repealing what has come to be known as the "baseball exemption"5 (which I have always believed was more properly called an antitrust "exclusion"

**Start fn 6**

My view is that an exemption is an express provision or an inherent implication in a statute that carves out something for special treatment from an otherwise law of general application. Baseball's antitrust immunity, on the other hand, was the result of the courts interpreting the language of the Sherman Act as not covering the activity of staging professional baseball games. Thus baseball is not "exempt" from the antitrust laws, but rather is simply not covered (i.e., is "excluded") by the law as written in the first place.

**End fn 6**

), proposed legislation to do so never made it out of committee or was thought by most to have any serious chance of passage-that is until a bitter strike by players resulted in canceling the 1994 World Series.

#### It’s key to DA uniqueness. The rest of antitrust is quickly evolving, but statutory exemptions aren’t.

McGinnis 14, JD @ U-M, 2014 (Anne, “Ridding the Law of Outdated Statutory Exemptions to Antitrust Law: A Proposal for Reform,” *University of Michigan Journal of Law Reform*, 47.2)

Most of the statutory exemptions enacted over the last one hundred years are still in place today, despite widespread changes in economic theory, market structures, and antitrust law in general. When initially enacted, many statutory exemptions were seen as special-interest legislation harmful to competition, competitors, and society. While others were beneficial when first put into law, even many of those have grown irrelevant over time. Some have even become as harmful as those enacted with the intent of benefitting special interests.

#### 2---topic context goes neg.

Waller 20, John Paul Stevens Chair in Competition Law, Professor, and Director of Institute for Consumer Antitrust Studies at the Loyola University Chicago School of Law, and Jacob E. Morse, J.D. Candidate at the Loyola University Chicago School of Law (Spencer Weber, The Omega Man or the Isolation of U.S. Antitrust Law, Connecticut Law Review, 52.1)

The United States defines the antitrust laws as the substantive provisions of the Sherman, Clayton, and Federal Trade Commission acts along with a small number of subsidiary statutes. This limits the scope of antitrust law to agreements between competitors, monopolization law, and the review of potentially harmful mergers and acquisitions. In contrast, the EU and other jurisdictions have led the world to a broader understanding of the meaning and reach of competition law that is only partially understood or appreciated in the United States.245 This Section explores that broader vision of competition including market studies and investigations; prohibitions against public anticompetitive conduct; state aids; and the use of public interest factors normally not part of the U.S. vision of the antitrust enterprise

### 2NC---AT Overlimiting

#### Caselist: there are three dozen topical plans including core laws AND other statutes.

ABA 15 (American Bar Association, Handbook on the Scope of Antitrust Law, ABA Section of Antitrust Law, Chicago: ABA)

Next, the language of the federal antitrust laws imposes several scope limits. Each of the major antitrust statutes applies only to "trade or commerce,"39 and that phrase has been held to exclude gratuitous or charitable conduct and other conduct not involving the exchange of goods or services for consideration.40 The Sherman Act likewise applies only to "persons," and while that term is construed broadly under the Sherman Act, it has some exceptions, notably for the federal government and its instrumentalities.41 Stricter limits appear in the Clayton, Robinson-Patman, and Federal Trade Commission Acts (FTC Act), and these limits are quite complex. The Robinson-Patman Act and two of the Clayton Act's substantive provisions, the limit on tying and exclusive dealing arrangements in section 3 and the limit on interlockin§ directorates in section 8, apply only to persons "engaged in comrnerce.”4 The Federal Trade Commission Act is subject to a few special peculiar Scope limits of its own.

Finally, in several distinct ways the language of other federal statutes can limit the scope of the federal antitrust laws. First, approximately three dozen statutes explicitly limit antitrust as it would otherwise apply in particular contexts. Statutory exemptions tend to concern either ( 1) industries that are already regulated by some agency, like insurers excepted by the McCarran-Ferguson Act, by virtue of their being regulated by state insurance commissioners,44 or ocean shipping firms regulated by the Federal Maritime Com.mission,45 or (2) specific kinds of conduct that Congress has chosen from time to time to favor with special freedom to collaborate, like technological research and development, 46 the graduate medical resident program,47 or production joint ventures among competing newspapers.48

### 2NC---xt: Interpretation

#### If it’s not in the statute, it’s not the scope.

Dernbach 21, Professor of Law at Widener's Harrisburg campus, teaching administrative law, environmental law, property, international law, international environmental law, sustainability and the law, and climate change (John, A Practical Guide to Legal Writing and Legal Method”, In “Chapter 5: Reading and Understanding Statutes, p. 61)

Understanding the scope of a statute is the second step. A statute’s “scope” defines the persons to whom and the circumstances to which the statute applies. Some statutes, such as criminal statutes, apply to almost everyone with only minor exceptions (e.g., young children). Other statutes, however, apply only to certain classes of people, and/or only when certain factual circumstances exist. If the person or organization that you represent is not subject to the statute’s requirements, then the statute is not applicable to your client. Similarly, if your client’s conduct or desired course of action is not addressed in the statute, the statute is not applicable. Thus, efficient research and effective representation depend on a lawyer’s ability to determine whether and when a given statute applies to a client’s situation.

#### In the context of antitrust, exemptions are exclusively determined by the legislature

Krattenmaker 4, US Federal Trade Commissioner, (Antitrust Enforcement in Regulated Sectors Working Group , International Competition Network, <https://centrocedec.files.wordpress.com/2015/07/limits-and-constraints-intervening-in-regulated-sectors-2004.pdf>)

A. Congress’s will prevails. – The national antitrust laws and the national regulatory statutes are creatures of Congress. They mean whatever Congress wants them to mean and conflicts between them must be ironed out according to the will of Congress, as best as that intent can be ascertained. So, if Congress has spoken clearly to the issue, its resolution governs. For example, in United States v. Philadelphia National Bank, 374 U.S. 321 (1963), the Supreme Court was confronted with an antitrust challenge to a bank merger. The banks argued that a recent statute, the Bank Merger Act of 1960 repealed by implication the application of antitrust law to block bank mergers. The Court found that Congress had not intended such a result. But what if Congress has not clearly spoken? Then other principles come into play. B. Full compliance is the norm. – Generally speaking, one must comply with both the dictates of the antitrust laws and the requirements of the regulatory regime. Thus, for example, mergers between telecommunications firms are subject to review under both federal antitrust law and the provisions of the Federal Communications Act. Telecommunications firms, then, may not merge unless they have cleared both antitrust and Federal Communications Commission review. Permission from one does not entail permission from the other. Denial by one is therefore sufficient, but legally does not constitute denial by the other. Of course, if there is a clear conflict – so that one federal statute commands an act that another one forbids and that conflict cannot be resolved by statutory interpretation – then the later expression of Congressional will governs. (See, for example, the case of Gordon v. New York Stock Exchange, discussed below, in which fear of conflict led the Court to imply an antitrust immunity.) Exemptions from the antitrust laws are not lightly inferred. – Sometimes, compliance with antitrust may be possible, but difficult or arguably not consistent with the policies underlying the regulatory scheme. Firms may argue that the regulatory scheme should be understood to act as granting an implied exemption from antitrust. Federal courts rarely accept this argument. The general rule is that, to obtain an exemption from antitrust, one must get it directly and explicitly from the legislature, not from courts. The Philadelphia National Bank case, discussed above, is an example of the Court’s general refusal to find antitrust exemptions without express direction from Congress. Similarly, in an important case establishing the per se rule against price fixing, United States v. Socony-Vacuum Oil Co., Inc., 310 U.S. 150 (1940), the Court gave short shrift to the defendants’ claim that their conduct was “consistent with the general objectives and ends sought to be obtained under the National Industrial Recovery Act,” which was in place when the conduct began. This was because the conduct, illegal under the antitrust laws, “lack[ed] Congressional sanction.” Even though the Federal Energy Regulatory Commission has extensive powers over interconnection and interconnection prices, the Court refused to imply an antitrust immunity in a challenge to a refusal to interconnect and provide electricity in Otter Tail Power Co. v. United States, 410 U.S. 366 (1973). On very rare occasions, the Supreme Court will find an implied immunity. In Gordon v. New York Stock Exchange, 422 U.S. 659 (1975) the plaintiffs challenged agreements by which New York Stock Exchange brokers fixed commission charges. These agreements were allowed under New York Stock Exchange rules, but the U.S. Securities and Exchange Commission had statutory authority to alter the rules and in fact exercised supervisory authority over them. On these facts, the Court found an immunity necessary to prevent conflicts between instructions from the Commission and from antitrust courts to the Exchange.44

#### The law is what’s in the law. Not interpretations of it.

Hatter 90, Judge, US District Court, California Central (Terry J., “In re Eastport Assoc.,” 114 B.R. 686, Lexis)

[\*\*10] Second, Eastport asserts that the presumption against retroactivity does not apply because the amendment was intended only as a clarification of existing law. HN7 Where an amendment to a statute is remedial in nature and merely serves to clarify existing law, no question of retroactivity is involved and the law will be applied to pending cases. City of Redlands v. Sorensen, 176 Cal. App. 3d 202, 211, 221 Cal. Rptr. 728, 732 (1985). The evidence in this case, however, does not support the conclusion that the amendment to section 66452.6(f) was simply a clarification of preexisting law. The Legislative Counsel's Digest specifically states that "the bill would expand the definition of development moratorium." Senate Bill 186, Stats. 1988, ch. 1330, at 3375 (emphasis added). Since the Legislative Counsel is a state official required by law to analyze pending legislation, it is reasonable to presume that the Legislature amended the statute with the intent and meaning expressed in the Counsel's digest. People v. Martinez, 194 Cal. App. 3d 15, 22, 239 Cal. Rptr. 272, 276 (1987). By its ordinary meaning, the term "expand" indicates a change in the law, rather than a restatement of existing [\*\*11] law. In light of the Counsel's comment, Eastport's argument is unpersuasive.

#### Change “in” the law must be a material modification of statute

Iowa Supreme Court 4 (CADY, Justice. Opinion in State v. Truesdell, 679 NW 2d 611 - Iowa: Supreme Court 2004. Google scholar caselaw, date accessed 9/13/21)

Generally, a material modification of the language of a statute gives rise to "a presumption that a change in the law was intended." Midwest Auto. III, LLC v. Iowa Dep't of Transp., 646 N.W.2d 417, 425 (Iowa 2002); see 1A Norman J. Singer, Statutes and Statutory Construction § 22.1, at 240-41 (6th ed.2002). The existence of this presumption is enhanced "when the amendment follows a contrary... judicial interpretation of an unambiguous statute." Midwest Auto. III, LLC, 646 N.W.2d at 425.

#### Exemptions are expressed in statutes

Roberts 99, former professor of law (Gary, “A BRIEF APPRAISAL OF THE CURT FLOOD ACT OF 1998 FROM THE MINOR LEAGUE PERSPECTIVE,” Marquette Sports Law Journal)

Ever since 1953 when in Toolson v. New York Yankees2 the Supreme Court reaffirmed Justice Holmes' 1922 Federal BasebalP decision that first recognized that baseball was neither commerce nor interstate, it has seemed like a biannual ritual for at least one congressman or senator to propose a bill that would either wholly or partially bring the business of professional baseball within the scope of the Sherman and Clayton Antitrust Acts. Such efforts seemed to increase in both number and rhetorical levels after Justice Blackmun's famous 1972 opinion for a 7-2 majority in Flood v. Kuhn4 that once again held that the business of baseball was not covered by the antitrust laws. However, even though some congressmen and senators were able occasionally to convene committee hearings on the merits of repealing what has come to be known as the "baseball exemption"5 (which I have always believed was more properly called an antitrust "exclusion"

Start fn 6

My view is that an exemption is an express provision or an inherent implication in a statute that carves out something for special treatment from an otherwise law of general application. Baseball's antitrust immunity, on the other hand, was the result of the courts interpreting the language of the Sherman Act as not covering the activity of staging professional baseball games. Thus baseball is not "exempt" from the antitrust laws, but rather is simply not covered (i.e., is "excluded") by the law as written in the first place.

End fn 6

), proposed legislation to do so never made it out of committee or was thought by most to have any serious chance of passage-that is until a bitter strike by players resulted in canceling the 1994 World Series.

#### The scope of antitrust law is defined by the core and subsidiary statutes

Waller 20, John Paul Stevens Chair in Competition Law, Professor, and Director of Institute for Consumer Antitrust Studies at the Loyola University Chicago School of Law, and Jacob E. Morse, J.D. Candidate at the Loyola University Chicago School of Law (Spencer Weber, The Omega Man or the Isolation of U.S. Antitrust Law, Connecticut Law Review, 52.1)

The United States defines the antitrust laws as the substantive provisions of the Sherman, Clayton, and Federal Trade Commission acts along with a small number of subsidiary statutes. This limits the scope of antitrust law to agreements between competitors, monopolization law, and the review of potentially harmful mergers and acquisitions. In contrast, the EU and other jurisdictions have led the world to a broader understanding of the meaning and reach of competition law that is only partially understood or appreciated in the United States.245 This Section explores that broader vision of competition including market studies and investigations; prohibitions against public anticompetitive conduct; state aids; and the use of public interest factors normally not part of the U.S. vision of the antitrust enterprise

## Reg CP

### 2NC---Kick

## CP---Kroenig

### 2NC---S---Plank 2

#### The counterplan’s industrial strategy is the only hope for tech supremacy

Atkinson 20, founder and president of ITIF. Atkinson’s books include: Big Is Beautiful: Debunking the Myth of Small Business (MIT, 2018), Innovation Economics: The Race for Global Advantage (Yale, 2012), and The Past and Future of America’s Economy: Long Waves of Innovation That Power Cycles of Growth (Edward Elgar, 2005). Atkinson holds a Ph.D. in city and regional planning from the University of North Carolina, Chapel Hill, and a master’s degree in urban and regional planning from the University of Oregon. (Robert, “The Case for a National Industrial Strategy to Counter China’s Technological Rise,” *ITIF*, <https://itif.org/publications/2020/04/13/case-national-industrial-strategy-counter-chinas-technological-rise>)

The United States continues to have strengths in technology-based traded sectors, but much of those strengths stem from legacy conditions that no longer exist or are weakened; including the world’s largest market, significant amounts of federal support as a lead customer (e.g. DOD) and funder of R&D, and a top attraction for the world’s best talent. Moreover, while the United States engaged in cold war conflict with the Soviet Union, the latter was never an economic adversary, in large part because of inept economic policies and stifling economic organization. The same cannot be said of China, which is an adversary on both the national security and economic competitiveness fronts. The only hope for ensuring the United States continues to lead in advanced technology industries is for Congress and the administration to embrace, develop, and effectively implement a robust industrial strategy that focuses on technologically advanced traded-sector industries. With the efforts of the Trump administration in the last several years to press China to play more by the rules of the global trading system, some argue the United States does not need an industrial strategy. Rather, it would suffice to pressure China to roll back its innovation mercantilist practices, or, in the absence of that to try to kill its firms with export controls (which is unlikely to work) or erect a high tariff wall. But as much as the United States should work—especially in concert with our allies—to press China on its innovation mercantilist practices, a realistic assessment suggests pessimism is warranted.69 Moreover, even if real progress were forthcoming, China would still continue to progress its advanced technology capabilities, challenging U.S. leadership. As such, the only hope for ensuring the United States continues to lead in advanced technology industries is for Congress and the administration to embrace, develop, and effectively implement a robust industrial strategy that focuses on technologically advanced traded-sector industries. The alternative would be a steady erosion of the country’s competitive position—akin to the path the United Kingdom took in the 1960s and 1970s—and an emboldening of populist forces who claim protectionism and anti-corporate policies are the only way to preserve key economic capabilities.

### L---Big Tech

#### Antitrust collapses the only firms willing to work with the DoD, cedes market share to China, and enables espionage

Bateman 19, Senior Fellow, Carnegie Endowment for International Peace. (Jon, 10-22-2019, “The Antitrust Threat to National Security”, *Wall Street Journal*, <https://www.wsj.com/articles/the-antitrust-threat-to-national-security-11571784197>

But there are dangers in restructuring any U.S. industry. One of the most serious remains largely unrecognized: national-security risk. Despite their faults, tech companies contribute directly to American military and intelligence operations. Their titanic scale can itself be an asset. Any responsible antitrust debate must address the national security risks of breaking up Big Tech—and the parallel risks of keeping these companies intact.

Consider cloud computing. The Defense Department is planning a massive global cloud called JEDI. Unlike corporate clouds, the “war cloud” must support life-or-death missions on austere battlefields despite virtual or physical onslaughts. The Pentagon found only two eligible bidders: Amazon and [Microsoft](https://quotes.wsj.com/MSFT). Three defense secretaries, a federal judge and the Government Accountability Office have upheld this bidding process.

It is no coincidence the two eligible bidders have a combined market value of $1.9 trillion. Vast resources were needed to fund global networks of hardened data centers linked by undersea cables. The U.S. military’s unique demands required companies of unique scale. Yet one JEDI bidder faces a concerted breakup campaign (Amazon), and the other was nearly dissolved in 2001 (Microsoft).

Scale also matters in intelligence collection. The Foreign Intelligence Surveillance Act compels U.S. companies to hand over data on suspected foreign agents. U.S. intelligence analysts increasingly rely on FISA to monitor terrorist communications or warn of cyberattacks. Tech giants have particular FISA value because their sheer popularity attracts users from around the world, including hostile actors. The largest tech companies provide some of the fastest-growing intelligence streams.

Splitting up Big Tech would reduce its intelligence value. First, smaller companies would lose global market share to foreign rivals such as Alibaba or Baidu, which can ignore FISA. Small U.S. sites can’t leverage the “network effect,” a gravitational force that helps large sites stay dominant. Intelligence collected from small sites would also be less useful. They see only narrow slices of online activity, whereas tech giants track users across sprawling internet ecosystems. Dismantling these ecosystems would put greater burden on intelligence agencies to “connect the dots” of potential threats.

#### Cracking down on Big Tech splinters America’s top innovators and dampens innovation across all sectors

Mitchell 21, JD, former Research Associate at the Mercatus Center at George Mason University. (Trace, 3-3-2021, "Weaponizing Antitrust to Attack Big Tech Is a Bad Idea", *Morning Consult*, <https://morningconsult.com/opinions/weaponizing-antitrust-to-attack-big-tech-is-a-bad-idea/>)

From the House Judiciary report calling for dramatic antitrust reform to federal antitrust regulators and state attorneys general initiating lawsuits against Facebook and Google, government officials are once again calling for more aggressive antitrust enforcement to go after America’s tech businesses. And while critics from all sides are reaching for any and all tools to go after “Big Tech,” weaponizing antitrust will only end up harming American consumers and the American economy at a time when we’re still trying to keep our heads above water. Using antitrust to go after American tech won’t stop at Silicon Valley. Every sector of our economy will be at risk of politically motivated antitrust enforcement. And that won’t just hurt consumers searching for information on Google or shopping for products on Amazon — America’s economy could lose its global competitiveness amid a global pandemic. In fact, the recent cases against Google from the Department of Justice and state attorneys general are a great example of just how this misuse of antitrust could harm Americans across the country and halt innovation in its tracks. These suits conveniently forget how consumers benefit from Google’s suite of products in attempts to claim that Google unfairly monopolized the search and search advertising markets. Even worse, by claiming consumer harm, the government fails to truly grasp what consumers actually want. You see, under the consumer welfare standard, antitrust enforcement is built to focus on what consumers want and whether consumers benefit. When the government argues Google is harming Americans because its products are preinstalled and even the default search engine on Apple, the government forgets that American consumers don’t think this is a problem. The vast majority of search users prefer Google to its competitors. And through preinstallation, we get free-to-use products, quick searches and near-limitless information in an integrated system with the click of a mouse. It isn’t a problem; it’s a time saver. Further, because Google can reinvest in developing more user-friendly tech in a preinstalled ecosystem, we get interoperable apps that make our experience that much more convenient and intuitive. And even if consumers do want a different app, they can fix this problem with no heavy leg work or travel — just the swipe of a finger. But if the government gets its way, the message could be disastrous for innovation: Even if your business benefits Americans and improves the user experience, the government can still put a target on your back. Not to mention, the government would be more likely to put a target on your back if you’re large and politically disfavored. Consumers across the internet and the American economy would be hurt and left without more accessible and more affordable technology as options. We should be working to reward, not punish, innovation. Otherwise, the next Google may just decide it isn’t worth the time and effort. Similarly, the Federal Trade Commission’s recent case against Facebook also puts the wants of policymakers above the actual interests of consumers. Here, the government claims that Facebook harms consumers by acquiring and then integrating services like Instagram and WhatsApp. So harmful, the Federal Trade Commission says, that Facebook must divest from these services, even if that would harm American consumers, innovation and entrepreneurship for decades to come. But this is not a case of consumer harm or bad behavior — Facebook’s acquisition of Instagram and WhatsApp helped ensure that consumers’ desires were prioritized. Through millions of investment dollars into research and development, Facebook turned good services into great services that consumers actively keep coming back to. Through relentless product improvement, WhatsApp became a free-to-use platform and Instagram became one of the most successful photo-sharing social media apps in the world. In both cases, consumers benefited from convenient and state-of-the-art advancements. No longer do we have to pay to use messaging or search through multiple results to shop our influencer feed. As it stands, the Federal Trade Commission case could splinter one successful tech company into multiple, less efficient organizations, setting a precedent that could affect every American industry. Consumers would not only lose Facebook’s free-to-use services but also potentially the next big clothing brand or the next hit microbrewed beer. By impeding mergers, the sheer fear of potential antitrust enforcement would shutter the doors on small businesses from all sectors of the economy. So much investment in innovation is built on the possibility of being acquired by a larger player. Entrepreneurs and innovators from manufacturing, automotive and tech alike would be left with an unfortunate takeaway — succeed and benefit consumers, but not too much. And with an economy still struggling to recover, the absolute last thing we need is to leave consumers without innovative and affordable choices, small businesses without key investment opportunities and our economy without a competitive edge globally. But by weaponizing antitrust, we’ll get neither thoughtful intervention nor consumer benefits. Instead, the United States will lose ground to foreign competitors and American consumers will ultimately pay the price.

### AT Picking Winners Bad

#### The counterplan doesn’t pick winners, it picks winning fields---that’s distinct, and solves

Atkinson 20, founder and president of ITIF. Atkinson’s books include: Big Is Beautiful: Debunking the Myth of Small Business (MIT, 2018), Innovation Economics: The Race for Global Advantage (Yale, 2012), and The Past and Future of America’s Economy: Long Waves of Innovation That Power Cycles of Growth (Edward Elgar, 2005). Atkinson holds a Ph.D. in city and regional planning from the University of North Carolina, Chapel Hill, and a master’s degree in urban and regional planning from the University of Oregon. (Robert, “The Case for a National Industrial Strategy to Counter China’s Technological Rise,” *ITIF*, <https://itif.org/publications/2020/04/13/case-national-industrial-strategy-counter-chinas-technological-rise>)

Claim: Government can’t pick industries of the future. As Samuel Gregg of the free-market Acton Institute wrote, “No one knows what technological innovation or entrepreneurial insight will upend the present economic landscape in America—or any other country. Nor can such developments be anticipated by economic nationalist policies.”65 There are at least three things wrong with this view. First, federal investments over the past three-quarters of a century—particularly, but not exclusively, through DOD—have supported U.S. technology innovation in such sectors as aviation, space, nuclear power, computing, the Internet, farming technologies, and biotechnologies.66 Second, because for many—if not most—advanced industries and technologies the societal rate of return is greater than the private-sector return, leaving it only up to the private sector would mean economic underperformance. Third, it is simply not very hard to correctly identify the most important technologies of the future America must be a leader in, as a review of business consulting reports, think-tank reports, and government commissions yields a strongly overlapping list of technologies such as genomics, nano-technology, AI, energy storage, quantum computing, semiconductors, aerospace, robotics, and autonomous systems. To be sure, it is difficult for government to determine exactly what specific types of technology or firms will succeed, and this is why governments should make a large array of investments.

### AT Developing Counties Say No

#### Developing countries say yes---use of positive technological inducements achieves buy-in

Reardon 10, A.B. in History @ Columbia and M.S. in Biology at UIC (Robert, Nuclear Bargaining: Using Carrots and Sticks in Nuclear Counter-Proliferation, *Massachusetts Institute of Technology*, <https://dspace.mit.edu/handle/1721.1/62473>)

The purpose of this dissertation has been to shed light on how negative sanctions and positive inducements - the main elements of US counter-proliferation policy - can be used appropriately and effectively to convince states with nuclear weapons programs to reverse course and comply with the international nonproliferation regime. The central contention of this dissertation has been that positive inducements are typically a more effective tool of foreign policy than negative sanctions are, and can be a powerful instrument of statecraft in counter- proliferation. Also, the difference in the effectiveness between the two is more pronounced when dealing with adversaries than it is with allies. With allies, both sanctions and inducements can be effective, but inducements are more likely to secure long-term cooperation. With adversaries, negative sanctions are not only much less effective than inducements, but run the risk of triggering escalation. The commonly made argument that 'sticks' are most appropriate with rogue states pursuing nuclear weapons, while 'carrots' are ineffective and constitute 'appeasement,' is fundamentally flawed. In fact, 'carrots' should be at the top of the list of policy options in these cases.

A. Issue-Linkage Theory

The issue-linkage theory of negative sanctions and positive inducements presented in Chapter 3 is based on a number of fundamental assumptions about counter-proliferation diplomacy, and indeed any attempt to influence the behavior of another state:

• First, both sanctions and inducements are bargaining strategies, and the strategic bargaining metaphor is an appropriate way to conceptualize their use. States choose their policies according how they anticipate the other state will respond.

• Second, sanctions and inducements are best understood as forms of issue linkage, in which cooperation in one issue area is conditioned upon cooperation in another.

• Third, states' preferences are central to understanding the bargaining process and outcomes. The value both states assign to the nuclear issue, their willingness to use extortion, and the value they assign to specific threats and promises are all important.

• Fourth, states bargain under conditions of incomplete information. States must form beliefs about one another's preferences, and in turn form expectations about one another's reactions, in order to choose their own policies. These beliefs are built on the availability of intelligence, observations of past behavior, biases, and the nature of the relationship between the two states. States can more easily cooperate when they can accurately screen one another's preferences, and signal their own. States also have incomplete information about the gains that are possible from cooperation or defection. This is particularly the case with nuclear proliferation, as the consequences of developing nuclear weapons is both uncertain and carries substantial risk.

• Fifth, bargaining is sequential. The sequential nature of bargaining introduces distributional and reputational barriers to cooperation, as states are typically willing to incur significant costs to avoid a reputation as an easy target for extortion, or to avoid conferring a strategic advantage to an adversary that could be exploited for significant gain in the future. However, sequential bargaining, paradoxically, reduces incentives for bluffing, endows "cheap talk" diplomacy with real influence, and allows states to change one another's preferences and beliefs in ways that make cooperation more likely.

• Sixth, domestic politics is important. States' preferences are powerfully shaped by the external security context, but are ultimately determined by the particular preferences and beliefs of domestic actors, and the domestic political balance of power. Domestic political effects can be significant even when states are insecure if there is substantial uncertainty and there are divisions among influential elites over which policies are best. This is typically the case with nuclear proliferation. The security implications of nuclear weapons development are highly uncertain. The nuclear weapons issue is frequently contentious among elites, and is naturally linked to preferences regarding the state's economic and political orientation, the prestige of the regime, as well as nationalism. Both sanctions and inducements can be targeted in ways that successfully exploit these factors.

Building on these assumptions, I have presented an issue-linkage theory of nuclear counter-proliferation from which several general predictions about the effectiveness of positive inducements and negative sanctions can be deduced.

• First, positive inducements are more likely to be effective than negative sanctions. The sender can typically draw on a wider set of resources to offer inducements than it can with sanctions. Sanctions are also more likely than inducements to exacerbate distributional and reputational problems. Inducements also have fewer enforcement problems, as they can be withdrawn in the event of noncompliance.

• Second, the relatively superior effectiveness of inducements is much greater with adversaries than it is with allies. Inducements are a promising tool of international influence with adversaries, while sanctions are not. Moreover, sanctions are not only likely to fail, but can make a bad situation worse by triggering an escalatory spiral and wider conflict. The difference in utility between sanctions and inducements is wider with adversaries than it is with allies because informational, distributional, and reputational barriers to cooperation are all substantially higher. At the same time, with adversaries, the sender enjoys far fewer resources to draw from to issue meaningful threats. Adversaries know less about one another, are more mistrustful, have higher expectations that they will be exploited, are more concerned with relative gains, and are more concerned about their reputation as a tough bargainer. They also typically have already taken measures to protect themselves from one another's influence attempts. All of this makes sanctions must less likely to be effective. However, there is substantially less of a problem with these negative effects when using positive inducements, as inducements either do not involve, or are more capable of mitigating, many of these same barriers to agreement. Finally, because adversaries lack existing cooperative arrangements, the sender often has only two options for threats: military force and multilateral economic sanctions. The policy options for inducements - better relations, security assurances, enhanced trade, technology transfers - tend to be more diverse and more flexible.

• Third, withholding diplomatic talks as a bargaining tactic is counterproductive. There is real value to private diplomacy. States are much less likely to bluff or try to exploit one another than is typically believed, and successful bluffs are difficult to achieve with adversaries. Private diplomacy represents an important channel of communication between states in which policy preferences can be coordinated and private information revealed. Miscommunication and disagreement are more likely when these lines are severed.

• Fourth, cooperation and conflict can lead to self-reinforcing spirals. Cooperation in one area leads to reputational gains that make cooperation in other areas more likely. Similarly, smaller or even symbolic agreements can serve as powerful signals that can improve the chances of future cooperation. Incremental agreement is therefore more likely to succeed than attempts to craft all-at-once deals or set ultimatums for compliance with costly and inflexible demands.

#### Say yes

Reardon 10, A.B. in History @ Columbia and M.S. in Biology at UIC (Robert, Nuclear Bargaining: Using Carrots and Sticks in Nuclear Counter-Proliferation, *Massachusetts Institute of Technology*, https://dspace.mit.edu/handle/1721.1/62473)

III. When Is Issue Linkage Successful?

In the above section, I identified three conditions that must be fulfilled for issue linkage to have a strong chance of success:

1. The threatened sanction or the promised inducement must be more valuable to the target than the cost of compliance.

2. The target must be convinced that compliance will not confer a strategic advantage onto an adversary that will weaken the target's future security (i.e., relative gains).

3. The target must be convinced that it is not being extorted.

This section explains how these are met and the circumstances under which the sender is most likely to meet them. The first condition - the ability to threaten punishment or promise rewards that are more valuable than the cost of the target's compliance - is dependent upon the sender's leverage.

A. When the Sender Has Leverage

The effectiveness of issue linkage as a bargaining strategy is dependent upon the sender's leverage. Leverage is defined here as the ease with which the sender can control issue areas that are valuable to the target, the range of issues controlled, and the magnitude of that control. These are dependent upon the sender's capability as well as its knowledge about the target's preferences, capabilities, and domestic political processes. If the sender can exert substantial control across a broad range of issue areas that the target cares about, and can do so at relatively little cost to itself, then issue linkage is more likely to be successful, as the sender can choose from many different options for negative sanctions and positive inducements in its bargaining strategy. The more issue areas the sender controls, the greater its degree of control across multiple issue areas. Likewise, the more knowledge that the sender can bring to bear about how its actions will influence both external and internal conditions for the target, then the easier it is for the sender to choose threats and rewards that are politically valuable to the target state and to influential domestic actors within the state. No less importantly, by exercising control across many issue areas, the sender can also more easily link its demands to areas in which both its own preferences as well as the target's are non-separable. If the sender's influence is more limited, or if the exercise of its influence is costly, then inducements and sanctions are both less likely to succeed.

The sender state tends to possess greater leverage when it is more militarily and economically powerful than the target. If the sender is militarily and economically superior to the target, then it can more easily and effectively draw on those sources of power to offer threats or rewards. In the context of US counter-proliferation policies, the United States almost always enjoys substantial military and economic superiority over the proliferators with which it is negotiating.

States also tend to possess greater leverage with allies than they do with adversaries. Because allies are usually engaged in a number of cooperative endeavors with one another - not just military cooperation, but trade, technology sharing, and close diplomatic collaboration as well - they tend to have a broad array of levers available with which they can exert influence over one another. This is particularly true with respect to negative sanctions. Because there is already a rich set of cooperative arrangements between allies, the threat to sever any one of these ties can be used to coerce. Because there is little cooperation between adversaries, there are generally far fewer levers of influence available that can be used for negative sanctions. In general, a sender can draw on existing areas of cooperation with an ally to frame negative sanctions, but its ability to do so with an adversary is much more limited. A powerful state can, however, often draw on other resources with adversaries to frame positive inducements, as powerful states typically possess the ability to offer things others want even when existing cooperative ties are lacking.

Leverage is greatest when the sender both is bargaining with an ally and enjoys a substantial power advantage. In this case, the sender can draw on levers of influence in a variety of issue areas, can affect those issue areas in ways that may impose large costs or offer significant benefits to the target, and can do this at relatively little cost to itself. The extreme case of this is when the sender is dealing with a client state that is dependent on the sender for its security and economic well-being. The existence of such a relationship does not confer on the sender the ability to simply impose its will on the target, but all else being equal, both negative sanctions and positive inducements will be more successful in such a case.

### AT No Single Solvency Advocate

#### Advocate for doing both together

Patil 7-9-2021, research associate at Research and Information System for Developing Countries (RIS), a New Delhi–based policy research institute (Kapil, “US must redouble efforts to stay ahead in innovation race with China,” The Strategist, https://www.aspistrategist.org.au/us-must-redouble-efforts-to-stay-ahead-in-innovation-race-with-china/)

In its bid to stay competitive vis-à-vis China, Washington confronts the challenge of creating a global innovation order that is rules-based and safeguards the interests of both developed and developing countries. While strengthening its national R&D and innovation capacities and sustaining its competitive advantages, the US can forge alliances with like-minded countries such as India and contribute to building production and innovation capacities in a large swathe of the global south.

### AT China Takes Tech

#### Tech decoupling inevitable

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Escalating tensions between the US and China have accelerated the unraveling of globalization more quickly than many predicted even a year ago. This trend isn’t likely to reverse course. Now, executive teams at leading technology companies both within China and around the world are coming to grips with a new reality that has serious implications for their businesses: the US and Chinese economies and technology ecosystems are headed toward decoupling. Seemingly every week, the geopolitical conflict between the two countries intensifies: new companies on an entity or watch list, threats of new tariffs, military drills in the South China Sea, embassy closures, changes in Hong Kong’s status, US executive orders to ban Chinese network equipment and social apps, and more. At the heart of it, the US and China agendas are at odds. American politicians want to level the playing field for US companies. US political leaders are now pushing back harder than ever against China’s joint venture requirement for companies headquartered outside its borders that want to access certain sectors in China. American leaders also want to bring jobs back to the US and balance the trade deficit. This stance was evident during the previous Democratic administration, and it sharpened over the last couple of years under Republican President Donald Trump. There are currently around 300 bills in Congress related to China. This desire to be stricter with China isn’t likely to change with the US election in November, considering public remarks from leaders of both political parties. Meanwhile, China’s leaders want to sustain growth of its gross domestic product and ensure a secure and controllable technology supply chain. China’s leaders also wish to build a thriving indigenous technology sector. This aspiration has grown stronger after recent sanctions by the US. The focus is driven both by supply assurance and security goals. Supply assurance: Chinese leaders would like to decrease the country’s reliance on external suppliers of semiconductors, hardware and software, by having “good enough” local alternatives. Security: After Edward Snowden leaked information about NSA spying programs, China’s leaders have worried about depending on US-based technologies for critical infrastructure. Recent events have only reinforced China’s need for a secure technology source, including the US placing Huawei Technologies and ZTE on the Entity List, and restricting HiSilicon’s access to Taiwan Semiconductor Manufacturing Company’s (TSMC) leading-edge technology. In the long term, the US wants to maintain its technology leadership position, and China wants to rise to that level. But the political maneuvering and growing momentum toward decoupling are pushing technology executives in China, the US and around the world to reevaluate their global strategies.

## Advantage 1

#### Prolif would turn Iran into a pariah---they want economic relief, not war.

Axe 21, Forbes writer. Citing Jeffrey Lewis, an arms-control expert at the Middlebury Institute of International Studies (David Axe, 2-9-2021, "Iran Is Close To Getting An Atomic Bomb—But It Could Still Choose To Stop", *Forbes*, https://www.forbes.com/sites/davidaxe/2021/02/09/iran-is-close-to-getting-an-atomic-bomb-but-it-could-still-choose-not-to/?sh=4281e2c9565f)

The administration of President Joe Biden is working to bring Iran back to compliance with the 2015 accord limiting the country’s nuclear-weapons development. Ultimately, it’s up to the regime in Tehran to make a choice. Go nuclear—or don’t. It’s not a foregone conclusion that Iran’s leaders will choose nuclearization. There’s precedent for a country to develop all the key technologies for atomic weapons and still opt not to field them. In the late 1960s, Japan faced the same choice Iran faces today ... and ultimately said no to nukes. “Iran might end up like North Korea with a growing nuclear arsenal, but if we are lucky it might prefer to be more like Japan—satisfied with the capability in its back pocket,” said Jeffrey Lewis, an arms-control expert at the Middlebury Institute of International Studies in California. The Joint Comprehensive Plan of Action—the deal the administration of President Barack Obama negotiated with Iran, China, France, Germany, Russia, the United Kingdom and the European Union back in 2015—capped Iran’s nuclear-weapons development in exchange for relief from economic sanctions. The JCPOA was working when, in 2018, President Donald Trump unilaterally withdrew the United States from the agreement as part of a broader assault by Trump’s administration on arms-control regimes and Obama’s diplomatic legacy. Trump reimposed the sanctions on Iran that Obama had lifted. With the JCPOA slowly collapsing, Iran resumed work on its nukes. In early January, Iranian foreign minister Mohammad Javad Zarif announced that the country’s scientists had enriched uranium to 20 percent. That’s one stage of enrichment below what’s required to produce weapons-grade uranium. The JCPAO allows Iran to enrich uranium no higher than four percent, a level adequate to fuel a nuclear power plant. A few weeks later, Iran’s Revolutionary Guard Corps launched its first Zuljanah space launch vehicle, an 84-foot, three-stage rocket with a new solid-fuel engine in its first and second stages and a liquid-fuel engine in its third stage. The rocket can loft a 500-pound payload as high as 310 miles, according to the Iranian government. If you bent the Zuljanah’s trajectory, aiming for distance rather than height, you could carry a one-ton warhead as far as 3,100 miles, Lewis estimated. A weaponized Zuljanah could strike targets as far away as China and the United Kingdom. The enrichment move and the Zuljanah launch together amount to a naked attempt by officials in Tehran to leverage their emerging nuclear technology for sanctions-relief. “Our measures are fully reversible upon full compliance by all,” Zarif stated. In other words, Iran has signaled it will halt its nuclearization effort ... if the United States lifts the Trump-era sanctions. The Biden administration’s position is clear. It wants to restore the JCPOA and stop Iran from getting an atom bomb. “We would like to make sure that we reestablish some of the parameters and constraints around the program that have fallen away over the course of the past two years,” said Jake Sullivan, Biden’s national security advisor. But Biden wants Tehran to make the first move. “If Iran comes back into full compliance with the obligations under the JCPOA ... the United States would do the same, and then use that as a platform to build a longer and stronger agreement that also addresses other areas of concern,” Jen Psaki, the White House press secretary, said on Friday. Consider it a game of diplomatic chicken. Which party will move first—and risk weakening its negotiating position? It’s not inconceivable that Iran might budge first. Countries rarely surrender—or even freeze—major new strategic technologies once they’ve developed them. That’s why North Korea, a nuclear state since 2006, has proved to be such a vexing diplomatic problem for the rest of the world. There are exceptions, of course. One of them, Japan, could illuminate the current crisis. Japan, the first and so-far-only target of an atomic attack, might seem like an unlikely nuclear power. But in the late 1960s, Tokyo considered developing atomic weapons. Technically, it wouldn’t have been difficult. Japan already possessed all the key technologies—the fruits of a strong domestic nuclear-power and rocket industries. But there were, and still are, strong cultural and political impulses against atomic weapons in Japan. And besides, as long as Japan and the United States are close allies, America’s own nuclear deterrent helps to protect Japan. Tokyo decided not to go nuclear. But every few years, the nuclear question reappears in Japanese media—a healthy reminder that politics, not technology, keeps Japan out of the atomic camp. There’s reason to hope Iran might follow the same path Japan did. Despite having developed all the key technologies for a nuclear weapon, Tehran could stop short of actually building one. Going nuclear this late in the atomic age can have deep and lasting economic effects, as the world isolates and contains rogue atomic powers by way of permanent sanctions. Look at what has happened to North Korea. Yes, the regime in Pyongyang has nukes. But it also is a pariah state with minimal access to global markets. As long as Iran stops short of full nuclearization, it can hope to rejoin the world economy some day—and end up more like Japan than North Korea. There are hints that key members of the Iranian regime favor the former. Consider that Ali Khamenei, Iran’s supreme leader, ordered the military to limit the range of its most powerful rockets to just 1,250 miles—and also directed the IRGC to deploy its new solid-fuel engine in a space launcher rather than a weapon. As with Japan, it might be enough for Iran that it can develop nukes. If Tehran is inclined to trade warheads for economic benefits, then the Biden administration can afford to stand firm and wait for Iran to move first toward compliance with the 2015 deal. After all, Tehran—jealously eyeing Tokyo’s trade ties—might actually prefer compliance.

#### Won’t prolif.

Indyk 20, Distinguished fellow at the Council on Foreign Relations. He served as U.S. special envoy for Israeli-Palestinian negotiations in the Obama administration and as U.S. ambassador to Israel and assistant secretary of state for Near Eastern affairs in the Clinton administration. (Martin, 1-17-2020, "The Middle East Isn’t Worth It Anymore", *WSJ*, https://www.wsj.com/articles/the-middle-east-isnt-worth-it-anymore-11579277317)

That leaves Iran’s nuclear program. Preventing a nuclear arms race in the Middle East does remain a vital U.S. interest—the one current case where the U.S. might need to resort to war. But we should be wary of those who would rush to battle stations.

Unlike North Korea or Pakistan, Iran doesn’t have nuclear weapons. U.S. sanctions are choking Iran’s economy, and the regime faces growing internal dissent and regional opposition. Mr. Trump unwisely pulled out of the 2015 Iran nuclear deal, but Iran’s leaders have already expressed a willingness to return to the negotiating table and clearly want to avoid an escalating conflict.

### 2NC---!D---Israel-Iran War

#### No Israel-Iran war---Iran knows that Israel would overreact and destroy them, which deters proliferation, and Israel knows it’s territorially surrounded which disincentives escalation---that’s Waqar.

#### Deterrence checks, and Israel’s rational.

Carafano 18, director of the Douglas and Sarah Allison Center for Foreign Policy Studies and Vice President of the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation. (James Jay, 4/5/18, "Pro-Con: Should the U.S. allow Israel to make preemptive strikes against Iran’s missile sites?", *Tri-Cityherald*, https://www.tri-cityherald.com/opinion/national-opinions/article208079639.html)

For starters, Israel is anything but an irresponsible actor. The Israelis have monitored the increasing danger of nuclear attacks for decades.

Twice they have undertaken preventive strikes — once, against a suspected nuclear reactor in Syria in 2007, and once again against Iraq’s nuclear program in 1981. Israel doesn’t need a lesson from the U.S. in how to evaluate risks to its national survival.

Further, no nation has the right to constrain Israel’s inherent right of self-defense. While a preventive attack on an adversary is not considered an act of just war, a preemptive strike against an enemy, if a nation feels directly threatened, is certainly justifiable.

In addition, an unconstrained Israel is an added deterrent against Iranian aggression. Today, the regime in Tehran regards the U.S. as a faraway power that may or may not step in if they press Israel too much.

But Tehran is under no illusion that Israel will be shy or restrained in defending itself. We should keep things that way. It greatly lessens the likelihood that Iran will recklessly overstep.

The Israeli deterrent also lessens the pressure on other Arab states — the pressure to get their own nuclear weapons to protect themselves against Tehran. A strong Israel actually creates an environment that lessens the danger of regional proliferation.

## Advantage 2

### 2NC---Turn

#### Small companies are more vulnerable to cyberattacks---in order to keep up with cybersecurity, companies need massivea mounts of capital to invest in security which small companies don’t have---that’s Wheeler.

#### entrants lack resources to invest in cybersecurity.

Edward Longe 20. Policy manager at the American Consumer Institute. 9/24/2020. “A Serious Casualty of Antitrust Legislation: Cybersecurity.” https://www.theamericanconsumer.org/2020/09/a-serious-casualty-of-antitrust-legislation-cybersecurity/.

Proposals to break up large technology companies would be profoundly damaging to consumer privacy and cybersecurity as smaller technology companies and startups lack the resource capabilities of making substantial capital investments required to ensure consumer data is protected or deal with the newly emerging cyberthreats associated with new technology devices such as the Internet of Things (IoT). Every year, [Microsoft](https://www.techrepublic.com/article/why-microsoft-spends-over-1-billion-on-cybersecurity-each-year/) faces about 7 trillion cyberthreats, many of which are becoming increasingly sophisticated. To combat these cyberattacks, [Microsoft](https://www.techrepublic.com/article/why-microsoft-spends-over-1-billion-on-cybersecurity-each-year/) invests “over $1 billion to cybersecurity” and recently created a dedicated [Cyber Defense Operations Center](https://www.microsoft.com/en-us/msrc/cdoc) that is staffed around the clock to ensure its consumer data is protected. Microsoft is not the only major tech corporation to invest significant amounts into protecting its consumer data. In 2018, Apple reported it would invest $10 billion dollars over the next few years on new U.S. Data Centers that are responsible for ensuring the [protection of consumer data](https://www.paloaltonetworks.com/cyberpedia/what-is-a-data-center). These data centers do not just hold the companies’ sophisticated cybersecurity technology, but also employ those who are responsible for monitoring emerging threats and ensure that the company can provide [superior cybersecurity](https://www.computerworld.com/article/3253248/apple-provides-superior-cybersecurity-protection.html) to its consumers. Outside of this direct investment in cybersecurity and cybersecurity facilities, big tech companies like Facebook, Amazon, Google, Apple, invested approximately [$2.5 billion](https://www.cbinsights.com/research/facebook-amazon-microsoft-google-apple-cybersecurity/) dollars into supporting cybersecurity companies that develop products which protect everything from login credentials, credit card information and social security numbers. Without the significant investment large technology companies make in protecting consumer data and deterring cybercrime, consumers would have significantly fewer protections. Some smaller technology companies simply do not have the sources to invest in sophisticated cybersecurity technology, leaving their data vulnerable to cyberattacks and crime. Breaking up the large technology companies would therefore weaken cybersecurity and increase the vulnerability of consumer data. As communication technology becomes more advanced, significant investment in cybersecurity will also be needed to ensure it is protected. While IoT technology allows the interconnection various internet of computing devices (cameras, smart appliances, and smart home gadgets) and enables them to receive and send to your home computer and smartphone, they could be vulnerable to a number of threats. [Mobile Network Mapping](https://www.tripwire.com/state-of-security/featured/emerging-technology-cyber-security/) is one threat that home networks could face and is where “attackers can create maps of devices connected to a network, identify each device and link it to a specific person.” To meet these and other cyberthreats, networks and network devices will require significant investment in security that will undoubtedly run into the [billions](https://www.nextgov.com/emerging-tech/2020/06/industry-calls-government-invest-billions-developing-secure-5g-networks/166490/) of dollars and require collaboration between industry and government. Given the billions that will be required to protect against online threats, it is clear that currently larger tech companies will have the means to invest and meet the demands for cybersecurity.

### 2NC---!D---Cyber

#### Uncertainty alone checks.

Lewis 18, PhD, a senior vice president at the Center for Strategic and International Studies (CSIS). (James Andrew, 1-1-2018, “Rethinking Cybersecurity: Strategy, Mass Effect, and States”, pg. 29, <https://www.jstor.org/stable/resrep22408.8?seq=1#metadata_info_tab_contents>)

This upper bound on cyber attack is affected by the likelihood of attribution. If an attacker was confident that it could avoid having the attack attributed to it, the risk of retaliation would be reduced, making some attacks more attractive. Uncertainty about attribution capabilities, particularly American capabilities, combined with uncertainty about the effectiveness of cyber attack, creates caution. Public expressions of uncertainty about attribution are not shared by opponents, who know when they have been caught. Over the last decade, the United States has made a major effort to improve its attribution capabilities and has succeeded to the point where no opponent can be confident about anonymity and this, if linked to truly credible threats to impose consequences, may finally produce the cyber deterrence so long sought by the United States.

The implicit threshold governing cyber attack is the line between force and coercion. With very few exceptions, states have avoided cyber actions that could be judged as the use of force, based on international understandings on what actions qualify as the use of force or armed attack. Opponents have engaged in cyber actions below this implicit threshold with impunity, but they are reluctant to cross it for fear of creating a situation that they cannot control. In this, cyber incidents are more like border incursions or bandit raids than attacks.

Public sources suggest that at least seven countries have used cyber tools for coercive purposes. However, they have been careful to avoid anything that could be interpreted as the use of force, and they have avoided physical destruction or casualties. This suggests that countries prefer actions that advance their strategic goals without creating unmanageable risk of escalation into armed conflict. Opponents calculate the advantage they would gain from an attack against the potential cost. Miscalculation is possible, but if anything, opponents appear more likely to overestimate the risk of retaliation.

#### 3---no motivation.

Lewis 18, PhD, a senior vice president at the Center for Strategic and International Studies (CSIS). (James Andrew, 1-1-2018, “Rethinking Cybersecurity: Strategy, Mass Effect, and States”, pg. 7-9, <https://www.jstor.org/stable/resrep22408.5?seq=1#metadata_info_tab_contents>) \*language edited---brackets

The most dangerous and damaging attacks required resources and engineering knowledge that are beyond the capabilities of nonstate actors, and those who possess such capabilities consider their use in the context of some larger strategy to achieve national goals. Precision and predictability—always desirable in offensive operations in order to provide assured effect and economy of force—suggest that the risk of collateral damage is smaller than we assume, and with this, so is the risk of indiscriminate or mass effect.

State Use of Cyber Attack Is Consistent with Larger Strategic Aims

Based on a review of state actions to date, cyber operations give countries a new way to implement existing policies rather than leading them to adopt new policy or strategies. State opponents use cyber techniques in ways consistent with their national strategies and objectives. But for now, cyber may be best explained as an addition to the existing portfolio of tools available to nations.

Cyber operations are ideal for achieving the strategic effect our opponents seek in this new environment. How nations use cyber techniques will be determined by their larger needs and interests, by their strategies, experience, and institutions, and by their tolerance for risk. Cyber operations provide unparalleled access to targets, and the only constraint on attackers is the risk of retaliation—a risk they manage by avoiding actions that would provoke a damaging response. This is done by staying below an implicit threshold on what can be considered the use of force in cyberspace.

The reality of cyber attack differs greatly from our fears. Analysts place a range of hypothetical threats, often accompanied by extreme consequences, before the public without considering the probability of occurrence or the likelihood that opponents will choose a course of action that does not advance their strategic aims and creates grave risk of damaging escalation. Our opponents’ goals are not to carry out a cyber 9/11. While there have been many opponent probes of critical infrastructure facilities in numerous countries, the number of malicious cyber actions that caused physical damage can be counted on one hand. While opponents have probed critical infrastructure networks, there is no indication that they are for the purposes of the kind of [devastating] crippling strategic attacks against critical infrastructure that dominated planning in the Second World War or the Cold War.

Similarly, the popular idea that opponents use cyber techniques to inflict cumulative economic harm is not supported by evidence. Economic warfare has always been part of conflict, but there are no examples of a country seeking to imperceptibly harm the economy of an opponent. The United States engaged in economic warfare during the Cold War, and still uses sanctions as a tool of foreign power, but few if any other nations do the same. The intent of cyber espionage is to gain market or technological advantage. Coercive actions against government agencies or companies are intended to intimidate. Terrorists do not seek to inflict economic damage. The difficulty of wreaking real harm on large, interconnected economies is usually ignored.

Economic warfare in cyberspace is ascribed to China, but China’s cyber doctrine has three elements: control of cyberspace to preserve party rule and political stability, espionage (both commercial and military), and preparation for disruptive acts to damage an opponent’s weapons, military information systems, and command and control. “Strategic” uses, such as striking civilian infrastructure in the opponent’s homeland, appear to be a lower priority and are an adjunct to nuclear strikes as part of China’s strategic deterrence. Chinese officials seem more concerned about accelerating China’s growth rather than some long-term effort to undermine the American economy.6 The 2015 agreement with the United States served Chinese interests by centralizing tasking authority in Beijing and ending People’s Liberation Army (PLA) “freelancing” against commercial targets.

The Russians specialize in coercion, financial crime, and creating harmful cognitive effect—the ability to manipulate emotions and decisionmaking. Under their 2010 military doctrine on disruptive information operations (part of what they call “New Generation Warfare”). Russians want confusion, not physical damage. Iran and North Korea use cyber actions against American banks or entertainment companies like Sony or the Sands Casino, but their goal is political coercion, not destruction.

None of these countries talk about death by 1000 cuts or attacking critical infrastructure to produce a cyber Pearl Harbor or any of the other scenarios that dominate the media. The few disruptive attacks on critical infrastructure have focused almost exclusively on the energy sector. Major financial institutions face a high degree of risk but in most cases, the attackers’ intent is to extract money. There have been cases of service disruption and data erasure, but these have been limited in scope. Denial-of-service attacks against banks impede services and may be costly to the targeted bank, but do not have a major effect on the national economy. In all of these actions, there is a line that countries have been unwilling to cross.

When our opponents decided to challenge American “hegemony,” they developed strategies to circumvent the risks of retaliation or escalation by ensuring that their actions stayed below the use-of-force threshold—an imprecise threshold, roughly defined by international law, but usually considered to involve actions that produce destruction or casualties. Almost all cyber attacks fall below this threshold, including, crime, espionage, and politically coercive acts. This explains why the decades-long quest to rebuild Cold War deterrence in cyberspace has been fruitless.

It also explains why we have not seen the dreaded cyber Pearl Harbor or other predicted catastrophes. Opponents are keenly aware that launching catastrophe brings with it immense risk of receiving catastrophe in return. States are the only actors who can carry out catastrophic cyber attacks and they are very unlikely to do so in a strategic environment that seeks to gain advantage without engaging in armed conflict. Decisions on targets and attack make sense only when embedded in their larger strategic calculations regarding how best to fight with the United States.

There have been thousands of incidents of cybercrime and cyber espionage, but only a handful of true attacks, where the intent was not to extract information or money, but to disrupt and, in a few cases, destroy. From these incidents, we can extract a more accurate picture of risk. The salient incidents are the cyber operations against Iran’s nuclear weapons facility (Stuxnet), Iran’s actions against Aramco and leading American banks, North Korean interference with Sony and with South Korean banks and television stations, and Russian actions against Estonia, Ukrainian power facilities, Canal 5 (television network in France), and the 2016 U.S. presidential elections. Cyber attacks are not random. All of these incidents have been part of larger geopolitical conflicts involving Iran, Korea, and the Ukraine, or Russia’s contest with the United States and NATO.

There are commonalities in each attack. All were undertaken by state actors or proxy forces to achieve the attacking state’s policy objectives. Only two caused tangible damage; the rest created coercive effect, intended to create confusion and psychological pressure through fear, uncertainty, and embarrassment. In no instance were there deaths or casualties. In two decades of cyber attacks, there has never been a single casualty. This alone should give pause to the doomsayers. Nor has there been widespread collateral damage.

# 1NR

## Ad3

#### Interdependence and MAD solve escalation.

Heath & Thompson 17, \*Timothy, senior international defense research analyst at the nonprofit, nonpartisan RAND Corporation and member of the Pardee RAND Graduate School faculty. \*\*William R., Distinguished and Rogers Professor at Indiana University and an adjunct researcher at RAND. (4-30-2017, "U.S.-China Tensions Are Unlikely to Lead to War", *National Interest*, https://nationalinterest.org/feature/us-china-tensions-are-unlikely-lead-war-20411?nopaging=1)

However, Allison ultimately fails to persuade because he fails to specify the political and strategic conditions that make war plausible in the first place. Allison’s analysis implies that the United States and China are in a situation analogous to that of the Soviet Union and the United States in the early 1960s. In the Cold War example, the two countries faced each other on a near-war footing and engaged in a bitter geostrategic and ideological struggle for supremacy. The two countries experienced a series of militarized crises and fought each other repeatedly through proxy wars. It was this broader context that made issues of misjudgment so dangerous in a crisis.

By contrast, the U.S.-China relationship today operates at a much lower level of hostility and threat. China and the United States may be experiencing an increase in tensions, but the two countries remain far from the bitter, acrimonious rivalry that defined the U.S.-Soviet relationship in the early 1960s. Neither Washington nor Beijing regards the other as its principal enemy. Today’s rivals may view each other warily as competitors and threats on some issues, but they also view each other as important trade partners and partners on some shared concerns, such as North Korea, as the recent summit between President Donald Trump and Chinese president Xi Jinping illustrated. The behavior of their respective militaries underscores the relatively restrained rivalry. The military competition between China and the United States may be growing, but it operates at a far lower level of intensity than the relentless arms racing that typified the U.S.-Soviet standoff. And unlike their Cold War counterparts, U.S. and Chinese militaries are not postured to fight each other in major wars. Moreover, polls show that the people of the two countries regard each other with mixed views—a considerable contrast from the hostile sentiment expressed by the U.S. and Soviet publics for each other. Lacking both preparations for major war and a constituency for conflict, leaders and bureaucracies in both countries have less incentive to misjudge crisis situations in favor of unwarranted escalation.

To the contrary, political leaders and bureaucracies currently face a strong incentive to find ways of defusing crises in a manner that avoids unwanted escalation. This inclination manifested itself in the EP-3 airplane collision off Hainan Island in 2001, and in subsequent incidents involving U.S. and Chinese ships and aircraft, such as the harassment of the USNS Impeccable in 2009. This does not mean that there is no risk, however. Indeed, the potential for a dangerous militarized crisis may be growing. Moreover, key political and geostrategic developments could shift the incentives for leaders in favor of more escalatory options in a crisis and thereby make Allison’s scenarios more plausible. Past precedents offer some insight into the types of developments that would most likely propel the U.S.-China relationship into a hostile, competitive one featuring an elevated risk of conflict.

The most important driver, as Allison recognizes, would be a growing parity between China and the United States as economic, technological and geostrategic leaders of the international system. The United States and China feature an increasing parity in the size of their economies, but the United States retains a considerable lead in virtually every other dimension of national power. The current U.S.-China rivalry is a regional one centered on the Asia-Pacific region, but it retains the considerable potential of escalating into a global, systemic competition down the road. A second important driver would be the mobilization of public opinion behind the view that the other country is a primary source of threat, thereby providing a stronger constituency for escalatory policies. A related development would be the formal designation by leaders in both capitals of the other country as a primary hostile threat and likely foe. These developments would most likely be fueled by a growing array of intractable disputes, and further accelerated by a serious militarized crisis. The cumulative effect would be the exacerbation of an antagonistic competitive rivalry, repeated and volatile militarized crisis, and heightened risk that any flashpoint could escalate rapidly to war—a relationship that would resemble the U.S.-Soviet relationship in the early 1960s.

Yet even if the relationship evolved towards a more hostile form of rivalry, unique features of the contemporary world suggest lessons drawn from the past may have limited applicability. Economic interdependence in the twenty-first century is much different and far more complex than in it was in the past. So is the lethality of weaponry available to the major powers. In the sixteenth century, armies fought with pikes, swords and primitive guns. In the twenty-first century, it is possible to eliminate all life on the planet in a full-bore nuclear exchange. These features likely affect the willingness of leaders to escalate in a crisis in a manner far differently than in past rivalries.

More broadly, Allison’s analysis about the “Thucydides Trap” may be criticized for exaggerating the risks of war. In his claims to identify a high propensity for war between “rising” and “ruling” countries, he fails to clarify those terms, and does not distinguish the more dangerous from the less volatile types of rivalries. Contests for supremacy over land regions, for example, have historically proven the most conflict-prone, while competition for supremacy over maritime regions has, by contrast, tended to be less lethal. Rivalries also wax and wane over time, with varying levels of risks of war. A more careful review of rivalries and their variety, duration and patterns of interaction suggests that although most wars involve rivalries, many rivals avoid going to war.

#### Interdependence, institutions, geography.

Shifrinson 19, assistant professor of international relations at Boston University. Joshua. (2/8/19, “The ‘new Cold War’ with China is way overblown. Here’s why.”, *Washington Post*, https://www.washingtonpost.com/news/monkey-cage/wp/2019/02/08/there-isnt-a-new-cold-war-with-china-for-these-4-reasons/?noredirect=on)

Is a new Cold War looming — or already present — between the United States and China? Many analysts argue that a combination of geopolitics, ideology and competing visions of “global order” are driving the two countries toward emulating the Soviet-U.S. rivalry that dominated world politics from 1947 through 1990.

But such concerns are overblown. Here are four big reasons why.

1. The historical backdrops of the two relationships are very different

When the Cold War began, the U.S.-Soviet relationship was fragile and tenuous. Bilateral diplomatic relations were barely a decade old, U.S. intervention in the Russian Revolution was a recent memory, and the Soviet Union had called for the overthrow of capitalist governments into the 1940s. Despite their Grand Alliance against Nazi Germany, the two countries shared few meaningful diplomatic, economic or institutional links.

In 2019, the situation between the United States and China is very different. Since the 1970s, diplomatic interactions, institutional ties and economic flows have all exploded. Although each side has criticized the other for domestic interference (such as U.S. demands for journalist access to Tibet and China’s espionage against U.S. corporations), these issues did not prevent cooperation on a host of other issues. Yes, there were tensions over the past decade, but these occurred against a generally cooperative backdrop.

2. Geography and powers’ nuclear postures suggest East Asia is more stable than Cold War-era Europe

The Cold War was shaped by an intense arms race, nuclear posturing and crises, especially in continental Europe. Given Europe’s political geography, the United States feared a “bolt from the blue” attack would allow the Soviet Union to conquer the continent. Accordingly, the United States prepared to defend Europe with conventional forces, and to deter Soviet aggrandizement using nuclear weapons.

Unsurprisingly, the Soviet Union also feared that the United States might attack and wanted to deter U.S. adventurism. Concerns that the other superpower might use force and that crises could quickly escalate colored Cold War politics.

Today, the United States and China spend proportionally far less on their militaries than the United States and the Soviet Union did. Though an arms race may be emerging, U.S. and Chinese nuclear postures are not nearly as large or threatening: Arsenals remain far below the size and scope witnessed in the Cold War, and are kept at a lower state of alert.

As for geography, East Asia is not primed for tensions akin to those in Cold War Europe. China can threaten to coerce its neighbors, but the water barriers separating China from most of Asia’s strategically important states make outright conquest significantly harder. Of course, as scholars such as Caitlin Talmadge and Avery Goldstein note, crises may still erupt, and each side may face pressures to escalate. Unlike the Cold War, however, U.S.-Chinese confrontations occur at sea with relatively limited forces and without clear territorial boundaries. This suggests there are countervailing factors that may give the two sides room to negotiate — and limit the speed with which a crisis unfolds.

## FTC DA

### U---AT Big Tech Thumper

#### These example rules are at best miniscule, and at worst totally speculative--- Also the ev is from an FTC commissioner which gives her an incentive to exaggerate how impressive their agenda is--- KU

Wilson, FTC Commissioner, ‘12/10/21

(Christine S., Dissenting Statement of Commissioner Christine S. Wilson

Annual Regulatory Plan and Semi-Annual Regulatory Agenda, <https://www.ftc.gov/system/files/documents/public_statements/1598839/annual_regulatory_plan_and_semi-annual_regulatory_agenda_wilson_final.pdf>)

The context in which the Commission announces this ambitious and resource-intensive rulemaking agenda gives independent cause for concern. The “surge in merger filings” has been a central focus of Chair Khan since her arrival at the agency.2 To address the uptick in merger filings, staff from many non-merger divisions throughout the agency have been commandeered to review pre-merger notification materials.3 These filings are subject to statutory timeframes, but the FTC has struggled to meet its timing obligations.4 Consequently, the FTC’s Bureau of Competition is now sending warning letters to merging parties whose statutory timeframes have expired, warning that the agency’s investigations continue and threatening that if they proceed to consummate their transactions, they do so at their own peril.5 It is puzzling that we would unleash an avalanche of rulemakings while also confronting a tsunami of merger filings.

Merger wave or no merger wave, my Democrat colleagues have long aspired to a more expansive rulemaking agenda for the agency.6 This year, they began taking steps to implement that goal. Acting Chairwoman Slaughter created a new rulemaking group within the FTC’s Office of General Counsel to “help build [the] Commission’s rulemaking capacity and agenda for unfair or deceptive practices and unfair methods of competition.”7 She also launched a review of the Commission’s Rules of Practice to “streamline” rulemaking procedures under Section 18 of the FTC Act.8 Chair Khan then ushered those changes across the finish line.9 While the Annual Regulatory Plan and Semi-Regulatory Agenda characterize those changes to our Rules of Practice as “eliminating extra bureaucratic steps and unnecessary formalities,” in reality those changes fast-track regulation at the expense of public input, objectivity, and a full evidentiary record.10 The Statement of the Commission issued in conjunction with those rule changes confirmed a desire for an ambitious rulemaking agenda,11 which predictably is reflected in this plan.

The regulatory plan identifies many rulemakings that will be launched in the coming months, including a trade regulation rule on commercial surveillance “to curb lax security practices, limit privacy abuses, and ensure that algorithmic decision making does not result in unlawful discrimination.”12 This rule may implicate competition as well as consumer protection issues, as the Statement of Regulatory Priorities notes that “surveillance-based business models” impact not just consumers but competition.13

And taking a big step into uncharted waters, the plan states that “the Commission will also explore whether rules defining certain ‘unfair methods of competition’ prohibited by Section 5 of the FTC Act would promote competition and provide greater clarity to the market.”14 In deference to President Biden’s recent Executive Order,15 the Commission may consider competition rulemakings relating to “non-compete clauses, surveillance, the right to repair, payfor-delay pharmaceutical agreements, unfair competition in online marketplaces, occupational licensing, real-estate listing and brokerage, and industry-specific practices that substantially inhibit competition.”16 As if this list is insufficiently lengthy, the plan observes that “[t]he Commission will explore the benefits and costs of these and other competition rulemaking ideas.”17 In the absence of further detail, the reader is left to daydream about the additional rulemaking adventures that await.

#### The bottom section highlighting of this ev is potential future things--- But we are CONCEDING that the FTC is stretched to capacity which means these will never come to light

#### Khan is all talk on big tech

Hirsh 21, senior correspondent at Foreign Policy (Michael, “Big Talk on Big Tech—but Little Action,” Foreign Policy, <https://foreignpolicy.com/2021/04/06/big-tech-regulation-facebook-google-amazon-us-eu/>)

But so changed is the political environment that U.S. President Joe Biden and some of his top regulators, such as Lina Khan, a Yale Law School wunderkind who was recently nominated to the FTC, might seek to break up the big tech firms. Biden, on the campaign trail, said that breaking up tech quasi-monopolies such as Facebook is “something we should take a really hard look at.” That is almost certainly not going to happen: The political will simply isn’t there, even among many Democratic legislators influenced by Khan and other progressive thinkers. “I don’t think Biden has the stomach for that,” said Herbert Hovenkamp, an antitrust expert at the University of Pennsylvania. The reason is simple: Today’s monopolistic abuses are quite unlike the monopoly power of old, when big cartels like John D. Rockefeller’s Standard Oil inflicted predatory high prices on consumers and political will was high to “bust trusts.” On the contrary: Most consumers love the fact that they can buy all kinds of inexpensive stuff on Amazon and have it delivered the next day, and that Facebook doesn’t charge them a cent, even as it makes a mint selling their private information to advertisers and market manipulators.

## Unity DA

### !---Only Russia = Extinction

#### Only Russia war causes extinction

Cotton-Barratt 17 (Owen Cotton-Barratt, et al, PhD in Pure Mathematics, Oxford, Lecturer in Mathematics at Oxford, Research Associate at the Future of Humanity Institute, Existential Risk: Diplomacy and Governance, <https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf>)

The bombings of Hiroshima and Nagasaki demonstrated the unprecedented destructive power of nuclear weapons. However, even in an all-out nuclear war between the United States and Russia, despite horrific casualties, neither country’s population is likely to be completely destroyed by the direct effects of the blast, fire, and radiation.8 The aftermath could be much worse: the burning of flammable materials could send massive amounts of smoke into the atmosphere, which would absorb sunlight and cause sustained global cooling, severe ozone loss, and agricultural disruption – a nuclear winter.

According to one model 9 , an all-out exchange of 4,000 weapons10 could lead to a drop in global temperatures of around 8°C, making it impossible to grow food for 4 to 5 years. This could leave some survivors in parts of Australia and New Zealand, but they would be in a very precarious situation and the threat of extinction from other sources would be great. An exchange on this scale is only possible between the US and Russia who have more than 90% of the world’s nuclear weapons, with stockpiles of around 4,500 warheads each, although many are not operationally deployed.11 Some models suggest that even a small regional nuclear war involving 100 nuclear weapons would produce a nuclear winter serious enough to put two billion people at risk of starvation,12 though this estimate might be pessimistic.13 Wars on this scale are unlikely to lead to outright human extinction, but this does suggest that conflicts which are around an order of magnitude larger may be likely to threaten civilisation. It should be emphasised that there is very large uncertainty about the effects of a large nuclear war on global climate. This remains an area where increased academic research work, including more detailed climate modelling and a better understanding of how survivors might be able to cope and adapt, would have high returns.

It is very difficult to precisely estimate the probability of existential risk from nuclear war over the next century, and existing attempts leave very large confidence intervals. According to many experts, the most likely nuclear war at present is between India and Pakistan.14 However, given the relatively modest size of their arsenals, the risk of human extinction is plausibly greater from a conflict between the United States and Russia. Tensions between these countries have increased in recent years and it seems unreasonable to rule out the possibility of them rising further in the future.

#### Ukraine escalation triggers nuclear winter. Extinction.

Helfand 2-8-2022, MD, is Immediate Past President of the International Physicians for the Prevention of Nuclear War, recipient of the 1985 Nobel Peace Prize, and cofounder and past president of Physicians for Social Responsibility, IPPNW’s US affiliate. He has published studies on the medical consequences of nuclear war in the New England Journal of Medicine, the British Medical Journal, and the World Medical Journal. (Ira, “Ukraine and the Threat of Nuclear War,” *The Nation*, <https://www.thenation.com/article/world/ukraine-russia-nuclear-threat/>)

As the crisis in Ukraine deepens, it is appropriate to consider what the actual consequences of war there might be. An armed conventional conflict in Ukraine would be a terrible humanitarian disaster. Last week, US government officials estimated that the fighting could kill 25,000 to 50,000 civilians, 5,000 to 25,000 Ukrainian military personnel, and 3,000 to 10,000 Russian soldiers. It could also generate 1-to-5 million refugees. These figures are based on the assumption that only conventional weapons are used. However, if the conflict spread beyond Ukraine’s borders and NATO became involved in the fighting, this would become a major war between nuclear-armed forces with the very real danger that nuclear weapons would be used—and the public debate about this crisis is utterly lacking in discussion of this terrible threat. Both sides in such a conflict would, of course, begin fighting with non-nuclear conventional weapons. But as a result of advances in technology and firepower over recent decades, these weapons possess much greater range and destructiveness than earlier models, enabling them to strike high-value targets—airbases, radar stations, command centers, logistical hubs, and so on—far behind the front lines. As the losses mounted up on both sides—and if one or the other faced imminent defeat—its leaders could feel driven to employ their tactical nuclear weapons to avert such an outcome. Both US and Russian military doctrines allow for the use of tactical nuclear weapons under such circumstances. Despite reductions in nuclear forces over the last several decades, Russia still has 1,900 tactical nuclear weapons and 1,600 deployed strategic nuclear weapons. On the NATO side, France has 280 deployed nuclear weapons and the UK, 120. In addition, the United States has 100 B-61 tactical bombs deployed at NATO bases in Belgium, Germany, Italy, the Netherlands, and Turkey, and an additional 1,650 deployed strategic warheads. If even a single 100-kiloton nuclear weapon exploded over the Kremlin, it could kill a quarter of a million people and injure a million more, completely overwhelming the disaster-response capability of the Russian capital. A single 100-kiloton bomb detonated over the US Capitol would kill over 170,000 people and injure nearly 400,000. But it is unlikely that an escalating nuclear conflict between the United States and Russia would involve single warheads over their respective capitals. Rather, it is more likely that there would be many weapons directed against many cities and that many of these weapons would be substantially larger than 100 kiloton. For example, Russia’s 460 SS-18 M6 Satan warheads have a yield of 500 to 800 kilotons. The W88 warhead deployed on US Trident submarines has a yield of 455 kilotons. A 2002 report showed that if just 300 of Russia’s 1,600 deployed strategic warheads were detonated over US urban centers, 78 million people would die in the first half hour. In addition, the nation’s entire economic infrastructure would be destroyed—the electric grid, Internet, food distribution system, transportation network, and the public health system. All of the things necessary to sustain life would be gone, and in the months following this attack the vast majority of the US population would succumb to starvation, radiation sickness, exposure, and epidemic disease. A US attack on Russia would produce comparable devastation there. And if NATO were involved, most of Canada and Europe would suffer a similar fate. Still, these are just the direct effects of the widespread use of nuclear weapons between NATO and Russia. The global climate effects would be even more catastrophic. Recent studies have confirmed the predictions, first advanced in the 1980s, that large-scale use of nuclear weapons would cause abrupt, catastrophic global cooling. A war involving the full deployed arsenals of the US and Russia could loft up to 150 teragrams (150 million metric tons) of soot into the upper atmosphere, dropping average temperatures around the world as much as 18 degrees Fahrenheit. In the interior regions of North America and Eurasia temperatures would drop 45 to 50 degrees, to levels not seen since the last ice age, producing a disastrous decline in food production and a global famine that might kill the majority of humanity. Even a more limited war involving just 250 warheads in the 100 kiloton range could drop average global temperatures by 10 degrees, enough to trigger a famine unprecedented in human history, which would almost certainly bring the end of modern civilization. The enormity of the risk inherent in the current game of nuclear chicken between the US and Russia demands a fundamental change in their relation to each other, and in the equally fraught relation between the US and China. The great powers can no longer pursue a zero-sum game to see who will come out on top. It is possible that one of them will emerge on top of the heap—but the heap may well be a global ash pile. Nuclear weapons are a discrete manmade threat to the survival of our species. Their elimination could be achieved within a decade if the leaders of the nuclear-armed states were committed to doing so. And the process of negotiating a verifiable, enforceable timetable for dismantling these weapons would establish a new cooperative paradigm in international relations that would enable them to address the other, more complex existential threat posed by the climate crisis. The elimination of nuclear weapons is not some pie-in-the-sky fantasy. It is an absolute necessity for our continued survival. We have not survived this far into the nuclear era because of wise leadership, or sound military doctrine, or infallible technology. As Robert McNamara famously observed, “We lucked out. It was luck that prevented nuclear war.” A hope for continued good luck is an insane security policy. A determination to eliminate these weapons is a policy grounded in reality, and it offers us the only acceptable path forward.

### L---Russia Blame-Game

#### Putin’s watching closely. Perception of bipartisan unity is vital to resolve. Prevents Russian escalation

DN 1-26-2022 (Deseret News, Opinion: Political fights in the U.S. may embolden Russia. It’s time to be unified,” <https://www.deseret.com/opinion/2022/1/26/22899814/utah-washington-conservative-liberal-politics-partisan-fights-hurt-unity-weakness-perception>)

Unity — among politicians in the United States and European allies — is more important now than ever, as the world faces the biggest threat to international peace so far in the 21st century. That’s unfortunate, given how “unity” has become a punchline in the tasteless joke of modern political discourse. But the lack of it sends a dangerous signal. Vladimir Putin’s threat to Ukraine is about more than just a regional dispute or a desire to bring two old Soviet-era states back together, although those issues cannot be ignored. It has been brought to a fever pitch at this moment in history because Russia’s leader likely senses an opportunity based on perceived weaknesses in the West. The United States is obsessed with the false claims of election fraud in 2020, with many people so blinded by hatred and distrust, either for liberals or conservatives, that they can’t see beyond their nation’s borders. Putin, himself, may have something to do with this through internet disinformation campaigns. Meanwhile, President Joe Biden’s disastrous troop withdrawal from Afghanistan signaled weakness and strategic disarray. Some in Washington are drawing connectionsbetween this and the crisis at hand. NATO, meanwhile, has shown its own signs of disunity, with Germany becoming increasingly dependent on cheap gas from Russia. Despite strong warnings to Russia from British Prime Minister Boris Johnson, Europe must do more to rally behind Ukraine. Writing recently for the Wilson Center, Mykhailo Minakov, the Kennan Institute’s senior adviser on Ukraine, made a strong argument that “Ukraine is more important for the security of Europe than Afghanistan.” And yet the West seems caught in a straightjacket of its own internal affairs. In the United States, members of Congress need to unite in a bipartisan effort to pass a bill sponsored by Sen. Bob Menendez, D-N.J., who is chair of the Senate Foreign Relations Committee. Called the “Defending Ukraine Sovereignty Act of 2022,” the bill would impose sanctions both on the Russian banking sector and senior military and government officials, should an attack occur. It would sanction a variety of Russian business and industry concerns and punish transactions on Russian sovereign debt. Perhaps most importantly, it would call on the Department of Defense and the State Department to provide military aid to Ukraine, and it would expand efforts to counter Russia’s internet disinformation campaigns. The bill may not be perfect, but it’s up to members of both parties to work together to craft a version that would send a united message, and to do so quickly. Military aid, in particular, needs to arrive in a timely fashion. Americans may not be prepared to engage personally in the defense of Ukraine (although a NATO quick-response team, possibly reinforced with U.S. soldiers, is moving into place), but Putin is more likely to think twice if the West appears ready to make him pay for his actions. The need for unity cannot be overstated. Writing in Foreign Affairs recently, retired National Security Council official Alexander Vindman and Lawfare Institute research associate Dominic Cruz Bustillos said, “Traditionally, there has been strong bipartisan support for Ukraine. But the Kremlin believes that a lack of U.S. internal cohesion will undermine Washington’s capacity for a strong response. Congress must not lend credence to that belief. “The potency of Menendez’s bill comes not only from its substance but also in the signal it would send about overwhelming bipartisan support for Ukraine.”

We agree. Or, in the words of former British Prime Minister Margaret Thatcher, “This is no time to go wobbly.”

#### Perception of bipartisan unity is necessary in this critical moment

USA Today 2-24-2022 (“Americans must stand united in the face of Putin's 'sinister vision for the future',” <https://www.usatoday.com/story/opinion/todaysdebate/2022/02/24/americans-unite-russia-ukraine/6923274001/>)

No political leader, and certainly no president, is above criticism. But timing and tone matter in a crisis, and the outbreak of a major war in Europe, which in the last century spawned the two bloodiest conflicts in human history, should be a time for pulling together as Americans and expressing support for, if not agreement with, a president who must lead the free world's response to a murderous thug's deadly maneuvers. The once-honored principle that "politics stops at the water's edge" might seem outdated in a world of Twitter rants and me-first politics, but a brief review of modern American history shows why the concept remains relevant and important. After the end of World War II, the United States and its allies faced an existential threat from the Soviet Union as the Cold War escalated and nuclear stockpiles grew powerful enough on both sides to push humanity to extinction. Recognizing that threat, Sen. Arthur Vandenberg, a Republican from Michigan who embraced isolationism before the war, aligned himself with President Harry Truman, a Democrat who championed American-led international initiatives. As chairman of the Senate Foreign Relations Committee, Vandenberg worked closely with Truman to secure bipartisan support for creation of NATO and adoption of the Marshall Plan to rebuild war-devastated European nations. NATO became America's first mutual defense treaty since its alliance with France during the American Revolution. And that treaty has served this country and our allies remarkably well in the seven decades since it was created in direct response to the Soviet threat. Now, the world is faced again with a despotic Russian dictator bent on rebuilding the Soviet empire, and who threatens to drive Europe into a new era of bloody conflicts that destabilize not only the continent but also much of the world. "Putin is the aggressor. Putin chose this war," President Joe Biden said Thursday afternoon, in announcing a new set of sanctions that target Russia's financial, energy and tech sectors. Whether these new sanctions are strong enough and whether sanctions by themselves, no matter how strong, will work to deter Putin are subjects open to fair and necessary debate. The path out of this dark forest is not yet clear. Nonetheless, we do know that the United States and its allies must remain united to resist, in Biden's words, Putin's "sinister vision for the future of our world." So, too, Americans must stand united, even as stock markets drop and gas prices rise at home. These aren't the days for domestic political attacks. They are a time for bipartisan unity and national resolve. As Arthur Vandenberg and Harry Truman, a Republican and a Democrat, understood more than 75 years ago, the world beyond America's shores is a dangerous place. We must stand together in the face of those dangers to defend America's security and interests.

### AT Shipping thumper

#### Priced in--- Republicans are tentatively behind Biden---but, the perception of weakness and partisanship threatens consensus.

David Morgan 3/1, Reuters correspondent, 3/1/2022, “Top U.S. Senate Republican signals support for Biden on Ukraine,” https://www.reuters.com/world/us/top-us-senate-republican-signals-support-biden-ukraine-2022-03-01/

WASHINGTON, March 1 (Reuters) - U.S. Senate Republican leader Mitch McConnell said on Tuesday that Republicans largely support President Joe Biden's actions toward Russia over its invasion of Ukraine, but that lawmakers have hit a snag in efforts to agree on aid to Kyiv. "I think there's broad support for the president in what he's doing now. Our biggest complaint is, what took him so long?" McConnell told a press conference after the Biden administration ratcheted up sanctions against Russia and its central bank. "Much of this might have deterred the aggression in advance. But, yes, we're all together behind the Ukrainian people. We're thrilled at the changes that have occurred within NATO, and I think I've seen our country pretty unified. As a matter of fact, the whole world seems to be unified," McConnell said. The White House is seeking $6.4 billion in humanitarian and security aid from Congress for Ukraine. Democrats intend to include the funding in an omnibus spending bill that lawmakers in the House of Representatives expect to vote on next week. [read more](https://www.reuters.com/world/us/us-lawmakers-vote-march-8-us-govt-funding-bill-politico-2022-03-01/) But McConnell said talks have bogged down over the defense segment of the Ukraine aid package, which he said Democrats wanted to fund from a defense spending level agreed to before the invasion. "We're not going to do that," McConnell told reporters, adding that in an emergency, the process should be different. "We’ve hit a snag," he said. Before Russian forces invaded Ukraine last week, McConnell was among a chorus of Republicans calling on Biden to impose sanctions against Moscow in hopes of dissuading aggression by Russian President Vladimir Putin. Other Republicans continue to blast Biden for what they claim to be weak leadership and have used the Ukraine crisis to stump for longstanding Republican policies that include reducing environmental regulation and boosting fossil fuel production.