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## Off-Case

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#### The aff is strengthens free markets and saves capitalism by upholding competition

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Antitrust laws have historically been associated with countries that possess a free-market capitalist economy, which is understood as an economic system in which competition and the market forces of demand and supply determine economic outcomes. This historical association between capitalism and antitrust laws is evident from the fact that the countries that first adopted national antitrust laws, such as Canada, the United States, and the countries of Western Europe, are countries that have long embraced a market economy. On the contrary, the statist economies of the erstwhile Soviet bloc and many developing countries, for the most part, did not institute antitrust laws of the type associated with free market economies. Notwithstanding these country examples, which indicate a positive association between a capitalist economic system and antitrust laws, there exist arguments that both support and oppose antitrust laws for a capitalist economy. Arguments in support of antitrust laws for a capitalist economy begin with the fundamental understanding that the most important ingredient of a capitalist system is market competition. The presence of a competitive market is vital to achieving the efficiency levels that a capitalist economy seeks. Therefore, competitive forces need to be protected to discipline the market players, especially the dominant ones. By preventing and punishing anticompetitive practices by market players, an antitrust law protects and promotes market competition. 1 In the United States, which is commonly understood to be the leading bastion of free-market capitalism and one of the first countries to enact an antitrust law, the role of antitrust legislation in preserving the capitalist character of its economic system is underscored by the near-constitutional status accorded to its antitrust statues by the U.S. Supreme Court. 2 The Court described these statutes as “the Magna Carta of free enterprise” and “as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms.”3 Such a sentiment is appropriate, given that the American antitrust law, the Sherman Act, was passed in 1890 to protect economic competition from rapidly-growing “trusts.”4 While the social and political zeitgeist has changed considerably since the passing of the Sherman Act, the fact remains that antitrust is perceived as key to “protecting consumers against anticompetitive conduct that raises prices, reduces output, and hinders innovation and economic growth.”5 Moreover, it is understood that “competition is a public good, and society cannot expect the victims of anticompetitive conduct to protect themselves.”6 The implication therefore is that government power, through the enforcement of antitrust statutes, is critical to reining in corporate power in order to protect economic competition and capitalism.

#### Racial capitalism outweighs---the current system necessitates super-exploitation of the Global South, colonial dispossession, militaristic imperialism, and racial hierarchies to sustain itself; the system must be rejected on ethical grounds

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Drawing on the intellectual production of twentieth-century Black anticapitalists, I theorize modern U.S. racial capitalism as a racially hierarchical political economy constituting war and militarism, imperialist accumulation, expropriation by domination, and labor superexploitation.14 The racial here specifically refers to Blackness, defined as African descendants’ relationship to the capitalist mode of production—their structural location—and the condition, status, and material realities emanating therefrom.15 It is out of this structural location that the irresolvable contradiction of value minus worth arises. Stated differently, Blackness is a capacious category of surplus value extraction essential to an array of political-economic functions, including accumulation, disaccumulation, debt, planned obsolescence, and absorption of the burdens of economic crises.16 At the same time, Blackness is the quintessential condition of disposability, expendability, and devalorization.

Footnote 14: Another feature of modern U.S. racial capitalism is property by dispossession. In Theft Is Property! Dispossession and Critical Theory, Robert Nichols draws on the experience of Indigenous peoples in the United States, Canada, and New Zealand to theorize how the “system of landed property” was fundamentally predicated on violent dispossession. While the Anglo-derived legal-political regimes differed in these localities, the “intertwined and co-constitutive” material effects converged in the legalized theft of indigenous territory amounting in “approximately 6 percent of the total land on the surface of Earth.” Such dispossession, Nichols notes, is recursive: “In a standard formulation one would assume that ‘property’ is logically, chronologically, and normatively prior to ‘theft.’ However, in this (colonial) context, theft is the mechanism and means by which property is generated: hence its recursivity. Recursive dispossession is effectively a form of property-generating theft.” As such, theft and dispossession, through property regimes, are an ongoing feature of the Indigenous reality of modern U.S. racial capitalism. Robert Nichols, Theft Is Property! Dispossession and Critical Theory (Durham: Duke University Press, 2020), 50–51.

Footnote 15: Borrowing from Karl Marx’s dictum that the labor process is the hidden abode of the capitalist production of value, and Nancy Fraser’s conceptualization of reproduction as the even more hidden abode, or background condition, for the possibility of capitalist production, I understand Blackness as the obfuscated abode. The immense value of Blackness is obscured and rendered unintelligible by its positioning as worthlessness, as something that does not amount to anything—but that does not equal nothing. As a structural location at the intersection of indispensability and disposability, Blackness exceeds the category of race, is not reducible to class, and does not fit the specifications of caste.

My operationalization of capitalism follows Oliver Cromwell Cox’s explication in Capitalism and American Leadership.17 Modern U.S. racial capitalism arose in the context of the First World War, when, as Cox explains, the United States took advantage of the conflict to capture the markets of South America, Asia, and Africa for its “over-expanded capacity.”18 Cox further expounds upon this auspicious moment of ascendant modern U.S. racial capitalism thus: By 1914, the United States had brought its superb natural resources within reach of intensive exploitation. Under the stimulus of its foreign-trade outlets, the financial assistance of the older capitalist nations, and a flexible system of protective tariffs, the nation developed a magnificent work of transportation and communication so that its mines, factories, and farms became integrated into an effectively producing organism having easy access to its seaports.… [Likewise,] further internal expansion depended upon far greater emphasis on an ever widening foreign commerce.… Major entrepreneurs of the United States proceeded to step up their campaign for expansion abroad. The war accentuated this movement. It accelerated the growth of [modern] American [racial] capitalism and impressed upon its leaders as nothing had before the need for external markets.19 Relatedly, Peter James Hudson argues that the First World War fundamentally changed the terms of order of international finance, allowing New York to compete with London, Paris, and Berlin for the first time in the realm of global banking. This was not least because the Great War “drastically reordered global credit flows,” with the United States transforming from a debtor into a creditor nation.20 In addition to Latin American and Caribbean nations and businesses turning to the United States for financing and credit, domestic saving and investment patterns were altered to the benefit of imperial financial institutions like the City Bank.21 Although the United States is, to use Cox’s terminology, more a “lusty child of an already highly developed capitalism” than an exceptional capitalist power, the nation perfected its techniques of accumulation through its vast natural wealth, large domestic market, imbalance of Northern and Southern economies, and, importantly, through its lack of concern for the political and economic welfare of the overwhelming masses of its population, least of all the descendants of the enslaved.22 Modern U.S. racial capitalism is thus sustained by military expenditure, the maintenance of an extremely low standard of living in “dependent” countries, and the domestic superexploitation of Black toilers and laborers. Cox notes that Black labor has been the “chief human factor” in wealth production; as such, “the dominant economic class has always been at the motivating center of the spreads of racial antagonism. This is to be expected since the economic content of the antagonism, especially at its proliferating source in the South, has been precisely that of labor-capital relations.”23 In a general sense, racial capitalism in the United States constitutes “a peculiar variant of capitalist production” in which Blackness expresses a structural location at the bottom of the labor hierarchy characterized by depressed wages, working conditions, job opportunities, and widespread exclusion from labor unions.24 Furthermore, modern U.S. racial capitalism is rooted in the imbrication of anti-Blackness and antiradicalism. Anti-Blackness describes the reduction of Blackness to a category of abjection and subjection through narrations of absolute biological or cultural difference; ruling-class monopolization of political power; negative and derogatory mass media propaganda; the ascent of discriminatory legislation that maintains and reinscribes inequality, not least various modes of segregation; and social relations in which distrust and antipathy toward those racialized as Black is normalized and in which “interracial mass behavior involving violence assumes a continuously potential danger.”25 Anti-Blackness thus conceals the inherent contradiction of Blackness—value minus worth—obscuring and distorting its structural location by, as Ralph and Singhal remark, contorting it into only a “debilitated condition.”26 Antiradicalism can be understood as the physical and discursive repression and condemnation of anticapitalist and/or left-leaning ideas, politics, practices, and modes of organizing that are construed as subversive, seditious, and otherwise threatening to capitalist society. These include, but are not limited to, internationalism, anti-imperialism, anticolonialism, peace activism, and antisexism. Anti-Blackness and antiradicalism function as the legitimating architecture of modern U.S. racial capitalism, which includes rationalizing discourses, cultural narratives, technologies of repression, legal structures, and social practices that inform and are informed by racial capitalism’s political economy.27 Throughout the twentieth century, anti-Blackness propelled the “Black Scare,” defined as the specter of racial, social, and economic domination of superior whites by inferior Black populations. Antiradicalism, in turn, was enunciated through the “Red Scare,” understood as the threat of communist takeover, infiltration, and disruption of the American way of life.28 For example, in the 1919 Justice Department Report, Radicalism and Sedition Among the Negroes, As Reflected in Their Publications, it was asserted that the radical antigovernment stance of a certain class of Negroes was manifested in their “ill-governed reaction toward race rioting,” “threat of retaliatory measures in connection with lynching,” open demand for social equality, identification with the Industrial Workers of the World (IWW), and “outspoken advocacy of the Bolshevik or Soviet doctrine.”29 Here, anti-Blackness, articulated through the fear of the “assertion of race consciousness,” was attached to the IWW and Bolshevism—in other words, to anticapitalism—to make it appear even more subversive and dangerous. Likewise, antiradicalism, expressed through the denigration of the IWW and Soviet Doctrine, was made to seem all the more threatening and antithetical to the social order in its linkage with Black insistence on equality and self-defense against racial terrorism. In this way, “defiance and insolently race-centered condemnation of the white race” and “the Negro seeing red” came to be understood as seditious in the context of modern U.S. racial capitalism. The link between my theory of modern U.S. racial capitalism and Robinson’s catholic theory of racial capitalism, beyond his “suggest[ion] that it was there,” is vivified through the prison abolitionist and scholar Ruth Wilson Gilmore, who writes: “Capitalism…[is] never not racial.… Racial capitalism: a mode of production developed in agriculture, improved by enclosure in the Old World, and captive land and labor in the Americas, perfected in slavery’s time-motion, field factory choreography, its imperative forged on the anvils of imperial war-making monarchs.”30 Racial capitalism, she continues, “requires all kinds of scheming, including hard work by elites and their compradors in the overlapping and interlocking space-economies of the planet’s surface. They build and dismantle and reconfigure states, moving capacity into and out of the public realm. And they think very hard about money on the move.”31 Perhaps more than Gilmore, though, my approach aligns with that of Neville Alexander as described by Hudson.32 Like Alexander, who focused on South Africa, I offer a particularistic understanding of racial capitalism, mine being rooted in the political economy of Blackness and the legitimating architectures of anti-Blackness and antiradicalism in the United States. Gilmore qua Robinson offers a more universalist and transhistorical conception. Like Alexander, my theory of modern U.S. racial capitalism is primarily rooted in (Black) Marxist-Leninists and fellow travelers. This is an important epistemological distinction: whereas Robinson finds Marxism-Leninism to be, at best, inattentive to race, my theory of modern U.S. racial capitalism is rooted in the work of Black freedom fighters who, as Marxist-Leninists, were able to offer potent and enduring analyses and critiques of the conjunctural entanglements of racialism, white supremacy, and anti-Blackness, on the one hand, and capitalist exploitation and class antagonism on the other hand.33 Although Robinson draws on scholars like Fernand Braudel, Henri Pirenne, David Brion Davis, and Eli Heckscher to understand European history, socialist theory, and the European working class, the work of Black Marxists like James Ford, Walter Rodney, Amílcar Cabral, and Paul Robeson offer me those same intellectual, historical, and theoretical resources. Finally, I agree with Alexander that the resolution to racial capitalism is antiracist socialism, not a cultural-metaphysical Black radical tradition. In what remains of this essay, I will draw on the work of Black Marxist-Leninists and anticapitalists to explicate the defining features of modern U.S. racial capitalism—war and militarism, imperialist accumulation, expropriation by domination, labor superexploitation, and property by dispossession. In this, I demonstrate that their critiques and analyses offer a blueprint for theorizing modern U.S. racial capitalism. War and militarism facilitate the endless drive for profit. Military conflicts between imperial powers result in the reapportioning of boundaries, possessions, and spheres of influence that often exacerbate racial and spatial economic subjection. War and militarism also perpetuate the endless construction of “threats,” primarily in racialized and socialist states, against which to defend progress, prosperity, freedom, and security. The manufacturing of conflict legitimates the mobilization of extraordinary violence to expropriate untold resources that produce relations of underdevelopment, dependency, extraversion, and disarticulation in the Global South. Moreover, the ruling elite and labor aristocracy in imperialist countries, not least the United States, wage perpetual war to defend their way of life and standard of living against the racialized majority who, because they would benefit most from the redistribution of the world’s wealth and resources, represent a perpetual threat.

#### Reject the aff and critically interrogate neoliberal discourse---resisting capitalist pedagogy in educational spaces is a prerequisite towards anti-capitalist political projects; COVID-19 provides a unique transition opportunity

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As educators, it is crucial for us to examine how we talk, teach, and write about inequality as an object of critique in an age of precarity, uncertainty and the current pandemic crisis. This is especially true at a time when a growing number of authoritarian regimes around the globe substitute replace thoughtful dialogue and critical engagement with the suppression of dissent and a culture of forgetting r. How do we situate our analysis of education as part of a broader discourse and mode of analysis that interrogates the promises, ideals, and claims of a substantive democracy? How do we fight against iniquitous relations of power and wealth that empty power of its emancipatory possibilities, and as Hannah Arendt has argued, “makes most people superfluous as human beings”? How might we understand how neoliberal ideology, with its appropriation of market-based values, regressive notions of freedom and agency, uses language to infiltrate daily life? How does a pandemic pedagogy in the service of neoliberalism produce identities defined by market values, and normalize a notion of responsibility and individuality that convinces people that whatever problem they face they have no one to blame but themselves? Repeated endlessly on right-wing media platforms, the underlying conditions that disproportionately produce chronic illness among poor people of color disappear among a public distracted, if not persuaded, by a pandemic pedagogy that celebrates unchecked self-interest, disdains social responsibility, and turns away from the reality of a society with deep-seated institutional rot and unravelling of social connections and the social contract. Pandemic pedagogy thrives on inequality and becomes a militarized and heartless normalizing tool to convince the broader public that the lives of the elderly, sick, and vulnerable should be valued according to how much they contribute to the economy. And if they are willing to die in order not to be a drain on the economy, all well and good. Nothing escapes the cruel logic of neoliberalism with its arrogance and hubris on full display as it bathes in the glow of right-wing populism, ultra-nationalism, and neofascism. Its accoutrements of dictatorship are everywhere and can be seen in the swagger of militia that storm state capitals, in police who punch and pepper spray protesters and push elderly men to the ground, and in military forces on the streets without badges reinforcing a climate of fear, repression, and unaccountability. There is more at work here than a lack of humanity on the part of the Trump administration. As the Irish journalist Fintan O’Toole observes, there is also the deepening grip of a culture of cruelty and dehumanization. He writes: “As a society the American people are being habituated into accepting cruelty on a wide scale. Americans are being taught by Trump and his administration not to see other people as human beings whose lives are as important as their own. Once that line has been crossed – and it is not just Trump and the people around him, but many of Trump’s supporters as well – then we know where that all leads, what the ultimate destination is. There is no mystery about it. We know what happens when a government and its leaders dehumanize large numbers of people.”

Depoliticization and the Authoritarian Turn

Neoliberalism is not only an economic system, it is also an ideological apparatus that relentlessly attempts to structure consciousness, values, desires, and modes of identification in ways that align individuals with its governing structures. Central to this pedagogical project is the attempt to prevent individuals from translating private issues and troubles into broader systemic considerations. By doing this, it becomes difficult for individuals to grasp the historical, social, economic, and political forces at work in shaping a social order as a human activity deeply immersed in specific relations of power. Neoliberalism’s attempt to erase or rewrite historical and social forces makes it difficult for individuals to imagine alternative notions of society, with themselves as collective actors, or view their problems as more than the limitations of faulty character, moral failure, or a problem of personal responsibility. Reducing individuals to isolated, discrete, hermetically-sealed human beings whose lives are shaped only by notions of self-reliance and self-sufficiency is a pedagogical strategy that utterly depoliticizes people, leading them to believe that however a society is shaped, it is part of a natural order. President Trump echoed this “no alternative” narrative when asked about celebrities and rich people having special access to being tested for the coronavirus while few others had access. He replied, “Perhaps that’s been the story of life.” This individualization of the social with its mounting privatization, gated communities, and social atomization undermines collective action, any viable notion of solidarity, and weakens the notion of global connectivity. The philosopher Byung-Chul Han has rightly argued that contemporary neoliberal society is shaped by a dysfunctional notion of solitude and hermitically-sealed notions of agency, all of which undermine the values and social connections vital to a democracy. He writes: “Those subject to the neoliberal economy do not constitute a we that is capable of collective action. The mounting egoization and atomization of society is making the space for collective action shrink… The general collapse of the collective and the communal has engulfed it. Solidarity is vanishing. Privatization now reaches into the depths of the soul itself. The erosion of the communal is making all collective efforts more and more unlikely.” This panoptical nature of hyper-individualism is more aligned with shared fears than shared responsibilities. Under such circumstances, trust and the notion that all life is related become difficult to grasp as the myopic language of private self-interest inures individuals to wider social problems such as extreme inequality. There is no understanding in this discourse of the damage fanatical entrepreneurialism does to our embodied collectivity. Nor is there any value attributed to the important responsibilities, social values, and notion of the common good that exceeds who we are as individuals, or how we have been shaped by diverse social forces in particular ways. It should be clear that questions of economic and social justice cannot be addressed by a neoliberal pedagogy that enshrines self-interest and privatization while converting every social problem into individualized market solutions or regressive matters of personal responsibility. Under neoliberalism’s disimagination machine, individual responsibility is coupled with an ethos of greed, avarice, and personal gain. One consequence is the tearing up of social solidarities, public values, and an almost pathological disdain for democracy. This radical form of privatization is also a powerful force for the rise of fascist politics because it depoliticizes individuals, immerses them in the logic of social Darwinism, and makes them susceptible to the dehumanization of those considered a threat or disposable. Just as the spread of the pandemic virus in the United States was not an innocent act of nature, neither is the rise and pervasive grip of inequality. What is clear is that neoliberal support for unbridled individualism has weakened democratic pressures and eroded democracy and equality as governing principles. Moreover, as a mode of public pedagogy, it has undercut social provisions, the social contract, and support for public goods such as education, public health, essential infrastructure, public transportation, and the most basic elements of the welfare state. As a form of pedagogical practice, neoliberalism has morphed into a form of pandemic pedagogy that sacrifices social needs and human life in the name of an economic rationality that values reviving economic growth over human rights. As a lived system of meaning and values, self-reliance and rugged individualism are the only categories available for shaping how individuals view themselves, and their relationship to others and to the planet. The individualization of everyone and the reduction of social problems to private troubles is paralleled by sanctioning a world marked by borders, walls, racism, hate, and a rejection of government intervention in the interest of the common good. Most importantly, neoliberal individualization personalizes power, creating a depoliticized subject whose only obligation as a citizen is defined by consuming and living in a world free from ethical and social responsibilities. In many ways, it does not just empty politics of any substance, it destroys its emancipatory prospects. The neoliberal strategists use education not only to mask their abuses and the effects of their criminogenic policies, they also – in a time of crisis, when dissatisfaction of the masses might lead to chaos, revolts, and dangerous levels of resistance – move dangerously close to creating the conditions for a fascist politics. The noted theologian Frei Betto is right in stating that under such conditions, “…they cover up the causes of social ills and cover up their effects with ideologies that, by obscuring causes, fuel mood in the face of the effects. That’s why neoliberalism is now showing its authoritarian face – building walls that divide countries and ethnic groups, executive power over legislature and judiciary, disinformation about digital networks, the cult of the homeland, the brazen offensive against human rights.” Neoliberalism and its regressive notion of individualism and individual responsibility has undermined the belief that human beings both make the world and can change it. The pandemic has ushered in a crisis that undermines that belief and opens the door for rethinking what kind of society and notion of politics will be faithful to the creation of a socialist democracy that speaks to the core values of justice, equality and solidarity. Under such circumstances, private resistance must give way to collective resistance, and personal and political rights must include economic rights. If inequality is to be defeated, the social state must replace the corporate state and social rights must be guaranteed for all. There can be no adequate struggle for economic justice and social equality unless economic inequality on a global level is addressed along with a movement for climate justice, the elimination of systemic racism and a halt to the spiraling militarism that has resulted in endless wars. This can only take place if the anti-democratic ideology of neoliberalism, with its collapse of the public into the private and its institutional structures of domination, are fully addressed and discredited. Étienne Balibar is right in stating that the triumph of neoliberalism has resulted in the “death zones of humanity.” Following Balibar, what must be made clear is that neoliberal capitalism is itself a pandemic and a dangerous harbinger of an updated fascist politics.

Overcoming Pandemic Pedagogy

The kind of societies that will emerge after the pandemic is up for grabs. In some cases, the crisis will give way to authoritarian regimes such as Chile, Hungary and Turkey, all of which have used the urgency of COVID-19 as an excuse to impose more state control and surveillance, squelch dissent, eliminate civil liberties and concentrate power in the hands of an authoritarian political class. As is well documented, history in a time of crisis also has the potential to change dominant ideologies, rethink the meaning of governance, and enlarge the sphere of justice and equality through a vision that fights for a more generous and inclusive politics. It is crucial to rethink the project of politics in order to imagine forms of resistance that are collective, inclusive and global, capable of producing new democratic arrangements for social life, more radical values and a “global economy which will no longer be at the mercy of market mechanisms.” This is a politics that must move beyond siloed identities and fractured political factions in order to build transnational solidarities in the service of an alternative radically democratic society. Making the pedagogical more political means challenging those forms of pandemic pedagogy that turn politics into theater, a favorite tactic of Trump. In this case, the performance works to suspend disbelief, hold power accountable and unravel one’s sense of critical agency. Pandemic pedagogy does more than undermine critical thinking and informed judgments, it dissolves the line between the truth and lies, fantasy and reality, and in doing so, destroys the foundation for understanding, engaging and promoting that social and economic justice. The endgame under the rubric of a pandemic pedagogy is not simply the destruction of the truth, but the elimination of democracy itself. Central to developing an alternative democratic vision is development of a language that refuses to look away and be commodified. Such a language should be able to break through the continuity and consensus of common sense and appeals to the natural order of things. At stake here is the need to reclaim both critical and redemptive elements of a radical democracy in order to address the full spectrum of violence that structures institutions and everyday life in the United States. This is a language connected to the acquisition of civic literacy, and it demands a different regime of desires and identifications to enable us to move from “shock and stunned silence toward a coherent visceral speech, one as strong as the force that is charging at us.” Of course, there is more at stake here than a struggle over meaning; there is also the struggle over power, over the need to create a formative culture that will produce informed critical agents who will fight for and contribute to a broad social movement that will translate meaning into a fierce struggle for economic, political and social justice. Agency in this sense must be connected to a notion of possibility and education in the service of radical change. Reimagining the future only becomes meaningful when it is rooted in a fierce struggle against the horrors and totalitarian practices of a pandemic pedagogy that falsely claims that it exists outside of history. Václav Havel, the late Czech political dissident-turned-politician, once argued that politics follows culture, by which he meant that changing consciousness is the first step toward building mass movements of resistance. What is crucial here in the age of multiple crises is a thorough grasp of the notion that critical and engaged forms of agency are a product of emancipatory education. Moreover, at the heart of any viable notion of politics is the recognition that politics begins with attempts to change the way people think, act and feel with respect to both how they view themselves and their relations to others. There is more to agency than the neoliberal emphasis on the “empire of the self,” with its unchecked belief in the virtues of a form of self-interest that despises the bonds of sociality, solidarity and community. The U.S. is in the midst of a political and pedagogical crisis. This is a crisis defined not only by a brutalizing racism and massive inequality, but also a constitutional crisis produced by a growing authoritarianism that has been in the making for some time. The recent attacks by the police on journalists, peaceful protesters and even elderly people marching for racial justice echoes the violence of the Brownshirts in the 1930s. Let’s stop the futile debate about whether or not the U.S. is in the midst of a fascist state and shift the register to the more serious question of how to resist it and restore a semblance of real democracy. Under such circumstances, education should be viewed as central to politics, and it plays a crucial role in producing informed judgments, actions, morality and social responsibility at the forefront not only of agency, but politics itself. In this scenario, truth and politics mutually inform each other to erupt in a pedagogical awakening at the moment when the rules are broken. Taking risks becomes a necessity, self-reflection narrates its capacity for critically engaged agency and thinking the impossible is not an option, but a necessity. Without an informed and educated citizenry, democracy can lead to tyranny, even fascism. Trump represents the malignant presence of a fascism that never dies and is ready to remerge at different times in different context in sometimes not-so-recognizable forms. The COVID-19 crisis and the pandemic of inequality and racism have revealed elements of a fascist politics that are more than abstractions. The struggle against a fascist politics is now visible in the rebellions taking place across the United States. While there are no political guarantees for a victory, there is a new sense that the future can be changed in the image of a just and sustainable society. There is a new energy for reform taking place in the aftermath of the killing of George Floyd. Massive protests for racial, economic and social justice are emerging all over the globe. As I have argued in The Terror of the Unforeseen, at stake here is the need for these protests to transition from a pedagogical moment and collective outburst of moral anger to a progressive international movement that is well organized and unified. Such a movement must build solidarity among different groups, imagine new forms of social life, make the impossible possible, and produce a revolutionary project in defense of equality, social justice and popular sovereignty. The racial, class, ecological and public health crisis facing the globe can only be understood as part of a comprehensive crisis of the totality. Immediate solutions such as defunding the police and improving community services are important, but they do not deal with the larger issue of eliminating a neoliberal system structured in massive racial and economic inequalities. David Harvey is right in arguing that the “immediate task is nothing more nor less than the self-conscious construction of a new political framework for approaching the question of inequality, through a deep and profound critique of our economic and social system.” This is a crisis in which different threads of oppression must be understood as part of the general crisis of capitalism. The various protests now evolving internationally at the popular level offer the promise of new global anti-fascist and anti-capitalist movements. In the current moment, democracy may be under a severe threat and appear frighteningly vulnerable, but with young people and others rising up across the globe — inspired, energized and marching in the streets — the future of a radical democracy is waiting to breathe again.

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#### The 50 states and relevant subnational entities should increase prohibitions on anticompetitive business practices by expanding antitrust laws to account for competition-related harms to privacy.

#### State antitrust is enforceable and solvent

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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---DA

#### USICA will pass, it’s TOA, new priorities trade off. It key to tech leadership

Mattingly 1-28-2021, analyst @ CNN (Phil, “Biden builds toward a much-needed bipartisan Capitol Hill victory -- on China,” *CNN News*, https://www.cnn.com/2022/01/28/politics/china-us-semiconductor-chips-joe-biden/index.html)

After months of frustration, White House officials are suddenly looking at a rare opportunity on Cxapitol Hill -- the chance to pass something important with the support of both Democrats and Republicans. A sweeping, roughly $250 billion proposal to bolster US competitiveness with China has moved to the top of their legislative agenda, carrying policy and political benefits that tie directly to some of the most pressing issues President Joe Biden's administration faces. "We have momentum now, there's no doubt about it -- you can feel it," Commerce Secretary Gina Raimondo, one of the administration's point people on the bill, told CNN in an interview. "It's a sea change in momentum." The White House is leading the effort, with the support of Senate Majority Leader Chuck Schumer and Speaker Nancy Pelosi, and has been privately pressing Democrats to elevate the proposal as a priority, multiple people familiar with the effort said. White House officials view the proposal as an opportunity for a substantive bipartisan legislative victory that would address a series of clear domestic issues, ranging from bolstering manufacturing to easing pervasive price increases, ahead of a critical election year. It also serves as a critical element of Biden's efforts to directly respond to a rising China at a time when the relationship between the two countries has grown increasingly tense amid a series of actions, particularly related to Taiwan, that are viewed as intentionally aggressive by the administration. The bill comes at a time when Biden and his White House are looking for an opportunity to turn the page on a disappointing end to his first year in office. The potential bipartisan legislative win -- when combined with the promise to pick the nation's first Black female Supreme Court Justice to replace the retiring Stephen Breyer, strong economic growth statistics released Thursday and decreasing Covid-19 cases -- could signal a turnaround the President desperately needs ahead of November's midterm elections. On the policy side of things, it addresses a series of urgent issues, most notably the global shortage in semi-conductor chips, that Biden has consistently highlighted throughout his first year in office. On the political front, it neatly aligns with what Biden framed as the core of his economic policy -- an emphasis on domestic manufacturing and a clear and unmitigated effort to directly bolster US economic and technological advances to counter a rising China. The moment arrives as Biden's highest-profile legislative goals have run into a brick wall. Biden's cornerstone $1.75 trillion economic and climate package has been frozen in place due to the opposition of West Virginia Democratic Sen. Joe Manchin, with the centrist Democrat collapsing the arduous, months-long process to pass the bill in December. A few weeks later, Senate Republicans unanimously opposed Biden's voting reform push -- and Manchin joined with Sen. Kyrsten Sinema, an Arizona Democrat, to reject the Biden-backed effort to change the Senate filibuster rule to pass the measure with a simple majority. The twin defeats laid bare the reality of Biden's precarious political position, wrestling with the slimmest of congressional majorities and searching for a path forward at the very moment he entered a midterm election year with his lowest poll numbers of his time in office. The result drew no shortage of concern and complaints from Democrats both inside and outside of Washington. White House officials stress that they plan to take another run at a scaled back -- if still sweeping -- Build Back Better package. There's also cautious optimism that the bipartisan group of senators working to reform the Electoral Count Act could lead to an outcome Biden would support, even as officials have kept their distance from the effort and take pains to note it's not a substitute for their voting reform efforts. Yet neither of those is viewed inside the White House as imminent, with both likely weeks away from taking legislative center stage. A February 18 government funding deadline remains the most pressing issue on the calendar, but talks on a broader funding agreement, while progressing, have been plodding, indicating another short-term extension may prove necessary. 'The sweetest of political sweet spots' Therein lies the long-awaited opening for action. As Democrats sought to retrench amid the setbacks, they didn't have to look far for a proposal to move to the forefront -- one that had already passed the Senate with significant bipartisan support and that White House officials see as carrying significant policy and political benefits. At the core of the bill is $52 billion to turbocharge US semiconductor development and manufacturing, an area of palpable -- and growing -- economic and national security concern for administration officials. The effort would mark dramatic expansion of federal investment in manufacturing, new technologies and research and development, marking a dive into industrial policy designed to spur innovation and private sector follow-on that could dramatically reshape the US posture in what has become a strident technological rivalry with China. "Let's do it for the sake of our economic competitiveness and our national security," Biden said as he pressed lawmakers to act on the proposal last week at the White House. "Let's do it for the cities and towns all across America working to get their piece of the global economic package." "We need not have confrontation, but we have a stiff economic and technological competition," Biden added, speaking of China, which has served as a -- if not the -- animating element of Biden's foreign and domestic policy efforts. The pervasive shortage of chips, which are critical components in everything from cars and washing machines to phones and electrical grids, has been perhaps the most acutely painful of a myriad of pandemic-driven supply chain issues that have contributed to inflation that sits at a year-over-year 39-year high. Some manufacturers that rely on semiconductors are down to less than five days' worth of inventory, according to a report released Tuesday by the Commerce Department. "It's China, it's national security, it's inflation, it's manufacturing, it's bipartisan," one Democratic lawmaker who has pushed to move the bill for several months told CNN. "Beyond the policy necessity, it's the sweetest of political sweet spots." That a single bill could directly address some of the most significant issues facing the country is not lost on a White House -- or frontline House Democrats -- looking for a win. "There's not a member of Congress who is going into their district and not hearing about inflation, supply chain, chips," Raimondo said. A 'Sputnik moment' Yet for all of its political salience, supporters view the proposal as broadly transformational. Biden, when talking about the effort, has framed it through his oft-mentioned lens of the world facing an existential moment where democracies must confront the challenge of rising autocratic regimes. Sen. Todd Young, the Indiana Republican who has spearheaded the effort and successfully shepherded the measure through the Senate along with Schumer, the lead Democratic author, has compared the measure to a "Sputnik moment." In the place of the Soviet Union's technological advancements of last century, Young has pointed to China's vast investment in research and technology driving the USpublic and private sector response. White House officials view the measure as a vehicle not just for economic and technological advancement, but societal as well. One White House official outlined how design of the effort can re-attach the now disparate elements of local communities -- where things like regional technology hubs can serve as drivers for university researchers and corporations to align with workers and labor unions and philanthropic and community organizations. Taken together, they are lofty -- and, to a degree, hard to quantify -- ambitions for a single piece of legislation. But they also underscore sheer scale of what would mark the largest industrial policy effort in recent history. Despite suggestions by some lawmakers that the semiconductor piece be split off and moved separately, White House officials and key sponsors repeatedly rejected the idea, knowing separating the most urgent component would likely doom its other parts. The package, for it to have its full effect, needed to stay intact, they said. Yet for months the critical, if underappreciated, element of Biden's legislative checklist sat in limbo, stuck behind high-profile Democratic priorities, and weighed down by a handful of substantive policy disputes. "The biggest stumbling block to getting this done has just been distraction," Young said in an interview with Punchbowl News, citing the White House and congressional Democratic focus that, for months on end, centered on finding a path for Biden's Build Back Better Act. White House officials note Biden's focus on the core elements has been consistent throughout, with a bipartisan meeting to highlight the issue in February, followed by an executive order that laid the groundwork for the administration's focus on supply chain resilience -- with a clear focus on semiconductor chips. The Senate process was largely driven by lawmakers, with the White House providing technical advice and consultation, and those conversations have continued in the months that followed. Still, officials acknowledge that an almost all-consuming Democratic focus other agenda items played a role in a timeline that has remained ambiguous for months. A clear shift emerges But over the course of the last week, a series of intentional moves have underscored a clear shift. Biden highlighted the need for the legislation at a White House event, Pelosi listed the proposal in a memo to House Democrats as a top priority for House consideration and the Commerce Department released a report highlighting the severity of the current semiconductor shortage -- data Raimondo described as "truly alarming." In the most critical step, House Democrats released their long-awaited 3,000-page version of the bill. "We are hopeful about that process moving forward quickly, and the President would certainly like to sign it as soon as possible," White House press secretary Jen Psaki told reporters Wednesday. There remain significant hurdles, even as the White House throws its weight behind quick action. House Republicans have already made clear they largely plan to oppose the House Democratic proposal after their top committee members felt cut out as Democratic leaders moved to release the bill text. Administration officials, including Raimondo, have been pressing to line up the votes the last several days. The House bill diverges in several critical areas from its Senate counterpart, laying the groundwork for a complex conference process after House passage. Resolving those differences, particularly on differing trade provisions, between powerful House Democratic chairs and Senate authors who can point to a significant bipartisan vote in their favor is certain to create complications. The window for action, even though it's clearly open at the moment, may be fleeting as other priorities bubble in the background -- something underscored by the surprise addition of a looming Supreme Court confirmation battle to the Senate agenda Still, Biden's advisers have strategically mapped out ways to keep the issue on the front burner. Biden will highlight the bill, and the need to get it to his desk, once again when he travels to Pittsburgh on Friday. There will be an intensive focus on its necessity, not just for the near term, but also in laying the groundwork for a US. competitive advantage for years in the future. A sustained public and private focus is planned in the weeks ahead, officials said, as House Democrats move on their version of the legislation and then both chambers work to reconcile differences to get a final version to Biden's desk. The economic and national security risks, after all, aren't going away, even if it's taken longer than some lawmakers would have liked to finally lay out the path to the finish line. "Our challenge is to show leadership and not get tied up in any one particular red-line and miss the forest for the trees, which is: We have a semiconductor crisis," Raimondo said. "It's a national security crisis. It's an economic security crisis. And so, we just have to try to keep folks really focused on that."

#### Antitrust reform triggers political backlash on Biden

--“opposition to legislative reform” is the better Politics Link, “political backlash” seems to indicate the FTC actions would not be insulated from Congress (Agency aff links to Politics DA)

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D. Political Backlash As we have already indicated, the government’s prosecution of high stakes antitrust cases often inspires defendants to lobby elected officials to rein in the enforcement agency. Targets of cases that seek to impose powerful remedies have several possible paths to encourage politicians to blunt enforcement measures. One path is to seek intervention from the President. The Assistant Attorney General of the Antitrust Division serves at the will of the President, making DOJ policy dependent on the President’s continuing support. The White House ordinarily does not guide the Antitrust Division’s selection of cases, but there have been instances in which the President pressured the Division to alter course on behalf of a defendant, and did so successfully.125 The second path is to lobby the Congress. The FTC is called an “independent” regulatory agency, but Congress interprets independence in an idiosyncratic way.126 Legislators believe independence means insulation from the executive branch, not from the legislature. The FTC is dependent on a good relationship with Congress, which controls its budget and can react with hostility, and forcefully, when it disapproves of FTC litigation—particularly where it adversely affects the interests of members’ constituents. Controversial and contested cases may consequently be derailed or muted if political support for them wanes and politicians become more sympathetic to commercial interests. The FTC’s sometimes tempestuous relationship with Congress demonstrates that political coalitions favoring bold enforcement can be volatile, unpredictable, and evanescent.127 If the FTC does not manage its relationship with Congress carefully, its litigation opponents may mobilize legislative intervention that causes ambitious enforcement measures to the founder. Imagine, for a moment, that the DOJ and the FTC launch monopolization cases against each of the GAFA giants. Among other grounds, these cases might be premised on the theory that the firms used mergers to accumulate and protect positions of dominance. The GAFA firms have received unfavorable scrutiny from legislators from both political parties over the past few years, but the current wave of political opprobrium is unlikely to discourage the firms from bringing their formidable lobbying resources to bear upon the Congress. It would be hazardous for the enforcement agencies to assume that a sustained, well-financed lobbying campaign will be ineffective. At a minimum, the agencies would need to consider how many battles they can fight at one time, and how to foster a countervailing coalition of business interests to oppose the defendants E. Opposition to Legislative Reform Although statutory reform might at first sight appear to be a direct, effective solution to some of the impediments (such as entrenched judicial resistance to intervention), there are good reasons to expect that powerful business interests will also stoutly oppose any proposals for legislation to expand the reach of the antitrust laws or to create a new digital regulator.128 One can envisage the formidable financial and political resources of the affected firms will amass to stymie far-reaching legislative reforms. Legislative steps that threaten the structure, operations, and profitability of the Tech Giants and other leading firms are fraught with political risk. These risks are surmountable, but only by means of a clever strategy that anticipates and blunts political pressure. One element of such a strategy is to mobilize countervailing support from consumer and business interests to sustain an enabling political environment to enact ambitious new laws. Even if successful, “[l]egislative relief from existing jurisprudential structures might take years to accomplish”;129 acts taken under new legislation—even with the establishment of presumptions that improve the litigation position of government plaintiffs—may still be relatively complex and difficult to prosecute. Rulemaking is an alternative to litigation, but it is no easy way out of the problem. On the contrary, promulgation and defense, in litigation, of a major trade regulation rule is liable to take as long as the prosecution of a Section 2 case. It can also be anticipated that a judiciary populated with many regulation skeptics will subject new rules or related measures to demanding scrutiny.

#### USICA is key to disruptive innovations that solve climate change

Walker 21 Senior Vice President for Global Affairs and Chief Legal Officer at Google, Seizing the moment - A framework for American innovation, <https://blog.google/perspectives/kent-walker/seizing-moment-framework-american-innovation/>

Decades of government investment in R&D led to scientific breakthroughs that gave us the tools we use every day, and public-private partnerships have sparked innovations from the microchip to the internet. Government R&D investment has led to economic growth, jobs and new startups. As just one example, some of Google’s earliest work was made possible, in part, by the Digital Library Initiative, funded by the National Science Foundation. But if you fast forward to today, the U.S. government investment in tech has moved to the slow lane. Government-funded research in the U.S. has fallen by 60% as a percentage of GDP — from 1.9% of GDP in 1964 to just 0.7% today. Many countries around the world are investing significantly in research and development. For example, China has said that it will be increasing government R&D funding by 7% annually and recently announced a five-year plan to invest an additional $1.4 trillion in developing next-generation technologies. As a nation we now have a historic opportunity to put aside partisanship and come together on an issue that will determine our future competitiveness. The United States must seize the moment to cultivate science and technology by setting out a national innovation strategy, and we commit to doing our part. Senators Schumer and Young have introduced the bipartisan Endless Frontier Act — an important step in putting to work America’s strengths in science and technology to tackle some of the biggest issues of our time, from climate change to global health. Legislative proposals to increase funding for the National Science Foundation will accelerate innovation in the technologies of the future — including quantum computing, AI, biotech and genomics, advanced wireless networks, and robotics — and strengthen the U.S. innovation ecosystem through regional hubs spread throughout the country.

#### Climate change causes extinction

Alexander-Sears 21, PhD Candidate in Political Science at The University of Toronto, former Professor of International Relations at the Universidad de Las Américas (Nathan, “Great Powers, Polarity, and Existential Threats to Humanity: An Analysis of the Distribution of the Forces of Total Destruction in International Security,” Conference Paper: *International Studies Association, 2021 Annual Conference*, Research Gate)

Humanity faces existential risks from the large-scale destruction of Earth’s natural environment making the planet less hospitable for humankind (Wallace-Wells 2019). The decline of some of Earth’s natural systems may already exceed the “planetary boundaries” that represent a “safe operating space for humanity” (Rockstrom et al. 2009). Humanity has become one of the driving forces behind Earth’s climate system (Crutzen 2002). The major anthropogenic drivers of climate change are the burning of fossil fuels (e.g., coal, oil, and gas), combined with the degradation of Earth’s natural systems for absorbing carbon dioxide, such as deforestation for agriculture (e.g., livestock and monocultures) and resource extraction (e.g., mining and oil), and the warming of the oceans (Kump et al. 2003). While humanity has influenced Earth’s climate since at least the Industrial Revolution, the dramatic increase in greenhouse gas emissions since the mid-twentieth century—the “Great Acceleration” (Steffen et al. 2007; 2015; McNeill & Engelke 2016)— is responsible for contemporary climate change, which has reached approximately 1°C above preindustrial levels (IPCC 2018). Climate change could become an existential threat to humanity if the planet’s climate reaches a “Hothouse Earth” state (Ripple et al. 2020). What are the dangers? There are two mechanisms of climate change that threaten humankind. The direct threat is extreme heat. While human societies possesses some capacity for adaptation and resilience to climate change, the physiological response of humans to heat stress imposes physical limits—with a hard limit at roughly 35°C wet-bulb temperature (Sherwood et al. 2010). A rise in global average temperatures by 3–4°C would increase the risk of heat stress, while 7°C could render some regions uninhabitable, and 11–12°C would leave much of the planet too hot for human habitation (Sherwood et al. 2010). The indirect effects of climate change could include, inter alia, rising sea levels affecting coastal regions (e.g., Miami and Shanghai), or even swallowing entire countries (e.g., Bangladesh and the Maldives); extreme and unpredictable weather and natural disasters (e.g., hurricanes and forest fires); environmental pressures on water and food scarcity (e.g., droughts from less-dispersed rainfall, and lower wheat-yields at higher temperatures); the possible inception of new bacteria and viruses; and, of course, large-scale human migration (World Bank 2012; Wallace-Well 2019; Richards, Lupton & Allywood 2001). While it is difficult to determine the existential implications of extreme environmental conditions, there are historic precedents for the collapse of human societies under environmental pressures (Diamond 2005). Earth’s “big five” mass extinction events have been linked to dramatic shifts in Earth’s climate (Ward 2008; Payne & Clapham 2012; Kolbert 2014; Brannen 2017), and a Hothouse Earth climate would represent terra incognita for humanity. Thus, the assumption here is that a Hothouse Earth climate could pose an existential threat to the habitability of the planet for humanity (Steffen et al. 2018., 5). At what point could climate change cross the threshold of an existential threat to humankind? The complexity of Earth’s natural systems makes it extremely difficult to give a precise figure (Rockstrom et al. 2009; ). However, much of the concern about climate change is over the danger of crossing “tipping points,” whereby positive feedback loops in Earth’s climate system could lead to potentially irreversible and self-reinforcing “runaway” climate change. For example, the melting of Arctic “permafrost” could produce additional warming, as glacial retreat reduces the refractory effect of the ice and releases huge quantities of methane currently trapped beneath it. A recent study suggests that a “planetary threshold” could exist at global average temperature of 2°C above preindustrial levels (Steffen et al. 2018; also IPCC 2018). Therefore, the analysis here takes the 2°C rise in global average temperatures as representing the lower-boundary of an existential threat to humanity, with higher temperatures increasing the risk of runaway climate change leading to a Hothouse Earth. The Paris Agreement on Climate Change set the goal of limiting the increase in global average temperatures to “well below” 2°C and to pursue efforts to limit the increase to 1.5°C. If the Paris Agreement goals are met, then nations would likely keep climate change below the threshold of an existential threat to humanity. According to Climate Action Tracker (2020), however, current policies of states are expected to produce global average temperatures of 2.9°C above preindustrial levels by 2100 (range between +2.1 and +3.9°C), while if states succeed in meeting their pledges and targets, global average temperatures are still projected to increase by 2.6°C (range between +2.1 and +3.3°C). Thus, while the Paris Agreements sets a goal that would reduce the exis 6 - tential risk of climate change, the actual policies of states could easily cross the threshold that would constitute an existential threat to humanity (CAT 2020)

### 1NC---DA

#### Pharma innovation is strong BUT dependent on regulatory certainty

Levit 7-13-202, JD, MA, Counsel and Co-Chair, Life Sciences Policy and Regulatory Group, DLA Piper (Geoffrey, Written testimony before the Subcommittee hearing: “A Prescription for Change: Cracking Down on Anticompetitive Conduct in Prescription Drug Markets”, pg. 6-7, Accessible at: https://www.judiciary.senate.gov/meetings/a-prescription-for-change-cracking-down-on-anticompetitive-conduct-in-prescription-drug-markets)

The competitive market with appropriate IP protections is the engine that drives the innovative biopharmaceutical R&D ecosystem. The dynamics of the private, market-based system in the U.S. promote incentives for continued innovation and increased patient access to needed medicines while leveraging competition to achieve cost containment.

The U.S. market is structured to take maximum advantage of savings from competition while ensuring Americans have access to innovative and life-saving treatments. Today, the U.S. is the global leader in R&D related to lifesaving 7 treatments and cures. There are nearly 8,000 medicines in development globally, more than half of which are in development in the U.S., including hundreds for conditions like cancer and Alzheimer’s disease.44 The U.S. develops more new medicines than the rest of the world combined,45 precisely because we reject government price setting and protect IP.

As a result, the U.S. biopharmaceutical sector serves as one of the biggest employers and investors in U.S. R&D, fueling the U.S. economy. Biopharmaceutical companies employ 800,000 Americans directly and support 4.7 million jobs nationwide.46 In 2018 alone, the biopharmaceutical industry invested an estimated $102 billion in R&D,47 more than any other industry.48 In fact, the biopharmaceutical industry invests on average six times more in R&D as a percentage of sales than manufacturing industries overall. 49 IP is designed to, and does, foster both innovation and competition. IP protections and regulatory incentives give innovator companies a degree of certainty that their IP is protected—fostering innovation—while at the same time, the specifics of the invention covered by patents are published so others can learn from it and use it as the foundation for future invention and discovery—promoting competition. This public disclosure of inventions spreads knowledge and encourages others (i.e., competitors) to invent around existing patents and find new and different ways to solve problems and develop competing products.

#### Targeting Big Tech sets a precedent that chills innovation in every sector---specifically, pharma.

Turner 21, journalist @ The Well News. (Victoria, 2-23-2021, "Antitrust Reforms Could Kill Competition", *The Well News*, <https://www.thewellnews.com/law/antitrust/antitrust-reforms-could-kill-competition/>)

Four panelists warned today that proposed legislative reforms for more aggressive antitrust enforcement in Big Tech would likely spill over across all industries, hindering innovation and harming consumers. Strengthening the antitrust laws – federal and state statutes that restrict the formation of monopolies and prohibit dominant companies from abusing their market power – would deprive the public of the benefits of aggressive competition by putting business decisions further under the microscope of regulators, they said. Their remarks came during a NetChoice event, “The Bad Side of Breaking Up Big Tech,” the first of a monthly series the online businesses trade association will host to discuss different policy developments concerning the “Big Tech” firms – Alphabet’s Google, Amazon, Facebook and Apple. One of the most prominent critics of current antitrust policy is Sen. Amy Klobuchar, D-Minn., who earlier this month introduced the antitrust reform bill that was a central focus of the panelists’ discussion. Her proposed bill, the Competition and Antitrust Law Enforcement Reform Act, would seek a sweeping reform of antitrust laws. The legislation would shift the burden of proof in antitrust litigation to the companies charged by regulators with violating the competition laws. Klobuchar’s bill would also increase funding of the antitrust agencies and ease restrictions around their ability to seek monetary penalties in court. But the current legal framework did have its defenders. Asheesh Argawal, deputy general counsel at think tank TechFreedom said Congress should wait to see how current legal cases regulators have filed against Big Tech companies play out before making any dramatic changes to the law. He also took aim at Klobuchar’s bill, which he said would diminish competition by increasing civil fines to a point that would deter investments in the tech industry. Jennifer Huddleston, director of Tech and Innovation Policy at American Action Forum, an independent, center-right policy institute, was also critical of Klobuchar’s proposed reforms, saying they could cause companies to rethink planned mergers and acquisitions and prevent smaller, innovative companies from getting the lifelines they sometimes need to survive. Huddleston also warned that while the current proposed antitrust reforms target the tech industry almost exclusively, their sweeping nature means they will have serious ramifications for all kinds of businesses, including those in the pharmaceutical, agriculture, and energy sectors, among others.

#### Sustained pharma innovation solves disease, bioterror, and AMR

Marjanovic & Feijao 20, \*Sonja Marjanovic, PhD, Director, Healthcare Innovation, Industry and Policy, RAND; \*\*Carolina Feijao, PhD, MSc, analyst working in science and emerging technology at RAND. (May 2020, “Pharmaceutical Innovation for Infectious Disease Management”, *RAND*, pg. 1-3, Accessible at: <https://www.rand.org/pubs/perspectives/PEA407-1.html>)

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. 2 It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accelerate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing combination product that is being tested for therapeutic potential against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterrorism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contributions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innovation conditions.

#### Natural AND engineered diseases cause extinction---research solves.

Larsen 20, Senior Advisor, Copenhagen Institute for Futures Studies. *et al*. (Nicklas, 6-25-2020, "Future pandemics: A growing existential risk", *Medium*, <https://medium.com/copenhagen-institute-for-futures-studies/future-pandemics-a-growing-existential-risk-9c08f3d5358e>)

We have entered the era of global risks that stem from both man-made and natural sources, or a combination of both: climate change, a malevolent super AI, nuclear bombs, bioterrorism, cyber-attacks and, of course, pandemics. To further add to this complexity, there are distinctions to make in this global risk landscape. A global catastrophic risk is a hypothetical future event that could harm human well-being on a global scale, even endangering or destroying modern civilisation, whereas an event that possibly could lead to human extinction is an existential risk, as the Swedish author and philosopher Nick Bostrom defines it: ‘One where an adverse outcome would either annihilate Earth-originating intelligent life or permanently and drastically curtail its potential’.

While some of these existential risks stem from nature and are thus out of our control — asteroid impacts or super volcanoes for example — other threats facing us are man-made. Throughout history, human ingenuity has produced technologies with double-edged capabilities. Perhaps the most dramatic example came with the capability to harness the atom, with nuclear power and nuclear weapons being the by-products. This marked the dawn of a new epoch in which humankind achieved the ability to destroy itself, with a few very close calls happening especially during the Cold War. Since then, nuclear weapons have now been joined by other emerging technological risks such as nanotechnology and AI.

THE EXPANDED RISK LANDSCAPE OF PANDEMICS

Although it has been a novel experience for most people living through it, the COVID-19 pandemic was not an unanticipated event. In fact, a respiratory virus-enabled pandemic like COVID-19 was deemed likely or even expected by virologists. The interconnectedness of modern-day civilisation has made it much easier for a pandemic to spread globally in days or weeks rather than months, and the frequency of outbreaks is accelerated by ecosystem collapse, demographic developments and global warming. In any given month, The World Health Organization now traces roughly 7.000 signals of potential outbreaks, conducts 300 follow-ups, and leads 30 investigations. In the month of June 2018, for the first time ever, the WHO tracked outbreaks of six of the eight of the ’priority communicable diseases’, like Zika and MERS happening at the same time. WHO’s list of potential outbreaks also includes ‘Disease X’, representing the fact that a future epidemic or pandemic could also be caused by a pathogen unknown to us at the current time. Below, we take a closer look at some of the global trends that will accelerate the emergence and spread of disease in the future.

The rise of megacities

The transition from rural to urban life is a defining characteristic of our age. By 2050, two-thirds of the world’s 9,8 billion people will live in urban areas, up from around half of the world population living in cities today. This movement of people from the countryside to cities is driven by the promise of increased economic opportunity, access to healthcare, connections, education, and increased mobility. During the next decade, the number of megacities (defined as 10 million inhabitants or more) will increase to 39 by adding Chicago, Bogota, Luanda, Chennai, Baghdad, and Dar es Salaam to the list. With more than 80% being in low- or middle-income countries, megacities with large parts of the populations living in slums heightens the risk of disease spreading effortlessly. Novel outbreaks will have fertile ground for spreading exponentially, as seen in metropoles and travel hubs of today like New York City. The megacities of the future will be densely populated hubs for transnational commerce, mobility, and hyper-connected which all amplify pandemic risk. With the growing risk of pandemics occurring in the future, the need to bolster the pandemic resilience of cities will only get more pressing. Researchers at the Senseable City Lab at MIT offer a glimpse into some of the features of the pandemic-proof city of the future. As part of their project named ‘Underworlds’, they placed sensors in sewers to detect concentrations of illegal drugs and harmful bacteria in specific areas. The researchers propose to develop a new kind of human health census by sampling the ‘urban gut’ and thus providing early signals of things like contagious disease with geographical precision. A city built with lessons from pandemics might be filled with systems such as these to help map the spread of disease. While technology can get us some of the way, it can’t solve some of the more structural issues that lie at the heart of why and how outbreaks of disease become epidemics or pandemics. Outbreaks of disease tend to hit underprivileged or marginalised population groups the hardest, and to effectively curb the spread of disease in the future, we not only need to expand our urban and technological resilience, but arguably (and chiefly) our social and community resilience as well.

Global warming and increased human-wildlife interfacing

Pandemics and global warming remind us that nature is powerful, and that despite all our modern gadgets, we are still subject to its temperaments. Our current situation is a terrifying harbinger of the pandemics that can be brought about in the future if global warming continues to further destabilise the natural world. Already today, global warming is exposing new threats. The warming planet is melting permafrost that has been frozen for decades or longer, releasing ancient viruses and bacteria that have lain dormant. Out of the meltwater, smallpox or the Spanish flu could be given a second chance, or something completely different we do not want to discover could be ‘released’ into the world. Rising global temperatures are also expanding the geographical reach of diseases like zika, dengue fever, and malaria, as these infectious diseases and their vectors, like mosquitos, thrive better in a warmer and a more humid climate. Additionally, global warming is also changing the water cycle, leading to heavier rainfalls and higher risks of floods, and consequently spreading water-borne diseases like cholera. This is especially problematic in the world’s poorest regions which are unable to invest heavily in climate mitigation infrastructure.

COVID-19 breached natural boundaries at the interface between human activity and wild ecosystems. A major factor driving such spillover events is the loss of natural ‘buffers’ between humans and wild ecosystems, exemplified through deforestation, bushmeat hunting, and the traditional Asian open wet markets. Additionally, the world’s growing demand for domesticated meat is greatly increasing the number of pigs and chickens on the planet, increasing the chances of a pig or avian influenza to make the jump from animals to humans.

Democratisation and proliferation of biotechnology

In the past two centuries, we went from discovering the world of microbes invisible to the human eye to growing them in petri dishes, sequencing their genomes and now, altering their DNA. Just in the past 10 years, we have seen major breakthroughs in our biotechnological capabilities, such as the use of gene drives, the genetic cut-and-paste tool CRISPR-Cas9, and the world’s first genetically modified babies. A gene drive is a genetic mechanism by which a desired genetic sequence can be spread through a population faster than traditional inheritance.

This strategy can be so effective that traits can spread even if they result in a disadvantageous trait, such as sterility. Thus, gene drives present potential new solutions for a variety of issues facing humanity, including eradicating, or altering disease carriers such as mosquitoes and controlling invasive species of plants, insects, or toads. What is worrisome, however, is that these biotechnological breakthroughs are not only in the hands of state actors and institutions. The rapid democratisation of biotech has made these powerful tools increasingly available to groups from the undergraduate biologist to the DIY biohacking communities.

When the first human genome was sequenced in 2001, it took almost 15 years and the cost was around $2,6 billion. Today, a genome can be sequenced in an hour for a price of less than $1.000. While our growing biotechnological knowledge has benefits, it is a double-edged sword and can be misused — intentionally or unintentionally — in ways that can cause great harm. As the number of people with access to the technology grows, so does the risk for the technologies to be misapplied with deadly and global impact.

Error or terror: bad bugs or bad guys?

A biotechnological catastrophe may be caused by an engineered organism being accidentally released from controlled research environments, by the planned release of such an organism which then turns out to have unforeseen and catastrophic interactions with ecosystems, or by intentional usage of biological agents in biological warfare or bioterrorism attacks. The existential risks posed by most scientific and medical research is negligible. However, there is ongoing research into live agents of smallpox, SARS, H5N1, and avian flu, which, if escaped mistakenly, could wreak havoc. It is likely possible to engineer pathogens that are even more dangerous than the natural strains by increasing their incubation time, transmissibility, lethality, or resistance to vaccination and treatment. Research by well-intentioned actors into potential pathogens of pandemic, both natural — and down the road synthetic — is a path society can pursue to try to stay one step ahead of bad actors by exploring the space of possibilities and prepare adequately. Engineering pathogens to study them of course comes with its own set of dangers, but the benefits to resiliency might outweigh the risks and thus presents a fine line to be walked by the scientific community and its regulators. The technological means to genetically modify pathogenic characteristics are likely to become more widely available in the future. The main candidate for biological existential risk in the coming decades thus stems from our own technology and particularly the risk of misuse by groups or even individuals. Capabilities that were once only in the hands of governments and universities are increasingly moving into the living rooms and garages of individuals. Nick Bostrom from The Oxford Future of Humanity Institute estimates from a survey among researchers a 5% probability of a pandemic of catastrophic proportions (1 billion deaths) from natural sources by 2100 and estimate a 10% probability from an engineered pandemic.

### 1NC

BRIBERY CP:

#### The United States federal government should ban the creation of shell companies, modernize the AML (anti-money laundering) regime, and engage in non-antitrust anti-kleptocracy efforts.

#### Solves AND are alt causes

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Putting an end to the **spread of corruption from kleptocratic autocracies** into the United States will be one of the most significant **challenges** for the incoming presidential administration. Still, we believe President-elect Joe Biden will have a chance to reshape how U.S.-based jurisdictions approach doing business with economic actors based in kleptocracies. To succeed, the White House will need to connect this foreign policy priority with a **domestic agenda of financial regulation.** Fortunately, this issue may have enough **bipartisan goodwill** for these efforts to produce a major legislative win for the incoming administration. While Americans have been gripped by the psychodrama of the Trump years, governments of China, Russia, Saudi Arabia, and Turkey have become more autocratic while also expanding their influence thanks to the global power vacuum left by Washington. The United States still possesses an **immense source of leverage against these powers**, because even as they entirely abandoned democratic aspirations, they have become even more dependent on the global financial system centered on the American economy and its legal-regulatory apparatus. Corrupt officials, oligarchs and state-owned firms from around the world flock **into Western democracies** with longstanding rule-of-law traditions and deep financial markets in search of legitimization, tax “optimization,” and property rights protections. In particular, U.S. banking, accounting, and law firms are still without rivals in helping these actors accomplish their goals. Wall Street banks have had a long history of legitimizing the inflow of questionable capital into the global pool of money. Just look at the recent $3 billion settlement between the Justice Department and Goldman Sachs over misconduct at Malaysia’s sovereign wealth fund, which highlighted one of the most egregious, but entirely commonplace, examples of U.S. banks facilitating this process. The Trump years also made it clear that the interconnectedness between the West and autocratic kleptocracies presents a security challenge for the United States. The Trump experience showed that top officials in the U.S. government can be corrupted by wealthy elites from foreign nations. Not only did we see such dynamics play out during the lead-up to President Donald Trump’s impeachment, but immediately after Trump’s failed re-election, the son-in-law of Turkey’s president resigned his post as finance minister, in part because his friendship with his U.S. counterpart, Trump’s son-in-law Jared Kushner lost its utility to Mr. Erdoğan. Biden and Michael Carpenter, former deputy assistant secretary of defense for Russia, Ukraine, Eurasia, concluded their 2018 essay on this subject by saying that “as matters of national security, these are issues that should be of interest to both Democrats and Republicans who want to reduce our vulnerability to foreign corrupt influence.” We agree enthusiastically. The Biden administration has an opportunity to **deal a real blow to global kleptocracy**, but it must adopt a comprehensive plan that would deploy domestic financial regulation as a vehicle to combat corruption at home and abroad. To that end, here are several recommendations for immediately confronting the problem of global kleptocracy, while also unwinding the United States’ ongoing role as one of the centers of offshoring and financial secrecy.

1. Put an end to financial secrecy.

The United States must, above all else, end its role as the world’s leading generator of anonymous shell companies. Thanks to states like Delaware, Wyoming, and Nevada, the United States produces millions of anonymous shell companies annually, allowing kleptocrats, oligarchs, arms dealers, human traffickers, and others to hide behind anonymity to successfully launder their money. Anonymous shell companies are the key linchpins in most financial and money laundering-related crimes. The process of obtaining an anonymous shell company in the United States is often easier than obtaining a library card. There is absolutely no reason for anonymous companies to exist — nor is there any reason whatsoever for the United States to continue its role as the leading provider of anonymous shell companies in the world. Congress may be ready to act in the coming weeks. After the House passed the Corporate Transparency Act in late 2019, banning anonymous shell companies, the Senate appears close to passing similar language within the National Defense Authorization Act. However, even if such legislation comes to pass, numerous steps remain to battle America’s role in facilitating corruption across the globe. Following the banning of anonymous shell companies, the United States must move directly toward banning the anonymous purchase of real estate, whether commercial or residential. Language in the 2002 Patriot Act explicitly required the real estate industry to put in place basic anti-money-laundering checks. But thanks to a “temporary” exemption — an exemption that’s now nearly two decades old — the American real estate industry never had to implement these requirements. As such, the American real estate industry, buoyed by innumerable anonymous purchases, remains perhaps the largest single industry profiting from the rise of modern kleptocracy – all to the delight of post-Soviet oligarchs, sanctioned Iranian officials, and corrupt Malaysian tycoons, among innumerable other kleptocrats, arms dealers, and human traffickers. The Geographic Targeting Orders, implemented under the Obama administration, prevent anonymous purchases for most residential real estate in certain select U.S. cities. But this program is just a band-aid on a far larger problem — a problem that, thanks to the continued influx of dirty money into the American real estate sector, continues to grow by the day. But shell companies and real estate aren’t the only industries benefiting from this rampant anonymity. American hedge funds, American private equity funds, American art and auction house markets, American escrow agents — all of these industries are preferred playgrounds for corrupt foreign actors looking to launder dirty money. Eliminating the anonymity in these industries is an absolute must, and everything from sanctions programs to America’s broader fight against corruption writ large will continue to fail until these industries are required to identify those with whom they do business.

2. Fund the effort to modernize the ant-money laundering (AML) regime

And then there are the American banks and the regulatory structures behind them. The American banking sector is one of the few quasi-successful stories regarding anti-kleptocracy measures. Thanks to the Patriot Act, American banks have to conduct internal anti-money-laundering checks and to identify those with controlling stakes in accounts linked to shell companies. However, these measures are insufficient. As illustrated by the recent “FinCEN Leaks,” the Treasury Department remains severely under-resourced when it comes to monitoring the anti-money laundering and Suspicious Activity Reports (SARs) submitted by the banks. Because institutions like the Treasury Department’s Financial Crimes Enforcement Network (FinCEN) remain severely understaffed, these banks can continue working for years and years with suspect figures. Some skeptics may argue that the current system works, that industry is already heavily regulated and tightly monitored. They will claim, with some good reason, that banks process billions of electronic transactions, so there is simply no way to scrutinize every wire transfer. They will also argue that “draconian” measures would likely push transactions to other jurisdictions, leaving U.S. officials without the ability to oversee a substantial chunk of the vast system. They will also promote the idea that since most new growth in the global economy will come from emerging markets, where the rule of law is weak, “neutering” the American banking system will make it less competitive. They will also say that getting caught in money-laundering schemes is against their self-interest, hence battling kleptocratic money should be left up to their own internal processes. Yet, the track record of American banks undermines many of these assertions. After all, these were the exact same arguments banking lobbyists put forth during the negotiations surrounding the Patriot Act. As we’ve seen over the past two decades, those anti-money-laundering checks have not prevented the American banking sector from thriving. The banking industry in the United States earned on the order of a quarter-trillion dollars in profits in 2019 alone. Successfully curbing money-laundering in the system will reduce those profits, but it will also improve the credibility of Western rule of law. If successful, these actions will spur movement among non-American banks, helping shore up broader anti-corruption and anti-kleptocracy efforts abroad. This will be a difficult endeavor, and we should not make perfect the enemy of the good. It is true that the scale of the interactions between domestic and international financial systems is simply too vast to be surveilled by even the most capable and well-intentioned bureaucracy. The AML system is need of modernization. Additional compliance burden and regulatory requirements will disproportionately affect small community banks. Some level of suspicious financial activity will always be present in the system. This is why we suggest an approach to regulation that creates a lasting credible threat of punitive action against the banks long after the deals are closed. This means (1) creating a modern, comprehensive and secure data tracking system and information – sharing system between the banks, Treasury and law enforcement agencies ; (2) raising the size of the fines for wrongdoing, among both domestic and international banks; (3) and introducing oversight over deferred prosecution agreements and including criminal liability as punishment in especially egregious cases. As the most immediate consequence, this might force investment banks to change the way they compensate their employees, who currently earn the bulk of their salaries in bonuses. Making these bonuses recoverable if the deals that generated them are proven to have links to money laundering should discourage excessive risk-taking by the industry. The Treasury Department’s own bureaus—including the Committee on Foreign Investment in the United States (CFIUS), the Office of Foreign Asset Control (OFAC), and FinCEN—as well as the Justice Department, the Federal Reserve, and New York State Department of Financial Services all must coordinate efforts to put an end to the era of global kleptocracy relying on the American legal-financial system. More law enforcement energy should be devoted to scrutinizing money laundering at local and federal levels. If free-market advocates choose to see this as an affront on private free-market enterprise, the Biden administration can begin by prioritizing scrutiny of transactions involving foreign state-owned entities like Malaysia’s sovereign wealth fund or the Russian Direct Investment Fund. Even the most radically pro-market advocates of globalization cannot be happy with its current condition as a playground for government-controlled corporations.

3. Make money-laundering unseemly again

None of the new laws and regulations will change the fundamental incentive structure of the global capitalist system. Money earned through corruption will always seek ways to cleanse itself of its past. Ultimately, it must become unbecoming of prestigious American institutions (from banks and museums to universities and think tanks) and prominent individuals (former prime ministers, children of high-ranking officials, academics, and CEOs) to receive money and to accept seats on board of companies who explicitly make money in arbitraging corruption opportunities. The United States is stumbling out of the Trump era with its reputation tarnished, especially in the anti-corruption space. Biden pledged to restore America’s global reputation. He can begin by letting kleptocrats around the world know that American banks, foundations, universities, and its real estate industry will no longer launder their dirty money — shoring up American national security, and restoring America’s leading place in the world of anti-kleptocracy, along the way.

## Privacy

### 1NC---Alt Causes

#### Cohesion impossible --- other protectionist measures on both sides of the Atlantic

Cosmina Moghior – 1ac author – 21, Denton Fellow with the Transatlantic Leadership program at the Center for European Policy Analysis, Protectionism Threatens To Torpedo The Transatlantic Technology Alliance, CEPA, <https://cepa.org/protectionism-threatens-to-torpedo-the-transatlantic-technology-alliance/>

On a broad level, the U.S. and Europe agree on the need for new regulations to limit dangers from the authoritarian digital model. They want to reign in tech monopolies. They want to protect privacy. They want to combat disinformation that threatens democracy.

On a practical level, both favors strengthened export controls of dangerous technology. A good example of cooperation concerns semiconductors. While the US is leading in most stages of the semiconductor supply chain, the Dutch company ASML dominates lithography equipment production. Even under President Trump, the Dutch government agreed to stop ASML from selling its most advanced machines to China.

Unfortunately, though, protectionism threatens to undermine future progress. The Biden Administration’s massive infrastructure plan and new “Supply Chain Disruptions Task Force” aim to keep innovation and production of leading-edge technology at home, making the U.S. a technological leader. Biden’s Buy America Executive Order (EO) encourages domestic procurement of “goods, products, materials, and services from sources that help the American businesses compete in strategic industries and help America’s workers thrive”. The Federal Acquisition Regulatory Council is developing recommendations to extend requirements to information technology.

The U.S. is pouring public money into strategic digital industries. In a rare bipartisan vote, Congress approved $52 billion in subsidies in June for chip research and manufacturing. States from Wisconsin, Texas, and Nevada are showering tax benefits on digital tech giants including Amazon, Apple, and Google to build factories and data centers.

Europe similarly is determined to build its own tech capacities. It promotes the concept of digital sovereignty aimed at providing the continent the capacity to make “autonomous technological choices.” Several projects promote domestic production of critical technologies ranging from next-generation mobile phone production to quantum computing. Public funds already are being spent on the

European cloud computing project GAIA-X aims to break the U.S. stranglehold on cloud computing. While Europe insists that its actions are not protectionist, designed instead to promote and safeguard European values, GAIA-X aims to ensure data protection and limit access of U.S. intelligence to European data. U.S. tech giants including Amazon, Google, and Microsoft have been invited to join, but are banned from joining the board.

The U.S. is home to the world’s largest Internet companies and fears that European regulatory measures will discriminate against them. Plans for a European “digital” tax – put on hold to secure a global corporate tax reform – would disproportionately impact American companies that provide digital services in Europe. A separate Digital Markets Act proposal under consideration at the European Parliament addresses unfair practices of the so-called “gatekeepers,” that operate “core platform services.” Most of the targeted companies will likely be American, beginning with giants Google, Apple, Facebook, and Amazon.

Europe and the U.S. need to step back from pursuing their protectionist instincts, which threatens to allow China’s increasing inroads into the digital market. Beijing is making investments on all continents on projects ranging from education to critical infrastructure. Many countries are turning to China for support and guidance on technological development while the U.S. and the EU focus on their domestic anxieties and ambitions.

A transatlantic tech alliance could provide the blueprint for offering a viable alternative to Chinese inroads in the developing world. Europe and the U.S. need to coordinate against the export of authoritarian practices on the Internet. They can only do this by dropping the push for Buy American and European Digital Sovereignty.

### 1NC---Splinternet Inevitable

#### Internet fracturing is inevitable---there’s no solvency for Russian or Chinese firewalls.

Wright 19 (Keith, “The ‘splinternet’ is already here,” *Tech Crunch*, <https://techcrunch.com/2019/03/13/the-splinternet-is-already-here/>)

There is no question that the arrival of a fragmented and divided internet is now upon us. The “splinternet,” where cyberspace is controlled and regulated by different countries is no longer just a concept, but now a dangerous reality. With the future of the “World Wide Web” at stake, governments and advocates in support of a free and open internet have an obligation to stem the tide of authoritarian regimes isolating the web to control information and their populations. Both China and Russia have been rapidly increasing their internet oversight, leading to increased digital authoritarianism. Earlier this month Russia announced a plan to disconnect the entire country from the internet to simulate an all-out cyberwar. And, last month China issued two new censorship rules, identifying 100 new categories of banned content and implementing mandatory reviews of all content posted on short video platforms.

### 1NC---!---AT: AI

#### No AI or autonomous weapons arms race

Elsa Kania 18, Adjunct Fellow with the technology and national security program at CNAS, 4/19/18, “The Pursuit of AI Is More Than an Arms Race,” https://www.defenseone.com/ideas/2018/04/pursuit-ai-more-arms-race/147579/

However, the concept of an “arms race” is too simplistic a way to think of the coming AI revolution. To confront its challenges wisely requires reframing the current debates.

First and foremost, AI is not a weapon, nor is “artificial intelligence” a single technology but rather a catch-all concept alluding to a range of techniques with varied applications in enabling new capabilities. Just in the near term, the utility of AI in defense may include the introduction of machine learning to cyber security and operations, new techniques for cognitive electronic warfare, and the application of computer vision to analyze video and imagery (as in Project Maven), as well as enhanced logistics, predictive maintenance, and more.

Despite the active research and development underway, these technologies remain nascent and brittle enough that “fully autonomous” weapons (or even cars) are hardly imminent. Moreover, militaries – even those that care less about laws and ethics – may be unwilling to relinquish human control due to the risks.

### 1NC---!---AT: Protectionism

#### Alt causes and no impact to protectionism

Alden 21, \*Edward Alden is an American journalist, author, and the Bernard L. Schwartz senior fellow at the Council on Foreign Relations; (July 20th, 2021, “Free Trade Is Dead. Risky Managed Trade Is Here”, https://foreignpolicy.com/2021/07/20/free-trade-dead-managed-carbon-border-tax-climate-tariffs-trade-war-protectionism-esg-biden-trump-eu-china/)

But the nondiscrimination principle is now under the most sustained assault it has ever faced. On issues from national security to labor rights to the environment, the world’s largest economies are deciding that nondiscrimination—the bedrock principle of free trade and globalization—must take a back seat to more pressing concerns. The most dramatic abandonment is about to hit: Last week, the European Union unveiled its “[Fit for 55](https://www.forbes.com/sites/siladityaray/2021/07/14/fit-for-55-heres-what-to-expect-as-the-eu-unveils-its-ambitious-new-climate-legislation/?sh=453215bb5ad6)” plan to reduce carbon emissions by 55 percent from 1990 levels by the end of this decade and to reach carbon neutrality by 2050—which will require the most sustained economic upheaval since the Industrial Revolution. Central to the EU’s plan is a carbon border tax, under which Europe plans to charge higher tariffs on imports of products made in ways that generate higher emissions than European producers will be permitted to generate for the same goods. The scheme will start by targeting carbon-intensive sectors such as concrete, steel, aluminum, and fertilizer. The U.S. Congress is developing a similar plan to [tax carbon-intensive imports](https://www.nytimes.com/2021/07/14/climate/border-carbon-tax-united-states.html) as part of the coming budget reconciliation package—although the details are still murky. Other new trade restrictions being imposed or considered on both sides of the Atlantic Ocean are based on compliance with labor protections, human rights, and other criteria. For many traded goods, nondiscrimination will become a quaint relic.

Most of these measures are eminently defensible, perhaps even critically necessary, but together, they are leading to an increasingly balkanized global economy—one divided by ideology, social values, and environmental commitments. It will be a less efficient world, one in which companies will need to tailor both investments and production decisions to the values of the countries they wish to sell to. And it will cause more economic conflict. The more these exceptions to the principle of nondiscrimination become entrenched, the easier it becomes to expand those exceptions in the future. As the world moves down this road to closely managed trade, it will need to step cautiously to avoid going too far—and slide back into damaging protectionism.

The dilemma is the line between legitimate humanitarianism or environmentalism and selfish protectionism can be vanishingly thin.

Nondiscrimination has been the foundation of global trade since the 1947 creation of the General Agreement on Tariffs and Trade (GATT), the forerunner of the World Trade Organization (WTO). [Article 1.1 of the GATT agreement](https://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm)—the founding constitution for modern trade—directs that “any advantage, favour, privilege or immunity” given to the products of any GATT member “shall be accorded immediately and unconditionally” to the same products from any other member. In those years, of course, much of the world remained outside the system, in particular the Soviet bloc of communist countries; China withdrew in 1950. But for GATT members, which, by the mid-1990s, included most of the world, there were very few exceptions to nondiscrimination. Having learned from the wreckage of the 1930s, when high tariff walls killed off much of the world’s trade and deepened the global depression, the founders of the GATT wanted nondiscrimination to be a largely inviolate principle, a bulwark against the descent back into senseless trade wars.

Unfortunately, the exceptions were still large enough to erode that bedrock commitment. Decades of preferential trade agreements and regional trade zones, from the original European Community to the North American Free Trade Agreement (NAFTA) and beyond, offered favorable treatment for countries inside those arrangements at the expense of nonmembers. Some of these arrangements gave preferences to certain outside countries but not others—for decades, the European Community gave special privileges to France’s former colonies. Mexico’s proximity to the large U.S. consumer market and its special access under NAFTA turned it into a manufacturing powerhouse. The GATT system also permits countries to slap tariffs on goods deemed “unfairly traded” due to government subsidies or predatory pricing. Many global steelmakers especially have faced such duties for decades. Critics argue “unfair” and “predatory” can be squishy criteria, subjectively applied to ward off competition.

Recently, these exceptions have mushroomed. Former U.S. President Donald Trump cited national security—[a narrow but permitted GATT exception](https://www.cato.org/policy-analysis/closing-pandoras-box-growing-abuse-national-security-rationale-restricting-trade)—to raise taxes on imports of steel and aluminum from some countries. U.S. President Joe Biden is making similar arguments when he insists goods like semiconductors, advanced electric batteries, pharmaceuticals, and critical minerals [be produced primarily in the United States](https://foreignpolicy.com/2021/06/18/biden-bidenomics-economy-america-first-trump-trade-supply-chains-industrial-policy-china-reshoring-protectionism/). Washington has threatened to block goods deemed environmentally damaging and is currently pursuing a case against Vietnam over its exports of furniture and other wood products made from timber alleged to have been [illegally harvested](https://crsreports.congress.gov/product/pdf/IF/IF11683). The European Union, the United States, Britain, and Canada recently imposed trade sanctions targeted at imports from China’s Xinjiang region to protest Beijing’s treatment of the region’s Uyghur Muslims.

Each exception to the nondiscrimination principle has many defenders. No country, quite reasonably, would let its desire for open global trade threaten its national security. Defenders of U.S. trade restrictions on China argue China’s admission to the WTO and the explosion in trade and investment that followed allowed Beijing to grow richer and advance technologically to the point that it poses a significant security threat. A correction was long overdue. Countries, quite understandably, want their economic policies to reflect their values—who would now argue that trade policies should be blind to deforestation in the Amazon or the exploitation of workers? And climate change is now an existential threat to the planet.

The dilemma with each of these measures is the line between legitimate humanitarianism or environmentalism and selfish protectionism can be vanishingly thin. The goals of the EU carbon tax are twofold. First, to encourage other countries to make similarly ambitious climate commitments by threatening the loss of European market access while also equalizing competitive conditions for the EU producers who will pay higher costs for switching to clean energy. The latter goal is dauntingly complex. The EU fears what it calls “carbon leakage,” in which companies would increasingly abandon the EU and shift production abroad to take advantage of looser rules in other countries. The new border tax is intended to “[equalise the price of carbon](https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3661) between domestic products and imports.”

The EU has worked hard to try to ensure the new mechanism does not violate WTO rules, but implementation will be messy at best. The means for assessing the carbon content of imports remain unclear, and EU firms are certain to lobby for the highest possible tariffs to protect their competitive edge. In the United States, which has not set a domestic price for carbon, the danger of protectionist discrimination through import tariffs may be even higher. It’s easy to imagine the next step: Targeted countries and companies will complain they’re being treated unfairly, retaliatory tariffs will ensue, and a trade conflict will start that will be difficult to control given the intensity of the societal and political convictions involved.

The same dynamics are in play on other measures, such as labor rights. For decades, U.S. administrations have pushed for tougher labor standards in trade agreements, partly motivated by the desire to see working conditions improve abroad but mostly in response to domestic labor unions that fear being undercut by cheaper foreign workers. The debate over whether lower wages are an integral part of the competitive advantage of developing economies or a pernicious feature of a global race to the bottom remains unresolved. But the advanced economies have become more aggressive in blocking imports over labor rights. The new United States-Mexico-Canada Agreement, for example, allows for [import tariffs to be targeted](https://crsreports.congress.gov/product/pdf/IF/IF11308) at a single company’s products if that company is deemed to be wrongly impeding union organizing.

There is much to support in all of this. For too long, trade has been blind to most values other than maximizing wealth and corporate profits. However important the pursuit of profit has been in lifting hundreds of millions of people out of misery and destitution in the developing world, there are other values that matter as much, not least the survival of the planet in the face of climate change.

As the world enters a new era of closely managed trade, countries must ensure enlightened discrimination does not become a cover for ruinous protectionism.

But as they abandon the old trade order in pursuit of these laudable goals, the EU and the United States, in particular, would be wise to remind themselves repeatedly of another standard enshrined in the WTO: the “less trade-restrictive” principle. Trade negotiators have grappled for decades with the trade implications of national regulations designed to protect human health and safety, from car crash testing standards to drug and food quality regulations. Such regulations are the proper sovereign authority of nations—but they’re also easily abused to keep out foreign competition or applied for political reasons alone, such as Europe’s fears of certain U.S. food exports.

The compromise has been that while countries must be free to take regulatory measures to protect their people, those measures “[shall not be more trade-restrictive](https://www.wto.org/english/tratop_e/tbt_e/tbt_info_e.htm) than necessary to fulfill the legitimate objective.” A series of WTO dispute cases in the 1990s on issues like U.S. air quality standards for gasoline and the U.S. requirement that the fishing industry protect sea turtles provided sensible standards. The panels in those cases found that although such environmental measures were legitimate under trade rules, they must be implemented in an even-handed way that does not disproportionately harm foreign countries, and those countries must be given time to adapt to the new rules. The panels called for negotiated compromises to resolve disagreements wherever possible.

Although weaker, to be sure, a commitment to less trade-restrictive responses and compromises would provide some needed guardrails against sliding down the proverbial slippery slope. As the world enters a new era of closely managed trade, countries must ensure enlightened discrimination does not become a cover for ruinous protectionism.

#### No impact---empirics and interdependence check---that’s their author.

### 1NC---Status

#### Technological competition is the primary way China intends to gain status

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The analysis of US–China interactions presented here reveals that the phase of heightened geopolitical competition between the two superpowers is upon us. A key bone of contention now and in the coming decade will be about the hierarchy of prestige. By most accounts, China is likely to overtake the United States to become the world's largest economy within a decade; meanwhile it is investing heavily in multiple arenas—military, economic, technological, cultural—to create facts on the ground that will force the US to recognize it as a co-equal. Indeed, if the technological advances sought by ‘Made in China 2025’ and the economic and political–diplomatic goals of the BRI are realized—big ifs, to be sure—China will be well positioned to ‘win friends and influence people’ in ways America did with its economic and technological prowess. It will be in a position to match, and perhaps overtake, the US reputation for power. A Pew poll of 2015 found that, in 27 out of the 40 countries polled, a plurality or majority of individuals believed that China ‘will or already has overtaken the US as a superpower’.78 Such polls need to be interpreted with caution; but if that day does come to pass, it will put the US in a position of great strategic angst. Kishore Mahbubani cites an exchange he had at the 2012 Davos meeting in which he raised the possibility of China replacing the United States as the world's top power—a suggestion to which Senator Bob Corker, Chairman of the Senate Foreign Relations Committee, responded: ‘The American people absolutely would not be prepared psychologically for an event where the world began to believe that it was not the greatest power on earth.’79

#### Status denial goes nuclear

**Onea, 14** - Tudor Onea is a Social Sciences and Humanities Research Council of Canada Post-doctoral Fellow with the Department of Government at Dartmouth College (“Between dominance and decline: status anxiety and great power rivalry” Review of International Studies, Volume 40 / Issue 01 / January 2014, pp 125-152

Rivalries between great powers over dominance have captured scholarly attention since the days of Thucydides. However, the bulk of studies have concentrated on shifts in capabilities, while neglecting the motives that produce such positional rivalries. The status anxiety hypothesis is an effort to address this omission, by tracing their occurrence and continuation, sometimes for decades, to the clashing status requirements of the dominant power and those of the next-in-line state. In a nutshell, status anxiety argues that the refusal of the dominant power to allow the succession of the challenger will be a fundamental cause of rivalry, worsening as the rising power threatens to overtake the current leader in additional dimensions. The purpose of this article was to formulate this hypothesis as well as subject it to preliminary testing. The findings suggest that status anxiety represented a significant influence, though not necessarily excluding additional balance of power considerations, in the foreign policy decision-making of declining dominant powers: France in the mid-eighteenth century and Britain at the turn of the twentieth century. Status anxiety thus helps account for the hostility France manifested towards Britain, and Britain towards German demands for superior status, a reaction which is more problematic to account for by theories stressing solely physical security and material gains.

A further contribution of this endeavour is that it suggests the existence of a dominant power club, distinct from the club of major or great powers, and, as such, following a different set of rules.138 The existing status literature has concentrated exclusively on the latter club, arguing persuasively that there is no impediment for granting either admission to new members or opportunities for further advancement to current ones.139 Hence, status competition in the great power club is seen as non-zero sum. But the dominant power club has a membership of one, which makes it unfeasible for the dominant power to satisfy the demands of dominant power aspirants without voluntarily surrendering its supremacy. Accordingly, status competition over the dominant position is more likely to be zero-sum and lead to rivalry.

The findings of this article are at this point only plausible, yet they highlight the need for further research covering the entire universe of dominant powers in order to determine both if intense status anxiety always prompts conflict and if reduced status anxiety or its absence lead to stability. Consequently, additional studies of the role of status for dominant powers foreign policy should be conducted, extending beyond the current en vogue concentration on the foreign policy of rising powers alone.

Indeed, dominant powers' status anxiety may be increasingly policy-relevant, if unipolarity were to erode due to a steady shrinking of distance between the US and China. This is not to suggest that Sino-American confrontation under the ominous shadow of nuclear weapons is inevitable, but to draw attention to the possible heightened risks posed by status anxiety in future decades. In the words of President Obama: ‘if other nations do not play for second place, I do not accept second-place for the United States of America’.140

#### Chinese leadership is key to solving all global problems – that solves the case

Shen Yamei 18, Deputy Director and Associate Research Fellow of Department for American Studies, China Institute of International Studies, 1-9-2018, "Probing into the “Chinese Solution” for the Transformation of Global Governance," CAIFC, http://www.caifc.org.cn/en/content.aspx?id=4491

As the world is in a period of great development, transformation and adjustment, the international power comparison is undergoing profound changes, global governance is reshuffling and traditional governance concepts and models are confronted with challenges. The international community is expecting China to play a bigger role in global governance, which has given birth to the Chinese solution. A. To Lead the Transformation of the Global Governance System. The “shortcomings” of the existing global governance system are prominent, which can hardly ensure global development. First, the traditional dominant forces are seriously imbalanced. The US and Europe that used to dominate the global governance system have been beset with structural problems, with their economic development stalling, social contradictions intensifying, populism and secessionism rising, and states trapped in internal strife and differentiation. These countries have not fully reformed and adjusted themselves well, but rather pointed their fingers at globalization and resorted to retreat for self-insurance or were busy with their own affairs without any wish or ability to participate in global governance, which has encouraged the growth of “anti-globalization” trend into an interference factor to global governance. Second, the global governance mechanism is relatively lagging behind. Over the years of development, the strength of emerging economies has increased dramatically, which has substantially upset the international power structure, as the developing countries as a whole have made 80 percent of the contributions to global economic growth. These countries have expressed their appeal for new governance and begun policy coordination among themselves, which has initiated the transition of global governance form “Western governance” to “East-West joint governance”, but the traditional governance mechanisms such as the World Bank, IMF and G7 failed to reflect the demand of the new pattern, in addition to their lack of representation and inclusiveness. Third, the global governance rules are developing in a fragmented way, with governance deficits existing in some key areas. With the diversification and in-depth integration of international interests, the domain of global governance has continued to expand, with actors multiplying by folds and action intentions becoming complicated. As relevant efforts are usually temporary and limited to specific partners or issues, global governance driven by requests of “diversified governance” lacks systematic and comprehensive solutions. Since the beginning of this year, there have been risks of running into an acephalous state in such key areas as global economic governance and climate change. Such emerging issues as nuclear security and international terrorism have suffered injustice because of power politics. The governance areas in deficit, such as cyber security, polar region and oceans, have “reversely forced” certain countries and organizations to respond hastily. All of these have made the global governance system trapped in a dilemma and call urgently for a clear direction of advancement. B. To Innovate and Perfect the International Order. Currently, whether the developing countries or the Western countries of Europe and the US are greatly discontent with the existing international order as well as their appeals and motivation for changing the order are unprecedentedly strong. The US is the major creator and beneficiary of the existing hegemonic order, but it is now doubtful that it has gained much less than lost from the existing order, faced with the difficulties of global economic transformation and obsessed with economic despair and political dejection. Although the developing countries as represented by China acknowledge the positive role played by the post-war international order in safeguarding peace, boosting prosperity and promoting globalization, they criticize the existing order for lack of inclusiveness in politics and equality in economy, as well as double standard in security, believing it has failed to reflect the multi-polarization trend of the world and is an exclusive “circle club”. Therefore, there is much room for improvement. For China, to lead the transformation of the global governance system and international order not only supports the efforts of the developing countries to uphold multilateralism rather than unilateralism, advocate the rule of law rather than the law of the jungle and practice democracy rather than power politics in international relations, but also is an important subject concerning whether China could gain the discourse power and development space corresponding to its own strength and interests in the process of innovating and perfecting the framework of international order. C. To Promote Integration of the Eastern and Western Civilizations. Dialog among civilizations, which is the popular foundation for any country’s diplomatic proposals, runs like a trickle moistening things silently. Nevertheless, in the existing international system guided by the “Western-Centrism”, the Western civilization has always had the self-righteous superiority, conflicting with the interests and mentality of other countries and having failed to find the path to co-existing peacefully and harmoniously with other civilizations. So to speak, many problems of today, including the growing gap in economic development between the developed and developing countries against the background of globalization, the Middle East trapped in chaos and disorder, the failure of Russia and Turkey to “integrate into the West”, etc., can be directly attributed to lack of exchanges, communication and integration among civilizations. Since the 18th National Congress of CPC, Xi Jinping has raised the concept of “Chinese Dream” that reflects both Chinese values and China’s pursuit, re-introducing to the world the idea of “all living creatures grow together without harming one another and ways run parallel without interfering with one another”, which is the highest ideal in Chinese traditional culture, and striving to shape China into a force that counter-balance the Western civilization. He has also made solemn commitment that “we respect the diversity of civilizations …… cannot be puffed up with pride and depreciate other civilizations and nations”; “facing the people deeply trapped in misery and wars, we should have not only compassion and sympathy, but also responsibility and action …… do whatever we can to extend assistance to those people caught in predicament”, etc. China will rebalance the international pattern from a more inclusive civilization perspective and with more far-sighted strategic mindset, or at least correct the bisected or predominated world order so as to promote the parallel development of the Eastern and Western civilizations through mutual learning, integration and encouragement. D. To Pass on China’s Confidence. Only a short while ago, some Western countries had called for “China’s responsibility” and made it an inhibition to “regulate” China’s development orientation. Today, China has become a source of stability in an international situation full of uncertainties. Over the past 5 years, China has made outstanding contributions to the recovery of world economy under relatively great pressure of its own economic downturn. Encouraged by the “four confidences”, the whole of the Chinese society has burst out innovation vitality and produced innovation achievements, making people have more sense of gain and more optimistic about the national development prospect. It is the heroism of the ordinary Chinese to overcome difficulties and realize the ideal destiny that best explains China’s confidence. When this confidence is passed on in the field of diplomacy, it is expressed as: first, China’s posture is seen as more forging ahead and courageous to undertake responsibilities ---- proactively shaping the international agendas rather than passively accepting them; having clear-cut attitudes on international disputes rather than being equivocal; and extending international cooperation to comprehensive and dimensional development rather than based on the theory of “economy only”. In sum, China will actively seek understanding and support from other countries rather than imposing its will on others with clear-cut Chinese characteristics, Chinese style and Chinese manner. Second, China’s discourse is featured as a combination of inflexibility and yielding as well as magnanimous ---- combining the internationally recognized diplomatic principles with the excellent Chinese cultural traditions through digesting the Chinese and foreign humanistic classics assisted with philosophical speculations to make “China Brand, Chinese Voice and China’s Image get more and more recognized”. Third, the Chinese solution is more practical and intimate to people as well as emphasizes inclusive cooperation, as China is full of confidence to break the monopoly of the Western model on global development, “offering mankind a Chinese solution to explore a better social system”, and “providing a brand new option for the nations and peoples who are hoping both to speed up development and maintain independence”. II.Path Searching of the “Chinese Solution” for Global Governance Over the past years’ efforts, China has the ability to transform itself from “grasping the opportunity” for development to “creating opportunity” and “sharing opportunity” for common development, hoping to pass on the longing of the Chinese people for a better life to the people of other countries and promoting the development of the global governance system toward a more just and rational end. It has become the major power’s conscious commitment of China to lead the transformation of the global governance system in a profound way. A. To Construct the Theoretical System for Global Governance. The theoretical system of global governance has been the focus of the party central committee’s diplomatic theory innovation since the 18th National Congress of CPC as well as an important component of the theory of socialism with Chinese characteristics for a new era, which is not only the sublimation of China’s interaction with the world from “absorbing and learning” to “cooperation and mutual learning”, but also the cause why so many developing countries have turned from “learning from the West” to “exploring for treasures in the East”. In the past 5 years, the party central committee, based on precise interpretation of the world pattern today and serious reflection on the future development of mankind, has made a sincere call to the world for promoting the development of global governance system toward a more just and rational end, and proposed a series of new concepts and new strategies including engaging in major power diplomacy with Chinese characteristics, creating the human community with common destiny, promoting the construction of new international relationship rooted in the principle of cooperation and win-win, enriching the strategic thinking of peaceful development, sticking to the correct benefit view, formulating the partnership network the world over, advancing the global economic governance in a way of mutual consultation, joint construction and co-sharing, advocating the joint, comprehensive, cooperative and sustainable security concept, and launching the grand “Belt and Road” initiative. The Chinese solution composed of these contents, not only fundamentally different from the old roads of industrial revolution and colonial expansion in history, but also different from the market-driven neo-liberalism model currently advocated by Western countries and international organizations, stands at the height of the world and even mankind, seeking for global common development and having widened the road for the developing countries to modernization, which is widely welcomed by the international community. B. To Supplement and Perfect the Global Governance System. Currently, the international political practice in global governance is mostly problem-driven without creating a set of relatively independent, centralized and integral power structures, resulting in the existing global governance systemcharacterized as both extensive and unbalanced. China has been engaged in reform and innovation, while maintaining and constructing the existing systems, producing some thinking and method with Chinese characteristics. First, China sees the UN as a mirror that reflects the status quo of global governance, which should act as the leader of global governance, and actively safeguards the global governance system with the UN at the core. Second, China is actively promoting the transforming process of such recently emerged international mechanisms as G20, BRICS and SCO, perfecting them through practice, and boosting Asia-Pacific regional cooperation and the development of economic globalization. China is also promoting the construction of regional security mechanism through the Six-Party Talks on Korean Peninsula nuclear issue, Boao Forum for Asia, CICA and multilateral security dialog mechanisms led by ASEAN so as to lay the foundation for the future regional security framework. Third, China has initiated the establishment of AIIB and the New Development Bank of BRICS, creating a precedent for developing countries to set up multilateral financial institutions. The core of the new relationship between China and them lies in “boosting rather than controlling” and “public rather than private”, which is much different from the management and operation model of the World Bank, manifesting the increasing global governance ability of China and the developing countries as well as exerting pressure on the international economic and financial institution to speed up reforms. Thus, in leading the transformation of the global governance system, China has not overthrown the existing systems and started all over again, but been engaged in innovating and perfecting; China has proactively undertaken international responsibilities, but has to do everything in its power and act according to its ability. C. To Reform the Global Governance Rules. Many of the problems facing global governance today are deeply rooted in such a cause that the dominant power of the existing governance system has taken it as the tool to realize its own national interests first and a platform to pursue its political goals. Since the beginning of this year, the US has for several times requested the World Bank, IMF and G20 to make efforts to mitigate the so-called global imbalance, abandoned its commitment to support trade openness, cut down investment projects to the middle-income countries, and deleted commitment to support the efforts to deal with climate change financially, which has made the international systems accessories of the US domestic economic agendas, dealing a heavy blow to the global governance system. On the contrary, the interests and agendas of China, as a major power of the world, are open to the whole world, and China in the future “will provide the world with broader market, more sufficient capital, more abundant goods and more precious opportunities for cooperation”, while having the ability to make the world listen to its voice more attentively. With regard to the subject of global governance, China has advocated that what global governance system is better cannot be decided upon by any single country, as the destiny of the world should be in the hands of the people of all countries. In principle, all the parties should stick to the principle of mutual consultation, joint construction and co-sharing, resolve disputes through dialog and differences through consultation. Regarding the critical areas, opening to the outer world does not mean building one’s own backyard, but building the spring garden for co-sharing; the “Belt and Road” initiative is not China’s solo, but a chorus participated in by all countries concerned. China has also proposed international public security views on nuclear security, maritime cooperation and cyber space order, calling for efforts to make the global village into a “grand stage for seeking common development” rather than a “wrestling arena”; we cannot “set up a stage here, while pulling away a prop there”, but “complement each other to put on a grand show”. From the orientation of reforms, efforts should be made to better safeguard and expand the legitimate interests of the developing countries and increase the influence of the emerging economies on global governance. Over the past 5 years, China has attached importance to full court diplomacy, gradually coming to the center stage of international politics and proactively establishing principles for global governance. By hosting such important events as IAELM, CICA Summit, G20 Summit, the Belt and Road International Cooperation Forum and BRICS Summit, China has used theseplatforms to elaborate the Asia-Pacific Dream for the first time to the world, expressing China’s views on Asian security and global economic governance, discussing with the countries concerned with the Belt and Road about the synergy of their future development strategies and setting off the “BRICS plus” capacity expansion mechanism, in which China not only contributes its solution and shows its style, but also participates in the shaping of international principles through practice. On promoting the resolution of hot international issues, China abides by the norms governing international relations based on the purposes and principles of the UN Charter, and insists on justice, playing a constructive role as a responsible major power in actively promoting the political accommodation in Afghanistan, mediating the Djibouti-Eritrea dispute, promoting peace talks in the Middle East, devoting itself to the peaceful resolution of the South China Sea dispute through negotiations. In addition, China’s responsibility and quick response to international crises have gained widespread praises, as seen in such cases as assisting Africa in its fight against the Ebola epidemic, sending emergency fresh water to the capital of Maldives and buying rice from Cambodia to help relieve its financial squeeze, which has shown the simple feelings of the Chinese people to share the same breath and fate with the people of other countries. D. To Support the Increase of the Developing Countries’ Voice. The developing countries, especially the emerging powers, are not only the important participants of the globalization process, but also the important direction to which the international power system is transferring. With the accelerating shift of global economic center to emerging markets and developing economies, the will and ability of the developing countries to participate in global governance have been correspondingly strengthened. As the biggest developing country and fast growing major power, China has the same appeal and proposal for governance as other developing countries and already began policy coordination with them, as China should comply with historical tide and continue to support the increase of the developing countries’ voice in the global governance system. To this end, China has pursued the policy of “dialog but not confrontation, partnership but not alliance”, attaching importance to the construction of new type of major power relationship and global partnership network, while making a series proposals in the practice of global governance that could represent the legitimate interests of the developing countries and be conducive to safeguarding global justice, including supporting an open, inclusive, universal, balanced and win-win economic globalization; promoting the reforms on share and voting mechanism of IMF to increase the voting rights and representation of the emerging market economies; financing the infrastructure construction and industrial upgrading of other developing countries through various bilateral or regional funds; and helping other developing countries to respond to such challenges as famine, refugees, climate change and public hygiene by debt forgiveness and assistance.

#### Global governance checks emerging tech, pandemics, and war---extinction.

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Global governance is necessary because humanity increasingly faces both problems and opportunities that are global in scale. Today, transnational problems such as violence and pandemics routinely reach across borders, affecting us all. At the same time, the increasingly integrated global system has also laid the necessary foundations for peace and spectacular prosperity. Effective global governance will allow us to end armed conflict, deal with new and emerging problems such as technological risks and automation, and to achieve levels of prosperity and progress never before seen.

The most important challenge for humanity to overcome is that of existential risks. One way to look at the danger of an existential risk is to quantify the level of global coordination needed to deal with it. While best-shot risks, at one end of the spectrum only require that a single nation, organization or even individual (i.e., superhero) has the means and the will to save everyone, weakest-link risks, at the other end of the spectrum, are dangers that might require literally every country to take appropriate action to prevent catastrophe, with no room for failure.2 3

We’ve always been at risk of natural disaster, but with advances in our level of technology the risk we pose to ourselves as a species becomes ever greater. Nuclear weapons are a well-known risk that we still live with to this day. The progress of technological research exposes us to new dangers such as bioengineered superbugs, nanotechnological menaces, and the risk of an out-of-control artificial intelligence with ill-intent. Increased levels of global coordination are needed to combat many of these risks, as described in our article on the cooperation possibilities frontier.

There are other problems that don’t necessarily threaten the species or even civilization as we know it, but which are holding back the development of prosperity and progress. Armed conflict, around since the dawn of history, still haunts us today. Even though wars between great powers appear to be a thing of the past, regional conflicts still account for tremendous human suffering and loss of life in parts of the world without stable governance.4

Other problems have emerged precisely because of our successes in the past. The unprecedented advancement of human wellbeing and prosperity over the past century has been based in large part on the use of fossil fuels, thus exposing us to climate change. Widespread automation, already a stressor on society, will put increased pressure on the social and economic fabric of our societies over the next few decades. Global governance can help alleviate these issues in various ways - we refer the interested reader to the very detailed work in Ruling Ourselves.

Finally, global governance will increasingly be judged not only by the extent to which it prevents harm, but also by its demonstrated ability to improve human wellbeing.5 Progress has let us set our sights higher as a species, both for what we consider to be the right trajectory for humanity and for our own conduct.6 Major advances in human wellbeing can be accomplished with existing technology and modest improvements in global coordination.

Effective global governance is global governance that tackles these issues better than the regional governments of the world can independently. Global governance is key to solving global problems. Without it, we may not be able to avoid weakest-link existential risks or regulate new and dangerous technologies. With it, we may be able to prosper as we never have before. The next step is to determine how effective global governance can be achieved.

#### \*The plan undermines first strike stability – it confirms Russian and Chinese fears that the US will use its AI advatange to launch a decapitating strike

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Strategic stability exists when adversaries lack a significant incentive to engage in provocative behavior.5 There are several kinds of strategic stability that are distinguished by their varying temporal scales. First-strike stability exists when no state can carry out an attack out of the blue against its opponent without significant fear of a devastating retaliation. Such a possibility is best deterred by the threat of overwhelming and automatic retaliation from secure second-strike forces (Cimbala, 2002, p. 66). Crisis stability, by contrast, aims to prevent or manage escalation during crises, as occurred in Berlin and Cuba in the early 1960s (Cimbala, 2002, p. 98). In these circumstances, national leaders are under immense pressure not to show weakness by backing down, but the chance of inadvertent escalation increases significantly as states attempt to maneuver the nuclear forces for signaling purposes. In this context, the kind of large automatic retaliation that is ideal for maximizing first-strike stability is a recipe for disaster.

Finally, arms race stability is achieved when there are no exploitable inequalities in adversaries’ military capabilities (Cimbala, 2002, p. 110). States avoid these inequalities to manage the risks and costs of long-term competition and to avoid compromising first-strike stability and crisis stability in the future. Nuclear strategy is difficult because these objectives are in tension with each other. In an extreme case, AI could undermine the condition of MAD and make nuclear war winnable, but it takes much less to undermine strategic stability. AI advancements merely need to cast doubt on the credibility of retaliation at some level of conflict. Major nuclear powers, such as the United States, Russia, and China, have a shared interest in maintaining the credibility of central deterrence, but they seek regional advantages in pursuit of what they regard as their core strategic interests. Areas where credibility is already strained, such as certain extended deterrence guarantees, are particularly vulnerable to destabilization. The increasingly multipolar strategic environment is also encouraging forms of competition that threaten stability. For instance, the United States is interested in developing the capability to track and target a minor nuclear power’s mobile missile launchers, but Russia and China fear that the same technology could mature into a threat to their more sophisticated retaliatory forces. In a crisis situation, the employment or availability of AI-enabled intelligence, surveillance, and reconnaissance (ISR) or weapon systems could stoke tensions and increase the chances of inadvertent escalation. Finally, the pursuit of advanced military capabilities is liable to cause arms race instability even if those technologies are nonviable, as in the historical case of missile defense.

The challenge AI poses to strategic stability is not unique to this particular technology, but it is more acute because of rapid technical progress in AI and its many potential intersections with nuclear strategy. Most of the specific applications AI are likely to be used for, such as analysis of ISR data, controlling autonomous sensor platforms, and automated target recognition (ATR) have been eagerly sought for decades but were beyond the capability of available technology. Even without further breakthroughs, incremental progress using existing AI techniques may make these long-sought goals practical realities in the foreseeable future.

Both Russia and China appear to believe that the United States is attempting to leverage AI to threaten the survivability of their strategic nuclear forces, stoking mutual distrust that could prove catastrophic in a crisis. As Paul Bracken observes, ongoing improvements in technology such as AI threaten to “undermine minimum deterrence strategies” and “blur the line between conventional and nuclear war” (Bracken, 2017).

#### \*Alt causes to tech authoritarianism outside of China---they have no global plan

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China and Digital Authoritarianism

China is not a primary driver for the majority of these techniques. Rather, China only truly exerts outsized influence in the proliferation of surveillance technologies. For internet shutdowns and persecutions against online users, for example, China has no discernable global role. These actions are undertaken independently by state authorities. In fact, when it comes to internet shutdowns, Chinese authorities have [adopted more sophisticated censorship tactics](https://press.princeton.edu/books/hardcover/9780691178868/censored). The concept of completely shutting down the internet for extended periods of time is too blunt of an instrument to suit China’s purposes.

When it comes to social manipulation and disinformation online, China is relatively new to the game. As Oxford researchers [Philip Howard and Samantha Bradshaw report](https://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2019/09/CyberTroop-Report19.pdf), “until recently, we found that China rarely used social media to manipulate public opinion in other countries.” While Chinese activity in this area is increasing, the bulk of their efforts involve manipulating domestic speech or conducting foreign influence operations towards specific targets (e.g., Hong Kong protests, Taiwanese elections). There are scant examples of Chinese authorities equipping autocratic governments with hi-tech disinformation capabilities to enable campaigns against domestic opponents.

Similarly, when it comes to providing technology to facilitate state-sponsored cyber attacks — operations that manipulate software, data, computer systems, or networks to degrade operational capabilities or collect information — China is only one of many actors. This is not to suggest, of course, that Beijing does not hack. However, compared to liberal democracies, China is not a major exporter of hacking technology. [Privacy International’s 2016 report](https://www.privacyinternational.org/sites/default/files/2017-12/global_surveillance_0.pdf) on the private surveillance industry documented 528 companies peddling commercial intrusion technology (e.g., malicious code, mobile phone malware). Over 87 percent of these companies are based in OECD member states and 75 percent are headquartered in NATO countries.

## Consumer Protection

### 1NC---!---AT: Cyber War

#### 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?

#### \*Cyberattacks solve nuclear war---lowers escalation---empirics and data.

Jensen and Valeriano 19 (Benjamin, PhD, is a nonresident senior fellow at the Atlantic Council’s Scowcroft Center for Strategy and Security, and Brandon, PhD, is the Donald Bren Chair of Military Innovation at the Marine Corps University, “WHAT DO WE KNOW ABOUT CYBER ESCALATION? OBSERVATIONS FROM SIMULATIONS AND SURVEYS,” November 2019, <https://www.atlanticcouncil.org/wp-content/uploads/2019/11/What_do_we_know_about_cyber_escalation_.pdf>, DOA: 10-23-2021) //Snowball

Twenty-first century great power competition involves nuclear-armed states and regional powers engaged in high-stakes standoffs mixing military threats, diplomatic warnings, and economic coercion.1 In November 2015, Russia responded to Turkey shooting down a Russian jet with a mix of denial-of-service attacks and economic threats, not military force.2 In June 2019, the United States retaliated against Iranian aggression in the Persian Gulf, including Tehran shooting down a US drone and attacking international ships transiting the area, not with airstrikes or cruise missiles, but with a limited-objective cyber operation.3 That same month, the United States revealed it had implanted dangerous malware on Russian electrical grids as a deterrent to interfering in US interests.4 Modern crises bargaining involves a mix of overt and covert cross-domain signals states use to manage escalation and provide options that might help them advance their interests short of war.

Unlike the Cold War in the twentieth century, this competition involves a new domain: cyberspace. From the United States to Russia, China, Iran, and North Korea, states are using cyber operations to exert influence and control. Whether massive military and commercial espionage campaigns5 or international extortion rings and theft,6 the cyber domain offers an outlet for states to advance their interests. Does the resulting cyber competition create new escalation risks? Do cyber operations alter how states respond to international crises in a way that creates incentives for decision makers to cross the Rubicon and use military force to settle disputes? This question is central to current cyber strategy debates and the idea of persistent engagement and defending forward in cyberspace.7

The answer is surprising: no. To date, cyber operations have tended to offer great powers escalatory offramps. They have provided signaling mechanisms that have let states shape an adversary’s behavior without engaging military forces and risking military escalation.8 Despite the uncertainty surrounding how states use new technologies for strategic ends, cyber operations tend to be stabilizing and provide options for avoiding costly, protracted conflicts.

This issue brief draws on new academic research, simulations, and survey experiments to study how cyber operations alter crisis decision-making during great power competition. Specifically, it analyzes escalation pathways and how the informed public and foreign policy actors conceptualize disruptive technologies and integrate them into larger competitive strategies. Based on the evidence, cyber operations offer a valuable escalatory offramp. Even states with more escalatory attitudes tend not to respond militarily to disputes when they have the option of imposing costs and signaling through cyberspace.

How states use cyber operations and the resulting escalation risk is a crucial area of policy-relevant research. Outside of Iran, the majority of cyber operations have been initiated by nuclear-armed states.9 Despite popular images of lone hackers in basements, cyber operations require an investment in networks, infrastructure, and human capital or sufficient sums of money to buy capability on the black market.10 These operations are complex instruments of statecraft that foreign policy actors integrate with other diplomatic, information, military, and economic instruments of power.11 A combination of these instruments sends a clear signal to rival states. Cyber operations may, therefore, help stabilize great power competition in the twenty-first century.

#### \*Cyberattacks are harsh enough for deterrence, but nonlethal enough to avoid nuclear escalation.

Greenberg 21 (Cybèle, New York Times Editorial Fellow, “Could Cyberwar Make the World Safer?,” 22 August 2021, <https://www.nytimes.com/2021/08/22/opinion/cyberwar-world-safety.html>, DOA: 10-23-2021) //Snowball //~~rhetoric~~ [modified]

In other words, can nations settle for slugging it out online, rather than with guns and missiles?

Fighting digitally offers a unique opportunity: the continuation of politics by other means, without the physical invasion of a sovereign territory or the inevitable sacrifice of lives. Tempered by responsible use and appropriate controls, cyberwarfare is a safer and more flexible strategic alternative, one critical step between sanctions and bombs.

“The purpose of warfare is not to fight; it is to achieve a political objective,” said Nora Bensahel, a visiting professor of strategic studies at Johns Hopkins School of Advanced International Studies. “If you can achieve this objective without kinetic conflict, so much the better.”

Consider Nitro Zeus. In the late 2000s, as The Times reported, the U.S. government developed a detailed plan for cyberattacks that would ~~disable~~ [shut down] sections of Iran’s air defenses, communications systems and power grid. The plan provided President Barack Obama with a nonlethal means to neutralize Iranian military assets in case negotiations to halt the country’s rogue nuclear enrichment program failed and Tehran sought to retaliate.

The Nitro Zeus contingency plan remained active until the fulfillment of terms in the nuclear deal signed in 2015, ready to offer phased escalation short of all-out war if diplomatic and economic pressures proved ineffective.

Since Nitro Zeus was ultimately shelved, it is difficult to assess the scope and likelihood of the collateral damage it could have caused. The integration of cyberweapons into a national security strategy points to a certain reluctance to default to the conventional — and more lethal — option. But whether it’s a drone strike or the hacking of a telecommunications network, a cyberattack will always have harmful repercussions for civilians and private enterprises.

Counterintuitively, however, cyberweapons can also increase geopolitical stability.

Cyberattacks have helped nations achieve nuclear nonproliferation in a way that, in the past, would have required physical force and increased risk to personnel, said Vipin Narang, a Massachusetts Institute of Technology professor who specializes in nuclear strategy.

In 2007, Israeli fighter jets equipped with 500-pound bombs struck a suspected nuclear reactor in Syria. The facility was destroyed and Israel was internationally criticized for violating another country’s sovereignty. Ten North Korean scientists reportedly may have been killed in the attack.

The U.S.-Israeli offensive cyber operation known as Stuxnet, which was launched around the same time, achieved a similar objective — impeding a rogue nation’s enrichment efforts — but from afar, with no human cost. The program destroyed nearly one-fifth of Iran’s operating centrifuges and may have slowed its nuclear program by up to two years. No one was reported to have been physically harmed or killed during the yearslong operation. It may have even deterred Israel from launching a conventional attack on Iran’s Natanz uranium enrichment site.

### 1NC---!---AT: Terror

#### No terror or illicit companies

Pillar 20, nonresident senior fellow at Georgetown University’s Center for Security Studies. (Paul R., 5-13-2020, "The American Perception of Substate Threats", *A Dangerous World? Threat Perception and U.S. National Security*, https://www.cato.org/publications/publications/american-perception-substate-threats)

The other customary worry about terrorist havens concerns not what any new regime would tolerate, but instead how terrorists would exploit disorder and lawlessness to establish such a haven. The group does what it wants to do, in other words, because the chaos of domestic conflict places it beyond the reach of any regime, domestic or foreign. That scenario presents somewhat more basis for concern because it does not postulate regimes getting into the terrorist business against their own interests, but it suffers from two other limitations. One is that although a little bit of disorder may help keep a terrorist group beyond the reach of law and government, a lot of disorder does not often help it. Terrorist organizations find it hard to operate in truly chaotic situations for the same general reasons legitimate businesses and other organizations find it hard to operate in such situations. That is why al Qaeda did not make as many inroads in Somalia as many predicted during the two decades that country was the archetypical chaotic failed state.

A second limitation is that terrorist safe havens are, quite simply, overrated. They may seize our attention as a spatially satisfying way of keeping score of how we are doing against any adversary that, like the United States, operates internationally. Among all the variables that help determine how much of a threat any one group represents, however, having a small patch of real estate is not one of the more important ones. That is all the more the case in an era of globalization and globe‐​spanning information technology in which planning, recruitment, and the direction of operations take place at least as much in virtual space as they do in physical space.19 When physical space is involved in a terrorist threat to U.S. interests, it is at least as likely to be in an apartment or mosque in a Western city (or a flight school in the United States) as on a piece of ground in some strife‐​riven land outside the West. Preparation of the most famous terrorist operation of all—9/11—is a prime example.

### 1NC---!---AT: Organized Crime

#### Can’t solve O-Crime---it’s resilient AND constantly adapts

Duijn, Kashrin and Sloot 14 (Paul Duijn, Department of Research and Analysis, Dutch Police. Victor Kashrin, TMO University St. Petersburg, Russian Federation, Saint Petersburg, Russian Federation. Peter Sloot, ITMO University St. Petersburg, Russian Federation, Saint Petersburg, Russian Federation--The University of Amsterdam, Faculty of Science, The Netherlands Nanyang Technological University, Singapore. “The Relative Ineffectiveness of Criminal Network Disruption,” 2014. Scientific Reports. https://www.nature.com/articles/srep04238 –EGA)

Organized crime forms a great threat to societies across the globe. International criminal drugs organizations try to infiltrate legal businesses and governments, infecting economic branches with corruption and violence. Moreover upcoming threats like cybercrime, child porn, maritime piracy, match fixing and identity theft cause substantial harm and ask for proactive interventions to control the criminal organizations behind them1,2. Government and law enforcement agencies worldwide seek ways to disrupt these criminal organizations effectively, preferably at an early stage. Over the past decade a growing number of studies emerged that provide empirical evidence of the use of social network analyses to get a better understanding of organized crime. These studies show that criminal organizations need to be considered as social networks that form collectives rather than organizations with unique features, such as flexible and non-hierarchical internal relations2,3,4,5,6,7,8. This approach has serious implications for the way we think about law enforcement control of organized crime. It has long been assumed that targeting the ‘kingpin’ leader at the top of the pyramid structured mafia organization, would result in the collapse of the entire criminal organization4,9,10. However, new insights from social network analyses emphasize that the fluidity and flexibility of the social structure of criminal networks makes them highly resilient against these traditional law enforcement strategies7,10. For instance, it was found that even though a drug trafficking network was structurally targeted over a substantial period of time, the trafficking activities continued and its network structure adapted11. Research concerning the resilience of criminal networks involved in the production of ecstasy in the Netherlands lead to the same conclusions10. How can this be explained? The complexity of criminal networks An answer to this question can be found within the specific features of the associated ‘dark’ network structures and, more importantly, the conditions under which these exist9,12. Criminal network structures are known to be very complex systems. As Morselli describes it “Criminal networks are not simply social networks operating in criminal contexts. The covert settings that surround them call for specific interactions and relational features within and beyond the network”7. Criminal networks therefore differ from legal networks in that they face a constant trade-off between security and efficiency which directly affects its network structure13. On the one hand illegal activities need to stay concealed from the government or criminal competition. This means that direct communication between co-conspirators concerning illegal activities needs to be restricted to a minimum. On the other hand risks have to be taken in times of action, often demanding highly efficient communication and trust among the participants12,14. Criminal networks therefore continuously balance between efficiency and security according to the given circumstances of the illegal activities. This trade-off has a direct effect on its network structure as revealed by a study from Baker and Faulkner15. They found that within a covert network, involved in a price-fixing scheme, the most important actors deliberately operated from the peripheries of the network, thus protecting these essential players from immediate detection after government intervention. In addition, Morselli et al. found that the balance between efficiency and security within covert networks was influenced by its network objective. They compared the structure of a criminal network with terrorist networks and showed that criminal networks need more efficiency in their direct lines of communication as compared to terrorist networks. Consequently this made them less secure and more vulnerable to disruption14. This can be explained by the fact that economically driven criminal networks need shorter time frames between action (time-to-task) as opposed to ideologically driven terrorist networks. Terrorist networks might achieve their goals by just one successful terrorist attack. Criminal networks are often action oriented, resulting in higher levels of risk of becoming detected. In response, criminal networks try to remain flexible and agile. This flexibility gives them the ability to adapt quickly to external shocks9,16. Although these studies help us to understand that remaining flexible is the key to criminal network resilience against disruption, little is known about how these flexible network structures actually recover from an attack and continue their illegal activities. In other words: What actually makes these flexible criminal network structures so difficult to disrupt? In search for an answer, we first need to understand that like every social network, criminal networks are not static, but dynamic in nature3,7. Criminal networks can change for several reasons: as a result of new business opportunities, as a consequence of competition that requires a defensive orientation or as a direct result of law enforcement controls that may lead to the downfall, stagnation or adaptation of the network7. The changing effects of network disruption can therefore only be understood within its dynamics, these networks are truly complex adaptive systems17. Many researchers of criminal networks agree that “studying … the dynamics in criminal networks is probably the most challenging obstacle facing anyone approaching this area.”3,7 Although we recognize the complexity and difficulty that is associated with studying change within social networks, we attempt to capture these dynamics within a computational framework.

# 2NC

## CP---Advantage

### O/V ⁠— 2NC

#### Aff ev that agrees:

#### Says the CTA (Corporate Transparency Act) AND bipartisan are key

David M. 1AC Luna 2/5/21. Former US diplomat and currently Chair of the Business at OECD's Anti-Illicit Trade Expert Group; Senior National Security Fellow, Terrorism, Transnational Crime, and Corruption Center, George Mason University. "Securing the Peace and Safeguarding Democracy: Why President Biden Must Prosecute the Global Fight Against Kleptocracy and Illicit Trade ". No Publication. 2-4-2021. <https://www.linkedin.com/pulse/securing-peace-democracy-why-president-biden-must>

American leadership is needed more than ever to restore not only faith in our democratic institutions and the rule of law, but to also address the impacts of COVID-19, our economic recovery, climate change, and an array of other transnational threats that endanger our collective security.

Repression of Democracy and Subversion of the Rule of Law

As we have witnessed in the United States in recent weeks, democracy cannot be taken for granted, and is constantly tested as corrupt leaders who abuse their power, subvert the will of their people, and other coercive forces of chaos destabilize our collective welfare, prosperity, and security.

In Mexico, cartels and organized criminals have co-opted the government at the federal, state, and local levels, and have diversified into other sectors such as agriculture, mining, and transportation. They also control strategic and critical infrastructure such as the country’s major ports.

In recent years, for example, the Jalisco New Generation Cartel has killed judges, police officers, politicians, and thousands of civilians. The cartel controls significant trafficking routes into the United States, and is expanding operations into Europe and Asia. The significant infiltration and penetration of these criminal groups have destabilized the Mexican economy, rule of law, and regional stability.

Across the Sahel, authoritarian kleptocrats, ungoverned spaces, lawlessness, and conflicts have created the perfect storm for criminals and terrorist groups to exploit and expand their illicit trafficking and smuggling operations. The lucrative business of illicit trade has been militarized. These bad actors have bribed complicit government officials to shield their illicit enterprises from scrutiny and coerced soldiers to protect their illicit markets.

In other parts of the world, ruthless leaders are similarly engaging in criminality and coercive actions, repressing democracy, arresting dissidents and those who expose corruption, profiting from illegal activities, undermining global security, co-opting the state, and creating illicit economies.

Make no mistake: Illicit wealth and malign influence remain the lifeblood of today’s corrupt bad actors, criminal organizations, and terrorist groups. Through dirty money derived from criminality and kleptocracy, these malefactors finance corruption, chaos, insecurity, and violence.

Fighting the Twin Devils of Kleptocracy and Illicit Trade

In the middle of the deadly pandemic and dark days of subversive criminality and aggressive actions across borders, in early 2021, we are now at a critical moment in time where leadership is sorely needed.

To provide more secure and stable economies, we need to develop better policies and strategies to fight against today’s corruptive and criminal influences subverting the rule of law, penetrating markets, and harming our communities.

Corruption corrodes the underpinnings of democracy, good governance, clean markets and supply chain security, and economic development efforts. It also impedes progress on human rights and implementation of national sustainability strategies.

Illicit trade, which includes a convergence of numerous trafficking, smuggling, financial, cyber, and fraud crimes, fuels a multi-trillion-dollar illegal economy globally every year. It is a fact that illicit trade is booming, fueling transnational crime and corruption. It corrodes the rule of law and undermines social stability and the welfare of our people.

Illicit trade further hampers economic development by preventing the equitable distribution of resources that provide for sustainable futures. It enables kleptocrats to pillage their countries, violent trafficking organizations to expand their operations, terrorist groups to finance their attacks against our communities, and rogue regimes to underwrite their nuclear programs.

The reality is that both corruption and illicit trade are threat multipliers that ripple across borders and imperil democratic freedoms and institutions and systems of open, free, and just societies.

While COVID-19 has brought economic malaise to most sectors, the illicit economy continues to thrive. This is especially true across e-commerce marketplaces that are generating tremendous prosperity for scammers, fraudsters, and other bad actors and threat networks.

Other profitable criminal activities include the trafficking of narcotics, opioids, arms, and people, fake medicines, counterfeit and pirated goods; illegal tobacco and alcohol products; illegally harvested timber, wildlife, and fish; pillaged oil, diamonds, gold, natural resources and precious minerals; stolen antiquities; and other contraband or commodities.

These are all sold on our main streets, on social media, online marketplaces, and the dark web every hour of every day.

Illicit networks not only distort the legal economy and corrupt public officials, but they also divert revenue from legitimate market drivers such as businesses and governments.

According to the OECD and the EU’s Intellectual Property Office (EUIPO) the value of counterfeit and pirated goods amounts to 3.3% of world trade ($509 billion). WEF estimates that over 3% of global GDP (US$2.2 trillion) will be lost due to illicit trade leakages in 2020. The International Monetary Fund (IMF) has estimated that money laundering comprises approximately 2 to 5 percent of the world’s gross domestic product (GDP) each year, or approximately $1.74 trillion to $4.35 trillion in 2019.

But this goes beyond just economic harm.

Kleptocracy and criminalized markets incur a significant negative social cost, and in some cases, help to foment economic instability, enslave our human capital, desecrate our environment, and endanger national efforts to implement sustainable development goals (SDGs).

Kleptocracy and the embezzlement of national revenue and natural resources (e.g., extraction of oil and minerals) impair the ability of communities to make the investments necessary to stimulate economic growth especially during these hard economic times.

Revenue that could be used to build roads to facilitate commerce, hospitals to fight pandemic outbreaks and diseases, homes to raise and protect families, or schools to educate children and future leaders is instead siphoned away for private gain, stashed in financial secrecy jurisdictions.

Illicit commerce, fueled by anonymous shell companies, puts the safety and health of communities in danger when criminals put counterfeit medicines, electronics, tainted food, fake automotive and airplane parts, toxic toys, pirated film and other illegal goods into our distribution networks and supply chain.

The dumping of toxic waste contaminates our food and water supplies. Illegal mining, logging and deforestation or poaching harm vital ecosystems and habitats, exacerbate climate change, and undermine policies to advance inclusive, green, sustainable development. Poaching and trafficking of endangered wildlife robs economies of their natural assets and their future.

The corruption that allows counterfeit medicines or ineffective pharmaceuticals, personal protective equipment (PPE), and fast-moving consumer goods (FMCG) to enter our communities endangers public health, denying the sick effective treatment and permitting deadly viruses and disease to infect our communities. We must be vigilant against such predatory criminality as countries begin the distribution of COVID-19 vaccines, securing our global supply chains and shutting down illicit websites selling possible fakes.

The OECD Task Force on Countering Illicit Trade has highlighted how COVID-19 policies and governance gaps have contributed to increasing organized crime in some vulnerable sectors. Countries like South Africa, Malaysia, Philippines, and Mexico, which banned alcohol, tobacco, and food products during the pandemic, have seen more problems than benefits. Such bans have resulted in boom for the illicit trade in alcohol, cigarettes and food that was falsely labelled as medicinal cures providing more opportunities for organized criminals to exploit. While demand has generally remained the same, the supply has only changed hands from legal routes to illegal ones.

The corruption that allows traffickers to move contraband and illegal goods across borders and global supply chains and exploit them with impunity further fuels instability in armed conflict zones and stymies law enforcement efforts including in Central America, North Africa, the Middle East, and other hot spots of violence.

Bi-Partisan Congressional Support is Vital

In securing the peace and democracy, President Biden and his Administration should make the global fight against kleptocracy and illicit trade a higher priority including working with the US Congress to pass new legislation that helps our law enforcement and intelligence communities confront today's transnational threats.

<<Teams usually end Here>>

It should also work to aggressively implement the Corporate Transparency Act to end the abuse of anonymous companies by malign influencers, kleptocrats, cartels, and terrorists to finance their criminal activities and to export violence abroad. Breaking the corruptive power of such bad actors and stripping them of their illicit wealth can end their impunity and expose their criminal activities hidden behind the veil of secrecy. The US Congress should introduce other legislation that provides further authorities and tools to fight kleptocracy and illicit trade needed to protect our homeland, markets, and communities against determined bad actors and threat networks. Corruption is a fundamental obstacle to peace, prosperity, and human rights all around the world,” Senator Ben Cardin said introducing the bi-partisan Combating Global Corruption Act. “Where there are high levels of corruption, we find fragile states, authoritarian states, or states suffering from internal or external conflict. Combating corruption should be elevated and prioritized across our foreign policy efforts. I look forward to working with my colleagues and the Biden administration to ensure fighting corruption is a central U.S. national security priority. In January 2021, US Senators Ben Cardin (D-MD) and Todd Young (R-IN) introduced bipartisan legislation, the Combating Global Corruption Act (S.14), that would elevate the fight against international corruption as a national security priority. Senator Cardin and Senator Roger Wicker (R-MS), incoming Chair of the U.S. Helsinki Commission and Co-Chair, respectively, have also re-introduced legislation that would elevate the federal government’s anti-corruption activities. S.158, the Countering Russian and Other Overseas Kleptocracy Act, or CROOK Act, would establish an anti-corruption action fund to provide extra funding during historic windows of opportunity for reform in foreign countries and streamline work strengthening the rule of law abroad. In the House of Representatives, Congressmen Brian Fitzpatrick (R-PA-01) and Bill Keating (D-MA-09) reintroduced H.R. 402, the Countering Russian and Other Overseas Kleptocracy (CROOK) Act. Leaders in both the US Senate and US House of Representatives may also want to establish a Commission or a Congressional Caucus that examines the harms and impacts of kleptocracy and illicit trade to US national security, the American economy, the health and safety of our citizens, and our national interests around the world.

#### It passed AND solves bipart!

Blake & Oliver 21, Hahn Loeser & Parks LLP (\*Christopher Blake \*\*James Oliver, 8-13-2021, "The Corporate Transparency Act To Take Effect In The Coming Year: What Business Owners Need To Know," JD Supra, https://www.jdsupra.com/legalnews/the-corporate-transparency-act-to-take-7949272/

On January 1, 2021, Congress enacted the National Defense Authorization Act of 2021 (“NDAA”). Both the Senate and the House of Representatives voted to override President Trump’s veto of the legislation with an overwhelming majority, 81-13 and 322-87, respectively. Title LXIV of the NDAA included the CTA. The CTA is recognized as an amendment to the Anti-Money Laundering Act of 2020 (“AMLA”), and it is a significant addition to the most comprehensive legislative crackdown on money laundering in recent history. The CTA discourages the use of shell companies by mandating a new layer of transparency during entity formation. Prior to the CTA, Congress identified anonymous shell companies as a serious loophole to the existing AMLA legal framework. The CTA marks a bipartisan effort to address that loophole and to shift the burden of collecting ownership information from financial institutions to reporting companies.

#### Absent global cooperation, kleptocracies inevitable ⁠— only the counterplan’s domestic AND “whole-of-society approach solves”

David M. 1AC Luna 2/5/21. Former US diplomat and currently Chair of the Business at OECD's Anti-Illicit Trade Expert Group; Senior National Security Fellow, Terrorism, Transnational Crime, and Corruption Center, George Mason University. "Securing the Peace and Safeguarding Democracy: Why President Biden Must Prosecute the Global Fight Against Kleptocracy and Illicit Trade ". No Publication. 2-4-2021. <https://www.linkedin.com/pulse/securing-peace-democracy-why-president-biden-must>

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Illicit trade further hampers economic development by preventing the equitable distribution of resources that provide for sustainable futures. It enables kleptocrats to pillage their countries, violent trafficking organizations to expand their operations, terrorist groups to finance their attacks against our communities, and rogue regimes to underwrite their nuclear programs.

The reality is that both corruption and illicit trade are threat multipliers that ripple across borders and imperil democratic freedoms and institutions and systems of open, free, and just societies.

While COVID-19 has brought economic malaise to most sectors, the illicit economy continues to thrive. This is especially true across e-commerce marketplaces that are generating tremendous prosperity for scammers, fraudsters, and other bad actors and threat networks.

Other profitable criminal activities include the trafficking of narcotics, opioids, arms, and people, fake medicines, counterfeit and pirated goods; illegal tobacco and alcohol products; illegally harvested timber, wildlife, and fish; pillaged oil, diamonds, gold, natural resources and precious minerals; stolen antiquities; and other contraband or commodities.

These are all sold on our main streets, on social media, online marketplaces, and the dark web every hour of every day.

Illicit networks not only distort the legal economy and corrupt public officials, but they also divert revenue from legitimate market drivers such as businesses and governments.

According to the OECD and the EU’s Intellectual Property Office (EUIPO) the value of counterfeit and pirated goods amounts to 3.3% of world trade ($509 billion). WEF estimates that over 3% of global GDP (US$2.2 trillion) will be lost due to illicit trade leakages in 2020. The International Monetary Fund (IMF) has estimated that money laundering comprises approximately 2 to 5 percent of the world’s gross domestic product (GDP) each year, or approximately $1.74 trillion to $4.35 trillion in 2019.

But this goes beyond just economic harm.

Kleptocracy and criminalized markets incur a significant negative social cost, and in some cases, help to foment economic instability, enslave our human capital, desecrate our environment, and endanger national efforts to implement sustainable development goals (SDGs).

Kleptocracy and the embezzlement of national revenue and natural resources (e.g., extraction of oil and minerals) impair the ability of communities to make the investments necessary to stimulate economic growth especially during these hard economic times.

Revenue that could be used to build roads to facilitate commerce, hospitals to fight pandemic outbreaks and diseases, homes to raise and protect families, or schools to educate children and future leaders is instead siphoned away for private gain, stashed in financial secrecy jurisdictions.

Illicit commerce, fueled by anonymous shell companies, puts the safety and health of communities in danger when criminals put counterfeit medicines, electronics, tainted food, fake automotive and airplane parts, toxic toys, pirated film and other illegal goods into our distribution networks and supply chain.

The dumping of toxic waste contaminates our food and water supplies. Illegal mining, logging and deforestation or poaching harm vital ecosystems and habitats, exacerbate climate change, and undermine policies to advance inclusive, green, sustainable development. Poaching and trafficking of endangered wildlife robs economies of their natural assets and their future.

The corruption that allows counterfeit medicines or ineffective pharmaceuticals, personal protective equipment (PPE), and fast-moving consumer goods (FMCG) to enter our communities endangers public health, denying the sick effective treatment and permitting deadly viruses and disease to infect our communities. We must be vigilant against such predatory criminality as countries begin the distribution of COVID-19 vaccines, securing our global supply chains and shutting down illicit websites selling possible fakes.

The OECD Task Force on Countering Illicit Trade has highlighted how COVID-19 policies and governance gaps have contributed to increasing organized crime in some vulnerable sectors. Countries like South Africa, Malaysia, Philippines, and Mexico, which banned alcohol, tobacco, and food products during the pandemic, have seen more problems than benefits. Such bans have resulted in boom for the illicit trade in alcohol, cigarettes and food that was falsely labelled as medicinal cures providing more opportunities for organized criminals to exploit. While demand has generally remained the same, the supply has only changed hands from legal routes to illegal ones.

The corruption that allows traffickers to move contraband and illegal goods across borders and global supply chains and exploit them with impunity further fuels instability in armed conflict zones and stymies law enforcement efforts including in Central America, North Africa, the Middle East, and other hot spots of violence.

Bi-Partisan Congressional Support is Vital

In securing the peace and democracy, President Biden and his Administration should make the global fight against kleptocracy and illicit trade a higher priority including working with the US Congress to pass new legislation that helps our law enforcement and intelligence communities confront today's transnational threats.

<<teams usually end here>>

It should also work to aggressively implement the Corporate Transparency Act to end the abuse of anonymous companies by malign influencers, kleptocrats, cartels, and terrorists to finance their criminal activities and to export violence abroad. Breaking the corruptive power of such bad actors and stripping them of their illicit wealth can end their impunity and expose their criminal activities hidden behind the veil of secrecy. The US Congress should introduce other legislation that provides further authorities and tools to fight kleptocracy and illicit trade needed to protect our homeland, markets, and communities against determined bad actors and threat networks. Corruption is a fundamental obstacle to peace, prosperity, and human rights all around the world,” Senator Ben Cardin said introducing the bi-partisan Combating Global Corruption Act. “Where there are high levels of corruption, we find fragile states, authoritarian states, or states suffering from internal or external conflict. Combating corruption should be elevated and prioritized across our foreign policy efforts. I look forward to working with my colleagues and the Biden administration to ensure fighting corruption is a central U.S. national security priority. In January 2021, US Senators Ben Cardin (D-MD) and Todd Young (R-IN) introduced bipartisan legislation, the Combating Global Corruption Act (S.14), that would elevate the fight against international corruption as a national security priority. Senator Cardin and Senator Roger Wicker (R-MS), incoming Chair of the U.S. Helsinki Commission and Co-Chair, respectively, have also re-introduced legislation that would elevate the federal government’s anti-corruption activities. S.158, the Countering Russian and Other Overseas Kleptocracy Act, or CROOK Act, would establish an anti-corruption action fund to provide extra funding during historic windows of opportunity for reform in foreign countries and streamline work strengthening the rule of law abroad. In the House of Representatives, Congressmen Brian Fitzpatrick (R-PA-01) and Bill Keating (D-MA-09) reintroduced H.R. 402, the Countering Russian and Other Overseas Kleptocracy (CROOK) Act. Leaders in both the US Senate and US House of Representatives may also want to establish a Commission or a Congressional Caucus that examines the harms and impacts of kleptocracy and illicit trade to US national security, the American economy, the health and safety of our citizens, and our national interests around the world.

Revitalizing Alliances and Leveraging Whole-of Society Approaches

President Biden can also work with allies across the Atlantic, and internationally, to elevate the fight against the webs of corruption and criminality that are undermining global democracy, security, and justice. We need to ramp up coordinated efforts against these bad actors and threat networks including through investigations, prosecutions, sanctions, and seizing their assets across source, transit, and demand markets. President Biden should promote more dynamic public-private partnerships to counter illicit trade, corruption, and money laundering including in NATO, European Union (EU), European Commission (EC), the Group of Seven (G7) the Group of Twenty (G20), the United Nations (UN), the Organization for Economic Cooperation and Development (OECD), the Financial Action Task Force (FATF), World Customs Organization (WCO), INTERPOL, EUROPOL, the Asia Pacific Economic Cooperation (APEC), Association of Southeast Asian Nations (ASEAN), Pacific Islands Forum (PIF), Organization of American States (OAS), African Union (AU), the Arab League, Gulf Cooperative Council (GCC), the Business Twenty (B20), World Economic Forum (WEF), International Chamber of Commerce (ICC), US Council for International Business (USCIB), US Chamber of Commerce (USChamber), and other inter-governmental and business organizations. In cooperation with other dedicated partners, renewed American leadership can lead a global effort to promote greater transparency, prosecute high-level corruption, deny safe haven to kleptocrats, and dismantle illicit networks. The international community should leverage instruments such as UN Convention against Transnational Organized Crime (UNTOC), the UN Convention against Corruption (UNCAC), the Financial Action Task Force’s Recommendations on combating money laundering and terrorist financing, and other international frameworks. Energies to recover and return stolen assets can also put bad actors on notice and provide accountability. Through stronger holistic frameworks, whole-of-society approaches, information-sharing arrangements, and smart global supply chain solutions, we can use targeted intelligence to fight corruption, transnational criminal organizations, and threat networks. Investing in our diplomacy isn’t something we do just because it’s the right thing to do for the world. We do it in order to live in peace, security, and prosperity. We do it because it’s in our own naked self-interest. When we strengthen our alliances, we amplify our power as well as our ability to disrupt threats before they can reach our shores.

President Joe Biden

The sharing of actionable intelligence can help law enforcement communities in real-time to more quickly target and disrupt illicit threats across borders. Active and coordinated responses by customs, police, revenue enforcement and tax authorities within and across borders can help to put bad actors behind bars.

American Leadership: America is Back

In an interconnected world, there are no global problems that can be solved by any one partner working alone. Through our collaborative partnerships and collective action, we can more effectively combat the twin devils of kleptocracy and illicit trade. President Biden and his administration’s commitment to a comprehensive multi-dimensional approach and whole-of-government national security strategy – with strong Congressional bi-partisan support – to prosecute kleptocracy and illicit trade that corrupt governance structures and markets would be much welcomed, and needed; as is a forward-looking foreign policy that advances the greater good: democratic values, honest government, openness, integrity, the rule of law, and peace that keeps our community of democracies more prosperous, secure and safe.

## Adv 1

### 2NC ⁠— Cohesion Inevitable

#### Broadly, alt causes outweigh their internal

Politico 21, (Where Europe and the US don’t see eye to eye, https://www.politico.eu/article/europe-us-trade-coronavirus-vaccines-data-china-russia-artificial-intelligence-farming-carbon/)

With eight days of glad-handing, photo ops and fanfare, Joe Biden and his team are hoping his trip to Europe will reboot transatlantic relations.

That won’t be easy.

Even though Biden’s election might have swung Washington’s needle closer to the EU playbook, the U.S. and Europe remain split on many policy issues key in Brussels and EU capitals. The two sides are at odds on everything from lingering Trump-era trade tariffs to taxing America’s tech giants to making farming more environmentally sustainable.

Here’s POLITICO’s rundown of the policy disputes that could prove problematic.

1. The tariff trade war

The new president has left much of Donald Trump’s trade policy untouched, including tariffs on steel and a blockade of the World Trade Organization’s court system. Biden’s drive for a “Buy American” policy, favoring U.S. companies in major public tenders, is one of the reasons Brussels is preparing a new legal tool to ensure reciprocity in big public contracts. After dithering for almost a decade, the EU is finally moving on plans to bolster the EU’s industrial champions that could be harmful for U.S. companies. Brussels and Washington have agreed to call temporary tariff truces on both steel and aluminum duties and Airbus-Boeing tariffs. But resolving these long-standing trade disputes will be the true test for the renewed transatlantic love declarations.

2. Waiving vaccine patents

Intellectual property rights are likely off the agenda after the U.S. threw the EU under the bus in May. Washington’s about-turn to support a waiver on patent protections for coronavirus vaccines blindsided many and left the EU scrambling to defend its continued opposition to a similar waiver proposal at the WTO. The aim of Washington’s plan? To allow wider production of coronavirus vaccines, unhindered by patent protections. The EU argues it won’t work, and that factors such as manufacturing are the limiting factor. But there are cracks in EU solidarity, with Italy and Belgium indicating support for a waiver. Officially, the EU is standing firm as one of the few WTO participants delaying detailed discussions on the proposal. On Friday, it presented a counter-proposal that sidesteps calls for a waiver in favor of clarifying existing provisions that allow countries to force individual vaccine makers to share patents during health emergencies.

3. Transferring everyone’s data

It’s been almost a year since the EU’s top court annulled a data flows deal with the U.S. called Privacy Shield due to fears of American surveillance practices. It’s the second time Europe’s top judges have killed such an agreement, and the pressure is mounting to get it right this time. Brussels and Washington don’t see eye-to-eye on how to fix the agreement so that it meets Europe’s high privacy standards, but Biden is keen to use this trip to push for a high-level political agreement with Commission boss Ursula von der Leyen. The goal is to lay the groundwork for a new transatlantic data transfer deal. The stakes are high. Privacy Shield underpinned billions of dollars in EU-U.S. digital trade, and companies on both sides of the Atlantic have been pushing hard for a replacement agreement for almost a year. Political deal or not, major hurdles remain over possible limits on how U.S. national security agencies can access EU citizens’ data.

4. Trade with China

Nobody mention the China deal. The EU in December struck an investment deal with Beijing, handing a big reputational win to China just as it dismantled freedoms in Hong Kong, locked up hundreds of thousands of Uyghurs without trial and withheld crucial information on the origins of the coronavirus outbreak. The timing of the deal was more than awkward for the Biden administration, which was not yet sworn in but broke its silence to warn the EU about its Sino embrace. The deal is now on ice amid objections from the European Parliament. But that doesn’t mean Washington and Brussels are on the same page when it comes to trade with their common rival. While the U.S. has banned imports of products from the Xinjiang region over slave-labor concerns, the EU has no such restrictions. The U.S. also continues to block reforms to the World Trade Organization that the EU sees as key to tackling Beijing’s state-capitalism model. Pharmaceutical companies are heavily reliant on U.S. sales to keep the industry healthy | George Frey/Getty Images

5. The cost of drugs

The U.S. has frequently complained that Europe pays too little for drugs, leaving pharmaceutical companies heavily reliant on U.S. sales to keep the industry healthy. With the U.S. pharma lobby having the ear of lawmakers, companies have remained sheltered from any effort to standardize drug pricing negotiations on the basis of how much added value new treatments actually provide. So-called health technology assessments have been commonplace in Europe for over two decades and are credited with preventing drug prices from spiraling and keeping health systems affordable. Biden has promised to tackle drug prices, and progressive Democrats have drafted a bill that would give the federal government the power to negotiate prices over insurance companies — but it’s already facing opposition from the president’s party. A group of House Democrats wants to see more moderate reforms that would preserve America’s “invaluable innovation ecosystem.” The divide could provide drugmakers with their escape from a bill considered by the industry as a worst-case scenario for U.S. drug pricing, and continue to drive a wedge between transatlantic allies.

6. Taxing Big Tech

There’s less than a month to go before negotiators are expected to reach a global deal to revamp the world’s tax regime. After the Biden administration unveiled new proposals — targeting the world’s top 100 companies, and not just Silicon Valley’s biggest names — the mood music changed on getting a deal over the line. Europeans, particularly France, are eager to include all the Big Tech companies, and are willing to reach a compromise with the U.S. on which other companies should also be included in the revamp. But nothing is certain. U.S. officials released — and quickly postponed — billions of dollars’ worth of retaliatory tariffs on countries, including many in Europe, that had imposed their own national digital services taxes. Those domestic regimes are still in place until a global deal is done. The European Commission is also about to release its own digital levy that could complicate the final days of negotiations. U.S. lawmakers’ eyes are so fixed on international negotiations for a multinational corporate tax that most have overlooked the digital tax that EU policymakers will separately propose. Brussels insists the EU initiative, expected in July, is no big deal. But among those who have noticed it stateside, there’s concern it could upend a global compromise. The EU wants to create a global golden standard for safe AI, but the U.S. is unlikely to swallow a rulebook drafted in Brussels | David McNew/AFP via Getty Images

7. Getting ahead of artificial intelligence

Europe has been courting the Biden administration since last year when it comes to agreeing on controls on artificial intelligence, but the silence from Washington is starting to get awkward. The EU wants to create a global golden standard for safe AI. But the U.S., which is home to the world’s biggest AI companies, is unlikely to swallow a global rulebook drafted in Brussels. According to the Commission’s top digital Commissioner Margrethe Vestager, the EU-U.S. summit will kick start a transatlantic initiative meant to boost tech cooperation, dubbed the Trade and Technology Council. But an “AI Accord,” pitched by Commission President Ursula von der Leyen in December, has yet to elicit an official response from Washington. There is increasing anxiety on both sides of the Atlantic over what AI technologies can do in the hands of authoritarian states such as China, and the U.S. and EU agree that technologies should be developed based on democratic values. But what that means in practice is unclear. In April, the European Commission proposed the world’s first AI law, to regulate AI uses most likely to harm people. Meanwhile, the U.S. remains loath to regulate its tech giants.

#### Digital taxation thumps disagreements

Atkinson 9-17-2021, president of the Information Technology and Innovation Foundation (ITIF), a leading think tank for science and technology policy (Robert, “How to improve transatlantic relations without caving to Europe on technology and trade,” <https://thehill.com/opinion/technology/572707-how-to-improve-transatlantic-relations-without-caving-to-europe-on>)

Washington and Brussels later this month will send senior delegations of economic and trade ministers to the first meeting of a new U.S.-EU Trade and Technology Council, dubbed the “TTC.” Their goal, as the name suggests, is to foster high-level cooperation on trade and technology issues of mutual interest. Given the long-simmering tensions between the two governments on matters such as digital taxation, cross-border data flows, antitrust, and more, such an effort is overdue. Whether the United States and European Union succeed in using the TTC to rebuild the transatlantic relationship holds broad implications, because the alternative — strained engagement between major trading partners — would contribute to the global fragmentation of the digital economy. And worse, it would be a strategic gift to China, because it would represent a fatal dissolution of a key alliance needed to limit China’s technology mercantilism and counter its digital authoritarianism. Forward-looking policymakers on both sides of the Atlantic need to recognize this and redouble their efforts to build a better, stronger, and deeper digital-trading relationship. But to do that, U.S. and EU negotiators will need to meet in the middle on some critical issues. The White House should not define success as increasing cooperation for its own sake — particularly if the price of comity is embracing the EU’s precautionary approach to regulating competition and technological innovation. The administration’s emissaries should instead focus on advancing key U.S. economic interests in ways that also maintain cordial relations with Europe. For example, no matter how desperately the Biden administration’s trade negotiators may hope to restore harmonious transatlantic relations after watching in dismay as they deteriorated during the Trump administration, the United States cannot agree to a digital services tax or acquiesce to discriminatory regulation of internet platforms, as the European Commission seeks to do with its proposed Digital Markets Act. Either of those would skewer America’s leading technology companies (and kill U.S. jobs) and fundamentally alter longstanding regulatory principles at the expense of innovation and growth. By contrast, the administration and Congress could, and should, meet the EU somewhere in the middle on data protection — not by emulating its heavy-handed General Data Protection Regulation, but by passing a national privacy law that establishes a common set of protections across state lines while improving transparency and enforcement. That would hopefully persuade the EU to support robust cross-border data flows, while at the same time defending America’s pro-innovation regulatory system. The most glaring differences between the United States and the European Union on digital economy issues stem from the fact that technology policy in the EU is motivated largely by social policy concerns — from data privacy rights to the potential for algorithmic bias — and it views the proper role of government as one of regulating and restraining digital companies and technologies to ensure they cause no harm. In contrast, the United States has long acted on the view that government is the one that should do no harm — and, where it can, it should support technological innovation. As such, the Biden team should ensure that talks cover how to foster the growth of technologies such as quantum computing and artificial intelligence. Besides, social concerns such as privacy, bias, and other related issues are best addressed at the national or regional level, not in bilateral or multilateral trade talks.

### 2NC ⁠— Splinternet Inev

#### This is all done out of self-interest and the China-Russia model is spreading because of desire for control, not privacy

Lemley 21, Professor at Stanford (Mark, “THE SPLINTERNET ,” Duke Law Journal)

India is an interesting example of a country that has traditionally had a relatively open internet but which seems to be moving very heavily in the direction of locking it down. They shut down the internet altogether in Kashmir for several months as part of a political attack and crackdown on the Muslim population there.37 And that model, I think, is increasingly likely to be used in India. It’s also increasingly likely to be used by authoritarian regimes around the world or authoritarian wannabes. These countries learned from Arab Spring the power of technology to potentially foment a revolution.38 And if you’re an authoritarian government, you don’t want a revolution. So, they want to be able to control—to lock down— the means of communication.39 And they’ve learned from various other examples, such as China, Russia, and India, that they can shut down either individual companies—blocking Facebook until they take down posts they don’t like, for instance, or blocking Google until they do various things—or even that they can block the internet altogether to prevent dissidents from organizing. Iran,40 Turkey,41 Malaysia,42 Brazil,43 Pakistan,44 and various Arab countries have all blocked large parts of the internet at one time or another.45 Brazil has been most explicit. It has announced its intention to create a national, walled-off internet on the China model.46 It’s not just differences in local regulations that are leading to different software in different countries. Rather, it’s increasingly hard for foreign internet programs to penetrate local markets as a structural matter. Russia, for instance, has blocked LinkedIn,47 is requiring local Russian apps to be loaded on all smartphones,48 and is indeed writing its own version of Wikipedia.49 Russia doesn’t like the fact that on Wikipedia just anybody could share information with the world. They want their citizens to see their government-vetted and approved information. China hasn’t written its own Wikipedia, but it has effectively achieved much the same result by banning Facebook and Google unless they complied with local censorship laws, which effectively kept them out of the country. China also encouraged the development of alternatives like Baidu and Tencent, which are, because they are Chinese, ultimately beholden to the Chinese government.

### 2NC ⁠— AT: Chinese AI

#### If China is evil, then they’d just steal US tech

Gady 17, Associate Editor, The Diplomat (Franz-Stefan Gady, “Why We Should Worry About China’s Relative Backwardness in Military Technology,” The Diplomat, <https://www.chinausfocus.com/peace-security/why-we-should-worry-about-chinas-relative-backwardness-in-military-technology>)

However, there is an inherent danger in overemphasizing the development of superior military technology as a means to guarantee military superiority in the long term. As the economic historian Alexander Gerschenkron argued in a 1951 essay on economic backwardness, there is a “penalty for taking the lead.” Gerschenkron, analyzing the rapid economic ascent of Germany in the 19th century and how quickly it superseded Great Britain as Europe’s economic powerhouse, noted that there is a relative advantage in backwardness. Backward countries, he maintained, can learn from the mistakes of more advanced nations and implement innovations cheaper, faster, and in a more efficient and systematic manner. Applying Gerschenkron’s concept of backwardness to the Sino-U.S. military competition, it becomes obvious that the United States’ attempt to maintain military superiority via superior technology may perhaps not succeed in the long run. China and the PLA, by imitating U.S. military technology rather than having to invent technology from scratch, can economize military expenditure and produce new hardware faster and in larger quantities than the United States. While China is still decades behind the United States on many fronts in this competition (e.g., submarine and precision-guided strike technologies), Beijing may ultimately not only catch up but potentially could surpass American military capabilities. However, at the same time it is important to note that backwardness should be seen as an opportunity rather than an inherent advantage for China, since a backward power can fail to leapfrog, or do so ineffectively, or with inadequate capacity. The danger to American military superiority posed by Chinese relative technological backwardness and imitation is not new. An article written by American political scientists in The Washington Quarterly in the fall of 2015, argues that the militaries of rising powers have a strong preference to imitate rather than innovate in an arms competition with an established power. “[R]isk averse, less-advanced challengers may often choose to emulate a leading state’s military innovations rather than develop their own,” the authors argue and provide three conditions when this is the case: “[P]ursuing their own innovation proves costly relative to imitation, little information exists about the effectiveness of alternative innovations, and the perceived risks of failing to imitate another state outweigh the perceived benefits of pursuing a novel but risky new technology.” All of these conditions appear to apply when one looks at the Sino-US military competition. The article also argues that countries like China, rather than trying to explore asymmetric advantages, generally try to match a peer-competitor symmetrically in military capabilities. What the authors of the article do not discuss, however, is another danger hinted at by Gerschenkron and most relevant in a military competition. Relatively backward militaries like the PLA can not only achieve equal status to more advanced armed forces but also are more likely to surpass the latter in combat effectiveness. History is filled with such examples: The reforms of the Austrian, Prussian and Russian armies in last the five years of the Napoleonic Wars, based on imitating French technology and military organization, and the resulting defeat of French forces; the superior German dreadnought ship designs and its devastating effect during the 1916 battle of Jutland for the British Royal Navy; and the technological and operational adaptation of the Red Army during the Second World War, best exemplified with the destruction of the German Army Group Center in 1944. In each case the superior military power ended up losing substantially more equipment and men than the adversary because it let the latter imitate and improve not only the superior military power’s technology but also tactics and operational concepts. In other words, the ostensible backward military powers beat the superior military powers at their own game. Paradoxically, however, it is worth noting that the Austrian, Prussian, and Russian armies would have never reformed without seeing the French example, the Germans would not have been able to build superior dreadnoughts without studying older Royal Navy designs, and the Soviet Army would not have been able to defeat the Wehrmacht without adopting German technologies—many state-of-the-art military technologies were in part, provided to the Soviet Union by the Germans prior to 1941—as well as Blitzkrieg tactics and operational concepts.

#### It assists adversaries, but doesn’t reach the US government because of a disconnect between bureaucracy and companies

Coleman & Spoehr 17 — Victoria Coleman (PhD, Chief Technology Officer of the Wikimedia Foundation, member of the Defense Science Board); Thomas Spoehr (Lieutenant General, U.S. Army (ret.), Director of the Center for National Defense, 5-1-2017, “Reclaiming U.S. Defense Leadership on Innovation: Three Priorities for the New USD(R&E)”, <https://www.heritage.org/defense/report/reclaiming-us-defense-leadership-innovation-three-priorities-the-new-usdre>)

The companies that came to define the technology context within which the military has to defend the nation today all hail from the West Coast, as do many other disruptors, such as Uber, Tesla, and SpaceX. It is no wonder then that Silicon Valley is teeming with company outposts from all over the world. Consumer electronics giants, silicon manufacturers, aircraft manufacturers, and automakers are all there, and with sales offices and R&D centers, Open Innovation Centers abound. Their purpose: to gain visibility into talent and technologies they can acquire to further their interests. Open innovation is about building a presence in and bridges with innovation hubs, such as Silicon Valley and the Boston Corridor. Incomprehensibly, the Defense Research Enterprise (consisting loosely of DARPA and the defense laboratories) is mostly absent from these hotspots. The cost to their mission in support of the warfighter is serious and material. While efforts at innovation, such as the Defense Innovation Unit Experimental (DIUx), are building links with some non-traditional defense vendors, they are, as their name denotes, merely experiments. These proof-of-concept efforts do not scale, they mask the extent of the disconnect between the defense and commercial technology sectors, and leave the bulk of the Defense R&D enterprise untouched. The innovation muscle of the Defense Department lies in the defense vendor base—the defense laboratories, DARPA, and the various other defense R&D agencies. The lack of a physical, substantial, and enduring presence of DARPA and the laboratories in Silicon Valley and the other national innovation hotspots means that they are not able to act as the eyes and ears of the Defense Department when it comes to emerging technologies and talent in these areas. It also sends a message to the defense vendor community that harvesting commercial innovation on behalf of the department is a good-to-have vs. an essential core competency. The consequence is a chronic isolation of the defense technology establishment from the very commercial innovation that U.S. competitors and adversaries exploit to build asymmetric technology advantage against this country.

#### empirics

Bender et. al, 18 — Bryan Bender (American journalist, defense editor for POLITICO Pro; previously a D.C.-based reporter for the Boston Globe and Jane’s Defence Weekly, covered U.S. military operations in the Middle East, Asia, Latin America, and the Balkans); Cory Bennett (deputy editor for POLITICO, helping oversee the publication’s national security, White House and international coverage. Formerly, POLITICO’s cybersecurity editor, running the publication’s coverage of digital security policy on Capitol Hill and in the Trump administration), "How China acquires ‘the crown jewels’ of US technology," POLITICO, 10-4-2018, <https://www.politico.eu/article/china-investment-uber-apple-us-tech-how-china-acquires-the-crown-jewels/>) jbb

WASHINGTON — The U.S. government was well aware of China’s aggressive strategy of leveraging private investors to buy up the latest American technology when, early last year, a company called Avatar Integrated Systems showed up at a bankruptcy court in Delaware hoping to buy the California chip-designer ATop Tech. ATop’s product was potentially groundbreaking — an automated designer capable of making microchips that could power anything from smartphones to high-tech weapons systems. It’s the type of product that a U.S. government report had recently cited as “critical to defense systems and U.S. military strength.” And the source of the money behind the buyer, Avatar, was an eye-opener: Its board chairman and sole officer was a Chinese steel magnate whose Hong Kong-based company was a major shareholder. Despite those factors, the transaction went through without an assessment by the U.S. government committee that is charged with reviewing acquisitions of sensitive technology by foreign interests. In fact, a six-month POLITICO investigation found that the Committee on Foreign Investment in the United States, the main vehicle for protecting American technology from foreign governments, rarely polices the various new avenues Chinese nationals use to secure access to American technology, such as bankruptcy courts or the foreign venture capital firms that bankroll U.S. tech startups. The committee, known by its acronym CFIUS, isn’t required to review any deals, relying instead on outsiders or other government agencies to raise questions about the appropriateness of a proposed merger, acquisition or investment. And even if it had a more formal mandate, the committee lacks the resources to deal with increasingly complex cases, which revolve around lines of code and reams of personal data more than physical infrastructure. They’re playing us for fools” — Chuck Schumer, U.S. Senate Minority Leader “I knew what was critical in 1958 — tanks, airplanes, avionics. Now, truthfully, everything is information. The world is about information, not about things,” said Paul Rosenzweig, who worked with CFIUS while at the Department of Homeland Security during President George W. Bush’s second term. “And that means everything is critical infrastructure. That, in some sense, means CFIUS really should be managing all global trade.” As a senior official at the Treasury Department, which oversees CFIUS, put it: “Any time we see a company that has lots of data on Americans — health care, personal financial data — that’s a vulnerability.” ALSO ON POLITICO China trade war ‘on hold’ as Trump pauses tariffs ZACHARY WARMBRODT AND DOUG PALMER ALSO ON POLITICO Who’s winning the trade war? Everyone but Trump ADAM BEHSUDI When CFIUS was formed, in the 1970s, the companies safeguarding important technology were so large that any takeover attempt by foreigners would be certain to attract attention. Now, much of the cutting-edge technology in the United States is in the hands of much smaller firms, including Silicon Valley startups that are hungry for cash from investors. The gap in oversight became a more urgent problem in 2015, when China unveiled its “Made in China 2025” strategy of working with private investors to buy overseas tech firms. A year earlier, Chinese investments in U.S. tech startups had totaled $2.3 billion, according to the economic research firm CB Insights. Such investments immediately skyrocketed to $9.9 billion in 2015. These amounts dipped the following year, as the Obama administration voided a high-profile deal, but analysts say China’s appetite to buy U.S. firms and technology is still strong. In 2017, there were 165 Chinese-backed deals closed with American startups, only 12 percent less than the 2015 peak. U.S. President Donald Trump addresses the crowd | Oliver Contreras-Pool via Getty Images Yet the failure to investigate some forms of Chinese investments in American technology has flown under the radar as President Donald Trump goes tit for tat with Beijing, imposing tariffs meant to punish China for unfair trade practices. Critics noted on Monday that Trump’s tentative agreement to drop his tariff threat in exchange for Chinese pledges to purchase billions of dollars more in American goods avoided any mention of the outdated foreign-investment policies that have alarmed lawmakers across the political spectrum. On the Senate floor Monday, Minority Leader Chuck Schumer lashed out at Trump’s approach. “China’s trade negotiators must be laughing themselves all the way back to Beijing,” he said. “They’re playing us for fools — temporary purchase of some goods, while China continues to steal our family jewels, the things that have made America great: the intellectual property, the know-how in the highest end industries. It makes no sense.” National security specialists insist that such a stealth transfer of technology through China’s investment practices in the United States is a far more serious problem than the tariff dispute — and a problem hiding in plain sight. A recent Pentagon report bluntly declared: “The U.S. does not have a comprehensive policy or the tools to address this massive technology transfer to China.” It went on to warn that Beijing’s acquisition of top-notch American technology is enabling a “strategic competitor to access the crown jewels of U.S. innovation.” Some congressional leaders concur. Senate Majority Whip John Cornyn (R-Texas) regularly warns his colleagues that China is using private-sector investments to pilfer American technology. China has “weaponized” its investments in America “in order to vacuum up U.S. industrial capabilities from American companies,” Cornyn said at a January hearing. The goal, he added, is “to turn our own technology and know-how against us in an effort to erase our national security advantage.” Legislation to expand the CFIUS budget and staff has been moving slowly through the halls of Congress amid pushback from Silicon Valley entrepreneurs and business groups. The legislation would give CFIUS new resources to scrutinize bankruptcy purchases and establish stricter scrutiny of start-up investments. China will not close its door to the world — we will only become more and more open”— Xi Jinping, President of China As months passed without any action, and the issue of Chinese investments got overshadowed by tariff fights and feuds between Beijing and the Trump administration, national security experts grew more concerned, fearing that Congress lacked a sense of urgency to police transfers of sensitive technology. The White House began exploring what more it could do on its own, asking the Treasury Department in late March to offer a list of potential Chinese investment restrictions within 60 days. Finally, earlier this month, Senate and House leaders announced plans to mark up the bill, starting a process that could lead to passage later this year. Still, the failure to act more quickly may itself be jeopardizing national security. At a hearing in January, Heath Tarbert, the Treasury Department assistant secretary overseeing CFIUS, testified that allowing foreign countries to invest in U.S. technology without making sufficient background checks “will have a real cost in American lives in any conflict.” “That is simply unacceptable,” he said. ‘Made in China 2025’ Last October, Chinese President Xi Jinping took the podium before 2,300 Communist Party delegates to deliver his expansive vision for China’s future. Xi was speaking at the party’s 19th Congress, a summit held every five years to choose the nation’s leaders in the Great Hall of the People in Beijing, the expansive theater right off Tiananmen Square. Speaking in front of a giant gold hammer and sickle framed by bright red drapes, Xi held forth for 3½ hours, declaring that China would look outward to solve its problems. “China will not close its door to the world — we will only become more and more open,” Xi declared to his rapt audience of party leaders, many of them having close ties to the billionaire investors who represent China in the global market. “We will deepen reform of the investment and financing systems, and enable investment to play a crucial role in improving the supply structure.” Chinese President Xi Jinping stands in the Great Hall of the People in Beijing, China | Lintao Zhang via Getty Images China watchers said Xi was alluding to the government’s relatively new economic plan, dubbed “Made in China 2025,” which leaders had unveiled in 2015. The detailed vision shifted the focus on domestic research investments to the need to pump money into — and better understand — foreign markets. “We will,” the document proclaimed, “guide enterprises to integrate into local culture.” “We will,” the document continued, “support enterprises to perform mergers, equity investment and venture capital investment overseas.” At the top of the investment wish list were high-tech industries like artificial intelligence, robotics and space travel. A concerted push by China to reshape the market in its favor…threatens the competitiveness of U.S. industry and the national and global benefits it brings” — 2017 report from the President’s Council of Advisors on Science and Technology For the increasingly powerful Chinese leader, it was the culmination of years of efforts to guide how China spends its blossoming wealth. In addition to luring foreign companies to China, Xi wanted the country — which is sitting on several trillion dollars in foreign exchange reserves — to start investing abroad. The plan had “much more money behind it” and “much more coordination” between Beijing and Chinese industrialists than previous economic strategies, according to Scott Kennedy, an expert on Chinese economic policy at the Center for Strategic and International Studies, a Washington think tank that specializes in defense matters. “And a big component of that is acquiring technology abroad,” he said. From 2015 to 2017, Chinese venture capitalists pumped money into hot companies like Uber and Airbnb, but also dozens of burgeoning firms with little or no name recognition. The country didn’t just want “trophy assets,” Kennedy explained. China’s leaders wanted to “fill in some of the gaps they have” in China’s tech economy. While the Asian power has piled up profits from its large manufacturing plants that churn out low-cost products, the Beijing government realized it would face declining productivity unless its economy, from agriculture to manufacturing, adopted high-tech methods. Essentially, China wanted to automate entire industries — including car manufacturing, food production and electronics — and bring the whole process in-house. So Beijing’s leaders encouraged the country’s cash-rich investors to search for “emerging companies that have technologies that may be extremely important … but aren’t proven,” Kennedy said. The initiative has spawned investments in American startups that work on robotics, energy equipment and next-generation IT. Of particular concern to U.S. national security officials is the semiconductor industry, which makes the microchips that provide the “guts” of many advance technologies that China is seeking to leverage. “A concerted push by China to reshape the market in its favor, using industrial policies backed by over one hundred billion dollars in government-directed funds, threatens the competitiveness of U.S. industry and the national and global benefits it brings,” declared a January 2017 report from the President’s Council of Advisors on Science and Technology, warning of the urgent threat to U.S. superiority in semiconductor technology. Notably, many of China’s investments didn’t register on the CFIUS radar. They involved the early-seed funding of tech firms in Silicon Valley and low-profile purchases such as the one in Delaware bankruptcy court. They included joint ventures with microchip manufacturers, and the research and development centers created with international partners.

#### \*\*\*Contextually, the US military has connections with only 5% of tech companies, which is substantially less than China

Bender et. al, 18 — Bryan Bender (American journalist, defense editor for POLITICO Pro; previously a D.C.-based reporter for the Boston Globe and Jane’s Defence Weekly, covered U.S. military operations in the Middle East, Asia, Latin America, and the Balkans); Cory Bennett (deputy editor for POLITICO, helping oversee the publication’s national security, White House and international coverage. Formerly, POLITICO’s cybersecurity editor, running the publication’s coverage of digital security policy on Capitol Hill and in the Trump administration), "How China acquires ‘the crown jewels’ of US technology," POLITICO, 10-4-2018, <https://www.politico.eu/article/china-investment-uber-apple-us-tech-how-china-acquires-the-crown-jewels/>) MSCOTT

A POLITICO review of 185 tech startups with Chinese investors found just over 5 percent had received government contracts, loans or grants ranging from a few thousand dollars to several million dollars. Often, the contracts simply involved research — renewable energy for the Energy Department, electronics and communications equipment for the Pentagon, space technology for NASA. Others ordered lab equipment for the Commerce Department, or machine tools for the military. “There’s a tremendous amount of intelligence value there,” Ware said. “All governments desire to know what other governments are doing. And knowing the technologies and how they work I think is a big part of that.” While there’s no indication that the firms had U.S. government contracts at the time that Chinese investors became involved, that may be part of China’s strategy. Derek Scissors, who manages the American Enterprise Institute’s China Global Investment Tracker, an exhaustive database of China’s major global investments, said that as welcome as the surge of Chinese-funded deals may be in Silicon Valley, the engine behind them is the Chinese government. China’s Silicon Valley investment strategy “was shaped by the state and that shaping has gotten tighter,” he said.

#### Companies won’t work with the DoD

Tama 15 — Jason Tama (Commander, United States Coast Guard officer with 20 years of experience in a broad array of operational and staff assignments, recently served at Coast Guard Sector San Francisco where his engagement with emerging technology companies provided the inspiration for this project, holds a bachelor of science in mechanical engineering from the United States Coast Guard Academy, master of science in naval architecture and offshore engineering from the University of California, Berkeley, master of business administration from the MIT Sloan School of Management, Marshall Memorial Fellow), July 2015, “There’s no app for that: Disrupting the military-industrial complex”, <https://www.brookings.edu/wp-content/uploads/2016/06/No-app-for-that_final-7815.pdf>, accessed: 5/31/18)//DG

However, the vast majority of these executives also could not envision a viable scenario in which doing business in defense, or the rest of the federal government for that matter, made sense commercially. The DOD is simply perceived as a bad customer, one that is skewed in favor of larger, traditional players. These traditional “primes” have the expertise to navigate a very complex and opaque acquisitions system as well as the resources to wait out the long and highly uncertain sales cycles. Unfortunately, some will never enter the defense market, especially when any association with the national security enterprise fundamentally threatens their customer trust. When your business model depends on customers trusting your technology, your cloud, your security, anything that might erode that is an existential threat. In these markets the cost of eroding customer trust far outweighs any possible benefit from defense revenue. It is possible this dynamic could change in the future, but there is no sign of it in the near-term.

#### Google proves

Shane 18 — Daisuke Wakabayashi and Scott Shane, "Google Will Not Renew Pentagon Contract That Upset Employees," <https://www.nytimes.com/2018/06/01/technology/google-pentagon-project-maven.html>, MSCOTT)

SAN FRANCISCO — Google, hoping to head off a rebellion by employees upset that the technology they were working on could be used for lethal purposes, will not renew a contract with the Pentagon for artificial intelligence work when a current deal expires next year. Diane Greene, who is the head of the Google Cloud business that won a contract with the Pentagon’s Project Maven, said during a weekly meeting with employees on Friday that the company was backing away from its A.I. work with the military, according to a person familiar with the discussion but not permitted to speak publicly about it. Google’s work with the Defense Department on the Maven program, which uses artificial intelligence to interpret video images and could be used to improve the targeting of drone strikes, roiled the internet giant’s work force. Many of the company’s top A.I. researchers, in particular, worried that the contract was the first step toward using the nascent technology in advanced weapons.

#### Alt causes to tech authoritarianism outside of China---they have no global plan

**Feldstein 20** , Senior fellow in Carnegie’s Democracy, Conflict, and Governance Program, where he focuses on issues of democracy, technology, human rights, U.S. foreign policy, and Africa. JD from Berkeley School of Law. (Steven, 2/12/2020, “WHEN IT COMES TO DIGITAL AUTHORITARIANISM, CHINA IS A CHALLENGE — BUT NOT THE ONLY CHALLENGE,” War on the Rocks, <https://warontherocks.com/2020/02/when-it-comes-to-digital-authoritarianism-china-is-a-challenge-but-not-the-only-challenge/> Date Accessed: 3/17/2021)

China and Digital Authoritarianism

China is not a primary driver for the majority of these techniques. Rather, China only truly exerts outsized influence in the proliferation of surveillance technologies. For internet shutdowns and persecutions against online users, for example, China has no discernable global role. These actions are undertaken independently by state authorities. In fact, when it comes to internet shutdowns, Chinese authorities have [adopted more sophisticated censorship tactics](https://press.princeton.edu/books/hardcover/9780691178868/censored). The concept of completely shutting down the internet for extended periods of time is too blunt of an instrument to suit China’s purposes.

When it comes to social manipulation and disinformation online, China is relatively new to the game. As Oxford researchers [Philip Howard and Samantha Bradshaw report](https://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2019/09/CyberTroop-Report19.pdf), “until recently, we found that China rarely used social media to manipulate public opinion in other countries.” While Chinese activity in this area is increasing, the bulk of their efforts involve manipulating domestic speech or conducting foreign influence operations towards specific targets (e.g., Hong Kong protests, Taiwanese elections). There are scant examples of Chinese authorities equipping autocratic governments with hi-tech disinformation capabilities to enable campaigns against domestic opponents.

Similarly, when it comes to providing technology to facilitate state-sponsored cyber attacks — operations that manipulate software, data, computer systems, or networks to degrade operational capabilities or collect information — China is only one of many actors. This is not to suggest, of course, that Beijing does not hack. However, compared to liberal democracies, China is not a major exporter of hacking technology. [Privacy International’s 2016 report](https://www.privacyinternational.org/sites/default/files/2017-12/global_surveillance_0.pdf) on the private surveillance industry documented 528 companies peddling commercial intrusion technology (e.g., malicious code, mobile phone malware). Over 87 percent of these companies are based in OECD member states and 75 percent are headquartered in NATO countries.

#### US tech norms are equally authoritarian

**ACLU 3/10** , American Civil Liberties Union (3/10/2021, “ACLU, CIVIL RIGHTS GROUPS CALL ON DHS TO ABANDON PROPOSED EXPANSION OF FACE SURVEILLANCE AT AIRPORTS,” <https://www.aclu.org/press-releases/aclu-civil-rights-groups-call-dhs-abandon-proposed-expansion-face-surveillance> Date Accessed: 3/21/2021)

WASHINGTON — The American Civil Liberties Union and a coalition of more than 20 civil rights organizations are calling on the Department of Homeland Security and Customs and Border Protection to withdraw a proposed regulation that would dramatically expand the use of face recognition technology at airports and the border. The proposed regulation would allow CBP to require all noncitizen travelers entering and exiting the United States to submit to face recognition.

In a [letter sent today](https://www.aclu.org/letter/coalition-letter-secretary-mayorkas-proposed-expansion-face-recognition-airports) to Secretary of Homeland Security Alejandro Mayorkas, the organizations highlight the dangers of face surveillance, which has been shown to disproportionately harm communities of color and has led to the wrongful arrest of at least three Black men. The organizations urge Mayorkas to withdraw the proposed regulation and suspend the use of face recognition technology on travelers.

“This proposed rule poses grave risks to the privacy of immigrants and all visitors to the United States, giving the government a dangerous tool that could allow it to track everyday movements and private associations,” said Ashley Gorski, senior staff attorney with the ACLU’s National Security Project. “No government agency should have that power. And especially not CBP, given its record of separating families, profoundly harming people it detains, and profiling on the basis of ethnicity and religion. CBP’s use of this technology will undoubtedly harm immigrants and communities of color the most.”

Under the proposed regulation, all noncitizen travelers, including children, may be required to be photographed upon entry and departure from the United States. U.S. citizen travelers who do not affirmatively opt out may be photographed as well. CBP would harvest “faceprints” from these images — precise measurements of the unique facial geometry of each photographed traveler — and then apply a face-matching algorithm to travelers, comparing their faceprint to a gallery of other images in the government’s possession. DHS plans to store all the faceprints it collects in a database for up to 75 years, where they may be used by federal, state, and local law enforcement to identify individuals for purposes unrelated to their travel.

Unlike other forms of identity verification, faceprints can be collected covertly, at a distance, and without consent. And because facial geometry is unique to each person and faces are typically exposed, the collection of faceprints poses a significant risk of persistent surveillance that could allow the U.S. government and others to track our movements wherever we go.

### 2NC---!D---AI Arms Race

#### No AI arms racing

Dr. Michael C. Horowitz 18, Professor of Political Science and the Associate Director of Perry World House at the University of Pennsylvania, May, "Artificial Intelligence, International Competition, and the Balance of Power," Texas National Security Review, https://tnsr.org/2018/05/artificial-intelligence-international-competition-and-the-balance-of-power/

However, it is not yet clear how the invention of specific AI applications will translate into military power. Despite continuing investment, efforts to integrate AI technologies into militaries have been limited.39 Project Maven is the first activity of an “Algorithmic Warfare” initiative in the U.S. military designed to harness the potential of AI and translate it into usable military capabilities. Still, many investments in the United States and elsewhere are in early stages. As Missy L. Cummings writes: Autonomous ground vehicles such as tanks and transport vehicles are in development worldwide, as are autonomous underwater vehicles. In almost all cases, however, the agencies developing these technologies are struggling to make the leap from development to operational implementation.40 It is important to distinguish these potential technological innovations from military innovations. While military innovations are often linked to changes in technology,41 it is not always the case. Military innovations are significant changes in organizational behavior and ways that a military fights that are designed to increase its ability to effectively translate capabilities into power.42 The use of aircraft carriers as mobile airfields by the United States and Japan is a prototypical example. While AI could potentially enable a number of military innovations, it is not a military innovation itself, and no applications of AI have been used in ways that would count as a military innovation at this point. Because AI research and technology are still in their early stages, usage of AI in warfare is not even yet analogous to the first use of the tank in World War I, let alone effective use of combined arms warfare by the Germans in World War II (the military innovation now known as blitzkrieg). This limits analyses about how narrow AI might one day affect the balance of power and international politics. Most research on technology and international politics focuses on specific, mature technologies, such as nuclear weapons, or on military innovations.43 Since AI is at an early stage, examining it requires adapting existing theories about military technology and military innovation.44

#### Everything is in super infancy and open source.

Wadhwa 18, distinguished fellow at Carnegie Mellon University’s College of Engineering. (Vivek, 10-4-2018, "Commentary: The AI Wars Have Not Even Begun", *Fortune*, http://fortune.com/2018/10/04/artificial-intelligence-war-us-china/)

There is no doubt that AI has incredible potential. But the technology is still in its infancy; there are no AI superpowers. The race to implement AI has hardly begun, particularly in business. As well, the most advanced AI tools are open source, which means that everyone has access to them. Tech companies are generating hype with cool demonstrations of AI, such as Google’s AlphaGo Zero, which learned one of the world’s most difficult board games in three days and could easily defeat its top-ranked players. Several companies are claiming breakthroughs with self-driving vehicles. But don’t be fooled: The games are just special cases, and the self-driving cars are still on their training wheels. AlphaGo, the original iteration of AlphaGo Zero, developed its intelligence through use of generative adversarial networks, a technology that pits two AI systems against each another to allow them to learn from each other. The trick was that before the networks battled each other, they received a lot of coaching. And, more importantly, their problems and outcomes were well defined. Unlike board games and arcade games, business systems don’t have defined outcomes and rules. They work with very limited datasets, often disjointed and messy. The computers also don’t do critical business analysis; it’s the job of humans to comprehend information that the systems gather and to decide what to do with it. Humans can deal with uncertainty and doubt; AI cannot. Google’s Waymo self-driving cars have collectively driven over 9 million miles, yet are nowhere near ready for release. Tesla’s Autopilot, after gathering 1.5 billion miles’ worth of data, won’t even stop at traffic lights. Today’s AI systems do their best to reproduce the functioning of the human brain’s neural networks, but their emulations are very limited. They use a technique called deep learning: After you tell an AI exactly what you want it to learn and provide it with clearly labeled examples, it analyzes the patterns in those data and stores them for future application. The accuracy of its patterns depends on completeness of data, so the more examples you give it, the more useful it becomes. Herein lies a problem, though: An AI is only as good as the data it receives, and is able to interpret them only within the narrow confines of the supplied context. It doesn’t “understand” what it has analyzed, so it is unable to apply its analysis to scenarios in other contexts. And it can’t distinguish causation from correlation. The larger issue with this form of AI is that what it has learned remains a mystery: a set of indefinable responses to data. Once a neural network has been trained, not even its designer knows exactly how it is doing what it does. They call this the black box of AI. Businesses can’t afford to have their systems making unexplained decisions,

#### MARKED in 2NC

as they have regulatory requirements and reputational concerns and must be able to understand, explain, and prove the logic behind every decision that they make. Then there is the issue of reliability. Airlines are installing AI-based facial-recognition systems and China is basing its national surveillance systems on such systems. AI is being used for marketing and credit analysis and to control cars, drones, and robots. It is being trained to perform medical data analysis and assist or replace human doctors. The problem is that, in all such uses, AI can be fooled. Google published a paper last December that showed that it could trick AI systems into recognizing a banana as a toaster. Researchers at the Indian Institute of Science have just demonstrated that they could confuse almost any AI system without even using, as Google did, knowledge of what the system has used as a basis for learning. With AI, security and privacy are an afterthought, just as they were early in the development of computers and the Internet. Leading AI companies have handed over the keys to their kingdoms by making their tools open source. Software used to be considered a trade secret, but developers realized that having others look at and build on their code could lead to great improvements in it. Microsoft, Google, and Facebook have released their AI code to the public for free to explore, adapt, and improve. China’s Baidu has also made its self-driving software, Apollo, available as open source. Software’s real value lies in its implementation: what you do with it. Just as China built its tech companies and India created a $160 billion IT services industry on top of tools created by Silicon Valley, anyone can use openly available AI tools to build sophisticated applications. Innovation has now globalized, creating a level playing field—especially in AI.

#### AI won’t imperil nuclear deterrence because of inherent limitations.

Loss & Johnson 19, \*works at the Center for Global Security Research at Lawrence Livermore National Laboratory. He was a Fulbright fellow at the Fletcher School of Law and Diplomacy at Tufts University and recently participated in the Center for Strategic and International Studies’ Nuclear Scholars Initiative. \*\*Ph.D. candidate in computer science at Brigham Young University. His research focuses on novel applications of game theory and network theory in order to enhance wargaming. (Rafael, Joseph, 9/19/19, "Will Artificial Intelligence Imperil Nuclear Deterrence?", *War on the Rocks*, https://warontherocks.com/2019/09/will-artificial-intelligence-imperil-nuclear-deterrence/)

Yet, some strategists warn that the same AI-infused capabilities that allow for more prompt and precise strikes against time-critical conventional targets could also undermine deterrence stability and increase the risk of nuclear use. Specifically, AI-driven improvements to intelligence, surveillance, and reconnaissance would threaten the survivability of heretofore secure second-strike nuclear forces by providing technologically advanced nations with the ability to find, identify, track, and destroy their adversaries’ mobile and concealed launch platforms. Transporter-erector launchers and ballistic missile submarines, traditionally used by nuclear powers to enhance the survivability of their deterrent forces, would be at greater risk. A country that acquired such an exquisite counter-force capability could not only hope to limit damage in case of a spiraling nuclear crisis but also negate its adversaries’ nuclear deterrence “in one swift blow.” Such an ability would undermine the nuclear deterrence calculus whereby the costs of imminent nuclear retaliation far outweigh any conceivable gains from aggression.

These expectations are exaggerated. During the 1991 Gulf War, U.S.-led coalition forces struggled hard to find, fix, and finish Iraqi Scud launchers despite overwhelming air and information superiority. Elusive, time-critical targets still seem to present a problem today. Facing a nuclear-armed adversary, such poor performance would prove disastrous. The prospect of just one enemy warhead surviving would give pause to any decisionmaker contemplating a preemptive counter-force strike. This is why nuclear weapons are such powerful deterrents after all and states who possess them go to great lengths to protect these assets. While some worry that AI could achieve near-perfect performance and thereby enable an effective counter-force capability, inherent technological limitations will prevent it from doing so for the foreseeable future. AI may bring modest improvements in certain areas, but it cannot fundamentally alter the calculus that underpins deterrence by punishment.

Enduring Obstacle

The limitations AI faces are twofold: poor data and the inability of even state-of-the-art AI to make up for poor data. Misguided beliefs about what AI can and cannot accomplish further impede realistic assessments.

The data used for training and operationalizing automated image-recognition algorithms suffers from multiple shortcomings. Training an AI to recognize objects of interest among other objects requires prelabeled datasets with both positive and negative examples. While pictures of commercial trucks are abundant, much fewer ground-truth pictures of mobile missile launchers are available. In addition to the ground-truth pictures potentially not representing all launcher models, this data imbalance in itself is consequential. To increase its accuracy with training data that includes fewer launchers than images of other vehicles, the AI would be incentivized to produce false negatives by misclassifying mobile launchers as non-launcher vehicles. Synthetic, e.g., manually warped, variations of missile-launcher images could be included to identify launchers that would otherwise go undetected. This would increase the number of false positives, however, because now trucks that resemble synthetic launchers would be misclassified.

Moreover, images are a poor representation of reality. Whereas humans can infer the function of an object from its external characteristics, AI still struggles to do so. This is not so much an issue where an object’s form is meant to inform about its function, like in handwriting or speech recognition. But a vehicle’s structure does not necessarily inform about its function — a problem for an AI tasked with differentiating between vehicles that carry and launch nuclear-armed ballistic missiles and those that do not. Pixilated, two-dimensional images are not only a poor representation of a vehicle’s function, but also of the three-dimensional object itself. Even though resolution can be increased and a three-dimensional representation constructed from images taken from different angles, this introduces the “curse of dimensionality.” With greater resolution and dimensional complexity, the number of discernable features increases, thus requiring exponentially more memory and running time for an AI to learn and analyze. AI’s inability to discard unimportant features further makes similar pictures seem increasingly dissimilar and vice versa.

Could clever, high-powered AI compensate for these data deficiencies? Machine-learning theory suggests not. When designing algorithms, AI researchers face trade-offs. Data describing real-world problems, particularly those that pertain to human interactions, are always incomplete and imperfect. Accordingly, researchers must specify which patterns AI is to learn. Intuitively it might seem reasonable for an algorithm to learn all patterns present in a particular data set, but many of these patterns will represent random events and noise or be the product of selection bias. Such an AI could also fail catastrophically when encountering new data. In turn, if an algorithm learns only the strongest patterns, it may perform poorly — although not catastrophically — on any one image. Consequently, attempts to improve an AI’s performance by reducing bias generally increase variance and vice versa. Additionally, while any tool can serve as a hammer, few will do a very good job at hammering. Likewise, no one algorithm can outperform all others on all possible problem sets. Neural networks are not universally better than decision trees, for example. Because there is an infinite number of design choices, there is no way to identify the best possible algorithm. And with new data, a heretofore near-perfect algorithm might no longer be the best choice. Invariably, some error is irreducible.

### Trade

#### Countries are being more restrictive than ever.

EY Global 21, Ernst & Young Global Ltd., a multinational professional services network with headquarters in London, England. (September 23rd, 2021, “Why pandemic-induced trade protectionism will affect tax for years”, https://www.ey.com/en\_gl/tax/why-pandemic-induced-trade-protectionism-will-affect-tax-for-years)

To be sure, the COVID-19 pandemic itself didn’t usher in a protectionist era –  countries had already begun to prioritize looking after their own before the days of social distancing.

The movement toward trade protectionism actually dates to the global financial crisis of 2008 and reflects a number of factors, including increasing levels of economic nationalism, rising disappointment with the effects of globalization, and the increasing role of populism in politics. Which all suggests that a return to more liberal trade may be no simple prospect. “It would be misleading to say the pandemic sparked this trend and that the end of the pandemic might change it,” says Sally Jones, EY UK Trade Strategy and Brexit Leader. “The whole model is moving more and more toward protectionism, and has been for 10 to 15 years.”

Jones points to a variety of sources, including the OECD’s Services Trade Restrictiveness Index1 and the IMF’s World Uncertainty Index2, which show a steady increase in state interventions since 2008.

According to the state interventions per year index3, between 2009 and 2021, the US implemented 399 liberalizing interventions, but 2,647 restrictive ones. Jones says this pattern is replicated across the board; China brought in 2,957 restrictive interventions; Germany: 1,993; Italy: 891.

“Every country you look at has put in more interventions restrictive to global trade than liberal ones,” Jones explains.

Out of the bag

Protectionism could be here to stay, at least for a while. Governments around the world are facing a catalog of urgent challenges, including, but certainly not limited to, climate change and the drive to raise revenue to pay for the pandemic recovery. So they may not rush to put these protectionist tools, tariffs and regulations, back in the box.

“Politicians now have this hammer, and they may start looking for nails,” says Marc Bunch, EY UK Global Trade Leader. “Actions such as prohibiting exports are understandable when used in a public health crisis for a very specific, temporary reason, or for other valid reasons like sustainability. But they may also seek to use them for some old-school mercantilism, to prevent specific exports or imports. You’ll certainly see it in the agri-food sector, bringing in rules around product origins. And that will spark retaliatory behavior.”

Indeed, the issue here is that trade tends to be tied inextricably to geopolitics. Trade is triggering geopolitical incidents, as with the US-China trade dispute that escalated under former President Trump, with the unilateral Section 301 tariffs placed on China. Trade is also used as a counter measure when a geopolitical issue flares up independently – as when China put substantial tariffs on Australian beef and wine after Australia criticized certain domestic Chinese policies.5

Such matters can influence the shape of globalization.

“With Trump, you saw a change in China’s behavior, for the first time in many years,” says Bunch. “His actions appeared successful, at least in the short-term, in winning some of these trade disputes. And that may lead other policymakers to look at it and rethink their actions.”

#### Trade is statistically declining.

Canals 17, \*Clàudia Canals is a Lead Economist in the Macroeconomics Unit of the Strategic Planning and Research Department of CaixaBank. She has a PhD in Economics from Columbia University and a Master in Economics from the same university as well as Universitat Pompeu Fabra; (February 16th, 2017, “Global trade slowdown: the role played by protectionism”, https://www.caixabankresearch.com/en/global-trade-slowdown-role-played-protectionism)

International trade has been an important source of economic growth over the last few decades, both for emerging and advanced countries.1 However, their growth rates have slowed down considerably in the past five years. Several factors lie behind this slowdown but the one that is causing the most controversy is the rise in protectionism, especially after Trump’s election and his promise to levy large tariffs on Chinese and Mexican imports.2

Trade was boosted considerably during the 1980s and 1990s. The most far-reaching and successful multilateral agreement in history belongs to this period, namely the Uruguay Round which was implemented between 1986 and 1994, involved 123 countries, affected a wide range of sectors and concluded with the creation of the World Trade Organization (WTO) in 1995. In that period, there were also important regional trade agreements in Europe (Single European Act in 1986) and North America (NAFTA in 1994), and of relevance was also China’s accession to the WTO in 2001. However, since then there have been almost no multilateral agreements to liberalise trade.

Protectionist trade policies have also increased over the past few years. The fact that a large number of countries are members of the WTO limits the use of more traditional trade distortions measures such as raising tariffs or imposing import quotas. Hence, today countries implement protectionist measures that are more difficult to detect, such as aid for corporate financing. According to data gathered by the Global Trade Alert (GTA), which include these less conventional measures, in 2015 the number of new discriminatory measures against foreign companies is 50% higher than in 2014, from 500 to 1,000, and the signs point to this trend increasing in 2016 (see the first graph). According to the WTO, the total number of protectionist measures in force by mid-2016 was almost four times higher than the number in 2010, 1,263 compared with 324 (see the second graph).3

Although there has been an evident rise in protectionism, this seems to have played a limited role in the weaker trend for world trade, at least to date, as the measures implemented have affected less than 2% of trade flows according to the GTA. In its latest World Economic Outlook, the IMF also states that the quantitative impact of protectionism has been limited. The IMF has analysed the effect of protectionism together with that of the deceleration in trade liberalisation since both factors are actually related, concluding that the latter has not played any key role either in the change in the world trade slowdown.

The message from the OECD is slightly less optimistic, however, attributing 25% of the trade slowdown in the past five years to both factors (increased protectionism and slower rate of liberalisation), albeit stressing that most of this effect comes from the waning pace of trade liberalisation. In any case, should the uptick in protectionism continue, it will also end up hindering global trade.

#### U.S.-EU protectionism high now.

Moghior 21, \*Cosmina is a Denton Fellow with the Transatlantic Leadership program at the Center for European Policy Analysis (CEPA) (August 11th, 2021, “Protectionism Threatens To Torpedo The Transatlantic Technology Alliance”, https://cepa.org/protectionism-threatens-to-torpedo-the-transatlantic-technology-alliance/)

Unfortunately, though, protectionism threatens to undermine future progress. The Biden Administration’s massive infrastructure plan and new “Supply Chain Disruptions Task Force” aim to keep innovation and production of leading-edge technology at home, making the U.S. a technological leader. Biden’s [Buy America Executive Order](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/25/executive-order-on-ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers/) (EO) encourages domestic procurement of “goods, products, materials, and services from sources that help the American businesses compete in strategic industries and help America’s workers thrive”. The Federal Acquisition Regulatory Council is developing recommendations to extend requirements to information technology.

The U.S. is pouring public money into strategic digital industries. In a rare [bipartisan vote](https://www.washingtonpost.com/technology/2021/06/14/global-subsidies-semiconductors-shortage/), Congress approved $52 billion in subsidies in June for chip research and manufacturing. States from Wisconsin, Texas, and Nevada are [showering](https://www.theguardian.com/cities/2018/jul/02/us-cities-and-states-give-big-tech-93bn-in-subsidies-in-five-years-tax-breaks) tax benefits on digital tech giants including Amazon, Apple, and Google to build factories and data centers.

Europe similarly is determined to build its own tech capacities. It promotes the concept of [digital sovereignty](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI(2020)651992_EN.pdf) aimed at providing the continent the capacity to make “autonomous technological choices.”  Several projects promote domestic production of critical technologies ranging from next-generation mobile phone production to quantum computing. Public funds already are being spent on the

European cloud computing project GAIA-X aims to break the U.S. stranglehold on cloud computing.  While Europe insists that its actions are not protectionist, designed instead to promote and safeguard European values, GAIA-X aims to ensure data protection and limit access of U.S. intelligence to European data. U.S. tech giants including Amazon, Google, and Microsoft have been invited to join, but are banned from joining the board.

The U.S. is home to the world’s largest Internet companies and fears that European regulatory measures will discriminate against them. Plans for a European “digital” tax – put on hold to secure a global corporate tax reform – would disproportionately impact American companies that provide digital services in Europe. A separate Digital Markets Act proposal under consideration at the European Parliament addresses unfair practices of the so-called “gatekeepers,” that operate “core platform services.” Most of the targeted companies will likely be American,  beginning with giants Google, Apple, Facebook, and Amazon.

Europe and the U.S. need to step back from pursuing their protectionist instincts, which threatens to allow [China’s increasing inroads into the digital market](https://www.brookings.edu/research/untangling-the-web-why-the-us-needs-allies-to-defend-against-chinese-technology-transfer/).  Beijing is making [investments](https://www.aei.org/china-global-investment-tracker/) on all continents on projects ranging from education to [critical infrastructure](https://pure.diis.dk/ws/files/727852/DIIS_RP_2016_8_WEB.pdf). Many countries are turning to China for support and guidance on technological development while the U.S. and the EU focus on their domestic anxieties and ambitions.

A transatlantic tech alliance could provide the blueprint for offering a viable alternative to Chinese inroads in the developing world. Europe and the U.S. need to coordinate against the export of authoritarian practices on the Internet. They can only do this by dropping the push for Buy American and European Digital Sovereignty.

### 1NC---!D---US-NoKo War

#### No Korea war---mutual vulnerability.

Post 21, Commander, U.S. Navy, Ph.D. candidate studying international relations at Brown University. His research centers on nuclear deterrence strategy, policy, and the role of nuclear weapons in international relations, with a focus on the concept of limited nuclear war. He is currently serving in his 20th year of active duty naval service and is assigned to the Permanent Military Professor Program at the U.S. Naval War College in Newport, Rhode Island. (Daniel, 1-29-2021, "Deterring North Korea", *War on the Rocks*, <https://warontherocks.com/2021/01/deterring-north-korea/>)

Do These Principles Apply to North Korea?

With these principles in mind, can deterrence continue to work vis-a-vis North Korea? In short, yes. Throughout the evolution of the U.S-North Korean deterrence relationship, vulnerability has played an important role in the nuclear strategies and policies of both sides. The vulnerability of U.S. allies and assets in the region to North Korea’s intermediate-range missile and artillery barrages has almost certainly been a check on a more aggressive U.S. strategy, whether geared toward nonproliferation or regime change. It is certainly plausible that in the absence of this vulnerability the chances of the U.S. preventively attacking North during the Trump administration would have been higher, especially considering the extremely hawkish views of his national security adviser in 2017. As a result of this vulnerability, the U.S. routinely demonstrates its dedication to security agreements with allies in word and deed. Strategic bomber flights and military exercises, for example, demonstrate to North Korea their own vulnerability to U.S. and allied power in the region. Conversely, although the Kim regime would like nothing more than to unify the Korean Peninsula under North Korean leadership (dubbed the “holy grail of North Korean statecraft” in a recent report), it has refrained from overt and aggressive military action in pursuit of this goal. There is no doubt that Kim, like his predecessors, is wary of such behavior in the face of U.S. and allied military capabilities. Today, North Korea remains vulnerable to U.S. nuclear attacks, while the United States and its regional partners remain vulnerable to nuclear attack or retaliation from North Korea. This mutual vulnerability necessitates caution on both sides.

Recent progress in North Korean missile technology have made portions of the U.S. mainland vulnerable, giving the U.S. further reason to avoid unnecessary provocation. In 2017, North Korea conducted several tests of intercontinental ballistic missiles, two of which demonstrated the capability to potentially reach the continental United States. More recently, North Korea has successfully tested a submarine-launched ballistic missile and has showcased a new and larger submarine-launched ballistic missile at a recent parade. As a result, the United States continues to invest significantly in homeland missile defense, as well as to deploy missile defenses to defend allies and assets in the region. Missile defenses likely contribute to increased feelings of vulnerability among Kim’s regime, which may see the build-up as a prelude to a military offensive. Though imperfect, these attempts to reduce vulnerability enhance deterrence by potentially denying North Korea the expected military gains from a limited missile attack, even as fully effective missile defenses might contribute to strategic instability. Regardless of their effectiveness, Kim will have to factor in these defensive capabilities when assessing the success of engaging in conflict and will question the ability to achieve even limited goals through limited means. For example, in order to ensure the success of a missile attack, Kim would have to increase the size of the salvo in order to compensate for missiles likely to be shot down by U.S. and allied defenses. But knowing that a larger initial attack would be perceived as particularly aggressive and would likely invite a larger counter-attack, he might be deterred from pursuing whatever limited gains a smaller attack might have achieved. From Kim’s perspective, U.S. military capabilities are more than sufficient to make military success for North Korea in any conflict appear difficult and costly. Vulnerability to severe retaliation and punishment from U.S. strategic forces is also currently unavoidable for Kim. In fact, this very vulnerability has driven the North Korean nuclear program toward a capability to directly threaten the U.S., thereby demonstrating its own acknowledgement of vulnerability. In sum, both sides are vulnerable to each other. Most importantly for U.S. decision-makers, there is no likely development in the near to medium term that might remove this sense of vulnerability from Kim’s mind.

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Recent progress in North Korean missile technology have made portions of the U.S. mainland vulnerable, giving the U.S. further reason to avoid unnecessary provocation. In 2017, North Korea conducted several tests of intercontinental ballistic missiles, two of which demonstrated the capability to potentially reach the continental United States. More recently, North Korea has successfully tested a submarine-launched ballistic missile and has showcased a new and larger submarine-launched ballistic missile at a recent parade. As a result, the United States continues to invest significantly in homeland missile defense, as well as to deploy missile defenses to defend allies and assets in the region. Missile defenses likely contribute to increased feelings of vulnerability among Kim’s regime, which may see the build-up as a prelude to a military offensive. Though imperfect, these attempts to reduce vulnerability enhance deterrence by potentially denying North Korea the expected military gains from a limited missile attack, even as fully effective missile defenses might contribute to strategic instability. Regardless of their effectiveness, Kim will have to factor in these defensive capabilities when assessing the success of engaging in conflict and will question the ability to achieve even limited goals through limited means. For example, in order to ensure the success of a missile attack, Kim would have to increase the size of the salvo in order to compensate for missiles likely to be shot down by U.S. and allied defenses. But knowing that a larger initial attack would be perceived as particularly aggressive and would likely invite a larger counter-attack, he might be deterred from pursuing whatever limited gains a smaller attack might have achieved. From Kim’s perspective, U.S. military capabilities are more than sufficient to make military success for North Korea in any conflict appear difficult and costly. Vulnerability to severe retaliation and punishment from U.S. strategic forces is also currently unavoidable for Kim. In fact, this very vulnerability has driven the North Korean nuclear program toward a capability to directly threaten the U.S., thereby demonstrating its own acknowledgement of vulnerability. In sum, both sides are vulnerable to each other. Most importantly for U.S. decision-makers, there is no likely development in the near to medium term that might remove this sense of vulnerability from Kim’s mind.

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

#### No Iran war.

Horowitz & Saunders 20, \*Professor of Political Science and Interim Director - Perry World House, University of Pennsylvania. \*\*Nonresident Senior Fellow, Foreign Policy, Project on International Order and Strategy, The Brookings Institution. (Michael C. and Elizabeth N., 1-10-2020, "War with Iran is still less likely than you think", *Brookings*, https://www.brookings.edu/blog/order-from-chaos/2020/01/10/war-with-iran-is-still-less-likely-than-you-think/)

In the wake of the U.S. attack that killed Maj. Gen. Qasem Soleimani, head of Iran’s Quds Force, many are concerned yet again about the potential for escalation between the United States and Iran to a general war. In June, after tensions spiked following attacks on two oil tankers in the Gulf of Oman that the United States blamed on Iran, we laid out the case for why the two countries were unlikely to fight a general war. We drew on similar arguments in 2018, when we explained why war between the United States and North Korea was unlikely despite the fears of many analysts at the time. THE KILLING OF SOLEIMANI WAS DIFFERENT The U.S. killing of Soleimani, an attack on a high-ranking government official, is different from previous moments of international tension during the Trump administration. Soleimani was an important military officer in a sovereign state, rather than the leader of a stateless terrorist organization, like Islamic State leader Abu Bakr al-Baghdadi. In last summer’s oil tanker and drone-downing episodes, the stakes were lower, and there were elements of deniability or ambiguity that were not feasible in the case of killing Soleimani. The direct strike on one of Iran’s top military leaders has led many to conclude that Iran will strike back, possibly against U.S. targets in the Middle East. Such retaliation would be potentially costly, even if it does not lead to a general war. But as other analysts have noted, fears of World War III are overblown. Even after this escalatory move, many factors that made war between the United States and Iran unlikely in June remain unchanged. There will no doubt be consequences — but general war remains unlikely. BUT COULD THE UNITED STATES AND IRAN STUMBLE INTO WAR? Although the killing of Soleimani was a deliberate act by the United States, much fear about escalation between the United States and Iran surrounds the potential for a conflict spiral through miscalculation. Fortunately, this type of escalation is rare. As Dan Reiter explained here at The Monkey Cage during a spike in tensions with North Korea two years ago, “powder kegs” rarely explode into war by accident. Those worried about accidental war may also point to reports that the Trump administration developed the plan to kill Soleimani in haste, suggesting there was insufficient effort to think about how Iran might respond. But if and when it does respond, Iran’s action is likely to be highly considered. This may be worrisome — but it’s not war by accident or miscalculation. If Iran’s leaders take an action in response that triggers a general war, it will probably be because they decided it was a risk worth taking. RETALIATION BY IRAN IS NOT THE SAME AS WAR It’s important not to move the goal posts for how we define war. At the same time, it’s also key to distinguish tit for tat between the United States and Iran from a general war involving ground troops. This is not to deny the risk of a damaging retaliatory move from Iran that may result in American casualties and lead to long-term complications for the United States in the region. But even retaliation may not come right away. Suzanne Maloney of the Brookings Institution argues that Iran is likely to “bide its time” despite anti-American protests in Iran during the widespread mourning for Soleimani. Domestic politics still act as a brake — in both the United States and Iran As Monkey Cage editor Michael Tesler wrote over the weekend, war with Iran is unpopular in the United States and is unlikely to help Trump win reelection. And Trump has long said he doesn’t want a Middle East war. Similarly, despite short-term domestic pressures to retaliate, Iran’s leaders want to stay in power and do not want to risk their regime in a costly war — and war between the United States and Iran would probably be very costly. SO HOW DID WE GET HERE, AND WHAT HAPPENS NEXT? Back in June, we wrote about one risk that could increase the odds of war: “if Trump’s hawkish advisers present an option that seems like it could be kept limited, but actually carries a strong likelihood of escalation.” According to news reports, Trump chose the option to kill Soleimani on short notice, surprising even some of his advisers and setting off a planning scramble. But we also noted that Trump has backed away from tough stances before. If the past is any guide, having now looked tough, Trump may seek an off-ramp. And as Sarah Croco, Jared McDonald and Candace Turitto have pointed out here at TMC, Trump is unlikely to be punished if he flip-flops and backs down. And even if Iran strikes back — as it says it will — it is also likely to try to avoid escalating the conflict significantly. Finding such a finely calibrated option is, of course, a difficult problem, but neither miscalculation nor domestic politics are the most likely drivers of further escalation in this case. What might prevent the two sides from finding the off-ramps? One factor is if the administration, with Mike Pompeo at the understaffed State Department leading the hawkish charge, does not fully consider diplomatic options or engage in a robust set of invisible, back-channel consultations that would produce such options. THE STAKES ARE HIGH Another concern is that this crisis has higher stakes for Iran than last summer’s tanker or drone encounters. We know that war can occur even if both sides don’t want it when one side doesn’t believe the other’s commitment not to attack in the future. If Iran doesn’t believe the United States will really leave its regime alone, it might frame the stakes of the Soleimani killing in the strongest possible terms, planning for significant escalation. But that seems unlikely, given that the United States is far more powerful than Iran and a general war would probably mean the end of Iran’s regime. And Iran’s leaders might alternatively believe Trump does not want a war, especially given his publicly stated interest in reducing the U.S. military’s footprint in the Middle East. Indeed, a challenge for Iran’s leaders is that they may agree with commentators who have noted that Trump has not made clear what he wants. Blowback may be coming, and the U.S. strike against Soleimani may increase the risk of bad outcomes short of an all-out war. Those are reasons for concern. But it’s critical to distinguish such consequences from a general war.

## Adv 2

#### NSA’s also uniquely vulnerable

Friedersdorf 14, Staff writer at Atlantic. (Conner, Can the NSA Keep U.S. Metadata Safe From Hackers and Spies?, <https://www.theatlantic.com/politics/archive/2014/05/can-the-nsa-keep-us-metadata-safe-from-foreign-hackers/361976/>)

That doesn't narrow things down much! Glenn Greenwald explains why this admission matters in the surveillance debate: The primary defense of the NSA and its defenders is that one need not worry about the staggering sums of data they collect because they have implemented very rigorous oversight mechanisms and controls that prevent abuse. Yet Snowden spent months downloading a large amount of highly sensitive documents right under their noses. And not only did they have no idea that he was doing it, but now—even after spending large sums of money to find out—they are still completely incapable of learning which documents he took or even how many he took. Does that sound like a well-managed, tightly controlled system that you can trust to safeguard your most personal data and to detect and prevent abuse of this system by the tens of thousands of people who have access to it? Nope. It sounds like a system with gaping security flaws run by an agency that has shown itself incapable of guarding what it considers to be its most precious secrets. Say that no NSA employee ever abuses the detailed information it has about the private communications of Americans. Even with that guarantee, why should Americans trust the NSA to safeguard its data from foreign governments and hackers? I've yet to see any persuasive answer from NSA defenders. In fact, if you believe, like Edward Lucas of The Economist or John Schindler of the Naval War College, that Snowden is the unwitting dupe or witting agent of Vladimir Putin, then you're effectively saying that a foreign government has already breached a trove of NSA information that could be used to manipulate elections, blackmail some unknown number of Americans, and do all manner of other mischief. I don't think Snowden is a spy. But his success inclines me to think that the privacy of Americans will be much better protected, even absent any abuses by the NSA, if the NSA erases what it's gathered about us from its servers, rather than acting as if it can protect it all indefinitely. In the wrong hands, metadata on millions of innocents could do significant damage. Why trust the NSA and its contractors to keep it from the wrong hands?

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

#### No cyber impact---that’s Lewis:

#### 1---deterrence---attacks would invite catastrophic retaliation---attribution is strong enough to deter escalation.

#### 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.

#### 2---technical barriers---states lack the resources, skills, and expertise to attack dozens of sophisticated targets simultaneously. 25 years of unregulated cyber-attacks disprove capability.

#### 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.

### AT: EMP

#### 1AC Weiss cites the EMP Commission

Weiss ’19 [Matthew and Martin; May 29; National Sales Director at United Medical Instruments, UMI and Research assistant at the American Jewish University; Neurosurgeon at UCLA-Olive View Medical Center; Energy, Sustainability, and Society, “An assessment of threats to the American power grid,” vol. 9]

Consequences of a sustained power outage

The EMP Commission states “Should significant parts of the electrical power infrastructure be lost for any substantial period of time, the Commission believes that the consequences are likely to be catastrophic, and many people will die for the lack of the basic elements necessary to sustain life in dense urban and suburban communities.” [67].

Space constraints preclude discussion on how the loss of the grid would render synthesis and distribution of oil and gas inoperative. Telecommunications would collapse, as would finance and banking. Virtually all technology, infrastructure, and services require electricity.

An EMP attack that collapses the electric power grid will collapse the water infrastructure—the delivery and purification of water and the removal and treatment of wastewater and sewage. Outbreaks that would result from the failure of these systems include cholera. It is problematic if fuel will be available to boil water. Lack of water will cause death in 3 to 4 days [68].

Food production would also collapse. Crops and livestock require water delivered by electronically powered pumps. Tractors, harvesters, and other farm equipment run on petroleum products supplied by an infrastructure (pumps, pipelines) that require electricity. The plants that make fertilizer, insecticides, and feed also require electricity. Gas pumps that fuel the trucks that distribute food require electricity. Food processing requires electricity.

In 1900, nearly 40% of the population lived on farms. That percentage is now less than 2% [69]. It is through technology that 2% of the population can feed the other 98% [68]. The acreage under cultivation today is only 6% more than in 1900, yet productivity has increased 50 fold [69].

As stated by Dr. Lowell L Wood in Congressional testimony:

“If we were no longer able to fuel our agricultural machine in the country, the food production of the country would simply stop, because we do not have the horses and mules that used to tow agricultural gear around in the 1880s and 1890s”. “So the situation would be exceedingly adverse if both electricity and the fuel that electricity moves around the country……… stayed away for a substantial period of time, we would miss the harvest, and we would starve the following winter” [70].

People can live for 1–2 months without food, but after 5 days, they have difficulty thinking and at 2 weeks they are incapacitated [68]. There is typically a 30-day perishable food supply at regional warehouses but most would be destroyed with the loss of refrigeration [69]. The EMP Commission has suggested food be stockpiled for a possible EMP event.

A prescription for failure

Even if all the recommendations of the Congressional EMP Commission were implemented, there is no guarantee that the grid will not sustain a prolonged collapse. There should therefore be contingency plans for such a failure.

There is also another consideration. The foundational pillars of prior American nuclear defense policy, in today’s climate, are of uncertain validity. Mutual assured destruction is the Maginot line of the 21st century. Nonproliferation will prove difficult to resurrect.

The consequences of a widespread nuclear attack have been positioned to the public as massive deaths from blast effects, and then further lingering deaths from the effects of radiation. We suspect there will be no electricity, and there will be no electricity for a very long time.

There should be an actionable plan in anticipation of a possible prolonged collapse of the grid—a retro-structure and a skill set to provide a framework for survival. Our sense is there is no plan.

#### That’s conservative fearmongering; their “data” is fabricated nonsense

⁠— indicts ⁠Woolsey, Pry, Gingrich, Forstchen, Graham, Foster, Hermann, and members of the EMP Commission

Lewis 13, director of the East Asia Nonproliferation Program at CNS, was the director of the Nuclear Strategy and Nonproliferation Initiative at the New America Foundation, was executive director of the Managing the Atom Project at the Belfer Center for Science and International Affairs, executive director of the Association of Professional Schools of International Affairs, visiting fellow at the Center for Strategic and International Studies, and a desk officer in the Office of the Undersecretary of Defense for Policy (Jeffrey Lewis, 5-24-2013, "The **EMPire** Strikes Back," Foreign Policy, <https://foreignpolicy.com/2013/05/24/the-empire-strikes-back/>

Electromagnetic pulse is the conservative fetish that just won't die.

Jim Woolsey, a former director of central intelligence and noted Oklahoma City conspiracy theorist, and Peter Pry had an op-ed in the Wall Street Journal on Tuesday warning that North Korea might attack United States with a nuclear weapon. But instead of vaporizing Washington, Woolsey and Pry warn that North Korea would use just one bomb to create a massive electromagnetic pulse (EMP) that would fry our iPhones and end "modern civilization." It will be like The Hunger Games meets Red Dawn! If you aren’t familiar with the crowd of cranks and threat inflators banging the EMP drum, this scenario might seem a little far-fetched. It does seem like the sort of overcomplicated plot dreamed up by a Bond villain, one that only works in the movies. Bad movies. Well, bad movies and terrible books — like Newt Gingrich and William Forstchen’s potboiler One Second After, about life in the United States after an EMP attack. Yes, that’s right. Newt Gingrich wrote dime-store pulp fiction about the aftermath of an EMP attack. I am just going to give you a minute here to compose yourself. All better? Okay, as I said, Newt Gingrich wrote a book about EMP. EMP advocates get a little cranky when you make fun of it. An indignant Peter Pry once responded to mockery of the book by comparing One Second After to Uncle Tom’s Cabin. Really. That’s because the EMP crowd is about raising "awareness." The Heritage Foundation even promotes "EMP Awareness Day." And Congress empanelled a Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack in 2001 (and reauthorized it in 2006) and even has an "EMP Caucus." No, I don’t know if they wear little tinfoil hats at their caucus meetings. Why would you ask something like that? The possibility of an electromagnetic pulse wiping out Western civilization — or at least our local varietal — is a hardy perennial of a particular worldview espoused by types like the John Birch Society. EMP "awareness" basically occupies the space vacated by activism in the 1950s for civil defense. For a flavor of the old civil defense paranoia, I recommend a slim volume from 1968 entitled "Who Speaks for Civil Defense?" — particularly a chapter by the late Steuart Pittman that perfectly captures the paranoia of the movement. Sharon Weinberger, author of the excellent Imaginary Weapons, has already written a readable account of the craziness of this view in these very electronic pages ("The Boogeyman Bomb"), which elicited a letter from Pry that took itself very, very seriously. The humorlessness of the EMP movement is not surprising. This is about scaring people. Any mirth is entirely unintentional. For such a dry, serious subject, the amount of actual data on the threat from electromagnetic pulse attack is pretty thin. Electromagnetic pulse is, of course, a real phenomenon produced by a nuclear explosion. The EMP Commission likes to point to its "years" of research based on "decades" of data on the effects of nuclear weapons. But at the end of the day, even if we understand the physics of electromagnetism, there is no credible way to model the mass effect of a pulse on a complex system like our power grid or our communications infrastructure. The United States and the Soviet Union did engage in high-altitude nuclear testing before realizing this might not be the greatest idea, eventually banning tests in the atmosphere and outer space. The most famous event was called Starfish Prime — a 1.4 megaton nuclear explosion conducted by the United States in the Pacific in July 1962. By contrast, North Korea’s 2013 nuclear test — its largest and most successful — was on the order of 10 kilotons, or more than a hundred-times smaller. EMP threat-mongers sometimes dramatically exaggerate the effects of Starfish Prime. For example, Lowell Wood, later a member of the EMP Commission, described the impact of Starfish Prime to Congress in plainly apocalyptic terms. Starfish Prime, he said, "very unexpectedly turned off the lights over a few million square miles in the mid-Pacific. This EMP also shut down radio stations, turned off cars, burned out telephone systems, and wreaked other mischief throughout the Hawaiian Islands, nearly 1,000 miles distant from ground zero." All of which was terrible — or would have been, had it happened. It did not. Starfish Prime was bad, but it was not nearly so dramatic as Wood claimed. In fact, lots of people turned out to watch the explosion from hotels and beaches in Hawaii, including reporters sent to cover it. Take a gander at the coverage in Life Magazine, which has some really beautiful images of the event. My favorite account comes from Dick Stolley. He’s famous, by the way. He would later buy the Zapruder film. Stolley reported on Starfish Prime from the beach at Waikiki: There were coeds in muumuus, college boys in swimsuits, tourists in newly purchased resort wear, sleepy kids…. [The blast was] white and hot, like the flash of a breaking electrical circuit. It turned almost instantly to a bright bilious green, a color so unexpected that watchers gasped. Tough assignment, huh? Life doesn’t mention what Stolley did next, but given his fond recollection of the drinks cart after putting an issue of Life to bed, I like to think he slipped back to the Royal Hawaiian for a Mai Tai and to interview any coeds in muumuus who happened to be around. Now, as I say, Starfish Prime did do some damage, even if Waikiki’s luau schedule was uninterrupted. The electromagnetic pulse and other effects probably killed off two or three satellites in orbit, which was bad enough. The explosion may also have damaged some telephone equipment, but there were no telephone outages. (Military communications and test instrumentation all worked fine.) Some street lights on Ferdinand Street in Manoa and Kawainui Street in Kailua also went out. Of course, street lights and telephone systems experience everyday failures, too. You’d be surprised at how hard it is to demonstrate that street light failures are the result of an electromagnetic pulse rather than, say, faulty fuses. (Apparently, the answer turns on fascinating questions like "How many clear plastic washers were in transformer cutouts that failed?") Contemporary reports mention continuous radio coverage of the event with no outages. So let’s be clear: Starfish Prime did not &q uot;turn off the lights over a few million square miles in the mid-Pacific." It did not shut down any radio stations or cars or burn out the telephone system. The biggest problem that Dick Stolley and other reporters had filing their stories the next day was probably a hangover. Even if we understand how an electromagnetic pulse works and have data about the vulnerability of equipment, a modern system like a power grid or communications network presents just too complex a set of resiliencies and vulnerabilities. The solution of the EMP Commission was simply to collect more data, essentially creating laundry lists of things that might go wrong. For example, the EMP Commission exposed 37 cars and 18 trucks to EMP effects in a laboratory environment. While EMP advocates claim the results of an EMP attack would be "planes falling from the sky, cars stalling on the roadways, electrical networks failing, food rotting," the actual results were much more modest. Of the 55 vehicles exposed to EMP, six at the highest levels of exposure needed to be restarted. A few more showed "nuisance" damage to electronics, such as blinking dashboard displays. This kind of experiment is better than nothing, of course, but it doesn’t model the effect of an EMP event on urban transportation networks. Would the result be massive pile-ups on expressways? Carmaggedon? Friday afternoon on the Beltway? The experiment raises as many questions as it answers, including, "How did they get enough money to purchase 55 vehicles?" I can’t help but wonder if they just rented them one by one. "How was your car, Mr. Graham?" "Oh, yeah, uh, the dash display is blinking." "We’re sorry to hear that, we hope it wasn’t an inconvenience." "What? Oh, well, never mind. All’s well that end’s well, that’s what I say." The bottom line is that there simply isn’t enough evidence to support the wild claim that a single nuclear weapon, or even a few, detonated at high altitudes would pose an "existential threat" to "modern civilization," as Woolsey and Pry claim. It would be a nuisance, but preferable to having the bomb detonate in a major city. And then there is this disquieting inconsistency: Many members of the EMP Commission have been leading voices over the years for arming missile defenses with nuclear warheads — the use of which would inflict the very same EMP effects on U.S. cities that they warn will end Western civilization. Take Johnny Foster. Foster was the key architect of the Sentinel/Safeguard antiballistic missile system developed by the Johnson and Nixon administrations. Safeguard/Sentinel would have destroyed incoming Soviet warheads in the atmosphere with the W66 warhead, which had a yield of a few kilotons — about the same size as North Korea’s nuclear weapons. Intercepts in space would have used the much more powerful W71 — clocking in at several megatons, it was larger than even Starfish Prime. Foster pushed to deploy the system around U.S. cities. After the locals objected, Safeguard ended up in North Dakota. (President Ford deactivated the system after only four months of operation. All told, the United States spent $5 billion, about $20 billion in today’s dollars, over six years on Safeguard.) How dozens of nearly simultaneous nuclear explosions above U.S. cities would seem like a good idea when one measly North Korean nuclear weapon will purportedly end civilization as we know it is a very good question. Lowell Wood, too, wanted to blow up lots of nuclear weapons in space. His pet rock was the Reagan-era Star Wars ("Strategic Defense Initiative") proposal to use nuclear explosions in space to "pump" X-ray lasers that would intercept Soviet ballistic missiles — grandiosely named Project Excalibur. This idea was so manifestly crazy that even senior U.S. officials simply could not accept it. One of my favorite anecdotes from Janne Nolan’s excellent Guardians of the Arsenal involves then-Secretary of Defense Caspar Weinberger repeatedly asking, "It’s not a bomb, is it?" leading his exasperated staff to say, "It go boom, Cap." Lest you think these ideas collapsed with the Soviet Union, EMP Commission members William Graham, Johnny Foster, and Robert Hermann were all members of the Defense Science Board when it made an ill-fated effort to revive nuclear-armed missile defenses in the Bush administration. The George W. Bush administration. This led Senators Ted Stevens and Dianne Feinstein to sponsor an amendment that prohibits any expenditure on such a cockamamie scheme. Stevens called the idea "stupid," which would be the first and last time that the late senator from Alaska and I agreed completely. One might very well get the impression from all this that certain people are perhaps not quite as worried about electromagnetic pulse as they let on, at least not when it threatens sacred causes like national missile defense efforts. Which brings us back to our discussion of civil defense. For a long time, missile defense has occupied this role in our national discourse. At its root is really an idea about America, not a scientific concern with nuclear weapons effects. There is a persistent notion among some Americans that the United States is in some way exceptional or has a special historical mission. For these individuals, foreign lands are a source of threat or contamination. One of the more interesting stories is how the conservative movement has shifted from isolationism to its current, more bellicose form (a story told nicely by Peter Scoblic in U.S. vs. Them). It’s actually not that hard to fathom — at the base of both is an overdeveloped sense of the threat to the United States. That means building fallout shelters, missile defenses, and even a thousand-mile fence to keep out undocumented workers. The other view, of course, is that the United States is part of the world. Our foreign policy is about dealing with the world as it is, not remaking it in our own image. Our image isn’t even static — it isn’t exceptional or a gift from God. It’s the sum product of the people who live here. It will continue to change, as tacos become comfort food, right along with pizza. These differences break down more or less along partisan lines, as one might notice from the whiff of nativism in the criticisms of President Obama — that he’s a socialist, that he wants to turn the United States into Europe, that he’s a Muslim, that he’s from Kenya. Nuclear weapons have been at the center of this debate. For those who hold that the United States has a special historical mission, nuclear weapons and ballistic missiles stripped away the protections of two wide oceans, transforming an isolationist party into a fiercely anticommunist — and now "ant i-Islamofascist," whatever that means — party committed to preventive military actions. Hence the call in Woolsey and Pry’s op-ed for a preventive strike against North Korea. One of the criticisms of the Bush administration’s preemptive doctrine was its "unilateralism." Well, unilateralism is just isolationism on steroids. For those of us who see the United States as part of the world, nuclear weapons mean an end to the illusion of isolation and invulnerability. We are a member of the family of nations. And like many families, we don’t like all our relatives. But we don’t get to skip Thanksgiving. Nuclear weapons, like climate change, pose a shared danger to all nations and compel us to set aside our petty national differences. For much of the Cold War, the folks Charles and Mary Beard would have called "imperial isolationists" tried to argue that fallout shelters, better nuclear weapons, and missile defenses might provide a technological escape from our entanglement with the outside world. They lost that argument. The simplest illustration is that their calumny about U.S. nuclear weapons policy — that it amounted to "mutual assured destruction" — entered the lexicon as a matter-of-fact statement of the reality of the situation. Duck-and-cover drills and Bert the Turtle seemed ridiculous because they were ridiculous. Most Americans accept that we can never be completely secure in a truly global world. Trying to avoid that uncomfortable reality is just fodder for movies like Dr. Strangelove. Enter the EMP threat. Having dug themselves into a hole on nuclear weapons issues, EMP advocates think they have another shot at winning the foreign policy argument. If the mortal threat posed by nuclear weapons doesn’t favor policies that emphasize our apartness from the wider world, what if a nuclear weapon were detonated way out there in the blue? It is a clever solution, politically, but one that I suspect is ultimately doomed, just as the effort to promote civil defense only served to highlight the fool’s errand of trying to restore a sense of invulnerability. I mentioned Steuart Pittman early on in the column. Pittman helped coin the phrase "assured vulnerability" to criticize the Kennedy and Johnson administrations’ recognition that nuclear war was not winnable. Pittman had led civil defense efforts during the Kennedy administration, before resigning out of frustration to focus on his law practice and pen the occasional article promoting civil defense. He died in February. In his obituary, his wife answered a question I had long wondered about: Did he himself have a bomb shelter? "We started it, anyway," Mrs. Pittman told the New York Times, "But after half a day’s digging, we gave it up." It’s good advice really. When you are in a hole, stop digging.

### AT

### !D---AT: Nuclear Retaliation

#### No nuclear retaliation to a cyber-attack.

Tucker 18, technology editor for Defense One, citing Gen. Paul Selva, vice chairman of the Joints Chiefs of Staff. (Patrick, 2-2-2018, "No, the US Won’t Respond to A Cyber Attack with Nukes", *Defense One*, https://www.defenseone.com/technology/2018/02/no-us-wont-respond-cyber-attack-nukes/145700/)

The idea that the U.S. is building new low-yield nuclear weapons to respond to a cyber attack is “not true,” military leaders told reporters in the runup to the Friday release of the new Nuclear Posture Review.

“The people who say we lowered the threshold for the use of nuclear weapons are saying, ‘but we want these low-yield nuclear weapons so that we can answer a cyber attack because we’re so bad at cyber security.’ That’s just fundamentally not true,” Gen. Paul Selva, vice chairman of the Joints Chiefs of Staff, said Tuesday at a meeting with reporters.

It’s an idea that military leaders have been pushing back against since the New York Times ran a Jan. 16 story headlined, “Pentagon Suggests Countering Devastating Cyberattacks With Nuclear Arms.”

When would the U.S. launch a nuclear attack in response to a non-nuclear event? The Defense Department says the threshold hasn’t changed since the Obama administration’s own nuclear posture review in 2010, but a draft of the new review that leaked online caused a bit of drama in its attempts to dispel “ambiguity.”

The new review gives examples of “non-nuclear strategic attacks,” Robert Soofer, deputy assistant secretary for nuclear and missile defense policy, told reporters on Thursday. “It could be catastrophic attacks against civilian populations, against infrastructure. It could be an attack using a non-nuclear weapon against our nuclear command-and-control [or] early-warning satellites. But we don’t talk about cyber.”

In his own conversation with reporters, Selva broadened “early warning” systems to include ones that provide “indications of warning that are important to our detection of an attack.” He also emphasized, “We never said ‘cyber.’”

There’s a reason for that. While cyber attacks on physical infrastructure can be very dangerous, they are unlikely to kill enough people to provoke a U.S. nuclear response.

An National Academies of Science and Engineering analysis of the vulnerability of U.S. infrastructure makes that point. A major cyber attack could cut off electrical power, resulting in “people dying from heat or cold exposure, etc.,” said Granger Morgan, co-director of the Carnegie Mellon Electricity Industry Center and one of the chairs of the report. “A large outage of long duration could cover many states and last for weeks or longer. Whether and how many casualties there could be would depend on things like what the weather was during the outage.”

It’s a huge problem but not an event resulting in tens of thousands of immediate deaths.

Contrast that with a nuclear attack on a city like Moscow, even one using a device of 6 kilotons, much smaller than the ones the United States used against Japanese targets in World War II. The immediate result: there would be 40,000 deaths, according to the online nuclear simulation tool NukeMap.

Russia has demonstrated a willingness to take down power services with cyber attacks, as they did in Ukraine on Christmas Eve 2015. But these attacks were brief and occured in the context of actual fighting.

In other words, the worst cyber physical attack that top experts believe credible likely does not meet the threshold that the Defense Department has set out for deploying a nuclear weapon.

### !D---No Spillover

#### Cyber escalation won’t spillover.

Libicki 20, Professor at the Frederick S. Pardee RAND Graduate School in Santa Monica, California. (Martin C., 5-20-2020, "Dealing with Cyberattacks", *A Dangerous World? Threat Perception and U.S. National Security*, https://www.cato.org/publications/publications/dealing-cyberattacks)

In the longer run, cyberattacks are enabled by vulnerabilities in software and architectural features in computer design that allow their instruction sets to be altered. By contrast, the instruction sets of most equipment are (or, until very recently, were) fixed when they leave the factory. A computer that burned into its hardware all of its instructions — operating systems, office automation, Web browsing — would be hardened against malware. Although malware does not account for all security breaches (e.g., South Carolina’s exposure of all its tax records to hackers),29 it is very much harder to cause serious damage without it. Ultimately, systems are only as vulnerable as we want them to be: more accurately, only up to the level where the inconvenience from restraining their malleability and accessibility matches the risks from retaining that very malleability and accessibility. For that reason, a tit for tat in cyberspace can escalate to very high levels without creating unlimited damage. The difficulty of finding obvious firebreaks in cyberspace — the point beyond which no cyberattack on either side would go — is unfortunate but not necessarily fatal. To wit, an all‐​out cyberwar can be contained by the nature of cyberspace itself.

### !D---Limited

#### Attacks stay limited:

#### 1---studies.

Kreps & Schneider 19, \*Sarah, PhD, MSc, John L. Wetherill Professor in the Department of Government, Adjunct Professor of Law, and the Director of the Cornell Tech Policy Lab at Cornell University. \*\*Jacquelyn, PhD, MA, Hoover Fellow at the Hoover Institution. She is a non-resident fellow at the Naval War College's Cyber and Innovation Policy Institute and a senior policy advisor to the Cyberspace Solarium Commission. (“Escalation firebreaks in the cyber, conventional, and nuclear domains: moving beyond effects-based logics”, *Journal of Cybersecurity*, doi: 10.1093/cybsec/tyz007, pg. 3-4)

Scholars within this line of reasoning devote significant attention to understanding the difficulty cyberspace operations have achieving access, the resources required for creating complex effects, and the highly-reversible nature of most cyberspace operations. Glaser and Farrell provide an effects-based typology and point to five characteristics of effects that may decrease escalation of cyberattacks: physical versus nonphysical damage (first- or second-order physical effects), no visible damage, military versus civilian, attacks that kill versus those that do not, and attacks in war versus peace [13]. According to this understanding of cyberspace and escalation, responses to a cyberattack should not be qualitatively different from any other attack as long as cyberattacks can advance to the level of nuclear or large-scale conventional capabilities [57, 59]. Until cyberspace attacks can provide the decisive edge toward taking territory or create the lethal effects comparable to large-scale or nuclear war, they will not be treated the same as attacks in other domains. The perspective is largely consistent with Valeriano and Maness’s quantitative analysis of cyberspace operations, who find cyber operations to be largely low intensity and find no evidence of higher intensity retaliation to cyber attacks [69].

In contrast to those who believe that cyberspace escalation is effects-based, a second set of arguments focuses on the qualitative importance of the means of cyberspace attacks, arguing that the way in which cyberspace operations deliver effects (often covert, virtually, and usually with second or third-order effects) makes the means of attack less likely to trigger escalation than attacks conducted from the conventional or nuclear domains. Glaser and Farrell allude to this possibility for escalation and cyberspace attacks, concluding that “It could result from the belief that cyber attacks and kinetic attacks are fundamentally different in kind, such that one is considered fundamentally acceptable, and the other is considered non-acceptable. If this were generally accepted, then the effect-sbased doctrine that we outlined initially would be more or less useless, since it would be undermined by an understanding that there is a crucial qualitative difference between cyber and kinetic weapons” [70].

Evidence suggests that Glaser and Farrell’s concern about an effects-based logics is warranted. In a study of crisis war games, Schneider finds that across six years of games US decision-makers chose not to retaliate to cyberattacks. Discussion about decisions during the game suggests that players did not view the cyberattacks within the same psychological frame as conventional or nuclear attacks. In one of the games, Schneider recounts an interaction between the cyber player and the team lead:

Cyber briefs that adversary has conducted ‘very escalatory’ destruction of the blue homeland C2 nodes. BLUE LEAD says

“we need to have discussion about how we treat cyber attacks vice kinetic attacks.” CYBER feels this is nearly kinetic ... like bombing our C2 tower. BLUE LEAD says it is different psychologically [71].

If cyber represents a firebreak analogous to the difference between nuclear and conventional, then we would expect that actors would hesitate before escalating from the cyber domain to anything kinetic, whether conventional or nuclear irrespective of the nature of the hostile act.

#### 2---the point of cyber-attacks is signaling, not nuclear war.

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. 28, <https://www.jstor.org/stable/resrep22408.8?seq=1#metadata_info_tab_contents>) \*language edited---brackets

Future armed conflicts are likely to be localized, not all-out affairs, given their cost and the risk of escalation to the point that could threaten the existence of the state. The drawn-out operations against insurgents in Iraq and Afghanistan and the civil wars in Libya and Syria do not pose existential threats to major powers nor do they involve the use of overwhelming force to achieve conclusive victory. These conflicts may be protracted but inconclusive and involve limited forces rather than the full range of national capabilities. Additionally, most of America’s opponents have regional objectives and will seek to avoid escalating conflict by attacking the U.S. homeland. In some scenarios, an attacker may miscalculate that an attack on specific civilian critical infrastructure would be justified. Turning off the electricity in Pearl Harbor, Washington, or Brussels at the onset of conflict might seem justified, even though such actions would be unlikely to degrade U.S. or NATO military capabilities. The attacks on critical infrastructure hypothesized by many analyses are more likely to appear as too risky to foreign opponents, of limited benefit to their goals, and perhaps irrelevant in terms of achieving the desired strategic outcomes of undermining U.S. hegemony and building regional dominance without armed conflict with the West.

The Ukrainian power disruption points to how states might use attacks on critical infrastructure—not as a massive blow intended to produce [devastating] crippling effect, but as a demonstration intended to warn an opponent. The attacks on the Ukrainian power grid were intended as a signal, something demonstrated by the fact that these disruptions were not sustained. A widespread disruption of long duration would not be seen as a signal but as an escalation of the conflict. Interference with critical infrastructure is more likely to be of short duration and reversible, to signal and punish while avoiding escalation.

State opponents—Russia, Iran, China, North Korea—weigh the benefits of cyber attack against the risk of retaliation. They likely calculate that a cyber attack on civilian critical infrastructure would not degrade the major opponent’s ability to retaliate forcefully or violently. Opponent efforts are designed to avoid U.S. retaliation by staying below the threshold of what could be considered an armed attack, use of force is an implicit threshold opponents are unwilling to cross. Cyber attacks are not horrible in effect, and norms do not militate against their use, but there is a parallel to nuclear weapons in that the risk of retaliation constrains potential attackers and shapes their calculation or the risk and benefits of cyber attack.

# 1NR

## K---Capitalism

## CP---States

## DA---Politics

## DA---Innovation

### 1NR---!---Disease

### 1NR---!---Turns Case

#### Turns case---tech leadership is secure, BUT antitrust cedes it.

Abbott 21, JD, MA, Senior Research Fellow at the Mercatus Center focusing on antitrust, formerly served as the Federal Trade Commission’s General Counsel. (Alden, *et al*, 3-10-2021, “Aligning Intellectual Property, Antitrust, and National Security Policy”, *Regulatory Transparency Project of the Federalist Society*, pg. 2-5, <https://regproject.org/wp-content/uploads/Paper-Aligning-Intellectual-Property-Antitrust-and-National-SecurityPolicy.pdf>)

II. The United States Plays a Critical Role in 5G Standards Development

The U.S. government has recognized that “5G is a critical strategic technology [such that] nations that master advanced communications technologies and ubiquitous connectivity will have a long-term economic and military advantage.”8 The U.S. has had a substantial technological edge over our military and intelligence rivals in foundational R&D for 5G and other next-generation technologies. U.S. companies have long been leaders in the development of previous generations of core mobile standards (2G, 3G, 4G, and LTE). This technological leadership has made it possible for U.S. companies to ensure the security and integrity of the hardware and software products that make up the backbone of the U.S. telecommunication systems. This leadership must continue for the U.S. government to more effectively anticipate potential security risks and take the necessary steps to protect national security.9

Despite this history of clear technological leadership, there are causes for concern. First, a very small number of U.S. companies have made the investments in the overwhelming majority of the R&D necessary to develop 5G.10 Historically, U.S. companies have heavily invested in R&D, which has propelled the U.S. into leadership positions in critical standard development organizations working on foundational next-generation technologies like 5G.11 U.S. companies like Qualcomm play a significant and important role in this process through innovation, patenting, and standard setting, but they are not alone in the global community of high-tech companies.12 Backed by their nations’ leadership, Chinese and Korean companies have also invested heavily in developing the core technologies for 5G.13

The willingness of U.S. companies to invest in R&D is threatened, however. The development of 5G is a bit like a race, with the companies who develop the best technology coming out ahead. While U.S. companies are savvy and talented competitors in this race, aggressive and unwarranted use of antitrust law by U.S. regulators, as well as by foreign antitrust authorities, threatens to put obstacles in these companies’ paths and hinder their ability to lead.

III. Overly Aggressive Antitrust Enforcement Hinders American Technological Leadership and Threatens National Security

As companies from around the world develop the technology and standards for 5G mobile devices and networks, American companies are under threat by aggressive antitrust enforcement that ultimately redounds to the benefit of these foreign companies, which are economic competitors in countries that are also military competitors of the U.S. Over the past five years, foreign governments, particularly in Asia, have subjected U.S. companies to antitrust investigations that failed to follow basic norms of the rule of law, such as providing basic due process protections.14 These antitrust investigations were a thinly-disguised effort by these countries to force the transfer of U.S. patented technology to their own domestic companies, or to insulate their domestic companies from American competition. In recent years, Chinese, Korean, and Taiwanese antitrust authorities have brought nearly 30 investigations against 60 foreign companies across a range of industries, including manufacturing, life sciences, and technology.15

Antitrust challenges undermine intellectual property rights by forcing companies to license their products on non-market-based terms. One prominent example in U.S. history is when the Department of Justice wrung a concession from AT&T to license royalty-free the entire portfolio of 8,600 patents held by Bell Labs in a 1956 antitrust consent decree with the company.16 Today, the White House Office of Trade and Manufacturing Policy has observed that “China uses the Antimonopoly Law of the People’s Republic of China not just to foster competition but also to force foreign companies to make concessions such as reduced prices and below-market royalty rates for licensed technology.”17 Companies have also complained about poor policy guidance and procedural protections under China’s competition laws.18 Others have complained about China’s use of its competition laws to promote policy objectives rather than protect competition and advance consumer welfare.19 In one example, companies raised concerns with Article 7 of China’s State Administration of Industry Commerce (SAIC) 2015 Rules on the Prohibition of Conduct Eliminating or Restricting Competition by Abusing Intellectual Property Rights.20 Under this provision, intellectual property constitutes an “essential facility,” which could allow parties to raise abuse of intellectual property rights claims against patent owners for a unilateral refusal to license their patents.21

Predatory antitrust enforcement actions threaten the ability of U.S. companies to continue to be leaders in 5G technological development. China and other nations with similarly restrictive regulatory frameworks can weaken the ability of the United States to compete in global markets by exacting high monetary penalties from U.S. intellectual property owners or forcing the transfer of their intellectual property to domestic commercial rivals. As a penalty for violations of its competition laws, China can impose exorbitant fines that range up to 10% of a foreign company’s entire revenue in the prior year.22 This is not a legal rule observed in the breach; it has already resulted in fines just shy of $1 billion.23

Another way in which courts in China and other foreign countries are harming U.S. companies is through the use of anti-suit injunctions. One example of this is in the recent patent infringement lawsuit brought by InterDigital, an American high-tech company that has developed key technologies in wireless telecommunication, against Chinese company Xiaomi. In June 2020, Xiaomi filed a lawsuit in the Wuhan Intermediate Court in China requesting that the court set global licensing rates for InterDigital’s patents on standardized technologies. In July 2020, InterDigital sued Xiaomi in India for infringement of InterDigital’s Indian patents. The Wuhan Intermediate Court then ordered InterDigital to stop its lawsuit with its request for an injunction in India. The Chinese court further prohibited InterDigital from suing Xiaomi and requesting an injunction or damages in the form of reasonable licensing rates, or even to enforce a previously-issued injunction, in any other country. If InterDigital does not comply with this worldwide injunction against pursuing legal relief for the violation of its patents in any other country, the company faces a significant fine in China. The type of judicial order issued by the Wuhan court is known as an anti-suit injunction and its purpose is to force an intellectual property dispute to play out solely in a Chinese court at the behest of the Chinese government. These court orders demonstrate China’s desire to become the source of 5G innovation and to dictate the licensing terms of the technology, and the anti-suit injunctions hamstring U.S. companies like InterDigital from enforcing their intellectual property rights anywhere in the world.

The unfair use of antitrust enforcement and related legal actions like anti-suit injunctions to weaken U.S. intellectual property rights around the world risks diminishing U.S. global competitiveness in critical technologies like 5G, and further empowers China and others to expand their influence over the evolving 5G technological ecosystem. To the extent the U.S. cedes its dominance in 5G standards development, China will continue its focused efforts to fill that void. Huawei, a China-based company, has increased its R&D spending while growing its share of patents on the standardized technologies comprising 5G.24 The President’s Council on Science and Technology issued a report concluding that Chinese actions in the semiconductor industry, which include a range of policies backed by over $100 billion in government funds, threaten U.S. leadership in the industry and present risks to U.S. national security.25 China’s “Made in China 2025” plan called for China to become a leader in 5G technology, including in the development of the standards for the technology, by 2020.26 The plan expressly favors Chinese domestic producers, calling for raising the domestic content of core components in high-tech industries like 5G to 70% by 2025.27

This issue, however, extends far beyond simply the ability and willingness of U.S. companies to engage in the requisite R&D to participate in the 5G race. Reduced U.S. influence on 5G standard-setting would force the U.S. government to rely on untrusted foreign companies for its 5G product supply. The Department of the Treasury has expressed concern about the “well-known” U.S. national security risks posed by Huawei and other Chinese telecommunications companies.28

### 1NR---UQ---AT: FTC Rulemaking

#### Guidelines are nonbinding and won’t be enforced.

Holding et al. 21, \*Christopher, Chair of Goodwin’s Antitrust & Competition practice, \*Paul Jin, \*Andrew Lacy, \*Arman Oruc. (7-15-2021, "Biden Executive Order Calls for Heightened Antitrust Scrutiny", *JD Supra*, <https://www.jdsupra.com/legalnews/biden-executive-order-calls-for-7783960/>)

KEY IMPLICATIONS:

Revised horizontal and vertical merger guidelines are expected, which will likely implement a much more aggressive approach to deals. Note, however, that agency merger guidelines are not binding on courts and merger challenges under more aggressive theories may be met with skeptical courts; Anticipate delays in HSR review especially for deals in industries singled out by the Order (e.g., tech, pharma, healthcare, among others), even if competitive overlaps are minimal; Deals not subject to HSR filing requirements, even when purchase prices are relatively low, should be reviewed by antitrust specialists to assess risk, especially in the sectors identified in the Order; Past deals that are now viewed as potentially raising antitrust concerns may be subject to review and scrutiny; The agencies’ shift to more rigorous guidelines means it will be even more essential to negotiate antitrust risk provisions in agreements with a complete grasp of the substantive antitrust risk under this new landscape; and This novel proposal for the FTC to exercise rulemaking authority may impose new requirement on affected industries, but will also likely face litigation challenges.

#### Existing agency efforts won’t affect confidence without a win.

Zakrzewski 21, reporter, citing William E. Kovacic, a former FTC chair. (Cat, 8-19-2021, "Lina Khan’s first big test as FTC chief: Defining Facebook as a monopoly", *Washington Post*, <https://www.washingtonpost.com/technology/2021/08/19/ftc-facebook-lawsuit-lina-khan-deadline/>)

So far, Khan has taken a series of steps to signal a shake-up has arrived at the FTC. She’s started hosting open meetings to open the agency’s business to the public, and she’s warned that greater scrutiny of mergers is on its way. But the challenge will be for the agency to remain focused on the most important cases, including Facebook, Kovacic said. “She has a downpour of demands from both ends of the avenue,” he said. And none of her other efforts will matter if she can’t show that she can win against companies, including Facebook, in court. “The real measure to business decision-makers of your effectiveness and seriousness is your ability to prosecute and win cases,” Kovacic said.

#### Agency rulemaking will be reined in before it can chill confidence.

Owings 9-22-2021, \*Taylor, partner in Baker Botts' Antitrust and Competition Practice Group. \*\*Steve Maule is an Associate with Baker Botts. ("The FTC’s Repair Restriction Ambition May Face Friction", *IPWatchdog*, <https://www.ipwatchdog.com/2021/09/22/ftcs-repair-restriction-ambition-may-face-friction/id=137824/>)

The Federal Trade Commission (FTC) has pledged to use more of its enforcement resources to ensure that consumers are free from manufacturer-imposed restrictions on self-repair or third-party repair. Just last week, the Democrat Commissioners voted to give the new Chair, Lina Khan, blanket authority to issue compulsory process in any investigation of “unfair, deceptive, anticompetitive, collusive, coercive, predatory, exploitative, or exclusionary acts or practices . . . related to any repair restrictions.” The breadth of that resolution suggests the FTC is poised to press this issue to the maximum extent allowed under the law. The unanswered question is: how far does the law allow the FTC to go? The answer is, quite possibly, not as far as the White House or Chair Khan would like. One problem for the FTC: doubts about the authority granted to the agency under the FTC Act. Another hurdle will be the legal protections granted to manufacturers—both as market participants responding to consumer demand and, in many cases, as the owners of intellectual property rights. This blog has already discussed some of the ways that the “right to repair” movement might conflict with copyright protections. Here, we focus on the limits of the FTC’s authority and antitrust doctrine, as well as conflicts with patent law. The FTC’s Authority May Be More Limited Than Its Right to Repair Ambitions President Biden’s Executive Order on Promoting Competition in the American Economy “encourages” Chair Khan “to exercise the FTC’s statutory rulemaking authority” to address “unfair anticompetitive restrictions on third-party repair or self-repair of items.” Anticompetitive restrictions are typically addressed through the FTC’s authority to prohibit “unfair methods of competition” under Section 5 of the Act. But there is significant doubt whether Congress has ever given the FTC statutory authority to make substantive rules articulating specific practices that violate the “unfair methods of competition” prong of the FTC Act. For example, our colleagues (former acting Chair of the FTC) Maureen Ohlhausen and (former Assistant Attorney General for Antitrust) Jim Rill explained in a white paper for the U.S. Chamber of Commerce that congressional silence is ~~deafening~~ when it comes to competition rulemaking. Congress explicitly authorized the FTC to use notice-and-comment rulemaking to articulate substantive principles in legislation like the Children’s Online Privacy Protection and Telemarketing and Consumer Fraud and Abuse Prevention Act. In contrast, the FTC Act grants the agency power only to issue cease-and-desist orders through adjudicative proceedings and “to make rules and regulations for the purpose of carrying out” that function. Nevertheless, the FTC under Chair Khan seems poised to try competition rulemaking. In her academic days, Chair Khan (along with still-current-Commissioner Chopra) made the case that such rulemaking should be allowed under the law. Last month, Chair Khan signaled that she may be moving forward with the plan: the FTC requested public comment (through the official channel of notice-and-comment rulemaking, Regulations.gov) on two petitions for competition rulemaking drafted and submitted by Khan’s former employer, the Open Markets Institute. What is more, Chair Khan and the Democrat Commissioners recently rescinded the bipartisan Statement of Enforcement Principles Regarding Unfair Methods of Competition, indicating that they are willing to challenge a significantly broader swath of conduct than can be challenged with the Clayton or Sherman Antitrust Acts. The dissenting Republican Commissioners argued that rescinding the definition leaves law-abiding companies without any guidance about what conduct is prohibited. In response, Chair Khan indicated that companies may be able to expect a rulemaking to clarify. Repair restrictions, especially those that have been upheld under traditional antitrust doctrine, may be one target. But the FTC will also face an uphill battle in expanding the reach of “unfair methods of competition,” if its past attempts at challenging unfair methods of competition in court are any indication. That is because courts have strong guidance on how to consider the equities that motivate competition law: substantial precedent protects manufacturers from being penalized for design choices and other business conduct that improves the consumer experience. Since the 1970s, courts have uniformly determined that the competition policy codified in the FTC Act does not require different balancing of the equities. Though Chair Khan may hope to find a healthy penumbra around the Sherman and Clayton Acts in the FTC Act, courts may rein her in when FTC actions would chill companies from innovating or responding to consumer demand.

#### They only said rulemaking, so they shouldn’t get new 1ar thumpers, but I’ll preempt them.

#### Courts will shut antitrust down.

Goldsmith 10-7-2021, freelance writer based in Brooklyn. (Eloise, "Biden Wants to Break Up Big Companies. Will the Courts Stop Him?", *WhoWhatWhy*, https://whowhatwhy.org/politics/government-integrity/biden-wants-to-break-up-big-companies-will-the-courts-stop-him/)

When President Joe Biden nominated 32-year-old Lina Khan to head the Federal Trade Commission in June, both Republican and Democratic lawmakers heralded the appointment of the influential critic of monopoly power as the beginning of a new, tough-on-big-business era of antitrust enforcement. But less than two weeks later, an Obama-appointed judge delivered a setback, when he ruled that the FTC’s ongoing effort to break up social media giant Facebook had failed to prove the company was an illegal monopoly. The FTC filed a revised complaint in August, and experts expect the case to go to trial in what is just the beginning of a much larger fight between government and so-called corporate monopolies — especially those in Silicon Valley. But in this square-off between Big Tech and the state, the federal government’s regulatory power may be checked by the courts, which for the past 40 years have consistently come down in favor of firms in monopoly cases. If the FTC brings strong antitrust cases but loses in the courts, the onus will be on Congress to update century-old antitrust law to make it easier to police big business. Khan first made waves in 2017 when, as a law school student, she published a paper titled “Amazon’s Antitrust Paradox.” In a challenge to decades of established antitrust thinking, Khan argued against the “consumer welfare” approach, which accepts monopolies so long as they deliver low prices for consumers. In her analysis, low prices do not offset the harm monopolies can cause small businesses, workers, communities, and suppliers. Observers say the appointment of Khan and other advocates for breaking up Facebook signals the Biden administration’s tougher stance against the Big Tech companies that benefited from a laissez-faire approach to Silicon Valley during the Obama and Trump years. And for many, Monday’s hours-long Facebook outage, which disrupted the lives of the billions of people worldwide who rely on Facebook properties like Messenger and WhatsApp for basic communication, was yet another demonstration that the company is too big and wields too much power. There’s broad support for this new approach. Lawmakers in both parties and a majority of the American public believe that Big Tech companies have too much power, and breaking them up — in the way that past monopolies on oil and telephone services have been split — is wildly popular with voters of all stripes. Khan’s appointment to the FTC has generated buzz among people who work in the field of antitrust, said John Newman, a law professor at the University of Miami who focuses on competition and antitrust. But, “It’s early days,” he cautioned. Khan and her fellow appointees are bringing new ideas, which is a good thing, but it’s too soon to predict how successful they’ll be, he said. And they are still up against a decades-long winning streak for firms accused of monopoly behavior. Corporate Welfare In the 1970s, a group of conservative scholars, led by future Supreme Court nominee Robert Bork, popularized the consumer welfare approach to antitrust, which directs courts to leave monopolies unchecked as long as they keep prices low. Ever since, courts have been more “skeptical” of legal claims invoking antitrust law, said Randy Stutz, vice president of legal advocacy at the American Trust Institute, a nonprofit that researches and advocates for increased competition and antitrust enforcement. “There is a tremendous amount of caution about overreach baked into the case law,” Stutz said. “I would say excessive caution.” In practice, this has meant courts have given firms significant freedom to set prices and pursue mergers. And corporate defendants almost always win when antitrust cases are brought against them. Apple app store In September, a US District court judge issued a mixed ruling in Epic Games vs. Apple, in which the Fortnite-maker alleged that Apple’s operation of its app store violated antitrust law. The judge told Apple that app developers can use other payment methods in order to sidestep Apple’s 30 percent commission fee. But the judge upheld that Apple does not have a monopoly in the “digital mobile gaming transactions” market — ultimately, a win for Apple. Newman also points to the 2018 Supreme Court case Ohio v. American Express Co. as another recent example where courts sided with the large corporation. In that case, the federal government and 17 states accused American Express — one of the four largest American credit card companies — of “unreasonably restraining trade” with its “anti-steering provisions,” which prohibit merchants from encouraging customers to use competing credit cards with lower transaction fees. A lower court agreed, but on appeal, the Supreme Court’s conservative bloc, with Justice Anthony Kennedy as the swing vote, ruled 5-4 in AmEx’s favor.

#### Antitrust now is insignificant---it’ll be slow and rolled back.

Silverman 21, staff writer at The New Republic. (Jacob, 7-9-2021, "Biden Wants to Tame Big Tech With a Thousand Paper Cuts", *New Republic*, <https://newrepublic.com/article/162940/biden-executive-order-big-tech-monopoly>)

On Friday, the White House announced a potentially important, if modest, effort to further tamp down the power of the technology industry. This time the instrument is an executive order—the kind of wide-ranging declaration that often gets called “sweeping” or “major,” though its efficacy may take years to gauge—that covers everything from competition in the economy to drug prices to reforming a tech sector that is defined by a handful of seemingly unstoppable titans. Offering a mix of general recommendations, requests for action from other government agencies, and new administration policies, the Executive Order on Promoting Competition in the American Economy may be just what our overconsolidated economic system needs. But in tackling the power of a tech sector that has not only wrested control of the economy but remade it in its own data-hungry image, the Biden administration is still throwing pebbles at its enemy’s parapets. The tech industry has had 20 years to establish a stranglehold over our personal data, attention, and consumer choice. To tackle these problems, we need more, much more.

Despite promising to take on the power of Big Tech, President Joe Biden and his administration have so far taken a cautiously incrementalist approach. He’s appointed tough industry critics like Lina Khan to be commissioner of the Federal Trade Commission, but he has yet to name a head of the Justice Department’s antitrust division, a key role for any future enforcement action. In Congress, Democrats have introduced six smallish antitrust bills, but their path out of the House is murky, as ongoing disputes between Republicans and Democrats over how to fight this legislative battle mean that the final bills could look much different than they did in committee—if they make it to a floor vote at all. (It doesn’t help that some Silicon Valley-adjacent Democratic politicians, like Representative Ted Lieu and Representative Ro Khanna, have been less than supportive of the bills.)

As federal and congressional leadership lag, states have forged ahead, with dozens of attorneys general coming together in lawsuits like one, filed this week, accusing Google of anti-competitive practices. Other ongoing antitrust suits include one against Amazon over pricing issues; another lawsuit (this one with DOJ participation) against Google; and two others against Facebook that a judge recently threw out. In this proliferating legal war against Big Tech—premised on a lack of competition and companies’ abusing their monopoly status—any of these cases could yield billion-dollar fines for one of the tech giants. But fines are easily paid. Whether these suits can lead to meaningful reform, to breaking up companies and redirecting business practices away from the current dominant model of user surveillance and bulk data collection—that is far less clear. As with proposed legislation in the House, bipartisan legal efforts may be sundered on the altar of competing partisan priorities, with Republicans focusing on alleged censorship and Democrats more focused on economic competition and user rights.

With the stage set for legislative gridlock, drawn-out lawsuits, and bickering over the FTC’s legitimacy, a small opening has emerged for the Biden administration to take meaningful action on its own. And there are some measures in the executive order worth celebrating. One section aims to improve internet service by eliminating early termination fees and providing transparent pricing to help drive competition. Another proviso calls for gadget users—from farmers working on tractors to people tinkering with their own cell phones—to have what’s often referred to as “the right to repair,” a right that tech companies have suppressed by discouraging DIY or third-party work on broken items. (Forcing customers to take their doddering laptop to Apple’s Genius Bar helps the company maintain control over its products and ensures that repairs, and the money they generate, stay in-house.) Other relevant orders call for the restoration of net neutrality and applying more scrutiny to corporate mergers, which may prevent a tech giant from swallowing up the next WhatsApp or Slack, formerly insurgent chat/social media platforms that were absorbed by Facebook and Salesforce.

In the last year, tech companies have shifted their rhetoric, claiming that they are in favor of regulation—just on their terms. To that end, they’ve deployed armies of lobbyists to woo elected officials, making companies like Google and Facebook some of the most profligate spenders on K Street. With the potential for major legislative action still up in the air—a divided Senate doesn’t augur well, unless tech-critical Republicans like Senator Josh Hawley line up behind the Democratic legislative agenda, which seems unlikely—executive action may be the most promising way forward. Call it death by a thousand regulations. It’s also—as the executive order’s many prompts for action by the Federal Communications Commission, the FTC, and DOJ show—a plea for the government to do its damn job.

Even sympathetic observers may survey this latest initiative with some well-earned cynicism. Regulatory capture, in which regulatory agencies become beholden to the companies and industries they oversee, is a well-known feature of the land, and the families of leading politicians like Representative Nancy Pelosi periodically trade stocks based on what appears to be insider information. And as demonstrated by the measure to treat all internet traffic equally by restoring net neutrality (something that the Trump administration did away with), the Biden administration is still playing catchup, fighting many of yesterday’s battles. For instance, the order “calls on the leading antitrust agencies, [the DOJ and FTC], to enforce the antitrust laws vigorously and recognizes that the law allows them to challenge prior bad mergers that past Administrations did not previously challenge.”

While divesting WhatsApp and Instagram from Facebook are worthwhile efforts, there’s also a sense that would-be tech reformers are struggling to deal with the mistakes and oversights of a previous generation of politicians (i.e., pushing for the enforcement of existing laws is yet another call for the government to do its job). Even the order’s directive that the FTC “establish rules on surveillance and the accumulation of data” seems incredibly belated. We are 20-odd years into a surveillance economy, in which consumers have become the main source to be mined for value. The resulting inequities are vast, as the tech giants have had decades to strengthen their positions. It will take far more than an executive order to undo all this, much less to ensure a more equitable future. The question is: Does the Biden administration understand this grim state of play, or is this the best we’re going to get?

### 1NR---UQ---Innovation High

#### Pharma innovation is high because of private sector investments---tons of drugs in the pipeline now.

Levit 7-13-202, JD, MA, Counsel and Co-Chair, Life Sciences Policy and Regulatory Group, DLA Piper (Geoffrey, Written testimony before the Subcommittee hearing: “A Prescription for Change: Cracking Down on Anticompetitive Conduct in Prescription Drug Markets”, pg. 1-3, Accessible at: https://www.judiciary.senate.gov/meetings/a-prescription-for-change-cracking-down-on-anticompetitive-conduct-in-prescription-drug-markets)

I am here today on behalf of the Pharmaceutical Research and Manufacturers of America (PhRMA). PhRMA represents the country’s leading innovative biopharmaceutical research companies, which are devoted to discovering and developing medicines that enable patients to live longer, healthier, and more productive lives. The biopharmaceutical sector is one of the most research-intensive industries in the U.S. Since 2000, PhRMA member companies have invested more than $900 billion in the search for new treatments and cures. In 2019 alone, PhRMA member companies invested $83 billion in research and development (R&D), the highest level of investment on record.1

The incredible progress that the biopharmaceutical industry has made in the fight against COVID-19 is a reflection of the decades of private-sector investments in infectious disease, deep scientific and technical expertise, and strong intellectual property protections that have supported an unprecedented level of R&D investment as well as new levels of collaboration and coordination to get as many shots in arms around the globe as possible.

PhRMA appreciates the Committee’s interest in opportunities to enhance competition in the health care marketplace. It is more critical now than ever that we advance thoughtful policies that continue to incentivize critically needed innovation while supporting a competitive marketplace. We support market-based solutions that will spur continued brand-to-brand, generic, and biosimilar competition while incentivizing medical advances critical to saving and improving patient lives. My comments provide context on the role of medicines in improving health outcomes for patients; the statutory frameworks that increase access to generic and biosimilar medicines while preserving incentives for innovation; antitrust remedies; the competitive marketplace for prescription medicines; the role and importance of IP rights to support innovation and foster competition through public disclosure of inventions; and several areas of market distortions in the health care marketplace.

At the outset, it’s important to recognize how well competition has worked in the biopharmaceutical marketplace. Competition has shifted utilization from brand medicines to generics so successfully that 91 percent of all prescriptions for drugs are in the U.S. are currently filled with generic medicines. Robust brand to brand competition as well as competition from generics and biosimilars and other factors has resulted in prescription medicines accounting for just 14 percent of total health care spending over the past decade, even while many new, breakthrough treatments entered the market to help patients who previously had no therapeutic options. 2 In fact, net per capita spending on prescription medicines has remained effectively flat, increasing just 0.5 percent on average per year over the past 10 years. 3 On average, brand medicine net prices have increased in line with or below 2 the rate of inflation for the past five years; and last year, net prices for brand medicines declined by 2.9 percent on average. 4

Prescription Medicines are Transforming the Trajectory of Disease

Prescription medicines play a central role in transforming the trajectory of many debilitating diseases, resulting in decreased death rates, improved health outcomes, and better quality of life for patients.

• Cardiovascular disease: Tremendous strides have been made against cardiovascular disease over the past 40 years, due in large part to advances in treatment. Since 1980 alone, the death rate from heart disease has declined by more than 50 percent.5 And between 1980 and 2000, approximately two-thirds of the decline in coronary heart disease mortality, the most common type of heart disease, is attributable to medical therapies.6

• HIV/AIDS: Once considered acutely fatal, HIV/AIDS is now a chronic and manageable disease. This dramatic change followed the introduction of highly effective antiretroviral therapy in the mid-1990s, which transformed treatment and led to a 91 percent decline in death rates in the United States.7 Between 2010 and 2017 alone, the death rate from HIV has declined by nearly half. Much of this decline CDC attributes to improvements in early diagnosis and helping people get on and stay on lifesaving treatment.8

• Hepatitis C: More recently, we’ve seen a remarkable transformation in treatment of another viral disease: hepatitis C. Just ten years ago, the only available treatment cured just half of patients and caused debilitating side effects. Today, a broad range of treatments with increasing efficacy and minimal side effects and cure rates approaching nearly 100 percent are available for patients with all forms of the disease, including many challenging to treat subpopulations. 9,10 The introduction of curative medicines also reduces health care costs previously associated with treated hepatitis C. In Medicaid, these medicines have been estimated to produce a total of $12 billion in savings net of treatment costs by 2022.11

• Cancer: New medicines are also driving gains in the life expectancy of cancer patients. Since peaking in the early 1990s, cancer death rates in the United States have declined 31 percent. 12 Researchers attribute 73 percent of these gains to new treatments, including new medicines.13 Targeted therapies and emerging immunotherapies are transforming the treatment paradigm for patients with many forms of cancer and have the potential to reduce the use of traditional forms of cancer treatment—including chemotherapy, surgery, and radiation.14 As a result of remarkable advances, between 2000 and 2016 alone, new cancer drug approvals in the U.S. have been associated with 1.3 million avoided cancer deaths across 15 of the most common tumor types.15

Researchers are pursuing cutting-edge research and novel scientific strategies to continue to drive therapeutic advances for patients. There are currently more than 8,000 medicines in clinical development globally with the potential to impact U.S. patients. 16 And across the medicines in the pipeline, 74 percent have the potential to be first-in-class treatments.17 Medicines in development include:

• Cell and Gene Therapies: Cell and gene therapy represent overlapping fields of biomedical research with similar therapeutic goals, which target DNA or RNA inside or outside of the body. Both approaches seek to modify genetic material to improve functioning or fight disease. Cell therapy involves taking cells from the patient or a donor and genetically altering and reinserting into the patient to treat the underlying cause of the disease. Gene therapy treatment involves making an addition to, silencing, or altering a gene. These treatments represent the translation of basic scientific understanding into innovative new treatment options for patients. There are nearly 400 cell and gene therapies in development focused on a variety of diseases and genetic conditions, ranging from blood disorders, eye disorders, cancer, and infectious diseases, among others. 18

• Cancer: In addition to the cell and gene therapy approaches that are just beginning to transform the lives of patients, several novel approaches – including, antibody-drug conjugates, immune checkpoint modulators, personalized medicines, RNA therapeutics, metabolic immunotherapies, and vaccines – are showing tremendous promise across the pipeline against a broad range of cancers. Today, there are more than 1,300 medicines and vaccines currently in development for cancer.19

• Diseases Affecting Children: New treatment options for infants, children and adolescents can be complex and often require different clinical approaches than adult treatment pathways. There are currently nearly 600 pediatric medicines currently in development to meet the unique needs of children. Potential medicines include treatments for pediatric patients with range of conditions like genetic diseases, many forms of cancer, infectious diseases, and skin disorders. 20

Today’s biopharmaceutical pipeline has tremendous promise and represents a new frontier of research with the potential to continue to transform the lives of patients. In this new era of medicine, science that was once considered unimaginable is now on the verge of producing a complete paradigm shift in the treatment of the most complex and challenging diseases of our time. As the health care market continues to evolve towards value-driven payment and greater patient engagement in health care decision-making, we need to ensure it is sustainable and balances patient access to innovative medicines without sacrificing investment in further treatments and cures.

#### They said broader innovation is low, that’s wrong:

#### US tech sector is dominant---only antitrust crushes it

Moore 8-6-2021, MA, economics, syndicated columnist. (Stephen, "Moore: US tech sector keeps besting the world", *Boston Herald*, <https://www.bostonherald.com/2021/08/06/moore-us-tech-sector-keeps-besting-the-world/>)

Take a bow, America. It’s official and irrefutable: The U.S. is blowing out the rest of the world in tech leadership. No other country in the world comes anywhere close in tech innovation and the dominance of our made-in-America 21st-century companies. The Nasdaq index of once-small technology companies reached 15,000 last week. Only a few years ago, that index stood at 5,000. Yes, these companies have tripled in their market cap value — and that doesn’t include the dividends that have been paid out to large and mom-and-pop shareholders in America and across the planet. We are told constantly that China is catching up and achieving remarkable digital-age leaps forward in biotechnology, artificial intelligence, green energy, robotics, 5G technologies and microchips. The value of America’s 12 most valuable companies today in terms of stock valuation is well over $10 trillion. Those red, white and blue companies from Silicon Valley to the “Silicon Slopes” of Utah to Boston to northwest Arkansas are worth roughly as much as all of the Chinese publicly traded companies combined. Firms such as Google — many of which didn’t even exist 30 years ago — have made millionaires off your next-door neighbor. Ordinary people are getting rich beyond anyone’s imagination 50 years ago, thanks to American innovation and inventiveness. Risk-taking, old-fashioned can-doism is a hallmark of this unrivaled success story that has never been matched anywhere at any time in world history. Almost all of this is a tribute to American financial markets that allocate capital in hyperefficient ways. Capitalists doing a spectacular job of allocating capital efficiently is our secret sauce to financial and technological success. I am always mystified when highly successful Wall Street investors can’t explain how it is they add value and sometimes concede that they are just unnecessary middlemen. Even Warren Buffett, one of the greatest of all time, expresses guilt about his billions, as if he and other great financiers are economic parasites. No. Steering financial resources to winners like Google, not losers like Solyndra, makes everyone in America richer. Meanwhile, few politicians have any clue of how capital markets create wealth and jobs and shared prosperity in America. If they did, they would appreciate that without capitalists and capital, there is no enterprise — no material progress. They would instantly understand the economic ~~lunacy~~ of increasing taxes on capital gains and dividends, wealth taxes, and, worst of all, death taxes that threaten the future survival of family-owned businesses. Cutting, not raising, the U.S. capital gains tax would be far wiser if we want America to maintain and widen our competitive lead and keep winning globally. The arrogant fools in the administration of President Biden believe that to keep America No. 1 technologically, we need to have a multibillion-dollar government-run slush fund with the politicians picking winners and losers with other people’s money. China does this, and so does Japan, and it has never worked. One of the most famous stories of government-as-investment banker was when the Tokyo government’s brain trust recommended that Honda not get in the business of making cars. Here in the U.S., the political class has made a $150 billion bet on wind and solar power since the late 1970s, and in return, that has produced only a small sliver of our energy needs. Even more inexplicable is the movement in America coming from senators such as Democrat Elizabeth Warren on the left and Josh Hawley of Missouri on the right to break up our tech companies. Why? Because, evidently, they are too good at what they do. They make too much money. They have too many customers and too many advertisers. Put aside for a moment the rancid political persuasions of some of these leftist Silicon Valley CEOs. Somehow, the left and right agree that building a superior product and even crafting entire new industries is a punishable offense. God forbid. The rest of the world — the Chinese, Indians, Japanese and especially the technologically inferior Europeans — would love to hobble American titans and tax away their profits. The role of the U.S. government should be to repel the foreign attacks. Crazily, the Biden administration has given the green light to foreigners pillaging American companies. This doesn’t put America first. So, can America’s tech dominance continue to blow away the foreign competition for decades to come? Bet on it. That is, unless we are foolish enough to decapitate our own industries through regulation, antitrust policies and raising tax rates on success. The challenge for U.S. supremacy is coming from Washington, D.C., not China.

#### American defense innovation is peerless.

Gholz 6-24-2021, Eugene, Associate Professor of Political Science at the University of Notre Dame. Harvey M. Sapolsky, Professor of Public Policy and Organization, Emeritus, at the Massachusetts Institute of Technology (MIT) and the former Director of the MIT Security Studies Program. ("The defense innovation machine: Why the U.S. will remain on the cutting edge", *Journal of Strategic Studies*, <https://doi.org/10.1080/01402390.2021.1917392>)

Here we examine these concerns that the American military advantage in the Post-Cold War era has dissipated in large part because the Defense Department lags behind in developing advanced technologies. Our judgment is that the American defense research and development system, as honed during the Cold War and expanded since, is fully capable of handling any military challenge. It is a gigantic technology-generating, innovation-producing, war-fighting machine. U.S. ‘hard’ innovation capabilities – ‘input and infrastructure factors’ like R&D facilities, human capital, access to foreign technology, and availability of funding – far outstrip those of its potential rivals, even though those factors are the ones often thought of as easier for catch-up countries to obtain.3 Despite warnings that the United States no longer spends enough on R&D and that Chinese R&D spending is surging, the reality is that the United States dramatically leads in military innovation investment. In functional terms, the United States dominates all other countries, including China, in ‘input factors,’ starting with resource allocations to defense research and development. More important, we believe that the American defense technology system is pushed toward innovation by specific contextual factors, the ‘soft’ categories of attributes and capabilities, that cannot readily transfer to likely rivals.4 First, the political culture of the United States values technology strongly: technology is assumed to be the solution to most problems, including military ones. American culture also has a strong casualty aversion driven by an economy traditionally burdened by labor scarcity and by responsive political institutions that encourage the substitution of capital for labor to keep its own people out of harm’s way.5 The All-Volunteer Force reflects this by making military service voluntary and thus making military service expensive for government and service personnel lives ever-more-valuable and in need of husbanding. Second, competition is deeply engrained in defense, as it is in most of American society, stimulating new ideas and providing a diversity of approaches to any problem, in case one technology trajectory does not work out as hoped. Competition extends among the various military services and agencies, which each seek to propose solutions to the nation’s strategic problems, and among firms with different design-team philosophies. Third, the United States also welcomes foreign ideas much more readily than other countries, given U.S. openness to immigration, especially among the highly skilled and technically expert. Finally, a Cold-War organizational innovation in the United States created special public-private hybrid organizations, Federally-Funded Research and Development Centers (FFRDCs) that offer unbiased technical advice and a mechanism for the accumulation of knowledge – a unique social, relational system for institutional memory and systems integration capability that generally works very well. Other nations, with different divisions between the public and the private and dramatically different governance institutions, cannot easily copy these capabilities. These soft innovation factors particularly emphasize American advantages in the functional category of institutional factors – norms of seeing technology as a solution, trying hard to minimise casualties, using innovation as a means of competition among organizations, and welcoming foreign ideas. The institutional factors draw from the particular American mix of organizations, notably independent military services with strong identities, competitive firms in the defense industry that readily form networks or teams of suppliers even as each maintains its own core competencies and technical habits, and FFRDCs that help keep systems integration efforts honest and less parochial and that help preserve knowledge of false-start technology trajectories and craft skills that enable high-tech systems to function well.6 Because of the robustness of America’s input factors and the difficulty of copying its unique institutional factors, we conclude that the American defense innovation system will remain at the cutting edge and will not be surpassed by a potential international rival. In the final section, we explain why American leaders are so nervous anyway.

#### Venture capital, investment, and tech firms are thriving.

Jaffer 10-11-2021, \*Jamil N. Jaffer, former Chief Counsel and Senior Advisor to the U.S. Senate Foreign Relations Committee and currently serves as the Founder and Executive Director of the National Security Institute at George Mason University's Antonin Scalia Law School. \*\*Joshua D. Wright, former Commissioner of the Federal Trade Commission (FTC) and currently serves as the Executive Director of the Global Antitrust Institute and University Professor at George Mason University's Antonin Scalia Law School. ("We need to protect American innovation in the competition with China", *Newsweek*, <https://www.newsweek.com/we-need-protect-american-innovation-competition-china-opinion-1636706>)

The United States is home to companies that make up substantially more than half of the market value of the top 100 global public companies. Technology makes up more than a third of America's contribution to that market value, at nearly $8 trillion. According to the World Bank, the innovation-based digital economy grew more than twice as fast as the overall GDP between 2004 and 2019. In the U.S., the digital economy has grown more than three times as fast as the overall U.S. economy since 2005. This torrid growth increases domestic employment and labor productivity. All of this redounds directly to U.S. national security—economic security is national security.

America's economic future depends not on big manufacturing, but on technology and innovation. Where steel plants and manufacturing plants once stood, we now see software development and chip design labs, cloud computing nodes and supply distribution centers. All this has happened specifically in the United States precisely because the government allowed resources to flow to their most productive uses and at times helped prime the pump with basic research funding.

The U.S., unlike some European nations, has avoided creating a vast web of bureaucracy and heavy-handed government regulation. While there are some pockets of innovation in Europe, the regulatory environments in France, Germany and Spain make them much less attractive to cutting-edge companies. Venture capital investment in the U.S. is more than three times larger than in the EU. For all of its foibles, America remains a good bet for innovative companies.

Our relatively laissez-faire economic policy has also created a robust startup community. It supports strong venture capital funding, like Andreessen Horowitz' investments in the burgeoning crypto industry and social media app Clubhouse. It also has helped the U.S. become the world leader in startup acquisitions.

Current U.S. economic policy has also created long-term growth opportunities in the public markets. American tech companies, for example, make up four of the five most valuable public companies based on market capitalization. Larger technology companies like Illumina may very well be able to fund smaller ones like Grail. They can identify opportunities to leverage economies of scale, make important innovations, such as new ways to screen for cancer, and bring new technology like multi-cancer early detection tests to market. This is a good thing.

### 1NR---L---Big Tech

### 1NR---L---Privacy

#### Big Pharma relies on big data for ‘rushed innovation’

Newlands et al 20, Nordic Centre for Internet and Society, BI Norwegian Business School, Oslo, Norway, Christoph Lutz, Aurelia Tamo-Larrieux. (Gemma, 12-01-2020, “Innovation under pressure: Implications for data privacy during the Covid-19 pandemic,” Big Data & Society, https://journals.sagepub.com/doi/full/10.1177/2053951720976680)

Rapid innovation and regulatory compliance also often make for poor bedfellows. As Harris et al. (2020) remark concerning fast innovation for the Covid-19 pandemic, ‘[i]t is sometimes necessary to forego high regulatory standards in order to rapidly address new demands at low cost’. Coined by Hermosilla (2020) to refer to pharmaceutical companies rushing through licensing processes to the detriment of the product, ‘rushed innovation’ is a useful concept to explain the trade-offs between innovation, market advantage and regulatory compliance. While rushed innovation does not have to mean that privacy rights are infringed upon, it is indeed likely that other concerns such as functionality and usability will be prioritized. Public health tools, in particular, will require access to certain information and can impinge on one’s privacy. Yet, as Gasser et al. (2020) state: ‘[p]rivacy risks vary depending on the purpose and data types used by a digital tool’. The privacy-invasiveness will depend on the granularity of the data obtained, the centralized access versus decentralized access to said data, the duration of access to said data, and the risks of identification. Because ‘privacy risks can change and accumulate over time’, it is critical to have a strong regulatory framework in place to address privacy issues caused by rushed innovation (Gasser et al., 2020: 5). However, at the same time during this pandemic, we can see a shift towards protecting public health over privacy across many levels while relation on different justifications for this shift. The overall goal – protecting public health – seems to coincide on all levels as long as the principles of purpose limitation, proportionality and transparency are ensured (European Commission, 2020). In the following, we distinguish two forms of rushed innovation, which we call rushed deployment and rushed adoption. Rushed deployment refers to the rapid rollout of new solutions, while rushed adoption describes the widespread adoption of existing services, and sometimes their re-appropriation, in the wake of the pandemic. While we know that the boundaries between the deployment of new technologies and the adoption of existing ones are not always clear cut, the differentiation helps create a structure for analysis. Rushed deployment of new solutions Rising infection rates and spreading uncertainty have led government officials and private companies on an urgent search for technical solutions that could be deployed promptly and efficiently. In an effort to monitor the spread of the virus, government officials turned towards Big Data solutions, which promise to analyze aggregated mobility data to provide information about when and near whom individuals were at a given moment. Multiple countries have implemented such practices (Buckee, 2020). Some countries, including Germany (Dalg, 2020), Switzerland (Wyss, 2020) and Norway (Balsari et al., 2020), have mandated national emergency cooperation with telecommunication providers to track the flow of individuals, mainly to ensure that people are not gathering in large groups or to track persons who have tested positive for Covid-19. In Italy, authorities analyzed citizens’ location data from their phones to determine how many people are following the government’s lockdown order. They could also identify the average distances in which citizens move every day (Corriere Della Sera, 2020).

#### Privacy regulations destroy small business growth---link alone turns case!

Huddleston 21, is the Former Director of Technology and Innovation Policy at the American Action Forum. (Jennifer, 06-03-2021, “The Price of Privacy: The Impact of Strict Data Regulations on Innovation and More,” American Action Forum, https://www.americanactionforum.org/insight/the-price-of-privacy-the-impact-of-strict-data-regulations-on-innovation-and-more/)

The Impact of Data Privacy Regulation on Investment and Startups It is not surprising that many of the costs associated with more stringent data privacy regulation are felt most acutely by smaller companies. Large tech companies including Google and Facebook can more easily absorb the compliance costs associated with more regulatory approaches to data privacy, and thus have seen their market share grow, while smaller online companies have struggled and become less competitive. Additionally, some companies have chosen not to continue to offer their services in certain areas as they find the compliance cost and restrictions too burdensome and costly. For example, companies ranging from newspapers such as the Los Angeles Times to email management services to popular stores such as Pottery Barn have all quit offering their online services in the EU following GDPR. It remains to be seen if California will experience any similar issues following CCPA, but such product limitation has already happened in the United States in the wake of other more focused privacy regulation. For example, Google did not offer its art selfie match in Illinois due to the state’s stringent biometric privacy law. While advocates for more stringent data privacy laws often claim they will encourage new more privacy-sensitive companies, the overall impact on the startup sector and venture capital investment appears to tell a different story. While some new and innovative companies have emerged since GDPR was implemented, for example, overall venture capital investment in small and micro companies decreased. A National Bureau of Economic Research (NBER) working paper found that venture capital investment in small and micro companies decreased by $3.4 million per week following GDPR’s enactment. This finding is not surprising since investor confidence about such companies’ ability to comply, given the costs associated with compliance, has understandably been shaken. An active and innovative startup sector is important not only to provide competition and improve consumer experience, but also to provide critical economic growth. For example, the NBER study also estimated that GDPR cost 3,000 to 30,000 new jobs due to the decreased investment and startup activity. As the COVID-19 pandemic period has made clear the benefits of innovation as well as the need for continued economic growth, such consequences must be carefully considered.

### 1NR---AT: Data Monopolization

#### Data monopolization doesn’t matter, there is no impact and our links says big data is key to innovation for large and small firms.

### 1NR---L---Spillover

#### The plan’s precedent spills over and stifles innovation

Huddleston 20, JD, Former Director of Technology and Innovation Policy at the American Action Forum. (Jennifer, 12-18-2020, "Antitrust Actions Beyond the Federal Government: The Potential Impact of State and Private Litigation", *AAF*, <https://www.americanactionforum.org/insight/antitrust-actions-beyond-the-federal-government-the-potential-impact-of-state-and-private-litigation/>)

With a growing number of likely divergent claims, the current tech antitrust battles could continue for some time and lead to more confusion around the application of antitrust to this dynamic sector of economy. This may appear to be a short term problem, but uncertainty around the application of competition policy could impact numerous sectors of the economy. Regulators already appear to be increasing scrutiny of acquisitions related to the technology sector well-beyond the tech giants. Multiple court cases with a wide-range of theories that do not follow traditional antitrust applications could further the uncertainty or thought that previously justified actions might be subject to greater scrutiny. If a court chooses to embrace the creative and expansive theories at the center of these state-led cases, it could set precedent that changes the application of antitrust law in the future not only for the technology industry, but in many other areas of the economy as well. Regardless of the impact of these cases—and there is reason to think that these antitrust actions would not remedy the underlying policy concerns—the uncertainty and broad reach created by these competing state cases would likely stifle economic growth and innovation.

### 1NR---L---Big Tech

#### Big data solves AI — cooperation, innovation, funding,

Foster & Arnold 20, \*Dakota Foster, Visiting Researcher, Georgetown’s Center for Security and Emerging Technology; B.A., Amherst College; \*\*Zachary Arnold, Research Fellow, Georgetown’s Center for Security and Emerging Technology; J.D., Yale Law School; (May 2020, “Antitrust and Artificial Intelligence: How Breaking Up Big Tech Could Affect the Pentagon’s Access to AI”, *Georgetown Center for Security and Emerging Technology Issue Brief*, <https://cset.georgetown.edu/publication/antitrust-and-artificial-intelligence-how-breaking-up-big-tech-could-affect-pentagons-access-to-ai/>

Today, the private sector dominates this domain of AI innovation. Other actors, including government funders and academic researchers, play an important role—especially in basic research—but at the application stage, the private sector generally consolidates critical inputs of data, computing power, and human capital, then applies them to real-world needs. In some cases, such as with Project Maven—where Google built AI-enabled image recognition programs for the Pentagon—the Pentagon is the customer; more often, AI products and conceptual breakthroughs developed by the private sector, from autonomous vehicles to image and speech recognition platforms, are (or could be) adapted for national security use.

Because most U.S. AI innovation currently occurs in the private sector, and at least some of this innovation pertains to the Pentagon, the Pentagon needs the private sector.22 Large tech companies, from Google, Apple and Amazon to slightly lower-profile giants such as IBM, Intel and Qualcomm, form the foundation of the private-sector AI innovation ecosystem. For example, Google, Facebook, Microsoft, Apple, and Amazon generate the most AI patents with a “significant competitive impact” worldwide, according to analysis by economic consultancy EconSight.23 The McKinsey Global Institute reports that large, digitally oriented tech companies worldwide spent $20-$30 billion on AI in 2016, 90 percent of which went toward R&D and deployment; for comparison, the Pentagon plans to spend $4 billion on AI and machine learning R&D in FY2020.24 Private-sector AI companies are especially dominant in applied research and experimental development.25

AI innovation would presumably continue in some form without Big Tech, but the data indicates that breaking up the largest tech companies would fundamentally change the broader AI innovation ecosystem. Such action would create unpredictable, but likely significant, trickle-down effects on AI applications in specific domains, including national security.

Shifting Incentives

In order to use AI for America’s strategic advantage, the Pentagon requires more than an innovative private sector. It must induce private companies to build defense-relevant AI products, acquire those AI innovations through procurement, and prevent those same products from diffusing to U.S. adversaries. In other technological domains, such as aerospace, the Pentagon has long relied on the private sector for procurement and holds significant leverage over industry. Its sheer scale and budget make it the defense industry’s primary consumer. In 2017, for example, 70 percent of Lockheed Martin’s sales went to the U.S. federal government.26 Historically, this financial leverage has incentivized companies to meet the Pentagon’s demands and build to its requirements.27

But these incentives do not exist with AI: while AI is a priority for the Pentagon, the Pentagon is not a priority for AI companies. In general, the largest U.S. tech companies do not rely on government contracts and have relatively little need for Pentagon funding.28 As a result, their research and products do not reflect defense priorities, and they have relatively little incentive to engage deeply in the government procurement process. Even in a future, AI-centric world, we expect large-scale, commercially oriented tech companies to play a critical role in AI innovation, and the Pentagon to remain a minor customer. As such, the Pentagon may rely on other firms —from defense-focused startups to traditional defense contractors—to translate general AI advances into defense-relevant products.

The Pentagon’s access to these cutting-edge, national security-relevant AI products hinges on private sector cooperation. This willingness will drive whether it sells to the Pentagon, shapes its technologies in accordance with DOD priorities, and complies with DOD terms of acquisition—including, potentially, by safeguarding the same products from U.S. competitors and adversaries.29 We need to understand how antitrust enforcement might affect these dynamics, as well as private-sector innovation more broadly.

#### 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.

### 1NR---I/L---Pharma

#### Antitrust fears cause pharma companies to abandon R&D

Portuese 21, Dr. Aurelien Portuese, director of The Schumpeter Project on Competition Policy and adjunct professor of law at the Global Antitrust Institute of George Mason University. (7-13-2021, "Blocking Pharma Mergers Will Reduce Drug Innovation and Harm Patients, Says ITIF", ITIF, <https://itif.org/publications/2021/07/13/blocking-pharma-mergers-will-reduce-drug-innovation-and-harm-patients-says>)

Blocking pharma mergers will not lower drug prices, but it could stifle innovation. More competition is generally good and incentivizes innovation, but too much competition has the opposite effect. Instead of thinking about creating new and innovative drugs, companies operating in those conditions will focus on cutting the prices of existing treatments in a bid to stay competitive in the near term. That dries up revenues they would otherwise use to make longer-term investments in new research and development.

This is not an outcome we want. If antitrust laws disincentivize innovation, patients will eventually stop benefitting from the innovative treatments they need.

#### Pharma profits enable the US to anticipate and counter impending pandemics

Klietmann 21, Dr. Wolfgang Klietmann is a former clinical pathologist and medical microbiologist at Harvard Medical School. (9-3-2021, "Klietmann: We must prepare for other pandemics – Biden’s not helping", *Boston Herald*, <https://www.bostonherald.com/2021/09/03/klietmann-we-must-prepare-for-other-pandemics-bidens-not-helping/>)

“There have been as many plagues as wars in history,” wrote Albert Camus in “The Plague,” “yet always plague and wars take people equally by surprise.” The world was certainly unprepared for COVID-19, but in just a year and a half after the SARS-CoV-2 virus was identified, 5 billion doses of vaccines have been administered — an unprecedented response. American pharmaceutical manufacturers have been leading the fight. The U.S. Food & Drug Administration has granted approval or emergency authorization to three vaccines. Two were developed by U.S. companies and the other by a U.S.-German partnership. In addition, the FDA has approved a single therapeutic, Veklury (also called remdesivir), to treat cases of COVID-19. Veklury is a drug developed in this country. This is no accident. The U.S. leads, in large part, because our government has been wise to resist counterproductive constraints on innovation. Successfully developing a drug requires billions in capital, and any firm embarking on such a venture requires the possibility of a reward for taking enormous risk. In recent years, governments in Europe and other parts of the world have introduced price controls on medicines, and their pharmaceutical industries have suffered accordingly. As recently as 1990, European pharmaceutical companies were spending far more on research and development than U.S. firms. But, according to a new report of the European Federation of Pharmaceutical Industries and Associations, by 2019, U.S. companies were spending $64 billion annually on R&D, or 50% more than their European counterparts. From 2016 to 2020, R&D by U.S. companies rose at an annual average rate of 7.6%; by European companies, just 3.1%. R&D is paying off for patients. The FDA has already approved 34 new drugs this year, including 12 therapies for cancer and others for conditions such as lupus, schizophrenia, heart failure and kidney disease. Unfortunately however, President Biden, despite his goal to “end cancer as we know it,” has a plan that threatens the U.S. health innovation model. On Aug. 12, the president proposed that Medicare authorities would “negotiate” prices with pharmaceutical companies. In other words, the president wants price controls on drugs. How prices would be determined by the government is vague. Setting artificially low prices would impede patients’ access to treatments today and discourage companies from investing in the drugs of tomorrow. There’s simply no way to reduce Medicare drug spending by hundreds of billions of dollars — the savings that Democrats are targeting — without it resulting in less R&D and ultimately, fewer new drugs and vaccines. Such measures would impede our ability to foresee future pandemics and find tools to counter them. This preparedness is essential, because additional health crises are inevitable. The United States recently recorded four cases of Melioidosis, an infectious disease in several tropical regions, including Central America. And on Aug.11, 2021, the WHO reported that for the first time a case of the Marburg Virus was seen in Guinea in West Africa, a tropical hemorrhagic disease related to Ebola that had caused smaller eruptions in East Africa in the past. Rather than risking such a disaster, Washington could reform the Medicare insurance system itself. Incredibly enough, Medicare has no cap on outlays in its “catastrophic” phase, reached by about 4% of the system’s 60 million enrollees, according to the Kaiser Family Foundation. Biden wants to set a cap on “the amount that seniors have to spend on prescription drugs each year at no more than … $250 a month on average. That’d be a game changer.” He’s right. Changing the structure of Medicare insurance would not only be fairer for America’s seniors, it would also avoid disrupting the innovation model that has already prevented millions of COVID-19 deaths. We can be certain that, as Camus wrote, other plagues are coming, but, with a strong system of developing and manufacturing the best vaccines and medicines, we won’t be taken entirely by surprise.

#### Pandemics are coming, research solves

Roberts 21, citing Prof. Peter Piot, director of the UK’s London School of Hygiene and Tropical Medicine. (Joanna, 6-24-2021, "How we prepare for an ‘age of pandemics’", *Horizon*, <https://ec.europa.eu/research-and-innovation/en/horizon-magazine/how-we-prepare-age-pandemics>)

‘It is likely that we are entering an age of pandemics,’ said Prof. Peter Piot, director of the UK’s London School of Hygiene and Tropical Medicine, who co-discovered the Ebola virus in 1976 and is now special advisor to the president of the European Commission on Covid-19.

He told the audience of researchers, policymakers and industry players that while he believes the risk of zoonoses – infectious diseases that cross from animals to humans – and pandemics will increase, the past year has shown the value of investing in research and innovation. He particularly singled out the value of basic research, with vaccines being developed in record time based on mRNA technology that has been decades in the making.

‘One of the silver linings of this pandemic has been the formidable impact of research and innovation,’ he said. ‘mRNA (vaccines) didn’t fall out of the sky; they are the result of decades of basic research.’

#### R&D unlocks solutions to future pandemics

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IP rights often only come into existence and meaningful effect after an invention is created and brought forward at significant expense by the innovator. At present, there are likely many untapped biomedical discoveries, including treatment options for debilitating diseases and even for future pandemics. Bringing these innovations forward requires organizations to devote years—if not decades—of R&D, as well as significant costs, in the hopes that one day they will be able to help patients, as Gilead’s remdesivir has done. IP rights exist to encourage such innovation.

#### Research counters inevitable outbreaks

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Innovation can—and does—happen anywhere and at any time. As society ground to a halt in 2020, innovators around the world worked tirelessly to develop treatments, vaccines, and solutions to COVID-19 pandemic-related challenges. From personal protective equipment (PPE) to treatments and vaccines to autonomous delivery robots to remote and social distancing solutions for the workplace, intellectual property (IP) played an indispensable role in enabling research, development, and commercialization of many of the innovations meeting the challenges of the pandemic. IP enables start-ups to gain access to much-needed capital. IP gives innovators the confidence to invest in research and development (R&D) and provides incentives for commercialization. Indeed, it is difficult to innovate without the protection of ideas.

Despite this, some—particularly anti-business IP opponents—have blamed IP rights for a host of problems, including limited access to therapeutics, vaccines, and biotechnology. They offer seemingly simple solutions—weaken or eliminate IP rights—and innovation will flow like manna from heaven. Eliminating IP rights might accelerate the diffusion of some pre-existing innovations, but it would absolutely limit future innovations. Innovators, a bit like Charlie Brown kicking the football held by Lucy, would be wary of trusting governments who might say, “Well, this time we won’t take away your IP rights, so go ahead and invest large amounts of time and money.” Given the nature of COVID-19, nations around the world cannot afford to take this risk. Future pandemics and other challenges for which we will need to rely on IP-protected innovations to overcome are near certain to arise.