### DA – ptx

Debt Ceiling DA

#### Biden’s PC is key to swing 10 Reps to pass debt ceiling in the CR

Everett et al 9-16-21 (John Burgess Everett, co-congressional bureau chief for POLITICO, specializing in the Senate, BA journalism, University of Maryland College Park; and Laura Barrón-López, White House Correspondent for POLITICO, formerly covered Democrats for the Washington Examiner, Congress for HuffPost, and energy and environment policy for The Hill, BA political science, California State University, Fullerton; “Dems call in big gun as they face huge Hill tests,” POLITICO, 9-16-2021, https://www.politico.com/news/2021/09/16/biden-influence-capitol-democrats-511952)

The next few months will push President Joe Biden to wield every drop of his influence over Congress.

Democrats are plunging into messy internal debates over social programs from child care to drug pricing as they try to beat back GOP resistance on voting rights while steering the United States away from economic catastrophe. And in order to avert a government shutdown, avoid a debt default and fight ballot access restrictions passed in some GOP states, Democratic lawmakers are urging Biden to get more directly involved.

Senate Majority Whip Dick Durbin said that Biden, “more than anyone,” maintains sway over his caucus’s 50 members: “There is no comparable political force to a president, and specifically Joe Biden at this moment.”

Biden appears to be answering the call. The president is getting increasingly involved in Congress’ chaotic fall session as he battles sagging approval ratings, heightened concerns around the pandemic and some internal criticism over his withdrawal from Afghanistan.

Rebounding as the midterms draw nearer will depend on whether his big social spending ambitions are realized and if his party can dodge a government shutdown and credit default. But even if he has success on those fronts, he still needs to maintain momentum on Democrats’ elections legislation, which Republicans look certain to torpedo.

“I have full faith and confidence in Joe Biden in all of this,” said House Majority Whip Jim Clyburn, who's pressed Biden to endorse a filibuster carve out for voting rights legislation. “He is working this … and that’s how it should be.”

Biden met with two key Democratic holdouts on his domestic spending agenda on Wednesday, part of a sustained push to keep Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) on board with his legislative program. Biden’s met with Sinema four times this year, in addition to telephone calls made between the two, and has spoken to Manchin a similar number of times.

“Now is the time” for Biden to jump full-force into the reconciliation conversation, said Sen. Tim Kaine (D-Va.). And the White House made clear that Biden is diving into the series of tricky issues.

Andrew Bates, a spokesperson for Biden, said that Biden and his administration "are in frequent touch with Congress about each key priority: protecting the sacred right to vote, ensuring our economy delivers for the middle class and not just those at the top, and preventing needless damage to the recovery from the second-worst economic downturn in American history.”

To help corral all 50 Senate Democrats for the social spending bill, the president and his party need to create an “echo chamber” around its substance, said Celinda Lake, a pollster on Biden’s campaign. But that won't be easy. Manchin has told colleagues he’s worried about whether the bill’s safety net, climate action and tax reforms will be popular in his state, according to one Senate Democrat. He's also said he won't support a measure at the current spending level: $3.5 trillion.

If Biden can hammer home the popular aspects of the spending plan, it may help assuage Manchin and improve his whip count in Congress. Underscoring the degree to which he's become the face of the multi-trillion dollar reconciliation bill, a Democratic aide said the party is increasingly seeking to frame it as Biden’s agenda, not that of Sen. Bernie Sanders (I-Vt.) or any single Democrat.

“People think they like the reconciliation package, but they really don't know what's in it,” said Lake, who added that her polling shows popularity for the measure, particularly among women and seniors.

The coming months will also challenge Biden’s relationship with Republicans, who are threatening to block a debt limit hike after many of them supported a suspension or increase three times under former President Donald Trump. Biden campaigned as a Democrat who could work with Republicans, and he succeeded this summer by rounding up 19 Senate GOP votes for a $550 billion infrastructure bill.

Yet he’s running into a brick wall in convincing Senate Minority Leader Mitch McConnell to provide at least 10 GOP votes to lift the nation's borrowing limit. Republicans say Biden’s dip in the polls isn’t driving their strategy on the debt ceiling. But it’s not helping either.

“I don’t think anything in the last month has increased the likelihood that he can now create an atmosphere of: Let’s work together,” said Sen. Roy Blunt (R-Mo.), who voted for the infrastructure bill and debt ceiling increases under Trump.

The White House is, so far, sticking by its plan to try and call McConnell’s bluff. Aides in the West Wing consider attaching a debt ceiling suspension or increase to a government funding measure the best way to pressure Republicans on the routine step required by law. Should that approach fail, they may be forced to separate the two fiscal measures to avert a shutdown.

On the debt limit, congressional Democrats are in lockstep with the administration's strategy. But they're looking for Biden to exhibit more of his arm-twisting and back-slapping skills on their social spending plan and their bid to shore up voting rights protections.

Biden “knows better than anyone the power of the United States [presidency] in persuading and sometimes cajoling the key members of Congress, when push comes to shove,” said Sen. Richard Blumenthal (D-Conn.).

#### Plan necessarily drains PC – trading off with unrelated agenda items.

Carstensen ‘21

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

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

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

#### Collapses global finance

Hanlon 9-13-21 (Seth Hanlon, senior fellow for Economic Policy at the Center for American Progress, former special assistant to the president for economic policy at the White House National Economic Council, where he coordinated the Obama administration’s tax policy, JD Yale Law School, BA Harvard University, “Congressional Republicans Must Not Play Political Games With the Debt Limit,” Center for American Progress, 9-13-2021, https://www.americanprogress.org/issues/economy/news/2021/09/13/503720/congressional-republicans-must-not-play-political-games-debt-limit/)

Ten years ago, the Republican leaders of the U.S. House of Representatives risked an unthinkable economic catastrophe in a reckless attempt to gain leverage in budget negotiations. They threatened to block an increase in the U.S. debt limit—a routine and necessary step that enables the government to make ongoing payments required by law without defaulting. The crisis was averted, but the episode caused significant harm to the economy.

The debt limit needs to be raised again this fall, most likely in October. But in recent weeks, 106 Republican House members and 46 Republican senators, including Senate Minority Leader Mitch McConnell (R-KY), have said they will not vote for a debt limit increase. They claim that President Joe Biden and the congressional majority bear sole responsibility for taking the necessary action to avoid default. These members of Congress’ position is deeply hypocritical: As this column explains and Figure 1 helps illustrate, many of their own actions and policies have made the debt limit increase necessary. Their position is also terribly irresponsible because failing to raise the debt limit would cause catastrophic harm to the entire country.

Figure 1

[FIGURE 1 OMITTED]

Raising the debt limit is needed to preserve the full faith and credit of the United States

One of the bedrocks of the U.S. and world economy is the full faith and credit of the United States: the secure expectation that the U.S. government will pay its obligations in full and on time. The United States’ rock-solid credit allows financial markets to function and the country to pay low interest, or even negative real interest, to bondholders based on the certainty that they will be paid interest and principal on time. It also gives Americans, such as Social Security beneficiaries, veterans, military and federal civilian employees, beneficiaries of federal programs, and countless others, the security of knowing that they will receive the payments they rely on and are entitled to.

The United States has never defaulted on its obligations. The closest thing was a minor technical snafu in 1979 that was quickly fixed.

From time to time, Congress must raise the debt limit to prevent the country from defaulting. The debt limit is a 104-year-old provision that places a dollar cap on the total amount of outstanding debt that the Treasury Department can have to finance the government’s ongoing legal obligations. The debt limit is an unnecessary historical relic; almost no other comparable countries have one. The actual public debt is determined not by the debt limit but by the substantive spending and revenue laws that Congress passes.

In practice, the debt limit serves little function other than to potentially enable factions in Congress to force the United States to default on obligations it has already incurred—if they are reckless enough to do so.

The debt limit debacle of 2011 must not be repeated

Before 2011, parties in Congress never seriously threatened to force the United States into default to extract concessions. But then, the House Republicans’ reckless gambit brought the country to the brink of disaster. Even though the United States narrowly avoided default, the episode raised costs of borrowing for the government, private businesses, and homebuyers, and it slowed the already struggling economic recovery by undermining consumer and business confidence.

No good came out of the 2011 crisis. The resulting agreement produced an ill-conceived budget “sequester” that further slowed the economic recovery and resulted in chronic underfunding of key priorities.

Since 2011, every time the debt limit has needed to be raised, Congress has raised or suspended it without incident and on a bipartisan basis. Congress did so on a bipartisan basis seven times since that year: in 2013 (twice), 2014, 2015, 2017, 2018, and 2019.\* Then-President Barack Obama took the position after 2011 that he would never again negotiate over the debt limit. Similarly, the Trump administration repeatedly urged Congress to pass “clean” debt limit increases—that is, debt limit increases without conditions.

A majority of Senate Republicans, including then-Majority Leader McConnell, supported suspending the debt limit all three times it was needed under Trump.\* The most recent time, in 2019, McConnell explained:

[The debt limit suspension] ensures our federal government will not approach any kind of short-term debt crisis in the coming weeks or months. It secures our nation’s full-faith and credit and ensures that Congress will not throw this kind of unnecessary wrench into the gears of our job growth and thriving economy.

Raising the debt limit is just as imperative now as it was in 2019. The only difference in 2021 is that a Democrat sits in the White House.

A U.S. default would be catastrophic

When the United States reaches the debt limit, the Treasury Department cannot issue additional debt and therefore risks running out of cash. With the debt at the limit, the Treasury is now buying time through previously used accounting moves known as “extraordinary measures.” Unfortunately, those measures will probably only last into October, according to Treasury Secretary Janet Yellen. At that point, the government will not be able to meet its ongoing legal obligations. It would default. And while no one knows precisely what that could mean, the consequences could entail:

* Social Security checks stopping, putting the livelihoods of millions at risk
* The military and federal workers not receiving their paychecks
* Providers such as hospitals and doctors not being paid for services provided under Medicare and Medicaid
* People filing taxes on extension this fall not getting the refunds they are owed, and monthly child tax credit payments ceasing
* Countless families and businesses being thrown into turmoil as they are stiffed on many other kinds of payments
* Critical government services shutting down

In addition, a U.S. default would cause chaos in global financial markets. Treasury bonds set the benchmark for the risk-free interest rate—and if the government suddenly defaults on the payments on those bonds, the financial system would be fundamentally uprooted. The financial system could melt down even worse than it did in 2008, drying up credit and grinding commerce to a halt.

As Treasury Secretary Yellen told Congress in June:

Failing to increase the debt limit would have absolutely catastrophic economic consequences. It would be utterly unprecedented in American history for the United States government to default on its legal obligations. I believe it would precipitate a financial crisis. It would threaten the jobs and savings of Americans, and at a time when we are still recovering from the COVID pandemic.

Mark Zandi, chief economist at Moody’s Analytics, said: “It would be financial Armageddon. It’s complete craziness to even contemplate the idea of not paying our debt on time.” And JPMorgan Chase CEO Jamie Dimon said that a U.S. default “could cause an immediate, literally cascading catastrophe of unbelievable proportions and damage America for 100 years.” The American Enterprise Institute’s Michael Strain emphasized, “Even edging close to defaulting is dangerous,” and with as much as a temporary default, the “unthinkable might happen.”

#### Cascades to multiple intersecting existential risks – including nuclear wars, environmental destruction, and critical infrastructure – AND turns case – including implementation and enforcement capacity, alliances and authoritarianism

--VUCA = volatility, uncertainty, complexity, and ambiguity

--JIT = just in time

Maavak 21 (Mathew Maavak, consultant at Risk Foresight, specializing in Strategic Foresight, Contingency Planning, Perception/Crisis Management, Energy and Resource Geopolitics, Defense and Security Analysis, PhD policy studies, Universiti Teknologi Malaysia, MA International Communication, University of Leeds, “Horizon 2030: Will Emerging Risks Unravel Our Global Systems?” Salus Journal, 9(1), 2021, https://salusjournal.com/wp-content/uploads/2021/04/Maavak\_Salus\_Journal\_Volume\_9\_Number\_1\_2021\_pp\_2\_17.pdf)

According to Professor Stanislaw Drozdz (2018) of the Polish Academy of Sciences, “a global financial crash of a previously unprecedented scale is highly probable” by the mid-2020s. This will lead to a trickle-down meltdown, impacting all areas of human activity

[FIGURE 1 OMITTED]

Figure 1: Systemic Emergence of Global Risks

The economist John Mauldin (2018) similarly warns that the “2020s might be the worst decade in US history” and may lead to a Second Great Depression. Other forecasts are equally alarming. According to the International Institute of Finance, global debt may have surpassed $255 trillion by 2020 (IIF, 2019). Yet another study revealed that global debts and liabilities amounted to a staggering $2.5 quadrillion (Ausman, 2018). The reader should note that these figures were tabulated before the COVID-19 outbreak.

The IMF singles out widening income inequality as the trigger for the next Great Depression (Georgieva, 2020). The wealthiest 1% now own more than twice as much wealth as 6.9 billion people (Coffey et al, 2020) and this chasm is widening with each passing month. COVID-19 had, in fact, boosted global billionaire wealth to an unprecedented $10.2 trillion by July 2020 (UBS-PWC, 2020). Global GDP, worth $88 trillion in 2019, may have contracted by 5.2% in 2020 (World Bank, 2020).

As the Greek historian Plutarch warned in the 1st century AD: “An imbalance between rich and poor is the oldest and most fatal ailment of all republics” (Mauldin, 2014). The stability of a society, as Aristotle argued even earlier, depends on a robust middle element or middle class. At the rate the global middle class is facing catastrophic debt and unemployment levels, widespread social disaffection may morph into outright anarchy (Maavak, 2012; DCDC, 2007).

Economic stressors, in transcendent VUCA fashion, may also induce radical geopolitical realignments. Bullions now carry more weight than NATO’s security guarantees in Eastern Europe. After Poland repatriated 100 tons of gold from the Bank of England in 2019, Slovakia, Serbia and Hungary quickly followed suit.

According to former Slovak Premier Robert Fico, this erosion in regional trust was based on historical precedents – in particular the 1938 Munich Agreement which ceded Czechoslovakia’s Sudetenland to Nazi Germany. As Fico reiterated (Dudik & Tomek, 2019):

“You can hardly trust even the closest allies after the Munich Agreement… I guarantee that if something happens, we won’t see a single gram of this (offshore-held) gold. Let’s do it (repatriation) as quickly as possible.” (Parenthesis added by author).

President Aleksandar Vucic of Serbia (a non-NATO nation) justified his central bank’s gold-repatriation program by hinting at economic headwinds ahead: “We see in which direction the crisis in the world is moving” (Dudik & Tomek, 2019). Indeed, with two global Titanics – the United States and China – set on a collision course with a quadrillions-denominated iceberg in the middle, and a viral outbreak on its tip, the seismic ripples will be felt far, wide and for a considerable period.

A reality check is nonetheless needed here: Can additional bullions realistically circumvallate the economies of 80 million plus peoples in these Eastern European nations, worth a collective $1.8 trillion by purchasing power parity? Gold however is a potent psychological symbol as it represents national sovereignty and economic reassurance in a potentially hyperinflationary world. The portents are clear: The current global economic system will be weakened by rising nationalism and autarkic demands. Much uncertainty remains ahead. Mauldin (2018) proposes the introduction of Old Testament-style debt jubilees to facilitate gradual national recoveries. The World Economic Forum, on the other hand, has long proposed a “Great Reset” by 2030; a socialist utopia where “you’ll own nothing and you’ll be happy” (WEF, 2016).

In the final analysis, COVID-19 is not the root cause of the current global economic turmoil; it is merely an accelerant to a burning house of cards that was left smouldering since the 2008 Great Recession (Maavak, 2020a). We also see how the four main pillars of systems thinking (diversity, interconnectivity, interactivity and “adaptivity”) form the mise en scene in a VUCA decade.

ENVIRONMENTAL

What happens to the environment when our economies implode? Think of a debt-laden workforce at sensitive nuclear and chemical plants, along with a concomitant surge in industrial accidents? Economic stressors, workforce demoralization and rampant profiteering – rather than manmade climate change – arguably pose the biggest threats to the environment. In a WEF report, Buehler et al (2017) made the following pre-COVID-19 observation:

The ILO estimates that the annual cost to the global economy from accidents and work-related diseases alone is a staggering $3 trillion. Moreover, a recent report suggests the world’s 3.2 billion workers are increasingly unwell, with the vast majority facing significant economic insecurity: 77% work in part-time, temporary, “vulnerable” or unpaid jobs.

Shouldn’t this phenomenon be better categorized as a societal or economic risk rather than an environmental one? In line with the systems thinking approach, however, global risks can no longer be boxed into a taxonomical silo. Frazzled workforces may precipitate another Bhopal (1984), Chernobyl (1986), Deepwater Horizon (2010) or Flint water crisis (2014). These disasters were notably not the result of manmade climate change. Neither was the Fukushima nuclear disaster (2011) nor the Indian Ocean tsunami (2004). Indeed, the combustion of a long-overlooked cargo of 2,750 tonnes of ammonium nitrate had nearly levelled the city of Beirut, Lebanon, on Aug 4 2020. The explosion left 204 dead; 7,500 injured; US$15 billion in property damages; and an estimated 300,000 people homeless (Urbina, 2020). The environmental costs have yet to be adequately tabulated.

Environmental disasters are more attributable to Black Swan events, systems breakdowns and corporate greed rather than to mundane human activity.

Our JIT world aggravates the cascading potential of risks (Korowicz, 2012). Production and delivery delays, caused by the COVID-19 outbreak, will eventually require industrial overcompensation. This will further stress senior executives, workers, machines and a variety of computerized systems. The trickle-down effects will likely include substandard products, contaminated food and a general lowering in health and safety standards (Maavak, 2019a). Unpaid or demoralized sanitation workers may also resort to indiscriminate waste dumping. Many cities across the United States (and elsewhere in the world) are no longer recycling wastes due to prohibitive costs in the global corona-economy (Liacko, 2021).

Even in good times, strict protocols on waste disposals were routinely ignored. While Sweden championed the global climate change narrative, its clothing flagship H&M was busy covering up toxic effluences disgorged by vendors along the Citarum River in Java, Indonesia. As a result, countless children among 14 million Indonesians straddling the “world’s most polluted river” began to suffer from dermatitis, intestinal problems, developmental disorders, renal failure, chronic bronchitis and cancer (DW, 2020). It is also in cauldrons like the Citarum River where pathogens may mutate with emergent ramifications.

On an equally alarming note, depressed economic conditions have traditionally provided a waste disposal boon for organized crime elements. Throughout 1980s, the Calabria-based ‘Ndrangheta mafia – in collusion with governments in Europe and North America – began to dump radioactive wastes along the coast of Somalia. Reeling from pollution and revenue loss, Somali fisherman eventually resorted to mass piracy (Knaup, 2008).

The coast of Somalia is now a maritime hotspot, and exemplifies an entwined form of economic-environmental-geopolitical-societal emergence. In a VUCA world, indiscriminate waste dumping can unexpectedly morph into a Black Hawk Down incident. The laws of unintended consequences are governed by actors, interconnections, interactions and adaptations in a system under study – as outlined in the methodology section.

Environmentally-devastating industrial sabotages – whether by disgruntled workers, industrial competitors, ideological maniacs or terrorist groups – cannot be discounted in a VUCA world. Immiserated societies, in stark defiance of climate change diktats, may resort to dirty coal plants and wood stoves for survival. Interlinked ecosystems, particularly water resources, may be hijacked by nationalist sentiments. The environmental fallouts of critical infrastructure (CI) breakdowns loom like a Sword of Damocles over this decade.

GEOPOLITICAL

The primary catalyst behind WWII was the Great Depression. Since history often repeats itself, expect familiar bogeymen to reappear in societies roiling with impoverishment and ideological clefts. Anti-Semitism – a societal risk on its own – may reach alarming proportions in the West (Reuters, 2019), possibly forcing Israel to undertake reprisal operations inside allied nations. If that happens, how will affected nations react? Will security resources be reallocated to protect certain minorities (or the Top 1%) while larger segments of society are exposed to restive forces? Balloon effects like these present a classic VUCA problematic.

Contemporary geopolitical risks include a possible Iran-Israel war; US-China military confrontation over Taiwan or the South China Sea; North Korean proliferation of nuclear and missile technologies; an India-Pakistan nuclear war; an Iranian closure of the Straits of Hormuz; fundamentalist-driven implosion in the Islamic world; or a nuclear confrontation between NATO and Russia. Fears that the Jan 3 2020 assassination of Iranian Maj. Gen. Qasem Soleimani might lead to WWIII were grossly overblown. From a systems perspective, the killing of Soleimani did not fundamentally change the actor-interconnection-interaction-adaptivity equation in the Middle East. Soleimani was simply a cog who got replaced.

Geopolitics will still be dictated by major powers. However, how will the vast majority of nations fare during this VUCA decade? Many “emerging nations” have produced neither the intelligentsia nor industries required to be future-resilient. Raw materials and cheap labour cannot sustain anaemic societies in a volatile world. Advances in material sciences and robotic automation as well as technological “ephemeralization” (Fuller, 1938; Heylighen, 2002) may shift manufacturing back to the Developed World.

In an attempt to mask the looming redundancy of these nations, untold billions have been wasted on vanity studies, conferences and technological initiatives drawn up by an army of neoliberal experts and native proxies. Risks were rarely part of the planning calculus. National and regional blueprints ranging from Malaysia’s Vision 2020, Saudi Vision 2030, ASEAN 2025 to Africa 2030, amongst others, will fail just as their innumerable precursors did.

The author defines a redundant nation as one which persistently lacks a comprehensive brain bank and an adaptive governance structure in order to be future-resilient. Redundant nations are preludes to failed states. They will lack native ideations and coherent policies that are critically needed in a VUCA decade. While policies intended to “promote growth in developing countries” had traditionally acted “as agents for conflict prevention” (Humphreys, 2003), the trade-off was often bureaucratic overgrowth, corruption, ethnoreligious discrimination and resource wastages.

Attempts to re-use these nations as geopolitical proxies a la the Cold War may prove too costly for potential sponsors. The Fat Leonard scandal (Whitlock, 2016) in Southeast Asia – which entrapped senior US naval officers in a web of sleaze – may be a harbinger of similar breaches on friendly territory, particularly as China’s Belt and Road Initiative (BRI) challenges US geopolitical hegemony worldwide. The BRI however snakes through many potentially redundant nations and may expose China to a “death by a thousand cuts” via geo-economic extortion. Beijing’s recent attempts to portray itself as a humanitarian superpower has somewhat backfired after numerous defects were discovered in its “medical aid” exports (Kern, 2020).

Ultimately, one should not underestimate the possibility, however remote, of national boundaries being redrawn before the Great Reset period is over. The global map was different only 100 years back. The once-mighty Soviet Union no longer exists while its former nemesis, the United States, faces social clefts of ominous proportions. Alarming parallels are now being drawn between the inauguration of President Abraham Lincoln on March 4, 1861 – which led to the US civil war – and the swearing in of Joe Biden as 46th President of United States on Jan 20 2021 (Waxman, 2021). How will a weakened United States affect NATO and the larger Western-led global alliance?

SOCIETAL

The WEF (2017) had pencilled “global social instability” as the biggest threat facing our collective future. A similar outcome was gamed out in a 2007 study by the Development, Concepts and Doctrine Centre at the United Kingdom Ministry of Defence (DCDC, 2007).

According to Peter Turchin (2016), a professor of Evolutionary Biology at the University of Connecticut, the United States may experience “a period of heightened social and political instability during the 2020s” – marked by governmental dysfunction, societal gridlock and rampant political polarization. To blame this phenomenon on the presidency of Donald J. Trump is to wilfully ignore the gradual build-up of various fissiparous forces over decades.

The social media plays a force multiplier role here. While risks metastasize at the bedrock levels of society, policymakers are constantly distracted from the task of governance by a daily barrage of recriminations, fake news and social media agitprops. As a result, longterm policy imperatives are routinely sacrificed for immediate political gains. The importunate presidential impeachment sagas and electoral fraud accusations in the United States are reflective of wider social fissures, state fragilities and policy paralyses worldwide.

There is nothing new in this panem et circenses (bread and circuses) phenomenon. Juvenal had noted a similar trend during Rome’s imperial decline circa 100 A.D. Recently, despite clear signals that the world was facing an economic catastrophe, the United Nations seemed more focused on the discovery of gender bias in virtual assistant software like Siri and Alexa (UNESCO, 2019). How will this revelation benefit the bottom 99% of humanity in dire economic conditions; one where the victims will be preponderantly women and children?

Just like in Imperial Rome, bread and circuses are symptomatic of an economic system that relentlessly benefits the elite. The mountain is ignored and the molehill is prioritized through controlled public narratives. The issue of “stolen childhoods”, for example, is now couched in terms of climate change rather than on sexual exploitation. Few take note that nearly “100,000 children – girls and boys – are bought and sold for sex in the U.S. every year, with as many as 300,000 children in danger of being trafficked each year.” Child rape, as John Whitehead (2020) further notes, has become “Big Business in America.” Not surprisingly, human trafficking has emerged as a $150 billion global industry (Niethammer, 2020).

Such shocking human rights failures do not figure prominently in the calculus of various “social justice” movements. The Top 1% needs their “useful idiots” – a phrase misattributed to Lenin – to generate a constant supply of distractions. Activist-billionaire George Soros, for example, is pumping $1 billion into a global university network to “fight climate change” and “dictators” which curiously include elected leaders such as former US President Donald J. Trump and India’s Prime Minister Narendra Modi. These “academically excellent but politically endangered scholars” (Open Society, 2020), as Soros calls them, may turn out to be the very disruptors who will “undermine scientific progress” in the West – just as Turchin (2016) predicted in his seminal study. Soros’ pledge was coincidentally made when COVID19 began to decimate the global economy and healthcare systems. Elite philanthropy is now an avenue for global subversion. An assortment of scholars, government officials and NGOs are already channelling the agendas of their well-pocketed patrons, backed by Big Tech’s control of the mainstream and social media (Maavak, 2020c). Their narratives are reminiscent of giddy sophistries which fuelled a variety of communist and anarchist movements during the build-up to WWII.

Under these circumstances, some nations may eventually seal their borders and initiate authoritarian measures in order to maintain internal stability. This is no longer an unthinkable proposition as dissatisfaction with democracy has peaked worldwide (Foa et al, 2020). Measures perfected by COVID-19 lockdowns may have inadvertently served as a test run in this regard.

### T – Anticompetitive business practices

#### Prohibitions must target either collusion or exclusion practices

Salop 06 --- Steven C. Salop, Prof of Law, Georgetown University Law Center, Exclusionary Conduct, Effect on Consumers, and the Flawed Profit-Sacrifice Standard”, 73 Antitrust L.J. 311-374 (2006) , https://core.ac.uk/download/pdf/70373717.pdf

Antitrust law sets standards for the competitive behavior of firms. There are two broad classes of anticompetitive conduct: collusion and exclusion. Collusion involves a group of firms cooperating with one another to restrict their own output. Exclusion involves a firm (or group of firms) raising the costs or reducing the revenues of competitors in order to induce the competitors to raise their prices, reduce output, or exit from the market. Utilizing either collusive or exclusionary practices, the firm (or group of firms) can achieve or maintain market power. Section 2 of the Sherman Act focuses on exclusionary conduct, i.e., conduct that creates or maintains monopoly power by disadvantaging and harming competitors.

**Violation – the aff deals with a practice that is not anticompetitive conduct**

**Vote neg for limits and ground --- additional business practices explode the research burden and take away core negative ground**

### CP – Section 5 (Generic)

***Next off – Section 5:***

**Text:**

The FTC should issue clear enforcement guidance that the presently-existent phrase “unfair methods of competition in or affecting commerce” in Section 5 of the FTCA includes unilateral exclusion that reduces competition significantly. The FTC should release a policy statement and data sets that reflects this and enforce accordingly.

**The cplan solves. It also competes – the FTC interprets current authority, instead of creating new prohibitions.**

**Kahn ‘21**

et al; This is a recent joint statement released by the five Federal Trade Commissioners. The Chair of the Federal Trade Commission is Lina Khan - an Associate Professor of Law at Columbia Law School. Also on the Commission is Rohit Chopra – who was previously The Assistant Director of the Consumer Financial Protection Bureau, as well as Rebecca Slaughter - an American attorney who was previously the acting chair of the Federal Trade Commission. Two others also sit on the Commission. “STATEMENT OF THE COMMISSION On the Withdrawal of the Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act” - July 9, 2021 - #E&F – modified for language that may offend - https://www.ftc.gov/system/files/documents/public\_statements/1591706/p210100commnstmtwithdrawalsec5enforcement.pdf

**Section 5** of the **F**ederal **T**rade **C**ommission **A**ct **prohibits** “unfair methods of competition in or affecting commerce.”1 In 2015, the Federal Trade Commission under Chairwoman Edith Ramirez published the Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act (hereinafter “2015 Statement”), which established principles to guide the agency’s exercise of its “standalone” Section 5 authority.2 Although presented as a way to reaffirm the Commission’s preexisting approach to Section 5 and preserve doctrinal flexibility,3 the 2015 Statement contravenes the text, structure, and history of Section 5 and largely writes the FTC’s standalone authority out of existence. In our ~~view~~ (perspective), the 2015 Statement abrogates the Commission’s **congressionally mandated duty** to use its expertise to identify and combat unfair methods of competition even if they do not violate a separate antitrust statute. Accordingly, because the Commission intends to restore the agency to this critical mission, the agency withdraws the 2015 Statement.

I. Background

On August 13, 2015, the Federal Trade Commission issued the 2015 Statement, which announced that the Commission would apply Section 5 using “a framework similar to the rule of reason,” by only challenging actions that “cause, or [are] likely to cause, harm to competition or the competitive process, taking into account any associated cognizable efficiencies and business justifications[.]”4 The 2015 Statement advised that the Commission is “less likely” to raise a standalone Section 5 claim “if enforcement of the Sherman or Clayton Act is sufficient to address the competitive harm.”5

In a statement accompanying the issuance of these principles, the Commission explained that its enforcement of Section 5 would be “aligned with” the Sherman and Clayton Acts and thus subject to “the ‘rule of reason’ framework developed under the antitrust laws[.]”6 In a speech announcing the statement, Chairwoman Ramirez noted that she favored a “common-law approach” to Section 5 rather than “a prescriptive codification of precisely what conduct is prohibited.”7 She also acknowledged that the Commission’s policy statement was codifying an interpretation of Section 5 that is more restrictive than the Commission’s historic approach and more constraining than the prevailing case law.8 She added, “[W]e now exercise our standalone Section 5 authority in a far narrower class of cases than we did throughout most of the twentieth century.”9

With the exception of certain administrative complaints involving invitations to collude, the agency has pled a standalone Section 5 violation just once in the more than five years since it published the statement. 10

II. The Text, Structure, and History of Section 5 Reflect a Clear Legislative Mandate Broader than the Sherman and Clayton Acts

By tethering Section 5 to the Sherman and Clayton Acts, the 2015 Statement negates the Commission’s core legislative mandate, as reflected in the statutory text, the structure of the law, and the legislative history, and undermines the Commission’s institutional strengths.

In 1914, Congress enacted the **F**ederal **T**rade **C**ommission **A**ct to reach beyond the Sherman Act and to provide an alternative institutional framework for **enforcing** the **antitrust** laws. 11 After the Supreme Court announced in Standard Oil that it would subject restraints of trade to an open-ended “standard of reason” under the Sherman Act, lawmakers were concerned that this approach to antitrust delayed resolution of cases, delivered inconsistent and unpredictable results, and yielded outsized and unchecked interpretive authority to the courts.12 For instance, Senator Newlands complained that Standard Oil left antitrust regulation “to the varying judgments of different courts upon the facts and the law”; he thus sought to create an “administrative tribunal … with powers of recommendation, with powers of condemnation, [and] with powers of correction.”13 Likewise, a 1913 Senate committee report lamented that the rule of reason had made it “impossible to predict” whether courts would condemn many “practices that seriously interfere with competition, and are plainly opposed to the public welfare,” and thus called for legislation “establishing a commission for the better administration of the law and to aid in its enforcement.”14 **These concerns spurred the passage of the FTC A**ct, which created an administrative body that could police unlawful business practices with **greater expertise** and **democratic accountability** than courts provided.15

**At the heart of the statute was Section 5,** which declares “unfair methods of competition” **unlawful**.16 By proscribing conduct using this new term, rather than codifying either the text or judicial interpretations of the Sherman Act, the plain language of the statute makes clear that Congress intended for Section 5 to reach beyond existing antitrust law. The structure of Section 5 also supports a reading that is not limited to an extension of the Sherman Act. Notably, the FTC Act’s remedial scheme differs significantly from the remedial structure of the other antitrust statutes. The Commission cannot pursue criminal penalties for violations of “unfair methods of competition,” and Section 5 provides **no private right of action**, shielding violators from **private lawsuits** and treble damages. In this way, the institutional design laid out in the FTC Act reflects a basic tradeoff: Section 5 grants the Commission extensive authority to shape doctrine and reach conduct not otherwise prohibited by the Sherman Act, but provides a more limited set of remedies.17

The legislative debate around the FTC Act makes clear that the text and structure of the statute were intentional. Lawmakers chose to **leave it to the Commission** to determine which practices fell into the category of “unfair methods of competition” rather than attempt to define through statute the **various unlawful practices**, given that “there were too many unfair practices to define, and after writing 20 of them into the law it would be quite possible to invent others.”18 Lawmakers were clear that Section 5 was designed to extend beyond the reach of the antitrust laws. 19 For example, Senator Cummins, one of the main sponsors of the FTC Act, stated that the purpose of Section 5 was “to make some things punishable, to prevent some things, that cannot be punished or prevented under the antitrust law.”20

The Supreme Court has repeatedly affirmed this view of the **agency’s Section 5 authority**, holding that **the statute**, **by its plain text**, does not limit unfair methods of competition to practices that violate other antitrust laws. 21 The Court, recognizing the Commission’s expertise in competition matters, has given “deference”22 and “great weight”23 to the Commission’s determination that a practice is unfair and should be condemned.

**DA – FTC Independence**

***Next off is FTC independence:***

**FTC independence in the US key to *global norms* that support agency independence. Vital for *free trade* and *GLO*.**

* United States’ FTC practices are modeled *by several nations* – including South Korea – and *will continue to be modeled* by nations that are still amid transitions towards industrialization;
* Global attentiveness to the United States’ FTC practices *remains ongoing* and - “*to this day*” - are a *central obstacle* to aspired free trade norms;
* The root of the loss of the global public’s confidence in free trade stems from the success of zero-sum strategies. *The root of that* is an interpretation of the FTCA that permits politicized intervention;
* Ambiguity in the United States’ FTCA permit the Act to be exercised *EITHER with a great deal of agency discretion* – *OR* alternatively, *with the perceived influence of external political branches*;
* Current US FTC practices lean away agency independence – and that’s *a central obstacle* to international agencies countering the growth of protectionist mercantilist norms
* More broadly, this hampers *general support for internationalism/GLO*

**Nam ‘18**

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ABSTRACT:

The Federal Trade Commission Act of 1914 (“**FTC A**ct”), **a model** for **many other countries** that set up their **own** competition agencies, combines the **control** afforded by presidential appointment and removal powers over FTC commissioners with an **exceedingly discretionary** mandate. This Article contends that the FTC Act’s outmoded openness to **strong presidential direction**, **where adapted abroad**, has helped detract from **antitrust regulator independence.** Even advanced players in the liberal international economic order **such as South Korea** have made use of the United States’ original blueprint for unitary **executive-stamped** **antitrust** enforcement without sharing a long historical evolution of counterbalancing regulatory norms, e.g. the judicial check that was Humphrey’s Executor v. United States, 295 U.S. 602 (1935).

Strong executive direction **in antitrust enforcement** is particularly suited to capitalist economies helmed by administrations with mercantilist policies, **given their belief that the state and big business must coop**erate in the face of zero-sum international competition. South Korean President Lee MyungBak’s term (2008-2013) serves as an apt recent case study, featuring dirigiste calibration of antitrust enforcement against a backdrop of global recession. This Article examines the parallels between the FTC Act and the South Korean Monopoly Regulation and Fair Trade Act (“MRFTA”) before scrutinizing the enabled silo-like enforcement patterns of the Korean Fair Trade Commission under the Lee administration. Increasingly widespread erosion of public confidence in free and competitive trade demands a better understanding of the forces **preventing global convergence** in antitrust enforcement, and of their **roots.**

We have created, in the Federal Trade Commission, a means of inquiry and of accommodation in the field of commerce which ought both to coordinate the enterprises of our traders and manufacturers and to remove the barriers of misunderstanding and of a too technical interpretation of the law. —President Woodrow Wilson, September 1916

[Our companies] are fighting with unfavorable conditions amid competition in the global economy. To do so, they must be allowed to escape various regulations. Let’s take just a half step forward to move beyond the pace of change in the global economy. —South Korean President Lee Myung-bak, March 2008

It is clear that, at the beginning of the 21st century, we cannot afford to operate, to enforce our competition laws, in national or regional silos. We must not remain isolated from what happens in other jurisdictions. Even if markets often remain regional or national in terms of competitive assessment, fostering global convergence in our legal and economic analysis is essential to ensuring effectiveness of our enforcement and creating a level playing field for businesses across our jurisdictions. —Joaquín Almunia, Vice-President of the European Commission for Competition Policy, April 2010

The [U.S.] Agencies do not discriminate in the enforcement of the antitrust laws on the basis of the nationality of the parties. Nor do the Agencies employ their statutory authority to further nonantitrust goals. —The U.S. Department of Justice and the Federal Trade Commission, April 1995

INTRODUCTION

The International Competition Network’s founding in October 2001, with the aim of “formulat[ing] proposals for procedural and substantive convergence” among its stated goals,5 sought to usher in a future with more cosmopolitan and coherent global antitrust enforcement. Although U.S. regulatory leadership maintained that “consistently sound antitrust enforcement policy cannot be defined and decreed for others by the U.S., the EU, or anyone else,” many countries (turned) ~~looked~~ to the U.S. **as a role model** while developing their **competition** regimes.6 It is ironic, **then,** that **to this day** a **central obstacle** to the aspired international “culture of competition” **can be found in none other than the influence of the U.S.’s own FTC A**ct.7

American **antitrust** priorities around the time of the legislation’s passage oscillated between tempering trusts and shepherding business to further national economic strength, all towards the domestic interest. They shaped a regulatory environment that **would reemerge abroad** in **many** later-developing countries.

The deepening global retreat from **internationalism** ***and*** free market principles in the present day, with the specter of **trade wars looming**, is exacerbated by nationalist competition regimes that **are derivative of a U.S. model** predating the modern world economy. Domestic critics of open markets often overlook the U.S.’s own past vis-à-vis protectionist governments today. Illiberal or nominally liberal, they walk the kind of dirigiste path once treaded by the American School through the early twentieth century.8

**Globally, independence of antitrust agencies will prove key – checks spiraling economic nationalisms that’ll crush liberal peace.**

**Nam ‘18**

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National antitrust silos are not a novel phenomenon. Former European Commissioner for Competition Joaquín Almunia warned of them years ago,152 and scholarship touching upon the furtherance of nationalist goals by various antitrust agencies dates back decades.153 However, a **creeping** loss of public confidence in open markets—**coupled with** the obstacles to coherent global antitrust enforcement that bear the FTC Act’s influence, **as illustrated in this Article**—risks amplifying the problem. As anti-free trade agendas continue to garner more mainstream popularity for formerly counter-establishment parties, a proliferation of **protectionist** silos could tempt even governments that, for the most part, had moved past them. Why, American officials may ask, should the U.S. continue championing the liberal international economic order when an illiberal China or an ostensibly liberal South Korea bends regulatory rules to disadvantage American companies, workers, and consumers? Skepticism towards a liberal democratic “end of history”154 in general, and failures of economic liberalism in particular, are threatening to motivate political circles accordingly. Even **perennial norms** and conventions of **the U.S. competition regime** which evolved to safeguard regulator independence at home are no longer above disruption; the ambiguous statutory articulations that **carried over abroad** to empower strong executives are likewise playing a paper tiger role domestically of late.155

Protectionist policies designed to compromise market competition—for all its documented excesses and inadequacies—would sap its creative vitality and the concurrent **liberal peace**156 **often taken for granted**. Economic liberalism ails not so much from the intrinsic failings of core tenets, but from their more egregious nation-state and corporate violators. Proposals for greater accountability and harmonization have ranged from presumption of an underlying coordination scheme in antitrust investigations of a culpable country’s companies,157 to an international competition regime binding on member states in at least some areas of antitrust.158 Each has associated costs, but their very debate harnesses polycentric dialogue lacking in nationalist regulatory agendas and calls for “our country, right or wrong” protectionist silos. It should be emphasized to policymakers and politicians collectively that lasting convergence in antitrust enforcement is unachievable without global coherence in regulator autonomy, and the FTC Act’s **formative influence** is not above scrutiny or reproach. **Still-elusive** realization of the liberal economic international order’s intended form will **require** an expanded constellation of **independent competition regulators** empowered to enforce antitrust laws consistently.

**Global free trade reversals will cause *multiple existential impacts*.**

* Arctic conflict
* Space conflict;
* Global nuclear prolif;
* Structural wars;
* Climate;
* Geo-engineering;

**Langan-Riekhof ‘21**

et al; Maria Langan-Riekhof is the Lead Author and is the new Director of the Strategic Futures Group at the National Intelligence Council, leading the Intelligence Community’s assessment of global dynamics and charged with producing the quadrennial Global Trends product for the incoming or returning administration. She has spent more than 27 years in the intelligence community as both a senior analyst and manager, serving at the CIA and on the NIC. She brings a background in Middle East studies and has spent more than half her career analyzing regional dynamics. Her leadership roles include: Chief of the CIA’s Red Cell, founder and director of the CIA’s Strategic Insight Department, and research director for the Middle East. She was one of the DNI’s Exceptional Analysts in 2008-09 and the Agency’s fellow at the Brookings Institution in 2016-17. She is a member of the Senior Analytic Service and the Senior Intelligence Service and hold degrees from the University of Chicago and the University of Denver - National Intelligence Council - Global Trends 2040 – Form the section: “Scenario Four – Separate Silos” - MARCH 2021 - #E&F - https://www.dni.gov/files/ODNI/documents/assessments/GlobalTrends\_2040.pdf

With the trade **and financial** connections that defined the prior era of globalization disrupted, economic and security blocs formed around the United States, China, the EU, Russia, and India. Smaller powers and other states joined these blocs for protection, to pool resources, and to maintain at least some economic efficiencies. Advances in AI, energy technologies, and additive manufacturing helped some states adapt and make the blocs economically viable, but prices for consumer goods rose dramatically. States unable to join a bloc were left behind and cut off.

Security links did not disappear completely. States threatened by powerful neighbors sought out security links with other powers for their own protection or accelerated their own programs to **develop nuclear weapons**, as the ultimate guarantor of their security. Small conflicts occurred at the edges of these new blocs, particularly over scarce resources or emerging opportunities, like **the Arctic** and **space**. Poorer countries became increasingly unstable, and with no interest by major powers or the United Nations in intervening to help restore order, **conflicts became endemic**, exacerbating other problems. Lacking coordinated, multilateral efforts to mitigate emissions and address **climate changes**, little was done to slow greenhouse gas emissions, and some states experimented with **geoengineering with disastrous consequences**.

**T – Prohibition Must Forbid**

**Topical affs must forbid a practice --- plan is only a hindrance**

**Van Eaton** et al **17** --- Joseph Van Eaton, Gail Karish Gerard Lavery Lederer, lawyers for BEST BEST & KRIEGER, LLP. Michael Watza, KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK, “BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C”, COMMENTS OF SMART COMMUNITIES SITING COALITION, March 8, 2017 , https://tellusventure.com/downloads/policy/fcc\_row/smart\_communities\_siting\_coaltion\_comments\_mobilitie\_8mar2017.pdf

What are at issue legally are prohibitions and effective prohibitions, and not hindrances, as the Commission seems to suggest in its Notice. The term “prohibit” is not defined in the Act, but it has an ordinary meaning: **to formally forbid** (something) by law, rule, or other authority; or to “prevent, stop, rule out, preclude, **make impossible**.” A mere “**hindrance**” “is simply **not in accord with the ordinary and fair meaning” of the term prohibit**,104 and can provide no basis for additional Commission intrusions on local authority over wireless facilities. Much of what Mobilitie complains about is a “hindrance” at most (and usually a hindrance magnified by its own actions).

**Vote neg for limits and ground --- obstacles explode the research burden and take away core negative ground**

### K – praxis of resistance

#### The 1ac is a banal endorsement of crisis politics that perpetuates the systemic failures of legal exceptionalism

* Reform is situated in the politics that structure it
* Scenarios are subjective political assessments – tied to primacy
* Experts failed a lot – but, open secrets culture and the label of expert undermined criticism
* Judgements about threat structure the reforms that follow them

Rana 12 – Dr. Aziz Rana, Assistant Professor of Law at Cornell University Law School, J.D. from Yale Law School, and Ph.D. in Political Science from Harvard University, “Who Decides on Security?”, Connecticut Law Review, 44 Conn. L. Rev. 1417, July, Lexis

Despite such democratic concerns, a large part of what makes today's dominant security concept so compelling are two purportedly objective sociological claims about the nature of modern threat. As these claims undergird the current security concept, this conclusion assesses them more directly and, in the process, indicates what they suggest about the prospects for any future reform. The first claim is that global interdependence means that the United States faces near continuous threats from abroad. Just as Pearl Harbor presented a physical attack on the homeland justifying a revised framework, the American position in the world since has been one of permanent insecurity in the face of new, equally objective dangers. Although today these threats no longer come from menacing totalitarian regimes like Nazi Germany or the Soviet Union, they nonetheless create a world of chaos and instability in which American domestic peace is imperiled by decentralized terrorists and aggressive rogue states. n310 [\*1486] Second, and relatedly, the objective complexity of modern threats makes it impossible for ordinary citizens to comprehend fully the causes and likely consequences of existing dangers. Thus, the best response is the further entrenchment of the national security state, with the U.S. military permanently mobilized to gather intelligence and to combat enemies wherever they strike-at home or abroad. Accordingly, modern legal and political institutions that privilege executive authority and insulated decision-making are simply the necessary consequence of these externally generated crises. Regardless of these trade-offs, the security benefits of an empowered presidency-one armed with countless secret and public agencies as well as with a truly global military footprint n311 -greatly outweigh the costs. Yet although these sociological views have become commonplace, the conclusions that Americans should draw about security requirements are not nearly as clear cut as the conventional wisdom assumes. In particular, a closer examination of contemporary arguments about endemic danger suggests that such claims are not objective empirical judgments, but rather are socially complex and politically infused interpretations. Indeed, the openness of existing circumstances to multiple interpretations of threat implies that the presumptive need for secrecy and centralization is not self-evident. And as underscored by high profile failures in expert assessment, claims to security expertise are themselves riddled with ideological presuppositions and subjective biases. All this indicates that the gulf between elite knowledge and lay incomprehension in matters of security may be far less extensive than is ordinarily thought. It also means that the question of who decides-and with it the issue of how democratic or insular our institutions should be-remains open as well. Clearly, technological changes, from airpower to biological and chemical weapons, have shifted the nature of America's position in the [\*1487] world and its potential vulnerability. As has been widely remarked for nearly a century, the oceans alone cannot guarantee our permanent safety. Yet in truth, they never fully ensured domestic tranquility. The nineteenth century was one of near continuous violence, especially with indigenous communities fighting to protect their territory from expansionist settlers. n312 But even if technological shifts make doomsday scenarios more chilling than those faced by Hamilton, Jefferson, or Taney, the mere existence of these scenarios tells us little about their likelihood or how best to address them. Indeed, these latter security judgments are inevitably permeated with subjective political assessments-assessments that carry with them preexisting ideological points of view-such as regarding how much risk constitutional societies should accept or how interventionist states should be in foreign policy. In fact, from its emergence in the 1930s and 1940s, supporters of the modern security concept have-at times unwittingly-reaffirmed the political rather than purely objective nature of interpreting external threats. In particular, commentators have repeatedly noted the link between the idea of insecurity and America's post- World War II position of global primacy, one which today has only expanded following the Cold War. n313 In 1961, none other than Senator James William Fulbright declared, in terms reminiscent of Herring and Frankfurter, that security imperatives meant that "our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century," was no longer "adequate" for the "20th-century nation." n314 For Fulbright, the driving impetus behind the need to jettison antiquated constitutional practices was the importance of sustaining the country's "pre-eminen[ce] in political and military power." n315 Fulbright believed that greater executive action and war- making capacities were essential precisely because the United States found itself "burdened with all the enormous responsibilities that accompany such power." n316 According to Fulbright, the United States had [\*1488] both a right and a duty to suppress those forms of chaos and disorder that existed at the edges of American authority. n317 Thus, rather than being purely objective, the American condition of permanent danger was itself deeply tied to political calculations about the importance of global primacy. What generated the condition of continual crisis was not only technological change, but also the belief that the United States' own national security rested on the successful projection of power into the internal affairs of foreign states. The key point is that regardless of whether one agrees with such an underlying project, the value of this project is ultimately an open political question. This suggests that whether distant crises should be viewed as generating insecurity at home is similarly as much an interpretative judgment as an empirically verifiable conclusion. n318 To appreciate the open nature of security determinations, one need only look at the presentation of terrorism as a principle and overriding danger facing the country. According to National Counterterrorism Center's 2009 Report on Terrorism, in 2009 there were just twenty-five U.S. noncombatant fatalities from terrorism worldwide-nine abroad and sixteen at home. n319 While the fear of a terrorist attack is a legitimate concern, these numbers-which have been consistent in recent years-place the gravity of the threat in perspective. Rather than a condition of endemic danger-requiring ever-increasing secrecy and centralization-such facts are perfectly consistent with a reading that Americans do not face an existential crisis (one presumably comparable to Pearl Harbor) and actually enjoy relative security. Indeed, the disconnect between numbers and resources expended, especially in a time of profound economic insecurity, highlights the political choice of policymakers and citizens to persist in interpreting foreign events through a World War II and early Cold War lens of permanent threat. In fact, the continuous alteration of basic constitutional values to fit national security aims emphasizes just how entrenched Herring's old vision of security as pre-political and foundational has become, regardless of whether other interpretations of the present moment may be equally compelling. It also underscores a telling and often ignored point about the nature of [\*1489] modern security expertise, particularly as reproduced by the United States' massive intelligence infrastructure. To the extent that political assumptions-like the centrality of global primacy or the view that instability abroad necessarily implicates security at home-shape the interpretative approach of executive officials, what passes as objective security expertise is itself intertwined with contested claims about how to view external actors and their motivations. These assumptions mean that while modern conditions may well be complex, the conclusions of the presumed experts may not be systematically less liable to subjective bias than judgments made by ordinary citizens based on publicly available information. It further underlines that the question of who decides cannot be foreclosed in advance by simply asserting deference to elite knowledge. If anything, one can argue that the presumptive gulf between elite awareness and suspect mass opinion has generated its own very dramatic political and legal pathologies. In recent years, the country has witnessed a variety of security crises built on the basic failure of "expertise." n320 At present, part of what obscures this fact is the very culture of secret information sustained by the modern security concept. Today, it is commonplace for government officials to leak security material about terrorism or external threats to newspapers as a method of shaping the public debate. n321 These "open" secrets allow greater public access to elite information and embody a central and routine instrument for incorporating mass voice into state decision-making. But this mode of popular involvement comes at a key cost. Secret information is generally treated as worthy of a higher status than information already present in the public realm—the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed,197 its status as secret masks these problems and allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism; it also means that security judgments may be more ‘Hobbesian’—marked fundamentally by epistemological uncertainty as opposed to verifiable fact—than policymakers admit. If the objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars-emphasizing new statutory frameworks or greater judicial assertiveness-is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants-danger too complex for the average citizen to comprehend independently-it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that it remains unclear which popular base exists in society to raise these questions. Unless such a base fully emerges, we can expect our prevailing security arrangements to become ever more entrenched.

#### The only outcome of their advocacy is global militarism and incalculable violence – vote Neg for outsider theorizing

Jackson 16 – Richard Jackson, Director of the National Centre for Peace and Conflict Studies, the University of Otago and Former Professor of International Politics at Aberystwyth University, “To Be or Not To Be Policy Relevant? Power, Emancipation and Resistance in CTS Research”, Critical Studies on Terrorism, Vol. 9, No. 1, p. 120-125

It now seems clear that believing we could balance access to policymakers and having policy relevance with prioritising human security, critiquing the use of violence (including by the state), the promotion of nonviolence, “outsider theorizing”, and antihegemony, was a little naïve. At the very least, it failed to fully appreciate that such a stance rested on a series of implicit assumptions about states as benign institutions and policymaking as a fairly open, rational process. Moreover, I would argue that since we wrote this, both the global context of counterterrorism, and our understanding of its nature, have changed greatly, and as a consequence, the contradictions are now too sharp to maintain any kind of balance between our stated aspirations. In the first instance, the past few years have seen the mutation of counterterrorism from a fairly narrowly-defined set of security measures designed to deal with the threat of sub-state political violence in individual states, to a monstrous global machine implicated in military invasions, wars, militarisation and arms races, rendition and torture, drone assassination, mass surveillance, the suspension of law, the policing of thought crime, social engineering of entire populations, and the suppression of increasingly widely-defined forms of dissent and protest – among others. These aspects of counterterrorism are well documented in the broader CTS literature, and earlier volumes of this journal. Moreover, all of this has been done in the name of preserving a global system dominated by entrenched economic and political interests. Further, such an assessment does not include indirect effects such as: regional instability, the rise of violent groups like Islamic State, the intensification of sectarian rivalries, increased flows of refugees and displaced persons, the undermining of numerous peace processes, and the diversion of scarce resources from humanitarian and development activities to security. Overall, there is no question that counterterrorism – notably, the so-called “war on terror” since 2001 – has killed and injured over a million people (immeasurably more than those killed by substate terrorism), caused incalculable suffering directly to millions more, put obstacles in the way of progressive movements and conflict transformation, and is one of the most effective tools of hegemonic domination by Western states in the present era, and of domination in general by state ruling elites against their own populations. In short, it is not too extreme to say that the global counterterrorism regime is, in its philosophy, practice, and effects, inherently violent, oppressive, and life-diminishing; it is a set of practices that is deeply anti-emancipatory, anti-human, and regressive. Certainly, no one would argue that contemporary counterterrorism fits the definition of emancipation adopted by CTS, in which emancipation “seeks the securing of people from those oppressions that would stop them from carrying out what they would freely choose to do, compatible with the freedom of others. It provides … progress for society, and a practice of resistance against oppression. Emancipation is the philosophy, theory, and politics of inventing humanity” (Booth 2007, 112). Counterterrorism is today the direct antithesis of emancipation. In such conditions, where counterterrorism causes widespread suffering and is an obstacle to progressive change and social justice, it can be argued that working directly with state counterterrorism is akin to medical professionals who collaborate with torturers in an effort to improve prisoner welfare; while there may be some benefit to individual prisoners who perhaps suffer less as a consequence, the broader impact of their participation is the perpetuation and legitimization of the overall system of torture, and their involvement does nothing to fundamentally change an inherently immoral set of practices. In other words, it can be argued that scholars who work with the state in either designing or enacting its counterterrorism practices – through advising practitioners working on the implementation of counter-radicalisation programmes, for example – may result in reducing harms to some potential victims. However, the overall primary effect is the legitimisation and perpetuation of the broader system of counterterrorism, rather than its dismantling or destruction. I would suggest that under these conditions it is virtually impossible to maintain an ethical commitment to human rights, human welfare, non-violence, and progressive politics – that is, emancipation – while simultaneously participating in an inherently violent and counter-emancipatory regime of counterterrorism. It does not seem possible to work simultaneously for state counterterrorism (which is inherently violent, physically and epistemically, and aimed at maintaining a system of elite domination), and human emancipation. In addition, I would argue that what we have learned about counterterrorism policy and practice in the years since the establishment of CTS strongly suggests that the “ripe moment” for offering expertise and guidance to policymakers and practitioners which we perceived at the time is now gone, if it ever really existed. In contrast, all the evidence we have from the last 14 years of the war on terror clearly show that policymakers are, for the most part, uninterested in evidence-based policy, or in the rigorous evaluation of counterterrorism policy, or in listening to reasonable, evidence-based suggestions about how to more effectively, and more ethically, respond to acts of terrorism (see, for example, Mueller and Stewart 2011). Rather, what we have increasingly witnessed is state officials and security practitioners – for a variety of sometimes but not always well-meaning reasons, including becoming trapped in the “epistemological crisis of counterterrorism” (Jackson 2015a) – engaging in ever-more egregious and nefarious practices, frequently followed by attempts to cover up their abuses when public scrutiny brings them to light. New allegations and evidence of human rights abuses seem to emerge weekly, and wasteful, ethically dubious, and ineffective counterterrorism practices are only grudgingly abandoned (such as torture and mass surveillance) under enormous pressure from human rights activists, public opinion, and judicial review. I would add that these kinds of abuses are not the result of “a few bad apples” within the counterterrorism system, but are the direct consequence of the system itself; they are inherent to the system. In this context, it is extremely naïve to think that CTS scholars will first of all, be invited into the real chambers of power where policymaking occurs, and second, that once in the chamber, their suggestions will be taken seriously. The fact is that CTS scholars have warned and criticised and made alternative suggestions for years now, without any measurable effect; CTS scholars, by and large, have no voice in the current counterterrorism system. It is probably closer to reality that so-called “terrorism expertise” (most often of the more mainstream, orthodox kind) is primarily called upon and utilised by the state to legitimize already decided courses of action and to bolster its public reputation. Once again, there is here an ethical dilemma surrounding participating in what is largely a performance designed primarily to bolster and uphold state power, rather than protect or emancipate people. Finally, I would argue that the effect of holding up “policy relevance” as a measure of good research can, and most often does, have a distorting effect on the research itself. This is because framing the end-point of the research in this way pushes us towards asking particular kinds of questions and looking for particular kinds of evidence. Primarily, it frames the research question in a “problem-solving” mode, conforming to the way that policymakers view reality. To illustrate this, consider the potential impact of asking, “How could my research assist counterterrorism officials to respond to terrorism more effectively?”, compared to the question, “How could my research assist ordinary people or oppressed groups achieve greater social justice and emancipation?” Research on the same topic, but pursued under the rubric of these two contrasting questions, will result in quite different sets of findings, I would argue. It is for these reasons – the inherently oppressive nature of contemporary counterterrorism, the legitimising role of academics in maintaining state power, the potentially distorting effects of policy-oriented research, and the incompatibility of a commitment to both emancipation and the maintenance of the current elite-dominated system – that I have come to believe that the time for any kind of significant engagement with policymakers and counterterrorism practitioners is now over. The pitfalls and dangers for normatively oriented and committed scholars are too great to warrant risking it. We are now in a historical period where blunt and sustained opposition to the war on terror and state counterterrorism, plus the broader questioning of neoliberal capitalism and the state, is an overriding ethical imperative, in order to protect the innocent from foreseeable harms, advance social justice, respond to climate change, and promote emancipation. So what is the alternative? What should we do? Are there no circumstances under which we should engage with the state, or with policymakers and practitioners? What I would like to suggest is not a prescriptive prohibition on trying to produce “policy relevant” research, or engaging with policymakers and practitioners. There may be scholars who genuinely do believe they can avoid the obvious dangers, maintain their commitment to emancipation, and feel that they are making a positive difference to counterterrorism policies and practices. It may also be that in some circumstances, officials genuinely will listen to academic suggestions and put them into practice (although I suspect the possibility of this occurring only applies at the levels of politics furthest from the centre of power). I therefore don’t want to say that we should refuse all invitations or opportunities to engage with the state; each instance should be evaluated on its merits. I also don’t want to say that state officials or security practitioners are bad people who we shouldn’t ever associate with; most are honest, intelligent individuals working in a flawed, dysfunctional system. Instead of a blanket prohibition then, what I suggest instead is that CTS scholars try and adopt a new broader orientation and set of priorities, and then see how this might change our research and scholarly practices. In other words, I am arguing for an epistemic reorientation and a value re-commitment, which I believe will then result in the sociological transformation of our practice. Such a reorientation comes, first of all, from re-committing ourselves to a strong and relentless “immanent critique” of the current system and its oppressive power structures, and avoiding any sense of deference towards, or privileging of, existing power structures. In fact, given the role the state plays in maintaining the current system of elite domination, its proven record of power abuse and impunity, and its violent propensities, as well as the failure of the mainstream media to perform its watchdog role (at least in relation to security and foreign policy), it is our duty to adopt a skeptical attitude and to continuously hold them to account – to be part of an “anti-hegemonic project”, as we expressed it in the early days of CTS. From this perspective, there is room to engage with the state, as long as it is on the basis of highlighting the state’s crimes and plainly stating that state actors need to end their violence, structural and direct, and begin to dismantle the inherently counter-productive and counter-emancipatory counterterrorism regime. In other words, we are willing to engage with the state in the process of deconstructing the counterterrorism system, and undoing the harm caused by the war on terror. Clearly, such a confrontational and critical attitude is somewhat at odds with the current dominant attitude of embracing policy relevance as the gold standard and pinnacle of academic practice. It will require mental discipline to consider state officials, policymakers, and security practitioners as agents of a violent and oppressive system, rather than as benign actors in an institution committed to the social good. Second, we should our embrace our “outsider theorizing”, “anti-hegemonic” identity, recognising that in truth we have no voice in the structures of power anyway, nor are we likely to ever have any real influence over the way state power operates. Again, this involves giving up our institutionally-conditioned aspirations towards a state-based form of “impact”, and our continuous striving to catch the eye of the powerful and perhaps be invited into the inner sanctum where “real” power is wielded. Rather, we should commit to the outsider’s role of critic and conscience, radical and rebel, dissident and protestor, prophet crying in the wilderness. In part, this involves a recognition of a point that Noam Chomsky and others have made for many years, namely, that there is little point in “speaking truth to power”, because the powerful already know the truth and they don’t particularly want to hear it. Therefore, it is better to seek to work with progressive forces outside of the existing structures of power, not least because this is historically how significant change has frequently been engendered. While broad social movements have often forced the political classes to enact social change (most recently, we might consider the marriage equality, environmental, and racial equality movements), it is rare to find cases where well-meaning insiders to power systems succeeded in generating progressive social change. Lastly, I would suggest that the reorientations I am suggesting here can be accommodated within the original concept and values of emancipation, which as Booth reminds us, “provides … a practice of resistance against oppression” (2007, 112, emphasis added). In other words, as I have argued elsewhere in relation to peace studies, I believe that “an explicit commitment to adopting the language, ontology, epistemology and praxis of ‘resistance’ could potentially reinvigorate the critical orientation of the field” (2015b, 31). Apart from the numerous potential theoretical benefits which would come from adopting a “resistance studies” framework within CTS (terrorism and counterterrorism are forms of resistance, after all), such a framework would also reorient our academic research and practice towards the powerless, the oppressed, the subaltern, the more numerous victims of counterterrorism and state terrorism – rather than towards the powerful, the influential, the state. Instead of thinking about how our research could be useful to the state and its policymakers, it would force us to think about how our research could be useful to social movements, human rights groups, protestors, oppressed groups, and humanity at large. Instead of valuing rubbing shoulders with the powerful and having “policy relevance” as the gold standard, it would make us value working with local communities and progressive groups and movements; it would provide a new aspirational gold standard based on how relevant and useful our research was to ongoing struggles for social justice. This would, I believe, over time, help CTS as a field to find a more balanced and consistent relationship to power than we currently have, and a better position or standpoint from which to engage in research and political practice.

### CP – States Cp

#### Text: The 50 states and relevant territories should engage in multistate antitrust action and enforcement over unilateral exclusion that reduces competition significantly.

#### States solve best---multistate organizations, expanded jurisdiction, and can “fill the gap”

Rauch 20 Daniel E. Rauch J.D. Yale Law School. (2020 ). ARTICLE: SHERMAN'S MISSING "SUPPLEMENT": PROSECUTORIAL CAPACITY, AGENCY INCENTIVES, AND THE FALSE DAWN OF ANTITRUST FEDERALISM. *Cleveland State Law Review*, 68, 172. <https://advance-lexis-com.proxy2.cl.msu.edu/api/document?collection=analytical-materials&id=urn:contentItem:5YDM-6NS1-FCK4-G4MV-00000-00&context=1516831>. {DK}

In 2020, as in 1890, states attorneys general have much to offer antitrust enforcement. Illegal anticompetitive conduct is often concentrated locally, rather than nationally, making state-level enforcement especially appropriate. 202Link to the text of the noteMany states have antitrust statutes (or bodies of state law) that allow for prosecutions that the federal laws do not. 203Link to the text of the noteState governments often will have better knowledge of local economic conditions than distant agencies in Washington, making them natural choices for [\*210] antitrust enforcement. 204Link to the text of the noteAnd if the federal government fails to enforce the antitrust laws, state attorneys general often have the ability and political incentives "step up" to "fill the void." 205Link to the text of the note

Yet, if the early failure of antitrust federalism holds a single lesson, it is that even such compelling political, historical, and economic imperatives are, without more, insufficient to spur state antitrust action. Unless state prosecutors have the capacity and incentives to take on the antitrust challenge, they will not act.

What does this mean for today's state antitrust enforcers? On one hand, the years since 1890 have seen several innovations that substantially mitigate the problem of prosecutorial capacity. Multistate organizations like the National Association of Attorneys General (NAAG) have allowed for coordination and information sharing between attorneys general on antitrust matters, thus reducing the costs and burden of such cases. 206Link to the text of the noteLikewise, the rise of multistate antitrust suits brought jointly by dozens of states allows for cost-and-capacity-sharing. 207Link to the text of the noteChanges in federal law, like the Hart-Scott-Rodino Act of 1976, created an economic incentive for states to pursue antitrust cases by codifying the ability of state attorneys general to sue as parens patriae and by offering states treble damages when they prevail (a strong economic incentive if ever there was one). 208Link to the text of the note

Going further, the federal government has sometimes expressly subsidized state antitrust efforts, as with the supplemental funding offered in the Crime Control Act of 1976. 209Link to the text of the noteAnd in some states, the capacity of the attorney general's office has increased to levels inconceivable at the turn of the century: New York's Attorney General, for instance, supervises over 1,800 employees, 210Link to the text of the notewhile California employs a staggering [\*211] 4,500. 211Link to the text of the notePerhaps because of these shifts, it is unsurprising that in recent times at least some state attorneys general have heeded the call to enforce state and federal antitrust laws, from local investigations of healthcare consolidation 212Link to the text of the noteto multistate actions against Silicon Valley behemoths like Apple and Amazon. 213Link to the text of the note

**P – Vagueness**

**Vagueness –**

**The plan’s generic wording is manipulated in implementation – magnified by the fact they didn’t spec an agent – wrecks solvency**

**Baer 20** [Bill Baer former visiting fellow in governance studies at The Brookings Institution and assistant attorney general of the Antitrust Division and as the acting associate attorney general of the U.S. Department of Justice, 11-19-2020 <https://equitablegrowth.org/research-paper/restoring-competition-in-the-united-states/?longform=true>]

Meaningful antitrust reform should be a priority of the next administration and the 117th U.S. Congress. The challenge of drafting legislation is substantial. On the one hand, the legislation must be written for a judiciary that is both increasingly hostile to antitrust claims in general and increasingly textualist in its statutory interpretation. On the other hand, in the context of the antitrust laws, courts have often “abandoned statutory textualism” to interpret the laws “in favor of big business,”15 explains Daniel Crane, the Fredrick Paul Furth Sr. professor of law at the University of Michigan Law School. If given discretion to interpret new legislation, the current judiciary is likely to fall back on the same **skepticism** of antitrust enforcement that it has advanced over the past 40 years.

Despite those concerns, legislation remains the best option to revitalizing antitrust enforcement. In drafting legislation, Congress can learn from the past. One case in point: The legislative history of the Celler-Kefauver bill, not its text, reveals the bill’s intent, which courts increasingly ignore.16 Congress can reduce that risk by **being explicit** in the text when vacating or rejecting existing precedent and when identifying relevant factors, such as the importance of protecting both actual and potential competition. Congress should identify in statute the elements sufficient to establish an antitrust violation **as precisely as possible**.

**Voting issue---**

**Aff conditionality destroys ground. 2AC clarifications dodge DA links and counterplan competition.**

**It’s also not topical – prohibitions are specific**

**Axtell 3** --- Katie Axtell, J.D. Candidate 2004, Seattle University School of Law, “Public Funding for Theological Training Under the Free Exercise Clause: Pragmatic Implications and Theoretical Questions Posed to the Supreme Court in Locke v. Davey”, Seattle University Law Review , 2003, https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1783&context=sulr

Government actions that constitute a prohibition under the First Amendment can be illustrated by analyzing state-instituted **barriers**, as interpreted by the Supreme Court in two seminal free exercise cases, Smith and Sherbert."s First, the classic setting of government prohibition of a religious observer's belief or practice is where an enacted law **specifically outlaws** a **particular practice**. In Smith, for example, state law prohibited the plaintiffs from ingesting peyote, a hallucinogenic drug from the stem of the peyote cactus.8 9 Possession of peyote is a Class B felony under Oregon law.9 " However, members of the Native American Church use peyote for sacramental purposes in a Saturday all-night ritual of prayers and songs.9 The act of eating, smoking, or drinking peyote "brings peace and healing, resists alcoholism, and gives visions of the Peyote Spirit who is regarded either as Jesus or an Indian equivalent."92 By outlawing the use of peyote, Oregon placed an affirmative barrier between the members of the Native American Church and their sacramental ingestion of peyote, which is a central tenet of their religious practice.

### PIC

**Plan: The United States federal government should substantially increase prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of the Sherman Act to prohibit unilateral exclusion that reduces competition significantly when generated by Internet Platforms and “Big Tech” companies outlined in 1ac Sitaraman and Fukuyama evidence.**

**Solves – zero ev that restrictions outside of tech are needed**

## Adv1

### Turn

**Tech innovation high --- expanding the scope of antitrust laws stifles it --- turns china**

**Packard 6-22** --- Clark Packard, Trade Policy Counsel, Finance Insurance & Trade, R-Street, “Hamstringing America’s most innovative firms is no way to compete with China”, JUN 22, 2021, https://www.rstreet.org/2021/06/22/hamstringing-americas-most-innovative-firms-is-no-way-to-compete-with-china/

The United States is locked into a **geopolitical competition with China** over the commanding heights of the 21st century economy. Much of the competition revolves around the nexus of international trade and investment and technology. **Washington has very legitimate concerns about China’s pursuit of indigenous innovation through high tech industrial policy**, but the situation warrants a smart response. At a time when policymakers are signaling their desire to outcompete China economically, **why are they also rushing to** ~~hobble~~ **[stifle] private sector American tech**nology **and innovation?**

Over the last several weeks, lawmakers have introduced five separate bills in United States House of Representatives aimed at cracking down on “Big Tech.” I’m not an antitrust scholar, but as my colleague Dr. Wayne Brough has written, the bills would, if enacted, “impose the most significant overhaul of the nation’s antitrust laws in our country’s history.” Rather than broad and durable antitrust principles that apply to all sectors of the economy, which have guided our competition policy for more than a century, the legislation under consideration is aimed squarely at large tech companies in the United States.

It is worth considering the **geopolitical and international economic ramifications of such a radical departure from existing law.**

In 2018, the United States released a report documenting China’s predatory commercial practices, which served as an indictment of sorts. The overarching theme of the report is that Beijing uses a number of unfair and pernicious methods to acquire American technology with the ultimate goal of supplanting the United States as the global leader in high tech innovation. Specifically, the report alleges that China pressures American firms into transferring technology to Chinese joint-venture partners as the cost of doing business—reaching the 1.4 billion potential consumers—in the country; China abuses intellectual property; engages in targeted foreign investment to acquire strategic American firms and assets; and with pervasive state support, hacks into commercial networks to steal trade secrets. On top of that, China provides massive subsidies to its leading technology firms to pursue research and development in critical areas. **These are very serious problems**, and demand a thoughtful and targeted response.

Instead, the United States has flailed at China. The Trump administration imposed tariffs, which triggered predictable retaliation against American exporters, imposed significant costs onto American consumers—both families and firms—and will almost certainly fail to change Beijing’s predatory commercial practices. It is estimated that the tariffs cost about 300,000 American jobs and lowered market capitalization by about $1.7 trillion through diminished investment, according to the New York Federal Reserve. In other words, the tariffs made the United States weaker and less competitive. Now, some in Congress want to pursue misguided antitrust policies that will unintentionally undermine the United States’ global competitiveness.

The firms targeted by the proposed legislation are among America’s **most globally competitive and innovative.** They drive **significant investment in cutting-edge tech**nologies like robotics and artificial intelligence, the types of research China is pursuing through its Made in China 2025 indigenous innovation industrial policy. A recent report from the Progressive Policy Institute (PPI) highlights how many of the largest American tech firms—Amazon, Alphabet (Google’s parent company), Intel, Facebook, Microsoft and Apple—were among the top 15 nonfinancial firms driving U.S. capital expenditures in 2020. Together, PPI estimates that these six firms made nearly $90 billion worth of private investment in 2020—up 6 percent from 2019, which is remarkable considering that the U.S. economy was lagging in 2020 due to the outbreak of COVID-19. Cracking down on these firms will mean less investment in research and development.

These American firms already must compete with heavily subsidized foreign competitors and face discriminatory foreign practices, particularly in China. Despite these hurdles, the American tech industry pushes the envelope on exactly the type of research and development that policymakers in the United States should welcome. These firms lead the world in current and next-generation technologies. Instead of embracing this type of American global commercial and technological leadership, or at least staying neutral toward it, the legislation under consideration would **favor foreign competitors** by [stifling] ~~kneecapping~~ our domestic technology firms with **heavy-handed regulation**, which will almost certainly benefit their foreign competitors.

The American tech industry is the envy of the world. That’s why China, the European Union and others are trying to mimic it through subsidies and discriminatory practices against foreign competition. Yet those policies are no match for a relatively free and dynamic economy fostered by existing competition policies. It simply **belies common sense** that the way to outcompete Beijing is by making the United States **weaker, less efficient and less dynamic through misguided efforts to single out** our most **globally competitive and successful firms**.

### Facebook turn

**Undermining Facebook bolsters the spread of Chinese hegemony:**

Wagner 18 --- Kurt Wagner has been a business and tech journalist since 2012 and was previously reporting for Mashable. He also covered general tech and Silicon Valley news in his first job as a tech reporter with Fortune magazine, based in San Francisco. Originally from the Seattle area, Kurt graduated from Santa Clara University with a B.S. in communication and political science. He served as Editor-in-Chief of The Santa Clara, the university newspaper, for two years, “Mark Zuckerberg says breaking up Facebook would pave the way for China’s tech companies to dominate,” <https://www.vox.com/2018/7/18/17584482/mark-zuckerberg-china-antitrust-breakup-artificial-intelligence>

The Facebook founder has argued before that Facebook isn’t a monopoly because it has a lot of competitors. But now Zuckerberg has another argument: Breaking up Facebook would be bad for America because it would clear the way for **Chinese tech companies** — which don’t have traditional American values — **to step in and dominate**. “I think you have this question from a policy perspective, which is, ‘Do we want American companies to be exporting across the world?’” Zuckerberg said to Recode Editor at Large Kara Swisher on this week’s Recode Decode podcast. “I think that the alternative, frankly, is going to be the Chinese companies. “I think you can bet that, if the government here is worried about — whether it’s **election interference or terrorism** — I don’t think **Chinese companies** are going to want to cooperate as much and aid the national interest there,” he continued. Zuckerberg also argued that Facebook’s size — the company has about 2.2 billion users and generated almost $40 billion in revenue last year — is thanks in large part to its international business and not its U.S. business. “We’re not big because we’re big in the United States,” Zuckerberg said. “If we weren’t an international company — if you just said, ‘Okay, you have to shut down all of your services outside the U.S.’ — we actually would not be very profitable at all. We actually would probably be unprofitable. “The reason why we are a successful and large company is because we have built something here that can serve billions of people around the world as well, which is actually where the margin comes from,” he continued. “Don’t get me wrong, there is a lot of revenue in the United States as well, but that would barely cover the costs of the company.” Of course, Facebook — which owns Instagram, WhatsApp and Messenger — is big in the United States. Roughly 50 percent of its revenue in 2017 came from U.S. and Canadian users, who are nearly three times more valuable to Facebook than users in Europe, and more than nine times more valuable than those in the Asia-Pacific. That’s just on the business front. If you look at influence, Facebook is enormously impactful as a news distributor in the U.S. The influence is so strong that we’ve spent much of the past 18 months discussing whether or not Facebook could have swayed a U.S. presidential election. Zuckerberg argued that outsized influence actually supports his claims, saying that limiting Facebook’s global scope might **put American values at stake**. “If we adopt a stance which is that, okay, we’re going to, as a country, decide that we’re going to clip the wings of these [American] companies and make it so that it’s harder for them to operate in different places or they have to be smaller, then there are plenty of other companies out there that are willing and able to take the place of the work that we’re doing,” he said, specifically suggesting Chinese tech companies as the replacements. “**And they do not share the values that we have**.” It’s an interesting argument, in part because it plays directly into President Trump’s “Make America Great Again” mantra. Why purposely weaken a strong American company at the risk of losing that market share to someone in China? It’s still unlikely that Facebook would actually be broken up anytime soon. The idea started to gain steam earlier this year when Zuckerberg first testified before Congress about the company’s data policies, and outside groups have pushed for the Federal Trade Commission to explore breaking up the social giant. But it’s unclear if, when or how anything more formal might actually take shape.

### Adv 1

**No risk of US – China war –** diplomatic ties, economic interdependence, geography, nuclear postures, balancing powers, no ideological conflict **–** any crisis won’t escalate

**Shifrinson, 19** – Joshua Shifrinson (Assistant professor of international relations at Boston University, “The ‘new Cold War’ with China is way overblown. Here’s why,” <https://www.washingtonpost.com/news/monkey-cage/wp/2019/02/08/there-isnt-a-new-cold-war-with-china-for-these-4-reasons/?noredirect=on&utm_term=.2f92e43bb9f3>)

Is a new Cold War looming — or already present — between the United States and China? Many analysts argue that a combination of geopolitics, ideology and competing visions of “global order” are driving the two countries toward emulating the Soviet-U.S. rivalry that dominated world politics from 1947 through 1990. But such concerns are **overblown**. Here are four big reasons why. 1. The historical backdrops of the two relationships are very different When the Cold War began, the U.S.-Soviet relationship was fragile and tenuous. Bilateral diplomatic relations were barely a decade old, U.S. intervention in the Russian Revolution was a recent memory, and the Soviet Union had called for the overthrow of capitalist governments into the 1940s. Despite their Grand Alliance against Nazi Germany, the two countries shared few meaningful diplomatic, economic or institutional links. In 2019, the situation between the **U**nited **S**tates and China is very different. Since the 1970s, **diplomatic interactions**, **institutional ties** and **economic flows** have all **exploded**. Although each side has criticized the other for domestic interference (such as U.S. demands for journalist access to Tibet and China’s espionage against U.S. corporations), these issues did not prevent cooperation on a host of other issues. Yes, there were tensions over the past decade, but these occurred against **a generally cooperative backdrop**. 2. **Geography** and powers’ **nuclear postures** suggest East Asia is **more stable** than Cold War-era Europe The Cold War was shaped by an intense arms race, nuclear posturing and crises, especially in continental Europe. Given Europe’s political geography, the United States feared a “bolt from the blue” attack would allow the Soviet Union to conquer the continent. Accordingly, the United States prepared to defend Europe with conventional forces, and to deter Soviet aggrandizement using nuclear weapons. Unsurprisingly, the Soviet Union also feared that the United States might attack and wanted to deter U.S. adventurism. Concerns that the other superpower might use force and that crises could quickly escalate colored Cold War politics. Today, the **U**nited **S**tates and China spend proportionally far less on their militaries than the United States and the Soviet Union did. Though an arms race may be emerging, U.S. and Chinese nuclear postures are **not nearly as large or threatening**: Arsenals remain far **below the size and scope** witnessed in the Cold War, and are kept at **a lower state of alert**. As for geography, East Asia is not primed for tensions akin to those in Cold War Europe. China can threaten to coerce its neighbors, but the water barriers separating China from most of Asia’s strategically important states make outright conquest significantly harder. Of course, as scholars such as Caitlin Talmadge and Avery Goldstein note, crises may still erupt, and each side may face pressures to escalate. Unlike the Cold War, however, U.S.-Chinese confrontations occur at sea with relatively **limited forces** and **without clear territorial boundaries**. This suggests there are **countervailing factors** that may give the two sides **room to negotiate** — and **limit the speed** with which a crisis unfolds. 3. The Cold War had just two major powers The Cold War took place in a bipolar system, with the United States and Soviet Union uniquely powerful, compared with other nations. This dynamic often pushed the United States and the U.S.S.R. toward confrontation and contributed to more or less fixed alliances; moreover, it encouraged efforts to suppress prospective great powers, such as Germany. In 2019, it’s not at all clear we are back to bipolarity. Analysts remain divided over whether the U.S. unipolar era is waning (or is already over) — and, if so, whether we are heading for a new period of bipolarity, modern-day multipolarity or something else. Regardless, most analysts accept that other countries will play a central role in East Asian security affairs. **Russia**, for example, still benefits from legacy military investments, **India** is developing economically and militarily, and **Japan** is beginning to build highly capable military forces to complement its still-significant economic might. Even if these nations aren’t as powerful as the United States or China, their presence makes for **more fluid diplomatic arrangements** and more diffuse security concerns than during the U.S.-Soviet competition. The resulting security dynamics are therefore likely to look very different. 4. Ideology plays less of a role in U.S.-Chinese relations Many people see the Cold War as an ideological contest between U.S.-backed liberalism and Soviet-backed communism. But that’s not the whole story. The early 20th century saw liberalism, communism and fascism vie for ideological preeminence. With fascism defeated alongside Nazi Germany, the postwar stage was set for a struggle between communism and liberalism to reinforce the U.S.-Soviet contest. That each ideology claimed universal scope ensured that the ideologies served as rallying cries for Third World conflicts, which were subsequently associated with the U.S.-Soviet struggle. The respective “ideologies” of the United States and China do not favor this type of contest today. Indeed, analysts calling for a hard-line stance against China have faced difficulties even identifying a coherent Chinese ideological alternative. And while some researchers claim that a nascent ideological contest pitting an “autocratic” China against the “liberal” **U**nited **S**tates is emerging, this narrative ignores the political contests that shape Chinese politics (and have parallels in U.S. politics). Autocracies and democracies often cooperate. And on one important ideological issue — how they organize their economic lives — China and the **U**nited **S**tates have both embraced economic growth via trade, the private sector and semi-free markets. Likewise, while a clearer Chinese ideological “brand” may eventually emerge, it is unclear whether the ideology would claim universal applicability. This is not to deny that there are tensions between the United States and China. What we are seeing, however, is **not a new cold war** but a reversion to a pre-1945 form of great power politics. What changed? Put simply, the United States no longer enjoys preeminence as the only superpower, as it did in the immediate post-Cold War era. The ideological, historical and geopolitical differences between today and the Cold War years far outweigh the similarities. As David Edelstein notes, at times it’s hard to understand what the United States and China are competing over. If that’s true, then there’s reason to believe there are more nuanced ways of understanding the tensions — and options for **managing great power politics** — than a Cold War reboot.

**China inevitably interferes in the SCS --- regardless of the aff --- AND, there’s no impact**

**Hilotin &** **Borbon, 19** – Jay Hilotin and Christian Borbon (Web Editor & a Web Producer for Gulf News, April 04-28-19, “Would a nuclear war erupt over South China Sea dispute?” from <https://gulfnews.com/world/asia/would-a-nuclear-war-erupt-over-south-china-sea-dispute-1.1556209400195>)

¶ “**Whoever controls the South China Sea**,” says a Japanese political strategist, “**will gain regional hegemony**.” ¶ Why is China reclaiming these islands and building military installations on them? ¶ China claims to have discovered the Spratly Islands during the reign of Han Dynasty — in 2BC. The Qing Dynasty, from the 13th to the 19th century, also marked the islands, according to the Chinese authorities. ¶ China’s nine-dashed line, which first appeared in 1947, is currently used by China to claim the entire South China Sea. ¶ This line claims almost whole of Spratly Islands and Scarborough Shoal and Paracels. ¶ The nine-dashed line was originally an eleven-dashed line to claim South China Sea first shown on a map published by China in 1947. ¶ Is there really oil and gas in the area? ¶ China claims the whole South China Sea not just because of the islands there. There's massive natural gas and oil deposit, according to a US Geological Survey (USGS) report. ¶ USGS states that there is a 95 per cent chance that the sea holds at least 750 million barrels of oil, a median chance of approximately 2 billion barrels and a 5 per cent probability of over 5 billion barrels. ¶ How many islands are occupied or built on by China? ¶ China claims up to 90 per cent of the South China Sea (SCS). The area it claims includes some of the waters Vietnam claims and areas that four other governments — Brunei, Malaysia, the Philippines and Taiwan — call their own. ¶ Chinese reclamation work is especially upsetting to Vietnam, because China controls the full Paracel island chain, also claimed by Vietnam, and three major islands in the Spratly chain. ¶ China’s island-building work has led to the deployment of military aircraft and radars. ¶ According to the Asia Maritime Transparency Initiative, a project of the US-based Center for Strategic and International Studies, Chinese crews had used 1,294 hectares of reclaimed land to help develop coral reefs and atolls under their control, the US Defense Department estimated in 2016. ¶ Subi Reef 02 Spratlys ¶ The Subi Reef, also known as Zhubì Jiāo in China, Zamora Reef in the Philippines and Da Xu Bi in Vietnam, in the Spratly Islands in the South China Sea. It is occupied by China, and has an airstrip of about 3km. It is 26km soutwest of the Philippine-occupied Thitu (Pag-Asa) island. According to AMTI, China’s island-building work has led to the deployment of military aircraft and radars. ¶ How many are claimed by Vietnam? ¶ SCS is known as the “East Sea” in Vietnam, which calls the Spratlys as “Truong Sa Islands”. The AMTI states that Vietnam has built up 10 small islands in the area since 2017, and occupies 21 features in the Spratlys. ¶ Number of islands build up by Vietnam in SCS since 2017, according to the Asian Maritime Tracking Initiative ¶ Vietnam has held its islands for many years. In addition, the areas where work takes place are close to the Vietnamese mainland. The country avoids military projects that might appear offensive. ¶ Vietnam belongs to the Association of Southeast Asian Nations (Asean), known for helping its members work out any differences. ¶ Vietnam has made significant progress on its land reclamation and upgrades of air infrastructure at Spratly Island. Vietnam has significantly upgraded its sole runway in the South China Sea—at Spratly Island—and constructing new hangars at that feature, according to the Asia Maritime Transparency Initiative (AMTI) ¶ Vietnam’s island claims are also supported by both Japan and the US — who both want to limit Chinese expansion. Japan agreed in 2014 to donate six coast guard vessels to Vietnam. ¶ According to the thediplomat.com, the latest islnad was taken a few days after a bloody clash on March 14, 1988 with China at Johnson South Reef. A full list of these features with their names and coordinates was publicised in the April 22, 1988, issue of Nhan Dan, the Vietnamese government’s mouthpiece. They are: ¶ The US Department of Defense (DoD) identified 34 outposts on these 21 features held by Vietnam. ¶ How many are claimed/occupied by Malaysia? ¶ Malaysia occupies at least five features in the disputed Spratly Islands, including the oceanic atoll known as Swallow Reef, where it reportedly has a naval presence. ¶ On December 21, 1979, Malaysia published a new map on its territorial waters and continental shelf boundaries, staking its claims to about a dozen tiny reefs and atolls in the southeastern portion of the Spratly Islands. ¶ These include: ¶ (1) Commodore Reef, (2) Amboyna Cay, (3) Southwest Shoal, (4) Ardasier Breaker, (5) Gloucestere Breakers, (6) Mariveles Reef, (7) Barque Canada Reef, (8) Lizzie Weber Reef, (9) Northeast Shoal, (10) Glasgow Shoal and (11) North Viper Shoal. ¶ Malaysia insisted these islands and reefs are within its proclaimed 200 nautical mile EEZ (Exclusive Economic Zone) and should be under Malaysian jurisdiction. ¶ Malaysia's 1979 new map was protested by China, Vietnam, the Philippines. It also raised disputes with Singapore and Indonesia over some islands and reefs that appeared in this map for the first time. ¶ The Malaysian military occupied Swallow Reef in June 1983 and renamed it Terumbu Layang-Layang or Pulau Layang-Layang, and established a permanent military presence there. ¶ In mid-1990s Malaysia developed the atoll into an island resort as an exercise to enhance its claim over this feature according to the according to spratlys.org. ¶ Malaysia has reportedly occupied the following: ¶ Malaysia has also been actively exploiting the oil and gas resources in the Spratlys area it claims, especially the James Shoal (Zengmu Ansha) area and the south Luconia Shoal (Nankang Ansha) area. ¶ How many are occupied by the Philippines? ¶ Today, there are nine features held by the Philippines in the Spratly Islands: ¶ How many are claimed/occupied by Taiwan? ¶ Itu Aba Island is a rock located in the Spratly Islands. Taiwan took permanent possession of the feature in 1956. ¶ How many are claimed/occupied by Brunei? ¶ Brunei claims the Louisa Reef. ¶ What would a war over the South China Sea islands be like? ¶ This is a question for today's military strategists to answer. An open conflict, while the least desirable option, **could erupt happen any time**. That's why there's a need for a code of conduct adhered to by all parties. ¶ The consequences of war would be hard to even imagine given the destructive power of today's sophiscated weaponry in the era of electronic warfare. The militarisation of the islands reclaimed by China, however, remains a new fact on the ground. ¶ Did China and the US fight a war before over these disputed islands? ¶ No. In the 1960s, China and the US almost went to war over two islands in the Taiwan Strait — Quemoy and Matsu — as the People’s Republic of China and Taiwan both claimed them as part of their national territory. ¶ The conflict was so bitter, it resulted in two crises. Both countries sent troops to the islands. The US thought of using nuclear tactical weapons in the area. ¶ During the standoff, both sides fortunately proceeded cautiously. Then President Richard Nixon decided to open diplomatic relations between the US and China. The standoff came to an abrupt halt. There has since been an amicable understanding about Quemoy and Matsu. ¶ What’s the international community’s stand on the Philippine claims? ¶ On July 12, 2016, the Permanent Court of Arbitration (PCA), an international arbitration tribunal, constituted under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) ruled against the People’s Republic of China’s maritime claims in Philippines v. China. ¶ What is the reaction of China and Taiwan to the PCA ruling? ¶ The People's Republic of China and the Republic of China (Taiwan) stated that they did not recognise the tribunal and insisted that the matter should be resolved through bilateral negotiations with other claimants. ¶ However, the tribunal did not rule on the ownership of the islands or delimit maritime boundaries. ¶ Is the PCA a UN agency? ¶ No. The Permanent Court of Arbitration (PCA) is an intergovernmental organisation based in The Hague, Netherlands. The PCA is not a court in the traditional sense. ¶ It provides services of arbitral tribunal to resolve disputes that arise out of international agreements between member states, international organisations or private parties. ¶ The cases span a range of legal issues involving territorial and maritime boundaries, sovereignty, human rights, international investment, and international and regional trade. The PCA is constituted through two separate multilateral conventions with a combined membership of 121 states. ¶ While the PCA is not a UN agency, the PCA is an official UN Observer. The Peace Palace was built from 1907 to 1913 for the PCA in The Hague. In addition, the building houses the Hague Academy of International Law, Peace Palace Library and the International Court of Justice. ¶ Code of Conduct: How will they help ease tensions? ¶ The sooner a bilateral or multilateral code of conduct is signed, the better for East Asian neighbours — with its 750 million inhabitants — and China itself. ¶ Otherwise, if the situation remains fluid and unstable, it’s not going to help anyone. ¶ Diplomatic stance as keeping our policy not to yield an inch of our rightful territory. War should be the absolute last resort. ¶ What if China does not adhere to UNCLOS or the PCS arbitration? ¶ Despite the existence of rules, embodied through the UNCLOS, there are limits to these rules. How can the poorly-armed Asean countries impose the rules on nuclear-armed China? ¶ There's an urgent need to move ahead with negotiations, supported by cooler heads and prudence in decision-making among the regional players. ¶ It’s unclear if the big power would use their big weapons — nukes — to resolve the South China Sea dispute. What’s clear is that these islets and — the now-reclaimed islands — are strategic: Whoever has a singular control over the South China Sea gain regional hegemony. ¶ Is there any hope for peaceful settlement? ¶ There are signs the claimant nations do seek to look past their contentious maritime issues. Fortunately, there's been some progress on this front, with Philippine-China talks on joint sea exploration, for example. ¶ 5 key takeaways: ¶ 1. Words create worlds ¶ When President Duterte said the US is “scared” of the idea of waging a war with China in a dispute over the Spratlys, while his foreign minister (Ted Locsin) claims that China’s reclamation and militarisation of the area were aimed at the US — and not at the Philippines — extra care needs to made in the choice of words before they are spoken. ¶ 2. Provoking a US-China war is lame ¶ No one, especially developing Asean, would have anything to gain from such an horrendous conflict. ¶ When security of the countries comes under direct threat, however, it is incumbent upon every inch of that country to use every ounce of its resource to defend its sovereignty. ¶ 3. Be realistic ¶ It would serve the claimants well to be realistic in resolving conflicting claims. International rules are toothless in the face of global power politics. ¶ The belief that the US, with its mutual defence treaties, would come to the rescue of claimants like the Philippines, Vietnam and Malaysia, in a conflict with China should be tempered by present-day security challenges. ¶ China is obviously interested in exploring mineral wealth beneath the disputed areas. Joint exploration agreements for oil and gas development would be a good start. This deserves a closer look, and greater consideration

## Adv 2

### Adv 2

#### Democracy resilient – overwhelming public backing supports gains

Wollack 16 ---- Kenneth, president of the National Democratic Institute, former co-editor of the Middle East Policy Survey, former senior fellow at UCLA’s School for Public Affairs, “How Resilient is Democracy?” This text is the transcript from an interview with Alexander Heffner, PBS – The Open Mind, 10/15, <http://www.thirteen.org/openmind/government/how-resilient-is-democracy/5553/>

Well I think we’re seeing a number of phenomena that take place. Um, first of all you have new democracies around the world, that are struggling to deliver for its people. New institutions, political institutions that for the first time have legitimacy among the people, but in order to succeed and sustain their democratic system, they have to deliver on quality of life issues for, for the entire population. And if those institutions don’t deliver in many of these new democracies that have emerged over the last forty years, uh, then you’re gonna see backsliding and people will either go to the streets or vote for a populist demagogue who promises to bring sort of instant solutions to their problems. And then in non-democratic countries, you have what is called authoritarian learning, and that is autocrats today that are smarter than they were before, uh, that are fearful of diffusion of political power, uh, fearful of losing power themselves. Um, and they are using uh, traditional means and new legal means in which to repress the population, prevent the emergence of civil society, and not to speak of opposition political parties. And then you have a situation that you see in a number of countries in the Middle East where you have a sectarian strife and conflict. Uh, but in all of these situations, what you find is democratic resilience. That people around the world basically want the same thing. They want to put food on their table, uh, they want to have jobs and shelter and they want a political voice. And that, those aspirations and those hopes, uh, and those desires as I said are universal, and if you look at public opinion polls around the world, uh, people do want to have democratic systems that allow them to participate in the political life of their country. And that is, we are in the optimism business, and we believe in people and I think that ultimately those efforts, um, will, will succeed. But they need a lot of support, they need backing, um, uh, in order for uh, some very brave and courageous people to, to move the democratic for—uh, process forward in some of the most unlikely places in the world.

#### Democracy doesn’t cause peace – statistical models are spurious and don’t assume economic growth

Mousseau, 12 (Michael – Professor IR Koç University, “The Democratic Peace Unraveled: It’s the Economy” International Studies Quarterly, p 1-12)

Model 2 presents new knowledge by adding the control for economic type. To capture the dyadic expectation of peace among contract-intensive nations, the variable Contract- intensive EconomyL (CIEL) indicates the value of impersonal contracts in force per capita of the state with the lower level of CIE in the dyad; a high value of this measure indicates both states have contract-intensive economies. As can be seen, the coefficient for CIEL ()0.80) is negative and highly significant. This corroborates that impersonal economy is a highly robust force for peace. The coefficient for DemocracyL is now at zero. There are no other differences between Models 1 and 2, whose samples are identical, and no prior study corroborating the democratic peace has considered contractintensive economy. Therefore, the standard econometric inference to be drawn from Model 2 is the nontrivial result that **all prior reports of democracy as a force for peace are probably spurious, since this result is predicted and fully accounted for by economic norms theory.** CIEL and DemocracyL correlate only in the moderate range of 0.47 (Pearson’s r), so the insignificance of democracy is not likely to be a statistical artifact of multicollinearity. This is corroborated by the variance inflation factor for DemocracyL in Model 2 of 1.85, which is well below the usual rule-of-thumb indicator of multicollinearity of 10 or more. Nor should readers assume most democratic dyads have both states with impersonal economies: While almost all nations with contract-intensive economies (as indicated with the binary measure for CIE) are democratic (Polity2 > 6) (Singapore is the only long-term exception), more than half—55%—of all democratic nation-years have contract-poor economies. At the dyadic level in this sample, this translates to 80% of democratic dyads (all dyads where DemocracyBinary6 = 1) that have at least one state with a contract-poor economy. In other words, not only does Model 2 show **no evidence of causation from democracy to peace** (as reported in Mousseau 2009), but it also illustrates that this absence of democratic peace includes the vast majority—80%—of democratic dyad-years over the sample period. Nor is it likely that the causal arrow is reversed—with democracy being the ultimate cause of contract-intensive economy and peace. This is because correlations among independent variables are not calculated in the results of multivariate regressions: Coefficients show only the effect of each variable after the potential effects of the others are kept constant at their mean levels. If it was democracy that caused both impersonal economy and peace, then there would be some variance in DemocracyL remaining, after its partial correlation with CIEL is excluded, that links it directly with peace. The positive direction of the coefficient for DemocracyL informs us that no such direct effect exists (Blalock 1979:473–474). Model 3 tests for the effect of DemocracyL if a control is added for mixed-polity dyads, as suggested by Russett (2010:201). As discussed above, to avoid problems of mathematical endogeneity, I adopt the solution used by Mousseau, Orsun and Ungerer (2013) and measure regime difference as proposed by Werner (2000), drawing on the subcomponents of the Polity2 regime measure. As can be seen, the coefficient for Political Distance (1.00) is positive and significant, corroborating that regime mixed dyads do indeed have more militarized conflict than others. Yet, the inclusion of this term has no effect on the results that concern us here: CIEL ()0.85) is now even more robust, and the coefficient for DemocracyL (0.03) is above zero.7 Model 4 replaces the continuous democracy measure with the standard binary one (Polity2 > 6), as suggested by Russett (2010:201), citing Bayer and Bernhard (2010). As can be observed, the coefficient for CIEL ()0.83) remains negative and highly significant, while DemocracyBinary6 (0.63) is in the positive (wrong) direction. As discussed above, analyses of fatal dispute onsets with the far stricter binary measure for democracy (Polity = 10), put forward by Dafoe (2011) in response to Mousseau (2009), yields perfect prediction (as does the prior binary measure Both States CIE), causing quasi-complete separation and inconclusive results. Therefore, Model 5 reports the results with DemocracyBinary10 in analyses of all militarized conflicts, not just fatal ones. As can be seen, the coefficient for DemocracyBinary10 ()0.41), while negative, is not significant. Model 6 reports the results in analyses of fatal disputes with DemocracyL squared (after adding 10), which implies that the likelihood of conflict decreases more quickly toward the high values of DemocracyL. As can be seen, the coefficient for DemocracyL 2 is at zero, further corroborating that even very high levels of democracy do not appear to cause peace in analyses of fatal disputes, once consideration is given to contractintensive economy. Models 3, 4, and 6, which include Political Distance, were repeated (but unreported to save space) with analyses of all militarized interstate disputes, with the democracy coefficients close to zero in every case. Therefore, the conclusions reached by Mousseau (2009) are corroborated even with the most stringent measures of democracy, consideration of institutional distance, and across all specifications: The **democratic peace appears spurious**, with contract-intensive economy being the more likely explanation for both democracy and the democratic peace.

### 1NC --- Misinfo Solvency / Turn

#### Turn --- More competition expands misinformation --- makes it harder to oversee

Aral 20 --- Sinan Aral is the Director of the MIT Initiative on the Digital Economy, “Breaking Up Facebook Won’t Fix Social Media”, Sept 30th 2020, https://hbr.org/2020/09/breaking-up-facebook-wont-fix-social-media

The antitrust case against Facebook ignores these economic conditions, and it does nothing to directly protect privacy, distinguish free speech from hate speech, ensure election integrity, or reduce fake news. In fact, it will make addressing these harms more difficult by creating more social platforms to regulate and oversee. Rather than politically expedient trust busting, we need structural reform — first to catalyze the competition that a breakup will fail to achieve and then to unwind the market failures wrought by the social economy, one by one. Let’s look at a few structural reforms that would helps us achieve the promise — and avoid the peril — of social media.

### 1NC --- Misinfo Regulation Now

#### Facebook rolling out virtual circuit breakers --- that solves

Fisher 20 --- Christine Fisher, freelance writer based in Maine. She earned her bachelor’s in journalism at Temple University, “Facebook is reportedly testing a ‘virality circuit breaker’ to stop misinformation”, Aug 2020, Facebook is reportedly testing a ‘virality circuit breaker’ to stop misinformation

Facebook is reportedly piloting a new way to check viral posts for misinformation before they spread too far, The Interface reports. The method is a kind of “virality circuit breaker” that slows the spread of content before moderators have a chance to review it for misinformation.

In a recent report, the Center for American Progress (CAP) recommended virality circuit breakers, which automatically stop algorithms from amplifying posts when views and shares are skyrocketing. Theoretically, that gives content moderators time to review the posts. According to The Interface, Facebook says it’s piloting an approach that resembles a virality circuit breaker, and it plans to roll it out soon.

### 1NC --- Not A Lot Of People Consume Fake News

#### Fake news has a low reach

Nyhan 19 --- Brendan Nyhan Professor of Public Policy, University of Michigan, “Why Fears of Fake News Are Overhyped” Gen, Feb 2019, https://gen.medium.com/why-fears-of-fake-news-are-overhyped-2ed9ca0a52c9

The fake news panic echoes fears that prior forms of communication would brainwash the public. Just as exaggerated accounts of hysteria over Orson Welles’ War of the Worlds broadcast took advantage of doubts about radio, claims about the reach and influence of fake news express people’s broader concerns about social media and the internet.

Many important concerns about online misinformation still remain, including the influence of the fake news audience, the difficulty of countering fake news at scale, the dangers of Facebook’s size, and the threat of YouTube-based radicalization. But none of these questions can be adequately addressed without creating a reality-based debate that puts fake news in context as just one of the many sources of misinformation in our politics.

Real data about fake news

Any conversation about fake news has to start with hard data on the extent of the problem. Unfortunately, these data are lacking. Most discussions of fake news exposure rely on simple counts of views or readers that lack essential context on who was exposed to the content and how frequently and what other information they also consume. By contrast, a study I conducted with political scientists Andrew Guess and Jason Reifler drew on nationally representative laptop/desktop web traffic data from an online panel, allowing us to measure who visited fake news sites before the 2016 election with unprecedented precision.

We found that the reach of fake news declined dramatically in the period before the 2018 midterm elections.

We find that only 27 percent of Americans visited fake news websites, which we define as recently created sites that frequently published false or misleading claims that overwhelmingly favor one of the presidential candidates, in the weeks before the 2016 election. These visits show the expected political skew — Clinton and Trump supporters tended to prefer pro-Clinton and pro-Trump sites, respectively — but made up only about 2 percent of the information people consumed from websites focusing on hard news topics. Consistent with behavioral evidence showing that online echo chambers are relatively rare, fake news consumption was concentrated among the 10 percent of Americans with the most conservative news diets, who were responsible for approximately six in 10 visits to fake news websites during this period. Even in that group, however, fake news made up less than 8 percent of their total news diet. Finally, people ages 60 and over consumed more fake news than other cohorts, which may reflect a lack of digital literacy or simply having more time to read news. (Other scholars have found similar patterns in Facebook sharing and Twitter sharing and consumption of fake news.)

Moreover, the reach of fake news declined dramatically in the period before the 2018 midterm elections. In a new report co-authored with Benjamin Lyons and Jacob Montgomery, Guess, Reifler, and I found that just 7 percent of Americans visited one of the fake news sites that we previously identified in 2018 — a decline of approximately 75 percent in relative terms. (Consumption differences between groups by age, partisanship, and news diets remained similar to 2016.)

Moreover, the role of Facebook in the spread of fake news appears to have changed. In 2016, the site differentially appeared in web traffic just before visits to fake news sites, suggesting it played a key role in enabling the spread of fake news. No such pattern is apparent in the 2018 data. This result, which echoes findings from other studies and holds with an updated set of websites we compiled before the 2018 study, suggests that the platform’s efforts to limit the reach of fake news are having some impact. (Such inferences are necessarily indirect because Facebook remains largely closed to outside research for now.)

Research is also providing new insights into another limitation on the effects of fake news: who believes it. One key factor is directionally motivated reasoning — people’s increased willingness to accept dubious claims that are consistent with their partisan or candidate preferences. When my co-authors and I tested the perceived accuracy of a number of fake news headlines, belief in the accuracy of headlines that favored respondents’ preferred party (17 to 48 percent) was much higher than headlines that favored the opposition party (10 to 22 percent). Another important element, as psychologists Gordon Pennycook and David Rand emphasize, is analytical thinking ability. People who score low on this measure are especially prone to endorse false headlines. By contrast, those who score high are more likely to reject fake news even when it supports their political viewpoint.

Finally, there remains no evidence that fake news changed the result of the 2016 election. Any such claim must take into account not just the reach of fake news but also the proportion of those exposed to it whose behavior could be changed. As noted above, approximately six in 10 visits to fake news websites came from the 10 percent of Americans with the most conservative news diets — a group that was already especially likely to vote and to support Donald Trump. Accordingly, my colleagues and I find no association between pro-Trump fake news exposure and differential shifts in candidate support or voter turnout.

## 2NC

**2NC v PDB**

**Plan and perm include *non-FTC actors*.**

**Involvement of external actors *that are political appointees* creates *perceptions* of external influence. That erodes the signal of FTC independence.**

* The article outlines a difference between political appointees subject to *at-will* removal by POTUS (serve at the pleasure of the President – i.e. Solicitor General, AG, DOJ, etc) **VIS-A-VIS** *for-cause* agency Committee members. FTC Commissioners – an example in the article - operate on 7 year terms, spanning Administrations, and can solely be removed for-cause.

**Kovacic ‘15**

et al; William E. Kovacic - Global Competition Professor of Law and Policy, George Washington University Law School; Non-Executive Director, United Kingdom Competition and Markets Authority. From January 2006 to October 2011, he was a member of the Federal Trade Commission and chaired the agency from March 2008 to March 2009. - “The Federal Trade Commission as an Independent Agency: Autonomy, Legitimacy, and Effectiveness” - 100 Iowa L. Rev. 2085 (2015) - #E&F - https://ilr.law.uiowa.edu/print/volume-100-issue-5/the-federal-trade-commission-as-an-independent-agency-autonomy-legitimacy-and-effectiveness/

On March 16, 1915, the Federal Trade Commission (“**FTC**”) opened for business and began what has proven to be a **uniquely compelling experiment** in economic regulation. The FTC was the first law enforcement agency to be designed “from the keel up” as a competition agency. One vital consideration in forming the new institution was to define its relationship **to the political process**. Among other features in the original FTC Act, Congress provided that the agency’s commissioners would have fixed, seven-year terms and that a commissioner could be removed during his or her term only **for cause**.

Through these and other design choices, Congress created what would come to be known **as the world’s first “independent” competition agency**. The **FTC**’s degree of **insulation from** direct **political control** supplied **an influential model** **of institutional design** and contributed to **the acceptance of a norm**, evident in modern commentary about competition law, that **public** enforcement agencies **should be politically independent**. This Essay examines the relationship of competition agencies to the political process. We use the experience of the FTC to address three major issues. First, what does it mean to say that a competition agency is “independent”? Second, how much insulation from political control can a competition agency achieve in practice? Third, how is the pursuit of political independence properly reconciled with demands that a competition agency be accountable for its decisions—an important determinant of legitimacy—and with the need to engage with elected officials to be effective in performing functions such as advocacy?

In addressing these questions, we seek to develop themes we have addressed in earlier work involving the establishment and operations of the FTC. We approach the topic in the spirit of Professor Herbert Hovenkamp, whose work shows how historical research can improve our understanding of a competition system. Professor Hovenkamp’s scholarship has deeply influenced our approach to this field, and we are honored to participate in a symposium that celebrates his extraordinary contributions to competition law and policy.

II. The Relationship of the Competition Agency to the Political Process: Design Tradeoffs

The suggestion that competition agencies **be independent** reflects a desire to enable enforcement officials to make decisions **without** destructive **intervention** by elected officials or by **political appointees who head other** government **departments**. One method of providing the desired independence from these forms of interference is for the law to state that competition agency leaders can be removed by elected officials only for good cause. Political intervention undermines sound policy making when it causes the agency to bend the application of competition law to serve special interests at the expense of the larger society’s well being. As discussed below, because antitrust-relevant behavior (e.g., a merger) can involve large commercial stakes and affect the economic fortunes of individual firms and communities, the decisions of a competition agency can attract close scrutiny by heads of state, legislators, and cabinet officials.

The need for independence arguably varies according to the function that the competition agency is performing. In carrying out some functions, particularly certain law enforcement functions, the agency requires **greater insulation from political pressure**. For other functions, broader involvement by elected officials in setting the agency’s agenda and determining its choice of projects may be appropriate.

The **utmost degree of independence** is warranted when a competition agency **functions as an adjudicative decisionmaker**. Congress gave the FTC authority to use **administrative** adjudication to **develop norms** of business conduct. After the agency initiates a formal prosecution and functions as a trade court, the legitimacy of its decisions **requires** the **highest degree of assurance** that sound technical analysis, **not political intervention**, determined the outcome.

**Links to politics**

**Solvency**

**their args don’t assume the 1NC distinctions in our CP Text.** **Our planks about *policy statements* and *data sets* mean CP avoids politics and rollback.**

* Assumes rollback efforts from either Political and Judicial actors.
* Empirical examples of FTC rollback go *Neg* – those episodes DID NOT include policy statements or data sets.

**Kovacic ‘15**

et al; William E. Kovacic - Global Competition Professor of Law and Policy, George Washington University Law School; Non-Executive Director, United Kingdom Competition and Markets Authority. From January 2006 to October 2011, he was a member of the Federal Trade Commission and chaired the agency from March 2008 to March 2009. - “The Federal Trade Commission as an Independent Agency: Autonomy, Legitimacy, and Effectiveness” - 100 Iowa L. Rev. 2085 (2015) - #E&F - https://ilr.law.uiowa.edu/print/volume-100-issue-5/the-federal-trade-commission-as-an-independent-agency-autonomy-legitimacy-and-effectiveness/

Longevity for its own sake is hardly a worthy aim. There is little evident value in preserving a competition agency that ensures its survival by committing itself to unobtrusive law enforcement and declining to confront important and potentially controversial market failures. If a competition agency is to retain an economically significant enforcement role, one must ask how the agency is to perform that role without: (a) succumbing to pressure that undermines its capacity to make merits-based decisions about how to exercise its power to bring and resolve cases or use other instruments in its policy-making portfolio; and (b) losing the accountability and effectiveness that requires some connection to and engagement with the political process. What measures might enable a competition agency to resist suggestions that it undertake fundamentally flawed initiatives? How can one protect meritorious enforcement programs from political attack and intervention by political branches of government as such programs come to fruition? Presented below are some possible solutions.

A. Greater Specification of Authority

One approach is to avoid extremely open-ended grants of authority which application invites objections that the agency has overreached its mandate or inspires political demands that it use seemingly elastic powers to address all perceived economic problems. A fuller specification of powers and elaboration of factors to be considered in applying the agency’s mandate can supply a more confident basis for the authority’s exercise of power and a stronger means to resist arguments that it enjoys unbounded power.

B. More Transparency, Including Reliance on Policy Statements and Guidelines

Greater transparency in operations can increase the agency’s perceived legitimacy and supply a useful **barrier** to destructive political intervention. The foundations of a strong transparency regime include the compilation and presentation of **complete data sets** that document agency activity and matter-specific transparency devices, such as the preparation of statements that explain why the agency closed a specific investigation.

Competition agencies can usefully rely extensively upon policy statements and guidelines to communicate their enforcement intentions and delimit the intended application of their powers. One purpose of such statements is to suggest how the agency defines the bounds of the more open-ended and inevitably ambiguous grants of authority its enabling statutes. For example, the FTC’s policy statements in the early 1980s concerning consumer unfairness and deception were important steps towards defining how the agency intended to apply its generic consumer protection powers. By articulating the bases upon which it would challenge unfair or deceptive conduct, **the Commission strengthened external perceptions** (within the business community and **within Congress**) that it would exercise its powers within structured, principled boundaries, and it increased, as well, its credibility before courts. The FTC has never issued a policy statement concerning its authority to ban **u**nfair **m**ethods of **c**ompetition, and the failure to do so has impeded the effective application of this power.

A second important use of policy statements is to introduce plans for innovative enforcement programs. Before embarking upon a new series of initiatives, the competition agency would issue a policy statement that identifies conduct it intends to examine and, in stated circumstances, proscribe. Here, again, **the FTC**’s experience provides a useful illustration. Policy statements would be useful when the agency seeks to use **section 5** of the FTC Act to reach beyond existing interpretations of the Sherman and Clayton Acts, or to apply conventional antitrust principles to classes of activity previously undisturbed by antitrust intervention. **By issuing a policy statement before** commencing lawsuits, the FTC would give affected parties an opportunity to comment upon the wisdom of the agency’s proposed course of action and to adjust their conduct. Such an approach would likely **increase confidence** within industry and **within Congress** that the Commission is acting fairly and responsibly, and it could well make courts more receptive to the FTC’s application of section 5 as well.

**CPlan solves Big Tech Affs**

**Rozga ‘21**

et al; Kaj Rozga is a former Federal Trade Commission attorney with a breadth of antitrust experience representing clients in litigation, cartel, and transactional matters. While with the FTC's Bureau of Competition, Kaj was a member of trial teams that brought a pair of successful hospital merger challenges and was involved in the review of various healthcare, consumer products, and technology deals. He is now an attorney in the private sector. “Major Leadership and Policy Changes at the FTC—What They Mean for Antitrust and Consumer Protection Enforcement in Technology Markets” – Davis, Wright, Tremaine, LLP - 07.14.21 - #E&F - https://www.dwt.com/insights/2021/07/biden-ftc-antitrust-initiatives

The recent developments at the FTC reflect an antitrust and consumer protection regulatory landscape that is very much in flux, with technology markets, **in particular**, in the cross hairs. Companies should expect to encounter a more aggressive FTC that opens a larger volume of investigations, brings more borderline cases, and wields its rulemaking authority more broadly.

For large technology incumbents, these developments suggest **meaningfully more regulatory and legal risk**, in particular as these companies expand into new markets either through internal product development or by acquisition.

What constitutes **"unfair methods of competition"** under Section 5, **for example**, could be open to quite broad interpretation. At a minimum, it should be expected that the FTC will push for more aggressive enforcement to protect of rivals, trading partners, buyers, and employees, even where customers or consumers are not being harmed.

More aggressive merger enforcement in technology markets will likely single out acquisitions of nascent or potential rivals. It seems plausible that the agency will also more frequently rely on novel theories of competitive harm, such as those involving purported vertical or conglomerate effects that an acquisition may have on the wider ecosystem in which a technology company operates.

**2NC v PDCP**

**We compete on three phrases:**

* **“Law v. Reg”** – (POGO ev – below - CP expands and enforcement Agency’s Regs/Rules – not external “Law”)
* **“increase prohibitions”** (selectively under-enforced v. more enforcement)
* **AND; “expand scope”** (“agency interp” vs. “a larger legal scope than presently exists on paper”)

**First, Aff severs *“Law”***

* We aren’t prohibiting or expanding anything (below);
* But *if we were*, it’s NOT an expansion of the LAW:

**P.O.G.O. ‘15**

Project On Government Oversight *- Internally quoting Chief Justice Roberts’ Majority Opinion in US Supreme Court’s 7-2 decision in Department of Homeland Security v. MacLean* (2015) - which dealt largely with statutory interpretation. The Project On Government Oversight (POGO). POGO’s investigators are experts in working with whistleblowers and other sources inside the government who come forward with information that we then verify using the Freedom of Information Act, interviews, and other fact-finding strategies. We publish these findings and release them to the media, Members of Congress and their constituents, executive branch agencies and offices, public interest groups, and our supporters. In addition to quoting the Majority Opinion from the Chief Justice, this article was authored by POGO’s Phillip Shaverdian – who is currently a Judicial Law Clerk within the U.S. District Court System and, at the time of the writing, was an intern within and correspondent on behalf of the Project On Government Oversight - “Agency Rules and Regulations Are Not Laws” - FEBRUARY 10, 2015 - #E&F – modified for language that may offend - https://www.pogo.org/analysis/2015/02/agency-rules-and-regulations-are-not-laws/

Agency Rules and Regulations **Are Not Laws**

In January, in one of the most riveting cases of the current session, the Supreme Court ruled **7-2** in favor of Transportation Security Administration (TSA) whistleblower Robert MacLean, holding that **agency rules and reg**ulation**s** **do not equate** to **laws**. **Chief Justice John Roberts wrote the majority opinion for the Court.** And now that we’ve had time to celebrate the victory for MacLean, it’s time to turn our focus to what Department of Homeland Security v. MacLean may mean for whistleblowers in general.

Current federal whistleblower protection law—the Whistleblower Protection Act (**WPA**)—protects individuals against backlash from employers for disclosing information about “any violation of any **law,** **rule** or regulation” or “a substantial and specific danger to public health or safety” by a federal agency. However, in the same statute there exists an exception for disclosures that are “specifically **prohibited** by ***law***.”

The question the Court sought to answer was whether MacLean’s disclosures were “specifically **prohibited** by ***law***.”

The Homeland Security Act of 2002 states that the **TSA’s** “Under Secretary shall prescribe **reg**ulation**s** prohibiting the disclosure of information obtained or developed in carrying out security” if they decide that the disclosure of that information would “be detrimental to the security of transportation.” The resultant **reg**ulation**s** thus **prohibit** the disclosure of “sensitive security information” (**SSI**) without the proper authorization. Among the various types of information that could be designated SSI is “information concerning specific numbers of Federal Air Marshals, deployments or missions, and the methods involved in such operations.”

The government argued that **MacLean’s** disclosures were “specifically prohibited by law” and that the WPA did not offer protection **for two reasons: 1)** the disclosure was prohibited by specific TSA **regulations** on SSI; **and** **2)** the **H**omeland **S**ecurity **A**ct authorizes the TSA to promulgate the **regulations**.

The Court addressed and subsequently **rejected both arguments**, affirming the judgment in favor of MacLean by the U.S. Court of Appeals for the Federal Circuit.

The Court **rejected the** government’s **argument** that a disclosure that is prohibited **by regulation** **is** also “specifically prohibited **by law,”** as prescribed by federal whistleblower statute.

The Court elaborates that **in the WPA** Congress repeatedly used the phrase “law, rule, or regulation,” but did not use the same phrase in the statutory language at question in this case. Instead, Congress used the word “law” alone, suggesting that it meant to exclude rules and regulations from the specific stipulation. Congress’s omission of “rule, or regulation” **must be** ~~viewed~~ (**considered**) as **deliberate** because of the use of “law” and “law, rule, or regulation” in the same sentence, as well as the frequent use of the latter phrase throughout the statute. These “two aspects of the whistleblower statute make Congress’s choice to use the narrower word “law” seem quite deliberate,” opined the Court.

After creating an exception for disclosures “specifically prohibited by law,” the WPA also creates a second exception for information “specifically required by Executive order to be kept secret.” The second exception is limited to actions taken by the President, and thus suggests that the first exception and the use of “law” is limited to actions by Congress.

The Court also reasons that “If **‘law’** included **agency rules and reg**ulation**s**, then an agency could insulate itself from the scope of Section 2302(b)(8)(A) merely by promulgating a regulation that ‘specifically prohibited’ whistleblowing.” Instead, “Congress passed the whistleblower statute precisely because it did not trust agencies to regulate whistleblowers within their ranks.” **The Court concluded** that “it is unlikely that Congress meant to include rules and regulations within the word ‘law’” and that **the specificity of the phrase** “specifically **prohibited by law**” was meant to deliberately **exclude rules and reg**ulation**s**.

* **Second is *“Increase prohibition*”;**

**The underlying conduct’s *already prohibited* – albeit in vague terms which beg questions of enforcement and interpretation. That’s Khan – we’re re-including for clarity, but 1NC read all this:**

**NOTE**: All highlighted portions (green and blue) of this card were read in the 1NC. The 1NC card made solvency and competition claims – and, to offer context, we’ve used blue highlighting to outline the parts of the ev that augment our perm/competition claims.

**Kahn ‘21**

et al; This is a recent joint statement released by the five Federal Trade Commissioners. The Chair of the Federal Trade Commission is Lina Khan - an Associate Professor of Law at Columbia Law School. Also on the Commission is Rohit Chopra – who was previously The Assistant Director of the Consumer Financial Protection Bureau, as well as Rebecca Slaughter - an American attorney who was previously the acting chair of the Federal Trade Commission. Two others also sit on the Commission. “STATEMENT OF THE COMMISSION On the Withdrawal of the Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act” - July 9, 2021 - #E&F – modified for language that may offend - https://www.ftc.gov/system/files/documents/public\_statements/1591706/p210100commnstmtwithdrawalsec5enforcement.pdf

**Section 5** of the **F**ederal **T**rade **C**ommission **A**ct **prohibits** “unfair methods of competition in or affecting commerce.”1 In 2015, the Federal Trade Commission under Chairwoman Edith Ramirez published the Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act (hereinafter “2015 Statement”), which established principles to guide the agency’s exercise of its “standalone” Section 5 authority.2 Although presented as a way to reaffirm the Commission’s preexisting approach to Section 5 and preserve doctrinal flexibility,3 the 2015 Statement contravenes the text, structure, and history of Section 5 and largely writes the FTC’s standalone authority out of existence. In our ~~view~~ (perspective), the 2015 Statement abrogates the Commission’s **congressionally mandated duty** to use its expertise to identify and combat unfair methods of competition even if they do not violate a separate antitrust statute. Accordingly, because the Commission intends to restore the agency to this critical mission, the agency withdraws the 2015 Statement.

I. Background

On August 13, 2015, the Federal Trade Commission issued the 2015 Statement, which announced that the Commission would apply Section 5 using “a framework similar to the rule of reason,” by only challenging actions that “cause, or [are] likely to cause, harm to competition or the competitive process, taking into account any associated cognizable efficiencies and business justifications[.]”4 The 2015 Statement advised that the Commission is “less likely” to raise a standalone Section 5 claim “if enforcement of the Sherman or Clayton Act is sufficient to address the competitive harm.”5

In a statement accompanying the issuance of these principles, the Commission explained that its enforcement of Section 5 would be “aligned with” the Sherman and Clayton Acts and thus subject to “the ‘rule of reason’ framework developed under the antitrust laws[.]”6 In a speech announcing the statement, Chairwoman Ramirez noted that she favored a “common-law approach” to Section 5 rather than “a prescriptive codification of precisely what conduct is prohibited.”7 She also acknowledged that the Commission’s policy statement was codifying an interpretation of Section 5 that is more restrictive than the Commission’s historic approach and more constraining than the prevailing case law.8 She added, “[W]e now exercise our standalone Section 5 authority in a far narrower class of cases than we did throughout most of the twentieth century.”9

With the exception of certain administrative complaints involving invitations to collude, the agency has pled a standalone Section 5 violation just once in the more than five years since it published the statement. 10

II. The Text, Structure, and History of Section 5 Reflect a Clear Legislative Mandate Broader than the Sherman and Clayton Acts

By tethering Section 5 to the Sherman and Clayton Acts, the 2015 Statement negates the Commission’s core legislative mandate, as reflected in the statutory text, the structure of the law, and the legislative history, and undermines the Commission’s institutional strengths.

In 1914, Congress enacted the **F**ederal **T**rade **C**ommission **A**ct to reach beyond the Sherman Act and to provide an alternative institutional framework for **enforcing** the **antitrust** laws. 11 After the Supreme Court announced in Standard Oil that it would subject restraints of trade to an open-ended “standard of reason” under the Sherman Act, lawmakers were concerned that this approach to antitrust delayed resolution of cases, delivered inconsistent and unpredictable results, and yielded outsized and unchecked interpretive authority to the courts.12 For instance, Senator Newlands complained that Standard Oil left antitrust regulation “to the varying judgments of different courts upon the facts and the law”; he thus sought to create an “administrative tribunal … with powers of recommendation, with powers of condemnation, [and] with powers of correction.”13 Likewise, a 1913 Senate committee report lamented that the rule of reason had made it “impossible to predict” whether courts would condemn many “practices that seriously interfere with competition, and are plainly opposed to the public welfare,” and thus called for legislation “establishing a commission for the better administration of the law and to aid in its enforcement.”14 **These concerns spurred the passage of the FTC A**ct, which created an administrative body that could police unlawful business practices with **greater expertise** and **democratic accountability** than courts provided.15

**At the heart of the statute was Section 5,** which declares “unfair methods of competition” **unlawful**.16 By proscribing conduct using this new term, rather than codifying either the text or judicial interpretations of the Sherman Act, the plain language of the statute makes clear that Congress intended for Section 5 to reach beyond existing antitrust law. The structure of Section 5 also supports a reading that is not limited to an extension of the Sherman Act. Notably, the FTC Act’s remedial scheme differs significantly from the remedial structure of the other antitrust statutes. The Commission cannot pursue criminal penalties for violations of “unfair methods of competition,” and Section 5 provides **no private right of action**, shielding violators from **private lawsuits** and treble damages. In this way, the institutional design laid out in the FTC Act reflects a basic tradeoff: Section 5 grants the Commission extensive authority to shape doctrine and reach conduct not otherwise prohibited by the Sherman Act, but provides a more limited set of remedies.17

The legislative debate around the FTC Act makes clear that the text and structure of the statute were intentional. Lawmakers chose to **leave it to the Commission** to determine which practices fell into the category of “unfair methods of competition” rather than attempt to define through statute the **various unlawful practices**, given that “there were too many unfair practices to define, and after writing 20 of them into the law it would be quite possible to invent others.”18 Lawmakers were clear that Section 5 was designed to extend beyond the reach of the antitrust laws. 19 For example, Senator Cummins, one of the main sponsors of the FTC Act, stated that the purpose of Section 5 was “to make some things punishable, to prevent some things, that cannot be punished or prevented under the antitrust law.”20

The Supreme Court has repeatedly affirmed this view of the **agency’s Section 5 authority**, holding that **the statute**, **by its plain text**, does not limit unfair methods of competition to practices that violate other antitrust laws. 21 The Court, recognizing the Commission’s expertise in competition matters, has given “deference”22 and “great weight”23 to the Commission’s determination that a practice is unfair and should be condemned.

**The CP has an agency alter its enforcement discretion related to an existing statutory prohibition. That’s not an increase in prohibitions.**

**Kusserow ‘91**

R.P. Kusserow, Inspector General, Department of Health and Human Services - 42 Code of Federal Regulations - Part 1001, RIN 0991-AA49 – “Medicare and State Health Care Programs: Fraud and Abuse; OIG Anti-Kickback Provisions” - Monday, July 29, 1991 (56 FR 35952) - AGENCY: Office of Inspector General (OIG), HHS. ACTION: Final rule - #E&F - https://oig.hhs.gov/fraud/docs/safeharborregulations/072991.htm

**I. Background**

A. The Medicare Anti-Kickback Statute

Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)), **previously codified** at sections 1877 and 1909 of the Act, provides criminal penalties for individuals or entities that knowingly and willfully **offer,** **pay,** **solicit** or **receive remuneration** in order to induce business reimbursed under the Medicare or State health care programs. The offense is classified as a felony, and is punishable by fines of up to $25,000 and imprisonment for up to 5 years.

This provision is **extremely broad**. The types of remuneration covered specifically include kickbacks, bribes, and rebates made directly or indirectly, overtly or covertly, or in cash or in kind. In addition, **prohibited conduct** includes not only remuneration intended to induce referrals of patients, but remuneration also intended to induce the **purchasing**, **leasing**, **ordering**, or arranging for any **good**, **facility**, **service**, or i**tem** paid for by Medicare or State health care programs.

**Since** the statute on its face is so broad, concern has arisen among a number of health care providers that many relatively innocuous, or even beneficial, commercial arrangements are technically covered by the statute and are, therefore, subject to criminal prosecution.

**B. Public Law 100-93**

Public Law 100-93, **the** Medicare and Medicaid Patient and Program Protection **Act** of 1987, added two new provisions addressing the anti-kickback statute. Section 2 specifically provided new authority to the Office of Inspector General (OIG) to exclude an individual or entity from participation in the Medicare and State health care programs if it is determined that the party has engaged in a **prohibited** remuneration scheme. (Section 1128(b)(7) of the Act, 42 U.S.C. 1320a-7(b)(7)) This new sanction authority is intended to provide an alternative civil remedy, **short of criminal prosecution**, that will be a more effective way of regulating abusive business practices than is the case under criminal law.

In addition, section 14 of Public Law 100-93 requires the promulgation **of regulations specifying those payment practices that will not be subject to criminal prosecution** under section 1128B of the Act and that will not provide a basis for exclusion from the Medicare program or from the State health care programs under section 1128(b)(7) of the Act.

C. Notice of Intent

The legislative history of section 14 of Public Law 100-93 indicates that Congress expected the Department of Health and Human Services to consult with affected provider, practitioner, supplier and beneficiary representatives before promulgating regulations. In order to most effectively address issues related to this provision, we published a notice of intent to develop regulations (52 FR 38794, October 19, 1987) soliciting comments from interested parties prior to developing a proposed regulation. As a result of that notice, the OIG received a number of public comments, recommendations and suggestions on generic criteria that can be applied to particular types of business arrangements in order to determine if such arrangements are inappropriate for civil or criminal sanctions.

D. Notice of Proposed Rulemaking

The proposed regulation designed to implement section 14 of Public Law 100-93 was developed by the OIG and published in the Federal Register on January 23, 1989 (54 FR 3088). The regulation sets forth various proposed business and payment practices, or "safe harbors," that would not be treated as criminal offenses under section 1128B(b) of the Act and would not serve as a basis for a program exclusion under section 1128(b)(7) of the Act. As a result of that proposed rulemaking, we received a total of 754 public comments for consideration.

II. **Summary of the Proposed Rule**

A. Business Arrangements Not Exempt

The proposed regulation indicated that in order for a business arrangement to comply with one of the ten safe harbors, each standard of that safe harbor provision would have to be met. The proposed rule stated that if the business arrangement involves payments for different purposes (for example a single payment for personal services and for equipment rental) then each payment purpose would be analyzed to determine if all the standards of each applicable safe harbor provision have been fulfilled. The **proposed** rule ***further*** specified that where individuals and entities have entered into arrangements that are covered by the statute and where they have chosen not to **fully** comply **with** one of the **exemptions** proposed in these regulations, they would risk scrutiny by the OIG and may be **subject to** civil or criminal **enforcement action**.

B. Need for Continuing Guidance

Since there may be a need for the Department to respond to changes in health care delivery or business arrangements more quickly and informally than through the regulatory process to keep the industry abreast of our enforcement policy, the proposed rule invited public comment on how we can best achieve the dual goals of keeping the industry aware of our views of particular business practices, and assuring that our regulations remain current with new developments.

C. Notice to Beneficiaries

While we considered including in several of the proposed safe harbor provisions a requirement that a person notify each Medicare or Medicaid patient he or she refers to a related entity of the financial relationship that exists, we indicated that such notice requirements may be unduly burdensome compared with the potential benefits and, therefore, did not include the requirement in the safe harbors in the proposed regulation. Instead, we invited public comments on this issue.

D. Preferred Provider Organizations

We cited the increasing variety of arrangements among entities grouped under the generic headings "preferred provider organizations" (PPOs) or "managed care," and that unlike HMOs, there is often no single entity that is recognized as the "health care provider." The proposed regulations did not specifically delineate a safe harbor provision for these arrangements since we believed that one or more of the other proposed safe harbors would often cover relationships in preferred provider and managed care networks. We invited comments from the public, however, on the idea of adding additional safe harbors that would provide further protection to HMOs, PPOs, and other managed care plans.

E. Waiver of Coinsurance and Deductible Amounts for Inpatient Hospital Care

We noted that with the advent in 1983 of the prospective payment system for paying hospitals for inpatient care, some hospitals have advertised the routine waiver of Medicare coinsurance and deductible amounts as a means of attracting patients to their facilities. We solicited comments on defining a safe harbor for waiving coinsurance and deductible amounts that would be limited to inpatient hospital care, be available to all Medicare beneficiaries without regard to diagnosis or length of stay, and assure that any costs to the hospital of waiving the coinsurance and deductible amounts would not be passed on to any Federal program as a bad debt or in any other way.

F. Proposed Safe Harbors

The regulation published on January 23, 1989, proposing to amend 42 CFR part 1001 by adding a new § 1001.952, set forth "safe harbors" in ten broad areas:

1. Investment Interests

To reflect the view that Congress did not intend to bar all investments by physicians in other health care entities to which they refer patients, a safe harbor provision was proposed for investment interests in large public corporations where such investments are available to the general public. This safe harbor described a minimum number of shareholders and a minimum number of assets the company must have in order to qualify under this provision

Safe harbors for limited and managing partnerships were considered under the proposed regulation, but were not included. These areas were discussed in the preamble of the proposed rule, and we specifically requested public comments on adopting these practices as safe harbors.

2. Space Rental

While many rental arrangements are legitimate, many situations exist where rental payments are simply a device used to mask illegal payments intended to induce referrals. Accordingly, a safe harbor provision was proposed for rental arrangements if: (a) Access to the space is for periodic intervals and such intervals are set in advance in the lease, rather than based on the number of referred patients; (b) the lease is for at least one year so it cannot be readjusted on too frequent a basis to reflect prior referrals; and (c) the charges reflect fair market value.

3. Equipment Rental

With the understanding that the payment for the use of diagnostic and other medical equipment may simply be a vehicle to provide reimbursement for referrals, a safe harbor was proposed for certain situations involving equipment rentals similar to those applied to real estate rentals cited above.

4. Personal Services and Management Contracts

While health care providers often have arrangements to perform services for each other on a mutually beneficial basis, some of these arrangements may vary the payment with the volume of referrals. The proposed regulation set forth a safe harbor provision for joint ventures and other arrangements involving payments for personal services or management contracts, but only if certain standards are met that limit the opportunity to provide financial incentives in exchange for referrals. This proposed provision required the services to be paid at fair market value, and was predicated on requirements similar to those set forth in the provisions for space and equipment rental.

5. Sale of Practice

Unlike the traditional sale of a practice by a retiring physician, a physician may sell, or appear to sell, a practice to a hospital while continuing to practice on its staff. A safe harbor provision was proposed for the sale of physician practices when occurring as the result of retirement or some other event that removes the physician from the practice of medicine or from the service area in which he or she was practicing, but not when the sale is for the purpose of obtaining an ongoing source of patient referrals.

6. Referral Services

Professional societies and other consumer-oriented groups often operate referral services for a fee. Because such a service fee could be construed as a payment in order to obtain a referral, we concluded that it was appropriate to establish a specific safe harbor for this type of practice. In order to safeguard against abuse, however, the provision is only available when several standards are met.

7. Warranties

It is in the public interest to have companies offer warranties as an inducement to the consumer to purchase a product. A safe harbor was proposed for such purposes.

8. Discounts

Safe harbors relating to discounts, employees and group purchasing organizations are specifically required by statute. The discount exception was intended to encourage price competition that benefits the Medicare and Medicaid programs. The proposed discount provision was limited in application to reductions in the amount a seller charges for a good or service to the buyer. The discount could take the form of a specified price break, or the inclusion of an extra quantity of the item purchased "at no extra charge." We did not propose to protect many kinds of marketing incentive programs such as cash rebates, free goods or services, redeemable coupons, or credits.

9. Employees

The proposed exception for employees permitted an employer to pay an employee in whatever manner he or she chose for having that employee assist in the solicitation of program business and applied only to bona fide employee- employer relationships.

10. Group Purchasing Organizations

The proposed group purchasing organization (GPO) exception was designed to apply to payments from vendors to entities authorized to act as a GPO for individuals or entities who are furnishing Medicare or Medicaid services. The proposed exception required a written agreement between the GPO and the individual or entity that specifies the amounts vendors will pay the GPO.

III. Response to Comments and Summary of Revisions

As indicated above, in response to the proposed rulemaking we received 754 public comments from various provider groups, medical facilities, professional and business organizations and associations, medical societies, State and local government entities, private (35954) practitioners and concerned citizens. The comments included both general and broadreaching concerns regarding the impact of this regulation, and specific comments on those areas and safe harbor provisions about which we requested public input. A summary of the comments received and our responses to those comments follows.

A. General Comments

Comment: A large number of commenters expressed concern about the implication of engaging in a business arrangement that does not comply fully with a provision of this regulation. Some of these commenters expressed the view that the safe harbor provisions are narrowly drawn and leave many lawful business arrangements unprotected. Moreover, the preamble to the proposed rule warns: "[W]here individuals and entities have entered into arrangements that are covered by the statute, where they have chosen not to comply fully with one of the exemptions in these regulations, they would risk scrutiny by the OIG \* \* \*." These commenters urged the OIG to make clear that the failure to comply fully with a safe harbor provision is not per se illegal, and does not mean that prosecution will automatically follow. In addition, they requested safe harbor protection for business arrangements where there has only been a "technical violation" of the statute, where there has been "substantial compliance" with this regulation, or where the remuneration in question is "de minimis."

Response: This regulation covers many categories of business arrangements, providing standards to be met within each safe harbor provision. If a person participates in an arrangement that fully complies with a given provision, he or she will be assured of not being prosecuted criminally or civilly for the arrangement that is the subject of that provision.

**This regulation does not expand the scope of activities that the statute prohibits**. The **statute itself** describes **the scope of illegal activities**. The legality of a **particular** business arrangement must be determined by comparing the **particular facts** to the proscriptions of **the statute.**

The failure to comply with a safe harbor can mean **one of three things**. **First,** as we stated in the preamble to the proposed rule, it may mean that **the arrangement does not fall within the ambit of the statute**. In other words, the arrangement is not intended to induce the referral of business reimbursable under Medicare or Medicaid; so there is no reason to comply with the safe harbor standards, and no risk of prosecution.

**Second,** **at the other end of the spectrum**, **the arrangement could be a clear statutory violation** and also not qualify for safe harbor protection. In that case, assuming the arrangement is obviously abusive, prosecution would be very likely.

**Third,** the arrangement may violate the statute in a less serious manner, although not be in compliance with a safe harbor provision. Here there is no way to predict the degree of risk. Rather, the degree of the risk depends on an evaluation of the many factors which are part of **the decision-making process** regarding case selection for investigation and prosecution. Certainly, in many (**but not** necessarily **all**) instances, prosecutorial discretion would be exercised not to pursue cases where the participants appear to have acted in a genuine good-faith attempt to comply with the terms of a safe harbor, but for reasons beyond their control are not in compliance with the terms of that safe harbor. In other instances, there may not even be an applicable safe harbor, but the arrangement may appear innocuous. But in other instances, we will want to take appropriate action.

We do not believe the Medicare and Medicaid programs would be properly served if we assured protection in all instances of "substantial compliance," "technical violations," or "de minimis" payments. **Unfortunately**, these are vague concepts, **subject to differing interpretations.** In this regulation, we have attempted to provide bright lines, to the extent possible, for safe harbors in order to provide clarity and predictability as to what conduct is immune from government action. Our endorsement of the concepts mentioned above would only serve to blur these lines and produce litigation as to what "substantial," "technical" and "de minimis" really mean. The OIG therefore declines to adopt these concepts.

**Third they sever “expand scope”.**

**Agencies can *lean on interpretive discretion to reverse selective under-enforcement*. That’s distinct from *expanding legal scope on paper*.**

**Theoretically, Section 5 could already challenge the practice outlined by the Aff.**

**Federal Register: Rules and Regulations - ‘9**

Federal Trade Commission - *16 Code of Federal Regulations*- 255 Guides Concerning the Use of Endorsements and Testimonials in Advertising Federal Acquisition Regulation; *Final Rule* - “Rules and Regulations” - Federal Register - Vol. 74, No. 198 - Thursday, October 15, 2009 - #E&F - https://www.ftc.gov/sites/default/files/documents/federal\_register\_notices/guides-concerning-use-endorsements-and-testimonials-advertising-16-cfr-part-255/091015guidesconcerningtestimonials.pdf

b. Examples 7-9 – New Media Several commenters raised questions about, or suggested revisions to, proposed new Examples 7-9 in Section 255.5, in which the obligation to disclose material connections is applied to endorsements made through certain new media.91 Two commenters argued that application of the principles of the Guides to new media would be inconsistent with the Commission’s **prior commitment** to address word of mouth marketing issues on a case-by-case basis.92 Others urged that they be deleted in their entirety from the final Guides, either because it is premature for the Commission to add them, or because of the potential adverse effect on the growth of these (and other) new media.93 Two commenters said that industry self-regulation is sufficient.94

The Commission’s inclusion of examples using these new media is not inconsistent with the staff’s 2006 statement that it would determine on a case-by-case basis whether law enforcement investigations of ‘‘buzz marketing’’ were appropriate.95 All Commission law enforcement decisions are, and will continue to be, made on a case-by-case basis, evaluating the specific facts at hand. Moreover, as noted above, the Guides **do not expand the scope** of liability **under Section 5**; they simply provide guidance as to how the Commission intends **to apply** governing **law** **to** various **facts**. **In other words**, the Commission ***could*** challenge the dissemination **of deceptive representations made via these media** **regardless of whether the Guides contain these examples**; thus, not including the new examples would simply deprive advertisers of guidance they otherwise could use in planning their marketing activities.96

**Those cards access the Precision and Context warrants.**

**They’re from the formal Code of Federal Regs, use topic phrases, and get at whether agency interps “prohibits” or “expands scope”.**

**Aff severance a voter – Plan’s the locus, we’re reactive, so it’s worse for them. No clash or in-round education.**

**It is a zero-sum game – so consider whether it’s *worse* if Cplan were – instead – a topical Aff. Their thread NECESSARILY mean “Agency interp Affs” are topical:**

**FTC Independence**

**2NC – OV**

**( ) geoengineering overcompensates – fails and causes extinction.**

**Baum ‘13**

Et al; Dr. Seth Baum is an American researcher involved in the field of risk research. He is the executive director of the Global Catastrophic Risk Institute (GCRI), a think tank focused on existential risk. He is also affiliated with the Blue Marble Space Institute of Science and the Columbia University Center for Research on Environmental Decisions. He holds a PhD in Geography and authored his dissertation on climate change policy: “Double catastrophe: intermittent stratospheric geoengineering induced by societal collapse” - Source: Environment Systems & Decisions - vol.33, no.1 pp. 168-180 - #E&F – available via: https://pubag.nal.usda.gov/catalog/122717

Perceived failure to reduce greenhouse gas emissions has prompted interest in avoiding the harms of climate change via geoengineering, that is, **the intentional manipulation of Earth system processes**. Perhaps the most promising geoengineering technique is **stratospheric aerosol injection** (**SAI**), which reflects incoming solar radiation, thereby lowering surface temperatures. This paper analyzes a scenario in which SAI brings great harm on its own. The scenario is based on the issue of SAI intermittency, in which aerosol injection is halted, sending temperatures rapidly back toward where they would have been without SAI. The rapid temperature increase could be quite damaging, which in turn creates a strong incentive to avoid intermittency. In the scenario, a catastrophic societal collapse eliminates society’s ability to continue SAI, **despite the incentive**. The collapse could be caused by a pandemic, nuclear war, or other global catastrophe. The ensuing intermittency hits a population that is already vulnerable from the initial collapse, making for a **double catastrophe**. While the outcomes of the double catastrophe are difficult to predict, **plausible** worst-case scenarios include **human extinction.** The decision to implement SAI is found to depend on whether global catastrophe is more likely from double catastrophe or from climate change alone. The SAI double catastrophe scenario also strengthens arguments for greenhouse gas emissions reductions and against SAI, as well as for building communities that could be self-sufficient during global catastrophes. Finally, the paper demonstrates the value of integrative, systems-based global catastrophic risk analysis.

**( ) Arctic war means extinction**

* outweighs on probability and magnitude – war exits the region, goes nuclear, and can be instigated by miscalc.

**Chrisinger ‘20**

Internally quoting Niklas Granholm – who is Deputy Director of Studies at FOI, the Swedish Defence Research Agency, Division for Defence Analysis. Mr Granholm currently heads a study project on behalf of the Swedish Foreign Ministry studying the strategic developments in the Arctic. He was seconded to the Swedish Ministry of Defence in 2007 and during 2006 was a Visiting Fellow to RUSI. He has been an Associate Fellow of the Institute since 2007. Between 1999-2006, he headed the project for international peace support and crisis management operations on behalf of the Swedish Ministry of Defence. From 1997-99 he was seconded to the Swedish Ministry for Foreign Affairs, Division for European Security Policy. David Chrisinger is a Logan Nonfiction Fellow and a contributing writer to The New York Times Magazine and The War Horse, an award-winning nonprofit newsroom educating the public on military service, war, and its impact. Prior to this, David worked at the U.S. Government Accountability Office as a Strategic Planning and Foresight Analyst. For nearly nine years, he taught public policy writing, consulted with researchers on the design and execution of governmental audits and evaluations, facilitated message development exercises, and wrote and edited reports and testimonies for the U.S. Congress. For six years, he also taught public policy writing at Johns Hopkins University. “It Would Be a Mistake to Underestimate Russia”: The New Cold War That’s Emerging in the Arctic” – The War Horse – Nov 19th - #E&F - https://thewarhorse.org/military-arctic-new-cold-war-with-russia-and-climate-change/

One of the greatest risks, **according to Niklas Granholm**, is that the Arctic region will undergo a “Balkanization” like what occurred in Eastern Europe after the fall of the Soviet Union. Granholm is the deputy director of studies at the Swedish Defence Research Agency, and he points to the Faroe Islands calling for self-rule from Denmark, Scotland clamoring for independence from the United Kingdom after Brexit, and the resurgence of troubles in Northern Ireland as indicators that more fragmentation and political division in the Arctic could lead to less cooperation or even hostility. Paired with the great-power competition among the United States, Russia, and China, any **Balkanization of the region** would, in Granholm’s words, be a “double whammy” and could make the Arctic much more combustible.

“Whatever **happens in the Arctic** **won’t stay there**,” he said. “It **will escalate.”**

Is this the beginning of a new Cold War?

The new Norwegian radar system undermines Russia’s ability to launch a retaliatory nuclear strike from its submarine fleet in the Arctic, New York Times reported, and that bothers Russia, according to Lt. Col. Tormod Heier, a faculty adviser at the Norwegian Defense University College. Because it upsets the strategic nuclear balance between the United States and Russia, the new radar system establishes a blow to Russia’s last indisputable claim to great-power status.

“There is a new Cold War,” Heier told the Times, adding that the risk of nuclear war was **much higher now** than in the old Cold War “because Russia is so much **weaker,** and because of that much **more dangerous and unpredictable**.”

In recognition of the threats posed by a new Cold War, the Pentagon released an updated National Defense Strategy in January 2018. While the document makes no specific mention of the Arctic, it recognizes the threats posed by great-power competition (especially as it relates to America’s eroding competitive edge) and clarifies that potential conflict with Russia and China had supplanted terrorism **as the biggest threat** to American national security.

To achieve this end state, the United States must confront three risks that, if they materialized, would stand in the way. First, bad actors could use the Arctic as a staging ground for an attack on the U.S. homeland. Second, states like Russia and China could challenge the rules-based international order in the Arctic in ways that could lead to conflict. Third, but not least, tensions, competition, and conflict in other parts of the world could spill over into the Arctic.

Three months later, the U.S. Coast Guard released its own strategy for the Arctic, which called for funding to upgrade ships, aircraft, and unmanned systems operating in the region. Admiral Karl Schultz, the Coast Guard’s commandant, told the Washington Post that the goal should be to return the Arctic to a “peaceful place where we work to cross international lines here with partner nations that share interests in a transparent fashion.” Projecting sovereignty, he continued, will help expedite that return.

But all these plans have failed to persuade decision makers to establish new organizational structures designed to address changes in the Arctic wrought by climate change and the rush to exploit the region’s natural resources. The plans do not include any substantive plans to guide the construction of infrastructure needed in the region, nor do they detail how resources will need to be reallocated to mitigate risks and help the United States reach its desired end state. They provide a vision for the future, but they do not provide a road map on how to get there.

**Russia won’t back down**

In late August 2019, a Russian submarine emerged from the icy waters near the North Pole and fired a Sineva-type intercontinental ballistic missile capable of carrying a nuclear warhead. That same day, another Russian submarine in the Arctic Circle launched a Bulava-type intercontinental ballistic missile from beneath the surface of the Barents Sea. One missile hit a remote corner of Russia’s Pacific coast, and the other landed on the Kanin Peninsula. Twelve years after Russia planted its flag on the seabed below the North Pole, this demonstration of its military capabilities in the Arctic can be seen as its latest attempt to assert its sovereignty in the region. Against a broader backdrop of distrust and diminished communication across the U.S.-Russia divide, there exists a risk that relatively minor miscalculations **or misinterpretations** could escalate into broader conflict.

**2NC – Error rates turns case**

**Turns case---**

**1. Exclusive FTC avoids false positives *AND* false negatives.**

**Salop ‘13**

Steven C. Salop, Professor of Economics and Law, Georgetown University Law Center - “Guiding Section 5: Comments on the Commissioners” -Scholarship @ Georgetown Law - #E&F - https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2284&context=facpub

Commissioner Wright apparently is most concerned with over-deterrence from the FTC’s administrative process, where the FTC acts **as prosecutor and judge** and **is not subject to the constraints from an independent court** deciding motions to dismiss and summary judgment.25 **However,** there also are forces tipping in the other direction. First, the FTC is **an expert body** with **significant economics resources available**, resources that presumably can be used to **avoid false negatives** ***and* overdeterrence**.26 Second, the Commission’s bipartisan nature and the use of majority rule also have provided significant constraints over most of its history. Finally, if this is the main concern, his remedy proposal instead might be that the FTC be forced to all litigate its complaints in District Court.27

**False Negatives snowball and fiat cannot solve---turns solvency.**

**Kades ’18**

Michael Kades - Director, Markets and Competition Policy - Washington Center for Equitable Growth - Comments of the Washington Center for Equitable Growth. Michael worked as Antitrust Counsel for Sen. Amy Klobuchar (D-MN), the ranking member on the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, where he led efforts to reform antitrust laws. Previously, he spent 20 years investigating and litigating some of the most significant antitrust actions as an attorney at the Federal Trade Commission. Topic 1: The State of Antitrust and Consumer Protection Law and Enforcement, and Their Development, since the Pitofsky Hearings - August 20, 2018 - #E&F - <https://www.ftc.gov/system/files/documents/public_comments/2018/08/ftc-2018-0048-d-0051-155290.pdf>

A False negative occurs when a rule incorrectly allows an anticompetitive practice; for example, if a judicial rule allows mergers that substantially reduce competition, generating higher prices and deadweight loss. The rule is under-inclusive. An antitrust rule that generates too many false negatives—**that fails to catch illegal behavior**—**will encourage anticompetitive activity.** The cost is **not** simply the defendant in a specific case avoiding liability— **firms will engage in more anticompetitive conduct because it is profitable**.

**DOJ link**

**DOJ must *go to court* in antitrust cases.**

**Keyte ‘21**

et al; James Keyte is the Director of the Fordham Competition Law Institute, an Adjunct Professor of Comparative Antitrust Law at Fordham Law School and The Director of Global Development at The Brattle Group – “Buckle Up: The Global Future of Antitrust Enforcement and Regulation” - Antitrust, Vol. 35, No. 2, Spring 2021 - #E&F - https://www.antitrustinstitute.org/wp-content/uploads/2021/03/Jenny.pdf

Given these demands of the law, the U.S. agencies have a particularly challenging task to enforce U.S. antitrust law in the digital economy. **In contrast to most competition authorities in non-U.S. jurisdictions,** the **DOJ** and **State Attorneys General** cannot impose relief or penalties on firms without **first filing actions in court**, proving a violation (including requisite expert testimony), and persuading a court that the proposed remedy is appropriate; and the FTC's remedial powers are under challenge. Thus, when looking at today's veritable wave of new and ongoing antitrust litigation in the U.S., the applicable case law becomes critical.

**Biometric thumper**

**Aff Rollback args don’t assume the FTC’s recent recission of 2015 guidance *OR* our Cplan plank that sets a clear interpretation.**

**Salop ‘21**

et al; Steven C. Salop, Professor of Economics and Law, Georgetown University Law Center “A New Section 5 Policy Statement Can Help the FTC Defend Competition” – Public Knowledge – July 19th - #E&F - https://publicknowledge.medium.com/a-new-section-5-policy-statement-can-help-the-ftc-defend-competition-a76451eacb39

We generally agree with the **F**ederal **T**rade **C**ommission’s decision to rescind its 2015 Section 5 Policy Statement. Just as the Department of Justice and Federal Trade Commission Merger Guidelines are regularly updated on the basis of agency experience, legal and economic developments, so should this type of policy statement. Rescinding the old statement is particularly relevant in light of the growing recognition of the hurdles preventing effective antitrust enforcement.

Calls for reform have not come solely from Neo-Brandeisian commentators (including both FTC Chair, Lina Khan, and Tim Wu, now a member of the National Economic Council). The need for reform and a varied set of proposals has also been expressed by economics-oriented commentators, including this group of former Justice Department enforcers, Jonathan Baker and Herbert Hovenkamp, among others. Chair Khan in her statement suggested that the Commission would next consider replacing the Policy Statement with a new statement explaining **how they plan to use Section 5** to increase competition. We think this would **be a valuable way to** show parties and courts what is coming. This article provides several suggestions that would be useful to consider and possibly include in the revised Section 5 Policy Statement. It should not be taken as an exhaustive list; there certainly may be other approaches to a revised statement that could also be effective.

A revised Policy Statement should make it clear that Section 5 is not identical to the Sherman and Clayton Act and that conduct can be challenged as an **unfair** method of **competition** under Section 5 even if it would not violate these other antitrust laws. In fact, even the original 2015 Policy Statement explicitly made this point. But the distinction between Section 5 and these other statutes is often ignored or suppressed by commentators who object to more vigorous antitrust enforcement by the FTC. Eventually, the FTC’s cases and rules under Section 5 will likely face the scrutiny of the courts. At that time, it may be **particularly helpful** to have **a clear** Policy **Statement of how the FTC is** **interpreting** Section 5. This can help maximize the impact the FTC can have, while assuaging concerns of detractors who say there is no limiting principle.

**Adv 2**

**No impact to democracy – decades of empirical data and newest methodologies.**

**Grabmeier ’15** (Jeff; 9/3/15; Senior Director of Research and Innovation at Ohio State University, citing a 52-year study; Phys.org, “'Democratic peace' may not prevent international conflict,” <https://phys.org/news/2015-09-democratic-peace-international-conflict.html)>

Using a new technique to analyze **52 years of international conflict**, researchers suggest that there may be **no such thing** as a "democratic peace." In addition, a model developed with this new technique was found to predict international conflict five and even ten years in the future better than any existing model. Democratic peace is the widely held theory that democracies are less likely to go to war against each other than countries with other types of government. In the new study, researchers found that economic trade relationships and participation in international governmental organizations play a strong role in keeping the peace among countries. But democracy? Not so much. "That's a startling finding because the value of joint democracy in preventing war is what we thought was the closest thing to a law in international politics," said Skyler Cranmer, lead author of the study and The Carter Phillips and Sue Henry Associate Professor of Political Science at The Ohio State University. "There's been empirical research supporting this theory for the past 50 years. Even U.S. presidents have touted the value of a democratic peace, but it **doesn't seem to hold up**, at least the way we looked at it." The study appears this week in the Proceedings of the National Academy of Sciences. Cranmer's co-authors are Elizabeth Menninga, assistant professor of political science at the University of Iowa and recent Ph.D. graduate in political science at the University of North Carolina at Chapel Hill; and Peter Mucha, professor of mathematics in the College of Arts and Sciences at UNC-Chapel Hill. Along with casting doubt on democratic peace theory, the study also developed a new way to **predict levels** of international conflict that is **more accurate than any previous model**. The researchers used a new technique to examine all violent conflicts between countries during the period of 1948 to 2000. The result was a model of international conflict that was 47 percent better than the standard model at predicting the level of worldwide conflict five and even 10 years into the future. "The Department of Defense needs to know at least that far in advance what the world situation is going to be like, because it can't react in a year to changes in levels of conflict due to bureaucratic inertia and its longer funding cycle," Cranmer said. "Being able to have a sense of the global climate in five or 10 years would be extremely helpful from a policy and planning perspective." The researchers started the study with a famous idea posed by the philosopher Immanuel Kant back in 1795: that the world could enjoy a "perpetual peace" if countries would become more interconnected in three ways. The modern interpretation of those three ways is: Through the spread of democratic states, more economic interdependence through trade, and more joint membership in international governmental organizations, or IGOs. (Modern examples range from regional agricultural organizations to the European Union and NATO.) Many studies have looked at how these three elements, either together or separately, affect conflict between countries. But even when they were considered together, the impact of the three individual factors were considered additively. What makes this study unique is that the researchers were the first to use a new **statistical measure** developed by Mucha - called multislice community detection—to analyze **all three of these components** collectively. They were able to examine, for the first time, how each component was related to each other. For example, how membership in IGOs affected trade agreements between counties, and vice versa. "When we looked at these networks holistically, we found communities of countries that are similar not only in terms of their IGO memberships, or trade agreements, or in their democratic governments, but in terms of all these three elements together," Cranmer said. The separation between such communities in the world is what the researchers called "Kantian Fractionalization." "You might think of it as the number of cliques the world is split up into and how easy it is to isolate those cliques from one another," Cranmer said. But the deeper the separation between communities or cliques there are in the world at one time, the more dangerous the world becomes. By measuring these communities in the world at one specific time, the researchers could predict with **better accuracy** than ever before how many violent conflicts would occur in one, 5 or 10 years in the future. This study had a broad definition of conflict: any military skirmish where one country deliberately kills a member of another country. Many of the conflicts in this study were relatively small, but it also includes major wars. Predicting one year into the future, this new model was 13 percent better than the standard model at predicting levels of worldwide conflict. But it was 47 percent better at predicting conflict 5 and 10 years into the future. "We measured how fragile these networks are to breaking up into communities," Mucha said. "Remarkably, that fragility in a mathematical sense has a clear political consequence in terms of increased conflict." The linear relationship between higher levels of Kantian fractionalization and more future conflict was so strong that Cranmer couldn't believe it at first. "I threw up my hands in frustration when I first saw the results. I thought we surely must have made a mistake because you almost never see the kind of **clean, linear relationship** that we found outside of textbooks," Cranmer said. "But we confirmed that there is this strong relationship."

## 1NR innovation

**Innovation surging --- but expanding the scope of antitrust law emboldens regulators --- causes a chilling effect on innovation**

**Brough 21** --- Wayne Brough, Policy Director, Technology & Innovation, PhD in economics from George Mason University, “Washington wants to weaponize antitrust law to attack “Big Tech” and it is going to backfire horribly”, JUN 15, 2021, https://www.rstreet.org/2021/06/15/washington-wants-to-weaponize-antitrust-law-to-attack-big-tech-and-it-is-going-to-backfire-horribly/

Just as concerning, “The Platform Competition and Opportunity Act” targets mergers and acquisitions by covered platforms, flipping the burden of proof by requiring the acquiring firm to demonstrate that the merger does not eliminate any competitors or potential competitors. While the goal of the legislation may be to prevent platforms from absorbing potential rivals, this view ignores the fact that smaller startups often **want to be acquired** by their larger counterparts. An acquisition is a way to cash out without having to build out business and marketing strategies, among other things, which some startups may prefer not to do. Limiting opportunities for an acquisition will make it more difficult to attract the venture capital that fuels the startup ecosystem, ultimately **harming innovation and economic growth.** In fact, **right now,** venture capital firms have been “raising new funds at a pace” that could **set a record this year,** and many go-to digital products including Uber, Lyft and Airbnb **received venture capital injections**. Similar investments might be **less likely under these bills and** even **more problematic for smaller startups.**

Additionally, the Access Act would impose broad **data portability and interoperability mandates**, while “The Merger Filing Fee and Modernization Act of 2021” would increase filing fees for larger mergers as well as boost funding levels for both the DOJ and the FTC. These bills would expand federal oversight and give the FTC **a more prominent role** in rewiring the internet.

The bills introduced in the House **are an assault on** digital commerce, one of the bright spots in **the U.S. economy**. At best, these new laws are **a direct threat to** permissionless **innovation**, with the approval of federal regulators becoming a **prominent roadblock when trying to do business** in a dynamic and rapidly changing marketplace. At worst, this would turn covered platforms into little more than public utilities—platforms for others to do business. Any efforts to utilize economies of scale or scope may trigger **enforcement actions**, giving platform operators **fewer incentives to invest** in new technologies **that drive innovation.**

At the broadest level, these bills are **an attempt to abandon the consumer welfare standard** in favor of a more interventionist approach along the lines of antitrust practices in the EU. Rather than focusing on demonstrable harms to consumers, this altered enforcement would aggressively define and shape markets, with an eye toward protecting competitors, often at the expense of consumers. For example, Adam Kovacevich at the Chamber of Progress finds that the new laws would prohibit cross-posting between Facebook and Instagram, ban Apple from recommending apps in the AppStore and a host of other activities that are a common part of a user’s online experience. In fact, the AppStore itself may not survive if these bills become law. Good luck finding and updating your favorite apps—and ensuring they work with friends and family—if it disappears.

Solutions in Search of a Problem

As with many other regulatory incursions into the digital world, **the renewed push for tougher antitrust laws is a solution in search of a problem**. Both Republican and Democratic criticisms of Big Tech raise a litany of issues—from an anti-conservative bias to fake news and hate speech—none of which fall within the purview of antitrust law and anticompetitive behavior. Instead, the new regulatory regime under consideration is a punitive and political attack on politically disfavored corporations. Ultimately, that is the larger battle—abandoning the consumer welfare standard and its focus on demonstrable consumer harm in favor of a politicized regime that allows those in Congress **greater control over private companies.**

And while tech companies may be the exclusive focus of the current reforms, the scope of the proposed legislation could easily be expanded by a future Congress. Even today, many lawmakers are openly hostile toward a growing list of American businesses. Republicans have been vocal in calling for retaliatory measures against “woke” corporations deemed too progressive in their public stances. If policymakers continue to abandon economic principles, it would not be surprising to see calls for additional antitrust enforcement for any company that makes political waves.

Prior to the adoption of the consumer welfare standard almost 50 years ago, antitrust law was often confusing, economically suspect and even contradictory. In one notorious case, the Supreme Court blocked a merger where the merged company would have had a market share of merely 7.5 percent—hardly an example of market dominance. And economists examining antitrust enforcement prior to the consumer welfare standard found no correlation between antitrust enforcement and a reduction in the welfare losses from monopoly. Further research found congressional influence to be a better predictor of enforcement activity.

The consumer welfare standard helped rationalize antitrust enforcement and the case law that has emerged since its adoption has helped curb the political abuse of antitrust policies. Abandoning the need to identify demonstrable consumer harm would return antitrust law to an era characterized by arbitrary enforcement actions that many in today’s Congress seem to have forgotten. But the increased political oversight that comes with adopting more aggressive tools for antitrust enforcement poses a real threat to consumers, to innovation and to economic growth.

Abandoning the American Way in Favor of a European One

The bills introduced in the House can be interpreted as a turn toward a European approach to competition policy. Last year, the EU passed the Digital Markets Act, and the House proposals sound **eerily similar.** The EU started by defining “gatekeepers,” something similar to the “covered platforms” in the House bills. Restrictions on self-preferencing, interoperability requirements and other elements introduced in the House all have direct counterparts in the EU’s law.

The EU adopted its laws with a clear target in mind—American tech companies that were dominating markets in Europe and outperforming their European rivals. Politically, it made sense to rewrite the rules of the game in favor of homegrown talent. Among other things, this meant the EU could collect billion-dollar fines from American companies, all in the name of “fair competition.”

But the **performance of European companies** is probably **the best reason** not to follow the EU’s lead in redefining how we regulate competition. By virtually **every measure,** U.S. companies have been **more innovative, more dynamic and more profitable** than their European counterparts. There are more start-ups in the United States and they have **greater access to capital**. While the United States and the EU have economies of similar magnitudes, in 2019, U.S. startups had a valuation of $1.37 trillion compared to EU startups with an evaluation of $240 billion.

The rise of Silicon Valley is an American success story. Today the top five companies in the United States based on market capitalization are tech companies. They have led the digital revolution, providing consumers a virtually endless stream of new products at low or even zero cost in many cases. These are signs of a robust market that serves consumers well. **It is important to remember that big does not equate to bad**—sometimes a firm is large because it is **efficient at serving its customers** what they want. The tech sector supports 12 million jobs and more than $2 trillion in economic output. Current antitrust laws grounded in the consumer welfare standard are part of the institutional framework that make this possible. Congress should ensure antitrust laws fit **best into the modern U.S. economy,** but the House proposals are a radical departure that shifts the focus to protecting competitors rather than consumers. **They would weaponize antitrust law**, provide politicians a greater say in America’s boardrooms and replace economic efficiency with political expediency and preference.

**Tech innovation outpaces China but antitrust regs will collapse**

**Moore 8-6** --- Stephen Moore is a syndicated columnist for the Boston Herald, “Moore: US tech sector keeps besting the world”, August 6th 2021, 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 [stifle]** ~~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.

**Especially in Tech**

**Lambert 20** --- Thomas A Lambert, The Wall Chair in Corporate Law and Governance and Professor of Law at the University of Missouri, formerly a John M. Olin Fellow at Northwestern University School of Law and the Center for the Study of American Business at Washington University. “The Limits of Antitrust in the 21st Century.” CATO Institute. Summer 2020. https://www.cato.org/sites/cato.org/files/2020-06/regulation-v43n2-2.pdf

In light of the Hayekian knowledge problem and public choice concerns, courts and enforcers should typically avoid antitrust interventions that either require a great deal of particularized knowledge or endow government officials with a large store of discretionary authority. This general guideline calls into question a number of recent antitrust proposals.

One such proposal is to treat the user data collected by digital platforms like an “essential facility” that must be made available to rivals. A court imposing a duty to share data with rivals would have to create an elaborate price schedule that takes into account such information as the cost of collecting and organizing different sorts of data and the value each sort provides—information that is largely inaccessible and likely to change over time. Courts are ill-equipped to gather and process all that information.

The knowledge problem also bedevils recent calls to break up the largest digital platforms: Google, Facebook, and Amazon. As the American Action Forum’s Will Rinehart has observed, the leading digital platform firms utilize complex business models, teams, and technologies, which makes breaking them up difficult. With respect to business models, the firms operate multi-sided platforms where the value to users on one side (e.g., advertisers) is largely dependent on the number and intensity of users on the other side (e.g., individuals engaged in search or social networking). Moreover, the firms tend to engage in internal cross-subsidization, using revenues from one line of business(e.g., Google search) to support less profitable services(e.g., Google’s YouTube, which is widely assumed not to be profitable on its own). Given that an **adverse effect on one part of the business can wreak havoc on seemingly unrelated operations**, any break-up plan would have to accurately account for a highly complex set of interrelationships.

Breaking up big technology companies is also complicated by the fact that they employ teams and technologies that work across the entire enterprise. Facebook’s software engineers, for example, support Facebook, Messenger, Instagram, and WhatsApp. Its technology stack includes a number of proprietary technologies designed to assist with common tasks engaged in by all its various services: “Big Pipe” serves pages faster, “Haystack” stores billions of photos efficiently, “Unicorn” searches the social graph, “TAO” stores graph information, “Peregrine” assists with querying, and “Mystery Machine” helps with performance analysis. Mistakes in disintegrating teams and technologies are **likely to occasion a massive reduction in productive efficiency.**

Whereas proposals to treat user data as an essential facility and to break up major digital platforms involve significant knowledge problems, other recent antitrust proposals would endow government officials with significant discretionary authority and thus raise public choice concerns. One such proposal, discussed above, is to jettison the relatively cabined consumer welfare standard in favor of a more amorphous public interest standard. Another is to create a federal agency with broad powers to regulate digital platforms. The history of sector regulation suggests that such an approach would reduce, rather than enhance, competition by **entrenching incumbents and stifling innovation**.

**Low bar for new suits turning case**

**Ivanova 20** --- Irina Ivanova, Journalist reporting on the intersection of economics and daily life, with a particular interest in the barely-legal economy. What Big Tech can expect from the next administration. No Publication. 10-23-2020. https://www.cbsnews.com/news/big-tech-google-apple-amazon-facebook-expect-next-presidential-administration/

More **lawsuits** from the government

Even without a new agency, the government can be more aggressive in its scrutiny of **tech companies**, as the Justice Department's lawsuit against Google shows. A Democratic administration would likely be more assertive, antitrust experts say. Rohit Chopra, a Democratic member of the Federal Trade Commission, laid out a blueprint for a new administration in a press conference this week, in which he called for an end to "the era of weak enforcement."

"We can do things now, under our own mandate under existing law, and we should. We want Congress to update [antitrust] laws but we don't have to wait for them," Chopra said.

Chopra suggested the government could levy much harsher penalties than its settlement last year with Facebook or an earlier settlement with YouTube indicated, including **charging companies** criminally. He also noted the FTC can investigate all **kinds of wrongdoing**, not just allegations of monopolistic behavior. Laws on the books prohibit "deceptive behavior," something plenty of tech companies have been accused of doing, particularly when it comes to using customers' data.

Bringing **just a few lawsuits** against major players could have an effect on an **entire industry**, said antitrust lawyer Jonathan Kanter.

"**Enforcement breeds change**," said Kanter, who started his career at the heyday of the government's case against Microsoft in the 1990s. "Most assignments I got as a young lawyer were from companies wanting to make sure they would not run into the same battle Microsoft did," he recalled on a recent webinar. "Fast forward 10 to 15 years, nobody was calling with those questions because...nobody was concerned there would be enforcement."

### ptx

**Our arg was never that the debt ceiling would never get raised – only that attaching it to the CR is key to avoid delay that risks miscalc and accidental default AND market overreactions to brinksmanship**

**Strain 9-10**-21 (Michael R. Strain, director of economic policy studies and Arthur F. Burns Scholar in Political Economy at the American Enterprise Institute, Bloomberg Opinion columnist, “Raise the Debt Ceiling, Republicans. You’ll Be Glad You Did.” The Washington Post, 9-10-2021, https://www.washingtonpost.com/business/raise-the-debt-ceiling-republicans-youll-be-glad-you-did/2021/09/10/046e31de-123c-11ec-baca-86b144fc8a2d\_story.html)

It’s unfortunate but true: Influential Republican politicians are playing another round of **political chicken** that could easily lead to a **damaging brush with default** on the national debt. There are better ways for them to rein in excessive Democratic spending plans that don’t endanger financial markets, taxpayers and their own political self-interest.

The U.S. is flirting with default this fall, as it did twice before in the past decade. For the government to pay its bills, Congress needs to increase the nation’s debt limit, an increasingly problematic legal requirement imposed a century ago. Unfortunately, it’s looking like this routine function of government will descend into a partisan fight. While there’s **little doubt** that the limit **will eventually be raised**, **even merely pushing up against it would be damaging**.

It’s **hard to say** precisely **when** the government will **run out** of money because the Treasury Department’s cash receipts **fluctuate**, particularly **during the pandemic**. Treasury estimates that it will run out of funds sometime in **October**.

Senate Republicans have made clear that they want no part in increasing the borrowing limit to raise the necessary cash. On Aug. 10, 46 of the chamber’s 50 Republicans released a letter informing Senate Democrats that they won’t vote to increase the debt ceiling.

Republican frustration is understandable. Since January, Democrats have been threatening to use a procedure known as “reconciliation” to pass a $3.5 trillion spending bill with a simple majority, rather than the 60-vote supermajority typically required in the Senate. GOP senators are asking: If reconciliation is available to pass, say, paid family leave and universal pre-kindergarten programs, why not force Democrats to use it to lift the government’s borrowing limit without Republican assent?

This question has answers. First, it’s unclear whether the reconciliation rules would allow a debt-ceiling increase to be passed as a stand-alone bill. The Senate doesn’t have a lot of experience using this procedure, and my conversations with top aides on Capitol Hill indicate a lot of confusion on this point.

Another suggestion is that Democrats include the debt-ceiling increase in their $3.5 trillion reconciliation bill, which would create and expand major climate and social programs and lacks any Republican support. But there’s no guarantee that the spending bill will be able to get the unanimous Democratic support needed to pass it by a simple majority, or that it would pass before the government would need to increase the borrowing limit to avoid default. House Speaker Nancy Pelosi closed the door on this option on Wednesday. In addition, it’s an odd strategy to push for including a must-pass provision in a bill that you don’t want to pass.

Republicans want to preserve the filibuster, the 60-vote threshold required for most legislation. Without it, Democrats could run the table, passing their agenda with a simple majority in the Senate. Refusing to raise the debt ceiling and forcing Democrats to find a way to increase it with a 51-vote majority will substantially weaken the GOP’s claim that the Senate can carry out basic functions of responsible governance with the chamber’s supermajority requirement in place. By refusing to help lift the debt ceiling, the GOP would be putting the legislative filibuster at risk.

There’s **no chance** that the **debt ceiling won’t eventually be raised**. The **only question** is **how much damage is incurred along the way**.

**Even edging close** to defaulting is **dangerous**, as **recent experience** shows. According to the Government Accountability Office, debt-ceiling **brinkmanship** pushed up **interest rates** in 2011, leaving taxpayers on the hook for an extra $1.3 billion in government borrowing costs in that year alone. The Bipartisan Policy Center estimated that the 10-year cost was roughly $19 billion.

**Financial market volatility** and measures of economic **policy uncertainty spiked**, and **consumer confidence plummeted**. Republicans — whose cultural agenda has strong appeal among higher-income, college-educated voters — should note that **stock prices** also **fell**, reducing the value of retirement and college-savings plans.

An even bigger threat than a close call would be **temporarily defaulting**. This scenario is made **more likely** because of **multiple sources of intersecting uncertainty:** precisely when the government will **run out** of cash**, reconciliation rules**, the fate of the $3.5 trillion **spending bill**, and whether Congress can pass a measure this month to prevent a government shutdown. It’s unclear how an effort to raise the debt limit might be intertwined with any of these. In **all this activity and confusion**, the **unthinkable might happen**.

Republicans should anticipate that if they push too hard, the stock market is likely to drop by thousands of points per day and they would take most of the blame. After one or two days, Congress would surely pass a debt-limit increase with overwhelming bipartisan support. In this scenario, what has the GOP accomplished?

Instead of refusing to lift the debt ceiling, Republicans should find something to trade with the Democrats. Disaster-relief funds. A larger defense budget. Or something. Find 10 Republican senators to join forces with 50 Democrats to meet the Senate’s supermajority requirement. Let the rest of the GOP — especially those who have to run for re-election in 2022 — off the hook.

This would be responsible governance, ensuring that the U.S. honors its financial obligations. It would constitute a strong argument for retaining the legislative filibuster. If done quickly, it would avoid the economic and political damage from brinkmanship. If done with a bill to keep the government funded, it would refocus public attention on the Democrats’ floundering efforts to pass President Joe Biden’s legislative agenda.

Quickly and quietly taking care of this is in the party’s — and the country’s — best interest.

**They won’t consider trying until after the CR fails at which point, there’s not enough time – BUT PC would be key in that scenario, too**

**Kilgore 9-15**-21 (Ed Kilgore, former senior fellow at the Progressive Policy Institute, former policy director for the Democratic Leadership Council, political columnist for New York magazine, managing editor of the Democratic Strategist, “Mitch McConnell Prefers Calamitous Debt Default to Helping Democrats,” Intelligencer, New York Magazine, 9-15-2021, https://nymag.com/intelligencer/2021/09/mcconnell-insists-he-wont-help-democrats-raise-debt-limit.html)

You get the idea. Congressional Democrats (and implicitly President **Biden**, who may soon have to publicly become **more engaged** in the absurd “**stare-down**”) unsurprisingly want bipartisan “cover” for a debt-limit increase or suspension, like the one they offered Republicans when the Trump administration was joyfully piling up debt. Indeed, it’s the expiration of a two-year deal in which both parties refused to play games with threatened debt defaults and government shutdowns that brought Washington to this juncture. Now both calamities are possible (a government shutdown at the end of the fiscal year on September 30 and a debt default at some inexact point in October, according to warnings from Treasury Secretary Janet Yellen). Democrats want to attach a debt-limit measure to the stopgap spending bill needed to keep the federal government operating. Mitch McConnell, who can kill either expedient with a Senate filibuster, is saying this is a problem for Democrats, which they must solve themselves, presumably by attaching the debt-limit fix to the budget-reconciliation bill that will at some point presumably clear Congress on a strict party-line vote.

Punchbowl News interviewed McConnell today to probe any weakness in McConnell’s commitment to threatening the stability of the national and global financial system (which would be in big trouble if the current debt limit stays in place), and the laconic Kentuckian did his hammer-headed best to stay tough: “That’s their problem. I’m not voting [for a debt limit increase]. How many different ways do I need to say this?”

Debt limit increases, you see, are as unpopular as they are necessary. And it fits in neatly with latter-day Republican austerity messaging to combine attacks on Democrats’ socialistic Big Government spending with refusals to provide for the wherewithal to finance it. That Republicans were uninterested in fiscal discipline or the alleged economic and moral dangers of debt when Trump was in the White House and they controlled Congress is never addressed. Mitch McConnell has no problem with exhibiting hypocrisy, as Merrick Garland could tell you.

So this leaves Democrats with some bad choices. They **can call McConnell’s bluff** and **pass a combined stopgap** spending bill **and debt limit** measure. **If he filibusters it** anyway a government **shutdown** on October 1 is **probably going to happen** (they may still have a week or two to deal with the debt limit after the end of the fiscal year, whether or not the federal government is open). **Maybe McConnell will relent and all will be well**. Or maybe (**either at the last minute or after a filibuster**) Democrats will themselves relent and **attach** a **debt-limit** resolution to their **reconciliation** bill as McConnell has helpfully suggested from the beginning. **But** that’s **easier said than done** at this **late date**. With Democrats still working on the reconciliation bill and exhibiting a lot of problems reaching an agreement between the House and the Senate, and between moderates and progressives in both chambers, it’s **not** clear the reconciliation bill can **pass in time to stave off a debt default**.

Arguably that possibility could be used by Nancy Pelosi and Chuck Schumer to whip their fellow Democrats into line, but at that point you’d be talking about the **high-stakes risk to end all high-stakes risks**: a single bill needed to head off a debt default and to enact much of Joe Biden’s agenda, with no Republican votes available to help get them over the hump. To put it another way, the leverage Mitch McConnell enjoys now over a stopgap spending bill and a debt limit measure could shift to **any congressional Dem**ocrat willing to plunge the party and the country hellwards to win some concession or make some political point. It’s **no exaggeration** to say that whoever wins the current “staredown,” **everyone could wind up losing**.

**If Biden fails to swing enough Reps on the CR now, chances of our impact spike**

**Scholtes et al 9-15**-21 (Jennifer Scholtes, editor of the Budget and Appropriations Brief, has covered Congress and transportation security for POLITICO Pro, formerly covered homeland security for CQ Roll Call; and Caitlin Emma, covers the federal budget and congressional spending bills for POLITICO Pro, formerly spent five years as an education policy reporter for Pro, graduated from the University of Connecticut; “Dems’ fiscal endgame could require punting on debt limit,” POLITICO, 9-15-2021, https://www.politico.com/news/2021/09/15/democrats-debt-limit-decoupling-republicans-511836)

**Disaster aid** could be **all the sweetener Dem**ocrat**s need** to **avert** a government **shutdown** later this month — **if** they **give up** their **biggest leverage** in the high-stakes **debt limit staredown**.

In the next two weeks, President Joe **Biden**'s party wants to fund federal agencies and fulfill his request for billions of dollars to help **hurricane**-battered states, all in one **bipartisan funding bundle**. **But** their best chance to make that work likely involves **prolonging their biggest political gamble** to date by **leaving the debt limit to haunt them** come October.

**Droves of Senate Republicans** this week **reiterated** that they **remain against** a bipartisan agreement to raise the nation's **borrowing limit**, even as the Treasury Department warns that a debt disaster could hit by mid-October. Even as that problem gets worse for Democrats, though, the urgency of disaster aid funding after Hurricane Ida slammed into red states across the Southeast is making it easier for them to win GOP votes to address the more pressing threat of a government shutdown on Oct. 1.

Top Democrats will soon have to settle a fiscal stumper: whether to tackle government **funding separately from the debt limit**, **clearing one headache** while almost **certainly exacerbating another**.

Sen. Susan Collins (R-Maine) said Tuesday that she “would certainly vote for” a government funding patch coupled with disaster aid.

Several other Republican senators said this week that they would consider joining Democrats in that vote: Sens. Bill Cassidy of Louisiana, Richard Shelby of Alabama, John Cornyn of Texas, Pat Toomey of Pennsylvania, Thom Tillis of North Carolina and Roger Wicker of Mississippi all said they would support — or won’t yet rule out — that option.

Sen. John Neely Kennedy is an unequivocal yes on disaster aid. And the Louisiana senator said he has already warned the White House that tying debt limit action to the spending package will tank the whole thing.

“I’m going to vote for it even if the debt ceiling is in it. But I’m telling you it’s not going to pass, and everybody knows that, including President Biden,” Kennedy said in an interview on Tuesday. He was one of four Republican senators to not add their name to a letter last month that vowed to oppose a future increase in the borrowing limit, even if tied to government funding.

“The president looked me in the eye and said, ‘We've got your back.’ And if he believes this is having our back, he's the only person in the Milky Way who believes that,” Kennedy added. “They know darn well that this [continuing resolution], with a debt ceiling increase on it, is not going to pass. So that tells me that they're not in good faith about helping my people."

Democratic leaders stress that no decisions have been made on attaching the debt limit to government funding while they weigh their options for dealing with the cap on the nation’s ability to borrow cash.

Some Democrats privately believe the party will end up passing a bipartisan continuing resolution that funds disaster aid and other presidential priorities, leaving the debt limit for another day. But first, they want to force the GOP to vote against a package that pairs government funding with a measure to avert debt default, seeing the potential for a messaging win.

“**If we don’t get Rep**ublican **support** … they’re going to **jeopardize the credit of the U**nited **S**tates,” Sen. Ben Cardin (D-Md.) said of the GOP. “We have limited options. I’m all for dealing with it any way we can to get it done.”

Democrats have so far railed against Republicans for playing political chicken with the debt limit, which could cause economic chaos if breached. GOP leaders say they won’t cooperate on the issue while Democrats pursue trillions of dollars in social spending without Republican votes, however.

Wicker, whose state of Mississippi was also hit hard by Hurricane Ida, said a Democratic decision to separate the debt limit from government funding and disaster aid “would certainly remove one stumbling block.”

“It would absolutely depend on the terms of the continuing resolution, but it’s conceivable” that Republicans would support the stopgap with Biden’s requested cash for storm damage, he said.

Asked if he would support a standalone stopgap spending bill with disaster aid, Tillis said: “Yeah. Again, if it’s separate from the debt ceiling, we definitely have anticipated needs down in the Southeast as a result of the storm damage.”

Both parties have worked together in recent years to suspend the debt ceiling, most recently in August 2019, when the Trump administration and Congress agreed to suspend the limit for two years in a broader budget deal.

“Nobody — nobody — is allowed to hold our economy hostage,” said Senate Finance Chair Ron Wyden (D-Ore.). “We consistently assisted President Trump in ensuring that wasn’t the case, and that principle is still valid.”

Treasury Secretary Janet Yellen has warned of “**irreparable damage to the U.S. economy**” as soon as next month, especially **if Congress waits until the last minute** to deal with the **debt limit**. Other experts have estimated that lawmakers may have until mid-November to act.

That **small window of extra time** could **fuel arguments in favor of** funding the government now, while **tackling a higher-stakes debt cliff later** — although a bipartisan solution is **far from guaranteed**.

**Risk’s increasing by the day**

**Torgerson et al 9-9**-21 (Thomas R. Torgerson, Managing Director, Co-Head of Sovereign Ratings, DBRS Morningstar; and Nichola James, Managing Director, Co-Head of Sovereign Ratings, DBRS Morningstar; “U.S. Debt Ceiling: Playing a Dangerous Game (Again),” DBRS Morningstar, 9-9-2021, https://www.dbrsmorningstar.com/research/384244/us-debt-ceiling-playing-a-dangerous-game-again)

Difficult political negotiations often come down to the wire in the United States and have always in the past resulted in a compromise before running into any constraints on meeting debt obligations. Neither party wants to deal with the repercussions of missed payments on debt or any other federal government obligation. Furthermore, at this juncture, Democrats have narrow control over the House and Senate and have the ability to pass a debt ceiling increase in spite of Republican opposition, under reconciliation rules. This distinguishes the current situation from prior episodes in 2011 and 2013.

However, current plans are to keep the debt ceiling increase separate from the budget legislation. This strategy would require Republican support, which at present appears unlikely to be forthcoming. Absent a shift in strategy from at least one of the two parties, the **risk of miscalc**ulation **grows with every passing day**, and may ultimately result in the U.S. rating being placed under review, similar to our actions taken in 2013.

“The U.S. retains some exceptional credit strengths, and its ratings are underpinned by its high degree of economic, institutional and financial resilience,” notes Thomas R. Torgerson, Co-Head of Sovereign Ratings at DBRS Morningstar. “However, DBRS Morningstar considers **brinksmanship** with the debt ceiling to be a **dangerous** game - atypical of a 'AAA' rated sovereign.”

**PC may be stretched to the breaking point, BUT only plan’s fiat opens a new partisan battlefront**

**MIN News 9-16**-21 (MIN News, up-to-the-minute news with a focus on global news with an impartial perspective, “The eve of the U.S. Riot,” 9-16-2021, https://min.news/en/world/fdc7c0db566ff0f75dadb19e71f8212b.html)

According to the latest media report on Wednesday (September 8), as US President Biden has no new measures to express the renewal, on September 6 this year, the government's fixed weekly aid payment of 300 US dollars has expired and the disbursement has been terminated. .

However, this Tuesday (September 7), the White House of the United States said that each state can consider whether to extend the grant period according to their own circumstances. If some states want to provide welfare payments to those in need, the White House will continue to support it.

In fact, the United States has also tried before the relief fund expires, but either the relief fund has a smaller scope of impact, or the new bill will be extended soon after it expires. The suspension of unemployment assistance has affected more than 11 million people in the country, including 4.2 million casual workers and 3.3 million long-term unemployed.

So why did the United States not introduce a new bill to extend the bailout when it expired? That's because the US government is working hard to promote the passage of the $1 trillion **infrastructure** bill and the $**3.5 trillion budget** to further boost the country's economy. In addition, the country is burdened with 28.7 trillion U.S. dollars in debt and is facing the risk of **debt default**. There is really **no extra energy** and money to solve the problem of unemployment assistance.

We must know that the current labor participation rate in the United States is sluggish. As of the end of June this year, there were 10.1 million employment gaps in the country. If relief payments continue, it will only further hinder the release of the country's labor force. It is reported that among the 50 states in the United States, 24 states have stopped distributing benefits.

However, this is not a good solution to the employment problem. If the more than 10 million employment gap can be filled by someone, it would have been filled long ago. Those in need of government relief do not have many labor skills. There are a large number of idlers, drug addicts and anti-social workers in the United States. These people are unwilling to go to work. They just ask for money from the government. Once this group of people cannot get relief from the government, they will naturally go to society to rob them. These poor Americans will have their lives left, and they will become Americans. Serious instability factors.

This is in sharp contrast to the Biden administration's attitude towards the “suspended deportation order” in early August. American housing tenants face the risk of being evicted from their housing if they default on rent. Since the outbreak of the coronavirus pandemic, a large number of tenants have struggled to pay rent on time. The Centers for Disease Control and Prevention (CDC) issued a "suspended eviction order" last September, saving millions of tenants from going out.

At the end of July this year, the "suspended deportation order" expired, and the progressives in the Democratic Party unanimously asked Biden to postpone. The Biden administration also made active efforts for the postponement and successfully extended it for two months. Although the Supreme Court ended the “suspended deportation order” with a 6-3 ruling at the end of August, the then Biden administration did at least make it as long as possible.

Since major states suspended relief payments, many U.S. citizens have expressed dissatisfaction, because there is a long transition period from looking for a job to getting a salary, and rushing to stop the relief payments is detrimental to the normal life of American citizens. Influence. Moreover, some American citizens, because of the sequelae of pneumonia, are unable to perform high-intensity work on their own and stop distributing relief funds. These citizens can only find unsafe jobs with salaries far below the cost of living.

In order to help American citizens through the embarrassing period, the major states have also given 30 days of transition time, but many people say that 30 days are not sufficient at all. Sometimes it may take two months to find a suitable job. During this period, the unemployed people who have no economic income will inevitably lose their income, which will have a serious impact on their lives. And they have to pay a lot of expenses in the past two months, not only for living expenses, but also for some mortgage payments. This government decision will destroy the lives of many people.

And **now**, the **Biden** administration must promote the smooth passage of the **bipart**isan cooperation **infrastructure** bill and the US$**3.5 trillion budget** before the end of September to boost Biden's repeated low support rates after the **epidemic rebounded** and **Afghanistan's defeat**. **At the same time**, the Democrats must negotiate with the **Rep**ublicans in Congress to **raise the debt ceiling** and **avoid government shutdowns**. The **tight timetable** and **severely shrinking political capital** have made the **Biden** administration **unable to open up a new battlefield** on the issue of unemployment benefits.

**Also Collapses dollar heg**

**White 9-13**-21 (Martha C. White, NBC News contributor who writes about business, finance and the economy, graduate of Princeton University; **internally citing Mark Zandi, chief economist at Moody’s Analytics**; “America's creditworthiness — and your 401(k) — are on the line until lawmakers approve a new debt ceiling,” NBC News, 9-13-2021, https://www.nbcnews.com/business/business-news/america-s-creditworthiness-your-401-k-are-line-until-lawmakers-n1279079)

“Every time the debt ceiling comes up, it's an exercise in political jostling,” said Peter Essele, head of portfolio management for Commonwealth Financial Network.

Despite the saber rattling, Essele argued that politicians in both parties have too much to lose to play chicken with the nation’s credit rating.

“It's essentially a self-inflicted wound in the middle of a pandemic. During a period when we’re seeing slowing growth and above-average inflation, it would be political suicide for both parties,” he said. “There's certainly a situation where they could put us on the verge, but ultimately, it's in the best interests of politicians to have something worked out.”

Some market observers worry, though, that a **miscalculation** — or even a **procedural roadblock** **if Congress takes the fight down to the wire** — could **trigger** just that kind of a **collapse**. The U.S. debt was **downgrade**d from AAA to AA+ by Standard & Poor's in 2011. **Further black marks** on the nation’s credit rating would have **greater consequences**.

“If you go down a couple more notches, that will get people's attention,” Martin said. “If the extraordinary measures are exhausted and **something gets missed**, I think that **gets people's attention**.”

Beyond the ratings agencies, the **U.S. would lose** — perhaps **permanently** — its **credibility on the global financial stage**, Zandi warned. “It would also further start to **undermine the viability of the dollar** as a **reserve currency**, as a **foundation of the global financial system**,” he said.

“Treasuries are the **bedrock of the entire financial system**. If there's any major disruption to the risk-free rate, the **whole house of cards would** basically **collapse** at that point,” Essele said. “The aftermath of that would basically be **scorched earth** in Washington.”