# Neg vs. Gonzaga DZ-Kentucky Quarters

## 1NC Off

### CP – Section 5

#### The FTC should issue enforcement guidance that the presently-existent phrase “unfair methods of competition in or affecting commerce” in Section 5 of the FTCA includes refusal to license climate mitigation and adaption technology. The FTC should release a clear statement and data sets that reflects this and enforce accordingly.

**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**

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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**.

### CP – Fast Track / Climate

**The United States federal government should establish and fund a National Climate Bank and require at least 60 percent be invested in communities with the greatest need and re-enact and make permanent the Green Technology Pilot Program**

**National Climate Bank solves climate and growth – public financing stimulates private investment**

**Kathleen 20** [Expertise: International climate policy, climate preparedness, climate justice, Arctic policy. Cathleen Kelly is a senior fellow for Energy and Environment at the Center for American Progress. She specializes in international and U.S. climate mitigation, preparedness, resilience, and sustainable development policy. Kelly served in the Obama administration at the White House Council on Environmental Quality, where she led a 20-plus-agency task force to develop a national climate resilience strategy., 1/30/2020, “3 Bold Actions Congress Should Take to Equitably Address Weather and Climate Disasters”, <https://www.americanprogress.org/issues/green/news/2020/01/30/479843/3-bold-actions-congress-take-equitably-address-weather-climate-disasters/>]RG

Congress should also create a **National Climate Bank** to drive public and private investment into renewable energy, clean transportation, and community resilience projects, particularly in front-line communities such as economically disadvantaged communities, tribal communities, and communities of color. In July 2019, Sens. Edward Markey (D-MA) and Chris Van Hollen (D-MD) introduced the National Climate Bank Act to expand investments in clean energy, transportation, and infrastructure to reduce carbon and other pollution and improve the health and well-being of communities. Rep. Debbie Dingell (D-MI) introduced similar legislation in the House in December 2019. Her legislation proposes that the National Climate Bank be capitalized with $35 billion over six years to leverage up to $1 trillion in private investment. According to Rep. Dingell, "Establishing a National Climate Bank will serve as an important implementation tool to achieve this goal by publicly financing and stimulating private investments" in **renewable energy** and "clean transportation," as well as provide **support** to **communities** that bear the brunt of climate change. Meanwhile, if the CLEAN Future Act is enacted, it would create a "first-of-its-kind National Climate Bank … to provide financing for low- and zero-emissions energy technologies, **climate resiliency**, building efficiency and electrification, industrial decarbonization, grid modernization, agriculture projects, and clean transportation." Like the House and Senate National Climate Bank bills, the CLEAN Future Act would require the bank to prioritize investments in "frontline, rural, low-income and environmental justice communities." Similar to the State Future Funds that CAP proposed in 2015, the **National Climate Bank** is a forward-thinking approach to supporting future-ready infrastructure and access to clean, affordable energy and transportation options to improve community health and safety. Congress can begin to **tackle past inequities** and unfair infrastructure practices by requiring that at least 60 percent of proposed National Climate Bank capital be invested in communities with the greatest need.

#### Green pilot solves patents and provides uniqueness for our link turns

Hurtado 21 --- Melissa Hurtado, JD student, Northwestern, “Journal of Technology and Intellectual Property”, JTIP Blog, March 27, 2021, https://jtip.law.northwestern.edu/2021/03/27/green\_tech\_patent\_boom\_or\_bust/

In order for the U.S. to reverse the trend away from needed and important patent applications for climate change mitigation technology, the U.S. should begin by restarting the Green Technology Pilot Program that it once championed to fast-track these technologies. Before the program ended on March 30, 2012, the USPTO accorded special status to 3,500 applications related to environmental quality, energy conservation, renewable energy development, and greenhouse gas emission reductions. These accelerated examination programs allowed patentees to receive a final disposition within about 12 months. Despite the seemingly premature ending, there remain significant and promising technological inventions that have yet to be widely patented or enabled, including patents in relation to grids, batteries, and carbon capture technology. Because patents are an essential tool to combat climate change, the USPTO and the federal government should actively consider expanding and improving the fast-track process.

### DA - Politics

**Biden’s PC is key to pass debt ceiling through reconciliation**

**Hartmann 9-30**-21 (Thom Hartmann, writing fellow with the Independent Media Institute, #1 progressive talk-show host, carried on SiriusXM, Pacifica, radio stations nationwide, Free Speech TV, author of "The Hidden History of Monopolies: How Big Business Destroyed the American Dream," and more than 25 other books in print, “GOP Suicide Bombers Threaten Debt-Ceiling Sabotage of US Economy,” City Watch, 9-30-2021, https://www.citywatchla.com/index.php/375-voices/22694-gop-suicide-bombers-threaten-debt-ceiling-sabotage-of-us-economy)

There's plenty of coverage about how worried Treasury Secretary Janet Yellen is about how severe the impact an American default—or **even a pause in issuing Treasuries**, which are **essential to the smooth functioning of the international monetary system**—would be.

"I think there **would be a financial crisis**, and a calamity," Yellen told reporters yesterday.

But left unsaid was why Republicans would want such a "crisis" and "calamity." What's possibly in it for them?

After all, raising the debt ceiling has, on its face, nothing to do with Democrats' plans to spend $3.5 trillion or so on infrastructure over the next decade; that would be dealt with in future debt ceilings.

Why would the **Rep**ublicans **filibuster the debt ceiling**, **forcing** the Democrats to burn through their one-**reconciliation**-bill-a-year?

Perhaps that question answers itself, although it is possible under Senate filibuster rules to have a separate reconciliation bill just to raise the debt ceiling; the problem is that doing so makes the entire reconciliation process for other things even more complicated.

So what do they want? Why the suicide vests?

When McConnell last tried this, then against President Obama eight years ago, the GOP had a list of demands that Must Be Met to stop them from blowing up the country along with themselves: cut taxes on the morbidly rich, turn Medicare into a welfare program, and make it easier for big refineries and coal mines to pollute our air and rivers.

**This time** it appears their goal is to stop President Biden's Build Back Better legislation, also known as the $3.5 trillion reconciliation bill, a failure which will damage the Democrats politically both with their base and with independent voters for 2022 and 2024.

In other words, it's **all about splitting the Dem**ocratic **base** against itself while **making** President **Biden look impotent** so Republicans can regain control of the House and Senate and set up Donald Trump (or equivalent) to run for president in three years.

**Reconciliation** is a complex and **time-consuming** process, and if McConnell's threat works and Democrats have to come up with an entirely new **reconciliation** bill to raise the **debt ceiling** it'll **burn through** precious **time** and **political capital** needed to pass Biden's signature legislation.

Even if they roll the debt ceiling and funding the government into that larger bill, it'll take a **startling amount** of **Senate floor time** that gives giant special interests more time to carpet bomb TV and other media with propaganda opposing the $3.5 trillion Build Back Better legislation while they dangle ever more money and future income opportunities in front of wavering Democrats.

And, as a bonus, the American media will fail to blame this on the GOP: they'll go along with McConnell's line that it's all the Democrats fault, even though it was the Republicans who invoked the filibuster that forces reconciliation.

Just that sentence is complex enough that our media will default to a "Democrats Fail Again" headline instead of "Republican Suicide Bombers Threaten America with Such Damage That Democrats Kill Their Own Legislation To Save the Country."

**Plan drains PC, provokes a time-consuming partisan battle**

**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 U**nited **S**tates**:** 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 **U**nited **S**tates 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 s**entiments. 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 **S**outh **C**hina **S**ea; **No**rth **Ko**rean **prolif**eration of **nuclear** and **missile tech**nologies; 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 U**nited **S**tates 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 **U**nited **S**tates 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.

## 1NC On

### 1NC TRIPs

#### Compulsory licensing under TRIPs crushes innovation

Brand 21 --- Melissa Brand is Assistant General Counsel and Director of Intellectual Property at the Biotechnology Innovation Organization (BIO), a major trade association with over 1,000 members in the biotechnology industry, “TRIPS IP Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors”, May 26th 2021, https://www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/

In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass, reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietary know-how to global competitors.

While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary international collaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company.

Necessary Investment Could Diminish

Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation raised over $1 billion in investment in the second quarter of 2019 alone. If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to invest at the current and required levels.

#### Can’t solve TRIPs even under compulsory licensing --- the prices will be too high

Wang 19 --- Ya-Lan Wang, Masters Student, MIPLC, “Patent Protection for Green Technologies – Is Compulsory Licensing the Way of Promoting Technology Transfer?”, Munich Intellectual Property Law Center (MIPLC) Master Thesis (2018/19), https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3684342

c) Economic Capabilities of Least-Developed Countries Might be An Issue

As the TRIPS has made it specific in its Article 31(h), “the right holder shall be paid adequate remuneration in the circumstances of each case, taking into account the economic value of the authorisation.”370 However, considering some of the “least-developed countries may find it difficult to pay the rights holder adequate remuneration,”371 it might not be possible for those countries to obtain such technologies, even with the fact that granting compulsory licenses is allowed, they simply cannot afford it. It is, promising in theory to apply TRIPS to allow technology transfer of green technology through granting compulsory licensing, however, it might be practically impossible in reality depending on the economic capabilities of the country in need of such technology.

#### No evidence that it restores WTO credibility --- your Okonjo-Iweala evidence is about vaccines --- that happened

#### Your Hufbauer trade war card is about diverging policies --- like cap and trade, carbon tax, etc --- plan doesn’t solve

#### Trade war doesn’t escalate

Hong 17 – Brendon, reporter, “What Happens When Trump’s Tirade War With China Becomes a Trade War?”, The Daily Beast, 1-16-17, https://www.thedailybeast.com/what-happens-when-trumps-tirade-war-with-china-becomes-a-trade-war?ref=scroll

The big risk—that a trade war would lead to a shooting war—probably is overrated. But that’s because China has so many economic weapons at its disposal.

HONG KONG—No matter how some pundits frame current U.S.-China relations, Beijing wants no part in armed conflict with America. Open war—whether framed as escalation of tensions across the Taiwan Strait, in the South China Sea, or due to geopolitical head-butting—is not a feasible option for either side. The globe’s two largest economies not only share intimate economic ties; their fates are intertwined. But the occasional bloody nose is unavoidable. The battlefield where China and America trade blows may well be trade.

### 1NC A2: Climate

#### Patents plummeting --- no room for innovation / US energy policy / US-China trade war

Hurtado 21 --- Melissa Hurtado, JD student, Northwestern, “Journal of Technology and Intellectual Property”, JTIP Blog, March 27, 2021, https://jtip.law.northwestern.edu/2021/03/27/green\_tech\_patent\_boom\_or\_bust/

Underlying the U.S. and global patent systems is the belief that granting a limited monopoly will incentivize innovation. Although climate change comes to mind as a particularly controversial topic, according to PEW Research, six in ten Americans and majorities in other surveyed countries see climate change as a major threat. Patent filings seemed to reflect that concern as climate change mitigation technology patents more than doubled between 2005 and 2012. However, beginning in 2012, patent filings for climate change mitigation technologies plummeted— down 44% for carbon capture and storage and 29% for clean energy patents. Why, in a world of increased awareness and acceptance of climate change, did the U.S. and global patent systems fail to deliver on the promise that patents were enough to incentivize innovation?

There are several potential explanations for the green tech patent drop-off. From a technological perspective, there is some evidence that green tech matured quickly and capped, leaving room only for improvement patents. From a policy perspective, many have argued that continued fossil fuel and carbon subsidies, along with the lack of a carbon pricing system, have disincentivized green energy and made it more difficult to compete. From a global market perspective, did the U.S. and China trade war for independence and dominance over the $300B semiconductor market detract from China, which was the largest patentor of green tech, filing patents in the biotech, chemical, and green tech sectors? What is the solution to reversing the green tech patent drop off? From a legal and patent perspective, I argue that the U.S. and global patent systems need to provide fast-tracking for green tech patent applications and reduced standards.

#### Compulsory licensing sends a chilling effect in innovation

**Delrahim 17** --- Makan Delrahim, Assistant Attorney General, Remarks at the USC Gould School of Law's Center for Transnational Law and Business Conference, Friday, November 10, 2017, https://weblaw.usc.edu/resources/downloads/faculty/centers/ctlb/reforming-patent-form-conference.pdf?121120153141

Against this backdrop, I respectfully submit that enforcers and courts should be mindful of the **proper application** of antitrust law to standard setting. There is a growing trend supporting what I would view as a misuse of antitrust or competition law, purportedly motivated by the fear of socalled patent hold-up, to police private commitments that IP holders make in order to be considered for inclusion in a standard. This trend **is troublesome**. If a patent holder violates its commitments to an SSO, **the first and best line of defense**, I submit, **is the SSO** itself and its participants.

These commitments are typically **contractual** in nature. More specifically, SSOs often impose obligations on IP holders seeking to have their technology evaluated and, if selected, incorporated into a standard to engage in fair, reasonable, and nondiscriminatory licensing of their technology— what we call “FRAND” or “RAND” commitments. Disputes inevitably arise regarding what licensing fees or practices are “reasonable,” and “nondiscriminatory,” as you would expect with free-market negotiations. We should be most concerned, however, when this dispute involves concerted action, on either side—the implementers or the innovators.

If a patent holder is alleged to have violated a commitment to a standard setting organization, that action may have some impact on competition. But, I respectfully submit, that does not mean the heavy hand of antitrust necessarily is the appropriate remedy for the would-be licensee—or the enforcement agency. **There are perfectly adequate** and **more appropriate** common law and statutory remedies available to the SSO or its members.

Patent rights are conferred by statute and guaranteed by the U.S. Constitution. The enforcement of valid patent rights should not be a violation of antitrust law. A patent holder cannot violate the antitrust laws by properly exercising the rights patents confer, such as seeking an injunction or refusing to license such a patent. Set aside whether taking **these actions might violate the common law**. Under the antitrust laws, I humbly submit that a unilateral refusal to license a valid patent **should be per se legal**. Indeed, just this Monday, Chief Judge Diane Wood, a former Deputy Assistant Attorney General at the Antitrust Division, stated that “[e]ven monopolists are almost never required to assist their competitors.”

Under the existing statutory scheme, it is not the duty or the proper role of antitrust law to referee what unilateral behavior is reasonable for patent holders in this context. Patent holders make decisions every day about how to exploit their property rights, knowing that the consequence of those actions may be to subject themselves to contractual or other common law liability. The blunt application of antitrust law to such unilateral conduct **throws those decisions into disarray** threatening to punish IP holders with **onerous penalties** that can **deter other innovators** from taking the necessary R&D investment risk to develop the next great technological leap forward.

#### Warming is slow and adaptable --- no feedbacks

**Jayaraj 21** --- Vijay Jayaraj, M.Sc., Environmental Science, University of East Anglia, England, Research Contributor for the Cornwall Alliance for the Stewardship of Creation., “Why I Am a Climate Realist”, Cornwall Alliance, March 11th 2021, https://cornwallalliance.org/2021/03/why-i-am-a-climate-realist/

The answer to my question trickled in slowly over a number of years. Evidence began to emerge that scientists acknowledged a large gap between the actual observed real-world temperature datasets (from satellites) and those temperature predictions from computer climate models.

While these differences may not prove the allegations against the Climategate scientists, they do confirm one thing: the computer climate models exaggerate the future warming rate due to their high sensitivity to carbon dioxide emissions. As a result, the models continue to show an excessive and unreal warming rate for future decades.

Despite plenty of evidence, the IPCC continues to use these **faulty** model predictions to inform the public and policymakers about future changes in temperature.

**A steady stream of scientific studies** has documented the evidence for **lack of dangerous warming**—IPCC’s level of warming based on fifth- and sixth-generation (CMIP5 and CMIP6) models and the apparent absence of climate-induced ecological collapse.

In 2020 alone, **over 400 peer-reviewed scientific papers took up a skeptical position on climate alarmism**. These papers—and hundreds from previous years—address various issues related to climate change, including problems with climate change observation, climate reconstructions, lack of anthropogenic/CO2 signal in sea-level rise, natural mechanisms that drive climate change (solar influence on climate, ocean circulations, cloud climate influence, ice sheet melting in high geothermal heat flux areas), hydrological trends that do not follow modeled expectations, the fact that corals thrive in warm, high-CO2 environments, elevated CO2 and higher crop yields, no increasing trends in intense hurricanes and drought frequency, the myth of mass extinctions due to global cooling, etc.

Academia is **filled** with scientific literature that contradicts the position of those who believe climate change is unprecedented.

Also, during the course of the last decade, it became apparent that most of Al Gore’s claims in his 2006 documentary were false. Contrary to his claims, polar bear populations remained steady, the Arctic did not become ice free during the summer of 2014, and storms did not get stronger due to global warming.

In simple words, Gore misled the world and promoted falsehood as science, and he continues to do so while profiting from a renewable industry that is sold as the cure for global warming. Yet, he himself generates carbon dioxide emissions many times higher than an average family’s.

So, not only are the predictions of models wrong, but also the interpretations of climate data and the propaganda of a climate doomsday were also wrong.

Today, we know the modern warming rate is **not unprecedented**. Warming of such magnitude has happened twice within the past 2000 years. Further, ice at both poles is at **historic highs**, even compared with the Little Ice Age of the 17th century.

Besides, there has been no increase in extreme weather events due to climate change and the loss of lives due to environmental disasters has drastically reduced during the last 100 years.

So, I am a climate realist. I acknowledge that there has been a gradual increase in global average temperature since the end of the Little Ice Age in the 17th century. I acknowledge that climate change can happen in both ways—warming and cooling. I do understand that anthropogenic CO2 emissions and other greenhouse gases could have positively contributed to the warming from mid-20th century onwards.

I also acknowledge that warming and the increased atmospheric carbon dioxide that has contributed to it have actually helped society. The current atmospheric carbon dioxide concentration, nearly 50 percent higher than in the 17th century, and the warming—which has occurred chiefly in winter, in higher latitudes and altitudes, and at night, thus raising cold temperatures but with little effect on hot temperatures—have actually resulted in optimal conditions for global plant growth, thus aiding in the flourishing of the agricultural sector.

The Bengal tiger populations have bounced back, and polar bear populations are steady, thanks to conservation efforts. Forest area in Europe is increasing every year, and countries are planting tree saplings at a record rate. Life expectancy has reached all-time highs in many countries, and more people are constantly pulled out of extreme poverty every year (although business lockdowns to fight COVID-19 threaten to reverse that trend). Access to freshwater has improved and human productivity has increased drastically.

So, **there is no actual climate emergency.** Instead, what we have are celebrities, activists, un-elected political bodies like the UN, and even some climate scientists religiously promoting a popular doomsday belief.

**The models do not know the future**, and neither do the Climategate scientists. But an exaggerated view of future warming provides the ideal background for anti-carbon-based fuels policies that will undermine the economic well-being of every society in the world. We must not allow that.

Be a climate realist.

# 2NC

# Section 5 CP

### OV – 2NC-1NR

#### At the top -

#### Our internal net benefit is *perception of FTC independence*.

#### The CPlan *boosts it* because the FTC’s the lone actor. Plan and perm *don’t solve* - they involve *non-FTC actors*.

#### Our Nam cards are shockingly strong. The global community models FTC independence levels. External actors might be good or bad domestically, but – overseas - they greenlight involvement of political appointees. That boosts mercantilist postures and crushes global free trade.

#### Free trade turns case – it checks ongoing global wars which structurally complicate the Aff advantages AND detract resources for Aff enforcement.

#### Our ev lists six extinction warrants – we’ll deepen the terminals:

#### ( ) 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.

#### ( ) *Prolif* and *climate* each independently cause extinction

* Climate change is true and real bad
* Prolif = probable scenario for extinction bc of *miscalc*, *user error*, or *unauthorized use*.

Thakur ‘15

Ramesh Thakur, Director of the Centre for Nuclear Non-Proliferation and Disarmament in the Crawford School of Public Policy, The Australian National University. 2015. “Nuclear Weapons and International Security.” Routledge

The world faces two existential threats: climate change and nuclear Armageddon. Those who reject the first are derided as denialists; those dismissive of the second are praised as realists. Nuclear weapons may or may not have kept the peace among various groups of rival states; they could be catastrophic for the world if ever used by both sides in a war between nuclear-armed rivals; and the prospects for their use have grown since the end of the Cold War. Even a limited regional nuclear war in which India and Pakistan used 50 Hiroshima-size (15kt) bombs each could lead to a famine that kills up to a billion people. 1 Having learnt to live with nuclear weapons for 70 years (1945–2015), we have become desensitized to the gravity and immediacy of the threat. The tyranny of complacency could yet exact a fearful price with nuclear Armageddon. The nuclear peace has held so far owing as much to good luck as sound stewardship. Deterrence stability depends on rational decision-makers being always in office on all sides: a dubious and not very. reassuring precondition It depends equally critically on there being no rogue launch, human error or system malfunction: an impossibly high bar. For nuclear peace to hold, deterrence and fail-safe mechanisms must work every single time. For nuclear Armageddon, deterrence or fail-safe mechanisms need to break down only once. This is not a comforting equation. It also explains why, unlike most situations where risk can be mitigated after disaster strikes, with nuclear weapons all risks must be mitigated before any disaster. 2 As more states acquire nuclear weapons, the risks multiply exponentially with the requirements for rationality in all decision-makers; robust command-and-control systems in all states; 100 percent reliable fail-safe mechanisms and procedures against accidental and unauthorized launch of nuclear weapons; and totally unbreachable security measures against terrorists acquiring nuclear weapons by being able to penetrate one or more of the growing nuclear facilities or access some of the wider spread of nuclear material and technology.

#### ( ) 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.

#### ( ) Space conflict causes extinction

* creates “use it or lose it” pressures bc an attack on a satellite creates communication and (subsequently) warfighting vulnerabilities;
* outweighs on probability

Marshall ‘21

Timothy John Marshall is a British journalist, author and broadcaster, specialising in foreign affairs and international diplomacy. He is a guest commentator on world events for the BBC. Marshall's blog, 'Foreign Matters', was short-listed for the Orwell Prize 2010.[8] In 2004 he was a finalist in the Royal Television Society's News Event category for his Iraq War coverage. He won finalist certificates in 2007, for a report on the Mujahideen, and in 2004 for his documentary 'The Desert Kingdom' which featured exclusive access to Crown Prince Abdullah and his palaces. “War in space is a growing threat – with hypersonic missiles and lasers to shoot down satellites” - This is an edited excerpt from the book: The Power of Geography: Ten Maps That Reveal the Future of Our World by Tim Marshall - April 20, 2021 - #E&F – modified for language that may offend - https://inews.co.uk/news/long-reads/space-war-lasers-missiles-satellites-conflict-tim-marshall-963439

Without binding treaties, low Earth orbit is a probable battlefield for military weapons aimed firstly at rivals within the belt, and then below it.

Russia and China have made organisational changes in their military, as have the Americans with the formation of the US Space Force in 2019. There are concerns that this activity violates the Outer Space Treaty, but it only states that weapons of mass destruction such as nuclear missiles should not be placed “in orbit or on celestial bodies or [stationed] in outer space in any other manner”. There’s nothing in international law to prevent the stationing of laser-armed satellites. And every page of history suggests that if one country does it, so will another, and then another. This is why the US Department of Defence has a mantra: “Space is a war-fighting domain.”

Britain’s space force

The UK Space Command was officially formed on 1 April, staffed from the Royal Navy (RN), British Army and Royal Air Force (RAF), the Civil Service and key members of the commercial sector. Its commander is a former Harrier jump jet pilot, Air Vice-Marshal Paul Godfrey.

The defence think-tank Rusi said after the British announcement that “questions remain as to what a space command means in practice, particularly for a medium-sized space power with few sovereign assets”. It added that “major decisions shaping the future of the UK’s military space capabilities and activities are likely to be taken this year”.

The head of the RAF, Air Chief Marshal Sir Mike Wigston, warned in November that Russia and China were developing anti-satellite weaponry and that the UK must be prepared.

“A future conflict may not start in space, but I am in no doubt it will transition very quickly to space, and it may even be won or lost in space, so we have to be ready and, if necessary, defend our critical national interests.”

In the previous century the possibility of nuclear war threatened to destroy our way of life; now the weaponisation of space ~~looks~~ (seems) as if it will pose a similar danger.

At the inauguration of Space Force, the then US President Donald Trump said: “American superiority in space is absolutely vital… The Space Force will help us deter aggression and control the ultimate high ground.”

The Chinese and Russians view space in the same way. We saw an early attempt to gain this advantage with the American Strategic Defence Initiative in the 80s, trying to develop a missile-defence system that could protect the US from nuclear attack. One of the options it investigated was space-based weaponry, earning it the name “Star Wars”.

Now the development of hypersonic missiles, which can fly at more than 20 times the speed of sound, is also focusing attention on this area. Unlike conventional intercontinental ballistic missiles, hypersonic missiles do not fly in an arc and can change direction and altitude. Therefore, at launch the potentially targeted country cannot work out where they are heading and co-ordinate their defences. Hitting a missile with a missile is hard enough; hypersonic missiles make it much more difficult.

Governments are examining the possibility of positioning anti-hypersonic laser systems in space to fire downwards. But machines capable of firing on the laser systems would then be developed, and then defensive systems for them – a space arms race.

The situation will only become more complicated as we continue to turn science fiction into reality. An example of that came in July 2020. Russia’s Kosmos 2542 military satellite had been “stalking” an American satellite, USA 245, at times coming within 150km of it, a distance regarded as close. It then released a mini satellite from within it – Kosmos 2543. The US military calls these “Russian dolls”. This “baby” Kosmos also shadowed the American spacecraft before manoeuvring towards a third Russian satellite. It then appeared to fire a projectile travelling at more than 400mph.

The Kremlin says it was simply inspecting the condition of its satellites, but the British and Americans both believe it was a weapons test. The US also shadows foreign satellites and is researching its own space weapons, but it was furious about what it believes was a breach of conventional behaviour. Such protocols and understandings are not codified in ratified law. But the threat to satellites is one that all countries must take seriously.

Dangers in orbit

Satellites are vital for modern warfare. All advanced countries rely on satellites for intelligence and surveillance. If a series of military satellites were hit, the high command would immediately worry that this was a precursor to being attacked on the ground. Early-warning systems of a nuclear launch might go down, triggering a decision on whether to launch first. Even if a conflict remained non-nuclear, the other side would have the advantage of precision-targeting its enemy and moving its own forces without being “seen”, while its opponent’s ability to send encrypted communications would also be limited.

This is all a very real threat. Already Russia, China, the US, India and Israel have developed “satellite-killer” systems. Techniques are being invented to shoot down satellites with lasers, to “dazzle” them so they cannot communicate, to spray them with chemicals, and even to ram them. And with no laws about who can be where, how close they can be and what activity is allowed, there is the growing danger of an exercise, or even faulty navigating, being mistaken for an impending attack.

### Internationalism module

#### Our internationalism module

#### 1NC Nam gave a separate internal link – when other nations are commitment to a model that support agency independence in Antitrust regulation It checks rivalry spirals that hampers support for global Internationalism *outside of free trade*.

#### That’s key to check extinction from AI, climate, and security risks.

Jain ‘19

et al; Ash Jain is a Senior Fellow and coordinates the Atlantic Council’s Democratic Order Initiative and D10 Strategy Forum. He previously served as a member of the Secretary of State’s policy-planning staff, focusing on US alliances and partnerships, international norms, and challenges to the democratic order—including those posed by Russia, China, Iran, and North Korea. Mr. Jain has also taught as an adjunct professor at Georgetown University’s School of Foreign Service. He earned a JD/MS in foreign service from Georgetown University – “Present at the Re-Creation: A Global Strategy for Revitalizing, Adapting, and Defending a Rules-Based International System” - Atlantic Council Strategy Papers – October - #E&F - https://www.atlanticcouncil.org/wp-content/uploads/2019/10/Present-at-the-Recreation.pdf

This international system, while not perfect, has proven to be more successful than any in human history at providing security, economic prosperity, and freedom. The evidence of this is apparent in the numbers. Before 1945, major powers frequently engaged in direct warfare on a massive scale, as in the Napoleonic Wars, World War I, and World War II. Since 1945, however, there have been zero great-power wars. As shown in Figure 1, the percentage of people killed in armed conflict has drastically declined in the post-World War II era. Armed conflict killed an average of 1–2 percent of the human population from 1600 to 1945. During the Cold War, an average of 0.4 percent of the world’s population perished due to war. Since the year 2000, less than one one-hundredth of 1 percent of people have died this way.8 Under a rules-based system, the world has continued to make progress in reducing deaths from all kinds of war, including often-intractable civil conflicts.9

Turning to economic prosperity, the global gross domestic product (GDP) per capita in 1945 was $4,079.10 Today it is $11,570.11 This drastic increase in global living standards is evident in Figure 2. The share of the global population living in poverty has dramatically decreased. In 1929, the number of people living in extreme poverty (defined as earning less than 1.90 international dollars per day) was 1.35 billion, almost two-thirds of the world population at the time. In 2015, that figure was 733.48 million, or slightly less than 10 percent of the world population.12 China itself has been one of the biggest beneficiaries of this system, as geopolitical stability in Asia and integration into the global economy helped to lift four hundred million Chinese out of poverty.

In the realm of good governance, the number of democracies has substantially increased. With the end of World War II and decolonization, the number of democracies increased from seventeen to forty-eight between 1945 and 1989.13 That number further skyrocketed at the end of the Cold War, as countries formerly behind the Iron Curtain rushed to join the West. In the year 1900, there were twelve democracies in the world. Today there are ninety-six.14 The percentage of the world’s population living under democratic governments has also increased from about 12 percent in 1900 to more than 55 percent today.15 This trend is visible in Figure 3.

To be sure, these outcomes are the result of an enormous and interconnected range of factors. International-relations scholars, for example, believe that nuclear deterrence and the absence of a multipolar distribution of power also contributed to great-power peace.16 In addition, globalization and economic development have been fueled by new technological developments. Further, global norms on democratic governance and human rights have come a long way since the early twentieth century.17

Still, it is doubtful whether this dramatic improvement in the human condition could have been achieved in the absence of the rules-based international system. Moreover, many of these other driving forces are themselves constitutive of, if not partially the result of, that system. Global bipolarity, and then unipolarity with the United States at its center, was critical for the postwar development of a rules-based system, which may not have been possible in a more multipolar distribution of international power, or with a non-democratic hegemon at the system’s apex. The splitting of the atom could have resulted in widespread nuclear-weapons proliferation and nuclear use had it not been for the NPT and extended US nuclear deterrence in Europe and Asia.18 The most important technological advances for globalization, including the Internet, occurred and flourished in the free world, defended by the United States and its democratic allies and partners.19 Finally, the United States and its democratic partners, along with nongovernmental organizations and individuals operating in these states, were the most important norm entrepreneurs propagating global norms around issues of good governance, democracy, and human rights.

In sum, the rules-based international system that has been the defining feature of global order for the past seventy years has coincided with—and was almost certainly essential in bringing about—the most secure, prosperous, and well-governed world humanity has ever known.

Despite this record of unprecedented and enduring success, the rules-based international system is currently besieged by a number of challenges unleashed by rapid and dramatic global change. Understanding the current strategic context, including global trends and threats both external and internal to the system’s democratic core, is a necessary first step toward devising a strategy to revitalize, adapt, and defend a rules-based international system.

Global Diffusion of Power. The international distribution of power, as defined by relative economic weight, is shifting away from the founders of the post-World War II system to other emerging economies. As recently as the 1990s, nearly 70 percent of global economic activity occurred in Europe and the Americas. By the 2040s, that number is expected to drop to roughly 40 percent. At the same time, the Asian share of global GDP will increase from 32 percent at present to 53 percent in 2050, meaning that, by that time, the majority of all economic activity on Earth will occur in Asia.

While the United States remains the world’s most powerful state militarily and economically, it is declining relative to other rising powers, particularly China. When corrected for purchasing-power parity (PPP), China’s GDP has already surpassed the United States. The better metric for international power and influence, however, is real GDP; here, too, the US advantage is narrowing, but more slowly.21 At the conclusion of World War II, the United States possessed roughly 50 percent of global GDP.22 From the 1970s through today, that number has held steady at roughly 25 percent.23 Despite a common misperception, the United States’ share of global power is not declining in absolute terms.

Rather, other powers—especially China—are rising. China’s share of global GDP rose from 4.6 percent in the 1990s to 15 percent today.24 Many economists predict that China could surpass the United States as the world’s largest economy by 2030. It is noteworthy, however, that in 2009, economists predicted that this transition would happen by 2020. That date has been pushed back a decade as Chinese growth has slowed. Future projections depend entirely on assumptions about growth rates in the United States and China that cannot be known with certainty. Still, most economists expect that China will, at some point, surpass the United States as the world’s largest economy.

China is joined by other emerging economies with rapid growth rates, including India, Indonesia, and others. US allies, including Japan, Germany, and the United Kingdom, remain among the wealthiest nations on Earth, but their share of global power is also declining relative to the rise of the rest.

This shift is significant because international orders function best when their formal attributes at least roughly reflect the underlying balance of power. While only one measure of global influence, economic power is central given the leverage it provides over trade and investment, and the resources it offers to sustain military and security advantages.

It is also important to point out, however, that the United States and its formal treaty allies continue to possess a preponderance of power in the international system. As Figure 4 shows, the United States and its formal allies currently produce 59 percent of global GDP. When including other countries considered to be “democracies” by the widely used Polity scores, that number rises to 75 percent of global GDP. Democracies continue to retain global influence because more countries have transitioned to democracy since the end of the Cold War, and overall economic growth in democratic countries has outpaced that in autocratic states since 1991.

The major shift since the dawn of the post-Cold War world, therefore, is not that the power of the United States and its democratic allies and partners has declined substantially. The major difference is that the share possessed by autocratic challengers, especially China, has grown. As Figure 4 shows, the world is approaching a more bipolar distribution of power, with more wealth concentrated in the democracies and in a grouping of autocratic challengers led by China.

This means that, if they are able to work together more cohesively, the United States and its democratic allies and partners still have the power and influence necessary to significantly shape international outcomes. Moreover, if they are able to expand their ranks to court other nonaligned democracies like India, Indonesia, and Mexico, their influence on the international system can be even more decisive.

Disruptive Technologies. New technologies—including artificial intelligence (AI), robotics, quantum computing, and biotech, among others—are being developed at an exponential pace, and have the promise to transform society. They will determine how people live and function in the twenty-first century, significantly shaping the global economy, international security, and the course of geopolitics.

Throughout history, progress has been built on technological innovation, ranging from Thomas Edison’s light bulb to Henry Ford’s assembly line to the silicon chip, the personal computer, and the Internet. While new technology promises improved productivity and quality of life, it will bring serious downside risks, including economic dislocation and weapons proliferation. AI, for example, is already being widely adopted in the private sector to achieve great efficiencies and cost savings.25 At the same time, automation threatens to put millions out of work as jobs once performed by humans are replaced by machines. Moreover, AI is also being introduced into national militaries. A logical next step is fully autonomous weapons that can select and engage targets without a human in the decision-making loop. Some warn that these “killer robots” introduce many ethical and security risks, including the fear that they may turn on their creators and threaten humans’ very existence or, indeed, what it means to be human.26 Henry Kissinger warns, “We are in danger of losing the capacity that has been the essence of human cognition.”27

The existing international system was designed to deal with the most important dual-use technologies of the twentieth century, such as nuclear power, but it must be updated to deal with the technologies of the twenty-first century. As with nuclear energy, the international community needs an entirely new set of international norms, standards, and agreements for responsible uses of new technologies that mitigate their downside risks, while maximizing their upside potential.

Since the time of Edison, the United States has been the world’s most innovative country, but it is at risk of losing that title to China and other countries that aim for the first-mover advantage in the next round of technological breakthroughs. Throughout history, technological progress and international leadership have gone hand in hand. Think of roads and aqueducts in ancient Rome, the steam engine in nineteenth-century Great Britain, and the Internet in the United States. If China or another country takes the lead in the new tech arms race, Beijing may be in a better position to rewrite the international system’s rules.

Nuclear Proliferation. Even as the world grapples with the technological challenges of the twenty-first century, century-old technological challenges remain. The NPT may be the most successful treaty in history, but its future is uncertain. North Korea has become the only country in history to sign the treaty, withdraw, and build nuclear weapons. If North Korea is allowed to become an accepted nuclear-weapons state, it would pose a severe threat to international peace and security. Other members of the treaty may also reconsider their nuclear options. In particular, South Korea and Japan may be at risk of pursuing nuclear-weapons programs if the program in Pyongyang continues to advance and the United States is unwilling or unable to provide Seoul and Tokyo with adequate security assurances.

Iran’s nuclear program was allowed to operate within strict limits according to the terms of the Joint Comprehensive Plan of Action (JCPOA), but the US withdrawal from that agreement may lead Tehran to accelerate its nuclear program or dash to achieve a nuclear weapon. A bomb in Iran could also instigate further regional nuclear proliferation.28 Officials in Saudi Arabia, for example, have declared that if Iran acquires nuclear weapons, Riyadh will follow suit.

A proliferation cascade in East Asia or the Middle East would undermine the global nonproliferation regime and fuel regional insecurity. Moreover, new technologies such as additive manufacturing may make it easier for future proliferators to build nuclear-weapons programs, and harder for the international community to catch and stop them.29

The additional spread of a weapon that remains the ultimate instrument of military force could threaten the global security and stability necessary for the smooth functioning of the rules-based international system.

Ecological Disaster. As with nuclear war, an ecological disaster could constitute a direct threat to humanity’s very existence. While states have made efforts to address climate change caused by carbon emissions, including in the Paris Climate Agreement, these steps will not be sufficient to keep emissions below the target levels set by leading scientific panels. Higher average global temperatures are leading to rising sea levels, drought, an increased frequency of violent storms, and forced migrations, all of which are threatening vulnerable societies, undermining already-weak national governments, and contributing to conflicts over natural resources.

## vs. Perm do both

### A-Level

#### 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.

### \*\*Appearance link to perm

#### Our appearance link to the perm.

#### The perm need not fiat FTC coordination with outside agencies. Involvement of outside parties diminishes *the perception* of FTC legitimacy.

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/

These considerations require a more cautious answer to the question of how much independence is appropriate. Implicit or explicit in many discussions of independence are conditions that we believe represent a sensible core domain of decisions that are shielded from political interference. The most important of these is the exercise of law enforcement authority, which can lead to the imposition of significant sanctions upon juridical persons and natural persons. The political branches of government ought not to be able to (a) determine whether the agency will prosecute particular parties; or (b) influence how specific disputes will be resolved, including the choice of punishments for alleged wrongdoers. It can also be problematic if government officials outside the agency seek to micromanage pre-complaint investigations and, to a lesser extent, there are potential risks when such outside officials can demand that the agency open pre-complaint investigations. These conditions assume greater importance as the severity of the agency’s power to punish increases. As noted earlier, by this approach we would not preclude guidance by legislators about which sectors or types of commercial phenomena deserve the agency’s attention.

We have focused on law enforcement because the power to gather information, to prosecute cases, and to impose sanctions often is perceived to be the most formidable of the agency’s policymaking tools. The same observations would apply, however, to other exercises of the agency’s authority, such as the issuance of rules that implement statutory commands and the preparation of reports. A basic test is whether the form of attempted intervention from external bodies diminishes, in fact or in appearance, the capacity of the agency to exercise independent professional judgment in the administration of its responsibilities.

#### That erodes norms favoring agency independence. Creates the appearance of influence from external political actors.

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/

The earlier decision to initiate an administrative litigation or a similar decision to initiate a court proceeding—either of which requires the FTC to make a “reason to believe” determination—similarly requires a high degree of independence. A system of competition law quickly loses its legitimacy when, for example, an elected official can force the agency to file cases to harass political adversaries, to fulfill campaign promises to contributors (even worse, to make good on bribes), or to shield incumbent economic interests from challenge by new firms or business models which, if allowed to grow, will improve economic performance. Stepping further back in the process, there is substantial reason to minimize political oversight of ongoing investigations, which can potentially border on, or at least create the appearance of bordering on, micromanagement and congressional intervention in, for example, an investigation into a pending merger.

### vs. Perm “Do Cpl”

#### 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 regulations 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 regulations 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 regulations 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 Homeland Security Act 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 regulations, 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 regulations.

#### Prefer P.O.G.O. :

#### A – Precise – from *SCOTUS* and *intends to define*. Boosts *education*. Avoids *self-serving ambiguities* that crush fairness.

#### B - Contextual –1NC Khan proves Congress gave FTC *the same* promulgation authority - if it’s a *rule* for TSA, it is for FTC as well.

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

#### ( ) Aff severs two more things

#### *“Increase prohibition*”;

#### AND *“Expand Scope*”:

.

### vs. Any Disad to the CPlan

#### FTC recently expanded authority. That renders Aff disads to the CPlan are not unique – but it doesn’t complicate our internal net benefits.

Roach ‘21

Lee Roach – Partner with Faegre, Drinker, Biddle & Reath LLP. Holds a J.D. (cum laude), Notre Dame Law School – “The FTC Expands Section 5 Enforcement Efforts With Potentially Broad Implications” – JD Supra – July 12th, 2021 - #E&F - https://www.jdsupra.com/legalnews/the-ftc-expands-section-5-enforcement-7020931/

The Federal Trade Commission (FTC) recently updated its interpretation of its authority to challenge “unfair methods of competition” under Section 5 of the FTC Act. It will no longer limit enforcement actions under Section 5 to conduct that violates the consumer welfare standard. This may significantly expand the sorts of business activities the FTC investigates and challenges.

Although this adjustment, in conjunction with other recent developments at the FTC, is widely interpreted to signal increased scrutiny of Big Tech companies, the FTC’s pivot on its Section 5 authority may have broader implications. Companies should monitor the FTC’s next steps closely for further insights on conduct it may challenge in the future.

On July 1, the FTC voted to expand its enforcement efforts under Section 5 of the FTC Act. Section 5 authorizes the FTC to investigate and challenge “unfair methods of competition in or affecting commerce” (15 U.S.C. § 45(a)(1)) — language that is seemingly open-ended. Courts have not precisely defined the outer-bounds of the FTC’s Section 5 authority.

Previously, according to a 2015 policy statement, the FTC was “guided by” the consumer welfare standard when using its Section 5 authority, and focused on whether the conduct in question artificially raised prices. This hewed closely to how courts have interpreted the other main federal antitrust statutes, the Sherman Act and the Clayton Act. In fact, in that same 2015 policy statement the FTC clarified that it would be “less likely to challenge an act or practice as an unfair method of competition on a standalone basis if enforcement of the Sherman Act or Clayton Act is sufficient to address the competitive harm arising from the act or practice.” And even where the Sherman Act or Clayton Act may not have prohibited certain conduct, the FTC’s record of enforcement has tended to focus on “incipient” conduct that could in the future lead to clear violations of those statutes, such as invitations to collude or exchanges of competitively sensitive information.

The FTC’s move on July 1 constitutes a meaningful departure from its prior interpretation of Section 5, and signals that the FTC may now interpret “unfair methods of competition” more expansively than in the past. Indeed, in a statement released in conjunction with the move, new FTC Chair Lina Khan stated that the 2015 policy statement “contravene[d] the text, structure, and history of Section 5 and largely wr[ote] the FTC’s standalone authority out of existence.” The move also harkens to previous advocacy by Chair Khan that the consumer welfare standard is an inadequate tool for challenging Big Tech companies.

Importantly, however, nothing limits the FTC’s newly expansive understanding of its Section 5 authority only to Big Tech companies. In fact, prior statements by those commissioners who voted with Chair Khan to expand the FTC’s authority under Section 5 seem to indicate just the opposite. To take but one example, two years ago FTC Commissioner Rohit Chopra released a statement, joined by fellow Commissioner Rebecca Kelly Slaughter, criticizing an FTC settlement with online cosmetics company Sunday Riley Modern Skincare LLC. The company had posted false reviews of its products online in order to drive traffic. Commissioner Chopra argued this “false advertising [was] an unfair method of competition,” and thereby criticized the FTC’s action for failing to address the conduct as an antitrust violation and not simply a consumer protection violation.

The FTC’s vote on July 1 opens the door to such an approach in future cases. All companies – not just Big Tech companies – will have to watch the FTC’s next steps carefully and determine how they might affect their own legal and business strategies. It will also be important to monitor how courts may respond to future challenges the FTC brings under its Section 5 authority, as courts may not necessarily agree with the FTC’s newly expansive view.

## We solve their aff

#### Section 5 solves patent law and SSO\*.

Dagen ‘10

Richard – Formerly, Adjunct Professor Boston University School of Law (Aug 2005 - Dec 2006) specializing in Antitrust; former Kramer Fellow - Harvard Law School. At the time of this writing, the author served as Antitrust, High Tech and Antitrust Special Counsel to the Director, Bureau of Competition, Federal Trade Commission “RAMBUS, INNOVATION EFFICIENCY, AND SECTION 5 OF THE FTC ACT” – BOSTON UNIVERSITY LAW REVIEW - Vol. 90 - #E&F - http://www.bu.edu/law/journals-archive/bulr/documents/dagen.pdf

There is an overblown fear that FTC involvement in standard setting will result in decreased participation. These fears are often accompanied by an overreliance on the ability of patent law defenses to protect the interests of SSO members and, more importantly, consumers. In the standard-setting context, Section 5 and patent law defenses derive from similar legal principles and result in similar remedies. The incremental impact on incentives to participate should therefore not be that great – firms must already include private law defenses in their cost-benefit analysis of whether to join an SSO. As a result, where there would otherwise be anticompetitive effects, the FTC can enforce the principles of certain patent law defenses, such as equitable estoppel, because FTC intervention does not substantially change the incentives to participate in standard setting. The same cannot be said for Section 2, with its potential treble damage remedy.

(\*\* Note - “SSO” = “Standard Setting Organizations

### Solves for “Innovation” criteria Affs- cross apply to the innovation turn on case

#### Cplan solves – Section 5 can expand to criteria centered on innovation.

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 – modified for language that may offend - https://www.dwt.com/insights/2021/07/biden-ftc-antitrust-initiatives

The Commission also voted to rescind a 2015 policy statement setting out the contours for the agency's reliance on Section 5 of the FTC Act, which bars "unfair methods of competition." Section 5 has been at the center of much controversy. Its critics say the use of Section 5 "unfair competition" claims should be constrained in order to avoid overbroad and arbitrary enforcement by the FTC.

Its proponents in academic and policy circles, on the other hand, argue that Congress intended an expansive use of the provision that would reach conduct that has proven difficult for enforcers when relying on traditional antitrust laws—the Sherman Act and the Clayton Act—such as invitations to collude, so-called "pay-for-delay" pharmaceutical deals, exclusive dealing, and employee non-competes.6

The 2015 policy statement signaled that the FTC had conceded to a more restrictive view of Section 5. It declared the "consumer welfare standard" the predominant rubric for adjudging whether competition has been harmed in Section 5 cases; promoted the use of a "rule of reason" balancing test for proving competitive effects; and backed off relying on standalone Section 5 claims where enforcement of traditional antitrust laws would suffice.7

These positions have been targeted by reformers, who ~~viewed~~ (considered) them as barriers to broader enforcement of competition laws. The July 1, 2021, decision by the FTC to rescind the 2015 policy statement could signal an expansion of agency powers to target novel claims under Section 5:

For antitrust reformers, going beyond "consumer welfare" would mean expanding protections for rivals and enabling theories of harm based on innovation, choice, access, and other aims not directly tied to consumer pricing and supplier output.

Backing off the "rule of reason," where an antitrust violation may only be found after a careful balancing of pro- and anti-competitive effects demonstrates a net harmful effect on competition, would likely mean more reliance on rebuttable presumptions (based on market shares, etc.) that try to establish what is more akin to a bright-line rule against certain conduct.

Loosening restrictions on bringing standalone claims for "unfair methods of competition" would provide an opening for the FTC to police conduct that is not unlawful under prevailing judicial interpretations of traditional antitrust laws.

### CP avoids politics

#### CP avoids politics

#### *Even if* the political branches would otherwise hate the Cplan, Agency Guidance docs *won’t face retaliation*.

Raso ‘10

CONNOR N. RASO – J.D., Yale Law School expected 2oo; Ph.D., Stanford University Department of Political Science expected 2010 - “Strategic or Sincere? Analyzing Agency Use of Guidance Documents” – Yale Law Journal – v. 119:782 - #E&F - https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5196&context=ylj

Guidance documents generally attract less attention from Congress and the President, giving agency leaders greater latitude to impose their preferred policy choices. Guidance is not subject to the many procedural requirements devised to alert the political branches to agency rulemaking activity. 92 In addition, guidance documents arouse less attention and opposition. Agencies can generally issue a guidance document without attracting advance publicity. The agency therefore has the opportunity to set a new status quo before opponents mobilize. This status quo may generate self-reinforcing feedbacks that strengthen the agency's position. By contrast, agencies must solicit comments on legislative rules. This process generates political activity that may be noticed by Capitol Hill and the White House; some important legislative rulemakings gain political salience as interest group conflict escalates during the notice and comment process. 93 This comparison is not intended to suggest that interest groups are unaware of guidance documents. Rather, at the margin, legislative rules arouse more interest group attention and opposition, which results in greater congressional interest. Guidance documents, therefore, are relatively more attractive in cases where Congress and the President are likely to intervene against the agency.

# Case

## TRIPS

## Compulsory licensing bad

basically their arg is that we should have compulsory licenses for climate tech... and they say thats good for international trade and developing climate tech innovation that solves warming

they say that fossil fuel companies get patents on clean tech stuff... then bury them because they dont want to demonstrate the feasibility ... and they say that when rich countries dont give their tech to poorer countries... it undermines the credibility of world trade

we can link turn the aff by saying compulsory licenses undermines the incentives countries have to research and innovate... undermining warming tech innovation... we can also go for the section 5 CP w/ the FTC independence NB or sec 5 w/ politics... theres also a CP specific to fast tracking patents and mitigating climate change --- that might now solve their "countries hold-up patents" arg... but we can win that patent hold up theory is false and go for that CP + our innovation link turns

#### Turn --- International compulsory licensing of green tech crushes innovation and stymies local development

Wang 19 --- Ya-Lan Wang, Masters Student, MIPLC, “Patent Protection for Green Technologies – Is Compulsory Licensing the Way of Promoting Technology Transfer?”, Munich Intellectual Property Law Center (MIPLC) Master Thesis (2018/19), https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3684342

The Use of Compulsory Licensing Reduces the Incentives for Innovations

Developing new technologies, especially cutting-edge technologies like green technologies, could be extremely costly. “To offset these significant costs, most innovative firms and individuals seek to protect their inventions with patents” 360 or other stronger measures. Inventors are expecting to have stronger intellectual property rights. “Strong intellectual property rights (IPR) are important for creating the economic incentives necessary for technology firms to devote time and money to developing innovative technology.”361

As “green technology has become big business,” 362 “the corporations and inventors who create these innovations use the global IPR system to profit (sometimes greatly) from them for the entire length of the statutory monopoly granted by patents.”363 The protection of patent “gives those innovators a chance to recoup that investment before copycat versions flood the market.”364 Their profits are generated from the “significant gaps between marginal cost and retail price, generating many billions of dollars in profits called ‘patent rents’ for companies.” 365 Companies who own the patents “argues that these patent rents are what propel innovation.” 366 If the compulsory licenses are easily often granted, they lose their chance to profit and therefore will have less or no incentives to invest in technological innovations.

b) The Use of Compulsory Licensing Might Hinder the Long-Term Proliferation and Development of Domestic IP

As the spokesperson of Merck & Co said in responding to the Brazilian Government’s decision on granting compulsory license to its patented medication, the impacts it might have on to the companies who own patents is that

“this expropriation of intellectual property sends a chilling signal to research-based companies about the attractiveness of undertaking risky research on diseases that affect the developing world, potentially harming patients who may require new and innovative life-saving therapies.”367

Since the companies are expecting to profit from their new inventions through the monopoly created by the patent systems, if compulsory licenses are often easily granted, companies, especially researched based companies, will no longer be willing to invest in developing cutting-edge technologies. This for the long run will hampered the R&D power and technology development of companies in domestic markets.

International technology transfers, for the same reasons, potentially jeopardize the developments of domestic technology developments and growth, as scholar Monte has pointed out, for a very simple reason: “if one can simply appropriate the invention there will be no ‘sweat of the brow’ learning taking place,”368 and, “therefore, no endogenous development, as it is not required.”369 If throughout compulsory licensing, countries can easily acquire the technologies they need from other countries, considering the price paid getting technologies through compulsory licensing is considerably cheaper than develop those technologies themselves, they may not be willing to invest in such costly, time consuming processes of R&Ds.

For the long-term considerations, it may not be all good using compulsory licensing scheme in order to achieve technology transfer.

### 2nc – tpp fails

#### TPP crushes innovation – extend 1nc brand

#### US companies will be scared of adversaries ripping off their property & innovation – that sends a broad chilling effect and hurts international coop

#### Investor confidence – sustained billions are necessary but no one wants to fit the bill

#### Refusing to license doesn’t violate TRIPs --- your author

Zhou 19 ~Chen, Assist Prof in the Law School of Xiamen Univ, "Can intellectual property rights within climate technology transfer work for the UNFCCC and the Paris Agreement?" International Environmental Agreements: Politics, Law and Economics 19.1, p.108-10, JCR~

By defning the scope of patents and exceptions to be granted, TRIPS imposes mandatory obligations on the standardized IPR protection for its Members. Patent protection broadly applies to all inventions, both products and processes. Article 27 lists a number of exceptions to this broad patentability, including “human, animal or plant life or health or to avoid serious prejudice to the environment”.36 With these words, technology transfer for environmental purposes attains a sort of special treatment. However, whether these exceptions beneft technology transfer or not depend on how the terms are interpreted in a concrete case. In addition, Article 30 allows for two more exceptions for the unauthorized use of patents: legitimate interests of third parties and security.37 In the case of climate technology, however, it is only if the interests of the third parties in mitigating and adapting to climate change are given enormous weight that the third-party exception can be made (Littleton 2008: 10). Likewise, it is unlikely that patenting climate technologies would constitute a material threat to maintaining international security and peace.38 Moreover, the public health exception introduced by Article 31 leaves the door open for a possible climate technology transfer exception.39 Members of the TRIPS are allowed to determine the specifc terms of the public health exception clause such as “emergency”, “non-commercial use” and “domestic market requirement”.40 This could, for instance, defne extreme weather events as an “emergency” requiring compulsory licensing. Nevertheless, due to the uncertainties in national law systems and the limited role of international law, exercising compulsory licensing in the international transfer of climate technologies is realistically difficult (Harper 1997: 385–388). An important reality in the national law system is that governments cannot intervene with private technology producers unless they have adequate legal grounds, which is where the UNFCCC might (and should) play its critical role. Article 31 had initially been designed to permit compulsory licensing in public pharmaceuticals to address national emergencies. Despite their similarities with public pharmaceuticals, whether climate mitigation and adaptation technologies can invoke compulsory licensing or not remains unclear (Kogan 2010).41 There are profound divergences on this issue between developing and developed country Parties.42

### 2nc – patent hold up fails

**No risk of aff offense --- patent hold up is a false theory**

**Osenga 18** --- Kristen Osenga, Professor, teaches at the University of Richmond School of Law and writes in the areas of intellectual property, patent law, law and language, and legislation and regulation,, “Ignorance Over Innovation: Why Misunderstanding Standard Setting Organizations Will Hinder Technological Progress”, 2018, https://scholarship.richmond.edu/law-faculty-publications/1502/

The concern behind patent hold-up in the technology standards space is that patent owners could force firms wishing to implement a standard an excessively high royalty rate to use the patented technology by relying on the fear of injunctive relief if the implementer fails to pay the royalty.77 But patent hold-up is just as theoretically **possible in the absence of standardization**. Any time a property owner has a good that others want for which there is no perfect substitute, the owner could seek excessively high rates.' 8 There are numerous markets that exhibit this characteristic, and yet market forces ensure that those seeking the good are able to fairly negotiate for access. The fact that market forces have successfully prevented hold-up in other circumstances helps underscore why the issue is **simply theoretical** in the case of standard-essential patents (SEPs).

Although critics make it seem as though patent hold-up is a regularly occurring phenomenon, **it is by no means a** natural by-**product of standardization**. Rather, actual holdup requires both **opportunity and action** by the patent holder.79 With respect to opportunity, simply owning an SEP does not automatically create a situation where a patent holder can seek and obtain excessive royalties. Additionally, not all patents are created equal.so The value of the technology covered by the patent is what actually drives the royalty rates, not a patent's designation as an SEP."' Ultimately, seeking excessively high licensing rates poses **many risks to patent owners** that often overshadow the opportunity to do so. For instance, standardization is often a repeat-player game; if a patent holder acts in an unfair manner, it is unlikely that other firms will be willing to urge adoption of that patent holder's technology in future standard setting proceedings.82 Additionally, there are risks for the patent holder in engaging in unfair negotiations with implementers. These implementers may also hold SEPs that the patent holder may need to cross-license or may be important firms for commercializing the patent holder's technology." For these reasons and others, the supposed leverage of the patent holder to act unfairly is **outweighed** by ma**ny factors** that **decrease the likelihood of patent hold-up**.

### 2nc – alt causes

#### Alt Cause---Their Ladislaw card is in the context of China acting as well which the plan doesn’t solve---no where do they say china cares about reaching net zero

#### Patent trolls are not a problem. Increased litigation follows from more patents and stupid PTO rules.

Sipe ’16 (Matthew; 2016; J.D. at Yale Law School; Michigan Telecommunications and Technology Law Review, “Patent Privateers and Antitrust Fears,” Vol. 2, No. 1, <http://repository.law.umich.edu/mttlr/vol22/iss2/1> MSU-MJS)

While the popular media has labeled patent trolls collectively as responsible for an increasing “onslaught of litigation,”139 the data suggest another story. The rise in overall patent assertions can be easily explained by the surge in issued patents, mandatory case disaggregation, and the increasingly low quality of patents issued by the PTO—particularly for software patents. Utility patents are “the most common type of patent,”140 covering “any new and useful process, machine, manufacture, or composition of matter” (or improvement thereof).141 In practice, these patents cover everything from mechanical devices and chemical compounds to computer software and processes.142 In 1990, the PTO granted approximately 90,000 utility patents.143 In 2014, it granted 300,000, more than a 300% increase in less than 25 years.144 This increase in patent grants has tracked the increase in patent suits over the last 25 years very closely; in particular, both feature strident increases starting in 2009 compared to periods of measured growth in the 1990s.145 FIGURE 1. UTILITY PATENTS: FILLED VS. ISSUED, 1975 – 2012, omitted. FIGURE 2. PATENT CASES COMMENCED, 1980-2012, omitted. In other words, patent assertions have increased, but at a rate roughly proportional to the rate of patents being issued.148 Inventors are patenting more things, explaining at least some of the increase in patent suits and assertions. Mandatory case disaggregation has also increased the number of apparent suits. The America Invents Act, passed in 2011, prohibits joining “multiple unrelated defendants to an action solely on the basis that they have each allegedly infringed the patent-in-suit.”149 This has directly led to the apparent surge in litigation since 2011 without actually changing the number of defendants or plaintiffs.150 Therefore, it is likely that at least part of the overall increase in patent litigation is largely illusory. Finally, the PTO has granted an increasing number of software patents, which tend to be disproportionately litigation-prone.

### 2nc – impact d

#### Trade wars don’t cause extinction – extend 1nc hong

#### Major economies have tons of trade weapons at their disposal – it’s easier to keep throwing terrifs or currency manipulation that it is to start lashing out militarily

#### Deterrence – open war is more costly and causes domestic backlash to any nation. US military primacy prevents anyone from challenging the LIO.

#### No trade wars and doesn’t hurt the economy – empirics and top economists agree

Fletcher 16 (Ian Fletcher, Senior Economist of the Coalition for a Prosperous America, citing Economists Paul Krugman and Howard Richman, March 8, 2016. “Free Traders Can’t Name a Single Trade War.” <http://www.huffingtonpost.com/ian-fletcher/free-traders-cant-name-a_b_9409890.html>)

Failed 2012 presidential candidate Mitt Romney has been [claiming](http://www.nytimes.com/2016/03/04/us/politics/mitt-romney-speech.html) that [Donald Trump’s](http://www.huffingtonpost.com/ian-fletcher/donald-trump-is-rationall_b_8215658.html) (and by logical implication, [Bernie Sanders’](http://www.huffingtonpost.com/ian-fletcher/unlike-clinton-sanders-re_b_9015000.html)) proposed rejection of free trade would start a trade war and tip America into recession. Economists [Paul Krugman](http://krugman.blogs.nytimes.com/2016/03/04/the-mitt-hawley-fallacy/) and [Howard Richman](http://www.americanthinker.com/articles/2016/03/would_trumps_trade_policy_really_cause_a_recession.html) have both neatly summarized why this simply isn’t how the economics works, even if a trade war does happen, so I won’t repeat their points here. But I have a simpler one: Trade wars are mythical. They simply do not happen. If you google “the trade war of,” you won’t find any historical examples. There was no Austro-Korean Trade War of 1638, Panamanian-Brazilian Trade War of 1953 or any others. History is devoid of them. Please don’t respond with that old canard about the Smoot-Hawley tariff of 1930 starting a trade war and causing the Great Depression. It doesn’t stand up, as actual economic historians from Milton Friedman on the right to Paul Krugman on the left have documented. See [here](http://www.americanthinker.com/articles/2010/04/protectionism_didnt_cause_the.html), and [here](http://krugman.blogs.nytimes.com/2011/02/21/hoot-smalley), and [here](http://www.economicprincipals.com/issues/2011.02.20/1235.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+EconomicPrincipals+%28Economic+Principals%29). The Depression’s cause was monetary. The Fed allowed the money supply to balloon during the late 1920s, piling up in the stock market as a bubble. It then panicked, miscalculated, and let it collapse by a third by 1933, depriving the economy of the liquidity it needed to breathe. A wave of bank failures in 1930 spread the collapse around the country. Trade had nothing to do with it. As for the charge that Smoot caused the Depression to spread worldwide: it was too small a change to have plausibly so large an effect. For a start, it only applied to about one-third of America’s trade: about 1.3 percent of GDP. Our average tariff on dutiable goods went from 44.6 to 53.2 percent—not a large jump. Tariffs were higher in almost every year from 1821 to 1914. Our tariff went up in 1861, 1864, 1890, and 1922 without producing global depressions, and the recessions of 1873 and 1893 managed to spread worldwide absent tariff increases. Neither does the myth of a spiral of retaliation by foreign nations stand up. According to the official State Department report on this question in 1931: With the exception of discriminations in France, the extent of discrimination against American commerce is very slight...By far the largest number of countries do not discriminate against the commerce of the United States in any way. Trade wars are an invented concept, a bogeyman invented to push free trade. The giveaway, of course, is that free traders claim both that a) trade wars are a terrible threat we must constantly worry about, and b) it’s obvious no nation can ever gain anything from having one. Think about that for minute. Now my challenge to free traders (and to my readers) is this: [write to me](http://mailto:ianhfletcher@yahoo.com/) and name a trade war. I promise to publish any results I get.

#### Multilat inevitably fails – no governance or consensus

Ferry 18 Jean Pisani-Ferry, Economics Professor with Sciences Po of Paris and the Hertie School of Governance of Berlin, former campaign director for Emmanuel Macron and Commissioner-General of France Stratégie, the Founding Director of the think tank Bruegel. [Should we give up on global governance? Policy Contribution 17, October 2018, https://bruegel.org/wp-content/uploads/2018/10/PC-17-2018.pdf (table 1 omitted)]//BPS

C. Obsolescence of global rules and institutions Although the previous argument primarily rests on the broad pattern of international trade and finance, the adverse effects of external liberalisation can be compounded by inadequate governance. As far as trade is concerned, two cases in point are, first, inertia in the categorisation of countries, especially the fact that emerging countries, including China, still enjoy developing country status in the WTO; and, second, failures to enforce the adequate protection of intellectual property (an issue on which the EU recently joined the US and filed a complaint at the WTO against Chinese practices; see European Union, 2018). These grievances, and others concerning subsidies or investment, are not new: they were clearly spelled out by policymakers from the Obama administration (see for example, Schwab, 2011, and Wu, 2016). The underlying concern is that the systemic convergence on a market economy template that was expected from participation in the WTO has failed to materialise. The rules and institutions of global trade have brought shallow convergence but not the deeper alignment of economic systems that was hoped for. More generally, existing rules and institutions were conceived for a different world. This is very apparent in the trade field: the GATT/WTO framework dates from what Baldwin (2016) has called the “first unbundling” of production and consumption. They were not designed for the “second unbundling” of knowledge and production that gave rise to the emergence of global value chains. For decades, the implicit assumption behind the structure of trade negotiations has been that nations have well-defined sectoral trade interests: they are either exporters or importers. But in a world of global value chains, they are both importers and exporters of similar products simultaneously. Even if the principles of multilateralism remain valid, important features of the rules and institutions in which they are embedded are increasingly outdated. In the same way, opening to capital movements was supposed to result in net financial flows from savings-rich to savings-poor countries. What has happened instead is a massive increase in gross flows resulting in the interpenetration of financial systems and the coexistence of sizeable external assets and liabilities. The consequence has been the emergence of a global financial cycle (see for example Rey, 2017) and of policy dilemmas that are quite different from those arising in a simple Mundell-Fleming framework, in which interdependence takes place through net inflows and outflows of capital. Developments in the climate field further illustrate the point. The 1997 Kyoto Protocol was negotiated under the assumption that the bulk of greenhouse gas emissions would continue to originate in the advanced countries. But by the time the Protocol was meant to enter into force, it was clear already that the hypothesis was deeply wrong. The exemption of developing countries from emissions reductions was one of the reasons why the US did not ratify the treaty. The failed Copenhagen agreement of 2009 was an attempt to replicate Kyoto on a global scale, but there was no consensus for such an approach. Rules can be reformed and institutions can adapt. But this is a long and demanding process, especially when it requires unanimity, when participating countries have diverging interests and when changes require ratification by parliaments where there is no majority to support them. Global rules therefore exhibit a strong inertia that often prevents necessary adaptations. Trade rules, amendments to which require unanimity, are a case in point. Institutions are nimbler and can adapt to changing priorities or perspectives on interdependence. The IMF for example has succeeded in adjusting to major changes in the international economic regime and major shifts in the intellectual consensus. But even institutions face limitations to their ability to keep up with underlying transformations. This is one of the reasons why solutions to emerging problems have often been looked for outside the existing multilateral, institution-based governance framework (Table 1). D. The imbalances of global governance A further reason for popular dissatisfaction with global governance is its unbalanced nature. The deeper international integration becomes, the broader the scope of policy its management should cover, and the more acute the tension between the technical requirements of global interdependence and the domestically-rooted legitimacy of public policies. This is most apparent in the field of taxation. International tax optimisation by multinationals has become an issue of significant relevance and it is estimated that 40 percent of their profit is being artificially shifted to low-tax countries – with major consequences for national budgets (Tørsløv et al, 2018). But the fact that taxation remains at the core of sovereign prerogatives limits the scope and ambition of initiatives conducted at international level. The result, which can be regarded as an illustration of Rodrik’s trilemma, is that global coordination in tax matters falls short of what equity-conscious citizens regard as desirable and, at the same time, exceeds what sovereignty-conscious citizens consider acceptable. The imbalances of global governance are by no means limited to the taxation field. The same can be found in a series of domains, for example biodiversity and the preservation of nature. E. Increased complexity The final obstacle to multilateral solutions has to do with the sheer complexity of the challenges global governance has to tackle. In recent decades channels of international interdependence have both multiplied and diversified. They now link together countries with significantly differing levels of technical, economic or financial development. Because they have developed outside the scope of negotiated rules and established institutions, some of channels of interdependence also escape the reach of international agreements to an unprecedented degree. This is especially, but not only, the case of the internet and the multiple networks that rely on it. The world does not fit anymore the usual representation whereby individual nations trade goods, capital and technology. Even putting aside geopolitical consequences and assuming a shared commitment to openness and multilateral solutions, such complexity is bound to test the limits of existing international governance arrangements.

# 1NR

# PTX

#### Disad outweighs and turns case:

#### First, timeframe – is just a week and a half before perceptual harm triggers irreversible impact cascades – whether by accidental default or market overreaction

#### Second – scope – financial crisis encompasses all of their internal links and impacts, but on an economy-wide scale – AND externally triggers nuclear conflicts in every hotspot, environmental disasters both bigger and faster than warming, AND accelerates warming – causes cascading critical infrastructure failures – collapses global and regional alliances – and spurs democratic backsliding and global authoritarian crackdowns – all existential

#### Link alone turns case – guts fiscal capacity AND gridlocks political and law enforcement institutions, making plan’s implementation and enforcement impossible – despite durable fiat

Their Janfaza card doesn’t really make any points… Dick Durban can say whatever he wants… doesn’t change the reality…

#### NO thumpers – infrastructure and everything else is dead – at least for now – focusing PC on debt ceiling

ZB 9-30-21 (ZubuBrothers, market knowledge service that publishes staff-written pieces as well as aggregating news, commentary & opinions from external sources, “Senate Strikes Deal To Avert Shutdown, But Remains Deadlocked On Debt-Ceiling, Domestic Agenda,” 9-30-2021, https://zububrothers.com/2021/09/30/senate-strikes-deal-to-avert-shutdown-but-remains-deadlocked-on-debt-ceiling-domestic-agenda/?amp=1)

Now that Sen. Joe Manchin has denounced his own party’s multi-trillion plan to expand the social safety net as “the definition of fiscal insanity,” we can be virtually assured that the entire Democratic domestic agenda has essentially been left dead in the water, since the progressive Left won’t agree to back the Dems’ “bipartisan” infrastructure plan via reconciliation without first passing the larger spending package through both chambers.

Whatever the outcome, Manchin’s statement suggests it will likely take weeks and months – not days – for President Biden and the leadership to negotiate the votes – if indeed they can ever resolve the intractable divide within their own party, which has largely taken the form of aggressive leftists in the House (exemplified by the AOC-led “squad”) vs. a pair of moderates (Manchin and Arizona’s Kyrsten Sinema) in the Senate.

That’s fortunate, in a sense, since it means Chuck Schumer and Nancy Pelosi will have no choice but to focus on the arguably more pressing priorities: keeping the government funded while raising the debt ceiling, ideally before Treasury Secretary Janet Yellen’s “drop-dead” date of Oct. 18.

(And, of course, placing some hedging trades during last night’s Congressional baseball game).

**[TWEET OMITTED]**

With the Democrats heading for an iceberg of a vote on the infrastructure package Thursday that the left has already promised to sink, Schumer announced late Wednesday night that, at the very least, the leadership had secured a deal to extend funding for the federal government until Dec. 3, crossing off arguably the easiest thing on their “to do” list.

The deadline for the shutdown is midnight tonight (because the new fiscal year starts tomorrow).

“We have an agreement on the the continuing resolution to prevent a government shutdown, and we should be voting on that tomorrow [Thursday] morning,” Schumer said.

The House passed a government funding bill last week on a party-line vote of 220-211.

Now that the spending package has been stripped of Republican-opposed language suspending the debt-ceiling (which analysts fear will only be resolved much, much closer to Yellen’s deadline, which is really the start of a countdown before the money actually runs out) the leadership believes it has the votes to pass a “clean” continuing resolution to fund the government in a series of Thursday-morning votes.

Asked about the progressives’ plans to sink the infrastructure package, Manchin told reporters “I didn’t know I was on their timetable”, referring to the progressive leftists, whose rebellion has threatened to irreparably damage the Biden presidency.

Progressives, led by Washington’s Pramila Jayapal, say they have enough votes in the House to sink the infrastructure package, which has already passed the Senate, but Pelosi appears undeterred. “The plan is to bring the bill to the floor,” she told reporters after returning from a White House meeting with Biden and Schumer yesterday afternoon.

As for the larger spending bill, a few compromise numbers have been thrown around. One reporter said during yesterday’s WH press conference that the heard $2.5 trillion might be a workable number. Manchin has meanwhile hinted he could back $1.5 trillion while Sinema has been more circumspect. The debt ceiling has already passed the House, but remains stuck in the Senate, where Minority Leader Mitch McConnell has managed to get his entire caucus to vote against it, while Dems have said they are unwilling to use the same “reconciliation” short-cut to get the debt-ceiling deal done (which would use up valuable political capital).

As Thursday begins, get ready for another day of non-stop headlines on every marginal development on the Dems’ negotiations, as talks grind on.

#### They’re all priced in regardless – PC may be stretched to the breaking point, BUT only plan’s fiat overcomes selectivity and 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 bipartisan 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 Republicans 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.

Their FT card just says Biden wants to travel to gather support for his econ policy… but he can do both.. presidents have multiple tasks… doesn’t negate Biden’s priority for debt ceiling.. also Biden’s agenda is not shot, their Klein card talks about credibility… doesn’t guarantee anything…

#### Debt ceiling’s a higher priority for Biden

Stratas 9-9-21 (Stratas Foods, “Morning Market Comments,” Market News, Cheney Brothers Inc., 9-10-2021, https://www.cheneybrothers.com/newsletter/CHENEYBROTHERSMARKETNEWS.PDF)

Macroeconomics

Red across the board for the three major indices. The Dow dropped 69points to end at 35,031 while the S&P fell6 points to 4,514. The NASDAQ didn’t buck the trend of the other two and went red for 88 points to 15,286.

In the news, the Beige Book was re-leased and showed that growth in the American economy slowed along with the rise of the Delta variant. Moving forward the news clippings will be focused on the debt ceiling or more importantly the raising of the debt ceiling. The 3.5T infrastructure bill is a priority for the Biden administration after the debt ceiling discussions. Right now, the bill wouldn’t pass but the margin is close. If I was a betting man, I wouldn’t count on the full 3.5T passing but a pared down amount probably will.

#### BOTH Schumer AND Pelosi will pivot to reconciliation in the next couple days – they know they’re running out of time and that reconciliation’s the only option left – that’s Myers

#### They’ve admitted it privately – even if not yet publicly

Everett 9-28-21 (John Burgess Everett, co-congressional bureau chief for POLITICO, specializing in the Senate, BA journalism, University of Maryland College Park; and Heather Caygle, Congress reporter for POLITICO, former congressional reporter for Bloomberg BNA, MA American University in Washington, BA University of Alabama at Birmingham; “Democrats agonize over debt limit options amid GOP blockade,” POLITICO, 9-28-2021, https://www.politico.com/news/2021/09/28/biden-debt-ceiling-strategy-514469)

Democratic leaders keep ruling out what may be the only way to avoid a debt default, leaving lawmakers and financial markets uncertain of how a dramatic clash with Republicans over raising the debt ceiling will play out.

Senate Majority Leader Chuck Schumer seemed to shut the door on using budget reconciliation to raise the debt ceiling. Instead, he is leaning on Republicans to stop blocking a debt limit increase as the country creeps closer and closer to cataclysmic debt limit breach in three weeks.

Schumer concluded on Tuesday afternoon that “going through reconciliation is risky to the country and is a non-starter.” Speaker Nancy Pelosi said Schumer’s position is “shared by many members” but declined to say if she supports the idea or aligns herself directly with Schumer: “We’ll see what our options are."

There’s mass confusion among congressional Democrats about how the majority party and its slim majorities will avoid a potential default just three weeks away. Senate Republicans on Monday sank Democrats' plan to fund the government into December and kick the debt limit through the 2022 midterms, then they blocked an effort from Schumer to lift the debt ceiling by a majority vote on Tuesday.

Consternation over the debt limit is reaching the highest levels of Democratic leadership as uncertainty hangs over Congress. President Joe Biden discussed the possibility of raising the debt ceiling via budget reconciliation on Monday evening on a telephone call with Pelosi and Schumer, the latest sign that Democrats are searching for a way around entrenched GOP opposition.

No final decision was made on the call, according to two Democrats familiar with the conversation. But the GOP’s stubborn opposition to raising the debt ceiling has Democrats fuming as they search for a way to avoid a shutdown on Friday and a default in October.

“We may have to use reconciliation. I think that would be a sad statement of Republican responsibility,” conceded House Majority Leader Steny Hoyer. He later walked that back and said it was “not the option we’re pursuing.” Privately, however, Democrats say congressional leaders are not ruling it out as it may be the only way around the Senate GOP.

Reconciliation allows Democrats to avoid a GOP filibuster, but requires close coordination between the House and Senate and could take weeks. Schumer has been walking his caucus through how cumbersome it could be to use the arcane budget process to raise the debt ceiling and the many pitfalls ahead if leaders choose to follow that route.

Democrats are likely to pass a government funding bill without the debt ceiling attached to head off a shutdown this week. But that doesn’t mean they are committed to using reconciliation to lift the debt ceiling. Instead, Schumer has warned his caucus that the gambit would be “burdensome and untenable,” according to one of the Democrats.

“Using reconciliation is a non-starter. We have gone through it twice, I’ve listened, and it takes him about 15 minutes for Chuck Schumer to explain how that works, what it involves. Three or four weeks of activity in the House and Senate,” said Senate Majority Whip Dick Durbin (D-Ill.).

There's little time to waste. Treasury Secretary Janet Yellen warned Congress on Tuesday that lawmakers must raise the debt ceiling by around Oct. 18 to avoid a debt default. That means Democrats would need to start moving on the time-consuming reconciliation process in the coming days to avoid a default, should they choose that path over continuing confrontation with Republicans.

On Tuesday, Schumer asked Senate Republicans to allow a standalone vote on the debt limit at a majority threshold rather than the typically needed 60 votes, though Senate Minority Leader Mitch McConnell rejected that ask. Though he has pushed Democrats to raise the debt limit on their own, McConnell prefers they use budget reconciliation, a more excruciating maneuver.

“Leader Schumer wants Democrats to be able to do it alone if Republicans refuse to help. So that's really what is being pursued at this point in time,” said White House press secretary Jen Psaki. She pleaded for McConnell to “get out of the way and let Democrats do it alone.”

Sen. Ted Cruz (R-Texas) made clear that Republicans are intent on making it as difficult as possible for Democrats to raise the debt ceiling — even as they insist Democrats do it all on their own .

“When this fails I fully expect Schumer will surrender and do what he could have done weeks or months ago, which is raise the debt ceiling with Democratic votes,” Cruz said.

When asked why not just allow Schumer to do exactly that on Tuesday rather than force Democrats to pursue reconciliation, he responded: “He wants consent because all 50 Republicans would have to consent. It’s the same game and he knows the outcome.”

#### DA turns International Coop

González – Sept 12th - ’18 Arancha González is an economist who teaches on trade at the College of Europe (Bruges), the IELPO (Barcelona) and the Shanghai Institute of Foreign Trade. González began her career in the private sector as an associate at German law firm Bruckhaus Westrick Stegemann advising companies on trade and competition. González is currently the Executive Director of the International Trade Centre – “The catastrophe if another global financial crisis strikes” - The Economist - Sept 12th - #CutWithRJ - https://www.economist.com/open-future/2018/09/12/the-catastrophe-if-another-global-financial-crisis-strikes

∂ Then, in 2019, the American business cycle turned. In China, confidence in corporations’ ability to service debt fell. Financial markets plummeted. As the renminbi lost value, making Chinese products cheaper abroad, the American government placed even tougher quotas on many imports. Surplus goods from China flooded into other markets, where pressure to raise import barriers became irresistible. The downturn worsened. Job losses soared into the tens of millions. ∂ This account is fiction, of course. But ten years ago this autumn, something similar might well have unfolded. ∂ When Lehman Brothers, an investment bank, imploded in September 2008, a casualty of the subprime mortgage meltdown, contagion quickly spread to major financial institutions in America and Europe. Banks stopped lending money to each other. Borrowing costs skyrocketed, business lending shrivelled up, trade finance almost dried up. The world economy was suffocating. ∂ In the twelve months from April 2008, global trade, industrial output and the value of the stock market all fell faster than they had during the first year of the Great Depression of the 1930s.∂ Fortunately for us, that is where the parallels ended. Four years on from the crash of 1929, global economic output was still well below pre-crisis levels. World trade had fallen by two-thirds. In contrast, by 2012, not only were output and trade volumes well above pre-2008 levels, but foreign direct investment had more or less recovered, and extreme poverty had continued its steady decline. ∂ Why was the period after 2008 different? ∂ For one, governments had a better policy toolkit. They were able to stimulate their economies by spending more and slashing interest rates. Their predecessors in the 1930s, in thrall to misguided ideas about balanced budgets and the gold standard, had resorted to import restrictions, which proved collectively catastrophic. ∂ Another big reason for the effectiveness of governments’ response to the 2008-09 crisis was international co-operation. In November 2008, the G20 collectively pledged to provide fiscal and monetary stimulus and to refrain from protectionism. This assured each country that its policies would be reinforced, not weakened, by those of its counterparts. Through the World Trade Organisation (WTO), governments monitored each other’s trade and investment restrictions, and worked to solve a shortfall in trade finance. Governments did end up introducing various small-bore protectionist measures, but markets remained broadly open.∂ This co-operative response relied on positive-sum thinking. The Federal Reserve provided trillions of dollars of liquidity to foreign as well as domestic banks, directly and through swap lines with central banks in Europe and Japan, because it recognised that financial stability abroad would enhance financial stability at home. The focus on “win-win” outcomes allowed governments to invert the late MIT economist Charles Kindleberger’s famous description of 1930s policymaking. This time, countries kept the global public interest in mind, and by doing so, better protected their respective national private interests. The system worked.∂ Would it work again today? It doesn’t look promising. The ongoing trade hostilities are the product of a zero-sum approach to global economic relations. Too many leaders now dismiss international rules as unfair impingements upon national sovereignty. ∂ Yet the fact is that cross-border flows of goods, services, capital and data have left us profoundly interdependent. One country’s fiscal, monetary, and regulatory policies affect another’s growth. Even if trade and investment were drastically curtailed, we would still have to deal with the cross-border implications of climate change, migration, cyber-security, terrorism and pandemic disease. To claim the nation-state can exert complete sovereignty in the face of these transnational challenges is not just a lie; it deliberately lowers defences against their economic and social consequences. National stability and prosperity demand that governments co-operate to build global resilience. ∂ To be sure, multilateralism in the age of instant communication can no longer be the primarily inter-governmental process of the post-war decades. Modern multilateralism will be the collective product of different actors engaging across borders in different configurations. This is already happening. The Paris Agreement on climate change has spurred research and development into low-carbon technologies; major cities have allied to share information and technical advice about reducing emissions. International agreements have taken useful steps forward on curbing banking secrecy and corporate tax avoidance, and making big banks less vulnerable to destabilising failure.∂ The frontiers of trade governance can be usefully pushed forward by bilateral and regional agreements, as well as within the WTO. Governments could, for instance, usefully define shared parameters for policies to encourage emerging digital technologies such as artificial intelligence and advanced robotics. Clear global rules would minimise trade tensions and solidify incentives to invest. They would also foster competition based on ingenuity rather than “buy domestic” policies or other market restrictions like forced tech transfer or breaches of intellectual property rights. Authorities currently playing regulatory catch-up with a handful of powerful tech companies might welcome the opportunity to redefine a more open and fairer playing field.∂ Multilateral co-operation is frequently derided as naïve idealism. In fact, the opposite is true: it is a matter of cold self-interest for countries’ future economic and security prospects. As Benjamin Franklin put it, we must hang together, or we will hang separately.∂

#### Critical infrastructure resilience is a non-linear, infinite systemic risk – extinction.

Pamlin & Armstrong 15 (Dennis Pamlin, Executive Project Manager Global Risks, Global Challenges Foundation, and Stuart Armstrong, James Martin Research Fellow, Future of Humanity Institute, Oxford Martin School, University of Oxford, “Global Challenges: 12 Risks that threaten human civilization: The case for a new risk category,” Global Challenges Foundation, February 2015, p.30-93, https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf)

3.1 Current risks System Collapse 3.1.5 Global Global system collapse is defined here as either an economic or societal collapse on the global scale. There is no precise definition of a system collapse. The term has been used to describe a broad range of bad economic conditions, ranging from a severe, prolonged depression with high bankruptcy rates and high unemployment, to a breakdown in normal commerce caused by hyperinflation, or even an economically-caused sharp increase in the death rate and perhaps even a decline in population. 310 Often economic collapse is accompanied by social chaos, civil unrest and sometimes a breakdown of law and order. Societal collapse usually refers to the fall or disintegration of human societies, often along with their life support systems. It broadly includes both quite abrupt societal failures typified by collapses, and more extended gradual declines of superpowers. Here only the former is included. 3.1.5.1 Expected impact The world economic and political system is made up of many actors with many objectives and many links between them. Such intricate, interconnected systems are subject to unexpected system-wide failures due to the structure of the network311 – even if each component of the network is reliable. This gives rise to systemic risk: systemic risk occurs when parts that individually may function well become vulnerable when connected as a system to a self-reinforcing joint risk that can spread from part to part (contagion), potentially affecting the entire system and possibly spilling over to related outside systems.312 Such effects have been observed in such diverse areas as ecology,313 finance314 and critical infrastructure315 (such as power grids). They are characterised by the possibility that a small internal or external disruption could cause a highly non-linear effect,316 including a cascading failure that infects the whole system,317 as in the 2008-2009 financial crisis. The possibility of collapse becomes more acute when several independent networks depend on each other, as is increasingly the case (water supply, transport, fuel and power stations are strongly coupled, for instance).318 This dependence links social and technological systems as well.319 This trend is likely to be intensified by continuing globalisation,320 while global governance and regulatory mechanisms seem inadequate to address the issue.321 This is possibly because the tension between resilience and efficiency322 can even exacerbate the problem.323 Many triggers could start such a failure cascade, such as the infrastructure damage wrought by a coronal mass ejection,324 an ongoing cyber conflict, or a milder form of some of the risks presented in the rest of the paper. Indeed the main risk factor with global systems collapse is as something which may exacerbate some of the other risks in this paper, or as a trigger. But a simple global systems collapse still poses risks on its own. The productivity of modern societies is largely dependent on the careful matching of different types of capital325 (social, technological, natural...) with each other. If this matching is disrupted, this could trigger a “social collapse” far out of proportion to the initial disruption.326 States and institutions have collapsed in the past for seemingly minor systemic reasons.327 And institutional collapses can create knock-on effects, such as the descent of formerly prosperous states to much more impoverished and destabilising entities.328 Such processes could trigger damage on a large scale if they weaken global political and economic systems to such an extent that secondary effects (such as conflict or starvation) could cause great death and suffering. 3.1.5.2 Probability disaggregation Five important factors in estimating the probabilities of various impacts: 1. Whether global system collapse will trigger subsequent collapses or fragility in other areas. 2. What the true trade-off is between efficiency and resilience. 3. Whether effective regulation and resilience can be developed. 4. Whether an external disruption will trigger a collapse. 5. Whether an internal event will trigger a collapse. 1. Increased global coordination and cooperation may allow effective regulatory responses, but it also causes the integration of many different aspects of today’s world, likely increasing systemic risk. 2. Systemic risk is only gradually becoming understood, and further research is needed, especially when it comes to actually reducing systemic risk. 3. Since systemic risk is risk in the entire system, rather than in any individual component of it, only institutions with overall views and effects can tackle it. But regulating systemic risk is a new and uncertain task. 4. Building resilience – the ability of system components to survive shocks – should reduce systemic risk. 5. Fragile systems are often built because they are more efficient than robust systems, and hence more profitable. 6. General mitigation efforts should involve features that are disconnected from the standard system, and thus should remain able to continue being of use if the main system collapses 7. A system collapse could spread to other areas, infecting previously untouched systems (as the subprime mortgage crisis affected the world financial system, economy, and ultimately its political system). 8. The system collapse may lead to increased fragility in areas that it does not directly damage, making them vulnerable to subsequent shocks. 9. A collapse that spread to government institutions would undermine the possibilities of combating the collapse. 10. A natural ecosystem collapse could be a cause or consequence of a collapse in humanity’s institutions. 11. Economic collapse is an obvious and visible way in which system collapse could cause a lot of damage. 12. In order to cause mass casualties, a system collapse would need to cause major disruptions to the world’s political and economic system. 13. If the current world system collapses, there is a risk of casualties through loss of trade, poverty, wars and increased fragility. 14. It is not obvious that the world’s institutions and systems can be put together again after a collapse; they may be stuck in a suboptimal equilibrium. 15. Power grids are often analysed as possible candidates for system collapse, and they are becoming more integrated. 16. The world’s financial systems have already caused a system collapse, and they are still growing more integrated. 17. The world’s economies are also getting integrated, spreading recessions across national boundaries. 18. The world’s political and legal systems are becoming more closely integrated as well. Any risk has not been extensively researched yet, and there remain strong obstacles (mainly at the nation state level) slowing down this form of integration. 19. The politics of the post-system collapse world will be important in formulating an effective response instead of an indifferent or counterproductive one. 20. System collapses can be triggered internally by very small events, without an apparent cause. 21. External disruptions can trigger the collapse of an already fragile system. 22. The trade-off between efficiency and resilience is a key source of fragility in a world economy built around maximising efficiency. 23. Climate change, mass movements of animals and agricultural mono-cultures are interlinking ecosystems with each other and with human institutions. 24. There is a lot of uncertainty about systemic risk, especially in the interactions between different fragilities that would not be sufficient to cause a collapse on their own.

#### Global backsliding risks extinction through autocratic incompetence – OR a dystopia worse than extinction if competent / Their Clary card is from 2015.. doesn’t consider pandemic

Barnes et al 21 (Tom Barnes, Visiting Fellow at Rethink Priorities, degree in Philosophy, Politics and Economics, University of Warwick; and Marie Davidsen Buhl, Research Intern at Rethink Priorities; “Towards a longtermist framework for evaluating democracy-related interventions,” Rethink Priorities, 7-28-2021 https://rethinkpriorities.org/publications/towards-a-longtermist-framework-for-evaluating-democracy-related-interventions)

2.5 Preventing Authoritarianism

What is this potential intermediate goal?

Preventing the risk of societies coming under the control of a single group/leader, who hold exclusive political power. At its extreme, this could include totalitarianism. Taking preventative measures to stop democratic backsliding may help to prevent authoritarianism.

What are some ways authoritarianism might affect the long-term future?

Existential risk reduction: Malevolent actors (Althaus and Baumann, 2020) who become authoritarian leaders may potentially inflict astronomical levels of suffering, perhaps locking humanity into an undesired or enforced dystopia, and potentially leading humanity into a fate worse than mere extinction. An alternative existential risk may be that authoritarian leaders are less competent at dealing with other x-risks, such as the development of new technology. Thus authoritarianism may increase existential risk indirectly. A further worry is that humanity may never achieve its full potential - for instance, a stable authoritarian leader could prevent space colonization from occurring, leaving vast amounts of the galaxy without value. This would also constitute an existential risk via a failed continuation.

Trajectory change: A less extreme worry may be that authoritarian leaders fail to address certain sources of disvalue, even if humanity still enjoys a flourishing future. For example, they may not prevent wild animal suffering on Earth even if most of the universe is filled with value.

### A/O – Terrorism & Prolif

#### Turns terrorism and prolif --- leverage

**Scheck 19** - Justin and Bradley Hope, "The Dollar Underpins American Power. Rivals Are Building Workarounds.," May 29, https://www.wsj.com/articles/the-dollar-powers-american-dominance-rivals-are-building-workarounds-11559155440

The U.S. has used that power to force foreign countries to abide by its laws on money laundering and corruption. After the 9/11 attacks, it used its control of the dollar to increase surveillance of global money flows and curb financing for terrorist organizations. That began a shift toward using the dollar to further U.S. policy goals. North Korea, Syria and al Qaeda were mostly cut off from the global financial system by U.S. sanctions. Policy makers used the U.S.’s control of the dollar to try cutting off funds for despotic regimes, would-be nuclear powers and rivals intent on undermining elections in democratic countries.

**Goes nuclear**

**Kulacki 20** --- Dr. Gregory Kulacki focuses on cross-cultural communication between the United States and China on nuclear and space arms control and is the China Project Manager for the Global Security Program at the Union of Concerned Scientists, “Would China Use Nuclear Weapons First in a War With the United States?”, The Diplomat, April 27th 2020, https://thediplomat.com/2020/04/would-china-use-nuclear-weapons-first-in-a-war-with-the-united-states/

Admiral Charles A. Richard, the head of the U.S. Strategic Command, recently told the Senate Armed Service Committee he “**could drive a truck” through** the **holes in China’s n**o **f**irst **u**se policy. But when Senator John Hawley (R-MO) asked him why he said that, Commander Richard backtracked, described China’s policy as “very opaque” and said his assessment was based on “very little” information.

That’s surprising. China has been exceptionally clear about its intentions on the possible first use of nuclear weapons. On the day of its first nuclear test on October 16, 1964, China declared it “will never at any time or under any circumstances be the first to use nuclear weapons.” That unambiguous statement has been a cornerstone of Chinese nuclear weapons policy for 56 years and has been repeated frequently in authoritative Chinese publications for domestic and international audiences, including a highly classified training manual for the operators of China’s nuclear forces.

Richard should know about those publications, particularly the training manual. A U.S. Department of Defense translation has been circulating within the U.S. nuclear weapons policy community for more than a decade. The commander’s comments to the committee indicate a familiarity with the most controversial section of the manual, which, in the eyes of some U.S. analysts, indicates there may be some circumstances where China would use nuclear weapons first in a war with the United States.

This U.S. misperception is understandable, especially given the difficulties the Defense Department encountered translating the text into English. The language, carefully considered in the context of the entire book, articulates a strong reaffirmation of China’s no first use policy. But it also reveals Chinese military planners are struggling with crisis management and considering steps that could create **ambiguity** with **disastrous consequences**.

**Lowering the Threshold**

Towards the end of the 405-page text on the operations of China’s strategic rocket forces, in a chapter entitled, “Second Artillery Deterrence Operations,” the authors explain what China’s nuclear forces train to do if “a strong military power possessing nuclear‐armed missiles and an absolute advantage in high‐tech conventional weapons is carrying out intense and continuous attacks against our major strategic targets and we have no good military strategy to resist the enemy.” The military power they’re talking about is the United States.

The authors indicate China’s nuclear missile forces train to take specific steps, including increasing readiness and conducting launch exercises, to “dissuade the continuation of the strong enemy’s conventional attacks.” The manual refers to these steps as an “adjustment” to China’s nuclear policy and a “lowering” of China’s threshold for brandishing its nuclear forces.

Chinese leaders would only take these steps in extreme circumstances. The text highlights several triggers such as U.S. conventional bombing of China’s nuclear and hydroelectric power plants, heavy conventional bombing of large cities like Beijing and Shanghai, or other acts of conventional warfare that “seriously threatened” the “safety and survival” of the nation.

**U.S. Misunderstanding**

Richard seems to believe this planned adjustment in China’s nuclear posture means China is preparing to use nuclear weapons first under these circumstances. He told Hawley that there are a “number of situations where they may conclude that first use has occurred that do not meet our definition of first use.” The head of the U.S. Strategic Command appears to assume, as do other U.S. analysts, that the Chinese would interpret these types of U.S. conventional attacks as equivalent to a U.S. first use of nuclear weapons against China.

But that’s not what the text says. “Lowering the threshold” refers to China putting its nuclear weapons on alert — it does not indicate Chinese leaders might lower their threshold for deciding to use nuclear weapons in a crisis. Nor does the text indicate Chinese nuclear forces are training to launch nuclear weapons first in a war with the United States.

China, unlike the United States, keeps its nuclear forces off-alert. Its warheads are not mated to its missiles. China’s nuclear-armed submarines are not continuously at sea on armed patrols. The manual describes how China’s nuclear warheads and the missiles that deliver them are controlled by two separate chains of command. Chinese missileers train to bring them together and launch them after China has been attacked with nuclear weapons.

All of these behaviors are consistent with a no first use policy. The “adjustment” Chinese nuclear forces are preparing to make if the United States is bombing China with impunity is to place China’s nuclear forces in a state of readiness similar to the state the nuclear forces of the United States are in all the time. This step is intended not only to end the bombing, but also to convince U.S. decision-makers they cannot expect to destroy China’s nuclear retaliatory capability if the crisis escalates.

**Chinese Miscalculation**

**Unfortunately**, alerting Chinese nuclear forces at such a moment could have **terrifying consequences**. Given the relatively small size of China’s nuclear force, a U.S. president might be tempted to try to limit the possible damage from a Chinese nuclear attack by destroying as many of China’s nuclear weapons as possible before they’re launched, especially if the head of the U.S. Strategic Command told the president China was preparing to strike first. One study concluded that if the United States used nuclear weapons to attempt to knock out a small fraction of the Chinese ICBMs that could reach the United States it may kill tens of millions of Chinese civilians.

The authors of the text assume alerting China’s nuclear forces would “create a great shock in the enemy’s psyche.” That’s a fair assumption. But they also assume this shock could “dissuade the continuation of the strong enemy’s conventional attacks against our major strategic targets.” **That’s highly questionable**. There is a substantial risk the United States would respond to this implicit Chinese threat to use nuclear weapons by **escalating**, rather than halting, its **conventional attacks**. If China’s nuclear forces were targeted, **it would put even greater strain on** the operators of **China’s nuclear forces.**

**A Slippery Slope to Nuclear War**

Chinese military planners are aware that attempting to coerce the United States into halting conventional bombardment by alerting their nuclear forces could fail. They also know it might trigger a **nuclear war.** But if it does, they are equally clear China won’t be the one to start it.

They assume if China demonstrates it is well prepared to retaliate the United States would not risk a damage limitation strike using nuclear weapons. And even if the United States were to attack China’s nuclear forces with conventional weapons, China still would not strike first. In the opening section of the next chapter on “nuclear retaliatory attack operations” the manual instructs, as it does on numerous occasions throughout the entire text:

Richard is wrong. There are no holes in China’s no first use policy. **But** the worse-case planning articulated in this highly classified military text is a significant and **deeply troubling departure from China’s** traditional **thinking about the role of nuclear weapons.**

Mao Zedong famously called nuclear weapons “a paper tiger.” Many assumed he was being cavalier about the consequences of nuclear war. But what he meant is that they would not be used to fight and win wars. U.S. nuclear threats during the Korean War and the Taiwan Strait Crisis in the 1950s – threats not followed by an actual nuclear attack – validated Mao’s intuition that nuclear weapons were primarily psychological weapons.

Chinese leaders decided to acquire nuclear weapons to free their minds from what Mao’s generation called “nuclear blackmail.” A former director of China’s nuclear weapons laboratories told me China developed them so its leaders could “sit up with a straight spine.” Countering nuclear blackmail – along with compelling other nuclear weapons states to negotiate their elimination – were the only two purposes Chinese nuclear weapons were meant to serve.

Contemporary Chinese military planners appear to have added a new purpose: compelling the United States to halt a conventional attack. Even though it only applies in extreme circumstances, it increases the risk that a war between the United States and China will **end in a nuclear exchange with** unpredictable and **catastrophic consequences.**

Adding this new purpose could also be the first step on a slippery slope to an incremental broadening the role of nuclear weapons in Chinese national security policy. Americans would be a lot safer if we could avoid that. The United States government should applaud China’s no first use policy instead of repeatedly calling it into question. And it would be wise to adopt the same policy for the United States. If both countries declared they would never use nuclear weapons first it may not guarantee they can avoid a nuclear exchange during a military crisis, but it would make one far less likely.

### Fast Track CP

We’ll concede to the perm on the Fast Track CP and it is not a voting issue from here on out, competition on the aff, kick the arg, not connected to policy da