# Wiki Doc---Wake Doubles

# 1NC---Wake Doubles

## OFF

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#### ‘Prohibiting’ a practice requires per se illegality.

Lee Mendelsohn 6, Director at Edward Nathan, “KIPA Conduct Amounts to Price Fixing”, Business Day (South Africa), 6/12/2006, Lexis

The first step in any competition law analysis is to define the relevant market. There are two components to an analysis of the relevant market, namely the relevant product market and the geographic market.

The relevant product market consists of those products and services that operate as a competitive constraint on the behaviour of the suppliers of those products and/or services.

The relevant product market is determined by ascertaining whether a small but significant non-transient increase in pricing of the product in question would cause buyers to substitute the product with another product or would cause suppliers of other products to begin producing the product in question.

The relevant geographic market is determined by ascertaining whether a small but significant non-transient increase in pricing of the product in question would cause buyers to purchase the product from other geographic areas, alternatively suppliers of the product in other geographic areas to supply those products into the area in question.

For the purposes of this case study, we are instructed to accept that each medical speciality constitutes a relevant product market and that the relevant geographic market for each of them is Kleindorpie.

The Competition Act provides that "an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if … it involves … directly or indirectly fixing a purchase or selling price or any other trading condition".

An "agreement" is defined as including a contract, arrangement or understanding, whether or not legally enforceable. The term agreement is very widely defined. A "horizontal relationship" is defined as a "relationship between competitors".

The prohibition on the fixing of a purchase or selling price or any other trading condition is one of the so-called "per se" prohibitions which are included in our Competition Act. The prohibition is automatic and absolute and the fixing of prices or other trading condition cannot be justified on the basis of any technological, efficiency or other procompetitive gains that could outweigh the potential anticompetitive effect of the fixing of the price or trading condition. If the capitation plan of KIPA falls within the restrictive horizontal practice prohibiting price fixing and the fixing of other trading conditions, such practice will be a contravention of the act.

#### Voting issue---key to link uniqueness and preventing bidirectionality on an otherwise virtually unlimited topic

### 1NC---OFF

Next OFF is the Guidance CP:

#### The FTC and DOJ should issue and enforce a joint guidance document clarifying that agencies will pursue worker welfare over consumer welfare in accordance with the ABC test.

#### An ABC test solves and avoids politics.

Kim 20 THEIR AUTHOR - Eugene K. - J.D. 2020; Yale College, B.A. 2016. “Labor’s Antitrust Problem: A Case for Worker Welfare” The Yale Law Journal. 2020. #E&F – modified for language that may offend - https://www.yalelawjournal.org/pdf/130.2Kim\_q1s8bt8t.pdf

This Note proposes two mechanisms for applying the ABC test to collective bargaining, one involving guidance from federal antitrust agencies, and the other involving state legislatures. The focus on federal agencies stems from the fact that both the DOJ and the FTC play major leadership roles in coordinating state antitrust-enforcement activities and leading national investigations, and they have themselves been involved in various actions against organized labor. The focus on state legislatures stems from the fact that many states have already adopted the ABC test within the employee-benefits context through legislation, evidencing political will within certain states for protecting a greater number of workers.

The proposal notably excludes judicial action. While courts are capable of catalyzing policy shifts, as exemplified by the California Supreme Court's decision in Dynamex, statutory enactments and, to a lesser extent, agency action have the benefit of bearing the imprimatur of democratic will, and both can ~~speak~~ (articulate) with greater general applicability than judicial decisions, which arise out of individual fact patterns. Further, federal courts would be building on an antitrust jurisprudence that has left little room for independent contractors to organize.136 Legislatures and agencies may have more freedom to shape policy changes and pursue worker welfare137 in a way that respects original intent and maximizes aggregate social welfare.

The following two Sections address agency guidance and state legislation in turn. Each Section outlines the basic proposal, and then proceeds to justify the proposal and discuss its implementation and feasibility.

B. Federal Agency Guidance

1. The Proposal

The federal antitrust agencies — namely, the Bureau of Competition at the FTC and the Antitrust Division of the DOJ —should issue a joint guidance document (in similar fashion to the jointly issued Horizontal Merger Guidelines), stating that prosecution of employee organizations is not a priority for the agencies. To accommodate evolving notions of labor within the gig economy and elsewhere, both agencies should use a definition of employee based on the ABC test to clarify that workers who are nominally independent but resemble em-ployees in several key ways are unlikely to be subjected to antitrust scrutiny. One sample guidance document is provided in the Appendix, which outlines the ABC test and contextualizes it in statutory text, legislative history, and modern developments in the labor market.

Under the current state of the law, the federal government has investigated and litigated against numerous workers' associations, claiming that these associations are engaged in collusive or otherwise anticompetitive activity.138 These groups range from associations of public defenders seeking higher compensation,139 to physicians jointly dealing with insurers,140 to truck drivers seeking better pay and work conditions.141 In many of these cases, organizing activities have been enjoined and participants subjected to agency supervision.142 An agency policy based on the ABC test would not foreclose all of the actions agencies have historically brought against workers' organizations, but it should fore-close most actions that are inconsistent with the concern for worker welfare underlying the antitrust laws. Consider, for example, North Texas Specialty Physicians, which addressed an agreement by independent physicians regarding how they would negotiate payments with payors (like insurance companies, health maintenance organizations, and preferred provider organizations).143 Agencies would still have leeway to prosecute these sorts of actions because independent doctors are probably not considered employees under the ABC test:

they control their own work; to the extent they are hired by patients, they do a different type of work than the patient; and they are engaged in an independently established trade. On the other hand, consider the recent FTC action against a group of port truck drivers who had organized and initiated work stoppages to contest sub-minimum-wage pay and long hours.144 These actions are more questionable under the proposed guidance, given that the drivers lack control over crucial aspects of their job, such as pay and conditions of work.145 Distinguishing workers' organizations based on these factors — in particular, the extent of hirer control — serves the normative goals of the framework introduced in Part I. From an economic perspective, efforts by physicians to organize should be subject to greater scrutiny because they tend to be more regressive than efforts by truck drivers to do the same. From a legislative-history perspective, if the purpose of the union exemption is to allow workers to balance disparities in bargaining power, the extent of control that workers have over their work should be a decisive factor in determining whether to extend the antitrust exemption.

2. Normative Justification

Even if workers' organizations have ambiguous or negative effects on consumers, the fact that they enhance worker welfare is an independent reason to enable them, in light of both the exploitation that many workers face due to concentration in capital, as well as the concern for labor expressed through statutory text and legislative history. Although worker organization can have marginally negative effects on employment, studies have shown that unionization can have significant positive effects on wages and working conditions for union and nonunion workers alike, leading to a net positive effect on worker welfare.146

Using the ABC test fulfills the redistributive aims of the worker welfare standard by focusing the exemption on workers who lack bargaining power within the work relationship. While the common-law distinction between independent contractors and employees reflects differences in worker control, it also masks variation in bargaining power that can exist within each context. Certain employees, by virtue of their profitability to the firm, unique skills, or industry connections, may have much greater bargaining power in interactions with their managers and be subject to less stringent control than certain independent contractors, who in turn have freedom over certain aspects of their work but are still subject to their hirer's control in fundamental aspects of their work. As discussed above, Uber drivers, while arguably independent contractors, have their rates set by Uber, must comply with certain service standards, and may be excluded from the platform if their ratings are too low.147 These aspects of control make them more similar to employees than other types of independent contractors, as recognized by tribunals and agencies outside the United States.148 Justice Douglas expressed a similar concern about the existing independent-contractor classification in his dissent in Los Angeles Meat & Provision Drivers Union v. United States, where he wrote, referencing Hearst Publications:

We noted that numerous types of "independent contractors" had formed or joined unions for collective bargaining—musicians, actors, writers, artists, architects, engineers, and insurance agents. We pointed out that there were marginal groups who, though entrepreneurial in form, lacked the bargaining power necessary to obtain decent compensation, decent hours, and decent working conditions. We emphasized that "the economic facts of the relation" may make it "more nearly one of employment than of independent business enterprise with respect to the ends sought to be accomplished by the legislation."149

Hearst Publications, since superseded by statute as it applies to the NLRA and labor law, serves as a reminder that labor lies along a spectrum and may still guide our analysis of antitrust law. Even if one is skeptical about shielding all worker organizations from antitrust liability, the common-law definition of employee is not necessarily the best way to draw the line. By expanding protections to a greater number of workers who have limited control over their working conditions, the proposal would enable workers to organize in a way that is consistent with the original intent of the labor exemption.150 Rather than seeking to protect workers of a particular legal classification, the original proponents of a labor exemption saw it as a way to balance inequities in bargaining power and equip labor to counteract the consolidation and dominance of capital.151

As a matter of statutory text, section 6 of the Clayton Act, the original source of the labor exemption, does not distinguish between types of workers.152 Further, section 13(c) of the Norris-LaGuardia Act—which defines the term "labor dispute" — covers workers that do not "stand in the proximate relation of employer and employee," thereby reflecting an interest in broadening coverage beyond a particular legal relation.153

As a policy matter, enabling a greater number of workers to organize — and in particular, those workers who do not fulfill one or more prongs of the ABC test—serves society's interests in welfare maximization and horizontal equity. The argument for the former is the same as presented earlier: union activity enables workers at lower income levels to fight rent-extractive behavior from consolidated firms, leading to a net social welfare gain.154 Enacting the ABC test promotes horizontal equity insofar as it enables workers who perform similar forms of work to be treated similarly under antitrust law, even if legal relationships with their hirers may be structured differently. Under a common-law approach, a group of taxi drivers may be allowed to organize if they seem to be employees (e.g., they work fixed hours and wear a uniform), but forbidden if they are hired on an ad hoc basis as independent contractors. If both types of workers do similar work and are subject to similar levels of control on other factors like wage and termination, it is worth reconsidering why one type of worker should be allowed to organize while the other is not.

3. Implementation

Given that agencies have nearly nonreviewable discretion over which cases to pursue,155 an agency commitment to deprioritize labor antitrust suits can be easily implemented. This is especially true within the antitrust context, where statutory requirements are sparse. For example, many scholars and jurists see the Horizontal Merger Guidelines, which are formally non-binding, as a foundational framework for merger review and litigation.156 If the agencies decide that workers' associations are not an enforcement priority and invest fewer resources into investigating those associations, antitrust litigation against workers' associations would diminish significantly. The remaining source of litigation would be private legal actions, but those are addressed by the state legislation proposed below.

Guidance is easier to issue than legislation is to enact, given that the procedural requirements to issue guidance are significantly less onerous than bicameral presentment. While antitrust agencies have voluntarily adopted heightened procedures for certain guidance documents, most notably the Horizontal Merger Guidelines,157 even these procedures are much more lenient than the legislative process, which subjects proposals to strict vetogates.158 To ensure that the policy can be issued as a guidance document and not a legislative rule that requires notice and comment, any such policy should avoid mandatory language, which can suggest to courts that a guidance document is actually a legislative rule.159

### 1NC---OFF

Next OFF is Politics:

#### Biden’s continued PC is key to pass B3 next week – despite inflation concerns

Barrón-López 11-11 (Laura Barrón-López, White House Correspondent for Politico, formerly covered Congress for the Washington Examiner, HuffPost and The Hill, BA political science, California State University, Fullerton, “Dems to White House: The only prescription is more Biden,” Politico, 11-11-2021, <https://www.politico.com/news/2021/11/11/dems-white-house-biden-520946>)

After months of deference to Congress, President Joe Biden moved more assertively last week to shepherd half his domestic agenda into law. With the other half still in limbo, Democrats want some of that Biden punch again.

Outside groups fear that congressional Democrats could come up short on Biden’s social spending package. They are concerned that moderates in the House may end up buckling if the budget scores on the bill come back worse than anticipated. And there is residual anxiety that one of the two wavering Senate Democrats — Joe Manchin of West Virginia and Kyrsten Sinema of Arizona — could vote “no” over concerns about inflation and long-term debt.

The clearest solution to avoiding this, they argue, is more Biden.

“All eyes are on the president, all expectations are on the president,” said Lorella Praeli, co-president of the progressive Community Change Action. “We are playing our role. We are mobilizing. We're reminding people everyday what this is about.”

Praeli added that Biden must ensure there aren’t future cuts to the package, which dropped from $3.5 trillion to $1.75 trillion to accommodate centrist Democrats in the House and Senate. “This is what he campaigned on. Only the president can deliver it in the end.”

Until last week, Biden’s involvement in negotiations had been more deferential than managerial. That befuddled lawmakers, who were waiting for him to draw red lines about which priorities he wants in and out of the deal or to even demand votes. To date, Biden has publicly refrained from drawing a red line around including paid leave in the final version of the legislation, leaving the leadership in the House at odds with centrists in the Senate.

But Biden did ramp up his involvement in the negotiations last week. And Democrats viewed that as key to getting an agreement in the House on their infrastructure bill, as well as on a rule to move forward with their social spending package, which funds universal pre-K, expands Medicare access, cuts taxes for families with children 18 years old and under, and combats climate change.

Now they want more. Expectations are high for Biden to keep the House to its promise of a vote on that social spending plan the week of Nov. 15.

“They basically made a promise,” said Rahna Epting, executive director of the progressive advocacy group MoveOn. “And Biden was able to get enough progressives to vote for the bipartisan infrastructure bill, on that promise. We are expecting Biden and the Democratic Caucus will make good on their word and pass the Build Back Better Act no later than Nov 15th as stated.”

White House officials contend that Biden and his team remain in close touch with the Hill, and their legislative affairs staff continues to push the social spending bill toward a vote. The White House said it is communicating regularly with a range of lawmakers including Manchin, but did not answer when asked whether Biden has spoken to the West Virginia senator or other moderates in recent days.

“There has been no kind of slowdown when it comes to our Hill outreach,” a White House official said.

The growing demands for Biden to stay heavily involved reflect a fear in the party that the window to act on the agenda is quickly closing, especially as concerns mount about lingering inflation and the midterms near. If the House meets its deadline next week and passes the social spending bill, some Democrats want Biden to issue a deadline for the Senate to act. Others noted that the end-of-year legislative calendar is short and brutal.

The “dynamic has totally changed,” said a Democratic strategist. “The president secured this agreement with the five holdouts for House passage of BBB next week and it’s on him to enforce it.”

A top climate operative echoed that assessment telling POLITICO that Biden “will have failed” on tackling climate change if the second piece of the agenda doesn’t pass.

But the operative also expressed a newfound fear that Biden’s current effort to sell the benefits of the infrastructure bill could distract or complicate Democrats’ attempt to keep public interested in the social spending plan.

"They need to sell [physical infrastructure] but also act like it's not enough," said the activist.

"How are they also creating the urgency for BBB to get done, for it to stay on the timeline of getting it done by Thanksgiving? It's a balancing act.”

Matt Bennett, co-founder of the moderate group Third Way, agreed that the dynamics were “tricky” in trying to sell one just-passed bill as historic while simultaneously making the case that another ambitious bill is needed. Biden will travel to New Hampshire and Michigan next week to highlight the money the infrastructure bill will direct toward new roads, bridges and transit projects across the country.

“This moment that we're in is hard,” said Bennett. “It will be much, much easier when both bills are completed. There is a very profound political imperative for Democrats to get this finished, to end the infighting and sausage-making and shift to creating a narrative about what Democrats have just done for Americans because they've been utterly unable to do that.”

A number of groups plan to amp up pressure next week as Congress returns. House Speaker Nancy Pelosi and the White House have repeated their desire to have a vote on the social spending plan by the end of next week. The Service Employees International Union will descend on Capitol Hill with some 500 union members, said Mary Kay Henry, the union’s president.

“We are escalating phone calls, text messages,” said Henry. “We're bringing members into Washington next Tuesday, we have the president's back, to get Congress to act quickly and get the full back package.”

Democratic outside groups have spent more than $150 million on TV and digital ads promoting the president’s social spending plan, known as “Build Back Better.” The League of Conservation Voters and Climate Power launched new digital ads calling on the five moderates who reached an agreement with the White House and House leadership last week to follow through on their commitment to pass the second piece of Biden’s economic agenda “next week.”

The longer it takes to pass the social spending plan, the harder it becomes to keep the party unified, Democrats warn, especially amid up-and-down economic news. A new report Wednesday revealed inflation hit 6.2 percent in October, its highest point in 31 years, contributing to high gas, car and food prices. It forced Biden to quickly issue a statement addressing the issue and ever-so-slightly shift his messaging, arguing that passage of the social spending plan would combat inflation.

“Inflation hurts Americans’ pocketbooks, and reversing this trend is a top priority for me,” Biden said in a statement. “It is important that Congress pass my Build Back Better plan, which is fully paid for and does not add to the debt, and will get more Americans working by reducing the cost of child care and elder care, and help directly lower costs for American families.”

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

Carstensen 21 [Peter C. Carstensen - Fred W. & Vi Miller Chair in Law Emeritus, University of Wisconsin Law School, M.A., Yale University; LL.B., Yale Law School; former attorney at the Antitrust Division of the United States Department of Justice, where one of his primary areas of work was on questions of relating competition policy and law to regulated industries. He is a Senior Fellow of the American Antitrust Institute – “THE “OUGHT” AND “IS LIKELY” OF BIDEN ANTITRUST” – Concurrences – #1 - Feb 15, 2021 - #E&F - https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en#carstensen]

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.

#### PC’s key to global follow-through on climate post-Glasgow summit – impact’s extinction

Chon 11-8 (Gina Chon, Columnist at Reuters Breakingviews, former US Regulatory and Enforcement Correspondent, Financial Times, BS Journalism, Northwestern University, “America’s swing senator can save or scorch planet,” Reuters, 11-8-2021, <https://www.reuters.com/breakingviews/americas-swing-senator-can-save-or-scorch-planet-2021-11-08/>)

The health of the planet hangs somewhere over West Virginia. Joe Manchin, one of the coal state’s senators, is in line to cast the deciding vote on President Joe Biden’s $1.8 trillion “Build Back Better” spending plan. He’ll indirectly be voting on Biden’s ability to influence other countries to fight climate change after the COP26 summit read more.

Biden has faced two main challenges to his spending plan, a companion to the $1 trillion infrastructure legislation Congress approved on Friday. One objection comes from lawmakers worried about the amount of money at stake. After an earlier compromise, climate change initiatives are the biggest chunk of the overall blueprint at $555 billion, more than half of which comes from tax credits for cleaner vehicles and manufacturing. Manchin is already a self-confessed budget worrier.

The other obstacle is unease around specific climate initiatives. Manchin hails from a state with less than 2 million residents, but a heavy reliance on coal. His disapproval helped squash Biden’s proposal for a Clean Electricity Performance Program that would have incentivized utilities to stop using oil, coal and gas. The goal was for 80% of electricity produced in the country to come from clean sources by 2030, compared to the current 40%.

Green-energy tax credits are still on the table and offer a bigger bang for the taxpayer’s buck than the clean electricity program, think tank Resources for the Future estimates. By 2030 they would get the United States to 69% of its electricity coming from clean sources.

Manchin has good reason to keep those tax credits alive. While West Virginia is the second-largest coal producer in the United States and top five in natural gas, according to the U.S. Energy Information Administration, it’s also one of the states most exposed to damage from climate change. More than 60% of its power stations are at risk from a so-called 100-year flood, according to the First Street Foundation.

The senator’s decision will have global repercussions. China, India read more and other countries are only likely to listen to Biden’s pleas to help fight climate change if he looks able to meet such pledges himself. For example, the president wants other countries to help cut methane emissions by 30% this decade, but would still need Manchin’s support to levy fines on U.S. methane-leakers, which is far from guaranteed. For such a small population, West Virginia has a huge responsibility.

### 1NC---OFF

Next OFF is the Advantage Counterplan:

#### The United States Federal Government should:

[PLANK 1]

#### --rule for the Federal Trade Commission in its suit against Facebook and deny cert in appeals to this case.

[PLANK 2]

#### --pass the Consumer Protection and Recovery Act, and provide additional resources to the Federal Trade Commission,

#### --bring cases against scammers, fraud, and unfair and deceptive practices involving emerging technologies under Section 5 of the Federal Trade Commission Act,

#### --rule in favor of the Federal Trade Commission in cases against scammers, fraud, and unfair and deceptive practices involving emerging technologies,

#### --raise income, real estate property, and wealth taxes on individuals with wealth above $50 million.

#### It solves inequality better than the aff

Lord 20 [Bob Lord practices tax law in Phoenix and serves as an Institute for Policy Studies associate fellow. Lee Price, a former chief economist at the House Appropriations Committee and several other Capitol Hill panels, also serves as an IPS associate fellow. 8-10-2020 https://inequality.org/great-divide/the-basic-case-for-a-wealth-tax/]

Changes in tax policy since 1980 have been driving U.S. inequality to levels not seen since the original Gilded Age. Reversing that trajectory — and restoring a more egalitarian society — will require a complete overhaul of the changes in tax policy we’ve seen over the past four decades.

Taxes as a share of national income have now been remarkably stable for 40 years. Total federal tax revenue last year stood at 17 percent, about the average for the last half-century. Income taxes, meanwhile, have stayed steady at 8 percent of the economy.

These stable percentages should be a cause for alarm, not satisfaction. In any tax system based on progressive tax principles, federal income tax revenue should increase as a greater share of income goes to people in the higher tax brackets. But that hasn’t happened. The big tax cuts that Ronald Reagan, George W. Bush, and Donald Trump have signed into law have tilted our tax structure in favor of those at the top.

Thanks to these cuts, our wealthy have spent the last four decades paying taxes at significantly lower rates. The taxes they pay have dropped so much that total federal revenues have remained stable only because average Americans are paying, as a share of the economy, far more in regressive payroll taxes.

Some numbers: Between 1980 and 2018, tax law changes favoring the nation’s rich left our billionaires paying 79 percent less in taxes, as measured as a share of their wealth. The country’s top .01 percent, a group consisting of households with wealth in excess of $100 million, have seen their tax payments as a share of their wealth drop by almost as much, 73 percent.

Most of us reliably consume most of any boost in income we see. Not people with massive wealth. An ultra-wealthy household that realizes $25 million in tax savings doesn’t rush out and spend that extra $25 million on food, home improvements, or new clothes. Most of those added millions just add to that ultra-wealthy household’s wealth, and that in turn increases the household’s future income — and future wealth.

In other words, wealth begets wealth, and the giant cut in the taxes our rich people pay, as a percentage of their wealth, has turbocharged how rapidly our nation’s wealth is concentrating. The share of America’s wealth that our top .01 percent hold has quadrupled, rising from 2.3 percent in 1980 to 9.6 percent in 2018. The incomes of the top .01 percent of our nation’s earners have, over the same years, jumped from 1.5 percent to 4.6 percent.

Restoring the tax structure our wealthy faced back in 1980 would certainly slow our nation’s growing inequality of wealth and income. But simply restoring what we had in 1980 isn’t going to reverse the absurd concentration of America’s wealth we have now. The billions our richest have already accumulated will continue to pile up ever higher if we merely go back to the 1980 status quo. Jeff Bezos is currently sitting on well over a $100 billion appreciation in the value of his Amazon stock. None of the value of that stock will land on his federal income tax return until he sells his Amazon shares.

So what can we do? A tax on wealth would be the most direct and rational way to address America’s obscene level of wealth concentration.

Relying solely on taxes on income or real estate property or consumption is never going to adequately reverse how concentrated our nation’s wealth has become. Yes, the wealthy should pay much higher income tax rates on their earnings from wealth. Yes, they should face property taxes and excise taxes on consumption like the rest of us. But the wealthy should also face an additional tax on their actual wealth.

Such a tax would function as a constraint on the accumulation of additional wealth and also raise significant revenue, even if some rich evaded this new levy. Household wealth in excess of $172 million, according to economists Emmanuel Saez and Gabriel Zucman, would represent a tax base of $6.3 trillion. Household wealth in excess of $31 million would represent a tax base of over $13 trillion.

Senator Elizabeth Warren last year proposed a 2 percent tax on wealth above $50 million and a 3 percent tax above $1 billion. If this tax had been in place in 1982, Saez and Zucman calculate, the Fortune 400 share of our nation’s wealth would have increased from 1 percent to 2 percent in 2018. In real life, without that tax in effect, the Fortune 400 share rose to 3.5 percent in 2018.

According to Saez and Zucman, a 10 percent tax rate on wealth in excess of $1 billion would have, if begun in 1982, kept the Forbes 400 share of the nation’s wealth at its 1982 level of 1 percent.

We can’t turn the clock back to 1982. But we can take serious steps to undo the inequality damage we’ve experienced since then. Our suggestion: Let’s add a third tier to Senator Warren’s proposal. On wealth in excess of $5 billion, let’s now impose a 10 percent tax.

Might this levy cause those fortunes well above the $5 billion mark to actually shrink over time? Perhaps, but that wouldn’t be so terrible. After all, any rich household with a mere $5 billion would still have enough wealth to cover $100,000 per day of expenses for over a century.

We would see a far worse result — for our democratic well-being — if we permitted fortunes over $5 billion to grow ever larger. So let’s err on the side of reversing America’s obscene inequality, not protecting multibillionaires.

#### We’ll insert these three re-highlightings of 1AC evidence---we shouldn’t have to spend the time re-reading cards that they’ve already read---key to discourage reading bad cards that overwhelm the NEG---reciprocity checks.

#### CP rules for FTC in the Facebook case – that solves FTC institutional cred – the “big cases” on TECH are what determine the agency’s future

FYI. MSU = Blue

Marianela Lopez-Galdos 7/28/21. Global Competition Counsel at the Computer& Communications Industry Association, previously served as Director of Competition & Regulatory Policy, and is a professor at George Washington University Competition Law Center and at the University of Melbourne Law School. “Policy Decisions of Antitrust Institutions Series: The Future of the FTC and Its Perils”. Disruptive Competition Project. https://www.project-disco.org/competition/072821-policy-decisions-of-antitrust-institutions-series-the-future-of-the-ftc-and-its-perils/

But the current FTC leadership seems to have overlooked the agency’s history. As such, it has already promised to produce different policy outcomes and noted that the Section 5 Policy Guidelines were shortsighted. As a result, the current FTC has decided, with the support of the other two Democratic Commissioners, to rescind the Policy Guidelines.

It is unknown whether the current FTC will try to adopt different guidelines or whether it will start opening more cases under Section 5 of the FTC Act. Furthermore, it is less clear whether the new FTC leadership currently counts with the sufficient and aligned Neo-Brandeisian human talent to bring solid cases that are not based on the consumer welfare standard or to litigate before judges that support the Neo-Brandeisian vision of antitrust.

What seems clear is that the new agency’s leader might find it hard to bring all Commissioners to an agreement with respect to what the agency can do with Section 5 of the FTC Act, and this situation, in and of itself, puts the agency in peril.

The FTC’s Rulemaking Authority

Another important policy change that may be detrimental to the FTC is its expressed willingness to expand the agency’s rulemaking authority under, e.g., Section 18 of the FTC Act. It is well known that in addition to its authority to investigate law violations by individuals and businesses, the FTC also has federal rulemaking authority to issue industry-wide regulations.

However, the agency’s rulemaking authority has been self-limited since the 80s in an effort to ensure the institution doesn’t overuse its capacity to adopt industry-wide regulations and raise concerns with those policy makers that are against the legislature deferring its core mandate to an independent agency that doesn’t represent the people.

Traditionally the legislature has the constitutional mandate to create laws affecting different sectors of the economy. Whereas it is legally accepted to design independent agencies with constrained mandates to adopt regulations, such powers are not necessarily understood to construe independent agencies as substitutes for the legislature’s powers. It is a basic tenet of administrative law, that agencies are constrained by the enabling statute that gives them authority to promulgate regulations in the first place.

Against this background, it seems risky for the new leadership to engage in broad rulemaking endeavors that might raise concerns from an institution legitimacy perspective. In the long term, it is predictable that many policymakers might not be supportive of an agency that implements its rulemaking authority in its broadest sense. As a result, some degree of political backlash against the agency might not help the agency’s lifecycle, especially if the agency is not granted with specific legislative guidance in the form of new legislation.

The Future of the FTC

One of the most challenging matters to tackle when it comes to leadership of antitrust authorities, or administrative agency for that matter, is legacy and the impact for the future of the agency. To put it simply, while antitrust leaders leave agencies, the side effects of leadership’s successes and failures condition the future of the agencies. Their leadership has consequences and sets precedent which will bind the agency well into the future.

Under the current political context, it would not be surprising if the current Neo-Brandeisian FTC enjoyed political support and success with its decision to bring big cases, especially against leading tech companies. In the short term, if the FTC makes headlines for opening cases against “Big Tech”, policymakers pushing for antitrust reforms will surely applaud the new changes as they would reflect a commitment to enhanced enforcement outcomes notwithstanding the strength of the cases.

However, in the mid-and long-term, if the FTC loses the big cases, the commitment to policy outcomes won’t be met. And then, it is unlikely that the question would be whether the antitrust norms are fit for today’s economy, but rather if the agency is capable of executing its mandate effectively. The recent decision in the FTC v. Facebook case is a good example of this paradigm, where the Judge expressed that the FTC had not carried out a sufficiently robust analysis supported by evidence, and therefore dismissed the case.

Eventually, the agency’s short-term reputational gains could quickly turn into a debacle for the institution itself with the caveat that by then, most probably, Neo-Brandeisian leadership will be long gone. Unfortunately then, the U.S. antitrust system — which is the only one to keep two federal antitrust agencies, bringing about positive outcomes for consumers — might be at risk. Political support to merge these two institutions could gain even more support, as has happened in the past, to the detriment of consumers.

#### CPRA solves their trust internal link AND the scammers impact

1AC Mermin 21 [Ted; 2021; Executive Director Center for Consumer Law & Economic Justice UC Berkeley School of Law; Committee on Energy & Commerce Subcommittee on Consumer Protection and Commerce Hearing, “The Consumer Protection and Recovery Act: Returning Money to Defrauded Consumers,” https://docs.house.gov/meetings/IF/IF17/20210427/112501/HHRG-117-IF17-Wstate-MerminT-20210427.pdf]

To equip the FTC properly to do its job is a straightforward task, and a serious responsibility of this committee. The Consumer Protection and Recovery Act represents a sensible step forward toward restoring essential protections for all Americans.

III. 10 Things This Committee, and This Congress, Can Do to Give the FTC the Tools It Needs to Do Its Job.

The Consumer Protection and Recovery Act advances the first two critical improvements to the FTC Act listed below. But the task before this committee is broader than simply filling the void left by the Supreme Court’s decision last week. The following suggestions – all endorsed in various forms by bipartisan cohorts of FTC commissioners, and all supported by broad coalitions of advocates for consumers, small businesses, veterans, and seniors – would restore the FTC to its rightful and logical position as the nation’s leader in consumer protection.

1. Restore the FTC’s authority to get money back to consumers from whom it was unlawfully taken. This most salient fix is critical to the functioning of the FTC as a consumer protection agency.

2. Give the FTC full authority to obtain an injunction barring future misconduct. A court order barring the conduct that the FTC has gone to such pains to investigate and prove is a vital part of the toolbox of the Commission or any consumer protection agency. A thief who takes your wallet may end up closely monitored on probation or, after prison, on parole – whether or not he had stopped taking wallets by the time he was caught. When a business steals your money, it too should be subject to additional supervision, with quicker enforcement.

3. Provide the FTC with the default ability to require the payment of civil penalties. Give businesses and individuals who are inclined to break the law a reason not to do so. Routine civil penalty authority is exercised by state Attorneys General – and in some states local government authorities – in almost all the cases that they bring.16 It is common sense to ensure that the FTC is able to make use of the same tools as its state and local counterparts.

4. Establish a Civil Penalty Fund dedicated to providing compensation to victims of unfair and deceptive business practices who cannot be repaid by the businesses or individuals that harmed them. All too often, scam artists spend the money they steal from consumers. By the time the FTC can fully prosecute a case, the judgment – frequently for an impressively large amount of restitution – must be suspended because of the defendants’ inability to pay.17 There is a way around this dilemma: Congress can grant the FTC authority to set up a Civil Penalty Fund or Consumer Redress Fund to provide a source of relief to victims, funded by civil penalties collected in other cases. The CFPB has exercised this type of fund effectively and with great benefit to consumers.18 This fund could also receive funds paid pursuant to an order to disgorge illegally-obtained money when it is not practicable to return those funds to consumers.

5. Give the FTC the same ability to make rules that is exercised by other federal agencies. Rulemaking under the Administrative Procedures Act provides all stakeholders the ability to express their views, and requires the agency to consider those views. And unlike the Commission’s current sclerotic Magnusson- Moss rulemaking authority, the proceedings will not be so delayed that the rule is likely to be outdated by the time it is finally issued.

6. Fully fund the FTC so that it may effectively play its role as the nation’s consumer protection agency. As former Commissioner William Kovacic explained at a hearing before this subcommittee in February, the FTC cannot accomplish the mission that Congress has set for it without a significant infusion of resources.19 That money is a wise investment: far greater sums will be returned to consumers and small businesses, and received from customers by competitors who play by the rules.

7. Give the FTC general authority to prevent price gouging in emergencies. This is a power currently held by the states and exercised by attorneys general across the nation.20 Providing the FTC the same authority would add measurably to the nation’s ability to respond to natural disasters and other emergencies; these events are too frequent to make it feasible for Congress to pass separate legislation each time one occurs.

8. Provide the FTC authority over common carriers. When the common carrier exemption was included in the FTC Act more than 100 years ago, it was logical to exempt the monopoly providers of common carrier services, who were not disciplined by competition but rather by detailed rate and service regulation. Since that time, the telecommunications industry and the regulatory role of the federal government have changed dramatically. As the Ninth Circuit observed three years ago, the FTC Act already

9. Give the FTC authority over non-profit corporations. The Internal Revenue Service has nominal authority now, but its purview is limited essentially to whether a tax-exempt organization should be able to maintain that status. Given the widespread business activities of nonprofit corporations like hospital chains, and all-too-common examples of unfair or deceptive conduct by charitable organizations, this extension would close an important gap in FTC protection, including in oversight to data security and privacy practices.

**[ EMORY’S CARD BEGINS ]**

10. Trust the FTC. This final step informs all the others. There can be no doubt that there is more work to do protecting consumers than the FTC currently has the tools or resources to accomplish. There is also no doubt that the FTC has been trammeled in ways that its sister agencies, federal and state, have not. Whatever the reason, it is high time to retire the “zombie ideas” about the FTC – that the Commission is unnecessary, or overreaching, or heavy-handed, or inefficient.23 It is time, as one commissioner stated in Senate testimony last week, to “turn the page on the FTC’s perceived powerlessness.”24

For an American public eager for greater – not lesser – protection from increasingly sophisticated scam artists, deceptive advertisers, and privacy violating tech companies, building an effective FTC is an easy decision. It can and should be for this committee as well.

IV. Conclusion

This subcommittee meets at a remarkable historical moment, when the COVID-19 pandemic has revealed the profound need for a robust Federal Trade Commission just days after the Supreme Court made action by Congress an absolute necessity. This is a perilous time, with the chief protector of American consumers rendered nearly powerless just when those consumers are experiencing a heightened threat resulting from a once-in-a-century pandemic. The Consumer Protection and Recovery Act provides a critical first step toward restoring authority and effectiveness to the nation’s leading consumer protection agency.

Swift action to restore the FTC’s traditional 13(b) authority means that when constituents contact your office, and tell your staff that they have lost their life’s savings to a work-at-home scam, or their identity has been stolen and someone has opened accounts in their name, or they just spent their stimulus payment on a supposed cure for COVID for their grandmother who’s on a respirator – there will still be an agency to refer them to. No one wants that staffer to have to add: “Well, we could send you to the FTC, but they don’t actually have the power to get you your money back.”

Inaction or delay will mean no recovery for millions of wronged American consumers. The time to pass the Consumer Protection and Recovery Act is now.

#### Section 5 cases solve scammers, fraud, and emerging tech impacts – AND more resources bolster solvency for all

1AC Spiro 20 (Michael Spiro, corporate counsel at Smartsheet Inc., JD University of Washington School of Law, LLM Innovation and Technology Law, Seattle University School of Law, more than fifteen years of experience as a federal judicial law clerk for the Western District of Washington, “The FTC and AI Governance: A Regulatory Proposal,” Seattle Journal of Technology Environmental & Innovation Law, 10(1), 12-19-2020, https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1001&context=sjteil)

D. Section 5 of the FTC Act

The FTC’s primary source of regulatory authority is Section 5 of the Federal Trade Commission Act, which prohibits “unfair or deceptive acts or practices in or affecting commerce.”201 An unfair or deceptive act or practice is statutorily defined: (1) “a material ‘representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer’s detriment’”; or (2) “a practice that ‘causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.’”202 Section 5 thus bars both “unfair” and “deceptive” trade practices, as well as “unfair methods of competition.”203

This legislative grant of authority is widely recognized as being extremely broad in scope.204 Generally, the FTC has the power to “prosecute any inquiry necessary to its duties in any part of the United States.”205 The FTC is further authorized to “gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any person, partnership, or corporation engaged in or whose business affects commerce.”206 In addition, the legislative history of Section 5 evinces a clear Congressional intent that the authority the FTC exercises be “evolutionary and widereaching.”207

Deceptive trade practices include: false representations, sales of hazardous or systematically defective products or services without adequate disclosures, failure to disclose information, use of bait and switch techniques, failure to perform promised services, and failure to meet warranty obligations.208 In terms of such practices, the FTC pursues companies who “exploit consumer ignorance or create a false sense of trust.”209 The FTC also has shifted to focusing on broken consumer expectations, which incorporate “the universe of preexisting consumer backgrounds, norms, and dispositions,” in addition to elements of design and functionality factors. 210 The FTC takes consumers “as it finds them,” with all of their cognitive limitations, and prohibits exploitation of those limitations.211

In considering whether a harm is outweighed by countervailing benefits to consumers or competition in terms of “unfair” trade practices, the FTC takes into account both the cost to consumers to remedy the harm and the cost to society in general.212 In essence, this inquiry attempts to separate those instances where consumers are able to protect themselves from those where they are unable to do so.213 If consumers could reasonably have avoided the harm, the FTC will not find a trade practice to be unfair. 214 Accordingly, most FTC enforcement actions focus on behavior that unreasonably takes advantage of or exploits vulnerable consumers.215 However, the FTC also considers whether a trade practice violates established public policy. 216

The evolutionary and wide-ranging nature of the unfairness standard is the result Congress’s deliberate intention to frame that standard in general terms.217 Congress recognized it was not possible to draft a complete set of unfair trade practices, without creating regulatory loopholes or the list quickly becoming outdated.218 The breadth of Section 5 is apparent in that it authorizes the FTC to take action against unfair practices that more specific statutes have not yet contemplated.219 Indeed, the FTC has the authority to determine a practice is unfair, even if it is otherwise lawful.220 The result is that the FTC has significant flexibility in addressing new problems.221

The broad scope of authority Section 5 provides is ideal for responding to the challenges posed by new technologies.222 Partly as a result of this, the FTC has been able to quickly respond to technological change.223 In addition, the FTC has shown it is capable of fostering emerging technologies while protecting consumers, as it has done in response to the rise of the Internet and the Internet of Things.224 The FTC has been able to do this at least in part because the unfair and deceptive practices standard is largely technology neutral.225

E. The FTC can and Should Exercise its Section 5 Authority

Of particular relevance to emerging technologies, and AI specifically, the FTC has shown itself to be capable of regulating the communication, organizational, and design aspects of new technologies.226 It has acted to protect consumers from privacy and other harms, for example, by notifying commercial firms of their obligation not to act unfairly or deceptively in the design, sale, and use of emerging technologies that interact with consumers.227 In addition to the broad authority to regulate emerging technologies, the FTC’s efforts are further enabled to respond to unfair and deceptive trade practices by the diverse set of tools at its disposal.228

Although much of the FTC’s enforcement activity, vis-àvis emerging technologies, has been principally in the area of privacy and data protection, there is no reason that the FTC cannot also apply its broad Section 5 authority to machine learning and other automated decision-making processes. During its history, the FTC has repeatedly “recalibrated” how emerging technologies are used to deceive or harm consumers.229 And given its move to assert its authority in regard to the Internet of Things, the FTC does not need any new grant of authority to confront other new technologies.230 Rather, it is enough if a new technology is used in commerce to harm or mislead consumers.231

Indeed, the FTC has begun to address the issue of algorithms in the privacy context.232 Further, the many tools the FTC has – including disclosures and design requirements – can help ameliorate the harms that algorithmic decision-making systems pose.233 The FTC also has looked to hold commercial entities accountable “for design choices that indirectly harm consumers.”234 Because AI often is employed in the backend of systems with no direct consumer interface, this approach offers a potential solution to harms caused by hidden AI. It could also address harms caused by third parties, since those who facilitate “the wrongful conduct of another” will also trigger FTC action under this theory.235

For a trade practice to be unfair, the harm must be substantial.236 The harm can be monetary, but it also may encompass unwarranted health and safety risks.237 Thus, AI technologies that pose such risks can and should meet the unfairness standard.238 Many algorithmic decision-making processes, however, will not fall under this category of harm. Further, trivial, speculative, and “other more subjective types of harm” generally do not constitute an unfair practice.239 Since in many cases it may not be clear the exact extent to which a decision made by an AI system has injured a particular consumer, it may be difficult to establish the requisite level of harm.

On the other hand, notions of what constitute an unfair harm continue to evolve, and there is some indication courts may be open to recognizing more subjective, non-monetary harms under Section 5.240 In addition, the FTC has clarified that a small or incremental injury may constitute sufficient injury if it harms a large number of consumers or if it “raises a significant risk of concrete harm.”241 And even where harms might be incremental for only a single individual, if those harms pose a collective problem, the FTC may still be able to act on them.242 Further, the FTC may consider “the cost to society in general” in determining whether there are countervailing benefits to consumers or competition.243

The FTC’s authority to promulgate rules defining unfair or deceptive acts or practices is limited, and therefore it must enforce its authority indirectly on a case-by-case basis.244 As such, and because it generally lacks the ability to assess civil penalties, the FTC mostly relies on settlements resulting from its enforcement activities to communicate the rules it wants companies to follow.245 In addition, due to staff and budget constraints, the FTC often must rely on informal complaints and self-reporting of potential violations.246 The FTC’s Section 5 authority, furthermore, does not extend to non-profit organizations, common carriers, financial institutions, and certain other entities, nor can it regulate harms committed by consumers in non-commercial contexts.247

**[ EMORY’S CARD BEGINS ]**

Despite these limitations, the FTC has a formidable reputation as an enforcement authority, and commercial entities, and their lawyers, pay close attention to its orders and decisions.248 For example, when the FTC issues a complaint, it is published on the FTC’s website, which often generates significant attention in the privacy community.249 One reason for this is the fear firms have of the FTC’s auditing process, which not only is “exhaustive and demanding,” but can last for as long as 20 years.250 As such, the FTC settles most of the enforcement actions it initiates.251 Firms are motivated to settle with the FTC because they can avoid having to admit any wrongdoing in exchange for taking remedial measures, and thus they also avoid the costs to their reputation from apologizing.252

Though done by necessity, the rule-making process the FTC engages in with its consent orders and settlement agreements can be of benefit when regulating emerging technologies. 253 For one, it allows the flexibility needed to adapt to new and rapidly changing situations.254 Further, the FTC can wait and see if an industry consensus develops around a particular standard before codifying that rule through its enforcement actions.255 As with the common law, which has long demonstrated the ability to adjust to technological changes iteratively, the FTC’s incremental case-bycase approach can help minimize the risks of producing incorrect or inappropriate regulatory policy outcomes.256

In addition to its use of consent orders and settlement agreements, the FTC has created a type of “soft law” by issuing guidelines, press releases, workshops, and white papers.257 Unlike in enforcement actions, where the FTC looks at a company’s conduct and sees how its behavior compares to industry standards, the FTC arrives at the best practices it develops for guidance purposes through a “deep and ongoing engagement with all stakeholders.”258 As such, not only is the FTC’s authority broad enough to regulate the use of emerging technologies such as AI in commerce, but the FTC’s enforcement actions also constitute a body of jurisprudence the FTC can rely on to address the real and potential harms that stem from the deployment of consumeroriented AI.259

Given its broad grant of authority, the regulatory tools at its disposal, and its experience dealing with emerging technologies, the FTC is currently in the best position to take the lead in regulating AI. The FTC’s leadership is sorely needed to fill in the remaining – and quite large – gaps in those few sectoral laws that specifically address AI and algorithmic decision-making.260 Several factors make the FTC the ideal agency for this role. First, the FTC can use its broad Section 5 powers to respond rapidly and nimbly to the types of unanticipated regulatory issues AI is likely to create.261

Second, the FTC has an established history of approaching emerging technologies with “a light regulatory touch” during their beginning stages, waiting to increase its regulatory efforts only once the technology has become more established.262 This approach provides the innovative space needed for new technologies such as AI to develop to their full potential. Thus, as it has in the past, the FTC would focus on disclosure requirements rather than conduct prohibition, and take a case-by-case approach rather than rely on rulemaking.263 Also, as it has traditionally done, the FTC can hold public events on consumer-related AI and issue reports and white papers to guide industry.264

In other words, the FTC has long taken a co-regulatory approach to regulation, which it can and should proceed to do with AI. As in other emerging technology areas, this will help industry continue to grow and innovate, while allowing for the calibration among all relevant stakeholders of the “appropriate expectations” concerning the use and deployment of AI decision-making systems.265 At the same time, the FTC should use its regulatory powers to nudge, and when necessary, push companies to refrain from engaging in unfair and deceptive trade practices in the design and deployment of AI systems.266 The FTC should also place the onus on firms that design and implement those systems to ensure misplaced or unrealistic consumer expectations about AI are corrected.267

By nudging (or pushing) firms in this way, the FTC can “gradually impose a set of sticky default practices that companies can only deviate from if they very explicitly notify consumers.”268 In terms of disclosure requirements, as it has done in other contexts, the FTC can develop rules and guidelines for “when and how a company must disclose information to avoid deception and protect a consumer from harm,” which can include requiring firms to adopt the equivalent of a privacy policy. 269 Given the black box like nature of most algorithmic decision-making processes, there is much that AI developers might have to disclose to prevent those processes from being deemed unfair or deceptive.270

In addition, given its broad authority under Section 5, the FTC is able to address small, nuanced changes in AI design that could adversely affect consumers, but that other areas of law, such as tort, may not be able to adequately handle.271 Again, this is important because AI and algorithmic decision-making can pose profound and systemic risks of harm, even though the actual harm to individual consumers may be small or hard to quantify. And as it has done in the area of privacy, the FTC can become the de facto federal agency authority charged with protecting consumers from harms caused by AI systems and other algorithmic decisionmaking processes.272

The FTC also can, and should, seek to work with other agencies to address AI-related harms, given that the regulatory efforts of other agencies will still occur and be needed in specific sectors or industries, which would impact and be relevant to the FTC’s efforts as well.273 Agency cooperation is essential to ensuring regulatory consistency, accuracy, and efficiency in the type of complex, varied technological landscape that AI presents.274 This should not be a problem as the FTC’s Section 5 authority overlaps regularly with the authority of other agencies, and the FTC itself has a history of cooperating with those agencies.275 Further, the FTC can use its experience working with other agencies to build standards and policy consensus within the regulatory community and among stakeholders. 276

The overarching role the FTC has played in protecting consumer privacy within the United States also has given it legitimacy within the wider privacy community. The FTC has been pivotal over time in promoting international confidence in the United States’ ability to regulate privacy by for example acting as the essential mechanism for enforcing the Safe Harbor Agreement with the European Union.277 As it takes on a similar overarching regulatory role for AI and algorithmic decision-making processes in this country, the FTC should gain a similar level of legitimacy internationally. This is important given the increasingly cross border nature of AI research and development.

**[ EMORY’S CARD ENDS ]**

So far, the FTC has not pushed the full extent of its authority under Section 5.278 Under a co-regulatory model such as that followed by the FTC, firms are much more willing and motivated to commit to voluntary codes of conduct if faced with a credible threat of stricter government regulation if they fail to abide by the agreed upon standards.279 Thus, the FTC should consider actively pursuing strategies to enforce its unfair and deceptive trade practices authority in the realm of AI to incentivize companies to participate more fully in the co-regulatory process.280

The FTC also has the authority to expand its regulatory reach under Section 5, and should consider new strategies for doing so.281 Indeed, the FTC can and should “push in bolder and more aggressive directions,” in light of the risk of harm that AI is likely to continue to pose.282 Because of the nimbleness of the FTC, it is the ideal federal agency to regulate the AI landscape, which, at this point in time, is subject to much uncertainty.283 Indeed, as one observer has noted, “[n]o other agency has such a broad scope of power over so many different industries,” given that any industry where consumers can be found is subject to the FTC’s enforcement power.284

As one example, the FTC can and should encourage the AI industry to develop codes of conduct for AI research and development and algorithmic decision-making, and then enforce those codes under Section 5’s deception prong, treating a firm’s failure to abide by the relevant code they have agreed to abide by as “a presumptive violation.”285 To increase firms’ incentive to participate in this process, the FTC should also decline to give favorable treatment in enforcement matters to those firms that refuse to abide by the developed codes.286 Further, the FTC should treat all adopted and approved codes of conduct as having established industry standards, thus making them a relevant factor in determining the issue of “reasonableness” under Section 5’s unfairness prong.287

This is not to say that additional legislation by Congress to address the risks and challenges posed by AI decision-making systems is not needed. For example, given that academic and other non-profit institutions are involved in AI research and development as well, the FTC should be given authority over non-commercial entities whose practices also harm consumers.288 Further, granting “explicit rulemaking authority” to the FTC would allow it to take a more systematic approach to regulating AI.289 Short of that, though, and rather than rushing to hastily craft new legislation that may be ill-suited to the challenges of regulating AI, Congress should ensure the FTC first has the resources – including the necessary technical expertise – it needs to exert its existing authority effectively.290

VI. CONCLUSION

AI undoubtedly holds enormous potential for addressing many of society’s greatest challenges and will likely bring substantial benefits to consumers and the public at large. For these reasons, the ability to continue to innovate and develop beneficial AI technologies should not be unduly hampered. At the same time, AI, and algorithmic decision-making processes in general, pose significant risks and challenges of their own. Thus, while the most effective method of regulating AI, at least in the near term, is a coregulatory approach in which the government, industry, and other stakeholders come together to work out appropriate governance standards, there still needs to be an effective oversight body that can step in when and where necessary to enforce those standards.

Although Congress could create a new, overarching federal agency tasked with the regulation of AI, it has shown little inclination over the years to enact comprehensive legislation dealing with this or other similar emerging technology issues. Perhaps, as the industry develops and matures, this will be the path Congress chooses to take. However, in the meantime, the FTC is more than capable of using its broad authority under Section 5 to prevent the tech industry from engaging in unfair and deceptive trade practices in the design and deployment of AI technologies. The FTC can and should use the full extent of that authority to do so. Further, Congress should give the FTC the resources and rulemaking authority necessary to effectively regulate in this area. In the meantime, the FTC’s central regulatory role offers the best path forward to govern AI safely and effectively.

### 1NC---OFF

Next OFF is the States Counterplan:

#### The 50 states and relevant territories should engage in multistate antitrust action and enforcement over:

#### - anticompetitive business practices that substantially reduce bargaining power of workers in labor markets.

#### privacy scams and emerging tech regulations.

#### The 50 states and relevant territories should implement state-funded guaranteed income programs.

#### State UBI solves inequality and causes fed follow on

Bedayn 21 [Jesse Bedayn, Palo Alto Online, 7-16-2021 https://www.paloaltoonline.com/news/2021/07/16/universal-basic-income-california-moves-to-be-first-state-to-fund-pilot-efforts]

Universal basic income was championed by Martin Luther King Jr., promoted by Silicon Valley citizens as the "social vaccine for the 21st century" and endorsed by 2016 presidential candidate Andrew Yang, but it has never really caught on.

Now it's time may have come.

On Thursday, California lawmakers approved the nation's first state-funded guaranteed income program. Once the bill is signed by Gov. Gavin Newsom, cities and counties can apply for funding from a $35 million pool to support current or new pilots that prioritize foster youth who recently left the foster care system and pregnant mothers. The White House has also rolled out a form of guaranteed income in its new expanded Child Tax Credit that is part of the pandemic relief package.

The state program comes on the heels of local efforts in the Bay Area and Stockton. Over the last two years, Oakland, Marin County, San Francisco and Santa Clara County started one- to two-year basic income programs that offer participants between $500 and $1,000 guaranteed dollars every month with no strings attached. Those programs are largely funded by private donations.

The surge in support for guaranteed income is being credited to the wealth and racial inequalities revealed by COVID-19, as job losses hit low-income and minority workers the hardest.

The pandemic "took the blinders off of what it means to live on the margins," said Los Angeles county supervisor Holly Mitchell, a member of Mayors for Guaranteed Income, a national group that has grown from 11 member cities to over 50 in the last year. "Everyone saw it."

The Bay Area basic income initiatives are focused on raising artists, mothers or minorities out of poverty. The Santa Clara County program, which helps foster youth, helped lay the groundwork for the statewide program.

"Cities are the laboratories of democracy," said Sukhi Samra, director of the mayors' group, who hopes the pilots in the Bay Area and across California will "provide a proof of concept" for federal policies.

The new wave of basic income initiatives is an alternative to government assistance programs that were "very prescriptive about doling out social services," said state Sen. Dave Cortese, D-San Jose, who started Santa Clara County's income program for foster youth as a county supervisor. "It really had a mentality of ‘we know what's best for you weaker, poorer people.'"

Critics of guaranteed income worry that free money, similar to unemployment benefits, will discourage participants from working. "There's a pretty plausible case to be made that the more generous you make unemployment benefits, the less anxious people are going to be to get back to work," said Matt Zwolinski, director of the Center for Ethics, Economics and Public Policy at the University of San Diego.

Universal basic income supporters point to Stockton's 2019 program, the first in the state, which found that full-time employment among participants increased by 12% in the program's first year. Participants, who received $1,000 monthly from 2019 to 2021, reported greater financial stability month to month. That enabled them to buy the necessary food, pay off unexpected costs, and increase their overall wellbeing.

### 1NC---OFF

Next OFF is Inflation:

**Wage growth is sustainable now --- increase from the plan cause interest rate spikes --- turns the aff**

**Smialek 21** --- Jeanna Smialek writes about the Federal Reserve and the economy for The New York Times. She previously covered economics at Bloomberg News, “Wages are rising, but can they keep up with inflation?”, Nov 5th 2021, https://www.nytimes.com/2021/11/05/business/economy/wages-inflation.html

It is **not yet clear** which side of that equation — higher pay or higher prices — **is going to win out**, but the answer could matter enormously for the Federal Reserve and the White House.

There are a few ways this moment could evolve. Wage growth could remain strong, **driven by a tight labor market**, and overall inflation could simmer down as supply chain snarls unravel and a surge in demand for goods eases. That would benefit workers.

But **troubling outcomes are also possible**, and high on the list of worries is what economists call a “**wage-price spiral.**” Employees could begin to demand higher pay because they need to keep up with a rising cost of living, and companies may pass those labor costs on to their customers, **kicking off a vicious cycle**. That could make **today’s quick inflation last longer than policymakers expect.**

**The stakes are high**. What happens with wages will matter to families, businesses and central bankers — and the path ahead is far from certain.

“**It’s the** several-**trillion-dollar question**,” said Nick Bunker, director of research for the hiring site Indeed.

For now, wage growth is rapid — just not fast enough to keep up with prices. One way to measure the dynamic is through the Employment Cost Index, which is reported by the Labor Department every quarter. In the year through September, the index’s measure of wages and salaries jumped by 4.2 percent. But an inflation gauge that tracks consumer prices rose by 5.4 percent over the same period.

A different measure of pay, an index that tracks hourly earnings, did rise faster than inflation in August and September after lagging it for much of the year.

And an update to that gauge on Friday showed that wages climbed 0.4 percent in October, which is roughly in line with recent monthly price increases. Over the past year, that measure is up by 4.9 percent. But the data on hourly earnings have been distorted by the pandemic, because low-wage workers who left the job market early in 2020 are now trickling back in, jerking the average around.

The upshot is that the tug of war between price increases and pay increases **has yet to decisively swing** in workers’ favor.

Whether wage gains eventually eclipse inflation — and why — **will be crucial** for economic policymakers. Central bankers celebrate rising wages when they come from productivity increases and strong labor markets, **but would worry if wages and inflation seemed to be egging each other upward.**

The Federal Reserve is “**watching carefully**,” for a troubling increase in wages, its chair, Jerome H. Powell, said on Wednesday, though he noted that the central bank did not see such a trend shaping up.

Recruiters do report some early signs that inflation is factoring into pay decisions. Bill Kasko, president of Frontline Source Group, a job placement and staffing firm in Dallas, said that as gas prices in particular rise, employees are demanding either higher pay or work-from-home options to offset their increased commuting costs.

“It becomes a topic of discussion in negotiations for salary,” Mr. Kasko said.

But for the most part, today’s wage gains are tied to a different economic trend: red-hot demand for workers. Job openings are high, but many would-be employees remain on the labor market’s sidelines, either because they have chosen to retire early or because child care issues, virus concerns or other considerations have dissuaded them from working.

Grocery store managers in Dallas are earning as much as $175,000 in base pay compared to $125,000 before the pandemic, Mr. Kasko and his colleagues said, and employees are being nabbed away from firms like his for six-figure-salary recruiting jobs at corporations.

Emily Longsworth Nixon, 27 and from Dallas, is one of Mr. Kasko’s employees. She herself is fielding five or six messages each day on LinkedIn trying to lure her away, she said, and the tight labor market has upended how she does her job.

She tried to recruit a woman to an executive assistant position at a technology company that would have given her a $30,000 raise — and saw the candidate walk away for a counter offer of no additional pay but three work-from-home days each week.

“After that, I had my tail between my legs for a couple of days; I had never thought to ask that,” she said, adding that employers need to know their candidates like never before as workers flex their power, taking home raises and other perks. “Before Covid, it was an employer-driven market.”

Those in-demand workers could end up being better off in the long run, should their pay continue to chug higher even as supply chains heal and prices for used cars and couches moderate, allowing them to afford more.

Pay gains might also become more sustainable for employers as virus concerns fade and employees trickle back from the labor market’s sidelines.

And even if rapid wage increases persist, it is not absolutely the case that employers will be forced to drastically raise prices. Businesses could stomach a hit to their profits instead, or they could invest in technology that improves worker productivity.

If fewer waitresses can sell the same number of dinners because customers are ordering from QR codes, for instance, employers will have leeway to pay more without taking a hit to their bottom line.

Investment in automation has already moved up sharply by one metric, with orders of robots in the second quarter of 2021 up 67 percent from a year earlier, with demand spanning pharmaceutical industries, cars and electronics, according to the Association for Advancing Automation.

“Companies can’t find people, I don’t care what the industry is,” said Jeff Burnstein, president of the association.

**But a happy outcome is not guaranteed**. If today’s high prices do drive tomorrow’s wage negotiations and set off an upward spiral, the result could be a **longer period of high inflation** that **prods the Fed to raise interest rates** to tamp down demand and cool off prices, slowing the economy and possibly even sending it back into a recession.

A scenario like that hasn’t taken place since the 1970s and 1980s. But a situation like the pandemic lockdowns and subsequent reopening has never happened at all.

“We haven’t seen a wage-price spiral for decades, but we haven’t seen inflation like this for decades, either,” said Jason Furman, a Harvard University economist and former economic adviser in the Obama administration, calling the possibility of a wage-driven spiral **“an open question.”**

**Collapses dollar heg**

**SMAGHI 20** --- LORENZO BINI SMAGHI, Former Member of the Executive Board, European Central Bank, “Is a Dollar Crash Coming?”, International Economy, Fall 2020, https://www.bruegel.org/wp-content/uploads/2021/02/TIE\_F20\_DollarCrisisSymp.pdf

The question is whether the scenario may change **abruptly**, in particular if interest rates rise over time, putting at risk the sustainability of the debt. The key factor to assess debt sustainability is the relationship between the rate of interest paid on the debt and the rate of growth of the economy. As long as the economy grows faster than the rate of interest, **sustainability is not at risk.** If the opposite holds, fiscal policy will have to tighten in order to generate primary surpluses to ensure debt sustainability.

Interest rates can rise for two main reasons. The first is higher long-term economic growth. In that case, both sides of the equation go up, and the debt can remain sustainable.

The second, more worrying case, **is when interest rates increase because of higher inflation**. This scenario is not very likely over the next few years, as the economy recovers from the crisis, but could materialize in the medium term, especially if demographic factors lead to a trend fall in global output compared to demand. In that case, a rise in inflation could lead to higher interest payments on the debt. The main risk is that interest rates rise more than inflation because of expectations of even higher inflation in the future. This may happen if inflation expectations are dis-anchored, rising above the 2 percent target set by the central bank.

In summary, the risk to debt sustainability emerges when the central bank loses control of inflation. This happens if the central bank does not act sufficiently rapidly to prevent inflation from rising above target, either because it underestimates inflationary pressures, or if it is not sufficiently independent to take the appropriate decisions.

Under these circumstances, the demand for government bonds **could fall,** triggering **further rises in interest rates** and jeopardizing **the credibility of the U.S. currency in the eyes of international investors.** This is similar to what happened in the second half of the 1970s, before Paul Volcker was appointed as Fed chairman

**Extinction**

**Zoffer 20** --- Joshua Zoffer, writing on U.S. economic leadership has appeared in the Financial Times, Foreign Affairs, and The National Interest., Law Student @ Yale, “To End Forever War, Keep the Dollar Globally Dominant”, Feb 3rd 2020, https://newrepublic.com/article/156417/end-forever-war-keep-dollar-globally-dominant

Yet in their recent article in The New Republic, David Adler and Daniel Bessner argue the U.S. should abandon these advantages. In their view, the dollar’s role has encouraged American militarism and should be relinquished to curb such behavior. Dollar hegemony is not without cost, but to renounce it would be a profound mistake. Adler and Bessner’s view neglects the sizable economic benefits the dollar’s role confers on the U.S., as well as its possible use as **an antidote** to military adventurism. It ignores the enormous good that can be done with deficit spending, much of which has gone to the American military but could instead fund progressive programs. And it elides the inability of the U.S. and its global trading partners to shift away from dollar dominance without creating worldwide financial distress. Adler and Bessner are right that the U.S. has misused its privilege, but Washington should not abandon it; rather, American leaders should seek to transform it.

Generations of American policymakers have been right to protect the dollar’s key currency role for economic reasons. Most notably, dollar hegemony affords the U.S. the ability to run large and prolonged budget and balance-of-payments deficits. The dollar represents 62 percent of allocated foreign exchange reserves, is used to invoice and settle roughly half of world trade, and accounts for 42 percent of global payments. Because governments, banks, and businesses worldwide need lots of dollars, the world market always stands ready to absorb new U.S.-dollar-denominated debt without charging higher interest rates.

Adler and Bessner correctly point out that the rest of the world considers the dollar’s role as the world’s reserve currency to be an “exorbitant privilege,” a term coined in the 1960s by then French Finance Minister Valéry Giscard D’Estaing. The ability to spend beyond its means has enabled the U.S. to fund its impressive military might, whether one views that power as the fountainhead of Pax Americana or the source of illegitimate military adventurism.

But these economic benefits go beyond just deficits. The demand for dollars also pushes up the dollar’s value against other currencies, enhancing American purchasing power and offering consumers access to imports on the cheap. The dollar’s role also means American firms rarely need to do business in foreign currencies, reducing transaction costs and exchange-rate risks.

More broadly, America’s central economic role gives it outsize influence at crucial moments. At the height of the financial crisis that began in 2008, the Federal Reserve was able to inject vital liquidity into the global financial system by selectively offering dollar swap lines to trusted foreign central banks. Dollar hegemony enabled the U.S. to act swiftly, effectively, and on its own terms.

In addition, the dollar’s role offers a potent **alternative** to kinetic military action as a means of pursuing foreign policy objectives. The dollar’s broad use means access to dollar liquidity—which in turn requires access to the U.S. financial system—is essential for foreign governments and businesses. For foreign banks, especially, being cut off from dollar access is essentially a death sentence. That makes sanctions that do so a powerful tool in the international arena.

In 2005, for example, the U.S. used the dollar to strike a devastating blow against North Korea **without firing a single shot** or even formally enacting sanctions. Using authority provided by Section 311 of the Patriot Act, the Department of the Treasury crippled Banco Delta Asia, a bank accused of facilitating illegal activity by the North Korean government, by merely threatening to cut off its access to the American financial system. Deposit outflows began within days; within weeks the bank was placed under government administration to avoid a full collapse. Pyongyang was hit hard, as other banks ceased their business with it to avoid meeting the same fate.

Similarly, though the Trump administration has worked hard to undo it, the Joint Comprehensive Plan of Action with Iran to **limit the development of nuclear weapons** was made possible, in part, by painful dollar sanctions that brought Iran to the table. Far from being a proximate cause of military conflict, the dollar’s central global role has often been used to **contain adversaries without military intervention.**

Still, skeptics are right to point out that the dollar’s role has indirectly funded American interventionism and that dollar sanctions have been overused, provoking the ire of American allies. But these facts suggest we should use our dollar power to forge a more progressive U.S. order, not abandon the advantage altogether. America’s exorbitant privilege need not fund warships and missiles: The same low-interest borrowing could be used to fund a new **universal health care** system, expand access to higher education, or pursue any number of large-scale social policy objectives, including financing global public goods that no other country or consortium of countries is prepared to fund, such as **climate change mitigation.**

### 1NC---OFF

Next OFF is the Pilot Counterplan:

#### The United States federal government should adopt a rigorous pilot program on the prohibitions on anticompetitive business practices that substantially reduce bargaining power of workers in labor markets. The United States federal government should prohibit anticompetitive business practices that substantially reduce bargaining power of workers in labor markets unless determined by the rigorous pilot program to be effective and noninflationary.

#### Solves the case and avoids the DAs – the plan is doomed to fail absent review

Chien 19 [Colleen Chien, Visiting Professor of Business Law, Columbia Law School; Professor, Santa Clara University School of Law; 2013–2015 White House Senior Advisor, Innovation and Intellectual Property. "Rigorous Policy Pilots: Experimentation in the Administration of the Law" 104 Iowa L. Rev. 2313 (2019). <https://ilr.law.uiowa.edu/print/volume-104-issue-5/rigorous-policy-pilots-experimentation-in-the-administration-of-the-law/>]

In the government, fear of making a Type 1 or “false positive” error—taking a mistaken step—leads to an overabundance of Type 2 or “false negative” errors—failing to take a productive step. At root, however, is the problem of “what [the] government doesn’t know,” regarding what changes to law or policy to consider taking, what the impact of such changes might be, and which among several potential changes is most likely to achieve a policy goal, all topics about which there may be many opinions, but little relevant evidence. Uncertainty about whether a law or policy change will achieve its intended purpose, fear of making a mistake in the face of this uncertainty, and institutional inertia all contribute to status quo bias—whether in favor of preserving regulations that don’t work or failing to adopt new policies that do.

One way to address both the knowledge gap and risk aversion in policy development is by introducing a temporary change to law or policy for the purpose of learning from it, through a “policy pilot.” Implemented with rigor, through the application of, “well-designed and well-implemented methods tailored to the questions being asked”—rigorous policy pilots are a generative yet under-used tool for addressing informational deficits that stand in the way of developing effective law and policy.

The range of open questions in law and policy that can be addressed by pilots are wide-ranging. They include, for example, the question of how giving a universal basic income (“UBI”) to individuals impacts their well-being and employment. In 2017, the Finnish government began tracking the outcomes of 7,000 unemployed citizens, about a third to which it gave $600 a month, to address this question; several U.S. jurisdictions are planning their own tests. Also unknown is how the administration of patent law and issuance of quality patents best advance the Constitutional goal of “promot[ing] the progress of science and useful arts.” Over the last decade, the United States Patent and Trademark Office (“USPTO”) has run numerous pilots to address this question. As the D.C. Circuit has said, “there are some situations in which, ‘a month of experience will be worth a year of hearings.’” While experiments or pilots can address a variety of questions pertaining, e.g., to a policy’s feasibility or stakeholder reactions, when the question concerns whether the policy has caused an observed outcome, a controlled trial that provides the treatment to one part of population, withholds it from another, and then compares the difference in outcomes provides the best insight. Such rigorous experiments can be designed, in turn, with or without randomization, and to vary the rules or laws that apply or to approximate such changes. A pilot that limits to whom a rule or policy applies constrains the risk but not the learning. As Justice Brandeis famously dissented, “a single courageous state may . . . serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”

Within today’s highly partisan political landscape, the need for quality evidence about the performance of law and policy presents a rare opportunity for agreement, on the methods if not the values or agendas advanced by evidence. Calls for “[s]marter use of data and evidence . . . to orient decisions and accountability around service and results” and “an aggressive management agenda . . . that delivers smarter, more innovative, and more accountable government for citizens . . . . by applying . . . evidence about what works” have appeared in President Trump’s and President Obama’s management agendas, respectively. The passage of the Foundations for Evidence-Based Policy Making Act of 2018 (“2018 Evidence Act”), besides showing that Democrats and Republicans actually can agree on something, will consolidate and coordinate statistical expertise for assessment among rank and file bureaucrats across the federal government.

But while “adequate and well controlled studies” have long been required in certain contexts, experiments with laws and rules have a history of being constitutionally and legally suspect. As the Supreme Court stated in Truax v. Corrigan, “the Constitution was intended—its very purpose was—to prevent experimentation with the fundamental rights of the individual.”

Rigorous pilots that provide a benefit to some, but not other, members of a population would appear to offend basic notions of equal protection. Imposing a regulatory burden on a subset of regulated entities likewise sounds in unfairness and risks running afoul of the Constitution’s due process guarantees. Applying a rule randomly to one set of entities but not another would appear to some to present just the kind of “arbitrary, capricious” agency action judicial review was designed to set aside.

How rigorous testing can support evolution of the law is also not widely understood. By operating within existing legal frameworks, experiments can obscure more salient questions, including whether or not the framework is the right one in the first place. Rigorous experimentation is less flexible and adaptable than “democratic experimentalism” with which it shares some features. While Congress may feel empowered to take bolder steps when laws are framed as reversible and temporary, requirements of rigor can constrain agencies, feeding anti-regulatory impulses. Experimental evidence can be weaponized and politicized in the same way non-experimental evidence can.

And yet, when compared to doing nothing or engaging in unreflective action, the benefits of rigorous experimentation become clearer: Rigorous pilots can prime legislative and policy-making efforts by underscoring the importance of evidence and prompting a discussion about the metrics that matter. Rigorous pilots can be used to test legal theories, and point out legal infirmities, provided that is the motivation. Further, among information sources, rigorous pilots are distinct in their ability to generate experiential feedback on the operation of law and policy.

## Adv---Inequality

### 1NC---Solvency

#### Plan creates CONFLICTING OBJECTIVES---causes underenforcement, regulatory capture, and collapses innovation

MELAMED 20 --- A. DOUGLAS MELAMED, Professor of the Practice of Law, Stanford Law School, [FORTHCOMING IN 83 ANTITRUST L.J. (2020), https://lisboncouncil.net/wp-content/uploads/2020/11/MELAMED-Antitrust-Law-and-Its-Critics.pdf

Perhaps more important, the institutions of antitrust law are not well suited to address multiple and often conflicting objectives. Antitrust law is enforced on a case-by-case basis. Were antitrust law to serve multiple objectives, it would need criteria to guide decisions in the many instances when those objectives would conflict. There is, however, no algorithm for weighting inequality or political power, on the one hand, against economic welfare, on the other.86 There is not even a common metric for measuring them. Absent such a metric or algorithm, antitrust decisions would necessarily be arbitrary and perceived as arbitrary.

That would have three serious costs. First, if antitrust decisions are perceived as arbitrary, the widespread legitimacy of antitrust law would erode. The antitrust laws were first passed in 1890, and the most important statutory provisions are more than one hundred years old. It is not an accident that populist critics have expressed their concerns largely in antitrust terms. The perpetuation of that legitimacy cannot be taken for granted.

Second, if antitrust decisions are perceived as being arbitrary, they will be more easily subject to regulatory capture because there will not be seemingly principled bases to cabin antitrust decision making. The beneficiaries of a regime susceptible to capture are likely to be the powerful, not the powerless. Ironically, therefore, adding equality and dispersion of economic and political power to the objectives of the antitrust laws could prove detrimental to those very objectives.

The third and perhaps most important cost is rooted in the general application and decentralized enforcement of antitrust law. 87 Antitrust law applies to almost all businesses, and it can be enforced by at least 52 government entities and any entity that has been harmed by an antitrust violation. Antitrust law thus has a widespread effect on business conduct throughout the economy. Its principal value is found, not in the big litigated cases, but in the multitude of anticompetitive actions that do not occur because they are deterred by the antitrust laws, and in the multitude of efficiencyenhancing actions that are not deterred by an overbroad or ambiguous antitrust law.

If antitrust law is perceived as being arbitrary, it will provide a far less certain guide to business conduct. The effect might be disregard of antitrust law in circumstances in which it seems unpredictable. More likely, the effect will be excessive caution by businesses uncertain about the consequences of aggressive or novel forms of competition. The effectiveness of antitrust law in promoting competition and economic welfare will be seriously impaired.

#### Multiple standards cause rollback – their author

LOPEZ-GALDOS 17 --- MARIANELA LOPEZ-GALDOS, Global Competition Counsel at the Computer & Communications Industry Association (CCIA), where she represents and advises the association on competition policy issues as well as domestic and international regulatory policy matters, “Antitrust in 60 Seconds: Is the Consumer Welfare Standard Appropriate?”, NOVEMBER 17, 2017, https://www.project-disco.org/competition/111717-antitrust-in-60-seconds-is-the-consumer-welfare-standard-appropriate/

In 2003 the OECD recognized that the inclusion of conflicting objectives, including public interest considerations beyond consumer welfare, would undermine the public good. It stated that rooting antitrust in multiple competing policy rationales:

“increases the risks of conflicts and inconsistent application of competition policy. The interests of different stakeholders may severely constrain the independence of competition policy authorities, lead to political intervention and in a relatively minor way, compromise and, adversely affect one of the major benefits of the competitive process namely, economic efficiency.”

In the United States, the increasing uncertainty created by antitrust enforcement actions and decisions empowered the voices in favor of limiting and eventually eliminating the political dimension to the enforcement of antitrust norms. In fact, some argue that the exclusion of political factors from antitrust enforcement restored intellectual coherence to the antitrust framework.

### 1NC---Frontline

#### Solvency takes decades---they have to both win suits and then earn the money back from better wages.

**No empirical or statistical evidence that antitrust decreases inequality**

Jonathan **Klick** **et al. 19**—University of Pennsylvania Law School, Erasmus School of Law; Elyse Dorsey, Adjunct Professor at Antonin Scalia Law School; Joshua D. Wright, Law professor at George Mason University, executive director of the Global Antitrust Institute, former member of the Federal Trade Commission; Jan Rybnicek, Freshfields Bruckhaus Deringer LLP. ("Requiem for a Paradox: The Dubious Rise and Inevitable Fall of Hipster Antitrust," January 9, 2019, from George Mason Law & Economics Research Paper No. 18-29, Arizona State Law Journal, 2019, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3249524)

On the whole, the relationship between the enforcement metrics and consumption is **comparable** for the households in both the **first and fifth income quintiles**. There is not much **empirical evidence** to substantiate the proposed correlation between antitrust enforcement activity and inequality. And certainly not evidence **significant enough** to justify the aggressive policy proposals recently injected into discussion of competition policy.

Stepping away from this aggregate analysis for a moment, it is interesting to note that the new(-old) focus on “big is bad” when it comes to inequality ignores an impressive literature on the effects of one of the biggest players in the US in recent decades – Walmart. Work by Jerry Hausman and Ephraim Leibtag shows that when Walmart Supercenters enter a market, food prices paid by consumers in the market drop by about 3 percent, and because they have detailed longitudinal data on household expenditures, they are able to estimate household welfare effects due to this price decrease. They find that the welfare effects are **substantial** and they are most pronounced for those at the lower end of the socio-economic spectrum.158 In addition to this price effect, David Matsa shows that Wal-Mart’s entry into a market induces competitor supermarkets to improve the quality of their service so as to avoid losing even more business to Wal-Mart and its lower prices.159 Thus, in the posterchild case for big is bad, the behemoth Wal-Mart would appear to improve inequality by its very existence.

Although we believe **consumption** is the most relevant measure for assessing the welfare effects (in absolute or, as here, in relative terms) of antitrust policy, we provide similar analyses of **income** and wealth. Using Census data,160 in Table 6, we again provide estimates from an AR(1) distributed lag model examining the effects of DOJ investigations, both merger specific and total, on the income shares received by those individuals in the first quintile and the fifth quintile, while also controlling for a background linear trend.

As with consumption measures, there is generally **no statistically significant effect** (individually or jointly) of current or past investigations (regardless of whether we focus on merger-specific or total investigations) on the **income** shares of those at the **bottom or the top** of the income distribution. Putting aside statistical significance, while past investigations are associated with increases in the income share received by those at the bottom of the distribution, current investigations have the **opposite effect**. Further, many of the investigation coefficients are **positive for the fifth quintile** income share as well. If we examine **combined ratios of the shares** as we did with the consumption data, we still find **no support** for the assumption that an increase in antitrust enforcement has **any systematic effect on inequality**.16

#### Alt causes: education access, tax laws, housing markets, healthcare costs, etc.

#### Inequality doesn’t cause diversionary war

Gal Ariely 15, senior lecturer in the Department of Politics & Government, Ben-Gurion University of the Negev, PhD from the University of Haifa’s School of Political Sciences, “Does National Identification Always Lead to Chauvinism? A Cross-national Analysis of Contextual Explanations,” Globalizations, 2015, https://s3.amazonaws.com/academia.edu.documents/43980028/Ariely\_Globalizations\_2015.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1515397197&Signature=78lnbbHNRVjhLgOKyRPKm%2BK8M1o%3D&response-content-disposition=inline%3B%20filename%3DDoes\_National\_Identification\_Always\_Lead.pdf

With respect to internal explanations, the effects of income inequality and ethnic diversity are presented in Table 3. Models 3.1 and 3.2 indicate that neither directly affects chauvinism. H4 is therefore not supported. The results suggest, however, that both have a negative effect on the national-identification slopes. Contrary to our expectations, countries with higher levels of economic and ethnic division appear to exhibit a weaker relation between national identification and chauvinism. While these findings might seem to contradict H5, the pattern was caused by outliers. After excluding South Africa—the most unequal and ethnic diverse country in our sample—the effect of ethnic diversity is not even of borderline significance. After excluding Chile—the most unequal country in our sample—the interaction effects for economic inequality were also far from significant. The results, therefore, do not support H5.21¶ Conclusions¶ During the historic phone call between President Obama and Iranian President Sheikh Hasan Rouhani in September 2013, the latter stated that his country’s nuclear program ‘represents Iran’s national dignity’.22 This declaration reflects the common perception that Iran’s nuclear program mobilizes Iranians in support of resisting further national humiliation at the hands of foreigners (Moshirzadeh, 2007). This reflects the important role national feelings play in the contemporary international arena. Evidence from other examples—such as the Israeli-Palestine conflict—indicates that national identity serves as a key factor in conflict resolution. The prominence of national feelings is not limited to the Middle East, their effect on public attitudes towards international issues, and conflicts also being manifest in the West (Billig, 1995; Kinder & Kam, 2010).¶ It is thus hardly surprising that scholars seeking to develop a better understanding of conflicts adopt a social-psychology perspective, replacing the deterministic view that identification with one’s in-group necessarily leads to antagonism towards out-groups with an examination of the broader social context. In line with this approach, the present paper focuses on the way in which political and social contexts encourage chauvinistic views towards the international arena and how they affect the relation between national identification and chauvinism.¶ Integrating various social and psychological theories, we investigated two external contextual explanations (globalization and conflict) and an internal explanation (social division). Employing cross-national survey data, we examined the relation between national identification and chauvinism across 33 countries. The findings indicate that a positive relationship exists between national identification and chauvinism across most of the countries, although the level differs from country to country. Using a multilevel regression analysis, we tested to see whether globalization, conflict, and social division correlate with this variation. The results indicate that social and political contexts are related to chauvinism and the ways national identifi- cation and chauvinism are linked. Although a closer relation exists between national identification and chauvinism in more globalized countries, globalization failed to explain the variation in chauvinism itself. These findings support the notion that globalization highlights the importance of national identity (Calhoun, 2007; Castells, 2011). While those sections of globalized societies that are attached to their country also tend to resist international cooperation and endorse hostile views, the complexity of the phenomenon—as evinced by the divergent findings of previous studies (e.g. Jung, 2008; Norris & Inglehart, 2009)—calls for further research of this interpretation. The fact that the current study is cross-sectional must also be taken into account, the findings adducing the relation but not the causal relations between the variables. In contrast to experimental studies, the present design is similarly limited in its ability to offer a robust control for alternative explanations.¶ Another external factor found to be relevant—to a certain degree—was conflict. Countries that suffered large numbers of deaths in conflicts and mobilized resources and personnel exhibited higher levels of chauvinism. When other indices for conflict were used, however, these results were not replicated. A possible explanation for this finding lies in the inherent limitation in the way in which conflicts are measured across various countries. Measuring international conflicts is a challenging task (Anderton & Carter, 2011). While the ways of measuring conflict were chosen because they reflect different dimensions of conflict in order to be representative of a wide range of countries, the problem of comparability cannot be ignored. An alternative explanation may derive from the fact that only deaths from conflict and resources/personnel mobilization are sufficiently significant to contribute to chauvinism. The limitations of our measurements of conflict and research design mean that this idea must remain speculative, however. In addition, it is important to emphasize that the sample of countries is also limited as many countries are not involved in conflict and there is also limited variation in the types of conflicts.¶ Contrary to what the divisionary theory of national mobilization would lead us to expect, neither economic inequality nor ethnic diversity were related to chauvinism or affected the relation between national identification and chauvinism. This finding might also be explained by the limitation of the current research design. The number of countries included in the ISSP 2003 National Identity Module being relatively small and the sample only covering countries with available survey data, the results relate solely to this specific sample of countries. Across another set of countries, social division might play a far more significant role. Another explanation might be the meaning given to national identification and chauvinism across the countries. While evidence exists for the comparability of the scales across most of the countries, the divergent meaning probably attributed to them in Germany, the United States, and Israel might form an additional limitation.

#### LIO resilient.

Ikenberry ’18 [John; June 28; Professor of International Relations at Princeton University; Ethics & International Affairs, “Why the Liberal World Order Will Survive,” vol. 32, no. 1]

Self-Reinforcing Characteristics of Liberal International Order

The United States has dominated the post-war international order. It is an order built on asymmetries of power; it is hierarchical. But it is not an imperial system. It is a complex and multilayered political formation with liberal characteristics— openness and rules-based principles—that generate incentives and opportunities for other states to join and operate within it.

Four characteristics reinforce and draw states into the order. First, it has integrative tendencies. Over the last century states with diverse characteristics have found pathways into its “ecosystem” of rules and institutions. Germany and Japan found roles and positions of authority in the post-war order; and after the cold war many more states—in Eastern Europe, Asia, and elsewhere—have joined its economic and security partnerships. It is the multilateral logic of the order that makes it relatively easy for states to join and rise up within the order. Second, the liberal order offers opportunities for leadership and shared authority. One state does not “rule” the system. The system is built around institutions, and this provides opportunities for shifting and expanding coalitions of states to share leadership. Formal institutions, such as the IMF and World Bank, are led by boards of directors and weighted voting. Informal groups, such as the G-7 and G-20, are built on principles of collective governance. Third, the actual economic gains from participation within the liberal order are widely shared. In colonial and informal imperial systems, the gains from trade and investment are disproportionately enjoyed by the lead state. In the existing order, the “profits of modernity” are distributed across the system. Indeed, China’s great economic ascent was only possible because the liberal international order rewarded its pursuit of openness and trade-oriented growth. For the same reason, states in all regions of the world have made systematic efforts to integrate into the system. Finally, the liberal international order accommodates a diversity of models and strategies of growth and development. In recent decades the Anglo-American model of neoliberalism has been particularly salient. But the post-war system also provides space for other capitalist models, such as those associated with European social democracy and East Asian developmental statism. The global capitalist system might generate some pressures for convergence, but it also provides space for the coexistence of alternative models and ideologies.

These aspects of the liberal international order create incentives and opportunities for states to integrate into its core economic and political realms. The order allows states to share in its economic spoils. Its pluralistic character creates possibilities for states to “work the system”—to join in, negotiate, and maneuver in ways that advance their interests. This, in turn, creates an order with expanding constituencies that have a stake in its continuation. Compared to imperial and colonial orders of the past, the existing order is easy to join and hard to overturn.

#### **Post-pandemic growth high now –** most recent ev, q3 was a blip

Siegel 10/28 (Rachel Siegel is an economics reporter covering the Federal Reserve, yale alum, Andrew Van Dam covers data and economics, October 28th 2021, “U.S. economic growth lagged in the third quarter, but hopeful signs abound for the rest of 2021” Washington Post, <https://www.washingtonpost.com/business/2021/10/28/gdp-q3-economy-delta/>) MULCH

The U.S. economy grew at a disappointing 2.0 percent annual rate in the third quarter as the delta variant peaked, but promising signs suggest 2021 is on track to notch the fastest full-year growth in almost four decades.

The coronavirus tore through unvaccinated communities during much of the July-through-September period measured in Thursday’s gross domestic product report, eviscerating economists’ expectations from earlier in the year of continued rapid growth near the 6.3 and 6.7 percent seen in the first two quarters of 2021.

The White House, top lawmakers and economists are debating whether the weak GDP report reflects a blip on the way to a boom, or something more, especially as Democrats close in on a deal on President Biden’s $1.75 trillion budget plan overhauling health care, education, and climate and tax laws.

Much will depend on the path of the virus, and whether higher prices, persistent supply-chain issues and a wobbly job market dampen consumer spending going into the holiday season.

Thursday’s report from the Bureau of Economic Analysis is a backward-looking glimpse at the economy’s worst quarter since the recovery began. But looking ahead, economists say the numbers hid myriad reasons for optimism in the fourth quarter and beyond.

New coronavirus infections in the United States have dropped nearly 60 percent since the September spike brought on by the delta variant. Some of the biggest coronavirus-era distortions in Americans’ buying habits — like the car-buying boom that goosed inflation and ravaged supply chains — also started to normalize. And indicators from consumer confidence to unemployment claims have improved in October.

As positive trends pile up — and assuming no major stumbles in the final three months of the year — the economy should grow more than 5 percent overall of 2021. That would be its strongest year since 1984, when GDP grew more than 7 percent in a rebound from a double-dip recession.

#### Economic decline doesn’t cause war.

Walt 20 – Stephen Walt, International Relations Professor at Harvard University. [Will a Global Depression Trigger Another World War? 5-13-20, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/]

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

## Adv---FTC

### 1NC---T/L

#### Long time frame --- loses and cases and appeals take years

#### FTC will get NARROW wins on labor rights now --- and loses don’t hurt cred --- ppl appreciate them making the case

Pierce 21 --- Richard J. Pierce, Jr., GW Regulatory Studies Center, “Unsolicited Advice for FTC Chair Khan”, July 15th 2021, https://regulatorystudies.columbian.gwu.edu/unsolicited-advice-ftc-chair-khan

There are five changes in law in President Biden’s list that the FTC has been attempting to make for many years, with limited success in court. I described those proposed changes in my July 12 essay.[3] The FTC should continue to pursue those socially-beneficial changes, but with the understanding that they are long-term goals. The FTC is unlikely to succeed in persuading the courts to acquiesce in most of those changes during President Biden’s first term in office.

The FTC’s number one short-term goal should be to eliminate most of the non-compete clauses in employment contracts. President Biden emphasized the severity of the problems caused by non-compete clauses in the speech that he made when he announced his antitrust agenda. As he noted, they now exist in about 30% of employment contracts, including contracts for employment as a hamburger flipper in a fast food restaurant. They inflict significant harm on employees by prohibiting them from taking jobs that would improve their pay or working conditions.

Non-compete clauses significantly impair the performance of the labor market by limiting the role of competition. They are responsible for a significant part of the large gap between our constantly increasing labor productivity and our stagnant wage levels. That gap has grown over the past thirty years. They also have contributed to the vast gaps in our income and wealth that have increased dramatically in recent years.

The Supreme Court’s June 21 opinion in NCAA v. Alston provides powerful evidence that the Court would be receptive to an FTC campaign to outlaw most non-compete clauses. The Justices made it clear that they unanimously support efforts to improve the performance of labor markets. They are prepared to hold unlawful any anticompetitive practice that employers adopt as a means of artificially depressing wages. Noncompete clauses fit that characterization perfectly.

#### Even if they lose, FTC Court losses spur Congressional overrides and broad affirmations of authority – solves the whole case BUT after our politics scenario

Byers 21 (Dylan Byers, senior media reporter for NBC News; **internally citing William Kovacic, former FTC Chair**; “Is Facebook untouchable? It's complicated,” NBC News, 7-1-2021, https://www.nbcnews.com/tech/tech-news/facebook-untouchable-complicated-rcna1323)

Facebook won a major battle against government regulators this week, but the war isn't over.

The social media giant's victory over the Federal Trade Commission in a U.S. district court portends an uphill battle for the government's efforts to rein in the power of Big Tech. But it is also fueling calls for new legislation that could give regulators greater leverage down the road.

So while Facebook executives had reason to celebrate this week's ruling — the decision sent the company’s value north of $1 trillion, eliciting congratulatory texts and calls among executives, according to three people familiar with the conversations — there's also reason not to celebrate too loudly.

"Yesterday was great for Facebook and Big Tech because it showed you could persuade a court to look very critically at the government's complaints," William Kovacic, a former FTC chairman, said in an interview the day after the ruling. "But if you crush the government, that will be taken as a sign that the law is not fit for purpose and the law needs to change."

On Monday, U.S. District Court Judge James E. Boasberg for the District of Columbia dismissed the FTC's antitrust complaint against Facebook as "legally insufficient." The FTC had "failed to plead enough facts to plausibly establish ... that Facebook has monopoly power in the market for Personal Social Networking (PSN) Services," he wrote.

#### FTC doesn’t solve scams

Chesney & Citron 19 --- Bobby Chesney and Danielle Citron, California Law Review, “Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security”, https://www.californialawreview.org/print/deep-fakes-a-looming-challenge-for-privacy-democracy-and-national-security/#clr-toc-heading-3

A review of current areas of FTC activity suggests limited possibilities. Most deep fakes will not take the form of advertising, but some will. That subset will implicate the FTC’s role in protecting consumers from fraudulent advertising relating to “food, drugs, devices, services, or cosmetics.”[247] Some deep fakes will be in the nature of satire or parody, without intent or even effect of misleading consumers into believing a particular person (a celebrity or some other public figure) is endorsing the product or service in question. That line will be crossed in some instances, however. If such a case involves a public figure who is aware of the fraud and both inclined to and capable of suing on their own behalf for misappropriation of likeness, there is no need for the FTC or a state agency to become involved. Those conditions will not always be met, though, especially when the deep-fake element involves a fraudulent depiction of something other than a specific person’s words or deeds; there would be no obvious private plaintiff. The FTC and state attorneys general (state AGs) can play an important role in that setting.

#### Market solutions prevent the impact

Chesney & Citron 19 --- Bobby Chesney and Danielle Citron, California Law Review, “Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security”, https://www.californialawreview.org/print/deep-fakes-a-looming-challenge-for-privacy-democracy-and-national-security/#clr-toc-heading-3

We anticipate two types of market-based reactions to the deep-fake threat. First, we expect the private sector to develop and sell services intended to protect customers from at least some forms of deep fake-based harms. Such innovations might build on the array of services that have emerged in recent years in response to customer anxieties about identity theft and the like. Second, we expect at least some social media companies to take steps on their own initiative to police against deep-fake harms on their platforms. They will do this not just because they perceive market advantage in doing so, of course, but also for reasons including policy preferences and, perhaps, concern over what legislative interventions, including amendments to Section 230 of the Communications Decency Act, might occur down the road if they take no action. Both prospects offer benefits, but there are both limits and risks as well.

#### The impact is literally ridiculous---can’t solve foreign deepfakes, meaning only internal link is someone hacking Biden’s Twitter and announcing war, which would never be credible.

“it is no longer unthinkable, if it ever truly was, that someone take over the account of a world leader and attempt to start a nuclear war”

#### Fraud in the US not key to terrorist funding

#### No nuke terror---no motive, capacity, or ability to hide it.

Mueller 20 (John Mueller, Adjunct Professor of Political Science, Senior Fellow @ the Cato Institute, Senior research scientist with the Mershon Center for International Security Studies @ Ohio State University, “Nuclear Alarmism: Proliferation and Terrorism,” 06/24/20, Cato Institute, <https://www.cato.org/publications/publications/nuclear-alarmism-proliferation-terrorism>, TM)

Nuclear Terrorism Alarm about the possibility that small groups could set off nuclear weapons has been repeatedly raised at least since 1946, when atomic bomb maker J. Robert Oppenheimer contended that if three or four men could smuggle in units for an atomic bomb, they could “destroy New York.” Thirty years later, nuclear physicist Theodore Taylor explained “how comparatively easy it would be to steal nuclear material and step by step make it into a bomb.” At the time, he thought it variously already too late to “prevent the making of a few bombs, here and there, now and then,” or “in another ten or fifteen years, it will be too late.“31 Four decades after Taylor, we continue to wait for terrorists to carry out their “easy” task. In the wake of 9/11, concern about the atomic terrorist surged even though the attacks of that day used no special weapons. By 2003, United Nations Ambassador John Negroponte judged there to be “a high probability” that within two years al Qaeda would attempt an attack using a nuclear or other weapon of mass destruction. And it was in that spirit that in 2004, Graham Allison published a book relaying his “considered judgment” that “on the current path, a nuclear terrorist attack on America in the decade ahead is more likely than not.” He had presumably relied on the same inspirational mechanism in 1995 to predict that “in the absence of a determined program of action, we have every reason to anticipate acts of nuclear terrorism against American targets before this decade is out.“32 Allison has quite a bit of company in his perpetually alarming conclusions. According to Robert Gates, former secretary of defense, every senior government leader is kept awake at night by “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.” And on April 11, 2010, President Barack Obama held the atomic terrorist to be “the single biggest threat to U.S. security.“33 However, thus far, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. That lack of action may be because, after a brief exploration of the possible routes, they — unlike generations of alarmists — have discovered that the tremendous effort required is scarcely likely to be successful.34 Obtaining a Finished Bomb: Assistance by a State One route a would‐​be atomic terrorist might take would be to receive or buy a bomb from a generous like‐​minded nuclear state for delivery abroad. That route is highly improbable, however, because there would be too much risk — even for a country led by extremists — that the ultimate source of the weapon would be discovered. As one prominent analyst, Matthew Bunn, puts it, “A dictator or oligarch bent on maintaining power is highly unlikely to take the immense risk of transferring such a devastating capability to terrorists they cannot control, given the ever‐​present possibility that the material would be traced back to its origin.” Important in this last consideration are deterrent safeguards afforded by “nuclear forensics,” which is the rapidly developing science (and art) of connecting nuclear materials to their sources even after a bomb has been exploded.35 Moreover, there is a very considerable danger to the donor that the bomb (and its source) would be discovered before delivery or that it would be exploded in a manner and on a target the donor would not approve of — including on the donor itself. Another concern would be that the terrorist group might be infiltrated by foreign intelligence.36 In addition, almost no one would trust al Qaeda. As one observer has pointed out, the terrorist group’s explicit enemies list includes not only Christians and Jews but also all Middle Eastern regimes; Muslims who don’t share its views; most Western countries; the governments of Afghanistan, India, Pakistan, and Russia; most news organizations; the United Nations; and international nongovernmental organizations.37 Most of the time, it didn’t get along all that well even with its host in Afghanistan, the Taliban government.38 Stealing or Illicitly Purchasing a Bomb: Loose Nukes There has also been great worry about “loose nukes,” especially in postcommunist Russia — weapons, “suitcase bombs” in particular, that can be stolen or bought illicitly. A careful assessment conducted by the Center for Nonproliferation Studies has concluded that it is unlikely that any of those devices have been lost and that, regardless, their effectiveness would be very low or even nonexistent because they (like all nuclear weapons) require continual maintenance.39 Even some of those people most alarmed by the prospect of atomic terrorism have concluded, “It is probably true that there are no ‘loose nukes,’ transportable nuclear weapons missing from their proper storage locations and available for purchase in some way.“40 It might be added that Russia has an intense interest in controlling any weapons on its territory because it is likely to be a prime target of any illicit use by terrorist groups, particularly Chechen ones of course, with whom it has been waging a vicious on‐and‐off war for two decades. The government of Pakistan, which has been repeatedly threatened by terrorists, has a similar interest in controlling its nuclear weapons and material — and scientists. As noted by Stephen Younger, former head of nuclear weapons research and development at Los Alamos National Laboratory, “Regardless of what is reported in the news, all nuclear nations take the security of their weapons very seriously.“41 Even if a finished bomb were somehow lifted somewhere, the loss would soon be noted and a worldwide pursuit launched. Moreover, finished bombs are outfitted with devices designed to trigger a nonnuclear explosion that would destroy the bomb if it were tampered with. And there are other security techniques: bombs can be kept disassembled with the components stored in separate high‐security vaults, and security can be organized so that two people and multiple codes are required not only to use the bomb but also to store, maintain, and deploy it. If the terrorists seek to enlist (or force) the services of someone who already knows how to set off the bomb, they would find, as Younger stresses, that “only few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon.” Weapons designers know how a weapon works, he explains, but not the multiple types of signals necessary to set it off, and maintenance personnel are trained in only a limited set of functions.42 There could be dangers in the chaos that would emerge if a nuclear state were to fail, collapsing in full disarray — Pakistan is frequently brought up in this context and sometimes North Korea as well. However, even under those conditions, nuclear weapons would likely remain under heavy guard by people who know that a purloined bomb would most likely end up going off in their own territory; would still have locks (and in the case of Pakistan would be disassembled); and could probably be followed, located, and hunted down by an alarmed international community. The worst‐case scenario in that instance requires not only a failed state but also a considerable series of additional permissive conditions, including consistent (and perfect) insider complicity and a sequence of hasty, opportunistic decisions or developments that click flawlessly in a manner far more familiar to Hollywood scriptwriters than to people experienced with reality.43 Building a Bomb of One’s Own Because they are unlikely to be able to buy or steal a usable bomb and because they are further unlikely to have one handed off to them by an established nuclear state, the most plausible route for terrorists would be to manufacture the device themselves from purloined materials. That is the course identified by a majority of leading experts as the one most likely to lead to nuclear terrorism.44 The simplest design is a “gun” type of device in which masses of highly enriched uranium are hurled at each other within a tube. Such a device would be, as Allison acknowledges, “large, cumbersome, unsafe, unreliable, unpredictable, and inefficient.“45 The process of making such a weapon is daunting even in this minimal case. In particular, the task requires that a considerable series of difficult hurdles be conquered and in sequence. To begin with, now and likely for the foreseeable future, stateless groups are incapable of manufacturing the requisite weapons‐​grade uranium themselves because the process requires an effort on an industrial scale. Moreover, they are unlikely to be supplied with the material by a state for the same reasons a state is unlikely to give them a workable bomb.46 Thus, they would need to steal or illicitly purchase the crucial material. A successful armed theft is exceedingly unlikely, not only because of the resistance of guards but also because chase would be immediate. A more plausible route would be to corrupt insiders to smuggle out the necessary fissile material. However, that approach requires the terrorists to pay off a host of greedy confederates, including brokers and money transmitters, any one of whom could turn on them or — either out of guile or incompetence — furnish them with stuff that is useless.47 Moreover, because of improved safeguards and accounting practices, it is decreasingly likely that the theft would remain undetected.48 That development is important because if any missing uranium is noticed, the authorities would investigate the few people who might have been able to assist the thieves, and one who seems suddenly to have become prosperous is likely to arrest their attention right from the start. Even one initially tempted by, seduced by, or sympathetic to, the blandishments of the smooth‐​talking foreign terrorists might soon develop sobering second thoughts and go to the authorities. Insiders tempted to assist terrorists might also come to ruminate over the fact that, once the heist was accomplished, the terrorists would, as analyst Brian Jenkins puts it none too delicately, “have every incentive to cover their trail, beginning with eliminating their confederates.“49 It is also relevant to note that over the years, known thefts of highly enriched uranium have totaled fewer than 16 pounds. That amount is far less than that required for an atomic explosion: for a crude bomb, more than 100 pounds are necessary to produce a likely yield of one kiloton. Moreover, none of those thieves was connected to al Qaeda, and, most arrestingly, none had buyers lined up — nearly all were caught while trying to peddle their wares. Indeed, concludes analyst Robin Frost, “There appears to be no true demand, except where the buyers were government agents running a sting.” Because there appears to be no commercial market for fissile material, each sale would be a one‐​time affair, not a continuing source of profit such as drugs, and there is no evidence of established underworld commercial trade in this illicit commodity.50 If terrorists were somehow successful in obtaining a sufficient mass of relevant material, they would then have to transport it out of the country over unfamiliar terrain, probably while being pursued by security forces. Then, they would need to set up a large and well‐​equipped machine shop to manufacture a bomb and populate it with a select team of highly skilled scientists, technicians, and machinists. The process would also require good managers and organizers. The group would have to be assembled and retained for the monumental task without generating consequential suspicions among friends, family, and police about their curious and sudden absence from normal pursuits back home. Pakistan, for example, maintains a strict watch on many of its nuclear scientists even after retirement.51 Some observers have insisted that it would be “easy” for terrorists to assemble a crude bomb if they could get enough fissile material.52 However, Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland’s Spiez Laboratory, conclude that the task “could hardly be accomplished by a subnational group.” They point out that precise blueprints are required, not just sketches and general ideas, and that even with a good blueprint, the terrorist group “would most certainly be forced to redesign.” They also stress that the work, far from being “easy,” is difficult, dangerous, and extremely exacting and that the technical requirements “in several fields verge on the unfeasible.“53 Los Alamos research director Younger makes a similar argument, expressing his amazement at “self‐​declared ‘nuclear weapons experts,’ many of whom have never seen a real nuclear weapon,” who “hold forth on how easy it is to make a functioning nuclear explosive.” Information is available for getting the general idea behind a rudimentary nuclear explosive, but none is detailed enough for “the confident assembly of a real nuclear explosive.” Younger concludes, “To think that a terrorist group, working in isolation with an unreliable supply of electricity and little access to tools and supplies” could fabricate a bomb “is far‐​fetched at best.“54 Under the best of circumstances, the process could take months or even a year or more, and it would all, of course, have to be carried out in utter secret even while local and international security police are likely to be on the intense prowl. In addition, people, or criminal gangs, in the area may observe with increasing curiosity and puzzlement the constant comings and goings of technicians unlikely to be locals. The process of fabricating a nuclear device requires, then, the effective recruitment of people who at once have great technical skills and will remain completely devoted to the cause. In addition, a host of corrupted coconspirators, many of them foreign, must remain utterly reliable; international and local security services must be kept perpetually in the dark; and no curious outsider must get wind of the project over the months, or even years, it takes to pull off. The finished product could weigh a ton or more. Encased in lead shielding to mask radioactive emissions, it would then have to be transported to, as well as smuggled into, the relevant target country. Then, the enormous package would have to be received within the target country by a group of collaborators who are at once totally dedicated and technically proficient at handling, maintaining, and perhaps assembling the weapon. Then, they would have to detonate it somewhere under the fervent hope that the machine shop work has been proficient, that no significant shakeups occurred in the treacherous process of transportation, and that the thing — after all that effort — doesn’t prove to be a dud. The financial costs of the extended operation in its cumulating entirety could become monumental. There would be expensive equipment to buy, smuggle, and set up, as well as people to pay — or pay off. Some operatives might work for free out of dedication, but the vast conspiracy also requires the subversion of an array of criminals and opportunists, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals who are competent and capable enough to be an effective ally in the project are likely to be both smart enough to see opportunities for extortion and psychologically equipped by their profession to be willing to exploit them.

#### No emerging tech impact.

Sechser 19 – Todd S. Sechser, Public Policy Professor at the University of Virginia. Neil Narang, Political Science Professor at the University of California, Santa Barbara. Caitlin Talmadge, Security Studies Professor at Georgetown University. [Emerging technologies and strategic stability in peacetime, crisis, and war, Journal of Strategic Studies, 42(6), Taylor and Francis]

Yet the history of technological revolutions counsels against alarmism. Extrapolating from current technological trends is problematic, both because technologies often do not live up to their promise, and because technologies often have countervailing or conditional effects that can temper their negative consequences. Thus, the fear that emerging technologies will necessarily cause sudden and spectacular changes to international politics should be treated with caution. There are at least two reasons to be circumspect.

First, very few technologies fundamentally reshape the dynamics of international conflict. Historically, most technological innovations have amounted to incremental advancements, and some have disappeared into irrelevance despite widespread hype about their promise. For example, the introduction of chemical weapons was widely expected to immediately change the nature of warfare and deterrence after the British army first used poison gas on the battlefield during World War I. Yet chemical weapons quickly turned out to be less practical, easier to counter, and less effective than conventional high-explosives in inflicting damage and disrupting enemy operations.6 Other technologies have become important only after advancements in other areas allowed them to reach their full potential: until armies developed tactics for effectively employing firearms, for instance, these weapons had little effect on the balance of power. And even when technologies do have significant strategic consequences, they often take decades to emerge, as the invention of airplanes and tanks illustrates. In short, it is easy to exaggerate the strategic effects of nascent technologies.7

Second, even if today’s emerging technologies are poised to drive important changes in the international system, they are likely to have variegated and even contradictory effects. Technologies may be destabilising under some conditions, but stabilising in others. Furthermore, other factors are likely to mediate the effects of new technologies on the international system, including geography, the distribution of material power, military strategy, domestic and organisational politics, and social and cultural variables, to name only a few.8 Consequently, the strategic effects of new technologies often defy simple classification. Indeed, more than 70 years after nuclear weapons emerged as a new technology, their consequences for stability continue to be debated.9

# 2NC

## CP---Advantage

### 2NC---AT: Links to NB

#### Courts absorb blame – studies and empirics.

Martens ‘7 (Alison; 2007; Professor of Political Science at the University of Louisville; Perspectives on Politics, Vol. 5, Issue 3 “Reconsidering Judicial Supremacy: From the Counter-Majoritarian Difficulty to Constitutional Transformations,” p. 447-459)

The outline of this revised research agenda, begins by looking at a 1993 article written by Mark Graber challenging the countermajoritarian difficulty paradigm. Graber's observations point to the importance of studying systemic transformations, such as the evolution of judicial supremacy. Using historical case studies on abortion, the Dred Scott controversy, and anti-trust issues to study perceived incidents of judicial independence, he contends that scholars who seek to justify independent judicial policymaking, even in the face of believed democratic deficiencies, misunderstand and inaccurately represent the relationships between justices and elected officials. By looking at the dialogues between these parties it becomes apparent that judicial independence, when it actually occurs, is often exercised at the invitation of elected officials, and in the absence of any expressed majoritarian choice, in order to resolve political controversies that elected officials cannot or do not want to resolve themselves. Hence the counter-majoritarian difficulty can be more appropriately characterized as the “non-majoritarian difficulty.”33 According to Graber, where crosscutting issues divide a lawmaking majority an invitation [are] is often tacitly but consciously issued to the Court by political elites to resolve the political controversy that they themselves are unwilling or unable to address, thereby “foisting disruptive political debates off on the Supreme Court.”34 Graber writes that “elected officials encourage or tacitly support judicial policymaking both as a means of avoiding political responsibility for making tough decisions and as a means of pursuing controversial policy goals that they cannot publicly advance through open legislative and electoral politics.” 35 Furthermore, political and electoral advantages can accrue by ducking these tough questions and sending them on to be settled by the Court. Graber explains that elites (including the executive) can benefit from passing the political buck to the Court in multiple ways. Party activists can be redirected to focus on legal action in the courts, thereby reducing pressure on mainstream politicians who wish to maintain a more politically viable moderate stance. Voters can be redirected to focus any ire they might have over policy outcomes on the Court. Politicians can take responsive positions on judicial decisions that may make for a good sound bite but really require no politically accountable action on their part. Finally, political compromise between the legislature and the executive might be had under the table of Court policymaking. 36 This is an impressive set of political benefits that can stem from a practice of judicial supremacy that creates a Court equipped with the interpretive authority and legitimacy to make controversial public policies. Graber's article, then, highlights the perversion of political accountability that can possibly occur where everyone in the system, the public included, accepts and expects interpretive authority to reside with the courts.

#### They’ll strategically wait to avoid affecting politics.

Mondack ’92 (Jeffery; 1992; Assistant Professor of Politics at the University of Pittsburgh; American Political Quarterly, “Institutional legitimacy, policy legitimacy, and the Supreme Court,”)

The process described by the political capital hypothesis acts as expected in the laboratory, and the logic of the link between institutional and policy legitimacy has thus gained strong empirical corroboration. However, the dynamic's pervasiveness defies precise estimation due to the limitations of available public opinion data. Still, the results reported here are provocative. First, this view of legitimation may apply to institutions beyond the Supreme Court. Consequently, efforts to use this theory in the study of other institutions may yield evidence supportive of a general process. A second concern is how the Court responds to its institutional limits. Specifically, strategy within the Court can be considered from the context of legitimacy. For example, what tactics may the Court employ to reduce the erosion of political capital? By releasing controversial rulings at the end of a term, for instance, the Court may afford itself a healing period, a time to repair damaged credibility prior to the next round of efforts at conferring policy legitimacy. This suggests a third issue, the manner in which institutional approval is replenished. Does institutional support return to some equilibrium once dispute surrounding a particular ruling fades, or must the Court release popular edicts to offset the effects of its controversial actions?

## CP---States

### 2NC---Condo

## Adv---Inequality

### 2NC---T/L

### 2NC---AT: I/L---Inequality

#### Education alt cause to wages specifically.

Leung 15 May Leung, “The Causes of Economic Inequality” Seven Pillars institute https://sevenpillarsinstitute.org/causes-economic-inequality/

(i) Wages are determined by labor market

Wages are a function of the market price of skills required for a job [1]. In a free market, the “market price of a skill” is determined by market demand and market supply. The market price of a skill, and hence the wage for the job that requires the skill, is low if a large number of workers (high supply) are willing and able to offer that skill but only a few employers need it (low demand). On the contrary, when there is low supply but high demand for a skill, the wage for a job requiring the skill goes up.

(ii) Education affects wages

Individuals with different levels of education often earn different wages [2]. This is probably related to reason one: the level of education is often proportional to the level of skill. With a higher level of education, a person often has more advanced skills that few workers are able to offer, justifying a higher wage.

The impact of education on economic inequality is still profound in developed countries and cities [3]. Although there are usually policies of free education in developed nations, levels of education received by each individual still differ, not because of financial ability but innate qualities like intelligence, drive and personal ability. For example, in Hong Kong, 12 years of free education are provided for each citizen, not covering tertiary education, offered only when students receive certain results on public exams.

Moreover, receiving the same level of education does not mean receiving education of the same quality. This accounts for the difference in abilities and hence wages for individuals all receiving, for example, 12 years of education. Therefore, it seems no matter how good the social welfare policy of a country is at preventing denial of education due to financial difficulties, differences in education, in terms of levels and quality, still play a prominent role in economic inequality.

#### Inequality doesn’t cause economic or financial crisis – empirics

Salvatore Morelli & Anthony B. Atkinson 15, Morelli is with the Center for Studies in Economics and Finance (CSEF)-University of Naples, Federico II, Naples, Italy; A. B. Atkinson is at Nuffield College, University of Oxford, “Inequality and Crises Revisited,” Economia Politica, vol. 32, no. 1, 04/2015, pp. 31–51

But can inequality be adduced as a causal determinant of a banking crisis? We distinguish between two different hypotheses, the ‘growth’ and the ‘level’ hypothesis.

The former assumes that it is growing inequality that may contribute to the instability of the financial system, while the latter assumes that it is the high level of inequality that generates macroeconomic instability.

The available empirical evidence provides fairly ambiguous answers to this question, as also described in a recent survey by Bazillier and H’ericourt (2014). On one hand, the nexus between growing inequality and the occurrence of a crisis is deemed not to be backed by significant statistical evidence across different countries and time periods (e.g. Atkinson and Morelli 2010, 2011; Bordo and Meissner 2012). On the other hand, other investigative works claim stronger support for the hypothesis that inequality may contribute to financial crises (e.g. Bellettini and Delbono 2013; Perugini et al. 2013).

The ambiguity of the findings is not entirely surprising, given that the complexity of the question under analysis. Inequality does not have a single dimension and a single indicator is usually the result of multiple levels of aggregation. Similarly, a financial crisis can also manifest in different forms and can have different and multiple triggering factors across different countries, while inequality never appears in official accounts of crisis determinants. Moreover, from an empirical point of view, one needs to acknowledge that we are facing what Angrist and Pischke (2008) call a ‘fundamentally unidentified question’. We cannot simply carry out an experiment in which a country is endowed with different income distribution levels or dynamics in order to observe, other things being equal, the subsequent evolution of the stability within the financial sector. Therefore causality is very difficult, if not impossible, to establish.

One can nonetheless observe and analyse the historical evidence from a series of countries and assess where the evidence lies. Making use of the updated collection of historical data taken from the Chartbook of Economic Inequality, this paper provides novel empirical evidence on the ‘level’ hypothesis (generally neglected within the literature so far) and reassesses the empirical validity of the hypothesis that growing levels of inequality may be systematically associated with the occurrence of banking crises.

In particular, by restricting the analysis to the pre-crisis periods, we analyse whether inequality indicators were systematically on the rise or at a high level. However, we do not find systematic empirical support for either the growth or the level hypothesis once the changes and the levels of inequality indicators are assessed against a specific critical threshold or compared to a country’s own historical perspective and to the contemporaneous experience of other countries. The findings are also robust to different widths of the time window of observation and to different salience thresholds of inequality changes. Importantly, the analysis is robust to different inequality dimensions (income, earnings and wealth) combined with the use of different metrics (Gini, Top shares, poverty rates and P90/P50 ratio).

To summarise, pooling all available data together, our findings confirm the lack of compelling statistical evidence to consider either growing or high level of inequality as systematically linked to the occurrence of systemic banking crises

### 2NC---AT: LIO !

#### LIO resilient---alternatives won’t gain purchase.

Fried **’20** [Daniel; 2020; Weiser Family distinguished fellow at the Atlantic Council; Atlantic Council; “Peering through the fog: The liberal international order in the real world,” https://www.atlanticcouncil.org/blogs/new-atlanticist/peering-through-the-fog-the-liberal-international-order-in-the-real-world/]

Porter suggests that the liberal world order is inherently expansionist. But perhaps the rule of law, democracy, and freedom has an attractive power of its own, an inherent appeal. In that case, it is the Realist’s preferred system of spheres of influence that is actually unstable: tyrannies, like Vladimir Putin’s Russia and possibly Xi Jinping’s China, exercise repression at home and in their “spheres” either because they can’t deliver for their people or are made insecure by the example of democracy too close to home. And, partly for the same reason, they will always push to expand their spheres.

Yes, the United States was inconsistent and hypocritical in its years leading the free world. And, yes, the more extravagant promises of the liberal world order, e.g. to usher in Immanuel Kant’s era of perpetual peace between republics, fall apart when set against the messy realities of the real world.

But does reality’s messiness mean that the post-1945 international system—the liberal world order that the United States led—was meaningless? Was it nothing more than fog and cant, as Porter and many others charge? Let’s peer through the fog. Let’s instead compare the liberal world order not against the purity of its adherents’ most extravagant claims or against its critics’ abstract standards of unattainable perfection, but against the track record of its recent competition, Soviet Communism; the previous competitor of fascism; or against the pre-1914 system of imperialist balance of power. The liberal order gave the world generations of general great power peace and unprecedented prosperity. Stack that against the first half of the twentieth century.

Let’s set the liberal world order, for all its faults, against its current challenger: neo-nationalism and might-makes-right, which appear to be the ultimate argument of this generation’s set of authoritarian challengers: Russian President Vladimir Putin, Chinese President Xi Jinping, and others including, in some sense, Trump himself.

Restoring some imagined Golden Age is not the issue. The issue is whether the liberal world order can be fixed and reengineered to meet today’s challenges. That’s akin to Roosevelt’s challenge of reengineering US capitalism from the pits of the Great Depression: it’s no fun, and we’ll be hit as we try from left and right. But we’d better get started.

### 2NC---UQ

#### Economy is looking up

* Prefer quals – Pingle’s are listed internally
* Prices-in thumpers and says that US growth = positive trajectory over the next few *years*;
* capital expenditures (“capex”) signs = incredibly positive;
* Delays = signs of economic strength

Ro – 11-14

Very Recent and qual’d - 2021 - Internally quoting Jonathan Pingle, PhD, Managing Director, is the Head of Economics for BlackRock's Global Fixed Income Americas Group. Sam Ro is the author of TKer.co. He was previously managing editor at Yahoo Finance and a deputy editor at Business Insider, where he led the site’s coverage of global markets “American businesses are betting big on the future” - Yahoo Finance - November 14, 2021 - #E&F - https://finance.yahoo.com/news/economy-capex-spending-tker-180532617.html

American businesses are betting big on the future

The economists at UBS are optimistic about the outlook for the U.S. economy.

“Retreating Covid, buoyed household balance sheets, and accommodative monetary policy should propel solidly above-trend U.S. growth the next few years,” economists led by Jonathan Pingle wrote on Tuesday.

In a 13-page note laying out forecasts for 2022 and 2023, Pingle and his colleagues predict that hiring continues at a high clip, supply chain pressures ease, and the inflation rate eventually cools to 2%¹ by the end of next year.

On the first page of their report, the UBS economists prominently feature a chart of capex intentions.

Short for capital expenditures, capex represents what companies are spending for the equipment they need to conduct business.

“Capex intentions are running at multi-decade highs,” the economists observed.

This isn’t just about the biggest companies exerting their dominance.

According to the NFIB’s October Small Business Optimism Index survey, 31% of small business owners plan to make capital outlays in the next three to six months. This is the highest since August 2018.

Renaissance Macro economist Neil Dutta flagged the NFIB’s stat and added that banks have been easing lending standards for commercial and industrial loans to small businesses.

“Positive developments for the capex outlook,” Dutta said in a tweet.

As TKer detailed a few weeks ago, orders for this equipment are already at record highs.

All of this represents economic activity that has yet to be recognized.

The challenge, however, is how quickly manufacturers can get this equipment to the buyers.

We already know delivery times are already extremely long. As a result, the backlog of unfilled orders for this capital equipment has never been this high.

On the bright side, economic activity that’s not happening now may just be economic activity that’s gonna happen down the road.

“Rising backlogs suggest firms will have plenty of work ahead of them once they are able to source the inputs and help they need,” Wells Fargo economists Tim Quinlan and Shannon Seery wrote in an Oct. 27 note. “In short, while the inability to deliver may be weighing on growth today, it should boost growth in the future.”

### 2NC---AT: Econ !

#### Interdependence arg is wrong

**Miller 14** – Charles Miller, Lecturer at the Strategic and Defence Studies Centre at the Australian National University, “Globalisation and War”, April, <http://www.aspistrategist.org.au/globalisation-and-war/>

John O’Neal and Bruce Russett’s work is perhaps the best known in this regard—and Steven Pinker cites them approvingly in his book The Better Angels of Our Nature. Analysing trade and conflict data from the nineteenth to the twenty-first centuries, they found that trade flows do have a significant impact in reducing the chances of conflict, even when taking a variety of other factors into account. But their conclusions have in turn been questioned by other scholars. For one thing, **their model failed** to take three things into account. First, it’s quite possible that peace causes trade rather than the other way around—no company wants to start an export business to another country if it anticipates that business linkages will be cut off by war further down the line. Second, conflict behaviour exhibits what’s called ‘network effects’— if France and Germany are at peace, chances are Belgium and Germany will be too. And third, both the likelihood of conflict and the level of trade are influenced by the number of years a pair of countries has already been at peace—because prolonged periods of peace increase mutual trust. Take any of these factors into account, and studies have shown (here and here) that the apparent relationship between trade flows and peace disappears. Perhaps, though, conceiving of globalisation solely in terms of trade flows is mistaken. Alternative indicators of globalisation include foreign direct investment, financial openness and the levels of government intervention in economic relations with the rest of the world. Data on those variables is less extensive than on trade flows, usually dating back only to the post World War II period. But some analysts, such as Patrick McDonald and Erik Gartzke, have argued that a significant correlation can be found between them and a reduction in the probability of conflict. Those findings, newer than O’Neal and Russett’s, haven’t yet been subjected to the same intense scrutiny, so may in turn be qualified by future research. What does all that mean for the policy-maker? The statistical evidence certainly doesn’t tell us that globalisation has made war in East Asia impossible. ‘Cromwell’s law’ counsels us that a logically conceivable event should never be assigned a probability of zero. The most we could conclude is that globalisation has made such an occurrence much less likely. There’s some hopeful numerical evidence that globalisation does indeed have that effect, but the evidence isn’t so compelling that we can substitute an economic engagement policy for a security policy. By all means, let’s continue to promote trade in the Asia-Pacific. But we should also continue to be prepared for scenarios which are unlikely but would be hugely damaging if they were to occur.

#### Link to populism and nationalism is false

Mutz 18 --- Diana C. Mutz, Professor of Political Science and Communication Director, Institute for the Study of Citizens and Politics, “Status threat, not economic hardship, explains the 2016 presidential vote”, PNAS, May 8, 2018 115 (19), https://www.pnas.org/content/115/19/E4330

To what extent are these results convincing with respect to the lack of effects from personal economic hardship? Could Trump’s popularity be due to anticipated future financial difficulties rather than a referendum on what had already occurred? Cross-sectional analyses allowed me to examine the possibility that economic anxiety about the future was related to Trump support. Three questions explicitly asked respondents about their concern over (i) not having saved enough for retirement, (ii) not being able to pay medical bills, and (iii) not being able to pay for educational expenses. As shown in Table S4, whether using the sample as a whole or whites only, the results are the same. Concern about future expenses does not predict greater support for Trump. In addition, Trump supporters favor a smaller safety net, contradicting expectations that they are concerned about those facing economic hardship. Consistent with panel evidence, there is little support for the left behind thesis from the cross-sectional indicators of past economic hardship or anticipated hardship.

Perceived Status Threat.

Another limitation in the panel analyses is that I do not provide direct evidence that dominant groups feel threatened. Instead, I infer this from rising SDO and changing issue attitudes that suggest hunkering down in a protective manner. To address this shortcoming, the cross-sectional data illustrate how dominant group membership affected Trump support as well as whether those who reported that dominant groups were threatened were more likely to support Trump. Table S4 further confirms that whites and men were more likely to support Trump. More to the point, feeling that “the American way of life is threatened” is a consistent predictor of Trump support. In addition, respondents were asked to what extent various groups in America were discriminated against, including Christians, Muslims, men, women, whites, blacks, and Hispanics. If threat to dominant group status is an underlying cause of Trump support, the extent to which people perceive dominant social groups, such as men, Christians, and whites, as discriminated against more than lower status groups should predict support for Trump. Table S4 shows that perceived discrimination against high-status groups does indeed have a substantial impact on the likelihood of supporting Trump, even in a fully saturated model. Largely, the same individuals who perceive whites as more discriminated against than minorities also see Christians and men as experiencing greater discrimination than Muslims and women, despite the former groups’ dominant status. The status threat explanation is thus consistent with others’ interpretations emphasizing gender, race, and religion (3, 5). Furthermore, indicators that were present in both datasets, such as SDO, opinions on trade, and threat from China, produced similar results, adding confidence to this interpretation.

The Meaning of Education.

The cross-sectional survey replicates the strong relationship with education shown throughout the election. More importantly, it provides a better understanding of what precisely education represents. In Table S5, model 1, I replicate the strong relationship between lack of college education and Trump support using only demographics as predictors. In model 2, I examine what happens to education’s predictive power when measures of personal economic wellbeing are also included in the model. Finally, in model 3, I drop the economic variables and instead, include indicators corresponding to status threat toward dominant groups. As summarized in Fig. 3, regardless of which outcome measures I examined, including indicators of economic status did not eliminate the impact of education. It reduced education’s impact somewhat for the feeling thermometer measure, but for Trump/Clinton vote, the impact of education remained constant. However, after the relationship between Trump support and perceived status threat is taken into account, even lack of a college education no longer predicts Trump support for any of the measures. These findings strongly suggest that group-based status threat was the main reason that those without college educations were more supportive of Trump.

Status threat accounts for the impact of education on the 2016 presidential election. Note that bars represent the predictive strength of education on each of three different outcome measures after taking into account (i) demographics alone, (ii) demographics and economic predictors only, and (iii) demographics and threat indicators only. Details are in Table S5. \*\*\*P < 0.001.

Threats to Causal Inference

The overall consistency of these two sets of findings from two independent surveys lends strong support to the conclusion that the 2016 election was not about economic hardship. Instead, it was about dominant groups that felt threatened by change and a candidate who took advantage of that trend by positioning himself closer than his opponent to Americans’ positions on status threat-related issues.

Panel data utilizing within-person change over time are ideal for purposes of statistically identifying the relatively small changes that can change the outcome of American elections. Although model specification issues are much less problematic with this approach, it does not eliminate the possibility of confounding that is both unmeasured and time varying. In other words, if the impact of some variables is stronger at one point in time than another, model estimates can be biased. The consistent lack of significant interactions found between these independent variables and time diminishes this possibility, although it can never be completely eliminated.

Reverse causation is also possible, although it is unlikely in this context for several reasons. Reverse causation would mean that former supporters of the Democratic presidential candidate in 2012 shifted to support the Republican in 2016 for reasons completely unrelated to the substance of these analyses. After they had shifted to support Trump for other reasons, one could argue that opinion leadership by Trump induced opinions on these issues to become more like his positions. In other words, change in candidate preference drove change in issue opinions. Although evidence of elite opinion leadership is common, it generally occurs because people change opinions toward the opinions held by the party and elites that they have long supported. The leaders of one’s party espouse issue positions that rank and file party members subsequently adopt. I am unaware of evidence of opinion leadership by outparty leaders. Respondents would need to have changed their minds to support Trump both for unrelated reasons and well in advance of him being able to exercise opinion leadership over them. Strong commitments facilitate opinion leadership, but nascent, weak commitments are unlikely to do so.

Perhaps the most compelling evidence against interpreting this evidence as opinion leadership by Trump comes from the panel findings themselves. Only for trade is there evidence of the public shifting in the same direction as Trump (Fig. 1 and Table S1). For China, mass opinions did not change at all among either partisan group, and for immigration, they changed in the direction opposite of Trump’s views. In addition, as illustrated in Table 1, change over time in individuals’ issue opinions did not correspond to change over time in support for the Republican candidate. If opinion leadership was occurring, these two changes over time should certainly covary, yet they do not. Instead, it is the combination of changing personal opinions and independently assessed changing perceptions of the positions of the party leadership that combined to alter vote choice.

One exception is SDO, where it is plausible that increasing levels of SDO produce shifts in favor of Trump as well as that becoming a Trump supporter could cause increased SDO. Again, change in candidate preference from 2012 to 2016 would need to have occurred for reasons unrelated to this model, and Trump’s popularity would need to have subsequently caused increased SDO specifically among new Trump supporters. Whether this is a more plausible explanation than group status threat increasing support for a candidate emphasizing protectionist and prodominant status group policies remains to be seen. To date, SDO has been documented to increase strictly when group boundaries are made salient and people’s group status is threatened (46⇓–48).

Contrary to one previous study, I do not find that the increased salience of immigration (3) or that changing opinions on immigration fueled additional Trump support. Although these surveys, as others, show that immigration views are correlated with racial animus and SDO, status threat is not the usual form of prejudice or stereotyping that involves looking down on outgroups who are perceived to be inferior; instead, it is borne of a sense that the outgroup is doing too well and thus, is a viable threat to one’s own dominant group status. As a highly visible indicator of racial progress, a well-educated, Harvard Law-trained African American president is indeed threatening to dominant white status (54, 55), whereas immigrants arriving with nothing but the clothes on their backs apparently are not. For a dominant group to be threatened by an outgroup, the outgroup needs to be perceived as powerful. Traditional racial stereotypes of poor, uneducated, or unintelligent minority groups do not fuel the sense that one’s dominant group status is being challenged. As a result, immigration is unlikely to trigger dominant group status threat, particularly in a country with relatively few new immigrants. However, a sense of threat is triggered by racial progress in a majority–minority America; an increasingly powerful country, such as China; or an America that is no longer the dominant economic superpower. The rising sense of racial and global threat in the United States could not be more opportune for a candidate seeking to capitalize on status threat-based issues.

Conclusion

Narratives are important, because they structure people’s understanding of what has occurred and why. They also guide the behavior of elected representatives in deciding how to represent their constituencies. When the people have spoken, the postelection narrative decides what it is they have said. Based on these results, it would be a mistake for people to understand the 2016 election as resulting from the frustration of those left behind economically. Instead, both experimental evidence and panel survey evidence document significant political consequences from a rising sense of status threat among dominant groups in the United States.

Lack of a college education was persistently noted as the strongest predictor of Trump support. This pattern led journalists with limited data toward economic explanations. However, education is also the strongest predictor of support for international trade, a relationship that is not tied to income or occupation so much as ethnocentrism (52). Negative attitudes toward racial and ethnic diversity are also correlated with low levels of education. In this election, education represented group status threat rather than being left behind economically. Those who felt that the hierarchy was being upended—with whites discriminated against more than blacks, Christians discriminated against more than Muslims, and men discriminated against more than women—were most likely to support Trump.

Why does it matter whether Trump’s support was driven by being left behind economically as opposed to a sense that one’s status in the domestic or international hierarchy has suffered? Some workers obviously have suffered financially, even if the general trend is toward improvement. However, these losses were not politicized when it came to voting in 2016. Trump’s victory may be viewed more admirably when it is attributed to a groundswell of support from previously ignored workers than when it is attributed to those whose status is threatened by minorities and foreign countries. More importantly, elected officials who embrace the left behind narrative may feel compelled to pursue policies that will do little to assuage the fears of less educated Americans. Furthermore, Trump’s “us vs. them” rhetoric does little to lead whites and minorities or Americans and foreigners to view one another in less threatening ways, and it calls to whites’ attention the fact that they are already doing quite well relative to minority groups and relative to those in the countries that they often find threatening.

The left behind thesis has focused attention on economically beleaguered victims of trade-related job loss. While this group certainly deserves public support, misunderstanding the election narrative still has potentially negative consequences. Most manufacturing job loss is not related to trade (56). Furthermore, Trump’s supporters largely oppose strengthening the safety net for those left behind (Table S4). Those concerned with left-behind sectors are likely to be disappointed if they expect the current administration and its supporters to prioritize the economically beleaguered manufacturing sector.

The 2016 election was a result of anxiety about dominant groups’ future status rather than a result of being overlooked in the past. In many ways, a sense of group threat is a much tougher opponent than an economic downturn, because it is a psychological mindset rather than an actual event or misfortune. Given current demographic trends within the United States, minority influence will only increase with time, thus heightening this source of perceived status threat. Although whites will likely still be the best-educated and most well-off racial group, by 2040, they are unlikely to dominate in numbers. Likewise, despite US status as an extremely wealthy country relative to those countries perceived to threaten it economically, many Americans find that small comfort.

#### No lashout---that’s Walt---empirically disproven by COVID and 40 other recessions, and countries consider economic costs of war, which is why they turn inwards and not outwards.

#### Economic wars are impossible to predict.

Laio 19 Jianan Liao, Shenzhen Nanshan Foreign Language School. [Business Cycle and War: A Literature Review and Evaluation, Advances in Economics, Business and Management Research, Volume 68, International Symposium on Social Science and Management Innovation, https://download.atlantis-press.com/article/55913122.pdf]

Through the comparison of the two views, it can be found that both sides are too vague in the description of the concept of business cycle. According to economists such as Joseph Schumpeter, the business cycle is divided into four phases: expansion, crisis, recession, recovery. [12] Although there are discords in the division and naming of business cycle, it is certain that they are not simply divided into two stages of rise and recession. However, as mentioned above, scholars who discussed the relationship between business cycle and war often failed to divide the business cycle into four stages in detail to analyze the relationship.

First, war can occur at any stage of expansion, crisis, recession, recovery, so it is unrealistic to assume that wars occur at any particular stage of the business cycle. On the one hand, although the domestic economic problems in the crisis/recession/depression period break out and become prominent in a short time, in fact, such challenge exists at all stages of the business cycle. When countries cannot manage to solve these problems through conventional approaches, including fiscal and monetary policies, they may resort to military expansion to achieve their goals, a theory known as Lateral Pressure. [13] Under such circumstances, even countries in the period of economic expansion are facing downward pressure on the economy and may try to solve the problem through expansion. On the other hand, although the resources required for foreign wars are huge for countries in economic depression, the decision to wage wars depends largely on the consideration of the gain and loss of wars. Even during depression, governments can raise funding for war by issuing bonds. Argentina, for example, was mired in economic stagflation before the war on the Malvinas islands (also known as the Falkland islands in the UK). In fact, many governments would dramatically increase their expenditure to stimulate the economy during the recession, and economically war is the same as these policies, so the claim that a depressed economy cannot support a war is unfounded. In addition, during the crisis period of the business cycle, which is the early stage of the economic downturn, despite the economic crisis and potential depression, the country still retains the ability to start wars based on its economic and military power. Based on the above understanding, war has the conditions and reasons for its outbreak in all stages of the business cycle.

Second, the economic origin for the outbreak of war is downward pressure on the economy rather than optimism or competition for monopoly capital, which may exist during economic recession or economic prosperity. This is due to a fact that during economic prosperity, people are also worried about a potential economic recession. Blainey pointed out that wars often occur in the economic upturn, which is caused by the optimism in people's mind [14], that is, the confidence to prevail. This interpretation linking optimism and war ignores the strength contrast between the warring parties. Not all wars are equally comprehensive, and there have always been wars of unequal strength. In such a war, one of the parties tends to have an absolute advantage, so the expectation of the outcome of the war is not directly related to the economic situation of the country. Optimism is not a major factor leading to war, but may somewhat serve as stimulation. In addition, Lenin attributed the war to competition between monopoly capital. This theory may seem plausible, but its scope of application is obviously too narrow. Lenin's theory of imperialism is only applicable to developed capitalist countries in the late stage of the development capitalism, but in reality, many wars take place among developing countries whose economies are still at their beginning stages. Therefore, the theory centered on competition among monopoly capital cannot explain most foreign wars. Moreover, even wars that occur during periods of economic expansion are likely to result from the potential expectation of economic recession, the "limits of growth" [15] faced during prosperity – a potential deficiency of market demand. So the downward pressure on the economy is the cause of war.

#### Econ’s resilient

**Palha 17 –** Sol Palha, Head Financial Analyst at Tactical Investor, Writer at The Street, Contributor at Huffington Post, Master’s Degree in Psychology from Columbia University, Lecturer at Pasiad International, “Is A Spectacular Stock Market Crash Just Around the Corner?”, 2017, http://www.huffingtonpost.com/entry/is-a-spectacular-stock-market-crash-just-around-the\_us\_599dbd8fe4b056057bddd035

The stock market crash story is getting boring and annoying to a large degree. Since 2009, there has been a **constant drumbeat** of the market is going to crash stories. In 2009, many experts felt that the market had rallied too strongly and that it needed to pull back sharply before moving higher up. They were calling for 15%-20% correction. Ten years later and most of them are **still waiting** for this so-called crash. A stock market crash is a possibility but the **possibility** is not the same thing as **certainty**, and this is what seems to **elude** most of the naysayers. One day they will get it right as **even a broken clock is correct twice a day**. In the interim waiting for this stock market crash has cost these experts a fortune, both in lost capital gains and actual booked losses if they shorted this market.

It’s 2017, and the markets are overbought, and we agree that they need to let out some steam, but as for a crash that will only occur when sentiment turns bullish. The crowd has not embraced this market and until they do corrections but not crashes is what we should expect. In fact, we penned an article titled “Dow Could Trade to 30K But not before This Happens”, where we discussed the possibility of the Dow trading to 30k before it crashes. The one factor that could alter this outlook would be for the masses to turn bullish suddenly.

This market will experience a spectacular crash one day; nothing can trend upwards forever and eventually the market has to revert to the mean. Markets never crash on a sour note; the crowd is chanting in joy when the markets suddenly change direction. A simple look at previous bubbles will prove this; the housing bubble, for example, did not end on a note of fear; the crowd was ecstatic. Even the Tulip bubble that lasted from 1634-1637 ended on a note of extreme joy.

Jim Rogers states that the next crash will be the worst one we have seen in our lifetimes.

We’ve had financial problems in America — let’s use America — **every four to seven years**, since the beginning of the republic. Well, it’s been over eight since the last one. This is the longest or second-longest in recorded history, so it’s coming. And the next time it comes — you know, in 2008, we had a problem because of debt. Henry, the debt now, that debt is nothing compared to what’s happening now.

In 2008, the Chinese had a lot of money saved for a rainy day. It started raining. They started spending the money. Now even the Chinese have debt, and the debt is much higher. The federal reserves, the central bank in America, the balance sheet is up over five times since 2008. It’s going to be the worst in your lifetime — my lifetime too. Be worried Business Insider

In a broad manner of speaking, he is right, but the proverbial question as always is “when”; so far the naysayers have **missed the mark by 1000 miles**. This entire rally has been based on the fact that the Fed artificially propped the markets by keeping rates low for an insanely long period and infusing billions of dollars into the markets. One day the pied piper is going to collect but as we have stated over and over again over the years, that until the masses embrace this market, a crash is **unlikely**. A strong correction is, however, a certainty; it’s just a matter of time.

The market has defied **every call**, and even some of the most ardent of bulls are now nervous; we stated this would occur over two years ago. The Market has put in over 36 new highs this year and is living up to the new name we gave it late in 2016. Up to that point, we referred to this market as the most hated bull market of all time; after that, we started to refer to this market as the most Insane Stock Market Bull of all time. Insanity by definition has no pattern so expect this market to do things no other market has ever done before.

The markets will crash one day but these **so-called experts have no idea of this event will occur**

#### No econ impact

**Fettweis 17** --- Dr. Christopher J. Fettweis, Associate Professor of Political Science at Tulane University, PhD in Government and Politics from the University of Maryland, “Unipolarity, Hegemony, and the New Peace”, Security Studies, Vol. 26, No. 3, p. 434-442

During the 19**90s**, the **U**nited **S**tates cut back on defense by about 25 percent, spending $100 billion less in real terms in 1998 that it did in 1990.68 To those believers in the neoconservative version of hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace,” argued Kristol and Kagan at the time.69 **The world grew dramatically more peaceful while the United States cut its forces, however,** and stayed just as peaceful while spending rebounded after the 9/11 terrorist attacks. The incidence and magnitude of global conflict declined while the military budget was cut under President Clinton, in other words, and kept declining (though more slowly, since levels were already low) as the Bush administration ramped it back up. Overall US military spending has varied during the period of the New Peace from a low in constant dollars of less than $400 billion to a high of more than $700 billion, but war does not seem to have noticed. The same **nonrelationship** exists between other potential proxy measurements for hegemony and conflict: there does not seem to be much connection between warfare and fluctuations in US GDP, **alliance commitments, and forward military presence**. There was very little fighting in Europe when there were 300,000 US troops stationed there, for example, and that has not changed as the number of Americans dwindled by 90 percent. Overall, there **does not seem to be much correlation** between US actions and systemic stability. Nothing the United States actually does seems to matter to the New Peace.

It is possible that absolute military spending might not be as important to explain the phenomenon as relative. Although Washington cut back on spending during the 1990s, its relative advantage never wavered. The United States has accounted for between 35 and 41 percent of global military spending every year since the collapse of the Soviet Union.70 The perception of relative US power might be the decisive factor in decisions made in other capitals. One cannot rule out the possibility that it is the perception of US power—and its willingness to use it—that keeps the peace. In other words, perhaps it is the grand strategy of the United States, rather than its absolute capability, that is decisive in maintaining stability. It is that to which we now turn.

Conflict and US Grand Strategy

The perception of US power, and the strength of its hegemony, is to some degree a function of grand strategy. If indeed US strategic choices are responsible for the New Peace, then variation in those choices ought to have consequences for the level of international conflict. A restrained United States is much less likely to play the role of sheriff than one following a more activist approach. Were the unipole to follow such a path, hegemonic-stability theorists warn, disaster would follow. Former National Security Advisor Zbigniew Brzezinski spoke for many when he warned that “outright chaos” could be expected to follow a loss of hegemony, including a string of quite specific issues, including new or renewed attempts to build regional empires (by China, Turkey, Russia, and Brazil) and the collapse of the US relationship with Mexico, as emboldened nationalists south of the border reassert 150-year-old territorial claims. Overall, without US dominance, today’s relatively peaceful world would turn “violent and bloodthirsty.”71 Niall Ferguson foresees a post-hegemonic “Dark Age” in which “plunderers and pirates” target the big coastal cities like New York and Rotterdam, terrorists attack cruise liners and aircraft carriers alike, and the “wretchedly poor citizens” of Latin America are unable to resist the Protestantism brought to them by US evangelicals. Following the multiple (regional, fortunately) nuclear wars and plagues, the few remaining airlines would be forced to suspend service to all but the very richest cities.72 These are somewhat **extreme versions** of a central assumption of all hegemonic-stability theorists: a restrained United States would be accompanied by utter disaster. The “present danger” of which Kristol, Kagan, and their fellow travelers warn is that the United States “will shrink its responsibilities and—in a fit of absentmindedness, or parsimony, or indifference— allow the international order that it created and sustains to collapse.”73 Liberals fear restraint as well, and also warn that a militarized version of primacy would be counterproductive in the long run. Although they believe that the rule-based order established by United States is more durable than the relatively fragile order discussed by the neoconservatives, liberals argue that Washington can undermine its creation over time through thoughtless unilateral actions that violate those rules. Many predicted that the invasion of Iraq and its general contempt for international institutions and law would call the legitimacy of the order into question. G. John Ikenberry worried that Bush’s “geostrategic wrecking ball” would lead to a more hostile, divided, and dangerous world.74 Thus while all hegemonicstability theorists expect a rise of chaos during a restrained presidency, liberals also have grave concerns regarding primacy.

Overall, if either version is correct and global stability is provided by US hegemony, then maintaining that stability through a grand strategy based on either primacy (to neoconservatives) or “deep engagement” (to liberals) is clearly a wise choice.75 If, however, US actions are only tangentially related to the outbreak of the New Peace, or if any of the other proposed explanations are decisive, then the **U**nited **S**tates can **retrench without fear of negative consequences**. The grand strategy of the United States is therefore crucial to beliefs in hegemonic stability. Although few observers would agree on the details, most would probably acknowledge that post-Cold War grand strategies of American presidents have differed in some important ways. The four administrations are reasonable representations of the four ideal types outlined by Barry R. Posen and Andrew L. Ross in 1996.76 Under George H. W. Bush, the United States followed the path of “selective engagement,” which is sometimes referred to as “balance-of-power realism”; Bill Clinton’s grand strategy looks a great deal like what Posen and Ross call “cooperative security,” and others call “liberal internationalism”; George W. Bush, especially in his first term, forged a strategy that was as close to “primacy” as any president is likely to get; and Barack Obama, despite some early flirtation with liberalism, has followed a restrained realist path, which Posen and Ross label “neo-isolationism” but its proponents refer to as “strategic restraint.”77 In **no case** did the various anticipated disorders materialize. As Table 2 demonstrates, **armed conflict levels fell** steadily, **irrespective** of the grand strategic path Washington chose.

Neither the primacy of George W. Bush nor the restraint of Barack Obama had **much effect** on the level of global violence. Despite continued warnings (and the high-profile mess in Syria), the world has not experienced an increase in violence while the United States chose uninvolvement. If the grand strategy of the United States is responsible for the New Peace, it is leaving **no trace** in the evidence. Perhaps we should not expect a correlation to show up in this kind of analysis. While US behavior might have varied in the margins during this period, nether its relative advantage over its nearest rivals nor its commitments waivered in any important way. However, it is surely worth noting that if trends opposite to those discussed in the previous two sections had unfolded, if other states had reacted differently to fluctuations in either US military spending or grand strategy, then surely hegemonic stability theorists would argue that their expectations had been fulfilled. Many liberals were on the lookout for chaos while George W. Bush was in the White House, just as neoconservatives have been quick to identify apparent worldwide catastrophe under President Obama.78 If increases in violence would have been evidence for the wisdom of hegemonic strategies, then logical consistency demands that the lack thereof should at least pose a problem.

As it stands, the **only evidence** we have regarding the relationship between US power and international stability suggests that the two are **unrelated**. The rest of the world appears **quite capable and willing** to operate **effectively** without the presence of a global police~~man~~. Those who think otherwise have **precious little empirical support** upon which to build their case. Hegemonic stability is a belief, in other words, rather than an established fact, and as such deserves a different kind of examination.

## Adv---FTC

### 2NC---UQ

**The FTC is also likely to win the Facebook case based on the refiling –** Facebook is grey in the graph

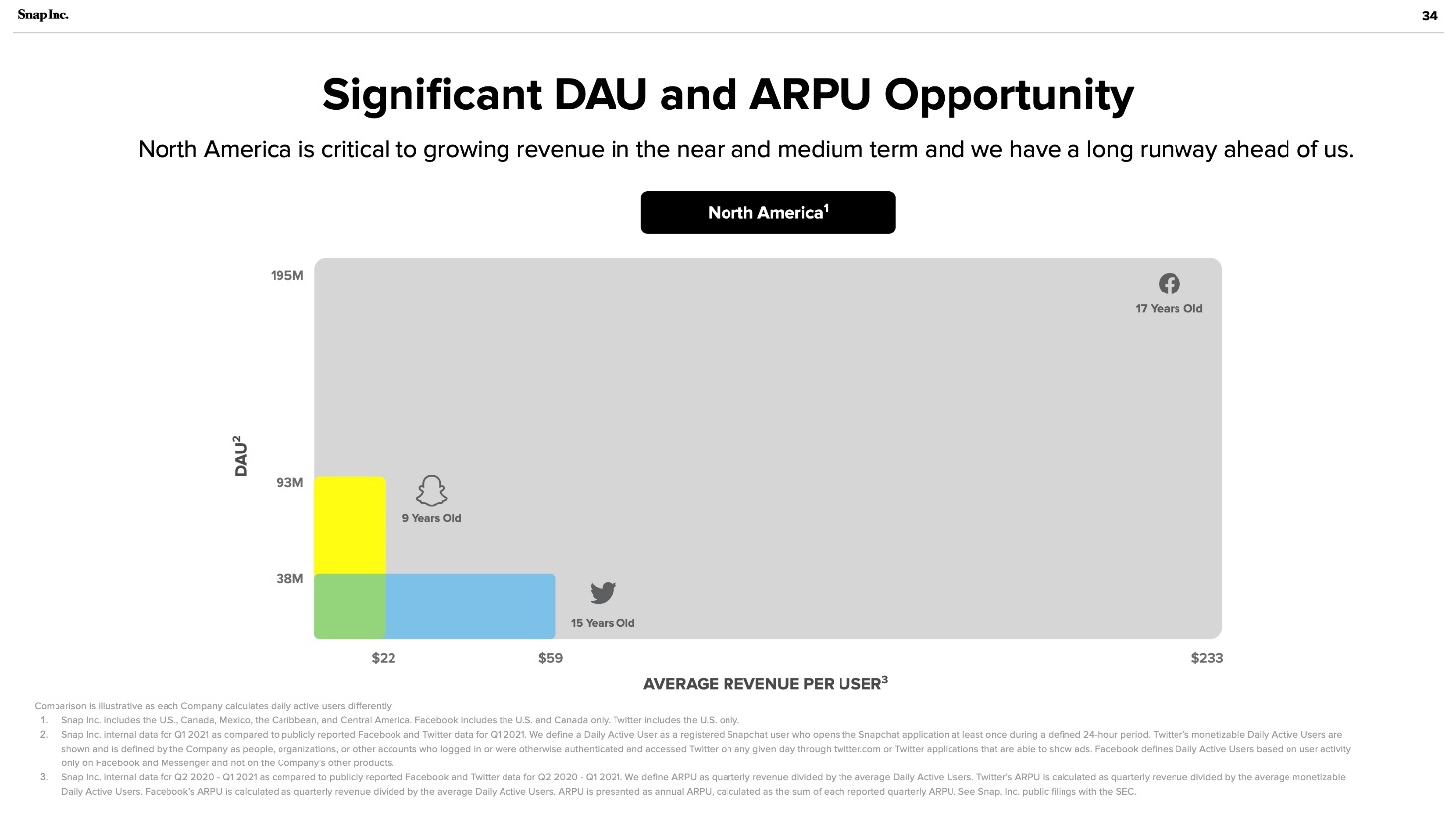
**Liss 21** (Daniel Liss, founder and CEO of Dispo, digital disposable camera social network, co-founder and partner of Pilot Labs, venture capital firm, JD Stanford University Law School, MBA Stanford University Graduate School of Business, AB History, Harvard University, “Today’s real story: The Facebook monopoly,” TechCrunch, 8-19-2021, https://techcrunch.com/2021/08/19/todays-real-story-the-facebook-monopoly/)

The problem

**According to the court**, the FTC must meet a **two-part test**: First, the FTC must **define the market** in which Facebook has monopoly power, established by the D.C. Circuit in Neumann v. Reinforced Earth Co. (1986). This is the market for personal social networking services, which includes messaging.

Second, the FTC must **establish that Facebook controls a dominant share** of that market, which courts have defined as **60% or above**, established by the 3rd U.S. Circuit Court of Appeals in FTC v. AbbVie (2020). The **right metric** for this market share analysis is **unequivocally revenue** — **daily active users (DAU) x average revenue per user (ARPU)**. And **Facebook controls over 90%**.

The answer to the FTC’s problem is hiding in plain sight: Snapchat’s investor presentations:



Snapchat July 2021 investor presentation: Significant DAU and ARPU Opportunity. Image Credits: Snapchat

**This is a chart of Facebook’s monopoly** — **91% of the personal social networking market**. The **gray blob** looks awfully like a **vast oil deposit**, successfully drilled by Facebook’s Standard Oil operations. **Snapchat** and **Twitter** are the small wildcatters, **nearly irrelevant** compared to Facebook’s scale. It should not be lost on any market observers that **Facebook once tried to acquire both** companies.

The market Includes messaging

The FTC initially claimed that Facebook has a monopoly of the “personal social networking services” market. The complaint excluded “mobile messaging” from Facebook’s market “because [messaging apps] (i) lack a ‘shared social space’ for interaction and (ii) do not employ a social graph to facilitate users’ finding and ‘friending’ other users they may know.”

This is incorrect because messaging is inextricable from Facebook’s power. Facebook demonstrated this with its WhatsApp acquisition, promotion of Messenger and prior attempts to buy Snapchat and Twitter. Any personal social networking service can expand its features — and Facebook’s moat is contingent on its control of messaging.

The more time in an ecosystem the more valuable it becomes. Value in social networks is calculated, depending on whom you ask, algorithmically (Metcalfe’s law) or logarithmically (Zipf’s law). Either way, in social networks, 1+1 is much more than 2.

Social networks become valuable based on the ever-increasing number of nodes, upon which companies can build more features. Zuckerberg coined the “social graph” to describe this relationship. The monopolies of Line, Kakao and WeChat in Japan, Korea and China prove this clearly. They began with messaging and expanded outward to become dominant personal social networking behemoths.

In today’s refiling, the FTC explains that Facebook, Instagram and Snapchat are all personal social networking services built on three key features:

“First, personal social networking services are built on a social graph that maps the connections between users and their friends, family, and other personal connections.”

“Second, personal social networking services include features that many users regularly employ to interact with personal connections and share their personal experiences in a shared social space, including in a one-to-many ‘broadcast’ format.”

“Third, personal social networking services include features that allow users to find and connect with other users, to make it easier for each user to build and expand their set of personal connections.”

Unfortunately, this is only partially right. In social media’s treacherous waters, as the FTC has struggled to articulate, feature sets are routinely copied and cross-promoted. How can we forget Instagram’s copying of Snapchat’s stories? Facebook has ruthlessly copied features from the most successful apps on the market from inception. Its launch of a Clubhouse competitor called Live Audio Rooms is only the most recent example. Twitter and Snapchat are absolutely competitors to Facebook.

Messaging must be included to demonstrate Facebook’s breadth and voracious appetite to copy and destroy. WhatsApp and Messenger have over 2 billion and 1.3 billion users respectively. Given the ease of feature copying, a messaging service of WhatsApp’s scale could become a full-scale social network in a matter of months. This is precisely why Facebook acquired the company. Facebook’s breadth in social media services is remarkable. But the FTC needs to understand that messaging is a part of the market. And this acknowledgement would not hurt their case.

The metric: Revenue shows Facebook’s monopoly

Boasberg believes revenue is not an apt metric to calculate personal networking: “The overall revenues earned by PSN services cannot be the right metric for measuring market share here, as those revenues are all earned in a separate market — viz., the market for advertising.” He is confusing business model with market. Not all advertising is cut from the same cloth. In today’s refiling, the FTC correctly identifies “social advertising” as distinct from the “display advertising.”

But it goes off the deep end trying to avoid naming revenue as the distinguishing market share metric. Instead the FTC cites “time spent, daily active users (DAU), and monthly active users (MAU).” In a world where Facebook Blue and Instagram compete only with Snapchat, these metrics might bring Facebook Blue and Instagram combined over the 60% monopoly hurdle. But the FTC does not make a sufficiently convincing market definition argument to justify the choice of these metrics. Facebook should be compared to other personal social networking services such as Discord and Twitter — and their correct inclusion in the market would undermine the FTC’s choice of time spent or DAU/MAU.

Ultimately, cash is king. Revenue is what counts and what the FTC should emphasize. As Snapchat shows above, revenue in the personal social media industry is calculated by ARPU x DAU. The personal social media market is a different market from the entertainment social media market (where Facebook competes with YouTube, TikTok and Pinterest, among others). And this too is a separate market from the display search advertising market (Google). Not all advertising-based consumer technology is built the same. Again, advertising is a business model, not a market.

In the media world, for example, Netflix’s subscription revenue clearly competes in the same market as CBS’ advertising model. News Corp.’s acquisition of Facebook’s early competitor MySpace spoke volumes on the internet’s potential to disrupt and destroy traditional media advertising markets. Snapchat has chosen to pursue advertising, but incipient competitors like Discord are successfully growing using subscriptions. But their market share remains a pittance compared to Facebook.

An alternative pleading: Facebook’s market power suppresses wages in the creator economy

The **FTC** has **correctly argued** for the smallest possible market for their **monopoly definition**. **Personal social networking**, of which **Facebook controls at least 80%**, should **not** (in their strongest argument) **include entertainment**. This is the **narrowest argument** to make with the **highest chance of success**.

But they could choose to make a broader argument in the alternative, one that takes a bigger swing. As Lina Khan famously noted about Amazon in her 2017 note that began the New Brandeis movement, the traditional economic consumer harm test does not adequately address the harms posed by Big Tech. The harms are too abstract. As White House advisor Tim Wu argues in “The Curse of Bigness,” and Judge Boasberg acknowledges in his opinion, antitrust law does not hinge solely upon price effects. Facebook can be broken up without proving the negative impact of price effects.

However, Facebook has hurt consumers. Consumers are the workers whose labor constitutes Facebook’s value, and they’ve been underpaid. If you define personal networking to include entertainment, then YouTube is an instructive example. On both YouTube and Facebook properties, influencers can capture value by charging brands directly. That’s not what we’re talking about here; what matters is the percent of advertising revenue that is paid out to creators.

YouTube’s traditional percentage is 55%. YouTube announced it has paid $30 billion to creators and rights holders over the last three years. Let’s conservatively say that half of the money goes to rights holders; that means creators on average have earned $15 billion, which would mean $5 billion annually, a meaningful slice of YouTube’s $46 billion in revenue over that time. So in other words, YouTube paid creators a third of its revenue (this admittedly ignores YouTube’s non-advertising revenue).

Facebook, by comparison, announced just weeks ago a paltry $1 billion program over a year and change. Sure, creators may make some money from interstitial ads, but Facebook does not announce the percentage of revenue they hand to creators because it would be insulting. Over the equivalent three-year period of YouTube’s declaration, Facebook has generated $210 billion in revenue. one-third of this revenue paid to creators would represent $70 billion, or $23 billion a year.

Why hasn’t Facebook paid creators before? Because it hasn’t needed to do so. Facebook’s social graph is so large that creators must post there anyway — the scale afforded by success on Facebook Blue and Instagram allows creators to monetize through directly selling to brands. Facebooks ads have value because of creators’ labor; if the users did not generate content, the social graph would not exist. Creators deserve more than the scraps they generate on their own. Facebook suppresses creators’ wages because it can. This is what monopolies do.

Facebook’s Standard Oil ethos

Facebook has long been the Standard Oil of social media, using its core monopoly to begin its march upstream and down. Zuckerberg announced in July and renewed his focus today on the metaverse, a market Roblox has pioneered. After achieving a monopoly in personal social media and competing ably in entertainment social media and virtual reality, Facebook’s drilling continues. Yes, Facebook may be free, but its monopoly harms Americans by stifling creator wages. The antitrust laws dictate that consumer harm is not a necessary condition for proving a monopoly under the Sherman Act; monopolies in and of themselves are illegal. **By refiling the correct market definition and marketshare**, the **FTC stands more than a chance. It should win**.

#### Even if they won’t FTC Court losses boost support for a legislative double-down on FTC expansive authority – more losses only trigger more pressure, making solvency inevitable – that’s Byers, citing the former FTC Chair

#### Boosts BOTH House and Senate

Howley 21 (Daniel Howley, Technology Editor, Yahoo Finance, “Facebook’s early antitrust win doesn't let it or Big Tech off the hook,” 6-30-2021, https://news.yahoo.com/facebooks-early-antitrust-win-doesnt-let-it-or-big-tech-off-the-hook-172014765.html)

A win for Facebook is a win for lawmakers looking for tougher laws

While Facebook may be celebrating a temporary win, the antitrust fight is far from over for Big Tech. That’s because lawmakers critical of the country’s tech giants are already using the Facebook cases’ dismissals to push for tougher antitrust legislation.

“The victory could lend support to the view of advocates who believe that the only appropriate solution is new legislation,” Kovacic said. “And my intuition is that the result gave a boost to the authors of legislation in both the House and the Senate.”

Indeed, right after the court’s announcement on Monday, Rep. Ken Buck (R-CO) released a statement calling for Congress to provide “additional tools and resources to our antitrust enforcers to go after Big Tech companies engaging in anticompetitive conduct.”

And that could prove a much larger threat to Big Tech in the long run than litigation.

“I think the broader lesson here is that while Congress and the administration are interested in expanding antitrust enforcement, they will confront decades of extremely restrictive precedents and very skeptical judges when they get to court,” Stanford Law School professor Mark Lemley said. “In the long run, reining in the tech giants may require new legislation.”

#### It’s 100% likely to pass

Byers 21 (Dylan Byers, senior media reporter for NBC News; **internally citing William Kovacic, former FTC Chair**; “Is Facebook untouchable? It's complicated,” NBC News, 7-1-2021, https://www.nbcnews.com/tech/tech-news/facebook-untouchable-complicated-rcna1323)

"The funding for the FTC and DOJ antitrust divisions, it's nearly 100 percent likely that Congress will pass that law," he said. He said another bill, which would block the tech firms from moving court hearings to more favorable states, was also likely to pass.

"But those are just budget and housekeeping rules," he continued. "With respect to rules that govern how these companies operate, it's harder. But," he added, "I don't think Congress will simply walk away from some legislation that deals with that."

#### Their ev categorically does NOT price in our arguments – pessimism is because of historical Court victories affirming cases of FTC timidity – which is actively used as a Congressional justification for inaction – coming losses will completely flip the calculus

Bartz 21 (Diane Bartz, covers antitrust for Reuters, formerly reported for AFP, AP and UPI; **internally citing William E. Kovacic, former Chairman of the Federal Trade Commission**; “Facebook under fire as U.S. lawmakers press for new antitrust complaint,” Reuters, 7-2-2021, https://www.reuters.com/technology/bipartisan-us-lawmakers-urge-ftc-press-with-facebook-lawsuit-2021-07-02/)

William Kovacic, a former FTC chair now at George Washington University Law School, said that a new complaint could add allegations, including potentially unfair method of competition.

"That is a topic that she (Khan) has talked about and written about on many occasions," he said.

Experts also predicted the dismissal would build support for bills to ramp up antitrust enforcement.

"If these dismissals tip the scales, it will be toward doing something. If the government could win even modestly on these cases, it's an argument to do nothing," said Herb Hovenkamp of the University of Pennsylvania Carey Law School.

#### It’s linear

Klar 21 (Rebecca Klar, tech policy reporter at The Hill, former city reporter at The York Dispatch, former reporter BA English, Rhetoric, Binghamton University; **internally citing William E. Kovacic, former Chairman of the Federal Trade Commission**; “FTC expected to reveal new strategy in Facebook antitrust fight,” The Hill, 8-18-2021, https://thehill.com/policy/technology/568302-ftc-expected-to-reveal-new-strategy-in-facebook-antitrust-fight)

The slow timeline for antitrust cases against tech giants, including the Facebook case and the Department of Justice’s case against Google, may prompt Congress to take action on the bills, Kovacic said.

“As these cases unfold, including Facebook, the more difficulty the government has proceeding with its case, the longer it takes, the stronger will be the impression within Congress that we need new laws,” he added. “The status, the development of these cases will feed back directly into legislative deliberations.”

### 2NC---AT: Scamming !

#### It’s limited and easily defeated

Philip Ewing 20, Citing Keir Giles, a Russia specialist with the Conflict Studies Research Centre in the United Kingdom and Tim Hwang, director of the Harvard-MIT Ethics and Governance of AI Initiative, “Why Fake Video, Audio May Not Be As Powerful In Spreading Disinformation As Feared,” NPR, 5/7/20, https://www.npr.org/2020/05/07/851689645/why-fake-video-audio-may-not-be-as-powerful-in-spreading-disinformation-as-feare

Sophisticated fake media hasn't emerged as a factor in the disinformation wars in the ways once feared — and two specialists say it may have missed its moment.

Deceptive video and audio recordings, often nicknamed “deepfakes,” have been the subject of sustained attention by legislators and technologists, but so far have not been employed to decisive effect, said two panelists at a video conference convened on Wednesday by NATO.

One speaker borrowed Sherlock Holmes' reasoning about the significance of something that didn't happen.

“We've already passed the stage at which they would have been most effective,” said Keir Giles, a Russia specialist with the Conflict Studies Research Centre in the United Kingdom. “They're the dog that never barked.”

The perils of deepfakes in political interference have been discussed too often and many people have become too familiar with them, Giles said during the online discussion, hosted by NATO's Strategic Communications Centre of Excellence.

Following all the reports and revelations about election interference in the West since 2016, citizens know too much to be hoodwinked in the way a fake video might once have fooled large numbers of people, he argued: “They no longer have the power to shock.”

Tim Hwang, director of the Harvard-MIT Ethics and Governance of AI Initiative, agreed that deepfakes haven't proven as dangerous as once feared, although for different reasons.

Hwang argued that users of “active measures” (efforts to sow misinformation and influence public opinion) can be much more effective with cheaper, simpler and just as devious types of fakes — mis-captioning a photo or turning it into a meme, for example.

Influence specialists working for Russia and other governments also imitate Americans on Facebook, for another example, worming their way into real Americans' political activities to amplify disagreements or, in some cases, try to persuade people not to vote.

Other researchers have suggested this work continues on social networks and has become more difficult to detect.

Defense is stronger than attack

Hwang also observed that the more deepfakes are made, the better machine learning becomes at detecting them.

A very sophisticated, real-looking fake video might still be effective in a political context, he acknowledged — and at a cost to create of around $10,000, it would be easily within the means of a government's active measures specialists.

But the risks of attempting a major disruption with such a video may outweigh an adversary's desire to use one. People may be too media literate, as Giles argued, and the technology to detect a fake may mean it can be deflated too swiftly to have an effect, as Hwang said.

“I tend to be skeptical these will have a large-scale impact over time,” he said.

One technology boss told NPR in an interview last year that years' worth of work on corporate fraud protection systems has given an edge to detecting fake media.

”This is not a static field. Obviously, on our end we've performed all sorts of great advances over this year in advancing our technology, but these synthetic voices are advancing at a rapid pace,” said Brett Beranek, head of security business for the technology firm Nuance. “So we need to keep up.”

Beranek described how systems developed to detect telephone fraudsters could be applied to verify the speech in a fake clip of video or audio.

Corporate clients that rely on telephone voice systems must be wary about people attempting to pose as others with artificial or disguised voices. Beranek's company sells a product that helps to detect them, and that countermeasure also works well in detecting fake audio or video.

Machines using neural networks can detect known types of synthetic voices. Nuance also says it can analyze a recording of a real, known voice — say, that of a politician — and then contrast its characteristics against a suspicious recording.

Although the world of cybersecurity is often described as one in which attackers generally have an edge over defenders, Beranek said he thought the inverse was true in terms of this kind of fraud detection.”

For the technology today, the defense side is significantly ahead of the attack side,” he said.

Shaping the battlefield

Hwang and Giles acknowledged in the NATO video conference that deepfakes likely will proliferate and become lower in cost to create, perhaps becoming simple enough to make with a smartphone app.

One prospective response is the creation of more of what Hwang called “radioactive data” — material earmarked in advance so that it might make a fake easier to detect.

If images of a political figure were so tagged beforehand, they could be spotted quickly if they were incorporated by computers into a deceptive video.

Also, the sheer popularity of new fakes, if that is what happens, might make them less valuable as a disinformation weapon. More people could become more familiar with them, as well as being detectable by automated systems — plus they may also have no popular medium on which to spread.

Big social media platforms already have declared affirmatively that they'll take down deceptive fakes, Hwang observed. “That might make it more difficult for a scenario in which a politically charged fake video goes viral just before Election Day.

“Although it might get easier and easier to create deepfakes, a lot of the places where they might spread most effectively, your Facebooks and Twitters of the world, are getting a lot more aggressive about taking them down,” Hwang said.

That won't stop them, but it might mean they'll be relegated to sites with too few users to have a major effect, he said.

“They'll percolate in these more shady areas.

### 2NC---AT: Nuke Terror !

### 2NC---AT: Emerging Tech !

#### Finish the emerging tech defense card

Sechser 19 – Todd S. Sechser, Public Policy Professor at the University of Virginia. Neil Narang, Political Science Professor at the University of California, Santa Barbara. Caitlin Talmadge, Security Studies Professor at Georgetown University. [Emerging technologies and strategic stability in peacetime, crisis, and war, Journal of Strategic Studies, 42(6), Taylor and Francis]

Yet the history of technological revolutions counsels against alarmism. Extrapolating from current technological trends is problematic, both because technologies often do not live up to their promise, and because technologies often have countervailing or conditional effects

that can temper their negative consequences. Thus, the fear that emerging technologies will necessarily cause sudden and spectacular changes to international politics should be treated with caution. There are at least two reasons to be circumspect.

First, very few technologies fundamentally reshape the dynamics of international conflict. Historically, most technological innovations have amounted to incremental advancements, and some have disappeared into irrelevance despite widespread hype about their promise. For example, the introduction of chemical weapons was widely expected to immediately change the nature of warfare and deterrence after the British army first used poison gas on the battlefield during World War I. Yet chemical weapons quickly turned out to be less practical, easier to counter, and less effective than conventional high-explosives in inflicting damage and disrupting enemy operations.6 Other technologies have become important only after advancements in other areas allowed them to reach their full potential: until armies developed tactics for effectively employing firearms, for instance, these weapons had little effect on the balance of power. And even when technologies do have significant strategic consequences, they often take decades to emerge, as the invention of airplanes and tanks illustrates. In short, it is easy to exaggerate the strategic effects of nascent technologies.7

Second, even if today’s emerging technologies are poised to drive important changes in the international system, they are likely to have variegated and even contradictory effects. Technologies may be destabilising under some conditions, but stabilising in others. Furthermore, other factors are likely to mediate the effects of new technologies on the international system, including geography, the distribution of material power, military strategy, domestic and organisational politics, and social and cultural variables, to name only a few.8 Consequently, the strategic effects of new technologies often defy simple classification. Indeed, more than 70 years after nuclear weapons emerged as a new technology, their consequences for stability continue to be debated.9

#### No impact to nano.

Jeremy **Shere 16**, a science writer who has written and produced for some of public radio's top nationally syndicated science programs, including Sound Medicine, Earth & Sky, and A Moment of Science. His work has appeared in Talking Points Memo, Reuters, Matter Network, The Jerusalem Report, Bloom, and Reform Judaism, among others. He is the author of Renewable: The World-Changing Power of Alternative Energy. Shere teaches journalism and magazine writing at the School of Journalism at Indiana University in Bloomington, “Grey Goo Attack”, 4/2/2016, http://indianapublicmedia.org/amomentofscience/grey-goo-attack-2/

Attack of the Killer Robots Nanotechnology scientists dream of some day creating robots the size of molecules, or even turning molecules into machines that could roam the human body and perform all sorts of useful tasks. But some nanotechnology theorists and science fiction aficionados imagine a more ominous possibility. What if one of these tiny robots were given the ability to self-replicate? All it would take is a single malfunction and the robots would consume everything in the galaxy as they multiply out of control until all that was left was a shapeless, robotic mass called “grey goo.” Worst Case Scenario Now, before you go heading for the hills with a year’s supply of water and a survival guide, understand that the death-by-robot scenario is just that—a scenario, and a pretty fanciful one to boot. First, we’re nowhere near the point of being able to create a self-replicating nano-machine. But even if such machines do one day exist, they would have a hard time taking over the universe for one simple reason: **fuel**.

[[MARKED]]

Even microscopic machines need an energy source. Inorganic matter such as rocks and minerals wouldn’t do the trick because they just **don’t contain stuff that the machines could break down and use for power.** But what if a mad scientist created a robot that fed on organic materials such as sunlight and living things? **Not to worry**. Natural life forms have had around four billion years of training to compete for resources; the killer robots probably **wouldn’t stand much of a chance** against such streamlined competitors. Plus, if the robots were made from organic materials, they might be **preyed on by bacteria or other predators.**

#### Biological weapon attacks are too complex --- terrorists will choose not to pursue or will fail

---at: anthrax

---at: crispr

Revill ‘17 [Dr. James Revill, Research Fellow with the Harvard Sussex Program at SPRU, Past as Prologue? The Risk of Adoption of Chemical and Biological Weapons by Non-State Actors in the EU, European Journal of Risk Regulation, 8 (2017), pp. 626–642, https://www.cambridge.org/core/services/aop-cambridge-core/content/view/6B824CDE0E25FD86AC3D0BD07822A743/S1867299X17000356a.pdf/div-class-title-past-as-prologue-the-risk-of-adoption-of-chemical-and-biological-weapons-by-non-state-actors-in-the-eu-div.pdf]

The second factor is “the perceived complexity of the innovation in terms of adoption and use”.40 This is important in the innovation literature, as Rogers remarked, “[t]he complexity of an innovation, as perceived by members of a social system, is negatively related to its rate of adoption”.41 Several scholars of terrorist innovation have also highlighted the issue of complexity;42 or, as Cragin et al have stated, “[h]ow simple or complex a technology appears affects perceptions of how risky it will be to adopt.”43 In most cases terrorist groups appear to have largely opted for the simplest pathway towards the achievement of their goals and the weapons used tend to be vernacular, functional devices drawing on local and readily-available materials, rather than sophisticated, “baroque” technologies. This is certainly the case with IEDs, the history of which is characterised largely by incremental innovations – although nevertheless frequently effective ones – with many means of delivery recycled from the past.44 Complexity can therefore be seen as important in the adoption of technology by terrorists generally, but is perhaps particularly acute in the case of CBW technology. Some CBW can be relatively simple: “chlorine-augmented, vehicle-borne IEDs,” as employed by Al-Qaeda in Iraq (AQI) from 2006 to 2007 are not sophisticated weapons.45 Attacks on chemical production facilities, an apparent tactic of Serbian forces in the early to mid-1990s,46 employed relatively simple technologies – specifically explosives – with toxicity a secondary by-product. Direct contamination of food,47 drink48 or healthcare products49 does not require particularly sophisticated technology for the purposes of delivery – although may require some considerable skill to culture and scale-up a biological agent – and has been a common approach in European CBW incidents.50 Similarly, the contamination of water systems, something familiar to Europe,51 can also be relatively easily attempted. However, in most cases such methods of dissemination have generated results that are far short of the “mass destruction” that CBW are associated with, although this does not mean such a possibility can be ignored by those working on public health preparedness. Although some relatively simple approaches could cause significant harm, mass casualty attacks still require considerable expertise, something particularly acute in the context of biological weapons.52 The most effective route to weaponising biology is arguably through the process of aerosolising agents, something recognised mid-way through the last century as opening up the theoretical possibility of using biological weapons on a gigantic scale.53 However, realising such theoretical potential is difficult and it took states decades to develop more predictable biological weapons,54 and even then such weapons were acutely vulnerable to environmental factors.55

[[MARKED]]

For non-state groups such complexity has proven a significant barrier to CBW development. By means of an example, one of the best-resourced biological weapons programs, that of Aum Shinrikyo, failed variously because the group acquired the wrong strain, contaminated fermenters and were faced with insurmountable production and dissemination difficulties.56 There are of course exceptions, such as the 2001 anthrax Letter Attacks in the US. However, if one accepts the conclusions of the FBI that this sophisticated attack with aerosolised anthrax in the US postal system was perpetrated by a US biodefence researcher, Dr Bruce Ivins,57 it is an exception that proves the rule. To circumvent the difficulties with aerosolisation, arguably one could use human-to-human transmissible biological agents as part of a suicide bioterror operation. There are good reasons for concern over how crude suicide bioterrorists could employ such a tactic. However, the use of highly contagious agents is also poorly predictable and would have to deal with social factors, such as the “spatial contact process among individuals”, which can spell “out the difference between large-scale epidemics and abortive ones”.58 The counter to this argument is the growing access to data and the changing human geography of the life sciences. Some 83% of European households reportedly are online, effectively allowing access to what is a growing body of available data on CBW, including so-called bioterrorist “recipes” and “blueprints” that are available in both mainstream scientific as well as more subversive literatures online. It is also clear that there is a changing human geography in European life sciences (for peaceful purposes), with the emergence of 30 DIY-bio groups located in Europe59 and some 80 European teams in the international Genetically Engineered Machines (IGEM) competition in 2016.60 This is compounded by reports that groups such as Daesh have deliberately sought to recruit foreign fighters “including some with degrees in physics, chemistry, and computer science, who experts believe have the ability to manufacture lethal weapons from raw substances”.61 Whilst it would be unwise to ignore such developments, there is a need for caution in looking at the extent to which new technologies and geographies will facilitate the adoption of chemical and biological weapons by groups seeking to target European countries. First, data is not information, and information is not knowledge, let alone the tacit knowledge required for CBW.62 In many cases a degree of determination and dedication will be required merely to separate online fantasy from fact and identify operationally useful information (of relevance to the European context) from nonsense (or information pertinent to contexts other than Europe). Second, with new technologies there is the potential for such tools to enable some, but certainly not all, actors, and even then new technologies bring new challenges. CRISPR, gene editing technology is currently seen as a particular source of promise and peril, which purportedly enables “even largely untrained people to manipulate the very essence of life”.63 As much may be technically true, yet “untrained people” would nonetheless require some guidance in identifying suitable areas of genetic structures to manipulate. Moreover, CRISPR would only get aspiring weaponeers so far, with the process of culturing, scaling-up and weaponisation still requiring considerable attention and interdisciplinary skills, typically generated through “large interdisciplinary teams of scientists, engineers, and technicians”,64 in order to be effective. Indeed, for all the progress in science and technology, biological weapons are still not used, in part, because of the complexity of such weapons; and the chemical weapons that are used today are largely the same as the chemical weapons of 100 years ago. As Robinson noted “It remains the case today that, in the design of CBW, increasingly severe technological constraint sets in as the mass-destruction end of the spectrum is approached: the greater and more assured the area-effectiveness sought for the weapon, the greater the practical difficulties of achieving it”.65

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### 2NC – Climate ! O/V

#### Prefer scientific consensus – now’s the last chance before countless catastrophic impacts become irreversible – encompasses all other impacts, making it try or die to avoid the disad

Åberg et al 10-5 (Anna Åberg, research analyst in the Environment and Society Programme of Chatham House, formerly served as desk officer at the Swedish Ministry for Foreign Affairs, MSc Development Studies, London School of Economics and Political Science, BSc Business and Economics, and Politics and Economics, Lund University; Antony Froggatt, deputy director and senior research fellow in the Environment and Society Programme of Chatham House; and Rebecca Peters, Queen Elizabeth II Academy Fellow in the Environment and Society Programme of Chatham House, doctoral candidate at the University of Oxford with the UK Foreign, Commonwealth and Development Office REACH Water Security programme, MSc Development Economics, MSc Water Science and Policy, Marshall Scholar; “Raising climate ambition at COP26,” Chatham House (the Royal Institute of International Affairs, London) Research Paper, October 2021, https://www.chathamhouse.org/sites/default/files/2021-10/2021-10-05-raising-climate-ambition-at-cop26-aberg-et-al-pdf.pdf)

01

Introduction

COP26 is the most important climate summit since COP21 in Paris in 2015. Over the past year, the global politics of climate change have shifted, with the election of President Joe Biden and the announcement of China’s carbon neutrality target.

Addressing climate change is the defining challenge of our time. Around the globe – and across the suite of UN organizations – there is widespread recognition of the urgency to reduce greenhouse gas (GHG) emissions and to prepare for a world that is, and will continue to be, severely impacted by climate change.

The foundational treaty of the international climate change regime – the United Nations Framework Convention on Climate Change (UNFCCC) – was adopted at the Rio Earth Summit in 1992.1 Its signatories agreed to ‘achieve… stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system’.2 The states that have ratified the UNFCCC meet annually at the ‘Conference of the Parties’ (COP) to assess and review the implementation of the convention.3 The COP has negotiated two separate treaties since the formation of the UNFCCC: the Kyoto Protocol in 1997, and the Paris Agreement in 2015.4

The Paris Agreement was adopted by 196 parties at COP21 in 2015 and entered into force less than a year later.5 The goals of the treaty are to keep the rise in the global average temperature to ‘well below 2°C above pre-industrial levels’, ideally 1.5°C; enhance the ability to adapt to climate change and build resilience; and make ‘finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development’.6 The agreement adopts a ‘bottom-up’ and non-standardized approach, where parties themselves set their national emission reduction targets and communicate these to the UNFCCC in the form of nationally determined contributions (NDCs).7

As things stand, the targets8 that were submitted in the run-up to COP21 are not sufficient, even if fully implemented, to limit global warming to 2°C, much less 1.5°C.9 The Paris Agreement was designed, however, to generate increased ambition over time via two components: a collective ‘global stocktake’ during which progress towards Paris Agreement goals is assessed based on country reporting,10 and the ‘ratchet mechanism’, which encourages countries to communicate new or updated NDCs every five years, with the expectation that ambition will increase over time.11 The results of the stocktake are scheduled to be released two years before NDC revisions are made.12 This sequencing is designed to allow national plans to account for the global context of the climate assessment. The first global stocktake is to be conducted between 2021 and 2023, and will be repeated every five years thereafter.13 The results of the first stocktake are due to be published around COP28.

We really are out of time. We must act now to prevent further irreversible damage. COP26 this November must mark that turning point.14 UN Secretary-General António Guterres, 16 September 2021

The 26th Session of the Conference of the Parties (COP26) to the UNFCCC is to be hosted by the UK, in partnership with Italy. After a year-long delay, the conference is now scheduled to take place in Glasgow, Scotland, between 31 October and 12 November 2021.15 Organizing an in-person event during a pandemic presents a substantial challenge. The UK government is providing vaccines to accredited delegations, but doses only started to be delivered at the beginning of September 2021 and restrictions, such as quarantine requirements,16 pose further obstacles to participation.17 An alliance of 1,500 civil society organizations are among those calling for a second postponement of the COP, citing concerns about a lack of plans to enable safe and inclusive participation of delegates from, not least, the Global South.18 The UK government is, however, adamant that it will proceed with the conference as planned.19

The pandemic has changed understandings of global risks, the interconnected nature of economies and the role of governments in preparing for and responding to existential threats. This may provide impetus for accelerated climate action. The postponement of COP26 itself has been of considerable significance. Over the past year, the global politics of climate change have shifted, with the election of President Joe Biden and the announcement of China’s climate neutrality target being particularly important. Moreover, the economic recovery packages that are being rolled out to counter the economic consequences of the pandemic present an opportunity to accelerate the green transition.20 To date, however, the members of the G20 have prioritized investments in fossil fuels above those in clean energy,21 and only 10 per cent of the global expenditure is estimated to have been allocated to projects with a net positive effect on the environment.22

COP26 is the most important climate summit since COP21 in Paris, and it differs from earlier COPs in several ways: it is the first test of the ambition-raising ratchet mechanism and marks a shift from negotiation to implementation. An ambitious outcome at COP26 requires substantial action to be taken before the summit – and outside the remits of the UNFCCC process – as well as at the actual conference.

Human activity has already caused the global average temperature to rise by around 1.1°C above pre-industrial levels, and every additional increase in warming raises the risks for people, communities and ecosystems. To avoid the most catastrophic climate change impacts, it is essential world leaders make every effort to limit warming to 1.5°C. Working group I of the Sixth Assessment Report of the IPCC shows it is still possible to keep warming to this critical threshold, but that unprecedented action must be taken now.23 As John Kerry, special presidential envoy for climate, stated, ‘[t]his test is now as acute and as existential as any previous one’.24

COP26 has a critical role in getting the world on track for a 1.5°C pathway, and in supporting those most affected by climate change impacts. It also constitutes a key test for the credibility of the Paris Agreement and the UNFCCC process overall. But what can and should the Glasgow summit achieve more specifically? The objective of this paper is to discuss what a positive outcome at COP26 would entail, with the dual aims of encouraging increased ambition and contributing to an informed public debate. The main argument put forth is that substantial progress must be made in three main areas, namely on increasing the ambition of NDCs; enhancing support to and addressing concerns of climate-vulnerable developing countries; and advancing the Paris Rulebook to help operationalize the Paris Agreement.

COP26 is undoubtedly hugely significant and national government pledges in the run-up to Glasgow will contribute to shaping the level of future GHG emissions. However, the event is not only critical in terms of reaching an ambitious outcome on climate, it is also an important opportunity to judge the level of confidence in the international process and the UNFCCC.

02

Increasing the ambition of the NDCs

A key element of COP26 will be the level of ambition of the revised NDCs put forward by governments to the UNFCCC and the extent to which these keep the 1.5°C global warming target agreed in Paris within reach.

According to the United Nations Environment Programme (UNEP), greenhouse gases (GHGs) in 2019 totalled 52.4 gigatonnes of CO₂ equivalent (GtCO₂e)25 of which the majority was CO₂ (38 Gt), then methane (9.8 Gt), nitrous oxide (2.8 Gt) and F-gases (1.7 Gt).26 The same year, GHG emissions were approximately 59 per cent higher than in 1990 and 44 per cent higher than in 2000.The six largest emitters – together accounting for 62 per cent of the global total – were China (26.7 per cent), the US (13 per cent), the EU (8 per cent), India (7 per cent), Russia (5 per cent) and Japan (3 per cent) (see Figure 1).27

**[FIGURE 1 OMITTED]**

According to UNEP, the implementation of the first round of NDCs would result in an average global temperature increase of 3°C above pre-industrial levels by the end of the century, with further warming taking place thereafter. If these NDC’s were fully implemented, emission levels are expected to be in the range of 56 GtCO2e (with unconditional NDCs) to 53 GtCO₂e (with conditional NDCs) by 2030.28 To align with a 2°C pathway, the ambition of the second round of NDCs would need to triple relative to the original targets, leading to emissions levels of around 41 GtCO₂e in 2030. Alignment with the 1.5°C target would require a fivefold increase in ambition, leading to emission levels around 25 CO₂e in 2030 (see Figure 2).29

**[FIGURE 2 OMITTED]**

The Paris Agreement states that parties shall communicate an NDC every five years,30 and that each submission shall constitute a progression in terms of ambition.31 Parties conveyed their first round of targets prior to COP21, and were due to submit new or updated plans in 2020.32 COP26, originally scheduled for November 2020, would then take stock of the collective level of ambition of these plans vis-à-vis the temperature targets of the Paris Agreement. The postponement of the COP by one year has in practice (albeit not formally) extended the deadline for submitting NDCs to ‘ahead of COP26’.

Where do we stand?

The delay of COP26 has given countries more time to put forward NDCs and longer-term decarbonization targets. This effort gained significant traction when China pledged to achieve carbon neutrality by 2060 and peak its emissions before 2030, during the general debate of the 75th Session of the UN General Assembly (UNGA) in September 2020.33 Then, in November 2020, the UK submitted its NDC, pledging a 68 per cent reduction in emissions by 2030 (based on 1990 levels)34 and later added a 2035 target of 78 per cent.35 The EU has, moreover, put forward a 55 per cent reduction target relative to 1990 levels,36 with some countries within the bloc going even further, including Germany, which agreed on a 65 per cent reduction target.37

The election of President Biden has fundamentally changed the US’s position on climate change, leading to, among other things, the country re-joining the Paris Agreement.38 At a specially convened Leaders Summit on Climate – hosted by the US – the Biden administration presented an NDC with an emission reduction target of 50–52 per cent39 (based on 2005 levels, which is equivalent to 40–43 per cent below 1990 levels40). During the summit, countries including Canada, Japan and others pledged more ambitious NDC targets.41

While there is more pressure on governments to act on climate change, due to its increasingly devastating impacts, there are also more opportunities for carbon mitigation through available alternative technologies and systems, as well as falling renewable energy costs (see Box 2).

Table 1 details the NDC targets put forward by G20 countries prior to COP21 in Paris and the extent to which these have since been revised. The updated NDCs have been assessed by the independent body, Climate Action Tracker, which has analysed to what extent the NDCs align with the 1.5°C pathway. The analysis also looks at domestic policies and actions, which are important as they provide an indication of whether governments are following through on their promises.

**[TABLE 1 OMITTED]**

As of September 2021, 85 countries and the EU27 had submitted new or updated NDCs, covering around half of global GHG emissions. Some parties, like China and Japan, have proposed new targets but not yet submitted them formally while around 70 parties – including G20 countries like India, Saudi Arabia and Turkey – have neither proposed nor communicated a revised NDC target. Several parties have, moreover, submitted new NDCs without increasing ambition. These include Australia, Brazil, Indonesia, Mexico, New Zealand, Russia, Singapore, Switzerland and Vietnam.42 In some of these cases, adjustments in baselines mean that ambition has de facto decreased (Brazil and Mexico).43 Analysis published by Climate Action Tracker in September 2021 shows that the NDC updates only narrow the gap to 1.5°C by, at best, 15 per cent (4 GtCO₂e). This leaves a large gap of 20–23 GtCO₂e.44

Similar analysis from the UN underscores the need for further NDC enhancements.45 If all current NDCs are implemented, total GHG emissions (not including emissions associated with land use) in 2030 are projected to be 16.3 per cent higher than in 2010, and 5 per cent higher than in 2019. The emissions of the parties that have submitted new or updated NDCs are, however, expected to fall by around 12 per cent by the end of the decade, compared to 2010 levels. The UN report also highlights the importance of providing support to developing countries, as many of these have submitted NDCs that are – at least in part – conditional on the receipt of additional financial resources, capacity-building support, and technology transfer, among other things. If such support is forthcoming, global emissions could peak before 2030, with emission levels at the end of this decade being 1.4 per cent lower than in 2019. However, even the full implementation of both the unconditional and conditional elements of the NDCs would lead to an overshoot of the targets of the Paris Agreement – as alignment with 1.5°C and 2°C require cuts of 45 per cent and 25 per cent, respectively, by 2030 (relative to 2010 levels).46

A large number of countries are also making more long-term net zero emissions or carbon neutrality pledges. As of September 2021, just over 130 countries had made such commitments, but not all of them have formally presented them to the UNFCCC.47 Examples include large economies like China, Japan, Brazil, the US, South Africa, South Korea, and the EU, as well as climate-vulnerable developing countries like the Marshall Islands, Barbados, Kiribati and Bangladesh.48 Climate Action Tracker estimates that if these long-term targets – and the NDCs – are fully implemented, global warming could be limited to 2°C.49 Most of the net zero pledges are, however, formulated in vague terms that are not consistent with good practice. The long-term targets are, moreover, only credible if they are backed up by ambitious and robust 2030 NDCs,50 given that substantial cuts in emissions must occur this decade. An additional concern that has been raised when it comes to net zero pledges is that they may encourage reliance on negative emissions technologies, such as bioenergy with carbon capture and storage (BECCS), which have still to be tested at scale to assess land requirement, efficiency and economic viability.51

**[BOX 1 OMITTED]**

The challenge of closing the gap

Bridging the gap between current NDCs and targets that would keep warming to 1.5°C is a defining challenge for governments ahead of COP26. As mentioned, UNEP estimates that the ambition of 2030 targets would need to be enhanced fivefold vis-à-vis pledges made in 2015 to align with a 1.5°C pathway.53 Several large emitters – including the US and the EU – have now submitted their new or updated NDCs. According to Climate Action Tracker, the UK’s target is considered to be compatible with a 1.5°C pathway, while those of the US, EU, Japan and Canada are classified as ‘almost sufficient’.54

It is critical that all countries that have not yet submitted a new or updated NDC do so, and that these pledges are aligned with 1.5°C. It is equally important that countries that have submitted unambitious NDCs revisit their targets. The Paris Agreement states that parties may revise existing NDCs at any time, if the purpose is to enhance ambition.55 The G20 countries have a particularly important role to play. In July 2021, the Italian G20 presidency hosted the first ever G20 Climate and Energy Ministerial meeting. In the final communique the countries in the G20 stated that they ‘intend to update or communicate ambitious NDCs by COP26’.56 The importance of action from all members of the G20 is clear, as they collectively account for 80 per cent of global emissions and as UN Secretary-General António Guterres said, ‘there is no pathway to this [1.5°C] goal without the leadership of the G20’.57

With only a few weeks to go it is, however, unlikely that the 20–23 GtCO₂e gap in targets will be closed by COP26. At the UK-hosted COP26 ministerial in July, a number of ministers stressed that parties would need to respond to any gap remaining by the Glasgow conference. Some suggested that such a response could include a ‘clear political commitment’ to keep 1.5°C within reach, a recognition of the gap, and a plan to bridge it. More specific proposals of actions that could be taken, as part of the response, to keep the 1.5°C pathway alive were also discussed. Suggestions included, but were not limited to, encouraging countries whose NDCs are not consistent with 1.5°C to bring their 2030 targets in line before 2025 (when the third round of NDCs are due); calling for parties to submit concrete long-term strategies for reaching net zero; and/or sending clear signals to markets through actions like phasing out unabated coal, carbon pricing, fossil fuel subsidy reform, nature-based solutions, and decarbonizing transport.58

Achieving a positive COP26 outcome

The ultimate benchmark for a high ambition outcome at COP26 is whether the new or updated NDCs are ambitious enough to align with a 1.5°C pathway. For many communities and ecosystems, the threat of different climate impacts between 1.5°C and 2°C – not to mention 3°C, 4°C or 5°C – is existential. Each increment of warming is anticipated to drive increasingly devastating and costly impacts, including extreme heatwaves, rising sea levels, biodiversity loss, reductions in crop yields, and widespread ecosystems damage including to coral reefs and fisheries.59

Keeping the goal of 1.5°C within reach will require substantial action this decade. Long-term targets to achieve net zero emissions or carbon neutrality have the potential to be powerful drivers of decarbonization but need to be supported by ambitious NDCs as well as concrete policies and sufficient investment.

Should we reach COP26 without sufficient ambition on NDCs, parties would need to present a plan for how ambition will be raised in the early 2020s. This could include a COP decision or a political statement underscoring the need to keep warming to 1.5°C and inviting parties to revisit their NDCs earlier than the Paris timetable dictates (for instance in 2023 instead of 2025).60 To support more ambitious action, countries should look to expand international collaboration and accelerate decarbonization in key sectors. At COP26, parties can help boost the credibility of their pledges by showcasing policies, measures and sector initiatives that will accelerate decarbonization, including on the phase out of unabated coal and the increased use of electric vehicles (see Box 3).

**[BOX 2 OMITTED]**

**[FIGURE 3 OMITTED]**

In the run-up to COP26, the UK government is mobilizing its counterparts and non-state actors to drive accelerated action on phasing out the use of unabated coal,65 accelerating the deployment of electric vehicles,66 protecting and restoring nature (nature-based solutions67), and aligning financial flows with the goals of the Paris Agreement.68 The role of the private sector is crucial in the transition to net zero economies and is recognized within the framework of the UNFCCC, as they can deliver funding, innovation and technology deployment at a pace and scale beyond that of most governments (see Box 1). It is hoped that some of these initiatives will lead to plurilateral agreements at or ahead of COP26, which could enhance the credibility of mitigation pledges and help keep the 1.5°C target within reach. Being able to showcase a package consisting of ambitious NDCs, plurilateral deals, and national policies at COP26 could generate positive momentum and create a sense of inevitability around the transition to net zero societies.

**[BOX 3 OMITTED]**

03

Support to climate-vulnerable developing countries

Increased action on climate finance, adaptation, and loss and damage is critical for supporting climate-vulnerable developing countries, strengthening trust and raising ambition on mitigation.

The year 2020 was one of the warmest on record.80 As COVID-19 ravaged the world, extreme weather events continued to cause severe devastation. In Bangladesh, torrential rains submerged a quarter of the country,81 resulting in hundreds of deaths, mass displacement and damage to more than a million homes.82 Record-breaking floods in Sudan83 and Uganda84 also displaced hundreds of thousands, while super cyclone Amphan raged across South Asia.85 Extreme weather events were also a defining feature of the summer of 2021.

An unprecedented heatwave may have killed almost 500 people in British Columbia,86 as well as a billion marine animals along the Canadian coastline.87 In the Chinese province of Henan people drowned in the subway after a year’s worth of rain fell in just three days.88 Germany and Belgium also experienced death and destruction as a result of severe flooding,89 while villages in Greece burned.90

The impacts of climate change are striking even harder than many anticipated,91 and as temperatures continue to rise extreme weather events are increasing in both frequency and intensity. Limiting global warming to 1.5°C is key to avoiding the most catastrophic events, but substantial measures must also be undertaken to adapt to climate change impacts and build resilience. As the summer of 2021 shows, no country is spared. It is, however, those who have emitted the least that are most at risk,92 and in many countries that are disproportionately affected by climate change – such as the least developed countries (LDCs)93 – financial constraints impede their ability to invest in adaptation, build resilience and deal with loss and damage.94 COVID-19 has aggravated this challenge: while industrialized countries have implemented unprecedented stimulus measures to support their economies – and vaccinated large parts of their populations – many developing countries remain in the midst of a health and economic catastrophe.

Scaled up action on climate finance, adaptation and loss and damage are – in addition to increased ambition on mitigation – key priorities for climate-vulnerable nations ahead of COP26. Raised ambition and concrete delivery in these areas are critical for supporting those at the frontline of climate change, key to building trust, and could encourage some parties to raise the ambition of their NDC pledges. The implementation of many NDCs is, in addition, at least partly conditional upon receiving increased levels of finance, as well as other types of support.95

Honouring the $100 billion goal

In 2009, developed countries committed to mobilizing $100 billion per year by 2020 for climate mitigation and adaptation in developing countries.96 This pledge was subsequently formalized in the Cancun Agreements in 201097 and reaffirmed in the Paris Agreement in 2015. The resources provided were to be ‘new and additional’98 and come from a variety of public and private sources.99 The $100 billion goal is a core element of the bargain underpinning the Paris Agreement.100 While achieving the mitigation and adaptation goals of the agreement will require trillions of dollars in investment – of which most will need to come from the private sector – the delivery of the $100 billion is critical to building trust between developed and developing countries,101 and is important for raising ambition on mitigation.102

The OECD estimates that $79.6 billion was mobilized in 2019, which is the most recent year for which official figures are available.103 In 2018, the figure was $78.9 billion, and in 2017 it was $71.2 billion.104 Though the verified figures for 2020 will not be available until 2022, it is clear the target was missed.105

Developed countries have, moreover, not yet been able to show that the pledge will be honoured in 2021, nor demonstrate conclusively how it will be met in the 2022–24 period.106

The pledge by developed nations to mobilize $100 billion to developing nations by 2020 is a commitment made in the UNFCCC process more than a decade ago. It’s time to deliver. How can we expect nations to make more ambitious climate commitments for tomorrow if today’s have not yet been met?107

Patricia Espinosa, 23 July 2021

How the goal is achieved matters. Only around one-fifth of bilateral climate finance is allocated to the LDCs,108 and locally led projects receive low priority.109 There are also concerns related to overreporting and lack of additionality. Oxfam estimates, for instance, that 80 per cent of public climate finance provided over the 2017–18 period took the form of loans or other non-grant instruments, and that the actual grant equivalent only accounted for around half of the total amount of finance reported.110 Furthermore, the Center for Global Development has found that almost half of the climate finance reported between 2009 and 2019 cannot be considered ‘new and additional’.111 There is, finally, an urgent need to close the adaptation finance gap (see next section),112 and facilitate access to finance.113

It is widely recognized that honouring the $100 billion goal is a prerequisite for success at COP26.114 The hitherto failure of developed countries to provide clarity on the issue is creating mistrust between countries,115 with the director of the International Centre for Climate Change and Development (who is also an adviser to the climate-vulnerable countries) conveying that, ‘if the money is not delivered before November, then there is little point in climate-vulnerable nations showing up in Glasgow to do business with governments that break their promises’.116 The chair of the LDC Group has also made it clear that, ‘[t]here will be no COP26 deal without a finance deal’. 117

The G7 countries play a critical role in mobilizing the $100 billion,118 and there was a hope that G7 leaders would increase their bilateral commitments substantially – and provide clarity on the $100 billion119 – when they convened in Cornwall in June 2021. Some new pledges were made. Canada, for instance, committed to doubling its climate finance through to 2025 (to CAD $5.3 billion), and Germany pledged to increase its annual commitments from €4 billion to €6 billion by 2025 at the latest.120 The G7 members collectively also committed to ‘each increase and improve’ their public climate finance contributions, and announced they would develop a new international initiative – ‘Build Back Better for the World’121 – the details of which have yet to be fleshed out. However, many developing country officials – and many observers worldwide – expressed disappointment with the summit outcome, with the climate minister of Pakistan describing the G7 commitments as ‘peanuts’.122

Several announcements on climate finance were also made during the 76th Session of the UNGA in September 2021. Most importantly, President Joe Biden pledged to double US climate finance (again) from the previously committed $5.7 billion to $11.4 billion per year by 2024. Actual delivery is, however, contingent on congressional approval.123 The EU – which already contributes around $25 billion in climate finance per year – also stepped up, announcing an additional €4 billion until 2027,124 while Italian Prime Minister Mario Draghi conveyed that Italy would shortly be announcing a new climate finance commitment.125 Though the US pledge in particular has been described as a critical step forward that ‘puts the $100 billion within reach’,126 more will need to be done.127

$100 billion is a bare minimum. But the agreement has not been kept. A clear plan to fulfil this pledge is not just about the economics of climate change; it is about establishing trust in the multilateral system.128

António Guterres, 9 July 2021

#### AND, expectations of resource conflict alone makes nuclear war inevitable in the short term

Dr. Michael T. Klare 20, Five Colleges Professor of Peace and World Security Studies at Hampshire College, Ph.D. from the Graduate School of the Union Institute, BA and MA from Columbia University, Member of the Board of Director at the Arms Control Association, Defense Correspondent for The Nation, “How Rising Temperatures Increase the Likelihood of Nuclear War”, The Nation, 1/13/2020, https://www.thenation.com/article/archive/nuclear-defense-climate-change/

Climbing world temperatures and rising sea levels will diminish the supply of food and water in many resource-deprived areas, increasing the risk of widespread starvation, social unrest, and human flight. Global corn production, for example, is projected to fall by as much as 14 percent in a 2°C warmer world, according to research cited in a 2018 special report by the UN’s Intergovernmental Panel on Climate Change (IPCC). Food scarcity and crop failures risk pushing hundreds of millions of people into overcrowded cities, where the likelihood of pandemics, ethnic strife, and severe storm damage is bound to increase. All of this will impose an immense burden on human institutions. Some states may collapse or break up into a collection of warring chiefdoms—all fighting over sources of water and other vital resources.

A similar momentum is now evident in the emerging nuclear arms race, with all three major powers—China, Russia, and the United States—rushing to deploy a host of new munitions. This dangerous process commenced a decade ago, when Russian and Chinese leaders sought improvements to their nuclear arsenals and President Barack Obama, in order to secure Senate approval of the New Strategic Arms Reduction Treaty of 2010, agreed to initial funding for the modernization of all three legs of America’s strategic triad, which encompasses submarines, intercontinental ballistic missiles, and bombers. (New START, which mandated significant reductions in US and Russian arsenals, will expire in February 2021 unless renewed by the two countries.) Although Obama initiated the modernization of the nuclear triad, the Trump administration has sought funds to proceed with their full-scale production, at an estimated initial installment of $500 billion over 10 years.

Even during the initial modernization program of the Obama era, Russian and Chinese leaders were sufficiently alarmed to hasten their own nuclear acquisitions. Both countries were already in the process of modernizing their stockpiles—Russia to replace Cold War–era systems that had become unreliable, China to provide its relatively small arsenal with enhanced capabilities. Trump’s decision to acquire a whole new suite of ICBMs, nuclear-armed submarines, and bombers has added momentum to these efforts. And with all three major powers upgrading their arsenals, the other nuclear-weapon states—led by India, Pakistan, and North Korea—have been expanding their stockpiles as well. Moreover, with Trump’s recent decision to abandon the Intermediate-Range Nuclear Forces (INF) Treaty, all major powers are developing missile delivery systems for a regional nuclear war such as might erupt in Europe, South Asia, or the western Pacific.

### Turns inequality

#### Newest provisions solve long-term inequality

Lew 11/14 Jacob J. Lew served as U.S. Treasury Secretary from 2013 to 2017, November 14th 2021, 1:03 PM “Op-ed: Biden’s Build Back Better agenda will lead to a more fair and equitable economy, without adding to the deficit” https://www.cnbc.com/2021/11/14/op-ed-bidens-build-back-better-agenda-will-lead-to-a-more-fair-and-equitable-economy-without-adding-to-the-deficit.html

Congress is on the verge of passing legislation to implement critical parts of President Joe Biden’s Build Back Better initiative. Many core provisions, like expanded child care and universal pre-K, would help Americans make real progress on easing the pathway to work and expanding opportunity, now and in the future. Investments in education, health, housing, and the care economy are crucial both to address the damage that inequality does to our society and to lessen the economic costs of the current imbalance.

However, some question the scope of Build Back Better and take issue with its price tag. I am sympathetic to concerns being raised about whether we can afford this spending but I am confident that we can.

As the Congressional Budget Office scores this legislation in the coming days, lawmakers may find it necessary to make some adjustments at the margins. But some would raise the bar higher, by making speculative projections that assume a future Congress will extend temporary policies without raising additional revenue or cutting spending. That would be a mistake.

I spent much of my career trying to ensure the United States budget worked for those struggling to make ends meet in a fiscally responsible way, and that often meant finding compromises to moderate spending or raise additional revenue. When I was Director of the Office of Management and Budget in the 1990s, we balanced the budget — not for one year, but for three in a row — while expanding health-care coverage to millions of kids as part of the Balanced Budget Agreement.

Since then, our nation has followed a different fiscal path. Successive tax cuts for the wealthiest individuals added to our deficits, and so too did spending on crisis response — appropriately so — and other priorities. During the most difficult days of the Covid-19 economic crisis, I supported efforts to increase the debt to provide emergency relief to vulnerable families and businesses and spur a recovery. The economic bounce and significant reductions in poverty that followed show that was the right decision.

In contrast, long-term investments like those in the Build Back Better Act should be paid for. And that is just what the pending legislation does, raising revenue through modest tax changes and by funding the Internal Revenue Service to enforce our tax laws and requiring everyone, including many wealthy Americans, to play by the same rules as working men and women and report all their income when they pay their taxes. If all reportable income was included in tax returns, we would collect some $600 billion in additional revenue annually. This “tax gap” is both expensive and unfair. Experts at the IRS and Treasury Department agree that with vital investments to restore historically underfunded enforcement efforts, new revenue is likely to exceed the conservative estimates of congressional scorekeepers. Just as importantly, it will restore a level playing field so those who comply with tax laws are not at a competitive disadvantage compared to those who cheat.

### AT: US Not Key

#### US is key to Glasgow follow-through

Milman 21 (Oliver Milman, environment reporter for Guardian US, BA Media Writing, Solent University; **internally citing Linda Mearns, IPCC report co-author, and Leah Stokes, a climate policy expert at the University of California, Santa Barbara**; “UN climate report raises pressure on Biden to seize a rare moment,” The Guardian, 8-10-2021, https://www.theguardian.com/us-news/2021/aug/10/un-climate-report-joe-biden-us-response)

A stark UN report on how humanity has caused unprecedented, and in some cases “irreversible”, changes to the world’s climate has heaped further pressure on Joe Biden to deliver upon what may be his sole chance to pass significant legislation to confront the climate crisis and break a decade of American political inertia.

The US president said the release on Monday of the Intergovernmental Panel on Climate Change report showed that “we can’t wait to tackle the climate crisis. The signs are unmistakable. The science is undeniable. And the cost of inaction keeps mounting.”

The IPCC report, developed over the past eight years by scientists who combed over more than 14,000 studies, shows that the US, like the rest of the world, is running out of time to avoid disastrous climate impacts, with a critical global heating threshold of 1.5C to be breached far earlier than previously expected, potentially within a decade.

“This is not a future problem, it’s a problem now. I’m literally seeing climate change out of my window, climate change is in my lungs,” said Linda Mearns, an IPCC report co-author located in Boulder, Colorado, which has been baked in extreme heat and wildfire smoke in recent weeks.

Mearns, who has been involved in IPCC reports since 1990, said the latest iteration was “very through and disturbing” and demanded a strong response. “I’m not sure what will be required for people to get it, but my hope is that it will galvanize everyone in Glasgow to meet their agreements,” she added in reference to UN climate talks between world leaders in October.

Much of that global action will hinge upon the response mustered by the US, the world’s second-largest carbon emitter. Biden’s narrow window of opportunity to drastically cut emissions is dependent upon the contents of a $3.5tn bill that Democrats hope to pass before midterm elections next year, when the party may well lose control of Congress.

“Congress didn’t pass a climate bill in 2009 and it’s taken over a decade to get us back to serious climate legislation,” said Leah Stokes, a climate policy expert at the University of California, Santa Barbara. “This summer is the best chance we have ever had to pass a big climate bill. This is it. President Biden is poised to become the climate president we need. But there are no more decades left to waste.”

Stokes said she was “very optimistic” the reconciliation bill would include two critical climate measures to help the US slash its emissions in half this decade – a scheme to help utilities to phase out fossil fuels from the electricity grid and tax credits to encourage renewable energy and electric cars.

The measures will need the support of all Senate Democrats, including Joe Manchin and Kyrsten Sinema, who have expressed doubts over the scope of the bill. Republicans, who have long allied with the fossil fuel industry to oppose any significant action to avert the climate emergency, are uniformly opposed to the bill.

### AT: LDCs Not Key

#### Biden’s climate financing is key to Glasgow and global mitigation – developing countries’ emissions are key

Dalton 10-18 (Matthew Dalton, Reporter at The Wall Street Journal, “To Strike a Climate Deal, Poor Nations Say They Need Trillions From Rich Ones,” WSJ, 10-18-2021, https://www.wsj.com/articles/to-strike-a-climate-deal-poor-nations-say-they-need-trillions-from-rich-ones-11634568010)

At the end of the month, negotiators from nearly every country will meet in Glasgow, Scotland, for a two-week climate summit, the first major gathering since governments signed the Paris accord in 2015. The goal is to strike a deal to keep the climate targets of the Paris agreement within reach.

Without poorer countries on board, the world stands little chance of preventing catastrophic climate change, say many climate scientists. Emissions in the U.S. and Europe are falling as both regions push to adopt renewable energy and phase out coal-fired electricity. But emissions in the developing world are expected to rise sharply in the coming decades as billions rise out of poverty—unless those economies can shift onto a lower-carbon path.

Before signing on, poorer countries are demanding a big increase in funding from the developed world to adopt cleaner technologies and adapt to the effects of climate change such as rising sea levels and more powerful storms.

Bangladesh says it needs cyclone-resistant housing. Kenya wants its countryside dotted with solar farms instead of coal or natural gas-fired plants. India says its climate-change plan alone will cost more than $2.5 trillion through 2030.

“We cannot be talking about ambition on the one hand, and yet you show no ambition on finance,” said Mr. Fakir who is coordinating climate finance policies for the Group of 77, a coalition of developing nations.

Developed nations say it is unrealistic to put them on the hook for such a large sum without also getting middle-income countries—China in particular—to provide funds. In Paris in 2015, the U.S., Europe and a few other wealthy nations committed to funding poorer countries to the tune of $100 billion a year from 2020 through 2025. They have so far fallen short.

Developing-world negotiators say the money isn’t financial aid. Rather, they say wealthy countries have a responsibility to pay under the U.N. climate treaties because most of the Earth’s warming since the industrial era is the result of emissions from the rich world. Moreover, poor nations now face the task of raising living standards without burning fossil fuels unchecked as the U.S. and other rich nations did for almost two centuries.

“If you’re going to ask a much poorer country to forgo that option, then there is a moral claim that they need support to go on a lower emissions development pathway,” said Joe Thwaites, a climate-finance expert at the World Resources Institute, an environmental think tank.

Even developed countries are struggling with the transition to renewables. A surge in demand for power from nations recovering from the pandemic has forced governments to lean on fossil fuels; though investment in renewables has increased, it accounts for only about a quarter of the world’s power.

Western officials say the Glasgow negotiations need to focus first on how to raise enough money to meet the Paris goal. Then they are planning to begin talks on a finance goal for after 2025. That sum is expected to be too large to pay from the government budgets of rich nations alone, officials say. Instead they are counting on private investors to pick up most of the bill.

“There isn’t enough official development funds in the system to close the gap of climate finance,” said Gustavo Alberto Fonseca, director of programs at the U.N.’s Global Environment Facility, which funds climate infrastructure in the developing world. “There has to be a market-based solution.”

Developing nations want a big portion of the money to come as government grants, not loans from private investors that would saddle them with debt. They’re demanding control over how the money is spent, wary of dictates from wealthy governments and financiers in the U.S. and Europe.

The developing world also questions whether the U.S. is committed to delivering its portion of the funds over the long haul. The Biden administration has pledged to double climate funding to developing countries to $11.4 billion annually by 2024, which would make the U.S. by far the biggest single benefactor. President Donald Trump reneged on previous promises the Obama administration made to finance the Green Climate Fund, the U.N.’s main vehicle for delivering money to the developing world, saying the fund “was costing the United States a vast fortune.”

### AT: No Climate Financing to LDCs

### AT: Won’t Pass – T/L

### AT: Compartmentalized

#### Compartmentalization wrong – prefer ev specific to Biden and antitrust.

* 2A’s love “no spillover” – but this ev expressly says pushing antitrust cannot exist in a vacuum relative to other priorities.
* Makes a budget link – which applies bc Affs include perceived spending.

Foer ‘21

Bert Foer – Former Assistant Director and Acting Deputy Director of the Federal Trade Commission’s Bureau of Competition. Senior Fellow, American Antitrust Institute (AAI), Washington, DC. Foer is a graduate of the University of Chicago Law School, where he was an associate law review editor. He also earned an A.B. (magna cum laude) from Brandeis University and an M.A. in political science from Washington University. – “COMPETITION POLICY UNDER THE NEW ADMINISTRATION” – Concurrences – #1 - Feb 15, 2021 - #E&F -https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en#dunlop

3. Antitrust does not float in a vacuum. The Biden administration’s antitrust policies must somehow be fitted into the larger picture of the massive challenges this administration will be facing: first, ending the pandemic; second, reopening and rebuilding the economy after a year of on-again, off-again close-downs; third, entering into a more diplomatic international mode; fourth, addressing the magnified problems of poverty, welfare, racial injustice, immigration, health care, education, and physical and environmental infrastructure; and maybe fifth, figuring out how to handle such competition policy issues as industrial concentration, high-tech platforms, the loss of small and medium-sized businesses, privacy and data security, labor in an evolving sharing sector, and more.

4. Other observers may order their list of the administration’s priorities differently, but it appears to me that the problems of antitrust will largely be problems of a more encompassing competition policy nature involving multiple decision makers, and they will necessarily be relatively low on the administration’s overall agenda, no matter which party controls the Senate. Moreover, at a time when so much will have to be spent on rebuilding the economy, budgets for each component of competition policy may be tight. I am not a deficit hawk, but we are probably going to have to give more attention to efficiencies in the overall governance of competition policy.

### UQ

#### Sinema, House centrists and progressives are on board – PC will swing Manchin

Raju 11-12 (Manu Raju, CNN Chief Congressional Correspondent, “As Biden agenda hinges on Manchin, House progressives look to 'deescalate' tension,” CNN Politics, 11-12-2021, https://www.cnn.com/2021/11/12/politics/joe-manchin-relationship-progressives/index.html)

The episode illustrated the efforts by a group of House and Senate progressives to work behind the scenes to build goodwill with the Senate's most unpredictable moderate, who has the power to sink President Joe Biden's expansive agenda -- and many progressive priorities -- simply by pointing his thumb down. Manchin has made clear he won't be jammed, even holding a press conference last week balking at the demands made by progressives that he publicly endorse Biden's $1.75 trillion framework.

In private, Manchin has had cordial conversations with the House's progressive caucus chair, Rep. Pramila Jayapal of Washington state, but he has also informed her that she doesn't have leverage over him, according to sources familiar with the matter. And he's shown little willingness to bend as he's been grilled by Senate progressives, such as New York Sen. Kirsten Gillibrand, in tense discussions over including paid family leave in the larger plan, which he continues to oppose, according to people who have spoken with him.

After months of intense scrutiny on his positions, Manchin now stands poised to have the final word on Biden's agenda, assuming House Democratic leaders can muscle through their version of the Build Back Better plan, which stands at roughly $1.9 trillion, as soon as next week.

Then the focus will shift squarely to what Manchin will accept, an open question as he has for months called on his party to hit the brakes. He raised concerns that a multi-trillion bill could add to the country's inflation woes, pushed back on provisions to reduce methane emissions, opposed a Medicare expansion, demanded changes to the tax provisions in the House proposal and resisted measures aimed at helping undocumented immigrants.

And if he cuts a deal, House progressives almost certainly will be forced to swallow it.

So rather than publicly berating him and demanding he agree to their priorities, many Democrats say the way to win him over is to give him space, avoid the personal attacks, engage in an open dialogue with him and let him ultimately come to a conclusion that passing the bill is crucial not just for the President's political future but his deep-red state as well.

"I have always had a cordial relationship with Sen. Manchin and just wanted to keep the dialogue open so he doesn't feel in any way disrespected," Khanna told CNN. "So he knows there is an exchange of ideas. And I think that will make it marginally easier for the White House to build consensus."

Added Sen. Tom Carper of Delaware, a more centrist Democrat who has been in talks with Manchin over the environmental proposals: "One of the early lessons I've learned in politics, all politics is local. And there's so much at stake here for West Virginia."

In private, Speaker Nancy Pelosi has counseled her House colleagues not to insult Manchin, Democrats say. And she has spoken positively about her relationship with the West Virginia Democrat, who gave her a statue of a coal miner this year in a gesture toward their efforts to help those workers with their pension problems, according to a person who heard her remarks.

While Democrats are uncertain where Manchin will come down, they are far more reassured that Arizona Sen. Kyrsten Sinema -- the other leading moderate -- will ultimately back the sweeping expansion of the social safety net. Many of Sinema's concerns -- namely opposing raising corporate and individual tax rates and slicing down the initial $3.5 trillion price tag -- have already been addressed.

A closed-door meeting of House and Senate Democrats late last month in the Senate, between Jayapal, Colorado Rep. Joe Neguse along with Sen. Brian Schatz of Hawaii, went a long way toward reassuring progressives that Sinema will ultimately vote for the package, according to multiple Democrats.

Democrats say that the distrust between the two wings -- which stalled action on the President's agenda for months -- is slowly starting to ease. Indeed, it was a late-night deal-making session between a handful of House moderates and progressives that paved the way for passage of the $1.2 trillion infrastructure bill that Biden plans to sign into law Monday.

"The last few weeks have been eventful," said Neguse, a progressive Democrat who also attended the meeting with Manchin along with Khanna, Cuellar and two centrist House Democrats, and has spoken repeatedly with Sinema as well.

"It's important to de-escalate the situation," another Democrat said, referring to progressives' war of words with Manchin.

A late-night deal and Biden's warning

To get Manchin ultimately on board, Democrats are mostly leaving it up to Biden, who has been in direct conversations with the senator for months. And they say the President should use the same kind of persuasiveness he employed in getting liberals to support final passage of the infrastructure bill, which they had held up for more than a month as they demanded the larger proposal be approved at the same time.

As he addressed the Congressional Progressive Caucus on speakerphone last Friday night and urged the House liberals to separate the two bills and support the infrastructure package, Biden urged the caucus to trust his ability to deliver the needed 50 Democratic votes in the Senate -- including Manchin's -- to get the Build Back Better plan through.

And at one point, the President suggested that if they couldn't trust him and wouldn't get behind the infrastructure bill last Friday, then they should just abandon the entire agenda, according to four sources familiar with his remarks.

"That really woke people up," one source said.

Biden faced a flurry of questions from a range of progressives, from Bush to Rep. Lloyd Doggett of Texas, but he sought to reassure all of them that the moderates in both chambers would ultimately fall in line.

Asked about the President's pitch after the late-night Friday vote, Jayapal told CNN that if the progressives didn't back the infrastructure bill, the entire agenda may have collapsed.

"The Build Back Better Act would have also probably gone down," said Jayapal, who initially told the President that evening she wasn't ready to support the infrastructure bill on its own. "So it was really like: How it was really how do we turn this into a win"

The President's desire to get the infrastructure bill to his desk immediately was a message that was also delivered in a closed-door leadership meeting earlier in Pelosi's office, multiple sources said. South Carolina Rep. Jim Clyburn, the House majority whip, told his colleagues about the difficult political position that Biden was in and that he "needs a victory" and the House wouldn't leave without giving him one, according to sources familiar with the matter.

And to get there, they needed to bridge the trust deficit between moderates -- who refused to back the $1.9 trillion bill without estimates from the Congressional Budget Office -- and progressives, who wouldn't support the infrastructure bill without assurances from moderates that they'd back the larger plan.

After a suggestion made by Rep. Ted Lieu of California that a statement be drafted from moderates laying out some assurances, New York Rep. Hakeem Jeffries, a member of the party leadership, and New Jersey Rep. Donald Norcross, a vice chair of the progressive caucus, began trying to piece together a statement with the moderates, led by Rep. Josh Gottheimer of New Jersey.

After back-and-forth within the progressive caucus, Neguse along with progressive Reps. Jimmy Gomez of California, Mark Pocan of Wisconsin and Mondaire Jones of New York went to hash out a deal with moderate Democrats in the Longworth office of another Blue Dog Democrat, Florida Rep. Stephanie Murphy.

After hours of negotiating, it ultimately came down to Jayapal and Gottheimer. The two agreed to a deal initially floated by the Congressional Black Caucus: there would be two votes that night: One to pass the infrastructure bill, which moderates had been demanding, and the other to approve the rule governing floor debate for the $1.9 trillion bill, a key progressive demand. But the $1.9 trillion plan would not get a final vote until after the CBO reported on its costs.

Yet progressives wanted the vote on the rule first, not trusting the moderates to support the procedural vote once the infrastructure bill was passed. But moderates were fearful that even more Republicans would defect on the infrastructure bill if the rule on the social safety net package were approved first.

Ultimately, the moderates' request won out -- but not before Jayapal looked each of the four moderates in the eyes to get their commitments that they would stick to their statement that they would back the Build Back Better bill by next week assuming the CBO provides "fiscal information" reassuring them that its costs would be completely offset.

Asked if he trusted the moderates, Jones paused for several seconds and sighed then said: "When we sign statements like that, and when we do press conferences together to that effect, then people are deserving of our trust."

With the House on the cusp of approving the $1.9 trillion bill, Democrats say Biden will have to employ similar tactics with Manchin. And they say that recent comments that Manchin has made that he plans to work with the President, gives them some hope.

"He wants to move forward, and we owe it to the President to move forward," Manchin told CNN recently.

### AT: Won’t Pass – No Leverage / Manchin Wants Nothing

#### The whole “Manchin wants nothing and we’ve lost all leverage” narrative completely misunderstands him AND the political dynamics of the whole process – holding infrastructure hostage never had any effect on his negotiating position AND his receptivity to Biden’s PC is still unchanged – he will eventually get to yes if Biden sustains pressure

Bolton 11-9 (Alexander Bolton, Senior Reporter at The Hill, AB Philosophy, Princeton University; **internally quoting Jonathan Kott, a Democratic strategist and former aide to Manchin, and Jim Kessler, the executive vice president for policy at Third Way**; “Manchin sees his power grow,” The Hill, 11-9-2021, https://thehill.com/homenews/senate/580647-manchin-sees-his-power-grow?rl=1)

Sen. Joe Manchin (D-W.Va.) may be the most powerful member of the Senate, and his leverage in the fight over President Biden's social spending and climate agenda has increased in the past week.

Manchin scored a major win Friday when the House passed the $1 trillion bipartisan infrastructure bill he helped negotiate. It will bring an estimated $6 billion in federal funding to his home state.

Progressives held the bill in the Senate for months in an effort to exert leverage over Manchin and other centrists in the negotiations over Biden’s "Build Back Better" agenda.

But in the end, liberals allowed the bill to move forward after a commitment from House centrists to back a larger climate and social spending bill. The House also approved the rule setting up debate on that measure.

Yet throughout the negotiations, that larger bill was trimmed down because of demands from Manchin and fellow centrist Sen. Kyrsten Sinema (D-Ariz.). And neither has completely committed to voting for the social spending and climate bill.

Manchin on Monday hailed the passage of the bipartisan infrastructure bill as a huge victory for his constituents.

“This is one of the most important pieces of legislation we’ve done,” he told reporters in West Virginia. “Bipartisan infrastructure has been tried over the last 30 years and no president’s been able to get it done. It’s unbelievable.”

He said $3 billion will go to federal highway programs in the state; nearly $200 million will go to complete Corridor H of the Appalachian Development Highway System, which is known within the state as the Robert C. Byrd Highway System; $190 million for statewide transit; $43 million for state airports and $700 million to rehabilitate abandon mine lands.

Progressives in the Senate and House wanted to use all those goodies for West Virginia as leverage to push Manchin to accept ambitious proposals to combat climate change, expand Medicare, establish a national paid family leave program and other priorities that were expected to be part of the budget reconciliation package.

But now billions of dollars in hard infrastructure investment for West Virginia is going to get signed into law by Biden and Manchin still hasn’t signed off on a framework for the Build Back Better Act.

“I don’t completely understand — and I listened to some of them interviewed — how progressives don’t feel like they were rolled. It sure feels that way to me,” said John Kilwein, a professor of political science at West Virginia University’s Eberly College of Arts and Sciences.

“For a guy like Manchin I think there was a critical piece of leverage that was taken away because he got what he wanted. The traditional infrastructure bill will help the state,” he added.

Manchin didn’t let the fate of the bipartisan infrastructure package alter his negotiating positions on the reconciliation package, even though his colleagues insisted that the two bills were linked.

“He has negotiated the same way the entire time. It was in good faith and in hopes of reaching a common-sense compromise,” said Jonathan Kott, a Democratic strategist and former aide to Manchin. “I think he’s going to keep negotiating the same way even though the jobs bill has passed.”

Kott said Manchin’s call for fellow Democrats to pass the bipartisan infrastructure bill immediately and proceed cautiously with the $1.75 trillion to $2 trillion budget reconciliation package was backed up by last week’s election results in Virginia and New Jersey, where Republican candidates did well despite Biden winning both states comfortably last year.

“He is correct that we should know exactly what this bill costs and what the long-term implications of it are and that is the responsible thing to do — and keep our focus on getting it right than getting it fast. And I think he’s correct that voters want their election officials to get things done,” Kott added.

Manchin told his progressive House colleagues in a blunt press conference last week that their efforts to exert leverage over him by continuing to hold up the bipartisan infrastructure bill wouldn’t work.

“In my view this is not how the United States Congress should operate or in my view has operated in the past. The political games have to stop,” he warned last week.

Manchin pledged to continue negotiating in good faith with Biden, Senate Majority Leader Charles Schumer (D-N.Y.) and Speaker Nancy Pelosi (D-Calif.) but warned that “holding” the bipartisan infrastructure “hostage is not going to work in getting my support for the reconciliation bill.”

He reiterated that “I will not support a reconciliation package that expands social programs and irresponsibly adds to our $29 trillion in national debt that no one seems to really care about or even talk about.”

Some progressives, such as Sen. Elizabeth Warren (D-Mass.), warned earlier this year that Biden’s agenda shouldn’t be split up between a bill focused on hard infrastructure, a priority that enjoyed broader political support, and a second focused on social spending programs that are higher priorities for liberals.

She foresaw that splitting the agenda up into two bills might make it tougher to unify the party behind the social spending elements of Biden’s agenda.

“I want to see the details of how they’re planning to make sure that the climate issues and the child care issues don’t get left behind. We can’t have the train leave the station and critical parts are left on the platform,” she said in March when Democratic leaders first floated the two-track strategy for moving Biden’s infrastructure agenda.

Key liberal priorities were dropped from a White House framework the president unveiled on Oct. 28, including the $150 billion Clean Electricity Performance Program, which Manchin worried would be used to drive coal companies out of business, and the national paid family leave program, which Manchin worried would add to much to the deficit.

And the framework’s proposal called for expanding Medicare benefits to only cover hearing care, leaving aside dental and vision care, out of deference to Manchin’s concerns over the programs solvency.

Manchin still hasn’t signed off on the framework, despite the significant concessions to him.

But some moderate Democratic strategists are doubtful that lumping everything into one massive infrastructure package or keeping the bipartisan infrastructure bill firmly tied to the outcome of the negotiations on reconciliation bill would have moved Manchin to support more social spending.

“That’s not what was going to happen. Manchin is happy to wait five more months,” said Jim Kessler, the executive vice president for policy at Third Way, a centrist Democratic think tank.

Even when Democrats set a $3.5 trillion spending target for the reconciliation package in the budget resolution, Kessler thought “this is going to end up at $2 trillion” because of resistance from Manchin and other centrists.

But Democratic strategists think Manchin will eventually sign onto the reconciliation package, though it may not be until the week of Thanksgiving, when the Congressional Budget Office is expected to provide an official cost estimate for the bill, or later.

Steve White, the director of the Affiliated Construction Trades Foundation in Charleston, W.Va., said “the idea somehow that he doesn’t want the second bill, I think, is wrong.”

“I think he doesn’t want all of the second bill. Half of the second bill is a lot,” he added of the reconciliation bill. “I’m looking forward to what it looks like and I think there will be a lot of good stuff for West Virginia.”

White said the bipartisan infrastructure bill will have a “huge” impact on West Virginia but he said the reconciliation bill will also have significant investments for the state.

He said spending on renewable energy, such as wind turbines, could create good job opportunities in the state.

### AT: Watered Down / No CEPP

### Intrinsicness

No

### AT: Thumper – T/L

#### NO thumpers – they’re all priced in – Biden has enough PC despite other must-pass votes like avoiding shutdown and debt default

Romm 11-6 (Tony Romm, congressional economic policy reporter at The Washington Post, “With infrastructure victory in hand, Democrats brace for next battle over $2 trillion spending bill,” The Washington Post, 11-6-2021, https://www.washingtonpost.com/us-policy/2021/11/06/congress-biden-spending-deal/)

With a roughly $1.2 trillion bill to improve the nation’s infrastructure now behind them, Democrats must prepare to turn to their next, perhaps tougher task: Shepherding the rest of President Biden’s economic agenda through Congress.

The successful vote in the House late Friday marked only the first of two spending initiatives that Biden has called on Congress to adopt for months. Still another roughly $2 trillion in new tax and spending investments are awaiting action in the House and Senate, where party lawmakers harbor grand ambitions to overhaul the nation’s health care, education, climate, immigration and tax laws.

Beginning in the spring, many Democrats had hoped to move these two bills in tandem, a strategy meant to satisfy liberals and moderates who were warring with each other over the size and scope of their spending priorities. But the House this week essentially opted to divorce them, adopting an infrastructure bill that had been stalled since August while voting to open debate on the remainder of their plans.

That tees up for Congress an eleventh-hour sprint in the waning moments of the year through treacherous political terrain. The $2 trillion tax-and-spending proposal is still unsettled policy in the eyes of moderates, including Sen. Joe Manchin III (D-W.Va.), who long has sought to whittle down its price tag. And the debate is set to arrive just as Congress is preparing to take on a host of additional challenges, including a renewed need to fund the government in December, that could distract Democrats in the end.

For all the hurdles they face, however, Democrats this week sounded an upbeat note — emboldened anew after achieving a fresh political victory.

“Let me be clear: We will pass this in the House. And we will pass it in the Senate,” Biden said during a speech Saturday heralding the passage of the infrastructure bill.

The $2 trillion measure — called the “Build Back Better Act,” which bears the name of the president’s 2020 campaign slogan — aims to expand the footprint of government to deliver more robust services to American workers and families, especially those in greatest need.

#### He won’t spend PC on anything else – only plan’s fiat disrupts his careful prioritization

Lemire et al 10-18 (Jonathan Lemire and Zeke Miller, Associated Press, “President Biden faces critical next 2 weeks for agenda,” NBC Wesh 2, 10-18-2021, wesh.com/article/biden-faces-critical-weeks-for-agenda/37984609)

President Joe Biden is entering a crucial two weeks for his ambitious agenda, racing to conclude contentious congressional negotiations ahead of both domestic deadlines and a chance to showcase his administration’s accomplishments on a global stage.

Biden and his fellow Democrats are struggling to bridge intraparty divides by month’s end to pass a bipartisan infrastructure bill and a larger social services package. The president hopes to nail down both before Air Force One lifts off for Europe on Oct. 28 for a pair of world leader summits, including the most ambitious climate change meeting in years.

But that goal has been jeopardized by fractures among Democrats, imperiling the fate of promised sweeping new efforts to grapple with climate change. There's also rising anxiety within the party about a bellwether gubernatorial contest in Virginia and looming Senate fights over the federal debt limit and government funding that could distract from getting the president’s agenda across the finish line.

Biden is trying to stabilize his presidency after a difficult stretch marked by the tumultuous end of the Afghanistan war, a diplomatic spat with a longtime ally and a surge in COVID-19 cases that rattled the nation’s economic recovery and sent his poll numbers tumbling.

His team has continued its strategy — one that served it well during the campaign and earlier this year — of blocking out the outside noise to stay focused on a singular mission, this time to pass the two-part package that will give Democrats a platform on which to run in next year’s midterm elections.

“These bills, in my view, are literally about competitiveness versus complacency, about opportunity versus decay, and about leading the world or continuing to let the world move by us,” Biden said Friday while pushing the legislation in Connecticut.

Yet beneath the White House’s pleas for patience — reminding people that hard things take time — is a bubbling sense of urgency that a deal needs to be struck rapidly.

For the White House, there are the explicit target dates, including an end-of-month deadline on transportation funding and Biden’s upcoming foreign trip. But there are also more abstract imperatives: proving Democrats can deliver on their promises to voters and protecting Biden’s waning political capital.

With new urgency, the administration has sent signals to Capitol Hill in recent days that it is time to wrap up negotiations, that a deal needs to be reached, according to two White House officials who spoke on condition of anonymity because they were not authorized to publicly discuss private conversations. Biden himself has expressed impatience and will be increasing his own personal outreach this week to push lawmakers to find a compromise and bring the bills to a vote, the officials said.

West Wing officials are still optimistic that an agreement will ultimately be struck, but there are also fears that the messy, drawn-out negotiation has clouded the tangible benefits of what Biden aims to deliver to voters.

Biden sought to address some of that when he traveled to Hartford, Connecticut, last week to showcase initiatives to sharply reduce the cost of early childhood care — perhaps one of the only pieces of the legislation that is a lock to make the final package.

### AT: PC Fails

#### Biden’s PC is working – his personal involvement passing infrastructure proves – that’s Barron-Lopez – AND…

Brodey 11-6 (Sam Brodey, Congressional Reporter at Daily Beast, and Scott Bixby, White House Reporter at Daily Beast, “Democrats Hand Joe Biden His Long-Awaited Infrastructure Win,” The Daily Beast, 11-5-2021, updated 11-6-2021, https://www.thedailybeast.com/democrats-hand-joe-biden-his-long-awaited-infrastructure-win)

After a torturous series of never-ending Infrastructure Weeks, President Joe Biden and congressional Democrats took the largest step yet toward ending the political Groundhog Day.

On Friday night, House Democrats passed a $1.2 trillion bipartisan infrastructure bill, 228-206, with 215 Democrats and 13 Republicans voting for the bill, and six Democrats and 200 Republicans voting no.

Since the legislation has already passed the Senate, the so-called Infrastructure Investment and Jobs Act now heads to Biden’s desk for his signature, allowing the president to claim a major win as his approval ratings sag.

That victory only arrived after Biden and Democratic leaders strong-armed progressive lawmakers enough to get them to relent on what had previously been the party’s official position: that the infrastructure bill travel alongside a $1.75 trillion social spending bill titled the Build Back Better Act.

Progressives had successfully kept the two bills together for months, fearing that moderates wouldn’t vote for the latter without holding the former as leverage.

But with pressure growing from Biden and Speaker Nancy Pelosi (D-CA) to pass the infrastructure bill, progressives had little choice on Friday but to take a legislative leap of faith.

While Biden and moderates got their win, liberals left the Capitol with a successful procedural vote to advance Build Back Better to the House floor—and with a written promise from moderates to vote for the legislation if it gets a positive fiscal analysis from Congress’ independent budget watchdog.

For progressives, the trade was not ideal. But lawmakers acknowledged it was about all they had.

“It erases a lot of the doubt,” Rep. Dan Kildee (D-MI), a member of Democratic leadership, told The Daily Beast. He admitted there was always doubt with these arrangements. "But I feel fairly confident," he said.

After a day that former Congressional Progressive Caucus chairman Mark Pocan (D-WI) dubbed “a clusterfuck,” the vast majority of the CPC decided the commitments from a few moderates to vote for the Build Back Better Act—as long as the Congressional Budget Office came back with a score in line with the White House’s—was enough.

After hours of suspense, at 11:25 p.m. Friday night, the bill passed the House, with Republicans providing the last crucial votes to get the legislation over the finish line.

Clearing the House is not the Build Back Better Act’s main issue, however. That claim to fame belongs to Sen. Joe Manchin (D-WV).

The centrist Democrat's opposition to key planks of the Build Back Better Act has already forced Democrats to cut the size of the bill in half. And he is still not committed to passing the legislation. He said this week it would take some time for him to consider it, but his tone during a Monday press conference seemed to solidify in the minds of progressives that Manchin may never get to yes.

On top of a tenuous path to becoming law, there are immigration provisions in the social spending bill—crucial for some House Democrats—that are likely to get stripped out because they don't conform to the Senate’s special rules for a bill that passes with just 51 votes in the 100-member chamber.

So, for those Democrats who support getting some kind of legislation enacted to fulfill the party’s promises on climate, health care, and the economy, their ability to keep the infrastructure bill tied to the Build Back Better Act has been critical for passing the entirety of Biden’s agenda. Now, they must hope House moderates keep their word—and trust that Biden can somehow get Manchin to embrace a package he has called a “recipe for economic disaster.”

It’s a gamble progressives very reluctantly took. And it’s one that could easily backfire. There’s no guarantee the Senate will pass the social welfare bill, which would include an expansion of universal preschool, investments in affordable housing, an expansion of Medicaid and Medicare benefits, and provisions to lower prescription drug prices for seniors, as well as tax credits for parents, low-income workers, and clean energy.

But faced with the prospect of continued Democratic inaction—and progressives catching the blame for blocking a bipartisan infrastructure bill—Progressive Caucus Chairwoman Pramila Jayapal (D-WA) moved off her earlier demand that the two bills pass both chambers to a new demand: both bills pass the House.

That would allow the infrastructure bill to become law while the president and other Democratic leaders try to win over Manchin on the Build Back Better Act. And that shift prompted new optimism that Democrats could close compromises to please their ideologically diverse and paper-thin majorities.

The problem with this plan, to pass both the bills in the House, was that a half-dozen moderates insisted on seeing a CBO score for the Build Back Better Act. That led Pelosi to develop a new plan, demanding even more concessions from progressives. The speaker wanted to pass the infrastructure bill, and then instead of passing the social spending bill, just set up debate for it.

Initially, the adapted plan was just too much for Jayapal and other progressives. They swore they would vote down the infrastructure bill if the Build Back Better Act wouldn’t pass the House too.

Nevertheless, Pelosi pressed ahead with a vote. She surprised Democrats by announcing votes on the infrastructure bill and the procedural vehicle for the Build Back Better Act for Friday night, and the Progressive Caucus had a marathon session to mull their response.

Members were under immense pressure; Jayapal, who had been open and talkative with the press throughout the process, left at one point without saying a word to journalists. CNN later reported that she was taking a call from Biden, and whereas Biden didn't explicitly ask for Democrats to pass the infrastructure bill last week—when a vote fell apart—he repeatedly pressured progressives to relent this time.

Progressives fumed that the handful of moderates who withheld their support for the Build Back Better Act were not subject to similar pressure. Aides vented publicly and privately about the narrative that progressives are the problem children of the party, when moderates hardly ever face the same criticism. And progressives can credibly claim they are trying to ensure that both planks of Biden’s agenda become law, while moderates leave ample room for doubt over whether they support anything beyond the infrastructure bill.

Still, progressives reluctantly coalesced around a plan to accept the word of a moderate faction that they have openly distrusted—and which has openly distrusted them.

Biden, who cancelled a planned trip to his Delaware vacation home at the last minute Friday, instead spent the evening in the residence alongside his legislative affairs team, “making calls and staying in close touch with leadership and members,” according to a White House official. Vice President Kamala Harris also joined in making calls.

“I am urging all members to vote for both the rule for consideration of the Build Back Better Act and final passage of the Bipartisan Infrastructure bill tonight,” Biden said in a statement released as he joined those calls. “I am confident that during the week of November 15, the House will pass the Build Back Better Act.”

The president, whose frequent calls for congressional Democrats to pass both measures in one go had become increasingly desperate, urged the Congressional Progressive Caucus earlier on Friday to vote on the BIF immediately, according to a White House official, with no mention of the massive social spending measure.

“The president is speaking with House leadership, progressives, and moderates in an effort to come to a solution,” the official said, “and he has been urging a vote tonight.”

Earlier on Friday, principal deputy White House press secretary Karine Jean-Pierre told reporters that the president had been “in close touch” with House members as he advocated for a “yes” vote on a bill that the caucus already supports.

“I can’t speak for the mechanism” on voting Friday, Jean-Pierre said when asked about timing, but “if it’s today, that’s wonderful, that’s great.”

Jean-Pierre was straightforward about the potential electoral effect that the months-long delay in passing the spending packages had on Democrats in elections this week, telling reporters that the loss of the Virginia governor’s mansion was evidence that “the American people felt we hadn’t moved quickly enough.”

“We just have to act—we cannot not deliver for the American public,” Jean-Pierre said, adding that the shortened patience of the American public had become clear to the administration. “The time is now to get this down—that’s how his assessment is.”

Ultimately, Biden got what he wanted. And as the House finished the infrastructure vote, Democrats cheered at a legislative accomplishment that has eluded multiple presidents.

### AT: Warming !/D

#### AND, cumulative disjunctive existential risk across a litany of direct and indirect impacts mathematically outweighs any other X-risk

Dr. Yew-Kwang Ng 19, Winsemius Professor of Economics at Nanyang Technological University, Fellow of the Academy of Social Sciences in Australia and Member of Advisory Board at the Global Priorities Institute at Oxford University, PhD in Economics from Sydney University, “Keynote: Global Extinction and Animal Welfare: Two Priorities for Effective Altruism”, Global Policy, Volume 10, Number 2, May 2019, pp. 258–266

Catastrophic climate change

Though by no means certain, CCC causing global extinction is possible due to interrelated factors of non-linearity, cascading effects, positive feedbacks, multiplicative factors, critical thresholds and tipping points (e.g. Barnosky and Hadly, 2016; Belaia et al., 2017; Buldyrev et al., 2010; Grainger, 2017; Hansen and Sato, 2012; IPCC 2014; Kareiva and Carranza, 2018; Osmond and Klausmeier, 2017; Rothman, 2017; Schuur et al., 2015; Sims and Finnoff, 2016; Van Aalst, 2006).7

A possibly imminent tipping point could be in the form of ‘an abrupt ice sheet collapse [that] could cause a rapid sea level rise’ (Baum et al., 2011, p. 399). There are many avenues for positive feedback in global warming, including:

• the replacement of an ice sea by a liquid ocean surface from melting reduces the reflection and increases the absorption of sunlight, leading to faster warming;

• the drying of forests from warming increases forest fires and the release of more carbon; and

• higher ocean temperatures may lead to the release of methane trapped under the ocean floor, producing runaway global warming.

Though there are also avenues for negative feedback, the scientific consensus is for an overall net positive feedback (Roe and Baker, 2007). Thus, the Global Challenges Foundation (2017, p. 25) concludes, ‘The world is currently completely unprepared to envisage, and even less deal with, the consequences of CCC’.

The threat of sea-level rising from global warming is well known, but there are also other likely and more imminent threats to the survivability of mankind and other living things. For example, Sherwood and Huber (2010) emphasize the adaptability limit to climate change due to heat stress from high environmental wet-bulb temperature. They show that ‘even modest global warming could ... expose large fractions of the [world] population to unprecedented heat stress’ p. 9552 and that with substantial global warming, ‘the area of land rendered uninhabitable by heat stress would dwarf that affected by rising sea level’ p. 9555, making extinction much more likely and the relatively moderate damages estimated by most integrated assessment models unreliably low.

While imminent extinction is very unlikely and may not come for a long time even under business as usual, the main point is that we cannot rule it out. Annan and Hargreaves (2011, pp. 434–435) may be right that there is ‘an upper 95 per cent probability limit for S [temperature increase] ... to lie close to 4°C, and certainly well below 6°C’. However, probabilities of 5 per cent, 0.5 per cent, 0.05 per cent or even 0.005 per cent of excessive warming and the resulting extinction probabilities cannot be ruled out and are unacceptable. Even if there is only a 1 per cent probability that there is a time bomb in the airplane, you probably want to change your flight. Extinction of the whole world is more important to avoid by literally a trillion times.

# 2NR

## DA---Ptx

### AT: Inflation

#### Likely to pass despite inflation concerns – Manchin’s just posturing

Jagoda 11-13 (Naomi Jagoda, reporter at The Hill, formerly reported for The Washington Examiner, BA Political Science, Communication and Public Service, University of Pennsylvania, “Inflation poses new challenges for progressives,” The Hill, 11-13-2021, https://thehill.com/policy/finance/budget/581355-progressives-bullish-that-social-spending-bill-will-address-inflation)

Despite Democrats' concessions in the new framework, Manchin has yet to endorse the spending bill. He has for months cited inflation as a reason to have a smaller package and for Congress to take a “pause” in action on it.

He amplified his concerns about inflation after Wednesday’s data was released.

“By all accounts, the threat posed by record inflation to the American people is not ‘transitory’ and is instead getting worse,” he said in a tweet. “From the grocery store to the gas pump, Americans know the inflation tax is real and DC can no longer ignore the economic pain Americans feel every day.”

It’s possible that additional progressive priorities be removed from the package or Manchin’s opposition could stall its movement in the Senate.

“Manchin is of course going to use inflation (or anything else he can point to) to make his case, but his concerns have predated the uptick in inflation and he’s been stymieing Biden’s agenda at every turn,” said Lindsay Owens, executive director of the Groundwork Collaborative, a progressive economic policy group.

Nonetheless, Jayapal was optimistic about the Build Back Better Act’s prospects during her MSNBC interview.

She expressed confidence that the House moderates would vote for the chamber’s bill once they received information from the CBO.

“Everyone’s been talking about how important it is for our constituents,” she said.

Jayapal also said that most of the items in the House bill have been “preconferenced” with the Senate, and that the few remaining items “should be the only things left on the table.”

“We should get it passed and deliver for the American people,” she said.

### AT: Watered Down

#### despite jettisoning the CEPP, it’ll contain sufficient climate spending for success post-Glasgow

Linskey et al 10-20 (Annie Linskey, White House reporter at The Washington Post, formerly reported for the Boston Globe's Washington bureau, Bloomberg News and BusinessWeek, and the Baltimore Sun, graduate of Wellesley College; Sean Sullivan, covers the White House at The Washington Post, on-air contributor to CBSN, graduate of Hamilton College; and Matt Viser, national political reporter at The Washington Post, former deputy chief of the Washington Bureau for the Boston Globe, winner of the White House Correspondents' Association's Merriman Smith Award, graduate of the University of North Carolina at Chapel Hill; “Biden abruptly accelerates his involvement in agenda talks,” The Washington Post, 10-20-2021, <https://www.washingtonpost.com/politics/biden-agenda-democrats-spending/2021/10/20/cf88f12c-31b5-11ec-9241-aad8e48f01ff_story.html>)

For weeks, President Biden has met repeatedly with Democratic lawmakers as part of the tortuous negotiations over his agenda — but to the frustration of many, he has revealed few opinions of his own on what should remain in the plan and what should be jettisoned.

This week, however, Biden is doing something new: getting specific and plunging into details, telling lawmakers exactly what he thinks needs to go into the package that could define his presidency.

In private meetings with members of Congress this week, Biden outlined particular trade-offs, explaining for example that he wants universal prekindergarten care rather than free community college tuition, citing research that shows money spent on younger children has more impact.

He has floated the idea of giving seniors a debit card loaded with $800 to spend on dental benefits as part of an expansion of Medicare. He has revealed that he’s feeling pressure from his wife, Jill, who teaches at a local community college, to push for higher-education spending, joking that otherwise he would have to find somewhere else to sleep.

And Biden has stressed — several times — that lawmakers must help him show that democracies can tackle major problems, imploring them not to send him empty-handed to a pair of upcoming summit meetings.

“He was laying out what he wants,” said Rep. Debbie Dingell (D-Mich.), who met with Biden this week. “It was clear what he wanted — and it hasn’t been until now.”

Biden’s stepped-up involvement comes as a rapid succession of deadlines loom, including the expiration of federal highway funds Oct. 31, the president’s appearance at a climate summit in Scotland on Nov. 1, and a Virginia governor’s election that’s become a referendum on the Democratic agenda Nov. 2.

One White House official said that Biden has long been invested in the plan’s particulars but that different meetings with lawmakers have had different dynamics. The official, like several aides and lawmakers interviewed for this story, spoke on the condition of anonymity to be more candid.

However those working closely with Biden or familiar with his meetings say that the president is now more clearly setting guidelines for what should stay in his social-safety-net bill and what will have to go as it gets whittled down from $3.5 trillion to $1.9 trillion or less. These guidelines do not carry an ideological cast, the people said, but rather seem aimed at shaping a deal that can pass.

Biden, who often boasts of his knowledge of congressional workings from his 36 years in the Senate, appears to be gambling that his months of listening have given him the credibility to start imposing his will more.

In some recent meetings, Biden has acknowledged that the Clean Electricity Performance Plan, an ambitious but controversial part of his climate change agenda, probably will not be in the final bill. He noted that the child tax credit, which has nearly halved child poverty this year, will probably be extended only for one year.

During a meeting with lawmakers Tuesday, the president spoke at length, but he also went around the room to let lawmakers talk about the most important issues to them, two people with knowledge of the discussion said. “He knows the particulars inside and out, and he clearly is trying to be in closing mode for the deal,” said Rep. Mark Pocan (D-Wis.), who was at the meeting.

Pocan said that over the course of three meetings with Biden, including one via Zoom, he has seen what he termed a “progression.”

“It seems like a lot of this is starting to jell — like he’s got in his mind, at least, where this could be going,” Pocan said. “And very clearly yesterday, from all the conversations he had with all the different entities, he has a pretty good idea, I think, where he thinks it can go.”

After months when little progress was evident, top Democrats are now suggesting a breakthrough could be imminent. “I think we’ll get a deal,” Biden said as he prepared to board Air Force One for a trip to Scranton, Pa.

On Capitol Hill, Senate Majority Leader Charles E. Schumer (D-N.Y.) and House Speaker Nancy Pelosi (D-Calif.) are pushing to hammer out a framework this week.

Pelosi told her top lieutenants at a meeting Tuesday that she was aiming to finalize the outline of the package by Thursday night, people with knowledge of the conversation said. The speaker has also said she wants to hold House votes on the package by Oct. 31, or a week from Sunday.

Biden has been most vocal about the upcoming climate summit, where he will face more than 100 heads of state and wants to signal that the United States is leading the globe again on climate. He has frequently framed the international order as a competition between democracies and autocracies, and wants to show that a country such as the United States can tackle a complex problem like climate change.

“The president was very authentic and passionate in appealing to our patriotism,” said Rep. Ro Khanna (D-Calif.), who met with Biden this week. “He needs an agreement before going to Glasgow to lead on climate and to show that American democracy is capable of delivering.”

Khanna recounted a dramatic scene from the gathering. “He looked people in the eye and said the prestige of the United States is on the line,” Khanna told CNN.

The Glasgow summit represents a key moment in the world’s effort to combat climate change, a top Biden priority, as countries are expected to make ambitious commitments to reduce greenhouse gases.

Biden has committed to cutting U.S. emissions to 50 to 52 percent below 2005 levels by 2030. The aim far surpasses goals set by previous presidents, and climate experts say it is achievable — if most of Biden’s climate agenda passes.

On the other hand, if Biden cannot persuade Congress to pass much of his program, his credibility on the world stage would suffer, they say. “The world has grown skeptical of U.S. climate commitments, given our rather schizophrenic history,” said Paul Bledsoe, who served on the White House Climate Change Task Force under President Bill Clinton. “Other governments and industries overseas are very sophisticated — they understand the U.S. system, and they understand that legislation is more lasting than regulation.”

#### The final bill is more than just tax breaks – also a climate bank, climate corps, and methane cuts---answers recutting

Dumain 11-8 (Emma Dumain, Congress Reporter, E&E News (Energy & Environment), former Congressional leadership correspondent at McClatchy, former reporter for CQ Roll Call, BA English Language and Literature, Oberlin College, “Democrats cheer reconciliation vote, but big fights remain,” E&E Daily, 11-8-2021, https://www.eenews.net/articles/democrats-cheer-reconciliation-vote-but-big-fights-remain/)

Biden’s allies took to the Sunday talk show circuit to tout the most recent legislative victory and assure the public the reconciliation bill, with its historic climate investments, was next on tap.

“What’s in our minds is the fact that the ‘Build Back Better’ plan that we’ve been talking about has the largest investment in American history to get us to a clean energy economy, to create millions of jobs in this country moving forward to sustainable, renewable energy,” Klain said

Markey, who earlier this summer helped popularize the #NoClimateNoDeal campaign on Capitol Hill, made clear he had no interest in sowing seeds of doubt in Glasgow.

“What we’re saying to the rest of the world here today [is] we are going to act domestically, we are going to act on methane, we are going to deliver on our promises,” he said at a COP 26 event hosted by the Climate Action Center.

“You can turn the page on the Trump era,” said Markey. “We’re putting these [clean energy] tax breaks on the books for a 10-year period, there will be a climate bank … a $220 billion in private-sector investment in new clean energy technology … a Civilian Climate Corps.”

Elsewhere, environmental advocates were making it very clear there would be political consequences for inaction on the reconciliation package, which contains the vast majority of the climate provisions for which environmentalists have been clamoring.

Manish Bapna, president and CEO of the Natural Resources Defense Council, said there was reason to cheer passage of the infrastructure bill only insofar as it “clear[ed] the way” for passage of the reconciliation measure.

“The infrastructure bill doesn’t confront the climate crisis,” Bapna said. “For that, we need Congress to enact the historic clean energy investment in the ‘Build Back Better Act’ without delay.”

Tiernan Sittenfeld, senior vice president of government affairs with the League of Conservation Voters, agreed.

“Today was not the historic day we’d hoped for,” she said in the hours after the House advanced the infrastructure bill but not the reconciliation deal. “Now is the time to finish the job, pass the Build Back Better Act and quickly get it to the President’s Desk.”

### AT: Thumpers

#### BBB’s top priority – Biden will sacrifice other agenda items if they conflict

O’Brien 11-2 (Connor O’Brien, defense reporter for POLITICO, covering Congress, “Delayed defense bill sparks bipartisan anger at Schumer,” Politico, 11-2-2021, <https://www.politico.com/news/2021/11/02/defense-bill-delay-bipartisan-anger-schumer-518597>) \*added [of]

The House passed its version of the defense policy bill in late September. The Senate has yet to act on its version since the Armed Services Committee approved the bill in July.

In the weeks since the blowout House vote, Smith has urged quick action on the Senate bill so that the two chambers can form a committee to hash out the differences before the end of the year, when many military special pay and bonuses and other authorities typically expire.

Smith said he has reached out to Schumer’s office to press them on the bill, but the response has essentially been “We'll get to it when we get to it.”

“I called and asked. They told me to piss off,” Smith said. “I said, 'OK, I want to talk to Schumer.' They said, 'No you can't do that.' So here we are."

Democrats on both sides of the Capitol, meanwhile, are focused on landing a final agreement on a $1.75 trillion package to fund health care, economic initiatives and fight climate change. The proposal, which all Republicans are likely to oppose, is the top legislative priority [of] Biden and congressional Democrats.

Republicans, led by Senate Minority Leader Mitch McConnell, have in recent days linked talks on the social spending plan and inaction on the defense bill, attacking Democrats for increased domestic spending at the expense of a must-pass military policy bill that has become law each year for six decades.

"Any delay by Sen. Schumer really shows a lack of prioritization for this country's defense, but it also shows a lack of seriousness about those threats that we're facing," added Sen. Deb Fischer (R-Neb.).

A spokesperson for Schumer did not respond to a request for comment on the Republican attacks, Smith’s criticism or when the NDAA might come up for debate.

#### The new immigration funding is consistent with reconciliation rules – and has enough support – BUT this ultimately only matters in terms of House progressives, whose support is already locked in regardless – that’s Sargent – AND…

McCarter 10-29 (Joan McCarter, Daily Kos Staff, “Biden, Pelosi keep immigration in reconciliation bill. Now it's up for a fight in the Senate,” Daily Kos, 10-29-2021, https://www.dailykos.com/stories/2021/10/29/2061013/-Biden-Pelosi-keep-immigration-in-reconciliation-bill-it-s-up-for-the-Senate-to-fight-for-it)

The White House and House Democrats have included $100 billion for immigration changes in the text of the budget reconciliation package for President Biden’s Build Back Better agenda. That’s keeping the hope of a path to citizenship in the bill alive.

In the framework for the package the White House released Thursday, it set aside the funding, ”consistent with the Senate’s reconciliation rules,” to “improve our immigration system by providing long awaited relief to millions through reconciliation, and making enhancements to reduce backlogs, expand legal representation, and make the asylum system and border processing more efficient and humane.”

This will be the third attempt to include a provision allowing undocumented immigrants temporary deportation protections and work permits. The first two were rejected by Senate Parliamentarian Elizabeth MacDonough. Despite the fact that the Senate staffers’ opinions are just that—opinions—and should be considered as advice and not rules, thus far Senate Democrats don’t seem ready to ignore her.

They’re hearing about that from their House colleagues, as Gabe Ortiz wrote this week: “Now dozens of House members, including California Rep. Lou Correa, New York Rep. Adriano Espaillat, Illinois Rep. Chuy García, New York Rep. Alexandria Ocasio-Cortez, and Congressional Progressive Caucus Chair Pramila Jayapal are urging Senate Democrats to champion immigrants, overrule MacDonough’s opinion with Vice President Kamala Harris as the 51st vote, and deliver permanent relief.”

“As you know, the role of the Parliamentarian is an advisory one, and the opinion of the Parliamentarian is not binding,” the lawmakers told Senate Majority Leader Chuck Schumer in a letter. They reminded him that “there is precedent of the Presiding Officer disregarding the opinion of the Senate Parliamentarian.” There’s also precedent—from Republicans—for firing the parliamentarian. Democrats don’t have to go that far; they can just overrule her, as their House colleagues know.

At least a few of those members have indicated they won’t vote for a reconciliation package, and/or the hard infrastructure bipartisan bill, without it. Rep. Adriano Espaillat of New York is holding out his vote on both the bipartisan hard infrastructure bill and budget reconciliation until immigration is secured in the larger bill, at least as of Thursday when House Speaker Nancy Pelosi and Joe Biden were pushing House Democrats to pass that hard infrastructure bill. Reps. Chuy García of Illinois and Lou Correa of California have also said they won’t support the package without immigration.

“If there’s no immigration reform, I cannot support this bill,” García told reporters Thursday. He was refusing to help pass the hard infrastructure bill for fear that in doing so, Democrats “could lose all of our leverage in ensuring that there is an immigration relief piece in the reconciliation package.”

White House press secretary Jen Psaki, on Wednesday told reporters that both Biden and Vice President Kamala Harris “strongly supported” including that language in the framework, and are encouraging efforts to “come up with alternative ideas that might be able to make its way through the parliamentarian.” They can do better, at least privately, by Harris accepting her role in being the 51st vote to overrule the parliamentarian. For the record, neither Sen. Joe Manchin nor Sen. Kyrsten Sinema have objected to including immigration in this bill. That, like everything with them, is subject to change on a whim.

Advocates are getting as frustrated, yet remain hopeful. “One way or another, we expect immigration reform to be in the final bill and win freedom for millions of immigrants,” said Lorella Praeli, co-president of Community Change Action. America’s Voice executive director Frank Sharry applauded Biden and Pelosi for including the provision. “It’s been 35 years since we enacted major immigration legislation,” he wrote, encouraging them to get it done now.

“The public, the President, and every Democrat in Congress support modernization of our immigration system,” Sharry said. “This is a good first step that recognizes the essential role of immigrants to our economy, society and community. Now Democrats need to take the next step and deliver for the country and the millions of immigrant families who deliver for America.”

#### It’s not a fight

Naomi Jagoda, 11-10-2021, "Democrats at odds over SALT changes," TheHill, https://thehill.com/policy/finance/580860-democrats-at-odds-over-salt-changes

\*\*Emory ends\*\*

The House provision is backed by the lawmakers who have been most aggressively insisting on SALT deduction cap changes. Democratic Reps. Josh Gottheimer (N.J.), Thomas Suozzi (N.Y.) and Mikie Sherrill (N.J.) said in a statement last week that the change “will put money back in the pockets of hardworking, middle class families in our districts and help ensure that our local communities can continue making the investments that we need.” But Sens. Bernie Sanders (I-Vt.) and Bob Menendez (D-N.J.) said last week that they are developing a proposal that takes a different approach, keeping the cap at $10,000 and making it permanent, but including an exemption from the limit for taxpayers with income under a level between $400,000 and $550,000. The proposals have some similarities. They are both aimed at allowing the vast majority of households to be able to deduct all of their state and local taxes, and they are both designed not to add to the deficit. But both House and Senate Democrats argue their approach is the better one. Rep. Tom Malinowski (D-N.J.), who helped develop an initial version of the House proposal with Rep. Katie Porter (D-Calif.), raised concerns about an income-based exemption for the cap. “Income limits are tricky in part because there are very wealthy people who don’t have a lot of income,” Malinowski told The Hill Tuesday. “Meanwhile, in districts like mine ... there are people who may make more than $400,000 a year but who would not be considered wealthy because of the cost of living.” Additionally, Malinowski said, the House proposal is further along in its development. “We can’t really have a conversation about alternative proposals until we see how they achieve at least revenue neutrality,” he said. Sanders and Menendez, however, have argued that their proposal is the correct approach for preventing wealthy people from getting a huge tax break. Sanders said at a press conference last week that while raising the cap is better than fully repealing it, an increase in the cap “still is quite regressive.” Menendez said at the same conference that about 98 percent of New Jersey property taxpayers would be exempt from the cap under the senators’ proposal. The collaboration between Sanders and Menendez is notable because Sanders is a leading progressive and Menendez is from one of the states where the SALT deduction cap has been a major issue. A number of tax experts say that the senators’ approach makes more sense than the House proposal. “It’s a more targeted approach toward the middle class and doesn’t give a gratuitous tax cut to very high-income people,” said Seth Hanlon, senior fellow at the left-leaning Center for American Progress. Hanlon pushed back on Malinowski’s concern that an income-based exemption would be abused by wealthy people with little income, saying there is only so much that a taxpayer in that situation can benefit from the SALT deduction. The left-leaning Institute on Taxation and Economic Policy released an analysis finding that the House proposal would provide more of its benefits to households in the top 1 percent of income than the Senate one. The think tank also estimated that the Senate proposal would be less expensive in the near-term. Both House and Senate Democrats said that they are in touch with lawmakers in the other chamber to work out a deal on the SALT issue. “Sen. Menendez continues to work with Sen. Sanders to refine their revenue neutral proposal in a way that benefits the largest number possible of middle-class families in high-cost states like New Jersey,” a spokesperson for Menendez said. “He’s been engaged with Senate and House colleagues to advance this important issue.” A final agreement on changes to the SALT deduction cap may not come immediately. House Democrats are not expected to pass their version of the social-spending bill until at least next week. The Senate is then expected to make a number of changes to the bill before holding its vote.

“I told the senators I’m open to their approach, and they told me that they’re open to ours,” Malinowski said. “We have a little time to figure out what approach or combination of approaches best achieves the goal.”

Some progressives have been critical of putting SALT deduction cap changes in the spending bill because of the potential benefits for high-income taxpayers. But the inclusion of a provision to roll back the cap is not expected to prevent progressives from supporting the overall package, which includes spending in areas such as child care, health care and climate.

“It may be one of those things that we don’t like, but it’s going to be in there,” Congressional Progressive Caucus Chair Pramila Jayapal (D-Wash.) told reporters last week.