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states

#### The fifty states and relevant subnational entities should uniformly

#### substantially increase prohibitions on anticompetitive business practices by the private sector by banning drug patent settlements that include any considerations that would not have been available as a direct consequence of showing that the patent was invalid.

#### Have SCOTUS uphold the cp and devolve power to the states

#### Increase funding for the NAAG

#### State coordination solves---multistate litigation and enforcement bureaus overcome deficits.

Arteaga ’21 [Juan and Jordan Ludwig; January 28; former Deputy Assistant Attorney General for the U.S. Department of Justice’s Antitrust Division, J.D. from Columbia Law School; partner in the Antitrust and Competition Group at Crowell and Moring firm, J.D. from Loyola Law School; Global Competition Review, “The Role of US State Antitrust Enforcement,” <https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement>]

In the United States, competition laws have been implemented and enforced through a dual system where the state and federal governments play distinct, yet complementary, roles in regulating the competitive process. While the Department of Justice (DOJ) Antitrust Division and Federal Trade Commission (FTC) are widely viewed as the stewards of US antitrust laws, state attorneys general have long played an important, albeit varying, role within the United States’ antitrust enforcement regime. This has been especially true during the past 30 years because state attorneys general have become much more effective at coordinating their antitrust enforcement efforts to ensure that they have a meaningful seat at the table in any actions brought jointly with their federal counterparts or are able to bring their own actions when the DOJ and FTC decide not to do so.

Prior to the enactment of the first federal antitrust law – the Sherman Act – in 1890, state antitrust enforcement was quite robust in the United States because at least 26 states had already enacted some form of antitrust prohibition.[[2]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-126) In addition, state enforcers had often used general corporation law and common law restraint of trade principles to regulate anticompetitive business practices and transactions.[[3]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-125) This well-established state antitrust enforcement infrastructure – coupled with the fact that the Antitrust Division and FTC had only recently been created – permitted state attorneys general to continue playing a leading enforcement role for the first 30 years after the Sherman Act’s passage.[[4]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-124) Indeed, state attorneys general successfully prosecuted a number of the most consequential antitrust enforcement actions during this period.[[5]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-123)

In the early 1920s, however, state antitrust enforcers began playing a less prominent role because ‘the national dimension of the most important trusts, . . . as well as their ability to restructure in order to evade problematic state laws’, made clear that the federal government needed to step forward in order to adequately protect consumers and the competitive process.[[6]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-122) As a result, the DOJ and FTC – whose national jurisdiction and greater resources enabled them to tackle the most pressing competition issues of the time – displaced state attorneys general as the primary source of government antitrust enforcement within the United States.[[7]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-121) This largely remained true until the mid-1970s when Congress, in response to the DOJ and FTC’s perceived inactivity, passed two laws that expanded the authority of state attorneys general to enforce the federal antitrust laws and provided them with financial resources to do so.[[8]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-120)

In 1976, Congress passed the Hart-Scott-Rodino Antitrust Improvement Act, which, among other things, authorised state attorneys general to bring parens patriae suits (i.e., legal actions brought on behalf of natural persons residing within their states) seeking monetary (treble damages) and injunctive relief for Sherman Act violations.[[9]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-119) Congress also passed the Crime Control Act of 1976, which, among other things, provided state attorneys general with tens of millions in federal grants as ‘seed money’ for the creation of antitrust bureaus within their offices.[[10]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-118) These laws had their intended effect of reinvigorating state antitrust enforcement.

During the 1980s, for example, state attorneys general once again emerged as vigorous antitrust enforcers, especially with respect to the prosecution of resale price maintenance practices and other vertical restraints.[[11]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-117) The rise in the level and prominence of state antitrust enforcement during this period was largely due to a perceived enforcement void at the federal level, where the DOJ and FTC had mostly limited their focus to ‘prohibiting cartels and large horizontal mergers’.[[12]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-116) No longer content with ceding antitrust enforcement to federal enforcers, state attorneys general expanded their antitrust dockets from prosecuting purely ‘local matters, such as bid-rigging on state contracts’, to actively investigating and litigating matters with multistate and national implications.[[13]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-115) To help ensure that they had a larger seat at the antitrust enforcement table, state attorneys general also increased the coordination of their enforcement efforts and competition advocacy through organisations such as the National Association of Attorneys General (NAAG), which created a Multistate Antitrust Task Force and issued state Vertical Restraints and Horizontal Merger Guidelines during this period.[[14]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-114)

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#### Biden slaps backs to pass infrastructure.

López ’9-16 [Burgess Everett and Laura Barrón-López; 2021; reporters, citing Senate Majority Whip Dick Durbin, Sen. Richard Blumenthal, Andrew Bates, a spokesperson for Biden, and Celinda Lake, a pollster on Biden’s campaign; Politico, “Dems call in big gun as they face huge Hill tests,” https://www.politico.com/news/2021/09/16/biden-influence-capitol-democrats-511952]

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

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

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

Biden appears to be answering the call. The president is getting increasingly involved in Congress’ chaotic fall session as he battles sagging approval ratings, heightened concerns around the pandemic and some internal criticism over his withdrawal from Afghanistan. On Thursday, he'll speak to Senate Majority Leader Chuck Schumer and Speaker Nancy Pelosi ahead of a critical week for funding the government and lifting the debt ceiling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Antitrust requires PC, knocking out competing domestic initiatives.

Carstensen ’21 [Peter; February 2021; Fred W. & Vi Miller Chair in Law Emeritus at the University of Wisconsin Law School; Concurrences, “The ‘Ought’ and ‘Is Likely’ of Biden Antitrust,” <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.

#### Infrastructure passage lowers clean energy costs globally and solves existential climate change.

Bordoff ’21 [Jason; March 15; J.D. from Harvard Law School, co-founding dean of the Columbia Climate School, Professor of Professional Practice in International and Public Relations at Columbia University; Foreign Policy, “The Time for a Green Industrial Policy Is Now,” https://foreignpolicy.com/2021/03/15/biden-climate-energy-transition-green-new-deal-industrial-policy/]

Now that U.S. President Joe Biden’s $1.9 trillion plan for economic stimulus and pandemic relief has become law, his administration will turn its attention to a multitrillion-dollar plan to rebuild the United States’ ailing infrastructure. Its scope goes far beyond roads and bridges. Viewed in combination with other parts of Biden’s economic agenda, it reflects a new openness on both sides of the aisle to what has traditionally been known as industrial policy. Critics deride industrial policy as protectionist and as the government picking “winners,” but when it comes to clean energy—a top priority for Biden—a push by his administration to build new and innovative clean energy sectors using industrial policy may actually be the greatest contribution it can make to combating climate change.

Industrial policy, long anathema to mainstream economic policymakers in Washington, is back in vogue. The Biden administration’s Build Back Better economic plan includes targeted support for specific industries to make them more competitive with Asia and Europe and government procurement provisions to boost domestic manufacturing with “Buy America” requirements. As White House economist Jared Bernstein wrote in Foreign Policy, “the rationale for industrial policy is as strong as ever.” Biden’s national security advisor, Jake Sullivan, similarly wrote in Foreign Policy that “advocating industrial policy … should be considered something close to obvious.” Even Republicans, such as Sen. Marco Rubio, have been willing to deviate from the free-market’s gospel by endorsing industrial policy.

The push for industrial policy has been particularly strong for clean energy—as a way to combine battling climate change with building strategically important parts of the economy. The Green New Deal in 2019 drew the link between achieving net-zero emissions and creating millions of jobs by investing in the “industry of the United States.” Biden’s top economic advisor, Brian Deese, said, “some of the biggest opportunities” in climate policy right now are “what some people would call straight-out industrial policy.”

Industrial policy is a phrase used to mean different things. Broadly speaking, it refers to government intervention in the economy to promote and protect targeted sectors, often those considered strategically important. The term is therefore instinctively distasteful to those schooled in the laissez-faire, free-market orthodoxy of Adam Smith’s “invisible hand.” They worry about a creeping state capitalism that favors well-connected companies, stifling innovation and competition.

In reality, of course, the energy sector has never been free of government intervention. Nearly every source of energy receives some degree of favorable tax treatment. Nuclear energy receives government liability protection. Government investment and research gave rise to the shale revolution. As Robert McNally points out in his book, Crude Volatility: The History and the Future of Boom-Bust Oil Prices, the Texas Railroad Commission was the most successful oil cartel in history in setting prices, and even a Republican president like Dwight D. Eisenhower protected the domestic oil industry from the threat of imported oil.

To be fair, there are good reasons for government intervention in the energy market. Energy use and production can impose harm on others, such as through air pollution and carbon emissions. Energy innovation delivers benefits to all of us beyond the economic gains the innovator can capture. Energy infrastructure investment, such as pipelines, transmission lines, and electric vehicle chargers, may be hampered if any one firm’s investments benefit all their competitors or if it risks monopolistic market power of energy delivery mechanisms.

The argument for government’s role in the energy sector is even stronger today. First, the world faces an existential threat from climate change. With time running short to begin sharply curbing emissions, market forces will not deliver the pace of transition needed without robust government intervention. Second, the scale of that transition creates enormous economic opportunity to build new energy sectors. With the economy in a deep hole from the pandemic, leading in these new sectors can spur significant job growth. Finally, given the strategic importance of energy—critical to every citizens’ economic and physical well-being and safety, as the recent crisis in Texas reminded us—there is a strong national security rationale to develop these technologies and capabilities in the United States. As the energy system transitions to cleaner alternatives, there will be new risks associated with the critical minerals’ supply chains required for renewable energy and batteries, cybersecurity, and global trade chokepoints, which argues for reinforcing the domestic U.S. industrial base in these technologies.

To tackle the problem of climate change, Sullivan and Biden’s China advisor, Kurt Campbell, persuasively argued that the United States must pursue not only cooperation but also economic competition with China, for example. Noting that both Democrats and Republicans “are making a convincing case for a new U.S. industrial policy,” they called for more government investment in infrastructure and research in clean energy, among other areas, to confront such a “challenging economic competitor” as China.

The argument against industrial policy to combat climate change is that the government cannot anticipate which technologies will deliver the cheapest solutions. Yet, as the International Energy Agency explained, most of the key technologies the energy sector needs to reach net-zero emissions are known today. Market forces are still powerful—when properly directed by a carbon price—to give firms and consumers the right incentives to adopt and develop those technologies and to determine which ones emerge as the best solutions in different energy sectors.

Moreover, critics of industrial policy argue that if the goal is to reduce emissions as fast as possible, it should matter less whether the technology is made in the United States than whether it is as cheap as possible so more people will adopt it. Germany’s Energiewende, a comprehensive plan to shift the country to renewable energy, has been criticized for its high cost per ton of emissions avoided, which economists have estimated to be between $600 and $1500, much costlier than most other policy interventions. (To put the German numbers in context: The Obama administration estimated the total harm caused by one ton of carbon dioxide to be around $50, although there are good arguments to revise that figure higher.) Jason Furman, a Harvard professor and former Obama administration economic advisor, said “if you think climate change is the biggest challenge facing the country … you should want to make sure a lot of solar and wind energy is produced in the United States. You shouldn’t care nearly as much where panels and turbines are produced.”

Furman’s view is correct if the goal is to cut emissions in the United States as fast as possible. But what if the goal is to decarbonize the entire world’s emissions as fast as possible? What if the goal is to show climate leadership by helping all nations achieve net-zero emissions? In that case, the measure of U.S. climate policy should be less about how fast it brings down domestic emissions, only 15 percent of the world’s annual total, than about how fast it brings down the cost of clean technologies needed for the rest of the world to decarbonize.

Some clean energy technologies, such as solar and wind power or electric vehicles, are fairly cost competitive today relative to their carbon-intensive counterparts. Yet as Bill Gates explained in his new book, the cost difference between carbon-emitting and carbon-free production—what he calls the “green premium”—remains exceptionally high for many sectors and technologies, such as cement and steel, air travel and shipping, long-duration energy storage to cope with the intermittency of renewable energy, and steady sources of electricity like nuclear power or natural gas with carbon capture and storage. These technologies may not be needed to make a large dent in emissions by 2030, but they will absolutely be needed to achieve net-zero emissions by mid-21st century. Consider that the largest source of global greenhouse gas emissions comes from what Gates calls “making things,” such as the production of cement, steel, and plastics—sectors that will almost certainly need nascent technologies to decarbonize.

To promote domestic industries developing technologies for such hard-to-decarbonize sectors, policies should boost demand for such products, spur their deployment, and lower production costs. As first U.S. Treasury Secretary Alexander Hamilton famously explained: “In matters of industry, human enterprise ought, doubtless, to be left free in the main, not fettered by too much regulation; but practical politicians know that it may be beneficially stimulated by prudent aids and encouragements on the part of the Government.”

What might such a clean energy industrial policy look like? Dramatically increasing clean energy research and development funding can accelerate needed innovation. Subsidies can lower the cost of clean energy technologies, and a carbon price can increase the cost of carbon-intensive alternatives. The government can use its procurement power to create more demand or reduce risk for developers by signing long-term energy purchase agreements or guaranteeing them a certain price by paying the difference to prevailing market prices (the “contract for difference” model used in the United Kingdom). Low-cost loans and loan guarantees can support projects by lowering the cost of capital and the barriers to accessing private capital because of perceived technological risk. Infrastructure investment and streamlined permitting can boost demand and overcome chicken-and-egg problems. For example, there may be little incentive to develop zero-carbon hydrogen or install carbon-capture technology on power plants if there are no pipelines to transport fuel or carbon dioxide—but firms will not build the infrastructure until the new technology is commercialized. Trade and economic policy can align U.S. competitiveness with a global clean energy transition, such as through export finance to help clean energy companies compete with Chinese and other competitors in emerging markets. Some argue industrial policy should also protect U.S. firms through import tariffs or “Buy America” provisions, but such protectionist tools risk backfiring if retaliatory measures by other countries close export markets to these new domestic industries.

There are three reasons a U.S. clean energy industrial policy makes particular sense today. First, the technologies needed for sectors that are hard to decarbonize also offer many of the biggest economic opportunities for growth. According to the International Energy Agency, almost half of the cumulative emission reductions needed to achieve net-zero emissions by 2050 come from technologies that are not yet commercially available. China already dominates the market for solar panels and batteries, a result of government decisions taken more than a decade ago, so it would be very difficult for the United States to displace China in these technologies, which China already produces very cheaply. By contrast, the United States is well-positioned to build a strong industrial base to produce and export zero-carbon energy in the form of hydrogen and ammonia, fuel cells to produce zero-carbon electricity, or carbon-capture and removal technologies.

Second, these technologies will be needed to decarbonize globally, and by bringing the cost of these technologies down through government investments, Washington can help accelerate their deployment outside the United States as well. In this way, a U.S. industrial policy to promote clean energy can serve not as protectionism but as one of the country’s greatest contributions to global efforts to combat climate change. In the future, roughly 95 percent of all greenhouse gas emissions will come from outside the United States. Yet developing market countries, which are poorer and use much less energy per capita than developed countries do, will not adopt low-carbon solutions unless they are affordable.

Third, industrial policy that drives down the cost of clean energy “green premiums” while also putting U.S. citizens to work can be among the most effective ways to account for the United States’ historic responsibility for the climate change problem. Climate change results from the cumulative total of all carbon emissions over time, and as of 2019, the United States has contributed 25 percent. By contrast, the entire continent of Africa represents only 2 percent. One way to address this inequity is for wealthy countries to send cash to poorer countries. For example, the Biden administration has pledged that the United States will fulfill its 2014 commitment to provide climate-related assistance to poorer countries, of which $2 billion is still outstanding. But making it affordable for developing countries to grow their energy use and prosperity in climate-friendly ways can be a far greater contribution.

At present, U.S. climate policy ambition is being framed around what commitment Biden will make to reduce domestic emissions by 2030. Yet the steps the Biden administration takes to invest in nascent clean energy technologies and research can be even more important to long-term temperature stabilization goals, even if most of the dividends come after 2030 because of the time it takes for hydrogen, long-duration power storage, carbon capture, advanced nuclear power, and other emerging technologies to scale.

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#### Integration between pharma and biotech is accelerating, unlocking innovation.

Cancherini ’21 [Laura; April 30; Consultant in McKinsey’s Brussels office; McKinsey, “What’s ahead for biotech: Another wave or low tide?” https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/whats-ahead-for-biotech-another-wave-or-low-tide]

Fundamentals continue strong

When we asked executives and investors why the biotech sector had stayed so resilient during the worst economic crisis in decades, they cited innovation as the main reason. The number of assets transitioning to clinical phases is still rising, and further waves of innovation are on the horizon, driven by the convergence of biological and technological advances.

In the present day, many biotechs, along with the wider pharmaceutical industry, are taking steps to address the COVID-19 pandemic. Together, biotechs and pharma companies have [more than 250 vaccine candidates in their pipelines](https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/on-pins-and-needles-will-covid-19-vaccines-save-the-world), along with a similar number of therapeutics. What’s more, the crisis has shone a spotlight on pharma as the public seeks to understand the roadblocks involved in delivering a vaccine at speed and the measures needed to maintain safety and efficacy standards. To that extent, the world has been living through a time of mass education in science research and development.

Biotech has also benefited from its innate financial resilience. Healthcare as a whole is less dependent on economic cycles than most other industries. Biotech is an innovator, actively identifying and addressing patients’ unmet needs. In addition, biotechs’ top-line revenues have been less affected by lockdowns than is the case in most other industries.

Another factor acting in the sector’s favor is that larger pharmaceutical companies still rely on biotechs as a source of innovation. With the [top dozen pharma companies](https://www.mckinsey.com/business-functions/m-and-a/our-insights/a-new-prescription-for-m-and-a-in-pharma) having more than $170 billion in excess reserves that could be available for spending on M&A, the prospects for further financing and deal making look promising.

For these and other reasons, many investors regard biotech as a safe haven. One interviewee felt it had benefited from a halo effect during the pandemic.

More innovation on the horizon

The investors and executives we interviewed agreed that biotech innovation continues to increase in quality and quantity despite the macroeconomic environment. Evidence can be seen in the accelerating pace of assets transitioning across the development lifecycle. When we tracked the number of assets transitioning to Phase I, Phase II, and Phase III clinical trials, we found that Phase I and Phase II assets have transitioned 50 percent faster since 2018 than between 2013 and 2018, whereas Phase III assets have maintained much the same pace. There could be many reasons for this, but it is worth noting that biotechs with Phase I and Phase II assets as their lead assets have accounted for more than half of biotech IPOs. Having an early IPO gives a biotech earlier access to capital and leaves it with more scope to concentrate on science.

Looking forward, the combination of advances in biological science and accelerating developments in technology and artificial intelligence has the potential to take innovation to a new level. A [recent report](https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/the-bio-revolution-innovations-transforming-economies-societies-and-our-lives) from the McKinsey Global Institute analyzed the profound economic and social impact of biological innovation and found that biomolecules, biosystems, biomachines, and biocomputing could collectively produce up to 60 percent of the physical inputs to the global economy. The applications of this “Bio Revolution” range from agriculture (such as the production of nonanimal meat) to energy and materials, and from consumer goods (such as multi-omics tailored diets) to a multitude of health applications.

#### Antitrust law is a battering ram for innovation and chills patent stability.

Mosoff et al. ’19 [Adam, Kristen Osenga, Randall Rader, Mark Schultz, and Saurabh Vishnubhakat; January 28; Professor of Law at George Mason University; Regulatory Transparency Project, “How Antitrust Overreach is Threatening Healthcare Innovation,” <https://regproject.org/paper/how-antitrust-overreach-is-threatening-healthcare-innovation/>]

II. The FTC’s Heavy-Handed Meddling Upsets the Delicate Balance Between Branded and Generic Drug Companies, Hindering Innovation and Harming Consumers

Since the late 1990s, the FTC has devoted substantial resources to combating what it views as anticompetitive behavior on the part of drug companies in the healthcare market. The FTC has interposed its scrutiny even where the FDA has approved drugs and when the branded and generic companies have decided a legal fight is no longer worth having. The FTC’s meddling restricts behavior that is lawful under the Federal Food, Drug, and Cosmetic Act (FDCA). The FTC’s meddling also usurps the regime Congress carefully crafted for resolving patent disputes between branded and generic drug companies.

The FTC has devised a series of novel theories to justify treating lawful behavior as anticompetitive and worthy of enforcement action and legislative changes. These theories have been adopted—and adapted—by state antitrust enforcers as well as private antitrust plaintiffs. The FTC has conducted industry-wide investigations and prepared massive reports on supposed anticompetitive conduct to recommend legislative changes despite neither the branded nor generic drug industry seeking such changes. These changes to the law would restrict or punish patent owners and even patent challengers. The FTC has, on its own initiative, made the already volatile world of drug development more uncertain and more hostile, ultimately resulting in less innovation and fewer choices for consumers in the short term (e.g., generic options) and long term (e.g., new drugs).

The FTC’s aggression extends to the courtroom. For nearly two decades, the FTC and other antitrust plaintiffs have attacked patent settlements reached by branded and generic drug companies. As explained above, the regulatory scheme for new drugs gives rise to an unusual type of patent litigation in which the generic drug company—the defendant—is not at risk of money damages for infringement because litigation generally occurs before the generic drug has obtained FDA approval and enters the market. Because of this unusual arrangement, where each side had to yield something of value to the other at the settlement table, a patent owner occasionally pays a settlement to the defendant (rather than forgiveness of damages, which is typically not an option) in exchange for the defendant agreeing to slightly delay the launch of its generic drug. Other considerations, such as the generic company agreeing to source materials from the branded company or other business or research partnerships, are not uncommon.

Beginning in the 1990s, the FTC took the position that such settlements were a categorically illegal restraint of trade. Courts did not agree, as modern antitrust jurisprudence recognizes that declaring something categorically illegal in the absence of more facts and details is dubious. Courts generally concluded that a settlement within the scope of the patent—where the defendant agreed to remain off the market no more than already required by the patent but perhaps longer than a successful court challenge—did not itself violate the antitrust laws. Yet the FTC persisted in arguing its position to the Supreme Court. In the 2013 Actavis case, the Supreme Court declined the FTC’s invitation to find reverse payment settlements categorically anticompetitive, ruling instead that these settlements must be evaluated under antitrust law’s “rule of reason,”, which is a detailed look at all the relevant facts and circumstances of the individual case.7 Still undeterred in the wake of Actavis, the FTC continues to argue that a variety of patent settlements are anticompetitive and accuse district courts of misinterpreting Actavis.

The FTC’s basic position is that antitrust scrutiny is triggered when the patent owner offers anything of value beyond the litigation expenses that settlement would save. Any patent owner who tries to entice a generic competitor to settle by offering anything more than litigation costs is treated suspiciously by the FTC. Even if the settlement is a complex corporate transaction that involves manufacturing and promotion deals or other products—where both parties might benefit beyond merely the ending of a lawsuit—the FTC’s basic position is to presume an antitrust violation.

Not surprisingly, the FTC’s overzealous actions against drug makers make it very difficult to settle pharmaceutical patent litigation without branded and generic drug companies both expecting an antitrust case, which may itself end up effectively revisiting the patent issues the parties sought to move beyond by settling. Companies still try to craft agreements that eliminate the risk that both face in litigation while ensuring that generic market entry occurs well before patent expiry, but no matter the terms, the FTC stands ready to argue that the companies should not have settled. In the end, these parties seem to want patent litigation cases to continue to final judgment, even when this is not in the interest of the branded companies, generic drug companies, consumers or the federal court system.

The FTC has also started to interfere with the ordinary cycle of incremental innovation in the drug industry. Incremental drug innovation is both commonplace and can be medically important. New dosage forms and routes of administration can make life-sustaining drugs easier to administer to new populations. New formulations, such as extended release formulations, can simplify dosing, thus increasing patient compliance.

In recent years, however, the FTC has targeted these patents. The chief complaint advanced by the FTC is that incremental innovations are trivial advances and do not deserve patent protection. Where the branded company replaces an older version of its product with the patented new version, the FTC accuses the branded company of “product hopping” to force the market to move to new drugs. The problem with this argument is threefold. First, these innovations have satisfied the requirements of the Patent Act. Second, if they are indeed trivial, the patents will likely be held invalid in federal court when challenged by generic competitors.  Third, if the branded company’s new product does not provide better outcomes, insurers are unlikely to cover the product and will instead require a patient to use the generic version of the branded company’s first product. The FTC’s actions are thus a solution in search of a problem.

Conclusion

The FTC’s goals may be well-intentioned, but its intrusion into domains that other, more expert agencies already oversee and comprehensively regulate is troubling. By substituting its own agenda for the business judgment of sophisticated parties in the marketplace, the FTC has overreached its proper role and begun to disrupt the cycle of investment, product development, recoupment, further incremental advancement, and risk management that drives the creation of new drugs that save lives and promote greater public health.

#### Innovation optimizes synthetic biology---extinction.

Karoui et al. ’19 [Meriem, Monica Hoyos-Flight, and Liz Fletcher; August 7; Centre for Synthetic and Systems Biology in the School of Biological Sciences at the University of Edinburgh; Innogen Institute in the School of Social and Political Sciences at the University of Edinburgh; Frontiers, “Future Trends in Synthetic Biology—A Report,” <https://www.frontiersin.org/articles/10.3389/fbioe.2019.00175/full>]

Tackling Risk

Synthetic biology is an example of a dual-use technology: it promises numerous beneficial applications, but it can also cause harm. This has led to fears that it could, intentionally or unintentionally, harm humans or damage the environment. For example, there is huge value in our ability to engineer viruses to be more effective and specific shuttles for gene therapies of devastating inherited disorders; however, engineering viruses may also lead to the creation of even more deadly pathogens by those intent on harm.

“Synthetic biology should be regarded as an extension of earlier developments and technologies”

Some would argue that synthetic biology poses an existential risk and needs to be treated with extreme caution. However, many new technological advances across the decades have met similar concerns. The uncertainty and remote possibility of such risks could hamper the development of useful technology. Scientists, their host institutions and funding bodies should (and indeed already do) consider whether the research planned could be misused. Measures that reduce the likelihood of misuse and its consequences should be implemented and clearly communicated. The synthetic biology community needs to be aware of, and respond to, these challenges by engaging in horizon scanning exercises as well as open dialogue with regulatory bodies and the media.

“Don't avoid risk – manage it”

Being more open about risks, and how they are controlled, provides an opportunity to shift discourse toward the benefits of synthetic biology in addressing urgent global needs, such as the production of biofuels, food security and more effective medicines, and potentially improve public acceptance.

“The questions should not be ‘what’s the next big thing for synthetic biology' but ‘where is the greatest unmet need’.”

Despite the efforts by individual countries to establish synthetic biology research roadmaps, broader, international agreement on common standards (and red lines) across the field may help establish trust and to advance the best pre-competitive research into useful applications.

Meeting participants highlighted the importance of training in responsible research conduct and ethics. Given students' future role as science ambassadors and influencers, their training should not only convey skills and knowledge but also awareness and critical thinking about the prospects and potential for dual use of synthetic biology. All researchers must remain vigilant regardless of the many pressures and distractions of running a successful research lab; they may not have specialist training in identifying the risks of misuse but they are the people best placed to maintain informed oversight of risks.

One example of current synthetic biology research with potential dual use is gene drive technology, which can be used to propagate a particular suite of genes throughout a population. The benefits of using gene drive technology include the eradication of disease-carrying insect populations and the elimination of invading pest species but it has raised concerns about the unintended ecological impacts of reducing or eliminating a population ([Callaway, 2018](https://www.frontiersin.org/articles/10.3389/fbioe.2019.00175/full#B5); [Collins, 2018](https://www.frontiersin.org/articles/10.3389/fbioe.2019.00175/full#B9)).

Similar release concerns surround research that is harnessing the ability of pathogens to target particular tissues in the body or particular chemicals in the environment, which could greatly aid efforts to deliver targeted therapies or clean-up contaminated sites. To date, such large-scale release for environmental bioremediation interventions has not been possible.

“We need to mind the gap between R&D scale up and communications …. One bad blog can kill a commercial product”

There was consensus that the need for regulation over this community remains important. Regulation needs to keep up to speed with the emerging technologies and should focus on the product rather than the process used to create it ([Tait et al., 2017](https://www.frontiersin.org/articles/10.3389/fbioe.2019.00175/full#B34)). Unsuitable regulatory frameworks (as well as unfavorable public perception) could discourage private sector investment in synthetic biology.

### Off

Court clog

#### Restrictive federal antitrust doctrine means weak enforcement and limited litigation in the status quo – Aff reverses this

Jones and Kovacic 20 (Alison and William, Professor of Law @ King's College London + Professor @ George Washington Univ./Former Member of the Federal Trade Commission, "Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy," 3/20, https://journals.sagepub.com/doi/full/10.1177/0003603X20912884)

It also has been argued that guided by a false conception of antitrust’s goals, or how its goal (or goals) is to be achieved, the federal courts have raised procedural, evidential, and substantive bars to antitrust actions excessively and gone too far in loosening antitrust restrictions governing vertical agreements, dominant firm behavior, and mergers.41 Reflecting a deep-seated concern about the hazards of overenforcement, confidence in the ability of markets to renew themselves, and wariness of the U.S. system of private rights of action,42 the courts have systematically and incrementally diminished the likelihood that a plaintiff can prevail in antitrust litigation. Not only have these developments discouraged private litigation, but they have also made the federal agencies more risk-averse in deciding whether to challenge dominant enterprises43 or attack mergers, except in cases of unusually high concentration.

#### Court clog undermines the patent system and innovation via delays and costs

Dr. Gwendolyn Ball 10. Ph.D. in Economics from the University of Illinois at Urbana-Champaign, J.D. from George Mason University School of Law, Jay P. Kesan, J.D from Georgetown Law Center, Professor of Law at the University of Illinois at Urbana-Champaign, 4-30-10, “Judges, Courts and Economic Development: The Impact of Judicial Human Capital on the Efficiency and Accuracy of the Court System,” https://extranet.sioe.org/uploads/isnie2011/Ball\_Courts\_paper.pdf

While most economic scholarship analyzing the importance of the courts has focused on disputes over real property, the relationship between the court system and investment is no less strong for intellectual property. And to a large extent, the relationship between the courts and the patent system depends on the quality of “judicial human capital.”

In the United States, as in many countries, the courts are a crucial part of the patent system to the extent that the patent system is can be termed a two-stage process. In the first stage, the U.S. Patent and Trademark Office grants property rights to inventors. In the second stage, inventors can protect those rights through patent infringement suits in the courts and alleged infringers have the right to challenge improvidently granted patents and have them declared invalid. As a consequence, some authors have referred to patent rights as being “probabilistic,” depending not only on whether the innovation embodied in the patent has commercial value, but also on the refinement of that patent property right after litigation.15

Just as with real property, the management of the court system has an impact on both patenting behavior and on investment in research and development. While the majority of all patents are not litigated, those that are disputed in the courts are among the most valuable.16 The rules governing the court system may even “feed back” into patenting behavior; some authors have found evidence that the increasingly “patent friendly” rules17 adopted by the courts are a major factor in the surge in patenting since the 1980s.18 Moreover, the ability to define the “probabilistic” property rights is an important element in determining whether patents fulfill their purpose of promoting innovation.19 Finally, the costs associated with the patent systems can be reduced by an efficient court system; firms may hesitate to invest in new products and technologies which may infringe on existing patents, so any additional delay or cost in clarifying existent rights may slow the process of innovation. The more quickly and cheaply these rights are defined, the more beneficial the patent system will be in promoting and not inhibiting innovation and investment.

#### Pharma innovation vital in combatting emerging disease threats – impact is extinction

Engelhardt 8 – PhD, MD, Professor of Philosophy @ Rice (Hugo, “Innovation and the Pharmaceutical Industry: Critical Reflections on the Virtues of Profit,” EBrary)

Many are suspicious of, or indeed jealous of, the good fortune of oth-ers. Even when profit is gained in the market without fraud and with the consent of all buying and selling goods and services, there is a sense on the part of some that something is wrong if considerable profit is secured. There is even a sense that good fortune in the market, especially if it is very good fortune, is unfair. One might think of such rhetorically disparaging terms as "wind-fall profits". There is also a suspicion of the pursuit of profit because it is often embraced not just because of the material benefits it sought, but because of the hierarchical satisfaction of being more affluent than others. The pursuit of profit in the pharmaceu-tical and medical-device industries is tor many in particular morally dubious because it is acquired from those who have the bad fortune to be diseased or disabled. Although the suspicion of profit is not well-founded, this suspicion is a major moral and public-policy challenge. Profit in the market for the pharmaceutical and medical-device industries is to be celebrated. This is the case, in that if one is of the view (1) that the presence of additional resources for research and development spurs innovation in the development of pharmaceuticals and med-ical devices (i.e., if one is of the view that the allure of profit is one of the most effective ways not only to acquire resources but productively to direct human energies in their use), (2) that given the limits of altruism and of the willingness of persons to be taxed, the possibility of profits is necessary to secure such resources, (3) that the allure of profits also tends to enhance the creative use of available resources in the pursuit of phar-maceutical and medical-device innovation, and (4) if one judges it to be the case that such innovation is both necessary to maintain the human species in an ever-changing and always dangerous environment in which new microbial and other threats may at any time emerge to threaten human well-being, if not survival (i.e., that such innovation is necessary to prevent increases in morbidity and mortality risks), as well as (5) in order generally to decrease morbidity and mortality risks in the future, it then follows (6) that one should be concerned regarding any policies that decrease the amount of resources and energies available to encourage such innovation. One should indeed be of the view that the possibilities for profit, all things being equal, should be highest in the pharmaceutical and medical-device industries. Yet, there is a suspicion regarding the pursuit of profit in medicine and especially in the pharmaceutical and medical-device industries.

### off

#### The United States federal government should expedite approval for biosimilars approved by the European Medicines Agency and incentivize pharmaceutical innovation with prizes and expanded research and development funding.

#### Antitrust not key to drug prices---CP solves via prizes to induce innovation and utilizing European approval standards for biosimilars

Wilson and Hyman 20[Christine S. Wilson is commissioner of Federal Trade Commission, and David A. Hyman is Scott K. Ginsburg Professor of Health Law & Policy at Georgetown University School of Law and the co-author of “Overcharged: Why Americans Pay Too Much For Health Care,” “Pharma pricing is a problem, but antitrust isn't the (only) solution,” July 10, 2020, https://thehill.com/blogs/congress-blog/healthcare/506763-pharma-pricing-is-a-problem-but-antitrust-isnt-the-only?rl=1]

Still, drug prices continue to rise, especially for new drugs debuting at prices once considered unimaginable. For example, Zolgensma, a gene therapy for treating spinal muscular atrophy, has a list price of $2.1 million. Cancer drugs are so expensive that oncologists talk about “financial toxicity” as a side effect of treatment.

This is a particularly knotty problem for the elderly who receive health care coverage through Medicare and have been hard hit by COVID-19. The government is prohibited from using competitive bidding or direct negotiation when sourcing drugs for Medicare Part B — those administered by medical professionals. So drugmakers name their price and the federal government must pay.

Medicare Part D operates under a different model – companies use formularies to push down prices for outpatient drugs. Even that model falls short for drugs that do not yet face competition, and Part D is projected to cost more than $88 billion in 2020. Market exclusivity on so-called biologics like vaccines and insulin often outlasts patent protection, given the technological challenges in creating bioequivalent generics known as biosimilars. Incumbents often compound this problem by restricting distribution and withholding samples from potential competitors.

We support efforts to address rising drug prices while maintaining strong incentives for innovation. Strategies include the new CREATES Act, which allows drug makers to sue for access to drug samples; expedited or automatic approval for biosimilars that have passed muster with the European Medicines Agency; and incentivizing innovation with prizes.

As this list indicates, many causes of breathtaking pharma prices lie beyond the reach of the antitrust laws. Notably, the structure of the U.S. health care system inhibits consumers’ ability and incentive to choose among different providers and products, including prescription drugs. Because insurers pick up much of the tab, patients have little incentive to compare the prices of potentially interchangeable drugs. Even if they were so inclined, the opacity of drug prices and dearth of data available to patients about quality and outcomes inhibits comparison shopping.

To fix the root causes of high pharma prices, we should focus on the drivers of those prices rather than scrapping fundamental antitrust doctrine, including the requirement for evidence of an actual competitive problem.

### Access

#### No impact to Mexican instability

Seelee and Shirt 10– **\***director of theMexicoInstitute at the Woodrow Wilson International Center for Scholars AND \*\* fellow at the center and an associate professor at the University of San Diego (Andrew Selee, David Shirk, 3/27/10, " Five myths about Mexico's drug war ", Washington Post, http://www.washingtonpost.com/wp-dyn/content/article/2010/03/26/AR2010032602226.html)

The country has certainly seen a big rise in drug violence, with cartels fighting for control of major narcotics shipment routes -- especially at the U.S. border and near major seaports and highways -- and branching into kidnapping, extortion and other illicit activities. Ciudad Juarez, in particular, has been the scene of major battles between two crime organizations and accounted for nearly a third of drug-linked deaths last year. But the violence is not as widespread or as random as it may appear. Though civilians with no evident ties to the drug trade have been killed in the crossfire and occasionally targeted, drug-related deaths are concentrated among the traffickers. (Deaths among military and police personnel are an estimated 7 percent of the total.) A major reshuffling of leaders and alliances is occurring among the top organized crime groups, and, partly because of government efforts to disrupt their activities, violence has jumped as former allies battle each other. The bloodshed is also geographically concentrated in key trafficking corridors, notably in the states of Sinaloa, Chihuahua and Tamaulipas. While the violence underscores weaknesses in the government's ability to maintain security in parts of the country, organized crime is not threatening to take over the federal government. Mexico is not turning into a failed state.

#### We don’t have jurisdiction over Mexico – we can’t prosecute people across US borders

#### No readiness impact.

**Fettweis 18** Christopher J. Fettweis, Political Science Professor at Tulane University. [Psychology of a Superpower: Security and Dominance in US Foreign Policy, Columbia University Press]//BPS

How would the system respond? Could the New Peace survive without its policeman? Good counterfactual analysis minimizes the number of both assumptions and alterations of reality. It is also obviously wise to choose relatively simple cases, ones that do not involve many potentially confounding variables. 127 The ramifications of an actual supervolcanic blast would not be contained in the United States; the massive amount of material ejected into the atmosphere would blot out the sun and cause global temperatures to drop for years. To keep this thought experiment manageable, let us imagine a natural disaster that only affects the United States, one resulting in the effective disappearance of U.S. military and political engagement with the rest of the world. The effect of an aloof United States on some regions need not be imagined because it already exists. In South America, the U.S. Southern Command has a minuscule operating budget and no troops to speak of, despite its theoretical “responsibility” for the entire continent. The United States maintains no significant physical presence in Africa or large swaths of Asia. A Yellowstone supereruption would presumably not change security calculations in these areas much at all. Europe would be similarly unaffected, sat least in the short term. The United States currently maintains 95,000 troops from all services in its European Command, none of whom are tasked with maintaining the internal stability of its allies. During the Cold War, U.S. troops did not involve themselves in the domestic conflicts of their host states, unlike their Soviet counterparts. Their job was always to protect Europe from without, not within. The continent is the world’s most stable, its countries the most cooperative, and its people the least martial. It would probably take more than the removal of U.S. troops for ash-cleaning duties to bring back security dilemmas, arms races, and conflict. Borders have hardened, as have norms of conflict resolution. No one can know for sure, of course, but Europe does not seem to be a good candidate for chaos in the absence of the United States. Without the presence of U.S. forces, much of the Middle East would be unstable and chaotic. With the presence of U.S. forces, much of the Middle East is unstable and chaotic. A supervolcano erupting in Wyoming would not have much impact on the security of the world’s most dangerous region. Israel would be just as safe as it was before, since its marked military superiority over all potential rivals is the ultimate guarantor of its security, not U.S. troops or ships. Without the prospect of help from Uncle Sam, the failing governments of Iraq and Libya, as well as the rebels in Syria and our allies in Saudi Arabia, Yemen, Jordan, and elsewhere, would learn to become more self-sufficient. Perhaps they would even make long-term deals with their rivals. It might be good to throw them out of the U.S. nest and encourage them to fly on their own or crash. Fears of a resurgent Iran would be articulated by the usual suspects, no doubt, but both history and the realities of power suggest Tehran would find it hard to dominate its neighbors, even if it had the will to do so. The regions that would be of most concern in such a scenario would be the peripheries of those once and potentially future great powers, Russia and China. To believers in the “deterrence model,” first described by Robert Jervis four decades ago, weakness is provocative, and the post-U.S. world would seem everywhere weak. 128 Moscow and Beijing would attempt to expand their influence, and ultimately perhaps their borders, once they were assured that they would face no pushback from Washington. Perhaps gradual interference in their near-abroads, such as we have already seen in eastern Ukraine, northern Georgia, and the South China Sea, would occur with increasing frequency in the vacuum left by a U.S. withdrawal. While such expansion cannot be ruled out, especially in the long run, large border adjustments would probably not occur in the absence of U.S. power, for least two reasons. First, the removal of American troops would not alter the calculations regarding the costs and benefits of conquest in the twenty-first century. Although absorbing neighbors sometimes paid substantial dividends in the pre–information age, today territory is unrelated to wealth. 129 The people of larger states are not automatically better off than those of small ones. India is not richer than Singapore; Russia would not benefit from invading Ukraine; China would hardly be materially better off if it ruled Taiwan. The other members of the international system might not be able to stop such adventurism militarily, but they can certainly punish it economically. The costs related to invasion and the inevitable problems that arise during occupation would outweigh any possible benefits that may accrue. Conquest in a trading system is profoundly irrational, and the incentives for peace are strong. Rational calculations are not the only motivations for cross-border violence. As Norman Angell argued a century ago, people have to believe that war is not worth the cost before they will forswear it. 130 The quest for glory and prestige has sent many an army into motion over the centuries; Alfred Thayer Mahan responded to Angell’s rationalism a century ago by pointing out that “nations are under no illusion as to the unprofitableness of war itself” but honor often compels them to fight anyway. 131 By 2017, however, those calculations have changed. It is not at all clear that glory still automatically accompanies conquest. The second reason to believe that Russia and China might not dominate their near-abroads in an essentially U.S.-free world is that the behavioral norms of the New Peace discourage aggression. Imperialism invites opprobrium, not admiration. This does not mean that such assaults could not happen—Genghis Khan was unconcerned about opprobrium, for instance, and Vladimir Putin might be too—but surely it is significant that conquest has been all but absent since the Second World War. The unipole is not the only thing restraining potential combatants; both their material and reputational interests do so as well. If and when a catastrophic supervolcanic eruption weakens the United States, other countries would still have substantial interest in maintaining the overlapping network of international economic and political institutions that serve the interests of all members. All would want to see free trade and investment continue unmolested, whether or not the global policeman could punish violators. Most would continue to place some value on international law, human rights, and the UN system. Why any state would want to move backward to a mercantilist time of pure self-help and violence would be difficult to imagine. It is 2017, not 1717. Volcanologists assure us that someday Yellowstone will awaken with terrifying fury. The human and material cost will be immense, but the ramifications for international security may not be as dramatic. While it might take that kind of event to settle the questions concerning hegemonic-stability theory once and for all, we can still use our imaginations to anticipate the kind of reaction that the system would have if the global 911 is taken off the hook. Even more decisively than a Trump superpresidency, a supervolcano eruption would test the New Peace and settle forever debates over the importance of unipolarity. Until then, one can only imagine what the system would be like without the United States. And the smart money would be with those who say that it would probably look pretty much the same, with very small amounts of conflict and warfare, even if few people seem to notice. In the end, what can be definitely said about the relationship between U.S. power and international stability? Probably not much that will satisfy partisans. The pacifying virtue of U.S. hegemony will remain largely an article of faith in some circles in the policy world. Like most beliefs, it will resist alteration by logic and evidence. Beliefs rarely change, so debates rarely end. For those not yet fully converted, however, perhaps it will be significant that corroborating evidence for the relationship is extremely hard to identify. If indeed hegemonic stability exists, it does so without leaving much of a trace. Neither Washington’s spending, nor its interventions, nor its overall grand strategy seem to matter much to the levels of armed conflict around the world (apart from those wars that Uncle Sam starts). The empirical record does not contain much support for the notion that unipolarity and the New Peace are related. At the same time, three common psychological phenomena suggest that hegemonic stability is particularly susceptible to misperception. U.S. leaders probably exaggerate the degree to which their power matters. Researchers will need to look elsewhere to explain why the world has entered the most peaceful period in its history.

#### Bio-d loss isn’t existential

Kareiva and Carranza, 18—Institute of the Environment and Sustainability, University of California, Los Angeles (Peter and Valerie, “Existential risk due to ecosystem collapse: Nature strikes back,” Futures, available online January 5, 2018, ScienceDirect, dml)

While there are data that relate local reductions in species richness to altered ecosystem function, these results do not point to substantial existential risks. The data are small-scale experiments in which plant productivity, or nutrient retention is reduced as species numbers decline locally (Vellend, 2017), or are local observations of increased variability in fisheries yield when stock diversity is lost (Schindler et al., 2010). Those are not existential risks. To make the link even more tenuous, there is little evidence that biodiversity is even declining at local scales (Vellend et al., 2013, 2017). Total planetary biodiversity may be in decline, but local and regional biodiversity is often staying the same because species from elsewhere replace local losses, albeit homogenizing the world in the process. Although the majority of conservation scientists are likely to flinch at this conclusion, there is growing skepticism regarding the strength of evidence linking trends in biodiversity loss to an existential risk for humans (Maier, 2012; Vellend, 2014). Obviously if all biodiversity disappeared civilization would end—but no one is forecasting the loss of all species. It seems plausible that the loss of 90% of the world’s species could also be apocalyptic, but not one is predicting that degree of biodiversity loss either. Tragic, but plausible is the possibility of our planet suffering a loss of as many as half of its species. If global biodiversity were halved, but at the same time locally the number of species stayed relatively stable, what would be the mechanism for an end-of-civilization or even end of human prosperity scenario? Extinctions and biodiversity loss are ethical and spiritual losses, but perhaps not an existential risk.

### Econ

#### Alt causes---lack of money and skill

Brill 15 [Steven Brill, graduate of Yale College and Yale Law School, health care policy expert, author of NYT bestsellers on health policy, *America's Bitter Pill: Money, Politics, Backroom Deals, and the Fight to Fix Our Broken Healthcare System*, 2015, Penguin Random House: New York, NY, p. 452-55]

Put simply, money is a scarce healthcare resource. We have left it to Washington to allocate it based too often on who has the best lobby or the hottest fund-raising campaign. And anyone who tries to rationalize those tragic choices faces a firestorm of political opposition. Which was why Obamacare’s thousands of pages of law and follow-on regulations were filled with all kinds of goodies—or necessities, depending on your view—pushed by the most effective body part and disease lobbies. It’s also why figuring out how to deal with Sovaldi is impossible absent price controls.

Skill is also a scarce resource. That was driven home to me when I checked in with Tom and Viola Brown in Kentucky in July 2014 and Viola told me that one of her doctors had discovered a severe heart problem. For the next several months the doctor was going to monitor her to see if medication would suffice. However, Mrs. Brown told me, open-heart surgery was likely going to be necessary at some point.

Before cardiothoracic surgeon Leonard Girardi operated on me I was able to check him out, because the New York State Department of Health posts data online tallying the outcome of all cardiac surgeries by all of the state’s heart surgeons.

The stats for Girardi, a soft-spoken, fifty-one-year-old graduate of Harvard College and Cornell Medical School, were as good as the word of mouth about him. In 2011, the last year for which records were available, Girardi had performed 238 operations of the type he was going to perform on me. He had lost no one, earning him the highest rank in the state, which factored in the condition of the patient being operated on and the complexity of the procedure. Girardi had averaged between 500 and 600 heart surgeries of any kind (including my type) a year over the past fifteen years. He had rarely lost a patient, and the few he lost were far advanced in years or had arrived near death in the emergency room. You wouldn’t know it from his modest, friendly bedside manner, which exuded the opposite of surgeon-as-God arrogance, but in New York cardiology circles Girardi was considered among the best of the best.

There are no analogous publicly available statistics kept in Kentucky. In the more general national and state quality ratings that CMS and Kentucky publish related to cardiac surgery, Louisville’s Jewish Hospital and St. Mary’s HealthCare–where Viola Brown told me she would have her surgery if it became necessary—ranks as “average.” However, the data is limited, and the hospital is reputed to have one of the best cardiac care centers in the region. That Viola Brown, thanks to Barack Obama and Steven Beshear, had had her condition discovered and could now be treated for it there, was, of course, a great benefit for her.

But the hospital doesn’t rank as high or have the same reputation as New York–Presbyterian.

The actual skill of the people treating Mrs. Brown is not the point. The point is that skills will vary—and that the data transparency movement is now likely to make those variations clearer than ever, as data like New York’s becomes more complete and consumer friendly, and as other states offer the same information. So those at the top of the rankings will increasingly present yet another scarce resource forcing another type of tragic choice.

Let’s suppose we could get an exact—or what would purport to be an exact—quality rating for Viola Brown’s doctor to compare to Leonard Girardi’s. Let’s further suppose he or she ranked in the 60th or 75th or even 85th percentile, while Girardi was up at 99-plus.

Who wants number 85 instead of number 99?

What’s the fair way to allocate the scarce resource called Girardi once the transparency movement makes his and everyone else’s comparative status clear? Who will make that tragic choice?

All of these issues related to scarce resources are only going to intensify. That’s true here and around the world, because of a catch-22 about advances in medical care. These advances will generally mean that everyone lives longer. With older populations everywhere, every country’s healthcare needs and expenses as a percent of their overall economy are destined to rise.

Compared to the rest of the world, the United States is staring into that future from a ditch. We already spend 50 to 100 percent more as a portion of our gross domestic product on healthcare than our competitors do. Obamacare is not likely to change that. Indeed, by making the deals he made—by making the right tragic choice and giving healthcare to people like Viola Brown—Barack Obama likely dug us deeper into the ditch.

The best prospect for digging out is that now that we have paid the ransom the industry demanded in Washington to get coverage for Viola Brown in Kentucky, perhaps the resulting sticker shock, exacerbated by renegades like the makers of Sovaldi, will cause us to demand real change on the cost side, too.

Maybe all the new customers created by the Obamacare exchanges will set off a fiscal crisis that will force us to rethink how we pay for healthcare.

Maybe it will make us throw aside the lobbyists and allow drug companies to reap healthy profits but not Sovaldi-sized, screw-you profits.

Maybe it will force Democrats to defy the trial lawyers and allow sensible tort reform.

And maybe it will force us to allow doctors like Corwin, Steele, Gottlieb, and Cosgrove, helped by industry disrupters like the Oscar team, to have a toughly regulated shot at revolutionizing the system by aligning the interests of those who provide care with those who pay for it, while cutting out the middleman insurance companies.

Maybe putting them in the driver’s seat on a well-policed highway will allow us to junk the old jalopy and stop rewarding those who want to keep pumping gas into it.

#### It’s resilient

**Jing 16 –** (Liang Jing, reporter for Radio Free Asia, translated by David Kelly, 3/24/16, “Why China’s Economy Can’t Collapse,” <https://www.chinafile.com/viewpoint/why-chinas-economy-cant-collapse>, Accessed 7/30/16, HWilson)

China’s economic outlook once again became the focus of attention for many last week. For one thing, the Economist Intelligence Unit (EIU) listed the possibility of a hard landing for China’s economy as the topmost of the world’s top 10 risks. There was, nevertheless, no apparent reaction in U.S. or China stock markets, whose prices rose as expected, in stark contrast to their reaction to bad news from the Chinese economy earlier this year. In other words, while investors’ outlooks for the Chinese economy are not optimistic, they are not so pessimistic—at least not as panicky as it was some time ago. Does this mean the EIU’s warning about a possible hard landing of China’s economy was a bit exaggerated? Not having seen their research report, I don’t know how they defined “hard landing.” Going, however, by official Chinese understanding of economic hard landings in the past—when the economic growth rate is far below 8 percent or the adjusted figure of 6 percent—it has already occurred or is occurring. Virtually no experts, Chinese or foreign, now really believe the official economic growth rate figures. But few care publicly to pierce the veil. On the one hand, they want to save face for the officials; on the other, no one, not even the officials themselves, can give a clear idea of what China’s GDP actually is. This being the case, the substantive issue people really care about is whether the economy will totally collapse, entailing comprehensive social unrest and political crisis. At present, the mainstream judges that it will not. Does this judgment have solid grounds? I think so, although my grounds and those stated by Chinese officials are not the same. The officials claim the main reason is that the government not only has the ability to control the growth of debt, but can do so and reform as well, maintaining relatively rapid growth. But many processes now in train indicate the economic situation is still deteriorating; China’s economic policymakers have yet to find a way out of the woods. The recent vicious hike of housing prices in first-tier cities, and mass protests by coal mine workers in Heilongjiang, are proof. In fact, what best displayed the grimness of the economic situation was when Xi Jinping, receiving criticism from all sides, was forced to make major adjustments. Were he as optimistic about the economy as his officials claim to be, one can readily imagine that he would not likely have made such a switch. So, why can China’s economy not easily deteriorate to the point of fully collapsing? I think the most fundamental reason is that times have changed; the interdependence of human beings, especially between great powers, has developed to an unprecedented degree; and, from their own and global interests, the U.S.-led developed countries not only don’t want China to collapse economically, but have considerable ability to coordinate economic policy-making with China. Wen Jiabao’s 4 trillion stimulus policy decision of 2008 has been criticized. But Wen had no regrets: he had U.S. support for a decision that may in fact have saved the U.S. economy—that is to say, saved capitalism

#### China responds to economic downturn by settling territorial disputes

**CFR 16** – Council on Foreign Relations, Maurice R. Greenberg Center for Geoeconomic Studies, 2/25/16, “Economic and Geopolitical Fallout From China’s Slowing Growth,” <http://i.cfr.org/content/publications/attachments/Workshop_Report_CGS_China_OR.pdf>

A soft economy should increase the importance to Beijing of maintaining a peaceful regional environment so that China can grow its trade and investment with its neighbors. The paradox for Chinese rulers is that, having deliberately steeped their population in nationalistic propaganda and training for so long, they now face rising public expectations to make good on sovereignty claims in the East and South China Seas. This situation has left Beijing with limited room to accommodate its Asian neighbors and the United States. Indeed, China’s campaign to assert sovereignty over regional skies and seas has already damaged its diplomatic relations with neighbors. In discussing how China’s leaders could balance their desire for regional stability with their nationalistic aims in the East and South China Seas, one participant raised the possibility that Beijing might try to split the difference by directing its ire against one neighbor in particular—probably the Philippines, or perhaps Vietnam—while seeking to reduce tensions with other neighbor.

#### Decline doesn’t cause war

**Clary 15** – Christopher Clary, PhD in Political Science from MIT, M.A. in National Security Affairs, Postdoctoral Fellow, Watson Institute for International Studies, Brown University, 2015 (“Economic Stress and International Cooperation: Evidence from International Rivalries,” April 25th, Available Online via SSRN Subscription)

Do economic downturns generate pressure for diversionary conflict?

Or might downturns encourage austerity and economizing behavior in foreign policy? This paper provides new evidence that economic stress is associated with conciliatory policies between strategic rivals. For states that view each other as military threats, the biggest step possible toward bilateral cooperation is to terminate the rivalry by taking political steps to manage the competition. Drawing on data from 109 distinct rival dyads since 19i9 50, 67 of which terminated, the evidence suggests rivalries were approximately twice as likely to terminate during economic downturns than they were during periods of economic normalcy. This is true controlling for all of the main alternative explanations for peaceful relations between foes (democratic status, nuclear weapons possession, capability imbalance, common enemies, and international systemic changes), as well as many other possible confounding variables. This research questions existing theories claiming that economic downturns are associated with diversionary war, and instead argues that in certain circumstances peace may result from economic troubles. I define a rivalry as the perception by national elites of two states that the other state possesses conflicting interests and presents a military threat of sufficient severity that future military conflict is likely. Rivalry termination is the transition from a state of rivalry to one where conflicts of interest are not viewed as being so severe as to provoke interstate conflict and/or where a mutual recognition of the imbalance in military capabilities makes conflict-causing bargaining failures unlikely. In other words, rivalries terminate when the elites assess that the risks of military conflict between rivals has been reduced dramatically. This definition draws on a growing quantitative literature most closely associated with the research programs of William Thompson, J. Joseph Hewitt, and James P. Klein, Gary Goertz, and Paul F. Diehl.1 My definition conforms to that of William Thompson. In work with Karen Rasler, they define rivalries as situations in which “[b]oth actors view each other as a significant political-military threat and, therefore, an enemy.”2 In other work, Thompson writing with Michael Colaresi, explains further: The presumption is that decisionmakers explicitly identify who they think are their foreign enemies. They orient their military preparations and foreign policies toward meeting their threats. They assure their constituents that they will not let their adversaries take advantage. Usually, these activities are done in public. Hence, we should be able to follow the explicit cues in decisionmaker utterances and writings, as well as in the descriptive political histories written about the foreign policies of specific countries.3 Drawing from available records and histories, Thompson and David Dreyer have generated a universe of strategic rivalries from 1494 to 2010 that serves as the basis for this project’s empirical analysis.4 This project measures rivalry termination as occurring on the last year that Thompson and Dreyer record the existence of a rivalry.

Economic crises lead to conciliatory behavior through five primary channels. (1) Economic crises lead to austerity pressures, which in turn incent leaders to search for ways to cut defense expenditures. (2) Economic crises also encourage strategic reassessment, so that leaders can argue to their peers and their publics that defense spending can be arrested without endangering the state. This can lead to threat deflation, where elites attempt to downplay the seriousness of the threat posed by a former rival. (3) If a state faces multiple threats, economic crises provoke elites to consider threat prioritization, a process that is postponed during periods of economic normalcy. (4) Economic crises increase the political and economic benefit from international economic cooperation. Leaders seek foreign aid, enhanced trade, and increased investment from abroad during periods of economic trouble. This search is made easier if tensions are reduced with historic rivals. (5) Finally, during crises, elites are more prone to select leaders who are perceived as capable of resolving economic difficulties, permitting the emergence of leaders who hold heterodox foreign policy views. Collectively, these mechanisms make it much more likely that a leader will prefer conciliatory policies compared to during periods of economic normalcy. This section reviews this causal logic in greater detail, while also providing historical examples that these mechanisms recur in practice.

### Innovation

#### Pandemics won’t cause human extinction

Sebastian **Farquhar 17**. Director at Oxford's Global Priorities Project, Owen Cotton-Barratt, a Lecturer in Mathematics at St Hugh’s College, Oxford, John Halstead, Stefan Schubert, Haydn Belfield, Andrew Snyder-Beattie, 01-23-17, "Existential Risk Diplomacy and Governance", GLOBAL PRIORITIES PROJECT 2017, https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

1.1.3 Engineered pandemics For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are very unlikely to cause human extinction. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500, less than 4% (31 species) were ascribed to infectious disease.38 None of the mammals and amphibians on this list were globally dispersed, and other factors aside from infectious disease also contributed to their extinction. It therefore seems that our own species, which is very numerous, globally dispersed, and capable of a rational response to problems, is very unlikely to be killed off by a natural pandemic. One underlying explanation for this is that highly lethal pathogens can kill their hosts before they have a chance to spread, so there is a selective pressure for pathogens not to be highly lethal. Therefore, pathogens are likely to co-evolve with their hosts rather than kill all possible hosts.39

#### New breakthrough in protein-based antibiotics solves AMR

Richard **James 15**, emeritus professor at the school of life sciences, University of Nottingham, and a former director of the centre for healthcare associated infections, 11/20/15, “I believed we would face an antibiotics apocalypse - until now,” https://www.theguardian.com/commentisfree/2015/nov/20/antibiotics-apocalypse-research-resistance-threat-breakthrough

Official recognition of the scale of the problem at least increases the prospects of developing workable solutions that may prevent our current direction of travel. To illustrate what a world without antibiotics would look like, I have a photograph from the pre-antibiotic era in London, in 1932 – it shows children being treated for tuberculosis in three rows of beds outside a building. In those days whether you lived or died was sheer luck – the only treatment was fresh air.

The huge importance of antibiotics within healthcare globally cannot be overstated. A US study in 1999 calculated that the introduction of antibiotics in 1936 caused deaths in the US to fall by 220 per 100,000 within 15 years. All other medical technologies combined over the next 45 years reduced deaths by only 20 per 100,000 people. The euphoria over the healthcare benefits of antibiotics was encapsulated in 1960, when the US surgeon general announced that “infectious disease is conquered”.

So why has this optimism given way to the apocalyptic scenarios that are now commonly expressed? About 25,000 patients a year die in the European Union from an infection caused by a bacterium that is resistant to more than one antibiotic – and on current trends this is predicted to grow to 390,000 a year by 2050.

The use of antibiotics exerts a Darwinian selection pressure for acquisition of resistance by the target bacteria, and resistance arising anywhere in the microbial world can ultimately be transferred to disease-causing bacteria. In addition, the antibiotic discovery process is now in terminal decline. The golden age of antibiotics took place in the 1930s to 1970s, with at least 11 new classes discovered; since then there have been only two new classes of antibiotics.

Many antibiotics today are “broad spectrum” – they kill a broad range of bacterial species. The unfortunate side effect is that, along with the disease-causing bacteria, many other bacteria in the patient’s intestines are also killed. This puts the treated patient at risk of acquiring a serious infection such as C difficile. And there are billions of bacterial cells living in our intestines that have very beneficial effects: killing them is not a rational thing to do.

Correctly prescribed antibiotic therapy is of obvious value to the health of the patient but this comes at a cost to society, due to the antibiotic resistance that potentially puts everyone else at higher risk. Because of this antibiotics are a critically needed, shared societal resource whose true value is not, at present, reflected in their price, especially compared with, say, anti-cancer drugs.

There is thus a need to improve the economic incentives for the development of antibiotics. The Infectious Disease Society of America has proposed a fee levied against the wholesale price of all antibiotics that would help to fund development. This is the equivalent of a toll charge to pay for public roads.

The 2015 Review on Antimicrobial Resistance called for an innovation fund of $2bn over five years, funded by the pharmaceutical industry. The fund would guarantee a return on private companies’ investment if they produced an antibiotic that filled an unmet need. This proposal is aimed to achieve the development of 15 new antibiotics in a decade and, unlike the IDSA model, recognises that antibiotic resistance requires a global solution.

But these both assume resistance is largely an economic problem, and therefore significantly underestimate the scientific difficulty of developing new antibiotics.

Until last month I was still pessimistic about our chances of avoiding the antibiotics nightmare. But that changed when I attended a workshop in Beijing on a new approach to antibiotic development based on bacteriocins – protein antibiotics produced by bacteria to kill closely related species, and exquisitely narrow-spectrum.

My research over 37 years involved the study of a number of bacteriocins that can kill a range of clinically important bacteria. I – and many other researchers – did not believe they could be useful clinically because injecting a “foreign” bacterial protein into a patient is likely to induce a severe immune response that would make the antibiotic inactive. There were therefore gasps of amazement in Beijing at data presented from several animal studies showing this was not the case.

If you consider a killing domain as a red Lego brick and a targeting domain as a yellow Lego brick, you can make hundreds of different hybrid proteins consisting of one red and one yellow brick to make what I refer to as a series of novel bacteriocin-derived antibiotics (BDAs). In fact, several BDAs have already been designed to kill target bacteria, fungi and even tumour cells.

The ability to use the BDA system to continually make novel antibiotics significantly de-risks the development of antibiotics process and in my opinion offers a significant ray of hope in the present gloom. It is now for governments and health organisations to make sure they make the most of this unexpected breakthrough.

## 2nc

### 2nc---States

#### ‘Federal’ government is national.

Thompson ’21 [Thompson School District; 2021; Public school district for Loveland, Colorado and surrounding area; Thompson Schools, “Structures of Government,” <https://www.thompsonschools.org/cms/lib/CO01900772/Centricity/Domain/3627/Structures%20of%20Government.pdf>]

Australia, Switzerland, Canada, Mexico, Germany, India, and some 20 other stats also have federal forms of government today. In the United States, the term ‘Federal Government’ is often used to refer to the National Government, but note that the 50 state governments are unitary in structure, not federal.

#### Congress won’t supersede, the Court would block it, and states are undeterred by the Fed.

De la Cruz ’19 [Peter; June 26; Senior Counsel, J.D. from the University of Toledo; The National Law Review, “States Flex Their Muscles and Antitrust Skills to Block Sprint/T-Mobile Merger,” <https://www.natlawreview.com/article/states-flex-their-muscles-and-antitrust-skills-to-block-sprintt-mobile-merger>]

A highly respected antitrust professor wrote: “When Congress enacted the federal antitrust laws it chose not to foreclose state antimerger activity. The legislative histories of the antitrust laws indicate that the congressional purpose was to supplement, not supplant, state activity. This intention has repeatedly been affirmed by the Supreme Court. Critics fear negative effects from ascendant state merger scrutiny. Many believe that the government’s position towards exceptionally large transactions should be a fundamental matter of national economic policy. Enforcement and nonenforcement decisions, they say, should be made by officials appointed by the President with the approval of the U.S. Senate. Such critics fear that the prospect of challenge by any of fifty states adds uncertainty and delay into an already problematic process, and will cause beneficial transactions never to be attempted.” The year was 1989.1

Since the enactment of the Hart-Scott-Rodino Act in 1976, we have grown accustomed to premerger notification at the federal level for all larger mergers and acquisitions. For the most part, State Attorneys General have participated via comments or supplemental filings in large transactions subject to premerger review. A generation of antitrust lawyers have lived in this environment. Indeed, some years ago lawyers were surprised that the federal government could challenge mergers after the fact given the long lapse in the governments exercise of that power, but that power was never removed, and private merger enforcement action also remains possible.

Can the states seek to block the merger? Yes. Will FCC and US Department of Justice approval stop the state litigation? No. What’s the biggest obstacle facing the state challenge? Limited state funding. Antitrust litigation is often protracted and costly. T-Mobile and Sprint, with their largest stockholders — Deutsche Telekom AG and SoftBank Group Corp., respectively — will certainly dedicate resources to defeat the states via litigation siege. These pressures, coupled with Justice Department clearance, may push the states to settle, although the terms of a successful settlement for the states is unclear. Meanwhile, T-Mobile and Sprint may be delayed in completing the transaction, which is a costly complication without a certain outcome.

The Redacted Complaint filed by nine states and the District of Columbia, and later joined by an additional four states, presents a solid facial argument against the merger. There are only four companies with networks that serve at least 90% of the U.S. population. Verizon and AT&T are the largest. “T-Mobile and Sprint are the third and fourth largest [mobile network operators] MNOs in the United States and serve approximately 80 million and 55 million customers, respectively.”2

The states allege that T-Mobile’s controlling shareholder, Deutsche Telekom AG, believes that it could earn a greater return on its investment by reducing competition.3 The states argue that:

“The proposed transaction would eliminate Sprint as a competitor and reduce the number of [mobile network operators] MNOs with nationwide networks in the United States from four to three. The combined company would have a retail market share larger than the two largest MNOs today, Verizon and AT&T. In some areas, including in the New York City metropolitan area, the combined company’s share of subscribers would exceed 50%. The combined market share of Sprint and T-Mobile would result in an increase in market concentration that significantly exceeds the thresholds at which mergers are presumed to violate the antitrust laws. This increased market concentration will result in diminished competition, higher prices, and reduced quality and innovation.”4

Although the data table is redacted, the Complaint claims that the nation’s top 50 cellular market areas (CMAs) encompass about 50% of the U.S. population, and competition would be substantially lessened in each of the top 50 CMAs. The complaint argues many, particularly those with lower incomes who cannot pass a credit check and must purchase mobile wireless telecommunications service on a prepaid basis, rely on mobile wireless telecommunications services as their primary form of communications and do not have traditional wireline phone or broadband connections. If the merger is permitted, the “merger will negatively impact all retail mobile wireless telecommunications service subscribers but will be particularly harmful to prepaid subscribers”5

The states rely upon these claims to allege that “the transaction likely would substantially lessen competition in these local markets,” creating an actionable harm to the state’s citizens that justify the states’ standing to challenge the merger.

The complaint contains other supporting arguments and detail. The merger “would cost Sprint and T-Mobile subscribers more than $4.5 billion annually.”6 Other countries that have allowed consolidation from four to three competitors recorded an average price increase “between 17.2% and 20.5%.7There are significant barriers to entry that will be faced by any new provider, so potential competition will not be a factor. Finally, the states argue that the proposed commitments made to the FCC are insufficient to protect competition.8

The states have set a solid foundation from which to proceed. There is no obvious precedent that will permit T-Mobile and Sprint to end the case quickly, but protracted litigation will test the resolve and resources of all the parties.

#### They’ll never preempt---empirics, Supreme Court precedent, and statute.

Samp ’14 [Richard; 2014; Chief Counsel at the Washington Legal Foundation, J.D. from the University of Michigan; Minnesota Journal of Law, Science, and Technology, “The Role of State Antitrust Law in the Aftermath of Actavis,” vol. 15]

I. State Antitrust Law

Congress has passed a series of laws over the past 125 years designed to prevent businesses from engaging in anticompetitive conduct that results in higher prices for consumers. Most prominently, it adopted the Sherman Act in 1890.4 Section 1 of the Sherman Act prohibits “[e]very contract, combination in the form or trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States.”5 Among the types of agreements deemed to constitute per se violations of section 1 are agreements among competitors to limit output.6

Many states have also adopted antitrust statutes. While those laws tend to be similar to federal law, their language is not identical, and state courts routinely interpret state antitrust laws in ways that diverge sharply from federal law.7

Footnote 7:

7. Cf. Herbert Hovenkamp, State Antitrust in the Federal Scheme, 58 IND. L.J. 375, 377 n.10 (1983) (“As a general matter, state antitrust laws are substantively similar to federal antitrust law, and many state courts have held that case law interpreting the federal statutes is fully applicable to corresponding state statutes. . . . [H]owever, as a result either of statutory language or judicial interpretation, some state antitrust laws are now broader than federal law.” (internal citations omitted)).

End of Footnote 7.

For example, California’s antitrust statute, the Cartwright Act,8 diverges in a number of respects from federal antitrust law. The California Supreme Court recently cautioned, “[i]nterpretations of federal antitrust law are at most instructive, not conclusive, when construing the Cartwright Act . . . .”9

The U.S. Supreme Court has rejected claims that state antitrust law is preempted whenever it diverges from federal antitrust law. For example, the Court permitted the Attorneys General of Alabama, Arizona, California, and Minnesota to file antitrust claims under their respective state laws against a group of cement producers even though those state governments, because they did not purchase cement directly from the producers but rather purchased only through intermediaries, would not have been proper plaintiffs under federal antitrust law.10

Footnote 10:

10. California v. ARC Am. Corp., 490 U.S. 93 (1989); see id. at 101–02 (“There is no claim that the federal antitrust laws expressly pre-empt state laws permitting indirect purchaser recovery . . . . Congress intended the federal antitrust laws to supplement, not displace, state antitrust remedies.”).

End of Footnote 10.

Under federal law, when producers conspire to fix prices, only direct purchasers, and not subsequent indirect purchasers, are permitted to sue to recover losses incurred as a result of the conspiracy.11 In contrast, antitrust laws from the four states permitted recovery by indirect purchasers.12 The Supreme Court rejected the defendant cement producers’ assertion that federal antitrust law was intended to serve as a ceiling on businesses’ liability for engaging in anticompetitive conduct.13

Footnote 13:

13. Cf. id. at 105 (“Ordinarily, state causes of action are not pre-empted solely because they impose liability over and above that authorized by federal law, and no clear purpose of Congress indicates that we should decide otherwise in this case.” (citation omitted)).

End of Footnote 13.

It stated, “Congress intended the federal antitrust laws to supplement, not displace, state antitrust remedies. And on several prior occasions, the Court has recognized that the federal antitrust laws do not preempt state law.”14

#### It’s remedied by interstate cooperation AND wrong---states are laboratories of democracy.

HLR ’20 [Harvard Law Review; June 10; Legal journal published by the Harvard Law Review Association at Harvard University, ranked number one in law journal citations; Harvard Law Review, “Antitrust Federalism, Preemption, and Judge-Made Law,” vol. 133]

A. The Patchwork Regime Problem

First, critics of the status quo argue that a patchwork regime of state antitrust laws can make it expensive for companies that operate across state borders to comply. State and federal regimes share similar philosophies regarding most of antitrust law.31 But state antitrust laws do not perfectly mirror their federal counterparts — and the antitrust laws of the different states are heterogeneous themselves.32 Disputes are concentrated in a few areas of the doctrine, like vertical restraints and mergers.33 For example, states often focus on damage to intrabrand competition when enforcing limits on vertical restraints, whereas federal antitrust law focuses primarily on interbrand competition.34 Additionally, state merger guidelines often materially differ from federal guidelines,35 and states are likelier to define markets “more narrowly,” “refus[e] to consider efficiencies” favored by federal agencies, and show a concern for local jobs and competitors that does not “enter . . . the [federal] calculus.”36 An inconsistent antitrust regime that may conflict between states could cause economic inefficiency, for example by discouraging companies from undertaking what might otherwise be an economically efficient merger.37

This critique relies in part on the federal government having a better approach to vertical restraints and mergers, and that is anything but clear. The classic federalism argument that states function as laboratories of democracy 38 applies here: antitrust law is far from settled, and having multiple regimes allows for testing different theories. For example, some scholars argue that the states are correct to consider intrabrand competition’s effects on price, especially in certain markets.39 Similarly, in the merger context, there is support for both the states’ refusal to consider only economic efficiency40 and their push for heightened antimerger enforcement.41 Of course, the laboratories of democracy might not work so well in the antitrust context: because of the interwoven economic effects of federal and state antitrust laws and enforcement in an interconnected national economy, determining the effects of one state’s slightly different antitrust regime would be difficult.42 But federalism can still offer benefits by breaking the antitrust orthodoxy: by putting different policies on the table, a multilevel regime reminds us both that there are different possible “best” antitrust policies and that antitrust law has a variety of potential goals.43

#### Litigation will be coordinated through multistate task forces---that solves.

Arteaga ’21 [Juan and Jordan Ludwig; January 28; former Deputy Assistant Attorney General for the U.S. Department of Justice’s Antitrust Division, J.D. from Columbia Law School; partner in the Antitrust and Competition Group at Crowell and Moring firm, J.D. from Loyola Law School; Global Competition Review, “The Role of US State Antitrust Enforcement,” <https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement>]

Coordination in multistate investigations and litigation

Coordination among state antitrust enforcers

State attorneys general often coordinate their investigation and prosecution of antitrust matters with their counterparts in other states.[[66]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-062) To help ensure that these coordinated efforts are conducted in an efficient and effective manner, the NAAG has created an Antitrust Committee, which ‘is responsible for all matters relating to antitrust policy’.[[67]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-061) This committee is comprised of 12 state attorneys general [[68]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-060) and is responsible for promoting effective state antitrust enforcement by developing the NAAG’s antitrust policy positions and by facilitating communications among state enforcers regarding investigations, litigation, legislative matters and competition advocacy initiatives, among other things.[[69]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-059)

In 1983, the NAAG established a Multistate Antitrust Task Force that is ‘comprised of state staff attorneys responsible for antitrust enforcement in their states’.[[70]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-058) This task force ‘recommends policy and other matters for consideration by the Antitrust Committee, organizes training seminars and conferences, and coordinates multistate investigations and litigation’.[[71]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-057) The task force is chaired by a person appointed by the head of the NAAG’s Antitrust Committee[[72]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-056) and has a representative from each NAAG member state.[[73]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-055) The chair of the task force serves as ‘the principal spokesperson for the states on antitrust enforcement’.[[74]](https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement#footnote-054)

The NAAG’s Multistate Antitrust Task Force does not handle actual investigations or litigation. Instead, such coordination usually occurs through working groups established by the states involved in an investigation or litigation. In most multistate investigations, the working group will designate a state responsible for leading the investigation. The lead state is often a state that has the most relevant experience and can dedicate the appropriate level of resources to the investigation, and has a sufficient interest in ensuring that the investigation is handled in an effective and efficient manner (i.e., the transaction or business practice in question could potentially impact a significant number of consumers or commerce within its state). (If an investigation is sufficiently large or complex, such as a mega-merger involving numerous markets, the states may create an executive committee that oversees the working group as well as designate multiple lead states.)

### 2nc---Access

#### No US military intervention

Sylvia **Longmire** 2-28-20**14**; retired Air Force captain and former Special Agent with the Air Force Office of Special Investigations; Avoiding Sensationalism and Fiction in Drug War Reporting http://www.breitbart.com/texas/2014/02/28/avoiding-sensationalism-and-fiction-in-drug-war-reporting/

The statement that “…using the U.S. military against the cartels on Mexican soil could weaken the Mexican government or even cause its collapse…” also demonstrates a deep misunderstanding of the dynamic between our two governments, as well as a highly exaggerated view of what it would take to collapse the Mexican government. It’s true that our relationship with our neighbor to the south is delicate and complicated due to over a century of meddling in Latin America’s affairs. However, the US Department of Defense is extremely aware of Mexico’s desire to assert its sovereignty. Current Mexican President Enrique Peña Nieto is pulling away from bilateral cooperation in a likely attempt to prove that Mexico can handle its own affairs–a contrast to his predecessor Felipe Calderón, who drew considerable heat for allowing US drones to fly in Mexico in 2009 in order to provide imagery in support of counterdrug operations. Mexico is not on the verge of collapse, despite a criminal insurgency that has affected many parts of the country. It has the 13th largest economy in the world, a strong military, free and relatively fair elections in a functioning democracy, and a broken but existent justice system. Somalia or Sudan, it is not.

#### Regeneration solves

**Elmqvist et al. 7** Thomas Elmqvist (Department of Systems Ecology at Stolkholm University). Markku Pyykonin. (Stockholm Resilience Centre) and Maria Tengo (Department of Biology and Plant Ecology at the University of Antananarivo). "Patterns of Loss and Regeneration of Tropical Dry Forest in Madagascar: The Social Institutional Context." Plos One. 2007. http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1853233

**Loss of tropical forests** and changes in land-use/land-cover **are of growing concern worldwide**. Although knowledge exists about the institutional context in which tropical forest loss is embedded, **little is known about the role of** social institutions in influencing **regeneration of tropical forests**. In the present study we used Landsat images from southern Madagascar from three different years (1984, 1993 and 2000) and covering 5500 km2, and made a time-series analysis of three distinct large-scale patterns: 1) loss of forest cover, 2) increased forest cover, and 3) stable forest cover. **Institutional characteristics** underlying these three patterns **were analyzed, testing the hypothesis that forest cover change is a function of strength** and enforcement **of local social institutions**. **The results showed a minor decrease of 7% total forest cover** in the study area **during** the whole period **1984–2000**, **but an overall net increase of 4% during the period 1993–2000**. The highest loss of forest cover occurred in a low human population density area with long distances to markets, while **a stable forest cover occurred in the area with highest population density and good market access**. Analyses of institutions revealed that loss of forest cover occurred mainly in areas characterized by insecure property rights, while areas with well-defined property rights showed either regenerating or stable forest cover. The results thus corroborate our hypothesis. **The large-scale spontaneous regeneration dominated by native endemic species appears to be a result of a combination of changes in precipitation, migration** and decreased human population and livestock grazing pressure, but **under conditions of maintained and well-defined property rights**. **Our study emphasizes the large capacity of a semi-arid system to spontaneously regenerate**, triggered by decreased pressures, but where existing social institutions mitigate other drivers of deforestation and alternative land-use.

#### It’s irrelevant and can be replaced with science

**Sagoff 8** Mark, Senior Research Scholar @ Institute for Philosophy and Public Policy @ School of Public Policy @ U. Maryland, Environmental Values, “On the Economic Value of Ecosystem Services”, 17:2, 239-257, EBSCO

What about the economic value of biodiversity? Biodiversity represents **nature's greatest** largess or **excess** since species appear **nearly as numerous as the stars** the Drifters admired, except that "scientists have a better understanding of how many stars there are in the galaxy than how many species there arc on Earth."70 Worldwide the variety of biodiversity is **effectively infinite**; the myriad species of plants and animals, not to mention microbes that arc probably more important, apparently **exceed our ability to count or identify them**. The "next" or "incremental" thousand species taken at random would not fetch a market price because another thousand are **immediately available**, and another thousand after that. No one has suggested an economic application, moreover, for any of the thousand species listed as threatened in the United States.77 To defend these species - or the next thousand or the thousand after that - on economic grounds is to trade convincing spiritual, aesthetic, and ethical arguments for bogus, pretextual, and disingenuous economic ones.78 As David Ehrenfeld has written, We do not know how many [plant] species are needed lo keep the planet green and healthy, but it seems very unlikely to be anywhere near the more than quarter of a million we have now. Even a mighty dominant like the American chestnut, extending over half a continent, all but disappeared without bring¬ing the eastern deciduous forest down with it. And if we turn to the invertebrates, the source of nearly all biological diversity, what biologist is willing to find a value - conventional or ecological - for all 600,000-plus species of beetles?7\* The disappearance in the wild **even of agriculturally useful species** appears to have **no effect on production**. The last wild aurochs, the progenitor of dairy and beef cattle, went extinct in Poland in 1742, yet no one believes the beef industry is threatened. The genetic material of crop species is contained in tens of thousands of landraces and cultivars in use - rice is an example - and **does not depend on the persistence of wild ancestral types**. **Genetic engineering can introduce DNA from virtually any species into virtually any other** - which allows for the **unlimited creation of biodiversity.** A neighbor of mine has collected about 4,000 different species of insects on his two-acre property in Silver Spring, Maryland. These include 500 kinds of Lepidoptera (mostly moths) - half the number another entomologist found at his residence.80 When you factor in plants and animals, the amount of "backyard biodiversity" in suburbs is astounding and far greater than you can imagine.8' Biodiversity has **no value** "at the margin" because **nature provides far more of it than anyone could possibly administer**. If one kind of moth flies off, you can easily attract hundreds of others.

### 2nc---Econ

#### Great power wars won’t happen with US decline---best data

Benjamin H. Friedman et al 13, research fellow in defense and homeland security studies; Brendan Rittenhouse Green, the Stanley Kaplan Postdoctoral Fellow in Political Science and Leadership Studies at Williams College; Justin Logan, Director of Foreign Policy Studies at the Cato Institute Fall 2013, “Correspondence: Debating American Engagement: The Future of U.S. Grand Strategy,” International Security, Vol. 38, No. 2, p. 181-199

Brooks et al. argue that the specter of U.S. power eliminates some of the most baleful consequences of anarchy, producing a more peaceful world. U.S. security guarantees deter aggressors, reassure allies, and dampen security dilemmas (p. 34). “By supplying reassurance, deterrence, and active management,” Brooks et al. write, primacy “reduces security competition and does so in a way that slows the diffusion of power away from the United States” (pp. 39–40). There are three reasons to reject this logic: security competition is declining anyway; if competition increases, primacy will have difficulty stopping it; and even if competition occurred, it would pose little threat to the United States.¶ an increasingly peaceful world. An array of research, some of which Brooks et al. cite, indicates that factors other than U.S. power are diminishing interstate war and security competition.2 These factors combine to make the costs of military aggression very high, and its benefits low.3¶ A major reason for peace is that conquest has grown more costly. Nuclear weapons make it nearly suicidal in some cases.4 Asia, the region where future great power competition is most likely, has a “geography of peace”: its maritime and mountainous regions are formidable barriers to conflict.5¶ Conquest also yields lower economic returns than in the past. Post-industrial economies that rely heavily on human capital and information are more difficult to exploit.6 Communications and transport technologies aid nationalism and other identity politics that make foreigners harder to manage. The lowering of trade barriers limits the returns from their forcible opening.7¶ Although states are slow learners, they increasingly appreciate these trends. That should not surprise structural realists. Through two world wars, the international system "selected against" hyperaggressive states and demonstrated even to victors the costs of major war. Others adapt to the changed calculus of military aggression through socialization.8¶ managing revisionist states. Brooks et al. caution against betting on these positive trends. They worry that if states behave the way offensive realism predicts, then security competition will be fierce even if its costs are high. Or, if nonsecurity preferences such as prestige, status, or glory motivate states, even secure states may become aggressive (pp. 36-37).9¶ These scenarios, however, are a bigger problem for primacy than for restraint. Offensive realist security paranoia stems from states' uncertainty about intentions; such states see alliances as temporary expedients of last resort, and U.S. military commitments are unlikely to comfort or deter them.10 Nonsecurity preferences are, by definition, resistant to the security blandishments that the United States can offer under primacy Brooks et al.'s revisionist actors are unlikely to find additional costs sufficient reason to hold back, or the threat of those costs to be particularly credible.¶ The literature that Brooks et al. cite in arguing that the United States restrains allies actually suggests that offensive realist and prestige-oriented states will be the most resistant to the restraining effects of U.S. power. These studies suggest that it is most difficult for strong states to prevent conflict between weaker allies and their rivals when the restraining state is defending nonvital interests; when potential adversaries and allies have other alignment options;11 when the stronger state struggles to mobilize power domestically12; when the stronger state perceives reputational costs for non-involvement;13 and when allies have hawkish interests and the stronger state has only moderately dovish interests.14¶ In other words, the cases where it would be most important to restrain U.S. allies are those in which Washington's efforts at restraint would be least effective. Highly motivated actors, by definition, have strong hawkish interests. Primacy puts limits on U.S. dovishness, lest its commitments lack the credibility to deter or reassure. Such credibility concerns create perceived reputational costs for restraining or not bailing out allies. The United States will be defending secondary interests, which will create domestic obstacles to mobilizing power. U.S. allies have other alliance options, especially in Asia. In short, if states are insensitive to the factors incentivizing peace, then the United States' ability to manage global security will be doubtful. Third-party security competition will likely ensue anyway.¶ costs for whom? Fortunately, foreign security competition poses little risk to the United States. Its wealth and geography create natural security. Historically, the only threats to U.S. sovereignty, territorial integrity, safety, or power position have been potential regional hegemons that could mobilize their resources to project political and military power into the Western Hemisphere. Nazi Germany and the Soviet Union arguably posed such threats. None exist today.¶ Brooks et al. argue that "China's rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term" (p. 38). That possibility is remote, even assuming that China sustains its rapid wealth creation. Regional hegemony requires China to develop the capacity to conquer Asia's other regional powers. India lies across the Himalayas and has nuclear weapons. Japan is across a sea and has the wealth to quickly build up its military and develop nuclear weapons. A disengaged United States would have ample warning and time to form alliances or regenerate forces before China realizes such vast ambitions.

#### Economic decline doesn’t cause war – best and most recent data

Drezner 14 [Daniel, American Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, April, “The System Worked: How the World Stopped Another Great Depression,” *Oxford University Press*, pg. 37-8/AKG]

A closer look at the numbers, however, reveals more encouraging findings. What seemed to be an inexorable increase in piracy, for example, turned out to be a blip. By September 2013, the total numbers of piracy attacks had fallen to their lowest levels in seven years. Attacks near Somalia, in particular, declined substantially; the total number of attacks fell by 70 percent in 2012 and an additional 86 percent in the first nine months of 2013. Actual hijackings were down 43 percent compared to 2008/9 levels. 47 The US Navy’s figures reveal similar declines in the number and success rate of pirate attacks. 48 Security concerns have not dented the opening of the global economy.

As for the effect of the Great Recession on political conflict, the aggregate effects were surprisingly modest. A key conclusion of the Institute for Economics and Peace in its 2012 report was that “the average level of peacefulness in 2012 is approximately the same as it was in 2007.” 49 The institute’s concern in its 2013 report about a decline in peace was grounded primarily in the increase in homicide rates— a source of concern, to be sure, but not exactly the province of global governance. Both interstate violence and global military expenditures have declined since the start of the financial crisis. Other studies confirm that the Great Recession has not triggered any increase in violent conflict. Looking at the post-crisis years, Lotta Themnér and Peter Wallensteen conclude, “The pattern is one of relative stability when we consider the trend for the past five years.” 50 The decline in secular violence that started with the end of the Cold War has not been reversed. Rogers Brubaker observes that “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.” 51

## 1nr

### 1nr---politics

#### Link ---wasted political capital laws won’t be followed and triggers war.

Sensiba, 11/6/2020 --- MA in Emergency Management and Homeland Security at American Military University (Jennifer - long time efficient vehicle enthusiast and writer, “Don’t Encourage Biden To Waste Political Capital,” <https://cleantechnica.com/2020/11/06/dont-encourage-biden-to-waste-political-capital/>, accessed on 11/8/2020, JMP)

It’s All About Political Capital

In short, political capital is a way to think about political power in democratic countries. Yes, winning elections does give some political power, but you can’t effectively use it unless you have coalitions, alliances, trust, goodwill, and influence. Your earned trust and connections are like money (capital). You can work hard to earn it and build it up, but it’s easy to spend it and even waste it, just like money.

If you get power from an election and then quickly spend all of the political capital impressing loyalists, you’ll get to the point where you can’t win future elections (Trump is a great example of this), can’t get votes together for legislation, and can’t get people to help you in a variety of other ways. At worst, a political leader who has run completely out of political capital might not even be able to get normal citizens to follow laws. As the consent of the governed is withdrawn, you see protests, riots, violence, terrorism, and even war.

#### Biden investing PC in infrastructure- he will get Manchin and Sinema on board

#### Bolton ’21 [Alexander Bolton; 9-15-2021; The Hill, “Democrats hope Biden can flip Manchin and Sinema,” https://thehill.com/policy/energy-environment/572506-democrats-hope-biden-can-flip-manchin-and-sinema]

President Biden met face to face with Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) on Wednesday, stepping up his involvement in the effort to unify congressional Democrats behind a $3.5 trillion spending package.

Democratic lawmakers are hailing Biden’s personal attention as a game-changing development at a critical moment.

“The ones who are negotiating publicly, I think it is fair to say, they’re the toughest votes to get,” Sen. Tim Kaine (D-Va.) said of Manchin and Sinema.

“This is really important for the Biden administration, and so it’s all on deck,” he added of the efforts to get the two holdouts to support the reconciliation package.

Kaine noted that Biden “has a strong personal relationship with Manchin.”

“Both Joe and Kyrsten really want [Biden] to be a successful president. (A) It’s good for the country. (B) It’s good for their states. (C) It’s good for their own politics,” Kaine added.

#### Afghanistan and COVID make passage more likely---BUT---it depends on Biden’s leadership.

Lucey ’9-6 [Catherine and Ken Thomas; 2021; reporters at the Wall Street Journal, citing White House chief of staff Ron Klain and Jennifer Palmieri, a former White House communications director under President Barack Obama; the Wall Street Journal, “Biden Seeks to Shift Focus to Domestic Issues After Afghanistan Exit,” https://www.wsj.com/articles/biden-seeks-to-shift-focus-to-domestic-issues-after-afghanistan-exit-11630931401?mod=searchresults\_pos7&page=1]

Mr. Biden has sought to place the spotlight on domestic issues, including Friday’s underwhelming jobs report and recovery from Hurricane Ida, visiting New Orleans Friday and making plans to travel to the New York metropolitan area on Tuesday to assess storm damage. He is expected to focus heavily on his infrastructure and antipoverty legislation in the coming weeks, as Congress returns to Washington, as well as travel to California to campaign for Gov. Gavin Newsom, a Democrat facing a recall election.

The packed calendar comes as Mr. Biden takes bipartisan heat for the chaotic exit from Afghanistan. A few Republicans have said the president should be impeached, and Mr. Biden’s poll numbers have taken a hit. Mr. Biden defended his approach in remarks to the nation and said he would bring remaining Americans in Afghanistan home.

The president said from the White House Friday that two tasks ahead in September are combating the Delta variant of Covid-19 and working with Congress to pass his agenda, saying the country is “not where we need to be in our economic recovery.”

The administration will continue to face scrutiny of his handling of Afghanistan—possibly including congressional hearings or investigations.

“President Biden desperately wants to talk about anything but Afghanistan, but Americans who are hiding from the Taliban, ISIS, and the Haqqani network don’t give a damn about news cycles, long weekends, and polling—they want out,” Sen. Ben Sasse (R., Neb.) said in a statement.

Polls show Mr. Biden’s standing has eroded as he has grappled with issues that are difficult to control: the Afghanistan withdrawal and the pandemic. An ABC News/Washington Post poll released Friday showed Mr. Biden’s approval rating had fallen to 44%, with 51% disapproving of his job performance, a shift from late June when 50% approved and 42% disapproved.

To move forward with his agenda, the president will need to navigate tripwires in a narrowly divided Congress.

Sen. Joe Manchin (D., W.Va.), an influential moderate vote, has injected fresh uncertainty into the future of the Democrats’ $3.5 trillion spending plan with calls for a timeout on the effort.

“Instead of rushing to spend trillions on new government programs and additional stimulus funding, Congress should hit a strategic pause,” Mr. Manchin said in an opinion article in The Wall Street Journal.

White House chief of staff Ron Klain expressed optimism for the bill on CNN Sunday, saying, “If I had a nickel for every time someone’s told me this package has been dead, I would be a very, very rich person. It was dead back in May, when there was initial opposition to it. It was dead in June, the day the president went to Europe. It was dead in July again. All I have heard is how this package is going to be dead. And yet, amazingly, it continues to advance.”

Mr. Biden and Democrats are trying to pass the $3.5 trillion package of child care, education, climate provisions and tax hikes on a party-line vote, following a bipartisan agreement on a $1 trillion infrastructure bill. White House officials said they spent much of August on behind-the scenes preparation and work has begun in some congressional committees, with lawmakers returning to session later in September. Progressives and moderates in the party have clashed over timing of the bills and further conflict is likely over the policy, the size of the $3.5 trillion package and the tax components.

The White House will also contend with looming deadlines to raise the federal borrowing limit, called the debt limit, and the expiration of the government’s current funding by the end of September.

The White House and congressional Democrats believe that the infrastructure and the broader legislative package are widely popular and see passage of those proposals as key to solidifying support ahead of the midterm elections. Democrats hold a narrow majority in the House and control the evenly divided Senate, but are at risk of losing power in next year’s elections.

“Going forward, what is going to matter for his approval rating is Covid and the economy, and that’s where his focus should be. If anything, Afghanistan makes it more likely Democrats will be aligned in wanting to pass these bills [infrastructure and reconciliation] because they know their collective survival in midterms depends on it,” said Jennifer Palmieri, a former White House communications director under President Barack Obama.

#### Still more likely than not to pass---infrastructure determines Afghanistan impact, not the other way around.

Gift ’9-5 [Thomas; 2021; Associate Professor of Political Science at UCL; “Biden’s mishandled Afghanistan withdrawal is unlikely to have a large effect on the 2022 midterms,” https://blogs.lse.ac.uk/usappblog/2021/09/07/bidens-mishandled-afghanistan-withdrawal-is-unlikely-to-have-a-large-effect-on-the-2022-midterms/]

How will Biden’s tough recent stretch, especially in Afghanistan, affect the White House’s political capital?

The last few weeks have been an undeniable jolt to the White House. Biden’s approval ratings have dipped into negative territory. Republicans are using the devastating images out of Kabul to paint a portrait of an unreliable commander-in-chief. Even Democratic allies have questioned how Biden’s recent moves square with a leader who promised to be a steady hand and to restore American trust abroad. Afghanistan was Biden’s first true foreign policy test, and his execution failed. Politically, however, whether this proves to be a temporary blip for Biden—or the start of a protracted loss of political capital—will depend on how effectively the administration can change the conversation. The White House communications office is clearly trying to pivot back to domestic issues. But even here, there’s no safe harbor given continued depressing news on COVID-19, worse-than-expected August job numbers, mounting concerns about inflation, and so on. To the extent that presidents are granted even a modicum of a honeymoon period anymore, we’re well past that with Biden.

Will perceptions of Biden’s botched Afghanistan withdrawal thwart his domestic agenda?

It’s possible to overstate how much recent events in Afghanistan will shape what Biden can achieve legislatively at home; any effects will be case-specific. It’s still much more likely than not that the $1 trillion infrastructure bill that’s already passed the Senate will become law, which only requires that Democrats vote along party lines in the House. But Biden’s additional $3.5 trillion spending proposal—which was already going to be a tough sell for the White House to pass through reconciliation in ideal circumstances—might become even less likely. That’s a bill that that’s jam-packed with progressive wish-list items, including on clean energy, family leave, housing, and pre-K schooling. Some Democrats, particularly from swing districts and moderate states, would’ve been reluctant to vote for that bill anyway. But Biden’s diminished political stature might give those lawmakers even more pause about toeing the party line. In fact, there’s already evidence of this hesitation, with West Virginia Senator Joe Manchin demanding a “strategic pause” on the bill, which should concern the White House.

#### Congress will pass a CR.

FABBS ’9-8 [Federation of Associations in Behavioral & Brain Sciences; 2021; coalition of scientific societies that share an interest in advancing the sciences; "Congress Debates Spending Priorities," https://fabbs.org/2021/09/opportunities-and-cause-for-concern-as-congress-debates-spending-priorities/]

Key to watch for FABBS members is the status of Fiscal Year 2022 appropriations. Federal funding expires at the end of September, and Congress is increasingly likely to pass a stopgap continuing resolution (CR) to avoid a government shutdown. CRs disrupt the regular appropriations process, preventing agencies from instituting new programs and creating uncertainty that makes planning ahead difficult. If Congress is unable to pass regular appropriations, the work that has already been done to support funding increases and policy wins for the behavioral and brain sciences may be jeopardized. FABBS has joined community members in urging Congress to pass regular appropriations bills instead of normalizing CRs.

#### Pharma link

Wayne ’1 [Leslie and Melody Petersen; November 4; reporters; the New York Times, “A Muscular Lobby Rolls Up Its Sleeves,” https://www.nytimes.com/2001/11/04/business/a-muscular-lobby-rolls-up-its-sleeves.html]

Executives of the major pharmaceutical companies have been hopping trains and planes to the nation's capital, where they are staging an enormous lobbying campaign, at the highest levels of government, to help shape the nation's bioterrorist plan -- and beyond.

So far, they have had some remarkable victories. While the government has struggled to make sure the nation will have enough drugs to treat biological weapons that were largely hypothetical a few months ago, drug companies have managed to stave off many actions that would harm them, like violating patents or forcing them to supply free drugs.

As that success shows, the pharmaceutical lobby, which represents the nation's biggest drug makers, from Eli Lilly to Pfizer to Merck, is both large and politically adroit and, if anything, more sophisticated than when it gained fame in the early 1990's for helping to defeat the Clinton administration health plan.

It has more lobbyists than there are members of Congress -- 625 who are registered. It had a combined lobbying and campaign contribution budget in 1999 and 2000 of $197 million, larger than any other industry. Now it is harnessing those resources to influence major policy decisions being made by the Bush administration that may well influence public health issues and industry profitability for years to come -- much to the dismay of many consumer groups and others.

''When you've got this access to high places, it will encourage these guys to coordinate instead of compete,'' said Jack Calfee, a health care expert at the American Enterprise Institute, the conservative research group. ''It's more likely to forestall getting good products than to encourage it.''

Because of the anthrax scare, and all the attention given to Cipro, the anti-anthrax drug of choice, that access has been enormous. In recent weeks, the chief executives and other top executives of Merck, Bristol-Myers Squibb, Bayer, Pfizer, Eli Lilly and Johnson & Johnson, along with trade association officials, have been meeting regularly with Bush cabinet members. On one occasion, with executives from other industries, pharmaceutical executives met with President Bush in New York to discuss the administration's response to terrorism. Drug company executives have offered to send scores of industry scientists, now on their payrolls, to work in government agencies in what the industry calls a gift to the nation, but critics say it is both a conflict of interest and a way for the industry to get a toehold in government.

In return, at these top-level meetings, industry executives and lobbyists are seeking exemption from antitrust regulations, reduction of the timetable for getting new drugs to market for treating the ills of biological warfare, and immunity from lawsuits for any vaccines they develop to combat bioterrorism. The administration, those in the meeting say, has offered other help, asking the pharmaceutical executives to identify the regulatory barriers they would like to see eliminated for this fight.

Last Wednesday, for instance, a dozen industry lobbyists and executives, among them Peter R. Dolan, chief executive of Bristol-Myers, and Raymond V. Gilmartin, chief executive of Merck, met for an hour and a half in the Roosevelt Room of the White House with Tom Ridge, the director of homeland security. According to one person at the meeting, Mr. Ridge was so impressed with what the industry executives said that he responded: ''I'm grateful for your offers of assistance. I accept.''

Industry executives say they are just trying to help. ''We are part of the nation's defense system,'' said Mr. Dolan, who has met with President Bush in New York and with Tommy G. Thompson, the secretary of health and human services, and Mr. Ridge in Washington. ''As an industry, there is a real opportunity for us to give our resources in a time of great need.''

BUT that partnership is troubling to some industry watchdog groups. They say the cozy relationship threatens to compromise regulatory standards on new applications of medicines at a time when millions of Americans may be seeking new drugs and vaccines. They worry that the industry's efforts to present its proposals as patriotic gestures mask an effort to increase its power in Washington and to improve its image while still protecting its financial interests. Critics also say consumer groups and executives from generic drug companies, which make cheaper copies of well-known drugs, have been conspicuously absent from any administration meetings.

''I am concerned that the industry is trying to subvert the normal regulatory process,'' said Dr. Sidney Wolfe, director of the health research group of Public Citizen, a Washington research organization. ''These meetings have no transparency, no openness nor any involvement of the public. It's a dangerous precedent.''

The pharmaceutical industry, of course, has not always had its way. Some of its efforts to speed federal drug approval have failed. Federal regulators are actively investigating several companies' attempts to keep generic drugs off the market and are taking a harsh look at some marketing practices.

There is no lobby in Washington as large, as powerful or as well-financed as the pharmaceutical lobby. Battle-honed over a number of health care initiatives that began with the creation of the Medicare program in the 1960's, the industry spent $177 million on lobbying in 1999 and 2000 -- a good $50 million more than its nearest rivals, the insurance and telecommunications industries.

Thanks to Washington's well-oiled revolving door between government and business, the industry is able to claim friends in especially high places. Defense Secretary Donald Rumsfeld is the former chief executive of the drug maker G. D. Searle, for example, and Mitchell E. Daniels Jr., the White House budget director, is a former Eli Lilly executive.

EVEN more important, more than half the drug industry's 625 registered lobbyists are either former members of Congress or former Congressional staff members and government employees, according to a report from Public Citizen. Former members of Congress who now work for the industry include Beryl F. Anthony Jr., Birch Bayh, Dennis DeConcini, Vic Fazio, Norman F. Lent, Robert L. Livingston, Bill Paxon, Robert S. Walker and Vin Weber. While in Congress, many of them led key legislative committees, and they still have close ties to those now in power.

#### No antitrust now because it requires PC.

Folio ’21 [Joseph Charles Folio III, Lisa M. Phelan, Jeff Jaeckel, and Alexander Paul Okuliar; March 22; International law firm representing investment funds and startup companies; Morrison & Foerster, “Antitrust Update: Up and Down the Avenue,” <https://www.mofo.com/resources/insights/210322-atr-update.html> KS]

The path for meaningful legislative reform remains extremely complicated. The prospect for reform depends significantly on whether members of Congress, congressional leadership, and the Biden administration are willing to expend the time and political capital necessary to pass a reform bill (which also assumes the relevant parties can agree on what should be included—or, perhaps more importantly, excluded—from that bill). In light of competing priorities, the absence of key personnel, and the already narrowing congressional calendar (major non-appropriations legislation typically will not move after July in an election year (2022)), those prospects appear to be slim. In the meantime, we expect that Congress will continue to focus attention on these issues with more hearings and new legislative proposals, but it remains to be seen when attention will become action.

#### Unites industry against Biden.

Kang ’21 [Cecilia Kang; January 26; reporter; the New York Times, “Democratic Congress Prepares to Take on Big Tech,” https://www.nytimes.com/2021/01/26/technology/congress-antitrust-tech.html]

Her bill, as well as other laws proposed to limit the power of the tech companies, will face steep opposition. In 2020, tech companies again spent more than other industries in Washington. Facebook, with lawsuits from federal and state enforcement officials, spent almost $20 million on lobbying, up 18 percent from the previous year. Amazon spent about $18 million in lobbying, up about 11 percent from the prior year.

Internet start-ups are also wary of regulations that could stymie their exit strategies to merge with larger companies as well as changes to rules that could hold them liable for the content they host. And agriculture, pharmaceutical and other industries will also probably balk at changes in antitrust laws.

#### Antitrust exacerbates intraparty divisions AND dredges up filibuster conversations.

Sagers ’21 [Christopher; February; Law Professor at Cleveland State University; The New US Antitrust Administration, “American Antitrust and the Near Term: Consistency, One Imagines, and Some Reasons Why,” https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en]

15. And so I reach the same conclusion being reached by many other Americans who care about antitrust and think it has been wrecked, and hoping for action that even five years ago I would have said was crazy. The only hope left is legislative reform of statutory antitrust. I think Congress should amend the law to reaffirm its own intention that the law be enforced proactively, aggressively, prophylactically, and for real, without giving every defendant the benefit of every conceivable doubt. Congress should do that in a way that keeps the courts from thwarting its intent through nullifying interpretations, as they have done many times before. Obviously, Senate control is again quite relevant. Under those Senate norms that still remain—in which we retain a filibuster rule for ordinary legislation—a party with fewer than 60 seats can typically do little. The two parties do not apparently work together in hardly any fashion. The party that holds the majority, even if only by one vote, controls the institution and its actions outright, but the minority can typically keep it from taking meaningful substantive action. Where the opposing party holds the White House, Senate minorities have filibustered essentially all legislation, apparently just to deny the opposing President any opportunity for campaign-trail self-congratulation. When the majority party can take effective action, it will only be in extraordinary circumstances or by using a filibuster exception, like the budget reconciliation procedure that was used in connection with the Obamacare legislation in 2010, and in subsequent Republican efforts to repeal it. [304] But antitrust, however important and however much it has returned to popular consciousness, seems unlikely to be so high on the Democratic agenda that it is chosen as one of the extraordinary matters Democrats prioritize in this way, even if they win Senate control.

16. And on top of all of that, it does not help that in this world, in which we dwell on ideas and not institutions—perhaps because institutions seem boring, and do not invite intellectual abstraction or Manichean dreams of good and evil—we see sharp divisions even within our factions. Only liberals and progressives in America favor more antitrust enforcement, but among us we have several hotly disputed disagreements, and some difficulties getting along. It reflects in microcosm the struggle of left and center of the election of 2016. So in 2021 and thereafter, it seems like it will be a fair bit of work to build any effective reform coalition. [305]

17. So, while I think that antitrust law will remain basically the same for the next four years, it is emphatically not because we all agree that it should. I think it is fairly likely that less than a majority of us do. It will be because the only institutions that matter are so radically, heavily stacked against change.

#### Has to overcome Washington gridlock---a tall order.

Tracy ’21 [Ryan; April 6; reporter, citing Alex Cynamon, a policy analyst with research firm Veda Partners; the Wall Street Journal, “Amazon Is the Target of Small-Business Antitrust Campaign,” https://www.wsj.com/articles/merchant-groups-target-amazon-in-new-political-campaign-11617701401]

Those against changing antitrust law have another advantage: Washington gridlock. While discontent with large technology companies’ power is bipartisan, Republicans and Democrats haven’t reached consensus on how exactly to address those concerns and may well fail to do so.

“Competition policy and antitrust reform is the likeliest potential legislation affecting the tech sector that this Congress could pass, and yet I still think it’s below 50% odds,” said Alex Cynamon, a policy analyst with research firm Veda Partners. “It’s a tall order for any advocates and groups to compel Congress to actually enact material changes to the statute.”

#### Private stakeholders vilify the law.

Broder ’10 [Douglas; 2010; the co-chair of the global antitrust practice at K&L Gates LLP; U.S. Antitrust Law and Enforcement, “Overview and History of U.S. Antitrust Enforcement,” Ch. 1, p. 4]

Antitrust has long been the subject of political controversy in the United States, controversy that has more recently been exported to Europe and, increasingly, the rest of the world. From the passage of the Sherman Act in 1890 to the present, accused monopolists and other subjects of government or private antitrust actions have vilified the antitrust laws or their enforcers as anti-business or as outmoded and lacking relevance to modern business.

#### Infrastructure sets a model for emissions reductions.

Mazria ’21 [Edward; March 23; founder and CEO of the nonprofit Architecture 2030; Architect Magazine, “CarbonPositive: This Is the Make-or-Break Year for the Planet,” https://www.architectmagazine.com/technology/carbonpositive-this-is-the-make-or-break-year-for-the-planet\_o/]

In the Feb. 26 release of the interim United Nations Framework Convention on Climate Change report, Secretary-General António Guterres boldly declared 2021 the “make or break year” for the planet. The report found the 2030 Nationally Determined Contributions (NDCs) emissions-reduction pledges of 75 countries to be wholly inadequate. Global greenhouse gas emissions would only be cut by about 1%, far short of the 65% cut in carbon emissions from January 2020 levels needed by 2030 to have a 67% probability of limiting global warming to 1.5°C above pre-industrial levels and to meet the goals of the 2015 Paris Agreement.

The science and global carbon budget for limiting warming to 1.5°C are clear. The remaining budget at the beginning of 2020 was 340 gigatons of carbon dioxide, which means that if the world achieves a 65% reduction of CO₂ emissions by 2030 and zero emissions by 2040, we can expect warming to be kept at about 1.5°C.

The time to act is now. The most significant climate event since the 2015 Paris Agreement—when all parties agreed to pursue efforts to limit the global temperature increase to 1.5°C—will take place this November. At the 2021 U.N. Climate Change Conference (COP26), countries must submit their updated 2030 NDCs. To date, only the European Union, the United Kingdom, and Denmark have committed to significant 2030 emissions reductions from 1990 levels: 55%, 68%, and 70%, respectively. Much, much more is needed to reach the critical goals.

Fortunately, the U.S. is now poised to lead in this endeavor, as COP26 will be the first U.N. climate change conference the country will attend since rejoining the Paris Agreement. All eyes will be on its updated NDC pledge. This figure should be announced before April 22, when President Biden will host world leaders for a summit “aimed at raising climate ambition.” The country must persuade other nations to follow suit by setting a minimum 2030 NDC of a 65% emissions reduction from 2005 levels, in line with the 1.5°C carbon budget. Additionally, the U.S. must work with the EU, China, and India to be similarly ambitious, as these four entities are responsible for 58% of global CO₂ emissions.

The U.S. can lead other nations with confidence and the knowledge that a 65% reduction is achievable. Why? U.S. carbon emissions today are already down 23% from 2005 levels. The building sector, the country’s largest energy consumer, continues to reduce its emissions and is now 30% below 2005 levels, ahead of the U.S. Paris Agreement’s NDC of a 26% to 28% reduction by 2025. The Biden pledge of a clean electricity grid by 2035 should further cut emissions from the building sector, surpassing the targeted 65% reduction, and also drive emissions down in other sectors.

Prior to COP26, the world’s largest professional planning, design, and construction organizations will meet to demonstrate the significant actions our industry is taking to work within the 1.5°C carbon budget. With urban environments responsible for more than 75% of all annual global emissions—predominantly generated by day-to-day building and infrastructure operations, the manufacture of materials, and construction—we can show what is practically possible and embolden all governments to do the same.

#### Passage is key to leadership at COP26 for global targets.

Geman ’21 [Ben; July 7; energy reporter at Axios News, author of the Axios Generate newsletter; Axios, “The global stakes of Biden's infrastructure negotiations,” https://www.axios.com/biden-infrastructure-bill-climate-change-87b70d16-fdec-4c84-84a6-e7532c592f15.html/]

The infrastructure drama enveloping Capitol Hill could spill onto the global climate stage. Why it matters: Major new U.S. investments and policies could help spur other nations to take more aggressive and tangible steps to cut emissions. But failure to steer major new initiatives through Congress could hinder the White House diplomatic posture as the U.N. conference looms. State of play: The White House is negotiating with Republicans amid all kinds of uncertainty over whether Democrats can pass legislation without GOP backing. President Biden has proposed major investments in electric vehicles, grid tech, mass transit, clean energy tax incentives and many other initiatives. The negotiations with Republicans — who object to the plan's steep price tag and expansive definition of infrastructure — come ahead of November's critical United Nations climate summit

. What they're saying: "Because of the importance of American leadership on climate, the rest of the world is definitely watching what happens on Capitol Hill," said the Environmental Defense Fund's Nathaniel Keohane. Keohane, who leads EDF's climate program, said major U.S. investments will bolster the country's economy and competitiveness. But they're also consequential internationally, he said. "The more the U.S. can demonstrate leadership — not only in the ambition of its targets but in the ambition of its implementation and the seriousness of its implementation — the more likely we are to see the rest of the world stepping into its ambition and accelerating its own climate action," he said. Catch up fast: In April the White House set a voluntary target under the Paris Agreement of cutting U.S. emissions by 50% below 2005 levels by 2030. But that's much harder to achieve absent Capitol Hill approval of new investments and incentives. The Atlantic Council's Margaret Jackson said Biden's climate initiatives thus far have borne some fruit, pointing to several nations strengthening their Paris targets.

#### Bill solves grid collapse – immediate action is key to mitigate growing risks

PPG 3/4/21 [Pittsburgh Post-Gazette Editorial Board. Invest in infrastructure. March 4, 2021. https://www.post-gazette.com/opinion/editorials/2021/03/05/Invest-in-infrastructure/stories/202102270028]

Now is the time for a reckoning, a realization: While it’s important to study the past to avoid repeating the same mistakes, the country must also look to its future and see the obvious — that America’s infrastructure as a whole needs some serious upkeep. Democrats and Republicans alike have flirted with the idea of a sweeping infrastructure bill in recent years, and President Joe Biden’s team is working to outline such legislation. These efforts should proceed swiftly — now is the time for Congress to invest in infrastructure, not only to help prevent crises, but also to jump-start an economy mired in the coronavirus pandemic. Despite being one of the richest countries in the world, the U.S. seems constantly to hover on the edge of disaster, with news of natural forces smashing through power grids and levies and fire prevention strategies on a yearly or monthly basis. Texas is only the most recent state to have been pushed over the edge. The American Society of Civil Engineers just this week gave America’s infrastructure an overall grade of C-minus in its quadrennial report card. The last grade was D-plus and that report cited decades of underfunding and unheeded recommendations. C-minus is an improvement but deserves not just federal attention but actual intervention. The report notes “we are heading in the right direction, but a lot of work remains.” There is opportunity in the recent economic and environmental devastation that grabs headlines and breaks hearts. In the aftermath of the Great Depression, the government put millions to work improving parks and building roads and bridges and airports. President Dwight Eisenhower’s interstate highway system remains the life veins of interstate travel. A new and vigorous infrastructure package for America would fix what needs to be fixed and offer the promise of an economic boon. The purpose of the federal government is to address the needs of American society in a way that can’t be tackled by states in a piecemeal fashion. What has happened in recent days within The Lone Star State demonstrates keenly that this is the time — actually past the time — that our federal leaders must shore up the foundations of our federation. Congress should act swiftly to lead states in reversing the entropy chewing away at America’s foundations. Until this happens, society stands on shifting sands.

#### Grid resilience solves extinction – it’s a threat buffer and the impact is understated

Greene 19 [Sherrell R. Greene Mr. Greene received his B.S. and M.S. degrees in Nuclear Engineering from the University of Tennessee. He is a recognized subject matter expert in nuclear reactor safety, nuclear fuel cycle technologies, and advanced reactor concept development. Mr. Greene is widely acclaimed for his systems analysis, team building, innovation, knowledge organization, presentation, and technical communication skills. Mr. Greene worked at the Oak Ridge National Laboratory (ORNL) for over three decades. During his career at ORNL, he served as Director of Research Reactor Development Programs and Director of Nuclear Technology Programs. . "Enhancing Electric Grid, Critical Infrastructure, and Societal Resilience with Resilient Nuclear Power Plants (rNPPs)." https://ans.tandfonline.com/doi/pdf/10.1080/00295450.2018.1505357?needAccess=true]

Societies and nations are examples of large-scale, complex social-physical systems. Thus, societal resilience can be defined as the ability of a nation, population, or society to anticipate and prepare for major stressors or calamities and then to absorb, adapt to, recover from, and restore normal functions in the wake of such events when they occur. A nation’s dependence on its Critical Infrastructure systems, and the resilience of those systems, are therefore major components of national and societal resilience. There are a variety of events that could deal crippling blows to a nation’s Grid, Critical Infrastructure, and social fabric. The types of catastrophes under consideration here are “very bad day” scenarios that might result from severe GMDs induced by solar CMEs, HEMP attacks, cyber attacks, etc.5 As briefly discussed in Sec. III.C, the probability of a GMD of the magnitude of the 1859 Carrington Event is now believed to be on the order of 1%/year. The Earth narrowly missed (by only several days) intercepting a CME stream in July 2012 that would have created a GMD equal to or larger than the Carrington Event.41 Lloyd’s, in its 2013 report, “Solar Storm Risk to the North American Electric Grid,” 42 stated the following: “A Carrington-level, extreme geomagnetic storm is almost inevitable in the future…The total U.S. population at risk of extended power outage from a Carrington-level storm is between 20-40 million, with durations of 16 days to 1-2 years…The total economic cost for such a scenario is estimated at $0.6-2.6 trillion USD.” Analyses conducted subsequent to the Lloyd’s assessment indicated the geographical area impacted by the CME would be larger than that estimated in Lloyd’s analysis (extending farther northward along the New England coast of the United States and in the state of Minnesota),43 and that the actual consequences of such an event could actually be greater than estimated by Lloyd’s. Based on “Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack: Critical National Infrastructures” to Congress in 2008 (Ref. 39), a HEMP attack over the Central U.S. could impact virtually the entire North American continent. The consequences of such an event are difficult to quantify with confidence. Experts affiliated with the aforementioned Commission and others familiar with the details of the Commission’s work have stated in Congressional testimony that such an event could “kill up to 90 percent of the national population through starvation, disease, and societal collapse

.” 44,45 Most of these consequences are either direct or indirect impacts of the predicted collapse of virtually the entire U.S. Critical Infrastructure system in the wake of the attack. Last, recent analyses by both the U.S. Department of Energy46 and the U.S. National Academies of Sciences, Engineering, and Medicine47 have concluded that cyber threats to the U.S. Grid from both state-level and substatelevel entities are likely to grow in number and sophistication in the coming years, posing a growing threat to the U.S. Grid. These three “very bad day” scenarios are not creations of overzealous science fiction writers. A variety of mitigating actions to reduce both the vulnerability and the consequences of these events has been identified, and some are being implemented. However, the fact remains that events such as those described here have the potential to change life as we know it in the United States and other developed nations in the 21st century, whether the events occur individually, or simultaneously, and with or without coordinated physical attacks on Critical Infrastructure assets.