### Framework

#### The starting point of morality is practical reason.

#### 1] Bindingness: A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. Bindingness ow - its meta-ethical, so it determines what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations

#### 2] Action theory: only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### 3] Empirical uncertainty – Evil demon deceiving us or inability to know others’ experience make empiricism/induction an unreliable basis for universal ethics. Outweighs - it would be escapable since people could say they don’t experience the same.

#### 4] All arguments by definition appeal to reason – otherwise you are conceding they have no warrant to structure them and are by definition baseless. Thus reason is an epistemic constraint on evaluating neg arguments.

#### 5] Is/ought gap- experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### And, reason must be universal –

#### [A] a reason for one agent is a reason for another agent. I can’t say 2+2=4 is true for me but not for you – that’s incoherent.

#### [B] any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others

#### Thus, the standard is consistency with the categorical imperative’s system of equal and outer freedom. Prefer:

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the neg arguments/standard without first willing that we can pursue ends free from others.

#### [2] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [C] Aggregation Fails – suffering is not additive can’t compare between one migraine and 10 headaches [D] Predictions are impossible because anything could lead to a butterfly effect of unexpected consequences i.e. sneezing becoming a tornado and killing thousands

#### [3] Resource disparities- Our framework ensures big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity - their model crowds out small schools because they have to prep for every unique advantage under each aff, every counterplan, and every disad with carded responses to each of them

#### [4] There is an intent-foresight distinction. Multiple people can intend the same action looking for different consequences i.e. going home to avoid work vs to see family

#### [5] Other frameworks collapse – theories prescribe necessary actions based on objectively good ends, but those ends require something unconditionally good to serve as a condition of their goodness. Inclinations are insufficient because they are liable to change, whereas the rational nature of humanity is unconditionally valuable. Thus, obligations sourced in extrinsically good objects presuppose the goodness of a rational will to confer value upon them.

### Offense

#### A model of freedom mandates a market-oriented approach to space—that negates

Broker 20 [(Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>] TDI

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system. In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today. For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears. Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being. Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

#### [2] Banning private space appropriation inhibits the sale and use of spacecraft and fuel- that’s a form of restricting the free economic choices of individuals

**Richman 12**, Sheldon. “The free market doesn’t need government regulation.” Reason, August 5, 2012. // AHS RG

Order grows from market forces. But where do **market forces** come from? They **are the result of human action. Individuals select ends and act to achieve them by adopting suitable means.** Since means are scarce and ends are abundant, **individuals economize in order to accomplish more rather than less.** And they always seek to exchange lower values for higher values (as they see them) and never the other way around. In a world of scarcity, tradeoffs are unavoidable, so one aims to trade up rather than down. (One’s trading partner does the same.) **The result of this**, along with other **features of human action**, and the world at large **is what we call market forces. But really, it is just men and women acting rationally in the world.**

#### [3] Acquisition of property can never be unjust – to create rights violations, there must already be an owner of the property being violated, but that presupposes its appropriation by another entity.

Feser 1, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is a serious difficulty with this criticism of Nozick, however. It is just this: There is no such thing as an unjust initial acquisition of resources; therefore, there is no case to be made for redistributive taxation on the basis of alleged injustices in initial acquisition. This is, to be sure, a bold claim. Moreover, in making it, I contradict not only Nozick’s critics, but Nozick himself, who clearly thinks it is at least possible for there to be injustices in acquisition, whether or not there have in fact been any (or, more realistically, whether or not there have been enough such injustices to justify continual redistributive taxation for the purposes of rectifying them). But here is a case where Nozick has, I think, been too generous to the other side. Rather than attempt —unsatisfactorily, in the view of his critics—to meet the challenge to show that initial acquisition has not in general been unjust, he ought instead to have insisted that there is no such challenge to be met in the first place. Giving what I shall call “the basic argument” for this audacious claim will be the task of Section II of this essay. The argument is, I think, compelling, but by itself it leaves unexplained some widespread intu- itions to the effect that certain specific instances of initial acquisition are unjust and call forth as their remedy the application of a Lockean proviso, or are otherwise problematic. (A “Lockean proviso,” of course, is one that forbids initial acquisitions of resources when these acquisitions do not leave “enough and as good” in common for others.) Thus, Section III focuses on various considerations that tend to show how those intuitions are best explained in a way consistent with the argument of Section II. Section IV completes the task of accounting for the intuitions in question by considering how the thesis of self-ownership itself bears on the acqui- sition and use of property. Section V shows how the results of the previ- ous sections add up to a more satisfying defense of Nozickian property rights than the one given by Nozick himself, and considers some of the implications of this revised conception of initial acquisition for our under- standing of Nozick’s principles of transfer and rectification. II. The Basic Argument The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of justice, that is to say, simply does not apply to initial acquisition. It applies only after initial acquisition has already taken place. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that external resources are initially unowned. Consider the following example. Suppose an individual A seeks to acquire some previously unowned resource R. For it to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B (or perhaps a group of individuals) against whom A commits the injustice. But for B to have been wronged by A’s acquisi- tion of R, B would have to have had a rightful claim over R, a right to R. By hypothesis, however, B did not have a right to R, because no one had a right to it—it was unowned, after all. So B was not wronged and could not have been. In fact, the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. The same thing, by extension, will be true of all unowned resources: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer. It is impossible, then, for there to be any injustices in initial acquisition.7

#### To own yourself and use your own freedom is to be able to interact with external objects. Anything else makes you unable to exercise your own freedom on other things and creates a contradiction.

Feser 2, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is. An alternative, soft-line approach could acknowledge that the initial acquirer who abuses a monopoly over a water hole (or any similar crucial resource) does commit an injustice against those who are disad- vantaged, but such an approach could still hold that the acquirer never- theless has not committed an injustice in acquisition —his acquisition was, as I have said, neither just nor unjust. Nor does he fail to own what he has acquired; he still cannot be said to have stolen the water from anyone. Rather, his injustice is an unjust use of what he owns, on a par with the unjust use I make of my self-owned fist when I wield it, unprovoked, to bop you on your self-owned nose. In what sense does the water-hole owner use his water unjustly, though? He doesn’t try to drown anyone in it, after all— indeed, the whole problem is that he won’t let anybody near it! Eric Mack gives us the answer we need in what he has put forward as the “self-ownership proviso” (SOP).28 This is a proviso not (as the Lock- ean proviso is) on the initial acquisition of property, but rather on how one can use his property in a way that respects others’ self-ownership rights. It is motivated by consideration of the fact that the talents, abilities, capac- ities, energies, etc., that a person rightfully possesses as a self-owner are inherently “world-interactive”; that is, it is of their very essence that they are directed toward the extra-personal environment.29 Your capacity to use your hand, for instance, is just a capacity to grasp and manipulate external objects; thus, what you own in owning your hand is something essentially grasping and manipulating.30 Now if someone were to cut off your hand or invasively keep you from using it (by tying your arm against your body or holding it behind your back), he would obviously be violating your self-ownership rights. But there are, Mack suggests, other, noninvasive ways in which those rights might be violated. If, to use an example of Mack’s, I effectively nullify your ability to use your hand by creating a device that causes anything you reach for to be propelled beyond your grasp, making it impossible for you ever to grasp or manip- ulate anything, I have violated your right to your hand as much as if I had cut it off or tied it down. I have, in any case, prevented your right to your hand from being anything more than a formal right, one that is practically useless. In the interests of guaranteeing respect for substantive, robust rights of self-ownership, then, “[t]he SOP requires that persons not deploy their legitimate holdings, i.e., their extra-personal property, in ways that severely, albeit noninvasively, disable any person’s world-interactive powers.” 31 The SOP follows, in Mack’s view, from the thesis of self-ownership itself; or, at any rate, the considerations that would lead anyone to accept that thesis should also, in his view, lead one to accept the proviso.32 A brief summary of a few of Mack’s thought experiments should suffice to give a sense of why this is so.33 In what Mack calls the Adam’s Island example, Adam acquires a previously uninhabited island and later refuses a shipwrecked Zelda permission to come ashore, as a result of which she remains struggling at sea (and presumably drowns). In the Paternalist Caging example, instead of drowning, Zelda becomes caught offshore in a cage Adam has constructed for catching large sea mammals, and, rather than releasing her, Adam keeps her in the cage and feeds her regularly. In the Knuckle-Scraper Barrier example, Zelda falls asleep on some unowned ground, whereupon a gang of oafish louts encircles her and, using their bodies and arms as barriers, refuses to let her out of the circle (accusing her of assault if she touches them in order to climb over or break through). In the Disabling Property Barrier example, instead of a human barrier, Adam constructs a plastic shield over and around the unowned plot of ground upon which Zelda sleeps, accusing her of trespassing upon his property when she awakens and tries to escape by breaking through the plastic. And in the (similarly named) Disabling Property Barriers example, seem to suggest an Aristotelian-Thomistic conception of natural function, and though this by no means troubles me, it might not be what Mack himself has in mind (nor, of course, is it something every philosopher is going to sympathize with). Mack’s view nevertheless seems to require something like this conception. And something like it —enough like it to do the job Mack needs to be done, anyway—is arguably to be found in Larry Wright’s well- known reconstruction, in modern Darwinian terms, of the traditional notion of natural function. See Larry Wright, “Functions,” Philosophical Review 82, no. 2 (1973): 139–68. Adam, instead of enclosing Zelda in a plastic barrier, encloses in plastic barriers every external object that Zelda would otherwise be able to use — thus, in effect, enclosing her in a larger, all-encompassing plastic barrier of a more eccentric shape. In all of these cases, Mack says, although Zelda’s formal rights of self-ownership have not been violated—no one has invaded the area enclosed by the surface of her skin —her rights over her self-owned powers, and in particular her ability to exercise those powers, have nevertheless been nullified. But a plausible self-ownership- based theory surely cannot allow for this. It cannot, for instance, allow the innocent Zelda justly to be imprisoned in any of the ways described! If Mack is right, then it seems we have, in the SOP, grounds for holding that a water-hole monopolist would indeed be committing an injustice against anyone he refuses water to, or to whom he charges exorbitant prices for access. The injustice would be a straightforward violation of a person’s rights to self-ownership, a case of nullifying a person’s self- owned powers in a way analogous to Adam’s or the knuckle-scrapers’ nullification of Zelda’s self-owned powers. It would not be an injustice in initial acquisition, however. The water-hole monopolist still owns the water hole as much as he ever did; he just cannot use it in a way that violates other individuals’ self-ownership rights (either by drowning them in it or by nullifying their self-owned powers by denying them access to it when there is no alternative way for them to gain access to the water necessary for the use of their self-owned powers). Is Mack right? The hard-liner might dig in his heels and insist that none of Mack’s examples amount to self-ownership-violating injustices; instead, they are merely subtle but straightforward property rights violations or cases of moral failings of various other sorts (cruelty, selfishness, etc.). The Adam’s Island case, for starters, is roughly analogous to the example of the water-hole monopolist, so that it arguably cannot give any non-question- begging support to the SOP, if the SOP is then supposed to show that the water-hole example involves an injustice. The Disabling Property Barriers case might also be viewed as unable to provide any non-question-begging support, since Adam’s encasing everything in plastic might plausibly be interpreted as his acquiring everything, in which case we are back to a water-hole-type monopoly example. The Knuckle-Scraper Barrier and Dis- abling Property Barrier examples might be explained by saying that in falling asleep on the unowned plot of land, Zelda in effect has come (at least temporarily) to acquire it, and (by virtue of walking) to acquire also the path she took to get to it, so that the knuckle-scrapers and Adam violate her property rights (not her self-ownership rights) in not allowing her to escape. The Paternalist Caging example can perhaps be explained by arguing that in building the cage, Adam has acquired the water route leading to it, so that in swimming this route (and thus getting caught in the cage) Zelda has violated his property rights and, therefore, can justly be caged. Accordingly, the hard-liner might insist, we can explain all of these examples in a hard-line way and thus avoid commitment to the SOP. Such a hard-line response would be ingenious (well, maybe), but still, I think, ultimately doomed to failure. Can the Paternalist Caging example, to start with, plausibly be explained away in the manner that I have suggested? Does Adam commit no injustice against Zelda even if he never lets her out? It will not do to write this off merely as a case of excessive punishment (explaining the injustice of which would presumably not require commitment to the SOP). For suppose Adam says, after a mere five minutes of confinement, “I’m no longer punishing you; you’ve paid your debt and are free to go, as far as I’m concerned. But I’m not going to bother exerting the effort to let you out. I never forced you to get in the cage, after all —you did it on your own —and you have no right to the use of my self-owned cage-opening powers to fix your mistake! So teleport out, if you can. Or get someone else —if you can find someone —to let you out.” Adam would be neither violating Zelda’s rights to external property nor excessively punishing her in this case; nor would he be invasively vio- lating her self-ownership rights. But wouldn’t he still be committing an injustice, however noninvasively? Don’t we need something like the SOP to explain why this is so? The barrier examples, for their part, do not require Zelda’s walking and falling asleep on virgin territory, which thus (arguably) becomes her prop- erty. We can, to appeal to the sort of science-fiction scenario beloved of philosophers, imagine instead a bizarre chance disruption of the structure of space-time that teleports Zelda into Adam’s plastic shell or into the midst of the knuckle-scrapers. There is no question now of their violating her property rights; yet don’t they still commit an injustice by nullifying her self-owned powers in refusing to allow her to exit? Consider a parallel example concerning property ownership itself. If your prized $50,000 copy of Captain America Comics number 1, due to another rupture in space-time or just to a particularly strong wind that blows it out of your hands and through my window, suddenly appears on the floor of my living room, do I have the right to refuse to bring it back out to you or to allow you to come in and get it? Suppose I attempt to justify my refusal by saying, “I won’t touch it, and you’re free to have it back if you can arrange another space-time rupture or gust of wind. But I refuse to exert my self-owned powers to bring it out to you, or to allow you on my property to get it. I never asked for it to appear in my living room, after all!” Would anyone accept this justification? Doesn’t your property right in the comic book require me to give it back to you? The hard-liner might suggest that this example transports the SOP advocate out of the frying pan and into the fire. For if the SOP is true, wouldn’t we also have to commit ourselves to a “property-ownership proviso” (POP) that requires us not to nullify anyone’s ability to use his external private property in a way consistent with its “world-interactive powers”? If I build a miniature submarine in my garage, and you have the only swimming pool within one thousand miles, must you allow me the use of your pool lest you nullify my ability to use the sub? If (to take an example of Cohen’s cited by Mack) I own a corkscrew, must I be provided with wine bottles to open lest the corkscrew sadly fail to fulfill its full potential?34 Mack’s response to this line of thought seems basically to amount to a bit of backpedaling on the claim that his proviso really follows from the notion of self-ownership per se —so as to avoid the conclusion that a (rather unlibertarian and presumably redistributionist) POP would also, in par- allel fashion, follow from the concept of property ownership. His response seems, instead, to emphasize the idea that the considerations favoring self-ownership also favor, via an independent line of reasoning, the SOP.35 In my view, however, a better response would be one that took note of some relevant disanalogies between property in oneself and property in external things. Note first that the self-owned world-interactive powers, the possible use of which the SOP is intended to guarantee, are possessed by a living being who is undergoing development, which involves passing through various stages; therefore, these powers are ones that flourish with use and atrophy or even disappear with disuse.36 To nullify these powers even for a limited time, then, is (very often at least) not merely temporarily to inconvenience their owner, but, rather, to bring about a permanent reduc- tion or even disablement of these powers. By contrast, a submarine (or a corkscrew) retains its powers even when left indefinitely in a garage (or a drawer). This difference in the effect that nullification has on self-owned powers versus extra-personal property plausibly justifies a difference in our judgments concerning the acceptability, from the point of view of justice, of such nullification in the two cases; that is, it justifies adoption of the SOP but not of the POP.37 Second, there is an element of choice (and in particular, of voluntary acquisition) where extra-personal property is concerned that is morally relevant here. One’s self-owned powers, along with the SOP-guaranteed right to the non-nullification of those powers, are not something one chooses or acquires; one just has them —indeed, to a great degree one just is the constellation of those powers, abilities, etc.—and owns them fully. By contrast, extra-personal property is something one chooses to acquire or not to acquire, and as we have seen, one always acquires property rights in various degrees, from partial to full ownership—and this would include the rights guaranteed by a POP. If one chooses to acquire a corkscrew under conditions where wine bottles are unavailable, or are even likely at some point to become unavailable, one can hardly blame others if one finds oneself bottle-less. To fail to acquire POP-like rights regarding the corkscrew (by, say, contracting with someone else to provide one with wine bottles in perpetuity) is not the same thing as to have those rights and then have them violated. Someone who buys a corkscrew and then finds that he cannot use it is like the person who acquires only partial property rights in a water hole that others have already acquired partial use rights over. He cannot complain that his co-owners have violated his rights; he never acquired those other rights in the first place. Similarly, the corkscrew owner cannot complain that he has no bottles to open; he never acquired the right to those bottles, only to the corkscrew. If full ownership of a corkscrew requires POP-like rights over it, then all that follows is that corkscrew owners who lack bottles are not full owners of their corkscrews.

### BBB DA

#### Biden’s pressure will resolve residual issues with BBB.

Jeffrey **Mervis 1/3**, staff at Science, “Will Congress deliver big funding boosts for science? Here’s your guide,” Science, 1-3-2022, https://www.science.org/content/article/will-congress-deliver-big-funding-boosts-science-here-s-your-guide

BBB

Unlike USICA, the $2.2 trillion BBB package would, if passed, immediately allow new government spending. But BBB, which is seen by both parties as a test of Biden’s ability to advance his agenda, is much more politically contentious than USICA. It faces universal Republican opposition and will require the support of all 50 Democrats in the Senate to pass. So far, however, Biden has been unable to get them to agree on a final bill.

Most of the battles over BBB have focused on its efforts to strengthen the nation’s social safety net, including universal prekindergarten and expanded housing and health care benefits. But it also includes aggressive steps to reduce the devastating impacts of climate change and tens of billions of dollars for fundamental research. NSF would get $3.5 billion, for example, with half going to the new technology directorate. DOE science would receive almost $1 billion, and DOE’s applied research programs an additional $4.5 billion, whereas NIST would get $1.25 billion.

Those amounts were much lower than what was in Biden’s original $3.5 trillion blueprint. (The initial House allocation was $11 billion for NSF, for example, and $12.8 billion for DOE science.) But they are still substantial, says lobbyist Leland Cogliani, who tracks energy programs for Lewis-Burke Associates. “Build Back Better was supposed to be our savior, the rising tide that would lift all boats,” he says.

The House acted first on Biden’s pared-down proposal, approving it on 19 November on a party line 220-to-213 vote. The bill’s fate is now in the hands of the Senate, where Democratic leaders hope to pass it using an arcane process, known as budget reconciliation, that allows legislation to advance with just 50 yes votes, instead of the usual 60.

The biggest sticking point for Democrats has been Senator Joe Manchin (D–WV), who has long objected to the bill’s overall size. His latest declaration of opposition, on 19 December 2021, dashed Biden’s hope of achieving a pre-Christmas victory.

But many science lobbyists believe Manchin and the White House will ultimately strike a deal on a slimmed-down BBB—or a series of related bills—that is likely to retain many of its science and climate provisions. “Yes, if you compare it to a year ago, a lot of air has come out of the Build Back Better balloon,” says lobbyist Joel Widder, co-founder of Federal Science Partners. “But I think there will be a resurrection in January.”

And he and other science advocates are heartened by the fact that Manchin included $5 billion for DOE science when the Energy and Natural Resources Committee he chairs was asked last month to provide its input on the bill. “The research component—both in climate and in energy—has never been an issue for Manchin,” Widder says.

Annual spending bills

The media attention given to the BBB fight has obscured another important challenge facing Congress in the weeks ahead—adopting a budget for the 2022 fiscal year that ends on 30 September so that the government doesn’t shut down. Last fall, legislators took the increasingly common path of avoiding a shutdown by freezing spending at existing levels. But that temporary solution, called a continuing resolution, expires on 18 February.

Its adoption halted progress on 12 individual spending bills covering various clusters of agencies. And, for researchers, the stopgap measure cast doubt on the fate of healthy increases that lawmakers had proposed for key research agencies, including the National Institutes of Health, NASA, NSF, DOE, the U.S. Geological Survey, and NIST’s in-house labs.

But those increases won’t go into effect unless lawmakers agree on overall 2022 spending levels—which could be difficult. Pro-defense legislators, for example, want to boost Biden’s proposed minimal increase for military spending and to whittle down his sizable boost to domestic programs. (Science budgets historically have risen in step with an overall increase in domestic spending.) There’s also the perennial fight over retaining antiabortion language. If agreement can’t be reached, lawmakers could decide to sacrifice their authority to set spending on myriad programs in favor of a yearlong continuing resolution that would sidestep those contentious issues.

If Congress goes that route, scientists will need to shelve their expectations for a major increase in federal research spending this year. And they will have to hope that Biden’s 2023 budget request, which he is expected to send to Congress in early spring, once again asks for increases at most science agencies.

Optimism amid complications

Despite the ample complications and uncertainty surrounding USICA, BBB, and the annual spending bills, science lobbyists remain cautiously optimistic that research will get a boost from Congress this year. They concede that political battles have disrupted what the Biden administration and congressional Democrats had hoped would be an orderly, sequential legislative process that would have first provided guidance to federal research agencies through USICA, then used BBB to set overall spending levels for key agencies, and finally filled in the details with individual appropriations bills.

“That would have been the logical sequence,” says one veteran lobbyist and former congressional staffer. “But it’s probably not going to happen that way.”

Still, they see Schumer’s determination to finalize USICA, and the bipartisan support it has received, as a good sign. And they believe Biden has a reasonable chance of pushing some version of BBB through the Senate. “Biden is hell-bent on another significant legislative accomplishment before the mid-term [elections],” Widder says. “And the research provisions don’t have any enemies. I like its chances.”

#### The plan is a political firestorm---regulating private space is unpopular---lawmakers want to encourage private space industries to encourage innovation and avoid government liability.

Loren Grush 15, science reporter for The Verge, the technology and culture brand from Vox Media, where she specializes in news about Space and Space law, 2015, “Private space companies avoid FAA oversight again, with Congress' blessing,” https://www.theverge.com/2015/11/16/9744298/private-space-government-regulation-spacex-asteroid-mining

The Senate passed the bill [H.R. 2262](https://www.congress.gov/bill/114th-congress/house-bill/2262), also known as the US Commercial Space Launch Competitiveness Act, last week, and both the House and the Senate have expressed support for it. House Majority Leader Kevin McCarthy has [scheduled the bill for final approval this afternoon](http://www.majorityleader.gov/floor/#daily). After it passes, it goes to the president for his official signature. PRIVATE SPACE TRAVEL IS STILL CONSIDERED YOUNG Many prominent commercial space companies — including SpaceX, Blue Origin, and Virgin Galactic — [have applauded H.R. 2262](https://science.house.gov/sites/republicans.science.house.gov/files/documents/FINAL%20WTS_SPACE%20Act%20of%202015.pdf). The legislation means that private space travel is still considered young, and lawmakers have given the industry more time to experiment and gather data."It allows the industry to grow, to test, and to develop without this overshadow of the regulatory hammer coming down on them," Eric Stallmer, president of the Commercial Spaceflight Federation, a non-profit aimed at promoting commercial spaceflight development, told *The Verge*. It also means that people participating in private spaceflight do so at their own risks, and there are no government regulations in place specifically to keep them safe. Space travel isn’t that safe, of course; nearly 1 in 10 rockets fail, though most vehicles that go into space these days don’t have crew members on board. The FAA is concerned about the spacecraft that will carry people, though, which is why the agency doesn’t seem supportive of the learning period extension. In February of 2014, George Nield, head of the FAA Office of Commercial Space Transportation, [testified before the House Subcommittee on Space](http://docs.house.gov/meetings/SY/SY16/20140204/101703/HHRG-113-SY16-Wstate-NieldG-20140204.pdf) that he thinks it's time for the period to expire. Nield said he understands that many in the industry fear overregulation by the FAA, but that his office is more concerned with ensuring crew safety than issuing "burdensome" standards. "We want to enable safe and successful commercial operations," he testified. REGULATORY LEARNING PERIOD The advent of private spaceflight began in the 1960s, but the industry has only started growing rapidly this decade. To address this expansion, Congress passed the Commercial Space Launch Amendments Act in 2004. It granted the private sector a "learning period" free of regulation. The learning period was set to expire in December 2012 but was granted two short extensions. H.R. 2262 will extend the period for a further eight years, through September 30th, 2023. THE FAA STILL HAS SOME AUTHORITY TO REGULATE THE COMMERCIAL SECTOR During the learning period, the FAA still has some authority to regulate the commercial sector. The agency is responsible for issuing licenses for rocket launches and for vehicles re-entering Earth's atmosphere. The agency’s main concern is to ensure that launch vehicles aren’t immediate threats to the uninvolved public and property. Under this legislation, the FAA is restricted from issuing licenses specifically pertaining to the safety of a spacecraft's crew or passengers. Right now, people who participate in commercial spaceflight do so through "informed consent" — meaning they know that they're partaking in an endeavor that could [easily kill them](http://www.popsci.com/article/technology/virgin-galactic-crash-may-lead-new-regulations-private-spaceflight). Before these participants can fly, they must sign a document that says spaceflight is inherently dangerous and they understand the risks associated with it. The end of the learning period would allow the FAA to issue standards related to crew safety — but it also means the agency could issue standards for anything else in relation to commercial spaceflight. For example, the agency could dictate specifically how engines or vehicles should be designed and built, similar to how the FAA oversees the commercial aviation industry. *NTSB investigators stand next to the crash site of SpaceShipTwo. (NTSB)* The FAA hasn't expressed interest in doing this, but Nield noted in his 2014 testimony that the agency wants to regulate spaceflight activities that take place in orbit; for instance, the FAA wants to issue standards for collision avoidance. The agency also hinted it might try to regulate commercial crew safety following last year's Virgin Galactic crash, in which a pilot was killed during a test flight of the company's SpaceShipTwo vehicle. The initial regulatory learning period allowed the FAA to issue regulations in direct response to a serious commercial space travel accident, and the SpaceShipTwo crash was the first commercial flight to result in a fatality. [The FAA told *Bloomberg*](http://www.bloomberg.com/news/articles/2014-11-07/should-space-travel-be-like-climbing-everest-or-airlines-) that the agency may want additional regulations following an accident investigation, without saying what those might entail. H.R. 2262 still maintains the FAA's ability to issue regulations in the event of a fatal accident, however those regulations must specifically address the accident itself and wouldn't apply to the entire industry. Stallmer, of the Commercial Spaceflight Federation, argued that there will be a time when more regulations are needed — after this learning period is over, without saying when that would be. He hopes that any new standards will stem from extensive dialogue between the government and commercial sectors, as companies continue to learn more about the business of rocket science. "And as the industry grows, we’ll have the knowledge we need so we can eventually have efficient and common sense regulations," said Stallmer. SPACE STATION AND ASTEROID MINING *The International Space Station (NASA)* H.R. 2262 also issues a number of other key provisions, [which can be found here](http://www.gpo.gov/fdsys/pkg/BILLS-114hr2262eas/pdf/BILLS-114hr2262eas.pdf). For one, the bill officially extends operations of the International Space Station through 2024. President Obama had already approved this ISS extension, but Congress must sign off on it in order for it to be final. "A new president could come and say, 'To hell with this space station,'" said Stallmer. "This puts into law that the space station will continue to be a national laboratory." And then there’s the asteroid mining. Under one provision of H.R. 2262 called the Space Resource Exploration and Utilization Act of 2015, commercial companies get the rights to any resources that they collect from celestial bodies. The provision is important for companies like the asteroid mining company Planetary Resources, which recently partnered with Virgin Galactic. "Now, if you go out somewhere in space and you pick [something] up, it’s yours," said Chris Lewicki, the president and chief engineer of Planetary Resources. "IF YOU GO OUT SOMEWHERE IN SPACE AND YOU PICK [SOMETHING] UP, IT’S YOURS." The bill mostly refines what was originally laid out in the Outer Space Treaty, a document signed by 104 companies in 1967 that eventually became the basis for international space law. The treaty forbids anyone from claiming asteroids or planets as new government territories, but it does grant non-government entities the rights "explore and use" outer space. That means companies can go collect any space materials they can find and bring back home with them. Now, H.R. 2262 guarantees that they will own those materials.

#### Even if pressure fails---regaining US leadership vindicates the democratic model.

Jonathan **Freedland 10/29**, Guardian columnist, “The battle to get here was ugly, but the impact of Joe Biden’s climate plan will be huge,” Guardian, 10-29-2021, <https://www.theguardian.com/commentisfree/2021/oct/29/joe-biden-climate-plan-emissions-cop26>

This matters not only because the US is, after China, the world’s biggest emitter of CO2, but because of the leadership role the US needs to play. It’s hard for Biden to bang the table and demand greater, speedier action from the likes of China and India when the US itself is still hesitating, even during this all too rare interlude – likely to end at next year’s midterms – when Biden’s party controls the White House and both houses of Congress. Authoritarian states fond of arguing that democracy is unfit for purpose in the 21st century will be cheered. Those young voters who rallied to Biden for the sake of the climate will wonder if it was worth it.

And yet, there is another way to look at all this. It begins with a recognition that the alternative to Manchin as the senator from West Virginia is not some impeccable liberal: if he or someone very much like him wasn’t there, the seat would be filled by a Republican and there would be no Biden plan, big or small. (The same is not true of Sinema: Arizona, which voted for Biden in 2020, would not punish her for behaving like a Democrat.) Not that this package is so small. If it passes, it will represent the biggest US spend to tackle global heating in history.

During the negotiations that led to this admittedly provisional agreement, Biden gave way on that string of popular, necessary domestic pledges, including free community college and expanded healthcare provision – but he held firm on the climate. It now stands as the largest single component of the entire bill, and that represents a huge victory by the environmental movement. It has persuaded one of the two main US parties to recognise that the climate is the dominant issue of the age.

Besides, $555bn is not to be sneezed at. I spoke on Thursday with Ben Rhodes, former adviser to Barack Obama. In 2009, Obama set aside a mere $90bn for climate-related action. But even that sum worked wonders. Despite Trump’s “ranting and raving”, and despite his withdrawal from the Paris accords, Rhodes notes that the US actually met its Paris targets in the Trump period.

That’s because Obama’s move had signalled where the economy was going, setting in train a shift that Trump could not reverse: “Companies were adjusting, the markets were adjusting, money was moving.” Now, a decade later, “people are not building new coal plants in the United States; they’re building windfarms and solar panels.”

Biden is sending a much bigger signal now. Combined with various executive actions he can take as president – moves he can make without the blessing of the senate or Manchin or anyone else – the legislation should help US greenhouse emissions fall to half their 2005 levels by 2030.

That can serve as a useful corrective to the view that the US, and democracy itself, has become dysfunctional and ineffective in the face of an existential threat. Yes, a dictatorship such as China can move more quickly: there is no senator from West Shanxi for Xi Jinping to worry about. But it is Europe and, if Biden’s deal holds, the US that is setting the pace. That, Rhodes adds, is partly down to the pressure to act on the climate that comes with an open civil society and a free press.

#### Shoring up the democratic model cascades and prevents a global erosion to authoritarianism that causes nuclear war

Dr. Larry **Diamond 19**, Professor of Political Science and Sociology at Stanford University, Senior Fellow at the Hoover Institution, Senior Fellow at the Freeman Spogli Institute for International Studies, PhD in Sociology from Stanford University, Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency, p. 199-202

The most obvious response to the ill winds blowing from the world’s autocracies is to help the winds of freedom blowing in the other direction. The democracies of the West cannot save themselves if they do not stand with democrats around the world.

This is truer now than ever, for several reasons. We live in a globalized world, one in which models, trends, and ideas cascade across borders. Any wind of change may gather quickly and blow with gale force. People everywhere form ideas about how to govern—or simply about which forms of government and sources of power may be irresistible—based on what they see happening elsewhere. We are now immersed in a fierce global contest of ideas, information, and norms. In the digital age, that contest is moving at lightning speed, shaping how people think about their political systems and the way the world runs. As doubts about and threats to democracy are mounting in the West, this is not a contest that the democracies can afford to lose.

Globalization, with its flows of trade and information, raises the stakes for us in another way. Authoritarian and badly governed regimes increasingly pose a direct threat to popular sovereignty and the rule of law in our own democracies. Covert flows of money and influence are subverting and corrupting our democratic processes and institutions. They will not stop just because Americans and others pretend that we have no stake in the future of freedom in the world. If we want to defend the core principles of self-government, transparency, and accountability in our own democracies, we have no choice but to promote them globally.

It is not enough to say that dictatorship is bad and that democracy, however flawed, is still better. Popular enthusiasm for a lesser evil cannot be sustained indefinitely. People need the inspiration of a positive vision. Democracy must demonstrate that it is a just and fair political system that advances humane values and the common good.

To make our republics more perfect, established democracies must not only adopt reforms to more fully include and empower their own citizens. They must also support people, groups, and institutions struggling to achieve democratic values elsewhere. The best way to counter Russian rage and Chinese ambition is to show that Moscow and Beijing are on the wrong side of history; that people everywhere yearn to be free; and that they can make freedom work to achieve a more just, sustainable, and prosperous society.

In our networked age, both idealism and the harder imperatives of global power and security argue for more democracy, not less. For one thing, if we do not worry about the quality of governance in lower-income countries, we will face more and more troubled and failing states. Famine and genocide are the curse of authoritarian states, not democratic ones. Outright state collapse is the ultimate, bitter fruit of tyranny. When countries like Syria, Libya, and Afghanistan descend into civil war; when poor states in Africa cannot generate jobs and improve their citizens’ lives due to rule by corrupt and callous strongmen; when Central American societies are held hostage by brutal gangs and kleptocratic rulers, people flee—and wash up on the shores of the democracies. Europe and the United States cannot withstand the rising pressures of immigration unless they work to support better, more stable and accountable government in troubled countries. The world has simply grown too small, too flat, and too fast to wall off rotten states and pretend they are on some other planet.

Hard security interests are at stake. As even the Trump administration’s 2017 National Security Strategy makes clear, the main threats to U.S. national security all stem from authoritarianism, whether in the form of tyrannies from Russia and China to Iran and North Korea or in the guise of antidemocratic terrorist movements such as ISIS.1 By supporting the development of democracy around the world, we can deny these authoritarian adversaries the geopolitical running room they seek. Just as Russia, China, and Iran are trying to undermine democracies to bend other countries to their will, so too can we contain these autocrats’ ambitions by helping other countries build effective, resilient democracies that can withstand the dictators’ malevolence.

Of course, democratically elected governments with open societies will not support the American line on every issue. But no free society wants to mortgage its future to another country. The American national interest would best be secured by a pluralistic world of free countries—one in which autocrats can no longer use corruption and coercion to gobble up resources, alliances, and territory.

If you look back over our history to see who has posed a threat to the United States and our allies, it has always been authoritarian regimes and empires. As political scientists have long noted, no two democracies have ever gone to war with each other—ever. It is not the democracies of the world that are supporting international terrorism, proliferating weapons of mass destruction, or threatening the territory of their neighbors.

For all these reasons, we need a new global campaign for freedom. Everything I am proposing in this book plays a role in that campaign, but in this chapter, I am concerned more narrowly with the ways that we can directly advance democracy, human rights, and the rule of law in the twenty-first-century world.

As with any policy area, many of the challenges can be somewhat technical, requiring smart design and the careful management of programs and institutions. Those operational debates I leave for another venue. Here, I make a more basic case for four imperatives. First, we must support the democrats of the world—the people and organizations struggling to create and improve free and accountable government. Second, we must support struggling and developing democracies, helping them to grow their economies and strengthen their institutions. Third, we must pressure authoritarian regimes to stop abusing the rights and stealing the resources of their citizens, including by imposing sanctions on dictators to make them think hard about their choices and separate them from both their supporters and the people at large. Finally, we need to reboot our public diplomacy—our global networks of information and ideas—for today’s fast-paced age of information and disinformation. For the sake of both our interests and our values, we need a foreign policy that puts a high priority on democracy, human rights, and the rule of law.