# 1NC vs Northwood AA Penn R5

### 1

#### States ought to amend the Outer Space Treaty to create 1] A private property regime that grants exclusive rights to private entities to exploit resources within space facilities and a safety zone of 1000 meters if they inhabit, maintain and/or operate said facility for a period of at least one year conditional upon peaceful use of the property. 2] Regulations around commercial rocket launches that regulate propellants used and limit the amount of launches

#### Only a private property regime solves for space mining and colonization.

Babcock 19 [Hope M. Babcock, Professor of Law, Georgetown University Law Center, “The Public Trust Doctrine, Outer Space, and the Global Commons: Time to Call Home ET,” 2019, *Syracuse Law Review*, Vol. 69, https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf, EA]

For those who seek development of space resources, “a reliable property rights regime will remove impediments to business activities on these bodies and inspire the commercial confidence necessary to attract the enormous investments needed for tourism, settlement, construction, and business development, and for the extraction and utilization of resources.”263 The resources supporting private space mining companies are essentially worthless if the companies have no legal right to the resources they have mined.264 “Without the legal right to use water and hydrogen mined from celestial bodies, and to alienate platinum group elements, the potential profitability of private space expeditions collapses along with the goals of deeper space exploration and settlement.”265 The lack of a stable private property regime in outer space also means that space settlements will not be able “to claim sufficient land to yield enough of the only ‘product’ the settlement can sell profitably enough to guarantee its survival.”266 The strong belief is that unless private property rights in outer space and its resources are recognized, commercial enterprises will be unable to sustain any type of successful commercial activities in outer space.267

The absence of “‘security derived from ownership and sovereign control, [means that] entities that might be interested in the development of space resources will be reluctant to undertake [the] expensive and risky path’ implicit in all space travel”268 without some return on their investment.269 In all likelihood, such a return would be “in the form of the right to exploit limited areas of space and in proceeds from the sale of space resources.”270 This uncertainty arguably leaves a large “legal void, a wasteland of indeterminacy and instability.”271 According to Reinstein, “Unless people and nations are encouraged to exploit the riches of space, humanity will never know their benefit. And the more we are able to exploit, the more humanity stands to benefit. If commercialization is to be successful, space law must encourage investment in outer space development.”272

#### Private actors solve space war and specifically ASAT restraint.

Cobb 21 [Wendy N. Whitman Cobb, Associate Professor of Strategy and Security Studies at the School of Advanced Air and Space Studies, “Privatizing Peace: How Commerce Can Reduce Conflict in Space,” 2021, Routledge, pp. 68-69, EA]

Finally, given the involvement of an ever-larger number of private actors in space, states also need to consider the lost opportunity costs if private actors choose to forego research, development, and deployment of new technologies because the danger in space is too high. As space becomes more commercialized, these private actors can exert pressure on states to behave peacefully in order to promote further economic development. Gartzke and Quan Li argue that this can happen through the movement of capital from conflict-prone states or areas to non-conflictual states.50 This is not necessarily applicable to space because there is no area in space which is formally protected, but commercial space actors may choose not to engage in new economic investment which can in turn affect a state’s economic performance. To date, the size of the space sector is comparatively small, so, arguably, the potential economic loss would not be that great. Where the harm comes from is state reliance on private actors for military and national security space services. As states contract out space services to a greater extent, private actors exert an even greater influence over the state by having a capability they do not.

Why might private companies want a more conflict-free space? If there is weaponized conflict in space, they could potentially benefit through new launches to send up replacement satellites; this is similar to an argument that war can actually be beneficial to an economy because companies are needed to create materiel and weapons.51 But, in a debris filled environment, sending replacements is more difficult and dangerous. Some private companies want to engage in human spaceflight; a conflictual or more dangerous orbital environment would likely prevent those activities or increase their costs to such an extent that it becomes economically infeasible. James Clay Moltz argues specifically that “the growing presence of space tourists in low-Earth orbit would greatly increase the incentives for restraint in any future [ASAT] test programs.”52 Those foregone development costs and commercial activities can have a similar cost to states simply by discouraging private actors from participating in the market.

#### That turns case and goes nuclear – extinction.

Blatt 20 [Talia M. Blatt, “Anti-Satellite Weapons and the Emerging Space Arms Race,” 05/26/20, *Harvard International Review*, https://hir.harvard.edu/anti-satellite-weapons-and-the-emerging-space-arms-race/, EA]

Nevertheless, a space race born from the Cold War continues to unfold. While the current space race may not have the same monopoly on the American imagination as the sprint to the moon held during the 1950s and 60s, it deserves our equal attention. We are now witnessing the rapid and increasingly international development of anti-satellite weapons. The race for these weapons not only increases the risk of global conflict—it could jeopardize all future space exploration.

What Are Anti-Satellite Weapons (ASATs)?

Difficult to define, ASATs occupy a gray zone in international arms control. On one level, they are exactly what the term suggests: weapons designed to destroy or limit satellites for military purposes, such as undermining the command and control centers of an adversary’s military. ASATs can function in several ways. For example, kinetic energy ASATs (KE-ASATs) destroy satellites by physically colliding with them at high velocities. Drones, ballistic missiles, and explosives detonated near satellites can all function as KE-ASATs.

Conversely, non-kinetic ASATs use any non-physical mechanism to render a satellite inoperative, such as blinding satellites with lasers, launching cyberattacks, or jamming frequencies.

But definitional issues arise because any technology that can physically or non-kinetically damage a satellite can be considered an ASAT weapon. For example, supposedly benign technology aimed at removing defunct satellites or other space junk—known as Active Debris Removal (ADR) technology—can also remove active satellites. With ostensibly civil but covertly military capabilities or functions, many space technologies, including ADR, are put in a category commonly known as “dual-use.” The dual-use nature of space infrastructure makes differentiating between weapon and non-weapon nearly impossible. As a result, regulating ASATs—and many other space-based weapons systems—is extremely difficult.

A Brief History of ASAT Proliferation

The earliest ASAT testing began during the Cold War, when the success of Sputnik I in October of 1957 catalyzed American fears about the Soviet Union’s potential goal of developing nuclear armed satellites capable of circling the globe. In response, the US developed its first ASAT: Bold Orion, an air-launched ballistic missile. The Soviet Union responded with its own ASAT program, developing weapons through the 1960s and 70s known as co-orbitals. Unlike previous KE-ASAT designs, these co-orbitals worked by syncing up with a target satellite’s orbit, then detonating.

The United States responded to Soviet co-orbitals in the 1980s with the ASM-135 weapon, an air-launched KE-ASAT distinguished by its hit-to-kill method. Unlike the Soviet co-orbitals, the hit-to-kill system did not require explosives; it just used the energy generated by the collision between the craft and the satellite, making delivery more stable. In a 1985 demonstration authorized by President Ronald Reagan, an ASM-135 successfully destroyed a defunct satellite.

Roughly 30 years later, China joined the space race. In 2007, China successfully tested a KE-ASAT, destroying an old weather satellite with a ballistic missile. And just last year, India also successfully tested an ASAT in what the Indian government referred to as Mission Shakti.

As of 2018, Russia and China were still developing more advanced non-kinetic ASATs. Russia is specifically developing an ASAT system known as Nudol, which operates in Lower Earth Orbit and can move between orbital paths, threatening more satellites than weapons limited to just one orbital path. So, despite the end of the Cold War era, more and more nations are jumping into a space arms race that is resulting in the rapid proliferation of advanced space weaponry.

The ASAT Appeal

A global fixation on anti-satellite weapons is arguably the logical end result of the main American project of the late 20th and early 21st century: the movement to digital communications. Via the telephone, computers, and eventually the internet, the United States pioneered the use of space-based communications for most civil and military functions. The benefits of satellite-based communications—namely increased efficiency, precision, and volume of information transmitted—are self-evident; however, the US lead in the transition to space-based systems posed a threat: relying on satellites for military use more than any other country created an asymmetric dependency. In other words, an unexpected denial of space-enabled information or capabilities would be more debilitating to the United States than to any other country because no other country is as dependent on satellite communications.

In an era of US hegemony, powers like Russia, China, and India are looking for arenas in which they can make the most gains against a conventionally stronger opponent. The space race has an asymmetric nature: the more the United States develops in space, the more it has to lose. Thus, space warfare provides an arena where emerging powers can gain a strategic advantage relative to the US.

More broadly, ASATs are also desirable because they can function as conflict deterrents. If a conflict arises, countries may be less likely to escalate if they believe their opponents are capable of essentially blinding their military. Just as two nuclear armed opponents risk mutually assured destruction (MAD), two ASAT armed countries risk mutual impotence. If they both can “turn off” each other’s militaries—or deny access to the satellites upon which their opponent’s conventional and nuclear forces rely—both countries are rendered close to defenseless, a risk they would be extremely reluctant to take.

A Uniquely Dangerous Arms Race

Despite their deterrent functions, ASATs are more likely to provoke or exacerbate conflicts than dampen them, especially given the risk they pose to early warning satellites. These satellites are a crucial element of US ballistic missile defense, capable of detecting missiles immediately after launch and tracking their paths.

Suppose a US early warning satellite goes dark, or is shut down. Going dark could signal a glitch, but in a world in which other countries have ASATs, it could also signal the beginning of an attack. Without early warning satellites, the United States is much more susceptible to nuclear missiles. Given the strategy of counterforcing—targeting nuclear silos rather than populous cities to prevent a nuclear counterattack—the Americans might believe their nuclear weapons are imminently at risk. It could be twelve hours before the United States regains satellite function, which is too long to wait to put together a nuclear counterattack. The United States, therefore, might move to mobilize a nuclear attack against Russia or China over what might just be a piece of debris shutting off a satellite.

Additionally, accidental warfare, or strategic miscalculation, is uniquely likely in space. It is much easier to hold an adversary’s space systems in jeopardy with destructive ASATs than it is to sustainably defend a system, which is expensive and in some cases not technologically feasible because of limitations on satellite movement. Space is therefore considered offense-dominant; offensive tactics like weapons development are prioritized over defensive measures, such as improving GPS or making satellites more resistant to jamming.

As a result, countries are left with poorly defended space systems and rely on offensive posturing, which increases the risk that their actions are perceived as aggressive and incentivizes rapid, risky counterattacks because militaries cannot rely on their spaced-based systems after first strikes.

There are several hotspots in which ASATs and offensive-dominant systems are particularly relevant. Early warning satellites play a central role in US readiness in the event of a conflict involving North Korea. News of North Korean missile launches comes from these satellites. Given North Korea’s history of nuclear provocations, unflinchingly hostile rhetoric towards the United States and South Korea, and diplomatic opacity, North Korea is always a threatening, unknowable adversary, but recent developments have magnified the risk. With the health of Kim Jong-un potentially in jeopardy, a succession battle or even civil war on the peninsula raises the chances of loose nukes. If the regime is terminal, traditional MAD risk calculus will become moot; with nothing to lose, North Korea would have no reason to hold back its nuclear arsenal. Or China might decide to seize military assets and infrastructure of the regime. If the US does not have its early warning satellites because they have been taken out in an ASAT attack, the US, South Korea, and Japan are all in imminent nuclear peril, while China could be in a position to fundamentally reshape East Asian geopolitics.

The South China Sea is another hotspot in which ASATs could risk escalation. China is developing Anti-Access Area Denial (A2/AD) in the South China Sea, a combination of long range radar with air and maritime defense meant to deny US freedom of navigation in the region. Given the disputed nature of territory in the South China Sea, the United States and its allies do not want China to successfully close off the region.

But the most effective way to break an A2/AD system would be with anti-satellite weapons. ASATs could neutralize the maritime surveillance China relies upon to deny access to the region and guide cruise missiles. Thus, China is extremely wary of US ASAT development: risks to Beijing’s South China Sea strategy are seen as threats to China itself because of territorial sovereignty claims that are deeply important to the regime and have only become more pronounced under President Xi Jinping. If a Chinese satellite went dark, Beijing might perceive it as a US ASAT designed to undermine the A2/AD approach, and escalate with conventional force.

An Even Greater Risk

Many of these conflict scenarios start with the loss of satellite function, which may seem unlikely. But ASATs threaten satellites through more than just direct attack. ASAT testing, rather than deployment, risks the exponential accumulation of debris, which endangers satellites and creates a host of other problems.

KE-ASATs rely on smashing satellites into thousands of pieces, so each test adds tremendous amounts of space debris. The 2007 Chinese KE-ASAT test alone increased the number of objects in orbit by 20 percent, producing more than two thousand pieces of debris large enough to be tracked and likely thousands more too small to be counted that will remain in orbit for centuries.

Even the smallest pieces of debris can do great damage; traveling at more than 15,000 miles per hour, they can crash into other debris in a proliferation known as the Kessler Syndrome. The situation in space could approach a critical mass in which collision cascading occurs even if all launches were halted, choking orbits with debris until all satellites are destroyed and spaceflight rendered impossible. Compared to the negligible debris created during commercial launches, ASAT tests—especially if the arms race continues to escalate and countries with less developed space programs join with cruder designs—may accelerate the debris in space closer and closer to this critical mass.

If debris knocks out a satellite, an increasingly likely possibility in a world with ASAT tests, then the aforementioned conflict scenarios become more likely. Conflict aside, ASAT-based debris clouds are terrifying in their own right. Public health, transportation, climate science, and a litany of other crucial infrastructures are dependent on satellites that are now at risk. Satellite GPS is a cornerstone of the modern economy; some pundits believe that the slightest glitch in GPS satellites could shock the stock market and further destabilize an unstable global economy. During the pandemic, satellites are playing a crucial role in geospatial data collection for infectious disease modeling.

#### The second plank solves the climate advantage by giving new regulations that limit the number of commercial launches and using more environmentally friendly fuel – means that a. the CP solves the advantage or b. the climate is way too shaky right now and public sector launches thump

### 2

#### PC gets BBB across the finish line, but negotiations are key ---interruption must be avoided. Climate provisions will be preserved.

Leber 1-21 [Rebecca Leber, environmental reporter and Journalist at Vox, 1-21-2022, "Democrats may have to sacrifice something big for the climate," Vox, <https://www.vox.com/2022/1/21/22892382/joe-manchin-climate-change-biden-negotiations-bbb> [accessed 1-21-22] lydia

Historic climate legislation may still have a chance. Success now hinges on Democrats, once and for all, figuring out exactly what it is Sen. Joe Manchin (D-WV) wants to bring him back to the negotiating table to pass a version of the Build Back Better Act. The party is running out of time to deliver on climate change, but first they need to find a break in the [frozen talks](https://www.politico.com/newsletters/morning-energy/2022/01/21/the-climate-kinks-in-bbb-799982). When Democrats took control of the Senate a year ago, they had a mandate to ensure the United States would accelerate a transition away from fossil fuels and to avoid the worst effects of climate change. Without legislation, they underdeliver to a political base worried about the climate, a constituency they are counting on turning out in the midterms. Though the [original](https://www.vox.com/2021/12/13/22799436/build-back-better-senate-manchin-parliamentarian) Build Back Better Act is now [dead](https://www.vox.com/2021/12/19/22845060/joe-manchin-climate-change-build-back-better-clean-energy), Congress still may have a shot at passing a bill to fund $550 billion for implementing clean energy incentives, funding electric vehicles and charging stations, instituting a fee on methane pollution, and helping the most vulnerable communities facing climate disasters. On the eve of his one-year anniversary as president, Biden laid out one last path forward to breaking the Senate stalemate on the original bill. “It’s clear to me ... that we’re going to have to probably break it up,” Biden told reporters at a press conference Wednesday. “I’ve been talking to a number of my colleagues on the Hill — I think it’s clear that we would be able to get support for the $500-plus billion for energy and the environmental issues that are there.” There’s still more wrangling ahead to get Manchin’s support, but the Senate is up against a clock that’s ticking down until the midterms. The Senate doesn’t have forever to figure this out or start from scratch, because it also has to confirm nominees to the administration and avert a government shutdown in February. His vote, along with that of every other Democratic senator, is required to pass it using the reconciliation process, which lets Democrats bypass the Republican filibuster. Manchin has said much work still lies ahead. On Thursday, he told CNN congressional correspondent [Manu Raju](https://twitter.com/mkraju/status/1484219829452214280), “We will just be starting from scratch. The main thing we need to do is take care of the inflation. Get your financial house in order. Get a tax code that works and take care of the pharmaceuticals that are [gouging] the people with high prices. We can fix that. We can do a lot of good things.” Biden suggested Democrats could reach a deal with Manchin and the other holdout, Sen. Kyrsten Sinema (D-AZ), with a slimmed-down version of Build Back Better, possibly by cutting back on the child tax credit and free community college. Importantly, Biden said that even with concessions to Manchin, they could preserve the climate provisions. Then Democrats might take another shot at passing these other priorities later this year. For once, there’s surprising agreement from Democratic leaders that the climate priorities won’t be what are sacrificed in any dealmaking ahead. Biden has been firm on that, and Manchin himself said a [few weeks ago](https://thehill.com/policy/energy-environment/588180-manchin-expresses-openness-to-climate-action-amid-spending-bill?rl=1), “The climate thing is one that we probably can come to an agreement much easier than anything else. There’s a lot of good things in there.” Other senators have rallied around the imperative that the US not spend another decade delaying billions in clean energy funds and climate adaptation. “I just came off the worst year ever on my farm,” Sen. Jon Tester (D-MT) said. “We need to do something on climate change. I think we spent [$144 billion](https://www.forbes.com/sites/joewalsh/2022/01/10/us-natural-disasters-cost-145-billion-in-2021---3rd-costliest-year-on-record/?sh=63ede07d4606) this year on disasters, and I don’t think that included crop insurance. So we need to do something on climate, too.” There is no deal yet on what this slimmed-down BBB would look like, nor has Manchin suggested what he could agree to. And some pieces on climate change could still be cut: Manchin has criticized some provisions of the House bill, like a methane fee on gas producers responsible for excess pollution and tax credits that favor union-made electric vehicles. But much of the work of negotiating a climate agreement has already been done. “There’s already been tough choices and compromise to get to to a place where 50 US senators and the president support the climate provisions,” said Jamal Raad, executive director of Evergreen, a climate group that has been advising Democrats on the legislation. The biggest compromise was cutting out the single most impactful climate policy in the House bill, a clean electricity standard that required utilities to meet benchmarks for wind and solar adoption. The remaining climate policies include $320 billion to finance clean energy adoption nationwide. These tax credits are already priced out for the decade, meeting one of Manchin’s demands to account for the 10-year cost of proposals in the package. Biden and congressional Democrats have hard decisions ahead. If Manchin is still negotiating in good faith, proposals will be on the chopping block. The tall order is getting every Democratic senator to come around to the idea that something will have to give to break through this logjam. “We’re just too close to striking a deal on this transformative climate investment,” Raad said. “We need to find the biggest, most aggressive Build Back Better bill that we can pass, taking the climate provisions with whatever we can agree to on the health care side, and we need to get this done.” More Senate Democrats have said this week they are open to giving Manchin what he wants to see this done. “We need to move to pass a package now that has 50 votes,” Sen. Edward Markey (D-MA)[told Axios](https://www.axios.com/congress-biden-bbb-strategy-055c69bc-a2da-463b-ab32-eecb61c4197a.html). “The climate, justice and clean-energy provisions in Build Back Better have been largely worked through and financed, so let’s start there and add any of the other important provisions to support working families that can meet the 50-vote threshold.”

#### The plan trades off -- ratification requires PC and floor time.

---even if popular, even some opposition ensures immense floor time due to Senate procedures.

Kelley & Pevehouse 15 [Judith G.\*, Duke Sanford School of Public Policy; AND Jon C.W.\*\*, University of Wisconsin-Madison; International Studies Quarterly (2015); “An Opportunity Cost Theory of US Treaty Behavior,” <https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/12521/isqu12185.pdf?sequence=1>] brett

An Opportunity Costs Theory

Although existing theories about veto players and political ideology explain the fate of some treaties, they leave some questions open. To complement these theories, we draw on economic theory to offer an opportunity cost theory of treaty ratification. In economics, the opportunity cost of a resource refers to the value of the nexthighest-valued alternative use of that resource. Scholars of domestic legislation have applied this concept to the time and resources of individual policymakers (Schiller 1995) but also to the fixed chamber time. For example, Koger refers to “[T]he foregone uses of the same [chamber] time for legislators as individuals as well as for the chamber collectively” (Koger 2010:22). Indeed, the Senate’s chamber time is not only fixed, but also scarce. A vast portion of its time goes to required routine business. This leaves little opportunity for discretionary activities (Walker 1977). Given that international policy matters have to draw on exactly the same remaining discretionary floor time as domestic policy, we argue that the United States sometimes delays or derails treaty ratification simply because political capital and Senate floor time are fixed and entail opportunity costs (Heitshusen 2013:4). As Koger (2010:33) argues more generally for legislation, “The expected gains from making a proposal must exceed the time and effort legislators invest in preparing it, organizing and coalition to support it, and taking the time of the chamber to debate and pass it.”

For a treaty to progress, the opportunity cost logic thus would mean that the net gains of the treaty must outweigh the opportunity costs of the advice and consent process. Thus, if the President or some Senators assign only low political value to a particular treaty or if they believe that passage of the treaty will take a lot of Senate floor time, they may decide that they would rather spend their political capital on other matters. If they think they have to fight a war of attrition to overcome opposition, this cost in terms of time and resources may tip the scales against moving the treaty forward. Under these conditions, the opportunity cost of processing the treaty may be too high for the treaty to gain attention, even if the President or more than the required two-thirds of the Senators think the treaty yields some benefits. As a result, whether or how fast a treaty makes it through the process depends on whether it has sufficient support to pass the constitutional process and on whether its value to politicians outweighs the opportunity cost of their political resources: legislative floor time and political capital.

The Fixed Political Agenda Space and Policy Priorities

Why do treaties incur these opportunity costs? Opportunity costs arise when resources are fixed and fully employed. Political agenda space is such a resource; there are only so many policy priorities a President can promote, and only so much Senate floor time to consider them. The media will pay attention to only so many issues on the Washington agenda. Both the President and the Senate must protect their legislative opportunities. They each face opportunity costs.

For the President, the transmittal process is not simple. If the United States signs an international agreement that falls under Article II of the Constitution, the President must transmit it to the Senate for advice and consent before the United States can ratify it. This process entails an analysis of the implications of the treaty including possible implementation legislation required, and the writing of a transmittal letter that serves as a report to the Senate Foreign Relations Committee (SFRC). Because of these requirements, usually there has to be some push from the White House (Halloran 2011), and this can take precious time away from domestic legislative priorities. Thus, transmittals can be costly, especially in the face of expected opposition. Indeed, in 1995 when President Clinton wanted to transmit the UN Convention on the Rights of the Child to the Senate, Jessie Helms, who chaired the SFRC, and 26 cosponsors introduced a resolution urging him to not transmit the Convention. Such opposition can be distracting or politically harmful for the President. Furthermore, because the President usually endorses the treaty in the transmittal letter, he may incur a reputational cost by transmitting treaties that stall (Krutz and Peake 2009:140). Dealing with treaties thus involves political costs, and withholding transmittal can conserve political capital.

For the Senate, floor time is of the essence. After transmittal, the SFRC must hold a meeting on the treaty, and eventually issue its own analysis and recommendation, and (if it has enough support) pass it out of committee. The treaty then has to be scheduled for debate, possible amendments, and a vote. To gain Senate advice and consent, the treaty must pass with at least a two-thirds majority. Crucial to differentiating the opportunity cost argument from a straight veto player model, the Senate rules for debate and passage enable opponents to increase the time expended on a treaty, even if they do not have the ability to vote it down on the floor. Dealing with a treaty thus ties up the SFRC time, but even more importantly, it could potentially take up scarce discretionary time on the Senate floor. Senators seek to maximize their reputational returns from the issues they spend time on, favoring issues that have broad appeal (Walker 1977:430). Before scheduling a treaty for debate and a vote, the relevant actors therefore have to consider the opportunity cost of dealing with the treaty: What else could the Senate accomplish with that time? Even if the Senate is not being productive in terms of passing legislation, what else does the Senate want to be seen focusing on at that moment? Even if there is strong support for a treaty, Senators may hold back if they anticipate serious and potentially time consuming opposition—opposition that can result in any number of procedural maneuvers that could take up costly time in the Senate. This explains why so few treaties ever take up much floor time for debate. If senators expect them to take time, they do not schedule them.

Thus, both the President and the Senate face opportunity costs of fixed resources: Presidents are concerned with “misusing” political capital and opportunities. The Senators are protective of floor time, or how they are seen to be using their time by a public foremost focused on domestic matters. At the same time, the political benefits of treaty ratification are uncertain. Treaty ratification is often invisible, because the media rarely covers such events and whatever benefits treaties may bring may never be attributed to the treaty advocates directly.

The implication of these political calculations is central to our argument: Contrary to standard assumptions of international relations, the decision to push a treaty through the advice and consent process may be less about an isolated examination of costs and benefits of the treaty itself than about the political benefit of spending time on the treaty relative to the benefit of other possible agenda activity that may produce important domestic legislation such as health-care reform, for example. In other words: Senate advice and consent and, by association, transmittal decisions depends on the associated legislative opportunity cost.

The opportunity cost can manifest itself for many types of treaties. Even nondivisive treaties require some Presidential attention and Senate floor time to move through the process (Johnson 2010), and therefore even these may fall by the wayside, which is of course even more likely to occur if they are not considered particularly vital. More important treaties might also be affected by the opportunity cost, however. Even if opponents might not command the requisite 1/3 of Senators to block the treaty, their willingness to obstruct it (even the threat to do so) may impose such high costs in terms of time that supporters are reluctant to spend time on it when they have many competing priorities. In a time-constrained Senate, minimal winning coalitions that reach supermajority status have become less important. Each piece of legislation must compete with all other legislation and having only a minimum backing can deprioritize legislation on the agenda, slowing it down (Oppenheimer 1985:410). And although the Senate can use a cloture vote to end filibustering and technically should be able to do so easily if the treaty commands two-thirds support, Senators may be reluctant to push for treaties that push these boundaries (for example, by objecting to a unanimous consent request (Heitshusen 2013:4)).

#### Opposition is guaranteed. NewSpace companies will lobby for their survival against the plan.

GC 17 [GC Magazine; Autumn 2017; Business thinking, In-house management, Published by legal500; “The new space race,” <https://www.legal500.com/gc-magazine/feature/the-new-space-race/>] brett

The upshot is that the ability to engage with legislators and policymakers will be essential for the long-term viability of companies like Planetary Resources.

‘We’re seeing already that with a regulatory framework laid out for a very quickly growing and expanding sector, there’s a lot of opportunity for policy engagement. That’s equally true in other countries too, which are either enacting their first national space laws or overhauling them,’ says Israel.

Before Israel joined the company, Planetary Resources was heavily involved in lobbying the US Congress to support the Spurring Private Aerospace Competitiveness and Entrepreneurship Act – better known as the SPACE Act.

That piece of legislation explicitly granted permission to US entities to ‘engage in the commercial exploration and exploitation of “space resources”.’ But the international community remains divided over whether the SPACE Act runs contrary to the obligations imposed on the US under the Outer Space Treaty.

‘The Americans are a sovereign state and according to their international treaty commitments, it’s hard to say that their domestic law is compatible with international law,’ says Smith.

Lobbying, both at a domestic and international level, stands to become increasingly critical, particularly as the US is in the process of crafting a framework for supervising non-governmental space activities, while ensure conformity with the Outer Space Treaty.

image of cartoon Mars Rover

‘It is incumbent on Congress to use the 50-year anniversary of the Outer Space Treaty to properly determine our actual international obligations, decide if specific articles in the Treaty are self-executing or not, and ensure that our domestic policy moving forward creates an environment that provides certainty for industry while protecting our national security,’ said Senator Ted Cruz, earlier this year.

‘The design and objectives in doing this must not only be to implement the government’s obligations, but to do so in a way that is not unduly burdensome on emerging space activities,’ adds Israel.

‘This is particularly relevant when the exact contours of how the activity will be carried out are not known, which makes it imperative that the regulators do not get too far ahead of the technology and make guesses about how it will be done, what is feasible, then lock in standards that are ultimately irrelevant and unworkable.’

#### Prevents existential climate disaster.

Moncrief ’11-11 [Aliki; 2021; executive director of Florida Conservation Voters; Orlando Sentinel, “Build Back Better Act would help in climate crisis,” https://www.orlandosentinel.com/opinion/guest-commentary/os-op-climate-change-congress-act-now-20211111-44u6bgyn5fdvnp3eqievkebqpe-story.html]

Last week, Congress passed the Infrastructure Investment and Jobs Act. This bipartisan bill will address upgrades to things like our transportation system, rural broadband, public transit, and clean-water infrastructure. These are badly needed, overdue investments that will make our communities more resilient to the climate impacts we are already seeing. But we know much more is needed.

It’s not enough to just respond to extreme weather — we need to cut the pollution driving it in the first place. That’s why Congress must also pass the Build Back Better Act, the most transformational climate and jobs legislation in our nation’s history. By investing in clean energy and things like electric vehicles and more energy-efficient homes and businesses, we can stop making the problem worse and avoid a growing disaster. We don’t have time for half measures, and Floridians know it — more than 75% of registered voters in the state support bold congressional action on climate change.

The Build Back Better Act takes bold steps to dramatically reduce climate pollution for everyone. But it also centers those who have been disproportionately impacted by this crisis by taking steps to address the decades of unchecked environmental injustice, ensuring at least 40% of the benefits of this bill go to those communities hardest hit by pollution and climate change.

Building a clean energy economy is an investment that will pay dividends for families today and for generations to come. Preventing the most catastrophic hurricanes, floods and heat waves will help ensure that we still bring people from all over the world to our beaches, the Everglades, and every amazing destination across our state that supports our multi-billion dollar tourism industry.

And the robust clean-energy investments in the Build Back Better Act will create millions of good-paying jobs for Floridians in every corner of our state. Florida already ranks fourth in the nation for clean-energy employment, and this legislation would help this industry grow exponentially by tapping into the Sunshine State’s solar power potential.

Orlando has some great members of Congress who understand that climate change is an existential threat to our state and they ran on being a part of the solution to this crisis. Now, we are counting on them to take bold action and pass the Build Back Better Act. This is a win-win-win that creates jobs, lowers energy bills for Floridians, and begins to address the climate crisis at the same time.

### Case

#### Alt causes swamp the AFF:

#### 1] Mega-constellations of satellites produce unmanageable debris.

Boley & Byers 21 [Aaron C., Department of Physics and Astronomy @ The University of British Columbia\*, and Michael, Department of Political Science @ The University of British Columbia; Published: 20 May 2021; Scientific Reports; “Satellite mega-constellations create risks in Low Earth Orbit, the atmosphere and on Earth,” <https://www.nature.com/articles/s41598-021-89909-7>] brett

Companies are placing satellites into orbit at an unprecedented frequency to build ‘mega-constellations’ of communications satellites in Low Earth Orbit (LEO). In two years, the number of active and defunct satellites in LEO has increased by over 50%, to about 5000 (as of 30 March 2021). SpaceX alone is on track to add 11,000 more as it builds its Starlink mega-constellation and has already filed for permission for another 30,000 satellites with the Federal Communications Commission (FCC)1. Others have similar plans, including OneWeb, Amazon, Telesat, and GW, which is a Chinese state-owned company2. The current governance system for LEO, while slowly changing, is ill-equipped to handle large satellite systems. Here, we outline how applying the consumer electronic model to satellites could lead to multiple tragedies of the commons. Some of these are well known, such as impediments to astronomy and an increased risk of space debris, while others have received insufficient attention, including changes to the chemistry of Earth’s upper atmosphere and increased dangers on Earth’s surface from re-entered debris. The heavy use of certain orbital regions might also result in a de facto exclusion of other actors from them, violating the 1967 Outer Space Treaty. All of these challenges could be addressed in a coordinated manner through multilateral law-making, whether in the United Nations, the Inter-Agency Debris Committee (IADC), or an ad hoc process, rather than in an uncoordinated manner through different national laws. Regardless of the law-making forum, mega-constellations require a shift in perspectives and policies: from looking at single satellites, to evaluating systems of thousands of satellites, and doing so within an understanding of the limitations of Earth’s environment, including its orbits.

Thousands of satellites and 1500 rocket bodies provide considerable mass in LEO, which can break into debris upon collisions, explosions, or degradation in the harsh space environment. Fragmentations increase the cross-section of orbiting material, and with it, the collision probability per time. Eventually, collisions could dominate on-orbit evolution, a situation called the Kessler Syndrome3. There are already over 12,000 trackable debris pieces in LEO, with these being typically 10 cm in diameter or larger. Including sizes down to 1 cm, there are about a million inferred debris pieces, all of which threaten satellites, spacecraft and astronauts due to their orbits crisscrossing at high relative speeds. Simulations of the long-term evolution of debris suggest that LEO is already in the protracted initial stages of the Kessler Syndrome, but that this could be managed through active debris removal4. The addition of satellite mega-constellations and the general proliferation of low-cost satellites in LEO stresses the environment further5,6,7,8.

Results

The overall setting

The rapid development of the space environment through mega-constellations, predominately by the ongoing construction of Starlink, is shown by the cumulative payload distribution function (Fig. 1). From an environmental perspective, the slope change in the distribution function defines NewSpace, an era of dominance by commercial actors. Before 2015, changes in the total on-orbit objects came principally from fragmentations, with effects of the 2007 Chinese anti-satellite test and the 2009 Kosmos-2251/Iridium-33 collisions being evident on the graph.

Figure 1

[Figure 1 omitted]

Cumulative on-orbit distribution functions (all orbits). Deorbited objects are not included. The 2007 and 2009 spikes are a Chinese anti-satellite test and the Iridium 33-Kosmos 2251 collision, respectively. The recent, rapid rise of the orange curve represents NewSpace (see "Methods").

Full size image

Although the volume of space is large, individual satellites and satellite systems have specific functions, with associated altitudes and inclinations (Fig. 2). This increases congestion and requires active management for station keeping and collision avoidance9, with automatic collision-avoidance technology still under development. Improved space situational awareness is required, with data from operators as well as ground- and space-based sensors being widely and freely shared10. Improved communications between satellite operators are also necessary: in 2019, the European Space Agency moved an Earth observation satellite to avoid colliding with a Starlink satellite, after failing to reach SpaceX by e-mail. Internationally adopted ‘right of way’ rules are needed10 to prevent games of ‘chicken’, as companies seek to preserve thruster fuel and avoid service interruptions. SpaceX and NASA recently announced11 a cooperative agreement to help reduce the risk of collisions, but this is only one operator and one agency.

Figure 2

[Figure 2 omitted]

Orbital distribution and density information for objects in Low Earth Orbit (LEO). (Left) Distribution of payloads (active and defunct satellites), binned to the nearest 1 km in altitude and 1° in orbital inclination. The centre of each circle represents the position on the diagram, and the size of the circle is proportional to the number of satellites within the given parameter space. (Right) Number density of different space resident objects (SROs) based on 1 km radial bins, averaged over the entire sky. Because SRO objects are on elliptical orbits, the contribution of a given object to an orbital shell is weighted by the time that object spends in the shell. Despite significant parameter space, satellites are clustered in their orbits due to mission requirements. The emerging Starlink cluster at 550 km and 55° inclination is already evident in both plots (Left and Right).

Full size image

When completed, Starlink will include about as many satellites as there are trackable debris pieces today, while its total mass will equal all the mass currently in LEO—over 3000 tonnes. The satellites will be placed in narrow orbital shells, creating unprecedented congestion, with 1258 already in orbit (as of 30 March 2021). OneWeb has already placed an initial 146 satellites, and Amazon, Telesat, GW and other companies, operating under different national regulatory regimes, are soon likely to follow.

Enhanced collision risk

Mega-constellations are composed of mass-produced satellites with few backup systems. This consumer electronic model allows for short upgrade cycles and rapid expansions of capabilities, but also considerable discarded equipment. SpaceX will actively de-orbit its satellites at the end of their 5–6-year operational lives. However, this process takes 6 months, so roughly 10% will be de-orbiting at any time. If other companies do likewise, thousands of de-orbiting satellites will be slowly passing through the same congested space, posing collision risks. Failures will increase these numbers, although the long-term failure rate is difficult to project. Figure 3 is similar to the righthand portion of Fig. 2 but includes the Starlink and OneWeb mega-constellations as filed (and amended) with the FCC (see “Methods”). The large density spikes show that some shells will have satellite number densities in excess of n=10−6 km−3.

Figure 3

[Figure 3 omitted]

Satellite density distribution in LEO with the Starlink and OneWeb mega-constellations as filed (and amended) with the FCC. Provided that the orbits are nearly circular, the number densities in those shells will exceed 10–6 km−3. Because the collisional cross-section in those shells is also high, they represent regions that have a high collision risk whenever debris is too small to be tracked or collision avoidance manoeuvres are impossible for other reasons.

Full size image

Deorbiting satellites will be tracked and operational satellites can manoeuvre to avoid close conjunctions. However, this depends on ongoing communication and cooperation between operators, which at present is ad hoc and voluntary. A recent letter12 to the FCC from SpaceX suggests that some companies might be less-than-fully transparent about events13 in LEO.

Despite the congestion and traffic management challenges, FCC filings by SpaceX suggest that collision avoidance manoeuvres can in fact maintain collision-free operations in orbital shells and that the probability of a collision between a non-responsive satellite and tracked debris is negligible. However, the filings do not account for untracked debris6, including untracked debris decaying through the shells used by Starlink. Using simple estimates (see “Methods”), the probability that a single piece of untracked debris will hit any satellite in the Starlink 550 km shell is about 0.003 after one year. Thus, if at any time there are 230 pieces of untracked debris decaying through the 550 km orbital shell, there is a 50% chance that there will be one or more collisions between satellites in the shell and the debris. As discussed further in “Methods”, such a situation is plausible. Depending on the balance between the de-orbit and the collision rates, if subsequent fragmentation events lead to similar amounts of debris within that orbital shell, a runaway cascade of collisions could occur.

Fragmentation events are not confined to their local orbits, either. The India 2019 ASAT test was conducted at an altitude below 300 km in an effort to minimize long-lived debris. Nevertheless, debris was placed on orbits with apogees in excess of 1000 km. As of 30 March 2021, three tracked debris pieces remain in orbit14. Such long-lived debris has high eccentricities, and thus can cross multiple orbital shells twice per orbit. A major fragmentation event from a single satellite could affect all operators in LEO.

Even if debris collisions were avoidable, meteoroids are always a threat. The cumulative meteoroid flux15 for masses m > 10–2 g is about 1.2 × 10–4 meteoroids m−2 year−1 (see “Methods”). Such masses could cause non-negligible damage to satellites16. Assuming a Starlink constellation of 12,000 satellites (i.e. the initial phase), there is about a 50% chance of 15 or more meteoroid impacts per year at m > 10–2 g. Satellites will have shielding, but events that might be rare to a single satellite could become common across the constellation.

One partial response to these congestion and collision concerns is for operators to construct mega-constellations out of a smaller number of satellites. But this does not, individually or collectively, eliminate the need for an all-of-LEO approach to evaluating the effects of the construction and maintenance of any one constellation.

#### 2] Solar storms.

Wild 15 (Jim Wild, Professor of Space Physics at Lancaster University, “With So Much Vested In Satellites, Solar Storms Could Bring Life To A Standstill,” July 30, 2015, https://theconversation.com/with-so-much-vested-in-satellites-solar-storms-could-bring-life-to-a-standstill-45204)

These can disrupt satellite operations by depositing electrical charge within the on-board electronics, triggering phantom commands or overloading and damaging sensitive components. The effects of space weather on the Earth’s upper atmosphere disrupts radio signals transmitted by navigation satellites, potentially introducing positioning errors or, in more severe cases, rendering them unusable.

These are not theoretical hazards: in recent decades, solar storms have caused outages for a number of satellites services – and a handful of satellites have been lost altogether. These were costly events – satellite operator losses have run into hundreds of millions of dollars. The wider social and economic impact was relatively limited, but even so it’s unclear how our growing amount of space infrastructure would fare against the more extreme space weather that we might face.

When Space Weather Becomes A Hurricane

The largest solar storm on record was the Carrington event in September 1859, named after the British astronomer who observed it. Of course there were no Victorian satellites to suffer the consequences, but the telegraph systems of the time were crippled as electrical currents induced in the copper wires interfered with signals, electrocuted operators and set telegraph paper alight. The geomagnetic storm it triggered was so intense that the northern lights, usually a polar phenomenon, were observed as far south as the Bahamas.

Statistical analysis of this and other severe solar storms suggests that we can expect an event of this magnitude once every few hundred years – it’s a question of “when” rather than “if”. A 2007 study estimated a Carrington event today would cause US$30 billion in losses for satellite operators and threaten vital infrastructure in space and here on the ground. It’s a risk taken sufficiently seriously that it appears on the UK National Risk Register and has led the government to draw up its preparedness programme.

#### 3] EMP attacks.

Graham 19 (William Graham, Chairman of the Congressional EMP Commission, White House Science Advisor to President Reagan, Ambassador R. James Woolsey, CIA Director and Senior Advisor to the Congressional EMP Commission, and Peter Vincent Pry, Chief of Staff of the Congressional EMP Commission, Served on the Staffs of the House Armed Services Committee and the CIA, “The EMP Executive Order — Where Were Bush and Obama?” The National Review. May 3, 2019. <https://www.nationalreview.com/2019/05/emp-executive-order-trump-administration-takes-threat-seriously/>) [language modified]

A threat that could literally mean the end of civilization is finally getting the attention it needs under Trump.

Washington and the press call almost everything an “existential threat” these days. But the threat from a natural or man-made electromagnetic pulse (EMP) really is one, as our congressional commission reported in 2017:

The critical national infrastructure in the United States faces a present and continuing existential threat from combined-arms warfare, including cyber and manmade electromagnetic pulse (EMP) attack, as well as EMP from a solar superstorm. During the Cold War, the U.S. was primarily concerned about an EMP attack generated by a high-altitude nuclear weapon as a tactic by which the Soviet Union could suppress the U.S. national command authority and the ability to respond to a nuclear attack — and thus negate the deterrence value of assured nuclear retaliation. Within the last decade, newly-armed adversaries, including North Korea, have been developing the ability and threatening to carry out an EMP attack against the United States.

The bottom line:

Such an attack would give countries that have only a small number of nuclear weapons the ability to cause widespread, long-lasting damage to critical national infrastructures, to the United States itself as a viable country, and to the survival of a majority of its population.

The EMP Commission warns that potential adversaries are developing a revolutionary new way of warfare combining cyber-attacks, sabotage, and nuclear EMP attack against national electric grids and other critical infrastructures to achieve quick and decisive victory:

Combined-Arms Cyber Warfare, as planned by Russia, China, North Korea, and Iran, may use combinations of cyber-, sabotage-, and ultimately nuclear EMP-attack to impair the United States quickly and decisively by blacking-out large portions of its electric grid and other critical infrastructures. Foreign adversaries may also consider nuclear EMP attack as the ultimate cyber “denial of service” weapon, one which can gravely damage the U.S. by striking at its technological Achilles’ heel, without having to engage the U.S. military. . . .

The synergism of such combined-arms is described in the military doctrines of all these potential adversaries as the greatest Revolution in Military Affairs (RMA) in history — one which anticipates rendering obsolete many, if not all, traditional instruments of military power.

Alarmingly, in the military doctrines of potential adversaries, nuclear EMP attack is considered a dimension of cyber warfare, because EMP is not directly injurious to people, only to electronics. High-altitude EMP attack entails exo-atmospheric detonation (30 to 500 kilometers high), so none of the blast, fire, radiation, radioactive fallout, or other effects associated with a nuclear attack on a city would occur — only the EMP.

Yet EMP, like a super-energetic radio wave that can destroy all kinds of electronics across a region as vast as North America with a single weapon, could in the long run kill far more Americans through its indirect effects than nuclear bombing of a city. Fatalities estimated from a protracted nationwide blackout lasting one year range from 67 to 90 percent of the U.S. population, due to starvation, disease, and societal collapse.

The EMP Commission tried, but could not figure out a way to keep 328 million Americans alive for a year without food and water. In 1880, just before the invention of the first electric grid in 1882, and long before the advent of our high-tech electronic civilization, the U.S. population was about 50 million, sustained by horse-drawn, coal-fired, and mechanical critical infrastructures that no longer exist.

Nuclear deterrence may not prevent an EMP attack, which can be executed anonymously using a balloon or a private jet or by doing a zoom-climb, with a short-range missile launched off a freighter (as practiced by Iran), or by satellite (as practiced by North Korea). Retaliatory threats are credible only if you know who attacked.

EMP also [destroys] ~~blinds~~, at the speed of light, satellites, radars, and other National Technical Means used for threat assessment and identifying attackers. Super-EMP weapons now possessed by Russia, China, and probably North Korea could generate 100,000 volts/meter or more, greatly exceeding the U.S. military hardening standard (50,000 volts/meter) and potentially [undermining] ~~paralyzing~~ U.S. nuclear and conventional retaliatory capabilities.

### AT: Kessler---1NC

#### No Kessler syndrome.

**Mosher** **’19** [Dave; September 3rd; Journalist with more than a decade of experience reporting and writing stories about space, science, and technology; Business Insider, “Satellite collisions may trigger a space-junk disaster that could end human access to orbit. Here’s How,” <https://www.usafa.edu/app/uploads/Space_and_Defense_2_3.pdf>; GR]

The Kessler syndrome plays center-stage in the movie "Gravity," in which an accidental space collision endangers a crew aboard a large space station. But Gossner said that type of a runaway space-junk catastrophe is unlikely. "Right now I don't think we're close to that," he said. "I'm not saying we couldn't get there, and I'm not saying we don't need to be smart and manage the problem. But I don't see it ever becoming, anytime soon, an unmanageable problem." There is no current system to remove old satellites or sweep up bits of debris in order to prevent a Kessler event. Instead, space debris is monitored from Earth, and new rules require satellites in low-Earth orbit be deorbited after 25 years so they don't wind up adding more space junk. "Our current plan is to manage the problem and not let it get that far," Gossner said. "I don't think that we're even close to needing to actively remove stuff. There's lots of research being done on that, and maybe some day that will happen, but I think that — at this point, and in my humble opinion — an unnecessary expense." A major part of the effort to prevent a Kessler event is the Space Surveillance Network (SSN). The project, led by the US military, uses 30 different systems around the world to identify, track, and share information about objects in space. Many objects are tracked day and night via a networkof radar observatories around the globe. Optical telescopes on the ground also keep an eye out, but they aren't always run by the government. "The commercial sector is actually putting up lots and lots of telescopes," Gossner said. The government pays for their debris-tracking services. Gossner said one major debris-tracking company is called Exoanalytic. It uses about 150 small telescopes set up around the globe to detect, track, and report space debris to the SSN. Telescopes in space track debris, too. Far less is known about them because they're likely top-secret military satellites. Objects detected by the government and companies get added to a catalog of space debris and checked against the orbits of other known bits of space junk. New orbits are calculated with supercomputers to see if there's a chance of any collisions. Diana McKissock, a flight lead with the US Air Force's 18th Space Control Squadron, helps track space debris for the SSN. She said the surveillance network issues warnings to NASA, satellite companies, and other groups with spacecraft, based on two levels of emergency: basic and advanced. The SSN issues a basic emergency report to the public three days ahead of a 1-in-10,000 chance of a collision. It then provides multiple updates per day until the risk of a collision passes. To qualify for such reporting, a rogue object must come within a certain distance of another object. In low-Earth orbit, that distance must be less than 1 kilometer (0.62 mile); farther out in deep space, where the precision of orbits is less reliable, the distance is less than 5 kilometers (3.1 miles). Advanced emergency reports help satellite providers see possible collisions much more than three days ahead. "In 2017, we provided data for 308,984 events, of which only 655 were emergency-reportable," McKissock told Business Insider in an email. Of those, 579 events were in low-Earth orbit (where it's relatively crowded with satellites).

#### Long time frame.

Burns Interviewing Kessler **’**13 Corrinne Burns, interviewing Donald Kessler, who made up the concept. [Space junk apocalypse: just like Gravity? 11-15-2013, https://www.theguardian.com/science/blog/2013/nov/15/space-junk-apocalypse-gravity]//BPS

Now? Are we in trouble? Not yet. Kessler syndrome isn't an acute phenomenon, as depicted in the movie – it's a slow, decades-long process. "It'll happen throughout the next 100 years – we have time to deal with it," Kessler says. "The time between collisions will become shorter – it's around 10 years at the moment. In 20 years' time, the time between collisions could be reduced to five years." Fortunately, communications satellites are, in the main, situated high up in geosynchronous orbit (GEO), whereas the risk of collisions lies mainly in the much lower, and more crowded, low Earth orbit (LEO). But that doesn't mean we can relax. "We've got to get a handle on it – we need to prevent the cascade process from speeding up." And the only way to do that is, he says, to begin actively removing junk from space. Charlotte Bewick agrees. She's a mission concepts engineer with the German space technology company OHB System, with special expertise in space junk – specifically, how we can capture it and bring it back to Earth. While agreeing with Kessler that the movie scenario is exaggerated, she remains concerned. "Fragments of junk can naturally re-enter the atmosphere [and so be removed from orbit]. But we're at the stage where the rate of creation of new debris fragments is higher than the rate of natural removal. The orbits most at risk harbour important space assets – satellites for weather forecasting, oil spill and bush fire detection, and polar ice monitoring." Bewick highlights the case of Envisat, a defunct 8,000kg spacecraft circling Earth in an orbit that is very popular with space agencies and, hence, pretty crowded. "If Envisat collides with a piece of debris or a micrometeorite, the fragments could render the whole orbital region unusable." So can we get the junk down, I asked Massimiliano Vasile, part of the Mechanical & Aerospace Department at the University of Strathclyde and co-ordinator of the Stardust network. He told me defunct satellites in the high GEO region have, for some time, been shifted to higher "graveyard orbits" to keep them out of the way. But that's not an option for items in low Earth orbit. For this, he tells me, researchers are looking seriously into active debris removal – in-orbit capture techniques like harpooning, netting and tethering, the use of contactless systems like ion-beams or lasers, and even onboard robotics to position the junk away from high-risk orbital regions. As for middle Earth orbit – well, ideas are welcome, he says. We're in no immediate danger from Kessler syndrome – but it's not a problem that's going away. Despite Gravity's artistic license, Donald Kessler is pleased to see the phenomenon represented on the big screen. "It is very improbable that events would play out as they did in the film," he says. "But if it raises awareness, then that's great."

### AT: Miscalc

#### No miscalc from satellite disruptions, but terrestrial conflict turns it

Mazur 12 (Jonathan Mazur, Manager Engineering at Northrop Grumman, writing in Space & Defense, from the Eisenhower Center for Space and Defense Studies. Past U.S. Actions: Redlines in Space. Space & Defense, Volume 6, Number 1, Fall 2012. https://inss.ndu.edu/Portals/97/Space\_and\_Defense\_6\_1.pdf?ver=2018-09-06-135424-147)

U.S. Reactions To Foreign Disruption Of U.S. Capabilities

In the 1970s, it was suspected that a U.S. maritime communications satellite was turned off by the Soviets when it was outside of the range of U.S. tracking stations.25 There does not appear to be any documented U.S. reaction, and I suspect there was none. In the mid-1990s, satellite hackers in Brazil began hijacking U.S. military communication satellite signals to broadcast their own information, though it took until 2009 for Brazil to crack down on the illegal activity with the support of the DoD.26 In 1998, a U.S.-German satellite known as ROSAT was rendered useless after it turned suddenly toward the sun. NASA investigators later determined the accident was possibly linked to a cyber-intrusion by Russia.

The fallout? Though there was an ongoing criminal investigation as of 2008; NASA security officials have seemed determined to publicly minimize the seriousness of the threat.27 In 2003, a signal originating from Cuba—later determined to be coming from Iranian embassy property— was jamming a U.S. communications satellite that was transmitting Voice of America programming over Iran, which was publicly referred to as an “act of war” by a U.S. official. 28 Press reporting indicates the U.S. administration was [frozen]“paralyzed” about how to cope with the jamming that continued for at least a month, even after U.S. diplomatic protests to Cuba.29 In 2005, U.S. diplomats protested to the Libyan government after two international satellites were illegally jammed disrupting American diplomatic, military, and FBI communications.30 In 2006, press reporting indicates that China hit a U.S. spy satellite with a ground-based laser. This action was acknowledged by the then director of the NRO, though the DoD remained tight lipped about the incident.31

“We’re at a point where the technology’s out there, and the capability for people to do things to our satellites is there. I’m focused on it beyond any single event.” – Air Force Space Command Commander, General Chilton, 2006 32

In 2009, a U.S. commercial Iridium communications satellite—extensively used by the DoD—was accidently destroyed by a collision with a dead Russian satellite.33 The U.S. company, Iridium, was able to minimize any loss of service by implementing a network solution within a few days.34 As of early 2011, no legal action had been taken by the company either because it is not clear who was at fault or because it might be politically problematic for the United States, which is trying to enter into bi-lateral transparency and confidence-building measures (TCBM) with Russia regarding space activities.35 Since August of 2010, North Korea has been intermittently using GPS jamming equipment, which reportedly has been interfering with U.S. and South Korean military operations and civilian use south of the North Korean border.36 Reportedly, only South Korea and the United Nations International Telecommunications Union—at the request of South Korea—have issued letters to Pyongyang demanding the cessation of disruptive communications signals in South Korea.37

It appears that the only time the U.S. military has responded with force to a disruption in U.S. space capabilities was in 2003, a few days after the start of the Iraq war.38 According to U.S. officials, Iraq was using multiple GPS jammers—which supposedly did not affect military GPS functionality. However, the U.S. military bombed the jammers anyway after a diplomatic complaint to Russia.39 The use of military force against the GPS jamming threat was possibly because the United States was already intervening in Iraq, and the bombing probably would not have occurred if the United States was not at war.

#### Official statements prove

Colby 16 (Elbridge, Senior Fellow at the Center for a New American Security, “From Sanctuary to Battlefield: A Framework for a U.S. Defense and Deterrence Strategy for Space”)SLAIR

But such a threat is of substantially decreasing credibility. In today’s much different context, no one really believes that a limited space attack would necessarily or even plausibly be a prelude to total nuclear war. Would the United States respond with a major strategic strike if China or Russia, in the context of a regional conflict with the United States, struck discriminately at implicated U.S. space assets in the attempt to defang U.S. power projection, all while leaving the broader U.S. space architecture alone? Not only does such a massive response seem unlikely – it would be positively foolish and irresponsible. Furthermore, would other nations regard attacks on assets the United States was actively employing for a local war as off limits to attack? Indeed, any reasonable observer would have to judge that such discriminate attacks on U.S. space assets would not necessarily be illegitimate, as, by the United States’ own admission, it relies greatly on its space architecture for conventional power projection. Moreover, official U.S. statements on how the United States would respond to attacks on its space assets – to the limited extent such statements exist and the degree to which those given are clear – offer no indication it would respond massively to such strikes.53 Perhaps more to the point, senior responsible U.S. officials have telegraphed that the United States would indeed not necessarily respond massively to attacks against its space assets.54 In light of these factors, any U.S. space deterrence strategy that is predicated on an all-or-nothing retaliation to space attacks will become increasingly incredible and thus decreasingly effective – and indeed might even invite an adversary’s challenge in order to puncture or degrade U.S. credibility. In other words, since space assets can increasingly be attacked segmentally and discriminately rather than totally, this means that credibly and effectively deterring such attacks requires a less than total response. Since the threat is more like a rapier than a broadsword, the United States needs rapier-like ripostes of its own. Accordingly, the United States Any U.S. space deterrence strategy that is predicated on an all-or-nothing retaliation to space attacks will become increasingly incredible and thus decreasingly effective. needs a more discriminate deterrent for space. In particular, it needs a flexible deterrent capable of meeting the intensifying challenge of deterring an adversary – and particularly a highly capable potential opponent like China or Russia – from attacking (or attacking to a sufficient degree) those U.S. space assets needed for the United States to effectively and decisively project power and ultimately prevail in a conflict in a distant theater. At the same time, this flexible deterrent must contribute to dissuading such an enemy from striking at the nation’s broader military and civilian space architecture, and in particular those core strategic space assets needed for central deterrence.

### AT: Climate

#### Private sector gets us off the rock.

Diakovska 20 [Halyna Diakovska and Olga Aliieva, Ph.D.s in Philosophy, Associate Professors, Donbass State Pedagogical University, “Consequentialism and Commercial Space Exploration,” 2020, *Philosophy and Cosmology*, Vol. 24, pp. 5-24, https://doi.org/10.29202/phil-cosm/24/1, EA]

The experience of the USA showed that leadership in space exploration, which is maintained solely through public funding, could be erroneous. Since 1984, the share of public funding has gradually decreased in space telecommunications, commercial space transportation, remote sensing, etc., while the share of participation of non-state enterprises has increased rapidly. A legal and regulatory framework has been modified to stimulate space commercialization. The stages of space law development are discussed in the research of Valentyn Halunko (Halunko, 2019), Larysa Soroka (Soroka & Kurkova, 2019), etc. Larysa Soroka and Kseniia Kurkova explored the specifics of the legal regulation of the use and development of artificial intelligence for the space area (Soroka & Kurkova, 2019).

As a result of changing the legal framework and attracting private investors to the space market, the US did not lose its leadership in space exploration, but rather secured it. Private investment along with government funding have significantly reduced the risk of business projects in the space industry. The quality and effectiveness of space exploration programs have increased.

In 2018, Springer published an eloquent book The Rise of Private Actors in the Space Sector. Alessandra Vernile, the author of the book, explores a broad set of topics that reveal the role of private actors in space exploration (Vernile, 2018). The book covers the following topics: “Innovative Public Procurement and Support Schemes,” “New Target Markets for Private Actors,” etc. In the “Selected Success Stories,” Vernile provides examples of successful private actors in space exploration (Vernile, 2018).

The current level of competition, which has developed on the space market, allows us to state the following fact. Private space companies have been able to compete with entire states in launching spacecraft, transporting cargo to orbital stations, and exploring space objects. The issue of mining on space objects, the creation of space settlements and the intensive development of the space tourism market are on the agenda.

In the 21st century, the creation of non-governmental commercial organizations specializing in the field of commercial space exploration, is regarded as an ordinary activity. They are established as parts of the universities around projects funded by private investors. For example, Astropreneurship & Space Industry Club based on the MIT community (Astropreneurship, 2019).

Large-scale research in the field of commercial space exploration, as well as the practical results achieved, led to the formation of a new paradigm called “New Space” ecosystem. The articles of Deganit Paikowsky’s (Paikowsky, 2017), Clelia Iacomino (Iacomino & Ciccarelli, 2018) et al. reveal its key meanings and the opportunities it offers in the space sector. The “New Space” ecosystem is a new vision for commercial space exploration. It is the formation of a cosmic worldview, in which the near space with all the wealth of its resources and capabilities, becomes a part of the global economy and the sustainable development of the society. The “New Space” ecosystem offers the following ways for commercial space exploration (Iacomino & Ciccarelli, 2018):

1. Innovative public procurement and support schemes, which significantly expand the role of commercial actors in space exploration.

2. Attracting new entrants in the space sector. First of all, these are companies working in the domain of Information and communications technology, artificial intelligence, etc. that are expanding their research in space markets. They offer innovative business models and new solutions to space commercialization.

3. Innovative industrial approaches based on new processes, methods, and industrial organization for the development and production of space systems or launchers.

4. Disruptive market solutions, which significantly reduce commercial space exploration prices, increase labor productivity, provide new types of services, etc.

5. Substantial private investment from different sources and involving different funding mechanisms. For instance, these are private fortunes, venture capital firms, business angels, private equity companies, or banks, etc.

6. Involvement of an increasing number of space-faring nations investing in the acquisition of turnkey space capabilities or even in the development of a domestic space industrial base. This expands the space markets and makes it more competitive.

The analysis of the research and advances in commercial space exploration allows us to draw the following conclusions:

1. In fact, the space market has already been created. It is currently undergoing continuous development that will integrate the resources and capabilities of the near space into the global economy over the next decade.

2. A new paradigm, denoted by the term “New Space” ecosystem, is at the heart of the created space market. The “New Space” ecosystem is a step towards the formation of cosmic thinking, in which outer space, with its resources and capabilities, is considered as a sphere of human activities.

3. Space market regulates space law, which is constantly evolving. The space law develops within the bounds of international law. In essence, the space market is integrated into the international legal field and is governed by its laws.

#### But private property is key to transform short-term goals into settlement.

Jonckheere 18 [Evarist Jonckheere, Master of Laws, Ghent University, “The Privatization of Outer Space and the Consequences for Space Law,” 2018, Master’s Thesis, https://libstore.ugent.be/fulltxt/RUG01/002/479/330/RUG01-002479330\_2018\_0001\_AC.pdf, EA]

The reality is that private enterprises are already moving in a direction that will need a similar regime. So, the big legal uncertainties concerning space property should be dealt with sooner rather than later.194 Legal certainty on an international level would greatly benefit the space industry. The existing risks of space ventures would be minimized as private companies would know what they are up against. This could give a boost to private enterprises to be more technologically innovative and entrepreneurial when it comes to outer space exploration. The prospect of gaining property rights might push them to undergo more fully realized expeditions for larger and fixed rewards. The legal regime should however ensure fairness and order between the competing space entrepreneurs.195

#### That prevents other-wise inevitable extinction – independently creates massive tech spillover, global coop, and new resources.

Green 21 [Brian Patrick Green, director of technology ethics at the Markkula Center for Applied Ethics, Santa Clara University, “Space Ethics,” 2021, Rowman, pp. 4-5, EA]

In favor of going into space are such basics as gaining scientific knowledge and developing beneficial new technologies, both of which space exploration and use have already begun to accomplish with dramatic and sometimes unexpected effects for humankind. Scientific advancements include astronomical and cosmological knowledge from various orbiting experiments and telescopes that have let us gain unprecedented understanding about our universe. But space activities have also contributed to a great deal of scientific knowledge about our Earth, including measurements of environmental status, habitat conversion and destruction, detailed knowledge of anthropogenic climate change, and much about Earth’s chemistry and geology. We have also learned a great deal about our local planets, for example, that a runaway “greenhouse effect” in the atmosphere of Venus makes the surface scorchingly hot, while too little greenhouse effect on Mars leaves the surface quite cold. There have also been significant contributions made to medical science, especially concerning the behavior of the human body when subjected to radiation, microgravity, nutritional restrictions, and so on.

On the technological side, everything with American global positioning system (GPS), Russian Glonass, or other global navigation systems—from smartphones to military vehicles—relies on a network of satellites above us, placed there by rocketry and painstakingly tracked with instruments developed for the task. So many technologies have been pioneered by space exploration and use that it is hard to list them all, but some of the more important ones include weather satellites (which are not only convenient but also allow preparation for and evacuation from severe weather), communication satellites, solar photovoltaic (PV) cells, advances in electronics and computers, advances in materials science, and so on.

Space is also an important location for the contention of national interests in a geopolitical and military sense. As the ultimate “high ground” in battle, space allows certain asset classes such as spy satellites to exist in a position unassailable by many or most opponents. While permanent weapons stations and weapons of mass destruction are banned from space by the United Nations Outer Space Treaty (OST), 6 that has not stopped the development of weapons that are impermanent (such as missiles, missile interceptors, and antisatellite weapons) or the research and development of possible space-based weapons platforms, such as were envisioned by U.S. president Ronald Reagan’s Strategic Defense Initiative, nicknamed “Star Wars.” While military and political interests may ultimately seem to be a less noble reason to explore and use space, relative power, safety, and security certainly are very human interests and are valuable to those who feel they are being protected by them.

Space activities are also a key way of promoting international cooperation and global awareness. While the international competition of the “space race” fueled one nation all the way to the Moon, shortly afterward, the Apollo-Soyuz program announced a thawing of this competition and commenced a period of cooperation between the United States of America and the Union of Soviet Socialist Republics. Currently the International Space Station continues this cross-national cooperation in space, with five space agencies (representing Canada, the European Space Agency nations, Japan, Russia, and the United States) participating. In addition to cooperation in space exploration itself, the perspective given from space has itself helped to produce some feelings of unity on Earth, with the famous “Blue Marble” and “Earthrise” pictures showing Earth’s oneness and scientific discoveries supported by space science, such as those related to climate change, helping to promote international cooperation to address these problems.

Gaining access to new critical resources may be another reason to go into space. Earth is a finite planet, and certain elements on Earth are very rare in the planetary crust, particularly platinum group metals that are very dense and siderophilic (iron-loving) and so have tended to sink toward the core over the natural history of the planet. However, asteroids and other objects in space (for example, planets, comets, and moons) can sometimes have these elements in abundance and in more available locations, making them potentially excellent sources for these valuable materials. Now-defunct asteroid-mining startup Planetary Resources once estimated that one “platinum-rich 500 meter wide asteroid contains . . . 1.5 times the known world-reserves of platinum group metals (ruthenium, rhodium, palladium, osmium, iridium, and platinum).” 7 In addition to returning elements to a resource-hungry Earth, further exploration and development of space will require access to resources that are not purely sourced from Earth. In particular, it will be necessary to gain access to water, which is relatively rare in the inner solar system and which would be far too costly to transport in any significant amounts from the Earth’s surface.

Another reason that humans may want to explore space would be to create a “backup Earth” to hedge against global catastrophic and existential risks (risks that may cause widespread disaster or human extinction, respectively) on our home planet. 8 Earth has always been a dangerous place for humans, with asteroid impacts, supervolcanic eruptions, pandemic disease, and other natural hazards threatening civilization. Now, in addition to these natural threats, human-made hazards such as nuclear weapons, climate change, biotechnology, nanotechnology, and artificial intelligence may threaten not only the viability of technological civilization but perhaps the survival of human life itself. A serious global-scale catastrophe could set back civilization many decades or centuries, and the worst disasters could cause human extinction. In one scenario, in which 100 percent of humanity dies, all of human effort for all of history would be for nothing. However, were the same global catastrophe to happen to Earth, yet humans were a multiplanetary species with just one self-sustaining settlement off-Earth, it would not result in the end of human civilization or human extinction. Instead while the same unimaginable fate would befall the Earth (certainly no mere triviality, with perhaps the deaths of 99.999 percent of all humans and possibly the destruction of the ecosphere and everything in it), at least all of human and planetory history would not be for nothing. Human life and culture would go on elsewhere, as well as other Earth species. This is a dire fate, but less terrible than the first.

### LBL

#### 1] You’re wrong on Stockwell – no reason at all why private companies contribute to warming – at best just talks about mining 2] Not enough people are launching rockets to go to space – the industry growing by 17% is not a lot if the industry is miniscule right now 3] On Williams – no – prefer ev that is specific to space