**AC**

**Fwk**

#### I affirm the resolved: resolution the member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

**Because the resolution questions what we ought do I value morality.**

**My value criterion is utilitarianism, which is to maximize expected well-being for the most amount of people.**

**Prefer my framework.**

**[1] Moral choices may only be decided by which results in the net-most good.**

**[2] Real World: Governments predict success of policies by analyzing benefits and harms for all their constituents. Our fwk teaches students the best skills for the real world.**

**[3] Extinction outweighs –**

**1 – Forecloses future improvement – we can never improve society because our impact is irreversible.**

**2 – Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities.**

**3 – Moral obligation – allowing people to die is unethical and should be prevented because it creates ethics towards other people.**

**4 – Objectivity – body count is the most objective way to calculate impacts because comparing suffering is unethical.**

**5 – Moral uncertainty – if we’re unsure about which interpretation of the world is true – we ought to preserve the world to keep debating about it.**

**This means you should vote affirmative if I prove that reducing intellectual property protections for medicines maximizes pleasure and minimizes pain.**

**Contention 1: Military Readiness**

#### The opioid crisis devastates national security and readiness

Xu 2018 - U.S. Air Force officers  
Ming and Jonathan Sawtelle, "Opioids: A Dark Allure With Deep National Security Implications," Feb 19, https://www.realcleardefense.com/articles/2018/02/19/opioids\_a\_dark\_allure\_with\_deep\_national\_security\_implications\_113074.html

The American opioid crisis is a slow burning rot with deep national security implications. The dark allure of opium--the strongest, most addictive, and now most accessible depressants ever known—erodes communities and incurs economic losses. The crisis, causing 63,600 deaths in 2016 and 52,000 in 2015, is bestowing quantifiable and devastating harm to children, friends, family and communities into the next generation.[i] Strained morgues and burgeoning orphanages are monuments to families eternally separated and communities at a loss for solutions. Healthcare costs compound losses of workforce productivity and tax flows. Unaddressed, these local tragedies will culminate in a reduction of national military readiness for years to come—even as China, the primary source of the dangerous opioid fentanyl rises to power parity with the United States. Able-bodied volunteers underwrite military readiness. Even before the crisis, qualified or interested candidates are a slim minority. The U.S. Defense Department says, “71% of America’s 34 million 17-24 year-old population could not qualify medically for military service.”[ii] Less than 1% are actually interested, and only .5% of America’s population actually serve.[iii] Opioid-related deaths and related addictions are increasing slightly in the 17-24 year-old population, chipping away at this already narrow recruiting pool. [iv] The future looks bleak. America’s labor force, 25-44 year-olds, the age group most likely to be today’s parents of tomorrow’s recruits, are leading the stats in the most number of opioid-related deaths, most reported addictions, and greatest percentage increase in both categories each year since 2015.[v] Consider this devilish effect of opioid addiction on recruiting: A small business in northeast Rustbelt Ohio actually has a hiring problem—management is unable to find qualified workers who can pass the drug test.[vi] Recruiting stations nationwide may face the same issue in the coming decades as orphans in foster care struggle to achieve parody of stable upbringing, education, health and wellness of children raised in a family. While qualified volunteers guarantee the national security of the United States, it is backed by immense budgetary resources—both at risk. A Center for Disease Control report estimates “the [U.S.] economic burden of prescription opioid overdose, abuse, and dependence…to be $78.5 billion each year.[vii] Nationally, opioid tragedies cost state and local governments more than $7 billion in law enforcement budgets, court cases and incarceration. In 2013, Medicare and Medicaid spent $2.8 billion on substance abuse treatment. Center for Disease Control data from 2001 to 2012 estimates in-patient admission costs increased $50.1 million per year for heroin and opioid addicts, and an increase in hospitalization costs of $700 million annually.[viii] A study by Regional Economic Modeling Inc. estimated opioid abuse reduced workforce productivity by $40 billion[ix], decreasing tax revenues even as the federal budget and national debt reach an all-time high. Any additional decrease in tax revenue is in direct competition with existing defense and mandatory health care spending. The outlook is dark, the prospects grim, but the U.S. can draw from recent history to see the potential national security risks of an entire country recently seduced by opiates. America need only examine the roots of President Xi Jinping’s “China Dream” to garner the historical cautionary tale on a population succumbed to the dark allure. Behind China’s current rapidly rising economy and military modernization lay the Century of Humiliation: one hundred years marked by foreign occupations, civil wars, and the loss of national sovereignty. Opium’s role in the downfall of the last imperial dynasty made its people destitute, subjugated to foreign will, serves as the impetus for the modern drive to make China great again. In the mid-19th Century, opium sales reversed the trade-deficit between the Qing dynasty and the British by an astounding 300%.[x] The downturn of silver in Qing coffers stifled innovation and eroded military readiness. A dulled military-edge resulted in the loss of the first Opium war and a series of foreign occupations.[xi] Drug related corruption in the ruling class eroded governing effectiveness, and civil wars erupted. Opium addiction corrupted every level of Chinese society, and its downfall was a fate the population, once seduced, struggled for one hundred years to overcome.

**IP is the main reason for the opioid crisis**

**Hemel & Ouellete 20** - Daniel J Hemel, Lisa Larrimore Ouellete, “ Innovation institutions and the opioid crisis, June 9th 2020, [https://academic.oup.com/jlb/article/7/1/lsaa001/5854401] // Swickle// MAK Recut 8/25/21

How did opioids overwhelm a nation well aware of their addictive properties, claiming victims across the socioeconomic spectrum? To understand that, one must understand not only how opioid manufacturers aggressively marketed their wares and why physicians profligately prescribed these drugs but also why alternative pain management strategies failed to emerge and why opioid antidotes and abuse treatments were so much slower to spread. Purdue Pharma and ‘pill mills’ play a part in this story,18 but so does Medicaid’s ‘best price’ mandate and the National Institutes of Health’s (NIH) allocation of research funding. Comprehending the origins and persistence of the crisis requires a deep dive into the organizations and policies that drove the opioid wave as well as those that failed to produce a robust response. This article takes up that task. We suggest that the opioid epidemic is, in important respects, a disease of design. By this, we do not mean to suggest that the opioid crisis is the outgrowth of any single person’s grand plan. What we mean instead is that the design of institutions created conditions that allowed the crisis to arise and proliferate. We focus in particular on the design of innovation institutions—the legal arrangements that structure the production and allocation of knowledge goods.19 These include not only intellectual property law (patents, trade secrets, trademarks, regulatory exclusivity, etc.), but also the regulatory structures of the Food and Drug Administration (FDA) that determine whether knowledge goods can reach the market and the public benefit programs like Medicare and Medicaid that subsidize access to knowledge goods.20 The design of innovation institutions enabled the opioid epidemic in a number of ways. First, US innovation institutions produced powerful incentives for pharmaceutical firms to develop and commercialize highly addictive prescription pain medicines while imposing weaker constraints on the rollout of new and more addictive products. Second, systems for allocating access to medical technologies promoted the use of addictive medicines while creating barriers to access for addiction treatments. Third, innovation institutions allowed—and indeed, encouraged—manufacturers of opioid antidotes to charge sky-high prices for products that, if more widely accessible, likely **could have saved the lives** of thousands of opioid overdose victims. Fourth, even while encouraging the rapid diffusion of addictive opioids, innovation institutions failed to sufficiently reward firms for formulating, refining, or popularizing alternative treatments for addiction or for the underlying problem of chronic pain. Again, no one sat down and designed the system to work this way. But a series of institutional design choices—some conscious, others unconscious—allowed a perfect storm to coalesce. Some of these design flaws are relatively familiar. Intellectual property (IP) is an innovation institution that relies on signals of social value generated by market mechanisms, and market-generated signals can yield inefficient allocations of goods in the presence of externalities. Addictive pain medications generate negative externalities, and overdose and addiction treatments produce positive externalities, so it is perhaps unsurprising that America ended up with too many addictive prescription opioids and too few overdose and addiction treatments. Furthermore, IP distorts investments in research and development toward patentable technologies like pharmaceuticals,21 so it is no surprise that the patent-centric US innovation institutions resulted in a nation awash in pills but wanting for alternative pain treatments. In other respects, our examination of the role of innovation institutions in the opioid epidemic challenges traditional understandings of IP in particular and innovation institutions more broadly. The conventional view posits that IP policy’s fundamental trade-off is between innovation and access, or what economists call dynamic efficiency and allocative efficiency.22 IP incentivizes the development and commercialization of new and better products (the dynamic-efficiency benefit), but it also encourages IP holders to raise prices and restrict access (the allocative-inefficiency cost). The opioid epidemic presents a contrasting image of IP’s potential consumption-expanding effects. Opioid patents induced investments in efforts to create demand for products that consumers did not previously believe they wanted.23 This demand–creation effect was especially powerful because the patented product was habit-forming—Purdue’s lower prices for OxyContin in the short term could thus raise consumption in the long term.24 And this problem was exacerbated by the effective cost often being lowered through prescription drug insurance. Although scholars typically view the increased use of patented technologies as a welfare gain, the example of prescription opioids illustrates that patents’ consumption-expanding effects can be pernicious. Ideally, the government would counteract the biases embedded in the patent system through other innovation institutions, including regulations, taxes, and government-directed financial rewards such as grants and prizes. For example, market-based prizes in the form of insurance reimbursement policies appear to be a particularly promising intervention.25 But in the context of pain treatment, the federal government’s non-patent interventions exacerbated the skew toward prescription opioids and away from other pain management and mitigation strategies. At the same time, government policies created barriers that limited access to addiction treatments. Additionally, and paradoxically, the federal government’s subsidies for opioid antidotes may have reduced access to these lifesaving products, challenging the view that demand-side subsidies are a solution to the patent system’s pitfalls. Recognizing the role of America’s innovation institutions in the opioid epidemic helps inform the search for paths out of the current crisis, but it is essential to emphasize that no magic-bullet policy will bring the opioid epidemic to an end. The proliferation of prescription opioids was both a function of incentives generated by the current innovation ecosystem and a response—misguided as it may have been—to the very real problem of chronic pain afflicting an estimated one in five US adults.26 Any comprehensive effort to curtail opioid abuse will require interventions aimed at addressing chronic pain in ways that do not put patients at risk of addiction. The solution likely will involve regulated use of opioids by the populations for which they are justified as well as both existing and novel nonaddictive analgesics.27 At the same time, wider access to existing non-pharmacological pain treatments such as acupuncture, physical therapy, exercise, meditation, and cognitive behavioral therapy may do as much to mitigate the overuse of prescription opioids as any pharmacological leap.28 Moreover, any comprehensive national strategy to contain the opioid epidemic also will require interventions aimed at individuals already in the throes of addiction (medically known as ‘substance use disorder’ or ‘opioid use disorder’).29 Initiatives at the federal, state, and local levels suggest progress in this regard, though still on a scale far too small relative to the problem that they aim to solve.

**Readiness is key to effective deterrence – that solves existential great power wars**

Dowd, 2015 (Alan W., Senior fellow with the Sagamore Institute for Policy Research and Senior Fellow at the Fraser Institute, “Shield & Sword: The Case for Military Deterrence”, Providence Mag, 12/31/2015, https://providencemag.com/2015/12/shield-sword-the-case-for-military-deterrence/)//JBS

It’s a paradoxical truth that **military readiness can keep** the **peace**. The Romans had a phrase for it: Si vis pacem, para bellum. “If you wish for peace, prepare for war.” President George Washington put it more genteelly: “There is nothing so likely to produce peace as to be well prepared to meet an enemy.” Or, in the same way, “We infinitely desire peace,” President Theodore Roosevelt declared. “And the surest way of obtaining it is to show that we are not afraid of war.” After the West gambled civilization’s very existence in the 1920s and 1930s on hopes that war could somehow be outlawed, the men who crafted the blueprint for waging the Cold War returned to peace through strength. Winston Churchill proposed “defense through deterrents.” President Harry Truman called NATO “an integrated international force whose object is to maintain peace through strength…we devoutly pray that our present course of action will succeed and maintain peace without war.”[iii] President Dwight Eisenhower explained, “Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk its own destruction.” President John Kennedy vowed to “strengthen our military power to the point where no aggressor will dare attack.” And President Ronald Reagan steered the Cold War to a peaceful end by noting, “None of the four wars in my lifetime came about because we were too strong.” Reagan also argued, “Our **military strength is a prerequisite for peace**.”[iv] Even so, arms alone aren’t enough to deter war. After all, the great powers were armed to the teeth in 1914. But since they weren’t clear about their intentions and treaty commitments, a small crisis on the fringes of Europe mushroomed into a global war. Neither is clarity alone enough to deter war. After all, President Woodrow Wilson’s admonitions to the Kaiser were clear, but America lacked the military strength at the onset of war to make those words matter and thus deter German aggression. In other words, America was unable to deter. “The purpose of a deterrence force is to create a set of conditions that would cause an adversary to conclude that the cost of any particular act against the United States of America or her allies is far higher than the potential benefit of that act,” explains Gen. Kevin Chilton, former commander of U.S. Strategic Command. It is a “cost-benefit calculus.”[v] So, given the anemic state of America’s military before 1917, the Kaiser calculated that the benefits of attacking U.S. ships and trying to lure Mexico into an alliance outweighed the costs. That proved to be a grave miscalculation. In order for the adversary not to miscalculate, a few factors must hold. First, consequences must be clear, which was not the case on the eve of World War I. Critics of deterrence often cite World War I to argue that arms races trigger wars. But if it were that simple, then a) there wouldn’t have been a World War II, since the Allies allowed their arsenals to atrophy after 1918, and b) there would have been a World War III, since Washington and Moscow engaged in an unprecedented arms race. The reality is that miscalculation lit the fuse of World War I. The antidote, as alluded to above, is strength plus clarity.A second important factor to avoid miscalculation: The adversary must be rational, which means it can grasp and fear consequences. Fear is an essential ingredient of deterrence. It pays to recall that deterrence comes from the Latin dēterreō: “to frighten off.”[vi] Of course, as Churchill conceded, “The deterrent does not cover the case of lunatics.”[vii] Mass-murderers masquerading as holy men and death-wish dictators may be immune from deterrence. (The secondary benefit of the peace-through-strength model is that it equips those who embrace it with the capacity to defeat these sorts of enemies rapidly and return to the status quo ante.) Third, the **consequences of military confrontation must be credible and tangible**, which was the case during most of the Cold War. Not only did Washington and Moscow construct vast military arsenals to deter one another; they were clear about their treaty commitments and about the consequences of any threat to those commitments. Recall how Eisenhower answered Soviet Premier Nikita Khrushchev’s boast about the Red Army’s overwhelming conventional advantage in Germany: “If you attack us in Germany,” the steely American commander-in-chief fired back, “there will be nothing conventional about our response.”[viii] Eisenhower’s words were unambiguously clear, and unlike Wilson, he wielded the military strength to give them credibility.Discussing military deterrence in the context of Christianity may seem incongruent to some readers. But for a pair of reasons it is not. First, deterrence is not just a matter of GDPs and geopolitics. In fact, scripture often uses the language of deterrence and preparedness. For example, in the first chapter of Numbers the Lord directs Moses and Aaron to count “all the men in Israel who are twenty years old or more and able to serve in the army.” This ancient selective-service system is a form of military readiness. Similarly, I Chronicles 27 provides detail about the Israelites’ massive standing army: twelve divisions of 24,000 men each. II Chronicles 17 explains the military preparations made by King Jehoshaphat of Judah, a king highly revered for his piety, who built forts, maintained armories in strategically located cities “with large supplies” and fielded an army of more than a million men “armed for battle.” Not surprisingly, “the fear of the Lord fell on all the kingdoms of the lands surrounding Judah, so that they did not go to war against Jehoshaphat.” In the New Testament, Paul writes in Romans 13 that “Rulers hold no terror for those who do right, but for those who do wrong…Rulers do not bear the sword for no reason.” Again, this is the language of deterrence. Those who follow the law within a country and who respect codes of conduct between countries have nothing to fear. Those who don’t have much to fear. Likewise, to explain the importance of calculating the costs of following Him, Jesus asks in Luke 14, “What king would go to war against another king without first sitting down to consider whether his 10,000 soldiers could go up against the 20,000 coming against him? And if he didn’t think he could win, he would send a representative to discuss terms of peace while his enemy was still a long way off.” In a sense, both kings are wise—one because he recognizes that he’s outnumbered; the other because he makes sure that he’s not. Put another way, both kings subscribe to peace through strength. Again, as with the Centurion earlier, Jesus could have rebuked the martial character of these kings, but he did not. This is not just description but commendation. We ignore their example at our peril. Secondly, it is not incongruent if we **understand military deterrence as a means to prevent great-power war**—the kind that kills by the millions, the kind humanity has not endured for seven decades. We know we will not experience the biblical notion of peace—of shalom, peace with harmony and justice—until Christ returns to make all things new. In the interim, in a broken world, the alternatives to peace through strength leave much to be desired: peace through hope, peace through violence, or peace through submission. But these options are inadequate.The sheer **destructiveness and totality of great-power war** testify that crossing our fingers and hoping for peace is not a Christian option. Wishful thinking, romanticizing reality, is the surest way to invite what Churchill called “temptations to a trial of strength.” Moreover, the **likelihood that the next great-power war would involve multiple nuclear-weapons states** means that **it could end civilization**. Therefore, a posture that leaves peer adversaries doubting the West’s capabilities and resolve—thus inviting miscalculation—is not only unsound, but immoral and inhumane—unchristian. “Deterrence of war is more humanitarian than anything,” Gen. Park Yong Ok, a longtime South Korean military official, argues. “If we fail to deter war, a tremendous number of civilians will be killed.”[ix]

**Contention 2:**

**Patents incentivize failure and kill biotech innovation**

**Feldman 21 - Robin Feldman, Washington Post, August 8th, 2021** “Our patent system is broken. And it could be stifling innovation.” [https://www.washingtonpost.com/outlook/2021/08/08/our-patent-system-is-broken-it-could-be-stifling-innovation/] Accessed 8/26/21 SAO/AP

Patents are supposed to incentivize success. Across more than 200 years, they have emerged as an important tool for advancing society by encouraging inventors to create and share successful innovations, in exchange for the right to exclude others from the market for a limited period of time. And yet that’s not how patent law works today. Rather, we are at risk of incentivizing failure. The courts, Congress and boardrooms are advancing a simple logic that turns the patent system on its head. The consequences are on display in the pharmaceutical industry, which uses patents on successful drugs as vehicles to compensate for the losses companies incur when other research doesn’t pan out. Even worse, patents have become a way to gain an extended monopoly in the marketplace, one that reaches far beyond anything related to the drug itself. For example, a Johnson & Johnson report argues that the cost of a drug should not only reflect research costs related to that drug, but also should include expenses from “drug candidates that fail in development.” The company contends that “pharmaceutical companies and the rest of the scientific community can learn from these failures to improve the research process,” suggesting that consumers should pay for these failures. The report’s approach epitomizes how the pharmaceutical industry justifies high prices for medication. But while science may learn from failures, that has nothing to do with patents or what they’re intended to do. In fact, the entire notion of compensating for failed research puts the modern application of patent law on a collision course with the history and theory of patents, reaching back to this nation’s inception. The patent system is designed to reward success. One does not receive a patent for an invention one tried and failed to create. Similarly, a patent’s reward reflects the successful invention, rather than compensation for other attempts gone bad. And that has been the case since the nation’s founding. In 1790, Congress enacted the first patent statute and George Washington signed the first U.S. patent, which went to Samuel Hopkins for an invention related to making potash. Since that time — and through various iterations of the patent statute — the law has consistently required patent holders to disclose their invention so that those “skilled in the art” can make and use it after the patent has expired. Both sides of the patent deal — society’s and the inventor’s — are strictly and carefully limited to the precise invention that the patentholder can prove to have created. In fact, there was not a single patent law or court case between 1790 to 1865 stating or even indicating that a patent grant was intended to compensate the patentee for the costs of developing a failed (that is, never-patented) invention. Indeed, with limited exceptions, early patent law does not even suggest that a patent should compensate for the costs of developing the successful invention being patented, let alone costs beyond the patented invention. It was about granting intellectual property for that invention. During the 1930s and 1940s, the courts developed a doctrine of law prohibiting patent misuse, which is broadly defined as an impermissible attempt to expand the time or scope of a patent. The goal was to ensure that the nation’s patent laws did not provide a pass for violating antitrust law. And so, when a patent holder tries to extend its patent power outside the bounds of the patent, it acts improperly. All of this shows how closely the patent system has clung to the specific boundaries of the invention disclosed in the patent, while not concerning itself with costs of other research. This all changed in 2006, when the Medicare Modernization Act went into effect, providing full Medicare coverage for prescription drugs. With a vastly expanded and secure marketplace, pharmaceutical companies began raising prices on existing and new medications. To justify soaring price points, companies needed a way to legitimize their high profit margins. Compensating for the failed drugs — the ones that didn’t make it to market — fit the bill. To maintain those high prices across time, companies had to keep cheaper competitors out of the market, including through anticompetitive gaming of the patent system. Any attempt to rein in such behavior, to this day, is met with the argument that the system should compensate the companies for drugs that never made it to market. Ensuring that rewards cover the costs of failure might appear logical at first glance. After all, if one wants inventors to invest in new research, shouldn’t the payoff be large enough to compensate for the pain of slogging through the long, cold winters of failure? As appealing as the concept may sound, however, allowing the patent system to compensate for the cost of failures has a perverse effect, particularly when industry uses it to lobby for expansion of patent protection. The argument has become: We to need to hold off competition more, so that we can charge more to compensate for past failures. But that distorts the purpose of a patent: encouraging companies to succeed — and in the most efficient manner possible. If patents reward failure, then the more a company fails, the longer and broader of a monopoly they’ll need when they do succeed. But why would we want a patent system that rewards companies more when they are less successful? In a perfect world, one might expect purchasers to create a natural brake on the system. In theory, one cannot charge a price unless buyers are willing to pay. Health care is a strange market, however. Patients may consume the medication, but doctors are in charge of choosing it, and insurance pays for much of it. As a result, consumers do not have full information and do not bear the full burden of the costs. In addition, modern strategic behaviors in the drug approval and reimbursement system can diminish the competition that might otherwise prevent drug companies from raising prices unchallenged. Thus, the normal pressures that would limit prices are dampened in the market for prescription medicine. Incentivizing failure is particularly problematic in light of a historic shift in the pharmaceutical industry over the past decade. Faced with stagnating research results, the industry has shifted to outsourcing innovation. Specifically, the majority of innovation in the pharmaceutical industry comes from academia or from small life-science companies. Large pharmaceutical companies then shepherd the drugs through the FDA approval process and into production. And so, at the end of the day, the big companies — the ones arguing for compensation for failure through hefty patent returns — are not the ones taking the greatest risks for drug development. Rather, they are gaming the patent system: maintaining high prices and keeping competitors out with patent protections. Consider Gilead’s hepatitis C cure, Sovaldi. The company more than recouped what it paid for the drug in the first year of sales alone. And after five years, the company reaped in excess of $58 billion dollars from sales of the drug, more than five times what it paid to acquire the drug from the start-up that took the initial risk and engaged in the innovation. Or consider Merck’s immunotherapy drug, Keytruda. In 2020 alone, the drug’s sales topped $14 billion, with no signs of flagging. Forbes estimates that the value of Keytruda is $200 billion — a far cry from the $300 million the company paid to acquire it. And Keytruda’s boatload of patents insulates the company’s pricing scheme from competition. Yet the true innovator — that is, the company that took the research risk — isn’t the one reaping the lion’s share of the reward. Rather, the bulk of the patent reward is going to the company that walked the last mile. Examples such as these show how modern pharmaceutical markets allow large companies to be over-rewarded while innovators are under-rewarded. If society actually wanted a patent system that compensates for failure, the dollars would go to those who make the investment in the research and take the risk of failure — the inventors. None of that is happening here. Instead, by passing so little of the profit to those who perform the successful research, the system dilutes the incentive for research. We are not just incentivizing failure, we are sending those dollars to the least inventive part of the innovation chain. In short, incentivizing failure is as counterproductive as the phrase sounds. Why would we want a patent system in which the less efficient person — the one who fails more along the way — gets a larger reward? Unless we recognize that problem, the nation may find itself sliding quietly into an approach that undermines the contours of the patent system from time immemorial, hampering our ability to innovate in crucial areas.

**Biotech Innovation is key to sustainably addressing our most pressing issues, like food security, climate change, national security, and medical care**

**Eisenhower ’15** - The Dwight D. Eisenhower School for National Security and Resources Strategy at the National Defense University Spring 2015“Spring 2015 Industry Study Final Report Biotechnology” [http://es.ndu.edu/Portals/75/Documents/industry-study/reports/2015/es-is-report-biotechnology-2015.pdf] SAO

A strong, secure United Slates depends on a diverse, innovative, and growing economy. The U.S. biotechnology industry contributes substantially to our healthy economy and helps to establish an enduring national competitive advantage. Targeted adjustments to existing regulations, policies, and practices; increased investment in scientific education and research; and simplification of intellectual property and data protection regulations and practices can further spur development and marketization of new technologies in a segment of the economy that is critical to U.S. prosperity and national security. Only biotechnology can address some of the nation's most pressing challenges, including medical care, food security, and sustainable energy for a growing, aging population. Government actions and policies that protect, sustain, and grow the bioeconomy are nothing short of imperative, and will sustain the position of the United States as a responsible global leader while increasing American prosperity and security. The Great Recession of 2008 dealt a blow to U.S. prosperity and highlighted the importance of an innovative, resilient, science and knowledge-based economy. As the world grows more interdependent, increasing tension between human consumption and global sustainability creates pressing challenges. Arable land is decreasing, but the global population is growing, threatening the world's food supply.1 Medical advances allow us to live longer, healthier lives, compounding the effects of population growth and increasing the need for affordable healthcare and sustained investment in medical technologies, including biotechnology. The traditional U.S. reliance on fossil fuels exacerbates the complexities of political and diplomatic relationships with some foreign governments, and contributes to the carbon emissions that are rapidly changing our climate. These challenges threaten U.S. national security and global sustainability. Yet, innovative solutions are within reach and could be even more effective, sustainable, and affordable with the right mix of industry, academic, scientific, and government action. Biotechnology - the use of biological processes, organisms, or systems to manufacture products intended to improve the quality of human life - can play a strong role in addressing complex global problems while driving growth, innovation, and sustainability in a diverse and vibrant U.S. economy.2 The agricultural, industrial, medical, and defense segments of biotechnology all have roles to play in nourishing and growing an innovative economy, establishing an enduring national competitive advantage, and strengthening U.S. national security and the well-being of our population. Targeted adjustments to existing policies and practices in education, research, intellectual property and data protection, and regulator)' systems will go a long way toward helping U.S. scientists and industry rehabilitate biotechnology's "brand" from one that inspires fear, aversion, and misunderstanding to one that is widely accepted and understood as a force for good.

**Contention 3: WTO Collapse**

#### W.T.O. credibility is on the brink now, but Biden and people-centric action is the crucial revival that it needs.

Farah Stockman, 12-17-2020, "The W.T.O Is Having a Midlife Crisis," New York Times, https://www.nytimes.com/2020/12/17/opinion/wto-trade-biden.html

If the World Trade Organization were a person, it would be that dude at the bar drinking the afternoon away in his business suit and wondering where it all went wrong. He used to be a big shot. When the W.T.O. was created in 1995 to write the rule book for international trade and to referee disputes between countries, it was popular and powerful. Unlike most international bodies, it has a dispute-resolution mechanism that was widely used. Its decisions had teeth. If W.T.O. judges decided that a country wasn’t playing by the rules, judges could authorize retaliatory tariffs so that victims could recoup their losses. Even a superpower like the United States generally obeyed the rulings of its seven-member Appellate Body. If a member nation had a law that ran afoul of the W.T.O. treaty, then that law had to go. But now the W.T.O. is all washed up. Like Rodney Dangerfield, it gets no respect. Its two biggest economies — China and the United States — are in a trade war, issuing tit-for-tat tariffs that violate its rules. No one fears the wrath of its Appellate Body anymore because that body has ceased to function. No new judges have been appointed to replace the old ones whose terms expired. Member states are actively floating alternatives. Its director general resigned in frustration a year before his term was up. It’s tempting to believe that Mr. W.T.O. ended up drunk at this bar because he got punched in the nose by President Trump. There’s some truth to that. Mr. Trump did cripple the W.T.O. when he refused to appoint new judges so he could get out of having to abide by decisions he didn’t like. But the W.T.O. was on a downward spiral long before it got beaten up by Mr. Trump. If President-elect Joe Biden is going to help fix the W.T.O., he can’t just roll back what Mr. Trump has done. Real recovery requires soul-searching about what went wrong. When the W.T.O. was born in the 1990s, faith in free markets was at a record high. The Soviet Union had just collapsed. The United States, the world’s sole superpower, embraced an almost messianic belief in the ability of unfettered capitalism to improve lives around the world. Americans pushed more than 100 nations to join together to create a strong international body to remove barriers to international trade and protect investors. Weaker countries agreed because, in theory, it meant they would no longer be at the mercy of the strong. They could get W.T.O. judges on their side. But the power of the W.T.O. became a problem pretty quickly. Domestic laws and programs that got in the way of “free trade” were swatted aside like cobwebs. The W.T.O. has ordered countries to gut programs that encouraged renewable energy and laws that protected workers from unfair foreign competition, as if international commerce were more important than climate change and workers’ rights. The W.T.O. wasn’t just powerful. It was ambitious. Unlike the previous trade regulator, known as the General Agreement on Tariffs and Trade, which dealt primarily with tariffs, the W.T.O. aimed to tackle a whole host of things that had little to do with traditional trade. That’s partly because of corporations, which lobbied their governments behind closed doors to rewrite the rules of trade to their advantage. Investment banks pushed for financial deregulation around the world, rolling back laws like Glass-Steagall, which kept Wall Street from recklessly gambling away pension funds. Pharmaceutical companies pushed to extend their patents, complicating the efforts in developing countries to get access to generic, affordable drugs. Big agriculture companies pushed to lift bans on genetically modified food. People began to grumble that the W.T.O. had fallen in with a bad crowd of bullies or that it had gotten too big for its britches. The W.T.O.’s decision-making looked even more questionable after the body turned a blind eye to China’s bad behavior. Its judges ruled against government subsidies for locally produced solar panels in the United States and India, on the grounds that they were unfair to foreign producers. But a smorgasbord of subsidies in China were deemed no problem at all. People began to complain that the W.T.O. just wasn’t up to the task of regulating the world economy. It didn’t help that it took years to render decisions, an eternity in the world of business. The W.T.O. looked tardy and incompetent. Now, as the world economy is in tatters from a pandemic and as a future crisis of climate change looms, the W.T.O. is drunk at a bar, waiting to see whether Joe Biden will come to its rescue. There are some quick fixes that the Biden administration should support, such as the appointment of a new director general. Everyone but Mr. Trump seems to like Ngozi Okonjo-Iweala of Nigeria, who would become the first woman and first African to serve in that post. Removing American opposition to her candidacy might go a long way to building back trust and good will after the Trump era. But Mr. Biden shouldn’t rush to fill the seats of the Appellate Body just yet. The world has a historic opportunity to change the direction of international trade rules and carve out more space for countries to experiment with solutions to climate change and income inequality. Countries around the world could use economic stimulus funding to make strategic investments in green energy with subsidies. That’s what Mr. Biden’s Build Back Better plan is all about. But so much of the plan — from subsidies for green energy infrastructure to strong “Buy American” provisions — risks running afoul of W.T.O. rules. That’s why the incoming administration should use this moment to try to get agreement on some of the deep-seated issues that brought us here in the first place. One reason the world has avoided those tough conversations for so long is that litigation is easier than negotiation. Now that that’s no longer an option, maybe W.T.O. member states will be able to forge an agreement to meet the moment. There are hopeful signs that Mr. Biden intends to do just that. One of his veteran economic advisers, Jared Bernstein, has long argued that the rules of global trade should be revamped to meet the needs of ordinary people, not just corporations. The appointment of Katherine Tai as U.S. trade representative is an inspired choice. In her many years of experience working on U.S. trade policy, she stands out for her commitment to figuring how to balance the interests of corporations with the needs of American society, including workers' rights, environmental protection and racial justice. She strikes me as the perfect person to stage an intervention.

#### Specifically, a successful agreement on TRIPS concerning COVID would revitalize the organization.

David Meyer, **6**-18-2021, "The WTO's survival hinges on the COVID-19 vaccine patent debate, waiver advocates warn," Fortune, <https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/> [LDI 21 – CWK]

The World Trade Organization knows all about crises. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the fairness of the global trade rulebook. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. **However, one crisis is more pressing than the others: the battle over COVID-19 vaccines, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—the WTO's future rests on what happens next. "The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO.** "Final nail in the coffin" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an unprecedented and seismic event. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It's a dispute between countries, but the result will be on the WTO as a whole, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, I think it could be the final nail in the coffin" for the organization, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. **"If the TRIPS waiver is successful, and people see the WTO as being part of the solution—saving lives and livelihoods—it could create goodwill and momentum to address what are still daunting structural problems."** Those problems are legion.

**WTO collapse goes nuclear**

**Hamann 9 –** Hamann, J.D. Vanderbilt University Law School, 2009 “Replacing Slingshots with Swords: Implications of the Antigua-Gambling 22.6 Panel Report for Developing Countries and the World Trading System” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/hamann-cr\_final\_final.pdf

Voluntary compliance with WTO rules and procedures is of the **utmost importance to the international trading system**.100 Given the increasingly globalized market, **the coming years will see an increase in the importance of the WTO as a cohesive force and arbiter of disputes that likely will become more frequent and injurious**.101 The work of the WTO cannot be overstated in a **nuclear-armed world**, as the body continues to promote respect and even amity among nations with opposing philosophical goals or modes of governance.102 Demagogues in the **U**nites **S**tates may decry the rise of China as a geopolitical threat,103 and extremists in Russia may play dangerous games of brinksmanship with other great powers, **but trade keeps politicians’ fingers off “the button.”**104 The WTO offers an astounding rate of compliance for an organization with no standing army and no real power to enforce its decisions, suggesting that governments recognize the value of maintaining the international construct of the WTO.105 In order to promote voluntary compliance, the WTO must maintain **a high level of credibility**.106 Nations must perceive the WTO as the most reasonable option for dispute resolution or fear that the WTO wields enough influence to enforce sanctions.107 The arbitrators charged with performing the substantive work of the WTO by negotiating, compromising, and issuing judgments are keenly aware of the responsibility they have to uphold the organization’s credibility.108