## T

#### Interpretation: The affirmative must defend a permanent reduction in intellectual property protections for medicines.

#### Allowing the possibility of a future increase violates the core meaning of the term “reduce”.

US Federal Court of Appeals 1999 “CUNA MUTUAL LIFE INSURANCE COMPANY, Plaintiff-Appellant, v. UNITED STATES, Defendant-Appellee,” Lexis

"The amount determined" under § 809, by which the policyholder dividend deduction is to be "reduced," is the "excess" specified in § 809(c)(1). Like the word "excess," the word "reduced" is a common, unambiguous, non-technical term that is given its ordinary meaning. See San Joaquin Fruit & Inv. Co., 297 U.S. at 499. "Reduce" means "to diminish in size, amount, extent, or number." Webster's Third International Dictionary 1905. Under CUNA's interpretation of "excess" in § 809(c), however, the result of the "amount determination" under § 809 would be not to reduce the policyholder dividends deduction, but to increase it. This would directly contradict the explicit instruction in § 808(c)(2) that the deduction "be reduced." The word "reduce" cannot be interpreted, as CUNA would treat it, to mean "increase."

#### Reductions are different from suspensions. Suspensions are temporary, reductions are not.

Montesani v Levitt 59 [MATTER OF MONTESANI v. Levitt, 9 A.D.2d 51, 189 N.Y.S.2d 695 (App. Div. 1959), 8-13-1959, Accessible Online at https://scholar.google.com/scholar\_case?case=1402552157078234696&q=Montesani+v.+Levitt&hl=en&as\_sdt=2006] brett

Under his retirement contract deceased agreed that in return for a plan that would insure payment of the remainder of his initial fund to his beneficiary after his death he would accept a lower rate of lifetime compensation. Implicit in this agreement were various statutory provisions governing the rights of both parties. One of these provisions was section 83 which provided that if deceased were able to return to a gainful occupation or actually did so his pension would accordingly be reduced. This reduction would be governed by the amount he actually earned or was capable of earning. We now reach one of the major issues in the case, to wit: Is section 83 to be considered as a binding factor in his contract and if so does "reduce" mean "forfeit" or "temporarily suspended"?

It seems obvious that section 83 was in the law to protect the System against disability retirees who might, in truth, be capable of providing for themselves without being on dole (albeit a "contractural" dole). See Matter of Stewart v. O'Dwyer (271 App. Div. 485, 490 [1st Dept., 1946]), where such a purpose is ascribed to section 83's counterpart in the New York City retirement statute. Deceased quit his work here because of his physical defect and elected the plan of retirement he fancied most suitable. He impliedly agreed to all the terms of the contract which included section 83. When he became employed in California at a considerable salary section 83 came into play and cut off his monthly pension payments although his annuity payments were not affected (thus he was not being deprived of anything he had contributed). There is no persuasive 56\*56 argument that this was not proper. When the California employment ceased, assuming deceased to be still living, should he then be entitled to the withheld payments?

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway. The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

Aside from the practical aspect indicating permanency other indicia point to the same conclusion.

From 1924 (L. 1924, ch. 619) to 1947 (L. 1947, ch. 841) a provision appeared in the Civil Service Law which read substantially as follows: "If the pension of a beneficiary is reduced for any reason, the amount of such reduction shall be transferred from the pension reserve fund to the pension accumulation fund during that period that such reduction is in effect." (See L. 1924, ch. 619, § 2 [Civil Service Law, § 58, subd. 4]; L. 1947, ch. 841 [Civil Service Law, § 66, subd. e].) This provision reappears in the 1955 Retirement and Social Security Law as subdivision f of section 24. This provision is useful for interpretative purposes. Since it prescribes that moneys not paid because of reduction should be transferred back to the accumulation fund the conclusion is inescapable that such reductions were meant to be permanent. If temporary suspensions were intended this bookkeeping device would result in a false picture of the funds, i.e., the reserve fund would be depleted when it would contain adequate funds to meet eventual payments 57\*57 to present pensioners. Likewise, the accumulation fund would be improperly inflated with respect to the present pensioners.

Section 64 of the Retirement and Social Security Law (§ 85 under the 1947 act) provides that any disability pension must be reduced by the amount payable pursuant to the Workmen's Compensation Law if applicable. In Matter of Dalton v. City of Yonkers (262 App. Div. 321, 323 [1941]) this court interpreted "reduce" to mean "offset" in holding that under then section 67 (relating to Workmen's Compensation benefits as do its successors sections 85 and 64), pensions were to be offset by compensation benefits. This is merely another indication that "reduce" means a diminishing of the pension pursuant to a given formula rather than a mere recoverable, temporary suspension during the time other benefits or salaries are being received by the pensioner. (Also, cf., Retirement and Social Security Law, § 101 [§ 84 under the 1947 act].)

#### Violation: it’s a waiver

#### Vote neg:

#### 1] Precision---all neg prep is centered on words in the resolution, the precise definition of our word from a legal source means it’d be the most predictable in the lit.

#### 2] Aff conditionality---they can de-link core neg ground like innovation by saying they’ll protect IP again after the pandemic, as well as enabling cheaty perms that kill plan vs CP clash.

#### TVA; eliminate IPP for covid vaccine

#### Competing interpretations-

#### Reasonability is arbitrary because its up to judges with different brightlines- competing interps sets the best norms

#### DTD- no arg to drop

#### No rvis

#### Incentivizes being abusive to bait theory

#### Prevents substance education by focusing on theory

## Theory

Interpretation: debaters must meet formatting requests when asked preround

#### Violation- util flow

#### Standards- accessibility (extmpt)

Dtd (extempt}

## DA

#### Bipartisan antitrust bills passing now but continued PC needed to pacify republicans.

Perlman 9/3 [Matthew; 9/3/21; “*Interest Groups Back Big Tech Antitrust Bills In House,*” LAW360, <https://www.law360.com/competition/articles/1418789/interest-groups-back-big-tech-antitrust-bills-in-house>] Justin

Law360 (September 3, 2021, 7:25 PM EDT) -- A contingent of public interest groups are urging leaders of the U.S. House of Representatives to advance a package of legislation aimed at reining in Big Tech companies through updates and changes to antitrust law, though free market advocates have been jeering many of the bills. A total of 58 public interest and consumer advocacy groups signed on to a letter Thursday asking House leaders to swiftly pass the package of six antitrust bills that the Judiciary Committee approved in late June after a marathon markup session. The proposals include legislation prohibiting large platform companies from acquiring competitive threats, preferencing their own services and using their control of multiple business lines to disadvantage competitors in other ways. The proposals would also impose interoperability and data portability requirements on large tech platforms, increase merger filing fees and boost enforcement by state attorneys general. Charlotte Slaiman, competition policy director for Public Knowledge, which signed on to the letter, said in a statement Thursday that the package charts a path toward putting "people back in control of the digital economy." "The broad range of groups supporting this package shows just how widespread the problem of Big Tech dominance is, and that these bills deserve a full vote in the House imminently," Slaiman said. The letter contends that America has a monopoly problem that is resulting in lower wages, reduced innovation and increased inequality, while also undermining the free press and perpetuating "racial, gender and class dominance." "Big Tech monopolies are at the center of many of these problems," the letter said. "Reining in these companies is an essential first step to reverse the damage of concentrated corporate power throughout our economy." The proposals followed a 16-month investigation by the House antitrust subcommittee into Amazon, Apple, Facebook and Google that resulted in a sprawling report from Democratic members calling for a range of reform measures to rein in the dominance of the companies. While consumer advocacy groups have largely supported the measures, the tech companies themselves and other interest groups have been highly critical, including a coalition of more than 25 right-leaning groups that sent a letter to Congress ahead of the markup hearing. The letter called the bills a "Trojan horse package" aimed at cynically using conservative anger over Big Tech, particularly at perceived censorship by social media platforms, to seek bipartisan support for "European-style over-regulation." For its part, Facebook has called the proposals a "poison pill for America's tech industry at a time our economy can least afford it" and said the bills underestimate the fierce competition the U.S. companies face from abroad. Apple and Google also raised concerns about the impact the bills would have on innovation, as well as on privacy and security. And Amazon has warned about the potential consequences of the proposals for both small businesses that sell on its platform and the consumers who use it to shop. Ending Platform Monopolies Act Thursday's letter said that the Ending Platform Monopolies Act would address "the most problematic aspects of the Big Tech companies" by allowing enforcers to break-up or separate pieces of the businesses when they create conflicts of interest that give the platforms an advantage over potential competitors and business users. A fact sheet from Public Knowledge accompanying the letter said that the bill is an important tool to help the antitrust agencies "protect consumers from mammoth platforms and to ensure compliance with other parts of the package." But during the markup hearing, ranking Republican committee member Rep. Jim Jordan of Ohio blasted the bill as a regulatory overreach, calling it "quite literally central planning" and arguing that it has significant ambiguities, which is bad for business. The Competitive Enterprise Institute argued in a June statement that the bill "kills the goose that lays the golden egg," and would actually result in small businesses being unable to access the large platforms, which in turn would focus on their own offerings instead. The Chamber of Progress has warned that the proposal could bar Amazon from offering its Prime services and its Amazon Basics private label products, since they would compete against other sellers on the platform. Other groups have also warned it could also force tech companies to divest popular apps, including Google's Maps and YouTube, Facebook's WhatsApp and Instagram and Apple's iMessage and FaceTime. American Innovation and Choice Online Act The American Innovation and Choice Online Act is aimed at barring the platform companies from preferencing their own products and services over those of rival businesses and from excluding or discriminating against rivals. Thursday's letter said this proposal would "promote innovation and competition" by preventing the platforms from protecting their monopolies. The right-leaning think tank American Enterprise Institute and others have argued that the bill could prevent Apple from pre-installing certain apps on its mobile phones, since that would advantage it over competing app developers. It could also prevent Google from integrating maps or customer reviews into search results, among other things. "At a minimum, the act would significantly disrupt these platforms' business models in ways that undermine consumer value," Daniel Lyons, a senior fellow for the group wrote in a blog post in June. Platform Competition and Opportunity Act The Platform Competition and Opportunity Act is aimed at preventing platform companies from acquiring potential or nascent competitors and its supporters argued in Thursday's letter that it would prevent the tech giants from enhancing or maintaining their market power. The bill would presumably have blocked Facebook's purchases of WhatsApp, Instagram and other services it has acquired, as well as a slew of deals by Google over the past two decades. Detractors have contended that this bill would limit investments in startups because it restricts their ability to be acquired by the larger technology firms, which they say is a key way for founders to benefit from their success. An American Enterprise Institute blog post from June argues that "opportunities for acquisition have been important drivers of innovation in tech" and also said the bill would prevent the tech companies from entering new areas of business to compete with each other. ACCESS Act The Augmenting Compatibility and Competition by Enabling Service Switching, or ACCESS Act, imposes requirements for the tech companies to make user data portable and able to be used by competing services. The bill's supporters argued in Thursday's letter that this prevents the tech giants from locking users into their services, since users can take their data with them and use it on other networks. Privacy and security implications have been flagged as potential problems for the proposal, with the Competitive Enterprise Institute saying in a statement in June that it's an "anti-privacy bill" that forces companies to turn over private user information to others. The group also said the bill would try to micromanage "complex, dynamic, and highly competitive markets" that are beyond understanding for most politicians and regulators. The American Enterprise Institute has also contended that the requirements would actually make rivals even more dependent on the incumbent platforms. Filing fees and state enforcement Of the antitrust bills approved by the House Judiciary Committee, the ones with the most bipartisan support appear to be the Merger Filing Fee Modernization Act and the State Antitrust Enforcement Venue Act, though it took a day of debate before the committee passed them. A Senate version of the filing fee bill passed that chamber in June as part of the U.S. Innovation and Competition Act. It would raise the fees merging parties pay when reporting large transactions, while lowering fees for smaller deals, in order to raise more resources for the antitrust agencies. Information Technology & Innovation Foundation argued in an August blog post that the legislation does not give Congress enough oversight over how the agencies will use the funds that it raises and called for the bill to include provisions requiring the money be used to hire more staff dedicated to antitrust enforcement. The Competitive Enterprise Institute also raised concerns about congressional oversight and contended that the bill would increase the cost of doing business at a time when the economy is sputtering. "U.S. consumers need innovative services and affordable products, not higher prices passed onto them by businesses avoiding new, unnecessary regulatory compliance costs," the group said in a June blog post. The state enforcement bill would prevent antitrust cases brought by state attorneys general from being transferred to a different venue by the Judicial Panel on Multidistrict Litigation, similar to protections afforded to federal enforcers. The bill is intended to prevent companies targeted by state-led enforcement actions from trying to move the cases to more favorable venues, and it also has an analog in the Senate. Information Technology & Innovation Foundation acknowledged in their August post that having cases included in multidistrict litigation can handicap state enforcers, but contended the changes should only apply to criminal matters and that the current version is wrong to block transfers of civil cases too. Thursday's letter from supporters of the bills said the proposals were carefully crafted to address the abusive practices of Big Tech, informed by the House antitrust subcommitee's sprawling investigation and "historic" 450-page report. "We believe that these bills will bring urgently needed change and accountability to these companies and an industry that most Americans agree is already doing great harm to our democracy," the letter said.

#### Getting republicans and big pharma on board requires immense PC

M.K. Bhadrakumar 5-8, Retired Ambassador; Columnist for Hindu and Deccan Herald Indian newspapers, Rediff.com, Asia Times and Strategic Culture Foundation, Moscow. NewsClick, 5-8-21. “Biden’s Decision on TRIPS Waiver is Political Theatre” <https://www.newsclick.in/biden-decision-TRIPS-waiver-political-theatre> brett

On the other hand, Biden, whose political life of half a century was largely spent in the US Congress, is well aware of the awesome clout of the pharmaceutical companies in American politics. From that lobby’s perspective, the patent waiver “amounts to the expropriation of the property of the pharmaceutical companies whose innovation and financial investments made the development of Covid-19 vaccines possible in the first place,” as a senior scholar at the Johns Hopkins Center for Health Security, puts it.

The US pharmaceutical industry and congressional Republicans have already gone on the offensive blasting Biden’s announcement saying it undermines incentives for American innovation. Besides, the argument goes, even with the patent waiver, vaccine manufacturing is a complex process and is not like simply flipping a switch.

Sen. Richard Burr, the top Republican on the US Senate Health Committee, has denounced Biden’s decision: “Intellectual property protections are part of the reason we have these life-saving products; stripping these protections only ensures we won’t have the vaccines or treatments we need when the next pandemic occurs.” The Republican senators backed by Republican Study Committee Chairman Jim Banks propose to introduce legislation to block the move.

Clearly, Biden would rather spend his political capital on getting the necessary legislation through the Congress to advance his domestic reform agenda rather than spend time and energy to take on the pharmaceutical industry to burnish his image as a good Samaritan on the world stage.

#### Tech sector monopoly threatens the DIB---antitrust is key.

Ganesh Sitaraman 20, Vanderbilt University Law School, 3/12/20, “The National Security Case for Breaking Up Big Tech,” <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3537870> brett

Concentration in the tech sector also threatens the defense industrial base due to higher costs, lower quality, less innovation, and even corruption and fraud.71 Each of these dynamics has already been a problem for America’s over-consolidated defense industrial base. As technology becomes more and more central to defense and national security, it is likely that these same dynamics will replicate themselves with big tech companies. This will become a national security threat, both directly, in terms of the quality and speed of procurement, and indirectly, by reducing innovation and functionally redirecting defense budgets from research spending to higher monopoly profits.72 Conventional economic theory suggests that monopolists have the ability to increase prices and reduce quality because consumers are captive.73 When it comes to defense spending, the Government Accountability Office commented in 2019 that “competition is the cornerstone of a sound acquisition process and a critical tool for achieving the best return on investment for taxpayers.”74 At the same time, the GAO observed that “portfolio-wide cost growth has occurred in an environment where awards are often made without full and open competition.”75 Indeed, it found that 67 percent of 183 major weapons systems contracts had no competition and almost half of contracts went to a handful of firms. Of course, consolidation also means that the Defense Department is in a symbiotic relationship with these big contractors. Some startup executives wanting to sell to the government thus see the Pentagon as “a bad customer, one that is heavily skewed in favor of larger, traditional players,” and they don’t feel like they can break into the sector.76 Standard stories about political economy and capture also suggest that these firms will have outsized power over government.77 As Frank Kendall, the former head of acquisitions at the Pentagon, has said, “With size comes power, and the department’s experience with large defense contractors is that they are not hesitant to use this power for corporate advantage.”78 In the defense context, that means monopolists retain power (and profits), even if they overcharge taxpayers and risk the safety of military personnel in the field. In an important article in The American Conservative on concentration in the defense sector, researchers Matt Stoller and Lucas Kunce argue that contractors with de facto monopoly at the heart of their business models threaten national security. They write that one such contractor, TransDigm, buys up companies that supply the government with rare but essential airline parts and then hike up the prices, effectively holding the government “hostage.”79 They also point to L3, a defense contractor that had ambitions to be a “Home Depot” for the Pentagon, as its former CEO put it. L3’s de facto monopoly over certain products, according to Stoller and Kunce, means that it continues to receive lucrative government contracts, even after admitting in 2015 that it knowingly supplied defective weapons sights to U.S. forces.80 Consolidation also threatens U.S. defense capacity. The decline of competition, according to a 2019 Pentagon report, leaves the military vulnerable to “sole source suppliers, capacity shortfalls, a lack of competition, a lack of workforce skills, and unstable demand.”81 With a limited number of producers, there is less talent and knowhow available in the country if there is a need to build capacity rapidly.82 In 2018, the Defense Department released a report on vulnerable items in the military supply chain, including numerous items in which only one or two domestic companies (and, in some cases, zero domestic companies) produced the essential goods.83 How did the United States lose so much of its industrial base? The combination of consolidation and global integration is part of the story. As Stoller and Kunce argue, companies consolidated in the 1980s and 1990s while shifting emphasis from production and R&D to Wall Street-demanded profits. Globalization then allowed them to shift production overseas at a lower cost. The result was to gut America’s domestic industrial base—and, in many cases, to shift it to China, which engaged in a decades-long strategic plan to develop its own industrial base. The result, in the words of the 2018 Defense Department report, is that “China is the single or sole supplier for a number of specialty chemicals used in munitions and missiles.” In other areas too, the risks of losing access to critical resources are real. Describing the problem of limited carbon fiber sources, the same Pentagon report notes, “[a] sudden and catastrophic loss of supply would disrupt DoD missile, satellite, space launch, and other defense manufacturing programs. In many cases, there are no substitutes readily available.”84 As technology becomes more integral to the future of national security, it is hard to see how big tech will not simply go the way of the big defense contractors. Corporate mottos not to “be evil” are long gone,85 and big tech companies spend millions on conventional Washington, D.C., lobbying efforts.86 Over time, as contracts move to tech behemoths, there will no longer be competitive alternatives, and the Pentagon will likely be locked into relationships with big tech companies—just as they currently are with big defense contractors.87 Some commentators suggest that robust antitrust policies are a problem because only a small number of tech companies can contract for defense projects.88 But there is another way to look at it: The goal should be to encourage competition in the tech sector so that there are multiple contractors available. As former secretary of homeland security Michael Chertoff has said, defending the antitrust case against Qualcomm, “a single-source national champion creates an unacceptable risk to American security—artificially concentrating vulnerability in a single point. ... We need competition and multiple providers, not a potentially vulnerable technological monoculture.”89 The consequence of consolidation in tech is that taxpayers will likely see higher bills even as innovation slows due to reduced competition. Worse still, every taxpayer dollar that goes to monopoly profits—whether in the form of higher prices or fraud and corruption—is a dollar that is not going toward innovation for the future. A concentrated defense sector means not only less innovation due to the lack of competition in the sector; it means that funding that could have been available for innovation instead gets redirected via monopoly profits to the pockets of big tech executives and shareholders.

#### DIB is key to deter great power war---uniquely requires innovation

William Greenwalt 19, Senior Fellow at the Atlanta Council, April 2019, “Leveraging the National Technology Industrial Base To Address Great-Power Competition”, Atlanta Council, <https://www.atlanticcouncil.org/images/publications/Leveraging_the_National_Technology_Industrial_Base_to_Address_Great-Power_Competition.pdf> brett

The United States faces a new threat environment that has not been seen since the height of the Cold War. In fact, this threat is more dangerous and complicated, with a resurgent military and nuclear power in Russia, an emerging superpower in China, and medium-sized powers such as Iran and North Korea growing their military and nuclear capabilities. The 2018 National Security Strategy and National Defense Strategy documents are unlike those of the recent past, which were severely budget-constrained and primarily focused on antiterrorism operations. US strategy now significantly recognizes the current threat, and outlines the new challenges facing the United States in an emerging era of great-power competition. Strategy documents are one thing; doing what is necessary to implement a strategy is something else. A significant effort will be required to mobilize and sufficiently prepare for any major great-power conflict. 5 It seems that, with the change in administrations, many have stopped using the terms “first, second, and third offsets.” Still, it is hard to find a better terminology for at least the first two periods of intense US defense-technological innovation that occurred in the 1950s and early 1960s, along with missile and space-reconnaissance developments and, in the 1970s, with advancements in stealth, precision guidance, and geolocation. Whether the United States can actually implement a third offset—based on artificial intelligence, autonomy, quantum computing, data analytics, and other emerging technologies—remains to be seen. But, if it can, it could rival the two previous periods of technology innovation. Still, the primary purpose of US and allied military and foreign policy over the past seventy years has been to prevent any such conflict. During the recent decades of US and allied hegemony, it could be argued that a significant lesson from the Cold War has been forgotten: that military capability is required not just to fight a war, but to prevent it. If US and allied military capability cannot respond to current challenges quickly enough, a potential great-power adversary may no longer feel sufficiently deterred from taking steps that could bring about conflict. So, technological and doctrinal innovation is as critical for deterrence as it is for warfighting. Gearing up for a great-power conflict would be daunting enough on its own, but the United States still needs to address the legacies of its post-9/11 conflicts as it mobilizes in preparation for an even greater potential struggle. As the global threat increases, the US military is essentially trying to do five things at once. Each requires new levels of innovation from an expanded industrial base, different acquisition approaches, and a required defense budget that will significantly outpace what is likely to be achieved. First, the United States must maintain current legacy operations around the globe. While specific deployments, such as in Syria and Afghanistan, may be under debate and subject to change, the threat from terrorist entities is unlikely to go away in the near future. Addressing these threats requires continual industrial innovations that can be deployed quickly (in no more than two years) under the rapid-acquisition approaches that were first developed at US Special Operations Command (SOCOM), and used to support operations in Afghanistan and Iraq. Secondly, there is a practical need to focus on readiness, training, and repairing the equipment that has worn out during the operations of the last two decades. This second priority area alone could take up much of any currently envisioned defense-budget increase, but would at least return US forces to a level able to fight with their current technology and systems. The problem is that many of those systems—while useful in counterterrorism operations—will become increasingly outdated in a great-power conflict. Next, the United States needs to modernize at scale. This third effort requires expanding current production lines and mobilizing capability, to hedge against inevitable losses in any great-power war. It also requires fast incremental innovation to enhance capability of existing systems, as demonstrated by the Special Capabilities Office, and for the services to rapidly acquire new capabilities as envisioned under the Section 804 rapid-fielding authority. The fourth, simultaneous objective is disruptive innovation. Section 804 operational-prototyping authorities and other transaction-contracting authorities can help move disruptive systems into the hands of the warfighter faster. This means not only experimenting with operational prototypes, but also providing new realities on the ground that complicate Chinese and Russian military planning.6 Finally, the fifth objective is the need for business reform to free up resources to support operations, improve readiness, mobilize, and disrupt, as—absent a full-scale ware—there will likely never be enough money to do all of this. However, by that time it will be too late, given mobilization timelines and a historical lag of two years or longer to get industrial capability to frontline troops. Former US Secretary of Defense Donald Rumsfeld was unfortunately correct when he said, “You go to war with the army you have, not the army you might want or wish to have at a later time.”7 The lesson the United States continues to relearn is that it should use peacetime to address as many things as possible that will cause problems on the future battlefield, meaning it has to spend real money during that time. Peacetime business processes—whether they support acquisition, requirements, budget, finance, or technology and security control—are often designed with objectives other than immediately supporting the warfighter. These processes add costs, and also limit the industrial base to those able to comply with them, limiting the technology choices available to the Pentagon. All of these business processes need to be put on more of a wartime footing.8 The difficulty with this problem set is that the current, dedicated US defense-industrial base and the US acquisition system are not prepared for a great-power war, nor the innovation necessary to compete in all five things the United States must do to meet its national security needs. Nor has it geared up to deliver the significant innovation in capability and doctrinal development to deliver a sufficient deterrent effect to prevent that war in the first place. For the last seventeen years, the United States has been equipped to conduct current operations against insurgencies and terrorism in the arc of instability running through Central Asia to Northern Africa. Because of the constant threat of budget sequestration, wars have been fought on the cheap and readiness levels have fallen. Modernization is being conducted at non-economic order-of-production levels. Disruptive innovation has been practically nonexistent, as research funding has historically stopped at the 6.3, or advanced-technology, development level, leaving most innovations stuck in the so-called “valley of death.” Prototyping, or 6.4, funding has been difficult, if not impossible, to obtain. Science and technology (S&T) communities are addicted to the existing peacetime way of doing research by doling out funds in single million-dollar increments, and the budget reflects that. Business reform is further constrained by the inability to address the costs of socioeconomic requirements placed on the Pentagon by Congress and past administrations. Large-scale technological and business-process disruption will be needed to meet the great-power threat. While Congress took the first step in passing new-acquisition reforms in 2015 and 2016, much more needs to be done to implement these reforms and reform other business practices. Finally, and perhaps most importantly, since the end of the Cold War the United States and its allies seem to have subconsciously forgotten the requirements of deterrence, as there was no great-power rival to deter. With the resurrection of great-power challenges, the atrophy of US and allied capabilities during that period now appears to be a huge vulnerability.

## DA

#### India is building it’s relations with the West on the bedrock of new economic ties­­­­­---that’s key to counterbalancing China in the region

Mohan 21 C. Raja Mohan [director of the National University of Singapore’s Institute of South Asian Studies.],3-19-2021, "India Romances the West," Foreign Policy, https://foreignpolicy.com/2021/03/19/india-modi-west-quad-china-biden-non-aligned/ , accessed 8/8/2021 EH and Brett

In affirming that the “Quad has come of age” at the first-ever summit of the Quadrilateral Dialogue with the United States, Japan, and Australia last week, Indian Prime Minister Narendra Modi has sent an unmistakable signal that India is no longer reluctant to work with the West in the global arena, including in the security domain. The country’s new readiness to participate in Western forums marks a decisive turn in independent India’s world view. That view was long defined by the idea of nonalignment and its later avatar, strategic autonomy—both of which were about standing apart from, if not against, post-World-War-II Western alliances. But today—driven by shifting balance of power in Asia, India’s clear-eyed view of its national interest, and the successful efforts of consecutive U.S. presidents—India is taking increasingly significant steps toward the West. The Quad is not the only Western institution with which India might soon be associated. New Delhi is set to engage with a wider range of Western forums in the days ahead, including the G-7 and the Five Eyes. Britain has invited India to participate in the G-7 meeting in London this summer, along with other non-members Australia and South Korea. Although India has been invited to G-7 outreach meetings—a level or two below the summits—for a number of years, the London meeting is widely expected to be a testing ground for the creation of a “Democracy Group of Ten,” or D-10. In Washington today, there are multiple ideas for U.S.-led technology coalitions to reduce the current Western dependence on China. Two initiatives unveiled at the Quad summit—the working group on critical technologies, and the vaccine initiative to supply Southeast Asia—underline the prospects for an Indian role in the trusted technology supply chains of the United States and its partners. Along with Japan, India also joined a meeting of the Five Eyes—the intelligence-sharing alliance between the United States, Canada, Britain, Australia, and New Zealand— in October 2020 to discuss ways to give law enforcement agencies access to encrypted communications on platforms such as WhatsApp and Telegram. Five Eyes is a tightly knit alliance, and it is unlikely India will be a member any time soon. But it is very much possible to imagine greater consultations between the Five Eyes and the Indian intelligence establishment.To be sure, India’s engagement with Western institutions is not entirely new. India joined the British-led Commonwealth in 1947, but only after India’s first prime minister, Jawaharlal Nehru, made sure the forum was stripped of any security role in the postwar world. Refusing to join military alliances was a key plank of India’s policy of non-alignment. Nehru turned to the United States when his policy of befriending China and supporting its sensitivities collapsed by the end of the 1950s. Facing reverses in a military conflict with China on the long and contested border in 1962, Nehru sought massive defense assistance from U.S. President John Kennedy. With the deaths of both Kennedy and Nehru soon after, the prospects for strategic cooperation between New Delhi and Washington receded quickly. The 1970s saw India drift away from the West on three levels. On the East-West axis, it drew closer to the Soviet Union. On the North-South axis, it became the champion of the Third World. This was reinforced by the sharply leftward turn of India’s domestic politics and a deliberate severing of commercial cooperation with the West. Many concluded in the 1970s that anti-Americanism was part of India’s genetic code. After all, India voted more often against the United States at the United Nations during the Cold War than even the Soviet Union. The idea that India is irreconcilably opposed to the United States was the dominant assessment in both country’s capitals. Most scholars of Indian foreign policy assumed that come what may—at home or abroad—India would forever be alienated from the West. But the story of India’s international relations over the last three decades has been one of a slow but definite advances in cooperation with the United States and the West. The Quad summit is not only a culmination of that long trajectory, but also a major step up. It was the reform of the Indian economy at the end of the Cold War, along with the collapse of the Soviet Union as India’s superpower partner, that created the basis for the renewal of ties between New Delhi and Washington. But even as expanding commercial ties began to stabilize and deepen the bilateral relationship in the 1990s, Washington’s activism on Kashmir and its eagerness to denuclearize India made matters difficult for New Delhi. Beset with domestic turbulence and an era of weak coalition governments, New Delhi embarked on a hedging strategy by joining the Russian initiative for a so-called strategic triangle with Moscow and Beijing that eventually evolved into the BRICS Forum after Brazil and South Africa joined. U.S. President George W. Bush, however, revolutionized U.S. policy on India in the 2000s by discarding Washington’s mediating impulse on Kashmir, decoupling engagement with New Delhi from that with Islamabad, and resolving the dispute over non-proliferation. Bush recognized that India is critical for the construction of a stable balance of power in Asia as the continent was being transformed by the rapid rise of China. But just when Washington was ready to transform relations with New Delhi, India was paralyzed by self-doubt. If then-Prime Minister Atal Bihari Vajpayee boldly called India and the United States “natural allies” in 1998—at a time when no one seemed interested in Washington—his successor, Manmohan Singh, reverted to type. His government began to reinvent non-alignment, keep distance from the United States, and double down on the principle of strategic autonomy. Even as Indian-Chinese tensions multiplied after 2008—when the global financial crisis seemed to have convinced the Chinese leadership that the United States was in terminal decline, with the consequence that Beijing adopted a more assertive posture towards its neighbors—the Singh government continued to hedge against U.S. power. Modi, who became prime minister in 2014, began to reverse New Delhi’s resistance to a deeper partnership with Washington. His affirmation in his 2016 address to the U.S. Congress that India’s “historic hesitations” to engage the United States were over was not just a rhetorical flourish. Modi resolved the remaining issues that had prevented implementation of the historic 2008 Indian-U.S. nuclear deal, renewed the 2005 agreement for defense cooperation, and signed the so-called foundational defense agreements that have facilitated interoperability between the two country’s armed forces. He widened the annual bilateral Malabar exercises to include Japan in 2015 and Australia in 2020, helped revive the dormant Quad in 2017, came up with his own version of the Free and Open Indo-Pacific strategy in 2018, and joined the Quad summit in 2021. Beyond the relationship with the United States, Modi also revived India’s strategic interest in the Commonwealth, strengthened ties with the European Union, and joined the European Alliance for Multilateralism. He sought to make India part of the solution to mitigating climate change, supported “multi-stakeholderism” in global internet governance, initiated the International Solar Alliance and the Indo-Pacific maritime partnership with France, and is poised to lay the foundations for a substantive strategic partnership with British Prime Minister Boris Johnson when they meet in India next month. Every one of these moves was against the predominant instincts of India’s political class, bureaucratic establishment, and foreign-policy community. Two factors have facilitated this. First, Modi carried little of the anti-Western ideological baggage of the nationalists who thrive in his own party or the political left and center that prefer to keep a safe distance from Washington. Modi’s judgement that India needs a more productive relationship with the United States and the West is rooted in the simple calculus of national interest rather than any involved reasoning.

#### The TRIPS waiver sets the stage for India to use forced tech transfer to secure vaccines---that decks relations

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With the United States agreeing to text-based negotiations on the revised Intellectual Property Rights waiver proposal jointly submitted by India and South Africa at the World Trade Organisation, the European Union remains the last major power opposing this proposal.

While we await the results of possibly lengthy text-based negotiations, it is necessary for the government of India to come out with a white paper explaining how exactly it intends to operationalise a possible IP waiver for vaccines, if and when such a waiver comes into effect.

The aim of such an exercise should be to explain to the world the manner in which this waiver will translate into the mass production of vaccines to meet the immediate medical needs of the developing world.

The initial wisdom among the proponents of the waiver is based on an assumption that a waiver will remove the legal barriers to production of vaccines. But as is widely acknowledged by most experts, developing countries will not be able to reverse-engineer these Covid-19 vaccines on their own. They will require active technology transfer from vaccines developers in the West before they can begin manufacture of any vaccines. These challenges are more practical than legal.

Tech-transfer challenge

For starters, even if the IP waiver does come into effect, unless the tech-owning vaccine producers residing abroad (i.e. beyond India’s legal limits) are forced under their respective domestic law to part with critical know-how and physical inputs (for example, cell lines), a waiver in itself will not translate into technology transfer in favour of firms willing to produce vaccines in India.

Thus the Pfizer/BioNtech and Moderna’s mRNA vaccine technologies, which are currently not produced in India, may still remain inaccessible under the waiver, unless countries such as the U.S. where these firms primarily reside engage in forced technology transfer under their domestic laws.

It is very unlikely that the Biden administration will force American companies to transfer their technology to Indian companies for no remuneration. The domestic political costs of such a policy would be too high for the Biden administration.

A domestic policy option for India is to threaten Western vaccine makers in India with punitive action against their existing patents for other products if they fail to voluntary transfer technology to Indian companies. Such a move towards forced technology transfer is the policy equivalent of throwing a grenade at India’s trade relations with the West without solving the problem of access to technology.

Presuming India does enact a legislative measure to force technology transfer, it is still not clear how a legal obligation to transfer technology to new firms willing to produce vaccines will lead to actual vaccine production.

#### US-India economic ties are key to strategic co-operation

Gupta 20, Anubhav Gupta is the associate director of the Asia Society Policy Institute in New York. WPR, March 5, 2020. “Despite the Trump-Modi ‘Love,’ Trade Is Still the Weak Link in U.S.-India Relations” <https://www.worldpoliticsreview.com/articles/28579/despite-the-trump-modi-love-trade-is-still-the-weak-link-in-us-india-relations> brett

Despite winning a substantial mandate in elections last year, Modi’s inclination has been to double down on a feckless approach to trade and to push a Hindu-nationalist social agenda that endangers internal stability. India’s fast-growing economy helped solidify the U.S.-India partnership after decades of bilateral aloofness during the Cold War. Without a more open, market-oriented economy, India’s growth trajectory will decline, undermining the economic foundation of the relationship as well as India’s future capabilities, and in turn, India’s utility as a partner in the region.

In the aftermath of Trump’s visit, some analysts have dismissed the trade tensions as a minor hurdle and pointed to the strength of defense ties as reassurance, arguing that the cause of paramount importance—a strategic partnership to deal with a rising China—is progressing unabated. But there is no guarantee that trade differences can continue to be compartmentalized when two economic nationalists are in charge. It also remains an open question whether growing defense sales are taking place within a truly strategic framework or simply on a transactional basis for both sides. Most importantly, it assumes that economic relations are not part of the strategic puzzle.

This is evident in the decision by Trump to leave the Trans-Pacific Partnership shortly after winning election, and by Modi to abandon the Regional Comprehensive Economic Partnership. If the U.S.-India strategic imperative is to manage China’s rise and boost their own engagement and presence in the region, these twin actions, driven by economic nationalism, were self-inflected blunders of the highest order.

Without a vibrant commercial relationship and a constructive approach to trade that is anchored in the Free and Open Indo-Pacific strategy, the United States and India will impede their own strategic endgame for the region. For this reason, the absence of a trade deal last week makes any celebrations of a U.S.-India partnership that is “stronger than ever before” ring a little hollow.

## case

### COVID

#### The waiver is too slow

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In addition, neither are there news reports of any other critical drug used for Covid 19 treatment or their shortage nor about a patent related hurdle in the manufacture of any drug used for Covid 19 treatment. For argument’s sake, let us assume that many other patented drugs are being used for Covid -19, which is in short supply and there is no such voluntary license given by the patent owner. Then will this patent waiver help? The answer is simple, unlikely for a year or more. It will be impossible to reverse engineer and set the entire manufacturing process so quickly. If the present technology owner is not willing to support, it would not be easy to find a parallel process of creating the drug in a short duration. Procurement of the active ingredients and raw materials is another challenge. Getting the required approvals and thereafter manufacturing a drug is a time-consuming process. To launch a new drug requires certain safety protocols and clinical trials. A waiver of IP rights will not waive regulatory requirements for drug approvals. Hence, even if a new Indian manufacturer attempts to make a drug, it invariably may take minimum of two to three years. By a waiver of patents, no one can compel the existing manufacturer to share the know-how. So, a waiver of patents on drugs relating to Covid-19 may not give any immediate effect in sourcing drugs for managing Covid19.

#### The issue is lack of resources, not IPR.

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When the IP waiver concept was first proposed last October, Moderna agreed not to enforce its COVID-19 related patents during the pandemic. But despite Moderna’s voluntary waiver of its IP rights, no other company has stepped up to manufacture the Moderna vaccine. The most significant obstacle to COVID-19 vaccine supply is not just the IP rights that companies have obtained, or are pursuing, but rather the lack of raw materials and manufacturing facilities to produce the vaccines. Currently, there are shortages of raw materials and equipment used to make vaccines and biological products.

Unlike drug manufacturing, vaccine production processes are extremely complex and difficult to develop without support from current manufacturers. Additional manufacturers would need to have or acquire skilled expertise in mRNA technology and create or reconfigure manufacturing sites. Manufacturing vaccines requires additional processing steps and testing to assure quality and consistency. Manufacturing vaccines will also likely use the patented technology of other companies, who have not waived their IP rights. Investment in manufacturing is also an important piece of the solution. Whether existing companies can retool facilities and jump start manufacturing or new facilities need to be created through investment will be outcome determinative.

There is little doubt that the waiver proposals would at the very least up-end the existing incentives, including the prospect of future pharmaceutical innovation and development of products, that resulted in the rapid development and approval of COVID-19 vaccines. Moreover, the TRIPS waiver proposals may not have the desired effect of boosting COVID vaccine production and availability of mRNA vaccines. On the other hand, recent attempts at voluntary licensing and technology transfer agreements related to adenovirus vector technology have resulted in increased vaccine production and availability. A TRIPS waiver may not be as effective for more complex vaccine production.

Scaling up COVID-19 vaccine production is not a one-size-fits -all proposition. Ensuring equitable availability and delivery complicates the matter further.

#### New manufacturers trade off with current ones --- turns case because they won’t make vaccines as effectively.

Jonathan H. Spadt & Andrew J. Koopman 5-24, Jonathan H. Spadt is the Chief Executive Officer and President of RatnerPrestia. Andrew J. Koopman, J.D., Temple University Beasley School of Law (2008) Vice President, Intellectual Property Law Society Member, Intellectual Property Moot Court team Staff Writer, International and Comparative Law Journal B.S., Engineering Physics, Cornell University (2005) Minor in Electrical Engineering. 5-24-21, RatnerPrestia. “The “Moral” Waiver of IP Protection For COVID Vaccines: Why The US Proposal Creates More Problems Than It Solves” <https://www.ratnerprestia.com/2021/05/24/the-moral-waiver-of-ip-protection-for-covid-vaccines-why-the-us-proposal-creates-more-problems-than-it-solves/> brett

Not to be ignored in any discussion of short term effects is the potential impact a waiver would have on current vaccine manufacture. Like any product, the manufacture of vaccines is contingent on the availability of raw materials, which are not unlimited in supply. The waiver of IP rights would in principle substantially increase demand for these raw materials, resulting not only in higher prices but potential interference in the supply chain for established and proven vaccine manufacturers. There is no guarantee that manufacturers entering the market on the back of a TRIPS waiver would have the ability to produce vaccines with the quality and throughput of current suppliers.

### 1NC – India

#### All our COVID answers are link turns -- if we win there will be sufficient vaccine access in the squo then India won’t esclate – and if we win the aff hurts supplies then India escalates bc of the plan

#### India’s recovering

Ellyatt 7-21 Holly Ellyatt, 7-21-2021, “After being ravaged by the delta Covid variant, how is India doing now?,” CNBC, <https://www.cnbc.com/2021/07/23/coronavirus-how-india-is-doing-now-after-delta-variant-spread.html>, accessed 8/9/2021 EH

But what of India where the delta variant first emerged in October? The situation is still bad, data shows, but not as bad as it was when the second wave peaked in the country, when daily new cases were more than 400,000. On May 7, India reported a staggering 414,188 new infections and several thousand deaths. Fortunately, cases have declined significantly since then. On Thursday, India reported 41,383 new coronavirus infections and 507 new deaths, the Indian Health Ministry tweeted. The seven-day average of 38,548 in daily new cases marks a 3% decline from the previous average, according to data from Johns Hopkins University and Our World in Data.

#### No Indo-Pak nuke war—Pakistan’s top nuclear scientist

Latif 20 Aamir Latif, 5-15-2020, "‘Very dim chances of India, Pakistan nuclear war'," Anadolu Agency, [https://www.aa.com.tr/en/asia-pacific/-very-dim-chances-of-india-pakistan-nuclear-war/1841657#](https://www.aa.com.tr/en/asia-pacific/-very-dim-chances-of-india-pakistan-nuclear-war/1841657), accessed 8/9/2021 EH

Pakistan's top nuclear scientist sees "very dim" chances of a nuclear war with neighboring India despite mounting tensions between the two arch-rivals in recent months. "I won't say a zero chance but there are very dim chances of a war between the two neighbors involving nuclear arsenal despite escalating tensions," Samar Mubarakmand, a former chairman of Pakistan Atomic Energy Commission (PAEC), and head of a team of the scientists that conducted six "successful" nuclear tests in remote Chaghi district of southwestern Balochistan province on May 28, 1998. Islamabad's move had come only two weeks after New Delhi conducted five nuclear tests during a period of May 11-13,1998 in Pokhran range of Rajasthan state, which borders Pakistan's southern Sindh province, triggering a new arms race in the already tense region. "Pakistan had no other choice but to pay India back in the same coin after its nuclear tests to maintain strategic balance in the region," Mubarakmand said. The two hostile neighbors have already fought three full-fledged wars – in 1948, 1965, and 1971 – and a three-week long Kargil skirmish in 1999. Already heightened tensions between the two countries plummeted to a new low after New Delhi scrapped the longstanding special status of disputed Jammu and Kashmir region last August following an air combat between the two air forces in February 2019. Since then, the two border forces have been engaged in almost daily clashes at the Line of Control (LoC), a de factor border that splits the scenic Kashmir valley between the two rivals. Apart from Kashmir, the two countries have been locked in a string of sea-and-land disputes, amid several "successful" missile tests. "The leadership of both countries are fully aware of the catastrophe a nuclear war can cause. They won't go for that option no matter how tense the situation is," observed Mubarakmand, who served at PAEC from 1962 to 2007 and played a key role in developing the country's nuclear program. Conventional provocations, he said, would continue between the two longtime rivals but, he reckoned, both sides would not "cross the limit" to go for nuclear option. "Both countries have long been reeling from poverty, illiteracy, and other health and economic issues. Wars or undue competition in arms race are not in the interest of the two nations," he maintained. Nuclear powers India boasts the world's third-largest army after the US and China, with an active troop strength of over 1.3 million. Pakistan, meanwhile, stands eighth on the list with a 600,000-man army. India has been the second-largest arms importer in the world over the past five years, with Pakistan ranking 11th, according to Sweden-based Stockholm International Peace Research Institute (SIPRI). Pakistan and India are among a few select countries with nuclear arsenals. India joined the nuclear club long before Pakistan, in 1974, prompting Islamabad to follow suit. Pakistan silently developed its own nuclear capability in the 1980s, when it was an ally of the US in the first Afghan war against the crumbling Soviet Union. According to the SIPRI, India currently possesses between 80 and 100 nuclear warheads, while Pakistan holds between 90 and 110. Meanwhile, a number of international think tanks, which blame China for assisting Pakistan's nuclear program, believe the size of Islamabad's nuclear arsenal will cross the 200-mark within the next five years. Deterrence Mubarakmand opined that Islamabad's nuclear capability had served as a "deterrence" to avert further wars between the two countries. Since 1998, he observed, there were at least three occasions when the two nuclear-armed neighbors were on brink of a full-fledged war. He was referring to 1999 Kargil skirmish, 2002 terrorist attack on Indian parliament, and 2008 Mumbai attacks. "It was Pakistan's nuclear capability only that deterred India from going for another war," he observed, adding: "It (nuclear capability) has brought peace to the region in a way". "India's conventional military capability is four time higher than that of Pakistan. But, their parity in terms of nuclear arsenal, has neutralized India's superiority," asserted Mubarakmand, who did his doctorate in experimental nuclear physics from Oxford University.