# Speech 1NC Loyola Rd 5 vs JWen 9-5 9AM

## 1

#### Interp – the aff must specify the duration of a pandemic. 1AC Young and Potts-Szeliga says “ending when widespread vaccination and immunity goals are achieved”.

#### No normal means for either COVID or between diseases – no international consensus makes the round irresolvable since the judge doesn’t know how to compare between types of offense and OW since it’s a side constraint on decision making.

Erzurum 5/5 [Serpil Erzurum (MD, Chair of the Lerner Research Institute). “How Much of the Population Will Need to Be Vaccinated Until the Pandemic Is Over?”. Cleveland Clinic. May 5, 2021. Accessed 9/5/21. https://health.clevelandclinic.org/how-much-of-the-population-will-need-to-be-vaccinated-until-the-pandemic-is-over/

Once a population reaches a point of collective immunity where the disease is no longer likely to spread, it reaches the herd immunity threshold. The estimate for COVID-19 is that roughly 70% to 85% of the population will need to be vaccinated to reach the herd immunity threshold, although this will likely be a moving target as we move into different stages of the pandemic. (In contrast, the flu needs between 33% and 44% vaccinated to reach the herd immunity threshold.)

#### Violation – they don’t

#### Vote neg for shiftiness – they can shift out of DA’s which kills high-quality engagement and becomes two ships passing in the night. We lose access to Innovation DA’s, BioTech Race DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### DSpec isn’t regressive or arbitrary – its core topic lit for what implements the aff and cannot be discounted from policies that require enforcement to function.

## 2

#### Interp - Reduce means permanent reduction – it’s distinct from “waive” or “suspend.”

**Reynolds 59** (Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

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.  [\*\*\*13] 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.

#### Semantics first –

#### a] Precision – they can arbitrarily jettison words which decks ground and preparation because there is no stasis point

#### b] Jurisdiction – the judge doesn’t have the authority to vote aff if it wasn’t legitimate

#### Violation – their plan text isn’t permanent – its only during pandemics

#### Vote neg for limits – re-instatement under any infinite number of conditions doubles aff ground – every plan becomes either temporary or permanent – you cherry-pick the best criteria and I must prep every aff while they avoid core topic discussions like reduction-based DAs which decks generics like Pharma Innovation and Bio-Tech.

#### TVA solves – permanently reduce patents.

#### Fairness – it’s a sequencing question to engaging in the debate space

#### Education – it’s the only portable impact to debate

#### CI – a) brightlines are arbitrary and self-serving which doesn’t set good norms b) it collapses since weighing between brightlines rely on offense defense

#### Neg theory is drop the debater – a] Prep skew – they can frontline every shell marginally enough to be efficient at DA and skew substance enough to deflate theory and win b] T and Spec indict their advocacy

#### No rvi

#### [a] Baiting—they’ll bait the theory debate and prep it out—justifies infinite abuse since they’ll get away with unacceptable practices every time.

#### [b] 1AR all-outs—they’ll collapse entirely to theory which crowds out substance and kills education.

#### [c] Chilling effect—people will be scared to read theory since they can lose off of it, so no one will check abuse.

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

## 3

#### Conceding TJFs first – that was in the 1AC FW so don’t let them shift – prefer additionally –

#### a] Frameworks are essentially T debates about the word ought which proves the better model of debate is what matters. b] Turns substance – it doesn’t matter how true a philosophy is if it can’t be engaged or is impossible to learn from

#### c] Exclusionary rule – we cant engage which means all their substantive arguments should be presumed false

#### The standard is consistency with absolute sovereignty.

#### 1] Predictability – every individual engages within the social contract when going to school or using public infrastructure which means it’s the one political engagement everyone is aware of.

#### 2] Political Education – politicians have to understand the social contract in order to know what powers they have and what they have to provide citizens and debating about Hobbes helps us learn about that.

#### 3] Topic Ed – the Hobbesian approach is ideal for dealing with IP in the context of public health disaster.

Ashcroft 05 [Richard E. Ashcroft (MA, PhD Reader in Biomedical Ethics in the Department of Primary Health Care and General Practice at Imperial College London). “Access to essential medicines: a Hobbesian social contract approach”. Dev World Bioeth. 2005 May;5(2):121-41. Accessed 7/31/2021. <https://pubmed.ncbi.nlm.nih.gov/15842722/> //Xu]

The problems I have described in these concluding remarks are serious and difficult. I do not think they are decisive. None of these problems demonstrate either the falsity or incoherence of a Hobbesian approach. Rather, they show that a Hobbesian approach needs further detailed development. I think that the merits of the Hobbesian approach are plain, so far as it takes serious notice of the features of the state of war, the instrumental nature of states and their legal and civil institutions, and the overarching objective of states to preserve their citizens from misery and disaster. More obviously ‘moral’ theories (such as utilitarian theory, or natural rights theories such as Lockean theory or modern human rights theories) are less illuminating, in that they fail to construct compelling perfect obligations lying with specific agents. The Hobbesian account I have constructed here has many loose ends, but I hope I have shown in this paper how a powerful argument for a perfect duty lying on the state to protect its citizens from public health disaster can be constructed, and the foundations of legitimate sovereign enforcement of powers of compulsory license over intellectual property. Public health takes priority over private economic interest. The only question is whether private economic interest is the only, or indeed an, effective means for promoting the public health in conditions of disaster.

#### 4] Resource Disparities – philosophical frameworks ensure big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity and require a higher level of analytic thinking that small schools have.

#### 5] Resolvability – other debates create a mess of weighing and link turns, but using Hobbes is easily resolvable because it becomes a question of what the sovereign believes.

#### Negate –

#### 1] Sequencing – a sovereign can’t be obligated to do anything because they are the ones who choose what ethics and truth – the rez tries to coerce the sovereign to do something which challenges its authority.

#### 2] IP rights are implicit in the creation of the sovereign in expressing creativity.

Ghosh 04 [Shubha Ghosh (B.A., Amherst College; Ph.D., University of Michigan; J.D., Stanford Law School; Professor of Law, University at Buffalo, SUNY, Law School; Visiting Professor, SMU Dedman School of Law). “PATENTS AND THE REGULATORY STATE: RETHINKING THE PATENT BARGAIN METAPHOR AFTER ELDRED”. BERKELEY TECHNOLOGY LAW JOURNAL. 2004. Accessed 9/3/21. <https://lawcat.berkeley.edu/record/1119327/files/fulltext.pdf> //Xu]

As illustration of the limits of social contract theory,46 particularly the malleability of the notions of consent and promise, consider a social contract theory of intellectual property based on the thoughts of Thomas Hobbes rather than that of John Locke. No scholar has expressly developed a Hobbesian theory of patent or of copyright, but as a challenge to social contract theory, it may be useful to imagine what such a theory would look like.47 For Hobbes, humans created the leviathan-the sovereign state-to protect themselves from each other in the state of nature. 48 Without the leviathan, the state of nature was not an idyllic paradise but a condition of savagery and brutality. In the state of nature, to the extent that any creative activity occurred, the objects of creation would be cannibalized, thoughtlessly copied, adapted, distributed, and performed or used, sold, offered to sell, and made by others. Thus, intellectual property law under the leviathan would protect individuals from this state of nature by making them absolute, immutable, bountiful, and unlimited. Humans would consent to these terms if they were enforced equally for all creations, and each author and inventor would promise to all others to abide by this form of the intellectual property social contract.

## 4

#### Infra will pass through reconciliation but absolute Dem Unity is key.

* Turns Structural Violence

Pramuk and Ranck 8-25 Jacob Pramuk and Thomas Franck 8-25-2021 "Here’s what happens next as Democrats try to pass Biden’s multitrillion-dollar economic plans" <https://www.cnbc.com/2021/08/25/what-happens-next-with-biden-infrastructure-budget-bills-in-congress.html> (Staff Reporter at CNBC)//Elmer

WASHINGTON — **House Democrats just patched up a party fracture** **to take a critical step forward with a mammoth economic agenda**. But the **path ahead could get trickier** as party leaders try to thread a legislative needle to pass more than $4 trillion in new spending. **In** the **coming weeks**, **Democrats** **aim to approve** a $1 trillion bipartisan **infrastructure** plan and up to $3.5 trillion in investments in social programs. Passing both **will require a heavy lift**, as leaders will need to **satisfy** **competing demands of centrists** wary of spending **and progressives** who want to reimagine government’s role in American households. The House is leaving Washington **until Sept. 20** after taking key steps toward pushing through the sprawling economic plans. The chamber on Tuesday approved a $3.5 trillion budget resolution and advanced the infrastructure bill, as House Speaker Nancy Pelosi, D-Calif., promised centrist Democrats to take up the bipartisan plan by Sept. 27. The Senate already passed the infrastructure legislation, so **a final House vote would send it to Biden’s desk for his** signature. Now that both chambers have passed the budget measure, **Democrats can move without Republicans** to push through their spending plan **via reconciliation**. Party leaders want committees to write their pieces of the bill by Sept. 15 before budget committees package them into one massive measure that can move through Congress. Committees could start marking up legislation in early September. Party leaders **face a challenge** in coming up with a bill that will satisfy centrists who want to trim back the $3.5 trillion price tag and progressives who consider it the minimum Congress should spend. As **one defection in the Senate** — **and four in the House** — **would sink legislation,** **Democrats have to satisfy a diverse range of views** to pass their agenda. “We write a bill with the Senate because it’s no use doing a bill that’s not going to pass the Senate, in the interest of getting things done,” Pelosi told reporters on Wednesday. Given the magnitude of the legislation, passing it quickly could prove difficult. To appease congressional progressives who have prioritized passage of the budget bill, Democrats could move to pass both proposals at about the same time. While Pelosi gave a Sept. 27 target date to approve the infrastructure plan, the commitment is not binding. Still, she noted Wednesday that Congress needs to pass the bill before surface transportation spending authorization expires Sept. 30. “We have long had an eye to having the infrastructure bill on the President’s desk by the October 1, the effective date of the legislation,” she wrote in a separate letter to Democrats on Wednesday. Democrats say the bills combined will provide a jolt to the economy and a lifeline for households. Supporters of the Democratic spending plan, including Pelosi and Senate Budget Committee Chair Bernie Sanders, I-Vt., have cast it as the biggest expansion of the U.S. social safety net in decades. “This is a truly historic opportunity to pass the **most transformative** and consequential **legislation for families** in a century, and will stand alongside the New Deal and Great Society as pillars of **economic security**,” Pelosi wrote to colleagues Wednesday. The plan would **expand Medicare**, **paid leave** and child care, extend enhanced household tax credits and encourage **green energy adoption**, **while hiking taxes on corporations and the wealthy**. Democrats hope to sell a wave of new support for families as they campaign to keep control of Congress in next year’s midterms. Those elections, though, have helped to generate staunch opposition on the other side of the aisle. The GOP has cited the trillions in new spending and the proposed reversal of some of its 2017 tax cuts in trying to take down the Democratic budget bill. Republicans and some Democrats have in recent weeks said that another $4.5 trillion in fiscal stimulus could not only boost economic growth but have the adverse effect of fueling inflation.

#### Democrat Senators in Big Pharma’s pocket derails the Plan.

Sirota 8-23 David Sirota 8-23-2021 "Dem Obstructionists Are Bankrolled By Pharma And Oil" <https://www.dailyposter.com/dem-obstructionists-are-bankrolled-by-pharma-and-oil/> (an American journalist, columnist at The Guardian, and editor for Jacobin. He is also a political commentator and radio host based in Denver. He is a nationally syndicated newspaper columnist, political spokesperson, and blogger)//Elmer

The **small group of conservative Democratic lawmakers** that has been **threatening to** help Republicans **halt** **Democrats’ budget package** have **raked in more than $3 million from donors in the pharmaceutical** and fossil fuel **industries** that could see reduced profits if the plan passes. As the House reconvenes today to tackle the budget reconciliation process, nine Democrats legislators have been promising to kill their party’s $3.5 trillion budget bill until Congress first passes a separate, smaller infrastructure spending measure, which has garnered some Republican support and which some environmental advocates say would exacerbate the climate crisis. Indeed, an ExxonMobil lobbyist was recently caught on tape saying the company had worked to strip climate measures out of the infrastructure bill. “**We will vote against a budget resolution** if the infrastructure package isn’t brought up first,” Democratic **Rep**. Josh **Gottheimer** **told** the Washington Post this weekend, **though** the American Prospect reported on Sunday that “**several**” of the **legislators** now **indicated they could back down**. **In the narrowly divided House**, **obstructionism from these** conservative Democrats **could decouple the infrastructure** and budget **measures** from one another. Many believe that would kill the latter by letting conservative Democrats in the Senate such as Kyrsten Sinema (D-Ariz.) and Joe Manchin (D-W.Va.) get the infrastructure bill they want without having to provide the votes necessary to enact the much larger and more progressive budget measure. “If we were to pass the bipartisan [infrastructure] bill first, then we lose leverage,” Democratic Rep. Ritchie Torres (NY) told the Wall Street Journal. Along with Gottheimer, the eight other Democrats who have threatened to obstruct the budget bill are Carolyn Bordeaux (Ga.), Ed Case (Hawaii), Jim Costa (Calif.), Henry Cuellar (Texas), Jared Golden (Maine), Vicente Gonzalez (Texas), Kurt Schrader (Ore.), and Filemon Vela (TX). The U.S. Chamber of Commerce — Washington’s most powerful corporate lobby group — has been airing digital ads thanking the nine Democrats for their maneuvers. Eight of the nine Democrats represent congressional districts won by President Joe Biden, who supports the reconciliation package. Big Pharma’s Big Allies The reconciliation bill is still being negotiated, and many Democratic lawmakers — including those in key swing districts — are pushing for it to include long-promised legislation to allow Medicare to use its enormous purchasing power to negotiate lower prices for prescription drugs. The **pharmaceutical industry** has **aggressively lobbied against the initiative**, which the Congressional Budget Office has estimated would save Medicare $345 billion in medicine costs. The nine House Democrats threatening to derail the reconciliation bill have raked in nearly $1.2 million from donors in the pharmaceutical and health products industries, according to data compiled by OpenSecrets. Among them are two of the Democratic Party’s **top recipients of health care industry money**: **Gottheimer** ($228,186) **and Schrader** ($614,830). Schrader’s third biggest career donor is Pfizer’s political action committee, and his former chief of staff is now a registered lobbyist for the Pharmaceutical Researchers and Manufacturers Association, the pharmaceutical industry’s main lobbying group. Both Gottheimer and Schrader signed a letter earlier this year slamming Democratic leaders’ legislation to lower prescription drug prices. Eight out of the nine Democrats threatening to kill the budget bill also declined to sponsor Democrats’ standalone legislation to let Medicare negotiate lower drug prices. In the Senate, Sinema’s renewed threat to vote down a final reconciliation bill came after she received $519,000 from donors in the pharmaceutical and health products industries.

#### They choose Infrastructure as backlash – they bill costs Pharma millions – lobbyists can derail the Agenda.

Brennan 8-2 Zachary Brennan 8-2-2021 "How the biopharma industry is helping to pay for the bipartisan infrastructure bill" <https://endpts.com/how-the-biopharma-industry-is-helping-to-pay-for-the-bipartisan-infrastructure-bill/> (Senior Editor at Endpoint News)//Elmer

Senators on Sunday finalized the text of **a massive, bipartisan infrastructure bill** that contains little **that might** **impact the biopharma industry** other than two ways the legislators are planning to pay for the $1.2 trillion deal. On the one hand, senators are **seeking to** further **delay** a **Trump-era Medicare** Part D **rule** **related to drug rebates**, this time until 2026. Senators claim the rule could end up saving about $49 billion (and that number increased this week to $51 billion), but the PBM industry has attacked it as it would remove rebates from a safe harbor that provides protection from federal anti-kickback laws. The **pharmaceutical industry**, however, is in favor of the rule and **opposes this latest delay** as it continues to point its finger at the PBM industry for the rising cost of out-of-pocket expenses. Debra DeShong, EVP of public affairs at PhRMA, said via email: Despite railing against high drug costs on the campaign trail, lawmakers are threatening to gut a rule that would provide patients meaningful relief at the pharmacy. If it is included in the infrastructure package, this proposal will provide health insurers and drug middlemen a windfall and turn Medicare into a piggybank to fund projects that have nothing to do with lowering out-of-pocket costs for medicines. This would be an unconscionable move that robs patients of the prescription drug savings they deserve to help fill potholes and fund other infrastructure projects. The **other provision** **in the infrastructure bill**, which is estimated to save about $3 billion, **would save money for Medicare** **on discarded medications** from large, single-use drug vials. **Manufacturers will be required to pay refunds** for such discarded drugs, and each manufacturer will be subject to periodic audits on the refunds issued. If manufacturers don’t comply, HHS can fine them the refund amount that they would have paid plus 25%. Drugs that will be excluded from these refund payments include radiopharmaceuticals or imaging agents, as well as those that require filtration during the drug preparation process. So do these two pay-fors mean that the pharma industry is getting off without any serious drug pricing reforms? Not quite, according to Alex Lawson, executive director of Social Security Works. Lawson told Endpoints News in an interview that he still fully expects major drug pricing reforms to make their way through Congress between now and the end of September as Sen. Ron Wyden (D-OR) refines his plan, part of an early fall spending package. Senate Majority Leader Chuck Schumer has promised both the infrastructure and spending package will pass before the Senate leaves for August recess. At the very least in terms of drug pricing provisions, expect to see a combination of the Wyden bill he co-wrote with Sen. Chuck Grassley (R-IA) last year, alongside further Medicare negotiations, Lawson said. “Talk is still optimistic,” Lawson said on the prospects of a drug pricing deal getting done, while noting that **pharmaceutical** company **lobbyists** are **swarming Capitol Hill** at the moment because of **not just drug pricing plans**, but **tax provisions** and the **TRIPS waiver** that the biopharma industry is worried about. “These are **challenges to their entire existence**, **so they’re willing to protect them at any cost**,” Lawson said, noting the target for drug pricing is about $500 billion in savings. As the House has jetted off to enjoy what might be an abbreviated summer recess, the Senate has just this week to get its work done, unless its recess is cut short too. “There’s a **real possibility** that **the whole thing blows up** and we get nothing on either side,” Lawson said.

#### Infrastructure solves existential climate change – spill-over.

USA Today 7-20 [7-20-2021 "Climate change is at 'code red' status for the planet, and inaction is no longer an option". Editorial Board @ USA Today. Accessed 8/30/21. <https://www.usatoday.com/story/opinion/todaysdebate/2021/07/20/climate-change-biden-infrastructure-bill-good-start/7877118002/> //Recut Xu from Elmer]

Not long ago, climate change for many Americans was like a distant bell. News of starving polar bears or melting glaciers was tragic and disturbing, but other worldly. Not any more. Top climate scientists from around the world warned of a "code red for humanity" in a report issued Monday that says severe, human-caused global warming is become unassailable. Proof of the findings by the United Nations' Intergovernmental Panel on Climate Change is a now a factor of daily life. Due to intense heat waves and drought, 107 wildfires – including the largest ever in California – are now raging across the West, consuming 2.3 million acres. Earlier this summer, hundreds of people died in unprecedented triple-digit heat in Oregon, Washington and western Canada, when a "heat dome" of enormous proportions settled over the region for days. Some victims brought by stretcher into crowded hospital wards had body temperatures so high, their nervous systems had shut down. People collapsed trying to make their way to cooling shelters. Heat-trapping greenhouse gases Scientists say the event was almost certainly made worse and more intransigent by human-caused climate change. They attribute it to a combination of warming Arctic temperatures and a growing accumulation of heat-trapping greenhouse gases caused by the burning of fossil fuels. The consequences of what mankind has done to the atmosphere are now inescapable. Periods of extreme heat are projected to double in the lower 48 states by 2100. Heat deaths are far outpacing every other form of weather killer in a 30-year average. A persistent megadrought in America's West continues to create tinder-dry conditions that augur another devastating wildfire season. And scientists say warming oceans are fueling ever more powerful storms, evidenced by Elsa and the early arrival of hurricane season this year. Increasingly severe weather is causing an estimated $100 billion in damage to the United States every year. "It is honestly surreal to see your projections manifesting themselves in real time, with all the suffering that accompanies them. It is heartbreaking," said climate scientist Katharine Hayhoe. Rising seas from global warming Investigators are still trying to determine what led to the collapse of a Miami-area condominium that left more than 100 dead or missing. But one concerning factor is the corrosive effect on reinforced steel structures of encroaching saltwater, made worse in Florida by a foot of rising seas from global warming since the 1900s. The clock is ticking for planet Earth. While the U.N. report concludes some level of severe climate change is now unavoidable, there is still a window of time when far more catastrophic events can be mitigated. But mankind must act soon to curb the release of heat-trapping gases. Global temperature has risen nearly 2 degrees Fahrenheit since the pre-industrial era of the late 19th century. Scientists warn that in a decade, it could surpass a 2.7-degree increase. That's enough warming to cause catastrophic climate changes. After a brief decline in global greenhouse gas emissions during the pandemic, pollution is on the rise. Years that could have been devoted to addressing the crisis were wasted during a feckless period of inaction by the Trump administration. Congress must act Joe Biden won the presidency promising broad new policies to cut America's greenhouse gas emissions. But Congress needs to act on those ideas this year. Democrats cannot risk losing narrow control of one or both chambers of Congress in the 2022 elections to a Republican Party too long resistant to meaningful action on the climate. So what's at issue? A trillion dollar infrastructure bill negotiated between Biden and a group of centrist senators (including 10 Republicans) is a start. In addition to repairing bridges, roads and rails, it would improve access by the nation's power infrastructure to renewable energy sources, cap millions of abandoned oil and gas wells spewing greenhouse gases, and harden structures against climate change. It also offers tax credits for the purchase of electric vehicles and funds the construction of charging stations. (The nation's largest source of climate pollution are gas-powered vehicles.) Senate approval could come very soon. Much more is needed if the nation is going to reach Biden's necessary goal of cutting U.S. climate pollution in half from 2005 levels by 2030. His ideas worth considering include a federal clean electricity standard for utilities, federal investments and tax credits to promote renewable energy, and tens of billions of dollars in clean energy research and development, including into ways of extracting greenhouse gases from the skies. Another idea worth considering is a fully refundable carbon tax. The vehicle for these additional proposals would be a second infrastructure bill. And if Republicans balk at the cost of such vital investment, Biden is rightly proposing to pass this package through a process known as budget reconciliation, which allows bills to clear the Senate with a simple majority vote. These are drastic legislative steps. But drastic times call for them. And when Biden attends a U.N. climate conference in November, he can use American progress on climate change as a mean of persuading others to follow our lead. Further delay is not an option.