## 1

#### **Interp – the affirmative must defend a reduction of IP on a medicine.**

#### **“medicines” treat or cure, whereas vaccines prevent – o/w on specificity since it’s about the COVID vaccine**

Vecchio 7/22 (Christopher Vecchio, [CFA, Senior Strategist,], 7-22-2021, “Delta Variant Concerns Won't Cripple Markets, US Economy“, DailyFX, accessed: 8-9-2021, https://www.dailyfx.com/forex/video/daily\_news\_report/2021/07/22/market-minutes-delta-variant-concerns-wont-cripple-markets-us-economy.html) ajs

Let’s stick to the facts. The COVID-19 vaccines are not medicines, which by definition “treat or cure diseases.” Vaccines “help prevent diseases,” an important distinction. Why does this matter? Because data coming out of some of the world’s developed economies with high adult vaccination rates suggest that the vaccines are working as intended: tail-risks have been reduced, with hospitalizations and deaths falling relative to the recent spike in infections (which have been occurring primarily among the unvaccinated at this point). Put another way, vaccines are like a Kevlar vest for the immune system; while they don’t make you bulletproof, they dramatically increase the odds of surviving an adverse event.s

#### Violation – their advantage area is about vaccines which means either a. they solve nothing and vote neg on presumption because vaccines aren’t “COVID-19 medicines” or b. they violate

#### Negate –

#### 1] Limits – expanding the topic to preventative treatment or medical interventions allows anything from surgery to medical devices to education strategies or mosquito repellent to prevent malaria. Destroys core generics like innovation which are exclusive to disease curing – core of the topic is about proprietary information.

#### Voters:

#### Drop the debater – they have a 7-6 rebuttal advantage and the 2ar to make args I can’t respond to,

#### Use competing interps reasonability invites arbitrary judge intervention since we don’t know your bs meter,

#### No RVIs –illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance,

Comes first – indicts the 1ac – any potential neg abuse was caused by aff abuse

## 2

#### The United States should:

#### - substantially increase production and global distribution of the COVID-19 Vaccine

#### - cooperate with allies to achieve increased production and global distribution of the COVID-19 Vaccine.

#### That solves better – IP rights don’t hinder vaccine cooperation, but manufacturing capacity is the current constraint.

Hans Sauer 6-17 [(Deputy General Counsel, Biotechnology Industry Organization.) “Web event — Confronting Joe Biden’s proposed TRIPS waiver for COVID-19 vaccines and treatments” https://www.aei.org/wp-content/uploads/2021/06/210617-Confronting-Joe-Bidens-proposed-TRIPS-waiver.pdf?x91208&x91208] TDI

But contrary to what Lori said, **there are genuine real problems in the supply chain** that are **not caused by patents**, that are simply caused by the unavailability and the constraints on existing capacity. There is in this world such a thing as maxed-out capacity that just can’t be increased on a dime. It’s not all due to intellectual property. This is true for existing vaccines as well as for vaccine raw materials. There are trade barriers. There are export restrictions that we should all be aware of and that we need to work on. And there are very real political, I think, interests in finding an explanation for how we got to this place that absolve governments around the world from their own policy decisions that they made in the past. In the United States, again, it was the declared policy of the previous administration, as well as this one, that we would vaccinate healthy college kids and go all down the line and offer a vaccine to everybody who wants it before we start sharing any with grandmothers in Burkina Faso. That was the policy. You can agree with it or disagree with it, but that was policy. We had export restrictions in place before a lot of other countries did. And that, too, contributed to unequal access of vaccines around the world. Another thing that was predictable was that politicians and governments around the world who want to be seen as proactive, on the ball, in control, for a long time were actually very indecisive, very unsure about how to address the COVID problem, which has so many dimensions. Vaccines are only one of those. But with respect to vaccines, not many governments took decisive action, put money on the table, put bets on multiple horses, before we knew whether these vaccines would work, would be approved. And it was governments in middle-income countries who now, I think, justifiably are concerned that they’re not getting fast enough access, who didn’t have the means and who didn’t have the decision-making structure to place the same bets on multiple horses, if you will, that were placed in the relatively more wealthy, global North and global West. But there is, I think, a really good and, with hindsight, predictable explanation of how we got to this place, and I think it teaches us something about how to fix the problem going forward. **So why will the waiver not work**? Well, first of all, with complex technology like vaccines, Lori touched on it, reverse engineering, like you would for a small molecule drug, is much more difficult if not impossible. But it depends very much more than small molecule drugs on cooperation, on voluntary transfer of technology, and on mutual assistance. We have seen as part of the pandemic response an unprecedented level of collaborations and cooperation and no indication that IP has stood in the way of the pandemic response. **The waiver proponents have found zero credible examples of where IP has actually been an obstacle,** where somebody has tried to block somebody else from developing a COVID vaccine or other COVID countermeasure, right? It’s not there. **Second, the myth of this vast global capacity to manufacture COVID vaccines that somehow exists** **out there is unsubstantiated** and frankly, in my opinion, untrue. But there is no such thing as vast untapped, idle capacity that could be turned around on a dime to start making COVID vaccines within weeks or even months. This capacity needs to be built; it needs to be established. And at a time when time is of the essence to beat this pandemic, starting capacity-building discussions is helpful, but it won’t be the answer to beat this pandemic. It will be the answer if we do everything right to beating the next pandemic. And if we learn any lesson of this, and then I will stop, is that the COVID waiver as well as the situation in which we find ourselves — if anything, it’s a reminder that we definitely have to take global capacity-building more seriously than we did in the past. That is true for the global North, as well as for middle-income countries — all of whom have to dedicate themselves much more determinedly to pandemic preparedness. And there’s a need to invest both in preparedness and in public health systems that hasn’t happened in the wake of past pandemic threats. This is what we will need to do. We will need to reduce export restrictions, and we will need to rededicate ourselves to preparing for the next pandemic. As far as this pandemic goes, **there are 11 vaccines around the world that are already being shot into arms, only four of which come from the global North. How many more vaccines do we want?** I don’t know, maybe 11 is enough if we start making more of them. But there are manufacturers around the world who know how to do this — including in China, including in India, and including in Russia. All developed their homegrown vaccines, apparently without interference by IP rights, right? **So let’s make more of those. I think that’s going to be the more practical and realistic answer to solving the problem**. And we need to lean on governments to stop export controls and to dedicate themselves to more global equity.

## 3

#### Reconciliation passes now – Biden PC and tight timetables makes the margin for error literally ZERO

Elliott, 9-16 (Philip Elliott is a Washington Correspondent for TIME. Before joining TIME in early 2015, he spent almost a decade at The Associated Press, where he covered politics, campaign finance, education and the White House. He is a graduate of the E.W. Scripps School of Journalism at Ohio University, September 16, 2021, accessed on 9-17-2021, Time, "Democrats Face a Grueling Two Weeks as Infighting Erupts Over Infrastructure", https://time.com/6098810/house-democrats-reconciliation/)//babcii

House Democrats yesterday finished penning a 2,600-page bill that finally outlines the specifics of their ambitious “soft” infrastructure plan that won’t attract a single Republican vote. But no one was really rushing to Schneider’s for bottles of bubbly. For a party ready to spend $3.5 trillion to fund its social policy agenda, there were plenty of glum faces on Capitol Hill.

In fact, one key piece of the legislation—a deal that would finally let Medicare negotiate lower prices with drug companies—fell apart in the Energy and Commerce Committee when three Democrats voted against it. It found resurrection a short time later when Leadership aides literally plucked it from the Energy and Commerce team and delivered it to the Ways and Means Committee for its approval instead. Even there, though, one Democrat voted against it, saying the threat it posed to pharmaceutical companies’ profits would doom it in the Senate. “Every moment we spend debating provisions that will never become law is a moment wasted and will delay much-needed assistance to the American people,” Rep. Stephanie Murphy of Florida later argued.

Put another way? Brace for some nasty politics over the next two weeks as House Speaker Nancy Pelosi tries to get this bill to a vote before the budget year ends on Sept. 30. And those 2,600 pages had better be recyclable.

Democrats can only afford three defectors if they want to usher this bill into law, and they’re perilously close to failure. So far, five centrist Democrats in the House have said they prefer a scaled-back version of the Medicare component. But if Pelosi gives the five centrists that win, she risks losing the support of progressives who are already sour that things like a punitive wealth tax and the end to tax loopholes aren’t present in the current version of the bill.

As it stands now, letting Medicare negotiate drug prices would save the government about $500 billion over the next decade. The scaled-back version doesn’t have an official cost, but a very similar version got its score in the Senate last year: roughly $100 billion in savings. Because Democrats are using a budgeting loophole to help them avoid a filibuster and pass this with bare majorities, that $400 billion gap matters a lot more than on most bills. Scaling back the Medicare savings means they would also have to scale back their overall spending on the bill—a big line in the sand for progressives who say they’ve already compromised too much.

All of this, of course, comes as President Joe Biden and his top aides in the White House have been trying to get Senate centrists onboard. Just yesterday, he met separately with Sens. Kyrsten Sinema and Joe Manchin, fellow Democrats who have expressed worries about the $3.5 trillion price tag but have been vague about what exactly they want to cut back on. With the Senate evenly divided at 50-50, and Vice President Kamala Harris in position to break the ties to Democrats’ victories, any shenanigans from those two independent thinkers scrambles the whole package.

Oh, and that other bipartisan infrastructure plan that carries $550 billion in new spending? It’s still sitting on the shelf in the House. Pelosi said she’d bring it to the floor only when the bigger—and entirely partisan—bill was ready. And there’s plenty of grumbling about that package, too.

If this is all beginning to sound like a scratched record that keeps repeating, it’s because this has become something of a pattern here in Washington. Things look pretty grim for legislation in town these days, despite Democrats controlling the House, the Senate and the White House. Their margin for error is literally zero, and so hiccups from a half-dozen centrists can forewarn a doomed agenda.

So far, Pelosi has been a master of holding the line on crucial votes and has managed to maneuver her team to victories, including on an earlier pandemic relief package that passed with only Democratic votes. Now she’s trying again, but the clock is ticking, and $3.5 trillion is an eye-popping sum of money that rivals the spending the United States unleashed to close out World War II.

#### Plan requires significant PC which Biden can’t afford to spend– Pharma, GOP, allies, and long negotiations.

Bhadrakumar ’21 [M.K., Retired Ambassador; Columnist for Hindu and Deccan Herald Indian newspapers, Rediff.com, Asia Times and Strategic Culture Foundation, Moscow Previous positions: career diplomat for 30 years in the Indian Foreign Service: served in the Indian Embassy in Moscow (1975-1977; 1987-1998); Under Secretary (1977-1979), Joint Secretary (1992-1995), Director (1989-1991), Iran-Pakistan-Afghanistan Division & Kashmir Unit, Foreign Ministry; held posts in the Indian Missions in Bonn, Colombo, Seoul; Charge d’Affaires, Indian embassies in Kuwait and Kabul; Acting/Deputy High Commissioner in Islamabad; Ambassador to Turkey and Uzbekistan., “Biden’s Decision on TRIPS Waiver is Political Theatre”, 05-08-2021, https://www.newsclick.in/biden-decision-TRIPS-waiver-political-theatre]//pranav

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. Conceivably, Biden could be counting on the “text-based negotiations” at the WTO dragging on for months, if not years, without reaching anywhere. The US support for the waiver could even be a tactic to convince pharmaceutical firms to back less drastic steps, like sharing technology and expanding joint ventures, to quickly boost global production. So far, COVID-19 vaccines have been distributed primarily to the wealthy countries that developed them, while the pandemic sweeps through poorer ones, such as India, and the real goal is, after all, expanded vaccine distribution. Biden is well aware that there will be huge opposition to the TRIPS waiver from the US’ European allies as well. The British press has reported that the UK has been in closed-door talks at the WTO in recent months along with the likes of Australia, Canada, Japan, Norway, Singapore, the European Union and the US, who all opposed the idea.

#### PC key to pass reconciliation – and it’s fragile now.

Kapur 8/22 (Sahil, national political reporter for NBC News, “Honeymoon over? Afghanistan chaos comes at a critical moment for Biden's agenda,” 8-22-2021, NBC, URL: <https://www.nbcnews.com/politics/white-house/honeymoon-over-afghanistan-chaos-comes-critical-moment-biden-s-agenda-n1277338>, //RN)

WASHINGTON — President Joe Biden’s honeymoon with congressional Democrats appeared to reach an abrupt halt last week when a number of his allies on Capitol Hill began pummeling his execution of the U.S. withdrawal from Afghanistan, promising investigations. It’s a precarious moment for Biden, who needs to save his political capital to pass his ambitious agenda with thin Democratic majorities. House leaders are battling dissent among moderate lawmakers skeptical of the dual-track strategy to approve a $550 billion infrastructure bill and a $3.5 trillion package to expand the social safety net and raise taxes on the wealthy. Some insiders see a new phase for relations between Biden and Democrats. “The relationship has certainly hit a rough spot,” said Jim Manley, who was an aide to former Senate Democratic leader Harry Reid of Nevada. “On a whole host of issues, he’s had a pretty good run since becoming president. Now I think the relationship is going to get a little trickier from here on out.” He said he was “surprised by the tough tone” that key Democratic committee chairs like Rep. Gregory Meeks of New York and Sen. Bob Menendez of New Jersey took on Afghanistan, adding that they appear determined to conduct “rigorous” oversight of Biden, their fellow Democrat. The larger political impact of the chaos in Afghanistan is unclear. Polls taken during the chaos found that Americans still prefer withdrawing over remaining. But the situation has enveloped the White House in a near-term crisis that may limit its persuasive powers over Democratic lawmakers. An NBC News poll released Sunday found that Biden's job approval rating is 49 percent, while 48 percent of U.S. adults disapprove. That is down from April, when Biden drew 53 percent approval and 39 percent disapproval. From Afghanistan to Covid, Biden faces most turbulent week in office AUG. 20, 202107:02 Dan Pfeiffer, who was a senior adviser to former President Barack Obama, said he doesn’t believe the situation will harm Biden’s agenda, but he said the concern is understandable. “Democrats have so little margin of error in Congress that even a little bit of turbulence is concerning, and the instinct for self-sabotage in centrist Democrats is always prevalent,” he said. Pfeiffer said Biden’s popularity will have an impact on Democrats down the ballot in the congressional elections next year, giving them an incentive to strengthen him and his presidency. “From the perspective of raw politics, the urgency to quickly pass the Biden legislative agenda is increased by recent events. Congressional Democrats need a strong Biden to have any chance of holding the majorities,” he said. “If the president takes a political hit from what's happening in Afghanistan, passing very popular, impactful legislation is the best way to ensure that blip is temporary.” The Senate has passed a $550 billion infrastructure bill on a vote of 69-30. The House is set to return Monday and kick off the process of advancing the bill and the separate $3.5 trillion budget resolution. Speaker Nancy Pelosi, D-Calif., has said the infrastructure legislation won’t get a vote until the Senate passes the multitrillion-dollar bill, which has sparked dissent from moderates. And those moderates are more likely to stick with Biden if their voters support him. “I am curious to figure out how much this is actually going to hurt President Biden. It’s probably a moving target for members,” Kristen Hawn, a former Democratic aide for the moderate Blue Dog Coalition, said of the Afghanistan conundrum. “I don’t think we’ll know that immediately. This is still playing out. “I do think that Democratic allies of the president want to deliver a win for him,” she said. “The bipartisan bill would be a very big win for the president at a very troubling time right now. There would be an incentive there to pass something, have it signed into law. Particularly with infrastructure, there are real-world impacts. People can see it.” A group of centrists, including Rep. Josh Gottheimer, D-N.J., is pushing for a swift vote on the infrastructure bill before the House proceeds to the budget bill. But Pelosi has said infrastructure doesn’t have the votes to pass unless it is linked to the larger package, which is a top priority for progressive lawmakers. Pelosi needs all the help she can get from Biden to get most reluctant Democrats to back her plan. “It’ll be interesting to see if Democrats, especially in the House, think he is weakened and they try to jam him on infrastructure and reconciliation,” Manley said. “Presidents and their staff as a general rule like to preserve their political capital for tough times. And they’ve done a good job of doing that so far,” he said. “But based on how difficult this is, they’re going to have to start calling in some chits.”

#### Infra’s k2 stopping existential climate change – warming is incremental and every change in temperature is vital

Higgins 8/16 [Trevor, Senior Director, Domestic Climate and Energy, “Budget Reconciliation Is the Key to Stopping Climate Change”, 08-16-2021, https://www.americanprogress.org/issues/green/news/2021/08/16/502681/budget-reconciliation-key-stopping-climate-change/]//pranav

The United States is suffering acutely from the chaotic changes in climate that scientists now directly attribute to the burning of fossil fuels and other human activity. The drought, fires, extreme heat, and floods that have already killed hundreds this summer across the continent and around the world are a tragedy—and a warning of worsening instability yet to come. However, this week, the Senate initiated an extraordinary legislative response that would set the world on a different path. Enacting the full scope of President Joe Biden’s Build Back Better agenda would put the American economy to work leading a global transition to clean energy and stabilizing the climate. A look at what’s coming next through the budget reconciliation process reveals a ray of hope that is easy to miss amid the fitful negotiations of recent months: At long last, Congress is on the verge of major legislation that would build a more equitable, just, and inclusive clean energy economy. This is our shot to stop climate change. Building a clean energy future must start now Until the global economy stops polluting the air and instead starts to draw down the emissions of years past, the world will continue to heat up, blundering past perilous tipping points that threaten irreversible and catastrophic consequences. Stemming the extent of warming at 1.5 degrees Celsius rather 2 degrees or worse will reduce the risk of crossing such tipping points or otherwise exceeding the adaptive capacity of human society. Every degree matters. Stabilizing global warming at 1.5 degrees Celsius starts with cutting annual greenhouse gas emissions in the United States to half of peak levels by 2030. This isn’t about temporary offsets or incremental gains in efficiency—it’s about the rapid adoption of scalable solutions that will work throughout the world to eliminate global net emissions by 2050 and sustain net-negative emissions thereafter. Building this better future will tackle climate change, deliver on environmental justice, and create good jobs. It will give us a shot to stop the planet from continuously warming. It will alleviate the concentrated burdens of fossil fuel pollution, which are concentrated in systemically disadvantaged, often majority Black and brown communities. It will empower American workers to compete in the global clean energy economy of the 21st century. There is no time to lose in the work of building a clean energy future.

## 4

#### America’s maintaining hegemony and countering China’s rise through “counter-punching” strategies, but sustained innovation and private sector investment are key – reject “US declining now” args – the US has historically punched over its weight whenever it’s challenged

**Harr 8/3** [Scott, Army Special Forces Officer and Ph.D. Candidate at the Helms School of Government, Liberty University. He holds an undergraduate degree in Arabic Language Studies from West Point and a Master’s degree in Middle Eastern Affairs from Liberty University. A trained Arabic and Farsi speaker with over four years of cumulative deployment time in the Middle East, his work has been featured in The Diplomat, RealClearDefense, The Strategy Bridge, Modern War Institute, Military Review, The National Interest, and Joint Force Quarterly among other national security-focused venues, “By Avoiding Arms Races, America Can Counter China’s Rise”, 08-03-2021, https://nationalinterest.org/feature/avoiding-arms-races-america-can-counter-china%E2%80%99s-rise-191094]//pranav

**Rather than falling into the power projection arms race “trap“ that China desires, U.S. competitive strategies addressing China** should **adopt a framework based on “counter-punching**.” As its name suggests, the counterpunch incorporates both defensive (“counter”) and offensive (“punch”) elements. Additionally, it is an adaptive maneuver that requires disciplined understanding and controlled strength that, effectively employed, offers better alternatives towards protecting and preserving U.S. power in the face of challenges from China. The defensive element of an American counterpunch towards China involves adopting military restraint and a revamped examination of deterrence. Classic deterrence strategy involves presenting the credible threat of force to adversaries to create undesirable risks for would-be aggressors. The key to deterrence, as Kenneth Waltz famously argued, is determining how much deterrence is “enough” to dissuade aggressors. That is, deterrence does not necessarily require the presentation of power projection assets capable of completely destroying an adversary, but only enough assets to make the risks of aggressive behavior not worth the projected losses involved. Seen in this light, a strategy that diligently examines how much deterrence is “enough” potentially eliminates the impulse to sustain the ever-increasing stakes in costly arms races while, critically, **offering a chance to reinvest excess “deterrence” resources into areas that will preserve and protect U.S. power**. The national resources freed up by foregoing an arms race with China represent the potent offensive element of the counterpunch. **These resources can be reinvested in other areas such as the private sector which, besides being the hallmark of American prosperity and thus the critical reason for protecting American power in the first place, has historically played a decisive role in the United States’ successful war efforts**. **Buoyed by a strong and vibrant private sector where the United States remains a desirable global hub for innovation and technology, the needed capabilities for war (or intense competition) can be adaptively produced and rapidly called forward to tip the competitive (or combative) scales towards victory when required.** Of course, the “punch” loses its effectiveness without clearly articulated triggers for employment. If China seeks to induce the United States into an uncontrolled arms race, then the current U.S. obsession with China—which seems to interpret every Chinese action in any sphere as a threat requiring a U.S. response—must be viewed as very encouraging in Beijing. An effective U.S. counterpunch requires clearly defined red lines that regulate and set behavior expectations between great powers and indicate when a Chinese competitive action warrants a U.S. response. Detractors of the counterpunch framework will immediately note the call for military restraint and interpret it as a reactive recipe for military weakness at precisely a time requiring proactive military strength. But military restraint does not imply weakness any more than eating fewer calories implies malnutrition. It simply means making smarter decisions that play to U.S. strengths and away from Chinese strategy. It also entails properly viewing the risks inherent in competition with China. The counterpunch skeptic incorrectly perceives greater risks in short-term military restraint (traded for economic investment and fortification) than in long-term arms races (traded for potential economic collapse). The counterpunch skeptic also fails to appreciate the United States’ historic strengths in adopting this approach. In fact, **America has demonstrated exceptional skill as an adaptive counter-puncher—reacting and adapting to adversity and setbacks to rise above them and create positive effects preserving U.S. power and ideas.** U.S. institutions have counter-punched their way to success in the political (from the failed Articles of Confederation to the Constitution), social (from abhorrent slavery to civil rights), and military (from disastrous Pearl Harbor to WWII victory) arenas to produce the stable and prosperous nation that exists today. As John Mearsheimer points out, **China has the population size and economic capacity (the “sinew of power”) to pose unique and unprecedented challenges to U.S. power**. Additionally, wasteful military exploits—often employed as a means of competing with rivals—have contributed to bringing down world powers again and again throughout history. China understands this apparent axiom and has woven its truth into its competitive strategy to displace the United States as the world’s preeminent power in the twenty-first century. U.S. competitive strategy against China must, therefore, resist the powerful (but seemingly prudent) urge to continually increase the stakes projecting power against China. Rather, the United States needs to adopt a disciplined counterpunch framework focused on protecting and preserving (not projecting) power. This **framework leverages the elements of a successful counterpunch: it demonstrates a superior understanding of adversary strategy (China’s desire to economically exhaust the United States with power projection), it leverages smart defensive elements (adopting only “enough” deterrence to influence China’s actions), and it fortifies conditions of economic strength to ensure offensive actions can be brought to bear when required in competition or conflict (re-investing resources into a globally-leading private sector).** Employing a counterpunch framework asks Americans to trust its institutions—which is a difficult task in the face of a rising China. But the ask is not for blind trust. As a country with less than one-sixth of the world’s population, **the United States as a superpower has been punching above its weight for decades and has historically counter-punched successfully to muster adaptive and superlative responses whenever challenged with adversity. America must follow these historical impulses to remain a superpower in the twenty-first century**.

#### The 1AC’s reduction of IPP for [COVID vaccines] is America “handing over its crown jewels” to competing nations by disincentivizing record setting innovation that causes spillover to other fields and destroys American hegemony.

**Iancu 8/11** [Andrei, American-Romanian engineer and intellectual property attorney, who served as the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office from 2017 to 2021, “Biden is trying to undermine America's world-leading IP protections”, https://m.washingtontimes.com/news/2021/aug/11/biden-is-trying-to-undermine-americas-world-leadin/]//pranav

In May of this year, the Biden administration announced its support for a proposal at the World Trade Organization that would allow other countries to seize American intellectual property on COVID-19 technologies, including vaccines. On cue, those countries promptly modified their ask. **Whereas the original proposal called for the waiver to last a limited number of years, the new proposal makes the waiver effectively permanent.** And why not? **If America is willing to hand over its crown jewels, it might as well demand to keep them forever.** As a former Director of the U.S. Patent and Trademark Office, I know that America’s world-leading IP protections laid the foundation for our economic success and technological prowess. And as an immigrant from a communist nation, **I know all too well how disrespect for private property rights undermines innovation and saps economic vitality.** Since the Founding Fathers, Americans have understood that private property extends well beyond land, buildings, factories, and machines. **The real source of America’s power and promise are ideas. Walls, locks, or guards can protect physical property, but the implementation of ideas — new songs, artificial intelligence, or medicines — requires special protections and trust in the rule of law**. That’s why the Founders included intellectual property rights in the Constitution — in the form of an “exclusive right” for authors and inventors — to “promote the progress of science and useful arts.” Indeed, this is the only time the word “right” appears in the Constitution (amendments aside). The Founders knew that only the rule of law, and our respect for it, can protect and enable the development of these ideas. Yet, President Biden undermined that respect by signaling his support for the appropriation of America’s intangible assets. In doing so, he jeopardized America’s uniquely successful intellectual property system. The history of our nation — indeed, much of the history of the world — **since 1789 has been the revolution in knowledge led by American ingenuity in agriculture, industry, medicine, and information technology. Progress like this does not just happen**. Indeed, it didn’t, for the millennia of the entire human history until our nation’s founding a couple of hundred years ago! **It’s not a coincidence that the last two centuries of uninterrupted, IP-driven innovation — up to and including the miraculous creation in a record time of the Covid vaccines themselves — began when one nation finally committed itself to protect intangible assets as much as physical property.** The reason is simple: knowledge is cumulative. **Every new discovery becomes the basis for new research. The revolutionary mRNA technology behind Pfizer and Moderna’s vaccines is, in fact, an evolutionary iteration of previous — patented — breakthroughs over the last two decades.** Sen. Bernie Sanders, among others, turns up his nose at all this science, history, and progress. Like President Biden, he supports waiving vaccine patents because, he says, “We need a people’s vaccine, not a profit vaccine.” **Ignore for a moment that many companies have agreed to sell their vaccines at non-profit prices for the duration of the pandemic, or that the vaccines are completely free for all patients at pharmacies nationwide, or that the federal government pays $19.50 per Pfizer dose, about $15 per Moderna dose, and $10 for the Johnson & Johnson shot — less than the cost of a pizza for medicines that are saving millions of lives and restoring our economy.** Instead, **focus on the fact that intellectual property protections enabled the creation of “people’s vaccines” in the first place.** **The choice isn’t between cheap vaccines and even cheaper vaccines — it’s between shots that are protected by strong IP laws or no shots at all.** The same goes for every industry. **If President Biden doesn’t protect the IP behind new vaccines, investors and inventors will ask, what other technologies are next?** Will similar takings be imposed on climate change technologies, for example? Food processing? Essential semiconductor technologies? **Companies will scale back investments in medical devices, microchips, energy, and everything in between if they think the U.S. Government might waive IP protection after the fact so that others may copy their inventions with impunity.** Of immediate concern is the need for more treatments for Covid-19, especially as the pandemic keeps raging with new variants. **Knowing that their IP may be appropriated as soon as it is developed, private industry — especially start-ups and smaller businesses that depend heavily on outside capital — may not invest the resources necessary to develop these new technologies that are desperately needed right now.** Here’s the reality: **remove patents and other forms of intellectual property, and private-sector investment in innovation dries up**. The government will then try to step in to fill the gap, inefficiently as always. **Like the taking of factories to nationalize industry, this taking of intellectual property is effectively the nationalization of our innovation economy**. The result will be the same as in every other socialist regime that nationalized its industries: the kind of poverty, corruption, and misery that my family escaped from decades ago. **American innovation** has cured diseases, enabled human flight, led to the development of computers, and **made our nation the envy of the world. Waiving intellectual property rights could forfeit it all.**

#### Only U.S. hegemony prevents global instability---alternatives can't maintain peace

**Haass, 17** - President of the Council on Foreign Relations (Richard, "Who Will Fill America’s Shoes?," *Project Syndicate*, 6-24-2017, https://www.project-syndicate.org/commentary/global-leadership-successor-to-america-by-richard-n--haass-2017-06)

Still, a shift away from a US-dominated world of structured relationships and standing institutions and toward something else is under way. What this alternative will be, however, remains largely unknowable. What we do know is that **there is no alternative great power willing and able to step in and assume what had been the US role**.

China is a frequently mentioned candidate, but its leadership is focused mostly on consolidating domestic order and maintaining artificially high economic-growth rates to stave off popular unrest. China’s interest in regional and global institutions seems designed mostly to bolster its economy and geopolitical influence, rather than to help set rules and create broadly beneficial arrangements.

Likewise, Russia is a country with a narrowly-based economy led by a government focused on retaining power at home and re-establishing Russian influence in the Middle East and Europe. India is preoccupied with the challenge of economic development and is tied down by its problematic relationship with Pakistan. Japan is held back by its declining population, domestic political and economic constraints, and its neighbors’ suspicions.

Europe, for its part, is distracted by questions surrounding the relationship between member states and the European Union. As a result, the whole of the continent is less than the sum of its parts – **none** of which **is large enough to succeed America on the world stage**.

But the absence of a single successor to the US does not mean that what awaits is chaos. At least in principle, the world’s most powerful countries could come together to fill America’s shoes. In practice, though, **this will not happen**, as these countries lack the capabilities, experience, and, above all, a consensus on what needs doing and who needs to do it.

#### Goes nuclear---extinction

Thomas H. **Henricksen 17**, emeritus senior fellow at the Hoover Institution, 3/23/17, “Post-American World Order,” <http://www.hoover.org/research/post-american-world-order>

The tensions stoked by the assertive regimes in the Kremlin or Tiananmen Square could **spark a political or military incident** that might set off a chain reaction leading to a **large-scale war**. Historically, powerful rivalries nearly always lead to at least skirmishes, if not a full-blown war. The anomalous Cold War era **spared** the United States and Soviet Russia a direct conflict, largely from concerns that one would trigger a **nuclear exchange destroying** both states and much of **the world**. Such a repetition **might** reoccur in the unfolding three-cornered geopolitical world. It seems safe to acknowledge that an ascendant China and a resurgent Russia will persist in their geo-strategic ambitions.

What Is To Be Done?

The first marching order is to dodge any kind of perpetual war of the sort that George Orwell outlined in “1984,” which engulfed the three super states of Eastasia, Eurasia, and Oceania, and made possible the totalitarian Big Brother regime. A long-running Cold War-type confrontation would almost certainly take another form than the one that ran from 1945 until the downfall of the Soviet Union.

What prescriptions can be offered in the face of the escalating competition among the three global powers? First, by **staying militarily and economically strong**, the United States will have the resources to deter its peers’ hawkish behavior that might otherwise trigger a **major conflict**. Judging by the history of the Cold War, the coming strategic chess match with Russia and China will prove tense and demanding—since **all the countries boast nuclear arms** and long-range ballistic missiles. Next, the United States should widen and sustain willing coalitions of partners, something at which America excels, and at which China and Russia fail conspicuously.

There can be **little room for error** in fraught **crises among nuclear-weaponized** and **hostile powers**. Short- and long-term standoffs are likely, as they were during the Cold War. Thus, the playbook, in part, involves a **waiting game** in which each power looks to its rivals to suffer grievous internal problems which could entail a collapse, as happened to the Soviet Union.

## Case

### 1AR Theory

You get it but it’s drop the arg & reasonability on 1ar theory

[a]the 2NR must cover substance and over-cover theory, since they get the collapse and persuasive spin advantage of the 3min 2AR,

[b] their responses to my counter interp will be new, which means 1AR theory necessitates intervention.

[c] no infinite abuse – only 7-minute 1nc – getting more efficient solves

#### **Vote neg on presumption – the aff can’t solve any of their impacts**

Garde et al 5-6 [Damian Garde , Helen Branswell , and Matthew Herper May 6, 2021, 5-6-2021, "Waiver of patent rights on Covid vaccines may be mostly symbolic, for now," STAT, <https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/>] // WW LD

The U.S.’s stunning endorsement of a proposal to waive Covid-19 vaccine patents has won plaudits for President Biden and roiled the global pharmaceutical industry. But, at least in the short term, it’s likely to be more of a symbolic milestone than a turning point in the pandemic. For months, proponents of the proposal have argued that the need to waive intellectual property protections was urgent given the growth of Covid cases in low- and middle-income countries, which have been largely left without the huge shipments of vaccine already purchased by wealthy countries. But patents alone don’t magically produce vaccines. Experts suggested the earliest the world could expect to see additional capacity flowing from the waiver — if it’s approved at the World Trade Organization — would be in 2022. Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply is a lack of raw materials and facilities that manufacture the billions of doses the world needs. Temporarily suspending some intellectual property, as the U.S. proposes to do, would have little effect on those problems, he said. “My take is: By itself, it will not get us much benefit in increased manufacturing capacity,” Yadav said. “But as part of a larger package, it can.” That larger package would include wealthy nations like the U.S. mounting an Operation Warp Speed-style effort to invest in manufacturing in low-income countries, he said, using their vast financial resources to actually produce vaccine doses rather than solely targeting patents. Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law, said the waiver is necessary but hardly sufficient. It will likely take months of international infighting before the proposal would take effect, he said, months during which would-be manufacturers would not have the right to start producing vaccines. “We’re not talking about any immediate help for India or Latin America or other countries going through an enormous spread of the virus,” Gostin said. “While they’re going to be negotiating the text, the virus will be mutating.” Even James Love, director of the nonprofit Knowledge Ecology International and a longtime advocate of intellectual property reform, acknowledges a patent waiver would be a valuable first step, not a panacea. The fairly narrow proposal would mostly allow countries to issue compulsory licenses, essentially allowing third-party manufacturers to make and sell other companies’ patented products, while also helping free up some information about how that manufacturing is done. But that, at least, could provide a financial incentive for those third parties to invest in vaccine production. “In our experience, when the legal barriers disappear and there’s a market, capacity increases faster than you would think,” he said. In October, Moderna vowed not to enforce its Covid-19-related patents for the duration of the pandemic, opening the door for manufacturers that might want to copy its vaccine. But to date, it’s unclear whether anyone has, despite the vaccine’s demonstrated efficacy and the worldwide demand for doses. That underscores the drug industry’s case that patents are just one facet of the complex process of producing vaccines. “There are currently no generic vaccines primarily because there are hundreds of process steps involved in the manufacturing of vaccines, and thousands of check points for testing to assure the quality and consistency of manufacturing. One may transfer the IP, but the transfer of skills is not that simple,” said Norman Baylor, who formerly headed the Food and Drug Administration’s Office of Vaccines Research and Review, and who is now president of Biologics Consulting. While there are factories around the world that can reliably produce generic Lipitor, vaccines like the ones from Pfizer and Moderna — using messenger RNA technology — require skilled expertise that even existing manufacturers are having trouble sourcing. “In such a setting, imagining that someone will have staff who can create a new site or refurbish or reconfigure an existing site to make mRNA [vaccine] is highly, highly unlikely,” Yadav said. There are already huge constraints on some of the raw materials and equipment used to make vaccines. Pfizer, for instance, had to appeal to the Biden administration to use the Defense Production Act to help it cut the line for in-demand materials necessary for manufacturing. Rajeev Venkayya, head of Takeda Vaccines — which is not producing its own Covid vaccine but is helping to make vaccine for Novavax — said supply shortages are impacting not just Covid vaccine production but the manufacture of other vaccines and biological products as well. “This is an industry-wide … looming crisis that will not at all be solved by more tech transfers,” Venkayya said. He suggested many of the people advocating for this move are viewing the issue through the prism of drug development, where lifting intellectual property restrictions can lead to an influx of successful generic manufacturing. “I think in this area there is an unrecognized gap in understanding of the complexities of vaccine manufacturing by many of the ‘experts’ that are discussing it,” said Venkayya, who stressed that while he believes they have good intentions, “nearly all of the people who are providing views on the value of removing patent protections have zero experience in vaccine development and manufacturing.” As Michelle McMurry-Heath, CEO of the trade group BIO, put it in a statement, “handing needy countries a recipe book without the ingredients, safeguards, and sizable workforce needed will not help people waiting for the vaccine.” Conversely, the drug industry claims that waiving patents, even temporarily, risks irreparable damage to the system of incentives that made the rapid development of Covid-19 vaccines possible. Stephen Ubl, CEO of the powerful lobbying group PhRMA, said in a statement that the idea “flies in the face of President Biden’s stated policy of building up American infrastructure and creating jobs by handing over American innovations to countries looking to undermine our leadership in biomedical discovery.” Umer Raffat, an equities analyst who tracks pharmaceuticals at Evercore ISI, thinks the risks to the drug industry might be overstated. It’s highly doubtful a patent waiver would set a precedent beyond vaccines, Raffat wrote in a note to investors, and the scarcity of raw materials combined with complexity of modern pharmaceutical manufacturing makes it unlikely that any third party could meaningfully compete with a multinational drug company. But the decision could nonetheless be a sea change for the way governments think about intellectual property — a hole in the IP dam that unleashes a tidal wave. Love, of Knowledge Ecology, said that the decision shifts the discussion around pandemic vaccines from countries believing there is nothing that can be done to a new position: “What do we need to do?” Said Love: “If you really think this is a big emergency, ‘what do we need to do’ should be the question, not just saying we can’t do anything.” That could, in turn, have long-term impacts on how countries view pharmaceutical intellectual property — and how much protection drug makers are provided on their own patents.

### Pandemics

#### Vaccines don’t solve & could drive virus evolution which turns case – adaptation

Gorman & Zimmer ’20 [James Gorman is a science writer at large for The New York Times and the author of books on hypochondria, penguins, dinosaurs and the ocean around Antarctica, Carl Zimmer writes the “Matter” column for The New York Times, “The Virus Won’t Stop Evolving When the Vaccine Arrives”, 11-27-2020, New York Times, https://www.nytimes.com/2020/11/27/science/covid-vaccine-virus-resistance.html]//pranav

Lederberg advised vigilance: “We have no guarantee that the natural evolutionary competition of viruses with the human species will always find ourselves the winner.” With the emergence of what seem so far to be safe and effective vaccine candidates, it appears that humanity may be the winner again this time around, albeit with a dreadful loss of life. But vaccines won’t put an end to the evolution of this coronavirus, as David A. Kennedy and Andrew F. Read of The Pennsylvania State University, specialists in viral resistance to vaccines, wrote in PLoS Biology recently. Instead, they could even drive new evolutionary change. There is always the chance, though small, the authors write, that the virus could evolve resistance to a vaccine, what researchers call “viral escape.” They urge monitoring of vaccine effects and viral response, just in case. “Nothing that we’re saying is suggesting that we slow down development of vaccines,” Dr. Kennedy said. An effective vaccine is of utmost importance, he said, “But let’s make sure that it stays efficacious.” Vaccine makers could use the results of nasal swabs taken from volunteers during trials to look for any genetic changes in the virus. Test results need not stop or slow down vaccine rollout, but if recipients of the vaccine had changes in the virus that those who received the placebo did not, that would indicate “the potential for resistance to evolve,” something researchers ought to keep monitoring

#### Coronavirus won’t get *anywhere close* to existential – low mortality and burnout

Salzberg 20 [(Steven, PhD from Harvard, worked at The Institute for Genomic Research, where he sequenced the genomes of many bacteria, including those used in the 2001 anthrax attacks, also worked on the Human Genome Project, now the Distinguished Professor of Biomedical Engineering, Computer Science, and Biostatistics at Johns Hopkins University), “Coronavirus: There Are Better Things To Do Than Panic”, <https://www.forbes.com/sites/stevensalzberg/2020/02/29/coronavirus-time-to-panic-yet/#7de449ad7fa6>] TDI

1.The mortality rate is probably much, much less than 2%. The rapid spread of COVID-19 suggests that many more people are infected than those who have confirmed cases. The number of people who have no symptoms or very mild symptoms is likely to be ten times as high as the number of reported cases. (This is only a guess.) That would mean the mortality rate might be only 0.2%, or even lower. We still don't know. (The cruise ship that was quarantined in the Japan [had just over 700 cases, and 6 people have died](https://www.bbc.com/news/uk-51677846), suggesting a mortality rate of 1%.)

2.The reported mortality rate is dramatically lower in young people. If you are under 30, you can probably relax a bit. However, if you are over 70, the mortality rate is [frighteningly high, 8-15%](https://www.bbc.com/news/health-51674743).

3.2,933 deaths is a tragedy, but it's a tiny number compared to the annual deaths from the influenza virus, which we have learned to live with. In the U.S. alone, [the CDC estimates that 12,000–61,000 people die each year from the flu](https://www.cdc.gov/flu/about/burden/index.html) (the number varies a lot because the virus itself changes from year to year), and 9-45 million people get sick. The worldwide totals are far higher. So in terms of numbers, the world is definitely over-reacting to the new coronavirus.

#### Kitfield is super old – all of it’s internal links are pre-Biden which resolves divisions, scapegoating & rotting intl system bc Biden’s trying to build it back

Their impact ev is about industry shut down – places are opening up and industries are back to work proves no terminal impact.

#### IP laws are key to prevent counterfeit vaccines which are worse.

**Mercurio 21:** Mercurio, Bryan [the Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law] “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review”, *Virginia Journal of International Law Online (Forthcoming 2021),* Feb 12, 2021

The protection of IP not only provides incentives to innovators to create, but also plays a crucial role in ensuring the safety of vaccines and helping to prevent the importation of fraudulent and dangerous goods. Unlike the typical pharmaceutical industry, the vaccine market is not a free and open market.69 Vaccines contain biological products made from living organisms and the risk of failure in vaccine development and production is high. 70 Moreover, the manufacturing process for vaccines is much more complex as it requires the use of facilities and equipment with a high degree of specialization.71 The complexity of vaccine products implies that more time and regulatory requirements are needed in order to make or “copy” the vaccine production process. Therefore, the innovator should be expected to make conscious and meticulous decisions as to when and to whom to issue licenses, as this is the most responsible way to bring their technologies to the world and safeguard global health. In addition, as the COVID-19 pandemic continues there has been a noticeable increase in the circulation of fake medicines around the world. According to the International Criminal Police Organization (Interpol), **organized crime groups have been producing fake drugs and medical products and selling them for lucrative profits in developing countries.72 With the development of COVID-19 vaccines on the market, a rapid rise in the illegal sale of fake items is expected**, according to the United Nations Office on Drugs and Crime (UNODC).73 Counterfeits of the legitimate products provide false promises of protection and could lead to disastrous consequences, including worsened illness and death for the individual and the retardation of herd immunity for the population at large. Effective and proactive IP procurement is essential and useful in mitigating the risks of counterfeit and substandard medicines. IP enforcement measures play a significant role in preventing these fake and illicit medicines from circulating in the market. While important during normal times, IP enforcement can take on an enhanced role of safeguarding the public during this critical period of time. Waiving all COVID-19 related IPRs raises the risk of unsafe or fake vaccines circulating in supply channels and being sold to unsuspecting governments, putting millions of human lives at risk and reducing trust in vaccines.

Erfani doesn’t have a warrant for increased production – it just asserts it – also claims “no compelling ev” for neg args, but our ev is from former Trade rep who prob knows more

### WTO

#### Alt causes to WTO disunity

EP 5/20 [(European Parliament, legislative branch of the European Union) “Getting a patent waiver is not enough, says WTO chief to Trade Committee,” European Parliament News: Press Releases, 5/20/2021] JL

She said: “Getting the intellectual property rights waiver for vaccines will not be enough”. She listed three other routes: reducing export restrictions and reinforcing supply chains for vaccines, working with manufacturers to expand production, including in emerging countries with idle capacity such as Indonesia, South Africa, Thailand or Bangladesh, and transferring the necessary technology and expertise to produce the complicated vaccines.

“The IP waiver is a hot issue on which I cannot take sides. But we need more flexibility and automatic access for developing countries, and at the same time we have to protect research and development,” added the head of the World Trade Organisation (WTO).

MEPs also raised questions on trade and sustainability, including the proposed carbon border-adjustment mechanism and its compatibility with WTO rules.

“I think everything is in the design; its implementation is going to be quite important. But we don’t have that yet, so we cannot say [whether it is compatible], the director-general said.

MEPs asked about the ongoing WTO negotiations over fisheries subsidies that the director-general hopes will be concluded by the end of the year, and about the now defunct dispute settlement mechanism in the WTO.

“We cannot make new rules at the WTO when our system of adjudication on those rules doesn’t work. We need to go to the [Twelfth Ministerial Conference] with an idea for a new system,” Dr Okonjo-Iweala responded to the latter issue, calling for Parliament’s assistance in reaching out to the United States Congress to scout for a common understanding on the Appellate Body.

#### The US has structurally undermined WTO legitimacy – every WTO ruling gets vetoed

Baschuk 2/22 [(Bryce, reporter for Bloomberg Economics based in Geneva, Switzerland, has been published in Bloomberg, the Washington Times, United Press International and National Public Radio) “Biden Picks Up Where Trump Left Off in Hard-Line Stances at WTO,” Bloomberg, 2/22/2021] TDI

President Joe Biden’s administration dashed hopes for a softer approach to the World Trade Organization by pursuing a pair of his predecessor’s strategies that critics say risk undermining the international trading system.

The U.S. delegation to the WTO, in a statement Monday obtained by Bloomberg, backed the Trump administration’s decision to label Hong Kong exports as “Made in China” and said the WTO had no right to mediate the matter because the organization’s rules permit countries to take any action to protect their “essential security interests.”

“The situation with respect to Hong Kong, China, constitutes a threat to the national security of the United States,” the U.S. delegation said. “Issues of national security are not matters appropriate for adjudication in the WTO dispute-settlement system.”

Prior to 2016, WTO members generally steered clear of defending their trade actions on the basis of national security because doing so could encourage other nations to pursue protectionist policies that have little or nothing to do with hostile threats.

That changed in 2018, when the Trump administration triggered a cold war-era law to justify tariffs on foreign imports of steel and aluminum. In response, a handful of U.S. trade partners, including Canada, the EU, and China filed disputes at the WTO and a ruling in those cases is expected later this year.

Since then, more nations -- including Saudi Arabia, India, Russia and others -- have cited the WTO’s national-security exemption in regional trade fights, leading trade experts to warn that such cases could erode the organization’s ability to mediate disputes.

The Biden administration on Monday said the U.S. has consistently argued that national-security disputes are not subject to WTO review because it would infringe on a member’s right to determine what is in its own security interests.

In spite of the U.S. objection, the WTO granted Hong Kong’s dispute inquiry and will establish a panel of experts to deliberate the matter and render a decision, which could take two to three years.

At the same meeting, the Biden administration said it would not agree to appoint new members to the WTO’s appellate body, a seven-member panel of experts who until 2019 had the final say on trade disputes involving billions of dollars worth of international commerce.

The Biden administration said it could not do so because the U.S. “continues to have systemic concerns” with the functioning of the appellate body as have all previous administrations over the past 16 years.

Though the statement was not entirely unexpected, it confirms America’s bipartisan frustration with the functioning of the WTO appellate body and the new administration’s willingness to block new panelists until changes can be agreed.

Once Katherine Tai is confirmed as the U.S. Trade Representative, her office “looks forward to working with” WTO Director-General Ngozi Okonjo-Iweala to tackle the problems with WTO dispute settlement, including the unresolved issues over appellate-body overreach, USTR spokesman Adam Hodge said in an email. “These are long-standing, bipartisan concerns that we hope our trading partners will work with us to address,” he said.

The Trump administration broke precedent when it refused to consider any nominees to fill vacancies on the panel until there weren’t enough to sign off on new rulings. As a result, the WTO’s dispute-settlement system has been critically damaged because WTO members are now free to veto any adverse dispute rulings by appealing them into a legal void created by the appellate body’s paralysis.

#### Congress doesn’t have the support to pull out now, but more agreements that perceptually favor China changes that

Johnson ’20 [Keith, senior staff writer for Foreign Policy, “U.S. Effort to Depart WTO Gathers Momentum”, 05-27-2020, https://foreignpolicy.com/2020/05/27/world-trade-organization-united-states-departure-china/]//pranav

Frustration with hyperglobalization, China’s “economic imperialism,” and a seemingly broken world trading system is boiling over into serious calls for the United States to withdraw from the World Trade Organization (WTO)—which would have potentially disastrous implications for the country if carried out. For the first time since 2005, lawmakers from both parties and both houses of Congress are pushing to pull the United States out of the trading body it helped create and which was the culmination of decades of postwar efforts to boost free trade and economic integration. By law, the United States has a chance to vote every five years on staying inside the WTO, but staying on board was such a no-brainer in recent years that no such resolution was even presented. But this year—powered by a rise in economic nationalism, growing concern about China, and frustration with two decades of paralysis at the WTO—the knives on Capitol Hill are out, to the delight of some of the trade hard-liners in the White House. “The WTO has been a disaster for the United States,” said Rep. Peter DeFazio, an Oregon Democrat, who introduced House legislation to withdraw this month. “No trade regime can last when it no longer serves the people of the countries who are part of it,” said Sen. Josh Hawley, a Missouri Republican, in a recent Senate floor speech after introducing his own resolution to leave. “Our interests and those of the WTO diverged long ago.” It’s doubtful that the measures could secure enough votes for passage in either chamber, and a tight legislative calendar makes the push for withdrawal doubly hard to pull off. But the rush for the exit is still a serious indication of deep and growing dissatisfaction with how global trade has evolved, highlighted by the vulnerability of cross-border supply chains that have begun to come apart under the stress of the COVID-19 pandemic. If the United States were to pull out of the system it helped build, the implications would be dire. Other countries would be able to discriminate against U.S. goods and services with no limits. Tariffs would almost certainly rise and export markets shrink. Meanwhile, others like China and the European Union would increasingly be in a position to write the rules of the future economy, from data protection and privacy to intellectual property and state subsidies. “We’d have no rights, and we’d lose a seat at the table,” said Wendy Cutler, a former U.S. trade negotiator now at the Asia Society. Why the big push now? For years, different aspects of the global trading system have stirred concern and at times anger in the United States and other countries; the WTO has essentially been stuck in place since the collapse of its last big negotiating round in 2008. For years, economists have debated the impact of the so-called “China shock” on U.S. jobs and manufacturing, and some evidence has shown that the competition from low-wage Chinese labor and the rapid movement of U.S. companies offshore hit the U.S. middle class harder than many economists expected. For years, Republicans have railed against international organizations—from the WTO to the International Criminal Court—that they see as encroaching on U.S. sovereignty. Now, all those forces have come together in a kind of imperfect storm. “I think the confluence of factors—the WTO’s credibility, China’s accession and all the outsourcing, and then the general animosity toward international organizations—they’re all in play,” Cutler said. For proponents of withdrawal, like Hawley, it’s mostly about China taking advantage of an open global trading system to get a leg up on countries like the United States that mostly try to play by the rules. “I think [China] is a principal factor” in the push to leave the WTO, Hawley told Foreign Policy in a recent interview. Beijing’s ability to claim special privileges inside the WTO as a so-called “developing” country, despite boasting the world’s second-largest economy, has powered its rise at the expense of countries like the United States, he said.

#### There’s bipartisan Congressional hatred for the plan – they view it as a giveaway of American tech to China.

Lopez 5/19 [Ian, Senior Reporter @ Bloomberg Law, “China Will Steal U.S. Vaccine IP Via Waiver, GOP Senators Say”, 05-19-2021, Bloomberg Law, https://news.bloomberglaw.com/health-law-and-business/china-will-steal-u-s-vaccine-ip-via-waiver-gop-senators-say]//pranav

Senate Republicans are calling on top Biden administration officials to walk back support of an international plan to waive Covid-19 vaccine IP protections, calling the decision a “giveaway” to China and India that will only promote “vaccine nationalism.” Countries like China that regularly steal U.S. intellectual property began urging the World Trade Organization to waive IP rights “almost immediately after these vaccines were proven to work,” Sens. Thom Tillis (R-N.C.) and Tom Cotton (R-Ark.) wrote in a Wednesday letter to Commerce Secretary Gina Raimondo and U.S. Trade Representative Katherine Tai. “These nations are falsely claiming that granting such a waiver would speed the development of new vaccine capacity. Nothing could be further from the truth,” they said in the letter, obtained by Bloomberg Law. Senators d Chuck Grassley (R-Neb.), Mike Lee (R-Utah), and Dan Sullivan (R-Alaska) are among the letter’s backers, according to a Republican staffer. The letter comes amid a heightening debate over whether the U.S.'s backing of a waiver would help expedite global vaccine manufacturing and distribution. “It is not surprising that China, India, and South Africa want to steal our intellectual property and medical technology,” the senators wrote. “What is surprising is that an American president, especially one who claims to be a ‘jobs’ president, would force American companies to give their medical technology and manufacturing processes to foreign adversaries like China.” A proposal before the WTO—set out by South Africa and India last year and supported by dozens of other countries—would waive obligations on the protection of IP rights for the duration of the pandemic. ‘America’s Interests Last’ Key to the debate is whether patents and other IP are an obstacle to global Covid-19 immunization. Proponents of the waiver plan—which include some Democrats and nonprofits—say it’s a step in the right direction, and, taken with other steps like increased manufacturing capacity, could help with faster world vaccination. U.S. support could help get other countries on board with global distribution while spurring efforts to ramp up vaccine production capabilities in nations struggling to immunize their populations, proponents say. Opponents say it’s bad for innovation and does little to get vaccines to those in need while opening the door to IP theft from competing countries. Among those in the latter camp are Tillis, who led a legislative effort to strengthen patent rights; former U.S. Patent and Trademark Office Director Andrei Iancu; and Sen. Chris Coons (D-Del.), who has previously criticized the idea of waiving rights around Covid-19 vaccines. “The reason why there are not enough vaccine doses at this time is simple: the supply chain lacks the technological capacity,” the letter said. “At best, all The President’s giveaway to China and India and others will do is to foster uncoordinated vaccine nationalism, as countries jump in to try to coerce technology transfer and manufacturing locally.” Tai earlier this month announced the Biden administration’s support of the IP waiver, following pressure from a group of more than 100 House Democrats, led by Rep. Jan Schakowsky (D-Ill.). Piecemeal IP licensing agreements can’t keep pace with the scope and speed of the pandemic, while temporarily waiving rights could promote technology access and sharing for vaccine production without spurring trade sanctions, they argue. House Republicans quickly followed suit, writing their own letter to Tai in opposition. The senators in their letter posed a series of questions over the details and economic impact of waiving vaccine IP rights. They called for a list and descriptions of all U.S. meetings with foreign officials about the waiver plan. They also asked if the Biden administration is considering waiving domestic IP enforcement, and whether support of the waiver is “premised on China, Russia, South Africa, India, or any other nation state supporting other foreign policy priorities of the Administration,” according to the letter. “Simply put, the Biden Administration’s support for a TRIPS waiver puts America’s interests last and China’s interests first,” the senators said.