### NC – Climate

#### Both pills pass now and solve the climate – full-court PC press ensures Manchinema get on board, but new fights complicate the process

Mascaro 11/4 [Lisa, Congressional reporter for the Los Angeles Times “Biden's big bill on brink of House votes, but fighting drags”https://www.startribune.com/bidens-big-bill-on-brink-of-house-votes-but-fighting-drags/600112896/]

WASHINGTON — Democrats in the House appear on the verge of securing President Joe Biden's now-$1.85 trillion-and-growing domestic policy package alongside a companion $1 trillion infrastructure bill in what would be a dramatic political accomplishment — if they can push it to passage.

The House prepared late Thursday for votes now likely on Friday, and White House officials worked the phones to lock in support for the president's signature proposal. House passage of the big bill would be a crucial step, sending to the Senate Biden's ambitious effort to expand health care, child care and other social services for countless Americans and deliver the nation's biggest investment yet fighting climate change.

Alongside the slimmer roads-bridges-and-broadband package, it adds up to Biden's answer to his campaign promise to rebuild the country from the COVID-19 crisis and confront a changing economy.

But they're not there yet.

House Speaker Nancy Pelosi was working furiously Thursday and kept the House late to shore up the votes. The party has been here before, another politically messy day like many before that are being blamed for the Democrats' dismal showing in this week's elections. On and off Capitol Hill, party leaders declared it's time for Congress to deliver on Biden's agenda.

"We're going to pass both bills," Pelosi insisted at a midday press briefing.

Her strategy now seems focused on passing the most robust bill possible in her chamber and then leaving the Senate to adjust or strip out the portions its members won't agree to.

Half the size of Biden's initial $3.5 trillion package, the now sprawling 2,135-page bill has won over most of the progressive Democratic lawmakers, even though the bill is smaller than they wanted. But the chamber's more centrist and fiscally conservative Democrats continued to mount objections.

Overall the package remains more far-reaching than any other in decades. Republicans are fully opposed to Biden's bill, which is called the "Build Back Better Act" after the president's 2020 campaign slogan.

The big package would provide large numbers of Americans with assistance to pay for health care, raising children and caring for elderly people at home.

There would be lower prescription drug costs, limiting the price of insulin to $35 a dose, and Medicare for the first time would be able to negotiate with pharmaceutical companies for prices of some other drugs, a long-sought Democratic priority.

Medicare would have a new hearing aid benefit for older Americans, and those with Medicare Part D would see their out-of-pocket prescription drug costs capped at $2,000.

The package would provide some $555 billion in tax breaks encouraging cleaner energy and electric vehicles, the nation's largest commitment to tackling climate change.

With a flurry of late adjustments, the Democrats added key provisions in recent days — adding back a new paid family leave program, work permits for immigrants and changes to state and local tax deductions.

Much of package's cost would be covered with higher taxes on wealthier Americans, those earning more than $400,000 a year, and a 5% surtax would be added on those making over $10 million annually. Large corporations would face a new 15% minimum tax in an effort to stop big businesses from claiming so many deductions that they end up paying zero in taxes.

From the White House, "the president has been very clear, he wants to get this moving," said principal deputy press secretary Karine Jean-Pierre.

As night fell, Democratic leaders struggled to resolve a catalogue of remaining issues as lawmakers balanced the promise of Biden's sweeping vision with the realities of their home-district politics.

Biden has few votes to spare in the narrowly-divided House and none when the bill ultimately arrives for consideration in the evenly-split 50-50 Senate.

A group of five centrist Democratic lawmakers want a full budgetary assessment before they vote. Others from more Republican-leaning regions are objecting to a new state-and-local tax deduction that favors New York, California and other high-tax states. Another group wants changes to the immigration-related provisions.

In recent days, both the overall price tag and the revenue to pay for it have grown. A new White House assessment Thursday said revenue from the taxes on corporations and the wealthy and other changes are estimated to bring in $2.1 trillion over 10 years, according to a summary obtained by The Associated Press. That's up from what had been $1.9 trillion in earlier estimates.

Pelosi noted a similar assessment Thursday by the bipartisan Joint Committee on Taxation, and she echoed Biden's frequent comment that the overall package will be fully paid for.

But another model from the Wharton School at the University of Pennsylvania suggested a shortfall in revenue for covering the cost, breeding fresh doubts among some of the Democratic lawmakers.

Still, the Democrats in the House are anxious to finish up this week, eager to deliver on the president's agenda and, as some lawmakers prepare to depart for a global climate change summit in Scotland, show the U.S. taking the environmental issue seriously.

Democrats have been working to resolve their differences, particularly with holdout Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, who forced cutbacks to Biden's bill but championed the slimmer infrastructure package that had stalled amid deliberations.

#### Manchin’s broadly opposed to strike activity – plan causes a fight

Furman & Winant 10/17/21 [Jonah Furman is a labor movement organizer and writer for Labor Notes based in Maryland. Gabriel Winant is an assistant professor of history at the University of Chicago. He is the author of “The Next Shift: The Fall of Industry and the Rise of Health Care in Rust Belt America.” "The John Deere Strike Shows the Tight Labor Market Is Ready to Pop." https://theintercept.com/2021/10/17/john-deere-strike-labor-market/]

In terms of strike activity, the current private sector wave picks up where the teachers left off, after an interlude of relative inaction during the height of the pandemic. In 2020, moreover, teachers formed the first major group of workers to refuse to accept whatever terms the employer dictated for reopening the workplace. It is difficult to imagine teachers speaking out against returning to work in unsafe conditions as much as they did without the national wave of militant teachers’ strikes in the two preceding years. This resistance has now spread across the economy, in both organized and individual forms.

TODAY, WORKERS’ ECONOMIC resistance — whether through organized strikes or in the refusal of dangerous, underpaid, and unappealing jobs — is shaping the political agenda. Many of the policies in the Democrats’ $3.5 trillion budget proposal would pursue the same ends as workers’ actions but in the realm of social policy. Proposed subsidies for home health care and child care, the child tax credit, Medicaid expansion, and investments in housing and green energy would all indirectly support workers’ power. Either by increasing demand for labor further or by alleviating some of the grotesque social pressures that have forced employees to accept whatever terms employers offered them, the federal government would strengthen workers’ bargaining position. When Sen. Joe Manchin, D-W.Va., warns against becoming an “entitlement society,” what he is opposing is the shift in labor market power that such policy measures help secure.

#### The schedule is crowded and the Senate’s already working weekends---any further threats to unity kill the agenda

Carney 9/7 [JORDAIN CARNEY, "Democrats stare down nightmare September", 9/7/21, https://thehill.com/homenews/senate/570825-democrats-stare-down-nightmare-september?rl=1]

Democrats are staring down a nightmare September, a month jam-packed with deadlines and bruising fights over their top priorities.

The numerous legislative challenges in a condensed timeline will test Democratic unity and provide plenty of opportunities for Republicans to lay political traps just a year out from the 2022 midterm elections, where they are feeling increasingly bullish about their chances.

When lawmakers return to Washington, they’ll have to juggle averting a government shutdown in a matter of days with Democrats' self-imposed deadline for advancing an infrastructure and spending package that is at the center of President Biden’s economic and legislative agenda and sparking high-profile divisions.

That’s on top of a looming decision about the debt ceiling, a voting rights clash set to come to the Senate floor in mid-September, lingering Afghanistan fallout and, in the wake of a controversial Supreme Court decision, a heated fight over abortion.

“I think it’s a full agenda,” Sen. Dick Durbin (D-Ill.) told The Hill.

Sen. Tim Kaine (D-Va.) added that the Senate’s schedule would be “crowded” but that they were “getting used to working weekends and we’re going to continue to.”

Senators are scheduled to return to Washington on Monday, though they’ll only be in for three days that week because of Yom Kippur, the Jewish holiday. The House is set to return on Sept. 20

That leaves Democrats little time to finalize a massive $3.5 trillion spending package before key deadlines set by leadership in both chambers.

Senate Majority Leader Charles Schumer (D-N.Y.) has given his committees until Sept. 15 to finalize their parts of the spending package so that Democrats can then start negotiating the bill within the 50-member caucus.

And, as part of a days-long standoff, House moderates got a commitment to bring up the other piece of Biden’s package, a roughly $1 trillion Senate-passed infrastructure bill, for a vote by Sept. 27, just days after they return from a weeks-long summer break.

But Democrats are still trying to lock down how to pay for the package, bridge divisions on shoring up the Affordable Care Act and expanding Medicare, draft immigration reform language and iron out sections on climate change.

There are already high-profile warning signs amid simmering tensions between moderates and progressives — neither of whom Schumer or Speaker Nancy Pelosi (D-Calif.) can afford to lose if they are going to get the two bills to Biden’s desk.

Sen. Joe Manchin (D-W.Va.) threw the latest wrench into the $3.5 trillion package when he called for a “pause” on the bill last week and warned that he likely couldn’t support the price tag. In a 50-50 Senate, and Republicans unified in opposition, Democrats can’t afford to lose Manchin.

#### Passage allows an unprecedented investment in combatting climate change

Morton 10/28 [Joseph Morton, "Democrats tout climate spending in reconciliation", 10/28/21, https://www.rollcall.com/2021/10/28/framework-includes-clean-energy-tax-credits-omits-methane-fee/]

“At the same time, substantial investments in electric vehicle charging stations and clean heavy-duty vehicles, like school buses, will serve the dual purpose of slashing our carbon emissions while helping American manufacturing stay globally competitive,” Pallone said.

Rep. Cindy Axne, D-Iowa, had pushed for funding to support biofuels infrastructure, complaining it was left out of the bipartisan infrastructure bill even as that measure delivered significant funding for electric vehicles.

The latest reconciliation package text includes $1 billion over 10 years in funding for the Agriculture Department to provide grants for expanding biofuel pump infrastructure, upgrade existing infrastructure and increase usage of higher blends of ethanol and biodiesel.

“Not only does the Build Back Better Act represent the largest investment in clean energy and combating climate change ever — it also confirms that my colleagues have listened to my central argument in our clean energy discussions: biofuels can and should be a part of our fight against climate change,” Axne said in a statement.

The White House framework released earlier in the day envisions that $320 billion would be delivered in the form of clean energy tax credits to accelerate the transition from coal and gas-fired power plants to renewable energy sources such as wind turbines and solar panels.

That includes incentives for both utilities and residents and support for additional transmission and storage capacity — areas where bottlenecks have hampered the development of renewable energy sources.

The framework includes incentives intended to cut the cost for Americans to put rooftop solar panels on their homes and make it easier to purchase electric vehicles. New EV tax credits would lower the cost of a vehicle by $12,500 for a middle-class family, according to the White House.

The framework calls for $105 billion for climate resiliency and addressing legacy pollution in communities.

For example, a new Clean Energy and Sustainability Accelerator that would invest in climate-related projects around the country would allocate 40 percent of those benefits to disadvantaged communities — part of a pledge the Biden administration has made to deliver climate spending to communities traditionally on the front lines of environmental damage.

It also would fund grants to support environmental justice in disadvantaged communities and create a new Civilian Climate Corps with more than 300,000 members working on conservation projects that could help mitigate climate change.

The framework includes $110 billion in spending and incentives to boost domestic supply chains supporting solar power and batteries. It also would fund grants, loans and tax credits aimed at moving steel, cement and aluminum industries toward decarbonization.

There’s also $20 billion for the government to purchase new technologies such as long-duration storage, small modular reactors and clean construction materials.

While the size of the package falls short of initial proposals, some Capitol Hill Democrats declined to say they were disappointed with the climate portion.

Sen. Christopher S. Murphy, D-Conn., said he didn’t want to undersell the framework, as it would represent the most significant spending on climate policy since he joined Congress.

The fact that climate makes up about one-third of the overall spending shows how much the issue has been elevated within the Democratic Party, he said, and negotiations over bolstering it aren’t finished.

“I think there's a number of things that we can still find consensus on that might not be in this agreement. So climate is something you’ve got to work on every single day,” Murphy said. “If we're not passing climate change legislation every year, then we're not doing our job. So this is just one admittedly very big piece of the overall policy puzzle.”

#### It causes extinction.

Dunlop 17. (Ian Dunlop chaired the Australian Coal Association in 1987-88, chaired the Australian Greenhouse Office Experts Group on Emissions Trading from 1998-2000 and was CEO of the Australian Institute of Company Directors from 1997-2001. He has a particular interest in the interaction of corporate governance, corporate responsibility and sustainability. An engineer by qualification, he holds an MA (Mechanical Sciences) degree from the University of Cambridge, he is a Fellow of the Australian Institute of Company Directors, the Australasian Institute of Mining and Metallurgy, and the Energy Institute (UK), and a Member of the Society of Petroleum Engineers of AIME (USA). He also chairs the Australian National Wildlife Collection Foundation. David Spratt is a Research Director for Breakthrough and co-author of Climate Code Red: The case for emergency action (Scribe 2008). His recent reports include Recount: It’s time to “Do the math” again; Climate Reality Check and Antarctic Tipping Points for a Multi-metre Sea-level Rise. A Failure of Imagination on Climate Risks. July 26, 2017. www.resilience.org/stories/2017-07-26/a-failure-of-imagination-on-climate-risks/)

Climate change is an existential risk that could abruptly end human civilisation because of a catastrophic “failure of imagination” by global leaders to understand and act on the science and evidence before them. At the London School of Economics in 2008, Queen Elizabeth questioned: “Why did no one foresee the timing, extent and severity of the Global Financial Crisis?” The British Academy answered a year later: “A psychology of denial gripped the financial and corporate world… [it was] the failure of the collective imagination of many bright people… to understand the risks to the system as a whole”. A “failure of imagination” has also been identified as one of the reasons for the breakdown in US intelligence around the 9/11 attacks in 2001. A similar failure is occurring with climate change today. The problem is widespread at the senior levels of government and global corporations. A 2016 report, Thinking the unthinkable, based on interviews with top leaders around the world, found that: “A proliferation of ‘unthinkable’ events… has revealed a new fragility at the highest levels of corporate and public service leaderships. Their ability to spot, identify and handle unexpected, non-normative events is… perilously inadequate at critical moments… Remarkably, there remains a deep reluctance, or what might be called ‘executive myopia’, to see and contemplate even the possibility that ‘unthinkables’ might happen, let alone how to handle them. Such failures are manifested in two ways in climate policy. At the political, bureaucratic and business level in underplaying the high-end risks and in failing to recognise that the existential risk of climate change is totally different from other risk categories. And at the research level in underestimating the rate of climate change impact and costs, along with an under-emphasis on, and poor communication of, those high-end risks. Existential risk An existential risk is an adverse outcome that would either annihilate intelligent life or permanently and drastically curtail its potential. For example, a big meteor impact, large-scale nuclear war, or sea levels 70 metres higher than today. Existential risks are not amenable to the reactive (learn from failure) approach of conventional risk management, and we cannot necessarily rely on the institutions, moral norms, or social attitudes developed from our experience with managing other sorts of risks. Because the consequences are so severe — perhaps the end of human global civilisation as we know it — researchers say that “even for an honest, truth-seeking, and well-intentioned investigator it is difficult to think and act rationally in regard to… existential risks”. Yet the evidence is clear that climate change already poses an existential risk to global economic and societal stability and to human civilisation that requires an emergency response. Temperature rises that are now in prospect could reduce the global human population by 80% or 90%. But this conversation is taboo, and the few who speak out are admonished as being overly alarmist. Prof. Kevin Anderson considers that “a 4°C future [relative to pre-industrial levels] is incompatible with an organized global community, is likely to be beyond ‘adaptation’, is devastating to the majority of ecosystems, and has a high probability of not being stable”. He says: “If you have got a population of nine billion by 2050 and you hit 4°C, 5°C or 6°C, you might have half a billion people surviving”. Asked at a 2011 conference in Melbourne about the difference between a 2°C world and a 4°C world, Prof. Hans Joachim Schellnhuber replied in two words: “Human civilisation”.

### 1NC – OFF

#### The National Labor Relations Bureau should, after soliciting notice and comment, find that [aff thing] is a violation of the right to strike.

#### Solves and competes - Notice and comment rulemaking solves the case and spills over to set a precedent that the courts will uphold

**Zeisler 14** [Royce Zeisler, J.D. Candidate 2014, Columbia Law School; B.S., B.A. 2012, University of British Columbia, "CHEVRON DEFERENCE AND THE FTC: HOW AND WHY THE FTC SHOULD USE CHEVRON TO IMPROVE ANTITRUST ENFORCEMENT", Columbia Business Law Review, 2014, HeinOnline]

An instructive use of this style of regulation occurred in 1991 with the National Labor Relations Board's ("NLRB") promulgation of 29 C.F.R. § 103.30. There, the NLRB promulgated its first rule seeking to cease the costly, frequent, and ineffective litigation aimed at determining collective bargaining units in hospitals.1 3 1 Specifically, the regulation created the legal presumption that, absent "**extraordinary circumstances**," there were only eight possible collective bargaining units in acute care hospitals. 132 In limiting the presumed form of bargaining units, the NLRB **specifically** intended to **overrule conflicting precedent** and create a **legal presumption** for courts to employ. After promulgation, this rule was challenged and a unanimous Supreme Court upheld the regulation partly based on Chevron deference. 33 Notably, this regulation did not turn litigation into a simple application of predetermined values (as the rules in Vermont Yankee did). 3'4 It simply set the presumption for generalist courts to deploy in deciding the existence of bargaining units.

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#### Key to democracy and court acquiescence---notice and comment engages participants and creates deference.

Harry **First and** Spencer Weber **Waller 13**. Harry First, New York University School of Law. Spencer Weber Waller, Loyola University Chicago School of Law. “Antitrust’s Democracy Deficit”. Fordham Law Review, Volume 81 Issue 5 Article 13. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

Redressing antitrust’s **democracy deficit** on the **procedural side** can be done with the tools of **administrative law**. Administrative law is the body of law that controls the **procedures** of governmental **decision making**.151 It allows interested persons to **participate in decisions** that affect their interests. Normally, it requires appropriate **notice**, the right to be heard, fair procedures, protection of fundamental rights, and judicial review of the resulting decision. These basic features are present in the administrative laws of most foreign legal systems and are part of a growing international consensus.152 The tradeoff is that the decisions of administrative agencies that properly follow these strictures normally are **granted a degree of deference as to the interpretation of the laws** they enforce.153 Frequently, but not inevitably, private parties also have the right to proceed with actions for damages against private parties who violate their regulatory obligations and even against the government itself when it acts unlawfully, either substantively or procedurally. These tools of **administrative law are available to make antitrust enforcement decisions more transparent and more responsive** to the interests that the antitrust laws were meant to serve, thereby promoting both **better decision making** and **greater democratic legitimacy**.

CONCLUSION

Free markets and free people cannot be assured by the efforts of technocrats. Ultimately, both come about through the workings of **democratic institutions**, respectful of the legislature’s goals and constrained from engaging in arbitrary action. Antitrust has moved **too far from democratic institutions and toward technocratic control**, in service to a laissez-faire approach to antitrust enforcement. We need to move the needle back. Doing so will **strengthen** the institutions of antitrust, the market economy, and **the democratic branches of government themselves**.

### NC – Econ DA

#### Business recovery is strong. Business confidence is high.

**Halloran ’9-14** [Michael; 2021; M.B.A. from Carnegie Mellon University, former aerospace research engineer, Equity Strategist; Janney, “Despite Potential Headwinds, Key Labor Market Indicators Bode Well for the Economy,” https://www.janney.com/latest-articles-commentary/all-insights/insights/2021/09/14/despite-potential-headwinds-key-labor-market-indicators-bode-well-for-the-economy]

However, we **remain encouraged** by the recovery that has been unfolding since the economy began reopening. We continue to see improvement in important cyclical sectors of the economy while consumers are **historically healthy** and **still have pent-up demand**. Business confidence has **rebounded** with **strong corporate profits** that should support **further capital spending and hiring** (there are **now more job openings** than there are unemployed people by a **record amount**).

We expect to see **further improvement** in the international backdrop, supported by **unprecedented fiscal and monetary stimulus** and **accelerating rates of vaccination**. Although the impact of the Delta wave is still being felt, **recent evidence** confirms the effectiveness of vaccines in limiting deaths and hospitalizations. With the pace of vaccination now picking up in the areas most impacted by this wave—Asia and Australia—the case for fading headwinds leading to improving economic growth later this year remains positive.

The signals from **financial markets** themselves remain **positive**. Despite consolidating last week, stocks remain **near record highs** while the 10-year Treasury remains well above the **lows of earlier this summer** when concerns about Delta first emerged.

These factors support our view of a **durable economic recovery** from the pandemic that should continue supporting stock prices. A healthy labor market is a critical element for a sustainable recovery that supports profit growth and last week’s news from the labor market remains encouraging.

#### Unions devastate growth and worsen inequality – gains for workers shift costs to other parts of the economy

**Epstein 20** [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Decline Of Unions Is Good News." https://www.hoover.org/research/decline-unions-good-news]

This continued trend has elicited howls of protest from union supporters who, of course, want to see an increase in union **membership**. It has also led several Democratic presidential candidates to make calls to reconfigure labor law. Bernie Sanders wants to double union membership and give federal workers the **right to strike**, as well as ban at-will contracts of employment, so that any dismissal could be subject to litigation under a “for cause” standard. Not to be outdone, Elizabeth Warren wants to make it illegal for firms to hire permanent replacements for striking workers. They are joined by Pete Buttigieg in demanding a change in federal labor law so that states may no longer pass right-to-work laws that insulate workers from the requirement to pay union dues in unionized firms. All of these new devices are **proven job killers**.

The arguments in favor of **unions** are also coming from some unexpected sources in academia, where a conservative case has been put forward on the ground that an increase in union membership is **needed** to combat job insecurity and **economic inequality**.

All of these pro-union critiques miss the **basic point** that the **decline** of union power is **good news**, not bad. That conclusion is driven not by some insidious effort to **stifle** the **welfare** of workers, but by the simple and profound point that the greatest **protection** for workers lies in a **competitive economy** that opens up more doors than it closes. The only way to achieve that result is by **slashing** the various **restrictions** that prevent job formation, as Justin Haskins of the Heartland Institute notes in a recent article at The Hill. The central economic insight is that jobs get created only when there is the prospect of gains from trade. Those gains in turn are **maximized** by cutting the multitude of **regulations** and **taxes** that do nothing more than shrink overall wealth by directing social resources to less **productive ends**.

#### Recessions cause global crises – ensuring continued growth is key

**Baird ’20** [Zoe; October 2020; C.E.O. and President of the Markle Foundation, Member of the Aspen Strategy Group and former Trustee at the Council on Foreign Relations, J.D. and A.B. from the University of California at Berkeley; Domestic and International (Dis)order: A Strategic Response, “Equitable Economic Recovery is a National Security Imperative,” Ch. 13]

A strong and inclusive economy is **essential** for American **national security** and **global leadership**. As the nation seeks to return from a historic economic crisis, the national security community should support an equitable recovery that helps every worker adapt to the **seismic shifts** underway in our economy.

Broadly shared economic prosperity is a **bedrock** of America’s **economic** and **political strength**—both **domestically** and in the **international** arena. A **strong** and **equitable** recovery from the economic crisis created by COVID-19 would be a **powerful testament** to the **resilience** of the American system and its **ability to create prosperity** at a time of **seismic change** and persistent **global crisis**. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without **bold action** to help all workers access good jobs as the economy returns, the **U**nited **S**tates risks **undermining** the **legitimacy of its institutions** and its **international standing**. The **outcome** will be a **key determinant** of America’s **national security** for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, **America**n policy makers need to establish **job growth strategies** that address **urgent public needs** through **major programs** in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A **strong economy** is **essential** to America’s **security and diplomatic strategy**. Economic strength increases our **influence** on the global stage, **expands markets**, and **funds** a **strong and agile military** and **national defense**. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. **Widespread belief** in the ability of the American **economic system** to create economic security and mobility for all—the American Dream— creates **credibility** and **legitimacy** for America’s **values**, **governance**, and **alliances** around the world.

After World War II, the **U**nited **S**tates grew the middle class to historic size and strength. This achievement made America the **model** of the free world—**setting the stage** for decades of American political and economic **leadership**. Domestically, broad participation in the economy is **core** to the **legitimacy** of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority **around the world**. It will **send a strong message** about the strength and **resilience** of **democratic government** and the American people’s **ability to adapt** to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to **NATO’s ability** to solve **shared geopolitical and security challenges**. A renewed partnership with our European allies from a **position of economic strength** will enable us to address **global crises** such as **climate change**, **global pandemics**, and **refugees**. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

The U.S. has **unique advantages** that give it the **tools** to emerge from the crisis with **tremendous economic strength**— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

### 1NC – AT: Framing

#### Extinction is the only coherent and egalitarian framework – prefer it

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

#### Less than 60 days.

Prepared by the **Office of the Federal Register**. “A Guide to the Rulemaking Process”. https://www.federalregister.gov/uploads/2011/01/the\_rulemaking\_process.pdf

What is the time period for the public to submit comments?

**In general**, agencies will specify a comment period ranging from **30 to 60 days** in the “Dates” Section of the Federal Register document, but the time period can vary. For complex rulemakings, agencies may provide for longer time periods, such as 180 days or more. Agencies may also use **shorter comment periods** when that can be justified.

### Link – Labor Laws

#### Even if the direct effects are small- strong unions lobby to change labor law which has a huge economic impact

**Holcombe** and Gwartney **10** [Randall G. Holcombe is DeVoe Moore Professor of Economics at Florida State University, and James D. Gwartney is Gus A. Stavros Eminent Scholar at Florida State University. “Unions, Economic Freedom, and Growth” Cato Journal, Vol. 30, No. 1 (Winter 2010).]

The effect of unions on growth and prosperity can be examined at two levels. Narrowly, one can examine the effects that union contracts have had on unionized firms and industries. More broadly, one can look at the way that unions have affected labor law. Unions have successfully lobbied to increase the power of unions over firms, which in turn has allowed unions to impose more constraining conditions on employers. Union contracts likely would not contain some of the provisions they do were it not for the **bargaining power** labor law gives unions relative to the employers of union labor. Unions have also affected labor law by **lobbying for conditions** under which nonunion labor can be employed. Two notable examples are the minimum wage law and the Davis-Bacon Act, which require the federal government to pay the local prevailing wage rate—that is, the union wage rate—on **all contracts**. If one takes the **narrow view** of simply evaluating the effects of union workers and union contracts on growth and prosperity, the effects in the United States will be small and concentrated in a few industries. If one takes the **broader view** of examining the effects of **union-promoted labor law** that affects both union and nonunion workers, the effects will be larger. The most visible effects of unionization in the U.S. economy are, first, the migration of the workforce away from unionized industries and professions toward nonunion employment, and second, the decline in those unionized firms and industries that have been unable to escape their unions. While market forces appear to generate a movement of labor away from unionized firms, those market forces are absent in public sector employment, so while unionization in the private sector has declined, it remains strong in the public sector. Looking ahead, perhaps the largest ramifications of unionized employment in the United States will be felt in the public sector, where unions have already imposed substantial costs on governments in the form of unfunded pension and retirement liabilities.

### Link – Economic Freedom

#### Unions crush economic freedom- statistically key to growth

**Holcombe** and Gwartney **10** [Randall G. Holcombe is DeVoe Moore Professor of Economics at Florida State University, and James D. Gwartney is Gus A. Stavros Eminent Scholar at Florida State University. “Unions, Economic Freedom, and Growth” Cato Journal, Vol. 30, No. 1 (Winter 2010).]

Economic Freedom and Prosperity Freedom is something to be valued on its own merits, which provides a fundamental reason to question labor laws that impinge on workers’ freedom of contract. Economic freedom also generates prosperity, so labor laws that reduce economic freedom also have a detrimental effect on a nation’s standard of living. The evidence on the relationship between economic freedom and prosperity is **substantial** and **persuasive**. Mokyr (1990) and Landes (1998) provide excellent historical accounts showing that since the beginning of the industrial revolution, nations that have adopted the institutions of economic freedom have grown and prospered, while those that have not have languished in poverty. Gwartney and Lawson (2005) have produced a quantitative measure of economic freedom in their Economic Freedom of the World (EFW) index, which is updated annually. While the idea that free markets and prosperity are linked has a long history, one might question what, exactly, constitutes a free market, and how one might evaluate whether some countries are more economically free than others. The EFW index was designed to address this question, providing a quantitative measure of economic freedom at a national level for 127 countries. The EFW index is composed of 38 different measures of economic freedom, aggregated into four major areas, which are then combined to get a single numerical index for each country. The four major areas are: (1) Size of Government: Expenditures, Taxes, and Enterprises; (2) Legal Structure and Security of Property Rights; (3) Freedom to Trade Internationally; and (4) Regulation of Credit, Labor, and Business. **Hundreds of studies** have been undertaken using the EFW index as a measure of the degree to which the existence of market institutions affects outcomes in various dimensions. Berggren (2003) surveys a number of these studies, and Gwartney and Lawson (2005) outline additional results. Countries that have more economic freedom, as measured by the EFW index, have on average higher per capita incomes, and countries that increase their economic freedom exhibit higher rates of economic growth. In addition, countries with more economic freedom have lower unemployment rates, lower percentages of children in the labor force, higher life expectancies, and more political freedom. Labor market regulations, including the laws outlining the rights and obligations of unions, are a component of economic freedom, but one can see from the EFW index that many other factors come into play. Thus, one would be hard-pressed to find a simple correlation between union activity, labor law, and prosperity. Regulation of labor markets is a small component of economic freedom, and while its effects on prosperity are important, they will be small compared with other aspects of economic freedom. In addition, there is not necessarily a close correlation between labor market regulations and unionization. As discussed in more detail below, some countries with low rates of unionization have very restrictive labor laws. Unionization tells only a small part of the story when looking at labor market restrictions on economic freedom. Unionization itself does not constitute a reduction in economic freedom, nor does it necessarily reduce prosperity. That depends on the labor law that governs the rights of workers and the power of unions. Unionization of labor is completely consistent with economic freedom. People have property rights to their labor, and a right to control under what conditions they exchange their labor for income. The right to freedom of contract means that individuals have the right to join with other individuals to bargain collectively over their terms of employment. Similarly, freedom of contract also implies that employers have no obligation to contract with a union, or to bargain collectively if they choose not to. However, **labor law has eroded those freedoms rather than supported them**, so in fact, unionization has **compromised economic freedom**. Labor Law in the United States Throughout the 20th century, labor law in the United States has reduced the ability of individuals to contract for the terms of their employment, and has reduced the ability of employers to contract with the individuals they employ. Labor law has not only solidified the rights of unions to bargain collectively for their employees; it has compelled employees to be party to collective bargaining whether they want to or not. Meanwhile, employers have no freedom to avoid entering into collective bargaining with unions. They are required to bargain “in good faith,” which essentially means arriving at an outcome satisfactory to union leaders. Reynolds (1987: chap. 2) gives a good summary of the changes in U.S. labor law over the 20th century. The first significant piece of union legislation in the 20th century was the 1914 Clayton Act. It gave unions an exemption from the provisions of the 1890 Sherman Antitrust Act, declared acts such as picketing by unions to be lawful, and limited the use of court injunctions in labor disputes. The biggest changes in labor law, though, took place in the 1930s. The Davis-Bacon Act of 1931 required government- financed construction projects to pay local prevailing wages for labor, which essentially meant union wage rates. The Davis-Bacon Act eliminated the ability of nonunion labor to compete by offering to work for less. The 1932 Norris-LaGuardia Act made nonunion employment agreements unenforceable in federal courts, sheltered unions from liability from wrongful actions under antitrust law, and gave unions immunity from damages in private lawsuits. The 1935 5 Unions, Economic Freedom, and Growth Wagner Act, the most significant piece of union legislation, specified as unfair a number of labor practices that businesses had used to resist unions, and created the federally appointed National Labor Relations Board to enforce the Act. The creation of the NLRB allowed unions to avoid relying on court decisions, which were more likely to be anti-union than those of a politically appointed board. The NLRB enforced union elections, decided who had the right to vote in union elections, and enforced monopoly bargaining for all employees in a bargaining unit. The NLRB also enforced union pay rates for all employees represented in the unit, regardless of whether they were union members. This provision prevents nonunion workers from competing for jobs by undercutting the collectively bargained union wages. The Fair Labor Standards Act of 1938 set a federal minimum wage for many nonagricultural workers. Originally 25 cents an hour, the federal minimum wage is now $7.25 an hour, and many states mandate minimum wages higher than the federal minimum. While the minimum wage law does not directly address union workers, it raises the cost of nonunion labor, providing a benefit to unions by limiting nonunion price competition. As a reaction to the Wagner Act, the Taft-Hartley Act was passed in 1947, which created a list of unfair labor practices to balance the Wagner Act’s list of unfair practices for employers. One of the provisions of Taft-Hartley was to restrict union shops—where all employees are required to be union members—to states that did not pass right-to-work laws. A total of 22 states have passed right-to-work laws, meaning that in those right-to-work states employees do not have to join a union, even if the union undertakes collective bargaining for the employees as a requirement of the Wagner Act. The Landrum-Griffin Act of 1959 enacted regulations on the internal affairs of labor unions and established rules governing the relationships of unions with both employers and union members. The rhetoric in labor law tends to be couched in terms of workers’ rights, but review of U.S. labor law shows that in fact workers have lost a substantial amount of their freedom to contract for the terms of their employment, because labor law has given union leaders the right to dictate conditions of employment. Of course, unions must reach an agreement with employers, but here too employers have lost the ability to negotiate with employees, being required by law to negotiate “in good faith” with the union leadership. Also, employers 6 Cato Journal are covered by antitrust law, making employment agreements among employers illegal, while unions are exempt from antitrust law, so there is no limit to the scope of their bargaining power. For example, the United Auto Workers is the bargaining agent for all unionized auto workers at Ford, General Motors, and Chrysler, while those employers must bargain individually with the union that controls the employees for all three. Baird (1984, chap. 3) gives a list of individual freedoms that have been compromised by U.S. labor law. It gives unions the right to be “exclusive representatives of all the employees” in a bargaining unit, taking away individuals’ freedom of contract; makes it illegal for employers to refuse to bargain with unions, taking away employers’ freedom of contract; and requires employers to bargain “in good faith,” which has been interpreted to mean arriving at an outcome that is satisfactory to the union. The developments in 20th century U.S. labor law clearly show the erosion of individual rights and economic freedom, especially through the middle of the century. The 1947 Taft-Hartley Act and 1959 Landrum-Griffin Act did give some control of employment conditions back to workers, but the restrictions on freedom of contract imposed by labor law clearly reduce economic freedom for employees whose conditions of employment are governed by a union. There can be no doubt that the result of 20th century labor law was to give economic power to union leaders while reducing the economic freedom of both employers and employees. Labor Law in Other Countries Other developed economies have seen even more bias in favor of collective bargaining than the United States. Sometimes this has come in the form of legal powers given to unions, but in other cases labor law covers all workers in a nation, regardless of their union status. Botero et al. (2004) note that countries with left-leaning politics tend to have more stringent labor market regulations, and that countries with French, Scandinavian, and socialist legal origins have higher levels of labor regulation than common law countries. Labor market regulation abridges freedom of contract, so national laws erode economic freedom for employees and employers. In countries with strong government labor regulations, union contracts have less scope for influence. Botero et al. (2004) find that countries 7 Unions, Economic Freedom, and Growth with more regulated labor markets have higher unemployment and lower rates of labor force participation, so the reduction in economic freedom is associated with a reduction in employment. Unions influence labor law, beyond a doubt, but unionization is less important precisely because of the restrictive government labor laws that apply to all workers regardless of their union status. France is a good example of a nation with substantial restrictions on economic freedom imposed by national labor laws. Siebert (1997) noted that the French minimum wage was at about 60 percent of the median wage in 1997, compared with 34 percent in the United States. France attempted to lower the minimum wage for workers under 25 in 1993, Saint-Paul (1996: 297) reports. However, that attempt was extensively protested, largely by people paid more than the minimum wage who viewed young workers as threats to their employment, and the reform was withdrawn. The political power of some reduced the economic freedom of others. France also has high unemployment benefits, and labor law requires substantial severance pay to employees who are terminated. France also mandated a 35-hour work week for many workers in 2000. The mandate was repealed in 2005, but in exchange for higher pay for extra hours of work. Faced with labor laws that made it very costly to terminate employees, employers attempted to avoid those costs by hiring workers on “determined duration contracts” (DDCs), which specify a temporary term of employment. This creates a two-tier labor market where some workers have permanent jobs with substantial protections while others are in DDCs. However, Saint-Paul (1996) reports that France has also limited the ability of employers to hire on DDCs, restricting them only to work that is temporary in nature, and that more generally, European governments have tried to restrict two-tier labor markets. France restricted DDCs to a maximum of 12 months of employment in 1989 and limited the ability to use DCCs for newly created jobs. Saint-Paul (1996) concludes that labor market laws in Europe are designed to preserve the interests of those who are employed, reducing labor market flexibility and increasing unemployment. Labor market regulations that make it more costly to terminate employees make it more costly to hire them in the first place. When there are high termination costs imposed on the employer, making a hiring mistake can be very costly, so employers are more reluctant to hire, which reduces total employment. However, if workers can be terminated anytime at 8 Cato Journal the discretion of the employer, the employer can take a chance on hiring someone if it might pay off. Siebert (1997) notes stringent labor market regulations in other European countries as well. Italy passed regulations on firing procedures in 1966, and following strikes made firing costs prohibitive by 1970. Regulations throughout the 1970s and 1980s did loosen firing regulations and make it easier to hire DCCs, although restrictive labor practices remain in place. Germany passed a host of regulations in the 1970s. Mandatory social plans were required in 1972 to close a firm, unemployment benefits were raised, and in 1976 a codetermination law was passed requiring that half the members of the supervisory boards of large firms had to be labor representatives. By the 1970s most European countries required dismissals to be approved by work councils, which considered factors like marital status, the number of children, and the worker’s health in deciding whether the dismissal would be allowed. The stated goal was to make employment more secure, but as Siebert notes, the actual effect was to make it more costly to hire workers, resulting in increased unemployment. Nickell (1997) finds that high unionization, with collective bargaining for wages and no coordination among employers leads to higher unemployment when looking at a cross-section of developed economies, including those in Europe and North America. Labor market restrictions are not limited to mature economies. Besley and Burgess (2004) present evidence from India that when labor law gives workers more collective bargaining power relative to employers, output, employment, and productivity tend to fall. As de Soto (1990) notes, when regulatory restrictions make employment costly in less-developed economies, people find employment in the underground economy. However, this type of work places people outside many of the protections of the legal system and the tax system, and makes long-term contracts difficult to undertake, resulting in a negative effect on productivity. The literature shows that, as Gwartney and Lawson (2005) note, labor market restrictions not only reduce the economic freedom of employers and employees but also result in higher unemployment and slower economic growth. Labor market restrictions are not synonymous with union activity, however, and government-imposed labor law has even more potential than union contracts to restrict economic freedom. 9 Unions, Economic Freedom, and Growth To help illustrate the tenuous relationship between labor market restrictions and union activity, Table 1 shows the level of private sector union density in a number of developed economies for 2005. Union density, a common measure of the strength of unions, is defined as the proportion of the labor force that is unionized, including union coverage of workers not belonging to a union. Union density thus includes workers who are in a collective bargaining unit but who are not union members. Comparing across countries, the United States has a relatively low private sector union density, but some countries with very restrictive labor laws also have low union density. The 12 percent union density in the United States is at the low end of the range. France, at 8 percent, is the lowest, despite very restrictive labor laws. Korea’s union density is about 10 percent, but most countries have union densities much greater than the United States. Sweden tops out Table 1 with a union density of 76.5 percent, and Finland’s union density exceeds 72 percent. One can see that comparing union density across countries, union penetration in the U.S. private sector is relatively low by international standards. table 1 Private Sector Union Density in Selected Countries, 2005 Country Union Density (%) Australia 22.1 Canada 29.9 Finland 72.4 France 8.0 Germany 21.6 Italy 33.8 Japan 18.8 Korea 9.9 Netherlands 21.0 Sweden 76.5 United Kingdom 28.8 United States 12.0 Source: OECD (www.oecd.org/dataoecd/25/42/39891561.xls). 10 Cato Journal Many more workers are covered by collective bargaining agreements than just unionized workers. In some countries—France again provides an example—wages for all workers in many professions are set by law nationwide, so even nonunionized workers employed in nonunionized firms are subject to the wage and other labor agreements determined by collective bargaining. The impact of collective bargaining then extends much further than the unionized workforce. Table 2 shows the union density figures from Table 1 for selected countries along with the share of the labor force that is subject to collective bargaining. Countries are listed in order from lowest to highest union density, and one can see that there is little correlation between union density and the percentage of workers covered by collective bargaining agreements. France, with the lowest union density, has the highest share of workers covered by collective bargaining. Table 2 illustrates the difference between unionization and the extent to which labor law influences wages and working conditions. Ultimately, a country’s labor law will have more influence than the extent of unionization. table 2 Union Density and Share of Employees Whose Wages Are Set by Collective Bargaining Country Union Density Collective Bargaining (%) (%) France 8.0 93 United States 12.0 15 Japan 18.8 20 Germany 21.6 67 Australia 22.1 80 United Kingdom 28.8 36 Canada 29.9 32 Italy 33.8 90 Sources: Union Density from Table 1. Collective bargaining from www.abs.gov.au, http://unionstats.com, http://www.statcan.ca, and Visser (2006). Collective bargaining figures are for years 2000–02. These data are updated infrequently, but collective bargaining coverage changes slowly. In addition to the impact of collective bargaining and labor law on wages, labor law also influences the cost of hiring and firing workers, which in turn affects their employment prospects. Mandated benefits for employees obviously make hiring more costly, but the cost of firing employees can also be substantial, which also makes hiring more costly. If termination costs are low, employers will find it more worthwhile to take a chance on an employee, because if the employee does not work out, he or she can be let go. If there are substantial severance costs, hiring employees is more risky and employers will be more reluctant to hire. The hiring and firing costs mandated by governments are aspects of labor law that introduce frictions into the labor market, increasing inefficiencies, reducing job mobility, and increasing unemployment. Table 3 shows the cost of hiring and firing workers as a percentage of worker pay for the same countries listed in Table 2. The figures show that these costs vary substantially. The United States is at the low end for both hiring and firing costs, with hiring costs being 8.5 percent of wages and firing costs at zero. At the other end of the scale France has the highest hiring costs, which are 47.4 percent of wages, while Germany has the highest dismissal cost at 66.7 percent. The countries in Table 3 are divided into three groups: those with relatively low hiring and firing costs, those in the middle, and those with high costs. The column HC+DC adds together the hiring and dismissal costs, which gives an indicator of the costs of taking on an employee over and above wages paid. This indicator is approximate, because hiring and firing costs may have different effects. The hiring costs apply to all hires, whereas the dismissal costs apply only in the event the employer wants to dismiss an employee, so different firms in different circumstances may weight these differently. So, while HC+DC is clearly a back-of-the-envelope calculation, it is useful in that it measures real costs of employing workers in addition to the wages they are paid. Japan, Australia, and the United States are substantially lower in HC+DC than the other countries, with Japan the highest of the three at 33.9 percent of worker pay. The United Kingdom and Canada fall in the middle, at around 40 percent. Italy, France, and Germany are all around 80 percent or more. The countries are listed in Table 3 in order of their 2007 unemployment rates, and the countries with the low hiring and dismissal costs all have 2007 unemployment rates lower than those in the middle group, which in turn all 12 Cato Journal table 3 Unemployment Rates and the Cost of Hiring and Firing Employees Unemployment Rate (%) Country Hiring Cost (%) Dismissal Cost (%) HC+DC (%) 2007 1999–2006 Japan 12.7 21.2 33.9 3.8 4.8 Australia 21.0 4.0 25.0 4.4 5.9 United States 8.5 0.0 8.5 4.6 5.0 United Kingdom 8.7 33.5 42.2 5.3 5.1 Canada 12.0 28.0 40.0 6.0 7.2 Italy 32.6 47.0 79.6 6.2 8.7 France 47.4 31.9 79.3 7.9 9.4 Germany 21.3 66.7 88.0 9.0 8.4 Sources: World Bank, Doing Business in 2006: Creating Jobs, and CIA World Factbook, 2008. have unemployment rates lower than those in the high group. The rightmost column shows average unemployment rates for 1999–2006, which tells almost the same story. This provides some evidence of the impact that labor law has on one easily measurable indicator of labor market efficiency: the unemployment rate. The point of looking at international labor law is to illustrate that there is much more to labor market restrictions than union activity, and to illustrate that there is not a close correlation between unionization and labor market restrictiveness. Table 3 provides some evidence on the effect of labor market restrictiveness on unemployment. Labor law restricts economic freedom when it reduces the ability of employees and employers to bargain over the terms of employment. Labor law compromises economic freedom regardless of the union status of an employee.

### NR—AT: UQ Overwhelms/Passage Inev

#### Odds are improving but far from certain

Bresnahan 11/1 [JOHN BRESNAHAN, ANNA PALMER AND JAKE SHERMAN, Punchbowl News AM, 11/1/21, https://email.punchbowl.news/t/ViewEmail/t/44498C4D35AA2F2F2540EF23F30FEDED/28A0A10B8D38581C63B21DE8DA818551]

Translation: Democrats are still working on their reconciliation bill and they don’t know when it’s going to be done. They can’t get the process started today in the House as the leadership would’ve liked, so they’ll get back to us when they can start. There’s a huge push to get this done by the end of the week. The odds of that happening right now are improving, but far from certain.

#### Uniqueness doesn’t overwhelm—they’re working at the margins but still myriad ways for dems to mess up. Prefer White House insiders over all over the place media.

Kady 10/29 [Marty Kady, the editorial director for POLITICO Pro, Emily Cadei, POLITICO deputy White House editor, "Editors' Notebook: Is Biden really done negotiating?", 10/29/21, https://subscriber.politicopro.com/article/2021/10/editors-notebook-is-biden-really-done-negotiating-2094093]

Marty: The headlines on Build Back Better and infrastructure are all over the place on this rainy Friday in Washington. Our Playbook writers say “Why Joe Biden already won.” Our Huddle newsletter was headlined “Dems head into weekend without agreement.” And one of our competitors called yesterday’s negotiations “Swing and a whiff.” Let’s level set here — what’s the outlook from inside the White House, from your perch as one of our editors?

Emily: The White House is trying to say: “We’re done negotiating.” Biden is now in Rome meeting with the Pope and foreign dignitaries, and they wanted to be able to have some progress on the domestic front to point to, while also not allowing the uncertainty to drag out over the whole time he’s abroad. But I’m not sure it’s that simple. There’s still a lot of haggling going on on the Hill around the actual legislative text, although the latest reporting suggests that may be at the margins, and the overall contours of the bill and sequencing are set. Knowing the way Congress works these days, I’m not comfortable predicting this is really a done deal though, there are still myriad ways Democrats could pull defeat from the jaws of victory.

### NR—Unity Key

#### Progressives are ready to vote—Sinema and Manchin agree on the framework and the final details are getting ironed out but unity’s key to passage

Bresnahan 10/29 [JOHN BRESNAHAN, ANNA PALMER AND JAKE SHERMAN, Punchbowl News AM, 10/29/21, https://email.punchbowl.news/t/ViewEmail/t/5550AA86D9FE4C712540EF23F30FEDED/28A0A10B8D38581C63B21DE8DA818551]

Here’s a good sign for Speaker Nancy Pelosi: Progressives tell us they think they’ll be ready to vote on the infrastructure bill and the reconciliation bill as early as next week.

Rep. Pramila Jayapal (D-Wash.) said: “We will deliver both these bills … from the House this week.

But will the reconciliation package be ready? Everyone involved, from the White House to party leaders to Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) say they made a lot of “progress” during the high-stakes negotiations of the last few days. But they keep reiterating they don’t have a deal yet. The revenue portion of the reconciliation package is still open, and Democrats are still fighting among themselves over Medicare expansion, prescription drug pricing, paid family leave and immigration, among other issues.

However, party leaders now have the framework proposal released by President Joe Biden on Thursday, which Manchin and Sinema both praised and the Congressional Progressive Caucus has endorsed. A big chunk of the text for the proposed package has been publicly released as well.

Progressives point out that there is now an open line of communication between Jayapal and Senate Democrats, including Sinema, whom she met with on Thursday.

But progressives still want more than just vague assurances on the reconciliation package from Manchin and Sinema before voting for the bipartisan infrastructure bill.

“I think we need confidence that this is going to pass the Senate,” Rep. Alexandria Ocasio-Cortez (D-N.Y.) told us before ducking into an elevator Thursday night. “Maybe them talking to us? As a caucus, we need the House of Representatives to be in this room. Even in the beginning of the summer, this was about the White House and the Senate, and the House was excluded from this. This is, I think, the result of that omission. And so we need to get on the same page together and move forward together.”

#### Corporate ties mean they both hate the plan

Kaufman 21 [Dan, Senior reporter for the New Yorker, “Joe Manchin’s Deep Corporate Ties” https://www.newyorker.com/news/daily-comment/joe-manchins-deep-corporate-ties]

Last month, as Democrats were struggling to craft a passable version of the Build Back Better Act, a $3.5-trillion bill that contains much of the Biden Administration’s domestic agenda, Joe Manchin, the Democratic senator from West Virginia, told a group of reporters, “I cannot accept our economy, or, basically, our society, moving towards an entitlement mentality.” The Democrats are attempting to pass the measure through the budget-reconciliation process, an effort that will take every Democratic vote in the Senate. In return for his support, Manchin is reportedly demanding that the bill be cut by more than half, eliminating or radically scaling back key provisions such as the expansion of Medicare to cover dental, hearing, and vision; paid family and medical leave; the child tax credit; and the clean-electricity program, which would penalize gas- and coal-fired power plants in an effort to mitigate climate change.

It’s not a secret that Manchin, whose personal worth is in the millions, has deep ties to the fossil-fuel industry. Last year, he received half a million dollars in dividends from Enersystems, a coal company he started in the late eighties, which is now run by his son. He is also the U.S. senator who’s received the most money in political donations from the oil, gas, and coal industries. But an underexamined aspect of Manchin’s history is his early membership in the American Legislative Exchange Council, or alec, which brings together lobbyists, state legislators, and representatives of conservative think tanks to draft and disseminate model bills. Since its founding in 1973, the organization’s work has laid the foundation for thousands of laws passed by state legislatures that have weakened labor unions, redirected public-school funding to private schools, hobbled the welfare state, restricted voting rights, and blocked or reshaped environmental regulations in favor of business interests. “ALEC is unique in the sense that it puts legislators and companies together and they create policy collectively,” Scott Pruitt, a former alec leader and President Trump’s head of the E.P.A., explained to Governing magazine, in 2003.

Documents disclosed as part of a series of legal settlements with the tobacco industry show that Manchin, as a West Virginia state senator in the nineties, was deeply involved with alec. At the group’s annual conference, in 1993, which was held at a resort in Traverse City, Michigan, attendees took part in sponsored events such as R. J. Reynolds’s mixed golf tournament and skeet and trap shooting, paid for by the National Rifle Association. Manchin, then a national director for the organization, moderated a workshop devoted to health-care costs, which promised to reveal how “the true demon in America’s health care spending has become our own government programs, Medicare and Medicaid.” The panelists included a representative from the Seniors Coalition—later accused by the A.A.R.P. of being a front group for the pharmaceutical lobby—and a representative from the drugmaker Mylan. Years later, Manchin’s daughter Heather Bresch became the president and C.E.O. of Mylan. The company is currently facing an antitrust lawsuit alleging that it colluded with Pfizer to eliminate competition for its EpiPen, the price of which rose by several hundred per cent under Bresch’s leadership. (Manchin declined a request to comment for this article.)

#### They’re both fiercely anti-labor

Sirota 21 [American journalist, columnist at The Guardian, editor for Jacobin, and writer. He is also a political commentator and radio host based in Denver. He is a nationally syndicated newspaper columnist, political spokesperson, and blogger. “Why Joe Manchin, Kyrsten Sinema Will Headline Anti-$15 Minimum Wage, Anti-Union Event” https://www.newsweek.com/why-joe-manchin-kyrsten-sinema-will-headline-anti-15-minimum-wage-anti-union-event-1584813]

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Sinema and Manchin will join former Chicago Mayor Rahm Emanuel next week in speeches at a conference held by the National Restaurant Association, according to the conference agenda. The association has been aggressively lobbying against Democrats' proposed minimum wage hike and labor legislation.

Manchin and Sinema, who represent West Virginia and Arizona respectively, will be featured on panels entitled "Seeking Unity: Conversations on Finding Bipartisan Solutions." The event is the association's annual "public affairs conference," which in Washington-speak means it is for lobbyists and focused on shaping legislation.

The conference event registration page says it "is an off the record event closed to press." The schedule says it will also feature former George W. Bush spokesperson and Fox News personality Dana Perino.

Senators added to event after they blocked $15 wage

The two Democrats, who were not on the NRA's original event schedule, have been working recently with Republicans to replace Democrats' $15 minimum wage proposal with a lower wage—reportedly $11, which is lower than Arizona's current minimum wage. It's not clear yet whether their proposal, which hasn't been released, would eliminate the lower subminimum wage for workers like restaurant servers who rely on tips.

Manchin and Sinema will each appear at the virtual conference for conversations with National Restaurant Association Vice President Sean Kennedy, who has been the public face of the opposition to federal minimum wage legislation.

"The Raise the Wage Act imposes an impossible challenge for the restaurant industry," Kennedy said in a statement earlier this year. "A nationwide increase in the minimum wage will create insurmountable costs for many operators in states."

Meanwhile, executives of the NRA's own member restaurant chains—including Denny's, McDonald's, Domino's and the Cheesecake Factory—have been telling their investors that they will not be significantly harmed by a higher minimum wage.

To the contrary, Denny's chief financial officer, Robert Verostek, said in a February earnings call that California's law raising the minimum wage to $15 by 2023 has been good for the diner chain's business.

"As they've increased their minimum wage kind of in a tempered pace over that time frame, if you look at that time frame from us, California has outperformed the system," Verostek said. "Over that time frame, they had six consecutive years of positive guest traffic—not just positive sales, but positive guest traffic—as the minimum wage was going up."

PAC cash from corporate interests

In the weeks after Sinema and Manchin cast their votes to block a $15 minimum wage, another group lobbying against minimum wage and labor legislation, the U.S. Chamber of Commerce, rewarded them with campaign contributions.

Last year, the Chamber awarded Sinema with their inaugural "Abraham Lincoln Leadership for America Award" as well as their "Jefferson-Hamilton Award for Bipartisanship." Her Senate office noted in a press release that "Sinema was the only Democrat to win both awards."

Both senators are also opposing calls for Democrats to eliminate the filibuster, a stand that will likely block Democrats' landmark labor reform legislation, the Protecting the Right to Organize (PRO) Act, that would make it easier for workers to form unions.

According to The Intercept, Senate Majority Leader Chuck Schumer, D-N.Y., has told labor leaders that he will bring the PRO Act to the floor as soon as it has 50 cosponsors. Manchin and Sinema are two of only five Democrats who have yet to sign on.

Sinema recently received donations from political action committees for Barnes & Thornburg, Cozen O'Connor and Steptoe & Johnson—three law firms that advertise their services helping corporations halt union drives among workers. Data compiled by OpenSecrets show that during Sinema's career, her seventh largest collective source of campaign money has been contributors from Snell & Wilmer, a law firm whose website says it has "advised clients and provided management training on lawful union avoidance strategies, strikes, union corporate campaigns, and litigation with unions."

Manchin's eighth largest collective source of campaign cash has been donors from Steptoe & Johnson, whose website says that "on behalf of some of the largest employers in the world, our highly regarded labor relations team handles collective bargaining, union organizing campaigns, representation elections, unfair labor practice charges and other [National Labor Relations Board] proceedings."