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US PIC

Counterplan Text: A just government except the United States should recognize an unconditional right to strike.

NDAA DA

#### NDAA passes now BUT time and focus are key-- it’s at the top of the agenda.

Tasolides 11-24 (, J., 2021. After Thanksgiving, Congress heads into a deadline-filled December. [online] Ny1.com. Available at: <https://www.ny1.com/nyc/all-boroughs/news/2021/11/24/congress-december-military-spending-debt-limit-build-back-better> [Accessed 24 November 2021].)-rahulpenu

Military spending, debt limit, Build Back Better: After Thanksgiving, Congress heads into a deadline-filled December

Members of Congress home for Thanksgiving break may want to consider fueling up with an extra helping or two of their holiday favorite foods — With a host of deadlines and decisions awaiting them upon their return to Washington, they may need the extra boost of energy.

In the **remaining** **weeks** **of** the **year**, members of **Congress** **have** to take care of a few **crucial** **matters** ahead of the new year:

**First**, the **Senate** **has** **to** take up and **pass** the **military** **spending** **bill** for the 2022 fiscal year, which passed the House in September

After that, Congress must pass a bill to fund the government beyond Dec. 3.

Then, Congress has to come to an agreement on the debt ceiling by Dec. 15 to avert the nation defaulting on its debts.

And all the while, Senate Democrats are planning to take up President Joe Biden’s $1.85 trillion social spending and climate change bill, the Build Back Better act.

All this while the 2022 midterms, and control of Congress, loom just over the horizon.

No small feat for any Congress, much less one as evenly divided and fractious as this one.

Military spending

The military spending bill — the National Defense Authorization Act (**NDAA**) — passed the House of Representatives in September with a widely bipartisan 316-113 vote.

Congress has **passed** the NDAA for **six** consecutive **decades** under both Republican and Democratic control, including in 2021, when then-President Donald Trump vetoed the bill. The Republican president rejected the bill because it did not repeal a 1996 internet communications law which protects speech online, but the House and Senate both overrode Trump’s veto — a first for his presidency — in bipartisan fashion.

The **Senate** **voted** last week **to** **advance** the defense **bill** **in** **bipartisan** **fashion**, 84-15, after negotiations on the inclusion of Senate Majority Leader Chuck Schumer’s anti-China competitiveness legislation held up the vote.

Schumer dropped the provision after he and House Speaker Nancy Pelosi, D-Calif., struck a deal to reconcile the competitiveness bill, and the Senate voted to **move** **on** **to** **debating** the $**780** **billion** defense spending bill.

But **lawmakers** are still **haggling** **over** a **mountain** **of** **amendments** to the bill, which could continue to **slow** **proceedings** **down**. **Lawmakers** are **working** **to** **negotiate** **on** a **deal** **which** would **make** the **amendments** more **concise**, **leading** **to** **quick** **passage**.

POLITICO reported this week that U.S. allies expressed concerns to lawmakers at a security forum in Canada over the weekend that the bill has yet to pass, and might not be enacted before the end of the year. **Dem**ocrat**s** **and** **Rep**ublican**s** were **frustrated** **by** the **delays**.

“Don’t mess up the one thing that you can count on the Senate to do in a bipartisan way every year,” Sen. Tim Kaine, D-Va., said, per the outlet. “A Senate that cannot do this hardly deserves the title.”

Mississippi Sen. Roger Wicker, a Republican, noted the bill has passed far earlier in recent years: “There were a lot of us … who asked the **majority** **leader** to **bring** **it** **up** **earlier** **so** **we** **have** **time**.”

#### The plan ensures massive political fights and backlash—trades off with floor time.

Kreighbaum et Al 21 Andrew Kreighbaum et Al 3-9-2021 "Landmark Labor Law Overhaul Passes House but Senate Fate Unclear" <https://news.bloomberglaw.com/daily-labor-report/landmark-labor-law-overhaul-passes-house-but-senate-fate-unclear> (Reporter at Bloomberg Law)//Elmer Recut Ngong

**The PRO Act** would amend the National Labor Relations Act, a federal law that guarantees private-sector employees the right to unionize, engage in collective bargaining, and take collective action such as strikes. Among other changes, it **would** bar employers from retaliating against unionization efforts, **protect workers’ right to strike**, and override state “right to work” laws that allow employees to opt out of paying dues in unionized workplaces.

Companies would be banned under the bill, for example, from holding “captive audience” meetings, in which workers are compelled to listen to anti-union messages from their employer. The legislation also would give the National Labor Relations Board power to levy fines against companies that engage in unfair labor practices, and require arbitration when unionized workers can’t reach agreement on a contract with employers. BGOV Bill Summary: H.R. 842, Private Sector Union Rights

The bill would allow employees to hold union elections off of company premises and use mail or electronic ballots, a provision that supporters say is essential during the pandemic. Electronic ballots are currently banned.

The PRO Act addresses the status of independent contractors—such as gig workers at ride-hailing and food delivery companies—by lowering the bar for contractors to prove they are employees under federal labor law. That would allow gig workers to organize unions and protest retaliation under the NLRA—rights currently guaranteed only to employees, not contractors.

The legislation would adopt the same rigid test to determine workers’ employment status as a California law known as A.B. 5. Workers for app-based services were recently carved out of the state law by a ballot initiative, Proposition 22, bankrolled by gig companies.

The California law also applies to employment rules governing overtime and minimum wage. The PRO Act, however, only addresses workers’ status under the National Labor Relations Act.

Senate Opposition

Rep. Virginia Foxx (R-N.C.), the ranking member on the Education and Labor Committee, said the legislation would hurt entrepreneurs and individual workers by “making unions bigger and the individual freedom smaller.” **Republicans** in the Senate, including Sen. Tim Scott (R-S.C.), have already **gone on record opposing** the PRO Act.

Union leaders pledged to carry on the fight in the Senate. The legislation faces slim chances there without changes to filibuster rules, which require 60 votes to end debate on a bill and bring it to a vote.

The vocal **support from** the **Biden** administration **is significant** for the future of the legislation, said Celine McNicholas, director of government affairs and labor counsel at the left-leaning Economic Policy Institute.

“We just don’t know **what labor law reform** is **possible** **with** an **administration** **willing to expend critical p**olitical **c**apital,” McNicholas said.

#### They’re anti-expansion of labor rights – empirics prove.

Nichols ’21 (John; writer for the Nation; 9-3-2021; “There Is **No Greater Threat** to Worker Rights Than This Republican Party”; The Nation; https://www.thenation.com/article/politics/labor-capital-pro-act/; Accessed: 11-7-2021; AU)

With the approach of another Labor Day, it is clear that American workers could use some help. There are jobs to be had—but without a living wage or the workplace protections that are more necessary than ever in this pandemic age. The federal minimum wage is stuck at $7.25 an hour, no higher that it was in 2009. And working people who want to form unions and bargain for better pay are constrained in the majority of states by so-called “right to work” laws that empower multinational corporations like Amazon to thwart organizing drives. To a greater extent than in any country with which the United States would choose to compare itself, our policy-makers have **tipped** the balance against the working class. Why? Let’s start with the Republican Party. Ever since Ronald Reagan broke a **legitimate and necessary** strike by the Professional Air Traffic Controllers Organization 40 years ago this summer, the Republican Party has positioned itself as an **explicitly and aggressively anti-labor** party. Reagan’s progeny—conniving political careerists like former Wisconsin Governor Scott Walker and former Ohio Governor John Kasich—took the GOP’s war on workers to the states and attacked teachers and their fellow public employees. Now, at the federal level, Senate minority leader Mitch McConnell and House minority leader Kevin McCarthy are using their positions to **obstruct** even the most basic efforts to improve the conditions of working Americans. In March, when the House voted on the Protecting the Right to Organize (PRO) Act of 2021, 220 Democrats supported the proposal to make it easier for workers to secure collective bargaining rights. **Two hundred and five** Republicans voted against it. Despite the **overwhelmingly GOP opposition** to the measure, the Democratic support was sufficient to send the bill to the Senate. Unfortunately, McConnell and his colleagues are using their filibuster powers to **prevent consideration** of a measure that Representative Mark Pocan, a Wisconsin Democrat and one of the few union members currently serving in Congress, says is designed to allow workers to “fight back against corporations and anti-union special interests that have attacked and eroded the labor movement for decades.” “It is interesting that Republicans lately have been trying to falsely rebrand themselves as the party of working people while opposing the strongest bill in Congress to give power to workers,” Pocan said during the House debate in March. “The same Republicans who fought tooth and nail to reduce stimulus checks and unemployment insurance, championed union busting, and prevented an increase in the minimum wage from being included in COVID relief. They claim they are the party of the working people. Their idea of helping working people is voting for a $2 trillion tax cut for corporate donors and billionaire friends but refusing to vote for a $1.9 trillion investment in the American people.” Pocan’s right: Just as today’s Republicans have abandoned their party’s historic commitment to civil rights and voting rights, they have also abandoned their commitment to worker rights.

#### NDAA solves every facet of military readiness.

Reed et al. 21 (, J. and Jim Inhofe, 2021. July, 2021 - FISCAL YEAR 2022 - NATIONAL DEFENSE AUTHORIZATION ACT. [online] FISCAL YEAR 2022. Available at: <https://www.armed-services.senate.gov/imo/media/doc/FY22%20NDAA%20Executive%20Summary.pdf?source=email> [Accessed 23 November 2021] John Francis Reed GOIH is an American lawyer and politician serving as the senior United States Senator from Rhode Island, a seat he was first elected to in 1996. A member of the Democratic Party, he was the U.S. Representative for Rhode Island's 2nd congressional district from 1991 to 1997.)-rahulpenu

Each year, the National Defense Authorization Act (**NDAA**) **authorizes** **funding** levels and **provides** **authorities** **for** the **U.S. military** **and** other **critical** **defense** **priorities**, **ensuring** our troops have the **training**, **equipment**, and **resources** they need to carry out their missions. On July 21, 2021, the Senate Armed Services Committee voted in bipartisan fashion, 23-3, to advance the National Defense Authorization Act (**NDAA**) for Fiscal Year (FY) 20**22** **to** the **Senate** **floor**.

The **U**nited **S**tates is **engaged** **in** a strategic **competition** **with** **China** and **Russia**, near-peer rivals that do not accept U.S. global leadership or the international norms that have helped keep the peace for the better part of a century. This strategic competition is **likely** **to** **intensify** due to **shifts** **in** the **military** **balance** of power and **diverging** visions of **governance** **models** between China and Russia and the West. This **competition** is now **unfolding** **amidst** a global **pandemic**, natural **disasters**, and the introduction of **disruptive** **tech**nologies. The interconnected nature of these threats will drive how the United States resources and transforms its tools of national power to respond to these complex security challenges. The **passage** **of** the **N**ational **D**efense **A**uthorization **A**ct for Fiscal Year 2022 is an **important** step in achieving that objective.

FY 2022 DEFENSE FUNDING LEVELS

The 61st annual NDAA supports a total of **$777.9 billion** in fiscal year 2022 **funding** **for** **national** **defense**. Within this topline, the legislation authorizes $740.3 billion for the Department of Defense (DOD) and $27.7 billion for national security programs within the Department of Energy (DOE). This legislation, like the President’s budget request, does not include a separate Overseas Contingency Operations (OCO) request – any war-related costs are included in the base budget.

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The bill allows up to $6 billion in general transfer authority for unforeseen higher-priority needs in accordance with normal reprogramming procedures.

MAJOR HIGHLIGHTS

1. Strengthens the All-Volunteer Force and improves the quality of life of the men and women of the total force (Active Duty, National Guard, and Reserves), their families, and Department of Defense civilian personnel, while reinforcing the principles of a strong, diverse, inclusive force; that force cohesion requires a command climate that does not tolerate extremism, sexual misconduct or sexual harassment; and that quality health care is a fundamental necessity for servicemembers and their families.  Includes funding to support a 2.7 percent pay raise for both military servicemembers and the DOD civilian workforce.

 Amends the Military Selective Service Act to require the registration of women

for Selective Service.

 Creates a new category of bereavement leave for military personnel that would

permit servicemembers to take up to two weeks of leave in connection with the

death of a spouse or child.

 Increases parental leave to 12 weeks for all servicemembers for the birth,

adoption, or foster care placement of a child.

 Establishes a Basic Needs Allowance to ensure that all servicemembers can meet

the basic needs of their families.

 Requires parity in special and incentive pays for members of the reserve and

active components.

 Authorizes an increase in funding of $70 million for Defense-wide Operations &

Maintenance, Department of Defense Education Activity, for Impact Aid, including $20 million for military children with severe disabilities.

2. **Supports** the **DOD** and **provides** the **resources** needed by the combatant commands to **carry** **out** the National Defense Strategy (**NDS**) and **ensure** the **U**nited **S**tates can **outcompete**, **deter**, and **prevail** against near-peer rivals.

 Authorizes fiscal year 2022 active-duty end strengths for the Army of 485,000; the Navy, 346,200; the Marine Corps, 178,500; the Air Force, 329,220; and the Space Force, 8,400.

 Establishes a Commission on the National Defense Strategy to provide an independent review and assessment of the forthcoming NDS.

 Extends and **modifies** the **Pacific** **Deterrence** Initiative and reiterates the committee’s intent to **improve** our force **posture** **in** the **Indo**-**Pacific**, **increase** **readiness** and **presence**, and **build** the **capabilities** of our partners and allies **to** **counter** the **growing** **threat** from **and** **increasing** **aggression** of **China**.

 Expresses the sense of the committee that future investments under the Pacific Deterrence Initiative should be **focused** **on** military and non-military **infrastructure** **in** the **Indo**-**Pacific** region to **assist** **in** distributed **military** **op**eration**s** and counter predatory Chinese infrastructure development practices.

 Establishes the Arctic Security Initiative to improve DOD coordination in achieving U.S. objectives in the Arctic.

3. **Enhances** **deterrence** by **recapitalizing** and **modernizing** the **U.S. nuclear triad**; ensuring the **safety**, **security**, and **reliability** **of** our nuclear **stockpile**, **delivery** systems, and **infrastructure**; **increasing** **capacity** in theater and homeland **missile** **defense**; and **strengthening** **nonproliferation** **programs**.

 Authorizes the activities of the National Nuclear Security Administration (NNSA) at $20.07 billion; the Department of Energy's other defense activities at $920 million; and the Department of Energy's nuclear energy activities at $149.8 million.

 Authorizes the procurement of the Iron Dome short-range rocket defense system, David’s Sling Weapon System, and Arrow 3 Upper Tier Interceptor Program to support our closest ally in the Middle East, Israel.

 Authorizes the Missile Defense Agency to develop a highly reliable missile defense interceptor for the Ground-Based Midcourse Defense system.

 Authorizes $239.84 million for the Cooperative Threat Reduction (CTR) program to stem the proliferation of nuclear, chemical and biological threats around the world.

4. **Accelerates** the **modernization** of the Department **across** **all** **domains** **and** **operational** **capabilities** by investing in **r**esearch **and** **d**evelopment of **cutting**-**edge** **tech**nologies and delivering them in a timely manner to the force.

 Authorizes an increase of more than $1 billion in funds available for science and technology programs that fund cutting-edge research and prototyping activities at universities, small businesses, defense labs, and industry, including in critical areas such as artificial intelligence, **microelectronics**, **advanced** **materials**, **5G**, and **biotech**nology.

 Authorizes an increase of more than $500 million in funding for Defense Advanced Research Projects Agency’s (DARPA) high-risk, high-payoff research, including in areas such as quantum computing and university research.

 Implements a number of recommendations from the National Security Commission on Artificial Intelligence, which the committee established in a previous National Defense Authorization Act.

 Strengthens the language of the CHIPS Act to establish the national network for microelectronics research and development to support the development of world-leading domestic microelectronics manufacturing capability. 4

 Requires the Under Secretary of Defense for Research and Engineering to conduct an analysis comparing the research and development efforts of the United States and China on certain critical, militarily-relevant technologies.

5. **Improves** the **ability** of our Armed Forces **to** **counter** **threats** and **promote** U.S. freedom of action in the information environment including by **countering** **information** **warfare**, foreign malign **influence**, **competition** below the level of direct conflict, and **hybrid** **war**

**fare**.

 Requires the Secretary of Defense to submit a report on the activities and programs of DOD to implement the irregular warfare strategy consistent with the 2019 Irregular Warfare Annex to the National Defense Strategy (NDS).

 Requires the Secretary of Defense to develop and implement security cooperation strategies for each of the geographic combatant commands.

6. Improves efficiencies in resource allocation within the Department through transformations of the planning and budgeting process, acquisition process, and management structure and culture.

 Establishes a Commission on Planning, Programming, Budgeting, and Execution (PPBE) Reform to provide an independent review and assessment of the PPBE process of DOD.

 Requires DOD Comptroller, along with DOD's Chief Information Officer (CIO) and Chief Data Officer, to submit a plan to consolidate the IT systems used to manage data and support the PPBE process.

 Requires the Secretary of Defense to establish a set of management innovation activities to better leverage commercial management best practices and expertise from leading management, public administration, and business schools to support modernization of Pentagon management practices.

7. **Protects** and **strengthens** our national security **industrial** **base** by **prioritizing** **supply** **chain** **security**; **improving** **tech**nology security; and **investing** **in** **next**-**gen**eration **tech**nologies that will **ensure** **U.S. military competitiveness**.

 Directs the Comptroller General to conduct a comprehensive assessment of Research, Development, Test and Evaluation (RDT&E) authorities and other similar authorities and brief Congress on its findings.

 Requires the development a joint zero trust strategy and a model architecture for the Department of Defense Information Network and a data management strategy.

 Authorizes an increase of $268.4 million across the DOD to support cybersecurity efforts. 5

8. **Strengthens** existing **U.S. alliances** and partnerships, **builds** mutually beneficial **new** **partnerships**, and **leverages** opportunities in **international** **coop**eration to **ensure** **U.S.** **success** **in** **competition** **against** other **great** **powers**.

 Requires the Secretary of Defense to provide recurring briefings on efforts to deter Chinese aggression and military coercion.

 Requires a briefing on the advisability and feasibility of increasing United States defense cooperation with Taiwan.

 Expresses the sense of the Senate that the United States' commitment to the North Atlantic Treaty Organization is ironclad and emphasizes the importance of expanding cooperation on shared security challenges.

 Authorizes the appropriation of funds for the Afghanistan security forces beyond the transition of U.S. and coalition nations from the country.

 Authorizes the Department to transport Afghan special immigrant visa (SIV) candidates and other threatened Afghan partners outside of Afghanistan for visa processing, and emphasizes the Committee’s strong support for the SIV program.

 Includes a provision to make the U.S.-Israel Operations and Technology Working Group of the Defense Acquisition Advisory Group mandatory and directed further collaboration between the United States, Israel, Egypt, Jordan, and the signatories of the Abraham accords.

SUBCOMMITTEE ON AIRLAND

Under the leadership of Chairwoman Tammy Duckworth (D-IL) and Ranking Member Tom Cotton (R-AR), the subcommittee mark accelerates modernization of the Army and Air Force by investing in research and development of future technologies while maintaining appropriate levels of procurement and maintenance for enduring capabilities. The Airland Subcommittee mark also focuses on filling critical deficiencies and increasing investments in rapidly evolving domains, while recognizing the importance of the total force.

Army

 Authorizes procurement of AH–64E Apache helicopters.  Increases research, development, test and evaluation funding for Army modernization priorities and enduring capabilities that enable multi-domain operations against nearpeer competitors.  Increases procurement of enduring combat aircraft, armored fighting vehicles, and munitions at or above the Chief of Staff unfunded requirements list level.  Supports requested funding for rapid development and fielding of land-based longrange fires, including Precision Strike Missile (PrSM), Medium-Range Capability (MRC), and Long-Range Hypersonic Weapon (LRHW), but requires a report on LRHW munitions costs and alternatives.  Supports requested funding for Future Long-Range Assault Aircraft (FLRAA) and Future Attack Reconnaissance Aircraft (FARA), and increases funding for Future Tactical Unmanned Aircraft System (FTUAS).  Authorizes increased funding for enduring UH-60L Black Hawk and CH-47F Block-II Chinook helicopters by $377 million, and authorizes procurements of AH-64E Apache and UH-60M and HH-60M Black Hawk helicopters.  Authorizes increased funding for enduring aircraft improvements, including $15 million for Apache non-line-of-site munitions integration and improved tail rotor, and $21 million total for Chinook advanced engine development, vibration control system, and integrated cargo handling and ballistic protection.  Supports Next Generation Combat Vehicle programs, including Mobile Protected Firepower (MPF), Robotic Combat Vehicles (RCV) and Optionally-Manned Fighting Vehicle (OMFV), but requires a report on analysis used to refine OMFV requirements before physical prototyping. 7  Authorizes increased funding by $746 million for procurement of enduring combat vehicles, including the Abrams tank, Bradley fighting vehicle, Paladin self-propelled howitzer, and Joint Light Tactical Vehicle.  Authorizes increased funding for continued development of enduring combat vehicles including $64 million for Abrams tank technologies and $21 million for Stryker and Bradley active protection systems.  Requires the Army to establish military standards for high-hardness armor and a strategy for its incorporation into combat vehicles.  Requires a report on tactical and combat vehicle electrification, and authorizes increased funding for development of the Electronic Light Reconnaissance Vehicle (eLRV).  Supports requested funding for Integrated Air and Missile Defense capabilities, and requires a report on the Army's efforts to reconstitute its Short Range Air Defense (SHORAD) capabilities to meet current and future air threats to ground forces.  Supports procurement of the Integrated Visual Augmentations System (IVAS) consistent with ongoing development, and requires a post-operational-test report on system development, functionality, and suitability, and the plan for continued iterative improvement.  Supports continued improvements to body armor to include assessing the benefits of using Warm Isostatic Press technology to reduce weight, authorizing an additional $2.9 million for development of anthropomorphic body armor, and ensures procurement practices prioritize servicemembers over cost savings.  Authorizes increased funding for man-portable radiological detection systems for National Guard Chemical, Biological, Radiological, Nuclear (CBRN) response teams.  Requires reports on future funding adequacy for CH-47F Block II, armored combat vehicles, and munitions.  Authorizes all other unfunded requirements as requested by the Chief of Staff of the Army.

Air Force

 Extends the requirement to maintain a minimum capacity of Air Force fighter aircraft.  Prohibits the Air Force from developing a follow-on tanker to the KC-46 until the Remote Vision System (RVS) is fully operational.  Prohibits reduction in the Air Force's C-130 total aircraft inventory below 292 aircraft.  Prohibits retiring any A-10 aircraft in fiscal year 2022.  Authorizes retirement of up to 18 KC-135 aircraft and 12 KC-10 aircraft in fiscal year 2022 to facilitate the acceleration of KC-46 bed down.  Prohibits further reductions in B-1 bombers until such time as the B-21 aircraft begins fielding.  Directs DOD transition of F-35 program sustainment from the Joint Program Office to the Air Force and Navy. 8  Authorizes $4.285 billion for the F-35A program, including an increase of: o $85 million for the purchase of an additional F-35A; and o $175 million for the purchase of F135 power modules and $185 million for weapons system sustainment of F-35As.  Authorizes an additional $575 million to purchase five additional F-15EX aircraft.  Authorizes $638.2 million for F-16 modifications, including an increase of $25 million for the procurement of additional AESA radar sets across the entire F-16 fleet.  Directs the Secretary of the Air Force to provide a briefing to the congressional defense committees not later than December 15, 2021, addressing Air Force airborne electronic attack systems.  Encourages the Air Force to move more rapidly in developing and adopting airborne augmented reality technologies that contribute to improved training outcomes and reduce net training costs.  Directs the Secretary of the Air Force to provide a report to the congressional defense committees, not later than February 15, 2022, on the Air National Guard’s F-16 selfprotection capabilities against existing and projected surface-to-air and air-to-air weapons.  Directs the Secretary of the Air Force, in consultation with the Secretary of the Navy, to provide to the congressional defense committees, not later than January 31, 2022, a report describing the feasibility of Agile Combat Employment exercises in the Pacific, Europe, and within the continental United States and Alaska.  Directs the Secretary of the Air Force and the Secretary of the Navy to conduct a study and provide a report not later than June 1, 2022, on the efficiency of the various pilot training initiatives and pilot programs being undertaken with respect to the quality of graduates.  Authorizes an increase of $30 million for Air Force advanced engine development.  Authorizes $201.6 million for the Skyborg program, an increase of $75 million for the purchase of Valkyrie aircraft.  Authorizes an increase of $20 million for F-35 continuous capability development and delivery.  Authorizes $125 million for to accelerate the use of unmanned aircraft as augmented adversary support.  Directs the Secretary of the Air Force to conduct a study on options for maintaining 225 bombers after 2050, and submit the results of that study to the congressional defense committees with the budget request for fiscal year 2023.  Authorizes all other unfunded requirements as requested by the Chief of Staff of the Air Force.

Defense Wide

 Directs the Secretary of the Air Force to provide a report on the Air Force’s ability to expand digital engineering capabilities to a wide range of aircraft programs, high-cost structural parts, systems, and subsystems, as well as the plans to securely and effectively interchange data with operating locations to enable the local implementation of advanced manufacturing and sustainment operations.  Directs the Secretary of Defense to develop criteria and a template for evaluating potential use of commercial autonomous capability with existing vehicles and aircraft and to provide a report on the development of the same to the congressional defense committees with the budget request for fiscal year 2023.  Directs the Secretary of Defense to submit a report to the congressional defense committees on Joint Surveillance and Target Attack Radar System modifications.  Directs the military service chiefs to provide a report on cryptographic modernization and resiliency of communications systems.  Directs the Secretary of Defense to provide a report to the congressional defense committees on DOD’s military aviation training capabilities and capacity for training foreign pilots through 2030.  Authorizes $66.4 million for foreign material acquisition and exploitation, a reduction of $5 million.  Directs the Secretary of Defense to provide the congressional defense committees a report on DOD’s foreign military aviation training capabilities and capacity through 2030.  Directs the Secretary of Defense to deliver a report to the defense committees on hypersonic test facilities.  Directs the Secretary of Defense to conduct a study of all pilot ejections from DOD aircraft from 1985 to the present to examine injuries to pilots, determine mitigations to injury, and inform design of future ejection seat systems.  Directs the Vice Chairman of the Joint Chiefs, in coordination with the Chiefs of the Military Services and Commanders of U.S. Indo-Pacific Command (INDOPACOM) and U.S. European Command (EUCOM), to conduct an assessment of Joint Force capability and capacity to defend against anticipated complex, high-volume, advanced missile attacks. 10

SUBCOMMITTEE ON CYBERSECURITY

Under the leadership of Chairman Joe Manchin (D-WV) and Ranking Member Mike Rounds (RSD), the subcommittee continues its efforts to **strengthen** and **support** the **cybersecurity** **posture** of the DOD, the **d**efense **i**ndustrial **b**ase, and **critical** **infrastructure**. The subcommittee mark emphasizes the need for the DOD to adopt innovative and modern cybersecurity strategies, tools, and technologies. **Recognizing** the ongoing **risks** **presented** **by** **cyberattacks**, the subcommittee also requires an assessment of the current and emerging offensive cyber posture of adversaries and **plans** **for** U.S. **offensive** **cyber** **op**eration**s** **during** potential **conflict**. The subcommittee mark also requires an assessment of DOD’s policy, capacity, and capability to defend the United States from ransomware attacks.

#### Military readiness solves existential risks.

Mattis 18 (, J., 2018. Summary of the National Defense Strategy of The United States of America. [online] Sharpening the American Military’s Competitive Edge. Available at: <https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf> [Accessed 23 November 2021] Secretary of Defense (2017-2018) Commander, US Central Command (2010-2013) Commander, US Joint Forces Command (2007-2010) Supreme Allied Commander Transformation (2007-2009) General Jim Mattis served as the 26th Secretary of Defense in 2017 and 2018. In this role, he worked to strengthen America’s alliances and reorient the defense budget to face the rising challenges posed by emerging technologies and near-peer adversaries. During his 43 years in the Marine Corps, General Mattis commanded combat tours at the platoon, battalion, regiment, brigade, division, force, and theater levels. This included command of the 1st Marine Expeditionary Brigade in Afghanistan as part of Operation Enduring Freedom and of the 1st Marine Division during the invasion of Iraq in 2003. His time in the military culminated with three years as the Commander of US Central Command where he oversaw joint efforts in Afghanistan and Iraq and helped shape US policy towards Iran. Immediately prior to this, he served simultaneously as the Commander of US Joint Forces Command and the Supreme Allied Commander for Transformation. In these roles, he oversaw the transformation of capabilities for the US military and NATO allied forces respectively. His major projects included efforts to reshape US military doctrine to engage more effectively in irregular warfare and to reimagine the US military’s grand strategy. Earlier in his military career, General Mattis served as the Executive Secretary of the Department of Defense during the tenures of Secretary William Perry and Secretary William Cohen and also as the Senior Military Assistant to Deputy Secretary of Defense Rudy deLeon. He is currently the Davies Family Distinguished Fellow at the Hoover Institution at Stanford University where he lectures and writes on domestic and international security policy. He is the author of a new book, Call Sign Chaos: Learning to Lead, an exploration of his career and vision of leadership, and the co-editor of Warriors and Citizens: American Views of Our Military, a collection of writings on the state of civil-military relations in the United States. General Mattis is also a member of the Board of Directors of General Dynamics and the Board of the Tri-Cities Food Bank in his hometown of Richland, Washington.)-rahulpenu

Today, we are emerging from a period of strategic atrophy, aware that our competitive **military** **advantage** has been **eroding**. We are facing increased global disorder, characterized by decline in the long-standing rules-based international order—creating a security environment more complex and volatile than any we have experienced in recent memory. Inter-state strategic competition, not terrorism, is now the primary concern in U.S. national security.

**China** is a strategic competitor using predatory economics to intimidate its neighbors while **militarizing** features in the South China Sea. **Russia** has violated the borders of nearby nations and pursues **veto** power over the economic, diplomatic, and security decisions of its neighbors. As well, **North** **Korea**’**s** outlaw actions and reckless rhetoric continue despite United Nation’s censure and sanctions. **Iran** continues to sow violence and remains the most significant challenge to **Middle** **East** **stability**. Despite the defeat of ISIS’s physical caliphate, threats to stability remain as terrorist groups with long reach continue to murder the innocent and threaten peace more broadly.

This increasingly complex security environment is defined by rapid technological change, challenges from adversaries in every operating domain, and the **impact** **on** **current** **readiness** from the longest continuous stretch of armed conflict in our Nation’s history. In this environment, there can be no complacency—we must make difficult choices and **prioritize** what is most important to field a lethal, resilient, and **rapidly** **adapting** Joint Force. America’s military has no preordained right to victory on the battlefield.

This unclassified synopsis of the classified 2018 National Defense Strategy articulates our strategy to compete, deter, and win in this environment. The reemergence of long-term strategic competition, rapid dispersion of technologies, and new concepts of warfare and competition that span the entire spectrum of conflict require a Joint Force structured to match this reality.

A more lethal, resilient, and rapidly innovating Joint Force, combined with a robust constellation of allies and partners, will sustain American influence and ensure favorable balances of power that safeguard the free and open international order. Collectively, our force posture, alliance and partnership architecture, and Department modernization will provide the capabilities and agility required to prevail in conflict and preserve peace through strength.

The costs of not implementing this strategy are clear. Failure to meet our defense objectives will result in decreasing U.S. global influence, eroding cohesion among allies and partners, and reduced access to markets that will contribute to a decline in our prosperity and standard of living. **Without** **sustained** and predictable **investment** **to** **restore** **readiness** and modernize our military to make it fit for our time, we will **rapidly** **lose** our military **advantage**, resulting in a Joint Force that has legacy systems irrelevant to the defense of our people.

STRATEGIC ENVIRONMENT

The National Defense Strategy acknowledges an increasingly complex global security environment, characterized by overt challenges to the free and open international order and the re-emergence of long-term, strategic competition between nations. These changes require a clear-eyed appraisal of the threats we face, acknowledgement of the changing character of warfare, and a transformation of how the Department conducts business.

The central challenge to U.S. prosperity and security is the reemergence of long-term, strategic competition by what the National Security Strategy classifies as **revisionist** **powers**. It is increasingly clear that **China** and **Russia** want to **shape** a **world** consistent **with** their **authoritarian** **model**—gaining veto authority over other nations’ economic, diplomatic, and security decisions.

China is leveraging military modernization, influence operations, and predatory economics to coerce neighboring countries to reorder the Indo-Pacific region to their advantage. As China continues its economic and military ascendance, asserting power through an all-of-nation long-term strategy, it will continue to pursue a military modernization program that seeks Indo-Pacific regional hegemony in the near-term and displacement of the United States to achieve global preeminence in the future. The most far-reaching objective of this defense strategy is to set the military relationship between our two countries on a path of transparency and non-aggression.

Concurrently, Russia seeks veto authority over nations on its periphery in terms of their governmental, economic, and diplomatic decisions, to **shatter** the **N**orth **A**tlantic **T**reaty **O**rganization and change European and Middle East security and economic structures to its favor. The use of **emerging** **tech**nologies to discredit and subvert democratic processes in Georgia, Crimea, and eastern Ukraine is concern enough, but when coupled with its **expanding** and modernizing **nuclear** **arsenal** the challenge is clear.

Another change to the strategic environment is a resilient, but weakening, post-WWII international order. In the decades after fascism’s defeat in World War II, the United States and its allies and partners constructed a free and open international order to better safeguard their liberty and people from aggression and coercion. Although this system has evolved since the end of the Cold War, our network of alliances and partnerships remain the backbone of global security. China and Russia are now undermining the international order from within the system by exploiting its benefits while simultaneously undercutting its principles and “rules of the road.”

Rogue regimes such as **N**orth **K**orea and **Iran** are **destabilizing** **regions** **through** their **pursuit** **of** **nuclear** **weapons** or sponsorship of terrorism. North Korea seeks to guarantee regime survival and increased leverage by seeking a mixture of nuclear, biological, chemical, conventional, and unconventional weapons and a growing **ballistic** **missile** **capability** to gain coercive influence over South Korea, Japan, and the United States. In the Middle East, Iran is competing with its neighbors, asserting an arc of influence and instability while vying for regional hegemony, using state-sponsored **terrorist** **activities**, a **growing** network of **proxies\**, and its missile program to achieve its objectives.

Both revisionist powers and rogue regimes are **competing** **across** **all** **dimensions** **of** **power**. They have increased efforts short of armed conflict by expanding coercion to new fronts, violating principles of sovereignty, exploiting ambiguity, and deliberately blurring the lines between civil and military goals. Challenges to the U.S. military advantage represent another shift in the global security environment. For decades the United States has enjoyed uncontested or dominant superiority in every operating domain. We could generally deploy our forces when we wanted, assemble them where we wanted, and operate how we wanted. Today, **every** **domain** is **contested**—air, land, sea, **space**, and **cyberspace**.

We face an ever more lethal and disruptive battlefield, combined across domains, and conducted at increasing speed and reach—from close combat, throughout overseas theaters, and reaching to our homeland. Some competitors and adversaries seek to optimize their targeting of our battle networks and operational concepts, while also using other areas of competition short of open warfare to achieve their ends (e.g., information warfare, ambiguous or denied proxy operations, and subversion). These trends, if unaddressed, will challenge our ability to deter aggression.

The security environment is also affected by rapid technological advancements and the changing character of war. The drive to develop new technologies is relentless, expanding to more actors with lower barriers of entry, and moving at accelerating speed. New technologies include advanced computing, “big data” analytics, artificial intelligence, autonomy, robotics, directed energy, hypersonics, and biotechnology— the very technologies that ensure we will be able to fight and win the wars of the future. New commercial technology will change society and, ultimately, the character of war. The fact that many technological developments will come from the commercial sector means that state competitors and non-state actors will also have access to them, a fact that risks eroding the conventional overmatch to which our Nation has grown accustomed. Maintaining the Department’s technological advantage will require changes to industry culture, investment sources, and protection across the National Security Innovation Base.

States are the principal actors on the global stage, but non-state actors also threaten the security environment with increasingly sophisticated capabilities. Terrorists, trans-national criminal organizations, cyber hackers and other malicious non-state actors have transformed global affairs with increased capabilities of mass disruption. There is a positive side to this as well, as our partners in sustaining security are also more than just nation-states: multilateral organizations, non-governmental organizations, corporations, and strategic influencers provide opportunities for collaboration and partnership. Terrorism remains a persistent condition driven by ideology and unstable political and economic structures, despite the defeat of ISIS’s physical caliphate.

It is now undeniable that the homeland is no longer a sanctuary. America is a target, whether from terrorists seeking to attack our citizens; malicious cyber activity against personal, commercial, or government infrastructure; or political and information subversion. New threats to commercial and military uses of space are emerging, while increasing digital connectivity of all aspects of life, business, government, and military creates significant vulnerabilities. During conflict, attacks against our critical defense, government, and economic infrastructure must be anticipated.

Rogue regimes, such as **N**orth **K**orea, continue to seek out or **develop** weapons of mass destruction (**WMD**) – nuclear, chemical, and biological – as well as long range missile capabilities and, in some cases, proliferate these capabilities to malign actors as demonstrated by Iranian ballistic missile exports. **Terrorists** likewise continue to **pursue** **WMD**, while the **spread** of nuclear weapon **tech**nology and advanced manufacturing technology remains a persistent problem. Recent advances in bioengineering raise another concern, increasing the potential, variety, and ease of access to biological weapons.

DEPARTMENT OF DEFENSE OBJECTIVES

In support of the National Security Strategy, the Department of Defense will be prepared to defend the homeland, remain the preeminent military power in the world, ensure the balances of power remain in our favor, and advance an international order that is most conducive to our security and prosperity.

Long-term strategic competitions with China and Russia are the principal **priorities** for the Department, and **require** both increased and **sustained** **investment**, because of the magnitude of the threats they pose to U.S. security and prosperity today, and the potential for those **threats** to **increase** **in** the **future**. Concurrently, the Department will sustain its efforts to deter and counter rogue regimes such as North Korea and Iran, defeat terrorist threats to the United States, and consolidate our gains in Iraq and Afghanistan while moving to a more resource-sustainable approach.

Defense objectives include:

 Defending the homeland from attack;

 Sustaining Joint Force military advantages, both globally and in key regions;

 Deterring adversaries from aggression against our vital interests;

 Enabling U.S. interagency counterparts to advance U.S. influence and interests;

 Maintaining favorable regional balances of power in the Indo-Pacific, Europe, the Middle East, and the Western Hemisphere;

 Defending allies from military aggression and bolstering partners against coercion, and fairly sharing responsibilities for common defense;

 Dissuading, preventing, or deterring state adversaries and non-state actors from acquiring, proliferating, or using weapons of mass destruction;

 Preventing terrorists from directing or supporting external operations against the United States homeland and our citizens, allies, and partners overseas;

 Ensuring common domains remain open and free;

 Continuously delivering performance with affordability and speed as we change Departmental mindset, culture, and management systems; and

 Establishing an unmatched twenty-first century National Security Innovation Base that effectively supports Department operations and sustains security and solvency.

STRATEGIC APPROACH

A long-term strategic competition requires the seamless integration of multiple elements of national power—diplomacy, information, economics, finance, intelligence, law enforcement, and military. More than any other nation, America can expand the competitive space, seizing the initiative to challenge our competitors where we possess advantages and they lack strength. A more lethal force, strong alliances and partnerships, American technological innovation, and a culture of performance will generate decisive and sustained U.S. military advantages.

As we expand the competitive space, we continue to offer competitors and adversaries an outstretched hand, open to opportunities for cooperation but from a position of strength and based on our national interests. Should cooperation fail, we will be ready to defend the American people, our values, and interests. The willingness of rivals to abandon aggression will depend on their perception of U.S. strength and the vitality of our alliances and partnerships.

Be strategically predictable, but operationally unpredictable. Deterring or defeating long-term strategic competitors is a fundamentally different challenge than the regional adversaries that were the focus of previous strategies. Our strength and integrated actions with allies will demonstrate our commitment to deterring aggression, but our dynamic force employment, military posture, and operations must introduce unpredictability to adversary decision-makers. With our allies and partners, we will challenge competitors by maneuvering them into unfavorable positions, frustrating their efforts, precluding their options while expanding our own, and forcing them to confront conflict under adverse conditions. Integrate with U.S. interagency. Effectively expanding the competitive space requires combined actions with the U.S. interagency to employ all dimensions of national power. We will assist the efforts of the Departments of State, Treasury, Justice, Energy, Homeland Security, Commerce, USAID, as well as the Intelligence Community, law enforcement, and others to identify and build partnerships to address areas of economic, technological, and informational vulnerabilities.

Counter coercion and subversion. In competition short of armed conflict, revisionist powers and rogue regimes are using corruption, predatory economic practices, propaganda, political subversion, proxies, and the threat or use of military force to change facts on the ground. Some are particularly adept at exploiting their economic relationships with many of our security partners. We will support U.S. interagency approaches and work by, with, and through our allies and partners to secure our interests and counteract this coercion.

Foster a competitive mindset. To succeed in the emerging security environment, our Department and Joint Force will have to out-think, out-maneuver, out-partner, and out-innovate revisionist powers, rogue regimes, terrorists, and other threat actors.

We will expand the competitive space while pursuing three distinct lines of effort:

 First, **rebuilding** **military** **readiness** as we build a more lethal Joint Force;

 Second, strengthening alliances as we attract new partners; and

 Third, reforming the Department’s business practices for greater performance and affordability.

Build a More Lethal Force

The **surest** **way** **to** **prevent** **war** is to be prepared to win one. Doing so requires a competitive approach to force development and a consistent, multiyear **investment** to **restore** warfighting **readiness** and field a lethal force. The size of our force matters. The Nation must field sufficient, capable forces to defeat enemies and achieve sustainable outcomes that protect the American people and our vital interests. Our aim is a Joint Force that possesses decisive advantages for any likely conflict, while remaining proficient across the entire spectrum of conflict.

Prioritize preparedness for war. Achieving peace through strength requires the Joint Force to deter conflict through preparedness for war. During normal day-to-day operations, the Joint Force will sustainably compete to: **deter** **aggression** **in** three key regions—the **Indo**-**Pacific**, **Europe**, and **Middle** **East**; **degrade** **terrorist** **and** **WMD** **threats**; and defend U.S. interests from challenges below the level of armed conflict. In wartime, the fully mobilized Joint Force will be capable of: defeating aggression by a major power; deterring opportunistic aggression elsewhere; and disrupting imminent terrorist and WMD threats. During peace or in war, the Joint Force will deter nuclear and non-nuclear strategic attacks and defend the homeland. To support these missions, the Joint Force must gain and maintain information superiority; and develop, strengthen, and sustain U.S. security relationships.

**Modernize** **key** **capabilities**. We cannot expect success fighting tomorrow’s conflicts with yesterday’s weapons or equipment. To address the scope and pace of our competitors’ and adversaries’ ambitions and capabilities, we must invest in modernization of key capabilities through sustained, predictable budgets. Our **backlog** **of** deferred **readiness**, procurement, and modernization requirements has **grown** in the last decade and a half **and** can **no** **longer** be **ignored**. We will make targeted, disciplined increases in personnel and platforms to meet key capability and capacity needs. The 2018 National Defense Strategy underpins our planned fiscal year 2019-2023 budgets, accelerating our modernization programs and devoting additional resources in a sustained effort to solidify our competitive advantage.

### 1NC – OFF

#### Counterplan Text: [A just government] should request the International Court of Justice issue an advisory opinion over whether they ought to [establish an unconditional right for prison workers to strike]. [A just government] should abide by the outcome of the advisory opinion.

#### Solves – the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### ICJ legitimacy is key to global multilateralism and crisis stability – it’s declining now.

Kornelios Korneliou 18 [Permanent Representative of Cyprus and Vice-President of the 73rd Session of the UN General assembly, "Report of the International Court of Justice," United Nations, 10-25-2018 <https://www.un.org/pga/73/2018/10/25/report-of-the-international-court-of-justice/>] Recut Justin

In the face of the headwinds against the multilateral system and global institutions, including direct attacks on their legitimacy, the International Court of Justice stands as testament to the principles of peace and justice in a multilateral world. Today’s debate builds on fifty years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. This historic exchange is particularly pertinent to the 73rd Session of the General Assembly, which aims to ‘make the UN relevant to all’. The court system serves as a bulwark against arbitrariness and provides the mechanism for peaceful settlement of disputes, guaranteeing the stability so necessary for international cooperation. For the peoples of the world, the court may be far away but its impact is real. Excellencies, I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court’s workload increased over the last 20-years but this trend has continued into the period under review, demonstrating unequivocally that there remains a need and desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the court, and the fact that these cases stem from four continents, is also testament to the universality of the Court. In fact, as of today a total of 73 Member States have accepted, as compulsory, the jurisdiction of the Court. In addition to the Court’s role in advancing multilateralism, its judgements and advisory opinion directly influence the development and strengthening of the rule of law in countries the world over. As stated by the report: “everything the court does is aimed at promoting and reinforcing the rule of law, through its judgement and advisory opinions, it contributes to developing and clarifying international law.” Finally, at a time when human rights abuses and conflict devastate the lives of millions, and when tensions simmer in regions throughout the world, the adjudication of disputes between states remains an essential role of the Court in preserving peace and security. We welcome the continued readiness by the Court to intervene when other diplomatic or political means have proven unsuccessful. For Member States, respect for the decisions, judgements, advice, and orders of the Court remains critical for the efficacy and longevity of the international Justice System. The General Assembly has thus called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. In closing, allow me to reiterate: if we are to preserve the international multilateral system, then adherence and respect for international law remains key.

#### Multilateralism solves a laundry list of impacts – even a tiny net benefit is enough to o/w the AFF

Esther Brimmer 14 [Assistant Secretary for the Bureau of International Organization Affairs at the United States Department of State from April 2009 to June 2013, “Smart Power” and Multilateral Diplomacy, June, <http://transatlantic.sais-jhu.edu/publications/books/Smarter%20Power/Chapter%204%20brimmer.pdf>] Recut Justin

Over the subsequent decade, the variable definitions of Smart Power have evolved to reflect a rapidly changing foreign affairs landscape – a landscape shaped increasingly by transnational issues and what can only be described as truly global challenges. Nations of the world must now calibrate their foreign policy investments to try to leverage new opportunities while protecting their interests from emerging vulnerabilities. Smart Power is no longer an alternative path; it is a four-lane imperative. ¶ The world in 2014 is fundamentally different from previous periods, growing vastly more interconnected, interdependent, networked, and complex. National economies are in many cases inextricably intertwined, with cross-border imports and exports increasing nearly tenfold over the past forty years, and more than doubling over just the past decade. At the same time, we are all connected – and connected immediately – to news and events that in past generations would have been restricted to their local vicinities.¶ Consider, for example, the 2011 tsunami that devastated parts of Japan. Not only did we know in real time of the earthquake that triggered the tsunami, we had live coverage of some of the tsunami’s most devastating impacts and then round-the-clock coverage of the Fukushima nuclear power plant crisis. Communications technology brings such events to us without delay and in high definition. This communications revolution, headlined by the explosion of social media, carries with it the almost unlimited potential to inform and educate. It also provides people and communities with new ability to influence and advance their causes – both benevolent and otherwise, as the dramatic events of recent years in North Africa and the Middle East have made clear. ¶ At the same time, global power is more diffuse today than in centuries. Although predictions of the nation-state’s demise have gone unrealized, non-state actors – including NGOs, corporations, and international organizations - are more influential today than perhaps at any point in human history. The same might be said for transnational criminal networks and other harmful actors. Concurrently, we are witnessing the rise of new centers of influence – the so-called “emerging” nations – that are seeking and gaining positions of global leadership. These emerging powers bring unique histories and new perspectives to the discussion of current challenges and the future of global governance. Several of these countries are democracies and share many of the core values of the United States; others have sharply different political systems and perspectives. All are gauging how to be more active in the global arena. ¶ It is this new, more diffused global system that must now find means of addressing today’s pressing global challenges – challenges that in many cases demand Smart Power ingenuity. From terrorism to nuclear proliferation, climate change to pandemic disease, transnational crime to cyber attacks, violations of fundamental human rights to natural disasters, today’s most urgent security challenges pay no heed to state borders.

¶ So, just as global power is more diffuse, so too are the opposing threats and challenges, and it is in this new reality that the United States must define and employ its Smart Power resources. That reality demands a definition that must now far exceed the origin parameters of hard and soft. Many of these challenges would be unresponsive to traditional Hard tools (coercion, economic sanctions, military force), while the application of Soft tools (norm advancement, cultural influence, public diplomacy) in customary channels is likely to provide unsatisfactory impact. ¶ Ultimately, the other component necessary in today’s Smart Power alchemy is robust, focused, and sustained international cooperation. In effect, in an increasing number of instances, Smart Power must now feature shared power, and in that context foreign policy choices must follow two related but distinct axes. ¶ First, those policy choices must strengthen a state’s overall stature and influence (rather than diminish it), leaving the state undertaking the action in a position of equal or greater global standing. This is easier said than done. The proliferation in challenges facing all states has created a need for multiple, simultaneous diplomatic transactions among a broadening cast of actors. Given the nature of today’s threats facing states both large and small, those transactions have never been more frequent and at times overlapping – a reality that requires new agility and synchronization within foreign policy hierarchies. States that are less capable of responding to this new reality may experience diminished political capital and international standing by acting on contemporary threats in isolation or without a full appreciation of the reigning international sentiment. Many observers have highlighted U.S. decision-making in advance of the 2003 Iraq invasion as indicative of just this phenomenon. ¶ Alternatively, states applying a new Smart Power approach to their foreign policy recognize the overlapping need to maintain global standing and stature while seeking resolution of individual policy challenges. We see considerable effort on the part of emerging powers to find just that balance, and I would argue that the United States has also made great strides in that regard since 2009. ¶ Second, Smart Power policy choices must contribute to the strength and resilience of the international system. As noted above, the globalization of contemporary challenges and security threats has augmented the need for effective cooperation among states and other international actors, and placed even greater demands on the global network of international institutions, conferences, frameworks, and groupings in which these challenges are more and more frequently addressed. Given this heightened need for structures to facilitate international collaboration, states are more rarely undertaking foreign policy courses of action that entirely lack a multilateral component, or that feature no interaction with or demands upon the international architecture. As recent American history shows, even states with unilateral tendencies have found themselves returning to the multilateral fold to address aspects of a threat or challenge that simply cannot be addressed effectively alone.

#### 2] Extinction outweighs

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

#### **b] Forecloses improvement – we can never improve society because our impact is irreversible.**

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

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

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

### 4

#### Interpretation: Workers must be employees within market work.

Zatz 8 (Noah D. Zatz, Professor of Law at UCLA who received an A.B. and M.A. from Cornell University and a J.D. from Yale, awarded a Skadden Fellowship to work at the National Employment Law Project (NELP) in New York City 4/2008, Vanderbilt Law Review, <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1509&context=vlr>)

This Article brings these two conversations together 7 by identifying a fundamental problem in employment law that has escaped scholarly attention. The boundary between market and nonmarket work is central to legal definitions of employment. Determining who is an employee requires deciding where to draw that boundary, or whether to do so at all. The opening quotation from Vanskike v. Peters reveals this dynamic. There, the Seventh Circuit decided that prison inmates could not demand the minimum wage for their work as janitors, kitchen aides, and garment workers in an Illinois prison.8 The penal context of their labor rendered it nonmarket work; this nonmarket character rendered the relationship noneconomic; and absent an economic relationship to the prison, inmates could not be employees, bearers of labor rights. 9

#### Violation: they spec incarcertaed workers – they’re nonmarket workers that’s Zatz

#### Standards:

#### [1] Limits – it’s a court case which is the most explicit in setting a precedent for definitions – that makes it easiest to engage in. Their interp justifies affs about volunteering, yardwork, and hobbies which explodes the topic away from employment and decks negative engagement. Clash outweighs – only thing intrinsic to debate. Also kills topic lit because the resolution is about jobs where labor standards exist.