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Myth of Nature

Same as octos

Telework Conditions CP

Text: The United States federal government should condition its funding for <plan’s infrastructure> on state and local government efforts to facilitate telework.

Here’s a very specific solvency advocate –

Goluboff 9—Nicole Belson Goluboff is a lawyer in New York who writes extensively on the legal consequences of telework. She is the author of The Law of Telecommuting, Telecommuting for Lawyers, and numerous articles on telework. She is also an Advisory Board member of the Telework Coalition. (“TELECOMMUTING AND THE BROADBAND SUPERHIGHWAY,” Published Online for *NewGeography* on July 8, 2009, Available Online at http://www.newgeography.com/content/00885-telecommuting-and-the-broadband-superhighway)

If passed, the Broadband Conduit Deployment Act would only strengthen the case that funding for infrastructure projects should be conditioned on state and local government efforts to facilitate telework. If, as they finance highway projects, American taxpayers also fund broadband, they should not then have to struggle to telecommute. They should be able to help contain transportation costs and, at the same time, easily make the greatest possible use of the broadband access they financed. What kind of steps to promote telework should states and localities be required to take if they want to qualify for federal transportation funding? Congress should insist that they provide telework tax incentives for both employees and employers; eliminate tax, zoning and other laws that are hostile to telework; and offer both public and private sector employers technical help in developing and implementing robust telework programs. The government grantees should be required to create such programs for their own employees. They should also be required to designate certain high traffic and high pollution days as telework days — days when employees are specifically urged to take the web to work — and to conduct public awareness campaigns about the benefits of telework.

States will agree to the condition

Somin 2 Ilya, Law Clerk and PhD candidate at Harvard, “Closing the Pandora's Box of Federalism: The Case for Judicial Restriction of Federal Subsidies to State Governments”, Jan, Georgetown Law Journal, accessed lexisnexis 7/22/12

There can be little doubt that federal subsidies to state governments, at least conditional ones, have the effect of imposing federal control on the legislatures and executive bureaucracies of the states. Presumably, the whole point of attaching conditions to the grants is to **give state governments an incentive to implement policies they would not adopt of their own independent volition**. In fact, conditional federal subsidies to states restrict state autonomy in this way much more so than does commandeering, because subsidies are ubiquitous, while commandeering is comparatively rare. [n113](http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1342986062911&returnToKey=20_T15176273236&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.528923.444070368" \l "n113" \t "_blank) Moreover, unlike commandeering, which is bitterly opposed by state governments because it appropriates their resources without providing any offsetting benefits, [n114](http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1342986062911&returnToKey=20_T15176273236&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.528923.444070368" \l "n114" \t "_blank) conditional subsidies  [\*483]  **rarely attract political resistance**, **becausestate governments have strong incentives to accept them**.[n115](http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1342986062911&returnToKey=20_T15176273236&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.528923.444070368" \l "n115" \t "_blank) Despite the danger that conditional federal grants pose to state autonomy, Justice O'Connor, writing for the Court in New York, attempted to distinguish them from commandeering on the grounds that state governments accept grants and their attached conditions voluntarily, thus ensuring that "residents of the State retain the ultimate decision as to whether or not the State will comply." [n116](http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1342986062911&returnToKey=20_T15176273236&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.528923.444070368" \l "n116" \t "_blank) Yet, this reliance on the consent of state governments contradicts her insistence elsewhere in the same opinion that "State officials . . . cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution." [n117](http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1342986062911&returnToKey=20_T15176273236&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.528923.444070368" \l "n117" \t "_blank) By this reasoning, a state's consent cannot in and of itself legitimate an otherwise unconstitutional action. Yet this is the only distinction that Justice O'Connor draws between conditional federal grants and commandeering.

Telework is good and independently spills over to larger broadband networks

NBP 10 (National Broadband plan, http://www.broadband.gov/plan/13-economic-opportunity/#s13-3)JFS

Telework has broader implications than mere continuity of operations. Jeffrey Taggart, a resident of Des Moines, Iowa, has multiple mental and physical disabilities that make working in an office difficult, if not impossible. However, thanks to the Internet, Taggart makes a living from home as a customer service professional.[62](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn62" \o ") Such stories are increasingly common as home broadband access has become more widespread. From 2003 to 2008, the number of teleworkers in America increased by 43% to 33.7 million people.[63](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn63" \o ") One survey estimates that 14% of retirees, 31% of homemakers and 29% of adults with disabilities would be willing to join the workforce if given the option to telework. Making telework a more widespread option would potentially open up opportunities for 17.5 million individuals.[64](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn64" \o ") Moreover, the average American spends more than 100 hours per year commuting; 3.5 million people spend more than 90 minutes commuting to work each way every workday. Telework allows workers to be more productive by eliminating their daily commuting time. And it gives workers greater flexibility to handle family responsibilities, attend school full time and perform more community service.[65](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn65" \o ") This is particularly important for those living in rural areas as it can enable these workers to more effectively compete for jobs located in elsewhere and perform those jobs via telework.[66](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn66" \o ") Telework solutions also help the environment. Every additional teleworker reduces annual CO2 emissions by an estimated 2.6-3.6 metric tons per year.[67](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn67" \o ") Replacing 10% of business air travel with videoconferencing would reduce carbon emissions by an estimated 36.3 million tons annually.[68](http://www.broadband.gov/plan/13-economic-opportunity/" \l "_edn68" \o ")

Broadband technology massively expands opportunities to break the cycle of poverty

Rintels 8 [Jonathan, President and Executive Director of the Center for Creative Voices in Media, “An Action Plan for America: Using Technology and Innovation to Address out Nation’s Critical Challenges,” Benton Foundation, http://www.ntia.doc.gov/broadbandgrants/comments/1EA6.pdf]

Many years into the oft-marveled “Information Age,” the intensity of the digital divide is unmistakable even among our youth. Children with disabilities and those coming from minority and low-income backgrounds still often lack home access to a computer or the Internet. Using U.S. Census Bureau data, the Children’s Partnership reports: • Children in low-income families are half as likely to have a computer as children in households with annual incomes over $75,000, are a third as likely to have Internet access, and a sixth as likely to have access to broadband. • Home Internet access among children ages 7 to 17 varies widely by ethnicity. Only 41 percent of Native American youth, 43 percent of African-American youth, and 44 percent of Latino youth have access; compared to 75 percent of Asian-American youth and 80 percent of white youth. • Among people age 15 or older, only 24.3 percent of those with disabilities use the Internet at home, compared to 50.5 percent of those without disabilities. • Of school children, ages of 7 to 17, only 29 percent of those in households with annual incomes of less than $15,000 use a home computer to complete school assignments, compared to 77 percent of those in households with annual incomes of $75,000 or more.140 Declares the Children’s Partnership, “As the gap between rich and poor in the United States continues to grow, the ability to benefit from the opportunities delivered through computers and the Internet can help a generation of young people move out of poverty. Digital opportunity for kids is the equity issue of the 21st century.”141

Poverty outweighs

Abu-Jamal 98 (Mumia, award-winning PA journalist, 9/19, <http://www.flashpoints.net/mQuietDeadlyViolence.html>)

We live, equally immersed, and to a deeper degree, in a nation that condones and ignores wide-ranging "structural' violence, of a kind that destroys human life with a breathtaking ruthlessness. Former Massachusetts prison official and writer, Dr. James Gilligan observes; By "structural violence" I mean the increased rates of death and disability suffered by those who occupy the bottom rungs of society, as contrasted by those who are above them. Those excess deaths (or at least a demonstrably large proportion of them) are a function of the class structure; and that structure is itself a product of society's collective human choices, concerning how to distribute the collective wealth of the society. These are not acts of God. I am contrasting "structural" with "behavioral violence" by which I mean the non-natural deaths and injuries that are caused by specific behavioral actions of individuals against individuals, such as the deaths we attribute to homicide, suicide, soldiers in warfare, capital punishment, and so on. --(Gilligan, J., MD, Violence: Reflections On a National Epidemic (New York: Vintage, 1996), 192.) This form of violence, not covered by any of the majoritarian, corporate, ruling-class protected media, is invisible to us and because of its invisibility, all the more insidious. How dangerous is it--really? Gilligan notes: [E]very fifteen years, on the average, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths; and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six-year period. This is, in effect, the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war, or genocide on the weak and poor every year of every decade, throughout the world.

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Myth of Nature

This dualistic thinking about “human culture” and “nature” is the root of all exclusion

Frank 3 (Roslyn, University of Iowa, Shifting Identities: The Metaphorics of Nature-Culture Dualism in Western and Basque Models of Self, http://www.metaphorik.de/04/frank.pdf)JFS

These dyads reflect the underlying hierarchical ontological ordering that structures certain ‘root metaphors’ found in Western thought (Olds 1992). It should be emphasised that the metaphoric understandings coded into the Western model form sets of asymmetric polarities, although with mutually reinforcing, conceptual frames. For this reason, the culture/nature dualism sets culture above nature, while the mind/body dualism places mind above body. Then just as the polarity of reason/emotion can be identified with masculine/feminine, culture/nature stands for a gendered dualism of masculine/feminine. Stated differently, the metaphoric set of culture/mind/reason/masculine has its counterpart in nature/body/emotion/feminine. In this sense, the dyads represent examples of Aristotelian ‘proportional metaphors’, that is, analogies in the form of A is to B what C is to D. Therefore, since in the case of a proportional metaphor its mapping must always apply reciprocally to either of its co-ordinate terms, each individual component of the dyad sets in Diagram 1 is available as a highly complex and expansive metaphoric resource.1 Moreover, although the reciprocity holding between the dyads, i.e., their status as proportional metaphors, is clearly culturally grounded and hence historically bound, recognition of this fact is not easy to achieve.2 This is because of the epistemic authority afforded to these concepts, an effect that, in turn, is derived from the central role played by these metaphors in structuring Western thought, epistemology, ontology, and personhood.3 In recent years increasing attention has been paid to the development and/or recovery of conceptual frames capable of challenging and overcoming these deeply embedded, hierarchically organised dualities that continue to characterise Western thought. As Lakoff and Turner have observed, the worldview known as “the Great Chain [of Being] itself is a political issue. As a chain of dominance, it can become a chain of subjugation” (Lakoff/Turner 1989: 213).4 Specifically I refer to efforts aimed at discovering a way to move out of an ontology grounded in a logic of dualities, and more concretely, to the difficulties posed by the deeply embedded, dyadic conceptual frame known as mind/body, formerly soul/body, and its conceptual twin, the polarity of culture/nature. Although many scholars have documented the evolution of these concepts within Western thought, particularly the dyads of mind/body, male/female, and more recently, culture/nature,5 less attention has been paid to gaining a perspective on them from the outside. Indeed, as Descola and Pálsson have noted: Deconstructing the dualist paradigm may appear as just one more example of the healthy self-criticism which now permeates anthropological theory. […] If such analytical categories as economics, totemism, kinship, politics, individualism, or even society, have been characterized as ethnocentric constructs, why should it be any different with the disjuncture between nature and society? The answer is that this dichotomy is not just another analytical category belonging to the tool-kit of the social sciences; it is the key foundation of modernist epistemology. (Descola/Pálsson 1996: 12) Perhaps one of the most important and insightful explorations of the role of the nature/culture (society) dichotomy in Western thought is found in Latour’s (1993) work. Briefly stated, these dichotomous concepts have served two major purposes in ordering Western thought. First, they have allowed the hierarchical division of human and other(s) to function as ‘innate’ and ‘universal’, initially under the guardianship of theological foundationalism, i.e., God’s plan and a vertically oriented cosmology, then later simply as the Law of Nature. This transition in the model occurred during the Enlightenment and coincided roughly with the period in which absolute monarchies were loosing their grip on Europe. As a result, a new type of foundationalism was required, reflected in Linneaus’ choice of the Great Chain of Being as the classifying mechanism for all of nature and humankind (cf. Schiebinger 1993). Thus, in this new type of foundationalism, social hierarchies were based, not on God’s plan, but rather on an unchanging and universalist concept referred to as nature: justifications of existing inequalities were based on the hierarchical order attributed to nature and, in turn, dictated by it. Similarly, in the 18th and 19th centuries, pre-Darwinian socioeconomic thought provided the ground for both Darwin’s ‘competition’ metaphor and for the same type of metaphors in the works of Spencer and other so-called Social Darwinists. Thus, although commonly viewed as mutually exclusive opposites, these two antithetical concepts are linked and mutually reinforcing: the nature/culture antithesis has played a major role in Western thought, where nature is used to justify culture, the prevailing socioeconomic order, while at the same time, the prevailing socioeconomic order, culture, is mapped onto this reified entity, things-in-themselves, called nature. In this conceptual circularity lies the reason for this dyad’s key foundational role in modernist epistemology (cf. again Latour 1993).

This dualism destroys meaning in the natural world, makes our lives pointless, and justifies environmental exploitation

Ratner 11 (Dena, Louisiana State University, Bhatter College Journal of Multidisciplinary Studies (ISSN 2249-3301), Volume 1, Number 1, 2011, Special Issue on Earth, Nature, Environment, Ecosystem and Human Society)JFS

There are two kinds of nothing that have a dangerous impact on the environment. One stems from dualistic philosophies that treat the outside world as that which has no meaning. Although dualism had been prevalent in Greek philosophy and Christian theology, Descartes built on the idea that nature has no intrinsic value to justify the scientific study and exploitation of nature. After all, why respect nature if it has no metaphysical value? The other kind of nothing is the one that Tolstoy and Camus wrote about; it arises when the world is divorced both from internal consciousness and from eternal value. When nature has no meaning, it is easy to conclude that life itself has no meaning. When life has no meaning, it does not matter if you throw away your can of coke or recycle it.  Nietzsche and Heidegger brought attention to western man’s corrupted view of nature and can be considered pioneers in environmental philosophy. Over the past thirty years, it has become increasingly difficult to ignore the consequences both kinds of nothing have had on our environment. The beliefs that nature is an exploitable nothing and that life has no meaning have justified and perpetuated the trashing of our planet. What followed from Descartes scientific revolution was the industrial revolution, a harbinger of ever more intrusive technologies, like factories and cars that sent pollutants into the earth’s air, land, and sea. Now we face consequences of global warming like draughts, more extreme weather, the melting of the polar ice caps, and rising sea levels. It is increasingly difficult to believe that we can exploit nature without feeling the negative effects. It seems that never before has our connection with nature been more strongly proven. Perhaps environmentalism is the thread that can restore a connection to the universe for those who otherwise believe in nothing. Stripping Nature of Meaning: In his Discourse on Method, Rene Descartes formulated the idea that nature is disconnected from man in modern and rational terms. By doubting existence outside of his consciousness, Descartes reasoned, “intelligent nature is distinct from corporal nature” (Descartes 27). Since God’s nature is perfect and of the intelligent variety, that meant that corporal matter is that which lacks god’s presence. Of course, the dualistic concept that matter lacks the essence of God is not original to Descartes. It is an idea, which was propounded by the Socratics and brought into Christian thought by Augustine. Compare Augustine’s concept of the origin of sin, “You made the man but not the sin in him” (Augustine 8) to Descartes’, “Though we often have ideas which contain falsity, they can only be those ideas which contain some confusions and obscurity, in which respect they ‘do not come from the supreme Being, but proceed from or participate in nothingness” (Descartes 29).  So why didn’t we see the same level of environmental devastation in Augustine’s era as now? In justifying his publication of his principles, Descartes also wrote, “Instead of the speculative philosophy now taught in the schools we can find a practical one” and justified using knowledge of nature to “make ourselves master and possessors of nature” (Descartes 45). Descartes takes the idea that nature has no meaning out of the realm of speculation and thrusts it into the realm of action. Descartes writings in the seventeenth century had an enormous impact on the scientific revolution and the subsequent industrial revolution. It seems no accident that the popular concept that nature is an exploitable nothing, along with advances in technology, made an unprecedented exploitation of the environment possible. The incipient stages of modern day air pollution started with the introduction of factories and widespread consumption of coal when, “virtually no one reckoned that burning coal or oil would tamper with our climate” (Henson 27). By adding carbon dioxide to the Earth’s atmosphere over the past 150 years, humans have altered the world’s climate (Henson 7). “After the mid-1800s, Earth’s climate took a decided turn for the warmer and by the end of the twentieth century it was clear that global temperatures had reached the highest temperatures seen in 1000 years” (Henson 216). The IPCC’s 2001 report break global emissions of carbon dioxide into four major sectors: Industry, Buildings, Transportation, and Agriculture.  These industries would not exist if it had not been for the industrial and scientific revolutions. Dualism provided a philosophical justification for the objectivestudy and the exploitation of nature.   The Impact of Nihilism: Descartes explained the presence of God rationally, but for thinkers who could not find higher meaning, the dualistic philosophy descended into cosmic and existential nihilism. Cosmic nihilism is related to dualism in that it denies the possibility of finding meaning in nature, “The cosmos is seen as giving no support to distinctively human aims or values” (Routledge Encyclopedia of Philosophy). When people believe that the world is alien to human value, the meaning of actions in the world comes into question as well. This view that life itself has no meaning is existential nihilism or, that which “negates the meaning of human life, judging it to be irremediably pointless, futile and absurd” (Routledge Encyclopedia of Philosophy). Both kinds of nihilism are dangerous for the environment. For a cosmic nihilist hog farmer, it does not matter if his hogwash flows into a local river because the river has no inherent value.  For an existential nihilist, there is no point in trying to clean up a planet from which she will inevitably and eternally depart.

The stories we tell about the environment come first

Doremus 2000 (Holly Doremus is Professor of Law at the University of California, Berkeley, and co-faculty director of the California Center for Environmental Law and Policy "The Rhetoric and Reality of Nature Protection:Toward a New Discourse" 1-1-2000scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1311&context=wlulr)

The stories we tell to explain and justify our view of the relationship of humanity with nature are important determinants of the policies we adopt and the attitudes we develop. To date we have relied on three primary discourses to explain why and how the law should protect nature. These discourses are all valid. Nature is an important material resource for human use, a unique esthetic resource for human enjoyment, and most people agree that we have some kind of ethical obligation to protect nature.

While the discourses themselves are both valid and inevitable, the forms in which they have been brought to the political debate limit our ability to respond to, and even our ability to fully perceive, the problem of nature protection. The ecological horror story encourages us to view nature solely as a bundle of resources for human consumption or convenience, to rely on cost-benefit accounting in making decisions about what parts of nature we should protect, and to ignore the loss of nature short of catastrophic ecological collapse. The wilderness story teaches us that nature is defined by our absence, and encourages us to establish a limited number of highly protected reserves. The story of Noah's ark allows us to believe we are racing a short-term crisis, resolvable through straightforward temporary measures.

None of these stories addresses the crux of the modern nature problem, which is where people fit into nature. In order to address the boundary conflicts, distributional issues, and conflicts between discourses that currently plague our efforts to protect nature, we must find ways to address those issues in our political conversation. We already have a substantial number of building blocks that could contribute to a new discourse about people and nature. Constructing such a discourse should be a high priority in the new millennium for those who hope nature will survive into the next one.

Telework Conditions CP

Second, telecommunications reduces commutes which reduces damage to infrastructure, so it has to be repaired less – lowers costs

Goluboff 9—Nicole Belson Goluboff is a lawyer in New York who writes extensively on the legal consequences of telework. She is the author of The Law of Telecommuting, Telecommuting for Lawyers, and numerous articles on telework. She is also an Advisory Board member of the Telework Coalition. (“TELECOMMUTING AND THE BROADBAND SUPERHIGHWAY,” Published Online for *NewGeography* on July 8, 2009, Available Online at http://www.newgeography.com/content/00885-telecommuting-and-the-broadband-superhighway)

One strategy these lawmakers proposed for encouraging telework was to condition federal grants to states and localities for transportation infrastructure on their creation of bold incentives for telework. Why impose this condition? Telework limits the wear and tear on new roads and rails, as well as the demand for further construction. Thus, it protects the federal investment in such infrastructure and mitigates future costs. There is precedent for insisting that the recipients of federal funding for infrastructure focus on telework’s potential to reduce the need for that infrastructure. Federal law provides that executive agencies, when deciding whether to acquire buildings or other space for employee use, must consider whether needs can be met using alternative workplace arrangements such as telecommuting. Requiring state and local governments that seek federal aid for new roads to include telecommuting in their transportation plans would demonstrate the same kind of fiscal responsibility. Other lawmakers have introduced legislation specifically linking broadband and more conventional kinds of transportation infrastructure. Representative Anna G. Eshoo, a Democrat from California, together with Democratic Representatives Henry A. Waxman from California, Rick Boucher from Virginia and Edward J. Markey from Massachusetts, has sponsored the Broadband Conduit Deployment Act, a bill that would require new federal highway projects to include broadband conduits. Democratic Senators Amy Klobuchar from Minnesota, Blanche L. Lincoln from Arkansas and Mark R. Warner from Virginia have introduced companion legislation in the Senate. The proposal set forth in the two bills makes economic sense. It would be an unconscionable waste of taxpayer dollars to dig up roadways, expand and repave them and then dig them up again to lay the broadband pipes the stimulus bill made possible. If the pipes are installed while the roadways are under construction, they will be available when broadband providers are ready to get communities online.

Broadband is a key issue for rural areas

Peha 7 - Professor of Electrical Engineering and Public Policy, Carnegie Mellon University (John, Brookings, “Bringing Broadband to Unserved Communities” July 2007, <http://www.brookings.edu/papers/2008/07_broadband_peha.aspx>)

Roughly one-third of households in rural America cannot subscribe to broadband Internet services at any price. This puts many rural communities at a disadvantage with respect to economic growth, job creation, educational opportunities, health care information, commerce, and more. Internet users in urban areas are also adversely affected by the exclusion of so many rural households. For example, e-commerce merchants can attract fewer customers, online universities can attract fewer students, and users of e-mail, Internet telephony, and videoconferencing can communicate with fewer friends and business associates. Government can facilitate the expansion of broadband infrastructure into unserved communities through a suite of interrelated policies. Appropriate changes in spectrum policy would reduce the cost of building new broadband wireless systems in rural areas. These potential new wireless providers could then compete with existing telephone, cable, and cellular companies and other organizations for the obligation to bring broadband to an unserved community in return for a one-time subsidy. Defining this obligation in a highly flexible form and making it tradable on an open market would minimize the cost of infrastructure deployment and thereby reduce the subsidies needed. Attaching very lightweight restrictions on subsidy recipients could protect consumers from monopoly providers that might be tempted to limit their customers’ choice of content or applications. Allowing and encouraging local government agencies to play an active role could encourage providers to deploy infrastructure by guaranteeing future revenues and ensuring access to critical resources. Collecting better information on availability of broadband services nationwide would allow both policymakers and potential service providers to better identify the communities that need service. Together, these mutually reinforcing policy reforms would allow government to move the United States closer to the goal of universal access to broadband Internet by harnessing market forces without competing with market forces.

The advantages of telework outweigh the disadvantages—multiple reasons and studies

TRN 8—The Telework Research Network (“Telework pros and cons,” Published Online on July 16, 2008, Available online at http://www.teleworkresearchnetwork.com/telework-pros-cons/507)

Telework offers a pull, rather than a push solution to a wide range of problems. It benefits emplolyers, employees, and the community. A strong national telework strategy would increase GNP, reduce the national debt, and bring the balance of trade back in our favor. It would substantially reduce our Gulf Oil dependence. It would reduce traffic jams and the carnage on our highways. It would alleviate the strain on our crumbling transportation infrastructure. It would help reclaim many of the jobs that have been lost to offshoring, and provide new employment opportunities for at-home caregivers, the disabled, and the un- and under-employed. It would improve family life, and emancipate latchkey kids. It would substantially bolster pandemic and disaster preparedness. It would reduce global warming. And it would save companies and individuals billions of dollars.

This isn’t just pie-in-the-sky. These and other benefits were derived from a synthesis of over 250 studies, interviews with dozens of telework enthusiasts and challengers, researchers, venture capitalists who invest in the remote work model, Fortune 500 executives, virtual employers, and dozens of home-based workers in wide variety of professions.

While we’re committed to bringing the work at home trend into the 21st century by dispelling the many myths and stigmas that have held it back, there are some very real inhibitors that need to be overcome such as management mistrust, worker isolation, data security, and concerns about career impact. But companies that have tried telework have proven they can be overcome and that the pros far outweigh the cons. See for yourself:

And, sequencing – the condition has to come before the investment

Goluboff 10—Nicole Belson Goluboff is a lawyer in New York who writes extensively on the legal consequences of telework. She is the author of The Law of Telecommuting, Telecommuting for Lawyers, and numerous articles on telework. She is also an Advisory Board member of the Telework Coalition. (“Washington Opens the Virtual Office Door,” Published Online for *NewGeography* on December 28, 2010, Available Online at http://www.newgeography.com/content/001923-washington-opens-the-virtual-office-door)

By reducing the demand for roads and mass transit, telecommuting minimizes the cost of repair, maintenance and expansion of such infrastructure. Before the federal government subsidizes state and local transportation investments, the funding recipients should be compelled to mitigate costs by promoting telework.

One step that states receiving federal aid should be required to take is to eliminate tax barriers to interstate telework. For example, they should be prohibited from subjecting a nonresident company to business activity taxes when the company’s sole connection to the state is its employment of a few in-state telecommuters. States could also allow car insurers to offer pay-as-you-drive policies.

“Increase” is certain and immediate

Rogers 5 (Judge, STATE OF NEW YORK, ET AL., PETITIONERS v. U.S. ENVIRONMENTAL PROTECTION AGENCY, RESPONDENT, NSR MANUFACTURERS ROUNDTABLE, ET AL., INTERVENORS, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, lexis)

 [\*\*48]  Statutory Interpretation. [HN16](http://www.lexis.com/research/retrieve?_m=1fe428155fdfc9074f3623f0dae9d78a&docnum=14&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=0ebd338d6a7793de8561db53b915effd&focBudTerms=term%20increase&focBudSel=all#clscc16)While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. [42 U.S.C. § 7411(a)(4)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=103&_butInline=1&_butinfo=42%20U.S.C.%207411&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=1f89a0e47b1996a5400e8d865d8da08a). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See [Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=104&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b541%20U.S.%20246%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=48f016ea3eabfdb898b67b348b11662c); [Bluewater Network, 370 F.3d at 13](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=105&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b370%20F.3d%201%2cat%2013%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=78fdfe9d48c7b91d7659b90c0198707e); [Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23]  (D.C. Cir. 2000)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=106&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b342%20U.S.%20App.%20D.C.%207%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=fb18ff0b92931ac00621d88dae997e67). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly,  [\*\*49]  in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

**Investment is certain**

**Malik 8** **(**Mahnaz Malik, International Institute for Sustainable Development, Nov, 2008, “Recent Developments in the Definition of

Investment in International Investment Agreements”, PDF, KENTUCK)

The definition of investment in a large number of IIAs includes a requirement that the investment must be made in accordance with the laws and the regulations of the host state. This phrase prevents investments that would be illegal under the host state law from receiving protection under the treaty. A growing number of tribunals have reflected on this provision, and the limits to its scope have also emerged. In particular, tribunals have rejected host state arguments that the assets claming to be an investment under the treaty should be considered an investment according to local laws and regulations.

Investment has to be immediate

**CBO, 91** – Congressional Budgeting Office (“How Federal Spending for Infrastructure and Other Public Investments Affects the Economy – Trends in Investment,” CBO publication, July 1991, p. ix, available via google)

Investment, or capital spending, may be defined broadly as the expenditure of current resources to produce income or other benefits over some period in the future. Investment is distinguished from outlays for consumption, which are intended to provide immediate benefits. The federal budget and most other accounting systems treat all government outlays, even purchases of long-lived assets, as consumption because the purchases cannot clearly be shown to produce income as officially measured. Yet some federal expenditures clearly seem to be investments: like private investments, they produce a stream of economic benefits over time. The conventional definition of investment thus might reasonably be extended to include federal spending for physical infrastructure, some human resource programs, and research and development.

Substantial means certain and immediate

Words and Phrases 64 (40 W&P 759)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed, not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which no merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admiring, or pertaining to any others; undivided; sole; opposed to inclusive.

“should” means certain and immediate

Summer ’94 [Justice Summer, Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14]

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling in praesenti.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record. [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) In praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or immediately effective, as opposed to something that will or would become effective in the future *[in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

Supreme Court cases prove that this CP is an important discussion of policy and is real world

NPC 7 (Accredited by the Accrediting Commission of the Distance Education and Training Council, which is listed by the United States Department of Education as a nationally recognized accrediting agency, National Paralegal College, “Congressional Powers”, <http://nationalparalegal.edu/conlawcrimproc_public/Federalism/CongressionalPowers.asp>)JFS

It might not be immediately obvious that the power to tax and spend for the general welfare could actually be used in the way indicated by the hypothetical above. But in 1987 the Supreme Court handed down its decision in South Dakota v. Dole, 483 U.S. 203 (1987)which addressed 23 U.S.C. § 158, a law mandating that the Secretary of Transportation withhold federal highway funds from states which set their drinking age at less than 21 years old. The Court held that: “Incident [to the power of the General Welfare Clause], Congress may attach conditions on the receipt of federal funds, and has repeatedly employed the power ‘to further broad policy objectives by conditioning receipt of federal moneys upon compliance by the recipient with federal statutory and administrative directives.’” South Dakota v Dole at 206, quoting Fullilove v. Klutznick, 448 U.S. 448, 474 (1980). In other words, Congress can attach “strings” to money given to states in order to encourage states to comply with Congress’ wishes.

Five empirical examples prove this CP is real world – this is how transportation lawmaking is done!

GAO 4 (it’s the GAO, http://www.gao.gov/new.items/d04802.pdf)JFS

The federal-aid highway program has a considerable regulatory component. As a condition of receiving federal aid, states agree to apply and enforce certain federal laws on federally aided projects, such as the environmental assessment provisions in the National Environmental Policy Act, the Americans With Disabilities Act, the nondiscrimination protections found in the Civil Rights Act of 1964, and others. In addition, states are required to establish goals and to award a set percentage of contracts (the national goal is 10 percent) on federally aided projects to small businesses owned and controlled by socially and economically disadvantaged individuals, including minority and women-owned businesses. Furthermore, in accepting federal-aid highway funds, states must enact certain laws to improve highway safety or face penalties in the form of either withholdings or transfers in their federal grants.9 In addition to these penalties, states may apply for and receive highway safety incentive grants through programs administered outside the federal-aid highway program by the National Highway Traffic Safety Administration (NHTSA). For example, states in which the use of seat belts exceeds the national average or improves over time are eligible for incentive grants based on NHTSA’s