# T---Substantial

## 1NC

T Substantial

#### A ‘substantial’ number of workers means 2%.

Dr. Julie M. Zissimopoulos 8, Ph.D. in Economics from the University of California, Los Angeles, Economist at the RAND Corporation, also with Lynn A. Karoly, “Labor-Force Dynamics at Older Ages”, Res Aging. 2008 Oct 3;31(1):89–111. doi: 10.1177/0164027508324642

Self-employment is an important phenomenon among workers nearing retirement. Among workers aged 51 years and older, just over 20% were self-employed during the interval from 1992 to 2002. Some of these individuals had been self-employed much or all of their working lives, whereas many older workers transition to self-employment after age 50 and, for some, as part of a transition to retirement. Indeed, using longitudinal data from the HRS, we document substantial changes in labor-force status and class of employment for older workers over a two-year time period. Approximately 2% of wage and salary workers became self-employed between the HRS waves. Among retired workers who returned to the labor force, about one third unretired into self-employment. Most unemployed or disabled workers who returned to the labor force did so to wage and salary work, although about one in five was self-employed. The multivariate analysis provides insight into the factors that affect these transitions and contributes to our understanding of the three issues highlighted above.

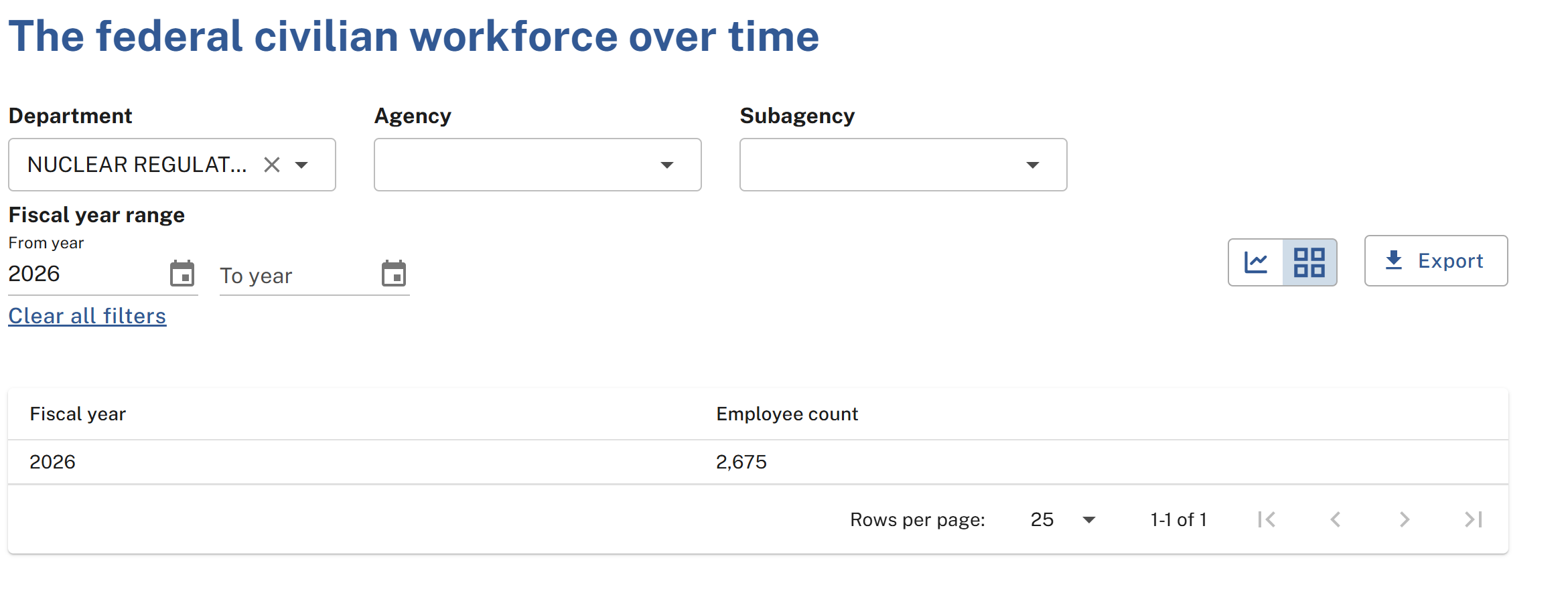
#### There are 170 million workers in the US.

Statista 25, Statista Research Department, “U.S. civilian labor force seasonally adjusted 2023-2025”, Nexis Uni

In August 2025, the civilian labor force amounted to 170.78 million people in the United States. The term civilian labor force is used by the U.S. Bureau of Labor Statistics (BLS) to describe the subset of Americans who have jobs or are seeking a job, are at least 16 years old, are not serving in the military, and are not institutionalized.

#### Violation---the plan only covers 2,675 workers. 0.001%.

OPM 26, US Office of Personnel Management, Federal Workforce Data, “The federal civilian workforce over time,” https://data.opm.gov/explore-data/analytics/workforce-size-and-composition



## 2NC

### Interp---2NC

#### We’re the only team reading cards about a ‘substantial’ number of workers.

Purvaja Yennamaneni 25, “A bet­ter deal on the anvil for gig work­ers in State”, https://www.pressreader.com/india/the-hindu-hyderabad-9WW7/20251025/281655376304577

This num­ber is pro­jec­ted to reach 23.5 mil­lion by 2029­, accord­ing to the Eco­nomic Sur­vey 2024. This growth rep­res­ents a sub­stan­tial por­tion of the total work­force, with gig work­ers constituting over 2% of the work­force and pro­jec­ted to reach 7% of the non­agri­cul­tural work­force by 2029­ accord­ing NITI Aayog.

#### The 2% threshold is the only thing that prevents ‘substantial’ from being meaningless.

Katherine E. David et al. 18, J.D. from the Georgetown University Law Center, Editor of Family Foundation Advisor, “Foundations Must Remain Alert to Potential SelfDealing—Part I”, https://www.civicresearchinstitute.com/online/PDF/FFA-1704-03-Self-Dealing-I.pdf

A substantial contributor is any person who contributed or bequeathed an aggregate amount of more than $5,000 to the foundation, if the amount is more than 2% of the total contributions and bequests received by the foundation before the close of the taxable year of the foundation in which the contribution or bequest was received. 9

Looked at differently, under this definition, a person who contributes more than $5,000 is not automatically a substantial contributor: the contributions must be more than 2% of the total contributions and bequests received by the foundation by the close of its current taxable year. (A prior version of the legislation provided that a substantial contributor is anyone who contributed more than $5,000 in any one year, or who contributed more than anyone else in any one year, even if that was less than $5,000. Congress recognized that without the additional 2% requirement, many people would be characterized as substantial contributors even though their contributions had no real impact on the foundation. The 2% minimum was included to make the rules practical and enforceable. 10 ) Further, in the case of a very small orstart-up foundation, a person who contributes more than 2% of the total contributions and bequestsreceived is not a substantial contributor unless his total contributions are more than $5,000.

#### Anything less is not substantial.

US Code 2, “26 CFR § 1.513-4 - Certain sponsorship not unrelated trade or business”, https://www.law.cornell.edu/cfr/text/26/1.513-4

(ii) Certain benefits disregarded. For purposes of paragraph (c)(2)(i) of this section, benefits are disregarded if the aggregate fair market value of all the benefits provided to the payor or persons designated by the payor in connection with the payment during the organization's taxable year is not more than 2% of the amount of the payment. If the aggregate fair market value of the benefits exceeds 2% of the amount of the payment, then (except as provided in paragraph (c)(2)(iv) of this section) the entire fair market value of such benefits, not merely the excess amount, is a substantial return benefit. Fair market value is determined as provided in paragraph (d)(1) of this section.

#### Intent to define.

Jarrod Lenne et al. 4, M.A. in Political Science from the University of Melbourne, “Employee Share Ownership Schemes in Australia: A Survey of Key Issues and Themes”, CELRL Working Paper No. 31, UNC Libraries

Australian Employee Ownership Association, Submission on Employee Share Ownership, 15 April 1999 (Submission No. 5), 5, cited in House of Representatives Standing Committee on Employment, Education and Workplace Relations, Shared Endeavours - an Inquiry into Employee Share Ownership in Australia (Majority Report) (2000), 25 [2.49]. “Substantial” refers to a plan with greater than 50 employee participants and/or holding more than 2% of the company’s capital. This data would seem to originate from the Remuneration Planning Corporation, The Employee Share Plan Handbook (1997), 21, cited in House of Representatives Standing Committee on Employment, Education and Workplace Relations, Shared Endeavours - an Inquiry into Employee Share Ownership in Australia (Majority Report) (2000), 24 [2.48].

#### “Substantial” must be at least 2%.

Words & Phrases 60

“Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities. Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App. 4.

### AT: Counterinterp---2NC

#### Supreme Court jurisprudence says ‘substantial’ must be quantitative and cannot be case-by-case when it’s followed by other words that modify *what* is substantial. Their interpretation doesn’t assume use in a sentence, just the term in isolation.

Clara N. Jiminez et al. 17, J.D. from Boston College Law School, “Infringement Under Section 271(f)(1): More than One Piece of the Puzzle Required”, https://www.finnegan.com/en/insights/articles/infringement-under-section-271-f-1-more-than-one-piece-of-the.html

Supreme Court: “Substantial” Is Quantitative

The sole question posed to the Supreme Court was whether “supplying a single, commodity component of a multicomponent invention from the United States is an infringing act under 35 U.S.C.A. § 271(f)(1).” In an opinion by Justice Sonia Sotomayor, the court answered “no” to this question, thus reversing the Federal Circuit’s decision and remanding the case for further proceedings.2

The court held that the term “substantial portion” in Section 271(f)(1) has a quantitative, not a qualitative, meaning. More specifically, the court held that the phrase “substantial portion” in the statute does not cover the supply of a single component of a multicomponent invention.

After concluding that the U.S. Patent Act does not define the term “substantial,” the court began its statutory construction analysis by examining the term’s ordinary meaning. The court acknowledged that the term may, in isolation, refer to qualitative importance or quantitative size. But it said that a reading of the term in the context of the statute points to a quantitative meaning. The court noted that the terms “all” and “portion”—both used within the same sentence where “substantial” appears—refer to determinations of quantity, not quality. Furthermore, it noted that the phrase “substantial portion” is modified by the phrase “of the components of a patented invention.” The grammatical structure suggests that it is the supply of all or a substantial portion “of the components” of a patented intention that triggers liability for infringement, the court reasoned. According to the court, a qualitative reading would render the phrase “of the components” unnecessary the first time it is used in the section. Following canons of statutory construction, the court favored the quantitative reading, which provided meaning to each term in the statutory provision. Following canons of statutory construction, the court favored the quantitative reading, which provided meaning to each term in the statutory provision.

The court also declined to follow the “case specific” approach that Promega had advocated. By doing so, it refused to task juries with interpreting the meaning of the statute on a case-by-case basis to determine whether a single component is a “substantial portion.” Further, the court said Promega’s suggested case-specific approach may not necessarily help resolve close cases because, as the court explained, “few inventions … would function at all without any one of their components.” In light of that reality, the court asked, “How are courts—or, for that matter, market participants attempting to avoid liability—to determine the relative importance of the components of an invention?”

### AT: Precision---2NC

#### More evidence in the context of CBAs and workers’ rights.

Dr. Gary Rhoades 23, PhD from the University of California, Los Angeles, Professor of Higher Education, at the University of Arizona's Center for the Study of Higher Education, “Postdoc Identity, Jurisdictional Issues, Ideologies, and Unions: Considerations in Organizing Professionals”, Labor Studies Journal, 48(2), 101-120, doi: 10.1177/0160449X231155636

All the CBAs also provided general raises. For example, the levels were 3% at the University of Massachusetts, Amherst (for postdocs whose salary was above the minimum), 2% at Rutgers, 3% at the University of Connecticut (for each reappointment), and 2.5% minimums at Columbia in the second and third contract years. All were substantial gains in postdocs’ rights.

#### AND---in the context of ‘strengthened CBR’.

Dr. Ödül Bozkurt et al. 24, PhD from UCLA, Professor of Work and Employment at University of Sussex Business School, “Consultation on creating a modern framework for industrial relations (2024): Response from High Pay Centre and academics”, https://highpaycentre.org/wp-content/uploads/2025/09/industrial-relations-consultationacademics-letter-3.pdf

Currently, the framework for trade unions focuses on rights to access and recognition for trade unions as well as establishing more efficient processes for industrial action. These are very welcome measures that should lead to more workers being able to make a free and informed choice about trade union membership. This in turn should result in more workers with stronger collective bargaining power and representation from a union who can address workplace issues on their behalf.

However, the potential of unions goes beyond pay negotiations and preventing exploitative working practices. As workers’ representatives who can speak freely and frankly to management without fear of recrimination, unions are well-placed to deliver all the benefits of worker voice: better organisational decision-making and performance; higher regard for worker interests, from the shopfloor to the boardroom; a greater sense of agency and control for workers.

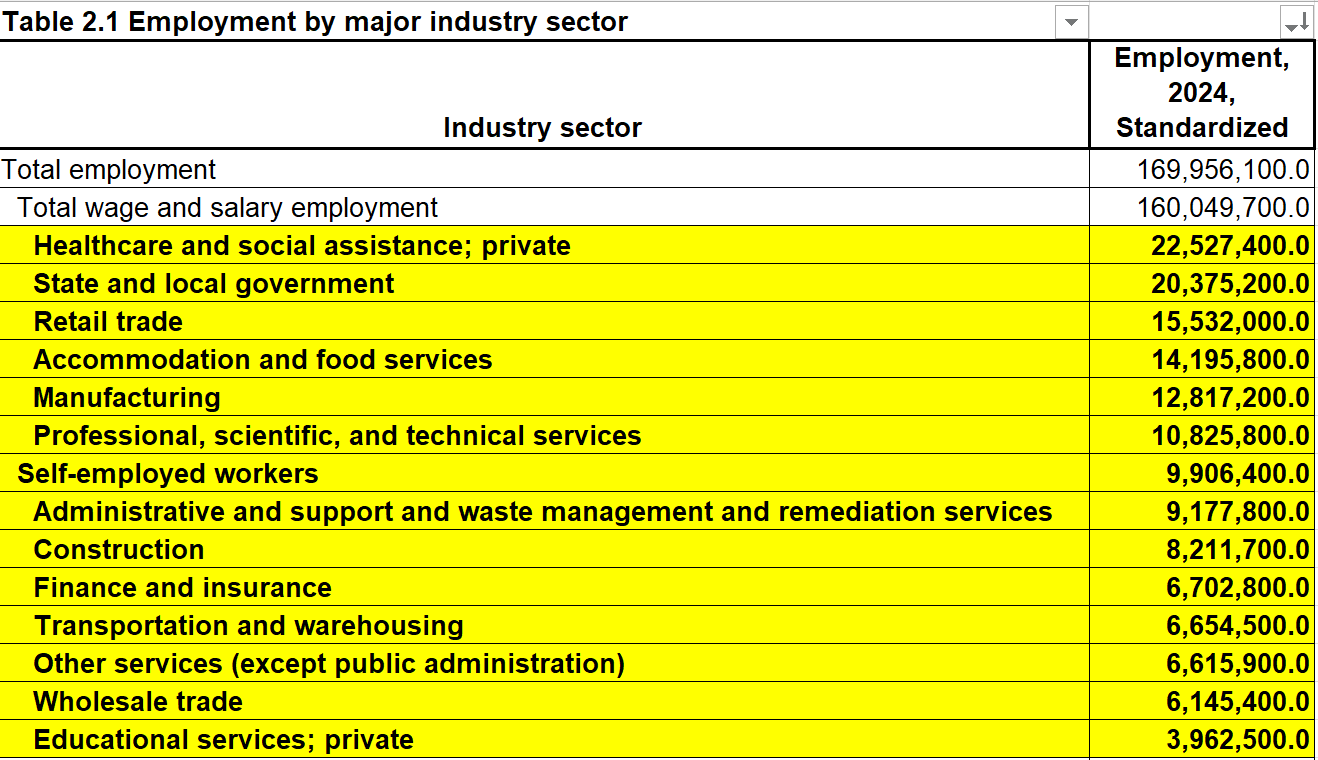
Currently, the Information and Consultation of Employees regulations are the most substantial mechanism for enabling worker voice in decision-making, giving employees the right to request that a consultation body be established if at least 2% of the workforce, or 15 people at organisations with fewer than 750 employees. However, uptake of this right has been low, with just 14% of workplaces having either a works council or some form of on-site consultation mechanism according to the 2017 Taylor Review of Modern Working Practices.[9] Research suggests that even where consultation mechanisms have been established, their impact has been highly varied. Even though they are not duty bound to accept the recommendations of workers on major decisions, many employers still fail to share key information important business issues. Consultation bodies often lack access to senior decision-makers and accountability over how views expressed during consultation processes have been acted upon.[10]

### AT: Aff Ground/Overlimiting---2NC

#### Here are all the industries that are still substantial under our interpretation---we’ll insert the chart here.

\*\*\*this data in its online form is hard to interpret, so it was was downloaded and cleaned in Excel. Since the table showed values in thousands, I multiplied each total employment figure by 1000, but otherwise didn’t change any values whatsoever. For ease-of-viewing, I sorted the data from largest to smallest, and cut off the industries at 3.5M, which is 2% of 170M. If you have questions, please contact me (Dan Bannister)\*\*\*

BLS 25, Bureau of Labor Statistics, “Employment by major industry sector”, <https://www.bls.gov/emp/tables/employment-by-major-industry-sector.htm>,



#### AND---the ‘big’ fed workers AFF *is topical* because it’s 2%. You just can’t read subsets of it.

Zachary Amsel 25, Senior Director of Data Analytics at Consumer Edge, “Federal Government Shutdown Takes a Bite Out of Regional Spending”, https://www.consumeredge.com/resources/insights/federal-government-shutdown-takes-a-bite-out-of-regional-spending/

Given that federal workers make up just 2% of the total U.S. workforce, the direct national impact remains limited – total YoY spend growth was dragged down just ~10bps in October from the cohort. But the story changes sharply at the regional level.