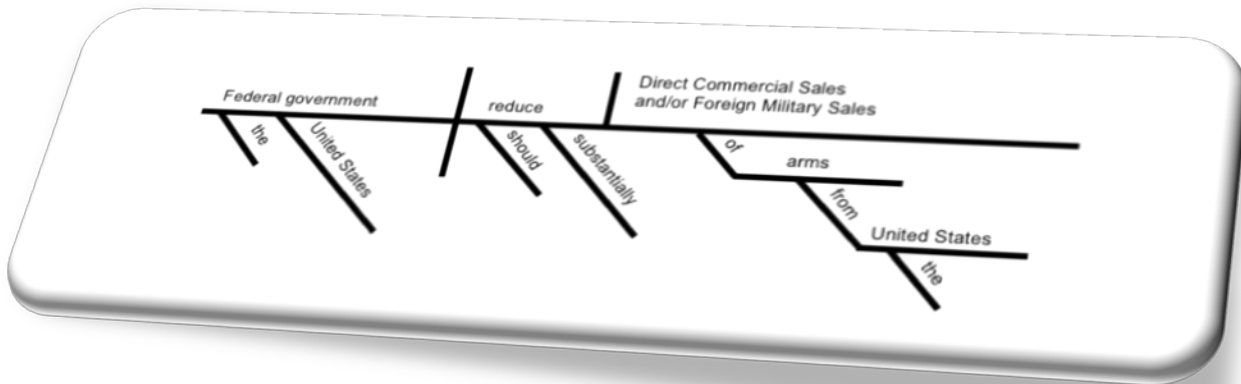


## DEFINITIONS OF TERMS ON THE ARMS SALES TOPIC

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The 2019-20 Interscholastic Debate Resolution: *The United States federal government should substantially reduce Direct Commercial Sales and/or Foreign Military Sales of arms from the United States.*



The resolution on the arms sales topic originated with a proposal submitted by Dustin Rimmey of Topeka High School in Topeka, Kansas. Mr. Rimmey and the members of the Topic Selection Committee Wording Committee jointly wrote a topic paragraph for inclusion on the ballot. The paragraph for the arms sales topic follows:

TOPIC PARAGRAPH AS INCLUDED ON THE 2019-20 BALLOT: A useful index of the intent of the topic framers is provided by the paragraph which is sent along with the topic selection ballot. The authors of the topic proposal and the members of the Wording Committee jointly wrote this paragraph.

The paragraph on the ballot for the arms sales topic follows:

In the movie *Iron Man*, upon his triumphant return to the United States, arms dealer Tony Stark reflects upon the world his products helped shape: "I saw young Americans killed by the very weapons I created to defend them and protect them. And I saw that I had become part of a system that is comfortable with zero-accountability . . . I had my eyes opened. I came to realize that I had more to offer this world than just making things that blow up. And that is why, effective immediately, I am shutting down the weapons manufacturing division of Stark Industries." Just as Tony Stark faced his day of reckoning, the United States is on the verge of facing a similar fate. President Trump is actively increasing the number of arms contracts offered and authorized by the United States. One must ask whether arms sales make us safer and strengthen our economy, or create blowback which increases terrorism or fuels conflicts in a variety of regions across the globe. Direct Commercial Sales affirmatives would limit the number or type of sales by American companies to foreign militaries. These affirmatives could prohibit the sale of drone technology, reduce small arms sold to nations like Saudi Arabia which are used to perpetrate human rights abuses, or strengthen export controls to prevent future resale of our technology. Foreign Military Sales affirmatives would reduce sales by the Departments of State or Defense to foreign militaries. These affirmatives could prohibit sales of F-35s to Israel which are used for bombing raids, prevent Japanese acquisition of Tomahawk missiles which would provoke China or North Korea, or prevent sales to Qatar which may give U.S. munitions to terrorist organizations. Affirmatives addressing either type of sales

could net advantages such as: Terrorism, proliferation, human rights credibility, hegemony and increasing stability in the world's most volatile regions. Negative teams will have access to alliance-based disadvantages highlighting the need for arms sales to create commonly equipped militaries, defending arms sales as a credible deterrent to prevent conflicts, acknowledging the economic impact of reducing the role of one of the largest economic sectors or arguing countries like Russia or China would fill in and negate solvency. The only constant element of President Trump's foreign policy is to increase arms sold by the United States, which makes the literature base broad and accessible, we have not embraced the opportunity to debate arms sales since 1983, and the time to rekindle this debate is now.

Usually, the topic paragraph has very little influence on topicality debates – such matters are typically left to the arguments made by debaters in each individual round of policy debate. However, it may be significant to note that the topic author and the members of the Wording Committee listed as possible affirmative cases numerous cases: “. . . sale of drone technology, reduce small arms sold to nations like Saudi Arabia which are used to perpetrate human rights abuses, or strengthen export controls to prevent future resale of our technology. Foreign Military Sales affirmatives would reduce sales by the Departments of State or Defense to foreign militaries. These affirmatives could prohibit sales of F-35s to Israel which are used for bombing raids, prevent Japanese acquisition of Tomahawk missiles which would provoke China or North Korea, or prevent sales to Qatar which may give U.S. munitions to terrorist organizations. Affirmatives addressing either type of sales could net advantages such as: Terrorism, proliferation, human rights credibility, hegemony and increasing stability in the world's most volatile regions.” As you will see from the paragraphs below, negative teams may be able to argue that all such cases are not topical. But if the reason that topicality is a voting issue is the provision of “notice,” then the topic paragraph provided notice – directly on the topic ballot – that such cases would be debated.

#### **TOPICALITY VIOLATIONS THAT SHOULD BE ANTICIPATED:**

Note: Below is the list of topicality violations supported with evidence and argument in Volume 3 of the Baylor Briefs “Topicality Casebook” prepared by Dr. Ryan Galloway of Samford University. If you wish to explore the evidence and brief structure supporting each of the following topicality violations, consult the Topicality Casebook.

##### *1. Arms sales are sales of military goods and services: Arms transfers are not topical.*

This topicality argument states that the affirmative plan must deal with the sale of military goods and services, and not the transfer of goods and services. This definition is useful both because it defines arms sales as a complete term, it is also useful because it comes from the Stockholm International Peace Research Institute, an organization that is an expert on arms sales. In defending this interpretation, the negative team should first rely upon a fair limits standard. The affirmative interpretation of allowing transfers as well as sales at least doubles the topic. The negative team must be prepared for cases that sell arms as well as cases that merely give arms to other nations, doubling the size of the topic. The only meaningful way to put a limit on the topic is to give the sales portion of the topic meaning. Second, the negative team should argue that the negative interpretation is precise. Transfers are simply not arms sales. Even if the affirmative plan is fair to debate, it does not meet the terms of the resolution, and therefore the affirmative team is not affirming the resolution.

##### *2. “Arms are weapons:” Cases dealing with military training are not topical.*

This topicality argument states that the affirmative plan must deal with the sale of weapons, and not the portions of Direct Commercial Sales and Foreign Military Sales that deal with military training. Many teams may be tempted to avoid the disadvantages specific to reducing arms sales by merely reducing military training that we provide with another nation. However, that puts the affirmative in violation of the portion of the topic referring to arms. First, the negative should argue that this interpretation fairly limits the topic. The affirmative interpretation expands the topic to include both the sale of weapons as well as military training. By limiting the affirmative plan to weapons, the negative keeps a lid on an already large topic. Second, the negative should rely on the division of ground standard. By dealing with military training, the affirmative team denies the negative advantages intrinsic to the

topic like the defense industry disadvantage and the proliferation disadvantage. Because the negative should have the right to such arguments, the affirmative has run afoul of the resolution.

3. *“Arms deal with specific implements of war:” Cases dealing with esoteric military weaponry are not topical.*

This topicality argument states that the affirmative plan must deal with arms as defined by the United Nations’ Arms Trade Treaty, which includes: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons. A temptation for the affirmative on this topic might be to find so called “weapon of the week” cases that deal with esoteric weapons like lasers, particular bullets, or drones. However, such weapons are not arms according to the Arms Trade Treaty. First, the negative should argue that this interpretation fairly limits the topic. The affirmative interpretation expands the topic to include esoteric weapons systems that the negative could never keep up with. Some limitation on arms is needed to keep a lid on the topic. Second, the negative should rely on the field context standard. The definition provided by the United Nations treaty dealing with arms sales should be considered superior to a mere dictionary definition, because it is specific to the field that the topic falls under.

4. *DCS and FMS do not allow excess defense articles and emergency drawdowns of weapons stocks.*

This topicality argument states that the Direct Commercial Sales (DCS) and Foreign Military Sales (FMS) deal with specific governmental programs that deal with the sale of arms. Specifically, these programs exclude excess defense articles and emergency drawdowns of weapons stocks. The affirmative may be tempted on this topic to deal with the resolution as if it just deals with arms sales of any variety. However, DCS and FMS are specific government programs that limit the type of weapons that can be sold under their purview. First, the negative team should rely upon the fair limits standard. By not limiting the topic to the specific types of weapons sales allowed under DCS and FMS, the affirmative team explodes the topic to any kind of arms sales. Second, the negative should rely on the precision standard. The framers of the topic intended for the affirmative to deal with DCS and FMS, and not any kind of arms sale or transfer of weaponry. If the topic was designed to deal with arms sales in general, the framers would have written the topic in that way.

5. *“Reduce:” The affirmative plan cannot abolish arms sales.*

This argument states that the affirmative plan must reduce arms sales from the United States, and not abolish them altogether. Many affirmative teams may argue that existing arms sales are problematic in and of themselves, and not merely because of the amount of arms being dealt with. For example, some affirmatives may abolish the sale of weapons that construct Ballistic Missile Defenses. Such a plan does not reduce the size of arms sales, but abolishes them altogether. To defend this interpretation, the negative team should rely upon a limits standard. The affirmative team massively increases the scope of the topic, requiring the negative to defend why arms sales should exist at all, as opposed to merely debating the size of such arms sales. If the affirmative was instead required to defend arms sales as they exist, merely defending a reduction in the size of such arms sales, the topic would be far more manageable for the negative team. Second, the negative interpretation also best promotes the precise meaning of the terms in the topic. “Reduce” is linguistically distinct from “abolish.” The affirmative team is required to decrease the size of existing arms sales, not abolish them altogether.

6. *“Substantially” means to reduce by 25 percent. Plans which reduce arms sales by less than 25 percent are not topical.*

This topicality argument states that the affirmative plan must reduce arms sales by at least twenty five percent. One fear on this topic is that it will devolve quickly into affirmative teams eliminating tiny weapons systems to one country, or even one region within a country. Such “squirrel cases” will be difficult to defeat, as the negative team is unlikely to have specific evidence on this small facet of arms sales policy, and the affirmative will attempt to argue that negative disadvantages do not apply because the reduction is so small. This violation attempts to rectify such situations by setting a standard by which the affirmative must reduce arms sales.

This interpretation has two tangible benefits. First, it provides a clear meaning to the term substantially. This term has been in many high school topics, and many judges have come to believe the term is almost useless in limiting the topic, because the definitions of the term are so arbitrary. However, by defining “substantially” as meaning twenty five percent, much of the arbitrary nature of the term is eliminated. A “bright line” is drawn between affirmative cases which are topical and affirmative cases

which are not topical. An affirmative plan that reduces arms sales by twenty four percent would not be topical, whereas an affirmative plan which reduces the amount by twenty five percent would be topical.

Second, the interpretation creates a reasonable limit on the scope of the topic. Affirmatives can still deal with human rights, ballistic missile defense systems, or even drones, but the plan must be an overall reduction in the sale of arms from the United States by at least twenty five percent. It is important for the negative team to remember the evidence in this section that argues that substantially must be measured in its overall context. Thus, the plan must be a reduction in overall arms sales by twenty five percent. This is vital to eliminating “squirrel cases” that deal with a tiny number of weapons.

7. *“Substantially:” Without qualification—plans which condition the reduction in arms sales are not topical.*

This topicality argument states that the affirmative plan must unconditionally reduce arms sales. Many teams may be tempted to tinker with arms sales, by qualifying the reduction on an improvement in human rights, by participation in a conflict, by the intentional killing of civilians, etc. However such “qualifications” on the reduction in arms sales are not topical according to this interpretation.

Two standards bolster this interpretation. First, the qualitative nature of the definition eliminates the arbitrary meaning of the term substantial. The difficulty with percentage based definitions is that percentage based definitions exist for a wide variety of definitions of substantially. Thus, the quantitative definitions tend to be somewhat arbitrary. However, the qualitative definition of substantially provides a clear meaning to the term.

Second, the interpretation creates a reasonable limit on the scope of the topic. Affirmatives can still reduce arms sales to various countries, or even reduce particular types of arms sales. The plan must merely be an unconditional reduction in arms sales. This allows the negative predictability in terms of disadvantages and counterplans that argue that unconditional reductions in arms sales are problematic.

When running this violation, the negative team should be prepared to aggressively defend against the “quantitative” interpretations of the word substantially that the affirmative will offer. Understanding that there are multiple different percentage based definitions of substantially will allow the negative team to argue that the affirmative interpretation is arbitrary and thus unfair to the negative team.

8. *“From the United States:” The arms must originate in the United States.*

This topicality argument states that the affirmative plan must reduce arms sales coming from the United States. While this may seem obvious, some teams may try to reduce weapons sales that have been manufactured by other countries, but been purchased or transferred to the United States. Such weapons systems are not from the United States.

Two standards bolster this interpretation. First, the negative should rely on the fair limits standard. The affirmative interpretation explodes the topic, by allowing for arms that originated in another country and then were transferred to the United States. The affirmative should be limited to homegrown weapons from the United States.

Second, the interpretation fairly divides ground between the affirmative and negative teams. Critical negative arguments deal with the fact that arms that are created in the United States create jobs for the defense industrial complex, and are politically popular because the jobs are often in politically potent regions of the country. By allowing the affirmative to deal with arms from other countries, the affirmative avoids such arguments.

9. *Framework: The affirmative must defend topical action by the United States federal government.*

The final violation in this volume is designed to answer the growing tendency for teams to ignore the resolution altogether by advocating for personal politics or performance outside the resolution. The violation itself is fairly simple: the affirmative team does not propose an action by the federal government in order to address the resolution. Winning that this is a voting issue can be quite difficult against a sustained attack by the affirmative team. Four standards should be utilized to help your case.

First, there must be a basic agreement on terms for a debate to take place. Evidence in this section indicates that resistance movements need common terms for agreement. If one thinks euthanasia is a rock band, then one cannot have a productive discussion about what to do about euthanasia in the United States. Similarly, whether one agrees with reducing arms sales or not, without specific agreement on the terms of engagement any debate about the subject will be meaningless.

Second, this violation includes evidence that learning about arms sales is necessary to create resistance to the arms lobby in the United States. In order to effectively push for enactment of restrictions

on arms sales, one must be educated on the topic and be able to narrow the discussion down to specific arms sales policies. This allows for activists to create coalitions that are necessary to challenge the powerful arms sales industry.

Third, the negative team should defend the necessity for predictable ground. A common retort to the framework position is that the negative team had other arguments they could have made. This is usually followed by a laundry list of plausible (and not so plausible) arguments against the affirmative case. However, the notion that the negative team should be prepared to run all these arguments without a nexus to the resolution is suspect at best. The only way to have a sustained engagement with the affirmative case is that the case be predictable to start with.

Fourth, the negative team should argue that fairness precedes education. The affirmative will argue that they have educated the judge and the negative team about some emancipatory view of politics. However, absent a fair test of the affirmative case, there is severe doubt about the benefits of the case itself. Without a fair test, we have no idea whether the view presented by the affirmative is emancipatory or harmful to society.

## UNITED STATES FEDERAL GOVERNMENT

### Federal government means the central government in Washington, D.C.

Amy Blackwell, (J.D., Staff, U. Virginia Law Library), THE ESSENTIAL LAW DICTIONARY, 2008, 187. Federal: Relating to the central government of a union of states, such as the national government of the United States.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 308. Federal government: of or connected with the central government

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 377. Federal government: relating to the central government of a federation.

Michael Agnes, (Editor), WEBSTER'S NEW WORLD DICTIONARY, 4<sup>th</sup> College Edition, 2007, 290. Federal government: Of the central government.

Susan Spitz, (Sr. Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 4th Ed., 2006, 647. Federal: The central government of the United States.

## SUBSTANTIALLY

### "Substantial" means the "essential" part of something.

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2<sup>nd</sup> Ed., 2007, 1369. Substantially: Concerning the essentials of something.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2<sup>nd</sup> Ed., 2007, 835. Substantially: Essentially, at bottom, fundamentally, basically, in essence, intrinsically.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2<sup>nd</sup> Ed., 2007, 835. Substantially: Essential; true in large part.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: in essence, basically, fundamentally.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: concerning the essential points of something

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: fundamental, essential, basic.

Michael Agnes, (Editor), WEBSTER'S NEW WORLD DICTIONARY, 4<sup>th</sup> College Edition, 2007, 780. Substantial: In essentials.

### "Substantial" means "valuable."

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4<sup>th</sup> Ed., 2007, 1376. Substantial: Considerable in importance, value, degree, amount, or extent.

Daniel Oran, (Assitant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN'S DICTIONARY OF THE LAW, 4<sup>th</sup> Ed., 2008, 510. Substantial: Valuable, real, worthwhile.

“Substantial” means permanent as opposed to temporary.

Richard Bowyer, (Editor), DICTIONARY OF MILITARY TERMS, 3rd Ed. 2004, 235. Substantive: Permanent (as opposed to acting or temporary).

“Substantial” means relating to the “fundamental substance” of a thing.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 8th Ed., 2006, 1606. Substantial: Of or relating to the basic or fundamental substance or aspects of a thing.

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4<sup>th</sup> Ed., 2007, 1376. Substantial: Of, relating to, or having substance.

“Substantial” means of a “corporeal or material nature.”

Stuart Flexner, (Editor-in-chief), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 2nd Ed., 1987, 1897. Substantial: Of a corporeal or material nature; tangible; real.

“Substantially” means more than 25%.

Federal Tax Regulation, Section 1.409A-3(j)6, INCOME TAX REGULATIONS (Wolters Kluwer Business Publication), 2008, 723. For this purpose, a reduction that is less than 25% of the deferred amount in dispute is not a substantial reduction.”

“Substantially” means “without material qualification.”

BLACK’S LAW DICTIONARY, Feb. 5, 2014. Retrieved May 10, 2017 from <https://www.novoco.com/notes-from-novogradac/close-enough-how-measure-substantially-similar-under-fasbs-new-lihtc-investment-guidance>. Substantially: Essentially; without material qualification; in the main; in substance, materially; in a substantial manner

A reduction of less than 15% is not substantial.

WORDS AND PHRASES, Vol. 40B, 2002, 326. Where debtor-jewelry retailers historically obtained 15-25% of the inventory of their two divisions through consignments, they were not, as a matter of law, substantially engaged in selling the goods of others. In re Wedlo Holdings, Inc. (North Dakota case)

A reduction of less than 25% is not substantial.

Major Nathanael Causey, ARMY LAWYER, Feb. 1995, Retrieved May 18, 2019 from HeinOnline. DFARS 249.7003; 252.249-7002. "Major defense program" is defined as a program that is carried out to produce or acquire a major system. "Substantial reduction" is defined as a reduction of 25% or more in the total dollar value of contracts under the program. See id. 252.249-7002(a).

Rahul Prakash, (Junior Fellow at the Observer Research Foundation, New Delhi), July 2012. Retrieved May 17, 2019 from [https://www.files.ethz.ch/isn/147799/The%20ATT\\_An%20Indian%20perspective.pdf](https://www.files.ethz.ch/isn/147799/The%20ATT_An%20Indian%20perspective.pdf). Today, the arms industry has proliferated over the years across the globe and it is different from what it used to be two decades ago. New players have emerged both in the industry as well as the market. From 2007 to 2011, the international conventional arms transfers have increased by 24 percent as compared to 2002- 2006 , indicating the growth of demand for weapons. 2 Though the increase is not substantial, the figures reflect the reality that the global demand for arms is unlikely to go down significantly in the near future.

“Substantial” means “important.”

Amy Blackwell, (J.D., Staff, U. Virginia Law Library), THE ESSENTIAL LAW DICTIONARY, 2008, 477. Substantial: Important, large, considerable, valuable.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 873. Substantially: large in size, value, or importance

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2<sup>nd</sup> Ed., 2007, 1369. Substantially: Of considerable importance, size, or worth.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2<sup>nd</sup> Ed., 2007, 835. Substantially: Of real importance, value, or validity.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: real, significant, important, major, valuable.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: of great importance, size, or value.

“Substantial” means “mainly.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: for the most part; mainly.

“Substantial” means “markedly.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: greatly, markedly, appreciably.

“Substantial” is an inexact term.

Daniel Oran, (Assitant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN’S DICTIONARY OF THE LAW, 4<sup>th</sup> Ed., 2008, 510. Substantial: “A lot,” when it’s hard to pin down just how much “a lot” really is. For example, substantial evidence is more than a mere scintilla of evidence but less than a full preponderance of evidence.

“Substantial” means “to a great extent.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: to a great extent.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 873. Substantially: to a large degree.

“Substantial” means “large.”

Michael Agnes, (Editor), WEBSTER’S NEW WORLD DICTIONARY, 4<sup>th</sup> College Edition, 2007, 780. Substantial: Material, strong, large.

“Substantial” means “socially important.”

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2<sup>nd</sup> Ed., 2007, 1369. Substantially: Important in material or social terms.

“Substantial” means “not imaginary.”

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4<sup>th</sup> Ed., 2007, 1376. Substantial: True or real; not imaginary.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: real and tangible rather than imaginary.

## **SUBSTANTIALLY IS CONTEXTUALLY DEFINED**

Military assistance to Egypt is substantial.

Human Rights Watch, DON’T GREEN LIGHT EGYPT’S REPRESSION, Apr. 9, 2019. Retrieved Apr. 22, 2019 from <https://www.hrw.org/news/2019/04/09/us-dont-green-light-egypts-repression>. For almost four decades, Egypt has received substantial assistance from the US, including US\$1.3 billion in annual military aid.

The licensing of the foreign manufacture of U.S. weapons systems is a substantial practice.

Bryan Schatz, (Staff, Mother Jones), WHILE TRUMP HYPED DEFENSE JOBS, WEAPONS MAKERS WERE EXPORTING THEIR OPERATIONS OVERSEAS, Apr. 2019. Retrieved Apr. 16, 2019 from <https://www.motherjones.com/politics/2019/04/defense-industry-arms-weapons-jobs-trump/>. “One of the biggest claims that Trump makes is that this is a huge job creator,” said William Hartung, the director of the Arms and Security Project at the Center for International Policy and a coauthor of the report, in a call with reporters. According to the newly released report, the Trump administration inked \$78.8 billion in international arms deals in 2018, a slight drop from the year before. “One of the most interesting things we’ve found is that about 25 percent of the \$78.8 billion in deals were for licenses to manufacture US weapons or US weapons’ components overseas—40 licenses worth over \$19 billion,” Hartung said. Agreeing to let countries manufacture American arms has become “a way to close a deal,” Hartung said. “When you’re making a foreign sale, [defense companies] may say, ‘We’ll let you build this thing there if you buy it from us’... It is a substantial practice. It’s one that’s not discussed when President Trump brags about jobs.”

Arms sales under the Trump administration are substantial.

William Hartung, (Dir., Arms Security Project at the Center for International Policy), SECURITY ASSISTANCE MONITOR, Apr. 2019, 1. U.S. arms sales offers totaled \$78.8 billion in 2018, a \$3.4 billion drop from the figure reached during President Trump’s first year in office. The figures include offers under the Pentagon’s Foreign Military Sales (FMS) program as well as Direct Commercial Sales (DCS) licensed by the State Department. While substantial, the level of exports reached under the Trump administration so far lag significantly behind the \$102 billion in offers made during the peak year of the Obama administration in 2010.

Arms sales to India are substantial.

THE PIONEER (INDIA), Aug. 12, 2018. Retrieved Apr. 16, 2019 from Nexis. The US is India's largest trading partner. Counting the trade in services as well, it reaches up to \$130 billion. This is bound to grow substantially in the coming years with the opening of new frontiers in our relations. India's acquisition of Defence equipment from the US has already reached \$10 billion mark. There is also an opportunity for substantial trade between America and India in the nuclear field.

The nuclear technology provided by the Trump administration to Saudi Arabia is substantial.

Tom McKay, (Staff, Gizmodo), TRUMP ADMIN APPROVED SECRET DEAL TO SELL U.S. NUCLEAR TECH AND ASSISTANCE TO SAUDI ARABIA, Mar. 27, 2019. Retrieved Apr. 10, 2019 from <https://gizmodo.com/reports-trump-admin-approved-secret-deal-to-sell-u-s-1833626784>. "One thing that is in our interest is to prevent Saudi Arabia from getting a nuclear weapon," [U.S. Representative, Brad] Sherman said. "What I've seen in this administration recently ... is an effort to evade Congress and to some extent evade your department and provide substantial nuclear technology and aid to Saudi Arabia while [the country] refuses to abide by any of the controls we would like to see regarding reprocessing, enrichment."

U.S. arms sales to Taiwan are substantial.

Jude Woodward, (Prof., Antai School of Business, Shanghai), THE U.S. VS. CHINA: ASIA'S NEW COLD WAR?, 2017, 131. US arms sales to Taiwan had generally declined since the Taiwan Relations Act despite occasional breaches, such as those under George W. Bush. Obama did agree to substantial arms sales in 2010 and 2011 and a further lesser sale in 2015, but the deals did not include new fighter jets or help in replacing Taiwan's ageing submarine fleet, which it urgently wanted. Future US arms sales remain a key indicator of the degree to which Trump and future US administrations are really prepared to confront China over Taiwan.

U.S. trade with India is not substantial.

Richard McGregor, (Staff), NIKKEI ASIAN REVIEW, July 1, 2017. Retrieved May 10, 2019 from <https://asia.nikkei.com/Politics/Modi-and-Moon-chart-Trump-s-policy-muddle>. [South Korean President] Moon felt the full force of Trump's defining "America First" ideology during his visit. At a Rose Garden ceremony which normally operates as a polite, face-saving ritual for visiting leaders, Moon was forced to endure sharp criticism from Trump over South Korea's trade barriers and alleged backsliding on support for U.S. troops stationed in the country. Only the day before, Trump's national security adviser for Asia had told journalists in a background briefing that South Korea was "far from a laggard" on security burden sharing and, in many respects, was a model ally on defense spending. Such reassurances clearly mattered little to Trump once he was in front of the microphone. [India's President] Modi suffered no such public censure, only because Indian-U.S. trade is not substantial and Washington has no troops of its own stationed on Indian soil.

Arms sales to Bahrain are substantial.

THAI NEWS SERVICE, Sept. 11, 2017. Retrieved Apr. 22, 2019 from Nexis. The US State Department has just approved \$3.8 billion in weapons sales to Bahrain. The Pentagon confirmed the approval and the State Department has notified Congress, who held up a similar sale last year over Bahrain's many human rights problems. The \$3.8 billion sale is almost entirely going to Lockheed Martin, who will be providing 19 F-16V fighter jets, along with substantial upgrades to the nation's existing fleet of F-16s. Raytheon will be selling 221 anti-tank missiles and weapons to go with it.

## REDUCE

"Reduce" cannot mean the same thing as "abolish."

G L Colgan (Chief Judge), XTREME DINING LIMITED TRADING v. LEIGHTON DEWAR, Oct. 31, 2016. Retrieved May 14, 2018 from <https://www.employmentcourt.govt.nz/assets/Documents/Decisions/2016-NZEmpC-136-Think-Steel-v-Dewar.pdf>. See also Eastern Extension Australia and China Telegraph Company Ltd v Commonwealth [1908] HCA 59, (1908) 6 CLR 6474 at 678 where O'Connor J said when construing a contract taking the word in its ordinary meaning "reduce" does not mean "abolish".

"Reduce" means to reduce in size, amount, or intensity.

Allen Walker Read, (Prof., English, Columbia U.), THE NEW INTERNATIONAL WEBSTER'S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004, 1058. Reduce: To make less in size, amount, number, intensity, etc.; diminish.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2008, 719. Reduce: To make something less in size, amount, degree, importance, or price.

Jean McKechnie, (Editor), WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED, 1979, 1514. Reduce: To lessen in any way, as in size, weight, amount, value, price, etc.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 1987, 1618. Reduce: To lower in degree, intensity, etc.



Wendalyn Nichols, (Editor), RANDOM HOUSE WEBSTER'S COLLEGE DICTIONARY, 2000, 1108. Reduce: To bring down to a smaller size, amount, price, etc.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 1987, 1618. Reduce: To bring down to a smaller extent, size, amount, number.

"Reduce" means to bring to a lower condition.

Allen Walker Read, (Prof., English, Columbia U.), THE NEW INTERNATIONAL WEBSTER'S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004, 1058. Reduce: To bring from a higher to a lower condition; lower.

Christine Lindberg, (Editor), OXFORD AMERICAN COLLEGE DICTIONARY, 2002, 1140. Reduce: Make smaller or less in amount.

Christine Lindberg, (Editor), OXFORD AMERICAN COLLEGE DICTIONARY, 2002, 1140. Reduce: Bring something to a lower or weaker state.

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 1376. Reduce: To make something smaller or less in size, amount, or price.

Ian Brookes, (Editor), CHAMBERS DICTIONARY, 2006, 1282: Reduce: To make smaller or less.

Jean McKechnie, (Editor), WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED, 1979, 1514. Reduce: To lower, as in rank or position.

John Morse, (Editor), MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 1998, 980. Reduce: To diminish in size, amount, extent, or number.

Wendalyn Nichols, (Editor), RANDOM HOUSE WEBSTER'S COLLEGE DICTIONARY, 2000, 1108. Reduce: Reduce: To bring to a lower state.

John Morse, (Editor), MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 1998, 980. Reduce: To lower in grade or rank.

Steven Kleinedler, (Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 2006, 1465. Reduce: To bring down, as in extent, amount, or degree; diminish.

Steven Kleinedler, (Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 2006, 1465. Reduce: To lower in rank or grade.

"Reduce" means to simplify.

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 1376. Reduce: To change something into a shorter or simpler form.

John Morse, (Editor), MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 1998, 980. Reduce: To bring to a systematic form.

John Morse, (Editor), MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 1998, 980. Reduce: To make shorter.

"Reduce" means to do away with something, or to disband it.

Ian Brookes, (Editor), CHAMBERS DICTIONARY, 2006, 1282: Reduce: Disintegrate; to disband.

Wendalyn Nichols, (Editor), RANDOM HOUSE WEBSTER'S COLLEGE DICTIONARY, 2000, 1108. Reduce: To act destructively on.

John Morse, (Editor), MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 1998, 980. Reduce: To break down.

Steven Kleinedler, (Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 2006, 1465. Reduce: To subject to destruction.

"Reduce" means to return something to its previous state.

Ian Brookes, (Editor), CHAMBERS DICTIONARY, 2006, 1282: Reduce: To put back into a normal condition.

Jean McKechnie, (Editor), WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED, 1979, 1514. Reduce: To lead back to a former state or condition.

"Reduce" means to repair or provide redress.

Jean McKechnie, (Editor), WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED, 1979, 1514. Reduce: To repair; redress.

## **DIRECT COMMERCIAL SALES AND/OR FOREIGN MILITARY SALES**

### DCS and FMS are the primary mechanisms for U.S. arms sales.

Derek Gilman, (General Counsel, Defense Security Cooperation Agency), FOREIGN MILITARY SALES & DIRECT COMMERCIAL SALES, Sept. 30, 2014. Retrieved Feb. 21, 2019 from <https://docplayer.net/7642952-Foreign-military-sales-direct-commercial-sales.html>. International military sales are on the rise. While the United States and European Union are cutting their defense expenditures, several countries—particularly in East Asia, South Asia, the Middle East, and South America—are increasing expenditures. Hence, U.S. Contractors are increasingly seeking to sell products and services to these markets. There are two primary methods for doing so: government-to-government sales through the U.S. Government's Foreign Military Sales ("FMS") program and similar mechanisms, and Direct Commercial Sales ("DCS") negotiated directly between the contractor and the foreign customer. Both methods have existed for decades, but a novice to international sales has a steep learning curve regarding the complexities of each.

### DCS and FMS are only two among several types of security assistance.

Arms Sales Monitoring Project (Subdivision of the Federation of American Scientists), ARMS SALES HANDBOOK, Dec. 1, 2018. Retrieved Feb. 21, 2019 from <https://fas.org/asmp/library/handbook/WaysandMeans.html>. The five principle (legal) means by which America exports weapons and military services abroad are foreign military sales (FMS), direct commercial sales (DCS), leases of equipment, transfers of excess defense articles (EDA) and emergency drawdowns of weaponry. To get the most accurate picture possible of US weapons exports in a given year-to the whole world or to a particular destination-you must compile transfers made through all of these channels.

Rachel Dunaway, (JD Candidate), SOUTHERN UNIVERSITY LAW REVIEW, Spring, 2015, 199. There exists four legal US export channels for weapons manufactured in the United States: (1) industry-negotiated Direct Commercial Sales (DCS); (2) government-negotiated Foreign Military Sales (FMS); (3) grants or sales of the US military's Excess Defence Articles (EDA); and (4) emergency drawdown of surplus US weapons stocks.

### The Arms Export Control Act (AECA) applies to both DCS and FMS.

Ariel Bachar, (JD, George Washington U. Law School), ISRAEL LAW REVIEW, Summer 2017, 881. Regardless of whether a foreign country chooses to acquire U.S. defense equipment through FMS or DCS, the AECA contains provisions regarding their usage. Section four of the AECA states that "[d]efense articles and defense services shall be sold or leased ... to friendly countries solely for internal security, [or] for legitimate self-defense." Should a foreign nation violate this provision, the United States must restrict its participation in the FMS program.

Ariel Bachar, (JD, George Washington U. Law School), ISRAEL LAW REVIEW, Summer 2017, 881. However, the AECA allows the President to veto a congressional decision by "certifying in writing to Congress that termination of such sales and deliveries would have a significant adverse impact on United States security." Should no veto occur, the United States must terminate cash sales and deliveries to the purchaser. For example, following Argentina's 1982 occupation of the Falkland Islands using U.S.-supplied military equipment, Assistant Secretary of State Powell A. Moore suspended "until further notice" all deliveries of defense articles and services to Argentina.

Derek Gilman, (General Counsel, Defense Security Cooperation Agency), FOREIGN MILITARY SALES & DIRECT COMMERCIAL SALES, Sept. 30, 2014. Retrieved Feb. 21, 2019 from <https://docplayer.net/7642952-Foreign-military-sales-direct-commercial-sales.html>. A U.S. Contractor cannot participate in a DCS transaction with one of these countries, nor can it release technology or technical data to a national of one of these countries (with some limited exceptions), whether that release occurs in the United States or abroad. Similarly, all U.S. persons (including U.S. companies and individuals), wherever they are located, are prohibited from engaging in DCS transactions with individuals or entities (e.g., shipping vessels, freight transporters or forwarders, end-users, consignees, subcontractors, teaming partners, agents, brokers) named on any U.S. Government list of restricted parties, including the U.S. Department of Commerce's Denied Parties List and Entity List and OFAC's list of Specially Designated Nationals.

DCS transactions are negotiated directly between defense contractors and foreign entities.

Critical Solutions International, HOW TO EXAMINE FOREIGN MILITARY SALES AND DIRECT COMMERCIAL SALES, May 18, 2017. Retrieved May 2, 2019 from <https://blog.c-s-i.com/how-to-examine-foreign-military-sales-direct-commercial-sales>. Direct Commercial Sales (DCS): Sales negotiated directly between foreign customer and contractor. These are subject to certain U.S. Government oversight and regulatory obstacles. Notable DCS characteristics: Greater degree of flexibility for negotiating contract terms; All contract elements and terms negotiated by contractor and buyer. U.S. Government is mostly sidelined; Can be coupled with FMS for “hybrid” sales.

Security Assistance Monitor, FOREIGN MILITARY SALES, 2016. Retrieved May 2, 2019 from <https://www.securityassistance.org/content/foreign-military-sales>. The Direct Commercial Sales program regulates U.S. companies' sales of U.S. defense articles and defense services on the U.S. Munitions List abroad. The State Department's Direct Commercial Sales (DCS) program regulates U.S. companies' sales of U.S. defense articles and defense services on the U.S. Munitions List abroad. Authorized under Sec. 2778 of U.S. Code, DCS is distinguished from the Foreign Military Sales (FMS) program, which manages government-to-government sales or transfers. Unlike FMS, direct commercial sales are negotiated directly between the foreign government and a U.S. company. In the overwhelming majority of cases, a U.S. company wanting to export U.S. defense articles or defense services to a foreign country will require an export license or approval from the State Department. Importantly, Security Assistance Monitor data shows approved license agreements instead of actual deliveries of defense articles or services to a foreign country each year. The license agreements often last a few years. Direct commercial sales are subject to the same notification requirements as FMS. Foreign governments that have more experience in military procurement, and do not feel a need to have the U.S. government negotiate sales on their behalf, tend to choose DCS. DCS is usually a quicker way to transfer arms abroad and has less government oversight than FMS. Each year, the State Department's Directorate for Defense Trade Controls releases a report detailing approved licenses and deliveries of defense articles and defense services under DCS for the previous year.

Derek Gilman, (General Counsel, Defense Security Cooperation Agency), FOREIGN MILITARY SALES & DIRECT COMMERCIAL SALES, Sept. 30, 2014. Retrieved Feb. 21, 2019 from <https://docplayer.net/7642952-Foreign-military-sales-direct-commercial-sales.html>. In addition to the U.S. Government's FMS program, U.S. Contractors can sell U.S. defense articles and services to Non-U.S. Purchasers without the direct involvement of the U.S. Government, subject to certain regulatory hurdles and U.S. Government oversight. This type of transaction is typically referred to as a Direct Commercial Sale (“DCS”). DCS is like FMS in that it is as “an integral part of safeguarding U.S. national security and furthering U.S. foreign policy objectives.” Both FMS and DCS facilitate the interoperability of foreign military partners and U.S. forces, and thus they are seen by the U.S. Government as complementary, not competing.

National Defense Industrial Association, FOREIGN MILITARY SALES VS DIRECT COMMERCIAL SALES, 2017. Retrieved Feb. 21, 2019 from <http://www.ndia.org/policy/international/fms-vs-dcs>. DCS is regarded as a more flexible process, as the purchaser consults directly with industry about specific products and services it needs. Foreign customers leverage more negotiating power regarding the type of contract (fixed price or firm fixed price), how the contract is written, final delivery requirements, and methods of payment. However, they must carry more risk and administrative burdens. DCS has the added benefit of giving customers options to purchase more non-standard systems that are mission specific, and designed to tackle readiness challenges. In these cases, the Pentagon does not support these types of mission requirements in their stockpiles, or in their annual budget.

National Defense Industrial Association, FOREIGN MILITARY SALES VS DIRECT COMMERCIAL SALES, 2017. Retrieved Feb. 21, 2019 from <http://www.ndia.org/policy/international/fms-vs-dcs>. Qualifying for an export license through DCS is based on how a product or service is categorized. The State Department's Directorate of Defense Trade Controls (DDTC) executes authority in issuing export licenses to all defense related products and services on the U.S. Munitions List (USML), pursuant to the International Traffic in Arms Regulations (ITAR). The Department of Commerce's Bureau of Industry and Security (BIS) grants export licenses to more commercial and “dual-use” defense products and services on the Commerce Control List (CCL), pursuant to the Export Administration Regulations (EAR).

FMS transactions are negotiated by and administered by the Defense Security Cooperation Agency within the U.S. Department of Defense.

Defense Security Cooperation Agency (Division of the U.S. Department of Defense), WHAT IS FMS?, Apr. 25, 2019. Retrieved May 2, 2019 from <https://www.dsca.mil/resources/faq>. Foreign Military Sales (FMS) is the U.S. Government's program for transferring defense articles, services, and training to our international partners and international organizations. The FMS program is funded by administrative charges to foreign purchasers and is operated at no cost to taxpayers. The Defense Security Cooperation Agency (DSCA) administers the FMS program for the Department of Defense (DoD). Under FMS, the U.S. government uses DoD's acquisition system to procure defense articles and services on behalf of its partners. Eligible countries may purchase defense articles and services with their own funds or with funds provided through U.S. government-sponsored assistance programs.

National Defense Industrial Association, FOREIGN MILITARY SALES VS DIRECT COMMERCIAL SALES, 2017. Retrieved Feb. 21, 2019 from <http://www.ndia.org/policy/international/fms-vs-dcs>. FMS – an acquisition program administered through the Defense Security Cooperation Agency (DSCA), with final approval by the State Department – supports security cooperation between the U.S. and its allies. While the U.S. government contracts out to the defense industry on a competitive or sole-source basis, it may also sell directly from its own stockpiles. When buying directly from the government's stockpiles, foreign customers will have more leverage in the unit price of a defense system – as these same systems are also acquired by the U.S. military and defense agencies.

National Defense Industrial Association, FOREIGN MILITARY SALES VS DIRECT COMMERCIAL SALES, 2017. Retrieved Feb. 21, 2019 from <http://www.ndia.org/policy/international/fms-vs-dcs>. Foreign customers view the FMS process as more transparent, reliable, and secure. The U.S. government takes on more of the contractual risk than the customer in the short run, and supports the sustainment of the defense system in the long run. A September 2016 White House approval of the sale of fighter jets to the Middle East illustrates the impact that FMS has on the U.S. economy, while concurrently serving U.S. national security interests.

Security Assistance Monitor, FOREIGN MILITARY SALES, 2016. Retrieved May 2, 2019 from <https://securityassistance.org/content/direct-commercial-sales>. The Foreign Military Sales (FMS) program manages government-to-government purchases of U.S. defense articles and defense services on the U.S. Munitions List. The Foreign Military Sales (FMS) program manages government-to-government purchases of U.S. defense articles and defense services on the U.S. Munitions List from U.S. military stockpiles or new production. A foreign military or international governmental organization buying U.S. defense equipment and services through the FMS program does not deal directly with the U.S. private company. FMS is distinguished from the Direct Commercial Sales (DCS) program, which covers commercial sales of defense articles and defense services between foreign governments and private U.S. companies, and the Foreign Military Financing (FMF) program, which provides grants and loans for FMS and DCS purchases. Importantly, Security Assistance Monitor data shows both FMS arms and construction sales. The Defense Department serves as an intermediary, usually handling procurement, logistics and delivery and often providing product support and training. Security Assistance Organizations (SAOs) and military personnel stationed at U.S. embassies promote the sale of U.S.-produced defense items and carry out most tasks associated with managing FMS "cases" or agreements to make a sale. SAOs advise foreign defense ministries on potential military purchases. Countries desiring closer military-to-military contact with the United States will opt for an FMS sale, but the sales often take more than a year (and sometimes much longer) from purchase request to delivery. Contact between military officers occurs at all stages of the sale. FMS sales are often less expensive, particularly for more advanced items. Countries with limited experience in negotiating complex procurement contracts find FMS convenient, as the Pentagon negotiates with the arms manufacturer and handles the paperwork. Each year, the Defense Security Cooperation Agency publishes a report describing the overall amounts of actual FMS transfers to foreign countries.

National Defense Industrial Association, FOREIGN MILITARY SALES VS DIRECT COMMERCIAL SALES, 2017. Retrieved Feb. 21, 2019 from <http://www.ndia.org/policy/international/fms-vs-dcs>. As Fiscal Year (FY) 2017 comes to a close, FMS sales total roughly \$64 billion, surpassing the previous record of \$67.8 billion in total sales in FY 2012. While several deals are still pending, or are in the Letter of Offer and Acceptance (LOA) phase, the next few years will see growth for several defense companies and a growing industrial supply chain.

Weapons contracts also include training and support services.

Medea Benjamin, (Cofounder, Code Pink), WAR PROFITEERS: THE U.S. WAR MACHINE AND THE ARMING OF REPRESSIVE REGIMES, Sept. 18, 2018, 2. Weapons contracts include training, support and maintenance, integrating company employees into military operations that systematically violate the laws of war.

“Arms sales” includes the sale of services.

Stephanie Blenckner, (Staff, Stockholm International Peace Research Institute), GLOBAL ARMS INDUSTRY, Dec. 5, 2016. Retrieved Jan. 15, 2019 from <https://www.sipri.org/media/press-release/2016/global-arms-industry-usa-remains-dominant>. ‘Arms sales’ are defined by SIPRI as sales of military goods and services to military customers, including sales for domestic procurement and sales for export. Changes are calculated in real terms and country comparisons are only for the same companies over different years.

FMS processes are slow.

Bilal Saab, (Analyst, Middle East Institute), TRUMP’S NEW ARMS SALES POLICY IS GOOD BUT SOUNDS AWFUL, Apr. 27, 2018. Retrieved Apr. 19, 2019 from <https://www.mei.edu/publications/trumps-new-arms-sales-policy-good-sounds-awful>. For years, customers of U.S. arms, including the closest NATO allies, have complained to the United States about its excessively complicated and slow Foreign Military Sales process, often sending their top political and military officials to Washington to lobby for U.S. reforms. Various reforms to loosen U.S. export-control rules and speed up the release of U.S. weapons have been enacted by previous administrations, especially under President Barack Obama, but Trump sees them as insufficient to meet his top priority of bureaucratic efficiency.

The Foreign Military Financing Program (FMF) is still FMS because it is designed to provide funding for foreign governments to purchase U.S. weapons through FMS.

National Defense Industrial Association, FOREIGN MILITARY SALES VS DIRECT COMMERCIAL SALES, 2017. Retrieved Feb. 21, 2019 from <http://www.ndia.org/policy/international/fms-vs-dcs>. For qualified FMS customers, the U.S. Congress provides funding through foreign military financing (FMF). Authorized by the State Department, and administered through DSCA, FMF funding is a non-repayable loan legally granted to strategic countries – most notably Israel, Egypt, Afghanistan, and Iraq. While FMS cases must have departmental approval, they are exempt from the export licensing process.

Excess defense article transfers are still FMS.

Navy International Programs Office, EXCESS DEFENSE ARTICLES (EDA), Aug. 10, 2018. Retrieved Apr. 16, 2019 from <https://www.secnav.navy.mil/nipo/Pages/About/Security%20Assistance/Excess-Defense-Articles.aspx>. Defense articles and military equipment that are no longer needed by the U.S. armed forces are eligible for transfer to foreign countries under section 516 of the Foreign Assistance Act (FAA) of 1961. These excess articles and materials range from rations and uniforms to vehicles, aircraft, and ships. Between 1990 and 1995, the United States transferred more than \$7 billion worth of excess military equipment worldwide—most of it to developing countries. During the last 20 years, the U.S. Navy has supplied 231 ships to 43 countries and 26 aircraft to six countries. The Foreign Assistant Act authorizes the President to transfer excess defense articles on a grant basis to countries which the State Department defines as eligible. The list of eligible countries must be included in the State Department's annual Congressional Presentation for Foreign Operations. Although many transfers of surplus U.S. equipment are given away (“granted”) at no cost, there are also cases where supplies are sold to the recipient country. The specific armed service that is overseeing a transfer determines the current value of EDA, which normally ranges between five and 50 percent of the article's original acquisition value, depending upon the age and condition. The maximum aggregate amount of EDA that may be transferred during any given fiscal year is \$425 million, measured by current value, although exceptions can be made for high-cost items. All EDA transactions, for example, Foreign Military Sales (FMS) purchases, are coordinated by Security Assistance Organizations (SAOs) at U.S. embassies, individual armed services, and the Defense Security Cooperation Agency (DSCA). There are some limitations for EDA under section 516. Restrictions on the President's power to transfer EDA include the following: The items must be drawn from existing Defense Department stocks; The Defense Department cannot buy or repair the items for the purpose of transferring them; Giving up the defense articles must not harm the U.S. armed forces' level of readiness; Transfers on a grant basis must be preferable to the transfers on a sales basis, after taking into account the potential proceeds from and likelihood of such sales and comparative foreign policy benefits of a grant or sale; and The transfer must not harm the U.S. technological and industrial base, and must not compete with the sale of a new or used article.

The distinction between military aid and military sales is insignificant because they are intertwined.

D. Parvaz, (Staff, Think Progress), THE U.S. CUT AID TO CAMEROON, Feb. 8, 2019. Retrieved Apr. 25, 2019 from <https://thinkprogress.org/us-cuts-military-aid-cameroon-human-rights-032f7fa4a6ef/>. Activists and watchdogs don’t differentiate much between U.S. military aid and weapons sales, largely because can go hand-in-hand. For instance, the United States give billions in military aid to Israel and Egypt each year, but the bulk of that is used to buy U.S. weapons.

## ARMS

### “Arms” refers to weapons.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2008, 38. Arm: To provide with weapons.

COLLINS ENGLISH DICTIONARY, 2006, 86. Arm: To equip with weapons in preparation for war.

David Pritchard, (Editor), THE AMERICAN HERITAGE COLLEGE DICTIONARY, 2002, 77. Arm: To supply or equip with weaponry.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2<sup>ND</sup> EDITION, UNABRIDGED, 1987, 114. Arms: Weapons, esp. firearms

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 66. Arms: Weapons used for fighting wars.

Ian Brookes, (Editor), CHAMBERS DICTIONARY, 2006, 77. Arm: To provide with weapons.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2<sup>ND</sup> EDITION, UNABRIDGED, 1987, 114. Arms: To equip with weapons

Philip Gove, (Editor), WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, UNABRIDGED, 1971, 118. Arm: To equip with weapons.

### “Arms” refers to something that provides protection.

COLLINS ENGLISH DICTIONARY, 2006, 86. Arm: To provide with something that strengthens or protects.

David Pritchard, (Editor), THE AMERICAN HERITAGE COLLEGE DICTIONARY, 2002, 77. Arm: To prepare oneself for warfare.

### “Arms” means to prepare for warfare.

Ian Brookes, (Editor), CHAMBERS DICTIONARY, 2006, 77. Arm: To provide with a means of protection, armature, equipment

### “Arms” refers to something that adds strength or force.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2<sup>ND</sup> EDITION, UNABRIDGED, 1987, 114. Arms: To provide with whatever will add strength, force, or security.

Philip Gove, (Editor), WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, UNABRIDGED, 1971, 118. Arm: Furnish or equip with something that adds strength or force.

### “Arms” means to ready for action.

Philip Gove, (Editor), WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, UNABRIDGED, 1971, 118. Arm: To ready for action or operation.

### “Arms” means to prepare for offense or defense.

Philip Gove, (Editor), WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, UNABRIDGED, 1971, 118. Arm: A means of offense or defense.

### “Arms” means to prepare for any specific purpose.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2<sup>ND</sup> EDITION, UNABRIDGED, 1987, 114. Arms: To equip or prepare for any specific purpose or effective use.

## FROM

### “From” refers to the place where something starts out.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2008, 345. From: Used to show the place where someone or something starts.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2008, 345. From: Used to show the origin of something.

Philip Gove, (Editor), WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, UNABRIDGED, 1971, 913. From: Used as a function word to describe a starting point.

Philip Gove, (Editor), WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY, UNABRIDGED, 1971, 913. From: Used as a function word to describe the source or origin.

Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND EDITION, UNABRIDGED, 1987, 770. From: Used to specify a starting point in spatial movement.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND EDITION, UNABRIDGED, 1987, 770. From: Used to indicate source or origin.

COLLINS ENGLISH DICTIONARY, 2006, 652. From: Used to indicate the original location.

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 646. From: Starting at a particular place.

"From" refers to the place where something was before it was moved to another place.

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 646. From: Used to say where something is before it is removed.

"From" refers to an original owner or possessor of something.

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 646. From: Used to say where something was or who had it before you obtained it.

Della Summers, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 646. From: Used to say who sends or gives you something.

"From" indicates separation or removal.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND EDITION, UNABRIDGED, 1987, 770. From: Used to indicate separate or removal.

"From" refers to the agent involved in something.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2ND EDITION, UNABRIDGED, 1987, 770. From: Used to indicate agent.