

An Introduction to the Arms Sales Topic

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**Resolved: The United States
federal government should
substantially reduce Direct
Commercial Sales and/or Foreign
Military Sales of arms from the
United States.**

Related Terms:

Military Assistance (Commonly used, but not a term of art)

Security Assistance (Term of art used by the U.S. government)

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.

Major U.S. Security Assistance Programs



Department of Defense Programs

- Foreign Military Sales (FMS)
- Foreign Military Financing (FMF)
- International Military Education and Training (IMET)
- Emergency Drawdown
- Leases of Equipment
- Excess Defense Articles Transfer (EDA)



Department of State Programs

- Direct Commercial Sales (DCS)
- Economic Support Fund (ESF)
- Peace Keeping Operations (PKO)
- International Narcotics Control and Law Enforcement (INCLE)
- Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR)

Source: U.S. Department of Defense Security Assistance Management Manual, Section C1.T1, Aug. 31, 2016

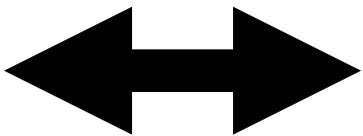


Direct Commercial Sales (DCS)

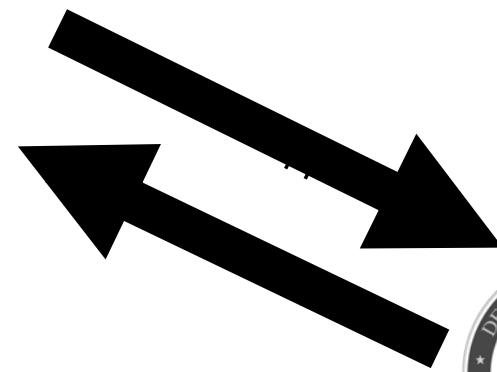
- Sale of defense articles, services, or training provided by a U.S. defense industry to a foreign entity.
- U.S. government control is accomplished through a licensing requirement administered by the U.S. State Department



Foreign Entity



U.S. Defense Contractor



U.S. Department of State

Direct Commercial Sales (DCS) Totals

- In the period from 2016-2018, DCS sales authorizations were \$101.4 billion with actual deliveries \$7.9 billion.
- DCS Sales in the period 2016-2018 were to 163 different countries



Source: *Security Assistance Monitor: A Citizen's Guide to U.S. Security and Defense Assistance, Available at <http://securityassistance.org/content/arms-sales-downloads>*

Foreign Military Sales (FMS)

- Sale of defense articles, services, or training provided by the U.S. government serving as a negotiating agent with a foreign government; the defense materials provided may come either from a contract with a U.S. defense contractor or the sale of equipment from the U.S. defense arsenal.



Foreign Government



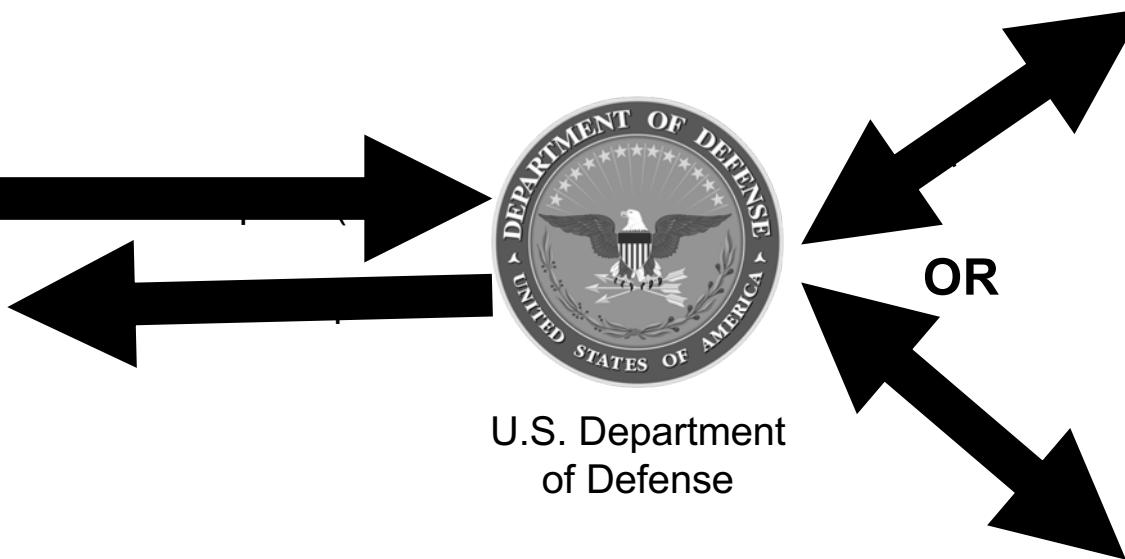
U.S. Department
of Defense



Sale from U.S.
Defense Arsenal



U.S. Defense Contractor



Foreign Military Sales (FMS) Totals

- In the period from 2016-2018, FMS sales authorizations were \$40.4 billion with actual deliveries \$46.9 billion.
- FMS Sales in the period 2016-2018 were to 157 different countries



Source: *Security Assistance Monitor: A Citizen's Guide to U.S. Security and Defense Assistance*, Available at <http://securityassistance.org/content/arms-sales-downloads>

Foreign Assistance Act (FAA) and Arms Export Control Act (AECA)

Section 202(a): “It shall be the policy of the United States to exert leadership in the world community to bring about arrangements for reducing the international trade in implements of war and to lessen the danger of outbreak of regional conflict and the burdens of armaments”

Section 301(a): “Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights”

Available at:

<https://legcounsel.house.gov/Comps/Arms%20Export%20Control%20Act.pdf>

Foreign Assistance Act (FAA) and Arms Export Control Act (AECA)

AECA created the International Traffic in Arms Regulations (ITAR)
– A listing of 21 categories of defense equipment from small arms to fighter jets on the U.S. Munitions List (USML)

AECA also created less stringent controls known as the Export Administration Regulations (EAR) for items with some military value but not rising to the level of importance of the items on the USML. Such items are listed in the Commerce Control List (CCL), maintained by the US Department of Commerce.

Available at:

<https://legcounsel.house.gov/Comps/Arms%20Export%20Control%20Act.pdf>

Trump Administration Changes

Conventional Arms Transfer Policy (CAT), also known as National Security Presidential Memorandum (NSPM-10, issued April 19, 2018); while every president issues a CAT with very similar language, two key changes here:

1. “Buy America:” One of the key changes made in this Presidential declaration is to give higher priority to the arms transfer’s “financial or economic effect on United States industry and its effect on the defense industrial base, including contributions to United States manufacturing and innovation.”
2. A little wording change from the traditional policy used by past presidents to the “human rights” portion of the Conventional Arms Transfer policy that make a huge difference: The addition of the word “intentionally” in the phrase, “attacks intentionally directed against civilian objects or civilians.”

The Trump Administration Effort to Remove Small Arms from the US Munitions List (USML)

A new rule, first published in the Federal Register on May 24, 2018, then in a slightly revised version on February 4, 2019, proposing that the sale of firearms, including military-style assault weapons, be moved from the US Munitions List (USML) to the Commerce Control List (CCL), allowing their sale without manufacturer registration or Congressional approval.

Efforts, led by New Jersey Congressman, Bob Menendez, are currently trying to prevent this change from becoming U.S. regulatory policy. See <https://www.menendez.senate.gov/news-and-events/press/menendez-announces-hold-on-trump-admins-proposed-move-to-weaken-regulatory-control-over-us-guns-sales-abroad>

1. Reduce Arms Sales to Authoritarian Regimes

This was the national LD topic in January/February of 2019



According to Freedom House, the U.S. provides arms to 73% of the world's dictators.

Joel Day, (Security Fellow, Truman National Security Project), LOS ANGELES TIMES, Oct. 26, 2018, A13.

Congress should enact a new code of conduct to make compliance mandatory, not voluntary, in four key areas. The United States needs to ban arms deals to dictators and rogue regimes. It is utterly wrong for the blood of political prisoners and dissidents to be on the hands of American taxpayers. Arms deals should be restricted to countries that respect human rights.

2. Reduce Arms Sales to Saudi Arabia

Oona Hathaway, (Prof., Law, Yale Law School), HARVARD NATIONAL SECURITY JOURNAL, 2018, 58.

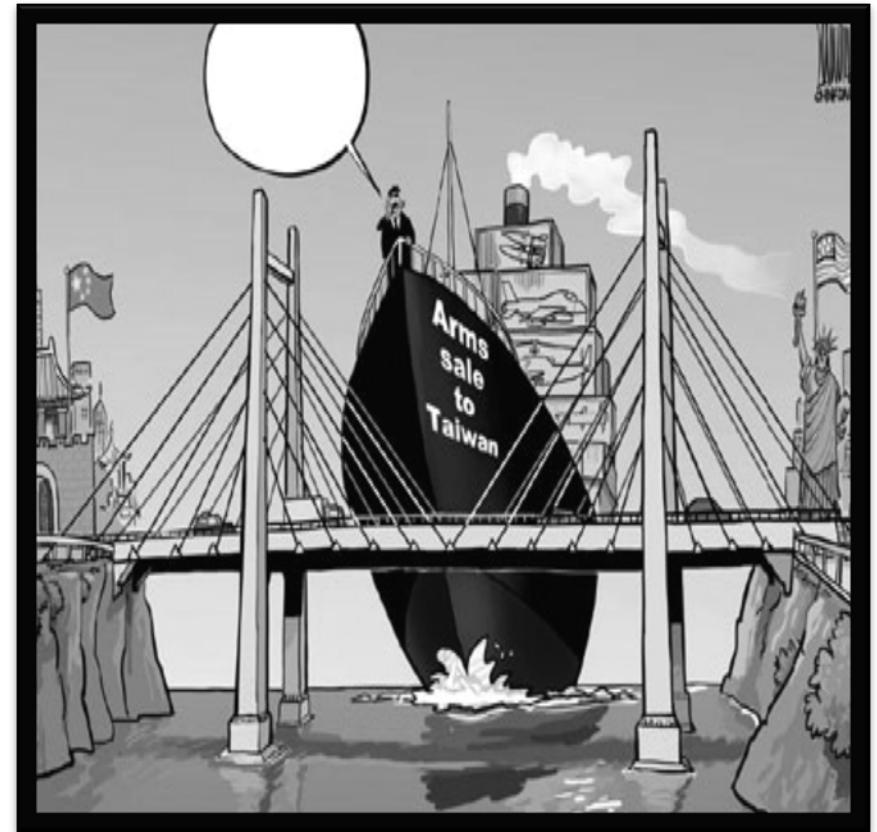
If the United States is aiding and assisting the Saudi-led coalition in its violation of international humanitarian law, as we previously concluded is likely, then the United States is not only in violation of its responsibilities under State Responsibility doctrine, but also its well-accepted obligation not to aid and assist violations under Common Article 1 of the Geneva Conventions.



3. Reduce Arms Sales to Taiwan

Cheng-Yi Lin, (Research Fellow, Institute of European and American Studies, Taiwan). TAIWAN AND THE “CHINA IMPACT,” 2016, 268.

In recent years, Beijing has watched with interest the debate within the US on whether to abandon Taiwan. Charles Glaser, a professor at George Washington University, believes that the rise of China might lead China and the US into a conventional and nuclear arms race if the US continues to sell arms to Taiwan.



Check out Harvard Professor Graham Allison and the “Thucydides Trap”

4. Reduce Sales of Armed Drones

Hugh Gusterson, (Prof., International Affairs, George Washington U.), DRONE: REMOTE CONTROL WARFARE, 2016, 147.

Whatever we call what drones do—slaughter, hunting, aerial police work, targeted killing, state terrorism, warfare—these machines and their operators are remaking the world in significant ways. They are enabling a kind of permanent, low-level military action that threatens to erase the boundary between war and peace and, in its departure from classic war, is not easily contained or regulated by either the War Powers Act or the UN Charter.



5. Reduce Sales of Small Arms

Jennifer Erickson, (Prof., Political Science, Boston College), DANGEROUS TRADE: ARMS EXPORTS, HUMAN RIGHTS, AND INTERNATIONAL REPUTATION, 2015, 2.

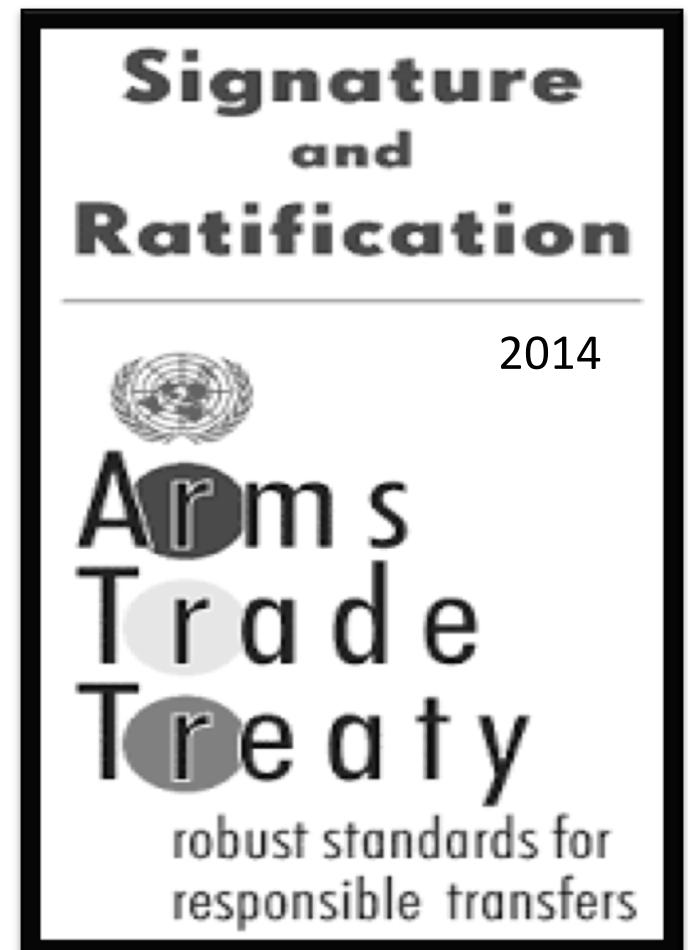
Small arms and light weapons (SALW) and major conventional weapons (MCW) are responsible for the vast majority of conflict deaths, frequently associated with societal instability, and commonly involved in human rights violations. Calls to control the spread of small arms, now referred to as "the real weapons of mass destruction," and major conventional arms have become widespread in the past decade.



6. Reduce Arms Sales by Signing the Arms Trade Treaty (ATT)

Rita Emch, (Journalist, Switzerland), ARMS SALES, TREATIES, AND VIOLATIONS, 2019, 169.

The United States is the world's largest arms dealer. So US support and ratification of the accord is essential to its success. According to Daryl Kimball, executive director of the Washington-based Arms Control Association, formal support from the United States gives the treaty the potential to change the very nature of the global arms trade.



7. Reduce Arms Sales of Ballistic Missile Defense Systems

Joan Johnson-Freese, (Prof., Naval War College),
THE BEST DEFENSE EVER?, Feb. 6, 2019.

Retrieved Apr. 10, 2019 from

<https://warontherocks.com/2019/02/the-best-defense-ever-busting-myths-about-the-trump-administrations-missile-defense-review/>

Even if missile defense were moderately successful and affordable, arms control advocates have convincingly warned for decades about the potential for counterproductive, even dangerous, unintended consequences of pursuing a nuclear shield. Robust missile defenses are likely to increase an adversary's incentive to strike first in a crisis, to trigger arms races to overwhelm any defensive system, or to encourage the deployment of entirely new kinds of weapons.



8. Reduce Arms Sales to Mexico

John Lindsay-Poland, (American Friends Service Committee), GUNS SOLD TO MEXICO, Apr. 26, 2018.

The exponential growth in sales to Mexico has not been accompanied by controls to track where the guns go or to ensure that they do not land in the hands of police or military units that are credibly alleged to have committed gross human rights abuses or colluded with criminal groups – the very groups that security forces are being armed to combat. Legally exported U.S. firearms have been used in massacres, disappearances, and by security forces that collude with criminal groups in Mexico on a broad scale.



9. Reduce Arms Sales to India

DAILY NATIONAL HERALD TRIBUNE,
Oct. 5, 2018. Retrieved Apr. 16, 2019
from Nexis.

The US has urged its allies to forgo transactions with Russia, warning that the S-400 missile defense system that India intends to buy would be a "focus area" for it to implement punitive sanctions against a nation undertaking "significant" business deals with the Russians. The US administration is required under a domestic law, Countering America's Adversaries through Sanctions Act or CAATSA to impose sanctions on any country that has "significant transactions" with Iran, North Korea or Russia.



Countering America's Enemies
Through Sanctions Act (CAATSA)

10. Reduce Arms Sales to Egypt

Medea Benjamin, (Cofounder, Code Pink),
WAR PROFITEERS, Sept. 18, 2018, 1.

The Egyptian military used its American weapons to overthrow the fragile, fledgling democracy that the Egyptian people won in the Arab Spring in 2011, and then to massacre between 1,000 and 2,600 Egyptians in Cairo's Rabaa Square, the deadliest massacre of peaceful protesters anywhere since China's massacre in Tiananmen Square in 1989.

