# The Resolution

#### Resolved: The United States federal government should substantially increase its security cooperation with the North Atlantic Treaty Organization in one or more of the following areas: artificial intelligence, biotechnology, cybersecurity.

# Resolved:

### Resolved- Enact Law/Formal Vote

#### ‘Resolved’ denotes a proposal to be enacted by law

Words and Phrases 64 Permanent Edition

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Determination reached by voting

Webster’s 98 (Revised Unabridged, Dictionary.com)

Resolved: 5. To express, as an opinion or determination, by resolution and vote; to declare or decide by a formal vote; -- followed by a clause; as, the house resolved (or, it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

#### Resolved means to express by formal vote—this is the only definition that’s in the context of the resolution

Webster’s Revised Unabridged Dictionary, 1998 (dictionary.com)

**Resolved:**

5. To express, as an opinion or determination, by resolution and vote; to declare or decide by a formal vote; -- followed by a clause; as, the house resolved (or, it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

#### Resolved means a formal resolution from a deliberative body

American Heritage Dictionary, 5th Edition

(Copyright 2018, <https://ahdictionary.com/word/search.html?q=resolved> )

n.

1. Firmness of purpose; resolution: "my fierce, indignant resolve to visit those sun-kissed islands" (Caitlin Flanagan).

2. A determination or decision; a fixed purpose: "She had come to a resolve to undertake outdoor work in her native village" (Thomas Hardy).

3. A formal resolution made by a deliberative body.

#### Resolved means decide by formal vote

American Heritage Dictionary, 5th Edition

(Copyright 2018, <https://ahdictionary.com/word/search.html?q=resolved> )

b. To decide or express by formal vote: The legislature resolved that the official should be impeached.

### Resolved- Firm Decision/Specific Course of Action

#### Firm decision

AHD 6 (American Heritage Dictionary, http://dictionary.reference.com/browse/resolved)

Resolve TRANSITIVE VERB:1. To make a firm decision about. 2. To cause (a person) to reach a decision. See synonyms at decide. 3. To decide or express by formal vote.

#### Specific course of action

AHD 6 (American Heritage Dictionary, http://dictionary.reference.com/browse/resolved)

INTRANSITIVE VERB:1. To reach a decision or make a determination: resolve on a course of action. 2. To become separated or reduced to constituents. 3. Music To undergo resolution.

### Resolved- Certainty

#### Resolved means the removal of doubt

American Heritage Dictionary, 5th Edition

(Copyright 2018, <https://ahdictionary.com/word/search.html?q=resolved> )

4. To remove or dispel (doubts).

### Resolved Doesn’t Require Certainty

#### “Resolved” doesn’t require certainty

Webster’s 9 – Merriam Webster 2009

(http://www.merriam-webster.com/dictionary/resolved)

# Main Entry: 1re·solve # Pronunciation: \ri-ˈzälv, -ˈzȯlv also -ˈzäv or -ˈzȯv\ # Function: verb # Inflected Form(s): re·solved; re·solv·ing 1 : to become separated into component parts; also : to become reduced by dissolving or analysis 2 : to form a resolution : determine 3 : consult, deliberate

### Resolved Doesn’t Require Immediacy

#### Resolved doesn’t require immediacy

PTE 9 – Online Plain Text English Dictionary 2009

(http://www.onelook.com/?other=web1913&w=Resolve)

Resolve: “To form a purpose; to make a decision; especially, to determine after reflection; as, to resolve on a better course of life.”

### Colon

#### Colon is meaningless --- everything after it is what’s important

Webster’s 00 (Guide to Grammar and Writing, <http://ccc.commnet.edu/grammar/marks/colon.htm>)

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on… If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

#### The colon just elaborates on what the community was resolved to debate

Encarta 7 (World Dictionary, “colon”, [http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861 598666](http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861598666))

co·lon (plural co·lons) noun Definition: 1. punctuation mark: the punctuation mark (:) used to divide distinct but related sentence components such as clauses in which the second elaborates on the first, or to introduce a list, quotation, or speech. A colon is sometimes used in U.S. business letters after the salutation. Colons are also used between numbers in statements of proportion or time and Biblical or literary references.

# The

#### “The” indicates reference to a noun as a whole

Webster’s 5 (Merriam Webster’s Online Dictionary, http://www.m-w.com/cgi-bin/dictionary)

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### The requires specification

Random House 6 (Unabridged Dictionary, http://dictionary.reference.com/browse/the)

(used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house.

#### The indicates a proper noun

Random House 6 (Unabridged Dictionary, http://dictionary.reference.com/browse/the)

(used to mark a proper noun, natural phenomenon, ship, building, time, point of the compass, branch of endeavor, or field of study as something well-known or unique): the sun; the Alps; the Queen Elizabeth; the past; the West.

#### “The” means all parts

Encarta 9 (World English Dictionary, “The”, http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495)

2. indicating generic class: used to refer to a person or thing considered generically or universally bullettransExercise is good for the heart. bullettransShe played the violin. bullettransThe dog is a loyal pet.

#### ‘The’ means all parts.

Merriam-Websters 8 Online Collegiate Dictionary, http://www.m-w.com/cgi-bin/dictionary

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### Means the noun must be interpreted generically

Webster’s 9 (Merriam-Webster’s Online Dictionary, “The”, http://www.merriam-webster.com/dictionary/the)

3 a—used as a function word before a singular noun to indicate that the noun is to be understood generically <the dog is a domestic animal> b—used as a function word before a singular substantivized adjective to indicate an abstract idea <an essay on the sublime>

#### “The” is used to denote a specific entity

**American Heritage, 00** (Fourth Edition, http://dictionary.reference.com/browse/the)

**the**1     P    (*th* *before a vowel;* *th* *before a consonant)* *def.art.* Used before singular or plural nouns and noun phrases that denote particular, specified persons or things: the baby; the dress I wore. Used before a noun, and generally stressed, to emphasize one of a group or type as the most outstanding or prominent: considered Lake Shore Drive to be the neighborhood to live in these days. Used to indicate uniqueness: the Prince of Wales; the moon. Used before nouns that designate natural phenomena or points of the compass: the weather; a wind from the south. Used as the equivalent of a possessive adjective before names of some parts of the body: grab him by the neck; an infection of the hand. Used before a noun specifying a field of endeavor: the law; the film industry; the stage. Used before a proper name, as of a monument or ship: the Alamo; the Titanic. Used before the plural form of a numeral denoting a specific decade of a century or of a life span: rural life in the Thirties.

#### The word “the” implies there is only one – as in the USFG

Cambridge Dictionaries Online 7

used to refer to things or people when only one exists at any one time:

#### ‘The’ denotes uniqueness – distinguishes the federal government from other governments

**Merriam-Websters 8** Online Collegiate Dictionary, http://www.m-w.com/cgi-bin/dictionary

used as a function word to indicate that a following noun or noun equivalent is a unique or a particular member of its class <the President> <the Lord>

#### The is limiting

Words and Phrases ‘8 “The” v41B

Colo. 1969. In construing statute, definite article "the" particularizes the subject which it precedes and is word of limitation as opposed to indefinite or generalizing force of "a" or "an".— Brooks v. Zabka, 450 P.2d 653, 168 Colo. 265.— Statut 199.

#### ‘The’ is restrictive

Words and Phrases ‘8 “The” v41B

Pa. 1988. Fact that legislature, in drafting pension statutes, in one instance used phrase "in service" and hi another used phrase "in the service" connotes distinction in phrases themselves; "the" by its very nature restricts the word "service," to a particular "service," and thus, "in the service" permits benefits to be paid to fireman who suffers injuries while member of a department, while "in service" permits benefits to be paid to a member of a department who suffers injuries whiie performing his duties. 53 P.S. §§ 771, 39321.—Chirico v. Board of Sup'rs for Newtown Tp„ 544 A.2d 1313, 518 Pa. 572.—Mun Corp 200(5).

# United States

### United States – USA

#### “United States” means United States of North America

Webster’s 61 (Third New International Dictionary, p. 2501)

Of or from the United States of North America

#### “United States” means the federal government

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 689)

the federal government

#### "United States" means the sovereign state called the "United States"

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 689)

a sovereign nation or sovereign state called the “United States”

#### "United States" means the territory over which the sovereign nation of the "United States" exercises sovereign power

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 689)

the territory over which this sovereign nation called the “United States” exercises sovereign power

#### “United States” is the USA

Encarta 7 (Dictionary Online, “United States”, http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861708119)

U·nit·ed States [ [y ntəd stáyts](http://encarta.msn.com/encnet/features/dictionary/Pronounce.aspx?search=United+States) ] country in central North America, consisting of 50 states.  
Languages: English.  
Currency: dollar.  
Capital: Washington, D.C..  
Population: 290,342,550 (2001).   
Area: 9,629,047 sq km (3,717,796 sq mi.)   
Official name  United States of America

### United States – ALL of the States

#### “United States” means all of the states

EPA 6 – EPA, US Environmental Protection Agency Terminology Reference System, 2-1-2006, http://iaspub.epa.gov/trs/trs\_proc\_qry.alphabet?p\_term\_nm=U

United States

When used in the geographic sense, means all of the States. [Office of Pollution Prevention and Toxics](http://iaspub.epa.gov/trs/trs_proc_qry.org_info?P_REG_AUTH_ID=1019&P_LIST_OPTION_CD=ORG) : [Commercial Chemical Control Rules](http://iaspub.epa.gov/trs/trs_proc_qry.org_info?P_REG_AUTH_ID=1&P_DATA_ID=11722&P_VERSION=1&P_LIST_OPTION_CD=INFO) [Term Detail](http://iaspub.epa.gov/trs/trs_proc_qry.navigate_term?p_term_id=292529&p_term_cd=TERMDIS)

#### “United States” is capitalized---referring to the collective, not individual states

Chicago Manual of Style 10 – Chicago Manual of Style Online, “Capitalization, Titles”, http://www.chicagomanualofstyle.org/qanda/data/faq/topics/CapitalizationTitles.html

Q. Should I capitalize “the states” when used alone (referring to the United States)? I’m copyediting a novel in which the author capitalizes “the States” when used alone. I think it would be lowercased.

A. Actually, “the States” is capped when it means the United States. It’s only when referring to individual states collectively that you should lowercase: “Each of the states elects two senators,” as opposed to “I’m going back to the States.”

#### It’s a singular noun

Zimmer 9 – Ben Zimmer, Executive Producer of the Visual Thesaurus and Vocabulary.com and Language Columnist for The Wall Street Journal and Former Language Columnist for The Boston Globe and The New York Times Magazine, “The United States Is... Or Are?”, Visual Thesaurus, 7-3, http://www.visualthesaurus.com/cm/wordroutes/the-united-states-is-or-are/

We're coming up on the Fourth of July, when the United States is full of barbecues, fireworks, parades, and competitive hot dog eating. But why do we say "the United States is full of..." instead of "the United States are"? On Independence Day, there's no better time to reflect on how the rise of America's national unity was mirrored by its grammatical unity, as "the United States" turned into a singular noun. The late historian Shelby Foote repeated an oft-told tale for the popular documentary series The Civil War (first broadcast on PBS in 1990): Before the war, it was said "the United States are." Grammatically, it was spoken that way and thought of as a collection of independent states. And after the war, it was always "the United States is," as we say today without being self-conscious at all. And that sums up what the war accomplished. It made us an "is." Foote's tidy narrative is just a little too tidy, reiterating conventional wisdom that has been floating around since a couple of decades after the end of the Civil War. In 1887, a Washington Post writer declared that the Civil War "settled forever the question of grammar... The surrender of Mr. Davis and Gen. Lee meant a transition from the plural to the singular." Four years later, clergyman G. H. Emerson wrote that "the change from the plural to the singular was vital, though it has taken a War of Rebellion to make the difference unmistakable." And in 1909, classics scholar and former Confederate soldier Basil Lanneau Gildersleeve stated, in a widely quoted lecture, "It was a point of grammatical concord which was at the bottom of the Civil War — 'United States are,' said one, 'United States is,' said another." Rather than just accepting such sweeping claims, one writer sought to track the actual shift in usage from "the United States are" to "the United States is." In 1901, former secretary of state John W. Foster contributed an article to the New York Times finding that the transformation from plural to singular was a slow and messy one. In the Constitution, for instance, "the United States" is treated as plural, but so is "the House of Representatives," "the Senate," and "Congress." Over time, usage changed in American English, so that these collective nouns became construed as singular. (In British English, collective nouns can still take plural verb forms.) "The United States" also went the singular route, but its path was complicated by the plural ending -s at the end of "States." Foster shoots down the popular notion that the Civil War was wholly responsible for the change in thinking. Before the war, there were writers and statesmen who preferred the singular, and afterwards there were still many who held on to the old plural usage. You can see the persistence of the traditional plural treatment of "the United States" in the 13th Amendment, ratified at war's end in 1865: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. In fact, the "United States is/are" debate raged for decades and was hardly settled by the surrender of the Confederacy. An 1895 column in the Indianapolis Journal defended the usage of Secretary of State Richard Olney, who preferred "the United States are." The writer insisted that this was correct usage on grammatical grounds: "Thoroughly as one may believe in the idea of nationality, one cannot ignore the structural principles of the English language." As late as 1909, Ambrose Bierce was clinging to this grammatical defense of "the United States" as plural. In his peevish compendium Write it Right, Bierce griped, "Grammar has not a speaking acquaintance with politics, and patriotic pride is not schoolmaster to syntax." But Bierce was on the losing side of that argument. Already, as a result of Secretary Foster's careful historical research on the subject, the House of Representative's Committee on Revision of the Laws had ruled in 1902 that "the United States" should be treated as singular, not plural. The tide had finally turned — four decades after the Civil War.

### United States – Includes Territories / Possessions

#### United States includes territories and possessions

US Code 7 (2 USCS § 1966, lexis)

(f) Definition of United States. As used in this section, the term "United States" means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States.

#### United States includes territories and possessions

US Code 7 (6 USCS § 1111, lexis)

(6) United states. The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

#### United States includes territories and possessions

American Law Encyclopedia 8

(“Territories of the United States - Further Readings”, Vol 10)

Portions of the United States that are not within the limits of any state and have not been admitted as states. The United States holds three territories: American Samoa and Guam in the Pacific Ocean and the U.S. Virgin Islands in the Caribbean Sea. Although they are governed by the United States, the territories do not have statehood status, and this lesser legal and political status sets them apart from the rest of the United States. The three U.S. territories are not the only U.S. government land holdings without statehood status. These various lands fall under the broad description of insular political communities affiliated with the United States. Puerto Rico in the Caribbean and the Northern Mariana Islands in the Pacific Ocean belong to the United States and have the status of commonwealth, a legal and political status that is above a territory but still below a state. The United States also has a number of islands in the Pacific Ocean that are called variously territories and possessions. U.S. possessions have the lowest legal and political status because these islands do not have permanent populations and do not seek self-determination and autonomy. U.S. possessions include Baker, Howland, Kingman Reef, Jarvis, Johnston, Midway, Palmyra, and Wake Islands.

### United States – Excludes Territories / Possessions

#### “United States” means the 50 states and D.C.

Words & Phrases 3 – WORDS & PHRASES, Vol. 43, 2003, p. 469

FIa.App. 3 Dist. 19,76. Term "United States," as used in statute providing for exclusion of income and losses derived from sources outside of United States, means only the 50 states and the District of Columbia. West's F.S.A. § 220.13(1)(b)2b. Heft- ler Const. Co. and Subsidiaries v. Department of Revenue, 334 So.2d 129, certiorari denied 341 So.2d 1082.-Tax 1001.1, 1074.1.

#### Not territories

Words & Phrases 3 – WORDS & PHRASES, Vol. 43, 2003, p. 468-9

C.A.9 (Hawai'i) 1994. As used in the constitution, term "United States" does not include all territories subject to jurisdiction of the United States government.-Rabang v. LN.S., 35 F.3d

# Federal Government

#### USFG refers to the 3 branches of government established by the US Constitution.

US Legal.com 2016

https://definitions.uslegal.com/u/united-states-federal-government/

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

#### “Federal Government” means the United States government

Black’s Law 99 (Dictionary, Seventh Edition, p.703)

The U.S. government—also termed national government

#### National government, not states or localities

Black’s Law 99 (Dictionary, Seventh Edition, p.703)

A national government that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national political matters

#### Federal refers to the national government. It’s distinct from state law.

**Dictionary of Government and Politics ’98** (Ed. P.H. Collin, p. 116)

federal [‘federal] adjective (a) referring to a system of government in which a group of states are linked together in a federation; a federal constitution = constitution (such as that in Germany) which provides for a series of semi-autonomous states joined together in a national federation (b) referring especially to the federal government of the United States; federal court or federal laws = court or laws of the USA, as opposed to state courts or state laws.

#### Government of the USA

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 245)

the government of the United States of America

#### Not states

OED 89 (Oxford English Dictionary, 2ed. XIX, p. 795)

b. Of or pertaining to the political unity so constituted, as distinguished from the separate states composing it.

#### Central government

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—3. Of or relating to the central government of a federation as distinct from the governments of its member units.

#### Federal government is central government

**WEBSTER'S 76** NEW INTERNATIONAL DICTIONARY UNABRIDGED**,** p. 833.

Federal government. Of or relating to the central government of a nation, having the character of a federation as distinguished from the governments of the constituent unites (as states or provinces).

#### Federal government is the national government that expresses power

Black’s Law Dictionary, 8th Edition, June 1, 2004, pg.716.

*Federal government.* 1.A national government that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national politics matters – Also termed (in federal states) central government. 2. the U.S. government – Also termed national government. [Cases: United States -1 C.J.S. *United States* - - 2-3]

#### USFG is the federal government of the USA, based in DC

**Dictionary of Government and Politics ’98** (Ed. P.H. Collin, p. 292)

United States of America (USA) [ju:’naitid ‘steits av e’merike] noun independent country, a federation of states (originally thirteen, now fifty in North America; the United States Code = book containing all the permanent laws of the USA, arranged in sections according to subject and revised from time to time COMMENT: the federal government (based in Washington D.C.) is formed of a legislature (the Congress) with two chambers (the Senate and House of Representatives), an executive (the President) and a judiciary (the Supreme Court). Each of the fifty states making up the USA has its own legislature and executive (the Governor) as well as its own legal system and constitution

#### “Federal” refers to a government in which states form a central government

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—1. Of, relating to, or being a form of government in which a union of states recognizes the sovereignty of a central authority while retaining certain residual powers of government.

#### “Government” is all three branches

Black’s Law 90 (Dictionary, p. 695)

“[*Government*] In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.”

#### Means all 3 branches

PrincetonUniversityWordNet1997, http://www.dictionary.com/cgi-bin/dict.pl?term=united%20states, accessed May 25, 2001

united states: 2: the executive and legislative and judicial branches of the federal government of the US

#### Includes agencies

Words & Phrases 4 (Cumulative Supplementary Pamphlet, v. 16A, p. 42)

N.D.Ga. 1986. Action against the Postal Service, although an independent establishment of the executive branch of the federal government, is an action against the “Federal Government” for purposes of rule that plaintiff in action against government has right to jury trial only where right is one of terms of government’s consent to be sued; declining to follow Algernon Blair Industrial Contractors, Inc. v. Tennessee Valley Authority, 552 F.Supp. 972 (M.D.Ala.). 39 U.S.C.A. 201; U.S.C.A. Const.Amend. 7.—Griffin v. U.S. Postal Service, 635 F.Supp. 190.—Jury 12(1.2).

# Should

### Should- Obligation

#### Should means an obligation or duty

AHD 92 – AHD, American Heritage Dictionary of the English Language, 1992 (4ed); Pg. 1612

Should—1. Used to express obligation or duty: *You should send her a note*.

#### “Should” expresses duty, obligation, or necessity

Webster’s 61 – Webster’s Third New International Dictionary 1961 p. 2104

Used in auxiliary function to express duty, obligation, necessity, propriety, or expediency

#### Should’s main function in American English is to express duty or necessity. Other usages produce ambiguity.

Random House Kernerman Webster's College Dictionary 2010 https://www.thefreedictionary.com/should

should (ʃʊd)

auxiliary v.

1. pt. of shall.

2. (used to indicate duty, propriety, or expediency): You should not do that.

3. (used to express condition): Were he to arrive, I should be pleased.

4. (used to make a statement less direct or blunt): I should think you would apologize.

[Middle English sholde, Old English sc(e)olde; see shall]

usage: Rules similar to those for choosing between shall and will have long been advanced for should and would, but most educated native speakers of American English do not follow the textbooks. In most constructions, would is the auxiliary chosen regardless of the subject: If our allies supported the move, we would abandon any claim to sovereignty. Because the main function of should in modern American English is to express duty, necessity, etc., its use for other purposes, as to form a subjunctive, can produce ambiguity, at least initially: I should get my flu shot if I were you. Furthermore, should seems an affectation to many Americans in certain constructions quite common to British English: I should (American would) really prefer a different arrangement. See also shall.

### Should – Mandatory

#### “Should” is mandatory

Nieto 9 – Judge Henry Nieto, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### “Should” means must – its mandatory

Foresi 32 (Remo Foresi v. Hudson Coal Co., Superior Court of Pennsylvania, 106 Pa. Super. 307; 161 A. 910; 1932 Pa. Super. LEXIS 239, 7-14, Lexis)

As regards the mandatory character of the rule, the word 'should' is not only an auxiliary verb, it is also the preterite of the verb, 'shall' and has for one of its meanings as defined in the Century Dictionary: "Obliged or compelled (to); would have (to); must; ought (to); used with an infinitive (without to) to express obligation, necessity or duty in connection with some act yet to be carried out." We think it clear that it is in that sense that the word 'should' is used in this rule, not merely advisory. When the judge in charging the jury tells them that, unless they find from all the evidence, beyond a reasonable doubt, that the defendant is guilty of the offense charged, they should acquit, the word 'should' is not used in an advisory sense but has the force or meaning of 'must', or 'ought to' and carries [\*\*\*8] with it the sense of [\*313] obligation and duty equivalent to compulsion. A natural sense of sympathy for a few unfortunate claimants who have been injured while doing something in direct violation of law must not be so indulged as to fritter away, or nullify, provisions which have been enacted to safeguard and protect the welfare of thousands who are engaged in the hazardous occupation of mining.

#### Should means must

Words & Phrases 6 (Permanent Edition 39, p. 369)

C.D.Cal. 2005. “Should,” as used in the Social Security Administration’s ruling stating that an ALJ should call on the services of a medical advisor when onset must be inferred, means “must.”—Herrera v. Barnhart, 379 F.Supp.2d 1103.—Social S 142.5.

### Should – Not Mandatory

#### Should isn’t mandatory

Words & Phrases 6 (Permanent Edition 39, p. 369)

C.A.6 (Tenn.) 2001. Word “should,” in most contexts, is precatory, not mandatory. –U.S. v. Rogers, 14 Fed.Appx. 303. –Statut 227.

#### Permissive

Words and Phrases 2 (Vol. 39, p. 370)

Cal.App. 5 Dist. 1976. Term “should,” as used in statutory provision that motion to suppress search warrant should first be heard by magistrate who issued warrant, is used in regular, persuasive sense, as recommendation, and is thus not mandatory but permissive. West’s Ann.Pen Code, § 1538.5(b).---Cuevas v. Superior Court, 130 Cal. Rptr. 238, 58 Cal.App.3d 406 ----Searches 191.

#### Desirable or recommended

Words and Phrases 2 (Vol. 39, p. 372-373)

Or. 1952. Where safety regulation for sawmill industry providing that a two by two inch guard rail should be installed at extreme outer edge of walkways adjacent to sorting tables was immediately preceded by other regulations in which word “shall” instead of “should” was used, and word “should” did not appear to be result of inadvertent use in particular regulation, use of word “should” was intended to convey idea that particular precaution involved was desirable and recommended, but not mandatory. ORS 654.005 et seq.----Baldassarre v. West Oregon Lumber Co., 239 P.2d 839, 193 Or. 556.---Labor & Emp. 2857

#### Should isn’t mandatory

**Taylor and Howard 5** ( Resources for the Future, Partnership to Cut Hunger and Poverty in Africa (Michael and Julie, “Investing in Africa's future: U.S. Agricultural development assistance for Sub-Saharan Africa”, 9/12, http://www.sarpn.org.za/documents/d0001784/5-US-agric\_Sept2005\_Chap2.pdf)

Other legislated DA earmarks in the FY2005 appropriations bill are smaller and more targeted: plant biotechnology research and development ($25 million), the American Schools and Hospitals Abroad program ($20 million), women’s leadership capacity ($15 million), the International Fertilizer Development Center ($2.3 million), and clean water treatment ($2 million). Interestingly, in the wording of the bill, Congress uses the term *shall* in connection with only two of these eight earmarks; the others say that USAID *should* make the prescribed amount available. The difference between shall and should may have legal significance—one is clearly mandatory while the other is a strong admonition—but it makes little practical difference in USAID’s need to comply with the congressional directive to the best of its ability.

### Should- Not Certain

#### “Should” doesn’t require certainty

**Black’s Law 79** (Black’s Law Dictionary – Fifth Edition, p. 1237)

Should. The past tense of shall; ordinarily implying duty or obligation; although usually no more than an obligation of propriety or expediency, or a moral obligation, thereby distinguishing it from “ought.” It is not normally synonymous with “may,” and although often interchangeable with the word “would,” it does not ordinarily express certainty as “will” sometimes does.

#### Should expresses conditionality or contingency

AHD 92 – AHD, American Heritage Dictionary of the English Language, 1992 (4ed); Pg. 1612

Should—3. Used to express conditionality or contingency: *If she should fall, then so would* *I*.

### Should – Desirable

#### “Should” means desirable --- this does not have to be a mandate

AC 99 (Atlas Collaboration, “Use of Shall, Should, May Can,” http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html)

shall 'shall' describes something that is mandatory. If a requirement uses 'shall', then that requirement \_will\_ be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong. should 'should' is weaker. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means).

#### Should expresses desirability

**Cambridge Dictionary of American English, 07** (http://dictionary.cambridge.org/define.asp?key=should\*1+0&dict=A)

**should** (DUTY) auxiliary verb used to express that it is necessary, desirable, advisable, or important to perform the action of the following verb

### Should- Expectation

#### Should expresses an expectation of something

AHD 92 – AHD, American Heritage Dictionary of the English Language, 1992 (4ed); Pg. 1612

Should—2. Used to express probability or expectation: *They should arrive at noon*.

#### Should describes what is probable

Compact Oxford English Dictionary 8(“should”, http://www.askoxford.com/concise\_oed/should?view=uk)

should

modal verb (3rd sing. should) 1 used to indicate obligation, duty, or correctness. 2 used to indicate what is probable. 3 formal expressing the conditional mood. 4 used in a clause with ‘that’ after a main clause describing feelings. 5 used in a clause with ‘that’ expressing purpose. 6 (in the first person) expressing a polite request or acceptance. 7 (in the first person) expressing a conjecture or hope.

Should is used to express probability or expectation

WEBSTER'S 84 II, p. 1078

Should - used to express probability or expectation. They should arrive here soon.

#### Should is used to express what is expected

Merriam-Webster’s Collegiate Dictionary, 2002

Merriam-Webster’s Inc., Tenth Ed., http://www.m-w.com/cgi-bin/dictionary

Used in auxiliary function to express what is probable or expected

### Should – Immediate

#### “Should” means “must” and requires immediate legal effect

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶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.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn16)

[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).

### Should – Not Immediate

#### Should doesn’t mean immediate

Dictionary.com – Copyright © 2010 – http://dictionary.reference.com/browse/should

should    /ʃʊd/ Show Spelled[shood] Show IPA –auxiliary verb 1. pt. of shall. 2. (used to express condition): Were he to arrive, I should be pleased. 3. must; ought (used to indicate duty, propriety, or expediency): You should not do that. 4. would (used to make a statement less direct or blunt): I should think you would apologize. Use should in a Sentence See images of should Search should on the Web Origin: ME sholde, OE sc ( e ) olde; see shall —Can be confused:  could, should, would (see usage note at this entry ). —Synonyms 3. See must1 . —Usage note Rules similar to those for choosing between shall and will have long been advanced for should and would, but again the rules have had little effect on usage. In most constructions, would is the auxiliary chosen regardless of the person of the subject: If our allies would support the move, we would abandon any claim to sovereignty. You would be surprised at the complexity of the directions. Because the main function of should in modern American English is to express duty, necessity, etc. ( You should get your flu shot before winter comes ), its use for other purposes, as to form a subjunctive, can produce ambiguity, at least initially: I should get my flu shot if I were you. Furthermore, should seems an affectation to many Americans when used in certain constructions quite common in British English: Had I been informed, I should (American would ) have called immediately. I should (American would ) really prefer a different arrangement. As with shall and will, most educated native speakers of American English do not follow the textbook rule in making a choice between should and would. See also shall. Shall –auxiliary verb, present singular 1st person shall, 2nd shall or ( Archaic ) shalt, 3rd shall, present plural shall; past singular 1st person should, 2nd should or ( Archaic ) shouldst or should·est, 3rd should, past plural should; imperative, infinitive, and participles lacking. 1. plan to, intend to, or expect to: I shall go later.

### Should = Past Tense of Shall

**American Heritage Dictionary ‘96**

[1996, 1992 by Houghton Mifflin Company, www.dictionary.com, accessed 4/2/01]

should (shd) v. aux. Past tense of shall.

### AT: Should Is Past Tense of Shall

#### Should refers to what should be NOT what should have been

OED, Oxford English Dictionary, 1989 (2ed. XIX), pg. 344

Should An utterance of the word *should*. Also, what ‘should be’.

#### Traditional rules regarding use of shall are now archaic. Should means duty or obligation.

American Heritage Dictionary of the English Language 2000

(4th Edition, p. 1612)

Usage Note Like the rules governing the use of shall and will on which they are based, the traditional rules governing the use of should and would are largely ignored in modern American practice. Either should or would can now be used in the first person to express conditional futurity: If I had known that, I would (or somewhat more formally, should) have answered differently. But in the second and third persons only would is used: If he had known that, he would (not should) have answered differently. Would cannot always be substituted for should, however. Should is used in all three persons in a conditional clause: if I (or you or he) should decide to go. Should is also used in all three persons to express duty or obligation (the equivalent of ought to): I (or you or he) should go. On the other hand, would is used to express volition or promise: I agreed that I would do it. Either would or should is possible as an auxiliary with like, be inclined, be glad, prefer, and related verbs: I would (or should) like to call your attention to an oversight. Here would was acceptable on all levels to a large majority of the Usage Panel in an earlier survey and is more common in American usage than should. Should have is sometimes incorrectly written should of by writers who have mistaken the source of the spoken contraction should’ve.

Should only means “the past tense of shall” when used as a putative auxiliary verb. In the context of the resolution, it means “ought to”.

The Grammar Logs 97

(#29. <http://grammar.ccc.commnet.edu/grammar/grammarlogs/grammarlogs29.htm>, Sept. 26 Accessed 7/7/13)

Question The Discrepancies among Shall, Will, Should & Would

I am always told that "should" is the past tense of "shall", just like "would" is the past tense of "will". I believe that although the latter may be true, the former can never be true.

"Should" is a normative term (a suggestion, "ought to").

A1. We should abolish this rule (normative advice).

A2. We shall abolish this rule (we have decided/are going to, = "will").

Clearly, A1 is NOT the past tense of A2.

Thus, in terms of meaning, "shall" and "will" should go together ("shall" for the pronouns "I" and "we", and "will" for others), and "should" should stand alone, or go with words like, "ought to".

Consider the following:

B1. If I stop now, I SHALL fail.

B2. If he stops now, he WILL fail.

B3. If I stopped yesterday, I WOULD fail.

Thus, "would" should be the past tense of both "will" and "shall", instead of "should" being the past tense of "shall".

The past tense of "should" should be "should have":

C1. You should scold him now.

C2. You should have scolded him just now.

Now, under what case is SHOULD the past tense of SHALL, which most dictionaries contend?

Source & Date

of Question Singapore

26 September 1997

Grammar's

Response In "should have scolded" you're using should as part of an auxiliary string to create a past tense verb, so that doesn't really count. As a putative auxiliary verb, however, should is more clearly the past tense of shall:

I was extremely upset that he should earn more money than my brother.

# Substantially

## Substantial- Qualitative

### Substantial – Considerable

#### "Substantial" means of real worth or considerable value --- this is the USUAL and CUSTOMARY meaning of the term

Words and Phrases 2 (Volume 40A, p. 458)

D.S.C. 1966. The word “substantial” within Civil Rights Act providing that a place is a public accommodation if a “substantial” portion of food which is served has moved in commerce must be construed in light of its usual and customary meaning, that is, something of real worth and importance; of considerable value; valuable, something worthwhile as distinguished from something without value or merely nominal

#### “Substantial” means considerable or to a large degree --- this common meaning is preferable because the word is not a term of art

Arkush 2 (David, JD Candidate – Harvard University, “Preserving "Catalyst" Attorneys' Fees Under the Freedom of Information Act in the Wake of Buckhannon Board and Care Home v. West Virginia Department of Health and Human Resources”, Harvard Civil Rights-Civil Liberties Law Review, Winter,   
37 Harv. C.R.-C.L. L. Rev. 131)

Plaintiffs should argue that the term "substantially prevail" is not a term of art because if considered a term of art, resort to Black's 7th produces a definition of "prevail" that could be interpreted adversely to plaintiffs. [99](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n99) It is commonly accepted that words that are not legal terms of art should be accorded their ordinary, not their legal, meaning, [100](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n100) and ordinary-usage dictionaries provide FOIA fee claimants with helpful arguments. The Supreme Court has already found favorable, temporally relevant definitions of the word "substantially" in ordinary dictionaries: "Substantially" suggests "considerable" or "specified to a large degree." See Webster's Third New International Dictionary 2280 (1976) (defining "substantially" as "in a substantial manner" and "substantial" as "considerable in amount, value, or worth" and "being that specified to a large degree or in the main"); see also 17 Oxford English Dictionary 66-67 (2d ed. 1989) ("substantial": "relating to or proceeding from the essence of a thing; essential"; "of ample or considerable amount, quantity or dimensions"). [101](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n101)

#### Substantial means “of considerable amount” – not some contrived percentage

Prost 4 (Judge – United States Court of Appeals for the Federal Circuit, “Committee For Fairly Traded Venezuelan Cement v. United States”, 6-18, http://www.ll.georgetown.edu/federal/judicial/fed/opinions/04opinions/04-1016.html)

The URAA and the SAA neither amend nor refine the language of § 1677(4)(C).  In fact, they merely suggest, without disqualifying other alternatives, a “clearly higher/substantial proportion” approach.  Indeed, the SAA specifically mentions that no “precise mathematical formula” or “‘benchmark’ proportion” is to be used for a dumping concentration analysis.  SAA at 860 (citations omitted); see also Venez. Cement, 279 F. Supp. 2d at 1329-30.  Furthermore, as the Court of International Trade noted, the SAA emphasizes that the Commission retains the discretion to determine concentration of imports on a “case-by-case basis.”  SAA at 860.  Finally, the definition of the word “substantial” undercuts the CFTVC’s argument.  The word “substantial” generally means “considerable in amount, value or worth.”  Webster’s Third New International Dictionary 2280 (1993).  It does not imply a specific number or cut-off.  What may be substantial in one situation may not be in another situation.  The very breadth of the term “substantial” undercuts the CFTVC’s argument that Congress spoke clearly in establishing a standard for the Commission’s regional antidumping and countervailing duty analyses.  It therefore supports the conclusion that the Commission is owed deference in its interpretation of “substantial proportion.”  The Commission clearly embarked on its analysis having been given considerable leeway to interpret a particularly broad term.

### Substantial – Considerable

#### "Substantial" means considerable in amount or value

Words and Phrases 2 (Volume 40A) p. 453

N.D.Ala. 1957. The word “substantial” means considerable in amount, value, or the like, large, as a substantial gain

#### “Substantial” means having worth or value

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 644)

having worth or value

### Substantial – Real

#### "Substantial" means actually existing, real, or belonging to substance

Words and Phrases 2 (Volume 40A) p. 460

Ala. 1909. “Substantial” means “belonging to substance; actually existing; real; \*\*\* not seeming or imaginary; not elusive; real; solid; true; veritable

#### "Substantial" means having substance or considerable

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 644)

having substance; considerable

#### Substantial means real, not imaginary

**Wollman ’93** (Circuit Judge, US Court of Appeals – 8th Circuit, Kansas City Power & Light Company, a Missouri corporation, Appellee, v. Ford Motor Credit Company, a Delaware corporation; McDonnell Douglas Finance Corporation, a Delaware corporation; HEI Investment Corp., a Hawaii corporation, Appellants, 995 F.2d 1422; 1993 U.S. App. LEXIS 13755, L/N)

Instruction No. 10 was not given in isolation, however. The district court's instructions also contained a definition of "substantial." Instruction No. 11 defined "substantial" as meaning "true, real or likely to materialize" and as not meaning "imaginary or unlikely to materialize." This instruction properly limited the potential bases for the jury's decision, which is the essential function of jury instructions. When combined with the contract and the verdict-directing instructions, [\*1432] which tracked the operative language of the contract, Instruction No. 11 required the jury to find that KCPL had determined a real risk, not some imaginary hypothetical risk premised solely on a reduction in the DRD. Because the contract provided only one means of creating a risk of making an indemnity payment--a demand notice from an Investor--the jury's discretion was properly channelled into deciding whether KCPL had sufficiently studied and honestly considered the likelihood of receiving such a demand notice. That determination is all that the contract required.

#### Substantial means real at present time

**Words and Phrases** 19**64** (40 W&P 759) (this edition of W&P is out of print; the page number no longer matches up to the current edition and I was unable to find the card in the new edition. However, this card is also available on google books, Judicial and statutory definitions of words and phrases, Volume 8, p. 7329)

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 not 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 admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 Ill. App. 308, 318.

### Substantial – In the Main

#### "Substantial" means in the main

Words and Phrases 2 (Volume 40A, p. 469)

Ill.App.2 Dist. 1923 “Substantial” means in substance, in the main, essential, including material or essential parts

### Substantial – Material

#### Substantial has to be material

**Words and Phrases, 2** (Words and Phrases Permanent Edition, “Substantial,” Volume 40A, p. 448-486 October 2002, Thomson West)

Ala. 1909. “Substantial” means “belonging to substance; actually existing; real; \* \* \* not seeming or imaginatary; not illusive; real; solid; true; veritable.” – Elder v. State, 50 So. 370, 162 Ala. 41.

### Substantial – Durable

#### “Substantial” means durable

Ballantine’s 94 (Thesaurus for Legal Research and Writing, p. 173)

substantial [sub . *stan* . shel] *adj*. abundant, consequential, durable, extraordinary, heavyweight, plentiful (“a substantial supply”); actual, concrete, existent, physical, righteous, sensible, tangible (“substantial problem”); affluent, comfortable, easy, opulent, prosperous, solvent.

### Substantial – Mandate

#### “Substantial” requires a certain mandate

Words and Phrases 64 (40W&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 not 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, admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

### Substantial – Not Covert

#### “Substantially” means not covert

Words & 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 not 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 admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

## Substantial – Quantitative

### Substantially- Quantitative Best

#### The qualitative definitions of substantial are amorphous and unlimiting

Stark 97 (Stephen J., “Key Words And Tricky Phrases: An Analysis Of Patent Drafter's Attempts To Circumvent The Language Of 35 U.S.C.”, Journal of Intellectual Property Law, Fall, 5 J. Intell. Prop. L. 365, Lexis)

Ordinary Meaning. First, words in a patent are to be given their ordinary meaning unless otherwise defined. [30](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=20&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all" \l "n30" \t "_self) However, what if a particular word has multiple meanings? For example, consider the word "substantial." The Webster dictionary gives eleven different definitions of the word substantial. [31](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=20&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all" \l "n31" \t "_self) Additionally, there are another two definitions specifically provided for the adverb "substantially." [32](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=20&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all" \l "n32" \t "_self) Thus, the "ordinary meaning" is not clear. The first definition of the word "substantial" given by the Webster's Dictionary is "of ample or considerable amount, quantity, size, etc." [33](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=20&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all" \l "n33" \t "_self) Supposing that this is the precise definition that the drafter had in mind when drafting the patent, the meaning of "ample or considerable amount" appears amorphous. This could have one of at least the following interpretations: (1) almost all, (2) more than half, or (3) barely enough to do the job. Therefore, the use of a term, such as "substantial," which usually has a very ambiguous meaning, makes the scope of protection particularly hard to determine.

### Substantial Reduction- 50-75%

#### A substantial reduction is 50-75%

Glosbe No Date, “substantial reduction in English”, https://glosbe.com/en/en/substantial%20reduction

For reasons explained at length in the decision, none of the companies meets the conditions for obtaining immunity from fines, a "very substantial" reduction of the fine (i.e. at least 75%) or even a "substantial" reduction (i.e. between 50% and 75%).

### Substantial Reduction – 75%

#### A substantial reduction is at least 75%

Montiero, Lawyer who studied at the New York University of Law, 2005

(Luis G., *Research Paper for the Antitrust and Economics Seminar*, p. 18-19, NS)

By reading the 1996 EC notice one realizes that it suffered the consequences of establishing a high evidential standard. Section B of the notice, under the title “Non-imposition of a fine or a very substantial reduction in its amount”, a corporation which is the first to adduce “decisive evidence” of a cartel’s existence would benefit from a reduction of at least 75% of the fine or even from total exemption of it. However, by choosing this broad legal concept of “decisive evidence”, corporations could not be sure as to whether they had enough evidence for the Commission, in order to fulfill the requirement and qualify for a non-imposition of a fine or get a very substantial reduction in its amount. Experience showed that the risk of whistleblowing without proper reward was too high. On the other hand, according to the US CLP, undertakings only had to tell everything they knew about the cartel to get the benefit of the leniency policy. This lower level requirement increased the potential pool of the whistleblowers since even undertakings which did not have access to highly relevant information could also apply under US CLP.

### Substantial – 2%

#### “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.

### Substantial – 10%

#### Less than 10% is insubstantial

Mickels 8 (Alissa, JD Candidate – Hastings College of Law, “Summary of Existing US Law Affecting Fourth Sector Organizations”, 7-17, [http://www.fourthsector.net/attachments/7/original/Summary\_of\_US\_Law\_Affecting\_ FS.pdf?1229493187](http://www.fourthsector.net/attachments/7/original/Summary_of_US_Law_Affecting_FS.pdf?1229493187))

Substantial v. insubstantial: Modern courts consider competition with commercial firms as “strong evidence of a substantial nonexempt purpose.” Living Faith, Inc. v. Comm’r, 60 T.C.M. 710, 713 (1990). Although the tax court has held that the definition of insubstantial is fact specific, it has found that less than ten percent of a charity’s total efforts is “insubstantial”, World Family Corp. v. Comm’r, 78 T.C. 921 (1982), where as unrelated business activity generating one-third of an organizations revenue does not qualify for tax-exempt status. Orange County Agric. Soc’y, Inc. v. Comm’r, 55 T.C.M. 1602, 1604 (1988), aff’d 893 F.2d 647 (2d Cir. 1990). However, this may be changing after an increasing emphasis on commensurate test.

### Substantial- 30%

#### Substantial decrease is at least 30%

Hantash 06, Patent Attorneys & Engineers Lynch Kneblewski - Sâo Paulo

[Feras, 3/16, http://www.freshpatents.com/Method-for-detecting-cystic-fibrosis dt20060316ptan20060057593.php]

[0011] A substantial increase in the amount of a CFTR target segment identified means that the segment has been duplicated while a substantial decrease in the amount of a CFTR target segment identified means that the target segment has been deleted. The term "substantial decrease" or "substantial increase" means a decrease or increase of at least about 30-50%. Thus, deletion of a single CFTR exon would appear in the assay as a signal representing for example of about 50% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene. Conversely, amplification of a single exon would appear in the assay as a signal representing for example about 150% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene.

### Substantial – 33%

#### “Substantially” means 33 percent

Maples 7 (Larry, “Pitfalls in Preserving Net Operating Losses”, The CPA Journal, 3-1, Lexis)

If a new loss corporation has substantial nonbusiness assets, the value of the old loss corporation must be reduced by the amount of the nonbusiness assets less liabilities attributable to those assets. "Substantial" is defined as one-third of total assets. This is a difficult provision to interpret. IRC section 382(1)(4) provides that a value reduction in the old loss corporation is required if, just after an ownership change, the new loss corporation has substantial nonbusiness assets. This language seems odd because the purpose of IRC section 382 is to prevent loss trafficking, so it would seem that the asset test ought to apply to the old loss corporation.

### Substantial – 40%

#### “Substantially” means 40% --- strict quantification avoids vagueness

Schwartz 4 (Arthur, Lawyer – Schwartz + Goldberg, 2002 U.S. Briefs 1609, Lexis)

In the opinion below, the Tenth Circuit suggested that a percentage figure would be a way to avoid vagueness issues. (Pet. App., at 13-14) Indeed, one of the Amici supporting the City in this case, the American Planning Association, produced a publication that actually makes a recommendation of a percentage figure that should be adopted by municipalities in establishing zoning  [\*37]  regulations for adult businesses. n8 The APA's well researched report recommended that the terms "substantial" and "significant" be quantified at 40 percent for floor space or inventory of a business in the definition of adult business. n9 (Resp. Br. App., at 15-16)

### Substantial – 50%

#### Less than 50% is insubstantial

Brown 94 (Mark R., Professor of Law – Stetson University College of Law, “The Demise of Constitutional Prospectivity: New Life for Owen?”, Iowa Law Review, January, 79 Iowa L. Rev. 273, Lexis)

n241 I am assuming here that "foreseeable" means "probable," as in "more probable than not." This appears to be a safe assumption given the proliferance of cases granting immunity to officials who offend the Constitution. If this definition is correct, deterrence only works and liability should only attach if one's conduct, viewed ex ante, is more likely illegal than legal: the risk of illegality must be more than fifty percent. In other words, one cannot face deterrence, and liability will not attach, if the risk of illegality is less than fifty percent. (When viewed in this fashion, one might perceive a risk of illegality but still not be deterrable because the risk is not substantial, i.e., not greater than fifty percent.). Lawful conduct, of course, need not be probably lawful. That is what risk is about. Situations might arise where the objective risk is that conduct is unlawful, but ex post it is lawful. Lest judicial reasoning be completely askew, a fairly strong correlation exists, however, between action that is ex ante probably lawful and that which is lawful ex post in the courts. If this is not true, then courts are reaching objectively improbable conclusions, and the whole idea of reliance is illusory.

#### Legal experts agree

Davignon v. Clemmey 1 (Davignon v. Clemmey, 176 F. Supp. 2d 77, Lexis)

The court begins the lodestar calculation by looking at the contemporaneous billing records for each person who worked on the plaintiff's case. The absence of detailed contemporaneous time records, except in extraordinary circumstances, will call for a substantial reduction in any award or, in egregious cases, disallowance. What is a "substantial reduction"? Fifty percent is a favorite among judges.

#### Substantial is 50%- two examples

Smythe 10

(Tom, engineer, http://www.co.lake.ca.us/Government/Directory/Water\_Resources/Department\_Programs/Flood\_Management/Substantial\_Damage\_Improvement.htm, 6/15/2010, DA 6/21/11, OST)

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

#### Substantial increase or decrease is 50 to 100 percent

UNEP 2 ( United nations environmental program, www.unep.org/geo/geo3/english/584.htm, October 1 2002, DA6/21/11, OST)

Change in selected pressures on natural ecosystems 2002-32. For the ecosystem quality component, see the explanation of the Natural Capital Index. Values for the cumulative pressures were derived as described under Natural Capital Index. The maps show the relative increase or decrease in pressure between 2002 and 2032. 'No change' means less than 10 per cent change in pressure over the scenario period; small increase or decrease means between 10 and 50 per cent change; substantial increase or decrease means 50 to 100 per cent change; strong increase means more than doubling of pressure. Areas which switch between natural and domesticated land uses are recorded separately.

## Substantial- Misc.

### Substantial- Must be Given Meaning

#### “Substantial” must be given meaning

Words and Phrases 60 (Vol. 40, State – Subway, p. 762)

“Substantial” is a relative word, which, while it must be used with care and discrimination, must nevertheless be given effect, and in a claim of patent allowed considerable latitude of meaning where it is applied to such subject as thickness, as by requiring two parts of a device to be substantially the same thickness, and cannot be held to require them to be of exactly the same thickness. Todd. V. Sears Roebuck & Co., D.C.N.C., 199 F.Supp. 38, 41.

#### "Substantial" must be gauged in context

Words and Phrases 2 (Volume 40A, p. 464)

Cal. 1956. “Substantial” is a relative term, its measure to be gauged by all the circumstances surrounding the matter in reference to which the expression has been used

#### Context is key --- "substantial" has no exact meaning

Words and Phrases 2 (Volume 40A, p. 483)

The word “substantial” is susceptible to different meanings according to the circumstances, and is variously defined as actual, essential, material, fundamental, although no rule of thumb can be laid down fixing its exact meaning

#### "Substantiality" should be defined on a case-by-case basis

Edlin 2 (Aaron, Professor of Economics and Law – University of California Berkeley School of Law, January, 111 Yale L.J. 941)

Might price reductions of less than twenty percent qualify as substantial? In some markets they should, and it would be reasonable to decide substantiality on a case-by-case basis. One advantage of a bright-line rule is that it would let incumbents know where they stand. Monopolies that price only slightly above their average cost would be insulated from the entry of higher-cost entrants if they could credibly convey a willingness to price below the entrants' cost after entry, as illustrated in Part III. However, these monopolies do consumers little harm and may enhance market efficiency.

## Substantial- Aff

### Substantial – Vague/Arbitrary

“Substantial” is inherently flexible and imprecise

Mellinkoff in 92 (David, Law Professor UCLA, 1992 (Mellinkoff’s Dictionary of American Legal Usage, p. 626).

substantial is as flexible in the law as in ordinary English. That is its reason for continued existence in the law. Long use of substantial in combinations, e.g., *substantial evidence*, can produce impression of precision, which is lacking. The word is an alert! What substantial fastens itself to becomes infected with substantial’s flexibility. A place for discretion.

#### Their definition of substantial is arbitrary – there’s no consistency in US Code.

Jeffrey M. Colon, Associate Professor of Law, Fordham University School of Law, Winter 1997, San Diego Law Review, 34 San Diego L. Rev. 1, Lexis Academic

n138. I.R.C. 877(e). Neither the statute nor the legislative history indicates how much of a reduction in taxes is necessary in order to constitute a "substantial" reduction. The meaning of "substantial" varies from one Code section to the other. Compare, e.g., I.R.C. 368(a)(1)(C) (West 1988 & Supp. 1996) (acquisition of "substantially all" of acquired company's assets for ruling purposes is 70% of gross assets and 90% of net assets (Rev. Proc. 77-37, 1977-2 C.B. 568)) with I.R.C. 1092 (West 1988 & Supp. 1996) ("substantial diminution" of risk of loss).

#### Substantial(ly) cannot be measured—its too vague

Ken Adams 18, Author at Adam’s drafting, “Substantial” and “Substantially”, <http://www.adamsdrafting.com/substantial-and-substantially/>, January 25

Substantial and substantially exhibit the same problem as aggressively, which I ranted about in this October 2010 AdamsDrafting blog post. How big does something have to be before it is substantial or can be said to do something substantially? More than 50% of its maximum potential magnitude? More than 70%? 85.42%? I have no idea. So the subjectivity inherent in vagueness is compounded by imprecision. Maybe substantial and substantially refer to a magnitude that’s close enough to the maximum that a reasonable person in the position of whoever has the benefit would be satisfied. That may be the case, but I’m not aware that that meaning is sufficiently accepted that you can take it for granted.

### Substantial- Percentages Bad

**Substantial cannot be determined by percentage tests**

**Leo ‘8** (Kevin Leo\*\* J.D. Candidate, Spring 2008, Hastings College of the Law. Hastings Business Law Journal Spring, 2008 4 Hastings Bus. L.J. 297 LEXIS)

In contrast, the court in Haswell v. United States held that spending over sixteen percent of an organization's time on lobbying was substantial. [n83](http://www.lexisnexis.com.www2.lib.ku.edu:2048/us/lnacademic/frame.do?tokenKey=rsh-20.156249.8509902761&target=results_DocumentContent&reloadEntirePage=true&rand=1253667274610&returnToKey=20_T7405211855&parent=docview) The court found that applying a strict percentage test to determine whether activities are substantial would be inappropriate, since  [\*308]  such a test "obscures the complexity of balancing the organization's activities in relation to its objectives and circumstances in the context of the totality of the organization." [n84](http://www.lexisnexis.com.www2.lib.ku.edu:2048/us/lnacademic/frame.do?tokenKey=rsh-20.156249.8509902761&target=results_DocumentContent&reloadEntirePage=true&rand=1253667274610&returnToKey=20_T7405211855&parent=docview)

### Substantial- Not All

**Substantially does not mean all**

Justice **Berdon**, 8-24-**99**, Supreme Court of Connecticut, 250 Conn. 334; 736 A.2d 824; 1999 Conn. LEXIS 303

In addition, the plain meaning of "substantially" does not support the defendant's arguments. Black's Law Dictionary (6th Ed. 1990) defines "substantially" as "essentially; without material qualification; in the main . . . in a substantial manner." Likewise, "substantial" is defined as, "of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real; not seeming or imaginary; not illusive; solid; true; veritable. . . . Synonymous with material." (Citations omitted.) Id. Thus, the requirement of a "substantial" association creates a threshold far below the exclusive or complete association argued by the defendant.

# Increase

### Increase- Make Greater

#### Increase is to make larger

American Heritage Dictionary 1American Heritage Dictionary www.answers.com/topic/increase ,2/1/2001 , DA 6/20/11, OST

To become greater or larger. To multiply; reproduce.

#### Increase is to become greater in size, number or intensity

Merriam-Webster 5 http://www.merriam-webster.com/dictionary/increase, dictionary, November 13 2005, DA 6/21/11, OST

to become progressively greater (as in size, amount, number, or intensity)

#### Increase is to add to

Dictionary.com 6 Dictionary.com: definitions, 11/3/2006, dictionary.reference.com, DA 6/21/11, OST

To make greater, as in number, size, strength, or quality; augment; add to: to increase taxes.

#### Increase means add duration to

Word and Phrases 8(vol. 20B, p. 265)

Me. 1922. Within Workmen’s Compensation Act, § 36, providing for review of any agreement, award, findings, or decree, and that member of Commission may increase, diminish, or discontinue compensation, an “increase” may include an extension of the time of the award. –Graney’s Case, 118 A. 369, 121 Me.500.—Work Comp 2049.

### Increase is Preexisting

#### Increase must be of something that already exists

Buckley 6 Jeremiah, Attorney, Amicus Curiae Brief, Safeco Ins. Co. of America et al v. Charles Burr et al, <http://supreme.lp.findlaw.com/supreme_court/briefs/06-84/06-84.mer.ami.mica.pdf>

First, the court said that the ordinary meaning of the word “increase” is “to make something greater,” which it believed should not “be limited to cases in which a company raises the rate that an individual has previously been charged.” 435 F.3d at 1091. Yet the definition offered by the Ninth Circuit compels the opposite conclusion. Because “increase” means “to make something greater,” there must necessarily have been an existing premium, to which Edo’s actual premium may be compared, to determine whether an “increase” occurred. Congress could have provided that “ad-verse action” in the insurance context means charging an amount greater than the optimal premium, but instead chose to define adverse action in terms of an “increase.” That definitional choice must be respected, not ignored. See Colautti v. Franklin, 439 U.S. 379, 392-93 n.10 (1979) (“[a] defin-ition which declares what a term ‘means’ . . . excludes any meaning that is not stated”). Next, the Ninth Circuit reasoned that because the Insurance Prong includes the words “existing or applied for,” Congress intended that an “increase in any charge” for insurance must “apply to all insurance transactions – from an initial policy of insurance to a renewal of a long-held policy.” 435 F.3d at 1091. This interpretation reads the words “exist-ing or applied for” in isolation. Other types of adverse action described in the Insurance Prong apply only to situations where a consumer had an existing policy of insurance, such as a “cancellation,” “reduction,” or “change” in insurance. Each of these forms of adverse action presupposes an already-existing policy, and under usual canons of statutory construction the term “increase” also should be construed to apply to increases of an already-existing policy. See Hibbs v. Winn, 542 U.S. 88, 101 (2004) (“a phrase gathers meaning from the words around it”) (citation omitted).

#### “Increase” implies pre-existence

Brown 3US Federal Judge – District Court of Oregon (Elena Mark and Paul Gustafson, Plaintiffs, v. Valley Insurance Company and Valley Property and Casualty, Defendants, 7-17, Lexis

FCRA does not define the term "increase." The plain and ordinary meaning of the verb "to increase" is to make something greater or larger. 4 Merriam-Webster's [\*\*22] Collegiate Dictionary 589 (10th ed. 1998). The "something" that is increased in the statute is the "charge for any insurance." The plain and common meaning of the noun "charge" is "the price demanded for something." Id. at 192. Thus, the statute plainly means an insurer takes adverse action if the insurer makes greater (i.e., larger) the price demanded for insurance.

An insurer cannot "make greater" something that did not exist previously. The statutory definition of adverse action, therefore, clearly anticipates an insurer must have made an initial charge or demand for payment before the insurer can increase that charge. In other words, an insurer cannot increase the charge for insurance unless the insurer previously set and demanded payment of the premium for that insured's insurance [\*\*23] coverage at a lower price.

#### “Increase” means to add to what already exists.

Corpus Juris Secundum 44

Corpus Juris Secundum, 1944, vol. 42, p. 546

“Increase” As a Verb. The term presupposes the existence in some measure, or to some extent, of something which may be enlarged, connotes a change or alteration in the original, and has been defined as meaning to extend or enlarge in size, extent, quantity, number, intensity, value, substance, etc.

### Increase Not Preexisting

#### “Increase” doesn’t require prior existence

Reinhardt 5 U.S. Judge for the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (Stephen, JASON RAY REYNOLDS; MATTHEW RAUSCH, Plaintiffs-Appellants, v. HARTFORD FINANCIAL SERVICES GROUP, INC.; HARTFORD FIRE INSURANCE COMPANY, Defendants-Appellees., lexis

Specifically, we must decide whether charging a higher price for initial insurance than the insured would otherwise have been charged because of information in a consumer credit report constitutes an "increase in any charge" within the meaning of FCRA. First, we examine the definitions of "increase" and "charge." Hartford Fire contends that, limited to their ordinary definitions, these words apply only when a consumer has previously been charged for insurance and that charge has thereafter been increased by the insurer. The phrase, "has previously been charged," as used by Hartford, refers not only to a rate that the consumer has previously paid for insurance but also to a rate that the consumer has previously been quoted, even if that rate was increased [\*\*23] before the consumer made any payment. Reynolds disagrees, asserting that, under [\*1091] the ordinary definition of the term, an increase in a charge also occurs whenever an insurer charges a higher rate than it would otherwise have charged because of any factor--such as adverse credit information, age, or driving record 8 --regardless of whether the customer was previously charged some other rate. According to Reynolds, he was charged an increased rate because of his credit rating when he was compelled to pay a rate higher than the premium rate because he failed to obtain a high insurance score. Thus, he argues, the definitions of "increase" and "charge" encompass the insurance companies' practice. Reynolds is correct.

“Increase" means to make something greater. See, e.g., OXFORD ENGLISH DICTIONARY (2d ed. 1989) ("The action, process, or fact of becoming or making greater; augmentation, growth, enlargement, extension."); WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988) (defining "increase" as "growth, enlargement, etc[.]"). "Charge" means the price demanded for goods or services. See, e.g., OXFORD ENGLISH DICTIONARY (2d ed. 1989) ("The price required or demanded for service rendered, or (less usually) for goods supplied."); WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988) ("The cost or price of an article, service, etc."). Nothing in the definition of these words implies that the term "increase in any charge for" should be limited to cases in which a company raises the rate that an individual has previously been charged.

### Increase = Net Increase

#### Must be a net increase

Rogers 5 Judge – 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.

# Its

## Its

### Its- Possessive

#### “Its” refers to the United States Federal Government and is possessive

Updegrave 91 (W.C., “Explanation of ZIP Code Address Purpose”, 8-19, <http://www.supremelaw.org/ref/zipcode/updegrav.htm>)

More specifically, looking at the map on page 11 of the National ZIP Code Directory, e.g. at a local post office, one will see that the first digit of a ZIP Code defines an area that includes more than one State. The first sentence of the explanatory paragraph begins: "A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of ..." [cf. 26 CFR 1.1-1(c)]. Note the singular possessive pronoun "its", not "their", therefore carrying the implication that it relates to the "United States" as a corporation domiciled in the District of Columbia (in the singular sense), not in the sense of being the 50 States of the Union (in the plural sense). The map shows all the States of the Union, but it also shows D.C., Puerto Rico and the Virgin Islands, making the explanatory statement literally correct.

#### ‘Its’ is possessive

English Grammar 5 (Glossary of English Grammar Terms, <http://www.usingenglish.com/glossary/possessive-pronoun.html>)

Mine, yours, his, hers, its, ours, theirs are the possessive [pronouns](http://www.usingenglish.com/glossary/pronoun.html) used to substitute a [noun](http://www.usingenglish.com/glossary/noun.html) and to show possession or ownership. EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

#### “Its” implies possession

Corpus Juris Secundum, 1981 (Volume 48A, p. 247)

Its. The possessive case of the neuter pronoun “it.” Also, as an adjective, meaning of or belonging to it. Sometimes referred to as the possessive word, but it does not necessarily imply ownership in fee, but may indicate merely a right to use.

#### “Its” is an attributive adjective showing possession

Random House Dictionary, 1966 (p. 758)

Its (pronoun). The possessive form of it (used as an attributive adjective: *The book has lost its jacket. I’m sorry about its being so late*.)

#### “Its” means belonging to it or that thing

Oxford English Dictionary, 1989 (second edition, online)

Its

A. As adj. poss. pron. Of or belonging to it, or that thing (L. ejus); also refl., Of or belonging to itself, its own (L. suus).

The reflexive is often more fully its own, for which in earlier times the own, it own, were used: see OWN.

#### Its is belonging to

The Free Dictionary 5 (Thefreedictionary.com, June 25 2005, DA 6/21/11, OST)

a. of, belonging to, or associated in some way with it its left rear wheel

b. (as pronoun) each town claims its is the best

#### Its is possessive

Merriam-Webster 11 (http://www.merriam-webster.com/dictionary/its, dictionary, June 1 2011, DA 6/21/11, OST)

of or relating to it or itself especially as possessor, agent, or object of an action

### Its – Not Require Ownership

#### Does not require ownership, merely ‘right to use’

Corpus Juris Secundum, ‘81 (Volume 48A, p. 247)

Its. The possessive case of the neuter pronoun “it.” Also, as an adjective, meaning of or belonging to it. Sometimes referred to as the possessive word, but it does not necessarily imply ownership in fee, but may indicate merely a right to use.

### Its- Associated With

#### Belonging to or associated with

Oxford Dictionary 10 (“Of”, http://www.oxforddictionaries.com/definition/its?view=uk)

Pronunciation:/ɪts/ possessive determiner belonging to or associated with a thing previously mentioned or easily identified:turn the camera on its side he chose the area for its atmosphere

#### Of or relating to

Webster’s 10 (Merriam-Webster’s Online Dictionary, “its”, http://www.merriam-webster.com/dictionary/its)

Main Entry: its Pronunciation: \ˈits, əts\ Function: adjective Date: circa 1507 : of or relating to it or itself especially as possessor, agent, or object of an action <going to its kennel> <a child proud of its first drawings> <its final enactment into law>

# Security Cooperation

### General Inclusive

#### Security coop includes international diplomacy efforts

RAND 19 (RAND Arroyo Center; The United States Army’s federally funded research and development center, “*Taking Stock of RAND's Security Cooperation Research”* [https://www.rand.org/ard/topics/security-cooperation.html#:~:text=The%20term%20security%20cooperation%20refers,and%20associated%20terms)%20spanning%20the] Accessed 7/4/22, TR)

The term security cooperation refers to the broad category of activities undertaken by the U.S. Department of Defense (DoD) "to develop partnerships that encourage and enable partner nations to act in support of US strategic objectives" A variety of other programs and activities (and associated terms) spanning the strategic, operational, and tactical levels fall under the umbrella of security cooperation. These include efforts to build partner capacity, security force assistance, and defense institution building. Security cooperation activities range from the expensive and visible—training, equipping, and exercising together—to low-key but valuable bilateral talks, workshops, personnel exchanges, professional military education, and efforts to achieve interoperability with partners in terms of processes and equipment.

#### Security coop entails actions that support US objectives

RAND 19 (RAND Arroyo Center; The United States Army’s federally funded research and development center, “*Taking Stock of RAND's Security Cooperation Research”* [https://www.rand.org/ard/topics/security-cooperation.html#:~:text=The%20term%20security%20cooperation%20refers,and%20associated%20terms)%20spanning%20the] Accessed 7/4/22, TR)

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#### Security coop is a broad category including capacity building, security force assistance, training, exercises, bilateral talks, exchanges, military education, and interoperability.

RAND 19 (RAND Arroyo Center; The United States Army’s federally funded research and development center, “*Taking Stock of RAND's Security Cooperation Research”* [https://www.rand.org/ard/topics/security-cooperation.html#:~:text=The%20term%20security%20cooperation%20refers,and%20associated%20terms)%20spanning%20the] Accessed 7/4/22, TR)

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### Capacity Building

#### Security coop includes capacity building

Sawan 20 (Ranendra Singh Sawan; naval commander from the Indian Navy, “*Problems and prospects of maritime security cooperation in the Indian Ocean Region: a case study of the Indian Ocean Naval Symposium (IONS)”* [] Accessed 7/11/22, TR*)*

It is important to state the context in which the term ‘maritime security cooperation’ has been used in this paper because it potentially encompasses relations which range from alliances bound by treaties to informal collaborations. In this paper, the term ‘maritime security cooperation’ refers to ‘collaboration’71 which may include explicit or implicit informal arrangements between states under the ambit of defence cooperation and may manifest as navy-to-navy staff talks, multinational exercises, ship visits and exchanges of visits by senior officials. The drivers for maritime security cooperation are: Confidence Building Measures (CBMs), training, capacity building, benchmarking of operational standards, building interoperability, coalition building etc.

#### Security coop includes efforts to build partner capacity

RAND 19 (RAND Arroyo Center; The United States Army’s federally funded research and development center, “*Taking Stock of RAND's Security Cooperation Research”* [https://www.rand.org/ard/topics/security-cooperation.html#:~:text=The%20term%20security%20cooperation%20refers,and%20associated%20terms)%20spanning%20the] Accessed 7/4/22, TR)

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### Requires DOD

#### Security cooperation is funded and authorized by the DoD under the NDAA. Programs involving the State department are security assistance.

Defense Security Cooperation Agency, 12 (Department of Defense, Security Assistance Management Manual, Chapter 1, Accessed 7/2/22, https://samm.dsca.mil/chapter/chapter-1 )

C1.1.2. Distinguishing Between Security Cooperation and Security Assistance Programs. As the definition of SC above reveals, there are many types of SC activities. For the purposes of this Manual, it is important to be able to distinguish between SC Programs and SA Programs. Programs of both types are the means by which the United States provides defense articles, military training, and other defense services to our partner nations in support of U.S. National Security objectives, including Building Partner Capacity (BPC). They are distinguished by the statutes by which they are authorized and funded.

C1.1.2.1. Security Cooperation Programs. SC Program authorizations and appropriations are provided to the Secretary of Defense primarily under the annual National Defense Authorization and Appropriations Act. By statute or Executive Order, they are sometimes required to be exercised in coordination with the Secretary of State. These programs vary greatly in terms of the agency or DoD activity responsible and the manner in which they are planned for and funded. See Chapter 15 for more detailed information on individual programs.

C1.1.2.2. Security Assistance Programs. SA is a group of programs, authorized under Title 22 authorities, by which the United States provides defense articles, military education and training, and other defense-related services by grant, loan, credit, cash sales, or lease, in furtherance of national policies and objectives. All SA programs are subject to the continuous supervision and general direction of the Secretary of State to best serve U.S. foreign policy interests; however, programs are variously administered by DoD or Department of State (DoS). Those SA programs that are administered by DoD are a subset of SC.

#### DOD oversees all U.S. security cooperation.

**DOD No date** (“Security Cooperation,” https://open.defense.gov/Transparency/Security-Cooperation/.)-JV

The Office of the Under Secretary of Defense for Policy oversees the Department’s security cooperation enterprise, aligning security cooperation programs, activities, and resources with defense strategy and priorities. The National Defense Authorization Act (NDAA) for Fiscal Year 2017 set forth significant reforms including the consolidation of authorities under Title 10 U.S. Code, Chapter 16, and the requirement for the Department to maintain a program of assessment, monitoring, and evaluation (AM&E) in support of security cooperation programs and activities. This site serves as a source for policy and reports implementing the Department’s security cooperation strategy and FY17 NDAA reforms. Additionally, summaries of completed independent strategic evaluations will be published to this site as part of the AM&E program pursuant to Title 10, U.S. Code, Section 383. Sponsored by the Department, these independent strategic evaluations produce findings, conclusions, and recommendations by measuring the efficiency and effectiveness of security cooperation programs and activities in achieving desired outcomes.

#### “Security Cooperation” is between the Department of defense and the security establishment of a foreign country.

**US Code, Accessed 7/14/22,** (Title 10, Subtitle A- General Military Law, Part I- Organization and General Military Powers, Chapter 16 - SECURITY COOPERATION, § 301 – Definitions, https://www.law.cornell.edu/uscode/text/10/301)

The term “security cooperation programs and activities of the Department of Defense” means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows: (A) To build and develop allied and friendly security capabilities for self-defense and multinational operations. (B) To provide the armed forces with access to the foreign country during peacetime or a contingency operation. (C) To build relationships that promote specific United States security interests.

#### All DoD activities listed under Title 10 of the US code are considered security cooperation

Young 18 (Angelic Young; served as a frontline civilian for over a decade, beginning with the Department of State in 2001, “*On Women, Peace, and Security*” [https://www.wiisglobal.org/wp-content/uploads/2018/05/10th-US-CSWG-April-25-2018.pdf] Accessed 7/4/22, TR)

Although the terms are sometimes used interchangeably, security assistance and security cooperation are not the same thing. Typically, security cooperation refers to all DOD interactions with foreign defense establishments (such as the Afghanistan Ministry of Defense) aimed at building relationships to promote U.S. interests, develop partner capacity, and increase U.S. ties to its allies.5 Generally speaking, DOD considers all activities listed under Title 10 of the U.S. Code to be security cooperation. The Congressional Research Service estimates that DOD has more than 80 authorities to engage in security cooperation.6

#### Security coop refers to all DoD activities with foreign entities to promote US interests or develop partner capacity.

Young 18 (Angelica Young; served as a frontline civilian for over a decade, beginning with the Department of State in 2001, “*On Women, Peace, and Security*” [https://www.wiisglobal.org/wp-content/uploads/2018/05/10th-US-CSWG-April-25-2018.pdf] Accessed 7/4/22, TR)

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#### Security Cooperation encompasses a wide range of activities between the DOD and foreign security forces.

Joint publication of the U.S. Army and Navy 17 (No. 3-20, May 23, “Security Cooperation,” https://irp.fas.org/doddir/dod/jp3\_20.pdf)

Security cooperation (SC) encompasses all Department of Defense (DOD) interactions, programs, and activities with foreign security forces (FSF) and their institutions to build relationships that help promote US interests; enable partner nations (PNs) to provide the US access to territory, infrastructure, information, and resources; and/or to build and apply their capacity and capabilities consistent with US defense objectives. It includes, but is not limited to, military engagements with foreign defense and security establishments (including those governmental organizations that primarily perform disaster or emergency response functions), DOD-administered security assistance (SA) programs, combined exercises, international armaments cooperation, and information sharing and collaboration.

#### Security coop requires action from the DoD

RAND 19 (RAND Arroyo Center; The United States Army’s federally funded research and development center, “*Taking Stock of RAND's Security Cooperation Research”* [https://www.rand.org/ard/topics/security-cooperation.html#:~:text=The%20term%20security%20cooperation%20refers,and%20associated%20terms)%20spanning%20the] Accessed 7/4/22, TR)

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#### Security cooperation is all DoD interactions with foreign military establishments to promote US security interests.

**DOD 05** ("security cooperation.", Dictionary of Military and Associated Terms, US Department of Defense, https://www.thefreedictionary.com/security+cooperation, Date Accessed 6 Jul. 2022) -JV

security cooperation

All Department of Defense interactions with foreign defense establishments to build defense relationships that promote specific US security interests, develop allied and friendly military capabilities for self-defense and multinational operations, and provide US forces with peacetime and contingency access to a host nation. See also security assistance; security assistance organization.

#### Security Cooperation includes all DoD programs with foreign security forces that promote US interest, provide US access, or build partner capacity

Joint publication of the U.S. Army and Navy 17 (“Security Cooperation,” May 23, https://irp.fas.org/doddir/dod/jp3\_20.pdf)

Security cooperation (SC) encompasses all Department of Defense (DOD) interactions, programs, and activities with foreign security forces (FSF) and their institutions to build relationships that help promote US interests; enable partner nations (PNs) to provide the US access to territory, infrastructure, information, and resources; and/or to build and apply their capacity and capabilities consistent with US defense objectives. It includes, but is not limited to, military engagements with foreign defense and security establishments (including those governmental organizations that primarily perform disaster or emergency response functions), DOD-administered security assistance (SA) programs, combined exercises, international armaments cooperation, and information sharing and collaboration.

### Aff- AT: DoD only

#### Security coop isn’t contained to just the DoD

Henneke 7 (Jason Henneke; US Army author and financial professional, “*In What Ways Has US Security Cooperation Programs Been Effective in Helping Kenya to Build Partnership Capacity to Counter Transnational Terrorism”* [https://apps.dtic.mil/sti/pdfs/ADA470674.pdf] Accessed 7/4/22, TR*)*

The Secretary of Defense identifies security cooperation goals, assesses the overall effectiveness of security cooperation activities, and revises goals when required to ensure continued support for US interests abroad.54 Security cooperation is the means by which DoD encourages and enables countries and organizations to work with the US to achieve strategic objectives. The myth that only DoD participates in security cooperation activities could not be farther from the truth. A good working definition of security cooperation is provided by Colonel Albert Zaccor:55 Security cooperation refers to all USG assistance provided to foreign law enforcement, security, and defense establishments in support of national defense, security, and foreign policy objectives.

#### Security Cooperation is done by multiple agencies within the USFG

**McNerney et all ’14** (McNerney, Michael J., Angela O'Mahony, Thomas S. Szayna, Derek Eaton, Caroline Baxter, Colin P. Clarke, Emma Cutrufello, Michael McGee, Heather Peterson, Leslie Adrienne Payne, and Calin Trenkov-Wermuth, “Assessing Security Cooperation as a Preventive Tool”, RAND Corporation, https://www.rand.org/pubs/research\_reports/RR350.html. Accessed 07-06-22)

We define SC as “activities undertaken by the U.S. government to encourage and enable international partners to work with the United States to achieve security sector objectives.” This is a modification of a definition set down in DoD doctrine in 2008, with the differences being that we use the term “U.S. government” rather than “Department of Defense” and replace “strategic” with “security sector.”5 SC thus covers a broad range of DoD, Department of State (DoS), and other activities from individual interactions, to unit exercises, to large train and equip programs.

#### Security cooperation refers to all US assistance to foreign law enforcement, security, and defense establishments

**Zaccor 05** (Colonel Albert Zaccor, Atlantic Council Senior Fellow, Security Cooperation and Non-State Threats: A Call for an Integrated Strategy, 2005, pg 7, The Atlantic Council of the United States, https://www.files.ethz.ch/isn/46290/2005\_08\_Security\_Cooperation\_and\_Non-State\_Threats.pdf, Date Accessed 7-11-22) -JVK

It is an oft-repeated mantra that in order to defeat transnational terrorism, and by extension other related non-state threats, the United States must apply all the elements of national power, including diplomatic, informational, military, and economic.34 The OSD SCG directs that DOD Security Cooperation “will be integrated with other elements of national power…in order to achieve national security, defense, and foreign policy objectives.”35 This formulation, while helpful, obscures two key facts. First, Security Cooperation includes activities that by their very nature involve the simultaneous application of more than one element of national power. Security Cooperation at a minimum requires the combination of diplomatic relations, military assistance, military-to-military contacts, and public diplomacy. In other words, Security Cooperation is itself an application of at least three of the classic elements of national power.36 Second, DOD is not the only entity in the USG that interacts with foreign governments to achieve the stated objectives: relationships, capabilities, information and intelligence, and access. The Department of State, the Intelligence Community, and to a lesser extent, other departments and agencies, conduct activities aimed at the accomplishment of these objectives, broadly understood. There is, however, no common USG, or interagency, definition or concept of Security Cooperation.37 We will return to this issue in the final section of this paper. For the purposes of the present discussion, this paper offers the following working definition of Security Cooperation: Security Cooperation refers to all USG assistance provided to foreign law enforcement, security, and defense establishments in support of national defense, security, and foreign policy objectives.38 This expanded definition of Security Cooperation will help us to see how the USG may leverage its programs and activities to fight terrorism and related non-state threats.

### Security Cooperation vs. Assistance

#### Security cooperation is undertaken by a different agency than Security Assistance, they are not the same

Office of security Assistance, 21 “Key Topics – Office of Security Assistance - United States Department of State.” United States Department of State, 14 Oct. 2021, www.state.gov/about-us-office-of-security-assistance/. Accessed 2 July 2022, , FLC

The Security Assistance Team is organized into three regional teams and develops military assistance policy and manages security assistance funding through three programs: Foreign Military Financing (FMF), International Military Education and Training (IMET), and Peacekeeping Operations (PKO). The Security Assistance Team, in close cooperation with the Director of U.S. Foreign Assistance Resources (F), regional and functional bureaus, the Office of the Secretary of Defense, the Defense Security Cooperation Agency, and U.S. regional Combatant Commanders, determines military grant assistance policy, develops and manages the programs’ budgets, provides notifications to Congress, supports determinations made to waive legislative constraints on security assistance funding, distributes funds, and provides program oversight.

#### Security cooperation does not include security assistance- excludes IMET, Peacekeeping, and International Narcotics and Law Enforcement.

Young 18 (Angelica Young; served as a frontline civilian for over a decade, beginning with the Department of State in 2001, “*On Women, Peace, and Security*” [https://www.wiisglobal.org/wp-content/uploads/2018/05/10th-US-CSWG-April-25-2018.pdf] Accessed 7/4/22, TR)

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Security assistance refers to a specific set of programs, some of which are appropriated to DOD, some to DOS, and both play roles administering:7 such as the following8 : • Through the International Military Education and Training program (IMET), DOD provides professional education to foreign officials (typically military, but sometimes other security officials). • Because peacekeeping operations (PKO) are provided as voluntary support for peacekeeping activities, they are considered as separate and distinct from regular U.S. contributions to the United Nations. Funds for PKO are used for security, though not necessarily for military purposes. For example, DOS has deployed police advisors to the UN Mission in South Sudan to support training and advisory operations. • DOS uses International Narcotics and Law Enforcement Control (INCLE) to build the capacity of foreign law enforcement organizations. • The 1206 Global Train and Equip fund is a relatively new account, established in the aftermath of the U.S. wars in Iraq and Afghanistan to build partner capacity for time sensitive “new and emerging” counterterrorist operations or to enable partners to support military and stability operations in which U.S. armed forces are a participant. • Special military authorities include the Afghanistan Security Forces Fund (ASFF), Iraq Security Forces Fund (ISFF), Pakistan Counterinsurgency Capability Fund (PCCF), and other country-specific train and equip authorities. These funds convey broad powers to DOD to build the capacity of nonmilitary security entities such as the Afghanistan Ministry of Interior, which includes the Afghanistan National Police

### Aff- AT: Coop vs. Assistance

#### No distinction between “security assistance” and “security cooperation” – used interchangably

Serafino 16 (Nina A. Serafino; Specialist in International Security Affairs at Congressional Research Service in Washington, D.C, “*Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense*” [https://sgp.fas.org/crs/natsec/R44444.pdf] Published 5/26/16, Accessed 7/11/22, TR)

The discussion of **U.S. assistance** to foreign military and other security forces is complicated by the **lack of a standard** and adequate **term**inology. “Military assistance,” “security assistance,” “security cooperation,” “security sector assistance,” “security force assistance,” and “defense articles and services” are all terms used in connection with the supply of weapons, equipment, supplies, and training to such forces and, in some cases, engagement with them. Some of these terms are defined by policy documents or in law (see Appendix A). Some authorities are labeled with two more informal terms—“build partner capacity” or “train and equip”—which are used in the discussion of specific authorities below.7 Terminology The two terms most commonly used today for assistance to foreign military and security forces are “security assistance” and “security cooperation.” Security assistance is the term most frequently used, regardless of the agency providing that assistance. There is no State Department definition for security assistance. The annual State Department congressional budget justification (CBJ), however, lists six budget accounts under the heading “International Security Assistance.” These accounts, with their underlying Title 22 authorities (the 1961 FAA and the AECA), are commonly regarded as the State Department’s security assistance portfolio.

DoD Title 10 projects are referred to as both security assistance and cooperation.

Serafino 16 (Nina A. Serafino; Specialist in International Security Affairs at Congressional Research Service in Washington, D.C, “*Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense*” [https://sgp.fas.org/crs/natsec/R44444.pdf] Published 5/26/16, Accessed 7/11/22, TR)

For most of the past half-century, Congress has authorized U.S. **security assistance** programs through Title 22 of the U.S. Code (Foreign Relations) and appropriated the bulk of security assistance funds through **State Department** accounts. DOD administers programs funded through several of these accounts under the Secretary of State’s direction and oversight. Beginning in the 1980s, however, and increasingly after the terrorist attacks on the United States on September 11, 2001 (9/11), some policymakers have come to view the State Department authorities, or the funding allocated to them, as insufficient and too inflexible to respond to evolving and emerging security threats. As a result, Congress has **increasingly provided DOD** **with the means** to offer security assistance under authorities in either Title 10 of the U.S. Code (Armed Services) or the annual National Defense Authorization Act (NDAA), both funded as part of the DOD budget. (These are collectively known as “Title 10” authorities and referred to by DOD as “security cooperation.”)  DOD security assistance and other security cooperation programs conducted under Title 10 authority and established prior to 9/11 include counternarcotics, counter-proliferation, humanitarian assistance, and assistance for training and equipping NATO forces. Title 10 statutes also provide authority for DOD to pay the expenses of foreign forces to enable them to participate in exercises, exchanges, and other military-to-military contacts.  Post-9/11 DOD security cooperation authorities focus on counterterrorism assistance, and assistance to foreign forces in areas of conflict. Much of this assistance is for “building partner capacity” (BPC) to enable foreign forces to take greater responsibility for their own defense and for achieving mutual security goals in order to reduce U.S. costs. As part of the BPC effort, recent legislation provides DOD with authority to help strengthen foreign Ministries of Defense and related defense institutions. (Some of these DOD authorities require the concurrence [i.e., approval] of the Secretary of State.)  Post-9/11 innovations include Congress’s establishment through NDAA authority of two joint State Department-DOD authorities with a lead role for the Secretary of State: (1) an Afghanistan Infrastructure Fund established in FY2011 and (2) the Global Security Contingency Fund (GSCF), a pilot project established in FY2012 to address emerging threats. In FY2006, Congress created a DOD “joint formulation” BPC authority to address emerging counterterrorism threats, with DOD in the lead.

#### Security Assistance and Security Cooperation are the same thing – Security Cooperation was created out of the same processes as Security Assistance .

Serafino 16 (Nina A. Serafino; Specialist in International Security Affairs at Congressional Research Service in Washington, D.C, “*Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense*” [https://sgp.fas.org/crs/natsec/R44444.pdf] Published 5/26/16, Accessed 7/11/22, TR)

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### Security vs. Resilience

#### Security and resilience are distinct- security is about locking up, resilience is about standing back up.

**Rothrock, 17** (Ray Rothrock, 5-5-2017, accessed on 7-2-2022, TechBeacon, "Security vs. resilience: Know the difference", https://techbeacon.com/security/security-vs-resilience-know-difference)-JLI

Scan these two lists, and you come to an inescapable conclusion: Security and resilience are not synonyms or even second cousins. In fact, security and resilience have remarkably little to do with one another. The measures under the “security” list are about locking up. Those under “resilience” are about standing up. Security is about hunkering down. Resilience is about doing business.

# With

#### “With” indicates who the cooperation is with.

Dean ’85 [Robert Dean, Thomas Cane, Daniel Larocque; May 14; Judges on the Court of Appeals of Wisconsin; Westlaw, “Engel v. Engel,” 125 Wis. 2d 568]

Their father's participation in the action as vendor does not give the trial court jurisdiction to partition. Their father may not bring the action because he does not hold the property in common with his sons. See sec. 700.18, Stats. Moreover, the preposition ‘with’ in sec. 842.02(1) is used as a function word to indicate a person who shares in an action, transaction or arrangement. Webster's New Collegiate Dictionary 1346 (1977). Only Werner, Sr., qualifies as a person having an interest in the real property. He therefore does not have an interest ‘with’ anyone.

# NATO

### NATO = 30 Allies, Cyber Defense Contextual

#### NATO is the 30 allies

NATO 5/10/22 (“10 things you need to know about NATO,” <https://www.nato.int/cps/en/natohq/126169.htm>, GAL)

10 things you need to know about NATO

1. Collective defence: The North Atlantic Treaty Organization (NATO) was founded in 1949 and is a group of 30 countries from Europe and North America that exists to protect the people and territory of its members. The Alliance is founded on the principle of collective defence, meaning that if one NATO Ally is attacked, then all NATO Allies are attacked. For example, when terrorists attacked the United States on 9/11 2001, all NATO Allies stood with America as though they had also been attacked.

Since 2014, NATO has implemented the biggest increase in its collective defence since the Cold War. For instance, we have now deployed four multinational battlegroups to Estonia, Latvia, Lithuania and Poland. Their purpose is not to provoke a conflict, but to prevent one.

2. Managing crises around the world: Promoting stability in our neighbourhood and protecting our people at home can sometimes mean taking action further afield. In the 1990s, NATO stopped further bloodshed from occurring in Bosnia and Kosovo. Since 2003, NATO has helped to ensure that Afghanistan is no longer a safe haven for international terrorist groups. NATO has also helped to prevent piracy off the Horn of Africa and, since 2016, has helped address the refugee and migrant crisis in Europe.

3. Fighting Terrorism: NATO plays an important role in fighting terrorism, contributing more than 13,000 NATO troops to train local forces in Afghanistan. NATO is also a full member of the Global Coalition to Defeat ISIS, and our AWACS surveillance aircraft continue to support the Coalition. NATO is also training Iraqi forces to better fight ISIS, and our new Intelligence Division helps us to anticipate and respond to threats. In Naples, NATO has set up a ‘Hub for the South’ to help Allies tackle the threat of terrorism.

4. Working with our partners: Because threats like terrorism, piracy and cyber warfare know no borders, NATO is committed to cooperation with its global partners. That's why we work with over 40 partner countries around the world, as well as organisations such as the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the African Union, to spread stability and security.

5. Troops and Equipment: Whenever NATO carries out a mission, individual Allies commit troops and equipment to be placed under a unified NATO command. These become known as “NATO forces.” The only military equipment that NATO owns is a fleet of AWACS (Airborne Warning and Control) surveillance aircraft. NATO is also developing a capability for Global Hawk surveillance drones.

6. NATO's Command Structure: With so many countries working together, having a clear chain of command is vital. Military and civilian personnel from all member states work together every day within NATO’s ‘Command Structure.’ This includes two top-level Strategic Commands: Allied Command Operations, based in Mons, Belgium; and Allied Command Transformation, based in Norfolk in the United States. To remain fit for purpose, the NATO Command Structure is being modernised to enable us to move forces more quickly across Europe and to keep sea lines of communication across the Atlantic free and open.

7. NATO funding: Every NATO country contributes to the costs of running the Alliance. By far the Allies' biggest contribution comes in the form of taking part in NATO-led missions and operations. For example, one country might provide fighter jets, while another provides ships, equipment or troops. NATO Allies also provide direct funding to NATO to cover the costs of NATO staff and facilities, its Command Structure and its jointly-owned equipment, like its AWACS aircraft.

8. Defence Spending: At the Wales Summit in 2014, NATO Allies pledged to invest more and better in defence – to stop the cuts, move towards spending 2% of GDP on defence by 2024, and to spend 20% of that on major equipment. We are making progress. Over the last three years, European Allies and Canada have spent almost 46 billion US dollars more on defence.

9. The "Open Door" Policy: The Open Door Policy is a founding principle of NATO and means that any country in the Euro-Atlantic area is free to join NATO if it is prepared to meet the standards and obligations of membership, contributes to the security of the Alliance, and shares NATO's values of democracy, reform, and the rule of law. Since 1949, NATO's membership has grown from 12 to 30 countries. In 2020 we welcomed North Macedonia as our 30th member of the NATO Alliance.

10. Cyber Defence: Cyber-attacks are becoming more common, sophisticated and damaging, making cyber defence a top priority for NATO. In fact, NATO now recognises cyberspace as an ‘operational domain’ – just as land, sea or air. NATO helps Allies to boost their cyber defences by sharing information about threats, investing in education and training, and through exercises. NATO also has cyber defence experts that can be sent to help Allies under attack.

### Neg Limits Explosion- Includes Coop w/Scandinavia to Deter Russia in Arctic

Zeman, research assistant @ RAND, 21 (Jalen, The RAND Blog, “No Need to Read Between the Lines: How Clear Shifts in Nordic Strategies Create Opportunities for the United States to Enhance Arctic Security,” https://www.rand.org/blog/2021/09/no-need-to-read-between-the-lines.html Sept. 15, GAL)

Most strikingly, Norway, Sweden, and Finland have uniformly shifted to enthusiastically endorsing United States–led security cooperation and partnership in the Arctic in their strategic documents. Norway's [2017](https://www.regjeringen.no/en/dokumenter/arctic-strategy/id2550081/) strategy made a singular implicit reference to security cooperation with NATO and no direct reference to the United States in a security context; in [2020 (PDF)](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/nord/whitepaper_abstract2020.pdf), Norway boldly stated that the United States is “Norway's closest ally.” Likewise, non-NATO Sweden made no reference to the United States or NATO in a security context in [2011 (PDF)](https://www.government.se/contentassets/85de9103bbbe4373b55eddd7f71608da/swedens-strategy-for-the-arctic-region); in [2020 (PDF)](https://www.government.se/4ab869/contentassets/c197945c0be646a482733275d8b702cd/swedens-strategy-for-the-arctic-region-2020.pdf), Sweden wrote that its “close relationship with the United States is of central importance for Sweden's security and prosperity,” adding that the relationship “also applies to the Arctic region.” In [2009 (PDF)](https://www.files.ethz.ch/isn/156933/Finland_English-2009.pdf), Finland stated an interest in “intensified” relations with the United States, including in security matters, but didn't prominently link relations to reaching any end-states. Most recently, Finland was emphatic in connecting increased relations with the United States to maintaining Finland's security, writing in [2020 (PDF)](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162515/VN_2020_32.pdf?sequence=1&isAllowed=y) that “the U.S. commitment to the European defense is of great importance for the security of the whole of Europe.” Again, this is a clear change from downplaying security relations—[which often have](https://www.state.gov/u-s-norway-supplementary-defense-cooperation-agreement-sdca/) [existed for decades](http://worldpolicy.org/2012/09/26/secrets-of-the-baltic-swedish-cold-war-neutrality-revisited/)—to a full-throated endorsement of further integration with the United States–led security apparatus, which points to the increasing criticality of the United States in the region for Norway, Sweden, and Finland.

All three countries' increasingly adversarial posture toward Russia and deepened embrace of the United States as a security partner create an opportunity for the United States to build upon already strong security ties in the region and further advance U.S. national security objectives. Expanded bilateral and multilateral security cooperation with these countries, building off engagements like [Trident Juncture 2018](https://www.cfr.org/in-brief/natos-trident-juncture-exercises-what-know) and the upcoming [Cold Response 2022](https://thebarentsobserver.com/en/security/2021/04/norway-host-biggest-exercise-inside-arctic-circle-cold-war), could help build credible deterrence against Russian aggression in the region. Integrating these nations' Arctic expertise, equipment, and infrastructure with the capabilities of U.S. and other NATO forces could help to better secure the European Arctic.

### Neg- Limits Explosion- Includes Iraqi Security Capabilities

Mamouri, 21 (Ali, July 2, <https://www.al-monitor.com/originals/2021/07/iraq-enhance-cooperation-nato>, GAL)

Kadhimi, however, clarified that Iraq seeks increasing cooperation with NATO countries in terms of sustainable training and working continuously to raise the readiness of the Iraqi military and security capabilities.

“We look forward to continuing [NATO’s training](https://www.al-monitor.com/originals/2021/02/nato-iraq-expand-mission-isis.html) of Iraqi forces, rehabilitating and equipping our armed forces, supporting military colleges, expanding police training programs and [training the forces](https://www.al-monitor.com/originals/2020/01/iran-iraq-us-troops-nato.html) on specialized skills and technicians in air and naval weapons to enable them to confront terrorism,” he said.

Iraq considers the evolution of security cooperation with NATO through a reduction of combat forces, but with an increase in training and logistic support, in order to obtain the necessary expertise of its military institutions to help raise the level of their professionalism and efficiency, and provide them with sufficient equipment.

Kadhimi requested NATO countries provide Iraqi military institutions with modern and advanced military equipment, hoping Iraq to strengthen efforts to reform its security system in order to maintain Iraq's security and stability.

### Aff- Includes Partners

113th Congress, FY2015 Defense Appropriations Bill, June 2, 2014

(S.2410, <https://www.govinfo.gov/content/pkg/BILLS-113s2410pcs/html/BILLS-113s2410pcs.htm> GAL)

(d) Plan for Enhancing United States Security Cooperation With NATO Partners.-- (1) Report.--Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a plan for enhancing bilateral and multilateral security cooperation with appropriate countries participating in the North Atlantic Treaty Organization Partnership for Peace program. (2) Authorities for enhancing security cooperation.--For purposes of this subsection, the authorities for enhancing security cooperation with countries specified in paragraph (1) may include, but are not limited to, the following: (A) Section 168 of title 10, United States Code, relating to the Warsaw Initiative Fund. (B) Section 2282 of title 10, United States Code (as added by section 1203 of this Act), relating to authority to build the capacity of foreign military forces. (C) Section 2283 of title 10, United States Code (as added by section 1204 of this Act), relating to training of security forces and associated ministries of foreign countries to promote respect for the rule of law and human rights. (D) Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note), relating to the Ministry of Defense Advisors program. (E) Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note), relating to the Global Security Contingency Fund. (F) Any other authority available to the Secretary of Defense or Secretary of State appropriate for such purpose.

### Aff- Partners Key to NATO Core Tasks

NATO Media Backgrounder, December 2013

https://www.nato.int/nato\_static/assets/pdf/pdf\_2013\_12/20131127\_131201-MediaBackgrounder-Partnerships\_en.pdf

Media Backgrounder December 2013

NATO’s Strategic Concept identifies “cooperative security” as one of NATO’s three essential core tasks. It states that the promotion of Euro-Atlantic security is best assured through a wide network of partner relationships with countries and organisations around the globe. These partnerships make a concrete and valued contribution to the success of NATO’s fundamental tasks. Over the past two decades, the Alliance has developed a network of structured partnerships with countries from the Euro-Atlantic area, the Mediterranean and the Gulf region, as well as individual relationships with other partners across the globe. Today, NATO engages with 41 countries as partners. Many of these partners as well as other non-member countries offer substantial capabilities and political support for Alliance missions. In December 2012, 24 non-NATO countries were contributing over 7000 troops to NATO-led operations. NATO also engages actively with other international actors and organisations on defence and security-related issues, and is seeking to deepen this cooperation. The complexity of today’s peace-support and stabilization operations and the multifaceted nature of 21st century security challenges call for a comprehensive approach that effectively combines political, civilian and military instruments. A network of partnerships with non-member countries NATO pursues dialogue and practical cooperation with non-member countries on a wide range of political and security-related issues. Dialogue and cooperation with partners can make a concrete contribution to enhancing international security, to defending the values on which the Alliance is based, to NATO’s operations, and to preparing interested nations for membership. In both regional frameworks and on a bilateral level, NATO develops relations based on common values, reciprocity, mutual benefit and mutual respect. In the Euro-Atlantic area, the 28 Allies engage in relations with 22 partner countries through the Euro-Atlantic Partnership Council and the Partnership for Peace (PfP) – a major programme of bilateral cooperation with individual Euro-Atlantic partners. Among these partners, NATO has developed specific structures for its relationships with Russia, Ukraine and Georgia. NATO is developing relations with the seven countries on the southern Mediterranean-rim through the Mediterranean Dialogue, as well as with four countries from the Gulf region through the Istanbul Cooperation Initiative. NATO also cooperates with a range of countries which are not part of these partnership frameworks. Referred to as “partners across the globe,” they include Australia, Japan, the Republic of Korea, New Zealand, Pakistan, Iraq, Afghanistan and Mongolia.

NATO, Aug 25, 21

(“Partnerships: projecting stability through cooperation,”<https://www.nato.int/cps/en/natohq/topics_84336.htm> GAL)

The Allies seek to contribute to the efforts of the international community in projecting stability and strengthening security outside NATO territory. One of the means to do so is through cooperation and partnerships. Over more than 25 years, the Alliance has developed a network of partnerships with non-member countries from the Euro-Atlantic area, the Mediterranean and the Gulf region, and other partners across the globe. NATO pursues dialogue and practical cooperation with these nations on a wide range of political and security-related issues. NATO’s partnerships are beneficial to all involved and contribute to improved security for the broader international community.

Partners are part of many of NATO’s core activities, from shaping policy to building defence capacity, developing interoperability and managing crises.

NATO’s programmes also help partner nations to develop their own defence and security institutions and forces.

In partnering with NATO, partners can:

share insights on areas of common interest or concern through political consultations and intelligence-sharing;

gain access to advice and support as they reform and strengthen defence institutions and capacities;

participate in a rich menu of education, training and consultation events (over 1,200 events a year are open to partners through a Partnership Cooperation Menu);

prepare together for future operations and missions by participating in exercises and training;

contribute to current NATO-led operations and missions;

share lessons learned from past operations and develop policy for the future;

work together with Allies on research and capability development.

Through partnership, NATO and partners also pursue a broad vision of security:

integrating gender perspectives into security and defence;

fighting against corruption in the defence sector;

enhancing efforts to control or destroy arms, ammunition and unexploded ordnance;

advancing joint scientific projects.

Partnership has evolved over the years, to encompass more nations, more flexible instruments, and new forms of cooperation and consultation.

# In

### In = Within

#### In means within the limits of

Merriam-Webster Dictionary 12 (http://www.merriam-webster.com/dictionary/in)

1 a —used as a function word to indicate inclusion, location, or position within limits <in the lake> <wounded in the leg> <in the summer>

b : into 1 <went in the house>

#### In means within

Oxford English Dictionary Online

(<http://oed.com/view/Entry/92970> Accessed 7/10/12)

1 a. Of place or position in space or anything having material extension: Within the limits or bounds of, within (any place or thing).

### In = Throughout

In means throughout

Words and Phrases 8 (Words and Phrases Permanent Edition, p. 205)

Colo. 1887. In the act of 1861 providing that justices of the peace shall have jurisdiction “in” their respective counties to hear and determine all complaints, ect., the word “in” should be construed to mean throughout such counties.

#### In does not mean throughout

Cullen 52 – Cullen, Court of Appeals of Kentucky, 52, Commissioner, Court of Appeals of Kentucky, November 13, 1952 Riehl et al. V. Kentucky unemployment compensation commission; the judgment is affirmed. Rehearing denied; COMBS, J., and SIMS, C. J., dissenting. <http://ky.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19521113_0040095.KY.htm/qx>

We do not find any ambiguity in KRS 341.070(1). It is our opinion that the key word in the statute is the word 'in,' preceding the words 'each of three calendar quarters', and if the word is accorded its ordinary and common meaning, the statute does not require simultaneous employment. According to Webster's New International Dictionary, the word 'in,' used with relation to a period of time, means 'during the course of.' The same meaning, expressed in another way, would be 'within the limits or duration of.' Employing this meaning, the statute says that an employer is subject to the Act if, during the course of, or within the limits or duration of each of three calendar quarters, he had in covered employment four or more workers, to each of whom the required amount of wages was paid. This clearly means that the employment need not be simultaneous. Obviously, the word 'in' does not mean 'throughout' or 'for the entire period of,' because then there would be no point in adding the requirement of the payment of a minimum of $50 in wages. In these times, no worker employed for a full calendar quarter would be paid less than $50 in wages. The appellant seeks to read into the statute the words 'at the same time,' following the words 'had in covered employment'. There is no justification for this, unless the word 'in' means 'during any one period of time in.' We are not aware of any authority for ascribing such a meaning to the word 'in'.

# Of

### General Definitions

Merriam Webster 17

<https://www.merriam-webster.com/dictionary/of>

Definition of of

1

—used as a function word to indicate a point of reckoning north of the lake

2

a —used as a function word to indicate origin or derivation a man of noble birth

b —used as a function word to indicate the cause, motive, or reason died of flu

c : by plays of Shakespeare

d : on the part of very kind of you

e : occurring in a fish of the western Atlantic

3

—used as a function word to indicate the component material, parts, or elements or the contents throne of gold cup of water

4

a —used as a function word to indicate the whole that includes the part denoted by the preceding word most of the army

b —used as a function word to indicate a whole or quantity from which a part is removed or expended gave of his time

5

a : relating to : about stories of her travels

b : in respect to slow of speech

6

a —used as a function word to indicate belonging or a possessive relationship king of England

b —used as a function word to indicate relationship between a result determined by a function or operation and a basic entity (such as an independent variable) a function of x the product of two numbers

7

—used as a function word to indicate something from which a person or thing is delivered eased of her pain or with respect to which someone or something is made destitute robbed of all their belongings

8

a —used as a function word to indicate a particular example belonging to the class denoted by the preceding noun the city of Rome

b —used as a function word to indicate apposition that fool of a husband

9

a —used as a function word to indicate the object of an action denoted or implied by the preceding noun love of nature

b —used as a function word to indicate the application of a verb cheats him of a dollar or of an adjective fond of candy

10

—used as a function word to indicate a characteristic or distinctive quality or possession a woman of courage

11

a —used as a function word to indicate the position in time of an action or occurrence died of a Monday

b : before quarter of ten

12

archaic : on

a plague of all cowards — William Shakespeare

Oxford English Dictionary 17

<http://www.oed.com/view/Entry/130549?rskey=TTt3iI&result=3#eid>

I. Of motion, direction, distance.

1.

Thesaurus »

Categories »

a. Indicating the thing, place, or direction from which something goes, comes, or is driven or moved: from, away from, out of. Now regional exc. as off (see off adv. 1).

eOE—1896(Show quotations)

Thesaurus »

†b. Indicating the place or source from which action, (as shooting, calling, writing) is directed: from. Obs.

In quot. 15701 probably after Latin ex.

eOE—a1722(Show quotations)

c. Following and closely connected to an adverb, as †down of, †up of. Now usually in out of prep.

See also forth of n. at forth adv. 9a; off adv. 13b.

OE—1548(Show quotations)

Thesaurus »

2. Indicating a point of time (or stage of life, etc.) from which something begins or proceeds: from, since. Now only in as of (see as adv. and conj. Phrases 3d), and of late, of recent years, etc. (which have gradually come to have the sense ‘during’ or ‘in the course of’ the time indicated: see sense 53).

OE—a1625(Show quotations)

Thesaurus »

†3. Indicating a situation, condition, or state out of or away from which something moves, or is figured as moving: from, out of. Obs.

OE—a1670(Show quotations)

4. Expressing position which is (or is treated as) the result of departure, and is defined with reference to the starting point.

Thesaurus »

†a. Away from, out of. of life: see life n. Phrases 3. Obs.

OE—1570(Show quotations)

Categories »

b. Following a compass point, as north of, south of, etc.; (also) following a specified distance (U.S. regional). Also in within a mile (or an hour, an ace, etc.) of, wide of, back of (chiefly N. Amer.), backward of (now arch.), upward(s) of (a number or amount): see also the first elements.

OE—1993(Show quotations)

Categories »

c. N. Amer., Sc., and Irish English (north.). In expressing the time: from or before (a specified hour); = to prep. 6b. Also with the numeral expressing the hour understood.

1817—a1994(Show quotations)

II. Expressing separation or removal of something from an owner, or an affected person or thing.

In Old English expressed by of, from, or the genitive case.

5.

a. Following transitive verbs. (a) to cure, heal, etc.; cleanse, clear, purge, etc.; bring to bed, deliver, ease, empty, free, rid, etc. (b) to deprive, divest, drain, oust, rob, spoil, strip, etc.

In the constructions in sense 5a(b), by a kind of transposition, of introduces that which is removed, the person or thing whence it is removed being made the grammatical object: thus, a prisoner is said to be stripped of his clothes, when in reality the clothes are stripped off or from the prisoner.

OE—1995(Show quotations)

†b. Following intransitive verbs.

(a) to cease, fail, lack, stint, etc. Obs.

c1330—1603(Show quotations)

(b) to recover. Obs.

a1387—a1879(Show quotations)

†6. Following verbal nouns and nouns of action. Obs.

In modern use usually replaced by from.

OE—1842(Show quotations)

7. Following adjectives. (Some of these, e.g. clean, empty, free, naked, etc., were in Old English followed by the genitive (cf. branch XI.). In some cases of has now been replaced by from: see the adjectives.)

a. whole of (a wound), better of (an illness); clean, free, pure, rid, etc.

OE—2001(Show quotations)

b. bare, barren, destitute, devoid, empty, naked, void, etc.

1574—1990(Show quotations)

III. Of origin or source. Indicating the thing, place, or person from which or whom something originates, comes, or is acquired or sought.

8.

Thesaurus »

a. Expressing ancestral or local origin, descent, etc.: following arise, be, come, descend, spring, etc.; be born, be bred, be derived, be propagated, etc.

eOE—1991(Show quotations)

Thesaurus »

†b. Expressing the origin or derivation of a name. Obs.

Now replaced by from or after.

OE—1736(Show quotations)

9. Following certain verbs and verbal derivatives.

Thesaurus »

Categories »

a. With borrow, buy, gain, get, have, receive, steal, take, win, etc. Now replaced by from, or arch. and regional, except in take advantage (see advantage n. Phrases 2a), take leave (see leave n.1 Phrases 2a(a)), etc. See also off adv. 3.

OE—1953(Show quotations)

b. With ask, beg, demand, desire, expect, inquire, request, require, want, etc.; also hear, learn, understand.

Some of these, as ask, inquire, were formerly constructed with at. In some cases of is now used interchangeably with from.

eOE—1991(Show quotations)

10. After a noun, with the participle of a verb (such as one of those referred to at senses 8 and 9) implied or understood.

Also used spec. with reference to local origin (where the notion of from passes into that of belonging to): see sense 33.

eOE—1989(Show quotations)

IV. Of the source or starting point of action, emotion, etc., in respect of motive, cause, reason, or ground.

11.

Thesaurus »

a. Indicating the mental or non-material source or spring of action, emotion, etc.: out of, from, as an outcome, expression, or consequence of.

Esp. in phrases, as of one's own accord, of choice, of course, of necessity, of one's own free will, of right, etc.: see also the nouns.

This connects the notions of origin and cause.

eOE—1994(Show quotations)

Thesaurus »

b. of oneself: by one's own impetus or motion; without the instigation or aid of another; essentially.

Now usually only in of itself, of themselves.

OE—2000(Show quotations)

12. Indicating the cause, reason, or ground of an action, occurrence, feeling, etc.

a. Following an intransitive verb.

In some cases of is now replaced by with, from, or at, or may be used interchangeably with these.

The sense of cause is sometimes weakened into that of the subject matter of the action: cf. branch VIII.

OE—1992(Show quotations)

†b. Following a transitive verb: for, on account of. Obs.

?c1200—1657(Show quotations)

13. Following an adjective or noun, indicating the thing that causes or gives rise to a feeling, condition, or action.

Thesaurus »

a. Following adjectives: because of, on account of.

In some of these now Obs.: see the words themselves.

In Old English expressed by the genitive: cf. 38. In French with de.

?c1200—2001(Show quotations)

Categories »

b. Following nouns: on account of, for, at. Now rare.

Now usually only in joy of: see joy n. 9.

a1225—1993(Show quotations)

V. Indicating the agent or doer.

14. Introducing the agent after a passive verb.

The usual word for this is now by (by prep. 33), which was prevalent by the 15th cent.; of was used alongside by until c1600. Of is subsequently found as a stylistic archaism in biblical, poetic, and literary use, and in certain constructions, e.g. ‘on the part of’. In Old English of was less used than from (both of which, however, retain connotations of separation or origin): cf. German von from, of.

The use of of is most frequent after past participles expressing a continued non-physical action (as in admired, loved, hated, ordained of), or a condition resulting from a definite action (as in abandoned, deserted, forgotten, forsaken of, which approach branch II.). It is also occasional with participial adjectives in un-, as unseen of, unowned of. Of often shows an approach to the subjective genitive: cf. ‘he was chosen of God to this work’ with ‘he was the chosen of the electors’. In other senses the agent has passed into the cause, as in afeard, afraid, frightened, terrified of; or the source or origin, as in born of. English of and by correspond somewhat to French de and par.

eOE—2001(Show quotations)

15. Following a noun, as the head of a postmodifying noun phrase.

Sometimes called the subjective genitive. This can often also be expressed by the possessive case, e.g. ‘the approbation of his prince’ or ‘his prince's approbation’, ‘the sonatas of Beethoven’ or ‘Beethoven's sonatas’. With sense 15b a combination of the possessive with the partitive of (sense 32) is also possible, e.g. ‘a sonata of Beethoven's’.

Thesaurus »

a. Expressing the relation of agent (doer or maker).

a1225—1991(Show quotations)

b. spec. Indicating the creator of a work: made, written, painted, etc., by.

a1382—2000(Show quotations)

16. Indicating the doer of something characterized by an adjective: following an adjective alone, as foolish, good, rude, stupid, unkind, wise, wrong (or any other adjective with which conduct can be described); †following an adjective qualifying a noun, as a cruel act, a cunning trick, a kind deed, an odd thing; †following a past participle qualified by an adverb, as cleverly managed, ill conceived, well done.

Usually followed by to do (something), as in it was kind of you (i.e. a kind act or thing done by you) to help him etc., and less frequently by †that, both constructions introducing the logical subject or object of the statement, e.g. It was kind of him to tell me = His telling me was a thing kindly done by him.

1532—2000(Show quotations)

VI. Indicating means or instrument.

†17.

Thesaurus »

a. Indicating the thing by means of or with which something is done: with. Obs.

In Old English with residual connotations of origin or source.

eOE—1652(Show quotations)

b. Indicating that on or by means of which a person or animal lives, feeds, is fed on, etc.: on, off. Obs.

c1390—1896(Show quotations)

18. With adjectives.

a. After full.

Doubtfully placed here. In Old English also accompanied by a noun in the genitive case.

OE—1990(Show quotations)

Categories »

b. Following an adjective, indicating that which imparts a quality to a thing: with. Now regional.

?c1400—1937(Show quotations)

VII. Indicating the material or substance of which something is made or consists.

19.

a. Following the verbs be, consist, make; be made, etc.: out of, from.

Also in fig. phrases, as to make a fool of, to make much of, to make the best of, etc. See make v.1 12).

eOE—2000(Show quotations)

Thesaurus »

Categories »

†b. Indicating the former condition from which a transformation to a different condition has occurred: from. Obs. (arch. in later use).

This has affinities with sense 3.

OE—1846(Show quotations)

20. Following a noun, connecting the material immediately with the thing.

This can usually also be expressed by a preceding adjective, or a noun used attrib., e.g. ‘a floor of wood or tiles’ or ‘a wooden or tile floor’.

OE—1992(Show quotations)

21.

Thesaurus »

a. Connecting two nouns, of which the former is a collective term, a quantitative or numeral word, or the name of something having component parts, and the latter is the substance or elements of which this consists.

In Old English usually expressed by the genitive.

lOE—2000(Show quotations)

b. Following a classificatory word, as class, kind, manner, sort, species, type, etc.

a1225—2001(Show quotations)

22. Connecting two nouns, of which the former denotes the class of which the latter is a particular example, or of which the former is a connotative and the latter a denotative term (i.e. genitive of definition or specializing genitive).

Often passing into grammatical apposition, e.g. ‘the River Thames’, formerly ‘the River of Thames’; the city of Rome, Old English Rōmeburg: cf. Latin urbs Roma, urbs Buthroti.

The pattern of distribution of usage between of, apposition, and other constructions is very complex: see e.g. H. Poutsma, Grammar of Late Modern English (ed. 2, 1928) i. iv. §13–§39.

lOE—1995(Show quotations)

23. Between two nouns which are in virtual apposition.

Thesaurus »

†a. In the person of; in respect of being; to be; for. Obs.

The leading noun is the former, of the qualification of which the phrase introduced by of constitutes a limitation; thus ‘he was the greatest traveller of a prince’, i.e. the greatest traveller in the person of a prince, or so far as princes are concerned. The sense often merges with that of the partitive genitive. See sense 30.

c1275—1748(Show quotations)

Thesaurus »

b. In the form of, in the guise of.

The leading noun is the latter, to which the preceding noun with of stands as a qualification, equivalent to an adjective; thus ‘that fool of a man’ = that foolish man, that man who deserves to be called ‘fool’; ‘that beast of a place’ = that beastly place.

Quot. ?c1200 is placed here by Middle Eng. Dict.; however the of-phrase seems to complement the verb and its object (as in sense 19) rather than the preceding noun only as in later examples.

a1375—1992(Show quotations)

24. Forming a complement to the object of a transitive clause, indicating a person or thing regarded as what is specified by the object of the clause.

Thesaurus »

†a. With reference to persons: in, in the person of. Obs.

a1438—1820(Show quotations)

b. With reference to things. With it.

Esp. in such phrases as to have a bad time of it. Of it appears originally to mean ‘consisting of’ or ‘comprising’ the fact or circumstance referred to.

1628—1997(Show quotations)

VIII. Indicating the subject matter of thought, feeling, or action.

25. Concerning, about; with regard to, regarding.

Thesaurus »

a. Following intransitive verbs, esp. of learning, knowing, thinking, and expressing thought, as dream, hear, know, read, tell, think, write, etc.; also complain, despair, rejoice, etc. (which are closely akin to branch XI.).

Formerly frequently in subject-headings, titles of chapters, etc., often without a verb, e.g. ‘Of Snakes in Europe’; of is now often omitted.

Rare in Old English (which commonly uses be, ymb, or with some verbs the genitive); but of occurs after secgan to tell and after sprecan to speak.

OE—1992(Show quotations)

b. Following transitive verbs and their objects, as hear, read, tell, etc. (cf. 25a); also advise, inform, warn, etc.

These blend with 39a.

eOE—2000(Show quotations)

c. Following other verbs and phrases.

lOE—1991(Show quotations)

†d. Following the verb do: see to do of —— at do v. Phrasal verbs 1.

Now replaced by with: cf. branch VI.

e. Following become; formerly also following other verbs with non-referential pronoun as subject, as befall, fare, fortune, etc.

a1387—1995(Show quotations)

26. Following nouns.

Now chiefly limited to nouns of knowing, narrating, informing, and the like.

lOE—1993(Show quotations)

27. Following adjectives.

1490—1991(Show quotations)

IX. In partitive expressions, indicating things or a thing of which a part is expressed by the preceding words.

28.

a. Preceded by a word of number or quantity.

[Of may here render Latin ex or de . Old English more commonly had the genitive case, e.g. See constructions of one adj., n., and pron., some pron., adj.1, adv., and n.1, etc.]

eOE—1994(Show quotations)

b. Preceded by a noun.

eOE—1991(Show quotations)

c. Expressing the whole of a thing under the partitive form.

This has affinity with sense 21.

c1390—1992(Show quotations)

Categories »

d. [Perhaps after French rien de.] Followed by an adjective standing alone. Cf. nothing pron. and n. 2b, something n. 2b. Now rare.

In later use chiefly arch. and literary.

1641—1920(Show quotations)

29.

Thesaurus »

Categories »

a. Without preceding partitive word, forming the complement of a verb, or the predicate after be: a portion of, one of, some of, some. Now arch. and poet.

eOE—1991(Show quotations)

b. Following the verb partake; formerly also †part, †participate.

c1475—1991(Show quotations)

30.

a. Preceded by a superlative or a comparative, or by a word equivalent to a superlative, as chief, flower, cream, dregs, etc.

lOE—1990(Show quotations)

Thesaurus »

b. Preceded by a noun or pronoun denoting a person or thing that is distinguished out of a number, or out of all, on account of excellence. Also with repetition of the same noun in the plural, for intensification, as in the Hebraistic Song of songs, holy of holies, king of kings; hence book of books, man of men, heart of hearts, etc.

c1375—1997(Show quotations)

Thesaurus »

c. of all others (formerly also †of (all) other and variants): of all, out of all.

The use of other after a superlative is illogical, unless of originally had the notion of ‘singled out from’, ‘taken from’.

a1425—1991(Show quotations)

Thesaurus »

†d. With superlative implied. of all (modifying a plural noun): most of all possible things, people, places, etc. Formerly also of any (modifying a singular noun). Obs.

a1500—1896(Show quotations)

e. Preceded by a noun, in phrases indicating that a person or thing is considered the leading example of his, her, or its kind in a specified period of time (as week, month, century, etc.). Earliest in of the year at year n. Phrases 1b. Cf. book of the month n. at book n. Phrases 1i and flavour of the month (or week) at flavour n. 3d.

1802—1994(Show quotations)

f. of all (the)——: emphasizing (often parenthetically) the unlikelihood of something. Frequently as a (surprised or indignant) exclamation. Cf. people n. 6a.

1848—1998(Show quotations)

31.

Thesaurus »

a. One of, a member of. Hence: belonging to, included in, taking part in. Now chiefly in to be in (the world, etc.) but not of it. Cf. man of the world n., man of the people n. at man n.1 Phrases 2af.

?c1200—1986(Show quotations)

Categories »

b. Followed by an adjective in the superlative: one of, some of, something of. Formerly also used adverbially with sense ‘as a thing of’. Now arch. or literary.

c1400—1985(Show quotations)

32. Followed by a noun in the genitive case or a possessive pronoun.

Originally partitive, but subsequently used instead of the simple possessive (of the possessor or author) where this would be awkward or ambiguous, or as equivalent to an appositive phrase; e.g. this son of mine = this my son; a dog of John's = a dog which is John's, a dog belonging to John. The early examples are capable of explanation as partitive, but in later use this is often not possible, and the construction may now be viewed as appositional (see further O. Jespersen On Some Disputed Points in English Grammar (S.P.E. Tract No. XXV, 1926)).

a1225—1991(Show quotations)

X. Expressing possession and being possessed.

E.g. ‘the owner of the house’, ‘the house of the owner’. Generally regarded as one of the central uses of the word. Formerly expressed by the genitive case, and still to some extent by the genitive of nouns (especially proper names) and possessive adjectives (with transposition of order). The use of of began in Old English with senses 33, 34, expressing origin. After the Norman Conquest the example of the French de, which had taken the place of the Latin genitive, caused the gradual extension of of to all uses in which Old English had the genitive; the purely possessive sense was the last to be so affected, and it is that in which the genitive or ‘possessive’ case is still chiefly used. Thus, we say the King's English, in preference to the English of the King; but the King of England in preference to England's King, which is not natural or ordinary prose English.

33.

Thesaurus »

a. Belonging to a place, as a native or resident.

This occurs in Old English with the sense of origin = ‘springing or coming from, belonging by origin to’ (originally sense 10); in the 11th cent. this passed into the sense ‘belonging to as inhabitants or occupants’, ‘living in’, and so of things ‘situated in or at’.

eOE—2000(Show quotations)

b. Belonging to a place, as situated, existing, or taking place there; belonging to a place or thing, as forming part of it, or as associated with or derived from it (in which sense it approaches the partitive).

lOE—1991(Show quotations)

Thesaurus »

c. Belonging to a time, as existing or taking place in it.

c1225—2000(Show quotations)

Thesaurus »

d. Representative of a time, as typical or characteristic of it.

1853—1996(Show quotations)

34.

Thesaurus »

a. Belonging to a place, as deriving a title from it, or as its lord, ruler, owner, etc., as King, Earl, Archbishop of, etc.

Probably also from the notion of origin. Rare in Old English till 11th cent., when it became the regular equivalent of French de, of and its object being found in apposition to a genitive case.

eOE—1995(Show quotations)

b. Related to a thing or person as its ruler, superior, possessor, etc. Frequently following an official title.

Akin to the objective genitive, sense 40, and sometimes interchangeable with a possessive case, esp. when the object is a person.

lOE—1994(Show quotations)

35.

Thesaurus »

a. Belonging to a person or thing, as something that he, she, or it has or possesses (= the possessive genitive, and akin to the subjective, sense 15).

In Old English always, in Middle English most frequently, and in modern English preferably expressed by the genitive case (or a possessive adjective), except when for some reason this is difficult or awkward, e.g. in quots. c13852, a1616, 1895.

?c1200—1996(Show quotations)

Thesaurus »

b. Belonging to a person or thing as a quality or attribute.

Also interchanging with the possessive, esp. when the object is a person, animal, or space of time, as ‘a month's salary’.

c1225—1998(Show quotations)

Thesaurus »

Categories »

36. Belonging to a thing, as a logical consequence of its nature: e.g. cause, effect, origin, reason, result of; correlative, counterpart, match, opposite, original of; copy, derivative, image, likeness of; (also in Math.) square, cube, logarithm, tangent, differential of.

?c1200—1991(Show quotations)

37. Belonging to an action, etc., as that to which it relates.

c1390—1993(Show quotations)

XI. Representing an original genitive dependent on a verb or adjective.

Many adjectives and verbs in Old English were followed by a genitive case as an object or complement. In Latin, also, many adjectives and some verbs were construed with a genitive, represented in French by de. These are represented in Middle and Modern English by constructions with of. Those which are closely allied in sense to one or other of the preceding branches are there included; but there are many other adjectives and verbs after which of is used to embody a relatively indefinable syntactic relationship, or which do not clearly fit into any of these branches. Many of these come close in sense to branch VIII., while others, esp. the adjectives, often approach or coincide with the objective genitive in branch XII. It is convenient therefore to consider them here.

38. In the construction of adjectives. Besides those mentioned under the preceding divisions, many adjectives are construed with of and an object; the following are representatives of some of the chief groups: fruitful, prolific, ominous, redolent; liberal, lavish, prodigal, scant, short, sparing; capable, incapable, susceptible; worthy, unworthy, guilty, guiltless, innocent; certain, uncertain, confident, diffident, doubtful, sure; aware, conscious, unconscious, ignorant, sensible, insensible; careful, careless, forgetful, heedful, heedless, hopeful, hopeless, mindful, unmindful, reckless, regardless, thoughtless, neglectful, negligent, observant, watchful; ambitious, desirous, eager, emulous, enamoured, envious, fond, greedy, jealous, studious, suspicious; disdainful, indulgent, patient, impatient; those in -ive, as apprehensive, communicative, descriptive, destructive, expressive, indicative, productive; and some in -ic, as characteristic, symbolic.

Many of these involve an underlying noun, which may be considered as the head of the prepositional phrase expressing the genitive relation; e.g. hopeful of, having hope of, envious of, having envy of, etc.; others are verbal derivatives, and are closely akin to the objective-genitive group (see branch XII.), e.g. expressive of = that expresses.

lOE—2001(Show quotations)

39. In the construction of verbs.

a. After transitive verbs, the person or thing affected (‘secondary object’) is often introduced by of (representing an original genitive). Such are balk, cheat, defraud, disappoint, frustrate; accuse, arrest, blame, convict, indict, suspect; possess, seize (a person of); avail, bethink (oneself of); also with verbs with non-referential it as subject, as it repents me of; and formerly with ask, beg, beseech, thank (a person of), etc.

?c1200—1992(Show quotations)

b. In many verbal phrases, as to have (also get) the advantage of; to get (also have) the better of; also formerly in to have compassion (also mercy) of; to have (also take) pity of; to keep watch of, demand or do justice of (= on), have the victory of (= over).

a1225—1994(Show quotations)

c. After intransitive verbs. Many of these in Old English took the genitive, and are found with of in Middle and Early Modern English, but this is now rare, except where of falls in sense under one of the branches already treated; instances are to reck, repent, rue, beware (orig. be ware) of. Verbs of sense, e.g. feel, smell, taste, touch (still with of in regional or colloquial use), verbs of asking, as ask, beseech, demand, desire, entreat, and others, e.g. distinguish, esteem, forget, like, seize, formerly construed with of, now take a simple object; some, as accept, admit, allow, approve, conceive, recollect, remember, still have both constructions; with others, as hope, look, thirst, wait, etc., of has been displaced by for or some other preposition.

c1300—2000(Show quotations)

XII. Expressing the relationship of the objective genitive.

40. After an agent noun.

Sometimes closely approaching the relation of the object possessed (see 34b).

lOE—2000(Show quotations)

41. After a noun of action.

?a1160—2000(Show quotations)

42. After a verbal noun in -ing. (See also -ing suffix1).

a. With a verbal noun preceded by the or another determiner, or (esp. in recent usage) a premodifying adjective or noun.

?c1200—2000(Show quotations)

Categories »

b. With a verbal noun not preceded by a determiner or other premodifier. Now rare and (when the object of of is a pronoun) regional.

Use without the appears to occur chiefly where the process expressed by the verbal noun is prominent. In current standard English the form in -ing is usually constructed as a gerund taking a direct object without of.

a1225—1991(Show quotations)

Categories »

c. With a verbal noun governed by †in or a (in later modern English regarded as a present participle, as in sense 43, with prefixed a-). Now regional.

c1396—1973(Show quotations)

Categories »

43. After a present participle (equivalent to sense 42c). Now regional and nonstandard.

1464—1932(Show quotations)

XIII. Indicating that in respect of which a quality is attributed, or a fact is predicated.

44. In respect of, in the matter of, in point of, in.

Categories »

a. Following an adjective. Now arch., literary, and regional (chiefly Irish English).

In Old English expressed by on; in French by de; in Latin by the ablative, genitive, and accusative (of respect).

The of-clause is grammatically an adverbial qualification of the adjective, for which an adverb may often be substituted, e.g. weak of mind, ‘mentally weak’. Taken together, the adjective + the of-clause = a compound (parasynthetic) adjective, e.g. light of foot, ‘light-footed’, strong of limb, ‘strong-limbed’. It is further equivalent to the of-clause of quality in branch X., e.g. ‘a man weak of mind’ = ‘a man of weak mind’; the latter being the ordinary prose form.

?c1200—1996(Show quotations)

Thesaurus »

Categories »

b. Indicating the reference of a measurement, in of length, of breadth, of depth, etc. Now arch., exc. in of age.

Now usually replaced by in; this construction is often replaced by an adjective, e.g. ‘six feet high’, ‘two inches long’.

a1390—2000(Show quotations)

Categories »

c. Following long, late, quick, slow, etc., and followed by a verbal noun. Now regional (Irish English and Sc.: cf. Scots lang o') exc. in hard of hearing.

Now usually replaced by in or at.

a1398—1996(Show quotations)

†45. Following a verb: in respect of. Obs.

Replaced by in.

c1225—1690(Show quotations)

†46. Following a noun: in respect of, in, by. Obs.

a1375—1574(Show quotations)

XIV. Indicating a quality or other distinguishing mark by which a person or thing is characterized, identified or described.

Used for the Old English genitive, French de; equivalent to the genitive of quality or description.

47. Indicating a quality possessed by the subject.

The quality is usually expressed by a noun qualified by an adjective, but may consist of a noun alone, as in ‘a man of tact’, ‘a text-book of authority’. It is often equivalent to an adjective as in ‘a man of tact’ = a tactful man, ‘a work of authority’ = an authoritative work.

?c1200—1990(Show quotations)

48. Indicating an action, fact, or thing that distinguishes, characterizes, or specifies a time, place, etc.

This passes into branch XIV.

a1225—2001(Show quotations)

49.

a. Indicating quantity, age, extent, price, etc.

c1225—2000(Show quotations)

b. With an adjective added, esp. old (see old adj. 4c); less commonly long, broad, high, deep, wide, etc.

c1300—1997(Show quotations)

Thesaurus »

50. Followed by a noun of action with possessive.

Equivalent to a passive participial phrase indicating the agent and action of which something is the object, e.g. ‘trees of our planting’ = trees planted by us.

This has affinities with branches III. and IX.

c1400—1993(Show quotations)

XV. Indicating a point or space of time.

51.

Thesaurus »

a. At some time during, in the course of, on.

Apparently taking the place of the Germanic and Old English genitive of time. Now only implying regularity or repetition (as also in sense 51b), e.g. in of an evening, of a Sunday afternoon. Now chiefly regional.

c1225—1999(Show quotations)

Categories »

b. With plural noun (originally the genitive). Cf. a-nights adv., o'nights at night n. and int. Phrases 2c(d). Now regional and arch.

1740—a1970(Show quotations)

Thesaurus »

Categories »

†c. Sc. and U.S. From the specified date. Usually in of this date: as of now. Cf. sense 2. Obs.

1817—1882(Show quotations)

52.

Thesaurus »

Categories »

a. During, for (a space of time). In later use chiefly in negative contexts. Now Eng. regional (midl. and north.).

c1275—1928(Show quotations)

b. After a noun, indicating the duration of an activity, relationship, etc.

1741—2003(Show quotations)

Categories »

53. During, in the course of (a specified period). Chiefly in of late, of old, of recent years, of yore (now arch. or literary).

These phrases were probably originally in sense 2.

c1395—1993(Show quotations)

XVI. In locative and other mainly obsolete uses.

Many former uses of of are difficult to class. Some of these arose from employing it as a literal rendering of French de (or of Latin ab, ex, de), in phrases where English idiom would have required some other preposition; others arose from a confusion with on, or erroneous expansion of a, o = on (a prep.1), or of Scots a' for i' = in. Others were apparently due to confusion of constructions. Without endeavouring to distinguish these, examples are here given in various senses.

†54. In senses of ‘a-’ (see a prep.1) of three: in three. to fall of: to set to or about (a task). Obs.

c1330—1672(Show quotations)

55.

Categories »

a. colloq. In sense ‘on’. Now U.S. regional (south.).

c1330—1981(Show quotations)

†b. With side, hand, part, etc. Obs.

[Compare French du côté de, Latin ab, ex parte, etc.]

?a1475—a1817(Show quotations)

Categories »

56. In sense ‘at’. of all [= French du tout (compare du tout adv.] : at all (see also ava phr.). Now Irish English.

1419—1996(Show quotations)

Thesaurus »

Categories »

†57. In sense ‘by’. of oneself: by oneself, alone. Cf. 11b. Obs.

c1450—1626(Show quotations)

Categories »

58. In sense ‘in’. Now regional.

a1475—1996(Show quotations)

Categories »

59. In sense ‘with’. Cf. 25d, 18. Now chiefly U.S. regional and Sc.

1523—1956(Show quotations)

†60. In sense ‘to’. Obs.

1523—1604(Show quotations)

# AI

**Artificial intelligence is the capacity to perform tasks analogous to human decision-making.**

**Dictionary.com, 21** (Dictionary Dictionary.com, 1-20-2021, accessed on 7-2-2022, www.dictionary.com, "Definition of biotechnology | Dictionary.com")-JLI

the capacity of a computer, robot, or other programmed mechanical device to perform operations and tasks analogous to learning and decision making in humans, as speech recognition or question answering. a computer, robot, or other programmed mechanical device having this humanlike capacity:

#### AI refers to machines able to perform tasks associated with intelligent beings

Pradhan & Patnaik 18 (Sanchita Pradhan; independent writer for the Nirma University Law Journal, Rajat Patnaik; Experienced Program Analyst with history in the information technology and services industry, “*Internet and Society: Latest Developments in Cyberspace*” [https://heinonline.org/HOL/Page?handle=hein.journals/nulj8&id=29&collection=journals&index=] Accessed 7/3/22, TR)

Artificial intelligence refers to the ability of a digital computer or computer- controlled robot to perform tasks commonly associated with intelligent beings.

#### AI technology has to mimic human decision calculus

**Marcogliese** et al. 19 ( Pamela L. Marcogliese; a partner at Freshfields Bruckhaus Deringer, ranked among four leading lawyers in the United States for Corporate Governance by Legal 500 US 2021, Colin D. Lloyd; a partner in the Firm’s Commodities, Futures and Derivatives and Capital Markets Groups, Sandra M. Rocks; active in Cleary’s FinTech practice as one of the principal advisors on commercial law implications of the use of digital assets, Lauren Gilbert; Professor of Law at the St. Thomas University School of Law, “Tre*asury Report Embraces Machine Learning and Artificial Intelligence in Financial Services*” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/rail2&id=30&size=2&collection=usjournals&terms=refers%20to|artificial%20intelligence&termtype=phrase&set\_as\_cursor=1] Accessed 7/3/22, TR)

The contours of artificial intelligence and machine learning are not well defined, but generally, "artificial intelligence" refers to machines designed to act intelligently and mimic human decision making and "machine learning" refers to the ability of software to learn and self-improve.

#### AI includes machine learning programs

Smith 19 (Jessica “Zhanna” Malekos Smith; Reuben Everett Cyber Scholar at Duke University Law School and served as a Captain in the U.S. Air Force Judge Advocate General's Corps, “*Finding Humanity in the Great Power Competition for Artificial Intelligence”* [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/judica103&id=255&size=2&collection=usjournals&terms=refers%20to|artificial%20intelligence&termtype=phrase&set\_as\_cursor=2] Accessed 7/3/22, TR)

The third wave of artificial intelligence, perception artificial intelligence, refers to deep machine learning and neural networks. With perception artificial intelligence, algorithms are able to interpret and identify shapes and images in the way a human would. Lee explains that "[algorithms can now group the pixels from a photo or video into meaningful clusters and recognize objects much in the same way our brain does . . .. The same goes for audio data."8 The book offers several examples, such as Amazon's Echo and Alibaba's Citybrain, which rely upon deep-learning algorithms to analyze data and provide users with real-time assessments of the environment, whether at home or waiting in traffic on the highway

#### AI refers to machinery capable of intelligent behavior, and includes machine learning

Joh 17 (Elizabeth E. Joh; Martin Luther King, Jr. Professor of Law at the University of California, Davis School of Law, “*Feeding the Machine: Policing, Crime Data, & Algorithms*” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/wmbrts26&id=307&size=2&collection=usjournals&terms=Artificial%20intelligence%20refers%20to|refers%20to|artificial%20intelligence&termtype=phrase&set\_as\_cursor=3] Accessed 7/3/22, TR)

This definition of big data comes from VIKTOR MAYER-SCH)NBERGER & KENNETH CUKIER, BIG DATA: A REVOLUJTION THAT WILL TRANSFORM How WE LIvE, WORK, AND THINK 4-5 (2013). There is also a tendency to treat two related concepts-artificial intelligence and machine learning-as synonyms in popular writing. While the two concepts are related, they are distinct. Artificial intelligence refers to the branch of computer science interested in building machines capable of intelligent behavior. Machine learning, a subset of artificial intelligence, refers to the use of algorithms capable of learning from experience. Developments in machine learning have made everyday applications like Facebook tagging, Siri, sophisticated web searching, and movie recommendations possible. See, e.g., Lee Bell, Machine Learning Versus AL What's the Difference?, WIRED UK (Dec. 1, 2016), http:// www.wired.co.uk/article/machine-leaming-ai-explained [https://perma.cc/QVQ4-QVRG] (noting that machine learning and AL, while related, are distinct concepts). Moreover, "[a]n algorithm is a procedure or set of instructions often used by a computer to solve a problem." Julia Angwin, Making Algorithms Accountable, PROPUBLICA(Aug. 1, 2016, 3:21 AM), https:// www.propublica.org/article/making-algorithms-accountable [https://perma.cc/RZY6-XM38]. But see Steve Lohr, How Big Data Became So Big, N.Y. TIMES (Aug. 11, 2012), http:// www.nytimes.com/2012/08/12/business/how-big-data-became-so-big-unboxed.html ("Big Data is a shorthand label that typically means applying the tools of artificial intelligence, like machine learning, to vast new troves of data beyond that captured in standard databases.").

#### AI constitutes acting autonomously from any controller

Álvarez 18 (Joaquin Rodriguez Alvarez; Researcher and Professor at the School of Prevention and Integral Safety and Security at Universitat Autònoma de Barcelona, “*Social Challenges of Artificial Intelligence: The Case of Lethal Autonomous Systems”* [https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/tsujrnl2018&id=249&men\_tab=srchresults] Accessed 7/3/22, TR)

Artificial Intelligence represents our next frontier, as space exploration in the 60's and 70's and decoding the human genome in the 90's and 00's, a new land of promises and dangers ready to be conquered. As happened with the previous technological developments, the concept has the ability to embody our wildest dream as pictured in Sci-Fi culture. Therefore, it is important to begin by offering a clear definition. Artificial intelligence "refers to systems that display intelligent behaviour by analysing their environment and taking actions - with some degree of autonomy - to achieve specific goals. AIbased systems can be purely software-based, acting in the virtual world (e.g. voice assistants, image analysis software, search engines, speech and face recognition systems) or Al can be embedded in hardware devices (e.g. advanced robots, autonomous cars, drones or Internet of Things applications). We are using Al on a daily basis, e.g., to translate languages, generate subtitles in videos or to block email spam. Many Al technologies require data to improve their performance. Once they perform well, they can help improve and automate decision making in the same domain. For example, an Al system will be trained and then used to spot cyber attacks on the basis of data from the concerned network or system. 34 On the other hand, Minsky simplified the concept by defining artificial intelligence as "the science of producing machines that can carry out tasks that require intelligence (if developed by humans)

# Biotechnology

### General- use of living organisms

#### Biotechnology must involve living organisms

Lubzens 01 {“Biotechnology and aquaculture of rotifers.” Esther Lubzens (National Institute of Oceanography, Haifa, Israel), Odi Zmora (National Center for Mariculture, Eilat, Israel), and Yoav Barr (National Center for Mariculture, Eilat, Israel). Israel Oceanographic and Limnological Research, Rotifera IX pp 337–353. Part of the Developments in Hydrobiology book series (DIHY, volume 153). Published 2001, Accessed July 2, 2022. https://link.springer.com/chapter/10.1007/978-94-010-0756-6\_44} – TW

Abstract. **Biotechnology** can be defined as any technology that involves living organisms or their derivatives. In applying this definition to rotifers, we focus on their contribution in culturing of early larval stages of marine fish. After almost four decades of marine fish culture in captivity, the success of this worldwide industry is still quite dependent on mass culture of the species Brachionus plicatilis and B. rotundiformis. In mass culture, the rotifers are continuously driven to reproduce at high rates, in relatively extreme environmental conditions of high population density and high loads of organic matter. Therefore, the success of mass cultures and future improvements in these systems relies on a close interaction between basic and applied studies of rotifers. In the present review, we will attempt to analyze why rotifers are suitable for early life stages of fish and to describe, in general, methodologies that have been devised for reliable supply of rotifers in large quantities. Problems associated with rotifer production, nutritional quality and effect on fish health and nutrition, will be discussed. Research on B. plicatilis and B. rotundiformis has increased enormously during the past three decades and these two species are the best-studied rotifers so far. While much of the research on these species is directed or devoted to the needs of aquaculture industry, they are also used as models for addressing basic biological questions, due to the relative ease of culture and their availability. Studies on feeding, pheromones, speciation in rotifers, the occurrence and putative hormones involved in sexual and asexual reproduction and production of resting eggs, are few examples of such studies. Rotifers will probably maintain their role as food organism for fish larvae, in spite of attempts to replace them with more accessible formulated food. Development of new culture methods that will improve the nutritional quality and production efficiency of rotifers may result in more diversified and flexible tasks for these organisms in aquaculture.

#### Biotech is the use of living organisms or biological systems in the manufacture of drugs or other products, and for environmental management.

**Dictionary.com, 21** (Dictionary Dictionary.com, 1-20-2021, accessed on 7-2-2022, www.dictionary.com, "Definition of biotechnology | Dictionary.com", https://www.dictionary.com/browse/biotechnology)-JLI

the use of living organisms or other biological systems in the manufacture of drugs or other products or for environmental management, as in waste recycling: includes the use of bioreactors in manufacturing, microorganisms to degrade oil slicks or organic waste, genetically engineered bacteria to produce human hormones, and monoclonal antibodies to identify antigens.

#### Biotech refers to the use of living organisms to modify human health or the environment.

Judge 3 (Linda R. Judge; Head of the Intellectual Property Department at Cell Genesys, Inc., “*Biotechnology: Highlights of the Science and Law Shaping the Industry Biotechnology/Life Sciences Law*” [https://heinonline.org/HOL/Page?handle=hein.journals/sccj20&id=89&collection=journals&index=] Accessed 7/2/22, TR)

The term “biotechnology” was coined in 1919 by Karl Ereky, a Hungarian engineer. As generally understood, the term “biotechnology” refers to the use of living organisms or their products to modify human health and/or the human environment typically by using the techniques of gene splicing and recombinant DNA technology. As biotechnology has evolved from a basic research endeavor towards practical and commercial applications, protecting inventions by the way of patents has become increasingly important. The primary recipients of biotechnology patents are universities, followed by public companies, non-profit institutions and small and large corporations, both US and foreign-based.

Biotech is the manipulation of living organisms to produce commercially useful products.

Merriam-Webster, 19’ (. ALF) Date accessed: 7-6-22

: the manipulation (as through genetic engineering) of living organisms or their components to produce useful usually commercial products (such as pest resistant crops, new bacterial strains, or novel pharmaceuticals)

also : any of various applications of biological science used in such manipulation

#### Biotech means socio-economic exploitation of biology- includes genetic, protein, and cellular engineering, as well as instruments like DNA and protein sequencers.

Simpson 02 {“*Industrial Aspects Of Technical Microbiology And Biotechnology*,” Karl Simpson,. 20 peer-reviewed scientific publications and hundreds of articles written as Editor of journals and newsletters. Current activities involve: vaccine start-up Enesi Pharma, with a focus on the ImplaVax solid-dose immunisation technology , Maximizing the Security and Development Benefits from the Biological and Toxin Weapons Convention pp 309–317. Part of the NATO Science Series book series (ASDT, volume 36) Published 2002, Accessed July 6, 2022. <https://link.springer.com/chapter/10.1007/978-94-010-0472-5_27>} – KV/TW

1.2 BIOTECHNOLOGY. **Biotechnology** **in its broadest sense** **is** **the socio-economic exploitation of biology**. However that definition is more usually defined in the context of the modern tools resulting from our expanding knowledge of genetics. Today biotechnology is considered to encompass the use of tools such as **genetic engineering**, **protein engineering**, **advanced cellular engineering** (hybridomas etc**) and the instruments which permit ever more rapid developments**. Such instruments include DNA sequencers and synthesisers, protein sequencers and synthesisers, polysaccharide sequencers and synthesisers etc. The development of diagnostic devices of many kinds (including DNA chips) has been one of the benefits of modern biotechnology. Recently the advent of biotechnological tools has greatly strengthened the potential of microbiology and has given rise to the "biotechnology company" which I believe is a fairly ephemeral beast destined to become just a new tool in the established disciplines of microbiology, medicine, agriculture etc.

# Cybersecurity

### General

#### Cybersecurity consists of precautions taken to guard against a crime involving the internet.

**Dictionary.com, 21** (Dictionary Dictionary.com, 1-20-2021, accessed on 7-2-2022, www.dictionary.com, "Definition of biotechnology | Dictionary.com", https://www.dictionary.com/browse/cybersecurity)-JLI

precautions taken to guard against crime that involves the internet, especially unauthorized access to computer systems and data connected to the internet. the state of being protected against such crime.

#### Cybersecurity refers to the protection of information networks

Borges 20 (Wanda Borges; experience law attorney, and member at Borges & Associates, LLC, “*Business Related Fraud and Cyber Security Awareness”* [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/colaworl34&id=18&size=2&collection=usjournals&terms=Cybersecurity%20refers%20to&termtype=phrase&set\_as\_cursor=0], Accessed 7/3/22, TR*)*

Cybersecurity refers to the body of technologies, processes, and practices designed to protect networks, devices, programs and data from attack, damage or unauthorized access. Cybersecurity may also be referred to as information technology security. Studies have shown that the highest vulnerabilities lie in small and mid-sized businesses. These businesses may be more informal in nature, with few staff members and a lack of checks and balances. However, large companies are not invulnerable.

#### Cybersecurity is about the integrity of the system

Kosseff 17 (Jeff Kosseff; cybersecurity law professor at the United States Naval Academy, “*New York's Financial Cybersecurity Regulation: Tough, Fair, and a National Mode*” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/gtltr1&id=366&size=2&collection=usjournals&terms=cybersecurity%20refers%20to&termtype=phrase&set\_as\_cursor=2] Accessed 7/3/22, TR)

The two are similar, but distinct, and can implicate different concerns. Data security refers to the protection of information stored by a system; cybersecurity refers to the integrity of a technological system. A compromise to the system could mean that an adversary has accessed private information stored by it, or it could mean the system has been rendered unusable. If Wall Street firms were focused only on securing the data, then they might not devote sufficient focus to detecting and repelling a threat to the cybersecurity of their entire system and networks. A massive denial of service attack could hobble Wall Street by making it impossible for securities to be traded for weeks, and the result would be an economic catastrophe.

#### Cybersecurity refers to the defense against attacks on information infrastructure.

GAO 10 (GAO; the U.S. Government Accountability Office, “*Cybersecurity: Key Challenges Need To Be Addressed To Improve Research And Development*” [https://heinonline.org/HOL/Page?collection=gao&handle=hein.gao/gaobaceko0001&id=5&men\_tab=srchresults] Accessed 7/3/22, TR)

Cybersecurity refers to the defense against attacks on the information technology infrastructure of an organization or, in this case, of the federal government and agencies. Cybersecurity is intertwined with the physical security of assets-from computers, networks, and their infrastructure to the environment surrounding these systems. While both parts of security are necessary to achieve overall security, this report focuses on protecting software and data from attacks that are electronic in nature and that typically arrive over a data communication link. Cybersecurity is a major concern of both the federal government and the private sector.

#### Cybersecurity refers to internet security

Cassotta & Petterson 19 (Dr. Sandra Cassotta; Associate Professor in International Environmental Law at the Department of Law of Aalborg University, Maria Petterson; Finnish journalist from the University of Helsinki and the Aalto University School of Business, “*Climate Change, Environmental Threats and Cyber-Threats to Critical Infrastructures in Multi-Regulatory Sustainable Global Approach with Sweden as an Example*” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/beijlar10&id=553&size=2&collection=journals&terms=cybersecurity%20refers%20to&termtype=phrase&set\_as\_cursor=11] Accessed 7/3/22, TR)

The technical definition of cybersecurity refers to the Internet security as a branch of computer security specifically related to Internet. Its objective is to establish rules and measures to use against attacks over Internet. The advantages of cybersecurity will defend us from critical attacks and help us to browse the safe websites. Internet security processes all the incoming and outgoing data on our computer. The term "cybersecurity" commonly refers to the safeguards and actions that can be used to protect the cyber domain, both in the civilian and military fields, from those threats that are associated with or that may harm its interdependent networks and information infrastructure. Cybersecurity strives to preserve the availability and integrity of the networks and infrastructure and the confidentiality of the information contained therein. See the 2013 European Union Strategy. 'The term "cybersecurity regime" will be used in this article referring to the definition of Oran Young as a "complex regime" because cybersecurity is not yet a consolidated regime but it is in the process to become one and in that sense, this article helps to establish the existence of a regime when referring to cybersecurity. A "regime complex" is a collection of governance arrangements that are linked together in the sense that they address matters related to a common issue area or spatially defined region but that are not hierarchically related in the sense that they all fit within some well-defined institutional architecture. The originators and theorists of this way of thinking about governance have focused on cases like the regime complex for plant genetic resource and the regime complex of climate change. Regime complexes vary dramatically along a spectrum ranging from severe fragmentation to close-knit integration. For "regime complex" see Oran, 2012. Building and International Regime Complex for the Arctic: Current Status and Next Steps, The Polar Journal, No. 2, pp. 391-407.

#### Cybersecurity concerns the capacity of the existing system

Huang et al. 21 (Robin Hui Huang; Professor of Law in the Faculty of Law Chinese University of Hong Kong, Qiang Han; PhD candidate at Columbia University, Xiuwen Zhu; senior research scientist experienced scientist in medicinal chemistry and drug discovery, “Protecting Data Privacy for Mobile Payments under the Chinese Law: Comparative Perspectives and Reform Suggestions” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/jointpro20&id=346&size=2&collection=usjournals&terms=Cybersecurity%20refers%20to&termtype=phrase&set\_as\_cursor=13] Accessed 7/3/22, TR)

Individuals and organizations have the right to report conducts endangering cybersecurity to relevant departments.150 Cybersecurity refers to the "capacity for network data to be complete, confidential and usable as well as protecting them from attack."151 The relevant competent departments may order the organisations to make corrections, and can, according to the circumstances, confiscate any illegal income made and impose a fine of not less than one time and not more than ten times the illegal gains. If there are no illegal gains, a fine up to 1,000,000 yuan shall be imposed, and the person in charge and other persons directly responsible shall be fined not less than 10,000 yuan but not more than 100,000 yuan. If the circumstances are serious, the relevant departments can suspend the organisations' relevant business and revoke their business licenses.

### Aff- Includes Resilience

#### Cybersecurity refers to tech resilience and protection

Dong 14 (Qingling Dong; applied scientist with a PhD in deep machine learning, “*Confidence Building for Cybersecurity between China and the United States*” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.journals/chintersd47&id=61&size=2&collection=journals&terms=cybersecurity%20refers%20to&termtype=phrase&set\_as\_cursor=1] Accessed 7/3/22, TR)

For instance, even on the question of how to define cybersecurity. For the Chinese authorities and media, cybersecurity means technological safety and political stability. In other words, the Chinese side emphasizes information content and safety, and they state that cyberspace should not develop into a realm for political struggle. For the United States, however, cybersecurity refers to technological resilience, intellectual property protection and privacy. In short, the United States side stresses the freedom of cyberspace and data protection.

### Aff- No Standard Definition

#### “Cybersecurity” is inherently imprecise- no standard definition

Francis and Ginsberg 16 (Kathryn A. Francis; analyst in Government Organization and Management, Wendy Ginsberg; analyst in American National Government, “*Federal Cybersecurity Workforce: Background and Congressional Oversight Issues for the Departments of Defense and Homeland Security*” [https://heinonline.org/HOL/Page?men\_tab=srchresults&handle=hein.crs/crsmthabexv0001&id=5&size=2&collection=milandgov&terms=Cybersecurity%20refers%20to&termtype=phrase&set\_as\_cursor=10] Accessed 7/3/22, TR)

Cybersecurity refers to a broad set of concepts for which there is no standard definition-it often varies by the entity employing it. DHS, for example, has defined cybersecurity as "the activity or process, ability or capability, or state whereby information and communications systems and the information contained therein are protected from and/or defended against damage, unauthorized use or modification, or exploitation."' The Committee on National Security Systems has defined a "cyber attack" as An attack, via cyberspace, targeting an enterprise's use of cyberspace for the purpose of disrupting, disabling, destroying, or maliciously controlling a computing environment/infrastructure; or destroying the integrity of the data or stealing controlled information.