

**General Correspondence for Amendment of Existing ITAR Authorizations Due to Foreign Entity Name/Address Change**

Pursuant to §123.9(a), the written approval of DDTC must be obtained before “reselling, transferring, transshipping, or disposing of a defense article ...to any end-user...other than as stated on the export license...” This citation includes the name/address change of a foreign entity on an ITAR authorization. Historically, these changes have required a replacement DSP authorization or DSP amendment depending on the reason for the name/address change, and through a formal amendment to an agreement. Amending existing authorizations because of a name/address change can impact a large number of authorizations and involve many hours of work for both the U.S. Government and the applicant.

A policy decision has been made to regularize the process for addressing foreign entity name/address changes for ITAR authorizations and to utilize a General Correspondence (GC) request to document and acknowledge such changes on ITAR authorizations in the future. The guidance that follows offers a procedure to make this process more efficient while ensuring all ITAR requirements are met.

Documentation Requirements: The GC must be authored by the foreign entity responsible for the requested action (e.g., surviving company due to acquisition and/or merger). All applications for guidance on foreign entity name/address changes must include the following documentation.

- 1) A letter as per below
- 2) An organizational matrix/flowchart showing the current structure of the entity that is seeking authorization from DDTC regarding the name change.
- 3) A copy of the press release announcing the name change and/or the circumstances that led to the name change.

The GC letter must have a subject line stating “General Correspondence Notification of Foreign Entity Name/Address Change and/or Merger, Acquisition, or Reorganization”. The first paragraph must provide DDTC with concise description of what the package includes, an explanation of the name/address change and the reason for the change, including a summary of acquisition/merger/reorganization activities that led to the change, and which clearly answers the following required questions:

- 1) Why is the name/address of the entity changing? What is the estimated effective date of the change?
- 2) If the name/address change is due to an acquisition or merger, what is the role of the acquiring company or the merger partner in the day-to-day operations of the foreign entity seeking authorization for name change from DDTC?

- 3) What will be the role of the acquiring company or merger partner in regards to currently held ITAR authorizations? A declarative statement must be made as to whether or not the acquiring company will require access to U.S. origin ITAR-controlled defense articles and/or technical data. If the acquiring company or merger partner will require access to previously exported ITAR-controlled defense articles and/or technical data, provide explanation on the scope of the transfer and complete company/country information for the applicable entities.
- 4) If no access is required or granted to the acquiring company or merger partner, what mechanisms are in place to protect ITAR-controlled defense articles and/or technical data from unauthorized access?
- 5) In connection with the requested change, is there any ownership and/or control of the effected foreign entity by a §126.1 entity? Please see §122.2(c) for definitions of ownership and control.

The GC letter must also include the following statement: “[**New name/Foreign Entity seeking authorization for name change from DDTC**] now assumes all rights, responsibilities, liabilities and obligations that existed, exist or may develop regarding transferred ITAR-controlled defense articles and/or technical data. [**New name**] must adhere to all limitations and provisos associated with any DDTC-issued authorizations.

DDTC Response: Based on the answers to the above stated questions, DDTC will provide guidance to the requesting entity. The guidance will either be that DSP amendments are not required for DSP authorizations/minor amendments for agreements or that replacement authorizations must be obtained/formal amendments to agreements must be submitted. As necessary, DDTC will publish a web notice to inform U.S. authorization holders of the change.

An amendment to an agreement addressing only a foreign entity name change will be accepted as a minor amendment per §124.1(d) if the foreign entity name change has been reviewed under a GC per this guidance. The minor amendment must be submitted within 60 days of notification by the foreign entity. New DSP-83s must be executed as a result of the name change, as applicable.

If an ownership change or other transfer has taken place, an amendment must be submitted in accordance §124.1(c) and receive approval by DDTC. The DDTC response letter will state this requirement. New DSP-83s must be executed as a result of the name change, as applicable.