DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

MAR 16 2004

In reply refer to:
I-04/000329-P2

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Missile Technology Control Regime Note in Letters of Offer and Acceptance (DSCA 04-03) [SAMM E-Change 3]

REFERENCE: DoD 5105.38-M, "Security Assistance Management Manual" dated October 3, 2003

The Security Assistance Management Manual (SAMM) requires a specific note be included in all Letters of Offer and Acceptance (LOAs) regarding Missile Technology Control Regime (MTCR). The purpose of this memorandum is to revise the MTCR note wording.

The attached table provides specific text for the MTCR note and indicates when the note should be included on LOAs, Amendments, and Modifications. This new note replaces the MTCR note in Table C5.T5. of the SAMM (SAMM E-Change 3) and should be used on any future cases.

This policy is not retroactive --- there is no need to do Modifications or Amendments to either add this note to existing cases or to revise the MTCR note on existing cases. If you have any questions regarding this note, please contact Steve Harris, DSCA/P3-Policy and Plans Division, (703) 604-6611 or LTC James Gentile, DSCA/P3-Weapons Division, (703) 604-6622.

Tome H Walters Jr

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachment:
As Stated

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SAMM E-Change 3 – Missile Technology Control Regime Note for LOA Documents

Note Name	Note Usage*	Note Text
Missile Technology Control Regime (MTCR)	Mandatory for LOAs. Mandatory for Amendments and Modifications if the note was previously not included on the case. See Chapter 3, section C3.2.	"Paragraph 2.3 of the Standard Terms and Conditions of this LOA discusses use and transfer restrictions on articles and services provided under this LOA and emphasizes that the purchaser "shall not use or permit their use for purposes other than those authorized, unless the written consent of the USG has first been obtained." The purchaser agrees not to divert articles and services received under this LOA for purposes or uses other than those for which furnished to include, but not limited to, any use that could contribute to the acquisition, design, development or production of a "missile," as defined in section 74 of the AECA (22 U.S.C. 2797c). The items will be used only for the purpose stated and such use will not be modified nor the items modified or replicated without the prior consent of the USG; neither the items nor replicas nor derivatives thereof will be retransferred without the consent of the USG. The USG also reserves the right to take action under section 73(a) of the AECA (22 U.S.C. 2797b(a)) in the case of any export or transfer of any MTCR equipment or technology that contributes to the acquisition, design, development or production of missiles in a country that is not an MTCR adherent."

* The "Note Usage" column of this table is intended to show when the note should be included on an LOA, Amendment, and Modification. This table is NOT intended to show when an Amendment or a Modification should be used. See DoD 5105.38-M, "Security Assistance Management Manual," Chapter 6, section C6.7. for information on determining which document is appropriate.