

Please Join Us Virtually! M&A in the Aerospace and Defense Industry under U.S. Export Controls, Sanctions, and Foreign Investment Laws

June 21, 2022

12:00 - 1:30 PM (EDT)

Virtual Luncheon Via Zoom

M&A in the Aerospace and Defense Industry under U.S. Export Controls, Sanctions, and Foreign Investment Laws

Tuesday, June 21, 2022

12:00 – 1:30 PM (EDT)

The Aerospace and Defense industry saw strong M&A activity throughout 2021. Rising global tensions and the recent spate of changes to U.S. export controls, sanctions, and foreign investment laws require A&D industry practitioners to stay abreast of these U.S regulatory changes directly impacting M&A deals in the A&D industry.

Our program features a discussion of the key U.S. regulatory issues affecting acquisitions of A&D targets, such as:

- Structuring due diligence on targets with A&D assets and technologies controlled under International Traffic in Arms Regulations (ITAR) and/or Export Administration Regulations (EAR)
- Managing aggressive M&A practitioners seeking to use U.S. regulatory compliance to achieve ancillary M&A deal goals
- Evaluating the U.S. regulatory landscape before entering into letters of intent for A&D targets
- Identifying potential violations of U.S. sanctions and end-user/destination-based export controls
- Submitting pre-closing and post-closing notices to the Directorate of Defense Trade Controls (DDTC) under ITAR
- Structuring the deal around timing to submit joint voluntary notices to the Committee on Foreign Investment in the United States (CFIUS) for A&D acquisitions
- Developments in submitting mandatory declarations to CFIUS for covered investments under the Foreign Investment Risk Review Modernization Act (FIRRMA)
- Assessing the long-term impact on certain A&D acquisitions posed by “forthcoming” export controls on emerging and foundational technologies (EF&T)
- Acquiring A&D targets with personnel security clearances (PCL) and/or facility security clearances (FCL)
- Key areas in the A&D purchase agreement that must address U.S. regulatory compliance and risk issues posed by

Continued

ITAR, EAR, PCLs, FCLs, EF&T, and CFIUS

Our panelists will include:

- Joseph Gustavus, a Miller Canfield Principal, corporate M&A attorney and member of the Miller Canfield Export Controls and Sanctions Practice Group
- Jeffrey Richardson, a Miller Canfield Principal, corporate M&A attorney and member of the Miller Canfield Export Controls and Sanctions Practice Group

Howard Weissman of our Washington D.C. office will moderate the discussion

This event will be subject to the Chatham House Rule to encourage an open and frank discussion

This event will begin promptly at 12:00 PM EDT, utilizing Zoom,
with the lines opening for connections beginning at 11:50 AM EDT