AEROSPACE EXPORTS INCORPORATED

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ITAR Part 127.1 & 127.2

Violations & Misrepresentation and omission of facts

- **§ 127 Violations and Penalties**
  - **§ 127.1 Violations**
    - (a) Without firs obtaining the required license or other written approval from the Directorate of Trade Controls, it is unlawful:
      - (1) To export or attempt to export from the United States any defense article or technical data or to furnish or attempt to furnish any defense service for which a license or written approval is required by this sub chapter;
      - (2) To reexport or retransfer or attempt to reexport or retransfer any defense article, technical data, or defense service from one foreign end-user, end-use, or destination to another foreign end-user, end-use, or destination for which a license or written approval is required by this subchapter, unless authorized by a license or, in lieu of §126.1(b) of this subchapter, any defense article, technical data, or defense service that was exported from the United States without a license pursuant to any exemption under this subchapter;
      - (3) To import or attempt to import any defense article whenever a license is required by this subchapter;
      - (4) To conspire to export, import, reexport, retransfer, furnish or cause to be exported, imported, reexported, retransferred or furnished any defense article, technical data, or defense service for which a license or written approval is required by this subchapter;
      - (5) To possess or attempt to possess any defense article with the intent to export or transfer such defense article in violation of 22 U.S.C. 2778 and 2779, or any regulations, license, approval, or order issued there under.
        - See Title 22 U.S.C Chapter 39 Arms Export Control Subchapter III Subchapter III Military Export Controls (§§ 2771 - 2781)
    - (b) It is unlawful:
      - (1) To violate any of the terms or conditions of a license or approval granted pursuant to this subchapter, any exemption contained in this subchapter, or any rule or regulation continued in this subchapter;
      - (2) To engage in the business of brokering activities for which registration and a license or written approval is required by this subchapter without first registering. Use of brokering activities requires only one occasion of engaging in an activity as reflected in §129.2(b) of this subchapter.
      - (3) To engage in the United States in the business of either manufacturing or exporting defense articles or furnishing defense services without first registering with the registration requirements. For the purpose of this subchapter, engaging in the business of manufacturing or exporting defense articles or furnishing defense services requires only one occasion of manufacturing or exporting a defense article or furnishing a defense service.
    - (c) Any person who is granted a license or other approval or acts pursuant to an exemption under this subchapter is responsible for the acts of employees, agents, brokers, and all authorized persons to whom possession of the defense article, which includes technical data, has been entrusted regarding operation, use, possession, transportation, and handling of such defense article abroad. All persons abroad subject to U.S. jurisdiction who obtain custody of a defense article exported from the United States or produced under an agreement described in part 124 or this subchapter, and regardless of the number of intermediate transfers, are bound by the regulations of this subchapter in the same manner and to the same extent as the original owner of transferor.
    - (d) A person who is ineligible pursuant to §120.1(c)(2) of this subchapter, or a person with knowledge that another person is ineligible pursuant to §120.1(c)(2) of this subchapter, may not, directly or indirectly, in Any manner or capacity, without prior disclosure of the facts to an written authorization from the Directorate of Defense Trade Controls:
      - (1) Apply for, obtain, use or any export control document as defined in § 127.2(b) for such ineligible persons; or
      - (2) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any manner in any transaction subject to this subchapter that may involve any defense article, which includes technical data, defense services, or brokering activities, where such ineligible person may obtain benefit therefrom or have any direct or indirect interest therein.
    - (e) No person may knowingly or willfully attempt, solicit, cause, or aid, abet, counsel, demand, induce, procure, or permit the commission of any act prohibited by, or the omission of any act required by 22 U.S.C. 2778, 22 U.S.C. 2779, or any regulation, license, approval, or order issues there under.
  - **§ 127.2 Misrepresentation and omission of facts**
    - (a) It is unlawful to use or attempt to use any export or temporary import control document containing a false statement or misrepresenting or omitting a material fact for the purpose of exporting, transferring, reexporting, retransfer ring, obtaining, or furnishing any defense article, technical data, or defense service. Any false statement, misrepresentation, or omission of material facts in an export or temporary import control document will be considered as made in the matter within the jurisdiction of a department or agency of the United States for the purposes of 18 U.S.C. 1001, 22 U.S.C. 2778, and 22 U.S.C. 2779.
    - (b) For the purpose of this subchapter, export or temporary import control documents include the following:
      - (1) An application for a permanent export, reexport, retransfer, or a temporary import license and supporting documents.
      - (2) Electronic Export Information filing.
      - (3) Invoice.
      - (4) Declaration of destination.
      - (5) Delivery verification.
      - (6) Application for the temporary export.
      - (7) Application for registration
      - (8) Purchase order.
      - (9) Foreign import certificate.
      - (10) Bill-of-lading.
      - (11) Airway bill.
      - (12) Non-transfer and use certificate.
      - (13) Any other document used in the regulation or control of a defense article, defense service, or brokering activity regulated by this subchapter
      - (14) Any other shipping document that has information related to the export of the defense article or defense service.