Body Armor Statement for ManTech Travelers to Afghanistan & Iraq

References:

* International Traffic in Arms Regulations 22 CFR 121.1, Category X(a)(1) and 123.17 <http://www.pmddtc.state.gov/regulations_laws/itar.html>
* Export Administration Regulations ECCN 0A018 – NIJ III V50 Helmet

## U.S. individuals are traveling to hazardous areas in foreign countries where they need to wear body armor for personal safety.

Under specific circumstances they do not need an export license, but they must declare the goods to U.S. Customs and Border Protection on departure and return to the United States using the attached form.

In order to use the exemption, the protective equipment must be for the individual's exclusive use and must be returned to the United States.

* The individual may not re-export the protective equipment to a foreign person or otherwise transfer ownership.
* The protective equipment may not be exported to any country where the importation would be in violation of that country's laws.
* The U.S. person declaring the temporary export of NIJ Class III body armor to U.S. Customs and Border Protection should use CBP Form 4457 <http://forms.cbp.gov/pdf/CBP_Form_4457.pdf> entitled the “Certificate of Registration for Personal Effects Taken Abroad.” [see copy attached]
* In the event the body armor is lost or otherwise not returned to the United States, a detailed report about the incident must be submitted to the Office of Defense Trade Controls Compliance. The report should describe all attempts to locate the body armor.

ManTech travelers who meet the above conditions should sign this statement that they acknowledge these export controls, complete the attached CBP Form 4457, and present it to CBP on departure for official signature (CBP returns the form to the traveler so it may be presented upon re-Entry into the U.S.).

* Upon arriving at their destination, send copies of this signed statement and the signed CBP Form 4457 to their Contracts office and to the Corporate Export Control office.
* Keep the Originals!!! The CBP Form 4457 must be declared to U.S. Customs & Border Protection upon return to the U.S.!!!

Printed Name (Block Letters): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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## [Federal Register: August 6, 2009 (Volume 74, Number 150)]

[Rules and Regulations]

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DEPARTMENT OF STATE

22 CFR Part 123

[Public Notice: 6646]

Amendment to the International Traffic in Arms Regulations:

Temporary Export Exemption for Body Armor

AGENCY: Department of State.

ACTION: Final rule.

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SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to add an exemption for the temporary export of body armor for exclusive personal use to destinations not subject to restrictions under the ITAR Sec. 126.1 and to Afghanistan and Iraq under specified conditions.

DATES: Effective Date: This rule is effective August 6, 2009.

ADDRESSES: Interested parties may submit comments at any time by any of the following methods:

E-mail: [DDTCResponseTeam@state.gov](mailto:DDTCResponseTeam@state.gov) with an appropriate subject line.

Mail: Department of State, Directorate of Defense Trade

Controls, Office of Defense Trade Controls Policy, ATTN: Regulatory Change, Section 123.17, SA-1, 12th Floor, Washington, DC 20522-0112.

Persons with access to the Internet may also view this notice by going to the regulations.gov Web site at <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://regulations.gov/index.cfm>.

FOR FURTHER INFORMATION CONTACT: Director Charles B. Shotwell, Office of Defense Trade Controls Policy, Department of State, Telephone (202) 663-2792 or Fax (202) 261-8199; E-mail [DDTCResponseTeam@state.gov](mailto:DDTCResponseTeam@state.gov).

ATTN: Regulatory Change, Section 123.17.

SUPPLEMENTARY INFORMATION: U.S. individuals are traveling to hazardous areas in foreign countries where they need to wear body armor for personal safety. Consequently, the Department of State is amending the

International Traffic in Arms Regulations (ITAR) to add an exemption for the temporary export of body armor covered by 22 CFR 121.1,

Category X(a)(1). The exemption is available for destinations not subject to restrictions under ITAR Sec. 126.1 and to Afghanistan and Iraq under specified conditions. In order to use the exemption, the protective equipment must be for the individual's exclusive use and must be returned to the United States. The individual may not re-export the protective equipment to a foreign person or otherwise transfer ownership. The protective equipment may not be exported to any country where the importation would be in violation of that country's laws.

The U.S. person declaring the temporary export of body armor to

U.S. Customs and Border Protection should use CBP Form 4457 < <http://forms.cbp.gov/pdf/CBP_Form_4457.pdf> > entitled the ``Certificate of Registration for Personal Effects Taken Abroad.'' [see copy attached]

The export information is not required to be reported electronically using the Automated Export System (AES). Upon re-entering the United

States, the CBP Form 4457 should be presented.

In the event the body armor is lost or otherwise not returned to the United States, a detailed report about the incident must be submitted to the Office of Defense Trade Controls Compliance. The report should describe all attempts to locate the body armor.

[snip]

Executive Order 12866

2. Section 123.17 is amended by adding paragraphs (f) and (g) to read as follows:

Sec. 123.17 Exports of firearms, ammunition, and body armor.

\* \* \* \* \*

(f) Except as provided in Sec. 126.1 of this subchapter, Port

Directors of U.S. Customs and Border Protection shall permit U.S. persons to export temporarily from the United States without a license one set of body armor covered by Category X(a)(1) of this subchapter provided that:

(1) A declaration by the U.S. person and an inspection by a customs officer is made;

(2) The body armor is with the U.S. person's baggage or effects, whether accompanied or unaccompanied (but not mailed);

(3) The body armor is for that person's exclusive use and not for re-export or other transfer of ownership; and

(4) If the body armor is lost or otherwise not returned to the

United States, a detailed report must be submitted to the Office of Defense Trade Controls Compliance in Sec. 127.12(c)(2) of this subchapter entitled ``Voluntary disclosures.''

(g) The license exemption set forth in paragraph (f) of this section is also available for the temporary export of body armor for personal use to Afghanistan and to Iraq provided that:

(1) The conditions in paragraphs (f)(1)-(f)(3) of this section are met;

(2) For temporary exports to Iraq the U.S. person utilizing the license exemption is either a person affiliated with the U.S.

Government traveling on official business or is a person not affiliated with the U.S. Government but traveling to Iraq under a direct authorization by the Government of Iraq and engaging in humanitarian activities for, on behalf of, or at the request of the Government of

Iraq.

Dated: July 8, 2009.

Rose E. Gottemoeller

Assistant Secretary, Verification, Compliance and Implementation, Department of State.

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