



# Port Security Advisory (4-09) (Rev 1)

The Coast Guard has received a number of questions from vessel operators and company security officers over concerns about compliance with the International Traffic in Arms Regulations (ITAR) in 22 CFR Parts 120-130 when placing firearms on board their vessels to arm private security personnel or vessel crews. The Coast Guard has worked closely with the Department of State's Directorate of Defense Trade Controls (DDTC), which implements defense trade controls under the ITAR program, as well as the Department of Homeland Security's Customs and Border Protection (CBP), which is authorized to enforce U.S. export control laws. Collectively, we have identified several viable methods for owners, operators, or security teams to place firearms aboard vessels in accordance with ITAR. DDTC's website <http://www.pmdt.state.gov/> provides additional guidance, as well as links to forms and the electronic licensing process.

Working with our interagency partners we have identified at least three options under which firearms could be exported and used aboard vessels in compliance with the ITAR, 1) obtaining a temporary export license (DSP-73), 2) temporarily exporting firearms and ammunition under an exemption to the ITAR, and 3) purchasing foreign firearms and filing for a temporary import license (DSP-61) when entering U.S. ports. The option that provides the most flexibility for an owner or operator of a vessel would be to obtain a DSP-73 temporary export license in accordance with 22 CFR 123.5. (Please note that in order to apply for a DSP-73, you must first register with the Department of State. Information on registering is available below.) This license is valid for up to four years, may be used for multiple entries and exits, and would require the operator to identify and list on the license application the firearms or other defense articles (e.g., ammunition) to be carried aboard the vessel. Once the license is obtained the operator could then stow the firearms on board the vessel in a U.S. port and keep them stored aboard the vessel until needed for use within the High Risk Waters by the crew or contracted security teams. Prior to entering or exiting the United States the license holder or their authorized freight forwarder would present the DSP-73 to CBP officials as part of clearing customs. Prior to leaving the United States the license holder or their authorized freight forwarder would have to submit the Electronic Export Information (EEI) through the Automated Export System.

DDTC estimates that it would take on average 14 days to obtain a DSP-73, assuming the applicant is already registered with the Department of State. An important point to note about the DSP-73 license is that it requires the return of the firearms to the U.S., therefore the firearms could not be sold or otherwise permanently transferred out of the United States. A DSP-73 could also be obtained by a security company.

Below are tips from DDTC on the application process that vessel owners and operators should keep in mind:

1. The exporter would be required to register first with DDTC prior to submitting a license application. There is an annual fee of \$2,250 to register, which includes ten licenses a year (for each



license over the first ten, there is a \$250 fee per license, plus the registration fee goes up to \$2,750). Use this link for information on how to register <http://www.pmdtc.state.gov/registration/package.html>. A copy of the registration form (DS2032) can be found here: <http://www.pmdtc.state.gov/registration/documents/ds2032-complete.pdf>.

Tips on preparing the form can be found here:  
[http://www.pmdtc.state.gov/registration/tips\\_DS2032.html](http://www.pmdtc.state.gov/registration/tips_DS2032.html)

2. Once the exporter is registered and receives a registration code they would need to submit a license application for every vessel on which that the firearms or other defense articles will be stowed and used. That process will include filling out the DSP 73. A few things to know about filling out the form:

- \* Box 3 should always be marked "Series of departures and returns".
- \* For Box 4, if the exporter knows all the ports of call that the ship will use, fill in that information. If that information is not available, the exporter may use the following statement in Box 4: The [name of the vessel] will not call on ports of proscribed countries listed in Section 126.1 of the ITAR. The ports that would be prohibited by the statement are ports in the countries listed in the following link: [http://www.pmdtc.state.gov/embargoed\\_countries/index.html](http://www.pmdtc.state.gov/embargoed_countries/index.html)
- \* In Box 13, the exporter will need to list the make/model of the items being exported, and if it is a firearm, they will need to include the serial number.
- \* The exporters will also need to attach a "Firearms and Ammunitions Letter of Explanation". This letter would include statements such as: "The firearms and ammunition exported under this license will be used only by trained security teams aboard the vessel to defend the individuals aboard from attacks by private individuals (e.g., pirates). The firearms and ammunition will be secured in a locked container/storage facility until the vessel master determines that the firearms are needed for the stated use. Use of the firearms will be consistent with local, international, and/or maritime laws or regulations."
- \* Please note that most countries do not require an import permit for a temporary import of firearms and ammunition, however, foreign countries will have their own regulations regarding the temporary import and re-export of weapons from their countries that will need to be addressed prior to arriving in a foreign port of call.

Another option under ITAR is for the security teams or crew to export their own firearms and ammunition under the personal use exemption detailed in 22 CFR 123.17. This exemption allows U.S. persons to export up to three firearms and 1000 rounds of ammunition for their personal use. Personal use would include firearms personally issued to security team members prior to boarding the vessel by the security company for performance of their jobs. The personal exemption is a short term solution since no license is required, however, all conditions to qualify for the exemption must be met in order to use the license exemption. Security personnel could even stow their firearms aboard the vessel in a U.S. port for shipment and then meet the vessel elsewhere, however it is strongly recommended that the local CBP



office be contacted in advance so that it is clear who is utilizing the personal exemption. Please be advised that the personal use exemption prohibits transfer of ownership among crew on a vessel. Such transfer is only permitted under the DSP-73 temporary export license. Therefore crewmembers cannot utilize a personal exemption and then transfer the firearms to the security team. In addition, the personal use exemption only applies to non automatic and semi-automatic firearms not greater than .50 caliber. In order to claim the license exemption, the individual must be able to file the Electronic Export Information (EEI) in the Automated Export System (AES) and make the claim there upon each departure from the United States.

The ITAR does not prohibit operators or security teams from purchasing their weapons in a foreign country and then stowing them aboard the vessel in a foreign port. Prior to bringing the firearms into a U.S. port, however, the owner of the firearms would have to register with the Department of State and obtain a DSP-61 temporary import license or qualify for an ITAR exemption. It is critical that CBP be properly notified of the temporary import and to insure the DSP-61 has been obtained or the proper temporary import exemption claimed. The permanent import of firearms falls under the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms (ATF). An ATF-6 form would be required for the permanent import of weapons into the United States.

Although this Port Security Advisory addresses compliance with ITAR, vessel owners, operators and security companies must still comply with local Port State requirements when calling on a port. Prior to entering a foreign port, with firearms aboard and/or where security teams are utilizing a personal exemption to flying in/out of a port state with their weapons, we recommend you contact local authorities for assistance in determining the individual port state's requirements for transporting firearms within that country. Many countries may allow operators to lock the weapons up on board the vessel "under bond" following a quick inspection by customs officials or they may require a temporary permit. Regardless, close coordination between the ship's agent and the local authorities will help insure local laws are not inadvertently violated.