



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Office of the Director

Washington, DC 20226

ATF Ruling 2025-1

Importing Dual-Use Barrels

18 U.S.C. § 922(l):	IMPORTATION OF FIREARMS AND AMMUNITION
18 U.S.C. § 925(d)(3):	IMPORTATION OF BARRELS AND RECEIVERS
18 U.S.C. § 922(r):	UNLAWFUL ACTS
26 U.S.C. Ch. 53:	NATIONAL FIREARMS ACT
27 CFR 478.39:	ASSEMBLY OF SEMIAUTOMATIC RIFLES OR SHOTGUNS
27 CFR 478.112:	IMPORTATION BY A LICENSED IMPORTER
27 CFR 478.113a:	IMPORTATION OF FIREARM BARRELS BY NONLICENSEES

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has determined that federal firearms licensees (FFLs) may lawfully import “dual-use” firearm barrels—barrels that may be used on both sporting and non-sporting firearms—under 18 U.S.C. § 925(d)(3) if, at the time imported, there is an identified firearm sporting configuration for the barrel. Importation may be approved regardless of whether a barrel had been previously configured on non-sporting, military surplus, or National Firearms Act (NFA) firearms. Further, once the barrel is in the United States, ATF has determined that nothing in the statutes prevent a dual-use barrel from being used to assemble a sporting, non-sporting, or NFA firearm, provided assembling such firearm complies with 18 U.S.C. § 922(r) (assembly of a semiautomatic rifle or shotgun) and the NFA, 26 U.S.C. chapter 53, as applicable. This Ruling supersedes a November 2005 ATF Open Letter on dual-use barrels.

Background

In November 2005, ATF published an open letter addressing the importability of “dual-use” barrels under section 925(d)(3) and determined that such barrels were importable only if used to assemble importable firearms.¹ While the 2005 open letter did not specify the barrel’s previous

¹ Open Letter to Federally Licensed Firearms Importers and Registered Importers of U.S. Munitions Import List Articles, Nov. 22, 2005.

use as a factor in this analysis, ATF did consider previous use as a factor and denied permits to import barrels that were formerly assembled on non-importable firearms (i.e., NFA, non-sporting, or military surplus firearms).² ATF made the sporting determination for the barrel based on the firearm the barrel originated from, not on its ability to be incorporated into a sporting firearm configuration. Due to inquiries from importers and the ubiquitous nature of dual-use barrels, ATF has reviewed its interpretation of 18 U.S.C. § 925(d) regarding dual-use barrels and is rescinding the November 2005 Open Letter.

Importing dual-use barrels

The Gun Control Act (GCA), at 18 U.S.C. § 922(l), makes it “unlawful for any person knowingly to import or bring into the United States . . . any firearm.” Certain exceptions to the general firearm import prohibition are enumerated under section 925(d). Section 925(d)(3) provides that the Attorney General shall authorize a firearm to be imported if it “is generally recognized as particularly suitable for or readily adaptable to sporting purposes” and it does not fall within the definition of a firearm under the NFA or is not a surplus military item. Further, section 925(d)(3) makes it “unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled.” This barrel import restriction is limited to those barrels of such firearms, i.e., non-sporting, military surplus, and NFA firearms, “which would be prohibited if assembled.”

Section 925(d)(3) requires a consistent standard to determine whether a firearm barrel may be imported. Firearms technology has progressed over the past 20 years. Many parts, including barrels, are modular. This modularity allows the same barrel to be used in both a sporting and non-sporting firearm configuration. Because dual-use barrels are now a significantly larger portion of the market than in 2005, ATF is reconsidering its position on whether dual-use barrels can be lawfully imported. The plain language of the statute does not require a distinction between barrels that were formerly used on non-importable firearms. Rather, the restriction on importing barrels looks to whether the barrel may be assembled in a sporting firearm configuration. If, at the time it is being imported, there is an identified sporting configuration for which the barrel may be used, the barrel is sporting and may be imported. The barrel remains importable, even if there are other non-sporting configurations for which the barrels could be used.

Assembling firearms with an imported dual-use barrel

Congress explicitly addressed using imported parts to assemble nonsporting firearms in 18 U.S.C. § 922(r) and in the GCA regulations at 27 CFR § 478.39. Neither provision expressly prohibits using imported barrels to assemble non-sporting or NFA firearms. Specifically, section 922(r) provides that it “shall be unlawful for any person to assemble from imported parts any

² In 1986, Congress amended 18 U.S.C. § 925(d)(3), making it “unlawful to import any . . . barrel of such firearm which would be prohibited if assembled.” The purpose of this amendment was to prevent circumvention of the restrictions on importing non-importable firearms by disassembling a firearm into its component pieces for import and subsequent reassembly. *See Firearms Imp./Exp. Roundtable Trade Grp. V. Jones*, 854 F.Supp.2d 1, 8 (D.D.C. 2012), *aff’d sub nom.* 498 F.App’x 50 (D.C. Cir. 2013).

semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3).” Similarly, 27 CFR § 478.39 does not prohibit using imported barrels to assemble nonsporting or NFA firearms. It simply limits the number of enumerated imported parts, to include barrels, that may be used to assemble non-sporting semiautomatic rifles or any shotguns.

Additionally, the phrase “would be prohibited if assembled” under 925(d)(3) looks to available firearm configurations for the barrels to determine importability but does not further restrict the use of barrels once in the United States. Accordingly, once the barrels are determined to have a legitimate sporting use, they may be lawfully imported, and once lawfully imported, they may be used to assemble firearms in compliance with the provisions of section 922(r) and 27 CFR § 478.39.

Completing ATF Form 6

Importers of dual-use barrels should identify the barrel as dual-use in the description of the defense article in Question 8, to include the caliber, make, manufacturer, and barrel length on the ATF Form 6, *Application and Permit for Importation of Firearms, Ammunition, and Defense Articles*. This will enable ATF personnel to establish that the barrels the FFL seeks to import have a legitimate, identified sporting configuration. Importers of shotgun barrels and semiautomatic rifle barrels should also note in Question 10 of ATF Form 6 that any intended shotgun or semiautomatic rifle will be assembled in compliance with 18 U.S.C. § 922(r) and 27 CFR § 478.39. Additionally, ATF may ask an applicant to submit a sample for evaluation to identify whether there is a sporting configuration to determine if such barrels can be imported.

Held, a barrel may be lawfully imported if, at the time it is imported, there is an identified firearm sporting configuration for the barrel, regardless of whether that barrel had been previously configured on non-sporting, military surplus, or NFA firearms.

Held further, once the barrel is in the United States, ATF has determined that nothing in the statutes prevents a dual-use barrel from being used to assemble a sporting, non-sporting, or NFA firearm, provided assembling such firearm complies with 18 U.S.C. § 922(r) (assembly of a semiautomatic rifle or shotgun) and the NFA, 26 U.S.C. chapter 53, as applicable.

This ruling supersedes ATF Open Letter to Federally Licensed Firearms Importers and Registered Importers of U.S. Munitions Import List Articles published Nov. 22, 2005.

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