

ATF Allows Importation of Dual-Use Firearm Barrels, Irrespective of Previous Status or Configuration

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The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has issued Ruling 2025-1, which loosens ATF's policy with respect to the importation of firearm barrels. Specifically, the agency will now allow the importation of dual-use firearm barrels (i.e., barrels that can be assembled onto importable or non-importable firearms), even if said barrels were previously installed on a non-importable firearm overseas if, at the time imported, there is an identified firearm sporting configuration for the barrel. In the short term, this will open the importation of barrels formally assembled on most military surplus firearms – something that had been prohibited for 20 years.

Background

In 1968, concerned with cheap, small handguns known as "Saturday night specials," Congress implemented a prohibition on importing certain firearms. In 1986, Congress amended 18 U.S.C. 925(d)(3) to further prevent importers from bringing in the barrels and receivers for non-importable firearms and assembling them domestically. Nevertheless, ATF continued to allow virtually all barrels to be imported as "repair and replacement barrels."

The "repair and replacement" doctrine ended in 2005 when the agency determined that such reading was outside the scope of the Gun Control Act. Similarly, ATF acknowledged at the time that certain barrels could be affixed to both importable and non-importable firearms and were thus importable as "dual-use" barrels. However, and although not formally announced/clarified in public guidance, ATF's Imports Branch subsequently took the position that barrels that

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were once affixed to a surplus or non-sporting firearm were forever tainted and could never be imported, regardless of whether or not they could be affixed to importable firearms. The practical result of the Imports Branch position was that many barrels capable of sporting purposes application could not be imported into the United States.

New Ruling

The new ATF ruling does not return to the “repair and replacement doctrine” that ATF previously found unlawful, but instead revisits the position taken by the Imports Branch. Specifically, upon further review, ATF has determined that a dual-use barrel is not “tainted” simply because it was once affixed to a non-sporting, surplus, or National Firearms Act (NFA) firearm overseas.

Under this ruling, barrels that were previously assembled on (i) non-sporting, (ii) military surplus, or (iii) NFA firearms may be imported, provided “at the time imported, there is an identified firearm sporting configuration for the barrel.”

Assembly Post Importation

ATF has clarified that once a firearm has been imported, “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.” In other words, ATF makes clear that there are no restrictions on what type of firearm the barrel is subsequently affixed to, provided federal law, including 18 U.S.C. § 922(r), is complied with.

Form 6 Applications

ATF has advised that Form 6 applications for the importation of dual-use barrels should include the following to avoid delays:

- Block 8 should note the barrel as “dual-use” in the description of the defense article, to include the caliber, make, manufacturer, and barrel length.
- Block 10 should indicate that that “any intended shotgun or semiautomatic rifle will be assembled in compliance with 18 U.S.C. § 922(r) and 27 CFR § 478.39.”

ATF may ask the importer to submit a sample to determine if there is a sporting configuration. Be aware that certain barrels may not have any dual-use configuration. Consistent with Congress’ original intent, barrels for “Saturday night specials” (i.e., too short to satisfy the handgun factoring criteria) will likely remain prohibited, as there is no importable firearm configuration they could be affixed to. Importers should first determine if a barrel is in fact dual-use before stating as such on the form.