

Congress of the United States
Washington, DC 20515

February 28, 2025

The Honorable Pamela J. Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Bondi,

We, the undersigned members of the United States House of Representatives and United States Senate, write to express our concerns regarding the operations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Firearms and Explosives Imports Branch (FEIB). In light of President Trump's February 7, 2025, Executive Order titled "Protecting Second Amendment Rights", we believe it is imperative to review the FEIB's policies and procedures to ensure they align with the policies of this administration and constitutional protections. ATF's import statutes have changed little in the last 50 years, yet the ability to import firearms diminishes almost every presidential administration. We urge this administration to review the abuses of the past half century and consider rolling back many of the rulings and guidance documents that continue to restrict the Second Amendment rights of Americans.

In addition to the many constitutional violations, ATF's import policies consist of opaque guidelines that are not fully understood by ATF leadership. This lack of clarity and oversight gives FEIB significant freedom to hide or obfuscate past rulings that favored the industry and misuse their power by applying regulations inconsistently.

Several issues within FEIB, and ATF import policy at-large, warrant specific attention:

1. **Sporting Purpose Test:** ATF uses the "Sporting Purpose" language in 18 U.S.C. 925(d)(3) to ban the importation of firearms based on cosmetic features, rather than their actual functionality or intended use. ATF's inconsistent and subjective use of this test has allowed ATF to label firearms as unsuitable for sporting use due to features like pistol grips, folding stocks, bayonet lugs, or flash suppressors. This arbitrary application of the test has led to restrictions on firearms that are commonly used for target shooting, hunting, and recreational purposes. ATF frequently disregards its own standards to block the importation of firearm models it believes "circumvent" their policy. We believe this test should be reevaluated to allow the full range of modern sporting firearms, including those used in 3-Gun competition.
2. **Arbitrary Model Name Requirements:** The FEIB has been known to require that model names of imported firearms match exactly with those advertised by foreign manufacturers. This practice has led to unnecessary and burdensome delays for both importers and consumers. In some instances, FEIB has even directed importers to change the name of a model on an import permit application. In other cases, these stringent requirements have

resulted in the rejection of firearms because a particular model is not posted on a foreign manufacturer's website—a consideration which has no basis in law. This practice creates confusion for legitimate importers and places undue obstacles in the way of law-abiding citizens seeking to legally acquire firearms. We believe such an arbitrary standard undermines both the efficiency of the import process and the spirit of the Second Amendment. Model names are a clerical designation, and the ATF should be precluded from using them in the assessment of importability, which looks at physical characteristics at the time the firearm is submitted.

3. **Firearms Receivers and Barrels:** The FEIB has exhibited inconsistent policies regarding the importation of firearms receivers and barrels. Historically, military surplus barrels were authorized to be imported as replacement barrels. In 2005, ATF rescinded this policy via an open letter. This bans the importation of barrels for collectors and manufacturers. Likewise, ATF will often restrict the importation of dual-use barrels and receivers—components that can be used with both sporting and non-sporting firearms. This inconsistency creates uncertainty for importers and may lead to unintentional violations. The agency should clarify that regardless of military status or what type of firearm a barrel may have been previously attached to, it should be importable if it can be assembled onto a firearm that has an importable configuration.
4. **Modifications Deemed Non-Permanent:** Modifications designed to make a particular firearm importable are regularly machined or broken off and deemed “non-permanent” by examiners within the Firearms and Ammunition Technology Division (FATD) to “fail” a firearm being evaluated for importation. This occurs even when such modifications comport with the plain language of ATF's import guidance and regulations. This practice results in the rejection of import applications and places undue burdens on importers attempting to adhere to the law. ATF should be precluded from engaging in activities that ATF itself considers manufacturing, to modify an item as part of an evaluation.
5. **Citing State Department Guidance to Deny Permits:** FEIB frequently uses the absence of specific foreign policy guidance from the State Department as a justification to deny permits for firearms. Specifically, the ATF has been known to block the importation of firearms from countries not included in its import regulations, citing the absence of specific foreign policy guidance from the State Department. Similarly, the ATF Imports Branch often circumvents the funding prohibition on denying permits for U.S.-origin Curio and Relic firearms, such as the M1 Garand and M1 Carbine—World War II firearms not used in crimes—by returning the permit applications without action, citing direction from the State Department. By using this excuse, the ATF is effectively preventing the lawful importation of historically significant firearms, placing unnecessary restrictions on collectors and enthusiasts despite compliance with existing legal frameworks. Regardless, both agencies should be interacting to create a process whereby importers know what to expect when they submit an import permit. Additionally, State Department should be authorizing the return of U.S.-origin firearms, ammunition, and components, that were paid for with U.S. tax dollars, especially the storied M1 Garand and M1 Carbine.

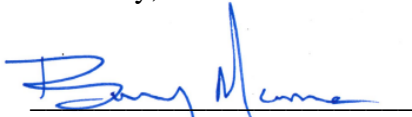



In accordance with Section 2(a)(ii) of the Executive Order, which mandates a review of firearms-related agency actions, including those by the ATF, we urge you to:

- Conduct a thorough evaluation of the FEIB's (and FATD's where appropriate) current policies, procedures, and classifications to ensure they align with the constitutional rights guaranteed by the Second Amendment and basic principles of fair notice.
- Work closely with industry and non-governmental experts to verify the feedback and information being provided by ATF when undergoing this analysis. The agency has proven time and again that it cannot be trusted to present a full picture of how their actions comply with the law and affect the American people.
- Take a broader review of ATF's agency actions to determine rules and policies that must immediately be rescinded. Over the last four years, the Biden administration's ATF adopted rules that infringe on the fundamental right to bear arms. While not directly connected to the importation of firearms or the FEIB, rules such as the pistol brace rule, 88 Fed. Reg. 6478 (Jan. 31, 2023), and the engaged in business rule, 89 Fed. Reg. 28968 (Apr. 19, 2024), among others, should immediately be rescinded.

By addressing these concerns, the Department of Justice can reaffirm its commitment to upholding the Second Amendment and ensuring that federal regulations do not infringe on the lawful exercise of the fundamental right to keep and bear arms.

Thank you for your attention to this matter. We look forward to your prompt action and response.

Sincerely,


Barry Moore
United States Representative
Mike Lee
United States Senator
Sheri Biggs
United States Representative
Thom Tillis
United States Senator
W. Gregory Steube
United States Representative