

# United States Senate

WASHINGTON, DC 20510

July 21, 2023

Mario Harik  
Chief Executive Officer  
XPO, Inc.  
5 American Lane  
Greenwich, CT 06831

Dear Mr. Harik,

XPO Logistics, along with many other carriers, provides a critical service to Americans and businesses across the country, and without question, the immense contributions your industry makes to our nation's economy are commendable. Due to your unique role in our economy, companies and communities are reliant on freight carriers to transport legally produced products.

We are writing, therefore, with deep concerns regarding XPO Logistics's decision to list "firearms as defined by 18 U.S. Code § 921 (For example, but not limited to, any weapon (i.e., handgun, rifle, shotgun, machine gun, semi-automatic rifle, or similar weapon), frame or receiver, muffler or silencer)" as prohibited goods and on that basis refuse to ship those legal products. XPO Logistics's policy is an affront to the Second Amendment and discriminates against the millions of law-abiding citizens, including many of our constituents, who utilize and value their constitutional right to keep and bear arms. Your policy also discriminates against businesses engaged in the lawful commerce in firearms, ammunition and related products, including federal firearm licensees, who utilize your services to ship their products.

Over the past several years, we have seen a dramatic increase in first-time gun ownership. Millions of Americans from diverse backgrounds are assuming personal responsibility for the protection of their families and properties. These first-time gun buyers lawfully purchase firearms and related products for personal protection as well as for hunting and to participate in the shooting sports. The firearm industry is what makes the exercise of the Second Amendment possible. The lawful manufacture, distribution and sale of firearms and ammunition is also a significant contributor to our nation's economy. It is responsible for approximately \$81 billion in total economic activity in the country, creating over 393,000 good paying jobs and generating about \$7.5 billion in federal, state and local tax revenues. Firearm and ammunition manufacturers also pay a federal excise tax that is the primary source of conservation funding in America.

When XPO Logistics and other freight carriers engage in policy making from the boardroom and implement discriminatory practices, they are interfering in the lawful commerce of firearms, limiting distribution and market access, resulting in fewer options and higher costs for businesses and consumers. But even more importantly, they are infringing on the constitutional right of law-abiding citizens to keep and bear arms enshrined in the Second Amendment.

This begs the question why XPO Logistics has established such a policy. To that end, we would appreciate responses to the following questions:

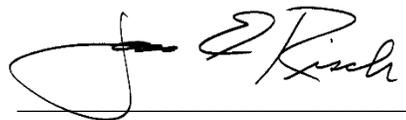
1. What prompted XPO Logistics's decision to terminate service to an entire legal industry by listing "firearms" as restricted commodities in TARIFF CNWY 199-AG.2? Please provide justification for your decision.
2. How long has XPO Logistics's "firearms" prohibition policy been in place? Please provide timeline and related planning documents including but not limited to market research, polling, cost benefit analysis, legal opinions, etc.
3. Were any efforts or pressure from the administration, federal agencies, outside groups, or advocates directed at the company to establish this policy? If so, please provide a summary of these contacts.
  - a. Did the Bureau of Alcohol, Tobacco, Firearms and Explosives' implementation of final rule 2021R-05F, Definition of "Frame or Receiver" and Identification of Firearms, influence your decision to establish this policy?
4. Has XPO Logistics terminated long-standing contracts with any members in the firearm and ammunition industry as a result of this new policy?
5. Has XPO Logistics denied new contracts to any members in the firearm and ammunition industry as a result of this new policy?
6. Has your company benefited from taxpayer-subsidized contracts with the federal government in the past?
7. Does your company currently have active contracts with the federal government? If so, please list them, contract value and sorted by federal department and agency.

We look forward to your response by August 4, 2023.

Sincerely,



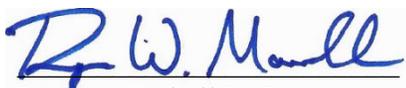
Mike Crapo  
United States Senator



James E. Risch  
United States Senator



Kevin Cramer  
United States Senator



Roger Marshall M.D.  
United States Senator

  
Joni K. Ernst  
United States Senator

  
Rick Scott  
United States Senator

  
Steve Daines  
United States Senator

  
Cynthia M. Lummis  
United States Senator

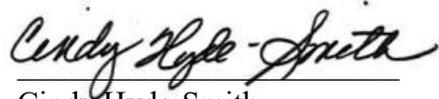
  
Ted Cruz  
United States Senator

  
Mike Lee  
United States Senator

  
Eric Schmitt  
United States Senator

  
Bill Cassidy, M.D.  
United States Senator

  
Ted Budd  
United States Senator

  
Cindy Hyde-Smith  
United States Senator

  
Marco Rubio  
United States Senator