



DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR parts 447, 478, and 479

[ATF No. 2024R-01F]

RIN 1140-AA60

Revising Machine Gun Definition in Response to Supreme Court Decision

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) is amending Department of Justice (“Department”) regulations in response to the Supreme Court’s decision in *Garland v. Cargill*. The Supreme Court held that ATF exceeded its statutory authority in its December 2018 final rule titled “Bump-Stock-Type Devices” by classifying a bump stock as a “machine gun” because a semi-automatic rifle equipped with a non-mechanical bump-stock-type device is not a “machine gun” under the National Firearms Act. Accordingly, ATF is removing from the three regulatory definitions of “machine gun” the two sentences that incorporated bump stocks into those definitions.

DATES: This final rule is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at ORA@atf.gov, by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226, or by telephone at 202-648-7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act (“GCA”), as amended, and the National Firearms Act (“NFA”), as amended.¹ This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA and NFA. *See* 18 U.S.C. 926(a); 26 U.S.C. 7805(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF (“Director”), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); *Treas. Order No. 221(2)(a), (d)*; 37 FR 11696–97 (June 10, 1972).² Accordingly, the Department and ATF have promulgated regulations implementing both the GCA and the NFA in 27 CFR parts 478, 479.

Following a February 20, 2018, Presidential memorandum,³ the Department amended ATF regulations by issuing a final rule titled “Bump-Stock-Type Devices” (“2018 final rule”), which determined that rifles with an attached bump-stock-type device constituted “machine guns” under Federal law.⁴ On June 14, 2024, the Supreme Court held that “a semiautomatic rifle equipped with a [non-mechanical] bump stock is not a ‘machinegun’ because it cannot fire more than one shot ‘by a single function of the

¹ Some NFA and GCA provisions still refer to the “Secretary of the Treasury.” However, the Homeland Security Act of 2002, Pub. L. 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this final rule refers to the Attorney General where relevant.

² In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF’s jurisdiction, including under the NFA, GCA, and Title XI of the Organized Crime Control Act. ATF’s jurisdiction also includes the Arms Export Control Act and the Contraband Cigarette Trafficking Act.

³ On February 20, 2018, President Trump issued a memorandum instructing the Attorney General “to dedicate all available resources to . . . propose for notice and comment a rule banning all devices that turn legal weapons into machineguns.” Presidential Memorandum (Application of the Definition of Machinegun to “Bump Fire” Stocks and Other Similar Devices), 83 FR 7949 (Feb. 20, 2018); U.S. Dep’t of Justice, *Attorney General Sessions Announces Regulation Effectively Banning Bump Stocks* (Mar. 23, 2018), <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-regulation-effectively-banning-bump-stocks> [<https://perma.cc/S7DZ-76XD>].

⁴ 83 FR 66514 (Dec. 26, 2018); 84 FR 9239 (Mar. 14, 2019) (ratifying final rule).

trigger.’ And, even if it could, it would not do so ‘automatically.’”⁵ The regulatory definition of “machine gun” does not distinguish between non-mechanical and mechanical bump stocks and simply states “bump-stock-type device.” ATF will rely on the statutory definition, as well as federal case law, such as *Cargill*, that further defines terms within the “machine gun” definition such as “single function of the trigger” and “automatically.”

ATF is now taking steps to conform its regulations with the Supreme Court’s decision in *Cargill*. This final rule removes from the Code of Federal Regulations (“CFR”) the revised portions of the regulatory definitions of “machine gun” that included bump stocks. Removing these portions of the previous final rule restores the regulatory text for those definitions to what it was prior to the December 2018 rule, with one minor exception.⁶

II. Final Rule

Under the NFA, as amended, and the GCA, as amended, the term “machinegun” means “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” 26 U.S.C. 5845(b); *see* 18 U.S.C. 921(a)(24) (referencing the NFA definition). The term “machinegun” also includes “the frame or receiver of any such weapon” or any part or combination of parts designed and intended “for use in converting a weapon into a machinegun,” and “any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.” 26 U.S.C. 5845(b). This statutory definition uses the key terms “single function of the trigger” and “automatically,” but those terms are not defined in the statutory text. Before

⁵ *Garland v. Cargill*, 602 U.S. 406, 415 (2024).

⁶ Consistent with the Supreme Court’s decision, ATF is not reinserting the sentence segment “is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger” in the pre-rule definition of “machinegun” found in 27 CFR 447.11, nor is it removing the sentence that includes frames and receivers, conversion parts, and combinations of parts in the definition. See discussion below.

the 2018 final rule, the regulations contained definitions for the term “machine gun” in 27 CFR 478.11 and 479.11, that mirrored the NFA’s statutory definition.

The definition of “machinegun” in 27 CFR 447.11, promulgated pursuant to the portion of section 38 of the Arms Export Control Act (“AECA”) (22 U.S.C. 2778) delegated to the Attorney General by section 1(n)(ii) of Executive Order 13637, 78 FR 16129 (Mar. 13, 2013), is similar, but not identical. Before the 2018 final rule, the definition of machine gun in 27 CFR 447.11 provided that a “‘machinegun,’ ‘machine pistol,’ ‘submachinegun,’ or ‘automatic rifle’ is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger.” However, it did not use the NFA’s terminology — “is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger” — nor did it contain the additional sentence that included machinegun frames and receivers, conversion parts, and combinations of parts, both of which were present in the NFA’s statutory definition and the definitions in §§ 478.11 and 479.11.

The 2018 final rule promulgated amendments to all these regulatory definitions to add bump-stock-type-devices. Specifically, the previous final rule amended these definitions by: (1) adding definitions to clarify the meaning of “automatically” and “single function of the trigger;” and (2) expressly including bump-stock-type-devices as machine guns. The 2018 final rule also harmonized the definition of “machinegun” in § 447.11 with the NFA’s statutory definition and the “machine gun” definitions in §§ 478.11 and 479.11. This harmonization in § 447.11 included: (1) changing the sentence segment “is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger” to the NFA’s segment “is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger;” and (2) adding

the sentence from the NFA that includes machine gun frames and receivers, conversion parts, and combinations of parts.

On June 14, 2024, the Supreme Court issued its decision in *Cargill*, in which it found that ATF exceeded its statutory authority in promulgating the rule classifying a bump stock as a machine gun. The Court effectively invalidated the rule’s sentence defining “automatically” and “single function of the trigger,” and the sentence expressly including bump-stock-type devices as machine guns.⁷ This rule updates ATF’s corresponding regulatory provisions within parts 447, 478, and 479 to conform to the Court’s decision by removing those two sentences in all three regulations. This rule also makes a minor technical amendment to move the commas in § 447.11’s definition inside the quotation marks in conformity with standard American punctuation. These changes are shown in the table below:

Regulatory definition (divided by sentence)	Before 2018 final rule	After 2018 final rule	After this rule
§ 447.11	<i>Machinegun.</i> A “machinegun”, “machine pistol”, “submachinegun”, or “automatic rifle” is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger.	<i>Machinegun.</i> A “machinegun”, “machine pistol”, “submachinegun”, or “automatic rifle” is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.	<i>Machinegun.</i> A “machinegun,” “machine pistol,” “submachinegun,” or “automatic rifle” is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.
		The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and

⁷ *Cargill*, 602 U.S. at 407–08.

		<p>designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.</p>	<p>intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.</p>
		<p>For purposes of this definition, the term “automatically” as it modifies “shoots, is designed to shoot, or can be readily restored to shoot,” means functioning as the result of a self-acting or self-regulating mechanism that allows the firing of multiple rounds through a single function of the trigger; and “single function of the trigger” means a single pull of the trigger and analogous motions.</p>	
		<p>The term “machinegun” includes a bump-stock-type device, <i>i.e.</i>, a device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the</p>	

		shooter.	
§§ 478.11 and 479.11	<i>Machine gun.</i> Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.	<i>Machine gun.</i> Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.	<i>Machine gun.</i> Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.
	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.
		For purposes of this definition, the term “automatically” as it modifies “shoots, is designed to shoot, or can be readily restored to shoot,” means functioning as the result of a self-acting or self-regulating mechanism that allows the firing of multiple rounds through a single function of the trigger; and “single function of the trigger” means a single pull of the trigger and analogous motions.	

		<p>The term “machine gun” includes a bump-stock-type device, <i>i.e.</i>, a device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.</p>	
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III. Statutory and Executive Order Review

A. Administrative Procedure Act

Under the Administrative Procedure Act, 5 U.S.C. 553(b)(B), an agency may, for good cause, find that the usual requirements of prior notice and comment are impracticable, unnecessary, or contrary to the public interest. As described above, this rule simply removes the sentences added by the 2018 final rule in conformity with the Supreme Court’s decision in *Cargill*. These conforming updates to ATF regulations in parts 447, 478, and 479 are to ensure consistency with the *Cargill* decision, thus avoiding any public confusion that may result from reliance on regulatory provisions that have been held to exceed statutory authority. Because this rule merely responds to the Supreme Court’s decision, ATF finds it unnecessary to publish this rule for public notice and comment. *See McChesney v. Petersen*, 275 F. Supp. 3d 1123, 1136 (D. Neb. 2016) (“No notice and commentary could have altered the Commission’s obligation to implement the 2013 Congressional extension ... Accordingly, ... notice and comment [was] unnecessary under 553(b)(B).”); *In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico on April 20, 2010*, 2015 WL 729701, at *4 (E.D. La. Feb. 19, 2015)

(The “EPA had no discretion — it was required by Congress to adjust the penalty according to the formula. As a result, the usual notice and comment procedure was unnecessary in this instance.”). On the same basis, this rule is made effective upon publication because ATF finds good cause for an immediate effective date, as delaying the effective date of the conforming amendments would not serve the public interest (5 U.S.C. 553(d)(3)).

B. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule removes previously added language to conform the ATF’s regulations with the Supreme Court’s decision without increasing costs. The Office of Management and Budget (“OMB”) has determined that this rule is a “significant regulatory action,” although not economically significant, under Executive Order 12866. It has therefore been reviewed by OMB pursuant to section 3(d)(3) of Executive Order 12866. ATF provides the following analysis to comply with Executive Orders 12866 and 13563.

1. Benefits

ATF estimates that this rule will result in quantifiable benefits to the public in the form of future production and sales, and some qualitative benefits due to recovered bump stocks and more options in firearms accessories in the future.

In the 2018 final rule, ATF evaluated public comments received in response to its proposed rule and performed an analysis of the estimated “foregone future production

and sales” for the 2018 final rule.⁸ Since this final rule is rescinding provisions that were implemented by the 2018 final rule, ATF used — and updated — the foregone future production and sales from the 2018 final rule as a measure of overall quantitative benefits that will accrue from this final rule.

In the 2018 final rule, ATF estimated that 62,084 bump stocks were produced per year. However, at that time, there had been no legal decision on whether bump stocks would be found to convert firearms into machine guns or not, so some persons who otherwise might have produced or purchased them might not have done so.⁹ As a result, the future production estimate from 2018 is likely lower than future bump stock production will be post-*Cargill*. So, ATF notes that the production rate in this analysis is likely to result in an underestimate of the potential future revenue from bump stocks.

Based on historical prices, the retail price of bump stocks ranged from \$99.99¹⁰ to \$453.51.¹¹ ATF used these historical retail prices in this analysis as a proxy for future bump stock retail prices, but updated these prices to account for inflation.¹² Using the date the information was accessed for the 2018 final rule, and updating these retail prices to 2025 dollars, ATF estimates that the current retail value of these bump stocks ranges between \$133.04 to \$603.41. For the purposes of this analysis, ATF rounded and weighted the 2025 price range costs to calculate an average of \$330 per bump stock at 2025 prices. At an estimated future production rate of 62,084 multiplied by \$330 per bump stock, ATF estimates that the annualized benefit from this rule will be a minimum

⁸ See footnote 4, *supra*.

⁹ ATF notes that 62,084 bump stocks purchased over the next ten years may be an underestimate. Prior to the publication of the 2018 final rule, the Supreme Court had not decided whether bump stocks converted firearms into machine guns or would be considered GCA firearm accessories. Now, with that assurance, firearm purchasers may buy more bump stocks in the future.

¹⁰ Bumpfire Systems, *What Is a Bump Fire?* (2017), <https://web.archive.org/web/20170214195732/http://bumpfiresystems.com/> (last visited April 7, 2026).

¹¹ Slide Fire, *AR15 Bump Fire Stocks* (2015), <https://web.archive.org/web/20170128085532/http://www.slidefire.com/products/ar-platform> (last visited April 7, 2026).

¹² U.S. Bureau of Lab. Stats., *CPI Inflation Calculator*, https://www.bls.gov/data/inflation_calculator.htm (last visited Jan. 6, 2026) (inflation to December 2025).

of \$20,487,720, or \$204,877,200 over the course of ten years.

In addition, after the 2018 final rule was published, approximately 965 bump stocks were turned into ATF for disposal. People who turned in bump stocks to ATF have been provided the opportunity to retrieve them from ATF, which would provide them with a qualitative benefit in recovering foregone property. Overall, this rule will also now allow firearm purchasers more options to accessorize and modify their existing firearms.

2. Costs

No costs were attributed to this rule because this rule is upholding the Supreme Court decision to assess bump stocks as firearms accessories, and it is also deregulatory in that it removes restrictions on bump stock sales and purchases. It does not impose additional requirements or cause persons to incur new costs.

C. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M-25-20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. Although this rule is a significant regulatory action as defined by Executive Order 12866, it does not impose total costs greater than zero. This rule removes regulatory language to adhere to the Supreme Court's decision in *Cargill* and imposes no costs. Therefore, this rule is an Executive Order 14192 deregulatory action (defined OMB Memorandum M-25-20 as a final action that imposes

total costs less than zero) and ATF does not need to identify at least ten existing regulations to repeal or revise to account for the promulgation of this rule.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this rule does not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (“RFA”), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any rule subject to notice-and-comment-rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the rule will not have a significant economic impact on a substantial number of small entities or the rule is exempt from notice-and-comment

rulemaking requirements under 5 U.S.C. 553(b) or other law. 5 U.S.C. 603(a), 604(a).

Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

In accordance with the RFA, 5 U.S.C. 603, 604, and 605(b), a Regulatory Flexibility Analysis is not required for this final rule because ATF was not required to publish a general NPRM for this matter. In addition, the Director certifies, after consideration, that this rule would not have a significant economic impact on a substantial number of small entities as it removes previously added requirements, thereby also removing any costs or burdens of complying with them.

H. Unfunded Mandates Reform Act of 1995

This rule does not include a federal mandate that might result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (“UMRA”). Regardless, like the RFA, the UMRA does not apply here because no NPRM was required to precede this final rule. 2 U.S.C. 1532(a).

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (“PRA”), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This rule does not create any new information collection requirements or impact any existing ones covered by the PRA.

J. Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

List of subjects

27 CFR part 447

Administrative practice and procedure, Arms and munitions, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and record-keeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and record-keeping requirements, Research, Seizures and forfeitures, Transportation.

27 CFR part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and record-keeping requirements, Seizures and forfeitures, Taxes, and Transportation.

For the reasons discussed in the preamble, ATF is amending 27 CFR parts 447, 478, and 479 as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

1. The authority citation for 27 CFR part 447 continues to read as follows:

Authority: 22 U.S.C. 2778, E.O. 13637, 78 FR 16129 (Mar. 8, 2013).

§ 447.11 [Amended]

2. In § 447.11, amend the definition of “Machinegun” by removing the last two sentences of the definition and by removing the commas after the quotation marks at the

end of terms “machinegun”, “machine pistol”, and “submachinegun” and adding a comma inside the ending quotation marks for each of those terms.

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

3. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921– 931; 44 U.S.C. 3504(h).

§ 478.11 [Amended]

4. In § 478.11, amend the definition of “Machine gun” by removing the last two sentences of the definition.

**PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN
OTHER FIREARMS**

5. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5812; 28 U.S.C. 5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

§ 479.11 [Amended]

6. In § 479.11, amend the definition of “Machine gun” by removing the last two sentences of the definition.

Robert Cekada,
Director.

[FR Doc. 2026-08926 Filed: 5/5/2026 8:45 am; Publication Date: 5/6/2026]