



DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR part 478

[Docket No. ATF-2026-0068; ATF No. 2025R-03P]

RIN 1140-AA89

Interstate Transport and Temporary Export of National Firearms Act Firearms

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) proposes amending Department of Justice (“Department”) regulations for transporting firearms registered under the National Firearms Act (“NFA”) in interstate or foreign commerce. ATF proposes to no longer require that persons transporting certain NFA firearms within the United States for short-term purposes (365 days or fewer) submit notice to ATF and await approval before transporting; and that persons transporting certain NFA firearms within the United States for long-term purposes (more than 365 days) or for permanent relocation would no longer have to await approval after submitting notice before transporting.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140-AA89, by either of the following methods —

- *Federal e-rulemaking portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N-518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226; *ATTN: RIN 1140-AA89*.

Instructions: All submissions must include the agency name and number (RIN 1140-AA89) for this notice of proposed rulemaking (“NPRM” or “proposed rule”). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, <https://www.regulations.gov>. This includes any personally identifying information (“PII”) or business proprietary information (“PROPIN”) submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking “CUI//PRVCY.” Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as “CUI//PRVCY” for PII, or as “CUI//PROPIN” for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the SUPPLEMENTARY INFORMATION section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at <https://www.regulations.gov>. Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

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 of 1968 (“GCA”), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.¹ *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA 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 to implement the GCA in 27 CFR part 478.

The GCA generally makes it unlawful for an individual to transport in interstate or foreign commerce any destructive device,³ machine gun,⁴ short-barreled shotgun,⁵ or short-barreled rifle⁶ (“affected NFA firearms”) if not specifically authorized to do so by the Attorney General, consistent with public safety and necessity. 18 U.S.C. 922(a)(4).

¹ Some 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 proposed 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 National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF’s jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

³ *See* 18 U.S.C. 921(a)(4) for the definition of “destructive device.”

⁴ *See* 26 U.S.C. 5845(b) for the definition of “machinegun.”

⁵ *See* 18 U.S.C. 921(a)(6) for the definition of “short-barreled shotgun.”

⁶ *See* 18 U.S.C. 921(a)(8) for the definition of “short-barreled rifle.”

Transportation in interstate commerce includes any transportation of a firearm across state lines, including transportation by individuals for personal use. *See United States v. Mullen*, 160 F. App'x 711, 713–14 (10th Cir. 2005) (“A firearm is deemed to have been in interstate commerce if it has been transported across state lines. Because interstate commerce is not limited to interstate trade, the fact that the crossing took place when the gun was taken by its owner [to another state] while on vacation did not render the stipulation [that the gun had been transported in interstate commerce] improvident.” (internal citation omitted)).

ATF regulations at 27 CFR 478.28 implement 18 U.S.C. 922(a)(4) and state that the Director may authorize a person to transport in interstate or foreign commerce any affected NFA firearm if the Director finds the transportation is reasonably necessary and is consistent with public safety and applicable state and local law. Section 478.28(a) currently provides that a person who desires to transport in interstate or foreign commerce any such NFA firearm must submit a written request to do so. Individuals submit such requests on an ATF Form 5320.20, Application to Transport Interstate or to Temporarily Export Certain NFA Firearms (“Form 20”). Additionally, under § 478.28(b), persons must wait for individual authorization from the Director before transporting the NFA firearm.

II. Proposed Rule

A. Transporting in interstate commerce

ATF is proposing to generally authorize individuals to transport in interstate commerce any of their affected NFA firearms if they have a lawful purpose for transporting the firearm, they are transporting it on a short-term basis (365 days or fewer), and the firearm is legal at the destination location, subject to the qualifications described below. The current individualized approval system for these purposes is unnecessary for any legitimate law enforcement purpose and has proven burdensome for

both registrants and ATF.

The current requirement for a person transporting affected NFA firearms in interstate commerce to submit Form 20 and receive approval prior to transporting them was implemented to accomplish three purposes. First, the form satisfies the requirement in 18 U.S.C. 922(a)(4) that persons must receive approval from the Attorney General before transporting their firearms in interstate commerce. Second, it permits ATF to verify that the firearm is registered in the National Firearms Registration and Transfer Record (“NFRTR”). Third, it allows ATF to ensure that it is lawful for the person to transport the firearm into the destination state. However, none of the three is essential to effectively implement the statute as written.

The GCA does not specify how the Attorney General is to give approval. Although the statute uses the term “specifically authorized,” the Supreme Court has held that “even if a statutory scheme requires individualized determinations . . . the decisionmaker has the authority to rely on rulemaking to resolve certain issues of general applicability unless Congress clearly expresses an intent to withhold that authority.” *Lopez v. Davis*, 531 U.S. 230, 243 (2001) (quoting *Am. Hosp. Ass’n v. N.L.R.B.*, 499 U.S. 606, 612 (1991)). Nothing in the law suggests Congress intended to prohibit the Attorney General from providing authorization to persons on a categorical basis, provided they meet specific criteria. Thus, the current Form 20 authorization protocol is sufficient to satisfy section 922(a)(4) on an individual basis, but it is not necessary or required by the statute.

ATF also has no need to use Form 20 to verify that an individual has a lawfully registered NFA firearm. Were a question to arise as to whether a transported weapon was properly registered, ATF would be able to query the NFRTR using the firearm’s description. An approved Form 20 may have some value to other law enforcement agencies to verify with the possessor that the firearm being transported is registered. But,

that purpose can be achieved by other means, including by requiring that persons provide copies of their approved registration documents.

Perhaps the most valuable service provided by Form 20 is for ATF to check whether it is lawful to possess the NFA firearm in the destination state. But it is rare that individuals apply to transport affected NFA firearms into states in which the firearm is prohibited. From January 2020 to May 2025, ATF received approximately 96,865 Forms 20 to transport affected NFA firearms in interstate commerce, both temporarily (short-term and long-term) and permanently. Only 516 (0.5 percent) of these Form 20 applications were denied on the basis that the destination state's law prohibits a person from possessing that kind of firearm in that state. Individuals who intend to travel with their affected NFA firearms can, and do, look up and review state laws on the internet and other readily accessible sources — a fact that likely accounts for the very small number of individuals who apply to bring affected NFA firearms into a state in which the firearm is prohibited.

Most commonly, Form 20 has become an unnecessary regulatory hurdle. Of the 10,532 Forms 20 that were denied from January 2020 to May 2025, the most common reason ATF denied them was for a technical error — that the form was not properly completed — rather than a substantive problem with transporting the firearm as requested. Form 20 also creates unnecessary problems for those traveling with firearms for lawful purposes. ATF often receives requests to expedite Forms 20 due to individuals' imminent travel. However, it has frequently taken ATF longer to process such requests than the time until these persons wish to travel because, until September 30, 2025, Form 20 was not on ATF's eForms system. ATF therefore previously accepted Form 20 only in paper form or via email. Now, when ATF receives a Form 20 application, the average processing time is three days for an eForm, and nine days for a paper form. But that may still be a longer time than some persons might have prior to short-term travel. Further,

until September 30, 2025, ATF had been returning Forms 20 only through the United States Postal Service to the registrant's address, to avoid any unlawful disclosure of personal identifying information or tax information. This process added time and created potential disruptions to travel plans, particularly for short-term travel. Now, if a person submits Form 20 via eForms, ATF notifies the person by email when the form is approved and the person can retrieve the approval directly from the system, so this aspect has been alleviated for some persons, but not all. For individuals seeking to bring affected NFA firearms across state lines on a regular basis — for example, for a trip to a shooting range in a neighboring state or travel between residences — the requirement to wait for ATF to approve the form and, if submitted by paper, for it to arrive in the mail before each trip, makes it difficult for individuals to transport and use their affected NFA firearms for lawful purposes.

Accordingly, because the current process adds waiting time, and transportation and planning uncertainty, for persons wishing to lawfully transport their affected NFA firearms outside the state in which they reside, provides little utility to ATF, and does little to alleviate risks to public safety, ATF is proposing to amend 27 CFR 478.28 as described below.

B. Short-term interstate transportation (365 days or fewer)

ATF is proposing to specifically authorize persons transporting their affected NFA firearms they own to do so without submitting a request to ATF or waiting for ATF approval, so long as the period for which they are transporting their firearm out of state is for a short duration — 365 days or fewer.

C. Long-term interstate transportation (more than 365 days) or permanent moves

In the case of long-term or permanent moves out of the person's state (more than 365 days, regardless of intent to return), the person would have to submit notice to ATF on an individual basis at least 14 days prior to beginning transportation but would not be

required to wait for approval from ATF before initiating the move. For long-term and permanent moves, ATF needs written notice to update the long-term/permanent location of the affected NFA firearm, but for the reasons discussed above, public safety is not meaningfully improved by requiring persons to wait for ATF approval before traveling. The 14-day lead time would allow ATF to conduct an initial review, if not a final one, of most submissions, and the notice would therefore constitute automatic authorization to transport the firearm unless ATF rescinds it after review. Under this approach, ATF could update NFRTR registration information prior to the planned transportation date or, if rescinding the automatic authorization to transport the firearm, could notify individuals of any legal issues with their intended move. This process would help individuals avoid legal liability or unnecessary costs associated with transporting a firearm to a state where it is illegal. However, requesters would not be required to wait for a response from ATF prior to beginning the move, thus avoiding delays to their plans if a backlog or other issue were to cause a longer processing time. If ATF reviews a notice and rescinds authorization before the requester travels, the individual would not be able to transport the identified firearm; if ATF rescinds authorization after travel has begun, the person would have to stop transporting the firearm. In such cases, there may be remediation options that could be handled en route and enable the person to proceed, but in other cases, the person may have to return home with the firearm. If ATF rescinds authorization after travel has been completed into the destination state, the requester should immediately contact the ATF field division for guidance.

D. "Pass-through" interstate transportation

ATF also proposes to clarify that persons transporting affected NFA firearms interstate (temporarily or permanently) are authorized to pass through a jurisdiction within the United States that prohibits the weapon/device they are transporting, provided they do so in compliance with 18 U.S.C. 926A (interstate transportation of firearms).

E. Common/contract carrier interstate transportation

In addition, the proposed rule clarifies that persons transporting their affected NFA firearms via common/contract carrier must provide the carrier with a copy of the person's NFRTR proof of registration for each firearm. Authorization under section 922(a)(4) and its implementing regulations does not relieve anyone from any requirements or prohibitions imposed by state or local law. The current proposed rule would retain and clarify that fact.

F. Temporary transportation in foreign commerce

These proposed changes would not affect the pre-approval process for temporarily transporting firearms in foreign commerce. Most countries do not allow private individuals to possess affected NFA firearms. By contrast, most states do. The pre-approval process has value in ensuring that persons are exporting weapons lawfully, for proper purposes, and in accordance with the foreign country's laws. Additionally, the United States has strict export controls and Form 20 enables the government to verify compliance with those controls.

Generally, the NFA prohibits importing NFA firearms, with limited exceptions. One such regulatory exception under 27 CFR 479.111(c) provides that a person may return a firearm to the United States provided that person can demonstrate to Customs that the person had originally taken the firearm out of the United States. In the event an NFA firearm is temporarily exported, it can be reimported by the person who took the firearm outside the United States. Form 20 provides proof to Customs that an individual may bring the firearm back into the United States under § 479.111(c).

For the foregoing reasons, a person wishing to temporarily export (short-term and long-term) such firearms would continue to use Form 20 for this purpose as well. A person wishing to permanently export such firearms would continue to use ATF Form 5320.9, Application and Permit for Permanent Exportation of Firearms (*National*

Firearms Act (“Form 9”).

G. Technical changes

ATF also proposes making minor technical changes to improve and streamline language, including topical sub-headings, shorter sentences, updated form numbers and names, and plain writing.

III. Statutory and Executive Order Review

A. 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 proposed rule would amend 27 CFR 478.28 to allow individuals to transport affected NFA firearms across state lines for short-term periods up to 365 days without the need to submit a written request and receive approval from the Director before doing so. It also proposes to allow individuals to transport, for long-term (more than 365 days) or permanent purposes, such firearms in interstate commerce with written notice to ATF, but without the current requirement to wait for ATF to approve an application before transporting the item. In addition, the rule proposes to authorize such individuals to “pass through” jurisdictions that do not permit such firearms, as long as the firearms are transported in accordance with statutory requirements. All three actions reduce burdens on the public without creating undue risks to public safety.

The Office of Management and Budget (“OMB”) has determined that this rule is not a “significant regulatory action” under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Orders

12866 and 13563.

1. Need statement

ATF believes that Form 20 has become an unnecessary regulatory hurdle. As discussed above, of Forms 20 that were previously denied, the most common reason was that the form was not properly completed, which should not bar a person from traveling with their own firearm. Eliminating the requirement for the form in common short-term situations removes this problem. Form 20 also creates unnecessary problems for those traveling with firearms for lawful purposes. Because the current process adds time and transportation/planning uncertainties for persons wishing to lawfully transport their affected NFA firearms outside the state in which they reside, it provides little utility to ATF and does little to alleviate risks to public safety. Therefore, ATF is proposing to amend 27 CFR 478.28 to address these problems.

2. Benefits

The benefits ATF expects to result from this proposed rule would be primarily qualitative in nature, but some paperwork-related time burdens can be monetarily quantified. For purposes of this analysis, owners of affected NFA firearms fall into three groups, two of which would be affected by this proposed rule. The first group (“Group 1”) consists of owners of affected NFA firearms planning short-term travel across state lines. Group 1 would no longer incur inconvenient waiting times nor the time required to complete the application. The second group (“Group 2”), consisting of owners planning longer-term temporary travel or permanent domestic relocation with their affected NFA firearms, would not incur the expected wait time since they would no longer be required to wait for ATF approval before transporting their items under this proposed rule, though they would still be required to complete the form and notify ATF 14 days prior to traveling. Finally, the third group, consisting of both short-term and long-term temporary exporters taking their affected NFA firearms out of the country, would not be impacted

by the proposed rule as they would still be required to submit the request and wait for ATF approval.

Reduced time and uncertainties waiting for approval

The existing process adds waiting time, and transportation and planning uncertainty, for persons in Group 1. Waiting and uncertainty generally do not give rise to quantifiable or monetized cost savings but do have qualitative impacts. The delay and processing time under the current system imposes qualitative burdens on owners who decide to travel with their affected NFA firearms and do not have time to wait for approval, or who would otherwise engage in more flexible travel planning but for the uncertain waiting period and outcome. Authorizing such persons to transport their firearms without first submitting a request to ATF or waiting for ATF approval would preclude the affected individuals from having to delay their travel or complete their travel without their affected NFA firearms.

In addition, the proposed rule would also reduce the same time burden and planning uncertainties for persons in Group 2. Although these persons would have to submit the notice 14 days before their planned travel date, these persons would be able to begin their travel as planned, without having to wait for ATF approval, and would thus also experience a time and qualitative benefit.⁷

Based on ATF data, the average processing time for a transportation request is approximately three days for electronic emailed forms and nine days for paper forms.⁸ Based on data over the past five years, the average annual number of applications for temporarily transporting affected NFA firearms for short-term purposes is 6,770, with the

⁷ Although Group 2 would be able to begin their travel without waiting for ATF approval if not approved by the 14th day, persons in Group 2 would need to cease traveling if ATF ultimately denies the travel. There is some possibility that people might hesitate to embark on such travel as planned due to that prospect, but ATF thinks this would be de minimis as people would have already accounted for that possibility and because it is extremely rare that such requests are denied.

⁸ ATF Current Processing Times, Average Processing Times for Applications Processed During November 2025, <https://www.atf.gov/resource-center/current-processing-times> [<https://perma.cc/27C7-JGG5>].

annual approval rate averaging 90 percent, as shown in Table 1.

Table 1. Annual Form 20 applications for short-term moves and approval rate

Year	Applications⁹	Approval rate
2020	6,471	86%
2021	5,584	89%
2022	5,745	92%
2023	7,878	93%
2024	8,173	91%
Average	6,770	90%

ATF expects this qualitative benefit for persons transporting firearms short-term to be tempered by the fact that a majority of owners of affected NFA firearms who travel with them for exhibitions, shows, contests, and shooting events, tend to be prepared and make arrangements well in advance. This means such individuals generally are not delayed by this application processing time. Similar expectations would apply to persons intending long-term or permanent domestic transportation as part of a move or other change in the item's stored location. However, ATF still expects this proposed rule to ease burdens generally by minimizing paperwork up front (see next paragraph) and enabling more flexibility without jeopardizing public safety.

Reduced time completing requests

ATF also believes the proposed rule will reduce the burden imposed by the current application form and submission process. The request currently takes approximately 45 minutes for an applicant to complete. Members of Group 1 would experience the benefit of eliminating this compliance burden altogether. In addition, the proposed rule would reduce the time burden for Group 2. While members of Group 2 would still submit a request under the proposed rule, the revised Form 20 for this purpose would take less time (15 minutes).

⁹ ATF notes that the number of applications to temporarily (short-term or long-term) transport firearms in foreign commerce is small. In 2025, as of July, there were 10,063 Form 20 applications submitted and only 35 of them were for transportation in foreign commerce. Additionally, a survey of the most recent Form 20 submissions found that two of 100 applications were for foreign transportation.

As shown above, under the reduced time and uncertainties portion of this analysis, the average annual request count for all requests to temporarily transport affected NFA firearms is 6,770, which ATF assumes would hold steady over the projection period. To quantify the number of applications both Groups 1 and 2 submit, ATF data shows that, of the total requests to temporarily transport, approximately 78 percent request to transport for under 365 days, while only 22 percent request to temporarily transport and relocate for more than 365 days in duration. Accordingly, of the multi-year average of 6,770, Group 1 (short-term temporary) would be 5,310 individuals, while Group 2 (long-term temporary) would constitute 1,460 individuals.

For purposes of this analysis, ATF estimates that the opportunity costs of completing a request to transport such firearms is based on the person’s free time or “leisure time,” as ATF assumes that most, if not all, applicants would not complete these requests during their work time. ATF relied on the Department of Health and Human Services’ (“HHS”) methodology for calculating leisure wages,¹⁰ and ATF used the Bureau of Labor Statistics’ (“BLS”) median weekly income for full-time employees as the base from which to calculate the pre-tax hourly wage. ATF then used the proportion between Census publications on median household income and median household income after taxes to estimate the percent of state and federal taxes (14 percent). This percent was deducted from the hourly pre-tax wage to derive the post-tax hourly wage, which becomes the leisure wage under the HHS methodology. Table 2 outlines the leisure wage.

Table 2. Leisure wage rate for individuals

Inputs for leisure wage rate	Numerical inputs	Source
Median weekly wage	\$1,214	News Release, BLS, <i>Usual Weekly Earnings for Wage and Salary</i>

¹⁰ U.S. Dep’t of Health and Human Servs., *Valuing Time in the U.S. Department of Health and Human Services Regulatory Impact Analyses: Conceptual Framework and Best Practices* 40–41 (June 2017), <https://aspe.hhs.gov/sites/default/files/private/pdf/257746/VOT.pdf> (last visited April 22, 2026).

		<i>Workers</i> , third quarter 2025 https://perma.cc/PK8F-SSMK
Median hourly wage	\$30.35	\$1,214 median weekly wage / 40 hours a week = \$30.35
Real median household income pre-tax	\$83,730	U.S. Census Bureau, <i>Median Household Income</i> , 2025 https://perma.cc/RU47-LLBX
Real median household income post-tax	\$72,330	U.S. Census Bureau, <i>Median Household Income</i> , post-tax spreadsheet, 2025 https://perma.cc/M33M-EWY7
State and federal taxation	86 percent	\$72,330 post-tax income / \$83,730 pre-tax income = .86 net household income rate
Leisure wage	\$26.10	\$30.35 hourly non-leisure wage * .86 net household income rate = \$26.10 hourly leisure wage
Rounded leisure wage rate	\$26.00	

Based in part on HHS’s methodology for leisure time, ATF attributes a rounded value of \$26 per hour, and a per-request cost of \$19.50 for Group 1’s time spent completing the required paperwork (45 minutes) before temporarily transporting affected NFA firearms short-term. ATF projects that there would also be similar cost savings for Group 2, due to technological changes enabling eForms and recent and ongoing revisions to the request process. Members in this group would only have their time burden reduced, not eliminated, since they would still be required to submit Form 20 and wait 14 days from when they submit it before being able to transport. Those changes would reduce the current time of 45 minutes to 15 minutes, thereby saving 30 minutes on each request. The cost savings from reducing the time by 30 minutes (.5 hours) is \$13 per request (\$26 hourly leisure wage * .5 hours).

Table 3 outlines the estimated costs that owners of affected NFA firearms would save per year — on requests to temporarily transport affected NFA firearms (short-term or long-term) — as a result of the proposed rule.

Table 3. Cost of requests to temporarily transport affected NFA firearms

Cost item	Number of requests	Hourly burden	Hourly wage rate	Hourly cost	Average annual requests	Rounded cost
Completing request - Group 1	1	0.75	\$26	\$19.5	5,310	\$103,545
Completing request - Group 2	1	0.5	\$26	\$13	1,460	\$18,980
Total						\$122,525

Overall, ATF estimates that the proposed rule would save persons in Group 1 and Group 2 approximately \$122,525 annually, due to the reduced time they would spend completing and submitting requests, making the 10-year savings from this proposed rule approximately \$1.23 million.

3. Costs

ATF does not expect the proposed rule to result in any quantifiable or monetized cost in the form of financial burdens to the affected population of affected NFA firearm owners or other groups. There are, however, potential qualitative costs.

For example, by no longer requiring that ATF first ensure the requested travel is compliant with state and local laws before approving interstate transportation, individuals themselves may need to ensure their proposed transportation is lawful, potentially adding both burden and risk to such travel as they might not understand state and local law, might not realize they should check it ahead of time, or might believe federal law supersedes state or local law. The same is true with respect to tribal law.

4. Regulatory alternatives

Alternatives 1 and 2. Retaining the status quo or issuing guidance.

ATF considered continuing the status quo, requiring ATF approval before travelling with affected NFA firearms across State lines. This is also known as the no-action alternative and was rejected as it would continue to impose unnecessary burdens

on the public without commensurate benefits. ATF also considered issuing guidance (a ruling or open letter) on the subject but determined that neither option was an appropriate long-term alternative because the regulatory requirements would remain in effect or would be in conflict with guidance. The current process of submitting a request and waiting for ATF approval is hampering individual travel plans, the impact of the proposed changes on public safety would be de minimis, and the current requirements are regulatory, so must be adjusted via rulemaking.

Alternative 3. Streamlining or modernizing the request process.

ATF also considered taking actions to streamline the process and make it more efficient, instead of pursuing rulemaking. ATF considered actions such as making the forms easier to file and receive (e.g., by using eForms and making the forms less burdensome) and has already improved the current process's efficiency, as discussed under sections I and II of this preamble. And ATF continues to work on ways to further streamline and increase efficiency. However, some improvements can easily be affected by other bandwidth or capacity conditions that create downstream delays and inconveniences. For example, ATF's systems for processing applications are extremely old and, even with people working overtime to process such applications, there are times when so many are submitted that the system cannot continue processing at the usual pace. The number of users slows down the system, which can sometimes cause delays that impact how quickly a person receives a response from ATF. The proposed rule would instead offer members of the public the ability to bypass waiting for ATF approval if their circumstance necessitates it, but it would not prohibit using the existing process if they prefer.

B. 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. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. This proposed rule would provide qualitative benefits and generate savings of more than \$122,000 per year, or \$1.23 million in ten years, by eliminating or changing the requirement to apply to transport a person's NFA firearms to ATF and await ATF's approval before traveling. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined in OMB Memorandum M-25-20 as a final action that imposes total costs less than zero).

C. 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 proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would 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 proposed rule would 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.

E. Executive Order 12988

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

F. Regulatory Flexibility Act

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

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. ATF estimates that this proposed rule would provide savings for NFA firearm owners, as well as qualitative benefits. Furthermore, this proposed rule is deregulatory and would not impose any additional costs.

G. Unfunded Mandates Reform Act of 1995

This proposed 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 would 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.

H. 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 proposed rule would create the need to revise an existing information collection covered under the PRA. The title (which ATF is proposing to revise to clarify the new scope) and description of the information collection, a description of those who provide the information, and an estimate of the total annual burden under the proposed changes follow. The estimate reflects a reduction in the number of respondents requesting to temporarily transport affected NFA firearms across state lines (to remove all persons currently required to apply to transport firearms short-term) and a reduction in hourly burden from 45 minutes to 15 minutes (due to technological developments and a more streamlined process) to complete a request.

Title: Application to Transport Interstate or Temporarily Export Certain National Firearms Act (NFA) Firearms

OMB control number: 1140-0010

Summary of the information collection: This information collection requires that persons must submit ATF Form 5320.20, Application to Transport Interstate or Temporarily Export Certain National Firearms Act (NFA) Firearms (“Form 20”), to ATF prior to transporting certain NFA firearms (destructive devices, machine guns, short-barreled shotguns, short-barreled rifles) in interstate commerce long-term (for more than 365 days) or permanently. An applicant must also submit Form 20 before temporarily

exporting such firearms outside the country in foreign commerce.

Need for and proposed use of information: Tracking the location of certain types of firearms being moved long-term or permanently within the United States, or exported temporarily outside the United States, to comply with statutory requirements.

Description of the respondents: Persons who possess the designated kinds of NFA firearms

Number of respondents: Currently in inventory: 20,000. If the proposals in this rule are finalized as proposed: 9,361

Frequency of response: As needed

Burden of response: Current: 45 minutes. Stemming from this rule: 15 minutes per response.

I. Congressional Review Act

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

IV. Public Participation

A. Comments sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140-AA89 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C. of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you

submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on <https://www.regulations.gov>. However, if you include such personally identifying information (“PII”) in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B. of this preamble, “Confidentiality,” regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking’s administrative record but will not publish such documents on <https://www.regulations.gov>. ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with “CUI//PRVCY” at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140-AA89. For

comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (“CUI”), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked “CUI//PROPIN” at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments

to ATF via the federal e-rulemaking portal at <https://www.regulations.gov> and follow the instructions. Comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that is provided after you have successfully uploaded your comment.

- *Mail:* Send written comments to the address listed in the ADDRESSES section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, "Confidentiality."

D. Request for hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal at <https://www.regulations.gov> (search for RIN 1140-AA89).

Severability

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event this proposed rule is finalized, if any provision of that final rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the

amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of subjects in 27 CFR part 478

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

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

1. The authority citation for 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).

2. Revise § 478.28, including its heading, to read as follows:

§ 478.28 Transporting destructive devices and certain firearms.

(a) *Transporting in interstate commerce.* The Director specifically authorizes individuals to transport in interstate commerce any machine gun (as defined in 26 U.S.C. 5845(b)), short-barreled rifle, short-barreled shotgun, or destructive device, provided the individual meets the following conditions:

(1) The firearm is properly registered to that individual in the National Firearms Registration and Transfer Record (NFRTR);

(2) The individual is going to a place where the individual may lawfully possess the firearm;

(3) The firearm is being transported for a lawful purpose; and

(4) The individual carries, in paper (original or copy) or electronic form, the firearm's NFA permit to prove it is registered to the individual in the NFRTR.

(b) *Short-term interstate transportation.* If the individual is transporting an NFA firearm as authorized under paragraph (a) of this section for short-term purposes (i.e., 365 days or fewer), the Director authorizes such short-term transportation without notifying ATF.

(c) *Pass-through interstate transportation.* If, during the course of transporting a firearm as authorized under paragraph (a) of this section, the individual passes through a jurisdiction that prohibits the firearm, the Director authorizes such pass-through transportation, provided the individual is transporting the firearm in compliance with 18 U.S.C. 926A (interstate transportation of firearms).

(d) *Common/contract carrier interstate transportation.* If the individual transporting the firearm under paragraph (a) of this section uses a common/contract carrier, the individual must provide the common/contract carrier with a copy of the firearm's NFA permit to prove it is registered to the individual in the NFRTR. Providing this permit also satisfies the notice requirements of 18 U.S.C. 922(e).

(e) *Long-term or permanent interstate transportation.* If the individual is transporting the firearm under paragraph (a) of this section for purposes of a long-term (more than 365 days) or permanent move, the individual must notify ATF on a form designated by the Director fourteen days prior to the move and is authorized to initiate the move 14 days thereafter, except that:

(1) Such individuals may not initiate the move if, before they do so, the Director rescinds the authorization to transport the firearm because transporting or possessing the firearm would place them in violation of law; and

(2) If exigent circumstances preclude individuals from providing fourteen days' notice to ATF before initiating the move, they must:

(i) Submit the notice as soon as practicable, informing ATF that they have moved (or are about to move) the firearm; and

(ii) Comply with any directions provided by the Director that are necessary to ensure that possessing the firearm in the new location remains in compliance with law.

(3) If a person transports a firearm under paragraph (a) of this section for short-term purposes, which later materializes into a long-term or permanent move, then the person must provide notice under paragraph (f) within seven days of learning of the changed circumstances. The person must comply with any directions subsequently received from the Director to ensure that possessing the firearm remains in compliance with law.

(f) *Long-term/permanent move notice elements.* The notice identified in paragraph (e) of this section must include the following:

(1) Registered owner's identification information and a description of the firearm sufficient to locate it in the NFRTR;

(2) Whether the move involves transferring the title;

(3) Purpose for transporting the firearm;

(4) Approximate transportation start- and end-dates;

(5) Transportation mode (including, if by common/contract carrier, the name and address of such carrier);

(6) Current location of the firearm and the new place to which it will be transported and stored; and

(7) Evidence that transporting or possessing such firearm is not inconsistent with the laws at the destination.

(g) *Temporary transportation in foreign commerce.* An individual temporarily transporting a firearm described in paragraph (a) of this section in foreign commerce (i.e., exporting or transporting out of the United States) must file the notice described in paragraphs (e) and (f) of this section. Individuals must not transport such firearms in foreign commerce until they have received approval from the Director. To permanently

export NFA firearms, see 27 CFR 479 subpart H.

(h) *Relief from other requirements.* Authorization granted under this section does not carry or import relief from any other statutory or regulatory provision relating to firearms, including state or local laws that may restrict or prohibit the firearms enumerated in 18 U.S.C. 922(a)(4).

(i) *Transportation by federal firearms licensees.* This section may not be construed as requiring licensees to obtain authorization to transport machine guns, short-barreled rifles, short-barreled shotguns, and destructive devices in interstate or foreign commerce, provided the licensee meets the following conditions:

(1) In the case of a licensed importer, manufacturer, or dealer, the licensee is qualified under the National Firearms Act and this part to engage in the business with respect to the firearms being transported (*see also* part 479 of this chapter); or

(2) In the case of a licensed collector, the firearm being transported is a curio or relic.

Robert Cekada,

Director.

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