

ALERT

ATF Announces Historic Firearms Regulatory Reform Package Emphasizing Modernization and Burden Reduction

May 1, 2026

On April 29, 2026, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) released a coordinated package of proposed and final regulatory actions that together represent the most significant firearms regulatory reform effort in U.S. history. Collectively, the actions are intended to modernize legacy regulatory requirements, reduce administrative burdens on regulated entities, and provide greater clarity in several historically unsettled areas of firearms law.

The package spans a wide range of regulatory topics, including firearms transaction recordkeeping, Federal Firearms Licensee (FFL) operations, import and export procedures, and compliance with the National Firearms Act (NFA), Gun Control Act (GCA), and Brady Handgun Violence Prevention Act (Brady). Many of the proposals seek to align ATF's regulations with current business practices, existing technological capabilities, and recent judicial and statutory developments, while retaining core statutory safeguards.

At the signing ceremony at the U.S. Department of Justice on April 29, Acting Attorney General Todd Blanche made clear that many additional regulatory actions were still to come, including a **review of the "Sporting Purpose" import restrictions.**

Summaries of most of the principal actions are set forth below. Additional measures can be found on the ATF website. As details of these rulemakings are released, we plan to update you expeditiously.

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Practice Areas

Export Controls and Economic Sanctions
International Trade
National Security

MODERNIZATION EFFORTS

- **Revising Form 4473 (Proposed Rule):** Overhauls Form 4473 and implementing rules to reflect current business practices: streamline identity/residency verification, extend National Instant Criminal Background Check System (NICS) validity, clarify exceptions, allow electronic notice, and enable electronic forms, auto-population, and digital attachments – while incorporating ATF rulings/guidance and technical fixes.
- **Electronic Record-Keeping (Proposed Rule):** Codifies electronic creation, maintenance, and storage of required FFL records (including Forms 4473 and Acquisition and Disposition (A&D) records), standardizing practices previously permitted via variances, and supporting tracing and investigations while reducing paperwork burden.
- **Records Retention Periods (Proposed Rule):** Replaces indefinite retention period from the Frame or Receiver Rule with defined retention periods for Forms 4473 and A&D records (ATF is weighing 20 vs. 30 years and seeking comment), applies a similar period to ATF’s Out-of-Business Records Center, and introduces shorter retention windows for specified record categories (g., certain reports and incomplete transactions).
- **FFL “eZ Check” Verification for Transfers (Direct Final Rule):** Drops the requirement that FFLs obtain certified paper copies from the recipient FFLs for transfers, and instead allows for use of ATF’s public eZ Check system. This also removes an obsolete 45-day grace period tied to expired licenses.
- **Revising Non-Over-the-Counter Firearms Transaction Requirements (Proposed Rule):** Updates “Ship to Home” transaction rules for same-state sales to reflect improved methods of securely verifying photo ID, aiming to make compliance with GCA/Brady requirements more efficient without relaxing background check and identification safeguards.

BURDEN REDUCTION

- **Loosening Form 20 Requirement for Interstate Transport of NFA Firearms (Proposed Rule):** Eliminates the need to provide advance notice or await approval for short-term interstate transport (365 days or fewer) of lawfully registered NFA firearms. For example, travel to another state with an SBR will no longer require a Form 20, provided the travel is complete within a year. Travel that extends beyond one year, or permanent relocation, would still require notice, but approval would not be required before travel.
- **Joint Registration for Spouses Under the NFA (Proposed Rule):** Allows married couples to jointly apply as makers/transferees and jointly possess NFA firearms without establishing a trust; transfers between spouses under a joint registration would not be treated as separate NFA transfers.
- **Removing CLEO Notification Under the NFA (Proposed Rule):** Eliminates the requirement to forward copies of NFA applications and Responsible Person Questionnaires to local chief law enforcement officers (CLEOs), citing long-standing legal challenges and limited public safety impact.

- **Clarifying Interstate Transportation Protections under the GCA (Proposed Rule):** Clarifies federal preemption protections for gun owners when traveling through states with strict firearms laws. The proposed rule would treat routine, reasonably necessary travel activities (overnight stops, maintenance, refueling, emergencies, medical treatment) as part of “transport” covered under Firearm Owners Protection Act protections, and update related requirements on ammunition/accessories and securing firearms during transit.
- **Transferring Machine Guns Between Qualified Licensees (Proposed Rule):** Simplifies machine-gun transfer requirements in two narrow contexts – government demonstrations and business discontinuation – while aligning regulations with statutory authority and maintaining NFA controls and licensing safeguards. Additionally, FFL Dealers would now also be able to acquire machine guns from FFLs that are discontinuing business.
- **Clarifying Special (Occupational) Tax Payments per Business Activity (Proposed Rule):** Clarifies that a single Special Occupational Taxpayer fee is owed per business activity (manufacturing/importing/dealing) at a location, regardless of the number of GCA licenses held for that activity at the same location.

REPEALING RULES

- **Removing Factoring Criteria for Firearms with Attached “Stabilizing Braces” (Proposed Rule):** Formally unwinds the 2023 stabilizing brace rule in response to multiple federal court rulings – including *FRAC v. Garland*, 112 F.4th 507 (8th Cir. 2024), a case successfully litigated by a team of Wiley attorneys – and removes regulatory text ATF describes as largely unenforceable, restoring definitions aligned with statutory terms.
- **Revising Regulations Defining “Engaged in the Business” as a Dealer (Proposed Rule):** Rescinds certain regulatory provisions added to the “engaged in the business” definition that ATF says did not produce expected enforcement metrics, while preserving the Bipartisan Safer Communities Act statutory definition enacted by Congress.

CLARIFYING RULES

- **Firearm Activities in Foreign Trade Zones and Customs-Bonded Warehouses (Proposed Rule):** Expands what activities can be conducted in a Foreign Trade Zone (FTZ) and Customs Bonded Warehouses (CBWs), beyond just storage and destruction – reducing uncertainty for trade-environment operations.
- **Importing Dual-Use Frames, Receivers, or Barrels (Proposed Rule):** Permits importation of dual-use barrels, frames, and receivers where an identified sporting configuration exists at the time of import, and clarifies that once lawfully imported, those components may be used in sporting, non-sporting, or

NFA-regulated builds, subject to other applicable laws.

- **Converting Temporary to Permanent Imports for Defense Articles (Proposed Rule):** Creates a formal process to convert a temporary import to permanent status via an ATF Form 6 submission when the temporary authorization expires or is otherwise no longer operative – addressing a regulatory gap that currently forces re-export, re-import, or destruction.
- **Allowing Form 1 Makers to Adopt Certain Markings for NFA Firearms (Proposed Rule):** Lets makers who modify existing firearms rely on original manufacturer/importer markings rather than adding duplicative markings, codifying a variance-based practice while maintaining statutory marking requirements.
- **Clarifying Exceptions to the Brady Act Background Check Requirement (Proposed Rule):** Tightens and clarifies when state permits substitute for NICS by requiring confirmation that the permit is valid and unexpired and that the underlying state statute meets congressionally set criteria.
- **Definition of Business Premises (Proposed Rule):** Defines “business premises” to include adjoining/adjacent properties (including those connected by common parking lots, sidewalks, or roads), addressing multi-parcel operations and standardizing licensing determinations.
- **Straw Purchases Clarification (Proposed Rule):** Clarifies standards around straw purchases and identifies transactions not treated as straw purchases, aiming to provide clearer guidance for licensees while supporting enforcement against true straw purchase activity.
- **Creating a Definition of “Willfully” for Firearms Violations (Proposed Rule):** Defines “willfully” for GCA violations in the licensing enforcement context (revocation/suspension/civil penalties) to reflect the U.S. Supreme Court’s *Bryan v. United States* standard: knowledge that conduct is unlawful, even without awareness of the specific statutory provision.

Wiley has a robust National Security Practice, which includes issues arising from the ATF, the Bureau of Industry and Security, the Directorate of Defense Trade Controls, and related export control laws and regulations. Should you have any questions about this alert, U.S. export controls, or any other national security-related issues, please do not hesitate to contact the attorney listed on this alert.

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