

word “Part” from the parenthetical and adding in its place the word “part”; and adding “or the entry clearance requirements for temporary imports maintained by the Department of Commerce (see 15 CFR 758.10)” at the end of the second sentence.

#### § 447.53 [Amended]

■ 3. Revise § 447.53 to read as follows:

##### 447.53 Exemptions.

(a) The provisions of this part are not applicable to:

(1) Importing by the United States or any agency thereof;

(2) Importing components for items being manufactured under contract for the Department of Defense; or

(3) Importing articles (other than those which would be “firearms” as defined in 18 U.S.C. 921(a)(3)) manufactured in foreign countries for persons in the United States pursuant to Department of State or Department of Commerce approval.

(b) Any person seeking to import articles on the U.S. Munitions Import List as exempt under paragraph (a)(2) or (3) of this section may obtain release of such articles from Customs and Border Protection (“CBP”) custody by submitting, to the CBP officer with authority to release, a statement claiming the exemption accompanied by satisfactory proof of eligibility. Such proof may be in the form of a letter from the Departments of Defense, State, or Commerce, as the case may be, confirming that the person has met the conditions of the claimed exemption.

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

■ 4. The authority citation for part 479 is revised to read as follows:

**Authority:** 26 U.S.C. 5801–5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

#### § 479.122 [Amended]

■ 5. Revise § 479.122 paragraph (b) to read as follows:

##### § 479.122 Requirements.

\* \* \* \* \*

(b) Persons engaged in the business of exporting firearms caliber .22 or larger are subject to the requirements of a license issued by, or other authorization from, the Secretary of State or Secretary of Commerce. Prior to exporting such firearms, persons intending to export them should register with the Department of State, Directorate of Defense Trade Controls (DDTC), <https://www.pmdtcc.state.gov>, or apply for an export license to the Department of

Commerce, Bureau of Industry and Security, <https://www.bis.gov/>, depending on the relevant export control list. Any such person should also comply with the terms and conditions of an applicable Department of State exemption or Department of Commerce license exception prior to exporting such firearms.

**Robert Cekada,**

*Director.*

[FR Doc. 2026–08927 Filed 5–5–26; 8:45 am]

**BILLING CODE 4410–FY–P**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms, and Explosives

#### 27 CFR Part 478

[Docket No. ATF–2026–0009; ATF No. 2025R–32D]

**RIN 1140–AA61**

#### Licensee “eZ Check” Verification for Transfers

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

**ACTION:** Direct final rule.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) is amending Department of Justice (“Department”) regulations to allow federal firearms licensees (“FFLs”) that are transferring a firearm to another FFL to verify the transferee FFL’s license through ATF’s publicly available “FFL eZ Check” system, as an alternative to the current requirement to obtain a certified copy of the transferee’s license. Additionally, because the eZ Check system is accessible, free to use, and updated regularly, this rule removes the now-unnecessary provision that allows a transferor to rely on a certified list provided by a multi-licensed organization for up to 45 days to make transfers to licensees operated by such organization.

**DATES:** This direct final rule is effective on August 4, 2026, unless significant adverse comments are received by June 5, 2026. If ATF receives a significant adverse comment within the stated time that warrant revising the rule (as described under the “Public Participation” heading in the **SUPPLEMENTARY INFORMATION** section of this regulation at Part IV of this preamble), ATF will publish a notice in the **Federal Register** withdrawing the rule before the effective date. Commenters should be aware that the <https://www.regulations.gov> 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–AA61, 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: ATF RIN 1140–AA61.*

*Instructions:* All submissions must include the agency name and number (RIN 1140–AA61) for this direct final 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. 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](mailto: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.<sup>1</sup> 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).<sup>2</sup> Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

The GCA at 18 U.S.C. 922(b)(3) makes it unlawful, with some exceptions, for a licensed importer, manufacturer, dealer, or collector to sell or deliver a firearm to any person who does not reside in (or, if the person is a corporation or other business entity, that does not maintain a place of business in) the state in which the licensee’s business premises is located. Further, licensees must conduct a background check and maintain records (e.g., acquisition and disposition records, Firearms Transaction Record, ATF Form 4473) before transferring a firearm to a non-licensee. See 18 U.S.C. 922(t), 923(g); 27 CFR 478.102, 478.121–125.

Consequently, to sell a firearm to a non-licensee who resides in a different state, a licensee must first ship the firearm to another licensee who has business premises located in the same state as the non-licensee. To facilitate lawful transfers via shipments between firearms licensees, the Department promulgated regulations at 27 CFR 478.94, which provide that a licensed

importer, manufacturer, or dealer selling or disposing of firearms, and a licensed collector selling or disposing of curios or relics, to another licensee must, with certain exceptions, verify the identity and licensed status of the transferee prior to the transaction. Further, the regulations provide that such verification must be established by the transferee furnishing a certified copy of its federal firearms license to the transferor. Under § 478.95, a licensee may reproduce its original license and certify the reproduction to verify its licensed status for transfers under § 478.94, or the licensee may request a certified copy of its license from ATF for a nominal fee.

### II. Direct Final Rule

In 2002, ATF launched the FFL eZ Check system, which was designed to allow an FFL that has a copy of another FFL’s license to verify or authenticate the license prior to shipping or transferring a firearm(s) to that FFL.<sup>3</sup> The regulations at § 478.94 still require the licensee to first obtain a certified copy of the transferee’s license and do not permit the licensee to use the eZ Check system as a substitute for obtaining that copy. There is no cost for FFLs to use this system.

Even though the system was originally designed as a means to verify that a license copy was valid, it can also be used to verify that a licensee has a current and valid license without needing to compare the system information to a copy. Because this system has been widely available, and because a high number of FFLs use modern technologies to conduct their business, ATF is amending § 478.94 to allow transferor licensees to verify that a transferee FFL has a current and valid license through the FFL eZ Check system without first obtaining a certified copy of the license. The transferor FFL would need only the transferee’s FFL number to confirm that the transferee’s license is active. Under this rule, the license number, expiration date, and address verified through FFL eZ Check must match the information the transferee provides at the time of the transaction. ATF is not removing the option to verify a transferee’s license by obtaining a certified copy, so licensees can elect either method to comply with the regulation’s verification requirements.

The eZ Check alternative method modernizes the license verification process, reduces the need to share paper

copies of licenses between FFLs, and streamlines compliance without diminishing regulatory integrity. It also reduces costs to licensees because the eZ Check system is publicly available and free.

Since FFLs can easily use the eZ Check system, this rule also removes from § 478.94 the provision that permits a transferor to rely on a certified list (in lieu of a certified copy of each license) from a multi-licensed business organization to sell or dispose of a firearm to licensees on such list because it is unnecessary.

In addition to these changes, this rule makes minor structural changes in § 478.94 to improve readability by splitting the regulation into paragraphs. Thus, under this rule, paragraph (a) explains the regulatory requirements, paragraph (b) describes how to verify licenses, and paragraph (c) discusses when verification is not required.

### III. Statutory and Executive Order Review

#### A. Administrative Procedure Act

Under 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (“APA”), an agency may forgo notice and comment when the agency for good cause finds such procedures impracticable, unnecessary, or contrary to the public interest. Agencies may dispense with the APA’s notice-and-comment requirements as unnecessary in situations in which the rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public. *Util. Solid Waste Activities Grp. v. E.P.A.*, 236 F.3d 749, 755 (D.C. Cir. 2001). This formulation is consistent with the explanation of the “unnecessary” prong of the good cause exemption that the Attorney General issued contemporaneously to the APA. See Dep’t of Justice, Attorney General’s Manual on the Administrative Procedure Act 31 (1947) (explaining that “unnecessary” refers to a “minor rule or amendment in which the public is not particularly interested”).

This rule allows FFLs to use the FFL eZ Check system, which is free, to verify the validity of another licensee’s license prior to transferring a firearm, in lieu of needing to request from the transferee licensee a certified copy of the transferee’s license. These changes are beneficial to both the industry and ATF. ATF does not anticipate controversy or significant comments on making these changes to allow electronic verification as an option because this online system has been available since 2002 and is familiar to the industry, and because it

<sup>1</sup> Some GCA provisions still refer to the “Secretary of the Treasury.” However, the Homeland Security Act of 2002, Public Law 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 rule refers to the Attorney General where relevant.

<sup>2</sup> 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 GCA, National Firearms Act, 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.

<sup>3</sup> ATF, *FFL eZ Check Application* (last reviewed Sep. 8, 2025), <https://www.atf.gov/firearms/ffl-ez-check-application> [<https://perma.cc/6HKK-Z4BT>].

is not required; licensees may still request certified copies if they prefer. This rule merely updates ATF's regulations to make existing technological options available to the industry, thereby providing more flexibility for regulated parties. However, ATF is nonetheless providing a full opportunity for notice and comment. Prior to the effective date of this rule, ATF will consider any significant adverse comments we receive and will withdraw the rule, if necessary, to address them. Thus, ATF finds, for good cause, that it is unnecessary to first publish a notice of proposed rulemaking for this rule.

In Recommendation 95–4, the Administrative Conference of the United States (“ACUS”) endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are not controversial and that are not expected to generate significant adverse comment.<sup>4</sup> The direct-final-rule process allows an agency to issue a rule that it believes to be noncontroversial “without having to go through the review process twice . . . while at the same time offering the public the opportunity to challenge the agency’s view that the rule is noncontroversial.”<sup>5</sup> ACUS recommended that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with this recommendation, ATF is updating 27 CFR 478.94 through a direct final rule because this rule makes noncontroversial changes, and ATF does not expect to receive any significant adverse comments.

Unless we receive a significant adverse comment that warrants revising the rule by June 5, 2026, this rule will become effective on August 4, 2026. If any timely significant adverse comments are received, ATF will publish a notice in the **Federal Register** withdrawing this direct final rule before its effective date. See section IV.A of this preamble on “Comments sought” for a description of what is considered a significant adverse comment.

#### 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.

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 Order 12866 and 13563.

This final rule amends 27 CFR 478.94 to allow FFLs to use ATF’s eZ Check system to verify another licensee’s information prior to transferring a firearm, as an alternative to obtaining a certified copy of the transferee’s license. This rulemaking provides qualitative benefits to the industry by providing more flexibility with respect to statutory and regulatory compliance. ATF also expects this rule to produce monetary savings for industry because FFLs will no longer need to expend time of funds to obtain certified copies of their licenses when dealing with each other since using FFL eZ Check is faster and more efficient. According to ATF’s Federal Firearms Licensing Center, as of December 23, 2025, there were 45,605 active dealer FFLs (Type 01). However, ATF has no data on how many of these licensees engage in transfers with other licensees that will be impacted by this rule, nor any data on the number of such transfers in which each licensee might engage. Licensees do not report this information to ATF. For purposes of this analysis, therefore, ATF uses an illustrative assumption that 50 percent of these dealers currently engage in a single firearm transfer that will be affected by this rule each year. Assuming these FFLs use the eZ Check system instead of continuing to rely on certified copies, each FFL will save approximately \$1 on paper and postage that would have been spent to obtain and send a certified copy of a license. This change in FFL practice would result in an estimated 22,803 FFLs realizing a cost savings of at least \$1 per year, which results in an estimated \$22,803 in cost savings per year.

Next, ATF estimates that copying licenses, mailing them to licensees’ counterparts, and certifying the copies takes approximately one hour per transaction. By eliminating the time spent on these tasks, this rule reduces compliance burdens by an estimated 22,803 hours in time burden as well. ATF estimates that an FFL retail salesperson handles these tasks and is paid an hourly wage rate of \$17.64 per

hour.<sup>6</sup> To account for fringe benefits such as insurance, ATF calculated a load rate based on total hourly compensation (average \$45.03 for 2024)<sup>7</sup> and divided the average total compensation by the average hourly wages and salaries (average \$31.10 for 2024),<sup>8</sup> resulting in a load rate of 1.45.<sup>9</sup> Multiplying the estimated hourly wage rate for an FFL (\$17.64) by the load rate of 1.45, ATF estimates that an FFL will save a rounded \$26 in loaded monetized time per hour.

In total, if 22,803 FFLs complete a single transfer per year, as estimated above, and each saves an hour per transfer, FFLs may be able to save \$592,878 in total monetized time savings per year under this illustrative example. When added to the saved postage and paper costs of \$22,803, ATF estimates the industry will save a total of \$615,681 per year under this final rule under this illustrative example. This rule will not create any costs or additional time burdens.

#### 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 as defined in 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 final rule is not an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it does not impose total costs greater than zero. This rule is an Executive Order 14192 deregulatory action (defined OMB Memorandum M–25–20 as a final action

<sup>6</sup> U.S. Bureau of Lab. Stats., *Occupational Employment and Wages, May 2023: 41–2031 Retail Salespersons*, <https://www.bls.gov/oes/2023/may/oes412031.htm> [<https://perma.cc/Z38C-9YEE>].

<sup>7</sup> U.S. Bureau of Lab. Stats., *Total compensation cost per hour worked for private industry workers (2024)*, <https://data.bls.gov/dataViewer/view/timeseries/CMU201000000000D> [<https://perma.cc/T2ZL-2UUB>].

<sup>8</sup> *Id.*

<sup>9</sup> 1.45 load rate = \$45.03 total hourly compensation/\$31.10 hourly wages and salaries.

<sup>4</sup> Adoption of Recommendations, 60 FR 43108, 43110 (Aug. 18, 1995).

<sup>5</sup> 60 FR 43110–11.

that imposes total costs less than zero) because it provides the industry with more flexibility and cost savings by allowing members of the industry an alternative method to comply with statutory and regulatory requirements; as a result, they will no longer need to take time to request from ATF a copy of another licensee's license or make a certified copy of their own license for verification purposes.

#### *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 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 proposed rule will 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.

This rule is deregulatory and imposes no additional costs to the public because it provides FFLs a free, alternative method of verifying another FFLs license thus saving them time from having to request a certified copy from ATF; therefore, the Director certifies, after consideration, that this rule will not have a significant economic impact on a substantial number of small entities.

#### *H. Unfunded Mandates Reform Act of 1995*

This final 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.

#### *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 created by a rule 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 final 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.

### **IV. Public Participation**

#### *A. Comments Sought*

ATF requests comments on this direct final rule from all interested persons. Pertinent to this direct final rule, a significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including by identifying challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is significant in the following circumstances:

(1) The comment opposes ATF's assessment regarding the non-controversial nature of the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a

substantive response may be required when:

(a) The comment causes ATF to reconsider its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by ATF.

(2) The comment proposes a salient change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition; or

(3) The comment causes ATF to make a change (other than editorial or administrative changes) to the rule.

All comments must reference this document's RIN 1140-AA61 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-AA61. 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 it 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 30-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 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-AA61).

#### Severability

ATF has determined that this rule implements and is fully consistent with governing law. However, in the event any provision of this rule, an amendment or revision made by this 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 this rule, the amendments or revisions made by this 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 amends 27 CFR part 478 as follows:

#### PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. 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).

■ 2. Revise § 478.94 to read as follows:

#### § 478.94 Sales or deliveries between licensees.

(a) A licensed importer, manufacturer, or dealer selling or otherwise disposing of firearms, and a licensed collector selling or otherwise disposing of curios or relics, to another licensee must verify the identity and licensed status of the transferee prior to making the transfer, unless one of the exceptions under paragraph (c) of this section applies.

(b) Licensees must verify the transferee’s license under paragraph (a) of this section by:

(1) The transferee furnishing to the transferor a certified copy of the transferee’s license; or

(2) The transferor verifying the transferee’s license through ATF’s online Federal Firearms Licensee eZ Check system by ensuring that the transferee’s license number, expiration date, and business premises address in the eZ Check system match the information the transferee provides to the transferor at the time they arrange the transfer.

(c) Circumstances in which verification is not required:

(1) Once a transferee has complied with the verification required under paragraph (b) of this section, the transferor does not need to re-verify that transferee’s license for subsequent transfers with that transferee during the remaining term of the transferee’s current license.

(2) If a licensee is returning a firearm, either directly or through another licensee, to the licensee from which the licensee acquired the firearm, the returning licensee is not required to furnish a certified copy of its license, nor is the transferor required to verify the license through the eZ Check system, with respect to the returned firearm.

(3) Licensees that are part of a multi-licensed business organization are not required to verify each others' licenses when transferring firearms between such licensees operated by such organization.

**Robert Cekada,**  
*Director.*

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms, and Explosives

#### 27 CFR Part 479

[ATF No. 2025R-21F]

RIN 1140-AA79

#### Conforming Change for Approving a Making Application

**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 to require that a National Instant Criminal Background Check System background check be performed as part of the approval process to make a National Firearms Act (“NFA”) firearm. ATF already conducts such background checks as part of its processing and this amendment to the regulation simply ensures that the regulations addressing NFA processes are consistent with the statutory requirements.

**DATES:** This rule is effective May 6, 2026.

**FOR FURTHER INFORMATION CONTACT:**

Office of Regulatory Affairs, by email at [ORA@atf.gov](mailto: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 National Firearms Act (“NFA”), as amended, 26 U.S.C. chapter 53.<sup>1</sup> Congress and the Attorney General

<sup>1</sup> Some NFA provisions still refer to the “Secretary of the Treasury.” However, the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135, transferred the functions of

have delegated the responsibility for administering and enforcing the 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).<sup>2</sup> Accordingly, the Department and ATF have promulgated regulations to implement the NFA in 27 CFR part 479.

The regulations in 27 CFR part 479 contain procedural and substantive requirements for importing, making, exporting, transferring, taxing, identifying, registering, and dealing in machine guns, destructive devices, and certain other firearms. The NFA applies to machine guns, shotguns having a barrel or barrels of less than 18 inches in length, rifles having a barrel or barrels of less than 16 inches in length, weapons made from a rifle with an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length, weapons made from a shotgun with an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length, silencers, destructive devices, and any other weapon as defined by the NFA (“NFA firearm”). 26 U.S.C. 5845(a).

Pursuant to 26 U.S.C. 5822(e), no person can make an NFA firearm unless they have obtained the Attorney General’s approval to make and register the firearm and the application form shows such approval. Applications must be denied if making or possessing the firearm would place the person making the firearm in violation of law.

The regulations that implement 26 U.S.C. 5822(e) are found at 27 CFR 479.64 (“Procedure for approval of application”) and 479.65 (“Denial of application”). Section 479.64 sets forth the process for ATF’s approval of the application and makes clear that the maker cannot make the firearm until the application has been approved and returned to the applicant with the approved stamp. The regulation at 27 CFR 479.65 includes the requirement that an application must be denied if

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.

<sup>2</sup> 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, Gun Control Act, 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.

making or possessing the firearm would place the maker in violation of law. However, these provisions contain no explicit guidance on how applications to make an NFA firearm (*i.e.*, ATF Form 5320.1, Application to Make and Register a Firearm (“Form 1”)) are to be evaluated to ensure that, pursuant to the statute, making or possessing the firearm would not place the person making the firearm in violation of law.

Another NFA regulation in 27 CFR part 479 that implements application processing procedures contains explicit guidance that is absent from 27 CFR 479.64. The statute at 26 U.S.C. 5812, which pertains to transferring an NFA firearm, states that an application to transfer an NFA firearm “shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.” The implementing regulation for 26 U.S.C. 5812 states, “[i]n addition to any other records checks that may be conducted to determine whether the transfer, receipt, or possession of a firearm would place the transferee in violation of law, the Director shall contact the National Instant Criminal Background Check System.” 27 CFR 479.86.

While both statutory provisions (26 U.S.C. 5812 and 5822) require that the respective applications to either make or transfer an NFA firearm be denied if making or transferring the firearm would place the individual in violation of law, currently it is only 27 CFR 479.86 that explicitly states that a National Instant Criminal Background Check System (“NICS”) background check must be performed as part of the application process, whereas 27 CFR 479.64 contains no such explicit requirement. Nevertheless, for both making and transfer applications, ATF currently contacts NICS to ensure individuals are not prohibited under the law from possessing a firearm.

#### II. Final Rule

To reflect current practice and track relevant language in § 479.86, this rule amends § 479.64 to require that a NICS background check be conducted by ATF as part of processing Form 1 applications to make an NFA firearm. This change is necessary to ensure that the Form 1 approval process meets the statutory requirement at 26 U.S.C. 5822 and is consistent across ATF regulations.

Section 479.86 currently provides: “An application, Form 4 (Firearms), to transfer a firearm shall be denied if the transfer, receipt, or possession of a firearm would place the transferee in violation of law. In addition to any other records checks that may be conducted to