



GUN OWNERS OF AMERICA

THE ONLY NO-COMPROMISE GUN LOBBY IN WASHINGTON



RE: Interstate Transport and Temporary Export of National Firearms Act Firearms

ADDRESSED TO

Office of Regulatory Affairs

Bureau of Alcohol, Tobacco, Firearms and Explosives

U.S. Department of Justice

Washington, DC 20226

SUBMITTED BY

Gun Owners of America

Gun Owners Foundation

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91 Fed. Reg. 25229 (May 8, 2026)



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RIN 1140-AA89

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Submitted by Gun Owners of America & Gun Owners Foundation.



GOA & GOF COMMENTS TO ATF ON THE INTERSTATE TRANSPR NPRM

GOA FEDERAL AFFAIRS | FORMAL COMMENTS ON RIN 1140-AA89 • 91 FED. REG. 25229 (MAY 8, 2026)

Re: *Interstate Transport and Temporary Export of National Firearms Act Firearms (RIN 1140-AA89)*

DOJ RULEMAKING

On May 8, 2026, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) published a notice of proposed rulemaking to “no longer require that persons transporting certain [National Firearms Act (“NFA”)] firearms within the United States for short-term purposes (365 days or fewer) submit notice to ATF and await approval before transporting” those firearms interstate. 91 Fed. Reg. 25229, 25229 (May 8, 2026) (“NPRM”).¹ Likewise, the NPRM proposes 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.” *Id.* As the NPRM acknowledges, “[t]he current individualized approval system for these purposes is unnecessary for any legitimate law enforcement purpose and has proven burdensome for both registrants and ATF.” *Id.* at 25230. The NPRM seeks public comment by August 6, 2026 on “the clarity of this proposed rule and how it may be made easier to understand,” as well as “the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.” *Id.* at 25235.

IDENTITY OF COMMENTERS

Gun Owners of America, Inc. (“GOA”) is a California non-stock corporation headquartered in Springfield, Virginia. Organized as a nonprofit membership organization under Section 501(c)(4) of the Internal Revenue Code, GOA was founded in 1976 with the mission to preserve, protect, and defend the Second Amendment rights of gun owners. Today, GOA represents the interests of more than two million members and supporters nationwide, and routinely lobbies and litigates to vindicate the right to keep and bear arms throughout the country.

Gun Owners Foundation (“GOF”) is a Virginia non-stock corporation headquartered in Springfield, Virginia. GOF is a nonprofit legal defense and educational foundation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. Supported by a national donor base, GOF provides essential legal services and educational resources to the firearms community. Its activities include strategic litigation and administrative advocacy, including the submission of comments such as these intended to safeguard the enumerated right of the people to keep and bear arms.

GOA and GOF have a direct interest in this rulemaking, which will affect many of their individual members and supporters who own NFA firearms. GOA and GOF are plaintiffs in *Silencer Shop Found. v. BATFE*, No. 6:25-cv-00056-H (N.D. Tex.),² a constitutional challenge to the NFA’s onerous registration requirements for untaxed NFA firearms following the enactment of the One Big Beautiful Bill Act. As GOA and GOF explained in that litigation, in order for a gun owner to legally acquire an NFA firearm,

1. See <https://www.govinfo.gov/content/pkg/FR-2026-05-08/pdf/2026-09161.pdf>.

2. See <https://www.courtlistener.com/docket/70709999/silencer-shop-foundation-v-bureau-of-alcohol-tobacco-firearms-and/>.

federal law “requires the collection of personal information akin to that obtained from an individual being arrested and charged with a crime.”³ Thus, GOA and GOF submit these comments to urge maximal reduction of the burdens the NFA unconstitutionally imposes on gun owners, until such time as it is either fully repealed or struck down in the courts.

SUMMARY OF COMMENTS

Because “[f]ederal regulation of the interstate traffic in firearms is not ... deeply rooted in history,” *United States v. Biswell*, 406 U.S. 311, 315 (1972), and because such interstate controls “exceed Congress’s enumerated power to regulate interstate commerce,” *United States v. Hemani*, 225 L. Ed. 2d 314, 332 (2026) (Thomas, J., concurring), the NFA’s restrictions violate the U.S. Constitution. However, so long as ATF’s unconstitutional statutory scheme continues, Commenters welcome and applaud ATF’s efforts to reduce regulatory burdens on gun owners. As the NPRM correctly notes, ATF’s outgoing system of approval for the interstate transport of NFA firearms is “an unnecessary regulatory hurdle” that “adds waiting time[] and transportation and planning uncertainty, ... provides little utility to ATF, and does little to alleviate risks to public safety...” NPRM at 25230. Indeed, Commenters’ members and supporters have made precisely the same observations, and it is high time for a change to be made. Thus, ATF should finalize this NPRM promptly and implement the regulatory changes proposed.

COMMENTS ON PROPOSED RULE

1. **Owners of NFA Firearms Are Overwhelmingly Law-Abiding, and the NPRM Correctly Seeks to Minimize ATF’s “Unnecessary Regulatory Hurdles.”**

With certain exceptions, federal law makes it unlawful “for any person ... to transport in interstate or foreign commerce any destructive device, machinegun[,] ... short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity.” 18 U.S.C. § 922(a)(4). For years, ATF has enforced this restriction by requiring owners of these affected NFA firearms to submit a request to transport their personal property interstate, regardless of the duration of their trip. See NPRM at 25230. The request form ATF promulgated, the “Form 20,” required gun owners to provide specific information in advance of their trips, and ATF regulations have prohibited gun owners from transporting their firearms prior to obtaining ATF’s preclearance to do so via the return of an approved Form 20. See *id.*

As the NPRM notes, ATF’s existing system of preapproval is more trouble than it is worth. Although the Form 20 allows ATF to verify NFA registration status and the legality of a gun owner’s proposed transport, “it is rare that individuals apply to transport affected NFA firearms into states in which the firearm is prohibited.” NPRM at 25230. Moreover, the “most common reason ATF [has] denied” gun owners’ submitted Forms 20 “[i]s for a technical error,” not “a substantive problem with transporting the firearm as requested.” *Id.* Add to that the simple fact that those seeking to transport their registered NFA firearms *already have cleared the NFA’s onerous registration requirements – and therefore have been vetted to be law-abiding* – and it becomes obvious that “public safety is not meaningfully improved by requiring persons to wait for ATF approval before traveling.” *Id.*

The NPRM’s conclusion is borne out by the numbers, the feedback of Commenters’ members and supporters, and ATF’s own Director. First, NFA firearms unquestionably are “in common use” today,⁴ with

3. <https://storage.courtlistener.com/recap/gov.uscourts.txnd.406278/gov.uscourts.txnd.406278.1.0.pdf> at ¶1.

4. See *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008).

many millions of examples owned nationwide.⁵ Gun owners use (and transport) these firearms every single day, overwhelmingly without issue. Second, Commenters' members and supporters wish to freely transport their personal property, emphasizing that Second Amendment rights do not end at their state line. And third, ATF Director Robert Cekada has rejected the notion, at least with respect to short-barreled firearms, that "if you own one of these firearms, you only own it to go kill people. ... These types of statements are not helpful...."⁶ In short, there is no reason to restrict the movement of firearms that everyone acknowledges are ubiquitously owned for lawful purposes. Thus, ATF should finalize this NPRM.

CONCLUSION

Commenters applaud ATF's efforts to eliminate its archaic and onerous system of individualized approvals for the interstate transport of NFA firearms. The NPRM's proposed system of blanket authorization for short-term transportation, and the provision of notice submission for long-term transportation or permanent relocation, will better allow gun owners to freely move their personal property interstate. Thus, although the NFA's restrictions are unconstitutional on their face, the NPRM is at least a step in the right direction.

Respectfully submitted,



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GUN OWNERS OF AMERICA

5. <https://www.atf.gov/media/22706/download> at 12.

6. <https://www.youtube.com/watch?v=MEJmuUXPoeg> at 18:15.