



NFA Guidance: Liberty and Justice For All



NATIONAL FIREARMS ACT

Equal justice under the law is a founding principle of this country. The law should apply to everyone. A citizen's rights should not depend on who could afford a lawyer or who filed a lawsuit. That's why DOJ and ATF have worked together to use the Department's enforcement discretion to ensure the injunction in *Silencer Shop Foundation v. ATF* applies to everyone, not just those covered parties.

The court decision held that certain provisions of the National Firearms Act were unenforceable, but only for certain covered parties. This creates complexity for you and for the ATF. Under this NFA guidance, the DOJ and ATF have discretion to apply this decision to all law-abiding Americans.

WHAT CHANGED

In its Open Letter from Oct. 9, 2026, ATF determined it will no longer enforce the requirements for individuals to apply and receive ATF approval before making or transferring short-barreled rifles, short-barreled shotguns, suppressors, and certain other concealable firearms known in the law as "any other weapons." ATF also will not enforce the NFA's registration, tax-stamp, or related requirements for those covered items.

WHAT DIDN'T CHANGE

Even with this guidance, several core federal requirements remain in effect:

- Prohibited persons remain prohibited. The Gun Control Act still bars certain individuals from possessing firearms. Nothing in this guidance alters those protections.
- State and local laws still apply. Many states restrict or prohibit short-barreled rifles, short-barreled shotguns, suppressors, or other regulated items. Federal discretion does not override state authority, and licensed dealers must comply with state law (18 U.S.C. § 922(b)(2)).
- Machine guns and destructive devices are unchanged. These items continue to require the full NFA process, including the \$200 tax. Congress's action did not affect them.
- Special occupational taxes (SOT) still apply. Importers, manufacturers, and dealers who deal in any NFA firearm must still pay their SOTs.
- For now, transporting a short-barreled rifle or short-barreled shotgun across state lines still requires an approved Form 20.
- Background checks continue for retail sales. Dealers must still complete Form 4473, conduct a NICS background check, and ensure prohibited persons do not receive firearms.
- ATF will continue accepting NFA Forms 1, 2, 3, and 4. Some owners may still want formal records or approvals, and ATF will continue to provide those services.
- Dealer transfers under § 922(b)(4). ATF is drafting regulations to address the gap in 18 U.S.C. § 922(b)(4). Until final rules are issued, ATF will not enforce that provision.