

Congress of the United States
Washington, DC 20515

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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-AA70

The Department of Justice (DOJ) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) play a critical role in protecting American communities from violent crime involving the illegal use of firearms. However, in April, the ATF announced over 30 new rules that will make significant changes to federal firearms regulations, threatening decades of progress in advancing public safety, supporting law enforcement, and ensuring the consistent administration of our federal firearms laws. One of these proposed rules entitled “Allowing Makers to Adopt Certain Markings for National Firearms Act Firearms” (RIN 1140-AA70, Docket No. ATF-2026-0005)¹ would permit certain individuals making NFA firearms using frames or receivers regulated under the Gun Control Act of 1968 (GCA) to rely on existing manufacturer markers rather than creating or applying their own maker-specific identifying information to the firearm.² While this proposal is purportedly intended to reduce regulatory burdens on those who make NFA weapons, it would weaken a longstanding system that both protects public safety and supports law enforcement investigations. We urge the ATF to consider the legal and practical consequences of this proposal and retain the existing maker-marking requirements.

Congress enacted the *National Firearms Act* (NFA) in 1934 to regulate particularly dangerous weapons, including short-barreled rifles and shotguns, silencers, machine guns, and destructive devices.³ Among numerous other statutory requirements, the NFA requires NFA firearms to be

¹ Allowing Makers to Adopt Certain Markings for National Firearms Act Firearms, 91 Fed. Reg. 24466 (May 6, 2026) (to be codified at 27 C.F.R. pt. 479).

² *Id.*

³ 26 U.S.C. § 5841.

identifiable and registered, which, in the event that such weapons are recovered in a crime or during the course of a criminal investigation, allows them to be traced.⁴ For NFA firearms, other than destructive devices, the statute clearly requires that a manufacturer, importer, and “anyone making a firearm” must identify the firearm with a serial number and “the name of the manufacturer, importer, or maker.”⁵ While the statute allows for additional identification markings to be added to “each firearm” through regulation, it provides no authority to promulgate regulations removing either of the preceding markings.⁶ For these reasons, ATF regulations have long required individuals who make an NFA firearm after receiving approval on an ATF Form 1 - “Application to Make and Register a Firearm” - to permanently⁷ engrave their name, city, and state in addition to the firearm’s existing serial number and manufacturer information.⁸

Under the proposed rule, individuals who convert an already-marked, GCA-regulated firearm into an NFA firearm – such as by shortening the barrel of a rifle to create a short-barreled rifle – would no longer be required to add their own identifying markings to the firearm. The ATF admits that this would create “an increased risk that this type of NFA firearm might not be traceable if the maker’s markings are not also included.”⁹ This risk doesn’t just undermine public safety, but also compromises law enforcement investigations because firearms tracing, as Director Cekada has said, is a “critical investigative tool.”¹⁰ If, as a result of this proposed rule, more firearms might not be traceable, there will be less crime gun intelligence for law enforcement to use to generate leads and investigate gun crimes, creating additional risks that bad actors will not be identified and held accountable.

As the ATF explained in their handbook, Congress first subjected these firearms to heightened regulation in 1934 under the NFA because they posed a significant crime problem¹¹. Nearly 100 years later, these weapons still pose a significant crime problem, having been used in several high-profile shootings and crimes.¹² Even the Trump DOJ has acknowledged Congress’s intent in enacting the NFA all these decades later, describing the NFA

⁴ 18 U.S.C. § 923.

⁵ 26 U.S.C. § 5842

⁶ *Id.*

⁷ 27 C.F.R. § 479.103 (2023).

⁸ Allowing Makers to Adopt Certain Markings for National Firearms Act Firearms, 91 Fed. Reg. 24466 (proposed May 6, 2026) (to be codified at 27 C.F.R. pt. 479).

⁹ *Id.*

¹⁰ See Robert Cekada, Responses to Questions For the Record from the Senate Committee on the Judiciary (Feb. 2026), https://www.judiciary.senate.gov/imo/media/doc/3502d997-daa5-f550-7914-e7d18cc5b59b/2026-02-04_QFR-Responses_Cekada.pdf.

¹¹ See Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Dep’t of Justice, ATF E-Pub. 5320.8, National Firearms Act Handbook ch. 1 (rev. Apr. 2009), <https://www.atf.gov/media/25141/download>.

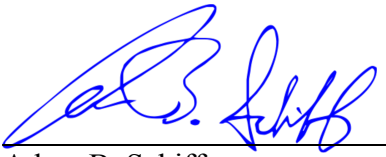
¹² See Greg Lickenbrock, *Lawmakers Consider Making NFA Weapons Easier to Own*, The Smoking Gun (June 18, 2025), <https://smokinggun.org/lawmakers-consider-making-nfa-weapons-easier-to-own/>.

as “a legislative effort animated by the emergence of armed crime as a major national problem” that sought to “target[] particularly dangerous and easily concealable weapons that could be used readily and efficiently by criminals.”¹³ But, with this proposed rule, the ATF now seeks to reduce NFA regulations, which would lower the barrier to creating these particularly dangerous weapons that pose a significant crime problem.

This proposal highlights another step in the Trump-Vance administration’s efforts to dismantle longstanding safeguards that have governed NFA firearms for decades. Combined with other proposed rollbacks to NFA regulations, this rule would reduce accountability, weaken firearm traceability, and override Congressional oversight that has been established for some of the most dangerous firearms that have been subject to heightened regulation under federal law for nearly a century — and for good reason. The impact of these regulatory changes will make it more difficult for law enforcement to trace NFA firearms, investigate crimes, and ensure compliance with law, thus making our communities less safe.

The existing maker-marking requirement has effectively functioned for decades and only imposes a small burden on the applicant while providing substantial benefits to law enforcement and public safety. Permanent maker-specific markings are not only required by the plain text of the statute, they strengthen firearm traceability, improve investigative accuracy, reinforce accountability, and uphold the National Firearm Registration and Transfer Record. We urge the ATF to retain current marking requirements for individuals making NFA firearms and withdraw the proposed rule that would do just the opposite.

Sincerely,



Adam B. Schiff
United States Senator



Richard Blumenthal
United States Senator

¹³ Department of Justice, Memorandum in Opposition to Plaintiffs’ Motion for Summary Judgment and In Support of Defendants’ Motion for Summary Judgment, *Silencer Shop Foundation v. ATF*, No. 6:25-cv-56-H (N.D. Tex) (filed Nov. 20, 2025) at pp. 2-3, <https://foundation.gunowners.org/wp-content/uploads/cases/silencer-v-bondi/625cv00056-Silencer-Shop-v-ATF-Response.pdf> (internal citations omitted).