October 5, 2026

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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

Re: Docket No. ATF-2026-0397; RIN 1140-AA63
Comment on Proposed Rule on "Fingerprint and Photograph Requirements for Firearms Applications"

To Whom It May Concern:

Everytown for Gun Safety Support Fund[1] ("Everytown") submits this comment in response to the notice of proposed rulemaking ("NPRM" or "proposed rule") issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") that would weaken current regulations requiring those who apply to make or transfer firearms under the National Firearms Act ("NFA") or obtain a license under the Gun Control Act ("GCA") to submit fingerprints and a photograph along with their application. If this proposed rule is finalized, it will likely lead to delays, hurdles, and complications for the thousands of cases per year in which ATF and the Federal Bureau of Investigation ("FBI") need fingerprints to resolve background check issues or appeals when vetting applicants. Among its changes, ATF's proposed rule would:

1. Authorize fingerprints to be submitted electronically without providing guidance on what digital fingerprinting technology and processes can permissibly be used, which will likely cause confusion and lead to an increase in poor-quality submissions.

2. Allow fingerprints to be self-collected or taken by persons who lack experience or proper equipment, which will increase the likelihood of unclear or unusable prints.

3. Reduce the required number of fingerprint submissions for NFA applications from two to one, thus eliminating a backup set of prints in cases where the first set of prints may be unusable.

[1] Everytown for Gun Safety Support Fund is the education, research and litigation arm of Everytown for Gun Safety, the largest gun violence prevention organization in the country with nearly 11 million supporters and more than 700,000 donors. The Everytown Support Fund seeks to improve our understanding of the causes of gun violence and help to reduce it by conducting groundbreaking original research, developing evidence-based policies, communicating this knowledge to the American public, and advancing gun safety and gun violence prevention in communities and the courts.

4. No longer require fingerprints to be submitted up front for NFA applications submitted by trusts or legal entities, in contrast to current regulations where fingerprints must be submitted by a responsible person for each trust or entity.

This proposed rule marks yet another effort this year by ATF to weaken regulations implementing the NFA, one of the most important and long-standing gun crime prevention laws on the books. The proposed rule is the latest of at least nine significant proposals put forward by ATF since Director Cekada's April 29 confirmation that would weaken NFA regulations.[2] It is also troubling that ATF's cost-benefit analysis for this proposed rule focuses overwhelmingly on reducing burdens for NFA and GCA applicants and does not give meaningful consideration to the proposed rule's foreseeable public safety impacts. **ATF should be focused on enforcing the gun laws on the books and protecting Americans from gun crime, yet this proposed rule does nothing to reduce or prevent crime and provides no apparent public safety benefit. Instead, the proposed rule increases the likelihood that complications and mistakes will occur in the vetting of those who seek to obtain NFA firearms and GCA licenses.** Everytown opposes the proposed rule and urges that it be withdrawn or, at minimum, that it be modified as discussed below to reduce its most problematic effects.

I. Current law requires fingerprints and photographs to be submitted for NFA and GCA applications, and those fingerprints and photographs are used thousands of times each year to support the background check process.

Federal law employs a framework of statutory and regulatory provisions that ensure careful vetting of those who seek to obtain firearms regulated by the NFA or acquire a license to manufacture, import, or deal in firearms under the GCA. As part of that framework, federal statutes require that when a person applies to make or transfer a firearm covered by the NFA or applies for a license under the GCA, the applicant must provide ATF with fingerprints and a photograph.[3] (We note that for applications to transfer NFA firearms, the fingerprints and photograph that must be submitted are those of the transferee.) These fingerprints and photographs serve an important vetting purpose: When an NFA or GCA license application is submitted, ATF contacts the National Instant Criminal Background Check System ("NICS") operated by the FBI to conduct a background check and determine whether any records in the NICS database indicate that the applicant or transferee is prohibited from possessing a firearm. The fingerprints and photographs may assist ATF and the FBI in verifying the identity of applicants and transferees and determining whether they match NICS records.

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[2] Starting on the day of Director Cekada's confirmation, ATF has also proposed regulatory changes that would: (1) eliminate the requirement that chief law enforcement officers receive a copy of NFA applications in their jurisdiction (91 Fed. Reg. 24471); (2) loosen the requirement for ATF approval for interstate transportation of NFA weapons (91 Fed. Reg. 25229); (3) weaken NFA marking requirements (91 Fed. Reg. 24466); (4) reduce safeguards governing transfers of machineguns between licensed manufacturers, importers, and dealers (91 Fed. Reg. 24485); (5) reduce the number of special occupational tax payments that certain federal firearms licensees currently make (91 Fed. Reg. 24478); (6) create an exclusion from NFA import requirements for firearms brought into customs bonded warehouses (91 Fed. Reg. 25237); (7) authorize spouses to file joint applications to make, transfer, or receive NFA firearms as well as to register NFA firearms (91 Fed. Reg. 25243); and (8) allow manufacturers of NFA firearms to register firearms that were manufactured pursuant to a contract with the United States government (USG) but that are no longer covered by the USG contract outside of the time period currently permitted for registration (91 Fed. Reg. 40944).

[3] 26 U.S.C. § 5822; 26 U.S.C. § 5812(a); 18 U.S.C. § 923(a).

ATF has issued sensible regulations to implement the NFA's and GCA's statutory fingerprint and photograph submission requirements. Currently, these regulations direct those seeking to make or transfer an NFA firearm to submit a 2-by-2-inch photograph of the applicant or transferee that has been taken within one year prior to the date of the application, and also to submit two properly completed FBI Form FD-258 Fingerprint Cards where "[t]he fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them."[4] The regulations also direct a GCA license applicant to provide, along with their application, a photograph and fingerprints as required in the instructions on ATF Form 7, which, in turn, requires submission of one properly-completed FBI Form FD-258 Fingerprint Card and one 2-by-2-inch photograph of the applicant that was taken within the year prior to the date of the application.[5] In addition, the NFA requires manufacturers, importers, and dealers of NFA weapons, which must be registered with the Attorney General, to provide a photograph and fingerprints with their registration, and ATF's implementing regulation directs that these applicants should also provide one properly completed FBI Form FD-258 fingerprint card if the applicant is an individual – unless the applicant has already obtained a GCA license and submitted their fingerprints through that process.[6] Finally, when NFA or GCA applicants are not individuals but are a trust or other legal entity, ATF regulations require so-called "responsible persons" for the trust or entity to submit fingerprints and photographs, either as part of a Form 7 application for GCA licensing or a Form 23 responsible person application for NFA makings and transfers.[7]

Important public safety purposes are served by this regulatory framework. In order to ensure that weapons do not end up in prohibited hands, those submitting NFA and GCA applications must be carefully vetted through NICS background checks, and those background checks should be based upon complete and accurate information. As the NPRM notes, ATF provides submitted fingerprint cards to the FBI "to resolve criminal-history issues or other similar issues that can arise during background checks," such as "when an applicant's biographic information matches that of another individual."[8] When the FBI "needs additional information and therefore requests the cards from ATF," it is helpful that ATF has those submitted fingerprint cards already on hand and can promptly provide them to the FBI so that the background check can be efficiently and correctly resolved.[9]

The fingerprints have other uses as well. As the NPRM notes, fingerprints are also used by the FBI to resolve identity questions in the NICS appeals process, and are further used by ATF to resolve GCA applicant appeals from license denials.[10] Further, ATF in 2016 issued regulations directing that responsible persons must provide fingerprints and photographs for NFA making and transfer applications, after ATF determined that it had the statutory authority to require fingerprints and photographs from responsible persons and that "requiring fingerprint cards and photographs was necessary to verify the identity of [responsible persons] associated with trusts and other legal entities."[11]

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[4] 27 C.F.R. § 479.63(a); 27 C.F.R. § 479.85(a); 27 C.F.R. § 479.90(b).
[5] 27 C.F.R. § 478.44(a)(1)(ii).
[6] 26 U.S.C. § 5802; 27 C.F.R. § 479.34(e).
[7] 27 C.F.R. § 478.44(a)(1); 27 C.F.R. § 479.63(b); 27 C.F.R. § 479.85(b).
[8] 91 Fed. Reg. 40926.
[9] *Id*.
[10] 91 Fed. Reg. 40926-7.
[11] 91 Fed. Reg. 40926, citing 81 Fed. Reg. 2683.

While the NPRM notes that fingerprints have been used for NICS purposes on a small *percentage* of overall NFA applications and GCA licensing applications,[12] ATF data show that the total *number* of cases in which the fingerprints are used by the FBI for NICS background checks and appeals is significant, exceeding 10,000 per year. ATF reports that between 2022 and 2025, ATF sent 11,874 NFA applicants' fingerprints and 39,896 GCA applicants' fingerprints to the FBI for use in the background check or appeals process — a total of 51,770 cases over four years.[13] In each of these instances, submitted fingerprints were used by the FBI to help ensure that a background check or appeal correctly resolved whether or not a person was lawfully permitted to possess NFA weapons or obtain a GCA license. Thus, the availability and use of applicants' fingerprints serves an important public safety function, as significant harm can result when prohibited persons end up obtaining weapons because of an erroneous background check.

II. ATF now proposes to weaken regulations governing the submission of fingerprints and photographs in ways that would create impediments to the background check process and that would result in lower-quality fingerprint submissions.

Even though applicants' fingerprints are used thousands of times each year to help resolve background check issues and license appeals and thus to help ensure that prohibited persons are not obtaining NFA weapons or GCA licenses, ATF now takes the position that "requiring fingerprints and a 2" x 2" photograph to be submitted with every NFA application is needlessly burdensome on applicants, as is requiring a 2" x 2" photograph with every GCA application."[14] ATF concedes that it cannot modify the statutory provisions that require individuals to submit fingerprints and a photograph with their applications under the NFA and GCA, but in this NPRM, ATF seeks to go as far as it can to weaken the regulations implementing those requirements.[15] As discussed below, most of ATF's proposed reforms weaken the fingerprint requirement, though ATF also proposes modifying the regulatory requirements for applicants to submit a 2-by-2-inch photograph obtained within the past year, instead allowing applicants to submit a copy of a photo identification document that need not have been issued within the current one-year time limit. ATF's proposed changes raise numerous concerns, including the following.

A. ATF proposes to formally allow submission of fingerprints through digital fingerprint equipment but provides no meaningful guidance on what equipment can be used, which will likely cause confusion and lead to an increase in poor-quality submissions.

The proposed rule would change the requirement in current NFA regulations directing that fingerprints accompanying NFA making and transfer applications must be submitted using FBI Form FD-258, instead allowing applicants who apply electronically to submit "an equivalent digital fingerprint set" if the fingerprints are "clear for accurate classification."[16] ATF says that

[12] 91 Fed. Reg. 40926.
[13] 91 Fed. Reg. 40927.
[14] 91 Fed. Reg. 40926.
[15] Indeed, ATF states that but for the statutory provisions, it would "propose wholly eliminating" NFA and GCA regulations requiring applicants to submit fingerprints with applications for NFA makings and transfers and GCA licenses "except as needed to resolve NICS background check issues or issues ATF needs to address for GCA license applicants." 91 Fed. Reg. 40927.
[16] Proposed 27 C.F.R. § 479.27(b).

under its proposed rule, "individuals could take and submit their own fingerprints using FBI Form FD-258 or digital fingerprint equipment, provided the fingerprints are clear enough to be accurately identified."[17] However, the proposed rule does not provide any standards establishing when a digital fingerprinting technology or process is considered "equivalent" to a properly prepared Form FD-258, nor does the rule provide standards or guidance for ensuring that a digital fingerprint set is "clear for accurate classification." Additionally, the proposed rule does not explain what would happen if a submitted set of digital fingerprints is not deemed sufficiently "equivalent" or "clear" and whether the applicant could contest that determination. This lack of guidance and standards would almost certainly cause confusion and could lead to applicants submitting poor-quality digital fingerprints, which would then require those applicants to be contacted and to resubmit their fingerprints if they are needed by the FBI to resolve background check issues. To avoid these outcomes, ATF should provide specific and detailed regulatory guidance regarding the types of digital fingerprint technology and processes that would be deemed "equivalent" to a properly prepared Form FD-258 and that would be deemed "clear for accurate classification."

The proposed rule would similarly amend 27 C.F.R. § 478.44 to permit GCA license applicants to submit fingerprints in "in paper or digital form" as required in the instructions on Form 7. Again, however, neither the proposed rule nor Form 7 specifies any standards for digital GCA fingerprint submission as an alternative to a properly prepared FBI Form FD-258. ATF should provide specific regulatory guidance on proper digital submission standards in the GCA license context as well.

B. ATF proposes to delete language requiring that fingerprints be taken by someone properly equipped to take them, which will increase the likelihood of improperly taken or unusable prints.

ATF's proposed rule would also eliminate language in current regulations directing that when individuals and responsible persons apply to make or transfer NFA weapons, the fingerprints submitted by those individuals and responsible persons "should be taken by someone properly equipped to take them."[18] ATF states in the NPRM that "ATF proposes to remove language requiring that fingerprints be taken by someone specifically trained to take them because it is no longer applicable."[19] The proposed rule would instead allow fingerprints to be collected on cards or digitally by applicants themselves or by a person who is not trained or experienced in taking fingerprints and who may not have proper equipment. ATF says that under its proposed rule, "individuals could take and submit their own fingerprints using FBI Form FD-258 or digital fingerprint equipment, provided the fingerprints are clear enough to be accurately identified."[20]

This change would be ill-advised, as taking high-quality fingerprints is not easy for inexperienced persons or those lacking proper equipment. The FBI's "Guidelines for Preparation for Fingerprint Cards" provides detailed instructions on making fingerprint impressions in Form FD-258, and these instructions highlight some of the complexities of fingerprint taking.

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[17] 91 Fed. Reg. 40927.
[18] 27 C.F.R. §§ 479.63(a)(2), (b)(2)(iv); 27 C.F.R. §§ 479.85(a)(2), (b)(2)(iv).
[19] 91 Fed. Reg. 40927.
[20] *Id*.

According to the FBI's guidelines:

> It is very important that care be taken to roll the fingers from nail to nail when recording individual finger impressions. This will help ensure legibility. Roll the prints in the correct sequence code (note the right and left hand designations in the finger blocks) and obtain simultaneous plain "flat" impressions at 45 degree angles, if possible, that do not extend up into the rolled impressions. Indicate amputated fingers, tip-amputated, transplanted toes/fingers, missing at birth, deformed, bandaged, etc., in the appropriate finger block(s).[21]

Such instructions may not be simple or intuitive for untrained and inexperienced persons to follow when taking fingerprints. Also, further guidance that the FBI provides to law enforcement for proper fingerprint taking reveals that there are additional fingerprinting protocols for cleaning, rolling, and special circumstances such as scarred or worn fingers.[22] These are not protocols that untrained or poorly equipped persons would be likely to follow, if they are even aware of them. Additionally, when fingerprints are taken by a separate, properly equipped person, it helps serve as a safeguard against an individual fraudulently attempting to submit someone else's fingerprints as their own. The requirement may also help to deter individuals who seek to obtain NFA firearms for unlawful means.

It is hard to understand why ATF would remove the current requirement that fingerprints be taken by trained, experienced, and properly equipped persons. Removing this requirement and allowing any person to take digital fingerprints or fill out Forms FD-258 increases the likelihood that fingerprints will not be imprinted correctly and will not be clear enough to provide accurate identification. ATF itself even concedes in the NPRM that taking fingerprints is "somewhat difficult" and that few individuals are currently properly equipped to capture fingerprints digitally.[23] Removing a trained and properly equipped fingerprint taker from the fingerprinting collection process will most likely result in more poor-quality fingerprint submissions which will need to be resubmitted if they are to be of use in resolving background check issues, and it also removes a safeguard against attempts by an individual to fraudulently submit someone else's fingerprints as their own. Accordingly, ATF must retain the language in current regulations directing that fingerprints "should be taken by someone properly equipped to take them."

C. ATF proposes to no longer require the second set of fingerprints currently required for NFA applications, thus eliminating the backup set in case of unusable prints.

ATF also proposes to reduce the number of fingerprint sets that individuals must submit for NFA making and transferee applications from two to one. Having two properly completed fingerprint sets reduces the risk that one set will be unclear or unusable — a risk that ATF's proposed rule exacerbates by allowing inexperienced and untrained individuals to self-collect

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[21] FBI Criminal Justice Information Services Division, "Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information," Sept. 30, 2016, at p. 16.
[22] FBI Law Enforcement Resources, "Recording Legible Fingerprints," *available at* https://le.fbi.gov/science-and-lab/biometrics-and-fingerprints/biometrics/recording-legible-fingerprints.
[23] 91 Fed. Reg. 40939 ("Similarly, while capturing one's own fingerprints on paper is somewhat difficult and requires obtaining the necessary supplies, and capturing one's own fingerprints digitally is currently cost-prohibitive for many applicants because they would have to purchase equipment, ATF anticipates that capturing one's own fingerprints digitally will soon become accessible and affordable.")

fingerprints and by allowing digital fingerprints to be submitted without providing guidance on proper digital submission technology or processes. Because the other changes in ATF's proposed rule will likely increase the need for backup fingerprints, ATF should not reduce the number of fingerprint sets required under its regulations.

D. ATF proposes to eliminate altogether the up-front submission of fingerprints by responsible persons for NFA applications submitted by trusts and legal entities.

ATF's proposed rule would also eliminate the current regulatory requirement that when a trust or other legal entity applies to make or transfer an NFA firearm, each of the entity's responsible persons must submit two properly completed Form FD-258 fingerprint cards along with an ATF Form 5320.23 NFA Responsible Person Questionnaire ("Form 23").[24] Under the proposed rule, such responsible persons would not be directed to submit fingerprints with their Form 23 and would only submit fingerprints later upon specific request by ATF "if necessary to efficiently complete a background check."[25] As a result, under the proposed rule, FBI NICS examiners who are seeking fingerprints of responsible persons in order to complete background check vetting will no longer be able to promptly obtain those fingerprints from ATF because ATF will not have them. ATF would have to request fingerprints from the responsible persons *after* the NICS investigation has already begun and has determined a need for the fingerprints, thus slowing down and complicating the NICS process and impeding successful NICS resolutions.

There is no credible justification provided in the NPRM for eliminating the up-front fingerprint requirement for responsible persons when trusts and legal entities submit NFA applications. ATF determined in 2016 that requiring fingerprints "was necessary to verify the identity of [responsible persons] associated with trusts and other legal entities,"[26] and even if most applications do not end up requiring the use of fingerprint analysis to resolve background checks, ATF data shows that thousands of cases per year still do.[27] Further, the cost and burden of submitting fingerprints for responsible persons does not appear to deter NFA trust applications in any meaningful way. With the current fingerprint requirements in place, ATF reports that the number of NFA applications submitted by trusts increased nearly tenfold between 2016 to 2025, from 33,080 in 2016 to 300,940 in 2025.[28]

By no longer collecting fingerprints from responsible persons submitting Forms 23 and by no longer having those fingerprints ready and at hand if the FBI needs them for background check purposes, the proposed rule would likely end up delaying and complicating background checks and increasing burdens and strain on NICS examiners and the background check process. There is no credible reason to treat responsible persons for trusts differently from individual applicants when it comes to ensuring that those who make or obtain NFA weapons are not prohibited by law from possessing them, and ATF should not change the requirement for trust and legal entity responsible persons to submit fingerprints along with Forms 23.

[24] 27 C.F.R. § 479.63(b)(2)(iv); 27 C.F.R. § 479.85(b)(2)(iv).
[25] 91 Fed. Reg. 40927.
[26] 91 Fed. Reg. 40926, citing 81 Fed. Reg. 2683.
[27] 91 Fed. Reg. 40927.
[28] 91 Fed. Reg. 25247, Table 1.

E. ATF proposes to no longer require a photograph taken within the previous year to be submitted with an application.

In addition to its changes to fingerprint requirements, the NPRM would also change current regulations directing that the statutorily required photograph submitted by NFA applicants and those applying for licenses under the GCA must be a 2-by-2-inch photograph taken within the previous year. Under the proposed rule, applicants would have the option to submit a copy of a photo ID document instead of a 2-by-2-inch photograph, even though that ID document may not include a photograph "taken within 1 year prior to the date of the application."[29] While the use of a photograph contained in a photo ID document is not necessarily problematic, ATF should require that a submitted photo ID document must have a photograph that was taken within one year prior to the date of the application in order to meet the statutory photograph requirement. This would help ensure that those vetting applicants have access to a photograph that is not multiple years old and that may no longer reflect the applicant's current appearance.

III. ATF has not provided a credible cost-benefit analysis for its proposed changes and has not considered or assessed the proposed rule's foreseeable public safety impacts.

In order to promote sensible rulemaking, Executive Order 12866 requires agencies proposing significant regulatory actions to conduct cost-benefit analyses that make credible efforts to quantify costs and benefits to the extent feasible and then to pursue regulatory approaches that maximize benefits while minimizing costs.[30] ATF notes that the Office of Management and Budget has determined that this proposed rule would be a "significant regulatory action" under Executive Order 12866,[31] and ATF provides a cost-benefit analysis claiming that "[o]verall, this rule would lessen regulatory burdens and provide savings to the public without impacting public safety."[32] But ATF's cost-benefit analysis shows several clear inadequacies.

- First, ATF claims that its proposed rule "is necessary to reduce burdens for persons applying to make or obtain an NFA firearm or to obtain an FFL license under the GCA."[33] But as an initial matter, ATF has not established why it is necessary at all to reduce burdens to make or transfer NFA firearms. In fact, as ATF has previously acknowledged, the NFA's "underlying purpose was to curtail, if not prohibit, transactions in NFA firearms."[34] Nearly 100 years ago, Congress crafted the NFA to carefully limit and regulate access to certain types of weapons, such as machineguns and short-barreled shotguns and rifles. Congress had determined these weapons to be particularly dangerous in light of the dangers they posed to public safety—and continue to pose today. Yet most of the provisions of this proposed rule would make NFA applications faster, easier, and cheaper for applicants to submit while adding obstacles to the efficient vetting of the

[29] 27 C.F.R. § 479.63(b)(2)(iii); 27 C.F.R. § 479.85(b)(2(iii).
[30] Executive Order 12866, Sept. 30, 1993, *available at* https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf.
[31] 91 Fed. Reg. 40928.
[32] 91 Fed. Reg. 40930.
[33] 91 Fed. Reg. 40929.
[34] ATF website, "National Firearms Act," viewed on Sept. 16, 2026, *available at* https://www.atf.gov/rules-and-regulations/laws-alcohol-tobacco-firearms-and-explosives/national-firearms-act.

persons who would possess those NFA weapons. The increased proliferation of NFA weapons and impeded vetting of NFA applicants and responsible persons that would result from this proposed rule would clearly create additional risks to public safety, yet ATF does not even discuss these public safety risks before reaching the conclusion that reducing the burdens for NFA applicants is "necessary." ATF must explain why it sees it as necessary to reduce burdens for persons applying to make or obtain an NFA firearm, in light of the public safety risks of increased proliferation of such weapons.

- Second, the data ATF provides to ostensibly support its conclusion that the benefits of its proposed rule outweigh its costs does not actually make that case. Based on ATF's own data, the "burdens" that the proposed rule's changes would remove are not meaningfully burdening NFA applicants — particularly the use of NFA trusts. As ATF concedes in Table 4 of the NPRM, the number of NFA responsible person applications (i.e., Forms 23) has soared in recent years with the current responsible person fingerprint requirement in place, rising from 88,618 applications in 2017 to 342,406 in 2025.[35] And according to Table 5 in the NPRM, ATF projects that the number of responsible person applications will continue to grow dramatically *even without this proposed rule*.[36] Thus, ATF's own reported data indicates that the burdens that the proposed rule claims are "necessary to reduce" for trust applicants are not showing any deterring effect on the submission of applications.

  Additionally, ATF reports in the NPRM that between 2022 and 2025, ATF sent 11,874 sets of NFA responsible person fingerprints to the FBI for use in NICS checks.[37] ATF also projects that over the next 10 years, it will submit 72,408 more NFA responsible person fingerprints to NICS for use in background checks.[38] Each of those transmissions of fingerprints from ATF to FBI NICS examiners would be delayed and complicated by the proposed rule's elimination of required up-front submission of responsible persons' fingerprints, thus creating increased hurdles and burdens for thousands of background checks. Those hurdles and burdens are not factored into ATF's cost-benefit analysis, and they should be.[39]

- Third, the NPRM's cost-benefit analysis fails to meaningfully assess the proposed rule's public safety impact. ATF concedes that there is a public safety benefit to having applicants' fingerprints readily available for ATF and NICS to use. In the NPRM, ATF states that:

  > [I]n some cases, fingerprints are necessary as a means of efficiently coordinating with the FBI to resolve personal-history-related issues when completing a NICS background investigation, and in the context of GCA license applications, ATF also needs the

[35] 91 Fed. Reg. 40930, Table 4.
[36] 91 Fed. Reg. 40931, Table 5.
[37] 91 Fed. Reg. 40937, Table 11.
[38] 91 Fed. Reg. 40937, Table 12.
[39] We also note that two of the tables ATF provides in its NRPM, Tables 9 and 10, appear to have been erroneously included as they have nothing to do with the proposed rule at issue and do not reflect the description of the tables in the preceding text.

> fingerprints to resolve applicant appeals. In those cases, both *public safety* and the interests of persons wishing to acquire a firearm are better served by requiring fingerprints.[40]

Yet despite the acknowledged public safety benefit of requiring fingerprints, ATF's proposed rule would make high-quality fingerprints harder for ATF and the FBI to get.

ATF also claims that its rule "would lessen regulatory burdens and provide savings to the public without impacting public safety" without even attempting to account for the rule's public safety impact.[41] For example, the NPRM provides no meaningful analysis of the burdens and public safety impacts of incentivizing submission of digital fingerprints without providing meaningful guidance, of allowing submission of fingerprints taken by untrained persons who are not properly equipped to take them, and of forcing FBI NICS examiners to delay resolving background checks by only allowing ATF to obtain fingerprints from responsible persons after complicated background check investigations are underway. Because ATF's cost-benefit analysis gives inadequate attention to public safety considerations, it cannot serve to demonstrate that the benefits of ATF's proposed rule outweigh its foreseeable risks and costs.

Overall, ATF's proposed changes in this NPRM would do nothing to enhance public safety or reduce crime. The proposed rule simply seeks to lessen burdens on applicants, including NFA applicants. But in doing so, the proposed rule would likely lead to lower-quality fingerprint submissions across the board and would slow down and complicate the background check process for thousands of cases per year, as FBI NICS examiners would wait for ATF to solicit and receive fingerprint information of sufficient quality from applicants. These foreseeable results of the proposed rule would have a detrimental public safety impact, which the NPRM's cost benefit analysis should, but does not, evaluate or address.

IV. Conclusion

When Director Cekada was being considered for Senate confirmation, he committed in writing that "[u]nder my leadership, ATF will remain committed to implementing and enforcing [the NFA]."[42] Yet with this NPRM, ATF — for at least the ninth time since Director Cekada's confirmation — is proposing to weaken regulations implementing the NFA.

This proposed rule provides no clear public safety benefit. It would increase the likelihood that fingerprint submissions will be of lower quality or unusable, and would create more possibilities for delay, complications, and mistakes in the resolution of background checks on NFA and GCA applicants. Congress was clear in both the NFA and GCA that fingerprints are important to collect as part of the applicant vetting process, and ATF should seek to carry out this directive rather than openly calling for eliminating this collection.[43] In particular, ATF should not proceed with a rule that eliminates up-front fingerprint submission by responsible persons for

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[40] 91 Fed. Reg. 40939 (emphasis added).
[41] 91 Fed. Reg. 40930.
[42] *See* Robert Cekada, Responses to Questions for the Record, S. Comm. on the Judiciary Hearing (Feb. 2026), responses to Senator Durbin question 5 and Senator Schiff question 8a, *available at* https://www.judiciary.senate.gov/imo/media/doc/3502d997-daa5-f550-7914-e7d18cc5b59b/2026-02-04_QFR-Responses_Cekada.pdf.
[43] *Infra* note 15.

NFA trust and other legal entity applications and should not proceed with a rule that eliminates the requirement for experienced and properly equipped persons to collect fingerprints. A credible cost-benefit analysis, which this NPRM does not provide, would show that the burdens and complications that the proposed rule would create outweigh the modest cost savings that applicants would achieve. For these reasons, we urge the withdrawal of the proposed rule, or, at minimum, its significant modification as discussed above.

Thank you for your consideration of this comment.

Sincerely,

/s/ Justin Wagner

Justin Wagner
Senior Vice President for Law & Policy
Everytown for Gun Safety Support Fund