

United States Senate

WASHINGTON, DC 20510

August 6, 2026

ATF Rulemaking Comments
Mail Stop 6N-518
Office of Regulatory Affairs
Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms and Explosives
Department of Justice
99 New York Avenue NE
Washington, DC 20226

Attention: RIN 1140-AA94

Re: Notice of Proposed Rulemaking: Electronic Records

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has proposed amending regulations to authorize federal firearms licensees (FFLs) to generate, maintain, and store all required records including the Firearm Transaction Record (Form 4473) in electronic form. While we recognize the operational benefits of modernizing record-keeping practices, which would also be of great benefit to the ATF as well, we are concerned that the proposed rule lacks the minimum standards necessary to ensure critical firearms transaction records are preserved, secured, and accessible to law enforcement when lives are at risk. We encourage ATF to consider minimum storage requirement standards before finalizing the rule.

Under the Gun Control Act (GCA) and the National Firearms Act (NFA), FFLs are required to maintain detailed records of every firearm transaction.¹ Historically, ATF regulations mandated these records be kept as paper documents. Over time, ATF granted individual variances for electronic-record keeping on a case-by-case basis and eventually issued blanket rulings permitting certain records, including Form 4473, to be stored electronically on August 17th, 2022. The proposed rule would codify these rulings and establish common standards, however, the proposed standards fall short.

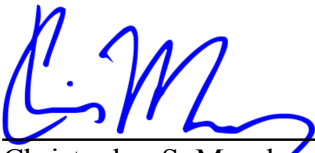
When a firearm is recovered at a crime scene, investigators begin by tracing the crime weapon to its origin. That trace begins with Form 4473. The form captures who purchased the firearm, when, and from which dealer, giving law enforcement the critical first link in the chain between a weapon and its current possessor. ATF's National Tracing Center processed nearly 640,000 trace requests in 2024 alone. Each of those traces depends on FFL records being intact, accessible, and retrievable. To be extremely clear, the traces are far from files, they are investigative tools as well as irreplaceable evidence.

¹ 18 U.S.C. § 923(g)(1)(A)

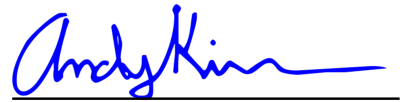
The proposed rule permits FFLs to store electronic records on privately owned servers or through third-party cloud providers, with the only requirement being that the storage must be located within the United States or its territories. While this ensures records remain under U.S. legal jurisdiction, it does not ensure that they remain entirely. The proposed rule does not require backup systems, redundant storage, data integrity verification, or any minimum retention period for electronic records. It does not mandate that FFLs maintain any contingency plan in the event of hardware failure or a cyberattack. If a dealer's computer crashes or a cloud provider shuts down an account, years of data could disappear with no ability to recover those forms.

We support the goal of modernizing the forms that deal with firearms sales; however, we cannot support a rule that fails to include basic storage requirements that protect these records without a framework to protect them. At a bare minimum, the final rule must include mandatory data backup and redundancy requirements, clear standards for system security and data integrity, and penalties for data loss attributable to inadequate record-keeping systems; and a requirement that FFLs notify ATF promptly in the event of record loss or system failure. We urge the ATF to strengthen the proposed rule with enforceable retention and security standards before it is finalized, ensuring that the records law enforcement depends on to help solve gun related crimes are never left to chance.

Sincerely,



Christopher S. Murphy
United States Senator



Andy Kim
United States Senator



Richard Blumenthal
United States Senator



Adam B. Schiff
United States Senator