



GUN OWNERS OF AMERICA
THE ONLY NO-COMPROMISE GUN LOBBY IN WASHINGTON



RE: Joint Registration for Spouses Under the National Firearms Act

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. 25243 (May 8, 2026)



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Re: Joint Registration for Spouses Under the National Firearms Act, RIN 1140–AB00, 91 Fed. Reg. 25243 (May 8, 2026).
Submitted by Gun Owners of America & Gun Owners Foundation.



GOA & GOF COMMENTS TO ATF ON THE JOINT REGISTRATION NPRM

GOA FEDERAL AFFAIRS | FORMAL COMMENTS ON RIN 1140-AB00 • 91 FED. REG. 25243 (MAY 8, 2026)

Re: *Joint Registration for Spouses Under the National Firearms Act (RIN 1140-AB00)*

DOJ RULEMAKING

On May 8, 2026, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) published a notice of proposed rulemaking to “authorize spouses to file a joint application to make, transfer or receive, and register a firearm under the National Firearms Act (‘NFA’).” 91 Fed. Reg. 25243, 25243 (May 8, 2026) (“NPRM”).¹ As the NPRM notes, “it is unnecessarily burdensome for spouses who desire to jointly register an NFA firearm to have to create a trust to do so.” *Id.* at 25245. Thus, joint NFA registration would alleviate the burdens of trust-related NFA applications and provide “both spouses ... a joint right to make or possess the firearm(s), and transferring the firearm(s) between the registered spouses would not constitute a further transfer within the meaning of the NFA, thus not requiring a transfer application.” *Id.* at 25243-44. The NPRM seeks public comment on “all aspects of this proposal,” “the clarity of this proposed rule and how it may be made easier to understand,” and “the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.” *Id.* at 25246, 25253.

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 or wish to acquire 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

1. See <https://www.govinfo.gov/content/pkg/FR-2026-05-08/pdf/2026-09154.pdf>.

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

an NFA firearm, 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 the NFA violates the Second Amendment and exceeds Congress’s authority to regulate interstate commerce, Commenters welcome any ATF efforts to reduce the NFA’s burdens on gun owners. The NPRM’s proposed system of joint NFA registration for spouses is one such effort that should be applauded. As the NPRM rightly notes, joint registration would “reduce the regulatory burden” by obviating the need for trust registration, “pose no additional risk to public safety,” and “alleviate legal hurdles after the death of NFA registrants who have registered firearms in their name only.” NPRM at 25247. Thus, ATF should implement joint registration for those who wish to use it.

Even so, the NPRM can be improved in at least one way, and ATF likewise should consider (and mitigate) the possibility of abuse by future administrations. First, ATF should accept a broader array of evidence demonstrating a legal marriage between joint registrants. If the NPRM’s goal is to reduce burdens on gun owners, it should allow married couples to document their marriage using a variety of proof, including the submission of an affidavit for all couples – not just those without official documentation. And second, should one jointly registered spouse become prohibited from possessing firearms following a joint registration, or should a couple divorce, Commenters are concerned that a future administration could use such events to justify home visitation by ATF agents. ATF has used this tactic against gun owners in the past to seek evidence and inquire about all manner of innocuous activity. Thus, ATF should consider the possible future effects of this NPRM on gun owners and take steps to mitigate them now.

COMMENTS ON PROPOSED RULE

1. **ATF Should Accept More Forms of Marriage Documentation from All Jointly Registering Couples.**

The NPRM proposes that joint registrants submit with their applications to make or transfer NFA firearms “documents demonstrating a legal marriage, including a marriage certificate, license, or proof of a marriage otherwise recognized under state law.” NPRM at 25254, 25255. However, “[i]n the event a marriage certificate, license, or equivalent is not available, applicants can submit other evidence of marriage (such as affidavits, joint tax returns).” *Id.* at 25254, 25255. Thus, the NPRM appears to limit the submission of this “other evidence of marriage” to contexts where joint registrants cannot produce official documentation of their marriage. But there is no reason for ATF to limit the submission of “affidavits” or “joint tax returns” to those contexts.

Indeed, the NPRM’s stated goal is to “reduce burdens while still complying with the NFA’s requirements.” NPRM at 25245. Nothing in the NFA requires that married couples provide specific documentation evidencing their marriage to jointly register a firearm. Moreover, the NPRM already notes that it is a crime to “falsely attest to marriage ... on an NFA form.” *Id.* at 25246. ATF therefore should allow all joint registrants to document their marriage via affidavit or joint tax return, if they so desire.

ATF's existing regulations support acceptance of a broader array of evidence here. Under 27 C.F.R. §§ 479.63(c) and 479.85(c), ATF allows NFA trust applicants to certify that their trusts have not changed within the 24 months following a prior NFA approval. These regulations obviate the need for trust applicants to resubmit (and for ATF to reanalyze) legal documentation every single time a trust applicant submits an NFA application. If a certification can suffice in that context, so too should an affidavit suffice for a joint registration. Thus, ATF should amend the NPRM's text on "joint registration documents" to list acceptable documents disjunctively, rather than limiting the submission of "other evidence" only to certain contexts. And at minimum, ATF should implement a similar 24-month exception procedure for subsequent joint registrations filed after a married couple's first.

2. ATF Should Consider the Risks of Collecting Information on Joint Registrants.

The NPRM explains that, should a jointly registered spouse become prohibited from possessing firearms, "the prohibited spouse does not legally need to change the registration status, but the prohibited spouse may not possess (physically or constructively) the firearm." NPRM at 25246. Likewise, the NPRM contemplates that divorcing spouses may transfer previously jointly registered NFA firearms on an ATF Form 4 or Form 5, as the case may be. See *id.* But in either case, it seems likely that ATF will have knowledge of the resulting change in eligibility to possess the firearm in question, which raises concerns about how a future ATF might go about handling these situations.

For instance, during the Biden Administration, ATF agents were known to *visit the homes of gun owners unannounced*, demanding an inventory of recently purchased firearms.⁴ Given this abusive precedent, Commenters are concerned that a future administration may employ the same tactics again. For instance, consider a jointly registered couple where one spouse becomes a prohibited person. ATF becomes aware of this prohibition and then decides to dispatch agents to the couple's home, to verify that the "prohibited spouse [does] not possess (physically or constructively) the firearm" in question. NPRM at 25246. Suddenly, ATF agents are inquiring as to the sufficiency of the non-prohibited spouse's gun safe – and perhaps requesting to see it.

ATF should consider the risks of retaining this sort of information on joint NFA registrants, and the possibility of future abuse.

CONCLUSION

Commenters applaud ATF's efforts to reduce the NFA's onerous burdens on gun owners. Joint registration for spouses is a welcome option, and ATF should finalize its NPRM to implement that system. Even so, ATF should accept additional types of documentation from joint registrants, and it should mitigate the risks of abuse presented by future, anti-gun administrations.

Respectfully submitted,



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GUN OWNERS OF AMERICA

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

4. See, e.g., <https://www.youtube.com/watch?v=kN6jZKrzOmo> at 0:37.