

Congress of the United States

Washington, DC 20515

August 11, 2026

Attorney General Todd Blanche
U.S. Department of Justice
950 Pennsylvania Avenue NW,
Washington, DC 20530

Attorney General Blanche,

We write regarding the United States District Court for the Northern District of Texas' August 5, 2026 decision in *Silencer Shop Foundation v. ATF*, consolidated with *Jensen v. ATF*.¹ We write today, following our letters of November 10, 2025 and December 18, 2025,² urging the Department of Justice (DOJ) to adopt the position that the National Firearms Act's registration and transfer requirements cannot survive the elimination of their underlying taxes. The Northern District of Texas federal court has now agreed with that position in full, and so we urge the Department to decline any appeal of this ruling and, separately, to apply and set it nationwide via official rule making.

The Department should not appeal.

The court's opinion tracks precisely the position this Congress articulated when we passed Section 70436 of the One Big Beautiful Bill Act.³ The court correctly recognized that the NFA's registration, application, and reporting requirements for short-barreled rifles, short-barreled shotguns, silencers, and AOWs have rested only on the taxing power, and that a tax set to zero can no longer support the regulatory machinery built to collect it. The court likewise rejected, correctly in our view, the Department's arguments that these requirements could be repurposed to support the special occupational tax or salvaged under the Necessary and Proper Clause or the

¹ Memorandum Opinion and Order, *Silencer Shop Foundation v. ATF*, No. 6:25-cv-00056-H (N.D. Tex. Aug. 5, 2026), ECF No. 136.

<https://storage.courtlistener.com/recap/gov.uscourts.txnd.406278/gov.uscourts.txnd.406278.136.0.pdf>.

² Letter from Rep. Andrew S. Clyde et al. to Attorney General Pamela Bondi (Nov. 10, 2025), https://x.com/Rep_Clyde/status/1988346435880767544?s=20; Letter from Rep. Andrew S. Clyde et al. to Attorney General Pamela Bondi (Dec. 18, 2025), https://x.com/Rep_Clyde/status/2002062358710223055?s=20; see also AWR Hawkins, *Rep. Andrew Clyde Leads Coalition Urging Trump DOJ to Align Against NFA Registration*, Breitbart (Nov. 12, 2025), <https://www.breitbart.com/2nd-amendment/2025/11/12/rep-andrew-clyde-leads-coalition-urging-trump-doj-to-align-against-nfa-registration/>.

³ One Big Beautiful Bill Act, Pub. L. No. 119-21, § 70436, 139 Stat. 72, 247–48 (2025), <https://www.congress.gov/bill/119th-congress/house-bill/1/text/en>.

Commerce Clause – powers Congress never invoked in 1934 and has never since invoked for these provisions.⁴

We recognize the Department has a seven-day window under the court's order to seek relief at the appellate level⁵, but we urge the Department not to appeal. An appeal would prolong regulatory uncertainty for law-abiding gun owners and businesses and would consume DOJ resources defending a position that this Congress and now a federal district court has said cannot stand. We ask that the Department decline to appeal, to seek rehearing, or to otherwise attempt to cabin or narrow this ruling.

The Department should immediately apply the court's ruling nationwide and set it in regulation through rulemaking.

We further urge you to take two steps to bring the Department's regulations and practice into line with the court's ruling for all persons nationwide, not merely the plaintiffs, members, and customers covered by the court's injunction.

First, effective immediately, the DOJ should apply the court's constitutional holding as its nationwide operating position. The court held that the challenged NFA provisions – governing registration, application, and transfer of untaxed firearms – are unconstitutional because they no longer rest on any valid exercise of an enumerated power. That holding does not turn on any fact particular to the named plaintiffs; it applies with equal force to every person subject to these same regulations. Therefore, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) should be directed to apply this ruling as its governing position to all transfers and makings involving untaxed firearms, regardless of whether the applicant is a party to this litigation, again effective immediately.

Immediate application of the ruling nationwide is necessary to avoid the untenable alternative in the interim: a split enforcement regime in which the DOJ applies these requirements to one gun owner while declining to apply them to his neighbor, solely because one person happens to be a customer of Silencer Shop or a member of Gun Owners of America. Administering that kind of regime would require the DOJ and ATF to maintain two parallel tracks for identical conduct depending on the applicant's affiliations. That is not a workable or defensible way to administer a national regulatory program, even for the period before a rule can be finalized. Furthermore, split enforcement would waste substantial taxpayer resources – requiring the DOJ to litigate the same constitutional question again and again with no good-faith basis to expect a different outcome – when the Department could instead simply apply the ruling it has already received.

But immediate application alone is not a complete or durable solution. An operating position adopted under the DOJ's own discretion can be reversed by a future Attorney General or ATF Director without notice or process, leaving gun owners and businesses again exposed to enforcement of provisions a federal court has already held unconstitutional.

⁴ See Memorandum Opinion and Order, *supra* note 1, at 32–56 (rejecting the Department's arguments that the challenged provisions could be sustained under the Necessary and Proper Clause or the Commerce Clause).

⁵ Memorandum Opinion and Order, *supra* note 1, at 66.

Second, the DOJ should initiate rulemaking to formally rescind or amend the challenged regulations as they apply to untaxed firearms. Rulemaking is necessary to make this outcome permanent. We urge you to begin that rulemaking process without delay, so that the immediate, nationwide application of the court's ruling is followed as promptly as the APA allows by a durable regulatory fix that does not depend on the discretion of any particular administration.

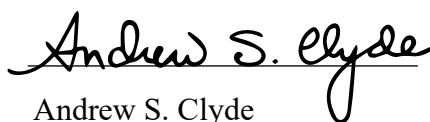
We recognize that the court, applying *Trump v. CASA*, concluded it lacks authority to issue a universal injunction and instead limited relief to the parties before it and those closely associated with them.⁶ We do not ask you to disregard that holding or to treat the injunction itself as broader than the court wrote it. Both steps we describe here – immediate nationwide application and subsequent rulemaking – are actions within the DOJ's own executive authority, undertaken independently of the scope of the court's order, not an assertion that the injunction itself applies to non-parties.

Conclusion

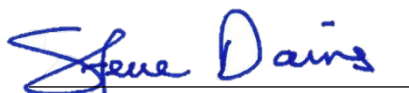
We ask the DOJ to decline any appeal of the court's decision; to immediately apply the court's ruling nationwide to all persons, regardless of whether they are formally covered by the court's injunction; and to promptly initiate rulemaking to rescind or amend the challenged NFA regulations as to untaxed firearms, so that this outcome is made permanent. Administering a split enforcement regime based on party status is neither workable nor a sound use of the Department's resources, and the DOJ should not wait for the rulemaking process to conclude before bringing its practice into conformity with the court's ruling.

The Declaration of Independence – the birth certificate of our nation – proclaims that all men are endowed with certain unalienable rights, that among them are Life, Liberty, and the Pursuit of Happiness, and that government exists solely to secure those rights. The Second Amendment is the practical guardian of those God-given rights, ensuring that free citizens retain the ultimate means to defend their lives, their liberty, and their families. When the DOJ defends unconstitutional gun regulations then the ATF becomes weaponized against law-abiding Americans and the government betrays its founding purpose. Restoring the Second Amendment is not merely a policy matter – it is a fulfillment of this nation's oldest and most sacred promise to its people. We stand ready to work with you and the Department of Justice to see these priorities enacted, and we are grateful for your continued commitment to our sacred Liberties and the Second Amendment that protects them.

Sincerely,



Andrew S. Clyde
Member of Congress



Steve Daines
United States Senator

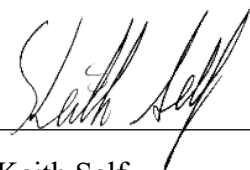
⁶ Memorandum Opinion and Order, *supra* note 1, at 58–59 (citing *Trump v. CASA, Inc.*, 606 U.S. 831 (2025)).



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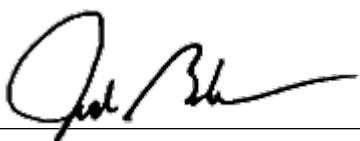
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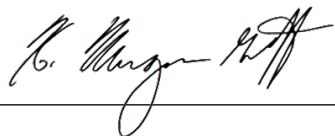
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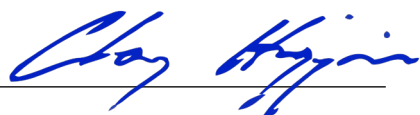
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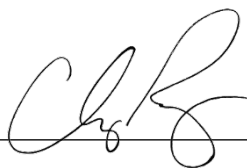
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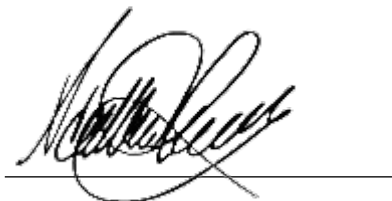
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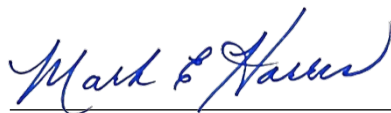
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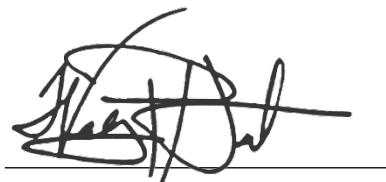
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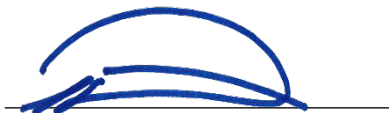
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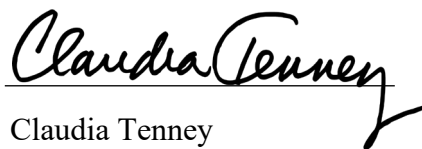
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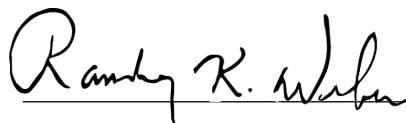
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cc: The Honorable Robert Cekada
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives