

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

1836 LLC; JARED GEE; and DAVID ABT

Plaintiffs,

v.

Civil Case No. 3:25-cv-03535-X

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES; UNITED
STATES DEPARTMENT OF JUSTICE;
TODD BLANCHE, in his Official Capacity
as ATTORNEY GENERAL OF THE
UNITED STATES; and ROBERT CEKADA,
in his Official Capacity as DIRECTOR OF
THE BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendants.

FIRST AMENDED COMPLAINT

The power to direct the removal of gun-powder is a branch of the police power, which unquestionably remains, and ought to remain with the states.

Joseph Story, 2 *Commentaries on the Constitution of the United States* § 1024, at 483 (Boston, Hilliard, Gray & Co 1833).

Plaintiffs 1836 LLC, Jared Gee, and David Abt, by counsel, file this First Amended Complaint against Defendants Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, Todd Blanche, in his Official Capacity as Attorney General of the United States, and Robert Cekada, in his Official Capacity as Director of ATF, and state as follows:

NATURE OF ACTION

1. Plaintiffs have the knowledge, experience, and desire to manufacture and deal in firearm silencers in Texas. Based upon their experience with the burdensome registration scheme that makers or dealers must comply with to lawfully make or deal in silencers, Plaintiffs have no desire to manufacture and deal in silencers in interstate commerce.

2. The United States Constitution grants power to Congress “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” U.S. Const., art. I, Sec. 8, cl. 3.

3. Congress passed 18 U.S.C. § 923(a) which requires that “No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General.”

4. 18 U.S.C. § 921(a)(3) defines firearms to include “any firearm muffler or firearm silencer.”

5. Through 18 U.S.C. §§ 922(a)(1)(A) and 923(a), enforced by the criminal penalties of 18 U.S.C. § 924(a)(1)(D), Congress prohibits Plaintiffs from manufacturing and distributing firearms silencers wholly in intrastate commerce unless they first obtain a license and pay a fee to the Attorney General of the United States.

6. The purpose of the 18 U.S.C. § 923(a) license is to enable the holder “to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.” 18 U.S.C. § 923(c).

7. Thus, Congress is requiring Plaintiffs, who desire to manufacture and deal in firearm silencers in intrastate commerce, to obtain and pay a licensing fee whose stated purpose is to enable them to engage in interstate commerce, something that Plaintiffs are not interested in engaging in.

8. This action presents as-applied challenges to 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D) (the “GCA licensing provisions”).

9. These provisions, and Defendants’ enforcement of them, exceed Congress’ enumerated powers under the Commerce Clause and the Necessary and Proper Clause, violate the Second Amendment, and invade the powers reserved to the States and to the people by the Tenth Amendment.

10. Plaintiffs acknowledge that *Gonzales v. Raich*, 545 U.S. 1 (2005), and *Wickard v. Filburn*, 317 U.S. 111 (1942), have been read to permit federal regulation of some purely intrastate economic activity. As explained below, those decisions do not control here. To the extent they do, Plaintiffs contend they were wrongly decided, and Plaintiffs raise their Commerce Clause claims in good faith to preserve them for review by the Supreme Court.

JURISDICTION AND VENUE

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this civil action arises under the laws of the United States.

12. Plaintiffs seek equitable relief to prevent federal officers and entities from acting unconstitutionally. *See Free Enter. Fund v. PCAOB*, 561 U.S. 477, 491 n.2 (2010).

13. This Court has jurisdiction to grant the declaratory relief sought, pursuant to 28 U.S.C. § 2201, and additional relief pursuant to 28 U.S.C. § 2202. Plaintiffs seek costs and attorneys’ fees under 28 U.S.C. § 2412.

14. The United States has waived sovereign immunity for this action, which seeks relief other than money damages. 5 U.S.C. § 702. Plaintiffs also invoke this Court’s inherent equitable authority to enjoin unconstitutional action by federal officers. *See Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 327 (2015).

15. The Anti-Injunction Act, 26 U.S.C. § 7421, does not bar this suit as the license fees in this case are not assessed under the Internal Revenue Code. “The fees are therefore not ‘taxes’ within the scope of the Anti-injunction Act.” *Federal Energy Administration v. Algonquin SNG, Inc.*, 426 U.S. 548, 558 n.9 (1976).

16. Venue is proper in this Court because Defendants are officers and agencies of the United States, no real property is involved in this action, and Plaintiffs reside in this judicial district. 28 U.S.C. § 1391(e)(1).

PARTIES

17. Plaintiff 1836 LLC is a limited liability company formed under the laws of Texas in 2023 with its principal place of business in Johnson County, Texas, within this district. 1836 LLC was established for the sole purpose of manufacturing and dealing in firearm silencers in the state of Texas pursuant to Texas law, including Tex. Gov’t Code 2.001 *et seq.* On September 18, 2026, 1836 LLC attempted to pay the “special (occupational) tax” as required by 26 U.S.C. § 5801. On October 5, 2026, 1836 LLC received an email from Damon Wright, Firearm & Explosives Services Specialist, NFA division. Damon Wright informed 1836 LLC that “the form is not complete. You put N/A for the FFL. You must have an active FFL to apply for an SOT.” Exhibit 1.

18. Plaintiff Jared Gee is a citizen of the United States and a resident of Johnson County, Texas, within this district. Plaintiff is a member of 1836 LLC. Gee is a member of Elite Precision Components LLC (“EPC”) which was a federally licensed firearms dealer. Based upon his

experience in dealing with the Defendants with EPC, and the bureaucratic red tape that is involved in the interstate manufacture and dealing in silencers, Gee intends to manufacture and deal in firearm silencers only in intrastate commerce and avoid the burdensome red tape imposed by Defendants.

19. Plaintiff David Abt is a citizen of the United States and a resident of Johnson County, Texas, within this district. Plaintiff is a member of 1836 LLC. Abt was a member of EPC which was a federally licensed firearms dealer. Based upon his experience in dealing with the Defendants with EPC, and the bureaucratic red tape that is involved in the interstate manufacture and dealing in silencers, Abt intends to manufacture and deal in firearm silencers only in intrastate commerce and avoid the burdensome red tape imposed by Defendants.

20. Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives is a bureau within the DOJ and is headquartered at 99 New York Avenue Northeast, Washington, DC 20002. The ATF is a delegated authority to enforce federal firearm laws, including the NFA's taxation, and GCA's licensing provisions. *See* 28 U.S.C. § 599A; 28 C.F.R. § 0.130; 18 U.S.C. § 926(a). The ATF receives and processes NFA-related registration applications, and issues approval determinations on those applications.

21. Defendant Robert Cekada is the Director of the ATF and is responsible for overseeing the Agency's enforcement of the NFA's taxation provisions. *See* 28 C.F.R. § 0.130(a)(1)-(3); 28 U.S.C. § 510. Director Cekada is being sued in his official capacity.

22. Defendant Department of Justice is headquartered at 950 Pennsylvania Avenue Northwest, Washington, DC 20530. The DOJ is the executive department with authority to enforce federal laws, including the NFA's taxation provisions.

23. Defendant Todd Blanche is the United States Attorney General. He oversees the DOJ. 28 U.S.C. § 501, 503. He is vested with authority to enforce federal firearms laws, including the provisions of the GCA and NFA at issue in this case. *See* 26 U.S.C. § 7801(a)(2). Attorney General Blanche is being sued in his official capacity.

PLAINTIFFS' INTENDED CONDUCT AND THE CREDIBLE THREAT OF ENFORCEMENT

24. 1836 LLC is ready, willing, and able to begin manufacturing suppressors. It has acquired CNC machines and tooling, a laser welder and welding lathe, CAD software, lease of warehouse space, website development, and much more. Total costs for setting up 1836 LLC to comply with Texas law to manufacture silencers in intrastate commerce cost plaintiffs approximately \$ 400,000.

25. 1836 LLC will manufacture suppressors in Texas and will sell them only to Texas residents in transactions completed in Texas. Each suppressor will be marked "Made in Texas." 1836 LLC made suppressors will only be sold at locations in Texas and sold to individuals showing a Texas Driver's License. For transactions conducted on 1836 LLC's website, they will cancel all orders that show a shipping address outside the state of Texas. Furthermore, their website requires the buyer to check a box affirming that they are a Texas resident and that this transaction is limited to shipping to only Texas residences.

26. 1836 LLC has attempted to pay the "special (occupational) tax" as required by 26 U.S.C. § 5801. On October 5, 2026, 1836 LLC received an email from Damon Wright, Firearm & Explosives Services Specialist, NFA division. Damon Wright informed 1836 LLC that "the form is not complete. You put N/A for the FFL. You must have an active FFL to apply for an SOT." Exhibit 1.

27. Plaintiffs attempted to pay the "special (occupational) tax" by filing ATF Form 5630.7, a blank copy which is attached as Exhibit 2.

28. Line 4 is the line that requires Plaintiffs to provide their Federal Firearms License number.

29. For Plaintiffs to obtain a Federal Firearm License number, they would be required to fill out an Application for Federal Firearms License (ATF Form 7/7CR), a blank copy which is attached as Exhibit 3.

30. ATF Form 7/7CR makes clear that “The information requested is required in order to obtain or retain a benefit and is mandatory by statute (*18 U.S.C. § 923*).”

31. Nothing on ATF Form 7/7CR indicates Defendants’ Authority to require Plaintiffs to fill out this form is based upon 26 U.S.C. § 5801 *et seq.*

32. Nothing on ATF Form 7/7CR indicates that Plaintiffs must fill out this form to comply with the requirements to pay the “special (occupational) tax” as required by 26 U.S.C. § 5801.

33. Gee and Abt intend to make and sell suppressors through 1836 LLC on these terms and would begin doing so within three days of obtaining relief from this Court. But for the challenged provisions, 1836 LLC would be manufacturing and selling silencers to Texas residents located in Texas. It has forgone an estimated \$2,500,000 in revenue.

34. Through EPC, Gee and Abt experienced the federal licensing regime firsthand, including wait times for license and application approvals, compliance inspections, and recordkeeping burdens. EPC spent approximately 25% of its time dealing with regulatory compliance required by Defendants.

35. Plaintiffs will not obtain a federal firearms license to engage in purely intrastate commerce. They refrain from manufacturing and selling suppressors only because doing so without a license would expose them to prosecution under 18 U.S.C. § 924(a)(1)(D) and 26 U.S.C. §§ 5861 and 5871.

36. That threat is concrete. After Texas enacted H.B. 957, codified at Tex. Gov't Code § 2.001 *et seq.*, ATF issued an open letter to all Texas federal firearms licensees advising that federal law continues to govern suppressors made and sold within Texas and that Tex. Gov't Code § 2.001 *et seq.* does not exempt anyone from federal licensing, registration, or criminal liability.¹ Defendants have never disavowed enforcement of the challenged provisions against intrastate manufacturers and dealers.

37. Plaintiffs therefore face a credible threat of enforcement and may challenge the provisions before they are prosecuted. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014).

STATUTORY AND CONSTITUTIONAL FRAMEWORK

National Firearms Act of 1934 – annual and transfer taxes imposed under Congress's taxation authority

38. Congress enacted its first comprehensive firearm regulation, the National Firearms Act of 1934 (“NFA”), using its constitutional taxation authority. 48 Stat. 1236. *See also, Sonzinsky v. United States*, 300 U.S. 506 (1937).

39. The NFA imposed an annual tax of \$500 on importers or manufacturers of firearms, and \$200 on dealers. NFA Sec. 2.

40. The NFA also imposed a \$200 tax on the transfer of each firearm. NFA Sec. 3.

41. The Prohibition Era produced, at the time, a unique challenge: interstate organized criminals. Even when confronting organized criminals who crossed state lines, Congress relied on its taxing power rather than claiming a general Commerce Clause power to prohibit firearm possession.

¹ U.S. Dept. Of Justice, July 26, 2021, *Open Letter to All Texas Federal Firearms Licensees* available at <https://www.atf.gov/media/16781/download>.

42. Attorney General Homer Cummings, the bill's chief proponent, conceded the limits of federal power when he testified in support of the NFA. "[W]e have no inherent police powers to go into certain localities and deal with local crime. It is only when we can reach those things under the interstate commerce provision, or under the use of the mails, or by the power of taxation, that we can act." *National Firearms Act: Hearings on H.R. 9066 Before the H. Comm. on Ways & Means*, 73d Cong. 11 (1934) (statement of Homer S. Cummings, Att'y Gen.). He explained that a direct ban would raise constitutional problems, but a tax would not: "If we made a statute absolutely forbidding any human being to have a machine gun, you might say there is some constitutional question involved. But when you say, 'We will tax the machine gun,' and when you say that the absence of a license showing payment of the tax has been made indicates that a crime has been perpetrated, you are easily within the law." *Id.*

43. Congress's solution was to levy taxes on specified firearms and entities. Importantly, though it made the importation, manufacture, and sale of specific types of firearms more costly, it did not prohibit the possession, sale, or transfer of such weapons unless they lacked the requisite tax stamps. In crafting the NFA, Congress rested the law solely in its authority to tax.

1938 Federal Firearms Act (FFA) – licensing scheme enacted on purported Commerce Clause authority

44. Four years after the NFA, Congress enacted the Federal Firearm Act of 1938, 52 Stat. 1250 ("FFA").

45. Unlike the NFA, Congress explicitly rested its authority to regulate firearms on the Commerce Clause, even introducing it as "An Act to regulate commerce in firearms." FFA, 52 Stat. 1250.

46. The FFA made it unlawful for “any manufacturer or dealers ... to transfer, ship, or receive any firearm or ammunition in interstate or foreign commerce” unless they had a license. FFA, Sec. 2(a).

47. The FFA requires “Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce” shall pay a licensing fee of \$25 per year for manufacturers and \$1 per year for dealers. FFA, Sec. 3(a).

48. Nothing in the FFA indicated that an individual who was only involved in intrastate commerce was required to obtain a license from the Secretary of the Treasury. FFA, Sec. 3(a).

49. In 1943, the Supreme Court examined section 2(f) of the FFA – felon in possession of firearm that was “shipped or transported in interstate or foreign commerce.” *See* FFA, Sec. 2(f), and *Tot v. U.S.*, 319 U.S. 463 (1943).

50. In examining section 2(f) of the FFA, the Supreme Court acknowledged that both “courts below held that the offense created by the Act is confined to the receipt of firearms or ammunition as a part of interstate transportation and does not extend to the receipt, in an intrastate transaction.” The Supreme Court also acknowledged that the “Government agrees that this construction is correct.” *Tot v. U.S.*, 319 U.S. 463, 466 (1943).

51. The courts and the Executive Branch thus agreed that the FFA applied only to foreign and interstate commerce, and that it did not apply to intrastate commerce.

1968 Gun Control Act (GCA)

52. In 1968, Congress passed the Gun Control Act of 1968. Pub. L. No. 90-618, 82 Stat. 1213 (“GCA”).

53. Title I of the Gun Control Act amended the Federal Firearms Act of 1938, and these sections can be found within the Criminal Code. Title II of the Gun Control Act amended the National Firearms Act of 1934, and these sections can be found within the Internal Revenue Code.

54. The Gun Control Act of 1968 “revised the National Firearms Act with the view of eliminating the defects in it which were revealed in *Haynes*.” *U.S. v. Freed*, 401 U.S. 601, 602 (1971) (referring to *Haynes v. United States*, 390 U.S. 85 (1968)). It also “enlarged and extended the Federal Firearms Act.” *Barrett v. U.S.*, 423 U.S. 212, 220 (1976).

55. While the GCA made some changes to the NFA, it did not change the \$500 tax per year on importers and manufacturers of firearms and the \$200 tax per year on dealers. GCA, Part II, Sec. 5801

56. The GCA also did not change the \$200 firearms transfer tax of \$200 for each firearm. GCA, Part II, Sec. 5811(a).

57. Congress later restructured the special occupational tax. Today it is \$1,000 per year for importers and manufacturers, with a reduced rate of \$500 for small importers and manufacturers, and \$500 per year for dealers. 26 U.S.C. § 5801. Unlike the making and transfer taxes, the special occupational tax is a flat levy on the business, not a tax on any particular firearm.

THE *SILENCER SHOP* AND *JENSEN* INJUNCTIONS

58. On July 4, 2025, Silencer Shop Foundation and several other entities and individual plaintiffs filed a lawsuit seeking a declaration that “the NFA’s registration and transfer requirements pertaining to untaxed firearms exceed Congress’s enumerated powers.” *Silencer Shop Foundation v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, Case No. 6:25-cv-56-H, (Doc. # 1) (N.D. Tex., July 4, 2025).

59. This lawsuit followed the One Big Beautiful Bill Act’s reduction to \$0, effective January 1, 2026, of the NFA’s making and transfer taxes on all NFA firearms except machineguns and destructive devices. Pub. L. No. 119-21, § 70436, 26 U.S.C. §§ 5811(a)(2), and 5821(a)(2).

60. Congress passed the One Big Beautiful Bill on July 3, 2025, and President Trump signed it into law on July 4, 2025.

61. On August 8, 2025, Silencer Shop amended their complaint and added 16 states as Plaintiffs to the lawsuit. *Silencer Shop*, (Doc. #15) (N.D. Tex., Aug. 8, 2025).

62. On October 9, 2025, John Jensen and several other individuals and entities filed a separate lawsuit seeking a declaration “that the NFA’s requirements relating to making, transferring, receiving, possessing, or otherwise using untaxed firearms exceed Congress’s enumerated powers, both facially and as-applied.” *Jensen v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, Case No. 2:25-cv-233 (Doc. # 1) (N.D. Tex., Oct. 9, 2025).

63. The *Jensen* case was consolidated with *Silencer Shop*. See *Jensen*, (Doc. # 66) (N.D. Tex. June 8, 2026); and *Silencer Shop* (Doc. # 116).

64. On August 5, 2026, Judge James Hendrix entered two injunctions. *Silencer Shop*, (Doc. # 137) (N.D. Tex., Aug. 5, 2026).

65. The first injunction as to all *Silencer Shop* and *Jensen* plaintiffs:

enjoins the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Department of Justice, Todd Blanche in his official capacity, Robert Cekada in his official capacity, their divisions, bureaus, agents, officers, commissioners, employees, and anyone acting in concert or participation with them, including their successors in office, from enforcing the challenged provisions of the National Firearms Act as to untaxed firearms against the plaintiffs, and where applicable, the plaintiffs’ agencies, political subdivisions, members, and customers—both current and future. The challenged NFA provisions are:

- 26 U.S.C. § 5812(a)-(b);
- 26 U.S.C. § 5822;
- 26 U.S.C. § 5841(a)-(c), (e);

- 26 U.S.C. § 5861(b)-(f);
- 27 C.F.R. § 479.62(a)-(d); and
- 27 C.F.R. § 479.84(a)-(d).

Id. at 1-2 (*Silencer Shop* Injunction).

66. The second injunction was only applicable to the *Jensen* plaintiffs:

Further, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Department of Justice, Todd Blanche in his official capacity, Robert Cekada in his official capacity, their divisions, bureaus, agents, officers, commissioners, employees, and anyone acting in concert or participation with them, including their successors in office, are permanently enjoined from enforcing the following additional challenged NFA provision as to untaxed firearms against the *Jensen* plaintiffs and, where applicable, their members and customers:

- 26 U.S.C. § 5842(b); and
- 26 U.S.C. § 5861(i).

Id. at 2 (*Jensen* Injunction).

67. Plaintiff 1836 LLC is a member of Texas State Rifle Association, one of the *Jensen* Plaintiffs. Accordingly, both the *Silencer Shop* and the *Jensen* Injunctions restrain Defendants as to 1836 LLC.

68. Plaintiff Gee is a member of Gun Owners Foundation, a plaintiff in the *Silencer Shop* *Foundation* lawsuit. Because Gee is not a member of any *Jensen* plaintiff, only the *Silencer Shop* Injunction restrains Defendants as to him.

69. Plaintiff Abt is a member of FPC Action Foundation, one of the *Jensen* plaintiffs. Accordingly, both the *Silencer Shop* and the *Jensen* Injunctions restrain Defendants as to him.

DOJ/ATF'S OPEN LETTER

70. On October 9, 2026, approximately 20 minutes after Plaintiffs filed their Complaint in this case, Defendants published on their website an "OPEN LETTER." Exhibit 4.

71. This Open Letter is in response to the *Silencer Shop* injunction and how Defendants plan to enforce the NFA in light of this injunction.

72. The Open Letter declared that “the Department has determined to exercise its enforcement discretion to create greater uniformity, consistent with the Attorney General’s statement today. Consequently, effective October 9, 2026, ATF will no longer require individuals to seek ATF approval under the NFA before making or transferring short-barreled rifles, short-barreled shotguns, silencers, and “any other weapon[s]” as defined in 26 U.S.C. § 5845(e).”

73. The Open Letter also recognized that the *Silencer Shop* injunction did not enjoin the GCA and that “all recordkeeping and background check requirements under the GCA remain in place.”

THE GCA’S LICENSING REQUIREMENTS FOR THOSE ENGAGED IN INTRASTATE COMMERCE ARE UNCONSTITUTIONAL

74. The GCA defines manufacturer as “any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution.” GCA, Part I, Sec. 921(a)(10).

75. The GCA also defines dealer as “(A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker.” GCA, Part I, Sec. 921(a)(11).

76. Neither the definition of manufacturer or dealer is limited to those engaged in interstate or foreign commerce.

77. While § 922 of the GCA listed a plethora of crimes that would be illegal for an individual to commit regarding “interstate or foreign commerce” unless the individual was a licensed dealer, it does not appear that Congress intended for § 922 to regulate intrastate transactions.

78. In fact, the GCA used the phrase “interstate or foreign commerce” 12 times in § 922 and only used the term “intrastate transactions” once. GCA, Part I, Sec. 922. The only time “intrastate transactions” was used in the original GCA is found in Part I, Sec. 922(b)(3) (“It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or

deliver ... (3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in ... the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of a rifle or shotgun to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or deliver for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises ...").

79. The current version of 18 U.S.C. § 922 contains the phrase "interstate or foreign commerce" 22 times and eliminated the phrase "intrastate transactions" altogether.

80. Section 922 of the GCA follows the general provisions of the FFA, although it does expand those provisions.

81. With Title I, sec. 923, the GCA created a new section that was not contained in the FFA. This new section prohibited all individuals engaged 'in business as a firearms or ammunition importer, manufacturer, or dealer" from engaging in their business until they obtained a license from the Secretary. GCA, Part I, Sec. 923.

82. Unlike Sec. 922 of the GCA, section 923 does not put the limiting language of "in interstate or foreign commerce." GCA, Part I, Sec. 922(a).

83. The criminal prohibition that enforces the license requirement, 18 U.S.C. § 922(a)(1)(A), likewise contains no interstate-commerce element in its first clause. It makes it unlawful for any person except a licensee "to engage in the business of importing, manufacturing, or dealing in firearms," and a willful violation is punishable by up to five years in prison. 18 U.S.C. § 924(a)(1)(D).

84. By the passage of the GCA, Congress codified both a taxing scheme and a licensing scheme.

85. For the first time, Congress used its Commerce Clause power to regulate intrastate commerce by requiring all manufacturers, dealers, and those engaged in the repair of firearms to purchase a license even if their entire business was intrastate.

86. As a result of 18 U.S.C. § 923, an individual who is a manufacturer or dealer in silencers must obtain a license from the United States, even if that individual never intends to manufacture or sell goods across state lines.

87. Plaintiffs contend that 18 U.S.C. §§ 922(a)(1)(A) and 923(a) are unconstitutional as applied to them since Congress does not have the authority under the Commerce Clause to require manufacturers and dealers to obtain a license when the purpose of that license is to enable them to engage in the manufacture and dealing in silencers in intrastate commerce.

PORTIONS OF THE GCA HAVE BEEN FOUND UNCONSTITUTIONAL

88. Over the years, the Supreme Court has found that portions of the GCA are unconstitutional.

89. In 1995, the Supreme Court determined that 18 U.S.C. § 922(q) was unconstitutional as the Gun-Free School Zones Act exceeded Congress' Commerce Clause authority. *U.S. v. Lopez*, 514 U.S. 549 (1995).

90. *Lopez* emphasized that § 922(q) contained “no express jurisdictional element which might limit its reach to a discrete set of firearm possessions that additionally have an explicit connection with or effect on interstate commerce.” 514 U.S. at 562. The licensing requirement of §§ 922(a)(1)(A) and 923(a) suffers from the same defect.

91. This year, the Supreme Court held that 18 U.S.C. § 922(g)(3), which prohibits an unlawful user of a controlled substance from possessing a firearm, violated the Second Amendment as applied to the defendant. *United States v. Hemani*, 608 U.S. 772 (2026). Writing separately, Justice

Thomas explained that, as “a matter of both original meaning and this Court’s precedents, § 922(g)(3) appears to exceed Congress’s enumerated power to regulate interstate commerce.” *Id.* at 795 (Thomas, J. concurring).

**AN EXAMINATION OF THE ORIGINAL MEANING OF THE COMMERCE CLAUSE
REVEALS THAT CONGRESS DOES NOT HAVE POWER TO REGULATE PURELY
INTRASTATE COMMERCE**

92. Under Article I, Section 8, Clause 3 of the U.S. Constitution, the Founders gave Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” The Founders intended “among states” to govern interstate commerce exclusively, not within the state itself.

93. At the founding, “commerce” meant “selling, buying, and bartering, as well as transporting for these purposes.” *United States v. Lopez*, 514 U.S. 549, 585 (1995) (Thomas, J., concurring). It did not include manufacturing. *Id.* at 586.

94. Chief Justice Marshall recognized this limit in the Court’s first great Commerce Clause case: “The completely internal commerce of a State, then, may be considered as reserved for the State itself.” *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 195 (1824).

95. For more than a century afterward, the Court adhered to the distinction between manufacturing and commerce. “No distinction is more popular to the common mind, or more clearly expressed in economic and political literature, than that between manufactures and commerce.” *Kidd v. Pearson*, 128 U.S. 1, 20 (1888). “Commerce succeeds to manufacture, and is not a part of it.” *United States v. E.C. Knight Co.*, 156 U.S. 1, 12 (1895).

96. Thomas Jefferson was deeply committed to economic development and national unity. However, throughout his life, he made clear that he did not see the Commerce Clause as a broad grant of power to Congress.

97. On February 15, 1791, Jefferson wrote to President Washington a legal opinion regarding the United States Bank Bill highlighting the limitation on Congress under the Commerce Clause. Jefferson wrote that “the power given to Congress by the Constitution does not extend to the internal regulation of the commerce of a State, (that is to say of the commerce between citizen and citizen,) which remain exclusively with its own legislature ...”. Thomas Jefferson, *Opinion on the Constitutionality of a National Bank*, in 5 *The Writings of Thomas Jefferson* 284, 286 (Paul Leicester Ford ed., 1895).

98. Late in life, Thomas Jefferson wrote a letter to William Branch Giles (U.S. Senator for Virginia) in which he warned that Congress was “advancing towards the usurpation of all the rights reserved to the states.” Thomas Jefferson, *Letter from Thomas Jefferson to William Branch Giles* (Dec. 26, 1825), in 10 *The Writings of Thomas Jefferson* 354 (Paul Leicester Ford ed., 1899).

99. Jefferson was concerned that if Congress used the power to regulate commerce, it would assume control over agriculture and manufacturing, something Jefferson believed was wholly outside Congress’ purview.

100. James Madison also rejected the idea that the Commerce Clause authorized Congress to regulate commerce within the states. On March 3, 1817, Madison vetoed the Bonus Bill. “The legislative powers vested in Congress,” he wrote, “are specified and enumerated ... and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers.” James Madison, *Veto Message* (Mar. 3, 1817), in 1 *A Compilation of the Messages and Papers of the Presidents* 569 (James D. Richardson ed., 1907).

101. Madison conceded that any broad construction of the Commerce Clause would effectively obliterate constitutional limits. “Such a view of the Constitution would have the effect

of giving to Congress a general power of legislation,” he warned, “instead of the defined and limited one hitherto understood to belong to them.” *Id.* at 570.

102. In his *Commentaries on the Constitution*, Justice Joseph Story examined the “nature and extent of the power to regulate commerce.” Joseph Story, 2 *Commentaries on the Constitution of the United States* § 971, at 440 (Boston, Hilliard, Gray & Co. 1833).

103. Justice Story emphasized that certain state laws, though they may incidentally affect commerce, are not regulations of commerce but exercises of the police power. *Id.* § 1024, at 482. Among these laws included were “laws to direct the removal of gun-powder.” *Id.* § 1024, at 483. This measure, Story wrote, “unquestionably remains, and ought to remain with the states.” *Id.* The decision as to where to store the powder does not contribute to revenue, it falls squarely under the “health laws of a state.” *Id.* at 484.

THE EIGHTEENTH AMENDMENT DEMONSTRATES THAT CONGRESS DOES NOT HAVE POWER TO REGULATE INTRASTATE COMMERCE

104. To understand how Congress historically understood its limitations under the Commerce Clause, one only needs to turn to the history of the Eighteenth Amendment. For the first 130 years of the Nation’s history, Congress did not claim that the Commerce Clause empowered it to prohibit the intrastate manufacture or sale of intoxicating liquor. Congress instead taxed alcohol and regulated its interstate transportation.

105. The First Congress passed the Revenue Act of 1791, signed by President Washington on March 3, 1791. This Act imposed a tax on domestically distilled spirits to generate revenue for the federal government. (Revenue Act of 1791, ch. 15, 1 Stat. 199 (1791)). It did not otherwise restrict or regulate the manufacture, sale, or transportation of alcohol.

106. As the national temperance movement sought prohibition, Senator Henry W. Blair of New Hampshire introduced a proposed constitutional amendment in 1876 to prohibit the

manufacture, sale, and importation of alcoholic beverages. In 1890, nearly 100 years after the ratification of the Constitution, Congress invoked the Commerce Clause to enact the Wilson Act. Rather than directly prohibiting its manufacture or sale, the Act enabled the states to regulate imported liquor as soon as it crossed their borders. Wilson Act, ch. 728, 26 Stat. 313 (1890).

107. Despite the sustained national effort to prohibit alcohol, Congress used its commerce power only to regulate interstate transportation and to permit state police-power regulation after interstate transportation ended. Congress did not claim authority under the Commerce Clause to impose a nationwide prohibition on intrastate manufacture or sale. The result required the Eighteenth Amendment. If the Commerce Clause already authorized Congress to prohibit intrastate activity because of its effect on a national market, there would have been no need to amend the Constitution.

***GONZALES V. RAICH* DOES NOT CONTROL, AND IF IT DOES, IT SHOULD BE
OVERRULED**

108. The original public meaning of the Commerce Clause, confirmed by early judicial and legislative practice, does not reach the purely intrastate manufacture and sale of goods.

109. Defendants will invoke *Wickard* and *Raich*. Neither controls.

110. *Raich* upheld application of the Controlled Substances Act to home-grown marijuana because Congress had enacted a comprehensive scheme to eliminate a fungible commodity from the national market, and exempting intrastate production would leave a “gaping hole” in that scheme. 545 U.S. at 22. No comparable scheme exists for suppressors. Congress has repealed the federal tax on making and transferring them, Pub. L. No. 119-21, § 70436, and this Court has held the NFA’s registration and transfer provisions unenforceable as to untaxed firearms. *Silencer Shop*, Doc. 137. Requiring a federal license of a Texas business that makes suppressors in Texas, for sale only to Texas residents, fills no gap in any federal scheme.

111. Nor can the Necessary and Proper Clause sustain the licensing requirement as applied to Plaintiffs. A law is not “proper” if it undermines “the structure of government established by the Constitution.” *See Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 559 (2012) (opinion of Roberts, C.J.). Texas has enacted its own regime for suppressors made and sold within its borders. Displacing that regime with a federal license requirement for wholly intrastate commerce, after Congress itself has abandoned taxing and tracking those suppressors, is neither necessary nor proper.

112. To the extent *Wickard* or *Raich* forecloses Plaintiffs’ Commerce Clause claims, those decisions were wrongly decided and should be overruled. *See Raich*, 545 U.S. at 57-74 (Thomas, J., dissenting). Plaintiffs raise these claims in good faith to preserve them for review by the Supreme Court.

COUNT ONE

Violation of the U.S. Constitution – Commerce Clause The GCA’s Requirement that Manufacturers and Dealers of Silencers Engaged in Intrastate Commerce Obtain a License Exceeds Congress’s Authority

113. Plaintiffs incorporate by reference all paragraphs preceding Count One as though set forth fully herein.

114. The GCA’s license requirement for manufacturers and dealers engaged in intrastate commerce exceeds Congress’s enumerated powers and is thus unconstitutional.

115. When Congress passed the FFA, it did not require those who were engaged in the manufacture or dealing in silencers in intrastate commerce to obtain a license.

116. It was not until the passage of the GCA that Congress mandated licenses of those engaged in the intrastate business of manufacturing or dealing in silencers to obtain a license.

117. Requiring a federal license for the purely intrastate manufacture and sale of suppressors is not a regulation of commerce among the several States, and it is not necessary and

proper to the regulation of such commerce, particularly now that Congress has repealed the federal tax on suppressors and the NFA's registration provisions are unenforceable as to untaxed firearms.

118. Individual Plaintiffs and 1836 LLC and its customers are injured by the GCA's unconstitutional requirements.

119. Plaintiffs are entitled to a declaration that the GCA's requirements that they must obtain a license while they are engaged in the business of manufacturing or dealing in silencers in intrastate commerce, exceed Congress' enumerated powers and are thus unconstitutional, as applied to Individual Plaintiffs, 1836 LLC and its customers. *See* 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

120. Plaintiffs are entitled to a permanent injunction against Defendants from implementing or otherwise enforcing the GCA's licensing requirements if they are only engaged in intrastate commerce. *See* 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWO
Violation of the U.S. Constitution – Second Amendment
The GCA's Licensing Requirement Violates their Right to Bear Arms

121. Plaintiffs incorporate by reference all paragraphs preceding Count One as though set forth fully herein.

122. The Second Amendment to the United States Constitution provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend. II.

123. "Just as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." *Heller*, 554 U.S. 570, 582 (2008) (citations omitted); *see also Bruen*, 597

U.S. at 28 (“[E]ven though the Second Amendment’s definition of ‘arms’ is fixed according to its historical understanding, that general definition covers modern instruments that facilitate armed self-defense.”).

124. The Supreme Court’s test for addressing Second Amendment challenges states: “When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 24.

125. By requiring a license, the GCA regulates the use of bearable arms in common use by Americans for lawful purposes. Suppressors are neither dangerous nor unusual and their possession is protected by the Second Amendment. There is no historical tradition that would justify the GCA’s licensing scheme for protected arms.

126. *Heller*’s reference to “presumptively lawful” “conditions and qualifications on the commercial sale of arms,” 554 U.S. at 626-27 & n.26, does not relieve Defendants of their burden under *Bruen*. Defendants must still show that the particular condition is consistent with the Nation’s historical tradition of firearm regulation. There is no founding-era tradition of requiring a national license to make or sell arms within a single State. And as applied to Plaintiffs, the licensing regime imposes the wait times, inspections, recordkeeping, and fee described above.

127. Defendants therefore violate the Second Amendment right to keep and bear arms by forcing law-abiding Americans, including Individual Plaintiffs, and 1836 LLC and its customers, under pain of felony violation, to comply with the challenged provisions of the GCA to obtain a license in order to conduct intrastate manufacturing and dealing of silencers.

128. Defendants' enforcement of the GCA forces Individual Plaintiffs, 1836 LLC and its customers either to comply with the unconstitutional licensing scheme or be subjected to criminal prosecution.

129. Therefore, as a direct and proximate result of the above infringement and impermissible burden on Second Amendment rights, Individual Plaintiffs, and 1836 LLC and its customers have suffered, and continue to suffer, from an unlawful and irreparable deprivation of the fundamental constitutional right to keep and bear arms.

130. Plaintiffs are entitled to a declaration that the GCA's licensing requirements with respect to the manufacturing and dealing of silencers violate the Second Amendment and are thus unconstitutional as applied to Individual Plaintiffs, 1836 LLC and its customers. *See* 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

131. Plaintiffs are entitled to a permanent injunction against Defendants from implementing or otherwise enforcing any part of the GCA and related regulations that pertain to the unconstitutional licensing requirements. *See* 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT THREE
Violation of the U.S. Constitution – Tenth Amendment
The GCA's Licensing Requirement Violates the State's Police Powers

132. Plaintiffs incorporate by reference all paragraphs preceding Count One as though set forth fully herein.

133. The Tenth Amendment of the U.S. Constitution provides that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

134. Congress does not have the power to regulate intrastate commerce through the enforcement of regulatory regimes.

135. The GCA's licensing requirement with threats of arrest against the individual Plaintiffs and 1836 LLC for activities solely within the State of Texas violates the Tenth Amendment as applied to Plaintiffs

136. The states retain the primary plenary power to protect the general health, safety, morals, and general welfare of their citizens.

137. Individuals may challenge federal action that exceeds Congress' enumerated powers and intrudes on the powers reserved to the States. *Bond v. United States*, 564 U.S. 211, 220-24 (2011).

138. Texas has exercised its reserved police power to regulate suppressors made and sold within its borders. Tex. Gov't Code 2.001 *et seq.* As applied to Plaintiffs, the GCA licensing provisions displace that sovereign choice.

139. Plaintiffs are entitled to a declaration that the GCA's licensing requirements with respect to the manufacturing and dealing of silencers violate the Tenth Amendment and are unconstitutional as applied to Individual Plaintiffs, 1836 LLC and its customers. *See* 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

140. Plaintiffs are entitled to a permanent injunction against Defendants from implementing or otherwise enforcing any part of the GCA and related regulations that pertain to the unconstitutional licensing requirements. *See* 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT FOUR

Declaratory Judgment, 28 U.S.C. § 2201

18 U.S.C. §§ 922(a)(1)(A) and 923(a) Do not Reach Purely Intrastate Manufacture and Sale

141. Plaintiffs incorporate by reference all paragraphs preceding Count One as though set forth fully herein.

142. Courts do not read a federal statute to reach purely local conduct, and thereby alter the balance between federal and state power, absent a clear statement from Congress. *Bond v. United States*, 572 U.S. 844, 857-60 (2014); *Jones v. United States*, 529 U.S. 848, 857-58 (2000) (construing federal arson statute narrowly to avoid Commerce Clause concerns).

143. Section 923 defines the license it requires by reference to interstate commerce: the license entitles its holder “to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce.” 18 U.S.C. § 923(c). The FFA, from which the GCA’s licensing provisions descend, reached only interstate and foreign commerce, as both the courts and the Executive Branch agreed. *Tot*, 319 U.S. at 465.

144. Read in light of § 923(c), the FFA’s history, and the clear-statement rule, §§ 922(a)(1)(A) and 923(a) do not require a federal license of a person who manufactures or deals in firearms solely within one State and does not ship, transport, or receive firearms in interstate or foreign commerce. Construing them otherwise would raise the serious constitutional questions presented in Counts Three, Four, and Five.

145. Plaintiffs are entitled to a declaration that 18 U.S.C. §§ 922(a)(1)(A) and 923(a) do not require them to obtain a federal firearms license to manufacture and deal in suppressors solely within Texas, and to an injunction barring Defendants from enforcing those provisions, or 18 U.S.C. § 924(a)(1)(D), against them for such conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this court enter the following relief:

- A. Declare that the GCA’s licensing requirements relating to manufacturing and dealing in silencers in intrastate commerce exceed Congress enumerated powers as applied to Plaintiffs;

- B. Declare that any regulation promulgated, in whole or in part, under such requirements are unlawful;
- C. Declare that such requirements and any regulation implementing them violate the Second Amendment as applied to Plaintiffs;
- D. Declare that 18 U.S.C. §§ 922(a)(1)(A) and 923(a) do not require Plaintiffs to obtain a federal firearm license to manufacture and deal in silencers solely within Texas;
- E. Declare that Plaintiffs can pay the special (occupational) tax on ATF Form 5630.7 without requiring them to obtain a Federal Firearm License;
- F. Declare that such requirements and any regulation implementing them violate the Tenth Amendment as applied to Plaintiffs;
- G. Enjoin Defendants and their employees, agents, successors, or any other person acting in concert with them, from implementing, enforcing, or otherwise acting under the authority of the GCA with respect to violations in any way predicated on failure to comply with the GCA's licensing requirements relating to manufacturing and dealing in silencers involved in intrastate commerce against Individual Plaintiffs, 1836 LLC and its vendors, suppliers, and customers – both current and future;
- H. Enjoin Defendants and their employees, agents, successors, or any other person acting in concert with them, from implementing, enforcing, or otherwise acting under the authority of all regulations promulgated to effectuate the challenged GCA requirements against Individual Plaintiffs, 1836 LLC and its vendors, suppliers, and customers – both current and future.
- I. Award Plaintiffs the costs of this action and reasonable attorneys' fees; and

J. Award Plaintiffs such other legal and equitable relief as is just and appropriate and as necessary to effectuate the Court's judgment.

Dated October 14, 2026

Respectfully Submitted,

/s/ Mark P. Meuser

Jerad Najvar

Texas Bar No. 24068079

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mmeuser@chalmersadams.com

* *Pro hac vice* granted

Attorneys for Plaintiffs

EXHIBIT 1

From: [Wright, Damon L. \(ATF\)](#)
To: info@adrmanufacturing.com
Subject: 2027 SOT application missing FFL information (2026272N50001)
Date: Monday, October 5, 2026 11:38:45 AM

Good morning, we received your recent 2027 SOT application, and the form is not completed. You put N/A for the FFL. You must have an active FFL to apply for an SOT. Please correct the form and respond to this email with the corrected and completed application.

Damon Wright

Firearms & Explosives Services Specialist
NFA Division – Government Support Branch
Phone – (304) 616-4552
Fax – (304) 616-4501
244 Needy Rd – Suite 1250
Martinsburg, WV 25405

EXHIBIT 2

General Instructions

If you are engaged in one or more of the National Firearms Act (NFA) activities listed on this form (*see definition*), you are required to file this form and pay special occupational tax before beginning business. This form is for NFA taxpayers only. You may file one return to cover several locations or several types of activity. However, you must submit a separate return for each tax period. The special occupational tax period runs from July 1 through June 30 and payment is due annually by July 1. If you do not pay on a timely basis, interest will be charged and penalties may be incurred.

If you engage in a taxable activity at more than one location, attach to your return a sheet showing your name, trade name, address and employer identification number, the complete street addresses, and the Federal Firearms License (*FFL*) number of all additional locations.

As evidence of tax payment, you will be issued a Special Tax Stamp, ATF Form 5630.6A, for each location and/or business. You must have an FFL for the location, appropriate to the type of activity conducted. The type of business (*individual owner, partnership, corporation*) must be the same for the taxable activity and the FFL. If a trade name is used, it must be the same on the tax stamp and the FFL.

The special tax rates listed on this form became effective January 1, 1988. If you were engaged in NFA firearms related activity prior to this date and did not pay special occupational tax, please contact the National Firearms Act Division for assistance.

Section I - Tax Identifying Information

Complete Section I, Taxpayer Identifying Information, as specified on form. Indicate if you are a new applicant, submitting a renewal or amendment, or adding a new location or class. Make sure that you put one tax year in question 2, we will not process if tax year is left blank. Your return must contain a valid FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN). The FEIN is a unique number for business entities issued by the Internal Revenue Service (IRS). **You must have an FEIN whether you are an individual owner, partnership, corporation, or agency of the government.** If you do not have an FEIN, you may apply online at <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

Section II - Tax Computation

To complete Section II, enter the number of locations in Col. (11d) on the appropriate line(s) and multiply by the tax rate, Col. (11c). Insert the tax due in Col. (11e). Compute the taxes due for each class and enter the total amount due in the block “*Total Tax Due*”.

Instructions for Reduced Rate Taxpayers

The reduced rates for certain tax classes, indicated with an asterisk (*) in Section II, apply only to those taxpayers whose total gross receipts for your most recent income tax year are less than \$500,000 (*not just receipts relating to the activity subject to special occupational tax*). However, if you are a member of a controlled group as defined in section 5061(e)(3) of the Internal Revenue Code, you are not eligible for this reduced rate unless the total gross receipts for the entire group are less than \$500,000. If your business is beginning an activity subject to special tax for the first time, you may qualify for a reduced rate in your initial tax year if gross receipts for the business (*or the entire control group, if a member of a control group*) were under \$500,000 the previous year. If you are eligible for the reduced rate, check item 15 in Section III and compute your tax using the reduced rate in Section II.

Section III - Business Registration

Please complete the ownership information in Section III. Supply the information specified in item 14 for each individual owner, partner or

responsible person. For a corporation, partnership or association, a responsible person is anyone with the power to control the management policies or buying or selling practices pertaining to firearms. For a corporation, association or similar organization, it also means any person owning 10 percent or more of the outstanding stock in the business.

Changes in Operations

For a change of address, location or trade name, an amended ATF Form 5630.7 must be filed and approved before the change is made. Return your Special Tax Stamp, ATF Form 5630.6A, along with the completed ATF Form 5630.7 to: NFA Division-SOT, Bureau of ATF, 244 Needy Road, Martinsburg, WV 25405 and an amended ATF Form 5630.6A will be issued. All taxpayers with such changes must return their FFL to the ATF Federal Firearms Licensing Center (*address listed on FFL*) for amendment.

If special taxpayers do not register these changes within the appropriate time frames, additional tax and interest will be charged and penalties may be incurred. For a change in ownership or control of an activity, consult the ATF Federal Firearms Licensing Center, at 866-662-2750, before beginning the activity. If the Federal firearms licensee discontinues business and retains NFA firearms, this retention may be in violation of law. The licensee should check with State or local authorities.

Definition

IMPORTERS, MANUFACTURERS, and DEALERS of FIREARMS subject to the National Firearms Act (*tax class codes 61, 62, 63, 71, or 72*) are individuals or business entities who import, manufacture or deal in machineguns, short-barreled shotguns and rifles, destructive devices, etc. See 26 U.S.C. 5845 for additional information on the types of weapons subject to the National Firearms Act. (**NOTE: This tax is not required from those persons or entities who deal only in conventional, sporting type fire-arms.)**

Miscellaneous Instructions

If you do not intend to pay the special tax for the next year, you must dispose of any machineguns manufactured or imported after May 19, 1986, prior to your special tax status lapsing. Title 18, United States Code, section 922(o) makes it unlawful to possess these machineguns unless you are properly qualified. As provided in Title 27, Code of Federal Regulations, Part 479,105(f), the disposition must be made to a government agency or qualified licensee or the weapon must be destroyed.

This form must be signed by the individual owner, a partner, or, in the case of a corporation, by an individual authorized to sign for the corporation.

Please sign and date the return, make check or money order payable to BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, for the amount in the Total Tax Due block, and MAIL THE FORM ALONG WITH THE PAYMENT TO SPECIAL OCCUPATIONAL TAX, P.O. Box 6200-13, Portland, OR 97228-6200.

If You Need Further Assistance
Contact ATF National Firearms Act Division
at
304-616-4500 or email SOT@ATF.GOV

EXHIBIT 3

Application for Federal Firearms License

Part A

1. Applicant's Business/Activity is: ☐ Individual Owner (*Sole Proprietor*) ☐ Partnership ☐ Corporation ☐ LLC
☐ Collector (*which can be an individual/partnership/corporation or LLC*) ☐ Other (*specify*) _____
2. Licensee Name (*Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name*) _____

3. Trade or Business Name(s), if any	4. Employer Identification Number (EIN), if any (<i>see definition #17</i>)	5. Name of County in which Business/Activity is Located
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6. Business/Activity Address (<i>RFD or Street Number, City, State, and ZIP Code</i>) (<i>NOTE: This address CANNOT be a P.O. Box.</i>)	7. Mailing Address (<i>if different from address in item #6</i>)
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8. Contact Information (*Include Area Code*)

Business/Activity Phone _____	Fax Number _____
Cell Phone _____	Business Email _____

9. Describe the specific activity applicant is engaged in or intends to engage in, which requires a Federal Firearms License (*sale of ammunition alone does not require a Federal Firearms License*).

10. Application is made for a license under 18 U.S.C. Chapter 44 as a: (*Place an "X" in the appropriate box(es). Multiple license types may be selected- see Instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See Instruction #5 for payment information.*)

Type	Description of License Type	Fee
01	Dealer in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 ☐
02	Pawnbroker in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 ☐
03	Collector of Curios and Relics (<i>NOTE: This is not a license to conduct business, see instruction #8</i>)	\$30 ☐
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$30 ☐
07	Manufacturer of Firearms Other than Destructive Devices (<i>see instruction #11</i>)	\$150 ☐
08	Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor Piercing Ammunition (<i>NOTE: Importer of handguns and rifles, see instruction #9</i>)	\$150 ☐
09	Dealer in Destructive Devices (<i>see instruction #10</i>)	\$3000 ☐
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$3000 ☐
11	Importer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #9</i>)	\$3000 ☐

11. Method of Payment (*Check one*)

☐ Check (*Enclosed*) ☐ Cashier's Check or Money Order (*Enclosed*) ☐ Visa ☐ Mastercard ☐ American Express ☐ Discover

Credit/Debit Card Number (<i>No dashes</i>)	Name as Printed on Your Credit/Debit Card	Expiration Date (<i>MM/YY</i>)
---	---	----------------------------------

Credit/Debit Card Address:	
Billing Address:	City: State: ZIP Code:

Please complete to ensure payment is credited to the correct application:

I am paying the application fee for the following Person, Corporation, or Partnership:	Total Application Fees: \$
--	--------------------------------------

I authorize ATF to charge my Credit/Debit Card the above amount. Your credit/debit card will be charged the above stated amount upon receipt of your application and a charge from "ATF Licensing Fee" will be reflected on your credit/debit card statement. In the event a license is NOT issued, the above amount will be credited to the credit/debit card noted above.

Signature of Cardholder

ATF Copy - Page 1

Date

ATF Form 7(5310.12)/7CR(5310.16)
Revised June 2025

Hour(s): Please indicate AM or PM	Sun	Mon	Tues	Wed	Thu	Fri	Sat

IF YOU ARE ONLY APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18.
FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number) ☐ Yes ☐ No _____ Name of Previous Business _____ Federal Firearms License Number	14. Indicate type of business premises <table border="0"> <tr> <td>Zoned Residential:</td> <td>Zoned Commercial:</td> </tr> <tr> <td>☐ Single Family Dwelling</td> <td>☐ Store Front</td> </tr> <tr> <td>☐ Condominium/Apartment</td> <td>☐ Office</td> </tr> <tr> <td>☐ Hotel/Motel</td> <td>☐ Rod & Gun Club</td> </tr> <tr> <td>☐ Public Housing</td> <td>☐ Military Installation (see instruction #13- additional information required)</td> </tr> <tr> <td></td> <td>☐ Other (specify) _____</td> </tr> </table>	Zoned Residential:	Zoned Commercial:	☐ Single Family Dwelling	☐ Store Front	☐ Condominium/Apartment	☐ Office	☐ Hotel/Motel	☐ Rod & Gun Club	☐ Public Housing	☐ Military Installation (see instruction #13- additional information required)		☐ Other (specify) _____
Zoned Residential:	Zoned Commercial:												
☐ Single Family Dwelling	☐ Store Front												
☐ Condominium/Apartment	☐ Office												
☐ Hotel/Motel	☐ Rod & Gun Club												
☐ Public Housing	☐ Military Installation (see instruction #13- additional information required)												
	☐ Other (specify) _____												

15. Applicant's business premises is:

☐ Owned Premises ☐ Military Installation	☐ Rented/Leased Premises- provide name, telephone number, and address of the property owner:	
	_____ Name	_____ Street Address
	_____ Telephone Number (with area code)	_____ City, State, and ZIP Code

16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? ☐ Yes ☐ No

17. Do you intend to use your license ONLY to acquire firearms to enhance your personal collection? ☐ Yes ☐ No

18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. see instruction #4 and definition #1.)	19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code) _____ county:
--	---

ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. Applicant Certification (Please read AND INITIAL each box)

- ☐ a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in Item 6. This includes compliance with zoning ordinances. **(Please contact your local zoning department PRIOR TO submitting application)**
- ☐ b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.
- ☐ c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.
- ☐ d. A completed copy of this application has been sent (mailed or delivered) to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in Item 6 is located (See Instruction #4 and Definition #1).
- ☐ e. As required by 18 U.S.C. 923(d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. (See Definition #4) (If applying for a Type 03, Collector of Curios and Relics License ONLY, write "N/A" instead of initialing this certification box.)
- ☐ f. Part B of this application has been completed and will be submitted for EACH responsible person (RP) (See definition #3)

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief, are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person see instruction #2 and definition #3).

_____ Print Applicant Name (First, Middle, Last)	_____ Applicant Signature	_____ Date
---	------------------------------	---------------

Check Application Status (For ATF Use Only) ☐ Approved ☐ Abandoned ☐ Withdrawn ☐ Denied Reason for Denial: _____

Signature of Licensing Official: _____ Date: _____

1. **EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF Form 7/7CR Part B.** In the future, if you need to add an additional Responsible Person to your FFL, the Responsible Person being added may complete this Part B-Responsible Person Questionnaire (*see instruction #7*).
2. Issuance of your license or addition as a Responsible Person will be delayed if Part B is incomplete or otherwise improperly prepared.
3. **IMPORTANT!** All new responsible persons must submit a properly prepared FD-258 (*Fingerprint Card*) with this questionnaire. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The FD-258 should include "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block to facilitate processing of fingerprints.
4. List any given, married, and maiden names in Item 4, e.g., "Mary Alice (Smith) Jones," not "Mrs. John Jones." (*If additional space is needed, attach a separate sheet. See instruction #1*)

1. License or Applicant Name (<i>From block 2 of Part A</i>)		2. Federal Firearms License Number (<i>If being added to an existing FFL</i>)	
3. Name of Responsible Person (<i>Last, First, Middle</i>)		4. Aliases (<i>Include given, married, maiden names</i>)	
5. Position/Title		6. Social Security Number	
7. Date of Birth (<i>MM/DD/YYYY</i>)		8. Place of Birth (<i>City & State OR foreign country</i>)	
9. Current Residence Address		10. Telephone Number (<i>Personal Contact # with Area Code</i>)	
11. E-mail Address		12. Previous Address(es) - Please provide every address you have had in the last five years and dates which you lived at the address(es) (<i>If additional space is needed attach a separate sheet. See instruction #1</i>)	
13. Sex ☐ Male ☐ Female		14. Height _____ Feet _____ Inches	
15. Weight (lbs)		16. Eye Color ☐ Black ☐ Blue ☐ Brown ☐ Gray ☐ Green ☐ Hazel ☐ Maroon ☐ Multiple ☐ Pink ☐ Other _____	
17. Hair Color ☐ Bald ☐ Black ☐ Blond ☐ Brown ☐ Gray ☐ Red ☐ Sandy ☐ White ☐ Other _____		18. Ethnicity Hispanic or Latino ☐ Yes ☐ No	
19. Race (<i>Please check one or more boxes</i>) ☐ American Indian or Alaska Native ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☐ Asian ☐ White			

For the following questions give full details on a separate sheet for all "Yes" answers (*see instruction #1*)

	Yes	No
20. Have you ever held a Federal Firearms License? (<i>If so, please include FFL#</i>) _____		
21. Have you ever been a Responsible Person on a Federal Firearms License? (<i>If so, please include FFL#</i>) _____		
22. Have you ever been an officer in a corporation holding a Federal Firearms License? (<i>If so, please include FFL#</i>) _____		
23. Have you ever been an employee of a Federal Firearms Licensee?		
24. Have you ever been denied a Federal Firearms License?		
25. Have you ever had a Federal Firearms License revoked?		
26. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial? (<i>See definition #10</i>)		
27. Have you ever been convicted in any court, including a military court, for a felony , or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (<i>See definition #10</i>)		
28. Are you a fugitive from justice? (<i>See definition #11</i>)		
29. Are you under 21 years of age?		
30. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.		
31. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (<i>See definitions #12 and #13</i>)		
32. Have you been discharged from the Armed Forces under dishonorable conditions?		
33. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (<i>See definitions #5 and #6</i>)		
34. Have you ever been convicted in any court of a misdemeanor crime of domestic violence ? (<i>See definitions #6 and #7</i>)		

Other Country/Countries (*specify*):

b. If you are such an alien, do you fall within any of the exceptions stated in definition #9? Attach supporting documentation to the application. (*U.S. citizens/nationals leave 38b blank*)

Date

ATF Form 7(5310.12)/7CR(5310.16)
Revised June 2025

Issuance of your license will be delayed if the fee is not included or incorrect, or if the application is incomplete or otherwise improperly prepared.

Instructions

Please obtain your downloadable forms from atf.gov to ensure you are using the most current version. Hardcopy forms can be obtained from the ATF Distribution Center. (Type "ATF Distribution Center" into a search engine or call 240-828-5316 to order)

1. **Completion of Application** - TYPE or PRINT with ball-point pen. Any attached sheets should:
 - a. be identified at the top of each page with your name and Employer Identification Number or Social Security Number.
 - b. refer to the item/question(s) being answered.
2. **Person Who Signs the Application** - The certification in Part A, item #21 must be signed by a Responsible Person (*see definition #3*).
3. **Release of Information** - This application package requires you to authorize the release of certain information to ATF such as medical information/records (*see Part A, item #21*). This information is used to determine, for example, whether the applicant has ever been adjudicated as a mental defective or committed to any mental institution. This information is protected by the Privacy Act of 1974.
4. **Chief Law Enforcement Officer (CLEO)** - Applicants must submit a copy of the completed application to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises sought to be licensed is located (*see definition #1*). Part A, item #20d requires certification that a completed copy of the application has been sent.
5. **Payment** - You may pay the application fee by credit/debit card, check, or money order, payable to ATF (*see instruction #14 on the following page for the address to send payment and completed application package*). Do not send cash. Postdated checks are not acceptable. Licenses are issued for a period of three years. No refund of any part of a license fee shall be made where the operations of the license are, for any reason, discontinued during the period.
6. **Fingerprint Cards & Photographs** - The following items must accompany this application. Failure to submit these items will delay processing and may result in denial of the application. **NOTE:** A fingerprint card and photograph are NOT required if applying for a Type 03 license only.
 - a. ATF Form 7/7CR Part B, Responsible Person Questionnaire, must be completed and submitted for ALL responsible persons (*see definition #3*).
 - b. A properly prepared fingerprint card (form FD-258) must be submitted for ALL responsible persons, unless they have previously submitted one as an RP for another FFL. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. To facilitate processing of fingerprints, the FD-258 should list "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block.
 - c. A 2 inch by 2 inch photograph of EACH responsible person. The photograph should be attached to the back of their ATF Form 7/7CR Part B, Responsible Person Questionnaire. Please ensure that each photograph is clearly identified on the reverse with the full name of the responsible person to whom the photograph applies.
7. **Adding Additional Responsible Persons** - You can use Part B of this application to add a Responsible Person(s) to an existing FFL. If you are only submitting Part B for this purpose, send Part B, along with the Responsible Person's fingerprint card and photograph, to ATF-FFLC, 244 Needy Road, Martinsburg, WV 25405.
8. **License Types** -

A Type 03 license issued under 18 U.S.C. Chapter 44:

 - a. Is **NOT** a license to carry, use, or possess a firearm.
 - b. Confers **NO** right or privilege to conduct an activity contrary to State or other law.
 - c. Will entitle you to acquire firearms, classified as curios or relics, in interstate or foreign commerce. You may dispose of curios and relics to any person, not otherwise prohibited by the Gun Control Act of 1968, residing within your State, and to any other Federal firearms licensee in any State. It must be emphasized that the collector's license being applied for pertains exclusively to firearms classified as curios and relics, and its purpose is to facilitate a personal collection. You may NOT engage in the business of buying and selling any type of firearm with a type 03 license. Applicants intending to engage in the firearms business should apply for a license other than a Type 03, Collector of Curios and Relics, license.

Type 01, 02, 06, 07, 08, 09, 10, and 11 licenses issued under 18 U.S.C. Chapter 44:

 - a. Are **NOT** licenses to carry, use, or possess a firearm.
 - b. Confer **NO** right or privilege to conduct business or activity contrary to State or other law. State laws or local laws or ordinances may have requirements affecting your proposed firearms business. Contact your State and local authorities for specific information on their requirements.
 - c. Are business licenses, and will **NOT** be issued to an applicant solely intending to enhance a personal firearms collection.
 - d. Are **NOT** licenses to sell ammunition only.

NOTE: Multiple Licenses - You can apply for more than one license if the business is to be conducted at the same location, by checking more than one type of license in Part A, item #10. If business is to be conducted at multiple locations, **a separate application and license fee is required for each business location.**
9. **Imports** - Applicants intending to import firearms and/or ammunition may need to register with ATF under the provisions of the Arms Export Control Act. Contact the Firearms and Explosives Imports Branch at (304) 616-4550 for further information on registration.

10. **National Firearms Act (NFA)/Special Occupational Tax (SOT)** - Applicants intending to deal in, import, or manufacture weapons subject to the NFA (*e.g., machine guns, short-barreled shotguns, silencers, destructive devices, etc.*) are required to pay a SOT (*see definition #18*). Contact the NFA Branch at (304) 616-4500.
11. **Manufacturing** - Generally, persons holding a manufacturer's license (FFL Type 06, 07 or 10) must register as a manufacturer with the Department of State unless exempted by the Directorate of Defense Trade Control (DDTC), regardless of whether the manufacturer actually exports any of the items manufactured. Therefore, applicants intending to manufacture and/or export defense articles, as defined on the United States Munitions List (Part 121 of the ITAR), may need to register with Directorate of Defense Trade Controls (DDTC). Questions should be directed to the DDTC at 202-663-2980 or www.pmdtcc.state.gov.
12. **Denial of Application** - If you do not qualify for a license, you will be advised in writing of the reasons for denial and your application fee will be refunded.
13. **Military Installation** - If "Military Installation" was selected in Part A, item #14 as the type of business premises, you must attach a copy of written authorization from the Base Commander to conduct a firearms business on the military installation.
14. **Where to Send Application** - MAKE A COPY OF YOUR COMPLETED APPLICATION FOR YOUR RECORDS, THEN FORWARD THE APPLICATION WITH FEE, ONE ATF FORM 7/7CR PART B, RESPONSIBLE PERSON QUESTIONNAIRE, FOR EACH RESPONSIBLE PERSON (WITH PROPERLY IDENTIFIED PHOTO ATTACHED), AND FINGERPRINT CARD(S) TO:

**Federal Firearms Licensing Center
P.O. Box 6200-20
Portland, OR 97228-6200**

15. **Contact Us** - If you have any questions relating to this application, please contact the ATF Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, Toll free 1-866-662-2750, or your local ATF Industry Operations Office. Contact information for your local office can be found at WWW.ATF.GOV.

Definitions

1. **Chief Law Enforcement Officer** - The Chief of Police, Sheriff, or an equivalent designee of such individual, of the locality in which the premises sought to be licensed, is located.
2. **Licensed Collector** - A collector of curios and relics only and licensed under the provisions of 18 U.S.C. 923. You may not use the license to obtain firearms that are not classified as curios and relics. Collectors are not licensed to conduct any business.
3. **Responsible Person** - Any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of a sole proprietorship, corporation, company, partnership, or association, insofar as they pertain to firearms.
4. **Secure Gun Storage or Safety Device** - (A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.
5. **Restraining Order** - Under 18 U.S.C. § 922(g)(8), firearms may not be possessed or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
6. **Intimate Partner** - With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.
7. **Misdemeanor Crime of Domestic Violence** - A Federal, including a general court-martial, State, local, or tribal offense that is a misdemeanor under Federal, State, or tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with, or has cohabitated with the victim as a spouse, parent, or guardian, or by a person who has a current or recent former dating relationship with the victim (as defined in 18 U.S.C. § 921(a)(37)). The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (*e.g., assault and battery*), if the offense is committed by one of the defined parties. (*See Exception in the definition of "Prohibited Person"*). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless; (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should mark "no" in the applicable box.

8. **An Alien Admitted to the United States Under a Nonimmigrant Visa** - Includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. The definition does **NOT** include permanent resident aliens nor does it apply to nonimmigrant aliens admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements.
9. **Exceptions to Prohibition on Aliens Admitted Under a Nonimmigrant Visa** - An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; (5) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.
10. **Prohibited Person** - Generally, 18 U.S.C. 922(g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a felony in any Federal, including a general court-martial, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year; is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; is subject to certain restraining orders; convicted of a misdemeanor crime of domestic violence under Federal, including a general court-martial, State or Tribal law; has renounced his/her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa. Furthermore, section 922(n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, including a general court-martial, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

A member of the Armed Forces must answer "yes" to question 26 if charged with an offense that is referred to a general court-martial. A current or former member of the Armed Forces must answer "yes" to question 27 if convicted under a general court-martial.

Discharged "under dishonorable conditions" means separation from the Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a general court-martial. That term does not include any other discharge or separation.

EXCEPTION - A person is not prohibited from receiving or possessing a firearm if that person: (1) has been convicted of any Federal or State offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; (2) has been convicted of a State misdemeanor punishable by imprisonment of two years or less; or (3) following conviction of a felony or other crime for which the judge could have imprisoned the person for more than one year, or a misdemeanor crime of domestic violence, has received a pardon, an expungement or set aside of the conviction, or has lost and regained civil rights (the right to vote, sit on a jury, and hold public office) in the jurisdiction in which the conviction occurred, **AND** the law of the convicting jurisdiction does not prohibit the person from receiving or possessing firearms. A person subject to any of these exceptions, or who received relief from disabilities under 18 U.S.C. 925(c), should answer "no" to the applicable question.

11. **Fugitive From Justice** - Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor, or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.
12. **Adjudicated as a Mental Defective** - A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.
13. **Committed to a Mental Institution** - A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION: Under the NICS Improvement Amendments Act of 2007, a person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18,

United States Code, or (6) the person was granted relief from the adjudication/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark “no” in the applicable box. This exception to an adjudication or commitment by a Federal department or agency does **not** apply to any person who was adjudicated to be not guilty by reason of insanity, or based on a lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

14. **Gun Control Act (GCA)** - Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
15. **Firearm** - The term “firearm” means: (A) any weapon (*including a starter gun*) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
16. **Federal Firearms License (FFL)** - A license issued under the provisions of the GCA to manufacture, import, or deal in firearms.
17. **Employer Identification Number (EIN)** - An EIN is also known as a Federal Tax Identification Number, and is used to identify a business entity. Generally, businesses need an EIN. For more information on who needs an EIN and how to apply for one, go to www.IRS.gov or refer to 27 CFR § 179.35.
18. **Special Occupational Tax (SOT)** - Required by the National Firearms Act to be paid by a Federal firearms licensee engaged in the business of importing, manufacturing, or dealing in NFA firearms. Questions regarding SOT should be directed to the ATF NFA Branch at (304) 616-4500.

Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552 a(e)(3)):

1. **Authority:** Solicitation of this information is authorized pursuant to 18 U.S.C. § 923(a) of the Gun Control Act of 1968. Disclosure of this information is mandatory if the applicant wishes to obtain a Federal Firearms License. System of Record Notice (SORN) Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 163558 dated January 24, 2003.
2. **Purpose:** To determine the identity and eligibility of the applicant to obtain a Federal Firearms License, the identity and eligibility of all responsible persons, the ownership of the business, the type of firearms or ammunition to be dealt in, the business hours, and the business history.
3. **Routine Uses:** The information will be used by ATF to make determinations set forth in paragraph 2. In addition, information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application when such disclosure is not prohibited by law.
4. **Effects of Not Supplying Information Requested:** Failure to supply complete information will delay processing and may result in denial of the application.

Application for Federal Firearms License**Part A**

1. Applicant's Business/Activity is: ☐ Individual Owner (*Sole Proprietor*) ☐ Partnership ☐ Corporation ☐ LLC
☐ Collector (*which can be an individual/partnership/corporation or LLC*) ☐ Other (*specify*) _____
2. Licensee Name (*Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name*) _____

3. Trade or Business Name(s), if any _____

4. Employer Identification Number (EIN), if any (*see definition #17*) _____

5. Name of County in which Business/Activity is Located _____

6. Business/Activity Address (*RFD or Street Number, City, State, and ZIP Code*) (*NOTE: This address CANNOT be a P.O. Box.*) _____

7. Mailing Address if different from address in item #6) _____

8. Contact Information (*Include Area Code*)

Business/Activity Phone _____ Fax Number _____

Cell Phone _____ Business Email _____

9. Describe the specific activity applicant is engaged in or intends to engage in, which requires a Federal Firearms License (*sale of ammunition alone does not require a Federal Firearms License*). _____

10. Application is made for a license under 18 U.S.C. Chapter 44 as a: (*Place an "X" in the appropriate box(es). Multiple license types may be selected- see instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See instruction #5 for payment information.*)

Type	Description of License Type	Fee
01	Dealer in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 ☐
02	Pawnbroker in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 ☐
03	<u>Collector</u> of Curios and Relics (<i>NOTE: This is not a license to conduct business, see instruction #8</i>)	\$30 ☐
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$30 ☐
07	Manufacturer of Firearms Other than Destructive Devices (<i>see instruction #11</i>)	\$150 ☐
08	Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor Piercing Ammunition (<i>NOTE: Importer of handguns and rifles, see instruction #9</i>)	\$150 ☐
09	Dealer in Destructive Devices (<i>see instruction #10</i>)	\$3000 ☐
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$3000 ☐
11	Importer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #9</i>)	\$3000 ☐
		Total Fees \$0

12. Hours of Operation and/or Availability of Business Activity (Please provide at least one hour in which you can be contacted by ATF personnel)

Hour(s): Please indicate AM or PM	Sun	Mon	Tues	Wed	Thu	Fri	Sat

IF YOU ARE **ONLY** APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18.
FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number) ☐ Yes ☐ No _____ Name of Previous Business _____ Federal Firearms License Number	14. Indicate type of business premises <table border="0"> <tr> <td style="vertical-align: top;"> Zoned Residential: ☐ Single Family Dwelling ☐ Condominium/Apartment ☐ Hotel/Motel ☐ Public Housing </td> <td style="vertical-align: top;"> Zoned Commercial: ☐ Store Front ☐ Office ☐ Rod & Gun Club ☐ Military Installation (see instruction #13-additional information required) ☐ Other (specify) _____ </td> </tr> </table>	Zoned Residential: ☐ Single Family Dwelling ☐ Condominium/Apartment ☐ Hotel/Motel ☐ Public Housing	Zoned Commercial: ☐ Store Front ☐ Office ☐ Rod & Gun Club ☐ Military Installation (see instruction #13-additional information required) ☐ Other (specify) _____
Zoned Residential: ☐ Single Family Dwelling ☐ Condominium/Apartment ☐ Hotel/Motel ☐ Public Housing	Zoned Commercial: ☐ Store Front ☐ Office ☐ Rod & Gun Club ☐ Military Installation (see instruction #13-additional information required) ☐ Other (specify) _____		

15. Applicant's business premises is:

☐ Owned Premises ☐ Military Installation	☐ Rented/Leased Premises- provide name, telephone number, and address of the property owner: _____ Name _____ Telephone Number (with area code) _____ Street Address _____ City, State, and ZIP Code
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16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? ☐ Yes ☐ No

17. Do you intend to use your license **ONLY** to acquire firearms to enhance your personal collection? ☐ Yes ☐ No

18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. See instruction #4 and definition #1.)	19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code) _____ county:
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ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. **Applicant Certification (Please read AND INITIAL each box)**

☐ a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in Item 6. This includes compliance with zoning ordinances. **(Please contact your local zoning department PRIOR TO submitting application)**

☐ b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.

☐ c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.

☐ d. A completed copy of this application has been sent (mailed or delivered) to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in item 6 is located (see instruction #4 and definition #1).

☐ e. As required by 18 U.S.C. 923(d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. See definition #4) (If applying for a Type 03, Collector of Curios and Relics License **ONLY**, write "N/A" instead of initialing this certification box.)

☐ f. Part B of this application has been completed and will be submitted for **EACH** responsible person (RP) (see definition #3)

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person (see instruction #2 and definition #3).

_____ Print Applicant Name (First, Middle, Last)	_____ Applicant Signature	_____ Date
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Check Application Status (For ATF Use Only) ☐ Approved ☐ Abandoned ☐ Withdrawn ☐ Denied Reason for Denial: _____

Signature of Licensing Official: _____ Date: _____

1. **EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF Form 7/7CR Part B.** In the future, if you need to add an additional Responsible Person to your FFL, the Responsible Person being added may complete this Part B-Responsible Person Questionnaire (*see instruction #7*).
2. Issuance of your license or addition as a Responsible Person will be delayed if Part B is incomplete or otherwise improperly prepared.
3. **IMPORTANT!** All new responsible persons must submit a properly prepared FD-258 (*Fingerprint Card*) with this questionnaire. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The FD-258 should include "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block to facilitate processing of fingerprints.
4. List any given, married, and maiden names in Item 4, e.g., "Mary Alice (Smith) Jones," not "Mrs. John Jones." (*If additional space is needed, attach a separate sheet. See instruction #1*)

1. License or Applicant Name (<i>From block 2 of Part A</i>)				2. Federal Firearms License Number (<i>If being added to an existing FFL</i>)			
3. Name of Responsible Person (<i>Last, First, Middle</i>)			4. Aliases (<i>Include given, married, maiden names</i>)			5. Position/Title	
6. Social Security Number		7. Date of Birth (<i>MM/DD/YYYY</i>)		8. Place of Birth (<i>City & State OR foreign country</i>)			
9. Current Residence Address				10. Telephone Number (<i>Personal Contact # with Area Code</i>)			
				11. E-mail Address			
12. Previous Address(es) - Please provide every address you have had in the last five years and dates which you lived at the address(es) (<i>If additional space is needed attach a separate sheet. See instruction #1</i>)		13. Sex ☐ Male ☐ Female		14. Height _____ Feet _____ Inches		15. Weight _____ (lbs)	
		16. Eye Color ☐ Black ☐ Blue ☐ Brown ☐ Gray ☐ Green ☐ Hazel ☐ Maroon ☐ Multiple ☐ Pink ☐ Other _____		17. Hair Color ☐ Bald ☐ Black ☐ Blond ☐ Brown ☐ Gray ☐ Red ☐ Sandy ☐ White ☐ Other _____			
		18. Ethnicity Hispanic or Latino ☐ Yes ☐ No		19. Race (<i>Please check one or more boxes</i>) ☐ American Indian or Alaska Native ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☐ Asian ☐ White			
For the following questions give full details on a separate sheet for all "Yes" answers (<i>see instruction #1</i>)							
20. Have you ever held a Federal Firearms License? (<i>If so, please include FFL#</i>) _____							Yes
21. Have you ever been a Responsible Person on a Federal Firearms License? (<i>If so, please include FFL#</i>) _____							No
22. Have you ever been an officer in a corporation holding a Federal Firearms License? (<i>If so, please include FFL#</i>) _____							
23. Have you ever been an employee of a Federal Firearms Licensee?							
24. Have you ever been denied a Federal Firearms License?							
25. Have you ever had a Federal Firearms License revoked?							
26. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial? (<i>See definition #10</i>)							
27. Have you ever been convicted in any court, including a military court, for a felony , or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (<i>See definition #10</i>)							
28. Are you a fugitive from justice? (<i>See definition #11</i>)							
29. Are you under 21 years of age?							
30. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.							
31. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (<i>See definitions #12 and #13</i>)							
32. Have you been discharged from the Armed Forces under dishonorable conditions?							
33. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (<i>See definitions #5 and #6</i>)							
34. Have you ever been convicted in any court of a misdemeanor crime of domestic violence ? (<i>See definitions #6 and #7</i>)							

Other Country/Countries (*specify*):

b. If you are such an alien, do you fall within any of the exceptions stated in definition #9? Attach supporting documentation to the application. (*U.S. citizens/nationals leave 38b blank*)

ATF Form 7(5310.12)/7CR(5310.16)
Revised June 2025

EXHIBIT 4



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Office of the Director

October 9, 2026

**OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES AND THE PUBLIC
REGARDING THE NATIONAL FIREARMS ACT MAKING AND TRANSFER
REQUIREMENTS FOR CERTAIN FIREARMS AND DEVICES**

The purpose of this open letter is to notify all federal firearm licensees (FFLs) and the public of guidance from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the applicability of certain provisions of National Firearms Act (NFA) to firearms that are no longer taxed pursuant to the One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025). Congress reduced the transfer and making taxes to \$0 in the One Big Beautiful Bill Act for certain weapons and devices. These include short-barreled rifles, short-barreled shotguns, silencers and “any other weapon[s]” as defined in 26 U.S.C. § 5845(e).

On August 5, 2026, a U.S. district judge in the Northern District of Texas enjoined ATF from enforcing certain provisions of the National Firearms Act (NFA), 26 U.S.C. ch. 53, effective August 12, 2026. *See generally Silencer Shop Found. v. ATF*, No. 6:25-CV-056-H, 2026 WL 2255460 (N.D. Tex. Aug. 5, 2026). Based on the reduction of the tax, the district court held that the NFA’s registration and transfer provisions were no longer an exercise of Congress’s taxing power with respect to those firearms. *Id.* at *1, *13–14. The district court also held that the challenged NFA provisions could not be upheld as an exercise of Congress’s power over interstate commerce because Congress did not rely on its power over interstate commerce when it first passed the NFA in 1934. *Id.* at *18–19.

The district court enjoined ATF from administering a variety of NFA provisions. These include the requirements to approve the making or transfer of firearms, the requirement to register all NFA firearms, and the associated criminal provisions for making, transferring, receiving, or possessing unregistered NFA firearms as applied to the \$0 tax items. *Id.* at *30. The injunction applies only to the plaintiffs and to NFA firearms for which the One Big Beautiful Bill Act eliminated existing taxes. *Id.* at *31.

Since the district court’s injunction, ATF has received requests for guidance from litigants, Members of Congress, state Attorneys General, the industry, and the general public. Forty-seven Members of the U.S. House and Senate have also requested that ATF apply the ruling nationwide

to all regulated parties.¹ This open letter will provide an overview of the path forward, and it will be accompanied by a “Frequently Asked Questions” on ATF’s website that will provide more detail.

Although the district court’s injunction applies only to plaintiffs and certain other specified persons, the Department has determined to exercise its enforcement discretion to create greater uniformity, consistent with the Attorney General’s statement today. Consequently, effective October 9, 2026, ATF will no longer require individuals to seek ATF approval under the NFA before making or transferring short-barreled rifles, short-barreled shotguns, silencers, and “any other weapon[s]” as defined in 26 U.S.C. § 5845(e). ATF will also no longer require such items to be registered in the National Firearms Registration and Transfer Record. These policies apply uniformly to anyone otherwise subject to these requirements, not just to the plaintiffs in the litigation.

ATF will continue to administer the NFA on a voluntary basis. ATF will accept Form 1 applications to make or register these firearms and devices by those making such items. ATF will also accept Form 3 or Form 4 applications to transfer or register such items. Manufacturers are allowed to report the manufacture of these items on a Form 2.

Interested parties, however, should note five limits of this change in enforcement policy. *First*, the NFA still imposes special (occupational) taxes on any person engaged in the business of manufacturing, importing, or dealing in all NFA firearms and devices, including short-barreled rifles, short-barreled shotguns, silencers, and “any other weapon[s]” as defined in 26 U.S.C. § 5845(e). The district court’s injunction does not affect these taxes. Consequently, those engaged in the business must continue to pay applicable taxes on their businesses.

Second, the injunction does not disturb the NFA’s application to machineguns and destructive devices. The One Big Beautiful Bill Act maintained the \$200 tax on such items. Consequently, all NFA provisions still apply to machineguns and destructive devices.

Third, the district court did not enjoin any provision of the Gun Control Act of 1968 (GCA). The GCA’s definition of “firearms” includes all firearms and suppressors and thus extends to short-barreled rifles, short-barreled shotguns, silencers, and “any other weapon[s].” Because these NFA firearms and devices are statutory “firearms” under the GCA, they may not be possessed by prohibited persons, and all recordkeeping and background check requirements under the GCA remain in place. *See, e.g.*, 18 U.S.C. §§ 921(a)(3); *id.* § 922(d), (g), (n), (t); *id.* § 923(g); 27 C.F.R. § 478.121, *et seq.*

Fourth, the district court did not enjoin the GCA’s restrictions on the transportation and sale of short-barreled rifles and short-barreled shotguns. *See* 18 U.S.C. § 922(a)(4), (b)(4). Individuals transporting short-barreled rifles and short-barreled shotguns should continue to file Form 20s, even if the firearms are not registered in the National Firearms Registration and Transfer Record. ATF is working as quickly as possible to issue new regulations to authorize federal firearms

¹ *See* Letter from Congressman Andrew S. Clyde, et al., to Attorney General Todd Blanche, Aug. 11, 2026, https://clyde.house.gov/uploadedfiles/clyde_blancheletter_nfaruling_aug26.pdf.

licensees to transfer short-barreled rifles and short-barreled shotguns under the GCA. In the interim, ATF will not enforce the provisions in 18 U.S.C. § 922(b)(4).

Fifth, the district court's injunction and the enforcement policy announced by this Open Letter do not affect state or local laws that govern NFA weapons. Most states have general criminal prohibitions on the possession of some or all NFA items. These laws often have exceptions for those NFA items possessed in compliance with or registered under federal law. Individuals, including dealers, should consult their local law enforcement authorities or seek legal advice for guidance on whether unregistered NFA items are lawful in their jurisdictions. Because interpretations of state law may vary, local authorities should also be contacted, or other advice sought, before transporting an unregistered NFA item into or through another jurisdiction. Additionally, it is unclear whether state courts will apply the safe harbor created by 18 U.S.C. § 926A to interstate transportation of unregistered NFA items. Consequently, individuals should exercise caution before transporting unregistered NFA items through states in which such items are prohibited by law, even if the items are not prohibited in the originating and destination states. The GCA also continues to prohibit federal firearm licensees from transferring statutory firearms in violation of state or local law. 18 U.S.C. § 922(b)(2). The GCA defines "firearm" to include all NFA items for which Congress eliminated the tax, including silencers. 18 U.S.C. § 921(a)(3).

Questions pertaining to this Open Letter should be directed toward ATF's Firearms Industry Programs Branch (FIPB) at fipb@atf.gov.

ROBERT
CEKADA

Digitally signed by
ROBERT CEKADA
Date: 2026.10.09
11:11:21 -0400

Robert Cekada
Director