Congress of the United States
Washington, DC 20515

November 10, 2025

The Honorable Pamela Bondi
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 1145
Washington, DC 20530

Dear Attorney General Bondi,

We write to inform the Department of Justice of Congress's position and intent regarding ongoing litigation challenging the National Firearms Act's (NFA) registration and transfer requirements for non-taxed NFA firearms, following the enactment of President Trump's landmark Second Amendment victory in the One Big Beautiful Bill Act (OBBBA). In enacting this bill into law, Congress affirmed its position that the taxation and registration provisions of the National Firearms Act are inseparably linked, and it expressed its intent to repeal the NFA's registration and transfer requirements by eliminating the associated taxes on certain firearms and silencers. Therefore, we urge the Department of Justice to adopt and advance Congress's stated position in all litigation concerning these provisions, to ensure that congressional intent is accurately represented and upheld before the courts.

As you are well aware, Congress enacted the National Firearms Act in 1934, imposing an excise tax of $200 — equivalent to nearly $5,000 today — on the manufacture and transfer of certain firearms. The NFA also established burdensome registration requirements for gun owners seeking to transfer NFA-regulated firearms, including the submission to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) of personal identifying information such as name, date of birth, demographic details, fingerprints, home address, and the physical location of the firearms. Congress enacted the NFA pursuant to its taxing power under Article I, Section 8 of the Constitution. The Supreme Court, in *Sonzinsky v. United States* (1937), held that the NFA's registration provisions were "supportable as in aid" of Congress's proper exercise of the taxing power.

The registration requirements under the NFA are, in fact, inseparably linked to its taxation provisions. Registration serves as the mechanism by which the ATF accounts for the tax paid on each firearm, identified by its serial number. The tax stamp affixed by the ATF to an NFA transfer and registration application reflects both the firearm's serial number and the amount of tax paid

for the transfer. Moreover, the NFA's criminal provisions pertain exclusively to the failure to pay or register the payment of this tax with the ATF.

On July 4, 2025, President Donald J. Trump signed into law the One Big Beautiful Bill Act, which eliminated the transfer and making taxes for certain classes of firearms regulated under the National Firearms Act. Specifically, Section 70436 of the OBBBA sets the NFA excise tax at $0 for short-barreled rifles, short-barreled shotguns, firearms classified under the NFA's "Any Other Weapon" (AOW) category, and silencers. This landmark legislation represents the most significant advancement for Second Amendment freedoms in many decades.

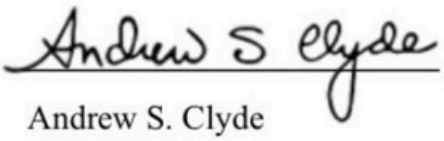
Following the OBBBA's elimination of the tax on a broad class of firearms regulated under the NFA, the constitutional foundation for applying the NFA's transfer and registration requirements to those $0-tax firearms no longer exists. These requirements now operate without any corresponding exercise of Congress's taxing power. As the Supreme Court upheld the NFA's provisions only as "in aid" of that power, and since the relevant excise taxes have been repealed, the transfer and registration requirements should likewise be understood as repealed with respect to firearms now subject to a $0 tax.

As Members of Congress who supported the One Big Beautiful Bill Act and participated in the legislative process surrounding Section 70436 of that Act, we wish to reaffirm that it was our intent, in enacting Section 70436, to repeal the transfer and registration requirements under the National Firearms Act by eliminating the associated excise taxes for certain firearms. It remains our clear intent that these transfer and registration requirements shall no longer apply to firearms now subject to a $0 tax, for the reasons outlined above.

Accordingly, we urge the Department of Justice to adopt the position of the drafters of this provision: that the transfer and registration requirements cannot stand without the corresponding excise tax. We further urge the Department to assert this position in all litigation concerning this specific section of the OBBBA. President Trump has been the most pro-Second Amendment President in our nation's history, and the Department of Justice has an opportunity to uphold his strong record of protecting gun owners from burdensome regulations.

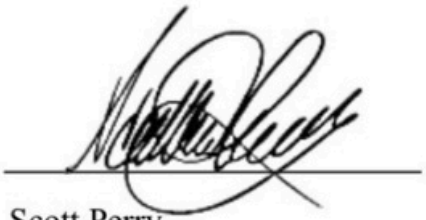
Thank you for your attention to this important matter. We look forward to working with the Department of Justice to advance additional pro-Second Amendment policies.

Sincerely,

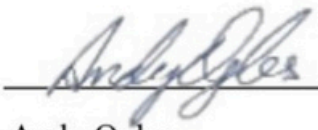


Andrew S. Clyde
Member of Congress

Eric Burlison
Member of Congress



Scott Perry
Member of Congress



Andy Ogles
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Ralph Norman
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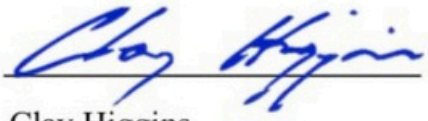

Clay Higgins
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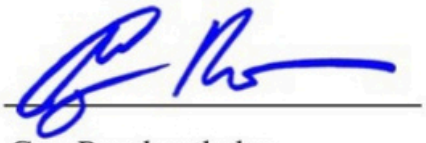

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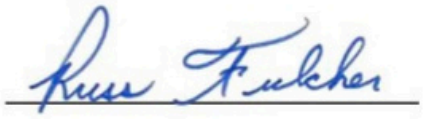

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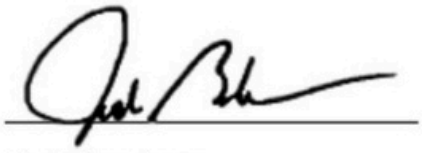
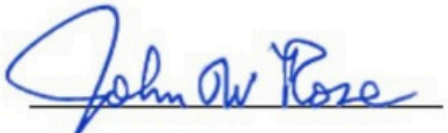


Josh Brecheen
Member of Congress



John Rose
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Michael Cloud
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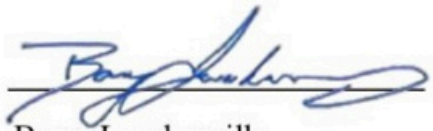
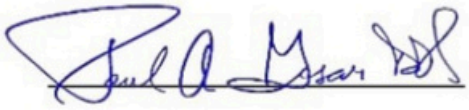
Earl L. "Buddy" Carter
Member of Congress

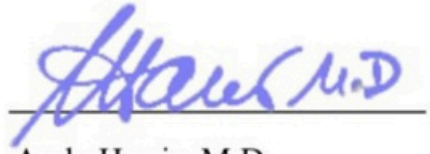


Barry Loudermilk
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress

Adrian Smith
Member of Congress



Andy Harris, M.D.
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Austin Scott
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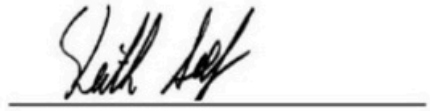
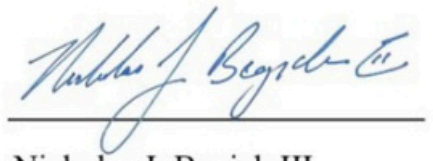


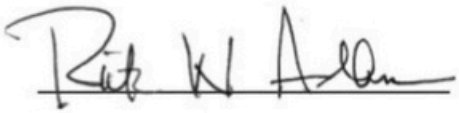
Keith Self
Member of Congress



Nicholas J. Begich III
Member of Congress

Rich McCormick, M.D. M.B.A.
Member of Congress

Lauren Boebert
Member of Congress



Rick W. Allen
Member of Congress

cc: The Honorable Daniel P. Driscoll
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives