

SILENCERCO'S FIGHT LEADS TO LANDMARK RULING AGAINST UNCONSTITUTIONAL NFA REGULATIONS

Federal court rules challenged NFA provisions unconstitutional as applied to untaxed firearms; decision represents an important first step toward broader suppressor reform

WEST VALLEY CITY, Utah (August 6, 2026) — SilencerCo celebrates a landmark legal ruling poised to restore freedoms to suppressor owners, manufacturers and the broader firearms community after key provisions of the National Firearms Act were determined to exceed Congress's constitutional authority as applied to untaxed firearms.

On August 5, 2026, the United States District Court for the Northern District of Texas entered final judgment in favor of the plaintiffs in *Silencer Shop Foundation v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, Case No. 6:25-CV-056-H, and the related *Jensen v. ATF* case, which was consolidated with the lead action.

SilencerCo is a named commercial plaintiff in the lead case. The company joined Silencer Shop Foundation, the Firearms Regulatory Accountability Coalition (of which SilencerCo is also a member), and other participating businesses, organizations, individuals, and states in challenging the ATF and federal government. Attorneys at Wiley Rein LLP represented the plaintiffs in the case.

The court concluded that the challenged NFA provisions are unconstitutional because they exceed Congress's Article I specified powers. The resulting permanent injunction applies to the plaintiffs and, where applicable, their agencies, political subdivisions, members and current and future customers.

SilencerCo's involvement reflects its longstanding commitment to protecting shooters' rights and advancing meaningful suppressor reform. That work extends beyond designing and manufacturing suppressors. It requires political advocacy, strategic legal action and a willingness to stand alongside partners challenging unnecessary government restrictions.

This ruling represents one of the most consequential legal developments involving federal suppressor regulation since the National Firearms Act was enacted in 1934. Although the decision may face additional proceedings, it establishes an important first victory in the continued effort to remove unnecessary federal barriers to lawful suppressor ownership.

"This is a seismic victory for SilencerCo, our customers and every law-abiding American who has been burdened by an outdated regulatory system," said Scott Clinger, President of SilencerCo. "We joined this lawsuit because protecting the rights of the people who build, sell, and shoot with our products is part of who we are. This ruling is an important first hurdle in the larger effort to remove silencers from the NFA and establish a simpler, more appropriate purchasing process for law-abiding Americans."

The judgment remains stayed for seven days from its August 5 entry, during which the current ATF process remains in effect.

Unless and until the stay expires and implementation guidance is issued, consumers and dealers must continue following the current ATF process and all applicable federal, state and local laws.

THE CONSTITUTIONAL QUESTION

The lawsuit challenged the continued enforcement of the NFA's registration, approval and related regulatory requirements after Congress reduced the making and transfer taxes on silencers, short-barreled rifles, short-barreled shotguns and "any other weapons" to zero dollars, effective January 1, 2026.

Since its enactment in 1934, the NFA's regulatory structure has been defended as an exercise of Congress's taxing power. The court concluded that when Congress eliminated the applicable making and transfer taxes, it also removed the constitutional foundation supporting the challenged regulatory provisions.

Because those provisions no longer generate revenue from the affected firearms and Congress did not invoke another specialized power when enacting them, the court held that the challenged requirements exceed Congress's constitutional authority.

After ruling for the plaintiffs on their Article I enumerated-powers claims, the court did not evaluate whether the challenged requirements violated the Second Amendment. The Final Judgment dismissed those claims without prejudice as abandoned, meaning the court did not rule against the plaintiffs on the merits of their Second Amendment arguments.

The ruling concerns NFA provisions governing four categories of untaxed firearms:

- Silencers
- Short-barreled rifles, or SBRs
- Short-barreled shotguns, or SBSs
- Firearms classified under the NFA as "any other weapons," or AOWs

The scope of relief is not identical for every plaintiff. The court specifically found that the Jensen plaintiffs lacked standing to challenge the NFA's regulation of AOWs. That limitation does not apply in the same manner to the plaintiffs in the lead Silencer Shop Foundation case, including SilencerCo.

WHAT THIS MEANS FOR SILENCERCO CUSTOMERS

For now, nothing changes in the suppressor purchasing process. Consumers and dealers must continue following all existing federal, state and local requirements, including the current ATF application and approval process.

If the court's order takes effect as written, the injunction will protect the named plaintiffs and, where applicable, their current and future customers. Because SilencerCo is a named commercial plaintiff, the ruling has the potential to change how the challenged NFA requirements apply to qualifying customer transactions involving SilencerCo.

However, the court made clear that this is not a universal injunction. Customer protection is limited to covered transactions involving the commercial plaintiffs and applicable commercial members. The decision does not automatically exempt an individual from NFA requirements for every NFA-regulated firearm that person may purchase, transfer or possess.

The precise impact on SilencerCo customers, including any changes to paperwork, ATF approvals, purchasing procedures or wait times, will depend on whether the federal defendants pursue appellate relief and how the order is ultimately implemented.

"This is not yet the finish line, and consumers should not change how they purchase or transfer silencers today," Clinger said. "It is, however, a significant and necessary step toward our ultimate goal: removing silencers from the NFA and allowing law-abiding consumers to purchase them through the standard Form 4473 process. We are working closely with legal counsel and will provide clear guidance as soon as the next steps are confirmed."

The ruling does not eliminate federal firearm laws outside the challenged NFA provisions, nor does it override state or local restrictions governing the ownership, purchase, possession or use of silencers and other regulated firearms.

SilencerCo will provide additional information to its customers, dealers and industry partners as the seven-day window and any subsequent appeal proceedings develop. Until SilencerCo issues further guidance, customers and dealers should continue following the current ATF process and complying with all applicable laws.

For more information, visit [SilencerCo.com](https://silencerco.com).

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About SilencerCo

The shooting world's Source of Silence resides in West Valley City, Utah, and has since 2008 when SilencerCo began in a garage with a single machine producing one suppressor model. The first model, the Sparrow, remains in production today. Born of continuous innovation and the unparalleled performance of its suppressors, SilencerCo remains the industry standard for customer service and commitment to everything it builds through its Lifetime Warranty. With an expanding, fully integrated operation, SilencerCo will continue bringing an enhanced shooting experience to the growing numbers of shooters and hunters who know trigger time should always be a good time. To learn more about how SilencerCo can make a hunt or trip to range even better, go to silencerco.com.

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