

## Application to Make and Register a Firearm

*(Submit in duplicate. See Instructions attached.)*

To: National Firearms Act Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Suite 1250, Martinsburg, WV 25405

The undersigned hereby makes application, as required by Sections 5821 and 5822 of the National Firearms Act, Title 26 U.S.C., Chapter 53, to make and register the firearm described below.

2. Application is made by: <input type="checkbox"/> Individual <input type="checkbox"/> Corporation or Other Business Entity <input type="checkbox"/> Government Entity		3a. Trade Name <i>(If any)</i>	<input type="checkbox"/> a. Tax Paid. Submit with your application a check or money order for \$200 made payable to the Department of the Justice. Upon approval of the application, this office will acquire, affix, and cancel the required "National Firearms Act: stamp for you.  <input type="checkbox"/> b. Tax Exempt because firearm is being made on behalf of the United States, or any department, independent establishment, or agency thereof.  <input type="checkbox"/> c. Tax Exempt because firearm is being made by or on behalf of any State or possession of the United States, or any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.
3b. Applicant's Name and Mailing Address <i>(Type or print below and between the dots)</i>  <div style="text-align: center;">• •</div>			
3c. If P.O. Box is Shown Above, Street Address Must Be Given Here			
3d. County	3e. Telephone Area Code and Number		<input type="checkbox"/> d. Model  Length <i>(Inches)</i> e. Of Barrel:    f. Overall:  g. Serial Number <i>(See instruction 2i.)</i>
4. Description of Firearm <i>(complete items a through i)</i>			
a. Name and Location of Original Manufacturer of Firearm <i>(Receiver) (If prototype, furnish plans and specifications) (See Instruction 2i)</i>	b. Type of Firearm to be made <i>(See instruction 1c)</i>	c. Caliber, Gauge or Size <i>(Specify)</i>	
h. Additional Description <i>(Include all numbers and other identifying data which will appear on the firearm)</i>		i. State Why You Intend To Make Firearm <i>(Use additional sheet if necessary)</i>	
j. Is this firearm being reactivated? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(See Definition 1k)</i>			
5. Applicant's Federal Firearms License <i>(If any)</i> <i>(Give complete 15-digit Number)</i>		6. Special (Occupational) Tax Status <i>(If applicable)</i> a. Employer Identification Number    b. Class	

Important: All individual applicants *(including Federally Licensed Collectors)* must complete the reverse side of this form and submit, in duplicate, FBI Form FD-258, Fingerprint Card.

**Under Penalties of Perjury, I Declare** that I have examined this application, including accompanying documents, and to the best of my knowledge and belief it is true, accurate and complete and the making and possession of the firearm described above would not constitute a violation of Chapter 44, Title 18, U.S.C., Chapter 53, Title 26, U.S.C., or any provisions of State or local law.

7. Signature of Applicant	8. Name and Title of Authorized Official of Firm or Corporation <i>(if applicable)</i>	9. Date
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**The space below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives**

By authority of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, this application has been examined and the applicant's making and registration of the firearm described above is:

<input type="checkbox"/> Approved <i>(With the following conditions, if any)</i>	<input type="checkbox"/> Disapproved <i>(For the following reasons)</i>
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Authorized ATF Official	Date
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### Instructions

#### 1. Definitions.

- a. **National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.
- b. **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.
- c. **Firearm.** The term "firearm" means: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in 18 U.S.C. 5845(e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.
- d. **Person.** The term "person" means a partnership, company, association, trust, estate, or corporation as well as a natural person.
- e. **Employer Identification Number (EIN).** Required of taxpayer filing special (occupational) tax returns under 27 CFR § 479.35.
- f. **Special (Occupational) Tax.** Required by the NFA to be paid by a Federal firearms licensee engaged in the business of manufacturing (Class 2), importing (Class 1), or dealing (Class 3) in NFA firearms.
- g. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import or deal in firearms.
- h. **ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorized to perform any function relating to the administration of the NFA.
- i. **Make.** The term "make", and the various derivatives of such word, shall include manufacturing (*other than by one qualified to engage in such business under the NFA*), putting together, altering, any combination of these, or otherwise producing a firearm.
- j. **Misdemeanor Crime of Domestic Violence.** A crime that is a misdemeanor under Federal or State 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 who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian. The term includes all misdemeanors that involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
- k. **Reactivation.** The restoration of a registered unserviceable NFA firearm to a functional condition. This action incurs the making tax liability.
- l. **Unserviceable Firearm.** One which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to firing condition. An acceptable method of rendering most firearms unserviceable is to fusion weld the chamber closed and fusion weld the barrel solidly to the frame.

#### 2. Preparation of Application and Payment of Tax.

- a. **Authority.** As provided by 26 U.S.C. § 5822, any person (*other than a qualified manufacturer of firearms (see paragraph b)*) seeking to make a firearm must complete, in duplicate, a separate application

on this form for each firearm. The applicant maker must furnish all the information called for on this application form.

- b. **Registration by Qualified Manufacturer.** A person who has a Federal firearms license to manufacture firearms (*Type 07 or 10*) and who has paid special (occupational) tax to manufacture NFA firearms is exempt from the making tax and filing of the ATF Form 1 application. Such qualified manufacturer must report and register each NFA firearm manufactured by filing ATF Form 2, Notice of Firearms Manufactured or Imported, as required by 27 CFR § 479.102.
- c. **Payment of/Exemption from Payment of Tax.** As provided in 26 U.S.C. § 5821, there is a \$200.00 tax on each firearm made, **except** as provided in 26 U.S.C. §§ 5852 and 5853, when an NFA firearm may be made without payment of the tax when made by, or on behalf of the United States or any State or political subdivision thereof. Documentation that the firearm is being made for a government entity, such as a United States government contract or a State or local government agency purchase order, must accompany the application. The reactivation of a registered unserviceable firearm is subject to the making tax.
- d. **Photographs and Fingerprints.** An individual maker (*including any Federally licensed collector but not any other type of Federal firearms licensee*) must (1) attach to each copy in item 12 of the ATF Form 1, a 2 inch x 2 inch photograph of his/her frontal view taken 479.63 days one year prior to the date of the application and (2) submit two properly completed FBI Forms FD-258 (*Fingerprint Card with blue lines*) with the application. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them.
- e. **Signatures.** All signatures required on ATF Form 1 must be original in ink on both copies.
- f. **Law Enforcement Certification.** The chief law enforcement officer is considered to be the Chief of Police for the maker's city or town of residence, the Sheriff for the maker's county of residence; the Head of the State Police for the maker's State of residence; a State or local district attorney or prosecutor having jurisdiction in the maker's area of residence; or another person whose certification is acceptable to the Director, Bureau of Alcohol, Tobacco and Firearms and Explosives. If someone has specific delegated authority to sign on behalf of the Chief of Police, Sheriff, etc., this fact must be noted by printing the Chief's, Sheriff's, or other authorized official's name and title, followed by the word "by" and the full signature and title of the delegated person. Item 13 must be completed for an individual maker. The certification must be dated no more than one year prior to the date of receipt of the application.
- g. **Remittance.** If the application is subject to the making tax, a check or money order, made payable to the Bureau of Alcohol, Tobacco, Firearms and Explosives, in the amount of \$200.00 must be submitted with the ATF Form 1. Do not send cash.
- h. **Photocopies or Computer Generated Versions.** The ATF Form 1 may be photocopied or a computer-generated version (*as long as it is in the same format and contains all required information*) may be used. This form may also be downloaded from the ATF Internet website at [www.atf.gov](http://www.atf.gov). After downloading this form, photocopy it so that the front and back are on the same sheet of paper. The NFA Branch will not accept the application if the front and back are on separate sheets of paper.
- i. **Serial Numbers and other Markings.** If an existing firearm is being modified into an NFA firearm, enter the existing serial number of the firearm into item 4g and the name and address of the original manufacturer into item 4a. **Do not Alter or Modify the Existing Serial Number.** If the NFA firearm is being made from parts, your name and address are to be entered into 4a and a serial number you create is to be entered into item 4g.

## Instructions (Continued)

- j. **Submission.** All requested information must be entered in blue or black ink and must be legible. Illegible entries will be returned for correction. Send both copies of the ATF Form 1 and attachments to the address located in the upper right hand corner on the face side of the ATF Form 1. The return of the application or your sending it to any other address will only delay the processing.
3. **Approval of Application.** Upon approval of an application, the NFA Branch will affix the NFA tax stamp (*if any*) to the application, cancel it, and return the approved copy to the maker. The approval of the application effectuates registration of the firearm to the maker; however, the firearm must not be made until the application has been approved.
4. **Withdrawal of Application.** The application may be withdrawn prior to approval by submission of a written request from the maker. The NFA Branch will arrange for a refund of any tax paid.
5. **Cancellation of Approved Application.** An approved application may be cancelled only if the firearms had not been made or modified. The maker must return the approved application with a written request for cancellation, citing the need and that the making of the firearm did not take place. The NFA Branch will arrange for a refund of any tax paid.
6. **Disapproval of Application.** If the application is disapproved, the NFA Branch will note the reason for disapproval on the application and return one copy to the maker. The NFA Branch will arrange for a refund of any tax paid.
7. **Reasons for Disapproval.** 26 U.S.C. § 5822 provides that applications shall be denied if the making or possession of the firearm would place the maker in violation of law.
- a. **State or Local Law.** If State or local law prohibits the making or possession of the firearm being made, the application will be disapproved.
- b. **Machineguns**
- (1) 18 U.S.C. § 922(o) provides that machineguns may be made only for government use or export. An application will be denied unless the making meets these criteria.
- c. **Persons Prohibited from Making a Firearm.** The application will be disapproved if the maker is a person prohibited from possessing a firearm by 18 U.S.C. § 922(g), which provides that it shall be unlawful for any person-
- (1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance;
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien, is illegally or unlawfully in the United States or, except as provided in 18 U.S.C. § 922(y)(2), has been admitted to the United States under a nonimmigrant visa (*as that term is defined in 8 U.S.C. § 1101(a)(26)*);
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that-
- (A) was issued after a hearing of which such person received actual notice; and at which such person had an opportunity to participate;
- (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person 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, or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
8. **Status inquiries and Questions.** The NFA Branch telephone number is (304) 616-4500. Any inquiry relating to the status of an application to make an NFA firearm or about procedures in general should be directed to the NFA. Please be aware that the information relating to the registration of firearms is defined as "return" or "return information" by 26 U.S.C. § 6103 and disclosure is generally prohibited to anyone other than the registrant. Information relating to the NFA and other firearms laws is also available at the ATF Internet website [www.atf.gov](http://www.atf.gov).
9. **Penalties.** Any person who violates or fails to comply with any of the requirements of the NFA shall, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both. Any firearm involved in a violation of the NFA shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the NFA knowing such entry to be false.
10. **Compliance with the Gun Control Act.** All provisions of the GCA must also be complied with.

### Privacy Act Information

1. **Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. §§ 5821 and 5822). Disclosure of this information by the applicant is mandatory for any person (*other than a manufacturer qualified under the National Firearms Act*) making a firearm as defined in the National Firearms Act.
2. **Purpose.** To verify payment of the tax imposed by 26 U.S.C. § 5821; to determine that the making would not be in violation of law; and to effect registration of the firearm.
3. **Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by a natural person in order to comply with any provision of the National Firearms Act or regulations issued thereunder, shall, except in connection with prosecution or other action for furnishing false information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purpose of prosecution for violation of the National Firearms Act.
4. **Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

### Paperwork Reduction Act Notice

This form is in accordance with the Paperwork Reduction Act of 1995. The information you provide is used to establish that a transferee's receipt and possession of the firearm would be in conformance with Federal, State, and local law. The data is used as proof of lawful registration of a firearm to the manufacturer. The furnishing of this information is mandatory (26 U.S.C. § 5822).

The estimated average burden associated with this collection of information 4 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.