

# National Firearms Act (NFA) Responsible Person Questionnaire

Who needs to complete this form? A separate questionnaire **MUST** be completed by EACH responsible person (*see definitions*) in a legal entity, such as an LLC or trust, seeking to make or acquire a National Firearms Act firearm (*see definitions*). Each responsible person must attach his or her photograph to this form and include a set of two fingerprint cards on FBI Form FD-258.

1. Please check the appropriate box to indicate whether this questionnaire will be submitted with an ATF Form 1, ATF Form 4, or ATF Form 5. Also, note that a copy of the ATF Form 1, ATF Form 4, or ATF Form 5 shall be submitted with the questionnaire to the Chief Law Enforcement Officer (*see instruction 5*).  ATF Form 1     ATF Form 4     ATF Form 5

2a. Name of Maker or Transferee	2b. Address of Maker or Transferee
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3a. Firearm Manufacturer	3b. Firearm Type	3c. Firearm Model	3d. Firearm Serial Number
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4a. Name of Responsible Person	4b. Home Address of Responsible Person
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4c. Other Names Used ( <i>Including Maiden Name</i> )	4d. Position/Title in Entity	4e. Social Security Number
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4f. Date of Birth	4g. Place of Birth	4h. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	4i. Height ____ Feet ____ Inches	4j. Weight ____ Pounds	4k. Photograph
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4l. Ethnicity Hispanic or Latino <input type="checkbox"/> Yes <input type="checkbox"/> No	4n. Eye Color <input type="checkbox"/> Black <input type="checkbox"/> Multiple <input type="checkbox"/> Blue <input type="checkbox"/> Pink <input type="checkbox"/> Brown <input type="checkbox"/> Other <input type="checkbox"/> Gray <input type="checkbox"/> Green <input checked="" type="checkbox"/> Hazel <input type="checkbox"/> Maroon	4o. Hair Color <input type="checkbox"/> Bald <input type="checkbox"/> Sandy <input checked="" type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Blond <input type="checkbox"/> Other <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Red	<b>Attach a 2" x 2" Photograph Here</b>  Photo must have been taken in full face view without a hat or head covering that obscures the hair or hairline.
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5. Law Enforcement Certification

I certify that I am the chief law enforcement officer of the organization named below having a jurisdiction in the area of residence of \_\_\_\_\_

\_\_\_\_\_. I am satisfied that the fingerprints and photographs accompanying this form are those of the responsible person identified on the form. I have no information that receipt or possession of the firearm described in items 3a - 3d would place the responsible person in violation of State or local law.

\_\_\_\_\_  
 (Signature of Chief Law Enforcement Officer)                      (Printed name)                      (Title and agency name)

\_\_\_\_\_  
 (Street address, city, State and zip code)

\_\_\_\_\_  
 (Telephone Number)                      (Date)

By (if delegated authority to sign for the chief law enforcement official);

\_\_\_\_\_  
 (Signature)                      (Printed name)                      (Title and agency name)

\_\_\_\_\_  
 (Street address, city, State and zip code)

\_\_\_\_\_  
 (Telephone Number)                      (Date)

6. Answer questions 6.a. through 6.j. Answer questions 7 through 10 if applicable. For any YES answer (*other than for 6.i*), the transferee shall provide details on a separate sheet. (*See instructions*)

	Yes	No
a. 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?		
b. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could imprison you for more than one year, even if you received a shorter sentence including probation?		
c. Are you a fugitive from justice?		
d. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?		
e. Have you ever been adjudicated mentally defective ( <i>which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or others or are incompetent to manage your own affairs</i> ) <b>OR</b> have you ever been committed to a mental institution?		
f. Have you been discharged from the Armed Forces under <b>dishonorable</b> conditions?		
g. 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?		
h. Have you ever been convicted in any court of a misdemeanor crime of domestic violence?		
i. Are you a United States citizen?		
j. Have you ever renounced your United States citizenship?		

IF YOU ANSWERED "NO" TO QUESTION 6.i., PLEASE ANSWER QUESTIONS 7, 8, 9, AND 10.

7. Answer questions 7.a., 7.b., and 8 by checking or marking "YES or "NO" or "NA" in the boxes to the right of the questions.

	Yes	No
a. Are you an alien Illegally in the United States?		
b. Are you an alien admitted to the United States under a nonimmigrant visa? * If the answer is "NO", do not respond to question 8 and proceed to questions 9 and 10.		
8. If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the definitions (see 14)? <b>If the answer is "YES", A copy of the Documentation must be attached to the Application.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
9. What is your country of Citizenship if other than the United States? ( <i>Specify Country</i> )		
10. If you are not a Citizen of the United States, what is your U.S.-issued alien number or admission number?		

**CERTIFICATION: Under penalties imposed by 18 U.S.C. 924 and 26 U.S.C. 5861, I certify that the statements contained in this Certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Date

### Instructions

- The questionnaire is required of any responsible person (*see definitions*) of an entity seeking approval to make a National Firearms Act (NFA) firearm on ATF Form 1 or to acquire an NFA firearm subject to approved transfer on ATF Form 4 or ATF Form 5.
- Each responsible person must complete all items and sign a separate questionnaire.
- Photographs: Each questionnaire must include a 2" x 2" photograph of the responsible person, clearly showing a full front view of the features of the responsible person with the head bare, with the distance from the top of the head to the point of the chin approximately 1<sup>1/4"</sup>, and which shall have been taken within 1 year prior to the date of the form.
- Fingerprints: Each questionnaire must include two properly prepared FBI Forms FD-258 (*fingerprint card*), clear for accurate classification and taken by someone properly equipped to take them.
- Law Enforcement Certification: The law enforcement certification must be completed for the responsible person by an official with jurisdiction in the responsible person's area of residence. The chief law enforcement officer is considered to be the chief of police, sheriff of the county, head of the State police, State or local district attorney or prosecutor, or such other person whose certificate may in a particular case be acceptable to the Director. The responsible person shall provide the certifying official with a copy of the pertinent ATF Form 1, ATF Form 4, or ATF Form 5 when requesting the certification.
- The completed questionnaire shall be submitted as part of the ATF Form 1, ATF Form 4, or ATF Form 5 application.
- A responsible person who resides in a locality where the receipt or possession of the firearm is prohibited or who is unable to obtain a required State or local permit to receive or possess the firearm cannot be a responsible person for the purposes of making or acquiring an NFA firearm.
- Item 2a.-2b.: The name and address of the Maker or Transferee is that of the entity as shown in item 3b of ATF Form 1 or items 2a of ATF Form 4 or ATF Form 5.
- Item 3a.-3d.: The description of the firearm is that shown in item 4 of ATF Form 1, ATF Form 4, or ATF Form 5.
- Item 4a.-4o.: Provide the name, address, and other requested information for the responsible person. Please note that providing the Social Security Number is voluntary.
- Item 5: See instruction 5.
- Item 6: Provide answers to questions. If "NO" is answered to item 6i, the responsible person shall complete items 7, 8, 9, and 10 as applicable.

13. Item 11: The responsible person shall complete the certification by signing and dating the form.
14. Status Inquiries and Questions: Information relating to the NFA and other firearms laws is available on the ATF website ([www.atf.gov](http://www.atf.gov)). Any inquiry relating to the status of an application to make or transfer an NFA firearm or the procedures in general should be directed to the NFA Branch at (304) 616-4500. Please be aware that any dissemination of information regarding registration must comply with 26 U.S.C. § 6103.
15. Penalties: Any person who violates or fails to comply with any of the requirements of the NFA may be subject to fine, imprisonment, or both upon conviction. Any firearm involved in a violation of the NFA is 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.
16. Compliance with the Gun Control Act (GCA): All provisions of the GCA shall be complied with, including the recordkeeping requirements for licensees and the retention of ATF Form 4473 (5300.9) by licensees for dispositions to non-licensees.

### Definitions

1. National Firearms Act (NFA): Title 26, United States Code, Chapter 53. The implementing regulations are in Title 27, Code of Federal Regulations, Part 479.
2. NFA Firearm: (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 26 U.S.C. § 5845(e); (6) a machinegun; (7) a muffler or silencer; and (8) a destructive device.
3. Person: A partnership, company, association, trust, corporation, including each responsible person associated with such an entity, or an estate, or an individual.
4. Responsible Person: (a) In the case of a trust, any individual, including any grantor, trustee, or beneficiary, who possesses, directly or indirectly, the power or authority under any trust instrument or other document, or under State law, to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm; (b) In the case of a partnership, any individual, including any partner or manager, who possesses, directly or indirectly, the power or authority under any contract, agreement, article, certificate, bylaw, or instrument, or under State law, to direct the management and policies of the partnership to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of the partnership; (c) In the case of an association, any individual, including any member, officer, director, board member, owner, or manager, who possesses, directly or indirectly, the power or authority under any contract, agreement, article, certificate, bylaw, or instrument, or under State law, to direct the management and policies of the association to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of, the association; (d) In the case of a company (including a Limited Liability Company (LLC)), any individual, including any member, officer, director, board member, owner, shareholder, or manager, who possesses, directly or indirectly, the power or authority under any contract, agreement, article, certificate, bylaw, or instrument, or under State law, to direct the management and policies of the company to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of, the company; and (e) In the case of a corporation, any individual, including any officer, director, board member, owner, shareholder, or manager, who possesses, directly or indirectly, the power or authority under any contract, agreement, article, certificate, bylaw, or instrument, or under State law, to direct the management and policies of the corporation to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of, the corporation.
5. Maker: A person applying to make an NFA firearm.
6. Transferee: The person acquiring a firearm.
7. Transferor: The person selling or otherwise disposing of a firearm; including applying to transfer a firearm.
8. Prohibited Person: Generally, 18 U.S.C. § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); 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 mentally defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; has renounced his or her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa; or is subject to certain restraining orders. Furthermore, Section 922 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, or any other crime, punishable by imprisonment for a term exceeding one year.
9. Under Indictment or Information or Conviction in any Court: An indictment, information, or conviction in any Federal, State, or local court. An information is a formal accusation of a crime verified by a prosecutor.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should mark "no" in the applicable box.

10. Adjudicated Mentally 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.
11. 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: A person who has been adjudicated as a mental defective or committed to a mental institution is not prohibited if: (1) the person was adjudicated or committed by a Department or agency of the Federal Government and (2) either: (a) the person's adjudication or commitment for mental incompetency 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; or (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. Persons who fit this exception should mark "no" in the applicable box. This exception does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

12. Restraining Order: Under 18 U.S.C. § 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate 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. An "intimate partner" of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or is cohabitating with the person.
13. Misdemeanor Crime of Domestic Violence: A Federal, State, local, 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 cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. 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 "Under Indictment or Information or Conviction in any Court"*). 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.
14. Alien Admitted to the United States Under a Nonimmigrant Visa: 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. 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) 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; (4) is en route to or from another country to which that alien is accredited; (5) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; (6) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business; (7) has received a waiver from the prohibition from the Attorney General of the United States.

### Privacy Act Information

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

1. **Authority:** Solicitation of this information is made pursuant to the NFA (26 U.S.C. §§ 5812 and 5822). Disclosure of this information by the applicant is mandatory for the making or transfer of an NFA firearm.
2. **Purpose:** To ensure payment of the tax imposed by 26 U.S.C. §§ 5811 and 5821; to ensure that the making or transfer would not violate law; and to effect the 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, the description of the firearm, date of registration, and identification and address of the person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record.
4. **Effect of not Supplying Information Requested:** Failure to supply complete information may delay processing and may cause denial of the application.

### Paperwork Reduction Act Notice

This information request is in accordance with the Paperwork Reduction Act of 1995. The information provided is used in applying to make or transfer NFA firearms. Data is used to identify the maker; the transferor and transferee; and the firearm being made or transferred; and to ensure legality of the making or transfer.

The estimated burden associated with this collection of information is 10 minutes per respondent or recordkeeper, depending upon individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Information Technology Coordination Staff, 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.