



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

March 24, 2006

Open Letter to All Federal Firearms Licensees and National Firearms Act Special (Occupational) Taxpayers

Filing National Firearms Act Transaction Forms by Facsimile Transmission

This is to update information regarding the filing of certain National Firearms Act (NFA) forms by facsimile transmission as the functions of the NFA Branch have been relocated to Martinsburg, West Virginia from Washington, DC. Please note that the contact information for the NFA Branch is:

Bureau of Alcohol, Tobacco, Firearms & Explosives
National Firearms Act Branch
244 Needy Road
Martinsburg,
West Virginia
25405
USA

Voice: (304) 616-4500
Fax: (304) 616-4501

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) held in ATF Ruling 89-1, that certain forms required by ATF may be filed by facsimile transmission. This ruling and ATF Industry Circular 89-6 set forth the requirements and procedures.

The NFA Branch had determined that for forms filed under the NFA, the procedure would be available for ATF Form 2, Form 3, Form 9, and for Form 5 in situations where the application is not accompanied by fingerprint cards. The submission of NFA forms may only be done by Federal firearms licensees who have paid the special (occupational) tax to import, manufacture, or deal in NFA firearms.

If you choose to utilize the procedure, each person who will be filing forms on behalf of the licensee must first submit to us (in original) an affidavit declaring, under penalties of perjury, that certain conditions will be met. These conditions are detailed in the attached sample affidavit. The affidavit needs only to be submitted once. If you have previously filed an affidavit with us, there is no need to file another.

Sample

Affidavit for Facsimile Transmittal of NFA Notice or Transfer Application Forms

To: Bureau of ATF
NFA Branch
244 Needy Road, Martinsburg, WV 25405

Affidavit

I, _____, doing business as _____
_____ hereby state:

1. In addition to those applications sent via U.S. mail, I will be filing ATF Forms (2, 3, 5 and/or 9) by facsimile transmission;
2. The signature appearing on the facsimile copies will be mine and is intended as the original signature;
3. I will be submitting the facsimile copies as originals for purposes of approval under the provisions of Title 27, Code of Federal Regulations, Part 479, and that the facsimile copies are to be treated as originals; and
4. I will personally transmit the copies via facsimile machine.

I declare under penalty of perjury under the laws of the United States that the above information is true and correct.

Signature _____

Date _____

Name: _____

Title: _____

Trade name: _____

Address: _____

Telephone: _____

FFL number: _____

EIN: _____