

FAQs regarding the Industry Replacement of Tommy Built Tactical Model T36 Receiver

What is the status of the Tommy Built Tactical Model T36 receiver?

In August 2020, ATF examined the Tommy Built Tactical Model T36 receiver and classified it as a machinegun. ATF did not evaluate the T36 receiver before 2020 because the manufacturer had lawfully opted to proceed with sale to the public without requesting an ATF classification. Manufacturers are not required to submit firearms to ATF for classification prior to selling them. Hence, ATF's evaluation of the T36 receiver occurred only after it had been on the market for some time. Because the T36 receiver is a machinegun, the T36 receiver cannot be possessed and must be destroyed or disposed of, though the manufacturer is offering the option of obtaining a replacement, if desired. Machineguns manufactured after May 19, 1986 may not be possessed by private individuals as set forth in 18 U.S.C. § 922(o).

Has ATF approved the new Tommy Built Tactical replacement receiver?

ATF has examined a new receiver, designated the TG36, submitted by Tommy Built Tactical for use as a replacement on the T36 model, and has classified the new receiver as a Gun Control Act (GCA) firearm and not a National Firearms Act (NFA) firearm. In other words, this replacement receiver is not a machinegun receiver. These new replacement receivers may be possessed by individuals who are not prohibited from possessing firearms and, therefore, can be used by you to reassemble into a GCA firearm or, with an approved ATF Form 1 and tax paid, to make a "short-barreled rifle" NFA firearm.

Is my only option to return the firearm to Tommy Built Tactical and pay for the upgrade?

No, you may destroy the firearm receiver, in a manner approved by ATF, or surrender it to ATF. Both of these options would obviously result in the loss of the firearm receiver but you may continue to possess the other parts of the firearm. Currently, Tommy Built Tactical is offering to replace the receiver for a fee. Any fee Tommy Built Tactical may charge is a commercial matter between the customer and the company.

If I made my Tommy Built Tactical T36 into a Short Barreled Rifle (SBR) and properly registered it, what should I do?

You have one of two options. You may choose to send your T36 SBR to Tommy Built Tactical to have the receiver replaced, in which case you should take apart the firearm and send only the receiver to Tommy Built Tactical. When you receive the replacement receiver back, you must submit an ATF Form 1 through the ATF eForms Portal (preferred) or via paper

submission pursuant to the instructions on the paper ATF Form 1, and receive an approved ATF Form 1 back before reinstalling the same shortened barrel on the replacement TG36 receiver.

Your other option is to destroy your registered SBR, in which case you must notify the National Firearms Act (NFA) Division once the firearm has been destroyed.

The notice should be in writing, as ATF must update the records to reflect destruction of the registered firearm. Please send the written notice to NFA@atf.gov, fax to 304-616-4501 or mail to ATF National Services Center, NFA Division 244 Needy Road Martinsburg, WV 25405. Please include the firearm serial number, model number and caliber, and the name and address of the individual or trust to whom the firearm is registered.

Since ATF has classified the T36 receiver as a machinegun, may I register it with ATF as an NFA weapon?

No, machineguns manufactured after May 19, 1986, may only be possessed by military or law enforcement; the general public may not possess machineguns made after this date. Because the T36 receivers were all manufactured after 1986, they may not be possessed by private individuals and they cannot be registered with ATF.

If the applicant has a pending application with the NFA relative to the T36 receiver, the application will be disapproved and the money will be refunded.

I'm an FFL and have one or more Tommy Built Tactical T36 receivers in my inventory. What should I do with it?

Please call Tommy Built Tactical. Other than returning the T36 receiver to Tommy Built Tactical, an FFL cannot legally transfer the receiver to an individual or to another FFL, and cannot continue to possess the receiver.

Who can I call with questions about my T36?

Please call the Baltimore Field Division at (443) 965-2000 or call Tommy Built Tactical directly.

I modified my T36 into a Short-Barreled Rifle (SBR) and paid the tax and registered it with ATF because I believed the receiver was a Gun Control Act receiver and not a National Firearms Act (NFA) receiver. Can I get a tax refund since I have to get the receiver replaced now, thus changing the firearm? Will I have to pay the tax again once I get the receiver replaced?

Unfortunately, there is no provision in the law to refund a NFA fee once a firearm is registered. ATF is exploring whether the tax you paid to register the original firearm as an SBR can be applied to the new firearm created by the replacement of the original machinegun receiver. ATF does not have the statutory authority to make this decision on its own. ATF will post additional information about potential tax forbearance on the registration of a replacement T36 SBR as soon as possible. In the meantime, you must either take advantage of the Tommy Built Tactical exchange offer, destroy the machinegun receiver on the T-36 you possess, or surrender the T36 receiver to ATF. If you intend to seek tax forbearance on the registration of a replacement firearm from Tommy Built Tactical, please notify the ATF Baltimore Field Division and provide the serial number for the registered T36 SBR, your name, and contact information.

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