



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

907010 (b) (6)
3311/302503

JAN 05 2015

(b) (6)

Dear (b) (6)

This refers to your correspondence and accompanying samples to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), submitted for findings regarding the lawfulness of your proposals: As indicated, you have submitted two samples. Sample "A" is referenced as an "Arm Brace" and sample "B" is described as "a decorative buttstock without buttstock functions".

The following details pertaining to the samples were provided:

Model (A): An Arm Brace:

- *There is no locking mechanism to fix the arm brace on the buffer tube which means it can rotate.*
- *There is no locking mechanism to fix this device on the buffer tube which means it can move back and forth.*
- *There is a loop at the end of the arm brace for the shooters arms.*
- *The material is rubber polymer with elastic expansion to allow arms to go in. Note, the prototype we sent to you is made of hard polymer. The actual product will be elastic.*

Model (B): A decorative buttstock without buttstock functions.

- *There is no locking mechanism to fix this device on the buffer tube which means it can rotate.*
- *There is no locking mechanism to fix this device on the buffer tube which means it can move back and forth.*
- *The overall length of this device is shorter than the buffer tube length which means when a shooter wants to utilize this device against the shoulder as a buttstock, the device will move forward and thus lose its supporting functions.*

(Photos provided on page 3).

For your reference in this matter, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and] ...the frame or receiver of any such weapon....*

Also, with respect to the definitions of “handgun” and “pistol” under Federal statutes and regulations, you may be aware that the GCA, 18 U.S.C. § 921(a)(29), defines “handgun” to mean, in part: *...a firearm which has a short stock and is designed to be held and fired by the use of a single hand....*

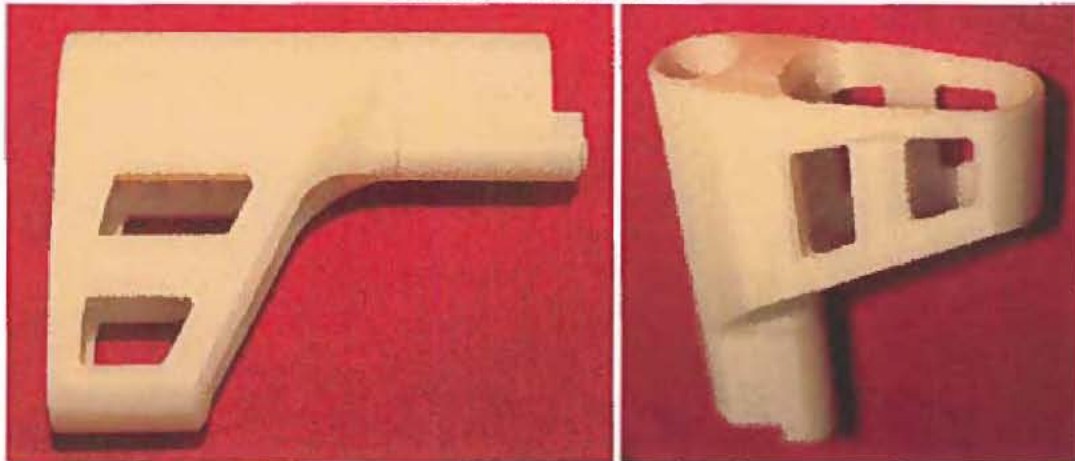
Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines “pistol” as:

...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

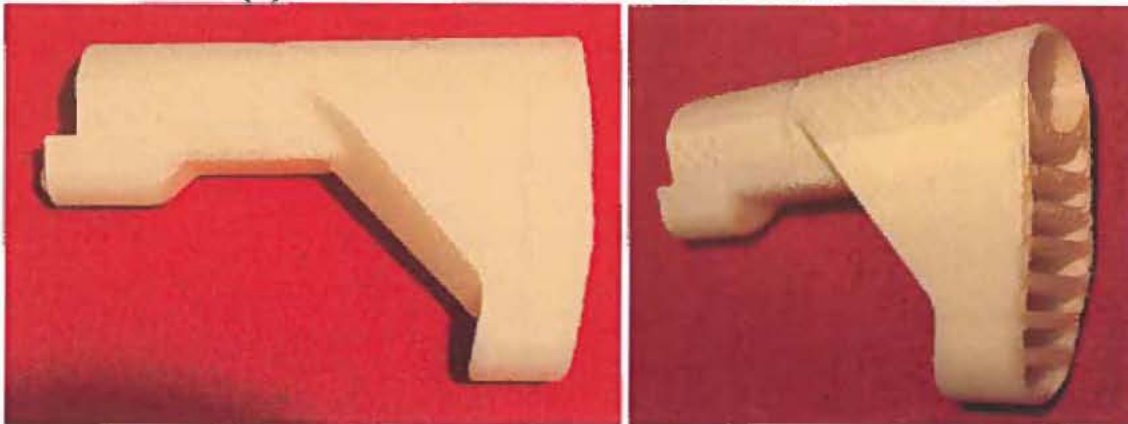
Please note also that the GCA, 18 U.S.C. § 921(a)(7), defines the term “rifle” to include *a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....*

Finally, the NFA, 26 U.S.C. § 5845(a)(3), defines “firearm” to include *a rifle having a barrel or barrels of less than 16 inches in length....*

Model A "Arm Brace"



Model (B): "Decorative Buttstock without Buttstock Functions"



Standard AR-15 Type Buttstock



Based on our analysis of your samples and consideration of the Federal definitions just cited, we should inform you that your model A "Arm Brace" (as received) and the model B "Decorative Buttstock without Buttstock Functions" would likely be classified as buttstocks when installed on a firearm although we can't make a determination based on a prototype that is specified to differ from the actual proposed production model. Therefore, the installation of the model A "Arm Brace" (as received) or the model B device onto a pistol or possession of either device with such compatible pistol, provided that the barrel was less than 16 inches in length, would result in the manufacture of a Short Barreled Rifle (SBR) as defined in § 5845(a)(3).

Both model A and B devices offer contact surfaces similar in form and function to buttstocks. This classification would not be affected by your statement that both models A and B can rotate on the buffer tubes of firearms and that the overall length of the model B device is shorter than the buffer tube length. While you have indicated that the model A device will be produced with a material described as "rubber polymer with elastic expansion" rather than the hard polymer of the prototype, our office is only able to offer classifications on devices of this type after examining actual examples.

In order to return your submitted items, FTISB will require a FedEx account billing number or a pre-printed shipping label to be submitted within 30 days of receipt of this letter.

We thank you for your inquiry, regret that our findings could not be more favorable, but trust the foregoing has been responsive to your concerns.

Sincerely yours,

(b) (6)

Acting Chief, Firearms Technology Industry Services Branch