



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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907010: (b) (6)
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(b)(3)-(26 USC 6103), (b) (6)

Dear (b) (6)

This is in response to your letter, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Firearms Technology Industry Services Branch (FTISB), in which you ask several questions for your client (b)(3)-(26 USC 6103) regarding the possession and proposed attachment of an AR-type buffer tube and Sig SB15 forearm brace to a pistol.

As background to your inquiry, the following review of definitions provided in Federal statutes and implementing regulations should be useful:

The Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(29), defines "**handgun**," in part, as *...a firearm which has a short stock and is designed to be held and fired by the use of a single hand....*

A regulation implementing the GCA, 27 CFR § 479.11, defines "**pistol**" to mean—

...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).

The GCA, 18 U.S.C. § 921(a)(7) defines the term "**rifle**" as—

...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

The National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines "firearm" to include ...*a rifle having a barrel or barrels of less than 16 inches in length ... and, 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...*

Please be aware the focus of FTISB is to determine whether an item is or is not a "firearm" as defined in the GCA or NFA. Your questions are paraphrased below in italics followed by FTISB's answer.

Question #1: *Is it lawful to attach an AR-type buffer tube to a pistol that does not incorporate a buffer tube in its design; as a part of assembling an AR-type pistol with a Sig SB15 brace accessory?*

Answer #1:

The receiver extension/buffer tube on an AR-type pistol serves a legitimate, function in the operation of the weapon system, and in of itself; and utilized as originally designed, is not considered to be a shoulder stock. As you know, shoulder stocks normally attach to the receiver of a shoulder-fired firearm. A shoulder stock provides a means for the shooter to support the firearm and easily aim it. However, in the case of an AR-type, it attaches to the receiver extension, commonly referred to as the buffer tube. Further, a pistol that has an AR-type buffer tube or similar component assembled to it, which consequently allows for the installation of a Sig SB15 accessory, is not classified as a SBR; nor unlawful to possess.

However, if a pistol assembled with an AR-type buffer tube or similar component; which in turn, redesigns the subject AR-type pistol to be designed or redesigned and consequently intended to be fired from the shoulder; an NFA weapon as defined in 26 U.S.C. § 5845(a)(3); has been made.

Question #2:

Is it lawful to attach an AR-type buffer tube to a pistol that does not incorporate a buffer tube in its design; as a part of assembling an AK-type pistol with a Sig SB15 brace accessory?

Answer #2:

See answer #1.

Question #3:

Is it lawful to incorporate a "folding mechanism" to the subject buffer tube mount, which would allow an attached Sig SB15 brace accessory to fold to the side when not in use?

Answer #3:

Our Branch has determined that the use of extension tubes, spacers or folding mechanisms in the buffer tube attachment to a pistol could change the classification of the subject "pistol". If the subject extensions, spacers or mechanism were installed in a manner to allow a "pistol" to achieve an overall length greater than 26 inches and not actually concealed on a person; the subject weapon would not be classified as a "any other weapon". A weapon of this type would be properly classified as a "firearm" as defined in 18 U.S.C. 921 (a)(3).

Be aware, that the attachment of a folding or non-folding device to a pistol, which in turn; redesigns the subject pistol to be designed or redesigned and consequently intended to be fired from the shoulder; an NFA weapon as defined in 26 U.S.C. § 5845(a)(3); has been made.

For your information, a non-prohibited, un-licensed individual may make a SBR from a pistol by assembling a shoulder stock to the subject pistol; thus creating a rifle having a barrel length of less than 16 inches. This making is lawful provided an individual has an approved ATF Form 1, *Application to Make and Register a Firearm*, and has paid the applicable \$200 making tax prior to such assembly.

In closing, we should remind you that the information found in correspondence from FTISB is intended only for use by the addressed individual or company with regard to a specific scenario described within that correspondence. We advise you to confirm that assembly of a firearm utilizing the aforementioned accessories does not violate any State laws or local ordinances where you reside.

We thank you for your inquiry and trust the foregoing has been responsive. Feel free to write directly to FTISB if you have any additional firearms-related inquiries of a technical nature.

(b) (6) sincerely,

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Acting Chief, Firearms Technology Industry Services Branch