



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

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3311/302443

JAN 16 2015

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Dear (b) (6)

This refers to your correspondence to the Firearms Technology Industry Services Branch (FTISB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), asking several questions regarding the attachment of various firearm parts or accessories to an AR-type pistol.

Basically, you would like to know if the attachment or possession of these items or the firing of a AR-pistol with various accessories would be creating a weapon subject to the National Firearms Act of 1934 (NFA).

As background, 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....*

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

Further, the GCA, 18 U.S.C. Section 921(a)(8), defines “**short-barreled rifle**” as—

*“... a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.”*

Also, the GCA, 18 U.S.C. Section 921(a)(29), defines “**handgun**” to include “*a firearm which has a short stock and is designed to be held and fired by the use of a single hand.*”

In addition, 27 CFR Section 478.11 defines a “**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 integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).*”

The National Firearms Act (NFA), 26 U.S.C. Section 5845(a), defines “**firearm**” as—

“... (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 subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the ...[Attorney General] ...finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.”

The Sig Sauer SB-15 pistol stabilizing brace is designed so that a shooter would insert his or her forearm into the device while gripping the pistol's handgrip—then tighten the Velcro straps for additional support and retention. As designed, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand.

FTISB has previously determined that the Sig brand SB-15 forearm brace, when attached to an AR-type pistol, alone; does not convert that weapon to be fired from the shoulder and would not alter the classification of an AR-type pistol. While a firearm so equipped would still be regulated by the Gun Control Act, 18 U.S.C. § 921(a)(3), such a firearm would not be subject to NFA controls.

A Sig SB-15 shooting brace, as originally designed; is not designed or intended to be utilized as a shoulder stock, an item which provides aid to the operator of a rifle, in firing a weapon from the shoulder. Consequently, if an individual designs or redesigns the SIG SB-15 brace by either physically altering or by utilizing the SIG SB-15 as a shoulder stock in assisting the operator to fire the subject weapon from the shoulder; an NFA firearm as defined in 26 U.S.C. Section 5845(a)(3) has been made as a result of the intended designing or redesigning.



However, if an individual utilizes a receiver that has already been assembled as a rifle, in the assembly of a firearm with a SIG SB-15 brace installed—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 as described above—such an assembled firearm; would constitute a “weapon made from a rifle” as defined in the NFA.

Concerning shoulder stocks, a shoulder stock capable of being attached to a handgun when in close proximity, or *knock-down* condition may be considered an SBR. Further, a shoulder stock which has no means of attaching to a handgun would not be considered part of an SBR. Also, when an individual assembles a shoulder stock to a handgun, the combination of the shoulder stock and handgun would constitute an SBR and become subject to all applicable Federal statutes.

In conclusion, the lengthening or modifying of an AR-type pistol receiver extension to aid in firing the pistol from the shoulder; would constitute the making or possession of a “firearm” as defined 26 U.S.C. Section 5845(a)(3). Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) must first submit and secure approval of an ATF Form 1, *Application to Make and Register a Firearm*, and pay the applicable \$200 making tax.

We advise you to confirm that assembly of an AR-type 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 is responsive.

Sincerely yours,

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Acting Chief, Firearms Technology Industry Services Branch