



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

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Dear (b) (6)

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), regarding the lawfulness of adding aftermarket components to an AR-15 type pistol.

As background to your inquiry, a review of definitions from relevant statutes and implementing regulations is in order. As you may know, 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....*

With respect to handguns, 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)....*

We should also point out that the GCA, 18 U.S.C. § 921(a)(7), defines “**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....*

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Finally, the National Firearms Act (NFA), 26 U.S.C. § 5845(e) defines “**any other weapon**” as...*any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition*

Your specific questions, paraphrased and repeated below, are followed by FTB’s answers.

Question # 1: *May I affix an angled foregrip to my AR-15 type pistol?*

A: For clarification purposes, an angled foregrip primarily functions as a handstop rather than a grip. Therefore, the addition of an angled foregrip to your AR-15 type pistol does not result in the making of a firearm subject to NFA controls, and may lawfully be added to the AR-15 type pistol without changing its GCA classification.

Question #2: *In regards to question one, if another company’s angled foregrip were to be assembled on an AR-15 type pistol, would this result in the making of an NFA-category firearm?*

A: As stated in Answer #1 above, an angled foregrip is not a vertical forward grip and consequently would not result in the making of a firearm subject to the NFA. We do caution however, that adding a vertical grip to a handgun would result in the making of a NFA-category firearm.

Question #3: *Is it lawful to mount a “hand stop” (Magpul XTM) on the forend/handguard of an AR-15 type pistol and if so, how would this affect the pistol’s classification?*

A: It is lawful to mount a “hand-stop” (Magpul XTM) on the forend/handguard of an AR-15 type pistol without affecting its classification.

Question #4: *In regards to question three, would this classification also apply to “hand stops” manufactured by other companies?*

A: Hand-stops in general are not unlawful to mount to your AR-type pistol: Doing so will not create an “any other weapon” (AOW); thus, no registration mandated under the National Firearms Act (NFA) is needed.

Question #5: *Is it lawful to install a bipod under the forend/handguard of an AR-15 type pistol and if so, how would this change the classification of the pistol?*

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A: It is not unlawful to install a *traditional* bipod under the forend/handguard of an AR-15 type pistol and therefore its classification under the GCA would not change. Conversely, if a grip pod (see photo below) was mounted under the forend/handguard of an AR-15 type pistol, the firearm would then be classified as an “any other weapon” as defined in the NFA, 26 U.S.C. § 5845(e).



Question # 6: *Is it lawful to install the Sig Sauer stabilizing brace on an AR-15 type pistol and if so, how would this affect the classification under federal law?*

A: Arm stabilizing brace devices were originally submitted to FTISB for classification as a product that was designed and intended to assist handicapped shooters to maintain control of a specific type of handgun. We point out that should an individual utilize a pistol stabilizing brace as a shoulder stock to fire the weapon from the shoulder, such a firearm would then be classified as a “short-barreled rifle” as defined in the NFA, 26 U.S.C. § 5845(a)(3) because the subject brace has then been made or remade, designed or redesigned from its originally intended purpose.

Q #7: *Is it lawful to reconfigure an AR-15 type pistol into a rifle if I no longer want to utilize it as a pistol?*

A: Yes.

Q #8: *In regards to question #7 above, would it be lawful to change the rifle back to a pistol?*

A: If an individual utilizes a receiver that has already been barreled as a rifle action in the assembly of a firearm—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.

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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.

Furthermore, please refer to enclosed ATF Ruling 2011-4, *Pistols Configured from Rifles; Rifles Configured from Pistols*.

Q #9: *Would it be lawful to reconfigure an AR-15 rifle into a pistol?*

A: As stated above, please refer to the enclosed ATF Ruling 2011-4.

Q #10: *In regards to question #9 above, would it be lawful to change the pistol back to the original rifle configuration?*

A: Please refer to enclosed ATF Ruling 2011-4.

Q #11: *May an individual obtain an 80% lower receiver directly from a seller rather than a Federal Firearms Licensee?*

A: For your information, the ATF does not recognize the term “80% receiver.” This has become an industry term to indicate a partially machined receiver-blank, and may be misleading. The point at which a receiver-blank has reached a stage of manufacture at which it would be officially classified by ATF as a “firearm” as defined in the GCA is made on a case-by-case basis.

Our Branch has previously determined that an AR-15 type receiver which has no machining of any kind performed in the area of the trigger/hammer recess might not be classified as a firearm. Such a receiver could have all other machining operations performed, including pivot-pin and takedown-pin hole(s) and clearance for the takedown-pin lug, but must be completely solid and un-machined in the trigger/hammer-recess area. Additionally, indexing of the trigger, hammer and selector pins as well as the fire control cavity is not permitted to obtain a non-firearm classification. Thus, a lower receiver as described above would not be classified as a “firearm” as defined in the GCA and therefore could be obtained directly from a seller rather than a Federal Firearms Licensee.

Q #12: *Would it be lawful to build a personal rifle or pistol with an AR-15 type 80% lower receiver?*

A: A firearm may be made by a nonlicensee provided it is not for sale and the maker is not prohibited from possessing firearms. Yes, it would be lawful to build a personal rifle or pistol with an AR-15 type “non-firearm” lower receiver. However, a person is prohibited from assembling a nonsporting semiautomatic rifle or nonsporting shotgun from imported parts.

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Q #13: May I place a rubber cane stopper on the end of my AR-15 pistol buffer tube?

A: Installing a rubber cane stopper to the end of an AR-15 style pistol buffer tube is legal provided the rubber cane stopper is utilized in support of a cheek piece. Any person who utilizes a rubber cane stopper as a shoulder stock, makes a NFA firearm when attached to a pistol with a rifled barrel under 16 inches. However, possessing a rifle butt stock that could be readily installed on your pistol could constitute possession of an SBR if the overall length is less than 26 inches and the barrel is less than 16 inches.

Q14: May I attach a cheek rest such as the Command Arms SST1 onto the buffer tube of my AR-15 type pistol?

A: Yes. Cheek rests such as the Command Arms SST1 generally attach to the receiver of a shoulder-fired firearm. However, in the case of an AR-type firearm, such stocks attach to the buffer tube. The shoulder stock provides a means for the shooter to support the firearm and easily aim it. Provided the firearm does not have a barrel length of less than 16 inches or an overall length of less than 26 inches, the firearm would not be subject to the provisions of the NFA.

Q15: In regards to the AR-15 buffer tube assembly, is it lawful to use a standard "rifle" or "carbine" buffer tube or would a "pistol" buffer tube have to be used?

A: Yes, an AR-15 standard "rifle" or "carbine" buffer tube may be used provided a shoulder stock is **not** attached.

Q16: When purchasing a "stripped" AR-15 type lower receiver, does the receiver have to be marked "pistol"?

A: No, when building your own personal AR-15 type pistol, your firearm does not need to be marked as a pistol.

Q17: Is it lawful to attach a "magazine well grip" (MWG) such as those advertised on fab-defense.com for AR-15 type pistols?

A: Yes. The MWG is intended for attachment to the magazine well of an AR-type firearm to aid both in guiding a magazine into the magazine well and allowing those shooters who grip their firearms around the magazine well when firing to have a more positive grip. Our Branch has previously examined virtually identical items at the request of purchasers. We have determined that an "MWG" is a firearm accessory. Further, FTISB has found that the simple addition of an MWG to an AR-type pistol would not change the firearms classification.

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Q18: In regards to Question #17, if the "magazine well grip" is lawful, would this apply to all "magazine well grips" no matter who manufactured.

A: As stated in Answer 17, the magazine well grips examined by our Branch have been classified as firearm accessories and therefore lawful. Should you have a question about a particular manufacturer's MWG that we have not examined, please contact our office to request a formal classification.

We thank you for your inquiry, apologize for the delay and trust the foregoing is responsive.

Sincerely yours,

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Acting Chief, Firearms Technology Industry Services Branch

Enclosure



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

Washington, DC 20226

26 U.S.C. 5845(a)(3): DEFINITIONS (FIREARM)

26 U.S.C. 5845(a)(4): DEFINITIONS (FIREARM)

26 U.S.C. 5845(c): DEFINITIONS (RIFLE)

27 CFR 479.11: DEFINITIONS (RIFLE)

27 CFR 479.11: DEFINITIONS (PISTOL)

A firearm, as defined by the National Firearms Act (NFA), 26 U.S.C. 5845(a)(3), is made when unassembled parts are placed in close proximity in such a way that they: (a) serve no useful purpose other than to make a rifle having a barrel or barrels of less than 16 inches in length; or (b) convert a complete weapon into such an NFA firearm. A firearm, as defined by 26 U.S.C. 5845(a)(3) and (a)(4), is not made when parts within a kit that were originally designed to be configured as both a pistol and a rifle are assembled or re-assembled in a configuration not regulated under the NFA (e.g., as a pistol, or a rifle with a barrel or barrels of 16 inches or more in length). A firearm, as defined by 26 U.S.C. 5845(a)(3) and (a)(4), is not made when a pistol is attached to a part or parts designed to convert the pistol into a rifle with a barrel or barrels of 16 inches or more in length, and the parts are later unassembled in a configuration not regulated under the NFA (e.g., as a pistol). A firearm, as defined by 26 U.S.C. 5845(a)(4), is made when a handgun or other weapon with an overall length of less than 26 inches, or a barrel or barrels of less than 16 inches in length, is assembled or produced from a weapon originally assembled or produced only as a rifle.

ATF Rul. 2011-4

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received requests from individuals to classify pistols that are reconfigured into rifles, for personal use, through the addition of barrels, stocks, and other parts and then returned to a pistol configuration by removal of those components. Specifically, ATF has been asked to determine whether such a pistol, once returned to a pistol configuration from a rifle, becomes a "weapon made from a rifle" as defined under the National Firearms Act (NFA).

Some manufacturers produce firearm receivers and attachable component parts that are designed to be assembled into both rifles and pistols. The same receiver can accept an interchangeable shoulder stock or pistol grip, and a long (16 or more inches in length) or short (less than 16 inches) barrel. These components are sold individually, or as unassembled kits. Generally, the kits include a receiver, a pistol grip, a pistol barrel less than 16 inches in length, a shoulder stock, and a rifle barrel 16 inches or more in length.

Certain parts or parts sets are also designed to allow an individual to convert a pistol into a rifle without removing a barrel or attaching a shoulder stock to the pistol. These parts consist of an outer shell with a shoulder stock into which the pistol may be inserted. When inserted, the pistol fires a projectile through a rifled extension barrel that is 16 inches or more in length, and with an overall length of 26 inches or more. Other parts sets require that certain parts of the pistol, such as the pistol barrel and the slide assembly, be removed from the pistol frame prior to attaching the parts sets. Typically, a separate barrel is sold with the parts set, which is 16 inches or greater in length. The barrel is installed along with an accompanying shoulder stock. The resulting firearm has a barrel of 16 inches or more in length, and an overall length of 26 inches or more.

The NFA, Title 26, United States Code (U.S.C.), Chapter 53, requires that persons manufacturing, importing, transferring, or possessing firearms as defined in the NFA comply with the Act's licensing, registration, and taxation requirements. The NFA defines the term "firearm" at 26 U.S.C. 5845(a) to include "(3) a rifle having a barrel or barrels of less than 16 inches in length;" ("short-barreled rifle") and "(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" ("weapon made from a rifle"). The term "rifle" is defined by 26 U.S.C. 5845(c) and 27 CFR 479.11 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 the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge." Although not defined in the NFA, the term "pistol" is defined by the Act's implementing regulations, 27 CFR 479.11, 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)" (emphasis added).

Unassembled Parts Kits

In *United States v. Thompson/Center Arms Company*, 504 U.S. 505 (1992), the United States Supreme Court examined whether a short-barreled rifle was "made" under the NFA when a carbine-conversion kit consisting of a single-shot "Contender" pistol was designed so that its handle and barrel could be removed from its receiver, and was packaged with a 21-inch barrel, a rifle stock, and a wooden fore-end. The Court held that, where aggregated parts could convert a pistol into either a regulated short-barreled rifle, or an unregulated rifle with a barrel of 16 inches or more in length, the NFA was ambiguous and applied the "rule of lenity" (*i.e.*, ambiguities in criminal statutes should be resolved in favor of the defendant) so that the pistol and carbine kit, when packaged together, were not considered a "short-barreled rifle" for purposes of the NFA.

However, the Court also explained that an NFA firearm is made if aggregated parts are in close proximity such that they: (a) serve no useful purpose other than to make an NFA firearm (*e.g.*, a receiver, an attachable shoulder stock, and a short barrel); or (b) convert a

complete weapon into an NFA firearm (e.g., a pistol and attachable shoulder stock, or a long-barreled rifle and attachable short barrel). *Id.* at 511-13.

Assembly of Weapons from Parts Kits

The *Thompson/Center* Court viewed the parts within the conversion kit not only as a Contender pistol, but also as an unassembled “rifle” as defined by 26 U.S.C. 5845(c). The inclusion of the rifle stock in the package brought the Contender pistol and carbine kit within the “intended to be fired from the shoulder” language in the definition of rifle at 26 U.S.C. 5845(c). *Id.* at 513 n.6. *Thompson/Center* did not address the subsequent assembly of the parts. *United States v. Ardoin*, 19 F.3d 177, 181 (5th Cir. 1994). Based on the definition of “firearm” in 26 U.S.C. 5845(a)(3), if parts are assembled into a rifle having a barrel or barrels of less than 16 inches in length, a regulated short-barreled rifle has been made. See, e.g., *United States v. Owens*, 103 F.3d 953 (11th Cir. 1997); *United States v. One (1) Colt Ar-15*, 394 F. Supp. 2d 1064 (W.D.Tenn. 2004). Conversely, if the parts are assembled into a rifle having a barrel or barrels 16 inches in length or more, a rifle not subject to the NFA has been made.

Therefore, so long as a parts kit or collection of parts is not used to make a firearm regulated under the NFA (e.g., a short-barreled rifle or “any other weapon” as defined by 26 U.S.C. 5845(e)), no NFA firearm is made when the same parts are assembled or re-assembled in a configuration not regulated under the NFA (e.g., a pistol, or a rifle with a barrel of 16 inches or more in length). Merely assembling and disassembling such a rifle does not result in the making of a new weapon; rather, it is the same rifle in a knockdown condition (i.e., complete as to all component parts). Likewise, because it is the same weapon when reconfigured as a pistol, no “weapon made from a rifle” subject to the NFA has been made.

Nonetheless, if a handgun or other weapon with an overall length of less than 26 inches, or a barrel or barrels of less than 16 inches in length is assembled or otherwise produced from a weapon originally assembled or produced only as a rifle, such a weapon is a “weapon made from a rifle” as defined by 26 U.S.C. 5845(a)(4). Such a weapon would not be a “pistol” because the weapon was not *originally* designed, made, and intended to fire a projectile by one hand.

Held, a firearm, as defined by the National Firearms Act (NFA), 26 U.S.C. 5845(a)(3), is made when unassembled parts are placed in close proximity in such a way that they:

- (a) Serve no useful purpose other than to make a rifle having a barrel or barrels of less than 16 inches in length (e.g., a receiver, an attachable shoulder stock, and barrel of less than 16 inches in length); or
- (b) Convert a complete weapon into such an NFA firearm, including –
 - (1) A pistol and attachable shoulder stock; and

- (2) A rifle with a barrel of 16 inches or more in length, and an attachable barrel of less than 16 inches in length.

Such weapons must be registered and are subject to all requirements of the NFA.

Held further, a firearm, as defined by 26 U.S.C. 5845(a)(3) and (a)(4), is not made when parts in a kit that were originally designed to be configured as both a pistol and a rifle are assembled or re-assembled in a configuration not regulated under the NFA (*e.g.*, as a pistol, or a rifle with a barrel of 16 inches or more in length).

Held further, a firearm, as defined by 26 U.S.C. 5845(a)(3) and (a)(4), is not made when a pistol is attached to a part or parts designed to convert the pistol into a rifle with a barrel of 16 inches or more in length, and the parts are later unassembled in a configuration not regulated under the NFA (*e.g.*, as a pistol).

Held further, a firearm, as defined by 26 U.S.C. 5845(a)(4), is made when a handgun or other weapon with an overall length of less than 26 inches, or a barrel or barrels of less than 16 inches in length, is assembled or produced from a weapon originally assembled or produced only as a rifle. Such weapons must be registered and are subject to all requirements of the NFA.

To the extent this ruling may be inconsistent with any prior letter rulings, they are hereby superseded.

Date approved: July 25, 2011

Kenneth E. Melson
Acting Director