



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

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Volition Industries, LLC  
3595 Twin Lake Rd. NE  
Mancelona, MI 49659

Dear (b) (6)

This is in reference to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB) which accompanied your submitted sample of a device called the "Minimal Arm Brace" (MAB). Specifically, you asked for a review of the MAB as depicted in the accompanying photographs.

As you may be aware, 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)."*

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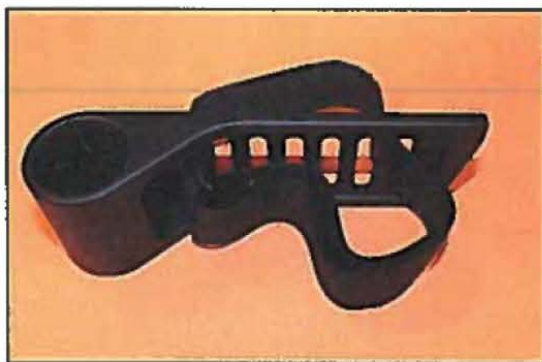
Please note also that the GCA, 18 U.S.C. § 921(a)(7), defines the term “rifle” to include:

*“...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder...”*

Finally, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3), defines “firearm” as:

*“...a rifle having a barrel or barrels of less than 16 inches in length...”*

The FTISB evaluation revealed that the submitted component is designed to be a forearm brace. It is made of a non-ferrous metal and incorporates a Velcro-type strap. The MAB is designed to slip onto the receiver extension of an AR-15 type, or similarly designed, pistol, and it is secured there using set-screws. The Velcro strap is intended to secure the assembly to the forearm of the operator.



The FTISB examination found that when the sample is attached to an AR type pistol, a shooter would position the MAB on the inside of the forearm and secure it with the Velcro strap. In this configuration, the device provides the shooter with additional support of the firearm while it is held and operated with one hand. When assembled in the aforementioned configuration, our Branch finds that the addition of these items does not change the subject firearm's classification.

Based on the evaluation, FTISB finds that the submitted forearm brace assembly, when attached to an AR-type pistol, does not convert that weapon to be fired from the shoulder and would not alter the classification of the subject pistol. While a pistol 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 the NFA controls. However, if a pistol utilizing the MAB is fired from the shoulder, intent to design or redesign such a weapon is demonstrated.

Further, if the subject MAB is assembled to a pistol and *used* as a shoulder stock, in the designing or redesigning or making or remaking of a weapon designed to be fired from the shoulder, which incorporates a barrel length of less than 16 inches; intent to design or redesign is demonstrated and this assembly would constitute the making of "a rifle having a barrel or barrels of less than 16 inches in length;" an NFA firearm as defined in 26 U.S.C. § 5845(a)(3).

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When assembled in the aforementioned configuration, our Branch finds that the addition of these items alone, does not change the subject firearm's classification. However, if a pistol utilizing the aforementioned items is fired from the shoulder, intent to design or redesign such a weapon is demonstrated.

The "length of pull" is a distance typically measured from the center of the trigger to the center of the buttplate on shoulder fired weapons and to the terminal end of the receiver extension on AR-type pistols. FTISB has determined that the average *length of pull* found on shoulder-fired weapons is approximately 13.5-14.5 inches, and the average length of pull on AR-type pistols is approximately 10.125-12.75 inches.

Therefore, FTISB finds that if the installation of a stabilizing brace on a pistol results in a *length of pull* similar to that of a shoulder-fired weapon and the stabilizing brace provides a surface suitable to rest against the shoulder, then installation of such a device on a pistol would impart characteristics of a shoulder fired weapon to the pistol.

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(s) or item(s) described within that correspondence.

We recommend you communicate to the purchasers of the subject accessory to ensure an AR-type firearm assembled utilizing the aforementioned firearms accessories does not violate any State laws or local ordinances where they reside. For your convenience, a copy of the ATF *Open Letter on the Redesign of "Stabilizing Braces"* is enclosed.

We caution that these findings are based on the sample as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, our determination would be subject to review.

The submitted sample will be returned to you under separate cover.

We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch

Enclosure: ATF Open Letter on the Redesign of "Stabilizing Braces"



## OPEN LETTER ON THE REDESIGN OF “STABILIZING BRACES”

The Firearms and Ammunition Technology Division (FATD), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received inquiries from the public concerning the proper use of devices recently marketed as “stabilizing braces.” These devices are described as “a shooter’s aid that is designed to improve the single-handed shooting performance of buffer tube equipped pistols.” The device claims to enhance accuracy and reduce felt recoil when using an AR-style pistol.

These items are intended to improve accuracy by using the operator’s forearm to provide stable support for the AR-type pistol. ATF has previously determined that attaching the brace to a firearm does not alter the classification of the firearm or subject the firearm to National Firearms Act (NFA) control. However, this classification is based upon the use of the device as designed. When the device is redesigned for use as a shoulder stock on a handgun with a rifled barrel under 16 inches in length, the firearm is properly classified as a firearm under the NFA.

The NFA, 26 USCS § 5845, defines “firearm,” in relevant part, as “a shotgun having a barrel or barrels of less than 18 inches in length” and “a rifle having a barrel or barrels of less than 16 inches in length.” That section defines both “rifle” and “shotgun” as “a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....” (Emphasis added).

Pursuant to the plain language of the statute, ATF and its predecessor agency have long held that a pistol with a barrel less than 16 inches in length and an attached shoulder stock is a NFA “firearm.” For example, in Revenue Ruling 61-45, Luger and Mauser pistols “having a barrel of less than 16 inches in length with an attachable shoulder stock affixed” were each classified as a “short barrel rifle...within the purview of the National Firearms Act.”

In classifying the originally submitted design, ATF considered the objective design of the item as well as the stated purpose of the item. In submitting this device for classification, the designer noted that

*The intent of the buffer tube forearm brace is to facilitate one handed firing of the AR15 pistol for those with limited strength or mobility due to a handicap. It also performs the function of sufficiently padding the buffer tube in order to reduce bruising to the forearm while firing with one hand. Sliding and securing the brace onto ones forearm and latching the Velcro straps, distributes the weight of the weapon evenly and assures a snug fit. Therefore, it is no longer necessary to dangerously "muscle" this large pistol during the one handed aiming process, and recoil is dispersed significantly, resulting in more accurate shooting without compromising safety or comfort.*

In the classification letter of November 26, 2012, ATF noted 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. Thus configured, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand.” When strapped to the wrist and used as designed, it is clear the device does not allow the firearm to be fired from the shoulder. Therefore, ATF concluded that, pursuant to the information provided, “the device

is not designed or intended to fire a weapon from the shoulder.” In making the classification ATF determined that the objective design characteristics of the stabilizing brace supported the stated intent.

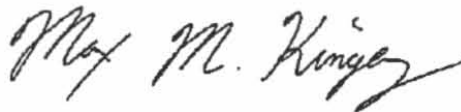
ATF hereby confirms that if used as designed—to assist shooters in stabilizing a handgun while shooting with a single hand—the device is not considered a shoulder stock and therefore may be attached to a handgun without making a NFA firearm. However, ATF has received numerous inquiries regarding alternate uses for this device, including use as a shoulder stock. Because the NFA defines both rifle and shotgun to include any “weapon designed or *redesigned*, made or *remade*, and *intended to be fired from the shoulder*,” any person who *redesigns* a stabilizing brace for use as a shoulder stock makes a NFA firearm when attached to a pistol with a rifled barrel under 16 inches in length or a handgun with a smooth bore under 18 inches in length.

The GCA does not define the term “redesign” and therefore ATF applies the common meaning. “Redesign” is defined as “to alter the appearance or function of.” See e.g. Webster’s II New College Dictionary, Third Ed. (2005). This is not a novel interpretation. For example ATF has previously advised that an individual possesses a destructive device when possessing anti-personnel ammunition with an otherwise unregulated 37/38mm flare launcher. See ATF Ruling 95-3. Further, ATF has advised that even use of an unregulated flare and flare launcher as a weapon results in the making of a NFA weapon. Similarly, ATF has advised that, although otherwise unregulated, the use of certain nail guns as weapons may result in classification as an “any other weapon.”

The pistol stabilizing brace was neither “designed” nor approved to be used as a shoulder stock, and therefore use as a shoulder stock constitutes a “redesign” of the device because a possessor has changed the very function of the item. Any individual letters stating otherwise are contrary to the plain language of the NFA, misapply Federal law, and are hereby revoked.

Any person who intends to use a handgun stabilizing brace as a shoulder stock on a pistol (having a rifled barrel under 16 inches in length or a smooth bore firearm with a barrel under 18 inches in length) must first file an ATF Form 1 and pay the applicable tax because the resulting firearm will be subject to all provisions of the NFA.

If you have any questions about the issues addressed in this letter, you may contact the Firearms and Ammunition Technology Division at [fire\\_tech@atf.gov](mailto:fire_tech@atf.gov) or by phone at (304) 616-4300.



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