



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

907010(b) (6)
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Dear (b) (6)

This is in reference to your recent electronic communication which was forwarded to the Firearms & Ammunition Technology Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), for response. In your email, you ask if a firearm would come under the purview of the National Firearms Act if it were fired from the shoulder. Further, you indicate that you are already in possession or aware of ATF's Open Letter on Arm Braces and advise this did not address your specific concern.

As background to our discussion; 26 U.S.C. § 5845(a) indicates the term *firearm* includes, "... (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..."

Additionally, § 5845(c) defines the term *rifle* to mean, "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."

Further, 26 U.S.C. § 5845(d) defines *shotgun* 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 shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell."

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A reading of the above statutes shows that there are eight types of items or devices that are specifically defined as "firearms" and regulated by the National Firearms Act. Two of those items (rifle & shotgun) specify a weapon that is (in relevant part) designed, redesigned, made, or remade, and intended to be fired from the shoulder.

Accordingly, should you design, redesign, make or remake a weapon and intend it to be fired from the shoulder, and that weapon has a barrel or barrels less than 16 inches in length (for rifles) or 18 inches (for a shotgun); then that weapon would be a *firearm* regulated by the NFA.

For legal advice, we recommend you contact appropriate legal counsel.

We thank you for your correspondence and trust the foregoing is responsive to your inquiry.

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch