



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Marlinsburg, WV
www.atf.gov

907010 (b) (6)
3311/304503

APR 26 2017

(b) (6)

Dear (b) (6)

This refers 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 about the lawful assembly of an AR-type firearm from a "stripped" receiver. You also ask questions about attaching various devices to the buffer tube on an AR-type firearm, and for information on the SB-15 "SIG Brace."

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....*

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.*

Additionally, 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 National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3)(a)(4), defines "firearm", in part, as: *...a rifle having a barrel or barrels of less than 16 inches in length; 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.*...

(b) (6)

- 2 -

In order for a weapon to be considered an AR-type pistol, it must not have been originally assembled as a rifle, otherwise it might then be classified as a "*weapon made from a rifle*" and subject to NFA controls. Also, note that it is incumbent upon the owner to verify this information, which may require contacting the manufacturer to verify provenance.

In the case of an AR-type firearm, a shoulder stock attaches to the buffer tube. Therefore, if a rubber tip, or padding, lacking a legitimate purpose, were used on the end of the buffer tube, it may be evidence that the weapon is intended to be fired from the shoulder. And, if such a weapon is designed or redesigned and intended to be fired from the shoulder, a "firearm" as defined in 26 U.S.C. 5845(3) has been made.

FTISB has previously determined that certain devices, such as a "*saddle*," which is made as a "cheek weld" enhancement and not designed or used to support the AR-pistol in the shooter's shoulder during firing, but rather to rest against the shooter's cheek, would not change its classification.

In order to render the appropriate classification of these types of devices, a physical sample is submitted to (FTISB) for evaluation. Please note that our branch does not make determinations based on drawings, photographs or descriptions.

In regards to your question about the "legal status" of the SIG Brace; we do not provide legal advice. Please seek the advice of legal counsel for such information.

Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) may do so, but 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.

Finally, please check to make sure that the desired firearm configuration does not violate any State laws or local ordinances.

We thank you for your inquiry and trust the foregoing has been responsive.

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch