



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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3311/305666

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IOI (b) (6)

Bureau of ATF
Tucson Group III
2255 W. Ina Road
Tucson, AZ 85741

Dear IOI (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). In your letter, you asked for clarification of the regulations as they apply to a Mako KPOS 2nd Generation Pathfinder Kit and the included vertical hand grip and if the assembly is an "any other weapon" (AOW).

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).*

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....*

Also, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3), defines "firearm" to include *...a rifle having a barrel or barrels of less than 16 inches in length....*

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Additionally, the NFA, 26 U.S.C. Section 5845(e), defines “**any other weapon**” to include:

“...Any weapon or device capable of being concealedd on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with 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 a 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.”

Based on your submitted request, our Branch finds that the aforementioned Pathfinder Kit, when attached to 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 GCA, 18 U.S.C. § 921(a)(3), such a firearm would not be subject to NFA controls.

A pistol that has an AR-type buffer tube or similar component assembled to it, which has foam on the exterior surface and is intended to serve as a cheek rest, is not classified as an SBR; nor unlawful to possess.

With regard to the Versatile Target Support (VTS), as produced by MAKO and included in the Pathfinder Kit, our office has previously determined that the addition of the VTS to an AR type pistol would not constitute the making of an “any other weapon.”

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 accessories to ensure a firearm assembled utilizing the aforementioned firearms accessories does not violate any State laws or local ordinances where they reside. For your convenience, please refer to the ATF-Open Letter on the Redesign of “Stabilizing Braces” located on the ATF website.

We caution that these findings are based on your questions as asked and the examples given. If the design, dimensions, configuration, method of operation, or materials used were changed, our determination would be subject to review.

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

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch