



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

MAY 22 2017

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The Mako Group
107 Allen Boulevard
Farmingdale, New York 11735

Dear (b) (6)

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your submitted samples of two devices. Specifically, you requested an evaluation and determination as to whether the submitted samples would be classified as firearm parts or firearm accessories.

As you may be aware, Title 27, Code of Federal Regulations (CFR) § 447.11 defines the term “firearms” as:

“A weapon, and all components and parts thereof, not over .50 caliber which will or is designed to or may be readily converted to expel a projectile by the action of an explosive....”

Further, 27 CFR § 447.21 “The U.S. Munitions Import List (USMIL)”, states the following:

“(a) Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, combat shotguns, and shotguns with barrels less than 18 inches in length, and all components and parts for such firearms....”

As background, pursuant to Executive Order 13637 of March 8, 2013 (78 FR 16129) and as delegated by the Attorney General in 28 CFR § 0.130, ATF has authority to implement the permanent import provisions of the Arms Export Control Act (AECA) of 1976. The implementing regulations require registration of those engaged in the business of importing defense articles listed on the USMIL. Further, these regulations require that an importer file an ATF Form 6 prior to importing any defense article listed on the USMIL. Category I of the USMIL includes, in relevant part, all “nonautomatic and semiautomatic firearms, to caliber .50 inclusive, combat shotguns, and shotguns with barrels less than 18 inches in length, and all components and parts for such firearms”.

While ATF is required to maintain the expertise necessary to make determinations for all items in the USMIL, existing State Department regulations provide some guidance as to those items that must be included in the USMIL. In fact, pursuant to E.O. 13637, ATF administration of the AECA permanent import control is subject to interagency guidance and consultation. The Order states that in exercising delegated permanent import control authority, ATF "shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States." Therefore, ATF believes it is appropriate to consult relevant State Department regulations. The relevant definitions are found in the International Traffic in Arms Regulations (ITAR) 22 CFR § 121.8:

- (a) An **end-item** is an assembled article ready for its intended use. Only ammunition, fuel, or another energy source is required to place it in an operating state.
- (b) A **component** is an item which is useful only when used in conjunction with an end-item. A major component includes any assembled element which forms a portion of an end-item without which the end-item is inoperable. (Example: Airframes, tail sections, transmissions, tank treads, hulls, etc.) A minor component includes any assembled section of a major component.
- (c) **Accessories** and **attachments** are associated equipment for any component, end-item or system, and which are not necessary for their operation, but which enhance their usefulness or effectiveness. (Examples: Military riflescopes, special paints, etc.)
- (d) A **part** is any single unassembled element of a major or a minor component, accessory, or attachment which is not normally subject to disassembly without the destruction or the impairment of design use. (Examples: Rivets, wire, bolts, etc.)

As noted above, ITAR defines "component" as an item "which is useful only when used in conjunction with an end-item." Further, while the State Department definition also explains that major components "includes any assembled element which forms a portion of an end-item without which an end-item is inoperable", the plain language demonstrates that operability is not an essential element of a "component." This clause only supplements the "component" definition, and the "includes" denotes a non-comprehensive list of examples rather than a vital element of the definition.

In your correspondence, you request that FTISB classify the submitted AR-Podium and AK-Podium as firearm accessories. As described in your correspondence, the "Podium" system implements a bipod support for the AR and AK platforms. You also state the AR-Podium is intended for use with the M-16/AR-15 family of firearms, and the AK-Podium is for use with the AK family of rifles.

Each of the two devices submitted is of a similar design which consists of three components: the podium, bracer adapters, and pistol grip. Each device and the individual components which comprise each device are pictured below.

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AR-Podium Assembled



AK-Podium Assembled



AR-Podium Disassembled



AK-Podium Disassembled

To eliminate confusion, the submitted samples are hereafter collectively referred to as the *Podium Platform*. As stated above, each *Podium Platform* (AR and AK) was received as a unit consisting of three minor components.

1. The “**podium**” is the bipod unit which attaches to the bottom of the pistol grip. This minor component, in and of itself, is not necessary for firearm operation, instead it enhances their usefulness or effectiveness. Therefore, minor component of the *Podium Platform* referred to as the “podium”, in and of itself, is a firearm accessory.
2. The “**bracer adapters**” is a bifurcated unit which forms a bridge between the “podium” and the magazine well of the firearm. This unit serves to stabilize and support the assembled *Podium Platform* when attached to a firearm. The “bracer adapters”, in and of itself, is not necessary for firearm operation, instead it only enhances the usefulness or effectiveness of the *Podium Platform*.

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3. The “**pistol grip**” in the *Podium Platform* is that part which connects to the receiver of the firearm and receives the “podium”. When assembled to a firearm, the “pistol grip” of the *Podium Platform* serves as the only grip of the firearm. Typical installation requires that the existing grip be removed and replaced with the *Podium Platform* “pistol grip”. The “pistol grip”, in and of itself, is useful only when attached to a firearm, and operating the firearm without the “pistol grip” is not practical. Therefore, the “pistol grip”, in and of itself, is a firearm component.

Both submitted samples, the AR-Podium and the AK-Podium, are comprised of three minor components. One of these minor components, the “**pistol grip**”, is a component part of a firearm. Therefore, the submitted AR-Podium and the AK-Podium samples, which each incorporate a component part of a firearm, are each classified as a firearm component and are not a firearm accessory.

Firearm components are subject to the provisions of 27 CFR § 447.21. Therefore, an ATF Form 6, *Application and Permit for Importation of Firearms, Ammunition and Implements of War*, is required to import these items.

It should be noted that importation of defense articles listed on the USMIL from the People’s Republic of China is prohibited due to the arms embargo maintained by the United States. To reiterate, Category I of the USMIL includes, in relevant part, all “nonautomatic and semiautomatic firearms, to caliber .50 inclusive, combat shotguns, and shotguns with barrels less than 18 inches in length, and all components and parts for such firearms” sporting shotguns excepted.

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

To facilitate the return of the submitted samples, please provide FTISB with a pre-paid shipping label from a commercial shipping company within 60 days of the receipt of this letter.

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.

(b) (6) Sincerely yours,

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Chief, Firearms Technology Industry Services Branch