



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405
www.atf.gov

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Dear [REDACTED]

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) asking about the lawfulness of attaching a vertical forward grip to an AR-15 type pistol and providing additional firearm-related questions. Your letter was forwarded to ATF's Firearms Technology Branch (FTB), Martinsburg, West Virginia, for reply.

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....

With respect to the definitions of "handgun" and "pistol" under Federal statutes and implementing regulations, you may be aware that the GCA, 18 U.S.C. § 921(a)(29), defines "handgun" as, 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 § 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).*

Further, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(5), defines the term "firearm" to mean, in part, "any other weapon, as defined in subsection (e)...."

Finally, the NFA, 26 U.S.C. § 5845(e), defines "any other weapon [AOW]" as follows:

...any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having 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 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.

Your letter includes the following questions, italicized, paraphrased, and repeated below, and followed by FTB's answers:

Q1: Is it allowable to mount a vertical fore grip on an AR-15 type pistol, or would that result in it being classified as an AOW?

A: If an individual attaches a vertical forward grip to a pistol, the pistol is no longer designed to be held and fired by the use of a single hand; thus, it cannot qualify as a handgun or pistol as defined above in Federal statutes and regulations. Additionally, it loses its exemption from the "any other weapon" classification contained in § 5845(e).

Therefore, adding a vertical forward grip to an AR-15 type pistol would convert the latter into an "any other weapon" as defined and regulated under the NFA.

If you would like information regarding lawful assembly of an NFA firearm, please contact ATF's NFA Branch. The following contact information should be helpful:

Bureau of Alcohol, Tobacco, Firearms and Explosives
National Firearms Act Branch
244 Needy Road
Martinsburg, West Virginia 25405
Phone: 304-616-4500
Fax: 304-616-4501

Q2: Can I legally construct a non-NFA, AR-15 type firearm similar to the Franklin Armory XO-26, having an overall length greater than 26 inches and containing a pistol grip, vertical fore grip, and barrel less than 16 inches in length?

A: Yes, such a firearm would not be subject to the NFA/AOW classification provided its overall length is at least 26 inches and it is not actually concealed on the person.

The Franklin Armory XO-26 has an overall length exceeding 26 inches and a barrel approximately 11-1/2 inches in length. This weapon also features a pistol grip and a vertical fore grip; therefore, it does not conform to the definition of "handgun" or "pistol" as provided in Federal firearms statutes since it is not designed to be held and fired by the use of a single hand. Thus, the Franklin Armory XO-26 is classified as a "firearm."

Finally, please check to make sure that construction of your proposed firearm does not violate any [REDACTED] State laws or local ordinances.

Q3: How does one accurately measure the overall length of a weapon?

A: To determine the overall length of a weapon:

- Examine and ensure that the weapon is unloaded.
- Remove non-permanently attached muzzle device, if applicable.
- Extend or fold out the shoulder stock to its extreme length, if applicable.
- Close the action, if the firearm is of the "break-open" type.
- Lay the firearm on its side on a table or desk, with the butt of the stock on line with the edge. Keeping the butt against one edge, bring the barrel of the weapon in line, and next to, a right-angle edge.
- Mark the length of the true muzzle of the barrel.
- The overall length of the firearm can be measured from the muzzle mark to the right angle corner nearest the butt of the stock, or the extreme rearward point of the firearm.

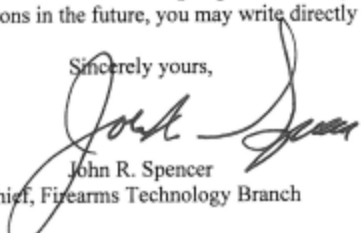
Q4: How does a muzzle device factor into the overall length [or barrel length] of a weapon?

A: Removable muzzle devices (flash suppressors, muzzle brakes, barrel extensions, etc.), do not count towards overall length or barrel length measurements. However, permanently affixed attachments are considered part of the barrel.

For your information, the acceptable methods for permanently attaching a device of this type to a firearm barrel involve (1) using deep-penetrating, full-fusion, gas or electric steel-seam welds or (2) using high-temperature silver solder exceeding 1100 degrees Fahrenheit. Depending on the dimensions of a particular barrel, it may also be possible to permanently affix a device by drilling a blind hole through the attachment and into the barrel wall. A steel pin that is flush with, or below, the outside diameter of the muzzle attachment is then inserted, and the hole welded closed. Tack-welding is not an approved method for permanently attaching a muzzle device to a firearm barrel.

We thank you for your inquiry and trust that the foregoing has been responsive. If you any technical, firearms-related questions in the future, you may write directly to FTB.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch