



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

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[REDACTED]

Dear Mr. [REDACTED]

This refers to your recent correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regarding the manufacture of a firearm. Specifically, you asked about the lawfulness of manufacturing an AR-15 type pistol for your personal use. 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 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 "rifle" to mean, in part, *...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....* Finally, the National Firearms Act (NFA), defines the term "firearm" to include *...a rifle having a barrel or barrels of less than 16 inches in length...[and]...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....* (See 26 U.S.C. §§ 5845(a)(3) and (4)).

For your information, per provisions of the GCA, an unlicensed individual may make a "firearm" as defined in the GCA for his own personal use, but not for sale or distribution. Individuals manufacturing a firearm for their own personal use are not required to submit a sample to ATF for approval. However, if the design of the firearm were questionable, it would be prudent for such individuals to seek the advice of ATF prior to manufacture.

[REDACTED]

Also, based on the GCA, manufacturers' marks of identification are not required on firearms that are produced by individuals for personal use. Nevertheless, ATF recommends the placing of marks of identification on these weapons at the time of manufacture. This procedure would aid law enforcement authorities in identifying the firearm should it become lost or stolen.

With respect to barreling and the assembly of pistols, if individuals utilize a receiver that has never been barreled as a rifle action, they may lawfully assemble a pistol. Such an assembled pistol would constitute a "firearm" as defined in the GCA. If an individual utilizes a receiver that has already been barreled as a rifle action in the assembly of a pistol, such an assembled pistol would constitute a "weapon made from a rifle" as defined in the NFA.

Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) 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.

In your letter, you state that you recently purchased an AR-15 type "stripped" lower receiver with the intention of building it into a pistol; it was shipped as a bare receiver and never built into a rifle. Your specific questions, paraphrased and repeated below, are followed by FTB's answers.

Question # 1: *Am I able to legally construct this lower receiver into an AR-15 type pistol?*

A: Yes, since you are utilizing a receiver that has never been barreled as a rifle action, you may lawfully assemble a pistol. However, we advise you to confirm that assembly of such a pistol does not violate any State laws or local ordinances where you reside.

Q #2: *Would I be required to register it as an NFA firearm with a tax stamp?*

A: No.

Q #3: *Do AR-15 type pistols have a restriction on barrel length?*

A: No.

Q #4: *Would a 10-1/2 inch or 11-1/2 inch length barrel be allowed?*

A: Yes.

Q #5: *Can I use standard AR-15 type handguards on the pistol?*

A: Yes.

[REDACTED]

Q #6: *Would I be able to own both an AR-15 type rifle and an AR-15 type pistol in the same household if they are physically capable of having interchangeable ["swapping"] upper receiver assemblies and barrels?*

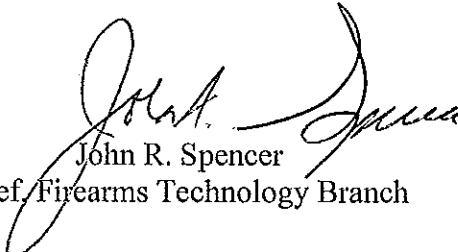
A: Yes, provided you do not install the AR-15 type pistol upper receiver containing a barrel less than 16 inches on your shoulder-stocked, AR-15 type rifle lower receiver. Such a combination would constitute a *short-barreled rifle* as defined in 26 U.S.C. § 5845(a)(3).

Q #7: *Can I lawfully install a Magpul AFG [Angled Fore-Grip] on the bottom accessory rail of the subject AR-15 type pistol?*

A: Yes.

We thank you for your inquiry and trust the foregoing has been responsive. For further firearms inquiries of a technical nature, you may write to FTB directly.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch