



# FREQUENTLY ASKED QUESTIONS FOR FINAL RULE 2021-08F

## WHAT DOES THE FINAL RULE DO?

### 1. WHAT IS THE EFFECT OF THE FACTORING CRITERIA FOR FIREARMS WITH ATTACHED “STABILIZING BRACES” FINAL RULE?

- The rule outlines the factors ATF considers when evaluating firearms equipped with a purported “stabilizing brace” (or other rearward attachment) to determine whether these weapons would be considered a “rifle” or “short-barreled rifle” under the Gun Control Act of 1968 (GCA), or a “rifle” or “firearm” subject to regulation under the National Firearms Act (NFA). (The term “SBR” is used to describe both GCA short-barreled rifles and NFA rifles with a barrel of less than 16 inches throughout these FAQs). The final rule’s amended definition of “rifle” clarifies that the term “designed, redesigned, made or remade, and intended to be fired from the shoulder” includes a weapon that is equipped with an accessory, component, or other rearward attachment (e.g., a “stabilizing brace”) that provides surface area that allows the weapon to be fired from the shoulder, provided other factors, as listed in the definition, indicate the weapon is designed and intended to be fired from the shoulder.

### 2. WHAT HAPPENS IF I HAVE A FIREARM WITH A STABILIZING BRACE THAT IS AN SBR?

- The options available to you to are further outlined in the question and answers below. One option is to register the SBR per the requirements of the NFA.

### 3. IF I CHOSE TO REGISTER A STABILIZING-BRACE EQUIPPED SBR, DO I HAVE TO PAY THE NFA REGISTRATION TAX?

- No, provided you submit your NFA registration application to ATF within 120 days of the publication of the final rule. See questions 13 and 14 below for additional information on the provisions in the final rule providing for tax forbearance on NFA registration applications.

## AFFECTED FIREARMS

### 4. DOES ATF HAVE A LIST OF SPECIFIC “BRACES” THAT QUALIFY IN MAKING A PISTOL INTO A SHORT-BARRELED RIFLE (SBR)?

- No. ATF regulates firearms as defined by the Gun Control Act of 1968 and National Firearms Act, and therefore, in general, ATF does not regulate accessories such as “stabilizing braces.” ATF will provide examples of both commercially available firearms sold with “stabilizing braces” and common weapon platforms equipped with “stabilizing braces” that are considered SBRs at <https://www.atf.gov/rules-and-regulations/factoring-criteria-firearms-attached-stabilizing-braces>.

### 5. HOW DO I GET A DETERMINATION IF MY “BRACE” DEVICE MAKES A PISTOL AN SBR?

- In addition to ATF’s list of commercially available firearms sold with “stabilizing braces” and common weapon platforms equipped with “stabilizing braces” that qualify as SBR, any other

firearms equipped with a “stabilizing brace” or rearward attachment may be submitted to ATF’s Firearms and Ammunition Technology Division for classification.

- Firearms may be submitted to:

Chief, FTISB

244 Needy Rd.

Suite 1600

Martinsburg, WV 25405

- A prepaid return shipping label should be provided when submitting to prevent delay of the return of the sample.

## COMPLIANCE OPTIONS

**6.** WHAT ARE THE COMPLIANCE OPTIONS FOR AN INDIVIDUAL (NON-LICENSEE) IN POSSESSION OF A FIREARM EQUIPPED WITH A “STABILIZING BRACE,” WHICH IS A SHORT-BARRELED RIFLE (SBR), AFTER THE EFFECTIVE DATE OF THE FINAL RULE?

- Submit through the eForms system an *Application to Make and Register a Firearm*, ATF Form 1 (E-Form 1) within 120-days from the date of publication in the Federal Register.
- Permanently remove or alter the “stabilizing brace” so that it cannot be reattached and thereby removing it from regulation as a “firearm” under the NFA.
- Remove the short barrel and attach a 16-inch or longer rifled barrel to the firearm thus removing it from the provisions of the NFA.
- Turn the firearm into your local ATF office.
- Destroy the firearm. For more information go to [How to Properly Destroy Firearms | Bureau of Alcohol, Tobacco, Firearms and Explosives \(atf.gov\)](https://www.atf.gov/how-to-properly-destroy-firearms).

**7.** WHAT ARE THE COMPLIANCE OPTIONS FOR AN FFL NON-SOT IN POSSESSION OF A FIREARM EQUIPPED WITH A “STABILIZING BRACE,” WHICH IS AN SBR, AFTER THE EFFECTIVE DATE OF THE FINAL RULE?

- Submit through eForms system an *Application to Make and Register a Firearm*, ATF Form 1 (E-Form 1) within 120-days from the date of publication in the Federal Register.
- Permanently remove or alter the “stabilizing brace” so that it cannot be reattached thereby removing it from regulation as a “firearm” under the NFA.
- Remove the short barrel and attach a 16-inch or longer rifled barrel to the firearm thus removing it from the provisions of the NFA.
- Turn the firearm into your local ATF office.

- Destroy the firearm. For more information go to [How to Properly Destroy Firearms | Bureau of Alcohol, Tobacco, Firearms and Explosives \(atf.gov\)](https://www.atf.gov/how-to-properly-destroy-firearms).

**8. WHAT ARE THE COMPLIANCE OPTIONS FOR AN FFL/SOT HOLDER IN POSSESSION OF FIREARMS EQUIPPED WITH A “STABILIZING BRACE,” WHICH IS AN SBR, AFTER THE EFFECTIVE DATE OF THE FINAL RULE?**

- For SBRs equipped with a “stabilizing brace” that are in their possession, complete and submit through the eForms system a Notice of Firearms Manufactured or Imported, ATF Form 2 within 120-days from the date of publication in the Federal Register.
- Permanently remove or alter the “stabilizing brace” so that it cannot be reattached and thereby removing it from regulation as a “firearm” under the NFA.
- Remove the short barrel and attach a 16-inch or longer rifled barrel to the firearm thus removing it from the provisions of the NFA.
- Turn the firearm into your local ATF office.
- Destroy the firearm. For more information go to [How to Properly Destroy Firearms | Bureau of Alcohol, Tobacco, Firearms and Explosives \(atf.gov\)](https://www.atf.gov/how-to-properly-destroy-firearms).

**9. WHAT ARE THE COMPLIANCE OPTIONS FOR GOVERNMENT ENTITIES IN POSSESSION OF FIREARMS EQUIPPED WITH A “STABILIZING BRACE,” WHICH IS AN SBR, AFTER THE EFFECTIVE DATE OF THE FINAL RULE?**

- Submit through eForms system *an Application to Make and Register a Firearm*, ATF Form 1 (E-Form 1) within 120-days from the date of publication in the Federal Register.
- A government entity may submit through the eForms system an Application for Registration of Firearms acquired by Certain Governmental Entities, Form 10 within 120-days of the date of publication in the Federal Register.
- Permanently remove or alter the “stabilizing brace” so that is cannot be reattached and thereby removing it from regulation as a “firearm” under the NFA.
- Remove the short barrel and attach a 16-inch or longer rifled barrel to the firearm thus removing it from the provisions of the NFA.
- Turn the firearm into your local ATF office.
- Destroy the firearm. For more information go to [How to Properly Destroy Firearms | Bureau of Alcohol, Tobacco, Firearms and Explosives \(atf.gov\)](https://www.atf.gov/how-to-properly-destroy-firearms).

**REGISTRATION AND OTHER COMPLIANCE OPTIONS**

**10. ONCE THE FIREARM IS REGISTERED AS A SHORT-BARRELED RIFLE (SBR) CAN I REMOVE/CHANGE THE “STABILIZING BRACE” OR ATTACH AN ITEM MARKETED AS A STOCK? IF SO, AM I REQUIRED TO NOTIFY ATF IN ADVANCE?**

- Yes, the firearm is registered as an SBR, and you can change out the “brace” device or stock for a different brace or stock. You do not need to contact ATF/NFA because changing the brace/stock

does not change the configuration of the SBR. However, if the length of the firearm has changed you will need to notify the NFA Division.

**11. IF I NO LONGER WANT AN SBR AND I REMOVE THE “BRACE,” DO I NEED TO CONTACT THE NFA TO UN-REGISTER MY SBR WITH AN ATTACHED “STABILIZING BRACE”?**

- It is not a requirement to remove your SBR from the NFRTR; however, ATF highly recommends you notify the Government Services Branch (GSB) of the National Firearms Act Division to remove the firearm from the NFRTR registry. All NFRTR updates should be emailed to [nfafax@atf.gov](mailto:nfafax@atf.gov).

**12. CAN I REGISTER MY FIREARM WITH A “STABILIZING BRACE” TO MY TRUST?**

- Yes, however, the firearm would have needed to be owned by the trust prior to the date the final rule is published in the Federal Register. Evidence that the firearms was in trust should be provided with the registration document.

**13. IS THERE A LIMIT OF HOW MANY FIREARMS WITH A “STABILIZING BRACE” THAT I CAN REGISTER AS SBRs FOR FREE DURING THE TAX FORBEARANCE PERIOD?**

- The tax forbearance only pertains to the firearms with an attached “stabilizing brace” in your possession at the time the final rule is published. There is no limit on how many you may register, but owners in possession of these types of SBRs must register within 120-days from the date of publication in the Federal Register.

**14. IF MY SBR IS MADE AFTER THE DATE OF PUBLICATION OF THE FINAL RULE, CAN I STILL REGISTER IT AS AN SBR FOR FREE DURING THE TAX FORBEARANCE PERIOD?**

- No. The registration options available to a possessor of such firearm applies to those possessed on the effective date of the final rule.

**15. IF I ATTACHED MY “STABILIZING BRACE” ON A RIFLE WITH A 16” BARREL, WILL THE FIREARM FALL WITHIN THE PURVIEW OF THE NFA?**

- Generally, no. A rifle with a barrel (rifled) of at least 16 inches would not be an SBR under the NFA regardless of whether it incorporates a “stabilizing brace” or traditional shoulder stock. Note, the firearm would need to retain an overall length of at least 26 inches and not fall into other NFA categories. Firearms with an attached “brace” device may be submitted to FATD for a determination.

## “STABILIZING BRACE” DEVICES

**16. CAN I LEGALLY SELL MY “STABILIZING BRACE” TO SOMEONE WHO MAY BE INTERESTED IN MAKING A SHORT-BARRELED RIFLE (SBR)? EVEN AFTER THE TAX FORBEARANCE PERIOD TERMINATES?**

- ATF does not regulate the sale of firearm accessories.

**17. IS THE “STABILIZING BRACE,” BY ITSELF, AN ITEM THAT REQUIRES REGISTRATION UNDER NFA?**

- No, a “stabilizing brace” is an accessory and ATF does not regulate accessories. However, a firearm equipped with a “stabilizing brace” may be subject to registration if it is an SBR because it is “designed, redesigned, made or remade, and intended to be fired from the shoulder,” as described by the amended definition of “rifle” in the Code of Federal Regulations and has a barrel(s) of less than 16 inches or an overall length of less than 26 inches.

**18. CAN I REMOVE THE “STABILIZING BRACE” AND ATTACH IT TO ANOTHER FIREARM?**

- A “stabilizing brace” may be removed and attached to another firearm, but all NFA requirements apply if attaching such “stabilizing brace” configures the weapon as an NFA firearm.

**19. IF I HAVE A DISABILITY AND NEED A “STABILIZING BRACE” TO OPERATE THE FIREARM (AS IT WAS ORIGINALLY DESIGNED AND INTENDED), DO I NEED TO REGISTER IT?**

- Yes, but only if the firearm with the “stabilizing brace” is an SBR. If the firearm with the “stabilizing brace” is not an SBR, it need not be registered and, consistent with the federal firearm laws, may continue to be possessed and used by persons with or without a disability. See Questions 4 and 5 above for more information on how to determine if the “stabilizing brace” equipped firearm you possess is an SBR. If the firearm is an SBR, it needs to be registered within 120-days from the date of publication in the Federal Register.

**TRANSFER OR SALES**

**20. AFTER PUBLICATION OF THE FINAL RULE, CAN A FEDERAL FIREARMS LICENSEE SELL A FIREARM AND A “STABILIZING BRACE” IN ONE TRANSACTION?**

- If the attachment of the “stabilizing brace” to the firearm would make it a short-barreled rifle (SBR), the firearm must be registered in the National Firearms Registration and Transfer Record (NFRTR) prior to transfer. Thus, the FFL must first register the SBR through an E-Form1 and then further transfer on an ATF Form 4.

**21. WHAT ARE MY OPTIONS IF I WANT TO SELL MY “REGISTERED” FIREARM AS AN SBR WITH OR WITHOUT THE BRACE?**

- If you are selling the firearm as an SBR, which is “registered” in the NFRTR, an ATF Form 4, Tax Paid Transfer would be required to complete the transfer.

**POSSESSION OF SBRS WITH AN ATTACHED “STABILIZING BRACE” AFTER TAX FORBEARANCE PERIOD ENDS**

**22. AFTER THE 120-DAY TAX FORBEARANCE EXPIRES, CAN I CONTINUE TO POSSESS AN UNREGISTERED FIREARM WITH AN ATTACHED “STABILIZING BRACE” THAT IS A SHORT-BARRELED RIFLE (SBR)?**

- The National Firearms Act requires registration of all SBRs. A person may not possess an unregistered SBR.

**23. CAN I POSSESS A PISTOL AND UNATTACHED “STABILIZING BRACE”?**

- An NFA firearm need not be assembled to be regulated as such. Whether a person may be in constructive possession of an NFA firearm depends on the facts of a particular case.

**24. WHAT ARE THE CONSEQUENCES IF I INTENTIONALLY CHOOSE NOT TO REGISTER MY FIREARM WITH A “STABILIZING BRACE,” WHICH IS AN SBR, AND KEEP IT?**

- Unlawful possession of an unregistered SBR is punishable by up to 10 years’ imprisonment or \$10,000 in fines, or both. (26 U.S.C. 5861(d), 5871).

**25. PRIOR TO AND AFTER THE EXPIRATION OF THE 120-DAY TAX FORBEARANCE, CAN I CONTINUE TO POSSESS MY SBR EQUIPPED WITH A “STABILIZING BRACE” IF I HAVE TIMELY SUBMITTED MY APPLICATION TO REGISTER MY FIREARM?**

- Yes. Provided you are not otherwise prohibited from possession of a firearm under Federal or State law, you may continue to lawfully possess your SBR while your registration application is pending with ATF. While your application is pending, you should maintain proof of submission as evidence of continued lawful possession.

**STATE LAW**

**26. IF THE STATE I RESIDE IN PROHIBITS THE OWNERSHIP/POSSESSION OF A SHORT-BARRELED RIFLE (SBR), CAN I STILL REGISTER MY FIREARM AS AN SBR?**

- ATF will not approve an application of an SBR that violates State laws.

**MARKINGS**

**27. ONCE THE FIREARM IS REGISTERED, AM I REQUIRED TO MARK THE FIREARM SINCE I MANUFACTURED A SHORT-BARRELED RIFLE (SBR)?**

- If the SBR equipped with a “stabilizing brace” is registered within the 120-day tax forbearance period, the possessor is allowed to adopt the markings on the firearm. The maker’s marking exception is only applicable to firearms that are registered pursuant to the final rule. If the firearm is a personally made firearm, the possessor must mark in accordance with 27 CFR 478.92 & 479.102 prior to submitting the E-Form 1.

**MISCELLANEOUS**

**28. CAN A SHORT-BARRELED SHOTGUN BE REGISTERED DURING THE 120-DAY TAX FORBEARANCE PERIOD?**

- No. The forbearance period only applies to SBRs.