

ADDENDUM

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26 U.S.C. § 5845(b)**§ 5845. Definitions**

(b) Machinegun.--The term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

18 U.S.C. 922(o): Transfer or possession of machinegun

26 U.S.C. 5845(b): Definition of machinegun

18 U.S.C. 921(a)(23): Definition of machinegun

The definition of machinegun in the National Firearms Act and the Gun Control Act includes a part or parts that are designed and intended for use in converting a weapon into a machinegun. This language includes a device that, when activated by a single pull of the trigger, initiates an automatic firing cycle that continues until the finger is released or the ammunition supply is exhausted.

ATF Rul. 2006-2

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has been asked by several members of the firearms industry to classify devices that are exclusively designed to increase the rate of fire of a semiautomatic firearm. These devices, when attached to a firearm, result in the firearm discharging more than one shot with a single function of the trigger. ATF has been asked whether these devices fall within the definition of machinegun under the National Firearms Act (NFA) and Gun Control Act of 1968 (GCA). As explained herein, these devices, once activated by a single pull of the trigger, initiate an automatic firing cycle which continues until either the finger is released or the ammunition supply is exhausted. Accordingly, these devices are properly classified as a part “*designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun*” and therefore machineguns under the NFA and GCA.

The National Firearms Act (NFA), 26 U.S.C. Chapter 53, defines the term “firearm” to include a machinegun. Section 5845(b) of the NFA defines “machinegun” as “*any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.*” The Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, defines machinegun identically to the NFA. 18 U.S.C. 921(a)(23). Pursuant to 18 U.S.C. 922(o), machineguns manufactured on or after May 19, 1986, may only be

transferred to or possessed by Federal, State, and local government agencies for official use.

ATF has examined several firearms accessory devices that are designed and intended to accelerate the rate of fire for semiautomatic firearms. One such device consists of the following components: two metal blocks; the first block replaces the original manufacturer's V-Block of a Ruger 10/22 rifle and has attached two rods approximately $\frac{1}{4}$ inch in diameter and approximately 6 inches in length; the second block, approximately 3 inches long, $1\frac{3}{8}$ inches wide, and $\frac{3}{4}$ inch high, has been machined to allow the two guide rods of the first block to pass through. The second block supports the guide rods and attaches to the stock. Using $\frac{1}{4}$ inch rods, metal washers, rubber and metal bushings, two collars with set screws, one coiled spring, C-clamps, and a split ring, the two blocks are assembled together with the composite stock. As attached to the firearm, the device permits the entire firearm (receiver and all its firing components) to recoil a short distance within the stock when fired. A shooter pulls the trigger which causes the firearm to discharge. As the firearm moves rearward in the composite stock, the shooter's trigger finger contacts the stock. The trigger mechanically resets, and the device, which has a coiled spring located forward of the firearm receiver, is compressed. Energy from this spring subsequently drives the firearm forward into its normal firing position and, in turn, causes the trigger to contact the shooter's trigger finger. Provided the shooter maintains finger pressure against the stock, the weapon will fire repeatedly until the ammunition is exhausted or the finger is removed. The assembled device is advertised to fire approximately 650 rounds per minute. Live-fire testing of this device demonstrated that a single pull of the trigger initiates an automatic firing cycle which continues until the finger is released or the ammunition supply is exhausted.

As noted above, a part or parts designed and intended to convert a weapon into a machinegun, *i.e.*, a weapon that will shoot automatically more than one shot, without manual reloading, by a single function of the trigger, is a machinegun under the NFA and GCA. ATF has determined that the device constitutes a machinegun under the NFA and GCA. This determination is consistent with the legislative history of the National Firearms Act in which the drafters equated "single function of the trigger" with "single pull of the trigger." *See, e.g., National Firearms Act: Hearings Before the Comm. on Ways and Means, House of Representatives, Second Session on H.R. 9066, 73rd Cong., at 40 (1934).* Accordingly, conversion parts that, when installed in a semiautomatic rifle, result in a weapon that shoots more than one shot, without manual reloading, by a single pull of the trigger, are a machinegun as defined in the National Firearms Act and the Gun Control Act.

Held, a device (consisting of a block replacing the original manufacturer's V-Block of a Ruger 10/22 rifle with two attached rods approximately $\frac{1}{4}$ inch in diameter and approximately 6 inches in length; a second block, approximately 3 inches long, $1\frac{3}{8}$ inches wide, and $\frac{3}{4}$ inch high, machined to allow the two guide rods of the first block to pass through; the second block supporting the guide rods and attached to the stock; using $\frac{1}{4}$ inch rods; metal washers; rubber and metal bushings; two collars with set screws; one coiled spring; C-clamps; a split ring; the two blocks assembled together with the

composite stock) that is designed to attach to a firearm and, when activated by a single pull of the trigger, initiates an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, is a machinegun under the National Firearms Act, 26 U.S.C. 5845(b), and the Gun Control Act, 18 U.S.C. 921(a)(23).

Held further, manufacture and distribution of any device described in this ruling must comply with all provisions of the NFA and the GCA, including 18 U.S.C. 922(o).

To the extent that previous ATF rulings are inconsistent with this determination, they are hereby overruled.

Date approved: December 13, 2006

Michael J. Sullivan
Director

**U.S. Department of Justice****Bureau of Alcohol, Tobacco,
Firearms and Explosives***Martinsburg, WV 25405*www.atf.gov907020:MRC
3311/302558**APR 13 2015**Ruble

Dear Mr. Ruble:

This refers to your recent correspondence and submission of a physical sample along with a power point to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), Martinsburg, West Virginia. Specifically, you ask FTISB to evaluate your prototype design and determine its classification under Federal law.

The Gun Control Act of 1968 (GCA), 18 U.S.C. Section 921(a)(3), defines the term "firearm" as follows: "... (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm."

Additionally, the National Firearms Act (NFA), 26 U.S.C. Section 5845(b), defines "machinegun" as—

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

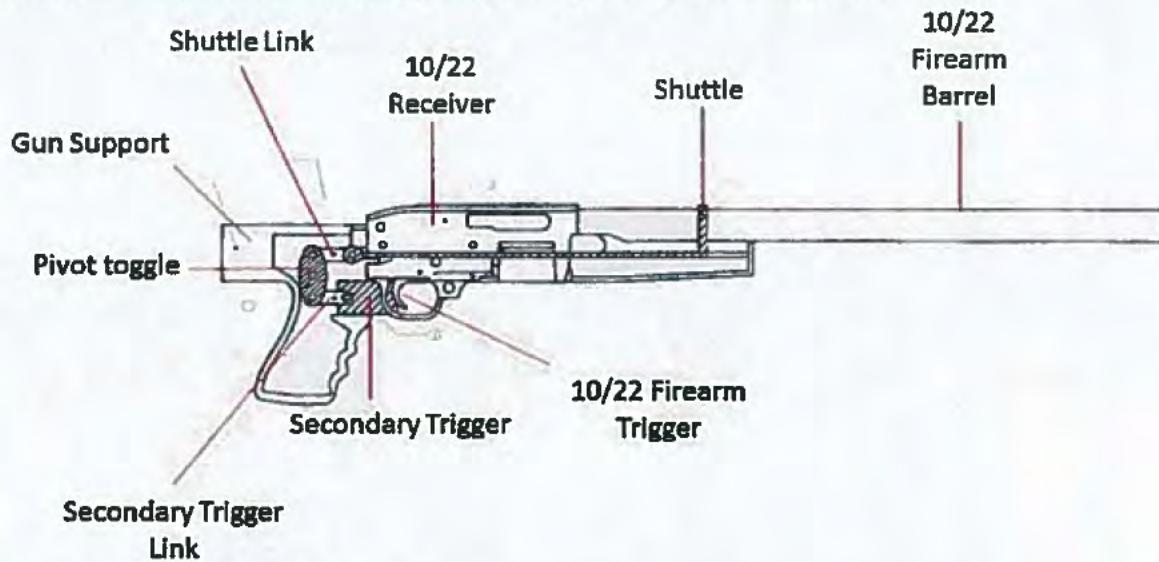
You have submitted to FTISB a prototype AR-style rifle with newly designed fire control components that you describe as a "positive reset trigger." In your submission you identify the following fire control components:

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- Gun support/gun stock
- Secondary trigger
- Secondary trigger link
- Pivot toggle
- Shuttle link
- Shuttle

The internal components comprising your prototype design are shown here:



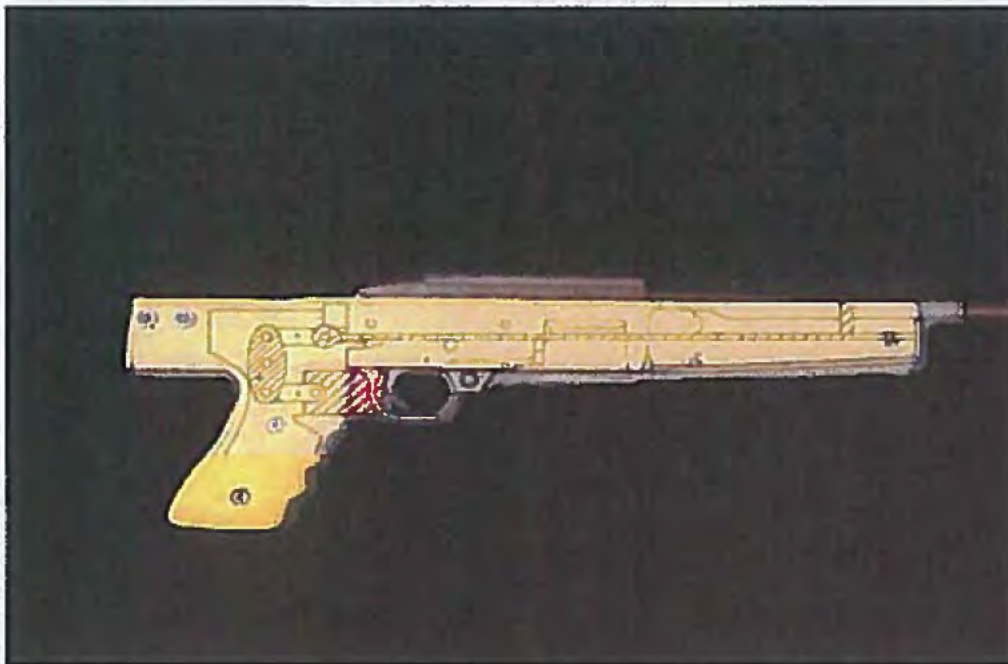
You provided the prototype shown here:



The internal components are shown here as they would exist inside the prototype.

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The cycle of operation of your prototype is shown below.

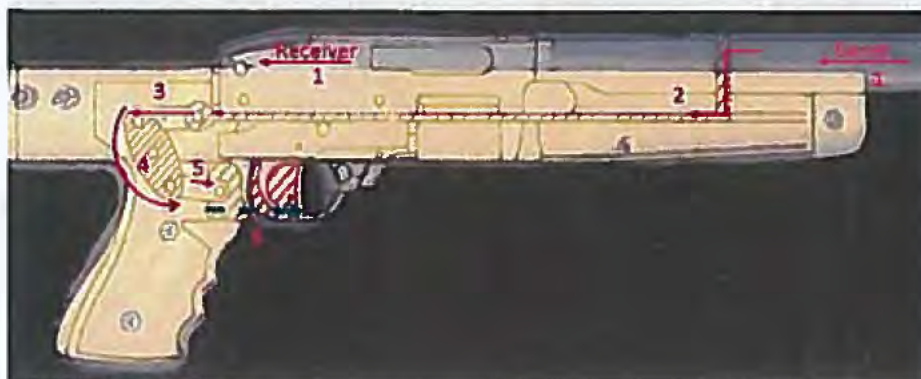


After the trigger is pulled, a projectile is expelled and the firearm barrel and receiver recoil, moving each backward (step 1, below). The shuttle, also attached to the barrel, moves backward in concert (step 2). The backward movement of the shuttle pushes the shuttle link and the top end of the pivot

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toggle (step 3). The pivot toggle rotates, pushing the secondary trigger link forward (step 5). Finally, the secondary trigger is pushed forward, moving the trigger finger forward as well. Each of these steps happens automatically as a result of the recoil energy generated from firing a projectile.



In step 6 above, the forward movement of the secondary trigger pushes the finger forward countering the constant rearward pressure applied by the shooter. The 10/22 trigger moves forward as well.



In the normal operation of the 10/22, the trigger would move forward only when the shooter releases the trigger. However, the prototype design utilizes recoil energy to move the trigger finger. In this way, the shooter can maintain constant pressure through a single pull of the trigger.

Once the recoil energy has dissipated, the shooter's constant rearward pressure pushes the secondary trigger backward (step 1, below). In turn, this moves the secondary trigger link (step 2), rotates the pivot toggle (step 3), and pushes the shuttle link and shuttle forward (step 4). The shuttle moves the receiver and barrel forward.

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At this point the 10/22 receiver is capable of firing a second projectile (see below). The constant rearward pressure applied by the shooter's trigger finger fires the subsequent projectile, and the process repeats itself until the shooter finally releases the rearward pressure.



As stated above, the NFA defines machinegun, in relevant part, as "any weapon which shoots...automatically more than one shot, without manual reloading, by a single function of the trigger." ATF has long held that a "single function of the trigger" is a single "pull" or, alternatively, a single "release" of the trigger. Therefore, a firearm that fires a single projectile upon a pull of the trigger, and fires a single projectile upon the release of that trigger would not be classified as a "machinegun" under Federal law.

Upon review, we find that your prototype permits a shooter to fire automatically, more than one shot, without manual reloading, by a single function of the trigger. Your design utilizes recoil energy to move the shooter's finger and permits the firearm to reset. However, your prototype actually utilizes the single pull of the trigger to accomplish this. In this way, the prototype design uses a single

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function of the trigger to operate the design and causes an otherwise semiautomatic firearm to fire more than a single projectile automatically.

ATF has long held that a single function of the trigger results from a single action by the shooter to initiate the firing sequence, whether it is a push or a pull movement.

Based on our evaluation and provisions of Federal law cited above, FTISB concludes that the prototype design is a combination of parts designed and intended for use in converting a weapon into a machinegun. It is therefore a "machinegun" as defined in the above-cited § 5845(b).

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,



Max M. Kingery

Acting Chief, Firearms Technology Industry Services Branch

**U.S. Department of Justice****Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Martinsburg, WV 25405

www.atf.gov

907010: RKD
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OCT 07 2016

Saint Kings Technologies, LLC.


Dear Mr. Santos-Reis:

This is in reference to your submission and accompanying correspondence to, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which is accompanied by two AR-15 type rifles equipped with what is described as LV-15 Trigger Reset Devices (see enclosed photos).

As you know, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term "machinegun" as—

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

The submitted devices, are described as "trigger reset devices." You further describe the design and function of the devices as "a trigger actuating device that aids the user of an AR type rifle in pulling the trigger faster." As a part of this description, you note that the submitted device is "an electronic device that used a rechargeable battery. The principle of the device is as follows: After the trigger is pulled and the rifle fired, the device pushes the trigger forward rapidly to reset the trigger, so that the user can pull the trigger faster."

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The first sample examined by FTISB personnel consists of a Bushmaster model XM15-E2S .223-5.56 caliber AR-15 pattern rifle, serial number L476739, which is equipped with the following items:

- A self-contained trigger mechanism within an aluminum housing, being equipped with an electrical connection.
- A modified two position semiauto AR-15 type selector lever.
- An 11.1V 1200MAH rechargeable battery pack.
- A grip assembly with trigger guard having electrical connections and a piston which projects forward through the lower rear portion of the trigger guard and pushes the trigger forward as the firearm cycles.
- A grip attachment screw/bolt and straight pin.
- Several extra battery assemblies and a "Tenergy" charging assembly.
- One extra LV-15 trigger/grip/selector assembly.

The second sample, submitted at a later date, consists of an Anderson Manufacturing model AM-15, 5.56 caliber AR-15 pattern rifle, serial number 15272793, equipped with a similar "improved" version of the device. This version was noted to incorporate a three position selector rather than the two position selector featured on the first sample.

The written correspondence received with the samples provided the following statements in steps 4 thru 9, offering a description of how the device differed in function from that of a standard unmodified AR-15 pattern rifle:

4. *"The fourth step is where the process first differs from a normal AR-15 trigger group. As the hammer is reset and engaged past the disconnecter, it also engages the sensor that is mounted behind the trigger group. This sends a signal to the control circuit and will continue sending that signal until it is released. For now, the control circuit, will not do anything, it waits until it stops receiving the signal."*

5. *"As the bolt-carrier starts moving forward, it reaches a point where it releases the hammer and allows the hammer to be captured by the disconnecter. Around the point where the hammer is allowed to rest on the disconnecter is when it disengages the sensor. Once the sensor is disengaged and stops sending the signal to the control circuit, the control circuit begins a timer which lasts about 35 milliseconds."*

6. *"With the timer still counting down, the bolt carrier group finishes travelling forward, having chambered a round, and the rifle is now in battery and ready to fire."*

7. *"The seventh step occurs when the timer finishes counting down that 25 millisecond delay. Once the count-down is over, it turns on the solenoid for 15 milliseconds. As the solenoid turns on, the solenoid rod is going to try to push forward on the trigger, pushing it back to the firing position. However, the solenoid can only exert so much force. Therefore, the trigger will only reset if the user allows it to, by not exerting more than 12 pounds of force during said 15 millisecond interval."*

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8. *"The final step takes place once the user has allowed the trigger to move forward enough, at which time the disconnecter will release the hammer and allow it to set on the main sear, again just like in any AR-15. While the user must still allow the trigger to physically move forward to reset, the only difference is that here the user is being assisted in order to reset the trigger faster."*

9. *"After the trigger has reset the rifle does not continue to shoot automatically, as the trigger is forced back into the ready/cocked position, the user, as in all mechanical reset devices, must consciously pull the trigger if he/she desires to fire another round. Each pull of the trigger represents a separate and conscious decision by the operator to fire another round. If the user does not pull the trigger again, the rifle will not fire again."*

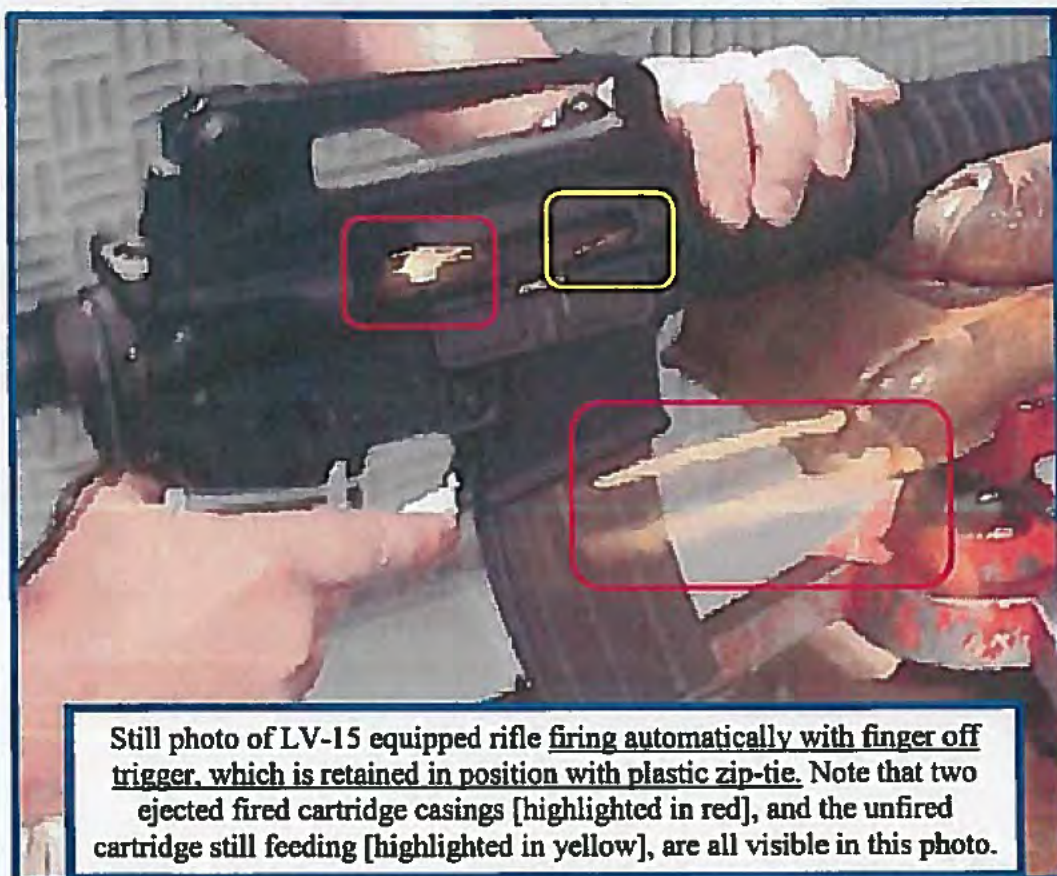
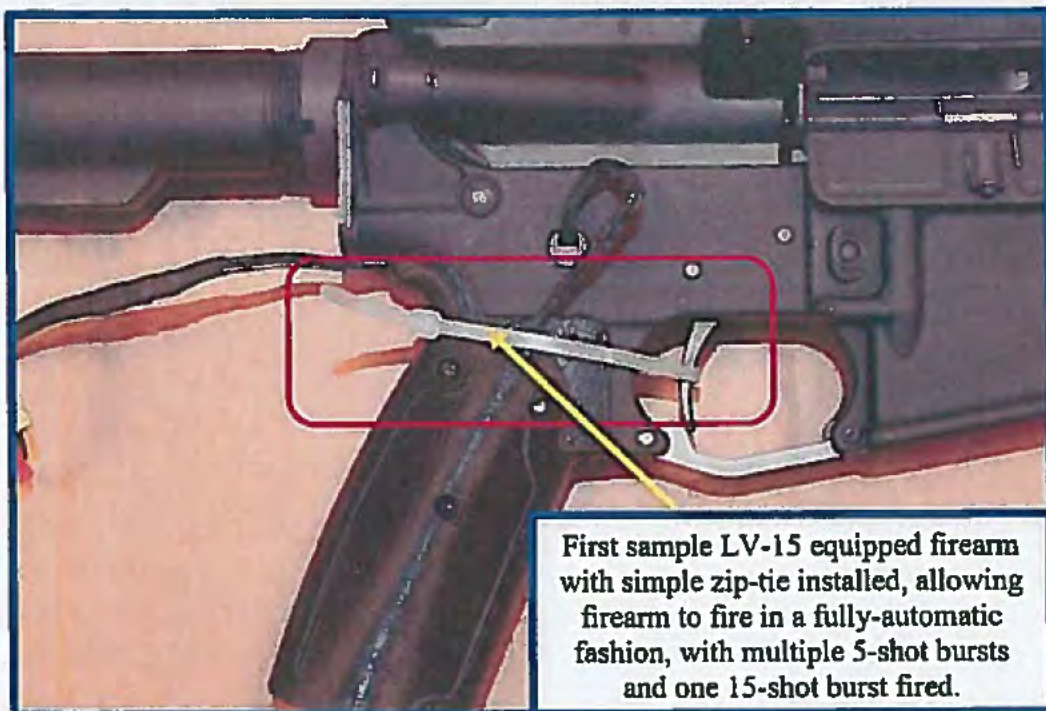
When the trigger was pulled slowly and retained in a position at which the hammer was just release with the device actuated during manual field testing, a condition resembling automatic cycling was observed on several occasions, during field testing of the LV-15 equipped firearm. Actual test firing with live ammunition replicated this same condition.

In order to ensure that the LV-15 equipped firearm was actually firing more than one shot, without manual reloading, with a single function of the trigger, rather than firing a single shot with each function of the trigger, the following procedure was followed.

- A common 9-3/4 inch zip-tie was installed around the rear of the grip and the front of the sample's trigger.
- The zip-tie was gradually tightened until the trigger was retracted just enough to allow the hammer to fall.
- With the trigger retained in this position, the bolt assembly was retracted and retained in an open position, with the aid of the bolt catch.
- A five-round ammunition load was placed into the sample's magazine and the magazine was inserted into the firearm.
- Without touching the trigger (which was being retained in a fixed position by the plastic zip-tie), the bolt catch was depressed allowing the firearms bolt to travel forward and chamber a cartridge. Upon chambering the cartridge the weapon fired the entire five-round ammunition load automatically without the trigger being repeatedly pulled and released.
- This same test was repeated several times with a five- round ammunition load and once with a fifteen-round ammunition load. In all instances, the LV-15 equipped firearm discharged its entire ammunition load upon initiating the firing sequence by depressing the bolt release, thus allowing the bolt assembly to move forward and both chamber and fire cartridges repeatedly.

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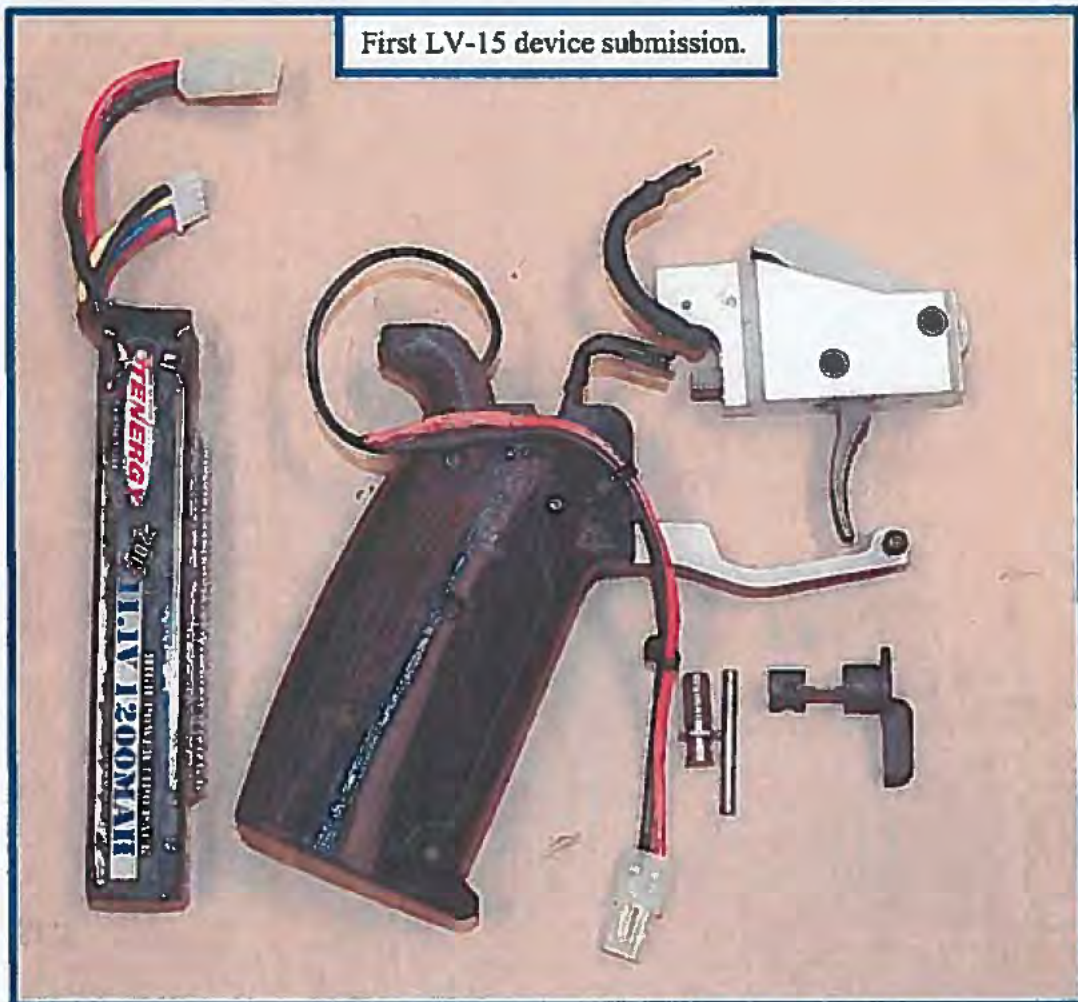
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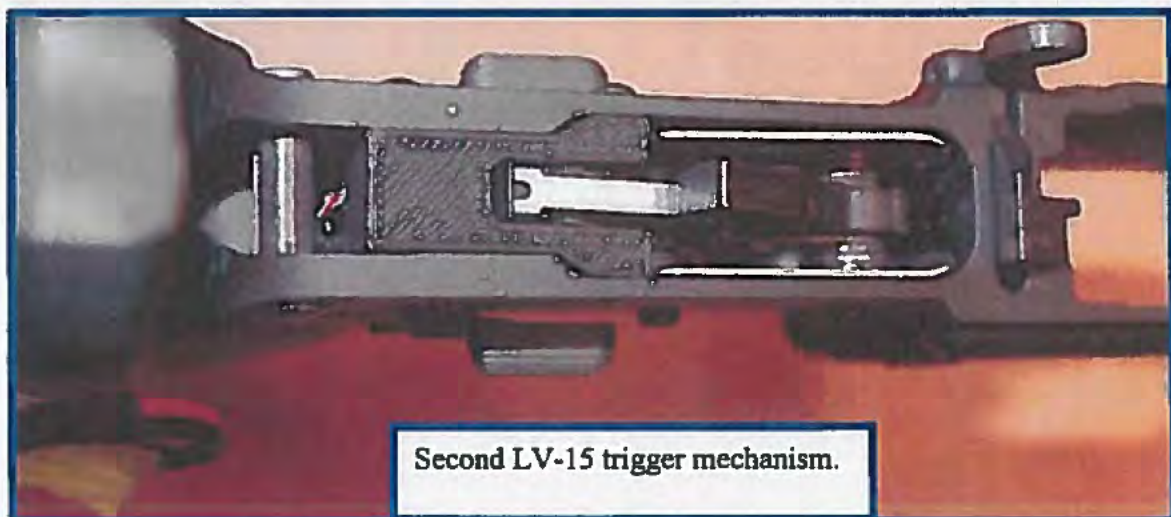
FTISB testing with the trigger of the LV-15 equipped firearm pictured on the previous page, retained in the static position shown with a plastic zip-tie, revealed that the LV-15 device could allow a semiautomatic AR-15 type firearm to fire automatically more than one shot, without manual reloading, by a single function of the trigger.



FTISB next proceeded with an examination of the second LV-15 equipped firearm, which was submitted on April 6, 2016. This second prototype is described as being functionally identical to the previous model pictured above, featuring *"small improvements that have come as the result of further development since the original submission."* The LV-15 device equipped rifle initially manually field tested and appeared to operate similarly to the first version of the LV-15 examined. Shortly after testing began, the LV-15 device ceased operating. Both recharging the original battery and substituting a different recharged battery failed to return the device to operational status. Due to the aforementioned deficiency, FTISB personnel terminated testing of the submitted device.

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Although testing of the second device could not be completed because of the malfunction, it is designed, and operates, in the same way as the first submitted device. As a result of the subject test weapon firing more than one shot, without manual reloading, by a single function of the trigger with the submitted device installed, the submitted LV-15 devices are classified as a combination of parts designed and intended, solely and exclusively, for use in converting a weapon into a machinegun and thus a **"machinegun"** as defined in 26 U.S.C. § 5845(b). This classification is based on an evaluation of the item as submitted and that the item converts a weapon to fire automatically, regardless of how reliably it shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

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As stated above, Federal law defines “machinegun,” in relevant part, as “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger” as well as a “combination of parts designed and intended, for use in converting a weapon into a machinegun.” Legislative history for the NFA indicates that the drafters equated a “single function of the trigger” with “single pull of the trigger.” National Firearms Act: Hearings Before the Comm. on Ways and Means, House of Representatives, Second Session on H.R. 9066, 73rd Cong., at 40 (1934). Therefore, ATF has long held that a single function of the trigger is a “single pull” or, alternatively, a single release of a trigger. Therefore, a firearm is not a machinegun if a projectile is expelled when the trigger is pulled and a second projectile is expelled when the trigger is released.

To initiate firing using the LV-15, a shooter must simply pull the trigger (photo 1—note that the solenoid rod is inside the firearm. These photos show the approximate location of the rod in the firearm. This is done simply to explain the functioning of the device). After firing, and when the bolt has loaded a second round of ammunition (photo 2-3), the mechanical-electrical operation of the LV-15 trigger device utilizes a “solenoid rod” to push the trigger forward as if the shooter had released the trigger (photo 4). Although the trigger is pushed forward the shooter never releases the trigger. Pursuant to your explanation, the shooter must merely maintain a pull that exerts “not more than 12 pounds of force during said 15 millisecond interval.” If the shooter maintains this pressure, a second shot is fired (photo 5). As stated above, firing requires so little input from the shooter—a single pull with constant pressure—that a zip tie can effectively fire a weapon utilizing the LV-15 until the ammunition source is exhausted. A shooter need only pull the trigger once to initiate firing, and the LV-15 then operates automatically to continue firing.



Photo 1 obtained from customer supplied video of rifle utilizing CMMG .22LR conversion device.

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Photo 2 obtained from customer supplied video of rifle utilizing CMMG .22LR conversion device.

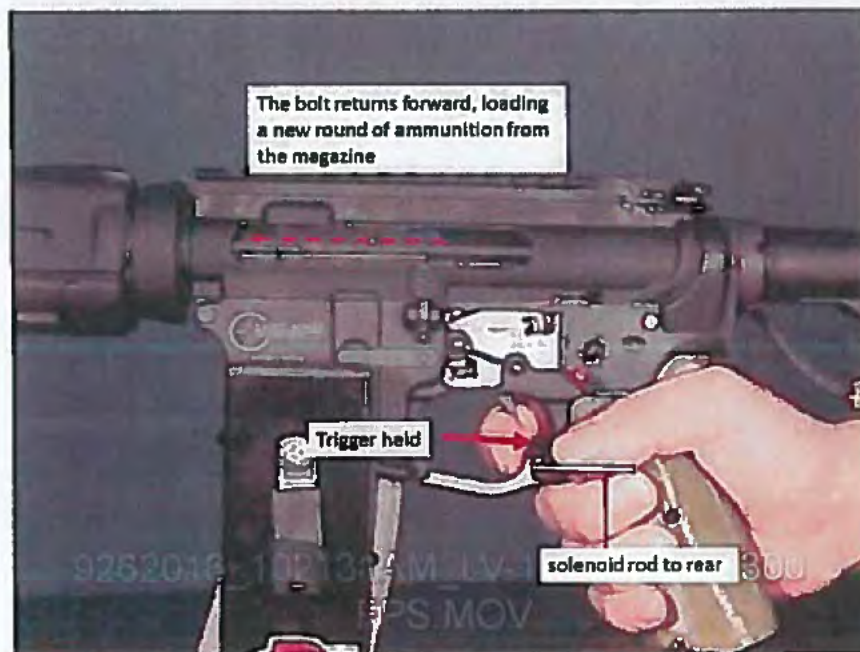


Photo 3 obtained from customer supplied video of rifle utilizing CMMG .22LR conversion device.

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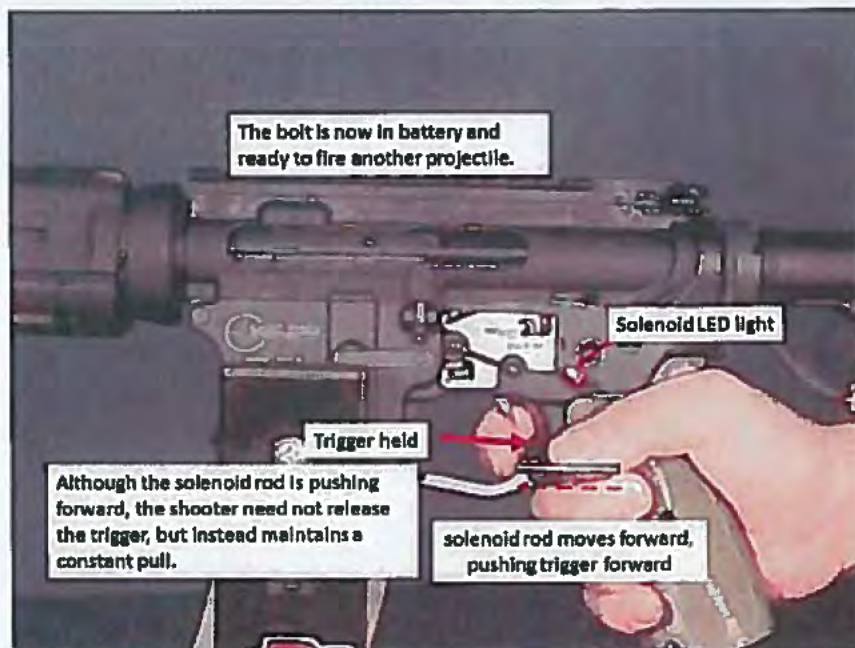


Photo 4 obtained from customer supplied video of rifle utilizing CMMG .22LR conversion device.



Photo 5 obtained from customer supplied video of rifle utilizing CMMG .22LR conversion device.

This Branch has previously approved certain devices sometimes known as "bump fire" stocks in which a shooter pulls the trigger and applies forward pressure with the non-

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trigger hand to fire additional projectiles. To function as designed, the trigger must be pulled and held without release. After it fires the first projectile, the firearm recoils and pushes rearward, sliding back in the stock. Although the shooter maintains constant pull on the trigger, the backward movement of the firearm relative to the trigger causes the trigger to reset, as if the trigger had been released. The firing sequence will stop at this point unless the shooter maintains forward pressure on the firearm with his non-shooting hand. This forward pressure moves the firearm forward relative to the trigger and causes a second projectile to fire. Whereas, in the case of typical firearms, a trigger must be pulled backward to fire a projectile, in the case of bump fire stock, the second and subsequent shots operate by keeping the trigger in place and moving the firearm forward.

This Branch approved these devices, but this was in spite of the fact that the devices utilize a "single function of the trigger." As was explained in those classification letters, these items were not classified as machineguns because the stocks had no automatically functioning mechanical parts or springs and performed no automatic mechanical function when installed. A weapon is a machinegun if it shoots, is designed to shoot, or can be readily restored to shoot, *automatically* more than one shot, without manual reloading, by a single function of the trigger. Because the shooter was required to provide the forward pressure with his hand, the firearm did not function "automatically." The LV-15 does operate automatically, as it uses an electrical-mechanical device to automatically cycle the trigger forward against the initial trigger pull, thus allowing the LV-15 equipped firearm to automatically fire.

Please be aware, our Branch has also evaluated similar devices which have prevented the trigger from positively resetting and resulted in a "hammer-follow" scenario. A device designed to prevent the hammer from positively resetting could cause a firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger, and would also be classified as a combination of parts designed and intended, solely and exclusively, for use in converting a weapon into a machinegun; thus a "machinegun" as defined in 26 U.S.C. § 5845(b).

FTISB finds that the host AR-type firearms, Bushmaster AR-type receiver serial number L476739, and Anderson Manufacturing AR-type receiver serial number 15272793, not having any modifications made which would cause them to fire automatically, or incorporating the frame or receiver of a machinegun, are not "machineguns" as defined in 26 U.S.C. § 5845(b).

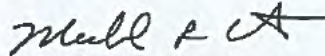
The subject Bushmaster and Anderson Manufacturing firearms will be returned to you as soon as our Branch has received either a FedEx account number, or a FedEx or alternate carrier prepaid return label. Please advise our Branch within 60 days of receipt of this letter regarding the disposition of these firearms. The submitted LV-15 devices, which are classified as "machineguns" as defined in 26 U.S.C. § 5845(b), cannot be returned to you unless you are a licensed firearms manufacturer who has paid the Special Occupational Tax (SOT).

Mr. Santos-Reis

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We trust the foregoing has been responsive to your current evaluation request and regret that our written response was delayed due to FTISB's current workload.

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch

Cc:





U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives*Firearms Technology Industry Services Branch*

Mantoloking, NJ

www.atf.gov

SEP 11 2017

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AutoGlove USA, LLC
[REDACTED]
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This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your submitted sample of an "AutoGlove" device. Specifically, you requested an examination and classification of this sample with regard to the amended Gun Control Act of 1968 (GCA) and the National Firearms Act (NFA).

As background, the GCA, 18 U.S.C. § 921(a)(23), defines the term "machinegun" as...

"The term "machinegun" has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b))."

Further, the NFA, 26 U.S.C. § 5845(a), defines the term "firearm" to include "(6) a machinegun."

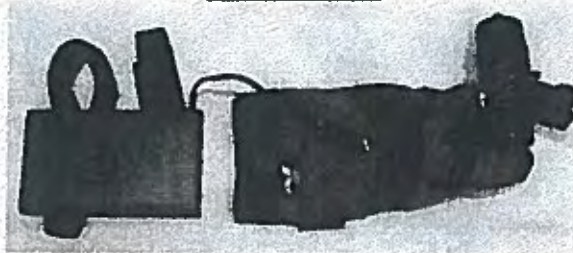
Additionally, the NFA, 26 U.S.C. § 5845(b), defines "machinegun" to mean:

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

-2-

The physical characteristics and identity of the submitted sample are provided below:

Submitted Sample:



The submitted sample is a right-handed glove containing a "braced" pointer finger with an attached solenoid, and an "activation plunger" located on the middle finger. Included with the sample is a "simplified" battery control pack, which has only an ON/OFF setting.

Solenoid with Actuator Arm:



Activator Plunger:



The basic premise of your submitted design is what you label a patent pending "Trigger Assist Device (TAD)." The TAD uses an "activator plunger" to turn on a solenoid which pushes an "actuator arm" in and out engaging a firearm trigger.

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The term "trigger" is a term generally applied by a manufacturer to that part of a firing mechanism which is manually operated to cause the firearm to discharge a projectile, usually by the release of a sear, hammer, firing pin, or striker. However, the "trigger" of a firearm under the GCA and NFA is defined in a context-specific manner. U.S. Courts of Appeals have defined the term "trigger" as "anything that...cause[s] the weapon to fire. A trigger may be either a traditional small projecting tongue in the firearm that, when pressed by the finger, actuates the mechanism that discharges the weapon, any mechanism used to initiate a firing sequence, or anything that serves as a stimulus and initiates or precipitates a reaction or series of reactions." U.S. v Carter, 465 F.3d 658 (6th Cir 2006). In both practical and legal terms, the "trigger" of a firearm is whatever is used to initiate the firing sequence.¹

When used in conjunction with a firearm, the AutoGlove replaces the traditional "trigger" of that weapon.



This shows the device in position and ready to fire. To fire, the shooter will move the selector to "fire," then press and hold the white activator plunger with his thumb. The firearm will fire until the thumb is released.



This shows the back side of the device when it is in position and ready to fire. Note that the traditional "trigger finger" is used merely to hold the device in place.

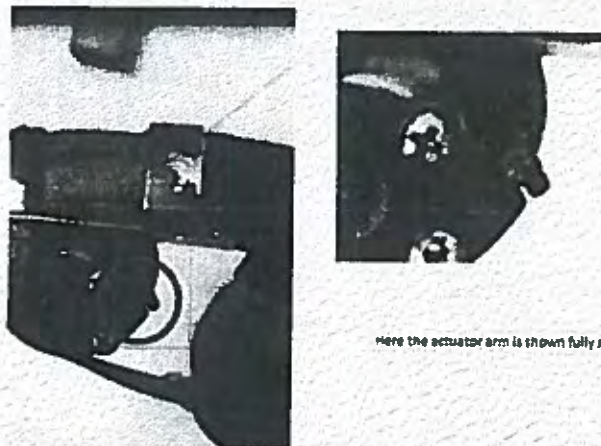
¹ See also United States v. Evans, 978 F.2d 1112 (9th Cir. 1992) (As used in § 5845(a), "by a single function of the trigger" describes the action that enables the weapon to "shoot . . . automatically . . . without manual reloading," not the "trigger" mechanism. The argument that the plain meaning of trigger in 28 U.S.C. § 5845(a)(6) is a curved metal trigger is out of context and without merit. It would lead to the absurd result of enabling persons to avoid the NFA simply by using weapons that employ a button or switch mechanism for firing.); United States v. Jokel, 969 F.2d 132 (5th Cir. 1992) (defined a trigger, as used in 26 U.S.C. § 5845(d) (shotguns), as any "mechanism . . . used to initiate the firing sequence"); United States v. Fleischli, 305 F.3d 643 (7th Cir. 2002) (concerning machine gun, approving of Jokel's definition).

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The AutoGlove changes the shooter's interaction with the firearm's traditional trigger in that it incorporates the traditional trigger as a part of the firing sequence, but removes it as the part that initiates firing. Instead, the activator plunger acts as the actual trigger.



The below pictures show the functioning of the Actuator Arm



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Here the actuator arm is shown fully extended.

ATF has held a consistent position with regard to electrically-driven trigger devices, going back more than 30 years.

An excerpt from a 1982 letter reads:

"An electric motor attached to a firearm, in such a manner that turning the motor on causes the weapon to fire repeatedly until the motor is switched off, would be a machinegun as defined."

Additionally, a 1988 letter reads:

"The Bureau of Alcohol, Tobacco and Firearms has previously determined a semiautomatic firearm having an electronic solenoid attached to the trigger and fired by means of a switch meets the definition of a machinegun as contained in the National Firearms Act (NFA)."

A separate 1988 letter reads:

"Your device, an electrically powered trigger actuator would fall within the purview of the NFA....A weapon on which a device such as you describe has been affixed would fire more than one shot, without manual reloading, by a single function of the electrical switch(trigger) and therefore meets the definition of a machinegun as defined. Further, section 5845(b), Title 26, U.S.C. also states the term "machinegun" shall also include....any part designed and intended solely and exclusively, or combination of parts

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designed and intended for use in converting a weapon into a machinegun. Therefore, a device such as you describe would meet that definition even if it were not attached to any firearm."

Electrically-driven trigger devices are considered "machineguns" because they are a "combination of parts designed and intended, for use in converting a weapon into a machinegun." Because these electric devices use a switch/button to activate the drive motor to initiate the firing sequence, that switch/button is the firearm's trigger. Since the weapon fires more than one round for each single function of its trigger (a single press on the AutoGlove's Activator Plunger), it would be a "machinegun" as defined.

In your correspondence, you highlight two "major differences" in your AutoGlove device, which you claim should cause the device to not be classified as a "machinegun." First, your primary argument is that the AutoGlove does not permanently attach to a firearm, even while being utilized. Second, you claim that the actuator arm on the solenoid does not actually engage a firearms trigger on its own because a "micro-trigger" pull is required.

FTISB will discuss this second claim first. Your correspondence states:

"Second, although the AutoGlove has an activation plunger/switch to begin activation of the Trigger Activation Device (TAD), the TAD does not activate the trigger without additional human interaction. The person's trigger finger must still pull the TAD rearward and must use the TAD to take up slack/slop in the trigger. Then when the trigger is ready to break, and fire the gun, the person must begin making "micro-trigger pulls even with the TAD activated. Without such actions on the person's behalf, the TAD will only vibrate inside the trigger guard and possibly not even come into contact with the trigger."

FTISB personnel test-fired a semiautomatic AR-type firearm from the National Firearms Collection (NFC), utilizing the AutoGlove, to test the validity of this statement. Trigger pull on the NFC firearm was measured before the test-fire, and found to consistently break between 2-1/2 and 2-3/4 pounds of pressure. FTISB used commercially available, Federal brand, 55-grain .223 caliber ammunition for the test-fire.

Instead of making the "micro-trigger" pulls, which you claim are necessary, the solenoid was held against the front trigger guard with forward pressure (away from the traditional firearm trigger) applied during the test. When the activator plunger was pressed and held, the firearm fired automatically and continuously until the ammunition supply was exhausted. The test was repeated two additional times, with the same results.

The result of the test-fire leads FTISB to conclude that your claim of needing "micro-trigger" pulls to fire a firearm using the AutoGlove is not accurate. In fact, a shooter need not move his finger at all, but only hold the AutoGlove in place because the actuator arm provides all of the movement necessary to fire the weapon.

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[REDACTED]

Your primary basis for reasoning that the AutoGlove should not be classified as a "machinegun" appears to be predicated on the belief that being "not permanently attached" excludes it from such classification. Unfortunately, the requirement that a device be "permanently attached" is found nowhere in the definition of a machinegun, and is thus not a requirement. As we stated in 1988, any part designed and intended solely and exclusively, or combination of parts designed and intended for use in converting a weapon into a machinegun would meet that definition even if it were not attached to any firearm." Therefore, this argument is immaterial to a final classification.

Consequently, the submitted device is a "machinegun" as defined in the NFA. It is also a "firearm" as defined in the NFA, and is subject to all NFA provisions.

Further, since May 19, 1986, the GCA permits only properly licensed manufacturers and importers to register new machineguns; private, unlicensed individuals may not do so.

An unregistered machinegun is a contraband firearm, and possession of such a weapon is unlawful. The submitted firearm is not registered in accordance with the provisions of the NFA and it cannot be returned to you.

Instead, FTISB is obliged to request forfeiture of the unregistered AutoGlove sample you have submitted.

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

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch

28 U.S.C. § 508. Vacancies

(a) In case of a vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General may exercise all the duties of that office, and for the purpose of section 3345 of title 5 the Deputy Attorney General is the first assistant to the Attorney General.

(b) When by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Associate Attorney General shall act as Attorney General. The Attorney General may designate the Solicitor General and the Assistant Attorneys General, in further order of succession, to act as Attorney General.

Federal Vacancies Reform Act, 5 U.S.C. §§ 3345-3349d**§ 3345. Acting officer**

(a) If an officer of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office--

(1) the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346;

(2) notwithstanding paragraph (1), the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of section 3346; or

(3) notwithstanding paragraph (1), the President (and only the President) may direct an officer or employee of such Executive agency to perform the functions and duties of the vacant office temporarily in an acting capacity, subject to the time limitations of section 3346, if--

(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the officer or employee served in a position in such agency for not less than 90 days; and

(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule.

(b)(1) Notwithstanding subsection (a)(1), a person may not serve as an acting officer for an office under this section, if--

(A) during the 365-day period preceding the date of the death, resignation, or beginning of inability to serve, such person--

(i) did not serve in the position of first assistant to the office of such officer; or

(ii) served in the position of first assistant to the office of such officer for less than 90 days; and

(B) the President submits a nomination of such person to the Senate for appointment to such office.

(2) Paragraph (1) shall not apply to any person if--

(A) such person is serving as the first assistant to the office of an officer described under subsection (a);

(B) the office of such first assistant is an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate; and

(C) the Senate has approved the appointment of such person to such office.

(c)(1) Notwithstanding subsection (a)(1), the President (and only the President) may direct an officer who is nominated by the President for reappointment for an additional term to the same office in an Executive department without a break in service, to continue to serve in that office subject to the time limitations in section 3346, until such time as the Senate has acted to confirm or reject the nomination, notwithstanding adjournment sine die.

(2) For purposes of this section and sections 3346, 3347, 3348, 3349, 3349a, and 3349d, the expiration of a term of office is an inability to perform the functions and duties of such office.

§ 3346. Time limitation

(a) Except in the case of a vacancy caused by sickness, the person serving as an acting officer as described under section 3345 may serve in the office--

(1) for no longer than 210 days beginning on the date the vacancy occurs; or

(2) subject to subsection (b), once a first or second nomination for the office is submitted to the Senate, from the date of such nomination for the period that the nomination is pending in the Senate.

(b)(1) If the first nomination for the office is rejected by the Senate, withdrawn, or returned to the President by the Senate, the person may continue to serve as the acting officer for no more than 210 days after the date of such rejection, withdrawal, or return.

(2) Notwithstanding paragraph (1), if a second nomination for the office is submitted to the Senate after the rejection, withdrawal, or return of the first nomination, the person serving as the acting officer may continue to serve--

(A) until the second nomination is confirmed; or

(B) for no more than 210 days after the second nomination is rejected, withdrawn, or returned.

(c) If a vacancy occurs during an adjournment of the Congress sine die, the 210-day period under subsection (a) shall begin on the date that the Senate first reconvenes.

§ 3347. Exclusivity

(a) Sections 3345 and 3346 are the exclusive means for temporarily authorizing an acting official to perform the functions and duties of any office of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) for which appointment is required to be made by the President, by and with the advice and consent of the Senate, unless--

(1) a statutory provision expressly--

(A) authorizes the President, a court, or the head of an Executive department, to designate an officer or employee to perform the functions and duties of a specified office temporarily in an acting capacity; or

(B) designates an officer or employee to perform the functions and duties of a specified office temporarily in an acting capacity; or

(2) the President makes an appointment to fill a vacancy in such office during the recess of the Senate pursuant to clause 3 of section 2 of article II of the United States Constitution.

(b) Any statutory provision providing general authority to the head of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) to delegate duties statutorily vested in that agency head to, or to reassign duties among, officers or employees of such Executive agency, is not a statutory provision to which subsection (a)(1) applies.

§ 3348. Vacant office

(a) In this section--

(1) the term “action” includes any agency action as defined under section 551(13); and

(2) the term “function or duty” means any function or duty of the applicable office that--

(A)(i) is established by statute; and

(ii) is required by statute to be performed by the applicable officer (and only that officer); or

(B)(i)(I) is established by regulation; and

(II) is required by such regulation to be performed by the applicable officer (and only that officer); and

(ii) includes a function or duty to which clause (i)(I) and (II) applies, and the applicable regulation is in effect at any time during the 180-day period preceding the date on which the vacancy occurs.

(b) Unless an officer or employee is performing the functions and duties in accordance with sections 3345, 3346, and 3347, if an officer of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office--

(1) the office shall remain vacant; and

(2) in the case of an office other than the office of the head of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office), only the head of such Executive agency may perform any function or duty of such office.

(c) If the last day of any 210-day period under section 3346 is a day on which the Senate is not in session, the second day the Senate is next in session and receiving nominations shall be deemed to be the last day of such period.

(d)(1) An action taken by any person who is not acting under section 3345, 3346, or 3347, or as provided by subsection (b), in the performance of any function or duty of a vacant office to which this section and sections 3346, 3347, 3349, 3349a, 3349b, and 3349c apply shall have no force or effect.

(2) An action that has no force or effect under paragraph (1) may not be ratified.

(e) This section shall not apply to--

(1) the General Counsel of the National Labor Relations Board;

(2) the General Counsel of the Federal Labor Relations Authority;

- (3) any Inspector General appointed by the President, by and with the advice and consent of the Senate;
- (4) any Chief Financial Officer appointed by the President, by and with the advice and consent of the Senate; or
- (5) an office of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) if a statutory provision expressly prohibits the head of the Executive agency from performing the functions and duties of such office.

§ 3349. Reporting of vacancies

(a) The head of each Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) shall submit to the Comptroller General of the United States and to each House of Congress--

- (1) notification of a vacancy in an office to which this section and sections 3345, 3346, 3347, 3348, 3349a, 3349b, 3349c, and 3349d apply and the date such vacancy occurred immediately upon the occurrence of the vacancy;
- (2) the name of any person serving in an acting capacity and the date such service began immediately upon the designation;
- (3) the name of any person nominated to the Senate to fill the vacancy and the date such nomination is submitted immediately upon the submission of the nomination; and
- (4) the date of a rejection, withdrawal, or return of any nomination immediately upon such rejection, withdrawal, or return.

(b) If the Comptroller General of the United States makes a determination that an officer is serving longer than the 210-day period including the applicable exceptions to such period under section 3346 or section 3349a, the Comptroller General shall report such determination immediately to--

- (1) the Committee on Governmental Affairs of the Senate;
- (2) the Committee on Government Reform and Oversight of the House of Representatives;
- (3) the Committees on Appropriations of the Senate and House of Representatives;
- (4) the appropriate committees of jurisdiction of the Senate and House of Representatives;

- (5) the President; and
- (6) the Office of Personnel Management.

§ 3349a. Presidential inaugural transitions

(a) In this section, the term “transitional inauguration day” means the date on which any person swears or affirms the oath of office as President, if such person is not the President on the date preceding the date of swearing or affirming such oath of office.

(b) With respect to any vacancy that exists during the 60-day period beginning on a transitional inauguration day, the 210-day period under section 3346 or 3348 shall be deemed to begin on the later of the date occurring--

- (1) 90 days after such transitional inauguration day; or
- (2) 90 days after the date on which the vacancy occurs.

§ 3349b. Holdover provisions

Sections 3345 through 3349a shall not be construed to affect any statute that authorizes a person to continue to serve in any office--

- (1) after the expiration of the term for which such person is appointed; and
- (2) until a successor is appointed or a specified period of time has expired.

§ 3349c. Exclusion of certain officers

Sections 3345 through 3349b shall not apply to--

- (1) any member who is appointed by the President, by and with the advice and consent of the Senate to any board, commission, or similar entity that--
 - (A) is composed of multiple members; and
 - (B) governs an independent establishment or Government corporation;
- (2) any commissioner of the Federal Energy Regulatory Commission;
- (3) any member of the Surface Transportation Board; or
- (4) any judge appointed by the President, by and with the advice and consent of the Senate, to a court constituted under article I of the United States Constitution.

§ 3349d. Notification of intent to nominate during certain recesses or adjournments

(a) The submission to the Senate, during a recess or adjournment of the Senate in excess of 15 days, of a written notification by the President of the President's intention to submit a nomination after the recess or adjournment shall be considered a nomination for purposes of sections 3345 through 3349c if such notification contains the name of the proposed nominee and the office for which the person is nominated.

(b) If the President does not submit a nomination of the person named under subsection (a) within 2 days after the end of such recess or adjournment, effective after such second day the notification considered a nomination under subsection (a) shall be treated as a withdrawn nomination for purposes of sections 3345 through 3349c.

Vacancies Act, 5 U.S.C. §§ 3345-3349 (1994)**§ 3345. Details; to office of head of Executive agency or military department**

When the head of an Executive agency (other than the General Accounting Office) or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3347. Details; Presidential authority

Instead of a detail under section 3345 or 3346 of this title, the President may direct the head of another Executive department or military department or another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed or the absence or sickness stops. This section does not apply to a vacancy in the office of Attorney General.

§ 3348. Details; limited in time

(a) A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 120 days, except that—

(1) if a first or second nomination to fill such vacancy has been submitted to the Senate, the position may be filled temporarily under section 3345, 3346, or 3347 of this title—

(A) until the Senate confirms the nomination; or

(B) until 120 days after the date on which either the Senate rejects the nomination or the nomination is withdrawn; or

(2) if the vacancy occurs during an adjournment of the Congress sine die, the position may be filled temporarily until 120 days after the Congress next convenes, subject thereafter to the provisions of paragraph (1) of this subsection.

(b) Any person filling a vacancy temporarily under section 3345, 3346, or 3347 of this title whose nomination to fill such vacancy has been submitted to the Senate may not serve after the end of the 120-day period referred to in paragraph (1)(B) or (2) of subsection (a) of this section, if the nomination of such person is rejected by the Senate or is withdrawn.

§ 3349. Details; to fill vacancies; restrictions

A temporary appointment, designation, or assignment of one officer to perform the duties of another under section 3345 or 3346 of this title may not be made otherwise than as provided by those sections, except to fill a vacancy occurring during a recess of the Senate.

Act of May 8, 1792, ch. 37, § 8, 1 Stat. 279, 281

And be it further enacted, That in case of the death, absence from the seat of government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War department, or of any officer of either of the said departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons at his discretion to perform the duties of the said respective offices until a successor be appointed, or until such absentee or inability by sickness shall cease.

Act of Feb. 13, 1795, ch. 21, 1 Stat. 415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the department of War, or of any officer of either of the said departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices; it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices, until a successor be appointed, or such vacancy be filled: *Provided,* That no one vacancy shall be supplied, in manner aforesaid, for a longer term than six months.