



STONE BRAVO

OUTPOST LLC

— VETERAN-OWNED • KILLEEN, TX —

Stone Bravo Outpost LLC
Killeen, Texas

August 1, 2026

ATF Rulemaking Comments
Mail Stop 6N-518, Office of Regulatory Affairs
Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Ave. NE
Washington, DC 20226
ATTN: RIN 1140-AA85

Via electronic submission to the Federal eRulemaking Portal, <https://www.regulations.gov>

Re: Notice of Proposed Rulemaking
Clarifying Exceptions to the Brady Act Background Check Requirement
Docket No. ATF-2026-0008 (ATF 2025R-25P)
RIN 1140-AA85
Federal Register Document No. 2026-08918
Comment period closes August 4, 2026

Greetings:

Stone Bravo Outpost LLC is a Texas limited liability company with an interest in the regulatory category addressed by the Proposed Rule. The company submits these comments on the above-captioned Notice of Proposed Rulemaking (the "Proposed Rule"), published at 91 Fed. Reg. 24,436 (May 6, 2026).

I. Position

Stone Bravo Outpost LLC supports the Proposed Rule. The amendments to 27 C.F.R. § 478.102 resolve identifiable ambiguities in the administration of the 18 U.S.C. § 922(t)(3) permit exception. The proposed text is not in every respect a restatement of the statute: proposed § 478.102(d)(1)(i) would reach a permit that "[a]llows the transferee to possess, acquire, or carry a firearm," where § 922(t)(3)(A)(i)(I) speaks of a permit that "allows such other person to possess or acquire a firearm," and proposed § 478.102(f)(1)(iii), which would require the permit holder to present documentation from the issuing authority establishing the permit's verification or reverification date, has no statutory counterpart at all. The company's support does not depend on treating those provisions as restatement. The company supports finalization, subject to the requests set out below.

The company addresses in Part II a discrete portion of the Proposed Rule's preamble that construes 28 C.F.R. Part 25. That discussion is correct, and the company requests that the Bureau carry its reasoning forward expressly into the final rule.

II. The Proposed Rule's construction of 28 C.F.R. § 25.6(j)(1) is correct and should be stated expressly in the final rule

A. The Proposed Rule's analysis

In explaining how a State that issues permits through a non-criminal justice agency ("non-CJA") may nonetheless satisfy 18 U.S.C. § 922(t)(3)(A)(ii), the Proposed Rule states:

"[I]f a state issues permits through a non-CJA, there may be difficulty directly accessing NICS because of FBI regulations, which limit NICS access to 'criminal justice agencies in connection with the issuance of a firearm-related . . . permit or license.' 28 CFR 25.6(j)(1). Nevertheless, a non-CJA may still access relevant criminal history information to conduct a qualifying background check equivalent to a NICS check before issuing any such permits. For instance, Florida's Department of Agriculture and Consumer Services issues concealed weapons licenses for the state. Although the Florida concealed weapons permit does not qualify as a NICS alternative permit for other reasons, nevertheless a NICS background check is completed because the Florida Department of Law Enforcement runs a NICS check on behalf of Florida's Department of Agriculture and Consumer Services."

The company endorses that analysis. It is an accurate statement of the operation of 28 C.F.R. § 25.6(j)(1), and it supports two propositions that the preamble to the final rule should state expressly.

B. The § 25.6(j) enumeration is the Department's own regulatory product

Section 25.6(j) provides:

"Access to the NICS Index for purposes unrelated to NICS background checks pursuant to 18 U.S.C. 922(t) shall be limited to uses for the purposes of: (1) Providing information to Federal, state, tribal, or local criminal justice agencies in connection with the issuance of a firearm-related or explosives-related permit or license, including permits or licenses to possess, acquire, or transfer a firearm, or to carry a concealed firearm, or to import, manufacture, deal in, or purchase explosives; (2) Responding to an inquiry from the Bureau of Alcohol, Tobacco, Firearms, and Explosives in connection with a civil or criminal law enforcement activity relating to the Gun Control Act (18 U.S.C. Chapter 44) or the National Firearms Act (26 U.S.C. Chapter 53); or, (3) Disposing of firearms in the possession of a Federal, state, tribal, or local criminal justice agency."

The Proposed Rule characterizes that limitation, correctly, as arising from "FBI regulations." That characterization matters, and it is confirmed by the regulation's own terms.

First, the enumeration is regulatory in origin. It appears in a subpart of which the Department has said: "The regulations in this subpart are issued pursuant to section 103(h) of the Brady Act, 107 Stat. 1542 (18 U.S.C. 922 note), and include requirements to ensure the privacy and security of the NICS and appeals procedures for persons who have been denied the right to obtain a firearm as a result of a NICS background check performed by the Federal Bureau of Investigation (FBI) or a state or local law enforcement agency." 28 C.F.R. § 25.1. The Department's own account of what the subpart contains is thus privacy and security requirements and appeals procedures. The § 25.6(j) enumeration is neither, and § 25.1 does not trace it to any command of the Act. That is the company's point rather than an obstacle to it: the enumeration is a category of NICS access the Department placed in its own regulations, and no part of § 25.1 attributes it to the statute. The section containing the enumeration was adopted, and has

twice been amended, by Order of the Attorney General published in the Federal Register. See 28 C.F.R. § 25.6 (source credit citing Order No. 2186-98, 63 FR 58307 (Oct. 30, 1998), as amended by Order No. 2727-2004, 69 FR 43900 (July 23, 2004), and Order No. 3477-2014, 79 FR 69051 (Nov. 20, 2014)).

Second, the enumerated purposes are, by the regulation's own description, outside the statutory check mandate. Section 25.6(j) governs access "for purposes unrelated to NICS background checks pursuant to 18 U.S.C. 922(t)." Each of the three purposes therefore exists not because § 922(t) compels it, but because the Department wrote it into its own regulations. The company does not contend that § 103(h) is itself an affirmative grant of power to create categories of NICS access. It is not: it directs that, "[a]fter 90 days' notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section." 34 U.S.C. § 40901(h). The claim here is one of origin only, and it rests on § 25.1's own words rather than on § 103(h): the enumeration is regulatory, not statutory. Section 922(t) requires a licensee check; it does not supply the permit-issuance access at § 25.6(j)(1), the ATF-inquiry access at § 25.6(j)(2), or the agency-disposition access at § 25.6(j)(3).

Third, and dispositively, the statute itself contains no such enumeration. The Brady Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), nowhere lists the three purposes codified at § 25.6(j). Section 103(b) of the Act directs the Attorney General to establish a system "that any licensee may contact, by telephone or by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate section 922 of title 18, United States Code, or State law." 107 Stat. 1541. That is the Act's grant of access, and it names one class of requester: licensees. The Act does not refer to explosives-related permits or licenses, or to the Bureau of Alcohol, Tobacco, Firearms and Explosives, and it does not use the term "criminal justice agency." Nor does it use the phrase "National Firearms Act," though it does reach one National Firearms Act provision by section number: section 102(b) of the Act, which enacted 18 U.S.C. § 922(t)(3)(B), excepts from the licensee check a transfer approved "under section 5812 of the Internal Revenue Code of 1986," a section of chapter 53 of that Code. That reference is an exception to the check obligation, not a grant of access to the NICS Index. Its only references to permits are the transfer exceptions now codified at 18 U.S.C. §§ 922(s)(1)(C) and 922(t)(3)(A), which operate in the opposite direction from § 25.6(j)(1): they relieve a licensee of the check obligation where a qualifying State permit has already issued; they do not authorize access to NICS in order to issue one. Neither § 25.6(j)(2) nor § 25.6(j)(3) has any statutory antecedent in the Act at all.

Each of the three enumerated purposes is thus a creature of the Department's rulemaking, adopted under the authority § 103(h) confers, rather than a list Congress supplied.

The consequence is descriptive. The categories of NICS access lying beyond the mandatory licensee check — the check imposed by 18 U.S.C. § 922(t)(1) and implemented at 27 C.F.R. § 478.102(a) — were established by regulation issued under § 103(h) of the Brady Act, and were not fixed by the Brady Act itself. That is a statement about the origin of the enumeration, and nothing more. Section 25.6(a) is not the source of that check. It confines licensees to it, providing that FFLs "may initiate a NICS background check only in connection with a proposed firearm transfer as required by the Brady Act" and are "strictly prohibited from initiating a NICS background check for any other purpose."

The company does not contend that § 25.6(j) currently authorizes any originator other than those it names. It does not. The provision states that access "shall be limited to" the three enumerated purposes, and that limitation is the operative text. The company makes no request in this rulemaking that the enumeration be

altered, added to, or read more broadly than it is written, and offers no view on whether it should be. The point is confined to what the Proposed Rule itself asserts and relies upon: that the limitation on which the Bureau's § 922(t)(3)(A)(ii) analysis rests is one of "FBI regulations," and is correctly so described.

C. The Proposed Rule's Florida example describes a NICS determination originated for the benefit of a party that is neither a licensee nor a criminal justice agency

The Proposed Rule's Florida example illustrates the second proposition. Florida's Department of Agriculture and Consumer Services issues concealed weapons licenses for the State, and the Proposed Rule presents it as an instance of a State that "issues permits through a non-CJA," a circumstance in which, the Bureau observes, "there may be difficulty directly accessing NICS." It nonetheless obtains the benefit of a NICS determination, because the Florida Department of Law Enforcement "runs a NICS check on behalf of" it.

The determination is thus originated by an authorized party, for the benefit of a party that is neither a Federal Firearms Licensee nor a criminal justice agency. The company notes, as the Proposed Rule does, that the Florida concealed weapons permit "does not qualify as a NICS alternative permit for other reasons" — reasons the Bureau sets out in an accompanying footnote and which concern the circumstances in which Florida issues the permit, not the mechanics by which the check is obtained. The company therefore relies on the example as an illustration rather than as a holding: it shows that the Bureau regards a NICS determination obtained through an authorized originator acting on a non-CJA's behalf as a workable route to a qualifying check, consistent with the Bureau's statement that "a non-CJA may still access relevant criminal history information to conduct a qualifying background check equivalent to a NICS check before issuing any such permits."

D. Requested statement in the final rule

The company requests that the Bureau state expressly in the preamble to the final rule that:

1. the NICS access categories enumerated at 28 C.F.R. § 25.6(j) were established by regulation issued under § 103(h) of the Brady Act, and not by the Brady Act itself; and
2. nothing in the text of the Brady Act confines NICS determinations to transactions originated by a Federal Firearms Licensee. Section 103(b) directs the Attorney General to establish a system "that any licensee may contact." 107 Stat. 1541. It provides that a licensee may contact the system; it does not provide that only a licensee may, and it contains no words of exclusivity. The check obligation the Act imposes on licensees at 18 U.S.C. § 922(t)(1) is a duty placed on licensees, not a limit on who else a determination may concern.

The company requests a preamble statement only. It does not request the addition of regulatory text on this subject, and it recognizes that the Proposed Rule is a clarifying rule addressed to 27 C.F.R. § 478.102. The request is confined to making explicit the reasoning the Proposed Rule already applies. Because the Bureau has relied on the scope of § 25.6(j)(1) as a premise of its analysis of § 922(t)(3)(A)(ii), the accuracy and durability of that premise are properly within the scope of this rulemaking, and stating it plainly will spare the Bureau and the public the cost of re-establishing it in later proceedings.

III. Additional clarifications

The company further requests, consistent with the Bureau's express request for comment on "the clarity of this proposed rule and how it may be made easier to understand," that the final rule: (i) confirm the Bureau's commitment to maintaining its published chart of qualifying and non-qualifying NICS alternate permits as a current, publicly accessible resource updated on a stated schedule, so that parties can determine a permit's status before a transfer rather than after it; (ii) state the qualifying criteria alongside that chart, so that a party consulting it can see the criteria against which a permit was assessed, in the terms used in proposed § 478.102(d)(1) — that the permit "[a]llows the transferee to possess, acquire, or carry a firearm"; "[w]as issued not more than five years earlier by the state in which the transfer is to take place"; and that "[t]he law of the state provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that the transferee possessing the firearm would be in violation of any applicable law"; and (iii) retain the addition of "unexpired" at § 478.102(d)(1), which resolves a real ambiguity and should be preserved in the final rule, subject to the qualification set out below.

The company supports the added word as a cure for the case the Proposed Rule describes: a permit that has lapsed, which cannot serve as an alternative to a NICS check. The company requests one qualification, so that the added word does not reach further than the Bureau intends.

The Proposed Rule explains that the addition is directed at permits that, "under certain state law or in certain circumstances," are "considered valid even after they have expired." Some of those permits have lapsed in substance. Others have not: a State may provide that a permit remains in force past the date printed on its face — during a pending renewal, for example, or by operation of a statutory grace period or a tolling provision — so that the holder remains lawfully permitted under the law of the issuing State.

The statutory condition is keyed to what the permit does under State law. Section 922(t)(3)(A)(i)(I) turns on a permit that "allows such other person to possess or acquire a firearm," and proposed § 478.102(d)(1)(i) is keyed the same way, to a permit that "[a]llows the transferee to possess, acquire, or carry a firearm." The two are not identical — the proposed text adds "carry" — but each turns on what the permit allows under State law, and the request below does not depend on the difference. A permit that the issuing State treats as still in force still allows its holder to possess or acquire a firearm, and a licensee presented with such a permit has no occasion to look behind the State's own determination of its validity.

The company therefore requests that the final rule state that a permit valid under the law of the State that issued it remains a qualifying permit for purposes of § 478.102(d)(1), and that "unexpired" excludes a permit that has lapsed under the law of the issuing State rather than displacing that State's determination that a permit remains in force. The five-year condition at proposed § 478.102(d)(1)(ii) independently limits the exception in either case.

IV. Two pending rules would give § 478.102 two different headings

The company raises a conflict between this Proposed Rule and another now open for comment. It is offered as a drafting matter, and it is readily fixed.

This Proposed Rule (RIN 1140-AA85) would retitle the section:

"§ 478.102 Firearms sales or deliveries."

ATF's pending revision of Form 4473 (RIN 1140-AA82, comments closing August 6, 2026) would retitle the same section differently:

"§ 478.102 Selling or delivering firearms."

Both are open simultaneously. Both amend § 478.102. Neither states the heading the other proposes, and this Proposed Rule does not mention that rulemaking at all.

The Bureau is aware of the overlap: the Form 4473 proposal states that "ATF is issuing a separate proposed rule on amending subsection (d), governing Brady alternative permits" — a reference to this rulemaking. The two headings were therefore proposed while both rulemakings were pending, and neither rule reconciles them.

Whichever rule is finalized second will silently overwrite the first, and which text governs § 478.102 will depend on the order of publication rather than on any decision the Department has announced. Neither heading is yet in the Code of Federal Regulations: the heading now codified is a third one, "§ 478.102 Sales or deliveries of firearms on and after November 30, 1998." The Proposed Rule's preamble describes the amendment as removing "on or after November 30, 1998," which is not the codified wording; the codified words are "on and after." The company notes the discrepancy only because this Part concerns the precision of the heading, and asks that the final rule quote the existing heading as codified. Only one of the two proposed headings can take its place.

The company requests that the final rule state which heading governs, and that the Department reconcile the two rulemakings before either is finalized. The company takes no position on which heading is preferable. It asks only that the choice be made deliberately rather than by publication sequence.

V. Conclusion

Stone Bravo Outpost LLC supports finalization of the Proposed Rule. The company requests that the final rule (i) state expressly that the NICS access categories at 28 C.F.R. § 25.6(j) were established by regulation issued under § 103(h) of the Brady Act rather than by the Brady Act itself, and that nothing in the text of the Brady Act confines NICS determinations to licensee-originated transactions; (ii) adopt the clarifications in Part III; and (iii) reconcile the conflicting § 478.102 headings identified in Part IV.

Respectfully submitted,

/s/ Warren Stone

Warren Stone
Founder, Stone Bravo Outpost LLC