



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-AB01

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

Re: Notice of Proposed Rulemaking
Revising Regulations Defining "Engaged in the Business" as a Dealer in Firearms
91 Fed. Reg. 24,424 (May 6, 2026)
Docket No. ATF-2026-0074; ATF 2025R-27P
RIN 1140-AB01
Federal Register Document No. 2026-08919
Comment period closes August 4, 2026

Greetings:

Stone Bravo Outpost LLC submits these comments on the above-captioned Notice of Proposed Rulemaking (the "Proposed Rule"). Stone Bravo Outpost LLC is a Texas limited liability company with an interest in the regulatory category addressed by the Proposed Rule.

I. Position

Stone Bravo Outpost LLC supports the Proposed Rule.

The 2024 final rule, *Definition of "Engaged in the Business" as a Dealer in Firearms*, 89 Fed. Reg. 28,968 (Apr. 19, 2024) (codified at 27 C.F.R. pt. 478), adopted presumptions of dealer status that departed from the text Congress enacted at 18 U.S.C. § 921(a)(21)(C) and § 921(a)(22). Section 921(a)(21)(C) was added by the Firearms Owners' Protection Act, Pub. L. No. 99-308, § 101(6) (1986), and amended by § 12002(1) of the Bipartisan Safer Communities Act, Pub. L. No. 117-159, 136 Stat. 1313, 1324 (2022). Section 921(a)(22) was added by § 12002(3) of that Act, 136 Stat. at 1325, which inserted the definition of "to predominantly earn a profit" after paragraph (21); that definition did not exist before 2022.

On June 12, 2026, the United States District Court for the Northern District of Texas entered final judgment vacating the 2024 final rule under the Administrative Procedure Act, 5 U.S.C. § 706(2). *Texas v. ATF*, No. 2:24-cv-00089-Z (N.D. Tex. June 12, 2026) (final judgment, ECF No. 176). The court held that, because vacatur under the Administrative Procedure Act is "not party-restricted," ATF "may not apply the Final Rule to anyone—including individuals and organizations who are not parties to this case." *Id.*

Finalizing the Proposed Rule remains necessary notwithstanding that judgment: it conforms the published text of 27 C.F.R. part 478 to the statutory definition that remains in force, and gives the regulated public a single, stable, published statement of that definition in place of regulatory text that no longer has legal effect.

II. Requested preamble statements

Stone Bravo Outpost LLC requests that ATF address three points in the **preamble to the final rule**. Each request is for a preamble statement construing the statutory definition. None asks ATF to add regulatory text to a rulemaking that principally removes it, and none depends on the vacated presumptions: each concerns the application of the statutory definition itself, which remains in force and which the Proposed Rule proposes to restate at 27 C.F.R. § 478.11.

Two features of the Proposed Rule make these requests appropriate to resolve here.

First, fidelity to the enacted text is a stated ground — one of several ATF gives — for the changes proposed here. In proposing to remove the final sentence of the existing definition of "predominantly earn a profit," ATF explains that it does so "because this sentence is not in the statutory definition." The requests below apply that same ground.

Second, ATF has determined that retaining the auctioneer exception in this rulemaking "provides definitional clarity to the public and licensed community." ATF proposes to move that exception to § 478.11, and explains why:

Historically, licensees and non-licensees seeking guidance on the proper and lawful way to liquidate firearms, both in the regular course of their business or as an isolated occurrence, have commonly raised questions about auctioneers. Because ATF has regularly provided consistent guidance on what type of auction activity crosses the threshold to constitute engaging in the business of dealing in firearms, the portion of the definition that incorporates that exception into the regulation provides definitional clarity to the public and licensed community.

ATF adds that "[m]odifying or removing this part of the definition would likely cause undue and unnecessary confusion."

The exception ATF proposes to retain reads: "the term does not include an auctioneer who provides only auction services on commission to assist in liquidating firearms at an estate-type auction, as long as the auctioneer does not purchase the firearms or take possession of the firearms for sale or consignment." Its terms are limited to the estate-auction setting, and Stone Bravo Outpost LLC does not ask ATF to extend the exception itself. What the exception shows is that ATF already recognizes a person who provides only a service for a commission, and who neither purchases nor takes possession of a firearm, as standing outside the definition of a dealer.

A. Provision of services alone, without purchase or possession, is outside the statutory definition

The preamble to the final rule should state that providing software or technology services to two private parties — for the purpose of producing structured documentation of a specific lawful firearm transfer between those parties, or providing optional identity verification or support for a background check in connection with such a transfer — does not, by itself, make the service provider a person "engaged in the business" of dealing in firearms within the meaning of 18 U.S.C. § 921(a)(21)(C), where the service provider:

1. does not at any time take possession, custody, or control of any firearm;
2. does not purchase or resell any firearm;
3. does not list, advertise, or otherwise hold out firearms for sale or transfer to the public; and
4. does not act as a conduit, escrow, or agent in the chain of custody of any firearm.

This follows from the enacted text. Section 921(a)(21)(C) reaches "a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms." A person who neither purchases nor resells a firearm does not earn a profit "through the repetitive purchase and resale of firearms," and so does not come within the definition however much time, attention, and labor that person devotes to providing services.

The collection of a fee for such a service does not alter that conclusion. Section 921(a)(22) defines "to predominantly earn a profit" by reference to "the intent underlying the sale or disposition of firearms" — the statute does not say whose intent, and Stone Bravo Outpost LLC reads it as the intent of the person who sells or disposes of the firearm — not by reference to compensation earned by a person who provides a service and transfers nothing. A fee paid for a service is not profit obtained through the purchase and resale of firearms.

Conditions (2) and (1) track the two limits the auctioneer exception places on the auctioneer — no purchase of the firearm, and no possession of it for sale or consignment — and state them more broadly: condition (1) bars possession, custody, or control at any time and for any purpose. The exception is confined to an estate-type auction and so does not reach the service provider described here by its own terms. A person who is paid a commission for a service, and who neither buys nor holds the firearm, earns nothing "through the repetitive purchase and resale of firearms." That reading of § 921(a)(21)(C) is Stone Bravo Outpost LLC's own — ATF's stated grounds for retaining the exception are definitional clarity and consistency with its historical position, 91 Fed. Reg. at 24,431 — and on that reading the same text places the service provider described above outside the definition.

B. The medium in which a transferor keeps records is not a statutory factor

The preamble should state that a private party's use of structured electronic recordkeeping software in connection with an otherwise lawful private firearm transfer does not by itself establish that the transferor is "engaged in the business" within the meaning of 18 U.S.C. § 921(a)(21)(C).

The statutory test turns on the time, attention, and labor the person devotes to dealing in firearms, whether that dealing is a regular course of trade or business, the intent to predominantly earn a profit, and repetitive purchase and resale. The medium in which a transferor documents a transfer is not among

those elements. Treating it as an element of the statutory test would import into the definition a factor that "is not in the statutory definition" — the ground on which ATF proposes to remove the final sentence of the definition of "predominantly earn a profit."

C. Documenting a specific transfer is distinct from facilitating dealing

The preamble should distinguish:

1. **Documenting a specific transfer** — providing documentation, identity verification, or optional background-check support to two specific parties who have already agreed to a particular transfer; and
2. **Facilitating dealing** — providing services to a person whose own conduct satisfies 18 U.S.C. § 921(a)(21)(C).

The distinction is textual. Section 921(a)(21)(C) is addressed to the conduct of "a person who devotes time, attention, and labor to dealing in firearms." It asks what the person in question does, not what a counterparty or a service provider does. A service provider does not acquire the status of a person engaged in the business by serving one; and a transferor does not acquire that status by using a service. The definition therefore reaches only the person whose own conduct satisfies it: a person who provides a service to a party to a single agreed transfer is not, by that service alone, engaged in the business. The second category presents a different question, because there it is the customer's own conduct — not the service furnished to that customer — that satisfies the definition.

III. Conclusion

Stone Bravo Outpost LLC supports finalization of the Proposed Rule, and requests that ATF address the three points in Part II in the preamble to the final rule.

Respectfully submitted,

/s/ Warren Stone

Warren Stone
Founder, Stone Bravo Outpost LLC

