STONE BRAVO
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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-AA95

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

Re: Notice of Proposed Rulemaking
Firearm Records Retention Periods
Docket No. ATF-2026-0003 (ATF 2025R-08P)
RIN 1140-AA95
Federal Register Document No. 2026-08929
91 Fed. Reg. 24413 (May 6, 2026)
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

The Proposed Rule makes two structurally different changes to 27 C.F.R. § 478.129, and Stone Bravo Outpost LLC takes a different position on each. Because the two are easily conflated, the company states each at the outset.

As to records generated by the licensed dealer chain, the company supports the replacement of indefinite retention with definite, bounded periods, subject to the clarifications requested in Part II.

As to Forms 4473 used to facilitate private-party transfers and voluntary firearms handler checks, the company's primary position is that no federal retention period should attach to these records at all. As to private-party transfers, no such period has ever applied, and ATF's own preamble concedes it. As to voluntary firearms handler checks, ATF states that the use itself "is new," so no federal retention period can have applied to those records either. In the alternative — and only in the alternative — if ATF nonetheless finalizes a retention period for these records, the company requests in Part III that the period be a definite one with a mandatory destruction endpoint rather than a floor with no ceiling. Parts IV and V state two further requests and the company's position on the 20- versus 30-year question.

Every request below is made subject to, and expressly conditioned on, the statutory constraint stated first.

A. The anti-registry bar of 18 U.S.C. § 926(a) conditions every request in this comment

Section 926(a) of title 18 authorizes the Attorney General to prescribe "only such rules and regulations as are necessary to carry out the provisions of this chapter," and provides that no such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act "may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established."

ATF invoked that same policy in this rulemaking as an affirmative reason to bound a retention period, explaining that reducing the out-of-business records period would "alleviate concerns that ATF might have established or will establish a registry of firearms, firearms owners, or firearms transactions." 91 Fed. Reg. at 24419. The company asks that the same policy be given effect across every category the Proposed Rule reaches, and that the final rule be drawn so that no accumulation of retained transaction records approaches what § 926(a) forecloses.

Nothing in this comment should be read to invite, endorse, or acquiesce in any federal recordkeeping obligation. Where a request below is made in the alternative, it is made only against the contingency that ATF finalizes an obligation the company opposes, and it is directed at the form that obligation would take rather than at whether it should exist.

B. Replacement of indefinite retention with definite periods (licensee-chain records)

For records generated by the licensed dealer chain, the Proposed Rule replaces indefinite retention with a definite period. That change applies to Forms 4473 documenting a licensee's sale or other disposition of a firearm (proposed § 478.129(a)); to all other acquisition and disposition records other than importer and manufacturer acquisition records (proposed § 478.129(d)); and to out-of-business records held by ATF's National Tracing Center (proposed § 478.127(c)). Importer and manufacturer acquisition records would continue to be retained indefinitely (proposed § 478.129(c)).

The company supports the replacement of indefinite retention with a definite period for these categories. That change is a genuine reduction, and ATF has supported it with tracing data showing that approximately 89 percent of successful traces in FY 2024 identified a purchaser using records less than 20 years old. 91 Fed. Reg. at 24416.

C. Private-party transfer and firearms handler check records: no federal retention period should attach

The 90-day period proposed at § 478.129(a)(2) for Forms 4473 used to facilitate private-party transfers, and at § 478.129(a)(3) for Forms 4473 used to conduct voluntary firearms handler checks, is a different kind of change. It is not a shortening of an existing period. It is the first federal retention period ever to attach to these records. ATF says so directly:

> "These transactions have also not historically been subject to any records retention period under federal law, so a short retention period does not materially change the status quo when it comes to tracing."

91 Fed. Reg. at 24417.

The company's primary position follows from that concession. These transactions have never been subject to a federal retention period; ATF states that a period of the length proposed "does not materially change the status quo when it comes to tracing"; the record arises from a transaction between two unlicensed private parties in which the licensee "provides services solely to facilitate the background check, not the transfer" (proposed § 478.124(e)(1), 91 Fed. Reg. at 25446); and ATF states that the resulting form does not constitute a licensee firearms record (proposed § 478.129(a)(2), 91 Fed. Reg. at 24424). A record that federal law has never required, documenting a transaction ATF says is not the licensee's, is not a record on which a first-ever federal retention mandate should be imposed. The company accordingly requests that ATF not finalize proposed §§ 478.129(a)(2) and (a)(3) as retention mandates.

If ATF nonetheless proceeds, the period as proposed is a floor, not a cap. The proposed text provides that licensees "must retain Forms 4473 used for private-party transfers for **no less than** 90 days from the date on which they initiate the associated background check." Proposed § 478.129(a)(2), 91 Fed. Reg. at 24424 (emphasis added). ATF's related preamble discussion confirms the same framing: licensees "would retain those Forms 4473 for no less than 90 days (three months) from the date on which they initiate the associated background check." 91 Fed. Reg. at 24417.

The company's alternative request, made only if ATF finalizes a period notwithstanding the foregoing, is set out in Part III: that the period be given a defined endpoint with mandatory destruction rather than left as a minimum only. That request is not agreement that the period should be established. It is directed at the form the obligation would take if imposed, and it holds ATF to the rationale ATF has itself stated.

D. Statutory framework for a definite period, in the alternative

If ATF finalizes any retention period, prescribing a definite one is within the authority Congress granted. Section 923(g)(1)(A) of title 18 requires licensed importers, manufacturers, and dealers to maintain records "for such period, and in such form, as the Attorney General may by regulations prescribe." That authority to prescribe the period is not an authority to prescribe only a minimum; it comprehends prescribing a definite period with an endpoint, which is the structure ATF has already selected elsewhere in this same rulemaking. See proposed § 478.127(c), 91 Fed. Reg. at 24423 (ATF "will retain records delivered to and maintained at its Out-of-Business Records Center for no longer than 20 [or 30] years"). A definite and bounded period is also the structure most consistent with the policy of § 926(a) set out in Part I.A.

II. Requested clarifications

The company requests three clarifications.

A. Scope of the 90-day private-party retention period

Proposed § 478.129(a)(2) attaches a retention period to "Forms 4473 used for private-party transfers." That category is not defined in this rulemaking. It is defined only in a separate, concurrent rulemaking — *Revising Firearms Transaction Record, "Form 4473"* (RIN 1140-AA82, Docket No. ATF-2026-0001, Federal

Register Document No. 2026-09182, 91 Fed. Reg. 25432 (May 8, 2026)) — which proposes a new § 478.124(e) providing that "[t]o the extent permitted by 28 CFR part 25, a licensee may facilitate a background check for private-party transfers," and defining a private-party transfer as "a transfer between two persons who are not licensed importers, manufacturers, or dealers under the Gun Control Act, and does not involve the licensee in the transfer." 91 Fed. Reg. at 25446. ATF acknowledges the dependency: the private-party use of Form 4473 "has not been in ATF's regulations," and ATF is incorporating it "[i]n another rulemaking." 91 Fed. Reg. at 24417.

The company requests that the final rule clarify, in either regulatory text or preamble:

1. that the retention period at § 478.129(a)(2) attaches to Forms 4473 used to facilitate a private-party transfer under § 478.124(e) as proposed in RIN 1140-AA82, preferably by express cross-reference in the regulatory text; and what retention obligation, if any, attaches to such forms if RIN 1140-AA82 is not finalized, or is finalized on different terms — a question made live by the severability statement in this Proposed Rule, under which "the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received." 91 Fed. Reg. at 24423; and
2. for any voluntary private-party background check the Bureau may separately authorize in the future, whether a check structured so that its originator creates no retained record is subject to any retention obligation at all. A retention period presupposes a record. Where no record comes into existence, there is nothing for a period to attach to, and the company requests that the final rule not be drafted in terms that would imply a record-creation obligation where none is imposed.

These clarifications reduce regulatory uncertainty for parties developing recordkeeping systems for private-party transactions.

The company's request concerning destruction of these records once the 90-day period has run is set out in Part III rather than here, because it is a request for an amendment and not merely for clarification.

B. Consistency of rationale across record categories

The Proposed Rule rests in part on the principle that retention periods for firearm transaction records should be calibrated to specific law-enforcement and public-safety needs, and should not exceed the period necessary to serve those needs. ATF applies that principle to licensee-chain records, reasoning that "the utility of older records for tracing firearms does not outweigh the increased cost of permanently retaining electronic or paper records," 91 Fed. Reg. at 24415, and to out-of-business records, where it proposes a bounded period to reduce record volume and alleviate registry concerns, 91 Fed. Reg. at 24419.

That principle, applied consistently, supports:

1. the company's primary position stated in Part I.C — that no retention period attach to private-party transfer records, which arise from a transaction between two unlicensed private parties in which the licensee "provides services solely to facilitate the background check, not the transfer" (proposed § 478.124(e)(1), 91 Fed. Reg. at 25446), and which ATF states does not constitute a licensee firearms record (proposed § 478.129(a)(2), 91 Fed. Reg. at 24424) — and, if a period is nonetheless imposed, a period no longer than the 90 days ATF has identified as sufficient, ending in required destruction;

2. the 5-year retention period for reports of multiple sales or other disposition and theft/loss reports under proposed § 478.129(b); and the 5-year period for private-party-transfer Forms 4473 that received a "denied" NICS response under proposed § 478.129(a)(2), which ATF ties to the statute of limitations at 18 U.S.C. § 3282 (91 Fed. Reg. at 24417); and
3. retention periods that are protective of the personally identifiable information of private parties wherever it appears in records a licensee is required to keep. Section 923(g)(1)(A) imposes recordkeeping obligations on licensed importers, manufacturers, and dealers. The company does not understand the Proposed Rule to assert recordkeeping authority over persons who are not licensees, and requests that the final rule contain no text capable of being read to assert it.

The company requests that the preamble of the final rule articulate this principle explicitly, so that future ATF guidance and rulemaking on related categories of records may apply the same calibration analysis.

C. Definition of "voluntary firearms handler checks"

Proposed § 478.129(a)(3) imposes a retention obligation on "Forms 4473 used for voluntary firearms handler checks." The Proposed Rule does not define that term in its regulatory text. The company requests that it do so, for three reasons.

First, the term is undefined in this rule. The preamble describes these as checks a licensee conducts on "certain current or prospective employees," 91 Fed. Reg. at 24417 — a purpose distinct from the private-party transfer records addressed above — but that description appears only in the preamble, while the obligation is imposed by the regulatory text. As with the private-party category, the operative definition is proposed only in the separate RIN 1140-AA82 rulemaking, at proposed § 478.124(f). The severability statement at 91 Fed. Reg. 24423 makes the consequence of that dependency uncertain.

Second, the terminology is not consistent across the two rulemakings. This Proposed Rule's preamble refers to "voluntary firearm handler background checks ('FHCs')" and to a "voluntary FHC," 91 Fed. Reg. at 24417, while its regulatory text refers to "[v]oluntary firearms handler checks," proposed § 478.129(a)(3), 91 Fed. Reg. at 24424.

Third, the scope of the covered population differs between the preamble and the companion regulatory text. This Proposed Rule's preamble refers to "certain current or prospective employees," 91 Fed. Reg. at 24417. The companion rulemaking's preamble refers to "current or prospective FFL employees who would be handling firearms." 91 Fed. Reg. at 25436. But the companion rulemaking's proposed regulatory text provides only that "[t]he licensee may voluntarily engage in conducting NICS background checks on the licensee's own employees," proposed § 478.124(f), 91 Fed. Reg. at 25446 — language that does not on its face reach a prospective employee, and that does not carry the "who would be handling firearms" limitation. A retention obligation should attach to a defined category, and the boundaries of this category are presently unclear.

The company therefore requests that the final rule:

1. codify in the regulatory text of § 478.129, or incorporate by express cross-reference, a definition of a voluntary firearms handler check — a licensee's NICS background check of its own current or prospective employees who would be handling firearms — so that the retention obligation attaches to a defined category;
2. adopt a single term for the category and use it consistently in both the preamble and the regulatory text; and

3. specify what records of such a check are subject to the 90-day period and what records, if any, are subject to a longer period.

III. Alternative request: if a period is finalized, require destruction of private-party forms once it has run, consistent with ATF's stated rationale

This Part is addressed to ATF in the alternative only. If ATF declines the company's primary request in Part I.C and finalizes a retention period for private-party Forms 4473, the company requests that ATF give effect, in the regulatory text, to the conclusion ATF has already reached in its preamble — that these records are to be destroyed rather than kept. Nothing in this Part is agreement that the period should be established.

A. ATF's stated rationale

ATF explains the 90-day period as follows:

> "ATF believes that allowing licensees to destroy these records after 90 days would best provide for public safety. A short retention period would encourage more individuals to perform voluntary background checks before transferring firearms on the secondary market. A longer, or permanent, sales record retention period could raise privacy concerns among private party sellers and purchasers. This privacy interest could cause private parties to choose to sell their firearms without a background check if licensees were required to retain them for longer periods. These transactions have also not historically been subject to any records retention period under federal law, so a short retention period does not materially change the status quo when it comes to tracing."

91 Fed. Reg. at 24417.

That passage states three propositions. They are ATF's own, stated in ATF's own terms — a concern, a prediction, and a belief — and the company quotes them as such rather than adopting them as its own position or recasting them as findings ATF did not make. They matter here because a final rule must be consistent with the rationale on which the agency rests it:

1. **ATF states a concern that participation in voluntary private-party background checks is sensitive to how long the resulting record is kept.** A longer period "could cause private parties to choose to sell their firearms without a background check."
2. **ATF predicts that limiting retention increases the number of voluntary checks performed.** A short period "would encourage more individuals to perform voluntary background checks before transferring firearms on the secondary market."
3. **ATF states its belief that the result serves public safety.** Allowing destruction after 90 days "would best provide for public safety."

Taken together, the rationale ATF has stated is that the record which discourages a check is the record which costs a check. Whatever weight ATF gives that rationale, it is the rationale ATF has chosen, and the regulatory text ATF has proposed is not consistent with it.

B. The proposed text does not deliver what the rationale describes

ATF's rationale is expressed in terms of destruction: "allowing licensees to destroy these records after 90 days." The proposed text is expressed only in terms of a minimum: licensees "must retain Forms 4473 used for private-party transfers for no less than 90 days from the date on which they initiate the associated background check." Proposed § 478.129(a)(2), 91 Fed. Reg. at 24424.

Those are not the same instrument. As proposed, nothing in § 478.129(a)(2) requires — or even authorizes in terms — destruction at any point. A licensee that elects to retain private-party Forms 4473 for ten years, or permanently, would comply fully with the text as written. The premise of ATF's rationale is that a "longer, or permanent" retention period raises the privacy concerns that suppress voluntary checks. A floor with no endpoint permits exactly the longer or permanent retention that ATF identifies as the harm, and leaves the duration to each licensee's discretion. The result is that the privacy assurance on which ATF's public-safety conclusion rests would not exist as a matter of federal law, and could not be relied upon by a private seller deciding whether to seek a check.

That a licensee's retention is voluntary rather than compelled does not answer the concern. From the perspective of the private seller and purchaser whose behavior ATF is seeking to influence, what matters is whether a record of their transaction will persist — not whether its persistence is required by ATF or chosen by the licensee. ATF's stated concern is about the effect of the record's existence. A rule that leaves that existence indefinite does not deliver the assurance that concern depends on.

ATF has drafted retention endpoints elsewhere, including within this same rulemaking, precisely where privacy and registry concerns are in play:

- **Out-of-business records.** Proposed § 478.127(c) provides that ATF "will retain records delivered to and maintained at its Out-of-Business Records Center for **no longer than** 20 [or 30] years from the date they receive the records." 91 Fed. Reg. at 24423 (emphasis added). ATF proposes that ceiling in part to "alleviate concerns that ATF might have established or will establish a registry of firearms, firearms owners, or firearms transactions." 91 Fed. Reg. at 24419.
- **The NICS Audit Log.** The federal benchmark ATF selected for the 90-day period is itself drafted as a ceiling. Under 28 C.F.R. § 25.9(b)(1)(ii), audit log records relating to "transactions in an open status, **except the NTN and date**, will be destroyed after **not more than** 90 days from the date of inquiry"; under § 25.9(b)(1)(iii), for allowed transactions, "all identifying information submitted by or on behalf of the transferee will be destroyed **within 24 hours**," and all other information except the NICS Transaction Number and date "will be destroyed after **not more than** 90 days from the date of inquiry" (emphasis added).
- **The denied branch of this very paragraph.** Proposed § 478.129(a)(2) provides that licensees must retain denied private-party Forms 4473 "for no less than five years **and may then dispose of them**." 91 Fed. Reg. at 24424 (emphasis added). ATF thus contemplated express disposal language and included it only in the denied branch.

The asymmetry is the point. Where ATF identified registry concerns as to its own holdings, it wrote "no longer than." Where the Department addressed NICS records, it wrote "not more than." Where ATF identified privacy concerns as the *operative* rationale — the private-party category — it wrote only "no less than." The company respectfully submits that this is a drafting gap rather than a considered policy choice. ATF's own word is permissive — "allowing licensees to destroy these records after 90 days" — and a floor does permit destruction, so the text is not contrary to the preamble. The narrower point is that nothing in the text requires destruction at any point, or authorizes it in terms; and it is the assurance that the record will not persist, rather than the bare permissibility of destroying it, on which ATF's participation and public-safety findings depend.

C. Requested action

If ATF finalizes a retention period for these records, the company requests that ATF amend proposed § 478.129(a)(2) so that Forms 4473 used to facilitate private-party transfers, other than those receiving a "denied" response from NICS, are retained for the full 90-day period and must then be destroyed within a defined window after that period ends, rather than merely retained for at least 90 days and thereafter indefinitely. The company suggests regulatory text substantially as follows, with additions to the Proposed Rule shown in bold and deleted words struck through:

> **(2) Private-party transfers.** FFLs must retain Forms 4473 used for private-party transfers for ~~no less than~~ 90 days from the date on which they initiate the associated background check, **and, except as otherwise provided in this paragraph, must destroy them within 30 days after the expiration of that period.** They must retain them alphabetically (by name of transferee) or chronologically (by date of transferee's certification). However, licensees must retain Forms 4473 used for this purpose that receive a "denied" response from NICS for no less than five years and may then dispose of them. These records do not constitute licensee firearms records, and the licensee therefore does not send them to ATF's Out-of-Business records center when the FFL absolutely discontinues its business.

The 90 days remain a floor: nothing is destroyed before the period ATF has identified as necessary has fully run. The 30-day tail that follows is offered to give licensees a workable compliance window rather than to require destruction at a single instant. What the company urges is the structure — a 90-day retention floor followed by a mandatory destruction window of defined length. The length of that window is a matter on which ATF may reasonably prefer a different interval.

The company does not ask ATF to disturb the five-year period for denied private-party forms. That period is separately justified by the statute of limitations at 18 U.S.C. § 3282, 91 Fed. Reg. at 24417, and denied records persist on the federal side as well: under 28 C.F.R. § 25.9(b)(1)(i), denied transaction records are retained in the NICS Audit Log for 10 years and then transferred to an FBI-maintained electronic database. The company's request is directed only to the non-denied branch.

The company notes that ATF's conclusion that licensees "do not need to retain them longer than three months," 91 Fed. Reg. at 24417, is stated as to both private-party transfer forms and voluntary firearms handler check forms, and that ATF's belief that "allowing licensees to destroy these records after 90 days would best provide for public safety" likewise refers to both categories. ATF may wish to consider whether the same treatment is warranted for proposed § 478.129(a)(3). The company's request, however, is directed to § 478.129(a)(2), because the privacy and participation findings ATF articulated are specific to "private party sellers and purchasers" and to the secondary market.

D. A required destruction window is compatible with each 90-day interest ATF has asserted

ATF has given specific reasons for wanting private-party forms to exist during the 90-day window. The company's primary position, stated in Part I.C, is that no such record should be federally required, and it does not concede that the interests ATF asserts establish authority to require one. It shows here only that the amendment requested in this Part is compatible with every interest ATF has asserted, so that none of those asserted interests supplies a reason to reject it. ATF explains:

> "ATF would also be able to research issues in other contexts, for example, an FBI NICS audit log that shows an extra background check the licensee conducted but for which there is no Form 4473 in the licensee's records; ATF would be able to use these temporary forms to clarify that the licensee conducted the background check to facilitate a private-party transfer."

91 Fed. Reg. at 24417. In the companion rulemaking, ATF states the same need more fully:

> "ATF might need to clarify that a NICS check entry on an audit log from FBI correlates with the number on a private-party transfer form so the licensee does not appear to have run a NICS check without completing a Form 4473, or might need to see the private-party form to clarify that the licensee did not transfer a firearm without running a background check or completing a Form 4473."

91 Fed. Reg. at 25436 n.9.

ATF gives two further reasons in this Proposed Rule, which the company notes for the same purpose. First, the 90 days give the background check itself time to finish: "During that period, NICS can research a 'delayed' response and has that period to research and resolve the check, so retaining the forms for that period would be consistent with the time to resolve open FHC or private party checks." 91 Fed. Reg. at 24417. Second, ATF would be able "to clarify that a transaction involving a missing firearm from licensee inventory was incorrectly checked as a private-party transfer on the form and verify that the licensee did indeed complete the required form and background check for that transaction." *Id.*

Whatever the merits of these asserted interests, none of them is impaired by the amendment requested. The reason is structural rather than argumentative: the destruction obligation the company asks for does not begin until the 90 days have fully run. The forms remain in the licensee's hands, in full, for the entire period ATF has said it needs them — for resolving a delayed check, for reconciling an audit-log entry, and for clarifying a missing-inventory discrepancy alike. What the amendment governs is only what happens *after* that period, which is the one question ATF's text presently leaves open. Three further points, drawn from ATF's own statements and from the Department's existing regulations, confirm that the interests ATF identified are ones that live and die within the 90 days.

First, ATF has already bounded the need to the same 90 days. In the footnote quoted above, ATF states that it "retains the authority to review the forms if needed **within the 90-day period** to clarify regulatory compliance." 91 Fed. Reg. at 25436 n.9 (emphasis added). ATF likewise states in this Proposed Rule that it "would not inspect these forms as records in their own right (unless they happen to be erroneously marked as private-party transfers when they are not) because they do not involve FFL transactions, and licensees therefore do not need to retain them longer than three months." 91 Fed. Reg. at 24417.

The company does not read past the parenthetical exception. ATF reserves inspection for the case in which a form is marked as a private-party transfer when the transaction was not one — the same case ATF describes when it explains that it would be able to clarify that a missing-inventory firearm "was incorrectly checked as a private-party transfer on the form." *Id.* Two things follow. The reservation sits inside the same sentence in which ATF concludes that licensees "do not need to retain them longer than three months," and the companion footnote limits ATF's contemplated review to "within the 90-day period" — so ATF has placed the reserved inspection inside the same window as everything else, not outside it. And a form erroneously marked as a private-party transfer is, on the face of the proposed text, not a Form 4473 "used for private-party transfers" at all; the period governing it is the one attaching to the licensee transaction it actually documents, which the requested amendment leaves untouched. The requested amendment therefore does not shorten the window ATF reserved by a single day; it declines to extend it beyond the point ATF itself identified as sufficient.

Second, ATF states that the 90 days correspond to the life of the federal record to be reconciled against. ATF explains that "[t]hree months corresponds with the time until the Federal Bureau of Investigation's National Instant Criminal Background Check System ('NICS') purges transaction information." 91 Fed. Reg. at 24417. That purge is governed by 28 C.F.R. § 25.9(b)(1). For an allowed transaction, all identifying information submitted by or on behalf of the transferee is destroyed within 24 hours of the determination, and all other information except the NICS Transaction Number and date is destroyed after not more than 90 days. § 25.9(b)(1)(iii). For an open transaction, all information except the transaction number and date is destroyed after not more than 90 days. § 25.9(b)(1)(ii). The reconciliation ATF describes is a comparison between the licensee's form and the FBI's audit log entry. After 90 days, the audit log side of that comparison has been reduced by federal regulation to a transaction number and a date. A licensee-held form retained beyond 90 days therefore has progressively less to be reconciled against, while continuing to carry the full privacy exposure ATF identified.

Third, the structure ATF has proposed already reflects this pairing, and the requested amendment completes it. For non-denied checks, the audit log is substantially purged at 90 days, and ATF has correspondingly proposed 90 days. The denied branch is set by a different measure: ATF ties its five-year period to the statute of limitations at 18 U.S.C. § 3282, 91 Fed. Reg. at 24417, and the denied records on the federal side are not destroyed at 10 years but transferred to an FBI-maintained electronic database, 28 C.F.R. § 25.9(b)(1)(i). Requiring destruction once the non-denied period has run makes that pairing explicit rather than accidental.

The company acknowledges one qualification, and does not overstate its position. Under § 25.9(b)(1)(ii) and (iii), the NICS Transaction Number and the date of inquiry are excepted from the 90-day destruction and therefore survive it. It remains conceivable that ATF could wish, after 90 days, to associate a surviving transaction number with a particular form. Two points respond to that. A residual entry consisting of a transaction number and a date does not identify a transferee, and so cannot supply the identifying reconciliation ATF describes. And ATF has, in any event, expressly limited its own contemplated review to "within the 90-day period." If on consideration ATF concludes that it requires a longer window for some identified reconciliation purpose, the company requests that ATF say so expressly, state the purpose, and pair that longer window with the **same requirement of destruction once it has run** — rather than leave licensee retention of private-party records unbounded, which serves no reconciliation purpose ATF has articulated and forfeits the participation benefit ATF has found.

E. Basis for the request

The requested amendment rests on three grounds.

1. **ATF's own findings.** ATF has found that retention deters voluntary checks, that limiting retention increases them, and that the increase is a public-safety good. 91 Fed. Reg. at 24417. A retention period with a required endpoint is the instrument that produces the assurance those findings depend on. A floor standing alone is not.
2. **Statutory authority.** Section 923(g)(1)(A) of title 18 commits the retention period to the Attorney General's prescription — "for such period, and in such form, as the Attorney General may by regulations prescribe." Prescribing a period with a defined endpoint is an exercise of that authority, not a departure from it, as proposed § 478.127(c) demonstrates within this same rulemaking. The policy of 18 U.S.C. § 926(a) set out in Part I.A points the same way, and ATF invoked that policy in this rulemaking as a reason to bound a retention period. 91 Fed. Reg. at 24419.
3. **No retention history to preserve.** These transactions "have also not historically been subject to any records retention period under federal law." 91 Fed. Reg. at 24417. There is no established tracing practice, no settled licensee expectation, and no prior period that a required endpoint would cut short. That absence is the company's principal reason for asking, in Part I.C, that no period be established at all. If ATF nonetheless establishes one, the same absence leaves ATF entirely free to write the endpoint its rationale calls for.

IV. Extension of ATF's stated policy to voluntary checks not originated by a licensee

ATF's rationale for the 90-day period turns on a prediction and a policy judgment stated in the preamble. ATF predicts that "[a] short retention period would encourage more individuals to perform voluntary background checks before transferring firearms on the secondary market," and states its belief that "allowing licensees to destroy these records after 90 days would best provide for public safety." 91 Fed. Reg. at 24417. Those statements are ATF's, and the company quotes them as such. The inference the company draws from them is the company's own: that where a feature of the federal rules suppresses voluntary checks, reducing that feature serves the public-safety interest ATF has identified. The company writes to observe that, on ATF's own reasoning, that has an implication beyond the retention question, and to ask ATF to consider it.

The Proposed Rule, together with the companion rulemaking, addresses voluntary private-party checks in a single configuration: a check facilitated by a Federal Firearms Licensee, who runs the query and holds the resulting form. Proposed § 478.124(e), 91 Fed. Reg. at 25446. No federal provision presently authorizes any voluntary private-party check, including one routed through a licensee. Under 28 C.F.R. § 25.6(a), licensees "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 companion rulemaking accordingly proposes its private-party paragraph only "[t]o the extent permitted by 28 CFR part 25." Proposed § 478.124(e), 91 Fed. Reg. at 25446. A non-licensee who wishes to verify a counterparty's eligibility therefore has no federal channel available at all.

If ATF's prediction is sound, then the same reasoning ATF gives for limiting the record bears on the channel itself. What ATF has identified is a privacy interest, and ATF has identified it as to retention: "A longer, or permanent, sales record retention period could raise privacy concerns among private party sellers and purchasers. This privacy interest could cause private parties to choose to sell their firearms without a background check if licensees were required to retain them for longer periods." 91 Fed. Reg. at 24417. That is ATF's finding, and the company does not extend it beyond what ATF said. The company's own further point, which ATF has not made and which the company does not attribute to ATF, is that the record is not the only condition a private seller encounters: the requirement to route the transaction through a licensee is a further condition on obtaining a check, and one that a rule limiting record length does not reach. On the company's view, therefore, a rule that minimizes the record but leaves the channel unchanged captures only part of the effect ATF's own reasoning implies.

The company notes that ATF has already contemplated inter-agency work in this area, observing that "licensees must conduct private-party transfers in accordance with this proposed rule and a pending upcoming FBI rule for such purposes." 91 Fed. Reg. at 25436 n.9.

So that the Bureau knows what the company has in view when it asks that the final rule not foreclose it, the company describes the framework here in outline. It is a voluntary private-party background check that is not originated by a licensee: a check an eligible private party could request directly, subject to defined eligibility criteria for who may originate a request; to identity-proofing standards sufficient to bind the request to the person making it and to the counterparty being checked; to defined submission and response protocols returning an eligibility determination and nothing more; and to data-minimization rules under which the originator creates and retains no record of the check, paired with express anti-registration safeguards consistent with 18 U.S.C. § 926(a). The company offers this description only to identify the category, not as a proposal for adoption in this rulemaking.

The company recognizes that the design of such a framework is beyond the scope of this rulemaking, and it does not ask ATF to undertake that design in this final rule. It asks only two things, both within scope:

1. that, to the extent the final rule rests on it, the preamble state the position ATF has already taken — that limiting the records generated by voluntary private-party checks encourages more such checks, and that ATF regards more such checks as serving public safety — as a general proposition rather than solely as a justification for the 90-day period, so that it is available to inform ATF's and the FBI's consideration of related questions; and
2. that the final rule avoid drafting that would foreclose or prejudge a future framework in which a voluntary check produces no originator record — in particular, that ATF not adopt text implying that a voluntary private-party check must generate a retained record, or that the existence of such a record is a condition of a check's validity.

Neither request requires ATF to commit to any particular future action, and neither depends on the merits of any framework of the kind described above, or on any other proceeding. Stone Bravo Outpost LLC states its interest in the regulatory category addressed by any such framework and its intent to participate in any proceeding the agencies may open.

V. Position on 20- versus 30-year retention of dealer records

The Proposed Rule requests comment on a 20- or 30-year retention period for Forms 4473 and Acquisition and Disposition records. 91 Fed. Reg. at 24421. Stone Bravo Outpost LLC supports the shorter of the two periods: 20 years.

ATF's own tracing data supports that choice. ATF reports that approximately 89 percent of successful traces in FY 2024 identified a purchaser using records less than 20 years old, and the same in FY 2025. 91 Fed. Reg. at 24416. A 30-year period would extend federal recordkeeping by a further decade to reach the residual fraction, while holding an additional ten years of identifying information about private citizens in records subject to inspection and, on a licensee's discontinuance, delivery to ATF's Out-of-Business Records Center. The policy of 18 U.S.C. § 926(a) discussed in Part I.A counsels the shorter period, as ATF itself recognized when it identified the reduction of retained record volume as a way to "alleviate concerns that ATF might have established or will establish a registry of firearms, firearms owners, or firearms transactions." 91 Fed. Reg. at 24419. Where the agency's own data shows the longer period adds little tracing utility, the shorter period should be selected.

VI. Conclusion

Stone Bravo Outpost LLC supports the replacement of indefinite retention with definite, bounded periods for licensee-chain records, supports the shorter 20-year period for dealer records, and requests the clarifications set out in Part II and the two requests made in Part IV.

The company opposes the establishment of any federal retention period for Forms 4473 used to facilitate private-party transfers and voluntary firearms handler checks. As to private-party transfers, no such period has ever applied, and ATF's preamble concedes it: these transactions "have also not historically been subject to any records retention period under federal law." 91 Fed. Reg. at 24417. As to voluntary firearms handler checks, ATF states that the use "is new," *id.*, so there is likewise no retention history to preserve. The company asks that proposed §§ 478.129(a)(2) and (a)(3) not be finalized as retention mandates.

If ATF nonetheless finalizes such a period, the company's alternative request is the one stated in Part III. ATF has found that a short retention period for private-party transfer records "would encourage more individuals to perform voluntary background checks before transferring firearms on the secondary market," and that permitting destruction of those records after 90 days "would best provide for public safety." *Id.* A rule resting on that finding cannot leave the record in place indefinitely. The regulatory text should carry ATF's own conclusion into effect: these records should be retained no longer than the 90 days ATF has identified as sufficient and then destroyed within a defined window, rather than retained for at least 90 days and thereafter for as long as any licensee may choose.

Each request in this comment is made subject to 18 U.S.C. § 926(a) as set out in Part I.A.

Respectfully submitted,

/s/ Warren Stone

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