



GUN OWNERS OF AMERICA

THE ONLY NO-COMPROMISE GUN LOBBY IN WASHINGTON

RE: Removing CLEO Notification Under the National Firearms Act

ADDRESSED TO

Office of Regulatory Affairs

Bureau of Alcohol, Tobacco, Firearms and Explosives

U.S. Department of Justice

Washington, DC 20226

SUBMITTED BY

Gun Owners of America

Gun Owners Foundation

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91 Fed. Reg. 24471 (May 6, 2026)



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Re: Removing CLEO Notification Under the National Firearms Act, RIN 1140-AA65, 91 Fed. Reg. 24471 (May 6, 2026).
Submitted by Gun Owners of America & Gun Owners Foundation.



GOA & GOF COMMENTS TO ATF ON THE CLEO NOTIFICATION NPRM

GOA FEDERAL AFFAIRS | FORMAL COMMENTS ON RIN 1140-AA65 • 91 FED. REG. 24471 (MAY 6, 2026)

Re: *Removing CLEO Notification Under the National Firearms Act (RIN 1140-AA65)*

DOJ RULEMAKING

On May 6, 2026, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) published a notice of proposed rulemaking to “remove the requirement that a copy of all applications to make or transfer a firearm subject to the National Firearms Act [‘NFA’] ... be forwarded to the chief law enforcement officer [‘CLEO’] of the locality in which the applicant/transferee or responsible person is located.” 91 Fed. Reg. 24471 (May 6, 2026) (“NPRM”).¹ As the NPRM acknowledges, such requirement does not “meaningfully aid[] criminal investigations” and is not necessary “for purposes of approving or disapproving firearm transfers.” *Id.* at 24473. The NPRM seeks public comment on “the clarity of this proposed rule and how it may be made easier to understand,” as well as “the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.” *Id.* at 24477.

IDENTITY OF COMMENTERS

Gun Owners of America, Inc. (“GOA”) is a California non-stock corporation headquartered in Springfield, Virginia. Organized as a nonprofit membership organization under Section 501(c)(4) of the Internal Revenue Code, GOA was founded in 1976 with the mission to preserve, protect, and defend the Second Amendment rights of gun owners. Today, GOA represents the interests of more than two million members and supporters nationwide, and routinely lobbies and litigates to vindicate the right to keep and bear arms throughout the country.

Gun Owners Foundation (“GOF”) is a Virginia non-stock corporation headquartered in Springfield, Virginia. GOF is a nonprofit legal defense and educational foundation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. Supported by a national donor base, GOF provides essential legal services and educational resources to the firearms community. Its activities include strategic litigation and administrative advocacy, including the submission of comments such as these intended to safeguard the enumerated right of the people to keep and bear arms.

GOA and GOF have a direct interest in this rulemaking, which will affect the many thousands of their individual members and supporters who make and transfer NFA firearms nationwide. These members and supporters have expressed confusion on nearly all aspects of the CLEO notification requirement – *who* the CLEO is for a given jurisdiction (e.g., county sheriff, police superintendent, district attorney, etc.); *when* the CLEO notification must be sent (i.e., “[p]rior to submitting the application to the Director,” as the NPRM at 24472 states, or *after* submission, which is when the actual CLEO copy is generated); *how* the CLEO notification should be sent (e.g., printed and mailed versus emailed); and even *who* should send it (e.g., the transferor/seller or the transferee/purchaser). Moreover, GOA and GOF’s members and supporters overwhelmingly oppose the interposition of local officials between “the people” and the exercise of their enumerated rights, believing that local law enforcement has no business receiving registration information for Americans’ “Arms” that are protected under the Second Amendment. Thus,

1. See <https://www.govinfo.gov/content/pkg/FR-2026-05-06/pdf/2026-08912.pdf>.

GOA and GOF submit these comments to encourage ATF to eliminate the archaic, burdensome, and unconstitutional CLEO notification requirement.

SUMMARY OF COMMENTS

Commenters applaud ATF's recent efforts to reduce regulatory burdens on gun owners, and this NPRM is a perfect example. As the NPRM acknowledges, CLEO notification serves literally no purpose in the modern NFA approval process. Indeed, the people do not want it, ATF does not benefit from it, and law enforcement does not use it. Thus, because CLEO notification is admittedly not "needful" to the enforcement of the NFA, the statute not only gives ATF the *discretion* but in fact *requires* that ATF finalize this NPRM to eliminate the requirement.

COMMENTS ON PROPOSED RULE

I. The NPRM Is a Much-Needed Step to Reduce Bureaucratic Red Tape that Infringes the Right to Keep and Bear Arms.

A. The CLEO Requirement Historically Has Been Prone to Abuse.

The Second Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Those "Arms" undoubtedly include NFA firearms.² Yet as the NPRM acknowledges, prior iterations of the NFA CLEO requirement vested local officials with the discretion to deny Second Amendment rights by withholding certifications of NFA applications. See NPRM at 24473. Indeed, many CLEOs simply refused to sign off on NFA applications for ideological reasons, or for fear of "civil liability should weapons be misused." *Id.*

For instance, in 2013, many previous commenters detailed local abuses of the CLEO requirement. As one commenter noted, "I live in a county in Kansas where our CLEO is opposed to the possession of Class III items by civilians. He simply will not approve them, for anyone. I am a lawyer, a CCH licensee, a CCH instructor, among other things."³ Another "directly quoted his sheriff's refusal and described his encounters with other CLEOs who would not sign either because they did not want civilians in their jurisdiction to have firearms or because of concern for political liability." *Id.* at 34. Another "identified by name and jurisdiction two CLEOs who refused to sign forms." *Id.* at 35.

Likewise, in 2012, the sheriff of St. Johns County, Florida flatly refused to sign CLEO notification forms going forward.⁴ The interim sheriff of Luzerne County, Georgia also refused.⁵ Meanwhile, Lackawanna County, Pennsylvania Sheriff John Szymanski imposed a moratorium on signing ATF forms for NFA weapons around the same time. *Id.* Judging from the comments received by ATF at the time, CLEO obstruction was widespread across the nation. Indeed, the prior CLEO certification requirement "gave local law enforcement officials a practical veto over federal NFA applications."⁶ The resulting patchwork of recognition for the Second Amendment was precisely what the Constitution was designed to prohibit. As the Supreme Court recently reiterated, "the Second Amendment has the same meaning in all parts of the United States. ... Merely local attitudes can neither shrink nor inflate the meaning of fundamental Bill of Rights guarantees...." *Wolford v. Lopez*, 225 L. Ed. 2d 494, 513 (2026).

2. See <https://x.com/ATFDirectorRC/status/2081741520672088079> (ATF Director Robert Cekada explaining that "[e]very [NFA] application represents an American exercising a constitutional right")

3. David M. Goldman, *Comments in Opposition to Proposed Rule ATF 41P*, *Gun Trust Lawyer* (Oct. 2013), <https://tinyurl.com/2r37nb6n>, at 35.

4. Sheldon Gardner, *Want to Buy a Silencer, Sawed-Off Shotgun or Explosives? Sheriff Will No Longer Help*, *St. Augustine Record* (July 15, 2012), <https://tinyurl.com/mv3nhanp>.

5. Michael P. Buffer, *Sheriff Refuses to Sign Machine Gun Forms*, *The Citizens' Voice* (Apr. 28, 2013), <https://tinyurl.com/2b44dp36>.

6. Jonathan Goldstein, *The End of CLEO Notification: NFA Forms, Local Records, and Regulatory Deadwood*, *University of Wyoming* (June 26, 2026), <https://tinyurl.com/259wdwn9>.

Although the current system of CLEO *notification* is far less onerous than the prior regime of outright denials of *permission*, that does not mean CLEO notifications are immune from abuse. During the Biden Administration, ATF's pistol brace rule required many amnesty registrants to notify their CLEOs that they had been *in violation of state law*, thereby risking self-incrimination.⁷ And even under an ATF that respects Second Amendment rights, the risk remains that local officials will amass sensitive information on gun owners' personal property. Indeed, as Commenters have heard from their members and supporters, privacy from such local registration is a critical reason for their support of this NPRM.

Thus, given the CLEO requirement's risk of abuse, it is best to do away with it completely.

B. The CLEO Requirement Offers No Significant Benefits in Controlling Crime.

In addition to being prone to abuse, CLEO notification is almost *useless* in practice. As the National Sheriffs' Association previously noted, ATF's CLEO requirement offers no measurable benefit in preventing gun crimes. Indeed, "[a]t the point of sale, anyone purchasing an NFA firearm must already satisfy a standard NICS check and an FBI background check utilizing at least five separate criminal record databases."⁸ Thus, because the federal government "makes its own assessment" of NFA eligibility under the current background-check regime (NPRM at 24473), the "CLEO has no operative role in the modern NFA application process."⁹ Mere local awareness of gun ownership is no justification to maintain the notification requirement, because "awareness without responsibility, action, or legal consequence is a thin basis for a mandatory federal paperwork obligation." *Id.*

C. Because CLEO Notification "Is Not in the Statutory Requirements" and Does Not "Meaningfully Aid[] Criminal Investigations," the Statute in Fact Requires ATF to Rescind the Current Regulation.

As pertinent to the NFA's enforcement, the Internal Revenue Code provides that "the [Attorney General] shall prescribe all needful rules and regulations for the enforcement of this title...." 26 U.S.C. § 7805(a); *id.* § 7801(a)(2)(A). Because the NPRM admits that CLEO notification is not only "not in the statutory requirements," but in fact serves no "meaningful[] aid" or "significant purpose" at all (NPRM at 24473), that means CLEO notification is *not necessary* – or "needful" – to enforce the NFA. Thus, not only *should* ATF remove this outdated requirement as a matter of policy, but in fact ATF *must* eliminate it in order to comply with the statute. ATF has no statutory authority to require CLEO notification in the first place, and the discretion to make only "needful" regulations – which this one is not. The statute therefore compels ATF's removal of this atextual requirement.

CONCLUSION

This NPRM is well-considered. It eliminates a vestigial and burdensome notification requirement that serves no purpose other than to saddle gun owners with paperwork. ATF should finalize the NPRM, and Commenters applaud ATF's deregulatory efforts here.

Respectfully submitted,



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GUN OWNERS OF AMERICA

7. https://storage.courtlistener.com/recap/gov.uscourts.txsd.1905516/gov.uscourts.txsd.1905516.1.0_1.pdf at ¶329.

8. Jonathan F. Thompson, Letter from National Sheriffs' Association to Acting Director, BATFE (Apr. 2, 2015), <https://tinyurl.com/yc3e94d5>.

9. Goldstein, *supra*.