



NATIONAL SHERIFFS' ASSOCIATION

JONATHAN F. THOMPSON
Executive Director

April 2, 2015

The Honorable Thomas E. Brandon
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Acting Director Brandon:

On behalf of the National Sheriffs' Association (NSA) and the more than 3,000 individually elected sheriffs who protect our nation's local communities, I write to advise you of our strong opposition to the current form of the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Notice of Proposed Rulemaking, Docket No. ATF 41P (41P). Specifically, ATF 41P does *not* eliminate the "chief law enforcement officer" (CLEO) certificate requirement but rather extends the CLEO certificate requirements to the "responsible person" of a legal entity including any corporation, trust, partnership, et. al.

NSA strongly opposes the current proposed form of 41P, which does not adequately consider the real world day-to-day administrative and financial burdens that would be imposed on our nation's 3,080 Offices of Sheriff.

As ATF is well aware, 41P as currently proposed would impose additional paperwork burdens on America's Sheriffs by extending the present requirements for individuals who seek to make or to acquire *National Firearms Act of 1934* (NFA) firearms to "responsible persons" of legal entities. Furthermore, 41P is not clear whether all such responsible persons of legal entities previously exempt from the CLEO certificate requirements would be granted retroactive relief from these new certificate requirements.

If implemented in its current form, 41P would require "responsible persons" of legal entities to approve transfers to and between the beneficiaries of NFA firearms; submit photographs and fingerprints; and would be required to obtain CLEOs signatures of Law Enforcement Certificates.

The requirements of obtaining CLEOs certifying signatures may have made sense in 1934; however, personal computers and the establishment of numerous state and federal databases have eliminated the public safety purpose of the 41P requirements. At 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. The standardized NFA firearms check currently in place can take months to complete and require purchasers to pay a \$200 excise tax to their local ATF's NFA branch. In addition, some purchasers of NFA firearms must now receive needed sign-offs from their local jurisdiction's CLEO, a title held by many elected sheriffs in our nation's rural jurisdictions.

This CLEO sign-off process is not a formal background check, but rather a piece of federally-imposed paperwork—essentially a vestige of the NFA's 1934 origins. In short, ATF's proposed 41P would drastically expand this ongoing and burdensome unfunded federal paperwork mandate. Moreover, these additional recordkeeping and administrative tasks would continue to fall into the laps of our nation's principal CLEOs: sheriffs.

In its present format, 41P would force our nation's sheriffs to devote an excessive amount of time, resources, and personnel to the performance of nonessential firearm recordkeeping tasks. Furthermore, ATF's proposed 41P would hinder or prevent our elected Sheriffs and their Deputies in carrying out their primary duties: enforcing their state and local laws and providing for the public safety of their local communities.

In closing, the National Sheriffs' Association and our nation's sheriffs strongly supports ATF's expressed goals in 41P to eliminate unnecessary NFA firearms forms and the promised commitment to reduce the substantive paperwork burden on individuals, business, responsible persons, and on local governmental entities and their personnel. Finally, NSA urges ATF to now exercise its regulatory discretion by reconsidering the administrative costs and economic burdens imposed by 41P on local governmental entities.

Director Jones, NSA and our nation's sheriffs know you are committed to supporting state and local law enforcement. I look forward to working with you to ensure that 41P reflects that commitment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan F. Thompson". The signature is written in a cursive, flowing style with a large initial "J".

Jonathan F. Thompson