Please note: This is the unofficial text of the final rule titled "Application for Relief from Disabilities Imposed by Federal Laws with Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms" as signed by the Attorney General and transmitted to the Federal Register. The official version of the final rule will be the version published in the Federal Register.

(Billing Code 4410-29)

DEPARTMENT OF JUSTICE

27 CFR Part 478

28 CFR Part 0

28 CFR Part 25

28 CFR Part 107

Docket No. OAG191; AG Order No. 7109-2026

RIN 1105-AB78

Application for Relief from Disabilities Imposed by Federal Laws with Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice ("the Department") is implementing criteria to guide determinations for granting relief from disabilities imposed by federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms. The criteria are designed to ensure that the fundamental right of the people to keep and bear arms is not unduly infringed, that those people granted relief are not likely to act in a manner dangerous to public safety, and that granting such relief would not be contrary to the public interest.

DATES: This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Starting on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.], the Department will begin soliciting applications from individuals. To learn more about how the Department will accept applications, please go to https://www.justice.gov/ffrr.

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FOR FURTHER INFORMATION CONTACT: Kira Gillespie, Deputy Pardon Attorney, Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530; telephone: (202) 514-9251.

SUPPLEMENTARY INFORMATION:

This final rule provides a brief overview of the relevant history of federal firearms prohibitions, a recitation of the background that has motivated the issuance of this rule, a summary description of the earlier published interim final rule and notice of proposed rulemaking, a description of the final rule as adopted after consideration of the comments received on the interim final rule and the notice of proposed rulemaking, a summary of the public comments received, and the options for relief for the individuals impacted by this rule.

I. Background

The Gun Control Act of 1968 ("GCA"), Pub. L. 90-618, 82 Stat. 1213, prohibits several categories of persons from "ship[ping] or transport[ing] in interstate or foreign commerce, or possess[ing] in or affecting commerce, any firearm or ammunition," or "receiv[ing] any firearm or ammunition which has been shipped or transported in interstate or foreign commerce." 18 U.S.C. 922(g) ("section 922(g)"). For example, the statute prohibits firearm transfer, possession, or receipt by persons convicted of a crime punishable for a term exceeding one year. 18 U.S.C. 922(g)(1). This particular prohibition is based on Congress's conclusion that individuals "convicted of serious crimes" may "be expected to misuse" firearms.[1]

The GCA also provides that a "person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed by federal laws with respect to the acquisition, receipt,

[1] *Dickerson v. New Banner Inst., Inc.*, 460 U.S. 103, 119 (1983).

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transfer, shipment, transportation, or possession of firearms." 18 U.S.C. 925(c). Congress created this mechanism in recognition of the fact that some persons subject to the GCA's restrictions on activities related to firearms may be able to demonstrate that they "will not be likely to act in a manner dangerous to public safety" and that granting them relief from federal firearm disabilities "would not be contrary to the public interest." *Id.* Granting such relief in appropriate cases would, among other things, protect the Second Amendment right of the people to keep and bear arms in a manner that is consistent with public safety considerations. Section 925(c) thus provides an opportunity for the Attorney General to provide relief to persons who would otherwise be subject to federal firearms disabilities if they can show that they are likely to possess firearms safely and in a manner consistent with the public interest, while also ensuring that violent or otherwise dangerous persons continue to remain prohibited under the GCA from engaging in certain activities related to firearms.

The authority to determine who qualifies for relief pursuant to section 925(c) was initially delegated to the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") by an Assistant Secretary within the Department of the Treasury, *see* 26 CFR 178.144 (1969), and, after ATF was transferred to the Department of Justice, by the Attorney General, *see* 27 CFR 478.144 (2003). However, ATF's administration of section 925(c) proved difficult, insofar as relief from disability was based on ad hoc determinations that were resource-intensive, inconsistent, and sometimes resulted in outcomes that were not wholly consistent with public safety.[2] Beginning

[2] Congress expressed dissatisfaction over several aspects of the ATF determinations, including outcome inconsistencies stemming from a lack of guidance; the restoration of firearms rights to individuals who posed ongoing public safety concerns; and the expenditure of substantial time and money on investigations that diverted resources from the investigation of violent crimes. *See* Application for Relief from Disabilities Imposed by Federal Laws with Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms, 90 FR 34394, 34395 (July 22, 2025) (discussing congressional findings on the ATF process).

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in 1992, Congress prohibited ATF from using appropriated funds to process applications under section 925(c), rendering ATF's relief from disabilities program unusable.[3]

II. Background Prompting Issuance of the Rule

In 2025, the Department began developing a modernized process for firearms-rights restoration that would (1) address the flaws of the defunct ATF process and (2) ensure that restoration decisions made by the Attorney General are consistent with the statutory requirements that an individual who receives relief must not be likely to endanger the public and that relief must be consistent with the public interest. In March 2025, the Attorney General issued an interim final rule withdrawing the delegation of authority to ATF to administer section 925(c). *See* Withdrawing the Attorney General's Delegation of Authority, 90 FR 13080 (Mar. 20, 2025) ("IFR"). The IFR stated that "the Department anticipates future actions, including rulemaking consistent with applicable law, to give full effect to 18 U.S.C. 925(c) while simultaneously ensuring that violent or dangerous individuals remain disabled from lawfully acquiring firearms." *Id.* at 13083.

In July 2025, the Department issued a notice of proposed rulemaking ("NPRM"), outlining anticipated criteria for evaluating applications for relief under section 925(c). *See* 90 FR at 34394. Among other things, the NPRM proposed to set forth several categories of applicants who would be "presumptively unable to establish" that they would "not be likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest." *Id.* at 34402. These proposed categories of applicants included persons with prior violent felony offenses, including homicide, kidnapping, terrorism, stalking, and other

[3] Treasury, Postal Service, and General Government Appropriations Act, 1993, Pub. L. 102-393, 106 Stat 1729, 1732 (1992).

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offenses commonly understood to be violent; persons with prior convictions involving the brandishing or discharge of a firearm; and persons required to register under the Sex Offender Registration and Notification Act ("SORNA"), 34 U.S.C. 20911–20932, based on an offense that prohibits them from owning a firearm under section 922(g). Further, the NPRM proposed presumptively restricting individuals with certain prior convictions from receiving relief for a period of time following the discharge of any sentence related to those convictions. For example, those with drug trafficking convictions or misdemeanor domestic violence convictions would be presumptively disqualified from obtaining relief for at least 10 years after completing their sentences. Individuals with felony convictions not otherwise triggering the 10-year presumptive disqualification would be presumptively disqualified from obtaining relief for a period of five years after completing their sentences.

The NPRM also addressed those persons whose federal firearms disability arises from sections other than section 922(g)(1), such as 922(g)(2) (fugitives from justice), 922(g)(3) (unlawful users of controlled substances), and 922(g)(8) (those subject to domestic violence restraining orders). Because such persons' disabilities arise not from past conduct alone, but also from other indicia of lack of respect for the law and potential dangerousness, the NPRM proposed that these persons would presumptively be denied relief under section 925(c). 90 FR at 34396. However, these persons can ordinarily take themselves out of their prohibited category by discontinuing their unlawful conduct or, in the case of section 922(g)(8), seeking a modification or early termination of the protective order.[4] The NPRM further explained that

[4] *See United States v. Rahimi*, 602 U.S. 680, 698–99 (2024) (finding that the burden of section 922(g)(8) "fits within our regulatory tradition" in part because, "like surety bonds of limited duration," its restriction is "temporary") ("*Rahimi*"); *Range v. Att'y Gen.*, 124 F.4th 218, 252 (3d Cir. 2024) (en banc) (Krause, J., concurring in the judgment) ("[T]he Second Amendment demands that the disability it imposes has at least the potential to be 'of limited duration[.]'" (quoting *Rahimi*, 602 U.S. at 699)) ("*Range*"); *United States v. Perez-Garcia*, 96 F.4th 1166, 1181 (9th Cir. 2024) (holding that the Bail Reform Act's

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individuals subject to the prohibition in section 922(g)(5) (unlawfully present aliens or certain aliens admitted to the United States on nonimmigrant visas) would also be presumptively disqualified because "unlawful aliens are not part of 'the people' to whom the protections of the Second Amendment extend." *United States v. Sitladeen*, 64 F.4th 978, 987 (8th Cir. 2023) ("*Sitladeen*"). Finally, the NPRM proposed additional provisions (1) describing the documentation required to submit an application for relief from disability (which varies depending on the type of disability the applicant is seeking to relieve); (2) imposing a requirement for applicants to submit three sworn statements from character references attesting to various statements supportive of the request for relief; (3) mandating notification of the fact of application to the Chief Law Enforcement Officer in the applicant's jurisdiction of residence, who would have the opportunity to opine on the appropriateness of granting the applicant relief; (4) setting a fee required for an application for relief; and (5) outlining common and relevant considerations that the Attorney General would utilize to evaluate applications for relief. The NPRM concluded by addressing administrative matters, including the public announcement of grants of relief and special rules for federal firearms licensees.

III. Comment Analysis and Department Response

The Department received 12,154 comments in response to the IFR of March 20, 2025, and 3,405 comments in response to the NPRM of July 22, 2025, totaling 15,559 comments. Submissions came from individuals, non-profit and advocacy organizations, government officials, business entities, and academics. Of these submissions, roughly 91 percent of the

prohibition on possessing any firearm as a condition of pretrial release does not violate the Second Amendment where, even though it "imposes a heavy burden on Appellants' rights to bear arms," the condition "is a temporary one"); *United States v. Posey*, 655 F. Supp. 3d 762, 775–76 (N.D. Ind. 2023) ("The burden imposed by [section] 922(g)(3) only endures for as long as the individual is an unlawful user or addict, leaving them free to regain their full Second Amendment rights at any time.").

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comments, or 14,140 comments, were generally in agreement with the objective of the IFR and NPRM to reinvigorate the restoration process. Roughly nine percent of comments, or 1,293 comments, were generally against the rule, and the remaining 126 comments were deemed to be irrelevant, duplicative, or unclear. A total of 4,476 comments were deemed to be unique substantive comments, while 11,037 comments were form letter submissions, i.e., comments submitted by individuals with identical or near identical text that is often supplied by advocacy organizations or found online.

The overwhelming majority of public comments received were generally in support of the rule's objective to establish a process for restoring firearms rights. Commenters noted the importance of the constitutional right to bear arms in general ("I believe the second amendment is the most important of all [t]he Constitutional Amendments."); for self-defense ("I feel that denying the right of non-violent persons to defend themselves and their family from violent criminals and wild animals is a denial of the right to life."); for employment ("I did work as a security guard and was fired because [I] could not get my [Firearm Owner's Identification Card] card in Illinois."); for hunting ("I am restricted to hunting with a bow and arrow, and I do love bow hunting, but I am more than a little nervous that I cannot protect myself adequately should I need to."); for the enjoyment of other household members (The lifelong ban on felons owning firearms has "forced law-abiding citizens to have to choose between marrying the love of their life and owning a firearm for defense in many cases."); or for other reasons.

Among those who were opposed to the rule, most cited public safety concerns ("It would be far safer for the country if the Department halted its push to establish a new firearm disability relief program, as there are significant risks inherent in any process of restoring firearm rights to those who have lost them because of felony convictions, domestic violence offenses, or other conduct prohibited by federal law."); or concerns with the specific process outlined in the NPRM

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("The administrative requirements of the application process are overly burdensome and will make relief illusory for many who, even though they would be eligible on the merits, would not have the means or sophistication to navigate the process.").

Below, the Department sets forth the key issues raised in the comments on the IFR and NPRM, outlines the public sentiments on each issue, and then responds to each issue. Notably, the Department did not receive comments requiring a response that pertained to all potential disabilities identified under section 922(g). The Department received no such comments on the disabilities under section 922(g)(2) (pertaining to fugitives from justice) or 922(g)(8) (pertaining to those who are subject to a court protective order). Instead, the comments requiring a response were focused on the section 922(g)(1) prohibitor for convictions punishable by more than one year's imprisonment (discussed in multiple sections of this preamble below), the 922(g)(3) prohibitor for drug use (discussed in section III.F.2 of this preamble below), the 922(g)(4) prohibitor for adjudications of mental illness (discussed in section III.H of this preamble below), the 922(g)(5) prohibitor for unlawful or otherwise nonqualified aliens (discussed in section III.F.2 of this preamble below), the 922(g)(6) prohibitor for dishonorable military discharge (discussed in section III.C of this preamble below), the 922(g)(7) prohibitor for renounced citizenship (discussed in section III.F.2 of this preamble below) or the 922(g)(9) misdemeanor domestic violence prohibitor (discussed in multiple sections of this preamble below).

A. The Department's Legal Authority to Issue and Implement this Rule

Comments Received:

Commenters questioning the legal authority of the Department to engage in this rulemaking were divided between those who argued that any or most statutory restrictions on firearms possession are unlawful (and thus that Department regulatory authority pursuant to those statutes is invalid) and those who argued that specific provisions in the NPRM exceeded

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the Department's authority. In the first group, many commenters decried the lifetime restriction on felons possessing firearms and expressed their belief that any restriction on gun possession violates the Constitution. As one commenter stated, "no person – even a felon, if non-violent – should be deprived of the right of effective self-defense, of defense of family, loved ones, and innocents under attack, as we have seen in church and school shootings." Others opined that permanent bans on felons possessing firearms may violate recent Supreme Court precedent. One commenter opined that "[a] lifetime ban [on firearm possession under 18 U.S.C. 922(g)] with no relief mechanism is constitutionally suspect, especially after the Supreme Court's decisions in Heller and Bruen[5]," while another stated that "[a]ll gun laws are an infringement one way or another and therefore unconstitutional, illegal crimes against the supreme law of the land."

In the latter group, commenters expressed concern that the NPRM's proposed requirements and presumptive disqualification criteria exceeded the statutory authority granted in 18 U.S.C. 925. For example, one group dedicated to preventing gun violence argued that the NPRM inappropriately proposed to permit the Attorney General to consider whether "a failure to grant relief would infringe the applicant's rights under the Second Amendment" (quoting NPRM, 90 FR at 34404). This group also argued that "the primary, indeed *only*, relevant consideration under Section 925(c) is whether restoring the individual's lawful firearm access would threaten public safety" and thus that "DOJ need not rely on an individual rights balancing test in order to [adjudicate applications for relief] because those seeking relief are not 'ordinary, law-abiding citizens'[6] protected by the Second Amendment." Conversely, a group dedicated to supporting individual gun rights opined that the rule "exceeds the authority of the enabling

[5] *See District of Columbia v. Heller*, 554 U.S. 570 (2008) ("*Heller*"); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022) ("*Bruen*").

[6] The commenter did not cite a specific source but was presumably quoting *Bruen*, 597 U.S. at 9.

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statute by narrowing the exercise of official discretion with broad-based presumptions" such as the presumptive disqualifications proposed in the NPRM.

At least one commenter, an advocacy group dedicated to firearm safety, opined that the revival of a restoration process would violate congressional appropriations laws that defunded the ATF program and prevented the transfer of any ATF functions to another government entity. Some commenters expressed concern that states still could restrict individuals' firearms rights notwithstanding federal restoration, while others suggested that a state restoration should presumptively effect a federal restoration too. Finally, at least one commenter opined that exempting from section 922(g) disability those individuals who have had their state convictions expunged under 18 U.S.C. 921(a)(20) creates a disparity across different states that could violate equal protection.

Department Response:

The Department appreciates the public's interest in the rights restoration process and observes that the varied and often diametrically opposed views from members of the public demonstrate the complexity of this matter, thus supporting the necessity of creating a well-crafted and functional rule to implement this vital process. Regarding the Department's authority to engage in this rulemaking and to implement processes and procedures regarding this rule, section 925(c) authorizes the Attorney General to develop a process to review and evaluate applications for relief. Further, this rulemaking is consistent with the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, and its rulemaking requirements, as well as prior mechanisms utilized to accomplish this same objective, *see* 27 CFR 478.144 (2003).

In addition, although the Department acknowledges the comments of some individuals that Second Amendment rights should be entirely unfettered, the existence of reasonable restrictions on gun ownership, such as those established in section 922(g), is wholly consistent

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with Supreme Court precedent and the history and tradition of the United States. The Supreme Court has often stated that its decisions should not be interpreted "to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill." *Heller*, 554 U.S. at 626; *see also McDonald v. City of Chicago*, 561 U.S. 742, 786 (2010). Indeed, circuit courts have routinely affirmed the constitutional validity of section 922(g).[7]

To be sure, the Supreme Court recently concluded that the application of one particular prohibition in section 922(g) was unconstitutional as applied in certain defined circumstances. *United States v. Hemani*, 46 S. Ct. 1677 (2026). But that was a consciously "narrow" decision, *id.* at 1693, that turned on a lack of evidence that the defendant's use of marijuana indicated his addiction, his inability to manage his own affairs, or his dangerousness to others, *id.* at 1689. The Court also explicitly stated that its decision should not be read to cast doubt on other provisions of section 922(g), *id.* at 1692 n.6, or even on applications of section 922(g)(3) distinct from the application at issue, *id.* at 1685 n.2, 1693.

The Department also disagrees with the concerns raised by some commenters that this regulation as a whole exceeds its statutory authority or violates the Second Amendment. As to the comment from the gun violence prevention group that the Department is unconstitutionally incorporating an "individual rights balancing test" into its assessment of individual applications

[7] *See United States v. Langston*, 110 F.4th 408, 419–20 (1st Cir.), *cert. denied*, 145 S. Ct. 581 (2024); *Zherka v. Bondi*, 140 F.4th 68, 91–93 (2d Cir. 2025) (Lynch, J.), *cert. denied*, No. 25-269, 2026 WL 135708 (U.S. Jan. 20, 2026) ("*Zherka*"); *United States v. Barton*, 633 F.3d 168, 172 (3d Cir. 2011), *overruled on other grounds by*, *Binderup v. Att'y Gen.*, 836 F.3d 336 (3d Cir. 2016) (en banc); *United States v. Canada*, 123 F.4th 159, 161–62 (4th Cir. 2024); *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Williams*, 113 F.4th 637, 661–63 (6th Cir. 2024) ("*Williams*"); *United States v. Carbajal-Flores*, 143 F.4th 877, 887–89 (7th Cir. 2025); *United States v. Cunningham*, 114 F.4th 671, 675 (8th Cir. 2024); *United States v. Duarte*, 137 F.4th 743, 761–62 (9th Cir. 2025) (Wardlaw, J.), *cert. denied*, No. 25-425, 2026 WL 135692 (U.S. Jan. 20, 2026); *United States v. McCane*, 573 F.3d 1037, 1047 (10th Cir. 2009), *cert. denied*, 559 U.S. 970 (2010); *United States v. Battle*, 347 F. App'x 478, 480 (11th Cir. 2009) (per curiam).

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and that the population of persons seeking relief is not part of the group of people protected by the Second Amendment, the Department disagrees. First, the commenter did not clearly define "individual rights balancing test," but assuming that the argument is that the persons seeking relief under this program are not entitled to the protection of the Second Amendment, the Department takes the opposite position. All citizens are entitled to Second Amendment protections consistent with Supreme Court precedent and the history and tradition of the United States. Such persons might engage in conduct or have a status that, consistent with the Second Amendment, allows for their disarmament in certain circumstances. But that does not mean that the government must treat such persons as falling permanently and entirely outside the scope of the amendment. The Constitution sets a floor for the protection of Second Amendment rights, not a ceiling. It is accordingly consistent with the Constitution for the government to choose to consider whether persons who have been previously disarmed under section 922(g) should have their firearms rights restored.

Next, the statutory relief mechanism for those who are prohibited from owning firearms under section 922(g) is to apply to the Attorney General for restoration pursuant to section 925(c). The final rule provides guidance to implement this mechanism for relief. Consistent with the statute's requirement that the applicant must not be likely to act in a manner dangerous to public safety and that the granting of the relief must not be contrary to the public interest, the Attorney General will employ the final rule's criteria to determine whether to restore the federal right to own a firearm. Thus, the final rule does not exceed the Attorney General's statutory authority.

The Department also disagrees with the comments from the firearm safety group asserting that presumptive standards of disqualification cannot be utilized to create an effective and efficient process that is both constitutionally and statutorily sound. Although the Second

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Amendment right is critical, it is not unfettered, as noted above. It has been held constitutional for Congress to disarm individuals when doing so is consistent with the history and tradition of the nation.[8] Further, courts have repeatedly found that disarming those who pose a danger to themselves or others is lawful,[9] and that people who have been convicted of certain types of crimes may be found dangerous without an extensive, individualized inquiry.[10]

The final rule delineates the types of serious offenses that are closely linked to dangerousness and that would allow the Department to make "self-evident" determinations, *Williams*, 113 F.4th at 660, about presumptive disqualification. As noted in the preamble to the NPRM, this presumptive list includes violent offenses drawn from "crime of violence" definitions; crimes otherwise closely associated with violence; and offenses where the offenders demonstrate high recidivism rates.[11] Each of these offense categories satisfies the courts'

[8] *See, e.g.*, *Williams*, 113 F.4th at 657 ("[M]ost applications of [section] 922(g)(1) are constitutional.").

[9] *Rahimi*, 602 U.S. at 698 ("When an individual poses a clear threat of physical violence to another, the threatening individual may be disarmed."); *see also Simmons*, 150 F.4th at 134 ("Congress has assessed domestic violence misdemeanants, as a class, to be dangerous . . . because such people have a proven track record of actually committing violent acts, or of threatening violence, in the past. Thus, [section] 922(g)(9) fits squarely within this nation's history of disarming those considered to be a danger to the physical safety of others."); *Zherka*, 140 F.4th at 91 ("Congress's conclusion that a felony conviction demonstrates a character or temperament inconsistent with the safe and prudent possession of deadly weapons is an appropriate exercise of its longstanding power to disarm dangerous categories of persons.").

[10] *Williams*, 113 F.4th at 660 ("Courts may consider any evidence of past convictions in the record, as well as other judicially noticeable information—such as prior convictions—when assessing a defendant's dangerousness. . . . And in many instances . . . , the dangerousness will be self-evident."); *United States v. Coward*, No. 24-1885, 2025 WL 2694156, at *2 (6th Cir. 2025) ("And some offenses are so obviously dangerous that committing one is all but 'totally dispositive.'" (quoting *Williams*, 113 F.4th at 658)); *Zherka*, 140 F.4th at 93 ("Because history reveals a tradition of categorical legislative bans on firearms possession by classes of people perceived as dangerous, a prohibition directed at persons convicted of serious crimes is among the easiest classifications to justify.").

[11] NPRM, 90 FR at 34396.

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description of offenses that are all but "totally dispositive" as justification for a presumptive dangerousness finding.[12]

The final rule also carefully designates certain statuses that make an individual presumptively ineligible for relief under section 925(c) because his or her conduct demonstrates ongoing disregard for the law, triggers exclusion from the right to bear arms, or carries a time-limited prohibition that the individual can independently cure before applying for relief. These statuses include (1) fugitives from justice, prohibited under section 922(g)(2), who should be required to resolve their fugitive status (either by surrendering or taking other appropriate legal action), and if applicable, address the underlying conduct leading to their fugitive status, before applying for relief; (2) unlawful users of, or persons addicted to, a controlled substance, prohibited under section 922(g)(3), who should be required to address their addiction or demonstrate that they have not engaged in a dangerous "pattern of ongoing use" of a controlled substance[13] before applying for relief; (3) aliens unlawfully or temporarily in the country, prohibited under section 922(g)(5), who are excluded from the definition of those who have a right to bear arms and who should be required to adjust their status before applying for relief;[14] and (4) persons subject to protective or restraining orders, prohibited under section 922(g)(8), who should be required to resolve or complete the protective order's terms before applying for relief. Applicants with these statuses either can independently take themselves out of the

[12] *Coward*, 2025 WL 2694156, at *2.

[13] *See* 27 CFR 478.11 (Meaning of terms: Unlawful user of or addicted to any controlled substance) ("A person is not an unlawful user of a controlled substance . . . if the person's unlawful use is isolated or sporadic or does not otherwise demonstrate a pattern of ongoing use."); *see also Hemani*, 146 S. Ct. at 1693; section III.F.2 of this preamble.

[14] *Sitladeen*, 64 F.4th at 987 ("[U]nlawful aliens are not part of 'the people' to whom the protections of the Second Amendment extend."). See section III.F.2 of this preamble for further discussion of this issue.

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ineligible status or have failed to exhaust available judicial and administrative remedies that would resolve the ineligible status, meaning that they generally do not need the process made available by section 925(c) to address their firearms disability.

Further, notwithstanding the presumption that persons with these types of offenses or statuses are unable to obtain relief, the final rule provides that, in "extraordinary circumstances," an individual applicant may be able to overcome this presumption. Thus, this section 925(c) process goes beyond what courts have required in the determination of who should be ineligible to handle firearms by allowing for an individualized assessment of a person's fitness to exercise Second Amendment rights in extraordinary cases, as opposed to relying solely on categorical or presumptive rules.

The Department also disagrees that the rule would unlawfully circumvent appropriations restrictions on ATF or violate applicable budget riders. Budget riders dating from 1992 through January 2026 have restricted ATF from expending any funds for investigations under section 925(c).[15] For several reasons, these riders do not prevent the Department from issuing this final rule. First, the relevant rider is phrased as a proviso, and the "office of a proviso" is "to except something from the operative effect . . . of the substantive enactment to which it is attached." *Cox v. Hart*, 260 U.S. 427, 435 (1922). Consistent with that principle, the Department has interpreted appropriations provisos as presumptively limited to the specific line items to which they are attached. *See The Effect of an Appropriations Rider on the Authority of the Justice Department to File a Supreme Court Amicus Brief*, 14 Op. O.L.C. 13, 16 (1990). Here, the section 925(c) rider appears as a proviso to a specific appropriation account—the account for

[15] *See, e.g.*, Department of Justice Appropriations Act, 2026, Pub. L. 119-74, div. A, tit. II, 140 Stat. 17, 23.

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"necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies . . . , and for provision of laboratory assistance to State and local law enforcement agencies." 140 Stat. at 23. The proviso thus does not apply to the Department as a whole.

Second, the rider refers only to "the funds appropriated herein." *Id.* That phrase contrasts with many other riders that use broader language to restrict, for example, all funds "made available in this title," *id.* at 68–69, "made available by this Act," *id.* at 40, or "appropriated or otherwise made available by this Act," *id.* at 54. Where "Congress uses certain language in one part of a statute and different language in another, it is generally presumed that Congress acts intentionally." *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 544 (2012). This presumption is especially strong here because several of those broader riders appear within nearby Department of Justice appropriations, *see* 140 Stat. at 23 ("none of the funds made available by this Act or any prior Department of Justice Appropriations Act"), including one in the very next sentence (as discussed below), *see id.* Again, then, the rider does not broadly apply to the Department as a whole.

Finally, the legislative record shows that a key purpose of the 925(c) rider is to preserve ATF enforcement resources. The Senate Appropriations Committee noted in its report regarding the original rider that "ATF agents spend many hours investigating a particular applicant" and concluded that "the approximately 40 man-years spent annually to investigate and act upon these investigations and applications would be better utilized to crack down on violent crime." S. Rep. No. 102-353, at 19–20 (1992). "Therefore," the Committee explained, it had "included language in the bill which prohibits the use of funds for ATF to investigate and act upon applications for relief from Federal firearms disabilities." *Id.* at 20. The House Appropriations Committee offered a similar explanation. *See* H.R. Rep. 102-618, at 14 (1992). Because this final rule

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would not involve ATF personnel or resources in the processing of relief applications, the rule is consistent with the rider's stated purpose of preserving ATF resources.

The Department also disagrees that appropriations riders regarding the transfer of ATF functions prevent the issuance of this rule. Appropriation riders have since 1994 prohibited ATF from transferring its "functions, missions, or activities" to "other agencies or Departments."[16] The final rule does not violate this restriction because processing applications pursuant to 18 U.S.C. 925(c) is not a "function[]," "mission[]," or "activit[y]" of ATF. Processing such applications is a statutory function of the Attorney General, which ATF, in the past, performed by delegation, *see* 27 CFR 478.144 (2024). ATF, however, has long been statutorily barred from acting on that delegation to process relief applications by the appropriations riders discussed above. Thus, when Congress includes the transfer rider in appropriations acts, it legislates against a long historical background establishing that section 925(c) processing is not one of the "functions" or "activities" that ATF actually performs. Further, as discussed above, Congress's apparent reason for barring ATF from processing section 925(c) applications was that it viewed such processing as a distraction from ATF's duties. *See* S. Rep. No. 102-353, at 19–20; H.R. Rep. 102-618, at 14. This background suggests that, by the time Congress first enacted the transfer rider, Congress did not consider the processing of section 925(c) applications to be a proper "function[]" or "activit[y]" of ATF or as falling within ATF's "mission[]."

This view is consistent with the statutory text. The processing of section 925(c) applications is a power given expressly "to the Attorney General," not to ATF. 18 U.S.C. 925(c). No applicable statute limits the Attorney General's authority to delegate this function,

[16] William J. Krouse, Cong. Rsch. Serv., R44189, *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): FY2016 Appropriations* at 23 (updated Dec. 30, 2015).

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withdraw a previous delegation of this function, or amend previous rules regarding this function.[17] This rule thus properly establishes a process for the Attorney General to exercise his own authority under section 925(c); it does not transfer a function, mission, or activity of ATF.

Next, the Department shares commenters' concerns regarding states' failure to recognize the federal restoration process; it plans to work with state partners to ease those concerns and encourage their recognition of the federal process.[18] Further, 18 U.S.C. 921(a)(20) explicitly exempts convictions that have been expunged or set aside from serving as a prior conviction for purposes of section 922(g), thus obviating the need for persons with such state offenses to pursue federal relief. To the extent that some forms of state-level relief may leave an individual subject to restrictions on firearms under section 922(g), the Attorney General may consider the relief as a factor in his ultimate decision on that person's section 925(c) application. Additionally, the Department disagrees that considering state-level relief in this way, or enforcing 18 U.S.C. 921(a)(20) with respect to expunged state convictions, would violate equal protection principles

[17] Agencies are presumed to have the inherent authority to reconsider their prior decisions. *E.g.*, *Ivy Sports Med., LLC* v. *Burwell*, 767 F.3d 81, 86 (D.C. Cir. 2014) (Kavanaugh, J.) ("[A]dministrative agencies are assumed to possess at least some inherent authority to revisit their prior decisions, at least if done in a timely fashion. . . . [I]nherent authority for timely administrative reconsideration is premised on the notion that the 'power to reconsider is inherent in the power to decide.'" (citations omitted)); *Macktal* v. *Chao*, 286 F.3d 822, 825–26 (5th Cir. 2002) ("[I]t is generally accepted that in the absence of a specific statutory limitation, an administrative agency has the inherent authority to reconsider its decisions." (collecting cases)); *Mazaleski* v. *Treusdell*, 562 F.2d 701, 720 (D.C. Cir. 1977) ("We have many times held that an agency has the inherent power to reconsider and change a decision if it does so within a reasonable period of time.").

[18] For examples of scholarship examining the ways that state law may treat firearms restoration, see Benjamin Bowers, *Act 631 and HB 1013—Recently Enacted and Proposed Legislation Concerning the Restoration of Firearm Rights for Convicted Felons*, 45 U. Ark. Little Rock L. Rev. 825 (2023) (discussing then-pending legislation in Arkansas on restoring firearms rights to certain convicted persons); Robert Luther, III, *The Quiet Army: Felon Firearm Rights Restoration in the Fourth Circuit*, 23 Wm. & Mary Bill Rts. J. 237 (2014) (discussing firearm restoration practices in states within the jurisdiction of the U.S. Court of Appeals for the Fourth Circuit); Ethan Tourtellotte, Note, *Second Chances for Second Amendment Rights: Prohibited Persons, Restoration of Rights, and Lifetime Bans in Light of* New York State Rifle & Pistol Ass'n v. Bruen, 48 Okla. City U. L. Rev. 109, 159–62 (2023) (surveying various state firearm restoration statutes).

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applicable to the federal government through the Due Process Clause of the Fifth Amendment. Effectuating states' relief decisions is rationally related to the government's objective of restoring firearms rights in a manner consistent with public safety and the public interest. *See Sitladeen*, 64 at 988 (explaining why rational-basis review, rather than heightened scrutiny, applies to equal-protection claims brought by individuals who have been constitutionally disarmed under section 922(g)).

B. Standard of Proof

Comments Received:

Commenters were split about the appropriate standard of proof for an application for relief from disability under section 925(c), with some commenters supporting automatic restoration of rights for certain groups of applicants, some opposing it, some proposing alternative criteria to consider, and some seeking further information regarding the rule's use of the term "extraordinary circumstances." Commenters supporting automatic restoration of gun rights took differing views as to the stage at which restoration would be appropriate. Although some commenters supported automatic restoration for all prohibited individuals following release from prison or supervision, others preferred automatic restoration for subcategories of such persons, such as for nonviolent offenders only, or for persons who had been on release for a specified period of time. A smaller number of commenters specifically opposed automatic restoration for any group. Some commenters fell short of explicitly endorsing automatic restoration but argued that there should be a presumption in favor of restoration, either for persons who are not found to pose a danger to society, after the passage of a period of time, or based on specific criteria, like veteran or military status or state restoration of rights. Alternatively, at least one commenter proposed an expedited restoration process for persons with a military background or prior record of gun ownership.

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Other commenters expressed their hope that the Department would use objective criteria, such as a point system, to evaluate applications, thereby "prevent[ing] targeting" based on personal or political bias. At least one commenter, an academic organization studying gun violence, argued that, as part of the Attorney General's statutorily mandated dangerousness assessment, the Attorney General should consider "[d]ocumented acts or threats of violence; [d]ocumented alcohol or other substance misuse; and [v]iolations of restraining, protection, or no-contact orders." Others suggested that objective, criminologically studied criteria, such as drug testing, should inform the evaluation of each application. One commenter proposed a burden-shifting framework whereby applicants would generally have to demonstrate by clear and convincing evidence that granting relief would not be contrary to the public interest, but the government would also be able to create rebuttable presumptions that certain categories of people are dangerous.

Finally, many commenters sought clarity on how the Department would apply an "extraordinary circumstances" standard when determining whether an individual had overcome a presumptive disqualification. At least one critic opined that the existence of an "extraordinary circumstances" standard casts doubt upon the premise that persons with presumptively disqualifying convictions or statuses could ever receive relief: "This approach does not inspire confidence; the likelihood of being granted relief seems relatively low, which is a cause for concern and a clear indication that the process needs to be reevaluated." On the opposite end of the spectrum, some commenters worried that too many dangerous people would qualify for relief: "This introduces potentially dangerous and unacceptable ambiguity for applicants, for victims, and for the American people. The DOJ must publish, with particularity, what constitutes extraordinary circumstances that would be sufficient to overcome a presumptive disqualification." Many suggested evaluating the applications of presumptively disqualified

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persons according to a clear and convincing standard of proof, as opposed to evaluating the existence of "extraordinary circumstances." Others expressed concern that the definition of "extraordinary circumstances" would vary based on the whims of the political party in power. Finally, one anonymous commenter proposed the following language as a definition of "extraordinary circumstances": "[T]he Attorney General shall consider factors including, but not limited to: (i) whether the applicant has only a single violent conviction; (ii) whether at least fifteen years have passed without further convictions; (iii) the applicant's age at the time of the offense; (iv) evidence of rehabilitation and community reintegration; and (v) whether credible information suggests the applicant poses an ongoing public safety risk. No single factor shall be dispositive, but together these considerations may constitute extraordinary circumstances."

Department Response:

The Department appreciates the interest from the public in the evidentiary standards that the Attorney General will utilize in evaluating applications. The Department remains committed to a fair and consistent process that will enable the Attorney General to issue restorations to all applicants who qualify under the standard articulated in section 925(c), as implemented in this final rule.

As to the specific comments, consistent with the careful and measured rule set forth herein, the Department rejects automatic restoration of rights for any particular group, as such restoration would not adequately fulfill the Attorney General's statutory obligation to evaluate both the likelihood that an applicant will act in a manner dangerous to public safety and whether the granting of relief would be contrary to the public interest. Automatic restoration is inconsistent with the careful analysis that section 925(c) requires. Instead, the Department adopts the measured approach of this final rule, which will allow the Department to carefully review applications consistent with its statutory obligations in individual cases.

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The Department disagrees that a separate, expedited review process for any category of persons should be implemented. Instead, the Department will use disclosures in the applications for relief and information learned from government partners to develop appropriate procedures and efficient methods to investigate the cases submitted to it. As explained in the preamble to the NPRM, some applications—such as those from persons who are prohibited under section 922(g)(1), meet all time requirements, and have only one prior nonviolent conviction—are likely to be processed relatively quickly given the straightforward nature of the analysis required. *See* NPRM, 90 FR at 34395–96. Through time and experience, the Department will identify further means to efficiently process applications and will adapt its processes throughout the life of this program to adjust for the additional data the Department receives and analyzes from its applicant pool. Moreover, the Department notes that none of the commenters' proposals for expediting review of certain types of cases included research or data supporting the recommended prioritizations, meaning that the public provided no strong basis for implementing these proposals. The Department also believes that any formal prioritization process would likely be undermined by applicants who incorrectly identify themselves as qualifying for expedited review or who request exceptions so they may be prioritized. An expedited process therefore would create an unnecessary additional layer of review that may not ultimately benefit the population of people it would be intended to serve.

As to one commenter's proposal that a point system or other quantitative adjudication method would be appropriate, the Department declines to limit itself to one rigid methodology for decision-making before the restoration process has even begun. The Department is committed to developing an efficient and effective process that fulfills the goal of restoring rights to individuals who would not be likely to act in a manner dangerous to public safety and that guarantees any grants of relief would not be contrary to the public interest. To achieve this goal,

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the Department firmly believes that its review and decision-making methodology must be agile and adaptable based on experience learned throughout the implementation and execution of this new process and on data collected from the applicant pool. Adhering to an overly rigid formula for review and decision-making, particularly one devised at the inception of the program, would be contrary to that end.

Regarding comments that the Department should base its review upon additional, specific criteria not already proposed in the NPRM, such as assessing applicants' alcohol use and record of non-criminal violence, and requiring applicants to undergo drug testing, the Department agrees that those factors could assist in evaluating the likelihood that an applicant will not act in a manner dangerous to public safety and that granting relief would not be against the public interest. Although the rule does not require drug testing, it does include requirements that would address factors mentioned by commenters by requiring both the applicant and the applicant's character references to affirm under penalty of perjury that the applicant is not an unlawful drug user or alcohol abuser, *see* § 107.10(g)(13)(iii)(B) & (C), 107.10(g)(14)(ii) & (iii), and has neither engaged in nor is likely to engage in violence, *see* § 107.10(g)(13)(F) & (G), 107.10(g)(14)(vi) & (vii). Additional requirements like drug or alcohol testing would be overly burdensome with limited additional benefit in most cases. Further, regarding the proposal that specific burdens of proof should apply to the Department's review at various stages and in various scenarios, the Department believes that implementing a burden-shifting framework would needlessly overcomplicate its review. The Department intends to develop internal guidelines to ensure consistency in its outcomes, while still maintaining flexibility.

Finally, the Department appreciates the desire for a pronouncement on the definition of "extraordinary circumstances." Unlike critics of its approach, the Department does not believe the use of "extraordinary circumstances" as a metric for granting relief to presumptively

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disqualified persons necessarily means that an inappropriately low number of persons will be granted such relief. To the contrary, the inclusion of a relief mechanism for those who have a presumptive disqualifier supports the likelihood that relief will be granted in appropriate instances, where individuals can demonstrate they are unlikely to act in a manner that endangers public safety and that granting relief is not contrary to the public interest. Conversely, the Department also does not believe that the existence of the extraordinary-circumstances provision broadly opens the door to firearm possession by those posing a danger to public safety. Imposing a presumption of disqualification based on a conviction for violent or dangerous conduct, a recent criminal conviction, continuing illegal or irresponsible conduct, or the lack of sufficiently persuasive information to support an applicant's claim that he or she no longer poses a risk despite possessing such factors recognizes that an individual with those characteristics will likely be unable to satisfy the Attorney General's statutory assessment of public safety and the public interest. The NPRM's inclusion of the narrow "extraordinary circumstances" exception, which contemplates that an applicant may be presumptively disqualified under circumstances that do not accurately reflect continuing dangerousness or risk to public safety, allows for a sufficient opportunity for an individual to overcome this presumption. *See* NPRM, 90 FR at 34396.

The Department declines to provide a rigid definition of "extraordinary circumstances" to avoid unnecessarily cabining the Attorney General's discretion to provide relief where he assesses that it is appropriate. The very language of "extraordinary circumstances" implies unforeseen and unusual circumstances and retaining the Attorney General's statutory discretion to assess risk to public safety and whether relief would be contrary to the public interest is important for the Department. Nevertheless, the Department recognizes that certain common factors are likely to be present where extraordinary circumstances are found. Those factors

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relate to the circumstances of the offense underlying the disability, such as the relative seriousness of the offense, the age of the applicant at the time of the offense, the level of remorse and atonement shown for the offense, and the presence of an exceptionally long period of non-criminal conduct since the offense.

Further, the Department acknowledges that some individuals have been convicted of offenses that the final rule identifies as presumptively disqualifying but that may have been based on conduct that does not necessarily indicate ongoing dangerousness or risk to public safety. Examples may include individuals convicted of burglary whose underlying conduct involved an unarmed breaking and entering into an abandoned building such that a trespassing charge was an equally plausible outcome, or individuals convicted of possessing a firearm at a protected location who engaged in conduct no more extensive than mere possession and who were otherwise legally allowed to possess a firearm. The application process will provide ample opportunity for individuals to explain their past presumptively disqualifying convictions, to elaborate on the severity of the offense conduct, and to include reliable information that the conviction could plausibly have resulted in less serious and nonviolent charges. Department personnel will review whether these explanations are sufficient to overcome the presumptive disqualification and show that the applicant's criminal history does not necessarily indicate an ongoing propensity for violence.

C. Scope of Rule

Comments Received:

Commenters who discussed the scope of the rule focused on two general propositions: either that (1) the relief offered by the rule should be expanded to all categories of disability or (2) the relief should be narrowed based on certain criteria. In the first camp, commenters suggested that individuals with disqualifications resulting from misdemeanors or from conduct

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that did not result in a conviction should also be eligible for restoration; commenters cited isolated instances in which their firearms rights were restricted based on such conduct because of, e.g., the terms of a non-prosecution agreement: "I have a non-violent case that was dismissed, but the dismissal had a condition that I lost my rights to own a firearm in the state in which I resided at the time" or "I'm pleading with the DOJ DEPT to please make this law/rule affect state non violent/misdemeanors as well." In the second camp, commenters stated that individuals whose disability is predicated on military discharge should be evaluated in the same manner as individuals whose disabilities are based on non-military conduct. For example: "[D]ishonorable discharges . . . should be evaluated using the same criteria as their parallel offenses in civilian law." Similarly, some commenters believed that relief should be available only to non-violent offenders or people convicted of lesser violent offenses: "ALL Citizens shall be able to own and use guns unless they have been convicted of a violent felony." At least one commenter suggested that relief be denied to anyone with multiple prior convictions. A few commenters proposed that the rule provide relief to possess or otherwise handle only certain types of firearms in lieu of full firearms rights restoration. One commenter opined that prior foreign convictions for crimes other than terrorism, human trafficking, espionage, treason, and large-scale drug trafficking should be excluded as disabling predicate convictions, while others opined that foreign convictions have no place within the scope of review for section 925(c) relief.

Department Response:

The Department appreciates the thoughtful comments regarding the scope of the rule. In light of those comments, the Department has made minor adjustments to the rule to clarify the procedures regarding military discharges and the necessary paperwork an applicant with a military discharge or conviction disability must provide. The Department has also expanded the

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definitions of disabling offenses to include reference to the Uniform Code of Military Justice ("UCMJ"), making it clear that persons who committed offenses under the UCMJ also are subject to presumptive disqualifications. Finally, the Department has clarified in the final rule's definitions that dishonorable discharges include sentences of dismissal for commissioned officers, cadets, and midshipmen.

These changes better reflect the important point that the federal firearms disability for a dishonorable discharge, section 922(g)(6), is a basis for disqualification separate from the underlying offense that precipitated the discharge, which may be a disqualification under section 922(g)(1) or (9). Both the discharge and the underlying offense are independently disabling, and applicants who have both a dishonorable discharge and a disabling conviction must disclose both disabilities in their application. Notably, however, not all military convictions that are disabling lead to dishonorable discharges, so individuals with a disabling military conviction, even without a dishonorable discharge, also would need to apply for relief.

Regarding some commenters' inquiries about state misdemeanors that are not domestic violence offenses, as well as clauses in state non-prosecution agreements, the Department believes that neither scenario described by commenters would impact a person's federal firearms rights because neither falls within the scope of section 922(g); thus, the Department did not make any adjustment to its relief process with respect to these categories of applicants. Similarly, in reference to the commenter who asked that foreign convictions be excluded as disabling predicates, the Supreme Court already has so held, meaning that individuals with exclusively

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foreign convictions are not federally prohibited from owning firearms.[19] The final rule need not provide relief to individuals who are not federally prohibited from owning firearms.

The Department has, however, amended the final rule to require collection of information regarding foreign convictions, foreign mental health adjudications, foreign military discharges, and foreign expungements. If an applicant has such information to share, he or she will be asked to produce these materials, with accompanying translations as necessary. The information collected here will not create a presumptive disqualification for any applicant but instead will help inform the Attorney General's overall decision regarding whether restoring the applicant's firearms rights is likely to pose a danger to public safety or would be contrary to the public interest. To fulfill the Attorney General's obligations under the statute, and to ensure that his decisions are made with a broad knowledge base, the Department will collect and review such information as one facet of its application review. Also, to address potential concerns with various foreign judicial systems and the quality of due process in those regimes, the applicant will, of course, have the opportunity to provide information explaining or mitigating the foreign materials.

The Department broadly rejects suggestions that it should allow only a subset of individuals with criminal convictions to apply for relief from disability, as was preferred by

[19] *Small v. United States*, 544 U.S. 385 (2005) (holding that Congress did not intend foreign convictions to serve as predicates for prosecution under section 922(g)). Although a foreign conviction is not disabling under section 922(g), this final rule requires submission of information on certain foreign conduct that may bear on whether a person a person with a section 922(g) disability is eligible for relief under section 925(c). Foreign conduct, in other words, even if not initially disabling, is still probative of a person's character and hence whether a disqualified person can satisfy the statutory standard in section 925(c). Indeed, the Court in *Small* reached its result based primarily on the presumption against extraterritoriality that applies when interpreting statutes, 544 U.S. at 388—not any general notion that foreign conduct is irrelevant in assessing a person's character. *Accord id.* at 394 (agreeing that "one convicted of a serious crime abroad may well be as dangerous as one convicted of a similar crime in the United States").

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some commenters. Instead, the Department favors the scheme of this final rule, which allows applications from individuals with prior convictions of any nature but creates a high bar to restoration for those whose past conviction was for an offense that makes it unlikely they will be able to demonstrate that they will not act in a manner dangerous to public safety and that relief would not be against the public interest. This measured approach appropriately helps protect the Second Amendment rights of all citizens while also promoting public safety.

The Department also rejects suggestions to restore rights only as to certain types or kinds of firearms as an unworkable and unnecessarily complex manner by which to administer relief. If an individual is deemed an appropriate candidate for the restoration of federal firearms rights, then that person is deemed federally authorized to possess all lawful types of firearms. An incremental approach to federal firearms rights would place a significant additional burden on government entities tasked with documenting, recording, and issuing guidance on the level of firearm-related activities that any individual could engage in and complicate efforts by state law enforcement officials, the Federal Bureau of Investigation ("FBI"), and ATF to administer and enforce federal firearms laws, for little if any benefit.

D. Public Safety

Comments Received:

Commenters were split between those opposing the rule based on their belief that any restoration process poses a danger to public safety and those who believed that the rule—as initially proposed or with minor adjustments—could help to ensure public safety. Those opposing the rule on public safety grounds generally believed that any relaxation of firearms restrictions would be dangerous. A commenter stated, "We need strong rules and oversight to protect our communities and keep guns out of dangerous hands. Returning guns to people who shouldn't have them is not a good policy. Period." Domestic violence and potential threats to

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children were commonly cited concerns: "Please do not do ANYTHING to make it easier for people who have been adjudged to have committed domestic violence to own a firearm. Too many people have died already!" and "Guns are the #1 killer of our children and teens. There are 47,000 gun deaths a year. We need strong rules, not weaker ones." Mental health concerns also arose frequently in commenters' objections: "I vehemently oppose any weakening of the review process for restoring gun rights. This process is meant to protect us all. We need strong rules and laws to keep guns away from abusers and out of the hands of unstable people and from those deemed a threat." Some commenters expressed concern that felons and others who have lost their firearms rights generally cannot be trusted, asserting that "[f]elons, regardless of violence or not, should not be given back their rights to own/possess/use firearms or deadly weapons. They have already shown a serious lack of judgment and they will likely be more inclined to use a firearm for bad."

By contrast, some commenters believed that public safety could be protected, or even improved, by a restoration process, generally opining that an armed society is a civil society. Several commenters pointed to their belief that restoring firearms rights to certain types of people is consistent with public safety, expressing sentiments such as: "[r]esearch supports the idea that nonviolent offenders, especially after many years without further legal trouble, are no more likely to commit gun violence than the average citizen." One commenter pointed to successful state level rights restoration programs as evidencing the likely effectiveness of a federal program: "Many states have implemented successful rights restoration programs for non-violent and rehabilitated individuals, and these programs have not led to increased firearm-related violence. This demonstrates that thoughtful, individualized restoration is not only feasible but effective." One domestic abuse survivor stated: "As a woman who has been in a previous domestic violent abusive relationship, I strongly believe in bearing arms to protect our

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family. . . . I have had encounters where my ex would harass me and my husband. My husband is our protector and his non violent crime is the only thing holding us back from being able to have any guns in our home for protection purposes."

Some commenters thought that restoration would not pose a public safety risk based on their belief that people can change, stating "I believe that individuals who have demonstrated a commitment to positive change, lived responsibly, and proven themselves to be nonviolent and no threat to society deserve an opportunity for restoration." One commenter expressed his opinion that only law-abiding or reformed citizens would seek restoration through this process: "Real criminals don't care about gun rights, they don't apply to restore them! Only law abiding citizens care about rights and only law abiding citizens will apply to get their rights back!" Some commenters argued that firearms restoration promotes rehabilitation and improves public safety: "A man, or woman, must have an achievable goal . . . . If there was a real plan of action, a true process that could be implemented guaranteeing an individual would have [his or her] second amendment rights, . . . I would guarantee the number of repeat offenders would decrease substantially."

A minority of commenters who believed a restoration process is consistent with public safety suggested additional provisions be added to the final rule. One commenter asked for additional research before a process is implemented, and other commenters proposed expanding presumptive disqualifiers or otherwise requiring greater certainty that the applicant is not a threat to society before granting relief. Finally, some commenters opined that public safety requires a stringent restoration process that includes elements like review by expert panels and extensive background checks.

Department Response:

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The Department strongly agrees with commenters that public safety is a paramount consideration in the creation and implementation of the rights restoration process. Satisfying the statutory requirement that any restoration be consistent with public safety and the public interest is the Department's primary goal. The Department strongly disagrees with some commenters' conclusion that the mere existence of a restoration process is a danger to the public or that all individuals prohibited under section 922(g)(1) necessarily pose an ongoing danger to the public even long after completing their sentences. Congress also clearly did not share that conclusion, as evidenced by the inclusion of section 925(c) in the GCA.[20] Instead, as set forth in the final rule, the best way to ensure public safety is by creating a rigorous restoration process that requires a background investigation, asks for full and candid disclosure of convictions and activities that are linked to dangerousness and firearms misuse, and provides relief only to those individuals who satisfy the statutory standard.

E. Benefits of the Rule

Comments Received:

Many commenters who supported the rule touted its benefits. They heralded it as a bulwark against government overreach and as a means to ensure a "well-regulated militia,"

[20] The Department does not believe that the appropriations rider discussed in section III.A of this preamble changes this conclusion. As noted, the legislative record suggests that Congress enacted the appropriations rider, in part, because it viewed the restoration rights process as a diversion from ATF's duties related to investigating violent and dangerous crime rather than because it saw the process itself as fundamentally dangerous or inappropriate when carried out by the Attorney General, as section 925(c) itself contemplates. In addition, the fact that Congress chose to prevent implementation of the process by ATF through time-limited appropriations riders provides insight into congressional intent. Had Congress concluded that section 925(c) was indeed an irredeemably dangerous threat to public safety, it could have amended the GCA to remove section 925(c) entirely. The fact that Congress instead chose simply to limit the appropriations available to implement section 925(c) on a year-to-year basis suggests that Congress concluded that section 925(c) was generally appropriate, but that a new process needed to be developed to implement it.

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consistent with the Second Amendment. Such commenters believed that this restoration process would help to safeguard self-defense rights; protect families, homes, and property; and help individuals carry on family traditions of hunting and engaging in other recreational firearms sports. Commenters further observed that restoring persons' firearms rights could expand their employment opportunities in areas such as law enforcement, private security, and commercial services. A handful of commenters highlighted the need to carry firearms to protect livestock and domestic animals from predators, tying the inability to possess firearms with a loss of income due to the death of livestock.

Commenters also highlighted the cultural and social importance of recreational activities, noting that in many areas, hunting and recreational firearms sports are "cultural tradition[s]" or family pastimes. Commenters with firearms disabilities noted their loss of social engagement since being unable to attend group outings such as trophy hunts, shooting-sports events, and hunting camps. Some commenters lamented that a felony conviction complicates the ability of family members and roommates without their own convictions to lawfully possess firearms in shared homes, effectively stripping firearms rights from some people without disabilities. A few comments identified the benefit of possessing family heirlooms and antique firearms. More than one commenter cited the desire to possess a gun collection as a factor in support of the restoration of firearms rights, with one in particular noting that his relatives are avid gun collectors and that it "breaks both of their hearts" knowing they cannot pass on the collection to the commenter, who is prohibited.

Some commenters expressed their preferences for certain groups to receive restoration of their firearms rights, noting that a rule such as this one could benefit or prefer, for instance, those with active security clearances and veterans who have served their country and already have significant firearms training. Several commenters opined that restored firearms ownership could

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support a felon's reintegration into the community and reduce potential recidivism, expressing frustration over the lasting effects of felony convictions, which one commenter described as a "life sentence." Several commenters expressed gratitude that this final rule provides an alternative and less burdensome process than the federal pardon process, which has practically functioned as the only means of restoring federal firearms rights for individuals for over 30 years. Finally, a few commenters noted the positive impact that the opportunity for restoration will have on marginalized communities, stating that persons belonging to "communities of color, . . . are more likely to be convicted of non-violent drug felonies. The result is unequal access to constitutional rights and compounded systemic injustice."

Department Response:

The Department appreciates the many positive comments regarding this rule and agrees that many of the benefits articulated by commenters support the necessity of establishing this new restoration process. The Department remains committed to its goal of restoring federal firearms rights to the many individuals who qualify for relief, consistent with its commitment to public safety and the public interest. Although the Department declines to give preferential treatment to any particular group, the fact that an individual may, for example, have significant firearms training or hold a security clearance is a factor that the Attorney General may consider in his holistic review of the individual's case, and the Department acknowledges that the rule is likely to benefit many deserving individuals and groups.

F. Permanent Presumptive Disqualifications

Comments Received:

Well over 1,000 commenters offered a range of opinions on the NPRM's presumptive disqualification provisions. Comments referenced both the general idea of presumptive

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disqualification as well as the particular categories of offenses identified for presumptive disqualification.

Those who supported some manner of presumptive disqualification agreed that certain violent acts should presumptively disqualify an applicant from firearm relief. Commenters noted that such presumptions echo the intent of the GCA itself, which created broad categories of prohibited persons "to proactively prevent potential harm by keeping firearms out of the hands of those considered dangerous or at higher risk of committing violence." Some commenters further opined that the NPRM's methodology allows the restoration process to focus on "plausible applicants" instead of those who have committed crimes with high recidivism rates or that are violent by nature. Many commenters were encouraged by the inclusion of offenses such as misdemeanor domestic violence crimes in the presumptively-disqualified-for-a-term-of-years category, arguing that certain felonious or dangerous acts can result in misdemeanor convictions but still indicate present danger. These commenters also pointed out that the rule's establishment of time-limited presumptive disqualifications for certain offenses helps to dispel fears of an insurmountable lifetime ban on firearm possession for all serious offenders. Some commenters noted their preference for the proposed system, agreeing with the Department that the prior system for evaluating section 925(c) applications resulted in the restoration of gun rights to some violent felons who remained threats to the public. Others wrote that certain offenses and individual actions should be afforded greater weight in the presumptive disqualification analysis due to their predictive and violent nature. Commenters also argued that the presumptive disqualifiers would help to constrain the Attorney General's discretion and ensure greater consistency in outcomes, expressing concern that, were an individualized review method employed without such parameters, it would lead to inconsistent decisions on similar fact patterns.

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Opponents of the presumptive disqualifiers argued the opposite. They claimed that no constitutional basis exists for such a scheme, that the presumptions exceed the authorizing statute, and that presumptive disqualifiers violate recent Supreme Court decisions such as *Heller* and *Bruen* that, according to the commenters, favor individual, case-by-case analyses. Critics said the NPRM overemphasized a desire to conserve resources and did so to the detriment of individual constitutional rights. They pointed out that the presumptions failed to factor in juvenile indiscretions; prosecutorial overreach; individuals accepting plea bargains to protect against harsher sentences; innocence; and self-defense. Critics contended that the presumptions were overbroad and arbitrary, would discourage applications, and could be politically weaponized. A few argued that the only appropriate consideration should be the applicant's present, rather than past, dangerousness, and that automatic restoration should occur when the person has completed their sentence. Numerous commenters took issue with categorical presumptive disqualifications, instead favoring individualized review in every case. Others noted that the NPRM itself recognized concerns associated with the inclusion of presumptions by stating that "Congress, in enacting section 925(c), recognized that a subset of persons subject to the Gun Control Act may be able to make an individualized showing both that they 'will not be likely to act in a manner dangerous to public safety' if allowed to possess firearms and that granting relief from federal firearm disabilities 'would not be contrary to the public interest.'" *See* NPRM, 90 FR at 34395 (citation omitted).

Commenters further worried that the weight afforded to a presumptive disqualifier would unfairly stifle evidence from an applicant who demonstrates rehabilitation. They believed this would have a chilling effect on applications. Finally, others suggested that the NPRM's

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proposed method of utilizing presumptive disqualifications may contradict the recent, pre-NPRM restoration actions taken by the Attorney General.[21]

Department Response:

The Department appreciates the thoughtful comments both for and against the presumptive disqualification scheme. The variety of opinions received underscores the need for a thoughtful, measured, and careful approach in the implementation of this application process. As previously addressed, the Department's presumptive disqualification method is authorized by section 925(c)'s statutory direction to the Attorney General to create a restoration process that aligns with public safety and the public interest. Further, ATF's unpredictable prior process, and Congress's dissatisfaction with it, strongly indicate that the Department should devise a system of review that provides consistent guidelines for when restoring firearms rights would be appropriate. The presumptive disqualification method achieves that goal.

First, presumptive disqualifications are entirely consistent with Congress's disarmament scheme under the GCA, as well as with the Second Amendment. The Department's presumptive disqualifiers are necessary to ensure the restoration process is functional and efficient, while also satisfying the statutory objective of protecting public safety and the public interest. Moreover, the presumptive disqualifiers hew closely to assessments of dangerousness and propensity for recidivism that the courts have said fit within the historical traditions of the United States

[21] The commenter specifically cited the restoration of federal firearms rights to recipients on March 31, 2025. *See* Granting of Relief; Federal Firearms Privileges, 90 FR 17835 (Apr. 29, 2025). The commenter noted that, because of the public profile of one of the recipients, it was well known that this person was convicted in 2011 of a domestic violence offense—an offense that falls within a category of crimes that is presumptively disqualified—and argued that the Attorney General's decision to grant relief notwithstanding that conviction demonstrated that presumptive disqualifications are too "backward-looking" and do not appropriately account for the present circumstances of applicants. The Department understands this comment to suggest that procedures for implementing section 925(c) should place more weight on an applicant's current status and very recent conduct, and less weight on any conduct that occurred several years ago.

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regarding gun prohibitions.[22] For these reasons, the Department disagrees with the concerns raised by some commenters that the presumptions in the final rule exceed the authorizing statute or violate the Second Amendment. As noted above, Second Amendment rights are not absolute, and Congress may remove those rights from persons who pose a danger to themselves or others. Additionally, courts have repeatedly found that certain types of crimes and the individuals convicted of committing those crimes can summarily be found dangerous.[23] And, to the extent that some commenters may nonetheless be concerned that this final rule jeopardizes Second Amendment rights, the Department notes that the presumptions of disqualification are only that—presumptions. Applicants will receive an individualized determination of whether they have established extraordinary circumstances rebutting an applicable presumption. By incorporating an individualized determination, this rule goes beyond what courts have deemed required in their Second Amendment jurisprudence. *See, e.g.*, *United States v. Vizcaino-Peguero*, 175 F.4th 34, 47 (1st Cir. 2026) (Second Amendment does not require "an individualized finding of dangerousness to disarm a person").

Second, the Department notes that a presumptive disqualification scheme allows the government to conserve its limited resources to prioritize individuals who are most likely to qualify for relief, *see* NPRM, 90 FR at 34396, while still conducting individualized assessments. Accordingly, the Department continues to adopt a general presumptive disqualification scheme in its final rule.

Finally, the Department believes that, contrary to assertions by some commenters regarding the recent restorations granted by the Attorney General, all restoration decisions the

[22] *See supra* note 9.

[23] *See supra* note 10.

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Attorney General has made are consistent with both the Attorney General's statutory obligations and the criteria cited in this final rule. The commenter in particular referenced the restoration of rights for an individual with a prior misdemeanor domestic violence conviction. The commenter failed to recognize, however, that the NPRM proposed that misdemeanor domestic violence offenders would be presumptively disqualified from relief for only a 10-year period. Given the time elapsed since the domestic violence conviction of the individual in question, the former Attorney General's decision would have been consistent with the presumptive disqualifications proposed in the NPRM and adopted in this final rule, had those presumptions been in place at the time of the former Attorney General's decision.

1. Expanding the Number of Presumptive Disqualifiers

Comments Received:

In addition to providing views on the general appropriateness of a presumptive disqualification scheme, many commenters stated that the list of presumptive disqualifiers should be expanded. These commenters focused largely on three categories of offenses or conduct. The first category was felony hate crimes. One advocacy group dedicated to preventing gun violence reported that hate crimes have doubled in the last 10 years, have been significantly underreported, have targeted minority populations, and have often included the use of a firearm.[24] This group further argued that, unlike other crimes, hate crimes pose a danger to large swaths of the population; carry a risk of reoffending that is not shown to decline as the

[24] Commenter cited: USAFacts, *Are Hate Crimes on the Rise?* (Sept. 5, 2025), https://usafacts.org/articles/which-groups-have-experienced-an-increase-in-hate-crimes/; Grace Kena & Alexandra Thompson, U.S. Dep't of Just., Bureau of Just. Stats., *Hate Crime Victimization, 2005-2019* (Sept. 2021), https://bjs.ojp.gov/media/64996/download.

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perpetrator ages; and, over 60 percent of the time, are committed by perpetrators who have engaged in other criminal activity.[25]

The next proposed additional disqualifier was offenses for driving under the influence ("DUI") and similar alcohol-related offenses and conduct. Supporters of this addition pointed to studies and statistics demonstrating a link between DUI and similar alcohol-related offenses and an increased risk of gun violence.[26]

Next, a number of commenters proposed moving all domestic violence convictions into a permanent, rather than a time-limited, presumptive disqualification. At least one advocacy group noted that the risk of perpetrating domestic violence crimes does not diminish with age, unlike the risk of committing other violent crimes.[27] Other commenters provided supporting statistics regarding the use of firearms in the commission of domestic violence, noting that "41% of American women and 26% of men" have been victimized by an intimate partner; that "more than

[25] Commenter cited: Nat'l Consortium for the Study of Terrorism, *Motivations and Characteristics of Hate Crime Offenders* (Oct. 2020), https://www.start.umd.edu/pubs/START_BIAS_MotivationsCharacteristicsOfHateCrimeOffenders_Oct2020.pdf.

[26] Commenter cited: Hannah Laqueur et al., *Alcohol Related Crimes and Risk of Arrest for Intimate Partner Violence Among California Handgun Purchasers*, 38:10 Health Affairs 1719, 1725 (Oct. 2019), https://www.healthaffairs.org/doi/10.1377/hlthaff.2019.00608 ("This study, along with our forthcoming work that shows an association of comparable magnitude between a preexisting DUI conviction and risk for subsequent firearm-related crime and violent crime broadly, contributes to the evidence base for policies intended to regulate firearm ownership among people with alcohol use problems." (footnote omitted)); Ellicott C. Matthay et al., *Assessing Links Between Alcohol Exposure and Firearm Violence: A Scoping Review Update*, 45:1 Alcohol Rsch. 2 (Jan. 10, 2025), https://pmc.ncbi.nlm.nih.gov/articles/PMC11737877/.

[27] Commenter cited: Matthew R. Durose et al., U.S. Dep't of Just., Bureau of Just. Stats., *Family Violence Statistics: Including Statistics on Strangers and Acquaintances* 1 (June 2005), https://bjs.ojp.gov/content/pub/pdf/fvs10.pdf (finding that over 62 percent of domestic violence offenders were over the age of 30); Texas Council on Family Violence, *Honoring Texas Victims: Family Violence Fatalities in 2023* 10 (2023), https://tcfv.org/wp-content/uploads/2023-HTV-REport-Jan-2025-UPdate.pdf (noting that, in 2023, most intimate partner homicides in Texas were committed by men over the age of 40).

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half" of intimate partner homicides are committed with firearms; and that "more than 70 American women" per month are shot and killed by their intimate partners.[28]

Commenters also suggested "categorically" denying applications for relief submitted by repeat domestic violence offenders. These commenters proposed that, at a minimum, the individualized review of applications involving domestic violence cases should be completed by domestic violence experts and should result in the disqualification of those who engaged in aggravated conduct, such as violating protection orders, stalking, or strangulation. These commenters also proposed that the review of these applications should include review of police reports, victim testimony, and any civil protection orders imposed against the applicant.

These groups also encouraged reliance on expert panels and victim input when making any decision to rearm domestic violence offenders. Finally, these groups provided a list of actions that they believed should be considered an absolute bar to an individual receiving restoration of gun rights: repeated convictions for domestic violence offenses or for domestic violence in combination with other violent offenses; violation of a domestic violence protection order; strangling a victim; threatening a victim with a weapon; and sexually assaulting a victim. Commenters opined that research shows individuals engaging in these types of aggravated

[28] Commenter cited: Ruth W. Leemis et al., Ctrs. for Disease Control & Prevention, *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence* (Oct. 2022), https://www.cdc.gov/nisvs/documentation/nisvsreportonip_2022.pdf?; Avanti Adhia at al., *Nonfatal Use of Firearms in Intimate Partner Violence: Results of a National Survey*, 147 Preventive Medicine (June 2021), https://doi.org/10.1016/j.ypmed.2021.106500; L.E. Stalzman et al., *Weapon Involvement and Injury Outcomes in Family and Intimate Assaults*, 267:22 JAMA 3043 (June 1992), https://pubmed.ncbi.nlm.nih.gov/1588718/; Emma E. Fridel & James Alen Fox, *Gender Differences in Patterns and Trends in U.S. Homicide, 1976–2017*, 6:1 Violence and Gender 27 (Mar. 2019), https://doi.org/10.1089/vio.2019.0005; Neil Websdale, Kathleen Ferraro & Steven D. Barger, *The Domestic Violence Fatality Review Clearinghouse: Introduction to a New National Data System with a Focus on Firearms*, 6 Injury Epidemiology (2019), https://doi.org/10.1186/s40621-019-0182-2; FBI, *FBI Crime Data Explorer: Expanded Homicides Reported in the United States*, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorere/crime/shr (last visited July 4, 2026).

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conduct pose the greatest ongoing threat of intimate partner homicide and consequently would never be able to satisfy the statutory public safety and public interest considerations.

In addition to commenting on hate crimes, DUI offenses, and domestic violence offenses, commenters suggested three additional categories of disqualifying conduct. The first category was for individuals with a high risk of suicide: referencing the public safety risk inherent in suicide, suicide attempts, and suicidal ideation—including both the harm to the individual seeking to commit suicide and harm to others stemming from murder-suicides and active shooter situations—commenters opined that those who pose a risk of suicide should be permanently presumptively disqualified from gun possession. These commenters pointed out that although violent recidivism decreases with age, suicide rates increase with age for certain populations.[29] The second category, suggested by a joint letter from 16 states' attorneys general, was for individuals who are prohibited under section 922(g)(7) based on renouncement of citizenship. The attorneys general could "imagine no legitimate reason why anyone who has voluntarily given up the honors and responsibilities of American citizenship should be rewarded with restoration of firearm rights." The third category, also suggested by the 16 states' attorneys general, was to render individuals who are subject to pretrial diversion or a treatment program in lieu of a felony conviction presumptively disqualified.

Department Response:

The categories of serious offenses that qualify for presumptive disqualification are of significant importance in the implementation of a viable and effective section 925(c) application

[29] Commenter cited: Olivia Goldhill, *An Overlooked Demographic has the Highest Suicide Risk – and it's Been Rising*, STAT (July 17, 2025), https://www.statnews.com/2025/07/17/suicide-rates-rising-older-men-cdc-data-say/; Ajit Shah, *The Relationship Between Suicide Rates and Age: An Analysis of Multinational Data from the World Health Organization*, 19 Int'l Psych. 1141 (Dec. 2007), https://www.sciencedirect.com/science/article/pii/s104161022405169X.

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process. The NPRM set forth a list of offense types that, by their nature, carry a presumption that the offender poses a risk to public safety. This list was limited to violent offenses drawn from "crime of violence" definitions, other criminal offenses closely associated with violence, and offenses where the offenders statistically demonstrate high recidivism rates. In each category, the offender's ongoing dangerousness can be legitimately presumed.

Hate crimes

The Department greatly appreciates commenters' thoughts regarding potential additional offenses to include on the list of presumptive disqualifications. Regarding commenters' suggestions that hate crimes should be added to the list of presumptive disqualifiers, the Department declines to adopt this suggestion. The final rule already presumptively disqualifies perpetrators of most violent acts that could serve as an underlying offense in a hate-crime prosecution. For example, the FBI defines a hate crime "as a criminal offense against a person or property motivated in whole or in part by an offender's bias against" the victim's identifying characteristics, such as race, religion, or ethnicity.[30] The FBI collects data from states and localities on the types of offenses committed during hate crimes, identifying murder and manslaughter, rape, aggravated assault, intimidation, human trafficking or commercial sex acts, robbery, burglary, and arson as substantive offenses frequently involved in hate crime prosecutions.[31] Each of the foregoing categories of offenses is already presumptively disqualifying under the final rule.

[30] FBI, *What We Investigate: Hate Crimes*, https://www.fbi.gov/investigate/civil-rights/hate-crimes (last visited July 4, 2026).

[31] FBI, *FBI: Crime Data Explorer*, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads (last visited July 4, 2026) (providing downloadable statistics for hate crime information).

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The Department is cognizant that the list above does not capture every potential underlying offense that could form the basis of a state-designated hate crime. However, the Department seeks to avoid sweeping into a presumptive disqualification conduct that does not involve violence or ongoing risk to the public. Expanding the presumptive disqualification list to include all hate-crime-related conduct (as suggested by commenters) substantially increases the likelihood that conduct that is non-violent could be subject to a permanent presumptive disqualification. Inasmuch as an individual applicant's prior conviction(s) involve(s) conduct that does not fall into the presumptive disqualifications but that the Attorney General finds indicates that the applicant is likely to act in a manner dangerous to public safety and that granting relief would be contrary to the public interest, then the Attorney General would deny that application after reviewing the relevant materials. Accordingly, the final rule's list of presumptively disqualifying offenses continues to focus on identifying past convictions that implicate public safety and ongoing risk to the public.

Alcohol-Related Offenses

Similarly, the Department declines to adopt the suggestions of commenters that alcohol-related offenses or conduct should be presumptively disqualifying. Those convicted of alcohol-related offenses are not a category of persons who would necessarily have a federal firearms disability absent other factors. Further, alcohol abuse is not consistently documented in the way firearms disabilities pursuant to section 922(g) would be, including because individuals who have engaged in alcohol-abuse conduct that does not rise to criminal levels may have no criminal history at all. Without consistent and reliable documentation that the Department can utilize to establish that the applicant has engaged in alcohol-abuse-related conduct, the Department would struggle to administer a presumptive disqualification on that basis. To prevent the restoration of firearms rights for those individuals with ongoing substance abuse problems, the final rule

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requires individual applicants, as well as their character references, to affirm that the applicant does not regularly abuse alcohol or other intoxicants. *See* 28 CFR 107.10(g)(13)(iii)(C), (14)(iii). This requirement will allow the Attorney General to assess an applicant's substance abuse and help ensure that individuals with such problems cannot use firearms in a way that endangers public safety. Further, nothing in the final rule prevents the Attorney General from determining on a case-by-case basis that the individual circumstances of an applicant's prior history of alcohol-related offenses or alcohol-abuse conduct indicate that the applicant may be likely to pose a danger to public safety or that granting relief is against the public interest.

Aggravated Domestic Violence Offenses

The Department also appreciates the concerns expressed by domestic violence victim advocacy groups, particularly in their identification of aggravated conduct that may occur in domestic violence cases. The Department agrees that the examples of aggravated conduct cited by commenters, such as strangulation or multiple domestic violence incidents, are serious crimes. The Department also believes that the final rule already provides sufficient safeguards to ensure that firearms rights are not restored to applicants who have engaged in the aggravated conduct identified by commenters. As an initial matter, the final rule unequivocally categorizes any felony-level domestic violence conduct as presumptively disqualifying. The Department believes that most of the aggravated conduct cited by commenters would be felony-level conduct that is likely to result in felony-level convictions;[32] accordingly, under the final rule, individuals with such convictions will already be presumptively disqualified on a permanent basis.

[32] *See e.g.*, U.S. Dep't of Just., U.S. Attorney's Off. for the District of Columbia, *Sex Offense and Domestic Violence Section*, https://www.justice.gov/usao-dc/sex-offense-and-domestic-violence-section (last visited July 4, 2026) (describing felony level domestic violence prosecutions as those involving "shootings, stabbings, strangulation, kidnapping, arson, chronic abuse over significant periods of time, and/or serious bodily injury").

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In addition, the final rule addresses in a few key ways the possibility that some aggravated conduct may have resulted in only misdemeanor charges. First, the rule creates a presumptive 10-year disqualification for all misdemeanor domestic violence offenses. 28 CFR 107.50(b)(2)(i). Second, it restarts the 10 years of presumptive disqualification for anyone with a prior domestic violence conviction who incurs an additional arrest for a domestic violence or other violence-related offense within 10 years after completion of a domestic violence sentence. 28 CFR 107.50(b)(2)(ii)–(iii). Third, the final rule adds a five-year presumptive denial for any individual convicted of certain misdemeanor violent offenses that are not domestic-violence related. 28 CFR 107.50(b)(4). Finally, even in the absence of a presumptive denial or after the expiration of a presumptive denial period, the rule allows the Attorney General to assess the conduct underlying any offense. 28 CFR 107.10(b). Thus, if a misdemeanor conviction included felony-level conduct like strangulation or sexual assault, the Attorney General could review the substance of that conduct and find that the individual who engaged in that conduct should not receive restoration of federal firearms rights, regardless of whether a presumptive disqualification is in effect.

Moreover, the final rule allows the Attorney General's review to extend beyond convictions to "charges against the applicant that were dismissed in exchange for a guilty plea," 28 CFR 107.20(a)(3); "arrests, regardless of whether they resulted in criminal charges," 28 CFR 107.20(a)(1); "restraining or protection orders, regardless of whether that behavior related to an arrest," 28 CFR 107.20(a)(7), and "threats or threatening behavior, regardless of whether that behavior resulted in criminal charges," 28 CFR 107.20(a)(8). This wide latitude of review should mitigate concerns that individuals who engaged in aggravated conduct and pose an ongoing danger to society will have their firearms rights restored, while still not foreclosing the possibility that an applicant could overcome any applicable presumption.

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Suicide Risk

The Department is cognizant of the troubling connection between suicide risk and firearms usage but declines to specifically presumptively disqualify individuals with a history of suicide attempts or suicidal ideation, as proposed by commenters. Those with past suicide attempts or ongoing suicidal ideation do not necessarily have a history of criminal conduct and do not comprise a category of persons who would necessarily have a federal firearms disability absent other factors. Moreover, suicide-related conduct, such as suicidal ideation or attempt, is not necessarily consistently documented in the same way as conduct giving rise to firearms disabilities pursuant to section 922(g), and thus the Department would have difficulty identifying evidence that would appropriately establish suicide-related conduct consistently across applications. Inasmuch as suicide-related mental states overlap with a mental health prohibitor from which an individual applicant may be seeking relief, then suicidal ideation or attempts would be addressed in the context of relief from that particular prohibitor. However, to capture individual applicants where there is no such overlap, the final rule has revised the affirmations required of applicants and their character references to specifically mandate that they identify suicide risk. *See* 28 CFR 107.10(g)(13)(iii)(F), (14)(vi). Such a requirement cannot substitute for the record evidence that, as just explained, is often lacking in the context of suicide-related conduct, but these changes should help to allay commenters' concerns in this regard.

Renounced Citizenship

As to the request to add renounced citizenship to the list of presumptive disqualifiers, the commenter identified no specific public safety rationale for doing so, and the Department has not independently identified one. Nor did the commenter identify any reason that restoration for this category of applicants would necessarily be "contrary to the public interest," 18 U.S.C. 925(c), beyond a vague and unexplained notion that individuals who renounce their citizenship ought not

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to be allowed to benefit from the ability to receive less unfavorable treatment than other prohibited persons.

Pretrial Diversion

Finally, as to the request to presumptively disqualify those individuals under some form of a pretrial diversion program, the Department agrees that pretrial diversion and similar programs are frequently used to resolve criminal adjudications in state court and often require fact-finding or admissions of guilt similar to criminal convictions, yet do not trigger an additional prohibition under section 922(g). Because state courts use such programs so frequently, failing to address them in the final rule could leave many individuals uncertain about any presumptions that may apply to their applications. The Department has accordingly amended the final rule at § 107.50(c)(3) to include specific provisions related to such programs.

2. Reducing the Number of Presumptive Disqualifiers

Comments Received:

Many commenters argued that, even if a presumptive disqualification scheme is employed, some of the proposed presumptive disqualifiers should be removed. Multiple commenters expressed the opinion that sex offenders are not inherently violent and that sex-offender registration should therefore be removed from the list. They argued that presumptively disqualifying everyone on a sex-offender registration system is an inappropriate blanket ban because the system does not equate to an "assessment of ongoing dangerousness" but instead merely "create[s] permanent status based on past conduct." They further argued that treating registration as an indication of ongoing dangerousness is inconsistent with case law concluding that it is unlawful to use a registry to increase a sex offender's punishment. Commenters criticized the study used in the NPRM to establish the high rate of sex-offender recidivism as applying to a narrow,

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more violent subset of such individuals, and argued that general recidivism rates are much lower. Others pointed to the low recidivism rate among certain low-risk categories of registered sex offenders, generally asserting that numerous studies have concluded that low-risk sex offenders—those whose offenses are deemed to be less serious—have the lowest recidivism rates among any class of offender. Commenters did not provide the sources or studies they referenced.

These commenters proposed changing sex-offender registration disqualification from a permanent presumptive disqualification to a time-limited presumptive disqualification. They further pointed to problems associated with SORNA and argued that SORNA "does not reflect actual individual risk, public threat, or recidivism likelihood. Instead, it is based solely on the maximum possible sentence associated with a given offense. This structure ignores the actual sentence imposed or the specific facts of the case." They also highlighted problems associated with federalism—i.e., a lack of uniformity in who is required to be on the offender list depending on the jurisdiction of conviction—and the Supreme Court's holding that sex-offender registration is not to be used punitively.[33]

Only one comment, from the joint letter of the 16 states' attorneys general, proposed expanding the sex-offender disqualification to include anyone who is currently registered "as a sex offender . . . , whether or not the offense or incident that gave rise to the registration obligation would disqualify the person from possessing a firearm under the Gun Control Act." (Emphasis omitted.) This group cited to the Supreme Court's assessment that the "risk of recidivism posed by sex offenders is 'frightening and high.'"[34]

[33] The commenter did not provide a citation to the Supreme Court case referenced.

[34] Commenter cited: *Smith v. Doe*, 538 U.S. 84, 103 (2003) (quoting *McKune v. Lile*, 536 U.S. 24, 34 (2002)).

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The next proposed presumptive disqualifier for which some commenters sought removal was misdemeanor offenses. Certain commenters suggested that a person should not be disadvantaged in the restoration process for what could be perceived as a minor indiscretion. Others voiced concerns over specific misdemeanor offenses, often mentioning state offenses that they viewed as allowing too much discretion in charging to qualify as presumptive disqualifiers, such as stalking, threats, simple assault, or domestic violence-related charges. Numerous commenters opined that several of the disqualifying misdemeanors set forth in the NPRM did not necessarily include violence and suggested that lower-level versions of those offenses should be carved out of the presumptions and reviewed individually without requiring an applicant to overcome a negative inference. Offenses that commenters viewed as posing lesser risk included burglary, which could encompass breaking and entering; possession of burglary tools; vandalism; and involuntary manslaughter, which may involve unintentional or reckless conduct.

Another presumptive disqualifier that commenters asked the Department to remove was that pertaining to drug use. Comments on this topic focused primarily on marijuana use. Some commenters believed that no public safety rationale justifies presumptively disqualifying users of controlled substances, particularly marijuana users. They pointed to post-*Bruen* jurisprudence emphasizing the historic tradition of disarming primarily those persons found to be dangerous, and also to the fact that nearly two-thirds of states have legalized marijuana.[35] Some commenters also observed that if casual alcohol users are able to have their rights restored without overcoming a presumptive disqualification, then marijuana users should not be subject to such a presumption. On the other side of the issue, commenters who believed drug use was appropriately categorized as a presumptive disqualifier varied between those supporting a

[35] For example, one commenter mentioned cases before the U.S. Courts of Appeals for the Fifth and Eleventh Circuits but did not provide sufficient information to identify the specific cases discussed.

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permanent ban and those endorsing some pathway to relief for former drug users, while one commenter opined that "all applicants should submit current drug test results."

Some commenters supported removing from presumptive disqualification several types of possessory firearm offenses not committed in conjunction with violent acts, such as possession of a machine gun or possession of a firearm in a protected location. Such commenters described these offenses as administrative in nature. Commenters also contended that violating bans on certain types of gun magazines likewise should not trigger presumptive disqualification, arguing generally that laws punishing possessory offenses violate the Second Amendment because such offenses are not inherently violent. In contrast, some commenters expressed relief that the presumptions were applied to firearms offenses; one commenter, for example, supported the presumptions because, according to a study cited by the commenter, handgun purchasers with at least one prior misdemeanor conviction were more than seven times as likely as those with no prior criminal history to be charged with a new offense after a handgun purchase.[36]

Next, one anonymous commenter posited that the Department should investigate "credible self-defense claims" and exempt those convictions from presumptive disqualification. Finally, another commenter posited that alien applicants prohibited under section 922(g)(5) should be removed from presumptive disqualification because "[n]o data show undocumented residents or visa holders are categorically more violent."

[36] Commenter cited: Garen J. Wintemute, *Prior Misdemeanor Convictions as a Risk Factor for Later Violent and Firearm-Related Criminal Activity Among Authorized Purchasers of Handguns*, 280:24 JAMA 2083 (Dec. 1998), https://jamanetwork.com/journals/jama/fullarticle/188297 ("*Prior Misdemeanor Convictions*").

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Department Response:

The Department addresses in turn each offense targeted by commenters for removal from the presumptive disqualification list.

Sex-Offender Registration

The Department understands commenters' concerns about the "overly broad" application of a presumptive disqualification for SORNA registrants and certain sex offenders but disagrees with their ultimate conclusions. First, not all SORNA or sex-offender registration is presumptively disqualifying. The final rule provides at § 107.50(c)(6) that only ongoing registration stemming from the offense or offenses that led to the firearms disability will result in presumptive disqualification. Registration triggered solely by an offense that would not independently result in a firearms disability (i.e., a misdemeanor offense) is not presumptively disqualifying, and this caveat should alleviate many commenters' concerns on this topic. Moreover, the least serious felony offenses that would independently result in a firearms disability are likely to require only a time-limited SORNA registration (typically 10 to 15 years). As such, those with the least serious SORNA qualifying offenses may no longer be subject to SORNA registration by the time of their application.

Second, commenters argued that recidivism rates for certain low-risk sex offenses are lower than the recidivism rates for general criminal offenses. The commenters, however, did not share the source of these claims. Although it is somewhat difficult to respond directly to unsourced claims, the Department notes that—according to a 2015 study completed by the Department's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking—sex offense recidivism rates are difficult to calculate and are often incorrectly

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identified as low due to artificially brief follow-up periods. [37] Researchers observed that "it is important to recognize that recidivism rates derived from followup periods of 5 years or less may mislabel a considerable proportion of repeat offenders as nonrecidivists."[38] Although the Department does not presume to know precisely which studies commenters were referring to when making their claims, it is possible that those studies suffer from the same flaws regarding artificially low recidivism rates determined during short follow-up periods. Potentially flawed and unsourced studies are not a sufficient basis to alter the final rule's treatment of these types of offenses.

Moreover, commenters expressed concerns that registration as a sex offender on SORNA or another system does not independently indicate dangerousness warranting the application of a presumptive disqualifier, but those concerns ignore two important considerations. One, SORNA is a tiered system of registration, requiring longer durations of registration based on the nature of the offense, the vulnerability of the victim, and prior convictions of a similar nature.[39] Those with less dangerous offenses will be removed from the registry sooner, and thus SORNA is properly calibrated to retain the most dangerous offenders on the registry for longer periods. Although not every state's registry satisfies the same rigorous standards of SORNA, most offer

[37] Roger Przybylski, U.S. Dep't of Just., Off. of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, *SOMAPI Research Brief: Recidivism of Adult Sexual Offenders* 1–2 (July 2015), https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/recidivismofadultsexual offenders.pdf (noting that recidivism rates are difficult to calculate because of "the surreptitious nature of sex crimes, the fact that few sexual offenses are reported to authorities, and the variation in the ways researchers calculate recidivism rates"). This study noted that recidivism rates for sex offenders were almost five times higher at 15 years than they were at 3 years. *Id.* at 4.

[38] *Id.*

[39] U.S. Dep't of Just., Off. of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, *Sex Offender Registration and Notification in the United States: Case Law Summary* 72 (July 2024), https://smart.ojp.gov/case-law-summary-july-2024.pdf.

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some opportunity for removal from a registry or otherwise align registration length to the seriousness of the offense.[40] Two, a state's failure to permit removal from a registration can certainly be a factor that an applicant could point to when trying to overcome the presumption of disqualification. But in general, most offenders convicted of nonviolent sex offenses and deemed to be low risk will be removed from registration requirements at an appropriate time; at that point, the SORNA-registration presumptive disqualifier will no longer apply.

The Department also declines to adopt the recommendation of the 16 states' attorneys general that registration as a sex-offender should be independently disqualifying, regardless of whether the registration is predicated on the offense causing the firearms disability. The overlap between sex-offender registration and firearms disability is substantial, and only a minority of offenses requiring sex-offender registration would not also create a firearms disability. The independent fact of registration is certainly a piece of evidence that the Attorney General can look to when making his ultimate assessment on the appropriateness of firearms restoration, but the Department declines to extend presumptive disqualification in this scenario.

Misdemeanor Convictions and Overly Broad Violent Conduct

In reference to comments proposing that certain misdemeanor offenses be removed from the presumptive disqualification list, the Department offers some clarification. To begin, section 922(g)(1) identifies any offense that is punishable by more than one year in prison, with certain exceptions identified in 18 U.S.C. 921(a)(20), as an offense prohibiting firearms possession under federal law. Although this prohibition aligns with the definition of felony offense under both federal law and the laws of many states, certain states may allow "misdemeanor offenses"

[40] Restoration of Rights Project, *50-State Comparison: Relief from Sex Offense Registration Obligations* (Oct. 2022), https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-relief-from-sex-offender-registration-obligations/.

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to be punishable by more than one year of imprisonment. These differing definitions could lead to the same offense being treated as a misdemeanor in one state and a felony in another. Section 922(g), combined with section 921(a)(20), eliminates this confusion by providing a standard definition for offenses punishable by more than one year in prison, identifying those offenses as disqualifying, and providing that any offense that does not meet that definition is not disqualifying.[41] Domestic violence misdemeanor convictions, in accordance with section 922(g)(9), are the only convictions that are punishable by less than one year in prison and that still serve as disabling predicate convictions. Those offenses are addressed separately above. Nevertheless, the final rule at § 107.50(b)(4) does identify persons under a firearms disability who have also been convicted of certain violent misdemeanor offenses as being presumptively disqualified from relief for a period of five years. This time-limited presumption was added to the proposed rule in recognition of evidence cited by commenters showing that individuals with convictions that involve violence are more likely to pose a danger to the public in the immediate aftermath of that conviction than those who commit offenses without any violent characteristics.[42] Moreover, this presumption acknowledges that some felony-level violent

[41] 18 U.S.C. 921(a)(20) ("The term 'crime punishable by imprisonment for a term exceeding one year' does not include—(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offense relating to the regulation of business practices, or (B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.").

[42] *See, e.g.*, U.S. Dep't of Just., Bureau of Just. Stats., *Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up* Period (2008–2018) 10 tbl. 11 (Sept. 2021) ("*Recidivism of Prisoners Released in 24 States in 2008*"), https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfup0818/Web%20content/508%20compliant%20PDFs [https://perma.cc/ZT4S-38GF] (showing that nearly 44 percent of violent offenders who were arrested after release were arrested for violent offenses (most frequently assault), as opposed to less than 35 percent of drug offenders, less than 40 percent of property offenders, and less than 42 percent of public order offenders being arrested for a violent offense); U.S. Sentencing Comm'n, *Recidivism Among Federal Violent Offenders* 3 (Jan. 2019), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190124_Recidivism_Violence.pdf ("[O]ffenders who engaged in violent criminal activity . . . generally recidivated at a higher rate, more quickly, and for more serious crimes than non-violent offenders. . . .

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conduct may result in only misdemeanor-level conviction and punishment, as noted in the discussion of domestic violence offenses.

Importantly, regarding the concerns of some commenters that statutes criminalizing threats or stalking often encompass a wide range of conduct, the Department maintains that stalking is a crime that is either inherently violent or closely associated with violence, and so it is properly placed into the permanent presumptively disqualified category when it rises to the level of a felony, and warrants a five-year presumption of disqualification even when it rises only to the level of a misdemeanor.[43] Exceptions to these presumptions are addressed by the final rule's extraordinary circumstances mechanism at § 107.50(a), (b), whereby applicants may submit statements or information indicating that, based on the individual circumstances of their offense, restoration of their firearms rights is not likely to pose a danger to the public and would be aligned with the public interest. The Department will review those claims and may consider factors such as whether the underlying conduct could have been addressed through lesser charges, the amount of time elapsed since the conduct, and the age of the person at the time of the conduct when determining whether an applicant has shown extraordinary circumstances.

Violent offenders have higher recidivism rates than non-violent offenders in every Criminal History Category, however, the difference in recidivism rates between violent and non-violent offenders is most pronounced in the lower Criminal History Categories and [certain specially designated categories]."); Julia P. Schleimer, Rachel Ross & Ali Rowhani-Rahbar, *Association of Prior Criminal Charges and Convictions with Subsequent Violent and Firearm-Related Crime: A Retrospective Cohort Study*, 12 Injury Epidemiology 5 (2025), https://link.springer.com/article/10.1186/s40621-025-00593-x ("The absolute risk among those with prior misdemeanors was also high; for example, approximately 30% of those with a violent misdemeanor charge had a subsequent violent charge within 5 years."); *Prior Misdemeanor Convictions* at 2086 tbl. 5 (showing that those with at least one violent misdemeanor conviction had nearly twice the relative risk of reoffending with a new violent offense (8.9) as those with only one prior nonviolent misdemeanor conviction (4.8)).

[43] U.S. Dep't of Just., Off. on Violence Against Women, *Stalking*, https://www.justice.gov/ovw/stalking (last visited July 4, 2026) (defining stalking as "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.").

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Conversely, the Department agrees that it may have exercised an overabundance of caution when including in the permanent presumptive disqualification category offenses involving the mere threat of violence, rather than the performance of any violent act against a person. The final rule at § 107.50(b)(1)(ii) revises the presumptive disqualification for these types of offenses to a time-limited 10-year period, in recognition of the fact that some convictions involving threats of violence may not ultimately reflect dangerousness on the offender's behalf. For example, the Supreme Court recently affirmed that convictions for "true threats" can involve speech that is merely reckless and lacks a "more specific intent to threaten the victim."[44] Two concurring Justices reiterated that threats do not necessarily involve the intent "to carry through with the threat."[45] Because of the broad nature of the speech that is encompassed in threats as construed by the Supreme Court, the Department acknowledges that not all individuals who are convicted of offenses involving threats demonstrate the same elevated propensity for violence as those who commit one of the violent offenses enumerated in the permanent presumptive disqualification section. On the other hand, it is undoubtably true that some portion of those individuals who threaten violence do go on to commit violence. The final rule balances these considerations and includes a 10-year presumptive disqualification for convictions involving threats of violence.

Drug Users

The Department appreciates comments received regarding the presumptive disqualification of current drug users. As explained further below, the final rule continues to include certain drug users and addicts as categories of persons presumptively disqualified from

[44] *Counterman v. Colorado*, 600 U.S. 66, 73 (2023).

[45] *Id.* at 84 (Sotomayor, J. & Gorsuch, J., concurring).

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relief under this final rule. The Department, however, has amended the rule to exclude from the scope of the presumption those individuals whose unlawful drug use or addiction consists only of the use of or addiction to marijuana, in recognition of the Supreme Court's recent decision in *Hemani* and in light of the many comments received regarding use of marijuana.[46] Specifically, the definition of "controlled substance" in the final rule at § 107.1 no longer includes marijuana, and the presumption of ineligibility for relief based on unlawful drug use or addiction at § 107.50(c) now applies only to controlled substances as defined in § 107.1. These changes have the effect of excluding unlawful marijuana use and marijuana addiction from the scope of conduct giving rise to a presumption of ineligibility under § 107.50(c).

With respect to the rule's remaining drug-based presumption of ineligibility (i.e., for drugs other than marijuana), the Department notes that individuals prohibited from owning firearms based on drug use or addiction are among the class of persons who can take themselves out of the prohibited category simply by ending their unlawful conduct and avoiding additional drug-related conduct for a period of time—thus disrupting the "pattern" of drug use. Drug-use prohibitions are documented in the National Instant Criminal Background Check System ("NICS"),[47] a centralized repository of records documenting those who are under federal or state firearm prohibitions. Since 1997, NICS has viewed an individual as being a current drug user if, within the past year, the person has had a conviction for drug use or possession or has engaged in conduct that indicates drug use and, accordingly, drug-use-related records are retained in NICS

[46] The Department also made technical changes to reorganize the provision regarding individuals engaging in ongoing unlawful conduct and to improve the final rule's clarity. *See* 28 CFR 107.50(c).

[47] NICS is the system used to conduct background checks on people who want to own a firearm or explosive, as required by law. FBI, *How We Can Help You*, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics (last visited July 4, 2026). NICS provides the primary means of identifying those who are prohibited from owning firearms, including those who are prohibited based on drug use or addiction to a controlled substance.

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Indices for only one year.[48] As a result, individuals prohibited on the basis of drug use or addiction can regain the right to possess a firearm, assuming no other prohibitors apply to them, by abstaining from ongoing drug use and allowing 12 months to pass. For these individuals, this final rule's drug-use-related presumption of ineligibility for relief under section 925(c) is irrelevant because such individuals will not need to apply for relief under section 925(c) at all.

Next, ATF recently amended the regulatory definition of "unlawful user" for purposes of documentation in NICS Indices to exclude the use of controlled substances that is "isolated or sporadic or does not otherwise demonstrate a pattern of ongoing use."[49] Due to this change, the active number of NICS Indices entries for unlawful users and those addicted to a controlled substance dropped from 54,136 as of December 31, 2025,[50] to 6,169 users as of May 31, 2026,[51] making the issue moot for approximately 89 percent of those previously affected. Indeed, out of 34,744,424 prohibited category entries in the NICS Indices, this category now constitutes just over 0.016 percent of the entries.

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[48] *See* FBI, *Active Entries in the NICS Indices as of December 31, 2025* at 6, https://www.fbi.gov/file-repository/cjis/active-entries-in-the-nics-indices.pdf/view (last visited July 4, 2026) ("*Active Entries*") ("Since [evidence of being an unlawful user or addicted to a controlled substance creates] a temporary prohibition (one year), an expiration date [for such evidence] is required to be established in NICS Indices."); 28 CFR 25.9(a) ("In cases where a firearms disability is not permanent, e.g., a disqualifying restraining order, the NICS will automatically purge the pertinent record when it is no longer disqualifying."). Documents indicating drug use could include items such as positive drug tests or admissions of use. *Active Entries* at 6; *see also* Revising Definition of "Unlawful User of or Addicted to Controlled Substance," 91 FR 2698, 2700 (Jan. 22, 2026) ("Since ATF published the 1997 final rule, the [FBI], in operating NICS, has relied on the inference examples in the regulatory definition of unlawful user.").

[49] 91 FR at 2708.

[50] *Id.* at 2704.

[51] FBI, *Active Entries in the NICS Indices* (May 31, 2026), https://www.fbi.gov/file-repository/cjis/active_records_in_the_nics-indices.pdf/view.

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For these reasons, the Department has decided to retain the rule's general presumption of ineligibility for relief related to certain forms of drug use and addiction. As noted above, however, the Department has made changes to the rule in light of the Supreme Court's decision in *Hemani*. Although that case preserved the prohibition in section 922(g)(3) as a general matter, the Court concluded that the defendant's regular use of marijuana did not necessarily establish that he posed a danger to himself or others, and hence that section 922(g)(3) could not constitutionally be applied to him. *See Hemani*, 146 S. Ct. at 1689, 1693. The Court's finding echoed the concerns expressed by commenters on the NPRM, who likewise focused almost exclusively on marijuana users and argued that regular marijuana use does not render the user dangerous to the public. In view of these developments, the Department has made the adjustments mentioned above to exclude marijuana use or addiction as a presumptive disqualifier under § 107.50(c). And for similar reasons, the Department has amended the rule so that applicants and their character references are no longer required to affirm that the applicant is not a user of or addicted to marijuana. *See* 28 CFR 107.1, 107.10(g)(13)(iii)(B) & (14)(ii). The Department acknowledges that making these changes with respect to marijuana addicts (not just marijuana users) goes beyond the facts at issue in *Hemani*, but the Department has determined that doing so is necessary to improve the administrability of the restoration process. Whether an individual is a marijuana "user" or a marijuana "addict" is a highly fact-specific inquiry, and the Department would struggle to differentiate between the two on the basis of the kind of evidence likely to be submitted with an application for restoration. Further, attempting to collect and evaluate additional information to accurately differentiate between marijuana "users" and marijuana "addicts" would require time and resources that would defeat the administrability benefits of imposing a presumption of disqualification in the first place. Given these considerations, the Department has determined that excluding both marijuana users and

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marijuana addicts from §§ 107.10(g)(13)–(14) and 107.50(c) best balances the relevant policy considerations.

Firearms Offenses

The Department understands the concerns expressed by commenters that certain nonviolent, possessory firearms offenses may have been inappropriately included in the permanent presumptive disqualification list proposed in the NPRM. The Department agrees that certain possessory and nonviolent firearms convictions may have involved a strict-liability application of the law, where no malicious intent or violence was evidenced; where the individual had little or no prior criminal history; or where the individual may have been authorized to possess a firearm in circumstances outside the scope of the statute's specific prohibition, such as when lawful firearm-permit holders are nonetheless prohibited from possessing firearms in certain sensitive locations. Also, there is evidence that those who are most likely to be convicted of a strict-liability, possessory offense without any aggravating conduct—those with little to no prior criminal history or those who may otherwise lawfully possess a firearm outside of the restrictions of the statute—have significantly lower rates of both committing criminal offenses and recidivating.[52] In these cases, permanent presumptive disqualification is too severe a result.

[52] *See, e.g.*, U.S. Sentencing Comm'n, *Recidivism of Federal Firearms Offenders Released in 2010* 39 tbl.19 (2021), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20220209_Recidivism-Firearms.pdf (identifying recidivism rates below 40 percent for those who were convicted only of a federal possessory, prohibited weapons offense, such as possession of a National Firearms Act firearm, and who were in the lowest criminal history category) ("*Recidivism of Federal Firearms Offenders*"); K. Alexander Adams *A State-by State Analysis of Concealed Carry Permit Revocations* 4 Firearms Rsch. Ctr., Coll. of L., Univ. of Wyo., Working Paper No. 2025-9) (Nov. 19, 2025), https://firearmsresearchcenter.org/wp-content/uploads/2025/11/2025-9-K_Alexander_Adams.pdf ("The data demonstrate that [firearms] permit holders can be described as extremely law abiding.") ("*State-by-State Analysis*"). Researchers identified the revocation of firearms permits as a close proxy for assessing the rate of violent conduct for firearms users and found that the

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Conversely, the Department also recognizes that many firearms offenses are accurately prosecuted and charged as either independently violent crimes or as crimes accompanying other violent offenses. Further, violent firearms offenders have been found to carry higher recidivism rates than other categories of offenders. The *Recidivism of Federal Firearms Offenders* study by the U.S. Sentencing Commission found that over two-thirds of all firearms offenders were rearrested within an eight-year period following their release (compared to approximately 45 percent of all other offenders), and that the likelihood of recidivism was particularly high for persons with lengthy and serious criminal histories.[53]

To complicate matters even more, the statutes that are used to prosecute these distinct types of conduct—nonviolent, strict-liability, possession offenses, on the one hand, and violent firearms offenses, on the other—are often the same, and there may be no simple way to distinguish these disparate kinds of conduct on the face of the conviction. For example, both possession of a firearm on school property (potentially a nonviolent, possessory offense) and discharge of a firearm on school property (an offense of violence), are prosecuted federally under 18 U.S.C. 922(q), albeit different subsections. Although the precise subsection applicable to an offender might, in some small subset of cases, be discernable from specific documents in the record of the criminal proceeding, the Department's experience in reviewing convictions as part

"[r]ates of overall [revocation] are 12 times *lower* than rates of violence among the general population." *State-by-State Analysis* at 14.

[53] *Recidivism of Federal Firearms Offenders* at 6, 13–14, 16–18 (assessing recidivism for individuals convicted under federal firearms statutes, primarily comprised of convictions for prohibited persons in possession of a firearm (section 922(g)), career offenders (U.S. Sentencing Guidelines section 4B1.1), armed career criminals (section 924(e)), possession of a firearm related to drug trafficking or a violent offense (section 924(c)), and other miscellaneous provisions, including straw purchasers of firearms; unlawful sales of firearms; and possession or sale of dangerous firearms, such as sawed-off shotguns or machine guns). The study further noted that for offenders with the most serious category of prior criminal history offenses, recidivism was at nearly 83 percent. *Id.* at 7.

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of the pardon process and in other contexts indicates that it would be difficult in most cases to determine with accuracy the specific subsection at issue. Federal jurisdictions can have widely differing practices, making it difficult to find any document that uniformly records the type of detailed information the Department would need to differentiate between convictions under different subsections of statutes. The Department's difficulties would be compounded by the divergent practices that states and localities have adopted in charging and documenting convictions. Further, the Department recognizes that, in the case of older convictions, relevant documents may be inaccessible or destroyed due to age. Thus, the records that the Department is consistently likely to receive from applicants or to be otherwise able to access during the section 925(c) application process may very well lack the detail necessary to understand the full scope of conduct in the case.

Recognizing the complex scenarios involving disparate risks and fact patterns associated with similar convictions, while still endeavoring to promote efficient processing of relief applications, the Department at § 107.50(b)(1)(iv)–(v) has shifted the presumptive disqualification for firearms offenses from a permanent disqualification to a 10-year presumptive disqualification. This time-limited presumption will promote the Department's goal of focusing its resources initially on those applicants who—by virtue of not being subject to a presumption—are most likely to be able to establish that they satisfy the standard for restoration in section 925(c). At the same time, imposing only a time-limited presumption recognizes that not all persons convicted of firearms offenses of the sort described in this section will necessarily have engaged in the violent conduct that makes a permanent presumptive disqualification appropriate. Importantly, the Department is not obligated to grant an applicant's restoration upon the expiration of the presumptive disqualification period, and would be statutorily barred from doing so if it finds that the restoration of firearms rights to the applicant is likely to cause a danger to

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the public or would be contrary to the public interest. Thus, the shift to a 10-year presumptive disqualification would not, on its face, be more likely to result in unwarranted restorations than the proposed permanent disqualification.

The shift to a 10-year presumption will preserve the Department's ability to consider statements by applicants seeking to demonstrate that the particular circumstances of their conduct qualify as extraordinary and hence overcome the presumption that they should be disqualified from relief for that full 10-year period. The shift to a 10-year presumption will also help the Department properly identify other potentially strong applicants immediately upon the expiration of the 10-year presumption. (By contrast, if the permanent presumption of disqualification for firearms offenders remained in place, these applicants might never be considered.) For all these reasons, the Department believes the 10-year presumptive disqualification best balances the competing policy interests associated with the firearms offenses discussed in this section. The Department suggests that individuals who seek to demonstrate extraordinary circumstances overcoming the 10-year presumption for past firearms convictions explain in their applications the extent to which their offense conduct was nonviolent, merely possessory, may have been lawful but for the location or circumstance of offense, or resulted solely from a strict-liability application of a statute.

Explosives

Similar to past firearms convictions, convictions related to the possession, manufacture, transfer, or use of explosives could be deemed independently violent offenses or offenses closely associated with substantive violent conduct, or they could be mere strict-liability violations that do not indicate the applicant is likely to pose an ongoing threat to public safety. For example, charges of carrying an explosive during the commission of a felony under 18 U.S.C. 844(h)(2) could involve substantively violent intent but also could include individuals who are legally

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carrying explosives at the time they are engaged in unrelated and nonviolent conduct. Further, the definition of explosives at section 844(j) includes combustible materials that have uses beyond their mere explosive capabilities, such as kerosene and types of fertilizers.[54] Details regarding the culpability of a person convicted under section 844 are not facially apparent from the records the Department is likely to receive in the initial stages of its review. Accordingly, standalone explosive offenses have also been moved from a permanent to a 10-year presumptive disqualification period. *See* 28 CFR 107.50(b)(1)(iii). The Department similarly suggests that people who seek to demonstrate extraordinary circumstances overcoming the 10-year presumption for past explosives convictions explain in their applications the extent to which their underlying offense conduct was nonviolent, merely possessory, may have been lawful but for the location or circumstance of offense, or resulted solely from a strict-liability application of a statute.

Animal Abuse

The Department has also reviewed the placement of felony animal abuse in the permanent presumptive disqualification group and has elected to move this category of offenses to a 10-year presumptive disqualification period. The Department does so in recognition of the fact that animal abuse behaviors are not all alike. Some individuals convicted of these types of offenses do pose a high potential for ongoing danger to public safety.[55] But felony animal abuse can also encompass instances of severe neglect consistent with hoarding behaviors that do not

[54] *See e.g.*, *U.S. v. Ressam*, 553 U.S. 272, 277 (2008) (Breyer, J., dissenting) ("My problem with the Court's interpretation is that it would permit conviction of any individual who legally carries explosives at the time that he engages in a totally unrelated felony. 'Explosives' . . . encompasses such commonplace materials as kerosene, gasoline, or certain fertilizers.").

[55] *See, e.g.*, U.S. Dep't of Just., Off. of Att'y Gen., *Prioritization of Animal Welfare Enforcement* (Feb. 18, 2026), https://www.justice.gov/ag/media/1427921/dl?inline=&utm_medium=email&utm_source=govdelivery.

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necessarily reflect the same ongoing public safety risks or violent intent.[56] Situating animal abuse in the 10-year presumptive disqualification category strikes an appropriate balance in light of the way that the severity of this offense can vary, similar to the balancing the Department is employing for firearms and explosives possession offenses.

Aliens

The Department declines to remove aliens subject to disability under 922(g)(5) from the presumptive disqualification because this group is not "part of 'the people' to whom the protections of the Second Amendment extend."[57] Further, even though there may be an argument that lawfully present nonimmigrants do not fall within the group excluded from the protection of the Second Amendment by *Sitladeen*, the Department declines to divide the category of individuals subject to section 922(g)(5) on the basis of whether an alien is lawfully or unlawfully present. The establishment of a presumptive disqualification for all persons who fall under section 922(g)(5), whether lawfully or unlawfully present, is consistent with Executive Order 14206, 90 FR 9503, (Feb. 7, 2025) ("Protecting Second Amendment Rights"), which directs executive agencies and departments to assess any ongoing infringements of the Second Amendment rights "of our citizens" and to create a plan of action to protect the Second Amendment rights "of all Americans." The order also emphasizes that the Attorney General should pay particular attention to previous presidential policies that may have impaired the rights of "law-abiding citizens," highlighting that the Department should prioritize protection for

[56] *See, e.g.*, Am. Soc'y for the Prevention of Cruelty to Animals, *Animal Hoarding*, https://www.aspca.org/helping-people-pets/animal-hoarding (last visited July 4, 2026) (describing those who commit animal hoarding as people who typically have suffered traumatic and chaotic childhoods and social histories).

[57] *Sitladeen*, 64 F.4th at 987.

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citizens rather than aliens, regardless of whether the aliens are in the country lawfully or unlawfully.

In the Department's view, the presumptive disqualification of all individuals prohibited from owning firearms under section 922(g)(5), regardless of whether the individual is lawfully or unlawfully present, will support the preservation of limited resources and better enable the evaluation of applications from citizens. The Department emphasizes that the presumption is rebuttable, and the presumption thus does not preclude any aliens from having their firearms rights restored. In addition, aliens can take themselves out of both the presumptive disqualification and the underlying prohibited category by adjusting their status, further indicating the appropriateness of restricting section 925(c) relief for unadjusted alien applicants. But, the Department expects this permanent presumption will enable it to direct more resources towards applications from citizens, consistent with Executive Order 14206.

Self-Defense Claims

Finally, the Department disagrees with the commenter's proposal that individuals with valid self-defense claims should be excluded from the presumptive disqualification that applies to those with convictions for violent crimes. A person facing prosecution for a violent crime has the opportunity to raise a self-defense claim in the criminal proceedings. That the person was ultimately convicted despite that opportunity supports the conclusion that the claim was not credible. Further, nothing prevents an applicant from raising self-defense as a potential "extraordinary circumstance" for the Attorney General to consider when deciding whether the presumptive disqualification against violent offenders should be overcome.

In sum, the Department strongly disagrees with the assertion that permanent presumptive disqualifiers are overbroad or arbitrary, as they are grounded in the GCA itself, case law, and research indicating a likelihood of violence or abnormally high recidivism rates among certain

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categories of offenders. The Department appreciates several commenters' requests to expand the categories of presumptively disqualified persons, but it concludes that the proposed additions generally already fit within the NPRM's proposed permanent presumptive disqualifier list and that further expanding the list could result in unduly disqualifying too many applicants. Conversely, reducing the number of permanent presumptive disqualifiers in ways other than those discussed above—i.e., excluding marijuana use and addiction from the presumptive disqualification under § 107.50(c) and shifting certain offenses from the permanent to time-limited category—would be under-inclusive. The Department believes that the final rule, with the adjustments described in this section, will allow for efficient review of applications while fulfilling the Attorney General's statutory obligation to restore firearms rights in a manner consistent with public safety and the public interest. In the event any individual applicant's circumstances are not well captured by the final rule's presumptions, the Department invites an explanation from the applicant regarding those extraordinary circumstances. In this way, the final rule provides sufficient mechanisms that allow the applicant to attempt to show extraordinary circumstances to overcome the presumption, thus allowing the Attorney General to make an individualized determination of whether the person applying for restoration is likely to act in a manner that will endanger the public and whether the restoration is contrary to the public interest.

G. Time-Limited Presumptive Disqualifications

Comments Received:

Another topic that generated robust discourse was the time-limited presumptive disqualifications in the NPRM, i.e., the 10-year presumption for drug trafficking or domestic violence offenses, the 5-year catch-all presumption for offenses leading to a prohibition under § 922(g)(1) that do not fall into the other presumptive disqualification categories, and the 5-year

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presumption for reapplication. Many commenters were generally in favor of these presumptions, and some had, even before the NPRM's release, expressed their preference for a "waiting period" or a mandatory "good conduct" period in some or all cases. Commenters in favor generally pointed to studies showing that recidivism rates are highest in the years immediately following release from custody but then fall after 5 to 10 years. Others described a 5-to-10-year presumption of ineligibility as "sensible" and a "reasonable timeframe for applicants to demonstrate rehabilitation." A few commenters pointed to their own successful return to society after similar timeframes, and some who supported time-limited periods of ineligibility also supported automatic restoration at the end of the relevant timeframe.

Some commenters agreed with imposing a "waiting period" before an application could be made but proposed an alternative number of years or alternative methods of calculating the delay. For instance, some commenters argued that, "[b]y counting the indictment-to-sentence time toward these limits, the law continues to protect the public while also ensuring individuals are not punished beyond what is necessary[,]" whereas other commenters contended that "[a]ll waiting periods should be POST RELEASE FROM CUSTODY, NOT PROBATION." A few commenters proposed requiring waiting periods for additional categories of applicants, including those found not guilty by reason of insanity, or moving some permanent presumptively disqualifying offenses—such as assault, battery, stalking, or terrorism—into a time-limited presumption. At least one commenter proposed longer waiting periods of 20 years or 15 years. The 16 states' attorneys general proposed a 15-year presumption of ineligibility for domestic violence offenses, citing a greater public safety risk than the risk posed by individuals with drug trafficking convictions.

Conversely, a minority of commenters were opposed either to the time-limited presumptions altogether or to the particular terms of years identified in the rule. Those who

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believed some shorter presumptions were appropriate proposed alternative options, such as one-year presumptions for nonviolent felonies and five-year presumptions for nonviolent drug offenses, or incremental restoration, whereby offenders could possess or otherwise handle different types of firearms at different intervals. One commenter proposed further dividing misdemeanor domestic violence convictions between those that involve firearms and those that do not and reducing the length of the presumption for non-firearms cases to five years. Another commenter observed that some misdemeanor crimes of domestic violence can result from even "the smallest of reasons . . . . [where n]o guns, weapons, or physical force were involved" and opined that a five-year presumption was more suitable in that instance. Several commenters suggested the Department offer a more tailored approach that "allows applicants to demonstrate extra ordinary rehabilitation after shorter intervals, especially for non-violent crimes." Some commenters described the time-limited presumptions as "arbitrary."

A few commenters remarked on the NPRM's five-year presumption of ineligibility for relief for all "other" felony convictions, arguing that it "undermine[d]" the purpose of section 925(c) and overlooked important individual circumstances. Alternative proposals included a three-year presumption of ineligibility, with commenters citing the recidivism study in the NPRM as identifying major drops in recidivism after three years.[58]

Department Response:

The Department appreciates the many thoughtful comments on this topic. However, the Department firmly believes that imposing a system of time-limited presumptions of ineligibility for relief is a measured and carefully tailored approach that will enable the efficient processing of applications and the prioritization of individuals who are most likely to successfully

[58] *See Recidivism of Prisoners Released in 24 States in 2008* at 1.

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demonstrate that their federal firearms rights should be restored. The Attorney General requires evidence upon which to make his determination that an applicant does not pose a likely risk to public safety and that granting relief is not contrary to the public interest. The best evidence that a person is not a danger is a period of successful adjustment and reintegration into society after the guardrails of incarceration, probation, and supervision are removed. The final rule thus makes use of this evidence.

The particular time-limited presumptions identified in the final rule are calibrated to the nature of the relevant offenses and the likelihood for recidivism as outlined in the various studies cited in the NPRM. *See, e.g.*, 91 FR at 34396–97 & nn.18–20. Based on such research, and for the other reasons outlined in this preamble, the Department in this final rule has decided to impose a permanent presumption of disqualification for the most violent offenses; a 10-year presumption for drug trafficking and misdemeanor domestic violence, which have high recidivism rates; a 10-year presumption for firearms or explosives offenses, which encompass unusually complex and diverse conduct that could include crimes associated with high recidivism rates; a 10-year presumption for offenses involving threatened, rather than actual, violence; and a 5-year presumption for certain other offenses. The 10-year presumptive disqualification period for drug trafficking offenses helps to keep guns out of the hands of chronic drug offenders who, because of their high recidivism rates, are unable to maintain the 10-year period of good conduct necessary to demonstrate they have reformed. That same presumption helps keep guns out of the hands of large-scale drug traffickers whose lengthy incarceration sentences, when combined with the 10-year presumptive disqualification period following the end of the incarceration, make them unlikely to be able to obtain relief through the

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process outlined in this rule.[59] Next, the 10-year presumption that applies to those convicted of firearms or explosives crimes strikes an appropriate balance by helping to keep guns away from offenders who are likely to be violent and have high recidivism rates, while still acknowledging that the recidivism risk posed by nonviolent weapons offenders (who may have been lawfully allowed to possess firearms or explosives in circumstances separate from those at issue in their convictions) is appreciably lower, thus making a permanent presumptive disqualification inappropriate.

Further, the 10-year presumption applicable to misdemeanor crimes of domestic violence recognizes that not all individuals who commit such offenses demonstrate a long-term propensity to continue engaging in such conduct. The final rule not only establishes a 10-year presumption of disability following the commission of a domestic violence offense but also mandates (at § 107.50(b)(2)) that the 10-year period reflect good conduct without further arrests or law enforcement reports. That means that an individual with a prior misdemeanor domestic violence conviction who has demonstrated a period of post-conviction good conduct but incurs an arrest for a violent offense in year 9 would restart the 10-year clock at that point. This provision should help to address any concerns from commenters that the 10-year period for those with misdemeanor crimes of domestic violence is insufficient to ensure that an applicant is unlikely to pose a danger to public safety and that granting relief is not contrary to the public interest. By contrast, for commenters concerned that a 10-year period is too lengthy, particularly in instances of minor, isolated conduct, federal law already provides for the removal of firearms disability

[59] The high likelihood of recidivism in this population makes it likely that additional presumptions against relief based on further disqualifying conduct will accrue for many individuals in this population, thus impairing their ability to obtain relief. *See e.g.*, *id.* at 5 (noting that almost two-thirds of drug offenders released in 2008 were arrested within 3 years, while 81 percent were arrested within 10 years). Further, even for those individuals who do not commit additional crimes, the individuals' lengthy prison sentences and the 10-year presumption will make it difficult for such individuals to obtain relief simply because of the passage of time.

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after 5 years where a minor offense took place in the course of certain relationships.[60] And even if the offender's minor conduct falls outside the scope of this already existing remedy for any individual applicant, the applicant can still seek to overcome the presumption of ineligibility by pointing to the specific circumstances of his or her case.

The 10-year presumption applicable to crimes involving threats of violence likewise recognizes that, although threats of violence are often a precursor to actual violence or are accompanied by it, convictions involving threatening conduct, such as verbal threats, do not always require that the person committing the offense intends to engage in actual violence. Thus, presumptively denying applications from people with this offense history for a period of time will help to ensure that Department resources are directed toward applications with a strong likelihood of success and will mitigate the risk that those with a high propensity of violence will receive firearms rights, while also accounting for the fact that offenders in this category may not pose the same public safety threats as those convicted of physically violent offenses.

As to commenter concerns regarding the blanket five-year presumptive waiting period for all other prior felony convictions, the final rule carefully establishes an appropriate length of time to assess an applicant's adjustment back into society after a disabling conviction. One study cited in the NPRM showed that almost 13 percent of released state prisoners incur their first post-release arrest during the fifth year following their release.[61] An earlier study identified that over three-quarters, or 76.6 percent, of individuals released from prison had been rearrested

[60] 18 U.S.C. 921(33)(C) ("*Provided*, That, in the case of a person who has not more than 1 conviction of a misdemeanor crime of domestic violence against an individual in a dating relationship, and is not otherwise prohibited under this chapter, the person shall not be disqualified from shipping, transport, possession, receipt, or purchase of a firearm under this chapter if 5 years have elapsed from the later of the judgment of conviction or the completion of the person's custodial or supervisory sentence[.]").

[61] *Recidivism of Prisoners Released in 24 States in 2008* at 17.

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within five years of their release.[62] These studies illustrate that, although five years following a release does not necessarily reflect the peak recidivism risk—which likely occurs earlier than that point—there still remains a substantial risk of reoffending at year five that diminishes in years thereafter. Due to this recidivism risk, the Department concluded that applicants less than five years removed from the completion of their sentences are presumptively likely to pose a danger to public safety and that granting them relief would presumptively be contrary to the public interest.

Moreover, a general five-year waiting period is commensurate with the regulations governing eligibility to petition for pardon after completion of a sentence, *see* 28 CFR 1.2, and the pardon process is one of the only mechanisms currently in existence that can provide similar relief from a federal firearms disability. The five-year period established in the pardon regulation, which can be waived for good cause, was determined to be an appropriate point at which a person could demonstrate readjustment to society, and the restoration process outlined in this final rule benefits from adopting a similar waiting mechanism.

H. Mental Health

Comments Received:

Commenters opining on mental health were split between those who worried about the public safety implications of restoring rights to individuals who lost firearms rights because of mental health determinations; those who believed that the final rule should contain a sufficient means to restore firearms rights without overly burdening this subset of individuals; and those who sought clarity on how decisions regarding mental health issues would be made. Those

[62] U.S. Dep't of Just., Bureau of Just. Stats., *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* 7 (Apr. 2014), https://bjs.ojp.gov/content/pub/pdf/rprts05p0510.pdf.

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commenters primarily worried about public safety suggested provisions that they deemed essential to the final rule, including requiring "an independent psychological evaluation" or requiring evidence that a person has been restored to mental competency. At least one commenter urged the Department to require a mental health certification for all applicants as a public safety measure. Conversely, some commenters worried that the NPRM's requirement that applicants provide records of decisions regarding restoration of mental competency would be too burdensome for applicants from states where no process for such restoration exists; these commenters noted that some long-term mental health conditions are manageable and that the person does not pose a danger after the condition is under control. Instead of the provision described in the proposed rule, these commenters preferred relying solely on the current certification from a mental health professional.

Several commenters also worried about the interaction of state restoration programs with the federal process, asking that the final rule clarify whether an applicant should exhaust available remedies through state ATF-certified relief programs before applying federally. At least one commenter expressed concern that the final rule would require states with ATF-certified relief programs to expend additional funds to meet new certification requirements.

Department Response:

The Department appreciates the public comments on this topic. The Department recognizes the importance of balancing the restoration of firearms rights for those who no longer pose a danger to the community with the need to protect the public from individuals who continue to pose an ongoing danger to the community due to their mental health. The final rule provides a sound methodology to achieve this goal.

In response to commenters' concerns, the final rule makes clear that the remedy available through this rule's process is open only to those individuals with current disabilities

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under 18 U.S.C. 922(g). With respect to mental health disabilities, those individuals who already have received relief from a section 922(g)(4) disability imposed by either a state or territory that has adopted a relief from disability program implemented in compliance with 34 U.S.C. 40915, or from a federal department or agency that has adopted a relief from disability program or other administrative process, are no longer subject to the disability in 18 U.S.C. 922(g)(4). No one in this position is eligible for, or will need to utilize, the process established in this final rule.

Next, § 107.60(b) of the final rule requires individuals who have available alternate remedies through either a federal agency process or a state restoration process (regardless of whether the state process is certified by ATF) to exhaust that process before pursuing federal relief. This exhaustion requirement directs many people with current section 922(g)(4) disabilities to established and effective resources that may be able to provide them with the relief they are seeking. The alternate processes are well-suited to address the specific needs of these applicants because they are overseen by the same state or other entity that first imposed the disability. Thus, reliance on already-existing processes should be preferred over the newly established federal process in these instances.

The final rule further establishes at § 107.60(b) presumptive disqualifications for individuals who have exhausted the available state or alternative processes, but who have been denied the requested relief by those entities. The Department expects it would rarely overturn the state or other entity's decision after a full review of the facts before it, but the final rule does not completely foreclose the applicant from raising arguments that would allow the applicant to overcome the presumption.

The Department also notes that limiting applications from individuals with alternative remedies will allow it to focus resources on a smaller pool of applicants seeking relief. This smaller pool will consist primarily of individuals from states where no relief mechanism is

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available and individuals who are ineligible to obtain relief from the state or entity that imposed the prohibition. The final rule also clarifies the documentation needed from the applicant. Importantly, the final rule does not impose an additional burden on states. The rule relies on processes already in existence without requesting modification, and the rule does not require those states without a process to create one. Also, the rule does not change the certification requirements of the current ATF-certified relief program for mental health prohibitions.

As to commenters' specific concerns regarding public safety, the Department agrees that, for persons without alternative state processes and who are not presumptively disqualified from relief, requiring the applicant to provide an independent mental health evaluation is a prudent measure to protect public safety, and the final rule at § 107.10(g)(5) requests a functionally similar document: a current certification from a licensed mental health professional regarding the potential danger the applicant may pose to public safety.

Finally, as to the concern that requiring documentation of restoration is too burdensome to individual applicants whose states do not have a formal restoration process, the final rule provides two remedies. First, it defines the required documentation as that showing "discharge from commitment, restoration of mental competency, or restoration of rights" (at § 107.10(g)(5)), which is a broad definition that captures a wide range of applicant scenarios. Second, the final rule (at § 107.10(f)) provides the opportunity for an applicant who is unable to obtain such documentation, due to reasons beyond the applicant's control, to submit a sworn statement in its place.

I. Application Processes and Applicant Requirements

Many comments on the IFR received prior to the release of the NPRM suggested application requirements that have been obviated or superseded by the release of the NPRM. For example, some comments urged the quick release of a complete rule and a mechanism for

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applying for relief from disabilities. By issuing this final rule, the Department is providing such a mechanism.

1. Proposed Application Procedures

Comments Received:

Commenters on the NPRM were broadly supportive of a formal application process and were eager to start the process as soon as possible. The majority of commenters on this topic preferred an online application form that is transparent, streamlined, and readable so that applicants can navigate it without excessive confusion or unnecessary legal costs. For example, one commenter stated: "Please make an online submission process as easy as possible." Commenters supported various design elements, such as check boxes to enable quick review and fast-tracking of certain cases or status trackers so applicants can monitor progress. Many individual commenters were excited for the initiation of the process, stating "I [would] like to be informed when the application is available," and "[H]ow do I get the ball rolling with an application?"

Department Response:

The Department agrees with commenters who suggested an accessible online portal for applicants to use to submit their applications. The Department anticipates launching a portal following the issuance of this rule, but the final regulations do not include any specific language regarding a web portal, thus allowing for appropriate flexibility in the means of accepting applications.

2. Potential Burden of Application

Comments Received:

Many commenters focused on the particular requirements outlined in the NPRM, opining that many of the items required of applicants are too burdensome. For example, one commenter

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said the proposed rule's "extensive documentation, $20 fee, and lack of expungement eligibility create undue obstacles." Some commenters suggested that requiring three character references was an undue burden on applicants who are introverted or prefer to protect their privacy, and that such a requirement exceeds the Attorney General's authority under 925(c). At least one commenter suggested that requiring character references to provide the detailed information listed in the affirmations and to submit those references under penalty of perjury would dissuade many individuals from serving as references or prove an insurmountable barrier to many applicants. Some commenters expressed their belief that the complexity of the rule would necessitate the assistance of counsel, leaving individuals who lack the means to hire representation without a remedy, and at least one proposed the establishment of a relief fund to help indigent applicants. Several commenters opined that the required documentation would be duplicative of records already maintained by law enforcement, with one stating that the proposed rule "requires applicants to search for duplicative records . . . even though the Department of Justice, Bureau of Prisons, and U.S. Probation already maintain this information." Another commenter expressed a related concern regarding the requirement that court documents be certified, stating, "DOJ should lift its certification requirement for those documents the federal government *already maintains* virtually, and to which DOJ *already* has access via its own PACER system."

Department Response:

The Department disagrees with those comments stating that the documentation requirements are unduly burdensome. To meet its statutory obligation to safeguard the public and make decisions consistent with the public interest in this process, the Department must ensure that its restoration decisions are based on accurate and sufficient evidence. All of the information requested from the applicant in the final rule is closely related to achieving this goal.

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Section 925(c) requires the Attorney General to review "the circumstances regarding the disability, and the applicant's record and reputation" in making his determinations. 18 U.S.C. 925(c). The statute thus requires a broad inquiry into the person's character and circumstances, and it is accordingly well within the authority of section 925(c) to require documentation of a person's prior disabling offenses or any other offenses demonstrating dangerousness and unlawful conduct; the circumstances surrounding the disability; the person's current status, propensity for violence, mental state, current or potential substance abuse, and other criminal conduct; and other requested information.

Similarly, the collection of character references is an effective and appropriate means of assessing the applicant's record and reputation. The burden of identifying and persuading individuals to serve as references mirrors the requirements of a pardon application, one of the few other means of restoring an individual's federal firearms rights. In that context, the Department has viewed character references as a useful and effective means of assessing a person's adjustment following a return to the community after a conviction and the threat, if any, that individual poses to the community. For similar reasons, character references will prove to be an important part of the present process, and the Department has concluded that any burden associated with requiring such references is outweighed by the highly probative information those references can provide.

Next, although some commenters opined that the Department already has some or all of the potential applicant's relevant information in its possession, or can access the information more easily through other methods, this belief is incorrect regarding much of the information that is needed for the investigation. Although the Department may have access to certain federal records, many of the records needed for the restoration process are held by state, local, or tribal governments or authorities; other federal agencies or the federal courts; or foreign governments.

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The Department cannot necessarily access or easily obtain those records. Although the Department may have access to some small portion of records, efficient administration of this process will be better achieved if the Department collects this information from all applicants uniformly.

The Department must collect this information for the purposes of this process. The proposed collection conforms to the applicable law regarding information collection under the Paperwork Reduction Act, 44 U.S.C. chapter 35, and the Department intends to use the information received only for its allowable purposes.

In response to the comment regarding the burden of records certification, the Department appreciates the difficulty of obtaining certification of every single record required under the rule and acknowledges that not all localities may provide a certification option to the public. In recognition of this fact, the Department has amended the proposed rule; thus, the final rule at § 107.10(d) now allows for submission of digital copies of both certified documents and true copies of uncertified documents as provided by the court or other government entity or official to the applicant. Further, the Department provides the opportunity at § 107.10(f) for an applicant who is unable to obtain the required documentation—e.g., documentation that has been destroyed or lost through no fault of the applicant or other similarly compelling reasons—to submit a sworn statement to that effect and continue the application. The Department expects these flexibilities to alleviate the burden identified by commenters.

3. Fingerprints

Comments Received:

Commenters on this subject were split between those who supported the collection of fingerprints and those who believed that requiring fingerprints places an unreasonable burden on applicants. Those in favor of collecting fingerprints noted the usefulness of fingerprints for

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uncovering crimes an applicant may have committed, assessing risk, and protecting public safety. One commenter stated that, without fingerprinting, the Department would be incapable of truly determining whether an applicant poses a threat to public safety.

Those commenters opposing the collection of fingerprints described this requirement as an expensive, redundant, and burdensome barrier for those convicted of non-violent offenses to restore their Second Amendment rights: "Having to get certified copies of court documents, background checks, fingerprints and all the other stuff is too much of a process and too expensive." Other commenters wrote that fingerprints should be required only for those individuals convicted of violent crimes. Individual commenters also incorrectly assumed that law enforcement agencies already had fingerprints on file for all people with prior convictions and reasoned that asking applicants to provide duplicate copies was onerous and unnecessary.

Department Response:

The Department appreciates all commenters' concerns. The Department's primary consideration in this process is to ensure that all its restoration decisions are aligned with the obligation to protect public safety and to act in the public interest. The collection of fingerprints is an important part of this review, as fingerprints offer one of the few reliable means of establishing the correct identity of an applicant, avoiding confusion between applicants with similar names and personally identifying information, and ensuring a complete review of an applicant's criminal history that is known to the FBI. Employing these precautions before firearms rights are restored is consistent with public safety.

Further, the requirement to obtain fingerprints is no more stringent than the requirements of other federal firearms-related processes, such as the FBI's NICS Voluntary Appeal File ("VAF"), which collects fingerprints from individuals who have been denied in a NICS background check because their descriptive information matches a record that prohibits firearm

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possession or use.[63] The VAF collects fingerprints to avoid the recurrence of a previous erroneous match.[64] In addition, although ATF recently proposed eliminating the up-front fingerprint requirement for National Firearms Act ("NFA") responsible persons applicants (who only are rarely denied pursuant to a NICS check),[65] ATF did not propose to stop collecting fingerprints from GCA applicants because NICS denials occur when their descriptive information matches a record that prohibits firearm possession or use. ATF would still collect fingerprints from NFA applicants if there is a problem with their NICS checks. As with the VAF, ATF collects these fingerprints to avoid the recurrence of an erroneous match, thus demonstrating the utility of collecting fingerprints. Here, the Department has a strong interest in ensuring accurate identity matches at the beginning of the application process. Especially because the entire applicant pool is known to be prohibited from possessing or otherwise handling firearms, mistakes in identification that occur during this process could result in decisions based on erroneous information. Requiring submission of fingerprints helps to reduce this risk. Further, the Department is unaware of any widespread complaints that requiring the

[63] FBI, *How We Can Help You: Challenges/Appeal*s, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/requesting-reason-for-andor-challenging-a-nics-related-denial (last visited July 4, 2026). NICS background checks compare name and descriptive biographical information of an individual seeking to own firearms to the descriptive information in the records accessed by the NICS Indices. Individuals who have been denied have been found to be a descriptive match to a record that shows a firearms prohibitor exists. Erroneous matches are a possibility, but the submission of fingerprints helps reduce the risk of such matches. *See id.* ("It is possible your name, date of birth, or other descriptors closely match someone else with a prohibiting record or other prohibiting information. If you believe your NICS background check was erroneously denied for this reason, you may want to provide your fingerprints for comparison.").

[64] *See, e.g.*, FBI, *2025 Operational Report* (2025), https://www.fbi.gov/file-repository/2025-nics-operational-report.pdf/view. In 2025, the FBI identified that nearly 27 percent of challenges made in the VAF process were overturned, with the primary reason being a fingerprint comparison resolved an erroneous identity match. *Id.* at 12.

[65] *Id.* at 15.

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submission of fingerprints in connection with existing Department processes makes the completion of the relevant forms unduly burdensome.

4. Chief Law Enforcement Officer Notification

Comments Received:

Commenters focusing on Chief Law Enforcement Officer ("CLEO") notification were either strongly in favor or strongly opposed. Those in favor opined that notification could "facilitate access to the facts and records related to" a conviction giving rise to a firearms disability that would otherwise be unknown. Other commenters suggested additional appropriate notifications be mandated as well, including notification to law enforcement in prior localities where the applicant resided or had been arrested, to prosecutors or victims of an underlying disabling offense, to parole or probation officers who had supervised the applicant, or to individuals who sought a restraining order against the applicant. In their joint letter, the 16 states' attorneys general opined that the definition of chief law enforcement officer was vague and recommended notification be made to "the state Attorney General, the local Police Chief, and the county Sheriff" to ensure an authority with knowledge of the applicant's conduct would be notified. Several commenters focused specifically on applicants with prior domestic violence offenses, opining that a notification to law enforcement "is an insufficient proxy for the [notification of the] victim of domestic violence." At least one of these commenters encouraged the Department to offer "victims of domestic violence the opportunity to share their experiences and feedback about the impact of firearm restoration on their safety." This commenter recognized the "challenging" logistics of victim notification, including the mobility of Americans, but recommended collaboration with state victim notification systems to achieve greater success in notifying victims.

Those who opposed notifications to the CLEO opined that notification may have a

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"chilling effect" for applicants or allow "arbitrary vetoes" to upset a person's otherwise strong application. Others opined on the potential bias of local enforcement, with some preference expressed for neutral, federal arbiters.

Department Response:

The Department appreciates the varied views on this topic. The final rule removes the obligation of the applicant to notify the CLEO in the applicant's jurisdiction. Instead, the Department itself intends to notify these officers. Notably, the Department is currently obligated to issue similar notifications to state, local, or tribal law enforcement entities within 24 hours after a prohibited person attempts to purchase a firearm but is denied by the NICS.[66] The Department intends to utilize these existing notification channels to send such notices to the CLEO in the ZIP Code where the applicant currently resides. The final rule, however, does not outline the specific method of notification so as to retain maximum flexibility and efficiency in the notification process.

Like the process envisioned by the NPRM, the final rule allows for the possibility of, but does not mandate, input from CLEOs on the appropriateness of restoration for the applicant. This approach should help to avoid any concern that the CLEOs are given a "veto" of an otherwise strong candidate for restoration.

Regarding public comments that additional authorities should be notified of an individual's application, the Department intends to adopt the same notification requirements that the FBI must follow when persons seek, but are denied, a firearms purchase. The Department has determined that this notice, which has been sufficient to inform law enforcement about the

[66] Consolidated Appropriations Act, 2022, Pub. L. 117-103, sec. 1101, 136 Stat. 49, 919–20 (codified at 18 U.S.C. 925B).

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attempt of a person under disability to purchase a firearm, is likewise sufficient to ensure that the authorities who are likely to have the best knowledge about an applicant's conduct in the years preceding the application are the ones who are notified. Also, beyond notification, the application process provides a mechanism for the notified law enforcement personnel to submit comments to the Department on the suitability and appropriateness of firearms restoration, adding important information to the material the Attorney General may review before deciding on an application.

Next, regarding the concern that notification to the CLEO is an insufficient substitute for notification to victims who may wish to comment on the application, the Department notes that this final rule outlines only the notifications mandated by the rule; it does not bar other types of notifications from being made, which could include collaboration with state victim notification systems if appropriate. The final rule creates a floor of notification in every case, rather than a ceiling. Nothing in the final rule would prevent the Attorney General from seeking and reviewing input from a victim should he require that information in any particular case. Mandating victim input in every case where a victim is present (or even in a smaller subcategory, such as cases involving domestic violence offenses) would be logistically infeasible because victims—unlike CLEOs—do not necessarily have public contact information readily available to facilitate the notification. Also, in many cases, comments from victims would not be material to the Attorney General's review of an application—for instance, where the rest of the information in the application makes clear the application should be denied. Soliciting victim input for all applications could thus unnecessarily require victims to revisit the traumatic experiences associated with the applicant's disqualifying offense. Finally, the Department is mindful that a mandatory solicitation of input from victims, and particularly domestic violence victims, could result in inappropriate coercion or retaliation should the victim not be supportive of the

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applicant's request. Accordingly, the final rule suitably balances the appropriateness of victim input in certain cases with the logistical and other difficulties of seeking that input in all cases, including those in which such input may not be necessary.

5. Locality Arrest Records and Court Documents

Comments Received:

Commenters noted the burden of submitting locality arrest records and records of dated convictions, citing paperwork destruction schedules, potential burdens on courts and other state agencies, and the difficulty of recalling all localities in which an arrest may have occurred. Some also noted the expense of obtaining such records. Multiple commenters restated the incorrect conclusion that this requirement is entirely duplicative of information already accessible by the Department. At least one commenter noted the difficulty of satisfying the proposed rule's requirements for individuals in the military, who may have been stationed in many locations. Finally, at least one commenter suggested there was ambiguity in the term "resided," which the final rule should clarify.

Department Response:

The Department appreciates the concerns of commenters who argued that the provision of state or locality arrest records would be expensive, time-consuming, and unnecessary. The Department, however, disagrees that these burdens are unnecessary or that they outweigh the associated benefits. The Department's obligation to ensure public safety and act in the public interest demands that the Department collect and evaluate these records from applicants. First, the Department has confirmed that statewide criminal checks (the state equivalent of a local arrest record) are available from state officials in all states; thus, individuals in all states can obtain records of their own arrests by applying to obtain such information from a state agency. This should address many burden concerns associated with the need for applicants to request and

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collect criminal checks in multiple jurisdictions because an applicant will be able to quickly collect information from across different states. In the rare circumstance that an individual is unable to obtain a statewide report, the final rule allows for the submission of local reports.

Second, review of an applicant's criminal record is critical to assessing an applicant's likelihood to act in a manner dangerous to public safety. The Department does not have automatic access to all state or local arrest records. States and localities are not required, and do not uniformly volunteer, to report all criminal conduct that occurs within their jurisdiction to the federal government. As such, the Department has access only to information reported by federal entities or voluntarily reported by states and localities. Without the requirement that applicants provide records from state or local criminal checks, the Department's understanding of a person's criminal history would be incomplete.

Further, the Department has identified a need to collect materials on foreign convictions, foreign mental health adjudications, and unfavorable discharges from foreign military service. Such documentation will allow the Attorney General to reach well-informed decisions on restoration applications with the most probative available information. Thus, to facilitate the Attorney General's decision, the final rule at § 107.10(e) & (g)(12) requires documentation regarding foreign conduct, as well as a translation of such documentation, as appropriate. To ensure that the Attorney General has sufficient information to reach the reasoned and informed decisions required by the GCA, while also balancing the burden on the applicant, the Department will collect and review such information as one facet of the application review.

Finally, with respect to potential burdens on state and local agencies, the Department notes that no state or local government entities submitted comments indicating that the document requirements outlined in this rule would place undue burdens on them. Instead, concerns about burdens on these agencies came from individual commenters who were speculating on potential

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burdens. Because no state or local government entities expressed a concern about undue burdens, the Department does not believe that any changes to the rule on that basis are warranted.

6. Additional or Alternative Procedures

Comments Received:

Some commenters also proposed additional or alternative procedures for the application process. Many commenters urged the Department to include a timeline for issuance of decisions in the final rule to avoid "unnecessary" delays. Proposals included 30-, 60-, or 180-day timelines. Others urged an internal appellate process. Some, including the 16 states' attorneys general who submitted a joint letter, suggested providing more information regarding the backgrounds of the persons who will be adjudicating the decisions in these cases. This same group proposed that every decision reached by the Department be accompanied by an opinion that summarizes (1) the information reviewed; (2) the applicant's disability; and (3) and the applicant's criminal history and rehabilitation, while also recommending that the materials utilized in the review be broadly disclosed in response to appropriate Freedom of Information Act ("FOIA") requests. One individual suggested that applicants attend firearms training courses, that the Department provide ongoing public commentary on disqualifying offenses, and that the application mandate community service before restoration is granted. Some commenters opined that a neutral review panel should arbitrate each application. Multiple commenters opined on the potential use of artificial intelligence ("AI") to issue decisions, either in denying or granting relief, and asked the Department to ensure that any use of AI be accompanied by human review. Finally, at least one commenter requested regular reporting on decisions based on various aggregated metrics like region, type of offense, and average processing times, while also ensuring security and privacy for the individual applicant.

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Department Response:

Regarding the additional or alternative procedures proposed, the Department notes that many of the suggestions already align with the Department's intended internal processes. However, the Department believes that not all internal processes need to be memorialized in a federal regulation. Because this rule's version of the section 925(c) program is new, the Department anticipates that internal procedures and best practices will evolve as the Department considers efficiency, resource-allocation, and the types and frequency of factors that arise in applicants' requests. Rendering every process immutable absent a change in the governing regulations would unnecessarily prevent the Department from implementing process changes that will better serve the public going forward. To preserve an appropriate degree of flexibility in the Department's internal procedures, the Department declines to include rigid, extra-statutory processes (such as fixed timelines or specific data reporting requirements) in the final rule. As required by statute, the Department affirms that the guiding principle of this process will be the Attorney General's duty to determine that any applicant granted relief is not likely to act in a manner dangerous to public safety and that granting of relief will not be contrary to the public interest.

Nevertheless, the Department will address common suggestions from the public on this topic. The Department disagrees with commenters who suggested that an administrative appellate process is necessary. Section 925(c) explicitly includes a judicial remedy for anyone who is denied relief: "Any person whose application for relief from disabilities is denied by the Attorney General may file a petition with the United States district court for the district in which he resides for a judicial review of such denial." The judicial process provides an adequate remedy for anyone whose application is denied, and the addition of an internal layer of appellate review would only complicate and slow an already complex administrative process.

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The Department also declines to commit itself to particular timeframes for the issuance of decisions. The comments on this topic suggested that the Department may artificially delay decisions for "unnecessary" reasons. Decision times on individual applications will naturally vary significantly based on the complexity of the facts of the case; the availability of information; the completeness of an application and the responsiveness of an applicant to supplemental requests for information; the responsiveness of partner government entities; and the volume of applications received. Many of these factors are outside of the Department's control. Also, it is to be expected that timeframes during the initial launch of the application may be somewhat lengthier. Setting a timeline for decisions at this stage would be premature and speculative.

Although the Department agrees with the 16 states' attorneys general that some written explanation regarding the basis for each decision should be issued, it disagrees with the level of specificity envisioned by that group. To properly apprise the applicant of the basis of the decision and to establish sufficient judicial record for any potential challenges, the Department will issue letters of decision in every case in which the application has been fully completed; the application has been accepted for review; and the Attorney General has rendered a decision. Inevitably, though, those letters will vary in detail and degree based on the nature of the decision. Practice and practicality demand the production of these letters of decision in cases subject to litigation, and the Department does not, at this time, find it prudent to include language in the regulation that may limit its discretion to vary the form or substance of such letters as appropriate. The Department also will follow any FOIA obligations it has regarding these records.

As to the comment the 16 states' attorneys general made regarding the publication of the backgrounds or identities of those persons tasked with assisting the Attorney General to decide

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applications, the Department will comply with any FOIA obligations it may have in the future regarding records of these individuals. Also, although the Attorney General will naturally require assistance in deciding on applications, any decision will ultimately reflect the opinion of the Attorney General himself. *See* § 107.10(b) (describing the information "the Attorney General" will consider when evaluating an application). Properly appointed inferior officers within the Department may be delegated all tasks associated with the execution of the process outlined in this final rule, but nothing in such a delegation would deprive the Attorney General of his authority to oversee the process and make the final decision on any individual application.

The Department also disagrees with the commenter who suggested that applicants complete mandatory firearm training or community service prior to restoration of firearms rights. The Department reiterates that the guiding principles of the Attorney General's decision-making in this process are the statutory considerations outlined in section 925(c): whether an applicant poses a danger to public safety and whether restoration would be contrary to the public interest. It is the Department's view that training or community service requirements do not speak to those principles directly enough to warrant imposing such requirements. Said otherwise, a person may be able to demonstrate that handling firearms would not endanger the public or be contrary to the public interest even without completing a formal firearms safety course or community service project; imposing such a requirement on all applicants would thus sweep more broadly than what section 925(c) requires. Focusing on the statutory standard will enable the Department to restore individual firearms rights to applicants who satisfy the criteria set by Congress.

Regarding commenters' request that the Department publicize statistical data regarding this program, the Department may publish anonymized, aggregated data regarding applications and its decisions. However, the Department declines at this stage to commit to any particular

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data sets or queries to allow for flexibility as it assesses what information best facilitates transparency without creating undue administrative burdens.

Finally, the Department appreciates the many comments regarding the use of AI in this process. Consistent with the Department's obligation to ensure individual review of each application, the Department intends to utilize AI in a low-impact manner and to abide by the requirements outlined by the Office of Management and Budget ("OMB") and the Administration.[67] The use of AI will assist the Department in intake, prioritization, or other preliminary matters, and the Department will abide by OMB's requirements for use of AI in the review of any application. The use of AI will be accompanied by human review.

J. Miscellaneous Application Provisions

1. Firearms Licensees

Comments Received:

Commenters who focused on the rule's impact on firearms licensees asked for small adjustments to the rule to achieve what they viewed as possible improvements for public safety. One group noted that the NPRM identified the Attorney General as the person making decisions on firearms operation renewal licenses, including those filed by a licensee during the pendency of a removal of disabilities application, and asked that the power to deny these renewal applications remain with ATF. Another commenter opined that, because there are no time limits for decisions on restoration applications, allowing firearms licensees to maintain operations during the pendency of a restoration application could result in effectively perpetual grace periods for operation. Finally, the 16 states' attorneys general asked that the final rule make

[67] Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Memorandum M-25-21, *Accelerating Federal Use of AI through Innovation, Governance, and Public Trust* (Apr. 3, 2025), https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-21-Accelerating-Federal-Use-of-AI-through-Innovation-Governance-and-Public-Trust.pdf.

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clear that the restoration of firearms rights does not automatically include the right to become a firearms licensee or manufacturer, and that any applications to become a licensee or manufacturer will be scrutinized for risks to public safety.

Department Response:

The Department agrees that decisions on federal firearms renewals for licensees should remain with ATF and has amended the final rule at § 107.30(b)(4) to clarify as much. Also, the Department is cognizant of commenters' concern regarding licensees' business operations during the pendency of a relief application but notes that the plain language of section 925(c) demands such a grace period, requiring that a licensee "who makes application for relief from the disabilities incurred under this chapter, shall not be barred by such disability from further operations under his license pending final" decision on his application. The statute does not provide a timeframe for decisions in these cases, nor does it impose a requirement that the Department expedite its process in these cases. Consistent with the statute, and for the reasons stated above, the Department continues to decline to commit itself to timeframes for decisions. Nevertheless, the Department does intend to collect information regarding whether an applicant is a firearms licensee on the application itself, allowing it to identify licensee applications at the initial stages of the process, and to provide ATF with notice of the application as soon as practicable. These strategies of early identification and notice should help inform the Department's decisions regarding the resource allocation most suitable for safeguarding public safety. Finally, the Department agrees with the 16 states' attorneys general that a restoration of federal firearms rights does not automatically entitle the recipient to a license. Individuals or entities seeking to become a firearms licensee will continue to apply to ATF for adjudication of their applications.

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2. Expungements

Comments Received:

Most of the commenters who discussed expungements or orders setting aside a conviction focused on their personal experiences or difficulties with the state restoration process. However, some commenters encouraged the Department to accept state expungements, pardons, or certificates of rehabilitation as evidence supporting a presumptive or automatic restoration of federal firearms rights. Other commenters asked that applicants be required to share with the Department the outcome of any similar or related state restoration of disability process as evidence relevant to the Department's adjudications. Finally, some commenters opined on the difficulty of obtaining records related to convictions that have been expunged, sealed, or set aside.

Department Response:

The Department intends to ask for information regarding previous convictions that have been expunged or set aside; pardons; restorations of rights; and certificates of rehabilitation in the application for relief and may request additional information on this topic from an applicant if the information is deemed helpful to the investigation of the application. The information provided by the applicant will be considered by the Attorney General in his assessment of the appropriateness of restoration. If a document containing the information is unavailable, the final rule at § 107.10(f) provides an opportunity for the applicant to submit a sworn statement in place of the required document.

3. Revocation

Comments Received:

Commenters opining on the Attorney General's ability to revoke previously restored federal firearms rights were split between those who thought revocation was a sensible

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precaution and those who believed doing so would exceed the statutory authority granted by section 925(c) or that the power could be abused by future Attorneys General, particularly if there is no relief mechanism to challenge the revocation. Those who supported a revocation mechanism emphasized the importance of revoking firearms rights restoration for individuals who commit new offenses, become subject to a protective order, or engage in fraud in the restoration process. Another commenter proposed that the Department adopt a revocation provision like North Carolina's, which permits revocation solely for new offenses and prevents any subsequent restoration.

Regarding potential abuses, commenters expressed concern that people could be wrongfully indicted in order to effectuate revocations. Other commenters asked the Department to address potentially fraudulent activity by applicants through perjury prosecutions rather than revocation. At least one commenter posited that "a future anti-firearms administration [could] engage in wholesale revocations of relief from recipients."

Department Response:

The Department appreciates the public's comments on the topic of revocation. The final rule at § 107.80 now mandates the voiding of a federal firearms restoration if it is found that the applicant "willfully subscribed as true any material matter which he does not believe to be true or willfully omitted any material requested information." In contrast to some commenters' fears, this provision does not give a future administration the ability to implement widespread revocation of firearms rights; instead, it is a narrowly tailored remedy that supports the Attorney General's substantial interest in ensuring accuracy, completeness, and candor in the application process. The Department also disagrees that the power to void a restoration based on fraud exceeds the Attorney General's authority under section 925(c). Courts have found that Congress's grant of power to decide the outcome of applications in the first instance necessarily

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includes the power to reconsider those decisions, recognizing that for executive agencies, "[t]he power to reconsider is inherent in the power to decide."[68]

The Department need not expand this fraud-based revocation provision to include revocation based on new criminal offenses or disabling conduct, such as a new conviction or a new protective order against an individual. This is because the new offense or other conduct would be an independent basis for disability that would prevent firearm possession from that point forward. Revocation in that instance would be superfluous.

K. Economic Impact

Comments Received:

A few commenters focused on the economic impact of the rule. They noted the rule's requirements may burden state or federal record-keeping agencies without providing for a committed revenue stream to help offset some of the cost burden. These commenters maintained that the Department should withdraw the rule to perform a full cost analysis on the burden to localities under the Unfunded Mandate Reform Act ("UMRA") and to check for "RFA Non-Compliance." (Presumably, the commenter was referring to the Regulatory Flexibility Act.) Others expressed concern that the reliance on user fees, without other dedicated revenue streams, will create "operational instability," and they asked the Department to request funding from Congress for the application process. Some commenters also drew attention to the Department's estimation of both the amount of money required to fund this process in the first year ($20 million) and the number of potential applicants projected in the first year (1 million). These

[68] *Albertson v. FCC*, 182 F.2d 397, 399 (D.C. Cir. 1950); *see also, e.g.*, *Macktal*, 286 F.3d at 825–26; *Belville Mining Co. v. United States*, 999 F.2d 989, 998 (6th Cir. 1993).

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commenters went on to state that, if these projections were accurate, the staffing levels identified by the Department would be insufficient to investigate all submitted applications.

Department Response:

The Department's conclusion regarding the final rule's impact on states and localities under the UMRA is unchanged from the conclusion offered in the proposed rule's preamble. Despite some commenters' concern that this process will require significant investment from states or localities, the Department maintains that it will not. Although the final rule requires interaction with states and localities, the burden of obtaining paperwork from these locations is on the applicant, and the locality may charge the applicant a fee to cover the cost of providing the materials requested. Further, the requirement to provide arrest records and court documents is a long-established feature of numerous other processes currently in effect, such as those undergone by job applicants, those seeking expungement of convictions, those applying for grants, those seeking pardons, those seeking firearm approval under the NFA, and myriad others. None of the final rule's document requirements is unique or novel, nor do they require additional investment or expenditure by states or localities.

Similarly, the requirement for CLEO notification does not burden states or localities in violation of the UMRA. First, this notification process is similar to notification requirements used by ATF. For example, ATF notifies CLEOs in its non-over-the-counter ("NOTC") sales process, addressing sales in which a federal firearms licensee sells a firearm to a person who does not appear in person at the licensee's place of business.[69] In those notifications, a licensee will provide the CLEO with a sworn statement from the transferee of a firearm and a description

[69] Revising Non-Over-the-Counter Firearms Transaction Requirements, 91 FR 25216, 25217 n.3, (May 8, 2026).

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of the firearm to be transferred, and allow seven days for a response before completing the transaction.[70] Second, the final rule provides that the Department will notify the CLEO of the fact of application, but, importantly, the CLEO is not required to respond. Thus, this notification will consume only those resources the state or locality voluntarily chooses to expend on its response.

L. Fees

Comments Received:

A few individuals suggested that the proposed fee was too low and that a higher fee (proposed values ranged from $100 to $300) would be appropriate. Conversely, at least one organization dedicated to defending individual gun rights argued that because the GCA specified statutory fees for other processes, the lack of such a provision in section 925(c) forecloses the imposition of a fee here. Instead, this group encouraged the Department to establish a legal aid fund to support indigent individuals seeking this relief.

At least one commenter criticized the Department's estimate in the NPRM that 1 million applications for relief within the first year of the program as unreasonable, asserting that no more than 100,000 people would apply.

Department Response:

The final rule refines the fee estimates and the estimate of the number of likely applications underlying the fee structure proposed in the NPRM, as explained in the next section.

[70] Although ATF recently proposed removing the CLEO notification from other processes, such as its NFA application process, *see* Removing CLEO Notification Under the National Firearms Act, 91 FR 24471 (May 6, 2026), the basis for that removal is unrelated to any concerns that the requirements are inconsistent with the UMRA, and, indeed, ATF previously determined that the NFA CLEO requirements do not violate the UMRA. *See* Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Legal Entity With Respect To Making or Transferring a Firearm, 81 FR 2658, 2695–95 (Jan. 15, 2016) (explaining why the notification requirements did not create an unfunded mandate under the UMRA).

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The Department also acknowledges the concern regarding its legal authority to charge fees in relation to this application but disagrees that it lacks legal authority to do so. Its decision to collect fees is authorized by 31 U.S.C. 9701, which provides that the "head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency," so long as those fees are "fair" and are based on the costs to the government, the value of the service to the recipient, the relation to public interest, and other pertinent considerations. In issuing this final rule, the Department has chosen a fee amount that satisfies these statutory obligations.

The Department also recognizes that some commenters have expressed concerns about appropriate staffing levels to address the anticipated influx of cases. The Department recognizes that the projected estimate for incoming cases is significant. It has accordingly requested additional personnel in its upcoming fiscal year budget, is pursuing the acquisition and development of sophisticated case-management software to improve process efficiency, and is leveraging intra-Departmental resources to maximize existing infrastructures and protocols.

M. Severability

Although the Department did not identify significant comments on the issue of severability, the Department maintains that the provisions of this rule can function independently. Therefore, in the event that any provisions in this rule are invalidated by a reviewing court, the Department intends the remaining provisions to remain in effect to the fullest extent possible.

IV. Cost Benefit Analysis

A. Summary of Costs

This rule requires individuals seeking restoration of their federal firearms rights to submit documentation to the Department to ensure that restoration of firearms rights to that individual is

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aligned with public safety and is not contrary to the public interest. As demonstrated by the public comments on the NPRM, the Department anticipates significant interest in this process. Predicting the likely number of applicants, however, is difficult for several reasons. First, although a process for reviewing section 925(c) applications was previously in existence, that prior process has been defunct for over 30 years. Any estimates of numbers derived from that process would have little predictive value for the current anticipated process. Second, as of May 31, 2026, there were over 31 million active NICS Indices identifying records showing a federal prohibitor.[71] This number far exceeds relevant populations for analogous state restoration processes, so those processes are not an ideal analog from which to extrapolate how the restoration process in this final rule will operate.

In the NPRM, the Department estimated that 1 million individuals would apply for relief based on a rough approximation of the number of NFA applications received by ATF in the course of a year.[72] The Department chose this comparison due to the similar subject matter, even though the processes are not directly analogous. Public comments questioned this estimation, and, in response, the Department is modifying its approach as described below. The Department now estimates a total cost of approximately $74.30 million annually for individuals to review the rule and to gather, procure, and submit information to the Department; and for the Department to

[71] FBI, *Active Entries in the NICS Indices* (May 31, 2026), https://www.fbi.gov/file-repository/cjis/active_records_in_the_nics-indices.pdf/view (identifying over 34.7 million entries in the NICS system). Please note that approximately 3 million records cited in the NICS Indices are cited as being state prohibitors. Because there may be overlap between prohibitor categories, and because people can have multiple prohibitors, it is impossible to determine precisely how many people are prohibited.

[72] ATF, *Firearms Commerce in the United States: Statistical Update 2024* 9 (2024), https://www.atf.gov/resource-center/docs/report/2024firearmscommercereportpdf/download (providing yearly applications processed).

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review the applications it receives. (This figure consists of approximately $59.8 million in costs for individuals and $14.5 million in costs for the Department.) The rule has public safety benefits in that the rule will enable the Department to ensure that applicants receive firearm restoration only if restoration would not be dangerous to public safety or contrary to the public interest.

1. Methodology for Determining Costs

The Department estimated the cost of ensuring that the Attorney General will grant relief consistent with his statutory obligations by: (1) estimating the time and other resources that applicants would expend to complete paperwork, obtain fingerprints, and send this information to the Department; and (2) estimating the time and other resources that the Department would expend to process, review, and investigate applications. To start, the Department estimated the cost of the time for individuals to complete these tasks using employee compensation data for June 2025 as determined by the U.S. Department of Labor, Bureau of Labor Statistics ("BLS"). *See* BLS, *Employer Costs for Employee Compensation – June 2025* (Sept. 12, 2025), https://www.bls.gov/news.release/archives/ecec_09122025.pdf. The BLS determined that hourly compensation (which includes wages, salaries, and benefits) is $48.05 for civilian workers and $63.94 for state and local government workers.

Although the Department believes that any estimate of the likely number of applicants will be somewhat speculative, the Department is now electing to use data from calendar year 2024 ("CY2024") regarding the number of denials issued by the NICS Section for firearm disqualification to estimate the potential number of applications it will receive in the first year.[73]

[73] FBI, *2024 Operational Report* iii (2024), https://www.fbi.gov/file-repository/2024-nics-operational-report.pdf/view.

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This data is relevant because it involves a similar pool of individuals, i.e., persons who are prohibited from owning firearms but who have made attempt to purchase one; presumably, this group of people will overlap somewhat with the applicant pool for the federal restoration process.

In CY2024, approximately 1.1 percent of checks processed by the NICS Section, or 110,505 checks, were denied.[74] In the preceding two years, similar percentages of persons were denied.[75] The Department has concluded that the section 925(c) applicant pool in the first year may be similar in size to the pool of denials issued by the NICS Section in the past three years. Accounting for data from three years of NICS checks (rather than a single year) helps account for the pent-up demand for federal firearms rights restoration that likely exists as a result of the Department not having a functioning restoration process for quite some time. Using three years of data, and extrapolating from CY2024 numbers, the applicant pool in the first year would be 331,515 applicants. Although the Department cannot predict with certainty how many applications it may receive, given the long defunct status of the prior process and the number of persons who were disabled but sought to purchase a firearm in the last three years, 330,000 is not an unreasonable estimate for the first year of the program.

Next, the Department identified the cost of complying with the final rule's requirements by estimating the cost of undertaking each of the steps necessary to complete an application.

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[74] *Id.* The NICS Section processed over 9.2 million checks in CY2024 and denied 110,505. This tally includes only checks performed by the NICS Section and does not include checks performed by state users of the NICS or checks that were overturned on appeal under the Firearm-Related Challenges (appeal) process. *See* FBI, *How We Can Help You*, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/voluntary-appeal-file (last visited July 4, 2026).

[75] *See* FBI, *2023 Operational Report* iii (2023), https://www.fbi.gov/file-repository/cjis/2023-nics-operational-report.pdf/view (reporting denial of approximately 1 percent of checks); FBI, *2022 Operational Report* 20–21 (2022), https://www.fbi.gov/file-repository/cjis/nics-2022-operations-report.pdf/view (reporting denial of approximately 1.2 percent of checks).

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Under this final rule, an individual is required to complete the following steps before an application can be considered: (1) complete and submit the application form; (2) submit fingerprints; (3) gather and submit required documentation; and (4) solicit three character references, who must submit references on the applicant's behalf.

2. Cost to Individuals of Applying for Relief from Disability

a. Time Cost of Completing an Application

The final rule requires individuals to complete and submit to the Department an application form, fingerprints, documentation of the disability and arrest records, and three references. The information requested is necessary to evaluate whether restoration of firearms rights to the individuals would be contrary to the public interest or raise public safety concerns. The Department estimated the time for familiarization and review of the rule to be 15 minutes and the time for each applicant to complete the application to be 30 minutes, exclusive of the costs of document collection and fingerprinting, assessed separately below.[76] Based on an estimate of 330,000 applicants, the estimated time cost for applicants to familiarize themselves with the rule and complete the form is $11,892,375 (45 minutes at $48.05 per hour/60 × 330,000).

b. Fee

In response to comments that the proposed $20 application fee is too low, and after considering the factors specified in 31 U.S.C. 9701(b), the Department has adjusted the fee to $30 to assist in funding the restoration process. The $30 fee will help supplement current and

[76] Due to the variety and types of documentation an applicant may submit, the different disabling predicates from which an applicant could be seeking relief, and other factors involved in the analysis, costs will vary from applicant to applicant; the Department based its calculations in this rule on a representative applicant with one prior disabling conviction and one locality arrest record.

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future budgetary requests from the Department office operating this process. The precise operating costs of the program cannot be calculated with certainty beforehand, given that an operative program has been defunct for over 30 years. Accordingly, within two years of the program's full operation, the Department will audit operational costs to support a more precise fee calculation. In the interim, the Department is collecting a $30 application fee to appropriately balance the need for an accessible program widely available to the public with the Department's interest in having operational costs of the program supported by fee collection. The estimated cost of the fee to the applicant pool will therefore be $9,990,000 ($30 x 330,000 applicants). This $9,990,000 fee collection is estimated to be approximately 65 to 70 percent of the $14,510,100 cost to the Department for initial processing of these applications (as identified in the "Cost to the Department" section of this analysis, below) and will be supplemented by the internal realignment of existing Department appropriations to support the 925(c) application process.

c. Cost of Fingerprints

The cost of procuring fingerprints through the U.S. Postal Service (as will be required initially in the section 925(c) process), is $50.[77] Further, the estimated time needed to obtain the fingerprints is 10 minutes.[78] Based on an estimate of 330,000 individuals, the current estimated

[77] U.S. Postal Serv., *USPS Fingerprinting Services Registration*, https://ips.usps.com/IdentityCapture (last visited July 4, 2026). Although the U.S. Postal Service does not currently offer this service in every USPS location, services are available in every state. The Department will accept fingerprints submitted exclusively through the U.S. Postal Service when first implementing this final rule.

[78] This estimate aligns with recent estimates of the FBI on use of similar fingerprint collections. *See* Agency Information Collection Activities; Proposed eCollection eComments requested; Title—Friction Ridge Cards: Arrest and Institution FD-249; Applicant FD-258; Identity History Summary Request FD-1164; FBI Standard Palm Print FD-884; Supplemental Finger and Palm Print FD-8884a; Voluntary Appeal File Fingerprint FD-1212; Firearm-Related Challenge Fingerprint FD-1211; Restoration of Federal Firearm Rights Fingerprint FD-1222, 90 FR 52703, 52704 (Nov. 21, 2025).

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monetary cost is $19,142,750 ((Monetary Fingerprint Costs: $50 x 330,000 = $16,500,000) + (Time Cost of Fingerprints = 10 minutes at $48.05/hour/60 x 330,000 = $2,642,750)).

d. Cost of Court Records and State Arrest Records

Individuals applying for relief from disability must provide to the Department documentation on the nature of the disability or disabilities the person is currently under. Those documents may include court records, records from state or federal agencies, arrest records, certifications from licensed mental health professionals, and military records. The type of records an individual applicant provides will vary, and the Department acknowledges that the individual cost for some applicants, such as those with multiple disabilities from multiple jurisdictions, may be somewhat greater than for other applicants. However, calculating the total cost of producing court records based on a hypothetical world in which each applicant has one prior conviction and arrest records from one locality resulted in a total cost of $8,292,900. The Department estimated the average cost of documentation to be $12.00.[79] (Cost of court documentation: $12.00 × 330,000 = $3,960,000). The Department further estimated the average cost of obtaining a local arrest record check to be $13.13.[80] (Cost of arrest records: $13.13 x

[79] U.S. Courts, *District Court Miscellaneous Fee Schedule* (Dec. 1, 2023), https://www.uscourts.gov/court-programs/fees/district-court-miscellaneous-fee-schedule. The Department intends to accept only electronic documents to begin in this application process and so does not include costs for copying of paper records in its estimates.

[80] The Department averaged the costs of obtaining arrest records by comparing low-end costs in four localities: $17.50 in New York State (New York State, Div. of Crim. Just. Servs., *Requesting Your New York State Criminal History*, https://www.criminaljustice.ny.gov/ojis/recordreview.htm (last visited July 4, 2026)); $10 in Texas (Tex. Dep't of Pub. Safety, *Crime Records Services FAQ's* (2026), https://www.dps.texas.gov/section/crime-records/faq/crime-records-services-faqs (last visited July 4, 2026); $15 in Oklahoma (Oklahoma State Bureau of Investigation, *How to Request a Criminal History Background Check*, https://oklahoma.gov/osbi/services/information-services-division/criminal-history-reporting-unit/how-to-request-a-background-check.html (last visited June 4, 2026)); and $10 in Montana (Montana Dep't of Just., Div. of Crim. Investigation, *Background Checks*, https://www.dojmt.gov/dci-home/background-checks/ (last visited July 4, 2026)).

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330,000 = $4,332,900). The estimated cost could be lower if the individual already possesses these materials.

The Department also estimated the time costs of obtaining these materials to be only 5 minutes for each document, as many jurisdictions have online portals from which applicants can easily and quickly make such requests.[81] Based on a total of 10 minutes to obtain one court record and one locality arrest record, the Department estimated a total cost of $2,642,750 (10 minutes x $48.05/hour/60 x 330,000 = $2,642,750). The estimated cost could be lower if the individual already possesses these materials.

e. Time Cost of Completing References

An individual applying for relief from disability must provide to the Department three references in support of the application. The Department estimated that each reference will need approximately 10 minutes to complete a referral. The total estimated cost for references is therefore $7,928,250 (10 minutes at $48.05/hour/60 × 990,000 references [3 references x 330,000 applicants] = $7,928,250).

Table A(1) – Cost Estimates of the Time to Comply with the Final Rule's Requirements

Process-Related Item	Estimated Time (Minutes)	Number of Individuals	Cost ($48.05/hour)
Rule Familiarization ----------	15	330,000	3,964,125
Form Completion ----------	30	330,000	7,928,250
Fingerprinting ----------	10	330,000	2,642,750
Document Collection ----------	10	330,000	2,642,750
References ----------	10	990,000	7,928,250
Total ----------	75	----------	25,106,125

[81] *See supra* note 80.

NOTE: Unofficial - Final Rule as transmitted to Federal Register.

Table A(2) – Cost Estimates of the Fees, Procuring Fingerprints, and Documentation

Process-Related Item	Estimated Cost	Number of Individuals	Cost
Fee ----------	$30.00	330,000	9,990,000
Fingerprinting ----------	$50.00	330,000	16,500,000
Court Record Collection ----------	$12.00	330,000	3,960,000
Arrest Record Collection ---------	$13.13	330,000	4,332,900
Total ----------	----------	----------	34,782,900

3. Cost to the Department

The Department will incur costs to process forms and fingerprints and to investigate applications. Although the novelty of the process leaves the Department unable to provide an exact estimate of the total labor costs associated with the process outlined in this rule, the Department has attempted to estimate a fee that will cover a significant portion of the anticipated costs. These costs include fingerprint processing and initial intake by staff within the Office of the Pardon Attorney.[82]

The Department estimated that the cost to the FBI to process a set of fingerprints is $12.00; this estimate was based on the FBI's current fingerprint processing fee, which in turn is set on a cost-recovery basis.[83] The estimated cost for an examiner to intake and review the application materials and determine next steps in the process is $31.97 (30 minutes x $63.94 per

[82] The Department did not attribute a cost to the notification of CLEOs, as this process will utilize existing mechanisms that can be adapted for this purpose, nor did the Department attribute a cost to the deliberative portions of the decision-making the process, as the deliberative process will be carried out by employees whose labor costs will not change based on how much time is spent deliberating.

[83] FBI Criminal Justice Information Services Division; User Fee Schedule, 89 FR 70206 (Aug. 29, 2024). The Department notes, however, that starting October 1, 2026, the fingerprinting fee will increase to $13. *See* FBI Criminal Justice Information Services Division; User Fee Schedule, 91 FR 34655 (June 8, 2026). This will increase the cost to the Department by $330,000, for a total of $14,840,100.

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hour/60).[84] Based on an estimate of 330,000 individual applications, the estimated cost for the Department to process forms and fingerprints and to conduct background checks for applications to restore firearms rights is $14,510,100 annually (Cost for processing fingerprints = $12.00 × 330,000 = $3,960,000; Cost for application review = $31.97 × 330,000 = $10,550,100).

Table B – Cost to Department Under Final Rule

Process-Related Item	Estimated Cost	Number of Individuals	Cost
Cost to Process Fingerprints--------	$12.00	330,000	3,960,000
Time to Review Submission -----	$31.97	330,000	10,550,100
Total ----------	----------	----------	14,510,100

B. Summary of Benefits

The background check requirement for individuals applying for relief from disability provides at least three important benefits. First, it provides important public safety and security benefits by ensuring the Department can accurately verify the applicant's identity. Second, it facilitates the Attorney General's evaluation of whether individuals who are currently prohibited from possessing or otherwise handling firearms should have their rights restored. Existing regulations do not provide any alternate means to accomplish the statutorily required goal of determining whether an individual restoration decision is consistent with the public interest and is not likely to cause a risk to public safety. Likewise, the final rule provides one of the only means, absent a presidential pardon, for an individual who has a disabling prior conviction to seek a restoration of federal firearms rights after the Attorney General has the opportunity to evaluate the individual's personal circumstances, rehabilitation, and reintroduction into society.

[84] Consistent with the calculations in section IV.A.1.d of this preamble, and due to the variety of documentation an applicant may submit, the different disabling predicates from which an applicant could be seeking relief, and other factors involved in analysis, the Department based its current calculation on an applicant who has one prior disabling offense that is not presumptively disqualifying and who has only one locality arrest record.

NOTE: Unofficial - Final Rule as transmitted to Federal Register.

Because this final rule will facilitate the collection of information necessary to implement section 925(c) and promote the restoration of federal firearms rights in a way that respects public safety and the public interest, the Department has concluded that the benefits of this rule outweigh the costs described above.

V. Final Rule Description

The final rule differs in certain respects from the proposed rule. The final rule reorganizes the original content by moving paragraphs, renumbering provisions, and adding new sections to clarify the process and address commenters' confusion as to who is eligible for relief. It also adds definitions to ensure the consistent usage of terms throughout.

The proposed rule identified the types of materials applicants are required to submit to enable the Attorney General to determine whether the applicant is likely to act in a manner dangerous to public safety and whether relief would be contrary to the public interest. In the interest of establishing a more comprehensive record for review by the Attorney General, the final rule identifies additional materials to be submitted. Thus, the final rule (1) requires most individuals who served in the military, regardless of the underlying basis for their firearms disability, to submit a record of their service; (2) requires individuals who have renounced citizenship to provide a supplemental statement describing the circumstances surrounding the renunciation; and (3) requires individuals who have engaged in conduct outside of the United States that would be disqualifying if it had occurred in the United States to provide documentation in English associated with any foreign adjudication or conviction.

Next, the final rule recognizes that it may not be possible for individuals to obtain certified copies of all official documents; the final rule thus provides additional flexibility for submitting documents. The final rule also permits applicants to submit an explanation where required records are unavailable.

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The final rule recognizes that the requirement to notify a CLEO was unlikely to achieve its purpose as contemplated in the NRPM. The purpose of the notification was for the law enforcement entity most likely to have recent information about the applicant's conduct to be able to provide such information to the Attorney General to consider in his assessment. Under the NPRM, the notification obligation fell on the applicant. Due to jurisdictional differences and the likelihood that a requirement to notify a single person might be difficult to satisfy in some cases, the NPRM permitted the applicant to satisfy the notification requirement by notifying any one of the local chief of police, county sheriff, head of the state police, or state or local district attorney or prosecutor. Based on differences in government structure across jurisdictions, however, some of these individuals might have limited policing or prosecutorial authority. The Department has accordingly determined that it will perform the notification itself, which will allow the Department to leverage its existing law enforcement authority notification capabilities. The Department believes that it is likely to be more effective than applicants in notifying the relevant law enforcement entity with authority for the locality where the applicant resides.

Next, the final rule clarifies and revises the considerations governing presumptively disqualifying events to address comments that argued that the proposed rule was unclear on these matters. The final rule explains that individuals who previously committed certain violent or otherwise serious offenses will be presumptively unable to demonstrate that they will not act in a manner dangerous to public safety. The final rule also explains that individuals who committed certain other offenses will be presumptively unable to demonstrate that they will not act in a manner dangerous to public safety for a period of 10 years following completion of any sentence. As an example, and largely in response to public comments, the final rule removes animal abuse offenses and some non-violent firearms and explosives offenses from the list of permanently presumptively disqualifying offenses and places them in this 10-year time-limited category of

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presumptively disqualifying offenses. The final rule explains that individuals who committed any other disqualifying offense will be presumptively unable to demonstrate that they will not act in a manner dangerous to public safety for a period of five years following completion of any sentence.

Although these categories of offenses existed in the proposed rule, comments suggested that the regulatory language should be clarified. The final rule explains that for the purpose of time-limited presumptive disqualifications, the Attorney General may consider conduct of individuals who participated in pretrial diversion or other programs in lieu of criminal conviction. Because of the link between the propensity for violence and violent misdemeanor crimes, the final rule provides that individuals who have committed certain violent misdemeanors while otherwise prohibited by section 922(g) for any reason, will be presumptively unable to demonstrate that they will not act in a manner dangerous to public safety for a period of five years following completion of any sentence imposed for a violent misdemeanor.

The final rule identifies certain time-limited or status-related prohibitors as presumptively disqualifying because they demonstrate that the individual is engaging in ongoing unlawful conduct or has a certain criminal justice system status. Many of these statuses were included in the proposed rule, but they have been reorganized to better clarify when they apply. Criminal justice system statuses are appropriate for presumptive disqualification because they are time-limited and may be resolved through successful compliance with court requirements. In response to public comments regarding the frequency with which participation in pretrial diversion or other program is ordered by a court, the final rule amends the list of presumptively disqualifying criminal justice system statuses to include individuals who are participating in such programs in lieu of criminal conviction. The other time-limited or status-related prohibitors,

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such as being illegally present in the United States or unlawfully using controlled substances, are appropriate for presumptive disqualification because they can be corrected through the individual's voluntary conduct. But, in light of the Supreme Court's decision in *Hemani*, as well the many comments that expressed concern about applying a presumption of ineligibility for relief to unlawful users of marijuana, the final rule excludes from the scope of the status-based presumptions those individuals whose unlawful use of or addiction to a controlled substance consists only of the use of or addiction to marijuana.

The final rule clarifies the application process and required materials for applicants subject to the disability in 18 U.S.C. 922(g)(4). It explains that individuals who have received relief for an 18 U.S.C. 922(g)(4) disability imposed by a state or territory that has adopted a relief-from-disability program implemented in accordance with 34 U.S.C. 40915 (37 states and territories as of the date of publication of this rule) or from a federal department or agency that has adopted a relief-from-disability program or other administrative process are not currently subject to this disability and do not require relief under section 925(c). It further explains that individuals who have not yet sought relief from a state or territory or a federal agency will be presumptively unable to demonstrate that they will not be likely to act in a manner dangerous to public safety based on a lack of information necessary for the Attorney General to make a determination to the contrary. Based on comments suggesting that the rule should generally defer to adjudications as to ongoing disability by the entities that imposed the disability, the final rule explains that individuals who have been denied relief from a state, territory, or federal agency will be presumptively unable to show that they are not likely to act in a manner dangerous to public safety because the agency that imposed the disability has determined that the individual should remain subject to the disability.

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The final rule incorporates language specifically tailored to those individuals who have a disability related to a military conviction or dishonorable discharge. The final rule adds terms to better describe these circumstances and identifies the types of documentation these individuals are required to submit.

In response to public comments regarding the link between suicide risk and gun use, the final rule adds language to both the applicant and character-reference affirmations to address potential suicide risks of applicants.

Absent extraordinary circumstances, the final rule limits successive applications from individuals who were previously denied relief based on a determination that they did not meet the statutory criteria. Finally, the rule clarifies that relief procured by fraud is void rather than voidable.

VI. Other Regulatory Changes

As relevant here, 28 CFR 25.6(j)(2) currently allows ATF to access the NICS Index (known today more broadly as the NICS Indices) as part of ATF's criminal and civil enforcement functions under Title 18, Chapter 44, which includes 18 U.S.C. 925(c). *See* 28 CFR 25.6(j)(2). This final rule includes amendments to 28 CFR 25.6(j) to reflect that the Attorney General has rescinded the prior delegation to ATF of the relief of disabilities function under 18 U.S.C. 925(c) and to allow access to the NICS Indices by the Attorney General or his designee when making determinations on whether to grant a relief from disabilities.

VII. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563—Regulatory Review

This final regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," sec. 1(b), The Principles of Regulation, and in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review."

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OMB has reviewed this rule and has determined that this final rule is a "significant regulatory action" under Executive Order 12866, section 3(f), but not economically significant under section 3(f)(1). It will not have an annual effect on the economy of $100 million or more, nor will it adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health, or safety, or state, local, or tribal governments or communities.

This final rule implements 18 U.S.C. 925(c) by providing detailed criteria to guide determinations under that section to ensure that those persons granted relief are, in fact, "not likely to act in a manner dangerous to public safety" and that granting such relief would "not be contrary to the public interest." 18 U.S.C. 925(c).

The Department estimates that this rule will have an impact on approximately 330,000 applicants per year; that the application for relief will take approximately 65 minutes for the applicant to complete; and that each of the three character witnesses will spend an additional 10 minutes to complete the witness's portion of the application. Using the same BLS cost of $48.05 per hour of labor for the average civilian laborer as was used in section IV of this preamble, the Department's cost estimates for this rule are as follows: 65 minutes of labor at a cost of $52.05 ($48.05/60 x 65 minutes) for the applicant's review of the rule, completion of the application, and associated labor x 330,000 applicants = $17,177,875; adding 10 minutes of labor ($48.05/60 x 10 minutes) for each of the 3 character references x 990,000 [3 references x 330,000 applicants] = $7,928,250; $17,177,875 + $7,928,250 = $25,106,125. Indigent applicants would be allowed to request a waiver or modification of the application fee. However, assuming this fee is imposed, and all 330,000 potential applicants pay the full fee, the fee would result in total additional cost of $9.9 million in the first year. Adding in the costs of fingerprinting ($50 x 330,000 applicants = $16,500,000), court record collection ($12 x 330,000 applicants =

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$3,960,000), and arrest record collection ($13.13 x 330,000 applicants = $4,332,900) raises the costs to $34,692,900. Adding these costs to the time costs outlined above (i.e., $25,106,125), equals $59,799,025 in costs to the public in the first year.

The benefit of this rule is that it would provide detailed criteria to guide determinations under section 925(c). Detailed criteria are an important part of the implementation of the 925(c) regulatory scheme because they will help avoid the pitfalls of the previous, ATF-operated process that triggered congressional action and deprived citizens of a relief mechanism for over 30 years. The rule further makes clear that certain characteristics will presumptively result in a denial of relief, ensuring that government resources are focused primarily on persons who could plausibly satisfy the dangerousness and public interest analysis necessary for relief under the statute. Without this rule, citizens will continue to be deprived of their Second Amendment rights, despite a clear statutory requirement for relief to be available.

Given congressional prohibitions on ATF's expenditure of funds, discussed above, no lesser alternatives short of withdrawal of the prior regulation and promulgation of a new regulation that addresses congressional concerns will suffice to achieve the same result. Taking no action would result in an unconscionable continuation of the status quo prior to 2025, i.e., the effective absence of any available form of relief for the millions of people who are statutorily authorized to pursue relief. Withdrawal of the ATF delegation alone, as accomplished by the March IFR, has not fully addressed congressional concerns about the adequacy and costs of investigation or provided guidance to the public regarding criteria and resource allocation. Similarly, restoration of rights under section 925(c) by the Attorney General on an ad hoc basis, *see, e.g.*, Granting of Relief; Federal Firearms Privileges, 91 FR 8532 (Feb. 23, 2026), does not provide sufficient advance guidance to the public and cannot feasibly address the anticipated volume of potentially meritorious applications for relief. Only the promulgation of a new

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regulation that addresses congressional concerns and provides an avenue for relief, as this final rule does, can achieve an appropriate process for citizens to seek this relief from their government.

B. Executive Order 14294—Fighting Overcriminalization

Executive Order 14294, "Fighting Overcriminalization in Federal Regulations," requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294's requirements.

C. Executive Order 13132—Federalism

This final rule will not have substantial direct effects on the states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, "Federalism," the Attorney General has determined that this final rule does not have federalism implications warranting the preparation of a federalism summary impact statement.

D. Executive Order 12988—Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, "Civil Justice Reform."

E. Executive Order 14192—Regulatory Costs

Executive Order 14192, "Unleashing Prosperity Through Deregulation," was issued on January 31, 2025. Section 3(a) of Executive Order 14192 requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the Agency publicly

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proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This final rule is intended to be a deregulatory action under Executive Order 14192 because it provides a means by which the Attorney General may adjudicate applications for relief from the disabilities imposed by 18 U.S.C. 922 pursuant to 18 U.S.C. 925(c).

F. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, the Acting Attorney General has considered whether this final rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Department estimates that this rule will have an impact on at least 20 million adults in the United States and that approximately 330,000 individuals will apply for section 925(c) relief in the first year. However, only a small minority of those applicants are likely to be individuals holding federal firearms licenses and running small businesses. This minority would consist primarily of retail dealers with federal firearms licenses who fall into the North American Industry Classification System Code 459110 for gun shops or hunting equipment stores with a standard size of under $26.5 million per year.[85] Notably, the impacted group is even smaller than this general category, as the rule does not affect all licensees or businesses in that

[85] U.S. Small Bus. Admin., Table of Small Business Size Standards 22 (Mar. 2023), https://www.sba.gov/sites/default/files/2023-06/Table%20of%20Size%20Standards_Effective%20March%2017%2C%202023%20%282%29.pdf.

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classification category; instead, it applies only to those who have recently incurred a prohibitor pursuant to 18 U.S.C 922(g) and, pursuant to 18 U.S.C. 925(c), are seeking to avoid revocation of their licenses.

Based on recent data regarding the number of firearms licenses that were revoked in a given year, the Department estimates that fewer than 195 federal firearms licensees will apply for section 925(c) relief per year; indeed, 195 is almost certainly an overcount, as firearms licenses are revoked not just for section 922(g) prohibitors but also for a number of reasons that cannot be addressed through the process established in this final rule.[86] The Department acknowledges that there may be a preexisting pool of revocations from the years during which section 925(c) relief was largely unavailable. The final rule, however, provides that a firearm licensee has only 30 days from the date the licensee incurred the disability (or a conviction for a crime punishable by a term of imprisonment exceeding one year was finalized) to file for relief before licensed firearms operations must cease, the 30-day window has almost certainly elapsed for the vast majority of that pool.

Next, the application is estimated to take 65 minutes for the applicant to complete, including review time. Costs incurred reflect loaded wage costs[87]:

[86] *See* ATF, *Revocation of Firearms Licenses*, https://www.atf.gov/firearms/tools-and-services-firearms-industry/current-licensees/revocation-firearms-licenses (last visited July 4, 2026). ATF cites revocation for reasons such as failing to conduct a required background check, falsifying records, or refusing to permit inspection by ATF personnel, none of which is a basis to pursue relief according to this rule. The process in this rule provides relief only for those who are prohibited pursuant to section 922(g), for reasons such as previous felony conviction, fugitive status, or being subject to certain protective orders, etc.

[87] At the BLS rate of $48.05 per hour for wages and benefits, and a standard 2,080 hour per year schedule, the approximate cost for an employee per year is $100,000 ($99,944). A loaded wage also factors in an additional costs like overhead and taxes, which the Department estimates at approximately 25 percent of wages and benefits. Accordingly, the Department estimates an hourly loaded rate of $60.06 per employee, and a yearly loaded wage of approximately $125,000 ($124,930).

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Labor Costs: $60.06 / 60 x 65 minutes of labor x 195 federal firearm licensees = $12,867.68.

Monetary Costs: Fingerprinting ($50) + Document collection ($25.13) + Fee ($30) = $105.13 x 195 federal firearms licensees = $20,500.35.

Accordingly, the cost associated with the application to small businesses is no more than $33,368.03 per year ($12,867.68 + $20,500.35) to all of industry. Put another way, the cost to the individual applicant is approximately $171.12 ($33,368.03 ÷ 195 applicants). The cost of $171.12 per applicant means that a business would need to have a revenue of less than $17,112 for this cost to be deemed significant to its operations: ($71.12 ÷ .01 = $17,112). Given that the SBA includes in the category small businesses that make up to $26.5 million per year, this rule is likely to have a significant impact on few if any businesses. Conversely, the Department notes that, without the remedy the rule provides for licensees to potentially avoid the revocation of their license, a licensee would be prohibited from engaging in business, which would have a negative and potentially devastating impact on the operation of a business.

By approving this final rule, the Acting Attorney General certifies that it will not have a significant economic impact on a substantial number of small entities.

G. Congressional Review Act

This final rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

H. Unfunded Mandates Reform Act of 1995

This final rule will not result in the aggregate expenditure by state, local, and tribal governments, or by the private sector, of $100 million or more in any one year (adjusted for inflation), and it will not significantly or uniquely affect small governments. This rule imposes no enforceable duties on other governments or the private sector, requiring only notification to,

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and not response from, CLEOs in localities where applicants under the rule reside. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538.

I. Paperwork Reduction Act

This final rule would call for a new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521. As defined in 5 CFR 1320.3(c), a "collection of information" comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the new information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection for submission to the Department.

Title: Application for Restoration of Federal Firearms Rights

OMB Control Number: 1123-0017

Summary of the Collection of Information: Under 18 U.S.C. 925(c), the Attorney General may grant relief to individuals who are prohibited under federal law from possessing and engaging in certain activities with respect to firearms and ammunition. Granting such relief in appropriate cases would, among other things, protect the Second Amendment right of the people to keep and bear arms in a manner that is consistent with public safety. Section 925(c) thus provides a mechanism for the Attorney General to relieve otherwise-prohibited persons from federal firearm disabilities if they can show that they are not likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest, while ensuring that violent and dangerous persons remain subject to the prohibitions in the GCA.

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The Attorney General previously delegated authority under section 925(c) to ATF. Since 1992, Congress has prohibited ATF from using appropriated funds to process applications for individuals seeking to restore their federal firearms rights; Congress did not, however, prohibit ATF from using such funds to grant such relief to corporations. The appropriations restriction pre-dates the Supreme Court's 2022 decision in *Bruen*,[88] under which courts must assess whether firearms laws such as 18 U.S.C. 922(g) are consistent with the principles evident from the Nation's historical tradition of firearm regulation. And, under the Supreme Court's 2024 decision in *Rahimi*,[89] whether an individual is dangerous or poses a threat of physical violence is an important consideration in determining whether the individual may be disarmed. Since the *Bruen* decision, there have been many challenges to section 922(g)(1)'s constitutionality under the Second Amendment. Some of those challenges are declaratory judgment actions brought by non-violent convicted felons who do not pose any apparent danger to others and who have not themselves violated section 922(g)(1). Some of these plaintiffs have had success in challenging section 922(g)(1), as courts have found that the statute is unconstitutional as applied to the plaintiffs.[90] At the same time, some courts have expressly recognized that section 925(c), absent the proviso prohibiting ATF from carrying it out, might have provided non-violent convicted felons with a viable route to restore their Second Amendment rights.[91] A functional 925(c) process would likely obviate the need for some portion of this litigation and ensure that

[88] *Bruen*, 597 U.S. 1.

[89] *Rahimi*, 602 U.S. 680.

[90] *See, e.g.*, *Range*, 124 F.4th 218.

[91] *E.g.*, *Williams*, 113 F.4th at 661.

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individuals meeting the relevant criteria may possess or otherwise handle firearms in a manner consistent with the Second Amendment, while still protecting public safety.

This final rule adds a new 28 CFR part 107 to allow individuals prohibited under federal law from possessing, shipping, transporting, or receiving firearms or ammunition to apply to the Attorney General for relief from the disabilities imposed under 18 U.S.C. 922(g). It provides detailed criteria to guide determinations under section 925(c). By making clear that certain characteristics will presumptively result in a denial of relief, these criteria will ensure that government resources are focused on persons who could plausibly make the showings necessary for relief. Importantly, relief under section 925(c) relieves the applicant only of specific federal firearm disabilities. It does not restore the right to possess or otherwise handle a firearm under state law if the applicant is independently subject to any such state-law prohibition. Additionally, the final rule makes clear that relief under section 925(c) does not extend to a person who incurs a new disability after the granting of relief, such as by being convicted of an additional, subsequent offense punishable by imprisonment for a term exceeding one year.

Currently, any individual who wishes to seek relief from firearms disabilities has limited options available, such as seeking a full and unconditional pardon if the disability applies due to a felony conviction. This final rule would provide an additional avenue for relief by allowing submission of applications for relief to the Attorney General.

Need for Information: The authority to restore firearms rights is granted to the Attorney General in 18 U.S.C. 925(c) and protects the Second Amendment right of the people to keep and bear arms. There is, however, currently no regulatory process in place enabling the Attorney General to grant restoration to all individuals who meet the statutory standard. To determine if such relief should be granted to an individual, the Attorney General, by statute, must determine if "the circumstances regarding the disability, and the applicant's record and reputation, are such that

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the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest." The information requested in the application is necessary for the Attorney General to make such a determination.

Proposed Use of Information: To allow the Attorney General to determine whether to grant restoration of firearms rights to applicants while ensuring that such a decision is consistent with public safety and not contrary to the public interest.

Description of the Respondents: Persons who are subject to disabilities under 18 U.S.C. 922(g) and who choose to make an application for relief pursuant to 18 U.S.C. 925(c).

Estimated Number of Respondents: 330,000 per year.

Frequency of Response: Once every five years until relief is granted.

Burden of Response: 65 minutes

Application Fee: $30

List of Subjects

27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Customs duties and inspection, Exports, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies).

28 CFR Part 25

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Administrative practice and procedure, Computer technology, Courts, Firearms, Law enforcement officers, Penalties, Privacy, Reporting and recordkeeping requirements, Security measures, Telecommunications.

28 CFR Part 107

Administrative practice and procedure, Arms and munitions, Customs duties and inspection, Exports, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

Accordingly, for the reasons set forth in the preamble, and under the authority of 5 U.S.C. 301, 28 U.S.C. 509, 510, 515–519, 552(a), and 18 U.S.C. 921–931, the Department's amendments to 27 CFR 478.144 and 28 CFR Part 0.130 are adopted as final. In addition, for the reasons set forth in the preamble, the Department amends 28 CFR part 25, subpart A and adds a new 28 CFR part 107 as follows:

28 CFR Part 25, Subpart A—the National Instant Criminal Background Check System

1. The authority citation for part 25 continues to read as follows:

Authority: Public Law 103–159, 107 Stat. 1536, 49 U.S.C. 30501–30505; Public Law 101–410, 104 Stat. 890, as amended by Public Law 104–134, 110 Stat. 1321.

2. Amend § 25.6 by revising paragraph (j)(2) to read as follows:

§ 25.6 Accessing records in the system.

* * * * *

(j) * * *

* * * * *

(2) Responding to an inquiry from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or the Attorney General, Attorney General's designee, or Attorney General's

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designated component 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. Add a new Part 107 to read as follows:

28 CFR Part 107 – RELIEF FROM DISABILITIES UNDER THE GUN CONTROL ACT

Sec. 107.1 Definitions.

Sec. 107.10 Application for relief from Disabilities under the Gun Control Act.

Sec. 107.20 Review of application.

Sec. 107.30 Scope of relief granted.

Sec. 107.40 Application fee.

Sec. 107.50 Presumptive disqualifications for certain applicants.

Sec. 107.60 Applicants subject to the disability in 18 U.S.C. 922(g)(4).

Sec. 107.70 Subsequent applications and prevention of vexatious applications.

Sec. 107.80 Relief void if procured by fraud.

Authority: 5 U.S.C. 552(a); 18 U.S.C. 921-931

§ 107.1 Definitions.

As used in this part:

"*Arrest*" shall include a criminal arrest, "apprehension" as the term is used under the Uniform Code of Military Justice, and "pretrial restraint" as the term is used under the Rules for Courts-Martial. The term also includes a citation in lieu of arrest for a criminal violation (other than one involving parking, traffic, or motor vehicle violations punishable only by a fine).

"*Brandish*" means to display all or part of a firearm, or otherwise make the presence of a firearm known to another person, in a threatening or intimidating manner, regardless of whether

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the firearm is directly visible to that person. The term does not include the carrying of a firearm for lawful purposes, including self-defense, whether the firearm is concealed or unconcealed.

Controlled substance" has the meaning given the term in 27 CFR 478.11, except that it does not include marijuana.

"*Convicted*" or "*conviction*" shall include a criminal conviction, a plea of guilty, a finding of guilt without judgment by a court, and the judgment of special or general court-martial issued under 10 U.S.C. 860c of the Uniform Code of Military Justice. The term also includes a judgment entered upon a plea of nolo contendere.

"*Felony*" means "a crime punishable by imprisonment for a term exceeding one year" as that phrase is defined in 18 U.S.C. 921(a)(20).

"*Misdemeanor crime of domestic violence*" shall have the meaning provided in 27 CFR 478.11. It shall also include a conviction for a crime at a general or special court-martial that would meet the definition of "misdemeanor crime of domestic violence" in the previous sentence had the conviction been entered by a State, local, or tribal court.

"*Sentence*" shall include any criminal penalty imposed by a court or following a general or special court-martial of a custodial sentence (whether continuous or intermittent) such as detention, incarceration, or home confinement; a non-custodial sentence (whether supervised or unsupervised) such as probation, parole, or release; or a period during the pendency of other unsatisfied penalties such as monetary obligations, education, treatment, or programming requirements, community service or extra duties, or restriction on movement or electronic monitoring;

"*State or Federal law*" shall include Federal laws (including the Uniform Code of Military Justice); State laws; the laws of the District of Columbia; the laws of United States territories; the laws of any subdivision of the States or territories; and laws of Federally

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Recognized Tribes, where "Federally Recognized Tribe" means any tribe listed at 86 FR 7554 or any future notice listing Federally Recognized Tribes;

"*Unlawful user of or addicted to any controlled substance*" has the meaning given this term in 27 CFR 478.11, except that it excludes those whose only unlawful use of or addiction to a controlled substance consists of the use of or addiction to marijuana.

§ 107.10 Application for relief from disabilities under the Gun Control Act.

(a) Any person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed under section 922 of the Gun Control Act. *See* 18 U.S.C. 925(c).

(b) In determining whether the applicant's prior offense is presumptively disqualifying under § 107.50 of this part, the Attorney General may consider all the facts underlying the prior offense to determine whether that offense involved the same or similar conduct targeted by the specific offenses listed in § 107.50. The Attorney General is not confined to a "categorical approach" that looks only at the elements of the underlying offense or that requires an exact correspondence with a "generic" offense.

(c) An application for relief under subsection (a) of this section shall be submitted using the form and procedures established by the Attorney General and shall include the information required by this part and any additional data the Attorney General deems appropriate.

(d) Any record or document of a court or other government entity or official required by this part to be furnished by an applicant in support of an application for relief shall be certified as a true copy by the court or other government entity or official or shall be the true copy as provided by the court or other government entity or official to the applicant. Applicants may submit electronic copies of such records or documents but must follow any instructions or guidance issued by the Department regarding the procedures for doing so.

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(e) Any record or document required by this part to be furnished by an applicant in support of an application for relief containing a foreign language shall be accompanied by a full English-language translation. The translator must certify that the translation is complete and accurate and that the translator is competent to translate from the foreign language into English.

(f) If any supporting documents required under paragraph (g)(4)–(8), (11), or (12) of this section are unavailable to an applicant due to failure of an official entity to maintain records due to passage of time, destruction such as through natural disaster or fire, or any reason not attributable to an applicant's fault or negligence, the applicant shall submit a sworn statement that:

(1) Includes the underlying facts, charges or proceedings, and ultimate disposition; and

(2) Describes the efforts of the applicant to obtain the documents and the reason they are unavailable to the applicant.

(g) An application shall include:

(1) A statement of all applicable prohibitions on the applicant's possession, transfer, shipment, or receipt of a firearm under 18 U.S.C. 922(g);

(2) Written consent from the applicant authorizing the Department to obtain and examine, and custodians to disclose, copies of records, statements, and information regarding the applicant's background (including employment, medical history, military service, and criminal record);

(3) In the case of an applicant who is an individual and not an entity, an electronic fingerprint scan or two properly completed FBI Forms FD-1222 (Fingerprint Card);

(4) In the case of an applicant having been convicted of a felony, a copy of the indictment, information, or other charging instrument on which the applicant was convicted; any plea agreement; any factual basis for a plea; any presentence report or other document prepared

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to aid in sentencing or response thereto; the judgment of conviction or record of any plea of nolo contendere or plea of guilty or finding of guilt by the court; and a certificate from the relevant authority (such as a department of corrections, probation office, or parole board) stating the date of completion of the applicant's sentence, including any term of supervision;

(5) In the case of an applicant who has been adjudicated a mental defective or committed to a mental institution, a copy of the order of a court, board, commission, or other lawful authority that made the adjudication or ordered the commitment; any petition that sought to have the applicant so adjudicated or committed; medical records sufficient to characterize the diagnoses underlying, and reasons for, adjudication or commitment of the applicant; any court order or finding of a court, board, commission, or other lawful authority showing the applicant's discharge from commitment, restoration of mental competency, or the restoration of rights; and a current certification from a licensed mental health professional that the applicant either no longer suffers from the disease or condition that caused the disability or that the disease or condition has been successfully treated or is stably managed such that the person is unlikely to be a danger to himself/herself or others;

(6) In the case of an applicant who, as a member of the Armed Forces, was convicted by general court-martial for a felony or who was discharged from the Armed Forces under dishonorable conditions (including a sentence of dismissal of a commissioned officer, cadet, or midshipman), a copy of the applicant's Certificate of Uniformed Service (DD Form 214 and, if applicable, DD Form 214-1 and/or DD Form 215), and, if applicable, the Charge Sheet (DD Form 458), Judgment of the Court, and Certificate of Completion of Appellate Review;

(7) In the case of an applicant who, having been a citizen of the United States, has renounced his or her citizenship, a copy of the formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state or before an officer

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designated by the Attorney General when the United States was in a state of war. *See* 8 U.S.C. 1481(a)(5) and (6). The person shall also submit a supplemental statement explaining, under penalty of perjury, why the person renounced his or her citizenship;

(8) In the case of an applicant who has been convicted of a misdemeanor crime of domestic violence, a copy of the charging instrument on which the applicant was convicted; a copy of the underlying investigative reports; a statement of the relationship of the victim to the applicant; the judgment of conviction or record of any plea of nolo contendere or plea of guilty or finding of guilt by the court; a certificate from the relevant authority (such as a department of corrections, probation office, or parole board) stating the date of completion of the applicant's sentence; any record purporting to show that the conviction was rendered nugatory or that civil rights were restored (even if such procedure was insufficient under Federal law to restore Federal firearms rights); and any police reports from the time of original arrest or apprehension to the present involving domestic violence in which the applicant is involved;

(9) A copy of any application, and any decision on that application, made to a State or other political subdivision to expunge or set aside a prior conviction, to restore the right to possess or otherwise handle a firearm, or to restore any other civil rights that the applicant has forfeited;

(10) In the case of an applicant who is an individual and not an entity, a copy of the individual's criminal record check (i.e., a list of the individual's arrests and convictions within a given jurisdiction, or a statement that the individual has no arrests or convictions) for:

(i) Each State (or locality, if a State-wide report is unavailable) in which the applicant has resided since turning 18 or for the last 25 years, whichever is shorter; and

(ii) Each State (or locality, if a State-wide report is unavailable) in which the individual has been arrested since turning 18 or for the last 25 years, whichever is shorter;

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(11) A copy of the applicant's Certificate of Uniformed Service (DD Form 214 and, if applicable, DD Form 214-1, and/or DD Form 215), for any active or reserve duty the applicant has served since turning 18 or for the last 25 years, whichever is shorter;

(12) A copy of any foreign criminal, medical, or military record concerning any conduct, adjudication, or other matter that occurred outside the jurisdiction of the United States but that would have been required to be submitted under paragraph (4), (5), (6), (8), or (9) of this subsection had the conduct, adjudication, or other matter occurred inside the jurisdiction of the United States and had it involved a Federal, State, local, or tribal authority instead of any foreign authority;

(13) In the case of an applicant who is an individual and not an entity, an affidavit from three references, attesting under penalty of perjury that:

(i) The affiant is not related to the applicant by blood or marriage and has known the applicant for at least three years;

(ii) The affiant is not currently prohibited from possessing a firearm under 18 U.S.C. 922(g);

(iii) To the affiant's knowledge, the applicant:

(A) Has not committed any crime (other than traffic or parking infractions, or petty offenses not involving force or violence to persons or property) in the five years immediately preceding the date of the attestation;

(B) Is not an unlawful user of or addicted to any controlled substance as defined in § 107.1 of this part, regardless of whether the controlled substance has been legalized or decriminalized for medicinal or recreational purposes in the State where the applicant resides;

(C) Does not regularly abuse alcohol or other intoxicants, including prescription drugs;

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(D) Is not currently suffering from a mental health condition that would impair the applicant's judgment or behavior;

(E) Is a person of good character and has a good reputation in the community, demonstrating characteristics such as honesty, dependability, and community contribution;

(F) Has not threatened to use unlawful violence, or attempted to do so, toward any person or threatened or attempted suicide, regardless of whether the authorities were notified, within the past five years; and

(G) Would not pose a danger to public safety or to himself/herself, family members, or intimate partners if permitted to possess a firearm;

(14) In the case of an applicant who is an individual and not an entity, an affirmation from the applicant under penalty of perjury that the applicant:

(i) Has not committed a crime (other than traffic or parking infractions, or petty offenses not involving force or violence to persons or property) within the past five years;

(ii) Is not an unlawful user of or addicted to any controlled substance, as defined in § 107.1 of this part, regardless of whether the controlled substance has been legalized or decriminalized for medicinal or recreational purposes in the State where the applicant resides;

(iii) Does not regularly abuse alcohol or other intoxicants, including prescription drugs;

(iv) Is not currently suffering from a mental health condition that would impair the applicant's judgment or behavior;

(v) Is a person of good character and has a good reputation in the community;

(vi) Has not threatened to use unlawful violence, or attempted to do so toward any person or threatened or attempted suicide regardless of whether the authorities were notified, within the past five years;

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(vii) Would not pose a danger to public safety or to himself/herself, family members, or intimate partners if permitted to possess a firearm;

(viii) Has not been a member of, or associated with, a group of three or more persons who acted together in the United States or elsewhere with the aim of committing any crime within the last 10 years; and

(ix) Has provided, to the extent possible, all information relevant to the applicant's eligibility under paragraph (g) of this section and that all information provided in the application is true and correct;

§ 107.20 Review of application.

(a) The Attorney General may grant relief to an applicant if the applicant has established to the satisfaction of the Attorney General that the circumstances regarding the disability (or disabilities), and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest. In making this determination, the Attorney General may consider all information submitted as part of the application and all other relevant information, including the following:

(1) All of the applicant's criminal history, including arrests, regardless of whether they resulted in criminal charges; criminal charges, regardless of whether they resulted in a conviction; alternative dispositions of criminal charges resulting in dismissals, such as deferred prosecutions or probation before judgment; and convictions for any offense;

(2) The seriousness of the conduct involved in all the applicant's prior convictions for or other dispositions of any offense, including victim impact statements;

(3) The conduct underlying any charges against the applicant that were dismissed in exchange for a guilty plea;

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(4) The applicant's conduct while serving any criminal sentence, including compliance with conditions of supervision and satisfaction of any financial penalties;

(5) The time elapsed since the applicant's completion of any criminal sentence and the applicant's conduct during that time;

(6) The applicant's past or present use or abuse of controlled substances;

(7) Any restraining or protection orders, regardless of whether that behavior related to an arrest;

(8) Any threats or threatening behavior, regardless of whether that behavior resulted in criminal charges;

(9) The applicant's mental health, including any abnormal behaviors or mental health treatment;

(10) Any information provided by the chief law enforcement officers of the locality in which the applicant resides either supporting or opposing the application; and

(11) Whether the applicant's individual circumstances demonstrate that a failure to grant relief would infringe the applicant's rights under the Second Amendment.

(b) Where an application fails to identify a disability for which relief may be granted, is improperly executed, or is otherwise incomplete, the applicant will be notified of the defect and given an opportunity to amend and resubmit the application within 30 days. Failure to amend and resubmit the application, with supporting documents or records, within 30 days will result in the application being considered abandoned. An abandoned application will not be considered for purposes of determining whether the person's application should be presumptively denied based on § 107.70.

(c) Whenever relief is granted to any person pursuant to this part, a notice of such action shall be promptly published in the Federal Register, together with the reasons therefor.

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§ 107.30 Scope of relief granted.

(a) A person who has been granted relief under this part shall be relieved of the Federal disability or disabilities imposed by the Gun Control Act for which relief is sought with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition. Such relief shall not extend to disabilities imposed by State law if the applicant is independently subject to any such State-law prohibition. A person who becomes subject to a subsequent disability after the granting of relief shall not be relieved of such disability and must reapply for relief.

(b)(1) A Federal firearms licensee (including any responsible person of the licensee as defined in 27 CFR 478.11) who incurs a disability under the Gun Control Act, *see* 18 U.S.C. 922(g), (n), 923(d)(1)(B); 27 CFR 478.32(a), 478.47(b)(2), during the term of a current license or while the licensee has pending a license renewal application with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and who, within 30 days following the date of incurring the disability for which relief may be granted, files an application for removal of such disabilities, shall not be barred from licensed operations for the 30-day period following the date on which the applicant was first subject to such disabilities (or 30 days after the date upon which the conviction for a felony becomes final). If the licensee files the application for relief as provided by this part within such 30-day period, the licensee may further continue licensed operations during the pendency of the application. A licensee who does not file such application within such 30-day period shall not continue licensed operations beyond 30 days following the date on which the licensee was first subject to such disabilities (or 30 days from the date the conviction for a felony becomes final).

(2) In the event the term of a person's license expires during the 30-day period specified in paragraph (b)(1) of this section, or during the pendency of the application for relief, a timely

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application for renewal of the license must be filed to continue licensed operations. Such license application shall show that the applicant (or responsible person of the applicant) is subject to a Federal firearms disability (or disabilities), shall describe the event(s) giving rise to any disability, and shall state when any disability was incurred.

(3) A licensee shall not continue licensed operations beyond the 30-day period following the date on which the notification is issued that the licensee's application for removal of disabilities has been denied.

(4) When, as provided in this paragraph, a licensee may no longer continue licensed operations, any application for renewal of license filed by the licensee during the pendency of the application for removal of disabilities shall be denied by the ATF Director of Industry Operations for the applicable ATF Field Division.

§ 107.40 Application fee.

(a) The Attorney General shall charge a fee for processing applications requesting relief from the disabilities imposed under section 922(g) of the Gun Control Act.

(b) The Attorney General shall review the amount of the fee periodically, but not less than every two years, to determine the amount of the fee.

(c) Fee amounts and any revisions thereto shall be consistent with widely accepted accounting principles and practices and calculated in accordance with the provisions of 31 U.S.C. 9701 and other Federal law as applicable.

(d) Revisions to fee amounts shall be proposed by notice of proposed rulemaking in the Federal Register and finalized after the receipt of comments under 5 U.S.C. 553.

(e) Applicants may request a waiver or modification of the application fee. Each applicant shall set forth the reasons why a waiver or modification should be granted. The application fee may be waived or reduced because of indigency.

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§ 107.50 Presumptive disqualifications for certain applicants.

(a) The Attorney General has determined that prior conviction for certain offenses renders an applicant presumptively unable to establish to the Attorney General's satisfaction that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest. Applications will therefore be denied, absent extraordinary circumstances, if the applicant:

(1) Has been convicted under State or Federal law of any felony that involves the following conduct, excluding jurisdictional requirements:

(i) The death of another person; rape, sexual abuse, or sexual assault (as defined by 18 U.S.C. Chapter 109A); human trafficking; or kidnapping (as defined by 18 U.S.C. 1201);

(ii) Intimate partner or domestic violence; burglary; robbery; extortion; carjacking; arson; racketeering (if at least one of the predicate racketeering acts is violent); or gang-related offenses;

(iii) Maiming, assault, or battery;

(iv) Stalking;

(v) Escape or rescue of a person in custody;

(vi) Terrorism; or

(vii) Witness tampering;

(2) Has been convicted under State or Federal law of any other felony offense where the applicant brandished or discharged a firearm or used an explosive in the course of committing that offense; or

(3) Has been convicted under State or Federal law of attempting, soliciting, or conspiring to commit, or aiding or abetting the commission of, any of the offenses listed in paragraphs (a)(1) through (a)(2) of this section.

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(b) The Attorney General has determined that the recency of prior conviction for certain offenses renders an applicant presumptively unable to establish to the Attorney General's satisfaction that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest. For purposes of this section, the Attorney General may treat any subsequent criminal conduct for which a person is participating (or has participated) in any program in lieu of criminal conviction (such as a pretrial diversion or substance abuse treatment program) as if the person had been convicted. Applications will therefore be denied, absent extraordinary circumstances, if the applicant:

(1) Has, within the last 10 years, been convicted of, or served any part of a sentence under State or Federal law for, any felony that involves the following conduct, excluding jurisdictional requirements:

(i) The manufacture, import, export, distribution, or dispensing of a controlled substance or the possession of a controlled substance with intent to manufacture, import, export, distribute, or dispense; or the attempt, solicitation, or participation in a conspiracy to commit, or the aiding or abetting the commission of, an offense listed in this paragraph;

(ii) Threats of violence;

(iii) The manufacture, possession, transfer, or use of explosives;

(iv) Conduct prohibited under 18 U.S.C. 922(g), (i), (j), (k), (l), (n), (o), or (u), or 18 U.S.C. 932 and 933, except that an individual convicted of violating 18 U.S.C. 922(g)(1) based on an underlying conviction that itself would not be subject to a presumptive denial under paragraphs (a) or (b) of this part shall not be subject to such presumptive denial;

(v) Possession of a firearm or other weapon on school property or discharging a firearm or weapon on school property;

(vi) Animal abuse.

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(2)(i) Has, within the last 10 years, been convicted of, or served any part of a sentence under State or Federal law for, a misdemeanor crime of domestic violence; or

(ii) At any time within the 10 years following a conviction or having served any part of a sentence under State or Federal law for a misdemeanor crime of domestic violence:

(A) Incurred any other disability set forth in 18 U.S.C. 922(g); or

(B) Was arrested for a felony, a misdemeanor crime of domestic violence, or any other offense where the applicant was alleged to have committed or threatened to commit acts of violence, brandished or discharged a firearm or used an explosive in the course of committing or attempting to commit that offense, except that presumptive denial under this paragraph shall not apply if the applicant submits evidence of a judicial determination that no misconduct occurred or of a dismissal on the merits of any resulting charges against the applicant.

(iii) If such conduct as described in subsections (2)(ii)(A) or (B) occurs, the 10-year period begins anew.

(3) Has, within the last 5 years, been convicted of, or served any part of a sentence under State or Federal law for, any other felony; or

(4) Has, within the last 5 years, been convicted of, or served any part of a sentence under State or Federal law for, any assault, battery, or stalking offense, or any threatened act of violence.

(c) The Attorney General has determined that ongoing unlawful conduct, certain statuses demonstrating ongoing or recent disregard for the law, certain statuses indicating a high risk of future violence, and certain statuses related to the criminal justice system render an applicant presumptively unable to establish to the Attorney General's satisfaction that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of relief would

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not be contrary to the public interest. Applications will therefore be denied, absent extraordinary circumstances, if the applicant is currently:

(1) Awaiting imposition of a sentence for any crime;

(2) Serving any part of a sentence;

(3) Participating in any program in lieu of criminal conviction (such as through a pretrial diversion or substance abuse treatment program);

(4) Subject to any of the disabilities set forth in 18 U.S.C. 922(g)(2), (g)(5), or (g)(8);

(5) An unlawful user of, or addicted to, a controlled substance, as defined § 107.1 of this part; or

(6) Required to register under the Sex Offender Registration and Notification Act (SORNA), 34 U.S.C. 20911–20932, or comparable sex-offender registration statute, based on an offense that disqualified that person from possessing a firearm under the Gun Control Act.

(d) The Attorney General may treat any status under foreign law that is similar to the statuses outlined in paragraphs (c)(1) through (c)(5) of this section as if the status had arisen in the United States, if consistent with United States public policy.

§ 107.60 Applicants subject to the disability in 18 U.S.C. 922(g)(4).

(a) Applicants currently subject to the disability in 18 U.S.C. 922(g)(4) are eligible to apply for relief under this part.

(b) The Attorney General has determined that the following circumstances render an applicant subject to the disability in 18 U.S.C. 922(g)(4) presumptively unable to establish to the Attorney General's satisfaction that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest based on a lack of information necessary for the Attorney General to make those determinations or to reject the contrary findings of another competent authority. Applications will therefore be

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denied, absent extraordinary circumstances, if the applicant is currently subject to the disability set forth in 18 U.S.C. 922(g)(4) imposed by:

(1) A State or territory that has adopted a relief-from-disability program implemented in accordance with 34 U.S.C. 40915, where the applicant is eligible to apply under the program and has not sought relief or has been denied relief;

(2) A State or territory that maintains a relief-from-disability program not implemented in accordance with 34 U.S.C. 40915, where the applicant is eligible to apply under the program and has not sought relief or has been denied relief; or

(3) A Federal department or agency that has adopted a relief-from-disability program or other administrative process where the applicant is eligible to apply under the program and has not sought relief or has been denied relief.

§ 107.70 Subsequent applications and prevention of vexatious applications.

The Attorney General has determined that denial of a prior application for relief under this part renders an applicant presumptively unable to establish to the Attorney General's satisfaction that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest. Applications will therefore be denied, absent extraordinary circumstances, if the applicant has, at any time, had an application for relief under this part denied based on a disqualification under § 107.50(a) or has, within the previous 5 years, had an application for relief under this part denied for any reason other than the circumstances described in § 107.50(b)–(c) or that portion of § 107.60(b) related to failure to apply under the relevant program.

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§ 107.80 Relief void if procured by fraud.

Any relief granted to an applicant pursuant to this part shall be void ab initio if the applicant willfully subscribed as true any material matter that the applicant did not believe to be true or willfully omitted any material requested information.

Aug. 13, 2026
Date

Todd Blanche
Attorney General

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