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The Department of Justice Proposed Rule to Restore Firearms Rights to “Prohibited Persons”

The Gun Control Act (GCA) categorically [prohibits](#) certain classes of individuals, including individuals convicted of felony offenses, from possessing, receiving, shipping, or transporting a firearm connected with [interstate or foreign commerce](#). The GCA also [authorizes](#) these covered individuals to apply to the Attorney General to have their firearms rights restored. In 2025, the Department of Justice issued a [proposed rule](#) establishing guidelines for this process to apply for “relief from disabilities.”

This In Focus summarizes the proposed rule. Before doing so, it provides an overview of relevant law, including a federal statute that effectively barred the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) from enforcing the relief statute, and relevant legal developments, including the delegation of enforcement responsibility of the relief statute to the Department of Justice (DOJ). The In Focus closes with considerations for Congress.

Gun Control Act: Relevant Overview

The GCA, at [18 U.S.C. § 922\(g\)](#), makes it unlawful for nine classes of individuals “to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” The [statute](#) covers anyone

(1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; (2) who is a fugitive from justice; (3) who is an unlawful user of or addicted to any controlled substance . . . ; (4) who has been adjudicated as a mental defective or who has been committed to a mental institution; (5) who, being an alien—(A) is illegally or unlawfully in the United States; or (B) [generally] has been admitted to the United States under a nonimmigrant visa . . . ; (6) who has been discharged from the Armed Forces under dishonorable conditions; (7) who, having been a citizen of the United States, has renounced his citizenship; (8) who is subject to a [qualifying domestic violence restraining order]; (9) who has been convicted in any court of a misdemeanor crime of domestic violence.

Agency Administration of § 925(c)

As first enacted, the 1968 GCA at [18 U.S.C. § 925\(c\)](#) allowed a single class of prohibited persons—an individual convicted of a non-firearm-related felony—to apply for relief from the statutory prohibition to the Secretary of the Treasury. The GCA authorized the Secretary to “grant such

relief” if, upon consideration of the “circumstances regarding the conviction, and the applicant’s record and reputation,” the Secretary was “satisf[ie]d” 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 1986, Congress [amended](#) § 925(c) to allow any prohibited person to seek relief under § 922(g). Congress also [authorized](#) applicants denied relief by the Secretary to submit petitions in federal court.

The administration of the original § 925(c) relief program was delegated to the Director of ATF, then a bureau [within](#) the Department of the Treasury (Treasury). In 2002, Congress [transferred](#) ATF from Treasury to DOJ and delegated relief applications to the Attorney General. In its 2025 proposed rule, DOJ [asserted](#) that ATF’s relief process was beset by “*ad hoc* determinations” that compromised public safety, [adding](#) that the process was “time consuming and resource intensive.” According to DOJ, it was for [these reasons](#) that, in 1992 and in [subsequent](#) appropriations measures, Congress [precluded](#) ATF from using any funds “to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c).” In *United States v. Bean*, acknowledging that ATF was barred from denying an application by the appropriations restriction, the Supreme Court [held](#) that courts have no jurisdiction under the statute to restore firearms rights absent an actual denial by the delegated executive authority. The current version of § [925\(c\)](#) directs relief applications to the Attorney General.

Background Supreme Court Cases

As noted, the GCA prohibits nine categories of individuals from possessing firearms. In *United States v. Rahimi*, the Supreme Court [rejected](#) a [facial](#) challenge to one such prohibition, 18 U.S.C. § 922(g)(8) (applicable to individuals subject to certain domestic violence restraining orders), [explaining](#) that sufficient historical support existed for the principle that “[w]hen an individual poses a clear threat of physical violence to another, the threatening individual may be disarmed” temporarily. On June 18, 2026, in *United States v. Hemani*, the Supreme Court held that another prohibition, 18 U.S.C. § 922(g)(3) (applicable to any person “who is an unlawful user of or addicted to any controlled substance”), [does not](#) “automatically disarm[] anyone who regularly uses any amount of any controlled substance for anything other than its ‘prescribed purpose,’” regardless of individualized circumstances.

Proposed Rule

On July 22, 2025, the DOJ published a notice of proposed rulemaking (NPRM) at [90 FR 34394](#), entitled “Application for Relief from Disabilities Imposed by Federal Laws with

Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms.” The proposed rule seeks to implement § 925(c) by enhancing an interim final rule (IFR), which was promulgated on March 20, 2025. The IFR acknowledged that appropriations riders have prohibited ATF from using appropriated funds to investigate or act upon applications for relief from federal firearms disabilities since 1992 and stated that the Attorney General was withdrawing the delegation to ATF to administer § 925(c) providing “a clean slate on which to build a new approach to implementing 18 U.S.C. 925(c).” The proposed rule sought public comment, and the period closed on October 20, 2025. DOJ is expected to release a final rule on this relief guidance.

The NPRM provides criteria that would structure and guide the Attorney General’s discretionary determinations regarding who is eligible for relief from federal firearms disabilities under § 925(c). The NPRM states that relief under § 925(c) does not restore the right to possess a firearm under state law if the applicant is independently subject to any such state-law prohibition. Relief also does not extend to individuals who incur new disabilities after the granting of relief.

The NPRM states that individuals convicted of presumptively disqualifying crimes or otherwise presumptively prohibited would likely not be eligible for relief. The proposed rule specifically names fugitives from justice (18 U.S.C. § 922(g)(2)), unlawful users of and those addicted to controlled substances (18 U.S.C. § 922(g)(3)), unlawfully present aliens or certain aliens admitted on nonimmigrant visas (18 U.S.C. § 922(g)(5)), individuals subject to domestic violence restraining orders (18 U.S.C. § 922(g)(8)), and individuals currently serving a sentence of imprisonment or currently under any form of supervision as part of a criminal sentence as those who would be presumptively ineligible for relief and denied relief absent extraordinary circumstances. The proposed rule also clarifies that applicants are presumptively disqualified if they have been convicted under state or federal law of any offense punishable by a term exceeding one year that involves the death of another person; sexual abuse or sexual assault; human trafficking; kidnapping; intimate partner and domestic violence; animal abuse; burglary; robbery; extortion; carjacking; arson; racketeering (if at least one act is violent); gang-related offenses; assault or battery; threats of violence; stalking; escape or rescue of a fugitive; terrorism; witness tampering; manufacturing, possession, transfer, or use of explosives; committing or threatening acts of violence or using a firearm or explosive in the course of committing that offense; requiring registry as a sex offender; or manufacturing, importing, exporting, distributing, or dispensing of a controlled substance.

The primary potential recipients of relief from federal firearms disabilities under this proposed rule are those who the Attorney General determines to be less likely to become recidivists and whose access to firearms would “not be contrary to public safety and the public interest.” These individuals include those who have been convicted of a crime punishable by more than one year in prison that is not

a listed presumptively disqualifying crime in the proposed rule (18 U.S.C. § 922(g)(1)); have been adjudicated as a mental defective or committed to a mental institution (18 U.S.C. § 922(g)(4)); have been discharged from the U.S. armed forces under dishonorable conditions (18 U.S.C. § 922(g)(6)); have renounced their U.S. citizenship (18 U.S.C. § 922(g)(7)); or have been convicted in any court of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)) if the “applicant could show that the underlying circumstances of the prior misdemeanor offense did not involve a firearm or potentially lethal violence and that the applicant’s good behavior over time . . . make relief under section 925(c) appropriate.” Individuals who have had their firearm rights revoked for these reasons would need to prove that their relief from federal firearms disabilities would be consistent with public safety and the public interest.

The proposed rule also prescribes periods of delay during which a person convicted of a crime is presumptively disqualified from relief. For offenses that have a direct relationship to violence, the proposed rule establishes a minimum period of ten years—following the successful conclusion of any term of probation, parole, supervised release, or other supervision during which the offender must not recidivate—before an application generally will be considered. These crimes include those convicted of drug distribution crimes, misdemeanor domestic violence offenses, committing or threatening acts of violence, and discharging a firearm or explosive in the course of committing the aforementioned offenses. The proposed rule further indicates a five-year period of presumed ineligibility for all other offenses in 18 U.S.C. § 922(g) that are not violent or sexual in nature as defined in 18 U.S.C. § 921(a)(20). The relief statute, and the proposed rule, extends to federal licensees (e.g., a dealer) that have been barred from continuing their operations, though DOJ estimates that the impact of the proposed rule on licensees will be relatively low. Finally, the proposed rule estimates that approximately 1 million people will apply for relief within the first year of the program and that DOJ would charge a \$20 application fee to defray the costs of review.

Considerations for Congress

Congress could consider whether this proposed rule is consistent with the policy goals of its prior ban on ATF using appropriated funds for processing relief applications. Congress could also consider whether to require a comprehensive study assessing what types of offenders would pose dangers to public safety if granted relief from federal firearms disabilities as well as the efficacy of the periods of delay in this proposed rule. Congress could enshrine the Attorney General’s authority over such decisions or aspects of the NPRM in statute. Congress could instead maintain the status quo, observing how the NPRM proceeds.

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