

OCTOBER 20, 2025

# CRITICAL IMPROVEMENTS TO DOJ'S GUN RIGHTS RESTORATION RULE

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

**Citation:**

Docket No. OAG191  
at 90 Fed. Reg. 34394

**Comments of:**

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**Submitted to:**

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## **DOJ's Rights Restoration Rulemaking**

On July 22, 2025, the Department of Justice ("DOJ") published a Notice of Proposed Rulemaking ("NPRM") proposing "to implement 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." Docket No. OAG191, 90 Fed. Reg. 34394 (July 22, 2025).<sup>1</sup> The NPRM seeks public comment on "all aspects of this rule" by October 20, 2025. *Id.*

### **Identity of Commenters**

**Gun Owners of America, Inc.** ("GOA") is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code ("IRC"). GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners, and is one of the nation's leading Second Amendment advocacy organizations with more than two million members and supporters nationwide.

**Gun Owners Foundation** ("GOF") is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the IRC. GOF is supported by gun owners across the country.

### **Summary of Comments**

These Commenters welcome DOJ's proposed process for restoring Second Amendment rights from federal firearms disabilities. However, several improvements should be made to the Final Rule to ensure transparency and efficiency in the application process. Moreover, DOJ should reconsider some of its presumptions of ineligibility so as not

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2025-07-22/pdf/2025-13765.pdf>.

to penalize nonviolent victims of the federal administrative state or those convicted of unconstitutional firearms offenses in anti-gun jurisdictions. With these improvements, these Commenters believe the Final Rule would offer much-needed relief for those seeking to exercise their natural right to self-defense.

### **GOA & GOF Comments on Proposed Rule**

#### **I. The NPRM Correctly Recognizes the Necessity of an Armed Populace as an “Indispensable Safeguard of Security and Liberty.”**

The Second Amendment provides that “[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court explained that the Second Amendment’s prefatory militia clause “announces a purpose” for the codification of the right and serves a “clarifying function.” *Id.* at 577, 578. History makes this purpose clear: having just thrown off the yoke of the then-most powerful empire in the world, the American people guaranteed their own access to “Arms” to (i) “repel[] invasions and suppress[] insurrections,” (ii) “render[] large standing armies unnecessary,” and (iii) “resist tyranny.” *Id.* at 597-98. They understood that an armed populace serves as a failsafe against despotism, and that the “right to self-defense” (*id.* at 603) deters not only crimes committed by common criminals, but also crimes perpetrated by governments.

Consistent with these Founding principles, the NPRM recognizes that “the Second Amendment [i]s an indispensable safeguard of security and liberty.” NPRM at 34396. To that end, the rights-restoration process set forth in the NPRM will ensure that those who satisfy the statutory criteria once again will be able to bear arms without infringement in defense of themselves and in furtherance of “the security of a free State.”

To be sure, Section 925(c) will not relieve nonviolent felons of all the disabilities attendant to their status as felons. It will not, for example, restore one's ability to vote in elections. But Section 925(c) relief will return to qualified applicants perhaps the *ultimate* vote – the right of the American populace to self-determination through exercise of the “right to keep and bear Arms” to “resist tyranny.” *Heller*, 554 U.S. at 598. These Commenters applaud DOJ's promotion of the citizen ownership of firearms, and its recognition that the Second Amendment secures liberty for all.

**II. The Final Rule Should Incorporate a Number of Improvements to Streamline the Application Process.**

The NPRM establishes a detailed process for Section 925(c) applicants to seek relief from federal firearms disabilities. However, DOJ should amend certain aspects of this process to ensure greater transparency for applicants and greater efficiency for both applicant and reviewer alike.

*Lift the Document Certification Requirement for Certain Documents*

First, the NPRM provides that “[a]ny record or document of a court or other government entity or official ... in support of an application for relief *shall be certified* by the court or other government entity or official as a true copy.” NPRM at 34402 (emphasis added). Although these Commenters recognize DOJ's obvious need for government records submitted in connection with Section 925(c) applications to be *authentic*, this requirement can prove senselessly burdensome in practice. For example, applicants seeking certified copies of federal court records already available online through Public Access to Court Electronic Records (“PACER”) instead must contact courts directly, submit requests for

documents, wait for those requests to be processed, and pay certification fees.<sup>2</sup> In the Final Rule, 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. This change would simplify the application process and conserve federal court resources.

*Include an Application Progress Tracker*

‘Second, the NPRM does not identify any means for applicants to track the status of their submitted Section 925(c) applications. The Final Rule should adopt a tracking system – for example, a web portal accessible with user login credentials – that will allow applicants to view their submissions and any progress metrics DOJ may provide. For example, DOJ should indicate whether an application has been initially reviewed for completeness, whether it is pending substantive review, or whether it is incomplete and requires further action.

*Set a Timeframe for Quickly Making Determinations*

Third, the Final Rule should set a timeframe within which DOJ will issue application decisions. Although DOJ must make determinations “based on all the relevant circumstances” (NPRM at 34398), time is of the essence. Indeed, the President’s term will end in approximately three years, and there is no telling whether the next administration will be as amiable towards Second Amendment rights. This DOJ should do all that it can to ensure as many eligible applicants obtain Section 925(c) relief as possible. *Time is of the essence.*

**III. The Final Rule Should Not Penalize Nonviolent Firearm Offenders.**

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<sup>2</sup> See, e.g., <https://www.hib.uscourts.gov/copies-documents>; <https://www.tnmd.uscourts.gov/copy-requests>.

The NPRM identifies several types of convictions that will cause applications for relief to be “denied, absent extraordinary circumstances,” irrespective of the amount of time that has elapsed since a sentence for that conviction has been served. NPRM at 34402. But these convictions include inherently *nonviolent* violations of the Gun Control Act, such as violations of 18 U.S.C. § 922(k) (simple possession of a firearm with a removed or obliterated serial number), § 922(o) (simple possession of an unregistered “machinegun”), and § 922(q) (simple possession of a firearm within a school zone). Indeed, although these offenses all deal with *firearms*, the simple possession of a firearm is neither inherently “violent” nor inherently “dangerous.” It is, in fact, *constitutionally protected*.

*Don't Presumptively Exclude Nonviolent Federal Gun Control “Crimes”*

DOJ should reconsider the NPRM’s blanket “presumptive denial” for this wide range of offenses, which on their own have no nexus to “violent or dangerous” conduct whatsoever. NPRM at 34402, 34395. Consider Section 922(k), a provision of the Gun Control Act that one may violate simply by altering a single digit on their firearm’s engraved serial number. Also consider Section 922(o), which the previous administration weaponized against a nonviolent Navy sailor who sold inert military memorabilia. *See United States v. Adamiak*, No. 2:22-cr-00047-AWA-LRL-1 (E.D. Va.). Finally, consider Section 922(q), a provision of the Gun-Free School Zones Act that one may violate by peacefully driving through a school zone with a concealed firearm if not “licensed to do so by the State in which the school zone is located.” 18 U.S.C. § 922(q)(2)(B)(ii). In each of these cases, an applicant for Section 925(c) relief would be “subject to a presumptive denial,” “absent extraordinary circumstances,” despite having engaged in no violent or dangerous conduct whatsoever. NPRM at 34402. The Framers never would have sanctioned the loss of Second Amendment rights for peaceful and



law-abiding hobbyists, service members, and soccer moms—who violate this section every time they drive through a GFSZ, in one of the 29 states that allow for permitless carry, without possessing a permit issued by the state.

*Don't Presumptively Exclude Nonviolent State Gun Control "Crimes"*

Next, in a catchall provision, the NPRM presumes denial for all other state or federal felonies if one “[h]as, within the last 5 years, been convicted of or served any part of a sentence.” NPRM at 34402. DOJ should reconsider the length of this presumptive disqualification period, especially in light of its application to convictions for firearms offenses in anti-gun jurisdictions. For example, DOJ recently argued before the Seventh Circuit that Illinois’ ban on so-called “assault weapons” was unconstitutional.<sup>3</sup> Yet the Illinois law banning the simple possession of these items punishes second or subsequent offenses as felonies. *See* 720 ILCS 5/24-1(b). The Final Rule should not compound the injustice of nonviolent firearm convictions from these states by subjecting the victims of anti-gun jurisdictions to yearslong waits for federal relief.

*Don't Presumptively Exclude Nonviolent Offenders Convicted Within The Last Five Years*

Finally, the NPRM’s catchall disqualification period should last 6 months – or better yet, no time at all – rather than a lengthy *five years*. If individual “dangerousness” is the historical principle guiding statutory and constitutional disarmament (*see United States v. Rahimi*, 602 U.S. 680 (2024)), then nonviolent applicants for Section 925(c) relief *never should have been disarmed in the first place*. Accordingly, the Final Rule should not pose any temporal barrier on relief for nonviolent people. Once again, time is of the essence. The

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<sup>3</sup> *See* <https://www.washingtonexaminer.com/news/justice/3819978/harmeet-dhillon-argues-against-illinois-gun-ban-rare-court-appearance/>.



President directed DOJ to unravel the weaponization of the previous administration.<sup>4</sup> Yet under the NPRM's needlessly punitive five-year catchall provision, those who were targeted under Biden will remain presumptively *ineligible* for relief until *after* President Trump leaves office. Given the uncertainty of the President's successor, DOJ should assume that Section 925(c) relief will only be available for the next three years, and modify the Final Rule accordingly.

### **Conclusion**

DOJ should incorporate the foregoing proposals into its Final Rule. With these improvements, these Commenters believe the Final Rule will best serve Section 925(c) applicants and restore Second Amendment rights.

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<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/ending-the-weaponization-of-the-federal-government/>.