June 9, 2025

The Honorable Pamela Bondi
U.S. Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Robert Hinchman
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Re: RIN 1105-AB78

Dear Attorney General Bondi and Mr. Hinchman:

As members of the U.S. House of Representatives and the Democratic Women's Caucus, we write with concern about the Department of Justice (DOJ) interim final rule (IFR) withdrawing the delegation of authority to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the restoration of firearms rights contemplated under 18 U.S.C. 925(c) and revoking the existing restoration process under 27 CFR § 478.144.[1] **This rule has the potential to restore gun rights to domestic abusers, individuals who harm women and children.** The IFR and the apparent lack of an objective, holistic process for making determinations on the restoration of firearms rights have serious implications for the safety of survivors of domestic violence, sexual violence, harassment, dating violence, and stalking. The restoration of firearm rights should not come at the expense of a woman's right to live free of violence.

Background

Firearms are the weapon of choice for violent crime in the United States, including domestic violence. 46,000 people die from gun violence every year in our country and over 40% of those deaths are gun homicides. Approximately 4.5 million women alive today have been threatened by an intimate partner with a firearm, and almost 1 million women alive today have been shot, or shot at, by an intimate partner.[2] Guns are the primary weapon used for murder because they are both uniquely lethal and widely available.

1 Department of Justice. (2025, March 20). *Withdrawing the Attorney General's delegation of authority*. *Federal Register*, 90(55), 13080–13084. https://www.federalregister.gov/documents/2025/03/20/2025-04872/withdrawing-the-attorney-generals-delegation-of-authority

2 18 U.S.C. § 921(a)(33).

Indeed, nearly 7 in 10 intimate partner homicides involve a gun. This is why Congress created a discrete set of restrictions on who can own a firearm.

The Gun Control Act of 1968 (GCA) makes it illegal for nine categories of persons to ship, transport, possess, or receive firearms and ammunition. One of those classes are persons convicted of a "misdemeanor crime of domestic violence." Under the domestic violence prohibitor, anyone who has a specified domestic relationship with the victim and is convicted of a misdemeanor offense that has the use or attempted use of physical force or threatened use of a deadly weapon as an element is prohibited from possessing firearms.[3] The DOJ should not institute firearms rights restoration processes that ignore Congress's directive in 18 U.S.C. 925(c) to prioritize public safety, especially when it comes to protecting survivors of domestic abuse.

Along with the list of firearms prohibitors, there is an avenue provided for prohibited persons to have their federal gun rights restored. Under 18 U.S.C. 925(c) prohibited persons may apply to the Attorney General for relief from their federal firearms disabilities, and the Attorney General may grant such relief, restoring federal firearms rights if it is determined to their satisfaction that the applicant is not a danger to public safety and granting the applicant relief will not be contrary to the public interest. Due to concerns about ATF's resources, Congress, through the annual appropriation funding for ATF, has prohibited the agency from using funds to investigate or act upon applications for relief from federal firearms disabilities since 1992.[4] Congress' actions effectively closed the DOJ's process for the restoration of federal firearms rights to prohibited persons.

Additionally, the Supreme Court has upheld the constitutionality of restrictions on domestic abusers' access to guns. In *United States v. Rahimi*, Zackey Rahimi was charged with illegally possessing a firearm while under a domestic violence restraining order, which is prohibited under 18 U.S.C. § 922(g)(8). Rahimi argued that this law violated his Second Amendment right. However, the Supreme Court, in an 8 to 1 decision, upheld the federal law, ruling that restrictions on domestic abusers' access to firearms do not violate the second amendment.

Concerning DOJ Actions

In addition to the safety of survivors, we are deeply concerned about this rule because it appears to be politically motivated. According to whistleblower testimony provided to Congress by Elizabeth G. Oyer, a former DOJ pardon attorney, DOJ leadership created a working group tasked with restoring gun rights to individuals who were prohibited from owning firearms because of criminal conduct weeks before the IFR was published.[5] The working group had created a shortlist that was narrowed to nine people who were being recommended to have their firearms rights restored. Ms. Oyer stated that she was fired from government service shortly after refusing to recommend that a prominent supporter of President Trump, actor Mel Gibson, have his firearm rights restored because his domestic violence conviction and a prior

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

4 Statement of Elizabeth G. Oyer, Former Department of Justice Pardon Attorney Before Members of the House and Senate Judiciary Committees Hearing on Restoring Accountability and Attacks on the Rule of Law (Apr. 7, 2025), https://democrats-judiciary.house.gov/calendar/eventsingle.aspx?EventID=5640.

5 Ibid.

antisemitic altercation with police raised concerns for public safety.[6] It was clear that Mr. Gibson was being recommended to the list based on his recent appointment as a "Special Ambassador" to Hollywood by President Trump and overtures from his attorneys to senior DOJ officials.[7] Ms. Oyer's disclosures reveal that the DOJ's decision-making process was driven by political motivations, an improper reason to restore firearm rights to individuals and set an incredibly dangerous precedent.

Secondly, Ms. Oyer's disclosures reveal that the DOJ was processing relief from federal firearms disabilities applications before the IFR revoked that responsibility from the ATF without a consistent and objective process for making restoration decisions. This kind of ad hoc decision-making is not an appropriate way to make life and death decisions about the safety of our communities. Until the IFR, the Attorney General's authority under 925(c) to review and process applications to restore firearm rights had been delegated to the ATF. The ATF Director was bound to the statutory framework in 925(c), and applicants for firearm restoration were required to follow the requirements outlined in 27 CFR § 478.144. Those requirements included providing three reference statements from non-relatives, furnishing copies of any felony indictments, providing copies of any misdemeanor domestic violence indictments, service records if the applicant was dishonorably discharged from the military, and other requirements related to the nine prohibition categories. We are concerned that the removal of these well-established requirements opens up the possibility for known dangerous individuals, including domestic abusers, to regain their eligibility to possess guns.

Gun Violence & Domestic Violence

Firearms access is a threat multiplier for domestic violence.[8] About 25 million U.S. adults have experienced firearm abuse by an intimate partner. An abusive partner's access to a firearm makes it five times more likely that a woman will be killed. Every year, over 750 American women are shot to death by intimate partners. Three out of five intimate partner homicides are committed with a firearm and nearly a third of mass shooters have a history of domestic violence.[9]

Both the process the DOJ is currently following for the restoration of firearms rights and the process it envisions establishing through further rulemaking must take the dangers of domestic violence seriously.

The requirements of 27 CFR § 478.144 would have kept women more safe than what was established in this rule. These requirements provide a basis for what a firearms restoration process under the Attorney General should look like. Specifically, we urge the retention of the requirement for multiple, non-familial witness statements and the examination of felony and domestic violence misdemeanor indictments. Ms. Oyer also disclosed that DOJ officials were considering an automated process that may be based on years

6 Giffords Law Center to Prevent Gun Violence. (n.d.). Domestic violence & firearms. https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/
7 Devlin Barrett, Trump Administration Prepares to Give Gun Rights Back to Some Convicts, The New York Times, Mar. 19, 2025, https://www.nytimes.com/2025/03/19/us/politics/trump-gun-rights-convicts.html.
8 Devlin Barrett, Justice Dept. Official Says She Was Fired After Opposing Restoring Mel Gibson's Gun Rights, The New York Times, Mar. 10, 2025, https://www.nytimes.com/2025/03/10/us/politics/justice-department-mel-gibson.html.
9 Sorenson, SB., & Schut, RA. (2018). *Nonfatal Gun Use in Intimate Partner Violence: A Systematic Review of the Literature*. Trauma, Violence, & Abuse. https://pubmed.ncbi.nlm.nih.gov/27630138/

elapsed since the disqualifying offense.[10] An automated process is not sufficient for the sensitivity of the task.

The truth is that domestic violence and abuse in this country is too often fatal and that is invariably because of firearms. We urge you to prioritize the safety and livelihood of the thousands of women who could be harmed should more domestic abusers have access to guns.

Sincerely,

Debbie Dingell
Senate Liaison
Democratic Women's Caucus

Gwen S. Moore
Member of Congress

Mike Thompson
Member of Congress

Teresa Leger Fernández
Chair
Democratic Women's Caucus

Lucy McBath
Congressional Black Caucus
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Democratic Women's Caucus

Shontel M. Brown
Co-Chair
Communications Task Force
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Jasmine Crockett
Co-Chair
Communications Taskforce
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LaMonica McIver
New Member Liaison
Democratic Women's Caucus

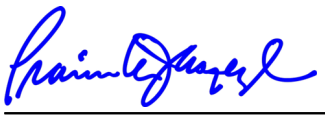
Joyce Beatty
National Leaders & Advocacy
Organizations Liasion
Democratic Women's Caucus

Julia Brownley
Member of Congress

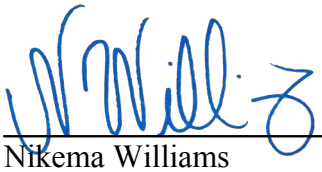
Andrea Salinas
Congressional Hispanic
Caucus Liaison
Democratic Women's Caucus

Deborah K. Ross
Co-Chair
Policy Task Force
Democratic Women's Caucus

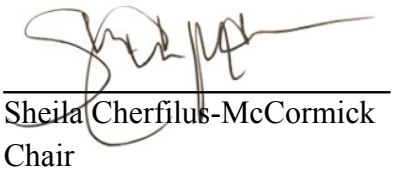
10 Ibid.



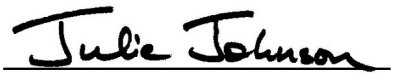
Pramila Jayapal
Congressional Asian Pacific American Caucus Liasion
Democratic Women's Caucus



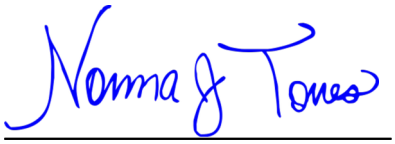
Nikema Williams
Chief Whip
Democratic Women's Caucus



Sheila Cherfilus-McCormick
Chair
Global Women's Issues Task Force
Democratic Women's Caucus

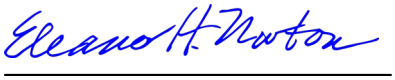


Julie Johnson
Equality Caucus Liasion
Democratic Women's Caucus

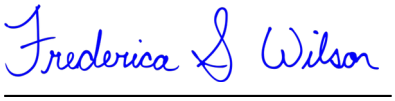


Norma J. Torres
New Democrat Coalition Liaison
Democratic Women's Caucus

Kelly Morrison
Co-Chair & Liasion
Reproductive Healthcare Task Force
Democratic Women's Caucus

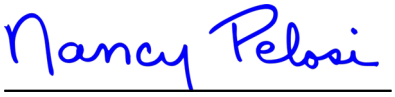


Eleanor Holmes Norton
Member of Congress



Frederica S. Wilson
Member of Congress

Madeleine Dean
Member of Congress



Nancy Pelosi
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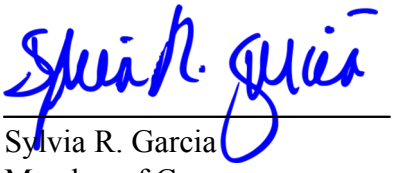
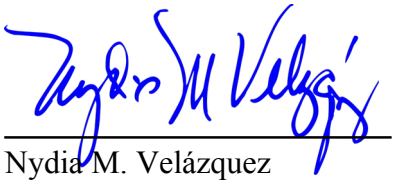
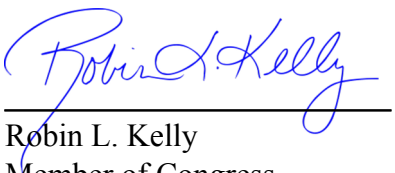


Sylvia R. Garcia
Member of Congress



Nydia M. Velázquez
Member of Congress



Robin L. Kelly
Member of Congress

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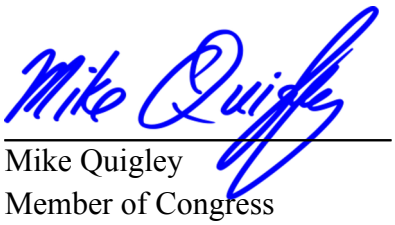

Mike Quigley
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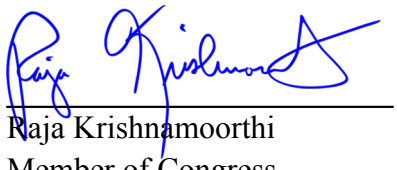

Raja Krishnamoorthi
Member of Congress

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Member of Congress

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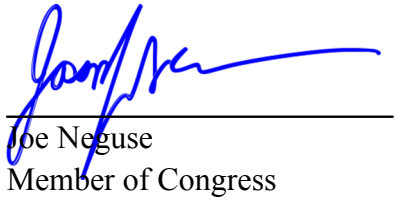

Joe Neguse
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Valerie P. Foushee
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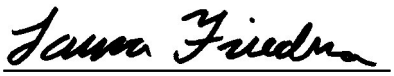
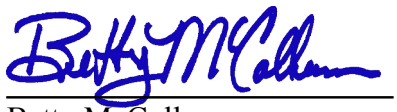


Laura Friedman
Member of Congress



Betty McCollum
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Jake Auchincloss
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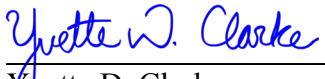
Dina Titus
Member of Congress



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John Garamendi
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Lizzie Fletcher
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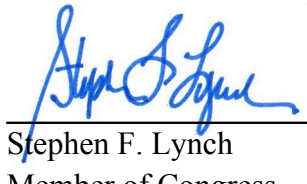

Stephen F. Lynch
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Veronica Escobar
Member of Congress

Zoe Lofgren
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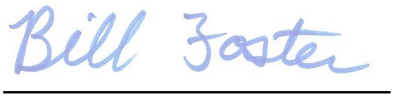
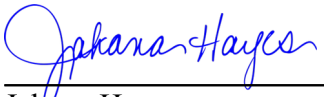
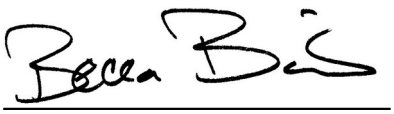


Bill Foster
Member of Congress

Robert Garcia
Member of Congress



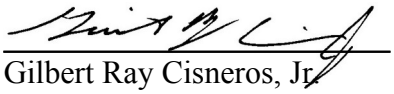
Jahana Hayes
Member of Congress



Becca Balint
Member of Congress

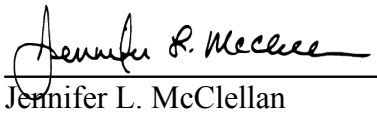
Emilia Strong Sykes
Member of Congress

Mikie Sherrill
Member of Congress

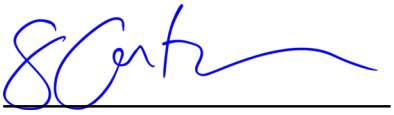


Gilbert Ray Cisneros, Jr.
Member of Congress

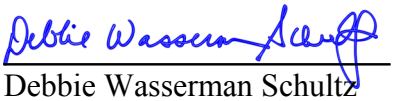
Mark DeSaulnier
Member of Congress



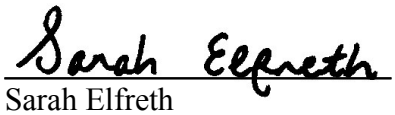
Jennifer L. McClellan
Member of Congress



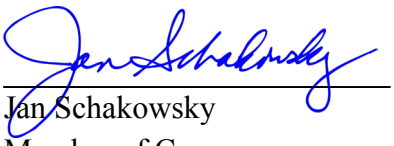
Sean Casten
Member of Congress



Debbie Wasserman Schultz
Member of Congress

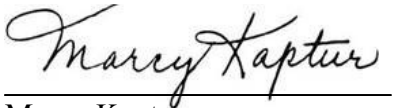


Sarah Elfreth
Member of Congress



Jan Schakowsky
Member of Congress

Diana DeGette
Member of Congress



Marcy Kaptur
Member of Congress