

**U.S. DEPARTMENT OF JUSTICE
RECORD MANAGEMENT FOR
FEDERAL FIREARM RIGHTS RESTORATION PROGRAM**

FRAMING PAPER

This paper guides the U.S. Department of Justice (Department) government-to-government consultation on how records related to the Federal Firearm Rights Restoration Program will be managed. Information on how to participate in these discussions and submit written comments is described in the invitation letter, which is available on the Department's Tribal Justice and Safety Website at www.justice.gov/tribal.

I. The Federal Firearm Rights Restoration Program Records

Federal law prohibits several categories of persons from “possess[ing] in or affecting commerce, any firearm or ammunition.” 18 U.S.C. § 922(g). By statute, it also provides that any “person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from th[at] disabilit[y]” and that “the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, 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.” 18 U.S.C. § 925(c). The Attorney General has determined that 18 U.S.C. § 925(c) reflects an appropriate avenue to restore firearm rights to certain individuals who no longer warrant such disability.

The Office of the Pardon Attorney (PARDON) will administer this program, which will facilitate restoration of federal firearm rights to certain qualified individuals pursuant to 18 U.S.C. § 925(c). As part of this process, PARDON will collect, store, and maintain copies of the records pertaining to an applicant seeking the restoration of federal firearms rights. Within the Federal Firearms Rights Restoration Electronic Records Database, PARDON will receive applications and comprehensively review, assess, evaluate, and make recommendations to the Attorney General, or designee, on an applicant's eligibility and suitability for relief from disabilities under 18 U.S.C. §§ 922(g) & 925(c) and 28 CFR § 107.1, et seq. As part of the application process, PARDON requests that each applicant supply copies of records regarding the conviction that prohibits the person from owning firearms under federal law and other information regarding past criminal history. In some limited instances, PARDON may have to reach out directly to state or tribal authorities to collect additional information on an applicant's criminal record.

II. Tribal Implications

There are a number of Tribal court dispositions that have the effect of disqualifying persons from the possession of firearms under federal law. These include felony convictions (18 U.S.C. § 922(g)(1)), misdemeanor domestic violence convictions (18 U.S.C. § 922(g)(9)), findings that a person is a user of or addicted to a controlled substance (18 U.S.C. § 922(g)(3)), involuntary commitment orders (18 U.S.C. § 922(g)(4)), domestic violence protection orders (18 U.S.C. § 922(g)(8)), and firearm possession prohibitions established by tribal law (18 U.S.C. § 922(t)(1)(B)(ii)).

If a person (including a tribal member) is subject to a federal firearm possession prohibition due to a Tribal court finding and that person applied for a restoration of rights, the applicant would be responsible for providing copies of records to PARDON. PARDON may need to contact Tribal authorities directly to obtain necessary information, and if so, Tribal records would likely become part of the federal record set. For example, correspondence with a Tribal court and copies of the actual Tribal court orders would likely become part of the federal record set.

III. Questions for Discussion

The Department seeks input from Tribal leaders or their designees on the collection and management of Tribal records associated with the Federal Firearm Rights Restoration Program. The following questions are offered as a discussion guide and are not intended to limit the discussion.

1. Do you have concerns about including copies of Tribal records in this program?
2. Are there particular steps you would want the Department to take when collecting Tribal records from Tribal authorities or storing those requested records? If so, should all records received from Tribal authorities be treated alike?