



# Garland v. VanDerStok (S. Ct.)

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## Issue

The issue in this case is whether the federal government exceeded its authority under the Gun Control Act of 1968 when it issued an administrative rule regarding firearms manufactured and modified in one's home, often referred to colloquially as "ghost guns."

## AMA Interest

The AMA will support state and federal legislation and regulation that would subject homemade firearms, including ghost guns, to the same laws and regulations and licensing requirements as traditional regulated firearms.

## Case Summary

In the Gun Control Act of 1968, Congress imposed requirements on persons engaged in the business of importing, manufacturing, or dealing in "firearms." Such persons must obtain a federal firearms license, keep records of the acquisition and transfer of firearms, and conduct a background check before transferring a firearm to a non-licensee. Importers and manufacturers are also required to mark firearms with a serial number. The Act defines a "firearm" to include "any weapon . . . which will or is designed to or may readily be converted to expel a projectile by the action of an explosive," as well as "the frame or receiver of any such weapon."

In 2022, ATF issued a rule clarifying that certain products that can readily be converted into an operational firearm or a functional frame or receiver of a firearm fall within the scope of the Act. The rule was intended to address the public safety and law enforcement crisis posed by the exponential rise of untraceable firearms commonly called "ghost guns."

Ghost guns can be made from kits and parts that are widely available online and allow anyone with basic tools and rudimentary skills to assemble a fully functional firearm in as little as twenty minutes. Because some manufacturers of these kits and parts asserted that they were not "firearms" regulated by federal law—and thus sold them without serial numbers, transfer records, or background checks—ghost guns were attractive to criminals, minors, and others who are legally prohibited from buying firearms.

The rule at issue provides that these kits and the partially completed frames and receivers that can readily be converted into functional firearms or complete frames and receivers qualify as regulated "firearms." The rule does not prohibit the purchase, sale, or possession of any firearm, nor does it prohibit any individual lawfully entitled to possess a firearm from making one at home; instead, it simply ensures that ghost guns are subject to the same administrative requirements that apply to commercial sales of all other firearms.

On August 11, 2022, several individuals and companies filed a lawsuit to challenge the administrative rule, claiming that the regulation exceeds the authority that Congress vested in

the ATF. The plaintiffs claimed that the provisions of the rule clarifying that certain weapon parts kits fall within the Act's definition of "firearm" and that the statutory term "frame or receiver" includes certain partially complete frames or receivers.

The district court granted the plaintiffs' motion for summary judgment, concluding that the challenged provisions of the rule contradict the Act. In its decision, the district court granted broad relief, vacating the entire rule—including its many unchallenged provisions—without addressing ATF's express specification that the provisions of the rule are severable.

The federal government appealed to the Fifth Circuit, which affirmed in part and vacated in part the district court judgment. The court of appeals agreed with the district court's conclusion that the rule exceeded the scope of the government's authority, but it agreed with the federal government that the relief provided was overly broad. The court remanded the case for further proceedings.

Before the relief could be reconsidered by the district court, the federal government sought review by the United States Supreme Court, which agreed to hear the case.

### **Litigation Center Involvement**

The Litigation Center joined the Texas Medical Association and others in an *amicus* brief supporting the federal government and the regulation of ghost guns.

United States Supreme Court Brief