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Rice v. United States, Department of Alcohol, Tobacco and Firearms:
Congress Paralyzes Section 925(c) of the Gun Control Act

49 Admin. L. Rev. 501 (1997)

Abstract by Ryann Kathleen Bernard

In *Rice v. United States, Department of Alcohol, Tobacco and Firearms*, the United States Court of Appeals for the Third Circuit held that the absence of express statutory language prohibiting judicial review of individual gun licenses under 925(c) of the Gun Control Act of 1968 (GCA) showed that Congress intended these applications to proceed to federal courts when administrative remedies cannot be exhausted due to Congress withdrawing agency funding. The author uses this case as an example of the tension between the Bureau of Alcohol, Tobacco and Firearms (ATF) inability to provide relief to those seeking restoration of their firearm privileges and the exhaustion of administrative remedies doctrine.

The author is critical of the decision in *Rice* and suggests that the Court was incorrect when it concluded that Congress did not intend to limit judicial review of the ATF's refusal to grant relief. The Note claims that *Rice* conflicts with a recent Fifth Circuit opinion and that it also relieves a plaintiff of the duties imposed by the exhaustion requirement. In conclusion, the author argues that it is unclear whether a convicted felon seeking restoration of their firearm privileges has a right to review in a federal court and that *Rice* may have a negative impact on the limited resources available to federal courts.