

Congress of the United States
House of Representatives
Washington, DC 20515-1014

October 24, 2022

Hon. Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Hon. Christopher A. Wray
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Garland and Director Wray:

Due to the recent Freedom of Information Act (FOIA) requests¹ submitted by Gun Owners of America (GOA), and the resulting article from Gabe Kaminsky in *The Daily Caller*,² Congress has been made aware of the Federal Bureau of Investigation's (FBI) illegal usage of a form entitled the "NICS Indices Self-Submission Form." This form was created by FBI personnel and used by FBI agents to coerce and intimidate Americans who were not convicted of any crime into signing away their right to obtain a firearm, a right protected by the Second Amendment to the United States Constitution.

We, the undersigned elected members of the United States House of Representatives, demand full accountability from all law enforcement agencies, including the FBI. No government official—unelected, appointed, or even elected—has the right to infringe upon Second Amendment rights. Reportedly, and hardly coincidentally, the FBI claims to have discontinued use of this form immediately after its existence was made public. Yet even if it is true that the FBI no longer uses the form, it is a violation of federal law for the FBI to continue to prohibit any signer of such a form from being denied a firearm purchase or otherwise impeded from exercising their Constitutional rights.

Pursuant to 34 U.S.C. § 40901(e)(1)(D),³ the Attorney General and the FBI are required to provide "information updates" to Congress on the National Instant Criminal Background Check System (NICS). Specifically, Section 40901(e)(1)(D)(i) mandates that if a "Federal department or agency" which "provide[d] the pertinent information" is "made aware that the basis under

¹ [Federal Bureau of Investigations Response to Gun Owners of America Freedom of Information Act Request 1:20-cv-00206](#)

² Kaminsky. "EXCLUSIVE: The FBI Secretly Pressured Americans To Waive Away Their Gun Rights". *The Daily Caller*. September 6th, 2022.

³ 110 P.L. 180.

which a record was made available ... does not apply,” the agency “shall ... remove the record from any database that the agency maintains and makes available to.” Furthermore, Section (e)(D)(ii) requires that the agency “shall ... notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.”

The statute provides that “[t]he Attorney General upon receiving notice ... shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.”

Gun Owners of America provided notice to the FBI and the Department of Justice (DOJ).⁴ As of October 19th, it has been 30 days since you received this notice from GOA, explaining that entries into the NICS system on the basis of this illegal FBI form are invalid and must be removed. Since neither of your offices has responded to GOA’s letter, we, as Members of Congress, demand direct answers to the questions stated in their original letter. We demand immediate confirmation that:

- (i) the Department of Justice has identified and taken action to “remove” offending records from any “database” relating to those who have signed the rogue FBI form;
- (ii) the FBI (under the authority of the Attorney General) took action to “remove” the offending records from the NICS system; and
- (iii) the FBI has halted its use of the illegal and unconstitutional NICS Indices Self-Submission Form.

We look forward to your expeditious response to our letter concerning the American People’s Constitutional rights that shall not be infringed.

Sincerely,



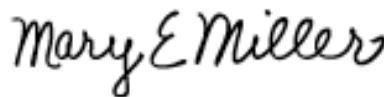
Marjorie Taylor Greene
Member of Congress



W. Gregory Steube
Member of Congress



Michael Cloud
Member of Congress



Mary E. Miller
Member of Congress

⁴ [Return Receipts Confirmed on September 13th and 19th, 2022.](#)



Doug Lamborn
Member of Congress



Louie Gohmert
Member of Congress



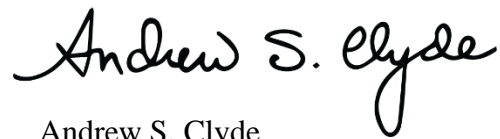
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