

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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MINORITY (202) 225-5074
<https://oversight.house.gov>

July 28, 2020

The Honorable Russell T. Vought
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Director Vought:

The Subcommittee on National Security is deeply concerned by the Trump Administration's July 10, 2020, decision to overturn a longstanding prohibition on the export of firearm sound suppressors to private entities located in foreign countries. We are further disturbed by recent reports that the decision was made at the urging of a White House official with personal and financial ties to the American Suppressor Association (ASA), whose sponsors stand to make potentially millions of dollars as a direct result of the new policy.¹

The overseas sale of U.S. defense articles, especially when those weapons could endanger the safety and security of our men and women in uniform, cannot and should not be influenced by personal financial or political interests.

The United States Munitions List classifies “[s]ilencers, mufflers, and sound suppressors” as Significant Military Equipment (SME).² SME is defined as “[d]efense articles for which special export controls are warranted because of the capacity of such articles for substantial military utility or capability.”³

In April 2002, the Department of State restricted the export of firearm sound suppressors (i.e. gun silencers) to “only official end users such as government or military entities.”⁴ This

¹ *Inside the White House, a Gun Industry Lobbyist Delivers for His Former Patrons*, New York Times (July 13, 2020) (online at www.nytimes.com/2020/07/13/us/trump-gun-silencer-exports.html).

² Department of State, *International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III*, 85 Fed. Reg. 3819 (Jan. 23, 2020) (final rule) (online at www.federalregister.gov/documents/2020/01/23/2020-00574/international-traffic-in-arms-regulations-us-munitions-list-categories-i-ii-and-iii).

³ Department of Defense, Defense Security Cooperation Agency, *Security Assistance Management Manual* (online at <https://samm.dsca.mil/glossary/significant-military-equipment-sme>) (accessed July 16, 2020)

⁴ Department of State, Directorate of Defense Trade Controls, *DDTC Web Notice Regarding an Update to its Suppressor Policy* (July 10, 2020) (online at www.pmdtc.state.gov/of?id=ddtc_public_portal_news_and_events&cat=Notice).

policy was implemented in order to “prevent American equipment from being used against American service members.”⁵ However, on July 10, 2020, the Trump Administration reversed the 2002 firearm suppressor export ban.⁶

According to recent reports, then-Deputy Assistant to the President and Counselor to the White House Chief of Staff, Michael B. Williams, played a leading role in the State Department’s July 10, 2020, decision to overturn its export restrictions on firearm suppressors.⁷ Before joining the Trump Administration, Williams worked as general counsel to the ASA alongside his brother, ASA President and Executive Director Knox Williams, who he remained close with during his time at the White House.⁸

According to an ASA statement following the Trump Administration’s July 10, 2020, decision: “The ability to compete in existing foreign markets will generate millions of dollars in annual revenue for small businesses across the country, increasing US exports and creating hundreds of American jobs in the process.”⁹ One estimate suggests suppressor manufacturers could make “as much as \$250 million a year in possible new overseas sales.”¹⁰

Michael Williams’ involvement in U.S. gun policy, and specifically his reported role in overturning the State Department’s 2002 restrictions on the foreign export of firearm suppressors, raises significant concerns about whether the safety of our men and women in uniform is being exchanged for personal or commercial profit.

For the above reasons, please provide the following documents by August 11, 2020, for the period between January 1, 2019, and July 10, 2020:

⁵ *Inside the White House a Gun Industry Lobbyist Delivers for His Former Patrons*, New York Times (July 13, 2020) (online at www.nytimes.com/2020/07/13/us/trump-gun-silencer-exports.html).

⁶ Department of State, Directorate of Defense Trade Controls, *DDTC Web Notice Regarding an Update to its Suppressor Policy* (July 10, 2020) (online at www.pmdtc.state.gov/of?id=ddtc_public_portal_news_and_events&cat=Notice).

⁷ *Inside the White House a Gun Industry Lobbyist Delivers for His Former Patrons*, New York Times (July 13, 2020) (online at www.nytimes.com/2020/07/13/us/trump-gun-silencer-exports.html); The White House, *President Donald J. Trump Announces Appointments for the Executive Office of the President* (Apr. 12, 2019) (online at www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-appointments-executive-office-president-5/).

⁸ *He Used to Work at the NRA. Now He’s Shaping Gun Policy at the White House*, Vice (Sept. 11, 2019) (online at www.vice.com/en_us/article/d3a3bj/he-used-to-work-at-the-nra-now-hes-shaping-gun-policy-at-the-white-house); *Inside the White House a Gun Industry Lobbyist Delivers for His Former Patrons*, New York Times (July 13, 2020) (online at www.nytimes.com/2020/07/13/us/trump-gun-silencer-exports.html).

⁹ *Trump Administration Legalizes Commercial Exportation of Suppressors*, American Suppressor Association (July 10, 2020) (online at <https://americansuppressorassociation.com/suppressor-exportation-now-legal/>).

¹⁰ *Inside the White House a Gun Industry Lobbyist Delivers for His Former Patrons*, New York Times (July 13, 2020) (online at www.nytimes.com/2020/07/13/us/trump-gun-silencer-exports.html).

1. All emails, records, and communications between Michael B. Williams and the following individuals and organizations related to the foreign export of firearm silencers, mufflers, and sound suppressors:
 - a. American Suppressor Association;
 - b. SilencerCo;
 - c. National Shooting Sports Foundation;
 - d. Donald Trump Jr.;
 - e. Peter Navarro;

2. All emails, records, and communications between Michael B. Williams and government officials within the following directorates, agencies, and offices, related to the foreign export of firearm silencers, mufflers, and sound suppressors:
 - a. Department of State Directorate of Defense Trade Controls, including but not limited to, Bureau of Political-Military Affairs Deputy Assistant Secretary for Defense Trade Mike Miller;
 - b. Department of Defense Technology Security Administration;
 - c. Department of Defense Security Cooperation Agency;
 - d. Department of Commerce Bureau of Industry and Security;
 - e. Department of Homeland Security Export Enforcement Coordination Center;

3. Please provide documents sufficient to account for all U.S. government interagency meetings between the requested time period related to the foreign export of firearm silencers, mufflers, and sound suppressors. For each meeting, please provide the:
 - a. date;
 - b. list of participants;
 - c. agenda; and
 - d. meeting minutes or summaries.

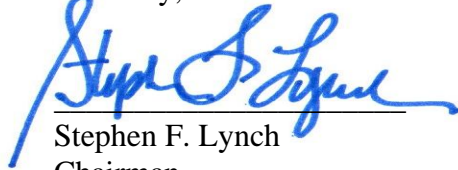
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under

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House Rule X.

An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Stephen F. Lynch
Chairman
Subcommittee on National Security

Enclosure

cc: The Honorable Glenn Grothman, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.