

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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September 14, 2021

Mr. Peter K. Navarro
Professor Emeritus
Paul Merage School of Business
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338 GSM, Mail Code: 3125
Irvine, CA 92697

Dear Mr. Navarro:

The Select Subcommittee on the Coronavirus Crisis has been conducting investigations into the federal government's response to the coronavirus pandemic. We have sought to better understand what went wrong, identify ways to improve the country's response, and determine what corrective steps are necessary to ensure our nation is better prepared for any future public health crisis. These investigations have identified a series of critical failures in the Trump Administration's pandemic response that cost American lives. Administration officials failed to take sufficient action in the early months of 2020 to prevent or prepare for the virus's spread throughout our country and refused to develop a coordinated national plan even after the virus had infected millions of Americans. One specific deficiency in the pandemic response was the haphazard and ineffective approach to procurement, which led to shortages of personal protective equipment (PPE) and testing supplies. As detailed in information released by the Select Subcommittee on March 30, 2021, you were intimately involved in these poorly managed efforts.¹

Documents recently obtained by the Select Subcommittee reveal new details regarding the Trump Administration's awareness of the looming coronavirus crisis in the early weeks of the pandemic and the need to take immediate action to save American lives. On February 29, 2020, you were warned that early testing failures "served to limit our ability to screen individuals for COVID-19 infection and containment," that a "first wave" of infections in the United States was imminent, and that the federal government needed to "be honest about the situation and show it is undertaking major decisive actions" to combat the coronavirus. Instead of heeding these dire warnings, then-President Trump downplayed the severity of the looming crisis, and the Administration failed to develop and execute an effective strategy to combat the pandemic.

¹ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Ferriero%20re%20NARA%20Supply%20Chain%20.pdf>).

New documents obtained by the Select Subcommittee also reveal that you and other officials from the Trump White House regularly used private email accounts to communicate about official business related to the pandemic. These documents raise alarming questions about whether you and other Trump Administration officials were attempting to hide information about the federal response to the coronavirus crisis from public view. This conduct hampers the ability of the American people to understand the failures that contributed to the tragic loss of hundreds of thousands of American lives and may violate federal law mandating preservation of Presidential records.² In order for the Select Subcommittee to complete its investigations into the actions taken by the federal government in responding to the pandemic and ensure that such mistakes never happen again, it is critically important that we obtain all relevant materials. Accordingly, I write today to request all documents and communications in your possession related to the nation's pandemic response.

The Trump Administration Failed to Heed Early Warnings

As Director of the White House Office of Trade and Manufacturing Policy and an Assistant to the President, you played a central role in key aspects of the prior Administration's pandemic response, including efforts to obtain PPE and other medical supplies necessary to stop the spread of the coronavirus and protect American lives. The Select Subcommittee's investigations previously uncovered evidence that you privately warned then-President Trump on March 1, 2020, that the country was facing "a very serious public health emergency," and that the Administration's progress on critical elements of the nation's response—from strengthening supply chains to increasing testing and treatment options—"is NOT fast enough." Rather than heed this warning and implement a coordinated national strategy to alleviate critical supply shortages, the Administration pursued a haphazard and ineffective approach to procurement in which senior White House officials—including you—steered contracts to particular companies without adequate diligence or competition.³

Documents recently obtained by the Select Subcommittee reveal new details regarding the Trump Administration's awareness of the looming coronavirus crisis in the early weeks of the pandemic and failure to execute an effective strategy to contain the virus. On February 29, 2020, Dr. Steven Hatfill, an advisor who worked closely with you at the White House on the pandemic response, sent you an email privately warning about the impact of early testing failures, predicting an imminent "first wave" of infections, and calling for a series of immediate actions to help combat the coronavirus. Dr. Hatfill informed you of the following:

The CDC has made a series of critical mistakes in implementing the most basic measure in infectious disease control, when it distributed infective test kits for coronavirus diagnosis. This served to limit our ability to screen individuals for COVID-19 infection and containment. In truth we do not have a clue how many are infected in the USA. We are expecting the first wave to spread in the US

² See Presidential Records Act, 44 U.S.C. § 2209.

³ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Ferriero%20re%20NARA%20Supply%20Chain%20.pdf>).

within the next 7 days... From now on, the Government must be honest about the situation and show it is undertaking major decisive actions.⁴

The following day, you sent a memorandum to President Trump echoing these warnings and urging the Administration to take five specific steps to address the pandemic.⁵ Despite these warnings, President Trump downplayed the seriousness of the looming crisis in subsequent days, saying on March 10: “[W]e’re prepared, and we’re doing a great job with it. And it will go away. Just stay calm. It will go away.”⁶

On March 16, 2020, as the virus was spreading widely in major cities, you received two draft memoranda with more dire warnings and immediate recommendations to prepare for widespread infections. In the first memorandum, you were warned that the country faced “an urgent and immediate need to ensure an adequate supply of mechanical ventilators and their tubing accessories.” The memorandum advised that then-President Trump should:

immediately task the Defense Logistics Agency – *Defense Reutilization Office*, to conduct an immediate inventory of all mechanical respiratory ventilators of all makes and models located in DRMO and other federal agency warehouses.⁷

The second memorandum suggested that the President should “create and prepare to deploy small airmobile, National Guard quick-reaction medical teams to those cities projected to

⁴ Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Feb. 29, 2020) (GWU-0013627 – 28) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/0220.02.29%20-%20GWU-0013627_Redacted.pdf).

⁵ Evidence previously released by the Select Subcommittee shows that the day after Dr. Hatfill sent you this private email, you sent a memorandum dated March 1, 2020, to President Trump warning of the urgent need to “STAY AHEAD OF VIRUS CURVE.” In that memorandum, you stated: “Since the first news from China of a viral epidemic, I forecast a *significant* global pandemic. ... Over the last month, I have presented the Task Force with action memos to combat the virus swiftly in ‘Trump Time,’ but movement has been slow. There is NO downside risk to taking swift actions as an insurance policy against what may be a very serious public health emergency.” The memorandum advocated five steps that the Administration could take to address the looming crisis, including mobilization of supply chains, developing point-of-care diagnostics, and increasing capacity to development treatments. See Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Ferriero%20re%20NARA%20Supply%20Chain%20.pdf>).

⁶ *A Timeline of What Trump Has Said on Coronavirus*, CBS News (Apr. 3, 2020) (online at www.cbsnews.com/news/timeline-president-donald-trump-changing-statements-on-coronavirus/).

⁷ Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 16, 2020) (GWU-0012970 – 72) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.16%20-%20GWU-0012970_Redacted.pdf).

experience the worst numbers of severe COVID-19 cases.”⁸ In the weeks that followed, our nation faced overwhelmed hospitals and critical shortages of ventilators.⁹

These exchanges add to the growing body of evidence that the Trump Administration knew the significant risk posed by the coronavirus but failed to execute an effective strategy to reduce the loss of American lives. The Select Subcommittee seeks to understand what the leaders in the Trump Administration knew, when they knew it, and how their decisions may have contributed to the catastrophic loss of life.

Use of Personal Email Accounts to Conduct White House Business

New documents show that you and other Trump White House officials communicated extensively about official business relating to the pandemic using private email accounts, including through encrypted ProtonMail accounts.¹⁰ The Select Subcommittee has obtained more than 80 messages that you exchanged with other White House personnel through your ProtonMail account between February 2020 and January 2021 related to the federal government’s pandemic response. These messages include discussions and memoranda relating to the Trump Administration’s preparedness plans in the early weeks of the pandemic response, development of diagnostic testing and therapeutics, procurement of ventilators and PPE, and a call for a “surge” in Intensive Care Unit (ICU) capabilities in hospitals most likely to face large numbers of severe infections.¹¹

⁸ Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 16, 2020) (GWU-0012973 – 77) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.16%20-%20GWU-0012973_Redacted.pdf).

⁹ See, e.g., *13 Deaths in a Day: An ‘Apocalyptic’ Coronavirus Surge at an N.Y.C. Hospital*, New York Times (Mar. 25, 2020) (online at www.nytimes.com/2020/03/25/nyregion/nyc-coronavirus-hospitals.html).

¹⁰ ProtonMail is a private, encrypted email service hosted by a Swiss-based technology firm, which promises to keep user data outside of the jurisdiction of the United States government as a “security” feature. ProtonMail’s website assures users that “ProtonMail is outside of US and EU jurisdiction, only a court order from the Cantonal Court of Geneva or the Swiss Federal Supreme Court can compel us to release the extremely limited user information we have.” Among other features, ProtonMail promises that communications are “encrypted at all times” and users can send and receive “Self Destructing Messages.” ProtonMail, *Security Details Page* (online at <https://protonmail.com/security-details>) (accessed on Sept. 13, 2021).

¹¹ See, e.g., Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Feb. 29, 2020) (GWU-0013627 – 28) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/0220.02.29%20-%20GWU-0013627_Redacted.pdf); Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 16, 2020) (GWU-0012970 – 72) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.16%20-%20GWU-0012970_Redacted.pdf); Email from Greg Autry, Assistant Professor, Marshall School of Business, University of Southern California, to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House, and Steven J. Hatfill (July 12, 2020) (GWU-0012866) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.18%20-%20GWU-0012866_Redacted.pdf); Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 16, 2020) (GWU-0012973 – 77) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.16%20-%20GWU-0012973_Redacted.pdf).

For example, you used your ProtonMail account to ask questions and delegate work assignments regarding hydroxychloroquine—an anti-malaria drug that President Trump touted as a “game changer” for treating the coronavirus¹²—in May 2020. On May 27, you directed Dr. Hatfill to edit a presentation on “possible therapeutic benefits” of early treatment with hydroxychloroquine.¹³ The following day, you directed Dr. Hatfill to draft “a few paragraphs on the importance of hcq as an antiinflammatory [sic] in the therapeutic process.”¹⁴ On May 29, you wrote:

It has only been after President Donald J. Trump endorsed the use of QQ to combat the China virus that the medicine has come under attack by both the mainstream media and partisan elements within the medical community. This politicization of QQ in the media and ostensibly objective medical journals like *Lancet* – in truth, a highly partisan publication – may well turn out to be one of the great tragedies of the China virus pandemic....¹⁵

These communications raise troubling questions about whether you and other Trump Administration officials used personal accounts—including the encrypted email service ProtonMail—to intentionally shield your official communications from public view. These documents also suggest that you may possess documents and communications relevant to the Select Subcommittee’s investigations in private accounts and personal devices.

The use of private email accounts by Trump Administration officials to respond to the coronavirus pandemic is deeply concerning and may constitute a violation of government transparency rules and federal law. The Presidential Records Act prohibits White House personnel from creating or sending a record “using a non-official electronic message account” unless the employee copies their official email account or “forwards a complete copy” to their official email “not later than 20 days” after sending or receiving the original email.¹⁶ In a memorandum issued by the White House Counsel’s Office in February 2017, the Trump Administration made clear that all White House personnel were required to “conduct all work-related communications on your official EOP [Executive Office of the President] email account.”

¹² *Trump Says He’s on a Miracle Covid-19 Drug. People Who Take His Advice May Die*, Washington Post (May 19, 2020) (online at www.washingtonpost.com/outlook/2020/05/19/trump-hydroxychloroquine-science/).

¹³ Email from Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House, to Steven J. Hatfill (May 27, 2020) (GWU-0008613 – 14) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.27%20-%20GWU-0008613_Redacted.pdf).

¹⁴ Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (May 28, 2020) (GWU-0008558) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.28%20-%20GWU-0008558_Redacted.pdf).

¹⁵ Email from Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House, to Steven J. Hatfill (May 29, 2020) (GWU-0008229 – 31) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.29%20-%20GWU-0008229_Redacted.pdf).

¹⁶ 44 U.S.C. § 2209(a).

The memorandum reminded all White House personnel that “[a]ny employee who intentionally fails to take these actions may be subject to administrative or even criminal penalties.”¹⁷

* * *

According to Dr. Deborah Birx, the White House Coronavirus Response Coordinator during the Trump Administration, the number of American deaths from the coronavirus “could have been mitigated or decreased substantially” by a better response.¹⁸ It is imperative that the Select Subcommittee’s investigations into the prior Administration’s response to the pandemic provide full accountings of what occurred in order to determine how to better prepare for and respond to the next public health crisis. Given your central role in the Trump Administration’s management of the nation’s supply chain, and your use of your personal email for official work in response to pandemic, the Select Subcommittee requests pertinent documents that remain in your personal control or possession.

For all of these reasons, we are requesting the following documents and information by September 28, 2021, covering the period from January 1, 2020, to January 20, 2021:

1. All documents and communications in your possession, custody, or control related to your involvement in the federal government’s response to the coronavirus, including but not limited to communications with any official, employee, or volunteer in the White House, federal agencies, contractors, or others related to your duties at the White House Office of Trade and Manufacturing Policy or as an advisor to President Trump.
2. A list of each official, employee, or volunteer in the White House or any federal agency who used a non-government-issued or personal account, including but not limited to ProtonMail, for official business related to the federal government’s response to the coronavirus.
3. For each person identified in response to Request 2, please list the non-government-issued or personal account(s) used for official business, including but not limited to email address(es), cell phone number(s), username(s), or contact information for other messaging account(s) or application(s).
4. Please describe, in detail, any steps that you took to timely comply with the Presidential Records Act with respect to any documents or communications that you sent or received using a non-government-issued or personal account related to the federal government’s response to the coronavirus.

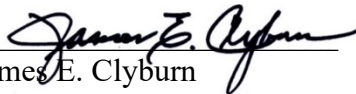
¹⁷ Memorandum from Stefan C. Passantino, Deputy Counsel to the President, Compliance and Ethics, The White House, to White House Personnel, *Presidential Records Act Obligations* (Feb. 22, 2017) (online at [www.archives.gov/files/foia/Memo%20to%20WH%20Staff%20Re%20Presidential%20Records%20Act%20\(Trump,%202002-22-17\)_redacted%20\(1\).pdf](http://www.archives.gov/files/foia/Memo%20to%20WH%20Staff%20Re%20Presidential%20Records%20Act%20(Trump,%202002-22-17)_redacted%20(1).pdf)).

¹⁸ *The Covid-19 War in the Trump White House*, CNN (Mar. 29, 2021) (online at www.cnn.com/2021/03/29/world/coronavirus-newsletter-intl-03-29-21/index.html).

These requests are consistent with the House of Representatives' authorization of the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including the "preparedness for and response to the coronavirus crisis" and "executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis."¹⁹

An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,


James E. Clyburn
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

¹⁹ H.Res. 8, sec. 4(f), 117th Cong. (2021); H.Res. 935, 116th Cong. (2020).

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.