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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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December 21, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

The Honorable Peter T. Gaynor
Administrator
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472

Dear Acting Secretary Wolf and Administrator Gaynor,

The United States Senate Committee on Homeland Security and Governmental Affairs is conducting oversight of the federal government's response to the novel coronavirus (COVID-19) pandemic. This letter follows my November 18, 2020 notification to federal departments and agencies to preserve all documents and communications in accordance with the law, which includes documents and communications regarding the government's COVID-19 response.

The U.S. is in the midst of one of the deadliest national and public health security threats in a century and the federal government's response has had, and will continue to have, a decisive impact on efforts to save lives and overcome the pandemic. On November 4, 2020, for the first time, more than 100,000 Americans tested positive for COVID-19 in a single day. This number doubled less than one month later, when on December 2, 2020, over 200,000 Americans tested positive for COVID-19. Over a quarter of a million Americans (more than 300,000 by this letter's date) have died from COVID-19 in the U.S. in the ten months since the first cases were detected.¹ Although the U.S. accounts for only four percent of the world's population, it represents nearly twenty percent of global COVID-19 cases and deaths since the pandemic began.²

¹ *How the Coronavirus Death Toll Compares to Other Deadly Events From American History*, Time (Sept. 22, 2020) (<https://time.com/5815367/coronavirus-deaths-comparison/>); *One-Day US Deaths Top 3,000, More than D-Day or 9-11*, Associated Press (Dec. 10, 2020) (<https://www.usnews.com/news/health-news/articles/2020-12-10/one-day-us-deaths-top-3-000-more-than-d-day-or-9-11>).

² U.S. Census Bureau, *Stats for Stories: World Population Day: July 11, 2020* (July 11, 2020) (<https://www.census.gov/newsroom/stories/world-population-day.html>); John Hopkins University Coronavirus Resource Center, *COVID-19 Dashboard by the Center for Systems Science and Engineering* (accessed Nov. 18, 2020) (<https://coronavirus.jhu.edu/map.html>). The U.S. COVID-19 mortality rate is more than twice that of Canada, nearly triple that of Russia, and almost fifty times that of Japan. See John Hopkins University Coronavirus Resource Center, *Mortality Analyses* (accessed Nov. 18, 2020) (<https://coronavirus.jhu.edu/data/mortality>).

These deaths are tragic and I do not accept that the current state of affairs was inevitable. Congressional oversight of the executive branch is now necessary to understand and assess the U.S.'s response to the COVID-19 pandemic and any needed reforms to combat this and future pandemics. I am particularly concerned about recent analysis that estimates at least 130,000 U.S. deaths "could have been avoided with earlier policy interventions and more robust federal coordination and leadership."³

I will use every authority under this Committee to seek answers regarding how and why the Administration made key decisions in preparation for and in response to the COVID-19 pandemic. This includes decisions that have resulted in a lack of critical personal protective equipment (PPE) for emergency and first responders, insufficient testing, overwhelmed hospitals, and, reportedly, a failure to secure an extra 100 million doses of a critical and promising COVID-19 vaccine for distribution in the U.S. before it was offered to other countries.⁴

As early as February 2020, President Trump was informed of the severity and lethality of COVID-19.⁵ However, as COVID-19 began spreading in the U.S., large gatherings such as Mardi Gras continued without any federal warning of the pandemic's increasing threat.⁶ The Administration also made the decision to leave states largely with the burden of procuring sufficient supplies of PPE and testing materials as COVID-19 cases surged throughout the U.S.⁷

I also intend to find out why the Administration continually shifted key roles and responsibilities for the pandemic response and what effect these changes had on the government's ability to effectively contain the pandemic. In January 2020, the White House established a Coronavirus Task Force with Health and Human Services (HHS) Secretary Azar as the lead.⁸ One month later, on February 26, the President designated Vice President Mike Pence

³ Columbia University, National Center for Disaster Preparedness, *130,000 – 210,000 Avoidable COVID-19 Deaths and Counting – In the U.S.* (Oct. 21, 2020) (<https://ncdp.columbia.edu/custom-content/uploads/2020/10/Avoidable-COVID-19-Deaths-US-NCDP.pdf>).

⁴ *U.S. Government May Find It Hard To Get More Doses Of Pfizer's COVID-19 Vaccine*, NPR (Dec. 10, 2020) (<https://www.npr.org/sections/health-shots/2020/12/10/944857395/us-government-may-find-it-hard-to-get-more-doses-of-pfizers-covid-19-vaccine>).

⁵ *Trump told Bob Woodward he knew in February that COVID-19 was 'deadly stuff' but wanted to 'play it down,'* NBC News (Sept. 9, 2020) (<https://www.nbcnews.com/politics/donald-trump/trump-told-bob-woodward-he-knew-february-covid-19-was-n1239658>).

⁶ *'We were not given a warning': New Orleans mayor says federal inaction informed Mardi Gras decision ahead of covid-19 outbreak*, Washington Post (Mar. 26, 2020) (https://www.washingtonpost.com/national/coronavirus-new-orleans-mardi-gras/2020/03/26/8c8e23c8-6fbb-11ea-b148-e4ce3fbd85b5_story.html).

⁷ *White House issues coronavirus testing guidance that leaves states in charge*, Washington Post (Apr. 27, 2020) (https://www.washingtonpost.com/politics/white-house-issues-coronavirus-testing-guidance-that-leaves-states-in-charge/2020/04/27/c465cc9c-88a2-11ea-8ac1-bfb250876b7a_story.html). Throughout the past nine months, the U.S. has continued to experience PPE shortages, especially in key health care and law enforcement sectors. *See Face Masks Are Again in Short Supply as Covid-19 Cases Surge*, Wall Street Journal (Nov. 4, 2020) (<https://www.wsj.com/articles/face-masks-are-again-in-short-supply-as-covid-19-cases-surge-11604499588>).

⁸ White House, *Statement from the Press Secretary Regarding the President's Coronavirus Task Force* (Jan. 29, 2020) (<https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-presidents-coronavirus-task-force/>).

to serve as the Head of the Task Force.⁹ Similarly, when Secretary Azar declared a public health emergency on January 31, 2020, HHS headed the federal government's response.¹⁰ Six weeks later, the Federal Emergency Management Agency (FEMA) was designated as the lead role for coordinating the response.¹¹ And months after that, FEMA delegated key procurement and supply responsibilities to the Department of Defense (DOD).¹²

This Administration must also explain the basis for the guidance it has provided to the public throughout the pandemic and whether political interference at key scientific agencies tainted that guidance. Despite the well-documented community transmission of the virus and the increasing rise in U.S. cases in March 2020, the Centers for Disease Control and Prevention (CDC) initially made the decision to not recommend wearing masks in public. On March 16, 2020, the White House announced its "Coronavirus Guidelines for America – 15 Days to Slow the Spread" campaign which did not include guidance to wear masks.¹³ In April 2020, the former director of the Biomedical Advanced Research and Development Authority leading vaccine research was fired after allegedly resisting pressure from HHS leadership to approve potentially harmful drugs to treat COVID-19.¹⁴ In July 2020, in the middle of the pandemic, HHS changed its data collection practices when it awarded a contract to TeleTracking Technologies, Inc. to collect hospital data, a task embedded within the CDC.¹⁵

This Committee has a responsibility as the chief oversight committee of the U.S. Senate with broad jurisdiction over all government operations to conduct a comprehensive review of the federal government's COVID-19 pandemic response to date and to recommend any reforms that may be necessary. To that end, please provide the following documents and communications as soon as possible, but no later than January 5, 2021. Please refer to the attached Schedule A for information on how to respond to this request and for the types of documents and

⁹ White House, *Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Conference* (Feb. 26, 2020) (<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference/>).

¹⁰ U.S. Department of Health and Human Services, *Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus* (Jan. 31, 2020) (<https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>).

¹¹ *FEMA Takes Over Coordinating Role in Federal Coronavirus Response*, Bloomberg Law (Mar. 19, 2020) (<https://news.bloomberglaw.com/daily-labor-report/fema-takes-over-coordinating-role-in-federal-coronavirus-response>); U.S. Government Accountability Office, *COVID-19: Opportunities to Improve Federal Response and Recovery Efforts*, (GAO-20-625) (June 2020).

¹² Department of Defense, *Defense Logistics Agency Pivots to Support COVID-19 Response* (May 1, 2020) (<https://www.defense.gov/Explore/News/Article/Article/2173298/defense-logistics-agency-pivots-to-support-covid-19-response/>).

¹³ White House, *15 Days to Slow the Spread* (Mar. 16, 2020) (<https://www.whitehouse.gov/articles/15-days-slow-spread/>).

¹⁴ *Ousted vaccine official alleges he was demoted for prioritizing 'science and safety,'* Washington Post (May 5, 2020) (<https://www.washingtonpost.com/health/2020/05/05/rick-bright-hydroxychloroquine-whistleblower-complaint/>).

¹⁵ *Health Experts Warn About Perils of New Virus Data Collection System*, New York Times (Aug. 12, 2020) (<https://www.nytimes.com/2020/08/12/us/politics/health-experts-warning-coronavirus-data.html>).

communications to be provided. Unless otherwise indicated, all documents and communications responsive to the below requests should be provided from January 2019 to present.

1. All documents and communications regarding the shifts in leadership and authority between the White House Coronavirus Task Force, HHS, FEMA, and the Defense Logistics Agency, how the roles of each agency evolved in relation to the White House Coronavirus Task Force and overall federal COVID-19 response, and coordination between the agencies, including but not limited to interagency agreements and memoranda of understanding.
2. All documents and communications regarding the use of the Defense Production Act; the acquisition and distribution of personal protective equipment (PPE); and the halting of export of critical medical supplies (testing and PPE).
3. All documents and communications regarding the President's March 13, 2020, National Emergency Declaration.
4. A list of all Community Based Testing Sites for COVID-19 and whether each site is currently in operation, and documents sufficient to show FEMA and HHS's respective roles and responsibilities, how testing site locations were decided, the funding structure for testing sites and any changes, and who was responsible for overseeing the implementation and any reasons for shifts in oversight.
5. All documents and communications regarding national testing and contact tracing strategies.
6. All documents and communications relating to the planning and implementation of "National Testing Centers."
7. All documents and communications relating to Project Air Bridge, including but not limited to records of supply requests, supplies shipped, and the "VIP list" of providers.
8. All contracts or agreements (and supporting document, if applicable) either entered into or directing FEMA, the Supply Chain Stabilization Task Force, or Project Air Bridge to enter into contracts for medical supplies, PPE, and ventilators.
9. All documents and communications between DHS, FEMA, the White House, State Department, and/or CDC regarding the decisions to close U.S. borders.
10. All DHS National Operations Center communications related to COVID-19 from December 2019 through February 2020.
11. All DHS National Incident Communication Conference Line COVID-19 communications from December 2019 through February 2020.
12. All forecasts and modeling performed by DHS relating to the spread of COVID-19, emerging hotspots, and/or increased demand for medical supplies.
13. DHS's Domestic Communication Strategy as it relates to COVID-19.
14. All organizational charts at DHS and FEMA relating to the COVID-19 response.
15. A list of all senior officials at DHS and FEMA who resigned or were terminated from their positions.
16. A list of all individuals who received travel waivers during the COVID-19 pandemic.
17. All documents and communications regarding the Unified Coordination Group, including without limitation, all establishment documents, including participating agencies, officials (current and former), and leadership structure, as well as FEMA's assumption of

the role of lead federal agency and the delineation of roles and responsibilities between HHS and FEMA.

18. All documents and communications regarding FEMA's processes and protocols for obtaining critical medical supplies during national emergencies, including any changes to processes or protocols developed during the COVID-19 pandemic.
19. All documents and communications regarding the specific offices and personnel involved in FEMA's testing supply distribution efforts, including but not limited to the methodology used to determine the amount of testing supply distribution to states beginning in early May 2020, the decision to transition testing supply distribution efforts to HHS in July 2020, and the implementation of the transition of testing supply distribution efforts from FEMA to HHS in July 2020.
20. All documents and communications regarding the shifts in leadership and authority between HHS, FEMA, and the Defense Logistics Agency, how the roles of each agency evolved in relation to the White House Coronavirus Task Force and overall federal COVID-19 response, and coordination between the agencies, including but not limited to interagency agreements and memoranda of understandings.
21. All documents and communications regarding Supply Chain Stabilization Task Force, including without limitation:
 - a. All establishment documents, including a list of all members of the task force (current and former), all participating government agencies/offices, organizational structure, and records reflecting authorities/chain of command, including but not limited to which offices determine allocation methodology, data model design, and resource allocations.
 - b. All documents and communications regarding offices/and or personnel who made decisions regarding changes in management of the Strategic National Stockpile (SNS) during the pandemic and the methodology used to guide those decisions.
 - c. All documents and communications regarding oversight of PPE acquisition responsibilities, including the transition from ASPR to FEMA and FEMA to the Defense Logistics Agency (DLA).
 - d. All documents and communications regarding the processes by which states, localities, Tribes, and territories would request PPE and other critical medical supplies and how those processes differed from previous processes (e.g. requests made through the SNS) and changed overtime.
 - e. All documents and communications with members of the National Resource Prioritization Cell, Project Air Bridge, and the White House regarding determination of PPE distribution to states and a list of all individuals involved.
 - f. All documents and communications regarding the National Resource Prioritization Cell, including but not limited to the criteria for determining allocation of medical supplies to states, localities, Tribes, and territories. Please also provide:
 - i. All documents and communications regarding the establishment of the National Resource Prioritization Cell, including a list of the members of this group (current and former), the organizational structure, and their respective decision-making roles/authorities.

- ii. All documents and communications regarding the methodology that informed federal PPE allocation and distribution priorities, the rationale behind the methodology/algorithm, and any data analyses and model designs.
- iii. All data elements and sources utilized by the National Resource Prioritization Cell to inform federal PPE allocation and distribution priorities, including records reflecting assumptions and risk assessments used in the models to determine PPE allocations and model validation.
- iv. All documents and communications regarding how the National Resource Prioritization Cell defined “hot spots” and how PPE demands were prioritized.
- v. All reports generated by the National Resource Prioritization Cell, including but not limited to data inputs, interagency analyses, industry analyses, and PPE estimates that informed these reports. Please include and specify all reports shared with the White House Coronavirus Task Force.
- g. All records reflecting updates to the assessment of PPE demand and supply forecasts by the Supply Chain Stabilization Task Force.

Additionally, upon request, please make all DHS and FEMA officials with relevant information available for interviews to provide information and testimony regarding the issues identified herein.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.” Additionally, Senate Resolution 70 (116th Congress) authorizes the Committee to investigate “the efficiency and economy of operations of all branches of the Government.”

Thank you for your prompt attention and cooperation in this matter.

Sincerely,



Gary C. Peters
Ranking Member

Instructions for Responding to a Committee Request
Committee on Homeland Security and Governmental Affairs
United States Senate
116th Congress

A. Responding to a Request for Documents

1. In complying with the Committee's 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. You should also produce 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. This request extends to any personal devices utilized for official business. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e. CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image Files (".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 should include the following fields of metadata specific to each document:

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.

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- e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (“.pdf”) format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached. In such circumstances, consult with Committee staff prior to production of the requested documents.
 - f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. 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, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When producing documents, identify the paragraph in the Committee’s schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. 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, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 340 of the Dirksen Senate Office Building and the Minority Staff in Room 442 of the Hart Senate Office Building.
13. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as

Instructions for Responding to a Committee Request

soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.

14. 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) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its 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, name, title, or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents which would be responsive as if the date, name, title, or other descriptive detail was correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this request is from January 1, 2009 to the present.
20. Upon completion of the document production, you should 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 which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

B. Responding to Interrogatories or a Request for Information

1. In complying with the Committee's request, answer truthfully and completely. Persons that knowingly provide false testimony could be subject to criminal prosecution for perjury (when under oath) or for making false statements. Persons that knowingly withhold subpoenaed information could be subject to proceedings for contempt of Congress. If you are unable to answer an interrogatory or information request fully, provide as much information as possible and explain why your answer is incomplete.

Instructions for Responding to a Committee Request

2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should also be read to include the alternative identification.
3. Your response to the Committee's interrogatories or information requests should be made in writing and should be signed by you, your counsel, or a duly authorized designee.
4. When responding to interrogatories or information requests, respond to each paragraph in the Committee's schedule separately. Clearly identify the paragraph in the Committee's schedule to which the information responds.
5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.
6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts.
7. The request is continuing in nature and applies to any newly discovered knowledge, information, or facts. Any knowledge, information, or facts not provided because it was not known by the return date, should be provided immediately upon subsequent discovery.
8. Two sets of responses should be delivered, one set to the Majority Staff and one set to the Minority Staff. When responses are provided to the Committee, copies should be delivered to the Majority Staff in Room 340 of the Dirksen Senate Office Building and the Minority Staff in Room 442 of the Hart Senate Office Building.
9. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.
10. In the event that knowledge, information, or facts are withheld on the basis of privilege, provide a privilege log containing the following information: (a) the privilege asserted; (b) the general subject matter of the knowledge, information, or facts withheld; (c) the source of the knowledge, information, or facts withheld; (d) the paragraph in the Committee's request to which the knowledge, information, or facts are responsive; and (e) each individual to whom the knowledge, information, or facts have been disclosed.
11. If a date, name, title, or other descriptive detail set forth in this request is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, provide the information that would be responsive as if the date, name, title, or other descriptive detail was correct.

Instructions for Responding to a Committee Request

12. In the event a complete response requires the transmission of classified information, provide as much information in unclassified form as possible in your response directly to the Committee offices and send only the classified information under separate cover via the Office of Senate Security.
13. Unless otherwise specified, the period covered by this request is from January 1, 2009 to the present.

C. Definitions

1. The term “document” in the request or the instructions 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, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other 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” in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, WhatsApp, Signal, any other encrypted messaging service, regular mail, discussions, releases, delivery, or otherwise. This includes communications on encrypted phones and personal devices utilized for official business.
3. The terms “and” and “or” in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular

Instructions for Responding to a Committee Request

includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms “person” or “persons” in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify” in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address, email address, and phone number.
6. The terms “referring” or “relating” in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint venturer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
8. The terms “you” and “your” in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

#