

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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June 8, 2020

The Honorable Peter T. Gaynor
Administrator
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Dear Administrator Gaynor:

The Subcommittee on Environment is requesting a remote video hearing on the actions the Federal Emergency Management Agency (FEMA) is taking to prepare for the response and recovery efforts associated with natural disasters, which overlap this year with our nation's ongoing efforts to combat the coronavirus pandemic.

FEMA is the lead federal agency responsible for coordinating preparation, prevention, mitigation, response, and recovery for all domestic disasters. As our country continues to navigate this unprecedented public health crisis, FEMA itself is in uncharted territory. Even if FEMA transitions from its current leadership role and other agencies take on greater coordination responsibilities for the coronavirus crisis, FEMA will face depleted resources and staffing challenges while still playing a critical part in ongoing coronavirus response.

With a deadly tornado season already underway, above-average flooding to date, a hurricane season that began on June 1, and wildfire season looming, we are concerned that FEMA may not have the staff and other essential tools to successfully respond to multiple natural disasters during the ongoing coronavirus crisis.

On May 20, 2020, FEMA issued guidance to help emergency managers and public health officials prepare for the upcoming hurricane season while continuing to respond to the coronavirus pandemic.¹ Although the document outlines key considerations that FEMA and state, local, territorial, and tribal governments need to consider, it provides insufficient guidance for preparations for wildfire season, flooding, earthquakes, and tornadoes. It also does not reference FEMA's own preparations for handling these natural disasters. The guidance lacks many details regarding the agency's preparedness for hurricane season. For example, although the guidance references hiring personnel and virtual onboarding, it does not provide specifics regarding the number of staff being hired and any expected shortfalls in staffing if there is a

¹ Department of Homeland Security, Federal Emergency Management Agency, *COVID-19 Pandemic Operational Guidance for the 2020 Hurricane Season* (May 20, 2020) (online at www.fema.gov/media-library/assets/documents/188203).

second wave of coronavirus in the fall. Although the guidance makes vague statements regarding FEMA contracting for goods and replenishing supplies to at or near pre-coronavirus levels, the guidance does not provide details regarding the amount of supplies currently on hand or whether FEMA plans on procuring additional supplies given the number of unemployed Americans or people otherwise unable to purchase commodities given the unprecedented economic challenges.

Longstanding Concerns about FEMA's Natural Disaster Preparedness

The Subcommittee's concerns with FEMA's preparations stem from past challenges in responding to hurricanes and other natural disasters as uncovered by this Committee's investigation into the response to Hurricanes Irma and Maria, federal audits, and FEMA's own after-action reports.

In September 2018, our Committee's Ranking Member at the time, Rep. Elijah E. Cummings, issued a staff report detailing how FEMA failed to deliver tens of millions of emergency meals to hurricane victims due, in part, to a lack of advanced contracting. The staff report also described the agency's failure to respond to emergency requests from supermarkets seeking fuel to run generators to prevent food from spoiling in the days following Hurricane Maria.²

Many of the challenges detailed in the staff report were confirmed in a March 2020 report from the Department of Homeland Security Inspector General. The report revealed that FEMA lacked a coherent strategy for using advanced contracts to procure goods and services for response and recovery efforts following Hurricane Maria.³ Serious questions remain regarding whether FEMA is currently soliciting and entering into advanced contracts to immediately deliver essential goods like food and water to disaster survivors.

In addition, the Government Accountability Office (GAO) has conducted several audits relating to FEMA's response to the 2017 natural disasters and has uncovered significant challenges with its preparations for and response to multiple simultaneous disasters. GAO found that the response to the 2017 hurricanes, particularly in the U.S. Virgin Islands and Puerto Rico, highlighted "longstanding issues," including shortages in available debris removal contractors that delayed crucial recovery steps and a lack of trained personnel with program expertise. In addition, GAO found that FEMA was "overwhelmed" by response efforts due in part to the close proximity in time of three hurricanes.⁴

² Committee on Oversight and Reform, Democratic Staff Report, *A Failure of Oversight: How Republicans Blocked a Credible Investigation of the Trump Administration's Response to the 2017 Hurricanes* (Sept. 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/A%20FAILURE%20OF%20OVERSIGHT%20-%20STAFF%20REPORT.pdf>).

³ Office of Inspector General, Department of Homeland Security, *FEMA's Advance Contract Strategy for Disasters in Puerto Rico* (Mar. 23, 2020) (online at www.oig.dhs.gov/sites/default/files/assets/2020-03/OIG-20-20-Mar20.pdf).

⁴ Government Accountability Office, *2017 Hurricanes and Wildfires Initial Observations on the Federal Response and Key Recovery Challenges* (Sept. 2018) (online at www.gao.gov/assets/700/694231.pdf).

In FEMA's own after-action report, the agency's leaders admitted some shortcomings, conceding that they "could have better anticipated that the severity of hurricanes Irma and Maria would cause long-term, significant damage." For example, in the wake of Hurricane Irma, FEMA moved more than 80% of its inventory from the Caribbean Distribution Center warehouse in Puerto Rico to the Port of St. Thomas in the U.S. Virgin Islands.⁵ This action left the FEMA warehouse in Puerto Rico with no cots or tarps, less than 98,000 meals, and less than 70,000 liters of water as Hurricane Maria barreled toward the island.⁶

Current Staffing and Supply Shortages as a Result of Coronavirus Pandemic

FEMA is facing staffing shortages and a lack of essential supplies and medical equipment due to the ongoing coronavirus pandemic. The number of available personnel qualified to lead field operations has fallen from 44 to 19, staff members have been pulled from responding to other disasters, training centers have been shuttered, and new employee recruitment efforts are on hold.⁷

It also appears clear that the federal government is struggling to keep up with the demand from states and territories for medical equipment, personal protective equipment (PPE), and other supplies. Public health and emergency preparedness officials have stated that the budget for the Strategic National Stockpile has lagged to meet expanding threats from natural disasters, infectious diseases, and terrorist attacks.⁸

In April, FEMA officials informed the Committee that 90% of the PPE in the Stockpile had been distributed to state and local governments. During congressional briefings on April 21 and 29, 2020, officials from FEMA and the Department of Health and Human Services acknowledged that demand for PPE and other medical equipment still outstrips available supplies.⁹

FEMA's May 20, 2020, guidance leaves many questions unanswered regarding if and how FEMA plans on procuring personal protective equipment and facemasks to support state, local, territorial, and tribal governments that have struggled to procure these necessary supplies.

⁵ Office of Inspector General, Department of Homeland Security, *2017 Hurricane Season FEMA After-Action Report* (July 12, 2018) (online at www.fema.gov/media-library-data/1531743865541-d16794d43d3082544435e1471da07880/2017FEMAHurricaneAAR.pdf).

⁶ *Underprepared, Understaffed, and Uninformed—FEMA Audit Faults Agency Response to 2017 Hurricanes*, ABC News (July 14, 2018) (online at www.abcnews.go.com/Politics/underprepared-understaffed-uninformed-fema-audit-faults-agency-response/story?id=56558164).

⁷ *FEMA, Racing to Provide Virus Relief, Is Running Short on Front-Line Staff*, New York Times (Apr. 3, 2020) (online at www.nytimes.com/2020/04/03/climate/fema-staff-shortage-coronavirus.html).

⁸ *Face Masks in National Stockpile Have Not Been Substantially Replenished Since 2009*, Washington Post (Mar. 10, 2020) (online at www.washingtonpost.com/investigations/face-masks-in-national-stockpile-have-not-been-substantially-replenished-since-2009/2020/03/10/57e57316-60c9-11ea-8baf-519cedb6ccd9_story.html).

⁹ Committee on Oversight and Reform, *Press Release: FEMA and HHS Officials Acknowledge Shortages of Protective Equipment and Testing* (Apr. 28, 2020) (online at www.oversight.house.gov/news/press-releases/fema-and-hhs-officials-acknowledge-shortages-of-protective-equipment-and-testing).

The guidance appears to contemplate local and state government continuing to try to procure their own PPE—a strategy that has proven to be a failure in recent weeks. These are matters of life and death, and FEMA must have plans that anticipate and address staffing and supply shortages expected in the coming months.

2020 Natural Disasters: Tornadoes, Flooding, Hurricanes, and Wildfires

As climate change intensifies major weather events, FEMA will continue to face mounting challenges in responding to large catastrophes without adequate resources, including funding, staff, supplies, and strong leadership.¹⁰

Aside from guidance released by FEMA largely focused on recommendations to state, local, tribal, and territorial governments for hurricane season preparations, FEMA has not made public its plans for preparing for and responding to multiple natural disasters in the coming months, including overcoming limitations on resources. This information is vital to prepare for high-intensity natural disasters that may include tornadoes, flooding, hurricanes, and wildfires.

Tornadoes: Tornadoes in Tennessee, Mississippi, Alabama, South Carolina, Georgia, and Texas have already killed more than four dozen people in 2020, and it is possible that this year will be the deadliest tornado year since 2012.¹¹ Residents have been faced with a stark choice—to protect themselves from coronavirus or tornadoes. To maintain social distancing, officials in some locations have decided against opening community shelters, and other communities are housing displaced people in hotels instead of shelters in the aftermath of tornado devastation.¹² In addition, states like Mississippi have received multiple disaster declarations during the pandemic—one due to the coronavirus pandemic and others due to tornadoes.¹³

Flooding: The National Oceanic and Atmospheric Administration's Climate Prediction Center has forecast above-average temperatures across the country this year and above-average precipitation in the central and eastern United States.¹⁴ The forecast found that

¹⁰ See, e.g., Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Recovery, Resiliency and Readiness—Contending with Natural Disasters in the Wake of Climate Change (Climate Change, Part III)* (June 20, 2019) (online at <https://oversight.house.gov/legislation/hearings/recovery-resiliency-and-readiness-contending-with-natural-disasters-in-the-wake>); see also Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Courage Under Fire: Examining Government Preparedness and Response to Wildfires in California* (Aug. 6, 2020) (online at <https://oversight.house.gov/legislation/hearings/courage-under-fire-examining-government-preparedness-and-response-to-wildfires>).

¹¹ *This Is Likely the Deadliest Year for Tornadoes in the U.S. in 8 Years*, The Weather Channel (Apr. 14, 2020) (online at www.weather.com/storms/tornado/news/2020-04-14-tornado-outbreaks-united-states-2020).

¹² *What Happens When Other Disasters Hit During a Pandemic?* Scientific American (Apr. 16, 2020) (online at www.scientificamerican.com/article/what-happens-when-other-disasters-hit-during-a-pandemic/).

¹³ Federal Emergency Management Agency, *Mississippi Severe Storms, Tornadoes, Straight-Line Winds, And Flooding (DR-4536)* (Apr. 17, 2020) (online at www.fema.gov/disaster/4536); see also Federal Emergency Management Agency, *Mississippi Covid-19 Pandemic (DR-4528)* (Apr. 5, 2020) (online at www.fema.gov/disaster/4528).

¹⁴ National Oceanic and Atmospheric Administration, *U.S. Spring Outlook Forecasts Another Year of*

moderate to major flooding is likely in 23 states in areas that are home to at least 128 million people, meaning that nearly 40% of the U.S. population is at some risk of flooding, which could result in loss of life, displacement, and property damage.¹⁵ On May 20, 2020, heavy rain and the failure of two dams led to record-level flooding in Michigan.¹⁶ The has been described as a 500-year flood event and has led to power outages, sewer system overflows, and an estimated 10,000 Michigan residents grappling with the destruction of their homes amid a pandemic.¹⁷

Hurricanes: Hurricane season began on June 1, 2020. According to forecasters from Colorado State University’s Tropical Meteorology Project, as many as eight hurricanes are expected by November 30, 2020—compared to 2.7 major hurricanes expected during an average season.¹⁸ Former FEMA Administrator Craig Fugate has warned: “There are no timetables man can set for the coronavirus. The assumption has to be that we will still have this June 1.”¹⁹ Unfortunately, this is assumption has proven to be correct with coronavirus cases remaining high or on the rise in many areas such as, Chicago, Los Angeles, Arkansas, North Carolina, and Wisconsin.²⁰ Shannon Scaff, the Emergency Management Director for Charleston, South Carolina, has expressed concern over holding community meetings to advise people how to prepare for hurricane evacuations.²¹ In addition, residents in states known to be hit hardest by hurricanes, like Florida and North Carolina, could have their evacuation plans changed due to coronavirus since leaving their homes to join family or friends in northern states could increase their risk of exposure.²²

Widespread River Flooding (Mar. 19, 2020) (online at www.noaa.gov/media-release/us-spring-outlook-forecasts-another-year-of-widespread-river-flooding).

¹⁵ *Id.*; see also *Over a Third of Americans Could Be Hit by Coronavirus and Flooding at the Same Time*, Forbes (Apr. 14, 2020) (online at www.forbes.com/sites/ericmack/2020/04/14/over-a-third-of-americans-could-be-hit-by-coronavirus-and-flooding-at-the-same-time/#1284dca63378).

¹⁶ *Mid-Michigan’s Catastrophic Flooding Adds to State’s Pandemic Woes*, Detroit Free Press (May 20, 2020) (online at www.freep.com/story/news/local/michigan/2020/05/20/mid-michigan-flooding-coronavirus-pandemic-woes/5227741002/).

¹⁷ *Id.*

¹⁸ *Forecasters See Above Average 2020 Atlantic Hurricane Season*, Reuters (Apr. 2, 2020) (online at www.reuters.com/article/us-weather-hurricanes-atlantic-2020/forecasters-see-above-average-2020-atlantic-hurricane-season-idUSKBN21K2XU).

¹⁹ *Hurricanes In a Pandemic: ‘Absolutely That’s Our Nightmare Scenario,’* USA Today (Apr. 2, 2020) (online at www.usatoday.com/story/news/2020/04/02/hurricane-season-in-june-during-coronavirus-pandemic/5111024002/).

²⁰ *Four Months After First Case, U.S. Death Toll Passes 100,000*, New York Times (May 28, 2020) (online at www.nytimes.com/2020/05/27/us/coronavirus-live-news-updates.html).

²¹ *Dozens Are Killed as Tornadoes and Severe Weather Strike Southern States*, New York Times (Apr. 13, 2020) (online at www.nytimes.com/2020/04/13/us/tornado-storm-south.html).

²² *As America Grapples with Coronavirus Outbreak, Officials Must Prepare for Hurricanes, Tornadoes*, Newsweek (Apr. 7, 2020) (online at www.newsweek.com/coronavirus-outbreak-hurricanes-tornadoes-preparations-america-1496414).

Wildfires: Over the last five years, the U.S. has seen more federal declared disasters for wildfires than in any previous time period.²³ In 2017 and 2018, California experienced the deadliest and most destructive wildfires in its history.²⁴ According to the National Interagency Fire Center, this year's weather patterns are lining up to result in above-average fire activity.²⁵ In addition, wildfires are known to exacerbate respiratory and lung conditions, especially for children, older adults, and those with asthma, chronic obstructive pulmonary disease, bronchitis, chronic heart disease, and diabetes.²⁶ Many of these underlying conditions may increase the mortality rates of people infected with coronavirus.²⁷

Request for Remote Hearing

The Subcommittee requests a remote video hearing for Subcommittee Members by June 22, 2020, on the following topics:

1. The number of simultaneous natural disasters that FEMA is currently expecting to respond to this year and its ability to meet any combination of tornadoes, flooding, hurricanes, and wildfires while continuing to address the ongoing coronavirus pandemic;
2. FEMA's plans for maintaining the health and safety of current staff, deploying staff to affected areas, and increasing current staffing levels to meet the challenges of both the ongoing coronavirus pandemic and expected natural disasters;
3. FEMA's plans, including current management, dispersion, and efforts to replenish supplies and equipment, including PPE in the SNS to continue responding to the coronavirus pandemic and expected natural disasters while also preparing for a possible coronavirus recurrence in the fall;
4. FEMA's efforts to procure in advance essential supplies, such as food and water, through standing contracts;

²³ Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Recovery, Resiliency and Readiness—Contending with Natural Disasters in the Wake of Climate Change (Climate Change, Part III)* (June 20, 2019) (online at <https://oversight.house.gov/legislation/hearings/recovery-resiliency-and-readiness-contending-with-natural-disasters-in-the-wake>).

²⁴ *Worst Wildfire Year Since When? More California Acres Have Burned in 2018 Than the Past Decade*, Sacramento Bee (Nov. 16, 2018) (online at www.sacbee.com/latest-news/article221788220.html).

²⁵ *Wildfire Plummeted in 2019. Experts Say It Won't Last*, E&E News (Mar. 18, 2020) (online at www.eenews.net/climatewire/2020/03/18/stories/1062621847).

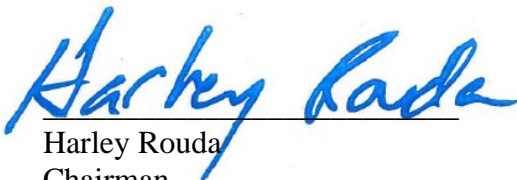
²⁶ American Lung Association, *How Wildfires Affect Our Health* (Apr. 2, 2020) (online at www.lung.org/blog/how-wildfires-affect-health).

²⁷ *Johns Hopkins ABX Guide: Coronavirus COVID-19 (SARS-CoV-2)* Johns Hopkins Medicine (May 23, 2020) (online at www.hopkinsguides.com/hopkins/view/Johns_Hopkins_ABX_Guide/540747/all/Coronavirus_COVID_19__SARS_CoV_2_).

5. FEMA's plans to address potential mass evacuations and the need for temporary housing and shelters for displaced individuals and communities while following the guidance from CDC and other public health officials prohibiting large gatherings and maintaining social distancing; and
6. FEMA's plans to ensure that financial assistance for state, local, tribal, and territorial response, including individual assistance grants and other direct assistance programs, is available and can be distributed to affected individuals and communities.

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 House Rule X. To arrange for the logistics of this public Member briefing or remote virtual hearing, please contact Subcommittee staff at (202) 225-5051.

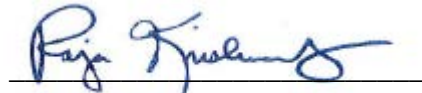
Sincerely,



Harley Rouda
Chairman
Subcommittee on Environment



Rashida Tlaib
Vice Chairwoman
Subcommittee on Environment



Raja Krishnamoorthi
Member



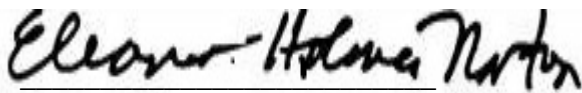
Jackie Speier
Member



Jimmy Gomez
Member



Alexandria Ocasio-Cortez
Member



Eleanor Holmes Norton
Member

The Honorable Peter T. Gaynor
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cc: The Honorable James Comer, Ranking Member
Subcommittee on Environment

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.