

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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February 11, 2019

Mr. Pat Cipollone
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Cipollone:

On January 23, 2019, the Committee launched an in-depth investigation of the security clearance process at the White House and Transition Team in response to grave breaches of national security at the highest levels of the Trump Administration, including by former National Security Advisor Michael Flynn and others. As part of this investigation, the Committee sent a detailed, seven-page letter to you that explained the basis for this investigation, requested documents related to the investigation, and sought transcribed interviews with employees in the White House Personnel Security Office.¹

On January 31, 2019, you sent a response letter that failed to provide any of the requested documents and failed to schedule any of the requested transcribed interviews. Your response did not contain any assertion of privilege or other legal basis to withhold these documents and interviews. Instead, it incorrectly suggested that a cursory, forward-looking briefing that your office provided last April was satisfactory. It was not. Finally, your letter contained the following statement:

It would assist this office in providing information to the Committee if you could help us understand how your regulatory needs depend upon receiving the particular information you seek.²

Your request seems to completely disregard the Committee's detailed January 23 letter setting forth the basis for this investigation. It also ignores numerous previous letters explaining why the Committee seeks these documents and witnesses.

¹ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Pat Cipollone, White House Counsel (Jan. 23, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-01-23.EEC%20to%20Cipollone-WH%20re%20Security%20Clearances.pdf>).

² Letter from Pat Cipollone, White House Counsel, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Jan. 31, 2019).

The Committee is investigating allegations relating to at least nine high-level White House officials, including two National Security Advisors. These incidents indicate repeated, significant, and ongoing abuses of the security clearance system, which exists to protect our nation's most sensitive information in a nonpartisan and even-handed manner.

In addition, recent media reports suggest alarming new defects in the White House's security clearance system as well as potential issues of whistleblower retaliation:

- One day after the Committee sent you its request, *NBC News* reported that two White House career officials rejected the security clearance application of Senior Adviser to the President, Jared Kushner and others, but were overruled by a supervisor appointed by President Trump. The report stated that when Mr. Kushner sought access to sensitive compartmented information (SCI), which can be granted only by the Central Intelligence Agency (CIA), "CIA officers who make clearance decisions balked." One CIA official reportedly "called over to the White House security division, wondering how Kushner got even a top-secret clearance."³
- Just days later, the White House reportedly suspended a career security specialist without pay for "failure to supervise, failure to follow instructions and defiance of authority." This action appears to acknowledge that career staff in the White House Security Office strongly objected to changes in the security clearance process implemented by security managers appointed by the Trump Administration. This career security specialist reportedly had never faced any "prior formal disciplinary action" in her 18-year career and has a pending Equal Employment Opportunity Commission (EEOC) action against her White House supervisors. Her attorney reported that her suspension is "clearly reprisal for her whistleblowing."⁴

Notwithstanding the fact that the Committee's January 23 letter already did so, and in order to further accommodate your interest in understanding the legitimate basis for this investigation, set forth below is additional information on the Committee's jurisdiction and congressional precedent on these matters.

The Committee's Oversight and Legislative Jurisdiction

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. In addition, House Rule X, clause 3(i) specifically charges the Committee with

³ *Officials Rejected Jared Kushner for Top Secret Security Clearance, But Were Overruled*, NBC News (Jan. 24, 2019) (online at www.nbcnews.com/politics/donald-trump/officials-rejected-jared-kushner-top-secret-security-clearance-were-overruled-n962221).

⁴ *'Whistleblower' in White House Security Clearance Office Gets Suspended*, NBC News (Jan. 31, 2019) (online at www.nbcnews.com/politics/national-security/whistleblower-white-house-security-clearance-office-gets-suspended-n964826).

conducting oversight of “the operation of Government activities at all levels, including the Executive Office of the President.”

The Committee has broad authority to conduct oversight of, and to legislate on, issues relating to both the security clearance process and whistleblower protections—throughout the Executive Branch generally and within the White House specifically.

In addition to the Committee’s broad investigative authority, House Rule X, clause 1(n) gives the Committee legislative jurisdiction regarding the federal “civil service, including intergovernmental personnel,” as well as “the status of officers and employees of the United States, including their compensation, classification, and retirement.”

Congress’ constitutional authority in this area is well-established and beyond question. Article I, § 8 gives Congress the power to “make Rules for the Government and Regulation of the land and naval Forces,”⁵ and “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”⁶ These clauses provide Congress with plenary authority to legislate and conduct oversight regarding access to our nation’s most sensitive military and national security information. For example, since 2009—the start of the 112th Congress—at least 12 laws have been passed by Congress and signed by the President regulating access to sensitive information by federal employees and imposing obligations on the Executive Branch to protect sensitive information.⁷

⁵ U.S. Const. art. I, § 8, cl. 14.

⁶ *Id.* at cl. 18.

⁷ *See, e.g.*, SECRET Act, Pub. L. No. 115-173 (2018); Department of Homeland Security Data Framework Act of 2018, Pub. L. No. 115-331 (2018) (directing the Department of Homeland Security to develop a framework integrating its existing databases and ensure the framework is accessible to personnel with an appropriate security clearance, provided those personnel have been trained in the standards for safeguarding sensitive information); National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328 (2016) (requiring the Department of Defense’s Principal Cyber Supervisor to ensure that sufficient priority exists for the timely completion of security clearance investigations and adjudications for civilians supporting the Department of Defense’s cyber missions); Department of State Authorities Act, Fiscal Year 2017, Pub. L. No. 114-323 (2016) (permitting the State Department to suspend without pay Foreign Service members whose security clearances are suspended); National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92 (2015) (requiring the Department of Energy and the National Nuclear Security Administration to submit to Congress specific details regarding employees involved in nuclear security whose security clearances were revoked); Border Jobs for Veterans Act of 2015, Pub. L. 114-68 (2015) (requiring streamlined interagency transfer of background investigations and security clearances for former Armed Forces members who are becoming Customs and Border Patrol officers); Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, Pub. L. No. 113-254 (2014) (permitting sharing of information regarding risks relating to chemical facilities with state and local government officials who have the appropriate security clearances); Presidential and Federal Records Act Amendments of 2014, Pub. L. No. 113-187 (2014) (directing the National Archivist to prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration, including by prohibiting persons without appropriate security clearances from viewing classified records in any room that is not secure); National Cybersecurity Protection Act of 2014, Pub. L. No. 113-282 (2014) (establishing a national cybersecurity and communications integration center in DHS and requiring the DHS Secretary to make the application process for security clearances available to certain personnel to facilitate data integration); Intelligence Authorization Act for Fiscal Year 2014, Pub. L. No. 113-126 (2014) (requiring the Office of the Director of National Intelligence to ensure

In that same timeframe, Congress also enacted at least 16 laws regulating federal whistleblower issues.⁸ These include several bills reported by the Committee, including the All Circuit Review Act of 2018,⁹ the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017,¹⁰ the Office of Special Counsel Reauthorization Act of 2017,¹¹ the Inspector General Empowerment Act of 2016,¹² the Federal Bureau of Investigation Whistleblower Protection

that the backgrounds of employees and contractors of the intelligence community are monitored continuously to determine their eligibility for access to classified information); National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66 (2013) (directing the Secretary of Defense to submit to Congress a comprehensive assessment of the quality, cost, and timeliness of OPM personnel security investigations); Intelligence Authorization Act for Fiscal Year 2013, Pub. L. No. 112-277 (2013) (requiring President to develop a schedule and strategy for carrying out security clearance reciprocity requirements); and Presidential Appointment Efficiency and Streamlining Act of 2011, Pub. L. No. 112-166 (2012) (establishing a working group to study and report to the President and Congressional committees on the impact of background investigations on the presidential appointments process).

⁸ See, e.g., All Circuit Review Act, Pub. L. No. 115-195 (2018) (making permanent the ability for a federal employee to appeal in federal appeals court a final order or decision of the Merit Systems Protection Board on a whistleblower claim); Whistleblower Protection Coordination Act, Pub. L. No. 115-192 (2018) (reauthorizing Whistleblower Protection Coordinators for Offices of Inspectors General); Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, Pub. L. No. 115-73 (2017) (authorizing disciplinary actions against supervisors for retaliation against whistleblowers); Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017, Pub. L. No. 115-41 (2017) (establishing an Office of Accountability and Whistleblower Protection at the Department of Veterans Affairs); Office of Special Counsel Reauthorization Act of 2017, Pub. L. No. 115-91 (2017) (clarifying the ability of the Office of Special Counsel to request and receive information from federal agencies in investigations, including in investigations of retaliatory actions against federal employees); Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016, Pub. L. No. 114-302 (2016) (expanding whistleblower protections to employees of the Federal Bureau of Investigation); Consolidated Appropriations Act of 2016, Pub. L. No. 114-113 (2015) (expanding whistleblower protections at international financial institutions and at the Department of Veterans Affairs' health care services); Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, Pub. L. No. 113-291 (2014) (enhancing whistleblower protections for employees disclosing information about federal contracts, grants, or funds); All Circuit Review Extension Act, Pub. L. No. 113-170 (2014) (extending the effective date of the period allowed for whistleblowers to file for judicial review of Merit Systems Protection Board cases); Intelligence Authorization Act for Fiscal Year 2014, Pub. L. No. 113-126 (2014) (extending whistleblower protections for intelligence community agencies); National Defense Authorization Act for Fiscal Year 2014, Pub. L. 113-66 (2013) (extending whistleblower protections for military personnel); National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239 (2013) (providing additional whistleblower protections for defense contractor employees); Whistleblower Protection Enhancement Act of 2012, Pub. L. No. 112-199 (2012) (amending federal personnel law to expand whistleblower protections); Food and Drug Administration Safety and Innovation Act, Pub. L. No. 112-144 (2012) (expanding whistleblower protections to the Commissioned Corps of the Public Health Service); FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95 (2012) (establishing an FAA Aviation Safety Whistleblower Investigation Office); and National Defense Authorization Act for Fiscal Year 2012, Pub. L. No. 112-81 (2011) (protecting whistleblower disclosures from members of the Armed Forces to the Department of Defense Inspector General).

⁹ Pub. L. No. 115-195 (2018).

¹⁰ Pub. L. No. 115-73 (2017).

¹¹ Pub. L. No. 115-91 (2017).

¹² Pub. L. No. 114-317 (2016).

Enhancement Act of 2016,¹³ and the Whistleblower Protection Enhancement Act of 2012.¹⁴

Also relevant to the Committee's current investigation is the SECRET Act, which was adopted by the Committee on July 19, 2017. During its consideration of this legislation, the Committee accepted an amendment offered by Rep. Raja Krishnamoorthi to require the White House to "submit to Congress a report that explains the process for conducting and adjudicating security clearance investigations for personnel of the Executive Office of the President, including personnel of the White House Office." The House and Senate both passed the SECRET Act with this amendment, and President Trump signed it into law on May 22, 2018.¹⁵ Although the SECRET Act required the report to be transmitted by August 2018, the White House has not produced it and, therefore, is currently violating federal law.

Congressional Precedents

It would be a vast departure for the White House to refuse to provide documents and interviews relevant to the Committee's investigation. This Committee—and others—have a long history of investigating allegations of wrongdoing and abuse within the White House and the Executive Office of the President, including regarding "access to and dissemination of national security information" and the "decision-making process within the White House" related to issues of national security. For example:

- In 2007, the George W. Bush White House produced documents and information relating to the Committee's investigation into the leak of covert CIA Agent Valerie Plame's identity. James Knodell, then the Director of the White House Security Office, testified at a public hearing before the Committee entitled, "White House Procedures for Safeguarding Classified Information."¹⁶
- In 2013, the Obama Administration provided the Committee with numerous documents and witnesses relating to the security clearance process, including a completed SF-86 form, background investigation interview reports, and transcribed interviews with individuals who investigated and adjudicated the security clearance of the Navy Yard shooter.¹⁷

¹³ Pub. L. No. 114-302 (2016).

¹⁴ Pub. L. No. 112-199 (2012).

¹⁵ SECRET Act, Pub. L. No. 115-173, § 4 (2018).

¹⁶ Committee on Oversight and Government Reform, *Hearing on White House Procedures for Safeguarding Classified Information*, 110th Cong. (Mar. 16, 2007) (online at www.govinfo.gov/content/pkg/CHRG-110hhrg38579/pdf/CHRG-110hhrg38579.pdf).

¹⁷ Committee on Oversight and Government Reform, *Slipping Through the Cracks: How the D.C. Navy Yard Shooting Exposes Flaws in the Federal Security Clearance Process*, 113th Cong. (Feb. 11, 2014) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2014/02/Aaron-Alexis-Report-FINAL.pdf>).

- From 2014 to 2016, the Obama White House produced documents and witnesses to Congress relating to the 2012 terrorist attacks in Benghazi, including transcribed interviews with National Security Advisor Susan Rice, about her previous role as Ambassador to the United Nations; Deputy National Security Advisor Ben Rhodes about White House decision-making regarding the response to the attacks and the public communications about the attacks; and two other National Security Council staffers.¹⁸
- The Obama Administration also provided significant information to Congress on the development and distribution of the Presidential Daily Brief—the nation’s most sensitive national security information that is provided to the President and his top advisors—including by allowing a congressional interview of President Obama’s Presidential Daily Briefer from the Office of the Director of National Intelligence.¹⁹
- In May of 2017, the Department of Defense produced documents related to former National Security Advisor Michael Flynn’s security clearance application and background investigation, including portions of his application.²⁰ This was done in response to a bipartisan request from the Committee on March 22, 2017.²¹

Conclusion

Congress has a constitutional duty to serve as an independent check on the Executive Branch. Since the earliest days of our republic, Congress has investigated how appropriated funds are being spent and how existing laws are being implemented, so Congress can decide on future appropriations and possible changes in the laws.

Unfortunately, the White House has frustrated Congress’ ability to carry out that responsibility because it has failed to produce a single non-public document to the Committee in response to any request on security clearances. For the past two years, the only information the Committee has received was a limited briefing for the Chairman and Ranking Member that addressed only “forward-looking” information about proposed reforms—and a handful of publicly available documents.

¹⁸ Select Committee on the Events Surrounding the 2012 Terrorist Attack n Benghazi, *Final Report*, H. Rpt. 114-848, 114th Cong. (Dec. 7, 2016) (online at www.congress.gov/114/crpt/hrpt848/CRPT-114hrpt848.pdf).

¹⁹ *Id.*

²⁰ Letter from Ranking Member Elijah E. Cummings to Chairman Jason Chaffetz, Committee on Oversight and Government Reform (May 22, 2017) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Cummings%20to%20Chaffetz%2005-22-17.pdf>).

²¹ Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to General James N. Mattis, Secretary, Department of Defense (Mar. 22, 2017) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-03-22.Chaffetz%20EEC%20to%20Mattis-DOD%20re%20Flynn.pdf>).

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For all of these reasons, the Committee respectfully requests that the White House: (i) begin producing the documents requested on January 23, 2019, and (ii) begin scheduling the requested transcribed interviews with White House Personnel Security Office employees.

As stated in the Committee's January 23 letter, these documents and interviews will help determine why the White House and Transition Team appear to have disregarded established procedures for safeguarding classified information, evaluate the extent to which the nation's most highly guarded secrets were provided to officials who should not have had access to them, and develop reforms to remedy the flaws in current White House systems and practices.

Please notify the Committee by February 15, 2019, whether you intend to comply voluntarily or whether the Committee should consider alternative means to obtain this information. If you have any questions, please contact the Oversight Committee staff at (202) 225-5051.

Thank you for your prompt attention to this request.

Sincerely,



Elijah E. Cummings
Chairman

cc: The Honorable Jim Jordan, Ranking Member

Responding to Oversight Committee Document Requests

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

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

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

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

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

Definitions

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

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

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