



MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,
Chairwoman

JOE WILSON, SOUTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
TIM WALBERG, MICHIGAN
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JIM BANKS, INDIANA
JAMES COMER, KENTUCKY
LLOYD SMUCKER, PENNSYLVANIA
BURGESS OWENS, UTAH
BOB GOOD, VIRGINIA
LISA C. MCCLAIN, MICHIGAN
MARY E. MILLER, ILLINOIS
MICHELLE STEEL, CALIFORNIA
RON ESTES, KANSAS
JULIA LETLOW, LOUISIANA
KEVIN KILEY, CALIFORNIA
AARON BEAN, FLORIDA
ERIC BURLISON, MISSOURI
NATHANIEL MORAN, TEXAS
JOHN JAMES, MICHIGAN
LORI CHAVEZ-DEREMER, OREGON
BRANDON WILLIAMS, NEW YORK
ERIN HOUGHIN, INDIANA

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Ranking Member

RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
GREGORIO KILILI GAMACHO SABLAN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
PRAMILA JAYAPAL, WASHINGTON
SUSAN WILD, PENNSYLVANIA
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ILHAN OMAR, MINNESOTA
HALEY M. STEVENS, MICHIGAN
TERESA LEGER FERNÁNDEZ,
NEW MEXICO
KATHY E. MANNING, NORTH CAROLINA
FRANK J. MRVAN, INDIANA
JAMAAL BOWMAN, NEW YORK

COMMITTEE ON
EDUCATION AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

August 14, 2023

The Honorable Lauren McFerran
Chairman
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

The Honorable Jennifer A. Abruzzo
General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dear Chairman McFerran and General Counsel Abruzzo:

As you are aware, the Committee on Education and the Workforce (Committee) is investigating the National Labor Relations Board (NLRB or Board) use of mail ballots in representation election cases. As part of this investigation, the Committee is continuing to review misconduct by NLRB officials in representation elections and the NLRB's responses when such misconduct occurs.

On August 15, 2022, Starbucks Corporation (Starbucks) wrote to you and provided a detailed description of "highly improper, systemic misconduct" by NLRB employees.¹ The letter indicates that NLRB officials inappropriately assisted Workers United in representation elections at Starbucks locations.

On February 24, 2023, an NLRB report confirmed the allegations detailed in the Starbucks letter. An NLRB hearing officer issued a report finding merit to certain objections made by Starbucks regarding the representation election involving its Overland Park, Kansas, location. Specifically, the report found merit and recommended sustaining Starbucks' objections, stating,

Region 14 engaged in misconduct by making special arrangements with the Union to allow certain voters to vote in person rather than have a ballot mailed to them; by misrepresenting to the Employer that it had mailed ballots to voters when the Region had allowed those voters to pick up their ballots in person; and

¹ Letter from Zarina Jenkins, Acting Exec. Vice President & Gen. Couns., Starbucks, & Kimberly J. Doud, Couns. for Starbucks, to Lauren M. McFerran, Chairman, NLRB, & Jennifer A. Abruzzo, Gen. Couns., NLRB (Aug. 15, 2022) (attached).

by failing to explain to the Employer why the Region was not concerned about voter disenfranchisement and election integrity.²

The hearing officer report specifically details misconduct by NLRB Region 14 relating to its communications with Workers United about the election and duplicate ballots. Region 14 employees shared substantially more information about the election with Workers United than with Starbucks. The hearing officer found the disparity so great that it “casts doubts as to the fairness of the conduct of this election,” and she therefore recommended the election be “set aside and a new election held.”³

On March 22, 2023, the Committee issued a subpoena to a whistleblower who, as an NLRB employee, raised concerns about NLRB officials engaging in misconduct and failing to conduct fair and impartial elections.⁴ In response, the whistleblower provided both the majority and minority staff of this Committee with information that shows misconduct occurred in a substantial number of Starbucks representation election cases. In total, the whistleblower provided the Committee with more than 500 pages of information that shows questionable conduct and improper actions by NLRB officials in 33 representation elections. Unfortunately, these instances were not limited to a single officer or region; the misconduct was widespread, covering 15 NLRB regions.

While we have attached a summary document of instances of misconduct and questionable actions, the Committee found in its examination of the whistleblower’s documents some particularly concerning examples, including the following:

- A case in the Buffalo region where the acting regional director for Region 10 set aside the election and found that Region 3’s handling of the ballot count “casts doubt on whether all valid ballots were counted, undermines the integrity of the election and the parties’ confidence in election results.”⁵
- Another case in the Buffalo region where Region 3 said, “We do not have regular office hours open to the public at this time. If a voter chooses to hand-deliver a ballot to our office, there may not be any Regional staff available to receive the ballot. If that is the case, the voter can slide the ballot envelope under the interior door of our office as

² Starbucks Corp., No. 14-RC-289926, at 9 (NLRB Feb. 24, 2023) (hearing officer’s report and recommendations on objections) (attached).

³ *Id.* at 10.

⁴ Letter from Virginia Foxx, Chairwoman, H. Comm. on Educ. & the Workforce, to Rebecca A. Dormon, Assistant to the Reg’l Dir., NLRB Region 15 (Mar. 22, 2023)

https://edworkforce.house.gov/uploadedfiles/letter_from_chairwoman_foxx_march_22_2023.pdf.

⁵ Starbucks Corp. & Workers United, Case 03-RC-285929 (report on objections, order setting aside election and order directing rerun election) (May 18, 2022).

indicated by the sign on said door.”⁶ Region 3 said this in an email even though the voting instructions required mail ballots to be mailed to the region.⁷

- A case in the Pittsburgh region where the regional director told her staff to contact a voter to see if he wanted to drop his mail ballot off at the office instead of mailing it. This direction was in direct violation of procedures because ballots were to be mailed back to the regional office.⁸
- Another case in the Pittsburgh region where a Board agent asked whether a ballot could be delivered to a voter in person while the voter was working. The assistant to the regional director for Region 6 stated, “I think that would be okifi [sic] she can meet you outside during a break. It probably wouldn’t be good to bring her a ballot inside while she is on the clock.”⁹ The board agent then indicated she would deliver the ballot in person even though the notice of election stated, “The election will be by secret ballot carried out through the U.S. mail”¹⁰
- A case in the Atlanta region where the assistant to the regional director for Region 10 stated, “If anyone comes to the Regional office to drop off their ballot, we should be sure to ask for their identification to make sure that it is not a party representative or anyone else dropping off the ballot, and then make a file note.”¹¹ Dropping off mail ballots in person would violate the direction of election, which stated, “The election will be conducted by mail ballot.”¹²
- A case in the Seattle region where a Board agent responded to questions about a particular voter and her ballot that were posed by an attorney representing the union. These answers followed the attorney’s own admission that the NLRB should not be communicating with him about this matter: “I know I’m not supposed to coordinate with the Region directly on this”¹³ The stipulated election agreement stated that eligible voters, not attorneys representing the parties, were to ask for ballots: “If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 19 office by no later than 4:45 p.m. on Friday, April 15, 2022 in order to arrange for another mail ballot kit to be sent to that employee.”¹⁴

⁶ Cases 03-RC-282115, 03-RC-282127, and 03-RC-282139, Email from Thomas A. Miller to Alan I. Model (Dec. 6, 2021).

⁷ INSTRUCTIONS TO ELIGIBLE EMPLOYEES VOTING BY UNITED STATES MAIL, FORM NLRB-4175 (5-20).

⁸ Starbucks Corp., No. 06-RC-292767 (notice of election at 1) (Apr. 29, 2022).

⁹ Case 06-RC-292767, Emails between Stephanie J. Smith and Tara N. Yoest (May 16, 2020).

¹⁰ Starbucks Corp., Case 06-RC-292767 (notice of election at 1) (Apr. 29, 2022).

¹¹ Case 10-RC-297006, Email from Terry D. Combs to Lanita T. Cravey, Joseph Webb, & Nathan K. Gilberg (Aug. 17, 2022).

¹² Starbucks Corp. & Workers United/S. Regional Joint Bd., Case 10-RC-297006 (decision and direction of election at 11).

¹³ Starbucks Corp., No. 19-RC-291290, Email from Benjamin Berger to Adam Morrison (Apr. 25, 2022).

¹⁴ Starbucks Corp., Case 19-RC-291290 (stipulated election agreement at 1) (Mar. 15, 2022).

- Another case in the Seattle region where NLRB stated that a voter “walked into the office” and “complete[d] election kit #14a, because she had not received an election kit”¹⁵ even though the stipulated election agreement stated, “The election will be conducted by United States mail.”¹⁶
- A case in the San Francisco region where staff from Region 20 communicated with a union representative about needing two new ballots for co-workers. An NLRB field attorney provided confirmation that the election clerk will mail out new ballots if requested contact information is provided. An NLRB field attorney said, “I believe your co-workers can slide the ballots under our door if they don’t want to mail them back in” in response to the union representative’s question about pick-up and drop-off of the new ballots at the NLRB office.¹⁷ However, the stipulated election agreement stated, “The election will be conducted by United States mail.... If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 20 office by no later than 5:00 p.m. on May 23, 2022, in order to arrange for another mail ballot kit to be sent to that employee.”¹⁸ Despite the stipulated election agreement, the region allowed pick up and drop off of ballots.¹⁹

These instances of the NLRB’s misconduct are particularly concerning given the relatively small size of the bargaining units and the close votes of some of the mail ballot elections. Committee staff reviewed 295 mail ballot cases that occurred in 2022. These cases included but were not limited to mail ballot elections involving Starbucks. Of these cases, only one had a bargaining unit of larger than 100 workers.²⁰ On average, these cases included bargaining units consisting of approximately 26 workers. The smallest bargaining unit included only six workers.²¹ The outcomes of many of these elections hung on small margins—17 elections were determined by a single vote, and eight elections were tied. The NLRB has an obligation to workers to ensure that elections follow established rules and procedures and that the outcomes of these elections are fair. Unfortunately, the whistleblower’s documents demonstrate this has not been the case in many mail ballot elections.

To date, neither of you has publicly addressed the allegations made by Starbucks, the examples of misconduct identified by the whistleblower, or the findings made by the Region 14 hearing officer that NLRB employees engaged in misconduct and failed to conduct fair and impartial elections. It is troubling that NLRB leadership appears unmoved by the allegations and findings of misconduct by the employees you supervise.

¹⁵ Starbucks Corp., Case 19-RC-291715, “NOTES RE MAIL BALLOT ELECTION.”

¹⁶ Starbucks Corp., Case 19-RC-291715 (stipulated election agreement at 1) (Mar. 23, 2022).

¹⁷ Starbucks Corp., Case 20-RC-292521, Email from Jason Wong to Ella Clarke (May 24, 2022).

¹⁸ Starbucks Corp., Case 20-RC-292521 (stipulated election agreement at 1) (Apr. 5, 2022).

¹⁹ Starbucks Corp., Case 20-RC-292521, emails of May 24, May 26, & June 2, 2022.

²⁰ Siren Retail Corp. d/b/a Starbucks, No. 19-RC-290608 (filed Feb. 14, 2022).

²¹ Starbucks Corp., Case 19-RC-291713 (filed Mar. 4, 2022).

The American people and Congress must have full confidence in the integrity of the NLRB, including regional offices, to handle elections and other matters in a neutral and fair manner. As Chairman and General Counsel, you are responsible for ensuring the impartiality and fairness of NLRB proceedings and for holding NLRB personnel to high ethical standards. Your seeming reluctance to take these allegations and findings seriously is disturbing and severely undermines the agency's credibility. The Committee is disappointed with your apparent lack of urgency to develop and implement safeguards to prevent such misconduct from occurring in the future.

Given your inattention to this matter, the Committee must expand its investigation into possible misconduct beyond those cases identified by the whistleblower involving Starbucks. Therefore, I request that you provide responses to the requests below about specific mail ballot cases the NLRB identified for the Committee in the enclosed spreadsheet from March 31, 2023.²²

1. All internal and external communications, including but not limited to communications to and from attorneys, union officials, union representatives, union employees, and any official or representative of any employer;
2. All documents relating to internal and external communications, including but not limited to file notes and file memos detailing, outlining, or summarizing a conversation or communication;
3. All orders or other documents regarding modifying stipulated election agreements, including but not limited to documents changing the date or time of a mail ballot count and changing any manner that a voter could vote other than the method set forth in the stipulated election agreement; and,
4. All documents and internal and external communications regarding complaints or objections about an NLRB agent's conduct or actions with respect to these cases.

In addition, the Committee seeks information about the Board's actions regarding misconduct by NLRB employees in mail ballot elections. Therefore, I also request information about the following regarding NLRB's response to NLRB employee misconduct:

1. An explanation of when NLRB first become aware of NLRB employee misconduct in mail ballot elections;
2. All documents and internal and external communications regarding the integrity of representation elections in cases where the NLRB determined that misconduct has occurred;

²² Email from Matt Hayward, Deputy Dir., Off. of Cong. & Pub. Aff., NLRB , to Joe Wheeler, Committee staff (Mar. 31, 2023) (attachment) (on file).

The Honorable Lauren McFerran
The Honorable Jennifer A. Abruzzo
August 14, 2023
Page 6

3. The number of NLRB employees who have been disciplined for misconduct in mail ballot elections;
4. An explanation of what discipline NLRB employees face when they have been found to have committed misconduct;
5. With respect to the hearing officer's report in Case 14-RC-289926, an explanation of actions the NLRB has taken or plans to take to discipline those agency employees who engaged in misconduct or violated NLRB rules or procedures;
6. An explanation of how the NLRB plans to prevent future agency employee misconduct in light of the findings in the hearing officer's report in Case 14-RC-289926.

The Committee has jurisdiction over the implementation of the *National Labor Relations Act*, including the Board's use of mail ballot elections, and the Committee "shall review and study on a continuing basis laws, programs, and government activities" as set forth in House Rule X. This request and any documents created as a result of this request will be deemed congressional documents and property of the House Committee on Education and the Workforce. The Committee requests that the NLRB respond to its requests by no later than August 28, 2023. For each of these requests, please follow the instructions enclosed with this letter.

Thank you for your attention to this matter.

Sincerely,



Virginia Foxx
Chairwoman

Enclosures

CC: The Honorable Marvin E. Kaplan, Member
The Honorable Gwynne Wilcox, Member
The Honorable David M. Prouty, Member

Responding to Committee Document Requests

1. The agency's response to questions and request(s) should be answered or provided in separate document and not included inside a narrative response.
2. In complying with this request, you should produce all responsive documents that are in your agency's possession, custody, or control, whether held by you or other past or present employees of the executive branch, or a representative acting on your behalf. Your response should also produce documents that you have a legal right to obtain, that the agency has a right to copy or to which you have access, or that you have placed in the temporary possession, custody, or control of any third party.
3. Records, documents, data or information that have been requested and/or are related to underlying requests should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee on Education and the Workforce (the "Committee").
4. If any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
5. The Committee's preference is to receive documents in electronic form (i.e., email, CD, memory stick, or thumb drive) in lieu of paper productions. To the extent responses are provided in paper form, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to a request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued.
6. Regardless of format, documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Indicate the office or division and person from whose files each document was produced.
7. Regardless of format, documents produced to the Committee should include an index describing the contents of the production and a total page count for the entire 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. Documents produced in electronic format should also be identified and indexed electronically.
8. 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.

9. All documents shall be Bates-stamped sequentially and produced sequentially.
10. When you produce documents, you should individually identify the paragraph, question number or request number in the Committee's request to which the documents respond.
11. It shall not be a basis for refusal to produce documents that any other person or entity—either inside or outside of the executive branch—also possesses non-identical or identical copies of the same documents.
12. 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), the agency's staff should consult with the Committee staff to determine the appropriate format in which to produce the information.
13. If compliance with any request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
14. If the agency does not expect to produce all documents responsive to a request by the date requested, the agency's staff shall consult with the Committee as soon as it is known the agency cannot meet the deadline, but no later than 24 hours before the due date to explain:
 - (a) what will be provided by the due date;
 - (b) why the agency believes certain materials cannot be produced by the due date; and
 - (c) the agency's proposed timeline for providing any omitted information.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should:
 - (a) identify the document, including its date, author, subject, and recipients;
 - (b) explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party;
 - (c) state how the document was disposed of;
 - (d) identify the name, current address, and telephone number of the person who currently has possession, custody or control over the document;

- (e) state the date of disposition; and
 - (f) identify the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
16. If any document responsive to this request cannot be located, identify the document and describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.
17. In the event that a document or portion of a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document or redaction:
- (a) Bates number(s);
 - (b) the privilege asserted and the grounds therefor;
 - (c) the type of document;
 - (d) the general subject matter;
 - (e) any other description necessary to identify the document;
 - (f) the date, author, and addressee; and
 - (g) the relationship of the author and addressee to each other.

If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced.

18. Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
19. In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
20. Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

21. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or other agency employees, or is otherwise apparent from the context of the request, you should produce all documents that would be responsive as if the date or other descriptive detail were correct.
22. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 20, 2021 to the present.
23. 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. Such submission shall include an explanation as to why the information was not produced originally.
24. If physical documents are to be delivered, two sets of documents should be delivered, one set to the Majority Staff in Room 2176 of the Rayburn House Office Building and one set to the Minority Staff in Room 2101 of the Rayburn House Office Building during Committee office hours (9am-5pm, unless other arrangements are made) and signed by members of the respective staffs upon delivery.
25. Upon completion of the document production, the agency's written response should include a written certification, signed by the Secretary or his or her designee, stating that:
 - (a) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
 - (b) 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, 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 “documents in your possession, custody or control” means documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and/or documents that have been placed in the possession, custody, or control of any third party.
3. 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, email, regular mail, telexes, releases, or otherwise.
4. The terms “and” and “or” shall 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 includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
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; and (b) the individual's business address and phone number.
7. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflect s, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
8. The term “agency” means any department, independent establishment, or corporation of the federal government. For the purposes of responding to oversight requests, the Committee expects information to be provided from all sub-agencies of an agency and not just the information that is immediately available to the addressee or the addressee’s immediate sub-agency.
9. The term “privilege” includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

10. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
11. The term “Administration” means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.
12. “You” or “your” means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.