	Decords	
oject:	Request for a Sample of an Exparte Order for Educational Records	
NSITIVE N-RECC	BUT UNCLASSIFIED ORD	
_		_
	The NSLB Library provides	╛
following	g guidance:	
har tıma	s of records are also protected from disclosure and require an ex parte	
ort orde	er to obtain, such as educational records under the Buckley Amendmen	1 t
2 U.S.C.	§1232g(j)); full credit reports in counterintelligence cases (15 U.S.C. § and taxpayer return information from the Internal Revenue Service (26	
s.C. δ(i)	O(7)(C)).	\Box
erefore, i	it appears that I have a couple of options:	\neg
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erefore, i	it appears that I have a couple of options:	

Thank you for your consistently helpful assistance to accomplish what we can under a system which is woefully inadequate in many regards. This is yet another glaring example of how the system we must use to protect the American people from another terrorist attack is irreparably broken! The helpful changes provided by the Patriot Act simply provided us with "band aids" to treat a problem in critical condition. Simply stated, we have not been provided the tools necessary to successfully fulfill our mission of protecting the American people from another terrorist attack—potentially involving the use of WMDs. Most of the problems need to be addressed legislatively. Yet, other are executive branch inadequacies. Additional Americans should not have to die before their government is willing to take appropriate action. Thanks for your help!

SECRET

EFF Section 215-1148

b6 b7C SECRET

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT/UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

b6 h7c

DATE 04-12-2012 BY 65179 DMH/STP/MJS

_	(RMD)(FBI)	
From:	(WF) (FBI)	
Sent: To:	Thursday, February 02, 2006 11:28 AM	
Cc:		
	DE Division County of an Europe Order for Ed	Insertional Decords
Subject:	RE: Request for a Sample of an Exparte Order for Ed	ucational Records
Attachments:	B7 FAFSA Request	
SENSITIVE BUT UNG	CLASSIFIED	
NON-RECORD		
		•
		∂ď.
B7 FAFSA Request (37 KB)		b7C Outside the Scope
		outside the scope
SSAWF0	0	
Original Message	Элини .	.bd
Original Message From:		.b6 .b70
Original Message		
Original Message From: Sent: To: Cc:		b70
Original Message From: Sent: To: Cc: Subject: R	[JK) (FBI) Thursday, February 02, 2006 10:09 AM	ъ70 ъ6 [°] ъ70
Original Message From: Sent: To: Cc: Subject: R	(JK) (FBI) Thursday, February 02, 2006 10:09 AM Request for a Sample of an Exparte Order for Educational Records	.b6 ·
Original Message From: Sent: To: Cc: Subject: R	(JK) (FBI) Thursday, February 02, 2006 10:09 AM Request for a Sample of an Exparte Order for Educational Records	ъ70 ъ6 [°] ъ70
Original Message From: Sent: To: Cc: Subject: R	(JK) (FBI) Thursday, February 02, 2006 10:09 AM Request for a Sample of an Exparte Order for Educational Records	ъ70 ъ6 [°] ъ70
Original Message From: Sent: To: Cc: Subject: R	(JK) (FBI) Thursday, February 02, 2006 10:09 AM Request for a Sample of an Exparte Order for Educational Records **UNCLASSIFIED**	b6 b7c Outside the Scope
Original Message From: Sent: T To: Cc: Subject: R	(JK) (FBI) Thursday, February 02, 2006 10:09 AM Request for a Sample of an Exparte Order for Educational Records	b6 b7c Outside the Scope
Original Message From: Sent: To: Cc: Subject: SENSITIVE BUT NON-RECORD Other types of r	The NSLB Library provides the following gureecords are also protected from disclosure and require an	b6 b7C Outside the Scope iidance: n ex parte court order to obtain,
Other types of r such as educati	The NSLB Library provides the following gurecords are also protected from disclosure and require an ional records under the Buckley Amendment (12 U.S.)	b6 b7C Outside the Scope lidance: n ex parte court order to obtain, 3.C. §1232g(j)); full credit reports in oformation from the Internal Revenue
Original Message From: Sent: To: Cc: Subject: SENSITIVE BUT NON-RECORD Other types of r such as educati counterintellige	The NSLB Library provides the following gureecords are also protected from disclosure and require an	b6 b7C Outside the Scope iidance: n ex parte court order to obtain, S.C. §1232g(j)); full credit reports in

Therefore, it appea	ars that I have a cou	uple of options:				
1		<u> </u>				
inadequate in man	v regards. This is \	yet another glarin	complish what we o	e system we must ι	use to protect the	
inadequate in man American people f simply provided us the tools necessar potentially involving	y regards. This is y rom another terroris with "band aids" to y to successfully ful a the use of WMDs	yet another glaring st attack is irrepar o treat a problem i Ifill our mission of s. Most of the pro	g example of how th ably broken! The h n critical condition. protecting the Ame olems need to be ac	e system we must u elpful changes prov Simply stated, we h rican people from a ldressed legislativel	use to protect the ided by the Patriot Act ave not been provided nother terrorist attack-ly. Yet, other are	
inadequate in man American people f simply provided us the tools necessar potentially involving executive branch is	y regards. This is y rom another terroris with "band aids" to y to successfully ful a the use of WMDs	yet another glaring st attack is irrepar o treat a problem i Ifill our mission of s. Most of the pro Itional Americans	g example of how th ably broken! The h n critical condition. protecting the Ame olems need to be ac	e system we must u elpful changes prov Simply stated, we h rican people from a ldressed legislativel	use to protect the ided by the Patriot Act ave not been provided nother terrorist attack-	
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inadequate in man American people for simply provided us the tools necessar potentially involving executive branch is appropriate action. SENSITIVE BUT UNC	y regards. This is y rom another terroris with "band aids" to y to successfully ful g the use of WMDs nadequacies. Addi Thanks for your h	yet another glaring st attack is irrepaid treat a problem in liftil our mission of the profitional Americans melp!	g example of how the ably broken! The hand critical condition. protecting the Amelolems need to be achieved to the achieve to complete the conditions of the	e system we must of elpful changes prov Simply stated, we h rican people from a Idressed legislativel lie before their gove	use to protect the ided by the Patriot Act ave not been provided nother terrorist attack-ly. Yet, other are	

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJS

SAC Approval of Service of Classified Order on Uncleared Person:

Based upon representations that a preliminary background check has been conducted of the person upon whom this classified business record order will be served, and there being no derogatory or negative information that would indicate that the person should not be given access to the classified order, I hereby approve the service of this order on [Name of custodian of records].

•	
•	
Signature:	Date:

SAC approving this service: Printed (or Typed) Name: Telephone Number:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJS

CERTIFICATE OF SERVICE OF BUSINESS RECORD ORDER

Date and Time of Service	
Place of Service	-
Served upon	-
Served by	
•	
DECLARATION	OF SERVER
I declare under penalty of perjury under the foregoing information contained in the Certificate correct.	laws of the United States of America that the of Service of Attached Order is true and
Executed on Date	By:Signature of Server
Inquiries Regarding Production May Be Directed to	D:
[Name], Special Agent Federal Bureau of Investigation [Name of] Field Office [Telephone number]	

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJS (RMD)(FBI) **b**6 b7C (OGC) (FBI) -From: Sent: Friday June 23 2006 3:05 PM (OGC) (FBI)
RE: Follow-up Re "Double Checking a QFR Response" To: Subject: **UNCLASSIFIED** NON-RECORD **b**5 ---Original Message From: (OGC) (FBI). 9:25 AM Sent: b6 (OGC) (FBI) To: b7C Subject: Follow-up Re "Double Checking a QFR Response" **UNCLASSIFIED** NON-RECORD referred. I believe it was one that you drafted. I found the QFR to which Do you have the answer to question off the top of your head? If not, we'll try to run it to ground. **b**5

EFF Section 215-1174

	d.
Original Message	
From: THOMAS, JULIE F. (OGC) (FBI) Sent: Friday. June 23. 2006 8:53 AM To:	.b6 .b7
Subject: FW: Double Checking a QFR Response	,
UNCLASSIFIED NON-RECORD	•
Could you check on this and respond directly to	
Julie	
Original Message	
From: (OCA) (FBI) Sent: Thursday, June 22, 2006 11:07 AM To: THOMAS, JULIE F. (OGC) (FBI) Subject: Double Checking a QFR Response	
UNCLASSIFIED	
NON-RECORD	
Julie:	
In response to a recent QFR, NSLB said:	
	\bigcap
	l b
I make no claim to understand this legal area, but are we sure it's not "not MORE than"?	
Thanks. If you need the entire response for context, let me know.	
- Office of Congressional Affairs	
Office of Congressional Affairs JEH Building Room 7252(Send mail to Room 7240)	
EFF Section 215-1175	
2	

UNCLASSIFIED

UNCLASSIFIED

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UNCLASSIFIED

HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJS (RMD)(FBI) b6 OGC) (FBI) From: b7C Sent: Wednesday, Máy 24 2006 4:41 PM (OGC) (FBI) To: RE: FOOTNOTE Re Julie's Cmnts (QFR No. 103 on NSLs) Subject: SENSITIVE BUT UNCLASSIFIED NON-RECORD Glad to do it. (I always want to extend to you the opportunity to comment on No problem, such matters first. If I didn't, I'd feel as if I were "going behind your back.") -----Original Message From: (OGC) (FBI) ' Sent: Wednesday, May 24, 2006 4:36 PM OGC) (FBI) To: Subject: RE: FOOTNOTE Re Julie's Cmnts (QFR No. 103 on NSLs) SENSITIVE BUT UNCLASSIFIED NON-RECORD Can you do this. We must have sent a million things to OCA on admin subpoenas. I don't have time to reinvent the wheel. Thanks. Pik -----Original Message From: (OGC) (FBI) Sent: To: Cc: Subject: FOOTNOTE Re Julie's Cmnts (QFR No. 103 on NSLs) Importance: SENSITIVE BUT UNCLASSIFIED NON-RECORD There is one additional comment that I forgot to include my e-mail, below. b5

1

EFF Section 215-1177

ALL INFORMATION CONTAINED

FYI.	b6
	b70
Original Message From: (OGC) (FBI)	
Sent: Wednesday, May 24, 2006 2:24 PM To:	
Cc: Subject: Julie's Cmnts Re QFR No. 103 on NSLs	
Importance: High	1
SENSITIVE BUT UNCLASSIFIED NON-RECORD	
I tried three times today to FAX you Julie's handwritten comments regarding QFR No. 103.	
However, each time, it failed to go through. So, in the alternative, I'll now try this approach.	
Below, in red, you'll find the DRAFT response that you prepared. immediately beneath	
that, in blue, you'll find the response as Julie revised it-plus her request that the last	
sentences be "reworked." She just wasn't comfortable with the way it reads. She'd like to find another way of saying it.	
Your help in "reworking" that last section would be extremely helpful and most appreciated.	
In that regard, sincere thanks!	
·	
Original Message From: (OGC) (FBI)	
Sent: Tuesday, May 16, 2006 1:31 PM To: (OGC) (FBI)	
Cc: OGC) (FBI) Subject:	
SENSITIVE BUT UNCLASSIFIED	
NON-RECORD	
•	b!

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pik							
	Janialana //	0		•			
<u>Per Julie's l</u>	Revisions / (<u>comments:</u>					
[BRACKET]	ED SENTEN	CES IN RED	, ABOVE, N	EED TO BE F	EWORKED.]	·	
			, ABOVE, N	ÆED TO BE F	EWORKED.]		
[BRACKET]			, ABOVE, N	REED TO BE R			

b6 (RMD)(FBI) ALL INFORMATION CONTAINED b7C HEREIN IS UNCLASSIFIED (OGC) (FBI) Wednesday, May 24, 2006 4:31 PM From: DATE 04-12-2012 BY 65179 DMH/STP/MJS Sent: To: Cc: Subject: RE: Julie's Cmnts Re QFR No. 103 on NSLs SENSITIVE BUT UNCLASSIFIED NON-RECORD b5 Duplicate

EFF Section 215-1180

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJS

	(RMD)(FBI)	
From: Sent: Fo:	(OGC) (FBI) Thursday, May 11, 2006 7:46 AM	
Cc: Subject:	RE: I think I need to rethink what I said. (That's the down side of being so quick to respond	i)
JNCLASSIFIED NON-RECORD		
NON-NEOORD	•	
		,
	1 FFF Section 215-1183	

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<u> </u>	JNCLASSIFIED		•					
UNC	LASSIFIED	•						
UNCLAS	SIFIED							
		•	2	EFF Section	n 215-1184	1	•	

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJS (RMD)(FBI) b7C (OGC) (FBI) From: Thursday, March 23, 2006 4:33 PM THOMAS, JULIE F. (OGC) (FBI) D. (OGC) (FBI) Sent: To: Cc: FW: USAPA IRA - business record provision on delegation (the either/or provision) Subject: SENSITIVE BUT UNCLASSIFIED NON-RECORD b5 .b6 b7C -----Original Message From: (OCA) (FBI) Ъ6 Sent: Thursday, March 23, 2006 3:17 PM b7C To: Cc: Subject: RE: USAPA IRA SENSITIVE BUT UNCLASSIFIED NON-RECORD b5 b6 b7C -----Original Message From: (OCA) (FBI) **b**6 Sent: Thursday, March 23, b7C To: Cc: Subject: RE: USAPA IRA SENSITIVE BUT UNCLASSIFIED NON-RECORD alerted me to the 'Joint Explanatory Statement' in the attached conference report doc (beginning on .pdf pg. 89). While it describes the business records provision, it does not specifically address your 'either/or' language. **EFF Section 215-1185**

<< File:		n on that.					b6 b7
	Conference Rpf	t.pdf>>				,	
			•				
Beth Bee	ers						
Special (Counsel						
Office of 202-324-	f Congressional . -3073	Affairs					
Fron	-Original Message		(OGC) (FBI)				
Sent To:		rsday, March 23, 20				•	
	ject: RE: (USAPA IRA	- ▼				
	NSITIVE BUT U	NCLASSIFIED		•	•		
<u>NOI</u>	N-RECORD						
The	ınksi	•					
ııld							
	Original Messa From:		OCA) (FBI)		•		
	Sent: To:	Thursday, March 2	3. 2006 2:09 PM			-	
	Cc: Subject:	FW: USAPA IRA					
	SENSITIVE BU		FD	1		•	
	NON-RECORD					•	
Ĺ	provision of Pat intended?	stion below from tAct ReAuth. Do	you have a sense,	from your detail	or" language in the b experience, of which	interpretation was	
		ion detelle til "	o Concle lighter.	Committee dente	a the draffing of the	reguthorization	
[as detailed to th	ne Senate Judiciary	Committee during	g the drafting of the	reauthorization	
[r		as detailed to th	ne Senate Judiciary	Committee during	g the drafting of the	reauthorization	
]	w Special Counse			Committee during	g the drafting of the	reauthorization	
]	w			Committee during	g the drafting of the	reauthorization	
]	w Special Counse			Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr	l essional Affairs		Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr Original Messa From: Sent:	l essional Affairs	(OGC) (FBI)	Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr	l ressional Affairs age	(OGC) (FBI)	Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr Original Messa From: Sent: To: Subject: SENSITIVE BU	essional Affairs GGe Thursday, March 2 FW: USAPA IRA	(OGC) (FBI) 23, 2006 2:04 PM OCA) (FBI)	Committee during	g the drafting of the	reauthorization .	
]	Special Counse Office of Congr Original Messa From: Sent: To: Subject:	essional Affairs GGe Thursday, March 2 FW: USAPA IRA	(OGC) (FBI) 23, 2006 2:04 PM OCA) (FBI)	Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr Original Messa From: Sent: To: Subject: SENSITIVE BU	essional Affairs GGe Thursday, March 2 FW: USAPA IRA	(OGC) (FBI) 23, 2006 2:04 PM OCA) (FBI)	Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr Original Messa From: Sent: To: Subject: SENSITIVE BU	essional Affairs GGe Thursday, March 2 FW: USAPA IRA	(OGC) (FBI) 23, 2006 2:04 PM OCA) (FBI)	Committee during	g the drafting of the	reauthorization	·
]	Special Counse Office of Congr Original Messa From: Sent: To: Subject: SENSITIVE BU	essional Affairs GGe Thursday, March 2 FW: USAPA IRA	(OGC) (FBI) 23, 2006 2:04 PM OCA) (FBI)	Committee during	g the drafting of the	reauthorization	
]	Special Counse Office of Congr Original Messa From: Sent: To: Subject: SENSITIVE BU	essional Affairs GGe Thursday, March 2 FW: USAPA IRA	(OGC) (FBI) 23, 2006 2:04 PM OCA) (FBI)	Committee during	g the drafting of the	reauthorization	· ·

provision that we might be able to approach and find out it there is anything out there that would address the issue.	
Thanks. pik	
Original Message From: (OGC) (FBI) Sent: Thursday, March 23, 2006 10:15 AM To: Subject: RE: USAPA IRA	Ъ6 Ъ70
SENSITIVE BUT UNCLASSIFIED NON-RECORD	
Interesting question has arisen regarding the business record delegation. The statute says:	·
In the case of an application for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, tax return records, educational records, or medical records containing information that would identify a person, the Director of the Federal Bureau of Investigation may delegate the authority to make such application to either the Deputy Director of the Federal Bureau of Investigation or the Executive Assistant Director for National Security (or any successor position). The Deputy Director or the Executive Assistant Director may not further delegate such authority.	
	b5
	<u></u>
Original Message From: (OGC) (FBI)	
SENSITIVE BUT UNCLASSIFIED NON-RECORD	
Here is the draft EC - the nondisclosure stuff starts at page 34. Also, here is a draft NSL change - see	
what you think. JB	
EFF Section 215-1187	

<< File: USAPA EC S.2271 version Mar.07.2006.wpd >><< File: toll record EC 2006.03.09.wpd >><< File: toll record NSL 2006.03.09.wpd >>

b6 b7C

Assistant General Counsel
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III:
Unclassified Fax: (202) 324-1023
Secure Fax: (202) 324-9361

Privileged Attorney-Client/Attorney Work Product Communication

SENSITIVE BUT UNCLASSIFIED

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HEREIN IS UNCLASSIFIED
DATE 04-12-2012 BY 65179 DMH/STP/

(RMD)(FBI)	DATE 04-12-2012 BY 65179 DMH/STP/MJS
From: (OGC) (FB Sent: Wednesday, July 19, 2006 11:48 AM To: (OGC) (FBI) Subject: RE: NSL/Business Records question	b b
UNCLASSIFIED NON-RECORD	
You're welcome. pik	
From: (OGC) (FBI) Sent: Wednesday, July 19, 2006 11:47 AM To: (OGC) (FBI) Subject: RE: NSL/Business Records question	
UNCLASSIFIED NON-RECORD	
Thanksl	
From: (OGC) (FBI) Sent: Wednesday July 19, 2006 11:43 AM To: (OGC) (FBI) Subject: RE: NSL/Business Records question UNCLASSIFIED NON-RECORD	b5 b6 b7C

EFF Section 215-1189

•	Original Message	
	UNCLASSIFIED NON-RECORD	
		b5
	From: [OGC) (FBI) Sent: Thursday, June 22, 2005 11:00 AM To: (OGC) (FBI) Subject: NSL/Business Records question	b6 • b70
	UNCLASSIFIED NON-RECORD	
		b5 b6 b70
	UNCLASSIFIED	
	UNCLASSIFIED	
<u>UN</u>	NCLASSIFIED	
UNCLA	ASSIFIED	

EFF Section 215-1190

UNCLASSIFIED

UNCLASSIFIED

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 04-12-2012 BY 65179 DMH/STP/MJ

	DATE 04-12-2012 BY 65179 DMH/STP/MJS	
(1	RMD)(FBI)	Ъ6
From: Sent: To:	(OGC) (FBI) Monday, July 17, 2006 11:06 AM (OGC) (FBI)	b7
Subject:	RE: FISA Suggestion for our list:	
Importance:	High .	
Attachments:	Additional Recommended Changes to FISA - 7-17-06 1200.doc	,
SENSITIVE BUT UNC	LASSIFIED	
		•
Please check page 6 c	of attached doc before I take to Valerie at noon.	
Thanks	•	
Additional commended Change	b6 1 b7c	
National Security Law	Policy and Training Unit	
Unclassified email:		
SIPRnet JWICS (Top Secret):		
This is a Privileged Att	torney-Client/Attorney Work Product Communication	
		,
Original Message- From:	(OGC) (FBI)	b6
	ondav. July 17, 2006 10:39 AM (OGC) (FBI)	b7
Subject: R	E: FISA Suggestion for our list:	
SENSITIVE BUT	<u>UNCLASSIFIED</u>	
I would phrase it a looked at the word	a little differently, as the thoughts reflected in email were sent to him by me before I had actually ds of the statute. I would do the following with the paragraph that exists	
The language of the	he provision reads	
book sales record records containing such application to	application for an order requiring the production of library circulation records, library patron lists, ls, book customer lists, firearms sales records, tax return records, educational records, or medical g information that would identify a person, the Director of the FBI may delegate the authority to make o either the DD of the FBI or the EAD for National Security (or any successor position). The DD or further delegate such authority. EFF Section 215-1191	•

ould have it read	as lonows.					
anks. pik						
	•					
Original Mess	k	OGC) (FBI)			,	
Sent: To: Cc:	Monday. July 17, 2006 10	U:Zb AM				·
Subject:	FISA Suggestion for our I	lst:		 .	•	
SENSITIVE BUNON-RECORD	JT UNCLASSIFIED		•			
					·	
Here is a probl	em and solution identi	ified b√ to	add to the list:			
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JB	·	ified by to	add to the list:			
JB Assistant General National Security	eral Counsel		add to the list:			
JB Assistant Gene National Secur FBI HQ Room STU III:	eral Counsel ity Law Policy and Tra 7975	aining Unit	add to the list:			
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JB Assistant General National Security III: Unclassified Fasecure Fax:	eral Counsel ity Law Policy and Tra 7975	aining Unit				
JB Assistant Gene National Secur FBI HQ Room STU III: Unclassified Fa Secure Fax: Privileged Atto	 eral Counsel ity Law Policy and Tra 7975 ax: (202) 324-102 (202) 324-9361	aining Unit				
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JB Assistant Gene National Secur FBI HQ Room STU III: Unclassified Fa Secure Fax: Privileged Atto	eral Counsel ity Law Policy and Tra 7975 ex: (202) 324-102 (202) 324-9361 rney-Client/Attorney V	aining Unit				

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