

# NATIONAL WHISTLEBLOWERS

LEGAL DEFENSE & EDUCATION FUND

3238 P Street NW, Washington, DC 20007

January 20, 2010

Hon. Eric Holder  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Dear Attorney General:

On behalf of Supervisory Special Agent Bassem Youssef, the Chief, Communications Analysis Unit ("CAU"), Communications Exploitations Section, Counterterrorism Division of the Federal Bureau of Investigation ("FBI") we hereby submit this letter in order to ensure that the U.S. Department of Justice ("DOJ") Office of Inspector General ("OIG") report entitled: "A Review of the Federal Bureau of Investigation's Use of Exigent Letters and Other Improper Requests for Telephone Records" (hereinafter, "OIG Report") is complete and accurate.<sup>1</sup> In summary:

\* The privacy and civil liberties violations documented in the OIG Report bring to light extremely vital concerns directly impacting our nation's security.

\* Illegal information requests did not make us safer. Instead, these tactics flooded the FBI with information on innocent Americans who had no relationship to terrorist activities.

\* After he became Unit Chief, Mr. Youssef reduced the number of exigent letters by 95%, even before the Inspector General commenced its investigation. He also proposed policy changes that would have made the FBI fully compliant with the law."

The systemic use of "exigent letters" and the other improper information request procedures highlight serious defects in the FBI's

---

<sup>1</sup> The OIG report was based on an investigation commenced by the FBI in early 2007. In or about April of 2007 the FBI investigation became a "joint" FBI-OIG review. This letter is submitted in accordance with Executive Order 12731 § 101(k), 5 U.S.C. § 7211, the Privacy Act, 5 U.S.C. § 552a, Title VII of the Civil Rights Act of 1964, *as amended* and the FBI Whistleblower Regulations, 28 C.F.R. § 27. Under the Privacy Act, a copy of this letter must accompany any publication of the OIG Report, including any distribution of the report by the DOJ, OIG or FBI. A copy of Mr. Youssef's full rebuttal is currently undergoing classification review by the FBI.

counterterrorism program. These violations stemmed from a deeper problem - the Bureau's inability to fully understand the nature and tactics of Middle Eastern religious-based extremists.

In regard to Mr. Youssef's performance as the Chief of the Communications Analysis Unit, the record demonstrates that he acted in an exceptional manner to stop the ongoing misuse of exigent circumstance letters by the FBI. Mr. Youssef reduced the number of Exigent Circumstance Letters by over 95% *before* the Office of Inspector General commenced its investigation (May of 2006) and completely eliminated the use of Exigent Circumstance Letters in CAU by December 2006.

In 2006-07 Mr. Youssef was recognized as having performed exceptionally well in fixing the compliance issues within CAU. In an e-mail dated January 31, 2007, Mr. Joseph Billy, the Assistant Director of FBI's Counterterrorism Division wrote the following note to Mr. Youssef:

***Bassem -thank you for all your efforts to ensure CTD [Counterterrorism Division] is totally compliant. I very much appreciate what you are doing."***

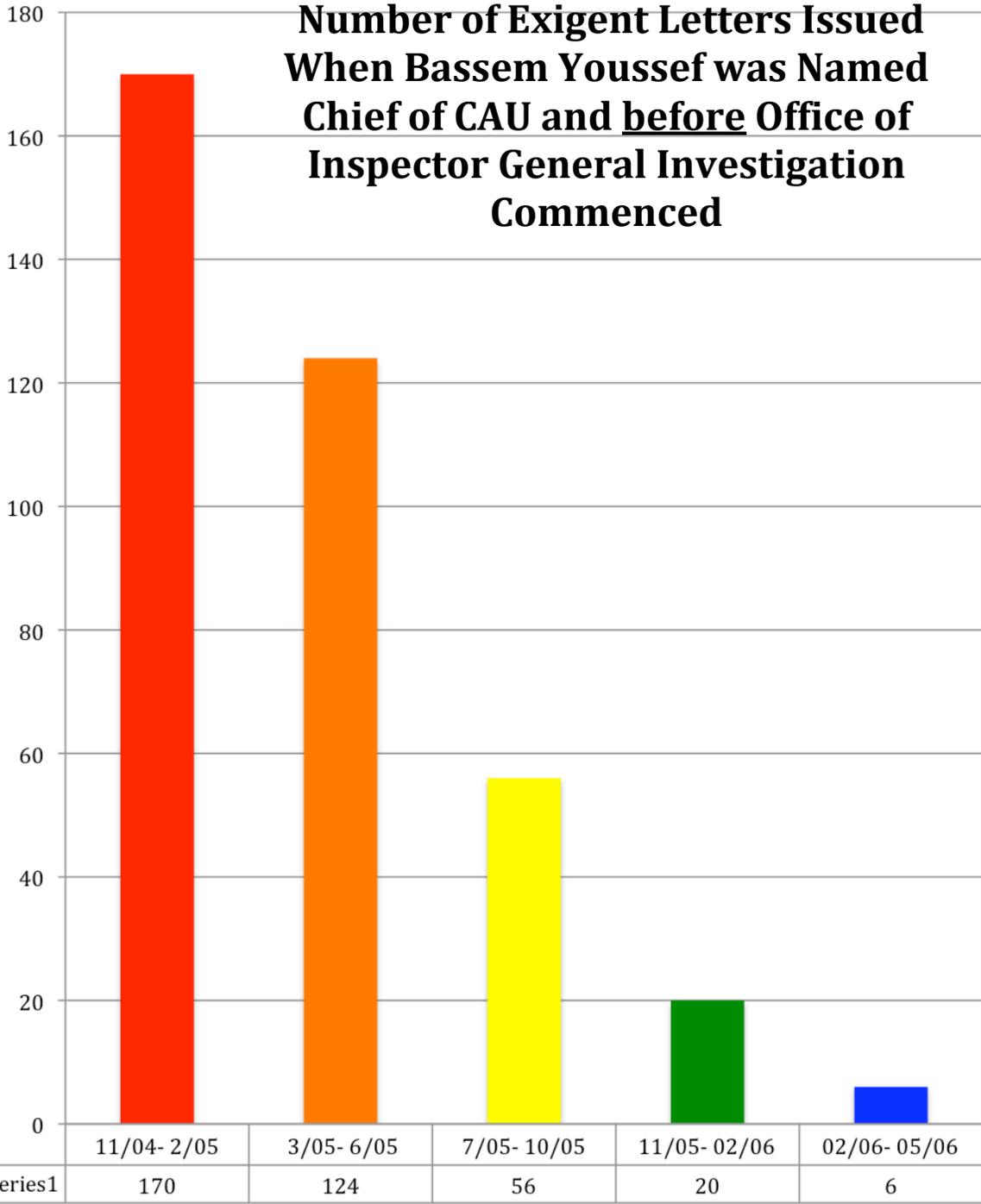
The e-mail is consistent with the official PAR Mr. Youssef obtained in December of 2006, rating his performance superior or exceptional in every critical area.

These successes were obtained despite the fact that the misuse of exigent circumstance letters was authorized and required under written FBI policy and mandated by Mr. Youssef's immediate supervisor. Furthermore, the FBI's Office of General Counsel, in writing, instructed Mr. Youssef to continue using Exigent Letters in violation of the law. See OGC e-mails dated April 26, 2005 and May 26, 2006. In fact, the Inspector General correctly found that the legal advice provided to Mr. Youssef by OGC concerning the use of such letters was inaccurate.

*Mr. Youssef's efforts were instrumental in reducing the usage of exigent letters by 95.29% before the Office of Inspector General commenced its review.*

### Summary Chart

**Number of Exigent Letters Issued  
When Bassem Youssef was Named  
Chief of CAU and before Office of  
Inspector General Investigation  
Commenced**



## **KEY FOR CHART DOCUMENTING NUMBER OF EXIGENT LETTERS ISSUED IN CAU UNDER BASSEM YOUSSEF**

 **First Period (11/04 – 2/05):** Time period before Youssef learned of the Exigent Letter Issue. [Note: Youssef was involuntarily transferred into CAU effective Nov. 1, 2004. Due to authorized pre-existing commitment and leave, he served in the Unit during his time period for only 35 days.] Number of Exigent Letters Issued: 170.

 **Second Period (3/05 – 6/05):** Time period after Youssef first learned of the Exigent Letter Issues. During this time period, Youssef sought assistance from FBI Office of General Counsel, conducted an “All-Hands” meeting in the Unit instructing his staff to obtain NSLs except if exigent circumstances existed and circulated to his staff a legal opinion from FBI OGC defining the “exigent circumstances” for which the CAU should utilize the Exigent Circumstances Letter. [Note: At this time, both the Office of General Counsel and Mr. Youssef’s immediate supervisor provided instruction to Youssef that the use of exigent letters was justified]. Number of Exigent Letters issued: 124.

 **Third Period (7/05 – 10/05):** Time period including the date, in which Mr. Youssef personally met with the managers of the operational units who were responsible for drafting and issuing NSLs. Youssef obtains commitment from these managers to issue NSLs before asking the CAU staff to facilitate a information request. The use of exigent letters would be limited to truly exigent circumstances. General Counsel attends meeting and agrees to this limited use of exigent letters. The operational managers agreed to follow Youssef’s request. Number of Exigent Letters: 56.

 **Fourth Period (11/05- 02/06):** Time period after the Youssef-operational managers meeting. Youssef aggressively tracks down all backlogged requests; continues to instruct staff not to use the exigent letter unless they determine that real “exigent circumstances” exists. Number of Exigent Letters: 20.

 **Fifth Period (02/06 – 05/06) (three months):** Time period for the three months leading up to the Inspector General investigation. During this period the Assistant Section Chief responsible for the exigent letter policy stepped down as Youssef’s supervisor, Youssef conducts independent research on law governing exigent circumstance and re-writes policy to conform to the law. During this time period, OGC refused to approve the revised (and far narrower) definition of “exigent circumstance” and instructed CAU to continue to use the Exigent Circumstances Letter “pronto.” Number of Exigent Letters: 6.

**Percentage Reduction in Use of Exigent Letters under Bassem Youssef’s leadership before the Office of Inspector General commenced its review: 95.29%.**

**This reduction achieved, despite FBI General Counsel’s continued authorization that Exigent Letters be utilized and despite the failure of OGC to correct the improper definition of “exigent” set forth in the April 26, 2005, legal opinion email.**

Before Mr. Youssef became Chief, it was the standard operating procedure of CAU to use Exigent Circumstance Letters to request information from telephone companies. The Letter was the administrative tool used to obtain information requested by the FBI's counterterrorism operational units. CAU did not have the authority to issue National Security Letters (NSLs). This authority resided in the operational sections and among high-level FBI managers. CAU served as the "middleman" between the operational units that would make the information-requests and the telephone company representatives who physically worked within the CAU.

Under two written FBI policies, and under the direct orders of the Mr. Youssef's immediate supervisor, the CAU employees were instructed to use Exigent Circumstance Letters when the operational units "could not wait" for an NSL. Despite protests that the form letter used as the model for the Exigent Letters was inaccurate, supervisors within the Unit were instructed to continue using the Letter by the Assistant Section Chief (who was also the Unit Chief who preceded Mr. Youssef).<sup>2</sup>

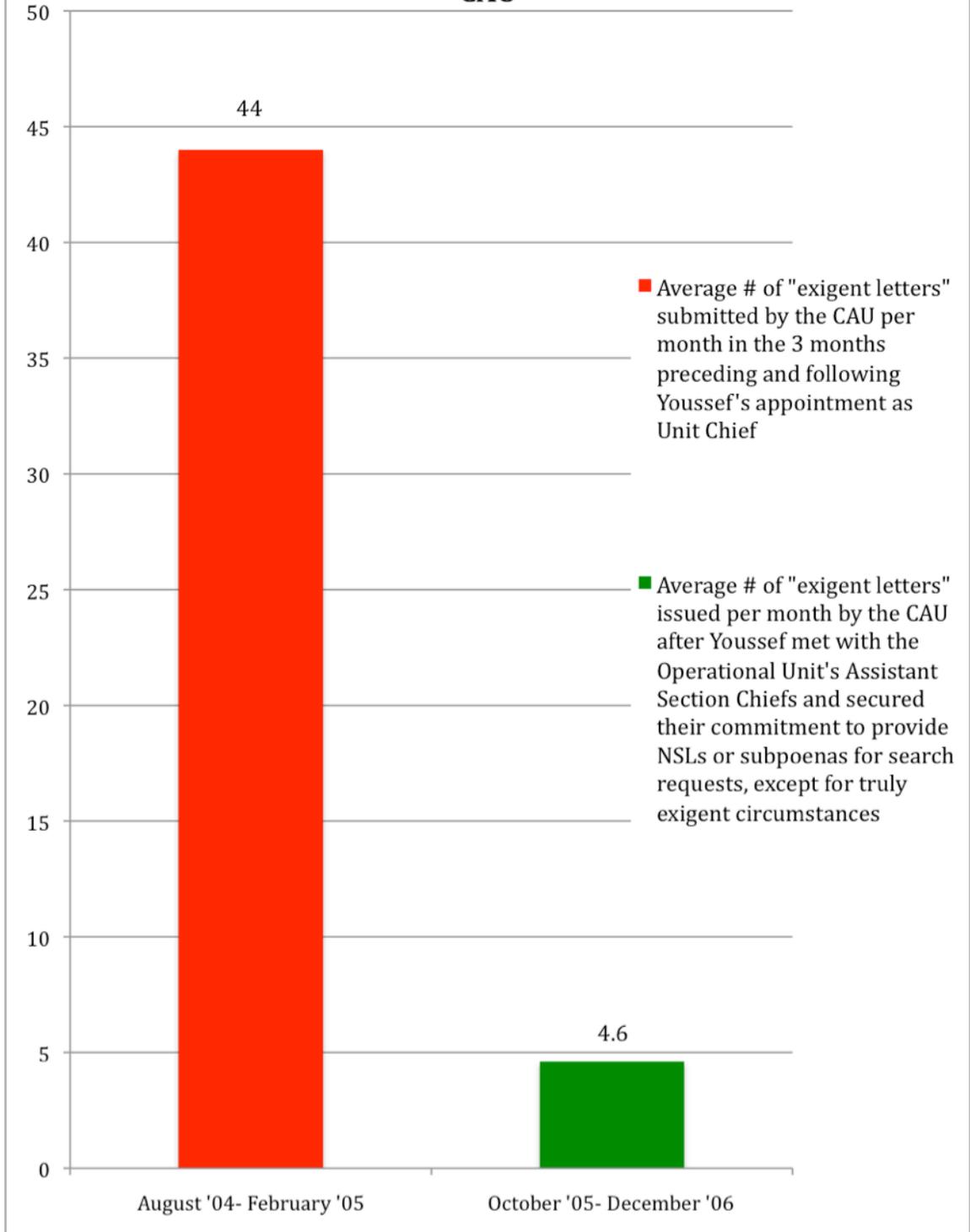
Mr. Youssef undertook a systemic reform effort to stop the misuse of Exigent Letters. One of the reforms was very simple. He met with the Assistant Section Chiefs from the two main operational sections (i.e. the International Terrorism Operations Section), and demanded that the operational sections provide NSLs before asking CAU to conduct an information request. Prior to this face-to-face meeting no one from the FBI had made this simple demand on these sections. Mr. Youssef obtained the assurance from these managers that they would comply with the law.

The following chart documents the impact of this demand:

---

<sup>2</sup> Mr. Youssef was asked by one of his analysts in 2005 to sign an exigent letter related to a case that had a pressing emergency. The case, constituted a true emergency within the exigent circumstance exception to the NSL law. Because the need to conduct the information request was truly "exigent," the information request did not violate the law. In analyzing information request violations it is important to differentiate between information requests that were legal and truly exigent (very few) and the information requests conducted by the FBI that were not exigent and not legal (the vast majority). The information request associated with Mr. Youssef's single exigent letter was legal, consistent with FBI policy and procedures, consistent with the advice provided by the Office of General Counsel, and consistent with the oral instructions of Mr. Youssef's immediate supervisor and consistent with the needs of national security.

**Chart #1**  
**Average Number of "Exigent Letters" Submitted by the CAU**



After meeting with the operational managers, Mr. Youssef instructed supervisors in his Unit to research the law on “exigent circumstances.” The reason for this assignment was also simple. In April of 2005, when Mr. Youssef first raised concerns about exigent letters to the Office of General Counsel, he obtained an e-mail from OGC that defined the conditions upon which his Unit could use the Exigent Letter. Mr. Youssef’s Unit was instructed by OGC to use the Exigent Letter when “*it is clear to you that the requestor cannot await an NSL.*” OGC e-mail dated April 25, 2005. Under this instruction Mr. Youssef’s hands were tied.

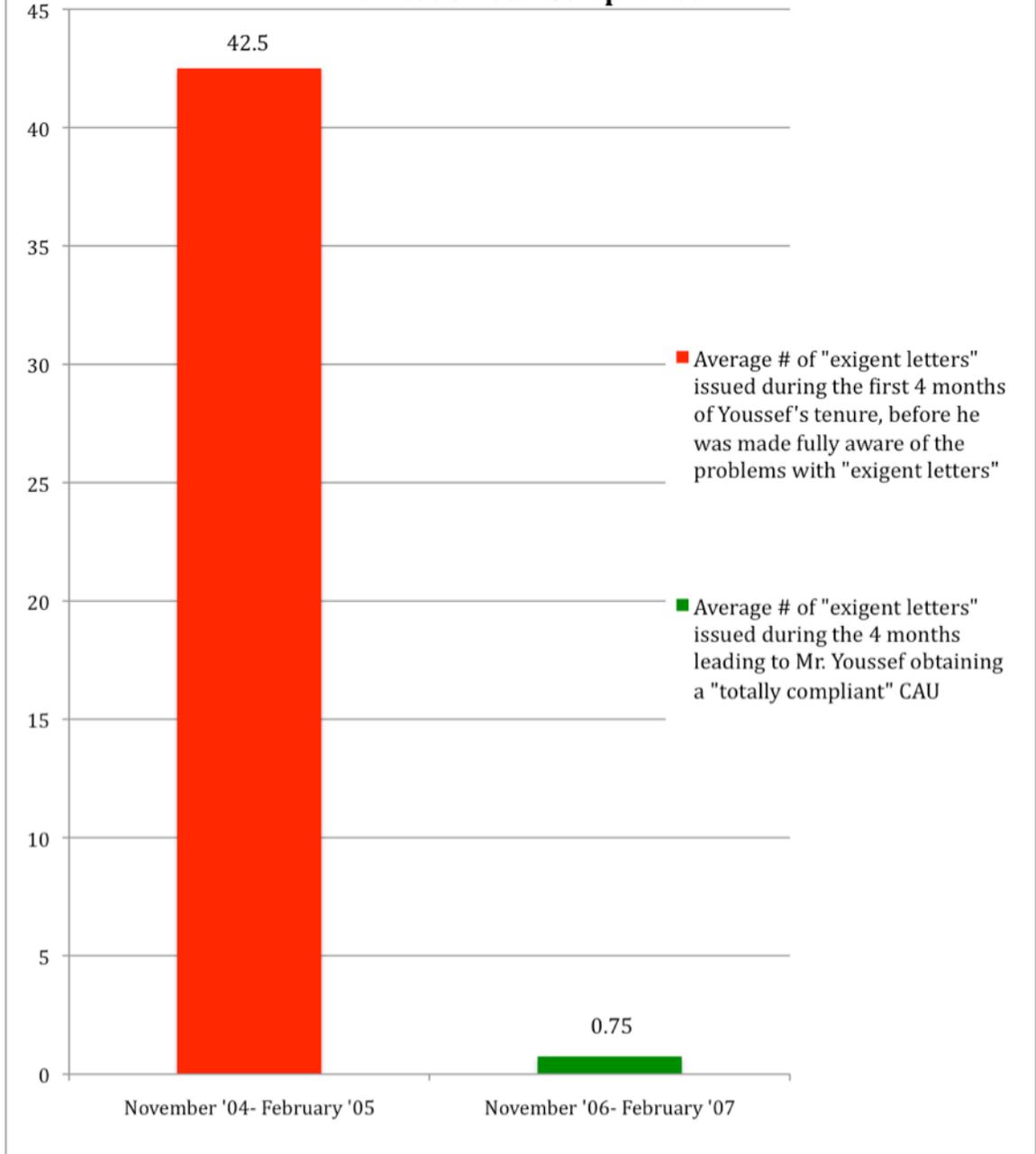
The OIG agreed with Mr. Youssef’s contention that the legal advice from OGC was erroneous. The actual definition of “exigent circumstance” contained in the law is as follows: “*an emergency involving danger of death or serious bodily injury to any person that requires disclosure without delay of information relating to the emergency.*”

In early 2006 Mr. Youssef tasked his staff to research the law (Mr. Youssef is not an attorney). After obtaining the actual legal definition of “exigent,” Mr. Youssef re-wrote the policy to make the use of such letters consistent with the law. That policy revision was submitted to OGC for approval on May 10, 2006, but was *never approved* by the Office of General Counsel. In other words, the FBI’s Office of General Counsel initially failed to provide Mr. Youssef with accurate legal advice, and failed to act on Mr. Youssef’s proposal that would have resulted in full compliance with the law. However, Mr. Youssef insisted that employees in his Unit follow the law, and by December of 2006 the Unit stopped using exigent letters.<sup>3</sup> These reforms are reflected in the following charts:

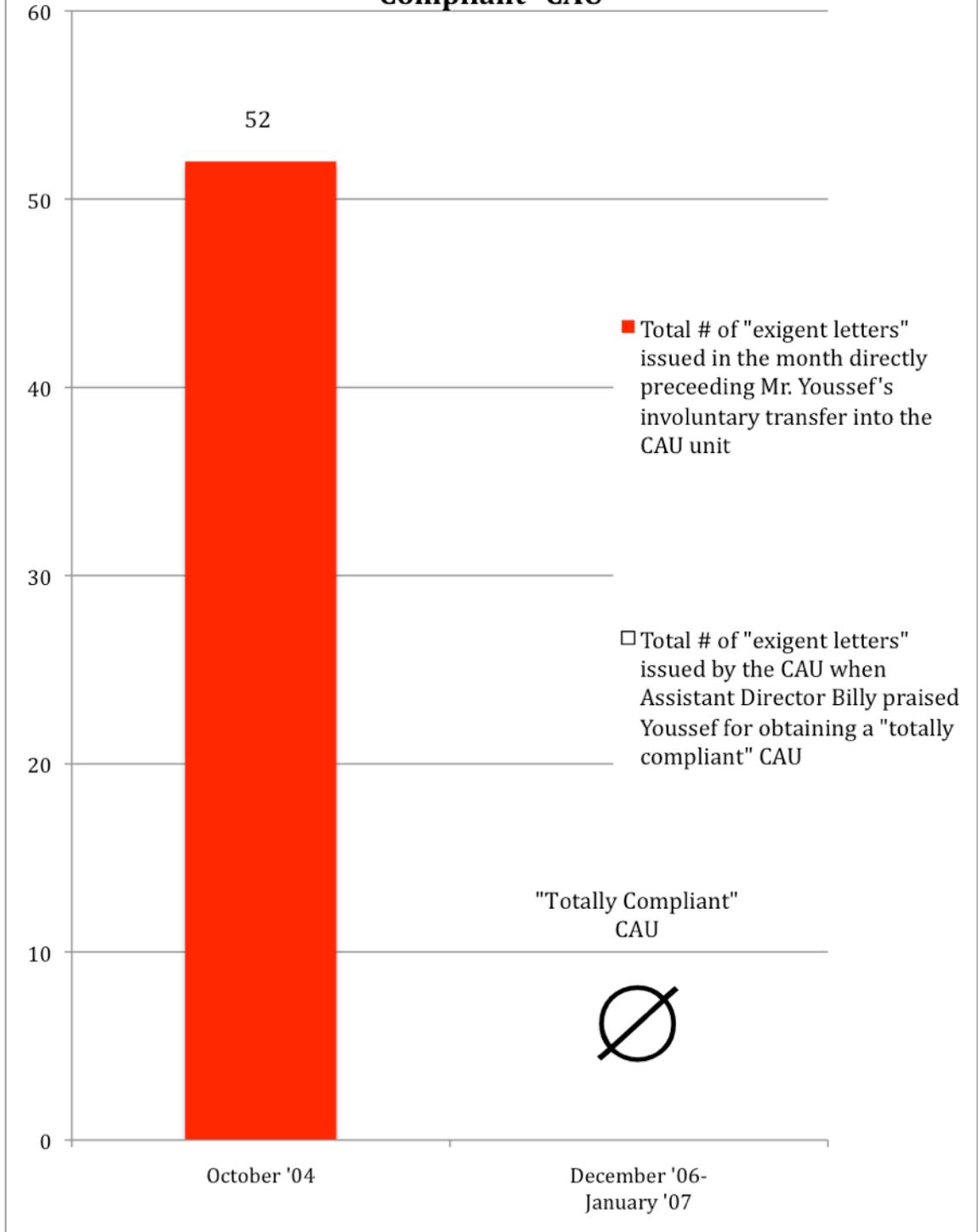
---

<sup>3</sup> The OIG Report states that Mr. Youssef could have raised his concerns about the exigent letters to various oversight bodies within the FBI and DOJ, such as the FBI’s Inspection Division and the Office of Inspector General. The FBI Inspection Division did review Mr. Youssef’s Unit for the years 2005-07, and found that Youssef’s actions as Unit Chief were “effective and efficient (the highest rating). Mr. Youssef exercised sound judgment in fixing the exigent letter problem. He identified effective corrective actions, which reduced the number of such letters by over 95% even before the OIG commenced its review. In December 2006-January 2007, he was praised by his management chain for his efforts in achieving *full compliance* within the CAU by the end of 2006. Even if Mr. Youssef had contacted OIG, it is highly unlikely that compliance within CAU could have been achieved in a more expeditious manner. In any event, Mr. Youssef provided the OIG with extensive information on the exigent letter violations in numerous interviews conducted between 2006 and 2008.

**Chart #2**  
**Average Number of "Exigent Letters" During the First Four Months of Youssef's Tenure and Final Four Months When He Achieved Total Compliance**



**Chart #3**  
**Number of "Exigent Letters" Submitted by the CAU**  
**Before and After Bassem Youssef Obtained a "Totally**  
**Compliant" CAU**



## **NSLs Issued from Control Files**

One of the most troubling aspects of the exigent letter violations was the response of the Office of General Counsel upon learning, in 2004, of an illegal information request conducted at the request of the Executive Assistant Director of the FBI's Counterintelligence and Counterterrorism Divisions. Instead of reporting this incident to the proper authorities, OGC commenced internal discussions to create a legal pretext for the continuation of warrantless information requests in non-exigent circumstances. OGC initiated plans to permit the Office of General Counsel to sign-out NSLs based on "umbrella-control" files. The use of such control files to justify an NSL is unquestionably illegal.

Instead of simply demanding compliance with the law, between December of 2004 and September of 2005 OGC stalled compliance efforts and worked to formalize the umbrella-control file plan. During the time period OGC was planning to implement the "umbrella-control" file information requests, OGC failed to provide CAU with the accurate legal guidance needed to ensure compliance, and refused CAU's request that General Counsel put "pressure" on the operational units to ensure compliance.

The OIG correctly found that Mr. Youssef's efforts led to a discontinuation of OGC's plan to institute the umbrella-control file policy.

## **Protection of our Nation's Security**

The Exigent Letter policies flooded the FBI with records on Americans who had no relationship whatsoever to terrorist activities. In part these violations stemmed from a deeper problem - the Bureau's inability to fully understand the nature and tactics of Middle Eastern religious-based extremists. The FBI is thus unable to correctly assess threats. That is, it cannot focus on legitimate threats and quickly dismiss false ones. The use of exigent letters exacerbated the over collection of information on persons not reasonably tied to terrorist investigations. The large volume of information collected created a misleading impression about the effectiveness of the program.

These deficiencies constitute a grave threat to our nation's security. If the FBI and other intelligence agencies are not able to conduct accurate and timely threat assessments, mistakes such as the recent Christmas Airline Bombing incident and the shootings at Fort Hood, Texas will continue. Our nation will remain vulnerable to legitimate terrorist threats that will not be detected in time.

The solution is not to condone violations of privacy or Constitutional rights. Far from it. The solution is to demand that counterterrorism programs are managed properly. We need agents and managers who are properly trained with the tools needed to conduct successful counterterrorism operations. These tools include (1) the use of polygraph

examinations to vet the accuracy of information obtained from “friendly” sources, (2) detailed training on how to identify and recruit well-placed sources, (3) high-level liaison with foreign counterterrorism partners, and (4) the ability to quickly triage information to identify real versus perceived threats. There are examples of very successful counterterrorism operations and investigations that did not require violations of privacy or Constitutional rights. Agents with proven track records in actually penetrating terrorist organizations and achieving full liaison cooperation with foreign partners do exist. Their expertise and experience must be fully exploited, both in active operations and in training programs.

As an agent with over 20 years of active duty experience in counterterrorism operations, liaison, management and administrative support functions, Mr. Youssef is in a position to provide testimony to Congress or the Attorney General on specific details directly related to improving America’s counterterrorism program.

For example, from 1988-2000 Mr. Youssef developed significant expertise in operational counterterrorism. He successfully utilized the FISA statute, conducted highly successful “recruitments-in-place” and was a coordinator of a major Middle Eastern related counterterrorism operation in the United States. As set forth in his nominating papers for the Director of Central Intelligence Award (approved by both the Assistant Director for the FBI’s National Security Division and FBI Director Louis Freeh):

*“Due to his Middle Eastern background, and his inherent knowledge of that region’s traditions, customs, and languages, SA BASSEM YOUSSEF has utilized these skills on a daily basis in furtherance of the FBI’s primary mission of preventing terrorist acts.”*

*“His efforts in developing and maintaining assets has resulted in much valuable personality assessment information on individual subjects, as well as information which further defines the structure and modus operandi of the Islamic Group with a documented presence in the U.S.”*

Mr. Youssef was also named the first Legal Attaché for Saudi Arabia and seven other Gulf countries. He excelled in this position, establishing critical liaison:

*“LEGAT Youssef has continued to build strong liaison with the Saudi Mabahith [Saudi counterpart to the FBI] . . . LEGAT Youssef was able to facilitate meetings with the King, Crown Prince, and the Minister of Interior, which were all highly successful meetings. . . .”*

*“LEGAT Youssef’s liaison efforts have paid tangible dividends in that the FBI was able to obtain highly valuable information on high profile investigations, such as . . . UBL [Osama bin Ladin].”*

Protecting our nation's security and maintaining respect for the Constitution are not in conflict. They are in harmony and complement one another. The FBI's counterterrorism program must be organized in a manner that permits this harmonization. It is the only way that the United States can be fully protected, to the best of our nation's ability, from another successful terrorist attack.

### **REBUTTAL**

On March 20-21, 2007, the House and Senate Judiciary Committees conducted hearings on the misuse of Exigent Letters. At these hearings statements were made concerning Mr. Youssef's role in the exigent letter violations. Some of these statements were false and misleading.<sup>4</sup>

The fact that the FBI and Office of Inspector General made public comments about Mr. Youssef before the current investigation commenced was highly prejudicial to Mr. Youssef and the integrity of the investigation. It is simply impossible to have the heads of the agencies responsible for conducting an investigation announce the anticipated findings before the review commenced, and then expect that the final review will be fair and objective.

Mr. Youssef takes issue with some of the findings of the OIG.<sup>5</sup>

### **The Tracker System**

The OIG maintains that Mr. Youssef should have established a "tracker system" within CAU to keep track of the missing NSLs. Mr. Youssef maintained that his primary focus was to stop the operational units from requesting information requests without NSLs and to have his Unit stop using exigent letters. The record demonstrates that Mr. Youssef's approach was reasonable. Moreover, creating a system to "track" missing NSLs could have been implicitly interpreted as justifying the continuation of the exigent letter practice. From Mr. Youssef's

---

<sup>4</sup> During the House hearing, the FBI's General Counsel, Valarie Caproni, went out of her way to inform the Committee that "Mr. Youssef is in litigation with the FBI" (i.e. he had filed a Title VII discrimination lawsuit based on his national origin). The fact that Mr. Youssef, the highest-ranking Arab American agent working in the FBI, filed a discrimination complaint had no bearing whatsoever on the exigent letter issue.

<sup>5</sup> There were also disputes between counsel for Mr. Youssef and the attorneys who conducted the OIG review, including disagreements over the contents of attorney-letters, the improper use of gag orders and improper questioning of Mr. Youssef (without presence of counsel). The disputes between attorneys are not germane to Mr. Youssef's performance and/or the legal and policy issues raised by the FBI's use of exigent circumstance letters. Counsel for Mr. Youssef will be available to directly respond to any questions related to the OIG's criticisms of Mr. Youssef's counsel.

perspective, the issue was not how to track missing NSLs; the issue was how to stop using exigent letters.

The phone company employee-contractors had the data concerning outstanding exigent letter requests, and consequently the data that would have been contained in a “tracker system” was readily available within the Unit.

### **The “Inaccurate Perception that the Exigent Letter Matter was Under Control”**

The OIG concluded that “Youssef contributed to an inaccurate perception that he had the exigent letter matter under control.” This statement is inexplicable. When the OIG commenced its review, Mr. Youssef had already reduced the number of exigent letters to approximately 1-2 per/month, and had re-drafted the FBI policy on such letters. His redrafted policy, that was awaiting final approval by OGC, would have clearly defined the situations in which such letters could be used, and would have ensured that such letters were used only in lawfully “exigent” circumstances for which the law permitted voluntary information requests without the existence of an NSL or a subpoena.

Thus Mr. Youssef, primarily based on his own hard work and judgment had the exigent letter problem “under control” when the OIG commenced its review. In fact, but for the resistance, delays and incorrect legal advice from OGC, the problem itself would have been completely corrected prior to the OIG’s review.<sup>6</sup>

It is important to recall the state of affairs when Mr. Youssef was involuntarily transferred into the Communications Analysis Unit. When he arrived, the status of exigent letters usage was:

\* Approved and required by two FBI policies, documented in ECs. The Assistant Director for Counterterrorism signed one and Mr. Youssef’s immediate supervisor, the Assistant Section Chief with authority over CAU; signed the second;

---

<sup>6</sup> The OIG also attempts to downplay the failures of the Office of General Counsel in making the following statement: “Because the NSLB [i.e. the National Security Law Branch of the FBI’s Office of General Counsel] was not informed of the full scope of the problems, it did not provide additional resources or issue more urgent directions.” This statement was most likely drafted directly by the Office of General Counsel. It is completely inaccurate. What “additional resources” could they have provided? The record establishes that OGC provided *inaccurate* legal advice in the April 26, 2005 e-mail that mandated CAU’s continue use of exigent letters. In May of 2006 OGC not only failed to approve the revised EC drafted by Mr. Youssef (that would have limited the use of such letters to legally “exigent” circumstances; they ordered CAU to continue to use the exigent letters “PRONTO” (emphasis in the original). The NSLB knew of the full scope of the problems and failed to take accurate, timely and proper corrective actions. OGC was part of the problem, not part of the solution.

\* The practice of using such letters had been in existence since 2002, and was unquestioned;

\* Mr. Youssef's immediate supervisor was one of the principle architects of the policy, and insisted that the CAU use the letters. This manager (the Assistant Section Chief) had rejected concerns raised by supervisors in the Unit who pointed out that the content of the exigent letter was incorrect;

\* The Office of General Counsel knew that high level FBI managers had demanded that information requests be conducted that were not legally justifiable and that the CAU had used the exigent letter to request these information requests;

\* The Office of General Counsel knew that the operational units were demanding that information requests be conducted without first opening preliminary investigations, and that the instrument used to conduct the information request was the exigent letter;

\* The Office of General Counsel used illegal "after-the-fact" blanket NSLs to cover-up prior information requests conducted under the exigent letter authority.

In other words, the use of exigent letters was widespread, routine and fully accepted. Using these letters was the formal policy of the FBI. The Office of General Counsel had no intent to stop the usage of these letters. OGC failed to report clear violations to any authority, and issued after-the-fact NSLs that covered-up the illegal information requests.

It was in this environment that Mr. Youssef learned of the problems (initially from employees who worked for the phone companies) and, without the help of his managers, was able to substantially fix the problems.

Between 2005 (when he first learned of the issues) and May of 2006 (when the OIG commenced its review) Mr. Youssef was able to reduce the usage of exigent letters within his Unit by over 95%, despite the problems identified above. His corrective actions included:

\* Insisting that his Unit stop using the letters as a matter of routine, and instead use them only when real "exigent circumstances" existed;

\* Holding all-hands meetings in order to instruct his staff to stop using such letters in non-exigent circumstances;

\* Conducting a comprehensive audit of all exigent letter information requests that did not have proper NSLs;

\* A face-to-face meeting with the Assistant Section Chiefs with responsibility over the sections of the FBI that made the information

request-demands and had responsibility for issuing the NSLs). At this meeting, he obtained a commitment from these managers to ensure that their staffs issue NSLs before requesting the information requests;

\* Putting an end to the OGC plan to create umbrella-control file information requests;

\* Reviewing the exigent letter policy EC, and re-writing the policy to conform to the law.

### **The January 2005 Meetings**

The OIG report points to two meetings between Rogers and NSLB attorneys held on January 6, 2005, and January 26, 2005, and faults Mr. Youssef for either not attending the meetings or for not learning about the subject matter of the meetings. Mr. Youssef was not “invited” to the meetings. He was copy counted on an email chain between the NSLB attorney and Rogers, wherein the NSLB attorney advised Rogers that meetings would take place, but there was no request that Mr. Youssef attend. OGC did not deem it necessary to copy Mr. Youssef on the e-mails that discussed the contents of the meetings.

Regardless of whether he was invited to the meetings or not, his attendance at these meetings would have had no impact whatsoever on fixing the exigent letter violations. The purpose of these meetings was neither to instruct CAU to stop using exigent letters, nor to discuss methods of ensuring that the operational units provide the legally required NSLs or subpoenas before they insisted that CAU obtain information on their behalf from the telephone companies.

Instead, the purpose of these meetings was to develop the umbrella-control file program devised by the Office of General Counsel. This program was completely illegal, and would not have solved any of the problems caused by the issuance of exigent letters. It was designed to create improper control file based “investigations” out of which NSLs could be issued. Had this program been implemented it would have served to cover-up the extensive exigent letter violations.

### **CONCLUSION**

In accordance with the Privacy Act, 5 U.S.C. § 552a, the report entitled “A Review of the Federal Bureau of Investigation’s Use of Exigent Letters and Other Improper Requests for Telephone Records” (dated April 2009), should be corrected in the manner set forth above. The failure to make these corrections may result in a willful violation of the Privacy Act and may also violate Title VII of the Civil Rights Act of 1964, *as amended* and the FBI Whistleblower Regulations, 28 C.F.R. § 27.

Respectfully submitted,

Stephen M. Kohn  
National Whistleblower Legal Defense and  
Education Fund  
3238 P Street, N.W.  
Washington, D.C. 20007  
(202) 342-1903

Attorney for FBI Supervisory Special  
Agent and Unit Chief Bassem Youssef<sup>7</sup>

January 20, 2010

CC:

Hon. Glen Fine  
Inspector General  
Office of Inspector General  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

---

<sup>7</sup>This letter does not reflect the official position of the FBI or Department of Justice. It is submitted on behalf of Mr. Bassem Youssef, in his personal capacity. It is also submitted under the requirements set forth in Executive Order 12731, 55 *Federal Register* 42547.