

TOP SECRET

UNITED STATES

DEC 23 2020

FOREIGN INTELLIGENCE SURVEILLANCE COURT

Lee Ann Flynn Hall, Clerk of Court

WASHINGTON, D.C.

b1, b3 [50 USC 3024(i)]

Docket Number b1, b3 [50 USC 3024(i)]

**ORDER APPOINTING ADDITIONAL AMICUS CURIAE**


Amicus Amy Jeffress has requested the appointment of Tianyi Xin, Esq., to assist Ms. Jeffress in this matter. The Security and Emergency Planning Staff (SEPS) of the United States Department of Justice has advised the Court that Tianyi Xin has been determined to be eligible for access to Top Secret/Sensitive Compartmented Information.

Accordingly, in order to aid in effective amicus participation, it is HEREBY ORDERED as follows:

(1) Pursuant to section 103(i)(2)(B) of the Foreign Intelligence Surveillance Act of 1978, as amended (FISA), codified at 50 U.S.C. § 1803(i)(2)(B), Tianyi Xin is appointed to serve as amicus curiae in this matter. The Court intends for Tianyi Xin to have access to the same materials as Ms. Jeffress in her capacity as amicus in this matter. If, however, the government believes that such access is not "consistent with the national security of the United States," *id.*, § 103(i)(6) (C), it shall provide written notice and explanation to the Court by December 30, 2020.

(2) Tianyi Xin's work as an amicus, including the proper safeguarding of classified information, shall be subject to paragraphs (2) through (6) (on pages 3 through 5) of this Court's Order Appointing Amici Curiae, entered on December 14, 2020, in the above-captioned matter.

ENTERED this 23<sup>rd</sup> day of December, 2020, in Docket No. b1, b3 [50 USC 3024(i)]

  
JAMES E. BOASBERG  
Judge, United States Foreign  
Intelligence Surveillance Court

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Chief Deputy Clerk  
FISC, certify that this document is a true  
and correct copy of the original.

TOP SECRET b1, b3 [50 USC 3024(i)]

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FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT

2020 DEC 30 PM 3: 17

LEEANN FLYNN HALL  
CLERK OF COURT

~~(S)~~ b1, b3 [50 USC 3024(i)]

UNDER SEAL

Docket No. b1, b3 [50 USC 3024(i)]

~~(S)~~ NOTICE CONCERNING THE COURT'S ORDER OF DECEMBER 23, 2020, APPOINTING ADDITIONAL AMICUS CURIAE

~~(S)~~ By Order dated December 23, 2020, and at the request of Amicus Amy Jeffress, Esq., this Court appointed Tianyi Xin, Esq. to serve as an additional amicus curiae in the above-captioned matter. The Order also stated that the Court intends for Ms. Xin to have access to the same materials as Ms. Jeffress in her capacity as amicus in this matter. The Order further directed the government to provide written notice and explanation to the Court by December 30, 2020, if the government did not believe that Ms. Xin's access to such information was consistent with the national security of the United States.

~~(S)~~ The government hereby notifies the Court that the government believes Ms. Xin's access to the classified information in the materials identified in Exhibits A and B to the Court's Order dated December 14, 2020, would be consistent with the national

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Classified by:

~~Chief, Operations Section, OI, NSD, DOJ~~

Reason:

~~b1, b3 [50 USC 3024(i)] dated 20120701~~

Declassify on:

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security of the United States, provided that she has received the appropriate clearances and access approvals for such information.<sup>1</sup>

Respectfully submitted,

John C. Demers  
Assistant Attorney General

Melissa MacTough  
Deputy Assistant Attorney General

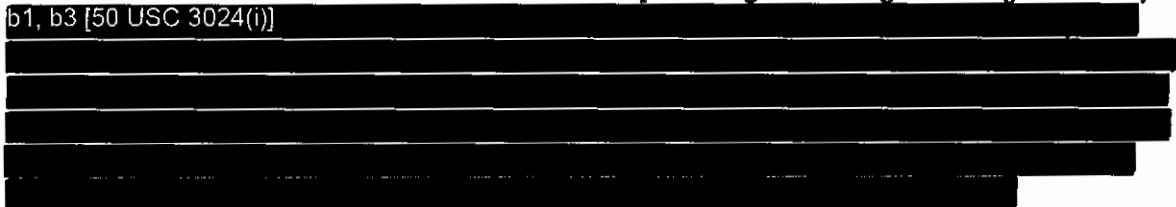
b6, b7C  


By:

Office of Intelligence  
National Security Division  
U.S. Department of Justice

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<sup>1</sup> (S) Although the government has determined that in this instance Ms. Xin's access to the classified information identified by the Court, without redaction, would be consistent with the national security of the United States, future matters could arise in which full access to classified materials, absent redactions, would not be so consistent, such as where an amicus did not have a need-to-know certain information in order to assist the Court in the consideration of a matter presenting novel or significant legal issues. Cf.

b1, b3 [50 USC 3024(i)]  


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