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11 Attorneys for Defendants the Attorney General, *et al.*

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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15 \_\_\_\_\_ )  
TWITTER, INC., )

16 Plaintiff, )

17 v. )

18 )  
19 LORETTA E. LYNCH,<sup>1</sup> United States )  
Attorney General, *et al.*, )  
20 )  
21 \_\_\_\_\_ )

Case No. 14-cv-4480

**NOTICE REGARDING  
ENACTMENT OF THE  
USA FREEDOM ACT**

22 The Government files this Notice to bring to the Court’s attention new legislation that  
23 may significantly impact the claims in this case.

24 On June 2, 2015, the President signed into law the USA FREEDOM Act of 2015  
25 (attached). Section 603 of the Act establishes a statutory mechanism for public disclosure by the  
26 recipients of national security legal process, including process issued pursuant to the Foreign  
27

28 <sup>1</sup> Loretta E. Lynch, the Attorney General of the United States, is substituted as defendant in this  
action for her predecessor, Eric H. Holder, pursuant to Fed. R. Civ. P. 25(d).

1 Intelligence Surveillance Act as well as National Security Letters (“NSLs”), of aggregated  
2 (“band”) data about that process. Section 603 permits disclosure of aggregate data in bands  
3 similar to those described by the Deputy Attorney General in the January 27, 2014 letter that  
4 plaintiff purported to challenge in its Complaint. In addition, Section 603 further permits  
5 disclosure in alternative bands that differ from those described in the Deputy Attorney General’s  
6 letter.

7 Plaintiff has also challenged the constitutionality of 18 U.S.C. § 3511, which provides a  
8 mechanism for and standards of judicial review of NSLs. As revised by § 502(g) of the Act, 18  
9 U.S.C. § 3511(b)(1)(A) now permits an NSL recipient to obtain judicial review by notifying the  
10 Government. The Government must apply for a nondisclosure order within thirty days  
11 thereafter, and the district court must rule expeditiously. *Id.* § 3511(b)(1)(B)-(C). The Govern-  
12 ment must present a certification that includes “a statement of specific facts” indicating that the  
13 absence of a prohibition on disclosure may result in enumerated harms. *Id.* § 3511(b)(2). The  
14 Act repeals the provision (formerly in § 3511(b)(2)-(3)) that gave conclusive effect to good-faith  
15 certification by specified officials of certain harms, as well as the provision (formerly in  
16 § 3511(b)(3)) that required an NSL recipient in certain circumstances to wait one year after an  
17 unsuccessful challenge before again seeking judicial relief.

18 The Government intends to further consider and advise the Court of the impact of the Act  
19 on this litigation, and will meet and confer with counsel for plaintiff concerning any additional  
20 briefing for the Court.

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1 Dated: June 3, 2015

Respectfully submitted,

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8                   /s/ Steven Y. Bressler                    
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