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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT CLERK OF COURT
LEEANN FLYNN HALL

WASHINGTON, D.C.

IN RE ORDERS OF THIS COURT)
INTERPRETING SECTION 215) Docket No.: Misc. 13-02
OF THE PATRIOT ACT)
_____)

**SECOND SUBMISSION OF THE UNITED STATES IN RESPONSE TO
THE COURT'S OCTOBER 8, 2013 ORDER**

In its September 13, 2013 Opinion and Order, the Court directed the United States to identify those opinions of this Court that evaluate the meaning, scope, and constitutionality of Section 215 of the Patriot Act, 50 U.S.C. § 1861, that are at issue in ongoing Freedom of Information Act (“FOIA”) litigation in the U.S. District Court for the Southern District of New York. Opinion and Order, at 1, 18. The Court also directed the United States to identify any such opinions that are not at issue in the FOIA litigation or already subject to the Court’s publication process pursuant to Rule 62(a) of the Court’s Rules of Procedure, and to propose a timetable to complete declassification review of any such opinions. Opinion and Order, at 18.

On October 4, 2013, the Government filed a submission in response to the Court’s September 13, 2013 Opinion and Order, and moved for a stay of further proceedings due to lapsed appropriations. The Government identified, *inter alia*, the Opinion issued in Docket Number BR 13-25 on February 19, 2013, as one that contains “analysis by this Court evaluating the meaning, scope, and/or constitutionality” of Section 215 of the USA PATRIOT Act, 50 U.S.C. § 1861, and that is not at issue in the FOIA litigation in the Southern District of New York. Submission, at 2.

On October 8, 2013, the Court granted the Government's motion for a stay of further proceedings. The Court also directed the Government to submit to the Court, within seven days of the restoration of appropriations, a proposed timetable for completing the declassification review of the Opinion issued in Docket Number BR 13-25 on February 19, 2013, and submitting to the Court any proposed redactions for the Opinion. On October 24, 2013, the Government estimated that it would complete the declassification review of the Opinion and submit to the Court any proposed redactions by November 18, 2013.

After careful review of the Opinion by senior intelligence officials and the U.S. Department of Justice, the Executive Branch has determined that the Opinion should be withheld in full and a public version of the Opinion cannot be provided.

November 18, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Second Submission of the United States in Response to the Court's October 8, 2013 Order was served by the Government via Federal Express overnight delivery on this 18th day of November, 2013, addressed to:

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