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

15 U.S. WECHAT USERS ALLIANCE, *et al.*,  
 16  
 17 Plaintiffs,

Case No. 3:20-cv-05910-LB

**DECLARATION OF JOHN COSTELLO  
 CERTIFYING ADMINISTRATIVE RECORD**

18 v.

19 DONALD J. TRUMP, President of the United  
 States, and WILBUR ROSS, Secretary of  
 20 Commerce,

21 Defendants.

22 **DECLARATION OF JOHN COSTELLO**

23 I, John Costello, declare as follows:

24 1. I am currently employed as the Deputy Assistant Secretary for Intelligence and Security  
 25 at the United States Department of Commerce (“Commerce”).

26 1. I have served in this capacity since June 22, 2020. I am authorized to certify the truth and  
 27 correctness of official records of Commerce, and of other documents recorded or filed with Commerce.  
 28

1 The facts attested to herein are based on my personal knowledge or information made available to me in  
2 the course of my official duties.

3 2. I hereby certify that the attached Table of Contents contains a list of all documents  
4 comprising the Administrative Record for Commerce’s WeChat Prohibition Federal Register Notice,  
5 “Identification of Prohibited Transactions to Implement Executive Order 13943 and Address the Threat  
6 Posed by WeChat and the National Emergency with Respect to the Information and Communications  
7 Technology and Services Supply Chain” signed on September 17, 2020.

8 3. This Administrative Record contains all non-privileged materials directly or indirectly  
9 considered by Commerce in making the above-cited decision.

10 I certify, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and  
11 correct to the best of my knowledge, information, and belief.

12 Executed this 2nd day of November 2020 in Washington, D.C.

13  
14  
15   
16 \_\_\_\_\_  
17 JOHN COSTELLO

Administrative Record For:

WeChat Prohibition Federal Register Notice “Identification of Prohibited Transactions to Implement Executive Order 13943 and Address the Threat Posed by WeChat and the National Emergency with Respect to the Information and Communications Technology and Services Supply Chain” Dated September 17, 2020

The following Administrative Record was compiled in accordance with record keeping requirements set forth under Administrative Procedures Act, Federal Records Act and 36 CFR Chapter XII, Subchapter B.<sup>1</sup> Administrative records that directly or indirectly aid in the decision to make prohibitions as set forth in this decision include all factual, technical, and scientific material or data considered in making the decision.<sup>2</sup> This record contains information that has been designated as Business Confidential Information.

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<sup>1</sup> Supplemented by National Archives and Records Administration Management Guide Series 1995 | <https://www.archives.gov/records-mgmt/policy/agency-recordkeeping-requirements.html> | DOI 20190201

<sup>2</sup> The administrative record does not include materials that solely reflect the internal deliberative processes of decision-making within the Department of Commerce or between another Executive Branch of the federal government or otherwise privileged materials.

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