

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article 1.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year in each State, who shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six Years; and each Senator shall have one Vote.

Section 4. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided into three Clases; the Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writings to the Electors in that State to choose such Person.

Section 5. The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 6. The Senate shall have the sole Power to try all Impeachments, when sitting. And when sitting for that Purpose, they shall be on Oath or Affirmation. The President shall sit, and shall have no Vote. The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the President.

Section 7. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and when chosen, be an Inhabitant of that State in which he shall be chosen.

Section 8. The President of the United States shall be President of the Senate, but shall have no Vote thereon. The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the President.



**FISCAL YEAR 2020
BUDGET JUSTIFICATION**

**Privacy and Civil Liberties
Oversight Board**

Adam I. Klein, Chairman
Jane E. Nitze, Board Member
Edward W. Felten, Board Member



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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

FISCAL YEAR 2020 BUDGET JUSTIFICATION

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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Executive Summary

The Privacy and Civil Liberties Oversight Board requests \$8.5 million for its FY 2020 Budget Request. This represents a \$3.5 million increase over the FY 2019 enacted level and will enable the Board, which regained a quorum in October 2018, to continue to fulfill its mission: ensuring that efforts by the executive branch to protect the nation against terrorism appropriately protect privacy and civil liberties.

For a 20-month period beginning in January 2017, the Board had too few Senate-confirmed Members to constitute a quorum, rendering it unable to conduct certain actions that require approval of the Board. During this sub-quorum period, however, Board staff and then-Board Member Elisebeth Collins maintained the Board's ability to operate as an independent federal agency and carried forward its statutory mission, despite the limitations imposed by the sub-quorum status and lack of a full-time Chairman.¹ Board staff continued to work on oversight projects previously approved by the Board, and Board Member Collins was able to provide advice requested by executive branch agencies in her individual capacity.

In addition, Board staff and Board Member Collins managed the Board's compulsory relocation, which was completed under budget in the spring of 2018. The Board now has its first-ever permanent location in Washington, DC.

The Board's sub-quorum period ended on October 11, 2018, when the Senate confirmed Chairman Adam I. Klein, and Board Members Jane E. Nitze and Edward W. Felten. With a renewed quorum, the Board is resuming work on a wide range of issues that fall within its jurisdiction.

In December 2018, just weeks after new Board Members were confirmed, the Board issued its first Semi-Annual report in nearly two years. In October, 2018, two Board Members traveled to Brussels to participate in the U.S. delegation to the second Annual Review under the U.S.-E.U. Privacy Shield agreement. Additionally, the Board accepted three requests from executive branch agencies for advice on areas within its jurisdiction. The Board also announced its first public forum to inform the Board as it considers its oversight agenda for 2019 and beyond.

The Board's FY 2020 Budget Request will enable the Board to fulfill its mission and to meet operational requirements with its new Board Members. This includes continuing to fill key staff positions that became vacant during the sub-quorum period.

¹ Board Member Elisebeth Collins departed the Board on December 15, 2018.



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CURRENT MEMBERS OF THE BOARD:

Chairman Adam I. Klein, confirmed to a term ending January 29, 2024.

Board Member Jane E. Nitze, confirmed to a term ending January 29, 2023.

Board Member Edward W. Felten, confirmed to a term ending January 29, 2019.²

² Board Member Felten was confirmed to fill the remainder of the term of a retiring Board Member, which expired on January 29, 2019. A re-nomination is required by March 30, 2019, for Board Member Felten to serve a subsequent full six-year term. Once re-nominated, Board Member Felten can continue to serve through the adjournment of this Senate session in late 2020 pursuant to the Board's holdover provision. 42 U.S.C. § 2000ee(h)(4).



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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Vision, Mission, and Values

VISION

A nation that counters terrorism while safeguarding privacy and civil liberties.

MISSION

The Board provides advice and conducts oversight to ensure that efforts by the executive branch to protect the nation from terrorism are appropriately balanced with the need to protect privacy and civil liberties.

VALUES

Three key values guide the Board's work:

Integrity – As an agency whose power lies in its persuasiveness, the Board regards the preservation of its integrity and credibility as paramount. The Board approaches its activities with objectivity and good faith. The Board strives to treat executive branch agencies and other outside parties with evenhandedness and respect, and to evaluate a wide range of data, viewpoints, and considerations.

Transparency – The Board aims to foster understanding of the impact of efforts to protect the nation from terrorism on privacy and civil liberties. In addition, the Board strives to conduct its own activities responsibly and transparently, to foster confidence in its management of authorities, resources, and information. The Board promotes transparency by holding public hearings and issuing public reports, to the greatest extent that is consistent with the protection of classified information and applicable law, and by soliciting input from the public and outside experts.

Rigor – The Board strives for the highest standard of quality in its analysis and recommendations. When examining government programs, the Board takes care to understand those efforts in all of their complexity. In assessing whether such efforts are consistent with the law and appropriately protect privacy and civil liberties, the Board strives to be thorough and accurate and to account for the impact of new and emerging technologies and institutional reforms. When recommending changes to those efforts, the Board seeks to consider fully the foreseeable impact of its recommendations.



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Board History and Authorities

The Privacy and Civil Liberties Oversight Board was created on the recommendation of the National Commission on Terrorist Attacks Upon the United States, colloquially known as the 9/11 Commission, in its 2004 report. The Commission acknowledged that many of its recommendations “call[ed] for the government to increase its presence in our lives—for example, by creating standards for the issuance of forms of identification, by better securing our borders, by sharing information gathered by many different agencies,” and by consolidating authority over intelligence agencies under a new Director of National Intelligence.³ Recognizing that “this shift of power and authority to the government” would require “an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life,”⁴ the Commission recommended that “there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.”⁵

Many of the Commission’s recommendations have been implemented by Congress and the executive branch, improving the government’s ability to detect and disrupt terrorist plots. In response to the Commission’s recommendation to create an oversight board, President George W. Bush created the President’s Board on Safeguarding Americans’ Civil Liberties in 2004. The President’s Board ceased to meet following the enactment later that year of the Intelligence Reform and Terrorism Prevention Act of 2004, which created a Privacy and Civil Liberties Oversight Board within the Executive Office of the President. Finally, in 2007, the Implementing Recommendations of the 9/11 Commission Act established the Board as an independent agency within the executive branch.

The Board is comprised of a full-time Chairman and four part-time Members, each appointed by the President, with the advice and consent of the Senate, to staggered six-year terms. The Board’s statute requires that Members come from different political parties and be selected “on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience.”⁶ At present, the Board has a quorum of three Senate-confirmed Members, one of whom serves as the full-time Chairman.

The Board’s mission is to ensure that the executive branch’s efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties. Specifically, the Board’s enabling statute, 42 U.S.C. § 2000ee, authorizes it to “analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties,” and to “ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation from terrorism.”

³ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* 393-394 (2004).

⁴ *Id.* at 394.

⁵ *Id.* at 395.

⁶ 42 U.S.C. § 2000ee(h)(2).



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These purposes encompass two core functions: providing advice and conducting oversight.

Under the Board's advice function, executive branch agencies can consult with the Board at an early stage in the development of legislation, policies, programs, guidelines, or regulations, to ensure that privacy and civil liberties protections are appropriately considered in their design.⁷

In its oversight role, the Board is charged with continually reviewing (1) regulations, policies, procedures, and practices within the Board's jurisdiction to ensure that privacy and civil liberties are protected, and (2) other actions within the Board's jurisdiction to ensure that those actions appropriately protect privacy and civil liberties and are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.⁸

The Board's statute makes transparency an inherent part of its mission. Specifically, the Board is required to inform the public about its work by holding public hearings, issuing public reports to the extent consistent with the protection of classified information and applicable law, providing semi-annual reports to the Congress, and appearing and testifying before Congress upon request.⁹

The Board also has designated roles under the following authorities:

- **Executive Order 13636**, Improving Critical Infrastructure Cybersecurity, issued in February 2013, calls upon multiple agencies to develop and implement a cybersecurity framework to minimize the risk of a cyberattack on critical infrastructure.¹⁰ Section 5 of the Executive Order requires the Department of Homeland Security to consult with the Board in preparing a report recommending ways to mitigate the privacy and civil liberties risks created by cybersecurity measures adopted under the order. The report must be reviewed on an annual basis and revised as necessary.
- **Presidential Policy Directive 28 (PPD-28)**, issued by President Barack Obama in 2014, articulates principles to guide why, whether, when, and how the United States conducts signals intelligence activities for authorized foreign intelligence and counterintelligence purposes.¹¹ In the directive, the President encourages the Board to provide him with an assessment of the implementation of any matters contained in the directive that fall within the Board's mandate.

⁷ *Id.* § 2000ee(d)(1).

⁸ *Id.* § 2000ee(d)(2). The Board is also charged with continually reviewing information-sharing practices within its jurisdiction.

⁹ *Id.* § 2000ee(d)(4), (f).

¹⁰ E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).

¹¹ PPD-28, Signals Intelligence Activities (Jan. 17, 2014).



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In December 2016, after conferring with representatives from all elements of the Intelligence Community (IC), the Board completed a classified report on PPD-28 and submitted it to the National Security Council. An unclassified version of that report was released to the public last year.

- **Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (“Section 803”)** requires certain executive branch departments, agencies, and elements to designate at least one senior official as a privacy and civil liberties officer (“P/CL officer”).¹² Each agency’s P/CL officer must issue semi-annual reports on the discharge of each of his or her functions under the statute.¹³ These Section 803 Reports are to be submitted to the head of the P/CL officer’s agency, designated congressional committees, and the Board.¹⁴ To the greatest extent possible, the reports must be in unclassified form and made available to the public.¹⁵

In June 2016, the Board released a set of recommendations to help federal agencies improve the reports they file under Section 803. Board staff have conducted ongoing engagement with agency P/CL offices as they implement the Board’s recommendations.

In addition to receiving and reviewing the P/CL officers’ semi-annual reports, the Board is directed by its enabling statute to make recommendations, when appropriate, to P/CL officers regarding their activities and to coordinate their activities on relevant interagency matters.¹⁶ Congress has also identified the Board as a source of recommendations for individuals to serve as amici curiae to the Foreign Intelligence Surveillance Court.¹⁷

Finally, two recent statutory changes effected by the FISA Amendments Reauthorization Act of 2017 have enhanced the Board’s capacity to operate as a freestanding federal agency. First, the Act empowers Board Members to exercise hiring authority in the absence of a Chairman; previously, the Board was unable to hire when the Chairman position was vacant. Second, the Act exempts the Board from the Government in the Sunshine Act, enabling Board Members to confer efficiently and flexibly while preserving the significant transparency requirements in the Board’s enabling statute. These legislative actions strengthen the Board’s institutional capacity and enable it to execute its mission in an efficient and transparent manner.

¹² Pub. L. No. 110-53 § 803 (2007), codified at 42 U.S.C. § 2000ee-1(a). The entities covered are the Office of the Director of National Intelligence, the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, and the Departments of Defense, Health and Human Services, Homeland Security, Justice, and Treasury.

¹³ *Id.* § 2000ee-1(f). Before its amendment in 2014, the statute required quarterly reports.

¹⁴ *Id.* § 2000ee-1(f)(1)(A).

¹⁵ *Id.* § 2000ee-1(f)(1)(B), (g)(1).

¹⁶ *Id.* § 2000ee(d)(3). In addition, the Board may designate new departments, agencies, or elements of the executive branch for coverage by the requirements of Section 803. *See id.* § 2000ee-1(a).

¹⁷ USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268, § 401(i)(1) (2015).



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Fiscal Year 2020 Budget Justification Summary

	FY 2016 Enacted ¹	FY 2017 Enacted	FY 2018 Enacted	FY 2019 (Requested)	FY 2020 (Requested)	FY 2019 FY 2020 (Delta %)
<i>(Dollars in Thousands)</i>						
Appropriation	\$ 21,297	\$ 10,100	\$ 8,000	\$ 5,000	\$ 8,500	170%
Carryover	\$ 4,943	\$ 9,672	\$ 9,000	\$ 7,900	\$ 2,100	-73%
Total Available	\$ 26,240	\$ 19,772	\$ 17,000	\$ 12,900	\$ 10,600	-18%
Positions	37	37	37	37	37	
Full Time Equivalents (FTE's)	35	35	35	35	35	

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Funding Highlights:

The Board’s FY 2020 Budget Request is for \$8.5 million, a \$3.5 million increase from the Board’s FY 2019 Enacted Level for necessary expenses. The FY 2020 Request supports the Board in achieving its mission with its recently restored quorum of Senate-confirmed members. As part of the Board’s FY 2020 Request, the agency anticipates that carryover funds will be spent down significantly during this fiscal year. These carryover funds are due in part to lower staffing levels resulting from the lack of hiring authority during the sub-quorum period and not having a full Board. Since regaining a Chairman and a quorum of Board Members, the Board has more than doubled its staffing level and is continuing to fill key positions. The Board anticipates having as many as 25 full time equivalent employees (“FTEs”) before the third quarter of FY2019.

Fiscal Year 2020 Justification for Resources and Anticipated Performance:

The Board’s FY 2020 Budget focuses on key capabilities and anticipated performance in the following areas:

- Providing effective and timely advice regarding the protection of privacy and civil liberties in the development and implementation of legislation, regulations, and policies related to efforts to protect the nation against terrorism.
- Conducting effective oversight of executive branch authorities, policies, and activities related to efforts to protect the nation against terrorism to ensure appropriate protection of privacy and civil liberties.

¹⁸ FY 2016 included a \$10.1 million non-recurring increase to fund the Board’s permanent physical relocation.



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- Offering insight on the effects of new and emerging technologies on the balance between government power and privacy and civil liberties.
- Promoting transparency regarding the Board's activities and issues within its jurisdiction, to the extent consistent with the protection of classified information and applicable law.
- Continuing to build and strengthen relationships with agency Civil Liberties and Privacy Officers and to coordinate the activities of those officers on relevant interagency matters.
- Continuing to strengthen the Board's institutional capacity. This includes a focus on hiring and retaining highly qualified staff; maintaining robust cybersecurity; exercising effective fiscal management to ensure that taxpayers dollars are spent wisely; and making efficient use of shared services provided supplied by other federal agencies.
- Implementation of the Board's FY 2019-2022 Strategic Plan.

Ongoing Accomplishments

Advice, Oversight, and Other Mission Activities

With a restored quorum and its first full-time Chairman since 2016, the PCLOB is again able to carry out the full panoply of responsibilities assigned by its statute. This section recounts the Board's activities since regaining its quorum in October 2018 and during the preceding sub-quorum period. During that period, despite the limitations imposed by the absence of a quorum and a full-time Chairman, the PCLOB continued to operate as an independent federal agency and carry forward its statutory mission:

Advice – The Board is actively engaged in providing advice to other executive branch agencies under its Advice Function. Since regaining its quorum, the Board has voted to accept three requests from other executive branch agencies for advice on matters within its jurisdiction. During the sub-quorum period, then Board Member Elisebeth Collins issued advice in her individual official capacity on two occasions.

Recent experience suggests that the Board's advice is trusted and valued by the IC. For example, the Board provided advice, or is currently providing advice, on every significant revision or re-issuance by an IC element of its Attorney-General-approved guidelines governing the handling of U.S.-person information collected under Executive Order 12333. The Board also provided advice on the first-ever procedures governing the dissemination of raw signals intelligence by the NSA. Those procedures were issued by the Director of National Intelligence, in coordination with the Secretary of Defense, on January 3, 2017.

Oversight – The Board has a number of ongoing oversight projects related to efforts to protect the nation against terrorism. Before losing its quorum in early 2017, the previous Members of the Board approved a series oversight projects and issued two classified reports: one



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related to an activity conducted by the Central Intelligence Agency pursuant to Executive Order 12333, the other issued on the executive branch's implementation of PPD-28, issued by President Obama in 2014.

During the sub-quorum period, Board staff continued to work on all previously approved oversight projects, including the Board's examination of certain activities within the Board's jurisdiction conducted pursuant to Executive Order 12333. After working with the IC to shepherd the report through the classification-review process, an unclassified version of the PPD-28 report was released to the public in October 2018. The report assesses the implementation of PPD-28 as it relates to counterterrorism efforts and the protection of privacy and civil liberties and is available on the Board's website at <https://www.pclob.gov/reports/report-PPD28/>.

Having regained its quorum, the Board is reviewing the work conducted on all previously approved oversight projects and will bring each project to an appropriate conclusion, issuing any reports publicly to the greatest extent consistent with the protection of classified information.

Transparency – Transparency is part of the Board's statutory mission. Specifically, the Board is required to inform the public about its work by holding public hearings, issuing public reports to the extent consistent with the protection of classified information and applicable law, providing semi-annual reports to the Congress, and appearing and testifying before Congress upon request.¹⁹

Soon after the three new Board Members were confirmed, the Board issued its first Semi-Annual Report in nearly two years and announced that it would hold a public forum to inform the Board as it considers its oversight agenda for 2019 and beyond. At this event, the Board received input from governmental and non-governmental experts that will prove valuable as it formulates its oversight agenda for the coming year. Members of the public also had an opportunity to pose questions and provide comments.

Operational Support

The Board continues to work to strengthen its institutional capacity and is committed to ensuring that tax dollars are spent as wisely as possible. Operational support includes the development and implementation of the agency's management procedures and policies; further strengthening internal financial controls; maintaining robust and secure information technology (IT) systems; and compliance with requirements instituted by Congress and the executive branch.

More specifically, among the Board's FY 2019 operational support accomplishments are:

Completion of the Board's Compulsory Relocation – The Board was required to move to a new location after the Board's initial space, located at 2100 K Street NW in Washington, DC

¹⁹ § 2000ee(d)(4), (f).



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was demolished in late 2016.²⁰ The Board subsequently moved to interim office space in College Park, Maryland, until a permanent location could be identified.

In April 2017, working with GSA and the IC, the Board finalized the lease procurement process. GSA signed a lease on behalf of the Board for office space located at 800 N. Capitol Street, NW, Washington, DC. This lease was secured through the GSA procurement process and was awarded based on the lowest cost to the government.

The agency completed the move under budget. This lease represents the Board's first ever permanent office location in Washington, DC.

The duration of the Board's lease is ten years with a five-year renewal option. The Board occupies the space rent-free for the first year, which contributed significantly to the agency's lower FY 2019 Request. The Board will begin paying its annual rent of approximately \$1 million in the third quarter of FY 2019.

Financial Controls and Contracting – The Board is committed to establishing and maintaining robust, professional internal financial controls. In FY 2019, the Board instituted internal controls based on established federal financial standards issued by the GSA, OMB, and other relevant agencies. These include a Financial Resource Management Manual, Funds Control Guidelines, a Charge Card Manual, an Internal Controls Framework Manual, and a Senior Assessment Team Charter.

These five documents establish the control activities (policies and procedures) that are necessary for an effective financial management and internal controls program.

In addition, the Board developed and provided Waste, Fraud, and Abuse Risk Management training to Board employees.

As part of its efforts to ensure robust fiscal management and responsible stewardship of taxpayer resources, the Board awarded a contract for its first financial audit in June 2018. Work on the audit began shortly thereafter. The initial audit extended through March 1, 2019, when the PCLOB received its first financial audit report, which was a disclaimer opinion. The auditors found no waste, fraud, or abuse, but had twenty-eight technical recommendations that the PCLOB will work to implement. The Board will also continue to develop its financial and internal controls.

The Board views the financial audit as the first step in a process of continual evaluation and improvement, with the aim of achieving the highest attainable standards of federal fiscal management. To help achieve this objective, the Board has hired its first full-time Internal Controls Officer and has initiated the process to procure a full-time contractor to provide accounting support.

²⁰ PCLOB's FY 2016 Enacted Budget Level included a \$10.1 million non-recurring increase to fund the Board's compulsory permanent physical relocation.



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The Board's next audit will be March 1, 2020, with subsequent audits to occur on a November schedule.

IT Systems – The Board's information technology staff remains focused on strengthening the agency's cybersecurity posture while relocating the Board's IT infrastructure to its new permanent office space. To that end, the Board's staff undertook the following additional activities to enhance the agency's cybersecurity posture:

- Enhancing the agency's boundary protection by implementing Managed Trusted Internet Protocol Service ("MTIPS").
- Completing the first agency Federal Information Security Modernization Act ("FISMA") Independent Audit of NIST 800-53 controls to identify weaknesses and enhance security posture.
- Implementing the DHS continuous Diagnostics and Mitigation ("CDM") platform to identify cybersecurity risks and prioritize remediation based on potential impacts.
- Enhancing the agency's cybersecurity posture.

Additional IT Systems accomplishments include:

- Continuing to refine the Virtual Desktop Infrastructure ("VDI") to provide secure remote access capability that ensures a Continuity of Operations throughout the agency.
- Implementing DHS BOD 18-01 *Enhance Email and Web Security* mitigation solutions to make unauthorized email easier to detect and to protect against website impersonation and phishing attempts.
- Upgrading the PCLOB Mobile Device Management platform to increase secure remote capabilities.

Protecting Classified and Sensitive Information – The Board is committed to ensuring the security of the information with which it is entrusted. In accordance with Executive Order 13587, which requires federal agencies that operate or access classified computer networks to establish an insider threat program, the Board has drafted an Insider Threat Implementation Plan, Insider Threat Policy, and Insider Threat Awareness Training.

In recognition of these efforts, the National Insider Threat Task Force highlighted the Board as an example of an agency able to meet the standards established by EO 13587, despite not having a counterintelligence mission. The Board has also drafted and begun implementing a policy on protecting Controlled Unclassified Information.

The Board aims to leverage the expertise of larger agencies to ensure a vigilant security posture attuned to the latest threats. In 2018, the Board sought and received approval from the Department of Defense to be recognized as a National Industrial Security Program agency, enabling the Board to directly hire cleared contractors. The Board's Chief Security Officer also participates in various IC working groups, enabling the Board, despite its relatively small size, to maintain awareness of security trends identified by larger agencies.



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Operational Support FY 2020 Anticipated Performance

With its quorum restored, the Board anticipates the following accomplishments in Fiscal Year 2020:

Workforce – The Board has continued to pursue a workforce equipped with the skills required to achieve its mission, despite facing significant organizational challenges during the sub-quorum period. Following the resignation of its previous Chairman on July 1, 2016, the Board was not authorized to hire new staff members, though it was able to accept details from other federal agencies. During the ensuing sub-quorum period, the Board’s workforce experienced significant attrition.²¹

Since the confirmation of a full-time Chairman by the Senate in October 2018, the Board has moved rapidly to add highly qualified staff members to enable it to fully execute its statutory mission. At the time of this FY 2020 Congressional Budget Justification submission, the agency anticipates having 25 FTEs by the third quarter of FY 2019. Fully staffed, the agency would comprise 37 FTEs.

The Board anticipates filling a significant number of these vacant positions by the beginning of FY 2020. The Board seeks to ensure that its staff encompasses a broad range of professional backgrounds, including experience in intelligence, counterterrorism, privacy and civil liberties, oversight and investigations, and technology.

The Board’s FY 2020 workforce Anticipated Performance Objectives include:

- Continuing to encourage and facilitate staff participation in external training programs to ensure the ongoing professional development of the PCLOB’s workforce.
- Maintaining human-resource practices, policies, guidance, and workforce plans that inspire and motivate employees and support mission success.
- Sustaining a positive and professional workplace environment.

Nominations – In August 2018, the President nominated two more individuals to serve on the Board. These nominations were returned to the President at the conclusion of the 115th Congress. On January 16, 2019, the President re-nominated these individuals. If confirmed, these nominees would provide the Board with a full complement of five members for the first time since July 1, 2016. The Board looks forward to working with the President and Senate on the consideration of these nominees, and of current Board Members as their present terms expire.

²¹ The FISA Amendments Reauthorization Act of 2017, passed by Congress in January 2018, empowered the remaining Board Members to exercise the Chairman’s hiring authority in the absence of a Chairman. *See* 42 U.S.C. § 2000ee(j)(2). During the sub-quorum period, Board Member Collins used this authority to hire two staff members to perform operations-support functions.



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Internal Policies – Professional, effective internal management is the foundation of the Board’s ability to operate as a freestanding federal agency. During FY 2020, the Board plans to continue its efforts to refine its internal policies and procedures.

Financial Controls and Contracting – The Board will continue to strengthen the agency’s financial management capabilities and ensure responsible stewardship of taxpayer funds. Specifically, the Board will focus on:

- Regular financial audits, using results to further refine internal controls and accounting practices;
- Retaining a full-time internal controls officer and accounting support to administer the Board’s financial controls;
- Continue to conduct agency-wide planning that is linked and responsive to the budget process.

Shared Service Providers – The PCLOB’s small size requires it to use shared-service providers within the federal government for procurement, human resources, financial management, and other critical functions.

The Board plans to review the agency’s shared-service arrangements to ensure that each delivers excellent performance, responsiveness, and value for taxpayer dollars.

Protecting Classified and Sensitive Information – The Board will remain focused on the protection of classified information to achieve the highest standards of security for the Board’s cleared personnel, physical space, and classified systems. This includes continuing the implementation of Insider Threat and Controlled Unclassified Information programs to maintain the agency’s robust self-inspection program, which ensures appropriate derivative classification.

The Board plans to further strengthen its cybersecurity by:

- Leveraging the Board’s recently concluded FISMA audit to further refine cybersecurity practices, policies, and documentation, and conduct annual FISMA audits in FY 2020 and beyond.
- Continuing to implement the Cybersecurity Cross-Agency Priorities, including continuous monitoring, anti-phishing defenses, and malware defenses.
- Regularly training staff on cybersecurity, counterintelligence, and physical security threats.
- Collaborating with federal partners on cybersecurity solutions, threat indicators, and best practices.



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Board Interactions with the Intelligence Community, Congress, and the Public

The Board is committed to ensuring that its work is available and useful to the public. The Board’s enabling statute requires the Board, where consistent with the protection of classified information, to “make its reports, including its reports to Congress, available to the public,” and to “hold public hearings and otherwise inform the public of its activities.”²² The Board intends to hold regular public events at which it will hear from outside experts on issues relevant to the Board’s mission. These channels and other forms of public engagement will enable the Board to provide as much information as possible about its performance of its statutory oversight and advice functions.

In its oversight reports and advice projects, the Board will also encourage other executive branch agencies to take appropriate and responsible measures to increase transparency and better inform the public about relevant authorities and activities.

The Board also looks forward to continuing its tradition of constructive interaction with Congress and will work to ensure that its work and expertise is useful to the legislative branch as it exercises its lawmaking and oversight functions. The Board will employ both formal and informal mechanisms to keep Congress fully and currently informed about its work.

Board Members have testified before Congress in the past on matters within the Board’s expertise and stand ready to do so in the future. In addition, Board Members and staff will continue to meet periodically with members of Congress and congressional staff to update them on the Board’s work and receive input on the Board’s activities and agenda.

Board Members will also seek opportunities to engage directly with the American public and outside stakeholders to receive input from a diversity of viewpoints. To foster a better understanding of its mission and work, Board Members and staff plan to continue the past practice of speaking at events hosted by other government agencies, as well as by a variety of groups and organizations, including bar associations, business organizations, educational institutions, and non-governmental organizations. Board Members also look forward to meeting with representatives of non-governmental organizations, the private sector, and other entities with an interest in issues within the Board’s jurisdiction. Going forward, the Board plans to develop effective approaches for receiving input from members of the public and outside experts.

Finally, the Board will identify appropriate opportunities for international engagement. Two Board Members participated in the U.S. delegation to the second Annual Review under the U.S.-E.U. Privacy Shield agreement in October 2018. While Board Members look forward to continuing to participate in the Privacy Shield process, the Board also hopes to engage with counterparts undertaking comparable oversight of national-security authorities. This will enable a mutually informative discussion of challenges facing oversight entities, variation between legal systems and oversight structures, and best practices.

²² 42 U.S.C. § 2000ee(f)(2).



(UNCLASSIFIED)

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

FY 2020 BUDGET EXHIBIT

FY 2020 Budget Request by Object Class		
<i>(Dollars in Thousands)</i>		
Object Class		FY 2020 Request
<i>Personnel Services</i>		
11.1	Full-Time Permanent	\$ 3,909
11.3	Other than Full-Time Permanent	\$ 268
11.5	Other Personnel Compensation	\$ 181
12.1	Civilian Personnel Benefits	\$ 1,235
<i>Non-Personnel Services</i>		
21.0	Travel and Transportation of Persons	\$ 60
23.1	Rental Payments to GSA	\$ 722
23.3	Communications, Utilities, and Misc. Charges	\$ 1,130
24.0	Printing and Reproduction	\$ 16
25.1	Advisory and Assistance Services	\$ 12
25.2	Other Services from Non-Federal Sources	\$ 332
25.3	Other Goods and Services from Federal Source	\$ 541
26.0	Supplies and Materials	\$ 94
Total		\$ 8,500

²³ Listed expenses are reduced by 10.868 percent to reflect the \$8.5 million request from the Board. To make up the difference, the Board will use carryover funds.