



PRESS RELEASE

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For Immediate Release

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD RELEASES REPORT ON SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

WASHINGTON, DC – The Privacy and Civil Liberties Oversight Board (PCLOB) on Thursday released its *2023 Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act* (“2023 PCLOB Report”). Section 702 authorizes the government to target non-U.S. persons located outside the United States in order to collect foreign intelligence information. Section 702 is set to expire at the end of 2023 unless Congress reauthorizes the law.

The 2023 PCLOB Report, which updates the PCLOB’s comprehensive 2014 report on Section 702, includes a history of the program, an extensive review and explanation of the program’s operations and oversight, policy analysis, and 19 recommendations – seven for action by Congress and 12 for the Intelligence Community (IC). The Board unanimously agreed that Section 702 is highly valuable, that significant reforms should be made to the program, and that the privacy and civil liberties risks posed by Section 702 can be reduced while preserving the program’s value in protecting America’s national security.

Chair Sharon Bradford Franklin, Member Ed Felten and Member Travis LeBlanc approved the full report.

The Board’s recommendations to Congress urge, among other things, that Congress should codify the prohibition against “abouts” collection except in certain exigent circumstances, should require approval by the Foreign Intelligence Surveillance Court (FISC) of U.S. person queries, and that Congress should require the National Security Agency (NSA) to perform and publish an assessment of proposed methodologies for estimating the scope of incidental collection of U.S. person information. The Board’s recommendations to the IC include measures to improve privacy and civil liberties safeguards for upstream collection, batch queries, and compliance and auditing processes.

Chair Franklin issued a separate statement pertaining to the recommendation on FISC approval of U.S. person query terms.

Board Members Beth A. Williams and Richard E. DiZinno issued a separate statement detailing their opposition and making seven alternative recommendations, which include significant structural and procedural reform at the Federal Bureau of Investigation (FBI), and measures to guard against the potential weaponization and misuse of the program for improper purpose.

“The Section 702 program plays a critical role in protecting our security, but it also presents significant threats to our privacy and civil liberties,” Chair Franklin said. “The Board has offered a series of recommendations to address these threats, and I hope that this report will be a helpful resource to Congress as it debates reauthorization of Section 702 and works to develop meaningful reforms.”

“Although Section 702 is touted as a foreign intelligence tool, it is apparent that a key feature is domestic intelligence and criminal law enforcement,” Board Member LeBlanc added. “Such a program warrants court approval of individual U.S. person queries, which would reduce compliance errors, promote accountability, and build public trust in a surveillance program long beleaguered by a wide range of privacy and civil liberties threats.”

“The Board’s recommendations will help a great deal in further protecting privacy and civil liberties, while preserving the core value of Section 702 in protecting Americans,” Board Member Felten said.

“We strongly disagree with the majority of the Board, which has not focused on the actual risks at hand,” Board Members Williams and DiZinno stressed. “Nevertheless, the Section 702 program is so valuable that not one Member of this Board believes Congress should allow it to lapse.”

The full report is available at www.pcllob.gov

For further information, please contact Public and Legislative Affairs Officer Alan Silverleib at pao@pcllob.gov

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The Privacy and Civil Liberties Oversight Board is an independent agency within the Executive Branch established by the Implementing Recommendations of the 9/11 Commission Act of 2007. The Board’s mission is to ensure that the federal government’s efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties. The Board’s current Members are Sharon Bradford Franklin, Chair, Edward W. Felten, Travis LeBlanc, Beth A. Williams, and Richard E. DiZinno.