



**BOARD MEMBER BETH A. WILLIAMS STATE OF THE NET KEYNOTE
FEBRUARY 11, 2025**

Good morning. Thank you very much for inviting me to be with you at State of the Net 2025. I am here today to talk about the Privacy and Civil Liberties Oversight Board, our current projects, and our role moving forward. The Board is also known as “PCLOB,” in what is widely-understood to be one of the worst shortened names in Washington. And that is a feat.

For those of you who are unfamiliar with our agency, PCLOB was established by the September 11 Commission Act of 2007. Our mission is to ensure that the federal government’s efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties.

I recognize there is a lot of recent interest in PCLOB. My message to you today is a simple one: we are open for business. Our work conducting important oversight of the Intelligence Community has not ended just because we are currently sub-quorum.

In fact, the Board has been sub-quorum several times before, most recently from 2021-2022. Even then, our Staff continued its important work. As recently as three years ago, the Staff produced recommendations regarding CIA activity conducted pursuant to Executive Order 12333, under what the Board called “Deep Dive 2.” You are welcome to review these Staff Recommendations on our website.

This time, however, we are in a stronger position than ever before to continue our mission work during a sub-quorum period. That is largely because we have a new policy. This past October, the quorate Board adopted a new governing policy to ensure that our operations could continue *more fully* than they could have before, if the Board went sub-quorum. That policy provides quite a bit of flexibility within the bounds of our enabling statute. It provides for significant and substantive work to continue to move forward the analysis and reports produced by our professional staff. And it provides for that work to be publicly released as long as one Member remains.

PCLOB members have always relied on a professional staff of lawyers, policy analysts, and technologists -- most with backgrounds in national security, privacy, and civil liberties. Their work continues -- as we speak -- on the many projects that the Board voted to open while it had a quorum. Among those is review of the Intelligence Community’s implementation of Executive Order 14086, which I know is of particular interest to many of you and to our partners in Europe. Under the sub-quorum policy I just mentioned, with my approval, the agency may publish Staff Reports with recommendations to the Intelligence Community on open projects. Those reports can also be made public and provided to Congress.

Our new sub-quorum policy also makes it clear that I may direct substantial work in my individual Member capacity. Under my authority, the agency may request documents from Executive Branch departments, perform interviews and take statements from government officials and non-governmental advocates and experts, receive briefings from them, and obtain public testimony from them. I can also, in my individual official capacity, issue reports and white papers, advise the President and officers of the Executive Branch, and brief members of Congress and their staffs, as well as testify before Congress.

It is true, of course, that without at least three members, the Board cannot act at its fullest capacity. Among other things, until I am joined by two more members, the Board cannot officially open new projects. But that does not mean we cannot lay the groundwork for them.

Let me turn now to highlight a few of our current projects, and talk a bit about what I hope our future projects will be.

EO 14086

Of particular note to this audience, as I mentioned, the PCLOB staff will continue diligently working on the Board-approved oversight project on Enhancing Safeguards for United States Signals Intelligence Activities, as established by Executive Order 14086. This is in conjunction with what's known as the EU-U.S. Trans-Atlantic Data Privacy Framework.

But before I describe what we will do, let me review for you what the Board has already done:

- As requested by the Executive Order, the Board provided advice to the Attorney General on the selection of members of the Data Privacy Review Court.
- The Board also reviewed and provided advice on the Intelligence agencies' Attorney General Guidelines as updated to implement the privacy and civil liberties safeguards in the Executive Order.
- This past July, the Board fully participated in the first joint U.S.-EU review of the Trans-Atlantic Data Privacy Framework.

Now, the PCLOB has two further duties that we agreed to assume pursuant to the Executive Order: *First*, we will review the implementation of the updated policies and procedures that the intelligence agencies adopted pursuant to EO 14086. Our review will ensure that those policies are consistent with the enhanced safeguards contained in the Executive Order. *Second*, we will review the redress process established by the Executive Order.

The Board voted to open a project covering both those tasks last fall, and the staff has been working diligently since then. Our team is coordinating with the Office of the Director of National Intelligence and the administrators of the Data Privacy Review Court. As of last week, eight Intelligence Community agencies have provided us with hundreds of pages of material describing implementation of the Executive Order. These include, among other items, training materials for

Intelligence Community employees so that they may comply with the Executive Order's added safeguards.

Domestic Terrorism

Next, I'll turn to Domestic Terrorism, which is another key investigation that the Board approved and that our team continues to pursue. Our Domestic Terrorism work is proceeding along two lines of effort— *first*, how do the government's counter-disinformation efforts impact the free speech of American citizens? And, second, do the Government's efforts to counter domestic terrorism uniquely affect the privacy and civil liberties of particular groups? For that second question, we are especially looking at whether those impacts may be disproportionate to any actual threat. The staff have made progress on this investigation since it was opened some time ago.

I have spoken about the importance of this project in my individual official capacity. Specifically, I am committed to moving forward rapidly in our current investigation into the government's efforts to counter speech it labels mis-, dis-, and mal-information. We have already seen substantial evidence that the Government pressured social media and other companies to censor Americans' free speech in the name of combating domestic terrorism. Tying disfavored speech to counter-terrorism paves the way for censorship under the guise of national security.

I have been advocating for this oversight project for years. In 2022, I requested that the then-Secretary of Homeland Security, Alejandro Mayorkas, turn over detailed information about his Disinformation Governance Board (DGB) and other DHS efforts to limit speech it labeled "dis-, mis-, and mal-information." *A year later* I got a response from DHS justifying its work and providing no more information than had already been pried out by Congress and the public embarrassment over the DGB. I am hopeful that our renewed efforts with the current Administration will yield more transparency. And I hope that we will be able to recommend safeguards to prevent improper government coercion to suppress speech in the future.

Facial Recognition in Aviation Security

Another of our open projects is examining facial recognition in aviation security. The Board has been working for years on this important topic, to consider both the operational benefits, as well as privacy and civil liberty concerns, with the use of facial recognition at airports. These new technologies have now become almost ubiquitous. I know this is a key area of interest for many in Congress, as well as the flying public. We are moving forward expeditiously with this report.

Section 702

Finally, the last project I will highlight is the update to our 2023 Report concerning Section 702 of the Foreign Intelligence Surveillance Act (or FISA). As you may be aware, the Board published a detailed, 300-page report on Section 702 in the fall of 2023.

Those familiar with our work may know that my former colleague, Member Richard DiZinno, and I wrote an extensive Separate Statement that functioned largely as a minority report. In our Separate Statement, we were highly critical of the FBI. We specifically called out the troubling FISA abuses that predicated the national security investigation related to the 2016 Presidential transition. While many of the most egregious violations did not involve Section 702, Member DiZinno and I heavily criticized the FBI's failure to follow its own rules with regard to that

program. We recommended major structural and cultural reforms to the FBI. We also recommended additional safeguards to prevent future abuses of the program.

Specifically, we issued several recommendations to guard against potential political weaponization and misuse of the Section 702 program going forward. Our goal was to maximally protect privacy and civil liberties, while maintaining the crucial national security value of the program. I was glad to see that Congress adopted many of our recommendations.

Section 702 is again up for reauthorization next spring. In anticipation of that, the past Board opened a new project on Section 702 to focus on recent changes to the program and evaluate the effects of both the reforms the Intelligence Community voluntarily adopted, and those that Congress mandated. We will be working on this in the sub-quorum period, and I hope that we can issue the update either as a Staff Report, or hopefully, as a Board report when a new quorum is confirmed.

New Projects

Finally, there are a number of other timely issues that I believe the Board should investigate, such as the “de-banking” of people alleged to present terrorism threats. As many of you have likely heard, there are worrisome allegations that the Government may have used its counter-terrorism authorities to pressure financial institutions into cutting off disfavored customers. People are concerned about these stories. This is exactly the type of investigation the Board can and should undertake.

Another potential area of inquiry is the breadth of government access to databases of U.S. persons’ financial data. Of particular note is the Consolidated Audit Trail established by the Securities and Exchange Commission. This program monitors in real time the identity, transactions, and investment portfolio of everyone who invests in the stock market. Government surveillance of Americans’ financial activities – especially in the name of counter-terrorism – is ripe for oversight.

I know that Congress is looking at both of these issues now. And I look forward to investigating such projects either in my individual official capacity, or formally following the appointment of new Members of the Board.

I’d like to close by talking for a minute about what it means to serve on the Board. Oversight of intelligence programs means calling out problems where you see them, not putting a thumb on the scale, either for or against the Intelligence Community. Most importantly it means having an open mind. It means coming into an investigation with analytic rigor and basing conclusions on the evidence presented. It means targeting solutions to real problems. That’s the kind of oversight I’m committed to. It’s the kind of oversight I have demonstrated in my past work, and is what I will continue to do as the PCLOB goes forward.

Of course, I am only one person. But the Board has been led in similar circumstances before. In 2017 and 2018, one Republican led the Board. In 2021 and 2022, two Democrats were the only Members. One of my former Board colleagues, who is speaking at this conference later today,

was one of those two Democrats. Just last week he said, “Americans should not be fooled into thinking that board members have partisan agendas.” Just because there is only one Member now does not mean our work stops, or ceases to be meaningful. With the aid of our excellent staff, the agency can continue our important advice and oversight projects until new Members join us. And, now, with our new sub-quorum policy, it can do so with greater ability than ever before.

I hope I’ve provided you all with an explanation of how the PCLOB is continuing to contribute to independent oversight of the U.S. Intelligence Community. We are open for business, we are moving forward, and our team is fully engaged. We are full-steam ahead.

Thank you.