



US **PRIVACY AND  
CIVIL LIBERTIES**  
OVERSIGHT BOARD

# Congressional Budget Justification

## Fiscal Year 2024

# Privacy and Civil Liberties Oversight Board

## Congressional Budget Justification

### FY 2024

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD  
800 N. CAPITOL STREET, NW  
WASHINGTON, DC 20002

This report is available at [www.pclob.gov](http://www.pclob.gov).  
Send comments or questions to [info@pclob.gov](mailto:info@pclob.gov) or to the mailing address above.

## **TABLE OF CONTENTS**

PROPOSED FISCAL YEAR 2024 APPROPRIATIONS LANGUAGE .....	1
EXECUTIVE SUMMARY.....	2
VISION, MISSION, AND VALUES.....	4
BOARD HISTORY AND AUTHORITIES .....	5
FISCAL YEAR 2024 BUDGET JUSTIFICATION SUMMARY.....	8
FUNDING HIGHLIGHTS .....	8
FISCAL YEAR 2024 JUSTIFICATION FOR RESOURCES AND ANTICIPATED PERFORMANCE.....	10
ACCOMPLISHMENTS AND ONGOING ACTIVITIES .....	11
FISCAL YEAR 2024 BUDGET EXHIBIT .....	18



## **PROPOSED FISCAL YEAR 2024 APPROPRIATIONS LANGUAGE**

“For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), \$14,385,000, to remain available until September 30, 2025 (*Financial Services and General Government Appropriations Act, The Consolidated Appropriations Act*).”



## EXECUTIVE SUMMARY

The Privacy and Civil Liberties Oversight Board (PCLOB) requests \$14.4 million for its Fiscal Year (FY) 2024 Budget Request. The FY 2024 Budget Request, which includes an increase of \$2.1 million (or 17%) over the FY 2023 enacted appropriation (\$10.6 million appropriation request plus \$1.7 million carryover), would allow the PCLOB to continue building upon its significant mission-related and operational accomplishments by increasing the total number of full-time employees and bringing staff salary levels up, both in anticipation of the FY 2024 federal pay raise as well as in an effort to attract and retain talented employees.

The PCLOB is an independent agency within the executive branch, established in its current form by the Implementing Recommendations of the 9/11 Commission Act of 2007,<sup>1</sup> with a mission to ensure that the federal government's efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties. The agency is headed by a bipartisan, five-Member Board, whose Members are selected based on their expertise in counterterrorism, intelligence, privacy, civil liberties, and technology. The PCLOB conducts oversight and provides advice regarding executive branch regulations, policies, procedures, and activities related to efforts to protect the nation from terrorism.

The PCLOB has continued to work on several active items and issues including:

- Oversight of FBI's queries under Section 702 of the Foreign Intelligence Surveillance Act (FISA) and a broader review of the Section 702 Surveillance Program;
- An examination of the use of facial recognition in aviation security;
- Development of a report on government efforts to address foreign racially motivated violent extremist organizations;
- Oversight of the government's actions to combat domestic terrorism;
- A review of the Terrorist Watchlist;
- Oversight of the FBI's use of open-source information;
- A review of the National Counterterrorism Center's operations under Executive Order 12333;
- An artificial intelligence and machine learning working group; and
- An emerging technologies workstream.

---

<sup>1</sup> Pub. L. No. 110-53, § 801 (2007), codified at 42 U.S.C. § 2000ee.



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Following a sub-quorum period at the end of FY 2021, a new quorum of Board Members was re-established in February 2022 upon the Senate confirmations of Chair Sharon Bradford Franklin and Member Beth A. Williams. Since reaching quorum, the PCLOB has been fulfilling its mission through a vigorous agenda, advancing several projects and issuing numerous required legal and compliance reports. The PCLOB is also in the process of strengthening its workforce through the recruiting and hiring of new staff, with plans to reach 90 percent of its full staffing level prior to FY 2024.

In light of the ongoing COVID-19 pandemic, the PCLOB has continued to fulfill its oversight and advice functions while ensuring the health and safety of Board Members and staff, as well as the many stakeholders and government officials that have ongoing interactions with the PCLOB. The PCLOB continuously monitors CDC guidance and OMB directives regarding occupancy, masks, social distancing, and other relevant guidance. In response, it has implemented rigorous health and safety protocols so that Board Members and staff may continue to access the agency's Sensitive Compartmented Information Facility (SCIF) for work on classified matters.

### **CURRENT MEMBERS OF THE BOARD**

Chair Sharon Bradford Franklin, confirmed to a term ending January 29, 2024.

Board Member Edward W. Felten, confirmed to a term ending January 29, 2025.

Board Member Beth A. Williams, confirmed to a term ending January 29, 2026.

Board Member Travis LeBlanc, confirmed to a term ending January 29, 2028.

Board Member Richard DiZinno, confirmed to a term ending January 29, 2023<sup>2</sup>.

---

<sup>2</sup> Continuing a one-year extension pursuant to Section 6801 of Public Law No. 117-263.



## VISION, MISSION, AND VALUES

### VISION

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

### MISSION

The PCLOB 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

Four key values guide the PCLOB's work:

**Integrity** – As an agency whose power lies in its persuasiveness, the PCLOB strives to preserve its reputation for independence, integrity, and credibility. The PCLOB approaches its activities with objectivity and good faith. The PCLOB 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 PCLOB aims to foster understanding of the impact of efforts to protect the nation from terrorism on privacy and civil liberties. In addition, the PCLOB conducts its own activities responsibly and transparently to foster confidence in its management of authorities, resources, and information. The PCLOB 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 PCLOB strives for the highest standard of quality in its analysis and recommendations. When examining government programs, the PCLOB takes care to understand those efforts in all their complexity. In assessing whether such efforts are consistent with the law and appropriately protect privacy and civil liberties, the PCLOB 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 PCLOB seeks to fully consider the foreseeable impact of its recommendations.

**Equity** – The PCLOB is also committed to helping to ensure that all persons are treated equally under the law, both as a component of protecting privacy and civil liberties, and in its own internal operations. Safeguarding privacy and individual liberties also involves treating people equitably, and with dignity and respect. In addition, the PCLOB endeavors to develop and implement internal policies and practices for its workforce that promote diversity, equity, inclusion, and accessibility.



## BOARD HISTORY AND AUTHORITIES

The PCLOB was created on the recommendation of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). Through the Intelligence Reform and Terrorism Prevention Act of 2004, Congress created a Privacy and Civil Liberties Oversight Board within the Executive Office of the President.<sup>3</sup> In 2007, through the Implementing Recommendations of the 9/11 Commission Act, Congress established the PCLOB in its current form as an independent agency within the executive branch.

The Board is comprised of a full-time Chair and four part-time Members, each appointed by the President, with the advice and consent of the Senate, to staggered six-year terms. The PCLOB'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."<sup>4</sup> At present, the Board has a quorum of Members.

The PCLOB's mission is to ensure that the executive branch's efforts to protect the nation from terrorism are balanced with the need to protect privacy and civil liberties. Specifically, the PCLOB'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."

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

Under the PCLOB's advice function, executive branch agencies can consult with the PCLOB 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.<sup>5</sup>

---

<sup>3</sup> Pub. L. No. 108-458, § 1061 (2004).

<sup>4</sup> 42 U.S.C. § 2000ee(h)(2).

<sup>5</sup> *Id.* § 2000ee(d)(1).





## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

In its oversight role, the PCLOB is charged with continually reviewing (1) regulations, policies, procedures, and practices within the PCLOB's jurisdiction to ensure that privacy and civil liberties are protected; and (2) other actions within the PCLOB'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.<sup>6</sup>

The PCLOB's statute makes transparency an inherent part of its mission. Specifically, the PCLOB 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.<sup>7</sup>

The PCLOB has additional functions, such as making recommendations, when appropriate, to other agency's privacy and civil liberties officers regarding their activities and to coordinate their activities on relevant interagency matters.<sup>8</sup> Congress has also identified the PCLOB as a source of recommendations for individuals to serve as amici curiae to the Foreign Intelligence Surveillance Court.<sup>9</sup>

The PCLOB 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.<sup>10</sup> Section 5 of the Executive Order requires the Department of Homeland Security (DHS) to consult with the PCLOB in preparing a report recommending ways to mitigate the privacy and civil liberties risks created by cybersecurity measures adopted under the order. That report must be reviewed on an annual basis and revised, as necessary.

---

<sup>6</sup> *Id.* § 2000ee(d)(2). The Board is also charged with continually reviewing information-sharing practices within its jurisdiction.

<sup>7</sup> *Id.* § 2000ee(d)(4), (f).

<sup>8</sup> *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).

<sup>9</sup> USA FREEDOM Act of 2015, Pub. L. No. 114-23, § 401(i)(1) (2015).

<sup>10</sup> Executive Order 13636, *Improving Critical Infrastructure Cybersecurity* (Feb. 12, 2013).



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

- **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).<sup>11</sup> Each agency's P/CL officer must issue semi-annual reports on the discharge of each of his or her functions under the statute.<sup>12</sup> These Section 803 Reports are to be submitted to the head of the P/CL officer's agency, designated congressional committees, and the PCLOB.<sup>13</sup> These reports must be in unclassified form publicly available to the greatest extent possible.<sup>14</sup>
- **Executive Order 14086, *Enhancing Safeguards for United States Signals Intelligence Activities***: The administration issued this Executive Order in October 2022 to provide enhanced protection for privacy and civil liberties in signals intelligence as part of the new Data Privacy Framework to promote data transfers between the European Union (EU) and the United States. The Executive Order encourages PCLOB to take on the roles of reviewing updated policies and procedures being developed by intelligence agencies as well as conducting annual reviews of the new redress process. PCLOB has announced that it will accept the advice and oversight roles envisioned for the agency in the order. The Executive Order requires that intelligence agencies must consider and implement or otherwise address any recommendations made by the PCLOB as part of this review.

---

<sup>11</sup> Pub. L. No. 110-53, § 803 (2007), amended by Pub. L. No. 115-118, § 109 (2018), 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, State and Treasury.

<sup>12</sup> 42 U.S.C. § 2000ee-1(f). Before its amendment in 2014, the statute required quarterly reports.

<sup>13</sup> *Id.* § 2000ee-1(f)(1)(A).

<sup>14</sup> *Id.* § 2000ee-1(f)(1)(B), (g)(1).



### FISCAL YEAR 2024 BUDGET JUSTIFICATION SUMMARY

	FY 2020 Enacted	FY 2021 Enacted	FY 2022 Enacted	FY 2023 Enacted	FY24 (Requested)	FY22/FY23 (Delta %)
<i>(Dollars in Millions)</i>						
Appropriation	\$ 8.2	\$ 8.5	\$ 9.8	\$ 10.6	\$ 14.4	35.8%
Carryover	\$ 4.9	\$ 3.3	\$ 2.0	\$ 1.7	\$ -	-100.0%
<b>Total Available</b>	<b>\$ 13.1</b>	<b>\$ 11.8</b>	<b>\$ 11.8</b>	<b>\$ 12.3</b>	<b>\$ 14.4</b>	<b>17.1%</b>
Positions	37	37	37	37	43	

### FUNDING HIGHLIGHTS

The PCLOB’s funding requirements have steadily increased over the years while carryover amounts have continued to decrease. The agency’s budget requests have increased to match its growing workforce and operational requirements. During the ten years since the PCLOB came into existence as an independent agency, the PCLOB has experienced two sub-quorum periods, with the most recent occurring in 2021. The PCLOB operated on lower funding levels due to the sub-quorum Board and associated staff attrition, contributing to slightly higher amounts of carryover funding. However, as noted above, the PCLOB has regained a quorum of Board Members, and as a result of focused operational efforts to enhance the budgeting process and exercise effective fiscal management, the PCLOB anticipates reducing its FY 2023 carryover to zero.

The PCLOB’s FY 2024 Budget Request is \$14.4 million. This request comes with no anticipated carryover from FY 2023’s appropriation and would allow the PCLOB to sufficiently fund the agency’s anticipated operational expenses.

The \$2.1 million increase in the PCLOB’s requested FY 2024 funding requirement can be attributed to several factors. First, as previously mentioned, the PCLOB does not anticipate the availability of carryover funding in FY 2024. Second, in line with the PCLOB’s strategic goal of recruiting and retaining a stronger and more diverse workforce, the PCLOB is seeking to increase its salary pay cap and, separately, to increase its total number of employees. With respect to salaries, the PCLOB is seeking a statutory change to increase its staff pay cap from the equivalent of Executive Level V (\$172,100) to Executive Level IV (\$183,500). Increasing the pay cap will enable the agency to pay salaries at levels equivalent to the full GS pay scale, and thereby provide more competitive compensation better aligned with those agencies the PCLOB oversees.



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Regarding additional staff, the PCLOB is seeking to add six full-time employee positions to improve operating efficiencies as well as meet increased workload requirements. These positions will enable the agency both to expand its workforce to support the agency's growing portfolio of oversight and advice projects, including those in response to congressional and administration requests, as well as to increase its operations staff to support the agency's continued compliance with applicable regulatory requirements and cybersecurity mandates. For example, through Section 824 of the Consolidated Appropriations Act of 2022, Congress directed the PCLOB to provide a report examining the privacy and civil liberties issues related to government efforts to address foreign racially motivated violent extremist organizations. Further, Executive Order 14086, which was issued in October 2022 to implement the new EU/U.S. Data Privacy Framework, includes sections in which the President encourages PCLOB to review updated policies and procedures being developed by intelligence agencies as well as to conduct annual reviews of the new redress process. On the operations side, an increase in full-time employees will help address the operational risk PCLOB has identified related to succession planning, will allow the agency to run smoothly and without interruption as it expands its oversight and advice work, and will permit the agency to provide support to current staff and avoid single points of failure where functions are currently being staffed by sole individuals.



## **FISCAL YEAR 2024 JUSTIFICATION FOR RESOURCES AND ANTICIPATED PERFORMANCE**

The PCLOB's FY 2024 Budget Request focuses on key capabilities and anticipated performance in the following areas:

- Providing effective, timely, and relevant 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.
- Offering insight on the effects of new and emerging technologies on the balance between government counterterrorism activities and privacy and civil liberties.
- Promoting transparency regarding the PCLOB's activities and issues within its jurisdiction to the extent consistent with the protection of classified information and applicable law.
- Building and strengthening relationships with agency P/CL officers and coordinating the activities of those officers on relevant interagency matters.
- Strengthening the PCLOB's institutional capacity. This includes a continued focus on hiring and retaining highly qualified staff; maintaining robust cybersecurity; exercising effective fiscal management to ensure that taxpayers dollars are spent wisely; and pursuing the most efficient shared services provided by other federal agencies to achieve a better use of taxpayer dollars.
- Implementing the PCLOB's FY 2022-2026 Strategic Plan.



## ACCOMPLISHMENTS AND ONGOING ACTIVITIES

### *Advice, Oversight, and Other Mission Activities*

The PCLOB has continued to undertake a vigorous agenda to carry out its full panoply of statutory responsibilities.

**Advice** – The PCLOB is actively engaged in providing advice to other executive branch agencies. In FY 2022, the PCLOB continued to provide advice in response to requests from executive branch agencies for advice on matters within the PCLOB’s jurisdiction.

Feedback from executive branch agencies suggests that the PCLOB’s advice continues to be trusted and valued by the Intelligence Community and other agencies. For example, since 2016, the PCLOB has provided advice on every significant revision or issuance by an Intelligence Community element of its Attorney General-approved guidelines governing the handling of U.S. person information collected under Executive Order 12333.

**Oversight** – The PCLOB continues its work on oversight projects related to efforts to protect the nation against terrorism and will continue its robust oversight agenda in FY 2024. The PCLOB’s oversight docket will evolve by FY 2024, but at present, oversight projects include:

- The PCLOB has continued to track legislative proposals that would update existing authorities and laws related to defining, investigating, and prosecuting domestic terrorism. The PCLOB has also engaged with federal agencies to better understand the privacy and civil liberties implications of these agencies’ efforts to combat domestic terrorism and is in the process of determining the scope and nature of its oversight on domestic terrorism.
- The PCLOB continues its review of FBI’s querying of data obtained pursuant to Section 702 of the Foreign Intelligence Surveillance Act. This review has examined the procedures and technology used to record queries and ensure compliance with applicable rules. In addition, the PCLOB has initiated a broader oversight review of Section 702 surveillance, which will include a particular focus on U.S. Person queries of information collected under Section 702, and ‘Upstream’ collection conducted pursuant to this statute. Section 702 is scheduled to expire in December 2023, and the PCLOB plans to complete this oversight review and release a public report in time to inform the upcoming public and congressional debate regarding reauthorization of Section 702.



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

- The PCLOB has been reviewing the operation of the Terrorist Screening Database, commonly known as the Terrorist Watchlist, which contains information on known and suspected terrorists. PCLOB staff has maintained regular engagement with the Terrorist Screening Center (TSC), which manages the Watchlist. The TSC continues to provide PCLOB staff with updates on the 2022 Watchlist guidance issuance, renewal of major Watchlist privacy impact assessments, and other relevant privacy and civil liberties-related Watchlist records. PCLOB is working to finalize recommendations regarding the Watchlist.
- The PCLOB is working to produce a report, per Section 824 of the Consolidated Appropriations Act of 2022, assessing the impacts on the privacy and civil liberties of Americans concerning the use or recommended use of any federal laws, regulations, and policies used to address significant threats to the United States and Americans associated with foreign racially motivated violent extremist organizations. The report will include recommendations on options to develop protections to mitigate such impacts.
- Consistent with Executive Order 14086, *Enhancing Safeguards for United States Signals Intelligence Activities*, the PCLOB will review updated policies and procedures by intelligence agencies to ensure enhanced privacy and civil liberties protection in connection with signals intelligence activities. PCLOB will also conduct an annual review of the new redress process being implemented under the order. In addition, PCLOB has also already provided advice to the Department of Justice regarding candidates for the Data Protection Review Court.
- The PCLOB is working on several other projects as well, including examining activities related to data aggregation and access, the application of facial recognition technology in aviation security, and the FBI's use of open-source data. These efforts comprise meetings and briefings (including telephone and virtual) and obtaining and reviewing relevant documents.

**Other Mission Activities** – The PCLOB's authorizing statute instructs the PCLOB to advise covered agencies on their efforts to protect privacy and civil liberties and to coordinate those activities on relevant interagency matters. As such, the PCLOB has regular interactions with agency P/CL officers, promoting information sharing of privacy best practices.

- Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 requires agencies' P/CL officers to issue periodic reports about their activities



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

to their respective agency heads, Congress, and the PCLOB. The PCLOB regularly receives and reviews Section 803 reports from federal departments and agencies.

- The PCLOB is committed to ensuring that its work is available, relevant, and informative for the public, Congress, and other federal agencies. To foster a better understanding of the PCLOB's mission and work, Board Members remain available to speak at events, including webinars, hosted by a variety of groups and organizations. In May 2022 and January 2023, the PCLOB held virtual public forums with both senior government officials and non-government experts on the issues of domestic terrorism and PCLOB's oversight of Section 702 of the Foreign Intelligence Surveillance Act (FISA), respectively.

The PCLOB appreciates Congress's continuing support of the agency and its mission.

### ***Operational Support***

The PCLOB continues to maintain strong administrative, managerial, and organization capabilities, allowing the small agency to operate efficiently while recognizing solid accomplishments over its human resources and financial management, information technology, and security of agency data, personnel, and assets.

***Workforce*** – The PCLOB has successfully overcome some challenges relating to changes in leadership and the way it achieved its mission. The Board lost its quorum in the summer of 2021, which prevented the PCLOB from issuing new reports, including semi-annual reports to Congress, until new Members were nominated and confirmed. The PCLOB performed its mission during the sub-quorum period while working to fill vacancies for key positions pivotal to the PCLOB's success. In February 2022, it regained a quorum upon the Senate confirmations of Chair Sharon Bradford Franklin and Member Beth A. Williams. Member Travis LeBlanc was renominated for a new term in March 2022. Richard DiZinno was confirmed in September 2022 to fill the Board's one remaining vacancy.

With a quorum restored, the PCLOB is better positioned to achieve the specific strategies outlined in the agency's recently released FY 2022-2026 Strategic Plan. In response to its goal to enhance the agency's institutional strength and capacity, the PCLOB has identified the need to enhance its workforce by seeking increases in both its current statutory salary cap and in its total number of staff. As outlined above, an increase in the agency's salary pay cap will enable PCLOB to pay salaries at levels equivalent to the full GS pay scale and provide more competitive compensation better aligned with those agencies the PCLOB oversees. As a result, such an increase will significantly improve the agency's ability to





## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

recruit and retain the skilled, professional talent necessary to achieve its mission and meet other strategic goals. Additionally, as the agency continues to build up its workforce, an increase of six full-time staff positions would enable the PCLOB to expand its mission staff to handle its growing portfolio of oversight and advice reviews and provide the operational capacity to meet increased regulatory and cybersecurity requirements. With additional mission staff to collaborate and complete oversight and advice projects, as well as supplementary operational staff to support increased technology, security, human resources, and administrative obligations, PCLOB can most successfully fulfill its mission, goals, and objectives.

The PCLOB's workforce continues to evolve in response to Presidential initiatives issued in 2021. To advance equity so that it is not just an ideal but a principle that is reflected in how the agency serves the American people and fulfills its mission, the PCLOB developed and began implementing the PCLOB Equity Action Plan. This plan was developed specifically in response to Executive Order 13895, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (January 20, 2021). In addition, the PCLOB developed and began implementing a Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan in line with Executive Order 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (June 25, 2021). The goal of these plans is to advance equity, civil rights, racial justice, and equal opportunity for all, both internally for PCLOB's workforce and as part of its work to ensure that counterterrorism programs include adequate safeguards for privacy and civil liberties. PCLOB's Equity Action and DEIA Strategic Plan efforts will continue to be implemented throughout FY 2023 and FY 2024.

To support the health and safety of the agency's employees, onsite contractors, and individuals interacting with the agency workforce, the PCLOB developed a COVID Re-entry Plan, along with an agency Safety Plan, to resume regular use of the PCLOB office through the implementation of a phased re-entry approach. The PCLOB's Continuing Operations (COOP) team monitors CDC's COVID community level determinations for the Washington, DC area on a weekly basis to evaluate conditions and determine if any changes to the re-entry status need to be made. By implementing and adhering to these robust health protocols, the agency has been able to continue pursuing its mission while prioritizing the safety of PCLOB's staff. Despite the ongoing challenges related to the pandemic, the PCLOB is well positioned to carry out its vigorous oversight and advice agenda.

The PCLOB 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. By the end of the first quarter of FY 2023, the PCLOB had a total of 28 employees (1 full-time Chair, 4 part-time Board Members, and 23 staff members).



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

In FY 2024, the PCLOB will continue to implement the following workforce initiatives:

- Institute an integrated leadership culture by focusing on employee engagement and retention;
- Further enhance human capital capabilities through technological innovation;
- Continue to strengthen institutional capacity through talent management and succession planning;
- Continue to encourage and facilitate staff participation in high-quality external training programs to ensure the ongoing professional development of the PCLOB's workforce;
- Continue implementation of the agency's Equity Action and Diversity, Equity, Inclusion, and Accessibility Strategic Plans; and
- Sustain a positive and professional workplace environment.

***Information Technology Systems and Cybersecurity*** - In FY 2022, the PCLOB's IT staff remained focused on strengthening the agency's cybersecurity posture while maintaining infrastructure and strategies to support the COVID-19 hybrid work environment. To that end, the PCLOB's IT staff is transitioning from a legacy security information and event management (SIEM) platform to a new system with enhanced network infrastructure capabilities to meet compliance objectives listed in the Office of Management and Budget (OMB) Memorandum 21-31, *Improving the Federal Government's Investigative and Remediation Capabilities Related to Cybersecurity Incidents*.

Information security also continues to be a top priority for the agency. In FY 2022, the independent review of the PCLOB's information security controls found the controls to be effective. The PCLOB's annual Federal Information Security Management Act (FISMA) audit concluded that its internal controls were effective in protecting information resources, and an independent penetration test detected no critical or high vulnerabilities across the PCLOB's network infrastructure.

In addition, the PCLOB continued to leverage shared-service providers and contractor support to enhance its boundary protection. The PCLOB's IT staff implemented, maintained, and documented technical controls to comply with federal standards and DHS's Cross-Agency Priority Goals for cybersecurity. These goals include managing asset security, protecting networks and data, and limiting personnel access. In FY 2023 and leading into FY 2024, the PCLOB will continue to focus its efforts on the cybersecurity Cross-Agency Priorities.



***Financial Management*** – Sound fiscal management is integral to the execution of the PCLOB’s mission and remains a top priority for the PCLOB. The PCLOB has maintained its positive momentum in improving its financial management. In November 2022, the PCLOB issued its third Agency Financial Report (AFR), which included an unmodified (“clean”) audit of the FY 2022 financial statements, which noted no material weaknesses or significant deficiencies, and a report on an internal controls assessment, which found no waste, fraud, or abuse. Through the issuance of the AFR, the PCLOB satisfied all relevant statutory reporting requirements and demonstrated its effective financial management. These accomplishments are a testament to the PCLOB’s commitment to achieving excellence despite the agency’s small size.

Since the issuance of its last AFR, the Office of the Chief Financial Officer (OCFO) has further strengthened the PCLOB’s fiscal management by:

- Overseeing, implementing, and updating procedures and internal reference guides;
- Scrutinizing contracts for cost savings; and
- Enhancing the budget monitoring process.

In line with the agency’s strategic plan, the PCLOB’s OCFO will continue to further strengthen the agency’s institutional capacity by monitoring the implementation of established accounting procedures and internal controls, and performing the following activities:

- Conducting regular external and internal audits, using any findings or recommendations to further refine internal controls and improve accounting best practices;
- Continuing to use shared service providers to execute operational activities and periodically reviewing those arrangements to ensure optimal performance, responsiveness, and value for taxpayer dollars over the long term;
- Streamlining the procurement process to identify potential cost savings in new and existing contracts; and
- Continuing to conduct agency-wide planning that is linked and responsive to the budget process.



## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

***Protecting Classified and Sensitive Information*** – The PCLOB continues to focus on protecting sensitive and classified materials. The Chief Security Officer engages in government-wide efforts to modernize the security clearance process, which includes implementation of Trusted Workforce (TW) 2.0, as well as National Security Presidential Memorandum (NSPM) 28, which directs agencies to implement an Operations Security (OPSEC) program in line the standards required by EO 13587, *Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information*.

The PCLOB also made significant progress in transitioning its security portfolio to the Defense Counterintelligence and Security Agency (DCSA), resulting in improved services for the agency. The Chief Security Officer, acting as the Senior Implementation Officer (SIO) for TW 2.0, enrolled all PCLOB personnel in the modernized Continuous Evaluation process, with ODNI, DCSA, and the FBI Rap Back service, as part of a joint effort to reform personnel security clearances.



**FISCAL YEAR 2024 BUDGET EXHIBIT**

<b>FY 2024 Budget Request by Object Class</b>		
<i>(Dollars in Thousands)</i>		
<b>Object Class</b>		<b>FY 2024 Request</b>
<i>Personnel Services</i>		
11.1	Full-Time Permanent	\$ 6,625
11.3	Other than Full-Time Permanent	\$ 510
11.5	Other Personnel Compensation	\$ 230
12.1	Civilian Personnel Benefits	\$ 2,130
<i>Operation and Mission Services</i>		
21.0	Travel and Transportation of Persons	\$ 105
23.1	Rental Payments to GSA	\$ 1,035
23.2	Rental Payments to Others	\$ 20
23.3	Communications, Utilities, and Misc. Charges	\$ 255
24.0	Printing and Reproduction	\$ 15
25.1	Advisory and Assistance Services	\$ 2,450
25.2	Other Services from Non-Federal Sources	\$ 200
25.3	Other Goods and Services from Federal Sources	\$ 280
26.0	Supplies and Materials	\$ 210
31.0	Equipment	\$ 320
<b>Total</b>		<b>\$ 14,385</b>