



US **PRIVACY AND
CIVIL LIBERTIES**
OVERSIGHT BOARD

Congressional Budget Justification

Fiscal Year 2026

Privacy and Civil Liberties Oversight Board

Congressional Budget Justification

FISCAL YEAR 2026

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
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PROPOSED FISCAL YEAR 2026 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), \$14,436,000, to remain available until September 30, 2027 (*Financial Services and General Government Appropriations Act, The Consolidated Appropriations Act*).”



EXECUTIVE SUMMARY

The Privacy and Civil Liberties Oversight Board (PCLOB) requests \$14.436 million for its Fiscal Year (FY) 2026 Budget Request. The FY 2026 Budget Request, which includes an increase of \$736,000 (or 5%) over the FY 2025 enacted appropriation of \$13.7 million, would allow PCLOB to continue its significant mission-related and operational accomplishments.

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 2007,¹ 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. PCLOB conducts oversight and provides advice regarding executive branch regulations, policies, procedures, and activities related to efforts to protect the nation from terrorism.

PCLOB has continued to work on numerous open investigations, including the following:

- Oversight of the government's implementation of Executive Order 14086 on Enhancing Safeguards for United States Signals Intelligence Activities;
- An examination of the use of facial recognition in aviation security;
- Oversight of the surveillance program operated pursuant to Section 702 of the Foreign Intelligence Surveillance Act (FISA);
- Oversight of the government's actions to combat domestic terrorism; and
- Oversight of the use of open-source information by the Federal Bureau of Investigation (FBI).

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



CURRENT MEMBERS OF THE BOARD

Board Member Edward W. Felten, appointed to a term ending January 29, 2025.²

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

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

² While Member Felten's term expired on January 29, 2025, Board Members may serve up to one additional year if no replacement has been nominated and confirmed to fill his or her slot.



VISION, MISSION, AND VALUES

VISION

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

MISSION

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 PCLOB's work:

Integrity – As an agency whose power lies in its persuasiveness, PCLOB strives to preserve its reputation for independence, integrity, and credibility. The agency approaches its activities with objectivity and good faith. 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 – PCLOB aims to foster understanding of the impact of efforts to protect the nation from terrorism on privacy and civil liberties. In addition, the agency conducts its own activities responsibly and transparently to foster confidence in its management of authorities, resources, and information. PCLOB promotes transparency by holding public hearings and issuing public reports, to the greatest extent possible, consistent with the protection of classified information and applicable law, and by soliciting input from the public and outside experts.

Rigor – PCLOB strives for the highest standard of quality in its analysis and recommendations. When examining government programs, the agency 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, 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 agency seeks to fully consider the foreseeable impact of its recommendations.

Equality Under the Law– PCLOB is committed to helping 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.



BOARD HISTORY AND AUTHORITIES

PCLOB was created at 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.³ In 2007, through the Implementing Recommendations of the 9/11 Commission Act, Congress established PCLOB in its current form as an independent agency within the executive branch.

The Board is composed 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. PCLOB's statute requires that no more than three Members come from the same political party. All Members are to be selected "on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience."⁴ At present, the Board has a quorum, with three Members.

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 agency'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 PCLOB's advice function, executive branch agencies can consult with the agency 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.⁵

³ Pub. L. No. 108-458, § 1061 (2004).

⁴ 42 U.S.C. § 2000ee(h)(2).

⁵ *Id.* § 2000ee(d)(1).



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

PCLOB's statute makes transparency an inherent part of its mission. Specifically, the agency 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.⁷

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

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.¹⁰ Section 5 of the Executive Order requires the Department of Homeland Security (DHS) to consult with 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.

⁶ *Id.* § 2000ee(d)(2). PCLOB is also charged with continually reviewing information-sharing practices within its jurisdiction.

⁷ *Id.* § 2000ee(d)(4), (f).

⁸ *Id.* § 2000ee(d)(3). In addition, PCLOB may designate new departments, agencies, or elements of the executive branch for coverage by the requirements of Section 803. *See id.* § 2000ee-1(a).

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

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



- **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).¹¹ Each agency's P/CL officer must issue semi-annual reports on the discharge of each of his or her functions under the statute.¹² These Section 803 Reports are to be submitted to the head of the P/CL officer's agency, designated congressional committees, and PCLOB.¹³ These reports must be in unclassified form to the greatest extent possible.¹⁴

Executive Order 14086, *Enhancing Safeguards for United States Signals Intelligence Activities*: The President 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 requires U.S. intelligence agencies to update their policies and procedures for signals intelligence activities in order to provide enhanced safeguards for privacy and civil liberties, and it establishes a redress mechanism for individuals from qualifying states alleging improper surveillance of their communications by the U.S. government. The order outlines roles for PCLOB in assessing implementation of these procedures, as well as in conducting annual reviews of the redress process.

¹¹ 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.

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

¹³ *Id.* § 2000ee-1(f)(1)(A).

¹⁴ *Id.* § 2000ee-1(f)(1)(B), (g)(1).

**FISCAL YEAR 2026 BUDGET JUSTIFICATION SUMMARY**

	FY 2022 Enacted	FY 2023 Enacted	FY 2024 Enacted	FY 2025 Enacted	FY 2026 (Requested)	FY25/FY26 (Delta %)
<i>(Dollars in Thousands)</i>						
Appropriation	\$ 9,800	\$ 10,600	\$ 13,700	\$ 13,700	\$ 14,436	5.4%
Carryover	\$ 2,000	\$ 1,700	\$ 1,300	\$ 3,400	\$ 1,000	-70.6%
Total Available	\$ 11,800	\$ 12,300	\$ 15,000	\$ 17,100	\$ 15,436	-9.7%
FTE Positions	37	37	43	43	43	0.0%

FUNDING HIGHLIGHTS

PCLOB's FY 2026 Budget Request is \$14.436 million and aligns with the agency's projected expenses required to successfully achieve the agency's mission. This request, paired with an anticipated carryover of approximately \$1 million from FY 2025's Budget Request, would allow PCLOB to sufficiently fund the agency's anticipated operational expenses of \$15.436 million.

PCLOB's requested FY 2026 funding requirement will permit the agency to pursue its mission: to ensure that the executive branch's efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties.



FISCAL YEAR 2026 JUSTIFICATION FOR RESOURCES AND ANTICIPATED PERFORMANCE

PCLOB's FY 2026 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 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 PCLOB's institutional capacity. This includes a continued focus on 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.
- Continued implementation of PCLOB's FY 2022-2026 Strategic Plan.



ACCOMPLISHMENTS AND ONGOING ACTIVITIES

Advice, Oversight, and Other Mission Activities

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

Advice – PCLOB’s advice is trusted and valued by the Intelligence Community and other agencies. For example, since 2016, 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, *United States Intelligence Activities*. Most recently, in FY 2023, consistent with Executive Order (EO) 14086, *Enhancing Safeguards for United States Signals Intelligence Activities*, PCLOB reviewed and provided advice regarding updated policies and procedures developed by intelligence agencies to ensure enhanced privacy and civil liberties protection in connection with signals intelligence activities. In FY 2024, PCLOB provided advice to the Department of Justice regarding candidates to serve as judges and special advocates for the new Data Protection Review Court created by the Executive Order. In addition, PCLOB participated along with U.S. government representatives in the European Union-U.S. Data Privacy Framework Review, which informed the Commission’s report on the adequacy of the Data Privacy Framework, as required by EU law.

Oversight – 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 2026. The agency’s oversight docket will evolve by FY 2026. In FY 2025:

- PCLOB concluded its review of the government’s use of airline Passenger Name Records.¹⁵
- PCLOB released a report of the Terrorist Screening Database, commonly known as the Terrorist Watchlist.

¹⁵ Further details concerning PCLOB’s review of this program remain classified.



- PCLOB released 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 includes recommendations on options to develop protections to mitigate such impacts.
- PCLOB released a report on the National Counterterrorism Center's (NCTC) access to and handling of datasets containing non-terrorism information. The report assesses whether NCTC's policies and practices concerning such materials are consistent with governing laws, regulations, and policies and appropriately balance privacy and civil liberties interests with national security interests relating to counterterrorism.
- PCLOB has continued to examine executive branch policies and activities to counter domestic terrorism, with a focus on two simultaneous and distinct workstreams: the impact on First Amendment rights, including as a result of efforts to counter mis-,dis-, and mal-information; and the impact on privacy and civil liberties of particular groups, such as those with shared racial, religious, political, or ideological affiliations.
- PCLOB has continued working on a report evaluating the use of facial recognition technology for aviation security. The agency is reviewing how facial recognition technology is used to verify the identity of passengers at airport security checkpoints, considering both operational benefits and privacy and civil liberties concerns.
- PCLOB opened a new project on the surveillance program that the executive branch operates pursuant to Section 702 of the Foreign Intelligence Surveillance Act (FISA). PCLOB published its *Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act* in September 2023, to inform public and congressional debate regarding reauthorization of the program, which occurred in April 2024. The new project will update that report.
- PCLOB is working on several other projects as well, including the FBI's use of open source data and the intelligence community's implementation of EO 14086. These efforts comprise meetings and briefings (including telephone and virtual) and obtaining and reviewing relevant documents.



Other Mission Activities –

- PCLOB’s authorizing statute instructs the agency to advise covered agencies on their efforts to protect privacy and civil liberties and to coordinate those activities on relevant interagency matters. As such, PCLOB has regular interactions with agency P/CL officers, promoting information sharing of privacy best practices, to include:
 - 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 to their respective agency heads, Congress, and PCLOB. The agency has received Section 803 reports from federal departments and agencies, which are available on the PCLOB website.
 - 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 PCLOB’s mission and work, the Board Member speaks at events sponsored by professional organizations and other stakeholders in the national security and privacy and civil liberties space. In July 2024, the agency held a virtual public forum with both senior government officials and non-government experts on the role of AI in counterterrorism and related national security programs and the privacy and civil liberties issues associated with these uses of AI.
- PCLOB continued to track developments regarding advanced and emerging technologies through an AI and machine learning working group and is considering various areas for possible oversight and advice.

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

Operational Support

PCLOB must work diligently to maintain strong administrative, managerial, and organization capabilities, enabling 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 – 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. At the beginning of FY 2025, PCLOB had a total of 36 employees (1 full-time Chair, 3 part-time Board Members, and 32 staff members).

PCLOB's workforce continues to support the President's efforts to restore the values of individual dignity, hard work, and excellence, 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.

In FY 2026, PCLOB will continue the following workforce initiatives:

- Sustain a positive and professional workplace;
- Improve human capital assessments and guidance, including reviewing how to improve assessments of employee performance and recognition;
- Implement a thorough succession plan that is responsive and adaptive to agency operations, including loss of essential staff personnel and accounting for potential sub-quorum periods in the future; and
- Continue to encourage and facilitate staff participation in high-quality external training programs to ensure the ongoing professional development of PCLOB's workforce.

Information Technology Systems and Cybersecurity – In FY 2025, PCLOB's Information Technology (IT) staff remained focused on strengthening the agency's cybersecurity posture while maintaining infrastructure and strategies to support a productive hybrid work environment. To that end, PCLOB's IT staff implemented solutions to address the Department of Homeland Security Binding Operational Directive 23-01, *Improving Asset Visibility and Vulnerability Detection on Federal Networks*. Also, PCLOB IT staff began onboarding solutions and strategies to meet focus areas of OMB Memorandum 24-14, *Administration Cybersecurity Priorities for the FY 2026 Budget*.

Information security also continues to be a top priority for the agency. In FY 2024, the independent review of PCLOB's information security controls found the controls to be effective. PCLOB's annual Federal Information Security Management Act (FISMA) audit concluded that its internal controls effectively protected information resources, and the Office of Chief Information Officer implemented solutions to mitigate and resolve independent penetration test vulnerabilities across PCLOB's network infrastructure.



In addition, PCLOB continued to leverage shared service providers and contractor support to enhance its boundary protection. 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 2025 and leading into FY 2026, PCLOB will continue to focus its efforts on addressing OMB M-24-14 cybersecurity pillars.

Financial Management – Sound fiscal management is integral to the execution of PCLOB's mission and remains a top priority for the agency. PCLOB has maintained its positive momentum in improving its financial management. In November 2024, PCLOB issued its annual Agency Financial Report (AFR), which included an unmodified ("clean") audit opinion of the FY 2024 financial statements, with no material weaknesses or significant deficiencies noted, as well as a report on an internal controls assessment, which found no waste, fraud, or abuse. Through the agency's diligence and dedication to successful issuance of the AFR each year, PCLOB continues to meet statutory reporting requirements and demonstrate its responsible stewardship of funds and sound financial management.

Protecting Classified and Sensitive Information – 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*.

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 clearance. The agency will continue to focus on modernization and compliance efforts.



FISCAL YEAR 2026 BUDGET EXHIBIT