



US **PRIVACY AND  
CIVIL LIBERTIES**  
OVERSIGHT BOARD

# Congressional Budget Justification

## Fiscal Year 2022

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*Working to ensure that efforts by the Executive Branch to protect the nation from terrorism appropriately safeguard privacy and civil liberties.*

Privacy and Civil Liberties Oversight Board • [PCLOB.gov](https://www.pclob.gov) • [Info@pclob.gov](mailto:Info@pclob.gov)



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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

## FISCAL YEAR 2022 BUDGET JUSTIFICATION

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## Executive Summary

The Privacy and Civil Liberties Oversight Board (the Board) requests \$9.6 million for its Fiscal Year (FY) 2022 Budget Request. This request would bring the Board closer to its projected full operating budget of \$11.5 million.<sup>1</sup>

The Board is an independent executive branch agency, whose bipartisan members are selected based on expertise in counterterrorism, intelligence, privacy, civil liberties, and technology. Its mission is to ensure that efforts by the executive branch to protect the nation from terrorism appropriately safeguard privacy and civil liberties.

In FY 2022, the Board plans to continue to build upon the significant mission-related and operational accomplishments of the previous two fiscal years.

In February 2020, the Board released its first major report since returning to a full panoply of Board Members. The [report](#) examined the National Security Agency (NSA)'s collection of Call Detail Records (CDR) under the USA FREEDOM Act. The report was the result of a year-long examination of the CDR Program.

In March 2021, the Board completed its examination of counterterrorism activities under Executive Order (E.O.) 12333, which the previous Board initiated six years ago. This project included a publicly issued E.O. 12333 Capstone Document, as well as two classified deep-dives into specific counterterrorism-related activities by the CIA and NSA (and an additional CIA deep dive completed in 2018). The [Capstone Document](#) summarizes E.O. 12333 and provides, where possible, unclassified examples and descriptions of the Board's work.

The Board also completed its examination of the Department of Treasury's Terrorist Finance Tracking Program, or TFTP. The examination resulted in classified briefings to Treasury and to Congress, the issuance of recommendations to Treasury, and a [public statement](#).

The Board has continued to work on nearly a dozen active oversight and other projects including:

- The Board received information regarding the Foreign Intelligence Surveillance Act (FISA). The Board has received documents and information requested from the Federal Bureau of Investigation and Department of Justice regarding counterterrorism related FISA Title I and Title III applications. In addition, the Board published statements provided by a diverse group of experts related to FISA.

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<sup>1</sup> The Board's projected full operating budget of \$11.5 million is based on a five-member board and a staff of 37 (35 full-time equivalents, with four part-time Board Members each counting as 0.5 FTE).



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- A review of the operation of the Terrorist Screening Database, or terrorist watchlist, which contains information on known and suspected terrorists.
- FBI's querying of U.S. person information under Section 702 of the Foreign Intelligence Surveillance Act (FISA),
- An examination of the use of facial recognition in aviation security.

Moreover, the Board continues to provide advice to other executive branch agencies under its advice function.

On the operations side, the Board has continued to make significant progress in ensuring that the agency achieves the highest level of federal financial management and robust internal controls.

In 2020, the Board's second audit of its financial statements resulted in an unmodified (clean) audit opinion with no required adjustments. The same year, the Board's first full internal controls assessment found no waste, fraud, or abuse. These findings are a result of the Board's commitment to sound federal financial management.

In addition, the Board completed its first ever [Agency Financial Report](#) for FY 2020.

The Board also continues to enhance its workforce, ensuring that the agency has the skills required to achieve its mission.

The Board expects to be on track to reach 95 percent of its full staffing level of 37 prior to FY 2022. This is a significant increase in workforce and capabilities since the Board emerged from a 20-month sub quorum period in FY 2019, at which time the agency's staffing level had fallen below 50 percent.

Because of the COVID-19 pandemic and stay-at-home orders that could affect government operations leading into FY 2022, the Board has implemented its Continuity of Operations (COOP) plan.

This plan enabled Board Members and staff to quickly adapt to the difficult and evolving circumstances resulting from the pandemic. As state and local jurisdictions in the Washington, DC metropolitan area moved to more advanced phases of the COVID-19 reopening process, the Board implemented a rigorous health protocol to enable Board Members and staff to use the agency's Sensitive Compartmented Information Facility (SCIF) for work on classified projects. The protocol permits a limited number of Board Members and staff wearing masks to use the SCIF at any given time, ensuring social distancing while enabling the Board to move forward on classified mission projects.



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The Board's highest priority remains continuing to work 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 Board.

The Board and its staff continue to be well prepared to fulfill its mission through a vigorous agenda.



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**CURRENT MEMBERS OF THE BOARD<sup>2</sup>**

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, 2025.

Board Member Travis LeBlanc, confirmed to a term ending January 29, 2022.

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<sup>2</sup> The term of previous Board Member Aditya Bamzai ended on January 29, 2021.



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## 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 increase transparency on efforts to protect the nation from terrorism and the impact those efforts have 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 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 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.<sup>3</sup> 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,”<sup>4</sup> 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.”<sup>5</sup>

Many of the Commission’s recommendations have been implemented by Congress and the executive branch. 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.”<sup>6</sup> At present, the Board has a quorum of Members.

The Board’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 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.”

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

<sup>4</sup> *Id.* at 394.

<sup>5</sup> *Id.* at 395.

<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup>

The Board 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>10</sup> Congress has also identified the Board as a source of recommendations for individuals to serve as amici curiae to the Foreign Intelligence Surveillance Court.<sup>11</sup>

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.<sup>12</sup>

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<sup>7</sup> *Id.* § 2000ee(d)(1).

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

<sup>9</sup> *Id.* § 2000ee(d)(4), (f).

<sup>10</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>11</sup> USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268, § 401(i)(1) (2015).

<sup>12</sup> E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).



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Section 5 of the Executive Order requires the Department of Homeland Security (DHS) 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.

- **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>13</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>14</sup> These Section 803 Reports are to be submitted to the head of the P/CL officer's agency, designated congressional committees, and the Board.<sup>15</sup> To the greatest extent possible, the reports must be in unclassified form and made available to the public.<sup>16</sup>

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 officers as they implement the Board's recommendations.

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<sup>13</sup> 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.

<sup>14</sup> 42 U.S.C. § 2000ee-1(f). Before its amendment in 2014, the statute required quarterly reports.

<sup>15</sup> *Id.* § 2000ee-1(f)(1)(A).

<sup>16</sup> *Id.* § 2000ee-1(f)(1)(B), (g)(1).



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### Fiscal Year 2022 Budget Justification Summary

	FY 2017 Enacted	FY 2018 Enacted	FY 2019 Enacted	FY 2020 Enacted	FY 2021 (Requested)	FY 2022 (Requested)	FY 2021 FY 2022 (Delta %)
<i>(Dollars in Thousands)</i>							
Appropriation	\$10,100	\$8,000	\$5,000	\$8,200	\$ 8,500	\$ 9,600	13%
Carryover	9,672	9,000	7,900	4,900	3,000	2,000	-33%
<b>Total Available</b>	<b>\$19,772</b>	<b>\$17,000</b>	<b>\$12,900</b>	<b>\$13,100</b>	<b>\$11,500</b>	<b>\$ 11,600</b>	<b>1%</b>
Positions	37	37	37	37	37	37	
Full Time Equivalents (FTE's)	35	35	35	35	35	35	

The Board’s FY 2022 Budget Request is \$9.6 million. This request would bring the Board closer to its projected full operational level of \$11.5 million.

The Board emerged from a 20-month sub quorum period upon the October 2018 Senate confirmation of the Board’s Chairman and two additional Board Members. The confirmation and appointment of two additional Board Members in July 2019 returned the Board to the first full complement of Members since 2016. In FY 2019 and 2020, the agency operated at a lower funding level for several reasons, including a sub-quorum Board, staff attrition associated with the sub-quorum period and resulting carry-over funding, and a 10-year lease agreement that provided the first year of the lease rent-free. The Board’s Budget Requests for those years reflected the lower operating costs.

The Board anticipates achieving 95 percent of its full staffing level by FY 2022. In addition, the Board has spent down its larger carry-over from previous fiscal years and would require an increase to \$9.6 million in FY 2022 to continue to operate at full capacity.<sup>17</sup>

Despite the agency’s small size, the Board has continued to pursue a vigorous agenda that includes advice to Executive Branch agencies and nearly a dozen oversight projects.

<sup>17</sup> Because of the PCLOB’s small size, it must use shared services for many key functions of its operations. As a result, the Board must always anticipate for carry over funding to meet the obligations of shared services.



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## **Fiscal Year 2022 Justification for Resources and Anticipated Performance:**

The Board's FY 2022 Budget 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 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 Privacy and Civil Liberties Officers and to coordinate the activities of those officers on relevant interagency matters.
- Continuing to strengthen the Board'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; pursuing the most efficient shared services provided by other federal agencies to achieve a better use of taxpayer dollars.
- Implementing the Board's FY 2019-2022 Strategic Plan.

### **Ongoing Accomplishments**

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

The Board has continued to undertake a vigorous agenda to carry out its full panoply of statutory responsibilities. This agenda includes bringing projects that were initiated by the previous Board to an appropriate conclusion.



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**Advice** – The Board is actively engaged in providing advice to other Executive Branch agencies. In FY 2021, the Board continued to provide advice in response to a request from an Executive Branch agency for advice on matters within its jurisdiction. The Board anticipates continuing its advice function engagement in FY 2022.

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

**Oversight** – The Board has nearly a dozen oversight projects related to efforts to protect the nation against terrorism.

The Board anticipates bringing several oversight projects to a conclusion in FY 2021, as well as continuing its robust oversight agenda in FY 2022.

In FY 2021, following a year-long investigation that included a public forum, the Board issued a report that examined the NSA’s collection of Call Detail Records under the USA FREEDOM Act.

The Board also completed its examination of counterterrorism activities under Executive Order (E.O.) 12333, which the previous Board initiated six years ago. This project included a publicly issued E.O. 12333 Capstone Document, as well as two classified deep-dives into specific counterterrorism-related activities by the CIA and NSA (and an additional CIA deep dive completed in 2018). The Capstone Document summarizes E.O. 12333 and provides descriptions of the Board’s work. It can be found on the Board’s website: [www.pcllob.gov](http://www.pcllob.gov). The subject of the Board’s NSA deep dive, XKEYSCORE, was previously classified.

The Board also completed its examination of the Department of Treasury’s Terrorist Finance Tracking Program, or TFTP. The examination resulted in classified briefings to Treasury and to Congress, the issuance of recommendations to Treasury, and a public statement.<sup>18</sup>

Additionally, the Board concluded its examination of the DHS Data Framework in light of operational changes to that program.

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<sup>18</sup> The Board’s TFTP public statement can be found on the Board’s website: <https://bit.ly/3dHxrmU>.



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Additionally, in FY 2021, the Board continued its oversight of the use of facial recognition in airports by the Department of Homeland Security.

The Board also received information regarding the Foreign Intelligence Surveillance Act (FISA). During the reporting period, the Board published statements provided by a diverse group of experts related to FISA. The Board has also received documents and information requested from the Federal Bureau of Investigation and Department of Justice regarding counterterrorism related FISA Title I and Title III applications.

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

**Transparency** – Transparency is part of the Board's statutory mission. Specifically, the Board must inform the public about its work by holding public events, 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>19</sup>

Because of its commitment and desire to keep the public informed about its work, the Board will continue to hold public events, including virtual events, as necessary.

### Operational Support

Building upon the significant operational accomplishments the Board achieved during previous fiscal years, the Board will continue to strengthen its institutional capacity while ensuring that tax dollars are spent as wisely as possible.

Key accomplishments include implementing its robust internal procedures and policies; further strengthening internal financial controls; maintaining robust and secure information technology (IT) systems; and achieving full compliance with statutory and regulatory requirements instituted by Congress and the Executive Branch.

**Financial Management** – Sound fiscal management is integral to the execution of the Board's mission and remains a top priority for the Board.

In response to the findings and recommendations which resulted from the agency's first financial statement audit in FY 2018, the Board's Office of the Chief Financial Officer (OCFO) worked to establish, document, and implement new procedures and internal controls in various financial processes.

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<sup>19</sup> *Id.* § 2000ee(d)(4), (f).



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With a solid foundation of control activities, policies, and procedures in place, PCLOB was able to remediate most of the previously identified audit weaknesses, obtaining an unmodified (clean) audit opinion over the Board's FY 2019 financial statements with no new audit findings and no required audit adjustments.

The Board continued to seek areas for operational improvement and growth in FY 2020, further refining and strengthening its accounting practices and internal controls in several ways:

- The Board completed its first full internal controls assessment, which found no fraud, waste, or abuse.
- The Board successfully procured and transitioned to two new shared service providers: the Bureau of Fiscal Service's Administrative Resource Center (ARC) for financial services, and the Department of the Interior (DOI) for payroll services.
- The Board appointed a Chief Financial Officer and hired a full-time accountant to provide greater oversight of accounting functions.

As evidence of the Boards' commitment towards strong financial management, the agency received an unmodified audit opinion over the FY 2020 financial statements, with no new findings or required audit adjustments, for a second consecutive year. This audit report was included in the PCLOB's first-ever Agency Financial Report (AFR), issued in accordance with guidelines and requirements established by the Office of Management and Budget and other governing entities. The issuance of an AFR by the Board represents a significant achievement for the agency, indicating significant growth in its capacity to not only achieve sound financial management but to faithfully report to the public in full compliance as well.

***Financial Management Anticipated Performance*** – In line with the agency's strategic plan, the Board's Chief Financial Officer 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;



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- 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.

***Information Technology Systems and Cybersecurity*** - In FY 2021, the Board's IT staff remained focused on strengthening the agency's cybersecurity posture while implementing tools and strategies to respond to the COVID-19 pandemic work environment. To that end, the Board's IT staff undertook the following activities to enhance the agency's cybersecurity posture and remote work environment:

- Implemented DHS Emergency Directive 20-02 *Mitigate Windows Vulnerabilities* to remediate critical Windows 10, Server 2016, and Server 2019 vulnerabilities within ten calendar days;
- Completed an independent penetration test that detected no critical or high vulnerabilities across the network infrastructure;
- Responded to the Office of Management and Budget IPv6 transition mandate. The IT team implemented IPv6 capabilities on all Managed Trusted Internet Protocol Service circuits;
- Implemented collaboration tools and upgraded the Virtual Desktop Infrastructure (VDI) platform to support the Board's remote work requirement in response to the pandemic;
- Completed transition to new agency website to optimize ease of use for and to support the Board's privacy and transparency objectives.

In addition, the Board continued to leverage shared-service providers and contractor support to enhance its boundary protection. The Board'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. For the remainder of FY 2021 and leading into FY 2022, the Board will continue to focus its efforts on the cybersecurity Cross-Agency Priorities.

***Protecting Classified and Sensitive Information*** - The Board's mission requires the agency to be in a SCIF, and Board Members and employees must hold a TS/SCI clearance. The Board takes all required precautions to ensure the security of the information entrusted to it during mission-related activities.





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The Board's Chief Security Officer regularly coordinates with IC agencies to ensure that it has access to the most up-to-date information and follows best practices associated with protecting classified and sensitive information.

Executive Order 13587 requires federal agencies that operate or access classified computer networks to establish insider threat programs. The Board's Trusted Access Program governs the Board's counter-insider threat implementation plan, policy, and employee training. Despite not having a counterintelligence mission, the Board's Trusted Access Program has been recognized by the National Insider Threat Task Force as an example of how an agency can meet the standards established by Executive Order 13587.

In 2019, the Board received recognition as a National Industrial Security Program Agency. Subsequently, the Department of Defense invited the Board to participate as an early adopter, or early user, in the reconstituted National Background Investigations Bureau, which has transitioned from the Office of Personnel Management to the Department of Defense.

**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, including significant attrition. Since the confirmation of a full-time Chairman by the Senate in October 2018 and confirmation of a full board in July 2019, the Board moved rapidly to add highly qualified staff members to enable it to execute its statutory mission.

At the beginning of third quarter of FY 2021, the agency had a total of 31 employees (1 full-time Chairman, 3 part-time Board Members, 2 part-time consultants, and 28 full-time employees). During the third quarter of FY 2021, one candidate is slated to on-board and three are processing in the security clearance process. The Board has a total of 37 full-time equivalent positions.

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.

### ***Workforce FY 2022 Anticipated Performance -***

- Institute an integrated leadership culture by focusing on employee engagement and retention;
- Further enhance human capital capabilities through technological innovation;



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- 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 Board's workforce;
- Sustain a positive and professional workplace environment.

***Nominations*** –In January 2021, the term of Board Member Aditya Bamzai ended, but the Board retained a quorum with four Members.

***Internal Policies*** – Professional, effective internal management is the foundation of the Board's ability to operate as a freestanding federal agency. During FY 2022, the Board anticipates continuing to refine and fully document its internal policies and procedures.

## **Board Interactions with Congress, the Public, and Other Executive Branch Agencies**

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."<sup>20</sup>

The Board intends to continue to hold public events, including virtual events, as deemed necessary during the Covid-19 pandemic. The purpose of these public events is for Board Members to hear from outside experts on issues relevant to the Board's mission and oversight projects. 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 informed about its work.

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<sup>20</sup> 42 U.S.C. § 2000ee(f)(2).



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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. Board Members and staff also continue to meet periodically with Members of Congress and congressional staff to update them on the Board's work, offer technical assistance on legislation when requested, and receive input on the Board's activities and agenda.

Board Members continue to 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 the Board's 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.



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### FY 2022 BUDGET EXHIBIT

<b>FY 2022 Budget Request by Object Class</b>				
<i>(Dollars in Thousands)</i>				
<b>Object Class</b>		<b>FY20 Actuals</b>	<b>FY 2021 Request</b>	<b>FY 2022 Request</b>
<i>Personnel Services</i>				
11.1	Full-Time Permanent	\$ 3,196	\$ 4,730	\$ 4,330
11.3	Other than Full-Time Permanent	\$ 1,080	\$ 462	\$ 430
11.5	Other Personnel Compensation	\$ 97	\$ 120	\$ 140
12.1	Civilian Personnel Benefits	\$ 1,370	\$ 1,230	\$ 1,248
<i>Operation and Mission Services</i>				
21.0	Travel and Transportation of Persons	\$ 28	\$ 40	\$ 87
23.1	Rental Payments to GSA	\$ 949	\$ 407	\$ 847
23.3	Communications, Utilities, and Misc. Charges	\$ 392	\$ 166	\$ 369
24.0	Printing and Reproduction	\$ 5	\$ 11	\$ 31
25.1	Advisory and Assistance Services	\$ -	\$ 8	\$ 24
25.2	Other Services from Non-Federal Sources	\$ 1,242	\$ 672	\$ 1,122
25.3	Other Goods and Services from Federal Source	\$ 1,658	\$ 585	\$ 814
26.0	Supplies and Materials	\$ 85	\$ 69	\$ 158
<b>Total</b>		<b>\$ 10,102</b>	<b>\$ 8,500</b>	<b>\$ 9,600</b>
***FY22 numbers represented are 12% less than the actuals				