

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty, do ordain and establish this Constitution for the United States of America.

Article 1.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year in each State, who shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six Years; and each Senator shall have one Vote.

Section 4. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided into three Clases; the Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen in the Representation from any State, the Executive Authority thereof shall fill the Vacancies until the next Meeting of the Legislature of that State, the Executive thereof may make temporary Appointments until the next Election.

Section 5. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and when chosen, be an Inhabitant of that State, for which he shall be chosen.

Section 6. The Vice President of the United States shall be President of the Senate, but shall have no Vote thereon, unless he shall also be a Senator; and he shall choose the other Officers, and also a President pro tempore, in the Absence of the President.

Privacy and Civil Liberties Oversight Board



FISCAL YEAR 2019
BUDGET JUSTIFICATION

ELISEBETH B. COLLINS
BOARD MEMBER



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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

FISCAL YEAR (“FY”) 2019 BUDGET JUSTIFICATION

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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

EXECUTIVE SUMMARY

The Privacy and Civil Liberties Oversight Board (“PCLOB” or the “Board”) requests \$5 million for its FY 2019 Budget Request (“Request”). This Request represents a \$3 million decrease from the FY 2018 Request level. Due to projected cost avoidances resulting in lower costs related to personnel and office rent, the PCLOB can continue to operate fully in FY 2019 with a lower base funding level. PCLOB’s significant decrease in its Request from previous years is intended to enable the agency to spend carryover funds generated, in part, from its sub-quorum status.

The FY 2019 Request will allow the PCLOB to continue to execute its statutory mission: to conduct oversight and provide advice to ensure that efforts taken by the executive branch to protect the nation from terrorism are appropriately balanced with the need to protect privacy and civil liberties.

The PCLOB continues to function as an independent agency in the executive branch despite losing its quorum on January 7, 2017. The PCLOB and its staff remain focused on several mission-related projects initiated before the Board lost its quorum. The PCLOB continues to review cybersecurity reports required under Executive Order (“E.O.”) 13636 and agency reports required under Section 803 of the Implementing Recommendations of the 9/11 Commission Act (“9/11 Commission Act”). The PCLOB also served as a resource for the debate on the reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (“FISA”).

Additionally, the PCLOB has maintained its agency-building efforts. The PCLOB continues to file the required legal and compliance reports even in a sub-quorum status (except for the Semi-Annual Report, which requires a quorum). The PCLOB is using this sub-quorum period as an opportunity to increase the knowledge base of the agency by permitting three staff members to participate in professional development opportunities in other agencies and the Congress. Board Member Elisebeth Collins also continues to perform tasks that she could perform before the Board lost a quorum, such as providing advice to agencies in her individual official capacity and meeting with Members of Congress.

Since late FY 2016, the PCLOB is located at interim office space in College Park, Maryland. The move was necessary because the building at which the agency was previously located, 2100 K Street, N.W., Washington, D.C., was sold and later demolished. In spring 2017, in conjunction with the General Services Administration (“GSA”) and the Intelligence Community (“IC”), the PCLOB finalized the lease procurement process for new office space located at 800 N. Capitol Street, N.W., Washington, D.C. The PCLOB expects to relocate to its new, permanent office location during the spring of 2018.

On September 5, 2017, the President nominated Adam I. Klein to serve as Chairman of the Board. His confirmation hearing was held on January 24, 2018, and he was voted favorably out of the Senate Judiciary Committee on February 15, 2018.



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The PCLOB's FY 2019 Request allows the Board to continue fulfilling its mission requirements, while operating as an established agency with a growing infrastructure and increasingly comprehensive operating policies and procedures.

CURRENT MEMBERS OF THE BOARD:

Board Member, Elisebeth B. Collins, confirmed to a term ending January 29, 2020.



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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

VISION, MISSION, AND VALUES

VISION

A nation that simultaneously counters terrorism and protects privacy and civil liberties.

MISSION

The Board conducts oversight and provides advice 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 foster understanding of the impact of the executive branch's efforts to protect the nation from terrorism on privacy and civil liberties and helps to inform debate about their proper scope. In addition, the Board strives to make its own activities as transparent as possible, to foster confidence that it is approaching its mission with the care that this mission deserves.

Rigor – The Board strives for the highest standard of quality in its analysis and recommendations. When examining the executive branch's efforts to protect the nation from terrorism, the Board takes care to understand those efforts in all their complexity. In assessing whether such efforts are consistent with the law, the Board strives to be thorough and accurate. When recommending changes to those efforts, the Board seeks to consider fully the foreseeable impact of its recommendations.



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AGENCY OVERVIEW

History

The PCLOB was created upon the recommendation of the 9/11 Commission, whose 2004 report declared that preventing terrorism does not require sacrificing the values that make us strong. Liberty and security, the Commission wrote, need not be in opposition but instead can be mutually reinforcing:

We must find ways of reconciling security with liberty, since the success of one helps protect the other. The choice between security and liberty is a false choice, as nothing is more likely to endanger America’s liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.¹

Legal changes adopted after the September 11 attacks, the Commission noted, “vested substantial new powers” in the government’s investigative agencies, prompting “concerns regarding the shifting balance of power to the government.”² The Commission found, however, that “there is no office within the government whose job it is to look across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered.”³

To fill that gap, the 9/11 Commission unanimously recommended the creation of what is now the Board. In the words of the Commission: “At this time of increased and consolidated government authority, 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.”⁴

In 2007, Congress responded to this proposal through the Implementing Recommendations of the 9/11 Commission Act, which established the Board as an independent agency within the executive branch.⁵ A bipartisan, five-member Board leads the agency. The Board is comprised of a full-time chairman and four part-time Board members, all of whom are appointed by the President, with the advice and consent of the Senate, for staggered six-year terms.

¹THE 9/11 COMMISSION REPORT: FINAL REPORT OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES, at 395 (2004).

² *Id.* at 394.

³ *Id.* at 395.

⁴ *Id.*

⁵ See Pub. L. No. 110-53, § 801(a), 121 Stat. at 352-58. Under the Act, the new Board replaced an earlier agency with the same name that was situated within the Executive Office of the President. See Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, § 1061(b), 118 Stat. 3638, 3684 (2004).



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No more than three Board members may be from the same political party, and the President must consult with the congressional leadership of the opposing party before appointing members who are not from the President's political party.⁶

Authority

The Board has two purposes under its authorizing statute:

- (1) [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
- (2) [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 against terrorism.⁷

These purposes encompass two core functions: (1) conducting oversight and (2) providing advice.

In its oversight role, the Board is authorized to continually review the substance and implementation of executive branch regulations, policies, procedures, information sharing practices and any other actions relating to efforts to protect the nation from terrorism while ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties.

In its advice role, the Board is authorized to review proposed legislation, regulations, and policies related to efforts to protect the nation from terrorism (as well as the implementation of new and existing policies and legal authorities), in order to advise the President and the elements of the executive branch on ensuring that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, and policies.⁸

The Board is also authorized, when appropriate, to make recommendations to the Civil Liberties and Privacy Officers ("CLPOs") of certain agencies with functions that protect the nation from terrorism and to coordinate the activities of those officers on relevant interagency matters.⁹

Another duty of the Board under its authorizing statute is to inform the President, Congress, and the public about its own activities. One of the Board's statutory functions is appearing and testifying before Congress.¹⁰ Furthermore, the Board reports semi-annually to the appropriate committees of Congress and the President on its major

⁶ See 42 U.S.C. § 2000ee(h)(2).

⁷ See *id.* § 2000ee(c).

⁸ See *id.* § 2000ee(d)(1).

⁹ See *id.* § 2000ee(d)(3).

¹⁰ See *id.* § 2000ee(d)(4).



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activities, findings, conclusions, and recommendations resulting from its advice and oversight functions.¹¹ To promote transparency to the public, the Board is directed to make its reports available to the greatest extent that is consistent with the protection of classified information and applicable law and to hold public hearings and otherwise inform the public of its activities.¹²

When necessary to carry out its statutory duties, the Board is authorized to access all relevant executive agency records, documents, or other materials, including classified information, and to interview, take statements from, or take public testimony from any executive branch officer or employee. In addition, the Board may submit a written request to the Attorney General that the Attorney General require by subpoena that persons outside of the executive branch produce relevant information to the Board.¹³

In addition to the Board's authorizing statute, several other authorities discuss the Board's activities. In 2013, E.O. 13636 directed Department of Homeland Security ("DHS") to consult with the Board as DHS assesses the privacy and civil liberties risks associated with cybersecurity activities undertaken by federal agencies pursuant to that executive order.¹⁴ Presidential Policy Directive ("PPD-28"), the directive regarding signals intelligence, encouraged the Board to provide the President with a report that assesses the implementation of any matters contained within the directive that fall within its mandate. In 2015, Congress passed the USA FREEDOM Act,¹⁵ which allows presiding judges of the Foreign Intelligence Surveillance Court to consider recommendations for individuals to serve as *amicus curiae* from any source, including Board Members.¹⁶

Opportunities

Although the PCLOB has been in a sub-quorum status since January 2017, Board Member Collins and PCLOB staff continue the important work of the agency. The PCLOB staff remains focused on several mission-related projects initiated before the Board lost its quorum. Staff also consistently engage with their agency counterparts on projects and other matters that arise. Board Member Collins serves a dual role as acting agency head and Board Member, providing the organizational leadership and outward facing messaging for the PCLOB. Board Member Collins has testified before a Congressional panel on the reauthorization of Section 702 of FISA. She has also participated in briefings and meetings about this reauthorization and other issues of importance to PCLOB. Board Member Collins participated in the first annual Privacy

¹¹ See *id.* § 2000ee(e). In its current sub-quorum status, the PCLOB cannot file the Semi-Annual Report. Instead, the PCLOB is available to brief its congressional oversight committees as needed.

¹² See *id.* § 2000ee(f).

¹³ See 42 U.S.C. § 2000ee(g)(1).

¹⁴ See E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).

¹⁵ United and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act, Pub. L. No. 114-23, § 401 (2015).

¹⁶ See Pub. L. No. 114-23, § 401, 129 Stat. at 279-281.



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Shield Review and often speaks with her foreign counterparts about the importance of this transatlantic agreement.

Additionally, the PCLOB continues to expand its agency building efforts, which includes implementing and refining operating policies and procedures, during this sub-quorum status. This also includes preparing for the Board's upcoming financial audit.

The PCLOB consistently collaborates with GSA, the IC, and relevant vendors on the agency relocation back to Washington, D.C., which is currently in the final stages. The PCLOB is building a secure facility in an existing commercial building, which requires significant staff time and attention in ensuring proper federal and local regulations and laws are followed. The PCLOB is spending responsibly and anticipates completing the project under budget. The PCLOB expects to move to this new facility in spring 2018.

Across all mission and administrative areas, the PCLOB is using its sub-quorum period to create a strong foundation for the return of a quorum of Board Members.

Challenges

In June 2016, the Board's Chairman resigned. Subsequently, one other member resigned and the term limits of two members expired. In January 2017, the Board lost its quorum. The PCLOB is now more limited in its authorities. For example, during a sub-quorum period, the PCLOB may not initiate new advice or oversight projects. However, Board Member Collins and staff have continued to work on projects that were approved by the Board before it lost its quorum. Additionally, another challenge for the agency has been the inability to hire staff. Until recently, the PCLOB's enabling statute did not permit hiring staff in the absence of a Chairman.¹⁷ Since the Chairman's resignation in June 2016, 10 staff members left the agency. The Board has been unable to fill its vacant positions. However, its current staff has been working tirelessly to advance both the mission and administrative work of the agency. Despite these limitations of a sub-quorum status, the PCLOB has continued to operate as an independent, executive branch agency.

¹⁷ 42 U.S.C. § 2000ee(j)(1). On January 19, 2018, President Trump signed legislation reauthorizing Section 702 of FISA, which contains language that grants hiring authority to the remaining Board Members in the absence of a Chairman. FISA Amendments Reauthorization Act, Pub. L. No. 115-118, § 108(a).



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FY 2019 BUDGET JUSTIFICATION SUMMARY

	FY 2016 Enacted*	FY 2017 Enacted	FY 2018 Request	FY 2019 Requested	FY 2018 FY 2019 (Delta)	FY 2018 FY 2019 (Delta %)
<i>(Dollars in Thousands)</i>						
Appropriation	\$ 21,297	\$ 10,100	\$ 8,000	\$ 5,000	\$ -3,000	-38%
Carryover	\$ 4,943	\$ 9,672	\$ 9,000	\$ 8,000		
Total Available	\$ 26,240	\$ 19,772	\$ 17,000	\$ 13,000	\$ -4,000	-24%
Positions	37	37	37	37	-	
Full Time Equivalents (FTE's)	35	35	35	35	-	

*FY 2016 included an \$10.1 million non-recurring increase to fund the Board's permanent physical relocation.

FUNDING HIGHLIGHTS:

The PCLOB’s FY 2019 Budget Request is for \$5 million, a \$3 million (or 37.5 percent) decrease from the Board’s FY 2018 Request Level. The FY 2019 Request fully supports the Board in achieving its mission. The lower requested amount in FY 2019 is due to anticipated available carryover, no rent for third and fourth quarter in FY 2018, lower than anticipated personnel costs, and cost-sharing for building security with other federal tenants in the PCLOB’s new location.

FY 2019 JUSTIFICATIONS FOR RESOURCES:

The PCLOB’s FY 2019 Budget focuses on key capabilities in the following mission areas:

- Conducting effective oversight through reviews of executive branch activities to protect the nation from terrorism.
- Providing advice and guidance, pursuant to PCLOB’s advice function, to elements of the executive branch that are developing programs that protect the nation from terrorism.
- Continuing to build and strengthen relationships with agency CLPOs in order to coordinate the activities of those officers on relevant interagency matters.
- Maintaining the PCLOB’s transparency.



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- Continuing to refine the PCLOB’s business functions and ensure full operational capability following the PCLOB’s move into its permanent office space.
- Sustaining and maturing the PCLOB Information Technology (“IT”) and cybersecurity capabilities.
- Executing employee training and development initiatives.
- Continuing agency building by adopting risk controls policies and undergoing a financial audit.

The PCLOB continues to make progress in modernizing and securing its technological systems. It is essential that the PCLOB continue its efforts to build and maintain a strong information security posture in accordance with applicable laws and regulations, as well as to comply with the recent Cybersecurity Executive Order.¹⁸ This Executive Order requires executive branch agencies to adequately protect their information systems and address unmet budgetary needs to manage risks to those information systems.

The PCLOB’s role in providing oversight of activities that protect the nation from terrorism requires access to all necessary classified information on relevant programs and topics. Board Members and staff must hold Top Secret/SCI security clearances, and the Board’s offices are located in a Sensitive Compartmented Information Facility (“SCIF”).

The PCLOB’s involvement in matters of national security also requires that it maintain a higher standard of information security for its unclassified systems. The PCLOB maintains a robust unclassified mission and business support IT infrastructure. For its classified IT systems, the PCLOB requires access to the Joint Worldwide Intelligence Communications System (“JWICS”) and use of its connected workstations and secure telephones, which is provided as a fee-for-service.

The PCLOB also must comply with federal guidance such as E.O. 13556, Controlled Unclassified Information,¹⁹ the Federal Information Protection Standards (“FIPS”), the Federal Information Security Modernization Act (“FISMA”),²⁰ and Intelligence Community Directive 503.

¹⁸ E.O. 13800, Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure (May 11, 2017).

¹⁹ E.O. 13556, Controlled Unclassified Information (Nov. 4, 2010).

²⁰ Pub. L. No. 113-283 (2014).



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FY 2016 – FY 2018 STRATEGIC PLAN

The PCLOB is an independent agency within the executive branch. First established by statute in 2007, the Board began operations in 2012, after the Senate confirmed the Board's initial four members.

The Board's mission is to conduct oversight and provide advice 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. Three key values guide the Board's activities: integrity, transparency, and rigor. The Board anchors its work in the vision of a nation that simultaneously counters terrorism and protects privacy and civil liberties.

In July 2015, the Board adopted a Strategic Plan for 2016 to 2018. The Board will adopt a new Strategic Plan once it regains quorum. The most current Strategic Plan establishes four strategic goals to support the agency's mission and guide its efforts through 2018:

Strategic Goal 1: Conduct effective oversight through reviews of executive branch counterterrorism authorities and activities to ensure appropriate protections for privacy and civil liberties.

Strategic Goal 2: Provide effective advice regarding the consideration of privacy and civil liberties in the development and implementation of counterterrorism legislation, regulation, and policies.

Strategic Goal 3: To the extent consistent with the protection of classified information, promote transparency regarding Board activities and the aspects of executive branch counterterrorism efforts that impact privacy and civil liberties.

Strategic Goal 4: Continue establishing the Board's administrative, management, and governance capabilities.

The PCLOB's strategic plan describes the objectives associated with each goal, as well as the strategies the Board will use to achieve such objectives.



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PERFORMANCE MANAGEMENT

FY 2018 ACCOMPLISHMENTS

Mission Support

The PCLOB has continued to achieve an effective operational capability as an independent agency within the executive branch. During the past year, the PCLOB continued to examine government counterterrorism efforts and actions as it exercised its statutory oversight and advisory functions.

Oversight Function – The PCLOB’s oversight function is one of the two core functions that enables the agency to achieve its mission. Prior to losing quorum, the Board approved five new oversight projects. PCLOB continues to work on these newer projects during this sub-quorum status. The PCLOB also continues its work on oversight projects that were approved at a time when the Board still had a quorum. PCLOB staff provided an interim package of facts, recommendations, and views from Board Members Collins to an agency it has been working with on an oversight project.

Advice Function – The PCLOB’s advice function is the second of the two core functions that enables the agency to achieve its mission. Through this function, the PCLOB provides advice and counsel on policy development and implementation by reviewing proposed legislation, regulations, and policies related to efforts to protect the nation from terrorism to ensure that privacy and civil liberties are appropriately considered.

As part of this advice function, early engagement by the PCLOB—before the executive branch or President has made a final decision and when there is still time to consider the Board’s advice—is critical to its ability to provide meaningful advice.

The Board approved and issued its “Advisory Function Policy and Procedure” in 2015,²¹ which resulted in a several requests from intelligence agencies seeking the Board’s advice.

E.O. 12333 – The PCLOB continued its examination of certain counterterrorism-related activities conducted by the IC under E.O. 12333.²²

Section 803 Reports – Section 803 of the 9/11 Commission Act requires certain executive branch departments, agencies, and elements to designate at least one senior officer as a privacy and civil liberties officer.²³ Each agency’s CLPO must issue semi-annual reports to the head of

²¹ PCLOB Advisory Function Policy and Procedure, Policy 2015-004 (Oct. 30, 2015), https://www.pclob.gov/library/Policy-Advisory_Function_Policy_Procedure.pdf.

²² E.O. 12333, United States Intelligence Activities (Dec. 4, 1981), as amended.

²³ 42 U.S.C. § 2000ee-1(a). The entities covered are the Office of the Director of National Intelligence, the Central Intelligence Agency, and the Departments of Defense, Health and Human Services, Homeland Security,



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that officer's agency, designated congressional committees, and the PCLOB. To the greatest extent possible, the reports also must be in unclassified form and made available to the public.²⁴

The PCLOB's statute contemplates a close relationship between the PCLOB and agency CLPOs to enhance privacy and civil liberties across agencies. Through an ongoing dialog that includes regular meetings, the PCLOB has continued to foster its crucial relationships with CLPOs.

Cybersecurity – E.O. 13636 on Improving Critical Infrastructure Cybersecurity, issued in February 2013, calls upon DHS to consult with the Board in assessing agency cybersecurity information sharing programs.²⁵ The PCLOB continues to consult with DHS and other agencies reporting under the Order regarding privacy and civil liberties policies and practices.

OPERATIONAL SUPPORT

Operational support services include developing the PCLOB's management policies and core mission support activities, as well as ensuring compliance with other requirements instituted by Congress and the executive branch. The following activities were accomplished in FY 2018:

Lease Procurement – In April 2017, working with GSA and the IC, the PCLOB finalized the lease procurement process. GSA signed a lease on behalf of the PCLOB for office space located at 800 N. Capitol Street, N.W., Washington, D.C. This lease enables the agency to occupy its first permanent space.

The duration of the PCLOB's lease is 10 years with a five-year renewal option. The PCLOB's anticipated relocation date is in the spring of 2018. Under the terms of the lease, the PCLOB will occupy the space rent-free for the first year, which has contributed significantly to the agency's lower FY 2019 Request when compared to FY 2018. The PCLOB will begin paying its annual rent of approximately \$1 million in third quarter of FY 2019.

Virtual Desktop Infrastructure – The PCLOB's continued use of a Virtual Desktop Infrastructure ("VDI") system provides a secure remote access capability and mitigates potential security risks. The VDI system also provides the PCLOB with a Continuity of Operations ("COOP") vehicle allowing employees to work from safe locations in the event the primary facility becomes unavailable.

National Industrial Security Program ("NISP") Certified – In FY 2018, the PCLOB worked with the Defense Security Service to become a NISP-certified agency. This NISP designation allows the Board to have more authority over classified contracts and removes the requirement for it to rely on a shared service providers to procure classified contracts.

Justice, State, and the Treasury. The FISA Amendments Reauthorization Act also added the Federal Bureau of Investigation and the National Security Agency. Pub. L. No. 115-118, § 109.

²⁴ 42 U.S.C. § 2000ee-1(f)(1)(B), (g)(1)

²⁵ E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).



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Organization – The PCLOB continued to establish itself as an independent, bipartisan federal agency by strengthening its agency infrastructure and refining operating policies and procedures.

At the time of this FY 2019 Congressional Budget Justification submission, agency staff is at 15 FTEs. Congress authorized up to 35 FTEs for the PCLOB. Prior to January 19, 2018, the PCLOB’s statute stated the agency could not hire staff in the absence of a Chairman.²⁶

FY 2018 accomplishments in this area include:

- Enhanced the PCLOB’s internal financial management function to include budget formulation, budget execution, and monitoring resource utilization to ensure the PCLOB’s service provider maintains accurate financial statements and financial reporting;
- Continued development and strengthening the PCLOB’s internal financial controls in preparation for an external financial audit in FY 2018;
- Continued the development of internal policies and procedures governing the PCLOB’s operations;
- Continued implementing a system to encourage and facilitate staff participation in external training programs to ensure the continued professional development of the PCLOB’s workforce; and
- Continued to implement the Board’s Strategic Plan for Fiscal Years 2016–2018.

Key IT and Information Security (“I&IS”) performance accomplishments include:

- Planned and executed relocation of PCLOB local IT architecture associated with the agency’s office move, which includes physical relocation of classified and unclassified IT and telecommunication systems.
- Implemented Einstein 3 Accelerated (“E3A”) Mail on PCLOB’s local area network (“LAN”) to enhance cybersecurity analysis, situational awareness, and security response;
- Migrated the Board’s public website to a government shared services cloud platform which is certified under the Federal Risk and Authorization Management Program (“FedRAMP”). The cloud solution allowed for a fast and seamless transition to a website with easier navigation and enhanced content. Additionally, the FedRAMP-certified platform leverages government shared services and ensures minimum security requirements are in place to protect the agency’s data.

²⁶ 42 U.S.C. 2000ee(j)(1).



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- Continued to improve and build PCLOB’s cybersecurity program: Integrated artificial intelligence advanced threat prevention tools; planned, coordinated and engineered implementation designs for Trusted Internet Connection (“TIC”) and Continuous Diagnostics, and Monitoring (“CDM”) capabilities; and executed an independent vulnerability assessment and penetration test.
- Implemented Virtual Teleconferencing (“VTC”) system to reduce travel expenditures and increase efficiency of PCLOB staff.
- Scheduled an independent audit to comply with the FISMA audit requirements, which will occur in FY 2018.
- Updated network infrastructure to strengthen security and communications responsiveness.



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PERFORMANCE MANAGEMENT

FY 2019 ANTICIPATED PERFORMANCE

AGENCY MISSION

Consistent with its mission and statutory functions, the PCLOB will continue both to conduct oversight and provide advice in FY 2019.

The PCLOB will continue its extensive examination of E.O. 12333, focusing on in-depth examinations of two specific counterterrorism activities—one at the National Security Agency (“NSA”) and one at the Central Intelligence Agency (“CIA”).

The PCLOB will continue its work on projects approved by the Board before it lost quorum in January 2017.

The PCLOB expects the following priorities to continue to guide its activities for FY 2019:

- Coordinate and consult with government and non-government entities to identify and examine privacy and civil liberties issues that may arise in the government’s efforts to prevent terrorism.
- Consult with DHS and other participating agencies pursuant to E.O. 13636 on Critical Infrastructure Cybersecurity.
- Advise federal agency CLPOs as they exercise oversight of government efforts to protect the nation against terrorism. This includes the review and evaluation of Section 803 reports.
- Produce PCLOB reports that are publicly available to the greatest extent possible consistent with the need to protect classified information (upon the return of a quorum), including posting materials and information online.
- Develop the PCLOB’s public affairs capability, and conduct outreach to educate the public, the legislative branch, and other governmental organizations regarding the PCLOB’s mission, programs, and activities.

OPERATIONAL SUPPORT

Operational support services include developing the PCLOB’s management policies and core mission support activities, as well as ensuring compliance with requirements instituted by Congress and the executive branch. The PCLOB anticipates the following activities to be accomplished in FY 2019:



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- Inform key congressional committees of the PCLOB's work, including the House and Senate Committees on Appropriations, Judiciary, Intelligence, Homeland Security, and Oversight and Government Reform, as appropriate.
- Conduct an independent financial audit of the PCLOB.
- Ensure operational effectiveness and security of the PCLOB's information and business systems.
- Support ongoing training and professional development for staff.
- Identify new opportunities for cross-agency and interagency collaboration to identify programs, initiatives, and activities where existing services can be improved.
- Ensure that an effective security education training program is in place and conduct continuous briefings, trainings, and brown-bags sessions with subject-matter experts to protect national security information.

INFORMATION TECHNOLOGY

Key I&IS anticipated performance includes:

- Upgrade PCLOB Mobile Device Management system to provide more robust capabilities to users and enhanced information security capabilities.
- Continue to develop and refine PCLOB FISMA documentation to certify and accredit PCLOB information systems, ensuring the PCLOB maintains a strong information security posture.
- Enhance Intranet service portal to support streamlined business processes for PCLOB staff.
- Continue to implement FedRAMP cloud Contract Documentation System to increase procurement efficiency and provide traceability repository.
- Continue to implement insider threat tools to enhance security of PCLOB network.
- Upgrade PCLOB desktop and network equipment based on regularly scheduled technology refresh timeline.



(UNCLASSIFIED)

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

PCLOB INTERACTIONS WITH THE INTELLIGENCE COMMUNITY, CONGRESS, AND THE PUBLIC

Board Members and PCLOB staff continue to have numerous interactions with Congress, the IC, and members of the public.

The congressional interactions have included meetings between Board Member Collins and Members of Congress, as well as periodic meetings and briefings between PCLOB staff and staff for the congressional Appropriations, Intelligence, Judiciary, Homeland Security and Oversight and Government Reform committees.

Board Members and PCLOB staff also meet regularly with representatives of a variety of IC components and other agencies that conduct counterterrorism programs. These include briefings conducted by those agencies, as well as meetings between PCLOB staff and agency CLPOs. In addition, PCLOB staff stay in regular contact with the staff of other agencies about specific Board projects and to keep each other apprised of relevant developments.

In addition, Board Member Collins and PCLOB staff regularly speak at conferences, law school classes, and other public events to discuss the agency's work and issues relating to protecting privacy and civil liberties in the context of counterterrorism programs. Board Member Collins and PCLOB staff have also met with representatives of Five Eyes and European Union countries, and participated in the first annual Privacy Shield review.



(UNCLASSIFIED)

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

FY 2019 BUDGET EXHIBIT

FY 2019 Budget Request by Object Class		
<i>(Dollars in Thousands)</i>		
Object Class		FY 2019 Request
<i>Personnel Services</i>		
11.1	Full-Time Permanent	\$ 2,087,695
11.3	Other than Full-Time Permanent	\$ 158,806
11.5	Other Personnel Compensation	\$ 103,551
12.1	Civilian Personnel Benefits	\$ 521,924
<i>Non-Personnel Services</i>		
21.0	Travel and Transportation of Persons	\$ 37,686
23.1	Rental Payments to GSA	\$ 221,876
23.3	Communications, Utilities, and Misc. Charges	\$ 747,688
24.0	Printing and Reproduction	\$ 7,703
25.1	Advisory and Assistance Services	\$ 4,814
25.2	Other Services from Non-Federal Sources	\$ 306,697
25.3	Other Goods and Services from Federal Source	\$ 751,443
26.0	Supplies and Materials	\$ 50,117
Total		\$ 5,000,000