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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

FISCAL YEAR (“FY”) 2018 BUDGET JUSTIFICATION

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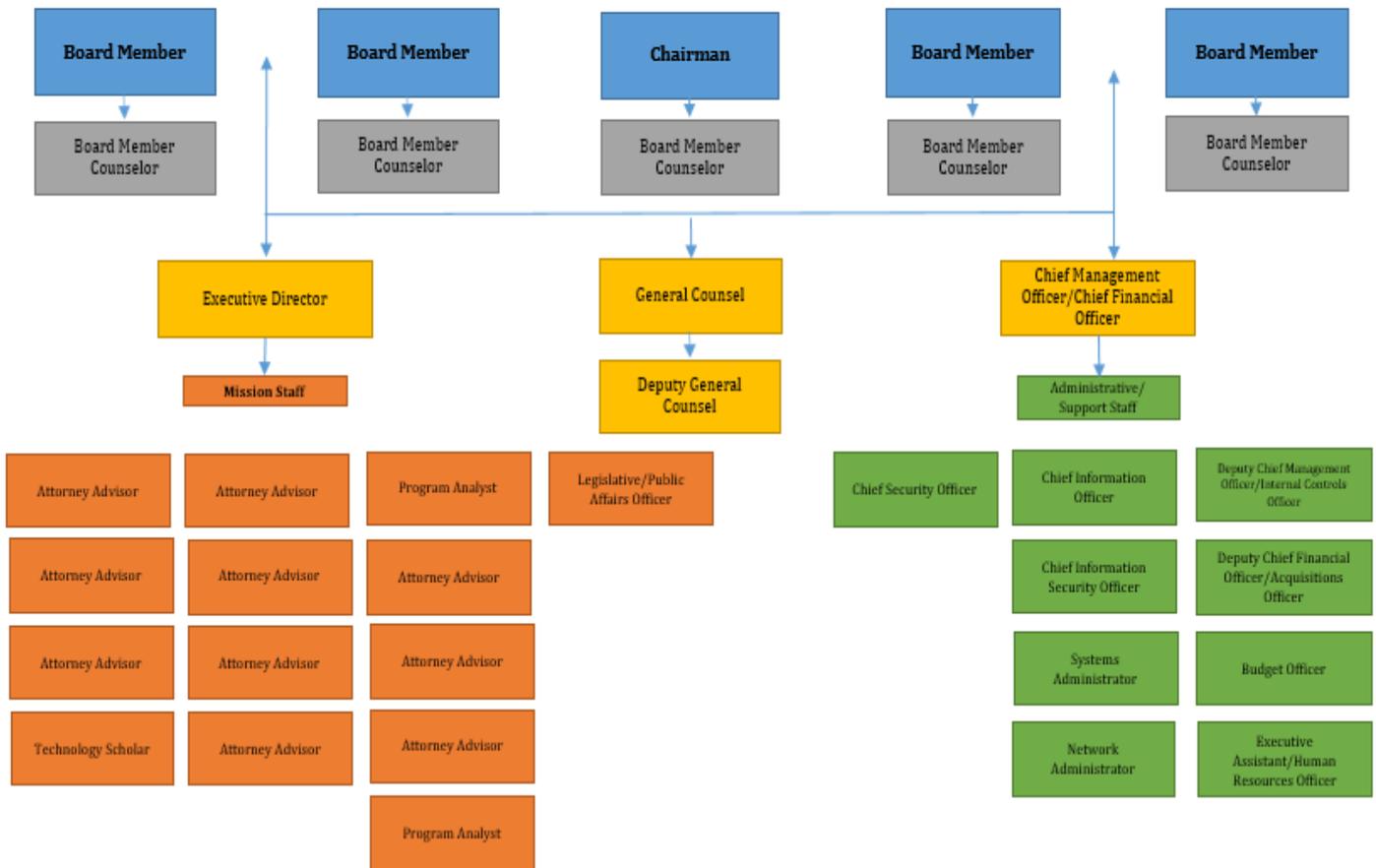
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FY 2018 ORGANIZATIONAL CHART



Privacy & Civil Liberties Oversight Board (PCLOB) Organizational Chart





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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

EXECUTIVE SUMMARY

The Privacy and Civil Liberties Oversight Board (“PCLOB” or the “Board”) requests \$8 million (and no new positions) for its FY 2018 Budget Request. The PCLOB’s FY 2018 Request will allow the PCLOB to continue fulfilling its mission requirements: 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, while operating as an established agency with a growing infrastructure and increasingly comprehensive operating policies and procedures.

This Request represents a \$2.1 million decrease from the FY 2017 Enacted Level. Due to projected cost avoidances resulting in lower costs related to personnel and office rent and available carryover, the PCLOB can continue to operate fully in FY 2018 with a lower base funding level.

The PCLOB has continued to function as an independent agency in the executive branch despite losing its quorum on January 7, 2017. The PCLOB and its staff are continuing several mission-related projects as well as new mission-related projects initiated before the Board lost its quorum. Additionally, the Board is also expanding 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). Board Member Elisebeth Collins is also able to perform the same duties in the sub-quorum period, such as providing advice to agencies in her individual official capacity.

In April 2017, in conjunction with the General Services Administration (“GSA”) and the Intelligence Community (“IC”), the PCLOB finalized the lease procurement process and secured new office space. Since late FY 2016, PCLOB has been 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 St., NW, Washington, DC, was demolished.

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 counterterrorism efforts on privacy and civil liberties and help 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 counterterrorism efforts, 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 bi-partisan, 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, and information sharing practices relating to efforts to protect the nation from terrorism to ensure that privacy and civil liberties are protected. The Board also is authorized to continually review any other actions of the executive branch relating to efforts to protect the nation from terrorism, in order to determine whether such actions appropriately protect privacy and civil liberties and whether they are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.⁸

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.⁹

The Board is also authorized, when appropriate, to make recommendations to the Civil Liberties and Privacy Officers ("CLPOs") of certain agencies with counterterrorism functions, and to coordinate the activities of those officers on relevant interagency matters.¹⁰

⁶ See 42 U.S.C. § 2000ee(h)(2).

⁷ See *id.* § 2000ee(c).

⁸ See *id.* § 2000ee(d)(2).

⁹ See *id.* § 2000ee(d)(1).

¹⁰ See *id.* § 2000ee(d)(3).



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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.¹¹ Furthermore, the Board reports semi-annually to the appropriate committees of Congress and the President on its major activities, findings, conclusions, and recommendations resulting from its advice and oversight functions.¹² 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.¹³ Furthermore, the Board conducts its activities consistent with the Government in the Sunshine Act and the Freedom of Information Act.¹⁴

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.¹⁵

In addition to the Board's authorizing statute, several other authorities discuss the Board's activities. In 2013, Executive Order ("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.¹⁶ 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,¹⁷ 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.¹⁸

¹¹ See *id.* § 2000ee(d)(4).

¹² 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.

¹³ See *id.* § 2000ee(f).

¹⁴ See 5 U.S.C. § 552; *id.* § 552b; 42 U.S.C. § 2000ee(l)(1).

¹⁵ See 42 U.S.C. § 2000ee(g)(1).

¹⁶ See E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).

¹⁷ United and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act. Pub. L. No. 114-23, § 401 (2015).

¹⁸ See Pub. L. No. 114-23, § 401, 129 Stat. at 279-281.



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Challenges

In June 2016, the Chairman of the Board resigned, and then in January 2017, the Board lost its quorum by virtue of the resignation of a Board Member and the expiring terms of two other Board Members. The PCLOB is now more limited in its authorities, but has continued to operate as an independent, executive branch agency. During a sub-quorum period, PCLOB may not initiate new advice or oversight projects. However, Board Members and staff can continue to work on projects that were approved by the Board before it lost its quorum. Board Members can continue agency related work in their own individual capacities, and agencies can seek advice from Board Members in their individual capacities. Additionally, the agency may not hire staff in the absence of a Chairman.

Opportunities

The PCLOB continues to focus on several existing mission-related projects as well as on new mission-related projects initiated before the Board lost its quorum in early 2017. It is expanding its agency building efforts, which includes implementing and refining operating policies and procedures. Examples of these efforts include: collaborating with GSA and the IC on the agency relocation move that will take a year; preparing for the PCLOB's first financial audit; and exploring a shared service provider that can assist the PCLOB in streamlining processes and becoming more efficient and effective.



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**PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
FY 2018 BUDGET JUSTIFICATION SUMMARY**

| | FY 2016 Enacted¹ | FY 2017 Enacted | FY 2018 Request | FY 2017 FY 2018 (Delta) | FY 2017 FY 2018 (Delta %) |
|-------------------------------|--|----------------------------|----------------------------|--|--|
| <i>(Dollars in Thousands)</i> | | | | | |
| Appropriation | \$ 21,297 | \$ 10,100 | \$ 8,000 | \$ (2,100) | -21% |
| Carryover | \$ 4,943 | \$ 9,672 | \$ 9,000 | | |
| Total Available | \$ 26,240 | \$ 19,772 | \$ 17,000 | \$ (2,100) | -11% |
| Full Time Equivalents | 35 | 35 | 35 | - | - |

¹FY 2016 included \$11.2 million in non-reoccurring funding for the Board's permanent physical relocation.

FUNDING HIGHLIGHTS:

The PCLOB's FY 2018 Budget Request is for \$8 million, a \$2.1 million (or 21 percent) decrease from the Board's FY 2017 Enacted Level. The FY 2018 Request fully supports the Board in achieving its mission. The lower requested amount in FY 2018 is due to anticipated available carryover and projected cost avoidance resulting from lower costs related to personnel, no rent in FY 2018, and cost-sharing for building security with other federal tenants in the PCLOB's new location.

FY 2018 JUSTIFICATIONS FOR RESOURCES:

The PCLOB's FY 2018 Budget focuses on key capabilities in the following mission areas:

- Conducting effective oversight through reviews of executive branch counterterrorism authorities and activities to ensure appropriate protections for privacy and civil liberties;
- Providing advice and guidance, pursuant to PCLOB's advice function, to elements of the executive branch that are developing counterterrorism programs;
- Continuing to build and strengthen relationships with agency Civil Liberties and Privacy Officers in order to coordinate the activities of those officers on relevant interagency matters;
- Maintaining the PCLOB's transparency;
- Continuing to refine the PCLOB's business functions and ensure full operational capability following the PCLOB's move into its permanent office space;



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- Sustaining and maturing the PCLOB Information Technology (“IT”) and cybersecurity capabilities; and
- Executing employee training and development initiatives.

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, regulations, and to comply with the Cyber Security Executive Order signed May 11, 2017. 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 counterterrorism activities 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 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 the Intelligence Community Directive 503.

While PCLOB has been working towards implementation of Trusted Internet Connection (“TIC”) requirements since FY 2016, unanticipated timeline extensions for the associated procurement and the PCLOB agency move have extended the schedule for full implementation until the end of FY 2017. TIC is required by OMB Memorandum M-08-05, which directs all agencies to move their Internet connectivity to a TIC that provides scanning, firewalls, Einstein, and proxy services to reduce the risk of network breaches or compromises. TIC services are acquired through the Networx contract for Managed Trusted Internet Protocol Services (“MTIPS”). Additionally, the PCLOB is transitioning telephone services from antiquated Integrated Services Digital network (“ISDN”) services to Voice over Internet Protocol (“VOIP”), which will require upgrade in telephone hardware, integration, security, and testing support.

¹⁹ Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure, 2017 WL 1952224 (May 11, 2017).

²⁰ Pub. L. No. 113-283 (2014).



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The PCLOB has transitioned to two-factor authentication for network access utilizing Personal Identity Verification (“PIV”) cards to comply with Homeland Security Presidential Directive (“HSPD”) 12.²¹ The PCLOB has transitioned several IT services to a FEDRAMP certified cloud service provider that includes mail, web hosting, Intranet, virtual/remote access, as well as redundant storage and active directory to provide for Continuity of Operations and Disaster Recovery functions.

²¹ HSPD-12, Policy for a Common Identification Standard for Federal Employees and Contractors (Aug. 27, 2004).



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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. With this plan, the Board 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 2017 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.

Advice Function – The PCLOB’s advice function is one 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 2015,²² which resulted in a several requests from intelligence agencies seeking the Board’s advice. During the past year, the Board completed six projects pursuant to its advice function.

Presidential Policy Directive 28 - The Board completed a project under its oversight function on the implementation of Presidential Policy Directive 28 (“PPD-28”) as it relates to counterterrorism efforts and the protection of privacy and civil liberties.

In PPD-28, the President “encouraged [the Board] to provide [the President] with a report that assesses the implementation of any matters contained within this directive that fall within its mandate.”²³ In December 2016, the Board delivered its classified PPD-28 report to the President.

Executive Order 12333 - The PCLOB continued its examination of certain counterterrorism-related activities conducted by the IC under Executive Order 12333 (“E.O. 12333”).²⁴ This work included in-depth examinations, or “deep dives,” of three specific counterterrorism activities under E.O. 12333—one at the National Security Agency

²² PCLOB Advisory Function Policy and Procedure, Policy 2015-004: https://www.pclob.gov/library/Policy-Advisory_Function_Policy_Procedure.pdf

²³ PPD-28, Signals Intelligence Activities (Jan. 17, 2014).

²⁴ E.O. 12333, United States Intelligence Activities (Dec. 4, 1981), as amended.



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(“NSA”) and two at the Central Intelligence Agency (“CIA”). In late 2016, the Board completed one of the CIA deep dives and issued a classified report.

Section 803 Reports – Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 requires certain executive branch departments, agencies, and elements to designate at least one senior officer as a privacy and civil liberties officer²⁵ Each agency’s CLPO must issue semi-annual reports to the head of 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.²⁶

In 2016, the Board issued a set of recommendations intended to make Section 803 reports more informative, transparent, and accessible.²⁷ The PCLOB continues to review and evaluate Section 803 reports issued by agencies that are required to file them.

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.

Recommendations Assessment Report – In 2014, the Board released detailed reports on two government surveillance programs: the telephone records program conducted under Section 215 of the USA PATRIOT Act,²⁸ and the surveillance program conducted under Section 702 of the Foreign Intelligence Surveillance Act.²⁹ In these two reports, the Board made a total of 22 recommendations directed at the executive branch, Congress, and the Foreign Intelligence Surveillance Court.

Early in 2015, the Board conducted an assessment regarding the implementation of the recommendations made in its Section 215 and Section 702 reports. In 2016, the Board completed an additional assessment of the government’s progress in implementing these recommendations. The Board subsequently released a report indicating that all recommendations had been implemented in full or in part.

PCLOB has continued its oversight of the implementation of its recommendations, particularly as they relate to Section 702, which requires congressional reauthorization in 2017.

²⁵ 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, Justice, State, and the Treasury.

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

²⁷ June 10, 2016 PCLOB Recommendations for Reports under Section 803 of the 9/11 Commission Act: <https://www.pclob.gov/library/Section%20803%20Recommendations%20June%202016.pdf>

²⁸ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Pub. L. No. 107-56, 115 Stat. 272 (2001), as amended.

²⁹ See FISA Amendments Act Reauthorization Act, Pub. L. No. 112-238, 126 Stat. 1631 (2012); FISA Amendments Act, Pub. L. No. 110-261, 122 Stat. 2436 (2008)



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Cybersecurity – The President’s Executive Order 13636 (“E.O. 13636”) on Improving Critical Infrastructure Cybersecurity, issued in February 2013, calls upon the Department of Homeland Security (“DHS”) to consult with the Board in assessing agency cybersecurity information sharing programs.³⁰ 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, and ensuring compliance with Congressional and executive branch requirements. The following activities were accomplished in FY 2017:

Lease Procurement - In April 2017, working with GSA and the IC, the PCLOB finalized the lease procurement process and signed a lease for office space located at 800 N. Capitol St., NW, Washington, DC. This lease enables the agency to occupy its first permanent space.

The duration of PCLOB’s lease is 10 years with a five-year renewal option. Under the terms of the lease, the PCLOB is projecting to move into the new building in the spring of 2018. PCLOB will occupy the space rent-free for the first year, which has contributed significantly to the agency’s lower FY 2018 Request, when compared to FY 2017. In FY 2019, the PCLOB will begin paying its annual rent of approximately \$1 million.

Additional cost avoidance will be realized at the new location beginning in FY 2018, due to shared security costs with other federal tenants for the overall building security. The PCLOB must operate in a SCIF and adhere to related security requirements.

Congress appropriated funding for the Board’s upcoming move in FY 2016 through a one-time increase of \$10.1 million. The PCLOB will require no additional funds for the move, which will be completed in FY 2018.

Virtual Desktop Infrastructure - During FY 2017 the PCLOB implemented a Virtual Desktop Infrastructure (VDI) system that provides a secure telework capability and mitigates the risk associated with employees working remotely. The VDI system also provides the basis of PCLOB’s Continuity of Operations (COOP) plan, which allows employees to work from safe locations in the event the primary facility becomes unavailable.

Organization – To continue to establish itself as an independent, bipartisan federal agency, the PCLOB has continued to strengthen its agency infrastructure, which includes implementing and refining operating policies and procedures.

³⁰ E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).



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In January 2017, the Board approved a revised organizational chart (see page 2). The revised organizational structure divides the Board's administrative and substantive mission functions to improve the structure and efficiency of the agency's operations, particularly given PCLOB's growth over the past few years.

At the time of this FY 2018 Congressional Budget Justification ("CBJ") submission, agency staff is 21 Full Time Equivalent staff ("FTEs"). Congress has authorized up to 35 FTEs for the PCLOB. Under the PCLOB's statute, the agency cannot hire staff in the absence of a Chairman.³¹ Until PCLOB can hire staff again, the agency is seeking to fill the identified staffing needs through inter-agency details.

FY 2017 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 Board's service provider maintains accurate financial statements and financial reporting;
- Secured a contractor to further develop and strengthen 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;
- Implemented a system to encourage and facilitate staff participation in external training programs to ensure the continued professional development of the Board's workforce; and
- Continuing to implement the Board's Strategic Plan for Fiscal Years 2016–2018.

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

- Implemented Einstein 3 Accelerated ("E3A") on PCLOB's local area network ("LAN") to enhance cybersecurity analysis, situational awareness, and security response; and 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.
- Continued to improve and build PCLOB's cyber security program: Integrated artificial intelligence advanced threat prevention tools; planned, coordinated and

³¹ 42 U.S.C. 2000ee(j)(1).



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engineered implementation designs for Trusted Internet Connection and Continuous Diagnostics, and Monitoring (“CDM”) capabilities; and executed an independent vulnerability assessment and penetration test.



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PERFORMANCE MANAGEMENT

FY 2018 ANTICIPATED PERFORMANCE

AGENCY MISSION

Consistent with its mission and statutory functions, the PCLOB plans both to conduct oversight and provide advice in FY 2018.

The PCLOB plans to continue its extensive examination of E.O. 12333, focusing on in-depth examinations of two specific counterterrorism activities—one at the NSA and one at the CIA. (The Board completed a CIA deep-dive report in late 2016.)

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

Board Member Collins may also provide advice to agencies in her individual official capacity. Once the Board regains a quorum, it may provide advice to agencies as well.

The PCLOB also expects the following priorities to continue to guide its activities for FY 2018:

- Providing oversight and advice to government entities to identify and examine privacy and civil liberties issues that may arise in the course of the government's efforts to prevent terrorism;
- Advising federal agency privacy, civil rights, and civil liberties officers as they exercise oversight of government efforts to protect the nation against terrorism. This includes the review and evaluation of Section 803 reports;
- Continuing to consult with DHS and other participating agencies pursuant to E.O. 13636 on Critical Infrastructure Cybersecurity;
- Further establishing the PCLOB's administrative, management, and governance capabilities, as well as solidifying its integration into the ongoing business of the federal government;
- Continuing to develop the PCLOB's capability to respond to the media, and conducting outreach to educate the public, the legislative branch, and other governmental organizations regarding the PCLOB's mission, programs, and activities; and



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- Making PCLOB reports publicly available to the greatest extent possible consistent with the need to protect classified information and possible in a sub-quorum status, including posting materials and information online.

OPERATIONAL SUPPORT

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

- Keeping key congressional committees fully and currently informed of the PCLOB's work, including the House and Senate Committees on Appropriations, Judiciary, Intelligence, Homeland Security, and Oversight and Government Reform, as appropriate;
- Preparing for and conducting the first independent financial audit of the PCLOB;
- Ensuring operational effectiveness and security of the PCLOB information and business systems throughout the Board's move to its permanent location in FY 2018;
- Once the Board has a new Chairman, he or she can further develop and refine recruitment and outreach approaches to attract a talented and diverse workforce including new employees and detailees. In the interim, the PCLOB may detail employees from other federal agencies;
- Continuing to support ongoing training and development for staff;
- Identifying new opportunities for cross-agency and interagency collaboration to identify programs, initiatives, and activities where existing services can be improved;
- Ensuring that an effective security education training program is in place and conduct continuous briefings, trainings, and other sessions with subject-matter experts ("SME") to protect National Security Information ("NSI"); and
- Transitioning to a new shared service support provider to ensure more comprehensive and robust services.



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INFORMATION TECHNOLOGY

Key Information and Information Security anticipated performance includes:

- Plan, coordinate, and integrate data and voice telecommunication systems through a government-wide contract for PCLOB new office facility;
- Implement Voice Over Internet Protocol (“VOIP”) telephone solution for PCLOB’s new office facility;
- Design, integrate and test audio visual system for new office facility;
- Transition the PCLOB website to GSA FedRAMP certified hosting platform and providing an updated and modernized user interface;
- Relocate the PCLOB local IT architecture associated with the agency’s office move, which includes physical relocation of classified and unclassified IT and telecommunication systems;
- 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 PCLOB maintains a strong information security posture;
- Preparing for and executing the first independent audit to comply with the FISMA audit requirements; and
- Develop a robust Intranet service to support streamlined business processes for the PCLOB staff.



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

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

The congressional interactions have included meetings between individual Board Members 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 for Board Members and PCLOB staff, as well as meetings between PCLOB staff and the 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.

The PCLOB has also engaged with the advocacy community and members of the public. This engagement has included periodic meetings with representatives of non-governmental organizations to solicit their views.

In addition, individual Board Members and staff leadership 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 Members have also met with representatives of Five Eyes and European Union countries.



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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

FY 2018 BUDGET EXHIBIT

| FY 2018 Budget Request by Object Class | | |
|---|---|------------------------|
| <i>(Dollars in Thousands)</i> | | |
| Object Class | | FY 2018 Request |
| <i>Personnel Services</i> | | |
| 11.1 | Full-Time Permanent | \$ 3,134 |
| 11.3 | Other than Full-Time Permanent | \$ 241 |
| 11.5 | Other Personnel Compensation | \$ 229 |
| 12.1 | Civilian Personnel Benefits | \$ 926 |
| <i>Non-Personnel Services</i> | | |
| 21.0 | Travel and Transportation of Persons | \$ 43 |
| 22.0 | Transportation of Things | \$ 149 |
| 23.1 | Rental Payments to GSA | \$ - |
| 23.3 | Communications, Utilities, and Misc. Charges | \$ 397 |
| 24.0 | Printing and Reproduction | \$ 13 |
| 25.1 | Advisory and Assistance Services | \$ 6 |
| 25.2 | Other Services from Non-Federal Sources | \$ 719 |
| 25.3 | Other Goods and Services from Federal Sources | \$ 2,005 |
| 26.0 | Supplies and Materials | \$ 71 |
| 31.0 | Equipment | \$ 67 |
| Total | | \$ 8,000 |