



PRIVACY & CIVIL LIBERTIES OVERSIGHT BOARD

June 20, 2013

The Honorable Tom Udall
United States Senate
Washington, DC 20510

Dear Senator Udall:

On behalf of the Privacy and Civil Liberties Oversight Board (PCLOB), I am responding to your letter of June 12, 2013. In your letter, you reference two classified intelligence collection programs that have been disclosed to the press. The first such program involves the collection of certain telephone records under a Foreign Intelligence Surveillance Court (FISC) order. The second program relates to the collection of information under Section 702 of the Foreign Intelligence Surveillance Act (FISA). You request that PCLOB investigate those programs and provide an unclassified report to the public and Congress regarding whether the programs: (1) are being conducted within the statutory authority provided by Congress; and (2) take necessary precautions to protect the privacy and civil liberties of U.S. citizens under the Constitution.

PCLOB has already begun to exercise its oversight responsibilities with regard to both programs mentioned in your letter. Prior to my confirmation, the four part-time members of the Board began the process of oversight of the implementation of the FISA Amendments Act, with a specific focus on Section 702. After receiving an initial briefing, my colleagues requested additional information, and that dialogue was ongoing at the time of the public disclosure.

Immediately after the press stories, on June 7, 2013, I sent a letter to the Director of National Intelligence, James R. Clapper, requesting a classified briefing regarding both programs. Two business days later, on June 11, PCLOB was provided the requested briefing by the Department of Justice, National Security Agency, Federal Bureau of Investigation, and the Director of National Intelligence. The Board met on June 19 to discuss next steps. PCLOB will continue its inquiry into these programs and will, to the greatest extent possible, provide in unclassified form the report you have requested on the issues raised in your letter.

I appreciate your recognition of the fact that I was only recently confirmed. Prior to my confirmation, the Board was not authorized to hire staff. While the four part-time Board members working with two detailees made substantial progress in creating an

BOARD MEMBERS

David Medine,
Chairman

Rachel Brand

Elisebeth Collins
Cook

James Dempsey

Patricia Wald

institutional footing for the Board, we continue to face challenges in becoming fully operational. Nonetheless, oversight of the Section 702 and 215 programs is central to the Board's mission, and we have made this review a top priority.

If you need any additional information, please contact me or Sue Reingold, Chief Administrative Officer, at (202) 331-1986.

Sincerely,

A handwritten signature in dark ink, reading "David Medine". The signature is written in a cursive, flowing style.

David Medine
Chairman