

June 21, 2024

Dear Mr. President,

The undersigned organizations write to urge you to re-nominate [Sharon Bradford Franklin](#) as Chair of the Privacy and Civil Liberties Oversight Board (PCLOB) as expeditiously as possible. Ms. Bradford Franklin's term has expired and unless re-appointed, the period during which she can hold over expires in January.

Ms. Bradford Franklin has proven herself a vigorous and pragmatic champion of protecting privacy and civil liberties in the fight against terrorism. Like past PCLOB chairs, she has successfully urged more intelligence transparency — while at the same time, protecting classified information entrusted to the Board.

The PCLOB has a critical function in our democracy: it holds the government accountable in the national security arena. Congress created the PCLOB in 2004 and reconstituted it in 2007 as an independent agency in the executive branch. It charged this body with reviewing federal counterterrorism programs to ensure that they provide adequate safeguards for privacy and civil liberties.

PCLOB has played an invaluable role. It has issued influential reports on the government's use of extraordinary intelligence authorities, such as Section 215 of the USA PATRIOT Act and Section 702 of the Foreign Intelligence Surveillance Act. President Obama invited PCLOB to review the government's implementation of [Presidential Policy Directive No. 28](#) (PPD-28) — which provided guidance to intelligence agencies regarding their foreign collection activities. Without revealing any classified information, PCLOB's reports have informed both the public and Congress about how intelligence authorities are used and overseen. It has helped the intelligence community begin to implement its [transparency commitments](#).

Under Ms. Bradford Franklin's leadership, the PCLOB has earned a level of trust and respect in the privacy and civil liberties community, the intelligence community, Congress, and within the Administration at large. For example, in 2022, you invited the PCLOB to review the privacy and civil liberties safeguards you ordered elements of the intelligence community to adopt in [Executive Order 14086](#), which implements the EU-US Data Privacy Framework. Trans-Atlantic data flows would be put at risk if that review were to be stymied by the absence of leadership at the top of the PCLOB: The European Commission has commenced its own annual review of U.S. implementation of the Framework and it views PCLOB's oversight as very important. As another example, PCLOB has commenced a timely [review](#) of the use of artificial intelligence in U.S. counterterrorism operations, and the results of that review are sure to inform the ongoing congressional debates on regulating governmental use of AI.

It is critical that the PCLOB operates with a full bipartisan slate of qualified members with expertise in protecting privacy and civil liberties, experience in the field, and dedication to the Board's mission of conducting oversight and providing advice regarding counterterrorism laws and programs. Last week, you [nominated Tyler McGaughey](#) to fill the open "Republican seat" on the Board. By tradition, the Senate has simultaneously considered nominees to the Board from each major political party. Accordingly, it would be appropriate for you to re-nominate Ms. Bradford Franklin now, so her nomination can be considered at the same time as that of Mr. McGaughey. This would maintain the bipartisan balance among confirmed members of the Board.

The PCLOB has played a significant role in informing the public debates over the past several years regarding the operation of U.S. surveillance programs. It must be empowered to continue in its full operating capacity through the re-appointment of Ms. Bradford Franklin. Thank you for considering our request. Please direct any questions about this request to Greg Nojeim at the Center for Democracy & Technology, [gnojeim@cdt.org](mailto:gnojeim@cdt.org).

Sincerely,

Advocacy for Principled Action in Government  
American Governance Institute  
Brennan Center for Justice at NYU School of Law  
Center for Democracy & Technology  
Defending Rights & Dissent  
Demand Progress Education Fund  
Electronic Privacy Information Center (EPIC)  
Fight for the Future  
Free Press Action  
Government Information Watch  
New America's Open Technology Institute  
Organization for Identity & Cultural Development (OICD.net)  
Project On Government Oversight  
Restore The Fourth  
Surveillance Technology Oversight Project  
The Project for Privacy and Surveillance Accountability

Cc: Dick Durbin (D-IL), Chairman, Senate Judiciary Committee  
Lindsey Graham (R-SC), Ranking Member, Senate Judiciary Committee