United States Senate
WASHINGTON, DC 20510

June 12, 2013

Privacy and Civil Liberties Oversight Board
301 Seventh Street, SW
Washington, DC 20417

Dear Members of the Board:

Last week, troubling details about two classified intelligence collection programs were disclosed in the press. First, a leaked Foreign Intelligence Surveillance Court order revealed that the National Security Agency (NSA) has been collecting the phone records of millions of Americans who subscribe to Verizon on an "ongoing daily basis." While the Director of National Intelligence stated that the content of the calls is not collected as a part of this process, a significant amount of other personal information, including the callers' phone numbers and the time and duration of the calls, is turned over to the NSA.

The press also revealed the existence of the NSA's "PRISM" system. This system is used for the collection of foreign intelligence information from U.S.-based electronic communication service providers. The Director of National Intelligence issued a statement asserting that this collection is authorized by Section 702 of the Foreign Intelligence Surveillance Act (FISA) and that "section 702 cannot be used to intentionally target any U.S. citizen." What remains unclear is how many Americans are inadvertently included in these collection efforts and how that inadvertently collected information is protected.

One of the primary functions of the Privacy and Civil Liberties Oversight Board is to conduct oversight of the executive branch's "efforts to protect the Nation from terrorism to determine whether such actions appropriately protect privacy and civil liberties and are consistent with governing laws, regulations, and policies regarding privacy and civil liberties."

We understand that the Board's chairman was only confirmed last month, and that the Board is still working towards being fully operational. However, we respectfully request that you make it an urgent priority to investigate the programs mentioned above and determine whether they (1) are conducted within the statutory authority granted by Congress, and (2) take the necessary precautions to protect the privacy and civil liberties of American citizens under the Constitution.

We further ask that you provide an unclassified report on these issues, so that the public and the Congress can have a long overdue debate about these important privacy concerns.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,

Tom Udall
United States Senator

Lisa Murkowski
United States Senator

Jon Tester
United States Senator

Dean Heller
United States Senator

Mark Begich
United States Senator

Maria Cantwell
United States Senator

Christopher A. Coons
United States Senator

Mark Udall
United States Senator

Martin Heinrich
United States Senator

Max Baucus
United States Senator

Brian Schatz
United States Senator

Elizabeth Warren
United States Senator

Mazie K. Hirono
United States Senator