

THE LAW AND EO-BREAKING REPORT

One of the things I was most surprised about in the House Intelligence Authorization was a requirement that the Director of National Intelligence report violations of law or EO 12333 to the Intelligence Committees.

SEC. 510. ANNUAL REPORT ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.

(a) Annual Reports Required.—The Director of National Intelligence shall annually submit to the congressional intelligence committees a report on violations of law or executive order by personnel of an element of the intelligence community that were identified during the previous calendar year.

(b) Elements.—Each report required under subsection (a) shall include a description of, and any action taken in response to, any violation of law or executive order (including Executive Order 12333 (50 U.S.C. 3001 note)) by personnel of an element of the intelligence community in the course of such employment that, during the previous calendar year, was determined by the director, head, general counsel, or inspector general of any element of the intelligence community to have occurred.

(b) Initial Report.—The first report required under section 510 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act.

The language was inserted into the bill by Jim Himes (who also added very laudable language requiring Senate approval for the NSA's

Inspector General).

The language appeared in the RuppRoge NSA “reform” bill; I presumed then that it was meant as false transparency – an effort to show off that just one NSA cleared individual a year gets caught stalking an ex-girlfriend using its authorities.

And it may well be.

But I’m intrigued that Mike Rogers dedicated most of a Manager’s Amendment to the bill to tighten language from that section (in part limiting the reporting to actions “relating to intelligence activities”). And the hackish Ted Yoho submitted an amendment requiring a version of the report be shared with the House Oversight and Senate Homeland Security and Government Affairs Committees. I can’t imagine Yoho asking for it unless there were partisan hay to make out of it.

Now I want that report!