

JAMES CLAPPER UPDATED RULES ON CONGRESSIONAL NOTICE THE DAY BEFORE HE RETIRED

On his very last full day in office on January 19, in the middle of an investigation that included then Senator Jeff Sessions' discussions with the Russian Ambassador, James Clapper updated the rules on dissemination of the identities of members or staffers of Congress in intelligence reports.

One minor change to the previous procedures involved adding the Director of National Intelligence to the list of people whose requests to identify a MoC's identity in a report don't have to go through the same approval process as other people (which, in any case, involves approval by the DNI).

~~(U//FOUO)~~ Special Requests: A special request for dissemination is any request to disseminate unmasked congressional identity information directly to the President, Vice President, Secretary of State, Secretary of Defense, Assistant to the President for National Security Affairs, or Director of National Intelligence.² The senior deputies and senior advisors for these named principals may also submit a special request to originating IC elements if and only if the senior deputies or senior advisors are acting on behalf of their named principals. The unmasking of congressional identities to these named principals pursuant to a special request does not authorize further dissemination of that information within the principal's

department or agency or otherwise.³ The unmasking of congressional identity information in response to special requests may be approved by officials designated by the originating IC element. While special requests do not require prior ODNI approval, the originating IC element must promptly provide to the ODNI OGC a description of the request and the unmasked congressional identity information disseminated.

Here's what that provision looked like in 2013.

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As I suggested after Clapper most recently testified, his answers about unmasking the identity of a member of Congress or a Trump associate logically suggest he may have unmasked the identity of Jeff Sessions (though this process would involve *someone else* sharing the name of a member of Congress with Clapper, not Clapper unmasking the name).

LINDSEY GRAHAM: You made a request for unmasking on a Trump associate and maybe a member of Congress? Is that right, Mr. Clapper?

CLAPPER: Yes.

As I noted, the DNI is the person who has to approve the most sensitive requests. So by adding himself, Clapper only closed a loop, giving himself (or his successor) permission to ask for and receive information he himself had the authority to ask and receive in any case.

But I find the timing of the change interesting.