

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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November 13, 2024

The Honorable Avril Haines
Director of National Intelligence
Office of the Director of National Intelligence
1500 Tysons McLean Drive
McLean, VA 22102

Dear Director Haines:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are continuing to investigate allegations that the U.S. Intelligence Community obstructed a congressional inquiry in 2020 by falsely alleging that the work of two U.S. Senators was advancing Russian “disinformation.”¹ We write to request information critical to our oversight.

On August 6, 2020, the FBI’s then-Deputy Assistant Director for Counterintelligence, Nikki Floris, and its then-Section Chief of the Foreign Influence Task Force, Bradley Benavides, provided a so-called “defensive” briefing to Senators Charles Grassley and Ron Johnson about the threat of Russian “disinformation.”² Although the FBI claims that the briefing focused on Russia,³ the information that Floris and Benavides conveyed to the Senators “consisted primarily of information that [the Senators] already knew and information unconnected to [their] Biden investigation.”⁴ The briefing, the existence of which was later leaked, hampered the Senators’ investigation into Hunter Biden’s financial connections to foreign governments and foreign nationals.⁵

¹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigations (Mar. 3, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Avril Haines, Dir. of Nat’l Intel., Office of the Dir. of Nat’l Intel. (Nov. 1, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Avril Haines, Dir. of Nat’l Intel., Office of the Dir. of Nat’l Intel. (Dec. 18, 2023).

² Transcribed Interview of Ms. Nikki Floris at 23, 26, 28, 31-32 [hereinafter “Floris Interview”].

³ *Id.* at 29.

⁴ Letter from Ranking Member Charles E. Grassley, S. Comm. on Judiciary, and Ranking Member Ron Johnson, S. Perm. Subcomm. on Investigations, to Ms. Nikki Floris, Intel. Analyst in Charge, Intel. Div., FBI, and Mr. Bradley Benavides, Deputy Assistant Dir., Counterintel. Div., FBI (Aug. 25, 2022).

⁵ *Id.*

ODNI utilizes a “Notification Framework” to determine when a defensive briefing is purportedly warranted.⁶ Under this framework, once the Intelligence Community receives intelligence, anyone within a “cross-cleared group of analysts,” can “take that intelligence and nominate it to the [ODNI’s] Credibility Assessment Group,” called the “CAG,” which then determines whether the “intelligence was credible.”⁷ If the CAG determines the intelligence is credible, it “move[s] that information to the experts group . . . to determine if notification needs to be made.”⁸ If the experts group decides that a defensive briefing needs to occur, the FBI is “the responsible entity for delivering . . . defensive briefing[s]” even where the underlying intelligence is “not FBI information.”⁹

During Floris’s transcribed interview with the Committee, she testified that the intelligence used to justify the Senators’ “defensive” briefing did not come from the FBI but, rather, originated from one of the other intelligence agencies that participates in ODNI’s Notification Framework process.¹⁰ ODNI has disclosed to the Committee in a classified setting which agency nominated the intelligence that resulted in the defensive briefing for Senators Grassley and Johnson. However, ODNI has twice declined to declassify this information, which hampers Congress’s ability to use the information to inform potential legislative reforms. The disclosure of the nominating agency’s identity would neither reveal intelligence sources and methods nor harm national security. Rather, ODNI’s refusal to declassify this information is a textbook example of excessive secrecy and bureaucratic overclassification designed to “prevent oversight and withhold information from the public.”¹¹ To advance the Committee’s and the Select Subcommittee’s oversight, we write to demand that you declassify information relating to the identity of this agency. Please provide this information in an unclassified production as soon as possible but no later than 5:00 p.m. on November 27, 2024.

The Committee on the Judiciary has jurisdiction to oversee matters related to civil liberties and administrative practices pursuant to Rule X of the Rules of the House of Representatives.¹² Additionally, H. Res. 12 authorizes the Select Subcommittee on the Weaponization of the Federal Government to investigate “how executive branch agencies work with, obtain information from, and provide information to . . . other government agencies to facilitate action against American citizens.”¹³

⁶ Floris Interview at 24.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 25.

¹⁰ *Id.* at 28-29.

¹¹ Sen. Rand Paul, *The overclassification problem plaguing the federal government*, ROLL CALL (Mar. 27, 2023).

¹² Rules of the U.S. House of Representatives, R. X., 118th Cong. (2023).

¹³ H. Res. 12 § 1(b)(1).

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Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Charles E. Grassley, United States Senator

The Honorable Ron Johnson, United States Senator