

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

November 1, 2023

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 investigating 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.” Information we have obtained indicates that the Office of the Director of National Intelligence (ODNI) possesses documents and information vital to our oversight. Accordingly, we request your cooperation in this matter.

On August 6, 2020, the Federal Bureau of Investigation’s (FBI) then-Deputy Assistant Director for Counterintelligence, Nikki Floris, and its then-Section Chief of the Foreign Influence Task Force (FITF), Bradley Benavides, provided a so-called “defensive” briefing to Senators Charles Grassley and Ron Johnson about the threat of Russian “disinformation.”¹ Although the FBI claims that the briefing focused on Russia,² 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.”³ 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.⁴

The Senators expressed serious concerns with the “defensive” briefing in a subsequent letter to Floris and Benavides. They wrote:

¹ 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) [hereinafter “Grassley-Johnson Letter”].

² Transcribed Interview of Ms. Nikki Floris at 29 [hereinafter “Floris Interview”]

³ Grassley-Johnson Letter, *supra* note 1.

⁴ *Id.*

[T]he unnecessary FBI briefing provided the Democrats and liberal media the vehicle to spread their false narrative that our work advanced Russian disinformation. Although you stated that the FBI didn't intend to "interfere" in our investigation, the practical effect of such an unnecessary briefing and the subsequent leaks relating to it created interference, which frustrated and obstructed congressional oversight efforts.⁵

During his testimony before the Select Subcommittee this year, Senator Grassley testified that "the briefing was unnecessary and completely irrelevant to the substance of our investigation. It was only done because the Democrats wanted it done so they could try and smear us. And the FBI wrongly did their bidding."⁶

On July 19, 2023, the Committee and Select Subcommittee conducted a transcribed interview of Floris, who is now the Intelligence Analyst in Charge of the FBI's Washington Field Office's Intelligence Division.⁷ During her transcribed interview, Floris revealed that the intelligence used to justify the Senators' "defensive" briefing did not come from the FBI, but rather from ODNI.⁸ Specifically, she testified that "ODNI owns this whole process . . . ODNI took the lead . . . in drafting the script" used to brief Senators Grassley and Johnson.⁹ She further testified: "I would certainly defer you to ODNI as far as the specifics that were in the script. It wasn't FBI collected information . . ."¹⁰ Likewise, during a transcribed interview with Benavides on September 28, 2023, he testified that he and Floris briefed Senators Grassley and Johnson "at the request of the ODNI . . ."¹¹ He further testified that the script used to brief the senators was "coordinated through the ODNI framework and then delivered in this instance, by Nikki Floris . . ."¹²

Floris explained that ODNI utilizes a mechanism called a "Notification Framework" to determine when a defensive briefing is purportedly warranted.¹³ She testified that after intelligence is received, any analyst can "take that intelligence and nominate it to the Credibility Assessment Group," called the "CAG," which then determines whether the "intelligence was credible."¹⁴ Floris explained that if the CAG, which consists of individuals from various intelligence agencies, determines that the intelligence "is indicative of potential foreign interference or influence in the election," it "move[s] that information to the experts group . . . to

⁵ *Id.*

⁶ *Hearing on the Weaponization of the Federal Government: Hearing before the Subcomm. on the Weaponization of the Fed. Gov't of the H. Comm. on the Judiciary*, 118th Cong. (2023).

⁷ Floris Interview at 1.

⁸ *Id.* at 28 – 29.

⁹ *Id.* at 27.

¹⁰ *Id.* at 28.

¹¹ Transcribed Interview of Mr. Bradley Benavides at 82.

¹² *Id.* at 86.

¹³ Floris Interview at 24.

¹⁴ *Id.*

determine if notification needs to be made.”¹⁵ If the experts group decides that a defensive briefing needs to occur, the FBI, rather than ODNI, is “the responsible entity for delivering . . . defensive briefing[s]” even where the underlying intelligence is “not FBI information.”¹⁶ When asked about the validity of the underlying intelligence that informed the August 6 briefing, Floris testified: “Again, I would defer to ODNI on the validation assessment of the reporting itself.”¹⁷

Floris and Benavides made it unequivocally clear that ODNI and its Notification Framework were integral to the pretextual “defensive” briefing meant to frustrate and obstruct congressional oversight into the Biden family’s overseas influence-peddling operation.¹⁸ In light of this new information, please provide the Committee and Select Subcommittee with the following information:

1. The script, including all drafts of the script, that ODNI prepared for the FBI to brief Senators Grassley and Johnson on August 6, 2020;
2. All documents and communications referring or relating to the August 6, 2020, defensive briefing provided to Senators Grassley and Johnson;
3. A list of the Intelligence Community agency or agencies that nominated the intelligence that served as the basis for the August 6, 2020, defensive briefing of Senators Grassley and Johnson;¹⁹
4. A list of the individuals on the ODNI’s CAG and the Experts Group involved in the decision to provide the August 6, 2020, defensive briefing to Senators Grassley and Johnson;
5. All documents and communications referring or relating to the July 13, 2020, letter from then-Minority Leader Chuck Schumer, Senator Mark Warner, then-Speaker Nancy Pelosi, and Representative Adam Schiff to the FBI which included a classified attachment with an unclassified element that attempted to tie Senator Grassley and Johnson’s investigation to foreign disinformation;²⁰ and
6. All documents and communications created by the CAG and the Experts Group in connection with the determination to provide a defensive briefing to Senators Grassley and Johnson.

¹⁵ *Id.* at 24-25.

¹⁶ *Id.* at 25.

¹⁷ *Id.* at 30.

¹⁸ Grassley-Johnson Letter, *supra* note 1.

¹⁹ When asked who nominated the reporting intelligence to the CAG for the Grassley-Johnson defensive briefing, Floris testified: “For details on that, I was just about to say, sir, would again defer you to ODNI who’s got the record on all of this.” Floris Interview at 84.

²⁰ S. Rep., Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns, S. Comm. on Homeland Sec. and Governmental Aff. and S. Comm. on Fin., 116th Cong. 58 (2020), <https://www.finance.senate.gov/imo/media/doc/HSGAC%20-%20Finance%20Joint%20Report%202020.09.23.pdf>.

The Honorable Avril Haines

November 1, 2023

Page 4

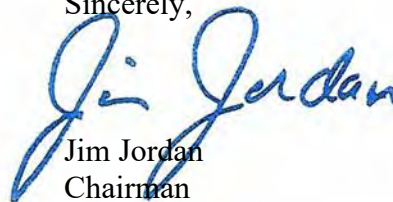
Please provide this material as soon as possible but no later than November 15, 2023. If a full and complete response to this request requires the production of classified material, please provide all unclassified information directly to the Committee and any classified information under separate cover to the Committee's attention via the Office of House Security.

In addition to this information, the Committee and Select Subcommittee request that Shelby Pierson appear for a transcribed interview with Committee staff. Ms. Pierson served as the first Intelligence Community Election Threats Executive at ODNI at all times relevant to the August 6 "defensive" briefing,²¹ and our oversight has revealed that she was personally involved with formulating ODNI's Notification Framework and has relevant information relating to the intelligence and processes used to justify the August 6 defensive briefing. Please schedule this transcribed interview as soon as possible but no later than November 15, 2023.

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.²² 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"²³

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large "J" and a cursive "Jordan".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

²¹ OFF. OF DIR. NAT'L INTEL., SHELBY PIERSON BIOGRAPHY (undated). *See also* Julian E. Barnes, *U.S. Names Official to Counter Foreign Election Interference*, N.Y. TIMES (Jan. 14, 2022).

²² Rules of the U.S. House of Representatives, R. X., 118th Cong. (2023).

²³ H. Res. 12 § 1(b)(1).