

Congress of the United States

Washington, DC 20515

November 9, 2023

Jason A. Abel
Steptoe & Johnson LLP
1330 Connecticut Ave. NW
Washington, D.C. 20036-1795

Dear Mr. Abel:

The Committee on Oversight and Accountability and the Committee on the Judiciary (collectively the Committees) are subpoenaing Ms. Elizabeth Hirsh Naftali to appear for a deposition. These subpoenas are being issued pursuant to Rule XI.2(m)(1)(B) of the Rules of the House of Representatives, Rule 12(g) of the Oversight Committee's rules, and Rule IV(a) of the Judiciary Committee's rules. Attached to this letter is the Oversight Committee's subpoena; the Judiciary Committee's subpoena will be transmitted to you separately.

The Committees are investigating whether individuals, including those with connections to foreign interests, are gaining access to or benefits from high-ranking U.S. officials through payments and other inducements to their family members of those high-ranking officials. The Committees are considering legislative solutions to this problem. The Committees have identified your client, Ms. Naftali, as possessing information relevant to our investigation and require your client's testimony regarding these and other related topics.

On July 29, 2023, the Oversight Committee requested certain information from Ms. Naftali related to art she purchased from the Georges Bergés Gallery LLC, Hunter Biden's gallerist.¹ The Committees are concerned by these purchases of Hunter Biden's artwork because of Ms. Naftali's appointment to the U.S. Commission for the Preservation of America's Heritage Abroad.² Despite your response dated August 11, 2023, assuring the Oversight Committee that Ms. Naftali "followed procedures put in place by the Gallery" and that "the Gallery informed her that she would be afforded anonymity as a purchaser of any art,"³ the fact remains that Ms. Naftali's anonymity regarding her purchase of Hunter Biden's art is no more and her position on a prestigious commission within the Biden Administration raises the Committees' concerns. To date, your client has refused to provide any of the requested information. The Committees therefore intend to question Ms. Naftali, among other things, about her purchase of Hunter Biden's artwork and her appointment to the U.S. Commission for the Preservation of America's Heritage Abroad.

As part of our investigation, the Committees seek to craft legislative solutions aimed at deficiencies we have identified in the current legal framework regarding ethics laws and the disclosure of financial interests related to the immediate family members of Vice Presidents and

¹ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Ms. Elizabeth Hirsh Naftali (July 29, 2023).

² *Id.*

³ Letter from Jason Abel to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Aug. 11, 2023).

Presidents—deficiencies that may place American national security and interests at risk. Specifically, the Committees are concerned that foreign nationals appear to have sought access and influence by engaging in lucrative business relationships with high-profile political figures’ immediate family members. A February 2022 report from the Department of the Treasury warning of the use of high-end art to launder money along with other potential illicit financial transactions has raised the Committees’ concerns about Hunter Biden’s entry into this industry, given his past activities.⁴ The Treasury report specifically recommends “encouraging the creation and enhancement of private sector information-sharing programs to foster transparency among art market participants.”⁵ The Committees are considering legislation that would address an industry that is susceptible to illicit activity.

The Committees are investigating the national security implications of a Vice President’s or President’s (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial disclosure laws and regulations do not require non-dependent family members of senior elected officials to provide any information to the public. The Committees are seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President’s or President’s immediate family members’ income, assets, and financial relationships.

The Committees also intend to craft legislation that would strengthen reporting requirements related to certain foreign transactions involving senior elected officials’ family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, in order to prevent financial transactions from being structured in a way to evade oversight, the Committees are examining whether certain reporting requirements, including any new reporting requirements for senior elected officials’ family members, should extend for a period of time after a President or Vice President leaves office.

The Committees aim to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering into business deals with Presidential and Vice-Presidential family members, discourages such family members from profiting from their relative’s public service, and ensures the nation is safe from our foreign adversaries. This deposition and these documents are critical in achieving these legislative goals.

The Committees are also investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House. Along with House Ways and Means Chairman Jason Smith, we set forth in a September 27, 2023 memorandum the evidence justifying the inquiry and the scope of this impeachment investigation.⁶ As that

⁴ U.S. Dep’t of Treasury, Study of the Facilitation of Money Laundering and Terror Finance Through the Trade in Works of Art, (Feb. 4, 2022).

⁵ *Id.*

⁶ Memorandum (Sept. 27, 2023). From Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry.

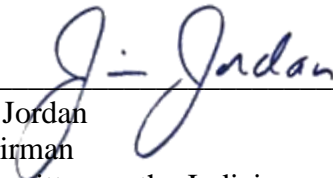
memorandum explains, the Committees are investigating, among other things, whether President Biden took any official action or otherwise provided access to his public office because money or things of value were provided to his family members, including money from foreign interests.⁷ The Committees require your client's testimony to determine whether individuals, including those with connections to foreign interests, are obtaining access to President Biden or securing benefits from him by purchasing his son's artwork.

As Chairmen of the Committees, we urge you to cooperate speedily and in good faith with these subpoenas. If you have any questions regarding this subpoena, please coordinate with James Mandolfo and Jake Greenberg with Oversight Committee staff at (202) 225-5074 and Steve Castor with Judiciary Committee staff at (202) 225-6906.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

⁷ *Id.* at 27-28.