

October 26, 2016

Harry Sandick
Partner
(212) 336-2723
hsandick@pbwt.com

The Honorable Lamar Smith
Chairman
House Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, DC 201516

Re: July 13, 2016 Subpoena to the Rockefeller Brothers Fund

Dear Chairman Smith:

We represent the Rockefeller Brothers Fund (“RBF”) in connection with the subpoena that the Committee on Science, Space, and Technology (the “Committee”) issued to Mr. Stephen Heintz, the President of RBF, on July 13, 2016 (“the Subpoena”).

We write again with respect to our discussions aimed at resolving the dispute over the enforceability of the Subpoena. As we have previously expressed,¹ we have serious concerns that the Subpoena seeks material that is protected by RBF’s First Amendment rights, that the requested documents are not relevant to an authorized investigation of the Committee, and that the Subpoena is overbroad. RBF reserves all rights to object to the Subpoena on these grounds.

Nonetheless, in light of our call on September 27, 2016, and in the hope of resolving this dispute without the need for further proceedings, RBF proposes to provide voluntarily to the Committee the following categories of documents:

1. Documents sufficient to show the dates, amounts, and general purposes of grants from RBF to any of the entities named in the Subpoena related to climate change, including grant award letters.
2. Documents sufficient to show (a) the dates of any meetings between representatives of RBF and representatives of any state attorney general’s office related to the issue of climate change, to the extent that RBF ever participated in any such meetings, and (b) the dates of any meetings held in the offices of RBF between

¹ See Letters from H. Sandick dated June 1, 2016, June 24, 2016, July 13, 2016, and July 27, 2016.

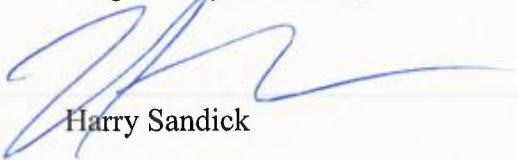
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representatives of the entities named in the Subpoena and representatives of any state attorney general's office related to the issue of climate change, to the extent that such meetings occurred.

3. Documents sufficient to show the policies of RBF that applied to the making of the grants identified in (1) above.

We believe that this is consistent with what we discussed in our most recent call and is a fair resolution of this dispute. Unless we hear from Committee staff in the interim, we will produce the documents described above by the close of business on Monday, October 31.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "H. Sandick", is written over the typed name.

Harry Sandick

cc: Rep. Eddie Bernice Johnson, ranking member