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COUNSEL

June 24, 2016

The Honorable Lamar Smith
Chairman
House Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Smith:

I am in receipt of your June 17, 2016 letter, which reiterates the request in your May 18, 2016 letter that the Office of the Attorney General of New York (NYOAG) provide certain materials to the House Committee on Science, Space and Technology. By letter dated May 26, 2016, we explained that the Committee does not have jurisdiction over a state Attorney General's investigation of potential violations of state laws and declined to provide the materials requested.

Your June 17 letter entirely ignores the important state sovereignty issues articulated in the NYOAG's response. Moreover, the letter's attempt to establish the Committee's jurisdiction remains unsupported. The letter (p. 3) claims jurisdiction based on an assertion that the NYOAG's investigation of ExxonMobil seeks to hold that company liable for fraud if the NYOAG "disagrees" with its scientists, which your letter hypothesizes "could have a chilling effect on scientists performing federally funded research." This reflects a fundamental misapprehension of the NYOAG's on-going investigation. As reflected by Attorney General Schneiderman's statement quoted in the June 17 letter, the NYOAG is solely investigating whether ExxonMobil made false or misleading statements to investors or consumers about the impacts of climate change on ExxonMobil's business in violation of New York's securities, business, and consumer fraud laws.

Accordingly, the NYOAG continues to decline to provide the materials requested.

Sincerely,

Leslie B. Dubeck
Counsel

The Honorable Lamar Smith

June 24, 2016

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**cc: Honorable Eddie Bernice Johnson
Ranking Member, Committee on Science, Space, and Technology**

**Majority Staff, Committee on Science, Space, and Technology
Rayburn House Office Building, Room 2321**

**Minority Staff, Committee on Science, Space, and Technology
Ford House Office Building, Room 394**