



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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Peter F. Kilmartin, Attorney General

June 3, 2016

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

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COMMITTEE ON SCIENCE
& TECHNOLOGY

Dear Chairman Smith:

I write in response to the May 18, 2016 letter (the "Letter") signed by you and several other members of the House Committee on Science, Space, and Technology (the "Committee") requesting that my office provide various documents and communications referring or relating to law enforcement and investigative activities of the Rhode Island Department of Attorney General concerning climate change.

The Rhode Island Department of Attorney General objects to this request. The Letter is premised upon a series of incorrect, unfounded, and misleading statements regarding the actions of my office, as well as other states' Attorneys General, and raises serious constitutional concerns, including the lack of congressional jurisdiction over state law enforcement activities and the Committee's intrusion into sovereign state actions protected by the 10th Amendment to the United States Constitution.

Congress does not have jurisdiction to demand documents and communications from a state law enforcement official regarding the exercise of a state's sovereign police powers. Investigations and other law enforcement actions by a state Attorney General for potential violations of state law, as here, involve the exercise of police powers reserved to the states under the 10th Amendment, and are not the appropriate subject of federal legislation, oversight or interference. *See, e.g., New York v. United States*, 505 U.S. 144, 162 (1992) ("the Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress' instructions").

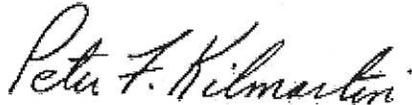
The Committee has further overstepped its congressionally delegated authority in making this request. Under House Rule X, cited in the Letter, the Committee on Science, Space, and Technology is authorized to "review and study on a continuing basis laws, programs, and [federal] Government activities relating to nonmilitary research and development." Rule X(3)(k). Your request falls well outside of this delegated authority.

The Honorable Lamar Smith
June 3, 2016

The Rhode Island Department of Attorney General is and has been committed to addressing the causes of global climate change. My office has participated in many multi-state and multi-party efforts to limit emissions of pollutants that cause global warming, including pressing the Environmental Protection Agency ("EPA") to initially regulate carbon dioxide and other greenhouse gases, defending EPA in its promulgation of subsequent climate change regulations, and pushing for further federal regulation of the potent greenhouse gas methane from the oil and gas industry.

My office will also continue its efforts to investigate and prosecute any unlawful false or misleading statements to Rhode Island's consumers and/or investors related to climate change. For these reasons, the Rhode Island Department of Attorney General declines your request.

Sincerely,



Peter F. Kilmartin
Attorney General of Rhode Island

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