

August 1, 2023

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland,

Earlier this year, as Ranking Member of the Senate Committee on Commerce, Science, and Transportation and Chairman of the House Committee on Oversight and Accountability, we launched an investigation into environmental nonprofits' collusion with the Biden administration to drive radical environmental policy that negatively impacts the American people and the country's economy.¹ The extensive ties many of these organizations have to foreign governments and U.S. adversaries is publicly documented² and raises concerns that these groups are attempting to skirt compliance with the Foreign Agents Registration Act (FARA).³ We are writing to request that the Department of Justice (DOJ) clarify the legal status of these organizations.

FARA requires "persons who engage in specified activities within the United States on behalf of a foreign principal register with and disclose those activities to the Department of Justice."⁴ Pursuant to this requirement, organizations that "act[] as an agent... at the order, request, or under the direction or control, of a foreign principal" or "whose activities are directly or indirectly... directed, controlled, financed, or subsidized" and "engages within the United States in political activities for or in the interests of such foreign principal" must register as representatives of that foreign principal. It is likely that some environmental groups pushing clean energy policies here in the U.S. are acting as foreign agents, but have not registered as such, in violation of FARA.

¹ Letter from Sen. Ted Cruz (R-TX), Ranking Member on Senate Committee on Commerce, Science, and Transportation, to Dr. Jon Creyts, CEO of Rocky Mountain Institute (Mar. 15, 2023); Letter from Hon. James Comer, House Committee on Oversight and Accountability and Sen. Ted Cruz (R-TX), Ranking Member on Senate Committee on Commerce, Science, and Transportation, to Bruce Nilles, Executive Director, Climate Imperative Foundation (Apr. 26, 2023); Letter from Hon. James Comer, House Committee on Oversight and Accountability and Sen. Ted Cruz (R-TX), Ranking Member on Senate Committee on Commerce, Science, and Transportation, to Dr. Marta L. Tellado, President & CEO, Consumer Reports (Apr. 26, 2023); Letter from Hon. James Comer, House Committee on Oversight and Accountability and Sen. Ted Cruz (R-TX), Ranking Member on Senate Committee on Commerce, Science, and Transportation, to Mr. Ari Matusiak, Chief Executive Officer, Rewiring America, and Mr. Lee Bodner, Board Chair, Windward Fund (Apr. 26, 2023).

² Thomas Catenacci. *Biden's energy secretary met with China-connected group fueling gas stove bans in US*, FOX NEWS (Feb. 10, 2023); Thomas Catenacci. *White House climate czar met privately with eco group pushing gas stove bans*, FOX NEWS (Feb. 22, 2023); Thomas Catenacci. *Pete Buttigieg consulted China-tied group pushing gas stove bans, electric vehicle mandates*, FOX NEWS (Jun. 27, 2023).

³ 22 U.S.C. 611 *et seq.*

⁴ U.S. Dep't of Justice, *Foreign Agents Registration Act Frequently Asked Questions* (accessed Jun. 26, 2023).

Foreign adversaries funding or controlling radical environmental groups to promote policy detrimental to the American economy is not a new phenomenon. In 2017 and 2018, the House Science, Space, and Technology Committee found “Russian agents created and spread propaganda on U.S. social media platforms in an obvious attempt to influence the U.S. energy market,” in part through “covertly funding radical environmental groups opposed to fossil fuels.”⁵ In 2018, the House Committee on Natural Resources investigated the nonprofit Natural Resources Defense Council (NRDC) and its work with the U.S. government, in light of the organization’s ties to China.⁶ At the beginning of this year, we sent a series of letters to the U.S. Consumer Product Safety Commission and several energy nonprofits to better understand these groups’ advocacy and engagement with government officials to ban gas stoves in the U.S.⁷ These groups are all part of an interrelated network to which NRDC also belongs. For example, the Climate Imperative Foundation, made a \$2.895 million grant to NRDC in 2021 to “accelerat[e] early peaking and decarbonization of China’s power sector.”⁸

Indeed, NRDC has substantial ties to the Chinese Communist Party (CCP). Both NRDC China Program Directors are former CCP officials.⁹ On NRDC’s Chinese-language site (which provides information different from the English-language site), NRDC explains it “has been carrying out environmental protection work in China since the 1990s” and “actively cooperates and communicates” with several Chinese government agencies.¹⁰ Moreover, NRDC acts as a mouthpiece for Chinese propaganda, signaling that it either takes direction from the CCP or that it is willing to self-censor to maintain a positive relationship with the Communist regime. While pushing outrageous claims in the United States—for example, that gas stoves emit pollution even when not in use¹¹—the organization promotes China as a world leader in “clean power development,”¹² never raising that the Communist country is responsible for emitting over one-fourth of global carbon dioxide and a third of the world’s greenhouse gases.¹³

Despite these obvious ties to China, NRDC has successfully established ties with the U.S. government and key government officials. For example, Special Presidential Envoy for Climate (SPEC) John Kerry—who has claimed “working together” on climate issues is more important than demanding justice for the enslaved Uyghur population¹⁴ or accountability for China’s theft

⁵ “SST Committee Staff Report Reveals Russia’s Social Media Meddling in U.S. Energy Markets,” HOUSE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY (Mar. 1, 2018).

⁶ Letter from Rep. Rob Bishop (R-UT), Chairman of House Committee on Natural Resources, et al., to Rhea Suh, President of Natural Resources Defense Council (Jun. 5, 2018).

⁷ *Supra*, n. 1.

⁸ 2021 IRS Form 990, Climate Imperative Foundation (Filed Mar. 8, 2023).

⁹ Zhang Jieqing (Google Translate of Chinese-language page), NATURAL RESOURCES DEFENSE COUNCIL (archived Oct. 26, 2022); JingJing Qian, NATURAL RESOURCES DEFENSE COUNCIL (accessed Jun. 26, 2023).

¹⁰ China Project Introduction, NATURAL RESOURCES DEFENSE COUNCIL (accessed Jun. 26, 2023).

¹¹ Merrian Borgeson, “Gas Stoves Emit Pollution Even When Not in Use,” NATURAL RESOURCES DEFENSE COUNCIL (accessed Jun. 26, 2023).

¹² Rhea Suh, Natural Resources Defense Council, “What I Saw in China Will Help Change the World,” MEDIUM (Aug. 3, 2016).

¹³ “China’s Transition to a Low-Carbon Economy and Climate Resilience Needs Shifts in Resources and Technologies,” WORLD BANK (Oct. 12, 2022).

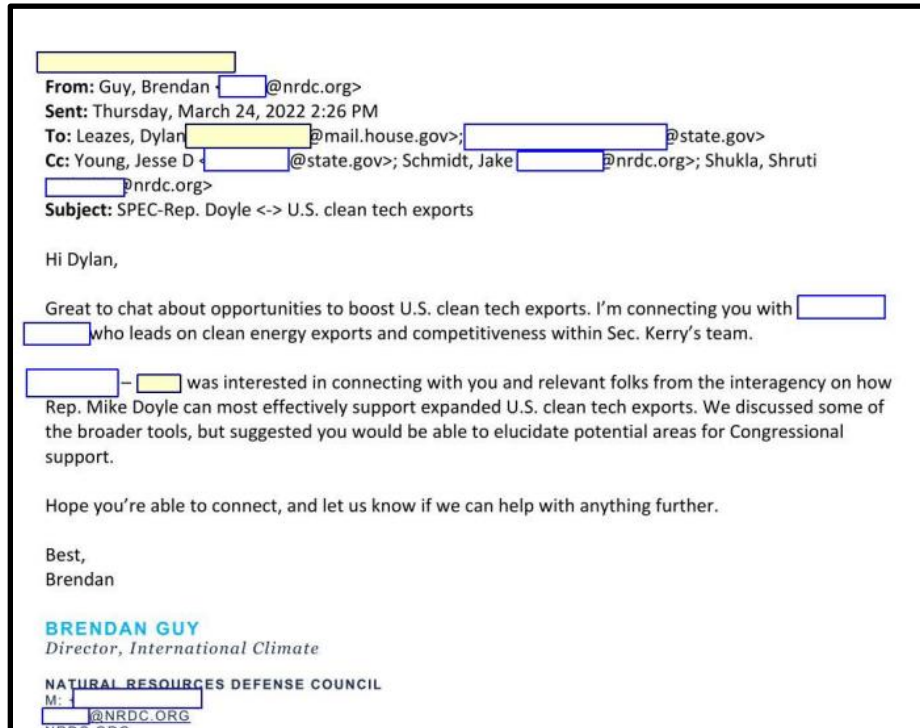
¹⁴ “Uyghur Genocide,” U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM (Jan. 29, 2021).

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of American intellectual property¹⁵ or overt spying behavior¹⁶—has worked hand-in-glove with NRDC and other radical environmental groups since SPEC’s inception.¹⁷ In emails provided to the House Oversight and Accountability Committee between the SPEC and climate groups, NRDC appears to lead on multiple initiatives, including working to “accelerat[e] ambition” and promote “clean tech exports.”¹⁸



We have also highlighted the ties between Rocky Mountain Institute (RMI) and China, another radical environmental group attempting to ban gas stoves in American homes.¹⁹ RMI CEO Jon Creyts has met directly with multiple Cabinet members and high-level White House officials, including Department of Transportation Secretary Pete Buttigieg, Department of Energy Secretary Jennifer Granholm, and White House climate czar Ali Zaidi.²⁰

These organizations’ advocacy, ties to China, and direct communications with White House officials raise concerns that these groups are acting as unregistered agents of the Communist regime.

¹⁵ Letter from the House Select Committee on the Strategic Competition between the United States and the Chinese Communist Party to Merrick Garland, Attorney General of the U.S. (Jun. 15, 2023).

¹⁶ Tweet, @SenTedCruz, (Feb.17, 2023, 1:09 PM).

¹⁷ Thomas Catenacci, *John Kerry's climate office rife with ties to far-left green groups*, FOX NEWS (Aug. 16, 2022); Thomas Catenacci and Houston Keene, *John Kerry's office consulted with far-left eco groups on policy, banning fossil fuel investment: emails*, FOX NEWS (Oct. 31, 2022).

¹⁸ Documents on file with the House Committee on Oversight and Accountability.

¹⁹ *Supra*, n. 1

²⁰ *Supra*, n. 2

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To assist our offices in our investigation into radical environmental groups and their impact on American economic policy, please produce the following documents and information no later than August 15, 2023:

1. Documents sufficient to show the original date of registration as an agent of a foreign principal pursuant to FARA for NRDC, RMI, Climate Imperative Foundation, Rewiring America, and/or Windward Fund.
 - a. If NRDC Incorporated, NRDC Action Fund, NRDC Limited Hong Kong, or NRDC Action Fund Political Action Committee are not registered as agents of a foreign principal pursuant to FARA requirements, provide explanations sufficient to demonstrate why FARA registration requirements do not apply to the specific entity.
2. All documents and communications between DOJ and the following organizations or their related tax-exempt organizations listed in the nonprofits' Form 990 tax documents, including but not limited to letters of inquiry or advisory opinions, referring or relating to FARA registration by the following groups or their related tax-exempt organizations:
 - a. NRDC,
 - b. RMI,
 - c. Climate Imperative Foundation,
 - d. Rewiring America, and
 - e. Windward Foundation.
3. Documents concerning any financial relationship between the following organizations and any entity or individual associated with any Chinese official, Chinese national, or Chinese business interest, including their agents, representatives, or intermediaries:
 - a. NRDC,
 - b. RMI,
 - c. Climate Imperative Foundation,
 - d. Rewiring America, and
 - e. Windward Foundation.

Sincerely,

Ted Cruz
United States Senator
Ranking Member, Senate Committee on
Commerce, Science & Transportation

James Comer
United States Representative
Chairman, House Committee on
Oversight & Accountability