

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

July 16, 2018

Ms. Rhea Suh
President
Natural Resources Defense Council
40 West 20th Street, 11th floor
New York, N.Y. 10011

Dear Ms. Suh:

On June 5, 2018, the Committee on Natural Resources wrote the Natural Resources Defense Council (NRDC)¹ seeking clarification on the nature of the NRDC's advocacy work to influence U.S. environmental and natural resources policy based on your organization's relationships with foreign entities.² Specifically, the Committee expressed its concerns that the NRDC's need to maintain access to Chinese officials has influenced its political activities in the United States and may require compliance with the Foreign Agents Registration Act (FARA).³

While we appreciate the NRDC's responses to most of the Committee's preliminary questions, further questions exist related to NRDC's relationship with the Chinese government. The NRDC's ability to work in the People's Republic of China is dependent on the goodwill of the Chinese government.⁴ We are aware that NRDC leadership regularly meets with senior Chinese and Communist Party officials.⁵

To assist the Committee in its continued oversight, please produce the following documents and information as soon as possible, but no later than 5:00 p.m. on July 30, 2018:

¹ As used in this letter, NRDC includes affiliated organizations identified in NRDC's 2016 IRS Form 990: NRDC Action Fund, NRDC Limited Hong Kong, and NRDC Action Fund Political Action Committee.

² Letter from Hon. Rob Bishop, Chairman, H. Comm. on Natural Resources and Hon. Bruce Westerman, Chairman, Subcomm. on Oversight and Investigations, to Rhea Suh, President, Natural Resources Defense Council (June 5, 2018) (on file with Committee).

³ *Id.*; see also 22 U.S.C. § 611 *et seq.*

⁴ Chris Buckley, *Uncertainty Over New Chinese Law Rattles Foreign Nonprofits*, THE N.Y. TIMES, Dec. 29, 2016, <https://www.nytimes.com/2016/12/29/world/asia/china-foreign-ngo.html>; see also Mark Sidel, *It Just Got Harder to Make a Difference in China*, FOREIGN POLICY MAGAZINE, Apr. 29, 2016, <https://foreignpolicy.com/2016/04/29/it-just-got-harder-to-make-a-difference-in-china-harsh-new-ngo-law-clamps-down-on-foreign-organizations/>.

⁵ Natural Resources Defense Council, *Further Promoting Cooperation between China and NRDC*, NRDC CHINA: IN THE NEWS (Mar. 21, 2018), <http://nrdc.cn/news/newsinfo?id=542&cook=1>; see also Barbara Finamore, Winslow Robertson, Feda Fung, & Zhixi Zhu, *China Fighting Air Pollution in Air, Land, and Sea*, NRDC: EXPERT BLOG (May 2, 2016), <https://www.nrdc.org/experts/barbara-finamore/china-fighting-air-pollution-air-land-and-sea>; see also Natural Resources Defense Council, *Supported China's Climate Change Legislation*, NATURAL RESOURCES DEFENSE COUNCIL CHINA PROGRAM UPDATES (Nov. 11, 2015), <http://nrdc.cn/news/newsinfo?id=43&cook=1>.

1. Documents sufficient to list all persons serving as senior leadership, policy experts, or members of the board of trustees who have or currently engage in any work by the NRDC referring or related to China from January 1, 2002 to the present;
2. Documents sufficient to identify the referenced “policies and procedures relating to government grants and political activities” per the NRDC’s June 25, 2018 supplemental response to the Committee;
3. Documents sufficient to identify any Chinese official, Chinese national, or Chinese business interest, including their agents, representatives, or intermediaries that the NRDC has engaged with as part of the NRDC’s efforts to formulate, adopt, or change domestic or foreign environmental or natural resources policies or laws of the United States or to influence U.S. public opinion;
4. All documents and communications, including but not limited to, internal memoranda, contracts, cooperative agreements, and emails, between the NRDC, or any of its agents, and any Chinese official, Chinese national, or Chinese business interest, including their agents, representatives, or intermediaries, referring or relating to the domestic or foreign environmental or natural resources policies or laws of the United States or to influence U.S. public opinion;
5. All documents and communications, including but not limited to, internal memoranda and emails, between the NRDC, or any of its agents, and any official, employee, or agent of the United States government referring or relating to the domestic or foreign environmental or natural resources policies or laws of the United States or of the People’s Republic of China;
6. Documents sufficient to identify any policies or procedures the NRDC has implemented to ensure compliance with the “Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China,”⁶ including compliance with registration, activity specifications, and oversight and supervision requirements;
7. A document sufficient to list all trips made, by the NRDC trustees, employees, or agents to the People’s Republic of China with corresponding dates and itinerary from January 1, 2002 to present;

⁶ Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China (adopted at the 20th Meeting of the 12th Standing Committee of the National People’s Congress on April 28, 2016, promulgated by Order No. 44 of the President of the People’s Republic of China, effective Jan. 1, 2017) (*available at* http://www.mps.gov.cn/n2254314_n2254409_n4904353/c5548987/content.html); *see also* Nectar Gan, *Why Foreign NGOs are Struggling with New Chinese Law: Thousands Could be Operating in a Risky Legal Limbo*, SOUTH CHINA MORNING POST, June 14, 2017, <http://www.scmp.com/news/china/policies-politics/article/2097923-why-foreign-ngos-are-struggling-new-chinese-law>.

8. A document sufficient to list all meetings during visits to the United States, with corresponding dates and itineraries, by any Chinese national, including their agents, representatives, or intermediaries, where any portion of the trip was arranged, facilitated, or subsidized, in whole or in part, by the NRDC from January 1, 2002 to present; and
9. A document sufficient to identify any former or current NRDC employees, or agents, who have ever been employees, appointees, agents, or officials of any Chinese corporation, government agency, or political sub-division of the People's Republic of China, with corresponding dates of employment and position while at the NRDC and while at the Chinese entity.

Please deliver your response to room 1324 of the Longworth House Office Building. The Committee prefers if possible, to receive your response in electronic format. An attachment contains additional instructions for responding to the Committee's request.

Please contact the Oversight and Investigations Subcommittee staff at (202) 225-7107 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Rob Bishop
Chairman



Bruce Westerman
Chairman
Subcommittee on
Oversight and Investigations

Enclosure