



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Oversight and Investigations Republican Members
From: Subcommittee on Oversight and Investigations Staff, Michelle Lane
(Michelle.Lane@mail.house.gov) and Lucas Drill (Lucas.Drill@mail.house.gov),
x6-4137
Date: Tuesday, April 30, 2024
Subject: Oversight Hearing on “*Examining the Influence of Extreme Environmental
Activist Groups in the Department of the Interior*”

The Subcommittee on Oversight and Investigations will hold an oversight hearing on “*Examining the Influence of Extreme Environmental Activist Groups in the Department of the Interior*” on **Tuesday, April 30, 2024, at 10:15 a.m. EDT in 1324 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 p.m. on Monday, April 29, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The influence of extreme environmental activist groups over policy and politics in the United States continues to rise.
- The Biden administration is beholden to activist nonprofit, non-governmental organizations (NGOs), particularly those aligned with leftist social and environmental justice agendas.
- Despite rigorous compliance and ethics requirements, NGOs' growing influence in the federal rulemaking process is significant and often occurs outside of the public eye.
- Under Secretary Haaland, the Department of the Interior (DOI) has cultivated intimate and potentially improper relationships with radical NGOs driving the Biden administration's extreme environmental agenda.

II. WITNESSES

- **Mr. Scott Walter**, President, Capital Research Center, Washington, D.C.
- **Mr. Tyler O'Neil**, Author, “Making Hate Pay: The Corruption of the Southern Poverty Law Center,” Washington, D.C.
- **Mr. Richard Painter**, S. Walter Richey Professor of Corporate Law, University of Minnesota Law School, Minneapolis, MN [*Minority Witness*]
- **Mr. Jamie Williams**, President, The Wilderness Society, Washington, D.C. [*declined to testify*]
- **Ms. Julia Fay Bernal**, Executive Director, Pueblo Action Alliance, Albuquerque, NM, [*declined to testify*]

III. BACKGROUND

Nonprofits Are Playing an Increasingly Prominent Role in Politics and Policymaking

The Internal Revenue Code currently recognizes approximately thirty types of tax-exempt organizations, most of which are classified as 501(c)(3) or 501(c)(4) entities.¹ 501(c)(3) organizations are the nonprofits most familiar to the general public and are typically created for charitable, religious, or educational purposes.² Private foundations are commonly 501(c)(3) nonprofits.³ Meanwhile, 501(c)(4) organizations, which largely include social welfare organizations, are more often associated with issue advocacy and partisan activity.⁴

Over the last several decades, both the amount of money pouring into 501(c)(3) and 501(c)(4) organizations and the influence of nonprofits over America's political landscape has increased dramatically.⁵ Accordingly, there is growing concern over the role nonprofits play in America's political process.⁶

In 2020, fifteen of the most politically active Democrat-aligned nonprofits spent more than \$1.5 billion to influence American politics.⁷ In fact, according to CNN and the Center for Responsive Politics, "dark money" nonprofits, which are not required to disclose their donors, spent over \$320 million to support Joe Biden's presidential campaign and the campaigns of Democrat candidates for congress.⁸ President Biden's candidacy alone received \$145 million in "dark money" support from these nonprofits, which was more than any other presidential candidate in American history.⁹ Many of these organizations focus particularly on spending to promote leftist social and environmental justice agendas and receive hundreds of millions of dollars from foreign entities and billionaires like George Soros and Hansjörg Wyss.¹⁰

¹ *Growth of the Tax-Exempt Sector and the Impact on the American Political Landscape, Hearing before the Subcomm. on Oversight and Investigations, H. Comm. on Ways & Means, 118th Cong. (2023)* (statement of Justin C. Chung, Legislative Attorney, Congressional Research Service), <https://gop-waysandmeans.house.gov/wp-content/uploads/2023/12/Chung-Testimony.pdf>.

² *Exempt Purposes - Internal Revenue Code Section 501(c)(3)*, INTERNAL REVENUE SERVICE <https://www.irs.gov/charities-non-profits/charitable-organizations/exempt-purposes-internal-revenue-code-section-501c3#:~:text=The%20exempt%20purposes%20set%20forth,cruelty%20to%20children%20or%20animals>. (last visited Apr. 3, 2024).

³ *EO Operational Requirements: Private Foundations and Public Charities*, INTERNAL REVENUE SERVICE <https://www.irs.gov/charities-non-profits/eo-operational-requirements-private-foundations-and-public-charities#:~:text=Under%20the%20tax%20law%2C%20a,determination%20as%20a%20public%20charity> (last visited Apr. 3, 2024).

⁴ Alana Rudder & Kelly Main, *501(c)(3) Vs. 501(c)(4): Differences, Pros And Cons*, FORBES ADVISOR (Jan. 6, 2023), <https://www.forbes.com/advisor/business/501c3-vs-501c4/>.

⁵ Chung, *supra* note 1.

⁶ *Id.*

⁷ Kenneth P. Vogel & Shane Goldmacher, *Democrats Decried Dark Money. Then They Won With It in 2020*, N.Y. Times (Jan. 29, 2022, updated Aug. 21, 2022), <https://www.nytimes.com/2022/01/29/us/politics/democrats-dark-money-donors.html>.

⁸ Fredreka Schouten, *Democrats deride 'dark' money, but a new analysis shows it helped boost Joe Biden*, CNN (Nov. 27, 2020), <https://www.cnn.com/2020/11/27/politics/dark-money-democrats-joe-biden/index.html>.

⁹ Mark Moore, *Joe Biden's \$1.5B campaign haul reportedly helped by \$145M in 'dark money'*, NEW YORK POST (Jan. 26, 2021), <https://nypost.com/2021/01/26/biden-campaign-haul-helped-by-145m-in-dark-money-report/>.

¹⁰ See Brian Slodysko, *Group steers Swiss billionaire's money to liberal causes*, Associated Press (Apr. 4, 2023), <https://apnews.com/article/dark-money-democrats-wyss-politics-elections-601d40cd01569190559d545418afe396>; Brian Schwartz, *Nonprofit financed by billionaire George Soros quietly donated \$140 million to political causes in 2021*, CNBC (Jan. 5, 2023), <https://www.cnbc.com/2023/01/04/nonprofit-financed-by-billionaire-george-soros-donated-140-million-to-political->

Perhaps most notable, progressive activists fundraise off the idea of “protecting voter rights and reducing the influence of special interest money in politics”¹¹ while simultaneously setting records for raising hundreds of millions of dollars from a few billionaires to invest in “dark money” advocacy campaigns.¹²

Unfortunately, the growing influence of nonprofits on policymaking is not adequately understood and warrants investigation. This is especially true when organizations seem to operate outside the existing compliance regime and the relationship between nonprofit NGOs and government decisionmakers disregards the spirit of the rules established to govern it. The Biden administration, in particular, has developed particularly close and potentially improper relationships with environment-focused activist organizations.

Brief Overview of the Federal Rulemaking Process

The Administrative Procedure Act of 1946 (APA)¹³ defines a rule as “the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.”¹⁴ The process through which federal agencies develop, amend, or repeal rules is called “rulemaking.”¹⁵ The APA provides for formal and informal rulemaking.¹⁶ Formal rulemaking is, by statute, “on the record” and requires a trial-type agency hearing. Few rules today are promulgated following the formal rulemaking process.¹⁷ Instead, informal rulemaking, also called “notice and comment” rulemaking, is far more common.¹⁸

An agency initiates a rulemaking by studying an issue and drafting a notice of proposed rulemaking.¹⁹ The agency will then draft a proposed rule, which is first reviewed internally and then by the Office of Management and Budget (OMB) and its Office of Information and Regulatory Affairs (OIRA). After review, a proposed rule is published in the Federal Register to allow for public comment.²⁰ Federal agencies are then tasked with analyzing the public comments and finalizing the rule incorporating or otherwise responding to the public’s views.²¹ After additional internal and OMB/OIRA reviews, the final rule is published.²² Parties with legal standing may then seek judicial review of the agency’s rule.²³

[groups-in-2021.html](#); Pete Maysmith, *How LCV helped secure 2022 climate and democracy victories*, LEAGUE OF CONSERVATION VOTERS (Dec. 19, 2022), <https://www.lcv.org/media-center/end-of-year-memo-how-lcv-helped-secure-2022-climate-and-democracy-victories/>; Eli Stokols, *How the climate movement learned to win in Washington*, POLITICO (April 2, 2023), <https://www.politico.com/news/2023/04/02/climate-politics-change-00088107>.

¹¹ <https://amy-kurtz.medium.com/our-democracy-needs-a-reboot-92278c17647c>

¹² <https://www.politico.com/news/2021/11/17/dark-money-sixteen-thirty-fund-522781>

¹³ 5 U.S.C. §§ 551-559.

¹⁴ 5 U.S.C. § 551(4), <https://www.law.cornell.edu/uscode/text/5/551>.

¹⁵ Maeve P. Carey, CONG. RESEARCH SERV., RL32240, *The Federal Rulemaking Process: An Overview*, (June 17, 2013), <https://www.crs.gov/reports/pdf/RL32240/RL32240.pdf>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Carey, *supra* note 10.

²¹ *Id.*

²² *Id.*

²³ Todd Garvey, CONG. RESEARCH SERV., R1546, *A Brief Overview of Rulemaking and Judicial Review*, (Mar. 27, 2017), <https://crsreports.congress.gov/product/pdf/R/R41546>.

Ex Parte Communications in Informal Rulemakings are Potentially Harmful

An “ex parte communication” in informal rulemaking refers to the oral or written interactions between stakeholders and agency personnel that relate to rulemaking, which are not written comments submitted during the comment period.²⁴ Ex parte communications are most often oral communications during face-to-face meetings.²⁵

Although the APA bans ex parte communications for formal rulemaking and adjudications, it is silent regarding ex parte communications for informal rulemaking, effectively permitting them.²⁶ As a result, public stakeholders may request meetings with agency staff—often high-level officials or those with technical expertise charged with making final policy decisions—in an attempt to influence or change a proposed rule.²⁷ Public stakeholders impacted by a proposed rule often prefer ex parte communications because “they are cautious about what they put in writing on the public record out of concern for business relationships, political sensitivities, and other considerations.”²⁸

Federal courts and academics have expressed significant concerns related to ex parte communications, including but not limited to:

- Frustration of judicial review of agency rulemaking actions;²⁹
- Questions of fairness;³⁰
- A final rule reflecting a compromise of competing special interests rather than the “exercise of independent discretion in the public interest”;³¹
- Apparent danger of “one administrative record for the public and this court and another for the Commission,” especially if ex parte communications were not accurately or adequately captured in the rulemaking record;³²
- Undue influence over decisionmakers;³³ and
- Impropriety or the appearance of impropriety.³⁴

Accordingly, the Administrative Conference of the United States recommends that federal agencies disclose ex parte communications.³⁵

²⁴ Esa L. Sferra-Bonistalli, *Ex Parte Communications in Informal Rulemaking*, ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (May 1, 2024), <https://www.acus.gov/sites/default/files/documents/2014-4%20Report.pdf>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Home Box Office, Inc. v. Federal Commc’ns Comm’n*, 567 F.2d 9, 57 (D.C. Cir. 1977).

³⁰ *Id.*

³¹ *Id.*

³² *Sierra Club v. Costle*, 657 F.2d 298, 401 (D.C. Cir. 1981).

³³ *Home Box Office v. Federal Communications Commission*, 567 F.2d 9 (D.C. Cir. 1977).

³⁴ Sferra-Bonistalli, *supra* note 59.

³⁵ *Recommendation 77-3: Ex Parte Communications in Informal Rulemaking Proceedings*, ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (Sep. 15-16, 1977), <https://www.acus.gov/sites/default/files/documents/77-3.pdf>.

There is no indication that DOI proactively discloses ex parte communications that occur during the informal rulemaking process.³⁶ Under the Biden administration, significant questions regarding ex parte communications and potentially improper meetings between nonprofits and federal agencies—particularly within DOI—have arisen.

DOI's Questionable Communications with Extreme Activist Groups

Under the leadership of Secretary Haaland, DOI has cultivated intimate and potentially improper relationships with extreme environmental activist groups driving the Biden administration's agenda. Information obtained from media reports, document productions in response to Freedom of Information Act (FOIA) requests, and Congressional oversight conducted by the House Committee on Natural Resources (Committee), raises serious concerns about DOI's relationship with several of these organizations. The Committee is particularly concerned about undisclosed ex parte communications and off-the-record meetings between high-ranking DOI officials and nonprofit staff. Notably, information in the public domain suggests that senior DOI officials worked with radical anti-use nonprofits to implement natural resource withdrawals in New Mexico and Minnesota, negatively impacting the economies of local communities, killing jobs, locking up access to American resources, and increasing domestic demand for foreign sources of the same resources. Moreover, there is significant concern that some of these extreme activist groups have ties to the Chinese Communist Party (CCP) and other foreign entities.

Pueblo Action Alliance and Chaco Canyon

Chaco Canyon was a site of ancestral tribal culture between 850 and 1250 A.D.³⁷ In 1907, President Theodore Roosevelt established Chaco Canyon as a national monument to preserve remains of the ancestral culture in Chaco Canyon.³⁸ Subsequent federal action enlarged the protected area and on December 19, 1980, Congress passed the New Mexico Wilderness Act of 1980. This act enlarged the monument boundaries by approximately 13,000 acres and renamed the area to the Chaco Culture National Historical Park (CCNHP).³⁹

Despite the enlargement of protected areas in Chaco Canyon, activists, nonprofits, and various tribal members—particularly from the Pueblo and Hopi Tribes—advocated for additional preservation measures, which included withdrawing more land from natural resource development. Before her time as Secretary of the Interior, Deb Haaland repeatedly advocated for preservationist policies to withdraw more land in Chaco Canyon from natural resource development.⁴⁰

³⁶ DOI's Departmental Manuals do not include policies regulating ex parte communications.

³⁷ Alden C. Hayes et al., *Archaeological Surveys of Chaco Canyon, New Mexico, Publications in Archaeology, Chaco Canyon Studies*, NATIONAL PARK SERVICE, DEP'T OF THE INTERIOR, (1981).

³⁸ National Park Service, *A Brief History of Chaco Culture National Historical Park*, DEP'T OF THE INTERIOR <https://www.nps.gov/chcu/learn/upload/Chaco-Brief-History.pdf> (last visited Apr. 3, 2024).

³⁹ PL 96-550, <https://www.congress.gov/bill/96th-congress/house-bill/8298/text>.

⁴⁰ Debra A. Haaland, *This Native American Congressional Candidate Wants to Bring Environmental Justice to New Mexico and to Capitol Hill*, VICE (Oct. 23, 2017), <https://www.vice.com/en/article/wjg5qq/this-native-american-congressional-candidate-wants-to-bring-environmental-justice-to-new-mexico-and-to-capitol-hill>; Kate Aronoff, *This Progressive New Mexican Could Become the First Native-American Woman in Congress*, IN THESE TIMES (Mar. 9, 2018), <https://inthesetimes.com/article/deb-haaland-new-mexico-native-american-congress-progressive-renewables>; Deb Haaland, *Deb Haaland Could Be the First Native American Woman Elected to Congress*, TEEN VOGUE (Apr. 18, 2018), <https://www.teenvogue.com/story/deb-haaland-could-be>

As Secretary, Deb Haaland has continued her support for withdrawing additional land in Chaco Canyon from natural resource development.⁴¹ On January 6, 2022, DOI's Bureau of Land Management (BLM) published a notice of Secretary Haaland's proposal to withdraw public lands located within a nearly ten-mile radius surrounding the CCNHP from mineral development for up to 20 years.⁴²

In June of 2023, Secretary Haaland issued a Public Land Order to officially withdraw 336,404.42 acres of federal land surrounding the CCNHP for 20 years (Chaco Withdrawal).⁴³ Troublingly, the Chaco Withdrawal prevents mineral, oil, and gas development in the area.⁴⁴ Furthermore, the Chaco Withdrawal prevents all private landowners and Navajo allottees from accessing non-federal resources, which eliminates a major income source for the Navajo nation.

The Secretary's involvement in the Chaco Withdrawal is particularly alarming due to her ongoing relationship with nonprofits advocating for the withdrawal—most notably with the Pueblo Action Alliance (PAA). Before joining the Biden administration as Secretary of the Interior, Secretary Haaland was closely involved with the PAA.⁴⁵ Secretary Haaland maintains her close relationship with the PAA while serving as Secretary of the Interior. Evidence of Secretary Haaland's ongoing relationship with the PAA includes, but is not limited to:

- Meetings between Secretary Haaland and the PAA's Executive Director during Secretary Haaland's tenure as Secretary of the Interior, which included discussion of the PAA's opposition to oil and gas production on federal lands;⁴⁶
- Secretary Haaland's promotion of the PAA through the use of personal items adorned with the PAA's insignia in public photographs, including on her first day in office as Secretary of the Interior;⁴⁷

[the-first-native-american-woman-elected-to-congress](#); Hannah Grover, *Udall, Heinrich, Luján and Haaland Call For Permanent Protections Around Chaco*, FARMINGTON DAILY TIMES (Apr. 4, 2019), <https://www.daily-times.com/story/news/2019/04/09/udall-heinrich-lujan-haaland-buffer-zone-chaco-culture-oil-gas/3414453002/>.

⁴¹ *Haaland announces steps to protect Chaco Canyon*, THE NAVAJO-HOPI OBSERVER (Nov. 23, 2021), <https://www.nhnews.com/news/2021/nov/23/haaland-announces-steps-protect-chaco-canyon/>.

⁴² *Notice of Proposed Withdrawal and Public Meetings; San Juan County, NM*, 87 F.R. 785, BUREAU OF LAND MANAGEMENT (Jan. 6, 2022), https://eplanning.blm.gov/public_projects/2016892/200507928/20052722/250058905/2021-28525%20Notice%20of%20Proposed%20Withdrawal%20-%20Chaco%20Published%201.6.2022.pdf.

⁴³ *Public Land Order No. 7923 for Public Lands Withdrawal Surrounding Chaco Culture National Historical Park Boundary; San Juan, Sandoval, and McKinley Counties, New Mexico*, 88 F.R. 37266, BUREAU OF LAND MANAGEMENT (June 7, 2023), <https://www.federalregister.gov/documents/2023/06/07/2023-12158/public-land-order-no-7923-for-public-lands-withdrawal-surrounding-chaco-culture-national-historical#:~:text=SUMMARY%3A,subject%20to%20valid%20existing%20rights>

⁴⁴ *Id.*

⁴⁵ *Secretary of the Department of the Interior: Official Statement from Pueblo Action Alliance on Representative Deb Haaland's Nomination*, PUEBLO ACTION ALLIANCE (Mar. 15, 2021), <https://www.puebloactionalliance.org/blog/secretary-of-the-department-of-the-interior-official-statement-from-pueblo-action-alliance-on-the-vote-to-confirm-deb-haaland-nomination> [hereinafter PAA Statement on Haaland Nomination].

⁴⁶ *Hot and Dry Podcast: Water Back & Pueblo Action Alliance* (Sep. 13, 2021), <https://podcasts.apple.com/us/podcast/water-back-the-pueblo-action-alliance/id1449804910?i=1000535198752>; Pueblo Action Alliance (@puebloactionalliance), INSTAGRAM (July 30, 2021), https://www.instagram.com/p/CR-SBG-LjGY/?img_index=2; Pueblo Action Alliance (@puebloactionalliance), INSTAGRAM (July 31, 2021), <https://www.instagram.com/p/CSAUf0qrmPu/>.

⁴⁷ Pueblo Action Alliance (@puebloactionalliance), INSTAGRAM (Mar. 18, 2021), <https://www.instagram.com/p/CMkPS-MFGZc/>.

- The PAA’s promotion of Secretary’s Haaland’s support for their organization to draw attention to themselves and grow their organization, particularly through the use of social media;⁴⁸
- Organizers’ promotion of Secretary Haaland’s involvement⁴⁹ in a film produced by the Director of the PAA⁵⁰ focused on the withdrawal of oil, gas, and mineral leases outside of Chaco Culture National Historical Park—a matter Secretary Haaland subsequently ruled on as Secretary of the Interior;⁵¹
- The PAA’s employment of Secretary Haaland’s adult child, Somah Haaland,⁵² including as the nonprofit’s Media Coordinator;⁵³ and
- Somah Haaland’s ongoing advocacy work for the PAA.⁵⁴

The Committee has raised concerns about Secretary Haaland’s impartiality and potential misuse of her office in oversight letters sent to DOI on June 5, 2023, and October 23, 2023.⁵⁵ DOI’s meager production and corresponding response to Congressional oversight were wholly inadequate and failed to address key components of the PAA’s relationship with Secretary Haaland and her family.⁵⁶ For example, significant gaps in the production regarding ex parte communications among Secretary Haaland, her family, DOI, and the PAA exist. The insufficient productions and refusal from Secretary Haaland and DOI to substantively reply to the Committee’s requests exacerbate concerns about the relationship between Secretary Haaland and the PAA.

The Wilderness Society and Private Negotiations with High-Level BLM and DOI Officials

The cancellation⁵⁷ of two decades-old mineral leases in the Superior National Forest in Minnesota and the withdrawal of 225,504 acres of mineral-rich land in the same area from

⁴⁸ *Id.*; see also Pueblo Action Alliance (@puebloactionalliance), INSTAGRAM (Jan. 7, 2021), <https://www.instagram.com/p/CJwfQ9Wlkg/>.

⁴⁹ *Our Story: The Indigenous Led Fight to Protect Greater Chaco Debuts in Albuquerque to Sold-Out Crowd!*, FRACK OFF GREATER CHACO (July 20, 2022), <https://www.frackoffchaco.org/blog/ourstorydebut>.

⁵⁰ *About, OUR STORY: THE INDIGENOUS LED FIGHT TO PROTECT GREATER CHACO*, <https://www.wearegreaterchaco.com/about> (last visited Oct. 4, 2023).

⁵¹ *Biden-Harris Administration Protects Chaco Region, Tribal Cultural Sites from Development*, DEP’T OF THE INTERIOR (June 2, 2023), <https://www.doi.gov/pressreleases/biden-harris-administration-protects-chaco-region-tribal-cultural-sites-development> (describing how Secretary of the Interior Deb Haaland withdrew land around Chaco Culture National Historical Park from “oil and gas leasing and mining claims”).

⁵² Kate Mazade, *Somáh Haaland: ‘We Have a Lot to Say’*, AMERICAN THEATER (July 6, 2020), <https://www.americantheatre.org/2020/07/06/somah-haaland-we-have-a-lot-to-say/>.

⁵³ Pueblo Action Alliance (@puebloactionalliance), INSTAGRAM (May 20, 2023), https://www.instagram.com/p/CsfRdzwu-8I/?img_index=1.

⁵⁴ @Tim400000, TWITTER, (Jan. 20, 2023, 6:23 PM), <https://twitter.com/Tim400000/status/1616577221392584704>.

⁵⁵ Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Deb Haaland, Secretary, Dep’t of the Interior, and Heather Gottry, Director, Departmental Ethics Office, Dep’t of the Interior (June 5, 2023), https://naturalresources.house.gov/uploadedfiles/2023.06.05_haaland_ethics_compliance.pdf; Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Deb Haaland, Secretary, Dep’t of the Interior, and Heather Gottry, Director, Departmental Ethics Office, Dep’t of the Interior (Oct. 23, 2023), https://naturalresources.house.gov/uploadedfiles/haaland_impartiality_and_misuse_of_office.pdf.

⁵⁶ Response and production on file with the Committee.

⁵⁷ *Leases Canceled, Decision of Tommy Beaudreau, Deputy Secretary of the Interior*, DEP’T OF THE INTERIOR (Jan. 26, 2022), https://www.blm.gov/sites/blm.gov/files/docs/2022-01/2022.01.26%20Twin%20Metals%20Lease%20Cancellation%20Decision_0.pdf.

mineral exploration and development⁵⁸ raises significant concerns about the undue influence exercised by nonprofits over the Biden administration.

In May 2018, the Trump administration government reinstated mineral leases for a prospective copper-nickel-cobalt mine project in Northeast Minnesota (Twin Metals).⁵⁹ In December 2019, the company developing Twin Metals formally submitted a Mine Plan of Operation to begin the federal permitting process; the Minnesota Department of Natural Resources also conducted an independent environmental impact review.⁶⁰

On August 5, 2020, various activist environmental groups—including The Wilderness Society (TWS)—sued BLM, the Fish and Wildlife Service, and the Forest Service over their decision to renew the permits for Twin Metals.⁶¹ While litigation was ongoing, in January 2022, the Biden administration canceled the Twin Metals leases.⁶² The Twin Metals cancellation occurred despite years of environmental review, a pending Mine Plan of Operations at the Bureau of Land Management,⁶³ and a myriad of comments and letters from Members of Congress, mineral developers, local residents, union workers, and many other parties stating their support for the project.

A few months before canceling the Twin Metals leases, the Biden administration also announced plans to withdraw the surrounding mineral-rich land in the Superior National Forest from mining (“Superior Withdrawal”).⁶⁴ On January 26, 2023, the Biden administration finalized the Superior Withdrawal, which totaled 225,504 mineral-rich acres.⁶⁵

Recent reports, based on information obtained through a FOIA request,⁶⁶ indicate that in July of 2021, before the Superior Withdrawal and Twin Metals lease cancellation, senior DOI

⁵⁸ Bureau of Land Management, *Public Land Order No. 7917 for Withdrawal of Federal Lands; Cook, Lake, and Saint Louis Counties, MN*, 88 F.R. 6308, BUREAU OF LAND MANAGEMENT (Jan. 31, 2023), <https://www.federalregister.gov/documents/2023/01/31/2023-01969/public-land-order-no-7917-for-withdrawal-of-federal-lands-cook-lake-and-saint-louis-counties-mn>.

⁵⁹ *Rescission of December 15, 2016, Lease Renewal Application Rejection. Reinstatement of Mineral Leases MNES 01352 & MNES 01353 as Issued in 2004. Reinstatement of Twin Metal’s 2012 Lease Renewal Application*, U.S. DEP’T OF THE INTERIOR (May 2, 2018), <https://www.twin-metals.com/wp-content/uploads/2018/05/2018.05.02-Twin-Metals-Lease-Reinstatement-Decision-002.pdf>.

⁶⁰ Steve Karnowski, *Steve Twin Metals Minnesota files formal mine plan with regulators*, ASSOCIATED PRESS, (Dec. 18, 2019), <https://apnews.com/3cb7d821267e8ada06e1817b5c380eef>.

⁶¹ Press Release, *Lawsuit challenges mining permits near Boundary Waters Wilderness in Minnesota*, THE WILDERNESS SOCIETY (Aug. 5, 2020), <https://www.wilderness.org/articles/press-release/lawsuit-challenges-mining-permits-near-boundary-waters-wilderness-minnesota>; Complaint, *Center for Biological Diversity et al., v. Leverette et al.*, Case 1:20-cv-02132, (D.D.C. Aug. 5, 2020), https://www.biologicaldiversity.org/programs/public_land/mining/Minnesota_mining/pdfs/Twin-Metals-Minnesota-20-08-05-Complaint.pdf.

⁶² *Leases Canceled, Decision of Tommy Beaudreau, Deputy Secretary of the Interior*, DEP’T OF THE INTERIOR (Jan. 26, 2022), https://www.blm.gov/sites/blm.gov/files/docs/2022-01/2022.01.26%20Twin%20Metals%20Lease%20Cancellation%20Decision_0.pdf.

⁶³ BLM National NEPA Register, *Twin Metals Project and Preference-Right Lease in the Superior National Forest*, NEPA number: DOI-BLM-Eastern States-0030-2020-0006-EIS, BUREAU OF LAND MANAGEMENT (last updated Jan. 27, 2022), <https://eplanning.blm.gov/eplanning-ui/project/1503233/510>.

⁶⁴ *Biden Administration Takes Action to Complete Study of Boundary Waters Area Watershed*, U.S. DEP’T OF THE INTERIOR, (Oct. 20, 2021), <https://www.doi.gov/pressreleases/biden-administration-takes-action-complete-study-boundary-waters-area-watershed>.

⁶⁵ *Public Land Order No. 7917*, *supra* note 96.

⁶⁶ *Interior Officials Secretly Met with Environmental Plaintiffs in Critical Minerals Project They Later Cancelled*, FUNCTIONAL GOVERNMENT INITIATIVE (Oct. 25, 2023), <https://functionalgovernment.org/interior-officials-secretly-met-with-environmental-plaintiffs-in-critical-minerals-project-they-later-cancelled/>.

officials privately met with plaintiffs suing the federal government over Twin Metals.⁶⁷ Notably, DOI Deputy Secretary Tommy Beaudreau and Deputy Chief of Staff Kate Kelly purportedly met with lobbyists from TWS, a lead plaintiff in the Twin Metals case.⁶⁸ The meeting does not appear on Beaudreau’s public calendar.⁶⁹

Recent reports and corresponding documents also indicate that the meeting between Beaudreau, Kelly, and TWS occurred around the same time that TWS sought to coordinate with one of DOI’s top lawyers, Deputy Solicitor Natalie Landreth.⁷⁰ DOI officials were seemingly aware of potential ethical concerns associated with holding private meetings on active litigation by planning a “lawyers only” meeting that was “more litigation focused.”⁷¹ Nonetheless, DOI officials proceeded to plan the meetings and potentially labeled some of the meetings as “policy” meetings to disguise their true purpose and minimize any ethical, legal, or political pitfalls.⁷² Communications indicate that at least one planned meeting between DOI and TWS attorneys focused on both “legal & policy pathways” over mining in Northern Minnesota.⁷³

Extreme Activist Nonprofits Like Code Pink, the Natural Resources Defense Council, and the League of Conservation Voters Have Ties to Foreign Governments and Other Entities

The Committee has, on several occasions, raised concerns that some extreme activist nonprofit organizations—including but not limited to Code Pink, the League of Conservation Voters (LCV), and the Natural Resources Defense Council (NRDC)—have ties to foreign governments and other entities.⁷⁴ Chief among these dubious benefactors is the Chinese Communist Party (CCP).

In 2023, evidence emerged that Code Pink, a leftist nonprofit that advocates for, among other things, issues related to the environment and America’s energy policies, is funded in significant part by individuals and organizations connected with the CCP.⁷⁵ Code Pink’s intimate

⁶⁷ *Id.*; Hannah Northey, *Interior emails tied to Boundary Waters spark questions*, E&E News (Oct. 25, 2023), <https://subscriber.politicopro.com/article/eenews/2023/10/25/interior-emails-tied-to-boundary-waters-sparks-questions-00123227..>

⁶⁸ *Id.*

⁶⁹ Deputy Secretary Tommy Beaudreau’s Calendar, DEP’T OF THE INTERIOR (June 23, 2021 to July 16, 2021 and July 18, 2023 to July 24, 2021), https://www.doi.gov/sites/doi.gov/files/beaudreau-calendar-6.23-7.17_0.pdf, <https://www.doi.gov/sites/doi.gov/files/beaudreau-calendar-7.18-7.30.pdf>.

⁷⁰ Functional Government Initiative, *supra* note 104; Northey, *supra* note 95.

⁷¹ Email from Natalie Landreth, Deputy Solicitor for Land and Resources, Dep’t of the Interior, to Alison Flint, Senior Legal Director, The Wilderness Society, and Drew McConville, Senior Fellow, The Wilderness Society, and Mariagrazia Caminiti, Executive Assistant, Office of the Solicitor, Dep’t of the Interior (July 19, 2021, 11:41 AM), <https://functionalgovernment.org/wp-content/uploads/2023/10/October-25-2023-released-docs.pdf>.

⁷² See Email from Alison Flint, Senior Legal Director, The Wilderness Society, to Natalie Landreth, Deputy Solicitor for Land and Resources, Dep’t of the Interior, Mariagrazia Caminiti, Executive Assistant, Office of the Solicitor, Dep’t of the Interior, and Drew McConville, Senior Fellow, The Wilderness Society, (July 19, 2021, 2:57 PM), <https://functionalgovernment.org/wp-content/uploads/2023/10/October-25-2023-released-docs.pdf>.

⁷³ *Id.*

⁷⁴ See Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Jodie Evans, President and Co-Founder, Code Pink (Nov. 16, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_code_pink.pdf; Letter from Rep. Cathy McMorris Rodgers, Chair, H. Comm. on Energy and Commerce, et al., to Zi Chou, President and CEO, Energy Foundation China (Jan. 26, 2024), https://d1dth6e84htgma.cloudfront.net/01_26_24_Letter_to_Energy_Found_China_on_U_S_Grants_b3fba617f2.pdf.

⁷⁵ See Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Jodie Evans, President and Co-Founder, Code Pink (Nov. 16, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_code_pink.pdf.

relationships with these foreign donors is particularly suspect because the organization asserts that the United States ought to decrease its military budget to fight climate change, effectively weakening America's ability to defend itself against foreign threats.⁷⁶

Similarly, in 2023, evidence came to light that prominent leftist environmental group NRDC received funding from Energy Foundation China (EFC), a Beijing-headquartered organization led and staffed by individuals with significant ties to the CCP.⁷⁷ The funds provided by EFC contributed to building "NRDC's long-term power and influence with policymakers" and serve China's interest in attempting to force the United States to more heavily rely on its global renewable energy supply chains.⁷⁸

Moreover, when organizations like LCV, a nonprofit that frequently advocates and lobbies for decreasing the strength of America's energy production, take their cues from foreign billionaires like Hansjörg Wyss, they effectively allow foreign nationals to influence domestic policy.⁷⁹ Also, by taking foreign money and later engaging in electoral politics, LCV and nonprofits like it essentially allow foreign entities to influence elections as well as policymaking.⁸⁰

By taking money from foreign entities, particularly from institutions with ties to governments like the CCP or billionaires with dangerous leftist agendas, and advocating for positions favored by those entities, extreme activist nonprofits not only undermine sound natural resource, environment, and energy policy, but also America's fundamental political wellbeing. This is especially true when executive agencies like DOI fall in line with the outlandish recommendations these nonprofits put forth, and both the nonprofits and agencies effectively refuse to fully comply with congressional oversight efforts.

IV. CONCLUSION

501(c)(3) and 501(c)(4) nonprofits contributed significantly to President Biden's and many Democratic members of Congress' electoral victories.⁸¹ The Biden administration and many elected officials are beholden to nonprofit organizations, many of which are aligned with social and environmental justice agendas. Under Secretary Haaland, DOI has cultivated intimate and potentially improper relationships with radical nonprofits that undermines acceptable

⁷⁶ *Id.*

⁷⁷ See Letter from Rep. Cathy McMorris Rodgers, Chair, H. Comm. on Energy and Commerce, et al., to Zi Chou, President and CEO, Energy Foundation China (Jan. 26, 2024), https://d1dth6e84htgma.cloudfront.net/01_26_24_Letter_to_Energy_Found_China_on_U_S_Grants_b3fba617f2.pdf.

⁷⁸ *Id.*

⁷⁹ See Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Gene Karpinski, President, League of Conservation Voters (June 20, 2023), https://naturalresources.house.gov/uploadedfiles/2023.06.20_hnr_letter_to_lcv.pdf; Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Gene Karpinski, President, League of Conservation Voters (Oct. 30, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_reply_to_lcv.pdf.

⁸⁰ See Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Gene Karpinski, President, League of Conservation Voters (June 20, 2023), https://naturalresources.house.gov/uploadedfiles/2023.06.20_hnr_letter_to_lcv.pdf.

⁸¹ See Fredreka Schouten, *Democrats deride 'dark' money, but a new analysis shows it helped boost Joe Biden*, CNN (Nov. 27, 2020), <https://www.cnn.com/2020/11/27/politics/dark-money-democrats-joe-biden/index.html>.

standards for nonprofit-government relationships. Committee Republicans will continue to hold these groups and the Biden administration accountable through a thorough oversight process.