

# Republicans want to know if environmental groups are really foreign agents

By **Dino Grandoni**, Washington Post September 6

[https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/09/06/the-energy-202-republicans-want-to-know-if-environmental-groups-are-really-foreign-agents/5b9007281b326b3f31919f99/?utm\\_term=.e09272ede87c](https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/09/06/the-energy-202-republicans-want-to-know-if-environmental-groups-are-really-foreign-agents/5b9007281b326b3f31919f99/?utm_term=.e09272ede87c)

For years, environmentalists have criticized Republicans in Congress for ignoring climate change and trying to whittle down protections for endangered species.

**Now, some top House members have found a way of striking back with more than just rhetoric.** Two top GOP members of the House Natural Resources Committee have opened probes into three high-profile U.S. environmental groups working on issues abroad. The Republican congressmen want to know whether during their advocacy work the groups have acted as agents of foreign governments.

**The environmental groups that find themselves in the GOP's crosshairs say that big environmental issues, such as ocean pollution and climate change, are global in nature and require engaging foreign leaders.** They cast the probes as part of a campaign to

browbeat them for opposing Republican policies that prioritize energy development over environmental concerns.

“We know this whole issue is an effort — a clumsy, McCarthyist effort — to intimidate us,” said Kieran Suckling, executive director of one of the targeted groups, the Center for Biological Diversity.

**The latest environmental group probed by Reps. Rob Bishop of Utah and Bruce Westerman of Arkansas is the World Resources Institute.** On Wednesday, the pair requested documents pertaining to the group's work in China, where it has hailed the Chinese government's pledges under the 2015 Paris climate accord.

“The Committee is concerned that WRI's relationship with the Chinese government may have influenced its political activities in the United States,” Bishop and Westerman [wrote in a letter sent to WRI on Wednesday](#).

Describing itself as "a global research organization," WRI responded to the letter by saying in a statement to The Post that "it's vital to work in the world's developing countries and major economies, including China." The group welcomes "the opportunity to respond to the Committee's letter," the statement said.

Bishop and Westerman, respectively the chairmen of the committee and of its oversight and investigations subcommittee, have requested reams of documents from the groups by invoking the Foreign Agents Registration Act. The requests came in letters to WRI, the Natural Resources Defense Council and the Center for Biological Diversity sent over the past four months.

**The 80-year-old FARA law requires those paid by or acting as agents of nations abroad to influence political activity at home to periodically disclose those ties with the U.S. government.** The

committee wants correspondence between the groups and foreign governments to see whether they are required to register as foreign agents and failed to do so.

FARA — once a low-profile law resulting in only “about a half-dozen prosecutions,” according to Rosenstein — has made headlines recently since its use by special counsel Robert S. Mueller III to prosecute President Trump’s former campaign chairman, Paul Manafort.

**Merely agreeing with the policy position of a foreign government, as many environmental groups end up doing, does not mean an organization needs to register with the Justice Department,** said Joshua Rosenstein, a partner at Sandler Reiff Lamb Rosenstein & Birkenstock and an expert in foreign-registration law.

“Just having overlapping issues with some third party,” Rosenstein said, “does not mean you’re acting as an agent for that third party.”

That has been the defense of the NRDC and the Center for Biological Diversity. Both say they do not need to register under FARA because they do not work at the behest of foreign governments.

“We answer to our leadership, and only our leadership,” said Bob Deans, director of strategic engagement at the NRDC. “We’re held to account by our members and supporters.”

**Like WRI, the NRDC is being investigated by the committee over its climate and environmental activities in China** and, as Bishop and Westerman put it in their letters, with “the ruling Chinese Communist Party.”

“Of course we work in China,” Deans said. “The most populous country in the world, China is a key player in any serious effort to leave our children a livable world.”

The invocation of China's Communist Party has led Suckling of the Center for Biological Diversity to say the representatives are reviving "Red Scare" tactics like those employed by former Republican Sen. Joseph McCarthy.

"It's not an accident," Suckling said.

**With the Center for Biological Diversity, Bishop and Western are instead interested in its relationship with the government of Japan's southernmost prefecture, Okinawa.** The center has worked with both American and Japanese environmental groups to oppose the relocation of a Marine Corps base on the island of Okinawa, a priority of both the U.S. and Japanese governments.

The center, which focuses its work on endangered species, has found itself aligned with the local Okinawan government in opposition to the base relocation over worries it will further imperil a marine mammal called the Okinawa dugong, which is protected under the U.S. Endangered Species Act.

"Our work is to enforce American environmental laws," Suckling said. "So how can it be that we're supposedly following some foreign interests when our whole work is to uphold American law and policy?"

**The NRDC and Center for Biological Diversity, which both first received oversight letters in June, have taken different tacks in response.** NRDC answered some of the committee's preliminary question while the center has so far refused send over any documents.

"Hold a hearing," Suckling said. "We will testify under oath so that the American public can see everything happening here."

Bishop and Westerman have yet to do that, or to submit subpoenas for the documents. Committee spokeswoman Kristina Baum said the panel “can assess should we receive the requested information from the groups.”

“We’re hopeful they will be cooperative,” she added.