



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 26, 2020

THE ADMINISTRATOR

The Honorable Lance Gooden
425 Cannon House Office Building
Washington, DC 20515

Dear Congressman Gooden,

Thank you for your letter dated October 8, 2020. At EPA, we take the concerns you raised about foreign interference in our government very seriously.

As a note, it is not a violation of U.S. law for a non-profit group to accept contributions from foreign entities. Foreign entities are not precluded from submitting comments to EPA on regulations, draft permits, or enforcement settlements, either directly or through agents. It also is not unlawful for non-profit groups to accept funds from a foreign entity to carry out the objectives of that entity and to meet with the U.S. government to do so. ***However, foreign influence should not be covert.***

The most applicable law that ensures transparency of foreign funding of political advocacy in the rule-making context is the Foreign Agents Registration Act (FARA). That law requires that anyone acting as an agent of a foreign principal when conducting political activities register with the Attorney General so that the public and government agencies can consider the identity of the principal when assessing any arguments made by the agent. The Department of Justice (DOJ) has recently applied FARA's requirements in the context of political advocacy by an environmental organization receiving foreign funding for that advocacy.

Given heightened concern that foreign countries, primarily China and Russia, are potentially funding U.S.-based "green" groups to undermine American energy independence and to help maintain the integrity of EPA's decision-making, EPA will refer this matter to the DOJ FARA Unit. The DOJ can then determine what appropriate steps to take, if any, including whether those entities should be registered as a foreign agent.

EPA will, of course, continue to comply fully with the Administrative Procedure Act and consider substantive comments timely filed in a relevant docket whether submitted by an agent of a foreign government or domestic party. Should additional groups, beyond those listed in your letter, including any funded by Sea Change Foundation, be identified as potential sources of foreign influence EPA will refer those matters to DOJ as well.

Again, thank you for bringing this matter to our attention. We appreciate your interest in safeguarding EPA against covert foreign influence.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler