

2020 Year in Review

Making a Difference, From a Distance

This was a year like no other. The COVID-19 pandemic has impacted countless lives – hundreds of thousands have died in the U.S. alone, many more have been infected, and tens of millions have lost their jobs. A pandemic is a pan-human problem, but we’ve learned this year that challenges are not evenly distributed. Buffeted from crisis to crisis, we were forced to absorb sobering lessons about the ways in which a public health challenge intersects with and magnifies racial and economic disparities.

In 2020, we worked across a number of fronts to hold the government accountable for its historic mishandling of the COVID-19 crisis and remedy its failures. We filed a number of lawsuits against the Trump administration, advocated for policies protecting essential workers, worked to ensure the integrity of our democracy, published analyses of how the administration has consistently prioritized profits over people, and pushed for policies that reject corporate, monopoly control over coronavirus vaccines and therapies.

COVID-19 disrupted our work and quickly forced us to adapt to new circumstances and move most of our advocacy online. Instead of holding public rallies and petition deliveries, we pushed for our priorities digitally and held webinars, conferences, and even a gala virtually.

We kept the pressure on government agencies and politicians who sidelined science and pursued a wide range of policy objectives in response to the novel coronavirus crisis.

These included: guaranteed health care for all Americans who need it; immediate and comprehensive funding for vote-by-mail measures; more robust state and local testing and tracing programs; ensuring that patent and other monopoly claims on COVID-19 vaccines and therapies did not hinder universal access; and use of bailout funding to ensure that all Americans



Above: Public Citizen President Robert Weissman speaks to the crowd of protesters in Washington, D.C., on Feb. 5, 2020, the day the U.S. Senate voted against convicting President Donald Trump. The rally was one of many “reject the cover-up” rallies held across the country to protest the Senate vote. Photo courtesy of Zach Stone. Below: On Aug. 5, local artists along with Public Citizen, Declaration for American Democracy and the Center for Popular Democracy installed life-sized, interactive mock voting booths around Washington, D.C., to draw attention to the U.S. Senate’s failure to allocate funding for safe elections in its coronavirus relief bill. Photo courtesy of the Center for Popular Democracy.



have access to the financial support they need, not just large companies.

Amid the COVID-19 pandemic, mail-in voting and the ability to cast secure ballots became more important than ever. The November 2020 election saw historic levels of mail-in voting, thanks in part to our work. Throughout the year, the Trump administration worked relentlessly to undermine the U.S. Postal Service and made baseless claims about widespread voter fraud.

It faced stiff legal challenge when Public Citizen and the NAACP Legal Defense and Educational Fund, Inc. filed a lawsuit in August on behalf of the National Association for the Advancement of Colored People.

We argued that USPS implemented changes in violation of federal law and led to widespread disruptions in mail delivery that jeopardized the delivery of mail-in ballots in time for the election. Our lawsuit helped prevent a mail-in ballot catastrophe.

As the pandemic raged on, the climate crisis continued to worsen. The summer of 2020 set record high temperatures and record numbers of days at extreme high temperatures. Wildfires ravaged the West Coast and hurricanes devastated the Gulf Coast. Essential workers planting and harvesting our food continued to work in conditions of extreme heat, which prompted Public Citizen to call on the U.S. Occupational Safety and Health Administration to finally implement a federal heat stress standard.

In these difficult and dangerous times, together we have managed to accomplish more than seemed possible. Now, as we prepare to turn the page on one of the most difficult chapters in American history, we are excited about what we can do, not just to reverse the damage of the Trump years, but to catapult forward our work for justice and democracy. ■

DEMOCRACY



Public Citizen helped coordinate a socially distanced drive-in action in Fairfax, Va., on May 9 to call on Congress to fund elections so that states could make safe and secure voting options available in November. Photo courtesy of Geoffrey Green.

2020 was among the most challenging years for American democracy. Amid a global pandemic, we worked to protect democracy against a president actively undermining democratic norms and working to suppress the votes of millions. We fought for and won hundreds of millions of dollars in election funding, built up a campus program in key swing states, helped organize major national voter engagement days, recruited more than 1,000 poll workers and prepared to protest should Trump refuse to leave office at the end of his term.

11 YEARS AFTER *CITIZENS UNITED*

Momentum around getting money out of politics continues to grow, and in November we reached another milestone. Alaska passed a ballot measure, making it the 21st state to call for an amendment to overturn the U.S. Supreme Court's disastrous *Citizens United* decision, get money out of politics, and restore elections to the people.

More than 5 million petition signatures have been gathered nationwide calling for an amendment. The Supreme Court ruling, which reaches its 11-year mark this January, allowed unlimited money from wealthy and corporate donors to flood elections. With Alaska joining the national movement to support overturning *Citizens United*, however, limiting corporate influence on federal lawmakers is within arm's reach.

Public Citizen's efforts to end the big money dominance of our elections goes beyond our *Citizens United* constitutional amendment work. We also continue to lead the grassroots effort to pass the For the People Act (H.R.1), a historic piece of legislation that includes sweeping reforms for campaign finance, voting rights, election security, and congressional and executive ethics.

PROTECTING THE 2020 ELECTIONS

When Public Citizen helped win \$425 million in election security funding in December 2019, we never imagined the funding would be a lifesaver in other ways. The COVID-19 pandemic hit communities just as the early presidential primaries started. This election security funding was the only additional money available in early states as election costs skyrocketed and local funding cratered. The funding covered personal protective equipment, printing, postage, staffing, and poll worker hazard pay to run massively expanded vote by mail and early voting programs. The funding saved local elections from disarray and made elections less risky for COVID transmission.

When Congress passed an additional \$400 million for elections in May, Public Citizen drove the message that this was an inadequate amount to help election officials in over 10,000 local election jurisdictions. Our team led the Protect Our Vote campaign to pressure key senators to support the passage of additional funding to safely ramp up vote-by-mail and early voting.

In addition to lobbying, we spoke to nearly 1,000 local election officials about their funding needs and election security best practices, generating calls and letters from local election official associations asking Congress for funding. In May, we worked with state and local partners and activists to organize socially distanced drive-in actions. The initiative garnered coverage in 15 broadcast outlets.

VOTER EDUCATION

The pandemic brought a surge of confusion about where and how to safely vote. We redoubled our efforts to make vote by mail available to voters and we worked to help voters meet absentee application deadlines.

We collaborated with four coalitions on a weekly voter education messaging program for our collective grassroots supporters and helped mobilize dozens of organizations to participate in National Days for Poll Worker Recruitment, Request Your Ballot, and Voter Registration. We launched "October Voter" Day to encourage people to vote early as well as a late October Early Voting Day of Action.

We built a robust campus voter education program in 10 target states facing the most competitive races for president or U.S. Senate

and our staff helped troubleshoot voting system problems that could have prevented people from voting or delayed the vote count in Georgia, Wisconsin, and Missouri.

Ahead of the January 2021 Georgia U.S. Senate runoff, we ran phone banks six days a week with People's Action and held weekly celebrity phone banks with Alyssa Milano, Debra Messing, Anjelika Washington, Rob Reiner, and Dolores Huerta to encourage voters of color to vote. As we did with our key state campus program, we worked with professors across Georgia to recruit dozens of interns, primarily students of color, who made more than half a million calls to Georgia voters of color.

Long anxious about how Trump might undermine a fair election, we joined the steering committee for Protect the Results, a national grassroots coalition focused on mobilizing peaceful protests in the streets should Donald Trump refuse to leave office.

VOTING RIGHTS ACT ANNIVERSARY

On Aug. 6, the 55th anniversary of the Voting Rights Act, Public Citizen partnered with the Leadership Conference on Civil and Human Rights to host virtual rallies and in-person actions calling on Congress to fund our elections. Half a dozen events took place in key states, including Colorado, Arizona, Florida, Alabama, and Texas and 120,000 people viewed a national virtual rally.

The "Vote For Our Lives" virtual rally featured House Speaker Nancy Pelosi (D-Calif.), Rev. William Barber II, co-chair of the Poor People's Campaign, and labor organizer and co-founder of the United Farm Workers Dolores Huerta, who tied issues of voting safely during the pandemic with racial justice. More than 500,000 viewed the livestream on Facebook.

Seven years ago, the U.S. Supreme Court decision *Shelby vs. Holder* gutted voting rights protections that had been secured for nearly half a decade before in the passage of the Voting Rights Act. The results are clear: Widespread voter suppression has taken hold in the form of voter purges, longer lines, closed polling locations, and discriminatory voter ID and absentee voting laws. On this important anniversary, Public Citizen called on Congress to pass the John Lewis Voting Rights Advancement Act to honor the late Rep. John Lewis's legacy and reinstate the full federal protections Americans had for decades at the polls. ■

Hundreds of protesters “silently swarm” the Hart Senate Office Building in Washington, D.C., on Jan. 20, 2020, to let senators know that #WeWantWitnesses at the impeachment trial of President Donald Trump. Photo courtesy of Eric Kopp.



From bailout transparency to blocking corporate immunity to watchdogging big tech, Public Citizen had a busy year fighting to hold big corporations accountable.

PANDEMIC RELIEF TRANSPARENCY

Republicans in Congress resisted the inclusion of any oversight provisions in the CARES Act. So following passage of the \$2.3 trillion coronavirus relief package in March, Public Citizen led the fight to make corporate bailout funds more transparent.

In April, responding to pressure from Public Citizen and its allies, the Federal Reserve decided to disclose the names of the companies and terms for recipients of the \$4 trillion in loans authorized by the CARES Act.

We also called out U.S. Treasury Secretary Steven Mnuchin for keeping secret the names of businesses that received more than \$500 billion in bailout funds through the Paycheck Protection Program. And in July, we demanded an ethics investigation into former Trump officials using their connections to lobby for bailout funds, government contracts, and other policy favors related to the government’s pandemic response.

Coalitions led by Public Citizen called on Congress to condition any additional coronavirus-related corporate bailout money on strict executive compensation limits, including banning stock buybacks and capping executive salaries, and backed legislation to increase accountability and transparency of pandemic-related stimulus spending.

BLOCKED CORPORATE IMMUNITY

In negotiations over a second pandemic relief package, which finally passed in late December, U.S. Senate Majority Leader Mitch McConnell (R-Ky.) insisted on the inclusion of a measure giving businesses, schools, and hospitals a five-year liability shield from coronavirus-related lawsuits brought by workers, consumers, and patients. Public Citizen played a leading role in keeping this odious provision out of the final bill.

We published a report documenting the history of false claims by the U.S. Chamber of Commerce about a flood of

lawsuits, which has yet to materialize. We also showed how the health and safety guidelines from the Centers for Disease Control and Prevention required almost nothing of businesses when it comes to protecting workers and consumers.

Public Citizen organized and participated in several telephone press conferences with both allies and members of Congress opposing the liability shield. We produced a daily corporate immunity bulletin for reporters and allies fighting against corporate immunity and organized numerous coalition sign-on letters in opposition to the proposal. In the end, we held the line against corporate immunity, kept congressional Democrats in both chambers united in their opposition, and defeated the measure.

BIG TECH

In 2020, Public Citizen stepped up our work to hold Big Tech companies accountable, laying the groundwork for policymakers to ramp up the pressure on them in 2021 and beyond. A Public Citizen report found that workplace coronavirus tracing apps systematically violate privacy, and we drew regulators’ attention to a report by one of our allies that found that many popular dating apps do as well.

When Big Tech CEOs were called to testify before Congress, Public Citizen highlighted their evasive, nonresponsive answers on social media – illustrating why companies like Apple, Amazon, Facebook, and Google need to be broken up. Public Citizen also applauded the work of dozens of state attorneys general in both parties who filed antitrust lawsuits late in the year against Facebook and Google for anticompetitive tactics.

Public Citizen also supported the work of lawmakers on the U.S. House Antitrust Subcommittee, who released a report of their findings and recommendations after a yearlong investigation into tech monopolies. We and our allies will push lawmakers and federal antitrust enforcers to act on the report’s recommendations in the year ahead. ■

EXPOSED: PROFITS OVER PEOPLE

Public Citizen’s researchers and policy experts repeatedly caught the Trump administration, conservative lawmakers, and big corporations putting profits over people, especially during the pandemic. Our reports exposed a range of nefarious schemes:

- The Trump administration was eager to take advantage of the pandemic and ram through deregulatory policies while the rest of the country was distracted. Public Citizen co-chairs the Coalition for Sensible Safeguards, which hosted an online tool tracking dozens of these corrupt regulatory rollbacks – which continued throughout the lame duck session. In addition, the coalition and progressive research firm Data for Progress collaborated on the release of a poll showing strong bipartisan support for strengthening our system of public protections.
- It was shocking how quickly corporations retreated from pledges of “we’re all in this together.” Over the summer, Public Citizen released a report documenting a pattern of price gouging by Amazon, despite its repeated pledges to put an end to the practice. We caught Amazon jacking up prices on face masks, toilet paper, antibacterial soap, and other essential goods by up to 1,000%. In a separate report (see page 1), Public Citizen found that Amazon, Walmart, and other big retailers cut hazard pay and pandemic-related bonuses for their essential workers by mid-summer, despite record profits.
- A Public Citizen report published in July found that a decade after passage of the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act, corporate executives are still freely enriching their salaries through fraud, profiteering, and cost-cutting on safety. Meanwhile, the decades-long stagnation in worker wages and the decimation of unions is making wealth inequality untenable, especially during the pandemic. One of the key rules mandated under Dodd-Frank addressing unbridled senior banker pay has remained unimplemented – nine years after the deadline Congress set – thanks to lobbying from the banking industry.

CONSUMER HEALTH & SAFETY



On Oct. 21, Public Citizen and activist allies led a march/funk rally outside the United States Botanic Garden to tell the Trump administration that a COVID-19 vaccine must be safe, proven, and freely accessible to everybody. Photo courtesy of Zain Rizvi.

Ever scornful of science, President Donald Trump dismissed early warnings from experts about the coronavirus' lethal spread. As other nations ramped up testing and tracing, disseminated personal protective equipment, and imposed strict lockdowns, Trump sat idly by. His failure to act has cost hundreds of thousands of lives and paved the way to an economic fallout. In this plague year, the administration's bumbling response has further exposed the weakness and corruption of the American health care system and the inability of the federal government to provide comprehensive and equitable relief measures to protect the lives and livelihoods of Americans.

PROTECTING AMERICANS

- In June, Public Citizen issued a report to the FDA regarding its dangerously lax regulatory oversight of high-risk implanted spinal cord stimulators for pain relief that has resulted in unnecessary harm to patients. Most troubling, Public Citizen's report documented that since 2001, the FDA improperly approved several high-risk Class III totally implanted spinal cord stimulators for pain relief based on clinical data obtained only from literature reviews of seriously flawed studies of other spinal cord stimulator devices, not studies of the actual devices for which approval was being sought. The report also documented evidence of substantial harm associated with the use of spinal cord stimulators for pain relief. These findings led Public Citizen to urge Congress to conduct long-overdue oversight hearings and draft legislation to strengthen the FDA's oversight of medical devices.
- In July, Public Citizen requested that HHS publicly announce that the FDA will not permit, and the NIH will not support, any clinical trials during which human subjects would be intentionally infected with the novel coronavirus causing the coronavirus disease. The FDA responded to the request noting Public Citizen's concerns but said that if needed, "the use of a controlled human infection model to obtain evidence to support vaccine efficacy may be considered."
- On Medicare's 55th anniversary, Public Citizen hosted a telepresser with U.S. Rep. Pramila Jayapal (D-Wash.), where speakers shared personal stories of how they, their patients, employees, and communities of color have been harmed by the privatized health care system amid the worst pandemic in a century.

ENSURING A VACCINE FOR ALL

We are leading a global movement to demand everyone have access to a coronavirus vaccine. In February, we published a report pointing out that health experts foresaw a novel coronavirus.

The National Institutes of Health (NIH) spent \$700 million on coronavirus research. Big Pharma, however, ignored the warnings. Instead, it erected significant barriers to ensuring people everywhere have access to tests, treatments, protective equipment, and vaccines against COVID-19. Our report showed how pharmaceutical corporations are seeking patents and legal monopolies on coronavirus medications, which will limit supplies and drive up prices.

We also organized a strategic response built on replacing profit maximizing with affordability, and vaccine rationing with technology sharing. We called on the federal government to force pharmaceutical corporations to share medical technology with the world so that vaccines can be widely manufactured at an affordable price. And we helped draft and organize a letter to Trump from 45 members of Congress, insisting on fair price guarantees for COVID-19 medicines. U.S. Secretary of Health and Human Services Alex Azar refused, at first, to guarantee affordability. We mobilized public outrage and led an aggressive lobbying effort by a coalition of 70 civil society groups that ultimately forced Azar to backtrack and commit to affordability of any vaccine.

In mid-March, we organized an "access movement" in which 500 experts from around the world collaborated with one another via our listserv. Partnerships are still blooming, and important initiatives continue to launch.

We negotiated principles for global access, innovation and cooperation that challenged narratives of nationalism and scarcity. More than 250 organizations signed on.

We are also developing legislative solutions. We helped craft U.S. Sen. Elizabeth Warren's (D-Mass.) COVID-19 Emergency

Manufacturing Act, announced in April, which requires the government to produce protective equipment and build vaccine platforms. And we helped negotiate House progressives' public pharma principles: no exclusivity, stop profiteering, and full transparency. With U.S. Rep. Jan Schakowsky (D-Ill.) we helped design bills to ensure vaccines are reasonably priced and with U.S. Rep. Lloyd Doggett (D-Texas), we worked to mandate disclosure of the government funding role in COVID-19 vaccine and drug development.

Our experts and positions were regularly covered in all the major media, from the *New York Times* and *Washington Post* and beyond. When Operation Warp Speed leaked its first five vaccine picks in June, we published a report the next morning showing that all five were built on public science and underscored the need for the technology to be shared in the widest way possible.

In October, we sued the U.S. Department of Health and Human Services (HHS) to compel disclosure of coronavirus vaccine development and manufacturing contracts with major pharmaceutical corporations worth billions of dollars.

COVID-19 TREATMENTS

When the U.S. Food and Drug Administration (FDA) in early March granted COVID-19 treatment remdesivir a special orphan drug status intended for medications that treat rare diseases, Public Citizen took note. The status would have set up remdesivir's manufacturer Gilead Sciences to receive additional federal tax credits in the U.S. and a bonus lucrative seven-year market exclusivity, allowing Gilead to exclude generic and more affordable competition while charging high monopoly prices once the drug was approved.

Public Citizen and nearly 50 civil society groups sent a letter to Daniel O'Day, chairman and CEO of Gilead, demanding that one of the most profitable pharmaceutical corporations renounce its claim to the lucrative "orphan

The Trump Death Clock circled through Washington, D.C., amid July Fourth celebrations, reminding Americans that President Donald Trump's reckless and delayed response to the coronavirus pandemic caused more than 77,000 unnecessary deaths. Photo courtesy of Liz Gorman.



drug” designation for remdesivir. On March 25, Gilead backed down and relinquished its government-sanctioned monopoly guarantee for the COVID-19 treatment.

In August, we reached out to Gilead again as well as to senior federal health officials to urge them to pursue a potentially promising coronavirus treatment: GS-441524. We noted that based on public evidence, the treatment may offer significant advantages over the closely related antiviral remdesivir, and that the government and Gilead had not pursued this treatment for several months.

It was unclear why Gilead and federal scientists had not pursued GS-441524 as aggressively as remdesivir, but the answer may be found in the corporation’s patent holdings. Gilead holds patents on both agents, but the earliest patent approval date on remdesivir is 2015, whereas the earliest on GS-441524 is 2010. As a result, the corporation’s monopoly over remdesivir may last five years longer than that for GS-441524, allowing Gilead to make substantially greater profits from the sale of remdesivir as a COVID-19 treatment.

Public Citizen asked Gilead and the government to work collaboratively to promptly pursue the development of GS-441524 as a treatment for COVID-19. Days later, the NIH responded to Public Citizen and agreed with our findings; it said it would expeditiously conduct preclinical studies of GS-441524 as a potential treatment for COVID-19 and make the results readily available to the scientific community.

MODERNA'S COVID-19 VACCINE

Public Citizen in 2020 also discovered that the U.S. government likely co-owns a potential coronavirus vaccine with another drug manufacturer, Moderna.

A June Public Citizen report and additional reporting by *Axios* found that the NIH played a critical role in coronavirus research for years with federal scientists having helped design and test mRNA-1273 in partnership with Moderna.

The federal government also filed multiple patents covering mRNA-1273 and if the government successfully pursued its patent filings, the resulting patents would likely confer significant rights. For example, the government could

make, use, or sell the technology without the consent of Moderna, potentially increasing production of the vaccine beyond Moderna’s capabilities and increasing vaccine access globally.

In December, Moderna submitted an Emergency Use Authorization (EUA) request for its COVID-19 vaccine candidate to the FDA. Dr. Sidney Wolfe, founder and senior adviser at Public Citizen’s Health Research Group, testified before an FDA advisory committee that was convened to consider both vaccines.

Public Citizen agreed with the need for an EUA for the Pfizer-BioNTech COVID-19 vaccine, citing available evidence to the FDA and a worsening of the pandemic, but argued that for ethical reasons subjects in the placebo group for the ongoing clinical trial of the vaccine should be offered the opportunity to receive the active vaccine and continue to be followed in the trial for long-term safety and efficacy assessments.

Public Citizen also agreed with the need for an EUA for the Moderna-NIH vaccine, but argued that the fact sheet for recipients of the vaccine should advise them to continue following public health guidelines for wearing masks and other personal protective equipment and for social distancing to prevent transmission of the coronavirus.

On Dec. 22, Public Citizen wrote a letter to senior FDA and NIH officials urging them to promptly update the FDA-approved Pfizer-BioNTech and Moderna-NIH COVID-19 vaccine fact sheets to include statements advising vaccine recipients to continue to follow the proven public health measures of mask wearing and social distancing.

DRUG PRICING

In July, Public Citizen, the Action Center on Race & the Economy, the Center for Popular Democracy, People’s Action, Social Security Works, and other groups and lawmakers rallied in front of the U.S. Department of Health and Human Services (HHS) to demand that the Trump administration use its existing authority to lower drug prices and increase medicine access.

The demonstration took place as concerns grew about the impact of the COVID-19 pandemic and followed demands from two dozen

local and state government officials from at least six states insisting the government use its executive authority to authorize generic competition and mandate widespread manufacturing for forthcoming COVID-19 treatments and vaccines, as well as urgent medicines needed in communities, like naloxone and insulin.

Following the protest, Trump signed a lackluster executive order that included a “most favored nation” regulation similar to the International Price Index model previously proposed by the administration, which was intended to bring prices of some drugs for Medicare Part B more closely in line with those paid by other high-income countries.

GOVERNMENT-FUNDED DRUGS

Also in July, Public Citizen sent a letter to the Biomedical Advanced Research and Development Authority (BARDA) demanding that they enforce a little-noticed transparency provision in their contract with Moderna. The provision requires Moderna to publicly disclose information about how its vaccine candidate was funded.

For most of 2020, Public Citizen urged BARDA to publish the contracts it has with pharmaceutical companies for drugs that have been developed with taxpayer funds. We also compiled a BARDA funding tracker documenting the \$6 billion in taxpayer-funded grants that have gone to individual pharmaceutical companies.

The top recipients for the grants include Moderna, which received \$483 million to manufacture a vaccine jointly developed by federal scientists. The largest single award, for \$1.6 billion, went to Novavax, a little-known Maryland firm.

Public Citizen also found that vaccine development and administration accounted for more than 70% of taxpayer dollars (about \$4.2 billion) awarded during the pandemic so far by BARDA, compared to 16% for treatments (\$946 million) and less than 1% for tests (\$44 million).

Gary Disbrow, acting director at BARDA, responded to Public Citizen’s letter saying “the contracting officer responsible for the Moderna contract has been in touch with the company and will ensure their compliance with their contractual requirements.” ■

“What you do gives me hope that there can be positive change in America. We need forces of good to battle what we have lived through the past four years and I know we will be better next year and the year after that thanks to Public Citizen.”

—Bruce R. Pfaff, Chicago, Ill.

JUSTICE



Graphic courtesy of John Tomac.

- In March and again in December, we helped secure victories for a consumer in a lawsuit brought under the Fair Debt Collection Practices Act (FDCPA) against a debt buyer. In two cases, the U.S. Courts of Appeals for the Ninth Circuit and the Eighth Circuit ruled in our favor that debt-buyer companies, the purpose of which is the collection of debt, are liable under the FDCPA for abusive tactics even when they contract with other people to contact the consumers.
- In April, a Minnesota federal court denied a motion to dismiss filed by the U.S. Department of Agriculture (USDA) in a case challenging the agency's "New Swine Inspection System" at hog slaughter plants. Among other things, that system eliminates limits on the maximum speed at which plants can operate their slaughter lines, and thereby increases the risk of worker injury. The court held that United Food and Commercial Worker union members, represented by Public Citizen Litigation Group, had standing to challenge the elimination of maximum line speeds, that plant workers are within the zone of interests of the relevant food safety laws, and that USDA's refusal to consider the impact of line speed increases on worker safety was based on "circular logic" and "internal inconsistency" and lacked a "rational explanation." Our motion for summary judgment, asking the court to set aside the rule, is now pending.
- Amid heightened racial tensions and a global pandemic, Black and Latinx communities and neighborhoods continue to suffer from discriminatory housing policies and lending practices. The Home Mortgage Disclosure Act (HMDA) requires financial institutions to publicly report data about mortgages and other home loans they extend – data that is key to uncovering and combatting housing discrimination and unfair lending practices. In May 2020, however, the Consumer Financial Protection Bureau issued a new HMDA regulation that dramatically decreases the number of lenders that must report. In July, we filed a lawsuit in the U.S. District Court for the District of Columbia on behalf of the National Community Reinvestment Coalition and others, and then moved for summary judgment, asking the court to set aside the rule.

This year, Public Citizen's litigators defended consumers' right to pursue claims against debt buyers for unfair or abusive debt-collection practices; challenged a rule that endangers worker safety at swine slaughter plants; defeated an effort to introduce a loophole in the Clean Water Act's protection for rivers, lakes, and oceans; and brought suit to overturn a rule that makes it harder to fight housing discrimination. We prevailed in a two-year battle with the U.S. Occupational Safety and Health Administration (OSHA) over access to data on workplace illness and injuries. And we obtained a preliminary injunction blocking a rule that drastically increases application fees for immigrants seeking naturalization, asylum, employment authorization, and humanitarian protections. We also brought a lawsuit challenging changes made by the United States Postal Service that delayed delivery of important mail, including ballots.

ENSURING TIMELY DELIVERY OF MAIL

In 2020, timely mail delivery was more essential than ever, both to enable people to receive important mail, such as medications and checks, and to enable people to vote without risking their health.

In July, however, Postmaster General Louis DeJoy instituted a variety of changes to USPS policies and equipment that slowed delivery times significantly throughout the country. Seeking to reverse these changes, Public Citizen, co-counseling with the NAACP Legal Defense and Educational Fund, filed a lawsuit on behalf of the National Association for the Advancement of Colored People against USPS.

Our suit, filed in the U.S. District Court for the District of Columbia, focused on the widespread disruptions in mail delivery caused by the changes that USPS implemented. It explained that the changes violated a federal law requiring public notice and a comment period before USPS could implement changes with a substantial nationwide effect on mail delivery. The suit also alleged that the changes – made during a worldwide pandemic and in the midst of a presidential election year – were unreasonable.

The judge agreed. In a thorough opinion, the court granted our motion for a preliminary injunction and required USPS to reverse the policy changes that we challenged. In a series of orders leading up to election day, the court granted our requests that USPS be required to employ extraordinary measures to ensure the timely delivery of mailed ballots to the boards of elections.

After the general election, we negotiated an agreement with USPS for the use of various measures and reports to ensure the timely delivery of mailed ballots for the Georgia runoff elections.

FIGHTING HIGH FEES FOR IMMIGRANTS

Under Trump, the U.S. Department of Homeland Security (DHS) has taken a series of actions targeting immigrants. One set of DHS changes threatens to put naturalization, work permits, visas, and asylum out of reach for many by making applications more costly.

In August, DHS issued a rule requiring immigrants seeking naturalization, asylum, employment authorization and humanitarian protections to pay new and increased fees. Representing immigrant advocacy groups Ayuda, CASA de Maryland, and Northwest Immigrant Rights Project, Public Citizen promptly challenged the rule.

Our complaint charges that the rule was

adopted in violation of notice-and-comment requirements, is arbitrary and capricious, and violates provisions of the Immigration and Nationality Act.

In October, the U.S. District Court for the District of Columbia granted our motion for a preliminary injunction and put the August rule on hold. The court's decision will protect immigrants' ability to seek lawful status and become citizens, while we continue to litigate the case.

Our goal is to knock out the unjustified fee increases and fee-waiver restrictions so that immigrants are not blocked by high fees from the opportunity to apply for citizenship, asylum, work permits, and other benefits to which they may be entitled.

A WIN FOR WORKERS' RECORDS

In 2020, we prevailed in a two-year fight with OSHA over access to data on workplace fatality, injury, and illness. In late July, a federal court ordered OSHA to produce the data, which was submitted to the agency by 237,000 employers.

In contesting OSHA's decision to withhold the records, Public Citizen pointed out that employers are required by law to post the entire Form 300A – which contains the employer's latest fatality, illness, and injury records – in a conspicuous place at their own worksites and to provide copies at no charge within one business day of a request by any employee, former employee, employee representative, or personal representative.

This case was an unqualified victory for Public Citizen, workers, and advocates fighting for safer, healthier workplaces. Groups like Public Citizen use OSHA's data to monitor and report trends in worker injuries and illnesses, hold employers accountable for unsafe workplaces, and push for occupational health and safety reforms.

COURT CLAMPS DOWN ON POLLUTERS

In April, the U.S. Supreme Court delivered a stinging rebuke to the Trump administration's efforts to roll back environmental protections in a case called *County of Maui v. Hawai'i Wildlife Fund*.

The case was brought by Public Citizen and three other nonprofit groups to challenge the county of Maui's use of wells at a wastewater treatment facility that injected polluted water into groundwater, damaging once-pristine coral reefs in Hawai'i.

The Supreme Court's opinion was largely a victory for our clients – and for clean water. ■

CORPORATE PRESIDENCY PROJECT



A video running on a loop outside the U.S. Department of the Interior on Feb. 25 sent a clear message: Interior Secretary David Bernhardt is too close to the fossil fuel industry to oversee public lands. Photo courtesy of Zach Stone.

As a devastating pandemic swept the globe, President Donald Trump's corporate-dominated administration seized upon the worst public health crisis in a century as an excuse to grant bailouts, special favors, and environmental rollbacks for big business. Meanwhile, industry lobbyists with longstanding ties to Trump laughed all the way to the bank.

These developments were not a surprise to us at Public Citizen, where we have been tracking Trump diligently through our Corporate Presidency project for the length of his term.

In the early weeks of the pandemic, in April 2020, we published a report that spotlighted the billionaires, corporate executives, and conservative commentators who were urging the rollback of social distancing recommendations, despite public health warnings.

Lloyd Blankfein, former CEO of Goldman Sachs, said "extreme" measures to curb the pandemic would "crush" the "economy, jobs and morale" and urged that lower-risk people return to work soon. Tilman Fertitta, a casino owner and the owner of the Houston Rockets basketball team, complained that his companies were "doing basically no business" and wanted authorities to reopen businesses by mid-April 2020. Dick Kovacevich, former CEO and chairman of Wells Fargo, even said regarding workers under 55, "We'll gradually bring those people back and see what happens. Some of them will get sick, some may even die, I don't know."

The pandemic also provided an opportunity for lobbyists connected to Trump to cash in on their connections. A Public Citizen report published in July found that at least 40 lobbyists connected to Trump lobbied on COVID-19 issues or indicated that they had signed up clients to do so. These lobbyists represented at least 150 clients on COVID matters, the report found.

At just one firm, Brownstein Hyatt Faber Schreck, Trump-connected lobbyists represented at least 45 clients on COVID issues. The report also found that 27 clients of Trump-connected lobbyists received federal COVID aid, totaling more than \$10.5 billion, consisting of \$6.3 billion in grants and \$4.2 billion in loans.

Public Citizen also scrutinized the many ways in which corporate interests have profited from the pandemic. Together with partner organizations

Friends of the Earth and BailoutWatch, we cataloged the numerous avenues in which the fossil fuel industry received assistance from federal efforts under Trump to sustain the economy through the pandemic.

That includes up to \$15.2 billion in direct economic relief, including at least \$5.5 billion so far via tax law changes to benefit 70 money-losing dirty energy companies, \$828 million in direct, subsidized loans to fossil fuel companies and up to \$9.1 billion in forgivable Paycheck Protection Program loans to nearly 26,000 companies.

Plus, the fossil fuel industry was able to reap massive indirect benefits from the Federal Reserve's decision to prop up financial markets in spring 2020. As a result, 56 oil and gas companies were able to issue nearly \$100 billion in corporate debt, a temporary lifeline for the struggling industry.

The federal bailout didn't just assist companies having a hard time due to the pandemic. It artificially propped up oil and gas companies who were facing dim prospects – and, in some cases, bankruptcy – even before the pandemic. Some may not have survived without drastic help.

Of course, Trump has many close friends and supporters in the oil industry, such as Oklahoma billionaire and campaign donor Harold Hamm, the founder and executive chairman of Continental Resources, Inc. Hamm's company benefitted from the Fed's bond purchases, even though its debt was downgraded to junk in March 2020.

In an administration run by Trump and former corporate lobbyists such as Interior Secretary David Bernhardt, Environmental Protection Agency Administrator Andrew Wheeler, and Energy Secretary Dan Brouillette, bailouts, weakened regulations, and corporate favors were the norm. President-elect Joe Biden's administration represents an opportunity to turn the page from this dark period in our country's history. ■

EXPOSING THE SWAMP MONSTER AT TRUMP'S INTERIOR DEPARTMENT

The video running on a loop for eight hours outside the Interior Department's Washington, D.C., headquarters had a clear message: Interior Secretary David Bernhardt is too close to the fossil fuel industry to oversee public lands. In February 2020, Public Citizen created a swamp monster video and displayed it on a giant TV screen parked outside the department as the Trump administration held a forum about its efforts to unravel a law mandating thorough environmental impact reviews.

A former energy lobbyist, Bernhardt was the epitome of the Washington swamp monster. A Public Citizen analysis found that former lobbying and legal clients of Bernhardt spent about \$30 million lobbying the federal government since the start of the Trump administration.

Another Public Citizen report examined 679 meetings that nongovernment groups and corporations had with Bernhardt and five top aides from January 2017 to May 2019. That analysis found that 443 meetings, or nearly two-thirds, were with oil, gas, and coal groups or their lobbyists. The list was so extensive that Bernhardt needed a handy reference.

In a fourth report on Interior Department corruption, Public Citizen took a close look at an obscure right-wing, pro-fossil fuels ideology that euphemistically referred to itself as the "Wise Use" movement. This anti-government ideology – that nature is for human profiteering – was embraced by Trump, who turned his administration over to an army of ideologically extremist staffers who have been longtime opponents of conservation, clean energy, and protections for clean air and water. The analysis by Public Citizen identified 17 current or former senior Trump Interior officials involved in the push to privatize and exploit lands protected by the federal government. These anti-government zealots, astroturf front group alumni, and right-wing fringe figures hold extreme views.

With officials like William Perry Pendley of the Bureau of Land Management running the U.S. government in the Trump era, advocates for conservation and renewable energy didn't stand a chance.

GLOBALIZATION & TRADE



There is a lot to celebrate about the end of a presidency marked by racism and xenophobia, selfish disregard and incompetence that amplified the horrors of the COVID-19 pandemic, false promises to working people and record tax breaks for the wealthiest one percent. While Donald Trump failed to deliver on his promises to end job offshoring or to revitalize U.S. manufacturing, his 2016 promises to do so were powerful because they connected to real and severe damage that many Americans suffered from decades of our “trade” policies.

Lori Wallach, director of Public Citizen’s Global Trade Watch, testifies before U.S. House of Representatives lawmakers on March 3 about a loophole in U.S. trade law that is generating a new flood of unsafe and counterfeit products. Photo courtesy of Alivia Roberts.

2020 ACHIEVEMENTS

We called out President Donald Trump’s broken promises on trade, including in a report revealing that Trump awarded more than \$425 billion in federal contracts to corporations responsible for offshoring 200,000 American jobs during his presidency. Our findings were picked up by *The New Yorker*, *The Washington Post*, *Politico*, and more.

We spotlighted how the hyperglobalization implemented by the past 25 years of “trade” pacts had undermined our resilience in the face of the COVID-19 crisis, as our decimated domestic production capacity and brittle global supply chains left Americans without the basic goods needed to combat the crisis.

We led a national campaign to insist on enforcement of the improved labor standards that congressional Democrats, unions, and groups like Public Citizen forced Trump to make in the revised NAFTA, which went into effect on July 1, 2020. Our efforts focused on serial abuses against Susana Prieto Terrazas, a Mexican labor lawyer who was arrested and held without bail for three weeks after trying to register an independent union to replace a corrupt “protection” union in Matamoros. Over the course of six months, we helped generate thousands of letters to Congress about her case (which led to 107 members of Congress calling for Prieto’s release), collected 21,500 petition signatures, held three major online events with the press, Prieto, and members of Congress, helped organize members of Congress to demand justice for Prieto, and coordinated protests across the country.

We testified at a congressional hearing to explain the loopholes that Amazon and other mega retailers use to import defective and dangerous products without liability. And we testified at two International Trade Commission hearings, one on supply chain challenges for COVID-19 related goods and another on the economic impact of U.S. free trade agreements.

IS 2021 THE YEAR WE RETHINK TRADE?

President-elect Joe Biden has not historically been a champion for fair trade. But there are two reasons to have hope for trade reform during his presidency.

First, the outcome of the 2016 election – which hinged in no small part on Trump’s use of the trade issue – was a wake-up call that has shifted the politics of the issue. Second, for Biden to deliver on his most fundamental non-trade promises to the American people, he must create a new approach to trade. Many core elements from Biden’s “Build Back Better” plan conflict with existing U.S. trade agreements and policies, including those related to major Buy American investments in infrastructure, climate-related energy policies and standards, expanding access to affordable health care and medicines, and more.

That’s because the corporate guarantees and constraints on government action that are baked into current “trade” pacts – and the race-to-the-bottom regime of hyperglobalization they promote – conflict with Joe Biden’s goals of creating the good jobs necessary to battle economic and social inequalities, ensuring all Americans have affordable health care and medicines, and averting climate catastrophe.

If Biden fails to deliver and make life better for working Americans, we risk a more self-disciplined, right-wing autocrat winning the presidency next by exploiting many Americans’ anger over offshoring and trade job losses.

The good news is that Joe Biden will inherit a policy and political landscape on trade totally transformed since the Obama presidency ended. Some of the actions taken by Trump’s top trade official, Robert Lighthizer, leave the new administration with considerable leverage on key issues, such as trade with China and reforming the World Trade Organization.

The new administration must use these significant opportunities to reshape U.S. trade policy to benefit working people, consumers, and the planet’s environmental health. And more good news is that President-elect Biden has made some big promises on addressing our current, corporate-rigged trade rules, including:

- Imposing a moratorium on “new trade agreements until we have major investments in American workers, including (a) modern, job-creating infrastructure, (b) widespread investments in education and worker training” and “targeted sup-

port for American manufacturers, and (c) specific investments in communities to build up research and manufacturing hubs.”

- Opposing “the ability of private corporations to attack labor, health, and environmental policies through the Investor-State Dispute Settlement (ISDS) process” and opposing “the inclusion of such provisions in future trade agreements.”
- Updating the trade rules for Buy American by working “with allies to modernize international trade rules and associated domestic regulations regarding government procurement to make sure that the U.S. and allies can use their own taxpayer dollars to spur investment in their own countries.”
- “Developing new approaches on supply chain security – both individually and collectively – and updating trade rules to ensure we have strong understandings with our allies on how to best ensure supply chain security for all of us.”
- Aggressively pushing “for strong and enforceable labor provisions in every trade deal my administration negotiates – and not sign a deal unless it has those provisions.”
- Banning fossil-fuel subsidies, slapping tariffs on imports that produce high amounts of carbon and putting emission reduction commitments into trade deals.
- Appointing “experts from organized labor and the environmental movement to work in trade negotiating and enforcement positions” and making sure that “labor and environmental advocates are at the table from day one in future trade deals.”

Promises are good, but action is even better. One early indicator of Biden’s trade policy plans is his nominee for U.S. Trade Representative (USTR) – the top U.S. trade official. Biden has selected Katherine Tai for the job, a senior congressional staffer and former USTR lead for China enforcement whose trade expertise and political smarts is respected across the political spectrum.

Joe Biden won on a pledge to revive the middle class and protect people and the planet – our job now is to generate the public pressure needed to make these promises a reality. Public Citizen will keep building momentum to win big, progressive trade policy changes in 2021. ■



Graphic courtesy of Justin Renteria.

2020 was a year of momentous change. A worsening climate crisis forced people around the world to grapple with extreme weather events and raging wildfires – all on top of a global pandemic. The intersecting crises of climate, public health, and inequality have made it increasingly urgent to work towards a healthy, climate resilient world. And that’s just what we did.

UNCOVERING GOLDMAN SACHS DECEPTION

From securing a U.S. Supreme Court ruling upholding Clean Water Act protections in April (see page 10) to advancing an ambitious vision of equitable climate solutions, we worked on a number of fronts to advocate for environmental and climate justice.

In a victory for corporate accountability and consumer protection, the Federal Energy Regulatory Commission (FERC) in April issued an order agreeing with Public Citizen that Goldman Sachs Renewable Power wrongly disclaimed an affiliation with The Goldman Sachs Group as part of its bid to sell electric power.

Back in December 2019, we noticed that in an application to sell electricity filed at FERC, a private equity shell company calling itself Goldman Sachs Renewable Power claimed that it was not affiliated with Wall Street banking titan Goldman Sachs. That filing prompted Tyson Slocum, director of Public Citizen’s Energy Program, to start digging.

Goldman Sachs Renewable Power claimed that it had an independent board but refused to disclose the names of the board members. After researching the boards and identifying the names of board members, Slocum noted that the same three people served on boards of nearly 70 shell companies with ties to Goldman Sachs. Further digging led to the discovery that all three individuals worked for companies based in the Cayman Islands that provide “directors for hire” to private equity shell companies for Wall Street.

Public Citizen noted that Goldman Sachs executives ran every aspect of the day-to-day management of the renewable power company. Public Citizen submitted this and other evidence in a series of filings at FERC, which eventually issued an order agreeing with us that a private equity shell company created and managed by Goldman Sachs is affiliated with The Goldman Sachs Group. Plugging this loophole prevents Goldman Sachs and any other company from rigging the market.

PROTECTING WORKERS FROM HEAT

Record-breaking temperatures and a global pandemic made for a challenging year for essential workers. The need for personal protective equipment increased heat-related illness risks for essential workers, including farm laborers, truck drivers and construction workers, as protective clothing and masks increase the chances of overheating.

Public Citizen has for years petitioned the U.S. Occupational Safety and Health Administration (OSHA) for a federal heat standard to protect American workers from excessive heat exposure, but to date OSHA has neglected this responsibility. Excessive heat exposure can cause heatstroke and even death if not treated properly. It also exacerbates other health problems like kidney and heart disease.

Given the agency’s silence, we urged employers – especially those with workers who are regularly exposed to hot conditions – to take measures to protect their workers from heat exhaustion, including having adequate access to water, rest, shade, and other essential needs, as well as social distancing measures and sick leave policies, which reduce community spread of the virus.

Regarding specific challenges workers face from the pandemic, we asked employers to provide workers with replacement masks when theirs became wet with sweat and provide “mask breaks” during which workers stay at least six feet apart.

CLIMATE POLICY PLATFORM

Preventing climate disaster requires coordinated political action at all levels of government. It means transitioning to 100% renewable energy, replacing internal combustion engines with zero-emission vehicles, implementing sustainable agricultural practices, protecting and restoring natural ecosystems, updating building codes and retrofitting existing buildings – all with the ambitious goal of making all of these changes on the timelines that climate science says is necessary to avoid catastrophic global warming. And it is necessary to accomplish all of these things in a manner that advances racial justice.

So concluded members of the U.S. Climate Action Network (USCAN), a network of more than 175 U.S. organizations in a platform released in June that Public Citizen spearheaded. Called the Vision for Equitable Climate Action, the document outlines how to combat the climate crisis while simultaneously advancing justice for workers and frontline communities.

The platform outlines the measures necessary to meet the goal of holding global average temperature rise to 1.5°C. While tackling climate change, the proposals address other systemic issues such as racial injustice, gross economic disparities, the inequity of health care delivery, and the fragility of our unsustainable food system. They also offer pathways to economic recovery from the

pandemic-induced economic crisis, primarily through the creation of millions of well-paying jobs and the elimination of wasteful spending on fossil fuels and the health harms they cause. ■

PUBLIC CITIZEN PAVES WAY FOR FERC OFFICE OF PUBLIC PARTICIPATION

In 2020, we worked to democratize public interest access to regulators and energy policy making and by the end of the year, our effort had paid off. We secured a huge victory in the COVID/omnibus spending legislation that President Donald Trump finally signed into law on Dec. 27. We worked to get language into the accompanying appropriations committee report that orders FERC to establish and fund the Office of Public Participation. Among the duties of this office are to financially compensate public interest advocates for costs associated with intervening at FERC.

We have led efforts to establish this office for over a decade, culminating in our 2016 petition to FERC that it initiate rulemaking to establish the office. While FERC ignored our petition, it cannot ignore the congressional mandate.

We are now working with FERC commissioners and public interest allies to design the office so that it bolsters representation of environmental activists and consumer interest participation in FERC proceedings regarding power market design and natural gas infrastructure. Providing funding to public interest advocates will revolutionize the ability of grassroots organizations to meaningfully participate in important energy and climate policy debates going forward.

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"For nearly half a century, Public Citizen has helped to make our world safer and healthier. And just as importantly, Public Citizen has provided training and experience for young professionals who have gone on to become truly effective agents of positive change."

—Joan Levin, Chicago, Ill.



Damage to a substation from Hurricane Laura. Photo courtesy of Western Area Power / Flickr.

TEXAS RAILROAD COMMISSION

The Texas Railroad Commission, which regulates the state's oil and gas industry, voted in May to suspend important rules designed to protect the environment and landowners from oil drilling. The commission characterized the suspensions as relief for an industry battered by the pandemic.

But in addition to the damaging and unacceptable environmental implications of the vote, there was another big problem: the vote was made in violation of the Texas Open Meetings Act. In July, Public Citizen and two of its members – Texas ranchers Molly Rooke and Hugh Fitzsimons – sued the Texas Railroad Commission for failing to adequately notify the public about the impending vote and asked a state district court judge to halt the commission's suspension of the rules.

In December, Judge Jan Soifer ruled that the commission had, indeed, given "insufficient notice to the public" and ordered that the rules be reinstated at least until proper public notice is given. The Texas Railroad Commission immediately appealed the ruling, and a hearing on the merits of the case is set for May 10, 2021.

Soon after the pandemic struck in early March, Public Citizen's Texas office began lobbying state government officials to enact a statewide moratorium on utility disconnections. We reasoned that all Texans needed access to electricity, hot water, and gas to stay healthy and informed on COVID-related developments.

On March 27, the Public Utility Commission (PUC) of Texas took action to partially address the problem, and voted unanimously to prohibit certain utilities from cutting off electricity and water services during the crisis. The PUC also voted unanimously to create a COVID-19 Electricity Relief Program. While the moratorium helped address the problem, it wasn't comprehensive enough and Public Citizen continued to advocate greater protections for disadvantaged Texans struggling to pay their bills.

On the environmental front, after years of prodding from Public Citizen and other advocates, the Texas Commission on Environmental Quality (TCEQ) finally improved its monitoring and reporting of pollution after natural disasters. When Hurricane Laura made landfall along the Gulf Coast in August, the TCEQ deployed its mobile air monitoring vehicles within 24 hours.

This marked a massive improvement over the agency's 2017 response to Hurricane Harvey, which took several days. The TCEQ even took recommendations from Public

Citizen about where to monitor the pollution after Hurricane Laura and posted the results online in near real time.

Adrian Shelley, director of Public Citizen's Texas office, told the *Houston Chronicle* that careful monitoring of pollution during disasters near chemical plants is essential to protecting workers and residents of neighboring communities who could otherwise be unknowingly exposed to dangerous toxins.

In October, a month after Hurricane Laura, the TCEQ unveiled a \$2.2 million investment in additional equipment to monitor pollution during natural disasters, chemical fires, and other polluting events. The improvements included upgrades to air monitoring equipment in three existing TCEQ vans. The agency also purchased four drones and three gas monitors for the Houston Ship Channel. Public Citizen has consistently urged the Texas Legislature and the TCEQ to invest more resources in air monitoring to keep Texans safe. That effort yielded tangible results in 2020.

Public Citizen also lobbied effectively to convince the TCEQ to keep industrial environmental rules in place despite the pandemic. While the agency did issue a COVID order that offered some enforcement discretion, it did not issue a blanket rule suspensions. With this approach, the TCEQ explicitly cited Public Citizen's opposition to rule suspensions during disasters as a factor in its decision. ■

► Retailers, from page 1

back their own stock in order to reduce the number of shares available. Reducing the number of available shares raises the value of the stock – and the value of executives' stock-based compensation – without the corporations having to improve or invest in their core business. Six reported a combined \$3.7 billion in stock buybacks in the latest quarter while seven announced plans in the late summer and fall to spend a combined \$17.8 billion on buybacks. Among the report's key findings are:

- Amazon has tripled its profits to \$6.3 billion in its third quarter, up from \$2.1 billion in the same quarter of 2019. At the time of the report's release, the last additional payment the company made to workers was in June. Amazon was the first to succumb to public outrage and announced an additional round of bonuses for workers a week after the report's release.
- Despite the \$15.6 billion in profits Walmart reported making so far in fiscal year 2020 – an increase of \$4.9 billion, or 45%, over

2019 – the retailer failed to provide front-line hourly workers additional pay between July and November, when the report was released. Meanwhile, Walmart reported spending \$500 million on stock buybacks in the latest quarter. Walmart also subsequently bowed to public pressure, announcing another round of bonuses for workers in early December.

- Albertsons's and Kroger's latest quarterly earnings both show profits that more than doubled compared to the previous year. Both halted extra pay to employees – though Albertsons became the third major retailer to pay workers another round of bonuses following criticism of its stinginess. Albertsons spent \$1.8 billion on stock buybacks in the previous quarter. Kroger announced in September its intention to spend \$1 billion on stock buybacks.
- Just four of the 15 companies – Costco, Lowe's, Home Depot and Publix – persist in providing employees with ongoing extra pay. Target has paid bonuses to hourly frontline workers twice, most recently in

October.

Among the household retail companies that provided additional pay to their employees, Dollar General's single payment to employees in April made it the earliest company to end the additional pay. Kroger is next, having provided their last additional payments to employees in May. Dollar Tree held out until June to make its final additional payment to employees.

Big Lots made its last additional payments in July. Best Buy ended its extra pandemic pay for employees in August. BJ's Wholesale Club ended its \$2 hourly wage increase in July and paid employees an additional bonus in September. Lowe's and Target pay periodic bonuses and may pay more. Target's last bonus was awarded in October and Lowe's' last bonus was awarded in November. Amazon, Walmart, and Albertsons are the three that paid an additional round of bonuses after the report's release.

"If 'we're all in this together,' as so many have said during the coronavirus pandemic, why are so many businesses holding out on workers?" asked Claypool. ■