



Increasing Global mRNA Vaccine Production

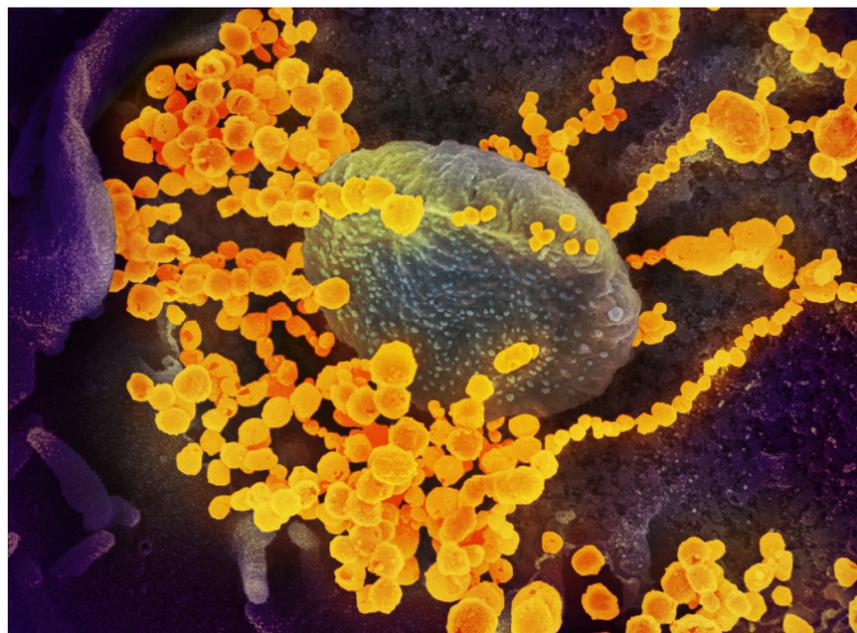
BY RHODA FENG

Even as the U.S. marked a gruesome milestone in mid-June, with the COVID-19 death toll surpassing 600,000, the nation finally does appear to be turning the corner on the coronavirus pandemic. Ahead of this year's G7 Summit, President Joe Biden told reporters he would be announcing a plan to vaccinate the world.

Between the U.S. situation and the global one, however, there is a lot of daylight. The pandemic is raging in developing countries and will continue to do so until vaccines are made widely available. Unfortunately, the world is not on track to make vaccinations available to all any time soon.

To underscore that the vast majority of people globally still lack equitable access to the vaccine, Public Citizen convened a "Global Newsmakers in the Age of COVID" press briefing series. Launched six months after the first person was vaccinated against COVID-19 as part of a mass vaccination program, the press briefing on June 8 featured U.S. Rep. Pramila Jayapal (D-Wash.) and experts from Public Citizen, who reflected on this important milestone and discussed scaling up mRNA vaccine production around the world.

For months, Public Citizen has called on the Biden administration see **Vaccine**, page 8 ▶



This scanning electron microscope image shows SARS-CoV-2 (round gold objects) emerging from the surface of cells cultured in the lab. Image courtesy of NIAID Flickr.

Celebrating the National John Lewis Voting Rights Advancement Action Day

BY RHODA FENG

Earlier this year, Georgia became a lightning rod for voter suppression when it passed a law that makes it more difficult to vote absentee, limits the number of drop boxes for ballots, and criminalizes giving people water or food while they wait in line to vote, among other restrictions.

The Georgia bill is part of a national trend. Following record-breaking Black, Brown, and youth voter turnout in the Georgia runoff election, state legislatures across America have released an offensive onslaught of undemocratic legislation designed to specifically suppress the vote of communities of color and youth voters.

So on May 8, activists got into "good trouble" – the late civil rights activist and congressman John Lewis' turn of phrase – by hosting votercaedes in more than 150 cities nationwide. The spectacle – which saw more than 10,000 activists taking to their cars and the streets and garnered an avalanche of media attention – was coordinated by Public Citizen, the Transformative Justice Coalition, the Declaration for American Democracy, the Leadership Conference on Civil and Human Rights and involved more than 300 coalition partners.

Cities across the U.S., including Tucson, St. Louis, Oakland, see **John Lewis**, page 4 ▶



Illustration courtesy of Joe Ciardiello.

Public Citizen Renews Call for Heat Stress Standard

BY SARA KATE BAUDHUIN

Following years of Public Citizen's advocacy pushing for a federal heat stress standard, a significant development came on June 14 when the U.S. Occupational Safety and Health Administration (OSHA) included a standard on its regulatory agenda.

Though not yet formal rule-making, this preliminary step makes clear that OSHA plans to issue a long overdue heat stress standard. Public Citizen led a petition to OSHA, co-submitted see **Heat Stress**, page 11 ▶



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GET TO KNOW PUBLIC CITIZEN GRACE PARAS

An ongoing series profiling Public Citizen leaders and staffers



transformed our homes into our workplaces. Nonetheless, the recent Georgetown Law graduate has kept busy in her role as Supreme Court Assistance Project fellow. And recently, after being fully vaccinated, she has been able to work in her actual office at Public Citizen.

What first drew you to the legal profession?

Paras: I've always been public-interest minded, and after college, I started working for a nonprofit that provided government-funded lawyers for detained immigrants. I joined that nonprofit right around the time a major bill for comprehensive immigration reform was before Congress, and it went nowhere. That made me realize that the courts are sometimes an avenue to make change more quickly than through Congress. I thought I could make an impact as a lawyer, through litigation.

What are some challenges that litigators face?

Paras: Sometimes cases move slowly; you might have a client who will be significantly impacted by a judicial decision, but it may take years for the case to make its way through the court process. You also may be discouraged if you get a judge whom you know typically rules against parties like the one you represent. This is especially true with our current Supreme Court and its conservative majority.

What do you do at Public Citizen? What does an average day look like for you?

Paras: I help our litigation director think through our Supreme Court advocacy strategies and pro-

pose cases we might like to get involved in. I check the Supreme Court docket daily, with an eye toward petitions for review on areas that might interest Public Citizen.

For some context, when a case reaches final termination in the lower courts, lawyers can ask the Supreme Court to hear the case. I look for cases that touch on Public Citizen's core issues: some examples include discrimination, workers' rights, and consumer protection. We help to brief cases and also hold moot courts, which are practice runs for arguing in court.

The Supreme Court normally hears about 70 arguments a year, and Public Citizen provides moot courts for around 40% of those arguments. We arrange for six lawyers to play the part of the Supreme Court Justices, and we grill advocates with questions to help prepare them for their argument.

Do grassroots organizers have a role to play in legal advocacy?

Paras: Absolutely! Grassroots organizing and strategic litigation can be really effective when they work together. When litigators bring cases that concern issues that are important to grassroots organizers, the organizers can use the cases to sway elected officials. They can point to a case and tell the officials that it would be easier to change unfair laws without resorting to the courts.

Second, if litigators want to bring a case on an important topic, they first need a client who has been impacted by the issue. Organizers can put litigators in touch with clients.

Increasingly, we're also seeing organizing efforts to reshape the legal process. Organizers are starting to ask what the Supreme Court should look like in the future. Should we set term limits for justices? Should we add justices to the Court? Should we limit the scope of cases the justices may review? ■

— Compiled by David Villani

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Public Citizen is a national nonprofit membership organization based in Washington, D.C. Since its founding by Ralph Nader in 1971, Public Citizen has fought for corporate and government accountability to guarantee the individual's right to safe products, a healthy environment and workplace, fair trade, and clean and safe energy sources. Public Citizen is active in Congress, the courts and government agencies.

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The Supreme Court's Baleful *Brnovich* Decision

In July, on the final day of its term, the U.S. Supreme Court, by 6-3 vote, upheld a pair of racist voting restrictions in Arizona.

Any person in America who remained under the illusion that they could rely on the U.S. Supreme Court to protect voting rights must now be permanently disabused of that notion. In its shocking *Brnovich* decision, the Supreme Court has again demonstrated that it will not protect voting rights in America.



PRESIDENT'S VIEW
ROBERT WEISSMAN

The Supreme Court's decision, of course, follows a wave of measures in states across the country designed to make it harder to vote – and, particularly, to make it harder for people of color to vote.

This is an astounding moment in our country's history, one that many of us thought impossible. The nation is backtracking on the

fundamental voting rights gains secured by the civil rights in the 1960s and in subsequent years.

The project that Public Citizen began years ago: To win sweeping, pro-democracy legislation – embodied now in the For the People Act and the John Lewis Voting Rights Advancement Act – now has an urgency and criticality that even we never imagined. If voting rights are to be protected and our democracy to be preserved and improved, we need these new laws now.

Here's what went down with the Supreme Court decision:

- Arizona's Republican-dominated legisla-

ture and its Trumpist governor recently enacted laws that make it harder for people of color to vote.

- Those laws were challenged under Section 2 of the landmark Voting Rights Act of 1965, which prohibits any voting procedure that restricts someone's right to vote because of their race, color, or use of certain languages other than English.
- But the Supreme Court upheld Arizona's voting restrictions even though the laws impact people of color more severely than other voters.
- According to the six Republicans on the Supreme Court, that "disparate impact" on people of color wasn't enough to overturn Arizona's voting restrictions.
- Instead, the Supreme Court's Republican majority bought the bogus excuse that Arizona's laws were intended to prevent voter fraud – which of course is practically non-existent.

With the ruling, the Supreme Court has made it clear that the existing Voting Rights Act can no longer protect our democracy from flagrantly racist voting restrictions that make it harder for people of color to vote. The Court also signaled to states that there's a good chance that it will uphold obviously racially discriminatory voting laws if states simply invoke the fig leaf of "voter fraud" as justification.

(If this sounds familiar, that's because in 2013 the Supreme Court gutted another section of the Voting Rights Act that required states and localities with histories of racist voter suppression to get federal approval for changes to their voting laws.)

By upholding Arizona's racist voting restrictions, the Supreme Court has set an alarmingly anti-democratic precedent.

Republican legislators all across the country will be even more emboldened in their fanatical drive to disenfranchise certain Americans via racist voting restrictions.

The result of all this is that our democracy is at a make-or-break moment. If we pass the For the People Act and the John Lewis Voting Rights Advancement Act, we can undo the voting restrictions imposed by states and re-empower the U.S. Justice Department to enforce the Voting Rights Act.

But these bills aren't primarily defensive; they will expand the franchise, by creating automatic voter registration across the country, restoring voting rights to people who have completed felony sentences, expanding early and absentee voting, making voting by mail easier and more.

The For the People Act will additionally end extreme partisan and racial gerrymandering, and replace Big Money dominance of our elections with a system that relies on public matching funds to enhance the impact of small-dollar donations.

At the time of publication, U.S. Sen. Joe Manchin, (D-W.Va.), is the only Democratic senator yet to co-sponsor the For the People Act (the John Lewis Act is expected to be introduced in September). We are working with allies to do everything in our power to win Manchin's support – and, crucially, he voted in favor of debate on the bill in June – and to win agreement on a workaround for the filibuster (which would require 10 Republicans to support the bills).

The Supreme Court's deplorable decision underscores that it is absolutely imperative we prevail. We intend to do nothing less. ■

Robert Weissman



Graphic courtesy of John Tomac.

► **John Lewis**, from page 1

Urbana, and Champaign, all issued proclamations declaring May 8 John Lewis Voting Rights Advancement Action Day.

The animating impulse behind that day was to uplift and empower citizens to be civically involved in protecting the right to vote by passing the For the People Act (S. 1) and the John Lewis Voting Rights Advancement Act (H.R. 4), as well as keep the momentum going to support statehood for the District of Columbia and remove the obstacle of the filibuster to voter justice.

In Alabama, Black Voters Matter steered their “Blackest Bus in America” through the state to celebrate the legacy of Lewis and to educate voters on the bill that bears his name. H.R. 4, which was introduced following a 5-4 Supreme Court decision in 2013, would restore key parts of the Voting Rights Act of 1965 that protected voters from racial discrimination and intimidation.

In Florida – where Gov. Ron DeSantis had recently signed into

effect a voting law that would make it harder for Floridians to vote – cars decked out in red, white, and blue banners, American flags, and pictures of Lewis formed a caravan that wended its way across Pompano Beach.

Three generations of activists participated in a votercade in Burbank, Calif., and organizers registered voters at the event and urged attendees to call their representatives and those in other states to show support for S. 1 and H.R. 4.

Among the prominent speakers at events across the U.S. were: U.S. Sen. Chuck Schumer (D-NY), and U.S. Reps. Jan Schakowsky (D-Ill.), Jamie Raskin (D-Md.), and John Sarbanes (D-Md.). The event culminated in a national broadcast that has been viewed more than a quarter of a million times.

“This is our moment to build a stronger democracy, expand the freedom to vote, ensure that congressional districts are not drawn to advance one party’s power, and to give a voice to everyday Americans

over billionaires and Big Business looking to buy our elections,” said Jonah Minkoff-Zern, co-director of Public Citizen’s Democracy Is For People campaign.

“It is these types of nationwide actions that help us raise our voice and advance our struggle. In the face of sweeping voter suppres-

sion laws and further attacks on the freedom to vote by the U.S. Supreme Court, failure is not an option.”

To keep the drumbeat going for voting rights, Public Citizen will be organizing nationwide vigils on July 17, the anniversary of John Lewis’ death. ■



A votercade wends its way through Los Angeles, Calif., on the National Lewis Voting Rights Advancement Action Day. Photo courtesy of Jed Pauker.

Public Citizen Urges Congress to Lower Pentagon Budget

BY SARA KATE BAUDHUIN

In April, President Joe Biden announced the removal of the last remaining 3,500 troops in Afghanistan, marking the end of the longest running war in American history. In the last 20 years, the U.S. spent more than \$1 trillion on military operations in Afghanistan and Pakistan. More importantly, this war has resulted in the loss of 2,300 U.S. soldiers, untold fatalities of Afghani citizens, and tens of thousands of injuries.

“This moment marks a powerful and urgent opportunity to re-examine the United States’ prioritization of military spending and consider alternatives to the massive funding the Pentagon receives each fiscal year,” said Public Citizen President Robert Weissman.

Estimates predict that the removal of U.S. troops from Afghanistan will save between \$20-\$50 billion in defense spending, which presumably should be reflected by a reduction in the Pentagon’s annual budget.

However, the Biden administration’s initial budget blueprint revealed an increase in military funding for FY22. The request of \$753 billion marks a 1.7% increase from the previous year’s defense budget allocation.

This May, in response, Public

Citizen collaborated with 39 other organizations to pen a letter to Congress urging reductions in the Pentagon budget. Addressed to the leaders of the defense appropriations subcommittees, this statement criticized the sheer magnitude of the U.S. military budget and its jarring disproportion compared to other budget line items.

Specifically, the requested allocation for the U.S. Department of Defense is larger than the proposed funding for the U.S. Departments of State, Justice, Health and Human Services, Education, Transportation, and the Environmental Protection Agency combined. U.S. military spending comprises 39% of the globe’s defense spending and the U.S. spends more on the military than the next 11 highest spending countries combined.

Critics have long complained about Pentagon bloat, with military expenditures shooting up from a high baseline after 9/11, and jumping by more than \$100 billion annually in the Trump budgets. For years, though, many members of Congress have been hesitant to advocate defense budget reductions for fear of appearing weak on the issue of national security.

In reality, though, a majority of Americans express a desire for a

reduced Pentagon budget in favor of increased funding for education and health care domestically.

In 2020, Public Citizen launched the #peopleoverpentagon campaign, along with more than 25 other advocacy groups. Together, the coalition created a petition with over 140,000 signatures that advocated for a large Pentagon budget cut which would in turn be allocated towards urgent human needs in the U.S. Public Citizen in January 2020 helped deliver the petition to U.S. Reps. Pramila Jayapal (D-Wash.) and Ilhan Omar (D-Minn.) in hopes of urging stronger congressional action.

A few months after the #peopleoverpentagon petition to Congress, U.S. Sen. Bernie Sanders (I-Vt.) and other key progressive lawmakers introduced an amendment to the National Defense Authorization Act (NDAA) for FY21 which called for a 10% reduction to the defense budget. Public Citizen helped lead the way in generating support for the amendment, pulling together 60 other groups in support of this amendment.

“The coronavirus crisis is a wake-up call for the long overdue imperative of shifting spending away from the Pentagon and investing instead in human needs,” Weissman declared at

that time. “Even with the most advanced military weaponry in the world, the United States has proven utterly unprepared to handle a microscopic threat, thanks in no small part to underinvesting in public health. It’s time for the Sanders amendment, which would establish sensible priorities and shift money away from the Pentagon and to the nation’s many urgent needs.”

Public Citizen and allies pointed out that a 10% reduction in Pentagon spending would generate enough savings to end homelessness twice-over, produce 2 billion COVID-19 tests, or provide medical care to over 7 million veterans.

The NDAA amendment of 2020 received 23 votes in the U.S. Senate (including from then-Minority Leader Chuck Schumer) and 93 votes in the U.S. House of Representatives, where it was introduced by U.S. Reps. Barbara Lee (D-Calif.) and Mark Pocan (D-Wis.), highwater marks for recent congressional proposals to cut Pentagon spending.

Now, with the announced Afghan pullout, Public Citizen is insisting the Pentagon budget should be cut proportionately, as part of its long-term campaign to reallocate Pentagon funding to meet crucial domestic and human needs priorities. ■

The Price of Zero: Corporate Tax Dodging

BY RHODA FENG

The 55 large corporations that paid \$0 in federal corporate income taxes in 2020 spent a combined \$450 million in lobbying and political contributions in recent years. It appears to have been a wise investment.

Analyzing data obtained from The Center for Responsive Politics, Public Citizen found that those companies saved \$8.5 billion compared to how much they would have paid if their profits were taxed at the statutory rate.

For most of the companies, though, paying nothing was not enough. The companies paying zero also received a combined \$3.5 billion in tax rebates. Adding those rebates to the taxes companies weren't required to pay means more money these corporations can turn around and spend to influence tax policy.

Public Citizen noted that the companies were often able to avoid paying taxes by gaming loopholes and write-offs like those for stock options, accelerated depreciation, and maximizing special credits, such as those available for the energy sector.

"Duke Energy could use the \$280 million rebate from the federal government to fund its lobbying spending for the next half-century," said Mike Tanglis, a Public Citizen research director and author of the report. "Using Uncle Sam's money to lobby against paying taxes is the perfect embodiment of how Washington works."

A report from Public Citizen, "The Price of Zero," highlights the companies that, while paying nothing in taxes in 2020, spent the most money on lobbying, hired the most lobbyists, lobbied specifically on tax issues, and filled the coffers of our nation's elected officials with campaign cash. Doing so revealed a familiar cycle in Washington, D.C. — one in which a relatively minimal investment in political spending can reap huge rewards for some of the country's most profitable corporations.

Among the findings of the report:

- The 55 corporations that paid no federal corporate income tax in 2020 spent nearly \$450 million on lobbying and campaign contributions over the last three campaign cycles. This total includes \$408 million in lobbying and \$42 million in campaign

"As Congress looks to pair incredibly important investments in jobs and families with tax changes to raise revenues, it is essential that, as part of that work, it addresses the loopholes that have allowed companies to pay nothing in federal corporate tax."

—Susan Harley, managing director of Public Citizen's Congress Watch division

contributions.

- Of the top 25 recipients of money from the corporations that paid zero in taxes in Congress, 20 are Republicans. Each of these recipients voted for the Tax Cuts and Jobs Act of 2017, which lowered the corporate tax rate.
- FedEx spent the most of any company (\$71 million), followed by Charter Communications (\$64 million), American Electric Power (\$42 million), Duke Energy (\$37 million), and Textron (\$22 million).
- These companies together have sent an average of 526 lobbyists to influence the federal government each year.
- Many of the 55 companies also received huge rebates from the federal government in 2020. Four of the top 10 political spenders in 2020 could use their leftover rebate money to cover political spending costs for at least the next half-century.

Most of the 55 companies have PACs from which they spend money on political causes. They use these PACs to fund the campaigns of elected officials and new candidates for office, as well

as party committees and outside groups.

In some cases, the company itself, not the PAC, is responsible for the giving. For example, FirstEnergy Corporation gave \$1.3 million to the Cleveland Host Committee for the 2016 Republican National Convention.

"The lobbying, campaign contributions, and tax avoidance by these 55 companies is a never-ending cycle in which the companies spend to win tax breaks, then use the money saved from those breaks to try to get more," said Susan Harley, managing director of Public Citizen's Congress Watch division. "The corporations keep winning while the American public loses."

From the 2016 election cycle through the 2020 cycle, these companies have contributed \$42 million. Public Citizen found that the top recipients are the four national party committees, the 2016 Republican National Convention Host Committee, and a Republican party aligned super PAC — unsurprising, given that these committees can accept unlimited amounts compared to the campaign committees and leadership PACs of elected officials. The National Republican

Senatorial Committee hauled in the most: \$1.3 million, from the 2016 cycle through 2020.

The current elected officials that have received the most from the 55 companies paying zero in taxes include many of the most powerful members of Congress. U.S. House Majority Leader Rep. Steny Hoyer (D-Md.) has received the most: \$408,500. Hoyer is followed by U.S. House Minority Whip Rep. Steve Scalise (R-La.), House Minority Leader Rep. Kevin McCarthy (R-Calif.), House Majority Whip Rep. James Clyburn (D-S.C.), and Rep. Kevin Brady (R-Texas), who sponsored the Tax Cuts and Jobs Act in the House.

"As Congress looks to pair incredibly important investments in jobs and families with tax changes to raise revenues, it is essential that, as part of that work, it addresses the loopholes that have allowed companies to pay nothing in federal corporate tax," said Harley. "In the meantime, it's critical that the public understand that while paying nothing to support the upkeep of our government, these companies have been spending huge amounts of money to try to keep the game rigged in their favor." ■



Graphic courtesy of Zach Stone.

FDA's Approval Aducanumab for Alzheimer's Disease Is Reckless

BY RHODA FENG

In what Public Citizen believes is one of the worst decisions in its history, the U.S. Food and Drug Administration (FDA) in June approved drugmaker Biogen's aducanumab for the treatment of Alzheimer's disease.

The FDA announced its approval despite the nearly unanimous conclusion of an independent advisory panel of experts convened by the agency in November 2020 – and of many other scientists, neurologists, and geriatric specialists – that there was insufficient evidence that the drug is effective for slowing cognitive decline in patients with Alzheimer's disease.

Public Citizen contends that the FDA should have rejected the drug and required that the company conduct another large, placebo-controlled clinical trial before giving any further consideration to approving aducanumab to treat Alzheimer's disease. Approving the drug despite the lack of evidence of effectiveness has raised false hope for millions of Alzheimer's disease patients and threatens to bankrupt the Medicare program because of the drug's exorbitant price: \$56,000 per year.

"The FDA's decision to approve aducanumab for anyone with Alzheimer's disease, regardless of severity, showed a stunning disregard for science and eviscerated the agency's standards for approving new drugs," said Dr. Michael Carome, director of Public Citizen's Health Research Group.

The FDA's approval, Public Citizen contends, was the product of an improper, cooperative relationship between the agency and Biogen, in which the FDA worked more as a partner with the company in winning approval than as an independent regulator.

In a letter in June to U.S. Department of Health and Human Services Secretary Xavier Becerra, Public Citizen called for the resignations or removal of the three officials most responsible for the decision: Acting FDA Commissioner Janet Woodcock, Center for Drug Evaluation and Research (CDER) Director Patrizia Cavazzoni, and CDER's Office of Neuroscience Director Billy Dunn.

A detailed exposé published by STAT in June also offered stunning disclosures about how Biogen used an FDA back channel to win approval for aducanumab for

treatment of Alzheimer's disease. After two identical "phase 3" trials were stopped early because a preliminary analysis found that they were unlikely to show the drug benefitted Alzheimer's disease patients, the FDA and Biogen worked collaboratively to salvage the drug. They jointly relied on dubious analyses that overemphasized the results of one trial suggesting the drug at a high dose may provide minimal benefit on one measure of cognitive function but disregarded data from the other trial showing no benefit of the drug at any dose.

For the meeting of the FDA's independent panel of experts, the agency and Biogen co-authored an unprecedented joint briefing document on aducanumab that was heavily biased in favor of the drug.

In December 2020, Public Citizen called for an investigation into the unprecedented and inappropriately close collaboration between Biogen and the FDA during the analysis of data from the key clinical trials of the drug. This close collaboration before and after the submission of the

company's marketing application for aducanumab dangerously compromised the integrity of the FDA's review.

Using its accelerated approval pathway, the FDA ultimately based its approval on findings that aducanumab reduced amyloid plaques (deposits) in the brains of Alzheimer's disease patients. However, other experimental drugs for Alzheimer's disease that reduced amyloid plaques in the brain of Alzheimer's disease patients failed to provide clinical benefits.

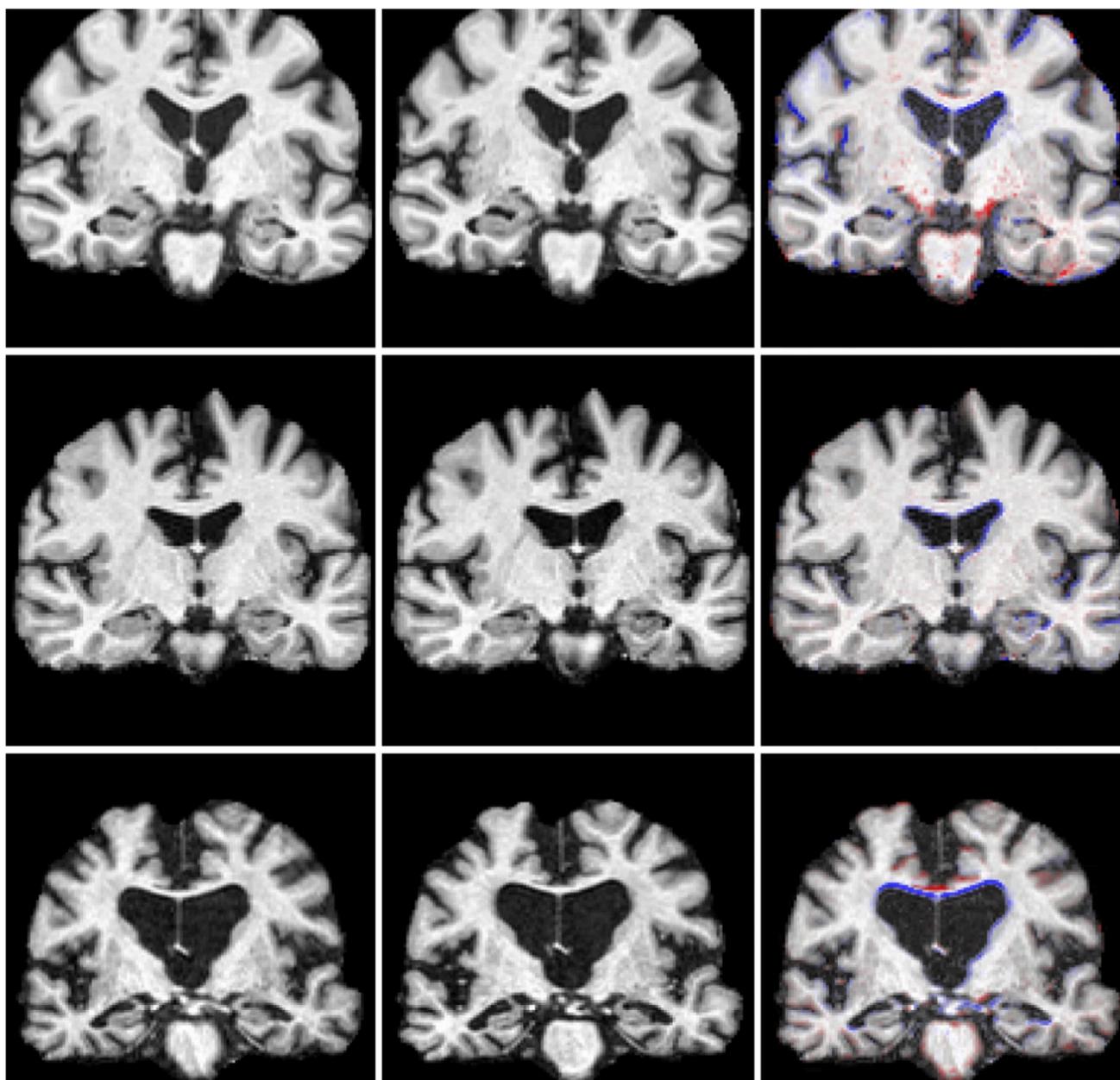
Moreover, the safety and efficacy of aducanumab were evaluated only in subjects with mild Alzheimer's disease, yet the FDA inexcusably approved the drug "for the treatment of Alzheimer's disease." This means Biogen can market the drug for use in any patient with Alzheimer's disease regardless of disease severity, despite the lack of any evidence that the drug is safe for patients with moderate or severe Alzheimer's disease.

Such an action by the agency was not evidence-based and defied reason given that patients with

moderate or severe Alzheimer's disease plausibly could be more susceptible to the adverse brain effects caused by the drug than patients with mild Alzheimer's disease.

Under the leadership of Woodcock over the past three decades, the relationship between the FDA's Center for Drug Evaluation and Research and the pharmaceutical industry has grown ever cozier – resulting in regulatory capture of the agency by the industry – and the agency's standards for approving new drugs have gradually eroded.

"The sheer recklessness of the FDA's approval of aducanumab cannot be overstated," said Carome. "This decision is a disastrous blow to the agency's credibility and public health, and the drug's approval sets the bar for ensuring the safety and effectiveness of new drugs at a dangerous new low, not just for future Alzheimer's disease drugs but also for future drugs for a wide array of other diseases. The FDA no longer is the world's gold standard for drug approval and safety." ■



Structural brain imaging in Alzheimer's disease and mild cognitive impairment. Image courtesy of Springer Nature Creative Commons.

The Revised NAFTA, One Year Later

COMMENTARY

One year ago this July 1, following a lengthy campaign by unions, civil society groups, and congressional Democrats to win key improvements, the revised North American Free Trade Agreement (NAFTA), also known as the U.S.-Mexico-Canada Agreement (USMCA), went into effect.

Unlike its predecessor, the USMCA requires each of its signatory countries to respect workers' rights, and it contains mechanisms to demand so. Additionally, it gutted the disastrous Investor-State Dispute Settlement (ISDS) system.

But recently filed USMCA labor enforcement complaints and a new corporate ISDS demand for \$15 billion for cancellation of the infamous Keystone XL Pipeline serve as firm reminders that advocacy efforts will be essential if the revised NAFTA is to improve lives and working conditions in North America.

The End of Fast Track ... for Now

July 1 also marked the expiration of the Fast Track Trade Authority that Congress delegated in 2015 by a narrow margin after a heated battle.

The Fast Track process, renamed Trade Promotion Authority (TPA) in 2002 to try to evade growing congressional and public opposition to the broad Nixon-era delegation of Congress' exclusive constitutional trade authority, was critical in railroading through Congress extremely controversial trade agreements, such as the original NAFTA.

Fast Track empowers a president to unilaterally pick negotiating partners, set terms of pacts, sign and enter into them, write implementing bills without congressional involvement, and jam such legislation through Congress within a set number of days without any amendments and limited debate.

A 2013 Public Citizen book revealed six forms of trade authority Congress created to work with the executive branch on trade pacts since the nation's founding and how Fast Track helped to empower corporate interests to rig trade pacts with retrograde non-trade policies,

such as the expansive intellectual property monopolies now at issue in the COVID-19 vaccine shortage crisis.

Longtime Public Citizen supporters will recall that for decades we have demanded the replacement of Fast Track with an inclusive process to yield broadly supported pacts that could pass Congress without requiring a ban on amendments and debate.

"Fast Track was a terrible idea when Nixon cooked it up in the 1970s to handcuff Congress on trade and has been instrumental in ramming a series of job-killing, Big Pharma monopoly-boosting, unsafe-import-flooding, corporate-power-expanding policies through Congress," said Lori Wallach, director of Public Citizen's Global Trade Watch.

"Fast Track should have been relegated to the museum of terrible-policies-that-harmed-Americans decades ago: Nothing makes that clearer than the extreme process becoming an impediment to renegotiating NAFTA in 2018 such that breaking Fast Track in 2019 not only did not scare away trade partners but is the main reason supermajorities in Congress ultimately passed the USMCA."

One of the key takeaways of the USMCA's one-year anniversary is that Fast Track is a myth. Handcuffing Congress is not necessary to pass good trade deals that enjoy broad support because their terms might actually benefit working people and the environment.

The NAFTA renegotiation process showed that Fast Track is actually counterproductive. The initial text of the revised NAFTA that then-President Donald Trump signed in 2018 was negotiated under Fast Track rules, with privileged corporate access and limited input from Congress, the public, or labor and environmental experts.

The resulting deal added new monopoly protections for Big Pharma to lock in high medicine prices, and its labor and environmental terms would not

have counteracted NAFTA's ongoing outsourcing of jobs and pollution and downward pressure on wages.

Responding to civic society outrage, congressional Democrats made clear that they would not pass that deal, Fast Track or not. They leveraged their majority to demand changes, which then were negotiated with Mexico and Canada outside the Fast Track process. The main corporate argument – that U.S. trade partners would not negotiate without Fast Track – was exposed for the lie it always has been.

Indeed, when Democrats in Congress forced the Trump administration to break Fast Track and empower Congress to have a more appropriate policymaking role, terms that actually represent a broad set of interests and could work for working people and consumers were added. Big Pharma giveaways were removed. The result was passage of the 'revised revised' deal by supermajorities so large the extreme Fast Track process was not needed to limit debate in the U.S. Senate.

The final USMCA, though not the model for future pacts, has significant improvements from which we can build. This includes rollbacks of Big Pharma monopolies and extreme foreign investor rights and the ISDS extrajudicial regime.

It also has improved labor provisions and enforcement tools, including the labor Rapid Response Mechanism (RRM), which is a targeted, facility-specific enforcement mechanism unique to the USMCA that is devised to protect workers' right to organize.

Will Workers See Real Improvements?

The AFL-CIO, the Service Employees International Union (SEIU), the *Sindicato Nacional Independiente de Trabajadores de Industrias y de Servicios Movimiento 20/32* (SNITIS), and Public Citizen filed the first USMCA RRM case in May, which became the basis of a formal complaint filed with Mexico by the U.S. government. It is now being assessed by Mexican authorities, which must either fix the problems identified or face sanctions within a set amount of time under the RRM system.

It remains to be seen if the hard-won labor rights advances in the USMCA result in significantly improved conditions for workers in Mexico, but as we await the first case's resolution, the end of Fast Track is certainly something to celebrate.

A New Threat on the Horizon

As *Public Citizen News* goes to print, the company behind the notorious Keystone XL pipeline launched a new attack against the U.S. under the USMCA's "legacy" ISDS terms.

The company, TC Energy, claims it is due \$15 billion in U.S. taxpayer money because the U.S. government rejected the proposed 875-mile pipeline that would have transported 830,000 barrels of highly polluting crude oil across indigenous communities and more than a thousand rivers, streams, and wetlands.

Stay tuned as Public Citizen resumes the battle against this baseless money grab and the ISDS regime itself. ■

BREAKING:
AFL-CIO, SEIU, SNITIS AND PUBLIC CITIZEN
LAUNCHING LABOR VIOLATION CASE UNDER
THE REVISED NAFTA

TRIDONEX, A SUBSIDIARY OF PHILADELPHIA-BASED CARDONE INDUSTRIES, HAS HARASSED AND FIRED WORKERS FOR TRYING TO REPLACE A CORRUPT COMPANY UNION.

Graphic courtesy of Public Citizen's Global Trade Watch.

► **Vaccine**, from page 1

tion to scale up vaccine manufacture and distribution to make vaccines available to every person on the planet within a year.

“The test for the president’s plan is how quickly it will end the pandemic, and whether it mobilizes all available resources to do so,” said Public Citizen President Robert Weissman. “So far, the Biden administration is coming up tragically short.”

Public Citizen contends that a plan for global vaccination must include at least three elements:

- An official launch and investment in a public global vaccine manufacturing program of scale and urgency to end the pandemic, supported by whole-of-government efforts to source and produce materials and train personnel, with regional manufacturing hubs around the world. A \$25 billion commitment can

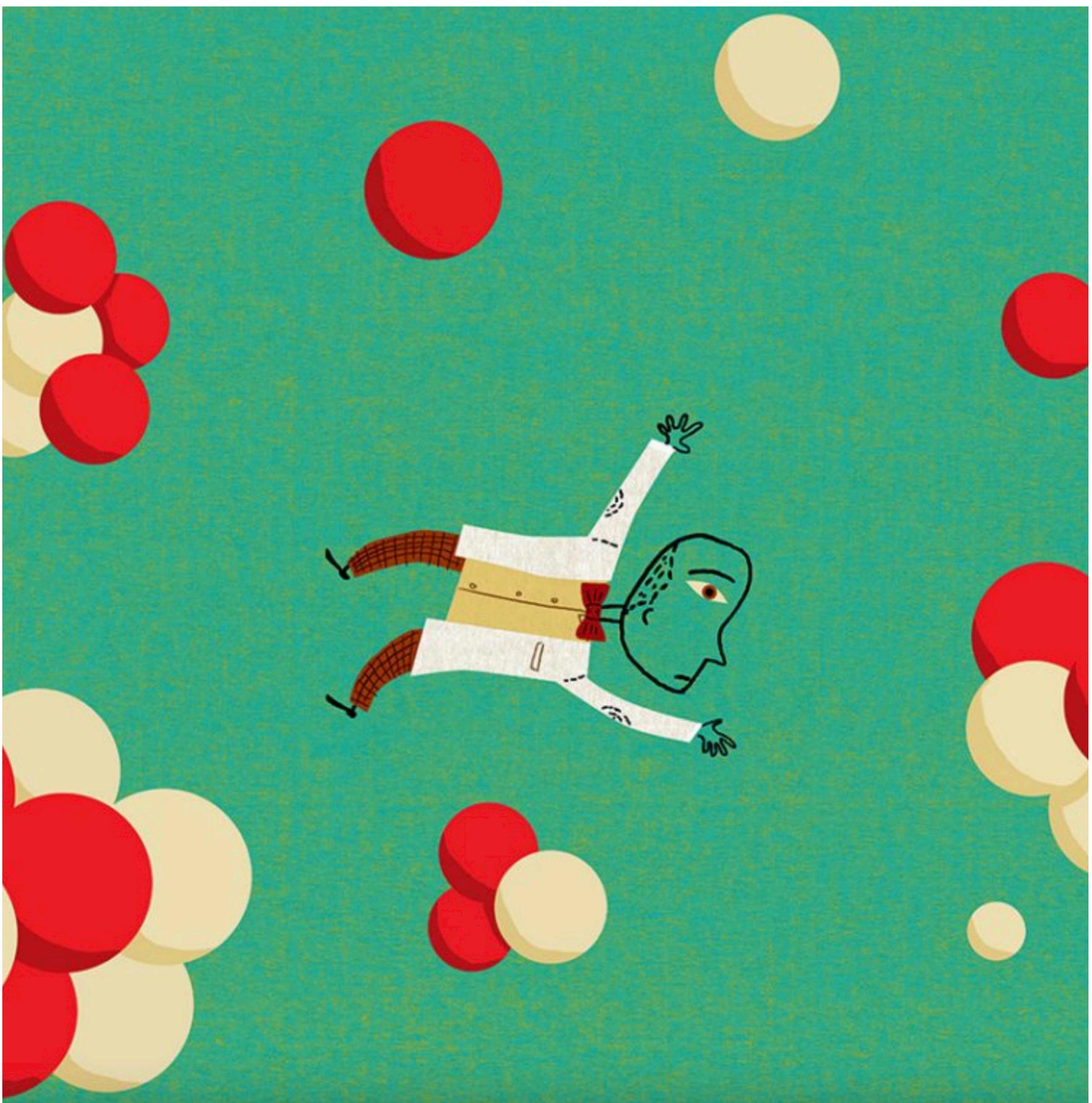
produce eight billion additional doses of mRNA vaccine in one year.

- A pledge to immediately begin sharing the knowledge, technology, and intellectual property to make safe and effective COVID-19 vaccines, tests, and treatments. Biden has authority under existing law, including through the Defense Production Act, to share vaccine recipes with the world. The president should support technology-sharing initiatives such as the World Health Organization’s COVID-19 Technology Access Pool to prevent, contain, or treat COVID-19.
- A commitment to immediately distribute vaccine supply to COVAX – a leading global COVID-19 vaccine initiative that aims to supply vaccines to only a fraction of humanity – and developing countries and encourage countries that

have purchased more than their fair share to do the same. Millions of people at risk today cannot afford to wait; doses must be delivered to developing countries today.

On June 21, the World Health Organization (WHO) announced plans to create a technology transfer hub in South Africa to facilitate mRNA vaccine production for Africa. Africa, Asia, and Latin America have been left especially vulnerable to COVID-19, due to wealthy countries purchasing the available scarce supplies, and corporations holding secret the vaccine know-how that the world needs to expand production. WHO’s regional vaccine production hubs could mitigate these travesties, which have contributed to suffering and death.

Ahead of the WHO announcement, Public Citizen had issued a report describing how to



Graphic courtesy of James Yang.

retrofit vaccine production facilities on every continent and transfer technology to produce 8 billion mRNA vaccine doses – enough to support global herd immunity – in just one year.

“It is possible to make enough mRNA vaccine for the world within a year,” said Peter Maybarduk, director of Public Citizen’s Access to Medicines program. “President Biden and other leaders should offer funding, technical capacity, and political support to share vaccine recipes and accelerate WHO’s plans to make a difference not only against future pandemics, but also against COVID-19. Vaccine production should be urgent and sustainable, decentralized, and democratic and the fruits of research and manufacturing should be shared openly with humanity.”

For its report, Public Citizen collaborated with Imperial College engineers to assess what specific resources and funding are required to produce enough coronavirus vaccine for the

world in one year. The analysis describes the production process for mRNA vaccines, which represent a breakthrough in vaccine manufacturing and require smaller facilities than other kinds of vaccines.

It details the specific steps required to set up the necessary facilities, including technology transfer and capacity building, in the first six months, as well as the costs, raw materials, consumables, personnel, and line requirements to produce eight billion drug substance doses in the subsequent six months.

Public Citizen estimates the total cost to produce eight billion doses of the NIH-Moderna vaccine to be \$23 billion, plus an additional \$2 billion in compensation to Pfizer and Moderna. The capital cost for retrofitting facilities would be \$3.2 billion, while the operating cost for the drug substance production campaign would be \$17.5 billion.

The cost for putting the vaccine into vials

and packaging (“fill and finish”) would be \$2.2 billion. The effort would require 4,620 employees working at 55 production lines, which could be set up in 14 facilities.

Critically, given the adaptability of mRNA technology, it would also set up the infrastructure necessary to quickly address variants and future public health threats.

“We now know what it would take to manufacture enough vaccine in a year and end this pandemic. It will require resources and coordination. The question is: Will leaders make the needed, urgent global effort?” said Maybarduk.

“The alternative, for G7 and other national leaders not to put forward a plan of comparable ambition, is untenable. It would squander lives and political stability, shrinking from a defining challenge of our time. The sooner we start, the more lives we will save and the faster our world will stop unraveling.” ■



Graphic courtesy of John Tomac.

In the Spotlight: Texas State Climatologist

BY MICHAEL COLEMAN

After Winter Storm Uri walloped Texas in February and the state's failed power grid left millions freezing in the dark for days, Public Citizen and other advocates went to work in the Texas Legislature to convince lawmakers to strengthen the grid and protect ordinary Texans.

With the climate crisis worsening and storms like Uri becoming more common, the work was urgent and critical. Uri was the most costly winter storm in U.S. history. The failure of Texas' largely unregulated energy grid left 70% of Texans without power in subfreezing temperatures for days. The storm's official death toll surpassed 150, and some estimates put the number at more than 700 dead.

Not surprisingly, the state's Republican-controlled legislature and Texas Gov. Greg Abbott resisted attempts to hold the oil and gas industry and state energy regulators accountable for the

catastrophe. But after months of wrangling and pressure from Public Citizen and other advocacy groups, Texas lawmakers approved several bills that took modest steps to improve the grid and make the state's power infrastructure more resilient.

One notable change is a directive requiring the newly created Texas Reliability Council to take into consideration the projections of the Texas state climatologist when planning for the resiliency of the grid and its fuel supply. Specifically, the law says regulators should "take into consideration predictions on severity of future weather events over the next 15 years produced by the state climatologist."

The climatologist's predictions about the likelihood of extreme weather during the next 15 years must also be considered by gas supply chain facility operators, electric cooperatives, municipally owned utilities, and transmission and distribution utilities" to

"maintain service quality and reliability during a weather emergency."

Public Citizen's Texas Office Director, Adrian Shelley, worked with U.S. Sen. Donna Howard (D-Austin) on the specific language of the climatologist amendment. After Howard introduced it, Public Citizen successfully lobbied the legislature – especially members of the relevant committees – to attach the amendment to a larger grid resilience bill during the final days of the legislative session.

"Texas lawmakers have ignored climate change for decades," Shelley said. "Texans have paid the consequences. How many more crises must pass until we see real action?"

John Nielsen-Gammon, the Texas state climatologist for two decades, said that there may be a link between climate change, disruption of the polar vortex, and extreme cold weather events in Texas. Nielsen-Gammon told the *Associated Press* in May that

Texas lawmakers did not ask him to testify after the blackout, but he did provide information to offices that requested it.

"The cold wasn't unprecedented, but the combination of extreme cold and widespread snow was extremely unusual," Nielsen-Gammon told the *Associated Press*.

Howard, the state representative who introduced the climatologist amendment, praised Public Citizen's work on the issue.

"I appreciate advocates like Public Citizen, who provided valuable suggestions throughout the legislative session regarding SB 3, a major energy bill for Texas," Howard said, adding that her amendment will "ensure those responsible for managing the electric grid don't just rely on historic trends to project energy demand, but also incorporate future predictions based on changes to the climate." ■

FERC Should Deny Petition for Natural Gas Export Exemption

BY JOSEPHINE FONGER

Public Citizen is on the case of a Florida-based liquid natural gas (LNG) company that is trying to evade restrictions on exports. In April, the Florida-based Nopetro LNG petitioned the U.S. Federal Energy Regulatory Commission (FERC), arguing that a planned new natural gas liquification terminal and export port in the Florida city of Port St. Joe should be exempt from FERC oversight.

The reason? Nopetro plans to transport liquified natural gas from a liquification terminal to a planned port, a mere 1,329 feet away, by truck, instead of the standard pipelines.

Allowing Nopetro LNG to circumvent FERC's oversight by placing their export docks close enough to liquification terminals to avoid the use of pipelines is a slippery slope that may allow future LNG companies to exploit the loophole and evade FERC jurisdiction, according to Public Citizen.

"Should the Nopetro petition succeed, there will be nothing stopping liquification developers from placing facilities 500 feet or 50 feet from export docks to exploit the Nopetro loophole," said Tyson Slocum, director of Public Citizen's Energy Program.

"To preserve the Commission's Natural Gas Act authority over LNG export terminals, the petition must be denied."

The Natural Gas Act requires companies to secure FERC authorization before exporting

natural gas to a foreign country. Nopetro LNG stated that the liquification facility would produce LNG for export to U.S. trading partners in the Caribbean, Central America, and South America. The U.S. Department

of Energy (DOE) even granted Nopetro LNG to export up to 51.75 billion cubic feet of natural gas every year. This further solidifies the need for FERC oversight on Nopetro LNG's latest project.

see **FERC**, page 11 ►



Two 3,100 TEU LNG-powered containerships are stationed in a Jaxport terminal. JAX LNG is building a liquefaction and storage facility, with capacity to produce in excess of 120,000 gallons of LNG per day. Photo courtesy of JAXPORT Flickr.

► **Heat Stress**, from page 1

by 130+ other labor, health, and climate organizations, heat stress experts, and former OSHA directors, calling on the agency to issue a rule protecting workers from heat stress. The petition remains pending at the agency.

Heat is the leading weather-related killer in the U.S., killing more people annually than hurricanes, tornadoes, and floods combined. According to the U.S. Bureau of Labor Statistics, from 1992 through 2019, exposure to excessive environmental heat killed 907 U.S. workers and seriously injured 79,584.

Excessive heat threatens workers in many different industries, both indoors and outdoors, but the harm falls disproportionately on Black and Brown workers. For example, although Latinx employees represent 17% of the U.S. workforce, they comprise 65% of farmworkers, putting them at 20 times greater risk for heat-stroke fatalities than the average U.S. worker.

Asunción Valdivia was one such casualty. In 2004, the Californian farmworker was working a 10-hour shift picking grapes when he collapsed and became unconscious. Valdivia and his fellow employees worked these long shifts in temperatures often exceeding 105 degrees Fahrenheit, putting them at extreme risk for heat exposure and other health complications. Instead of calling an ambulance, Valdivia's employer instructed Valdivia's son – also an employee – to drive him home.

While in the car, Valdivia suffered an episode of heat stroke and passed away before he could get medical care.

Valdivia's death was entirely preventable and could have been avoided through proper workers' safety practices, such as exposure limits, emergency medical response plans, and comprehen-

sive monitoring procedures.

"Our most vulnerable and often undocumented workers are at the highest risk of being injured by heat," said David Arkush, managing director of Public Citizen's Climate Program. "We need to protect them right away."

Since 2011, Public Citizen has played an instrumental role in pressuring OSHA to take an active role in protecting workers from heat stress, yet the administration had previously failed to respond with any action.

Three years ago, the organization led a petition urging OSHA to implement a heat stress standard which would create standard safety practices and prevent avoidable injuries and deaths.

Two former OSHA directors and 131 labor, health, climate, and faith-based organizations joined Public Citizen in support of this petition, seeking to highlight the

dangerous conditions that many workers face as a result of excessive heat exposure.

When this petition was initiated in 2018, OSHA was under the direction of the Trump administration and despite the petition having public widespread momentum and support, it received no administrative response. With OSHA now under the direction of the Biden administration, Public Citizen leveraged this window of opportunity for this long-overdue protection standard.

To reassert these demands to OSHA's new leadership and spur the agency finally to act, Public Citizen wrote to OSHA Director Jim Frederick in May 2021 urging OSHA to issue a heat standard. This letter put particular emphasis on how rising global temperatures are increasing the urgency of already dangerous working conditions.

Twenty of the last 21 years were

the hottest annual temperatures on record, and the summer of 2020 set many new heat records across the U.S. For decades, heat exposure has created extremely unsafe working conditions and as the situation continues to grow more urgent, it is clear that rules to protect workers are long overdue.

Many policymakers in Congress support this call to action. In March 2021, U.S. Reps. Judy Chu (D-Calif.), Raúl Grijalva (D-Ariz.), Bobby Scott (D-Va.), and Alma Adams (D-N.C.) and U.S. Sens. Sherrod Brown (D-Ohio), Catherine Cortez Masto (D-Nev.), and Alex Padilla (D-Calif.) jointly introduced the Asunción Valdivia Heat Illness and Fatality Prevention Act. Named in honor of Valdivia, this act orders OSHA to set a heat standard that protects workers in the U.S.

The latest development on June 14 is a huge milestone in this years-long collective effort. OSHA acknowledged that Public Citizen's 2018 petition was still under consideration, meaning that the organization's specific recommendations could help shape OSHA's rulemaking.

A heat stress standard would include a set of rules that ensure employees have access to water and compensated breaks, monitoring procedures that identify dangerous situations, and emergency protocols in the event of heat stroke.

A national standard would also provide significant economic benefits. U.S. employers annually spend \$220 billion on workers' comp for heat stress alone. Further, the 2018 U.S. National Climate Assessment estimated that lower employee productivity – as a result of rising temperatures and over-exertion – could cause annual losses of \$155 billion by the year 2090. A federal heat stress standard could help prevent a large percentage of these costs and losses, benefiting employers in addition to workers. ■



Graphic courtesy of Shutterstock.

► **FERC**, from page 10

"To claim that an LNG terminal located a stone's throw from an export dock renders the facility not subject to FERC's regulation would eviscerate the Commission's NGA authority and likely usher a wave of similar LNG export terminals located within shouting distance from an export dock in an effort to evade Commission oversight," said Slocum.

In response to criticism, Nopetro LNG said the project was developed to be consistent

with the Department of Energy's small-scale LNG rule that allows exporting ISO containers to smaller foreign markets not targeted by larger LNG projects. Furthermore, they claim that DOE delegation orders hold that FERC doesn't have jurisdiction over projects that do not involve transportation by pipeline.

Nopetro also touted the environmental considerations on the new project, claiming that its LNG would replace "diesel fuel and No. 2 oil consumption in markets that are not currently served by

cleaner alternative fuels." Nopetro argued that the project would aid economic recovery in the Florida region devastated by Hurricane Michael in 2018.

"LNG exports are a false solution to clean energy or climate change. The United States should be focused on exporting renewable energy technologies like wind and solar to displace diesel and coal overseas – not natural gas," said Slocum in response to Nopetro's claims. "And regardless of whatever merits Nopetro's owners claim, any benefits should be assessed as

part of FERC jurisdiction. Allowing the Florida LNG export project to evade FERC jurisdiction will trigger a race to the bottom of LNG export terminal proposals designed to follow Nopetro's loophole."

To preserve its legitimacy and authority, FERC must deny Nopetro LNG's petition seeking exemption from oversight. This decision will prevent other companies from taking similar steps to exploit loopholes in the regulations meant to protect the American people and environment from hazardous materials. ■

Public Citizen, Allies Post Complaints Outside Facebook's Lobbying HQ

BY DAVID ROSEN

It was one of the first direct actions Public Citizen organized since the start of the pandemic.

Half a dozen public interest organizations led by Public Citizen gathered in front of Facebook's federal lobbying headquarters in Washington, D.C., on May 25, to demand accountability for the company's litany of abuses, failures, and betrayals.

The groups put together a list of more than 70 grievances against Facebook. These included improper political interference, privacy violations, egregious data security lapses, clear monopolization of markets, facilitating discrimination, spreading hate and misinformation, a pattern of global lawlessness, as well as harms to users, children, advertisers, and even the company's own employees.

The complaints were displayed on signage hung on the exterior walls of Facebook's lobbying office. Accountable Tech, Action Center on Race and the Economy, American Economic Liberties Project, Data for Black Lives, Decode Democracy, Fight for the Future, Kairos Fellows, Liberation in a Generation, MediaJustice,

and Public Citizen signed the document.

"Facebook's ongoing operations, let alone expansionist designs, are incompatible with the functioning of a democratic society," said Robert Weissman, president of Public Citizen, who spoke at the protest. "The company has too much political power, too much surveillance capacity, too little regard for its users, too little respect for communities of color and oppressed groups around the world, and far, far too little self-restraint. It's time — past time — for Facebook to be broken up, and for the broken-up pieces and the industry to be subjected to meaningful regulation that forces

Big Tech companies to find a new business model that does not rely on intrusive surveillance of users."

About a dozen reporters and several local and national news cameras attended the protest, located across the street from the Capitol One Arena, where D.C.'s basketball team, the Washington Wizards, shoot hoops. Accordingly, it is one of the most widely visited intersections in the city (at least by locals), yet few would suspect that this was the epicenter of an empire of influence that spans the globe, since Facebook's lobbying office is unmarked.

Facebook is now the biggest

corporate lobbying spender in the U.S., according to a recent report from Public Citizen. In 2020, the company set up a dark money group, "American Edge," to influence lawmakers. And shockingly, the Internal Revenue Service contends the tech giant currently owes the U.S. Treasury more than \$9 billion in unpaid taxes.

Participating groups called for the immediate breakup of Facebook; for the company to pay its fair share and all taxes it owes; and for new legislation, as well as tougher regulation and enforcement, to end the dozens of abuses the groups listed.

"Hardly a day goes by when Facebook doesn't make headline news for deeply problematic behavior — from spying on kids, to facilitating discrimination, to playing a 'determining role' in the Rohingya genocide," added Rishi Bharwani, director of partnerships and policy at Accountable Tech, who spoke at the protest.

"For too long, money and influence have allowed Facebook to inflict immeasurable harm without consequence, but we know that the power of the people is greater than the people in power." ■



Public Citizen President Robert Weissman, second from left, spoke in front of Facebook's federal lobbying headquarters in Washington, D.C., to demand accountability for the company's litany of abuses, failures, and betrayals. Photo courtesy of David Rosen.

Shortcomings of the Main Street Lending Program

BY SARA KATE BAUDHUIN

Public Citizen recently examined the impact of the Federal Reserve's Main Street Lending Program (MSLP) and found a wide array of shortcomings, calling into question the efficacy of this initiative.

Specifically, the analysis revealed that large sums of this program's resources went to companies that laid off workers during the pandemic and firms that had already received support from other government lending programs, undermining the original intent of the MSLP and strengthening corporate power.

Miriam Li, research and accountability advocacy associate in Public Citizen's Congress Watch division, explains that the "MSLP had the potential to provide significant support to struggling businesses and their workers. The idea was great, but the program ultimately failed to reach the neediest companies, failed to adequately support workers, and ended up providing loans to companies that already had access to

other sources of credit."

In spring of 2020, when the economic effects of COVID-19 began to affect large numbers of U.S. companies, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to support the economy and mitigate financial hardship for citizens. Within the CARES Act, Congress allocated \$454 billion to the U.S. Federal Reserve's emergency lending facilities.

These facilities included the MSLP, an initiative aimed at supporting cash flow at small and mid-sized businesses. The MSLP was intended to save jobs and keep companies afloat during temporary financial hardships caused by the pandemic. Additionally, the program was designed to fill a gap in federal lending programs that left certain businesses unable to access government support.

The Paycheck Protection Program (PPP) supported businesses with fewer than 500 employees while the Secondary Market Corporate Credit Facility targeted large corporations with

access to the bond market, leaving mid-sized businesses too large for PPP but too small to issue bonds unable to benefit from either program.

The MSLP parameters outlined in the CARES Act stated that "mid-sized" companies would be defined as businesses with fewer than 15,000 employees or a 2019 annual revenue of \$5 billion or less.

Using these original guidelines to examine the impact and rollout of MSLP assistance, Public Citizen found key failures in three central areas:

First, the analysis concluded that MSLP failed to prioritize job retention as originally intended. More than \$1.8 billion in loans went to companies that laid off employees before Sept. 30, 2020, and companies with fewer than 10 employees received some of the program's largest multi-million-dollar loans.

Second, the report concluded that the MSLP loan rollout failed to prioritize the neediest companies. Over 20% of recipient com-

panies were also approved for PPP loans, cumulatively collecting at least \$1.1 billion in PPP funding in addition to the support they received through MSLP loans.

Further, the MSLP was extremely underutilized — only serving 1,830 borrowers and using a fraction of the funds available through the program. The majority of these funds went to a small group of companies that received the largest loans. About 60% of total MSLP loan dollars went to just 264 companies that received loans of \$20 million or more, including several private equity-backed oil companies, two for-profit colleges, and multiple financial services firms.

Third, and perhaps most concerning, the analysis concluded that the influence of oil and gas lobbyists likely magnified the program's failures and redirected loans to recipients that did not fit the program's initial intent. After the Federal Reserve released the initial iteration of the MSLP term sheet, fossil fuel industry lobby-

see **Main Street**, page 13 ►

► **Main Street**, from page 12

ists and their political allies set out to modify program requirements in order to benefit oil and gas companies.

Following these efforts, the Federal Reserve made several modifications to the MSLP term sheet which strongly resembled exact requests from lobbyists. These

changes included weakened language about employee retention standards, loosened requirements for borrowers' financial need, and increased maximum loan size. These changes directly benefited fossil fuel companies who, by the end of November 2020, received \$828 million in MSLP loans.

The MSLP ended its loan distribution in 2021, yet its shortcomings

and failures remain salient and provide examples of necessary changes for future emergency lending programs.

Public Citizen urges lawmakers to implement firmer boundaries around borrower certifications for future lending initiatives. Further, the report argues that loosening certain credit requirements and taking on greater risk will ensure

that lending programs target businesses most severely impacted by the pandemic.

Ultimately, a more targeted approach that prioritizes the neediest companies as well as firmer boundaries that direct spending towards program goals will be key in rectifying the failures and shortcomings of the MSLP for any future relief-related lending program. ■

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IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On regulating Big Tech: *BBC News, The American Prospect, Reuters, Media Post.* **On a proposal to cut the U.S. Department of Defense budget:** *The Hill, The National Interest.* **On the need to regulate Facebook:** *Truthout.* **On Facebook's Oversight Board:** *The Associated Press.* **On a proposed voting rights bill:** *CNN.* **On President Joe Biden's proposed wealth tax:** *Common Dreams.* **On ending the filibuster:** *KFRU.*

Lisa Gilbert, executive vice president

On the rehaul of government ethics and campaign financing: *CNN.* **On financial disclosure rules in Congress:** *Market Watch, Roll Call.* **On dark money support for voting suppression acts:** *Mother Jones.* **On a proposal to investigate the Jan. 6 riot at the U.S. Capitol:** *The Los Angeles Times.* **On the need to regulate Big Tech:** *Common Dreams.* **On the Voting Rights Act:** *Roll Call.*

Lori Wallach, director of Public Citizen's Global Trade Watch

On removing vaccine intellectual property barriers: *The Washington Post, The Intercept, The Observer, HuffPost, Market Watch, Common Dreams, Nation of Change, Crooked Media.* **On Big Tech liability shields:** *The Washington Post, Bloomberg, Insurance Journal.* **On the flaws of Biden's vaccine sharing program:** *The Washington Post.* **On Katherine Tai's appointment as U.S. Trade Representative:** *The Harvard Law Bulletin.* **On the harmful effects of the World Trade Organization:** *Common Dreams.*

Dr. Michael Carome, director of Public Citizen's Health Research Group

On the rushed approval of an Alzheimer's drug: *The New York Times, Forbes, BuzzFeed, The Boston Globe, The Atlanta Journal-Constitution, Web MD, Common Dreams, ABC 7 San Francisco, Fierce Biotech, Newsfeed Media, Bio Pharma Drive.* **On controversial epilepsy drug trials:** *The Atlanta Journal-Constitution.*

Peter Maybarduk, director of Public Citizen's Access to Medicines Program

On the flaws of Biden's vaccine sharing program: *The New York Times, The Hill, Salon, Roll Call, The Washington Times, Common Dreams, India Post.* **On a more equitable global vaccine distribution:**

Politico, Scientific American, Common Dreams. **On Biden's vaccine intellectual property waivers:** *The Hill, The Indian Wire, Common Dreams.* **On Big Pharma's lobbying efforts:** *Salon, Truthout.* **On a proposed bill that improves America's global vaccine efforts:** *Public Now.* **On Big Pharma efforts to spin the narrative on vaccine intellectual property:** *Common Dreams.*

Adrian Shelley, director of Public Citizen's Texas office

On Texas' efforts to rebuild the grid following harmful winter storms: *Bloomberg, The Dallas Morning News, KWTX.* **On safety reforms to the Texan energy grid:** *News 1 San Antonio, WFAA, Spectrum 1 News.* **On a proposed trucker safety measure:** *Rio Grande Guardian, Kera News.* **On the unlikely alliance between Texan oil companies and environmentalists:** *The Texas Tribune.*

Tyson Slocum, director of Public Citizen's Energy Program

On price gouging during Texan winter storms: *Reuters, EnergyNow Media.* **On the resistance to a green pipeline by a renewable energy company:** *Bloomberg Green.* **On the first 100 days of Federal Energy Regulatory Commission Chairman Richard Glick:** *S&P Global.* **On the failure of pipeline companies to increase security:** *E&E News.* **On proposed fines against Texan energy companies:** *Dallas Morning News.*

Craig Holman, government affairs lobbyist with Public Citizen's Congress Watch division

On insider trading by Congress members in the first days of the pandemic: *Associated Press, New York Post.* **On anti-trust reform:** *The New York Times.* **On lobbying reform:** *Philadelphia Enquirer.* **On pension fraud:** *The Philadelphia Enquirer.*

Public Citizen Litigation Group

On the Supreme Court's attitudes toward charity transparency: *NPR, NBC News, Slate, E&E News.* **On racial disparities in unemployment benefits:** *Bloomberg Law.* **On the effect of lobbying groups:** *Roll Call.* **On Tyson Foods' efforts to skirt federal COVID-19 policies:** *Bloomberg Law, Law 360.* **On Seaboard Foods' attempts to delay court action:** *Reuters.* **On lawsuits against nursing homes:** *Politico, Bloomberg Law.*

Public Citizen Recommends ...

'The Undocumented Americans'

By *Karla Cornejo Villavicencio*; \$17; *One World*

In many ways, Villavicencio is a poster child for the DREAM Act: an American in every way but her passport, a young immigrant who arrived in the U.S. as a child and went on to attend Harvard and Yale. When she was 18 months old, her parents left Ecuador for New York, leaving her in the care of her father's family. Her father drove a cab "back when East New York was still gang country" and she conjures him pretzeling his body under his steering wheel whenever guns were fired. Reports about hate crimes against Latinx people filtered in on the news. When she eventually joined her parents in the U.S., wealthy benefactors paid for her education at a string of intellectual hothouses, where she distinguished herself, foremost as a writer.

In 2010, while an undergraduate, she penned an anonymous essay for *The Daily Beast* about her experience as one of the first undocumented students at Harvard. For a different kind of writer, the determining momentum of the viral article would have prescribed a straightforward memoir. This is not that kind of book. After the election of 2016, Villavicencio began writing using her own name; the news of Trump winning – and the parallax perspective of six years – let her shed any inhibiting circumspection about telling her own story.

Her debut, a finalist for the National Book Award, is an unclassifiable work that has been billed as a work of "creative non-fiction," but is probably closer to what the scholar Saidiya Hartman calls "critical fabulation," or the technique of using storytelling to respond creatively to omissions in the historical record. (Gabriel Garcia Marquez is also a presiding influence; Villavicencio has disguised one of the pharmacies in

the book as "Macondo.") Except Villavicencio doesn't linger in the archives. "The Undocumented Americans" braids her own story – "a high-energy imaging of trauma brain" is her indelible phrase – with those of other families in the crosshairs of the U.S. government's mass deportation frenzy.

Self-reflexive from the start, the book makes ample use of not just the first- but second-person. She alters the names of many of the individuals she interviews and destroys all her handwritten notes after the book's legal review. By Villavicencio's own lights, her work is "translated as poetry, shared by chosen family, and sometimes hard to read."

Through immersive accounts of separated families and original investigative reporting, she tells the story of children torn from their parents, communities riddled with holes, and the long-lasting collateral effects of deportation on our society as a whole. Here are the day laborers, house cleaners, construction workers, deliverymen, and a refreshing mix of other people you don't normally hear about on the news. "Stories in the news often end at the deportation, at the airport scene," writes Villavicencio. "But each deportation means a shattered family, a marriage ending, a custody battle, children who overnight go from being raised by two parents to one parent with a single income, children who become orphans in foster care."

Villavicencio is a skilled reporter, equally at ease interviewing families in their kitchens, putting on a posh accent to talk to bullying restaurant owners, and culling through data and government documents. One example will have to suffice: Villavicencio tells the story of Julian's journey to the United States, his path to becoming a day laborer – long hours, terrible pay – and of how he, as his family's breadwin-

ner, struggled to keep his family together. He would send money home to his children in Mexico and spend the rest on alcohol. Like many undocumented immigrants, Julian faced exploitation and total exclusion from worker's compensation and other benefits. Eventually, his marriage fractured. His challenges in raising his children mirror those of countless other immigrant and mixed-status families: negotiating the bureaucratic tangles when members of a single family hold different immigration statuses; living under the radar of federal and local officials who have the power to deport; and struggling to stay afloat despite the poverty that often accompanies life without papers.

In much the same way that we now understand that the fallout of mass incarceration spreads far beyond the initial lock-up, the deportation of millions of non-citizens since the start of the Clinton administration has far-reaching effects. Though immigrants have for years been treated by policies and public discourse as unattached intruders, most deportees are firmly rooted in the United States, which Villavicencio makes us how families and communities have been torn to shreds, and basic principles of proportional justice warped, while also making the case that undocumented immigrants, including those who've spent nearly their whole lives in the U.S., are integral parts of their communities. Formally, deportation may not be considered a punishment; it is a civil consequence to crossing the border, overstaying a visa, or violating the terms of entry, akin in the law to a traffic ticket. But deportation is punishment, and a remarkably harsh one. The removal of immigrants from the country where they reside has been described as a civil death penalty.

In one of many poignant sections, Villavicencio explores the collateral impacts of mass deportation on young children and on other American institutions, particularly the child welfare system. In ways much like the crisis of mass incarceration, historic rates of detention and deportation ripple outwards into ostensibly unrelated parts of American life, wreaking havoc on families and corrupting other systems. Perhaps most troubling of all are the thousands of children who become stuck in foster care because their

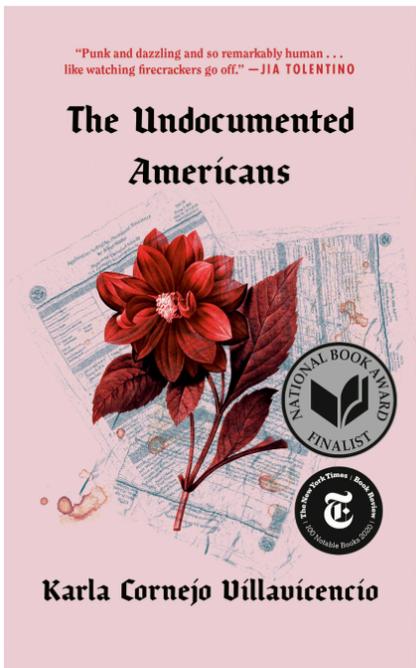
mothers and/or fathers were deported.

The details in this book reveal a stark reality: although American communities have changed profoundly due to immigration, institutions like child welfare services have often failed to keep up. In foster care cases, county child welfare officials instinctively reject the idea of reunifying a U.S.-citizen child with his or her deported mother or father. And because states rarely have clear policies to facilitate reunification, latent anti-immigrant bias and simple ignorance about life on the other side of the border have a way of filling the vacuum and becoming de facto policy.

Unlike most books on undocumented immigration, which assume these communities are struggling to become part of the U.S., Villavicencio takes as a starting assumption that unauthorized immigrants are the United States. Rather than ask questions about how those without papers fit into the U.S., her book starts from the premise that immigrants, no matter their status, are inseparable from the United States. Deportation is an assault on the country, not just on immigrant communities. With consummate skill, Villavicencio shows us how deportation regimes interrupt the routine and settled life that follows migration as well as what it does to create new social and political structures and destroy others.

Deportation has become a commonplace and core part of U.S. life, and we're only beginning to understand the full extent of the damage it's wrought. Academics have written about the lasting impact of deportation for the deported or deportation as a public policy of mass family and community destruction. Ultimately, "The Undocumented Americans" is unique because of its focus on one particularly troubling aspect of that damage: the separation of families and new political and psychic responses to this reality. The stories she shares are all implicitly tied to a meta-narrative about progress and regression in American immigration policy over the last two decades. We know that globalization drives migration, but the ways that our draconian immigration controls punish those who migrate have been less documented. ■ – *Rhoda Feng*

To order books, contact the publisher or visit your local bookstore or library.



SEC Should Adopt Mandatory Climate and ESG Disclosures

BY RHODA FENG

Corporations' policies are crucial for the well-being of the planet, their employees, and their customers. But what exactly are those policies?

Investors and the public need to know what corporations are up to when it comes to reducing climate emissions, treating their workers, engaging in political activity, and more, according to Public Citizen, and the federal government should require them to make meaningful disclosures about these topics.

In June, Public Citizen and 58 other organizations and three leading securities academics submitted a comment to the Securities and Exchange Commission (SEC), urging the agency to “move quickly to propose, adopt, implement, and enforce detailed disclosure

“Climate change isn’t just an environmental crisis, but one of social justice, wealth distribution, equity and human rights. The SEC should make sure market participants have the information they want about issues of environmental and climate justice, as well as other ESG issues like political activity; tax; lobbying; diversity, equity, and inclusion; and human capital management practices.”

—Yevgeny Shrago, policy counsel for Public Citizen’s Climate Program

requirements” on climate and other environmental, social, and governance (ESG) issues.

This letter comes in response to the SEC’s call for public input on climate risks for the corporations and banks that raise money in the stock market. The agency’s regulatory agenda and recent comments by SEC Chair Gary Gensler suggest that the SEC will propose a climate disclosure rule later this year.

“Climate change isn’t just an

environmental crisis, but one of social justice, wealth distribution, equity, and human rights,” said Yevgeny Shrago, policy counsel for Public Citizen’s Climate Program. “The SEC should make sure market participants have the information they want about issues of environmental and climate justice, as well as other ESG issues like political activity; tax; lobbying; diversity, equity, and inclusion; and human capital management practices.”

Signers of the letter included financial watchdogs, national and local climate and environmental organizations, labor unions, investor advocates, impact investment firms, environmental justice and indigenous rights advocates, and academics. This range of signers shows the environmental movement’s growing focus on the fact that climate change can’t be tackled without addressing climate financial risk, a job for the SEC, the Federal Reserve, and the other agencies that oversee the finance sector.

Tens of thousands of members of the public also submitted comments to the SEC asking it to require companies to come clean about their contributions to the climate crisis and what they’re doing to stop it.

Public Citizen and Americans

for Financial Reform Education Fund also have submitted a joint comment providing additional detail on the issues discussed in this letter. Public Citizen separately submitted a comment providing additional discussion of climate, political activity, and tax disclosure.

“Investors know that climate change is a threat that some companies aren’t taking seriously enough,” said Alex Martin, senior policy analyst with Americans for Financial Reform Education Fund.

“They need information that lets them better understand climate risks and opportunities to see who they can trust to thrive in a low-carbon future economy. While many firms report some ESG data today, the current climate disclosure guidance essentially allows firms to self-determine and provide only vague, boilerplate disclosures. Unless the SEC adopts a strong rule, growing climate risks will harm investors, spur the improper allocation of capital, and may increase the cost of capital for U.S. companies.” ■

IN THE NEXT ISSUE...

Public Citizen reports on large oil and gas company bankruptcies.



Photo of the Securities and Exchange Commission headquarters building in Washington, D.C., courtesy of SEC Flickr.

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90 and over	8.6%	\$860	8.2%	\$820

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