



SPECIAL CORONAVIRUS COVERAGE

Coronavirus Response and Relief

BY ANGELA BRADBERRY

The coronavirus pandemic sweeping the globe has highlighted major systemic problems in the U.S. – from the pitfalls of our for-profit health care system to our inadequate voter protections to the insidious corporate influence in Congress and the failings of our trade policies.

These issues lie at the heart of Public Citizen's mission and encompass much of its work, so staffers were able to respond quickly when COVID-19 began

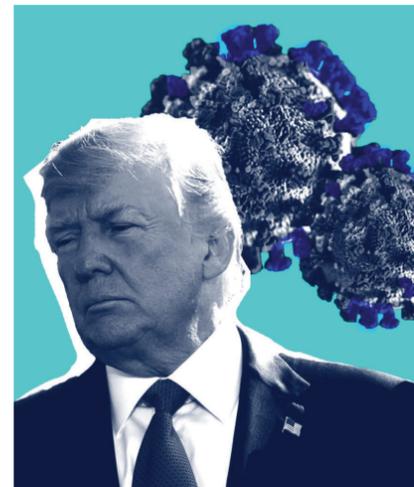
spreading across the U.S. The crisis prompted Public Citizen to shift into overdrive, with the organization's policy experts, lawyers, grassroots organizers and lobbyists devoting their time to pushing for progressive solutions to problems highlighted by the pandemic. Since mid-March, the organization has:

- Called for everyone who has lost their health insurance because of pandemic-related layoffs to be automatically enrolled in Medicare, and

worked with lawmakers to craft legislation doing just that;

- Poured resources into ensuring that the country can have a safe election in November (see story, page 1);
- Pressed for any vaccine or treatment to be affordable to all, and successfully pressured drugmaker Gilead Sciences not to take advantage of the pandemic to profit (see story, page 6);

see [Coronavirus](#), page 8 ▶



Graphic courtesy of Laura Nichols.

Saving November's Election

BY ANGELA BRADBERRY

In early April, with most of the country under lockdown to stem the spread of the novel coronavirus, Wisconsinites headed out to the polls.

It was primary day, and a controversial state Supreme Court justice was up for reelection. The state Supreme Court had rejected the governor's attempt to delay the election, so the nation watched in horror as voters in that state were forced to choose between preserving their health and exercising their right to vote.

More than 200 polling places were closed in key cities, leading to four- and five-hour waits, and absentee ballots didn't arrive in time. As a result, voters across the state were disenfranchised.

It was a specter that galvanized

Public Citizen – which had begun pushing for measures to ensure a safe election in November – to work even harder to ensure that what happened in Wisconsin doesn't happen again.

“We are fast approaching a dire

situation,” said Robert Weissman, president of Public Citizen. “The presidential election is just months away and we are in the grip of a global pandemic. As we saw in Wisconsin, states aren't

see [Election](#), page 7 ▶



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 can make safe and secure voting options available in November. Photo courtesy of Geoffrey Green.

Hyper-Globalization Undermines Response to COVID-19 Crisis

BY MELANIE FOLEY

The current regime of hyperglobalization, fueled by decades of bad trade policies, has left people in the United States and around the world more vulnerable to the COVID-19 crisis, research by Public Citizen's Global Trade Watch has found.

“We cannot make or get critical goods people need to combat COVID-19, and we're losing lives see [Globalization](#), page 5 ▶



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GET TO KNOW PUBLIC CITIZEN SHARATH PATIL

An ongoing series profiling Public Citizen leaders and staffers



Passionate about international trade law and policy, Sharath Patil has worked as an agricultural trade policy intern for the Delegation of the European Union to the United States and as a judicial intern for the U.S. Court of International Trade. He returned to the Delegation as an international trade analyst, then became a summer intern at Trade Pacific, PLLC, an international trade law firm. Patil's next move was in July 2019, when he became research director at Public Citizen's Global Trade Watch.

Although his family is from southern India, Patil grew up in Sahuarita, Ariz., right outside Tucson. He graduated with a bachelor's degree in supply chain management from Arizona State University in 2015. After obtaining a law degree from the University of Oregon School of Law in 2018, Patil moved to Washington, D.C., to pursue a career that would allow him to influence the "well-being of our own country."

What drew you to your major, supply chain management, and the topic of trade when you were in college?

Patil: I think it's interesting how everything we wear, eat and drive comes from dozens of countries and how that demonstrates the interconnectedness of humanity. People have been trading since time immemorial, and I find trade in its purest form to be an important pathway toward peace and understanding. I found supply chain management and global logistics to be an interesting way to study the world.

What made you switch from the governmental and legal sectors to the nonprofit advocacy world?

Patil: After I spent a few years learning the ropes, I was grateful to be able to switch over to the

nonprofit advocacy world and use my skillsets to do good in the world. I find working on behalf of the interests of working people and the planet to be very meaningful and rewarding.

How did your time working in governmental commercial diplomacy influence your view of the relationship between trade and foreign policy?

Patil: I learned that diplomats often have considerable influence in the execution of international trade policy objectives, and that embassies can serve powerful roles in strengthening and improving trade relationships.

How does that previous work inform what you do at Public Citizen?

Patil: I think trade is a strange policy area because certain aspects of it can be so technical, and the jargon used so limited to wonks. I think before advocating policy changes, it is important to have a deep understanding of how things work. My previous work experiences provided me with research skills and a knowledge base that I use daily in my work.

How has your recent admission to the District of Columbia Bar changed your work?

Patil: Being an attorney who also works heavily in quantitative research has helped me make much stronger arguments and back up all policy proposals with data. I think the ability to combine those two skillsets is critical.

What do you do to de-stress?

Patil: An important part of my life is my Baha'i faith. In Washington, D.C., the Baha'i community is warm and actively engaged in community service projects. Every Saturday, I enjoy hosting a dinner and discussion in my home where youth from the neighborhood come over, and we brainstorm service projects and have meaningful conversations. ■

— Compiled by Eric Kopp

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PUBLICCITIZEN

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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Combating Coronavirus and Corporate Immunity

The coronavirus crisis has plunged the U.S. economy into a worsening recession.

There's no easy escape, but it's plain enough what should be done: maintain quarantines until cases subside and then implement a robust testing and tracing system to keep cases



PRESIDENT'S VIEW
ROBERT WEISSMAN

at a minimum; keep the economy on life support with major federal spending programs, including direct payments to individuals; ensure everyone has health coverage during the pandemic; and speed the research, development and deployment of the vaccine we need to escape from the crisis.

None of this should really be controversial. Big Businesses are getting crushed alongside small ones. Although the risks of the coronavirus are distributed very unequally, everyone is at risk. The Trump administration has as much self-interest in reinvigorating the economy as anyone.

Unfortunately, every aspect of what should be done is in fact controversial. At Public Citizen, we're pushing on all of these fronts.

Instead of focusing on what should be done, the Trump administration and Big Business are conspiring to exploit the crisis to gouge taxpayers and as a pretext to advance long-sought objectives that will leave Americans poorer and far less safe.

First, Big Business sees a pot of gold to grab and use to enrich CEOs and shareholders. The coronavirus bailout legislation includes \$500 billion in bailout money for large corporations, which the Federal Reserve is leveraging into trillions in extremely low-interest loans. There's virtually no check on where that money is going or what it will be used for.

Not surprisingly, President Donald Trump doesn't see a problem. "I'll be the oversight," he said.

We have other ideas. We're demanding strict new conditions on all bailout money:

- A ban on CEO pay that exceeds 50 times the median pay at the firm;
- A ban on stock buybacks and dividend payments until aid is repaid; and
- Requirements that bailed-out companies keep employees on the payroll.

We're also conducting our own intense monitoring of the bailout recipients, paying special attention to efforts to rescue bad actor companies, like the fracking industry, that hurt our well-being and now seek to be rescued from

their own bad decisions to rely on too much debt. When we find corporate abuse, we're targeting the offenders with sophisticated campaigns to hold them accountable – and deter others from bad behavior.

Second, while the worst acute public health crisis in a century is the worst time imaginable to cut back on essential health, safety, environmental, consumer and workplace protections, that's exactly what the Trump administration is doing.

The Trump Environmental Protection Agency told companies in March that they will not be held responsible if they stop monitoring their compliance with pollution standards during the coronavirus crisis. Of course, telling them that they don't have to monitor compliance is effectively the same thing as telling them they don't have to comply with pollution standards.

And now the administration is floating the idea of suspending enforcement of all regulations – pollution, workplace safety, civil rights and more – on the theory that this will help jumpstart the economy. Not only would such an enforcement freeze do nothing to help the economy, it is an invitation for a corporate crime spree of epic proportions – one that would leave us all poorer and less healthy. We're hard at work organizing against such a proposal and ready to sue if the administration actually proceeds with such a dangerous plan.

Third, the U.S. Chamber of Commerce – the leading Big Business trade association – and U.S. Senate Majority Leader Mitch McConnell (R-Ky.) are scheming to provide immunity from lawsuits to corporations for the harms they

impose on workers, consumers, patients and the public related to COVID-19.

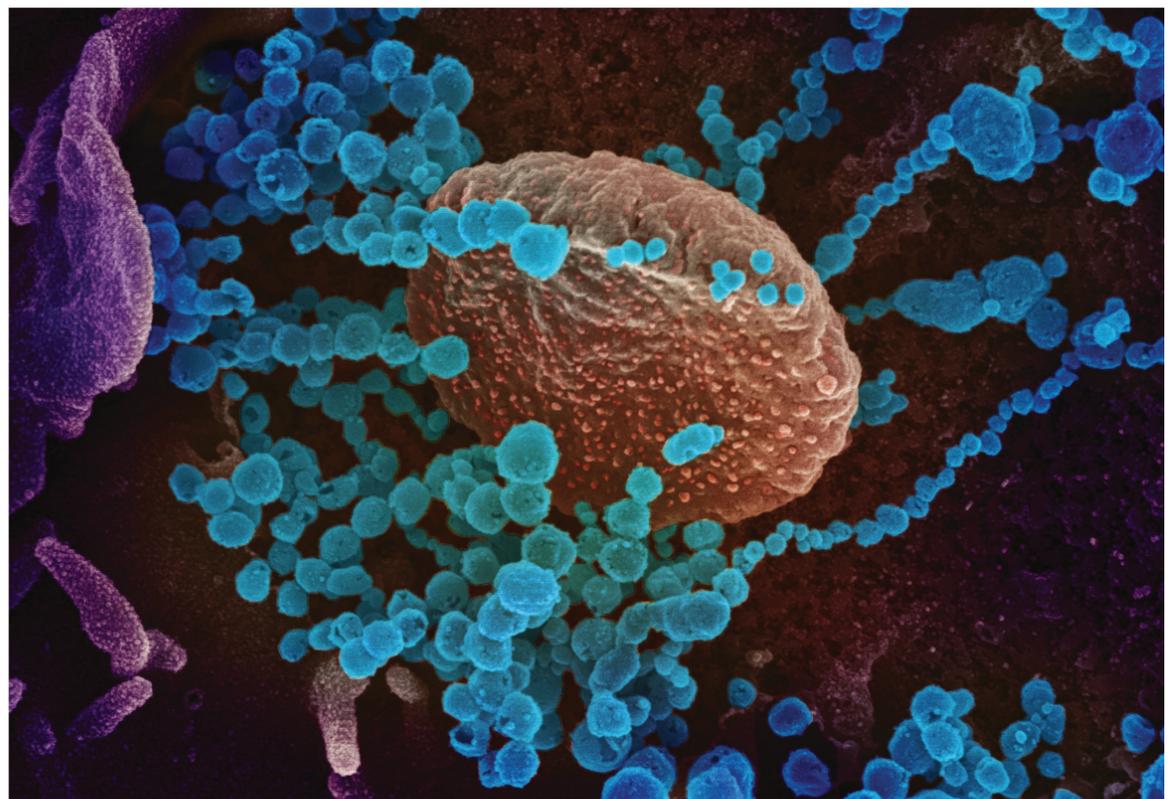
If adopted, this proposal would lead to more preventable death and disease. It would encourage corporations to cut corners on vital health and safety measures for their employees, resulting in avoidable spread of COVID-19 and more death – impacts that will be felt disproportionately by lower-income people and people of color. It would incentivize nursing homes and assisted living facilities, as well as other consumer-facing companies, in exactly the wrong direction – away from adopting appropriate protections.

It also likely would result in more pollution, sickness and industrial accidents. In other words, not only would this proposal transfer costs from employers to workers, corporations to patients and consumers, and polluters to communities, it would result in greater social cost and needless suffering and fatalities.

We are mobilizing a broad coalition of hundreds of groups – labor and faith-based, economic justice and environmental, consumer and civil rights – to stop McConnell's plan for corporate immunity in its tracks.

It's a shame, but no surprise, really, that amid an unprecedented crisis we must devote energy and resources to blocking efforts to exploit and profiteer from the pandemic. But we can – and will – stop those schemes while simultaneously campaigning for the bold measures we *do* need to soften the pain and get through the pandemic as quickly as possible. ■

Robert Weissman



A scanning electron microscope image shows SARS-CoV-2 (round blue objects) emerging from the surface of cells cultured in the lab. Image courtesy of the National Institute of Allergy and Infectious Diseases / Flickr.

Court Clamps Down on Polluters That Lack a Permit

BY RHODA FENG



WIN!

In its April decision in *County of Maui v. Hawai'i Wildlife Fund*, the U.S. Supreme Court handed a huge win to clean water activists in their lawsuit against polluters who were seeking to exploit a loophole in the Clean Water Act. The polluters' actions were damaging once-pristine coral reefs at the popular Kahekili Beach in Hawai'i.

The case revolved around a wastewater treatment plant in Maui County, Hawai'i, which discharges millions of gallons of sewage daily into the Pacific Ocean via the groundwater beneath the facility.

The Clean Water Act prohibits discharges of pollutants to navigable waters (like the Pacific Ocean) from disposal wells without a permit, and the county never got a permit for its discharges. Instead, the county argued that it was not violating the Clean Water Act because it does not discharge "directly" into waters of the U.S., but instead pollutes the ocean via groundwater.

Four nonprofit organizations, represented in the Supreme Court by lawyers from Earthjustice and Public Citizen, argued the opposite: The Clean Water Act does not say that "indirect" discharges

are allowed, and the county's argument amounted to a request that the Supreme Court create an unwritten exception to the law.

"Maui County was essentially asking the Supreme Court to rewrite the Clean Water Act in the guise of interpreting it," said Scott Nelson, a Public Citizen attorney who served as Supreme Court co-counsel. "This case has enormous implications for the bodies of water that the Clean Water Act was designed to protect."

The Supreme Court agreed by a 6-3 vote. The court's opinion, written by Justice Stephen Breyer, points out that the county's position would allow polluters to evade the law merely by moving their discharge pipes a few yards from the water's edge.

"We do not see how Congress could have intended to create such a large and obvious loophole in one of the key regulatory innovations of the Clean Water Act," the court stated.

Instead, the court ruled that the Clean Water Act prohibits discharges of pollution without a permit "into navigable waters, or when the discharge reaches the same result through roughly similar means." Discharges that reach navigable waters through groundwater or other indirect ways will be covered by the Act if they are the "functional equivalent" of a direct discharge.

The court also rejected arguments made by the Trump

Environmental Protection Agency (EPA) and Justice Department, which switched sides while the case was before the Supreme Court to support the county.

The court held that the EPA's views were entitled to no deference and were "difficult to reconcile" with the words of the Clean Water Act. The court concluded that "[the] EPA's oblique argument ... cannot overcome the statute's structure, its purposes, or the text of the provisions that actually govern."

Notably, Breyer's opinion was joined by both the court's more liberal members and by Chief Justice John Roberts and Justice Brett Kavanaugh.

Kavanaugh, a Trump appointee,

wrote a short separate opinion emphasizing his agreement with the majority and stating that the late Justice Antonin Scalia would have agreed as well.

"The decision is a stinging rebuke to the Trump administration's efforts to disregard the plain meaning of laws passed by Congress while rolling back environmental protections," said Nelson. "The case shows that such policies are unacceptable to justices from across the ideological spectrum."

The case will return to the lower courts for a determination of whether Maui's discharges are covered under the "functional equivalent" standard announced by the court. ■



Graphic courtesy of John Tomac.

Court Hands Victory to Consumers Over Debt Collectors

BY RHODA FENG



WIN!

In a recent case, Public Citizen helped secure a victory for a consumer in a lawsuit brought under the Fair Debt Collection Practices Act (FDCPA) against a debt buyer.

The defendant in the case is a company called DNF Associates. DNF is a debt buyer that makes its profits by buying defaulted consumer debts from creditors for pennies on the dollar and then using a network of contractors to collect on those debts.

In 2017, DNF bought a debt allegedly owed by Oregon resident Jillian McAdory to a store. It then

hired at least two companies to try to collect that debt.

The second company, MNS & Associates, engaged in a pattern of deceptive and misleading conduct in its interactions with McAdory, including withdrawing funds from her bank account before the agreed-upon payment date. She then sued both DNF and MNS for violations of the FDCPA in federal district court in Oregon. The FDCPA, enacted by Congress in 1977, allows consumers to sue "debt collectors" for a range of deceptive and misleading conduct.

In the district court, DNF argued it could not be sued under the FDCPA, because the statutory definition of "debt collector" applies only to entities that directly interact with consumers and have a "principal purpose" of

"the collection of any debts."

The district court agreed, reasoning that because DNF hired another company to collect debts for it, it could not have a "principal purpose" of debt collection, and dismissed McAdory's claims against DNF.

Public Citizen represented McAdory in her appeal of that decision to the U.S. Court of Appeals for the Ninth Circuit. The organization argued that the "principal purpose" requirement does not require companies to directly interact with consumers. Rather, a company, like DNF, whose main business goal is debt collection meets the principal purpose requirement.

The court of appeals agreed. In March, the Ninth Circuit issued a decision in favor of McAdory,

holding that debt buyers like DNF that use third-party companies to contact consumers can be held liable for violations of the FDCPA as "debt collectors."

"This decision is a victory for consumers," said Adam Pulver, the lead Public Citizen attorney on the case. "The court made clear that companies whose lifeblood is debt collection cannot evade liability for abusive tactics by contracting with other people to directly contact consumers. As the Ninth Circuit acknowledged, consumers who have been subject to abusive tactics can pursue relief against both contractors who send consumers misleading mail or who lie to consumers about purported debt, as well as debt buyers who direct the activities of those contractors." ■

SPECIAL CORONAVIRUS COVERAGE

► **Globalization**, from page 1

as a result,” said Lori Wallach, director of Public Citizen’s Global Trade Watch.

Public Citizen previously has documented how 25 years of corporate-rigged trade policies has encouraged corporations to move production overseas in a never-ending race to exploit the cheapest labor and lowest environmental standards. The mass outsourcing of U.S. industrial capacity and loss of 60,000 U.S. manufacturing facilities since the mid-1990s means the United States is now extremely reliant on other countries, especially China, to provide essential goods needed to combat the pandemic.

And with many critical goods now mainly made in one or two countries, when workers in one part of the world fall ill or governments prioritize their own people’s needs before exporting goods, a worldwide shortage of masks, medicine and more can quickly develop.

It’s hard to quickly increase production elsewhere, Wallach said. Long, thin globalized supply chains make it difficult to source inputs, parts and components needed to scale up domestic production during this crisis. Monopoly patent protections in many trade agreements expose countries to trade sanctions if they produce medicine, ventilators and

more without approval by and payment to pharmaceutical and other firms.

Identifying the Problem

To raise awareness of the ways in which our current trade model and the Trump administration’s failings are exacerbating the COVID-19 pandemic, Public Citizen’s Global Trade Watch launched a podcast (“Rethinking Trade”) and a series of webinars that pair members of Congress with outside policy experts. It’s all part of a new “Rethink Trade” campaign, designed to demand good trade policies that put working people and the planet first.

In one webinar, U.S. Rep. Debbie Dingell (D-Mich.) explained that the pandemic has shed light on how the U.S. must better support domestic manufacturing. “Our supply chains have been shipped overseas, and it’s a national security issue for us,” she said. She also criticized President Donald Trump’s late and incomplete use of the Defense Production Act, under which the U.S. president can compel companies to manufacture critical goods.

U.S. Rep. Rosa DeLauro (D-Conn.) described how the U.S. relies heavily on China for medicine and on China and India for up to 80% of all active pharmaceutical ingredients from which medicine is produced. With shortages of some essential medicines already

developing before the COVID-19 crisis, she advocated reestablishing domestic production capacity to ensure multiple sources for medicine that could be relied on in a crisis.

U.S. Rep. Jesus “Chuy” Garcia (D-Ill.) led a webinar focused on the pressure U.S. corporations and some U.S. officials are putting on the Mexican government to reopen U.S.-owned plants in Mexico that have been hot spots of COVID-19, with numerous worker deaths, even though Mexico is facing a surge of COVID-19 cases.

New Public Citizen research also has revealed flaws in the administration’s response to the COVID-19 pandemic. Analysis of government data showed that imports from China into the United States of masks, ventilators, respirators, gloves and more dropped sharply starting in January 2020 as COVID-19 hit there. U.S. Department of Health and Human Services data show that the U.S. relies on imports for 90% of surgical masks and 70% of respirators. China manufactures about 50% of the world’s masks.

Despite the foreseeable U.S. shortages that the limiting of exports by China would cause, U.S. Commerce Department officials pushed U.S. firms to expand exports of the same goods to China in the start of the year. The data Public Citizen generated was featured in *Washington Post* and

New York Times stories about this lack of planning.

“Whether this was incompetence or putting politics above public health by trying to show gains in exports to China, the bottom line is that it contributed to shortages of critical medical goods here,” Wallach said. Public Citizen research also showed that the United States was one of the last countries to review domestic and regional needs before exporting critical medical goods.

Meanwhile, while most of the world is focused on fighting COVID-19, corporate lobbyists are pushing for more of the same failed trade policies that helped create the unreliable supply chains now exacerbating the crisis.

The Trump administration has launched negotiations for free trade deals with Kenya and the United Kingdom. And at the World Trade Organization (WTO), discussions continue on deals to limit regulation of monopolistic online platforms and fossil fuel-based energy firms.

In April, Public Citizen teamed up with more than 250 unions, environmental groups and consumer advocacy organizations to call on national governments and the WTO to suspend all trade negotiations during the COVID-19 outbreak and refocus on access to medical supplies and saving lives.

“We will continue to shed light on how the hyperglobalization brought about by decades of bad trade deals has undermined our resilience against COVID-19 and worsened the crisis by concentrating production in a few countries while devastating our domestic manufacturing capacity,” Wallach said.

“We will push our leaders to rethink trade so that our primary goals are healthy, resilient communities and economic well-being for more people – not the current priority of maximizing corporate profits.” ■



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Graphic courtesy of JaRel Clay.

Gilead Backs Away from Monopoly Over COVID-19 Drug

BY RHODA FENG

WIN!

Remdesivir is one of relatively few medicines that may prove effective in treating a patient population afflicted with COVID-19 that easily may number in the tens of millions in the U.S. alone. When its manufacturer, Gilead Sciences, sought to gain a lucrative seven-year monopoly on the drug, Public Citizen sprang into action.

Developed first to treat hepatitis C and then Ebola but never approved by the U.S. Food and Drug Administration, remdesivir was created in part using taxpayer money.

In March, the organization and 50 civil society groups sent a letter to Daniel O'Day, chairman and CEO of Gilead, pressuring one of the most profitable pharmaceutical corporations on earth to renounce its claim to a lucrative "orphan drug" designation for remdesivir. In practice, the designation would allow Gilead to receive additional federal tax credits in the United States and to exclude generic and more affordable competition while charging high monopoly prices for a longer period, if the drug is approved.

Gilead received this designation only by rushing to file its application while there were fewer than 200,000 known COVID-19 cases in the U.S. That is the population cap for eligibility as an orphan drug, which is a medication designed to treat rare diseases. The number of coronavirus cases passed the 200,000 mark in the U.S. on April 1, although due to a lack of widely available testing, the number of cases likely is much higher.

"This is an unconscionable abuse of a program designed to incentivize research and development of treatments for rare diseases," the letter reads. "COVID-19 is anything but a rare disease. Calling COVID-19 a rare disease mocks people's suffering and exploits a loophole in the law to profiteer off a deadly pandemic. Making the claim to special orphan status even more outrageous is the fact that the public already has largely paid for remdesivir's development through at least \$60 million in grants and innumerable contributions from federal

scientists. America, and the world, has the right to expect better from Gilead."

In a win for public health, Gilead heeded the groups' call and has backed down, saying on March 25 that it would relinquish its government-sanctioned monopoly guarantee for a potential COVID-19 treatment.

"There's no doubt that the prospect of an enormous public backlash is what made the difference," said Peter Maybarduk, director of Public Citizen's Access

to Medicines program. Since Gilead's concession, Public Citizen has called for the pharmaceutical giant to widely license its COVID-19 drug if it proves to be viable.

"The world cannot afford to have one manufacturer maintain a monopoly over remdesivir, particularly given the huge amount of public investment that has gone into the drug," said Maybarduk. "Gilead must do more than make vague promises of reasonable pricing. It should commit right now to license the

right and needed know-how to manufacture remdesivir to all qualified producers, in exchange for a modest royalty."

To sign Public Citizen's petition asking Gilead to do just that, visit: <https://bit.ly/2zdUdlF>.

If remdesivir proves effective against the novel coronavirus, the U.S. and the world will need the drug to be available at a low price that reflects both the public health need and the potentially enormous market, with production at an unprecedented scale. ■



Graphic courtesy of John Tomac.

Amid Pandemic, a Push for Digital Privacy Protections

BY DAVID ROSEN

With people throughout the U.S. under stay-at-home orders to avoid spreading the coronavirus, all of us are more dependent than ever on online purchases, digital services and delivery apps to meet our daily needs. But that increased dependence comes with significant privacy risks.

Public Citizen is leading a coalition of 15 groups urging Congress to secure our data and protect our privacy during the coronavirus pandemic. The goal is to ensure that the public health emergency and economic meltdown don't metastasize into a digital privacy disaster.

Big Tech companies like Google and Amazon collect troves of personal information that can be used to track and manipulate individuals in unprecedented ways. New shopping patterns, work-from-home tools and distance learning apps are creating reams of data about our families – data that can reveal a great deal about with whom we live, where our friends and family are at any moment and even our health status.

A person's job prospects and

their ability to get loans, buy insurance or obtain other financial products could be compromised if their data ends up in the wrong hands.

Existing laws and regulations offer few privacy protections for this data, which is collected routinely by tech companies and online vendors. Public Citizen and its allies have fought for a baseline federal privacy law for years, but Congress has failed to pass one.

Already, big corporations and the Trump administration are exploring new ways to collect and process data en masse to address the unfolding public health and economic crises, whether it's through tracking our location, purchases or health information.

The CARES Act, the third coronavirus relief package Congress passed in March, allocated \$500 million for a public health surveillance system. Around the same time, the White House reached out to tech companies with access to huge troves of consumer data for help during the crisis. And in April, Google and Apple launched a new system for tracing the spread of the coronavirus by allowing users to share data via Bluetooth with

government health agencies.

In some circumstances, it may be necessary to track the location of individuals who test positive for COVID-19. But because of the huge risks, new data collection, processing and sharing in response to the pandemic must come with strong new privacy protections.

"We do not have to become a data dystopia, but Congress must act quickly to stop the coronavirus from turning us into one," said Emily Peterson-Cassin, digital rights advocate for Public Citizen.

Here are some general principles Public Citizen and its allies proposed to Congress in March that would help curtail those abuses:

- First, extraordinary public health measures involving data collection introduced during the crisis should be limited in scope and duration, so they do not become permanent features of law. Data collected as part of those extraordinary measures should not be used or repurposed for marketing, advertising or other commercial purposes – or any unrelated research purposes without informed

consent.

- Second, data collection and processing must be transparent, and individuals should be clearly informed about the purpose of data collection and how long their data will be retained. All newly collected or processed data must be kept confidential and secure – and should be deleted automatically following the pandemic.
- Third, we must hold companies accountable for violating these principles or failing to keep our data secure. That means penalties must be severe enough to outweigh the financial benefits of breaking the law, which are likely to be considerable.

"Living through a pandemic already feels like an apocalyptic movie; nobody wants it to feel like an episode of 'Black Mirror', too," Peterson-Cassin said, referencing the contemporary, tech-focused version of the popular 1960s 'The Twilight Zone.' "We may already be setting the stage for a slate of terrifying episodes about how technology can be abused during a global health crisis." ■

► Election, from page 1

prepared to hold an election safely. Congress must act."

States Aren't Prepared

Experts agree that it is unlikely our country will return to "normal" by November's election. Doing so would require a highly effective COVID-19 treatment to be found or a vaccine to be produced.

While a drug developed to treat Ebola has shown promise, it merely lessens the duration of hospital stays rather than quickly cure the illness. Also, it is questionable as to how much can be manufactured in the coming months. Vaccines, meanwhile, take extensive testing, so even on a fast track, a vaccine – if developed – won't be available until 2021 at least.

So how can the U.S. hold an election in a pandemic? It will require states to prepare by dramatically increasing voting by mail. In five states – Colorado, Hawaii, Oregon,

Utah and Washington – all voters receive ballots by mail automatically, and most other states provide mail-in ballots to voters without requiring voters to explain their request.

But voting by mail isn't a panacea, because not everyone can vote by mail. Those who need language assistance to vote and people with disabilities who rely on voting machines will be unable to participate in democracy if polls are closed. Native Americans who reside on reservations may lack street addresses.

To ensure that everyone can participate in the election, state and local officials should do their best to keep polling places open and safe for voters and election workers alike, and they should take steps to guard against long lines and mass confusion, Public Citizen maintains.

That means that states must:

- Extend early voting to at least 15 days before the election,

so people coming to the polls don't have to crowd together;

- Allow no-excuse absentee vote-by-mail (meaning that voters don't have to provide a reason for asking for a ballot to vote by mail);
- Offer online voter registration and same-day registration; and
- Procure cleaning supplies to frequently sterilize voting equipment;

"Voting is sacred in America, which is why our political leaders have ensured that elections were held even during the most tumultuous times, such as wars and the 1918 Spanish flu pandemic," said Aquene Freechild, co-director of Public Citizen's Democracy Is For People campaign. "To make it happen, though, will take money and political will."

Prodding Congress to Act

To prepare, states will need \$4 billion, according to experts. The U.S. House of Representatives included

that money in a package for states in March, but the U.S. Senate reduced the amount to \$400 million.

The House also included a national requirement for both 15 days of early voting and no-excuse absentee vote-by-mail, including mailing a ballot to all registered voters in an emergency. Those provisions were stripped from the Senate bill before it became law. To prod Congress to send money to the states, Public Citizen has been mobilizing activists nationwide through online town hall meetings, webinars and action alerts urging people to contact their lawmakers.

"We can't let what happened in Wisconsin happen in November," said Lisa Gilbert, vice president of legislative affairs for Public Citizen. "The good news is, we don't have to if lawmakers act. Our democracy hangs in the balance."

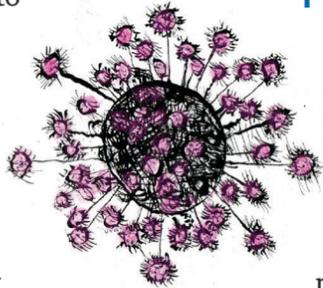
Tell your member of Congress to give states the resources they need to hold a safe election in November: <https://bit.ly/3b1NKr9>. ■

SPECIAL CORONAVIRUS COVERAGE

► Coronavirus, from page 1

- Conducted research showing how our trade policies have made the U.S. extremely reliant on other countries, especially China, to provide essential goods needed to combat the pandemic (see story, page 1);
- Assembled a large coalition working to defeat a dangerous proposal to give businesses broad immunity from COVID-related lawsuits brought by workers or customers; and
- Worked with congressional lawmakers to ensure that bailout money is not siphoned off by wealthy corporations that don't need it.

“The pandemic has led us to focus on key aspects of the crisis that dovetail with work we already were doing – such as pushing for Medicare for All, affordable drugs and democracy reforms, as well as curbing corporate influence over the government and protect-



ing people's right to access the courts,” said Robert Weissman, president of Public Citizen. “We ramped up quickly to do even more. Given the severity of the situation, we anticipate that we will be doing this work for a long time.”

Pitfalls of For-Profit Health Care

The pandemic laid bare the folly of linking health insurance to employment. When *Public Citizen News* went to press, 33 million people had been laid off as a result of the pandemic. A recent report by the Urban Institute estimates that 25 million to 43 million Americans are at risk of losing, or have already lost, their health insurance, as they lose their jobs.

Even people lucky enough to have health insurance still could face large medical bills. Public Citizen researched the coronavirus-related benefits that the top 25 private health

insurers are offering, issuing a report showing that while most large health insurers are offering free care for coronavirus patients, their promises are riddled with confusing conditions and loopholes.

“Losing access to health care or having inadequate insurance coverage during a pandemic – when everyone who is sick should receive treatment to help curb the spread of the disease – shows just how broken our health care system is,” said Lisa Gilbert, vice president of legislative affairs for Public Citizen. “With a particularly contagious and potentially lethal virus spreading rapidly, no one should avoid seeking treatment because they can't afford it.”

The solution, Public Citizen said, is Medicare for All. In the interim, the organization is pushing for Americans who lose their jobs due to the pandemic to be automatically enrolled in Medicare. Public Citizen worked with U.S. Reps. Pramila Jayapal (D-Wash.) and Joe Kennedy (D-Mass.), who on May 1 unveiled the Medicare Crisis Program Proposal, which would do just that.

Public Citizen's organizers have ramped up support of activists around the country who are calling on their local officials to support the emergency bill and Medicare for All. Thanks to these efforts, the New Orleans City Council unanimously passed a Medicare for All resolution on May 7, joining dozens of municipalities nationwide. More than 300 local resolution efforts are underway from coast to coast.

Affordable Medicines

The pandemic also highlighted the need to revamp our system for developing drugs and vaccines. Lifesaving medications often are developed with the help of taxpayer money. Then, drugmakers obtain lucrative patents and charge sky-high prices to the very people whose tax money helped develop the drug.

Staffers in Public Citizen's Access to Medicines program, which has been pushing for years for systemic changes to give Americans affordable medicines, are working to ensure that any COVID-19 treatment or vaccine is affordable. The organization determined that taxpayers have spent at least \$70.5 million to develop remdesivir, which emerged as a promising experimental COVID-19 treatment. That's nearly double a previous public estimate of \$37.5 million.

Initially tested by Gilead as a hepatitis C treatment, remdesivir was refined, developed and evaluated by federal scientists for Ebola and coronaviruses. Public Citizen is calling for it to be priced at \$1 a day.

The organization also successfully pressured the drugmaker to drop its attempt to get a special seven-year monopoly on the treatment. And Public Citizen sent a letter on April 16 to National



Above graphic courtesy of John Tomac. Illustrations of coronavirus molecules courtesy of Bob Savidge.

SPECIAL CORONAVIRUS COVERAGE

Institutes of Health Director Francis Collins after he announced that he was working to launch “an unprecedented, public-private partnership” to guide the development of COVID-19 treatments and vaccines. Public Citizen urged Collins to make accessibility and affordability key elements of the plan.

Combating Corporate Influence

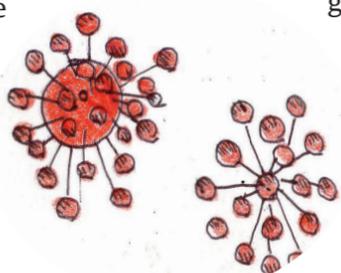
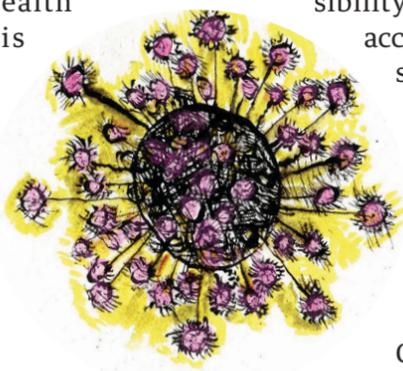
For decades, one of the top items on the wish list of the U.S. Chamber of Commerce has been to make it much more difficult for consumers and workers to hold corporations accountable in court for wrongdoing. When the pandemic hit, they decided to make another run at it.

In April, U.S. Senate Majority Leader Mitch McConnell (R-Ky.) and U.S. House of Representatives Minority Leader Kevin McCarthy (R-Calif.) called for businesses to be immune from liability to workers and customers for claims related to COVID-19. Although McConnell has not yet released a specific proposal, the immunity requested by businesses would cover claims by people who got sick because a business failed to take reasonable steps to protect safety, as well as claims based on retaliatory firing, defective products and sham cures, among other things. If enacted, such a proposal would undermine consumer and worker protections and reward negligent conduct, Public Citizen maintains.

Public Citizen therefore helped organize more than 118 organizations to form the No Biz Immunity coalition to defeat any proposals that attempt to immunize businesses from

liability, which would make workplaces less safe and slow down economic recovery.

“The pos-



sibility of being held accountable in court serves as a powerful incentive for businesses to operate safely and honestly,” said Allison Zieve, director of the Public Citizen Litigation Group. “Without that incentive, patients, customers, workers and the community at large are at risk. From protecting the food supply chain to preventing needless deaths in nursing homes, companies responsible for the health and safety of others must continue to have every incentive to protect them.”

Corporations are looking to take advantage of the pandemic in other ways. Already, some companies took bailout money they didn’t need and had to return it. Public Citizen led 45 groups in pushing Congress to condition any additional coronavirus-related corporate bailout money on strict executive compensation limits.

“Trillions in aid should go to workers, not senior managers,” said Bartlett Naylor, financial policy advocate for Public Citizen.

Calling out Trump’s Lies

Public Citizen also has developed a rapid response operation to quickly send facts to reporters when President Donald Trump or administration officials spew lies from the White House briefing room.

Dr. Michael Carome, director of Public Citizen’s Health Research Group, has been leading the charge. “False statements from the president and some of his leading national public health experts are particularly dangerous because they will lead people to ignore critically important public health advice,” Carome said.

“It appears that even the most highly respected medical experts can be corrupted to the point of spewing misinformation if they are exposed to Trump’s pernicious sphere of influence for too long. And there’s no vaccine for that.” ■

CALLING OUT PLUTOCRATS FOR PRIORITIZING PROFITS OVER PEOPLE

It’s become a truism that with the coronavirus crisis, “we’re all in this together.”

But not everyone agrees.

A recent Public Citizen report details how billionaires, corporate executives, free-market extremists and right-wing ideologues have prioritized their pocketbooks over ordinary Americans. Some of them urge that we must “normalize” the economy as soon as possible, implicitly – and in some cases, explicitly – accepting that this would mean sacrificing lives. Others, apparently, just don’t care about those risks, or believe against evidence that they are not real or overblown.

“Impatient corporate executives and right-wing pundits using their outsized influence over the Trump administration to prematurely reopen the economy are risking countless lives,” said Rick Claypool, research director for Public Citizen and author of the report. “Deciding whether to scale back social distancing measures should be up to medical experts whose priority is protecting public health – not billionaires.”

Among the plutocrats listed in Public Citizen’s report is Gary Cohn, a former Goldman Sachs executive and former Trump administration economic adviser. With a net worth between \$252 million and \$611 million, Cohn reportedly spoke “for many on Wall Street arguing for a need to ‘normalise’ the economy,” according to the *Financial Times*.

Also making the list is Rudy Giuliani, President Donald Trump’s personal lawyer and former mayor of New York City, who has an estimated net worth of \$45 million. In March, Giuliani reposted a tweet minimizing the COVID-19 death toll.

On March 16, the Trump administration announced its “15 Days to Slow the Spread” initiative. Less than a week into the initiative, Trump signaled his growing impatience with social distancing and frustration with its impact on the market. Two days later, the president and Vice President Mike Pence held a meeting with billionaire Wall Street executives, after which Trump held a press conference to announce he intended to push for a hastened end to social distancing measures.

When criticized by the public for this reckless, aggressive timeline despite credible forecasts that millions could die absent aggressive measures, Trump doubled down and accused the experts pushing back on his “beautiful timeline” of being politically motivated.

Dr. Anthony Fauci, the top federal authority on infectious diseases, pushed back against the president’s arbitrary timeline to reopen the country on Easter. Several days later, Trump relented and postponed his aspirational reopening of the country after his health advisers persuaded him the casualty cost could be massive.

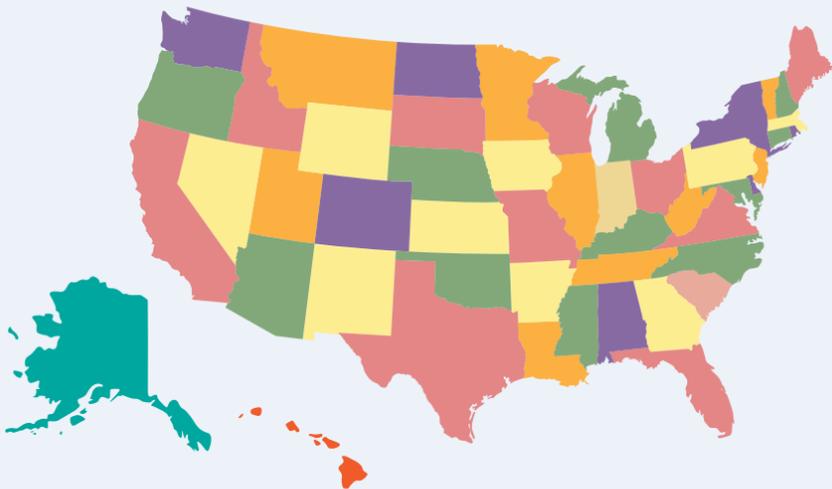
Yet there’s a great risk that the save-the-economy-and-let-the-chips-fall-where-they-may chorus is winning the president’s favor, with potentially horrifying consequences.

“It’s a scandal that profiteers’ influence is repeatedly superseding the lifesaving guidance public health experts provide – and that our nation’s leadership is willing to risk countless lives for a dubious economic boost,” said Claypool. ■

– Isabel Wottowa

PUBLIC CITIZEN IN YOUR STATE

Much of Public Citizen's work focuses on federal policies, but the organization also works in the public interest at the local and state levels. Here's what Public Citizen has been doing in your state lately.



Public Power Offers Opportunities to Transition to Clean Energy in Texas

Public Citizen's Texas office has made progress on advancing the transition to clean renewable energy in Austin and San Antonio. Both cities own their electric utilities, so they are good targets for community organizing.

In Austin, a planning process to update the Austin Energy Resource, Generation and Climate Protection Plan has concluded. At the end of March, the Austin City Council adopted the plan, which:

- Ends the use of all fossil fuels at the utility by 2035 (coal will be phased out by the end of 2022);
- Reduces carbon dioxide emissions during the phase-out period by using a strategy similar to a price on carbon; and
- Increases local solar and energy efficiency goals.

In San Antonio, Public Citizen's Texas office was successful in stopping a new contract for a natural gas power plant that was proposed by the city-owned CPS Energy in October. The utility's leadership is leaning toward allowing clean energy resources – such as wind and solar paired with batteries – to compete for that business.

This strategy of fostering competition has resulted in other utilities transitioning more quickly to clean energy sources. The CPS Energy Board of Trustees also voted in January to create a new committee of customers and stakeholders to advise the board on rates and resource plans. Public Citizen has advocated this as a critical component of increasing transparency and public participation at the city-owned utility.

In both Austin and San Antonio, Public Citizen worked with partner organizations and San Antonio Mayor Ron Nirenberg, who also serves on the CPS Energy Board of Trustees, to implement the changes.

– Kaiba White

Protecting Texans From Utility Disconnections

The last thing anyone needs during a pandemic is to have their water or power cut off.

That's why Public Citizen's Texas office is working to protect state residents from utility disconnections during the COVID-19 emergency by pushing for a clear statewide policy that ensures no residential customers are without water or electricity during this public health crisis.

As the coronavirus pandemic first bore down on Texas in mid-March and posed a threat to the state's economy, Public Citizen's Texas staff began tracking action at the Public Utility Commission of Texas (PUC). Public Citizen uncovered a hodgepodge of disconnection policies among the state's 130 electric cooperatives and municipal electric utilities.

Along with the Sierra Club, the organization on March 20 urged the PUC not to allow utilities to shut off customers' water or power during the pandemic. The groups also called for service to be restored to anyone whose water or power was shut off for nonpayment.

Some utilities did the right thing and halted disconnections, and on March 26, the PUC ordered a temporary moratorium on disconnections at private investor-owned utilities for customers who have applied for unemployment. But many smaller municipally owned and cooperative utilities – many of which are not regulated by the PUC – have not changed their policies. This leaves Texans in small towns and rural areas vulnerable as pandemic-related job losses mount.

Of the dozens of utilities that are still disconnecting customers, most serve small towns and rural areas in Texas. Twenty-eight of them have suspended disconnections for residential customers. Many electric cooperatives also have suspended disconnections for commercial customers.

The lack of a statewide policy has left thousands of Texans without certainty as to the status of their electricity access throughout the COVID-19 pandemic. On April 7, Public Citizen and 10 other organizations sent a letter to Texas Governor Greg Abbott calling on him to issue an executive order requiring all water and electric utilities to turn on power for any residential customers whose water and power were disconnected, and to suspend any additional disconnections during the crisis.

As of press time we were awaiting a response.

– Kaiba White ■



A Benefit for Public Citizen's COVID-19 Response

Thursday, June 18, 2020 at 8 p.m. EDT

For more information, visit citizen.org/benefit

Public Citizen Uncovers Payments From Secret Service to Trump Companies

BY ALAN ZIBEL

President Donald Trump's properties in New Jersey and Florida charged the U.S. Secret Service more than \$140,000 for lodging and other rooms, according to a cache of documents obtained by Public Citizen.

After a three-year delay by the Secret Service, Public Citizen in February 2020 received a delivery of two 30-pound cardboard boxes of Secret Service records, including thousands of pages of documents for hotel invoices and rental car bills.

Public Citizen contacted a team of investigative reporters at the *Washington Post*, led by reporter David Farenthold, who combed through the documents and compared the hotel bills and other records with documents obtained through other sources. Adding Public Citizen's records to the others, the *Post* found that Trump's businesses have charged the Secret Service – that is, American taxpayers – more than

\$628,000 during Trump's first two years in office.

Among the newly discovered information in the records featured in the *Post* article were details about thousands of dollars spent by the Secret Service at Trump-owned properties, including for rentals at those properties when the president was not there.

"Aggressive use of the Freedom of Information Act (FOIA) – the nation's premier public records law – has been crucial to Public Citizen's efforts to hold the Trump administration accountable over the past three years," said Allison Zieve, director of the Public Citizen Litigation Group. "Pushing the government to be more transparent is vital to holding the government accountable to the people."

Most of the bills uncovered for both New Jersey and Florida properties were from 2017 and 2018. They show that the federal government spent nearly \$87,000 over 147 days to rent a cottage at Trump National Golf

Club in Bedminster, N.J., for the Secret Service. The cost of that New Jersey property rental was nearly \$567 per day for most stays, except for three days in 2017 when taxpayers were charged \$1,666 per day.

The documents also show that the Secret Service paid an "at cost" rate of \$396.15 on 135 nights of lodging at Trump's Mar-A-Lago Club in Florida, for a total of about \$53,000 at that resort.

Public Citizen's public records battle with the Secret Service dates back to before Trump's inauguration. On Jan. 6, 2017, the organization submitted a FOIA request to the Secret Service for records related to costs incurred by the Secret Service for Trump's continued use of his home in New York and his other residences.

After three years and two administrative appeals challenging the adequacy of the agency's search and withholdings under FOIA exemptions, the Secret Service finally complied with

Public Citizen's records request.

These records, consisting of bills paid with U.S. taxpayers' money, contradict a statement by Trump's son Eric in an October 2019 interview, in which he claimed that his father's ownership of properties "saves a fortune" for the U.S. government.

The *Post* reporting highlights the complexity of Trump's business relationships. More than three years after Trump's inauguration, reporters and watchdog groups are still trying to understand the true extent of Trump's business relationship with the federal government.

"Trump treats the presidency as a self-enrichment scheme," said Robert Weissman, president of Public Citizen. "Slowly, we're beginning to learn the size of the bill to taxpayers. Our goal in pursuing this information is to continue highlighting Trump's corruption: He is using the federal government to line his own pockets." ■

PUBLIC CITIZEN ACTIVIST ALLY: ANN REA

Born and raised in New York City, Ann Rea had originally planned to be an artist. She received her bachelor's of fine arts degree from the Nova Scotia College of Art and Design, where she studied painting, printmaking and art history and later obtained a master's degree in fine art printmaking from the University of Wisconsin-Madison. Rea went on to pursue a decades-long, art-adjacent career, starting as a freelance textile designer before moving to Jones New York, where she worked for 22 years before retiring in 2009.

Rea became politically galvanized in 2004 after President George W. Bush won his second term. She realized that "voting was no longer enough" and that the more money suffused our elections, the less democratic our government would be. That year, she was recruited by the New Jersey-based organization BlueWaveNJ to head its Electoral Reform Group. She also became a member of the New Jersey chapter of Democracy for America.

In 2007, Rea was part of a coalition including BlueWaveNJ, New Jersey Citizen Action, the Brennan Center for Justice and the NJ Chamber of Commerce that worked to pressure the New Jersey legislature to enact a pilot program to publicly finance that year's legislative elections. While the pilot program was not permanently implemented in New Jersey, the experiment showed that this finance system could be used successfully. Public Citizen has since helped enact public financing systems that are used now in Washington, D.C., Seattle, Wash., and Howard County, Md. Connecticut, Maine and Arizona have statewide systems in place.

Rea went on to join New Jersey for the Overturn of Citizens United as state coordinator in 2015. She is a founding member of Restore Democracy, a working group within the Network for Responsible

Public Policy that advocates legislative remedies to get money out of politics. Rea also has worked to get out the vote in numerous local, state and federal elections, focusing on a 2013 ballot question to raise the minimum wage in New Jersey and a 2014 ballot question for paid sick leave in Montclair.

In New Jersey's Essex County, a coalition of groups, including SOMA Action, the International Human Rights Clinic at Rutgers Law School, BlueWaveNJ and NJ Appleseed, notched a victory in 2019, when Essex County became the first in the state to allow voters to mark a paper ballot by hand, the most secure voting option.

In Sept. 17, 2019, Rea worked with BlueWaveNJ, SOMA Action and Public Citizen to organize a national day of action to call for legislation that gives states the resources they need to secure votes. The event in Newark, N.J., called for an overhaul of the state's voting system and was covered in local press.

"Ann Rea is one of the most tenacious and strategic volunteer leaders I have worked with," said Aquene Freechild, co-director of Public Citizen's Democracy Is For People Campaign. "Many people have worked to secure elections in New Jersey and been pushed back over and over again at the state level. Ann saw an opening to focus on the county level. By staying on the case, meeting with local elections officials, building relationships and political power, she was able to achieve locally what was so elusive on the state level."

Rea's activism has been guided by the desire to find "work where I could be the most effective" and by the belief that publicly financed elections will lead to a government more responsive to the people. In the coming months, Rea plans to continue pressing for vote by mail, Medicare for All, immigration and prison reform. ■ – Rhoda Feng



Dirty Energy Interests Swamp U.S. Interior Department

BY ERIC KOPP

Top U.S. Department of Interior officials have had 12 times as many meetings with dirty energy executives as with conservation and renewable energy interests, according to a new Public Citizen and Documented Investigations report.

The March report examines the schedules of Interior Secretary David Bernhardt and Deputy Secretary Katharine MacGregor from January 2017 through March 2019. The report was based on public calendars and information gathered via records requests.

Both Bernhardt, who succeeded scandal-plagued Ryan Zinke as Interior Secretary, and MacGregor, his top aide, have deep ties to the oil and gas industry and have worked as lobbyists.

After Bernhardt graduated from law school in 1994, he briefly worked as a corporate lawyer before working for the George W. Bush administration. In 2009, he returned to his corporate lobbying career, representing the fossil fuel, mining and water industries.

MacGregor worked for 10 years in Congress for Republican lawmakers, advancing a pro-oil and gas agenda.

According to the Center for Responsive Politics, Bernhardt received \$1.2 million from the

“Clearly, the best way to get on the Trump administration’s radar is to be an oil, gas or a mining company looking for favors. As former lobbyists, Bernhardt and MacGregor speak the same language as industry lobbyists and don’t seem to think twice about doing their bidding.”

—Robert Weissman, president of Public Citizen

mining industry, \$2.1 million from the oil and gas industry and \$1.5 million from other energy companies during his career as a lobbyist.

An earlier Public Citizen report found that Bernhardt’s former clients spent about \$30 million on lobbying the federal government since the beginning of the Trump administration. Further, 17 of the clients on Bernhardt’s recusal list have lobbied the federal government since the beginning of the Trump administration.

The recent report found that Bernhardt and MacGregor had 361 meetings between January 2017 and March 2019. The oil, gas, electricity, mining and coal industries participated in 235 of those meetings, while lobbying/law firms, which mostly represented industry interests, had 31 meetings, while hunting groups had 21 meetings, respectively.

Bernhardt and MacGregor met

multiple times with the American Petroleum Institute; the National Petroleum Council; the National Ocean Industries Association (NOIA), which represents the offshore drilling industry; oil companies including Shell, ExxonMobil, BP and ConocoPhillips; and the National Mining Association.

By comparison, Bernhardt and MacGregor had only 19 meetings with conservation and renewable energy interests, including the National Park Foundation, Public Lands Foundation, American Wind Energy Association and Solar Energy Industries Association.

In 2017, NOIA held a meeting in Wyoming and outlined a wish list of “priority regulatory issues,” including the rollback of offshore oil regulations. MacGregor, who attended the meeting, later emphasized that “the [Interior] Department’s ultimate goal is to open access to new offshore

areas.”

Fulfilling MacGregor’s promise, the Interior Department rolled back several vital offshore drilling regulations. These rollbacks could cause more accidents, putting workers and ecosystems at risk.

“Clearly, the best way to get on the Trump administration’s radar is to be an oil, gas or a mining company looking for favors,” said Robert Weissman, president of Public Citizen. “As former lobbyists, Bernhardt and MacGregor speak the same language as industry lobbyists and don’t seem to think twice about doing their bidding.”

Added Alan Zibel, author of the report and research director of Public Citizen’s Corporate Presidency Project, “If you’re a big polluting oil and gas company or a mining firm, you’ve got a friend in, and a distinct advantage with, the Trump administration.” ■



Interior Secretary David Bernhardt testifies on March 10 before the U.S. Senate Energy and Natural Resources Committee on his department’s fiscal year 2021 budget request. Photo courtesy C-SPAN.

Bankrolled Politicians Stonewall Surprise Billing Legislation

BY MIKE STANKIEWICZ

Putting Americans in debt from surprise medical bills is nearly universally despised, but it appears that political dollars may have stopped the outlawing of this devious but profitable practice.

Two private equity firms that own health care staffing companies have bankrolled the leaders of the powerful U.S. House Ways & Means Committee in an apparent effort to block or weaken legislation that would protect patients from being socked with surprise medical bills, a Public Citizen report released in March found.

“The debate over surprise bills highlights the biggest problems with our health care system,” said Eagan Kemp, Public Citizen’s

“The debate over surprise bills highlights the biggest problems with our health care system. It underscores that our health care system is unnavigable and beholden to corporate profits.”

—Eagan Kemp, Public Citizen’s health care policy advocate

health care policy advocate. “It underscores that our health care system is unnavigable and beholden to corporate profits.”

Surprise bills are those received by patients who have health insurance, but through no fault of their own are cared for by a doctor or other medical provider who is not in the insurance company’s network. For instance, surprise bills often are generated when patients

unwittingly receive care from a physician in a hospital emergency room who works for a third-party physician staffing company that is out-of-network.

Private equity firms like Welsh, Carson, Anderson & Stowe (WCAS) and Blackstone have invested in companies that provide the types of staffing services that can ensnare unsuspecting patients.

Lawmakers on both sides of the

aisle have made it clear they want to stop surprise bills, but they have been thwarted by the House Ways & Means Committee’s chairman and ranking member.

House and U.S. Senate negotiators worked in 2019 on legislation that would have ended surprise billing but would have meant private equity companies could no longer profit from bilking patients see **Billing**, page 16 ▶

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IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On the Trump administration's handover of the levers of government to corporations: *The American Prospect*. **On Senate Majority Leader Mitch McConnell's (R-Ky.) push for widespread corporate immunity for anything connected to the coronavirus crisis:** *Democracy Now!* **On price gouging of medical supplies:** *The Intercept*. **On President Donald Trump's personal friends in the energy industry using their relationships to obtain bailouts and environmental rollbacks:** *Houston Chronicle*. **On the Trump campaign secretly paying \$180,000 a year to his sons' significant others:** *HuffPost*. **On the need for a joint effort to develop and manufacture on a broad scale a coronavirus vaccine:** *Bloomberg Law, The Hill*.

Lisa Gilbert, vice president of legislative affairs

On the \$150 billion in emergency virus aid for corporations proposed by Republican senators: *The Washington Post, Los Angeles Times*. **On the need to strengthen environmental, labor, health and other regulations to protect the public:** *The Washington Post, Daily Kos, Washington Examiner*. **On the \$2.2 trillion rescue plan for American businesses:** *Associated Press*. **On allegations of congressional insider trading against U.S. Senate Intelligence Committee Chairman Richard Burr (R-N.C.):** *Business Insider*. **On the need for Congress' fourth relief bill to ban corporations from lobbying while using government assistance:** *Sinclair Broadcast, The Charlotte Observer*.

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

On the 'de minimis' loophole that permits most shipments of goods bought online to skirt any inspection: *Politico*. **On Trump's trade policy coming under fire:** *The Hill*. **On the passing of global activist Martin Khor:** *Counter Punch*.

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

On the U.S. Food and Drug Administration refusing to reveal company information that could affect public safety: *The New York Times*. **On mask and gown shortages in hospitals:** *The Guardian*. **On Trump spewing misinformation at press briefings:** *Roll Call, Ralph Nader Radio Hour*. **On Trump using the U.S. Centers for Disease Control and Prevention and the U.S. Postal Service to promote his own interests:** *Daily Kos*. **On the failure of some states to do coronavirus testing:** *Politico*. **On Trump's habitual dis-**

regard for the facts posing an ongoing mortal danger to U.S. citizens: *Common Dreams*. **On frontline workers in the health care industry putting their lives at risk:** *Law360*.

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

On how Big Pharma doesn't have an incentive to invest in pandemics: *Mother Jones*. **On the National Institutes of Health being too shy about using its federal power during a pandemic:** *Roll Call*.

Public Citizen Litigation Group

On Trump's nominees to lead regulatory and enforcement agencies being chosen for their ideological opposition to regulation: *Bloomberg Law*. **On Public Citizen's lawsuit against the U.S. Environmental Protection Agency over its decision to relax a policy requiring companies to report their compliance with pollution standards during the coronavirus outbreak:** *Law360*.

Adrian Shelley, director of Public Citizen's Texas office

On the Texas Commission on Environmental Quality facing criticism for rolling back environmental rules for companies during the coronavirus pandemic: *Houston Chronicle, The Statesman*. **On regulators of Texas oil and gas production weighing production cuts:** *Politico*.

Tyson Slocum, director of Public Citizen's Energy Program

On filing petitions with the Federal Energy Regulatory Commission and the U.S. Nuclear Regulatory Commission: *El Paso Times*. **On companies using the coronavirus as an excuse not to comply with needed consumer or environmental regulatory protections:** *Bloomberg News*. **On capturing emissions from power plants:** *E&E News*. **On the Defense Production Act:** *The Young Turks*.

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

On corporations lobbying for coronavirus stimulus money: *The New York Times*. **On pay-to-play politics:** *The Intercept*. **On allegations of congressional insider trading against Senate Intelligence Committee Chairman Richard Burr (R-N.C.):** *Mother Jones*. **On U.S. Sen. Kelly Loeffler (R-Ga.) dumping millions of dollars in stock after a coronavirus briefing:** *The Daily Beast*. **On the White House not taking pandemic planning seriously:** *Quartz*.

REST IN POWER, MARTIN KHOR

Public Citizen mourns the loss of – and owes an immense debt of gratitude to – Martin Khor Kok Peng. Following a several-year battle with cancer, Martin passed away in early April at the age of 68 at home in Penang, Malaysia. He was a truly extraordinary man who will be greatly missed.

Martin's brilliant intellect and unparalleled knowledge made him a trusted adviser to prime ministers and activists alike and a kind teacher and north star to all of us he informed and activated through his tireless and effective economic, environmental and social justice advocacy.

A Cambridge University-trained economist, Martin led the civil society movement in Malaysia on issues of economic, ecological and health justice, was an unparalleled leader in the international fight against corporate-rigged globalization and trade, and founded and led several key organizations. As secretary of the Consumers Association of Penang, he fought for consumer rights and in 1984 co-founded the internationally renowned Third World Network (TWN), which he headed until 2009. From 2009 to 2015, he led the South Centre, an intergovernmental policy research and analysis institution of developing countries headquartered in Geneva, as its executive director.

I remember first meeting Martin in 1992 at the G-7 summit in Munich. He became a guide and mentor to me from that point on – awakening me to the policy, politics and power dynamics of the developing world and international institutions in the same way that Public Citizen founder Ralph Nader shaped my understanding domestically. (The main difference was that Martin's guidance came along with show tunes and a list of favorite restaurants in cities worldwide as well as Nader-like witty sarcasm on top of focused seriousness.)

Martin's vision inspired the International Forum on Globalization and the Our World Is Not for Sale network – and shaped the understanding of innumerable leaders of national campaigns as well as coalitions and organizations worldwide. I can envision him on each battlefield of the fight against corporate-rigged globalization and

for a more equitable, democratic alternative during the past 30 years. At times, I joked he had to have a clone, as he was everywhere he was needed, seemingly bending the rules of physics.

But for him, the world would have been blighted with the damage of a massive expansion of the World Trade Organization's power and scope. Many people helped detail that disaster, but if Martin had not been leading the effort, it would not have succeeded. He was a master of the inside-outside methodology, analyzing technical texts and advising trade negotiators and high-level government officials around the world about the tricks and traps in pro-corporate initiatives they were being pressured to accept. At the same time, his ability to translate arcane legal texts and concepts into memorable allegories and examples of direct harm educated and mobilized activists thanks to his tireless speaking schedule and strategy sessions.

A master translator of vast stacks of technical information into accessible, motivating language, he modeled how to make real change. He was the person who awakened the world to the perils posed by the Multilateral Agreement on Investment (MAI), a proposed pact that would have vastly expanded the Investor-State Dispute Settlement system that empowers multinational corporations to challenge health, safety and environmental laws and be awarded unlimited taxpayer money. And he helped orchestrate the MAI's demise.

His influence lives on in the legions he mentored at Third World Network, South Centre and Consumer Association of Penang, in his many powerful books and essays, and with the millions who benefited from hearing from him directly.

May his memory be a blessing to his dear wife, the wonderful Meena Raman, herself a global environmental and economic justice advocate extraordinaire, and to Martin's daughter and granddaughter. Public Citizen extends our deepest condolences to them and the entire extended TWN family.

Thank you, Martin. You will never be forgotten. ■
– Lori Wallach



Photo courtesy of Wikimedia Commons.

Public Citizen Recommends ...

'The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power'

By Shoshana Zuboff; \$22.99; PublicAffairs

Shoshana Zuboff's 'Surveillance Capitalism' was written long before the coronavirus pandemic spread across the world, but it is even more vital now than at the time of publication.

This very long book is worth the read. It makes two crucial arguments about the development of the internet: First, that the character of the user experience on the internet changed when companies, led by Google, changed the design

of the products and services they sold. They sublimated a vision in which the data accumulated through use of services over the internet would be controlled by users and collected only for users.

Instead, the prevailing business model is one by which information and data is collected for the Big Tech companies (and some small companies, too) and deployed for their preferred uses – especially advertising and monetization. Surveillance capitalism, Zuboff writes, expropriates our everyday experiences and turns them into "behavioral data" that is then used to make money off unwitting consumers.

Second, and following from

the first development, Big Tech companies are no longer primarily interested simply in monetizing our wants, needs and dreams. Rather they are interested in shaping those aspirations altogether. That is, they don't just want to sell us a more expensive version of the thing we thought we needed. They want to change what we think altogether. While this has always been a feature of advertising, Zuboff makes an overwhelming case that the Big Tech companies' manipulation of the culture – including the political as well as commercial culture – vastly exceeds anything that preceded it.

Looking ahead, Zuboff spins a very troubling tale of how Big Tech executives are increasingly gravitating to a societal vision that is profoundly anti-democratic. It

threatens narrow elite control, two-tier class divides and, perhaps most profoundly, a loss of free will – as we are subjected to algorithms that influence and direct our behavior in ways we cannot understand or even know exist.

All of this becomes even more disturbing in the pandemic era, as individual reliance on and use of the internet explodes, as education migrates to the monitored internet and as telehealth becomes normalized without sufficient privacy protections. 'Surveillance Capitalism' is a grim evaluation of where we are – and a dire warning about what is to come, unless we take measures to get Big Tech under control. ■ – Robert Weissman

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

► **Billing**, from page 13

through surprise bills.

As they closed in on a bipartisan deal last fall, the House Ways & Means Committee released an outline of legislation that was in virtual lockstep with the private equity industry’s wish list and far removed from the other negotiators’ proposal, killing the momentum for passage of the legislation.

Records show that employees or political action committees con-

nected to WCAS and Blackstone have given \$335,400 to Ways & Means Ranking Member Kevin Brady (R-Texas) and \$55,800 to Ways & Means Chairman Rep. Richard Neal (D-Mass.). Nearly all of this money – 95% – was contributed to the two politicians since 2015, when the spike in donations started and when discussions about surprise billing legislation started ramping up.

In 2019 alone, these entities together contributed about \$60,000 to Brady and \$36,000 to Neal.

Additionally, Public Citizen’s report revealed that Blackstone employees donated \$30,800 to Neal in September 2019 alone, accounting for three-fourths of the money they have given Neal in his 31-year career.

Less than two months later,

Neal’s Ways & Means Committee released the outline of its proposed giveaway to the private equity industry, torpedoing a bipartisan, bicameral compromise.

WCAS employees also gave \$45,000 to Brady on a single day in 2019. That’s more money than they gave Brady in any full election cycle in his career. Further, these companies have helped underwrite fear-mongering advertising campaigns predicting emergency room and hospital closures if providers are restricted to charging market rates for their services.

“If the private equity firms showed half the generosity toward their patients that they showed the leaders of the Ways & Means Committee, we’d have a surprise billing fix tomorrow,” said Mike Tanglis, a research director at Public Citizen and author of the report. “But ultimately, the blame for the failed legislation lies at the feet of politicians who took the private equity money and did the bidding of the private equity companies.”

Public Citizen is continuing to push for an end to surprise billing. In late April, Public Citizen and other members of the No Surprises: People Against Unfair Medical Bills coalition sent a letter to congressional leaders urging them to include a provision ending surprise billing in the next COVID-19 relief package. ■



Eagan Kemp, Public Citizen’s health care policy advocate, frequently speaks about the need for universal health care and affordable medicines. Above, he speaks at a conference at Georgetown University Law Center in 2018.

IN THE NEXT ISSUE...

Public Citizen releases a report on sexual misconduct by doctors.

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80	7.3%	\$730
85	8.3%	\$830
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