



Lobbying On Medicare for All Skyrockets

BY MIKE STANKIEWICZ

As Medicare marked its 54th anniversary in July, the movement to improve and expand the popular program and provide universal health care to everyone continued to grow.

But as Medicare for All gains traction, industry forces that profit from the current broken and costly health care system are pouring money into blocking progress.

Lobbying against Medicare for All increased dramatically between the first quarter of

2018 and the first quarter of 2019, according to a June report by Public Citizen. Major opponents, including Big Pharma and for-profit insurers, now view Medicare for All as a legitimate threat.

“Insurance corporations, Big Pharma and the for-profit hospital industry are running scared,” said Eagan Kemp, health care policy advocate for Public Citizen. “They know the public is lining up behind Medicare for All – which would improve coverage for every American. Now, big money

opponents are trying to leverage their political power to beat back Medicare for All, not on the merits, but through insider lobbying

and front groups.”

Nine of the 10 entities with the most lobbyists working on see **Medicare**, page 4 ►



In September, Public Citizen put up two billboards in Houston, Texas, to make the case for Medicare for All and counter misinformation being spread by Big Pharma and the insurance industry. The messages reminded passersby that under Medicare for All, all doctors and hospitals would be in network, so people could keep their doctor. Graphic courtesy of Zach Stone.

Momentum Grows Against Pharma Monopolies in NAFTA 2.0

BY MELANIE FOLEY

Recent news reports have described President Donald Trump as “apoplectic” that drug prices continue to rise under his presidency. He has been lashing out at members of his administration for failing to deliver on his key campaign promise to lower medicine costs.

Despite his crocodile tears, the reality is that Trump allowed Big Pharma to rig his revised North American Free Trade Agreement (NAFTA) deal with monopoly rights so drug companies can continue to charge people more money for the medicine they need.

The Global Trade Watch division of Public Citizen has been building a coalition of progressive groups to demand critical changes to the revised NAFTA text that Trump signed last year.

Because that deal included some of Public Citizen’s demands, including largely eliminating the Investor-State Dispute Settlement (ISDS) regime, Public Citizen is trying to fix it rather than stop it. A major focus of Public Citizen’s campaign is the elimination of the provisions that would lock in the policies that make U.S. medicine prices unaffordable.

Trump’s deal, which can’t take effect without congressional approval, requires signatory countries to guarantee monopoly powers for big pharmaceutical companies. That means that the giant corporations can avoid generic competition and keep medicine prices high.

Among other dangerous terms, NAFTA 2.0 requires that the three NAFTA governments – Canada, Mexico and the United States – provide ways for drug firms

to extend the duration of their monopoly patents. It guarantees drug companies 10 years of extra exclusivity to sell new cutting-edge cancer and other medicines called biologics. This would undermine the changes Congress is discussing to bring down drug prices. It would lock the United States into bad policies that keep lifesaving medicines out of reach for millions of people and export our failed system to Mexico and Canada.

According to the Association for Affordable Medicines, under the NAFTA 2.0 terms, some medicines could get even more expensive, including diabetes treatments Glucagon, Ozempic, Saxenda and Victoza; osteoporosis treatment Forteo; heart failure treatment Natrecor; and short bowel syndrome treatment Gattex. These

see **NAFTA**, page 8 ►

Alabama Detention Center: House of Horrors

BY MIKE STANKIEWICZ

WIN! One detainee called it “the worst facility I’ve ever been at.” He was describing Etowah County Detention Center in Gadsden, Ala. During his time there, Awot Negash “stayed in a urine scented, eight-person cell, where we all shared one toilet.”

Now, as the result of litigation that Public Citizen led, the public knows a lot more about the conditions at the immigrant detention center and can push for changes. The lawsuit was settled in July after the government released additional information about see **Detention Center**, page 11 ►



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GET TO KNOW PUBLIC CITIZEN JAREL CLAY

An ongoing series profiling Public Citizen leaders and staffers



From founding his own digital media company to tearing up the tenor saxophone at a local reggae bar, JaRel Clay is a busy man. In addition to his varied interests, he juggles multiple responsibilities in his role as digital director of Public Citizen's Global Trade Watch, where he leads the division's digital organizing and online strategy to fight trade deals that benefit corporations at the expense of people. A Pittsburgh, Pa., native, Clay experienced inequality at all levels growing up, and had a close family experience with police brutality that jump-started his interest in public advocacy.

In 2008, Clay founded Clay and Group (C+G), a digital media strategy company to provide media services for small businesses set up to serve local communities. Following his graduation from Kent State University with a bachelor's degree in applied communication studies in 2011, Clay came to Washington, D.C., to pursue a master's degree in professional studies, public relations and corporate communications at Georgetown University. After graduate school, Clay landed a job with Edelman, a global PR firm, but soon realized he was better suited for a career in the nonprofit world. He worked as a digital content manager for the Center for a New American Security before joining Public Citizen in 2017.

What does your daily work involve?

Clay: As a digital director at Public Citizen, I create and implement the social media and web strategies for our Global Trade Watch program. That includes working with Public Citizen's allies on Capitol Hill, in labor unions and consumer groups to amplify our message and mission. It also includes creating videos, designing graphics

for social media, assisting our field team with action alerts and managing five websites and eight social media accounts across Facebook, Twitter, Instagram and YouTube.

How did you first become interested in the public relations field?

Clay: My interest in the public relations field stemmed from witnessing the power of social influence and the "court of public opinion" at a very early age. My father was a victim of police brutality in 2004, and his journey through physical recovery and redemption made me realize that beyond the mandates of the court, what and how you say things matter. My father ran a stop sign, and a policeman followed him home, threw him to the sidewalk, beat him and took him to jail. We sued the police department for misconduct, and for two years, our family was contacted by the media, politicians and civil rights organizations who urged us to "own our narrative" outside of the court. At the age of 12, I realized that if we wanted our family to get justice, we needed to present our father to the public with intention and strategy.

What advice do you have for young professionals hoping to be successful in the communications or PR fields?

Clay: The best advice I can give to young professionals is to never stop learning. As you move along in your PR career, you learn that what worked just two years ago may be outdated today. I have witnessed the most success from practitioners who continue exploring new trends and fully embrace new approaches to community and online engagement.

What do you do in your free time?

Clay: I enjoy creating new experiences with my son around the Washington, D.C., metro area, playing tenor saxophone at a reggae piano bar on U Street every third Saturday and having near-death experiences with my personal trainer twice a week. ■ — *Compiled by Brianna Ford*

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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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Ending Corporate Impunity

There may be no more blatant example of how giant corporations rig the economy and political system than the take-it-or-leave-it, fine-print language they insert into the consumer, employment and other contracts we enter into every day.

In September, we made historic advances in the U.S. House of Representatives to end the tricks and traps that are endemic in form contracts, including those you enter by clicking “I agree” on the internet.



PRESIDENT'S VIEW
ROBERT WEISSMAN

Literally hundreds of millions of contracts contain forced arbitration provisions and class-action waivers. They state that if a company wrongs you – rips you off or discriminates against you on the job, for example – you can’t sue in court. Instead, you must file your case with a private arbiter, without the transparency protections of our court system. Perhaps even more consequentially, they prevent you from joining together with other similarly situated people to sue together. Prohibitions on class actions and collective lawsuits often mean that victims of corporate wrongdoing have no redress at all.

In early September, the House Judiciary Committee passed the FAIR (Forced Arbitration Injustice Repeal) Act, which would prohibit inclusion of forced arbitration and class-action waiver provisions in consumer, employment and other contracts. More than 220 members of Congress are now sponsoring the legislation, ensuring its passage when the full House votes on it (expected in late September, after *Public Citizen News* goes to print).

This is monumental. Corporations use forced arbitration clauses in contracts as a get-out-of-jail-free card. Banks can overcharge consumers – or set up new accounts without their permission, as Wells Fargo did – and consumers have no redress. Survivors of sexual harassment or assault are consigned to private arbitration, unable to get their stories out. Workers denied overtime pay can’t join together to sue their employer.

Corporate apologists for arbitration often say it is an alternative venue to obtain justice. But in practice, it just means cheated or abused consumers, employees and others are out of luck. Forced arbitration confers blanket corporate impunity. A recent study from the American Association for Justice found that Americans are, literally, more likely to be hit by lightning than win a case when they are forced into arbitration. On average, 382 consumers win cases in arbitration every year. Only 56 workers prevail every year.

House passage of the FAIR Act has been a long time coming. At Public Citizen, we’ve devoted major resources to fighting forced arbitration for more than a decade.

- In 2007, we issued a cutting-edge report that showed the bias of the National Arbitration Forum (NAF), then the go-to arbiter for credit card companies. That report spurred the closure of the NAF’s consumer arbitration business.
- In 2010, we helped win inclusion in the Dodd-Frank financial reform legislation of a measure giving the Consumer Financial Protection Bureau (CFPB) authority to ban forced arbitration provisions in consumer financial products.
- In 2011, we argued *AT&T v. Concepcion*, a

case at the U.S. Supreme Court on the issue of whether states could override forced arbitration contract terms if they were found to be unconscionable. By the familiar 5-4 margin, the court ruled against us.

- In 2017, the CFPB finally issued its arbitration rule – which unfortunately was then overturned by Congress.

Now, finally, we’ve passed legislation through one chamber of Congress to end this corporate rip-off scheme. Of course, our work is not yet done; we’re going to have to get the bill through the U.S. Senate and signed by the president. That may not happen this Congress, but if we do our job right, we will hopefully be able to have FAIR enacted into law in 2021.

To do that, we are going to turn up the heat even higher, with more cutting-edge reports, more lobbying, more raising the voices of victims, more grassroots organizing and mobilizing and more congressional testimony.

We have no illusions about the challenge ahead. Preserving their forced arbitration get-out-of-jail-free card is a crucial priority of the U.S. Chamber of Commerce and Big Business. They are going to ratchet up their spending and lobbying, too.

But we’re scrappy and have the truth and public opinion on our side. We are going to counter their propaganda and PR blitz, their lobbying and campaign contributions.

A couple of years ago, it seemed impossible that we could have made the progress and generated the media attention we now have. But now we know it’s possible to get across the finish line – which is exactly what we are going to do. ■

Robert Weissman



Graphic courtesy of Zach Stone.

Medicare for All oppose it, Public Citizen found. They account for more than half of all lobbyists working on the issue. Organizations with the greatest number of Medicare for All lobbyists include the Pharmaceutical Research and Manufacturers of America (27), the U.S. Chamber of Commerce (26), the American Medical Association (21) and the Biotechnology Innovation Organization (18). The number of entities with federal lobbyists working on Medicare for All, both for and against, increased from nine in the first quarter of 2018 to 61 in the first quarter of 2019 – a nearly sevenfold increase. The total number of individual lobbyists working on Medicare for All, both for and against, increased from 29 in the first quarter of 2018 to 270 in the first quarter of 2019 – a ninefold increase. (Public Citizen has four staffers registered to lobby in support of Medicare for All.) An overwhelming number of those 270 lobbyists were employed by

hardline opponents of Medicare for All. The vast majority of those entities represent the pharmaceutical industry, hospitals, insurers and business interests.

Aside from the increase in lobbying, several coalitions have formed in recent months to disseminate fear-mongering and misinformation and engage in other opposition activities designed to blunt the momentum of Medicare for All. For instance, the Partnership for America's Health Care Future, which formed in 2018 and is made up of many industry giants, ran \$200,000 worth of ads against Medicare for All in August.

"We always knew we had the facts on our side, and now we've got the public and many policymakers with us," said Public Citizen Program Associate Craig Sandler, who authored the June report. "The increase in lobbying against Medicare for All serves as validation that this movement has arrived."

These lobbying figures stand in direct contrast with what the American people want. A majority of Americans support a single-payer health care system, despite lies and lobbying from industry, according to polling by the Kaiser Family Foundation.

But there is hope that some organizations and corporations will come around to Medicare for All. Activists and local policymakers aren't waiting for industry to come around. On June 27, the Cook County Board of Commissioners unanimously passed a resolution in support of Medicare for All. The county is home to Chicago and has a population of more than 5 million, the second largest in the U.S. The St. Petersburg, Fla., City Council passed a similar resolution in support of Medicare for All earlier that month.

"This is how change happens – with grassroots efforts from activists and regular Americans demanding action from their

elected officials," said Melinda St. Louis, director of Public Citizen's Medicare for All campaign and leader of the coalition effort urging Americans to press their local governments to pass resolutions in support of Medicare for All. More than 170 local efforts to win city or county council resolutions are underway from coast to coast, with more efforts being added to a coalition map at medicare4allresolutions.org.

"Local officials know that municipal budgets are increasingly strapped and local businesses are struggling to make ends meet due to rising health insurance premiums," said Brittany Shannahan, Public Citizen's Medicare for All resolutions organizer.

"This sends a powerful message to Congress that more and more people and localities are demanding that health care be treated as a right, not a privilege. It's only a matter of time until that becomes a reality." ■

Activists Rally Nationwide for Voting Rights Reforms

BY BRIANNA FORD

“Don't block the vote.” “Restore the vote.” Those were among the slogans on signs carried by activists across the country who took to the streets on June 25 to strengthen voting rights.

The rallies came six years after the U.S. Supreme Court's disastrous *Shelby v. Holder* decision, which led to a substantial erosion of key voting protections.

A refrain heard throughout the rally in Washington, D.C., was for Congress to pass the Voting Rights Advancement Act (H.R. 4) and for the U.S. Senate to approve H.R. 1, the For the People Act. These measures would restore the ability to prevent racial discrimination in voting, remove corporate and special interest money in politics and curb ethics abuses in government.

Public Citizen and other groups – including the Leadership Conference of Civil and Human Rights, the League of Women Voters, the Texas Civil Rights Project, TexPIRG, MOVE Texas, Common Cause, Mi Familia Vota, NextGen Nevada, Make It Work Nevada and Indivisible chapters – organized the rallies. The gatherings took place in more than a dozen cities, including Shelby County, Ala.; Melbourne, Fla.; Austin and Dallas, Texas; Des Moines, Iowa; Las Vegas, Nev.; Raleigh, N.C.; Philadelphia, Pa.; and Washington, D.C.

The Washington, D.C., event included a press conference at which congressional lawmakers, including U.S. Reps. Terri Sewell (D-Ala.), Marc Veasey (D-Texas), Judy Chu (D-Calif.) and Ben Ray Lujan (D-N.M.), spoke about the need to reverse the damage done by the *Shelby* decision, which made it easier for states and localities to revert to discriminatory practices that restrict voting rights, with a particular impact on people of color, Native Americans, people with disabilities and students.

Less than two months later, Public Citizen kept up the drumbeat by organizing vigils in dozens of cities nationwide on the evening of Aug. 6 – this time,

to mark the 54th anniversary of the signing of the Voting Rights Act. The 1965 law improved voting rights and voter turnout for black, brown, Native and Asian Americans.

To commemorate the signing, Public Citizen and other groups organized 40 vigils, with the vast majority held in states that in recent years have curtailed voting rights, particularly for people of color. Activists gathered in Birmingham, Huntsville, Mobile and Montgomery, Ala.; Little Rock, Ark.; Broward County, Fla.; Raleigh, N.C.; Charleston, S.C.; and Austin, Texas. The local events were organized by state and city chapters of the National Association for the Advancement

of Colored People, League of Woman Voters, and state and local voting rights organizations.

One person who saw the impact of *Shelby* was Stacey Abrams, the 2018 Democratic nominee for Georgia governor. From long lines, to votes not being counted due to minor ballot errors, Abrams' loss in the 2018 governor's race highlighted how *Shelby* blocked people from the voting booth, disproportionately affecting minorities.

"The *Shelby* decision created a new channel for the troubling practice of voter suppression during a time of dramatic demographic change," Abrams told lawmakers in testimony the same day as the nationwide rallies. *Shelby* also removed the 1965 Voting Rights Act's "preclearance" requirement, under which states with histories of voting discrimination had to clear election changes with the U.S. Justice Department.

"Ruth Bader Ginsberg was right when she said ending preclearance was like 'throwing away your umbrella in a rainstorm because you are not getting wet,'" said Jonah Minkoff-Zern, co-director of Public Citizen's Democracy Is For People campaign. "We are now being drenched by discriminatory voter suppression and it is time for Congress to restore the Voting Rights Act." ■



U.S. Rep. John Lewis (D-Ga.) speaks at a press conference in June outside the Capitol in Washington, D.C., to call for reforms to restore voting rights. Photo courtesy of Samantha Lai.

Legislation Would Protect Workers From Heat

BY SAMANTHA LAI

Asunción Valdivia came to America on July 24, 2004, to join his son, Luis Angel Valdivia, in pursuit of the American dream. The family reunion was abruptly cut short five days later, when Asunción died. After a 10-hour workday picking grapes in the 105-degree sun, he collapsed in a field from heatstroke. The crew's boss told Luis to drive his father home.

In the car, Asunción began foaming at the mouth and then went limp. Luis immediately headed to the closest hospital. But by the time they reached their destination, it was too late. Asunción had died.

Asunción's story is one of many involving workers fatally succumbing to heat. From 1992 to 2017, heat has killed 815 workers and seriously injured more than 70,000 in the U.S., according to the U.S. Bureau of Labor Statistics. Yet the actual numbers are most likely even higher, as heat-related health issues often go undiagnosed or underreported.

In July, the Asunción Valdivia Heat Illness and Fatality Prevention Act (H.R. 3668), named for Asunción Valdivia, was introduced in Congress by U.S. Reps. Judy Chu (D-Calif.), Raul Grijalva (D-Ariz.), Alma Adams (D-N.C.) and members of the U.S. House of Representatives Education and Labor Committee to prevent heat from claiming more lives.

The legislation directs the U.S.

Occupational Safety and Health Administration (OSHA) to develop national protections for workers exposed to high heat.

The key elements of a heat protection plan are simple: workers must have access to water and must be able to take shaded rest breaks.

"Even as the climate crisis sends temperatures soaring, Trump's OSHA has refused to take action to protect workers from excessive heat," said Public Citizen President Robert Weissman, who spoke at the press conference. "If this administration is unwilling to act because it insists on denying climate reality, if it refuses to do anything to protect immigrant workers, or if it's so committed to an insane antiregulatory zealotry that it refuses to act, then this Congress must act."

The legislation came as a vicious summer heat wave draped most of the nation. July 2019 was the hottest month on record on Earth (see story, page 10). As record-breaking summer temperatures become the norm – 18 of the hottest 19 years on record have occurred since 2001 – workers are at increased risk for heat illnesses. According to Public Citizen research, during the July 4, 2018, holiday week, an average of 2.2 million construction and farm workers labored in extreme heat each day.

Although workers in agriculture and construction are at high-



Public Citizen President Robert Weissman speaks at a July press conference at which federal lawmakers introduced legislation requiring the U.S. Occupational Safety and Health Administration to develop and issue regulations to protect indoor and outdoor workers from extreme heat. Photo courtesy of Samantha Lai.

est risk of heat-related injury, the problem affects all workers exposed to heat, including drivers and indoor workers without climate-controlled environments. Excessive heat can cause heat stroke and even death if not treated properly. It also exacerbates existing health problems like asthma, kidney failure and heart disease.

Public Citizen and other groups launched a national campaign last year to pressure the government to protect workers. On July 17, 2018, Public Citizen, in partnership with United Farm Workers, Farmworker Justice and a network of more than 130 labor, environment and public health organizations petitioned OSHA to establish federal protections for workers

exposed to excessive heat.

The campaign also is designed to raise awareness about the impacts of the climate crisis and rising temperatures on the health and safety of workers. As of press time, the campaign had received more than 60,000 signatures of support.

"This problem will get much worse very quickly because of global warming," said David Arkush, managing director of Public Citizen's Climate Program. "Our most vulnerable and often undocumented workers are at the highest risk of being injured by heat. We need to protect them."

Ask your member of Congress to support this commonsense worker protection legislation by visiting <https://bit.ly/2Gkmckh>. ■

Public Citizen Goes to Court to Defend Clean Water Act

BY RHODA FENG

A case about the language of the Clean Water Act is making waves.

A wastewater treatment plant in Maui County, Hawai'i, has long polluted the Pacific Ocean by pumping wastewater underground, where the wastewater migrates to the nearby ocean through groundwater.

Now the plant also poses a new threat to lakes, rivers and streams nationwide: In a case brought by environmentalists to stop the plant's discharges, the U.S. Supreme Court is considering whether to sharply limit protections provided by the Clean Water Act to bodies of water across the country.

Four nonprofit organizations, represented in the Supreme Court

by lawyers from Public Citizen and Earthjustice, contend that Maui County's discharges violate federal law. In the Supreme Court, they are urging the court not to misread the Clean Water Act to encourage dirty industries – like fracking, industrial agriculture and coal mining – to contaminate our nation's water bodies.

"Maui County essentially is requesting that the Supreme Court rewrite the Clean Water Act in the guise of interpreting it," said Scott Nelson, a Public Citizen attorney who helped write the brief urging the Supreme Court to keep the Clean Water Act's protections intact.

"This case may appear to be technical, but it has enormous implications for the bodies of water that the Clean Water Act

was designed to protect."

Polluting Without a Permit

For years, Maui County's Lahaina Wastewater Reclamation Facility has been pumping millions of gallons of treated sewage into disposal wells a few hundred yards from the shoreline. From there, the wastewater – which still includes pollutants such as high levels of phosphorus and nitrogen – flows with groundwater into the ocean just offshore of the popular Kahekili Beach, which features a once-pristine coral reef that is a mecca for snorkelers.

The pollutants have significantly damaged the reef by contributing to the growth of coral-smothering algae.

The Clean Water Act prohibits

discharges of pollutants to navigable waters (like the Pacific Ocean) from disposal wells without a permit. Maui County, however, never got a permit for its discharges.

In 2012, four nonprofit organizations – the Hawai'i Wildlife Fund, the Sierra Club-Maui Group, the Surfrider Foundation and the West Maui Preservation Association – joined together to sue Maui under the Clean Water Act. The U.S. District Court in Hawai'i ruled for the organizations and against the county in 2015. Maui County appealed, and in 2018 the U.S. Court of Appeals for the Ninth Circuit affirmed the district court's ruling that the county's discharges were illegal.

The county then asked the U.S. Supreme Court to hear the case.

see **Polluters**, page 7 ►

States Are Uneven in Slowing Revolving Door

BY ANGELA BRADBERRY

When it comes to trying to curb corruption, not all states are equal. Iowa, for example, prohibits state lawmakers, executive officials and staff from conducting any lobbying activity for two years after leaving office. That makes Iowa one of the best states in the country in slowing the revolving door between government and industry.

Meanwhile, Illinois has no restriction on state lawmakers and staff cashing in immediately after leaving office by going to work lobbying their former colleagues. It is among the worst states.

Those are just two of the findings in a July Public Citizen analysis of how all 50 states fare in trying to slow the revolving door between government and industry.

The revolving door is a practice in which former public officials cash in on their government service by becoming lobbyists or strategic consultants after they leave government and then selling their inside connections and

knowledge to corporate interests. This muddies whether public officials are representing the public interest or corporate interests; lawmakers may be influenced by the promise of a lucrative job in the private sector with an entity seeking a government contract or to shape public policy. In addition, public officials-turned-lobbyists have access to lawmakers that is not available to others — access they sell for a hefty price.

“Public officials are supposed to serve the public interest of the American people,” said Craig Holman, government affairs lobbyist for Public Citizen’s Congress Watch division. “Increasingly, however, these public officials are leaving government service to work on behalf of private interests, as well as their own, as lobbyists or strategic consultants on behalf of lobbying campaigns for special interests. If we want government to work for us, we need to slow the revolving door.”

Idaho, Illinois, Michigan, Nebraska, New Hampshire, Oklahoma and Wyoming are the

worst in curbing the revolving door because they have no restrictions, Public Citizen found. Iowa, Maryland and North Dakota are the best. Florida is scheduled to adopt a six-year cooling-off period for lawmakers in 2022, which will make it among the best states.

Feds Should Look to States

On the federal level, restrictions on the revolving door are woefully inadequate. While former U.S. senators are subject to a two-year cooling-off period, members of the U.S. House of Representatives and most executive branch officials are subject only to a one-year ban.

Worse yet, all former federal public officials are prohibited only from making lobbying contacts during the cooling-off period. They can immediately join a lobbying firm and organize and direct a lobbying campaign; they just can’t pick up the telephone to contact their former colleagues.

A May Public Citizen report found that 59% (26 of 44) of former

members of the 115th Congress (2017-2019) who have found employment outside politics have gone through the revolving door and are conducting lobbying activities. The federal government should look to the practices of the best states when devising ways to curb corruption, Holman said. Federal revolving door laws should be strengthened by:

- Extending all cooling-off periods to a minimum of two years or longer to allow the inside connections to sitting government officials to fade;
- Banning “lobbying activity” such as conducting research, preparation, planning and supervision of a lobbying campaign as well as banning “lobbying contacts” during the cooling-off period; and
- Applying the ban on lobbying by former elected officials and very senior staff across the board to prohibit lobbying all agencies and both the legislative and executive branches of government during the cooling-off period. ■

Public Should Know Which Utilities Violate Cybersecurity Laws

BY DAVID ROSEN

Duke Energy. DTE Energy Co. PG&E Corp. These companies’ cybersecurity failures remained secret until media outlets outed them as utilities that broke rules designed to protect the nation’s electric system from cyberattacks. In all three cases, the agency that oversees the nation’s bulk-power system — the Federal Energy Regulatory Commission (FERC) — kept the names of violators confidential, abiding by a system that relies on self-reporting of violations by utility companies.

Groups like Public Citizen have raised concerns about the system of secrecy and have insisted that FERC name utilities that commit cybersecurity violations. In August, FERC heeded the call, joining the North American Electric Reliability Corporation (NERC) to propose making the name of a utility committing a violation public.

“It’s a huge success. Public Citizen’s efforts to promote transparency are paying off, and now regulators are proposing to require the public disclosure of violators,” said Tyson Slocum, director of Public Citizen’s Energy Program and author of multiple filings calling for FERC to identify the corpo-

rations that violate cybersecurity laws. “We applaud both FERC and NERC for moving toward making this needed reform.”

Public Citizen’s call and FERC’s response come as U.S. intelligence officials warn of increased threats to critical infrastructure. In late January, media outlets reported that Russian and Chinese hackers have infiltrated U.S. utility networks and possess the ability to shut down power and disrupt gas pipelines for several days.

Duke Energy was one utility identified by the media in February for violations and is facing a record penalty for repeat cybersecurity violations: It committed 127 cybersecurity violations between 2015 and 2018 and failed to pro-

tect sensitive information on its hardware and networks, leaving it vulnerable to cyberattacks. Duke Energy agreed to pay a \$10 million fine — the highest on record for a utility committing cybersecurity violations.

Under current law, the federal government has delegated front-line oversight and enforcement of the nation’s cybersecurity laws for electric utilities to a private corporation: NERC. Nine of the 12 members of NERC’s board of trustees hail from the utility industry, resulting in inadequate independence from the companies they are supposed to oversee.

Although NERC reports to FERC, and FERC can order NERC to make the names of utility scoff-

laws public, federal regulators have not done so.

In multiple filings with FERC, Public Citizen has called on FERC to tell NERC it must change its unofficial policy of shielding the names of cybersecurity violators from the public. Public Citizen’s latest filing was on June 24, when the organization intervened in two cases involving unnamed utilities that each were fined \$1 million for committing multiple cybersecurity violations that “posed a serious or substantial risk to the reliability of the bulk power system.”

In May, Public Citizen submitted comments to FERC, noting that:

- NERC’s lack of independent board governance may compromise its effectiveness as a regulator;
- FERC’s reliance on industry self-reporting fails to keep us secure;
- Public identification of utilities that commit violations will help to keep us secure; and
- FERC should promote and protect roles for whistleblowers.

“Disclosure of violators’ identities is key to holding companies accountable and ensuring that ratepayers do not absorb the costs of their misdeeds,” Slocum said. ■



Graphic courtesy of John Tomac.

Because another court of appeals had reached the opposite conclusion in a similar case, the Supreme Court accepted the case.

Public Citizen Gets Involved

Public Citizen signed on as co-counsel with Earthjustice for the four organizations in early 2019. Nelson coauthored their Supreme Court brief. In the Supreme Court, Maui County argues that it should not have to get a permit because its discharges are “indirect” — that is, because the pollutants flow through groundwater before reaching the Pacific Ocean.

In response, the organizations’ brief explains that the Clean Water Act does not say that “indirect” discharges are allowed. The county’s argument therefore amounts to a request that the Supreme Court create an unwritten exception to the law.

The case thus poses a major test of the commitment of the courts to

read laws as they are written. The U.S. Environmental Protection

Agency (EPA) and U.S. Department of Justice — which supported the



Graphic courtesy of Isabelle Cardinal.

public interest groups in the lower courts before the Trump administration took office — switched sides when the Supreme Court accepted the case and now support Maui County and industries that pollute.

On the pro-environment side, progressive states, former EPA officials and administrators, a Native American tribe, scientists, fishermen and craft brewers filed briefs in the Supreme Court supporting the protections of the Clean Water Act. David Henkin of Earthjustice will argue the case for the groups seeking to hold Maui County accountable. The argument will be held on Nov. 6, and the Supreme Court will issue its decision sometime before June 2020.

“Creating an exception to the Clean Water Act would let polluters deliberately use our nation’s lakes, rivers, streams and seas as dumping grounds for pollution as long as their discharge pipes stop just short of the waterline,” said Nelson. “That would significantly erode one of the nation’s most successful antipollution laws.” ■

Time to End Physician Sexual Abuse of Patients

BY RHODA FENG

Despite the #MeToo and #TimesUp movements reverberating across U.S. workplaces — from the entertainment and media industries to Congress — insufficient attention has been given to physician sexual abuse of patients.

Public Citizen is shining a light on this important public health problem and offering 11 key recommendations — which were published in the July issue of the *Journal of General Internal Medicine* — that institutions can take to guard against it.

Extent of Physician Sexual Abuse

Public Citizen’s recommendations build on groundbreaking research the organization published in 2016. That research documented that state medical boards — which are supposed to stop dangerous doctors from practicing — too often fail to protect the public from doctors already known to have committed sexual misconduct.

Between 2003 and 2013, 70% of U.S. physicians who were reported to National Practitioner Data Bank (a national database for flagging potentially dangerous doctors) because of sexual misconduct that led to sanctions by hospitals or other health care

organizations or a malpractice payment were not disciplined by state medical boards for their unethical behavior, Public Citizen found. Over the decade, only about 1,000 physicians were reported for sexual misconduct to this database. Notably, “sexual misconduct” is the term used by the U.S. medical community for this problem, although Public Citizen calls for using the term “sexual abuse” instead when referring to sexual conduct of physicians toward their patients.

“The U.S. medical community and state legislatures must adopt and enforce an explicit zero tolerance standard against all forms of physician sexual abuse of patients,” said Azza AbuDagga, health services researcher for Public Citizen’s Health Research Group and co-author of the journal article. “Our recommendations are commonsense policies that can make a major difference in patients’ lives and ensure their safety.”

Factors Behind Persistence of Abuse

Why is sexual abuse of patients at the hands of their physicians such a persistent problem in the U.S.?

First, many of these cases are never reported by patients because they may be shocked and consumed by feelings of disbelief,

guilt or shame; may be fearful that they will not be believed; or may be unwilling to publicly disclose the abuse.

Additionally, victims may not know how to file a complaint with the state medical board or hospital. Even when they do, victims can be further traumatized by the investigation and legal procedures, which may lead them to withdraw their complaints. Importantly, physicians often are unwilling to report their impaired or incompetent colleagues to relevant authorities, likely due in part to the absence of enforceable legal mandates for such reporting.

Second, many hospitals and health care organizations regularly ignore or circumvent reporting requirements for medical boards regarding impaired physicians.

Third, medical boards may not always act on sexual abuse complaints, especially when there is no material evidence or there are no witnesses. Even when medical boards discipline physicians for sexual abuse, those physicians often are permitted to continue to practice medicine.

Public Citizen’s Recommendations

State medical boards should, among other things:

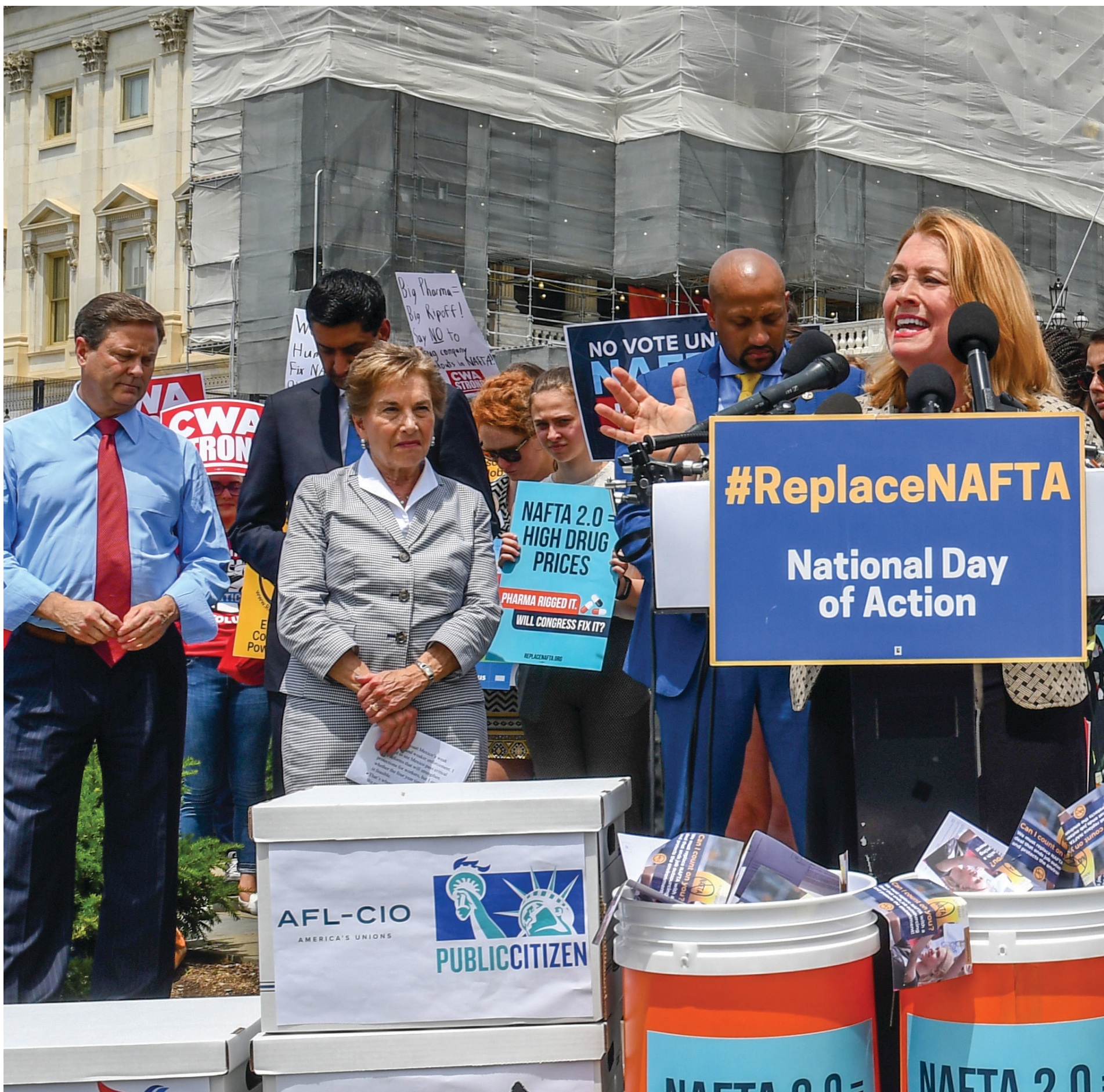
- Educate the public about how to prevent, recognize and

report physician sexual abuse;

- Discipline and report to authorities physicians who are found to have engaged in any form of sexual abuse of patients; and
- Disclose on their websites complete information concerning all disciplinary actions against sexually abusive physicians.

Additionally, the medical community, including medical boards and health care organizations, should:

- Educate physicians about the enormity of sexual abuse of patients, how to avoid it and how to seek help if they are struggling with their boundaries with patients;
- Mandate reporting by physicians and other professionals of any witnessed or suspected abuse;
- Encourage and facilitate reporting by patients and their families of all forms of abuse by a physician;
- Investigate thoroughly each complaint of alleged physician sexual abuse of patients;
- Provide trained chaperones to act as “practice monitors” during body exams; and
- Establish and fund programs to provide subsidized psychological counseling for all victims of such abuse. ■



Lori Wallach, director of Public Citizen's Global Trade Watch, speaks at a rally in June demanding changes to the Trump administration's revised North American Free Trade Agreement. The

► **NAFTA**, from page 1

drugs, which could get even more expensive under NAFTA 2.0, already cost Americans an estimated \$5.6 billion in 2018.

Public Citizen recently organized a national petition drive to oppose these terms and demand stronger labor and environmental standards and enforcement be added to the revised deal. More than 40 organizations joined the petition drive, including the AFL-CIO, Social Security Works and the Sierra Club.

On June 25, Public Citizen delivered the 300,000 petition signatures to Congress at a “No Vote Until NAFTA 2.0 Is Fixed” press conference and rally. Members of Congress — including U.S. Reps. Rosa DeLauro (D-Conn.), Debbie Dingell (D-Mich.), Chuy Garcia (D-Ill.), Ro Khanna (D-Calif.), Andy Levin (D-Mich.),

Donald Norcross (D-N.J.) and Jan Schakowsky (D-Ill.) — joined AFL-CIO President Richard Trumka and Lori Wallach, director of Public Citizen’s Global Trade Watch, at the event outside the U.S. Capitol.

The lawmakers were there to demonstrate, as Wallach said, that “a revised NAFTA will get through Congress only if key fixes are made, because the deal that Trump signed last year would not stop job outsourcing and would lock in high medicine prices.”

Reporters from CNN, NBC and Fox News covered the event, and a livestream of it was shared widely by Our Revolution, Democracy for America, NowThis and CREDO.

Two congressional letters that were sent to the Trump administration this summer also

emphasized the need for changes to the NAFTA 2.0 deal that Trump signed in 2018.

The first, co-authored by “New Dem” Rep. Susan Davis (D-Calif.) and Congressional Progressive Caucus member Schakowsky, laid out the changes that should be made to the deal’s pharmaceutical monopoly terms. More than 100 members of Congress signed the letter, including full committee chairs, leadership, freshmen from districts that Trump carried in 2016 and border states, and even lawmakers who in 2015 voted to “Fast Track” the disastrous Trans-Pacific Partnership (TPP).

The number and diversity of signers on the letter demonstrate that no matter what differences may exist among U.S. House of Representatives Democrats on trade in gen-



event was held outside the Capitol in Washington, D.C. Photo courtesy of Sally King.

eral, or the revised NAFTA specifically, the vast majority cannot abide a deal that includes new monopoly protections for pharmaceutical firms that would tie their hands from changing U.S. policies to lower medicine prices.

The second letter that was sent to the Trump administration this summer laid out all the changes needed to NAFTA 2.0, including access to affordable medicines. That letter was signed by dozens of freshman Democrats, “from U.S. Rep. Alexandria Ocasio-Cortez (D-N.Y.) to free-traders,” as Politico put it.

But Trump and the corporations that stand to benefit are still pushing for a vote on the deal as-is as soon as possible. Corporate lobbyists have been bragging about spending millions to ram the deal through Congress this fall without

the changes that Public Citizen and its progressive allies demand.

The two corporate lobby groups — U.S.-Mexico-Canada Agreement (USMCA) Coalition and Pass USMCA Coalition — have pledged to spend more than \$15 million to get NAFTA 2.0 passed as-is. A recent analysis by Public Citizen’s Global Trade Watch revealed that the groups’ 90 identifiable corporate members, including pharmaceutical and oil companies as well as the U.S. Chamber of Commerce and Business Roundtable, already are responsible for more than 500,000 trade-related job losses.

Despite these corporations’ money and influence, lawmakers indicate that Trump’s deal will not get a vote in the House unless and until the improvements are made. U.S. House

Speaker Nancy Pelosi has convened a working group of representatives, including progressive fair-trade champion DeLauro, to negotiate with administration officials on fixing the deal.

As *Public Citizen News* headed to print, discussions were ongoing. Public Citizen is relentlessly fighting to fix NAFTA 2.0 by pushing lawmakers to withhold support until the Trump administration removes the harmful pharmaceutical monopoly provisions and improves the labor, environmental and enforcement terms to stop the ongoing outsourcing of jobs and pollution.

A deal like that — unlike Trump’s NAFTA 2.0 — could actually stop some of NAFTA’s ongoing harm to people across North America. And that is worth fighting for. ■

In Memoriam: G. Marcus Blackwell

BY ADRIAN SHELLEY

Marcus Blackwell first visited our Austin, Texas, office in the summer of 2017. He was a neighbor of ours, a resident of the nonprofit housing complex with which we share a building. He told us that he had learned about our work in Texas, admired what we did and would like to paint a mural for us on our office wall.

“Painting keeps me sane,” he told us. Marcus, who died unexpectedly in May, was a Vietnam War veteran and an artist, and he had done paintings and murals across Texas. He showed us his sketches and photos of murals he had painted over the years. He didn’t want any money; he just asked us to pay for his paint.

We settled on an outdoor scene that would show the beauty of Texas and the potential of clean energy. We gave Marcus our ideas (wind turbines, longhorns, a city skyline), and he began sketching directly onto our office wall. If you’ve seen the Facebook or Twitter pages for our Texas office, then you’ve seen the final product.

Marcus moved at his own pace. Sometimes he worked on the mural for hours at a stretch. Other times we didn’t see him for days. But over the course of two months, our mural took shape and we got to know Marcus better. He was a nomad who always seemed just on the cusp of leaving town. Sometimes he did leave, traveling for days or weeks at a time around

Texas and especially the Rio Grande Valley.

Vietnam changed Marcus. Before the war, G. Marcus Blackwell was known as “Gary.” When he came home, he became “Marcus.” He told me once that “Gary had died over there.” He didn’t talk much about his youth, but carried pain that was obvious behind his eyes and in his restless nature.

Our mural was eventually finished, but not our relationship with Marcus. He liked painting for a cause, and continued to make banners, posters and cartoons for us. Marcus never asked for compensation, although we did pay him for our mural and continued to buy paint for his work. He wasn’t shy about dropping by the office in the morning to make himself a cup of coffee. He loved seeing his work used in protests and rallies and he shared our spirit of activism and fighting the powers that be.

We counted Marcus as a friend, and we were privileged to enjoy the products of his wild, artistic energy. A few days after his death, his two daughters visited our office for the first time. They told us that while Marcus had painted a lot in his days, the mural he painted for us had been especially important to him. They had come to see it for themselves.

When I look at our mural, I see the promise of a clean, prosperous future for Texas. I hope that Marcus’ daughters saw what they were looking for. ■



Pictured above is Marcus Blackwell's mural in Public Citizen's Texas office. Public Citizen file photo.

Call It A Climate Crisis; Cover It Like One

BY IAN WEINER

July set a new record for Earth’s hottest month. Days averaged a piping hot 62.13 degrees Fahrenheit globally, which was 1.71 degrees higher than the average for the 20th century, the National Oceanic and Atmospheric Administration found.

Between July 14 and 23, the average temperature across the U.S. was 88 degrees Fahrenheit. But just 23% of articles in the top 50 U.S. newspapers by circulation mentioned the climate or global warming when discussing the record temperatures.

This is just one finding of a recent Public Citizen analysis that examined how the newspapers and national programming from six major news networks connected – or failed to connect – the extreme July heat to the climate crisis.

Beginning the week of July 15, a sprawling heat wave spread over two-thirds of the United States.

This extreme heat threw a number of locations into a state of emergency, strained power grids, prompted the cancellation

of events, including the New York City Triathlon, put thousands at risk and caused multiple deaths.

Scientists have warned of a global catastrophe unless emissions of greenhouse gases are slashed, but a recent poll by the Yale Program on Climate Change Communication found that only 29% of Americans express that they are “very worried” about climate change.

The mainstream media has played a major role in this disconnect, and Public Citizen is demanding they update their language to call it a “crisis” or “emergency.”

The Heat Beat

On June 6, Public Citizen, along with 12 other groups, sent a letter to the chief executive officers of ABC, CBS, Fox, NBC, MSNBC and CNN urging them to increase the frequency of their climate coverage and convey the urgency of reducing pollution.

“The words that anchors and reporters use matter. What they call something shapes how millions see it – and influences

how nations act. And today, we need to act boldly and quickly,” the letter read.

Signs indicate that television news networks are heeding the call. Between July 14 and 23, the news networks mentioned climate in 15 of 94 heat-related segments (16%).

Although the percentage is still strikingly low, it represents a significant improvement over coverage of the 2018 heat wave, in which climate was mentioned in just one segment out of 114 (0.9%). Also, Telemundo and *The Guardian* recently updated the language they use surrounding climate to refer to it as a “climate emergency.” Public Citizen is encouraging U.S. reporters and media outlets to follow suit.

“Journalists finally are starting to connect brutal heat waves to our increasingly warming world, but it’s not enough,” said Allison Fisher, outreach director for Public Citizen’s Energy Program. “The science is there, and there are stories to be told that illustrate the impact the climate crisis is having on our workers and most

vulnerable populations. Going forward, the media must use these moments not just to tell us how hot it is, but why and what we can do about it.”

The Public Citizen analysis also found that nine of the top 50 newspapers by circulation did not publish an article about the July heat wave, and 13 of the newspapers published an article without any mention of the climate.

“The climate crisis is the defining issue of our time,” said David Arkush, managing director of Public Citizen’s Climate Program. “We need media outlets to cover it in a way that allows Americans to understand its true severity. It’s long past time for the media to call the climate crisis what it is – and to cover it with the regularity, focus and depth that an urgent, existential threat merits.”

The groups also are asking that Americans sign the Call it a Climate Crisis petition, which can be found at <http://bit.ly/2GVmsXg>.

As of press time, the petition had gathered nearly 100,000 signatures. ■



TAKING TRUMP TO COURT

the detention center under court order.

“The withholding of the records was plainly unlawful,” said Patrick Llewellyn, an attorney with Public Citizen and lead counsel for the plaintiffs. “It shouldn’t have taken a lawsuit and court order for the government to comply with its Freedom of Information Act (FOIA) obligations.”

An Infamous Facility

Even before the lawsuit, Etowah County Detention Center, run by U.S. Immigrations and Customs Enforcement (ICE), was repeatedly criticized for its abysmal conditions, including inadequate food, medical care and recreational time.

In 2015, the U.S. Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties completed a memo that detailed the findings of an investigation into the center, prepared in response to 50 complaints alleging inadequate conditions.

In September 2016, Adelante Alabama Worker Center, a community organization in Birmingham, Ala., and several other immigrant and civil rights groups – including Detention Watch Network, Greater Birmingham Ministries, Immigrant Defense Project and Southerners on New Ground – submitted a FOIA request for the memo.

Initially, DHS refused to produce a single word of the memo, claiming that the entire document was exempt from disclosure. In December 2017, Adelante and the four other groups sued in the U.S. District Court for the Southern

“The withholding of the records was plainly unlawful. It shouldn’t have taken a lawsuit and court order for the government to comply with its FOIA obligations.”

—Patrick Llewellyn, Public Citizen attorney

District of New York, represented by attorneys from Public Citizen and Adelante.

After the lawsuit was filed, DHS disclosed more than 100 pages of the memo and attached expert reports, but redacted parts of the pages. The groups challenged several of the redactions, and on March 26, the court ordered DHS to disclose additional information.

The released records show that experts in corrections, medical care, mental health and environmental health and safety investigated complaints from detainees and made recommendations for improvements at the facility.

One complaint stated that a detainee was “forced to defecate in the back of a bus without a restroom” during transport to another facility.

The records called out Etowah County Detention Center’s under-qualified staff, specifically referencing the facility’s mental health officer at the time, an unlicensed radiology technician who “functions as the only designated mental health staff person at the facility.”

The memo noted that this staff member, along with her predecessor, helped to conduct “all of the mental health assessments and interventions at the facility.”

The memo noted that the DHS Office of Civil Rights and Civil Liberties had not “received a response from [ICE] on whether it will implement our suggested

changes” and that there were no known changes to the facility between 2012 – when the experts’ recommendations were first made – and 2015, when the memo was issued.

“These records reveal what many detained persons and advocates on the ground already know. ICE has been placed on high alert about the abysmal conditions and

systemic civil rights violations at the Etowah jail, and has utterly failed to address them,” said Jessica Vosburgh, executive and legal director of Adelante.

“Now we call on Congress to exercise its oversight and appropriations authority to conduct a searching investigation of the jail and the federal contract dollars paid to Etowah County.” ■



Graphic courtesy of Taylor Gallery.

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FOR MAIN STREET

Public Citizen Calls Out Medical Malpractice Payments

BY MIKE STANKIEWICZ

The U.S. Department of Health and Human Services (HHS) has broken the law for decades by failing to report nearly two-thirds of medical malpractice payments for its own doctors, putting patients at risk.

Public Citizen is calling on four separate congressional committees to investigate. According to Public Citizen research, for more than two decades, HHS has failed to report most medical malpractice payments to the National Practitioner Data Bank (NPDB), as required by law and the department's own policy.

These malpractice payments were made on behalf of health care professionals practicing at the agency's own National Institutes of Health, Indian Health Service and Health Resources and

Services Administration.

Using data obtained from HHS under the Freedom of Information Act, Public Citizen found that from 1994 to 2016, out of a total of 3,352 medical malpractice payment reports that HHS should have submitted to the data bank, the agency failed to submit 2,113 (63%) of these reports. By not reporting these payments, HHS has compromised patient safety and the integrity of the data bank, Public Citizen said in a July letter to Congress.

"This unacceptable pattern of noncompliance by HHS has remained the same for more than 20 years," said Dr. Michael Carome, director of Public Citizen's Health Research Group. "HHS' recalcitrance is unconscionable and sets a terrible example for other institutions that are required to report

malpractice payments."

The letter was sent to the U.S. Senate Committee on Health, Education, Labor and Pensions, the U.S. Senate Committee on Finance, the U.S. House of Representatives Committee on Energy and Commerce and the U.S. House of Representatives Ways and Means Committee.

State medical and other professional boards and health care organizations use the national data bank to conduct background checks to determine if a doctor or other health care professional has been sanctioned for misconduct by a hospital, had his or her license to practice curtailed by a state medical or other professional board, or has had any malpractice payments made on his or her behalf. Public Citizen's letter highlights that in 2005, the HHS

Inspector General documented widespread noncompliance by HHS agencies with medical malpractice payment reporting to the NPDB and made recommendations to address the problem, but the noncompliance has persisted. Public Citizen is therefore demanding the congressional committees conduct oversight hearings and take legislative or other action to ensure all medical malpractice payments made on behalf of HHS doctors and other agency health care professionals, including previously unreported cases, are reported to the NPDB.

"HHS can't be trusted to resolve these issues itself, so Congress needs to take action now before more patients are put at risk by dangerous doctors whose medical malpractice goes unreported," Carome said. ■

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 Citizen Says to NRC: Texas Is Not the Nation's Nuclear Waste Dumping Ground

Public Citizen and its allies scored a big legislative victory in Texas this summer when Gov. Greg Abbott vetoed a bill to let a nuclear waste operator off the hook for fees it owes the state. The veto came after months of lobbying, legislative testimony and media outreach by Public Citizen and others opposed to the project, including a prominent oil company in the West Texas Permian Basin near the site of the nuclear waste dump.

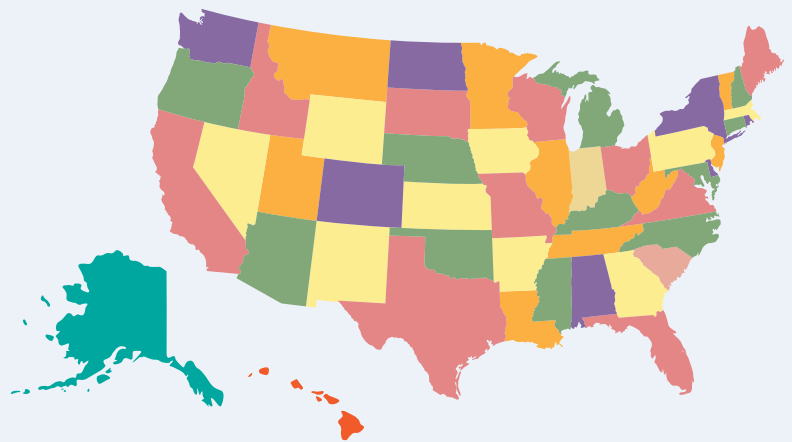
While Public Citizen's Texas office celebrated the veto, the fight against deadly nuclear waste in the state is far from over. In addition to low-level waste already stored by Waste Control Specialists (WCS) in West Texas, nuclear interests have applied for a permit to store 40,000 tons of high-level nuclear waste (spent fuel rods) from U.S. nuclear reactors at the same location. Public Citizen traveled to Midland, Texas, near the WCS nuclear waste facility, in July for a hearing of the U.S. Nuclear Regulatory Commission (NRC). Public Citizen and others conducted a well-attended news conference in advance of the NRC meeting to lay out arguments against the proposed nuclear waste dumping. During the two-day hearing that followed, attorneys for Public Citizen and others petitioned to intervene in the permitting process.

In late August, judges on the NRC's Atomic Safety and Licensing Board rejected Public Citizen's and several other groups' applications to intervene. One contention was allowed to move forward: a claim by the Sierra Club related to the Endangered Species Act's application to two species of lizard threatened by the proposal.

In neighboring New Mexico, opponents of nuclear waste — including Public Citizen's Texas office — are mobilizing for a fight against Holtec's application to store high-level waste near Carlsbad. New Mexico State Land Commissioner Stephanie Garcia Richard has voiced her opposition and described "serious safety concerns" with the project. Public Citizen shares those concerns and will continue to make them known to those with power over this dangerous project. — Michael Coleman

Public Citizen Pushes for Automatic Voter Registration in New York

New York historically has been plagued with drastically low voter turnout, but thanks to grassroots organizing, the efforts of Public Citizen and the Let



NY Vote coalition, those days may soon end. On the first day of session this year, the New York Legislature approved portable registration for people who move within the state, pre-registration for 16- and 17-year-olds, early voting and the scheduling of state and federal primaries on the same day. Lawmakers also moved forward constitutional amendments for same-day registration and no-excuse absentee voting — measures Public Citizen and the coalition had pushed for.

But the state still does not have an automatic voter registration system, which could bring an additional 1.1 million new voters to the polls for the 2020 elections. Ongoing advocacy and grassroots engagement by Public Citizen and the Let NY Vote coalition ensured that two automatic voter registration bills, A8280 and S6457, were introduced in the state Legislature's House and Senate, respectively, in June.

The New York Senate passed its bill, and the state Assembly was poised to pass its version when a significant typo was found in the bill that would have undermined its intent. This typo was found too late in the session to fix without an "order of necessity" from the governor, who did not issue one.

Legislative leaders pledged to pass the legislation at the next available opportunity and implement it by 2021.

"It has been a powerful year of victories in New York to help ensure that our state goes from 'worst to first' in voter participation," said Jonah Minkoff-Zern, co-director of Public Citizen's Democracy Is For People Campaign who is based in Syracuse, N.Y. "We will continue to work to pass and implement automatic voter registration in New York." — Ian Weiner ■

Public Citizen Sentinel Society

Celebrates our exceptional members who have supported our work for 35 years or more.

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IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president
On Hunter Biden’s alleged business conflicts: *ABC, The New Yorker*. **On calling on the U.S. Federal Trade Commission (FTC) to investigate Amazon’s paid endorsements program:** *The Hill, Politico, CBS News*. **On President Donald Trump’s Fourth of July celebration:** *The Washington Post, HuffPost, Salon*. **On the FTC approving a Facebook fine of about \$5 billion:** *The New York Times, MarketWatch, Common Dreams*. **On lowered Equifax cash payouts:** *The Washington Post, MSN News*. **On Facebook’s creation of Libra, a new virtual currency:** *The American Prospect, The Palm Beach Post, Crowdfund Insider*. **On the Asunción Valdivia Heat Illness and Fatality Prevention Act (H.R. 3668):** *Arizona Public Media, People’s World*.

Lisa Gilbert, vice president of legislative affairs
On the revolving door between the Pentagon and the defense industry: *The Hill*. **On the increase of big tech lobbyists:** *NPR*. **On presidential candidate Joe Biden not talking about his legislative record against big money:** *HuffPost, Yahoo! News*. **On tech companies increasing their lobbying expenditure:** *Yahoo! Finance*.

Lori Wallach, director of Public Citizen’s Global Trade Watch
On the Trump administration and Democrats fixing the North American Free Trade Agreement (NAFTA) 2.0: *Associated Press, The New York Times, The Houston Chronicle, Muskogee Daily Phoenix, AlterNet*. **On the limitations of existing free trade agreements:** *Washington Monthly*. **On Trump’s trade plans:** *Free Speech TV*. **On Joe Biden’s record of voting for NAFTA:** *Politico*. **On David Koch’s dark money political network:** *Roll Call*.

Dr. Michael Carome, director of Public Citizen’s Health Research Group
On the U.S. Food and Drug Administration’s (FDA) creation of the MAUDE database: *The Courier-Tribune, MedTech Dive*. **On the decrease of FDA enforcement actions under Trump:** *Science*. **On unethical ketamine clinical trials:** *Minnesota Spokesman-Recorder*. **On the FDA’s lack of reaction to an unsafe drug made by Pfizer:** *Milwaukee Journal Sentinel*. **On limitations on generic drug manufacturers to warn consumers about newly discovered hazards:** *Milwaukee Journal Sentinel, Yahoo! News, CQHealth*. **On overworked medical residents:** *Pacific Standard*. **On the inaccuracy of prescription drug labels:** *Drugwatch*.

Peter Maybarduk, director of Public Citizen’s Access to Medicines Program
On legislation to cap drug price increases under Medicare: *The Wall Street Journal, MarketWatch, Stat News*. **On the Trump administration’s plan to import prescription drugs from Canada:** *Los Angeles Times, Northwest Georgia News, Boston Herald*. **On how Big Pharma keeps winning in Congress:** *The Boston Globe*. **On the End Price Gouging for Medications Act:** *KTVZ News Channel 21 (Oregon)*.

David Arkush, managing director of Public Citizen’s Climate Program
On rising temperatures: *HuffPost*. **On newspapers needing to cover climate change better:** *The Bulletin of the Atomic Scientists*.

Adrian Shelley, director of Public Citizen’s Texas office
On fires at the ExxonMobil plant in Texas: *The Wall Street Journal, Bloomberg, Houston Chronicle*. **On companies’ responsibility to deal with the climate crisis:** *Houston Public Media*. **On the dangers of rolling back environmental regulations:** *Politico*.

Craig Holman, government affairs lobbyist with Public Citizen’s Congress Watch division
On state measures designed to curb the revolving door: *The Baltimore Sun, Roll Call, Associated Press*. **On Trump’s Fourth of July celebration:** *Los Angeles Times, San Diego Union-Tribune, Daily Press (Va.)*. **On Congress’ failure to crack down on insider trading:** *Chicago Tribune*. **On the Border Patrol Foundation moving its 2018 fundraiser to the Trump International Hotel in Washington, D.C.:** *Quartz*. **On scandal surrounding U.S. Rep. Chris Collins (R-N.Y.):** *The Buffalo News*.

Bartlett Naylor, financial policy advocate of Public Citizen’s Congress Watch division
On strengthening the Volcker Rule: *Forbes*. **On the decrease in financial regulation:** *Credit Union Times*. **On the Consumer Financial Protection Bureau’s extension on the comment period for its proposed debt collection rule:** *Auto Finance News*.

Public Citizen Litigation Group
On Labor Department Secretary nominee Eugene Scalia needing to recuse himself on worker safety issues: *Bloomberg Law*. **On having the anti-renewable energy group New England Ratepayers Association disclose its donors:** *Energy News Network*. **On Trump’s border wall:** *USA Today*. **On California’s anti-Strategic Lawsuit Against Public Participation statute:** *The Daily Progress*.

The Price Ain’t Right BY JIM QUINLAN

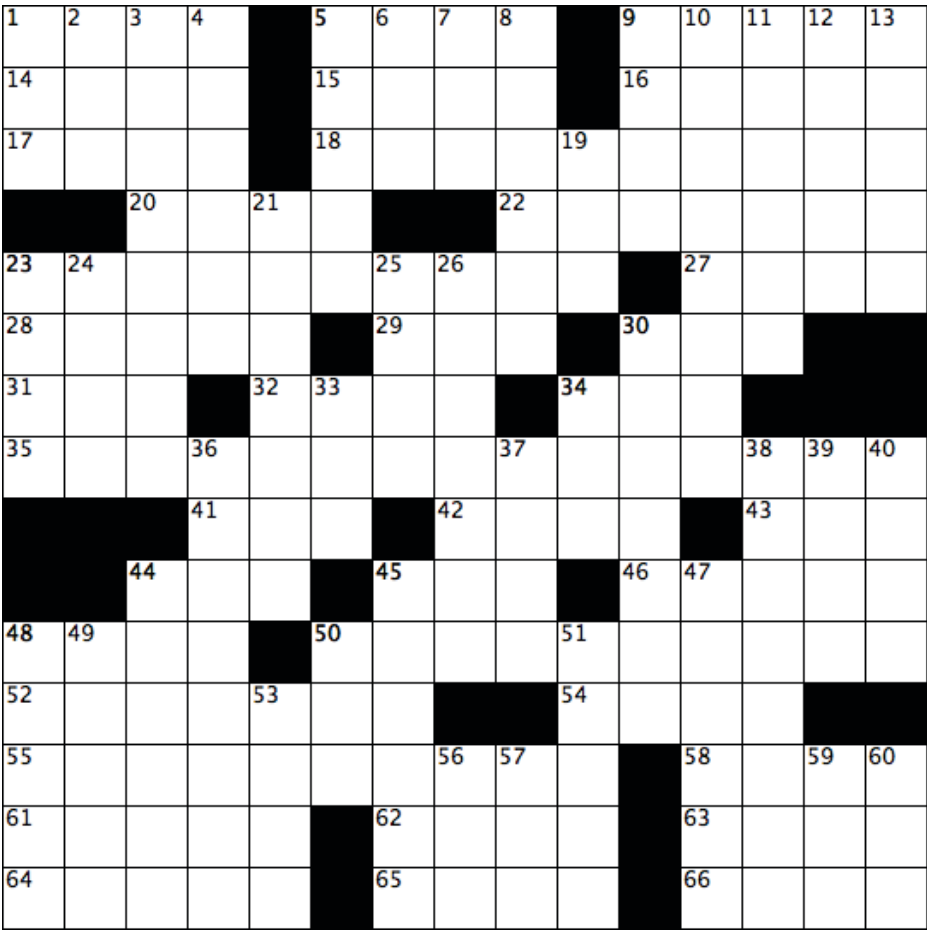
Across

- 1. Hooters
- 5. When Stephen Colbert airs, generally speaking
- 9. Amy who starred in "Sharp Objects"
- 14. "We're in trouble..."
- 15. Addresses that are often bookmarked
- 16. Batman's buddy
- 17. Wander
- 18. Stephen King clown who is 55-Across?
- 20. "At Wit's End" author Bombeck
- 22. "Hmmm..."
- 23. Brown bread that is 55-Across?
- 27. Lively, like a shampoo?
- 28. Shaquille or Tatum
- 29. Altar words
- 30. Lawn that comes in rolls
- 31. Accomplished
- 32. Show that featured Carrie Underwood and Kelly Clarkson, casually
- 34. Disco __ ("Simpson's" character whose name is found in the alphabet)
- 35. Comes to a quick, but 55-Across halt?
- 41. Fireplace remnants
- 42. Put underground
- 43. Palindromic “before”
- 44. Undergarment with an underwire
- 45. Coffee alternative
- 46. Brand of cup that sounds southern
- 48. Lit __ (college course, informally)
- 50. Football player who is 55-Across?

- 52. Rip into, verbally
- 54. Changes hair color, perhaps
- 55. Like many drug costs, and a hint to solving 18-, 23-, 35-, and 50-Across
- 58. Tennis score after deuce
- 61. Division of ancient Babylonia
- 62. Back side of the neck
- 63. Scurriers in a Steinbeck title
- 64. Olympic swords
- 65. Crossword puzzle pattern
- 66. Emulate a geyser

Down

- 1. Pronoun that sounds like sixty minutes
- 2. Question asked by 1-Across
- 3. Fab Four hit of 1964
- 4. Everest hiker who isn't in it for the photo op
- 5. Type of calendar
- 6. Agent Gold of HBO's “Entourage”
- 7. RN's specialty, for short
- 8. Word that can precede kiss or pie
- 9. Singer Guthrie
- 10. Rain... and then some
- 11. Put up with
- 12. Scrooge, for one, prior to his epiphany
- 13. "Hägar the Horrible" dog
- 19. Animal that sounds like the person solving this crossword
- 21. McCarthy who portrayed Sean Spicer



- 23. "They're not earbuds! They're Air__!" (common quote from a student when I politely request they remove listening devices before class, followed by an eye roll)
- 24. The "U" in ICU
- 25. "My Heart Will Go On" singer
- 26. Identification sticker
- 30. Keep out of a 10-Down
- 33. Homeric cry?
- 34. Big __, California
- 36. Like a simple golf hole
- 37. Kind of control: Abbr.
- 38. Curtsy in which one's head nearly touches the floor
- 39. Idle of Monty Python
- 40. Stink to the extreme
- 44. A crude rejoinder as President Donald Trump would use

- 45. Angling in, as a nail
- 47. Building supporters
- 48. Like some encounters and calls
- 49. Gun, as an engine
- 50. Modern TV feature that may enable bingewatching
- 51. Did sum work?
- 53. Auto financing figs.
- 56. Common gameshow prize
- 57. Center opener?
- 59. Hard water
- 60. Fresh out of the package

Jim Quinlan constructs the crossword gratis. Public Citizen appreciates his generous contribution.

Public Citizen Recommends ...

‘How the Rats Re-Formed the Congress’

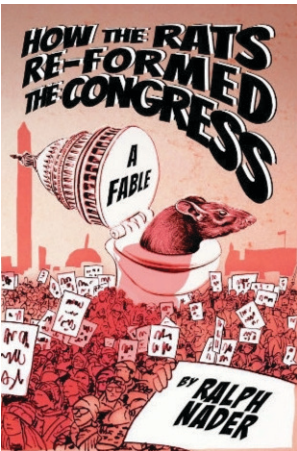
By Ralph Nader; \$20; Center for Study of Responsive Law

In Ralph Nader’s newest book, the longtime activist and advocate for reform (and Public Citizen founder) revels in ridiculing the bipartisan congressional leaders and depicts the U.S. Congress’ infamous intransigence, which triggers a karmic backlash of epic proportions.

The satirical story begins as a scatological escapade into the bowels of Congress – literally. The rat infestation begins in the

private bathrooms of Republican House Speaker “Reginald Blamer” and Democratic Minority Leader “Marcy Melosay” and soon spreads. Attempts to conceal the plague and protect the dignity of the elected officials prove futile, prompting an evacuation.

The rats’ ability to overrun the legislative branch and force the most powerful institutions in the U.S. to deal with them inspires



the public. Activists transform the pests into the ultimate political meme, making them into the symbolic vehicle through which they convey demands, such as “Tax Wall Street and End Student Debt ... Or Else!” A daily drumbeat of nonstop demonstrations pushes the deliberative body to the brink.

The corporate powers-that-be don’t concede without a fight. They employ astro-turfers who claim the activists are advocating “civil rights for rats,” among other dirty tricks. Nevertheless, you know the elites

aren’t going to stand a chance against this populist political revolution, which also is championed by outsiders like the socialist “Ernie Banders” and “nut jobs” who run as independents, like “Alf Radar.”

Silly as it may sound, Nader’s book carries serious policy weight. Sprinkled throughout this zany yarn are references to reforms like Medicare for All that are no laughing matter. A respite from the real-world madness currently captivating the Capitol, “How the Rats Re-Formed the Congress” offers a vision that’s not just hilarious. It’s hopeful. ■ — Rick Claypool

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

Breaking the HIV Prevention Monopoly

BY RHODA FENG

In 2007, federal scientists made a startling discovery: An HIV treatment showed signs of preventing new HIV infections in monkeys. The U.S. government funded clinical studies to confirm the medicine’s effectiveness for pre-exposure prophylaxis (PrEP) and obtained patents on this breakthrough.

Yet, many years after its approval for PrEP, Truvada still remains priced out of reach for the taxpayers who helped fund its development.

Public Citizen is calling on the government to act and for lawmakers to investigate.

Although Gilead Sciences developed Truvada to treat HIV and got U.S. Food and Drug Administration approval of the drug in 2004, the corporation didn’t pay for any of the original research that led to the new use of Truvada: HIV prevention. Using Truvada to prevent HIV infections – Truvada as PrEP – was developed using at least \$50 million in federal grants. Truvada manufacturer Gilead charges more than \$2,000 a month for the drug, which costs less than \$6 per month to manufacture.

“As with many new medicines, taxpayers pay twice: first through public funding of research and development, then for the monopoly prices the companies set after acquiring the rights to the drug,” said Peter Maybarduk, director of Public Citizen’s Access to Medicines program.

“As with many new medicines, taxpayers pay twice: first through public funding of research and development, then for the monopoly prices the companies set after acquiring the rights to the drug.”

—Peter Maybarduk, director of Public Citizen’s Access to Medicines program

In February, President Donald Trump announced his plan to eliminate HIV transmission by 2030. Achieving this goal would require either greatly increasing government spending or significantly reducing medicine prices. But the administration has done neither. Approximately 40,000 new HIV infections are reported every year, according to the U.S. Centers for Disease Control and Prevention (CDC). Truvada has been shown to be up to 99% effective at preventing the spread of HIV, but its price tag puts it out of reach for more than 90% of the 1.2 million Americans at high risk for exposure to HIV.

In 2018, the company made \$3 billion in sales on Truvada and has consistently increased the price of the drug since its approval for PrEP in 2012. The PrEP patents, which were uncovered by HIV activists running a PrEP4All campaign, represent a potential multibillion-dollar funding stream for the CDC.

Public Citizen has supported and advised the campaign and in April, signed on to a letter by the PrEP4All activists calling on the director of the CDC and Assistant Secretary for Health Brett Giroir to:

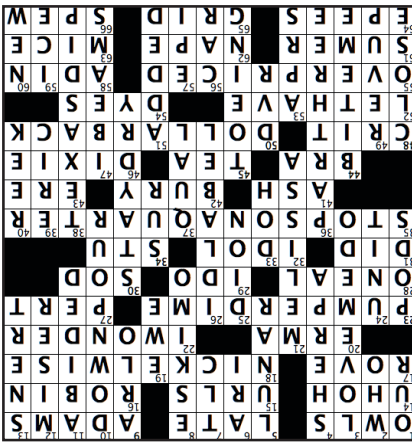
- Use government patents protecting the use of Truvada as PrEP for the benefit of the American people. Any licensing agreement must require that Gilead dramatically reduce the price of Truvada and provide the drug at cost to public health programs.
- Increase access to Truvada in communities where PrEP is underused, such as communities of color, and fund existing community health centers providing HIV prevention services.
- Disclose to the public any and all communications between the CDC and Gilead.
- Involve all communities vulnerable to HIV in all future discussions and potential settlement agreements with Gilead.

Public Citizen has helped PrEP4All activists call on lawmakers to act. In May, the U.S. House Oversight and Reform committee held a hearing on Truvada’s pricing. Public Citizen sent the committee information highlighting the systemic failure of the U.S. government to demand affordability for federally funded

inventions and pointing out that patent royalty payments from Gilead alone could fund a universal PrEP program to dramatically reduce the number of new HIV infections in the country.

“We have the technology to end AIDS in this generation,” said Maybarduk. “Indeed, the U.S. government in part owns that technology. It is in our power to ensure that corporations make it available to everyone who needs it. The Trump administration must make it happen.” ■

Crossword Answers



IN THE NEXT ISSUE...

We report on the U.S. Justice Department’s refusal to prosecute corporate repeat offenders.

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