PUBLIC CITIZEN NEWS
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Monkeypox Vaccines in Short Supply

BY LIZA BARRIE

The monkeypox virus is spreading rapidly worldwide, with governments unprepared and scrambling to respond. Historically, the rare and dangerous tropical disease was endemic in a few countries in Western and Central Africa. Yet since early May, it has spread to 100 countries and infected nearly 60,000 people. On July 23, the World Health Organization declared the escalating global monkeypox outbreak a Public Health Emergency of International Concern and the White House quickly followed suit.

Monkeypox can infect anyone, but most cases in the current outbreak are among men who have sex with men, of whom an estimated 28-51% are people living with HIV. Public Citizen has been warning that the Biden administration's current policy course is inadequate to prevent monkeypox from spreading to populations most vulnerable to severe outcomes, including those with HIV and other immunocompromised people, prisoners, unhoused people and children. To contain the outbreak, Public Citizen has called for the president to put forward a global monkeypox plan and to request new funding from Congress to fully resource it.

Most urgently, the plan must address the severe monkeypox vaccine shortage, as well as the

see **Monkeypox**, page 8

Photo courtesy of Shutterstock.

Student Debt: America's Great Unequalizer

BY CANDACE MILNER

In late August, President Joe Biden announced an historic plan to cancel student debt for some borrowers. Under the plan, borrowers making less than $125,000 in 2020 or 2021 were granted up to $10,000 in debt cancellation; or up to $20,000 if they were eligible for Pell Grants while in college.

Advocates and borrowers alike applauded the administration's plan to target Pell Grant recipients, who are more likely to be first-generation and low-income students. The plan demonstrates a commitment to equity and provides much-needed relief for Americans navigating the complicated economic impact of the COVID-19 pandemic. It is reported that this relief package will eliminate student loan balances for nearly eight million Americans.

The U.S. Department of Education has announced that in cases where they have income information for borrowers, they will use that information to automatically cancel borrower debt up to the maximum amount. Additionally, in early October, an application will be released for people to report their income to the Department of Education to receive the appropriate relief.

Advocates and borrowers have stressed the need for the application to be as accessible and user-friendly as possible. The Department has reported that this is a priority in the implementation process and that the application will be released in both English and Spanish. Borrowers can sign up to be notified when the process has officially opened at the U.S. Department of Education subscription page.

Americans have champi-

see **Student Debt**, page 4

Inflation Reduction Act a Major Win to Make Drugs More Affordable

BY PATRICK DAVIS AND RHODA FENG

After months of negotiations, wrangling, and dealing on Capitol Hill, President Joe Biden signed the Inflation Reduction Act (IRA). The landmark legislation, signed in August, will transform

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GET TO KNOW PUBLIC CITIZEN

WENDY LIU

An ongoing series profiling Public Citizen leaders and staffers

When she's not hiking through parks or exploring new areas, Wendy Liu works for Public Citizen Litigation Group. Liu has lived in a variety of places, including Pittsburgh, Ann Arbor, Philadelphia, and even Tokyo, before moving to the suburbs of New York City, which she considers her hometown. Liu recently moved to Arlington, Va., after living just a few blocks from Public Citizen's Dupont Circle office for several years. After graduating with a bachelor's degree in philosophy from Princeton University, Liu attended New York University School of Law. In between her undergraduate studies and law school, Liu spent a year in China teaching English and U.S. government and culture. Most recently, she was an associate at Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP.

Liu joined Public Citizen in 2021. She recently won a FOIA case in which Public Citizen sued the U.S. Department of Agriculture for records relating to the COVID-19 pandemic and its impact on the health and safety of workers at meat and poultry processing facilities.

How would you describe the work you do at Public Citizen?

Liu: I'm an attorney in the Litigation Group. We're a group of public interest lawyers who litigate important and cutting-edge issues to protect the rights of consumers. Within the Litigation Group, I'm the point person for our work on the Freedom of Information Act (FOIA). In addition to FOIA-related work, I litigate cases and write briefs that cover a wide range of issues in consumer protection and government transparency. My average day is a mix of researching legal issues and writing briefs, giving advice to people within and outside of Public Citizen, and consulting with my colleagues.

What has been your favorite part of working at Public Citizen?

Liu: I've loved getting to know my colleagues. I count myself incredibly lucky to work with such a smart and talented group of attorneys dedicated to the public interest.

Do you have a favorite hiking spot or a favorite classical music composer?

Liu: I really enjoy long-distance hikes. Trekking through the Himalayas on the Annapurna Circuit in Nepal was probably my favorite long-distance hike. In terms of music, I used to play classical piano quite seriously. Chopin is probably my favorite.

Growing up, did you know you wanted to go to law school?

Liu: While I was growing up, I had no idea that I wanted to be an attorney. I'm the first lawyer in my immediate and extended family. I first became interested in law when I did an internship with Advocates for Children of New York, a nonprofit based in New York City that works to protect the right to education for children. That internship was my introduction to litigation, and I loved it.

What advice would you give to students interested in law?

Liu: I think it's useful to do at least one or two internships in the legal profession before going to law school, so that the student has a good sense of what the practice of law is actually like. An internship is a great opportunity to get exposure not only to a field of law but also to the day-to-day of the practice of law. Law school can be a huge commitment of time and resources, so it's good to know what you're getting into before you embark on a career in law. ■

— Compiled by Chloe Dougherty

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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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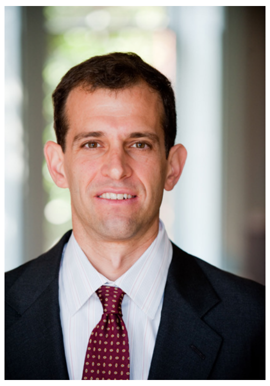
EDITORIAL

Inflation Reduction Act a Major Step Forward

The Inflation Reduction Act — the far-reaching budget reconciliation bill signed by President Biden in August after more than a year of haggling — includes the most consequential progress to restrain Big Pharma price gouging in decades.

The bill empowers Medicare to negotiate prices for some of the drugs it covers through physician-administered drugs in Part B and through Part D prescription-drug plans. It also limits the degree to which Big Pharma can raise drug prices year after year. The bill doesn't go nearly far enough and Public Citizen will continue to advocate for more aggressive measures — but this was a major setback for Big Pharma and a significant step forward to achieve reasonable drug prices.



PRESIDENT'S VIEW
ROBERT WEISSMAN

At Public Citizen, we're proud of our key role in making this happen. The savings from the drug price provisions of bill total around $150 billion. That's a lot of money! But there's a lot more work ahead.

The issue with Medicare price negotiation goes back to the inception of the Medicare Part D program. The political deal cut at Medicare Part D's formation prohibited Medicare from negotiating prices for the drugs it covered. This was a stunning achievement for the industry. Medicare Part D would become (and now is) the world's largest drug buyer — and it was forbidden from negotiating prices.

How could such a thing happen? Answer: From perhaps the most corrupt arrangement in modern political history. House and Energy Committee Chair Billy Tauzin (R-Louisiana) ensured that the new Medicare Part D drug purchasing program would prevent Medicare from negotiating drug prices. Then, as the Medicare Part D legislation was being signed into law, he negotiated a new job heading up PhRMA, the industry trade association, with a reported annual salary of $2 million.

Ever since then, Public Citizen has been demanding an end to the "noninterference clause" that prohibits Medicare from negotiating prices.

As prices spun further and further out of control, as drug rationing became more prevalent, and as public anger grew, we intensified and expanded our advocacy. Starting around 2017, our Access to Medicines team made this a top priority.

Working with U.S. Rep. Lloyd Doggett (D-Texas), we helped draft the best and strongest Medicare drug negotiating bill. The Doggett bill gave Medicare the power to negotiate prices on all drugs. If a company refused to agree to a reasonable price, the Doggett bill empowered the government to authorize generic competitors to make the drug. This approach would ensure both reasonable prices and prevent monopolist drug makers from withholding a needed medicine as a negotiating tactic. In the 2019-2020 Congress, more than 125 members cosponsored this legislation.

Unfortunately, Speaker of the House Nancy Pelosi did not adopt the Doggett bill as the vehicle for moving on drug pricing. But the Doggett bill played a major positive role nonetheless — first, in ensuring that the House would move on drug pricing at all; and, second, in prompting major improvements in the House bill. An early iteration of the House bill would have given tremendous power to drug companies to game the negotiation system.

The bill the House passed in the last Congress became the template for the drug pricing provisions in the Inflation Reduction Act, although the Inflation Reduction Act is far more limited in scope than the legislation that had passed the House.

There's a similar story about the Inflation Reduction Act's provisions blocking excessive yearly increases in Medicare drug prices. That too builds on legislative ideas that we first floated five years earlier.

The Inflation Reduction Act's drug pricing provisions are much less than they should be. We've advocated for measures that are stronger, more effective and would save consumers and taxpayers hundreds of billions more.

At the same time, we're celebrating what we did achieve — and using it to fuel our work pressing ahead. Big Pharma is the most powerful lobby in Washington, D.C., by far. The industry spends much more on lobbying than any other — more than $300 million annually. It employs more than 1,500 lobbyists - three for each member of Congress!

The industry has always fought against even the most modest reforms, on the grounds that any loss would show weakness and make possible more far-reaching reforms. Well, now we've beaten them with a very consequential reform. And, we intend to use that momentum to win much more in the years to come. ■

Graphic courtesy of Shutterstock.

▶ **Student Debt**, from page 1

oned education for its capacity to improve living standards across demographic lines, but for millions of college students and graduates, as well as those who started but did not finish college, student debt has impaired their ability to achieve the American Dream.

Forty-five million Americans hold $1.7 trillion in student loan debt, making student debt the second largest form of household debt in the United States. This debt can take decades to pay off and, in the meantime, take a toll on the quality of life of borrowers. A 2021 study found that the financial burden student debt imposes decreases life satisfaction.

Student debt can delay or even prevent many borrowers from achieving major life goals, such as marriage and purchasing a home. For some, the burdensome cost may prevent them from completing their degree program altogether. According to the National Center for Education Statistics, 37% of borrowers who began four-year degree programs in 2013 had not yet received a degree six years later.

Borrowers who experience the greatest difficulty with repayment are disproportionately students of color and first-generation college students. These borrowers incur more debt and subsequently take more time paying it off. This longer-term financial constraint prevents these graduates from reaping the full benefits of their degrees.

Across party lines, Americans agree that rising student debt is a problem. Due to the COVID-19 pandemic, in March 2020, the federal government issued a moratorium on student loan payments and later issued historic student loan relief through the CARES Act. The moratorium was extended seven times and is now set to expire on Dec. 31, 2022.

“We are excited for the relief that this new package will bring to borrowers, and especially happy for the nearly eight million borrowers who will be debt-free as a result of this relief,” said Susan Harley, managing director for Public Citizen’s Congress Watch division. “Unfortunately, for many borrowers, cancelling $10,000 is not enough. Student loan debt is continuing to keep many Americans from reaching their financial goals and realizing debt-free financial security. We implore the administration to expand relief and make federal student debt cancellation of up to $50,000 a reality for everyone.”

Public Citizen maintains that student debt cancellation is a matter of racial and economic justice and can remove barriers to achieving the American Dream. By making higher education more affordable and accessible, the U.S. can take a significant step toward making education a true equalizer. ■

Graphic courtesy of James Yang.

Advocates Sue Missouri Over Harmful Homelessness Law

BY RHODA FENG

Housing justice advocates and taxpayers represented by Public Citizen filed a lawsuit in Missouri state court in September challenging a state law that will harm people who are unhoused or unstably housed.

The law, which was passed by state legislators earlier this year and is scheduled to go into effect on Jan. 1, 2023, makes it a crime to sleep on state-owned land, including interstate overpasses, without authorization. It also places strict restrictions on the use of state funds for the unhoused, including by barring use of such funds for the construction of permanent housing.

Advocates for the unhoused have said that the law could lead to more violence and harm against unhoused people who might seek shelter in vacant buildings in Missouri.

The law's provisions on homelessness were enacted as part of House Bill 1606 (H.B. 1606), which states in its title that it is enacting "fifty new sections relating to political subdivisions" and which primarily contains provisions concerning political subdivisions.

The lawsuit alleges that, by including the provisions on homelessness, many of which have nothing to do with political subdivisions, H.B. 1606 violates three requirements in the Missouri Constitution: 1) a requirement that bills contain no more than one subject; 2) a requirement that the bill's subject be clearly expressed in its title; and 3) a prohibition on the General Assembly amending bills so as to change their original purpose.

These requirements are intended to ensure that members of the legislature and public are fairly informed of a bill's contents.

The plaintiffs in the case are Missouri residents Johnathan Byrd, Jessica Honeycutt, and Allison Miles. They are represented by Legal Services of Eastern Missouri and Public Citizen Litigation Group.

"This anti-homeless law will enact policy violence on people who are unhoused," said Byrd. "I believe Missouri can and should do better by our neighbors who are struggling to find housing after a global pandemic and a time of unprecedented instability."

"I work with people who are unhoused on a daily basis and I know HB 1606 will make their lives more difficult," added Honeycutt. "Making people criminals because they have to sleep outside is inhumane."

The lawsuit, filed on Sept. 6, is the second lawsuit filed against the law; three weeks earlier, the Gathering Tree, a Springfield nonprofit, also filed a lawsuit. An official at the nonprofit, which operates Eden Village and the Revive 66 Campgrounds, called the bill "a dangerous and callous form of government overreach."

"The Missouri Constitution contains several protections to ensure that legislators and members of the public are not misled about the purposes and effects of proposed legislation," said Adina H. Rosenbaum, an attorney at Public Citizen Litigation Group. "By hiding provisions on homelessness in a bill that, as a whole, addresses a different subject, H.B. 1606 violates the state Constitution."

Amanda Schneider, an attorney with Legal Services of Eastern Missouri, also noted that "Missouri already has an extreme shortage of housing for people with low incomes. This legislation will reduce access to housing and criminalize the unhoused in the middle of our affordable housing crisis." ■

Photo courtesy of Shutterstock.

Stopping Trade Attacks on Climate Action

BY KYRA BROWN

The Inflation Reduction Act (IRA), signed into law by President Biden on Aug. 16, 2022, includes roughly $370 billion for climate programs. While far smaller than necessary, the investments in renewable energy represent the most far-reaching measures the U.S. has ever taken to meet its commitments under the Paris Climate Agreement, a legally binding international treaty that sets the goal of limiting global warming to 1.5°C by 2030.

With less than a decade left to reach this goal, we are running out of time and options. Countries urgently need to access all the policy tools at their disposal to reduce emissions and ramp up renewable energy.

Before the ink dried on the legislation, however, the European Union threatened to challenge the electric vehicle tax credits passed in the IRA, claiming that the measures violate our trade obligations governed by the World Trade Organization (WTO). (All the while, EU officials were talking out of the other side of their mouths, urging tougher pledges on emissions targets.)

This is just the latest example of how outdated, destructive trade rules have been used to try to thwart bold climate action, and why Public Citizen and allies in the climate justice community are urgently calling on governments to adopt a Climate Peace Clause, or a moratorium on the use of trade and investment rules in international agreements to challenge governments' climate policies.

"Investing in green jobs is a key way that the U.S. and other countries around the world can create the political support needed to transition to a carbon-free economy," said Melinda St. Louis, director of Public Citizen's Global Trade Watch. "It's time to end the circular firing squad via trade and investment agreements, where countries threaten and, if successful, weaken or repeal one another's climate measures."

The global trade regime has favored large corporations and companies at the expense of workers and the environment because the corporations and their lobbyists have the deep pockets needed to join closed-door negotiations and influence trade deals. This is clearly illustrated with the rise of climate "trade disputes," or WTO lawsuits claiming climate policies in some nations to be unfair trade "barriers."

For example, a key policy tool governments are using to jumpstart the transition to a green economy is to incentivize local production of renewable energy. Ensuring the creation of green jobs locally helps create the political will necessary to invest in renewable energy. However, when India implemented a federal local solar production program, the United States claimed that it violated WTO rules and won. In turn, India brought its own WTO dispute against the U.S., successfully challenging several similar U.S. renewable energy programs across eight states.

Taxpayer dollars are being spent to fight these trade disputes, and governments are being ordered to roll back their climate policies by international trade tribunals that prioritize adherence to corporate-rigged rules over climate objectives.

This disconnect between the urgent imperative to act boldly for climate and outdated trade rules that can be used to challenge climate policies has led Public Citizen, along with leading environmental organizations, to urge the Biden administration and other governments around the globe to commit to a Climate Peace Clause.

By committing to stop using trade disputes as a mechanism to challenge other countries' climate policies, the Biden administration could demonstrate global leadership and ensure that our trade policy supports, rather than undermines, our climate goals.

The Climate Peace Clause is needed not only to safeguard existing climate policy, but also to ensure that countries have sufficient policy space to enact the bold future climate measures that science demands. It could be adopted in various international fora, such as the G7, the UN Framework on Climate Change, or regional discussions such as the Biden administration's planned Indo-Pacific Economic Framework.

The CPC is not just a progressive pipedream. It already has the support of more than 150 environmental groups, and actually was included in the Fifth Intergovernmental Panel on Climate Change Assessment Report as well as in a leaked draft statement of the U.S.-EU Trade and Technology Council (TTC) earlier this year. (However, reference to the peace clause was deleted by the time the final TTC statement was released.)

Public Citizen is working with allies nationally and across the globe to educate thought leaders and policymakers about this commonsense policy that would ensure that trade and investment agreements do not stand in the way of creating sustainable climate policy for the future. While there is much work that needs to be done to address the destructive effects trade and investment agreements have on climate policy, time is running out, so we need a Climate Peace Clause now for a livable world later. ■

Graphic courtesy of Shutterstock.

Race Should be Centerpiece of Revised Community Reinvestment Act Standards

BY PATRICK DAVIS

Public Citizen in August called on federal financial regulators to address racial discrimination in bank lending as those regulators consider revisions to the rules implementing the Community Reinvestment Act (CRA). The CRA, enacted into law in 1977, sought to address neighborhood-level discrimination in lending, one of the remaining gaps in Civil-Rights-Era laws. Under the law, banks are required to lend and make investments in the communities where they take their deposits from, including low-income and moderate-income communities.

While the issue of race has always been at the center of the CRA, race and ethnicity have never been the centerpiece of the law's implementation.

"As it currently exists, the CRA's colorblind evaluation has a fundamental fault: an approach that uses income as a proxy for race," said Bartlett Naylor, financial policy advocate at Public Citizen. "Currently, federal regulators do not assess whether banks make loans to people of color in their CRA ratings."

America's discriminatory lending problem has festered throughout its history, and the depth of that discrimination has been highlighted in the last years by COVID-19 and the Black Lives Matter demonstrations.

Redlining, the discriminatory practice of denying residents of certain areas financial or other services, was used to deny Black neighborhoods finance for homes and businesses. Developers and bankers would map out segregated areas of cities, limiting finance and development.

As a result of these racist lending practices by banks, Black communities suffered lower levels of investment than white communities. The CRA was an attempt to force banks to change those practices.

Forty-five years after the CRA became law, inequity in lending remains prevalent. A 2018 study by Reveal showed that African American and Latino families are routinely denied conventional mortgage loans at rates far higher than their white counterparts. During the pandemic, inequity increased. COVID-19 forced the closure of 41% of African American-owned businesses, compared to 14% owned by white small business owners.

In a letter to regulators at the Federal Deposit Insurance Corporation, Federal Reserve, and Office of the Comptroller of the Currency, Public Citizen spelled out necessary changes to the rules implementing the CRA.

"Along with the pressing issues of race discrimination, changes in banking itself argue forcefully for such deliberation," said the letter. "The banking industry continues to consolidate, leading to fewer competitors. Internet banking changes the nature of what is the "community" in a bank's community reinvestment obligation."

Public Citizen's letter to regulators focused on the lending by financial institutions that will play a key role in adapting communities to climate change. Along with more than 80 other organizations, Public Citizen called for enhanced safeguards around lending for climate mitigation.

"Climate change is a risk multiplier that exacerbates racial and economic inequality, and it is progressing at an alarming rate. The agencies must update CRA regulations with this reality in mind so that the banking system meets the changing credit needs of all communities," the groups wrote in the letter.

Further, Public Citizen and Americans for Financial Reform submitted a petition with more than 10,000 signatures to the regulators.

"Forty years after it was enacted, we have fallen short of addressing the legacy of financial discrimination against those communities rated 'hazardous' because they were characterized as 'undesirable populations,' primarily Black Americans," said Ishmael Buckner, climate campaigner at Public Citizen. "Regulators must revisit old assumptions and modernize the CRA regulations to meet current needs."

As regulators reconsider the rules implementing the CRA, Public Citizen has advocated for expanding the list of climate-related activities under the CRA to include electrification and water efficiency for residential homes, including multifamily properties.

"Bank financing decisions play an important role in climate change," said Anne Perrault, climate finance policy counsel at Public Citizen. "As climate impacts intensify, Black communities lacking access to credit will be left without a vital tool to mitigate losses from extreme weather."

Further, Public Citizen called for the regulators to encourage banks to increase community engagement and relationship-building with climate and environmental justice organizations, including using Community Benefits Agreements.

"Regulators must take this opportunity to strengthen the CRA regulatory framework and ensure that people and families suffering from the cost of historically redlined communities can access the credit they need to prepare for the climate crisis," said Buckner. ■

Photo of the Federal Deposit Insurance Corporation courtesy of Tony Webster / Flickr.

▶ **Monkeypox**, from page 1

“The course of the monkeypox outbreak is not preordained and the decisions the White House takes in the coming weeks and months will be pivotal in avoiding the tragic mistakes of the Covid-19 crisis.”

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

shocking global vaccine inequity that Public Citizen revealed through a review of public records to track monkeypox vaccine stocks.

The review was significantly limited by a lack of transparency as granular information about vaccine deliveries, orders, and stocks is kept secret, and many deals are not made public.

Nonetheless, based on publicly available information, Public Citizen estimates that the U.S. holds nearly 80% of Jynneos, the only jab cleared to fight monkeypox, despite having only 35% of the global virus cases.

The analysis compared vaccine access and monkeypox cases in more than a dozen countries. It found that no countries in Africa, including those that have long battled monkeypox outbreaks, have any doses on hand, or any orders placed.

These countries also have virtually no tests or treatments. And Brazil, which has reported close to one in twelve cases globally, has no doses available. Meanwhile, by late August the U.S. had already obtained 1.1 million vaccine doses for 16,600 cases – or 66 doses for every case, with nearly 7 million in total ordered so far. The U.S. has 22 times more doses than the E.U. and the U.K.

“Once again, vaccines for a disease outbreak are not available in the vast majority of countries, including in the African states that have fought monkeypox for years,” said Peter Maybarduk, Public Citizen’s Access to Medicines director. “The course of the monkeypox outbreak is not preordained and the decisions the White House takes in the coming weeks and months will be pivotal in avoiding the tragic mistakes of the Covid-19 crisis.”

In media interviews and a letter to President Biden with allies, Public Citizen has urged the administration to utilize the Defense Production Act to ramp up and accelerate production of additional finished Jynneos vaccine doses.

Millions of doses of bulk vaccine substance sit dormant at a facility in Denmark, waiting to be filled and finished into vaccines for health care providers to administer.

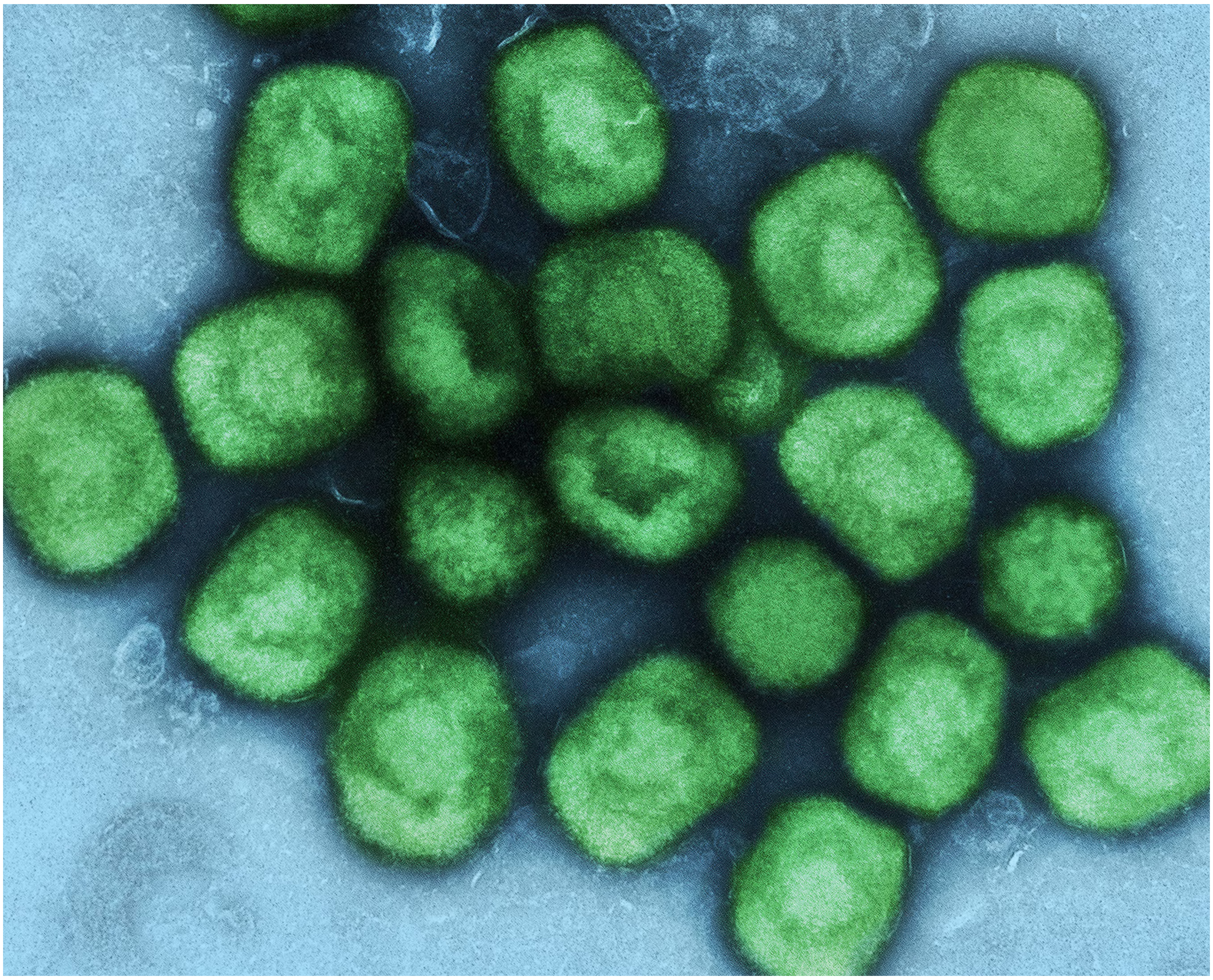
Through the DPA, the U.S. Government can surge staffing, ensure available supplies, and enlist additional qualified facilities to accelerate the fill-finish process, expediting availability. Public Citizen has called for the U.S. simultaneously to work with partners to transfer technology and help shore up global vaccine production, including in Africa.

The U.S. currently has the world’s largest stockpile of monkeypox vaccine and owns more vaccine substance than the rest of the world combined. Public Citizen has advocated for the U.S. to equitably share the world's available stockpile of Jynneos vaccine doses with the rest of the world.

For the immediate term, Jynneos vaccine doses will be in global scarcity. The distribution of vaccines in an equitable manner to countries experiencing outbreaks maximizes impact.

While we do not yet know what future challenges monkeypox will present, it is clear that, as with the Covid-19 pandemic, the solutions required to control the monkeypox emergency must be global in nature.

If the rest of the world is not safe, neither are we. It is critical that the United States government does not forget. ■



Colorized transmission electron micrograph of monkeypox virus particles (green) cultivated and purified from cell culture. Image courtesy of NIAID / Flickr.

Fixing Texas' Electric Grid

BY JOSÉ MEDINA

The dangerously hot summer of 2022 is one more reason why the Texas office of Public Citizen has pushed to get state officials to fix the state's electric grid.

You don't have to live in Texas to know that the grid is not OK. The entire world saw how in February 2021, the state that likes to boast about its vast energy resources somehow could not keep the lights on. The trigger was a historic winter storm named Uri testing a system to deliver energy to millions of Texans, a system that was almost destined to fail.

And it did.

The result was most people who call this enormous state home were plunged into darkness. Texans, literally powerless to heat their homes, saw the bitter cold temperatures from the outside brought inside their home. This extreme weather event was compounded by decades of indifference and lax regulations by state leaders. The widespread blackouts took hundreds of lives and inflicted billions of dollars in damages.

Fast-forward to this past summer, when the grid was brought to the brink. This time, of course, the culprit was not the extreme cold.

Many parts of the world saw dangerously high temperatures. Texas, an already hot state in the summer in any year, was not immune and saw some of the same. Different parts of the state saw record-breaking heat as early as May. San Antonio, one of the fastest-growing cities in the country, experienced its hottest May, its hottest June and its hottest July on record.

The capital city of Austin also experienced its hottest July ever, with all except two days with temperature highs above 100 degrees.

With the extreme temperatures sending demand for electricity through the roof, the grid buckled. In the span of one week in July, the state broke records for electricity usage and ERCOT, the entity that manages the grid, called on Texans to conserve. It didn't help that many electric generators were offline due to poorly scheduled maintenance outages. The grid thankfully held, but the threat of more conservation alerts, or even blackouts, remained possible and put Texans on edge for weeks.

"The widespread power outages during Winter Storm Uri, and the risk of more during this brutally hot summer, make it clear that the grid is far from secure," Adrian Shelley, director of the Texas office of Public Citizen, told the Dallas Observer. "The grid is simply not ready for many more summers like this one or another extreme weather event like Uri, both of which are more likely because of climate change."

Public Citizen fought for legislation to secure the grid during last year's Texas legislative sessions. State lawmakers, unfortunately, failed to act boldly enough to secure the grid. But the Texas office of Public Citizen was able to make an impact.

In one piece of legislation, Public Citizen successfully advocated against a provision that would unfairly force renewable energy producers to pay for reserve power for the grid. Another provision, supported by Public Citizen and eventually signed into law, requires weatherization plans for the state's power producers to follow the science and consider predictions by the state climatologist.

Public Citizen also has taken steps to add security to the grid by taking action at the local level.

In San Antonio, for example, the Texas office has been a vocal advocate of energy efficiency programs like the recently renovated STEP Program. In Austin, Public Citizen is fighting a proposal from the city's electric utility to create a rate structure that would discourage conservation. And the office continues to push for a transition to renewable energy sources and away from the fossil fuels that failed to keep the lights on during the February 2021 winter storm.

"There is no doubt that we need big and bold action by state leaders at the Capitol in Austin to secure the grid," Shelley said. "But until then, we'll work with local officials to bring the kind of reforms that we know Texans desperately want and need. Our grid is definitely not OK, but we have dedicated advocates who are working to fix it." ■

Photo courtesy of ERCOT.

Truth Social's Censorship, Terms of Service Defy Free Speech Promises

BY DAVID ROSEN

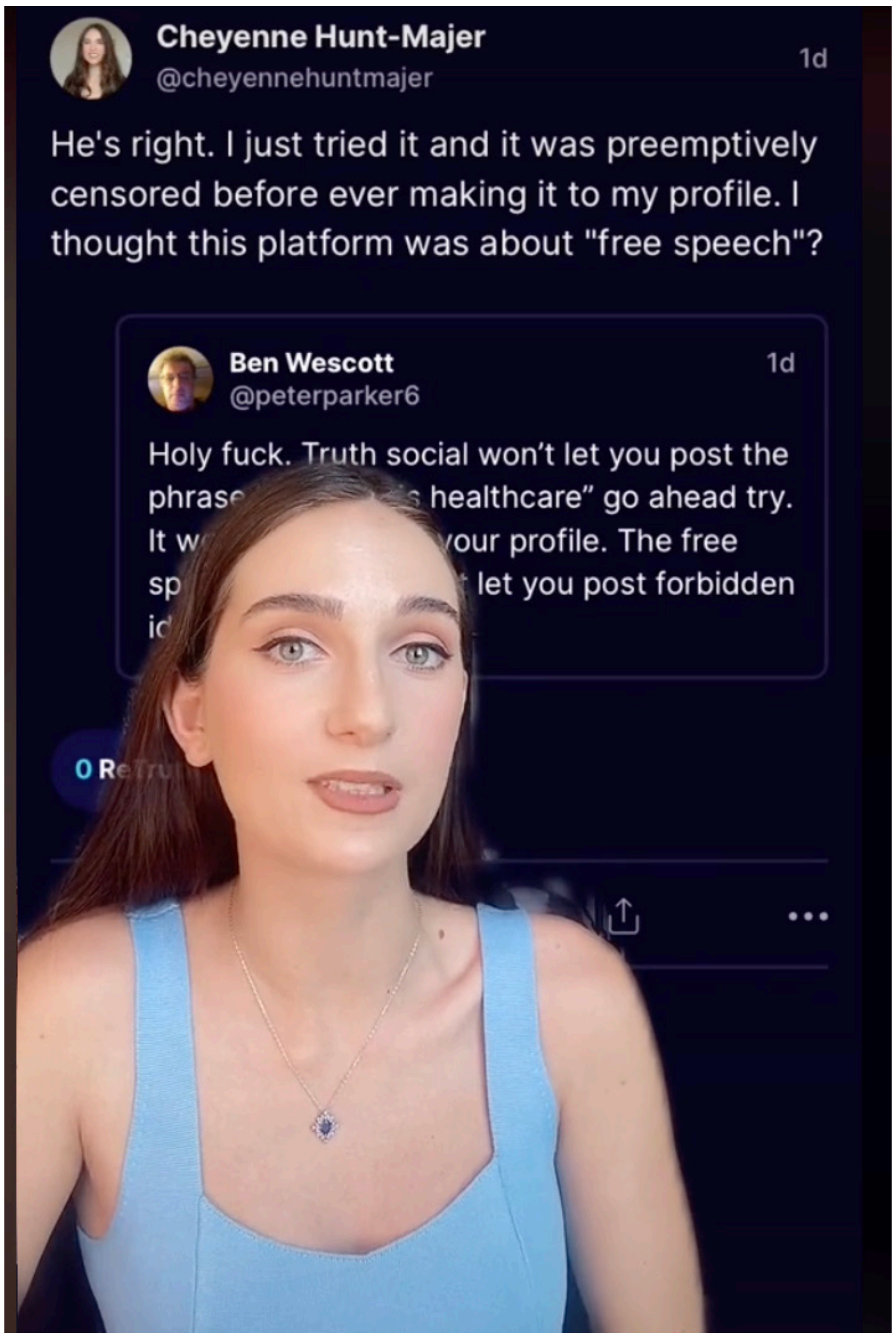
> **"Truth Social was marketed as an alternative platform for users seeking less content moderation, but the site's terms of service are so broad and so ill-defined that it's effectively more restrictive than Twitter, the site's closest competitor."**
>
> **—Cheyenne Hunt-Majer, Public Citizen lobbyist**

Former President Donald Trump's social media platform Truth Social engages in inexplicable censorship of both conservative and liberal viewpoints, according to a Public Citizen report released in August. Despite being marketed as an uncensored platform for free speech, the site is governed by heavy-handed terms of service that are more restrictive than any similar platform, the report found.

"Truth Social is far from the haven of free speech that Trump promised, as even conservative viewpoints and links have been shadow-banned," said Cheyenne Hunt-Majer, a lobbyist with Public Citizen and author of the report. "It's not at all clear how Truth Social determines which content will be labled as sensitive, why some content is censored after it's posted, and why other content seems to be preemptively blocked from appearing on the platform at all."

Hunt-Majer set up an account on Truth Social and documented numerous instances of shadow-banned content firsthand. A shadow ban fully or partially blocks a user's content without warning, notice, or recourse. Banned content included:

- Coverage of the January 6th Committee hearings;
- Pro-choice opinions;
- Pro-gun messages by country music star Blake Shelton;
- Criticism of U.S. support for Ukraine; and
- Links to far-right website Breitbart.



In some instances, posted content did not appear on the site for days or ever. And in one case, Hunt-Majer's viral video highlighting the absurdity of Truth Social's censorship appears to have triggered a change of heart among site moderators regarding the phrase "abortion is healthcare."

The report found that Truth Social's content moderation practices lack the transparency, consistency, or nuance typical of major social media platforms. Unlike Twitter, Truth Social bans all sexual content and explicit language. Its terms of service also allow moderators to ban anyone whose content is deemed "libelous, slanderous, or otherwise objectionable."

Former President Trump was banned indefinitely from Twitter and Facebook after the platforms found that his posts incited violence on Jan. 6, 2021, in violation of their terms of service. In response, he launched his own platform, Truth Social, a year later.

Trump described the platform as a haven for free speech where content would be only sparsely moderated and not censored on the basis of political ideology. But the young platform was quickly marred by accusations of biased censorship and account suspensions.

While Truth Social promised minimal and transparent content moderation, early users reported experiencing bans after selecting usernames or authoring posts that made fun of or criticized the former president and his allies. Early versions of the platform's terms of service even required users to agree not to "disparage, tarnish, or otherwise harm, in our opinion, us and/or the Site."

While that provision has since been removed, users continue to report that they have experienced censorship and bans after talking about topics that are unflattering to the former president, including the Jan. 6 Committee hearings.

Truth Social's seemingly frequent use of shadow banning leaves affected users with no recourse when a post that conforms with the terms of service is wrongfully blocked. But Hunt-Majer found a way to publicly shame Truth Social into a change of heart.

In June 2022, Truth Social users reported that any post containing the phrase "abortion is healthcare" would automatically be shadow banned from the platform. When Hunt-Majer attempted to post the phrase "abortion is healthcare," she received the standard notification that her "truth had been posted," which would normally signify that the post would be visible on her personal profile and on her feed. Instead, the post was nowhere to be found.

In response, Hunt-Majer made a video explaining that her so-called "truth" had seemingly disappeared into a black hole. The video went viral on Tik Tok, garnering more than 1.2 million views as of this writing. Five days later, Hunt-Majer's post on "abortion is healthcare" suddenly appeared.

"Truth Social was marketed as an alternative platform for users seeking less content moderation, but the site's terms of service are so broad and so ill-defined that it's effectively more restrictive than Twitter, the site's closest competitor," said Hunt-Majer. "It's not inherently problematic that Truth Social moderates posts, but the lack of transparency could lead users to believe that they are engaging in an open forum when, in reality, they're in a curated echo chamber. Studies show that Americans generally want clear and transparent content moderation policies. Without that, user frustration with Truth Social is likely to continue growing." ■

▶ **IRA**, from page 1

the federal government's approach to making prescription drugs more affordable and have major implications for how the U.S. approaches climate change.

Among the provisions in the law, Medicare will be able to negotiate prescription drug prices for a select number of the most expensive drugs. For the first time ever, the U.S. Department of Health and Human Services will work with pharmaceutical companies to cut the price that the program pays for individual medications.

"The Inflation Reduction Act will bring important economic relief to seniors draining their bank accounts to pay for medicines or rationing their prescriptions," said Robert Weissman, president of Public Citizen.

Lowering Prescription Drug Prices

Passage of the IRA represents a striking reversal of the "noninterference clause" that was passed as part of the Medicare Modernization Act of 2003 establishing Medicare Part D prescription-drug plans and completely banned negotiations between Medicare and pharmaceutical companies on drug prices. For years, Public Citizen and other consumer organizations have sought legislation that would repeal this outrageous giveaway to Big Pharma.

Under the Act, Medicare is empowered to negotiate prices for a limited number of brand-name prescription drugs. Those drugs must be among the drugs on which Medicare is spending the most money. They must also have already been on the market for a number of years before negotiations is permitted.

Disappointingly, Congress restricted the number of drugs subject to Medicare price negotiations to only 10 Part D drugs in 2026, another 15 Part B or Part D drugs in 2028, and another 20 Part B or Part D drugs in 2029 and subsequent years.

Despite being restricted in scope and delayed several years before actual implementation, the prescription-drug price-negotiation provision of the IRA will eventually lower prescription drug costs for Medicare patients and reduce drug spending by the Medicare program. The Congressional Budget Office projects savings of roughly $100 billion over 10 years.

A second key drug-price-related provision of the Inflation Reduction Act requires that drug manufacturers pay rebates to Medicare if they increase prices faster than inflation for prescription medications used by Medicare beneficiaries. This provision will be implemented in 2023. Lastly, for Medicare patients who rely on insulin, the IRA will phase out out-of-pocket costs, eventually establishing a $35 cap for a month's supply of insulin.

The Act also extends subsidies for Americans who purchase their own health coverage on the Affordable Care Act (ACA) marketplaces. During the COVID-19 pandemic, Congress authorized temporary subsidies in 2021 and 2022 for individuals and families looking for health coverage. Yet, obstacles to affordable pharmaceuticals for patients remain.

"The drug price provisions in the Inflation Reduction Act are a major blow against Big Pharma's rip-off business model," said Weissman. "But there is much more to do to combat Big Pharma's price gouging on vital medicines and to restrain drug prices."

Preventing Climate Chaos

In addition to the major investments in health care, the Inflation Reduction Act will advance major climate priorities. The legislation will invest $369 billion in climate solutions and will put the U.S. on track to 40% carbon emissions reductions by 2030.

"When the Inflation Reduction Act is fully implemented, it will constitute by far the most important U.S. legislative measure to address the climate crisis," said Weissman. "It will drive down carbon emissions and make some strides on environmental justice."

The environmental provisions included in the IRA are the result of years of advocacy from Public Citizen and allied environmental organizations. Strong, science-based policies that prioritize the real causes of the climate crisis are at the core of the legislation.

Major tax incentives to prioritize investments in decarbonizing the economy will begin to roll out over the next few years, including tax credits for $30 billion toward clean energy sources and energy storage programs, major incentives for cleaner cars, and $3 billion for the U.S. Postal Service to purchase zero-emission vehicles.

Furthermore, Congress set aside nearly $3 billion for environmental and climate justice grants, which will fund community-led projects in disadvantaged communities across the country.

Yet while the IRA has pushed forward several environmental justice priorities, the backroom haggling and trade-offs it took to get U.S. Sen. Joe Manchin (D-W.V.) led to inclusion of several harmful provisions. Part of the deal was a promise to Manchin to pass a bill to ease permitting of fossil fuel projects. Public Citizen is ardently opposing this legislation.

As with drug pricing, says Weissman, the Inflation Reduction Act includes important steps forward to mitigate the climate crisis – but much more is needed.

"There is an urgent need for much more aggressive and far-reaching measures to prevent climate chaos and to build on the Inflation Reduction Act's down payment with far greater measures to advance environmental justice," said Weissman. "And there is a special need to mitigate the harmful pro-fossil fuel measures included in the IRA, including those which will concentrate pollution and ecological destruction on the Gulf South, Native American lands, and in communities of color." ■

Graphic courtesy of John Tomac.

Nursing Homes Often Do Not Report Private Equity Firms Among Their Owners

BY RHODA FENG

> "Comprehensive ownership information for nursing homes is essential for effective oversight and for families to decide where to place their loved ones. Otherwise it's impossible to determine if a facility is owned by those who may be guilty of fraud or providing negligent care at other locations."
>
> —Taylor Lincoln, research director at Public Citizen

The U.S Department of Health and Human Services (HHS) has failed to implement a 2010 law requiring full disclosure of nursing home ownership by private equity firms, which may be contributing to substandard care, according to a new Public Citizen study.

In response to findings that private equity firms – business partnerships that buy and restructure corporations – were slashing costs to supercharge profits and that nursing home ownership reports were incomprehensibly opaque, Congress mandated in the 2010 Affordable Care Act (ACA) that facilities provide comprehensive details of their ownership structures and that those details be made public. The law required HHS to create rules to implement the transparency provisions within two years.

But more than a decade later, after the coronavirus pandemic turned some nursing homes into virtual death traps, HHS still has not issued regulations to implement the requirements spelled out in the 2010 law. (In the first six months of the pandemic, residents and staff in nursing homes accounted for nearly half of all U.S. COVID fatalities.) Meanwhile, findings of substandard care at private equity-owned nursing homes have continued to accumulate.

"Comprehensive ownership information is essential for effective oversight and for families to decide where to place their loved ones," said Taylor Lincoln, a research director at Public Citizen and author of the study. "Otherwise it's impossible to determine if a facility is owned by those who may be guilty of fraud or providing negligent care at other locations."

Public Citizen's study tested the comprehensiveness of ownership data currently published by the federal government, which is based on requirements that predated the ACA and that HHS enhanced without implementing formal regulations. The study looks in depth at the reports of nursing homes owned by two private equity firms and, in a more general way, at 13 nursing homes believed to be owned by private equity firms. Among the findings:

- A private equity firm that appears to own more than 130 nursing homes and another that lists in its portfolio a nursing home chain consisting of 58 facilities do not appear anywhere in the federal government's ownership database;
- One of those private equity firms had one of its facilities terminated by Medicare for failing to meet basic safety requirements;
- Among 13 private equity firms believed to possess substantial holdings in U.S. nursing homes, only seven appear at all in the federal ownership database, and many of those appear to be grossly incomplete; and
- Diagrams showing the relationships between each nursing home's owners, which the ACA required HHS to collect and disclose, have not been made public.

Evidence from previous years suggest that nursing homes owned by PE private equity firms offer lower-quality care than their peers. As the report notes, for-profit ownership in general poses risks because the incentives of owners may not line up with the interests of residents. And private equity-owned facilities often place the greatest emphasis on short-term cost cutting. For-profit nursing homes are less than half as likely as nonprofit facilities to receive the government's highest rating. And finding out who owns a nursing home can be extremely difficult. "The public has a particular right to this information because about 85% of nursing home revenue comes from the taxpayer-funded programs Medicare and Medicaid," Lincoln said.

The Biden administration promised in February to take several steps to improve the quality and safety of nursing home care, including implementing the disclosure requirements in the ACA. But the administration does not appear to have begun creating a regulation to do so.

Public Citizen recommends that the administration begin work on that regulation. In the meantime, the administration should increase public disclosure of the ownership information that is currently collected, and it should issue notices to nursing homes demanding that they improve the quality of their disclosure in line with instructions the department has laid out for the ownership reporting form. ■

Graphic courtesy of Shutterstock.

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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 business arrangements: *MSN*. **On passage of the Inflation Reduction Act:** *Democracy Now!, Daily Kos*. **On Amazon's $1.7 billion purchase of Roomba maker iRobot:** *MarketWatch*. **On the bloated U.S. military budget:** *Common Dreams*. **On the threat posed by those trying to ban and criminalize abortions:** *Common Dreams*.

Lisa Gilbert, vice president of legislative affairs

On the public hearings from the January 6th Committee: *Newsweek*. **On the U.S. Justice Department ramping up its investigation into the events of Jan. 6, 2021:** *The Hill*. **On U.S. Republican lawmakers preparing a crackdown on U.S. consumer and securities watchdogs:** *Reuters*. **On Donald Trump's intimate ties to far-right extremist groups:** *Common Dreams*.

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

On a U.S. Food and Drug Administration (FDA) official taking a job at Philip Morris: *New York Times, GRID*. **On a former commissioner of the FDA leading an external review of key agency offices:** *Politico*. **On the Banning Misleading Drugs Act:** *Regulatory Focus*.

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

On Medicare negotiating pharmaceutical prices directly with drug companies: *Los Angeles Times, NJ.com*. **On excluding insulin from drug pricing reform:** *WFTV9*. **On the U.S. holding 80% of the global supply of monkeypox vaccines:** *Common Dreams*.

Adrian Shelley, Director of Public Citizen's Texas office

On North Texas heat: *Dallas Observer*. **On heat waves fueled by climate change:** *E&E News*.

Melinda St. Louis, Director of Public Citizen's Global Trade Watch

On the Climate Peace Clause: *Common Dreams*.

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

On U.S. Sen. Joe Manchin (D-W.Va.)'s ties to the coal industry: *Yahoo, CNN, LGBTQ Nation*. **On Republican candidates seeking nomination for president:** *ABC News*. **On FTX-backed PACs expanding the crypto lobby in Congress:** *The Intercept*. **On the Mayor's Fund for Los Angeles:** *The Nation*. **On Texas Governor Greg Abbott signing a law to legalize state hemp production and sales:** *Texas Observer*. **On the arrest of former President Donald Trump's White House adviser Peter Navarro:** *Dallas Express*. **On Ward 8 Councilmember Trayon White's mayoral bid:** *Washington City Paper*.

Public Citizen Litigation Group

On Tyson Foods Inc. asking the U.S. Supreme Court to overturn a COVID liability ruling: *Bloomberg Law*. **On a class-action lawsuit against LongHorn Steakhouse:** *MSN*.

Seeking Justice for Nursing Home Residents Exposed to COVID

BY RHODA FENG

Christopher David Beaty passed away in June 2020 in the assisted living home Fair Acres Geriatric Center, operated by Delaware County, after contracting COVID-19. Beaty contracted COVID-19 after living for several days side by side with a symptomatic Roommate. If Fair Acres had adhered to the most basic precautions and isolated the roommate when he became symptomatic, Beaty might still be alive today.

After his death, Beaty's children filed suit in the U.S. District Court for the Eastern District of Pennsylvania. Fair Acres filed a motion to dismiss, arguing that it was immune from suit under the Public Readiness and Preparedness (PREP) Act — a statute that was passed in 2005 to encourage the production and distribution of vaccines and that bars certain lawsuits relating to the "administration or use" of certain "covered countermeasures."

The district court denied the motion to dismiss. Fair Acres appealed that decision to the U.S. Court of Appeals for the D.C. Circuit.

Public Citizen represented the plaintiffs on appeal. In addition to addressing the merits of the motion to dismiss, we argued that the appeal should be dismissed because the D.C. Circuit lacked jurisdiction over Fair Acres' appeal. The court agreed and dismissed the appeal. Now, the case will return to the district court, where Beaty's family will have a chance to litigate their case on the merits.

This case is not the only one in which Public Citizen attorneys have represented families whose loved ones died of COVID because of the negligence of the nursing homes where they resided. We also represent families of nursing home residents who died of COVID-19 in California, Kansas, and New York. In those cases, too, the nursing homes are arguing that the PREP Act immunizes them from lawsuits over their failure to take reasonable measures to stop the spread of the coronavirus in their facilities.

So far, every court of appeals to consider the issue has agreed with Public Citizen's argument that the PREP Act does not immunize nursing homes from families' claims based on negligent infection control policies.

"Rather than take responsibility for the role their neglect played in causing painful deaths, nursing homes around the country have engaged in delay tactic after delay tactic to keep families whose loved ones died from having their day in court," said Adam R. Pulver, an attorney at Public Citizen who represents the families in the courts of appeals.

"The many preventable deaths should send a message that nursing homes failed to live up to their responsibility to protect residents in their care." ■

A daughter visits her elderly shut-in mother in her 80s during quarantine from COVID-19. Photo courtesy of Shutterstock.

Public Citizen Recommends ...

'Under the Skin: The Hidden Toll of Racism on American Lives and on the Health of Our Nation'

By Linda Villarosa; $30; Doubleday

Black people have been dying faster, younger, and more frequently than our peers since the Atlantic slave trade. Linda Villarosa's sweeping new work, "Under the Skin: The Hidden Toll of Racism on American Lives and on the Health of Our Nation," explores why this has remained true for over 400 years of Black American history. Investigating previously-held wisdom about the subject of Black health, Villarosa argues that racism is not merely a social ill that contributes obliquely to the trend, but is the foremost culprit.

Villarosa is a journalist, author, and educator who has extensive training and education as a news media professional. As former executive editor of *Essence*, she has written several pieces that center Black women's health.

Her new book takes readers along on her journey in understanding the issue of Black health disparities. Early in her career at *Essence*, Villarosa, a middle-class Black woman, was tasked with helping her readers by empowering them to change their lifestyles and teaching their less-educated (read: lower class) Black friends and family members to do the same. In the early 1980s, the axiom of Black people being the victims of their own diets, sedentary lifestyles, and inability to advocate for themselves in medical spaces was seen as the primary cause of health disparities. Racism certainly was a factor, but these concerns were predominantly assumed to fall along class lines. Poor Black people lacked the resources to live long, healthy lives. Over the course of her work, Villarosa comes to realize that personal empowerment, education, and high class status do not eliminate the major disparities in Black health.

Writing in the tradition of Dorothy Roberts' seminal 1997 work Killing the Black Body: Race, Reproduction, and the Meaning of Liberty, Villarosa is largely concerned with Black maternal and infant health. Exploring her own journalistic exploits and the resulting relationships she builds with Black mothers going through childbirth, she harrowingly explores the ways that Black mothers and their babies are endangered during the duration of pregnancy and beyond.

Throughout, Villarosa exposes not only the troubles of maternal mortality, but also the crises of mental health, physical ailments, and the impact of stereotypes and prejudice on the dehumanization of Black people. The cause of these ills is racism, Villarosa concludes. There can be no comprehensive intervention on Black health that does not center the impact of racism on Black lives. Racism is killing us, Villarosa claims, and if we want to live long and well, we have to address it. ■

— Lacey Johnson

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

Medical Debts Lead to Eviction and Hunger

BY RHODA FENG

More than one in 10 American adults and nearly one in five U.S. households carry medical debt and that indebtness may lead to a worsening of health, according to a new study published by Public Citizen researchers in *JAMA Network Open*.

The study found that the uninsured were most likely to carry medical debt – more than 15% reported owing money for medical bills. Additionally, 10% of people covered by private insurance had medical debts. People with military coverage had the lowest rate of medical debt at just under 7%. The study found that middle-income people were just as likely as those with low incomes to have medical debts. Overall, medical debts averaged $21,687 per debtor in 2018.

"Unless you're Jeff Bezos, you're only one serious illness away from financial disaster, even if you have coverage. Our data show that millions of middle-class Americans who bought private insurance in good faith were submerged in debt once they got sick," said Dr. David U. Himmelstein, the study's lead author, a distinguished professor at CUNY's Hunter College, a lecturer in medicine at Harvard Medical School, and a research associate for Public Citizen's Health Research Group.

People who acquired a new disability, were hospitalized, or lost their health insurance were most likely to incur new medical debts. Those unable to pay medical bills using savings often use credit cards, loans, or mortgages instead, or negotiate payment plans with doctors. Some fail to pay the bills.

Black adults had the highest incidence of medical indebtedness, and women were found to be more likely to be indebted than men. Additionally, people saddled with medical debt reported spending twice as much on out-of-pocket expenses than others.

Incurring medical debt more than doubled an individual's subsequent risk of becoming food insecure, becoming unable to pay their rent, mortgage, or utilities, and losing their home because of eviction or foreclosure, the study found. These key social determinants have previously been shown to cause health deterioration. Hence, the authors concluded, "unaffordable medical bills may constitute an SDOH [social determinant of health] in their own right and contribute to a downward spiral of ill-health and financial precarity."

Graphic courtesy of Shutterstock.

For the study, the researchers analyzed the U.S. Census Bureau's 2018, 2019, and 2020 Surveys of Income and Program Participation, which collected data from nationally representative samples of Americans. A subset of respondents participated in all three years, allowing analyses of the causes and after-effects of medical debts. The researchers used the detailed financial information available in the SIPP to control for changes in income, assets, and non-medical debts, and to isolate the effects of the medical debts themselves.

What can be done to mitigate some of the downstream consequences of living with medical debt? The researchers suggest that upgrading financial assistance programs and asking clinicians to screen to adverse SDOHs may help. But ultimately, these changes cannot stand in for larger policy changes, like expanding Medicaid coverage.

"Medical debt is a national disgrace. It's virtually unknown in most other wealthy nations, because they have national health programs that pay the bills. Americans deserve that protection too. A single payer reform that eliminated copayments and deductibles would eradicate medical indebtedness; and according to the Congressional Budget Office, it would actually save our nation money," said Dr. Steffie Woolhandler, co-author of the study who is also a distinguished professor at CUNY's Hunter College, a lecturer at Harvard Medical School, and a research associate for Public Citizen's Health Research Group. ■

IN THE NEXT ISSUE...

Public Citizen releases a report on rampant banker misconduct.