

U.S. Chamber of Commerce Members Have Paid \$154 Billion in Penalties

*No Wonder the "World's Largest Business Organization" Is
Furious the FTC Is Cracking Down on Corporate Crime*



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The Federal Trade Commission's (FTC) initiation of a long-overdue and much-needed crackdown on corporate crime has come under intense fire from the nation's largest business lobby, the U.S. Chamber of Commerce. A Public Citizen analysis reveals that the Chamber's members have a long and varied history of corporate crime and wrongdoing, and that the Chamber represents corporate criminals, lawbreaking big banks, corporate polluters, big tech monopolists and wage thieves.

Public Citizen's analysis of data from Violation Tracker, which compiles enforcement data, found that:

- The U.S. Chamber of Commerce fears law enforcement against corporate wrongdoers because its ranks are filled with corporate wrongdoers. After the FTC announced plans to pursue much more aggressive enforcement against law-breaking corporations, the Chamber claimed such action would amount to a "war against American businesses" and vowed to respond with every tool it has.
- The 111 known U.S. Chamber member corporations have violated state and federal law at least 15,895 times and racked up penalties totaling over \$154 billion since 2000. All of the known Chamber members (the Chamber does not disclose its members) have paid penalties for misdeeds.
- The U.S. Chamber represents corporate criminals. Public Citizen identified 19 Chamber members that pleaded guilty to crimes at the parent or subsidiary level. An additional four are reportedly under criminal investigation.
- The U.S. Chamber represents big banks that break the law. Three multinational megabanks account for more than half of the total amount paid in penalties by known Chamber members: JPMorgan Chase (\$35 billion), Citigroup (\$25 billion) and Wells Fargo (\$21 billion).

- The U.S. Chamber represents corporate polluters. The known Chamber members have paid more than \$20 billion in penalties for over 2,600 environmental misdeeds. Oil and gas corporations like Chevron, Occidental Petroleum and Marathon Petroleum have recorded more than 1,600 violations totaling \$8.9 billion in penalties.
- The U.S. Chamber represents big tech monopolists. Amazon, Facebook and Google parent company Alphabet are all under investigation by federal and state authorities for antitrust violations. So far they have been penalized for misdeeds 130 times and paid nearly \$6 billion in penalties.
- The U.S. Chamber represents wage thieves. More than half of the known Chamber members have records of wage and hour violations, which collectively total 284 violations requiring payment of \$119 million in penalties.

The Chamber Versus Enforcement

Fighting corporate crime is popular. A [recent poll](#) found that 70% of Republicans, 70% of independents and 70% of Democrats want the Biden administration to do more to fight corporate crime. These poll results make sense. Consumers don't want to be ripped off. Workers don't want to be exploited. Honest businesses don't want to compete with companies that get ahead by cheating. And no one wants to live on a planet poisoned by corporate pollution.

The Trump administration adopted a [soft-on-corporate crime](#) approach to enforcement, and corporate prosecutions plunged to a [quarter-century low](#). Now Deputy Attorney General Lisa Monaco, formerly a member of the Justice Department team that [prosecuted Enron](#) executives, is [leading the charge](#) to strengthen the Biden administration's response to corporate crime. Other federal agencies, including the Federal Trade Commission, led by antitrust expert Lina Khan, have followed suit.

One day after the FTC [announced](#) its initiative to fight corporate crime through criminal referrals of antitrust and consumer protection violations, the U.S. Chamber of Commerce exploded with indignation. The group, which describes itself as the "world's largest business organization" and spent \$82 million [lobbying](#) the federal government in 2020 and \$46 million so far in 2021, accused the agency of "[going rogue](#)" and "waging a war against American businesses."

The Corporations the Chamber Speaks For

While fighting corporate crime may be popular with the American public, it is, apparently, not popular with the corporations the U.S. Chamber of Commerce represents.

It is common knowledge that the U.S. Chamber represents big corporations, with the vast majority of its funding coming from [a small number of them](#). While the Chamber keeps its full corporate membership list secret, Public Citizen [research](#) and corporate disclosures [compiled](#) by the Center for Political Accountability reveal 111 companies that gave at least \$39 million to the organization between 2015 and 2019. ([See full spreadsheet of Violation Tracker records of U.S. Chamber member companies identified by the Center for Political Accountability and Public Citizen.](#))

The U.S. Chamber is perhaps most infamous as a corporate lobbying and political ad juggernaut that fights popular policies such as [anti-pollution protections](#), [lowering prescription drug prices](#), expanding [access to healthcare](#), and, more recently, the [Build Back Better](#) legislative package championed by the Biden administration – often by smearing whatever the Chamber opposes as a “job killer.”

Less appreciated is the Chamber’s anti-enforcement lobbying. Because the Chamber represents the biggest big businesses, this anti-enforcement orientation is not surprising. The biggest corporations have enjoyed the most leniency from federal law enforcement. Public Citizen [previously identified](#) 38 repeat offender corporations that received leniency agreements from the Justice Department, 36 of which were large corporations that appeared on the Forbes Global list of the world’s largest publicly traded corporations.

To identify which of the 111 known U.S. Chamber members have a history of misconduct, Public Citizen cross-referenced the list of members with the state and federal penalty data compiled by the Corporate Research Project of Good Jobs First’s [Violation Tracker](#). For the purposes of this analysis, each penalty record in the Violation Tracker database constitutes a violation, case, or enforcement action. Because enforcement agencies do not have a standardized way of releasing enforcement data, there are limitations to the data. Some enforcement actions are to address wrongdoing that spans years, while others are brought for individual instances. The database includes only violations that bring a monetary penalty of \$5,000 or more. The absence of non-monetary enforcement actions such as formal warnings and prohibitions on certain actions mean it represents an undercount of the number of state and federal cases against these corporations.

Public Citizen’s analysis found that the Chamber members have violated state and federal law at least 15,895 times and racked up penalties totaling over \$154 billion since 2000. All of the known Chamber members Public Citizen identified have paid penalties for misdeeds. Big banks top the list of U.S. Chamber members that have paid big penalties (see Table 1; for the full table of Violation Tracker data used for this analysis, [go here](#)).

Three multinational megabanks account for more than half of the penalty total: JPMorgan Chase (\$35 billion), Citigroup (\$25 billion) and Wells Fargo (\$21 billion). Major pharmaceutical corporations including Johnson & Johnson, Merck and Pfizer are also well represented at the top of the penalty list – pharmaceutical corporations account for \$26 billion of the total penalties.

Table 1: The U.S. Chamber members with the largest penalties paid for misdeeds from federal and state authorities since 2000.

Corporation	Sector	Penalties	Number of Enforcement Actions
JPMorgan Chase	Financial services	\$ 35,335,314,190	162
Citigroup	Financial services	\$ 25,411,603,140	146
Wells Fargo	Financial services	\$ 21,056,635,705	177
Johnson & Johnson	Pharmaceuticals	\$ 9,243,447,763	58
Merck	Pharmaceuticals	\$ 5,461,235,581	73
Occidental Petroleum	Oil and gas	\$ 5,434,285,953	235
Facebook	Information technology	\$ 5,100,243,600	4
American Electric Power	Utilities and power generation	\$ 4,797,282,759	60
Pfizer	Pharmaceuticals	\$ 4,657,531,330	69
AbbVie	Pharmaceuticals	\$ 3,199,142,507	48

Data Source: [Violation Tracker](#) (produced by the Corporate Research Project of Good Jobs First)

Included in these totals are penalties for criminal misconduct by U.S. Chamber members. Public Citizen identified 19 Chamber members that pleaded guilty to crimes at the parent or subsidiary level (see Table 2). Four more currently are reportedly under criminal investigation (see Table 3).

Table 2: The 19 U.S. Chamber that have pleaded guilty to crimes since 2000.

Parent Corporation	Sector	Level of Plea	Criminal Record
AbbVie	pharmaceuticals	Subsidiary	2012: Abbott Laboratories, at the time a subsidiary of AbbVie, pleaded guilty to an illegal prescription drug promotion scheme.
Amgen	pharmaceuticals	Parent	2012: Amgen pleaded guilty to engaging in an illegal drug promotion scheme.
Bayer	chemicals	Parent	2004: Bayer pleaded guilty to a felony price fixing charge.
	chemicals	Subsidiary	2004: Bayer subsidiary pleaded guilty to another felony price fixing charge.
	chemicals	Subsidiary	2019: Monsanto, which Bayer acquired in 2018, pleaded guilty to illegally using a banned pesticide.
	chemicals	Subsidiary	2021: Monsanto, having breached its leniency agreement, pleaded guilty to a felony charge of illegally storing a banned pesticide.
Caterpillar	heavy equipment	Subsidiary	2017: United Industries LLC, a Caterpillar subsidiary, pleaded guilty to illegally dumping railcar parts into the ocean.
Chevron	oil and gas	Parent	2013: Chevron pleaded no contest to six misdemeanor charges for violations of labor health and safety standards related to a refinery fire.
Citigroup	financial services	Parent	2015: Citicorp pleaded guilty to a felony charge of conspiring to manipulate the price of U.S. dollars and euros exchanged in the foreign currency exchange market.
Duke Energy	utilities and power generation	Subsidiary	2013: A Duke Energy subsidiary pleaded guilty to killing birds at a commercial wind project in violation of the Migratory Bird Treaty Act.
	utilities and power generation	Subsidiary	2015: Three Duke Energy subsidiaries pleaded guilty to nine criminal violations of the Clean Water Act, four of which stem from a catastrophic coal ash spill in North Carolina.
	utilities and power generation	Subsidiary	2016: A Duke Energy subsidiary pleaded guilty to a negligent discharge of oil, in violation of the Clean Water Act.
DuPont de Nemours	chemicals	Subsidiary	2005: DuPont Dow Elastomers, a DuPont subsidiary, pleaded guilty to a felony price fixing charge.

Parent Corporation	Sector	Level of Plea	Criminal Record
Eli Lilly	pharmaceuticals	Parent	2005: Eli Lilly pleaded guilty to an illegal prescription drug promotion scheme involving an osteoporosis drug.
	pharmaceuticals	Parent	2009: Eli Lilly pleaded guilty to an illegal prescription drug promotion scheme involving an antipsychotic drug.
Johnson & Johnson	pharmaceuticals	Subsidiary	2000: J&J subsidiary LifeScan pleaded guilty to three misdemeanor charges connected with the company's sales of a defective medical device.
	pharmaceuticals	Subsidiary	2010: J&J subsidiary Ortho-McNeil Pharmaceutical pleaded guilty to an illegal prescription drug promotion scheme involving an epilepsy drug.
	pharmaceuticals	Subsidiary	2011: Scios, a J&J subsidiary, pleaded guilty to an illegal prescription drug promotion scheme involving a heart failure drug.
	pharmaceuticals	Subsidiary	2013: J&J subsidiary Janssen Pharmaceuticals pleaded guilty to an illegal prescription drug promotion scheme involving an antipsychotic drug.
	pharmaceuticals	Subsidiary	2015: J&J subsidiary McNeil-PPC pleaded guilty to selling adulterated over-the-counter medicine for infants and children.
JPMorgan Chase	financial services	Parent	2015: JPMorgan Chase pleaded guilty to a felony charge of conspiring to manipulate the price of U.S. dollars and euros exchanged in the foreign currency exchange market.
Kroger	retail	Subsidiary	2006: Kroger subsidiary Ralphs Grocery pleaded guilty to five felony counts involving criminal labor violations.
Merck	pharmaceuticals	Parent	2011: Merck pleaded guilty to engaging in an illegal prescription drug promotion scheme involving a rheumatoid arthritis drug.
Norfolk Southern	railroads	Parent	2001: Norfolk Southern pleaded guilty to killing birds in violation of the Migratory Bird Treaty Act.

Parent Corporation	Sector	Level of Plea	Criminal Record
Pfizer	pharmaceuticals	Subsidiary	2004: Warner-Lambert, a Pfizer subsidiary, pleaded guilty to two counts of engaging in an illegal prescription drug promotion scheme involving marketing a drug for various ailments for which the drug was not approved.
	pharmaceuticals	Subsidiary	2009: Pharmacia & Upjohn, then a Pfizer subsidiary, pleaded guilty to a felony charge of engaging in an illegal prescription drug marketing scheme involving an anti-inflammatory drug.
	pharmaceuticals	Subsidiary	2013: Pfizer subsidiary Wyeth Pharmaceuticals pleaded guilty to engaging in an illegal prescription drug marketing scheme involving a drug for kidney transplant patients.
Range Resources	oil and gas	Parent	2020: Range Resources pleaded no contest to pollution crimes related to the corporation's fracking activities in Pennsylvania.
Sempra Energy	utilities and power generation	Subsidiary	2016: Sempra subsidiary SoCalGas pleaded no contest to a misdemeanor charge of failing to promptly alert authorities about a gas leak that forced evacuations and caused air pollution.
Union Pacific	railroads	Parent	2008: Union Pacific pleaded guilty to pollution violations.
Zimmer Biomet	medical devices	Subsidiary	2017: A Zimmer Biomet subsidiary pleaded guilty to violating the Foreign Corrupt Practices Act.

Data Source: [Violation Tracker](#) (produced by the Corporate Research Project of Good Jobs First) and the Duke University / University of Virginia [Corporate Prosecution Registry](#).

Table 3: The U.S. Chamber members reportedly under criminal investigation.

Corporation	Sector	Matter Under Criminal Investigation	Source and Date
3M Company	miscellaneous manufacturing	Federal grand jury subpoena disclosed regarding pollution caused by toxic “forever chemicals” the corporation manufactured.	Bloomberg Law, February 2020.
American Express	financial services	Allegedly misleading business card sales practices, reportedly under investigation by DOJ criminal and civil divisions.	The Wall Street Journal, November 2021.
Facebook	information technology	Data-sharing deals that allegedly misused users’ personal information.	The New York Times, March 2019.
Johnson & Johnson	pharmaceuticals	DOJ investigation into allegations J&J misled the public about possible cancer risks of its talcum powder.	Bloomberg News, July 2019.

Facebook is not the only big tech corporation the U.S. Chamber represents that is currently under scrutiny for possible violations. Amazon, Facebook and Google parent company Alphabet are all under investigation by federal and state authorities for antitrust violations. So far these three relatively young companies have been penalized for misdeeds 131 times and paid nearly \$6 billion in penalties (\$5 billion of which is made up by the [FTC’s 2019 enforcement](#) action against Facebook for privacy violations).

The U.S. Chamber represents corporations in a variety of major business sectors – and which have engaged in a variety of misdeeds. Chamber members have paid more than \$20 billion in penalties for over 2,600 environmental violations, with oil and gas corporations like Chevron, Occidental Petroleum and Marathon Petroleum have recording more than 1,600 violations totaling \$8.9 billion in penalties. Railroad corporations top the list in terms of number of violations, with Union Pacific counting a whopping 3,411 violations. CSX follows with 1,663, and Norfolk Southern has 1,423 (see Table 4).

Table 4: The U.S. Chamber members that racked up the most federal and state violations since 2000.

Corporation	Penalties	Number of Violations
Union Pacific	\$ 184,783,277	3411
CSX	\$ 27,565,676	1663
Norfolk Southern	\$ 39,158,946	1423
American Airlines	\$ 159,343,726	799
Chevron	\$ 976,246,578	478
CVS Health	\$ 1,048,827,886	430
Anthem	\$ 481,900,882	405
UnitedHealth Group	\$ 600,046,913	321
Marathon Petroleum	\$ 1,463,869,508	296
AT&T	\$ 1,118,999,561	260

Data Source: [Violation Tracker](#) (produced by the Corporate Research Project of Good Jobs First)

Perhaps most ironic, in light of the U.S. Chamber’s weaponization of the term “jobs,” is that the Chamber represents wage thieves. More than half of the known Chamber members have records of wage and hour violations, which collectively total 284 violations requiring payment of \$119 million in penalties.

The Age of Corporate Impunity Must Come to an End

A Harvard Business School analysis recently concluded that major firms are engaging in misconduct at least [twice a week](#). The annual cost of corporate and white-collar crime to Americans is estimated at between [\\$300 billion and \\$800 billion](#) a year, while street crime costs about \$16 billion. Workplace outbreaks of COVID-19, the supply chain chaos wreaking havoc on some sectors, and the ongoing fallout from the opioid epidemic demonstrate just few ways in which, Americans currently are uniquely vulnerable to corporate wrongdoing.

Honest businesses should welcome the Biden administration’s efforts to end the era of corporate impunity. The renewed will to enforce the law against corporate criminals represents an essential step toward restoring the rule of law in a way that demonstrates that the powerful will be held accountable. A successful renewal of corporate enforcement means corporate predators will be punished. It also means that dishonest, deceptive and destructive business practices should offer no advantage over honest, transparent and innovative business practices. Consumers and businesses alike that rely on honest businesses will benefit from the deterrence of corporate crime and wrongdoing. No new laws need to be passed in order to enforce the laws that are already on the books. All that is required is the will to enforce them in a way that prioritizes holding the powerful accountable.

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