

HHS Must Release Billion Dollar Coronavirus Vaccine Contracts, Public Citizen Lawsuit Says

The Public Has A Right to Know How Their Money Is Being Spent

By [Public Citizen](#)

Region: [USA](#)

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Theme: [Intelligence](#), [Media Disinformation](#),
[Science and Medicine](#)

Public Citizen today [filed a lawsuit](#) against the U.S. Department of Health and Human Services (HHS) to compel disclosure of coronavirus vaccine development and manufacturing contracts with major pharmaceutical corporations worth billions of dollars.

The suit, filed in the U.S. District Court for the District of Columbia, challenges HHS's withholding of records requested by Public Citizen under the Freedom of Information Act (FOIA) related to Operation Warp Speed, the Trump administration's initiative to accelerate the development of COVID-19 treatments and vaccines.

Operation Warp Speed, which is co-led by HHS, has given more than \$10 billion to pharmaceutical corporations. The terms of these contracts remain secret. Public Citizen first requested Operation Warp Speed's contracts with AstraZeneca, Johnson & Johnson, Moderna, Pfizer and Regeneron, among others, in May 2020. The contracts could shed light on critical questions like:

- Will pharmaceutical corporations be required to set a reasonable price for their products, or will they be free to profiteer despite the public's massive investment?
- Will taxpayer-funded technology be held as corporate secrets, or can the U.S. government share technology with the World Health Organization to advance scientific research, accelerate manufacturing and more quickly end the global pandemic?
- What rights does the U.S. government maintain in the factories it is helping build?

"The success, failure and terms of Warp Speed projects may determine when and under what conditions people living in the U.S. receive a safe and effective vaccine," said Peter Maybarduk, director of Public Citizen's Access to Medicines program. "Taxpayers deserve to know what they are getting in return for their billions of dollars in investments. Health experts should be able to assess whether our government is doing everything possible to end the pandemic."

Earlier this year, Public Citizen worked with the group Knowledge Ecology International to demand that HHS enforce its disclosure requirements for a pharmaceutical corporation developing a COVID-19 vaccine. At that time, a leader of Operation Warp Speed responded:

“The trust of the American people is vital in the all-of-America response to the ongoing COVID-19 pandemic. In recognizing this important relationship, the leadership of... Operation Warp Speed [is] committed to remaining transparent with the American people.”

The lawsuit is available [here](#).

1000 20th Street NW)	
Washington, DC 20009,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-2949
)	
NATIONAL INSTITUTES OF HEALTH,)	
9000 Rockville Pike)	
Bethesda, MD 20892,)	
)	
and)	
)	
DEPARTMENT OF HEALTH & HUMAN)	
SERVICES,)	
200 Independence Avenue SW)	
Washington, DC 20201,)	
)	
Defendants.)	
_____)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This action is brought under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel the National Institutes of Health (NIH) and the Department of Health and Human Services (HHS) to produce records responsive to two FOIA requests related to the COVID-19 pandemic.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B). Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Public Citizen is a non-profit public-interest organization with members in all 50 states. Since its founding in 1971, Public Citizen has worked before Congress, regulatory

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agencies, and the courts to advance the interests of its members and to educate the public on a wide range of consumer protection issues, including improving access to affordable medicines. Public Citizen submitted the two FOIA requests at issue in this case.

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