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November 9, 2025

VIA FOIA.GOV

Freedom of Information Officer
Hubert H. Humphrey Bldg, Suite 729H
200 Independence Avenue, SW
Washington, DC 20201

Re: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of Public Citizen, and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request copies of **all formal or informal agreements between Eli Lilly and the U.S. government related to “most-favored nation” (MFN) drug pricing.** In this request, the term “agreements” includes, but is not limited to, any preliminary or partial agreements or understandings, final formal agreements, contracts, supplementary agreements, and draft agreements or understandings. The association between Eli Lilly and the U.S. government is referred to in a White House fact sheet titled “Fact Sheet: President Donald J. Trump Announces Major Developments in Bringing Most-Favored-Nation Pricing to American Patients”¹ and in an Eli Lilly press release titled “Lilly and U.S. government agree to expand access to obesity medicines to millions of Americans,”² both released November 6, 2025. This request seeks all relevant agreements, including those entered before or after the November 6, 2025 announcement.

This request applies to all records created from May 12, 2025, through the date of the search.

Public Citizen seeks expedited review of this request for the reasons identified below and requests that HHS produce the following records as soon as practicable, and at least within twenty business days. If it is your position that responsive records exist but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Public Citizen seeks each record in its entirety. Accordingly, please do not redact portions of any record as “non-responsive,” “out of scope,” or the like.

Please provide any responsive records on a rolling basis, rather than waiting for all responsive records to be assembled and reviewed before releasing them.

¹ The White House, “Fact Sheet: President Donald J. Trump Announces Major Developments in Bringing Most-Favored-Nation Pricing to American Patients,”
<https://www.whitehouse.gov/fact-sheets/2025/11/fact-sheet-president-donald-j-trump-announces-major-developments-in-bringing-most-favored-nation-pricing-to-american-patients/>

² Eli Lilly and Company, “Lilly and U.S. government agree to expand access to obesity medicines to millions of Americans,”
<https://investor.lilly.com/news-releases/news-release-details/lilly-and-us-government-agree-expand-access-obesity-medicines>

We additionally request that any records produced in response to this request be provided in electronic form wherever possible.

Fee Waiver Request

Public Citizen requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) because Public Citizen does not seek the records for a commercial purpose, and disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” The subject of the request concerns the operations or activities of the government because the request seeks information on agreements between the U.S. government and a pharmaceutical company and impacts policymaking related to drug costs and affordability.

Public Citizen is a nonprofit research, litigation, and advocacy organization that represents the public interest before Congress, the executive branch, and the courts. Public Citizen fights, among other things, for openness and democratic accountability in government. Public Citizen has used FOIA to advance its work, has litigated FOIA cases, and has trained others to use FOIA, for more than 50 years.³

Public Citizen does not have a commercial interest in the requested records.

Public Citizen intends to share information received from this request with the public free of charge. It regularly publishes reports based upon information acquired through FOIA. Public Citizen also has a demonstrated capacity to disseminate this information. Public Citizen has several full-time staff dedicated to distributing its publications through its website, as well as via newsletters,⁴ X,⁵ Facebook,⁶ email listservs, and press releases. Many of Public Citizen's reports, petitions, or other research products grab headlines in major newspapers, broadcast media, social media, and academic journals.⁷ Nearly every day, print and broadcast media around the world mention Public Citizen or quote its experts. Public Citizen also makes its experts available to speak to the media, present at conferences, and testify before Congress. Public Citizen plans to disseminate the requested information and analysis of the information through its website, blog posts, press releases, and reports, as appropriate.

Accordingly, Public Citizen requests that you waive all fees for locating and duplicating the requested records because Public Citizen is entitled to a public interest fee waiver. If, however, a waiver is not

³ See, e.g., Public Citizen, “Protecting the public’s right to know,” <https://www.citizen.org/topic/making-government-work/open-government/>; Public Citizen, “Freedom of Information Act,” <https://www.citizen.org/article/freedom-of-information-act-foia-resources/>

⁴ See, e.g., Public Citizen, Health Letter, <https://www.citizen.org/news/public-citizens-health-letter/>

⁵ https://x.com/Public_Citizen (Public Citizen’s X page)

⁶ <https://www.facebook.com/publiccitizen/> (Public Citizen’s Facebook page)

⁷ See, e.g., Martine Powers, *Report spotlights lobbying by White House chief’s former clients*, Wash. Post (May 5, 2025), <https://www.washingtonpost.com/politics/2025/05/05/lobbying-white-house-wiles>; Caitlin Oprysko, *Ballard’s big Q1 haul*, Politico (April 21, 2025),

<https://www.politico.com/newsletters/politico-influence/2025/04/21/ballards-big-q1-haul-00301866>; Lisa Bonos, *Trump says he’s ending the U.S. government’s ‘war on crypto’*, Wash. Post (Mar. 5, 2025),

<https://www.washingtonpost.com/technology/2025/03/07/trump-crypto-summit-white-house/>; Laurence Darmiento, *Consumer agency drops Zelle lawsuit against big banks in latest legal pullback*, L.A. Times (Mar. 5, 2025), <https://www.latimes.com/business/story/2025-03-05/consumer-financial-protection-bureau-zelle-lawsuit>

granted, please advise me of the amount of any proposed search, review, and reproduction charges before you conduct those activities.

Request for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and your agency's regulations, 45 CFR § 5.27, Public Citizen seeks expedited review of this request. The arrangement between Eli Lilly and the U.S. government informs policies related to drug costs, an area of significant interest to the public. The administration has also indicated that similar agreements will be signed in the near future with additional pharmaceutical companies. There is significant uncertainty regarding form and content of most-favored nation-related agreements with pharmaceutical companies. Expedited processing of this request is necessary to enhance public understanding of government policymaking with potential implications for drug costs, and thus for health.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed to inform the public concerning actual or alleged government activity, and Public Citizen is primarily engaged in disseminating the information it receives from public records requests to the public.

If you have any questions regarding this request, please contact me by phone at (240) 723-5188 or by email at mwhiteman@citizen.org.

Thank you for your attention to this matter.

Sincerely,

Megan Whiteman
On behalf of Public Citizen