

## What's News

### Business & Finance

**Facebook owner Meta Platforms** was fined \$1.3 billion by European Union regulators for sending user information to the U.S., a record privacy penalty for the bloc. **A1**

◆ **Share prices** for some of the largest office landlords have dropped to near historic lows, reflecting a sluggish return-to-office rate and a rise in the number of short sellers. **A1**

◆ **U.S. stocks ended** mixed, with the S&P 500 and Nasdaq gaining 0.02% and 0.5%, respectively, while the Dow fell 0.4%. **B11**

◆ **Chevron deepened** its commitment to oil-and-gas drilling in the U.S., spending \$6.3 billion to acquire PDC, a rival with sizable operations in Texas and Colorado. **B1**

◆ **Activist investor TCS Capital** has built a stake in Yelp and is calling on the service-recommendation site to explore strategic alternatives, according to people familiar with the matter. **B1**

◆ **TikTok sued Montana** over the state's new ban of the social-media platform, challenging the law's constitutionality. **A3**

◆ **Applied Materials said** it would invest as much as \$4 billion in a new California facility to conduct research on tools for making semiconductors. **B4**

◆ **Exploiting China's ban** on Micron products won't be easy for South Korea or memory-chip rivals Samsung and SK Hynix, as geopolitics complicate what could be a welcome opportunity to boost sales. **B4**

### World-Wide

◆ **U.S. and NATO leaders** are coalescing around a vision for shoring up Ukrainian defenses and seeking to guarantee the country's sovereign future as Kyiv enters a pivotal stage in its war with Russia. **A1**

◆ **Russia said** its military and security forces were fighting against Ukrainian units that had crossed into its southern Belgorod region. **A8**

◆ **McCarthy and Biden** failed to reach a deal to raise the debt ceiling following a high-stakes meeting at the White House but planned to press ahead with talks as the U.S. nears a deadline to prevent a first-ever default. **A4**

◆ **Beijing responded** to the G-7 leaders' firm language toward China by rejecting Biden's suggestion that a thaw in U.S.-China relations was imminent. **A9**

◆ **The U.S. signed deals** that will deepen security ties with Papua New Guinea, representing a success for Washington as it seeks to counter China's influence in the Pacific. **A9**

◆ **Republican Sen. Tim Scott** of South Carolina formally announced his bid for the presidency. **A4**

◆ **A district judge** in Idaho entered a not guilty plea for Bryan Kohberger, who is accused of killing four University of Idaho students last year. **A3**

◆ **Foreign-born workers'** share of the U.S. labor force rose last year to the highest level in 27 years of records, as labor demand surged and the pandemic faded. **A2**

CONTENTS	Markets Digest..... B7
Arts in Review..... A13	Opinion..... A15-17
Banking & Finance B10	Personal Journal A11-12
Business News..... B3-6	Sports..... A14
Crossword..... A13	Technology..... B4-5
Heard on Street. B12	U.S. News..... A2-4
Markets..... B11	World News..... A8-9

## Pilgrims to Pope Francis: Take the Cannoli



**BLESSINGS:** The pope received a gift of pastries from members of the Society of Divine Vocations, which promotes religious vocations. The audience marked the first anniversary of the canonization of St. Justin Russolillo, the Vocationists' founder.

## Office Stocks Are Pummeled As Vacancies Rise, Rents Fall

By Peter Grant

Share prices for some of the largest office landlords have dropped to near historic lows, reflecting a sluggish return-to-office rate and a rise in the number of investors betting that these stocks will keep falling.

SL Green Realty's share price closed at \$23.36 on Monday. That is barely above the New York office firm's 1997 initial-public-offering price and a fraction of its peak after the global financial-crisis of more than \$140 in 2015. Vornado Realty Trust, which owns marquee of-

ice buildings in San Francisco, Chicago and New York, closed at \$13.68 on Monday. Vornado's share price topped \$67 as recently as 2020.

Both Vornado and SL Green shares are down more than 30% so far this year, while the broader stock market is higher.

"We've all seen office stocks being crushed and great concern about the future viability of office," said Vornado Chief Executive Steven Roth on the company's first-quarter earnings call in April.

Although he expressed confidence that more employees

are returning to the office, the company also said it was suspending dividends for the rest of 2023.

Most other office real-estate investment trusts are under selling pressure from soaring vacancies and declining rents. The return of employees to offices showed signs of a rebound earlier this year. But it has stalled at roughly 50% of pre-pandemic usage levels. Leasing activity for office REITs fell 20% on average in the first quarter compared with a year earlier, according to real-estate analytics firm Green Street.

Even when they do sign new leases, many companies are taking less space than before because many employees are working from home part of the week. Other firms are flooding the sublease market with unwanted workspace as they brace for a slowing economy and the prospect of laying off workers.

Before the pandemic, one of the strongest sources of growth in the office market were technology companies

*Please turn to page A6*

◆ **Heard on the Street:** Even top owners can default..... B12

## Employers Hesitate To Begin Paying for Ozempic

By Anna Wilde Mathews and Ray A. Smith

Many people in the U.S. seeking out drugs like Ozempic to shed pounds are hitting a barrier: Their employers' health plans won't pay for them.

The issue is an emerging fault line in U.S. workplaces, driven by the social-media and celebrity buzz around Ozempic and its sister drug, Wegovy. Prescriptions for the treatments have soared so much that the drugs' maker has often struggled to keep pace with demand. Yet companies, already facing rising healthcare costs, are wary of footing the bill for medicines that list for \$900 or more a month.

The drugs' rising popularity is pushing companies to revisit their healthcare policies and, in many cases, add extra requirements to qualify for approval. And while many employer plans cover Ozempic as a diabetes treatment, fewer than a quarter cover any drug specifically for losing weight, according to a survey by the International Foundation of Employee Benefit Plans.

Those that do cover weight-loss drug costs tend to be big companies, which typically fund their own health plans. Among employers with fewer than 5,000 workers, about 18% do, the survey found.

"We certainly are kind of at the beginning of the curve in terms of how insurance companies and healthcare plans are going to tackle this," said Jennifer Chang, knowledge adviser at the Society for Human

*Please turn to page A11*

## INSIDE



**U.S. NEWS**  
California, Arizona and Nevada agree to cut use of water from the Colorado River. **A3**



**BUSINESS & FINANCE**  
Efforts to tighten age restrictions on social media gain momentum. **B1**

## Tea Party Tempest Divides Rural New Hampshire Town

A businesswoman's afternoon socials have neighbors stirred up; 'Peyton Place'

By E.B. Solomont

NEW IPSWICH, N.H.—More than 200 years after the Boston Tea Party, a tempest over tea is brewing in another New England town.

In Bank Village, a rural enclave in southern New Hampshire dating back to the 1750s, roughly a dozen homeowners are protesting a neighbor's tea-party business that they say "offends our sensibilities." The clash has reached a state judicial board.

"It's tea-gate," says Jane Elwell, the owner of Silver Scone Teas, who has likened Bank Village to Peyton Place. One May morning, Elwell stood in her kitchen, where freshly baked scones sat on the coun-



A brewhaha

ter and shelves of Mason jars held a cornucopia of flours and spices.

Tea-party supporters are rallying behind her and say the upset neighbors should bag their anti-tea complaints and find something better to do. "Take up knitting!" urged one Silver Scone supporter on Facebook.

Elwell is among the entrepreneurs who dove into new businesses around the Covid-19 pandemic, a time when a surge of Americans took

the first steps to launch new ventures. According to the U.S. Census Bureau, new business applications jumped more than 53% between 2019 and 2021. Anecdotally, the number of home-based businesses also

*Please turn to page A10*

## Kyiv Allies Weigh Israeli-Style Pact To Bolster Security

WARSAW—U.S. and NATO leaders are coalescing around a vision for shoring up Ukrainian defenses and seeking to guar-

By Sharon Weinberger, Thomas Grove, Drew Hinshaw and Bojan Pancevski

antee the country's sovereign future as Kyiv enters a pivotal stage in its war with Russia. It is a security model that Western leaders, including President Biden, have compared

with what Israel has now.

Over the past several months of the war, the grinding fight for Bakhmut has taken center stage. But after the largely obliterated Ukrainian city fell into the hands of the Russian mercenary group Wagner over the weekend, a broader challenge is coming into focus: how to transform the country into a bulwark

*Please turn to page A8*

◆ **Russia says Ukraine** attacked its territory..... A8

## Hyundai EV Push Remakes Its Image

Korean carmaker known for budget brands begins turning heads as an innovator

By Sean McLain

Hyundai Motor was dreaming up an answer to Tesla when the company's top executive sent its lead designer a photo of a bizarre-looking car that last rolled off assembly lines more than 70 years ago.

The Stout Scarab, manufactured in Michigan in the 1930s and 1940s, looked like an outlandish cross between a bus and a pontoon.

"Let's face it, 10 years ago, our design strategy was all about the fast follower," said SangYup Lee, the Hyundai designer. He said Huisan Chung, executive chair of Hyundai and its affiliate Kia, who sent the photo, wanted

to stop imitating and get ahead of rivals.

"The message was: Inspiration can come from anywhere," said Lee.

The Hyundai electric car that drew inspiration from the Scarab's eye-catching streamline design, the Ioniq 6, has been a hit with critics. At the New York auto show in April, it was voted World Car of the Year.

Hyundai and Kia, the sibling Korean carmakers, have long had a reputation for making inexpensive, uninspiring cars. Over the past few years, though, they have become one of the leaders in the electric-vehicle race, with models that are turning

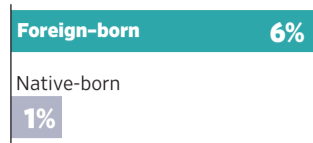
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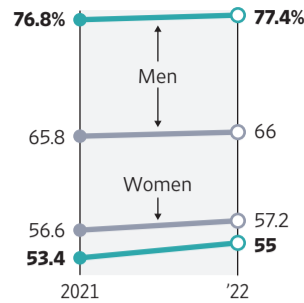
# U.S. NEWS

Foreign-born workers account for the majority of growth of the U.S. workforce. Foreign-born men routinely have some of the highest participation rates of any demographic group, while foreign-born women trail slightly behind native-born women.

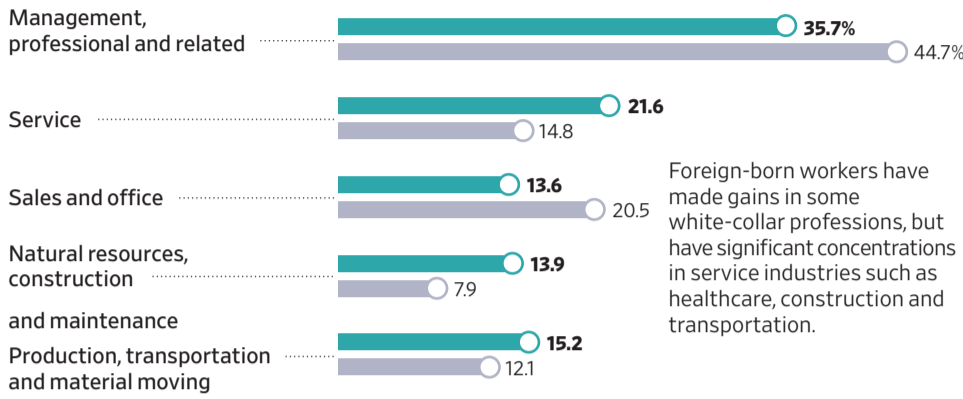
**Total growth in the workforce, 2021-22**



**Participation rate of civilian labor force, 2021-22**

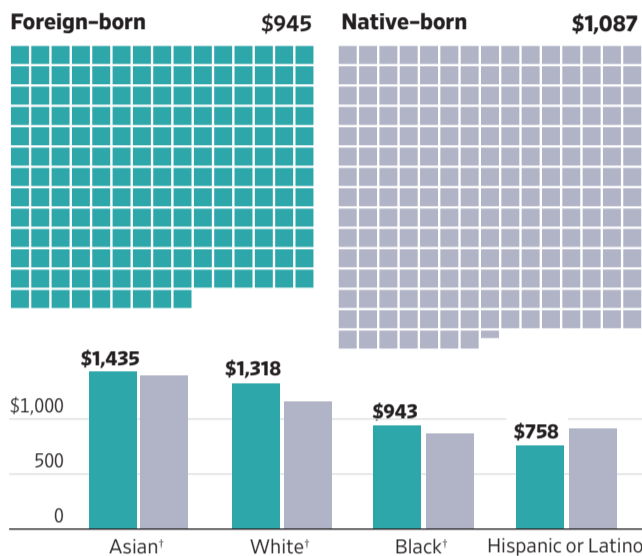


**Occupation as a share of total employed, 2022**



Foreign-born workers have made gains in some white-collar professions, but have significant concentrations in service industries such as healthcare, construction and transportation.

Foreign-born workers are more likely to take lower-paying jobs than native-born workers, but those differences in earnings vary widely depending on the ethnicity of both native- and foreign-born workers.



**Median weekly earnings, 2021-22\***

\*Ages 16 years and older †Excludes Hispanic and Latino Source: Labor Department

Rosie Ettenheim/THE WALL STREET JOURNAL

# Immigrants' Share Of Labor Hits High

Native-born workers' slice is shrinking as retirements rise and newcomers fill the gap

By GABRIEL T. RUBIN AND ROSIE ETTENHEIM

Foreign-born workers' share of the U.S. labor force rose last year to the highest level in 27 years of records, as labor demand surged and the pandemic faded.

People born outside the U.S. made up 18.1% of the overall labor force, up from 17.4% the prior year and the highest level in data back to 1996, the Labor Department said in its annual report on foreign-born workers. The number of immigrants in the labor force—those working or actively looking for jobs—rose by 1.8 million, or 6.3%, to 29.8 million in 2022.

More foreign-born people joined the labor force than native-born Americans, accounting for more than half of the 3.1 million overall gain last year, the report said. There were roughly 164 million workers age 16 or older in the U.S. labor force last year.

Overall labor-force participation—the share of people over 16 who are working or seeking work—has recently increased but remains below prepandemic levels. “Any real gains we’re seeing in the labor force are coming from immigrants—they’re a buoy,” said Elizabeth Crofoot, senior economist at Lightcast, a labor-market data firm.

The Labor Department’s report was based on a monthly survey of 60,000 households and doesn’t break down foreign-born workers by country of origin or legal status. The figures include legally admitted immigrants, refugees, temporary residents such as stu-

dent and temporary workers, and immigrants lacking permanent legal status.

The immigrant labor force increased 5% from 2019 to 2022, while the number of native-born people in the labor force declined 0.5%, the data show.

## More foreign-born people joined labor force than native-born Americans.

Employers pressed

That has put a strain on employers trying to hire across the economy, but particularly for in-person jobs

## Lower-paying jobs

Foreign-born people increased their share of the workforce despite a pandemic slowdown in immigration that left the U.S. with fewer immigrants than if prepandemic trends had continued.

By the end of 2021, the U.S. population had around two million fewer people than it would have had if not for the pandemic, according to a 2022 Goldman Sachs analysis, and the labor force had around 1.6 million fewer. Immigration has rebounded since then.

Foreign-born workers are often concentrated in lower-paying industries because of skills, education or language barriers, with notable exceptions in fields such as tech and medicine.

“Foreign-born workers often don’t have the time or the wealth to enter a costly training process” for a better-paying job, said Ryan Nunn, a researcher at the Minneapolis Federal Reserve.

# Inflation Strained Finances Last Year, Fed Survey Shows

By GWYNN GUILFORD

Americans reported a sharp decline in their financial well-being last fall as high inflation eroded earnings and savings, according to a Federal Reserve survey released Monday.

The survey, conducted in October 2022, found that rising prices left more families in an economically precarious place, though households continued to benefit from a strong labor market.

The share of adults who reported being worse off financially in 2022 than a year earlier climbed to 35%, the highest on record going back to 2014, when the question was first asked. Overall, 73% of adults said they were either doing OK or living comfortably, down from 78% in 2021 and 75% in 2020.

Inflation was the most common financial burden cited by people in the survey, Fed officials said. Some 54% of adults said their budgets had been af-

fectured “a lot” by higher prices.

Black adults, parents living with children, and those with disabilities were more likely to report such financial strain. Almost two-thirds of adults said inflation caused them to pull back on using a product or stop using it altogether. Some 18% said they responded to higher prices by working more or getting another job, while 8% of adults reacted by asking for a raise.

Price increases have eased since the survey was conducted last fall, though inflation remains historically high. The consumer-price index rose 4.9% in April from a year earlier, down from a recent peak of 9.1% in June 2022 and 7.7% last October.

The Fed has aggressively raised interest rates for more than a year to try to tame inflation by slowing economic activity. It lifted short-term interest rates for the 10th consecutive time this month, bringing its benchmark federal-funds rate to a 16-year high.

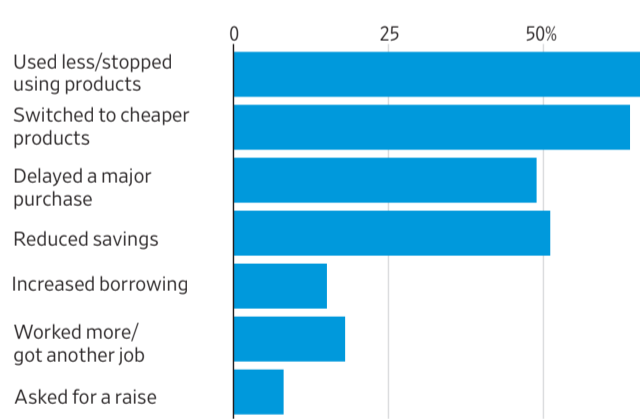
The overall economy also has weakened since the survey was conducted, rising at an inflation and seasonally adjusted 1.1% annual rate from January to March, compared with 2.6% growth in the fourth quarter. The labor market remains strong, with employers adding 253,000 jobs last month and

unemployment falling to 3.4%.

One-third of adults got a promotion or a raise last year, up from 30% in 2021, the Fed survey said. Some 13% of adults asked for a raise or a promotion last year, compared with 9% in 2021.

Adults with more education were more likely to have asked

**Actions taken in response to higher prices in the prior 12 months\***



Survey conducted in October 2022 \*Respondents could select multiple answers.

for or received a raise, and were more likely to have started a new job or voluntarily left a job in the prior year. Just 5% of adults lost a job during the previous year, down from 7% in 2021.

“For households to experience a worsening of their finances at a time when unem-

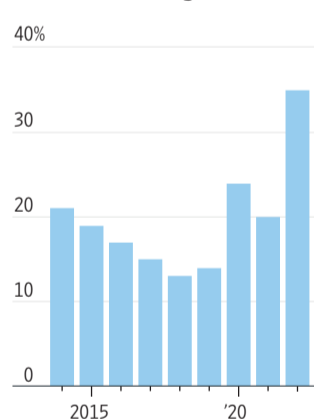
ployment is at record lows and job vacancies at record highs is remarkable,” said James Knightley, chief international economist at ING.

Inflation made it harder for people to save, the survey found. Some 51% cut their savings because of price increases. And 31% of adults who haven’t retired reported that their retirement savings plan was on track, down from 40% in 2021.

Weaker family finances have made it harder for people to afford an unexpected expense, the survey said. About 63% of adults said they would be able to cover a hypothetical \$400 expense using cash or putting the expense on a credit card, down from a high of 68% in 2021 and the same share as in 2019.

The reversal was sharper among parents. Fed officials said that could be because of the end of enhanced federal child tax credits last year that were put in place during the pandemic.

**Adults doing worse off than 12 months ago**



Source: Federal Reserve

# Meta Fined \$1.3 Billion By EU

Continued from Page One

The €1.2 billion fine surpasses the previous record of €746 million, or \$806 million, levied under the General Data Protection Regulation, against Amazon in Luxembourg in 2021 for privacy violations related to its advertising business. Amazon has appealed that decision in Luxembourg courts.

The fine represents a step change from EU privacy regulators, who are increasing their enforcement of the GDPR, the bloc’s privacy law, some five years after it came into effect. A board of EU regulators has taken more control over cross-border decisions—and has insisted on bigger fines, people familiar with the deliberations say.

Ahead of Monday’s decision, the EU board insisted Ireland issue a fine of between 20% and 100% of the maximum allowable penalty, the decision said. The GDPR allows for a fine of up to 4% of worldwide annual revenue, or nearly \$4.7 billion in Meta’s case. Ireland’s Data Protection Commission issued the fine and order because it leads the enforcement of the GDPR for Meta, which has its European headquarters in Dublin.

“Facebook has millions of users in Europe, so the volume of personal data transferred is massive,” said Andrea Jelinek, chair of the board of EU privacy regulators. “The unprecedented fine is a strong signal to organizations that serious infringements have far-reaching consequences.”

Monday’s decision orders Meta to stop sending information about Facebook’s European users to the U.S., and delete data already sent, within about six months. Meta said it could avoid that order if Washington completes a new trans-Atlantic agreement with the EU to allow data transfers before then.

Meta said it would appeal the ruling and seek a stay to delay its suspension orders. “This decision is flawed, unjustified and sets a dangerous precedent for the countless other companies transferring data between the EU and U.S.,” Meta said in a blog post responding to the decision.

Meta, alongside many other U.S.-based tech companies, moves data from Europe to the U.S., where the company operates its main data centers to offer its services. Meta has said in securities filings that if ordered to suspend transfers, it may have to stop offering services in the EU, where it says it has more than 255 million Facebook users. The European region accounts for nearly a quarter of Meta’s revenue.

The fine and suspension order are the biggest step that

EU regulators have taken thus far to enforce a 2020 ruling about data transfers from the bloc’s top court. That ruling restricted how companies such as Meta can send personal information about Europeans to U.S. soil, because it found that Europeans have no effective legal way to challenge American government surveillance.

The U.S. has said its surveillance practices include safeguards for privacy and civil liberties, but has moved to give Europeans more ability to challenge them.

While Monday’s decision covers only Facebook, the issues underlying it affect

## The size of the fine shows the risks of running afoul of the bloc’s privacy rules.

Meta’s other units—as well as thousands of other multinational companies that store or access data about Europeans from computers inside the U.S.

Without a U.S.-EU deal, big tech companies as well as other companies that use their services, could find themselves the targets of EU privacy investigations of their own, aimed at ordering them to suspend data flows to the U.S. Hanging in the balance are tens if not hundreds of billions of dollars in trade in indus-

tries such as advertising, artificial intelligence, human resources and cloud services.

Tech companies are particularly affected because the 2020 EU court ruling is focused in part on surveillance powers in Section 702 of the U.S.’s Foreign Intelligence Surveillance Act, which can compel electronic-communications providers to turn over information on their users. Under a newly proposed U.S.-EU data deal, the EU would lift many of the restrictions on companies sending data to the U.S., provided the U.S. addressed the concerns raised by the EU court—for instance by giving Europeans new rights to appeal surveillance.

The replacement deal hasn’t been officially completed by EU officials because they say the U.S. government hasn’t fully implemented its end of the bargain. Some European politicians have said they think the deal should be further renegotiated.

“After almost three years of failed negotiations, it’s possible we’re underestimating the EU’s willingness to withhold a deal and dare Meta to actually turn off service there,” said Paul Galant, an analyst with investment bank TD Cowen.

A spokesman for the European Commission, the EU’s executive body, said the bloc was completing its framework for data protection between the U.S. and EU and expected it to be in place by the summer.

—Kim Mackrael and Ryan Tracy contributed to this article.

## CORRECTIONS & AMPLIFICATIONS

**The musician Kid Rock** posted a video on Twitter in which he shot cases of Bud Light with a submachine gun. A Page One article on Monday about Bud Light incorrectly said he used a rifle. An April 24 Technology & Media article, an April 25 Business & Finance article and a May 3 Business News article in some editions also incorrectly called the weapon a rifle.

**Real-estate investor Sam Zell** died in 2023. Display text with his obituary in Friday’s Business & Finance section incorrectly gave the date of death as 1923.

**Thermolon**, a nonstick coating used by the cookware company GreenPan, is made using silicon dioxide. A Table Talk column May 13’s Review section incorrectly identified the material as silicone dioxide.

Readers can alert The Wall Street Journal to any errors in news articles by emailing [wsjcontact@wsj.com](mailto:wsjcontact@wsj.com) or by calling 888-410-2667.

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## U.S. NEWS

## TikTok Sues Over Ban by Montana

BY MEGHAN BOBROWSKY

TikTok is suing Montana over the state's new ban of the social-media platform, challenging the law's constitutionality.

The suit, filed Monday in the U.S. District Court of Montana, alleges the ban violates the First Amendment and several other laws. The case was brought against the state's attorney general, who is tasked with enforcing the ban.

The ban is scheduled to go into effect Jan. 1. It is unclear how it will be enforced.

"We are challenging Montana's unconstitutional TikTok ban to protect our business and the hundreds of thousands of TikTok users in Montana," TikTok said Monday.

A spokeswoman for the Montana governor's office said that the governor has been clear about his intentions to protect Montanans' privacy rights.

A spokeswoman for Montana's Attorney General Austin Knudsen said, "We expected legal challenges and are fully prepared to defend the law that helps protect Montanans' privacy and security."

The law, which was signed by the governor of Montana last week, prohibits TikTok, which is owned by Chinese parent ByteDance, from operating in the state and app stores such as Google's and Apple's from offering the app. Any entity violating the law will be fined \$10,000 a day. Individual TikTok users won't be punished.

A group of TikTok creators last week sued Montana's state attorney general over the state's new ban. The creators also alleged it was unconstitutional and violates the First Amendment and other laws.

In addition to First Amendment concerns, TikTok also alleges that it isn't within Montana's state rights to enact such a ban. The company argues that it is exclusively the federal government's right to deal with foreign entities.

TikTok also says the ban violates a law that bars governments from declaring a person or entity guilty of a crime and punishing them without a trial, and rules governing interstate commerce.

"The first amendment argument is a very strong one," says Carl Tobias, a law professor at the University of Richmond who is not affiliated with the case. So is federal pre-emption, the claim that the ban isn't within the state's scope to make.

"The claim from Montana is that they're protecting national security and that is something squarely within the domain of the federal government, not left to the state," he said.

Lawmakers, both at the state and federal levels, have voiced concerns about the Chinese Communist Party's access to data that TikTok collects.

TikTok says it has never been directed by the Chinese government to share data and that it would refuse to do so if asked.

China said it would not ask the company for that data.

◆ Governments push social-media age restrictions..... B1



The Colorado River, shown flowing from the Lake Mead Reservoir toward the Hoover Dam near Boulder City, Nev., has suffered steady decline over the past two decades.

## States Agree to Colorado River Cuts

BY JIM CARLTON

States that use Colorado River water agreed to cuts requested by the federal government to help keep two of the main reservoirs, Lake Mead and Lake Powell, from falling to critically low levels.

California, Arizona and Nevada would voluntarily cut their use of water from the West's most important river by at least three million acre-feet by 2026, including 1.5 million next year. An acre-foot is the amount a typical family of four uses in a year.

The proposed cuts aren't expected to have severe impacts on farms or cities but would add incrementally to voluntary reductions in place.

The Interior Department will be asked to sign off on the

deal, which came after California dropped some previous objections, people involved with the negotiations said.

Interior officials praised the agreement. "I commend our partners in the seven Basin states who have demonstrated leadership and unity of purpose in developing this consensus-based approach," said Deputy Secretary Tommy Beaudreau.

Under the terms, federal officials would compensate users of the water for most of their reductions. That was a request made by farmers in California, who had balked at a previous proposed deal crafted by the other states.

An impasse had created friction between California and the other states, particularly Arizona, which already has lost more than a fifth of

its Colorado River supply under previous mandated cuts.

The cuts were triggered last year after the nation's largest reservoir, Lake Mead, fell below a federal threshold. Lake Mead and Lake Powell have shrunk dramatically over a more than two-decade drought in the Southwest.

The 1,450-mile Colorado River is a lifeblood for the Southwest, supplying drinking water to 40 million people, irrigating 5.5 million acres of farmland and accounting for an estimated 16 million jobs. However, its flow has steadily declined over the past two decades amid the worst drought to hit the region in 1,200 years, according to a University of California, Los Angeles-led study this year.

As a result, states that rely

on the water have had to undergo steadily increasing conservation, which has reduced farm acreage and started to put pressure on cities. Arizona, because it has the lowest seniority rights on the Colorado, has been hit the most with some farm areas losing as much as half their growing area after cuts last year.

The latest cuts would largely come from farms, cities and tribes in the river's lower basin, some of which have agreed not to use water in Lake Mead they were entitled to, given the record amounts of water that accumulated throughout the West this winter, state officials said.

Arizona officials called the cuts more equitable than under a past proposal by California that would have allocated the water largely in keeping

with the priority system.

"I think this is a great day for the West, this is a great day for Arizona," said Brenda Burman, general manager of the Central Arizona Project.

The amount of water allocated to California would shrink more than under earlier proposals. Southern California's Imperial Irrigation District, the largest user of water on the river, said it plans to increase the amount it is already conserving contingent on reimbursements from the federal government.

Nevada, meanwhile, agreed to bank more of its Colorado River water in Lake Mead through 2026, setting aside a total of 285,000 acre feet—roughly a year of its total usage, said John Entsminger, general manager of the Southern Nevada Water Authority.

## Not Guilty Plea Entered in Idaho Murders Case

BY SURYATAPA BHATTACHARYA AND JOSEPH PISANI

A district judge in Idaho entered a not guilty plea for Bryan Kohberger, who is accused of killing four University of Idaho students last year.

Kohberger was indicted by a grand jury last week on state felony charges of first-degree murder and burglary for the stabbing deaths of Xana Kernodle, 20 years old, Ethan Chapin, 20, Madison Mogen, 21, and Kaylee Goncalves, 21.

At an arraignment hearing Monday, Kohberger's lawyer said he was standing silent when asked to enter a plea. Because he elected not to enter a plea, District Judge John C. Judge entered a not guilty plea on Kohberger's behalf. A trial is scheduled for Oct. 2 and is expected to last six weeks.

Earlier, when Kohberger was asked if he understood the charges against him, he replied several times with a "yes."

Anne Taylor, a lawyer for Kohberger, didn't respond to a request for comment. At a January court hearing in Idaho, she said Kohberger "has a good family that stands



Bryan Kohberger, accused of killing four University of Idaho students last year, in court Monday.

behind him." A public defender who represented Kohberger in Pennsylvania previously said he was eager to be exonerated.

The prosecutor's office said it was unable to comment because of a gag order that remains in effect.

Kohberger is being held

without bond. If convicted, he could face life in prison or the death penalty.

The 28-year-old graduate student at Washington State University was arrested in December after a weekslong search for a suspect in the killings, which shook the college town of Moscow, Idaho.

Kernodle, Chapin, Mogen and Goncalves were found stabbed to death in November in an off-campus house. Police linked Kohberger to the house through security video and DNA found on a knife sheath, according to documents unsealed in January. The Idaho university is about 7 miles

from Washington State, where Kohberger was getting his Ph.D. in criminal justice and criminology.

Kohberger was arrested at his parents' house in Albrightsville, Pa., and was later extradited to Idaho. Police collected more than 60 items from the home, including a knife, a cutlery knife with leather sheath, a pocketknife, a .40-caliber Glock pistol and three empty gun magazines, according to documents.

Kohberger's car, a white Hyundai sedan, was also seized by authorities. The car played a key role in finding Kohberger, charging documents said. Authorities confiscated a shovel, goggles and more medical-style gloves from his car, the documents showed.

Authorities have declined to comment on certain aspects of the case, including a possible motive, citing the ongoing investigation and coming criminal prosecution.

Soon after Kohberger's arrest, a judge in Idaho imposed a gag order on officials and victims' families, citing safety reasons as well as wanting to ensure a fair trial.

## Abortion Opponents Invoke 19th-Century Law in Legal Strategy

BY LIZ ESSLY WHYTE AND LAURA KUSISTO

Abortion opponents have mapped out a multipronged legal strategy for combating use of the abortion pill mifepristone by invoking an obscure 1873 law called the Comstock Act that made it illegal to send "obscene" or "immoral" materials through the mail.

The act outlawed shipping abortion drugs across state lines, punishable by a fine or up to five years in prison. Local leaders in New Mexico have relied on the law in passing ordinances heavily restricting abortion, and Republican elected officials have warned pharmacies and drug distributors that they could one day be prosecuted under the act.

Antiabortion doctors and medical groups are also citing the law as part of their fast-moving legal challenge to the U.S. Food and Drug Adminis-

tration's approval of mifepristone two decades ago and the expansion of pill access in more recent years. The Fifth U.S. Circuit Court of Appeals heard arguments in that case last week, though Comstock wasn't a central topic in the proceedings.

The law was named for 19th-century anti-vice crusader Anthony Comstock. Appalled by pornography and prostitution in New York City, he drafted the law and lobbied Congress to pass it, then later enforced it in his role as a special agent of the U.S. Postal Service.

By the 1940s there was a widespread consensus among judges that the Comstock Act could be enforced only if the seller intended the materials to be used for an illegal abortion, according to legal academics. In 1973 the U.S. Supreme Court in *Roe v. Wade* recognized a constitutional right to abortion, leading to

widespread legalization of the procedure, and Comstock fell further out of use.

"I teach reproductive rights and I always teach Comstock early in the course as this historical thing that nobody knows about and to not forget about, but not that I thought it was going to be relevant

## The law was named for 19th-century anti-vice crusader Anthony Comstock.

again," said Joanna Grossman, a visiting law professor at Stanford University.

Since the Supreme Court ended federal constitutional protections for abortion nearly a year ago, Comstock has become grist for abortion opponents.

In New Mexico, a handful of cities and counties have passed ordinances imposing civil penalties for mailing abortion pills or other implements into their jurisdictions, citing the Comstock Act. This has set up a legal battle with the state attorney general, who has asked New Mexico's highest court to invalidate the ordinances because they conflict with state law, which allows abortion. The court has temporarily blocked enforcement of the local laws.

Attorney General Raúl Torrez, a Democrat, in an interview said the antiabortion movement is using the act "as a way to implement their goal to institute a national abortion ban."

The municipalities have responded that New Mexico law doesn't trump a federal law, which they say bans mailing abortion pills. "This Court does not have the authority to rewrite federal law," attorneys for Roosevelt County, which

passed one of the ordinances, wrote in a legal brief.

Federal courts recently have issued conflicting rulings on the relevance of Comstock today. This month, a federal judge in West Virginia rejected arguments that the Comstock Act's restrictions apply to legal abortion, in a case involving GenBioPro, which makes the generic version of mifepristone.

But a federal district judge in Amarillo, Texas, adopted a contrary holding in April, saying the act was unambiguous and still in effect. "The Comstock Act plainly forecloses mail-order abortion in the present," wrote Judge Matthew Kacsmaryk.

Twenty Republican state attorneys general, nine U.S. senators and 38 congressmen in recent months sent letters to pharmacies warning them that they could face liability under the Comstock Act—either from a future Republican administration or state attorneys gen-

eral under racketeering law—for shipping abortion drugs.

Even if people are unfamiliar with the statute, "the text could not be clearer," the attorneys general said in one letter.

Democratic senators, in turn, wrote to the same companies, urging them to do everything they can to widen access for abortion drugs.

The Justice Department's position is that the act doesn't prohibit the shipping of abortion materials if the sender doesn't intend for them to be used illegally. Some abortion-rights supporters worry, however, that the department's interpretation is tenuous and think Congress should change the law.

"The cleanest remedy is to repeal the Comstock Act," said Larry Gostin, a Georgetown Law professor and director of the O'Neill Institute for National and Global Health Law. "It doesn't represent the values of Americans today."

U.S. NEWS

# Biden, McCarthy Try to Get Debt Deal Finished

WASHINGTON—House Speaker Kevin McCarthy and President Biden failed to reach a deal to raise the debt ceiling following a high-stakes meeting at the White House on Monday but planned to press ahead with talks, as the U.S. nears a deadline to prevent a first-ever default.

spending, but are nearing agreement on secondary matters such as clawing back unused coronavirus-response funding, according to people familiar with the matter.

McCarthy said a deal must be reached this week to have time for the legislation to pass Congress. He said he would consider canceling a planned House recess next week if there was no deal.

Once a deal is reached, it would likely take at least several days for the agreement to wind its way through Congress. McCarthy said he plans to give House lawmakers 72 hours to read the bill, a rule that was put in place at the beginning of this Congress.

Monday's meeting came after several steps and starts in the negotiations.

On Sunday, Biden said House Republicans have taken extreme positions and he called the GOP's current proposal unacceptable. White House officials have accused Republicans of being unreasonable and pushing partisan proposals that have little chance of winning approval by both chambers of Congress. Meanwhile, Republicans have criticized Biden for waiting until May to engage in the talks, and they say the White House isn't doing enough to cut spending.

Republicans have called for spending cuts as a condition for any debt-ceiling increase and they passed a bill in April to do so, saying that was their starting point on talks. They also want to cap spending in future years. Democrats for months had declined to negotiate, saying the debt ceiling should be raised with no strings attached, but began engaging seriously in talks this month.

By Natalie Andrews, Andrew Restuccia and Siobhan Hughes

Biden called the meeting productive and said he "reiterated once again that default is off the table and the only way to move forward is in good faith toward a bipartisan agreement."

McCarthy (R., Calif.) said the tone of the roughly 90-minute meeting was "better than any other time we've had discussions." He too said the meeting was productive and offered both leaders an opportunity to dig into the details of their positions.

"I believe we can get it done," he said, adding that negotiators would continue their discussions and he expects to talk to Biden every day until an agreement is reached.

Central to the talks is setting a top-line spending level for the next year and deciding how long to lift the debt ceiling until having to raise it again. The two sides are aiming to reach a deal by June 1, when the Treasury Department estimates the U.S. could run out of money to pay all of its bills, leading to a default. Treasury Secretary Janet Yellen repeated that estimate Monday.

Ahead of the meeting, Biden and McCarthy's negotiating teams huddled on Capitol Hill. The two sides remained at odds on the central issue of



Sen. Tim Scott hugged his mother, Frances, as he announced his presidential bid Monday in North Charleston, S.C.

## Scott Hopes Personal Story Will Boost Bid

By Eliza Collins

NORTH CHARLESTON, S.C.—Tim Scott's effort to secure the 2024 Republican presidential nomination will test whether a campaign centered on his own rise from poverty and the need for better economic opportunities can garner support in a field dominated by former President Donald Trump.

The 57-year-old South Carolina senator officially announced his presidential bid Monday after he filed his statement of candidacy Friday with the Federal Election Commission and spent months building his campaign infrastructure.

To prepare for his long-shot run, he has visited states that will be key to deciding the GOP nominee as part of a "Faith in America" tour, a reference to his evangelical Christian faith. Scott is the only Black Republican in the U.S. Senate and says

his ascent to Congress makes him the candidate most equipped to speak on the American dream.

"For those of you who wonder if it's possible for a broken kid from a broken home to rise beyond their circumstances the answer is yes. For those of you who wonder if America is a racist country take a look," he said, gesturing to his Black mother and the white wife of his late mentor who stood beside him hugging as he spoke.

Scott so far has negligible support with GOP primary voters. When he is included in polls, he registers in the low-single digits compared with Trump. Scott started his campaign with \$22 million cash on hand, according to aides.

Scott is a reliably conservative vote, and also has not shied away from conversations around race, including sharing his experiences being racially

profiled by police.

There are no major policy differences between Scott and the former president. Aides say his agenda will include tax cuts, expansion of school choice and strengthening the country's ability to compete against China. He aims to avoid the type of grievances that Trump recites on the stump and will focus more on how his own life experiences serve as an uplifting example.

Scott was raised in poverty in South Carolina by a single mother. He struggled in school and credits his mother and a mentor, the late John Moniz, for turning his life around. Moniz, a Chick-fil-A franchise owner, taught Scott conservative principles and shared the importance of faith. Scott went on to graduate from Charleston Southern University, a Christian college.

His opportunity-zone initiative, which passed as part of

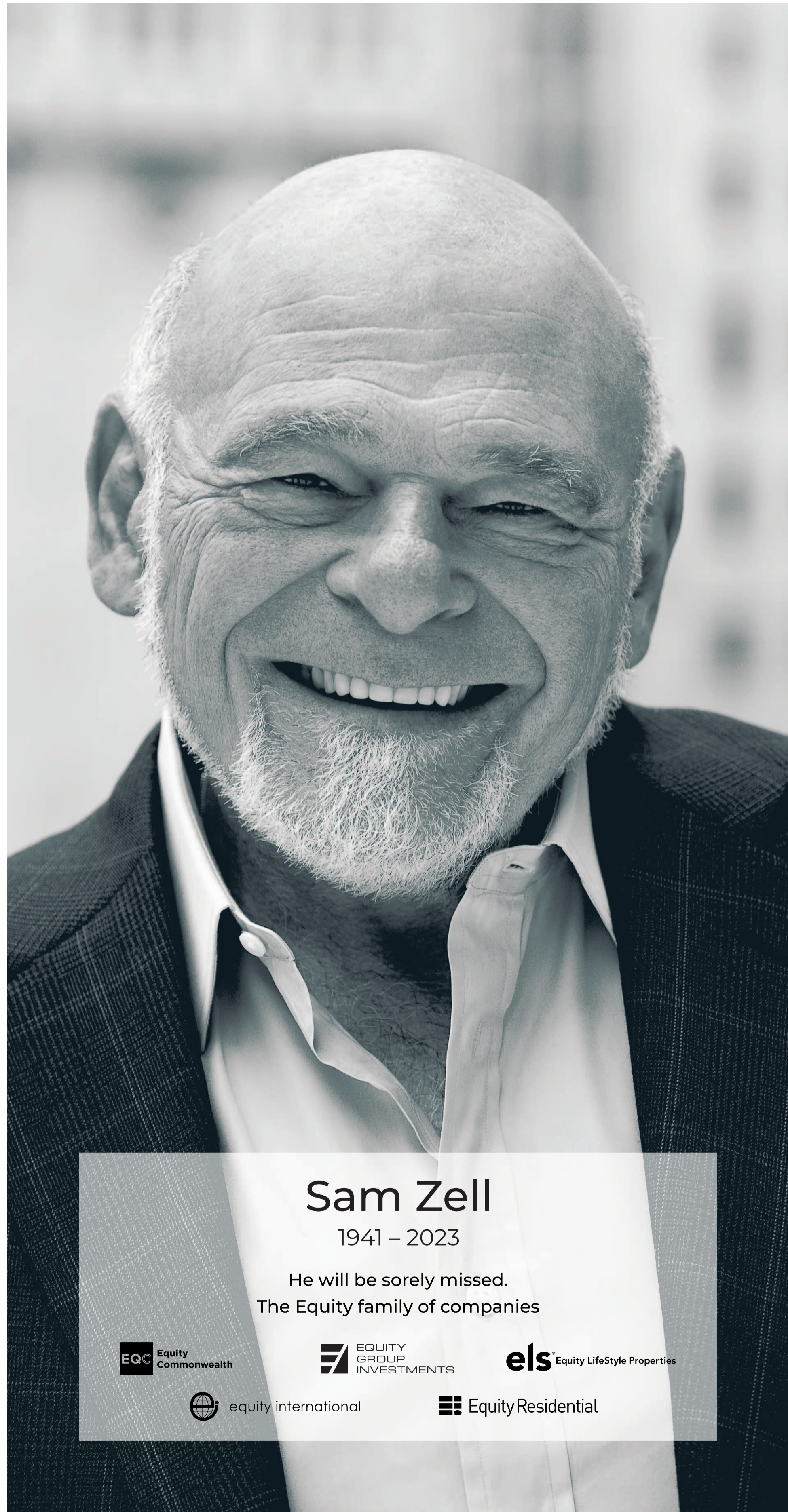
the 2017 GOP tax overhaul signed into law by Trump, is one of his most significant legislative achievements. Scott was the key Republican in police reform negotiations that ended in 2021 with no deal.

Trump praised Scott on Monday. The race "is rapidly loading up with lots of people, and Tim is a big step up from Ron DeSantimonious, who is totally unelectable. I got Opportunity Zones done with Tim, a big deal that has been highly successful," he wrote on Truth Social.

Taylor Budowich, chief executive of Make America Great Again Inc., said Scott decided to enter the race because he and other candidates "smell Ron DeSantis' blood in the water and no longer see him as an obstacle." Democratic National Committee Chairman Jaime Harrison said that Scott was extreme, and criticized his alignment with Trump on policy.

You can't replace wildlife once it's gone.

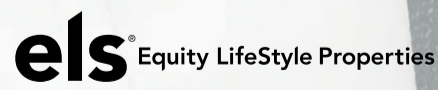
San Diego Zoo Wildlife Alliance  
sdzwa.org



# Sam Zell

1941 – 2023

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# U.S. WATCH



International Space Station residents welcomed four visitors Monday, from top left, Ali al-Qarni, John Shoffner, Rayyanah Barnawi and Peggy Whitson. Ms. Barnawi, a stem-cell researcher, is Saudi Arabia's first woman astronaut. The visitors are staying just over a week.

## INTERNATIONAL SPACE STATION

### Four Guests Join Crew Orbiting Earth

The International Space Station on Monday took in four visitors, including Saudi Arabia's first woman astronaut.

SpaceX's chartered flight arrived at the orbiting lab less than 16 hours after blasting off from Florida. The guests will spend just over a week there.

"This shows how space brings everyone together," said Rayyanah Barnawi, a Saudi stem-cell researcher. Saudi Ali al-Qarni is a fighter pilot.

John Shoffner, a Knoxville, Tenn., businessman who started a sports car racing team, is paying his own way.

Retired NASA astronaut Peggy Whitson is their chaperone. She now works for Axiom Space, the Houston company that organized the 10-day trip, its second to the space station.

—Associated Press

## DELAWARE

### Sen. Carper Won't Run for Re-Election

Democratic Sen. Tom Carper of Delaware said he wouldn't seek re-election to a fifth term.

His announcement paves the way for a wide-open contest for the seat he has held since 2001 in the heavily blue state. It also ensures his record of never having lost an election in more than four decades in politics stays intact.

Carper is one of several senators who have announced that they wouldn't seek re-election next year. The others are Democrats Ben Cardin of Maryland, Di-  
anne Feinstein of California and Debbie Stabenow of Michigan, and Republican Mike Braun of Indiana.

Carper said his focus over the next year and a half will be helping ensure implementation of environmental provisions in the 2021 infrastructure law and the Inflation Reduction Act.

—Associated Press

## MICHIGAN

### Governor Signs Red Flag Measure

Michigan Gov. Gretchen Whitmer gave final approval Monday to a red flag law that aims to keep firearms away from those at risk of harming themselves or others.

Michigan joined Minnesota as the second state in under a week to implement a red flag law after Democrats in both states won control of both chambers and the governor's office in November. New Mexico previously was the last state to pass a red flag law in 2020.

The new law, also known as extreme risk protection orders, is expected to go into effect next spring. It will allow family members, police, mental-health professionals, roommates and former dating partners to petition a judge to remove firearms from those they believe pose an imminent threat to themselves or others.

—Associated Press

## FROM PAGE ONE

# Office Stocks Get Pummeled

Continued from Page One

that took more space than they needed in anticipation of growth. But those kinds of deals "are off the table," said John Kim, a real-estate analyst at BMO Capital Markets.

High interest rates also pose a problem. Many office owners have billions of dollars of floating- and low-interest-rate mortgages that will likely need to be refinanced at much higher rates in the coming years. Regional banks have been among the biggest commercial property lenders, but they have pulled back sharply as these smaller banks have come under pressure themselves.

The result is the one of the worst stretches for the office market since World War II, with few signs of hope for a turnaround even if a recession

is averted.

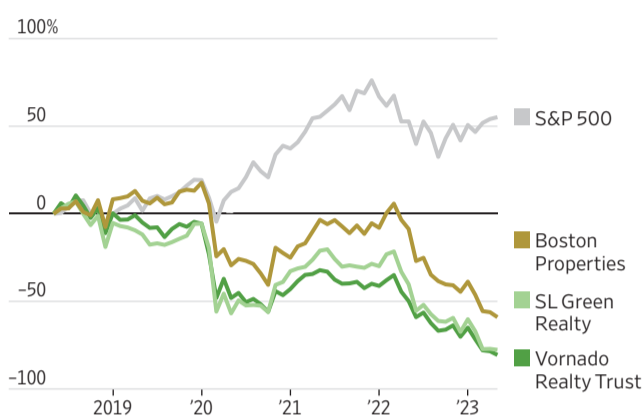
More office owners have started to capitulate and are selling their properties at large discounts to their pre-pandemic values. About 84% of the \$7.8 billion of commercial mortgage-backed securities office loans maturing in 2023 will face refinancing difficulties, according to a May report by Moody's Analytics.

"Until we see some resolution to those [balance-sheet] problems, it's hard to become more positive about the sector," said Ji Zhang, real-estate portfolio manager for Cohen & Steers, an asset manager that is active in the REIT industry.

Cohen & Steers, which has \$79.9 billion in global assets under management, has been whittling down its office exposure to about 2% of its U.S. REIT holdings, down from as much as 8% in 2019.

More stock-market investors are selling office stocks short, which is a wager that their share prices will fall. At the end of April, office REITs were the most-shorted REIT sector, with average short interest at 6.4% of shares outstanding, up

## Share and index performance



Source: FactSet

0.28 percentage point from March, according to S&P Global Market Intelligence.

The turmoil in the office sector risks spilling into the economy because small and regional banks have tens of billions of dollars in office loans to private landlords on their balance sheets. Concern about the value of the buildings backing those loans has been growing this year with the failure of Silicon Valley Bank and the rise of delinquencies and

defaults by office landlords.

The pummeling of the office sector has been financially devastating for senior managers, who often take much of their compensation in company stock.

The growth prospects for the office sector look so limited that a few firms that own primarily office buildings have started to diversify by acquiring or expanding portfolios of other types of commercial property.

Empire State Realty Trust, owner of the Empire State

Building and other office towers, late in 2021 started adding multifamily properties to its portfolio for the first time. Boston Properties, which owns more U.S. office space than any other publicly traded company, is planning to develop 2,000 residential units.

Office shares started falling from their post-financial-crisis heights in the years before the pandemic. Investors began to sour on the sector as tenants used co-working spaces to become more efficient.

The decline in office REIT shares accelerated during the pandemic, when employees came to prefer working from home at least part of the time.

Since the start of 2020, as of last week, shares of office REITs have declined 48% compared with a 0.1% increase for the FTSE Nareit Equity Index, a broader commercial-property index, according to Kim. Over that same period, the S&P 500 index was up 37%.

Not all the news is bad. In April, new searches for office space by businesses in major cities were 23% higher than in December, though such searches

were still down 44% from what they were in 2018 and 2019, according to data firm VTS.

Most landlords that focus on office buildings in Sunbelt states, which are benefiting from inflows of population and businesses, reported better performance in the first quarter than those with high concentrations in cities such as San Francisco and New York.

Alexander Goldfarb, senior analyst with Piper Sandler, said he recently upgraded Douglas Emmett, a REIT with a high concentration of office buildings focused on smaller tenants on the west side of Los Angeles. "The people living in Bel-Air, Brentwood and Beverly Hills are not moving to Texas," Goldfarb said.

On the other hand, Vornado shares are suffering in part because it has made an enormous capital commitment to new development in the area around Penn Station in Manhattan. The area's office-availability rate rose to 23.2% in the first quarter of 2023 from 19.9% a year earlier, the highest increase in Midtown Manhattan, according to CBRE Group.

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# WORLD NEWS

## Russia Says Ukraine Attacked Its Territory

### Zelensky's military intelligence identifies fighters as volunteer Russian citizens

BY MATTHEW LUXMOORE AND GEORGI KANTCHEV

KYIV, Ukraine—Russia said its military and security forces are fighting Ukrainian units who crossed into its southern Belgorod region, the largest such incursion into Russian territory since the war began.

Russian President Vladimir Putin was briefed, according to Kremlin spokesman Dmitry Peskov, as Moscow appeared to be caught off guard.

Peskov said Russia has sufficient forces to eject what he described as a commando unit. Regional authorities said they were evacuating civilians from border villages, and announced emergency security measures.

Ukraine's military intelligence directorate, known as HUR, identified the troops as two volunteer groups of Russian citizens who work closely with HUR and said the incident was a consequence of the Kremlin's invasion of Ukraine.

The extent of the incursion couldn't immediately be established, but videos of armed men and armored vehicles online appear to indicate that the troops had taken control of sev-



Bakhmut is in ruins, leaving only several dozen residents in a city that once was home to more than 70,000 people, Russian media says.

Belgorod announced emergency measures including restrictions on free movement aimed at ensuring the safety of residents, said the region's governor, Vyacheslav Gladkov.

Peskov said the purpose of the incursion was to divert attention from the situation in the city of Bakhmut in eastern Ukraine, which Moscow claims to have fully captured over the weekend. It comes as Kyiv gears up for an offensive aimed at taking back some of its territory. Military strategists say Ukraine is likely to pursue operations that would knock Russia off balance and force it to divert forces that would otherwise be used to man defensive lines in Ukraine.

As Russian forces sought on Monday to consolidate control of Bakhmut, Ukrainian troops mounted new offensives to the north and south aimed at encircling the city's new occupiers.

Moscow announced the capture of Bakhmut on Sunday, with state TV channels in Russia hailing it as "an event of historic proportions." But the city has been turned into ruins, leaving Russian troops taking up positions in bombed-out apartment blocks exposed to Ukrainian forces that have retreated to higher ground in and around the town of Chasiv Yar to the west.

State news wire TASS reported that only several dozen residents remained in Bakhmut, once home to more than 70,000.

eral villages along the border.

The incursion is a stunning reversal for Russia, which launched a full-scale invasion of Ukraine in 2022 with the aim of seizing control of the country in days. The events on Monday echoed Russia's covert invasion of Ukraine in

2014 when Russian troops without insignia appeared on Ukraine's Crimean Peninsula. Putin denied they were Russians, and said at the time that all the equipment they had could easily be bought in a military hardware store.

Mykhailo Podolyak, an ad-

viser to Ukrainian President Volodymyr Zelensky, appeared to mock that statement on Twitter in a post denying Ukrainian government involvement in the Belgorod incursion.

"As you know, tanks are sold at any Russian military store, and underground guer-

rilla groups are composed of Russian citizens," he tweeted.

A spokesman for HUR, Andriy Chernyak, said the aim of the operation was to create a buffer zone to protect Ukrainian civilians. "We expect that such actions will become more frequent," he said.

## Kyiv Allies Weigh Plan For Security

Continued from Page One against Russian aggression.

An Israeli-style security agreement for Ukraine would give priority to arms transfers and advanced technology, President Andrzej Duda of Poland said in an interview with The Wall Street Journal. This security agreement would be linked to a process of moving toward future membership in the North Atlantic Treaty Organization for Ukraine but stop short of actually making NATO a party to any conflict with Russia, Western officials familiar with the talks said.

"The discussions on this one are going on right now," said Duda, who has been one of the staunchest supporters of Ukraine in its efforts to repel the Russian invasion.

Duda didn't detail what weapons or technology might be transferred to Ukraine, but Poland has supplied Kyiv with Soviet MiG-29 aircraft, among other defense equipment.

Last week, Biden told Group of Seven counterparts that the U.S. would support training Ukrainian pilots to fly F-16 jets, an essential step to supplying the U.S.-made fighters.

Deputy Foreign Minister Alexander Grushko of Russia warned on Saturday that sending F-16s to Ukraine would escalate the conflict. "We can see that Western countries continue to stick to an escalation scenario, which carries enormous risks for them," he said, Russian state news agency TASS reported.

With NATO membership for Kyiv possibly years away, a set of binding security arrangements would be a way of helping the Ukrainian military immediately as it gears up for an expected counteroffensive aimed at pushing Russia back from the territory it claimed after storming the country.

The push for a security agreement comes as the West has moved to increase its support for Kyiv, including providing tanks, high-end U.S. and German-made air-defense systems, and increasing production of shells and ammunition needed on the front lines—all part of billions of dollars in Western military aid intended to ensure Ukraine, not Russia, determines its future.

Biden, who visited Poland in February, discussed the Israeli-model concept, Duda said. It is now gaining traction among Western allies as part of the agenda for the NATO summit in July in Vilnius, Lithuania's capital. The security agreement is expected to be signed following the NATO summit, officials familiar with the talks said.

A U.S. administration official said discussion of an Israeli model emerged as a way to ad-



Polish President Andrzej Duda

dress the core of Ukraine's security issues, recognizing that it wouldn't achieve NATO membership soon. But even if based loosely on Israel's security model, the official said, the contours of Ukraine's defense agreement remain fluid.

Israel isn't a member of NATO, and the U.S. isn't treaty-bound to come to the country's aid. But for decades, Israel has enjoyed a special relationship with the U.S. as Washington's most stalwart partner in the Middle East, and it is also the largest cumulative recipient of U.S. foreign assistance since World War II.

U.S. assistance to Israel is outlined in 10-year agreements, and the most recent one commits Washington to providing \$38 billion in military aid between 2019 and 2028.

A similar arrangement for Ukraine could change the calculus of its current conflict with Russia, Western officials said.

It would aim to discourage President Vladimir Putin of Russia from drawing out the war in the hopes of eroding political support for Ukraine in the U.S. as well as in some European capitals, where the economic costs have been hotly debated.

"Russia needs to understand today that Ukraine has got those security guarantees and that they're not going to lapse with time or with fatigue of the West," Duda said.

President Volodymyr Zelensky of Ukraine has stated repeatedly that his country's goal is to retake all the land Russia has captured since 2014, including Crimea. He has dismissed the idea of a ceasefire with Russia, arguing that any pause in fighting would allow Moscow's exhausted military to regroup and launch more attacks down the line.

The concept for an Israeli model was first drafted in September by Andriy Yermak, a top aide to Zelensky, and Anders Fogh Rasmussen, former NATO chief, people familiar with its origins said.

Since Russia's invasion, the Ukrainian government has pushed for a path to NATO membership. Zelensky submitted a formal application to the alliance last year, but the U.S. and other NATO members have made clear that any membership process will take time.

—Gordon Lubold, Daniel Michaels, Max Colchester and Matthew Luxmoore contributed to this article.

## Rise in Nuclear Arms Threatens Curbs

BY ALASTAIR GALE

HIROSHIMA, Japan—The specter of the world's first nuclear attack hung over the weekend's Group of Seven summit in Hiroshima. World leaders laid wreaths at the memorial in the city, where a plaque reads: "Let all the souls here rest in peace, for we shall not repeat the evil."

The G-7 leaders pledged to work toward the elimination of nuclear weapons, but the challenges have only grown recently. Russia is engaging in nuclear brinkmanship over Ukraine, while China and North Korea are building up their stocks and developing new types of weapons.

The G-7 leaders called for dialogue and transparency over nuclear arsenals, as well as talks aimed at banning the production of fissile material. The aims, contained in a statement called the "Hiroshima Vision on Nuclear Disarmament," are mostly pre-existing proposals that have failed to gain traction with countries outside the club of rich democracies.

"The world is facing a set of nuclear dangers the likes of which we have not seen in three decades or so, but the G-7 produced nothing new to break the impasse," said Daryl Kimball, executive director of the Arms Control Association, a Washington, D.C., nonprofit group.

In February, Russian President Vladimir Putin said he would suspend an agreement with the U.S. over mutual limits on nuclear weapons. The Strategic Arms Reduction Treaty, or Start, has underpinned relative stability between the world's two major nuclear weapons powers since it came into force in 1994. These weapons consist of nuclear warheads mounted on intercontinental-range missiles, submarine-launched missiles or heavy bombers.

Earlier this month, the U.S. said it had 1,419 nuclear warheads deployed and ready for immediate use on strategic weapons and called for Russia



People visit the Peace Memorial Park and the Atomic Bomb Dome in Hiroshima, Japan.

to release similar data under the current Start agreement, which limits both countries to 1,550 deployed nuclear warheads. Moscow didn't respond.

The U.S. and Russia together possess about 90% of the world's nuclear weapons. With similar deployed stocks, they have sustained a stabilizing principle known as mutually assured destruction—a near-guarantee that any party launching a major attack would itself be destroyed. But Putin has threatened to use tactical nuclear weapons—smaller warheads on shorter-range missiles—in the war in Ukraine, throwing into question Russia's commitment not to initiate a nuclear conflict.

China, meanwhile, has declined to disclose the size of its nuclear arsenal or talk to the U.S. about limits. The Pentagon predicted last year that China's nuclear-warheads stockpile would roughly triple to an estimated level of about 1,500 by 2035. It isn't known how many are actually deployed on strategic weapons, but the U.S. military said this

year that Beijing has more launchers for intercontinental ballistic missiles than the U.S.

The U.S. and Russia each have total stockpiles of about 4,000 nuclear warheads, say arms-control analysts. China has said it doesn't need to talk about nuclear-arms control with the U.S. because it has far fewer weapons and has pledged not to use them first. However, it is developing new missiles that can carry tactical nuclear warheads, the Pentagon said.

There are six other nuclear-armed states: France, the U.K., Israel, India, Pakistan and North Korea. Iran has made progress in enriching uranium at close to weapons-grade levels.

An unprecedented spree of weapons testing by North Korea in recent years and its development of tactical nuclear weapons have raised concern that it might break the taboo on nuclear-weapons use.

Japanese Prime Minister Fumio Kishida, who represents Hiroshima in parliament, made nuclear disarmament a major theme of the G-7 meeting. However, Japan partly depends

on nuclear weapons for its defense under a mutual-security treaty with the U.S. President Biden told Kishida on Saturday that the U.S. commitment to defend Japan is "backed by the full range of capabilities, including nuclear," according to the official Japanese account.

The U.S. has a similar commitment to South Korea and recently agreed to give Seoul a greater voice in consultations on a potential American nuclear response to a North Korean attack, in return for Seoul agreeing not to develop its own nuclear weapons.

A recent report by the Lawrence Livermore National Laboratory said the situation in China and Russia "raises basic questions about whether the U.S. has the right number and types of nuclear forces."

Arms-control advocates say more can be done to bring Russia, China and others into talks. Rather than having the U.S. face off against its adversaries, a multilateral forum including countries such as the U.K. and France might make such discussions easier, Kimball said.

## Belarus Dissident Pulled From Flight Pardoned

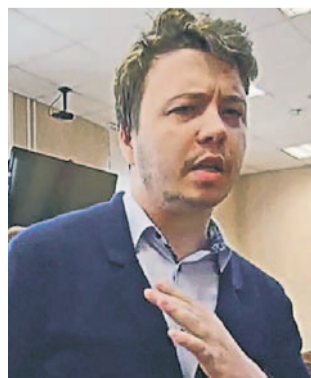
BY GEORGI KANTCHEV

Weeks after being sentenced to eight years in a penal colony, a Belarusian opposition activist who was arrested after the government forced his Ryanair flight to land has been pardoned, state media reported.

The latest twist in Roman Protasevich's case on Monday came after a court in Belarus this month found him guilty of organizing riots, inciting acts of terrorism and insulting Belarusian President Alexander Lukashenko, among other crimes.

In a video published by Belarus's state news agency Belta, Protasevich, 28 years old, said he got a pardon and thanked Lukashenko. "This, of course, is just great news," he said.

After his arrest in 2021,



Belarusian authorities detained Roman Protasevich in 2021.

Protasevich appeared to admit his guilt and said he was turning away from the opposition movement, comments that Belarus opposition figures and members of his family said

were made under duress.

Belarus's exiled opposition leader, Svetlana Tikhanovskaya, described Protasevich's pardon as a "smoke screen" in a Twitter post on Monday. She said it was being used by authorities to divert attention from the plight of political prisoners.

Belarusian authorities didn't respond to a request for comment. Minsk has previously denied allegations about its handling of his case and those of other dissidents.

From his base in Poland, Protasevich became one of the Belarusian president's fiercest detractors after a widely disputed election in 2020 in which Lukashenko claimed victory.

Protasevich ran the opposition social-media news channel Nexta, which became one of the

most widely read news sources in Belarus after a crackdown on independent media. Minsk listed Protasevich and other Nexta journalists as being involved in what it considered terrorist activities.

In May 2021, while Protasevich was traveling from Greece on a Ryanair flight bound for Lithuania, the Belarusian government scrambled a jet fighter to divert the plane, forcing it to land in the capital Minsk. Authorities detained Protasevich after hauling him off the flight, a move Ryanair's chief executive, Michael O'Leary, called state-sponsored hijacking.

Franak Viacorka, a senior adviser to Tikhanovskaya, said Protasevich "was forced to collaborate" with the Belarusian KGB security service.



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WORLD NEWS

# Beijing Slams G-7, Rejects Biden on Potential Thaw

BY AUSTIN RAMZY

HONG KONG—Beijing responded to the Group of Seven leaders' firm language toward China by pouring cold water on President Biden's suggestion that a thaw in U.S.-China relations was imminent.

China also on Monday summoned the ambassador of Japan, which hosted the G-7 summit in Hiroshima, to complain about what a senior Chinese diplomat described as the meeting's "bloc confrontation and Cold War mentality."

Biden's meeting with the leaders of six other democracies produced a stern communiqué on China that called for countering its "malign practices" such as illegal technology transfers and economic coercion. China's Foreign Ministry responded by calling the U.S. the biggest culprit in using its economic power to pressure other nations.

China also rejected the G-7 leaders' expressions of concern about repression in the Xinjiang and Tibet regions, the erosion of freedoms in Hong Kong and the potential for conflict

over Taiwan, the self-ruled island Beijing claims as its own.

The G-7 was "persisting in manipulating China-related issues, smearing and attacking China, and violently interfering in China's internal affairs," Sun Weidong, a Chinese vice foreign minister, told the Japanese ambassador to China on Sunday, the ministry said.

"The time when individual Western countries arbitrarily interfere in the internal affairs of other countries and manipulate global affairs is gone," Sun said.

At a news conference to close the G-7 meeting, Biden blamed the suspected Chinese surveillance balloon that the U.S. shot down in February for damaging communications between the two countries.

"I think you're going to see that begin to thaw very shortly," he said.

Biden on Sunday said the U.S. was discussing easing sanctions on China's defense minister, Gen. Li Shangfu, which could pave the way for talks between military officials on both sides. Li was placed under sanctions by the U.S. in 2018 for Chinese purchases of

Russian arms.

Chinese officials have said those sanctions are an obstacle to discussions, a point repeated Monday by Mao Ning, a Foreign Ministry spokeswoman.

"China and the United States maintain necessary communication, but what is the sincerity and significance of such communication if the United States says it wants to communicate while resorting to any means to suppress and contain China and impose sanctions on Chinese officials, institutions and enterprises?" Mao said.

China's response to the G-7 communiqué follows active diplomacy by China's leader, Xi Jinping, and other top officials. Since emerging from the relative isolation of China's Covid-19 prevention measures last fall, Xi has met with leaders from around the world and helped push for a detente between Saudi Arabia and Iran. Some analysts say one of Beijing's broader goals is to limit the ability of the U.S. to enlist its allies to isolate China.

"The focus was to target the U.S. and Japan," said Manoj Kewalramani, a China studies fel-



President Biden and other Western leaders produced a stern communiqué at the Group of Seven summit in Hiroshima, Japan, over the weekend that criticized China's 'malign practices.'

low at the Takshashila Institution, an Indian think tank. "With the Europeans, the language has been, 'Hey, we support your strategic autonomy.' Their argument is to essentially mobilize middle powers who they see as potentially vacillating in terms of support."

Chinese and American officials have held some talks in recent weeks, including a meeting this month in Beijing during which Chinese Foreign Minister Qin Gang scolded U.S. Amba-

sador Nicholas Burns over American support for Taiwan.

Burns also met with Chinese Commerce Minister Wang Wentao, and the Biden administration wants to reschedule a trip to China by Secretary of State Antony Blinken that was postponed over the balloon incident.

Wang is expected to travel to Detroit for a meeting of Asia-Pacific Economic Cooperation trade ministers, but senior Chinese leaders are still

pondering whether he should meet his counterpart in Washington as well, The Wall Street Journal has reported.

There have also been signs Chinese officials are attempting to respond to concerns from foreign companies about a deteriorating business environment.

Wang hosted a meeting in Shanghai on Monday to listen to the views of U.S. businesses operating in the country—a rare effort to calm foreign investors.

# U.S., Papua New Guinea Sign Pacific Security Accord

BY MIKE CHERNEY

SYDNEY—The U.S. signed deals that will deepen security ties with the biggest island nation in the Pacific, representing a success for Washington as it seeks to counter China's influence in the strategically important region.

During a visit by Secretary of State Antony Blinken, agreements on defense cooperation and maritime security were signed with Papua New Guinea, which is located just north of major U.S. ally Australia and straddles important shipping lanes. The U.S.'s top diplomat traveled to the country, where Exxon Mobil runs a multibillion-dollar gas-export development, after President Biden canceled a planned visit so he could be in Washington for debt talks with Republicans.

Full details of the defense-cooperation deal weren't immediately disclosed, but such deals typically pave the way



Secretary of State Antony Blinken and Papua New Guinea Defense Minister Win Bakri Daki completed the deal on Monday.

for things like military training and information sharing, while establishing a framework for U.S. personnel to access facilities in the host nation. The State Department said the agreement would facilitate exercises and enable the U.S. to be more responsive in providing humanitarian as-

sistance and disaster relief.

The deal "reflects the U.S. commitment to reinvigorate and modernize our democratic partnerships around the world," the State Department said.

The maritime-security agreement, meanwhile, will allow for U.S. Coast Guard vessels to help Papua New Guinea patrol its

coastal waters and stop illicit activity such as illegal fishing.

The agreements represent the latest push by the U.S. and allies such as Australia to respond to growing Chinese influence in the Pacific, which has military bases that could play an important role in any future conflict over Taiwan. Biden hosted a summit for Pacific leaders at the White House for the first time last year, where he unveiled a wide-ranging strategy for the region and a large aid package, and he has invited them again for another summit this year.

China in recent years has expanded its diplomatic presence and poured money into airports, telecommunications, resorts and other businesses and infrastructure across the Pacific. Early last year, Beijing struck a security pact of its own with the Solomon Islands—a country east of Papua New Guinea—that allowed access for Chinese security personnel. That deal sparked calls

from foreign-policy analysts and some island-nation officials themselves for Washington to increase its engagement.

Blinken on Monday met with other Pacific island leaders who also traveled to Papua New Guinea, home to more than nine million people. The U.S. also signed an economic-assistance deal with Palau related to that nation's compact of free association with Washington. The compact gives Palau access to many federal services and programs in exchange for Washington exercising military authority over the area.

In Papua New Guinea, where the economy is highly dependent on commodities and which has struggled with high crime and gender-based violence, Chinese companies have built airports and roads, and trade with Beijing has grown significantly in recent years.

Some analysts said the defense deal with the U.S. will help bolster Papua New Guinea's military.

# China Struggles With High Youth Joblessness

BY STELLA YIFAN XIE

HONG KONG—China's failure to reverse a sharp rise in youth unemployment is becoming a bigger headache for Beijing, with many economists saying the problem reflects a jobs mismatch that could defy government solutions for years.

Joblessness among young people aged 16 to 24 rose to a record of 20.4% in April, significantly higher than a few months ago and above the prepandemic rate of 13% or lower in most of 2019. The rise was all the more surprising given that urban unemployment overall fell to 5.2% in China as of April, compared with 6.1% a year earlier.

Some economists believe the job market for young people will get worse before it gets better, with a record 11.6 million college students set to graduate this summer. A central problem, economists say, is that China isn't creating enough of the high-wage, high-skill jobs that are sought by its expanding base of educated young people, many of whom have loftier expectations than previous generations.

Rather than trade down for lower-wage jobs, many young people are opting to wait for more opportunities, even though such opportunities might not be available.

"China's high youth unemployment rate is not transitory but structural," said David Wang, chief China economist at Credit Suisse. "There is a mismatch in the skills the youth are trained to provide and the skills that existing jobs require."

Chinese officials are trying several tactics to address the problem, including mandating that state-owned companies hire more graduates, while urging more young people to take up blue-collar work or move to the countryside.

Many young people, however, are uninterested in blue-collar jobs. And opportunities at state-owned enterprises remain in short supply, despite the government's prodding.

Sun Yuexing, who is set to graduate from Beijing Foreign Studies University, spent hours handing out résumés at a job fair. "The competition is so fierce," said the English major.

If China fails to supply a generation of young people with work, it could put pressure on wage growth and slow Beijing's desire to build an economy driven more by consumption. It also could undermine social stability, if more young people become dissatisfied.

Some economists still believe the problem is a passing phenomenon, and that many more youths will find work as China's broader economic recovery continues.

## WORLD WATCH



A fire tore through Manila's nearly 100-year-old post-office building, severely damaging the landmark structure and slightly injuring seven people in the Philippine capital.

**GUYANA**  
**Fire at School Dorm Kills 19 Children**

A nighttime fire raged through a dormitory in Guyana early Monday, killing at least 19 students at a boarding school catering to remote, mostly indigenous villages, authorities said. "This is a horrific incident. It's tragic. It's painful," President Irfaan Ali said, adding that his government was mobilizing all possible resources to care for the children. The fire broke out in the dormitory building of a secondary school in the southwestern border town of Mahdia, a gold and diamond mining community about 200 miles south of the capital, Georgetown, the government said. —Associated Press

**MEXICO**  
**Car-Rally Shootout Leaves 10 Dead**

Authorities say they are investigating an apparent gunfight at an off-road vehicle rally in Mexico's Baja California state that left 10 people dead and another 10 wounded. The shooting, which took place early Saturday afternoon, provoked an intense mobilization of units of the army, navy, and state and local police. Baja California officials say gunmen in one vehicle opened fire on people and vehicles at the rally. State prosecutor Ricardo Iván Carpio said that vehicle was found to have "perforations from gunshots and traces of blood inside." —Associated Press

**COLOMBIA**  
**Cease-Fire With Rebel Group Halted**

The government said it was suspending a cease-fire with rebels accused of recently killing four indigenous people—at least three of them minors—who tried to avoid forced recruitment in the south of the country. President Gustavo Petro's administration said the military would resume attacks on FARC-EMC factions operating in the provinces of Caqueta, Putumayo, Guaviare and Meta, because of the group's lack of commitment to the cease-fire. The government said it would continue to maintain a cease-fire with FARC-EMC in other parts of the country. —Associated Press

**PORTUGAL**  
**Search to Restart In Missing-Child Case**

Portuguese police have said they would resume searching for Madeleine McCann, the British 3-year-old who disappeared in the country's Algarve region in May 2007, in the next few days. Police were seen erecting tents and cordons in an area by the Arade dam, about 30 miles from Praia da Luz, where the 3-year-old was last seen alive. The toddler disappeared from her bed in the southern Portuguese resort. She was in the same room as her 2-year-old twin brother and sister while her parents had dinner with friends at a nearby restaurant. —Associated Press

**PHILIPPINES**  
**Massive Fire Razes Historic Post Office**

A massive fire tore through Manila's historic post-office building, slightly injuring seven people and razing the nearly 100-year-old landmark in the Philippine capital, police and postal officials said on Monday. The fire started before midnight in the basement of the neoclassical, five-story building and was brought under control Monday morning more than seven hours after it began, firefighters said. An investigation was under way to determine the cause of the fire and what was damaged, officials said. —Associated Press

## FROM PAGE ONE

# Hyundai Gains in EV Race

Continued from Page One  
heads at rival car companies—and among car buyers.

Asked last year about competition in the EV sector, Ford Motor Chief Executive Jim Farley said: “The ones I’m paying the most attention to are Hyundai/Kia, the Chinese and Tesla. That’s my list.”

Behind the push has been Chung, 52 years old, who has pressed for investment in EVs and moonshot technologies such as flying cars and robots. In 2020, he took control of the Hyundai Motor Group, one of Korea’s largest family-run conglomerates, from his father, Chung Mong-Koo.

Last year, Hyundai became the world’s third-largest automaking group, with 6.85 million vehicles sold, behind only Toyota Motor and Volkswagen. Now, the company, currently the third-largest seller of EVs in the U.S., is setting its sights on Tesla.

Tesla’s enormous success with its Model 3 showed the industry that the EV market was much bigger than many people thought, spurring Hyundai and Kia to move faster, said Michael O’Brien, a former vice president at Hyundai. “Hyundai leadership realizes that the EV market is a jump ball,” he said.

Chung, whose grandfather founded the business 76 years ago, has told employees repeatedly that the company needs to be more forward-leaning. “We will not fear risks and only be reactive,” he told workers in January.

Hyundai and Kia have gone on a hiring spree, luring high-profile designers from other carmakers, including from German luxury brands. Their aim is to make their vehicles look and feel more luxurious.

## Praise from rivals

Ford’s Farley lauded Hyundai’s Ioniq 5, which came out in 2021, noting that some software features were better than Ford’s own. “That company has really found their stride with electric vehicles,” he said.

Tesla’s Elon Musk said last summer in a tweet about the EV market: “Hyundai is doing pretty good.”

Hyundai and Kia are a part of a conglomerate that also owns steel mills, shipyards and construction firms. It is largely controlled by Chung’s family through their shareholdings in the motor company and other affiliates.

The company got started in the auto business in 1967, when the country was still recovering from the Korean War, at first doing contract work for Ford. Its first in-house vehicles, the Pony and Excel, were inexpensive and so prone to quality problems that they became fodder for comedians on late-night TV.

Kia began in 1944 as a manufacturer of metal parts and bicycles, and a decade later, li-



Euisun Chung, above left, executive chair of Hyundai and its affiliate Kia, at an April ceremony to mark the start of construction on a new Kia EV plant. Hyundai lead designer SangYup Lee, below left, and José Muñoz, president and chief operating officer, at the New York auto show in April. Hyundai’s Genesis GV80 concept car.



censed versions of Honda motorcycles and Mazda trucks and cars. After it declared bankruptcy in 1997, Hyundai purchased a controlling stake. It now owns nearly 34%.

Hyundai entered the U.S. car market in 1986, followed by Kia in 1993. Both were budget brands. When Chung’s father took over in 1996, he made solving quality woes a priority, overhauling manufacturing operations.

Decisions were made mostly by executives in Seoul, far from the U.S. market that was driving the bulk of profits, former executives said. “Hyundai was always known in Korea as the most conservative and the most militarylike,” said Frank Ahrens, Hyundai’s former head of communications.

Both Hyundai and Kia were slow to react to the SUV boom in the U.S., despite pleas from stateside executives, the former executives said. For years, they didn’t do much to expand their U.S. factories, leaving them struggling to build enough vehicles when demand surged for popular models such as the Hyundai Santa Fe and Tucson.

Another embarrassment was a surge in auto thefts following a social-media challenge that targeted certain Hyundai and Kia models as easy to steal. Several states and insurers have sued the companies over the thefts. On Thursday, Hyundai and Kia

agreed to pay up to \$200 million to owners of stolen cars to settle a class-action lawsuit.

When the Korean leadership takes notice, though, decisions are fast-tracked and change can come swiftly, former executives said.

At the New York auto show in April, Hyundai’s luxury brand, Genesis, showed off a sportier version of its new GV80 SUV. The vehicle was a concept car—not one Genesis intended to make.

## Streamlined Ioniq 6 shows how company uses design to set it apart from rivals.

It was such a hit that the bosses in Korea decided that night to put it into production, said José Muñoz, Hyundai’s president and chief operating officer, whom Chung hired from Nissan Motor in 2019. “There are no arguments,” Muñoz said. “Once the decision is made, execution is very fast.”

Chung has installed overseas executives in key management positions. He hired designer Peter Schreyer from Volkswagen, where he had helped redesign the iconic Beetle, then promoted him to president, the first non-Korean to reach that level in Hyundai’s

history.

“The chairman wanted something new, and the focus was on good styling,” said Ray Ng, a former Kia designer who worked closely with Schreyer.

Chung’s biggest push has been with EVs, a sector Hyundai and Kia entered in 2010 when Hyundai released the Blueon in Korea. Kia followed with the Ray EV in 2011. A second model, an electric Kia Soul, went on sale in the U.S., Europe and South Korea in 2014, two years before General Motors released its rival Chevy Bolt.

The EV market presents unique challenges. Nearly all Hyundai and Kia EVs are built outside the U.S. Recent revisions to the \$7,500 federal tax credit in the U.S. for EV purchases have made foreign-built EVs ineligible for the subsidy. Sales in the U.S. of Hyundai and Kia EVs have been declining since the tax revisions.

A new \$5.5 billion factory complex is in the works for both Hyundai and Kia to build EVs in Georgia, but it won’t open until the end of next year, at the earliest.

Tesla’s success with the Model 3, which came to market in 2017, opened eyes at Hyundai, said O’Brien, the former vice president. “Everyone saw they went from a niche player to a core player in one model,” he said. “People in Korea, and Hyundai, saw Tesla as a tech company rather than a

car company. Rather than focusing on four wheels, oil and brakes, they were focused on technology, and that was very appealing in Korea.”

While other automakers dithered about whether the batteries were too expensive and short on range, Chung was undeterred, O’Brien said.

After Chung became executive chairman in 2020, Hyundai and Kia announced plans to introduce 31 battery-powered models. The companies aim to become the third-largest seller of EVs globally by 2030. Tesla and China’s BYD are the current global leaders.

## Design focus

That the Hyundai Ioniq 6 took inspiration from the Stout Scarab is one example of how the company is leaning on design to set it apart from rivals. Lee, the designer, said the streamlined shape recalls the period in the 1930s and 1940s when car design borrowed from the aerospace industry.

The design has the added benefit of tacking on miles to the car’s range, giving it one of the lowest drag coefficients in the industry—a measure of how aerodynamic a shape is.

When interest in EVs surged during the pandemic, Hyundai and Kia were among the few car companies that had a selection of electric and hybrid models on dealership lots. On top of that, the companies had

stockpiled semiconductors, allowing them to avoid the worst of the supply-chain related shutdowns in recent years, giving them more stock to sell, dealers said.

Hyundai and Kia have said that most of their EV customers are coming to the brand for the first time. They also tend to be wealthier than customers of the companies’ other models. Last year, the biggest cohort of Hyundai Ioniq 5 and Kia EV6 buyers earned more than \$250,000 a year, compared with between \$50,000 and \$75,000 for all models, according to data from S&P Global Mobility.

Andrew Mancall, a doctor from Portland, Maine, is among the Hyundai converts. A former Audi owner, he wanted to buy an EV for his next car and put himself on a number of waiting lists, including for the Ford Mustang Mach-E.

When his number came up for the Mach-E, he passed on it and bought the Hyundai Ioniq 5. He said he was sold on the driving dynamics and what he described as better technology than on the Ford. After a nine-month wait, he took delivery of his Hyundai.

“Am I a Hyundai person? A couple years ago, I probably would have said no,” he said. “I guess the answer now is, yes.”

—Mike Colias  
contributed to this article.

# ‘Tea-Gate’ Stirs Rural Village

Continued from Page One  
shot up—as did not-so-neighborly disputes.

Elwell lives in Millbrick House, a two-story red brick Greek Revival built in 1830 and set on more than 30 acres bursting with gardens. She and her ex-husband bought it in 2014 and Elwell, raised in England, enjoyed hosting afternoon teas for her friends and the occasional fundraiser at her home. She decided to start a business, touting “authentic English afternoon tea parties with your London born host, Jane.”

She offered “ParTea” boxes to-go, and in 2021, launched teas in earnest. For \$45 a head, guests can enjoy Bridgerton, Alice in Wonderland and other themed tea parties in her historic home, where the library has a vast collection of bone china—sets of gold-rimmed Royal Dalton and Noritake with pink roses. In the dining room, she commissioned wallpaper made from vintage embroidery and

painted the ceiling with Benjamin Moore’s “Galaxy,” a deep violet hue.

The business drew glowing attention, with a June 2021 review in the local paper touting “Tea Time at a Hidden Gem.”

“In the middle of New Ipswich, there sits a slice of the English countryside,” said the piece in the Monadnock-Ledger Transcript, which described customers as “ladies and gentlemen, dressed in their tea-time best.”

Silver Scone’s popularity swelled during Covid, and frustration boiled over on Mother’s Day weekend of 2022 when Elwell hosted 126 people for tea, and neighbors complained parking crowded the street. The town of New Ipswich issued cease-and-desists orders saying she was operating without proper business approval.

“She’s not a renegade,” says Robert Fasanella, her friend and pro bono lawyer. He says Elwell didn’t realize she needed local permitting.

Elwell applied for a variance to continue hosting tea parties, and agreed to limit tea parties to four days a month with no more than 50 people a day. She also sought a permit to expand her driveway and create an 18-car parking lot in a cleared area on her roughly 35-acre property.



In Ipswich, N.H., Silver Scone Teas hosts events such as ‘A Jolly Good Tea’ in a historic house. Some neighbors aren’t happy.

“An event venue of this scope and size will scar the land forever,” neighbor Sharin Smeeth warned town officials in a letter.

Residents lined up to speak at New Ipswich Zoning Board of Adjustment meetings, minutes show. Neighbor Robert Fournier said it wasn’t the tea, but the growth he worried about. He feared headlights would shine on his house as customers left. His wife Annmarie Fournier fretted about

increased traffic and the safety of her dog. Another opponent said Bank Village hadn’t had a business in years and didn’t need one now.

Supporters including Robert Mason said the taxes the business brings in would help New Ipswich, and he’d like to see more merchants come into the once-thriving mill town. Benti Hoiska said the meticulously kept Silver Scone enhanced the village, while another speaker described

neighbors as petty and noted that one walked around the street with a clipboard and scolded a guest for parking in front of Elwell’s home.

The New Ipswich Zoning Board voted 3-0 to side with Elwell, and grant her the variance. They said local rules do permit certain businesses, such as bed-and-breakfast inns or daycares, in that neighborhood after proper reviews, and that a tea-party venue seemed even less disruptive than those operations.

The neighbors, after fruitless appeals at the town level, filed suit against the town with the New Hampshire Housing Appeals Board, a judicial body, in February.

In a letter to the editor of the local paper soon after, neighbor Stanley Zabierek compared the fight against the tea-party venue with other local battles “fought both for, but mostly against, businesses and corporations wanting to come to or through this town,” including a dollar store and gravel company. “The opposition to the business by the residents of Bank Village is to try to maintain the strictly residential character and no other reason,” he wrote.

The tea-party dispute has consumed so much of the local government’s time that ahead of the May 16 hearing at the

New Hampshire Housing Appeals Board, the town shared an 823-page certified record of documents related to Silver Scone, and the myriad local agencies that have dealt with the matter. The state tribunal has 60 days to issue an opinion.

Among arguments neighbors are making is that Elwell, in designing her proposed parking lot, illegally removed stones from a wall that runs along her property line.

A town attorney said Elwell acted within the law.

Fasanella, Elwell’s friend and lawyer, pointed out that Elwell’s neighbor has three rusted-out cars on the lawn in violation of New Hampshire’s “junk yard” statute. “One would think that’s more of an impact on a scenic road than moving one stone in a stone wall,” he says.

The opponents also argue her land is home to endangered spotted turtles that could be at risk given the changes. Elwell says she has never seen a turtle on her property, though she did place a concrete turtle outside to “stick it” to her neighbors.

“It doesn’t matter what I do to appease them; they come up with something else they’re against,” she said. “They won’t be happy until I sell up and move.”



American retirees living abroad still need to file U.S. tax returns. A street in Palermo, Sicily.

financial accounts exceeds \$10,000 at any time during the year. The penalties for willfully failing to do so can be the greater of \$100,000 or half of the account value for every year you failed to file.

Individuals with more than \$200,000 and couples with more than \$400,000 in foreign financial

## Some U.S. banks and brokerage firms drop customers with foreign addresses.

assets on the last day of the year—or with more than a respective \$300,000 or \$600,000 at any time during the year—must report them to the IRS with Form 8938.

To owe no state income tax, you must “break your domicile,” said Kuenzi, which means showing you have no intention to return to that state. Clients often sell their homes and cancel their driver’s licenses and voter registrations to satisfy the requirement, he said.

## You may need to rewrite your will

Make plans to have a new will and estate plan that conforms to laws of your new home, Kuenzi said.

Under U.S. tax laws, U.S. citizens with an estate that exceeds \$12.92 million (or \$25.84 million for couples) are liable for U.S. estate tax above those thresholds, even if they live in another country.

But most other countries impose an inheritance tax instead, often at far lower levels.

In France, for example, each child can receive from a parent about \$108,000 tax-free. Above that, they pay an inheritance tax of up to 45%, depending on the amount.

Inheritance tax is due even if your money is held in U.S.-based accounts and your heirs live in the U.S., said Kuenzi. Many European countries don’t recognize U.S. trusts.

## Cost of healthcare

Medicare doesn’t generally cover services outside the U.S., so those moving abroad must secure health insurance elsewhere.

Many countries with public healthcare systems let expatriates join after a waiting period for little to no cost.

Some countries with public healthcare systems also have private hospitals. To help cover private services, Adam Bates, an insurance broker who specializes in international policies, recommends an international health insurance policy.

He often advises clients aged 65 and older who move overseas to pay premiums for Medicare, too. Otherwise, they may get hit with hefty penalties and face month-long coverage gaps if they return to the U.S. and want to enroll.

# Retirement in Paradise Isn’t Without Financial Headaches

Moving abroad can complicate your taxes, banking, medical bills and even estate planning

By ANNE TERGESEN

Retiring abroad requires a lot of planning and often a good accountant.

When people dream of jetting off to the French countryside or a tropical island to begin a new chapter in retirement, tax and banking policies don’t usually feature prominently in the fantasy. But pulling off a move overseas in retirement requires navigating financial rules in both the U.S. and one’s new home. Mistakes are easy to make and can be costly, financial advisers with international clients say.

Some Americans living abroad inadvertently run afoul of the Internal Revenue Service and get hit with penalties and interest. Others are cut off by their U.S. banks and brokerage firms. Retirees also can run into trouble accessing or paying for healthcare.

“Expats have to be motivated and persistent problem solvers,” said Jonathan Lachowitz, chairman of American Citizens Abroad, a nonprofit focused on tax and other issues that Americans living abroad face.

He recommends joining expat groups and online forums to find people who have already made the

move. Banking, immigration and tax policies can change frequently, so double check everything you hear, said Lachowitz, who also is the founder of White Lighthouse Investment Management of Lexington, Mass., and Lausanne, Switzerland.

Here’s what to research before retiring abroad.

## Bank and retirement accounts

Americans who retire abroad should generally keep most of their money in the U.S., advisers said.

That way they can continue to take advantage of individual retirement accounts and 401(k)s, which offer tax advantages, Lachowitz said.

Some U.S. banks and brokerage firms drop customers with foreign addresses, so call your financial institutions and ask about their policies. If you have to move your money, do so before leaving the U.S.

When opening a bank account in the country you are relocating to, compare fees for wire transfers and ATM transactions.

Before leaving the U.S., shop for credit cards without foreign transaction fees, which can amount to about 2% of a transaction’s value.

Make sure you are getting competitive currency-conversion rates. Services including Wise and Monexcorp currently have low mark-ups, Lachowitz said. When abroad, he often uses a debit card from Charles Schwab, which offers competitive exchange rates and re-funds his ATM fees.

## Taxes

Your income is subject to U.S. income tax regardless of where you live. If you don’t file a U.S. tax return, you could face penalties and interest, and even criminal prosecution.

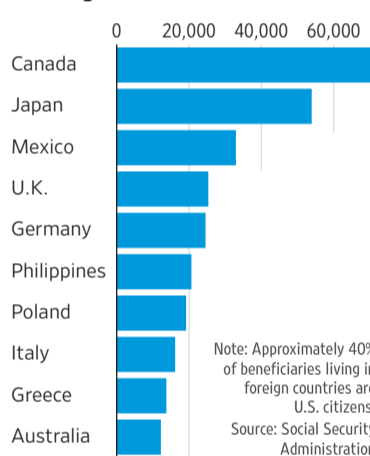
Expats may owe tax to both the U.S. and the country they live in.

Consider a retired couple who sells stock for a \$100,000 profit. Assuming the couple’s new home country has a 10% capital-gains tax rate, they would pay \$10,000 to that government.

They can then claim a \$10,000 tax credit on their U.S. tax return. But since the U.S. has a top statutory long-term capital-gains tax rate of 20%, even with the credit they could still owe the IRS another \$10,000.

Tax treaties the U.S. has with more than 60 countries might not completely protect expats from taxes that can arise as a result of

Social Security beneficiaries in foreign countries



differences between their new home country’s tax system and that of the U.S. For example, some treaties protect the tax-free status of Roth retirement accounts while other treaties don’t, said David Kuenzi, an adviser at Creative Planning International.

Most expats also have to submit a report of Foreign Bank and Financial Accounts, or FBAR, to the Treasury Department. This is required in years in which the cumulative balance of your foreign

# Employers Resist Paying For Ozempic

Continued from Page One  
Resource Management, who has said she expects requests for coverage guidance from human-resource managers in the coming months, as employers gear up for open enrollment.

## ‘Unsustainable’ expenses

The rub for both employers and employees is the price tag. Wegovy, approved for weight loss, lists at more than \$1,300 for a 28-day supply. The drugs need to be taken on a continuing basis, potentially for years. Ozempic—approved for diabetes but often used off-label to lose weight—carries a list price of about \$900 a

month. Mounjaro, a similar diabetes drug that is expected to gain regulatory approval for weight loss this year, lists at more than \$1,000.

A typical employer’s drug spending could increase by more than 50% if half of employees who were eligible for Wegovy were to take it, Willis Towers Watson estimated.

“It would be unsustainable for many employers,” said Cody Midlam, a director in the benefits-consulting firm’s pharmacy practice.

Obesity is a significant contributor to health costs, and many employers already offer programs designed to encourage weight loss through healthy eating or more physical activity. In a 2021 analysis, Harvard and George Washington University researchers estimated that obesity was tied to excess annual medical costs of \$1,861 per person.

As a social-services worker in Dallas, Melissa Davis said paying for such drugs on her own is beyond her budget, too. She got an Ozempic pre-



Ozempic—often used off-label for weight loss—costs about \$900 a month.

benefits consultant.

Tara Moreland, a 32-year-old attorney in Kansas City, Mo., has been going back and forth with her employer’s insurance provider after being approved for one month of Ozempic, then denied for any more, she said. “They said basically it was like a freebie month while we determined whether we were going to cover it

scription from her doctor after reading up on it earlier this year.

“I wasn’t looking for a magic solution. I just thought it would help,” said Davis, who is prediabetic and has hypothyroidism and other conditions that she said make it hard for her to lose weight.

Her employer’s insurance plan denied her coverage for Ozempic, though, and told her she would have to exhaust other weight-loss means before being considered for approval. She is now trying to lose 80 pounds by dieting, exercising and tracking calories with a fitness app. Progress has been slow, she said.

“If I run into any kind of plateau that I can’t get over, then I might look into it again and see if they changed their minds on coverage,” she said.

## Hoops to jump through

Many employer health plans are trying to limit off-label use of Ozempic by requiring a diabetes diagnosis

and, in some cases, a pharmacy-claims history that shows the patient has taken metformin or another diabetes treatment, said Sherry Welliver, a partner at benefits-advisory firm Mercer.

Employer plans that cover Wegovy for weight loss often have a list of requirements to qualify for approval, including special authorization from the insurer administering the plan, according to benefits consultants and doctors. At a minimum, patients typically must match the characteristics spelled out on the drug’s label. That includes a body-mass index of at least 30, or 27 if the patient also has a weight-related health condition such as high blood pressure.

Some employers also require participation in a structured weight-loss program to get Wegovy approval, or trying other weight-loss drugs first. “Employers are looking for the guardrails,” said Tracy Spencer, national pharmacy practice leader at Aon, a

for you,” she said.

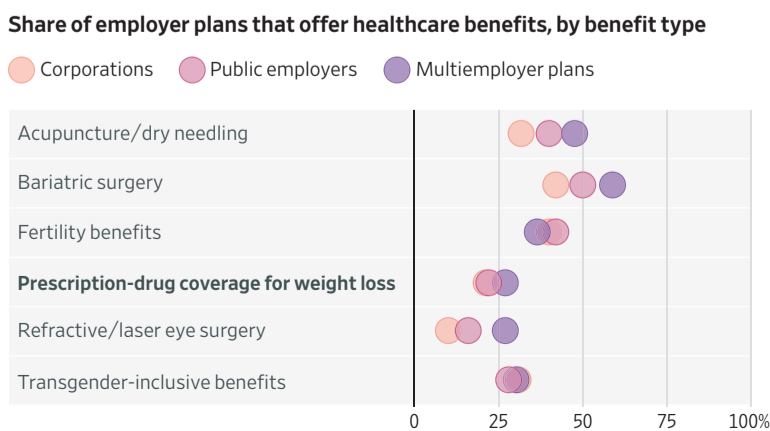
Moreland, who said she has struggled to lose weight, has since submitted documentation showing she is prediabetic, resistant to insulin and has a family history of diabetes. Her pharmacy notified her that her employer’s insurance company wouldn’t cover the drug. It makes her feel she needs to get Type 2 diabetes before she has any shot at the treatment, she said.

“I know that right now, it’s really popular and that people who don’t necessarily need a medication to lose weight are being prescribed that medication. But for me, it’s a need,” she said. “It’s a health issue.”

## Watch a Video



Scan this code to watch a video on the science behind the new weight-loss drugs like Ozempic.



Source: International Foundation of Employee Benefit Plans

## PERSONAL JOURNAL.

By DALVIN BROWN

For many growing up on social media, texting and Snapchat are synonymous. Like most Americans her age, 22-year-old college senior Zoe Carlow owns an iPhone. But she said she uses Apple's Messages app only for urgent situations. If she's planning hangouts or vacations, sharing photos and just catching up, she's on Snapchat.

She started using it in middle school. When she began dating in high school, she customarily gave dates her Snapchat username rather than her phone number.

Carlow boasts a six-year "Snapstreak" badge, showing how many consecutive days she and a friend have exchanged images on the app. "It's the first thing I do when I wake up, and before bed," she said about opening Snapchat. "It has become a routine."

Apple's Messages—the app powered by the company's iMessage platform—is the most-used communication app for teens in the U.S., according to consumer data-analytics company Measure Protocol. The app comes preinstalled on iPhones and has contributed to the popularity of Apple's devices among teens. But they mainly use it for contacting family members.

Snapchat is No. 2, used by nearly three-fourths of people ages 16 to 24, according to Measure Protocol. And for interaction among their peers, they tend to prefer it. Snap said its hallmark app had more than 750 million monthly active users worldwide in April, up from 600 million a year ago.

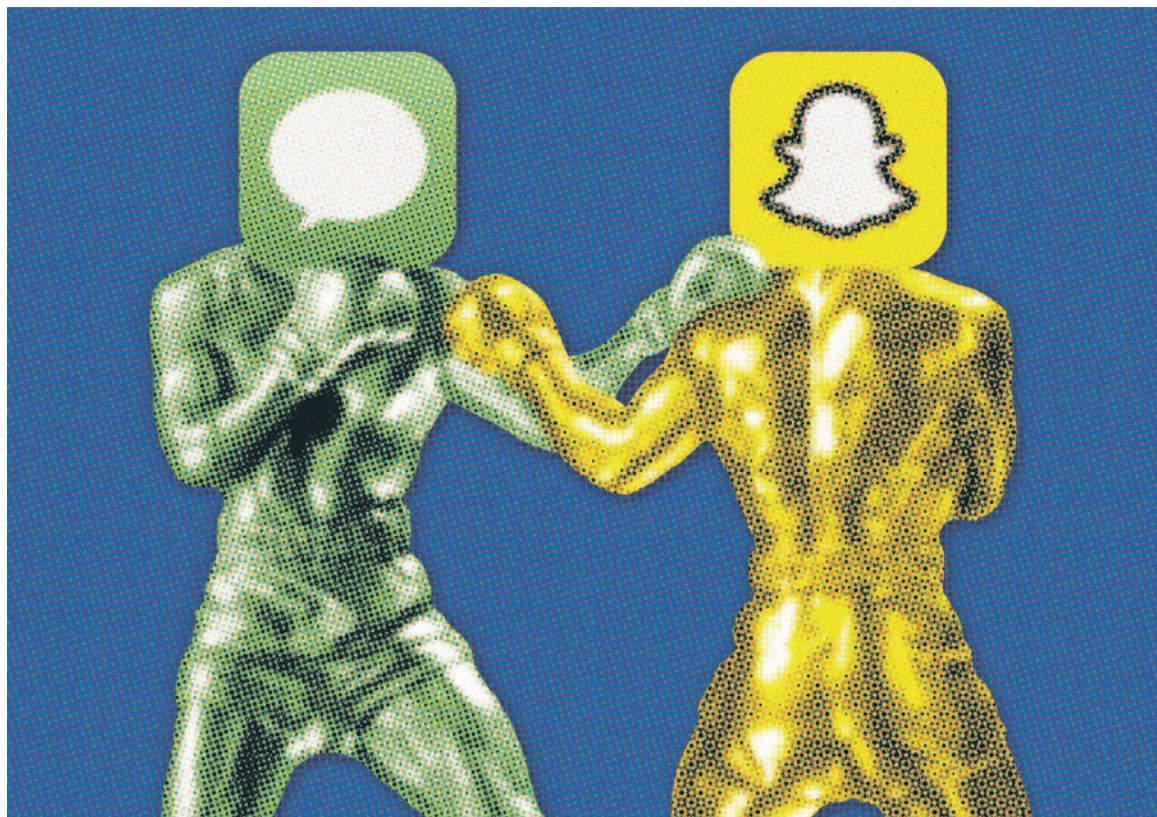
Despite its popularity with a young, advertiser-coveted demographic, Snap has struggled to find a model that capitalizes on it. The company's revenue, hurt by cutbacks in online ad sales and Apple's iOS privacy restrictions, dropped 7% in the first quarter.

At its peak in September 2021, Snap's market cap was \$113 billion. It's now valued at \$15 billion.

**Disappearing messages**

The real question is what happens now as Snap's users start to reach their 30s. Will they stick with each other on the platform or migrate to Apple's Messages, where their parents and co-workers are?

"For this generation, it's probably Snap 90% of the time, text



## iMessage vs. Snapchat: A Battle for Gen Z's Texts

Teens use one service for family interactions, the other for their friends

message 10% of the time," said Nabila Popal, research director at IDC Worldwide, a market-intelligence firm. "I've got three kids, and a ton of nieces and nephews. If I make a family group chat using iMessage, they won't respond."

Snapchat lets a generation heavily exposed to the virality of social media connect more intimately in private. When the app launched in 2011, its controversial innovation was that, by default, messages disappeared. Teens feel more relaxed knowing that these messages won't stick around forever, analysts say.

And because people hear only from approved friends, there's no outright spam. "There's still a lot of junk that flows into your text messages," Popal said.

The socially geared app also

makes it easy to find people you might know and shows how many friends you have in common with other users.

"My friends and I don't all have each other's numbers," said Jada Hunt, an 18-year-old high-school senior in Clarksville, Tenn. "But if you look somebody's name up, you can usually tell if it's them."

**100 closest friends**

When planning events on Snapchat, group messages can include up to 100 people. (Apple Messages caps groups at 32.) And the prized Snap Map lets users broadcast their location to all their friends. On Apple's Find My app, users must give each person permission.

Kids who grew up with their parents plastering their childhood photos all over Facebook and In-

stagram might prefer the more private Snapchat, said Kate Muhl, a consumer-behavior analyst at research firm Gartner. She also said people tend to keep apps that took off early in their social lives. Snapchat is on iOS and Android.

**Teens feel more relaxed knowing that these messages won't stick around forever.**

And unlike with Apple Messages, the interaction is seamless across the two platforms. But chances are that any young Snapchat user in the U.S. has an iPhone.

The company's smartphones are used by 88% of 18- to 24-year-olds in the U.S., according to IDC. And data from Measure Protocol shows Apple's native apps are often top competitors in their respective categories.

When using the Messages app, they prefer the blue chat bubbles to green ones, which indicate someone in the group has an Android phone and not all app features will work. That can include animations and stickers but also mobile payments and even games.

Teens have a strong predilection for the Cash App payment app and streaming-music apps with a free tier, including Spotify and Musi, but they also use the iPhone-integrated Apple versions of both, according to Measure Protocol.

Apple declined to comment on its strategies to attract and retain young customers.

**Brand loyalty**

"Teens are the most important users because if you can get them to use your service, adopt and embrace it, that'll pay off down the road as they start working and making money," said Scott Kessler, a telecommunications analyst at investment-research company Third Bridge.

And Snap executives say Snapchat's popularity among teens can draw other family members in. "As we activate more pockets of people communicating with each other, they tend to pull in the people closest to them," said Jack Brody, vice president of product at Snap.

He said the Snapchat audience has aged over time, and now half of users are over 25.

A large, active audience doesn't mean the business will see the success it did during the pandemic. Users were stuck at home on their devices, and brands spent more on digital ads. Three million people have signed up for the app's relatively new \$3.99-a-month subscription service, Snapchat+, which gives users more social and customization features.

But analysts say those disappearing photos and videos cause complications for targeted ads, which are relegated to less personal sections of the app.

And competing apps, including the real-time photo-sharing app BeReal and the male-skewing, gaming-centered Discord, are picking up steam among teens, analysts say.

## Brain Study Sheds Light on Chronic Pain

By NIDHI SUBBARAMAN

Electrodes embedded in the brains of four people have captured a detailed and precise portrait of chronic pain.

The new work, published Monday in Nature Neuroscience, points to brain regions that could be targets for future treatments, neuroscientists say, while adding to our understanding of why some people develop persistent, unyielding chronic pain.

Scientists surgically implanted electrodes in the brains of four study participants who had struggled with mysterious searing pain in parts of their body for years. The researchers collected data for months, and used machine-learning models to sift through the data, ultimately pinpointing electric signals in the brain that corresponded to moments of high and low chronic pain in their study participants.

The findings are a rare view of brain activity linked to chronic pain, a puzzling condition that afflicts millions of Americans.

The team found that a section of the brain just behind the forehead lit up with a low hum of electrical activity when the study participants were feeling chronic pain. But when participants touched a hot probe, another region of the brain was active, indicating that fleeting pain from an injury operates differently from chronic pain.

"Chronic pain is actually its own separate disease that is not simply an extension of pain in general," said study author Dr. Prasad Shirvalkar, a pain physician and neurologist at University

of California San Francisco Medical Center.

The study is a step toward an objective, universal measure of pain in a patient, Shirvalkar said, to augment the current method available to doctors: asking patients to rank their discomfort on a scale.

A fifth of U.S. adults experience chronic pain, according to the Centers for Disease Control and Prevention, de-

cures for chronic pain, in part because its biology is poorly understood. "Most treatments don't work for most people most of the time," said Tor Wager, a neuroscientist and psychologist at Dartmouth College who wasn't involved with the work.

Arthritis or inflammation is responsible for the dull aching of some chronic pain. Misfiring neurons in the brain or nervous system are thought to drive the stabbing and burning of another type of chronic pain, including the phantom-limb pain and post-stroke pain that study participants experienced.

The orbitofrontal cortex, in which the study captured signals during periods of intense chronic pain, is among the regions that are most altered by cognitive behavioral therapy, Wager said. The new data makes the case for further developing psychological and behavioral approaches for chronic pain.

Deep-brain stimulation, in which electrodes deliver electric current to precise targets in the brain, has shown some promise as a treatment for Parkinson's and depression. The

method is also being explored as a chronic-pain therapy, and the study suggests brain regions at which a current could be aimed, said Flavio Frohlich, a neuroscientist who studies brain stimulation at the University of North Carolina School of Medicine and wasn't involved with the study.

"Out of that beautiful symphony of rhythmic electrical activity patterns, we need to be honing in on that one player in the orchestra that has not tuned their instrument," said Frohlich. "This paper really provides some fundamental insights of where in the orchestra to look and what specific notes aren't played properly."

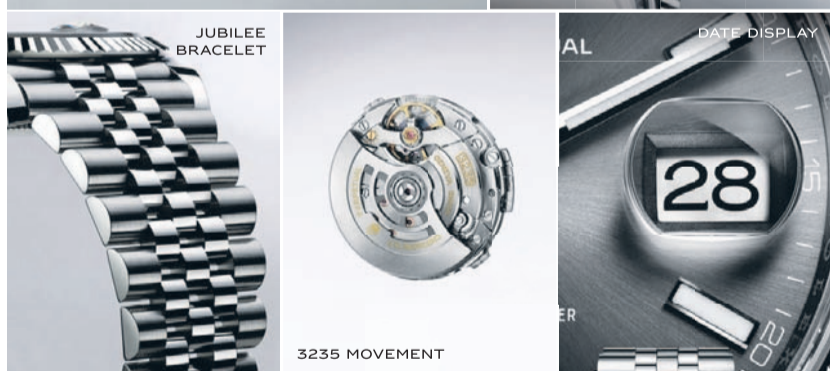
**X-ray of a participant shows implanted electrodes, in red, connected to implants for recording brain activity.**

defined as pain felt most days or more for the past three months. These could be migraines or back pain, pains linked to cancer or arthritis, or a lingering ache from an injury that has long healed. For about 19 million people, intense chronic pain restricts the ability to work or disrupts daily life.

Between 2019 and 2020, there were more new cases of chronic pain than other chronic conditions, a study published this month in JAMA Network Open found. There are no effective



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PRASAD SHIRVALKAR

ARTS IN REVIEW

MUSIC REVIEW | MARK RICHARDSON

A Suite of Divine Songs

Paul Simon has been putting out records for over 65 years, ever since he and his high-school friend Art Garfunkel, besotted with the buoyant harmonies of the Everly Brothers, issued the single “Hey, Schoolgirl!” under the name Tom & Jerry in 1957. Whether working with his friend or solo later in his career Mr. Simon was a commercial force throughout the ’60s and ’70s, writing songs that became standards and regularly landing singles in the Top 10. Starting with his 1986 album “Graceland” and continuing through 1990’s “The Rhythm of the Saints,” he became known as a restless tinkerer who fused global sounds with Western songwriting forms.

After that, while his hit singles were by then mostly behind him, his albums still sold well, and Mr. Simon, always aware of his position in the pop firmament, was still a competitor prone to experimenta-

Paul Simon reflects on life, death and what comes after on an expressive, elliptical new record.

tion. His 2006 album, “Surprise,” with contributions from British producer Brian Eno, incorporated modern electronics and sequenced rhythms, and 2016’s “Stranger to Stranger,” which reunited him with Simon & Garfunkel producer Roy Halee, incorporated exotic instrumentation invented by avant-garde composer Harry Partch. But these records, despite the varied textures, were tethered to pop form, and were rich with the indelible melodies that Mr. Simon has become known for. On the singer-songwriter’s striking new album, “Seven Psalms” (Owl/Legacy), out now, he’s left the pop world behind completely.

This is Mr. Simon’s 15th studio album. He’s always worked slowly and methodically—his peer Bob Dylan, also born in 1941, released his 15th album in 1975—and he said that the basic idea for this LP came to him in a dream in early 2019, when he heard a voice saying that he needed to make a record with

this title. The result is a song cycle about life, death and what comes after, a suite comprising seven parts stitched together to flow as one 33-minute piece (on streaming services and CD, it constitutes one long track).

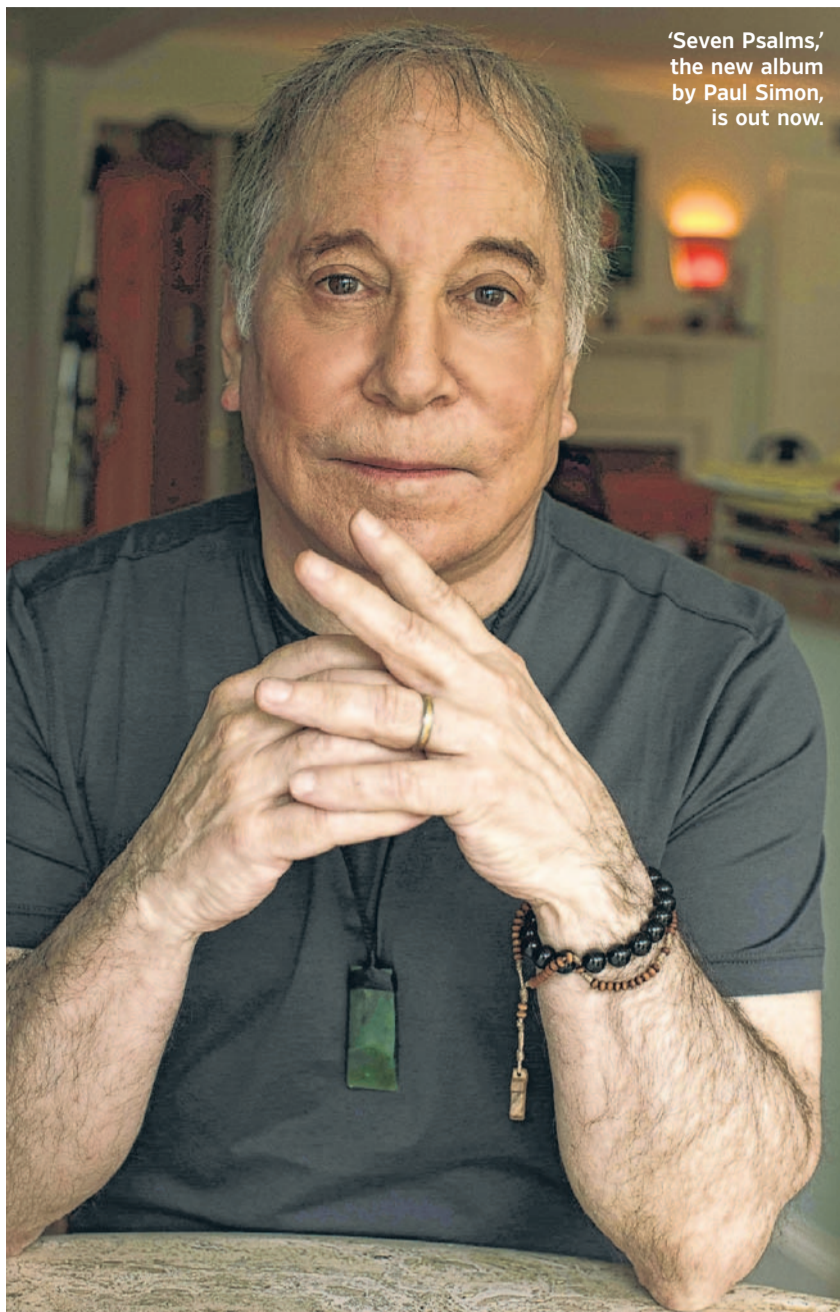
Like so much of Mr. Simon’s work, “Seven Psalms” is steeped in religious imagery and has characters who take comfort in God, but Mr. Simon’s own perspective on the divine remains ambiguous. On the opening number, he sings from the perspective of a believer who offers a litany of metaphors for how his religion steers him. “The Lord is my engineer,” he sings over a descending chord progression that will appear repeatedly over the course of the album. But there’s more to this deity than just hope and guidance—“The Covid virus is the Lord / The Lord is the ocean rising,” Mr. Simon offers toward the section’s conclusion.

At times, it appears Mr. Simon, this late in life, wants nothing more than to believe, to be assured that the universe has order and that heaven awaits, but then he can’t quite get there. This tension between meaning and the void runs through “Seven Psalms” and animates it, lending the record a sense of urgency. It’s as if Mr. Simon—seemingly healthy but in his 80s, after all—sensed that the end is coming and he needed to get his thoughts down. On “Love Is Like a Braid,” a spare song with an unsteady rhythm that expands and contracts like inhaled and exhaled breaths, Mr. Simon is alternately grave and wistful. “I lived a life of pleasant sorrows / Until the real deal came,” he sings ominously, as bits of synthesizer bleed into the empty space.

Much of the record is just Mr. Simon’s voice—sounding a little wearier and less supple than we last heard from him, though no less expressive—and his acoustic guitar and vocal melodies are unusually

winding and elliptical. While Mr. Simon is one of the great tunesmiths in pop history, it takes a few listens to connect fully to the structures here. He’s not singing verses, bridges and choruses—instead, his melodies seems to be based on his rangy guitar work.

At times, as the pieces move from drone sections to sprightly fingerpicking, his playing recalls the wide-ranging folk style of steel-string master John Fahey, who was also prone to multipart, sidelong compositions. But Mr. Simon returns to identifiable genres here



“Seven Psalms,” the new album by Paul Simon, is out now.

and there. “My Professional Opinion,” a song about the limitations of human knowledge, touches on blues and gospel, and its last section returns to the chord progression and “The Lord is my engineer” refrain from the opening track.

Memorable lines that touch on death and regret are sprinkled throughout. “And I, the last in the line / Hoping the gates won’t be closed / Before your forgiveness” is an especially moving passage in the part titled “Your Forgiveness.” Conventional songwriting imagery that in another context would seem clichéd—rivers flow endlessly, roads are to be walked alone—here sounds revelatory.

“The Sacred Harp” is a kind of fable about picking up two hitchhikers, a mother and son, who were cast out of their hometown and now wander the world. It’s one of a couple of sections on the LP where it’s hard not to think about Mr. Simon’s earliest music—the travelogues “America” or “Cloudy” from his days with Mr. Garfunkel, say—and that he’s come full circle, seeing rootlessness from another perspective. On this song and on the closing “Wait,” his wife, singer Edie Brickell, joins him in a duet, and her presence underscores another of the record’s themes. Mr. Simon realizes that he’s not ready to leave life behind, that “My hand’s steady / My mind is still clear” even if the universe might have other plans, and as Ms. Brickell sings “Heaven is beautiful / It’s almost like home,” the album’s persistent harmonic tension is finally resolved. There’s a suggestion

that for all the talk about cosmic spiritual matters, love may be the only way through, and is perhaps all that counts in the end.

Mr. Richardson is the Journal’s rock and pop music critic. Follow him on Twitter @MarkRichardson.

ARTS CALENDAR

HAPPENINGS FOR THE WEEK OF MAY 23

By WSJ Arts in Review Staff

The Wall Street Journal’s Arts Calendar is a regular series of listings highlighting some of the most important and engaging cultural events each week, curated by the editors of the Arts in Review section.

Film “You Hurt My Feelings” (May 26)

Co-dependency. Marital hang-ups. Betrayal. All in a day’s work for a therapist. But when the doc in question is one half of the struggling couple things are less by-the-DSM-book. This dramedy from Nicole Holofcener (“Enough Said”) stars Julia Louis-Dreyfus, Tobias Menzies, Michaela Watkins and Arian Moayed.

“The Little Mermaid” (May 26)

Things might be better down where it’s wetter, but what about where they’re real-er? With a load of stars (Daveed Diggs, Awkwafina, Javier Bardem, Melissa McCarthy), Disney’s latest live-action remake—much discussed online—will find out when it dives into theaters.

TV “Clone High” (Max, May 23)

HBO Max—or just Max, as of Tuesday—revives the cult animated comedy about a high school for high-profile clones including it-girl Cleopatra, jock JFK, angst-y Joan (d’Arc), and awkward Abe, who probably needs to gain a little confidence before he debates anyone, let alone Stephen Douglas.

“American Born Chinese” (Disney+, May 24)

High school is hard: classes, crushes, combat with mythological Chinese gods. Based on Gene Luen Yang’s graphic novel and with Michelle Yeoh in a starring role, Disney’s new series follows a teen who befriends a very special

exchange student and has his academic year upended.

“Platonic” (Apple TV+, May 24)

Friends have fun. Friends drift apart. Friends reconnect. Friends have their relationship begin to consume every aspect of their lives. Seth Rogen and Rose Byrne star as the spiraling platonic pair in the show from Nicholas Stoller (“Forgetting Sarah Marshall”) and Francesca Delbanco (“Friends From College”).

Theater “Mughal-e-Azam” (Various Locations, begins May 26)

This stage adaptation of K. Asif’s classic Indian film tells a timeless love story through dance and music and kicks off a 13-city tour with its

ect aimed at educating visitors about invasive species. The staggering centerpiece of the show, from which it draws its name, tells the story of the ocean from ecological, political and historical perspectives.

Art “Van Gogh’s Cypresses” (The Met Fifth Avenue, New York, through Aug. 27)

Van Gogh returned to certain flora over and over again, making him synonymous with sunflowers and irises. So it’s surprising that this is the first exhibition to focus on his trees, which are just as identifiable with the famed Dutchman. “Starry Night” has made the trip across town from MoMA to join some 40 of his other works, tracing his enduring interest in these majestic plants.

Other Spoleto Festival USA (Various Locations, Charleston, S.C., May 26–June 11)

The crown jewel of the lowcountry buzzes even more than usual during this annual 17-day performing arts festival. Highlights this year include the U.S. premieres of Philip Glass’s Symphony No. 14 and “The Book of Life,” a theatrical production based on letters from survivors and perpetrators of the Rwandan genocide; a staging of Samuel Barber’s “Vanessa” (for which Spoleto founder Gian Carlo Menotti wrote the libretto); and a variety of dance and jazz programs.

Last Call “shadow/land” (Public Theater, New York, closes May 28)

A mother and her adult daughter ride out Hurricane Katrina in a New Orleans faring in this powerfully affecting drama by Erika Dickerson-Despenza.

For additional Arts Calendar listings visit wsj.com. Write to brian.kelly@wsj.com.



Vincent van Gogh’s ‘Wheat Field With Cypresses’ (June 1889)

North American premiere in Atlanta before traveling to New York, Chicago, Toronto and other locales.

Music Arlo Parks, “My Soft Machine” (May 26)

Mixing indie, folk and R&B, the British singer-songwriter is back with her sophomore effort, a 12-track LP focused on the ups and downs of life in your 20s.

Exhibitions “Alexis Rockman: Oceanus” (Mystic Seaport Museum, Mystic, Conn., opens May 27)

Ten large-scale watercolors and a massive panoramic painting commissioned by this underknown institution anchor a museum-wide proj-

The WSJ Daily Crossword | Edited by Mike Shenk

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67						68					69		

- 25 Private
- 27 Aren’t anymore, maybe
- 29 She was featured on Flo Rida’s “Wild Ones”
- 32 Cook of Apple
- 33 Paint and pastels, e.g.
- 34 Pizzeria fixtures
- 35 Girl Scout collectible
- 38 “It isn’t a big deal”
- 39 Dog treat
- 40 Roadwork goo
- 45 Mistakenly
- 46 Sault \_\_\_\_\_ Marie
- 47 Statistic for a point guard
- 48 A pop
- 49 One way to get coll. credit
- 50 Commerce
- 51 Unfazed by tough conditions
- 52 Stand
- 53 In poor condition
- 57 Quattro doubled
- 60 Place for pampering
- 61 News agcy. since 1958
- 62 Draw
- 63 Abbr. in elevated addresses

LINE ‘EM UP | By Stella Zawistowski

<b>Across</b>	31 Language spoken by 600 million	64 Canine treater’s deg.	10 Language spoken by 80 million
1 Set up a tent, perhaps	32 Swim-bike-run race, for short	65 Sum of deux plus cinq	11 Muscat native
7 Cool kid’s antithesis	33 Unruly mass	66 “Cut that out!”	12 Michael of Monty Python
11 Make a pick	36 Take advantage of	67 Survey	13 Feature of banjo music
14 Wood-protecting spray	37 Beyond old	68 Handy item for those who wait	18 “To the best _____ knowledge...”
15 Nabisco creation of 1912	41 Mendes of movies	69 Labour foes	22 Words with premium or minimum
16 Gaping mouth	42 2013 film that won a screenplay Oscar	<b>Down</b>	23 Casual agreement
17 Assembly line?	43 Physicist Georg	1 Key for getting out	24 Meaningless data, in statistics
19 In the style of	44 Gave a leg up	2 “The Matrix” protagonist	50 Commerce
20 “Brush Your Teeth” singer	46 “I feel exactly that way!”	3 TikTok star’s device, informally	51 Unfazed by tough conditions
21 2013 bestseller subtitled “Women, Work, and the Will to Lead”	48 Pulling down	4 Put on watch	52 Stand
23 Hand or foot, but not wrist or ankle	50 Finish line?	5 Puzzle within a puzzle	53 In poor condition
26 Hot line?	54 Relaxation	6 Market gain	57 Quattro doubled
28 Frank quality	55 Most valuable to collectors, maybe	7 Nobel-winning novelist Lessing	60 Place for pampering
30 Tracy’s mom, in “Hairspray”	56 Extra, e.g.	8 Chi-town airport code	61 News agcy. since 1958
	58 Melber of MSNBC	9 Successfully enticed, as customers	62 Draw
	59 Straight line?		63 Abbr. in elevated addresses

Previous Puzzle’s Solution

S	T	E	E	P	S	T	A	G	E	B	B	S		
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C	A	R	R	O	T	C	A	K	E	T	R	I	O	
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# SPORTS

JASON GAY

## Golf Needed a Moment Like This

Club pro Michael Block didn't win the PGA Championship but it was a performance of a lifetime



Club pro Michael Block finished tied for 15th in the PGA Championship. It was good enough for a \$288,333 payout and an entry into next year's tournament.



Golf has spent the better part of a year locked in an exasperating, out-of-touch bicker over what it needs: a fancy new tour, competing events, better promotion, swankier perks, richer guarantees, bigger paychecks...

Turns out what golf needs is Michael Block.

I'm a Blockhead for life, and I know I'm not alone. You can have all of the PGA and LIV superstars with their flawless swings and private jet lifestyles.

I'll take the low-key 46-year-old father of two teenagers who—at least as of last week—was giving 45-minute lessons at the Arroyo Trabuco public course in Mission Viejo, Calif., for \$150.

"As normal as it gets," he called himself.

That's Block, who captivated the PGA Championship this past weekend in Rochester, N.Y., entering Sunday in the top 10 with the entire sports world talking. He finished the tournament a career-best 15th, good enough for a \$288,333 payout, plus a sponsor's invite to this week's Charles Schwab Challenge at Colonial, and an automatic entry into next year's PGA Championship.

To top off the fairy tale, Block sank an astonishing hole-in-one—ker-plunk, beer pong style—on the par-3 15th Sunday while playing with a delighted Rory McIlroy, who knew it was an ace before Block did.

Brooks Koepka won the PGA Championship, we should point out,

and he reminded Block that, per hole-in-one tradition, the drinks were on Block.

But it was Block, a hardly-over-night sensation from St. Louis and college golfer at Mississippi State and the University of Missouri-St. Louis—who stole one of golf's signature weekends.

"A dream," Block said. "I didn't know it was going to happen, but I knew if I just played my darned game right, I could do this. I always knew it."

You can almost hear the cheers—and probably a few tears—from every club pro in the country. Block, who had put his playing career on hold for years, cried a bit when the tournament was over, too.

"If you love golf, you know," he

said. "I cry about golf."

Fans went crazy all weekend. It was a useful reminder that the soul of this seductive but heart-stomping game isn't found in the rare air atop the major tournament leaderboards—but around the 19th holes and fire pits of everyday tracks with everyday hackers.

People who take lessons from teachers like Michael Block.

After all, to watch professional golf is to be reminded that it is largely played by extraterrestrials who do magical things with clubs that few of us could re-create. But the sport is supported by people who go out there on weekends and summer weeknights and try to hit just one shot that feels good.

That's the world Block is from. Sunday night at Arroyo Trabuco,

they sounded stunned.

"It's been chaos here," said Roman Aragon, 26, who picked up the phone late Sunday afternoon in the pro shop. "What transpired over the past week...you couldn't have written a better script."

Block remains a constant presence at the club, once starring in a goofy commercial promoting the course and its restaurant, O'Neill's.

It turned out he was Aragon's teacher when he began to take the sport seriously at age 10.

"He built me to the point I am now," Aragon said, before pausing briefly to collect himself.

This is pro golf's great edge: It is a sport where the audience is largely participatory. Most of us have long since stopped playing organized sports like baseball or basketball. Send me the name of your physician if you're somehow still playing tackle football.

But golf? Most of us can still play golf. Or at least something resembling golf, with our bad habits, epic delusions, peculiar swings, and buckets of lost balls. Some are lucky to play at dreamy places like Oak Hill, the site of this year's PGA. But a lot more play on humbler tracks where the vibe is casual and the cherished feature is a noisy old beer cart.

This is a blessing. And it's something that's getting lost in this protracted PGA Tour versus LIV dispute.

Everyday golf fans don't really care about revenue sharing, astronomical guarantees and making sure the world's best feel indulged like the world's best. This was a business shake-up that was probably overdue, and the fallout is important, but a lot of the time, it sounds like a Gulfstream race between millionaires and billionaires.

It's something professional golf needs to keep in mind. It's something those golf-chronicling Netflix producers should keep in mind, too. We want to see the best from the best in the world, absolutely.

But we also want to see the Michael Blocks. If you love golf, you know.

By Andrew Beaton and Joshua Robinson

## The New NFL Schedule Proposal That Risks Fan Backlash

The NFL's matchups on Thursday night football are frequently criticized by fans for their lack of quality. The league has now approved a remedy for that—and it comes with the potential for a different type of fan backlash.

At league meetings this week, owners voted through a proposal that allows games later in the season to be moved from Sunday to Thursday. The idea is to nix unappealing matchups in a primetime slot and replace them with something tastier with higher stakes.

But in its quest to satisfy the millions who watch these games, the NFL also risks upsetting the tens of thousands of people who had bought a ticket (and possibly flights and hotel rooms) to attend a game on a certain date—only to have it moved by several days on short notice. It's a lesson football can learn from *fútbol*.

Fans of European soccer have been aware of this problem for decades, ever since subscription-based TV channels became the sport's lifeblood. In Spain, for instance, years of flexing games into slots as late as 10 p.m. badly damaged the culture of fans traveling to road games.

The English Premier League typically announces which games are moved out of the traditional Saturday 3 p.m. slot around seven weeks ahead of time. But the notice period rarely helps away fans who rely on the neurotic British rail network. Should a fixture shift from a Saturday afternoon to, say, a Sunday evening, trains can be nonexistent for anyone hoping to go home after a late final whistle.

Supporters of Manchester United and Manchester City were set to run into this issue again on June 3 after the F.A. Cup final at London's Wembley Stadium. The original kickoff time at 5:30 p.m. on a Saturday would have likely left anyone who made the two-hour train journey from Manchester stranded in London for the night. Only after talks with broadcasters and the Metropolitan Police did the na-



Fans greet Kansas City quarterback Patrick Mahomes after a Chiefs game in Las Vegas against the Raiders.

tional soccer federation agree to shift kickoff to 3 p.m.

NFL fans are less reliant on the whims of train schedules, but that doesn't mean flexing games to different days won't upend their plans. In fact, it could be even more cumbersome than the rail-based woes across the pond.

While Europeans have the luxury of relatively short journeys between cities, NFL teams are spread

from coast to coast and face much more significant travel. It isn't unusual for NFL fans to book flights and hotel rooms to go see their favorite team play. That means they could shell out significant sums of money—only for the league to move its date by several days.

Since 2006, the NFL has featured flex scheduling on Sundays late in the season, but that simply moves games in and out of the

prime-time slot on the same day. Earlier this year, the league also approved flexing to move games into the marquee Monday night tilt and even that one-day switch raised eyebrows.

The possibility of even more dramatic movement, from Sunday to Thursday, is assuredly unpopular among players, who have never been thrilled with playing in midweek. When the league approved a

proposal in March that would allow teams to play two short-week games a year—on a Sunday then Thursday—the now retired defensive end J.J. Watt laid the criticism heading the NFL's way. He wrote on Twitter that it was a "terrible idea" for two reasons. The first was player safety, as players say the quick turnaround increases the strain on their bodies. The second was fans.

"People spending hard earned money to see their team play," Watt wrote. "Who's paying to change their plans?"

At the March meetings, NFL commissioner Roger Goodell disagreed with the notion that the league was putting Amazon, which streams the Thursday night games, over players' interests, saying the data doesn't show a higher rate of injuries in those games.

### Owners approved a plan that allows games to be moved from Sunday to Thursday.

Goodell also pushed back against the idea that flexing games to Thursday would be anti-fan.

"Listen, there isn't anybody in that room, anybody in any of our organizations who don't put our fans first. That's really important," Goodell said in March. "Obviously, providing the best matchups for our fans is part of what we do. That's part of what I think our scheduling has always focused on and flex has been a part of that."

The new policy will only be implemented on a trial basis for the 2023 season to test, and requires at least 28 days advance notice for a game to be moved. No more than two games this year will be flexed into Thursday.

The proposal passed despite public opposition from some owners. Back in March, Giants owner John Mara had already made his position clear. The idea, he said, was "abusive" to fans.

ANDREW REDINGTON/GETTY IMAGES

GARY A. VASQUEZ/USA TODAY SPORTS





## OPINION

## REVIEW &amp; OUTLOOK

## Why Cancer Drugs Are Being Rationed

Politicians like to grouse about high drug prices. Well, now we're seeing what happens when drug prices are too low: Shortages of essential medicines, which are a portent of what's to come with the Inflation Reduction Act's price controls.

Drug shortages aren't new, but the number in short supply has grown as generic prices have fallen. The American Society of Health-System Pharmacists lists 301 drugs in short supply, up from 202 five years ago. These include many local anesthetics, basic hospital drugs, chemotherapy drugs and liquid albuterol for lung ailments.

The American Cancer Society warned this month that "first-line treatments for a number of cancers, including triple-negative breast cancer, ovarian cancer and leukemia often experienced by pediatric cancer patients," are facing shortages that "could lead to delays in treatment that could result in worse outcomes." Healthcare providers say they're having to limit access to some drugs to the sickest patients. They can substitute therapeutic alternatives when possible, but this increases risk of medication errors and inferior results. What's going on?

Headlines have focused on shortages of the ADHD drug Adderall and new weight-loss treatments, which owe to increased demand. But most drugs in short supply are older generics that are off-patent and complicated to make. Manufacturers have stopped producing them because profit margins are too thin, resulting in one or two suppliers.

Generic manufacturers typically operate at full capacity and often use one production line to produce multiple drugs. If a plant experiences a quality or cross-contamination problem, an entire production line must shut down, which can affect multiple drugs for months. Other generic manufacturers can't easily ramp up production.

Fewer branded drugs are in short supply because their manufacturers build more slack and resilience into supply chains. Higher profits give them more capital and a financial incentive to do so. And therein lies the underlying problem: Generic profits have shriveled owing to government efforts to reduce drug spending.

Progressives blame "group purchasing organizations," which negotiate drug discounts for healthcare providers. As these middle-men

have consolidated, they've gained more leverage over manufacturers. But they've grown in large part because low Medicare and Medicaid reimbursement rates have increased pressure on providers to lower costs.

Mandatory Medicaid rebates have also squeezed generic drug margins. Medicaid is the top payer for many generic drugs. But low reimbursements by government health systems are a global problem, and manufacturers with plants in Europe cut production amid last year's energy price spike.

The Food and Drug Administration recently flagged problems at a major Indian plant and halted exports. Politicians criticize generic companies for shifting production to India and China to reduce costs, but the alternative for many would be to go out of business, as Illinois-based Akorn Pharmaceuticals did this winter.

The White House is mulling tax breaks for manufacturers to produce drugs domestically, an idea backed by some Republicans such as Florida Sen. Marco Rubio. But this won't alleviate the immediate drug shortages. And as we saw with baby formula last year, relying too heavily on domestic production can also cause shortages.

It would be impossible to "on-shore" entire supply chains, including production of raw chemicals, key starting materials, active pharmaceutical ingredients, as well as quality testing, formulation, and product packaging and labeling. Manufacturers already perform some finished production domestically, but the U.S. lacks skilled workers to do the rest.

The solution is for government to pay more for drugs, which politicians oppose because it will increase healthcare spending. Instead, they want to squeeze more money out of the pharmaceutical industry, which will exacerbate shortages.

The Inflation Reduction Act requires manufacturers of single-source generics and branded drugs to pay Medicare rebates if prices rise faster than inflation. This limits manufacturers' ability to pass on rising costs and invest in supply resilience and quality control. Medicare "negotiations"—i.e., price controls—will also shrink brand drug margins.

The unfortunate economic reality is that low drug prices have a cost, and one is that you can't get cancer treatment when you need it.

### The government squeeze on generic profits is leading to shortages.

## The NAACP Expels Florida From the Union

The NAACP is now an organization that's focused on the advancement of calumny politics, apparently. On Saturday the national group issued a "travel advisory" for Florida, warning potential nonwhite visitors to "be aware of the open hostility towards African Americans and people of color."

The NAACP said the advisory was a response to the policies of Gov. Ron DeSantis, specifically his "aggressive attempts to erase Black history and to restrict diversity, equity, and inclusion programs in Florida schools." Mr. DeSantis's agenda is not off-limits for debate, but the people pushing this progressive narrative don't seem to have done even five minutes of research.

Florida's public schools are required by law to teach students about "the enslavement experience," "abolition," "the civil rights movement," and "the history and contributions of Americans of the African diaspora," the state Education Department explains. "Students shall develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms." Mr. DeSantis signed a bill to add to the curriculum the 1920 Ocoee massacre, in which black Floridians were killed by a mob.

Recently Florida rejected the College Board's new AP class in African-American Studies, but it was full of nonhistorical topics, such as "Black

Queer Studies" and "the case for reparations." These politicized topics were subsequently watered down. But when the College Board's faculty advisers complained, it privately promised them a chance to re-edit the course to make it "authentic" again.

Debates on what to teach in K-12 schools can get heated, but the NAACP's statement is absurd. "Florida public schools will not teach your children accurate African-American history, which includes a history of enslavement, segregation, racial injustice and systemic racism," the travel advisory claims. "The State of Florida does not welcome the contributions of African Americans and people of color."

Mr. DeSantis picked Dr. Joseph Ladapo, a Nigerian immigrant, as his Surgeon General, and Lt. Gov. Jeanette Nuñez is the first Hispanic woman in that job. On national aptitude tests in 2022, black eighth-graders in Florida scored 255 in math and 247 in reading, on average. That's better than the national figures (252 and 243), and it's better than the NAACP's headquarters of Maryland (250 and 244).

The NAACP advisory shows that, even in today's polarized environment, it's still possible to lower the bar. After all the huffing about political norms in recent years, it will be fascinating to see if anybody on the left calls this claptrap out for what it really is.

### The group distorts the state's record to take a shot at Ron DeSantis.

## Tim Scott's Pitch for American Revival

Republican Tim Scott jumped into the 2024 presidential race on Monday, and the South Carolina Senator is betting Americans want more than today's grievance politics. Mr. Scott's message of "freedom and hope and opportunity" would be formidable in a general election if he can break through the GOP primaries.

"For those of you who wonder if it's possible for a broken kid in a broken home to rise beyond their circumstances, the answer is yes," Mr. Scott said Monday. His single mother worked 16-hour days while he was growing up, and a local Chick-fil-A franchisee took an interest in him. The 57-year-old Senator presented his mother and the wife of his mentor with flowers on stage. "I chose personal responsibility over resentment," he said.

Mr. Scott is connecting his story of upward mobility with an optimism that the right policies can make this possible for everyone: "I will be the President who destroys the liberal lie that America is an evil country."

He says America is "in a Biden retreat" but "the good news is, all we need to do is turn around." He says he'll "stop retreating from our own southern border" and "rebuild a military so lethal and powerful that our adversaries will fear us and our allies will respect us." He called for "a revolution for excellence in our schools," including "less CRT and more ABCs." Sen. Scott is right that America

is weathering a flight from the dignity of work. His mother's work ethic taught him that "if you're able-bodied, you work. Period."

These are good policy themes, though still missing are the details that make an agenda. He'll have to map out what he thinks on taxes and economic growth beyond touting the "opportunity zones" for disadvantaged areas he helped craft as part of tax reform.

Republican Sen. John Thune endorsed Sen. Scott, and the press is sniping that the South Dakota's imprimatur won't mean much in a GOP primary. Yet Sen. Thune deserves credit for wading in even as so many others in his party worry about offending Donald Trump by endorsing someone else.

Sooner or later Mr. Scott will have to take on Mr. Trump if he wants the nomination, and his vision of a "new American sunrise" is a long way from Mr. Trump's "American carnage." On Monday Mr. Trump called Sen. Scott "a big step up" from Ron DeSantis in a statement, but expect Trumpian good will to evaporate if Sen. Scott catches a primary following.

Sen. Scott has a point that he may be "the candidate the far left fears the most"—a successful and inspiring black Republican, whose life refutes the notion that America is a country of bigotry and hatred. Credit to Sen. Scott for offering American voters something more than a politics of "retribution."

## LETTERS TO THE EDITOR

## Gen Z Would Rather Be 'Funemployed' Now

As the owner of two small businesses, I estimate that more than 10% of my staff calls out from work on a daily basis—with Generation Z leading the way ("For Gen Z, Unemployment Can Be a Blast" by Suzy Welch, op-ed, May 18). Despite not having children or mortgages or other major obligations, many of these employees don't show up to work, want fewer hours or quit, citing burnout and self-care. The rest of us are left picking up the pieces. Wages have increased significantly, so why do we have a smaller proportion of Americans working today than before the pandemic? Some Americans simply don't want to work anymore.

INDRA SEN  
Ridgefield, Conn.

While discussing with my daughter the modern attitude of trying to do less work for more money, of course I was thinking, "These kids just don't get it!" But then I thought: What was so great about working my butt off for more than five decades? It seems to me that the younger folks might be on to something with their emphasis on enjoying their lives rather than toiling at the millstone—if they can pull it off.

DOUGLAS W. PETERSON  
Naperville, Ill.

As a retired tool and die maker, I am grateful never to have been unemployed. My advice to my own children was to appreciate any job opportunities at any age. Those of us not born

to real wealth will most likely have to work hard. With a family to support, and even when it was only me, my greatest fear was having no opportunity to earn a living. Gen Zers have grown up assuming that financial security will be provided by some sort of providence—family, government, even a GoFundMe. If common sense ever returns to the U.S., and the socialism advocates are defeated, this generation will be in trouble.

ROBERT KUSCHEL  
Warren, Mich.

The term "funemployment," and the concept behind it, are alien and disturbing to me. I graduated into a weak economy and have spent more than a decade now going between unemployment and underemployment. There is nothing fun about expecting every job application you send in to be rejected summarily not for a lack of qualifications, but because of the circular logic of "if he's been unemployed, it must be for a reason."

There is nothing fun about seeing friends move on with their lives while you, standing still, are left behind. A more accurate word is "frustrating." Another I could use is "confusing," but these members of Gen Z may not find that as applicable for themselves. They will know exactly the choice they made and the reason they can't get their lives moving, while their more industrious friends get ahead in work and life.

JIM PITCHFORD  
Lakewood, Ohio

## The Middlemen Who Pay No Price for ESG

Marlo Oaks and Todd Russ argue that investment firms casting proxy votes in favor of environmental, social and governance initiatives are committing "A Historic Breach of Fiduciary Duty" (op-ed, May 16). Even if the legal matter remains fuzzy, Messrs. Oaks and Russ deserve credit for shining light on the stealth undermining of shareholder value.

The problem starts with an army of agents who stand between owners of shares (participants in pension and savings plans and investors in taxable funds) and corporate managers. The agents include pension- and savings-plan sponsors in corporations and governments, the consultants they hire, the money managers they use and the duopoly of woke proxy advis-

ers they retain. There has been little downside for any of those agents who pursue "nakedly ideological goals."

The early stage of ESG investing involved excluding stocks of companies that failed to meet certain hurdles. That strategy morphed into a broader goal of changing the behavior of all companies via proxy votes. Today's "inclusive" ESG approach means that, for index-fund managers, there is no simple way to isolate a performance decrement due to ESG policies. All index-fund managers produce about the same return as their benchmark indexes, so no manager is penalized if the index performance is, say, 6.8% instead of 7%.

PHILIP GRANT  
Palm Coast, Fla.

## Causes of Anorexia and Effects of Mistreatment

Hadley Freeman's "Good Girls" (Bookshelf, May 1) is the most insightful book I have ever read as to the causes of anorexia. Most anorexics aren't part of the prison system that a psychiatrist references in his assumption that sexual abuse and PTSD are behind anorexia "until proven otherwise" (Letters, May 9 and 18).

Ms. Freeman cites Jerome Breen on the point that sexual abuse or trauma isn't a factor correlated with anorexia. Not believing the patient, who in many cases not only denies that abuse happened but also explains what really caused it, and then treating based

on assumed theories that ignore the patient's experience, can be harmful.

As for PTSD, I am now, unfortunately, very aware of its correlation with abuse. My daughter didn't have PTSD before hospitalization in connection with anorexia, nor did a similar patient at the time she was there who committed suicide a few days after leaving. The experience, however, of being held down and forced to eat with a feeding tube or other things done to control the patient's eating is, as Ms. Freeman quotes a patient, "the nearest thing I've experienced to being raped"; "how you're treated in hospital really matters, because it affects how you see yourself."

MARGARET KELLY  
Naples, Fla.

## The FDIC Has Transferred The Cost of Bank Failures

Dan Katz and Stephen Miran are right to note that recent government actions have heightened risk ("The FDIC Guarantees Instability," op-ed, May 11), but they fail to note the fundamental problem: Transferring the cost of failure from the risk-takers to others increases overall market risk.

Investors try to get the highest return on investments by maximizing the difference between the expected return from success and the expected cost of failure. When the government steps in and transfers the cost of failure to taxpayers, present and future, or others, such as well-managed banks, the expected cost of failure decreases and risk-taking increases. This is what the government has been doing since 2007 in a misguided attempt to stabilize financial markets. It hasn't worked. It never will.

DAN THORNTON  
Des Peres, Mo.

Mr. Thornton was vice president of the Federal Reserve Bank of St. Louis.

## Imagine the Possibilities . . .

Regarding your editorial "Progressive Crime and Punishment" (May 16) on the cities suing carmakers for the rise in auto thefts: Eureka! Finally, a great idea from the far left. I will be calling my attorney tomorrow and filing suit against the Bic Corp. Pens are constantly stolen from my desk.

BRIAN THIELEN  
Peshtigo, Wis.

Letters intended for publication should be emailed to wsj.letters@wsj.com. Please include your city, state and telephone number. All letters are subject to editing, and unpublished letters cannot be acknowledged.

## Pepper ... And Salt

THE WALL STREET JOURNAL



"Your resume looks good, but I'm not seeing any DNA data."

OPINION

# The Phony Debt-Ceiling ‘Calamity’

By **Conor J. Clarke**  
And **Kristin A. Shapiro**

**W**ith the U.S. Treasury predicted to run out of cash (the “X date”) as early as June 1, Treasury Secretary Janet Yellen has started warning of an “economic calamity” if Congress doesn’t raise the statutory debt limit. According to Ms. Yellen, “whether it’s defaulting on interest payments that are due on the debt or payments due for Social Security recipients or to Medicare providers, we would simply not have enough cash to meet all of our obligations.” These claims are dangerously misleading.

Hitting the X date won’t cause a default on the national debt. Debt-service payments have a feature that most other government payments lack: When the government pays off maturing debt, the amount of debt subject to the statutory limit declines. This means that the government can “roll over” such obligations—that is, issue new debt to pay off old debt—without violating the debt limit.

## The Treasury made a plan to pay bondholders in 2011. It could do the same with Social Security.

A plan to roll over debt after the X date—and thereby ensure that the debt is honored—is more than theoretical. It is a matter of public record that the Treasury made such a plan during a 2011 showdown over the debt limit, when one official explained that “the principal on Treasury securities that are maturing would be funded by having auctions that would roll over those maturing securities into new issues, so the new issues would be able to fund the redemption of the maturing securities.”

For a similar reason, hitting the X date need not stop Social Security and other payments that come from federal trust funds. The payroll taxes that are used to fund such benefits are invested in special Treasury securities that count toward the debt limit. The Treasury has the authority to redeem these securities to pay benefits; when it does so, debt subject to the statutory limit declines.



Treasury Secretary Janet Yellen.

Thus paying Social Security benefits—like paying maturing principal on the public debt—can create headroom under the limit, making roll-over strategies possible. In both 1985 and 1996, following similar debt-limit conflicts, the comptroller general concluded that such strategies would be lawful because they wouldn’t “increase the total amount of outstanding debt subject to the statutory limit,” and thus wouldn’t “usurp the congressional power under the Constitution to borrow.”

Paying Social Security benefits and servicing the national debt are not only lawful; they are legally obligatory. Because the Biden administration can continue making such payments regardless of the statutory debt limit, and because such payments wouldn’t come at the cost of any other federal payments, it must do so. Otherwise, the administration would fail its constitutional duty to execute those statutes faithfully—an argument that would apply even without the support of the 14th Amendment’s Public Debt Clause.

Most government payments don’t involve rolling over debt. That includes interest payments on the public debt, because only the “face amount” of the debt counts toward the statutory debt limit. But on a monthly basis, interest is a relatively small fraction of incoming tax revenue, and the government has broad lawful authority to prioritize payments after the X date. With advance planning, such as what the Treasury undertook in 2011, interest payments can continue.

More broadly, the government regularly faces situations in which

Congress hasn’t appropriated enough money to fulfill the mandate of a spending statute, or in which external circumstances render spending infeasible. In *Morton v. Ruiz* (1974), the Supreme Court held that such circumstances don’t deprive the executive branch of the “power to create reasonable classifications . . . to allocate the limited funds available.” In 1985 the comptroller general confirmed that such discretion would extend to the debt limit, opining that after the X date, “Treasury is free to liquidate obligations in any order it finds will best serve the interests of the United States.”

The X date still presents uncertainty, and we don’t want to appear pollyannaish. But the executive branch has both the power and the obligation to make debt-service and Social Security payments, and it has broad authority to prioritize the most pressing of the government’s remaining obligations. For those reasons, it may well be that hitting the X date—and a short lapse in the government’s ability to raise revenue—looks like a temporary government shutdown that follows an appropriations lapse.

When the government temporarily shuts down (as it did repeatedly during the Clinton, Obama and Trump presidencies), some federal obligations go temporarily unmet. When the shutdown ends, the obligations are paid. Shutdowns happen because the government runs out of lawful authority to spend; the X date would happen because the government runs out of lawful authority to raise revenue.

In one respect, hitting the X date

could be less disruptive than a government shutdown. The Antideficiency Act requires that many federal functions cease during a shutdown, and most federal employees are prohibited from working. But there is no analogous limit on federal functions after the X date—so many such functions could continue even if payments are delayed.

Congress can take several steps to correct misleading claims about the debt limit, which threaten to spook markets as the X date approaches. First, the House should subpoena Treasury officials to confirm the executive branch’s broad legal authority to satisfy the government’s most pressing obligations after the X date. The House should also confirm the Treasury’s practical ability to prioritize certain key obligations. Although officials in 2011 explained how a limited prioritization plan could be implemented using Treasury’s systems, Ms. Yellen warned recently that those “systems are built to pay all of our bills on time and not to pick and choose which bills to pay.”

Second, the Bipartisan Legal Advisory Group should issue a statement confirming the Treasury’s legal authority to roll debt over to make debt-service and Social Security payments after the X date. The group is composed of the speaker and other House leaders of both parties and “speaks for, and articulates the institutional position of, the House in all litigation matters.” With the executive branch and the House united, markets could rest assured that such payments will continue and that no credible legal challenge to them will arise.

Ms. Yellen recently stated that if Congress fails to raise the debt limit, “we will have an economic and financial catastrophe that will be of our own making.” But if a catastrophe arises, it may be because the markets take the worst debt-limit scaremongering seriously rather than appropriately discount it as another negotiation tactic.

*Mr. Clarke is an incoming associate professor at the Washington University in St. Louis School of Law. Ms. Shapiro practices appellate and constitutional law in Washington and is a senior fellow at the Independent Women’s Forum. Both served as attorney-advisers at the Justice Department’s Office of Legal Counsel during the Trump and Biden administrations.*

# Will Biden Cross a Line On Poverty?

By **Kevin Corinth**

**A** new report from the National Academy of Sciences seeks to redefine poverty. The NAS presents the effort as a matter of science: “An accurate measure of poverty is necessary to fully understand how the economy is performing across all segments of the population and to assess the effects of government policies on communities and families.”

But the report’s real purpose could be to expand the welfare state. If the Census Bureau adopts the new poverty definition, millions more Americans could automatically be made eligible for benefits—leading to at least \$124 billion in additional government spending over the next decade, all accomplished by administrative fiat.

There is no scientific basis for any particular poverty line. Advocates of redistribution push for a higher poverty line because they want more people to count as poor and qualify for government assistance. But scientists aren’t supposed to be advocates. The 13 authors of the recent NAS paper appear to have been selected along partisan lines: 12 of them have contributed to Democratic causes or worked for Democratic administrations.

## The administration may attempt to expand the welfare state via a definitional trick.

The NAS authors recommend that the Census Bureau adopt its Supplemental Poverty Measure as the nation’s headline poverty statistic. This measure relies on an extremely complex formula, but the end result is clear: The new poverty line would be significantly higher. It would also break with more than 50 years of precedent by establishing a *relative* standard. People could become better off and still be classified as “poor”; poverty would decline only if income at the bottom of the distribution increases *more quickly* than in the middle class.

Over the years, Congress has tied eligibility for dozens of programs to multiples of the poverty line. To qualify for the Supplemental Nutrition Assistance Program, a family’s income can’t exceed 130% of the official poverty line. For ObamaCare subsidies, the limit is 400%. The Biden administration could raise the poverty line, and thereby expand these benefits as soon as September, when the Census Bureau releases its annual report on poverty. The new poverty line would affect programs starting in 2024, all without any input from Congress.

In a new paper, I estimate the effects of such a change. I project that the poverty line for a family of four would rise to almost \$38,000 in 2024, over \$6,000 higher than it would be using the current approach that updates the poverty line with inflation each year. The gap would grow over time, and by 2033 the poverty line would be more than \$13,000 higher than it would be using the current approach.

Raising the poverty line would increase government spending on entitlements by more than \$124 billion over the next decade—\$47 billion for SNAP and \$78 billion for Medicaid. ObamaCare subsidies, Medicare Part D low-income subsidies and the school-lunch program would grow as well, not to mention the effects on dozens of nonentitlement programs.

As consequential is the potential reallocation of government assistance across states. The poverty line under the Supplemental Poverty Measure is higher in states like California and New York, where housing is more expensive, and lower in states like West Virginia and Mississippi, where housing is cheaper. If state-specific poverty lines were used to determine program eligibility, residents of states with cheaper housing would receive a smaller share of assistance. Yet poor people in low-cost states tend to be more deprived than poor people in high-cost states.

Redrawing the official poverty line would be a nakedly political move without any scientific basis that could alter the scope of the safety net overnight. It is up to Congress to prevent the administration from unilaterally expanding program eligibility and increasing government spending by over \$124 billion.

*Mr. Corinth is deputy director of the America Enterprise Institute’s Center on Opportunity and Social Mobility. He served as chief economist for the White House’s Council of Economic Advisers (2020-21) and Republican staff director of the U.S. Congressional Joint Economic Committee (2022-23).*

# ‘Unelectability’ Won’t Defeat Donald Trump



**FREE EXPRESSION**  
By **Gerard Baker**

**A**s the Republican primary contest gets going in earnest we are going to hear a lot about “electability.”

With spring turning to summer, the field is abloom with challengers to Donald Trump: Tim Scott, Ron DeSantis, Mike Pence, Chris Christie, Nikki Haley, Vivek Ramaswamy and others. All will doubtless try to make convincing cases for their candidacies, but expect them also to argue in one way or another that the current runaway leader of the pack is simply unable to win a general election.

Mr. DeSantis put it most directly last week. According to the New York Times, in a phone call with donors to a super PAC supporting him, he said: “You have basically three people at this point that are credible in this whole thing. . . . Biden, Trump and me. And I think of those three, two have a chance to get elected president—Biden and me.”

Given recent electoral history this pragmatic case against Mr. Trump has a superficial plausibility, but I’m skeptical about the wisdom of the strategy.

First, persuading people to vote for you on the grounds that you’re more acceptable to a wider electorate is a tricky proposition. It asks voters to suspend their own judgment about who is best to lead the country in favor of some parallel

assessment of the judgment of their fellow Americans, whose views and intentions are unknowable. It invites them to say, “I think the country needs X, but I also know that my views are so far outside the mainstream that I’d better vote for Y.” Who thinks like that?

Historically the approach has had mixed results, to say the least. It might have worked for Democrats last time, when primary voters chose Joe Biden over Bernie Sanders. But it often doesn’t fly.

## For one thing, he won in 2016. And his opponents look weak for not simply calling him unfit.

Was Ronald Reagan less electable than George H.W. Bush in 1980? Many at the time thought so—including much of the media and the Democratic leadership who jumped for joy when the former California governor won the nomination that year. They looked less happy and much less smart when he won the presidency. Mr. Trump himself was deemed by almost everyone less electable than Marco Rubio or Jeb Bush in 2016. Voters in the general election had other ideas.

William F. Buckley’s famous standard—to pick the “rightwardmost viable” candidate—might once have made sense. But it doesn’t fit the ideological tenor (or lack of it) of the Trump age. Mr. Trump’s intellectual plasticity muddies the picture. As we

are starting to see on issues such as abortion, Mr. Trump may be carving out a more centrist position than his main rivals.

His appeal is both sui generis and ad hominem. There’s no easy way to transfer it to another candidate. It may be better simply to let voters go with their druthers rather than get them to participate in some kind of prisoner’s-dilemma exercise that requires them to anticipate the putative choices of others.

Another problem with the argument is that it isn’t at all obvious in any case that Mr. Trump is less electable than Mr. DeSantis, Mr. Scott, Mr. Pence or anyone else.

True, he lost in 2020. He also failed to win a plurality of the popular vote in 2016 and arguably cost the Republicans dearly in both the 2018 and 2022 midterm elections.

But most of these were very close elections. In 2020 a few tens of thousands of votes in three states would have made him two-for-two in presidential contests. It takes more than a little chutzpah for someone who hasn’t registered a single vote in a presidential primary contest to dismiss someone who has already

been elected as “unelectable.”

The current polling doesn’t even support the contention that Mr. Trump is unelectable. The latest RealClearPolitics average puts him narrowly ahead of Mr. Biden in nationwide polls, while it has Mr. DeSantis and Mr. Biden in a tie. A Harvard-Harris poll last week gave Mr. Trump a 7-point lead over Mr. Biden, with Mr. DeSantis again tied with the president.

Yet the biggest problem with the electability argument is that it’s a dissembling euphemism that betrays the weakness and pusillanimity of the candidates arrayed against Mr. Trump.

By calling him “unelectable,” Mr. DeSantis and others are drawing attention to Mr. Trump’s core weakness without actually calling it out. What they really mean is Mr. Trump is “unelectable” in the way that Lizzie Borden and Al Capone would have been unelectable—morally unfit, characterologically so flawed that his election would represent a threat to the stability of the republic.

If that’s what you mean, say it: Mr. Trump may or may not be electable. He has proved himself unfit.

## Notable & Quotable: Gorsuch

*A statement from Justice Neil Gorsuch accompanying the Supreme Court’s unanimous May 18 order that halted a lawsuit challenging the end of Title 42 Covid emergency deportation authority:*

Since March 2020, we may have experienced the greatest intrusions on civil liberties in the peacetime history of this country. Executive officials across the country issued emergency decrees on a breathtaking scale. Governors and local leaders imposed lockdown orders forcing people to remain in their homes. They shuttered businesses and schools, public and private. They closed churches even as they allowed casinos and other favored businesses to carry on. They threatened violators not just with civil penalties but with criminal sanctions too. They surveilled church parking lots, recorded license plates, and issued notices warning that attendance at even outdoor services satisfying all state social-distancing and hygiene requirements could amount to criminal conduct. They divided cities and

neighborhoods into color-coded zones, forced individuals to fight for their freedoms in court on emergency timetables, and then changed their color-coded schemes when defeat in court seemed imminent.

Federal executive officials entered the act too. Not just with emergency immigration decrees. They deployed a public-health agency to regulate landlord-tenant relations nationwide. They used a workplace-safety agency to issue a vaccination mandate for most working Americans. They threatened to fire noncompliant employees, and warned that service members who refused to vaccinate might face dishonorable discharge and confinement. Along the way, it seems federal officials may have pressured social-media companies to suppress information about pandemic policies with which they disagreed. . . .

At the very least, one can hope that the Judiciary will not soon again allow itself to be part of the problem by permitting litigants to manipulate our docket to perpetuate a decree designed for one emergency to address another.

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# BUSINESS & FINANCE

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THE WALL STREET JOURNAL.

Tuesday, May 23, 2023 | B1

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## Chevron Doubles Down on Shale

By COLLIN EATON AND COLIN KELLAHER

Chevron deepened its commitment to oil-and-gas drilling in the U.S., spending more than \$6 billion to acquire a rival with sizable operations in Texas and Colorado. In buying PDC Energy in a \$6.3 billion all-stock deal, the U.S. oil company aims to build a bigger foothold in two pro-

lific oil patches, particularly the Denver-Julesburg Basin that straddles Colorado and Wyoming, a region where Chevron already has a large stake. The transaction also boosts Chevron's position in its major U.S. onshore play, the Permian Basin of West Texas and New Mexico, the most prolific American oil patch but one where Chevron and many

other companies have seen well-productivity issues over the past year. Chevron said it would issue 0.4638 share, valued at \$72 based on Friday's closing price of \$155.23, for each share of Denver-based PDC. It equates to a nearly 11% premium to Friday's closing price of \$65.12. Chevron, based in San Ramon, Calif., said the deal has a total enterprise value of \$7.6

billion, including PDC's debt. "It delivers stronger financials, and it's a hand-in-glove fit with our portfolio," Chevron Chief Executive Mike Wirth said, adding that Chevron is buying a company that was trading at relatively low multiples compared with the large amounts of cash it has been generating. Wirth expects the acquisition to spin off \$1 billion annu-

ally in extra cash while adding 1 billion barrels of proven reserves to its portfolio. The deal comes as big oil companies are working out how to spend a giant influx of cash that sluiced into their coffers last year as oil and gas prices hit multiyear highs. *Please turn to page B10*

◆ Heard on the Street: Big oil likes small deals..... B12

## Investor Urges Yelp to Explore A Sale

By LAUREN THOMAS

Activist investor TCS Capital Management has built a stake in Yelp and is calling on the service-recommendation site to explore strategic alternatives including a sale, according to people familiar with the matter.

TCS Capital owns more than 4% of the shares outstanding of Yelp's common stock, making it one of the company's five-biggest shareholders, the people said. TCS Capital has been an investor in Yelp for most of the past five years, but the stake hasn't been disclosed publicly before.

TCS Capital said it believes that Yelp could be sold to another technology or media company or private-equity buyer for at least \$70 a share—or more than double the current stock price, according to a letter the fund's founder and president, Eric Semler, plans to deliver to Yelp's board Tuesday. *Please turn to page B2*

## Disney Pressed By Weakness in Traditional TV

By ROBBIE WHELAN

Disney's traditional television business has gone from superhero to weak link in just a few short quarters. Income from its TV networks has dropped faster than expected as the world's largest entertainment company struggles to boost its share price and get its streaming-video business to profitability.

The situation presents a quandary for Disney. For the past 3½ years, the company has been subsidizing the losses that its streaming division has incurred by using cash earned from two other businesses: theme parks and so-called linear TV, which makes money from ad-sales revenue and cable subscription fees paid to networks such as ESPN, the Disney Channel and Freeform.

Disney in recent months has been trying to reduce its streaming losses by slashing costs, laying off workers and evaluating moves such as selling its flagship ESPN channel directly to cable cord-cutters.

In Disney's most recent financial quarter, operating income from the linear TV segment fell by 35% to \$1.8 billion, its sharpest year-over-year decline in at least three years. Operating income from Disney's parks, experiences and products unit has ex-

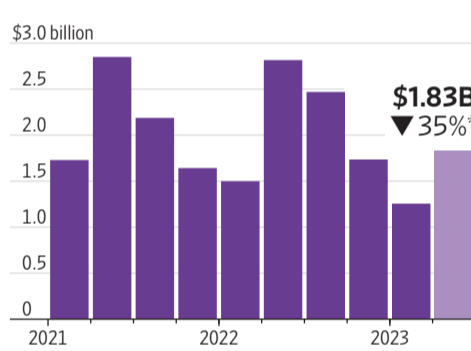
ceeded that of the linear-TV business for two consecutive quarters for the first time since Disney launched its streaming business. Disney Chief Financial Officer Christine McCarthy has said the downturn in the linear-TV business isn't permanent and has affected rivals too, and that when the advertising market improves, so will Disney's finances. "Advertising is cyclical. I think everyone is pretty much down on advertising," she said at an investor conference earlier this month. "But the fact of the matter is, advertising will come back. When the ad market does become more robust, we are very, very well positioned."

The rapid deterioration of the linear-TV business points to more fundamental change in the kind of business Disney is, analysts say. "We would joke 10 years ago that the company could be called ESPN instead of Disney—that's how good the sports broadcasting business was," analyst Michael Nathanson said. "Now that the parks business is the majority of the company's profitability, and it's growing very strongly, people are going to realize that this is first and foremost a leisure company that just happens to have a call option

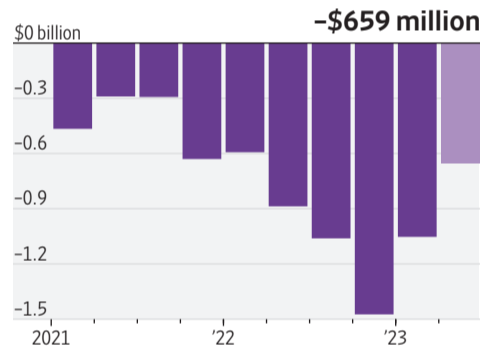


The company's income from linear TV is falling faster than expected. ABC's 'American Idol'

Operating income for Disney's television networks



Operating losses for Disney's direct-to-consumer segment



\*Change from previous year. Note: Latest fiscal quarter ended April 1

Source: the company

on streaming and linear media," he said. Since returning for a second stint as chief executive in November, Robert Iger has said he is focused on fixing streaming and hitting the goal of getting

the business to break even by September 2024. He has made some progress. In the quarter ended April 1, streaming losses narrowed to \$659 million, nearly \$200 million less than what

Wall Street analysts had projected. Since the company's flagship Disney+ service launched in late 2019, the streaming division has accumulated losses of \$10.3 billion. *Please turn to page B4*

## Age Curbs On Social Media Pushed

By SAM SCHECHNER AND JEFF HORWITZ

Governments across the U.S. and Europe are moving to tighten online age restrictions following evidence that companies aren't effectively enforcing limits on what children see and do on social media.

State and national lawmakers from Salt Lake City to Paris are looking to make services such as Meta Platforms' Instagram and ByteDance's TikTok take steps to verify ages when users sign up. *Please turn to page B2*

### INSIDE



#### BUSINESS NEWS

Small businesses are hit hardest by the Fed's campaign to raise interest rates. **B2**

#### SHIPPING

A slump in container-freight orders has brought prices crashing down. **B3**

## At Bitcoin 2023 Convention, No Bears Were Allowed

By CAITLIN OSTROFF AND DEBORAH ACOSTA

MIAMI BEACH, Fla.—This year's annual bitcoin conference was for the die-hards. At the entrance, a sign proclaimed, "No bears allowed." It seems the bears stayed home. Organizers expected only half as many people to attend compared with last year when attendance hit a record 26,000.

"The conference is a physical manifestation of the industry," said Christian Kerolos, the general manager of Bitcoin Magazine, which puts on the conference.

Last year's conference came after a run-up in the value of digital assets that left big and small investors flush with cash, drawing new people into the world of crypto. Celebrities like Serena Williams spoke at the conference. Parties featured synchronized swimmers. Thirteen months changed



An attendee at the Bitcoin Conference 2023 in Miami Beach. Parties this year were smaller.

a lot. Celsius Network, a sponsor in 2022 and notable presence, went bankrupt. Bitcoin has shed more than a third of its dollar value. The collapse of FTX dried up funding for some side events

around the conference. And now U.S. regulators are circling several big crypto companies.

This year's conference remained upbeat. Dark lighting and techno music gave the

main stage the feeling of being in a Miami nightclub. A speech from presidential hopeful Robert F. Kennedy Jr. drew a standing-room-only crowd. People donned bitcoin swag, played cornhole in

front of a giant inflatable bitcoin and bid on a bitcoin-themed DeLorean.

On Thursday, the first day of the conference that is reserved for high-access ticket holders, people broke conversations when pallbearers and gospel choristers approached, belting out "When the Saints Go Marching In."

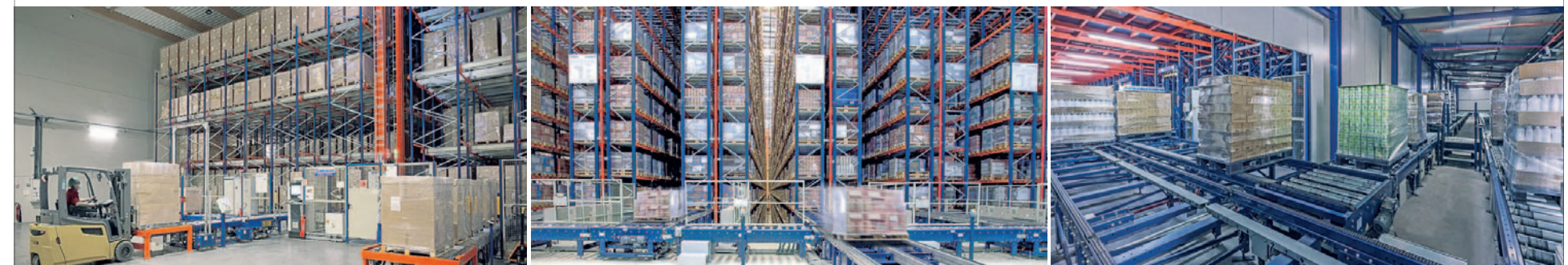
The pallbearers struggled to lift an open casket over security scanners as they made their way into the convention center. Inside was a slew of dollar bills and a label reading "#FiatFuneral." One chorister carried a sign reading "Hallelujah Bitcoin."

Parties and satellite events were smaller and calmer though. Crypto firm Paxos last year held a party at the Versace Mansion featuring synchronized swimmers and live music. This year, the company opted not to do any of that because many clients said they wouldn't attend. *Please turn to page B11*

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INDEX TO BUSINESSES

These indexes cite notable references to most parent companies and businesspeople in today's edition. Articles on regional page inserts aren't cited in these indexes.

Table with columns A-Z listing various companies and their corresponding page numbers (e.g., A.P. Moller-Maersk...B3, Amazon.com...B6).

INDEX TO PEOPLE

Table with columns A-Z listing various individuals and their corresponding page numbers (e.g., Arora, Nikesh...B5, Jansen, Rolf Habben...B3, B6).

BUSINESS & FINANCE

Small Businesses Hit Hardest By Fed's Rate-Rise Campaign

Companies with smaller payrolls and valuations are facing higher funding costs

By Dion Rabouin

For companies that need to borrow money these days, it pays to be big. The Federal Reserve's rate-raising campaign has put a notable crimp in financing for companies with smaller payrolls and valuations.

Those include Tim McConnehey's Izzard Ink publishing company in Salt Lake City. McConnehey had previously planned to beef up Izzard's technology platforms and increase the company's offerings for business-to-business sales.



Tim McConnehey's Izzard Ink has had to shift plans since credit has gotten more expensive.

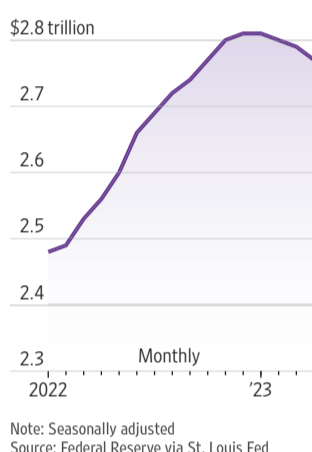
nior credit analyst at Bloomberg Intelligence, wrote in a note.

During the second week of May, bonds issued by companies with top credit ratings paid an average of 5.3% in interest, according to data provider Leveraged Commentary & Data.

Interest rates on corporate bonds have fallen since October because of fears about the economy and the expectation that yields on government bonds will fall.

Small businesses had been the source of all the net job growth in the U.S. from February 2020 to the end of 2022, defying the Fed's efforts to cool

Commercial and industrial lending at U.S. banks



four times as many as these companies reported in March 2022.

Large companies raise most of their funds from capital markets by issuing bonds. Smaller companies rely predominantly on lending from banks.

A recent survey of small-business owners from Goldman Sachs 10,000 Small Businesses Voices found 77% reporting they are concerned about their ability to access capital.

This owes largely to the

Fed's actions and recent regional bank stress, said Joe Wall, national director of Goldman Sachs 10,000 Small Businesses Voices.

This difference is becoming evident on balance sheets. Companies with more than 250 full-time employees saw their cash positions rise by \$61 billion between the second quarter of 2022 and the first quarter of 2023 to \$2.38 trillion.

In the first quarter, small companies held about 13% less cash and cash equivalents on their books than they did in the first quarter of 2022.

The eroding cash position has weighed on small companies' confidence.

A survey of small businesses last month showed optimism at the lowest level in 10 years, with the percentage of small companies saying it was difficult to get credit holding near its highest since 2012.

The higher funding costs are adding even more pressure to small-business owners because they are also facing higher costs for supplies, labor and rent, said Holly Wade, executive director of the NFIB Research Center.

Activist Pressures Yelp on Sale

Continued from page B1

The letter was seen by The Wall Street Journal.

"Yelp maintains an active dialogue with our shareholders and values constructive feedback on our business and ways to create value," a Yelp spokesman said.

Shares of Yelp, which has a market capitalization of about \$2.2 billion, closed Monday at \$32.52, off about 17% from a 52-week high of \$39.26.

Semler also plans to tell Yelp's board that his investment firm is prepared to make its own bid to acquire Yelp, with a group that includes an executive who has served as chief executive officer of a public company in the same business, the letter says, without naming the executive.

Alternatively, Yelp could explore a tax-free merger with online-services company Angi, formerly known as Angie's List, Semler plans to say in the letter.

Semler, who founded TCS Capital in 2001, won a board seat at Angie's List in 2016 af-

ter his firm called on the business-review platform to explore strategic alternatives, including a sale to IAC's consumer-review site HomeAdvisor.

IAC ultimately acquired Angie's List and combined it with HomeAdvisor to form a new publicly traded company, Angi, in 2017.

Angi went on to acquire Handy Technologies, an on-demand platform that helps match people looking for household services with professionals, in 2018.

Semler said he believes a combination of Yelp and Angi would yield "enormous revenue synergies and cost savings that could ultimately double the value of Yelp's shares" and create a powerhouse player in what he describes as a booming market for home services.

Yelp's longstanding chief executive, Jeremy Stoppelman, co-founded the business in 2004 and has served as CEO for nearly two decades.

Semler believes that Stoppelman has received "unconscionable compensation packages" and that Yelp's board lacks industry experience, according to the letter.

The company reported first-quarter revenue of \$312 million, up 13% from the same period a year earlier.

"I'm leery of making any kind of business investment right now," McConnehey said.

For companies with big balance sheets and lots of employees, it is a different story. Meta Platforms, the parent of Facebook and Instagram, issued bonds for the second time in its history this month, raising \$8.5 billion at rates ranging from 4.6% on bonds to be paid back in five years to 5.75% for bonds to be repaid in 30 years.

Large companies are adding to the pandemic's historic borrowing rush, mostly by issuing bonds in public markets. That has helped many to pay workers, continue mergers and acquisitions and buy back their own stock in the tumultuous times since.

T-Mobile US, Apple and Merck & Co. also sold bonds this month, issuing \$3.5 billion, \$5.3 billion and \$6 billion, respectively. Apple's decision to issue new debt is "due more to its confidence in expanding cash flow than operational needs," Robert Schiffman, se-

Online Age Restrictions Are Pushed

Continued from page B1

Some legislatures also are requiring companies to collect parental consent for users under a certain age.

The momentum portends a sea change in how children and adults access the internet and could end the days when one needed only to click a button or fill in a birth date to avoid online age restrictions.

The new rules also are sparking debate between child-protection advocates concerned about social media's impact on mental health and digital-rights groups arguing that verifying ages creates privacy risks and could discourage access to useful information.

Many of the new rules target pornography websites. But another major driver is evidence of rising preteen use of social media despite the fact that most such platforms say they don't allow users under at least 13, in part to comply with U.S. federal law.

Up to a third or more of children ages 8 to 12 say they use social-media and video sites including YouTube, TikTok and Instagram, according to surveys in recent years in the U.S., U.K., France and Ire-



TikTok's building in Culver City, Calif.

land conducted for child-protection advocates and regulators.

Those advocates say social-media use opens children up to content and social pressures that are difficult for adults to handle, with surveys showing significant rates of children being bullied and communicating with strangers online.

Instagram says it requires everyone to be at least 13 years old before they can create an account. YouTube and TikTok also require users to be at least 13 before creating profiles on their main services, though both offer alternatives for children.

On Instagram, The Wall Street Journal found dozens of accounts that self-identified as being younger than 13 and remained active until the Journal flagged them to Meta's communications team.

"Hey guyz I'm kaira welcome to my world I'm 12," stated one Instagram account.

Instagram makes it hard to report underage accounts, requiring a user flagging such an account to fill out a webpage that requires the child's birth date and full name.

"This is a very high burden for reporting," said Jennifer King, a researcher at the Stanford Institute for Human-Centered Artificial Intelligence who studies how design choices alter user behaviors.

Meta says it invests in AI to detect underage users and trains its moderators to remove them manually in response to user reports.

"We don't allow people under 13 to use Instagram, and we have numerous methods to remove underage accounts," spokesman Andy Stone said, adding that the company is "evaluating new ways to im-

prove reporting to remove underage accounts faster while improving accuracy."

Social-media companies say they take measures to bar children under 13 in the U.S. and have protections including limited ad tracking and content restrictions for users under 18 years old. But they also express concerns about laws mandating age verification, saying more work is needed to address privacy dangers from existing techniques.

Some companies, such as Snapchat owner Snap, also argue that the makers of operating systems and app stores, primarily Apple and Google, should be responsible for verifying ages.

Evan Greer, deputy director of tech policy organization Fight for the Future, said that efforts to age-gate social media would make far more sense when done at the device level.

Apple's iOS and Google's Android let parents set devices to not allow apps and content rated above a certain age, but they don't verify users' ages.

On TikTok's main service for teens and adults, accounts run by users who appeared under 13 flagged by the Journal were reviewed within half an hour, with TikTok often restricting them.

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BUSINESS NEWS

# Container Shipping Has Cratered

Slowdown in orders from big importers has brought prices to 'unsustainable' levels

By COSTAS PARIS

Boxship owners are incurring losses on once-lucrative trans-Pacific routes from Asia as weaker demand for apparel, furniture and electronics cuts into ocean carriers' earnings.

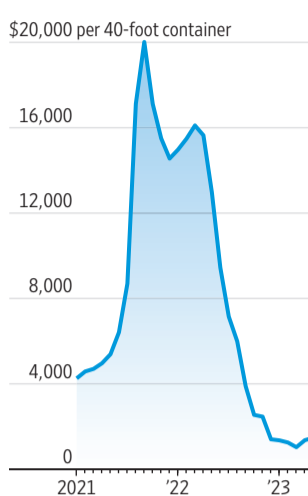
It is an ominous sign as the shipping industry approaches its peak season. Demand normally rises during the summer and early autumn as retailers bring in higher levels of merchandise for crucial selling periods, such as the year-end holidays.

Ship operators including **A.P. Moller-Maersk** and **Hapag-Lloyd** say they need freight rates to increase to cover their operating costs. For now, there are too many ships in the water bidding for cargo, resulting in heavy competition on prices.

Average daily freight rates from Asia to the U.S. West Coast across the Pacific are at roughly \$1,500 per 40-foot container, compared with more than \$14,000 a year ago, according to the **Freightos Baltic Index**. The cost to send a box from Asia to Europe is at roughly \$1,400, compared with nearly \$11,000.

The rates for both trade lanes are hovering around 2019 levels, but fuel and labor

Spot shipping rates from Asia to the U.S. West Coast



Source: Freightos Baltic Index/Braemar

expenses are higher now than before the pandemic.

"Spot rates are at a level that in the long run are not sustainable, with costs up by 25% to 30% since 2019," Rolf Habben Jansen, chief executive of Hapag-Lloyd, said on the German box-ship company's earnings call this month. In some cases, certain voyages don't make sense "because you simply lose too much money," he said.

Box-ship operators were among the biggest pandemic winners. Orders for imported goods began to climb in 2020 as consumer spending surged on demand for products as diverse as electronics and chairs. Supply-chain delays made slots on ships harder to



Box-ship operators are looking for a rise in spending by U.S. consumers. Above, a container ship enters New York Harbor.

get, helping push freight rates up to about \$20,000 a box on some routes.

Several companies posted record profit, largely because of higher prices and elevated demand. Demand began to taper last year as orders to move cargo dried up, prompting carriers to cancel sailings along some of the world's busiest trade routes.

Pricing power for ship operators has diminished, but some publicly listed operators still produced hefty profit early this year. A recovery in prices during the peak season is doubtful, said Peter Sand, chief analyst at shipping-data provider Xeneta. "The ship-owners are in the driving seat to set freight rates," he said.

Shipping companies now face the same uncertainty that surrounds some of their biggest customers, such as Amazon.com, Walmart and Home Depot. A number of retailers have said in recent weeks that they remain cautious about the financial health of consumers, but also pointed to progress in reducing bloated inventories. Target, the Minneapolis-based retail chain, said Wednesday that shoppers are pulling back on discretionary purchases and shifting spending to essentials such as food and household goods.

Cargo volumes into the U.S. slumped this year amid the broad decline in orders from retailers and manufacturers. The nation's busiest container-

port complex, at Los Angeles and Long Beach, Calif., handled the equivalent of about 1.74 million import containers in the first quarter of 2023, a 32% decline from last year's record volumes.

Box-ship operators are looking for a rise in spending by U.S. consumers on items such as appliances and electronics, which could draw down swollen inventories and increase demand for container ships.

"What I don't know is when it will happen, and the data is not convincing at this point," Maersk CEO Vincent Clerc said in an interview.

For now, the market remains subdued. Several ocean-freight carriers pushed for a

general rate increase in April of \$600 per container on average, but it was "a dead-cat bounce that's fading fast," Sand said, referring to a term used to describe a brief rally.

The International Monetary Fund forecast in April that global economic growth will fall to 2.8% this year from 3.4% in 2022.

It said the slowdown is expected to be more pronounced in advanced economies such as the U.S.

To deal with lower demand, shipowners are expected to continue canceling sailings in addition to scrapping vessels or idling them for extended maintenance.

—Paul Berger contributed to this article.

# Bank Runs Rebut Long-Held Assumption on Deposits

By JONATHAN WEIL AND PETER RUDEGEAIR

The recent spate of bank failures is upending a long-held theory among banking executives and regulators—that the value of a lender's deposit business goes up when interest rates move higher.

The theory rests on an assumption: That banks don't have to pay depositors much to keep their money around, even as rates rise. The deposits would be a stable source of low-cost funding while the bank earned more money lending at higher rates.

The more rates rose, the bigger the franchise value of those deposits would become—a natural hedge against the declining market values of a portfolio of fixed-rate loans and bonds.

But if rising rates or plunging asset values cause a bank's depositors to flee en masse, the franchise value is zero—and, worse, it could beget

other bank runs. That is what happened with **Silicon Valley Bank**.

"The current environment of declining deposits and runs on banks raises questions about whether most deposit amounts are sustainable, especially uninsured deposits, reducing deposit-franchise value," said Tom Linsmeier, an accounting professor at the University of Wisconsin and a former Financial Accounting Standards Board member.

The franchise value of deposits doesn't appear on banks' financial statements. Banks use complex models to estimate the value, and they include it in an alternative measure of net worth called "economic value of equity," that lenders and regulators cite frequently. That number is often higher than a bank's total equity, or assets minus liabilities, due to the franchise value of deposits.

The Federal Reserve, which both regulates banks and sets interest-rate policy, in a November report pointed to large unrealized losses on banks' bondholdings due to rising rates. Things weren't so bad, the Fed said, because "the value of banks' deposit franchise increases and provides a buffer against these unrealized losses."

At Silicon Valley Bank, the decline in its assets' market value was so severe that it spurred a run on the bank, accelerating deposit flight at other regional banks, including **Signature Bank** and **First Republic Bank**, which both failed. Since then, the Fed has said "SVB's failure demonstrates that there are weaknesses in regulation and super-

## PacWest Shares Jump Over 19%

**PacWest Bancorp** shares rose more than 19% after the beleaguered regional lender said it would sell a \$2.6 billion property-loan portfolio to **Kennedy-Wilson Holdings**.

The portfolio includes 74 construction loans. It will sell another \$363 million in real-estate loans once the bank gets the required consents, according to a regulatory filing. The

multipart deal is expected to close in the second and third quarter.

PacWest shares have been under pressure since the collapse of **Silicon Valley Bank** and **Signature Bank** in March.

The stock has lost some 70% of its value this year despite attempts by executives to reassure investors and customers about the health of its business. PacWest has said it would explore asset sales to boost liquidity and slashed its quarterly dividend to a penny a share. —Chelsey Dulaney

vision that must be addressed."

Silicon Valley Bank in its 2021 annual report said its economic value of equity was \$20.7 billion, which was \$4.1 billion higher than total equity. The lender also predicted, correctly, that its EVE would drop sharply if rates jumped. By the time it failed, Silicon Valley

statements showed \$2.2 billion of unrealized losses on its assets that didn't count on its balance sheet. Zions countered that it should get credit for an additional \$5.1 billion of equity because of the estimated value of its deposit franchise, according to a presentation last month. Including the markup related to its deposits, Zions said its EVE was \$8.1 billion as of March 31, almost \$3 billion more than total equity under normal accounting rules.

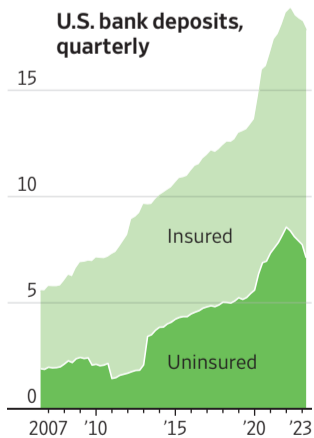
Banks are telling investors to focus on the whole bank, not just the bad parts. Zions said in its presentation that focusing only on negatives results in a "Picasso-like portrait view of equity." Investors aren't convinced. Zions' stock-market value today is \$4 billion. Zions spokesman James Abbott said the bank was highlighting the value of its low-cost, high-quality deposits. "The purpose of the entire disclosure was to try to help educate investors about how we think about interest-rate risk," he said.

## The Fed pointed to large unrealized losses on banks' bondholdings.

Bank had stopped reporting EVE altogether.

Banks have tried to promote EVE to get investors to focus less on their losses. **Zions Bancorp**, a Salt Lake City-based lender, reported \$5.2 billion of total equity as of March 31. Investors might question that number because a footnote in the bank's financial

\$20 trillion



Source: FDIC Consolidated Reports of Condition and Income

# SoftBank Set to Sell Most of Fortress To Abu Dhabi Fund in \$2 Billion Deal

By GREGORY ZUCKERMAN

**SoftBank Group** agreed to sell its 90% stake in U.S. investment manager **Fortress Investment Group** to Abu Dhabi-based sovereign-wealth fund **Mubadala Investment** and Fortress's management, the companies announced.

After the deal closes, Mubadala Capital will own 70% of Fortress, while the firm's management team will

own 30%. An arm of Mubadala currently owns nearly 10% of Fortress.

People close to the matter have said the deal would be valued at more than \$2 billion, representing a disappointing investment for SoftBank.

The Japanese technology company, which has struggled due to its investment in hundreds of tech startups through its \$100 billion Vision Fund and a successor fund, pur-

chased Fortress in 2017 for \$3.3 billion.

The original deal was part of an effort by SoftBank to transform itself into a major investment firm.

Last quarter, SoftBank posted a \$5.9 billion quarterly loss, almost all of it from the Vision Fund.

After the deal closes, Fortress, which manages \$46 billion, will be led by Drew McKnight and Joshua Pack as

co-CEOs. Peter Briger, a veteran credit investor who is the firm's current co-CEO, will be the firm's chairman. Wesley Edens, the current co-CEO and a co-owner of the Milwaukee Bucks basketball team, will help oversee Fortress's private-equity and other businesses. The firm will continue to operate as an independent investment manager after the deal, the firms said in an announcement.

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TECHNOLOGY

# Micron Ban Pressures South Korea

Cashing in on chip maker's woes in China won't be easy for rivals Samsung and SK Hynix

By JIYOUNG SOHN AND YANG JIE

A new Chinese clampdown on American chip giant **Micron Technology** has put South Korea in an uncomfortable position.

Amid a series of tit-for-tat trade moves between Beijing and Washington, China, citing national-security risks, banned certain local firms in key information-infrastructure industries from buying memory chips from Micron. The clampdown affects parts of Micron's roughly \$3 billion in annual sales from China.

South Korea, a U.S. ally, is home to Micron's two largest rivals in the memory-chip business, **Samsung Electronics** and **SK Hynix**. But cashing in on Micron's woes in China won't be easy for South Korea, Samsung or SK Hynix. Geopolitics complicate what could be a welcome opportunity to boost sales during a major downturn in the memory market.

How South Korea's chip industry reacts will largely determine to what extent China's ban on Micron proves a success for Beijing—or widens the supply-chain gulf with the U.S. and its allies. China's memory-chip makers can't currently match the technology and production capacity of Micron, Samsung and SK Hynix, industry analysts say.

Mark Murphy, Micron's chief financial officer, on Monday said the company derives about a quarter of its revenue from Chinese companies by selling

chips directly and through distributors. The Chinese curbs, Murphy said, could have an impact between a low-single-digit to a high-single-digit percentage of its total revenue.

Micron stock fell 2.9% on Monday.

The two South Korean firms and Micron last year represented about 95% of the market for DRAM and roughly 64% for NAND flash, the two major types of memory, according to TrendForce, a tech-market research firm.

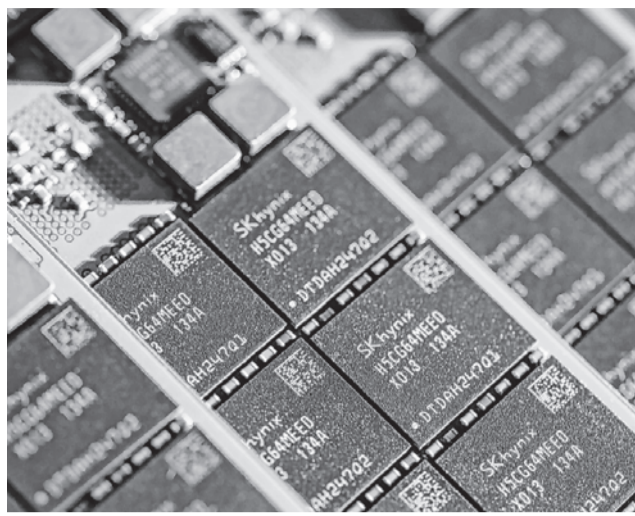
Any American pressure campaign could prove painful to South Korea, Samsung and SK Hynix, as they have deep exposure to China.

China, by far, is South Korea's largest trade partner. Samsung and SK Hynix both operate semiconductor facilities inside China, which is a key market for the two companies and the global supply chain. The two firms together produce about 22% of the world's NAND flash memory supply from China, while SK Hynix provides about 12% of global DRAM production from the country, according to TrendForce.

South Korea has drawn even closer to Washington under conservative leader Yoon Suk Yeol, who took office a year ago and just got back from a successful visit to Washington.

Despite protests from Beijing, Seoul joined Washington-led efforts to build up tech supply chains and economic initiatives that exclude China, including the "Chip 4" semiconductor alliance and the Indo-Pacific Economic Framework.

After Beijing's Micron ban, the U.S. Commerce Department on Sunday said it would engage with key allies and partners to address "distortions of the



South Korea is home to Micron's two largest competitors.

memory chip market caused by China's actions."

But South Korean support has its limits. Unlike fellow American allies Japan and the Netherlands, Seoul hasn't put forth its own chip-industry restrictions that would complement the Biden administration's efforts to curb China's access to high-end semiconductors. Samsung and SK Hynix have been sensitive about Washington's ban on advanced chip-making equipment exports to China and have had to obtain exemptions from the U.S. to keep operating their China-based factories.

China's Micron ban wouldn't bring harm to South Korea's chip makers, said South Korea's vice minister for the Ministry of Trade, Industry and Energy on Monday. Last week, in a meeting with foreign media, South Korean trade minister Ahn Duk-geun said he hadn't received a request from the U.S. on moves in response to a potential Chinese ban of Micron. Even if the South Korean government

was asked to engage, Ahn said any decision would be left to the individual companies.

"It's hard for the government to dictate what a company should or should not do," Ahn said.

Samsung Electronics said it didn't have a comment. An SK Hynix spokeswoman said it hadn't received a request from the South Korean government on the matter.

Not all of Micron's \$3.3 billion in revenue in China will be blocked. Roughly a fifth of the U.S. chip maker's sales in the country are expected to be affected by the ban, according to a Bernstein Research note to investors. Other parts of Micron's China business, such as semiconductors that go inside consumer tech products that get sold outside of the country, aren't legally bound to the ban, according to Bernstein Research.

In addition to Samsung and SK Hynix, Japanese memory makers **Kioxia** and **Western Digital** could serve as alternative vendors for Chinese firms.

# Startup Chiefs Take Pay Cuts To Protect Capital

By ANGUS LOTEN

Startup leaders are taking a pay cut to help their companies weather a prolonged slump in venture-capital investing, including fewer funding deals, falling valuations and unfavorable conditions for public-market debuts.

The downturn even has some of these chief executives dropping their paychecks to zero, in an effort to preserve cash during wider gaps between funding rounds, financial managers and investors say.

This year, the average annual salary for CEOs at U.S. startups has fallen to \$142,000, down from an average of \$150,000 in 2022, and the lowest since 2020, according to Kruze Consulting, an accounting firm for venture-backed companies. The salary figures are based on an analysis of financial data from more than 400 of the firm's private venture-backed startup clients, Kruze said.

Most chief executives at early-stage startups—who often are also a founder or co-founder of the business—set their own salaries based on prevailing market rates. As startups mature, salaries for CEOs and other executives are more likely to be decided by the company's corporate board.

"When these companies start getting low on funding, founders will do whatever they can to extend runway," said Healy Jones, Kruze's vice president of financial strategy. "But some founders are clearly in a tougher spot than others."

Jones said this year's average salary is being weighed down by a number of CEOs who are drawing no salary at all. At the same time, he said, a handful of outliers have raised their salaries, as indicated by a rising median salary. That suggests a smaller pool of healthy businesses are getting the bulk of available capital, limited as it is, while others are struggling, Jones said.

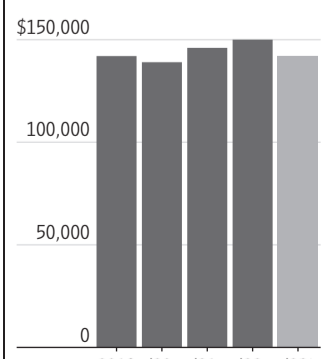
Total funding for startups worldwide in the first quarter dropped to \$58.6 billion, a 61% decline from the same period last year, according to market analytics firm CB Insights. The total number of first-quarter deals fell 37% from the year-earlier period to 7,024, the firm said.

Mark Leahy, co-chair of startup and venture capital at law firm Fenwick & West, said to cope with the drop-off in deal making, executives are agreeing to cut their salaries to lower their company's burn rate—the amount of capital a business spends over a given period. "Given the challenging current fundraising environment, many companies are seeking to extend their cash runway and to push towards cash flow break-even in their business," Leahy said.

Steven Rosenblatt, co-founder of seed-stage investing firm Oceans, said most first-time startup CEOs—despite the popular image of high-flying tech-sector millionaires—are no different than anybody else when it comes to compensation and will feel the pain of lower salaries.

"You have a small few who can sacrifice taking a salary for an extended period of time, but for most they need some salary to live and pay their bills," Rosenblatt said.

Average annual salary for CEOs from more than 400 VC-backed startups



\*As of Jan. 31 Sources: Kruze Consulting

# Applied Materials to Invest \$4 Billion in Plant

By RYAN TRACY AND ASA FITCH

**Applied Materials** said it would invest as much as \$4 billion in a new California facility to conduct research on tools for making semiconductors, adding to a wave of chip-industry projects in the U.S. spurred on by federal government subsidies.

The Santa Clara, Calif.-based company, a leading maker of machines used to make advanced chips increasingly seen as crucial to modern economies and geopolitical power, will invite chip

makers and universities to collaborate and experiment with its equipment at the facility, which is expected to be complete by 2026.

That model could cut the time it takes to develop chips by 30% in an era when manufacturing is becoming increasingly complex, the company said. As the drive to make faster-calculating chips by shrinking transistors and packing more of them on chips runs up against physical barriers, chip makers are turning to new materials and creative engineering to advance the in-

dustry. "Inclusive innovation is how the most successful companies in the industry work," Applied Materials Chief Executive Gary Dickerson said.

The company, he added, plans to build the facility no matter what government support it gets, but its size and pace hinge on how much Washington kicks in.

So far, around 300 companies have indicated to the Commerce Department that they are interested in federal incentives for chip manufacturing and the chip-making

supply chain, the Biden administration said last week. The companies are beginning to apply for the money under the 2022 Chips and Science Act, which provided \$53 billion to strengthen the U.S. semiconductor industry.

A raft of large chip makers announced new projects in the U.S. ahead of the act's passage. **Intel**, **Taiwan Semiconductor Manufacturing** and **Samsung Electronics**—three of the largest chip makers in the world—are building chip factories in Ohio, Arizona and Texas and are expected to angle for fed-

eral subsidies.

Vice President Kamala Harris visited an Applied Materials facility in Sunnyvale, Calif., on Monday to mark the company's investment, senior administration officials said.

The officials touted the news as evidence that the Chips Act incentives are working to attract industry investments, and said they are moving to allocate the funds as quickly as possible. On a call with reporters, the officials declined to comment on which companies and projects would receive support.

# Disney Feels TV Weakness

Continued from page B1 according to financial filings.

And ESPN, home to shows such as "Monday Night Football" that are hugely valuable to advertisers and cable companies, is laying the groundwork for a shift to a fully streaming-focused model at some point in the future, The Wall Street Journal has reported, a change that would allow Disney to sell sports entertainment including live events directly to consumers and offer advertisers the chance to target subscribers more precisely.

But none of that has been enough to cheer investors, who have traded shares of Disney for under \$100 each for much of the year. Since the start of 2023, Disney's stock price has risen 5.7%, closing at \$91.82 on Monday, compared with the S&P 500 index, which is up 9.2% on the year.

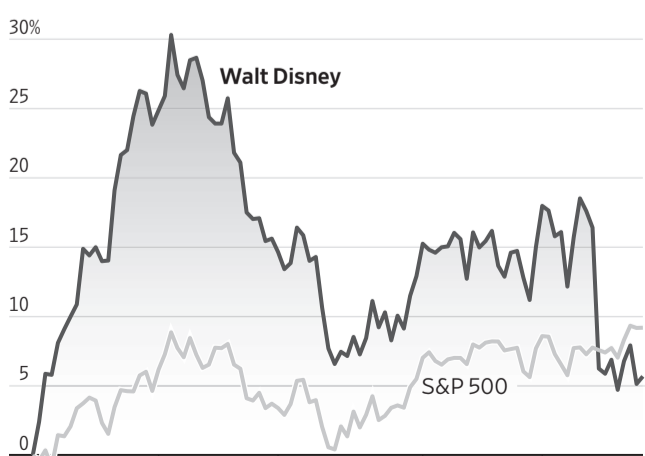
In December, Disney raised prices for Disney+ and some of its streaming bundles at the same time that it launched a lower-priced, ad-supported tier, in a bid to increase the average revenue it gets each month from streaming users.

The move worked for subscribers in North America and Europe, pushing average revenue up by 70 cents from the previous quarter to \$6.47, according to Disney's financial filings. But at the same time, in India, where the Disney+ Hotstar service accounts for more than one-third of the to-



Prices have been raised for Disney+ and other streaming bundles. A promotion in Madrid.

Share and index performance, year to date



tal 157.8 million Disney+ subscribers, average monthly revenue per user fell to 59 cents, from 74 cents the previous quarter.

The ad-supported tier of Disney+ has signed up 1.1 million subscribers in just over four months of existence, according to new statistics pub-

lished by media analytics firm Antenna, but Disney watchers say it will be a while before the impact of those new users is visible in financial results.

McCarthy said at the conference earlier this month that the company plans to raise prices for its streaming services again.

Meanwhile, a soft TV advertising market and a writers' strike that threatens to delay production of new series for both streaming and broadcast have limited enthusiasm for media companies more broadly.

All this adds up to more pressure on companies such as Disney to get streaming to profitability and fewer sources of income to rely on going forward to subsidize big spending on content.

"Cable is dead, let's all be honest," said Evan Shapiro, a

former TV producer and executive who teaches media management at New York University.

Shapiro said large media companies need to lessen their dependence on the profit generated by linear TV, given how quickly cord-cutters are unsubscribing from cable TV packages.

"Big media companies like Disney really should create a certain date for when they're going to abandon the horse-and-buggy model," he said. "It would create a lot of clarity."

Iger said last year, before retaking the helm at Disney, that traditional TV "is marching to a distinct precipice, and it's going to be pushed off." This year, at Disney's up-front presentation in New York—the annual gathering where media companies pitch their most promising programs to Madison Avenue buyers—Disney focused heavily on sports, bringing on-stage pro athletes and commentators to sing the praises of ESPN and coverage of events such as the NBA playoffs.

Analysts at MoffettNathanson in New York recently reported an annual rate of cord-cutting of 6.9% in the first quarter of 2023, the steepest decline on record. More than two million households canceled their traditional TV plans—or those that are delivered via cable, satellite or a telecom service—in the quarter.

"Sports ratings are holding pretty well, but you're seeing an acceleration in cord-cutting, and that's why linear TV profits are in free fall," Nathanson said. "For Disney, it's really about self-help on the cost side. Other companies have been more aggressive about quickly shutting down program spending and cutting administrative costs."



# Security Chiefs Move to Trim the Fat

Cyber teams are looking to do more with less in an uncertain economy

By JAMES RUNDLE  
AND KIM S. NASH

Security chiefs are looking for ways to cut costs and run operations more efficiently as economic difficulties cut into budgets and resources.

High-profile hacks, new regulations focused on digital defenses and a greater understanding of the damage that attacks can

cause have elevated cybersecurity to a core business risk. As a result, chief information security officers and chief information officers have spent big on cyber tools and services.

That is starting to change. Analysts sometimes claim that cybersecurity is immune to wider budget cuts facing companies in light of a troubled economic climate, but the reality on the ground is different, security chiefs say.

While many CISOs haven't experienced the degree of belt-tightening seen by other corporate departments, such as sales and marketing or even technology units, they are often being asked to do more with the resources they have.

A sour economy can erode the security budget even without an order to curb spending, said John Scrimsher, CISO at **Kontoor Brands**, the company that makes Wrangler and Lee jeans.

Cybersecurity is typically a portion of the overall technology budget, which itself is a percentage of revenue, Scrimsher said. "If the economy is down and revenue is down, then IT and cyber budgets are down," he said.

This, in turn, has invited greater scrutiny of how security money is being spent, and in some ways forced security chiefs to reckon with uncomfortable truths.

"Even in a good economy, people are trying to grow the business, that's what they



Security chiefs say they are looking to downsize the number of vendors they use as they confront slimmer budgets. The RSA Conference in San Francisco of cybersecurity providers in April.

want to put their funds into. Security may be important, but security doesn't make revenue," said William Lidster, CISO at automotive insurer **AAA Washington**.

Security providers say conversations around contract renewals and selling products are becoming difficult, and they must be flexible with customers. Chief financial officers and board members are now more involved, and projects that might have been approved easily in past years face rockier prospects.

David Obstler, chief financial officer of **Datadog**, which provides cloud-security monitoring, said on an earnings call this month the company renegotiated a subscription contract with a large customer in the cryptocurrency business. What was a \$65 million upfront payment is now several smaller installments, Obstler said.

CIOs and CISOs are taking longer to make buying decisions, say big cybersecurity players **Palo Alto Networks** and **CrowdStrike**.

Annual recurring revenue for **CrowdStrike's** fiscal year is expected to be "flat to very modestly up," CFO Burt Podbere told financial analysts in March, "given increased budget scrutiny and elongated sales cycles."

"We've seen some projects get delayed or descoped, none canceled, while most continue on track," Nikesh Arora, chief executive of Palo Alto Networks, said on a February earnings call. Economic uncertainties, he said, are "creating more conversations around payment terms, discounts and scope of the deal with purchasing teams."

The scrutiny on budgets is extending to suppliers, some of which are experiencing funding challenges and consolidation, said Barry Mainz, chief executive of cybersecurity company **Forescout Technologies**. He said clients have requested information on his company's financial health, and some want to speak with his CFO.

"I haven't heard that for a while—maybe back in 2008 to 2009 we had that," he said, referring to the financial crisis. "Companies that are looking to invest heavily want to make sure that there's some sort of financial stability."

For security chiefs, who may have dozens of vendors handling everything from firewalls to email security, cutting the number of expensive services they use is a key consideration. Some are also looking at how automated technologies can be implemented to free up human resources.

AAA Washington's Lidster

said his company used to have three or four specialists engaged full-time in threat hunting, or combing through network logs to look for suspicious activity. Often, he said, these highly skilled employees wouldn't even know what they were looking for until they found it.

The company has deployed machine-learning programs to take on that work, freeing up staff for more complex tasks, such as analyzing the efficacy of the company's security program and where they need to make changes.

Security chiefs looking to make do should also cull cyber tools that have fallen into disuse or aren't as valuable as they once were, said Scrimsher of **Kontoor Brands**.

"Make cuts in the least risky way possible," he said. "If there's a great tool that gives you visibility into something but you haven't used that visibility for five years, do you really need to spend \$20,000 a year on it?"



# Specialist Investor Raises \$700 Million For Clean-Energy Fund

By LUIS GARCIA

Specialist investment firm **NGP Energy Capital Management** has raised \$1.23 billion across two funds to make new bets in both the traditional and clean-energy sectors.

The Dallas firm wrapped up its latest energy-transition fund, **NGP ETP IV LP**, with \$700 million in commitments. NGP also said it recently closed on \$527 million for its second fund to invest in mineral rights and royalties in oil and gas, **NGP Royalty Partners II LP**. The effort collected 65% more than the \$320 million the firm banked for a predecessor fund in 2021.

More than 30 investors backed the clean-energy fund, said NGP Managing Partner Chris Carter. One participant, the **Kentucky Teachers' Retirement System**, pledged as much as \$30 million, according to the **WSJ Pro Private Equity LP Commitments** database.

The private-equity firm, which originally focused on oil and gas, began also investing in clean-energy businesses more than 15 years ago through its **NGP Energy Technology Partners** strategy. The new ETP fund is the firm's latest for a growth strategy that backs equipment and services providers in the clean-energy industry as well as developers of sustainable infrastructure, Carter said.

So far, NGP has invested roughly one-fifth of the new fund across six deals, including backing battery-technology company **Form Energy**, fleet-charging infrastructure developer **EV Realty** and geothermal systems company **Dandelion Energy**, Carter said. The firm focuses on four clean-energy segments: renewable power sources, electrification, energy efficiency and carbon management, he said.

"The fund strategy is a combination of growth-equity in-

vestments in existing companies as well as a back-and-build model in the sustainable real assets category," Carter said. He added that a decline in asset prices during the past year or so has made new investment opportunities more attractive.

"We're seeing more reasonable valuations and the ability to negotiate attractive terms," he said. "At the same time, the companies that we have invested in are benefiting from the tailwinds of" the **Inflation Reduction Act**. The law enacted last year extended tax incentives for solar and wind power while creating new financial support for other clean-energy technologies.

A rising number of investment firms focused on the sector target supply-chain businesses as an abundance of capital depresses returns from backing power-generating operations, fund managers said. Private-capital firms raised \$28.76 billion for clean-energy technology funds during this year's first quarter, nearly 26% more than the \$22.85 billion collected in the year-earlier period, according to research provider **Preqin**.

"There are so many new entrants to this space—it's so popular," said Philip Deutch, an NGP partner who leads the firm's clean-energy growth strategy. He added, however, that relatively few firms make growth investments in the sector, which typically involve minority stakes. "It's an underserved area," he said.

While clean energy draws a lot of interest, traditional energy still attracts investors as well. NGP's royalty and mineral rights investments give participants a share of well revenue without the burden of production costs.

"It's an example of investors' desire to find opportunities with lower risk [and] cash-yielding attributes," Carter said.

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IN RE VIACOM INC.  
STOCKHOLDERS LITIGATION

Consolidated C.A. No. 2019-0948-SG

## SUMMARY NOTICE OF PENDENCY AND PROPOSED SETTLEMENT OF STOCKHOLDER CLASS ACTION, SETTLEMENT HEARING, AND RIGHT TO APPEAR

TO: All holders of Viacom Inc. ("Viacom") common stock at any time from August 13, 2019 through and including December 4, 2019 (the "Class Period"), whether beneficial or of record, including the legal representatives, heirs, successors-in-interest, transferees, and assignees of all such foregoing holders (the "Settlement Class").

Certain persons and entities are excluded from the Settlement Class by definition, as set forth in the full Notice of Pendency and Proposed Settlement of Stockholder Class Action, Settlement Hearing, and Right to Appear (the "Long-Form Notice"), available at [www.ViacomStockholdersLitigation.com](http://www.ViacomStockholdersLitigation.com). Any capitalized terms used in this Summary Notice that are not otherwise defined in this Summary Notice shall have the meanings given to them in the Stipulation and Agreement of Settlement, Compromise, and Release dated March 28, 2023 (the "Stipulation"), which is also available at [www.ViacomStockholdersLitigation.com](http://www.ViacomStockholdersLitigation.com).

**PLEASE READ THIS SUMMARY NOTICE CAREFULLY. YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.**

YOU ARE HEREBY NOTIFIED, pursuant to an Order of the Court of Chancery of the State of Delaware (the "Court"), that the above-captioned stockholder class action (the "Action") has been preliminarily certified as a class action on behalf of the Settlement Class defined above.

YOU ARE ALSO NOTIFIED that (i) Lead Plaintiff California Public Employees' Retirement System ("Lead Plaintiff"), on behalf of itself and the Settlement Class and Additional Plaintiffs Park Employees' and Retirement Board Employees' Annuity and Benefit Fund of Chicago ("Chicago Park") and Louis Wilen; (ii) defendants Shari E. Redstone, National Amusements, Inc., NAI Entertainment Holdings LLC, Thomas J. May, Judith A. McHale, Ronald Nelson, and Nicole Seligman (collectively, "Defendants"); and (iii) Paramount Global ("Paramount," and together with Lead Plaintiff and Defendants, the "Parties") have reached a proposed settlement of the Action for \$122,500,000 in cash (the "Settlement"). The terms of the Settlement are stated in the Stipulation. If approved by the Court, the Settlement will resolve all claims in the Action.

A hearing (the "Settlement Hearing") will be held on **July 25, 2023, at 11:00 a.m.**, before The Honorable Sam Glasscock III, Vice Chancellor, either in person at the Court of Chancery of the State of Delaware, Sussex County, Court of Chancery Courthouse, 34 The Circle, Georgetown, Delaware 19947, or remotely by telephone or videoconference (in the discretion of the Court), to, among other things: (i) determine whether to finally certify the Settlement Class for settlement purposes only, pursuant to Court of Chancery Rules 23(a), 23(b)(1), and 23(b)(2); (ii) determine whether Lead Plaintiff and Lead Counsel, Bernstein Litowitz Berger & Grossmann LLP, have adequately represented the Settlement Class, and whether Lead Plaintiff should be finally appointed as class representative for the Settlement Class and Lead Counsel should be finally appointed as class counsel for the Settlement Class; (iii) determine whether the proposed Settlement should be approved as fair, reasonable, and adequate to the Settlement Class, and in the best interests of the Settlement Class; (iv) determine whether the proposed Order and Final Judgment approving the Settlement, dismissing the Action with prejudice, and granting the Releases provided under the Stipulation should be entered; (v) determine whether the proposed Plan of Allocation of the Net Settlement Fund is fair and reasonable, and should therefore be approved; (vi) determine whether and in what amount any award of attorneys' fees and expenses to Plaintiffs' Counsel (the "Fee and Expense Award") should be paid out of the Settlement Fund, including any incentive awards for Lead Plaintiff and Additional Plaintiff Chicago Park (the "Incentive Awards"); (vii) hear and rule on any objections to the Settlement, the proposed Plan of Allocation, and/or Lead Counsel's application for a Fee and Expense Award, including any Incentive Awards; and (viii) consider any other matters that may properly be brought before the Court in connection with the Settlement.

Any updates regarding the Settlement Hearing, including any changes to the date, time, or format of the hearing or updates regarding remote or in-person appearances at the hearing, will be posted to the Settlement website, [www.ViacomStockholdersLitigation.com](http://www.ViacomStockholdersLitigation.com).

**If you are a member of the Settlement Class, your rights will be affected by the pending Action and the Settlement, and you may be entitled to share in the Net Settlement Fund.** If you have not yet received the Long-Form Notice, you may obtain a copy of the Long-Form Notice by contacting the Settlement Administrator by mail at Viacom Stockholders Litigation, c/o A.B. Data, Ltd., P.O. Box 173058, Milwaukee, WI 53217; by telephone at 877-390-3177; or by email at [info@ViacomStockholdersLitigation.com](mailto:info@ViacomStockholdersLitigation.com). A copy of the Long-Form Notice can also be downloaded from the Settlement website, [www.ViacomStockholdersLitigation.com](http://www.ViacomStockholdersLitigation.com).

If the Settlement is approved by the Court and the Effective Date occurs, the Net Settlement Fund will be distributed on a *pro rata* basis to Eligible Class Members<sup>1</sup> in accordance with the proposed Plan of Allocation stated in the Long-Form Notice or such other plan of allocation as is approved by the Court. Pursuant to the proposed Plan of Allocation, each Eligible Class Member will be eligible to receive a *pro rata* payment from the Net Settlement Fund equal to the product of (i) the number of Eligible Shares<sup>2</sup> held by the Eligible Class Member and (ii) the "Per-Share Recovery" for the Settlement, which will be determined by dividing the total amount of the Net Settlement Fund by the total number of Eligible Shares held by all Eligible Class Members. As explained in further detail in the Long-Form Notice at paragraphs 25-35, pursuant to the Plan of Allocation, payments from the Net Settlement Fund to Eligible Class Members will be made in the same manner in which Eligible Class Members received the Merger Consideration. Eligible Class Members do not have to submit a claim form to receive a payment from the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, or Lead Counsel's application for a Fee and Expense Award, including any application by Lead Plaintiff and Additional Plaintiff Chicago Park for Incentive Awards, must be filed with the Register in Chancery in the Court of Chancery of the State of Delaware and delivered to Lead Counsel, Representative Defendants' Counsel, and Paramount's Counsel such that they are received no later than **July 10, 2023**, in accordance with the instructions set forth in the Long-Form Notice.

**Please do not contact the Court or the Office of the Register in Chancery regarding this Summary Notice. All questions about this Summary Notice, the proposed Settlement, or your eligibility to participate in the Settlement should be directed to the Settlement Administrator or Lead Counsel.**

Requests for the Long-Form Notice should be made to the Settlement Administrator:

Viacom Stockholders Litigation  
c/o A.B. Data, Ltd.  
P.O. Box 173058  
Milwaukee, WI 53217

877-390-3177  
[info@ViacomStockholdersLitigation.com](mailto:info@ViacomStockholdersLitigation.com)  
[www.ViacomStockholdersLitigation.com](http://www.ViacomStockholdersLitigation.com)

Inquiries, other than requests for the Long-Form Notice, should be made to Lead Counsel:

Edward Timlin  
Bernstein Litowitz Berger & Grossmann LLP  
1251 Avenue of the Americas, 44th Floor  
New York, NY 10020

800-380-8496  
[settlements@blbgllaw.com](mailto:settlements@blbgllaw.com)

BY ORDER OF THE COURT OF CHANCERY  
OF THE STATE OF DELAWARE

<sup>1</sup> "Eligible Class Members" has the meaning ascribed to it in the Long-Form Notice.  
<sup>2</sup> "Eligible Shares" has the meaning ascribed to it in the Long-Form Notice.

## BUSINESS NEWS



Walmart has reduced its inventories in its U.S. store operations by 9% over the past year.

## Retailers Indicate U-Turn On Paring Back Inventory

By PAUL PAGE

Big retailers are signaling they are nearly done paring back their excess inventories and are preparing to fill their shelves with new merchandise this fall, potentially brightening prospects for freight carriers looking for revived restocking to drive a shipping rebound.

Target's inventories at the end of the latest quarter were 16% lower than the same period a year ago and Walmart cut inventories in its U.S. store operations by 9% over the past year, slashing hundreds of millions of dollars of goods from their balance sheets and suggesting space is opening up in their jammed supply chains.

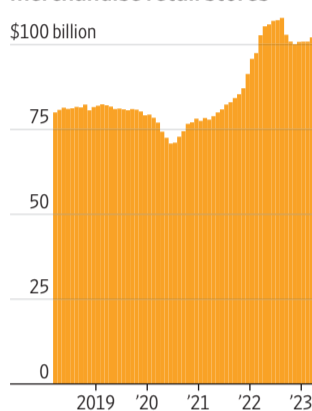
Target Chief Operating Officer John Mulligan said on an earnings conference call Wednesday that the overstocking that weighed on the company last year was "in the rearview mirror" and that the retailer was turning toward getting fresh merchandise into stores for the fall.

"In terms of inventory, we're in good shape," Walmart Chief Executive Doug McMillon said on a Thursday earnings conference call. "In-stock is improving, and excess inventory keeps coming down. We see it in the numbers, and I'm seeing it on store and [Sam's Club] visits."

Inventories at U.S. general merchandise stores expanded 1.2% in March, according to Census Bureau figures, after pulling back over several months from a record last August.

Walmart and Target were among scores of merchants that rushed goods into U.S. distribution networks in early 2022, with some even chartering their own ships to get

## Inventories at U.S. general merchandise retail stores



Note: Seasonally adjusted  
Source: U.S. Census Bureau via Federal Reserve Bank of St. Louis

around port backups and get goods to consumers. McMillon said at one point last year Walmart had 100,000 shipping containers backed up at ports.

U.S. consumers had boosted their purchases of goods during the Covid-19 pandemic as restrictions on many activities limited services spending. But a sharp pivot back toward services began last spring as those restrictions ended, leaving merchants' warehouses overstuffed, and retailers pulled back on orders from overseas suppliers while they burned off excess inventory.

Container imports into U.S. West Coast ports, the main gateways for trade with Asia and the array of suppliers producing consumer goods for American retailers, declined nearly 23% in the first quarter from a year earlier, according to Descartes Datamyne, a data analysis group owned by supply-chain software company Descartes Systems Group.

Drew Wilkerson, CEO of Charlotte, N.C.-based logistics services company RXO, said

the company's customers that were focused at the start of the year on destocking are starting to push more goods to distribution centers and stores even as uncertainty hangs over the broader economy.

"We're seeing that the retailers are in a much better position than they were a year ago," Wilkerson said. "Now the question is around the consumer. With everything going on with the macro economy, we still have to make sure the demand is there from the consumer."

Germany's Hapag-Lloyd said this month that its first-quarter revenue plunged 33% to just over \$6 billion on a 4.9% drop in cargo volume. But the world's fifth-largest container carrier by capacity said shipment trends picked up toward the end of the quarter.

"I don't think that means that we're now going to see a very quick recovery," CEO Rolf Habben Jansen said on a May 12 earnings conference call. "But I do think that underlines the point that destocking is slowly but steadily coming to an end, and at some point in time we quite likely will see a bit of pickup in demand."

Lowell, Ark.-based J.B. Hunt Transportation Services, a bellwether for the U.S. freight market, said its customers are talking about restocking but so far haven't turned that into bigger shipping volumes.

"Many of them are reporting or sharing with us that they feel like, by and large, their inventory issues are or have been mostly corrected. But we're not yet seeing that inbound flow" increase into distribution centers, Brad Hicks, the carrier's president of highway services, told a BoFA Securities conference Thursday.

## BUSINESS OPPORTUNITIES

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## BANKRUPTCIES

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re: Chapter 11  
LINCOLN POWER, L.L.C., et al.,<sup>1</sup> Case No. 23-10382 (LSS)  
Debtors. (Jointly Administrated)

**NOTICE OF DEADLINE FOR FILING OF PROOFS OF CLAIM, INCLUDING FOR CLAIMS ASSERTED UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

**THE GENERAL BAR DATE IS 5:00 P.M. (PREVAILING EASTERN TIME) ON JUNE 14, 2023**

**PLEASE TAKE NOTICE OF THE FOLLOWING:**

On March 31, 2023 (the "Petition Date"), the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the "Court"). On April 27, 2023, the Court entered an order [Docket No. 115] (the "Bar Date Order") establishing certain deadlines for the filing of proofs of claim in the chapter 11 cases of the following Debtors: **Debtor Case No. ELD (Last 4 Digits):** Lincoln Power, L.L.C., 23-10382 (LSS), 6449; Cogentrix Lincoln Holdings, LLC, 23-10383 (LSS), 6060; Cogentrix Lincoln Holdings II, LLC, 23-10384 (LSS), 4004; Elgin Energy Center Holdings, LLC, 23-10385 (LSS), (N/A); Elgin Energy Center, LLC, 23-10387 (LSS), 4819; Valley Road Holdings, LLC, 23-10388 (LSS), N/A; Valley Road Funding, LLC, 23-10389 (LSS), 1587; Rocky Road Power, LLC, 23-10390 (LSS), 2701.

Pursuant to the Bar Date Order, and except as provided in paragraph 11 of such order, each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, estate, and trust) that holds or seeks to assert a claim (as defined in section 101(5) of the Bankruptcy Code) against the Debtors that arose, or is deemed to have arisen, before the Petition Date (including, without limitation, claims entitled to administrative priority status under section 503(b)(9) of the Bankruptcy Code), whether or not such right is reduced to judgment, liquidated, unliquidated, fixed or contingent, **MUST FILE A PROOF OF CLAIM** on or before 5:00 p.m. (prevailing Eastern Time), on June 14, 2023 (the "General Bar Date"), by sending an original proof of claim form to Omni Agent Solutions ("Omni"), or by completing the online proof of claim form available at <https://omniansolutions.com/lincolnpower-claims>, so that it is **actually received** on or before the General Bar Date; provided that, solely with respect to governmental units (as defined in section 101(27) of the Bankruptcy Code), the deadline for such governmental units to file a proof of claim against the Debtors is September 27, 2023, at 5:00 p.m. (prevailing Eastern Time) (the "Governmental Bar Date").

All entities holding claims against the Debtors arising from the rejection of executory contracts and unexpired leases of the Debtors are required to file proofs of claim by the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is thirty (30) calendar days following entry of an order approving the rejection of any executory contract or unexpired lease of the Debtors.

All entities asserting claims against the Debtors whose claims are altered by an amendment to the Schedules are required to file a proof of claim by the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is thirty (30) calendar days from the date on which the Debtors mail notice of the amendment to the Schedules (or another time period as may be fixed by the Court).

Proofs of claim must be sent by overnight mail, courier service, hand delivery, regular mail, or in person, or completed electronically through Omni's website. Proofs of claim sent by facsimile, telecopy, or electronic mail will not be accepted and will not be considered properly or timely filed for any purpose in the Chapter 11 Cases.

ANY PERSON OR ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM IN THE CHAPTER 11 CASES WITH RESPECT TO A PARTICULAR CLAIM AGAINST THE DEBTORS, BUT THAT FAILS TO DO SO PROPERLY BY THE APPLICABLE BAR DATE, WILL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR PURPOSES OF VOTING AND DISTRIBUTION.

A copy of the Bar Date Order and proof of claim form may be obtained by contacting the Debtors' Claims Agent, in writing, at Omni, Lincoln Power, L.L.C., Claims Processing, c/o Omni Agent Solutions, 5955 De Soto Ave., Suite 100, Woodland Hills, CA 91367 or online at <https://omniansolutions.com/lincolnpower>. The Bar Date Order can also be viewed on the Court's website at [www.dcb.uscourts.gov](http://www.dcb.uscourts.gov). If you have questions concerning the filing or processing of claims, you may contact the Debtors' claims agent, Omni, toll-free at (888) 729-5205.

Dated: May 16, 2023, Wilmington, Delaware  
Respectfully Submitted, */s/ Heather P. Smilie*, **YOUNG CONAWAY STARGATT & TAYLOR, LLP**, Michael R. Nestor (No. 35226), Kara Hammond Coyle (No. 4410), Heather P. Smilie (No. 6923), Kristin L. McElroy (No. 6871), Rodney Square, 1000 North King Street, Wilmington, DE 19801, Telephone: (302) 571-6600, Facsimile: (302) 571-1253, Email: [mnestor@yct.com](mailto:mnestor@yct.com), [koyler@yct.com](mailto:koyler@yct.com), [hsmilie@yct.com](mailto:hsmilie@yct.com), [kmcelroy@yct.com](mailto:kmcelroy@yct.com) and **LATHAM & WATKINS LLP**, George A. Davis (admitted *pro hac vice*), Andrew D. Sorokin (admitted *pro hac vice*), Brett M. Neve (admitted *pro hac vice*), Randall Carl Weber-Levine (admitted *pro hac vice*), 1271 Avenue of the Americas, New York, NY 10020, Telephone: (212) 906-1200, Facsimile: (212) 751-4864, Email: [george.davis@lw.com](mailto:george.davis@lw.com), [andrew.sorokin@lw.com](mailto:andrew.sorokin@lw.com), [brett.neve@lw.com](mailto:brett.neve@lw.com), [randall.weber-levine@lw.com](mailto:randall.weber-levine@lw.com) and **Caroline Reckler** (admitted *pro hac vice*), 330 North Wabash Avenue, Suite 2800, Chicago, Illinois 60611, Telephone: (312) 876-7700, Facsimile: (312) 993-9767, Email: [caroline.reckler@lw.com](mailto:caroline.reckler@lw.com), [ProposedCounselforDebtorsandDebtorsinPossession](mailto:ProposedCounselforDebtorsandDebtorsinPossession)

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: Lincoln Power, L.L.C. (6449), Cogentrix Lincoln Holdings, LLC (6060), Cogentrix Lincoln Holdings II, LLC (4004), Elgin Energy Center Holdings, LLC (N/A), Elgin Energy Center, LLC (4819), Valley Road Holdings, LLC (N/A), Valley Road Funding, LLC (1587), and Rocky Road Power, LLC (2701). The Debtor's address is 13860 Ballantyne Corporate Place, Suite 300, Charlotte, North Carolina 28277.

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Bar Date Order, unless otherwise noted.

## THE WALL STREET JOURNAL.

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## Judge Targets Secret Funding Of Intellectual-Property Suits

By JACOB GERSHMAN

A federal judge in Delaware is on a campaign to eliminate hidden funding of intellectual-property lawsuits against companies, a crackdown that is roiling the patent-law industry.

U.S. Chief District Judge Colm Connolly in Wilmington, whose court is one of the busiest venues for patent litigation, issued an order a year ago requiring litigants in his court to disclose details of any financial arrangements in which third parties are funding their lawsuits.

Lawyers defending companies against infringement claims have cheered him on, crediting the judge with exposing tactics that have shielded filers of frivolous lawsuits from scrutiny and liability. Attorneys representing plaintiffs in the judge's cross hairs have accused Connolly of unjustly prying into their clients' finances and privileged communications.

In the months since, lawyers representing plaintiffs have sought to pull out of cases investigated by the judge.

The drama is playing out amid a debate over whether the financing of lawsuits by outside parties should be disclosed to courts and defendants. Commercial litigation funding, in which investors essentially make bets on the outcome of civil cases, has become a booming industry, with billions of dollars poured into patent cases in particular.

Outside funding can give smaller litigants access to courts, but critics say the lack of transparency around who is bankrolling infringement lawsuits has helped fuel a growth in nuisance litigation that is often cheaper to settle than to defend.

About one-quarter of federal district courts have rules that require disclosure of the identity of litigation funders in some circumstances, according to the U.S. Chamber of Commerce Institute for Legal Reform, which has been urging

**Critics say a lack of transparency has helped fuel growth in nuisance litigation.**

ing the federal judiciary and Congress to mandate a uniform federal disclosure requirement for litigation-funding arrangements.

The largest fallout from Connolly's campaign involves **IP Edge**, a Houston-based company that makes money acquiring vast bundles of patents and litigating them in court.

Last summer, **Amazon.com**, facing a lawsuit alleging its streaming and web services infringed on patented technology, accused the plaintiff, **Longbeam Technologies**, of concealing its connections to IP Edge. Connolly allowed dis-

covery into IP Edge's interest in the litigation, which both parties later agreed to dismiss.

The case, though, raised the judge's suspicions that other plaintiffs connected to IP Edge might have disobeyed his financial disclosure order and other transparency requirements. Last summer, he summoned several Texas residents identified as sole owners of plaintiff companies to testify at evidentiary hearings he convened in November.

The witnesses, a paralegal from Fort Worth, a software salesman from Houston and a food-truck owner from Waco, testified that they came to own the rights to patents through a consulting firm called **Mavexar** that approached them.

Public records show that Mavexar's three principal members are the same patent attorneys that founded IP Edge. A lawyer for IP Edge declined to comment.

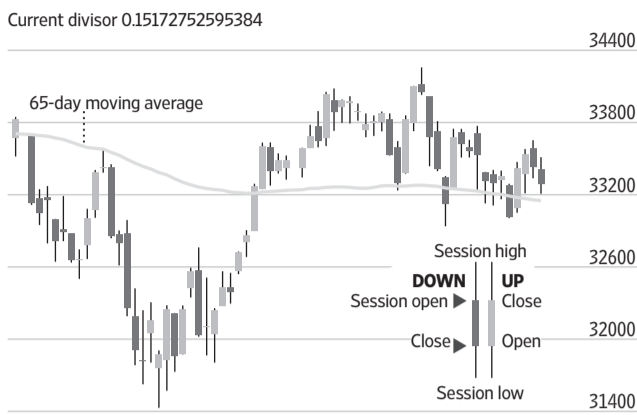
The witnesses all testified that Mavexar created limited liability companies—naming them as managing members—and transferred patent rights to the companies. Mavexar retained attorneys for the LLCs, handled communications with the lawyers and controlled decisions about wielding the patents in litigation, they said. The witnesses said they didn't pay anything for the rights to the patents but Mavexar was entitled to 90% to 95% of any litigation and settlement proceeds.

# MARKETS DIGEST

## EQUITIES

### Dow Jones Industrial Average

**33286.58** ▼140.05, or 0.42%  
 High, low, open and close for each trading day of the past three months.

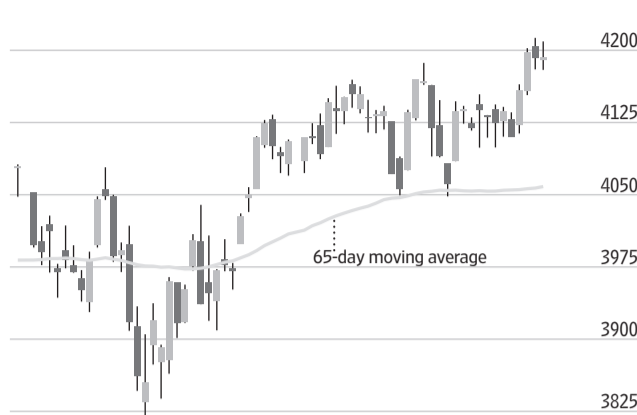


Current divisor 0.15172752595384  
 Bars measure the point change from session's open

\*Weekly P/E data based on as-reported earnings from Birming Associates Inc.; †Based on Nasdaq-100 Index

### S&P 500 Index

**4192.63** ▲0.65, or 0.02%  
 High, low, open and close for each trading day of the past three months.

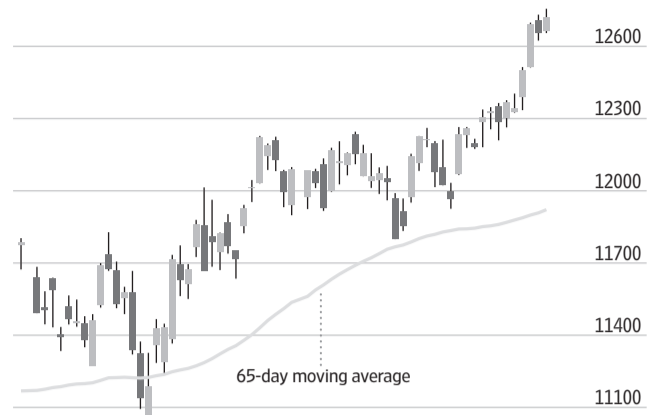


Current divisor 0.15172752595384  
 Bars measure the point change from session's open

\*Weekly P/E data based on as-reported earnings from Birming Associates Inc.; †Based on Nasdaq-100 Index

### Nasdaq Composite Index

**12720.78** ▲62.88, or 0.50%  
 High, low, open and close for each trading day of the past three months.



Current divisor 0.15172752595384  
 Bars measure the point change from session's open

\*Weekly P/E data based on as-reported earnings from Birming Associates Inc.; †Based on Nasdaq-100 Index

### Major U.S. Stock-Market Indexes

	High	Low	Latest Close	Net chg	% chg	52-Week High	52-Week Low	% chg YTD	% chg 3-yr. ann.
<b>Dow Jones</b>									
Industrial Average	33512.30	33207.85	<b>33286.58</b>	-140.05	-0.42	34589.77	28725.51	4.4	10.8
Transportation Avg	14035.18	13797.45	<b>13940.80</b>	31.26	0.22	15640.70	11999.40	1.3	18.1
Utility Average	921.78	911.71	<b>915.93</b>	1.10	0.12	1061.77	838.99	-8.9	6.2
Total Stock Market	41964.23	41649.19	<b>41817.35</b>	71.93	0.17	43441.80	36056.21	4.7	11.7
Barron's 400	923.30	914.56	<b>919.79</b>	4.23	0.46	1023.20	825.73	-0.5	-1.1

	High	Low	Latest Close	Net chg	% chg	52-Week High	52-Week Low	% chg YTD	% chg 3-yr. ann.
<b>Nasdaq Stock Market</b>									
Nasdaq Composite	12756.22	12655.26	<b>12720.78</b>	62.88	0.50	13128.05	10213.29	10.3	21.5
Nasdaq-100	13893.71	13792.97	<b>13849.74</b>	46.25	0.34	13849.74	10679.34	15.1	26.6

	High	Low	Latest Close	Net chg	% chg	52-Week High	52-Week Low	% chg YTD	% chg 3-yr. ann.
<b>S&amp;P</b>									
500 Index	4209.22	4179.68	<b>4192.63</b>	0.65	0.02	4305.20	3577.03	5.5	9.2
MidCap 400	2478.00	2449.88	<b>2468.68</b>	12.79	0.52	2726.61	2200.75	2.4	1.6
SmallCap 600	1158.42	1142.21	<b>1153.27</b>	8.48	0.74	1315.82	1064.45	-2.6	-0.4

	High	Low	Latest Close	Net chg	% chg	52-Week High	52-Week Low	% chg YTD	% chg 3-yr. ann.
<b>Other Indexes</b>									
Russell 2000	1801.39	1776.96	<b>1795.38</b>	21.67	1.22	2021.35	1649.84	0.1	1.9
NYSE Composite	15387.76	15271.22	<b>15318.85</b>	-5.47	-0.04	16122.58	13472.18	-0.2	0.9
Value Line	547.00	541.61	<b>545.04</b>	2.70	0.50	606.49	491.56	-2.8	1.6
NYSE Arca Biotech	5460.89	5417.07	<b>5448.42</b>	31.34	0.58	5644.50	4208.43	19.0	3.2
NYSE Arca Pharma	885.03	873.87	<b>875.23</b>	-2.48	-0.28	892.45	737.84	3.9	0.8
KBW Bank	78.33	76.85	<b>78.21</b>	1.34	1.75	116.53	71.96	-29.4	-22.5
PHLX <sup>S</sup> Gold/Silver	128.44	127.48	<b>127.49</b>	-0.35	-0.27	144.37	91.40	-2.3	5.5
PHLX <sup>S</sup> Oil Service	75.15	73.52	<b>74.49</b>	1.06	1.44	93.94	56.08	-4.5	-11.2
PHLX <sup>S</sup> Semiconductor	3223.53	3173.87	<b>3215.04</b>	11.55	0.36	3230.86	2162.32	10.9	27.0
Cboe Volatility	18.13	16.82	<b>17.21</b>	0.40	2.38	34.02	15.78	-39.6	-20.6

§Nasdaq PHLX Sources: FactSet; Dow Jones Market Data

### Late Trading

Most-active and biggest movers among NYSE, NYSE Arca, NYSE Amer. and Nasdaq issues from 4 p.m. to 6 p.m. ET as reported by electronic trading services, securities dealers and regional exchanges. Minimum share price of \$2 and minimum after-hours volume of 50,000 shares.

#### Most-active issues in late trading

Company	Symbol	Volume (000)	Last	Net chg	After-Hours % chg	High	Low
Nu Holdings A	NU	5,498.7	6.62	-0.02	<b>-0.30</b>	6.65	6.61
SPDR S&P 500 ETF Trust	SPY	4,681.6	419.00	0.21	<b>0.05</b>	419.03	403.11
iShares MSCI Brazil ETF	EWZ	4,473.9	29.80	-0.07	<b>-0.23</b>	29.91	29.80
iSh MSCI Emerging Mkts	EEM	3,933.7	39.30	...	<b>unch.</b>	39.32	39.25
PDD Holdings ADR	PDD	3,923.3	62.95	-0.09	<b>-0.14</b>	63.04	62.68
NISource	NI	3,454.2	27.36	-0.03	<b>-0.11</b>	28.03	27.11
Pfizer	PFE	3,441.1	39.00	0.25	<b>0.65</b>	39.08	36.77
Invesco QQQ Trust I	QQQ	3,010.6	337.84	0.20	<b>0.06</b>	337.99	337.52

#### Percentage gainers...

Company	Symbol	Volume (000)	Last	Net chg	% chg	High	Low
Movella Holdings	MVLA	693.7	2.17	0.25	<b>13.02</b>	2.24	1.92
Galera Therapeutics	GRTX	81.6	3.28	0.20	<b>6.49</b>	3.38	3.08
Bird Global	BRDS	54.2	2.65	0.12	<b>4.74</b>	2.74	2.52
WiSeKey Intl Hldg ADR	WKEY	96.2	4.15	0.16	<b>4.01</b>	4.24	3.83
Capri Holdings	CPRI	62.6	41.00	1.53	<b>3.88</b>	41.00	38.90

#### ...And losers

Company	Symbol	Volume (000)	Last	Net chg	% chg	High	Low
Guardant Health	GH	62.9	28.62	-2.18	<b>-7.08</b>	30.80	28.25
Valley National Bancorp	VLV	72.7	7.16	-0.39	<b>-5.17</b>	7.55	7.16
Triumph Group	TGI	329.9	11.80	-0.51	<b>-4.14</b>	12.31	11.80
Community Bank Sys	CBU	66.6	47.79	-1.87	<b>-3.77</b>	49.66	47.79
Cadence Bank	CADE	93.8	18.72	-0.67	<b>-3.46</b>	19.39	18.72

### Trading Diary

#### Volume, Advancers, Decliners

	NYSE	NYSE Amer.
<b>Total volume*</b>	796,578,521	8,013,445
<b>Adv. volume*</b>	507,889,383	5,692,483
<b>Decl. volume*</b>	278,573,612	1,898,822
<b>Issues traded</b>	3,095	312
<b>Advances</b>	1,790	165
<b>Declines</b>	1,192	131
<b>Unchanged</b>	113	16
<b>New highs</b>	49	2
<b>New lows</b>	35	11
<b>Closing Arms*</b>	0.78	0.53
<b>Block trades*</b>	3,860	80

\*Primary market NYSE, NYSE American NYSE Arca only. †(TRIN) A comparison of the number of advancing and declining issues with the volume of shares rising and falling. An Arms of less than 1 indicates buying demand; above 1 indicates selling pressure.

### International Stock Indexes

Region/Country	Index	Close	Net chg	Latest % chg	YTD % chg
<b>World</b>	<b>MSCI ACWI</b>	<b>657.46</b>	1.04	0.16	8.6
	MSCI ACWI ex-USA	302.43	0.87	0.29	7.5
	MSCI World	2845.71	2.95	0.10	9.3
	MSCI Emerging Markets	983.27	6.03	0.62	2.8
<b>Americas</b>	<b>MSCI AC Americas</b>	<b>1589.84</b>	0.88	0.06	9.1
Canada	S&P/TSX Comp	20351.06	...	Closed	5.0
Latin Amer.	MSCI EM Latin America	2280.36	-19.48	<b>-0.85</b>	7.1
Brazil	BOVESPA	110213.12	-531.39	<b>-0.48</b>	0.4
Chile	S&P IPSA	3217.16	-46.22	<b>-1.42</b>	1.4
Mexico	S&P/BMV IPC	53466.32	-829.73	<b>-1.53</b>	10.3
<b>EMEA</b>	<b>STOXX Europe 600</b>	<b>468.91</b>	0.06	0.01	10.4
Eurozone	Euro STOXX	462.76	-0.39	<b>-0.08</b>	12.9
Belgium	Bel-20	3736.57	-0.21	<b>-0.01</b>	1.0
Denmark	OMX Copenhagen 20	2148.56	42.05	2.00	17.1
France	CAC 40	7478.16	-13.80	<b>-0.18</b>	15.5
Germany	DAX	16223.99	-51.39	<b>-0.32</b>	16.5
Israel	Tel Aviv	1804.27	-10.29	<b>-0.57</b>	0.4
Italy	FTSE MIB	27310.70	-209.63	<b>-0.76</b>	15.2
Netherlands	AEX	767.61	0.51	0.07	11.4
Norway	Oslo Bors All-Share	1386.67	-6.26	<b>-0.45</b>	1.8
South Africa	FTSE/JSE All-Share	77962.73	-213.09	<b>-0.27</b>	6.7
Spain	IBEX 35	9305.00	53.50	0.58	13.1
Sweden	OMX Stockholm	855.01	-1.15	<b>-0.13</b>	9.4
Switzerland	Swiss Market	11553.23	-17.93	<b>-0.15</b>	7.7
Turkey	BIST 100	4466.19	-35.54	<b>-0.79</b>	-18.9
U.K.	FTSE 100	7770.99	14.12	0.18	4.3
U.K.	FTSE 250	19273.34	-15.76	<b>-0.08</b>	2.2
<b>Asia-Pacific</b>	<b>MSCI AC Asia Pacific</b>	<b>162.98</b>	0.93	0.58	4.7
Australia	S&P/ASX 200	7263.30	-16.22	<b>-0.22</b>	3.2
China	Shanghai Composite	3296.47	12.93	0.39	6.7
Hong Kong	Hang Seng	19678.17	227.60	1.17	-0.5
India	S&P BSE Sensex	61963.68	234.00	0.38	1.8
Japan	NIKKEI 225	31086.82	278.47	0.90	19.1
Singapore	Straits Times	3211.09	8.50	0.27	-1.2
South Korea	KOSPI	2557.08	19.29	0.76	14.3
Taiwan	TAIEX	16180.89	5.97	0.04	14.5
Thailand	SET	1529.24	14.35	0.95	-8.4

Sources: FactSet; Dow Jones Market Data

### Percentage Gainers...

Company	Symbol	Close	Net chg	% chg	52-Week High	52-Week Low
Hepion Pharmaceuticals	HEPA	19.38	10.51	<b>118.40</b>	23.85	5.20
Greenhill	GHL	14.66	7.88	<b>116.22</b>	14.85	5.65
Verde Clean Fuels CI A	VGAS	7.09	2.44	<b>52.47</b>	21.00	4.31
Atea Pharmaceuticals	AVIR	5.06	1.36	<b>36.76</b>	9.79	2.94
VectivBio Holding	VECT	16.21	4.31	<b>36.22</b>	16.45	4.25
Arrival	ARVL	3.45	0.91	<b>35.83</b>	96.50	1.62
Aemetis	AMTX	4.35	1.13	<b>35.09</b>	11.50	1.16
Bior Therapeutics	BIOR	4.85	1.15	<b>31.08</b>	28.75	1.95
Cricut CI A	CRCT	9.27	2.08	<b>28.93</b>	12.20	5.88
Excelsior ADR	EXAI	7.69	1.65	<b>27.32</b>	16.45	4.09
Recursion Pharm	RXRX	8.12	1.69	<b>26.28</b>	14.18	4.54
Diamidica Therapeutics	DMAC	2.80	0.55	<b>24.44</b>	2.88	1.12
Ouster CI A	OUST	6.32	1.21	<b>23.68</b>	25.00	3.21
Krystal Biotech	KRYS	117.53	21.47	<b>22.35</b>	120.00	49.17
IonQ	IONQ	10.86	1.98	<b>22.30</b>	11.32	3.04

### Most Active Stocks

Company	Symbol	Volume (000)	% chg from 65-day avg	Latest Session Close	% chg	52-Week High	52-Week Low
Microbot Medical	MBOT	192,973	381202.9	3.19	<b>159.35</b>	6.33	1.00
Tesla	TSLA	131,356	-4.6	188.87	4.85	314.67	101.81
AVROBIO	AVRO	85,307	13803.8	1.31	<b>69.01</b>	1.93	0.56
Pfizer	PFE	85					

# COMMODITIES

wsj.com/market-data/commodities

## Futures Contracts

Metal & Petroleum Futures						
	Open	High	Low	Settle	Chg	Open interest
<b>Copper-High (CMX)</b> -25,000 lbs.; \$ per lb.						
May	3.7180	3.7185	3.6600	<b>3.6740</b>	-0.0485	928
July	3.7275	3.7375	3.6675	<b>3.6850</b>	-0.0470	127,918
<b>Gold (CMX)</b> -100 troy oz.; \$ per troy oz.						
May	1980.50	1980.50	1980.50	<b>1974.80</b>	-3.90	207
June	1979.40	1984.80	1970.70	<b>1977.20</b>	-4.40	177,472
July	1991.00	1992.90	1981.60	<b>1986.70</b>	-4.50	2,247
Aug	1998.40	2003.50	1989.30	<b>1995.70</b>	-4.60	251,996
Oct	2020.40	2021.30	2008.80	<b>2014.90</b>	-4.30	11,345
Dec	2039.30	2039.40	2026.80	<b>2033.20</b>	-4.10	34,240
<b>Palladium (NYM)</b> -50 troy oz.; \$ per troy oz.						
May				<b>1500.20</b>	-31.60	1
June	1514.00	1526.00	1485.50	<b>1492.20</b>	-31.60	6,782
<b>Platinum (NYM)</b> -50 troy oz.; \$ per troy oz.						
May				<b>1080.40</b>	1.60	1
July	1070.00	1087.90	1065.80	<b>1077.30</b>	1.60	66,920
<b>Silver (CMX)</b> -5,000 troy oz.; \$ per troy oz.						
May	23.675	23.705	23.675	<b>23.715</b>	-0.205	220
July	24.020	24.085	23.760	<b>23.861</b>	-0.199	112,391
<b>Crude Oil, Light Sweet (NYM)</b> -1,000 bbls.; \$ per bbl.						
June	71.70	72.36	70.55	<b>71.99</b>	0.44	20,121
July	71.87	72.53	70.67	<b>72.05</b>	0.36	378,970
Aug	71.76	72.42	70.57	<b>71.97</b>	0.38	205,842
Sept	71.45	72.11	70.29	<b>71.68</b>	0.37	170,254
Oct	71.07	71.70	69.95	<b>71.28</b>	0.34	176,147
Dec	70.42	70.87	69.20	<b>70.46</b>	0.29	223,638
<b>NY Harbor ULSD (NYM)</b> -42,000 gal.; \$ per gal.						
June	2.3669	2.3814	2.3303	<b>2.3664</b>	.0042	39,054
July	2.3559	2.3700	2.3191	<b>2.3558</b>	.0034	75,448
<b>Gasoline-NY RB0B (NYM)</b> -42,000 gal.; \$ per gal.						
June	2.5779	2.6768	2.5492	<b>2.6489</b>	.0728	50,613
July	2.5012	2.5640	2.4698	<b>2.5389</b>	.0412	93,481
<b>Natural Gas (NYM)</b> -10,000 MMBtu.; \$ per MMBtu.						
June	2.568	2.569	2.367	<b>2.400</b>	-.185	50,219
July	2.697	2.707	2.512	<b>2.551</b>	-.156	361,532
Aug	2.763	2.771	2.588	<b>2.623</b>	-.149	95,403
Sept	2.727	2.744	2.571	<b>2.609</b>	-.138	168,910
Oct	2.783	2.827	2.660	<b>2.698</b>	-.129	114,864
Jan'24	3.896	3.929	3.808	<b>3.841</b>	-.084	76,904

## Agriculture Futures

Corn (CBT)						
	Open	High	Low	Settle	Chg	Open interest
5,000 bu.; cents per bu.						
July	554.75	575.50	553.25	<b>571.00</b>	16.50	501,144
Dec	499.00	510.00	496.75	<b>509.00</b>	9.25	380,222
Oats (CBT)						
5,000 bu.; cents per bu.						
July	321.75	331.25	313.25	<b>314.50</b>	-7.75	2,915
Dec	333.25	346.00	332.00	<b>332.75</b>	-2.25	1,049
Soybeans (CBT)						
5,000 bu.; cents per bu.						
July	1308.25	1344.25	1304.75	<b>1341.25</b>	34.00	270,240
Nov	1176.50	1199.75	1172.00	<b>1197.00</b>	21.50	207,423
Soybean Meal (CBT)						
100 tons; \$ per ton.						
July	409.10	416.90	407.50	<b>412.20</b>	3.10	181,257
Dec	377.60	383.10	375.80	<b>381.20</b>	3.80	110,022
Soybean Oil (CBT)						
60,000 lbs.; cents per lb.						
July	47.35	49.08	46.65	<b>48.77</b>	1.50	185,058
Dec	47.10	48.61	46.51	<b>48.32</b>	1.27	137,763
Rough Rice (CBT)						
2,000 cwt.; \$ per cwt.						
July	17.10	17.27	16.71	<b>16.84</b>	-2.3	3,078
Sept	15.05	15.10	14.84	<b>14.95</b>	-1.0	4,301
Wheat (CBT)						
5,000 bu.; cents per bu.						
July	607.75	613.75	596.25	<b>606.25</b>	1.25	213,197
Sept	619.00	625.25	608.25	<b>618.75</b>	1.75	68,584
Wheat (KC)						
5,000 bu.; cents per bu.						
July	827.00	830.50	807.25	<b>825.75</b>	1.50	86,517
Sept	817.25	822.00	799.25	<b>817.75</b>	2.25	42,052
Cattle-Feeder (CME)						
50,000 lbs.; cents per lb.						
May	206.425	206.825	205.850	<b>206.575</b>	.300	3,531
Aug	234.675	235.100	232.550	<b>234.900</b>	-.200	34,246
Cattle-Live (CME)						
40,000 lbs.; cents per lb.						

## Cash Prices

Monday, May 22, 2023

These prices reflect buying and selling of a variety of actual or "physical" commodities in the marketplace—separate from the futures price on an exchange, which reflects what the commodity might be worth in future months.

Energy			
	Monday	Monday	Monday
Iron Ore, 62% Fe CFR China-s	n.a.	n.a.	n.a.
Shredded Scrap, US Midwest-s/m	n.a.	n.a.	n.a.
Steel, HRC USA, FOB Midwest Mill-s	n.a.	n.a.	n.a.
<b>Battery/EV metals</b>			
BMI Lithium Carbonate, EXW China >99.2%-v/v	33600	33600	33600
BMI Lithium Hydroxide, EXW China >56.5%-v/v	5148	5148	5148
BMI Cobalt sulphate, EXW China >20.5%-v/v	32950	32950	32950
BMI Nickel Sulphate, EXW China >22%-v/v	4966	4966	4966
BMI Flake Graphite, FOB China >100 Mesh, 94.95%-v/v	7065	7065	7065
<b>Fibers and Textiles</b>			
Burlap, 10-oz, 40-inch NY yd-n/w	0.7400	0.7400	0.7400
Cotton 11/16 std lw-mdMphs-u	0.8357	0.8357	0.8357
Cotlook 'A' Index-t	97.50	97.50	97.50
Hides, hvy native steers piece fob-u	n.a.	n.a.	n.a.
Wool, 64s, staple, Terr del-u-w	n.a.	n.a.	n.a.
<b>Grains and Feeds</b>			
Barley, top-quality Mnlps-u	n.a.	n.a.	n.a.
Bran, wheat middlings, KC-u-w	133	133	133
Corn, No. 2 yellow, Cent IL-lp-u	5.8900	5.8900	5.8900
Corn gluten feed, Midwest-u-w	17.26	17.26	17.26
Corn gluten meal, Midwest-u-w	551.9	551.9	551.9
Cottonseed meal-u-w	378	378	378
Hominy feed, Cent IL-u-w	192	192	192
Meat-bone meal, 50% pro Mnlps-u-w	455	455	455
Oats, No. 2 milling, Mnlps-u	3.6450	3.6450	3.6450
Rice, Long Grain Milled, No. 2 AR-u-w	37.25	37.25	37.25
Sorghum, (Milo) No. 2 Gulf-u	n.a.	n.a.	n.a.
Soybean Meal, Cent IL, rail, ton 48%-u-w	415.10	415.10	415.10
Soybeans, No. 1 yllw IL-lp-u	13.5000	13.5000	13.5000
<b>Food</b>			
Beef, carcass equiv. index	278.86	278.86	278.86
choice 1-3, 600-900 lbs.-u	259.58	259.58	259.58
select 1-3, 600-900 lbs.-u	1.4269	1.4269	1.4269
Broilers, National comp wtd. avg.-u-w	2.4500	2.4500	2.4500
Butter, AA, Chicago-d	151.50	151.50	151.50
Cheddar cheese, bbl, Chicago-d	160.00	160.00	160.00
Cheddar cheese, blk, Chicago-d	116.00	116.00	116.00
Milk, Nonfat dry, Chicago lb-d	1.9100	1.9100	1.9100
Coffee, Brazilian, Comp-y	2.3060	2.3060	2.3060
Coffee, Colombian, NY-y	0.8850	0.8850	0.8850
Eggs, large white, Chicago-u	n.a.	n.a.	n.a.
Flour, hard winter KC-p	n.a.	n.a.	n.a.
Hams, 17-20 lbs, Mid-US fob-u	n.a.	n.a.	n.a.
Hogs, Iowa-So. Minnesota-u	82.73	82.73	82.73
Pork bellies, 12-14 lb Mid-US-u	n.a.	n.a.	n.a.
Pork loins, 13-19 lb Mid-US-u	1.0866	1.0866	1.0866
Steers, Tex.-Okla. Choice-u	170.00	170.00	170.00
Steers, feeder, Okla. City-u-w	244.25	244.25	244.25
<b>Fats and Oils</b>			
Degummed corn oil, crude wtd. avg.-u-w	52.0000	52.0000	52.0000
Grease, choice white, Chicago-h	0.5500	0.5500	0.5500
Lard, Chicago-u	n.a.	n.a.	n.a.
Soybean oil, crude, Cent IL-u-w	5.0002	5.0002	5.0002
Tallow, bleach, Chicago-h	0.5675	0.5675	0.5675
Tallow, edible, Chicago-u	n.a.	n.a.	n.a.

## Key Interest Rates

Data are annualized on a 360-day basis. Treasury yields are per annum, on actively traded noninflation and inflation-indexed issues that are adjusted to constant maturities. Data are from weekly Federal Reserve release H.15.

Inflation			
	Week Ended	-52-Week-	
	Latest	High	Low
April index	Chg From (%)		
level	March '23	April '22	
<b>U.S. consumer price index</b>			
All items	303.363	0.51	4.9
Core	306.899	0.47	5.5
<b>International rates</b>			
	Week	-52-Week-	
	Latest	High	Low
<b>Prime rates</b>			
U.S.	8.25	8.25	4.00
Canada	6.70	6.70	3.20
Japan	1.475	1.475	1.475

## Policy Rates

Euro zone	3.75	3.75	0.00
Switzerland	2.00	2.00	0.00
Britain	4.50	4.50	1.00
Australia	3.85	3.85	0.35

## Overnight repurchase

U.S.	5.07	5.10	5.10	0.71
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## U.S. government rates

Discount	5.25	5.25	5.25	1.00
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## Federal funds

Effective rate	5.0900	5.0900	5.1000	0.8300
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## Treasury yields (secondary market)

1-month	5.42	5.46	5.46	0.59
3-month	5.10	5.10	5.10	1.04
6-month	5.06	4.91	5.06	1.49

## TIPS

5-year	1.45	1.28	1.81	-0.16
7-year	1.41	1.27	1.70	0.01
10-year	1.38	1.27	1.66	0.18
20-year	1.50	1.44	1.70	0.47
Long-term avg	1.66	1.62	1.94	0.72

## Notes on data:

Federal funds rate is an average for the seven days ended Wednesday, weighted according to rates on broker trades. Commercial paper rates are discounted offer rates interpolated from sales by discounted averages of dealer bid rates on nationally traded certificates of deposit. Discount window primary credit rate is charged for discounts made and advances extended under the Federal Reserve's primary credit discount window program; rate is average for seven days ended Wednesday.

Inflation-indexed long-term TIPS average is indexed and is based on the unweighted average bid yields for all TIPS with remaining terms to maturity of 10 years or more.

Sources: Federal Reserve; for additional information on these rate data and their derivation, please see, <https://www.federalreserve.gov/data/download/Build.aspx?rel=H15>

	Open	High	Low	Settle	Chg	Open interest
June	165.650	165.650	164.500	<b>165.050</b>	-6.75	51,709
Aug	164.200	164.250	162.775	<b>163.600</b>	-7.00	149,882
<b>Hogs-Lean (CME)</b> -40,000 lbs.; cents per lb.						
June	83.450	83.825	81.675	<b>81.825</b>	-1.200	39,618
July	83.575	84.275	81.925	<b>82.150</b>	-9.75	69,739
<b>Lumber (CME)</b> -27,500 bd. ft. \$ per 1,000 bd. ft.						
July	502.50	504.50	502.00	<b>502.00</b>	.50	4,900
Sept				<b>525.00</b>	2.50	1,131
<b>Milk (CME)</b> -200,000 lbs.; cents per lb.						
May	16.18	16.21	16.18	<b>16.21</b>	.02	4,586
June	16.22	16.39	16.06	<b>16.32</b>	.26	6,627
<b>Cocoa (ICE-US)</b> -10 metric tons; \$ per ton.						
July	3,074	3,079	3,019	<b>3,023</b>	-45	129,086
Sept	3,077	3,085	3,029	<b>3,036</b>	-38	78,240
<b>Coffee (ICE-US)</b> -37,500 lbs.; cents per lb.						
July	191.00	193.75	186.55	<b>189.20</b>	-2.40	76,001
Sept	188.30	191.05	184.30	<b>186.90</b>	-2.40	51,718
<b>Sugar-World (ICE-US)</b> -112,000 lbs.; cents per lb.						
July	25.75	26.05	25.58	<b>25.99</b>	.21	386



BANKING & FINANCE

# Biden's Billion-Dollar Oil Trade Is Tested

Bids to refill strategic reserve use modified proposal that reflects market risk, volatility

By DAVID UBERTI

The U.S. government's attempt to refill the skyscraper-sized caverns that hold the country's emergency oil reserves is coming with a crash course in energy markets: How to think more like a trader.

President Biden last year authorized an emergency sale of more than 180 million barrels from the U.S. Strategic Petroleum Reserve to ease gasoline prices that skyrocketed after Russia's invasion of Ukraine. The Energy Department sold high, averaging roughly \$95 a barrel.

Now the agency is learning that replenishing those stockpiles at the lower rate it wants—between \$67 to \$72—is more difficult, despite prices sliding near those levels at various points this year. On Monday, benchmark U.S. crude closed at \$71.99 a barrel, within Washington's window to buy.

Biden has deployed the SPR more aggressively than his predecessors, forcing Wall Street to pay attention to moves that could affect oil markets. As crude sputtered in recent months amid a cooling U.S. economy and a gusher of global supplies, some investors have looked to Washington's proposed purchases as a potential support for prices.

The Energy Department's first attempt at buying oil this year—and beginning a potential billion-dollar trade—failed. That prompted the agency to revamp its approach to bids in a way some analysts say is more reflective of how crude

is traded. The tweaked pricing approach underscores the government's steep learning curve on how oil companies weigh volatility and risk in a market that can unexpectedly turn on natural disasters, geopolitical tensions or production changes by the Organization of the Petroleum Exporting Countries.

The four reserve sites near the Gulf Coast have about 358 million barrels of crude, down from about 593 million at the beginning of last year, according to the Energy Information Administration. Many analysts say the stockpile is more than enough to weather supply shocks, particularly since drilling output in fast-growing shale regions of Texas and New Mexico has propelled near-record domestic production.

The SPR periodically loans oil to refiners and receives additional supplies in return. But outright purchases have been rare in recent decades.

The Biden administration, which previously said it aims to buy 60 million barrels, has suggested it is in no hurry to refill the SPR without maximizing taxpayer returns. If successful, the new request for proposals could offer a blueprint for additional purchases.

The Energy Department's attempt to buy domestically produced sour crude earlier this year sought fixed-price proposals for up to 3 million barrels. But bids came in with higher prices than the agency expected or otherwise missed its specifications.

The fixed price meant companies would have to swallow the risk of the market sliding over a 13-day window as the agency evaluated proposals, said Iliia Bouchouev, managing partner at Pentathlon Invest-



The U.S. is seeking to refill its Strategic Petroleum Reserve. A storage site in Freeport, Texas.

ducers the opportunity to limit the threat of volatility by buying financial instruments such as futures or options contracts.

The Energy Department's second try at buying up to 3 million barrels of sour crude, with proposals due May 31 and contracts expected to be awarded June 9, swaps its previous pricing approach for one based on differentials. That could help suppliers more accurately forecast costs and help limit potential losses.

Government officials asked companies to propose offers on sour-crude differentials. That figure factors in the average spread between West Texas Intermediate, the U.S. crude benchmark, and an American sour crude gauge known as Mars in the three days after notice of the award.

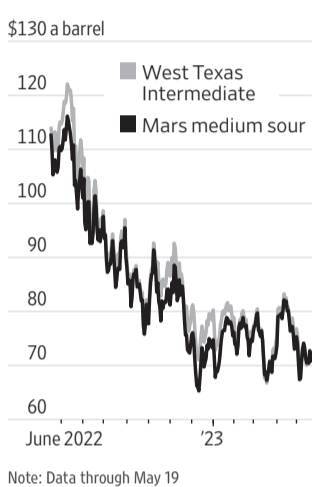
Those benchmarks were separated by 98 cents as of Friday, according to price-reporting agency Argus Media, meaning companies' financial risk in the event of market choppiness could be in cents, rather than dollars, per barrel.

"In theory, the same problem still remains because dealers have to hold this differential for two weeks while waiting for the decision," said Bouchouev, a longtime trader. "However, the differential is significantly less volatile than the oil price."

For now, the more pressing question for Biden's potential oil trade may be whether prices stay within the Energy Department's target range.

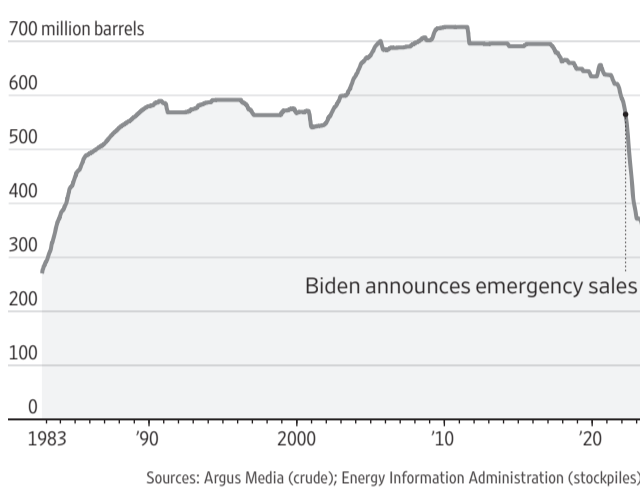
Wall Street was bullish on oil late last year, but many analysts more recently slashed forecasts as Western economies slowed, Russia continued pumping out crude and China's appetite for energy failed to push prices higher.

Benchmark U.S. crude prices



Note: Data through May 19

U.S. Strategic Petroleum Reserve stockpiles, weekly



Sources: Argus Media (crude); Energy Information Administration (stockpiles)

ments. Producers likely bumped up their prices to account for the costs of hedging against the risk of oil prices swinging by several dollars a barrel.

"That's a lot of risk to hold a fixed price for two weeks," Bouchouev said. "Nobody trades [on a] flat price."

Instead, the market moves based largely on price differ-

entials between types of crude or locations where they are produced, bought and sold. Those spreads allow traders to account for costs such as transportation and give pro-

## Adani Gets Boost From Ruling by India Panel

By WEILUN SOON

The shares of companies in India's **Adani Group** surged on Monday, after a panel appointed by the country's Supreme Court didn't find support for some of the claims made by a short seller earlier this year.

The market value of the seven companies bearing the Adani name rose 9.2% to hit \$108.5 billion on Monday, according to FactSet data. That was their best day since Hindenburg Research released a report on Jan. 24 alleging market manipulation, among other things. Adani Group has denied the allegations.

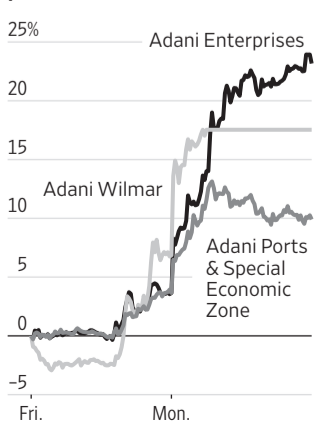
Adani Enterprises, the flagship, was by far the best performer among the group. Its shares closed the day almost 19% higher.

The panel produced a 173-page report, seen by The Wall Street Journal, which relied in part on input from the Securities and Exchange Board of India, the market regulator. SEBI couldn't find clear evidence of market manipulation, the report shows.

However, the panel also noted that SEBI has "hit a wall" in trying to find out the ultimate ownership of 13 overseas entities that hold Adani shares. The Supreme Court has given SEBI until Aug. 14 to wrap up its own probe.

Adani didn't immediately respond to a request for comment.

Two-day share-price performance



Source: FactSet

## Chevron Bets on Shale

Continued from page B1

lowing Russia's invasion of Ukraine. There has been an uptick in deal chatter throughout the industry in recent months as a result.

Larger oil companies have seen their shares trade relatively high compared with the lows of the pandemic, and compared with smaller rivals, enabling some companies to avoid touching their war chests.

Chevron had \$15.7 billion in cash at the end of the first quarter, according to FactSet, and the company has said it would give priority to returning money to shareholders via share buybacks and dividends.

Compared with the header days of America's shale boom this past decade, the premium for PDC represents a more conservative purchase, much as Chevron's single-digit premium

deal for Noble Energy did in mid-2020, following the onset of the pandemic and a historic crunch in oil demand.

Noble also was a major player in the DJ Basin. For years, the DJ Basin has been seen by some companies as a potentially lucrative oil patch but difficult to master because of more stringent state-level regulations around oil-and-gas activity in Colorado.

"It's a demanding regulatory environment but both companies have proven they can operate in that environment," Wirth said.

Even major oil companies have been searching for smaller rivals to scoop up as they run into challenges with well productivity, a signal that the industry has drilled many of its best wells already, analysts and investors have said.

Last year, for example, the 10% of wells Chevron brought online in the Delaware basin, part of the broader Permian Basin, were about 25% less productive on average than its wells the year before, The Wall Street Journal reported earlier this year, citing Novi Labs data.

Chevron said the PDC deal would add 10% to its oil-equiv-

alent proved reserves for under \$7 a barrel and add 275,000 net acres adjacent to its position in the DJ Basin, along with 25,000 net acres in the prolific Permian Basin, the largest U.S. oil field.

Chevron's transaction shows that companies' hunts for merger-and-acquisitions are beginning to culminate in deals. Last week, pipeline operator **Oneok** said it had agreed to buy smaller rival **Magellan Midstream Partners** for about \$14 billion, forming one of the largest U.S. energy transportation and storage firms.

**Exxon Mobil**, Chevron's chief rival, also struck a far smaller deal Monday, agreeing to a \$375 million cash sale of assets in the Bakken Shale of North Dakota to **Chord Energy**, the shale company that had emerged from the tie-up of Whiting Petroleum and Oasis Petroleum.

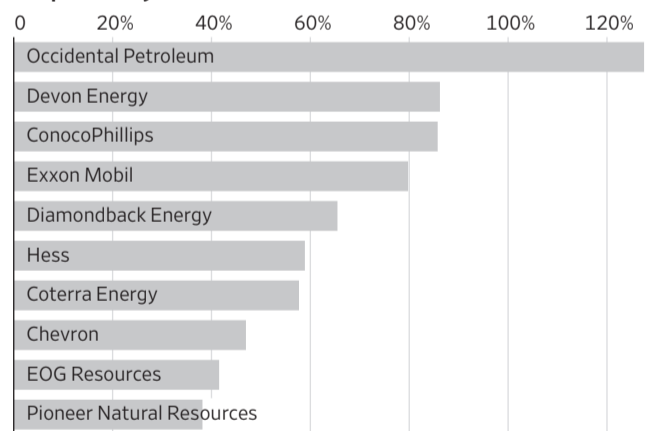
Exxon has held on to other assets in the Bakken worth billions, in large part because they have generated a lot of cash over this past year.

Chevron said it would issue roughly 41 million shares in the deal, slated to close by the end of the year.



An electric drilling operation at a Chevron site in Kersey, Colo.

Share performance of large U.S. oil and gas companies over the past two years



Source: FactSet

# Private-Equity Giants Stress Credit Role

By CHRIS CUMMING

Private-equity firms are rushing to adapt to an economy in which their longtime cash cow—big leveraged buyouts—has grown a little tired.

Recent first-quarter results reported by large private-equity managers showed firms trying to adjust to a new economy. Financing is tight, so big buyouts are scarce. Valuations are low, so asset sales are out.

Instead, firms are rapidly trying to expand in private-credit, an investment strategy expected to thrive as interest rates rise and traditional lenders retreat.

Here are some takeaways from the largest firms' first-quarter reports and investor calls.

**Old-Style Buyouts Are Out**

Fundraising has become tougher for all strategies, but most of all large buyout funds. **KKR** Chief Financial Officer Robert Lewin recently called traditional private equity "the most challenged part of the fundraising market."

**Blackstone's** credit and in-

surance group raised \$16.6 billion during the quarter, compared with \$4.6 billion for its private-equity funds. **Apollo Global Management** raised a total of \$31 billion in the quarter, but only about \$1.4 billion for its PE strategies.

So firms are working overtime to promote their credit businesses. **TPG** Chief Executive Jon Winkelried called private credit a "multitrillion-dollar opportunity." Through the \$2.7 billion acquisition of debt manager Angelo Gordon unveiled recently, TPG aims to grow in credit and expand beyond its private-equity wheelhouse.

Winkelried's comments paralleled the bullish pronouncements on the market segment by other industry executives, including Blackstone President Jon Gray, who called this "a golden moment for private credit."

Whether the results of credit deals signed today prove golden over the long term, these comments show firms stand eager to expand in one of the few areas where fundraising remains strong.

**Replacing Regional Banks?**

The last banking crisis, from 2007 to 2009, turned out to be perhaps the best thing that ever happened to private equity. It let firms buy valuable assets cheaply and move into territory abandoned by traditional banks, setting the stage for more than a decade of rapid industry growth.

**The sector sees an opportunity in the crisis that hit regional banks.**

The bump from the current regional-banking turmoil could be more modest, executives suggested. But nearly all took the view that the crisis set off by the failure of Silicon Valley Bank would help their credit businesses expand. Once again, the industry sees an opportunity to step in as banks fade out.

KKR co-CEO Scott Nuttall said he sees "a real opportunity to continue to scale [the

firm's credit] businesses, especially in this environment where the traditional banks are pulling back." Apollo CEO Marc Rowan said that "given what's happening in regional banking," he expects the business of providing commercial credit to shift further toward private investors and away from banks.

These statements seem to reinforce the view that private-equity firms are following a different crisis playbook than in 2008, when many invested directly in the banking sector.

This time around, leaders of private-equity firms say they aim to replace banks rather than back them with investments.

**Valuations Stabilize**

First-quarter results may have reduced suspicions about asset-valuation inflation.

Private equity's results over the past year have inspired skepticism about how firms value what they own. As securities markets fell last year, private-equity asset valuations typically fell less, or even rose.

Some institutional investors questioned whether firms were putting a thumb on the scale, giving overly rosy valuations to impress clients and maintain paper returns. Regulators and even members of Congress have raised concerns.

The results of publicly traded firms for the first three months of the year may quiet these concerns. Private-equity asset valuations generally lagged prices reflected in securities markets in the first quarter, rising less than stock indexes.

The MSCI World index—a decent comparison for a globe-spanning buyout shop's portfolio—rose about 7% in the first quarter. Blackstone's private-equity portfolio appreciated 2.8%, TPG's 3%, and KKR's and **Carlyle Group's** each rose about 2%.

These results show that private-equity valuations, whatever their level of accuracy, don't always flatter firm performance. If asset prices set by public firms reflect those in the broader industry, recent worries about valuations could subside.

MARKETS

# Dow Falls as Traders Await Talks on Debt

Regional bank stocks strengthen, led by PacWest, Zions, KeyCorp, Comerica

By RYAN DEZEMBER

Stocks traded mixed in a tight range and bond yields rose while traders awaited news from the debt-ceiling negotiations and chewed over the latest remarks from Federal Reserve officials, including from one who said he favored additional interest-rate increases.

**MONDAY'S MARKETS** The tech-heavy Nasdaq Composite rose 0.5% to a 2023 high, while the S&P 500 ticked less than 0.1% higher. The indexes are up on the year 22% and 9.2%, respectively. The Dow Jones Industrial Average shed 0.4%, or about 140 points, to leave it up just 0.4% this year.

President Biden and House Speaker Kevin McCarthy (R., Calif.) were due to meet Monday evening in pursuit of a deal to raise the government's debt ceiling by June 1, when Treasury Secretary Janet Yellen has said the U.S. could run out of

money to pay all its bills.

Trading that has pushed stocks to their highest level in months since last summer suggests investors are beginning to look past a potential default and toward future interest-rate decisions and the likelihood of recession.

Regional banks continued to rebound after **PacWest** said it sold a bundle of real-estate loans for \$2.6 billion. Shares of the Los Angeles bank jumped 20%. Several lenders gained at least 3%, including **KeyCorp**, **Regions** and **Comerica**. **Zions Bancorp's** hard-hit stock gained 4.9%.

Shares of Facebook owner **Meta Platforms** continued to bounce back from last year's swoon, rising 1.1% after being fined \$1.3 billion by European Union regulators for sending user information to the U.S. The stock has more than doubled so far in 2023.

**Chevron** said it would acquire smaller energy producer **PDC Energy** in an all-stock deal valued at \$6.3 billion, boosting Chevron's position in Colorado's Denver-Julesburg Basin and the Permian Basin in West Texas.

Investors have expected

consolidation in the oil patch given the mountain of money oil producers' piled up with last year's high energy prices. The deal was met with a hohum reaction from traders. Chevron's shares fell 1.8%.

**Micron Technology** declined 2.8% after China said it is banning major firms from buying products from the semiconductor maker. Other semiconductor companies also slipped.

The yield on the 10-year U.S. Treasury note rose to 3.717% from 3.690% on Friday. The yield on one-month Treasury bills climbed to 5.570%.

High yields on short-term Treasuries are giving investors an attractive place to wait out the resolution of macro issues, such as the debt-ceiling stand-off and the Fed's next rate decision, said Christian Chan, chief investment officer at AssetMark.

"You are getting paid to be defensive today at rates that you're typically not getting paid when you're being defensive," Chan said. "The opportunity cost of being in cash today is not nearly as high as it typically is."

Federal Reserve Bank of St. Louis President James Bullard said at an American Gas Association gathering in Florida that he favors two more quarter-point rate increases. "I think we're going to have to grind higher with the policy rate in order to put downward pressure on inflation," he said.

Overseas, Europe's Stoxx 600 was flat. Early Tuesday, Japan's Nikkei 225 and South Korea's Kospi were up 0.6%, but the Shanghai Composite was down 0.9%. S&P 500 futures rose 0.3%.

Watch a Video

Scan this code for a video on what to watch for this week in the markets.



Bitcoin has shed more than a third of its dollar value since last year's bitcoin convention.

## 'No Bears Allowed' at Conference

Continued from page B1

"Our customers are not here in the same volume as they were last year," said Michael Coscetta, head of revenue at Paxos.

Last year, crypto custody firm BitGo held a party where it served two sushi-grade tuna that chefs cut and carved up for guests, one of which clocked in at 200 pounds. This year, there was just one tuna, a 115-pounder, though the company made a joke of it, handing out stickers reading "#TunaWinter."

A satellite event called Sh\*tcoin Conference, which celebrates nonbitcoin cryptocurrencies viewed as worthless by some bitcoin believers, ended up smaller after crypto exchange FTX imploded late last year. FTX was supposed to sponsor it before its bankruptcy, forcing the organizers to scale the schedule back considerably. Last year, the event was a

two-day conference at the nightclub Mad Club Wynwood. This year, it was one evening at a co-working space in Wynwood called the LAB Miami.

Still, an eclectic group of people gathered there to debate all things crypto, including Canadian Prime Minister Justin Trudeau's half-brother, Kyle Kemper, who years ago made headlines for boosting joke crypto dogecoin; and Vit Jedlička, a Czech politician who was promoting his crypto-libertarian micronation, Liberland, located in a contested region between Croatia and Serbia.

"It's really a pep rally. It's really what this is," said Kurt Wuckert Jr., a crypto historian at CoinGeek.

At the main conference, artists displayed crypto-themed creations, hoping to sell them off. Artist Hitomi Matsui created a bitcoin-themed McDonald's restaurant, selling handmade creations she put together the last six months of Big Macs, Happy Meal Toys and drinks.

The display mocked a meme that often circulates online when bitcoin crashes insinuating that everyone

who held the digital asset is going to have to go work for McDonald's. Prices ran higher than at a traditional McDonald's though. A ketchup packet ran at \$15, or 0.00055 bitcoin, the cheapest item on the menu. A full bitcoin-branded Happy Meal cost \$350, or 0.013 bitcoin.

An artist who goes by the pseudonym FractalEncrypt displayed a bitcoin codex he spent seven months crafting. The book, made from wood and mirrors, was on display Thursday and Friday. After that, the artist said he was bringing it to bitcoin enthusiast Michael Saylor's South Florida home for a VIP dinner.

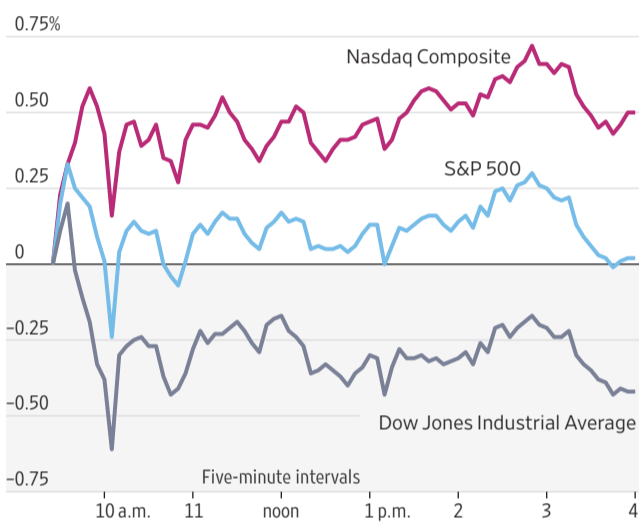
He was hoping Saylor would decide to buy it.

AUCTION RESULTS

Here are the results of Monday's Treasury auctions. All bids are awarded at a single price at the market-clearing yield. Rates are determined by the difference between that price and the face value.

	13-Week	26-Week
Applications	\$151,649,754,600	\$165,132,414,300
Accepted bids	\$62,835,029,600	\$59,528,059,300
* noncomp	\$2,006,280,100	\$1,815,261,100
* foreign noncomp	\$10,000,000	\$0
Auction price (rate)	98.672917 (5.250%)	97.371917 (5.170%)
	5.409%	5.398%
Bids at clearing yield accepted	36.59%	75.83%
	912796244	912797716

Index performance Monday



Source: FactSet

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# HEARD ON THE STREET

FINANCIAL ANALYSIS & COMMENTARY

## Even Top Property Owners Can Default

Powerful investors such as Brookfield are starting to cut losing real-estate bets to protect returns

Even if the property world gets rockier, landlords with deep pockets should be able to service their debts. That doesn't mean they will.

Optimists point out today's real-estate troubles aren't as serious as in the 2008 crash. For one, property investors are more creditworthy than the overly indebted and flighty homeowners who got banks into hot water during the global financial crisis. Of all the loans that Fannie Mae issued on single-family homes in 2007, around 16% wound up in default. Delinquency rates for commercial property are close to record lows today, although they are rising. And loan-to-value ratios are lower than they were 15 years ago, so owners with more equity in their properties will find it painful to walk away. But recent high-profile defaults show creditors face risks even from star borrowers.

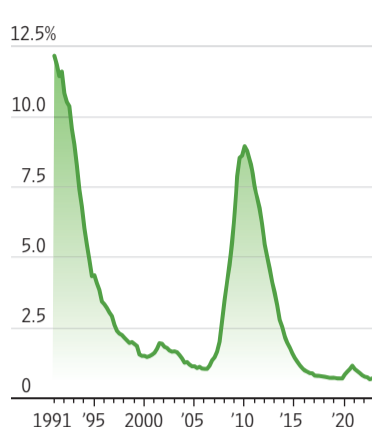
**Brookfield Asset Management**, with \$825 billion in assets, skipped payment on a property, and not the

first one in this cycle: This time it was a \$275 million loan on the EY Plaza office building in Los Angeles, according to Trepp. The delinquent loan is in the same portfolio as a pair of offices tied to more than \$750 million of debt that Brookfield defaulted on earlier this year. It also missed payments on a smaller loan on offices in Washington, D.C.

Pimco-owned Columbia Property Trust defaulted on a \$1.7 billion office loan earlier this year. **Blackstone** sent two loans on a Manhattan office block and residential building to special servicing, where a third party steps in to manage debts at risk of not being paid off. Among a Trepp list of office loans valued at \$7.7 billion that have been sent to special servicing, more than one-quarter is owed by big names.

In some situations, powerful owners will be less willing to support a property through a rough patch than a small landlord. Family owners may tolerate being out of

Delinquency rate on U.S. commercial real-estate loans



Source: Board of Governors of the Federal Reserve System (US)

pocket for a time if they plan to hang on to a building long term. The consequences of a foreclosure can be more severe for small borrowers. Heavyweights should be

able to get another loan at a good price, even after a default. If a property is no longer hitting the return hurdle that the likes of Brookfield needs to satisfy its limited partners, they may decide to cut their losses.

"The thinking was that the institutions would be the last to give the keys back, but it may be the other way around in some cases," says Rachel Vinson, president of debt & structured finance in the U.S. at CBRE. She adds institutional investors that have a responsibility to act in their investors' best interest will be laser-focused on the numbers.

An analysis of the delinquent EY Plaza loan by CRED iQ senior managing director Marc McDevitt shows that the Brookfield-owned building was 76% full at the end of last year. Net operating income rose 2.4% in 2022, but mortgage payments jumped 47%. It looks like Brookfield hit the brakes quickly—perhaps as soon as the debt-service-coverage-ratio slipped below 1 and repay-

ments on its mortgage would have to come from its own pocket.

The cost of interest-rate hedges is another major problem to watch. Around one-third of all commercial real-estate lending in the U.S. is floating rate, according to CRED iQ. Most lenders of variable-rate debt require borrowers to buy an interest-rate cap that limits their exposure to rising rates. A borrower with a 2% cap will receive a payout when a rate benchmark such as the Secured Overnight Financing Rate goes above this level to cover its higher debt costs.

Replacing these hedges once they expire is now very expensive. A three-year cap at 3% for a \$100 million loan cost \$23,000 in 2020. A one-year extension now costs \$2.3 million, according to data from risk adviser Derivative Logic. Property investors that can't or won't shell out these eye-watering amounts might opt to default.

—Carol Ryan

## Netflix Could Use Some Freeloaders

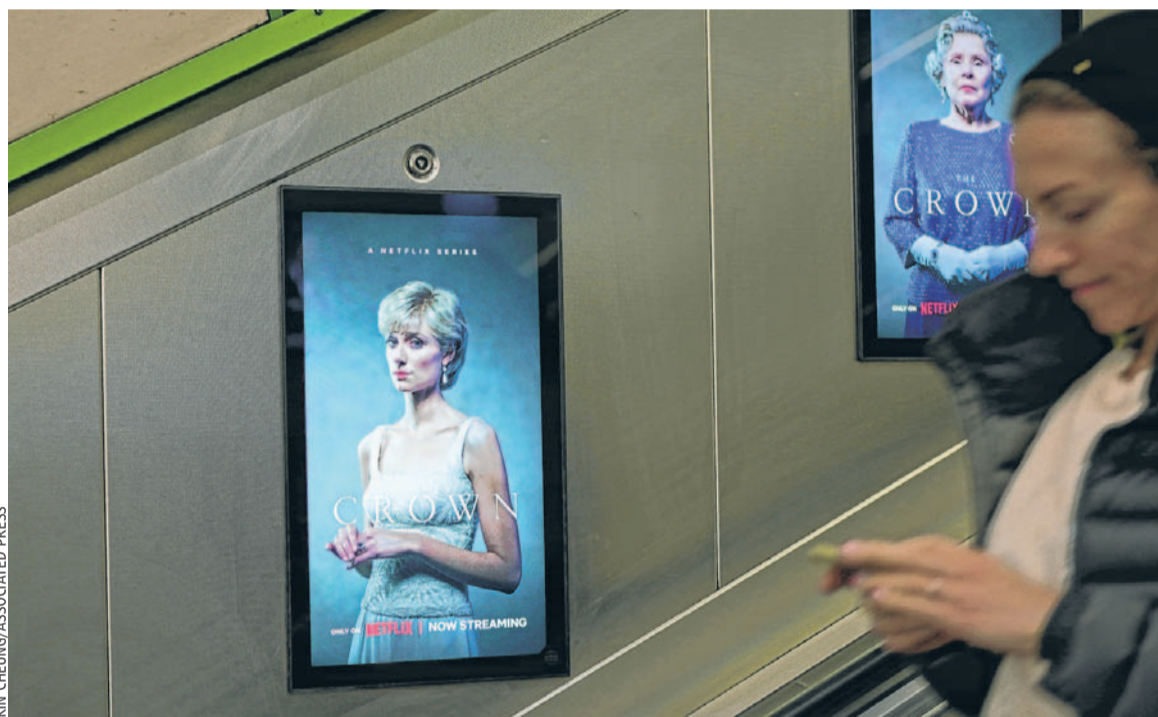
**Netflix** wants to build up an advertising business while cracking down on those who use the service free. It will be a delicate dance.

Just how delicate was on display last week when Netflix made its first showing at the annual TV ad confab known as the Upfronts. The strike by the Writers Guild of America compelled Netflix to keep the event virtual, but the company managed to make a splash. The ad-supported tier, which launched late last year, has nearly five million monthly active users, while more than a quarter of new Netflix sign-ups are choosing the ad plan, the company said.

That sent Netflix shares up more than 9% the day after the presentation. Wall Street has been watching for signs of traction in the ad tier, especially since Netflix disclosed in its first-quarter earnings call a month ago that ad-supported subscribers in the U.S. bring in a higher average revenue per user than its standard ad-free plan costing more than twice as much.

Netflix has been trying to tamp down expectations even before launching the ad-supported service. Executives frequently deployed the "crawl, walk, run" analogy to describe its approach to a business the streamer avoided for its first 15 years of existence.

Still, analysts expect Netflix to generate nearly \$1.3 billion in ad-supported revenue this year, which would be a little less than 4% of the company's projected total revenue, according to consensus forecasts from Visible Alpha. That contribution is expected to rise to about 20% by 2027.



Analysts expect Netflix to generate nearly \$1.3 billion in ad-supported revenue this year.

Getting there might require more than those paying for an ad-supported service. The company's disclosure last year that more than 100 million global households were sharing the accounts of its 222 million paid subscribers strongly suggests that a good portion of those five million monthly active users for the ad tier aren't paying for the privilege either. But exactly how many requires guesswork. In a note to clients, analyst Mark Mahaney of Evercore ISI said five million MAUs likely equates to about two million

to three million actual subscribers. Market-research firm Antenna estimates a little over one million U.S. subscribers signed up for Netflix's ad plan by the end of April.

Keeping as many ad-supported viewers as it can will be crucial as Netflix tries to crack down on password sharing. It expects to roll out new account-sharing plans widely before the end of June. Those would allow subscribers to share accounts with others outside their households for a charge. Those plans' pricing could have

the effect of driving more into the ad-supported option. In Canada—an early test market for the account-sharing option—adding another user boosts the monthly cost of the Netflix standard plan by 52%. The Canadian ad tier has no account-sharing option but allows for two devices to be viewing simultaneously at less than half the monthly cost of the standard plan. Netflix might be tired of entertaining 100 million homes free, but, in the ad world, all eyes have value.

—Dan Gallagher

## Why Big Oil Likes Small Deals

**Chevron** has plenty of financial firepower, but it prefers not to use it all in one place.

The oil major on Monday said it would acquire **PDC Energy**, an oil-and-gas producer in Colorado and Texas, in an all-stock transaction valued at \$6.3 billion, or \$72 a share. The deal further bolsters Chevron's presence in the DJ Basin in Colorado.

The price is right: Chevron is paying a 14% premium to PDC Energy's 10-day average price ended May 19. What the deal terms highlight is the potential value that energy companies might find in smaller operators.

PDC's valuation had been trailing historical multiples and those of the broader energy industry. Its enterprise value was roughly 2.8 times forward earnings before interest, taxes, depreciation and amortization—29% cheaper than a broad basket of exploration and production companies and about half of Chevron's valuation on the same measure.

On a call discussing the transaction Monday, Chevron Chief Executive Officer Mike Wirth said the market seems to be assigning a discount to companies with concentration risk. PDC Energy CEO Bart Brookman said on the call that the discount is a "chronic problem," adding that there has been a "compression" in multiples for pretty much all PDC's small-to-mid-cap energy peers.

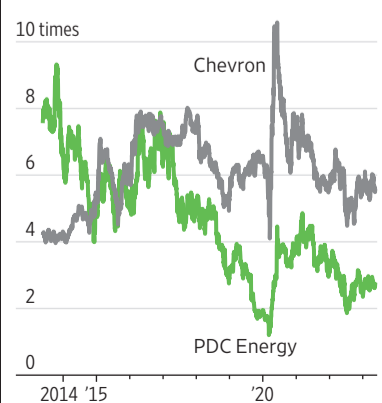
They got a lift Monday: **SM Energy**, a Texas-based company with a roughly \$3.4 billion market capitalization, saw its share price surge 5.5%. Shares of DJ Basin-based **Civitas Resources** and Delaware Basin-focused **Matador Resources** climbed 2.8% and 3.6%, respectively. Notably, the valuation gap for smaller energy companies relative to the overall industry has broadened recently.

The EV/forward Ebitda multiple on a small-cap index of energy stocks, which includes U.S. producers and energy service firms, is about 13% lower than a broader index of U.S. energy stocks. Over the past decade, the small-cap index has on average commanded a slight premium.

Energy giants might continue helping themselves to value that stock-market investors have left on the table.

—Jinjo Lee

Enterprise value as a multiple of forward earnings\*



\*Before interest, taxes, depreciation and amortization Source: FactSet

## Japan Bets Big on Micron—and Own Chip Ambitions

The U.S. and China's war for chip supremacy continued apace this weekend. Japan—an old hand in the chip industry—could benefit. But probably only if it solves other structural problems that are also bedeviling America's own chip plans: scarce chip-making engineering talent and high labor costs among them.

Two big pieces of news on U.S. memory-chip maker **Micron Technology** highlight both the opportunity and some of the roadblocks.

On Sunday, China said Micron's products pose a major national security risk—and banned them from key information infrastructure. China began a cybersecurity probe into the company two months ago, in a move that was widely viewed as a response to escalating U.S. restrictions on China's chip sector. And after leaders of the G-7 industrialized countries took a tough stance against China in Japan this weekend, a poor outcome for Micron in China looked all but guaranteed.

Meanwhile, in an interesting counterpoint, Micron last week said it would invest about \$3.6 billion in advanced memory-chip making in Japan. Executives from other semiconductor companies like **Intel**, **Taiwan Semiconductor Manufacturing** and **Samsung** were also in Japan last week to meet with Prime Minister Fumio Kishida.

The trend of diversifying semiconductor supply chains keeps



Micron is investing in advanced memory-chip making in Japan; a Virginia plant.

gathering steam. But it also comes as semiconductor prices themselves are in a weak patch.

And that is before a big coming wave of new capacity as the U.S., Europe, China and other Asian competitors all wade in to further subsidize their own industries.

The U.S., for example, will hand out \$53 billion under the Chips Act. Japan is also courting global chip makers, and subsidizing a new semiconductor company called Rapidus, backed by some of the country's leading companies like **Sony** and **Toyota Motor**, to design and build

next-generation chips. Although it was a dominant force in chip making in the 1980s, Japan has fallen behind its neighbors Taiwan and South Korea in the most advanced semiconductor manufacturing nodes. Japan had just a 9% share of the global semiconductor market in 2021, according to the Semiconductor Industry Association.

But the country still boasts many important companies along the semiconductor supply chain: Sony for image sensors and **Kioxia** for memory chips, for example. That could make it an attractive

destination for companies looking to diversify away from China.

Semiconductor equipment is a particular stronghold. Japanese companies accounted for 27% of value added in the global semiconductor equipment market in 2021, according to the Semiconductor Industry Association. **Tokyo Electron** is the dominant player in equipment for coating and developing photoresist, a type of light-sensitive material, on silicon wafers. Other equipment makers like **Disco** and **Nikon** are also crucial suppliers of chip-making equipment.

Japan is also a dominant player in the materials used to make semiconductors. Companies like Tokyo Ohka Kogyo and JSR are the leading manufacturers of photoresist. **Sumco** and **Shin-Etsu Chemical** are the top makers of silicon wafers.

A shortage of skilled engineers—combined with an aging population and higher wages than nearby countries—are significant roadblocks to rapidly ramping up Japan's chip-making sector. Clever use of automation, another area where Japan is a leader, could also help.

Nothing is guaranteed, and competition in the high-end chip-making sector is likely to get even more intense. But if it can solve its labor problems with immigration reform or other means, Japan probably has a fighting chance to re-establish itself as a chip-making competitor.

—Jacky Wong