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Drug Lobby Pushed Letter by Senators on Medicare

By SHERYL GAY STOLBERG

WASHINGTON, July 28 — When the House voted last week to let Americans import less expensive medicines from Canada and Europe, 53 senators signed a letter opposing the legislation, a letter that the industry trade group, which vigorously opposed the measure, hailed as proof of its argument that the bill would jeopardize patient safety.

What the trade group, the Pharmaceutical Research and Manufacturers Association, did not say, at the time, was that it helped coordinate the signature campaign.

The Senate "Dear Colleague" letter, timed to coincide with passage of the House bill, will have an important role in whether the import measure survives a conference with the Senate on a larger drug benefits package. Several conferees, including Senators Orrin G. Hatch of Utah and Don Nickles of Oklahoma, both Republicans, are among the signers.

The trade group's involvement in gathering signatures, detailed in a document obtained by The Times, is not a surprise. It offers a glimpse into the aggressive efforts by the pharmaceutical manufacturers to defeat the import provision. That section would require the Food and Drug Administration to create a system for consumers, pharmacists and wholesalers to import less expensive drugs from Canada and Europe.

In the letter, apparently intended for Senate Republican aides, Derrick M. White, director of federal affairs for the trade group, wrote that he was helping Senator Rick Santorum, Republican of Pennsylvania, with "the logistics of getting this 'Dear Colleague' out to as many offices as possible in as short a time period."

Mr. White declined to comment. Spokesmen for the trade group, known as Pharma, did not return calls. Mr. Santorum said he had initiated the letter and had asked the trade group to help circulate it.

"I don't have time to run around and get all these people to sign it," the senator said.

The bill, which the House passed early Friday morning, 243 to 186, is one of the most contentious issues of the year. Republican leaders did not back the bill, but were forced to bring it up for consideration when Representative Jo Ann Emerson, Republican of Missouri, insisted on it in exchange for her vote on the larger Medicare drug bill.

A similar measure passed the Senate as part of its Medicare package. But that version requires the secretary of health and human services to certify that the imports "pose no additional risk" to consumers, a condition that effectively prevents the program from taking effect, because the Bush administration says it will not issue the certification. The House bill does not have the certification requirement, which is why the industry is fighting so hard to kill it.

The pharmaceutical manufacturers went to great lengths in their efforts to defeat the House bill. They sent an army of lobbyists to Capitol Hill to try to persuade lawmakers to vote against it, and they joined forces with abortion opponents in a direct-mail campaign focused on conservative House members, warning that the import bill would make the RU-486 abortion pill "as easy to get as aspirin." The mailer was based on a legal memorandum prepared by lawyers for the trade group.

"This is a multiarmed octopus we're dealing with," said Representative Gil Gutknecht, the Minnesota Republican who is the chief sponsor of the measure. Referring to the trade group, Mr. Gutknecht added, "All roads lead to Pharma."

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