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In House, Many Spoke With One Voice: Lobbyists'

By ROBERT PEAR

WASHINGTON — In the official record of the historic House debate on overhauling health care, the speeches of many lawmakers echo with similarities. Often, that was no accident.

Statements by more than a dozen lawmakers were ghostwritten, in whole or in part, by Washington lobbyists working for Genentech, one of the world's largest biotechnology companies.

E-mail messages obtained by The New York Times show that the lobbyists drafted one statement for Democrats and another for Republicans.

The lobbyists, employed by Genentech and by two Washington law firms, were remarkably successful in getting the statements printed in the Congressional Record under the names of different members of Congress.

Genentech, a subsidiary of the Swiss drug giant Roche, estimates that 42 House members picked up some of its talking points — 22 Republicans and 20 Democrats, an unusual bipartisan coup for lobbyists.

In an interview, Representative Bill Pascrell Jr., Democrat of New Jersey, said: "I regret that the language was the same. I did not know it was." He said he got his statement from his staff and "did not know where they got the information from."

Members of Congress submit statements for publication in the Congressional Record all the time, often with a decorous request to "revise and extend my remarks." It is unusual for so many revisions and extensions to match up word for word. It is even more unusual to find clear evidence that the statements originated with lobbyists.

The e-mail messages and their attached documents indicate that the statements were based on information supplied by Genentech employees to one of its lobbyists, Matthew L. Berzok, a lawyer at Ryan, MacKinnon, Vasapoli & Berzok who is identified as the "author" of the documents. The statements were disseminated by lobbyists at a big law firm, Sonnenschein Nath & Rosenthal.

In an e-mail message to fellow lobbyists on Nov. 5, two days before the House vote, Todd M. Weiss, senior managing director of Sonnenschein, said, "We are trying to secure as many House R's and D's to offer this/these statements for the record as humanly possible."

He told the lobbyists to "conduct aggressive outreach to your contacts on the Hill to see if their bosses would offer the attached statements (or an edited version) for the record."

In recent years, Genentech's political action committee and lobbyists for Roche and Genentech have made campaign contributions to many House members, including some who filed statements in the Congressional Record. And company employees have been among the hosts at fundraisers for some of those lawmakers. But Evan L. Morris, head of Genentech's Washington office, said, "There was no connection between the contributions and the statements."

Mr. Morris said Republicans and Democrats, concerned about the unemployment rate, were receptive to the company's arguments about the need to keep research jobs in the United States.

The statements were not intended to change the bill, which was not open for much amendment during the debate. They were meant to show bipartisan support for certain provisions, even though the vote on passage generally followed party lines.

Democrats emphasized the bill's potential to create jobs in health care, health information technology and clinical research on new drugs.

Republicans opposed the bill, but praised a provision that would give the Food and Drug Administration the authority to approve generic versions of expensive biotechnology drugs, along the lines favored by brand-name companies like Genentech.

Lawmakers from both parties said it was important to conduct research on such “biosimilar” products in the United States. Several took a swipe at aggressive Indian competitors.

Asked about the Congressional statements, a lobbyist close to Genentech said: “This happens all the time. There was nothing nefarious about it.”

In separate statements using language suggested by the lobbyists, Representatives Blaine Luetkemeyer of Missouri and Joe Wilson of South Carolina, both Republicans, said: “One of the reasons I have long supported the U.S. biotechnology industry is that it is a homegrown success story that has been an engine of job creation in this country. Unfortunately, many of the largest companies that would seek to enter the biosimilar market have made their money by outsourcing their research to foreign countries like India.”

In remarks on the House floor, Representative Phil Hare, Democrat of Illinois, recalled that his family had faced eviction when his father was sick and could not make payments on their home. He said the House bill would save others from such hardship.

In a written addendum in the Congressional Record, Mr. Hare said the bill would also create high-paying jobs. Timothy Schlittner, a spokesman for Mr. Hare, said: “That part of his statement was drafted for us by Roche pharmaceutical company. It is something he agrees with.”

The boilerplate in the Congressional Record included some conversational touches, as if actually delivered on the House floor.

In the standard Democratic statement, Representative Robert A. Brady of Pennsylvania said: “Let me repeat that for some of my friends on the other side of the aisle. This bill will create high-paying, high-quality jobs in health care delivery, technology and research in the United States.”

Mr. Brady’s chief of staff, Stanley V. White, said he had received the draft statement from a lobbyist for Genentech’s parent company, Roche.

“We were approached by the lobbyist, who asked if we would be willing to enter a statement in the Congressional Record,” Mr. White said. “I asked him for a draft. I tweaked a couple of words. There’s not much reason to reinvent the wheel on a Congressional Record entry.”

Some differences were just a matter of style. Representative Yvette D. Clarke, Democrat of New York, said, “I see this bill as an exciting opportunity to create the kind of jobs we so desperately need in this country, while at the same time improving the lives of all Americans.”

Representative Donald M. Payne, Democrat of New Jersey, used the same words, but said the bill would improve the lives of “ALL Americans.”

Mr. Payne and Mr. Brady said the bill would “create new opportunities and markets for our brightest technology minds.” Mr. Pascrell said the bill would “create new opportunities and markets for our brightest minds in technology.”

In nearly identical words, three Republicans — Representatives K. Michael Conaway of Texas, Lynn Jenkins of Kansas and Lee Terry of Nebraska — said they had criticized many provisions of the bill, and “rightfully so.”

But, each said, “I do believe the sections relating to the creation of a market for biosimilar products is one area of the bill that strikes the appropriate balance in providing lower cost options.”

Notes

¹<http://www.nytimes.com/2009/11/15/us/politics/15health.html?hp>