**Summary of Findings**

In February 2012, Brian Bilbray wrote H.R 4056, a bill that would prevent states from conducting inspections of drug warehouses, factories, and medical device warehouses. The bill would benefit pharmaceutical companies and help them get their product to market faster.

California is the only state that performs state inspections in addition to those conducted by the FDA. This bill would only benefit Pharmaceutical companies with facilities in California.

Pharmaceutical companies with drug warehouses in California would inherently benefit from this legislation.

If a company lobbied on the bill, it is understood as having a financial interest in the legislation.

In total, pharmaceutical companies that lobbied for the bill gave Bilbray $15,000 this cycle through their political action committees. Pharmaceutical companies with facilities in California gave Bilbray $19,000 this cycle through their political action committees. The timing of some of the donations show potential for pay to play.

There is a correlation between contributions from the pharmaceutical industry and the number of bills Bilbray has introduced that pertain to the industry.

In the 112th Congress, Bilbray introduced seven bills that pertained to the pharmaceutical industry, and he received $124,000 from them during the 2012 cycle.

In the 111th Congress, Bilbray introduced one bill that pertained to the pharmaceutical industry, and he received $67, 675 from the industry.

In the 109th and 110th Congresses, Bilbray did not introduce legislation pertaining to the pharmaceutical industry, and Bilbray received $53, 400 and $46,650 in those cycles respectively.

**On February 16, 2012, Bilbray Introduced a Bill to Prevent the State of California from Inspecting Drug and Medical Device Warehouses and Factories**

In February 2012, Bilbray introduced HR 4056, the “Science and Technology Regulatory Relief Act of 2012.”

The legislation would prohibit any state or political subdivision from requiring inspection of a factory, warehouse, or establishment to comply with Public Health Service Act requirements. The bill was meant to erase duplicative inspections and help life science and medical technology companies get their product to market quicker. [HR 4056, [2/16/12](http://thomas.loc.gov/cgi-bin/thomas); North County Times, [2/22/12](http://www.nctimes.com/business/bilbray-introduces-bill-to-reduce-life-science-regulation/article_2ac75be8-e509-5500-8373-aeee7d0155f0.html)]

The bill had six co-sponsors, all from southern California, including Democratic representative Susan Davis. The bill was referred to the House Committee on Energy and Commerce. [HR 4056, [2/16/12](http://thomas.loc.gov/cgi-bin/thomas)]

The bill would only apply to pharmaceutical companies in California, as California is the only state that conducts its own inspections in addition to the FDA. [pharmalot.com, [accessed 10/01/2012](http://www.pharmalot.com/2012/02/who-needs-pesky-state-plant-inspections-anyway/)]

**Bilbray Took $15,000 from Companies that Lobbied on the Bill in 2012**

Bilbray received $15,000 from companies that lobbied on the bill through their political action committees. Of the $15,000, $13,000 was donated 5 months after Bilbray introduced the bill on February 16th, 2012.

Moreover, on February17 2012, a day after Bilbray introduced the bill, he received a $5,000 donation from Exxon Mobil Corporation PAC. [CQ Money Line, accessed 9/24/12]

**This is the First Cycle that the Advanced Medical Technology Association and Boston Scientific Corporation PACs Donated to Bilbray**

The 2012 cycle marks the first time that the Advanced Medical Technology Association PAC and Boston Scientific PAC donated to Bilbray.

|  |  |  |
| --- | --- | --- |
| **Company** | **Amount** | **Date** |
| Advanced Medical Technology Association PAC | $1,000 | 3/29/11 |
| Advanced Medical Technology Association PAC | $1,000 | 6/07/12 |
| Boston Scientific Corporation PAC | $1,000 | 3/07/11 |
| Boston Scientific Corporation PAC | $1,000 | 4/17/12 |
| Boston Scientific Corporation PAC | $1,000 | 6/13/12 |
| Exxon Mobil Corporation PAC | $5,000 | 7/24/12 |
| Exxon Mobil Corporation PAC | $5,000 | 2/17/12 |
| **TOTAL** | $15,000 |  |

[CQ Money Line, accessed 9/21/12]

**Bilbray Had Previously Taken $33,000 from These Same Companies over the Course of His Congressional Career**

From 1994 to 2010, Bilbray received $33,000 from groups who lobbied for the bill, but only $1,000 came from Boston Scientific; the rest came from Exxon Mobile Corporation PAC.

|  |  |  |
| --- | --- | --- |
| **Company** | **Date** | **Amount** |
| Boston Scientific Corporation PAC | 4/22/10 | $1,000 |
| Exxon Mobil Corporation PAC | 9/07/10 | $2,000 |
| Exxon Mobil Corporation PAC | 10/23/08 | $2,000 |
| Exxon Mobil Corporation PAC | 11/05/07 | $1,000 |
| Exxon Mobil Corporation PAC | 4/25/06 | $2,500 |
| Exxon Mobil Corporation PAC | 6/09/06 | $2,500 |
| Exxon Mobil Corporation PAC | 7/31/00 | $4,000 |
| Exxon Mobil Corporation PAC | 1/27/00 | $3,500 |
| Exxon Mobil Corporation PAC | 6/02/00 | $1,000 |
| Exxon Mobil Corporation PAC | 6/28/99 | $1,000 |
| Exxon Mobil Corporation PAC | 6/09/99 | $500 |
| Exxon Mobil Corporation PAC | 8/25/98 | $3,500 |
| Exxon Mobil Corporation PAC | 9/24/98 | $1,000 |
| Exxon Mobil Corporation PAC | 2/27/98 | $500 |
| Exxon Mobil Corporation PAC | 9/12/97 | $500 |
| Exxon Mobil Corporation PAC | 7/06/98 | $500 |
| Exxon Mobil Corporation PAC | 9/30/96 | $1,500 |
| Exxon Mobil Corporation PAC | 10/08/96 | $1,500 |
| Exxon Mobil Corporation PAC | 10/10/95 | $500 |
| Exxon Mobil Corporation PAC | 3/08/96 | $500 |
| Exxon Mobil Corporation PAC | 5/07/96 | $500 |
| Exxon Mobil Corporation PAC | 10/08/96 | -$1,500  |
| Exxon Mobil Corporation PAC | 10/14/94 | $3,000 |
| **TOTAL** |  | **$33,000** |

[CQ Money Line, accessed 9/26/12]

**Took $19,000 from Pharmaceutical Companies with Facilities in California**

During the 2012 cycle, Bilbray took $19,000 in PAC money from pharmaceutical companies with facilities in California. $10,000 was contributed after Bilbray introduced the bill.

Abbot Laboratories has medical device facilities in California. [Abbot Laboratories, [accessed 10/01/2012](https://www.abbott.com/global/url/content/en_US/10.40.280%3A280/general_content/Global_Location_Profile_0066.htm)]

Life Technologies Corporation has several manufacturing facilities in California. [Life Technologies Corporation, [accessed 10/01/2012](http://www.lifetechnologies.com/us/en/home/products-services/services/out-licensing-and-oem-sales/facilities_and_capabilities.html)]

|  |  |  |
| --- | --- | --- |
| **Company** | **Date** | **Amount** |
| Abbott Laboratories Employee PAC | 3/03/11 | $4,000 |
| Abbott Laboratories Employee PAC | 5/14/12 | $3,000 |
| Abbott Laboratories Employee PAC | 4/12/12 | $2,000 |
| Abbott Laboratories Employee PAC | 11/17/11 | $1,000 |
| Life Technologies Corporation Employees PAC | 5/14/12 | $5,000 |
| Life Technologies Corporation Employees PAC | 3/16/11 | $2,000 |
| Life Technologies Corporation Employees PAC | 10/06/11 | $2,000 |
| **TOTAL** |  | **$19,000** |
| **Previous Cycles** |  |  |
| **Company** | **Date** | **Amount** |
| Abbott Laboratories Employee PAC | 5/11/10 | $2,000 |
| Abbott Laboratories Employee PAC | 7/19/10 | $2,000 |
| Abbott Laboratories Employee PAC | 8/17/09 | $1,000 |
| Life Technologies Corporation Employees PAC | 8/12/09 | $2,000 |
| Life Technologies Corporation Employees PAC | 8/30/10 | $2,000 |
| Life Technologies Corporation Employees PAC | 5/20/09 | $2,000 |
| Life Technologies Corporation Employees PAC | 6/28/10 | $1,000 |
| Life Technologies Corporation Employees PAC | 4/06/10 | $1,000 |
| Life Technologies Corporation Employees PAC | 4/06/10 | $1,000 |
| Abbott Laboratories Employee PAC | 7/17/08 | $1,500 |
| Abbott Laboratories Employee PAC | 5/08/07 | $1,000 |
| Life Technologies Corporation Employees PAC | 9/23/08 | $1,000 |
| Abbott Laboratories Better Government Fund | 8/21/98 | $500 |
| Abbott Laboratories Better Government Fund | 10/08/96 | $500  |
| **TOTAL** |  | **$18,500** |

[CQ Money Line, accessed 9/24/12]

**Bilbray Took More from Abbot Laboratories and Life Technologies in 2012 than All his Previous Campaigns Combined**

The amount of money Bilbray received this cycle from Abbott Laboratories Employee PAC and Life Technologies Corporation PAC is greater than the $18,500 he received from those PACs between 1996 and 2010.

**Bilbray Took $124,000 from Pharmaceutical Companies in the 2012 Cycle**

In the 2012 cycle, Bilbray took $124,000 from pharmaceutical companies. The pharmaceutical industry is his top contributor for the 2012 cycle. [opensecrets.org, [accessed 10/01/2012](http://www.opensecrets.org/politicians/industries.php?type=C&cid=N00006981&newMem=N&cycle=2012)]

**Bilbray Introduced Seven Bills Pertaining to the Pharmaceutical Industry in the 112th Congress**

Bilbray introduced seven bills that pertain to the pharmaceutical industry in the 112th Congress. [See Appendix]

**Bilbray Took $67,675 from the Pharmaceutical Industry in 2010 Cycle**

In the 2010 cycle, Bilbray took $67,675 from the pharmaceutical industry. [opensecrets.org, [accessed 10/01/2012](http://www.opensecrets.org/politicians/industries.php?cycle=2010&type=C&cid=N00006981&newMem=N&recs=20)]

**Bilbray Introduced One Bill Pertaining to the Pharmaceutical Industry in the 111th Congress**

Bilbray introduced one bill in the 111th congress that pertained to the pharmaceutical industry. [See Appendix]

**Took $46,650 from the Pharmaceutical Industry in the 2008 Cycle**

In the 2008 cycle, Bilbray took $46,650 from the pharmaceutical industry. [opensecrets.org, accessed [10/01/2012](http://www.opensecrets.org/politicians/industries.php?cycle=2006&type=C&cid=N00006981&newMem=N&recs=20); opensecrets.org, [accessed 10/01/2012](http://www.opensecrets.org/politicians/industries.php?cycle=2008&type=C&cid=N00006981&newMem=N&recs=20)]

**Did Not Introduce Legislation Pertaining to the Pharmaceutical Industry in the 110th Congress**

Bilbray did not introduce legislation pertaining to the pharmaceutical industry in the 110th Congresses. [Library of Congress, [accessed 10/01/2012](thomas.lov.gov)]

**Took $53,400 from the Pharmaceutical Industry in the 2006 Cycle**

In the 2006 cycle, Bilbray took $53,400 from the Pharmaceutical industry. [opensecrets.org, accessed [10/01/2012](http://www.opensecrets.org/politicians/industries.php?cycle=2006&type=C&cid=N00006981&newMem=N&recs=20)]

**Did Not Introduce Legislation Pertaining to the Pharmaceutical Industry in the 109th Congress**

Bilbray did not introduce legislation pertaining to the Pharmaceutical industry in the 109th Congress. [Library of Congress, [accessed 10/01/2012](thomas.lov.gov)

**Four Companies Lobbied for the Bill, Spending $5.917 Million**

Four companies lobbied for the bill, spending a combined $5.917 million. This total reflects the amount these companies spent lobbying on a wide range of issues, including lobbying expenditures on H.R 4056

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Client**  | **Lobbying Firm** | **Amount Spent** | **First Report Containing Bill** | **Most Recent/Final Report Containing Bill** |
| Advanced Medical Technology Assn | Advanced Medical Technology Assn | $937,755 | [6/30/12](http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=3E2977E6-6438-4693-B448-A65DE4403F56) | [6/30/12](http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=CCBC130C-807F-416A-8C26-B392C20B5C40) |
| Boston Scientific Corp | Boston Scientific Corp | $730,000 | [3/31/12](http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=68044203-3462-41EC-961A-51D5A64AC2DE) | [6/30/12](http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=61744EF2-4179-4ADE-8F30-BE64E636BECC) |
| Consumers Union of the US | Consumers Union of the US | $80,000 | [3/31/12](http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=A03A1539-EA07-49D6-8CFC-7AB965F7DAA5) | N/A |
| Exxon Mobil  | Exxon Mobil | $4,170,000 | [3/31/12](http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=97A6B859-802C-4336-9C79-770AF55B1F0D) | N/A  |
| **Total** |  | **$5,917,755** |  |  |

[Lobbying Disclosure Database, accessed 9/21/12]

**Appendix**

**Bilbray Introduced Seven Bills Pertaining to the Pharmaceutical Industry in the 112th Congress**

On February 16, 2011, Bilbray introduced legislation (H.R 734) to repeal the tax on medical devices. It was referred to the Committee on Ways and Means. [Library of Congress, [accessed 10/01/2012](http://hdl.loc.gov/loc.uscongress/legislation.112hr734)]

On May 12, 2011, Bilbray introduced legislation (H.R 1862) that would establish a Regenerative Medicine Coordinating Council. The council would be tasked with “preparing a national strategy to support research into regenerative medicine and the development of drugs, biological products, medical devices, and biomaterials for use in regenerative medicine.” It was referred to the Subcommittee on Health for the Committee on Energy and Commerce. [Library of Congress, [accessed 10/01/2012](http://thomas.loc.gov/cgi-bin/bdquery/z?d112:H.R.1862:@@@D&amp;summ2=m&amp;)]

On October 14, 2011, Bilbray introduced legislation (H.R 3203) that would streamline the process for requesting “*de novo”* classification for a medical device. “The de novo review process is a compromise between the 510(k) clearance process and the more rigorous premarket application (“PMA”) approval process, generally reserved for higher risk devices.  It was added to the FDC Act to address novel devices that lack a predicate device but pose only a low to moderate risk, making them ill-suited to the PMA process.” The bill was referred to the Subcommittee on Health for the Committee on Energy and Commerce. [Library of Congress, [accessed 10/01/2012](http://www.fdalawblog.net/fda_law_blog_hyman_phelps/2011/10/proposed-statutory-change-could-make-de-novo-process-more-appealing.html); Hyman, Phelps, and McNamara FDA Law Blog, [accessed 10/01/2012](http://www.fdalawblog.net/fda_law_blog_hyman_phelps/2011/10/proposed-statutory-change-could-make-de-novo-process-more-appealing.html)]

On February 16, 2012, Bilbray introduced legislation (H.R 4056) to prohibit states from inspecting drug warehouses. The bill was referred to the Subcommittee on Health for the Committee on Energy and Commerce. [Library of Congress, [accessed 10/01/2012](http://hdl.loc.gov/loc.uscongress/legislation.112hr3203)]

On May 7, 2012, Bilbray introduced legislation (H.R 5334) to expedite the review of drugs for life-threatening diseases or substantial improvement over existing treatments. The bill was referred to the Subcommittee on Health for the Committee on Energy and Commerce. [Library of Congress, [accessed 10/01/2012](http://thomas.loc.gov/cgi-bin/bdquery/z?d112:H.R.5334:@@@D&amp;summ2=m&amp;)]

On August 2,2012, Bilbray introduced legislation (H.R 6288) to “fast-track” drugs for life threatening diseases. The bill was referred to the Subcommittee on Health for the Committee on Energy and Commerce. [Library of Congress, [accessed 10/01/2012](http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.6288.IH:/)]

On September 21, 2012, Bilbray introduced H.R 6502. The text of this bill is not accessible as of 10/01/2012. Its short title is “To amend title V of the Federal Food, Drug, and Cosmetic Act to provide for extensions of marketing exclusivity periods for drugs in certain combinations of such drugs, and for other purposes.” The bill was referred to the Committee on Energy and Commerce. [Library of Congress, [accessed 10/01/2012](http://hdl.loc.gov/loc.uscongress/legislation.112hr6502)]

**Bilbray Introduced One Bill Pertaining to the Pharmaceutical Industry in the 111th Congress**

On June 28, 2010, Bilbray introduced legislation (H.R 5615) to repeal the tax on medical devices. The bill was referred to the Committees on Appropriations and Ways and Means. [Library of Congress, [accessed 10/01/2012](http://www.opensecrets.org/politicians/industries.php?cycle=2010&type=C&cid=N00006981&newMem=N&recs=20)]