

How Do Campaign Contributions from Pharmaceutical Manufacturers Influence
Senators' Policy Decisions?

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Abstract

This paper examines the influence of the main interest groups in the debate over amending Section 936 of bill HR 4210, a bill that grants tax credits to American manufacturers with sites in Puerto Rico. The amendment proposed to place stipulations on the pharmaceutical manufacturers' eligibility for the credit to lower the cost of prescription drugs. Using the Logit model, the effects of each of these groups is seen on the voting behavior of the senators of the 101st Congress on this bill. The study concluded that the main factor affecting voting outcomes for senators on Section 936 was party affiliation.

Introduction

High drug prices have drawn the attention of legislators and consumers for decades (Pryor, 1992). Senator Pryor cites the inflation of drug prices as 142 % within the 1980's, a number that is in sharp contrast with the general rate of inflation at 46%. Between 1982 and 1992 the producer price index for prescription drugs rose 8.4 %, compared to a 1.6 % increase for all other commodities (Scherer, 1993). With an inflation rate triple that for the economy as a whole, it may come as no surprise that drug companies during the time were making profits three times as great as those on the Fortune 500 (Freudenheim, 1992).

What is the drug industry's competitive advantage over others? High prices and tax credits from the federal government. Drugs can be manufactured in Puerto Rico at a fraction of manufacturing costs in the United States, due a section of the Tax code in Section 936 of bill HR 4210 that offers pharmaceutical companies a subsidy of \$70, 788 per year for every Puerto Rican employee (GAO, 1992). As the average employee salary in Puerto Rico is only about \$25, 000, this is a valuable subsidy to pharmaceutical companies, and one they are willing to pay to protect (Pryor, 2006).

Given this information, it seems fitting that drug companies with multiple manufacturing facilities located in Puerto Rico are among the top contributors to politicians who make decisions on whether or not to keep this tax credit freely available to them. Pfizer alone, with 8 facilities in Puerto Rico, contributed over \$175,000 in congressional campaign contributions in 1992 (Pfizer, 2006). With such considerable donations from the pharmaceutical industry, it should come as no surprise that legislation

to control drug prices and limit government subsidies to pharmaceutical manufacturers has consistently been set aside.

On March 11, 1992, Senator David Pryor proposed one of the many pieces of legislation that sought to place restrictions on the inflation of drug prices in the early 1990's (Scherer, 1993). The amendment proposed changes to Section 936 of HR 4210, a federal income tax bill outlining tax credits for American-owned manufacturing plants in Puerto Rico. Section 936 was originally intended to stimulate employment and investment in Puerto Rico by enticing large corporations to locate manufacturing sites in the territory (Freudenheim, 1992).

The amendment to HR 4210 was a version of an earlier bill proposed many times in the senate, S. 2000, that had never gained enough support to have been voted on. The amendment proposed limiting eligibility for the tax credit to only those manufacturers who kept their drug price inflation rates in line with the general rate of inflation in the US. The proposed amendment, like S.2000, also sought to establish a Prescription Drug Prices Review Board led by U.S. government officials (Scherer, 1993). After extensive discussion of the amendment, the policy was tabled (legislation was postponed) by a vote of 61 – 36. Senators Inouye, Harkin, and Reigle were excluded from these figures as they abstained from the voting process (Pryor, 1992).

The Debate

While Senator Pryor was not successful in his attempts to persuade the senate, he did appeal to his cause passionately and thoroughly. “Enormous profits today are being

made, unconscionable profits are being made by the drug companies, who have taken advantage of the Tax Code for this country. Today should be a day of reckoning. It is a day of fairness...embodied in our tax code,” said Senator Pryor. In other words, supporters of the amendment felt fairness was due not only to the average American buying over-priced pharmaceuticals, but also to the American who pays higher taxes to support an industry that is already highly lucrative.

While the drug companies have been profiting, Americans have been hurting. Senator Pryor and his supporters insist that Section 936 takes advantage of the American public - particularly those most vulnerable to high drug costs. Middle to lower income families often can not afford the drugs they are prescribed, leaving large numbers of Americans without the medical care they need (Pryor, 1992). Among those hit the hardest are the elderly. People over the age of 65 fill five times as many prescriptions as working Americans (Brink, 2003), making them particularly susceptible to increases in drug prices.

According to Senator Pryor other manufacturers on the island also suffer distribution of the Section 936 tax credits; other manufacturing industries in Puerto Rico received far fewer dollars in tax exemptions. Other industries based on the island only receive about half to a third of the amount of tax credits that the pharmaceutical industry does, but somehow manage to generate many more jobs in the economy. While the bill provided the pharmaceutical industry with over half of the money awarded to operations in Puerto Rico in tax credits between 1980, they claimed only 15% of the jobs created under Section 936 during that same time period (GAO, 1992). In the eyes of Senator Pryor and those who supported the amendment to the bill, Section 936 robbed the

government of crucial tax money and disproportionately supported an industry that was not fulfilling the purpose of the bill by generating as many jobs as other operations in Puerto Rico (1992).

However, those who oppose the amendment don't attempt to deny these figures put forth by the 1992 GAO Report (Freudenheim, 1992). Senator Hatch and others simply reply that pharmaceutical manufacturers have "provided a powerful stimulus" to the economy in Puerto Rico. For example, Pfizer employs over 700 people on the island and for each of those people four additional jobs have been created. He adds that changing the administration of the tax code would alter "free market incentives" that have caused the pharmaceutical industry to flourish on the island. Such a disruption in the market may harm the Puerto Rican economy and damage the relationship the island has with the US (Freudenheim, 1992).

While those who oppose the amendment believe Section 936 offered relief to Puerto Ricans, the amendment based on S. 2000 would have "offered relief to millions of Americans" (Pryor, 1992). Because this legislation proposes to eliminate certain tax credits received by pharmaceuticals and place restrictions on drug prices, Americans would benefit not only by receiving cheaper drugs, but also by possibly paying less in taxes each year. Had this bill not been law between 1980 and 1990, the government would have received 10.1 billion dollars in taxes from the pharmaceutical industry that it did not get (GAO, 1992). Projected losses computed by the Congressional Budget Office due to Section 936 tax credits for the period of 1993 to 1997 amounted to over 15 billion dollars (GAO, 1992).

So why was legislation that would have brought large sums of money to the American government and helped many Americans tabled in the senate and never acknowledged again? If it is the responsibility of legislators to act in the best interest of their constituents, most of whom would benefit from greater availability of prescription drugs, why did so many senators vote to push the issue to the side? This paper examines the role of lobbying efforts by special interest groups and the impact on political decision making. Who, if anyone, has the greatest impact on how senators voted on the amendment to Section 936?

Special Interest Groups

While the amendment to Section 936 impacts all Americans by offering cheaper drug prices, the following five main interest groups are most likely to have the most stake in the outcome of the bill: (i) pharmaceutical manufacturers (ii) constituents of states where pharmaceutical manufacturing significantly contributes to the states economy (iii) senior citizens (iv) constituents of states with elevated healthcare spending and (v) fiscal conservatives. Because research grants and tax credits associated with R&D will not be touched by this bill, R&D advocates need not worry (Pryor, 1992).

Pharmaceutical manufacturers have enjoyed considerable profits due to their high prices for decades. Any drop in these prices is likely to result in greatly diminished profits and possibly cut backs in the labor force employed by these manufacturing giants. The proposed amendment impacts the four pharmaceutical manufacturers included in this analysis by either reducing the rate at which the manufacturer's price may increase or eliminating a valuable tax credit the manufacturer receives in Puerto Rico. Whether or

not manufacturers choose to adhere to the policy, the legislation would reduce profit margins for the pharmaceutical manufacturers if passed.

Large pharmaceutical manufacturers contribute sizable donations to senator's campaigns. Pharmaceutical manufacturers are most likely to donate to those senators that are likely to represent their interests in congress. Senators that do not support price regulation of the drug industry are more likely to receive donations. Also, senators receiving sizable donations are likely to represent their contributors' best interests in political decisions to keep receiving donations from them. Therefore, senators who receive the greatest amount of donations are most likely to vote no to a policy that would infringe upon the drug company profits.

Leadership, employees, and investors in pharmaceutical companies are likely to be directly impacted through a reduction in profits as a result of Section 936 amendment. The threat of major layoffs looms large for states where the economy is bolstered by the steady employment and high wages that pharmaceutical companies offer. Businesses within states like New Jersey are likely to suffer from an economic downturn if a sustaining economic force is disrupted within the state. For this reason, it is more likely that citizens from states like these want to protect the pharmaceutical industry's profits and that senators from these states may pander to these interests by voting to table the amendment to 936 to do so.

On the opposite side of the battle are those citizens more likely to benefit from a decrease in prescription drug prices: the elderly. Senior citizens with a limited income face the problem of paying for their often numerous prescription drugs to sustain their health. For this reason, lowering prescription drug prices would most greatly benefit the

senior citizen population of a state because they are more inclined to need prescription drugs and also to have more trouble affording them than other sectors of the population. Senators from states where a higher portion of the population is composed of senior citizens might be expected to pander to these interests by having a higher chance of voting for the amendment not to be tabled rather than senators from states without a large senior citizen population.

Senior citizens, however, are not the only sector of the population interested in lower costs for prescription drugs. State governments may also have a concern for statewide healthcare spending. If a particular state has a noticeably large portion of per capita spending devoted to prescription drugs, then senators from that state may be more likely to stand in favor of policies like the amendment to Section 936.

If the version of S. 2000 was instated, the government may serve to gain through a possible extra influx of tax money collected should the pharmaceutical companies find compliance is not cost effective. As a result, fiscally conservative senators and state legislatures are more likely to favor the amendment to the bill as the actions in the bill align with their core policy values – saving the government money.

Results

To analyze the impact of these various factors on how senators voted on the Section 936 amendment, a Logit analysis was performed. The analysis used a total of ten independent variables (Table 1) for which the reason for inclusion is described above. Due to the lack of information regarding individual campaign contributions from 1992, a

cumulative variable was included as one of these ten variables. The variable named Residual Campaign Contributions captured all donations from pharmaceutical manufacturers other than the ones made by Eli Lilly, Pfizer, and Bristol Myers during the 1992 fiscal year.

Logit analysis is useful for characterizing the relationship between continuous or discrete independent variables and a binary dependent variable, which in this case was either a yes (to not table the amendment¹) or no (to table the amendment) vote in the Senate. The dependent variable was recorded as either a 0 (vote to table/oppose prescription price controls) or 1 (vote not to table/supports prescription price controls). The analysis estimates the probability of a YES vote as a function of a set of independent

variables according to the form of the following equation:

$$Prob(Vote = 1) = \frac{e^{\beta x}}{1 + e^{\beta x}} .$$

Table 1 : Independent Variables

¹ Tabling an amendment means in legislative terms to set the bill aside for later discussion. Many bills after tabling never reach discussion again and are effectively thrown out of consideration in the Senate.

1992 Drugs Expenditures (per capita spending on prescription drugs on a yearly basis) ²
Party Affiliation (0 for Republican; 1 for Democrat) ³
Residual Campaign Contributions from Other Pharmaceutical Manufacturers (donations awarded in \$ for the year 1992) ⁴
Senior Citizens (fraction of citizens over age 65 of each state's population) ⁵
Fiscal Conservatism (Fiscal conservative scores 1 through 5, with 5 being the most conservative) ⁶
Pfizer (donations awarded in \$ by Pfizer in the year 1992) ⁷
Bristol Myers (donations awarded in \$ by Bristol Myers in the year 1992)
Eli Lilly (donations awarded in \$ by Eli Lilly in the year 1992)
State with Pharm. Manufacturing (0 for states with no pharmaceutical manufacturing facilities; 1 for those with facilities) ⁸

In this equation, β values are the Logit coefficient values for each independent variable. All β values (coefficients) and values of the independent variable (X) were vectors, with $\beta * X$ yielding a scalar. As you can see, large $\beta * X$ values in the equation yield probability values close to one, while increasingly negative β coefficients yield probabilities closer to zero.

Campaign contributions were analyzed independently from the top four major pharmaceutical donors that received the most in tax credits under Section 936⁹ and cumulatively as the total amount each senator received from all *other* smaller pharmaceutical manufacturers within the industry.

² Data was collected from the Centers for Medicaid and Medicare Services National Health Expenditure Overview. Prescription drug expenditures include all prescriptions purchased with public and private funds.

³ Party Affiliations were abstracted from datasets located on opensecrets.org.

⁴ Residual Campaign contributions were taken from data presented on cumulative pharmaceutical manufacturing contributions from opensecrets.org. Eli Lilly, Pfizer, and Bristol Myers contributions were subtracted to yield the values used in the Logit equation.

⁵ Data was taken from the National Census online in References.

⁶ Data was taken from the National Taxpayers Union website listed in References.

⁷ Data for Eli Lilly, Pfizer, and Bristol Myers contributions to individual senators was collected from opensecrets.org

⁸ Data was collected by looking at individual websites listing manufacturing sites of the top ten pharmaceutical manufacturer beneficiaries of Section 936. A list of beneficiaries is provided in the Appendix.

⁹ Due to the date of the amendment analyzed, campaign contributions data from all of the companies benefiting under Section 936 was not available. Those companies that were found in the record at opensecrets.org, were analyzed. Less weight may be put on the Residual Contributions Variable in reference to contributions because this variable contains contributions from manufacturers who may not have been interested in protecting Section 936 tax credits because they may not have had manufacturing facilities located in Puerto Rico. Only 26 large pharmaceutical manufacturers participated in the tax exemption offered under Section 936. A list of these participants can be found in the Appendix.

The signs of the β 's indicate the direction of the relationship between each independent variable and the probability of a YES vote (in favor of restrictions on drug company profits). For example, a positive Logit coefficient implies that a larger value of the independent variable is associated with a higher probability of a vote supporting prescription price controls if all other values in the equation are held constant. Each Logit coefficient was assessed for whether or not it supported the hypothesized relationship between the independent variable and a senator's probability of voting YES (Table 2).

Table 2: Logit Probability Equation Coefficients and Statistics

	Coef.(β)	Std. Err.	z	P> z	[95% Conf. Interval]	Mean*
Drug Expenditures	-.0084	.00625	-1.35	0.179	[-.0201 .00384]	\$223
Party Affiliation	2.93	1.13	2.58	0.010	[.706 5.15]	.567
Fiscal Conservatism	-.298	.380	-0.79	0.432	[-1.04 .446]	2.43
Pfizer	-.00021	.000546	.00054	0.69	[-.00128 .000855]	\$641
Residual Con.	-.0000349	.000047	-0.74	0.456	[-.000126 .0000569]	\$7120
Bristol Myers	.000085	.00041	0.21	0.834	[-.000711 .000881]	\$676
Eli Lilly	-.00045	.000623	-0.72	0.470	[-.00167 .000771]	\$1171
State w/ Pharm. Man	.00485	.700	0.01	0.994	[-1.36 1.37]	.30
Senior Citizens	7.26	11.9	0.61	0.542	[-16.1 30.6]	.12
Constant	-.630	2.30	-0.28	0.781	[-5.07 3.81]	

Mean value of the variable used in computing marginal approximations (Mean value β)

All variables with the exception of Bristol Myers, Fiscal Conservatism, Drug Expenditures, and States with Pharmaceutical Manufacturing correctly matched the hypothesized relationship between the independent and dependent variable. Due to the inconsistency in the depicted relationship, these variables were not included in further individual analysis or discussion, but were left untouched as part of the overall probability equation.

A two tailed T-test was also performed using STATA within the Logit Analysis. Reported in Table 3 are $P > |z|$, and Z values for the significance tests for each independent variable, along with the β coefficients. The larger the β value in magnitude, the stronger the effect of the independent variable is believed to be on voting outcomes. A z value of $-.72$ and $p > |z|$ of $.470$ (as in the case of Eli Lilly) may be interpreted as saying that there is a 34 % probability that such a large or larger value of β_i in absolute value could be obtained by luck when the true value is zero. For short we say the coefficient is significantly different from zero only at the 34% level. This number is too large to conclude with much confidence that there is a negative effect of campaign contributions on the vote. Thus, high $p > |z|$ values suggest a high likelihood that the true β coefficient may actually have a different sign than the one given in the Logit equation.

Also reported in Table 3 were values of the upper and lower limits of the 95% confidence interval and the standard errors for each variable. A 95% confidence interval may interpreted as saying that the researcher may be 95% confident that the true value of for each β lies between the upper and lower limits given in Table 2.

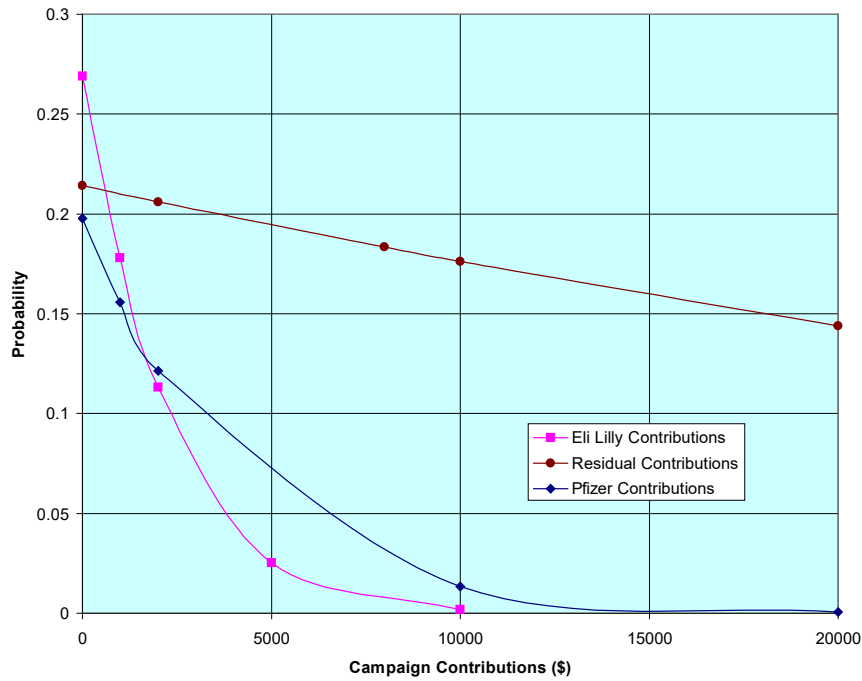
An upper limit of $.706$ and a lower limit of 5.15 for Party Affiliation allow us to be 95% certain that the true value of β lies between these two values and is positive. In other words, we can be 95% certain that the true relationship of Party Affiliation to voting outcome is positive. For confidence intervals that include zero, we can not say with any certainty that the given β represents the true relationship of the variable to voting outcome. As can be seen in Table 2, all variables other than Party Affiliation yielded this kind of inconclusive result.

Standard errors give the estimated standard deviation of the errors in the Logit method. More specifically, the standard errors give an estimate of the standard deviation in the differences between the actual values of the variable and the values predicted by the Logit probability equation. For example, a standard error of .00041 for Bristol Myers signifies that there is little variation in the differences between the actual values of voting outcome and predicted values of voting outcome for each contribution made by Bristol Myers.

Rather than calculate marginal rates of change to demonstrate the impact of changing values of each independent variable on the probability of a YES vote, several probability differences were determined. While not computed, the marginals of each independent variable can be shown graphically as the slope of the lines illustrated in Graphs A , B, and C.

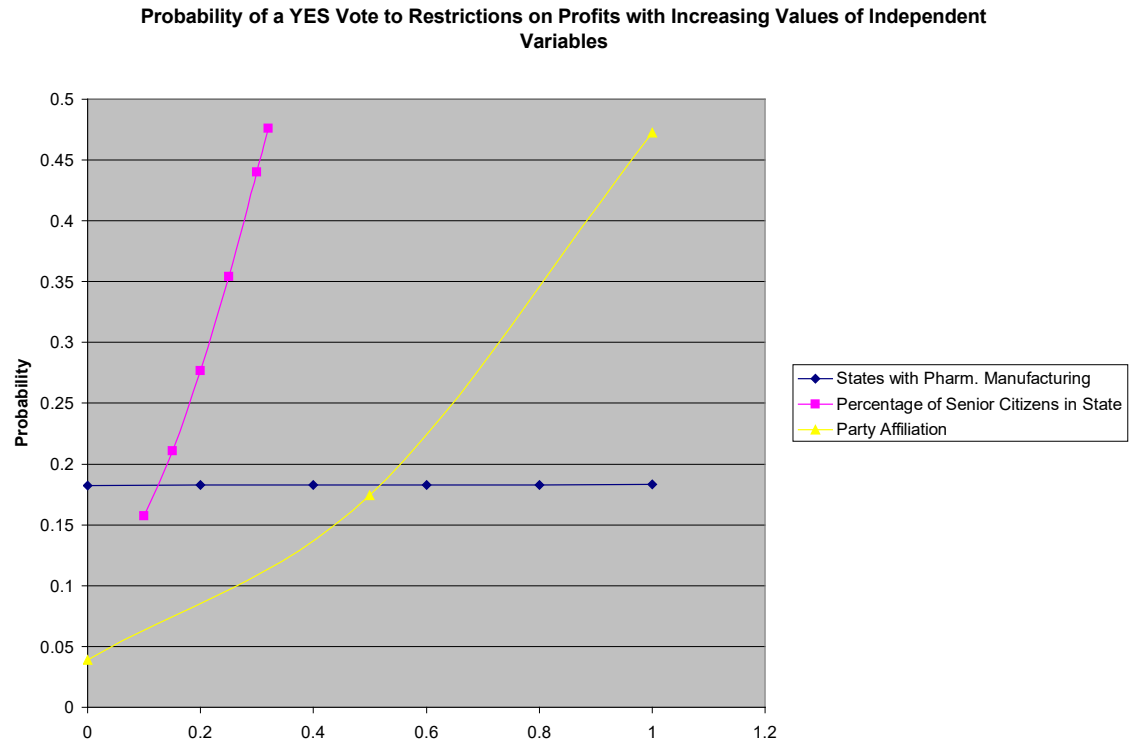
Graph A

Probability of a YES Vote to Restrictions on Profits with Increasing Campaign Contributions



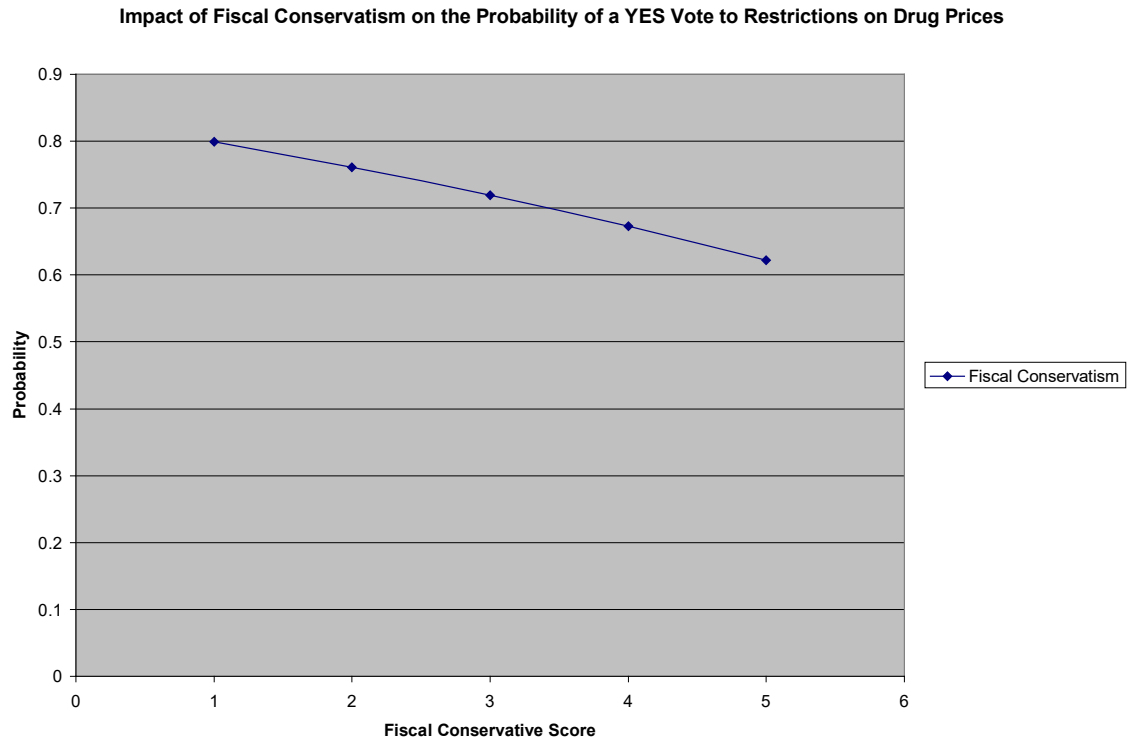
As is demonstrated by the graph, with all other variables held constant at their mean values in the probability equation, larger campaign contributions from Residual Pharmaceutical Manufacturers, Eli Lilly, and Pfizer correspond with decreased probabilities of a YES vote on policies that would place restrictions on drug prices.

Graph B



Graph B demonstrates that the probability equation predicts that democrats and senators from states with a larger percentage of senior citizens in the population have a higher probability of voting YES to restrictions on drug profits. Senators from States with Pharmaceutical Manufacturing sites are more likely to vote YES to policy enforcing restrictions on drug prices (shows a weak positive relationship).

Graph C



Graph C shows that fiscal conservatives are more likely to vote no to policies that would save the government money by placing restrictions on eligibility for tax credits in Section 936 and placing restrictions on drug prices. Reasoning for this incorrect relationship is explained in the Conclusion section of the paper.

Marginal Approximations for Residual Campaign Contributions, Eli Lilly, and Pfizer were computed to show the change in probability per \$1000 increase in the independent variable and can be seen in Table 5. These can be interpreted as the percentage increase in the likely hood of a no vote if negative or yes vote if positive. For example, a marginal approximation of -.267 for Eli Lilly signifies that there is a 27% increased likelihood of a senator issuing a no vote with every \$10,000 of campaign contributions received from Eli Lilly. The fact that Eli Lilly has a marginal

approximation that is greater in magnitude than Pfizer suggests that Eli Lilly's dollars in campaign contributions are more powerful in the senate than Pfizer's¹⁰.

A marginal approximation for Percentage of Senior Citizens was computed as the numerical change in probability per 10% increase in the senior citizen population (Table 5). For each differential calculation, only the independent variable was allowed to change as all other values were held constant in the probability equation at their mean value multiplied by the β_i coefficient.

Table 5: Effect of \$10,000 of Campaign Contributions on the Probability of a YES Vote

	\$10,000	\$0	Marginal Approximation
Eli Lilly	0.00183	0.268	-0.267
Pfizer	0.0133	0.197	-0.184
Residual Contributions	0.176	0.214	-0.0380
%Senior Citizens (10%)*	0.276	0.157	0.120

* Senior citizens was computed as the change in probability of a senator voting YES per a 10% increase in the number of senior citizen in his state.

However, for discreet independent variables like Party Affiliation and States with Pharmaceutical Manufacturing, which took on binary values of only zero or one, such a derivative does not provide any insight into the relationship between the independent and dependent variable. Thus, Table 4 describes the effects on the probability of a YES vote as the independent variable changes from a zero to a one for Party Affiliation and States with Pharmaceutical Manufacturing.

¹⁰ However, the significance result for Eli Lilly and Pfizer must be taken into account. As neither variable's coefficients were significant, I have little confidence that this result is true.

Table 4: Policy Impact of Binary Independent Variables

Party Affiliation	Democrat (1)	Republican (0)	Marginal Approximation
	0.472	0.0391	0.433
Pharmaceutical Manu.	State with Manu. (1)	State without Manu. (0)	
	0.183	0.182	0.00061

Conclusion

As a 95% confidence interval was used, the only results that were statistically significant were those from Party Affiliation ($p = 0.006$). While loose relationships can be suggested by the data, the lack of statistical significance suggests that no strong conclusions can be drawn from independent variables other than Party Affiliation.

Drug Expenditures yielded a different sign than what was rationally hypothesized probably due to the fact that state drug expenditures were not a significant factor in senator's voting decisions. Fiscal Conservatism¹¹ also yielded the wrong sign, but this result was probably seen for different reasons. It appears likely that there was confounding in the Fiscal Conservatism variable due to a strong negative correlation (-.77) between Fiscal Conservatism and Party Affiliation. Therefore, because fiscal conservatives are likely to be Republicans, there were a larger number of fiscal conservatives voting NO instead of YES to the bill as was hypothesized.¹²

¹¹ Data other than a letter score A – F was not available from The National Taxpayers Union from 1992. Additionally, specific information on specific votes that determined the senator's fiscal rating were not available from that year. Such information would have granted further insight into possible reasons for an incorrect sign for β .

¹² Additional confounding in this variable could have been due to the way in which fiscal conservatism scores were calculated, for which there was little detail from the National Taxpayers website.

States with Pharmaceutical Manufacturing bore the wrong sign as well, which was probably due to a lack of strong data about the number and extent of manufacturing facilities in each state. If possible, it is suggested that data describing the percentage of the economy that is based on pharmaceutical manufacturing.

Bristol Myers was the only pharmaceutical contributor that bore the wrong sign in relationship to voting outcomes. Such a result is probably due to a dataset comprised of donations that were small in magnitude and number, making it difficult to abstract a strong relationship to the dependent variable.

However, the sign of the coefficient for the cumulative contributions variable, Residual Contributions, did bear out the hypothesized sign, but it did not have a strong relationship to the voting outcome on the bill. This is probably due to the fact that some of the largest contributions captured in this variable were given by companies that benefited the most from Section 936. Large values for β demonstrating a strong relationship to voting outcomes were probably not seen, however, because the variable also captured donations from companies that had no significant interest in the outcome of the vote.

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Appendix

Company	Exempt Income	Taxes Saved	
	Total 1980-90	Annual average	Total 1980-90 annual average
Johnson & Johnson	\$2,778	\$253	\$1,117
Smithkline Beecham	2,301	209	987
Abbott Laboratories	2,075	189	860
Pfizer	1,864	170	759
Upjohn	1,776	161	750
Merck	1,890	172	749
Baxter International	1,648	150	685
Schering-Plough	1,591	144	650
Eli Lilly	1,591	145	650
Bristol-Myers Squibb	1,212	135	627

*The above table was taken from Milt Freudenheim's 1992 article in the New York Times cited in References.