

There is one further point. I mentioned before the difficulty in manufacturing process. A slightly different process might also give unanticipated toxic impurities in a drug, too, and thus the safety of the drug has to be checked in those situations. We are dealing with a very complicated issue here, Senator. It is one that I wish I could make extremely simple. But it is not one that I can make simple. Again, it is something that I feel needs adequate discussion here in the Senate and in the Congress.

Senator SCOTT. On that question, could I ask a question directed to that?

Senator NELSON. Surely.

Senator SCOTT. This is a general question right here, then, Doctor.

Would the policing of clinical data furnished by an individual company in the public domain, in your judgment, encourage or discourage more research in private industry?

Dr. GODDARD. Senator, I am hard put to answer you on that. Some people have the opinion that it would discourage it. I would hope it would not. I tend to think it would not, because the firm that gets the drug into the marketplace first, as Senator Nelson pointed out earlier, has the marketing advantage in terms of intensive advertising, does tend, the record shows, to hold a competitive advantage in the continuing sale of that product through prescriptions written by physicians. So I do not think it would. But that is just a personal opinion.

Senator SCOTT. Not meaning to run ahead of your statement—I am anxious to hear the rest of your statement. You mentioned this on page 14. But just to close off the questions I have on that, let me just ask you, do you feel that this proposal that we are discussing would subsidize those companies who have not done substantial research in the drug field and would, therefore, if that is so, be equitable under our economy?

Is there not danger that you're subsidizing the companies not doing the research?

Dr. GODDARD. Well, I suppose theoretically, that would be correct. However, Senator, for those products developed from new research which are patented, there is a method available to the firm who chooses to go this route. They then have 17 years of exclusivity granted.

Senator SCOTT. Well, what, then, in your opinion would be the future role of the pharmaceutical companies in medical and pharmaceutical research if there were a requirement that the clinical data be put in the public domain?

Dr. GODDARD. I would hope their role would continue to be that of the primary producers of new drug products in our economy. This has been a very strong industry. I think it is today. I can't see that this would change.

Senator SCOTT. You do not think it would discourage the drug companies from doing a major part of the research?

Dr. GODDARD. Well, if their research produces a new product, one that is patentable, I think the economic awards under our system are very great and would continue to provide incentive to the firm. I think that is good, Senator.

Senator SCOTT. So long as the Government does not take it all back in taxes.