

Elijah Cummings sparred with Martin Shkreli and Mylan's CEO. Now he's got a gavel to take on pharma

[Andrew Joseph](#)



Rep. Elijah Cummings (D-Md.) *Win McNamee/Getty Images*

He [accused Valeant Pharmaceuticals](#) of obstructing a congressional investigation into its pricing practices. He [called out Biogen](#) for charging so much for a multiple sclerosis drug that the government holds a patent on. And [he famously scolded](#) a smirking Martin Shkreli during a hearing, saying, “It’s not funny, Mr. Shkreli. People are dying.”

For years, Elijah Cummings has been a persistent, if forceless, thorn in the pharmaceutical industry’s side. Now, though, Congress’ pharma critic-in-chief will [be armed with the authority](#) of a powerful committee chairmanship at a time when lawmakers in both parties [are squeezing drug companies](#) more than ever before.

Come January, the Maryland Democrat is expected to take the reins of the House Oversight and Government Reform Committee. It’s a high-profile role in the newly Democratic House, and one that will give him the opportunity to haul in executives from drug companies or pharmacy benefit managers and demand explanations for their price hikes or murky rebate systems — a routine of contrition that [health industry CEOs have largely avoided](#) in recent years.

The use of RWE to achieve several commercial and strategic objectives, including value-based contracting, regulatory submissions, and clinical trial design is expanding.

“You’ll see with Elijah, with his very good legal mind and evidence-based approach, we’ll have an opportunity to see exactly how the ripoff is being maneuvered,” said Rep. Peter Welch (D-Vt.), calling on Cummings to “bring in pharma and get to the bottom of” those tactics.

As a drug-pricing hawk, Cummings will help fill the void left by outgoing Sen. Claire McCaskill, who [staked her political future](#) on fighting the drug industry but lost her re-election bid this week.

Cummings is ready. Even as the ranking member of the committee, [he dogged Mylan](#) for raising the price of EpiPens and [scrutinized some of the biggest drug companies](#) for the cost of their MS drugs. He’s [already identified a stack of documents](#) tied to Allergan and Gilead that he might try to get his hands on. And he’s been steadily preparing for a legislative push to allow Medicare to negotiate with drug companies.

In an email to STAT, Cummings indicated he planned to call company executives into the committee's chambers, saying that "hearing from the drug companies themselves will be an important part of our efforts."

He also squared his sights on the pharmaceutical industry, even as he acknowledged that drug makers try to divert some of the blame for the prices paid by patients onto PBMs and insurers.

"We will examine the whole process, but we cannot forget that drug companies are the ones setting these prices," he said.

But Cummings, 67, cannot solely focus on drug pricing in the next Congress. His committee will be in charge of broad oversight of the president and his administration, and Cummings will likely face demands from Democrats to investigate as deeply and sweepingly as possible. This term, [Republicans have rejected](#) at least 64 subpoena motions from Democrats on the committee, which touched on subjects including family separations at the border, transparency issues in Cabinet departments, and military operations. When Democrats take control of the committee in January, they will need to decide which of their sprawling targets they want to zero in on.

"Mr. Cummings is a smart, seasoned guy with an experienced, savvy staff," said a former GOP staff director of the committee. "His challenge will be picking and choosing in what's clearly a target rich environment for a Democratic chairman. How do you sequence and prioritize?"

In a statement Wednesday, Cummings indicated he plans to have it both ways: pursuing oversight of the administration while finding solutions for health care concerns. He said he intends "to shine a light on waste, fraud, and abuse in the Trump Administration" and "probe senior Administration officials across the government," while his other goals ranged "from lowering prescription drug prices to ensuring access to affordable and quality healthcare to expanding funding for the opioid epidemic."

"At this point, the best-case scenario for the pharmaceutical industry is that the oversight committee spends so much of their time probing the Trump administration that they don't leave any bandwidth to explore drug prices," an industry lobbyist said.

Cummings, who joined Congress in 1996, was drawn to the issue of drug pricing only about seven years ago. After the head coach of the University of Maryland's women's basketball team got in touch with him about supply shortages of a pediatric cancer drug, [Cummings started investigating](#) drug companies that keep drugs off the market in order to increase the price of the available supply. Since then, Cummings has been hammering on the issue of exorbitant medication costs.

Cummings also has a history with Trump on drug pricing. Along with Welch, he scored a rare White House meeting with Trump, early in the presidency, aimed at finding bipartisan common ground on drug pricing. [It didn't go anywhere](#), and Cummings has criticized the plans that the Trump administration has since rolled out as weak — and perhaps even advantageous to the industry. “I think very expensive champagne will be popping in drug company boardrooms across the country tonight,” Cummings said after a Trump drug pricing speech in May.

After Tuesday's election, however, [a rare consensus](#) emerged in Washington: The anticipated new congressional leaders, Rep. Nancy Pelosi (D-Calif.) and Senate Majority Leader Mitch McConnell (R-Ky.) both listed lowering drug prices as an opportunity for compromise. So, too, did Trump, whose administration has continued to push increasingly ambitious policies toward that goal.

For Cummings, though, it will be a delicate pas de deux dealing with a prickly president. If he hounds administration officials or the president's family or the president himself with investigations, will Trump really want to make nice and strike a drug pricing pact with him? The president himself indicated no such inclination in a press conference Wednesday, signaling he would be willing to work with House Democrats only if they go easy on the investigations.

Though Cummings' gavel at the oversight committee comes with subpoena power, congressional rules require that bills originate in legislative committees. That means that Cummings will have to work with colleagues on other committees, namely Energy and Commerce and Ways and Means, to pursue his legislative goals.

“Yeah; he's a threat,” a drug industry lobbyist wrote in an email to STAT. “That said, the one bright spot (if you could call it that), is that that committee has only investigative, as opposed to legislative authority.”

Beyond Cummings, Welch and Rep. Lloyd Doggett (D-Texas) have cast themselves as drug-pricing combatants eager to take on the biopharma lobbies. The trio has already [introduced a bill](#) that would allow Medicare to negotiate drug prices and authorize other ways to manufacture drugs if negotiations stall. Doggett is also expected to chair a Ways and Means subcommittee with jurisdiction over Medicare and Medicaid, programs in which health officials are experimenting with ways to reduce drug prices.

“Lloyd could ... keep pumping out bad stuff, having hearings, getting additional press and media attention,” said another industry lobbyist. “You know, that’s dangerous.”

Then there are newcomers like Democrats Sean Casten of Illinois and Harley Rouda of California, who unseated incumbent Republicans in part by assailing their ties to pharma. In these victorious House campaigns, Democrats showed they could connect with voters by vilifying drug makers, and both are likely to bring the same tone to Capitol Hill.

In the Senate, Democrats will remain in the minority, limiting their authority. But expect Oregon’s Ron Wyden to continue his scrutiny of pharma companies as the top Democrat on the Finance Committee, perhaps even growing more active in McCaskill’s absence.

Wyden in 2015 helped lead an investigation into sky-high prices for a hepatitis C treatment, and more recently he has aggressively [questioned Novartis](#) over its deals with Trump confidants, [financial ties](#) between opioid manufacturers and federal health advisers, [and relationships](#) between the administration and drug makers.

A wild card is Republican Sen. Chuck Grassley of Iowa. It’s possible Grassley will take over as chair of the Finance Committee, replacing the retiring Utah Sen. Orrin Hatch, a longtime ally of the pharmaceutical industry. While Republicans are generally seen as friendlier to the industry’s priorities — and while the industry is counting on the GOP-led Senate to stave off any reforms they oppose — Grassley bucked that partnership in the past. He was Wyden’s co-author on the hepatitis C pricing report, he has spearheaded policies that made payments from the industry to doctors more transparent, and he favors drug importation from Canada.

The key question is whether all the attention on drug pricing will result in anything more than bombast. So far, thaws between the parties on the subject have not culminated in major policy reforms.

Nicholas Florko, Lev Facher, and Ike Swetlitz contributed reporting from Washington.

About the Author

[Andrew Joseph](#)

General Assignment Reporter

Andrew is a general assignment reporter.

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