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# Congress of the United States

## House of Representatives

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### Opening Statement

#### Rep. Elijah E. Cummings, Ranking Member

#### Subcommittee on Health Care, District of Columbia, Census and the National Archives Hearing on "Drug Shortage Crisis: Lives Are in the Balance"

November 30, 2011

Chairman Gowdy and Ranking Member Davis, thank you for holding today's hearing. Given the impact that the ongoing drug shortage is having on patients and health care providers, this is exactly the type of issue this Committee should be examining.

In 2010, FDA reported 178 drug shortages, and that number has increased in 2011. In October, President Obama issued an Executive Order urging manufacturers to notify FDA of potential drug shortages so they could work with health care providers and patients to prevent or mitigate shortages before they become a crisis.

It is unclear exactly what is causing these drug shortages. Experts believe there may be a number of causes, ranging from inadequate financial incentives for manufacturers, problems with production lines, and challenges in obtaining needed supplies. I look forward to hearing the perspective of today's witnesses on these issues.

Although today's hearing is a step in the direction, unfortunately we do not have the benefit of hearing testimony from any of the drug manufacturers that produce these critical drugs that are now in short supply. If we had them here, we could have asked what they believe are the causes of this crisis, and we could have asked their opinion about the specific factors that contribute to the insufficient supply of these drugs.

Mr. Chairman, I certainly hope you will schedule another hearing in short order with the makers of some of these drugs. Our work will not be complete until we do.

Finally, let me note that I began my own investigation this summer into a related issue, which is the sale of "gray market" drugs. When hospitals and other providers cannot obtain drugs on the shortage list from their authorized distributors, they sometimes turn to so-called "gray market" distributors. These companies mysteriously always seem to have the product available, but at wildly exorbitant prices.

We are still in the initial stages of this investigation, so I will withhold comment, but I think we can all agree that nobody should be allowed to profiteer at the expense of cancer victims and other patients who are in dire need of these life-saving medications.

Mr. Chairman, I hope we will be able to address some of these issues at a later hearing as well. Thank you again.

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