

Congress of the United States

Washington, DC 20515

August 16, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

Thank you for your continued efforts to curb the monkeypox outbreak in the United States. We write to urge you to invoke the Defense Production Act of 1950 (P.L. 81-774, 50 U.S.C. §§ 4501 *et seq.*) to expedite the production of monkeypox vaccines. It is critical that the federal government act with urgency to ensure that every American who wants or needs a monkeypox vaccine has access to one before the disease spreads out of control.

On July 23, 2022, the World Health Organization (WHO) declared monkeypox a “public health emergency of international concern.” As of August 5, 2022, the CDC has reported 28,220 confirmed cases of monkeypox globally and 7,510 domestic cases.^{1 2} New York State accounts for nearly 30 percent of reported U.S. cases. The unprecedented rapid spread of this outbreak has led experts to suspect that reported cases are much higher than existing public health surveillance systems have the capacity to detect.

We appreciate your Administration’s action to declare monkeypox a public health emergency (PHE) on August 4, but it is clear that vaccine demand is quickly outpacing supply throughout the country. In New York, every vaccine appointment has been taken. According to HHS, the government is now distributing about 1.1 million doses, less than a third of the 3.5 million that health officials now estimate are needed to fight the outbreak. It is reported that HHS does not expect the next delivery, of half a million doses, until September. Most of the other 5.5 million doses the United States has ordered are not scheduled to be delivered until 2023.³ Now is the time to call on extraordinary measures to ensure our vaccine supply can meet the challenges of this moment.

The Defense Production Act provides you with a broad set of authorities to support domestic industries in addressing critical national issues, such as the current shortage of monkeypox vaccines. These authorities are frequently used to supplement national stockpiles and would be an invaluable resource in bolstering the national response to the disease. The Act includes a range of authorities, including issuing loans to expand a vendor’s capacity, controlling the distribution of a company’s products and the more commonly used power of compelling companies to prioritize the government’s order over those of other clients. The federal government regularly invokes the DPA, with a DoD estimate of annual usage at over 300,000 times per year.⁴ The ongoing COVID-19 pandemic has shown how effective the DPA is for countering PHEs if supplies are under strain by expanding the production of vaccines, personal-protective equipment (PPE), therapeutics, and other resources to keep communities safe.⁵

The United States has the resources available to effectively combat the spread of monkeypox, and we owe it to the communities most vulnerable to public health threats to ensure that they are well-protected. Though it is encouraging that the official declaration of a PHE will accelerate the production and availability of vaccines, tests, and treatments, we must

¹ “2022 Monkeypox Outbreak Global Map.” *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 8 August 2022, <https://www.cdc.gov/poxvirus/monkeypox/response/2022/world-map.html>.

² “2022 U.S. Map & Case Count.” *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 8 August 2022, <https://www.cdc.gov/poxvirus/monkeypox/response/2022/us-map.html>.

³ Lafraniere, Sharon, et al. “U.S. Could Have Had Many More Doses of Monkeypox Vaccine This Year.” *The New York Times*, The New York Times, 3 Aug. 2022, <https://www.nytimes.com/2022/08/03/us/politics/monkeypox-vaccine-doses-us.html>.

⁴ Kanno-youngs, Zolan, and Ana Swanson. “Wartime Production Law Has Been Used Routinely, but Not with Coronavirus.” *The New York Times*, The New York Times, 31 Mar. 2020, <https://www.nytimes.com/2020/03/31/us/politics/coronavirus-defense-production-act.html>.

⁵ Office, U.S. Government Accountability. “Covid-19: Agencies Are Taking Steps to Improve Future Use of Defense Production Act Authorities.” *COVID-19: Agencies Are Taking Steps to Improve Future Use of Defense Production Act Authorities* | U.S. GAO, 16 Dec. 2021, <https://www.gao.gov/products/gao-22-105380#:~:text=The%20Defense%20Production%20Act%20allows,of%20COVID%2Drelated%20medical%20supplies.>

take all available actions to combat this outbreak. That is why we call on you to consider invoking the Defense Production Act to manufacture monkeypox vaccines.

Thank you for your consideration of this important matter.

Sincerely,



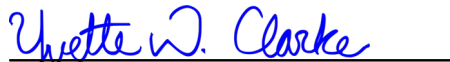
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Member of Congress



Jerrold Nadler
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress




Yvette D. Clarke
Member of Congress




Adriano Espaillat
Member of Congress



Carolyn B. Maloney
Member of Congress



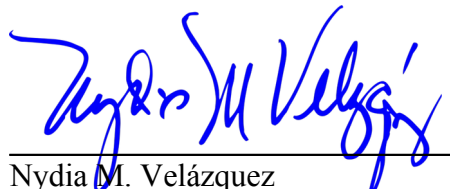
Gregory W. Meeks
Member of Congress



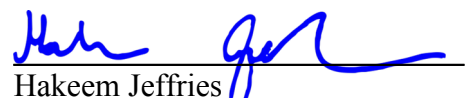
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