

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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May 20, 2022

Mr. Ron Klain
Chief of Staff
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. Klain:

We are writing today to examine the Biden Administration's handling of the ongoing infant formula crisis. As you are well aware, the United States continues to experience a supply chain crisis. This crisis, which has caused problems with products from computer chips to personal protective equipment, began heavily impacting infant formula production and distribution in January 2022.¹ Infant formula is an incredibly complex combination of vitamins and nutrients with no readily available alternative.² Parents are unable to find formula and experts continue to recommend against making formula at home, leaving parents scrambling to feed their young children.

In January 2022, infant formula was 23 percent out of stock.³ It is now averaging about 43 percent out of stock nationwide, with some states reporting as much as 50 percent out of stock.⁴ The U.S. Food and Drug Administration (FDA) is working with Abbott Nutrition—the company that recalled a significant amount of formula in February 2022 due to what was believed at the time to be factory contamination—to safely resume production.⁵ Even though the FDA finally reached an agreement with Abbott to reopen the plant, it will take about two weeks to reopen the site and another six to eight weeks before products are available on shelves across the country.⁶

¹ *Datasembly's Data Reveals 31% Out-of-Stock Rate in April 2022 for Baby Formula; Up 11% Compared to November 2021*, BUSINESS WIRE (Apr. 13, 2022).

² Madeline Holcombe, *Homemade infant formula can be dangerous. Experts share how to feed your baby through the shortage*, CNN (May 11, 2022).

³ *Datasembly's Data Reveals 31% Out-of-Stock Rate in April 2022 for Baby Formula; Up 11% Compared to November 2021*, BUSINESS WIRE (Apr. 13, 2022).

⁴ News Release, Datasembly, *Datasembly Releases Latest Numbers on Baby Formula* (May 10, 2022); Madeline Holcombe, *Homemade infant formula can be dangerous. Experts share how to feed your baby through the shortage*, CNN (May 11, 2022).

⁵ Herb Scribner, *FDA says it is "doing everything in our power" to improve baby formula supply*, AXIOS (May 10, 2022).

⁶ Jane Greenhalgh, *FDA announces plan to ease the shortage of baby formula*, NAT'L PUB. RADIO (May 16, 2022).

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The U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra said that “FDA has kept [him] apprised of this from last year.”⁷ It is unacceptable that the Administration knew about the potential problem for months yet made no plan to address or prevent this crisis. The Administration invoked the Defense Production Act and is trying to throw money at the problem—neither of which will do anything to restock shelves for panicked parents right now.⁸ Unfortunately, this is another example of the Administration acting too little too late.

Not only did the Administration fail to plan for this crisis but the Administration’s open border policies have exacerbated the problem since Border Patrol is required to stock large amounts of formula to feed the multitudes flowing across the broken southern border. To better understand the Biden Administration’s approach to providing relief to the thousands of families affected by the infant formula shortage, we request a staff level briefing on this matter no later than May 27, 2022. Additionally, please provide all communications between or among White House staff and employees of the FDA and HHS.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



Michael Cloud
Ranking Member
Subcommittee on Economic
and Consumer Policy



James Comer
Ranking Member
Committee on Oversight and Reform

Cc: The Honorable Shalanda Young, Director
Office of Management and Budget

The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

⁷ RNC Research (@RNCResearch), Twitter (May 16, 2022, 12:32 PM), <https://twitter.com/RNCResearch/status/1526239189683019779>.

⁸ Emily Cochrane, *House Democrats Release \$28 Million Aid Bill to Address Formula Shortage*, THE N.Y. TIMES (May 17, 2022); Kate Nocera, *Biden invokes Defense Production Act to address baby formula shortage*, AXIOS (May 18, 2022).