

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

June 9, 2024

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra:

We write about an alarming trend: the rapid spread of maternal and infant syphilis across the United States. According to the Centers for Disease Control and Prevention (CDC), syphilis cases in newborn infants are ten times higher than they were a decade ago.¹ The only antibiotic approved by the Food and Drug Administration (FDA) and clinically recommended to treat syphilis during pregnancy—Benzathine Penicillin G (Bicillin LA)—is in scarce supply because of ongoing shortages, which threaten to exacerbate this outbreak.² To contain the spread of syphilis, protect the health of every community in the United States, and to urgently stop the transmission of syphilis from pregnant women to their newborn infants, we urge you to declare a public health emergency, which will allow the Department of Health and Human Services (HHS) to provide a more robust response to the outbreak.

Syphilis during pregnancy increases the risk of miscarriage and stillbirth and can cause blindness, deafness and severe developmental delays in infants born with the disease.³ In 2022, 3,761 infants were born in the U.S. with syphilis, up from 335 in 2012, and syphilis caused 231 stillbirths and 51 infant deaths across the United States.⁴ We commend the Biden-Harris Administration for establishing a national syphilis and congenital syphilis task force earlier this year.⁵ While the task force will hopefully leverage federal resources to reduce congenital

¹ Centers for Disease Control and Prevention, *U.S. Syphilis Cases in Newborns Continue to Increase: A 10-Times Increase Over a Decade* (Nov. 7, 2023) (online at www.cdc.gov/media/releases/2023/s1107-newborn-syphilis.html).

² *Syphilis is Killing Babies. The U.S. Government is Failing to Stop the Disease from Spreading*, ProPublica (Mar. 4, 2024) (online at www.propublica.org/article/how-federal-government-fails-stop-syphilis-babies-pregnancy).

³ *Infants Are Born with Syphilis in Growing Numbers, a Sign of a Wider Epidemic*, New York Times (Nov. 7, 2023) (online at www.nytimes.com/2023/11/07/health/syphilis-babies.html).

⁴ Centers for Disease Control and Prevention, *U.S. Syphilis Cases in Newborns Continue to Increase: A 10-Times Increase Over a Decade* (Nov. 7, 2023) (online at www.cdc.gov/media/releases/2023/s1107-newborn-syphilis.html); *Infants Are Born with Syphilis in Growing Numbers, a Sign of a Wider Epidemic*, New York Times (Nov. 7, 2023) (online at www.nytimes.com/2023/11/07/health/syphilis-babies.html).

⁵ Department of Health and Human Services, *HHS Announces Department Actions to Slow Surging*

syphilis rates, the number of pregnant women and infants experiencing this entirely preventable disease means the federal government must take every step possible to mitigate the harm posed by this epidemic.

Rapidly rising rates of syphilis during pregnancy and in newborn infants signal a wider maternal health crisis. Syphilis in newborns babies is entirely preventable if the disease is treated during pregnancy, and CDC estimates that 90% of new cases could have been prevented with timely testing and treatment.⁶ However, according to the CDC, nearly 40% of syphilis cases were among mothers that did not receive prenatal care with half testing positive for syphilis during pregnancy but not receiving timely treatment.⁷ Nationally, about one in five pregnant women diagnosed with syphilis did not receive *any* prenatal care.⁸

Although the syphilis crisis is not limited to states that restrict or ban abortion, places that restrict abortion have fewer doctors providing care to pregnant women, and over 1.7 million women live in counties with no maternity care providers.⁹ States with abortion bans and restrictions are also the least likely to offer support services for low-income mothers and babies.¹⁰ More than 70% of the U.S. population lives in counties considered to have high rates of syphilis among reproductive-age women.¹¹ It is unacceptable that in 2024 newborns could face lifelong health issues or death from a preventable disease.

In February, Democrats on the Committee on Oversight and Accountability launched an investigation into ongoing drug shortages.¹² In the midst of shortages of Bicillin LA, we commend FDA for temporarily authorizing the importation and use of Extencilline to help

Syphilis Epidemic (Jan. 30, 2024) (online at www.hhs.gov/about/news/2024/01/30/hhs-announces-department-actions-slow-surging-syphilis-epidemic.html).

⁶ *Infants Are Born with Syphilis in Growing Numbers, a Sign of a Wider Epidemic*, New York Times (Nov. 7, 2023) (online at www.nytimes.com/2023/11/07/health/syphilis-babies.html).

⁷ Centers for Disease Control and Prevention, *U.S. Syphilis Cases in Newborns Continue to Increase: A 10-Times Increase Over a Decade* (Nov. 7, 2023) (online at www.cdc.gov/media/releases/2023/s1107-newborn-syphilis.html).

⁸ *Infants Are Born with Syphilis in Growing Numbers, a Sign of a Wider Epidemic*, New York Times (Nov. 7, 2023) (online at www.nytimes.com/2023/11/07/health/syphilis-babies.html).

⁹ *Maternal Care Deserts Overlap with Lack of Abortion Access, Analysis Shows*, ABC News (Aug. 1, 2023) (online at <https://abcnews.go.com/Health/abortion-access-restrictions-affect-maternity-care-access-research/story?id=101770115>).

¹⁰ *Abortion Bans Are Driving off Doctors and Closing Clinics, Putting Basic Health Care at Risk*, KFF (May 24, 2023) (online at <https://kffhealthnews.org/news/article/analysis-pro-life-movement-abortion-maternal-health-healthbent-column/>).

¹¹ Centers for Disease Control and Prevention, *U.S. Syphilis Cases in Newborns Continue to Increase: A 10-Times Increase Over a Decade* (Nov. 7, 2023) (online at www.cdc.gov/media/releases/2023/s1107-newborn-syphilis.html).

¹² Committee on Oversight and Accountability, *Press Release: Oversight Democrats Launch Investigation into Nationwide Shortages of Medications* (Feb. 21, 2024) (online at <https://oversightdemocrats.house.gov/news/press-releases/oversight-democrats-launch-investigation-nationwide-shortages-medications>).

mitigate the effects of the Bicillin LA shortage, but we urge HHS to take all appropriate steps necessary to increase access to both Bicillin LA and Extencilline for pregnant women.

To contain the spread of syphilis to protect the health of every community in the United States and to urgently stop the transmission of syphilis from pregnant women to their newborn infants—I urge you to declare a public health emergency pursuant to your authority under Section 319 of the Public Health Service Act.¹³ By declaring a public health emergency, HHS will be able to access crucial emergency funds for a more robust and effective response to the outbreak, across every level of government.¹⁴ Declaring a public health emergency will also allow agencies, including FDA, to take additional measures to increase access to and distribute life-saving antibiotics so that drug shortages do not prevent pregnant women and newborns from getting the care they need.¹⁵

In addition, we request a staff briefing on the following questions by June 24, 2024.

1. What additional steps is HHS taking to ensure an adequate and timely supply of antibiotics used to treat syphilis in pregnant women?
2. What steps is HHS taking to expand access to affordable syphilis testing and treatment for pregnant women who may lack access in their local communities?
3. What steps is HHS taking to expand access to comprehensive prenatal care for pregnant women who live in areas underserved by reproductive healthcare providers?

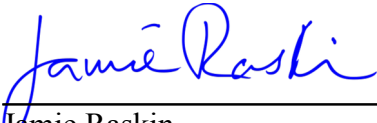
The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,

¹³ Department of Health and Human Services, *Administration for Strategic Preparedness and Response, A Public Health Emergency Declaration* (online at <https://aspr.hhs.gov/legal/PHE/Pages/Public-Health-Emergency-Declaration.aspx>) (accessed May 16, 2024)

¹⁴ *Id.*

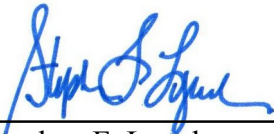
¹⁵ Food and Drug Administration, *Public Health Emergencies and DSCSA Requirements* (online at www.fda.gov/drugs/drug-supply-chain-security-act-dscsa/public-health-emergencies-and-dscsa-requirements) (accessed May 16, 2024).



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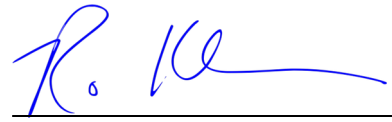
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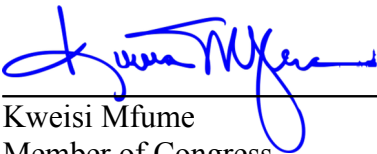
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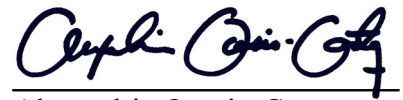
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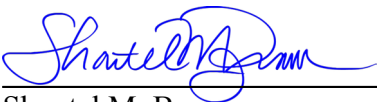
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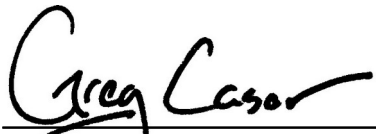
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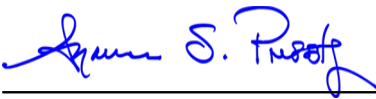

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cc: The Honorable James Comer, Chairman