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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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September 17, 2007

DENNIS B. FITZGIBBONS, CHIEF OF STAFF
GREGG A. ROTHSCCHILD, CHIEF COUNSEL

The Honorable Andrew C. von Eschenbach, M.D.
Commissioner
U.S. Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

Dear Dr. von Eschenbach:

Under Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations continue to investigate matters relating to Food and Drug Administration (FDA) compensation for time set aside for religious observances. The Committee is requesting additional records and information.

Please provide the following records and information by no later than the close of business two weeks from the date of this letter:

1. All records relating to compensation of Mr. Mark A. Elengold for the period starting on May 1, 1988, until his separation from FDA on July 1, 2005. In addition, we request all records that reflect Mr. Elengold's requests to accumulate or take religious leave and that of his supervisors related to those requests. If such records have been retained, some of these records may have been archived; therefore, we request that you forward produced records as they become available. If FDA has not retained such records, please provide an explanation.
 - a. According to records provided by FDA with its August 3, 2007, letter to the Committee, Mr. Elengold's supervisor at the Center for Drug Evaluation and Research was Mr. Robert Bell. Please provide any records or information that would substantiate whether Mr. Bell ever authorized the accrual of time set aside for religious observances beyond one pay period.

- b. Did Mr. Elengold receive any awards or recognition from FDA, either as an individual or as a part of a group, in connection with coordinating activities in response to this Committee's 1988-1991 investigation of the Division of Generic Drugs? If so, please list the name of the award, amount of cash associated with the award, and the date of the award.
2. For the period beginning May 1, 1988, all records of any policies or instructions relating to earning and using religious compensatory time at the FDA Center for Drug Evaluation and Research.
3. For the period starting on January 1, 1997, all records of any policies or instructions relating to earning and using religious compensatory time at the FDA Center for Biologics Evaluation and Research.

Please note that for the purpose of responding to this request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter.

If you have any questions regarding this request, please contact us, or have your staff contact David Nelson of the Majority Committee staff at (202) 226-2424 or Alan Slobodin of the Minority Committee staff at (202) 225-3641.

Sincerely,



John D. Dingell
Chairman



Joe Barton
Ranking Member



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations



Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations

Attachment

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," or "relate" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.