



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Rockville MD 20857

The Honorable John D. Dingell  
Chairman  
Committee on Energy and Commerce  
House of Representatives  
Washington, D.C. 20515-6115

JUN 21 2007

Dear Mr. Chairman:

Thank you for the letter of April 12, 2007, co-signed by Ranking Member, Joe L. Barton and Oversight and Investigations Subcommittee Chairman Bart Stupak and Ranking Member, Ed Whitfield. Your letter requests data on compensation practices at the Food and Drug Administration (FDA or the Agency). We provided a partial response to your letter on June 11, 2007. The following is in further response to your request.

We have restated your questions in bold followed by our response.

- 1. A list of all current FDA employees and their positions enjoying higher total compensation (includes salary, bonuses, cash awards or other cash enhancements) than the highest Senior Executive Service (SES) salary grade or the salary of an Admiral in the Public Health Service (currently \$168,120 per annum) if in a senior management position, or the highest General Schedule (GS) salary grade (currently \$154,600) if paid under the GS scales. For each individual for each year from calendar year 2002 forward, please provide the annual compensation and the mechanism of compensation (Title 42, Commissioned Corps, SES, physician comparability allowance, etc.). For all such employees compensated under Title 42, please also list the date of their appointment.**

On June 11, 2007, we produced a list of FDA employees whose salary exceeded the threshold for their particular salary plan. Salary data for United States Public Health Service Commissioned Corps (Commissioned Corps) officers was not included in our first response. Information on Commissioned Corps offices is provided at Tabs A and B. Enclosed at Tab A is a list of current Commissioned Corps officers, assigned to FDA in senior management positions. Salaries for Commissioned Corps officers follows the basic pay tables established by the Department of Defense and are not determined by the FDA. Tab B provides the historical salary data (2002 forward) for those officers listed in Tab A. Enclosed at Tab C is the current pay table for Commissioned Corps officers.

Additionally, salary data for Title 38 staff was not included in that response. We will provide that information to the Committee when it becomes available.

**2. A list of all FDA employees, regardless of total compensation, and their positions who have received retention, locality, performance bonuses or awards, or other extraordinary payments in excess of \$5,000 in any given year and the amounts of such bonuses, awards, or other extraordinary payments since January 1, 2002. Please also provide the records justifying the bonuses, awards, or other extraordinary payments.**

Enclosed at Tab D are spreadsheets that contain the requested information separated by the Office of the Commissioner, Center for Drug Evaluation and Research (CDER), Center for Biologics Evaluation and Research (CBER), Center for Food Safety and Applied Nutrition (CFSAN), Center for Veterinary Medicine (CVM), Center for Devices and Radiological Health (CDRH), National Center for Toxicological Research (NCTR), and the Office of Regulatory Affairs (ORA).

This information was obtained from the Program Support Center (PSC) payroll database of the Department of Health and Human Services (HHS) and therefore shows all extraordinary payments (as defined in the question above) made between January 1, 2002, and April 14, 2007, (the ending of the relevant pay period) for the individuals listed. There are separate columns for cash awards (including SES performance bonuses), incentives (retention, recruitment, and relocation), PCA (physician comparability allowances), Market Pay, and PSP (Physician Special Pay). Also, student loan repayments are included under the recruitment incentive column.

We provided the supporting payment justification documentation that was able to be located. Please note that in some cases, one document will be the basis for more than one entry on the chart. In addition, the dollar amounts on the chart may not match exactly the amount approved on the documentation. For example, a retention incentive that was approved in August 2004 for \$15,000 (for the next 12 month period) may not be listed as a line item for the employee in the year 2004 on the spreadsheet. The reason for this is that 4 months worth will be listed in 2004 earnings, and the balance will be listed in the first 8 months of 2005.

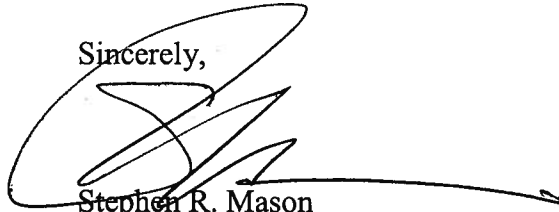
Many of the employees receive compensation under a categorical retention, in which case, a general business case was made for a category of employees and a blanket justification was developed for those employees that fell within those categories. For example, Medical Officers in CDER all receive a categorical retention. Lists of employees falling under any of these categorical retentions have been included for your reference.

On January 25, 2004, HHS consolidated its human resources functions. As a result, FDA's Office of Personnel and its functions officially were transferred to the HHS Rockville Human Resources Center (HR Center) where FDA employees' Official Personnel Folders (OPF) are now maintained. The official custodian of many of the records is now the HR Center. We are continuing to try to locate any missing copies of records justifying extraordinary payments through the employees' program areas and the employees' Official Personnel Folder (OPF) located in the HHS Rockville HR Center. We will provide additional justification documentation as it becomes available.

The time frame in which we will be able to locate and deliver any missing documentation will be dependent on several factors including the sources and workload of the Rockville HR Center locations and the need to possibly request records of former employees from the National Personnel Records Center in St. Louis, Missouri.

Thank you again for your interest in FDA matters. A similar copy of this response is being sent to the three co-signers of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen R. Mason', with a long horizontal flourish extending to the right.

Stephen R. Mason  
Acting Assistant Commissioner  
for Legislation

Enclosures