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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 5, 2007

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The Honorable Daniel R. Levinson
Inspector General
U.S. Department of Health and Human Services
330 Independence Avenue, S.W., Room 5250
Washington, D.C. 20201

Dear General Levinson:

Under Rules X and XI of the Rules of the United States House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the administrative integrity of the Food and Drug Administration (FDA). As part of that inquiry, the Committee requested certain records from FDA regarding bonuses paid FDA employees that exceed \$5,000 per year from 2002 forward. The Subcommittee staff has been instructed to provide you with access to these records.

A cursory review of the Office of Personnel Management (OPM) rules regarding the payment of such bonuses indicates that the managers that recommended and approved some of these bonuses may have been in blatant violation of the applicable rules. Further, in some cases, the recipients held positions of a managerial level that they knew or should have known the bonuses were being paid in violation of such rules. For a substantial number of these bonuses, there are no records justifying such payments. We are informed that a diligent search was made to locate such records.

In this case and others where OPM rules have been violated, we want to understand the Government's options regarding partial or full recovery, in addition to other penalties that may be applicable to the recipients and/or their supervisors.

Furthermore, there are incomplete records inasmuch as some Title 38 employee records have not yet been provided by the Agency. You should be aware that our request did not include annual bonuses of \$5,000 or less, so further violations of OPM rules may have occurred relating to the awarding of smaller bonuses.

The Honorable Daniel R. Levinson
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Finally, the Committee is also inquiring about actions by certain FDA managers to accumulate, in some cases, hundreds of hours of paid leave under the guise of compensatory time for religious observances, which have been and/or may be paid in cash. This scheme may involve serious criminal violations. We have instructed Committee staff to provide you with a briefing regarding our findings and such documents as we obtain in course of our investigation of this matter.

We ask that you promptly review the propriety and legality of the bonus payments and the leave scheme and inform us of the progress of your investigations. To take delivery of documents, receive staff briefings, or answer any questions you may have regarding these requests, please have your staff contact David Nelson with the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations