



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

JAN 28 2008

Dear Mr. Chairman:

Thank you for the letter of September 17, 2007, co-signed by Ranking Member Joe L. Barton, Chairman Bart Stupak, Subcommittee on Oversight and Investigations, and former Ranking Member Ed Whitfield, Subcommittee on Oversight and Investigations, regarding compensation for time set aside for religious observances by employees of the Food and Drug Administration (FDA or the Agency). We have provided all information and records that we were able to locate in response to your request.

Please note that some of the documents we are providing to you with this response are, and some may be, records maintained in a privacy act system of records, as that term is defined in The Privacy Act of 1974, Title 5, United States Code, § 552a. Consequently, FDA would not publicly disclose such documents except as provided in the Privacy Act, and we trust that you will accord such records appropriate protection.

We have restated your question in bold, followed by FDA's response.

1. **All records relating to compensation of Mr. Mark A. Elengold for the period starting on May 1, 1998, 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 If such records have been retained, some of these records may have been archived; therefore, we request that you forward produced records as they become available.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.**

Enclosed at Tab A are documents responsive to your request.

- 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.**

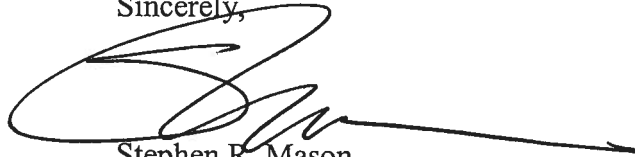
We were unable to locate any documents response to this request.

- 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.**

Enclosed at Tab B are documents responsive to your request.

Thank you again for your interest in FDA matters. A similar response is being sent to the co-signers of your letter, without enclosures.

Sincerely,

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

Stephen R. Mason  
Acting Assistant Commissioner  
for Legislation

Enclosures