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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
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Washington, DC 20515-6115

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August 13, 2007

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

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

VIA FAX

Dear Dr. von Eschenbach:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations continues its inquiry into compensation practices of the Food and Drug Administration (FDA).

In particular, we are requesting additional records related to any abuses of compensation for time set aside for religious observances. Please provide the following information within two weeks of receipt of this letter. For the period beginning January 1, 2002, please provide:

- A list of all FDA employees (current and past), who have not yet received compensation for time set aside for religious observances, but who have accumulated or are accumulating any form of credit to be used as compensation for time set aside for purposes of religious observances; and
- The amount of accumulated earnings or credit for time set aside for religious observances, the date(s) of the supervisor's approval of the accommodation of the employee's religious observance, and all records relating to approval of modified work schedules for religious observances by FDA employees who have accumulated retroactive earnings or credit.

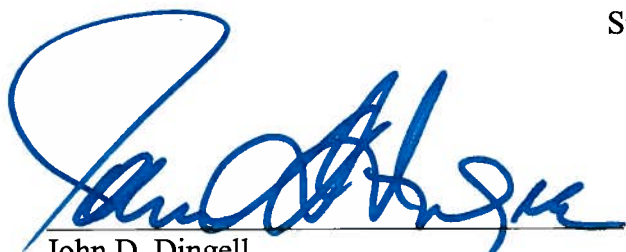
The Honorable Andrew von Eschenbach, M.D.

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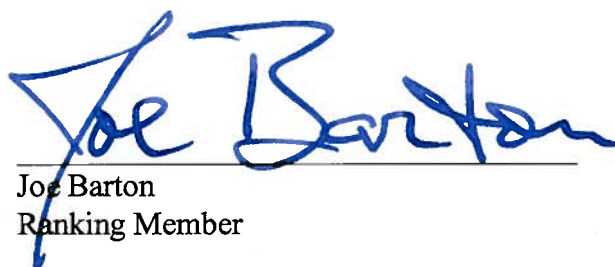
Employees who have less than 16 hours accumulated credit and have a written request for religious compensation time specifying that the compensatory time will be used within the next four weeks may be excluded from this request.

If two weeks is an insufficient time to comply with this request, please begin the production with the list and requested records for all employees that have or had accumulated 100 hours or more credit for religious observances as of April 12, 2007. For the purpose of responding to this request for information and documents, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter. If you have any questions, please contact us, or have your staff contact David Nelson with the Majority Committee staff at (202) 226-2424 or Alan Slobodin with 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.