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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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April 12, 2007

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GREGG A. ROTHSCHILD, CHIEF COUNSEL

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

VIA FAX

Dear Dr. von Eschenbach:

Pursuant to 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 have opened an inquiry into compensation practices at the Food and Drug Administration (FDA).

In particular, we are interested in FDA's use of Title 42 consultant compensation and other mechanisms to boost compensation above base salary including retention bonuses, locality bonuses, performance, or any other salary enhancements or awards. Please provide the following information within two weeks of receipt of this letter:

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 such 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.

The Honorable Andrew von Eschenbach, M.D.

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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. 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 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.