#### **Salaries & Expenses (Administrative Costs)**

#### **Budget Authority**

PERSONNEL COMPENSATION:	FY 2002 Appropriation	FY 2002 Current Estimate	FY 2003 Estimate	Increase or Decrease
11.1 Full-time permanent	\$546,029,000	\$581,853,000	\$625,551,000	\$43,698,000
11.3 Other than full-time perm	34,294,000	34,294,000	35,450,000	1,156,000
11.5 Other personnel comp	19,621,000	19,621,000	20,282,000	661,000
11.8 Special personal svcs pay	<u>144,000</u>	<u>144,000</u>	<u>149,000</u>	<u>5,000</u>
11.9 Total Personnel Comp	\$600,088,000	\$635,912,000	\$681,432,000	\$45,520,000
12.1 Civilian Personnel Benefits	138,097,000	147,847,000	159,391,000	11,544,000
Personnel Benefits, Accrued Retirement	50,238,000	50,238,000	53,770,000	3,532,000
13.0 Benefits -former personnel	<u>19,000</u>	<u>19,000</u>	<u>19,000</u>	<u>0</u>
Pay Costs, Current Law <sup>1</sup>	\$738,204,000	\$783,778,000	\$840,842,000	\$57,064,000
Pay Costs, Proposed Law <sup>2</sup>	\$788,442,000	\$834,016,000	\$894,612,000	\$60,596,000
21.0 Travel & Transportation of persons	21,393,000	25.992.000	27,514,000	1,522,000
22.0 Transportation of things	3,493,000	5,548,000	7,000,000	1,452,000
23.2 Rent payments to others	5,745,000	5,745,000	5,745,000	0
23.3 Communication, Util & Misc Services	26,737,000	30,246,000	28,803,000	(1,443,000)
24.0 Printing & Reproduction	3,337,000	3,337,000	3,337,000	0
Contractual Costs:				
25.1 Advisory and Assistance Services	16,222,000	17,216,000	16,918,000	(298,000)
25.2 Other Services	51,615,000	83,019,000	77,674,000	(5,345,000)
25.3 Purchase of Goods & Svcs from Govt Acts	50,566,000	50,566,000	50,239,000	(327,000)
Purchase of Goods & Svcs from Govt Acts,				
Accrued Retirement	944,000	944,000	981,000	37,000
25.4 Operation & Maintenance of Facilities	26,523,000	43,452,000	34,451,000	(9,001,000)
25.7 Operation & Maintenance of Equipment	<u>27,585,000</u>	<u>28,638,000</u>	<u>27,978,000</u>	(660,000)
Contractual Costs, Current Law	\$172,468,000	\$222,891,000	\$207,260,000	(\$15,631,000)
Contractual Costs, Proposed Law	\$173,455,000	\$223,835,000	\$208,241,000	(\$15,594,000)
26.0 Supplies & Materials	20,600,000	25,562,000	24,523,000	(1,039,000)
Non-Pay Costs, Current Law	\$253,816,000	\$319,321,000	\$304,181,000	(\$15,140,000)
Non-Pay Costs, Proposed Law	\$254,760,000	\$320,265,000	\$305,163,000	(\$15,102,000)
Total, Accrued Retirement Costs	\$51,182,000	\$51,182,000	\$54,751,000	\$3,569,000
99.0 CURRENT LAW DIRECT OBLIGATION 99.0 PROPOSED LAW DIRECT OBLIGATION	\$992,020,000 \$1,043,202,000	\$1,103,099,000 \$1,154,281,000	\$1,145,023,000 \$1,199,775,000	\$41,924,000 \$45,494,000

Note: This table does not reflect comparable adjustment in FY 2002 as a result of the FY 2003 Legislation and Public Affairs Transfer to DHHS.

Current Law reflects no comparability in FY 2002 for retirement accruals.

<sup>&</sup>lt;sup>2</sup>Proposed Law reflects comparable adjustments in FY 2002 for retirement accruals as though the proposal had been in effect.

#### Object Class Distribution - Budget Authority FY 2001 - FY 2003

	FY 2001	FY 2002	FY 2003	Increase
PERSONNEL COMPENSATION:	Actual	Current Estimate	Estimate	or Decrease
11.1 Full-time permanent	\$476,612,000	\$581,853,000	\$625,551,000	\$43,698,000
11.3 Other than full-time perm	35,532,000	34,294,000	35,450,000	1,156,000
11.5 Other personnel comp	17,902,000	19,621,000	20,282,000	661,000
11.8 Special personal svcs pay	212,000	144,000	149,000	5,000
11.9 Total Personnel Comp	\$530,258,000	\$635,912,000	\$681,432,000	\$45,520,000
12.1 Civilian Personnel Benefits	129,233,000	147,847,000	159,391,000	11,544,000
	45,890,000	50,238,000	53,770,000	3,532,000
13.0 Pensitaef Benefits From the Retirement	74,000	19,000	19,000	<u>0</u>
Pay Costs, Current Law <sup>1</sup>	\$659,565,000	\$783,778,000	\$840,842,000	\$57,064,000
Pay Costs, Proposed Law <sup>2</sup>	\$705,455,000	\$834,016,000	\$894,612,000	\$60,596,000
21.0 Travel & Transportation of persons	21,937,000	25,992,000	27,514,000	1,522,000
22.0 Transportation of things	3,210,000	5,548,000	7,000,000	1,452,000
23.1 Rental payments to GSA	87,276,000	98,876,000	98,556,000	(320,000)
23.2 Rent payments to others	4,403,000	5,745,000	5,745,000	(320,000)
23.3 Communication, Util & Misc Services	22,452,000	30,246,000	28,803,000	(1,443,000)
24.0 Printing & Reproduction	2,728,000	3,337,000	3,337,000	(1,445,000)
Contractual Costs:	2,720,000	0,007,000	0,007,000	٠
25.1 Advisory and Assistance Services	14,404,000	17,216,000	16,918,000	(298,000)
25.2 Other Services	40.861.000	83.019.000	77,674,000	(5,345,000)
25.3 Purchase of Goods & Svcs from Govt Acts Purchase of Goods & Svcs from Govt. Acts,	48,145,000	50,566,000	50,239,000	(327,000)
Accrued Retirement	987,000	944,000	981,000	37,000
25.4 Operation & Maintenance of Facilities	27,331,000	43,452,000	34,451,000	(9,001,000)
25.5 Research & Development Contracts	26,394,000	42,851,000	43,388,000	537,000
25.7 Operation & Maintenance of Equipment	25,631,000	28,638,000	27,978,000	(660,000)
Contractual Costs, Current Law	\$182,766,000	\$265,742,000	\$250,647,000	(\$15,095,000)
Contractual Costs, Proposed Law	\$183,753,000	\$266,686,000	\$251,629,000	(\$15,057,000)
26.0 Supplies & Materials	17,435,000	25,562,000	24,523,000	(1,039,000)
31.0 Equipment	39,982,000	69,748,000	61,626,000	(8,122,000)
32.0 Land & Structure	29,020,000	25,686,000	0	(25,686,000)
41.0 Grants, subsidies & contributions	26,672,000	27,022,000	27,022,000	0
42.0 Ins claims & indemnities	1,991,000	1,769,000	1,769,000	0
62.0 Receivables collected	(126,000)	<u>0</u>	<u>0</u>	<u>0</u>
Non-Pay Costs, Current Law	\$439,746,000	\$585,273,000	\$536,543,000	(\$48,730,000)
Non-Pay Costs, Proposed Law	\$440,733,000	\$586,217,000	\$537,524,000	(\$48,693,000)
Total, Accrued Retirement Costs	\$46,877,000	\$51,182,000	\$54,751,000	\$3,569,000
99.0 CURRENT LAW DIRECT OBLIGATION	\$1,099,311,000	\$1,369,051,000	\$1,377,385,000	\$8,334,000
99.0 PROPOSED LAW DIRECT OBLIGATION	\$1,146,188,000	\$1,420,233,000	\$1,432,136,000	\$11,903,000
FTE <sup>3</sup>	7,805	8,779	9,116	337

Note: This table does not reflect comparable adjustment in FYs 2001 and 2002 as a result of the FY 2003 Legislation and Public Affairs Transfer to DHHS.

<sup>&</sup>lt;sup>1</sup>Current Law reflects no comparability in FYs 2001 & 2002 for retirement accruals.

<sup>&</sup>lt;sup>2</sup>Proposed Law reflects comparable adjustments in FYs 2001 & 2002 for retirement accruals as though the proposal had been in effect.

<sup>&</sup>lt;sup>3</sup>Does not include Reimbursable FTE of 89 for each year.

#### Object Class Distribution - User Fees FY 2001 - FY 2003

	FY 2001	FY 2002	FY 2003	Increase
PERSONNEL COMPENSATION:	Actual	Current Estimate	Estimate	or
	\$83,629,000		\$105,489,000	Decrease \$14,619,000
11.1 Full-time permanent 11.3 Other than full-time perm	6,262,000	\$90,871,000 5,612,000	6,514,000	\$14,618,000 902,000
11.5 Other trian full-time permi	3,087,000	3,187,000	3,699,000	512.000
11.8 Special personal svcs pay	, ,	3, 107,000	3,099,000	512,000
11.9 Total Personnel Comp	131000 \$93,109,000	\$99,670,000	\$115,702,000	\$16,032,000
12.1 Civilian Personnel Benefits	, ,	22,636,000	26,278,000	. , ,
12.1 Civilian Personnel Benefits	22,147,000 7,287,000	7,900,000	8,454,000	3,642,000 554,000
12 0 Banafita formarmargannal LD //	7,287,000	7,900,000	0,454,000	554,000
13.0 Penedikaeforeneefiker Aumeed Retirement	_	<u>~</u>	-	<u>U</u>
Pay Costs, Current Law 1	\$115,256,000	\$122,306,000	\$141,980,000	\$19,674,000
Pay Costs, Proposed Law <sup>2</sup>	\$122,543,000	\$130,206,000	\$150,434,000	\$20,228,000
21.0 Travel & Transportation of persons	3,562,000	3,424,000	9,790,000	6,366,000
22.0 Transportation of things	322,000	309,000	909,000	600,000
23.1 Rental payments to GSA	6,184,000	6,240,000	7,140,000	900,000
23.2 Rent payments to others	196,000	396,000	1,171,000	775,000
23.3 Communication, Util & Misc Services	782,000	1,551,000	4,394,000	2,843,000
24.0 Printing & Reproduction Contractual Costs:	87,000	264,000	772,000	508,000
25.1 Advisory and Assistance Services	1,077,000	325,000	613,000	288,000
25.2 Other Services	27,208,000	26,444,000	57,759,000	31,315,000
25.3 Purchase of Goods & Svcs from Govt Acts	5,627,000	5,384,000	15,821,000	10,437,000
25.4 Operation & Maintenance of Facilities	390,000	323,000	845,000	522,000
25.5 Research & Development Contracts	1,863,000	2,727,000	8,047,000	5,320,000
25.7 Operation & Maintenance of Equipment	3,787,000	2,046,000	5,497,000	3,451,000
Subtotal Contractual Costs:	\$39,952,000	\$37,249,000	\$88,582,000	\$51,333,000
26.0 Supplies & Materials	4,201,000	3,749,000	10,640,000	6,891,000
31.0 Equipment	8,287,000	7,512,000	20,617,000	13,105,000
32.0 Land & Structure	2,000	364,000	368,000	4,000
41.0 Grants, subsidies & contributions	1,000	118,000	342,000	224,000
42.0 Ins claims & indemnities	4,000	5,000	5,000	0
62.0 Receivables collected	0	0	0	0
SUBTOTAL NON-PAY COSTS:	\$63,580,000	\$61,181,000	\$144,730,000	\$83,549,000
Total, Accrued Retirement Costs	\$7,287,000	\$7,900,000	\$8,454,000	\$554,000
99.0 CURRENT LAW DIRECT OBLIGATION	\$178,836,000	\$183,487,000	\$286,710,000	\$103,223,000
99.0 PROPOSED LAW DIRECT OBLIGATION	\$186,123,000	\$191,387,000	\$295,164,000	\$103,777,000
FTE	1,184	1,203	1,343	140

 $<sup>^{1}\</sup>text{Current}$  Law reflects no comparability in FYs 2001 & 2002 for retirement accruals.

<sup>&</sup>lt;sup>2</sup>Proposed Law reflects comparable adjustments in FYs 2001 & 2002 for retirement accruals as though the proposal had been in effect.

#### Object Class Distribution - Program Level FY 2001 - FY 2003

	FY 2001	FY 2002 Current	FY 2003	Increase or
PERSONNEL COMPENSATION:	Actual	Estimate	Estimate	Decrease
11.1 Full-time permanent	\$560,241,000	\$672,724,000	\$731.040.000	\$58.316.000
11.3 Other than full-time perm	41,794,000	39,906,000	41,964,000	2,058,000
11.5 Other personnel comp	20,989,000	22,808,000	23,981,000	1,173,000
11.8 Special personal svcs pay	343,000	144,000	149,000	5,000
11.9 Total Personnel Comp	\$623.367.000	\$735.582,000	\$797.134.000	\$61.552.000
12.1 Civilian Personnel Benefits	151,380,000	170,483,000	185,669,000	15,186,000
	53,177,000	58,138,000	62,224,000	4,086,000
13.0 Benefits -former personnel	74,000	19,000	19,000	<u>0</u>
Pays Cousts Penerium tAconuêd Retirement	\$774,821,000	\$906,084,000	\$982,822,000	\$76,738,000
Pay Costs, Proposed Law <sup>2</sup>	\$827,998,000	\$964,222,000	\$1,045,046,000	\$80,824,000
24.0 Travel 9 Transportation of payment	25 400 000	20 446 000	27 204 000	7 000 000
21.0 Travel & Transportation of persons	25,499,000	29,416,000	37,304,000	7,888,000
22.0 Transportation of things	3,532,000	5,857,000	7,909,000	2,052,000
23.1 Rental payments to GSA	93,460,000 4,599,000	105,116,000 6,141,000	105,696,000 6,916,000	580,000 775,000
23.2 Rent payments to others	, ,	, ,	, ,	
23.3 Communication, Util & Misc Services 24.0 Printing & Reproduction	23,234,000 2,815,000	31,797,000 3,601,000	33,197,000 4,109,000	1,400,000 508,000
Contractual Costs:	2,015,000	3,601,000	4,109,000	506,000
	15 404 000	17 544 000	17 524 000	(40,000)
25.1 Advisory and Assistance Services 25.2 Other Services	15,481,000 68.069.000	17,541,000 109.463.000	17,531,000 135.433.000	(10,000) 25.970.000
25.3 Purchase of Goods & Svcs from Govt Acts	53,772,000	55,950,000	66,060,000	10,110,000
Purchase of Goods & Svcs from Govt Acts,	, ,	, ,	, ,	, ,
Accrued Retirement	987,000	944,000	981,000	37,000
25.4 Operation & Maintenance of Facilities	27,721,000	43,775,000	35,296,000	(8,479,000)
25.5 Research & Development Contracts	28,257,000	45,578,000	51,435,000	5,857,000
25.7 Operation & Maintenance of Equipment	29,418,000	30,684,000	33,475,000	2,791,000
Contractual Costs, Current Law	\$222,718,000	\$302,991,000	\$339,229,000	\$36,238,000
Contractual Costs, Proposed Law	\$223,705,000	\$303,935,000	\$340,211,000	\$36,276,000
26.0 Supplies & Materials	21,636,000	29,311,000	35,163,000	5,852,000
31.0 Equipment	48,269,000	77,260,000	82,243,000	4,983,000
32.0 Land & Structure	29,022,000	26,050,000	368,000	(25,682,000)
41.0 Grants, subsidies & contributions	26,673,000	27,140,000	27,364,000	224,000
42.0 Ins claims & indemnities	1,995,000	1,774,000	1,774,000	0
62.0 Receivables-collected	(126,000)	<u>0</u>	<u>0</u>	<u>0</u>
Non-Pay Costs, Current Law	\$503,326,000	\$646,454,000	\$681,273,000	\$34,819,000
Non-Pay Costs, Proposed Law	\$504,313,000	\$647,398,000	\$682,254,000	\$34,856,000
Total, Accrued Retirement Costs	\$54,164,000	\$59,082,000	\$63,205,000	\$4,123,000
99.0 CURRENT LAW DIRECT OBLIGATION	\$1,278,147,000	\$1,552,538,000	\$1,664,095,000	\$111,557,000
99.0 PROPOSED LAW DIRECT OBLIGATION	\$1,332,311,000	\$1,611,620,000	\$1,727,300,000	\$115,680,000
FTE <sup>3</sup>	8,989	9,982	10,459	477

Note: This table does not reflect comparable adjustment in FYs 2001 and 2002 as a result of the FY 2003 Legislation and Public Affairs Transfer to DHHS.

<sup>&</sup>lt;sup>1</sup>Current Law reflects no comparability in FYs 2001 & 2002 for retirement accruals.

<sup>&</sup>lt;sup>2</sup>Proposed Law reflects comparable adjustments in FYs 2001 & 2002 for retirement accruals as though the proposal had been in effect.

<sup>&</sup>lt;sup>3</sup>Does not include Reimbursable FTE of 89 for each year.

#### Food and Drug Administration - FY 2001 ALL PURPOSE TABLE - Proposed Retirement Accruals - Budget Authority (Dollars in thousands)

PROGRAM		FY 2001 Current Estimate		Y 2001 ccrued tirement	FY 2001 Proposed Law	
	FTE	\$		\$	FTE	\$
Salaries and Expenses:						
Foods	2,389	\$287,530		\$14,078	2,389	\$301,608
Center	865	125,729		5,097	865	130,826
Field	1,524	161,801		8,981	1,524	170,782
Human Drugs	1,921	218,527		11,466	1,921	229,993
Center	1,197	151,089		7,145	1,197	158,234
Field	724	67,438		4,321	724	71,759
Biologics	826	108,310		4,930	826	113,240
Center	604	86,242		3,605	604	89,847
Field	222	22,068		1,325	222	23,393
Animal Drugs and Feeds	454	64,075		2,710	454	66,785
Center	302	48,861		1,803	302	50,664
Field	152	15,214		907	152	16,121
Devices and Radiological Health	1,423	165,316		8,045	1,423	173,361
Center	966	122,077		5,461	966	127,538
Field	457	43,239		2,584	457	45,823
National Center for Toxicological Research	227	36,249		2,011	227	38,260
Other Activities	638	67,992		3,637	638	71,629
Office of the Commissioner	87	10,009		563	87	10,572
Office of Management & Systems	339	29,551		2,132	339	31,683
Office of Senior Associate Commissioner	76	7,772		295	76	8,067
Office of International & Constituent Relations	56	6,370		322	56	6,692
Office of Policy, Planning, & Legislation	80	7,453		325	80	7,778
Central Services	0	6,837		0	0	6,837
Other Rent and Rent Related Activities	0	30,898		0	0	30,898
GSA Rental Payments	0	87,276		0	0	87,276
SUBTOTAL, Salaries & Expenses	7,878	\$ 1,066,173	\$	46,877	7,878	\$ 1,113,050
Center Activities	4,799	638,239		28,760	4,799	666,999
Field Activities	3,079	309,760		18,117	3,079	327,877
Rent Activities	0	118,174		0	0	118,174
Buildings and Facilities		\$31,281				\$31,281
TOTAL Budget Authority	7,878	\$1,097,454		\$46,877	7,878	\$1,144,331

## Food and Drug Administration - FY 2002 ALL PURPOSE TABLE - Proposed Retirement Accruals - Budget Authority (Dollars in thousands)

			FY 2002	EV 2	FY 2002 Actual	
PROGRAM						
FICORAIN		Current Estimate	Retirement	Proposed Law		
	FTE	\$	\$	FTE		\$
Salaries and Expenses:						
Foods	2,851	\$404,599	\$16,856	2,851		\$421,455
Center	909	145,293	5,374	909		150,667
Field	1,942	259,306	11,482	1,942		270,788
Human Drugs	2,019	260,709	11,841	2,019		272,550
Center	1,251	183,531	7,337	1,251		190,868
Field	768	77,178	4,504	768		81,682
Biologics	937	140,331	5,496	937		145,827
Center	689	112,456	4,041	689		116,497
Field	248	27,875	1,455	248		29,330
Animal Drugs and Feeds	594	86,467	3,484	594		89,951
Center	320	56,041	1,877	320		57,918
Field	274	30,426	1,607	274		32,033
Devices and Radiological Health	1,477	181,021	7,932	1,477		188,953
Center	996	132,210	5,349	996		137,559
Field	481	48,811	2,583	481		51,394
National Center for Toxicological Research	237	42,882	1,983	237		44,865
Other Activities	664	77,137	3,590	664		80,727
Office of the Commissioner	101	12,429	595	101		13,024
Office of Management & Systems	350	34,670	2,102	350		36,772
Office of Senior Associate Commissioner	75	8,088	255	75		8,343
Office of International & Constituent Relations	57	7,207	357	57		7,564
Office of Policy, Planning, & Legislation	81	7,906	281	81		8,187
Central Services	0	6,837	0	0		6,837
Other Rent and Rent Related Activities	0	42,748	0	0		42,748
GSA Rental Payments	0	98,876	0	0		98,876
SUBTOTAL, Salaries & Expenses	8,779	\$ 1,334,770	\$ 51,182	8,779	\$	1,385,952
Center Activities	5,066	749,550	29,551	5,066		779,101
Field Activities	3,713	443,596	21,631	3,713		465,227
Rent Activities	0	141,624	0	0		141,624
Buildings and Facilities		\$34,281				\$34,281
TOTAL Budget Authority	8,779	\$1,369,051	\$51,182	8,779		\$1,420,233

## Food and Drug Administration - FY 2003 ALL PURPOSE TABLE - Proposed Retirement Accruals - Budget Authority (Dollars in thousands)

220214			Accrued		003 Actual
PROGRAM	FY 2003	Current Estimate	Retirement	Prop	osed Law
	FTE	\$	\$	FTE	\$
Salaries and Expenses:					
Foods	3,098	\$412,097	\$17,919	3,098	\$430,016
Center	922	148.112	5.333	922	153.445
Field	2,176	263,985	12,586	2,176	276,571
Human Drugs	2,108	277,317	13,056	2,108	290,373
Center	1,292	190,528	8,002	1,292	198,530
Field	816	86,789	5,054	816	91,843
Biologics	977	146,849	6,051	977	152,900
Center	727	118,414	4,503	727	122,917
Field	250	28,435	1,548	250	29,983
Animal Drugs and Feeds	612	88,972	3,790	612	92,762
Center	325	57,875	2,013	325	59,888
Field	287	31,097	1,777	287	32,874
Devices and Radiological Health	1,501	190,720	7,964	1,501	198,684
Center	1,000	137,420	5,306	1,000	142,726
Field	501	53,300	2,658	501	55,958
National Center for Toxicological Research	238	40,688	1,989	238	42,677
Other Activities	582	77,688	3,982	582	81,670
Office of the Commissioner	105	13,416	717	105	14,133
Office of Management & Systems	346	40,671	2,349	346	43,020
Office of Senior Associate Commissioner	27	4,040	199	27	4,239
Office of International & Constituent Relations	57	7,410	398	57	7,808
Office of Policy, Planning, & Legislation	47	5,659	319	47	5,978
Central Services	0	6,492	0	0	6,492
Other Rent and Rent Related Activities	0	36,498	0	0	36,498
GSA Rental Payments	0	98,556	0	0	98,556
SUBTOTAL, Salaries & Expenses	9,116	\$ 1,369,385	\$ 54,751	9,116	\$ 1,424,136
Center Activities	5,086	770,725	31,127	5,086	801,852
Field Activities	4,030	463,606	23,623	4,030	487,229
Rent Activities	0	135,054	0	0	135,054
Buildings and Facilities		\$8,000		 	\$8,000
TOTAL Budget Authority	9,116	\$1,377,385	\$54,751	9,116	\$1,432,136

# Food and Drug Administration - FY 2001 ALL PURPOSE TABLE - Proposed Retirement Accruals - User Fees (Dollars in thousands)

PROGRAM	Es	1 Current	FY 2001 Accrued Retirement	FY 2001 Actual Proposed Law		
	FTE	\$	\$	FTE	\$	
Salaries and Expenses:						
Human Drugs (PDUFA)		\$99,298	\$4,324	702	\$103,622	
Center	635	92,615	3,911	635	96,526	
Field	67	6,683	413	67	7,096	
Biologics (PDUFA)		\$32,154	1,559	253	33,713	
Center	246	31,484	1,516	246	33,000	
Field	7	670	43	7	713	
Other Activities (PDUFA)	127	11,961	782	127	12,743	
Office of the Commissioner	17	1,793	105	17	1,898	
Office of Management & Systems	64	5,702	394	64	6,096	
Office of Senior Associate Commissioner	21	1,932	129	21	2,061	
Office of International & Constituent Relations	9	925	55	9	980	
Office of Policy, Planning, & Legislation	16	1,609	99	16	1,708	
GSA Rental Payments (PDUFA)	0	5,860		0	5,860	
SUBTOTAL, Definite Appropriations	1,082	\$149,273	\$6,665	1,082	\$155,938	
Indefinite Appropriations:						
MQSA	50	\$15,128	\$308	50	\$15,436	
Devices & Radiological Health	48	14,947	296	48	15,243	
Center	32	4,627	197	32	4,824	
Field	16	10,320	99	16	10,419	
Other Activities	2	181	12	2	193	
Export Certification	13	1,500	80	13	1,580	
Color Certification Fund	38	4,492	234	38	4,726	
Subtotal, Indefinite Appropriations	101	\$21,120	\$622	101	\$21,742	
Total, Current Law User Fees	1,183	\$170,393	\$7,287	1,183	\$177,680	
Center Activities	1,093	146,860	6,732	1,093	153,592	
Field Activities	90	17,673	555	90	18,228	
Rent Activities	0	5,860	0	0	5,860	

# Food and Drug Administration - FY 2002 ALL PURPOSE TABLE - Proposed Retirement Accruals - User Fees (Dollars in thousands)

PROGRAM		)2 Current timate	FY 2002 Accrued Retirement	FY 2002 Actual Proposed Law		
	FTE	\$	\$	FTE	\$	
Salaries and Expenses:						
Human Drugs (PDUFA)	722	\$106,188	\$4,741	722	\$110,929	
Center	655	98,338	4,301	655	102,639	
Field	67	7,850	440	67	8,290	
Biologics (PDUFA)	253	35,344	1,662	253	37,006	
Center	246	34,466	1,616	246	36,082	
Field	7	878	46	7	924	
Other Activities (PDUFA)	127	13,944	834	127	14,778	
Office of the Commissioner	17	2,090	112	17	2,202	
Office of Management & Systems	64	6,648	420	64	7,068	
Office of Senior Associate Commissioner	21	2,252	138	21	2,390	
Office of International & Constituent Relation:	9	1,078	59	9	1,137	
Office of Policy, Planning, & Legislation	16	1,876	105	16	1,981	
GSA Rental Payments (PDUFA)	0	6,240		0	6,240	
SUBTOTAL, Definite Appropriations	1,102	\$161,716	\$7,237	1,102	\$168,953	
Indefinite Appropriations:						
MQSA	50	\$15,590	\$328	50	\$15,918	
Devices & Radiological Health	48	15,404	315	48	15,719	
Center	32	4,768	210	32	4,978	
Field	16	10,636	105	16	10,741	
Other Activities	2	186	13	2	199	
Export Certification	13	1,500	85	13	1,585	
Color Certification Fund	38	4,681	250	38	4,931	
Subtotal, Indefinite Appropriations	101	\$21,771	\$663	101	\$22,434	
Total, Current Law User Fees	1,203	\$183,487	\$7,900	1,203	\$191,387	
Center Activities	1,113	157,883	7,309	1,113	165,192	
Field Activities	90	19,364	591	90	19,955	
Rent Activities	0	6,240	0	0	6,240	

#### Exhibit S

### Food and Drug Administration - FY 2003 ALL PURPOSE TABLE - Proposed Retirement Accruals - User Fees (Dollars in thousands)

PROGRAM	FY 2003 C		FY 2003 Accrued Retirement		3 Actual sed Law	
	FTE	\$	\$	FTE	\$	
Salaries and Expenses:						
Proposed User Fees						
Human Drugs (PDUFA)	821	\$180,662	\$5,168	821	\$185,830	
Center	742	165,412	4,671	742	170,083	
Field	79	15,250	497	79	15,747	
Biologics (PDUFA)	294	62,474	1,850	294	64,324	
Center	283	<i>60,4</i> 96	1,781	283	62,277	
Field	11	1,978	69	11	2,047	
Other Activities (PDUFA)	127	13,944	800	127	14,744	
Office of the Commissioner	17	2,090	107	17	2,197	
Office of Management & Systems	64	6,648	403	64	7,051	
Office of Senior Associate Commissioner	21	2,252	132	21	2,384	
Office of International & Constituent Relation	9	1,078	57	9	1,135	
Office of Policy, Planning, & Legislation	16	1,876	101	16	1,977	
GSA Rental Payments (PDUFA)	0	7,140		0	7,140	
Subtotal, Proposed User Fees	1,242	\$264,220	\$7,818	1,242	\$272,038	
Center Activities	1,152	239,852	7,252	1,152	247,104	
Field Activities	90	17,228	566	90	17,794	
Rent Activities	0	7,140	0	0	7,140	
Current Law User Fees						
MQSA	50	\$16,112	\$315	50	\$16,427	
Devices & Radiological Health	48	15,920	302	48	16,222	
Center	32	4,927	201	32	5,128	
Field	16	10,993	101	16	11,094	
Other Activities	2	192	13	2	205	
Export Certification	13	1,500	82	13	1,582	
Color Certification Fund	38	4,878	239	38	5,117	
Subtotal, Current Law User Fees	101	\$22,490	\$636	101	\$23,126	
Center Activities	85	11,497	535	85	12,032	
Field Activities	16	10,993	101	16	11,094	
Total, User Fees	1,343	\$286,710	\$8,454	1,343	\$295,164	
Center Activities	1,237	251,349	7,787	1,237	259,136	
Field Activities	106	28,221	667	106	28,888	
Rent Activities	0	7,140	0	0	7,140	

#### **EXTRAMURAL RESEARCH FUNDING -- FY 2001**

STATE	RECIPIENT	PROJECT TITLE	AMOUNT
AZ	University of Arizona	Role of Irrigation Methods on Microbial Food Safety	\$178,717
CA	University of California	DCA Treatment of Congenital Lactic Acidemia	\$148,929
CA	University of Southern California	Novel Adjuvants for Peptide-Based Melanoma Vaccines	\$376,891
CA	Children's Hospital Oakland	Arginine Therapy for Acute Chest Syndrome in Sickle Cell	\$294,613
CA	Harbor-UCLA Research & Education Inst.	L-glutamine therapy for Sickle Cell Anemia	\$347,409
CA	University of California, Davis	Effects of Previously S. enteritidis Contaminated Poultry	\$59,294
CN	Neurochem Inc.	Environ. Safety & Efficacy of NC-503 in Secondary Amyloidosis	\$298,394
CO	Cochlear Corporation	Penetrating Auditory Brainstem Implant for	\$150,000
00	Occilical Ociporation	Neurofibromatosis 2	ψ130,000
CO	Colorado State University	Antimicrobial Use and Resistance in Enteric Bacteria	\$196,518
DC	National Academy of Sciences	Nutrient Requirements of Domestic Animals & Critical	\$100,000
		Roles	
FL	University of Florida	Dichloroacetate Treatment of Congenital Lactic Acidosis	\$25,000
FL	University of Florida	Prevention of Dichloroacetate Toxicity	\$414,625
FL GA	Florida Department of Health University of Georgia Research Found.	Development of Methods for Virus Extraction from Food Dose Response Model for Food Borne Listeria	\$201,770 \$151,950
GA	University of Georgia Research Found.	Inactivation of Pathogens on Produce by GRAS Chemicals	\$57,807
GA	University of Georgia Research Found.	Non Thermal Method of Enhance Safety of Fresh Produce	\$68,097
GA	University of Georgia Research Found.	Does Antibiotic Usage Create Drug-Resistant	\$194,750
		Campylobactor	
GA	University of Georgia Research Found.	Foodborne Protozoa: Inoculation & Inactivation Methods	\$103,125
IA	University of Iowa Hospitals and Clinics	OK-432 Sclerotherapy - A Multicenter Trial	\$265,800
IA	Iowa State University	Veterinary Antimicrobial Decision Support System (VADS) Multi-Center Trial of TPN-Associated Liver Disease	\$249,253 \$252,481
IL IL	Northwestern University Illinois Institute Technology	National Center for Food Safety & Technology (NCFST)	\$3,060,375
IN	Indiana University	Indiana University Clinical Pharmacology	\$649,995
IN	Purdue Research Foundation	Effect of Inoculation on Efficacy of Chlorine Dioxide Gas	\$111,021
KY	Phoenix Pharmacologics, Inc.	Testing of ADI-PEG in Metastatic melanoma	\$143,675
LA	Tulane School of Public Health	Phase I Studies of an Investigational Aminoquinoline	\$148,500
MA	Boston University	Arginine Butyrate & Ganciclovir in Epstein Barr Virus	\$163,000
MA	Dana-Farber Cancer Institute	Defibrotide for Severe Hepatic Veno-occlusive	\$386,314
MA MA	Children's Hospital Massachusetts General Hospital	Effect Inhaled Nitric Oxide Pediatric Sickle Pain Crisis Minocycline Dosing & Safety in Huntington's Disease	\$141,977 \$320,318
MA	Massachusetts General Hospital	TheraDerm Administration in Women with Hypopituitarism	\$471,088
MA	Holles Laboratories, Inc.	Topical DEHYDREX in Treating Recurrent Corneal Erosion	\$250,000
MA	Trustees of Boston University	Studies of Adverse Effects of marketed Drugs	\$300,000
MD	Johns Hopkins University	Eff. of Abendazole Therapy in Epilepsy due to	\$18,000
		Cysticercosis	
MD	Chen Ophthalmic Laboratories	Trial on Safety/Efficacy of a New Cornea Storage Media	\$30,588
MD MD	Johns Hopkins University	Enbrel in Wegener's Granulomatosis Phase li	\$253,575 \$276,511
MD	John Hopkins University Sigma-Tau Pharmaceuticals, Inc.	Intraventricular Hemorrhage Thrombolysis Trial Cysteamine Hydrochloride Eye Drops	\$376,511 \$89,100
MD	Johns Hopkins University	Intraventricular rt-PA Pharmacokinetic and	\$170,211
	Terminal Commencer,	Pharmcodynamic Study	¥ · · · •,= · ·
MD	University of Maryland	Joint Inst. for Food Safety & Applied Nutrition (JIFSAN)	\$2,782,800
MI	University of Michigan	Prevention of TPN-Chloestasis with Cholecystokinin	\$68,175
MI	University of Michigan	Etanercept for Non-Infectious Lung Injury following Bone Marrow	\$213,067
MI	University of Michigan	Keratinocyte Growth Factor to Prevent Acute GVHD	\$220,780
MI	Univ. of Michigan	Therapy of Wilson's Disease with Tetrathiomolybdate	\$71,156
MI	Michigan State University	Transfer Coefficients for Listeria Cross-Contamination	\$147,142
MN	Mayo Clinic Rochester	Giant Cell Myocaritis Treatment Trial Pilot Study	\$175,531
MO	Washington University	Efficacy & Toxicity of Infusional Arsenic Trioxide in APML	\$155,489
MO MS	University of Missouri - Columbia University of Mississippi	Effect of Genistein on the Nasal Potential Diff. In C.F. Botanical Dietary Supplements: Science-Base for	\$28,836 \$839,611
IVIO	oniversity or iviississippi	Authentication	φουθ,υ ι Ι
MX	Fundacion Mexicana para la Salud	Susceptibility of Foodborne pathogens from Humans/Food/Animals	\$388,823
NC	Duke University Medical Center	Intrathecal busulfan Therapy of Neoplastic Meningtis	\$19,276

STATE	RECIPIENT	PROJECT TITLE	AMOUNT
NC	North Carolina State University	Antimicrobial Resistance of Salmonella Isolated from Swine	\$118,514
NC	University of North Carolina at Chapel Hill	Development of Viral Extraction Processing & Detection Methods	\$186,657
NC	Research Triangle Institute	Consumer Storage Length Practices for Ready-to-Eat Foods	\$139,980
NJ	Rutgers University	Irrigation Water Quality	\$101,347
NM	New Mexico State University	WERC Design Contest	\$100,000
NY	State University of New York	Collagenase in the Treatment of Dupuytren's Disease	\$72,167
NY	Mount Sinai School of Medicine	Fluoxetine vs. Placebo in Adult Autistic Disorder	\$345,392
NY NY	Mount Sinai School of Medicine	IL-2 in Common Variable Immunodeficiency	\$254,250
NY NY	Mount Sinai Medical Center	Liquid Fluoxetine vs. Placebo in Child Autism	\$193,852
NY	Research Foundation at SUNY University of Rochester Medical Center	Cyclophosphamide to Mycophenolate Mofetil Mexiletine Treatment of Myotonic Dystrophy	\$301,943 \$345,604
NY	Sloan-Kettering Institute for Cancer Res.	Phase II Trial of Bryostatin-1 & Paclitaxel in Patients with	\$343,004
	· ·	Espo.	
OH OH	University of Cincinnati Case Western Reserve University	Cultured Skin Substitutes for Closure of Burn Wounds Implantable FNS System for Standing Transfers	\$302,382 \$259,975
OH	Children's Hospital Medical Center	Anti-resorptive Bone Therapy for Osteopenia In Gaucher	\$74,000
OH	Children's Hospital Medical Center	Disease	Ψ74,000
ОН	Children's Hospital Medical Center	Multisite Trial of Pergolide in Children with Tourette's	\$245,410
OH	Case Western Reserve University	Electrical Activation of Diaphragm for Ventilatory Assist	\$191,868
OH	Cleveland Clinic Foundation	Trial of Gm-CSF for Alveolar Proteinosis	\$384,433
ОН	Ohio State University Research Foundation	Clinical Trials of Albuterol & Oxandrolone in FSH Dystrophy	\$320,013
ОН	BIOMEC Systems, Inc.	Nitroprusside Autoinfusor	\$82,213
PA	University of Pittsburgh	Calcitriol & Dexamethasone for Myelodysplastic Syndrome	\$423,606
SC	Medical University of South Carolina	Phase II Study of Alendronate in Juvenile Osteopooroosis	\$154,892
TN	Vanderbilt University Medical Center	Growth Hormone in Renal Failure	\$27,000
TN	Tennessee State University	Home Refirgeration Knowledge and Practaices of Consumers	\$188,364
TN	Tennessee State University	Role of Irrigation Methods on Microbial Food Safety	\$144,659
TX	Retina Foundation of the Southwest	DHA Supplementation & X-linked Retinitis Pigmentosa	\$13,924
TX	University of Texas Medical Branch	Tin Mesoporphyrin and Heme Therapy in Acute Porphyria	\$72,450
TX	University of Texas SW Medical Center	Phase I Trials of d-MSH	\$153,984
TX	University of Texas MD Anderson Cancer	Development of ATRAGEN (Liposomal Tretinoin) for Pts with Relapsed	\$291,188
TX	University of Texas MD Anderson Cancer	Subcutaneous Homoharringtonine in Chronic Myelogenous Leukemia	\$193,664
TX	University of Texas MD Anderson Cancer Cntr	HHT, IFN-A & Ara-C in Early Chronic Myelogenous Leukemia	\$240,000
TX	University of Texas MD Anderson Cancer	Clofarabine in Chronic Lymphocytic Leukemia	\$220,968
TX	Texas A&M University	Development of Cell and Nanoparticle Based Sensors for BSE	\$100,635
VA	Lighthouse Instruments LLC	Validation of a Rapid and Nondestructive Gas Analyzer	\$401,017
WA	University of Washington	Treatment of Tyrosinemia-I with NTBC	\$203,646
WA	Children's Hospital and Regional Medical Center	Triostat in Children During CPB	\$405,080
WA	Washington State University	Livestock Feeds as a Means of Dissemination of Antimicrobial	\$197,473
WI	Third Wave Technologies, Inc. TOTAL	DNA-based Detection of Genetically Modified Organisms	\$99,770 <b>\$24,259,177</b>

### SIGNIFICANT ITEMS FROM HOUSE, SENATE, AND CONFERENCE REPORTS APPROPRIATIONS SUBCOMMITTEES FY 2002 BUDGET

**House Report No. 107-116** 

#### Item

*Dietary Supplement Adverse Event Reports* -- The July 1999 General Accounting Office report (GGD 99 90) on dietary supplements found that the Adverse Event Report system used by the FDA needs to be improved. Furthermore, the GAO made specific recommendations to the FDA on what action should be taken to address this situation. More recently, in April 2001, the Office of the Inspector General (OIG) of the Department of Health and Human Services made further recommendations for enhancing the quality and capability of the FDA's AER system for dietary supplements. The Committee is concerned that the FDA has not taken proper steps to address the concerns outlined in the GAO and OIG reports. Therefore, the Committee directs the FDA to follow the recommendations made by these reports as a part of the agency's overall plan to consolidate and improve the AER system.

#### Action Taken or To Be Taken

GAO/OIG concluded that without further development of the overall regulatory framework for dietary supplements, the potential of the system to serve as a consumer safeguard is inherently limited. The program simply cannot serve as an adequate safety valve until other measures are taken that will allow FDA to generate and confirm signals of possible public health concerns. They encourage FDA to seek the authority it needs to require manufacturer and product registration and mandatory manufacturer reporting of adverse events.

CFSAN is developing a new adverse event report system, called the CFSAN Adverse Event Reporting System (CAERS). CAERS is being designed to capture and analyze all reports of consumer complaints and adverse events related to CFSAN-regulated products, including functional foods and dietary supplements. This system will incorporate all existing Center adverse events reporting systems into one state-of-the-art reporting and monitoring system. CAERS will capture information received from various formats, including electronic submissions through the field offices and other Center systems, paper submissions, telephone calls and Congressional inquiries

In FY 2001, FDA completed the development of the 1st prototype model of CAERS. The development of the CAERS prototype will allow a small group of selected users to test the CAERS system and determine its functionality, practicality and quality. Results of this testing will allow for further enhancements and modifications to be made to the system.

In FY 2002, FDA will (1) develop standard operating procedures and pilot test new systems for the processing of adverse events and (2) establish a system that makes adverse event reports promptly available to manufacturers, including the timely reduction of confidential information.

#### <u>Item</u>

**Food Safety** -- To enhance food safety, the Committee supports the expedited review of food additive petitions that are designed to decrease the risk of foodborne illness. FDA has implemented an expedited review process for such petitions. The Committee notes that despite this effort, unacceptable delays persist regarding actions that would permit the expanded use of pathogen-reducing technologies. The Committee directs FDA to explore additional activities that would permit the expanded use of pathogen-reducing technologies, particularly including more timely review, food additive petition process enhancements such as premarket consultations for petitions for new uses of irradiation, and developing irradiation labeling that is better understood by the general public.

#### Action Taken or To Be Taken

To further expedite the review of food additive petitions, especially those relating to pathogenreducing technology, the Agency will develop guidance for pre-filing consultations for new petitions and notifications. In addition, FDA will communicate with prospective submitters to encourage pre-filing consultations for new petitions and notifications. Finally, FDA will implement a system for electronic submission of food and color additive petitions, provide general guidance for all types of submissions in electronic format, and provide appropriate training to submitters.

#### Item

Labeling of Irradiated Foods -- FDA is in the process of developing a proposed rule related to the current labeling requirements for foods that are treated with ionizing radiation. The Committee understands that FDA regulations currently permit labeling that explains why the food is being irradiated, as long as the labeling is truthful and not misleading. The Committee believes that any required disclosure should not be perceived as a warning or give rise to inappropriate consumer anxiety. The Committee believes the FDA should consider as part of its rulemaking process a proposal to include only those labeling alternatives that are easily understood by the general public.

#### Action Taken or To Be Taken

FDA conducted focus group research to understand how consumers react to alternative formats of irradiation labeling. Two focus group meetings were conducted in Maryland on June 18; two groups in California on July 9; and two groups in Minnesota on July 11. Each group consisted of 7 to 10 people recruited at random by telephone from large lists of the general population. A

final report on the irradiation labeling focus groups will be finalized and made available on the Center for Food Safety and Applied Research's (CFSAN) Web site in FY 2002. Following completion of the report, FDA will report the findings to Congress.

#### <u>Item</u>

Shellfish Safety -- The Committee expects that FDA will continue its work with the Interstate Shellfish Sanitation Commission (ISSC) to promote educational and research activities related to shellfish safety in general, and Vibrio vulnificus in particular. The Committee directs the use of \$250,000 for this effort from within sums provided for food safety. In addition, the Committee understands that FDA's Office of Seafood has a memorandum of understanding with ISSC to work on assuring the safety and quality of shellfish, including regulation development when needed. The Committee directs that FDA continue this work with the ISSC, and that FDA continue to devote not less than \$200,000 to these efforts.

#### Action Taken or To Be Taken

FDA's laboratory at Dauphin Island, Alabama, is almost entirely dedicated to research projects designed to improve safety measures for molluscan shellfish. Such safety measures would be applied through control strategies adopted by the ISSC for use by state programs. CFSAN will continue funding in FY 2002.

#### Item

Shellfish Safety Goals -- While the Committee supports the efforts by the Food and Drug Administration in reducing the rate of illness due to Vibrio vulnificus, it is concerned about the achievability of the illness rate reduction goals and the severity of consequences for failure in reaching those goals being proposed by the Interstate Shellfish Sanitation Conference (ISSC). The Committee encourages FDA and the ISSC to work with the state regulatory authorities and industry to ensure that the impact to the affected states is understood and mitigated as these reduction goals are developed, consistent with latest scientific information available. Furthermore, the Committee supports the continued emphasis on education of at-risk individuals and their medical caretakers.

#### Action Taken or To Be Taken

FDA incorporated the Congressional request relating to shellfish safety goals into CFSAN's FY2002 Program Priority Workplan as an "A-list" goal. By doing so, FDA is committed to meeting the illness rate reduction goals proposed by the ISSC. CFSAN's FY 2002 Program Priority Workplan represents CFSAN work product expectations for the current fiscal year. It contains three tiers of goals in the document: the "A" list, B\* list, and the "B" list. Our "A" list tier includes those goals that CFSAN must accomplish within the current fiscal year. CFSAN has given this report its highest priority and intends to respond to Congress before the end of FY

2002. FDA and ISSC will continue to work with the state regulatory authorities and industry in re-emphasizing the risk factors involved with Vibrio vulnificus.

#### Item

Secondary Wholesale Pharmaceutical Industry -- The Committee supports the recent FDA action to delay the effective date for implementing certain requirements of the Prescription Drug Marketing Act until April 1, 2002. The Committee is concerned about the potential impact of the proposed revisions on the secondary wholesale pharmaceutical industry. Specifically, the Committee is concerned that the rule in its current form may disproportionately favor a few large distributors at the expense of consumers and genuine competition in the marketplace. The Committee urges the FDA to revise the rule to address the Committee's concerns.

#### Action Taken or To Be Taken

The Agency expects to publish a Federal Register notice in the early part of 2002 that will further delay the effective date of the requirements relating to wholesale distribution of prescription drugs by distributors until mid-year 2003.

FDA has prepared a report for congress and concluded that although FDA can address some of industry's concerns with the PDMA regulation through regulatory changes, other concerns would have to be addressed by congress through legislative action. The further delay is necessary to give congress time to consider the information and conclusions contained in the agency's report, and to determine if legislative action is appropriate. The further delay will also give the agency additional time to consider whether regulatory changes are appropriate and, if so, to initiate such changes.

#### Item

**Breast Implants** -- The Committee is concerned about a recent FDA study revealing alarmingly high rupture rates in silicone breast implants and the agency's decision to approve saline breast implants in spite of high complication and failure rates--particularly among mastectomy patients. The Committee advises the agency to carefully monitor breast implant manufacturers' patient brochures, informed consent documents, and package inserts to ensure they reflect accurate information about such implants, and to work with manufacturers to ensure women receive full and accurate information before enrolling in any study or undergoing surgery.

#### Action Taken or To Be Taken

FDA has various avenues for providing the latest information about breast implants to assist patients in making an informed decision about whether or not to have breast implants.

For any approved breast implant (to date there are only two - Mentor Corporation and McGhan Medical saline breast implants), patient labeling is required, typically in the form of a patient

brochure. Unlike the informed consent document, this includes actual study results for that given implant. Mentor and McGhan should provide all physician customers with patient labeling that physicians may disseminate to all prospective patients seeking breast implant information. As a condition of approval for their Premarket Approval (PMA) Device Applications, Mentor and McGhan completed a focus group study to improve the patient labeling. Modifications based on the focus group's study findings have been made and the updated patient labeling will be finalized after incorporation of 5-year study data from their post-approval studies. Mentor and McGhan's package inserts are directed to the physician and contain much of the same information in the patient labeling. The package inserts will also be revised to reflect 5-year post-approval study results.

For any investigational breast implant, whether, silicone gel, saline, or an alternative filler, FDA requires an informed consent document as part of the Investigational Device Exemption (IDE) application. The manufacturer may also choose, but is not required, to have supplemental patient labeling; however, this is not typical for the breast implant IDEs because of what the agency now requires in informed consent documents. Manufacturers provide informed consent documents to the participating IDE investigators. In accordance with the IDE protocol, the investigators must have the patient sign the informed consent document prior to surgery. In the past, FDA required the manufacturer to update their informed consent documents to reflect current published information on rupture/deflation rates. As necessary, we would request additional updates. In addition, each manufacturer has a study monitor to assure compliance with their IDE protocol. FDA's Bioresearch Monitoring Program (BIMO) periodically performs inspections to check the compliance with the IDE protocol.

To improve the dissemination of information to patients, the agency continues to update its FDA breast implant website at <a href="http://www.fda.gov/cdrh/breastimplants">http://www.fda.gov/cdrh/breastimplants</a>. This website includes, among other things, the approved patient labeling for the Mentor and McGhan saline breast implants and summaries of FDA breast implant studies. Additionally, the website includes FDA's updated consumer handbook, "Breast Implants - An Informational Update - 2000," available at <a href="http://www.fda.gov/cdrh/breastimplants/indexbip.html">http://www.fda.gov/cdrh/breastimplants/indexbip.html</a>. This handbook includes more information regarding potential local breast implant complications and their reported frequency, as well as important factors for patients to consider in their decision whether or not to receive breast implants. Along with the publication of the breast implant consumer handbook, FDA also published a risk brochure in October 2000 to provide information about complications associated with the use of breast implants. This risk brochure is also available on our FDA breast implant website.

In FY 2001, FDA issued a revised breast implant guidance entitled, "Guidance for Saline, Silicone Gel, and Alternative Breast Implants; Final Guidance for Industry." This guidance provides important preclinical, clinical, and labeling information that should be presented in an investigational device exemptions (IDE), a premarket approval (PMA), or a product development protocol (PDP) application.

#### Item

*Import Inspections* -- The Committee remains concerned that the FDA physically inspects less than one percent of products imported into our country. The Committee is also concerned about the increasing and tremendous strain on inspection resources brought about by the flood of new imports coming into this country as a result of free trade agreements. The Committee encourages the FDA to consider the import program a priority in the agency's risk-based inspection system.

#### Action Taken or To Be Taken

FDA considers the import program a top priority in the Agency's risk-based inspection system and will continue to provide additional funding in support of its nationwide import coverage program. FDA is committed to supporting the Southwest Import District pilot which coordinates import activities on the southern border. Implementing reciprocal FDA and U.S. Customs training will improve product integrity of goods offered for import and increase enforcement actions by Customs to deter willful violations of U.S. laws and regulations. The Counter Terrorism supplemental budget in FY 2002 will allow for FDA to hire additional staff, including investigators stationed at the border who will be trained to conduct physical inspection of imports, compliance officers who will be able to take regulatory action against violative imported products, and laboratory analysts who will be trained to conduct laboratory analyses of imported products. These actions will eventually result in a dramatic increase in the number of imports physically examined.

#### **Senate Report 107-41**

#### Item

**WERC** -- The Committee expects the FDA to continue its support for the Waste Management Education and Research Consortium (WERC) and its work in food safety technology verification and education. With the growing threat of foodborne illness to the public health, the Committee believes that collaborative research in food safety should continue among government, academia, and private industry. The national model for that collaboration has been the National Center for Food Safety and Technology (NCFST) in Summit-Argo, Illinois. The Committee expects the FDA to maintain at least \$3,000,000 as the annual base level of funding for the National Center to continue the important work done there.

#### Action Taken or To Be Taken

In FY 2002, CFSAN will continue support of the Waste Management Education and Research Consortium (WERC) through a cooperative agreement, and aims to reduce pathogenic bacteria from entering the food chain as environmental contaminants. The Agency will continue to provide at least \$3,000,000 to support The National Center for Food Safety and Technology's (NCFST) collaborative research in the area of food safety. FDA continues to believe that NCFST is cost effective resource for developing and exploring new technologies. This cooperative arrangement benefits the Agency, industry, and academia by spreading the cost and risk of doing research, while providing the opportunity positive returns on investment.

#### <u>Item</u>

**Biotechnology** -- The Committee understands that the FDA frequently receives requests from foreign governments for FDA regulators to visit foreign countries to educate regulators on the evaluation of the safety of biotechnology. Providing information on the soundness of the U.S. regulatory process will promote the understanding of the benefits of biotechnology to human health and the environment and improve the climate for acceptance of U.S. agricultural products abroad. The Committee directs the FDA to allocate adequate funding so that agency representatives may perform this service.

#### Action Taken or To Be Taken

FDA gives high priority to requests made by foreign governments, particularly health authorities, for information about FDA's food biotechnology policy, and the Agency will make every effort to accommodate those requests. FDA also considers other requests, such as requests from other US agencies, based on our available resources. FDA will allocate the necessary resources to continue this activity through FY 2002.

#### Item

**Biotechnology Labeling** -- The Committee commends FDA for its "Draft Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Note Been Developed Using Bioengineering" (66 Federal Register 4839), released on January 18, 2001. The Committee urges FDA to expeditiously publish a final version of this guidance.

#### Action Taken or To Be Taken

CFSAN received a total of 150,000 comments to the ``Draft Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Note Been Developed Using Bioengineering" (66 Fed. Reg. 4839) released on January 18, 2001. The Agency anticipates reviewing the comments during FY 2002. Once all comments have been reviewed, FDA will incorporate comments as appropriate and proceed with developing the final guidance.

#### Item

**Blood product safety** -- The Committee is concerned FDA has not moved forward in finalizing its proposed rule to require manufacturer tracking of blood-derived products and prompt patient notification of adverse events. The Committee urges FDA to complete implementation of this important blood product safety mechanism.

#### Action Taken or To Be Taken

We recognize the value of a Patient Safety Notification System for plasma derived products and have included this as part of our overall patient safety initiatives. We published an Advanced Notice of Proposed Rule Making and have collected and analyzed all comments received. Based on these comments, and further discussions, we have developed a proposed rule that we hope to publish in FY 2002. Pending an FDA regulation, Agency efforts were successful in prompting the plasma fractionation industry voluntarily to implement a patient notification system that is still in use. FDA's proposed requirements would further define and improve upon the existing voluntary system.

#### Item

*Tissue Processing* -- Over the past several years, there has been a growing concern about the transmission of CJD, vCJD and its related non-human counterpart mad cow disease. Processing multiple tissues from multiple donors could pose a substantial risk of transmitting CJD to those receiving tissue transplants. Pooling or batch processing could also result in transmission of many other diseases. For this reason, the American Association of Tissue Banks prohibits pooling of tissues for its members. The FDA has issued new rules regarding tissue processing. Those rules include a prohibition on pooling tissue from multiple donors but allow for a waiver under certain circumstances. FDA acknowledges that there is no scientific consensus at the present on how to inactivate CJD prions. Given this, the Committee believes FDA should

consider not granting proposed waivers from the pooling prohibition, unless the patient's safety can be guaranteed. The Committee also directs FDA to notify the House and Senate Committees on Appropriation prior to granting such a waiver.

#### Action Taken or To Be Taken

FDA solicited comments on its proposed rule for "Current Good Tissue Practice for Manufacturers of Human Cellular and Tissue-Based Products; Inspection and Enforcement," ("proposed good tissue practice rule"), published January 8, 2001, in the Federal Register. The proposed rule is part of the Agency's proposed comprehensive new system of regulating human cellular and tissue-based products ("the proposed approach"), announced in February 1997. The comment period ended May 8, 2001, and as of January 2002, the proposed rule has not yet been finalized. The proposed sections are 1271.220 (c) *Pooling*, and 1271.155 *Exemptions and alternatives*. FDA is reviewing the comments, and the Agency projects that the rule will be finalized in 2003. In finalizing the Good Tissue Practices (GTP) rule, the Agency will consider comments on the appropriate standards for granting exceptions to the pooling requirement.

#### Item

*Tissue Processor Inspections* -- Recently, the FDA instituted new regulations for tissue processors. All tissue banks are now required to register with the FDA. The number registering is substantially larger than the number known to exist prior to this rule. This means that a large number of facilities have been operating without any inspections by the FDA or another accrediting body. Therefore, the conditions under which tissues have been processed in these facilities are unknown. The Committee encourages FDA to move expeditiously to inspect all tissue facilities that have never been inspected by the agency by the end of fiscal year 2002.

#### Action Taken or To Be Taken

FDA regulations established a phased in registration system for tissue establishments. The establishments registering with FDA include establishments that recover, screen, test, process, store or distribute human tissue intended for transplantation. Not all of these are considered "banks" and many are not involved in processing. In addition to receiving registration from firms required to register by mid-2001, we are also voluntarily registering establishments that are not required to register until 2003, such as reproductive and stem cell establishments. Our strategy calls for inspecting firms required to register, with those that have not previously been inspected to take precedence over inspecting firms, which FDA previously inspected and found non-violative.

#### <u>Item</u>

**Reused Medical Devices** -- It has come to the Committee's attention that certain reprocessors of medical devices are obtaining devices for reprocessing by sorting through medical waste. The

Committee directs FDA to take enforcement action against reprocessors using inappropriate and unsanitary methods of collection of devices for reprocessing and to further ensure that all reprocessors are aware of what constitutes appropriate and sanitary collection.

#### Action Taken or To Be Taken

Currently, FDA is not aware of any commercial reprocessor (i.e., third party reprocessor) that is obtaining devices for reprocessing by sorting through medical waste.

However, FDA is aware that in 1999, Alliance Medical Corporation, a commercial reprocessor, maintained a decontamination station in Apopka, Florida, where employees used opened sharps containers to collect devices for reprocessing and reuse. When FDA learned of the activity occurring at Apopka, the Agency immediately issued an inspection of the facility. The inspection was conducted on November 17-19, 1999. Apparently, Alliance leased a room within the facilities of Stericycle/BFI Waste Systems where sharps containers were collected from local hospitals. The investigator determined that two Alliance personnel were assigned to sort and clean medical devices collected in disposable sharps containers. While performing these tasks, the employees were required to wear protective clothing (including surgical masks, safety goggles, latex gloves, heavy-duty gloves, gowns, foot covers, and hair covers). The devices were placed into two piles - one pile for devices found to be "acceptable" for reprocessing by Alliance and the second pile for devices "unacceptable" for reprocessing. The devices in the "acceptable" pile were cleaned and shipped to Alliance's Phoenix site for further processing. Devices in the "unacceptable" pile and the emptied disposable sharps containers were given to Stericycle/BFI to destroy by incineration.

At the conclusion of the inspection, FDA issued a list of Inspectional Observations that noted seven serious violations. As a result of the inspection, FDA issued a Warning Letter (dated December 23, 1999) to Alliance Medical. In a follow up inspection of the facility (on January 27, 2000), FDA determined that the objectionable conditions were corrected; however, Alliance Medical closed their Apopka facility shortly after FDA's inspection.

#### Item

**Device Reprocessing** -- The Committee recognizes the important role that FDA plays in ensuring that every medical device used on a patient in the United States is both safe and effective for its intended use. Adhering to this principle, the FDA has issued new guidance for the reprocessing of single-use medical devices. The Committee is concerned that the FDA may consider allowing a single premarket submission for reprocessing of multiple models of a certain medical devices. FDA's own research indicates that minor modifications to a device can substantially alter the device's properties with regard to sterilization and reprocessing. This was stated by FDA's own scientists at the 1999 AAMI/FDA Conference entitled "The reuse of single-use devices." Therefore, the Committee urges the FDA to require a premarket submission for every model that is to be reprocessed, if an application was required for the original manufactured device.

#### Action Taken or To Be Taken

FDA's premarket submission requirements are identical for all device manufacturers regardless of whether they are original equipment manufacturers or reprocessors of previously used devices intended by the original equipment manufacturers for single use. Also, one of the Agency's basic goals of the reuse of single use device policy is to regulate original equipment manufacturers and single use device reprocessors in the same manner. As such, FDA must allow reprocessors to include more than one model of the same device in a single premarket submission since this option is available to all original equipment manufacturers.

FDA allows manufacturers and reprocessors to include more than one model of the device in a single premarket application, provided that all the models in a single premarket submission meet certain requirements. In fact, including more than one model of a device in one premarket submission occurs so routinely that the Agency has coined a phrase for this activity -- "bundling". One of the basic requirements that the Agency has imposed upon manufacturers who wish to include more than one model of the same device into one premarket submission is that all the models within one premarket submission must have the same intended use. In addition, the models must be of a similar design; configured from similar material; and have similar biomaterial compatibility profiles. Additional details regarding bundling are addressed in various premarket guidance documents that the Agency has published that are located on the Reuse of Single Use Devices Website at <a href="http://www.fda.gov/cdrh/reuse/reuse-contact.shtml">http://www.fda.gov/cdrh/reuse/reuse-contact.shtml</a>.

In FY 2001, FDA received 101 reuse applications, including 5 PMA applications and 96 510k applications.

#### <u>Item</u>

Medical Device Application Review -- The Committee is aware that for the last several years, premarket approval applications for breakthrough medical technologies have taken more than a year despite the 180-day statutory maximum for approval or denial of such applications. Moreover, the medical technology industry has doubled the investment in research and development in the last decade. Such research and development investment promises to yield numerous and dramatic new technologies which must come through FDA's review process. As requested in the budget, the Committee provides an increase of \$13,917,000 from the fiscal year 2001 level for FDA's Devices and Radiological Health program area. This amount is consistent with agency estimates for bringing review times within statutory requirements in the short term. The Center for Devices and Radiological Health is directed to develop accountability measures to ensure that these funds are used to support sustained progress toward compliance with statutory review times in the long term.

#### Action Taken or To Be Taken

FDA's Device and Radiological Health program will clearly benefit from the FY 2002 appropriated increase of \$13,917,00; however, the majority of the resources were not provided to meet statutory requirements. Funds were provided in the areas of Patient Safety/Adverse Event

Reporting, Imports and Inspections, and Human Subject Protection. A portion of these funds, along with the cost of living increase, will benefit the Device Premarket Review program, and will contribute towards the Agency's effort to eventually meet all the device review statutory requirements in FDAMA for 510(k)s, PMAs, and PMA supplements. The FY 2002 appropriated increases, and additional resources in the future, will be used to give device reviewers the capability to do high quality, interactive, and timely reviews required by FDAMA, and allow the Agency to keep the public well informed about medical product safety associated with new technology and products reviewed by FDA.

In the area of PMA reviews, the FDAMA statutory requirement is to review and complete PMA first actions within 180 days. The FY 2002 FDA performance target is to meet the requirement 90 percent of the time. Another FY 2002 performance goal is to review and complete 90 percent of PMA supplement final actions within 180 days and the FDAMA statutory requirement is to review and complete PMA supplements within 180 days. Device technology advances is another factor that will impact performance. FDA anticipates that the FY 2002 submissions will be more complex and will take more time for review.

#### Senate Report 107-84

#### Item

Dietary Supplements -- The Committee recognizes the substantial role that dietary supplements can play in improving the health status of Americans....while the Food and Drug Administration (FDA) has spent resources to take action against a number of important healthful products, the Committee believes it has failed to take action against a number of clearly violative claims and inaccurate ingredient labels. The Committee is aware that funding for the Food and Drug Administration is in the Department of Agriculture appropriations bill. However, the Committee directs the Secretary to work with the FDA to undertake appropriate enforcement of DSHEA in areas relating to the accuracy of claims about dietary supplement ingredients, and prohibiting any dietary supplement claim that is false or misleading.

#### Action Taken or To Be Taken

FDA recently formed an intra-agency working group tasked with identifying those dietary supplements products/ingredients making claims that are false or misleading. The working group will then decide on appropriate enforcement actions to prohibit such claims.

#### **Conference Report 107-275**

#### Item

Interstate Shellfish Sanitary Commission (ISSC) -- The conferees expect that FDA will continue its work with the Interstate Shellfish Sanitary Commission (ISSC) to promote educational and research activities related to shellfish safety in general, and Vibrio vulnificus in particular. The conference agreement directs the use of \$250,000 for this effort from within sums provided for food safety, the same amount proposed by the House and instead of \$200,000 as proposed by the Senate. In addition, the conferees direct that the FDA continue to devote not less than \$200,000 to its efforts in working with the ISSC on assuring the safety and quality of shellfish and development of shellfish regulations, as proposed by the House.

#### Action Taken or To Be Taken

CFSAN will continue funding in FY 2002. FDA will work with ISSC to persuade those most vulnerable to illness to avoid eating raw shellfish, and to decrease the number of illnesses and deaths from Vibrio vulnificus infection. Additionally, FDA will continue efforts with ISSC in support of the development of codes, laws, and regulations that may improve shellfish safety.

#### Item

**Codex** -- The conferees direct that at least \$2,100,000 of the funds appropriated for FDA activities be used in support of Codex Alimentarius activities, as proposed by the Senate.

#### Action Taken or To Be Taken

FDA will participate in and raise visibility to those issues of relevance to the Agency or the nation within the 14 Codex committees, ad hoc task forces, and related drafting and working groups that FDA is a part of. Acceptance and utilization of international safety standards that satisfy U.S. consumer protection goals will improve product safety and public health, reduce FDA's import inspection burden, and help facilitate the import and export of foods.

#### <u>Item</u>

*Catfish* -- General Provisions: Section 755 None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as "catfish" unless the products are taxonomically from the family Ictaluridae.

#### Action Taken or To Be Taken

The Agency has been working to implement section 755 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2002. FDA field

offices are reviewing the labeling of imported seafood to ensure that products labeled with the term "catfish" are either from the Ictaluridae family or relabeled, exported, or destroyed. On January 17, 2002, FDA sent a letter to trade associations, foreign embassies, the trade press, and other relevant parties, as well as posting the letter on the Agency web site <a href="http://www.cfsan.fda.gov/~frf/slcf2002.html">http://www.cfsan.fda.gov/~frf/slcf2002.html</a>, informing them of section 755 of Public Law 107-76. The letter also explains how fish affected by the Section 755 may be relabeled so it no longer bears the term "catfish." FDA will continue to keep the Department of Health and Human Services and Congress informed of any developments relating to this issue.

#### <u>Item</u>

*Generic Drugs* -- The conference agreement provides increases for the generic drugs program and generic drug education, as proposed by both the House and the Senate. The conferees direct an increase of \$2,500,000 above the fiscal year 2001 level for the generic drug program. This amount includes a \$250,000 increase for generic drug education activities, for a total of \$400,000 in fiscal year 2002 funding for that purpose.

#### Action Taken or To Be Taken

FDA expects to use the increase of \$2,500,000 for the benefit of improving the generic drug review process and educating various audiences in the safe and effective use of generic drugs as a substitute to their brand-name counterparts. Increased efficiencies in the program can be accomplished by hiring additional staff, and thus eventually decreasing the total time to approval of abbreviated new drug applications. Additional hires will include an additional medical officer to increase the efficiency of assessments of bioequivalence trials having clinical endpoints, and an additional manager that has a background as an interdisciplinary scientist.

#### Item

Current Good Manufacturing Practice (CGMP) regulations -- The conferees are aware that FDA has never issued Current Good Manufacturing Practice (CGMP) regulations for medical oxygen and other medical gases despite the fact that the agency intended to do so in 1978. The conferees are concerned that FDA's interpretation of CGMP requirements pertaining to the validation of Air Separation Units (ASUs) would benefit from more extensive comment from, and interaction with, the regulated industry. Therefore, the conferees strongly encourage FDA to develop draft guidance on medical gas CGMPs that addresses ASU validation requirements and to report to the Committees on Appropriations regarding the status of these guidelines within six months of the enactment of this Act. The guidance development process should be fully consistent with the agency's good guidance practices and should allow for extensive industry input and interaction. In addition, FDA would be expected to address and respond to each significant comment received as it would in a rulemaking process.

#### Action Taken or To Be Taken

FDA's regulatory actions against medical gas producers are based upon the Current Good Manufacturing Practice (CGMP) regulations. FDA always appreciates input from the medical gases industry. In fact, the information contained in the Fresh Air workshops is a result of intensive input from the industry, and we look forward to continuing our interaction with the medical gases industry.

However, validation requirements of ASUs are consistent with the Agency's longstanding interpretation of the CGMPs with ample input from the industry, including the Compressed Gas Association (CGA). In 1998, following numerous meetings with the CGA, the CGA published a document (CGA P-8.2) that provides ASU validation guidelines and states, "FDA and the compressed gas industry have agreed that there is a need to perform validations in accordance with 21 CFR 211 and FDA guidelines at FDA-registered ASUs."

The absence of safety problems traced to ASUs cannot be the rationale for not applying CGMP regulations to ASUs. FDA does not believe the appropriate standard should be to wait until there are injuries. Medical gases are often intended for administration to seriously ill people in acute life threatening situations and to the chronically ill thus injuries and death often may not be reported as the cause of injury or death may be confounded by the seriousness of the underlying conditions. The application of CGMPs to ensure the identity, strength, quality and purity in these pharmaceutical products is of utmost importance. In addition, because the Federal Food, Drug, and Cosmetic Act and its CGMP requirement were designed to systematically prevent manufacturing quality problems that could impact the safety and effectiveness of drugs-rather than waiting until after a death or injury has resulted from inadequate quality control.

Finally, FDA is developing guidance on medical gas CGMP regulations that addresses Air Separation Units validation requirements that will supplement the CGA guidance in CGA p-8.2. The agency has been in contact with the CGA and is scheduling a meeting with the CGA to discuss ASU issues.

#### Item

Free Health Care Clinics -- The conferees are familiar with concerns that have been expressed regarding the impact of regulations promulgated by the Food and Drug Administration (21 CFR Sec. 203.39) on free health care clinics. The conferees encourage the agency to continue its review of the regulations' impacts and direct the agency to include a status report on this matter when it submits its budget request for the next fiscal year.

#### Action Taken or To Be Taken

FDA has decided that more information is needed regarding the potential burdens on free clinics as well as the risks from diversion if free clinics were to be relieved of some or all of the record-keeping requirements. FDA intends to conduct a study to obtain enough information to make an

informed regulatory judgment on this matter. While conducting this study, FDA intends to exercise our enforcement discretion and will not initiate enforcement actions based on 21 CFR 203.39 against free clinics that receive donated drug samples from licensed practitioners or other charitable institutions for the purpose of dispensing to patients. FDA intends to issue a final guidance document by the end of FY 2002 that will indicate our intention to exercise enforcement discretion while we gather the additional information.

#### Item

*Financial Management System* -- For other increases requested in the President's fiscal year 2002 budget, the conferees provide: \$4,000,000 for the move of the Center for Drug Evaluation and Research to White Oak, Maryland; and \$3,100,000 for financial management system priorities. The conferees direct that the priority use of the financial management system funds will be to support streamlining and centralizing FDA's existing financial management systems, rather than beginning investment in a new financial system.

#### Action Taken or To Be Taken

In FY 2002, FDA will perform numerous tasks related to its existing system in preparation for the migration to a new financial system that works in conjunction with other Department of Health and Human Services (DHHS) systems. Some of these tasks include: centralizing FDA's Accounting operations from 25 accounting points and 15 Agency Location Codes (ALC) to 7 accounting points and 1 ALC, and standardizing the financial systems being used throughout FDA. In order for FDA to minimize the migration effort, the Agency is standardizing the use of its systems to include the implementation of an already existing Accounts Payable system in headquarters to our field accounting points, and a Travel Manager system, a commercial off-the-shelf system used to reimburse FDA staff for their work related travel. FDA and DHHS are evaluating the impact of not receiving the full request and may submit a reprogramming letter later this year, if warranted.

### Table of Estimates and Appropriations Salaries and Expenses

	Budget			
	Estimate	House	Senate	
<b>Year</b>	to Congress	<b>Allowance</b>	<b>Allowance</b>	Appropriation*
1991	$\overline{654,808,000^1}$	$\overline{654,808,0000^2}$	$\overline{661,652,0000^3}$	656,519,000 <sup>4</sup>
1992	$734,604,000^5$	$725,962,000^6$	$704,734,000^7$	725,962,000
1993	$757,038,000^8$	$744,135,000^9$	$744,135,000^{10}$	$782,035,000^{11}$
1994	$867,339,000^{12}$	$867,339,000^{13}$	$867,339,000^{14}$	$869,623,000^{15}$
1995	$935,141,000^{16}$	$914,394,000^{17}$	$917,956,000^{18}$	$897,104,000^{19}$
1996	$965,462,000^{20}$	$904,694,000^{21}$	$904,694,000^{22}$	$904,694,000^{23}$
1997	$969,519,000^{24}$	$907,499,000^{25}$	$907,499,000^{26}$	$907,499,000^{27}$
1998	$995,194,000^{28}$	$945,174,000^{29}$	$935,175,000^{30}$	$948,705,000^{31}$
1999	$1,159,055,000^{32}$	$1,003,722,000^{33}$	$1,072,640,000^{34}$	$1,096,445,000^{35}$
2000	$1,305,869,000^{36}$	$1,218,384,000^{37}$	$1,180,972,000^{38}$	$1,183,095,000^{39}$
2001	$1,359,481,000^{40}$	$1,240,178,000^{41}$	$1,216,796,000^{42}$	$1,215,446,000^{43}$
2002	$1,377,160,000^{44}$	$1,342,339,000^{45}$	$1,344,386,000^{46}$	$1,496,486,000^{47}$
2003	$1,656,095,000^{48}$			

<sup>\*</sup> Appropriation contains salaries and expenses and PDUFA only.

<sup>&</sup>lt;sup>1</sup> Includes \$157,175,000 proposed to be available from user fees.

<sup>&</sup>lt;sup>2</sup> Includes \$157,175,000 proposed as user fees in salaries and expenses.

<sup>&</sup>lt;sup>3</sup> Includes \$157,175,000 proposed as user fees in salaries and expenses and an additional \$6,844,000 over the budget authority request.

<sup>&</sup>lt;sup>4</sup> Includes \$8,535,000 that was subsequently sequestered.

<sup>&</sup>lt;sup>5</sup> Includes \$197,500,000 proposed to be available from user fees.

<sup>&</sup>lt;sup>6</sup> Includes an additional \$188,858,000 over the salaries and expenses request.

<sup>&</sup>lt;sup>7</sup>Rejects proposed user fees of \$197,500,000, but includes an additional \$167,630,000 in salaries and expenses over the request.

<sup>&</sup>lt;sup>8</sup> Includes \$200,000,000 proposed to be available from user fees.

<sup>&</sup>lt;sup>9</sup> Includes an additional \$187,097,000 over the salaries and expenses request.

<sup>&</sup>lt;sup>10</sup> Includes an additional \$187,097,000 over the salaries and expenses request.

<sup>&</sup>lt;sup>11</sup> Includes \$746,035,000 in salaries and expenses and \$36,000,000 in supplemental appropriations for the Prescription Drug User Fee Act. It does not include a \$3,000,000 supplemental for Mammography Quality Standards Act (MQSA) to be transferred from HCFA, NIH and CDC.

<sup>&</sup>lt;sup>12</sup> Includes \$54,000,000 for the Prescription Drug User Fee Act (PDUFA), and \$200,000,000 in proposed user fees.

<sup>&</sup>lt;sup>13</sup> The allowance includes \$867,339,000 in salaries and expenses, which contains \$54,000,000 in PDUFA.

<sup>&</sup>lt;sup>14</sup> Includes \$54,000,000 in PDUFA, and \$175,000,000 in other user fees.

<sup>&</sup>lt;sup>15</sup> Includes \$813,339,000 in salaries and expenses, and \$56,284,000 for PDUFA, of which \$2,284 was a supplemental appropriation.

<sup>&</sup>lt;sup>16</sup> Includes \$588,084,000 in salaries and expenses, \$79,423,000 for PDUFA, other user fees of \$228,000,000 \$24,000,000 for Device User Fees, \$6,500,000 for MQSA fee collections, \$9,134,000 for Certification/FOIA, It does not include the transfer from Office of the Secretary, Office of General Counsel to FDA of \$2,745,000 and 34 FTE.

<sup>&</sup>lt;sup>17</sup> Includes an additional \$248,438,000 over the salaries and expenses request. Includes \$834,971,000 in salaries and expenses, and \$79,423,000 in PDUFA.

<sup>&</sup>lt;sup>18</sup> Includes \$687,733,000 in salaries and expenses, \$79,423,000 in PDUFA, and \$150,800,000 in proposed new user fees. It does not include \$6,500,000 in MQSA.

<sup>&</sup>lt;sup>19</sup> Includes budget authority rescission of \$2,990,000, \$817,681,000 in salaries and expenses, and \$79,423,000 for PDUFA. The amount does not include MQSA fee collections of \$6,500,000.

<sup>&</sup>lt;sup>20</sup> Includes \$823,795,000 in salaries and expenses, \$84,723,000 for PDUFA, \$13,000,000 for MQSA fee collections, \$23,740,00 for MDUFA, \$15,000,000 for Import user fees, and \$5,204,000 for the Certification Fund/FOIA.

<sup>&</sup>lt;sup>21</sup> Includes \$819,971,000 in salaries and expenses, and \$84,723,000 in PDUFA. It does not include \$13,000,000 in MOSA.

 $<sup>^{22}</sup>$  Includes \$819,971,000 in salaries and expenses, and \$84,723,000 in PDUFA. It does not include \$13,000,000 in MOSA.

<sup>&</sup>lt;sup>23</sup> Includes \$819,971,000 in salaries and expenses and \$84,723,000 for PDUFA. It does not include \$13,000,000 for MQSA fee collections.

<sup>&</sup>lt;sup>24</sup> Includes \$823,771,000 in salaries and expenses, \$87,528,000 for PDUFA, \$13,403,000 for MQSA fee collections, \$24,476,000 for MDUFA, \$15,000,000 for Import fees, and \$5,341,000 for Certification/FOIA.

<sup>&</sup>lt;sup>25</sup> Includes \$819,971,000 in salaries and expenses, and \$87,528,000 for PDUFA. It does not include \$13,403,000 for MQSA fee collections.

<sup>&</sup>lt;sup>26</sup> Includes \$819,971,000 in salaries and expenses, and \$87,528,000 for PDUFA. It does not include \$13,403,000 for MQSA fee collections.

<sup>&</sup>lt;sup>27</sup> Includes \$819,971,000 in salaries and expenses, and \$87,528,000 for PDUFA. It does not include \$13,403,000 for MQSA fee collections.

<sup>&</sup>lt;sup>28</sup> Includes \$750,922,000 in salaries and expenses, \$91,204,000 for PDUFA, \$131,643,000 for new user fees, \$13,966,000 for MQSA fee collections, \$2,000,000 for Export Certification, and \$5,459,000 for Certification/FOIA. It does not reflect proposed PDUFA Supplemental request of \$25,618,000 requested with the FY 1999 President's Budget.

<sup>&</sup>lt;sup>29</sup> Includes \$857,971,000 in salaries and expenses, and \$91,204,000 for PDUFA. It does not include \$13,966,000 for MQSA fee collections.

<sup>&</sup>lt;sup>30</sup> Includes \$843,971,000 in salaries and expenses, and \$91,204,000 for PDUFA. It does not include \$13,966,000 for MOSA fee collections.

<sup>&</sup>lt;sup>31</sup> Includes \$857,501,000 in salaries and expenses and \$91,204,000 for PDUFA. It does not include \$13,966,000 for MQSA fee collections.

<sup>&</sup>lt;sup>32</sup> Includes \$878,885,000 in salaries and expenses, \$132,274,000 for PDUFA, \$14,385,000 for MQSA fee collections, \$1,000,000 for Export Certification, \$127,717,000 for new user fees, \$1,030,000 for FOIA, and \$3,764,000 for Certification. This does not include GSA budget authority rental payments of \$82,866,000.

<sup>&</sup>lt;sup>33</sup> Includes \$871,449,000 in salaries and expenses, and \$132,273,000 for PDUFA (\$5,428,000 for GSA rent). It does not include \$14,385,000 for MQSA fee collections, and GSA budget authority rental payments of \$82,866,000.

<sup>&</sup>lt;sup>34</sup> Includes \$940,367,000 in salaries and expenses (which includes \$82,866,000 in budget authority GSA rent), and \$132,273,000 for PDUFA (\$5,428,000 for GSA rent) It does not include \$14,385,000 for MQSA fee collections.

<sup>&</sup>lt;sup>35</sup> Includes rescission of \$1,695,000, salaries and expenses of \$964,172,000, (which includes \$82,866,000 for GSA Rent), and \$132,273,000 for PDUFA (\$5,428,000 for GSA rent). It does not include \$14,385,000 for MQSA fee collections.

<sup>&</sup>lt;sup>36</sup> Includes \$1,109,950,000 (including \$94,537,000 of GSA Rent) salaries and expenses, \$145,434,000 for PDUFA (\$5,643,000 is GSA Rent), \$14,817,000 for MQSA fee collections, \$1,030,000 for Export Certification, \$3,877,000 for Certification fund, \$1,061,000 for FOIA, \$12,700,000 for Seafood Transfer User Fees, and \$17,000,000 for proposed new user fees.

<sup>&</sup>lt;sup>37</sup> Includes \$1,072,950,000 (including \$94,537,000 of GSA Rent) in salaries and expenses, \$145,434,000 for PDUFA (\$5,643,000 is for GSA Rent). This does not include \$14,817,000 for MQSA fee collections.

- <sup>40</sup> Includes \$1,156,905,000 (including \$99,094,000 of GSA Rent) in salaries and expenses, \$149,273,000 for PDUFA (\$5,860,000 is GSA rent), \$15,128,000 for MQSA fee collections, \$12,700,000 for Seafood Transfer User Fees, \$1,500,000 for Export Certification, \$4,492,000 for Certification fund, and \$19,483,000 for proposed new user fees (Food Additive \$8,400,000; Premarket Medical Devices \$5,833,000; Foods Export Certification \$5,250,000).
- <sup>41</sup> Includes \$1,090,905,000 (including \$99,094,000 of GSA Rent) in salaries and expenses, \$149,273,000 for PDUFA (\$5,860,000 is GSA rent). This does not include \$15,128,000 for MQSA fee collections.
- <sup>42</sup> Includes \$1,067,523,000 (including \$99,094,000 of GSA Rent) in salaries and expenses, and \$149,273,000 for PDUFA (\$5,860,000 is GSA rent). It does not include \$15,128,000 for MQSA fee collections, and \$5,992,000 in Export Certification.
- <sup>43</sup> Includes rescission of \$2,351,000, salaries and expenses of \$1,066,173,000 (including \$98,876,000 of GSA Rent), and \$149,273,000 for PDUFA ( of which 5,860,000 is GSA rent). It does not include \$14,947,000 for MQSA fee collections, \$1,500,000 for Export Certification, or \$22,950,000 million for drug importation that is not available until requested by the President. Also does not include \$1,750,000 funded from PHSSEF for physical security counter-terrorism measures.
- <sup>44</sup> Includes \$1,173,673,000 (including \$98,876,000 of GSA Rent) in salaries and expenses, \$161,716,000 for PDUFA (\$6,240,000 is GSA rent), \$15,590,000 for MQSA fee collections, \$1,500,000 for Export Certification, \$4,681,000 for Certification fund, and \$20,000,000 for proposed new user fees. Does not include \$2,950,000 million for drug importation that is not available until requested by the President.
- <sup>45</sup> Includes \$1,180,623,000 (including \$98,876,000 of GSA Rent) in salaries and expenses, and \$161,716,000 for PDUFA (\$6,240,000 is GSA rent). This does not include \$15,590,000 for MQSA fee collections. This does not include the \$2,950,000 the House provided for MEDSA.
- <sup>46</sup> Includes \$1,182,670,000 (including \$98,876,000 of GSA Rent) in salaries and expenses, and \$161,716,000 for PDUFA (\$6,240,000 is GSA rent) It does not include \$15,590,000 for MQSA fee collections, and \$6,181,000 in Export Certification and Color Certification.
- <sup>47</sup> Includes \$1,183,670,000 (including \$98,876,000 of GSA Rent) in salaries and expenses, \$161,716,000 for PDUFA (\$6,240,000 is GSA rent). It does not include \$15,590,000 for MQSA fee collections, or \$6,181,000 in Export Certification and Color Certification. Includes an additional \$151,100,000 provided in the FY 2002 counterterrorism supplemental.
- <sup>48</sup> Includes \$1,369,385,000 (including \$98,556,000 of GSA Rent) in salaries and expenses, \$264,220,000 in proposed PDUFA fees (\$7,140,000 is GSA rent), \$16,112,000 in MQSA fee collections, \$1,500,000 in Export Certification, and \$4,878,000 in Color Certification.

<sup>&</sup>lt;sup>38</sup> Includes \$1,035,538,000 (including \$94,537,000 of GSA Rent) in salaries and expenses, and \$145,434,000 for PDUFA (\$5,643,000 is for GSA Rent). It does not include \$14,817,000 for MQSA fee collections.

<sup>&</sup>lt;sup>39</sup> Includes rescission of \$2,977,000, salaries and expenses of \$1,037,661,000 (including \$94,311,000 of GSA Rent), and \$145,434,000 for PDUFA (\$5,643,000 is GSA Rent). It does not include \$14,817,000 for MQSA fee collections, \$1,030,000 for Export Certification, \$3,877,000 for Certification fund, \$1,061,000 for FOIA, \$12,700,000 for Seafood Transfer User Fees, \$17,000,000 for new user fees, or \$13,400,000 for Bioterrorism.

### Table of Estimates And Appropriations Rental Payments to GSA

	Budget			
	Estimate	House	Senate	
<b>Year</b>	to Congress	Allowance	Allowance	<b>Appropriation</b>
1991	25,612,000	25,612,000	25,612,000	$25,612,000^{1}$
1992	25,612,000	25,612,000	25,612,000	25,612,000
1993	25,612,000	25,612,000	25,612,000	25,612,000
1994	48,575,000	48,575,000	48,575,000	$48,575,000^2$
1995	48,575,000	$46,294,000^3$	46,294,000	$46,294,000^4$
1996	46,294,000	46,294,000	46,294,000	$46,294,000^5$
1997	46,294,000	46,294,000	46,294,000	$46,294,000^6$
1998	$46,294,000^7$	46,294,000	46,294,000	46,294,000
1999	$82,866,000^8$	$82,866,000^9$		

<sup>&</sup>lt;sup>1</sup> Does not reflect \$333,000, which was subsequently sequestered.

<sup>&</sup>lt;sup>2</sup> Includes \$15,000,000 reserved for use by FDA for repairs and improvements to facilities.

<sup>&</sup>lt;sup>3</sup> Reflects a GSA rent reduction of \$2,281,000 to the rent cap.

<sup>&</sup>lt;sup>4</sup> Includes an authorized reduction of GSA rent payments of \$3,970,000 to cover FDA's Building Delegation expenses.

<sup>&</sup>lt;sup>5</sup> Includes an authorized reduction of GSA rent payments of \$3,957,000 to cover FDA's Building Delegation expenses.

<sup>&</sup>lt;sup>6</sup> Includes an authorized reduction of GSA rent payments estimated to be \$4,705,000 to cover FDA's Building Delegation expenses.

<sup>&</sup>lt;sup>7</sup> Includes an authorized reduction of GSA rent payments estimated to be \$4,832,000 to cover FDA's Building Delegation expenses.

<sup>&</sup>lt;sup>8</sup> Increase in GSA Rent estimate reflects the real cost of rental payments. In previous years, Congress had imposed a ceiling on rental payments. Includes an authorized reduction of GSA rent payments estimated to be \$4,917,0000 to cover FDA's Building Delegation expenses and \$5,428,000 of PDUFA collections, which are included in S&E PDUFA.

<sup>&</sup>lt;sup>9</sup> Does not include GSA Rent in the S&E Appropriation. Includes an authorized reduction of GSA rent payments estimated to be \$4,917,0000 to cover FDA's Building Delegation expenses. Does not include \$5,428,000 of PDUFA collections, which are included in S&E PDUFA. Beginning in FY 1999 the Senate Appropriation Committee and the final Appropriation included GSA Rent in the S&E Appropriation. For subsequent years, GSA Rent is included in S&E.

## Table of Estimates And Appropriations Buildings and Facilities

	Budget			
	Estimate	House	Senate	
<b>Year</b>	to Congress	<b>Allowance</b>	<b>Allowance</b>	<b>Appropriation</b>
1991	4,752,000	8,350,000	10,850,000	8,350,000
1992	10,000,000	10,350,000	8,350,000	$8,350,000^{1}$
1993	8,350,000	8,350,000	8,350,000	8,350,000
1994	$8,350,000^2$	8,350,000	8,350,000	8,350,000
1995	$8,350,000^3$	18,150,000	8,350,000	$18,150,000^4$
1996	8,350,000	15,350,000	8,350,000	$12,150,000^5$
1997	8,350,000	21,350,000	21,350,000	$21,350,000^6$
1998	$22,900,000^7$	21,350,000	22,900,000	$21,350,000^7$
1999	8,350,000	11,350,000	12,350,000	$11,350,000^8$
2000	$31,750,000^9$	31,750,000	8,350,000	11,350,000
2001	31,350,00010	11,350,000	31,350,000	31,350,000
2002	34,281,00011	34,281,000	34,281,000	34,281,000
2003	$8,000,000^{12}$	• •	•	

<sup>&</sup>lt;sup>1</sup> Does not include \$200,000,000 provided to GSA in the Treasury, Postal Service, General Government Appropriation Act of 1992 for consolidation of FDA headquarters facilities.

<sup>&</sup>lt;sup>2</sup> Does not include \$73,900,000 provided to GSA in the Treasury, Postal Service, General Government Appropriation Act of 1994 for consolidation of FDA headquarters facilities.

<sup>&</sup>lt;sup>3</sup> Does not include \$45,000,000 provided to GSA in the Treasury, Postal Service, General Government Appropriation Act of 1995 for consolidation of FDA headquarters facilities.

<sup>&</sup>lt;sup>4</sup> Includes \$9,800,000 to purchase land and begin engineering and design work for replacement of FDA's Los Angeles District office and laboratory,

<sup>&</sup>lt;sup>5</sup> Includes \$3,800,000 for continuing work on an Arkansas Regional Laboratory at Jefferson, AR.

<sup>&</sup>lt;sup>6</sup> Includes \$13,000,000 for continuing modernization of Arkansas Regional Laboratory at Jefferson, AR.

<sup>&</sup>lt;sup>7</sup> Includes \$14,550,000 for continuing modernization of Arkansas Regional Laboratory at Jefferson, AR.

<sup>&</sup>lt;sup>8</sup> Includes \$3,000,000 for continuing modernization of Arkansas Regional Laboratory at Jefferson, AR.

<sup>&</sup>lt;sup>9</sup> Includes \$20,400,000 for construction of Phase I of the new Los Angeles Laboratory and \$3,000,000 for continuing modernization of Arkansas Regional Laboratory at Jefferson, AR.

<sup>&</sup>lt;sup>10</sup> Includes \$20,000,000 for construction of Phase I of the new Los Angeles Laboratory and \$3,000,000 for continuing modernization of Arkansas Regional Laboratory at Jefferson, AR.

<sup>&</sup>lt;sup>11</sup> Includes \$23,000,000 for construction of Phase II of the new Los Angeles Laboratory and \$3,000,000 for continuing modernization of Arkansas Regional Laboratory at Jefferson, AR.

 $<sup>^{12}</sup>$  Reflects a reduction of \$26,281,000 in Buildings and Facilities for the centralization of B&F construction activities at the Department level.

#### APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

Program and last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
The following programs are not currently authorized by law:			
FDA: PDUFA III	N/A	<b>\$161,716,000</b> 1/	\$264,220,000
Accrual Costs	N/A	N/A	<b>\$63,205,000</b> 2/

<sup>1/</sup> Reflects PDUFA II, authorized by the Food and Drug Modernization Act of 1997 (FDAMA) which expires September 30, 2002. FDA is negotiating with industry on a proposal to reauthorize PDUFA and make enhancements to it.

<sup>2/</sup> The proposed Managerial Flexibility Act of 2001 requires agencies to pay the full share of accruing employee pensions and annuitant health benefits beginning in FY 2003. The proposed legislation will require agencies, beginning in FY 2003, to pay all the full Government share of the accruing cost of retirement and health benefit costs for current employees. The legislation will also require agencies to pay the accruing costs of post-retirement health benefits.

# Food and Drug Administration Detail of Full-Time Equivalent Employment (FTE) Program Level

	FY 2001	FY 2002	FY 2003
Project	Total	Current Est	<b>Estimate</b>
Center for Food Safety and Applied Nutrition	879	909	922
Center for Drug Evaluation and Research	1,784	1,906	2,034
Center for Biologics Evaluation and Research	809	935	1,010
Center for Veterinary Medicine	290	320	325
Center for Devices and Radiological Health	1,016	1,028	1,032
National Center for Toxological Research	206	237	238
Office of Regulatory Affairs	3,158	3,803	4,136
Other Activities			
Office of the Commissioner	113	118	122
Office of Senior Associate Commissioner	107	96	48
Office of Dep. Commissioner - Intl & Constituent Relations	72	66	66
Office of Policy, Legislation & Planning	100	97	63
Office of Management and Systems	407	416	412
Other User Fees	48	51	51
TOTAL	8,989	9,982	10,459

Note: Does not include 89 reimbursable FTEs. Totals do not reflect comparable adjustments as a result of FY 2003 Legislative/Public Affairs activities transfer to DHHS.

#### Five Year History of GS/GM average grade

<u>Year</u>	<u>Grade</u>	
FY 1999	11.7	
FY 2000	11.7	
FY 2001	11.8	
FY 2002	11.8	
FY 2003	11.8	

#### REVISED AS OF 01/14/2002

### FOOD AND DRUG ADMINISTRATION DETAIL OF FTE BY GRADE

	FY 2001 Actual	FY 2002 Estimate	FY 2003 Estimate
Executive Level I	_	_	_
Executive Level II	_	_	_
Executive Level III	-	-	_
Executive Level IV	-	1	1
Executive Level V	-	-	-
Total, Exec. Level Salaries	-	1	1
ES-6	-	1	1
ES-5	6	6	5
ES-4	17	18	18
ES-3 ES-2	8 5	7 5	7 5
ES-1	14	13	14
Total, ES Salaries	50	50	50
rotal, Lo Galaries	30	30	30
GS/GM - 15	606	678	712
GS/GM - 14	1,327	1,485	1,559
GS/GM - 13	2,560	2,864	3,002
GS-12	1,446	1,618	1,698
GS-11	480	537	564
GS-10	83	93	98
GS-9	469	525	551
GS-8	234	262	275
GS-7	534	597	627
GS-6	159	178	187
GS-5	118	132	139
GS-4	69	77	81
GS-3	36	40	42
GS-2	16 6	18 7	19 7
GS-1Subtotal, GS Salaries	8,143	9,111	9,561
Subtotal, GS Salaries	0,143	3,111	3,301
AL	1	1	1
ST	2	1	1
RS	45	46	48
CC - 08/07/06	200	210	221
CC - Other	270	284	298
Subtotal, CC Salaries	470	494	519
AD (includes Title 42)	290	200	200
AD (includes Title 42) Wage Grade	290 67	290 67	290 67
Consultants	10	10	10
Consultants	10	10	10
Total FTE (End of Year) 1/	9,078	10,071	10,548
Average ES level	2.9	3.0	3.0
Average ES Salary	131,000	135,700	140,600
Average GS/GM grade	11.8	11.8	11.8
Average GS/GM salary	58,200	61,400	64,400
,	•	•	•

<sup>1/</sup> FTE total includes reimbursable FTEs. Totals do not reflect comparable adjustments as a result of FY 2003 Legislative/Public Affairs activities transfer

#### NEW POSITIONS REQUESTED FOR APPROPRIATED & USER FEE FUNDING

Program	Dudget A	uthouitur 4/	Haarl		
Job Category Grade Series	Center	uthority 1/ Field	Center	Fee 1/ Field	TOTAL
FOODS Chemist/Biochemist					
GS-5/7/9/11/12		40			40
GS-13	7				7
Microbiologist					
GS-5/7/9/11/12	6	40			46
Consumer Safety Officer		550			550
GS-5/7/9/11/12 GS-13	12	558			558 12
Computer Systems Analyst	12				12
GS-7/9/11	3				3
Management Analyst					
GS-5/7/9/11	2				2
Criminal Investigator		20			20
GS-13/14 Foods Subtotal	30	29 667	0	0	29 697
Foods Subtotal	30	007	U	U	097
HUMAN DRUGS					
Regulatory Health Management					
GS-13	3		9		12
Project Manager					
GS-13	5		3		8
Contract Specialist					
GS-12 Microbiologist	1				1
GS-5/7/9/11/12		1			1
GS-12	1	'			1
GS-13	1		1		2
Medical Officer/Pharmacololgist					
GS-13/14	8		52		60
Chemist					
GS-5/7/9/11/12	10	1			11
Consumer Safety Officer GS-5/7/9/11/12		2		12	14
GS-13		2	9	12	9
GS-14			1		1
Consumer Safety Technician					
GS-6	2				2
Compliance Officers/Technician					
GS-5/7/9/11	4				4
Computer Systems Analyst GS-7/9/11	3				3
Management Analyst	3				3
GS-5/7/9/11	1				1
Program Support					
GS-5/7/9	4		7		11
Regulatory Counsel					
GS-13 Personnel Specialist	2				2
Personnei Specialist GS-9	1				0 1
Bioequivalence Reviewer	-				0
GS-13	2				2
Interdisciplinary Scientist					0
GS-13	2				2
Management Officer	1				0
GS-13	2				2
Pharmacist GS-12/13/14	_				0
Associate Director Regulatory Affairs	5				5 0
GS-14	1				1
Division Director for Bioterrorism	<del>                                     </del>				0
GS-15	1				1
Office of Regulatory Policy					0
GS-13	1				1
Policy Analyst					0
GS-13	1		5		6
Criminal Investigator		2			2
GS-13/14 Human Drugs Subtotal	61	6	87	12	166

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BIOLOGICS					
Biologist					
GS-12	5		2		7
GS-13	4		1		5
GS-14	5		2		7
Chemist					
GS-5/7/9/11/12		3			3
GS-12	5		2		7
GS-13	7		3		10
GS-14	6		3		9
Consumer Safety Officer					
GS-5/7/9/11/12		2		4	6
GS-12	3		1		4
GS-13	4		2		6
GS-14	5		3		8
Epidemiologist					
GS-14	4		1		5
Medical Officer			_		
GS-14	10		5		15
GS-15	12		5		17
Microbiologist		_			
GS-5/7/9/11/12		3			3
GS-12	4		1		5
GS-13	8		3		11
GS-14	4		1		5
Compliance Officers/Technician					
GS-5/7/9/11	6				6
Program Analysts GS-13					
	2				2
GS-14	2				2
Computer Systems Analyst GS-13	1				1
	'				'
Management Analyst GS-12/13	4		1		5
Program Support	4		'		5
GS-5/7/9	2		1		3
Criminal Investigator	2		'		3
GS-13/14		2			2
Biologics Subtotal	103	10	37	4	154
Biologics Subtotal	103	10	31	4	154
ANIMAL DRUGS AND FEED					
Veterinary Medical Officer					
GS-12	1				1
GS-13	2				2
Veterinary Toxicologist	_				I -
GS-12	1				1
Chemist					· .
GS-5/7/9/11/12	2	5			7
Animal Scientist	_				
GS-13	1				1
Computer Systems Analyst					
GS-9/11/12	1				1
Consumer Safety Officer					
GS-5/7/9/11/12		25			25
Microbiologist					
GS-5/7/9/11/12		5			5
Animal Drugs Subtotal	8	35	0	0	43

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DEVICES AND RADIOLOGICAL HEALTH					
Public Health Advisor					
GS-12					
GS-12 GS-13	1				1
	1				1
Radiation Safety Analyst	2				0
GS-5/7/9	_				2
GS-12/13	2				2
Scientific Reviewer					
GS-12/13	4				4
Chemist					
GS-5/7/9/11/12		1			1
Microbiologist					
GS-5/7/9/11/12		1			1
Consumer Safety Officer					
GS-5/7/9/11/12	2	2			4
GS-12/13	2				2
Devices Subtotal	13	4	0	0	17
NCTR					
Microbiologist					
GS-13	2				2
Computational Scientist					
GS-13	3				3
Chemist					
GS-13	3				3
NCTR Subtotal	8	0	0	0	8
OTHER ACTIVITIES					
Health Science Administrator					
GS-13/14	1				1
Regulatory Counsel					
GS-13/14	3				3
Safety/Security Personnel					
GS-13/14	3				3
Other Activities Subtotal	7	0	0	0	7
Total	230	722	124	16	1092

<sup>1/</sup> Budget Authority new positions were calculated based on the crosswalk from the original FY 2002 Appropriation, not including the Counter Terrorism supplemental, to FY 2003 request level. User Fee new positions were calculated based on the user fee crosswalk summary of change to all purpose tables and the FTE only correspond to the additional \$78,220,000 being requested for PDUFA III. Existing positions under PDUFA II are assumed to carry into PDUFA III.

#### **Geographical Distribution of FDA Facilities**

#### **Location** Activities

Washington, D.C. area:

Rockville, MD FDA Headquarters and headquarters operations of the Human Drugs,

Biologics, Animal Drugs, Device and Radiological Health products

programs and laboratories.

Washington, D.C. and

College Park, MD
Foods program headquarters and laboratories
Bethesda, MD
Human Drugs and Biologics laboratories
Beltsville, MD
Foods and Animal Drugs Research facilities

**Field Operations Facilities:** 

Jefferson, AR Arkansas Regional Laboratory

Oakland, CA Pacific Regional Office

Alameda, CA San Francisco District Office and laboratory Los Angeles, CA Pacific Regional Laboratory Southwest

Irvine, CA Los Angeles District Office

Denver, CO Denver District Office and laboratory (special emphasis in animal

drugs residue testing)

Maitland, FL Florida District Office

Atlanta, GA Southeast Regional Office, Southeast Regional Laboratory, and

Atlanta District Office

Chicago, IL Chicago District Office

Lenexa, KS Kansas City District Office and laboratory (special emphasis in

pesticides and total diet analysis)

New Orleans, LA

Stoneham, MA

New Orleans District Office
New England District Office

Winchester, MA Winchester Engineering and Analytical Center (testing of Medical

Devices and Radiological Health Research products)- Testing facility

for Radionuclides and Radiopharmaceutics.

Baltimore MD Baltimore District Office

Detroit, MI Detroit District Office and laboratory

Minneapolis, MN Minneapolis District Office Parsippany, NJ New Jersey District Office

Jamaica, NY Northeast Regional Office, Regional laboratory and New York

District Office

Cincinnati, OH Cincinnati District Office and Forensic Chemistry Center (elemental

analysis)

Philadelphia, PA Central Regional Office, Philadelphia District Office and laboratory

(special emphasis on Human Drugs)

San Juan, PR San Juan District Office and laboratory (special emphasis on human

drugs products testing)

Dallas, TX Southwest Regional Office and Dallas District Office

Bothell, WA Seattle District Office and Pacific Regional Laboratory Northwest

(special emphasis on seafood products testing)

Other Specialized facilities: Dauphin Island, AL Jefferson, AR Fishery research (CFSAN)
National Center for Toxicological Research (NCTR)
Specialized human drugs product testing laboratory (CDER) St. Louis, MO

User Fee History (Dollars in Thousands)

**User Fees - Appropriations** 

[	FY 1999		FY 2000		FY 2001		FY 2002			
	Appro	priation	Appropriation		Appropriation		Appropriation		FY 2003 Request	
Current Law	FTE	\$	FTE	\$	FTE	\$	FTE	\$	FTE	\$
PDUFA										
- Human Drugs	504	\$88,003	620	\$97,053	702	\$99,298	722	\$106,188	*	*
- Biologics	179	28,959	204	31,385	253	32,154	253	35,344	*	*
- Other Activities	107	9,514	127	11,353	127	11,961	127	13,944	*	*
- GSA Rent	0	5,428	0	5,643	0	5,860	0	6,240	*	*
Subtotal, PDUFA	790	131,904	951	145,434	1,082	149,273	1102	161,716		
MQSA	50	14,385	50	14,817	50	15,128	50	15,590	50	16,427
Export Certification	8	1,000	13	1,030	13	1,500	13	1,500	13	1,582
Certification Fund	35	3,764	35	3,877	38	4,492	38	4,681	38	5,117
Total, Current Law	883	151,053	1,049	165,158	1,183	170,393	1203	183,487	101	23,126
Proposed:										
PDUFA III:										
- Human Drugs									821	185,830
- Biologics									294	64,324
- Other Activities									127	14,744
- GSA Rent									0	7,140
Subtotal, PDUFA III									1,242	272,038
										1/
Total, FDA	883	\$151,053	1,049	\$165,158	1,183	\$170,393	1,203	183,487	1,343	\$295,164

<sup>\*</sup> Included in PDUFA III Proposed User Fee

#### User Fees - Obligations

-		FY 19	99 Actual	FY 20	000 Actual	FY 20	01 Actual
		FTE	\$	FTE	\$	FTE	\$
PDUFA:							
- Human Drugs		610	\$77,876	671	\$95,696	711	\$103,965
- Biologics		198	29,342	211	34,584	255	38,927
- Other Activities		101	9,869	127	11,353	123	11,961
- GSA Rent		0	5,428	0	5,643	0	5,860
Subtotal, P	DUFA	909	122,515	1,009	147,276	1,089	160,713
MQSA		50	13,373	48	12,767	47	12,439
Export Certification		13	1,315	12	1,344	13	1,479
Certification Fund		32	7,511	33	4,447	35	3,930
Su	ıbtotal	95	22,199	93	18,558	95	17,848
Total	, FDA	1,004	\$144,714	1,102	\$165,834	1,184	\$178,561

#### **User Fees - Collections**

				FY 2002 Current	
	FY 1999 Actual	FY 2000 Actual	FY 2001 Actual	Estimate	FY 2003 Request
Current Law	\$	\$	\$	\$	\$
PDUFA Collections	\$126,580	\$133,060	\$138,761	\$161,716	**
					40.407
MQSA Collections	12,668	13,836	12,872	15,590	16,427
Export Certification	1,379	1,417	1,487	1,500	1,582
Certification Fund	4,435	4,097	4,521	4,681	5,117
Total, Current Law	145,062	152,410	157,641	183,487	23,126
Proposed:					
PDUFA III:					
_					185,830
- Human Drugs					
- Biologics					64,324
- Other Activities					14,744
- GSA Rent					7,140
Subtotal, PDUFA III					272,038
					1/
Total, FDA	\$145,062	\$152,410	\$157,641	\$183,487	\$295,164

<sup>\*\*</sup> Included in PDUFA III Proposed User Fee

1/ Includes Retirement Accural Costs. Without Accruals, the amounts requested are as follows: PDUFA - \$264.220; MQSA - \$16.112; Export Certification - \$1.500; and Certification Fund - \$4.878

#### GLOSSARY OF ACRONYMS

510(k) Premarket notification (Medical devices substantially equivalent to

products already on the market)

AADA Abbreviated Antibiotic Drug Application

ADE Adverse Drug Event

ADAA Animal Drug Availability Act of 1996

ADR Adverse Drug Report

AERS Adverse Events Reporting System

AHI Animal Health Institute

AIDS Acquired Immune Deficiency Syndrome
ANDA Abbreviated New Drug Application
ANSI American National Standards Institute

APHIS Animal Plant and Health Inspection Service (USDA)

BLA Biologics License Application
BIMO Bioresearch Monitoring

BSE Bovine Spongiform Encephalopathy (Mad Cow Disease)

CABS Conformity Assessment Bodies

CARS Compliance Achievement Reporting System

CBER Center for Biologics Evaluation and Research (FDA)

CDC Centers for Disease Control and Prevention
CDER Center for Drug Evaluation and Research (FDA)
CDRH Center for Devices and Radiological Health (FDA)

CFO Chief Financial Officer

CFSAN Center for Food Safety and Applied Nutrition (FDA)

CGMPs Current Good Manufacturing Practices

CJD Creutzfeldt-Jakob Disease

CMC Chemistry, Manufacturing, and Controls COMSTAS Compliance Status Information System COBOL Common Business Oriented Language

CRADA Cooperative Research and Development Agreement

CRS Contamination Response System
CTS Correspondence Tracking System
CVM Center for Veterinary Medicine (FDA)

DHHS Department of Health and Human Services

DNA Deoxyribonucleic Acid
DOD Department of Defense
DOL Department of Labor

DQRS Drug Quality Reporting System
DRLS Drug Registration and Listing System

DSHEA Dietary Supplement Health and Education Act

EDR Electronic Document Room

EDMS Electronic Data Management System

EIP Emerging Infection Program
EIR Establishment Inspection Report
ELA Establishment License Application
EPA Environmental Protection Agency

ERS Economic Research Service
ETS Environmental Tobacco Smoke

EU European Union

FACTS Field Accomplishment and Compliance Tracking System FAO Food and Agricultural Organization (United Nations)

FAS Foreign Agriculture Service (USDA)

FDAMA Food and Drug Administration Modernization Act of 1997

FFD&C Act Federal Food, Drug and Cosmetic Act

FIS Field Information System

FLQ Fluoroquinolone

FORCG Food Outbreak Coordination Response Group

FPL Final Printed Label

FPLA Fair Packaging and Labeling Act FSI Food Safety Initiative (National)

FSIS Food Safety Inspection Service (USDA)

FTC Federal Trade Commission
FTE Full-time Equivalent

FY Fiscal Year (October - September)

GAO General Accounting Office GAPs Good Agricultural Practices

GATT General Agreement on Tariffs and Trade

GPRA Government Performance and Results Act of 1993

GMPs Good Manufacturing Practices

GRAS Generally Recognized as Safe Food Ingredients

GSFA General Standards for Food Additives

HACCP Hazard Analysis Critical Control Points

HDE Humanitarian Device Exemption HIV Human Immunodeficiency Virus

HUD Humanitarian Use Device

ICH International Conference on Harmonization

IDE Investigational Device Exemption INAD Investigational New Animal Drug

INADA Investigational New Animal Drug Application

IND Investigational New Drug IOM Institute of Medicine

ISO International Standards Organization

ISRS Individual Safety Reports
IT Information Technology
IVD In Vitro Diagnostic

JECFA Joint Expert Committee on Food Additives

JIFSAN Joint Institute for Food Safety and Applied Nutrition

JINAD Generic Investigational New Animal Drug

LACF Low Acid Canned Foods
LAN Local Area Network

LBITF Least Burdensome Industry Task Force

MATS Management Assignment Tracking System

MDR Medical Device Reporting System

MERS-TM Medical Event Reporting System for Transfusion Medicine

MMBM Mammalian Meat and Bone Meal MOU Memorandum of Understanding

MPRIS Mammography Program Reporting and Information Systems

MQSA Mammography Quality Standards Act MRA Mutual Recognition Agreement

NADA New Animal Drug Application NAFTA North Atlantic Free Trade Agreement

NAFTA TWG North American Free Trade Agreement Technical Working Group

NARMS National Antimicrobial Resistance Monitoring System

NASS National Agricultural Statistics Survey

NCI National Cancer Institute

NCIE Notice of Claimed Investigational Exemptions
NCTR National Center for Toxicological Research (FDA)

NDA New Drug Application

NDE/MIS

New Drug Evaluation Management Information System
NIAID

National Institute of Allergy and Infectious Diseases

NIDA National Institute on Drug Abuse

NIEHS National Institute for Environmental Health Sciences

NIH National Institute of Health

NLEA Nutrition Labeling and Education Act

NME New Molecular Entity

NPR National Partnership for Reinventing Government

NPRM Notice of Proposed Rulemaking
NRC National Research Council
NTP National Toxicology Program
NVPO National Vaccine Program Office

OASIS Operational and Administrative System for Import Support

OBRR Office of Blood Research and Review (CBER)
OPA Office of Premarket Approvals (CFSAN)
ORA Office of Regulatory Affairs (FDA)

ORISE Oak Ridge Institute for Science and Education
OSHA Occupational Safety and Health Administration

OTC Over-the-Counter

OTR Office of Testing and Research (CDER)

OTRR Office of Therapeutics Research and Review (CBER)
OVRR Office of Vaccines Research and Review (CBER)

PAS Public Affairs Specialist (FDA)
PDPs Product Development Protocols

**PDUFA** Prescription Drug User Fee Act of 1992 Produce and Food Safety Initiative **PIFSI** PLA

Product License Application

Premarket Approval (Application to market medical device that **PMA** 

requires premarket approval)

PODS Project-Oriented Data System **PQRI** Product Quality Research Initiative

**OSIT** Quality System Inspection Technique

Rheumatoid Arthritis RA

RCHSA Radiation Control for Health and Safety Act

**REGO** Reinventing Government Initiative

Regulatory Information Management Staff (CBER) RIMS

Regulatory Management System-Biologics License Application **RMS-BLA** 

**RVIS** Residue Violation Information System

Science Advisory Board SAB

Substance Abuse and Mental Health Services Administration **SAMHSA** 

Salmonella Enteriditis SE

SN/AEMS Special Nutritional Adverse Events Monitoring System

Submission Tracking and Review System **STARS** 

Salmonella Tphimurium DT 104 StmDT104

TΒ **Tuberculosis** 

**TRIMS** Tissue Residue Information System

UK United Kingdom

**UMCP** University of Maryland-College Park United States Department of Agriculture **USDA** 

**VAERS** Vaccine Adverse Event Reporting System

Veterinary Feed Directive VFD

Veterinary International Conference on Harmonization VICH

United Nations World Health Organization WHO

WTO World Trade Organization