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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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March 8, 2007

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The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Mr. Secretary:

As you are aware, pursuant to Rules X and XI of the Rules of the United States House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are currently investigating allegations of apparent conflicts of interest in the Food and Drug Administration (FDA) contracting practices involving the former Director of the Office of Information Technology (OIT). We are writing to advise you of an additional request for records concerning that inquiry as well as our intention to expand this investigation to include other alleged irregularities in FDA contracting practices.

Accordingly, we hereby request all records relating to the awarding of FDA contracts to a firm, Platinum Solutions of Reston, VA. That firm employed the husband of Margaret "Margo" Burnette, one Mark A. Boster, initially as a paid advisor and later as Executive Vice President.

In addition, we are formally requesting the entire file of the Office of Internal Affairs (OIA) investigation into that matter. That investigation was closed by OIA in 2005. You should be aware that this record request specifically covers the unredacted OIA file. We have discussed this request with the Department of Health and Human Services (HHS) Office of the Inspector General and have been assured that his office does not object to our receipt of the unredacted version of the file since it will not negatively impact his reopened investigation of this matter. As you may know, we had previously received a redacted version of this file that did not satisfy our request or meet the needs of our inquiry.

We also previously requested that the FDA take care not to destroy any records relating to contracts that Ms. Burnette was directly or indirectly involved in including but not limited to the Platinum Solutions matter. We now request that those records be provided in their entirety to the Committee. These records are to include all files concerning Ms. Burnette's contracting

The Honorable Michael O. Leavitt
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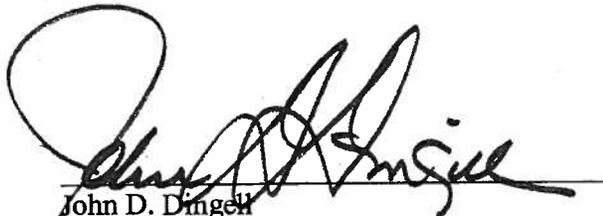
activities including but not limited to all files or records in the Office of Ethics, the Commissioner's Office where Ms. Burnette is currently assigned, the OIT or elsewhere in the FDA.

The second contracting matter that the Committee is investigating involves the awarding or tasking of a contract to Parallax, a Germantown, MD engineering firm to perform mail room services. Until February 28, 2007, SOC Enterprises, a not-for-profit firm that exists to provide employment for the disabled, held such a contract. Although we understand that SOC has been granted a 90-day extension, we have serious questions about the termination of the SOC contract and its replacement by Parallax at the College Park, Maryland facility. We hereby request that you provide all records relating to the termination of the SOC contract and the decision to engage Parallax to perform the mailroom work at White Oak where the College Park work is being transferred.

Please note that, for the purpose of responding to this request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter. Please provide the requested records to the Committee offices no later than two weeks after the date of this letter.

Should you have any questions regarding this request, please contact David Nelson of the Committee Majority staff at (202) 225-2927 or Alan Slobodin with the Committee Minority staff at (202) 225-3641.

Sincerely,


John D. Dingell
Chairman


Joe Barton
Ranking Member


Bart Stupak
Chairman
Subcommittee on Oversight and Investigations


Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations

Attachment

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.