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Committee on Energy and Commerce
Washington, DC 20515–6115

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November 17, 2008

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

Dear Dr. von Eschenbach:

Under Rules X and XI of the Rules of the United States House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the administrative integrity of the Food and Drug Administration (FDA). As part of that inquiry, the Committee is investigating FDA's mismanagement of agency resources.

In particular, the Committee is investigating a sole source contract between FDA and Alaska Newspapers, Inc. (ANI), in which Qorvis Communications served as a subcontractor. This contract was for an "FDA 2008 Public Awareness Campaign." Our initial investigation into this matter raised serious concerns about FDA's actions regarding this contract. These concerns were outlined in a letter to Secretary Leavitt on October 2, 2008.

On October 7, 2008, senior FDA officials met with Committee staff to discuss the circumstances that led to the formation of the aforementioned contract and FDA's response to alleged wrongdoing on its part. We are pleased that FDA has suspended the contract, modified the duties of two employees who played a major role in facilitating the contract, and referred certain issues to the Inspector General for an independent review. This short meeting between senior FDA officials and Committee staff, however, raised more questions than were answered, in part because key FDA employees associated with the contract were not present at the meeting. In addition, FDA has yet to produce all records and deliverables related to the contract requested by the Committee on April 21, 2008, and October 2, 2008.

Accordingly, the Committee requests that FDA ensure that ALL responsive records are produced to the Committee forthwith. If the records are not received by the close of business on November 21, 2008, the Committee will consider its options, including the issuance of a subpoena, if necessary. Further, the Committee requests that you make the following individuals available to be interviewed by Committee staff as soon as possible:

1. Susan Winckler, Chief of Staff, Office of the Commissioner;

2. Mildred Cooper, Senior Communications Advisor;

3. Jane Peterson, Senior Management Officer, Office of the Commissioner;

4. Julie Zawisza, Supervisory Public Affairs Specialist at the Center for Drug Evaluation and Research and Former Assistant Commissioner for Public Affairs;

5. Tariq Choudry, Contracting Officer; and

6. Kimberly Davis, Contracting Specialist.

If any of the above individuals are no longer employed by FDA, please provide the Committee with appropriate contact information and a detailed description of the former employee's role with regard to the contract. After interviewing these individuals, the Committee may request additional interviews with FDA personnel.

If you have any questions relating to this request, please contact Kevin Barstow or Steven Rangel with the Committee staff at (202) 226-2424.

Sincerely,

John D. Dingell
Chairman

Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations