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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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August 13, 2007

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

Dear Mr. Secretary:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are examining the operations of the Public Health Service Commissioned Corps, the National Institutes of Health policies on human subject protection, and the adequacy of the ethics programs that are the responsibility of the Office of the General Counsel of the Department of Health and Human Services.

In light of these oversight matters, there is bipartisan interest in the disposition of the Board of the Inquiry case involving Dr. Trey Sunderland of the National Institute of Mental Health, who pleaded guilty to a criminal conflict-of-interest charge last December. The Sunderland case figured prominently in hearings conducted by the Subcommittee on June 13-14, 2006, and September 13, 2006.

We have reason to believe that the Sunderland case has been resolved and therefore, request that the Department provide a briefing to majority and minority Committee staff on the Sunderland case by no later than ten days from the date of this letter. Subsequent to that briefing, Committee staff will inform you if we have need for interviews and/or records relating to this case. Please provide such interviews or records if requested. The terms "records" and "relating to" are defined in the attachment to this letter.

The Honorable Michael O. Leavitt  
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Your cooperation with this request is appreciated. If you have any questions, please contact us or have your staff contact David Nelson with the Majority Committee staff at (202) 226-2424 or Alan Slobodin of the Minority Committee staff at (202) 225-3641.

Sincerely,



John D. Dingell  
Chairman



Joe Barton  
Ranking Member



Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations



Ed Whitfield  
Ranking Member  
Subcommittee on Oversight and Investigations

Attachment

## ATTACHMENT

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