# Congress of the United States
## House of Representatives
### Washington, D.C. 20515

January 22, 2007

The Honorable Andrew C. von Eschenbach, M.D.
Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20851

VIA FAX

Dear Dr. von Eschenbach:

Pursuant to Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are opening an inquiry into conflicts of interest in the Food and Drug Administration (FDA) contracting practices and the ability and willingness of the Agency to investigate allegations of improper practices. We begin this investigation with a case study involving the former Director of the Office of Information Technology (OIT).

We hereby request all records relating to the Office of Internal Affairs (OIA) investigation of the allegations relating to the role of Margaret "Margo" Burnette in the awarding of contracts to a firm, Platinum Solutions of Reston, VA, that employed her husband Mark A. Boster initially as a paid advisor. This investigation was closed by OIA in 2005.

After reviewing the complete unredacted file in this case, we may have further requests for records or interviews. Please ensure that no records relating to contracts in which Ms. Burnette was directly or indirectly involved are destroyed, regardless of where and how they are stored, whether in the Office of Ethics, the section of the Commissioner's Office where Ms. Burnette is currently assigned, the OIT, or elsewhere in the FDA.

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. Because this request is for a specific file, we expect that you will be able to deliver it to the Committee offices no later than the close of business, Thursday, January 25, 2007.

Should you have any questions regarding this request, please have your staff contact David Nelson with the majority staff (202-225-2927) or Alan Slobodin with the minority staff (202-225-3641) of the Committee on Energy and Commerce.

Sincerely,

John D. Dingell
Chairman
Committee on Energy and Commerce

Joe Barton
Ranking Member
Committee on Energy and Commerce

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.