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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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November 16, 2006

The Honorable William H. Frist
Majority Leader
United States Senate
S-230
Washington, DC 205 10
Dear Senator Frist:

I am writing to request that I be consulted prior to entering into any unanimous consent agreement relating to Dr. Andrew von Eschenbach's nomination to be Commissioner of the Food and Drug Administration (FDA). The issues at stake are critically important. Last May the Finance Committee issued two subpoenas to obtain access to FDA documents and an agency employee. As Chairman of the Finance Committee, I am extremely disturbed by the Acting Commissioner's continued failure to comply with the Committee's subpoenas over the past six months. Senator Baucus and I met with Secretary Leavitt to let him know, in no uncertain terms, that failure to comply with the Committee's subpoenas is unacceptable. We also advised Secretary Leavitt that numerous other Committee requests are overdue - on average 101 days late - from both the FDA and the Department of Health and Human Services. The authority and integrity of Senate and Committee processes are being challenged and due concern should be shown to this nomination.

Sincerely,



Charles E. Grassley
Chairman