

Congress of the United States
House of Representatives
Washington, D.C. 20515
September 17, 2003

The Honorable Tommy G. Thompson
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Secretary:

On August 11, 2003, Rep. Waxman wrote you to express serious concerns about the proposed transformation plan for the Commissioned Corps of the U.S. Public Health Service.¹ We have now learned that FDA Commissioner Mark B. McClellan and other senior officials within the Administration share these concerns.

The Commissioned Corps includes over 6,000 health professionals working in more than 20 science-based agencies and offices, including some of the most experienced scientists in the federal government. As one of the seven uniformed services of the federal government, the Corps has thrived for more than 100 years because of its ability to provide unique opportunities and rewards to talented scientists and other health professionals.

On July 3, you proposed a major restructuring of the Corps.² On July 28, the Department of Health and Human Services (HHS) released a draft policy with some of the details of this transformation.³ Under the proposal, all Commissioned officers would have to meet physical fitness standards and agree to deployment far from home on short notice. The proposal also limits promotions available to former members of the military and to officers who work at certain remote posts. In addition, HHS intends to transfer responsibility for the Corps from its historic leader, the U.S. Surgeon General, to the Assistant Secretary for Health.

We have serious concerns about these changes. As Rep. Waxman wrote you, HHS has yet to justify uniform deployment standards at a time when 2,000 Commissioned officers have already volunteered for and are ready for emergency service. The new standards, which have no exceptions for those with chronic illness or those whose family circumstances do not permit

¹Letter from Rep. Henry A. Waxman to Secretary Tommy G. Thompson (Aug. 11, 2003).

²Department of Health and Human Services, *News Release: Secretary Thompson to Increase Numbers and Flexibility of Public Health Service Commissioned Corps* (July 3, 2003).

³Department of Health and Human Services, *Public Health Service, Personnel Instruction 8 — PHS Deployment Readiness Standards, DRAFT FOR SERVICEWIDE NOTICE AND COMMENT* (July 28, 2003).

deployment, could drive expert scientists from public service. The new policy also appears manifestly unfair to officers who could lose all of their retirement benefits upon leaving the Commissioned Corps.

We have now learned that senior health officials in the Administration also object to your plan. In correspondence to you dated August 15, Commissioner McClellan expresses frustration that “key ideas and implementation strategies that I have discussed at considerable length with the Surgeon General and the senior leadership in the Corps are not included” in the new policy.⁴ Moreover, he specifically objects to important elements of your approach, including:

- Across-the-board physical fitness requirements. Commissioner McClellan instead supports “mission/job-specific” standards.
- Deployment requirements. According to Commissioner McClellan, the plan to require officers to be ready for deployment will halt the careers of “extremely talented and committed officers” who, because of “family considerations or physical conditions” cannot make this commitment.
- New promotion rules. Commissioner McClellan believes your approach will discourage expert scientists in the military from joining the Commissioned Corps and hurt the careers of officers working in community health centers or small field offices.

Commissioner McClellan also is concerned that the new policy will lead agencies, including FDA, to be reluctant to hire commissioned officers who might be called away at a moment’s notice. The result could be a loss of scientific expertise in government agencies and a withering of the Corps, the opposite of your goal. He concludes with the warning that “Corps and civilian morale as well as Agency . . . effectiveness could be seriously negatively affected by the imposition of standards such as those proposed.”

There are other senior officials in your own Department with serious reservations about your draft proposal. Dr. Dushanka V. Kleinman and Mary Pat Couig, the Chair and Vice Chair of the Chief Professional Officer Board, which leads the Commissioned Corps, have recently criticized your proposal to shift responsibility for the Corps to the Assistant Secretary for Health. They have written that the Surgeon General, the historic leader of Commissioned officers, should remain “in a position with the authority to direct and manage the Corps.”⁵

⁴Letter from FDA Commissioner Mark B. McClellan to Secretary Tommy G. Thompson (Aug. 15, 2003).

⁵Assistant Surgeon General Dushanka V. Kleinman and Assistant Surgeon General Mary Pat Couig, *CPO General Comments on the CCPM Drafts*.

The Honorable Tommy G. Thompson
September 17, 2003
Page 3


These concerns should be addressed before any of the plans are implemented. We urge you to suspend implementation of this plan and ask the Surgeon General to convene an open process to consider any major changes.

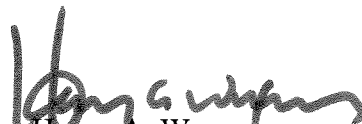
We also ask that you provide us with more information about the proposal and the comments you have received. Specifically, we request that you provide the following information by September 25, 2003:

1. All comments regarding the proposed transformation plan you have received from non-Commissioned Corps employees of HHS, including, but not limited to, comments from Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention, and Dr. Elias Zerhouni, Director of the National Institutes of Health;
2. All comments you have received from Commissioned Corps members regarding your proposed transformation plan;
3. All comments regarding the proposed transformation plan you have received from anyone outside of the Federal government;
4. Results from any and all surveys of HHS employees regarding the proposed transformation plan, including surveys of Commissioned Corps members at FDA, CDC, and NIH.

We look forward to exploring these issues further at the upcoming Committee on Government Reform hearing on the proposed transformation plans.

Sincerely,


Chris Van Hollen
Member of Congress


Henry A. Waxman
Member of Congress