

March 26, 2009

Mr. Edgar M. Swindell  
Associate General Counsel/Ethics  
Designated Agency Ethics Official  
U.S. Department of Health and Human Services  
Room 710-E, Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Mr. Swindell:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Commissioner, Food and Drug Administration, U.S. Department of Health and Human Services.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from the following positions reported in my financial disclosure report:

The Rockefeller Foundation (Board of Trustees)  
Aaron Diamond AIDS Research Center (Board of Directors)  
Drug Strategies (Board of Directors)  
Trust for America's Health (Board of Directors)  
Institute of Medicine Council  
Math for America (Board of Directors)  
National Health Museum (Board of Directors)  
Conservation International (Board of Directors)  
Sidwell Friends School (Board of Trustees)  
March of Dimes (Public Policy Advisory Council)  
The Project on Emerging Nanotechnologies, Woodrow Wilson International Center for  
Scholars (Board Member)  
Journal of Biosecurity and Bioterrorism (Editorial Board)  
Institute of Medicine, National Academy of Science (Chair, Board on Global Health)  
Institute of Medicine, Forum on Microbial Threats (Vice-Chair)

Mr. Edgar M. Swindell

Page 2

**Nuclear Threat Initiative (Senior Scientist)**

In addition, I resigned from the Board of Directors of Doctors of the World in August 2008; from the Board of Trustees of Rockefeller University in November 2008; and from my position at the American Society for Microbiology in July 2008. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Within the past year, I have provided services to the Markle Foundation, the Heinz Foundation, the deBeaumont Foundation, and the Irene Diamond Foundation. For a period of one year after I last provided services to each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Following my appointment, my spouse and I will divest our interests in the following entities within 90 days of my confirmation:

Renaissance Institutional Equities Fund RMP LLP  
Renaissance Institutional Futures Fund RMP  
Solera Executive Partners LP  
Topspin Partners LBO

With regard to each of these entities, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Upon confirmation, I will resign from my positions on the Board of Directors and the Medical Advisory Board of Henry Schein, Inc. I currently hold stock, vested stock options, unvested stock options, and restricted stock in Henry Schein, Inc. I also participate in a Henry Schein, Inc., deferred compensation plan for Non-Employee Directors, pursuant to which I receive my compensation for serving as a Director as phantom stock. Under that plan, I am entitled to receive a distribution of Henry Schein stock equal to the value of my phantom stock upon my resignation from the Board of Directors. Upon my resignation from my positions with Henry Schein, Inc., I will forfeit any stock options and restricted stock that are unvested at the time of my resignation. Before I assume the duties of the position of Commissioner, Henry Schein, Inc., will pay all outstanding deferred compensation to me. Following my appointment, I will divest my vested stock options and stock in Henry Schein, Inc., by exercising all such options and divesting all stock within 90 days of my confirmation. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Henry Schein, Inc., until I have divested it, unless I first obtain a written

Mr. Edgar M. Swindell  
Page 3

waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which Henry Schein, Inc., is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Additionally, my spouse, my minor children, and I will divest our interests in Meritage Holdings LTD Class A and Meritage Investors LLC on or before July 1, 2009. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Meritage Investors LLC or Meritage Holdings LTD Class A of which I have knowledge until I have divested them, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

My spouse owns a 25% share of Rockland Farm LLC, a family farm. The farm's grazing rights are currently leased and Rockland Farm LLC derives income from the rent paid for the lease. I do not hold a position with this entity. Through my spouse, I will continue to hold a financial interest in this entity, but I will not manage it or provide any other services to it. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Rockland Farm LLC, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1). Additionally, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of the lease holders of the farm held by Rockland Farm LLC, to make rent payments, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

My spouse is an employee of Renaissance Technologies Corporation ("RTC"), and we have investments in that entity and certain funds it manages. The terms of our investments are such that I do not know the underlying assets of the funds. My spouse is contractually prohibited from disclosing any of the holdings of specific funds managed by RTC to anyone (except as disclosures are required to be made in the ordinary course of the funds' business), including to any family member. As Commissioner, I will not participate personally and substantially in any particular matter in which I know that at the time of my participation I, through my family's interest in RTC, have a financial interest, if that particular matter will have a direct and predictable effect on any such interest, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

In order to avoid potential conflicts of interest during my appointment as Commissioner, I, my spouse, or any minor children of mine will not acquire any direct financial interest in entities listed on the FDA prohibited holdings list or in entities involved, directly or through subsidiaries, in the following industries: (1) research, development, manufacture, distribution, or sale of pharmaceutical, biotechnology, or medical devices, equipment, preparations, treatment, or products; (2) veterinary products; (3) healthcare management or delivery; (4) health, disability, or workers compensation insurance or related services; (5) food and/or beverage

Mr. Edgar M. Swindell

Page 4

production, processing or distribution; (6) communications media; (7) computer hardware, computer software, and related internet technologies; (8) wireless communications; (9) social sciences and economic research organizations; (10) commercial airlines, railroads, shiplines, and cargo carriers; or (11) sector mutual funds that concentrate their portfolios on one country other than the United States. In addition, we will not acquire any direct financial interests in sector mutual funds that concentrate in any of these sectors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret A. Hamburg". The signature is written in black ink and is positioned above the printed name.

Margaret A. Hamburg