



April 4, 2007

Daniel R. Levinson
Inspector General
Office of the Inspector General
U.S. Department of Health and Human Services
Room 5541 Cohen Building
330 Independence Avenue, SW
Washington, DC 20201

Subject: Possible conflicts of interest in the NIH's intramural program

Dear Mr. Levinson:

Your letter of March 23, 2007, to Representative Joe Barton, cited recently in press reports, indicates that attorneys in your office are examining potential conflicts of interest among 103 employees at the National Institutes of Health. I would like to commend you and your associates for examining whether the NIH has been holding itself, in recent years, to the high ethical standards for which it used to be well known.

The Project On Government Oversight (POGO) may be able to contribute to your examination of this important issue. Dr. Ned Feder, a member of our staff, is well acquainted with some of the points you raise in your letter. He joined POGO last September, having served for about 40 years as a scientist and science administrator at NIH.

We hope the attached memorandum will shed some light on events leading up to the NIH's announcement in 2005 of the results of its internal investigation into potential conflicts of interest at NIH. The memo, sent on July 26, 2005, by Dr. Feder to NIH Director Elias Zerhouni, comments on some troubling deficiencies in the NIH's handling of the investigation. Also included are suggested follow-up actions – foremost among them a full public disclosure of the facts – that would correct some of the deficiencies. NIH has taken no such actions, as far as we know.

Your attorneys and other staff are by now undoubtedly familiar with some of these deficiencies. The NIH limited its investigation, unfortunately, to questions about compliance of NIH employees with certain narrow requirements: prior approval of consulting arrangements, annual financial disclosure reports, and approved leave for the activity. Even if an employee complied fully with these requirements, there may still have been a conflict of interest between the employee's paid consulting (or other outside activities) and his or her work at NIH. The NIH's failure to look aggressively for evidence of conflicts of interest is of course a serious deficiency in its internal investigation.

Please feel free to contact us if you decide that POGO may be able to assist your office in examining potential conflicts of interest at NIH.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Brian". The signature is written in black ink and is positioned above the printed name and title.

Danielle Brian
Executive Director

Enclosure