



Note, this letter is not copied to anyone, neither to the Secretary nor to the NIH Director

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Bethesda, Maryland 20892

www.nih.gov

APR 18 2012

Refer to: Case #2012-82

Dr. Nurit Kalderon
kalderon@whistleblowing-nih-financial-fraud.org

Dear Dr. Kalderon:

The Secretary, Department of Health and Human Services (HHS), and the Director, National Institutes of Health (NIH), asked me to respond on their behalf to your letter of March 19, 2012. NIH takes allegations regarding its programs and activities seriously; however, I am not in a position to respond to issues related to pending litigation. I can address your concerns regarding the NIH Annual Report on Alleged Whistleblower Complaints.

Section 403B(a) of the Public Health Service Act (as amended by the NIH Reform Act of 2006, Pub. L. No. 109-482), enacted January 15, 2007, requires the Director of NIH to submit a report each year summarizing NIH activities relating to the alleged whistleblower complaints. Public Law No. 109-482 does not provide a definition of a whistleblower. NIH, in coordination with the HHS Office of General Counsel, developed a whistleblower definition using 5 U.S.C. Sections 1201 and 2302 as guidance. Accordingly, the NIH Annual Report on Alleged Whistleblower Complaints includes complaints received from Federal Government employees, including those on Title 5, Title 42, Title 38, Commissioned Corps, Senior Biomedical Research, and Special Government Employee appointments. NIH has used the same definition for all reports filed pursuant to Section 403B(a) of the Public Health Service Act.

As an employee of a grantee institution, your complaint did not fall within this definition. Therefore, your complaints were not included in the NIH Annual Report on Alleged Whistleblower Complaints.

Thank you for your interest in NIH programs and activities.

Sincerely,

Suzanne J. Servis
Director
Office of Management Assessment