

# EMPOWER OVERSIGHT

*Whistleblowers & Research*



November 4, 2021

VIA ELECTRONIC TRANSMISSION: [FOIA@oig.hhs.gov](mailto:FOIA@oig.hhs.gov)

Freedom of Information Officer, Office of the Inspector General  
Department of Health and Human Services,  
330 Independence Ave, S.W., Cohen Building, Suite 1062  
Washington, D.C. 20201

RE: RECORDS REGARDING SECURITY DETAIL PROVIDED TO ANTHONY FAUCI

Dear FOIA Officer:

## Introduction

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on those reports by, among other means, publishing information concerning the same.

## Background

Agents with the Department of Health and Human Services Office of Inspector General (HHS OIG) are at the forefront of efforts to fight waste, fraud and abuse in HHS programs, including the National Institutes of Health (NIH).<sup>1</sup> In April 2020, ABC News reported that HHS OIG agents would begin providing security for Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases (NIAID) at the NIH.<sup>2</sup> But last June, HHS OIG announced it agents would also be investigating the NIH’s oversight of grants to support research conducted outside the United States.<sup>3</sup> One

<sup>1</sup> <https://oig.hhs.gov/about-oig/>.

<sup>2</sup> <https://abcnews.go.com/Politics/fauci-security-detail-threats-source/story?id=69933965>.

<sup>3</sup> <https://thehill.com/policy/healthcare/558505-federal-watchdog-to-examine-nih-grants-likely-including-wuhan-funding>.

of the grants discussed by multiple media outlets was awarded by Dr. Fauci's NIAID<sup>4</sup> and is connected to funding at the Wuhan Institute of Virology.<sup>5</sup>

“We share stakeholders’ concerns regarding compliance and oversight of NIH grant funds. We have been monitoring this issue for some time and consider it a high-priority matter that can pose a threat to the integrity of the NIH grant program,” Tesia Williams, the director of communications for the Department of Health and Human Services Office of Inspector General, told CNN.<sup>6</sup>

The public has an interest in understanding how limited HHS OIG resources are being allocated to simultaneously support its agents providing security for Dr. Fauci and investigate his role in grants from the NIAID to the Wuhan Institute of Virology.

### **Records Request**

To shed light on the HHS OIG security detail for Anthony Fauci we respectfully request, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, copies of:

1. All records and communications regarding the HHS OIG security detail provided to Anthony Fauci.
2. All records and communications regarding the work assignment of the six individuals listed in Attachment A.
3. All records regarding the budget and/or budget justification for the protection detail, including reimbursement agreements and documentation of reimbursement of HHS OIG by NIH or HHS.
4. Time sheets or reported time for agents assigned to the protective detail.
5. All records of expenses for the detail, including travel expenses.
6. All communications regarding reassignment of agents from HHS OIG casework to the protective detail.

### **Definitions**

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons,

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<sup>4</sup> <https://thehill.com/policy/healthcare/558505-federal-watchdog-to-examine-nih-grants-likely-including-wuhan-funding>.

<sup>5</sup> <https://edition.cnn.com/2021/06/15/politics/nih-grants-review/index.html>.

<sup>6</sup> <https://edition.cnn.com/2021/06/15/politics/nih-grants-review/index.html>.

including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“DOCUMENT(S)” or “RECORD(S)” mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms “DOCUMENT(S)” or “RECORD(S)” include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

### **Instructions**

The time period of the requested records is April 2020 through the present.

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Bryan Saddler by e-mail at bsaddler@empowr.us.

### **Fee Waiver Request**

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a “news media requester”<sup>7</sup> and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same. Empower Oversight has no commercial interest in making this request.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the HHS OIG. Specifically, the public has a significant interest in understanding how the HHS OIG is providing a security detail to Anthony Fauci while simultaneously auditing/investigating NIAID funding provided to the Wuhan Institute of Virology and other foreign entities (*e.g.*, what protocols have been established to ensure that information developed by the HHS OIG audit/investigative team that is assigned to the NIAID funding inquiry is not available to Dr. Fauci’s security detail; what policies has HHS OIG put in place to ensure that investigative skills of the agents that it has assigned to Dr. Fauci’s security detail do not atrophy pending the completion of that detail, which has continued for 18 months or more; and, if the full costs Dr. Fauci’s security detail is not being reimbursed by NIH or HHS, what investigative or audit activities has HHS OIG had to curtail to stay within its budget). Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight

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<sup>7</sup> As the Securities Exchange Commission recently conceded, with its issuances of ‘press releases’ describing its activities and findings, and its emails of research papers, FOIA updates, and news accounts of its activities to an address list more than 9,400 members of the press, Capitol Hill staff, and key thought leaders, Empower Oversight qualifies as a news media requester for purposes of fees assessed pursuant to the FOIA.

receives that tends to explain the HHS OIG practices will be disclosed publicly via its website, and shared copies with other news media for public dissemination.<sup>8</sup>

### **Request for Expedited Processing**

Although Empower Oversight fully expects the HHS OIG to respond to this FOIA request within the 20 business days allotted by the FOIA, it requests expedited processing. Understanding how the HHS OIG is providing a security detail to Dr. Fauci while simultaneously auditing/investigating NIAID funding provided to the Wuhan Institute of Virology and other foreign entities can enlighten the public concerning its ability to be at the forefront of efforts to fight waste, fraud and abuse in HHS programs, including the NIH. The request is of widespread and exceptional media interest and the information sought involves questions about investigative/audit integrity that affect public confidence in the activities and operations of the HHA OIG. Empower Oversight is engaged in disseminating information to the public through its website and working with media.<sup>9</sup> Accordingly, it is important that this request be processed and the results publicly disseminated as quickly as possible.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. In the event our request for a fee waiver is denied or if you have any questions about this request, please contact us immediately. Thank you for your prompt attention to this matter.

Cordially,

[/Jason Foster/](#)

Jason Foster  
Founder & President

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<sup>8</sup> “Mission,” Empower Oversight (<http://empowr.us/mission>).

<sup>9</sup> “Mission,” Empower Oversight (<http://empowr.us/mission>).