

# EMPOWER OVERSIGHT

*Whistleblowers & Research*



EMPOWR.us

January 19, 2022

VIA ELECTRONIC TRANSMISSION: 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: FOIA Request for 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 such 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 the programs of the Department of Health and Human Services (“HHS”), 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 of the grants discussed by multiple media outlets was awarded by Dr. Fauci’s NIAID and is connected to funding at the Wuhan Institute of Virology.<sup>4, 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

<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>.

<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>.

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. Accordingly, on November 4, 2021, Empower Oversight sent a Freedom of Information Act (“FOIA”) request to HHS OIG seeking, among other things, “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.”

On January 3, 2022, HHS OIG responded to Empower Oversight’s FOIA request by claiming that it: had located “thirty-nine (39) pages and (2) two Excel spreadsheets responsive” to the request; had referred the 39 pages to NIH—the purported originator of the records—for a direct response; and was “withhold the two (2) Spreadsheets under FOIA Exemptions (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F).”

Without waiving any administrative appeal rights with respect to HHS OIG’s January 3<sup>rd</sup> response to the November 4, 2021, FOIA request, Empower Oversight seeks in this request information related to the cost of providing a security detail to Dr. Fauci, which should be something that HHS OIG, not NIH, originated and is unlikely to constitute a clearly unwarranted invasion of personal privacy, to have been compiled for law enforcement purposes, to disclose law enforcement techniques or procedures, or to endanger the life or safety of an individual.

## **RECORDS REQUEST**

Pursuant to the FOIA, 5 U.S.C. § 552, Empower Oversight hereby requests:

1. Records detailing the top line costs of providing security to Dr. Fauci in Fiscal Years 2020, 2021, and 2022 (to date).
2. Records relating to communications about the costs of providing security to Dr. Fauci.

## **DEFINITIONS**

“TOP LINE” means gross costs (for salaries, benefits, expenses, equipment, etc.) reported to NIH for reimbursement or, if reimbursement was not sought from NIH, the gross costs incurred by HHS OIG.

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack 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

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

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 1, 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 “representative of the news media”<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

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<sup>7</sup> On September 23, 2021, the Securities Exchange Commission conceded that Empower Oversight qualifies as a news media requester for purposes of fees assessed pursuant to the FOIA. “Empower Oversight Wins Appeal of Erroneous SEC Fee Decision: Must be treated as a “media requestor” in seeking ethics records of senior officials,” Empower Oversight Press Release (Sep 24, 2021), <https://empowr.us/empower-oversight-wins-appeal-of-erroneous-sec-fee-decision-must-be-treated-as-a-media-requestor-in-seeking-ethics-records-of-senior-officials/>

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 full costs of providing a security detail to Dr Fauci, if the full costs of the detail are 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 receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please don't hesitate to contact me with any questions.

Cordially,

[/Jason Foster/](#)

Jason Foster  
Founder & President