



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 1, Room 344
1 Center Drive, MSC 0188
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

July 12, 2024

foia@americanoversight.org

Mr. Austin R. Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: FOIA Case No. 53807

Dear Mr. Evers:

This responds to your March 5, 2020, Freedom of Information Act (FOIA) request addressed to the FOIA Office, National Institutes of Health (NIH). Department of Health and Human Services' (HHS) policy calls for the fullest possible disclosure provided by the FOIA, 5 U.S.C. §552, consistent with the protections contained therein. The implementing HHS Regulations establish the criteria pursuant to which the FOIA is administered, *see* 45 C.F.R. Part 5. Copies of the FOIA and the HHS FOIA Regulations are located at: <http://www.nih.gov/icd/od/foia/efoia.htm> and <http://www.nih.gov/icd/od/foia/cfr45.htm>.

You requested:

All final directives, orders, decision memoranda, or guidance regarding testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the virus that causes COVID-19.

This request encompasses any directives, orders, memoranda, or guidance regarding:

- Decisions regarding whether to use the World Health Organization's test.
- Decisions regarding whether to share data on the status and use of test kits nationwide.
- Decisions regarding the criteria for who qualifies for testing and
- Decisions regarding where and when to send testing kits to healthcare providers.

NIH has conducted thorough and adequate searches in its filing systems and did not find any responsive records. If you are not satisfied with the processing and handling of this request, you

may contact the OD FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Denean Standing-Ojo
Office of Communications and
Public Liaison
Building 31, 5B52S
31 Center Drive
Bethesda, MD 20814
301-496-5077(phone)
[nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov) (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd - OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

You also have the right to appeal this determination to deny you access to information in the Agency's possession. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart F of the HHS FOIA Regulations (<https://www.federalregister.gov/documents/2016/10/28/2016-25684/freedom-of-information-regulations>) to:

Assistant Secretary for Public Affairs
Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

In certain circumstances, provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with our response.

If you have any questions about this response, please call 301-496-5633.

Sincerely,

Gorka Garcia-
malene -S

Digitally signed by
Gorka Garcia-malene -S
Date: 2024.07.12
12:51:39 -04'00'

Gorka Garcia-Malene
Freedom of Information Officer, NIH