



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 9, 2020

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: FOIA-2021-00299
DRH:SBT

Dear Austin Evers:

While processing your Freedom of Information Act (FOIA) request dated April 9, 2020, for records of legal analyses related to federal powers or authorities to issue or enforce quarantine, shelter-in-place, or stay-at-home orders in response to the novel coronavirus, the Centers for Disease Control and Prevention (CDC) referred eighteen pages of material to this Office for processing and direct response to you. The CDC's tracking number assigned to your request is 20-01213-FOIA. For your information, the material was received by this Office on November 10, 2020.

I have determined that one page is appropriate for release without withholdings, and a copy is enclosed. For your information, this material is also public at: <https://www.justice.gov/file/1262766/download>. Because the remaining seventeen pages are of primary interest to the Office of Legal Counsel (OLC), we have referred that material to OLC for processing and direct response to you. Contact information for OLC can be found on www.foia.gov.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government

Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Hibbard", with the initials "DR" at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosure



Office of the Attorney General
Washington, D. C. 20530

March 20, 2020

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM:

THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "W.P. Barr", is written over the printed name of the Attorney General.

I want to thank you for all of your hard work during these difficult times. The Department's task of protecting the rights and safety of Americans is even more critical as our country combats the COVID-19 and its pernicious impact on our citizens' lives.

As a result of the COVID-19 pandemic, a number of cities and states have imposed shelter in place and lock down orders or other travel restrictions. We can expect additional orders as the crisis develops. As you know, many federal employees, including Department of Justice employees carrying out law enforcement functions, are at times required to travel for official purposes. In order to ensure that federal employees continue to provide official services to the public, I am directing that all United States Attorneys contact state and local law enforcement leaders in their geographic areas of responsibility to inform them of the following:

- 1) Federal agencies have issued directives addressing the circumstances under which federal employees may travel and commute consistent with CDC guidelines. Federal agencies will continue to monitor and ensure that these directives are followed and modified as appropriate as the situation develops.
- 2) If encountered by local law enforcement during such travel, federal employees shall identify themselves, using their Personal Identity Verification or "PIV" cards, and explain the nature of their work and travel. These cards include a photograph of the employee and list the federal agency for whom the employee works.
- 3) Accordingly, the United States Attorneys should inform their state and local law enforcement partners that we need to ensure that local law enforcement officials enforcing travel restrictions are aware of the fact that federal employees must be allowed to travel and commute to perform law enforcement and other functions and should not be prevented from doing so, even when travel restrictions are in place.

Please also inform the Chief Judge and federal law enforcement partners in your district that Department employees remain able to mobilize as appropriate in order to continue our collective mission.