From:	(b)(6)
To:	CISA COS (b)(6) (b)(6) Clark, Alaina (b)(6) (b)(6)
CC:	CISAExecSec-External (b)(6) (b)(6)
Subject:	[FOR SIGN OFF] ECIW Congressional Response Letters
Date:	2020/03/30 07:06:23
Priority:	Normal
Type:	Note

Good morning,

Can we get EA and COS official sign off on the attached so my team can sign and send back to EA/LA for transit? NRMC is standing by to sign the Rep. Roby. Thanks.

For DIR signature

- • Sen Paul
- • Sen Hawley
- • Sen Peters

For A/D Kolasky signature

- • Rep Roby (constituent letter)

(b)(6)
Associate Chief, Executive Secretariat
Cybersecurity and Infrastructure Security Agency
(b)(6)

Sender:	(b)(6)
Recipient:	CISA COS (b)(6) (b)(6) Clark, Alaina (b)(6) (b)(6) CISAExecSec-External (b)(6) (b)(6)
Sent Date:	2020/03/30 07:03:50
Delivered Date:	2020/03/30 07:06:23

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United States Senate

WASHINGTON, DC 20510-2509

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March 21, 2020

The Honorable Christopher Krebs
Director
Cybersecurity and Infrastructure Security Agency
Department of Homeland Security
300 7th Street S.W.
Washington, D.C. 20528

Dear Director Krebs,

I am writing about the important role that the Cybersecurity and Infrastructure Security Agency ("CISA") plays in keeping our nation safe and our critical services functioning as we battle the spread of COVID-19. As this crisis develops, officials throughout our federal, state, and local governments look to you for expertise on how best to ensure public safety and the integrity of our economy.

This week, CISA issued a guidance document setting out the industrial and job categories that, in CISA's judgment, are necessary to ensure the continued availability of essential services.[1] As the memorandum notes, it is not binding on state or local officials, many of whom have issued or are considering issuing orders for their populaces to stay home or cease all nonessential travel in the interest of public safety. Nonetheless, these state and local officials look to CISA for expertise and guidance, as was clear when Governor Gavin Newsom specifically incorporated CISA's guidance into his stay-home executive order.[2] I am concerned that CISA's guidance on critical industries and occupations may need to be revised in order to adapt to the changing needs of our pandemic response.

Public safety must be our government's first priority. Yet the interests of public safety change depending on the length and nature of this crisis. Some experts have indicated that extended quarantining and restrictive measures lasting many weeks or months may be necessary to slow the spread of COVID-19.[3] Under those circumstances, I am concerned that our country will need critical sectors and workers beyond the categories that CISA has

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[1] Guidance on the Essential Critical Infrastructure Workforce (March 19, 2020), available at https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce.
[2] See Executive Order N-33-20, Office of the Governor of California (March 19, 2020), available at https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf.
[3] See Amelia Nierenberg, *How Long Will the Coronavirus Outbreak and Shutdown Last?*, NY Times (March 16, 2020), available at https://www.nytimes.com/2020/03/16/health/coronavirus-shut-down.html.

currently identified to operate. While government, law enforcement, medical, food, and utility services must be available always, many other industries also become vital to the continued safety of the public over a prolonged period of restriction. For example, the makers of critical industrial supplies and inputs must be available to ensure continued manufacturing operations of needed goods. Moreover, businesses and workers must be able to replenish shortages of consumer goods that will become exhausted over a longer period of restriction.

Likewise, the economic impact of this crisis depends greatly on the extent of time it lasts. Potentially millions of Americans face sudden unemployment,[4] and many businesses are struggling to maintain the safety and security of their employees and the viability of their enterprises. If this crisis persists for a prolonged period, a minimum level of economic activity will also be necessary to combat the spread of COVID-19, to preserve the economic well-being of citizens, and to recover when this pandemic is overcome.

Going forward, I ask that you frequently re-examine and update CISA's guidance on essential critical infrastructure workforce in order to respond to the evolving problems posed by COVID-19's spread and effects. Many American lives will depend on the accuracy of that guidance, and our state and local governments will continue to rely on your expertise.

Thank you for your attention to this matter.

Sincerely,

Josh Hawley
United States Senator

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[4] Steve Goldstein, *U.S. jobless claims may reach 2.25 million, Goldman Sachs economist estimates,* MarketWatch (Mach 20, 2020), available at https://www.marketwatch.com/story/jobless-claims-may-reach-225-million-goldman-sachs-economist-estimates-2020-03-20.

RAND PAUL
KENTUCKY

United States Senate

WASHINGTON, DC 20510

March 24, 2020

The Honorable Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency
U.S. Department of Homeland Security
300 7th Street, S.W.
Washington, DC 20528

Dear Director Krebs:

I write today to call your attention to the attached letter from the National Shooting Sports Foundation, and to urge you to consider their recommendations.

The U.S. Constitution guarantees an individual right to keep and bear arms. The protections afforded by the Second Amendment are indispensable, and they have served our nation well through tranquil times as well as turbulent ones. Our current circumstances are no different.

Again, in the interest of preserving the rights and privileges of all Americans, I strongly encourage you to review the recommendations attached hereto and take all appropriate action to implement them.

Sincerely,

Rand Paul

Rand Paul, M.D.
United States Senator

NATIONAL SHOOTING SPORTS FOUNDATION, INC.
Headquarters: 11 Mile Hill Road, Newtown, CT 06470-2359
400 N. Capitol Street NW, Suite 490, Washington, D.C. 20001
202-220-1340 ext. 249 lkeane@nssf.org

Lawrence G. Keane
SVP Gov't & Public Affairs
Assistant Secretary & General Counsel

March 20, 2020

The Honorable Christopher Krebs
Director of Cybersecurity and Infrastructure Security Agency
Department of Homeland Security
300 7th Street, SW
Washington, D.C. 20528

Dear Director Krebs:

The National Shooting Sports Foundation (NSSF) is America's trade association for the firearm, ammunition, hunting and recreational shooting sports industry. Our over 9,000 member companies include federally licensed manufacturers, distributors and retailers of firearms and ammunition products. On behalf of our members nationwide, I am writing to thank you for your leadership and the ongoing efforts of your agency to combat the COVID-19 (Coronavirus) pandemic.

I am also respectfully requesting that your agency designate the firearm and ammunition industry as a "National Critical Infrastructure Industry" and the employees who work in our industry should be clearly identified and listed as "Essential Critical Infrastructure Workers."

The firearm and ammunition industry is proud to provide the U.S. military and federal, state and local law enforcement agencies with the tools they need to carry out their vital national security and public safety missions. While we are facing a different kind of war in combatting an unprecedented public health crisis, it is imperative that we maintain a strong national defense and maintain public order.

As you are aware, the Department of Homeland Security (DHS) oversees the country's National Infrastructure Protection Plan (the "Plan")[1]. This Plan outlines how government and private sector participants in the critical infrastructure community work together to manage risks and achieve security and resilience outcomes. The Plan identifies 16 different critical infrastructure sectors, including Defense Industrial Base (DIB)[2] and Emergency Services Sector (ESS)[3].

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[1] National Infrastructure Protection Plan, Cybersecurity and Infrastructure Security Agency. Retrieved March 19, 2020 from https://www.cisa.gov/national-infrastructure-protection-plan
[2] National Infrastructure Protection Plan, 2010 Defense Industrial Base Sector-Specific Plan, Cybersecurity and Infrastructure Security Agency. Retrieved March 19, 2020 from https://www.cisa.gov/sites/default/files/publications/nipp-ssp-defense-industrial-base-2010-508.pdf
[3] Emergency Services Sector-Specific Plan, An Annex to the National Infrastructure Protection Plan, 2015. Retrieved March 19, 2020 from https://www.cisa.gov/sites/default/files/publications/nipp-ssp-emergency-services-2015-508.pdf

Defense Industrial Base

The United States military acquires virtually all its small arms from domestic commercial firearm manufacturers. All handgun ammunition used by the U.S. military is sourced from commercial ammunition manufacturers. The Department of Defense arsenal located in Lake City, Missouri, is operated by a commercial ammunition manufacturer under a DOD contact. Most of the rifle ammunition used by the U.S. military is produced in Lake City. The U.S. military also purchases rifle ammunition directly from domestic commercial ammunition manufacturers. The federal government recognizes the importance of ammunition and firearm manufacturing in times of crisis.

We believe federally licensed firearm and ammunition manufacturers, and their employees, are clearly part of the Defense Industrial Base.

Manufacturers cannot remain operational if they are unable to secure necessary raw material and component parts in order to produce finished products for the military, law enforcement and commercial market. Therefore, it is vital that the supply chain upon which our industry relies, including the ability to transport materials, parts and finished products, must also be designated as critical infrastructure industry.

Emergency Services Sector – Public Safety

According to DHS Cybersecurity and Infrastructure Security Agency (CISA), "The mission of the Emergency Services Sector (ESS) is to save lives, protect property and the environment, assist communities impacted by disasters, and aid recovery during emergencies." Law enforcement is one of the five distinct disciplines composing the ESS sector that encompasses a wide range of emergency response functions and roles.

Members of our industry provide federal, state, local and tribal law enforcement agencies with the firearms and ammunition products they use to protect our communities and keep the peace. While large law enforcement agencies typically obtain the firearms, ammunition and related products directly from the manufacturer, most law enforcement agencies and their officers obtain firearms and ammunition from their local federally licensed firearms retailer. Our industry primarily functions on a traditional two-step distribution system whereby retailers generally acquire firearms from federally licensed wholesale distributors. In addition, many law enforcement officers supplement their income by working at firearm retailers.

We have seen in the past that law enforcement has turned to firearm retailers in times of civil unrest, such as when during the Los Angeles riots in 1992 local law enforcement went to retailers to obtain more effective firearms in order to restore the peace and protect residents and local businesses.

We cannot expect law enforcement to do its job of serving, protecting, and defending our communities without making sure they have access to the tools they need and which our industry provides. Our industry's manufacturers, distributors and retailers are a vital part of the Emergency Services Sector.

Second Amendment – The Right to Keep and Bear Arms

Food, water, shelter and adequate medical care are paramount for survival, but so too is the ability for an individual to defend his or herself, their family, as well as their home, business and property.

The firearm and ammunition industry is essential for law-abiding Americans to exercise their Second Amendment right to acquire a firearm and ammunition for personal protection and home defense. Right now, across America, tens of thousands of our fellow citizens are lining up at their local federally licensed firearm retailer to purchase firearms (after an industry-supported background check) and ammunition to protect themselves and family during this uncertain time. Law enforcement resources will be taxed and stressed thin if this pandemic continues to spread. Americans increasingly understand that they cannot always rely on law enforcement to be there in a time of need. They have a duty to be responsible for their own safety. The Second Amendment protects each law-abiding American's God-given right to self-defense. And, the lawful commerce in firearms and ammunition products is constitutionally protected. Without our industry, the right to keep and bear arms would be a mere illusion.

Unfortunately, as with past major disasters like Hurricane Katrina, a growing number of jurisdictions are ordering federally licensed firearm retailers to close their stores as "non-essential" businesses. For example, the Santa Clara and Contra Costa counties and the City of San Jose in California have all ordered firearm retailers to close. Just last night, Athens-Clarke County in Georgia passed an ordinance that requires firearm retailers to close as "non-essential" businesses.

The line of customers outside of firearm retailers across America is testament to the fact that Americans believe the ability to exercise their constitutional rights protected by the Second Amendment is essential. Law abiding citizens owning firearms for their own protection assists law enforcement and aids in keeping the peace.

Further, the psychological impact of having firearm retailers and manufacturers shuttered should not be underestimated. Americans are concerned that in this time of crisis, they will not be able to protect themselves, their families or their property. Ordering the shuttering of retailers will only serve to fuel this fear unnecessarily. The firearm and ammunition industry is present in every community. We know first-hand the importance of ensuring that families are able to focus on what's important right now: following government guidance to help stop the spread of this deadly virus. The last thing an American should be worrying about is how to make sure they are physically safe. Even for those who are not purchasing firearms or ammunition right now, allowing these essential businesses to remain open, while abiding by the important social-distancing guidelines, demonstrates that Americans are not going to be deprived of their right to bear arms.

In addition, shooting ranges, both public and private, are also essential to public safety and the exercise of the Second Amendment. Shooting ranges are where firearm safety education is taught especially to new and inexperience gun owners. It is also where law enforcement officers typically train to be proficient with their duty weapon. And, members of the military also frequent shooting ranges to train before they deploy to defend our nation.

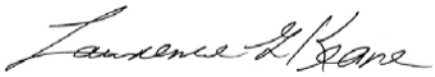
Economic Impact

Our industry contributes to our nation's economic well-being. In 2019, the firearm and ammunition industry was responsible for $60 billion in total economic activity, employing as many as 150,707 people in the U.S. and generating an additional 181,501 jobs in supplier and ancillary industries.

Whether it is providing firearms or ammunition to military, law enforcement, and law-abiding citizens or ensuring that they have access to shooting ranges for training, the firearm industry is a critical component of our nation's security, public safety, and economic well-being. We must remain open for business. By including our industry among our nation's critical infrastructure industries, you can help ensure that we are able to do so.

We appreciate your support for the men and women who proudly wear our nation's uniform, our nation's law enforcement and first responders, as well as protecting our constitutional right to keep and bear arms and supporting the very industry that helps make that right a reality for tens of millions of Americans. Thank you for your consideration of this important request.

Sincerely,



Lawrence G. Keane

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510–6250

March 26, 2020

The Honorable Christopher Krebs
Director
Cybersecurity and Infrastructure Security Agency
Department of Homeland Security
Washington, DC 20528

Dear Director Krebs:

I am writing to request additional clarification on the *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response* document published by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) last week. As you know, the intent of the guidance is to help state and local officials as they work to protect their communities, promote public health and safety, and ensure economic and national security. Currently, there are still many significant questions about how States should implement this guidance.

I recognize that the guidance issued by CISA is just that – guidance. It is rightfully not a mandate, directive, or Federal Government standard. I also understand the need for states to have flexibility during this critical time to implement policies in a way that best meets their unique workforce, economy, and COVID-19 response posture. We also need to provide certainty whenever and wherever possible, and my colleagues and I continue to receive many questions about the CISA guidance. Many industries and states are concerned that the lack of clarity at the federal level is making it harder for states to set clear, workable policies.

I appreciate the work CISA has done to date, and for your commitment to "continually solicit and accept feedback" on the guidance and to "evolve the list in response to stakeholder feedback." As we continue to respond to this dynamic crisis, I urge you to continually evaluate the comments you have received from stakeholders and update the guidance on a regular basis as the policy challenges posed by this pandemic shift.

Thank you for your prompt attention to this important matter. I look forward to a public update to the guidance as soon as possible. For questions, please contact (b)(6) on my staff at (b)(6)

Sincerely,

Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs