



One Hundred Sixteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

March 31, 2020

Christopher C. Krebs  
Director  
Cybersecurity and Infrastructure Security Agency  
Department of Homeland Security  
Washington, DC 20528

Dear Director Krebs:

I write regarding new guidance issued by the Cybersecurity and Infrastructure Security Agency (CISA) on March 19, 2020, entitled *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response*, and a corresponding update to this advisory issued on March 28, 2020, *Guidance on the Essential Critical Infrastructure Workforce Version 2.0* (the *Guidance* and *Version 2.0*, respectively). Together, these advisories are intended to provide criteria and descriptions for the types of workers across critical infrastructure sectors that are essential to continued COVID-19 response efforts, and necessary to maintain basic functions of the economy. I would like to understand how CISA engaged with stakeholders in developing this guidance, the impetus for issuing *Version 2.0*, and major changes between the two documents.

The nation is grappling with an unprecedented public health crisis. On the one hand, I would like to commend CISA for working proactively to answer important questions that have been circulating within the critical infrastructure community. According to CISA, both the original *Guidance* and *Version 2.0* were drafted with input from other Federal agencies, State and local officials, and the private sector, in the hopes of providing voluntary guidance that government agencies and critical infrastructure owners and operators can use to determine which employees are essential to the continuation of certain functions – such as healthcare services, food supply, communications, and public health workers. I also appreciate that CISA gives deference to directives and guidance from the Centers for Disease Control and Prevention (CDC), as well as State and local government agencies.

At the same time, *Version 2.0* expands the aperture of “essential” workers. In particular, I am troubled that *Version 2.0* identifies as essential “workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.” Since this section arises within the context of *Version 2.0*’s section on *Law Enforcement, Public Safety, and Other First Responders*, I assume CISA intended for this designation to be limited to fulfillment of military or law enforcement contracts or otherwise supporting law enforcement.

However, *Version 2.0* does not include such a clarification and could cause confusion in communities relying on the CISA's advice to make decisions about who is an essential employee.

Accordingly, pursuant to Rule X(3)(g) of Rule XI of the Rules of the House of Representatives, I respectfully request you provide a written response to the following questions, and whatever supplementary information you deem responsive, by April 14, 2020:

1. What was CISA's process in developing the *Guidance* and *Version 2.0*? Was this effort initiated by CISA or directed by the White House? What was the impetus for issuing *Version 2.0* so close in time to the original publication?
2. Please describe the rationale behind any major changes or updates to *Version 2.0*, along with any corresponding feedback from stakeholders that helped to inform these updates.
3. Which State and local governments did CISA engage with when drafting the *Guidance* and *Version 2.0*? Were a range of State and local governments consulted, and did CISA prioritize feedback from States that have been hit hardest by COVID-19?
4. Which private sector entities did CISA consult in developing the original *Guidance* or *Version 2.0*? How did CISA prioritize outreach to the private sector? Was CISA at any point approached by, or has CISA reached out to, representatives from the National Rifle Association, any gun manufacturers, companies that make or sell ammunitions, or any other representatives from the broader firearms industry about addressing the manufacture of firearms or operation of shooting ranges in the *Guidance* or *Version 2.0*?
5. With respect to the *Law Enforcement, Public Safety, and Other First Responders* section, what was the rationale for including as essential all "workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges?" Does CISA intend to limit the workforce deemed essential to those directly supporting public safety, military, and law enforcement functions – not purposes that are purely commercial? Does CISA plan to update or clarify this in future guidance?
6. Please describe which, if any, law enforcement, public safety, or other first responder organizations CISA consulted when it updated its *Law Enforcement, Public Safety, and Other First Responders* section, particularly related to the language referring to "workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges."
7. Please describe why the workers in each of the following categories are deemed essential: (1) firearm or ammunition product manufacturing; (2) firearm or ammunition product retail; (3) firearm or ammunition product importing; (4) firearm or ammunition product distribution; (5) and shooting ranges.
8. Are you aware of "workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges" being deemed

essential in any State or municipality based on *Version 2.0*? If so, where? Have any jurisdictions sought clarification from CISA regarding the scope of “workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges” that should be deemed essential? If so, what guidance has CISA provided?

Thank you for your attention to this request.

Sincerely,



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Bennie G. Thompson  
Chairman  
Committee on Homeland Security