



**GUN OWNERS
OF AMERICA™**

GUN OWNERS
of California



March 27, 2020
CISA.CAT@cisa.dhs.gov

Mr. Chad F. Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Mr. Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency
Washington, DC 20528

Re: CISA Guidance on the Essential Critical Infrastructure Workforce
Should Be Amended to Include Firearms Industry

Dear Acting Secretary Wolf and Director Krebs:

We want to thank you for the extraordinary work of the DHS and CISA in response to the COVID-19 pandemic.

We are writing to you on behalf of [Gun Owners of America](#) and [Gun Owners of California](#), large nonprofit organizations dedicated to protecting the right of the People to possess and use firearms.

We have reviewed CISA's [Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response](#) ("Guidance"). This letter responds to CISA's invitation of March 19, 2020, to propose modifications to that Guidance. GOA and GOC urge you to modify that Guidance to include in the list of critical infrastructure the Firearms Industry — those businesses which manufacture and sell firearms, ammunition, and accessories, and repair firearms, and related businesses, that together provide and maintain the necessary tools to Americans to protect themselves and their families, and to serve as part of the unorganized militia of the United States. 10 U.S.C. § 246.

News agencies across the country are reporting that law enforcement officers are not making arrests or engaging in proactive policing to prevent infection with COVID-19.¹ It is

¹ See <https://www.policeone.com/coronavirus-covid-19/articles/mich-police-not-physically-responding-to-some-calls-to-avoid-covid-19-8QZkvHYkj5IAFy9Y>;
<https://www.wbay.com/content/news/Police-make-changes-consider-answering-some-calls-by->

precisely in times like these that citizens need to be self-reliant. Firearms are but one of many tools to help citizens ensure their own safety.

We understand that CISA's guidance is not binding on states and is advisory in nature. However, we have seen that several states, which have issued stay-at-home orders, rely on CISA's guidance in the creation of a state's list of workers who are exempted from such orders because they assist in essential critical infrastructure.² At least 11 state orders mention the CISA Guidance. At least two of those states, Hawaii and California, expressly incorporate CISA's guidance for those states' determination of those workers who are deemed essential and are thus exempted from the requirement to stay at home.³ Hawaii expressly protects firearms dealers, but California does not.

The language in the CISA Guidance protecting the Defense Industry does not clearly protect the Firearms Industry. The Firearms Industry is a central component of the munitions industry and has served an essential role in the founding of the nation, and the preservation of freedom here and around the world. Moreover, it is an industry which operates to help the People exercise their pre-existing and inherent right to self-defense, recognized by our nation's founders in the Second Amendment to the U.S. Constitution: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." As a number of courts have held, having the ability to purchase firearms is a necessary corollary to the ability to exercise those rights guaranteed by the Second Amendment.

The [National Shooting Sports Foundation](#) has reported that in 2019, the firearms industry employed 149,146 persons directly, with wages of \$6.2 billion and an economic impact of over \$21 billion. Adding suppliers and induced effects, the numbers grow exponentially.

We have only limited information about the effect of the shutdown orders on firearms and ammunition manufacturing, but know that with recent demand, these items are in short supply. The nation cannot afford to impair the operation of these industries. Being listed on the CISA Guidance would help ensure the continued operation of these critical industries.

GOA and GOC's members have provided us with significant information about the retail side of the business. The contents of the CISA Guidance are particularly significant for retail gun dealers, as some states have first listed the industries set out in the CISA Guidance and then added firearm retailers to their list of businesses exempt from stay-at-home orders. *See, e.g.,*

[phone-amid-virus-pandemic-568751331.html](#); <https://www.fox29.com/news/philadelphia-police-to-delay-arrests-for-certain-non-violent-crimes>; and, <https://www.sandiegouniontribune.com/news/public-safety/story/2020-03-27/police-adjust-patrol-divisions-to-avoid-covid-19-spread-keep-ample-officers-on-streets>.

² *See, e.g.,* list attached to Pennsylvania Governor Wolf's [Order of March 23, 2020](#).

³ *See* Hawaii Governor Ige's [Third Supplemental Proclamation](#) (Mar. 23, 2020) and California Governor Newsom's [Executive Order N-33-20](#) (Mar. 19, 2020).

Hawaii, Idaho, Illinois, Indiana, Ohio, New Hampshire, West Virginia, and Wisconsin. This would have been unnecessary if the CISA Guidance included the Firearms Industry.

However, a couple of states have refused to specifically protect firearms dealers. In California, the Governor and the State Public Health Officer have not exempted gun dealers from its order, and this has led to significant disparity of treatment around that state. In Los Angeles alone, for example, the County Sheriff announced he would be enforcing the stay-at-home order against gun stores as being “nonessential,” but then reversed course after the county attorney issued a legal opinion considering them essential under the Governor’s order.⁴

In recent weeks, Americans have come to understand more than ever that they cannot simply rely on government to protect them and their family from all manner of threats, and thus they must assume responsibility for their own protection. Due to the disruption caused by the COVID-19 emergency, law enforcement could face manpower reductions due to illness leaving insufficient staff to adequately address public safety needs. In response to this possibility, individuals who have never owned firearms have rushed to gun stores to buy firearms for the first time.

Shutting down retail gun stores impairs the ability of law-abiding citizens to exercise personal responsibility by purchasing firearms for their defense of themselves and their families. Additionally, in states such as California which require private sales to go through a gun dealer or be done with the assistance of a gun dealer, there is an even larger impact on the ability of law-abiding citizens to acquire a firearm for self-defense.

Therefore, we urge you to act now to amend the CISA Guidance to add firearm and ammunition retailers to the list of essential critical infrastructure guidance as well as for guidance in future national emergencies.

Sincerely,



Erich Pratt
Senior Vice President
Gun Owners of America



Sam Paredes
Executive Director
Gun Owners of California

⁴ KTLA, [L.A. County sheriff clashes with county lawyer on whether gun stores must close amid coronavirus restrictions](#) (Mar. 24, 2020).