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| |  | | --- | | [**Larry Keane, Senior VP & Counsel, NSSF**](http://sendy.theoutdoorwire.com/l/jzE6umax1sQa3Rj763cjNwmA/e8RT6W3Gf763H3xNTQVGrI4Q/iYk1ozziMFCQIzUXDWBM892A) | |

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| |  | | --- | | **QA Outdoors** BB gun (laughter). OK, what’s the biggest correction you see…let’s go in that direction. | | **Larry Keane** Legislatively we have a long list of priorities, I’ll take some by general kind of topic. Financial discrimination remains a big issue. In that regard, we want to see the Fair Access to Banking bill move. It’s been introduced by Senator Kramer and we have 43 supporters on that legislation. It’s been introduced in the House by Congressman Andy Barr. That's important legislation that will stop financial discrimination by the banks against the industry and other politically disfavored industries. That’s a priority for us.  We’d like to see the Protecting Privacy in Purchases Act which is to address the anti-gun efforts of introducing merchant category codes so they can peer into what people are buying using their credit cards when exercising their Second Amendment rights. We’re very hopeful that bill will move forward. We’ve passed nineteen versions of it at the state level already, so we’re really excited about that. We want to see the federal version of the firearms industry non-discrimination act move forward -that’s the FIND Act introduced in the House by Congressman Jack Bergman from Michigan and in the Senate by Senator Steve Daines from Montana.  We want to protect the use of traditional ammunition and we want to stop Interior (Department) from banning the use of traditional ammunition for hunting on public land or shooting. That was occurring under the Biden administration, so the protecting access for hunters and anglers bills introduced by Congressman Whitman and again Senator Daines is a priority for us as we’re continuing to protect traditional ammunition from being banned absent, actual science.  The use of traditional ammunition causing an adverse population impact has zero (scientific) evidence. That's being pushed by the anti-hunting crowd to hurt hunting and target shooting.  We want to see the Veterans Second Amendment Protection Act move; that'll stop the (Department of) Veterans Affairs classifying veterans who’ve been assigned a fiduciary as “prohibited persons” or “mentally adjudicated”. That’s something that’s important.  On the Second Amendment side we want to see concealed carry reciprocity enacted this Congress. Congressman Hudson in North Carolina carrying that bill in the House and Senator Cornyn from Texas has the Senate version. It is long past time for that legislation to be an enacted and we're hopeful that will move forward and finally get enacted. We've been close in the past, but it's time to do that.  We want to see some progress on suppressors. So the Hearing Protection Act should move forward. That’s always been more of an uphill battle than it should be. Senator Crapo introduced that bill in the Senate and Congressman Cline from Virginia in the House.  There's no reason for suppressors to be on the National Firearms Act. They’re simply an accessory that provides hearing protection. They’re legal in 42 states, and you can hunt with them in 41 states. Only the United States regulates suppressors. They are available for retail purchase all across the globe. In many parts of Europe their use is mandatory for target shooting or hunting. So we really need to fix that.  We are concerned about this “Corporate Transparency Act” -it requires small businesses to report who owns them to the federal government We'd like to see that either repealed or at least delayed. It’s being litigated, but the court now says the bill could go forward. We think that’s government overreach and an invasion of privacy. So we’re supporting legislation to correct that in the House and Senate.  We really want to see one piece of legislation. It’s really a pro law bill: the FFL Protection Act. It would increase penalties or people who burglarized and steal firearms from FFL's. It's an issue that we are working with ATF on. We have a joint program called Operation Secure Store, and this legislation would help to address that by increasing the penalties and imposing mandatory minimum sentences through the courts. Since launching that joint initiative a couple of years ago with ATF, the number of burglaries and the number of guns stolen in these burglaries has been going down. It's basically been cut in half; we’re very proud of that, but we really want to see law-enforcement have another tool to address the problem by increasing the penalties and importantly, imposing mandatory minimums. If you have gang related activity - stealing guns for the gangs -we want to see that stopped.  We’d like to see some teeth put into the Tiahrt Amendment. The last administration willingly violated - knowingly violated - the amendment by releasing for example, the ATF’s Demand Letter list, then they engaged in writing smear attacks on FFLs all across the country because they were on that list. Ironically, the Metropolitan Washington DC Police Department was on that list because -for a while- they were the only FFL in town. | |

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| |  | | --- | | **QA Outdoors** It’s probably worth mentioning that we tend to categorize everyone in the ATF as bad guys, as jackbooted thugs. The problem has been executive overreach, not necessarily the ground troops, is it not? | | **Larry Keane** Yes..there are many proud, patriotic, Second Amendment loving people at ATF - even at the headquarters leadership level. But certainly under the last administration there was a coordinated effort to harm the industry. When you have the former president of the United States, calling the industry, the "enemy " and you have a anti-gun leader of the ATF, who was worked hand and glove and in coordination with the gun control groups, and you have the White House “Office of Gun Violence Prevention,” which really should've been called the “White House Office to Suppress the Second Amendment and Attack The Firearms Industry” staffed by the former federal chief lobbyist for Michael Bloomberg’s, Everytown organization, and other anti-gun activists that's a real problem.  I'm proud to say that NSSF was the very first organization in the Second Amendment space to call for the White House to abolish that office. It has been effectively shut down because all of the staff left the White House prior to the administration. The website is taken down and those offices in the executive office of the White House were emptied out. But we'd like to see a formal Executive Order or other executive action by the White House to formalize that even though we know it's already taken place. We expect that will happen as part of President Trump’s recent Second Amendment Executive Order requiring the Attorney General to review all policies and actions within the Department of Justice that infringes on the Second Amendment or attacks anybody’s gun. That would certainly be - in my mind - high on the list of “things that need to be properly ended.” | |

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| |  | | --- | | **QA Outdoors** There were plenty of things to write about from the last few years, but I kind of feel like Walter Cronkite. He said “nobody wants to hear about the cats that aren't up in the trees”. That kind of reflects on the industry when times are good. It's not necessarily boom time for the industry. So what are you hearing about the industry balancing with the tradeoff. | | **Larry Keane** I’d say that the industry is very thankful that we don't have President Kamala Harris and that President Trump is occupying 1600 Pennsylvania Avenue. I wouldn’t describe the market as bullish, overall it’s as you know, a soft market, but it’s certainly nothing like we experienced in 2017.  In the lead up to the 2016 election, a lot of people didn’t expect President Trump to win. They thought it would be Hillary Clinton. So people had inventory expecting the surge in demand. Obviously, President Trump won, and that left people sitting on high inventory levels. That's not the case now. There was not a run up in sales leading into the election you might normally have expected to see. I think that reflects two things: the poor state of the economy and people having factored in President Trump’s being likely to win. I think that became much clearer as the election got closer, so people were not sitting on inventory levels like they were in ’17.  So, slow and steady wins the race, and the manufacturers and the industry would rather have predictability. It’s difficult to manage the unexpected spikes and demand. So, yeah, I think it’s a better long-term environment. You look at background checks through NICS as a proxy for sales as we (NSSF) do. Where NICS sales were 10 years ago compared to where they are now if you told someone in 2015, I think they’d be pretty happy.  We’ve had sixty six months of NICS checks in excess of one million; and in some months they were north of 1.5 million -and that’s a healthy indicator.  We have 22 million brand-new gun owners in the last couple of years, and that’s more than the entire population of the state of Florida. When you look at those buyers, they’re very diverse. They’re both Democrats and Republicans, liberals and conservatives; they’re every color of the rainbow. So more and more Americans are embracing their Second Amendment rights for the first time. We’re very pleased with that because the Second Amendment is colorblind. It is non-partisan. It is a right of *all* Americans, no matter their political beliefs, race, color, creed, etcetera. We welcome that, we embrace that, and we look forward to continuing to grow as more Americans exercise their Second Amendment rights to protect themselves, their families, to participate in target shooting.  As we’ve talked in the past, the fastest growing segments of the industry are African-American women, Hispanics, Asian Americans, and you know, the LGBTQ community. We know what a broad tent the Second Amendment is to gun owners, and we welcome that. | |

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| |  | | --- | | **QA Outdoors** Is there anything legislatively that can be pushed to help with access and create a more permissive legislative environment to encourage more shooters? One of the problems we have is building facilities due to onerous regulations. We recently had a popular range close because they just couldn't couldn't keep up with the regulations. | | **Larry Keane** There's actually some legislation that we are very supportive of. One at the end of the last Congress titled the “Range Access Act” would required every U.S. Forest Service National Forest and every BLM (Bureau of Land Management) unit throughout the country to have at least one public shooting range. We’re working on making sure that gets implemented. We want to see the last administration’s hunt and fish rules changed. They provided the industry and shooters with a Hobson’s Choice *(editor’s note: that’s a choice of either taking what’s offered or getting nothing)* at the end of the last Congress.  They “opened up” more land for public shooting; then restricted it, saying “you can't use traditional ammunition for hunting” - even though there's absolutely no science to support that. It’s just capitulation to the radical anti-hunting groups and environmental zealots.  There's no basis in science for doing that. We want to see that repealed. In fact, it’s part of the reason for the Protecting Access of Hunters and Anglers Act. It would not allow bans to happen unless there’s actual field data, conclusive science, that the use of traditional ammunition is causing and adverse population impact. There is absolutely no evidence for that anywhere in the United States.  We certainly want to see the states continue to take advantage of legislation we got enacted a little while ago. [The Target Practice Marksmanship Training Support Act](http://sendy.theoutdoorwire.com/l/jzE6umax1sQa3Rj763cjNwmA/Xd4Lh8qDCWzHMwZJTn892pIw/iYk1ozziMFCQIzUXDWBM892A) - sometimes called the “Range Bill” as it’s been dubbed by some state fish and game agencies, took a while to get, but allows them to use more Pittman-Robertson dollars to build and enhance public shooting ranges. That’s something state agencies don't do often enough in our opinion. But that’s chiefly because the formula was restricted -until we got that formula changed, making it easier to use Pittman-Robertson dollars.  We want to see more state agencies take advantage of that because creating more opportunities for public shooting creates *more* Pittman-Robertson dollars -and that provides more conservation funding. It’s really in the best interest of state fish and game agencies to do that, and it’s important for target shooters that never go afield. You get a return on their investment because the purchase of guns and ammunition they use for target shooting helps.  Pittman-Robertson taxes the manufacturers pay get baked into the price of the products, but we want to see more ranges because the growth in the industry is more on the shooting side that on the hunting side.  We’d also like to see more tax holidays at the state levels. Your Second Amendment tax holidays encourage more people to purchase firearms for lawful purposes, including target, shooting and hunting and obviously for self protection. | |

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| |  | | --- | | **QA Outdoors** Just a normal Wednesday. Everyone looks at Washington as where the problems are, but while things may have calmed down - a bit - in DC, it doesn't necessarily mean calm in all 50 State Houses around the country. The attacks against the industry and against the Second Amendment never seem to stop especially when you consider a few states. Speak to that if you will… | | **Larry Keane** We're thankful there's a pro Second Amendment, pro-industry majority in the House and the Senate and an administration that supports the Second Amendment, that’s not the case in all states. It seems that as our politics in the United States become more and more divisive on a number of fronts, including the Second Amendment and firearms in general, the red states get redder and the blue states get bluer.  We continue to face challenges in places like Washington, Oregon, California, Nevada, Arizona, Minnesota; in the northeast - with the exception of New Hampshire - and in places like Virginia, Maryland, and Delaware. As the blue states get more blue and more anti-gun, they continue to pursue legislation to suppress the Second Amendment, and try to expose the industry to frivolous lawsuits.  We recently moved to re-open our lawsuit in New Jersey and we will be filing a lawsuit very soon in Maryland to challenge these anti- PLC (Protection in Lawful Commerce) and public nuisance laws that our “good friends” from *Everytown* have been running around getting enacted.  You can guess the states: New York, New Jersey, Maryland, Delaware, Illinois, , Washington, and Hawaii. We are challenging those because they represent an *existential threat to the industry.* They are an attempt to get around the Protection of Lawful Common in Arms Act…we think these laws are unconstitutional, that they violate protections of commerce, so we are engaged in litigation to stop their attempts to circumvent the will of Congress. They want to bring the very lawsuits that the PLC was designed to stop | |

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| |  | | --- | | **QA Outdoors** Flashing back to January’s SHOT Show and the Governors Conference I recall Brad Little, the Governor of Idaho, saying Idaho didn't have a people problem, it had a cow problem: California, Oregon, and Washington. How do you help protect the lawful businesses and shooters and hunters in those areas? What can we do? They have the legislative majorities there. Is there any hope in those areas? | | **Larry Keane** There's always hope, right? It requires the industry and Second Amendment groups like the NRA and others to work together in a coordinated fashion.  It requires gun owners to become engaged politically. They can't just gripe about it. They've got to contact their legislators, they must show up at town hall meetings. They have to *engage* in the political process.  We talked before about the changing face of gun owners, the changing demographics. The *New York Times*just did a story about that. I just read one again last night about all these new gun owners and how they don't fit the false stereotype of what a gun owner looks like.  So I think that's an important fact because these new gun owners - many of them are liberal; many of them are Democrats, right? They are not the “traditional gun owner.” If they engage, I think that can be a real game-changer in places like Oregon, Washington, California. Illinois, etc.  I think when you see the industry votes with its pocketbook, industry members have over the last 10 to 15 years have picked up their factories and left hostile states like Connecticut, like Massachusetts, like Maryland, and moved to more friendly states that respect the Second Amendment, like Tennessee, Georgia, Montana, South Dakota South Carolina and other states. That’s why you see so many Governors at SHOT Show. I’m sure they love to visit us and look at all the cool products on display, but they’re there to recruit companies to move to their state.  You don’t see any governors from the blue states or the northeast showing up at SHOT to recruit companies. They’re happy to see companies leave -unfortunately. And you see companies leaving all the time, and there will be more. I’m aware of several companies - in the northeast, for example - that are either actively contemplating or in the process of leaving and moving to a more friendly environment. | |

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| |  | | --- | | **QA Outdoors** You and I have had a “a healthy discussion” in the past where I said, “why don't we just go off and leave these people and their legislators?” You put up a pretty vigorous defense of the fact that we can't give up ground.  But I see now there’s a bifurcation of the idea of “giving up ground” - we don't want to abandon the shooters and the hunters that live there. But taking the tax dollars away is what it takes to get the legislators attention isn't it? | | **Larry Keane** Taking the jobs away, takes the tax revenue away. That helps communicate a message to those states that their policies are harmful to their citizens.  If a big factory closes, you have a lot of unemployed folks. And they tend not to be too happy about the fact they’re now unemployed. They contact their legislators and tell them “thanks a lot, you haven't made us safer, you’ve cost me my job and cost the state millions and millions of dollars in tax revenue.”  Look at where the problem with crime is in this country. It’s in these Democrat run urban centers, all across the United States. So attacking the ability of law-abiding citizens to have a firearm for protection is *not* making those communities safer. In fact, it makes them *less safe*.  That’s why the *Bruen* decision was so important. No prior litigation even *Heller,*or *McDonald* said no state is allowed to refuse to issue you a permit. They must essentially have a shall-issue system. And if we can get national reciprocity passed, that will help quite a bit. There was a time, not that long ago, you and I can remember, when there were very, very, very few states with concealed carry laws. There were very few states that had reciprocity with other states.  Every time the other side would wave the bloody toga and claim that passing concealed carry would lead to “blood on the streets” and “crime and mayhem” that was *never* true; just the opposite. That has been demonstrated in every state. Even Washington, DC and New York City can’t forbid you from having a permit now. But they erected barriers and burdens to frustrate the exercising of citizens’ rights, and there’s a lot of litigation going on on that front.  The Supreme Court in *Bruen* warned the states about that, telling them “you can’t say everything above 34th Street in Manhattan is a ‘sensitive place’.”  That litigation will continue and we hope the Court will take more Second Amendment cases. We certainly would like to see them take a hardware case like the Smoke case out of the Fourth Circuit or the Ocean State Tactical case in the First Circuit. There’s another case coming up out of the Third Circuit out of Delaware, and also New Jersey, and the case in the Seventh Circuit where Illinois’ excessive- I wouldn’t even call it an assault weapons ban because it goes well beyond banning modern sporting rifles. That’s in the Seventh Circuit where the law was enjoined by the District Court. Here we are three or four months since our appeal was filed by the state and the Seventh Circuit has yet to schedule briefing which is extremely unusual. We wonder why it’s taking so long to get a briefing scheduled.  There are also two cases still before the Supreme Court to decide whether to grant cert or not…But the Court needs to take a hardware case because we continue to see states like Colorado and Rhode Island looking at passing more gun bans, and bans on magazines. If those bills pass, we will be the first to file a lawsuit challenging those laws as unconstitutional and at some point, the Supreme Court’s got to take a hardware case and decide once and for all whether those laws are constitutional. To set the record straight once and for all.  Frankly I don’t think there are any bans on firearms that are commonly owned for lawful purposes that can be banned under the test laid out by the Supreme Court. There's no “history or tradition” of banning certain types of firearms unless they are “highly unusual and dangerous” and certainly modern supporting rifles- semi-automatic firearms that have been around for a long time- and are commonly owned by tens of millions cannot be banned by any state. And those bans don’t make us safe anyway. | |

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| |  | | --- | | **QA Outdoors** Not to get into the legal profession, it seems that the circuit courts have a problem with applying Strict Scrutiny. They've been told to use “strict scrutiny” in 2A cases, but they apply lower standards, lowering the bar in their districts. When is “enough is enough” with the Supreme Court? When is Chief Justice Roberts gonna say “this has gotta stop? | | **Larry Keane** Well.. we think we're long past that point..which is why we are hopeful the Supreme Court will take one or more of these hardware cases, including the two that are currently pending before it. I would say one thing about the Supreme Court in *Bruen.*They rejected even the idea of strict scrutiny. That’s no longer the test. Strict scrutiny still allows for interest. It’s how, you know, the fulcrum gets placed in the balancing test - how you know who gets to put a thumb on the scale.  In *Bruen* the test is only two parts: first, does the conduct issue fall within the plain language of the Second Amendment’s “to keep and bear arms”? If it does, and the plaintiff is one of “*the people*” (as in “we the people”), then the burden shifts to the government -and it never leaves. The government has to demonstrate that the restriction in the law is consistent with the “history and tradition" at the time of the founding or at the time of the 14th amendment.  If there was no history or tradition of that restriction, the law’s unconstitutional.  That is a very, very high test for the state to meet, so they would lose almost all of those cases. We were very glad to see the District Court in Maine enjoin enforcement of their mandatory 72-your waiting period. There is clearly no history or tradition of making people wait a period of time.  That litigation isn’t about whether you can require a background check to ensure the buyer is lawful. That’s not an issue. These are people who have *already passed a background check* to ensure they’re lawful buyers.  But they’re still told “you have to wait 72 hours” because someone else *might* misuse the product, or commit suicide.  There’s no history or tradition in that - and in New Mexico buyers have to wait seven calendar days- that’s ridiculous.  Other states you know California, New York and others have waiting periods. We think they are patently unconstitutional.  So we'll see what the First Circuit does in the case in Maine. The state has appealed and we look forward to seeing that get briefed and argued in the First Circuit. But the First is not friendly. They allowed the Mexican case against the industry and the ban on standard capacity magazines to remain in place, that’s the subject of the Ocean State Tactical case out of Rhode Island.  So we need the Supreme Court to put its foot down. We urge this in our Amicus brief. It’s time for the Supreme Court to step in and stop the flagrant thumbing of their noses by some circuit courts at the Supreme Court. They denied cert in the case in Hawaii’s “Sprit of Aloha” because their posture is that it was in the preliminary injunction stage. But Justice Thomas and others wrote concurring opinions, making it clear they did not appreciate the Hawaii Supreme Court’s flagrant disregard for the principal held forth in *Heller*. | |

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| |  | | --- | | **QA Outdoors** Well, there are three legs of the government’s stool and we have to keep all three functioning: Legislative, executive, and judicial - all tied together in a big old knot. I’m glad you’re there to help us interpret things. We’ll stop here..unless you think we’ve missed something. | | **Larry Keane** No, I think we've covered quite a bit. Thank you for your time and allowing this opportunity to articulate what we think is important for the industry and for gun owners in the second amendment. | |