

Firearm Industry Non-Discrimination (FIND) Act – Government Contracts SB 482 – Senator Kellie Warren

History & Purpose:

In 2013, the Obama Administration began a clandestine program codenamed Operation Chokepoint. Intended to deny “disfavored” industries essential services such as banking, payment processing, and insurance, it was a terrible abuse of government power. The firearm industry was a primary target. The program was ended by the Trump Administration in 2016 but many of America’s largest companies have since privatized it for all intents and purposes.

This “woke” political activism by corporations is threatening the well-being of the American firearm industry – the singular industry that is absolutely necessary for the citizens to exercise a fundamental, constitutionally enshrined right. For this reason, it is in the state’s interest to defend against crippling discriminatory practices. Moreover, it is wrong for the government to take money from the citizens of Kansas through taxation and then hand that money to activist companies working so diligently to destroy the constitutional rights of those same citizens. **No citizen should be compelled to fund corporate gun control.** To talk about the potential for slightly higher interest rates or a government employee’s inconvenience associated with changing vendors is to miss the point.

Provisions:

- With some exceptions, prohibits state and local government entities from entering into a contract with a large company that has a policy or practice that discriminates against firearm industry businesses **solely** because they are part of the firearm industry or are a firearm trade association. If a large company cannot provide “written verification” that it does not discriminate, it may not contract with government.
- Clarifies that a sole proprietorship is not considered a “company” under the provisions of the bill.
- Specifies that the bill only affects contracts paid partly or wholly from public funds that have a value of at least \$100,000 and that are with a company that has at least 10 employees.
- Defines “discriminate against” as a company’s decision to:
 - refuse to engage in the trade of any goods or services with an entity or association based **solely** on its status as a firearm entity or firearm trade association.
 - refrain from continuing an existing business relationship with an entity or association based **solely** on its status as a firearm entity or firearm trade association.

- terminate an existing business relationship with an entity or association based **solely** on its status as a firearm entity or firearm trade association.
- Clarifies that “discriminate against” does not include:
 - decisions by a retailer, merchant, or platform to not sell, or list for sale, firearms, ammunition, or firearm accessories.
 - actions taken by a company in order to comply with federal, state, or local law, policy, or regulations, or a directive by a regulator.
 - actions taken for any traditional business reason (i.e., creditworthiness) that are specific to the customer or potential customer.
- Exempts sole-source contracts and contracts where no bidders are able to provide the written verification that they do not have discriminatory policies against the firearm industry. In these cases, companies that discriminate may still contract.

Things to Know:

- In 2021, Texas passed the FIND Act with language virtually identical to HB 3144. The law became effective on September 1, 2021. Lt. Governor Dan Patrick made it one of his thirty-one legislative priorities for the legislative session. Also in 2021, Louisiana’s House and Senate passed the FIND Act with two-thirds majorities in both houses but the bill was ultimately vetoed by democratic governor, John Bel Edwards.
- These companies know **today** if they have overarching discriminatory policies or not. There is no gray area here. They either have a policy or they don’t. Some try to muddy the waters but these are disingenuous attempts to generate confusion and uncertainty where there is none.
- The total economic impact of the firearm industry in Kansas in 2020 was \$804 million.
- This does not violate the First Amendment or rally the “thought police.” Companies can continue to discriminate in a manner that really does offend the principles of American liberty if they choose. The state is simply adopting public policy that it will not require the good citizens of Kansas to bankroll their political activism. There is an opportunity cost associated with their discrimination.
- One of the more egregious examples of discrimination comes from Citigroup, the fourth largest bank in the country. It refuses to do business with any firearm manufacturer or retailer that sells rifles or shotguns to anyone 18-20 years-old, something that is legal under federal and state law. Executives at Citigroup believe a Marine’s 20-year-old wife should not be able to purchase a shotgun to defend herself and her child while her husband is serving our country overseas.
- The ultimate objective is for no one to notice that this bill becomes law. This is entirely within the control of the companies that currently discriminate. If they stop, they can contract. It really is this simple. The members of the lawful, heavily regulated firearm industry want nothing more than for companies that provide essential services to treat them like other businesses. This should not be too much to ask.