June 22, 2009

The Honorable Janet Napolitano  
Secretary  
United States Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

We write to you today asking you to reconsider the proposed regulation on the importation of assisted-opening knives as outlined in 19 CFR Part 177 under U.S. Customs and Border Protection within the office of International Trade, Regulations and Rulings. The proposed regulation could have severe, unintended implications for all knives, not just assisted-opening knives. The proposed regulation would designate these knives as being switchblades, even though the federal law definition does not declare these types of knives as switchblades. In the interim, we ask that you extend the current comment period an additional 120 days beyond the deadline of June 21, 2009.

The Switchblade Knife Act of 1958, 15 U.S.C. Section 1241, has clearly defined a “switchblade.” Under current law, a switchblade is defined as being any knife having a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife, or by operation of inertia, gravity, or both. Court cases in several states such as California, Illinois, Michigan, and Texas, have all ruled in favor of assisted-opening and one-hand opening knives as NOT being switchblades because they do not possess the activating button or device on the handle of the knife. Recently, Texas has enacted a state law protecting one-hand-openers and assisted-openers as legal tools. We are concerned that Customs’ intent is bypassing Congress, and its duty to make laws and uphold current statutes.

According to the American Knife and Tool Institute, there are over 35.6 million Americans who carry and use some type of utilitarian knife which opens with one hand. In the United States, assisted-opening and one-hand-opening knives are 80 percent of all knives sold. This proposed regulation could make these Americans defacto criminals.
The American Knife and Tool Institute estimates there are 4,000 people employed in manufacturing pocket knives in the U.S. and as many as 20,000 employed in ancillary industries who would be affected by the ban. The institute also notes that the industry contributes $6 billion a year to the economy. One should also factor in all of the custom knife makers and sales at gun and industry shows that are not tracked by regular commerce indicators. During these tough economic conditions, a proposed regulation such as this could cost thousands of jobs, something the Office of Customs and Border Patrol within the Department of Homeland Security should consider when considering this proposed regulation.

As Members of Congress, representing business and consumers who would be adversely affected by this proposed change, we request that you withdraw the current proposed revocation and allow the existing rulings to stand. In the immediate term, we ask that you at least extend the official comment period. Public comment on an important issue such as this should not be accelerated. Since the proposed regulation was released on May 6, 2009 and public comments are allowed through June 21, 2009, we feel that is insufficient time given the implications of such a regulation. We respectfully ask that you withdraw your proposed revocation of ruling letters and revocation of treatment relating to the admissibility of certain knives with spring-assisted opening mechanisms.

We look forward to further discussing this issue with you, and we thank you for your consideration of this urgent and important request.

Sincerely,

Robert E. Latta  
Member of Congress  

Paul Ryan  
Member of Congress  

Dan Boren  
Member of Congress  

Jeff Miller  
Member of Congress
Mike Ross
Member of Congress

John Boozman
Member of Congress

Don Young
Member of Congress

Sue Wilkins Myrick
Member of Congress

Glenn Thompson
Member of Congress

Greg Walden
Member of Congress

Brian Bilbray
Member of Congress

Walt Minnick
Member of Congress

Frank LoBiondo
Member of Congress

Joe Courtney
Member of Congress

Donald Manzullo
Member of Congress

Mike Thompson
Member of Congress
John McHugh
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Pete Sessions
Member of Congress

Vernon Ehlers
Member of Congress

Howard Coble
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John Shimkus
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Jerry Lewis
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Rick Boucher
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Shelley Moore Capito
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Ciro Rodriguez
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Spencer Bachus
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Lee Terry
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Steve Scalise  
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Denny Rehberg  
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Cynthia Lummis  
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Stephanie Herseth Sandlin  
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Michael Simpson  
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Jerry Moran  
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James Sensenbrenner, Jr.  
Member of Congress

Heath Shuler  
Member of Congress
Ron Kind
Member of Congress