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
Member of Congress

Pete Sessions
Member of Congress

Vernon Ehlers
Member of Congress

Howard Coble
Member of Congress

John Shimkus
Member of Congress

Jerry Lewis
Member of Congress

Rick Boucher
Member of Congress

Shelley Moore Capito
Member of Congress

Ciro Rodriguez
Member of Congress

Spencer Bachus
Member of Congress

Lee Terry
Member of Congress

Darrell Issa
Member of Congress
Christopher Lee  
Member of Congress

John Boccieri  
Member of Congress

John Campbell  
Member of Congress

Jason Chaffetz  
Member of Congress

Harry Teague  
Member of Congress

Charles Boustany, Jr.  
Member of Congress

Cynthia Lummis  
Member of Congress

Mike Rogers  
Member of Congress

Brad Ellsworth  
Member of Congress

Paul Broun  
Member of Congress

Pete Olson  
Member of Congress

Tom McClintock  
Member of Congress
John Adler  
Member of Congress

Lynn Westmoreland  
Member of Congress

Thaddeus McCotter  
Member of Congress

Jim Jordan  
Member of Congress

Bill Shuster  
Member of Congress

Dan Boren  
Member of Congress

Brett Guthrie  
Member of Congress

Michael McCaul  
Member of Congress

Todd Akin  
Member of Congress

Jean Schmidt  
Member of Congress
Mike Rogers  
Member of Congress

Adam Putnam  
Member of Congress

Marsha Blackburn  
Member of Congress

Christopher Carney  
Member of Congress

Rodney Alexander  
Member of Congress

Ron Paul  
Member of Congress

Wally Herger  
Member of Congress

Michele Bachmann  
Member of Congress

Doug Lamborn  
Member of Congress

Vern Buchanan  
Member of Congress
Steve Scalise
Member of Congress

Ted Poe
Member of Congress

Denny Rehberg
Member of Congress

Dean Heller
Member of Congress

Cynthia Lummis
Member of Congress

Stephanie Herseth Sandlin
Member of Congress

Michael Simpson
Member of Congress

Jerry Moran
Member of Congress

James Sensenbrenner, Jr.
Member of Congress

Heath Shuler
Member of Congress
Ron Kind
Member of Congress