

Congress of the United States

Washington, DC 20515

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.

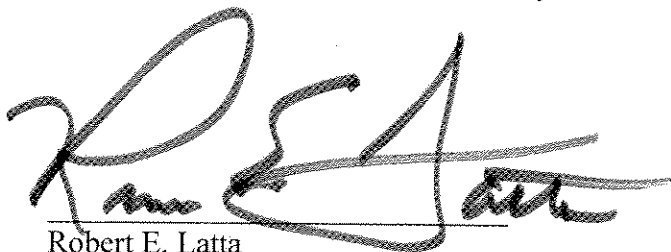
According to the American Knife and Tool Institute, there are over 35.6 million Americans who carry and use some type of utilitarian knife which opens with one hand. In the United States, assisted-opening and one-hand-opening knives are 80 percent of all knives sold. This proposed regulation could make 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.

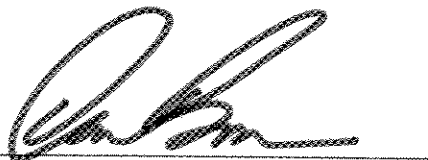
Sincerely,



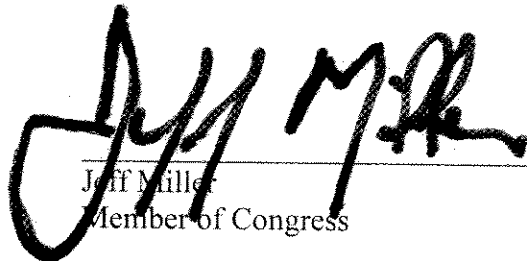
Robert E. Latta
Member of Congress



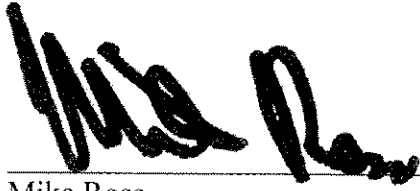
Paul Ryan
Member of Congress



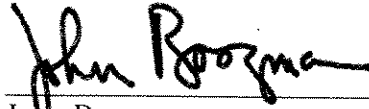
Dan Boren
Member of Congress



Jeff Miller
Member of Congress



Mike Ross
Member of Congress



John Boozman
Member of Congress



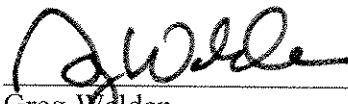
Don Young
Member of Congress



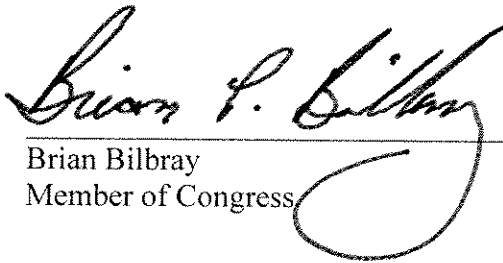
Sue Wilkins Myrick
Member of Congress



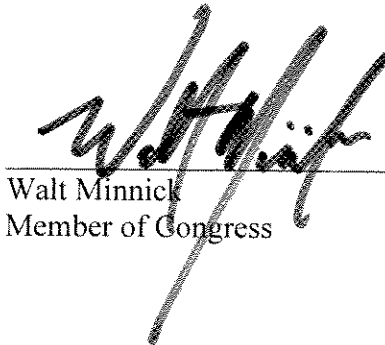
Glenn Thompson
Member of Congress



Greg Walden
Member of Congress




Brian Bilbray
Member of Congress



Walt Minnick
Member of Congress



Frank LoBiondo
Member of Congress



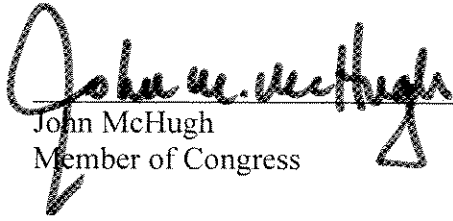
Joe Courtney
Member of Congress

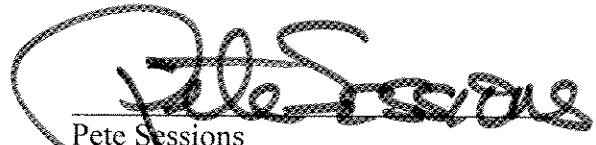


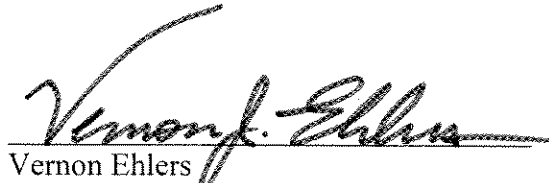
Donald Manzullo
Member of Congress




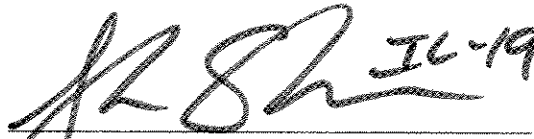
Mike Thompson
Member of Congress

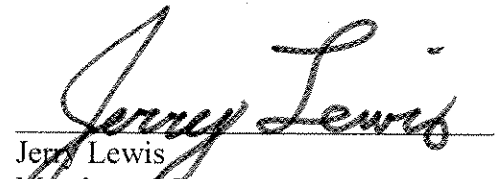

John McHugh
Member of Congress

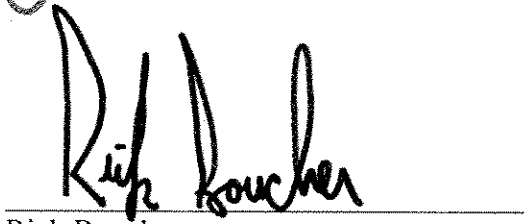

Pete Sessions
Member of Congress


Vernon Ehlers
Member of Congress

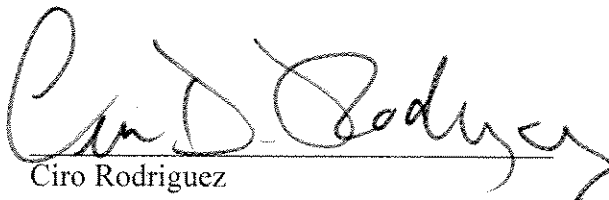

Howard Coble
Member of Congress

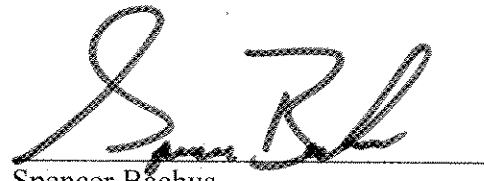

John Shimkus
Member of Congress

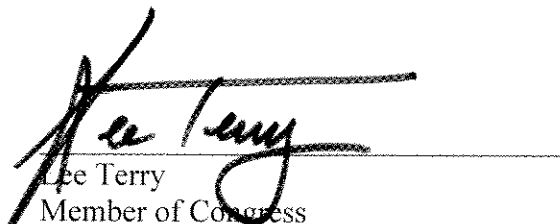

Jerry Lewis
Member of Congress

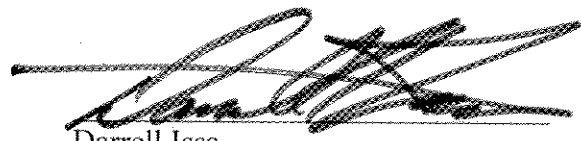

Rick Boucher
Member of Congress



Shelley Moore Capito
Member of Congress


Ciro Rodriguez
Member of Congress

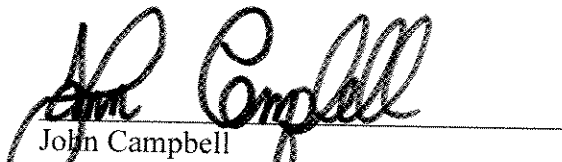

Spencer Bachus
Member of Congress



Lee Terry
Member of Congress

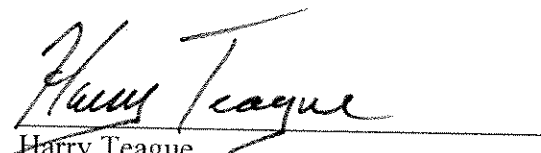

Darrell Issa
Member of Congress

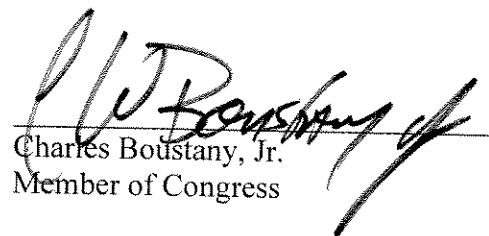

Christopher Lee
Member of Congress



John Boccieri
Member of Congress

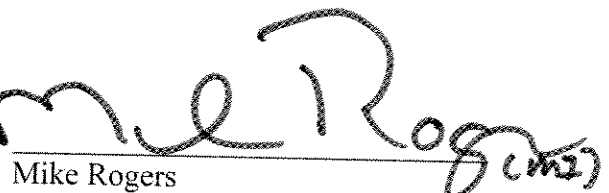

John Campbell
Member of Congress



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

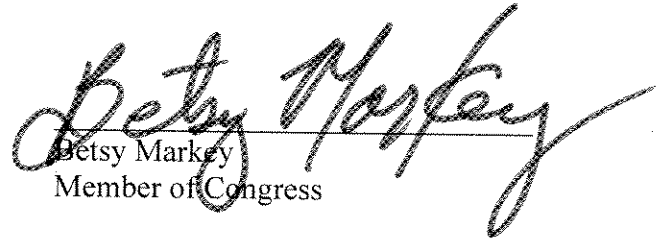

Paul Broun
Member of Congress


Pete Olson
Member of Congress


Tom McClintock
Member of Congress



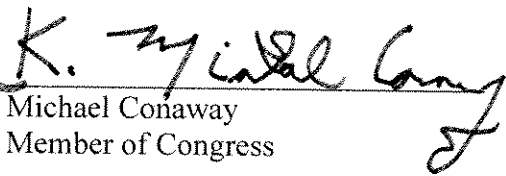
Duncan Hunter
Member of Congress



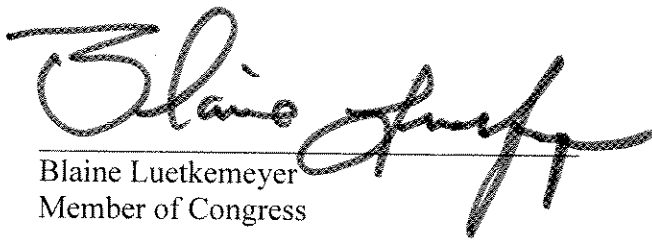
Betsy Markey
Member of Congress



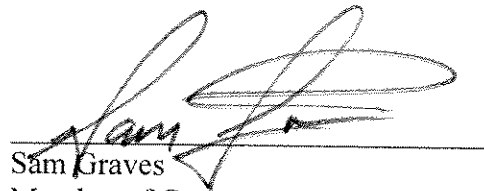
Robert Wittman
Member of Congress



Michael Conaway
Member of Congress



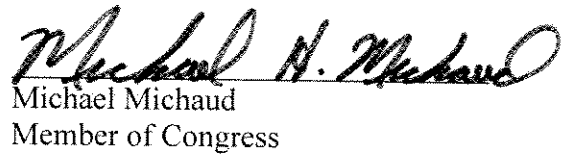
Blaine Luetkemeyer
Member of Congress



Sam Graves
Member of Congress



Tim Walz
Member of Congress



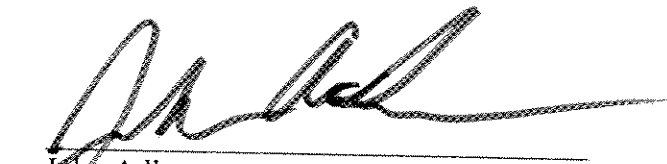
Michael Michaud
Member of Congress



Doc Hastings
Member of Congress




Robert Aderholt
Member of Congress



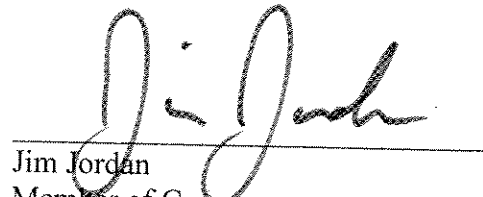
John Adler
Member of Congress



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



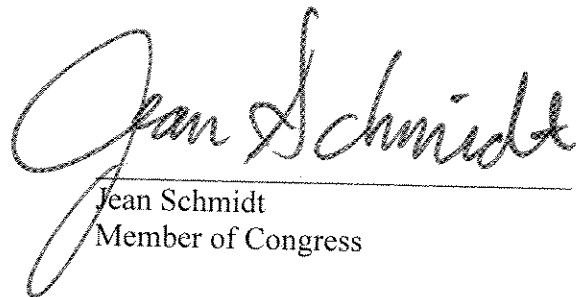
Brett Guthrie
Member of Congress



Michael McCaul
Member of Congress



Todd Akin
Member of Congress



Jean Schmidt
Member of Congress

Mike Rogers (CA)

Mike Rogers
Member of Congress

Adam H. Putnam

Adam Putnam
Member of Congress

Marsha Blackburn

Marsha Blackburn
Member of Congress

Chris Carney

Christopher Carney
Member of Congress

Rodney Alexander

Rodney Alexander
Member of Congress

Ron Paul

Ron Paul
Member of Congress

Wally Herger

Wally Herger
Member of Congress

Michele Bachmann


Michele Bachmann
Member of Congress

Doug Lamborn

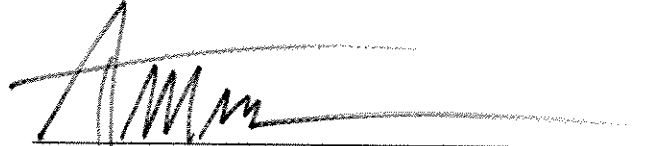
Doug Lamborn
Member of Congress

Vern Buchanan

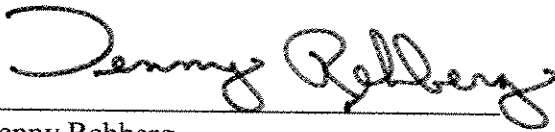
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Member of Congress



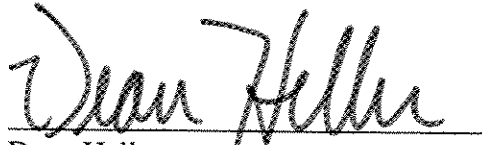
Steve Scalise
Member of Congress



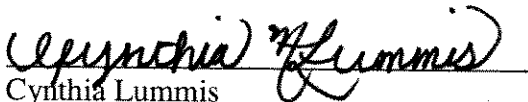
Ted Poe
Member of Congress



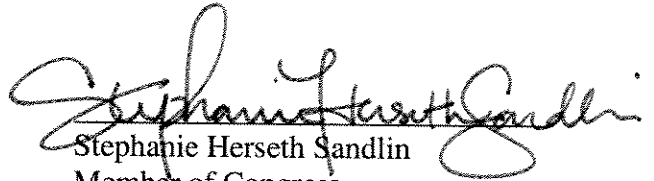
Denny Rehberg
Member of Congress



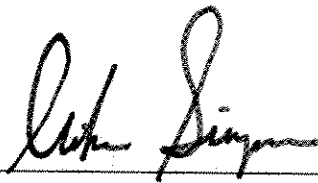
Dean Heller
Member of Congress



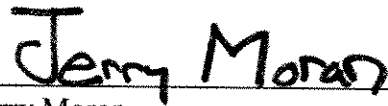
Cynthia Lummis
Member of Congress



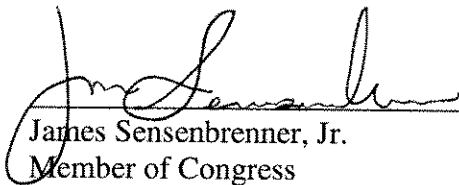
Stephanie Herseth Sandlin
Member of Congress



Michael Simpson
Member of Congress



Jerry Moran
Member of Congress



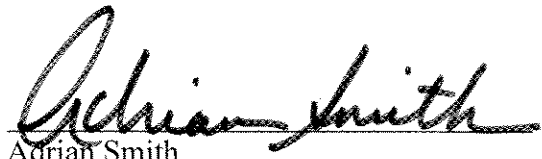
James Sensenbrenner, Jr.
Member of Congress



Heath Shuler
Member of Congress

Ron Kind

Ron Kind
Member of Congress

A handwritten signature in black ink, reading "Adrian Smith". The signature is written in a cursive style with a horizontal line underneath the name.

Adrian Smith
Member of Congress