

## It's Law! - Amendment to Federal Switchblade Act

*Senate Amendment 1447 to H.R. 2892, with the approval of U.S. Customs, now protects assisted-opening, one-hand-opening and all other folding knives with a bias toward closure owned by more than 35 million law-abiding Americans.*

The President signed the Homeland Security Appropriations Bill (H.R. 2892) for FY 2010 on October 28, 2009 that includes a permanent "fix" so that any folding knife with a bias toward closure cannot be declared a switchblade by U.S. Customs.

However, knife owners should realize that they are still bound by the knife laws of their state. And if you travel to another state, you are bound by that state's laws.

The significance of the legislative victory that was led by AKTI and supported by several other organizations cannot be overstated. If U.S. Customs had succeeded in broadly redefining a switchblade, as they proposed in late May 2009, domestic manufacturers and all owners of folding knives would have been in jeopardy. That's because an import restriction becomes an issue for interstate commerce. And where local law enforcement might be uncertain about how to correctly apply their state law, they often turn to U.S. Customs to provide guidance.

### **AKTI-led Effort Changes Federal Switchblade Act in Less Than Five Months**

The entire U.S. Customs Timeline is available at [www.akti.org](http://www.akti.org). It contains links to every significant document filed by AKTI or on behalf of the sporting knife industry during this five-month effort.

But for the record, The House Committee on Appropriations accepted the language of Senate Amendment 1447 on October 7. Then the full House of Representatives approved the entire Homeland Security Appropriations Bill (H.R. 2892) on October 15. Finally, the bill went back to the Senate which voted to accept it as modified on October 20. At that point, AKTI declared a victory and waited for the formality of the president's signature.

### **Bi-partisan Amendment Supported by U.S. Customs**

The bi-partisan amendment was crafted in July by 20 Senate sponsors, led by

John Cornyn of Texas, Mark Pryor of Arkansas, Ron Wyden of Oregon and Orrin Hatch of Utah. (see Senate Supporters sidebar.)

That amendment essentially adopted the switchblade exemption language which AKTI sponsored in Texas and that was signed by Texas Governor Perry on June 18, 2009. U.S. Customs, thanks to an outpouring of grassroots support and the intervention of 20 U.S. Senators concerned about the potential financial devastation to the entire sporting knife industry, became active supporters of the

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### **Praise for Senate and House Supporters**

The bi-partisan amendment 1447 was crafted in early July by 20 Senate sponsors, led by John Cornyn of Texas, Mark Pryor of Arkansas, Ron Wyden of Oregon and Orrin Hatch of Utah.

Prior to adopting the amendment, U.S. Customs also participated in negotiations on language, which they then supported. And in late September, the Department of Homeland Security decided to introduce some "perfecting language" to the amendment. AKTI succeeded in getting them to remove the language, then U.S. Customs again actively supported the original Senate language in its contacts on Capitol Hill. AKTI thanks both the Department of Homeland Security and U.S. Customs for this fruitful resolution.

Amendment 1447 was sponsored by the following U.S. Senators. AKTI thanks them all for the bi-partisan statesmanship that clearly saved all

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Jeff Freeman - Senior Federal Liaison for NRA explains the intricacies of bill progress to (l-r): Nicole Bivens Collinson, AKTI D.C. representative (Sandler, Travis & Rosenberg, P.A.), Mike Manrose (Meyerco), Goldie Russell (A.G. Russell Knives). *David D. Kowalski photo.*



On the steps of the U.S. Capitol on September 16, 2009. Front row (l-r): Goldie Russell (A.G. Russell Knives), Jan Billeb - AKTI Executive Director, Nicole Bivens Collinson, AKTI D.C. representative (Sandler, Travis & Rosenberg, P.A.), David D. Kowalski - AKTI Communications Coordinator. Back row (l-r): John Belniak (SOG Knives), Doug Ritter (Knife Rights), Jason Kunkler (KnifeCenter.com), Peggy Bremer (CRKT), Rod Bremer (CRKT), Mike Manrose (Meyerco).



Goldie Russell - President of A.G. Russell Knives, was instrumental in convincing her U.S. Senator Mark L. Pryor (D-AR) that the sporting knife industry was in danger. Senator Pryor indicated Senate amendment 1447 would not only help Arkansas-based A.G. Russell Knives but all owners of folding knives across the country. *David D. Kowalski photo.*

amendment.

U.S. Customs agreed to the addition of a fifth clause to section 1244 of the Federal Switchblade Act that exempts "a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist or arm to overcome the bias toward closure to assist in opening the knife."

**AKTI Fights Threat to All One-Handers**

U.S. Customs had proposed revocation of four ruling letters granted between 2005-2008 that made it legal to import assisted-openers. Then an apparent change of personnel prompted a review of that decision. U.S.

Customs, in late May 2009, proposed revoking those ruling letters.

However, the revocation document included re-definitions of a switchblade knife that were so broad they would have made virtually all folding knives in violation of the new switchblade definition. From that definition, U.S. Customs would have banned all assisted-openers and vir-

tually every other folder "on a case-by-case basis," AKTI feared.

Once a knife is banned from importation, it often quickly becomes a focus for interstate commerce and personal carry prosecutions. That's because state and local jurisdictions frequently adopt the positions of U.S. Customs.

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Manufacturers and individuals are left having to prove they are not in violation of the law.

**House Adopts Senate Language**

AKTI delegations went to Washington, D.C. twice during this process. Once to urge Senate adoption of Amendment 1447. And again on September 16-17, as the House was

preparing to go into conference on the bill.

After acceptance by a House/Senate conference committee on the bill, the entire bill then had to go back for full House and Senate votes.

Responding to this threat to an entire industry was truly a group effort. Thank

you to scores of lawmakers in both the House and Senate, to AKTI corporate members who asked for and received that support, the AKTI Washington, D.C. legal and lobbying teams at Sandler, Travis & Rosenberg, advocates retained by Benchmade

Knives, AKTI rank and file members, AKTI Grassroots Supporters, the NRA, the Congressional Sportsmen's Foundation, and Knife Rights for their support.

The entire campaign began with an AKTI call to action at the Blade Show on May 29, when AKTI Board of Regents member Rod Bremer of Columbia River

## Support (continued)

folding knives which we estimate are 80 percent of current sales in the nearly \$1 billion sporting knife industry.

**John Cornyn (R-TX)**  
**Mark Pryor (D-AR)**  
**Orrin Hatch (R-UT)**  
**Ron Wyden (D-OR)**  
**John Barrasso (R-WY)**  
**Robert Bennett (R-UT)**  
**Saxby Chambliss (R-GA)**  
**Susan Collins (R-ME)**  
**Bob Corker (R-TN)**  
**Mike Crapo (R-ID)**  
**Michael Enzi (R-WY)**  
**Lindsey Graham (R-SC)**  
**James Inhofe (R-OK)**  
**Jeff Merkley (D-OR)**  
**Ben Nelson (D-NE)**  
**Jim Risch (R-ID)**  
**Pat Roberts (R-KS)**  
**Jon Tester (D-MT)**  
**John Thune (R-SD)**  
**David Vitter (R-LA)**

## House Supporters

House support has been strong and broad-based during this effort, going back to more than 80 members of the bipartisan Congressional Sportsmen's Caucus sending a letter for the industry position to Secretary of Homeland Security Janet Napolitano.

However, as H.R. 2892 came back to the House for work in conference, AKTI wants to recognize the support given by various House committee chairs and their staffers.

**David Obey (D-WI)** - Chair House Appropriations

**David Price (D-NC)** - Chair House Appropriations (Homeland Security Subcommittee)

**Henry Waxman (D-CA)** - Chair House Energy and Commerce Committee

**Bobby Rush (D-IL)** - Chair House Energy and Commerce Committee (Commerce, Trade and Consumer Protection Subcommittee)

**Charles Rangel (D-NY)** - Chair House Ways & Means Committee

**Sander Levin (D-MI)** - Chair House Ways & Means Committee (Trade Subcommittee)

Knife & Tool revealed that U.S. Customs had just proposed revocation of its ruling letters.

Finally, the AKTI need for funding is critical. Taking a fight to Washington is very expensive (well in excess of six figures). And our work is not done. Now the AKTI Board of Regents will look at which states will need legislative action to bring their statutes in line with the new U.S. Customs regulations.



AKTI meets with Senator Pryor's legislative director. Andy York (l) hosted a meeting with AKTI. Rod Bremer (CRKT) listens as Andy talks about his efforts and the key part Senator Pryor played in getting acceptance of Senate amendment 1447 to the Homeland Security Appropriations Bill (H.R. 2892). *David D. Kowalski photo.*

## YES, I will join AKTI and help support responsible knife use!

Give generously! Your membership dues help...

- 1) **Fight for your knife rights...as we did in California, Florida, Arkansas, South Carolina, Hawaii, Texas and against U.S. Customs...wherever AKTI is needed!**
- 2) **Communicate regularly with knife users and the editors of more than 50 outdoor publications!**
- 3) **Help lawmakers and law enforcement with solid information...such as the knife measuring protocol.**

**Consider supporting AKTI with a Life Membership.**

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*Note: Since the American Knife and Tool Institute, Inc. has filed as a 501(c)(6) not for profit tax status, dues may be deductible as a business expense, but not as a charitable contribution.*

**AKTI has protected responsible knife owners since 1998.**



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## **Compliments of...**

**The AKTI-led coalition of the NRA, the Congressional Sportsmen's Foundation, and Knife Rights changes the Federal Switchblade Act (with U.S. Customs' approval) in less than five months.**

**But our work is not done. AKTI will introduce bills to bring various state statutes in line with the new federal definition of switchblades that exempts folding knives with a bias toward closure.**

**AKTI Needs Your Support !!!**

**Please make a contribution today by mailing a check to: AKTI, 22 Vista View Ln, Cody, WY 82414. Call (307) 587-8296 with credit card information. Or make payment through [Paypal.com](https://www.paypal.com) to: [akti@akti.org](mailto:akti@akti.org).**