

Calendar No. 161

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-65

INTERSTATE TRANSPORT ACT OF 2019

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 542



JULY 24, 2019.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 542]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 542) to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 542 is to allow a knife owner to legally carry a knife while transiting through a State that restricts knives, as long as the knife owner is traveling from a State where a knife is legal to another State where a knife is legal and the knife is properly secured during transport. S. 542 does not apply to travel on commercial aircraft.

BACKGROUND AND NEEDS

Knife laws vary from State to State; in some States it is illegal to carry many types of knives. If a knife owner, legally carrying a knife in one State, transits through a State where carrying the same knife is illegal, the individual is subject to arrest or fine. This makes it burdensome for a legal knife owner to travel across State lines for work, recreation, or other purposes. A similar interstate legal framework was addressed in 1986 for firearms under the

Firearms Owners' Protection Act (FOPA).¹ FOPA allows a firearm owner to legally transit a firearm across State lines as long as the firearm is properly secured and legal in both the State of origin and the State of destination.

SUMMARY OF PROVISIONS

If enacted, S. 542 would do the following:

- Allow an individual to transport a properly secured knife from one State in which the knife is legal, through any State, to another State in which the knife is legal.
- Allow emergency knives to be accessible to drivers and passengers.
- Provide protection from wrongful arrests.

LEGISLATIVE HISTORY

S. 542, the Interstate Transport Act of 2019, was introduced on February 25, 2019, by Senator Enzi (for himself and Senators Wyden, Risch, Heinrich, Crapo, Merkley, and Manchin) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On April 3, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 542 reported favorably without amendment.

On January 3, 2019, H.R. 88, the Knife Owners Protection Act of 2019, was introduced by Representative Biggs (for himself and Representatives Meadows, Latta, Duncan, and Lesko) and was referred to the Subcommittee on Consumer Protection and Commerce of the Committee on Energy and Commerce of the House of Representatives and to the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary of the House of Representatives. Representatives Gosar and Weber are additional cosponsors. H.R. 88 is similar to S. 542, but it also would allow a knife owner to sue States and municipalities that unlawfully arrest an individual transporting a knife. H.R. 88 also would repeal the Switchblade Knife Act,² which makes it illegal to manufacture, import, distribute, sell, or transport any knife considered a switchblade.

Similar bills to S. 542 and H.R. 88 were introduced in the 115th Congress by Senator Enzi (S. 1092) and Representative Biggs (H.R. 84). On August 27, 2018, the Committee on Commerce, Science, and Transportation of the Senate met in open Executive Session and, by voice vote, ordered S. 1092, the Interstate Transport Act of 2018, reported favorably with an amendment (in the nature of a substitute). On December 11, 2018, S. 1092 was further amended on the floor and passed the Senate by unanimous consent. S. 542 reflects negotiated language with bipartisan support.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

¹Public Law 99-308; 100 Stat. 449.

²15 U.S.C. 1241 et seq.

S. 542, the Interstate Transport Act of 2019			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 3, 2019			
Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No

S. 542 would allow people to transport a knife between jurisdictions where it is legal to possess and carry such a knife if certain conditions are met. (That authority would not apply to people who are otherwise prohibited from lawfully possessing, transporting, shipping, or receiving knives.)

Using information from the Department of Homeland Security, CBO expects that the bill would not affect federal spending related to transportation security or the enforcement of laws related to possessing and transporting knives. Such spending is subject to appropriation.

S. 542 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting some state and local laws related to possessing and transporting knives. Laws regulating knives vary from state to state. If enacted, the bill would allow people to possess knives in states where they are illegal if the person is traveling to and from states where the knife is legal, so long as the knife is secured, or if the knife is a safety blade designed for cutting seatbelts. The costs for state and local governments to comply with that mandate would include the cost to change protocols and train law enforcement officers. CBO estimates the total costs for state and local governments would be small and would not exceed the threshold established in UMRA (\$82 million in 2019, adjusted annually for inflation).

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Jon Sperl (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 542, as reported, would allow millions of knife owners to legally travel with their knives across State lines for work, recreation, or other purposes.

ECONOMIC IMPACT

Enactment of this legislation is not expected to have a negative impact on the Nation's economy.

PRIVACY

The reported bill is not expected to impact the personal privacy of individuals.

PAPERWORK

S. 542 would not create increases in paperwork burdens if enacted.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the "Interstate Transportation Act of 2019."

Section 2. Interstate transportation of knives.

This section would federally authorize knife owners to travel by ground through a State that restricts knives, as long as the knife owners are traveling from a State in which the knives are legal to another State in which the knives are legal. Furthermore, this section would require that the knives be properly secured, either by being inaccessible from the passenger compartment or, in the case with no passenger compartment, by being locked in a container that is not a glove compartment or console.

This requirement would not apply to emergency knives, which are defined as tools with blunt tipped or guarded blades for cutting safety belts to enable escape. Knife owners traveling by passenger aircraft subject to the jurisdiction of the Transportation Safety Administration are not covered by the provisions of this section.

Section 2 also would explicitly prohibit the arrest of a knife owner who is in compliance with this section—absent probable cause that an owner is not in compliance—and would further allow a defendant to invoke this section to recoup costs and reasonable attorney's fees and have the record expunged in any civil or criminal proceeding where the defendant is a prevailing party.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.