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Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

Via Federal eRulemaking Portal: http://www.regulations.gov

Docket No. FWS-R9-IA-2011-0087

Re: Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Sixteenth Regular Meeting: Proposed Resolutions, Decisions, and Agenda Items Being Considered; Observer Information

On behalf of the League of American Orchestras, American Federation of Musicians (AFM) and The Recording Academy, we write today to urge the U.S. representative to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to support policies that will improve the capacity of musicians to travel internationally with their instruments.

Fine instruments used by musicians worldwide are made from a variety of materials, frequently including highly specialized wood. The quality of these instruments is integral to the quality of music performed internationally for listeners. For this reason, musicians, performing arts organizations, and listening audiences value these woods as essential resources. The music community supports conservation efforts that will ensure the long-term sustainability of endangered woods, and supports CITES action that will responsibly regulate trade.

Individuals and groups of musicians from all regions of the country and musical groups of all budget sizes perform domestically for U.S. audiences and travel abroad to present their music to the world. By inviting foreign musicians to perform, U.S.-based presenters provide American audiences the opportunity to experience a diversity of musical talent. When traveling abroad, America’s musicians are ambassadors for American culture, sharing an artistically rich musical experience and reaching across borders to build lasting international partnerships. Every day, American musicians perform throughout this country and represent a significant portion of the U.S. cultural workforce. They, and their international counterparts, must rely on the ability to travel reliably and efficiently.

**Exemption for Personally Owned Musical Instruments**

We encourage the U.S. representative to CITES to pursue support for an across-the-board personal effects exemption for groups and individuals traveling with musical instruments.

In June 2007, the international community considered an endangered species proposal that could have required musicians to obtain special customs permits before traveling internationally with
instruments made with certain types of Brazilian wood—including pernambuco wood commonly used in crafting fine bows and other instrument parts. The League of American Orchestras, U.S. bow makers, NAMM: The International Music Products Association, and the American Federation of Musicians (AFM) appealed to the U.S. representative to CITES to protect the ability of musicians to travel internationally with their instruments. At CITES, negotiators settled on adding the pernambuco tree to the endangered species list, but applied the listing only to "logs, sawn wood, veneer sheets...," specifying that finished bows that are transported internationally would not be subject to cumbersome CITES permit and certification requirements. An August 14, 2007 letter from the U.S. Department of the Interior confirmed that finished bows and other finished products made of pernambuco wood can be transported across international borders in personal accompanying baggage without obtaining CITES documents.

We strongly encourage similar protection to be provided on a broader basis.

**Streamlined process for cross-border transport of musical instruments containing CITES species: Proposal for a passport system for individuals traveling internationally with their musical instruments**

Each of the more than 170 countries that are a party to CITES, including the United States, may apply varying requirements for the certification of personally owned objects. Musical instruments made from woods can be subject to strict and burdensome certification and permit requirements that can make international travel very difficult for musicians. When orchestras and individual touring musicians embark on tour, they frequently visit multiple countries while abroad. Because each country’s export certification requirements may vary, musicians touring to multiple countries can encounter particularly complex certification requirements. The time and expense of certifying musical instruments may prove too burdensome for musicians to bear, essentially preventing musicians from bringing American music to the rest of the world.

While we are intrigued by the idea of a cross-border passport, we ask that U.S. Fish and Wildlife consult with representatives of individual traveling musicians, including the AFM, the League of American Orchestras, and The Recording Academy, as a more detailed proposal is crafted. As a potential approach to a passport concept is shaped, it will be critical to avoid any unintended consequences or burdens that might, in effect, result in a new certification requirement for musical instruments. It is unclear how long the passport application process might take, what the implications are for instruments that frequently change ownership, and how provenance could be determined for the vast majority of instruments that do not bear a serial number or for which receipts of purchase are not available.

**America’s Musical Community Supports Responsible Conservation that also Encourages Global Cultural Exchange.**

The American music community supports responsible conservation efforts that will safeguard the long-term sustainability of endangered woods. However, this can be done without restricting travel with instruments. Endangered species can be protected without compromising the ability of musicians to perform internationally.
Founded in 1942, and chartered by Congress in 1962, the League of American Orchestras leads, encourages, and supports America’s orchestras while communicating to the public the essential value and cultural importance of orchestras in their communities and the vitality of the music they perform. The League’s membership encompasses 800 member symphony, chamber, youth, and collegiate orchestras of all sizes, and links a national network of thousands of instrumentalists, conductors, managers, board members, volunteers, staff members, and business partners. The American Federation of Musicians of the United States and Canada (AFM) is the largest organization in the world dedicated to representing the interests of professional musicians. The AFM’s more than 100,000 members perform all styles of music, including symphonic, jazz, rock, hiphop, and country. Established in 1957, The Recording Academy is a membership organization of musicians, songwriters, producers, engineers and recording professionals. Internationally known for the GRAMMY Awards — the preeminent peer-recognized award for musical excellence and the most credible brand in music — The Recording Academy is dedicated to improving the cultural condition and quality of life for music and its makers.

The United States should support policies that encourage international cultural exchange while supporting responsible conservation efforts at the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). We urge the United States representative to CITES to support an exemption for finished instruments and to consult organizations representing individual artists when considering a streamlined process for cross-border travel with musical instruments.

Sincerely,

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