

**Comments to the Advisory Council on Wildlife Trafficking
June 9, 2014**

The League of American Orchestras is the national arts service organization of approximately 800 orchestras across the United States – all 501(c)(3) nonprofit charitable organizations – representing thousands of administrators and musicians working daily to deliver orchestral music to audiences worldwide. The League is also an active participant in the wider international cultural exchange community and is regarded as a leader in providing technical assistance to support international artistry. Our partners in that effort include the American Federation of Musicians, The Recording Academy, Chamber Music America, the American Federation of Violin and Bow makers, NAMM, the National Association of Music Merchants, and the Performing Arts Alliance.

The music community is fully committed to the goals of wildlife conservation and combatting illegal trade in ivory and other protected species. Following the issuance of the February 25, 2014 U.S. Fish and Wildlife Service Director's Order 210, the League has been informing musicians of the threat to African elephant populations, assembling the only existing comprehensive guidance for musicians attempting to navigate the new rules for travel with instruments, and responding to numerous daily inquiries and reports from individuals and groups – in the United States and across the globe – attempting to travel with existing, legally crafted musical instruments that contain small amounts of African elephant ivory and other protected species material. While we are grateful for the expansion of instruments eligible for travel under the revised Director's Order issued on May 15, serious barriers to international cultural activities remain.

A reliable system has not been built to support travel with Convention on International Trade in Endangered Species (CITES) permits. Musicians and cultural institutions are struggling to assess and document the content of musical instruments, which were legally crafted decades ago and purchased, not for their protected species material, but for their unique artistic qualities. Some musicians unable to answer this threshold question regarding the content of their musical instrument are obtaining permits out of necessary caution, raising the burden on permitting and enforcement authorities. Musicians that conclude a permit is required encounter an array of obstacles when attempting to travel with the tools of their trade.

- Clear, species-specific public guidance regarding the many layers of CITES and domestic requirements in the United States and internationally simply is not available in a format easily accessible to musicians.
- Over the past four months, the U.S. Fish and Wildlife Service has been very responsive to initial applications for three-year musical instrument passports, and has

provided exemplary public service, responding to inquiries quickly and comprehensively. However, the application forms for passports are not complete, leaving orchestra applicants, for instance, to retrofit existing forms intended for use by “circuses and traveling animal exhibitions.”

- International CITES authorities are not sufficiently prepared to issue multi-year musical instrument passports, and the process for recognizing U.S.-issued documents is uncertain. This discontinuity and lack of clarity regarding U.S. domestic requirements presents insurmountable obstacles for many international artists attempting to travel to the U.S.
- The extremely limited designated U.S. port locations and hours of operations available for inspecting and credentialing permits are insufficient to support the volume of travel undertaken by professional musicians, students, and others participating in an array of cultural activity. Lengthy port inspection procedures for individuals and groups simply transporting musical instruments for use internationally are an immense barrier to compliance with the underlying permit procedures.

The League of American Orchestras will continue to inform musicians of the rules for travel with musical instruments, and will partner with our colleagues in the instrument-making community to help musicians better identify and document the material contained in their musical instruments. We believe that conservation goals and international cultural activity will be more fully supported when the U.S. takes the following additional actions:

- Issue clearer guidance tailored for musicians preparing to come into compliance with existing CITES and domestic permitting rules and enforcement procedures.
- Fully coordinate implementation and enforcement procedures among the Transportation Security Administration, Department of Homeland Security, U.S. Department of Agriculture, and U.S. Fish and Wildlife Service to streamline treatment of musical instruments.
- Communicate with international CITES authorities to pursue harmonizing U.S. musical instrument passport procedures with international permitting and enforcement protocols wherever possible.
- Remove the limitation on entering or re-entering the U.S. with musical instruments purchased after February 25, 2014, which contain African elephant ivory.
- Implement a “personal effects” exemption that would allow legally crafted and legally purchased musical instruments to be transported through non-designated ports without undergoing lengthy inspection procedures. This policy change would restore

opportunities for international cultural exchange and enable extremely limited enforcement resources to be re-directed to genuine threats to wildlife conservation.

Orchestras, in partnership with the broader music community, will be engaged in ongoing opportunities for public comment and will participate in future federal rule-making procedures related to travel with musical instruments - and domestic sales of instruments - to seek opportunities for future generations of musicians to have access to existing, culturally significant instruments of unparalleled quality. In the meantime, we look forward to participating in further policy conversations to find urgently needed near-term solutions that meet conservation goals while supporting international cultural activity.