

Comments of

TechFreedom

James E. Dunstanⁱ

In the Matter of

**Proposed Implementation of Duties on Additional Aluminum, Steel, and Copper
Derivative Articles Under Section 232**

Docket No. 260803-0182

XRIN 0694-XC166

BIS-2026-0331

August 27, 2026

ⁱ James E. Dunstan is Senior Counsel at TechFreedom, a nonprofit, nonpartisan technology policy think tank. He can be reached at jdunstan@techfreedom.org.

TABLE OF CONTENTS

Introduction	1
I. The Uniquely American Brass Sound.....	2
II. “Brass” Is Not Even Mentioned in Proclamation 11021	4
III. The Amount of Strategic Metals Contained in Brass Wind Instruments Is Infinitesimal When Compared to the Other Categories of Products Listed in the Request for Comment.....	5
IV. Duties Imposed on Brass Wind Instruments Will Backfire, Ultimately Destroying Domestic Production	6
A. The Market for Beginner Band Instruments Is Characterized by Fungibility and High Elasticity of Demand	6
B. The Market for Upgraded Instruments Is Highly Path Dependent	8
C. Do Not Discount the Negative Secondary Impacts on Society of Fewer Children Playing Brass Instruments	9
Conclusion.....	10

INTRODUCTION

TechFreedom hereby files these comments in response to the Request for Public Comment in the above-referenced docket concerning the proposed implementation of duties on additional aluminum, steel, and copper derivative articles under Section 232.¹ This item is intended to implement Presidential Proclamation 11021, “Strengthening Actions Taken to Adjust Imports of Aluminum, Steel, and Copper into the United States.”²

TechFreedom limits these comments to the proposed 25% duty on “brass-wind musical instruments and their parts and accessories.”³ As we describe below, rather than advancing the goals set forth in Proclamation 11021 to spur domestic production of items using strategic metals such as aluminum, steel, and copper, it will do the opposite, disrupting the domestic production of brass wind instruments by drying up the market for higher end brass instruments produced domestically. We strongly urge the Department of Commerce to drop this category from the new duty list.

Founded in 2011, TechFreedom has filed comments with many federal agencies and amicus briefs in many courts related to antitrust and trade issues.⁴ To promote the progress of technology that improves the human condition, we seek to advance public policy that makes experimentation, entrepreneurship and investment possible, and thus unleashes the ultimate resource: human ingenuity. We also support free market solutions to policy questions, not social engineering through government fiat.

¹ Request for Public Comments on the Proposed Implementation of Duties on Additional Aluminum, Steel, and Copper Derivative Articles Under Section 232, 91 FR 50756 (Aug. 6, 2026) (Request for Comment). The Request for Comment called for comments to be filed by August 27, 2026. These comments are timely filed.

² Proclamation 11021 of April 2, 2026, 91 FR 18201.

³ HTSUS Code 9205.10.000 classifies brass-wind instruments under the Harmonized Tariff Schedule of the United States which includes trumpets, cornets, tubas, and similar brass horn products.

⁴ Comments on the Effectiveness of the HSR Act’s Premerger Reporting Requirements (May 26, 2026), <https://techfreedom.org/wp-content/uploads/2026/05/TechFreedom-Comments-on-HSR-RFI.pdf>; Comments on Guidance on Business Collaborations, ATR-2026-0001 (May 21, 2026), <https://techfreedom.org/wp-content/uploads/2026/05/May-21-Final-TechFreedom-Comments-Collaboration-Guidelines-ATR-2026-0001.pdf>; Comments on California Law Revision Commission for a Single-Firm Conduct Statute (Jan. 27, 2026), <https://techfreedom.org/wp-content/uploads/2026/01/Final-Supplemental-Comment-of-Jan-27-to-CLRC-1.pdf>; Comments on RFI on State Laws Having Significant Adverse Effects on the National Economy, Docket No. OLP182 (Sept. 15, 2025), <https://techfreedom.org/wp-content/uploads/2025/09/DOJ-RFI-on-State-Laws-Having-Significant-Adverse-Effects-on-the-National-Economy-or-Significant-Adverse-Effects-on-Interstate-Commerce.pdf>; Brief for TechFreedom as Amicus Curiae Supporting Chamber of Com., Chamber of Com. v. Fed. Trade Comm’n, No. 24-10951 (5th Cir. 2025), <https://techfreedom.org/wp-content/uploads/2025/02/Filestamped-TF-FTC-Noncompetes-Brief-5th-Cir.pdf>.

This issue is personal for the undersigned author. In addition to practicing law for more than four decades, he plays first French⁵ horn in the Fairfax Wind Symphony, recognized as one of the top community bands in the country.⁶ His journey as a lawyer and musician was featured on the Fairfax Wind Symphony's website.⁷ He is also a member of the Silver 5 Brass Quintet,⁸ which regularly performs at venues in the Washington, D.C. area, including the annual Alexandria Holiday Boat Parade, where the quintet "pipes in" Santa's arrival by boat.⁹

I. The Uniquely American Brass Sound

Most Americans have never heard of Vince DeRosa or James Thatcher, but guaranteed, you've heard their sound. The majestic sound of the French horn in American movies is unmistakable, and the greatest American composer of this generation, John Williams, said of Vince, "I can honestly say that what I know about writing for the French horn, I learned from him."¹⁰

James Thatcher was Williams' go-to hornist for over 25 years after DeRosa retired, in films like *Jurassic Park* and *Home alone*,¹¹ and his soaring solos graced Williams-scored movies



Vince DeRosa playing a Conn 8D

⁵ The modern day French horn isn't French, and most professionals refer to it only as the "horn." See Emily Green, *Why do we call it a 'French horn' when it isn't French at all?*, YOUR CLASSICAL (June 25, 2019), <https://www.yourclassical.org/story/2019/06/25/why-do-we-call-it-a-french-horn>. Because that misnomer persists, it will be used grudgingly in these comments.

⁶ In 2019, the Fairfax Wind Symphony was awarded the John Philip Souza Foundation's Sudler Silver Scroll award, North America's most prestigious award for community concert bands. See *The Sudler Silver Scroll*, https://sousafoundation.net/sub_menu_items/3 (last visited Aug. 27, 2026).

⁷ Josh Flores, *Performer Spotlight – James Dunstan, French Horn*, FAIRFAX WIND SYMPHONY (Oct. 10, 2022), <https://www.fairfaxwindsymphony.org/james-dunstan-french-horn>.

⁸ *Silver 5 Brass Quintet*, <http://www.silver5brassquintet.com/> (last visited Aug. 25, 2026).

⁹ ALEXANDRIA HOLIDAY BOAT PARADE (Nov. 2025), https://visitalexandria.com/wp-content/uploads/2025/11/ALX_HBP_ParkMarinaSign_24x36_2025.pdf.

¹⁰ Maurizio Caschetto, *L.A. Studio Legends: James Thatcher*, THE LEGACY OF JOHN WILLIAMS (Oct. 23, 2020), <https://thelegacyofjohnwilliams.com/2020/10/23/james-thatcher-podcast/>.

¹¹ *Id.*



James Thatcher playing a Conn 8D

such as *Always*,¹² *JFK*,¹³ *Amistad*, *Rosewood*¹⁴ and *The Patriot*. Composer James Horner first heard Thatcher's playing on the soundtrack of *Cocoon*, one of the first movies Horner scored for film. That began a relationship spanning over thirty years in films such as *Field of Dreams*, *Glory*, *The Rocketeer*, *Clear and Present Danger*, *Apollo 13*, *Titanic*, *Deep Impact*, *The Perfect Storm*, *A Beautiful Mind*, *Avatar* and *The Amazing Spider-Man*.¹⁵ In all, James Thatcher has appeared on the soundtracks of over 3,000 movies.¹⁶

The relevance for this discussion is that the horn you hear in the movies is almost always the large bore Conn 8D,¹⁷ produced in the United States since 1937.¹⁸ That's the sound you hear in your head when you think of the French horn, and it is distinctly American.

Similarly, the Holton company has produced many fine French horns with a similar sound to the Conn 8D since the company's



Barry Tuckwell holding a Holton horn

¹² Marc Papeghin, *Among the Clouds (from "Always") – French Horn Solo*, YouTube (Oct. 24, 2019), https://www.youtube.com/watch?v=tspfo-UOgBM&list=RDtspfo-UOgBM&start_radio=1.

¹³ Marc Papeghin, *Arlington (from "JFK") – French Horn Solo*, YouTube (Oct. 24, 2019), <https://www.youtube.com/watch?v=Dg0IUYWY93U>.

¹⁴ Marc Papeghin, *Healing (from "Rosewood") – French Horn Solo*, YouTube (Oct. 24, 2019), <https://www.youtube.com/watch?v=ZsZ-mPntLy4&list=RDtspfo-UOgBM&index=2>.

¹⁵ See *supra* note 10.

¹⁶ Azusa Pacific University Symphony Orchestra, *James Thatcher*, Facebook (Apr. 28, 2020), <https://www.facebook.com/watch/?v=2627136730838215>.

¹⁷ See debreved, *Jim Thatcher – French Horn Overview*, YouTube (Apr. 6, 2014), <https://www.youtube.com/watch?v=X4kbYPqaw8w>. See also Yi-Hsin Cindy Liu, *The Examination of the Appearance and Use of the French Horn in Film Scores From 1977 to 2004*, 76-78 (2005) (unpublished Doctoral dissertation, University of Cincinnati), https://etd.ohiolink.edu/acprod/odb_etd/ws/send_file/send?accession=ucin1116000974&disposition=inline.

¹⁸ John Ericson, *The Vintage Conn 8D*, HORN MATTERS (Dec. 2, 2010), <https://www.hornmatters.com/2010/12/the-vintage-conn-8d/>.

founding in 1885 by trombonist Frank Holton.¹⁹ Barry Tuckwell, the most recognizable horn soloist of the latter half of the 20th century,²⁰ played on a Holton horn, manufactured in Elkhorn, Wisconsin.²¹ He worked with the Holton company to develop the H-104 horn that bears his name.²²

And that's just the French horn. Throughout the brass section of every band and orchestra in America, some of the finest instruments are manufactured in the United States.²³ In short, America has had a strong domestic brass manufacturing industry for over a century. It is against this backdrop that the Department of Commerce must decide whether to apply a 25% duty onto imported brass wind instruments.

II. “Brass” Is Not Even Mentioned in Proclamation 11021

As a starting point, it is important to understand that brass is not an element, but rather an alloy of copper and zinc, used in different percentages depending on the manufacturer.²⁴ The term “brass” does not appear in Proclamation 11021, and zinc is not identified as a one of the strategic metals in need of protection.²⁵ Also, it is critical to note that many “brass” instruments are not actually brass, but rather made of a nickel-silver alloy, which itself is

¹⁹ Maksim Gopanchuk, *Holton French Horns*, KGU MUSIC (June 25, 2024), https://kgumusic.com/blogs/news/holton-french-horns-tradition-meets-innovation?srltid=AfmBOopmMsa6YMFjA1sJVY86f52XRNfXq53y8N3R8VfHkGk_VoalagRF.

²⁰ *Barry Tuckwell*, INT’L HORN SOCIETY, <https://www.hornsociety.org/home/ihs-news/93-barry-tuckwell> (last visited Aug. 25, 2026).

²¹ *Serial Numbers – Holton*, <https://holtonloyalist.com/serial-numbers/> (last visited Aug. 25, 2026).

²² *See, e.g.,* Boyd’s Brass, *SOLD: Holton H104 Tuckwell Horn*, YOUTUBE (June 14, 2024), <https://www.youtube.com/watch?v=23VsNBPHS5Y&t=9s>. Undersigned counsel plays a Holton H-180, which Tuckwell grabbed and played during a master class he gave to the horn section of the Phoenix Youth Symphony in 1975.

²³ Excellent trumpets are manufactured by the Bach Corporation (Elkhart, Indiana), Schilke Music Instruments (Chicago, Illinois), and Getzen (Elkhorn, Wisconsin). Bach and Getzen also produce excellent trombones, and the King 2B has been the go-to jazz trombone for nearly 100 years. *See, e.g., King 2B Liberty Trombone – H.N. White Era, Vintage 1952*, BRASS EXCHANGE, <https://www.thebrass-exchange.com/content/king-2b-liberty-vintage-1952> (last visited Aug. 25, 2026). *See also* THE MIGHTY QUINN BRASS AND WINDS, <https://www.brassandwinds.com/> (last visited Aug. 25, 2026) (online retailer carrying most of these brands).

²⁴ *See* Andy McKeown, *Yellow Brass, Gold Brass, Red Brass - What's the Difference?*, NORMANS MUSICAL INSTRUMENTS (May 7, 2014), https://www.normans.co.uk/blogs/blog/difference-brass-finish-make-musical-instrument?srltid=AfmBOopNEMiov-iT5dSYoTseAKM0c4o21_tdlrmfoJAqmp4NP8SuoHru.

²⁵ *See supra* note 2.

made up of copper, nickel and zinc (there is no silver).²⁶ Nickel does not appear in Proclamation 11021.²⁷

“Aluminum” appears 51 times, and “steel” appears 48 times in the Proclamation, while “copper” is mentioned 31 times.²⁸ Indeed, it appears that copper has been swept into the Proclamation as almost an afterthought. Of the 31 mentions of the word “copper,” fifteen of them are lumped together as “aluminum, steel, and copper.” It is thus very unclear why “brass-wind musical instruments” are even included in the proposed duties, given that none of the other thirteen categories appear to have any brass elements. Inclusion of brass wind instruments is not supported by Proclamation 11021, and this category should be removed.

III. The Amount of Strategic Metals Contained in Brass Wind Instruments Is Infinitesimal When Compared to the Other Categories of Products Listed in the Request for Comment

The Request for Comment lists fourteen categories of products to which a 25% duty will be attached. Some of those items are quite large and are made up of large quantities of the strategic metals Presidential Proclamation 11021 seeks to protect.²⁹ In assessing which products will best further the goals established in Proclamation 11021, it is important to discuss the actual quantity of strategic metals involved in the brass wind instrument category vis-à-vis the other categories.

The average semi-trailer weighs between 30,000 and 35,000 pounds.³⁰ In contrast, the average trumpet weighs 2.5 pounds,³¹ the average trombone weighs around five pounds,³²

²⁶ John Ericson, *Nickel silver and horns — construction, look, and sound*, HORN MATTERS (May 18, 2010), <https://www.hornmatters.com/2010/05/nickel-silver-and-horns/>.

²⁷ Query, then, whether the new duties are applicable to imports of nickel-silver wind instruments.

²⁸ See *supra* note 2.

²⁹ See Request for Comment at 50757, “Mobile lifting frames on tires and straddle carriers (HTSUS 8426.12.0000); Other self-propelled cranes and mobile lifting frames (HTSUS 8426.41.0090); Tanker trailers and tanker semi-trailers (HTSUS 8716.31.00); Self-loading or self-unloading trailers; and semi-trailers for agricultural purposes (HTSUS 8716.20.00); Other trailers and semi-trailers.”

³⁰ *How much does a semi-truck weigh?*, <https://schneiderjobs.com/blog/how-much-does-a-semi-truck-weigh> (last visited Aug. 25, 2026).

³¹ Robert Slotte, *How Much Does A Trumpet Weigh*, MY BEST TRUMPET, <https://mybesttrumpet.com/how-much-does-a-trumpet-weigh-in-pounds-kgs/> (last visited Aug. 25, 2026).

³² *Is a Trombone Too Heavy for Kids?*, PBONE MUSIC (Sept. 7, 2022), https://pbonemusic.com/en-us/blogs/learn/are-trombones-too-heavy-for-young-children?srsId=AfmBOor8KwBnLFZCPuWUgcaCqO8DL_n_zT2E2McFzeDjmUoLzzHOgMt-

the average French horn (double) weighs around six pounds,³³ and the mighty tuba weighs in at around thirty pounds.³⁴ To put that into perspective, you'd have to import over 1,000 tubas or almost 13,000 trumpets to equal the amount of metal imported in a single semi-trailer. In total, U.S. imports of brass instruments in 2023 were roughly 250,000 units.³⁵ If we assume that the average weight of each unit was four pounds (there are, after all, far more trumpet players than tuba players), that's roughly 1,000,000 pounds of metal imported. Compare that with the 500,000,000 pounds of semi-trailers imported *in just one month* in 2025.³⁶ Cumulatively, the total weight of imports of semi-trailers brings in roughly **5,000 times** more weight in strategic metals than do brass wind instruments. Brass instruments are a drop in the bucket (or spit valve in this case), compared to the other categories of items on the list. If the goal of these duties is to protect strategic metals, sweeping in brass wind instruments misses a beat.

IV. Duties Imposed on Brass Wind Instruments Will Backfire, Ultimately Destroying Domestic Production

To understand the devastating impact the proposed 25% duty will have on the American brass instrument manufacturing industry, one must understand the entire ecosystem of band instruments.

A. The Market for Beginner Band Instruments Is Characterized by Fungibility and High Elasticity of Demand

Billy is a fifth grader³⁷ and is introduced to musical instruments for the first time. On the first day of band class, the instructor describes the various band instruments.³⁸ Ms. Kelly demonstrates the woodwinds (flute, clarinet, saxophone), the brass (trumpet, trombone, French horn, tuba), and percussion (drums and mallet instruments).³⁹ Ideally, Ms. Kelly

³³ *How Heavy Is a French Horn*, FACEBOOK, <https://www.facebook.com/fb-answers/how-heavy-is-a-french-horn/> (last visited Aug. 25, 2026).

³⁴ *How Much Does Your Tube Weigh?*, TUBENET (Sept. 28, 2018), <http://forums.chisham.com/viewtopic.php?t=89421>.

³⁵ *Brass-wind instruments imports by country in 2023*, WORLD INTEGRATED TRADE SOLUTION, <https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2023/tradeflow/Imports/partner/WLD/product/920510> (last visited Aug. 25, 2026).

³⁶ *Trailer Orders Beat Seasonal Expectations as Backlogs Hold Steady*, ACT RESEARCH (Aug. 24, 2026), <https://www.actresearch.net/resources/blog/state-of-industry-u.s.-trailers-blog>.

³⁷ Different school districts begin band class at different times, ranging from fourth up to sixth grade.

³⁸ See, e.g., *Picking an Instrument*, Linn-Mar Beginning Band, <https://sites.google.com/linnmar.k12.ia.us/linn-mar-beginningband/picking-an-instrument> (last visited Aug. 25, 2026).

³⁹ Billy's parents sit at home, lighting candles and hoping Billy doesn't come back as a drummer.

hopes that the children's choices give her a good balance between instruments, but that's never a given. School districts vary in how those instruments are provided. Many school districts provide instruments either free or at a reasonable rental fee, especially for the larger and more expensive instruments.⁴⁰ Other school districts have arrangements with private music shops which provide the rental instruments. In most cases, school districts and companies try to keep the rental cost relatively the same as between the various instrument families.⁴¹ And all of these instruments are beginner/student models to allow affordable access to instruments to as many families as possible. For brass instruments, most of those instruments are imports.⁴² Billy chooses the trumpet, and his parents rent a Jean Paul TR-330, made in China.⁴³

Fast forward to the Fall of 2027. Sally now comes into band class. Same presentation by Ms. Kelly, but with a twist. She sadly explains that while the school can continue to provide woodwind instruments for \$20.00 a month, because of the duties imposed under Proclamation 11021, all brass instruments will cost an additional \$5.00 a month (or \$60.00 a year). The teacher even sends home a written explanation for Sally's parents to read. While Sally really wanted to play the trumpet, finances are tough this year, and the parents opt for the lower cost saxophone.⁴⁴ When the dust settles, and week two of band begins, Ms. Kelly looks out at her band and sees fewer brass players, more woodwind players, and more drummers.⁴⁵

⁴⁰ See Amber Friel, *Proposed Tariff on Brass-Wind Instruments*, NAT'L ASS'N FOR MUSIC EDUC. (Aug. 13, 2026), <https://nafme.org/blog/proposed-tariff-on-brass-wind-instruments/>.

⁴¹ See, e.g., *Back-to-School Instrument Rentals: Your Family's Complete Guide*, DIETZE MUSIC (July 18, 2025), <https://dietzemusic.com/back-to-school-instrument-rentals-your-familys-complete-guide/>.

⁴² Cullen S. Hendrix, *Weapons of brass destruction?*, PETERSON INST. FOR INT'L ECON. (Aug. 17, 2026), <https://www.piie.com/blogs/realtime-economics/2026/weapons-brass-destruction-trumps-tariffs-target-musical-instruments> ("The vast majority of student-grade musical instruments for sale in the United States are imported. In a textbook example of globalization, firms take advantage of global production networks to the benefit of consumers and music lovers. Student-grade instruments are mostly manufactured in China and Southeast Asia, whereas master-crafted horns made in the United States can be sold at much higher prices. The US manufacturing base can therefore service the high-end (and higher-margin) market while lower-cost imports provide more bang for the buck for school music programs and cost-sensitive beginner musicians.").

⁴³ *Student Trumpet*, JEAN PAUL WIND INSTRUMENTS, <https://jeanpaulusa.com/products/student-trumpet-tr-330> (last visited Aug. 25, 2026).

⁴⁴ What is strangely ironic, of course, is that saxophones are made of brass, yet are not included in HTSUS Code 9205.10.000. Sally is still playing on brass, but with a reed rather than a mouthpiece.

⁴⁵ Ms. Kelly is investing in upgraded earplugs.

In economic terms, then, for children beginning band, instruments are somewhat fungible, with a relatively high cross-elasticity of demand.⁴⁶ As the cost to provide or rent brass instruments increases, the demand goes down, and families choose other instruments. Now multiply Sally by almost four million children, roughly the amount of fifth graders introduced to band instruments every year.⁴⁷ How many children will move away from brass instruments in favor of less expensive, non-tariffed instruments?

B. The Market for Upgraded Instruments Is Highly Path Dependent

But that's not the entire market ecosystem, because the market for domestic brass instruments is path-dependent—later purchase decisions are highly influenced by earlier purchase decisions.⁴⁸ Recall that these beginner instruments are all student models. Good enough for a child to learn the basics but never intended to carry them into high school. Children who continue in band will need to upgrade their instruments as they progress. And that's where the domestic American brass instrument manufacturer makes its money. Remember Billy? When he gets into junior high, his band director asks Billy to switch to French horn. His parents rent a Schiller American Heritage 200 single French horn (made in Taiwan). Billy continues to play the horn and in high school, moves up to the standard double horn. The school district in which he lives has a number of good horns, and he rents one from the school. But Billy's got his eye on a shiny new Conn 8D—he's been to the movies, after all. Ultimately his family makes the commitment to a \$6,500 purchase, and Conn has another sale.⁴⁹

But Bach never gets a chance to sell a Stradivarius model trumpet⁵⁰ to Sally, as she's now a woodwind player.⁵¹

This is how the domestic brass instrument ecosystem works. Children play on cheap imports until they need a better horn, where domestic manufacturers can compete on quality. Choke

⁴⁶ Tejvan Pettinger, *Cross Elasticity of Demand* (Nov. 5, 2017), <https://www.economicshelp.org/microessays/equilibrium/cross-elasticity-demand/>.

⁴⁷ Tara Moon, *K-12 Public School Enrollment Declines, Explained*, FUTUREED (Aug. 5, 2026), <https://www.future-ed.org/k-12-public-school-enrollment-declines-explained/>.

⁴⁸ *Path dependence*, https://en.wikipedia.org/wiki/Path_dependence (last visited Aug. 25, 2026).

⁴⁹ *Conn 8D CONNstellation Professional Double French Horn*, <https://www.sweetwater.com/store/detail/Conn8Dv2--cg-conn-8d-constellation-professional-double-french-horn-2023> (last visited Aug. 25, 2026).

⁵⁰ *Bach Stradivarius Trumpet in B♭*, <https://bachbrass.com/trumpets/bach-stradivarius-trumpet-in-bb-17043gyr> (last visited Aug. 25, 2026).

⁵¹ If she were to switch to a brass instrument later, she likely would start at the bottom of the quality stack, and she'd likely rent or purchase a cheap import, not start with a Bach Stradivarius model.

off the feeder market for upgraded horns because children switch to non-tariffed instruments, and those sales are never made. Demand goes down, and companies go out of business.

C. Do Not Discount the Negative Secondary Impacts on Society of Fewer Children Playing Brass Instruments

There are also the secondary impacts. More woodwind players mean higher competition for the set number of slots in high school bands. Students like Sally may drop out of music and lose the documented benefits that come with a music education because they couldn't make the top band in high school. Less brass players feeding into junior high and high school bands means those bands become worse. Band becomes less rewarding, and kids stop playing in larger and larger numbers.⁵²

And the loss to society writ large? According to College Entrance Examination Board, students in public school music programs scored an average of 107 points higher on the SAT than non-music students.⁵³ There is strong correlation in the scientific literature between music education and overall academic performance, especially in core subjects such as English, math, history, and science.⁵⁴ Whether or not this signifies direct causation is debatable but cannot be ignored.

For want of a nail, a kingdom is lost.⁵⁵ By imposing duties on brass wind instruments, what risk are we as a country taking? Is that risk worth it? We think not.

⁵² Phillip M. Hash, *Student Retention in School Bands and Orchestras: A Literature Review*, 40 NAT'L ASS'N FOR MUSIC EDUC. 11, 13 (2025), <https://journals.sagepub.com/doi/10.1177/87551233211042585> ("students decided to continue in the school band based on the extent to which the program met their needs to be challenged and celebrated compared to other opportunities.").

⁵³ Emily Reno, *The Impact of Public School Music Programs on SAT scores*, VIRTU.ACADEMY (July 11, 2026), <https://www.virtu.academy/blog/impact-public-school-music-programs-sat-scores>. Undersigned counsel served as the band booster president for three years in a Fairfax County high school. His opening slide at "back to band" night read simply: "Thanks. You've just handed your child 100 points on their SAT." And if you look at many advanced high school courses (such as AP and IB), the toughest classes are never scheduled at the same time that the wind ensemble meets. The advanced chemistry teacher knows not to try and compete with band, because many of her best students are dedicated musicians.

⁵⁴ Márta Janurik & Krisztián Józsa, *Long-Term Impacts of Early Musical Abilities on Academic Achievement*, 10 J. OF INTELLIGENCE 36 (2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9326760/>; Fedrick C. Ingram, *Marching to Their Own Beat*, AFT (2025), <https://www.aft.org/ae/spring2025/ingram>; Steven J. Holochwost et al, *Music Education, Academic Achievement, and Executive Functions*, 11 PSYCHOLOGY OF AESTHETICS, CREATIVITY, AND THE ARTS 147 (2017), <https://www.artsedsearch.org/study/music-education-academic-achievement-and-executive-functions/>.

⁵⁵ *For want of a nail*, https://en.wikipedia.org/wiki/For_want_of_a_nail (last visited Aug. 25, 2026).

CONCLUSION

For the reasons set forth above, TechFreedom urges the Department of Commerce to drop HTSUS 9205.10.0000 and 9209.99.4080 (brass-wind musical instruments and parts and accessories thereof) from the list of products to which the new 25% duty is to be imposed. The miniscule benefits of imposing the 25% duty are dwarfed by the negative impact it will have on the domestic manufacturing market for higher end brass instruments, and the potential dumbing down of the next generation of Americans.

Respectfully submitted,

_____/s/____

James E. Dunstan

Senior Counsel

TechFreedom

jdunstan@techfreedom.org

1500 K Street NW

Floor 2

Washington, D.C. 20005

Date: August 27, 2026