

Public Law 89-651

AN ACT

October 14, 1966
[H. R. 8664]

To implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Educational,
Scientific and
Cultural Mate-
rial Importation
Act of 1966.

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Educational, Scientific, and Cultural Materials Importation Act of 1966”.

(b) PURPOSE.—The purpose of this Act is to enable the United States to give effect to the Agreement on the Importation of Educational, Scientific and Cultural Materials, opened for signature at Lake Success on November 22, 1950, with a view to contributing to the cause of peace through the freer exchange of ideas and knowledge across national boundaries.

(c) AMENDMENT OF TARIFF SCHEDULES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, an item or other provision, the reference shall be considered to be made to an item or other provision of the Tariff Schedules of the United States (19 U.S.C., sec. 1202).

77A Stat. 3.

SEC. 2. EFFECTIVE DATE.

This Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after a date to be proclaimed by the President, which date shall be within a period of three months after the date on which the United States instrument of ratification of the Agreement on the Importation of Educational, Scientific and Cultural Materials shall have been deposited with the Secretary-General of the United Nations.

SEC. 3. BOOKS, PAMPHLETS, AND OTHER PRINTED AND MANUSCRIPT MATERIAL.

(a) Books.—

(1) Schedule 2, part 5, is amended—

77A Stat. 109.

(A) by striking out items 270.15 to 270.40, inclusive, and inserting in lieu thereof the following:

“ 270.25 | Books not specially provided for..... | Free | Free | ”

(B) by striking out the article description immediately preceding item 270.45 and inserting in lieu thereof “Printed catalogs relating chiefly to current offers for the sale of United States products:”

(C) by striking out the item numbers and the article descriptions in items 274.75 to 274.90, inclusive, and the article descriptions preceding items 274.75 and 274.85, and inserting in lieu thereof the following:

“Printed matter not specially provided for:

274.73 Suitable for use in the production of such books as would themselves be free of duty

Other:

Printed on paper in whole or in part by a lithographic process:

274.75 Not over 0.020 inch thick

274.80 Over 0.020 inch thick

Other:

274.85 Susceptible of authorship

274.90 Other”

(D) by inserting “Free” in each of the rate columns in item 274.73, added by subparagraph (C).

77A Stat. 374.
19 USC 1202.

(2) Item 737.52 is amended to read as follows:

737.52	Toy books, including coloring books and books the only reading matter in which consists of letters, numerals, or descriptive words.....	Free	Free	
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(b) PERIODICALS.—Schedule 2, part 5, is amended by striking out items 270.60 and 270.65 and the article description immediately preceding item 270.60 and inserting in lieu thereof the following:

270.63	Periodicals.....	Free	Free	
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(c) TOURIST LITERATURE, ETC.—The article description in item 270.70 is amended to read as follows: "Tourist and other literature (including posters), containing geographic, historical, hotel, institutional, time-table, travel, or similar information, chiefly with respect to places, travel facilities, or educational opportunities outside the customs territory of the United States".

(d) MUSIC IN BOOKS OR SHEETS.—Schedule 2, part 5, is amended by striking out items 273.05 to 273.20, inclusive, and the article descriptions immediately preceding items 273.05 and 273.15, and inserting in lieu thereof the following:

273.10	Music in books or sheets.....	Free	Free	
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(e) MAPS, ATLASES, AND CHARTS.—Schedule 2, part 5, is amended—

(1) by striking out item 273.25 and the article description immediately preceding it,

(2) by striking out the item number and article description in item 273.30 and inserting in lieu thereof "273.30 | Printed globes", and

(3) by striking out items 273.35 and 273.40 and the article description immediately preceding item 273.35 and inserting in lieu thereof the following:

273.35	Maps, atlases, and charts (except tourist and other literature provided for in item 270.70).....	Free	Free	
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SEC. 4. WORKS OF ART; ANTIQUES.

77A Stat. 389.

(a) PAINTINGS, ETC.—Schedule 7, part 11, subpart A, is amended by striking out items 765.05 and 765.07 and the article description immediately preceding item 765.05 and inserting in lieu thereof the following:

765.03	Paintings, pastels, drawings, and sketches, all the foregoing, whether or not originals, executed wholly by hand.....	Free	Free	
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(b) ANTIQUES.—Schedule 7, part 11, subpart B, is amended by striking out so much of the article description immediately preceding item 766.20 as precedes "all the foregoing" and inserting in lieu thereof "Ethnographic objects made in traditional aboriginal styles and made at least 50 years prior to their date of entry; and other antiques made prior to 100 years before their date of entry;"

SEC. 5. DOCUMENTS OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

77A Stat. 418.

The article description in item 840.00 is amended—

- (1) by inserting "(including exposed and developed motion picture and other films, recorded video tapes, and sound recordings)" immediately after "documents", and
- (2) by striking out "wholly" and inserting in lieu thereof "essentially".

SEC. 6. CERTAIN ARTICLES IMPORTED BY EDUCATIONAL, SCIENTIFIC, AND OTHER SPECIFIED INSTITUTIONS.

(a) GENERAL.—Schedule 8, part 4, is amended—

(1) by striking out "plans" in headnote 3 and inserting in lieu thereof "plans, and reproductions thereof,"

77A Stat. 420.
19 USC 1202.

(2) by striking out "institution established solely" in the article description immediately preceding item 851.10 and inserting in lieu thereof "nonprofit institution established", and

(3) by striking out so much of the article description in item 851.10 as precedes "all the foregoing" and inserting in lieu thereof "Drawings and plans, reproductions thereof, engravings, etchings, lithographs, woodcuts, globes, sound recordings, recorded video tapes, and photographic and other prints,".

(b) PATTERNS AND MODELS.—The article description in item 851.50 is amended to read as follows: "Patterns and models exclusively for exhibition or educational use at any such institution".

(c) SCIENTIFIC INSTRUMENTS AND APPARATUS.—Schedule 8, part 4, is amended—

(1) by inserting after item 851.50 the following:

	Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes:		
851.60	Instruments and apparatus, if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States (see headnote 6 to this part)...	Free	Free
851.65	Repair components for instruments or apparatus admitted under item 851.60	Free	Free

(2) by striking out headnote 1 and inserting in lieu thereof the following:

"1. Except as provided in items 850.50 and 852.20, or as otherwise provided for in this headnote, the articles covered by this part must be exclusively for the use of the institutions involved, and not for distribution, sale, or other commercial use within 5 years after being entered. Articles admitted under any items in this part may be transferred from an institution specified with respect to such articles to another such institution, or may be exported or destroyed under customs supervision, without duty liability being incurred. However, if any such article (other than an article provided for in item 850.50 or 852.20) is transferred other than as provided by the preceding sentence, or is used for commercial purposes, within 5 years after being entered, the institution for which such article was entered shall promptly notify customs officers at the port of entry and shall be liable for the payment of duty on such article in an amount determined on the basis of its condition as imported and the rate applicable to it (determined without regard to this part) when entered. If, with a view to a transfer (other than a transfer permitted by the second sentence) or the use for commercial purposes of an instrument or apparatus, a repair component admitted under item 851.65 has been assembled into such instrument or apparatus, such component shall, for purposes of the preceding sentence, be treated as a separate article."

(3) by inserting the following headnote immediately after headnote 5:

"6. (a) The term 'instruments and apparatus' (item 851.60) embraces only instruments and apparatus provided for in—

"Instruments and apparatus."

"(i) schedule 5: items 535.21-27 and subpart E of part 2; and items 547.53 and 547.55 and subpart D of part 3;

77A Stat. 242,
250,
77A Stat. 308.

"(ii) schedule 6: subpart G of part 3; subparts A and F and items 676.15, 676.20, and 678.50 of part 4; part 5; and items 694.15, 694.50, and 696.60 of part 6; and

"(iii) schedule 7: part 2 (except subpart G); and items 790.59-.62 of subpart A of part 13;

77A Stat. 339,
398.

but the term does not include materials or supplies, nor does it include ordinary equipment for use in building construction or maintenance or

for use in supporting activities of the institution such as its administrative offices or its eating or religious facilities.

Ante, p. 899.

“(b) An institution desiring to enter an article under item 851.60 shall make application therefor to the Secretary of the Treasury including therein (in addition to such other information as may be prescribed by regulation) a description of the article, the purposes for which the instrument or apparatus is intended to be used, the basis for the institution’s belief that no instrument or apparatus of equivalent scientific value for such purposes is being manufactured in the United States, and a statement that either the institution has already placed a bona fide order for the instrument or apparatus or has a firm intention, in the event of favorable action on its application, to place such an order on or before the final day specified in paragraph (d) of this headnote for the placing of an order. If the application is made in accordance with the applicable regulations, the Secretary of the Treasury shall promptly forward copies thereof to the Secretary of Commerce and to the Secretary of Health, Education, and Welfare. If, at any time while its application is under consideration by the Secretary of Commerce or by the Court of Customs and Patent Appeals on appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which its application relates or ceases to have a firm intention to order such instrument or apparatus, it shall promptly so notify the Secretary of Commerce or such Court, as the case may be.

Publication in
Federal Register.

“(c) Upon receipt of the application the Secretary of Commerce shall, by publication in the Federal Register, afford interested persons and other Government agencies reasonable opportunity to present their views with respect to the question whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. After considering any views presented pursuant to this paragraph, including any written advice from the Secretary of Health, Education, and Welfare, the Secretary of Commerce shall determine whether an instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. Each finding by the Secretary of Commerce under this paragraph shall be promptly reported to the Secretary of the Treasury and to the applicant institution. Each such finding shall be published in the Federal Register, with a statement of the reasons therefor, on or before the ninetieth day following the date on which the application was made to the Secretary of the Treasury in accordance with applicable regulations.

“(d) Item 851.60 shall not apply with respect to any instrument or apparatus unless a bona fide order therefor has been placed, by the institution making the application under this headnote, on or before the sixtieth day following the day on which a finding of the Secretary of Commerce favorable to the institution has become final and conclusive.

“(e) Within 20 days after the publication in the Federal Register of a finding by the Secretary of Commerce under paragraph (c) of this headnote, an appeal may be taken from said finding only upon a question or questions of law and only to the United States Court of Customs and Patent Appeals—

“(i) by the institution which made the application under paragraph (b) of this headnote,

“(ii) by a person who, in the proceeding which led to such finding, represented to the Secretary of Commerce in writing that he manufactures in the United States an instrument or apparatus

of equivalent scientific value for the purposes for which the article to which the application relates is intended to be used,

“(iii) by the importer thereof, if the article to which the application relates has been entered at the time the appeal is taken, or

“(iv) by an agent of any of the foregoing.

Any appeal under this paragraph shall receive a preference over all other matters before the Court and shall be heard and determined as expeditiously as the Court considers to be practicable. The judgment of the Court shall be final.

“(f) The Secretary of the Treasury and the Secretary of Commerce may prescribe joint regulations to carry out their functions under this headnote.”, and

(4) by striking out “and electron microscopes,” in item 854.10.

77A Stat. 420.
19 USC 1202.

SEC. 7. SCIENTIFIC SPECIMENS.

Schedule 8 is amended by striking out item 852.10 and the article description immediately preceding it, and by inserting after item 870.25 the following new item :

“ 870.27	Specimens of archeology, mineralogy, or natural history (including specimens of botany or zoology other than live zoological specimens) imported for any public or private scientific collection for exhibition or other educational or scientific use, and not for sale or other commercial use.....	Free	Free	”
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SEC. 8. CONFORMING AMENDMENTS.

(a) **PRINTED AND MANUSCRIPT MATERIAL.**—The title of schedule 2, part 5, is amended to read as follows:

77A Stat. 109.

“PART 5.—BOOKS, PAMPHLETS, AND OTHER PRINTED AND MANUSCRIPT MATERIAL”.

(b) **SPECIAL CLASSIFICATION PROVISIONS.**—Schedule 8 is amended—

(1) by striking out “items 806.10, 806.20,” in headnote 2 to part 1, subpart B, and inserting “items 806.20” in lieu thereof,

(2) by striking out item 806.10,

(3) by striking out so much of the article description in item 830.00 as precedes “and exposed photographic films” and inserting in lieu thereof “Engravings, etchings, photographic prints, whether bound or unbound, recorded video tapes,”

(4) by inserting “and recorded video tapes” after “recordings” in item 831.00, and

(5) by striking out so much of the article description in item 850.10 as precedes “all the foregoing” and inserting in lieu thereof “Drawings, engravings, etchings, lithographs, woodcuts, sound recordings, recorded video tapes, and photographic and other prints.”

(c) **JURISDICTION AND PROCEDURE OF COURT OF CUSTOMS AND PATENT APPEALS.**—

(1) Chapter 93 of title 28, United States Code, is amended by adding after section 1543 the following new section:

62 Stat. 942.
28 USC 1541-1543.

“§ 1544. Certain findings by Secretary of Commerce

“The Court of Customs and Patent Appeals shall have jurisdiction to review, by appeal on questions of law only, findings of the Secretary of Commerce under headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (relating to importation of instruments or apparatus).”

Ante, p. 899.

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"1544. Certain findings by Secretary of Commerce."

62 Stat. 980.

(3) Section 2602 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) shall be given the precedence provided for in such headnote."

Ante, p. 899.

SEC. 9. TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE.

Any duty-free treatment provided for in this Act shall, for purposes of title III of the Trade Expansion Act of 1962 (76 Stat. 883; 19 U.S.C., secs. 1901 to 1991), be treated as a concession granted under a trade agreement: *Provided*, That any action taken pursuant to section 351 of such Act as the result of this section shall be consistent with obligations of the United States under trade agreements.

Approved October 14, 1966.

Public Law 89-652

AN ACT

October 14, 1966
[H. R. 5297]

To amend title 10, United States Code, to limit the revocation of retired pay of members of the armed forces, and for other purposes.

Armed Forces.
Revocation of
retired pay, limitation.
70A Stat. 102.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1331 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(d) The Secretary concerned shall provide for notifying each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice must be sent, in writing, to the person concerned within one year after he has completed that service."

10 USC 1401-
1405.

SEC. 2. Chapter 71 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 1406. Limitations on revocation of retired pay

10 USC 1331-
1337.

"After a person has been granted retired pay under chapter 67 of this title, or has been notified in accordance with section 1331(d) of this title that he has completed the years of service required for eligibility for retired pay under chapter 67 of this title, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 1331 (a) (2) of this title, unless it resulted directly from the fraud or misrepresentation of the person. The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date he is granted retired pay."; and

(2) By adding the following new item at the end of the analysis:

"1406. Limitations on revocation of retired pay."

SEC. 3. Notwithstanding section 1406 of title 10, United States Code, as added by this Act—

(1) the granting of retired pay to a person under chapter 67 of that title is conclusive as to that person's entitlement to such pay only if the payment of that retired pay is begun after the effective date of this Act; and