

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.

GEORGE BUSH

**Proclamation 5978 of May 12, 1989**

**To Implement in Terms of the Harmonized Tariff Schedule of the United States the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials**

*By the President of the United States of America*

*A Proclamation*

1. Section 1121 of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) (Public Law 100-418; 102 Stat. 1138) provides for the implementation by the United States of the Protocol (S. Treaty Doc. 97-2; hereinafter referred to as the Nairobi Protocol) to the Agreement on the Importation of Educational, Scientific, and Cultural Materials (17 UST (pt. 2) 1835; hereinafter referred to as the Florence Agreement). Accordingly, the Secretary of State is authorized to deposit on behalf of the United States the U.S. instrument of ratification of the Nairobi Protocol according to the procedures set forth therein. The Nairobi Protocol thereby enters into force with respect to the United States on the 15th day after such instrument is deposited.

2. Pursuant to section 1121 of the 1988 Act, the tariff provisions necessary to give effect to the Nairobi Protocol were enacted in terms of the provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). However, because of the repeal of the TSUS and the enactment of the Harmonized Tariff Schedule of the United States (HTS), effective on January 1, 1989, and pursuant to section 1204 of the 1988 Act (19 U.S.C. 3004), it is necessary to provide for the equivalent tariff treatment in the HTS of the articles covered by section 1121.

3. Section 1204(b) of the 1988 Act directs the President to proclaim such modifications to the HTS as are necessary or appropriate to implement the applicable provisions of statutes enacted, executive actions taken, and final judicial decisions rendered after January 1, 1988, and before the effective date of the HTS.

4. Section 604 of the Trade Act of 1974 (19 U.S.C. 2483), as amended, authorized the President to embody in the HTS the substance of the provisions of that act, of other acts affecting import treatment and of actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and laws of the United States, including but not limited to sections 1121 and 1204 of the 1988 Act and section 604 of the Trade Act of 1974, do proclaim that:

- (1) The HTS is modified as provided in the annex to this proclamation.
- (2) The amendments to the HTS made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after May 30, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.

GEORGE BUSH

ANNEX

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of the proclaimed modifications.

2. The following supersedes matter now in the Harmonized Tariff Schedule of the United States (HTS). The subheadings and superior descriptions are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

1. Subheading 3705.20.00 is superseded by:

	[Photographic...]		
"3705.20	Microfilms:		
3705.20.10	Of articles of subheading 4901.91.00, 4901.99.00, 4902.10.00, 4902.90, 4903.00.00, 4906.00.00, 4911.10.00 or 9503.60.10 .....	Free	Free
3705.20.50	Other .....	Free	25%"

2. Subheading 9503.60.00 is superseded by:

	[Other toys...]		
"9503.60	Puzzles and parts and accessories thereof:		
9503.60.10	Crossword puzzle books .....	Free	Free
9503.60.20	Other .....	6.8%	Free (A, E, II) 70%"

3. Subchapter VII of chapter 98 is modified by striking out subheadings 9807.00.10, 9807.00.20 and 9807.00.30.

4. Subheading 9806.00.10 is modified by inserting in the article description the phrase "official government publications in the form of microfilm, microfiches, or similar film media" immediately after "not developed".

5. Subheading 9809.00.10 is modified by inserting in the article description the phrase "whether or not in the form of microfilm, microfiches, or similar film media" immediately after "documents".

6. Subchapter X of chapter 98 is modified by inserting in numerical sequence the following new subheading, with the article description at the same level of indentation as that of subheading 9810.00.65:

	[Articles...]		
"9810.00.67	Tools specially designed to be used for the maintenance, checking, gauging or repair of instruments or apparatus admitted under sub- heading 9810.00.60 .....	Free	Free"

7. U.S. Note 1 to subchapter XVII of chapter 98 is modified to read as follows:

"1. (a) No article shall be exempted from duty under subheading 9817.00.40 unless either—  
(i) a Federal agency (or agencies) designated by the President determines that such article is visual or auditory material of an educational, scientific or cultural character within the

meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character [17 UST (pt. 2) 1578; Beirut Agreement], or

(ii) such article—

(A) is imported by, or certified by the importer to be for the use of, any public or private institution or association approved as educational, scientific, or cultural by a Federal agency or agencies designated by the President for the purpose of duty-free admission pursuant to the Nairobi Protocol to the Florence Agreement, and

(B) is certified by the importer to be visual or auditory material of an educational, scientific, or cultural character or to have been produced by the United Nations or any of its specialized agencies. For purposes of subparagraph (i), whenever the President determines that there is, or may be, profitmaking exhibition or use of articles described in subheading 9817.00.40 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry under one of the above-cited subheadings of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes.

(b) For purposes of subheadings 9817.00.42 through 9817.00.48, inclusive, no article shall be exempted from duty unless it meets the criteria set forth in subparagraphs (a)(ii)(A) and (B) of this note."

8. Subchapter XVII of chapter 98 is modified by inserting in numerical sequence the following new U.S. note:

"4. (a) For purposes of subheadings 9817.00.92, 9817.00.94 and 9817.00.96, the term "*blind or other physically or mentally handicapped persons*" includes any person suffering from a permanent or chronic physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(b) Subheadings 9817.00.92, 9817.00.94 and 9817.00.96 do not cover—

(i) articles for acute or transient disability;

(ii) spectacles, dentures, and cosmetic articles for individuals not substantially disabled;

(iii) therapeutic and diagnostic articles; or

(iv) medicine or drugs."

9. Subheading 9817.00.40 is modified by inserting "(except toy models)" after "models", and by striking out "U.S. note 1" and inserting in lieu thereof "U.S. note 1(a)".

10. Subchapter XVII of chapter 98 is further modified by inserting in numerical sequence the following new subheadings and superior descriptions:

	"Articles determined to be visual or auditory materials in accordance with U.S. note 1 of this subchapter:	
9817.00.42	Holograms for laser projection; microfilm, microfiches and similar articles .....	Free Free
9817.00.44	Motion-picture films in any form on which pictures, or sound and pictures, have been recorded, whether or not developed .....	Free Free
9817.00.46	Sound recordings, combination sound and video recordings, and magnetic recordings; video discs, video tapes and similar articles.....	Free Free
9817.00.48	Patterns and wall charts; globes; mock-ups or visualizations of abstract concepts such as molecular structures or mathematical formulae; materials for programmed instruction; and kits containing printed materials and audio materials and visual materials or any combination of two or more of the foregoing.....	Free Free
	Articles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons:	
	Articles for the blind:	
9817.00.92	Books, music and pamphlets, in raised print, used exclusively by or for them .....	Free Free

9817.00.94	Braille tablets, cubarithms, and special apparatus, machines, presses, and types for their use or benefit exclusively.....	Free	Free
9817.00.96	Other.....	Free	Free"

**Proclamation 5979 of May 15, 1989**

**Trauma Awareness Month, 1989**

*By the President of the United States of America  
A Proclamation*

Every American is a potential trauma victim. By any measure—whether we consider its economic costs or the unfathomable price paid in lost and broken lives—traumatic injury constitutes a major public health problem. Each year, more than 150,000 Americans lose their lives to traumatic injuries; many others are severely or permanently disabled by them. Traumatic injury is the leading cause of death of people under 40 years of age.

Deaths due to traumatic injury claim the hope and promise of more young lives than cancer and heart disease combined. The elderly, too, are at high risk from hip fracture and other types of injury. In addition to the personal tragedy to individuals, traumatic injuries constitute one of our Nation's most expensive public health problems.

Traumatic injury at any age is tragic and unnecessary. Most of these tragedies are preventable. We need to educate all Americans, beginning with the young people in our Nation's schools, about traumatic injuries and how they occur. We need to make our citizens aware of the ways to prevent dangerous situations that can lead to traumatic injury. All Americans should also learn about the actions that can be taken to reduce the severity of these injuries through improved emergency medical services, trauma care, and rehabilitation.

By combining the efforts of individual citizens, health care professionals, researchers, business and industry, voluntary agencies, and government officials, the toll of traumatic injury and subsequent losses can be reduced.

To enhance public awareness of traumatic injury, the Congress, by Senate Joint Resolution 68, has designated the month of May 1989 to be "National Trauma Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 1989 as "National Trauma Awareness Month." I urge the people of the United States, their government agencies, health care providers, and schools to take an active part in preventing traumatic injuries by learning more about the traumatic injury problem. I also urge all Americans to support private and public efforts to prevent traumatic injuries and provide high-quality treatment for those that do occur. We can do this by supporting research into new ways to prevent and treat traumatic injuries and by helping the victims of traumatic injuries to recover from the physical, emotional, and financial burdens they inflict.