



FEDERAL ACTIONS



Federal Trade Commission

WEST COAST TUNA INDUSTRY CHARGED WITH PRICE FIXING:

The Federal Trade Commission on September 12, 1956 (Docket No. 6623, Tuna) charged that virtually all of the tuna industry on the West Coast is engaged in a conspiracy to fix tuna prices and to prevent competition in this industry.

The West Coast accounts for more than 90 percent of the Nation's tuna pack, which has an annual wholesale value of \$200 million. Cited are an association of canners and its membership; three area unions, affiliates of either the A. F. of L. or the International Longshoremen & Warehousemen's Union; and several associations of tuna boat owners.

Charging violation of Sec. 5 of the FTC Act, the complaint alleges that the boat owners' associations each year in an unauthorized manner negotiate with the canners to fix the prices paid to their members for raw tuna. The Unions, the complaint continues, then enter into working agreements with the boat owners on the basis of the illegally-fixed prices, with the Unions retaining the right to approve or disapprove such prices. The complaint charges that the respondents use their power and influence to see that these prices are maintained.

The canners are separately charged with conspiring among themselves to maintain fixed prices which they charge for canned and frozen tuna and to suppress competition among themselves and with others. Some of the canners and boat owners are charged further with conspiring to prevent competition from the Japanese tuna industry.

The result of these activities, the complaint charges, is to hinder catch-

ing tuna in Pacific waters and in Japan and to restrain competition in the purchase of raw, canned, and frozen tuna. The ultimate result of the conspiracies, the complaint states, is that the public must pay more for tuna.

According to the complaint, the boat owner associations ostensibly were organized as cooperative marketing associations but, in effect, serve principally to fix noncompetitive prices.

The dominant association of boat owners is charged with committing coercive acts to maintain these prices. For example, vessels are not permitted to fish for any canner who does not agree to pay the fixed prices. In other instances, vessel owners are not allowed to fish until they agree to sell a canner designated by the association.

Members of the Unions, according to the complaint, refuse to fish for tuna until they have approved the agreed prices. Some do not fish on any boat whose owner has not agreed to abide by the fixed prices.

The Unions also are charged with operating patrol boats, in cooperation with some of the boat owners, to police the San Pedro and San Diego tuna fishing areas to assure that the agreed prices are adhered to as well as union rules and regulations. The patrol boats also prevent boat owners and fishermen who do not belong to an association or a union from selling their fish unless they agree to the prices. All must pay an assessment for maintenance of the patrol, the complaint adds.

All parties are charged with attempting to limit the length of time in a season during which tuna may be caught.

The complaint then lists these charges: Since about 1952 the canners, particular-

ly the three largest canners, who jointly account for 70 percent of the tuna pack, have conspired jointly with the dominant association of boat owners to restrict free competition at their level of the industry. For example, they have agreed, to some extent, on fixed prices, discounts, and terms of sale of canned and frozen tuna. They also have acted to require all to adopt uniform cost-accounting systems. They have exchanged weekly confidential reports showing their individual purchases, sales, and inventories. They have acted to prevent canners from selling on a consignment basis and to assure that no member canner acquires excessive stocks of canned tuna. The canners, the members of the association, and the San Diego Union are charged with suppressing competition from the Japanese tuna industry.

According to the complaint, these respondents have: (1) curtailed the volume of Japanese canned tuna exported to the United States and raised the prices of this commodity; (2) controlled the volume of Japanese imports of fresh frozen tuna and raised the prices of this commodity; (3) suppressed exports of Japanese tuna discs; and (4) sent a Tuna Plan Committee to Japan for the purpose of effectuating their conspiracy.

The complaint notes that among the tuna exported by Japan to the United States are frozen precooked can-shaped pieces of tuna known as "tuna discs." The American importer adds liquid to this commodity, lids the can, and completes the cooking process. Most of the importers engaged in this business are East Coast competitors of these respondents. The complaint charges that the respondents have attempted to cut off the source of supply to these competing canners.

Finally, two of the largest canners are charged with controlling the summer markets for fresh and frozen albacore tuna in both California and Japan by raising and then depressing the prices of albacore tuna in these areas.

The business of canning tuna is conducted principally in California and supports over 100,000 people on the West Coast alone. There are various species

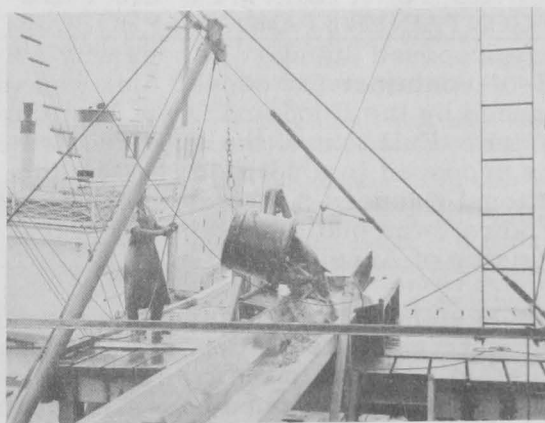
of tuna: albacore, yellowfin, skipjack, bluefin, bonito, and yellowtail.

There are three types of fishing vessels used in fishing for tuna. The principal fleet is comprised of tuna clippers, large boats capable of extended voyages and equipped for prompt freezing of tuna. The clipper fleet, which is stationed in San Diego, accounts for approximately 70 percent of all the tuna caught in the United States. An association represents the great majority of this fleet.

The second most important fleet is comprised of purse seiners, smaller vessels fishing off the Pacific Coast. This fleet operates principally out of San Pedro, and its catch accounts for about 17 percent of the total. This fleet is also represented by an association.

The third fleet is comprised of approximately 3,500 small vessels referred to as "albacore boats." This fleet accounts for about 13 percent of the total tuna catch. It also is represented by an association.

The boats deliver the tuna directly to the canners who clean, cook, and fillet them into varying grades of tuna. The bulk of the total pack is canned in 7-ounce and 6½-ounce cans and shipped in cases of 48 cans each. The grades of tuna are: fancy, standard, grated or shredded, and tuna flakes.



A tuna clipper unloading at San Diego. Water in trough carries fish to weighing shed and then to bins outside cannery.

According to the complaint, the dominant association has been entering into written price-fixing agreements with the canners

since January of 1953. Negotiations are carried on for several months, and when the prices are finally agreed upon, they become the established prices for the entire tuna industry on the Pacific Coast.

During these negotiations the dominant association of boat owners keeps in contact with the San Diego Union, which has the right, by member vote, to accept or reject the prices. Since 1952 the Union has accepted the prices, but it is tacitly understood, the complaint says, that if the prices are not acceptable, the union members will refuse to fish for tuna until there is an adjustment.

(It is common in the industry for union members to be paid for fishing on a share basis with the boat owners rather than by a fixed salary or wage.)

The parties are granted 30 days in which to file answer to the complaint. A hearing was scheduled November 19 in Long Beach, Calif., before an FTC hearing examiner.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION:

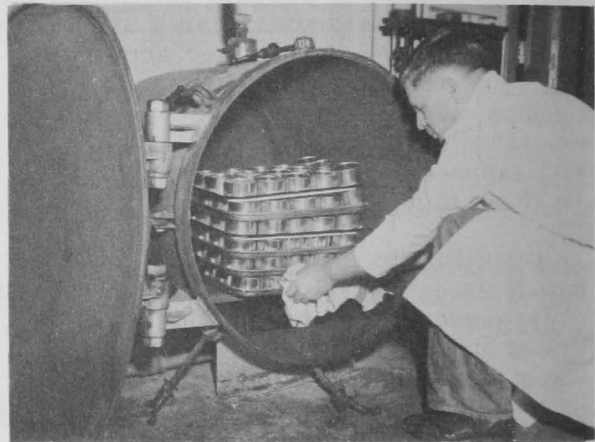
CANNED TUNA IDENTITY AND FILL-OF-CONTAINER STANDARD PROPOSED:

A proposed standard for identity and fill-of-container for canned tuna was announced by the Food and Drug Administration. Full text of the standard, which was proposed in a petition filed by the National Cannery Association and 21 tuna packers, was published in the Federal Register of August 28.

The standard would designate the various species of fish which may be called tuna. In addition to the true tunas, custom has long sanctioned use of the term "tuna" as applied to canned skipjack. The standard recognizes this practice, and adds to the list of tunas "kawakawa" or bonito, Euthynnus yaito, a species taken in the Pacific and canned in the Hawaiian Islands.

The standard would define the styles of pack and require uniform names for these, namely "Solid" or "Solid Pack," "Chunks" or "Chunk Style," "Flakes," and "Grated." These names are now in general use.

The standard would require an accurate labeling statement as to the color of the tuna. Light-colored tuna is generally considered more desirable and there has been some consumer complaint in the past because rather dark tuna was



Test canning little tuna at a U. S. Fish and Wildlife Service Technological Laboratory. Removing pack from retort after processing.

labeled as "Light." The standard provides for differentiating between the shades of color by use of a special optical instrument so that there need be no reliance on opinion as to the color. Under the standard tuna would be labeled as "White," "Light," "Dark," "Blended Light and Dark," or "Blended Dark and Light."

The name of the packing medium would be required to be shown on the label. The permitted liquids are vegetable oils, olive oil, and water. The standard would also permit optional use of seasoning ingredients with appropriate label declaration.

A proposed standard of fill would require cans of tuna to be filled as full of fish as has been found practicable. Compliance with this requirement would be determined by removing the contents of a can, pressing out the oil and watery juice, and weighing the press cake consisting of cooked fish of relatively uniform composition.

Thirty days is allowed for filing written comments on the proposed standard.

In the event the standard is adopted, it would be the first mandatory Federal standard for canned tuna. If adopted, can-

ned tuna not meeting any standard adopted would be banned from shipment in interstate commerce.

The full text of the proposed standard as published in the Federal Register follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

CANNED TUNA FISH

NOTICE OF PROPOSALS TO ADOPT DEFINITION AND STANDARD OF IDENTITY AND STANDARD OF FILL OF CONTAINER

Notice is hereby given that a petition has been filed by National Cannery Association, 1133 Twentieth Street NW., Washington, D. C., and the following cannery of tuna fish: Barbey Packing Corporation, F. E. Booth Company, Inc., California Marine Curing and Packing Company, Columbia River Packers Association, Inc., Crown Packers, Inc., Far-west Fishermen, Inc., Franco-Italian Packing Company, Inc., Hawaiian Tuna Packers Ltd., High Seas Tuna Packing Company, Inc., Pan-Pacific Fisheries, Inc., Point Adams Packing Company, Portland Fish Company, Seattle Seafoods, Inc., South Coast Fisheries, Inc., Star-Kist Foods, Inc., Union Fishermen's Co-Operative Packing Company, Van Camp Sea Food Company, Inc., Washington Packing Corporation, West Coast Fish Company, Inc., Westgate-California Tuna Packing Company, Whiz Fish Products Company.

The petition sets forth proposals to adopt a definition and standard of identity and a standard of fill of container for canned tuna. The proposals are set forth below.

Notice is also given that supplementary petitions have been filed by Hawaiian Tuna Packers Limited, 215 Market Street, San Francisco 8, California, and by the California Fish Cannery Association, Inc., Ferry Building, Terminal Island, California, each proposing certain additional provisions to be added to the definition and standard of identity for canned tuna proposed by the National Cannery Association. The proposals contained in these supplementary petitions are also set forth below.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046; Pub. Law 905, 84 Cong., 2d Sess.; 21 U. S. C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER:

1. The definition and standard of identity and the standard of fill of container proposed for canned tuna by the National Cannery Association are as follows:

§ 37.1 *Canned tuna; definition and standard of identity; label statement of optional ingredients.* (a) Canned tuna is the food consisting of processed fish of the species enumerated in paragraph (b) of this section, prepared in one of the optional forms of pack specified in paragraph (c) of this section, conforming to one of the color designations specified in paragraph (d) of this section, in one of the optional packing media specified in paragraph (e) of this section, and may contain one or more of the seasonings and flavorings specified in paragraph (f) of this section. It is packed in hermetically sealed containers and so processed by heat as to prevent spoilage. It is labeled in accordance with the provisions of paragraph (h) of this section.

(b) The fish included in the class known as tuna fish are:

Thunnus thynnus.....	Bluefin tuna. ¹
Thunnus maccoyii.....	Southern bluefin tuna. ¹
Thunnus orientalis.....	Oriental tuna. ²
Thunnus germon.....	Albacore. ³
Parathunnus mebachii.....	Big-eyed tuna. ³
Neothunnus macropterus.....	Yellowfin tuna. ³
Neothunnus rarus.....	Northern bluefin. ²
Katsuwonus pelamis.....	Skipjack. ³
Euthynnus alletteratus.....	Little tunny. ²
Euthynnus lineatus.....	Little tunny. ²
Euthynnus yaito.....	Kawakawa. ¹

¹"A Comparison of the Bluefin Tunas, Genus Thunnus, from New England, Australia, and California," by H. C. Godsil and Edwin K. Holmberg, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 77 (1950).

²"Contributions to the Comparative Study of the So-called Scombroid Fishes," by Kamakichi Kishinouye, Journal of the College of Agriculture, Imperial University of Tokyo, Vol. VIII, No. 3 (1923).

³"A Systematic Study of the Pacific Tunas," by H. C. Godsil and Robert D. Byers, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 60 (1944).

⁴"A Descriptive Study of Certain Tuna-Like Fishes," by H. C. Godsil, State of California, Department of Fish and Game, Fish Bulletin No. 97.

The description of each species will be found in the text to which reference is made.

(c) The optional forms of processed tuna consist of loins and other striated muscular tissue of the fish. The loin is the longitudinal quarter of the great lateral muscle freed, in accordance with good commercial practice, from skin, scales, visible blood clots, bones, gills, viscera, and black meat. Black meat is the nonstriated part of the great lateral muscle of tuna, known anatomically as the median superficial muscle, highly vascular in structure, dark in color because of retained blood, and granular in form. Canned tuna is prepared in one of the following forms of pack, the identity of which is determined in accordance with the methods prescribed in paragraph (b) of § 37.2.

(1) Solid or solid pack consists of loins cut in transverse segments to which no free fragments are added. In containers of 1 pound or less of net contents, such segments are cut in lengths suitable for packing in one layer. In containers of more than 1 pound net contents, such segments may be cut in lengths suitable for packing in one or more layers of equal thickness. A piece of a segment may be added if necessary to fill a container. The proportion of free flakes broken from loins in the canning operation shall not exceed 18 percent.

(2) Chunks or chunk style consists of a mixture of pieces of tuna in which the original muscle structure is retained. The pieces may vary in size, but not less than 50 percent of the weight of the pressed contents of a container is retained on 1/2-inch-mesh screen.

(3) Flakes consist of a mixture of pieces of tuna in which more than 50 percent of the weight of the pressed contents of the container will pass through a 1/2-inch-mesh screen, but in which the muscular structure of the fish is retained.

(4) Grated consists of a mixture of particles of tuna that have been reduced to uniform size and in which more than 50 percent of the pressed weight of the contents of the container will pass through a 1/2-inch-mesh screen, and in which the particles are discrete and do not comprise a paste.

(d) Canned tuna, in any of the forms of pack specified in paragraph (c) of this section, falls within one of the following color designations, measured by visual comparison with matte surface neutral reflectance standard corresponding to the specified Munsell units of value, determined in accordance with paragraph (g) of this section:

(1) *White tuna.* This color designation is limited to the species of tuna *Thunnus germon* (albacore), and is not darker than Munsell value 6.3.

(2) *Light tuna.* This color designation includes any tuna not darker than Munsell value 5.3.

(3) *Dark tuna.* This color designation includes all tuna darker than Munsell value 5.3.

(4) *Blended tuna.* This color designation may be applied only to tuna flakes specified in paragraph (c) (3) of this section, which consist of a mixture of tuna flakes a substantial portion of which meet the color standard for either white tuna or light tuna, and the remainder of which fall within the color standard for dark tuna. The color designation for blended tuna is determined in accordance with paragraph (g) of this section.

(e) Canned tuna is packed in one of the following optional packing media:

(1) Any edible vegetable oil other than olive oil, or any mixture of such oils not containing olive oil.

(2) Olive oil.

(3) Water.

(f) Canned tuna may be seasoned or flavored with one or more of the following:

- (1) Salt.
- (2) Purified monosodium glutamate.
- (3) Hydrolyzed protein.
- (4) Hydrolyzed protein with reduced monosodium glutamate content.
- (5) Spices or spice oils or spice extracts.
- (6) Vegetable broth or sauce, in an amount not in excess of 5 percent of the volume capacity of the container, such broth or sauce to consist of a minimum of 0.5 percent by weight of vegetable extractives and to be prepared from two or more of the following vegetables: Beans, cabbage, carrots, celery, garlic, onions, parsley, peas, potatoes, red bell peppers and green bell peppers, spinach, and tomatoes.

(g) For determination of the color designations specified in paragraph (d) of this section, the following method shall be used: Recombine the separations of presscake resulting from the method prescribed in § 37.2 (b). Pass the combined portions through a circular sieve 12 inches in diameter, fitted with woven-wire cloth of 1/4-inch mesh which complies with the specifications for such wire cloth set forth in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Mix the sieved material by hand, and place a sufficient quantity into a 307 x 113 size container (bearing a top seam and having a false bottom approximately 1/2-inch deep and painted flat black inside and outside) so that after tamping and smoothing the surface of the sample, the material will be 3/8-inch to 1/4-inch below the top of the container.

(1) Determine the Munsell color value of the sample surface by visual comparison, using a comparator eyepiece containing a color filter centering between 550 mμ and 560 mμ, which filter does not pass significant amounts of visible radiation of wavelengths below 540 mμ or above 570 mμ.

(2) The standards with which comparisons are to be made are any essentially neutral matte finish standards of luminous reflectance equivalent to 6.3 and 5.3 Munsell units of value. These standards shall be cut in circles 3 1/4 inches in diameter and shall be mounted in 307 x 113 size containers, bearing a top seam and painted flat black both inside and outside, so that the surfaces of the standard are 3/16-inch below the top of the containers in which they are mounted.

(3) In the case of blended tuna, the foregoing method shall be varied by first separating, as completely as feasible, the two different colors of tuna flakes, and then proceeding with each portion separately for the determination of its color value.

(h) (1) The specified names of the canned tuna for which definitions and standards of identity are prescribed by this section, except where water is the packing medium, are formed by combining the form of the pack with the color designation of the tuna; for example, "Solid Pack White Tuna," "Grated Dark Tuna," etc. In the case of blended tuna, there shall be used the applicable color designation of the blended flakes determined, in accordance with the color designation of the predominating portion found in the container; for example, "Blended White and Dark Tuna Flakes," "Blended Dark and Light Tuna Flakes."

(2) The specified name of the canned tuna when water is used as the packing medium is formed as described in subparagraph (1) of this paragraph, followed by the words "In water" for example, "Grated Light Tuna in Water."

(3) When the packing medium is vegetable oil or olive oil, the label shall bear the name of the optional packing medium used, as specified in paragraph (e) of this section, preceded by the word "in" or the words "packed in." In the case of the optional ingredient specified in paragraph (e) (1) of this section, the name or names of the oil used may be stated, of the general term "Vegetable Oil" may be used.

(4) In case solid pack white, light, or dark tuna is packed in olive oil, the designation "Tonno" may also appear.

(5) Where the canned tuna contains one of the ingredients listed in paragraph (f) of this section, the label shall bear the statement "Seasoned with -----" the blank being filled in with the name or names of the ingredient or ingredients used, except that if the ingredient designated in paragraph (f) (6) of this section is used, the label shall bear the statement "Seasoned with Vegetable Brth" or "Seasoned with Vegetable Sauce," and if the ingredient designated in paragraph (f) (5) of this section is used alone, the label may bear the statement "Spiced" or "With Added Spice."

(6) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients used as specified by subparagraphs (3) and (5) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the common name of the species of tuna fish used may be so intervened, but the species name "albacore" may be employed only for fish of that species which meets the color designation prescribed by paragraph (d) (1) of this section.

§ 37.2 Canned tuna; fill of container; label statement of substandard fill. (a)

(1) The standard of fill of container for canned tuna is a fill such that the average weight of the pressed cake from 24 cans, as determined by the method prescribed by paragraph (b) of this section, is not less than the minimum value specified for the corresponding can size and form of tuna ingredient in the following table:

I. Can size and form of tuna ingredient	II. Minimum value for weights of pressed cake (average of 24 cans)	Ounces
211 x 109:		
Solid -----		2.25
Chunks -----		1.98
Flakes -----		1.98
Grated -----		2.00
307 x 113:		
Solid -----		4.47
Chunks -----		3.92
Flakes -----		3.92
Grated -----		3.96
401 x 206:		
Solid -----		8.76
Chunks -----		7.68
Flakes -----		7.68
Grated -----		7.76
603 x 408:		
Solid -----		43.2
Chunks -----		37.9
Flakes -----		37.9
Grated -----		38.3

If the can size in question is not listed, calculate the value for column II as follows: From the list select as the comparable can size that one which has nearest the water capacity of the can size in question and multiply the value listed in column II for the same form of tuna ingredient by the water capacity of the can size in question and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in § 10.2 (a) of this chapter.

(b) The methods referred to in paragraph (a) of this section for determining the weight of the pressed cake and referred to in § 37.1 (c) for determining the percent of free flakes and the percent of pieces which pass through a 1/2-inch-mesh sieve are as follows:

(1) Have each of the 24 cans and contents at a temperature between 65° F. and 80° F. Test each can in turn as follows:

(2) Cut out the top of the can (code end), using a can opener that does not remove nor distort the double seam.

(3) With the cut top held on the can contents, invert the can, and drain the free liquid by gently pressing on the cut lid with the fingers so that most of the free liquid comes from the can.

(4) With the cut lid still in place, cut out the bottom of the can with the can opener, then turn the can upright and remove the cut can top (code end). Scrape off any adhering tuna particles into the tuna mass in the can.

(5) Place the proper size press cylinder as provided in paragraph (c) (1) of this section in a horizontal position on a table, then using the cut bottom of the can as a pusher, gently force the can contents from the can into the cylinder. Remove the bottom of the can that was used as the pusher and scrape any adhering particles from the can body and bottom of the can, and put them in the cylinder.

(6) Place the cylinder plunger on top of the can contents in the cylinder. Remove the eyebolt and put the cylinder and plunger in position on the press (paragraph (c) (3) of this section).

(7) Begin the operation of the hydraulic ram of the press, and as soon as liquid is observed coming from the plunger start timing the operation. Apply pressure to the plunger slowly, so that a full minute is used to reach a pressure of 414 pounds per square inch on the can contents. Hold this pressure for 1 additional minute and then release the pressure. Tip the press cylinder so that any free liquid is drained out.

(8) Remove the piston from the pressing cup. Loosen the cake from the cup with a thin blade and remove the entire press cake as gently as possible, to keep the mass in a single cake during this operation. Place the cake and any pieces that adhered to the piston and pressing cup in a tared receiving pan and determine the weight of the pressed material.

(9) For cans larger than 401 x 206: Cut out the top of the can and drain off free liquid from the can contents as in subparagraphs (2) and (3) of this paragraph. Determine the gross weight of the can and remaining contents. Using a tared core cutter as provided for in paragraph (c) (2) of this section, cut vertically a core of the drained material in the can. Determine the weight of the core. With a thin spatula transfer the core to the pressing cup for 401 x 206

cans. Determine the press weight as in subparagraphs (5) and (8) of this paragraph. Remove the remaining drained contents of the can, reserving the contents for the determination of free flakes (subparagraph (11) of this paragraph), weigh the empty can, and calculate the weight of the total drained material. Calculate the weight of presscake on the entire can basis by multiplying the weight of the presscake of the core by the ratio of the weight of the drained contents of the can to the weight of the core before pressing.

(10) Repeat the press-weight determination on the remainder of the 24 cans and determine the average weight for the purpose of paragraph (a) of this section.

(11) Determination of free flakes: If the optional form of tuna ingredient is solid pack, determine the percent of free flakes. Only fragments that were broken in the canning procedure are considered to be free flakes. If the can is of such size that its entire drained contents were pressed as described in subparagraphs (1) to (8), inclusive, of this paragraph, examine the presscake carefully for free flakes; using a spatula, scrape free flakes gently from the outside of the cake. Examine the body of the presscake itself as carefully as possible for free flakes that may have been added in the packing. Weigh the total free flakes and determine the percent by weight of flakes to the total weight of presscake. If the can is of such size that a core was cut out for pressing as described in subparagraph (9) of this paragraph, make the examination for free flakes on a weighed portion of the drained material remaining after the core was removed. The weight of the portion should approximately equal the weight of the core before pressing. Carefully examine the weighed portion, pick out free flakes and weigh them. Calculate the weight of the free flakes as a percentage of the weight of the portion examined.

(12) Determination of particle size: If the optional form of tuna ingredient is chunks, flakes, or grated, the presscake resulting from the operations described in subparagraphs (1) to (9), inclusive, of this paragraph is gently separated by hand, care being taken to avoid breaking the pieces. The separated pieces are evenly distributed over the top sieve of the screen separation equipment described in paragraph (c) (4) of this section. Beginning with the top screen, lift and drop each sieve by its open edge three times. Each time, the open edge of the sieve is lifted the full distance permitted by the device. Combine and weigh the material remaining on the three top screens (1½-inch, 1-inch, ½-inch screens), and determine the combined percentage retention by weight in relation to the total press weight.

(c) (1) The pressing cups and pistons referred to in paragraph (b) of this section are made of stainless steel. The pressing cups are made with a lip to facilitate collection of the liquid. Pistons have a threaded center hole about half as deep as the thickness of

the piston. The hole is for receiving a ringbolt to assist in removing the piston from the pressing cup. Dimensions for pressing cups and pistons are as follows:

For can size 211 x 209

Pressing cup:
Inside depth, approximately 3¼ inches.
Inside diameter, 2.593 inches.
Wall thickness, approximately ¾ inch.

Piston:
Thickness, approximately 1 inch.
Diameter, 2.568 inches.

For can size 307 x 113

Pressing cup:
Inside depth, approximately 4 inches.
Inside diameter, 3.344 inches.
Wall thickness, approximately ¾ inch.

Piston:
Thickness, approximately 1¼ inches.
Diameter, 3.319 inches.

For can size 401 x 206

Pressing cup:
Inside depth, approximately 4½ inches.
Inside diameter, 3.969 inches.
Wall thickness, approximately ½ inch.

Piston:
Thickness, approximately 1¼ inches.
Diameter, 3.944 inches.

For can sizes where the diameter is greater than 401, the core cutter described in subparagraph (2) of this paragraph shall be used and the resulting core pressed in the pressing cup for can size 401 x 206. For can sizes differing from those specified above, special pressing cups and pistons may be used. Special pressing cups have inside diameters ¼₁₀-inch less than the outside diameters at the double seam for the can sizes for which the cups are used, and the piston diameters are 0.025 inch less than the inside diameters of the pressing cups.

(2) The core cutter referred to in paragraphs (b) (9) and (11) of this section and subparagraph (1) of this paragraph is made from a previously sealed 300 x 407 can. The cover, including the top seam, is cut out. The edge is smoothed and sharpened. A small hole to permit passage of air is made in the bottom.

(3) The hydraulic press referred to in paragraph (b) (6) to (10), inclusive, of this section is made by so mounting a hydraulic jack in a strong frame that it will press horizontally against the center of the piston in the pressing cup used. The frame should be so braced that it does not change shape when pressure is applied. Provision is made for collecting the pressed-out liquid in a suitable receptacle. The gauge on the hydraulic jack is so calibrated that it will indicate for the piston being used when the piston is pressing against the contents of the pressing cup with a pressure of 414 pounds per square inch of piston face.

(4) The sieving device referred to in paragraph (b) (12) of this section consists of three sieves, each approximately 1 foot square, loosely mounted, one above the other, in a metal frame. The mesh in the top sieve complies with the specifications for 1½-inch woven-wire cloth as set forth in "Standard Specifications for Sieves," as published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The meshes in the sieves below comply with similar specifications for

1-inch and ½-inch woven-mesh cloth as set forth in the same publication. The sides of each sieve are formed from ¾-inch metal strap. The frame has tracks made of ¾-inch angle metal to support each sieve under each side. The tracks are so positioned as to permit each sieve a free vertical travel of 1¼ inches.

(d) If canned tuna falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.3 (b) of this chapter, in the manner and form therein specified.

2. The proposals of Hawaiian Tuna Packers Limited are as follows:

a. That § 37.1 (g) and (h) in the above-proposed standard of identity for canned tuna be redesignated as (h) and (i), respectively, and that a new paragraph (g), reading as follows, be inserted therein:

(g) Any one of the forms of pack of canned tuna specified in paragraph (c) of this section may be smoked. Canned smoked tuna will be labeled in accordance with the provisions of paragraph (i) (5) of this section.

b. In § 37.1 (i), redesignated as above, subparagraphs (5) and (6) would be redesignated as (6) and (7), respectively, and it is proposed that a new subparagraph (5), reading as follows, be inserted therein:

(5) In case any of the forms of canned tuna specified in paragraph (c) of this section are smoked, the designation "Smoked" shall appear on the label, as for example, "Light Smoked Tuna Flakes."

3. The proposal of the California Fish Cannery Association, Inc., is as follows: That the proposed standard of identity for canned tuna fish submitted by the National Cannery Association et al. be amended to incorporate garlic as an ingredient, under § 37.1 (f) of the proposal. Paragraph (f) would read as follows:

(f) Canned tuna may be seasoned or flavored with one or more of the following:

- (1) Salt.
- (2) Purified monosodium glutamate.
- (3) Hydrolyzed protein.
- (4) Hydrolyzed protein with reduced monosodium glutamate content.
- (5) Spices or spice oils or spice extracts.

(6) Vegetable broth or sauce, in an amount not in excess of 5 percent of the volume capacity of the container, such broth or sauce to consist of a minimum of 0.5 percent by weight of vegetable extractives and to be prepared from two or more of the following vegetables: Beans, cabbage, carrots, celery, garlic, onions, parsley, peas, potatoes, red bell peppers, green bell peppers, spinach, and tomatoes.

(7) Garlic.

Dated: August 20, 1956.

[SEAL]

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.



Department of the Interior

FISH AND WILDLIFE ACTIVITIES TO BE REORGANIZED:

Action has been initiated to reorganize the fish and wildlife activities of the Department of the Interior to carry out the provisions of the "Fish and Wildlife Act of 1956" (which was signed August 8 by the President), Secretary Fred A. Seaton announced on August 16.

Secretary Seaton described the new law as "an important step forward in providing greater recognition at the national level of the country's vital stake in fish and wildlife conservation."

"This Act," he said, "will enable the commercial fishing industry to attain its proper place in the national economy and will assure sportsmen that the Federal Government is increasing its management efforts to develop adequate fish and wildlife resources for recreational purposes."

Under the terms of the Act, two new top-level posts will be established. One will be an Assistant Secretary for Fish and Wildlife, and the other will be a Commissioner of Fish and Wildlife. Appointments to these positions will be made by the President and will be subject to Senate confirmation. Secretary Seaton said that no decision has been reached as to who will fill these two positions.

The new Assistant Secretary position is the first to be created since May 24, 1950, when four Assistant Secretaries were authorized by Congress. It is the first major reorganization of the Fish and Wildlife Service since 1940 when the Bureau of Biological Survey and the Bureau of Fisheries were combined to form the service.

The Act also provides for the creation within the Department of a new U.S. Fish and Wildlife Service which will replace the presently existing Fish and Wildlife Service. The new Service will consist of two separate agencies, each of which will have the status of a Federal bureau. One of these agencies will be known as the "Bureau of Commercial Fisheries" and the other as the "Bureau of Sport Fisheries and Wildlife." Each

bureau will be headed by a director who will be appointed by the Secretary of the Interior.

Both Directors will handle their responsibilities under the direction of the Commissioner who, in turn, will be subject to the supervision of the Assistant Secretary for Fish and Wildlife.

The Bureau of Commercial Fisheries will be responsible for all functions of the Service pertaining to commercial fisheries, whales, fur seals, sea lions, and related matters.

The new law directs the Secretary to effect the reorganization of the Service as soon as practicable but not later than 90 calendar days after its approval.

One of the new functions authorized by the Fish and Wildlife Act of 1956, and proposed by the Department of the Interior, is the making of loans at three percent interest to mature in not more than 10 years for "financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of fisheries."

A fisheries loan fund will be created to be used by the Secretary as a revolving fund to make these loans. The Act authorized \$10 million to provide initial capital. The actual appropriation of this sum was included in the Second Supplemental Appropriation Act for 1957 passed by the 84th Congress shortly before adjournment.

Another highlight of the Fish and Wildlife Act of 1956, also proposed by the Department, is the extension of provisions of the Saltonstall-Kennedy Act of July 1, 1954. This Act gave the Department of the Interior, for a three-year period ending June 30, 1957, 30 percent of the gross receipts from duties collected under the customs laws on fishery products to promote the free flow of domestically-produced fishery products. The new law continues this arrangement on a permanent basis. The limitation of \$3 million annually on the funds has been removed and the money becomes available on an "annual accrual" basis. This is expected to increase the amount to about \$5 million.

Secretary Seaton pointed out that this balanced program of technological, economic, market development, and biological studies and services to aid the domestic fishing industry has been highly commended by the industry during its first two years of operation. At the last meeting of the American Fishery Advisory Committee, held in May at Long Beach, Calif., the committee went on record for an "enlarged and extended Saltonstall-Kennedy Act as the best way to aid the industry."

The Fish and Wildlife Act of 1956 also provides for the transfer to the Secretary of the Interior of "all functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Bureau of the Budget to relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries." This provision, however, does not affect the authority of the Secretary of State to negotiate or enter into any international agreements or conventions concerned with fish and wildlife resources.

President Eisenhower in signing the bill (S. 3275) August 8, issued the following statement:

"In signing this bill, I do not regard as a directive the provisions of section 8 which relate to United States representation at international conferences and negotiations concerning fish and wildlife matters. If they were to be so construed they would, in my judgment, be unconstitutional as limitations on the authority of the President of the United States to conduct negotiations with other governments through agents designated by him or at his direction. Accordingly, I regard these provisions as merely an indication of the desire of the Congress that the resources of the Interior Department be utilized in the formulation of United States policies affecting fish and wildlife matters, which of course I fully share and which is and has been my policy."



Tariff Commission

TIME FOR REVIEW OF CUSTOMS TARIFF SCHEDULES EXTENDED:

Public Law 934, approved August 2, 1956, provides an extension of time for the Tariff Commission to complete the review of the customs tariff schedules authorized by section 101 of the Customs Simplification Act of 1954. The Tariff Commission is making a comprehensive study of the laws of the United States prescribing the tariff status of imported articles and will submit to the President and to the Chairmen of the Ways and Means Committee of the House of Representatives and the Finance Committee of the Senate, not later than March 1, 1958, a review and consolidation of these laws which, in the judgment of the Commission, will to the extent practicable: (1) establish schedules of tariff classifications which will be logical in arrangement and terminology and adapted to the changes which have occurred since 1930 in the character and importance of articles produced in and imported into the United States and in the markets in which they are sold; (2) eliminate anomalies and illogical results in the classification of articles; (3) simplify the determination and application of tariff classifications.

The Commission again invites importers, domestic producers, customs brokers, and other interested parties to submit any suggestions which in their opinion may accomplish the purposes indicated. The Commission is finding that suggestions previously submitted are most helpful in this undertaking, and additional suggestions will be appreciated. Suggestions should be in quintuplicate, and should be addressed to the General Counsel, United States Tariff Commission, Washington 25, D. C.

After the Commission has prepared a draft of revised tariff schedules, such draft will be made public and hearings will be scheduled for the purpose of affording interested parties opportunity to be heard with respect thereto, particularly with respect to the probable effect upon domestic industry of any changes in duties which may be involved in the proposed revision.

Copies of the Commission's Interim Report, dated March 15, 1955, treating the more fundamental problems underlying a simplification of the tariff schedules, the principles to be followed by the Commission in formulating the proposed revision of the tariff schedules, and methods for putting the proposed revision into force and effect, may be obtained from the Secretary, United States Tariff Commission, Washington 25, D. C.



Eighty-Fourth Congress (Second Session)

Listed below and on the following pages are public bills and resolutions that directly or indirectly affect the fisheries and allied industries. Public bills and resolutions are shown when introduced; from month to month the more pertinent reports, hearings, or chamber actions on the bills shown are published; and if passed, they are shown when signed by the President.



Both the House and Senate adjourned sine die on July 27, 1956. Bills introduced in either the first or second session of the 84th Congress which failed to pass during either session will have to be re-introduced in the 85th Congress (which convenes in January 1957).

COMMERCIAL FISHERIES EDUCATIONAL PROGRAM; S. 2379, a bill to promote the fishing industry in the United States and its Territories by providing for the training of needed personnel for such industry. Signed by the President August 8, 1956 (P. L. 1027).

Public Law 1027 - 84th Congress
Chapter 1039 - 2d Session
S. 2379

AN ACT All 70 Stat., 1126.

To promote the fishing industry in the United States and its Territories by providing for the training of needed personnel for such industry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to make grants, out of funds appropriated for the purposes of this section, to public and nonprofit private universities and colleges in the several States and Territories of the United States for such purposes as may be necessary to promote the education and training of professionally trained personnel (including scientists, technicians, and teachers) needed in the field of commercial fishing. Any amount appropriated for the purposes of this section shall be apportioned on an equitable basis, as determined by the Secretary of the Interior, among the several States and Territories for the purpose of making grants within each such State and Territory. In making such apportionment the Secretary of the Interior shall take into account the extent of the fishing industry within each State and Territory as compared with the total fishing industry of the United States (including Territories), and such other factors as may be relevant in view of the purposes of this section.

(b) There are authorized to be appropriated not in excess of \$550,000 for the fiscal year beginning on July 1, 1955, and for each fiscal year thereafter for the purposes of this section.

(c) The Secretary of the Interior may establish such regulations as may be necessary to carry out the provisions of this section.

Sec. 2. (a) Section 3 (a) of the Vocational Education Act of 1946 is amended by inserting after paragraph (4) the following new paragraph:

"(5) \$375,000 for vocational education in the fishery trades and industry and distributive occupations therein, to be apportioned for expenditure in the several States and Territories on an equitable basis, as determined by the Secretary of the Interior, taking into account the extent of the fishing industry of each State and Territory as compared with the total fishing industry of the United States (including Territories)."

(b) Section 3 (b) of such Act is amended by striking out "paragraphs (1) to (4)" and inserting in lieu thereof "paragraphs (1) to (5)".

Approved August 8, 1956.

CUSTOMS SIMPLIFICATION ACT; H. R. 6040 (amended), a bill to amend certain administrative provisions of the Tariff Act of 1930 and to repeal obsolete provisions of the customs laws. Signed by the President August 2, 1956 (P. L. 927). The principal provision of the bill is that duties levied on imported products that are taxable according to their value shall, with certain exceptions, be primarily computed on the basis of "export value." A statement by the President on this bill pointed out in part: "... The heart of this measure is a revision of valuation procedures. This change will do more than any other single measure to free the importation of merchandise from customs complications and pitfalls for the inexperienced importer. It allows our customs value decisions to be based on normal commercial values current in trade with the United States. It permits businessmen to predict with greater certainty the amount of tariff duty to be paid on imports. It simplifies the valuation work of the Bureau of Customs and reduces delay in the assessment of duties.

"I am also particularly gratified to approve H. R. 6040 because it marks the culmination of the legislative proposals which this administration has made for customs simplification and customs management improvement. The Customs Simplification Act of 1953 made many important changes in customs administrative provisions which have resulted in more certain and equitable duty assessments. The Customs Simplification Act of 1954 began a study by the United States Tariff Commission looking toward a much-needed revision of the tariff classification schedules of 1930 and made helpful changes in the administration of the antidumping laws. With the passage H. R. 6040 all of the principal improvements relating to customs procedures recommended on January 23, 1954, by the Commission on Foreign Economic Policy, which I endorsed in my special message of March 30, 1954, have now been authorized or undertaken.

"The legislation previously passed by the Congress, together with the regulatory and administrative changes made by the Treasury Department and the Bureau of Customs, have in the past 3 years cut the average time required for a final decision on customs duties from about 1 year to less than 6 months. Further progress in this direction is expected, and I am confident that H. R. 6040 will contribute to it. ..."

H. R. 12254, a bill to provide additional time for the Tariff Commission to review the customs tariff schedules. House Committee on Ways and Means reported to House July 19 with amendment (H. Rept., No. 2815). House amended and passed July 21. Referred to Senate Committee on Finance, reported by that Committee to Senate July 25 (S. Rept., No. 2780), and passed Senate July 26. Signed by the President August 2, 1956 (P. L. 934).

Provides additional time for the Tariff Commission to complete the review of the customs tariff schedules authorized by section 101 of the Customs Simplification Act of 1954. As matters now stand, the Tariff Commission is making a comprehensive study of the laws of the United States prescribing

the tariff status of imported articles and will submit to the President and to the Chairmen of the Ways and Means Committee of the House of Representatives and the Finance Committee of the Senate, not later than March 1, 1958, a review and consolidation of these laws which, in the judgment of the Commission, will to the extent practicable: (1) Establish schedules of tariff classifications which will be logical in arrangement and terminology and adapted to the changes which have occurred since 1930 in the character and importance of articles produced in and imported into the United States and in the markets in which they are sold, (2) Eliminate anomalies and illogical results in the classification of articles, (3) Simplify the determination and application of tariff classifications.

FISH AND WILDLIFE ACT OF 1956; S. 3275, a bill to establish a sound and comprehensive national policy with respect to fisheries and wildlife; to strengthen the fisheries and wildlife segments of the national economy; to create and establish within the department of the Interior the Office of Assistant Secretary for Fisheries and Wildlife, a United States Fish and Wildlife Service; and for other purposes. Signed by the President August 8, 1956 (P. L. 1024). A statement by the President on this bill indicated: "I have signed S. 3275, The Fish and Wildlife Act of 1956. In signing this bill, I do not regard as a directive the provisions of section 8 which relate to United States representation at international conferences and negotiations concerning fish and wildlife matters. If they were to be so construed they would, in my judgment, be unconstitutional as limitations on the authority of the President of the United States to conduct negotiations with other governments through agents designated by him or at his direction. Accordingly, I regard these provisions as merely an indication of the desire of the Congress that the resources of the Interior Department be utilized in the formulation of United States policies affecting fish and wildlife matters, which of course I fully share and which is and has been my policy.

Public Law 1024 - 84th Congress
Chapter 1036 - 2d Session
S. 3275
AN ACT

All 70 Stat. 1119.

To establish a sound and comprehensive national policy with respect to fish and wildlife; to strengthen the fish and wildlife segments of the national economy; to establish within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife; to establish a United States Fish and Wildlife Service; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fish and Wildlife Act of 1956".

DECLARATION OF POLICY

Sec. 2. The Congress hereby declares that the fish, shellfish, and wildlife resources of the Nation make a material contribution to our national economy and food supply, as well as a material contribution to the health, recreation, and well-being of our citizens; that such resources are a living, renewable form of national wealth that is capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; that such resources afford outdoor recreation throughout the Nation and provide employment, directly or indirectly, to a substantial number of citizens; that the fishing industries strengthen the defense of the United States through the provision of a trained seafaring citizenry and action-ready fleets of seaworthy vessels; that the training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; and that properly developed, such fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the Nation.

The Congress further declares that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

- (1) Freedom of enterprise—freedom to develop new areas, methods, products, and markets in accordance with sound economic principles, as well as freedom from unnecessary administrative or legal restrictions that unreasonably conflict with or ignore economic needs;
- (2) Protection of opportunity—maintenance of an economic atmosphere in which domestic production and processing can prosper; protection from subsidized competing products; protection of opportunity to fish on the high seas in accordance with international law;
- (3) Assistance—assistance consistent with that provided by the Government for industry generally, such as is involved in promoting

good industrial relations, fair trade standards, harmonious labor relations, better health standards and sanitation; and including, but not limited to—

- (a) services to provide current information on production and trade, market promotion and development, and an extension service,
- (b) research services for economic and technologic development and resource conservation, and
- (c) resource management to assure the maximum sustainable production for the fisheries.

The Congress further declares that the provisions of this Act are necessary in order to accomplish the objective of proper resource development, and that this Act shall be administered with due regard to the inherent right of every citizen and resident of the United States to engage in fishing for his own pleasure, enjoyment, and betterment, and with the intent of maintaining and increasing the public opportunities for recreational use of our fish and wildlife resources, and stimulating the development of a strong, prosperous, and thriving fishery and fish processing industry.

REORGANIZATION WITHIN THE DEPARTMENT OF THE INTERIOR

Assistant Secretary for Fish and Wildlife; Commissioner of Fish and Wildlife.

U. S. Fish and Wildlife Service.

Distribution of duties, etc.

Administrative procedures.

Publication of notice in FR.

SEC. 3. (a) There is hereby established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife, and the position of Commissioner of Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries. The Commissioner shall be appointed by the President by and with the advice and consent of the Senate. He shall receive compensation at the same rate as that provided for Grade GS-18. There is also established a United States Fish and Wildlife Service within the Department, consisting of two separate agencies, each of which shall have the status of a Federal bureau. There shall be a Director of each of said Bureaus appointed by the Secretary at Grades GS-17 each. One of the agencies shall be known as the "Bureau of Commercial Fisheries" and the other agency shall be known as the "Bureau of Sport Fisheries and Wildlife". The United States Fish and Wildlife Service, except as prescribed by this Act, shall succeed to and replace the presently existing Fish and Wildlife Service of the Department.

(b) The functions of the United States Fish and Wildlife Service hereby established shall be administered under the supervision of the said Commissioner of Fish and Wildlife, who shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife.

(c) All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest.

(d) In order to make a proper distribution between the two Bureaus of the United States Fish and Wildlife Service established by this Act, the previously existing functions, powers, duties, authority, liabilities, commitments, personnel, records, and other properties or matters previously handled by or administered through the former Fish and Wildlife Service of the Department, shall be distributed as follows:

- (1) The Bureau of Commercial Fisheries shall be responsible for those matters to which this Act applies relating primarily to commercial fisheries, whales, seals, and sea-lions, and related matters;
- (2) The Bureau of Sport Fisheries and Wildlife shall be responsible for those matters to which this Act applies relating primarily to migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals and sea-lions), and related matters; and the funds and allocations, appropriated or otherwise, relating to the matters covered by paragraphs (1) and (2) of this subsection shall be distributed between such Bureaus as the Secretary of the Interior shall determine.

(e) Except as changed by the terms of this Act or by subsequent laws or regulations, all laws and regulations now in effect relating to matters heretofore administered by the Department of the Interior through the former Fish and Wildlife Service as heretofore existing, shall remain in effect.

(f) In recognition of the need for authority to execute the purposes of this Act effectively, the Secretary of the Interior shall exercise such general administrative authority consistently with the terms of this Act as he shall find to be necessary to carry out the provisions of this Act effectively and in the public interest. In order to allow sufficient time to place the reorganizations under this Act into effect, the Secretary is authorized to establish an effective procedure and date of such reorganizations, notice of which shall be published in the Federal Register. Such reorganization shall be accomplished as soon as practicable after the approval of this Act, but not later than ninety (90) calendar days after such approval.

LOAN PROCEDURES

SEC. 4. (a) The Secretary is authorized under rules and regulations and under terms and conditions prescribed by him, to make loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(b) Any loans made under the provisions of this section shall be subject to the following restrictions:

- (1) Bear an interest rate of not less than 3 per centum per annum;
- (2) Mature in not more than ten years;
- (3) No financial assistance shall be extended pursuant to this section unless reasonable financial assistance applied for is not otherwise available on reasonable terms.

(c) There is hereby created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before June 30, 1955, in payment of principal or interest on any loans so made, shall be deposited in the fund and be available for making additional loans under this section. Any funds received after June 30, 1955, and any balance remaining in the fund at the close of June 30, 1965 (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There

are hereby authorized to be appropriated to the fund the sum of \$10,000,000 to provide initial capital.

(d) The Secretary, subject to the specific limitations in this section, may consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

INVESTIGATIONS, INFORMATION, REPORTS

SEC. 5. (a) The Secretary shall conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President, and to Congress, with respect to the following matters:

(1) The production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries;

(2) The availability and abundance and the biological requirements of the fish and wildlife resources;

(3) The competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities;

(4) The collection and dissemination of statistics on commercial and sport fishing;

(5) The collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values;

(6) The improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters;

(7) Any other matters which in the judgment of the Secretary are of public interest in connection with any phases of fish and wildlife operations.

TRANSFER OF FUNCTIONS—ASSISTANCE OF OTHER AGENCIES

SEC. 6. (a) There shall be transferred to the Secretary all functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Bureau of the Budget to relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries; but nothing in this section shall be construed to modify the authority of the Department of State or the Secretary of State to negotiate or enter into any international agreements, or conventions with respect to the development, management, or protection of any fisheries and wildlife resources or with respect to international commissions operating under conventions to which the United States is a party.

(b) There shall be transferred to the Department of the Interior so much of the personnel, property, facilities, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) as the Director of the Bureau of the Budget determines to be necessary in connection with the exercise of any functions transferred to the Secretary pursuant to subsection (a) of this section.

(c) The Secretary may request and secure the advice or assistance of any department or agency of the Government in carrying out the provisions of this Act, and any such department or agency which furnishes advice or assistance to the Secretary may expend its own funds for such purposes, with or without reimbursement from the Secretary as may be agreed upon between the Secretary and the department or agency.

POLICIES, PROCEDURES, RECOMMENDATIONS

SEC. 7. (a) The Secretary of the Interior, with such advice and assistance as he may require from the Assistant Secretary for Fish and Wildlife, shall consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish and wildlife. The Secretary, with the assistance of the departmental staff herein authorized, shall—

(1) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production;

(2) study the economic condition of the industry, and whenever he determines that any segment of the domestic fisheries has been seriously disturbed either by wide fluctuation in the abundance of the resource supporting it, or by unstable market or fishing conditions or due to any other factors he shall make such recommendations to the President and the Congress as he deems appropriate to aid in stabilizing the domestic fisheries;

(3) develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products whenever he determines that there is a prospective or actual surplus of such products;

(4) take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources; and

(5) take such steps as may be required for the development, management, advancement, conservation, and protection of wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.

STATE DEPARTMENT—COOPERATION

SEC. 8. (a) The Secretary shall cooperate to the fullest practicable extent with the Secretary of State in providing representation at all meetings and conferences relating to fish and wildlife in which representatives of the United States and foreign countries participate.

The Secretary of State shall designate the Secretary of the Interior or the Assistant Secretary for Fish and Wildlife, or a person designated by the Secretary of the Interior to represent the Department of the Interior, as a member of the United States delegation attending such meetings and conferences and also as a member of the negotiating team of any such delegation.

(b) The Secretary of State and all other officials having responsibilities in the fields of technical and economic aid to foreign nations shall consult with the Secretary in all cases in which the interests of fish and wildlife are involved, with a view to assuring that such interests are adequately represented at all times.

(c) Notwithstanding any other provision of law, the Secretary shall be represented in all international negotiations conducted by the United States pursuant to section 350 of the Tariff Act of 1930, as amended, in any case in which fish products are directly affected by such negotiations.

(d) The Secretary shall consult periodically with the various governmental, private nonprofit, and other organizations and agencies which have to do with any phase of fish and wildlife with respect to any problems that may arise in connection with such fish and wildlife.

48 Stat. 943.
19 USC 1351.

REPORTS ON ACTIVITIES AND IMPORTS

SEC. 9. (a) The Secretary of the Interior shall make an annual report to the Congress with respect to activities of the United States Fish and Wildlife Service under this Act, and shall make such recommendations for additional legislation as he deems necessary.

Report to Congress.

(b) The Secretary is authorized to make a report to the President and the Congress, and, when requested by the United States Tariff Commission in connection with section 7 of the Trade Agreements Extension Act of 1951, as amended (67 Stat. 72, 74), or when an investigation is made under the Tariff Act of 1930 (19 U. S. C. 1332), the Secretary is authorized to make a report to such Commission, concerning the following matters with respect to any fishery product which is imported into the United States, or such reports may be made upon a request from any segment of the domestic industry producing a like or directly competitive product—

65 Stat. 74.
19 USC 1364.

(1) whether there has been a downward trend in the production, employment in the production, or prices, or a decline in the sales, of the like or directly competitive product by the domestic industry; and

(2) whether there has been an increase in the imports of the fishery products into the United States, either actual or relative to the production of the like or directly competitive product produced by the domestic industry.

THE RIGHTS OF STATES

SEC. 10. Nothing in this Act shall be construed (1) to interfere in any manner with the rights of any State under the Submerged Lands Act (Public Law 31, Eighty-third Congress) or otherwise provided by law, or to supersede any regulatory authority over fisheries exercised by the States either individually or under interstate compacts; or (2) to interfere in any manner with the authority exercised by any International Commission established under any treaty or convention to which the United States is a party.

57 Stat. 29

AUTHORIZATION FOR APPROPRIATION

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 12. (a) The authorization for the transfer of certain funds from the Secretary of Agriculture to the Secretary of the Interior and their maintenance in a separate fund as contained in section 2 (a) of the Act of August 11, 1939, as amended July 1, 1954 (68 Stat. 376), shall be continued for the year ending June 30, 1957, and each year thereafter.

(b) Subsection (e) of section 2 of the aforesaid Act of August 11, 1939, as amended, is hereby amended to read as follows:

"(e) The separate fund created for the use of the Secretary of the Interior under section 2 (a) of this Act and the annual accruals thereto shall be available for each year hereafter until expended by the Secretary."

Approved August 8, 1956.

FISH HATCHERIES: S. 3831, a bill to provide for the establishment of a fish hatchery in West Virginia. Signed by the President August 6, 1956 (P. L. 990).

S. 3998, a bill providing for the development of a Federal fish hatchery known as Holden Trout Hatchery at Pittsford, Vt. Signed by the President August 1, 1956 (P. L. 889).

H. R. 11548, a bill to establish a new fish hatchery in the vicinity of Paint Bank, Va. Signed by the President August 3, 1956 (P. L. 972).

H. R. 12438 (Gavin), introduced in the House July 26, a bill to provide for the establishment of a fish hatchery in northwestern part of Pennsylvania; to the Committee on Merchant Marine and Fisheries.

H. R. 12454 (Reuss), introduced in the House July 27, a bill to provide for the establishment of a fish hatchery in

Wisconsin; to the Committee on Merchant Marine and Fisheries.

FISHING VESSEL MARINE INSPECTION: H. R. 9047, a bill for the safety of life and property by making all commercial fishing vessels subject to the rules and regulations of the U. S. Coast Guard Marine Inspection. A subcommittee has been appointed by the House Committee on Merchant Marine and Fisheries to investigate the improvement of small boat safety. The subcommittee was scheduled to visit a number of West Coast ports, starting with hearings at Astoria August 30, 1956. Subsequent hearings were to be scheduled at Tacoma and Seattle, Wash., and California ports.

GREAT LAKES FISHERIES COMMISSION: S. 3524, a bill to give effect to the Convention on Great Lakes Fisheries signed at Washington September 10, 1954, and for other purposes. House passed this bill on May 21 and cleared it for the President. Signed by the President June 4, 1956 (P. L. 557).

House Report No. 2154, Giving Effect to the Convention on Great Lakes Fisheries Signed at Washington September 10, 1954 (May 14, 1956, 84th Congress, 2nd Session) to accompany S. 3524, 10 pp., printed. Discusses the purpose and background of the bill, and presents the statements by various Federal agencies.

INTERIOR DEPARTMENT APPROPRIATIONS: H. R. 9390, fiscal 1957 appropriations for Interior Department and related agencies (including the Fish and Wildlife Service). Signed by the President June 13, 1956 (P. L. 573).

House Report No. 2250, Department of the Interior and related agencies Appropriation Bill, 1957 (May 31, 1956, 84th Congress, 2nd Session), conference report to accompany H. R. 9390, 5 p., printed. Points out the conference agreements.

SEA NETTLES AND JELLYFISH RESEARCH: S. 3955, a bill to authorize research by the Fish and Wildlife Service to determine methods of, and to provide grants to the states to assist approved research or other projects for, control or extermination of sea nettles and jellyfish in marine waters of the United States. Senate Interstate and Foreign Commerce Committee reported the bill to the Senate July 20, 1956, with amendments. Senate passed amended bill July 23, 1956, on call of calendar.

SHELLFISH RESEARCH LABORATORY: S. 3827, a bill to authorize the construction of a shellfish research laboratory and experiment station in the Chesapeake Bay area. Senate Interstate and Foreign Commerce Committee reported the bill to the Senate July 18, with amendments. Senate passed July 23, 1956, amended, on call of the calendar.

SUPPLEMENTARY APPROPRIATIONS: H. R. 12138, a bill making supplemental appropriations for fiscal year 1957 (provides among other things for \$620,000 for the Great Lakes Fisheries Commission). Signed by the President July 27, 1956 (P. L. 814).

H. R. 12350, a bill making second supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes. (Provides among other things for supplemental appropriations for the U. S. Fish and Wildlife Service including an additional amount of \$1,250,000 for construction to be available until expended, principally for hatcheries, and initial capital of \$10,000,000 for the "Fisheries Loan Fund," a revolving fund for financing and refinancing of operations,

maintenance, replacement, repair, and equipment of fishing gear and vessels and for research into the basic problems of fisheries.) Signed by the President July 31, 1956 (P. L. 855).

TARIFFS AND TRADE STUDY: The House Ways and Means Committee has appointed a special Subcommittee on Customs, Tariffs and Reciprocal Trade Agreements "to conduct an investigation and study of all aspects of our customs, tariffs, trade agreements authority and trade agreements entered into thereunder."

The subcommittee announced the latter part of August that its study was scheduled to get under way with two weeks of public hearings beginning September 17.

Chairman of the new subcommittee is Representative Boggs (La.). Other members of the group are Representative King (Calif.), Harrison (Va.), McCarthy (Minn.), Machrowick (Mich.), Reed (N. Y.), Sadlak (Wis.), Curtis (Mo.), and Byrnes (Wis.).

Chairman Boggs announced that the subcommittee desires to obtain "balanced and objective information factually presented on all aspects of our customs and tariff laws and the trade agreements program." The agenda of the subcommittee includes testimony on:

"A. United States Trade Policy and the National Interests. It is expected under this subject to develop basic information on the position of the United States in the world economy, on the significance of trade policy to our domestic economy and to our international objectives, and on the fundamental trade problems and issues confronting the United States;

"B. The pattern of foreign trade. It is expected this subject will develop our current knowledge about the economic forces which cause trade to take place and which influence adjustment in the composition of our imports and exports, including balance of payments and world trade and payments factors;

"C. Foreign trade, trade policies, trade agreements program and related commercial policies and the United States economy. It is expected this topic will develop information on the significance, impact, and effect of imports and exports on the United States economy in its entirety and on the particular segments thereof, including industry, labor, agriculture, and distribution and transportation, in the context of the general national interest."

TRUCK TRIP LEASING: S. 898, a bill to amend the Interstate Commerce Act with respect to the authority of the Interstate Commerce Commission to regulate the use by motor vehicles not owned by them. Signed by the President August 3, 1956 (P. L. 957). Congressman Oren Harris included the following summary of the bill in the July 31 Congressional Record: "Summary of Provisions of Trip-Leasing Legislation, S. 898, 84th Congress.

"The legislation would authorize the Interstate Commerce Commission to exercise certain regulatory control over the leasing of motor vehicles by motor common and contract carriers, when such vehicles are to be driven for the carriers by the owner, or an employee of the owner, of the vehicle. This legislation is not concerned with the leasing of a motor vehicle when such vehicle is leased without the services of a driver.

"The Commission is granted authority by this legislation to prescribe regulations as to certain contents of the lease, and regulation which would assure that the motor carrier

would have full direction and control of the leased vehicle and be fully responsible for its operation. The Commission is also given authority to establish requirements with respect to inspection and the safety of operation of such vehicles.

"However, the Commission is denied authority to regulate the duration of a trip-lease of a motor vehicle, with driver, or the amount of compensation for the use of such vehicle, when the vehicle is that of (1) a farmer, (2) a farmer-cooperative organization or federation, or (3) a for-hire or private carrier when such vehicle has completed a movement of property specified in the agricultural exemptions specified in section 203 (b) (6) of the Interstate Commerce Act. Under this section, motor vehicles used in carrying property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof), are exempted from economic regulation by the Commission, but are subject to its safety regulations.

"In other words, regulated motor common and contract carriers would be permitted to trip lease the motor vehicle, with driver, of a farmer, a farm cooperative association or federation, or the motor vehicle of a for-hire or private carrier which has completed a movement of property specified in section 203 (b) (6) of the act. Also, regulated motor carriers would be permitted to trip lease the motor vehicle of a private carrier when such vehicle is used regularly in the transportation of perishable products manufactured from property specified in section 203 (b) (6). Examples of such perishable products are frozen orange juice, or frozen vegetables.

"The direction of movement of the trip-leased vehicle is limited generally to a single movement or one or more of a series of movements, in the general direction of the general area in which the trip-leased vehicle is based.

"A more detailed statement of this legislation is given in House Report No. 2425, 84th Congress."



FISHERIES RADIO NETWORK IN JAPAN

In Japan there are more than 3,000 radio-equipped fishing boats which together with 77 fisheries radio stations on land, distributed throughout the Japanese islands, form a radio network in the promotion of efficient fishing operations. At present 56 frequencies are allocated to the fisheries radio communication system, distributed according to districts and the type of fisheries. Some of the shore stations are owned by the National Fisheries Research Laboratories, many by prefectural fisheries institutions, and a few by private companies.

The largest radio network in Japan covers the skipjack and tuna fishing fields. It has over 1,000 widely-distributed boats, and all prefectures facing the Pacific Ocean have one to three land stations. Communication with these fisheries is continuous throughout the day on many frequencies, making it possible to know the conditions of the fishing grounds, and location of schools of fish, as well as the position of each boat and to provide prompt action in event of distress. Other functions include arranging for the landing and marketing of the catch and the preparations required for the next voyage. These messages between fishing boats and stations are of a commercial nature, but there is another government network for the guidance of fishing vessels, namely the prefectural land stations which receive information from their fisheries guidance boats which is then broadcast to the commercial fishing fleet. However, the scale of this network is not large at present.

The only systematic analysis of these functions is carried on by the Tohoku Regional Fisheries Research Laboratory under the Fisheries Agency. The oceanographic environments, circumstances of the fishing grounds and other valuable information along the northeastern sea area of the Japanese Pacific coast are sent via the Ishinomaki fisheries radio station, and during peak skipjack and albacore fishing around Izupeninsula, similar information is sent to this area via the Yaizu fisheries radio station. One of the major functions of the Tohoku Laboratory is the research of skipjack fisheries throughout the entire Pacific waters.

The main work of this fisheries guidance system is to broadcast the synoptic isothermal chart. This is made up from data received daily from many fishing boats and whalers operating in these waters, together with oceanographic data sent from fisheries guidance boats of each prefecture and the marine observation vessels of the various Japanese agencies. Assembled, the results are then broadcast and are interpreted by the fishing vessels which make up their own isothermal charts on board so that they may study and investigate the daily oceanographic environmental conditions.

The Tohoku Regional Fisheries Research Laboratory also trains fishermen to plot and interpret the isothermal chart. The fishermen have shown great interest in this study.