



FEDERAL ACTIONS



Federal Trade Commission

CRAB FISHERMEN'S ASSOCIATION DENIES CHARGES OF UNFAIR COMPETITION AND RESTRAINT OF TRADE:

A Westport, Washington, Association of crab fishermen and its officials, trustees, and fishermen members, have denied (Answer 7859, Crabs) Federal Trade Commission charges that they have illegally restrained competition in the Dungeness crab industry in their area.

Replying to the Commission's April 7, 1960, complaint, they state the association is a fishermen's cooperative organization operating under the Fisherman's Cooperative Marketing Act, which entrusts to the Secretary of the Interior exclusive jurisdiction for determining whether any such association monopolizes or restrains trade in interstate or foreign commerce.

The Commission, they declare, "is therefore without jurisdiction to proceed in this matter. The Department of the Interior has heretofore considered the same practices and acts herein complained of and determined that there is no evidence of any monopolistic practices unduly enhancing the price of crab."

A further contention is that under the Fisherman's Cooperative Act the Association and its members are immune from civil proceedings based on the antitrust laws in the absence of any allegation they have entered into transactions with persons or organizations not accorded immunity under the statute.

The respondents deny Commission charges that they have used threats of reprisals, intimidation, and physical violence and other coercive methods in a conspiracy to prevent other dealers from buying or selling processed and unprocessed crabs and to get nonmember crab fishermen to join the association.

The association admits the "Membership Agreement" gives it the power to determine the canners and crab processors with whom it and the members will deal. However, it denies the Commission's allegation that its main function is to fix prices paid by canners to members for their catch, which is taken from the coastal waters of Washington and Oregon and the adjacent ocean.

The members account for "a majority" of the fresh crabs originating in the former State, not "almost all" as the complaint alleged, the answer says. Similarly, it states, the association's total membership is about 180 fishermen, not 250; and 50 members, not 90, formed a cooperative known as Washington Crab Producers, Inc., and bought a crab processing cannery which competes with all other crab processors and canners.

The respondents further deny charges that (1) they have actual or potential power to monopolize all phases of the crab industry in their area because substantially the same men control the crab fishing fleet through the association, and own or control the cannery cooperative, and (2) this monopoly power, coupled with the coercive tactics allegedly employed, tends to unlawfully destroy competition in the industry.

Joining in the answer to the complaint are the trustees or officers of the association who act as representatives of the entire membership.

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SHRIMP PROCESSING MACHINERY FIRM CHARGED WITH SUPPRESSING COMPETITION:

The Federal Trade Commission issued charges on May 19, 1960, that a New Orleans, La., partnership has un-

lawfully achieved a virtual monopoly in the shrimp-processing machinery business, and suppressed competition in the \$16-million-a-year shrimp industry (Complaint 7887, Shrimp.)

Joined in the Commission's complaint are the firm's 6 active partners, who also are cited as representative of the approximately 26 limited partners; and a packing company of Houma, La., which is a silent partner and also is owned and controlled by members of the family owning the New Orleans shrimp-processing machinery firm.

The machinery firm leases, licenses, and sells shrimp-processing machinery, including peelers, cleaners, graders, deveiners, and separators. The Houma packing company is one of the nation's largest processors of raw shrimp, which is taken primarily from the Gulf Coast fishing area, the complaint says.

Prior to 1947, it continues, shrimp was picked by hand labor. In that year two of the partners received a U. S. patent for a peeling machine, and since that time the New Orleans machinery firm has obtained ownership or control of numerous additional patents on processing machinery. Due to the efficiency of these machines, domestic shrimp processors must use them in their plants in order to compete in the market.

The complaint charges that the New Orleans machinery firm and its predecessor company have used these typical unfair methods of competition in interstate and foreign commerce: (1) entering into agreements with patentees and prospective patentees, thus obtaining exclusive rights to processing machines; and in most instances never attempting to manufacture, develop, or commercially exploit such machinery; (2) acquiring from inventors rights to all their future inventions in this field; (3) filing patent infringement suits against manufacturers and users of a competitive peeler developed by a New Orleans inventor and patented by him in 1957; and offering unfair selling terms to purchasers and prospective purchasers of this machine located in foreign countries; (4) requiring licensees to buy a certain number of the firm's debentures at \$500 each,

most of which do not become payable until 1966; and (5) charging licensees in Oregon, Washington, and Alaska discriminatory and much higher rates than those granted to licensees in other states.

The complaint further charges that the New Orleans machinery firm and the Houma packing firm have combined in carrying out these unfair practices, which have had the following adverse effects, among others: the New Orleans machinery firm has acquired a virtual monopoly in the domestic shrimp-processing machinery market; its competitors and potential competitors have been hindered in their business; inventors and potential inventors have been deterred in the distribution and marketing of their machines; shrimp processors in competition with the Houma packing firm have been injured, and a tendency toward monopoly in the shrimp industry has occurred.

The respondents were granted 30 days in which to file answer to the complaint.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

PROPOSED ADDITION TO LIST OF SPICES, SEASONINGS, ETC., RECOGNIZED AS SAFE:

The U. S. Food and Drug Administration proposes to add to the list of spices, seasonings, essential oils, etc. recognized as safe and exempt from the requirement of tolerances. The additional list includes about 82 spices and other natural seasonings and flavorings, essential oils, oleoresins, and natural extractives. Included in the list are such items as chervil, thyme, sage, lemon peel, ambergris, algae, dulse, etc. The common name and botanical name of plant source is given in the list. The proposed additions were listed in the Federal Register of May 19, 1960. Interested persons were given 30 days from the date of publication to file written comments on the proposal.

In the January 19 issue of the Federal Register, a list of about 70 spices and other natural seasonings and flavorings; 128 essential oils, oleoresins, and natural extractives; and 3 miscellaneous additives were listed by the Food and Drug Administration as safe for intended use, within the meaning of the Federal Food, Drug, and Cosmetic Act. The May 19 proposal would add to the January 19 list.

Those interested in complete details should write directly to the Food and Drug Administration, Washington 25, D. C.



Department of the Interior

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

QUALITY STANDARDS ESTABLISHED FOR FROZEN SALMON STEAKS:

Voluntary standards for the production of high-quality frozen salmon steaks

became effective May 5 when they were published in the Federal Register of that date. Notice of intention to establish the salmon steak standards was carried in the Federal Register on February 27, 1960.

The standards were developed by the U. S. Bureau of Commercial Fisheries in cooperation with the fishing industry. Public meetings were held in Seattle, Wash.; Chicago, Ill.; and New York City, N. Y. Firms adopting the standards and the accompanying inspection may mark the product "U. S. Grade A" or "U. S. Grade B"—both designated good-quality merchandise.

The Bureau of Commercial Fisheries, with the help of the fishing industry, has already established quality standards for frozen fried fish sticks, raw frozen breaded shrimp, frozen raw halibut steaks, frozen haddock fillets, cod fillets, raw breaded portions, and frozen fish blocks.

The Bureau reports that there are now 32 processors with continuous inspection service.

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER K—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 178—UNITED STATES STANDARDS FOR GRADES OF FROZEN SALMON STEAKS

On page 1730 of the FEDERAL REGISTER of February 27, 1960, there was published a notice and text of a proposed new Part 178 of Title 50, Code of Federal Regulations. The purpose of the new part is to issue United States Standards for Grades of Frozen Salmon Steaks under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given until March 26, 1960, to submit written comments, suggestions or objections with respect to the proposed new part. No comments, suggestions or objections have been received, and the proposed new part is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: April 29, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

PRODUCT DESCRIPTION, STYLE, AND GRADES

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PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 178.1 Product description.

Frozen salmon steaks are clean, wholesome units of frozen raw fish flesh with normally associated skin and bone and are 2.5 ounces or more in weight. Each steak has two parallel surfaces and is derived from whole or subdivided salmon slices of uniform thickness which result from sawing or cutting dressed salmon perpendicularly to the axial length, or backbone. The steaks are prepared from either frozen or unfrozen salmon (*Oncorhynchus* spp.) and are processed and frozen in accordance with good commercial practice and are maintained at

temperatures necessary for the preservation of the product. The steaks in an individual package are prepared from only one species of salmon.

(a) *Species*. Frozen salmon steaks covered by this standard are prepared from salmon of any of the following species:

Silver or coho (*O. kisutch*).
Chum or keta (*O. keta*).
King, chinook, or spring (*O. tshawytscha*).
Red, sockeye (*O. nerka*).
Pink (*O. gorbuscha*).

§ 178.2 Styles of frozen salmon steaks.

(a) *Style I—Random weight pack*. The individual steaks are of random weight and neither the individual steak weight nor the range of weights is specified. The steaks in the lot represent the random distribution cut from the head to tail of a whole dressed salmon.

(b) *Style II—Random weight combination pack*. The individual steaks are of random weight and neither the individual steak weight nor range of weights is specified. The steaks in the lot represent a combination of cuts from selected parts of the whole dressed salmon.

(c) *Style III—Uniform weight or portion pack*. All steaks in the package or in the lot are of a specified weight or range of weights.

§ 178.3 Grades of frozen salmon steaks.

(a) "U.S. Grade A" is the quality of frozen salmon steaks that possess good flavor and odor, and that for those factors which are rated in accordance

with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen salmon steaks that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen salmon steaks that fail to meet the requirements of the "U.S. Grade B."

DIMENSIONS

§ 178.6 Recommended dimensions.

(a) The recommended dimensions of frozen salmon steaks are not incorporated in the grades of the finished product since dimensions, as such, are not factors of quality for the purpose of these grades. However, the degree of uniformity of thickness among units of the finished product is rated since it is a factor affecting the quality and utility of the product.

(b) It is recommended that the thickness (smallest dimension) of individually frozen salmon steaks be not less than 1/2 inch and not greater than 1 1/2 inches.

FACTORS OF QUALITY AND GRADE

§ 178.11 Ascertaining the grade.

The grade is ascertained by observing the product in the frozen, thawed, and cooked states and is determined by consideration of the following:

(a) *Factors rated by score points.* The quality of the product with respect to all factors is scored numerically. Cumulative point deductions are assessed for variations of quality for the factors in accordance with the schedule in Table I, in the frozen, thawed, and cooked states. The total deduction is subtracted from the maximum possible score of 100 to obtain the "product score."

(b) *Factors governed by "limiting rule".* The factors of flavor and odor, in addition to being rated by score points, are further considered for compliance with the "limiting rule" grade requirements of flavor and odor in Table I, as defined under Definitions § 178.21(g) (9) and (10).

(c) *Determination of the final product grade.* The final product grade is derived on the basis of both the "product score" and the "limiting rule" grade requirements of flavor and odor, per Table I.

DEFINITIONS

§ 178.21 Definitions.

(a) "Slight" refers to a defect that is scarcely noticeable and may not affect the appearance, the desirability, and/or eating quality of the steaks.

(b) "Moderate" refers to a defect that is conspicuously noticeable (not seriously objectionable) and does not seriously affect the appearance, desirability and/or eating quality of the steaks.

(c) "Excessive" refers to a defect that is conspicuously noticeable (seriously objectionable) and seriously affects the appearance, desirability, and/or eating quality of the steaks.

(d) "Occurrence" is defined as each incidence of the same or different types of defects.

(e) "Cooked state" means that the thawed, unseasoned product has been heated within a boilable film-type pouch by immersing the pouch with product in boiling water for 10 minutes. Steaks cooked from the frozen state may require about two additional minutes of cooking.

(f) "Actual net weight" means the weight of the salmon steaks within the package after removal of all packaging material, ice glaze or other protective coatings.

(g) "Scored factors" (Table I):

(1) "General appearance defects" refer to poor arrangement of steaks, distortion of steaks, wide variation in shape between steaks, greater than normal number of head and/or tail pieces, imbedding of packaging material into fish flesh, inside condition of package, frost deposit, excessive or non-uniform skin glaze, and undesirable level of natural color.

(2) "Dehydration" refers to the appearance of a whitish area on the surface of a steak due to the evaporation of water or drying of the affected area.

(3) "Uniformity of thickness" means that steak thickness is within the allowed 1/8-inch manufacturing tolerance between the thickest and thinnest parts of the steaks within a package or sample unit.

(4) "Uniformity of weight and minimum weight" is defined in Table I. (Portions are designated by "weight range" or "specified weight." The "weight range" of portions bearing "specified weight" designation on containers shall be taken as the "specified weight" plus or minus 0.5 ounce unless otherwise specified.)

(5) "Workmanship defects" refers to appearance defects that were not eliminated during processing and are considered objectionable or poor commercial practice. They include the following: Blood spots, bruises, cleaning (refers to inadequate cleaning of the visceral cavity from blood, viscera and loose or attached appendages), cutting (refers to irregular, inadequate, unnecessary, or improper cuts and/or trimming), fins, foreign material (refers to any loose parts, of fish or other than fish origin), collar bone, girdle (refers to bony structure adjacent to fin), loose skin, pugh marks, sawdust and scales.

(6) "Color defects":

(i) "Discoloration of fat portion" means that the normal color of the fat

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS¹

Scored factors	Description of quality variation	Deduct
FROZEN		
1. General appearance defects.....	Per occurrence: Slight..... Moderate..... Excessive.....	1-2 3-4 5-10
2. Dehydration.....	(Per occurrence) for each 1 sq. inch of surface area.	1
3. Uniformity of thickness.....	For each 1/8 inch above 1/8" variation tolerance in steak thickness (max. deduction: 6 points).	2
4. Uniformity of weight and minimum weight.....	Style I & II—Random weight. For each steak between 2.5 and 3.0 ounces in weight per package, or per pound of product for packages over 1 pound net wt. Style II—Uniform weight or portion. For each 0.1 ounce beyond the 0.1 ounce tolerance of the specified portion weight range per 5 lbs. of product.	4 1
THAWED		
5. Workmanship defects: Blood spots, bruises, cleaning, cutting, fins, foreign material, collarbone, girdle, loose skin, pugh marks, sawdust, scales.	Per occurrence: Slight..... Moderate..... Excessive.....	1 2-4 5-8
6. Color defects:		
(a) Discoloration of fatty portion.....	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
(b) Discoloration of lean portion.....	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
(c) Non-uniformity of color.....	Slight..... Moderate..... Excessive.....	1-2 3-4 5-6
7. Honeycombing.....	Percent sample area affected: 25 to 50..... 51 to 75..... 75 to 100.....	1 2 3
COOKED		
8. Texture defect (tough, dry, fibrous, or watery).....	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
9. Odor ²	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15
10. Flavor: ²		
(a) Lean portion.....	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15
(b) Fatty portion.....	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15

¹ This schedule of point deductions is based on the examination of sample units composed of: (a) An entire sample package and its contents (for retail sized packages) or (b) a representative subsample consisting of about one pound of salmon steaks taken from each sample package (for institutional sized packages), except that the entire sample package or its equivalent shall be examined for factor 4.

² "Limiting rule" grade requirements of flavor and odor: Salmon steaks which receive over 5 deduction points for odor, or flavor of the lean, or flavor of the fatty portion, shall not be graded above substandard, and those which receive between 3 to 5 points shall not be graded above "U.S. Grade B," regardless of the total product score. (This is a "limiting rule" based on flavor and odor as defined under definitions § 178.21(g) (9) and (10)).

shows increasing degrees of yellowing due to oxidation.

(ii) "Discoloration of lean portion" means that the normal surface flesh color has faded or changed due to deteriorative influences.

(iii) "Non-uniformity of color" refers to noticeable differences in surface flesh color on a single steak or between adjacent steaks in the same package or sample unit. It would also include color variation of the visceral cavity and skin watermarking.

(7) "Honeycombing" refers to the visible appearance on the steak surface of numerous discrete holes or openings of varying size.

(8) "Texture defect" refers to an undesirable increase in toughness and/or dryness, fibrousness, and watery nature of salmon examined in the cooked state.

(9) "Odor" and "flavor:"

(i) "Good flavor and odor" (essential requirement for Grade A) means that the fish flesh has the good flavor and odor characteristic of the indicated species of salmon, and is free from

rancidity and from off-flavors and off-odors.

(ii) "Reasonably good flavor and odor" (minimum requirement for Grade B) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristics of the indicated species of salmon, is reasonably free of rancidity, and is free from objectionable off-flavors and off-odors.

(iii) "Substandard flavor and odor" (substandard grade) means that the flavor and odor fail to meet the requirements of "reasonably good flavor and odor."

LOT CERTIFICATION TOLERANCES

§ 178.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of Part 170 of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

SCORE SHEET

§ 178.31 Score sheet for frozen salmon steaks.

Label:
Size and kind of container:
Container mark or identification:
Size of lot:
Number of packages per master carton:
Size of sample:
Number of steaks per container:
Product style:
Actual net weight: (ounces) (lb.)

Table with 2 columns: Scored factors, Deductions. Rows include FROZEN (General appearance defects, Dehydration, Uniformity of thickness, Uniformity of weight), THAWED (Workmanship defects, Color defects, Honeycombing), COOKED (Texture, Odor, Flavor), Total deductions, Product score, Flavor and odor rating, Final grade.

Note: Also see Commercial Fisheries Review, April 1960 p. 74.

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VOLUNTARY GRADE STANDARDS PROPOSED FOR FROZEN RAW HEADLESS SHRIMP:

Frozen raw headless shrimp voluntary grade standards are proposed by the U. S. Bureau of Commercial Fisheries. The regulations are proposed for adoption in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended. Functions under that Act pertaining to fish, shellfish, and any products thereof were transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1958.

The proposed standards (published in the Federal Register of May 7, 1960), if recommended to the Secretary of the Interior for adoption and made effective, will be the first issued by the Department prescribing voluntary grade standards for frozen raw headless shrimp.

The proposed standards include product description, grades, sizes; factors of quality and grade, including ascertaining the grade; definitions; lot certification tolerance; and score sheet.

The frozen raw headless shrimp are described as clean, wholesome, headless, shell-on shrimp of the regular commercial species. They are sorted for

size, packed, and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. Four different grades will be established: (1) "U. S. Grade A" or "U. S. Fancy"; (2) "U. S. Grade B" or "U. S. Good"; (3) "U. S. Grade C" or "U. S. Commercial"; and (4) "Substandard." The size categories as listed in the proposed standards are: under 10 count, 10-15 count, 16-20 count, 21-25 count, 26-30 count, 31-35 count, 36-42 count, 43-50 count, 51-60 count, 61-70 count, and over 70 count. Count is the number of shrimp per pound.



Eighty-Sixth Congress (Second Session)

Public bills and resolutions which may directly or indirectly affect fisheries and allied industries are reported. Introduction, referral to Committees, pertinent legislative actions, hearings, and other actions by the House and Senate, as well as signature into law or other final disposition are covered.



ALASKA FISHERIES: Arctic Wildlife Range--Alaska (Hearings before the Merchant Marine and Fisheries Subcommittee of the Committee on Interstate and Foreign Commerce, United States Senate, 86th Congress, Second Session, on S. 1899, a bill to authorize the establishment of the Arctic Wildlife Range, Alaska, and for other purposes, October 20, 22, 24, 26, 27, 28, 29, 30, 31, 1959, and April 22, 1960. Part 2--Ketchikan, Juneau, Anchorage, Seward, Cordova, Valdez, and Fairbanks, Alaska), 457 pp., printed. Contains statements, letters, telegrams, and resolutions of various citizens, clubs, and various Federal Government and state officials, on the establishment of the Wildlife Range by the Federal Government. A statement by the assistant librarian of the Alaska Historical Library refers to the fisheries management of the U. S. Fish and Wildlife Service before Alaska became a state with particular reference to the conservation of the king salmon. The statement of an Alaskan state senator gives a brief history of the salmon industry since the year 1925. Also contains and refers to the 1949 edition, Code of Federal Regulations, title 50, "Wildlife," subpart C. "Taking of Wildlife," a section of which is entitled "Public Fishing."

AREA ASSISTANCE ACT OF 1960: S. 3569 (Dirksen, for himself and Bush, Beall, Keating, Morton, and Javits), a bill introduced on May 18, 1960, to establish a program of financial and technical assistance designed to alleviate conditions of substantial and persistent unemployment in economically depressed areas, and for other purposes; to the Committee on Banking and Currency. This legislation is introduced to replace the Area Assistance Bill (S. 722) which was vetoed by the President on May 13, 1960, but without those features that the President found objectionable. An identical bill H. R. 12286 (Widnell), and three similar bills H. R. 12290 (Van Zandt), H. R. 12291 (Fenton), and H. R. 12298 (Saylor) were introduced in the House on the same date. H. R. 12490 (Siler), identical to S. 3569, was introduced in the House on June 1, 1960.

CHEMICAL PESTICIDES COORDINATION ACT: On May 26, 1960, the Committee on Merchant Marine and Fisheries met in executive session and ordered favorably reported to the House a clean bill, H. R. 12419, in lieu of H. R. 11502, to provide for advance consultation with the Fish and Wildlife Service and with state wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls. H. R. 12419 (Wolf), was the Committee bill, which was introduced in House on May 26; H. R. 12463 (King of Utah) was introduced in House on June 1, 1960, similar to H. R. 11502; both were referred to the Committee on Merchant Marine and Fisheries.

H. R. 12419 was reported out by the Committee on Merchant Marine and Fisheries on June 9, 1960 (H. Rept. 1786), and referred to the Committee of the Whole House on the State of the Union.

H. Rept. 1786, Providing for Advance Consultation Before the Beginning of any Federal Program Involving the Use of Pesticides or Other Chemicals (June 6, 1960, 86th Congress, Second Session, Report from the Committee on Merchant Marine and Fisheries to accompany H. R. 12419), 6 pp.,

printed. The purpose of the legislation is to increase protection to wildlife from the use of pesticides and chemicals used for the control of agricultural pests. This would be achieved by a requirement that, before a program involving the use of chemical insecticides, herbicides, fungicides, rodenticides, or other chemicals be initiated or financed by the Federal Government, the initiating agency be required to inform the U. S. Fish and Wildlife Service and to consult with that Service with a view toward minimizing the adverse effect of the program on fish and wildlife resources. Report discusses purpose and need of legislation; presents the reports on the bill submitted by the departments of Agriculture, Interior, and Health, Education, and Welfare. Committee reported favorably on the bill without amendment.

The Senate Committee on Interstate and Foreign Commerce on June 16, 1960, submitted Rept. No. 1601 on S. 3473 (Magnuson) introduced in Senate May 3, 1960, similar to H. R. 12419. A committee amendment substituted the text of H. R. 12419.

COLOR ADDITIVES IN FOOD: On May 9, 1960, the House Committee on Interstate and Foreign Commerce concluded hearings on H. R. 7624, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerance) under which additives may be safely used. H. R. 7624 (Harris), introduced in the House on June 9, 1959, was reported out by the Committee on Interstate and Foreign Commerce on June 7, 1960 (H. Rept. 1761).

H. Res. 599 (Delaney), introduced in the House on June 14, a resolution for the consideration of and 2 hours debate on, H. R. 7624; resolution reported out without amendment (H. Rept. No. 1867).

H. Rept. No. 1761, Color Additive Amendments of 1960 (June 7, 1960, 86th Congress, Second Session, Report of the Committee on Interstate and Foreign Commerce, U. S. House of Representatives, to accompany H. R. 7624), 97 pp., printed. This legislation is to protect the public health by amending the Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used. The report gives committee amendments, purpose and a general summary of the legislation, background information on coal-tar and other colors, need for legislation, a detailed explanation of the committee bill and a section by section analysis, changes in existing law, and reports of executive departments and agencies.

COMMERCIAL FISHING INDUSTRY STAMPS: S. 3624 (Mrs. Smith), a bill to provide a special series of postage stamps to be known as Commercial Fishing Industry Stamps, introduced in the Senate on June 6, 1960, and referred to the Senate Committee on Post Office and Civil Service. The purpose of the bill is to acquaint the people with the importance of the commercial fishing industry in the United States by having the Postmaster

General issue, as early as practicable in the calendar year 1960, a special series of 4-cent postage stamps of an appropriate design, which would be known as Commercial Fishing Industry Stamps.

CONSERVATION OF FISH AND SHELLFISH: H. J. Res. 705 (Pelly), a joint resolution introduced in the House on May 10, 1960, to promote the conservation of ocean fish and shellfish; to the Committee on Ways and Means. Identical to S. J. Res. 184, which was introduced in the Senate on April 7, 1960.

EXEMPTION FROM REGULATION OF TRANSPORTATION OF BULK COMMODITIES BY RAILROAD: S. 3618 (Magnuson) introduced in Senate June 6, 1960, a bill to amend the Interstate Commerce Act, as amended, so as to provide that the transportation of bulk commodities by railroad shall be exempt from regulation. The purpose of the bill is to provide that the transportation of commodities in bulk, shall be accorded exemption from regulation similar to, but broader than, the exemption now granted water carriers subject to the Interstate Commerce Act.

EXEMPT RAILROAD TRANSPORTATION FOR FISH, LIVESTOCK, AND AGRICULTURAL COMMODITIES: H. R. 12413 (Rostenkowski), introduced in House on May 26, 1960, a bill to amend the Interstate Commerce Act, as amended, so as to extend to the railroads a conditional exemption from economic regulation comparable to that provided for motor carriers engaged in the transportation of ordinary livestock, fish, or agricultural commodities; to the Committee on Interstate and Foreign Commerce. At the same time H. R. 12414 (Rostenkowski) was also introduced in the House, a bill to provide for the economic regulation of certain motor vehicles heretofore conditionally exempt therefrom under the provisions of section 203(b) (6) of the Interstate Commerce Act, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce. These two bills have objectives which clash, but Congressman Rostenkowski offered them in order that Congress would choose one in order to eliminate the inequality of treatment for different modes of transportation as far as fish, livestock, and agricultural commodities are concerned.

FEDERAL WATER POLLUTION CONTROL ACT: S. 3574 (Case of South Dakota), a bill introduced in the Senate on May 19, 1960, to strengthen the enforcement provisions of the Federal Water Pollution Control Act and extend the duration of the authorization of grants for State water pollution control programs, and for other purposes; to the Committee on Public Works. This legislation would make the following changes in the Federal Water Pollution Control Act: Extend, for an additional 5 years, the provision for Federal grants to State and Interstate water pollution control agencies for administration of their programs; make it possible for several communities to get individual Federal grants and use these funds in the construction of sewage treatment facilities; make all interstate navigable waters and coastal waters subject to Federal abatement enforcement authority whether or not there is a showing of interstate pollution if abatement action is requested by a State or municipality with the concurrence of the State,

and authorize the Secretary of Health, Education, and Welfare to issue final orders in enforcement actions; make discharges from Federal installations subject to administrative findings and recommendations in Federal water pollution abatement actions conducted by the Department of Health, Education, and Welfare; also includes a clarifying amendment in section 12, which preserves existing functions of other Federal agencies in the water pollution control field. Identical bills were introduced in the House: May 19, 1960, H. R. 12309 (Auchincloss), and on May 23, 1960, H. R. 12343 (Schwengel).

FISH AND WILDLIFE COOPERATIVE RESEARCH TRAINING UNITS: On May 26, 1960, S. 1781 (in lieu of H. R. 5814), a bill to provide for cooperative unit programs of research, education, and demonstration between the Federal Government of the U. S., colleges and universities, the several States and territories, and private organizations, was considered in executive session of Committee on Merchant Marine and Fisheries and ordered favorably reported to the House without amendment. On June 9, the House Committee on Merchant Marine and Fisheries submitted Rept. No. 1783 on S. 1781, referred to the Whole House on the State of the Union.

H. Rept. 1783, Authorizing Continuance of Cooperative Unit Programs of Research and Education Relating to Fish and Wildlife (June 9, 1960, 86th Congress, Second Session, Report from the Committee on Merchant Marine and Fisheries to accompany S. 1781), 4 pp., printed. The purpose of the bill is to continue the development of cooperative units by the Federal Government, states, educational institutions, and nonprofit organizations for research and training programs in the field of fish and wildlife resources. At present, such programs are maintained in some 16 states and a very considerable part of their work is the education of men and women to augment the number of trained people required for the proper conduct of the manifold activities required to maintain and develop our fish and wildlife resources. Report discusses need and cost of legislation and presents the Interior Department Report on the bill. Committee reported favorably on the bill without amendment.

FISHERIES ASSISTANCE ACT OF 1959: On May 5, 1960, Senator Lausche filed a motion in the Senate to reconsider action of the Senate taken on May 3, in adopting conference report on H. R. 5421, a bill to provide a program of assistance to correct inequities in the construction of fishing vessels and to enable the fishing industry of the United States to regain a favorable economic status, and for other purposes.

On May 10, 1960, the House returned to the Senate in accordance with motion entered on May 5 by Senator Lausche, H. R. 5421 (with accompanying papers).

Pursuant to unanimous-consent request of June 6, 1960, the Senate adopted the Lausche motion to reconsider by vote the conference report on H. R. 5421. On reconsideration of this action the Senate by a 59-26 majority, again adopted the conference report.

By unanimous consent, Senate agreed that after action on June 7 on S. 2584, a bill to provide a 5-year program of assistance to enable depressed segments of the fishing industry in the United States to regain a favorable economic status, and for other purposes, it would consider motion of Senator Lausche, filed on May 5, 1960, to reconsider vote by which conference report was adopted in Senate on May 3 on H. R. 5421, to be considered under debate-limitation agreement. Senator Lausche opposed this legislation because in the House version of the bill a new principle is created under which subsidies are to be given to an industry which has been denied tariff relief by the President.

On June 8, 1960, the conference report on H. R. 5421 was adopted by the House, and thus cleared the bill for Presidential consideration. The bill as reported out by the conferees contains the following principal features: (1) a fishing vessel subsidy of up to one-third the cost of construction, if built in a U. S. shipyard under approval of the Department of Defense; (2) the Federal subsidy shall be \$2.5 million per year for 3 years; (3) eligible are those building vessels operated in a fishery for which escape clause relief had been recommended by the Tariff Commission but denied under the Trade Agreements Assistance Act and to certain fisheries found by the Secretary of the Interior to be injured by increased imports of fish or shellfish products.

On June 9, 1960, the Senate received message from the House that H. R. 5421 had been signed by the Speaker.

On June 10 the Committee on House Administration presented to the President, for his approval, H. R. 5421. The bill was signed by the President on June 12, 1960 (P. L. 86-516).

Public Law 86-516
86th Congress, H. R. 5421
June 12, 1960

AN ACT

To provide a program of assistance to correct inequities in the construction of fishing vessels and to enable the fishing industry of the United States to regain a favorable economic status, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assist certain depressed segments of the fishing industry the Secretary of the Interior is hereby authorized to pay in accordance with this Act a subsidy for the construction of fishing vessels in the shipyards of the United States.

Sec. 2. Any citizen of the United States may apply to the Secretary for a construction subsidy to aid in construction of a new fishing vessel in accordance with this Act. No such application shall be approved by the Secretary unless he determined that (1) the plans and specifications for the fishing vessel are suitable for use in the fishery in which that vessel will operate and suitable for use by the United States for National Defense or military purposes in time of war or National emergency, (2) that the applicant possesses the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain the proposed new fishing vessel, (3) will aid in the development of the United States fisheries under conditions that the Secretary considers to be in the public interest, (4) that the vessel, except under force majeure will deliver its full catch to a port of the United States, (5) that the applicant will employ on the vessel only citizens of the United States or aliens legally domiciled in the United States, (6) the vessel will be documented under the laws of the United States, and (7) such other conditions as the Secretary may consider to be in the public interest.

Sec. 3. If the Secretary, in the exercise of his discretion, determines that the granting of a subsidy applied for is reasonably calculated to carry out the purposes of this Act, he may approve such application and enter into a contract or contracts with the applicant which will provide for payment by the United States of a construction subsidy in accordance with the purposes and provisions of this Act and in accordance with any other conditions or limitations which may be prescribed by the Secretary.

Sec. 4. A construction subsidy shall be granted under this Act only to assist in the construction of a fishing vessel to be operated in (1) a fishery suffering injury from which escape clause relief has been recommended by the Tariff Commission under the Trade Agreements Assistance Act of 1951, as amended (65 Stat. 74), but where such relief has been or is hereafter denied under section 7(c) of such Act; (2) a fishery found by the Secretary to be injured or threatened with injury by reason of increased imports, either actual or relative, of a fish or

shellfish product, not the subject of a trade agreement tariff concession, which is like or directly competitive with the fishery's product; or (3) a fishery found by the Secretary to be injured or threatened with injury by reason of increased imports, either actual or relative, of a fish or shellfish product that is provided for in the Free List of the Tariff Act of 1930, whether or not the subject of a trade agreement tariff concession.

Sec. 5. The construction subsidy which the Secretary may pay with respect to any fishing vessel under this Act shall be an amount equal to the difference, as determined by the Maritime Administrator, between the cost of constructing such vessel in a shipyard in the United States based upon the lowest responsible domestic bid for the construction of such vessel and the estimated cost, as determined by the Maritime Administrator, of constructing such vessel under similar plans and specifications in a foreign shipbuilding center which is determined by the Maritime Administrator to furnish a fair and representative example for the determination of the estimated total cost of constructing a vessel of the type proposed to be constructed, but in no event shall the subsidy exceed 33 1/3 per centum of the cost of constructing such vessel in a shipyard in the United States based upon the lowest responsible domestic bid excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Department of Defense in addition to the subsidy. For the purposes of this section, the Maritime Administrator shall determine, and certify to the Secretary, the lowest responsible domestic bid.

Sec. 6. Any fishing vessel for which a construction subsidy is paid under this Act shall be constructed under the supervision of the Maritime Administrator. The Maritime Administrator shall submit the plans and specifications for the proposed vessel to the Department of Defense for examination thereof and suggestions for such changes therein as may be deemed necessary or proper in order that such vessel shall be suitable for economical and speedy conversion into a naval or military auxiliary or otherwise suitable for the use of the United States Government in time of war or national emergency. If the Secretary of Defense approves such plans and specifications as submitted, or as modified, in accordance with the provisions of this subsection, he shall certify such approval to the Administrator. No construction subsidy shall be paid by the Secretary under this Act unless all contracts between the applicant for such subsidy and the shipbuilder who is to construct such vessel contain such provisions with respect to the construction of the vessel as the Maritime Administrator determines necessary to protect the interests of the United States.

Sec. 7. All construction with respect to which a construction subsidy is granted under this Act shall be performed in a shipyard in the United States as a result of competitive bidding, after due advertising, with the rights reserved in the applicant, and in the Maritime Administrator, to disapprove any or all bids. In all such construction the shipbuilder, subcontractor, material men, and suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, and manufacture of the United States as defined in paragraph K of section 401 of the Tariff Act of 1930. No shipbuilder shall be deemed a responsible builder unless he possesses the experience, ability, financial resources, equipment, and other qualifications necessary properly to perform the proposed contract. The submitted bid shall be accompanied by all detailed estimates on which it is based, and the Maritime Administrator may require that the builder or any subcontractor submit any other pertinent data relating to such bids.

Sec. 8. (a) Every contract executed by the Secretary pursuant to section 3 of this Act shall provide that in the event the United States shall, through purchase or requisition, acquire ownership of any fishing vessel on which a construction subsidy was paid, the owner shall be paid therefor the value thereof, but in no event shall such payment exceed the actual depreciated construction cost thereof (together with the actual depreciated cost of capital improvements thereon) less the depreciated amount of construction subsidy theretofore paid incident to the construction of such vessel, or the fair and reasonable scrap value of such vessel as determined by the Maritime Administrator, whichever is the greater. Such determination shall be final. In computing the depreciated value of such vessel, depreciation shall be computed on each vessel on the schedule accepted or adopted by the Internal Revenue Service for income tax purposes.

(b) The provisions of section 2 and subsection (a) of this section relating to the requisition or the acquisition of ownership by the United States shall run with the title of each fishing vessel and be binding on all owners thereof.

Sec. 9. If any fishing vessel is operated during its useful life, as determined by the Secretary, in any fishery other than the particular fishery for which it was designed the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe, an amount which bears the same proportion to the total construction subsidy paid under this Act with respect to such vessel as the proportion that the number of years during which such vessel was not operated in the fishery for which it was designed bears to the total useful life of such vessel as determined by the Secretary for the purposes of this section. Obligations under this provision shall run with the title to the vessel.

Sec. 10. The Secretary shall make such rules and regulations as may be necessary to carry out the purposes of this Act.

Sec. 11. As used in this Act the terms—

- (1) "Secretary" means the Secretary of the Interior,
- (2) "fishing vessel" means any vessel designed to be used in catching fish, processing or transporting fish loaded on the high seas, or any vessel outfitted for such activity,
- (3) "citizen of the United States" includes a corporation, partnership, or association if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended,
- (4) "construction" includes designing, inspecting, outfitting, and equipping, and
- (5) "Maritime Administrator" means the Maritime Administrator in the Department of Commerce.

Sec. 12. There is authorized to be appropriated the sum of not more than \$2,500,000 annually to carry out the purposes of this Act.

Sec. 13. No application for a subsidy for the construction of a fishing vessel may be accepted by the Secretary after the day which is three years after the date of enactment of this Act.

46 Stat. 590
19 USC 1654.
Cost determination and limitation.

Submission of plans to Secretary of Defense

Conditions of construction

46 Stat. 708.
19 USC 1401.

74 STAT. 213.
74 STAT. 214.

Acquisition of ownership by U.S.

Payment for use in other fisheries.

Definitions.

Appropriation.

Expiration date.

Fishing vessels.
Construction assistance.

Subsidies.
Applications.

Contracts.

Subsidies, conditions.

72 Stat. 676.
19 USC 1364.

74 STAT. 212.
74 STAT. 213.

Approved June 12, 1960.

FISHERIES COOPERATIVE MARKETING ACT AMENDMENT: The Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries on June 7, 1960, considered H. R. 2777 (McCormack), a bill to amend the Fisheries Cooperative Marketing Act, introduced in the House on January 19, 1959. The bill provides that fishermen's cooperatives shall not be subject to the provisions of the Antitrust Act.

FISHERY LOAN FUND MORTGAGE FORECLOSURES: A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to facilitate administration of the fishery loan fund established by section 4 of the Fish and Wildlife Act of 1956, and for other purposes (with an accompanying paper), was laid before the Senate on June 1, 1960, by the Vice President, and referred to the Senate Committee on Interstate and Foreign Commerce. Would give Secretary of the Interior authority to dispose of property acquired through foreclosure of vessel mortgages under the fishery loan fund.

S. 3631 (Magnuson), a bill to facilitate administration of the fishery loan fund established by section 4 of the Fish and Wildlife Act of 1956, and for other purposes, introduced in the Senate on June 6, 1960, and referred to the Senate Committee on Interstate and Foreign Commerce.

FISH HATCHERIES: On June 9, the Committee on Merchant Marine and Fisheries submitted Rept. No. 1784 on S. 2053, an act to provide for the acceptance by the United States of a fish hatchery in the State of South Carolina; without amendment; referred to the Committee of the Whole House on the State of the Union.

H. Rept. No. 1784, Orangeburg County, S. C., Fish Hatchery (June 9, 1960, 86th Congress, Second Session, Report from the Committee on Merchant Marine and Fisheries to accompany S. 2053), 4 pp., printed. The purpose of the bill is to provide for a needed increase in facilities for the production of warm water fish in South Carolina. This would be accomplished by accepting title by the Secretary of the Interior to an existing hatchery facility owned by Orangeburg County, S. C., and its development by the Fish and Wildlife Service. Report discusses purpose, background, cost, and need for legislation; presents the Interior Department report on the bill. Committee reported favorably on the bill without amendment.

FISHING VESSEL MORTGAGE INSURANCE FUND: On June 9, 1960, the House Committee on Merchant Marine and Fisheries submitted Rept. No. 1785 on S. 2481, an act to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes, without amendment; referred to the Committee of the Whole House on the State of the Union.

FOREIGN TRADE STUDY COMMISSION: S. J. Res. 208 (Dirksen), joint resolution introduced in Senate on June 13, 1960, to provide for a commission to study and report on the influence of foreign trade upon business and industrial expansion in the United States; to the Committee on Interstate and

Foreign Commerce. Resolution provides that commission shall file a final report not later than July 31, 1961.

HAWAII OMNIBUS ACT: Hawaii Omnibus Bill (Hearings before the Committee on Interior and Insular Affairs, United States Senate, 86th Congress, Second Session on S. 3054, April 29, 1960), 86 pp., printed. The purpose of the legislation is to "gather up the loose ends" in Federal legislation involved in the transition of Hawaii from a territory to a State of the United States; will make technical changes in our national laws to make Hawaii a full and equal partner with the other 49 states. Section 13 contains perfecting amendments to the statute, which authorizes the Secretary of the Interior to undertake exploration, investigation, development, and maintenance projects for fishery resources in the Pacific. Inappropriate references to the "Territory" of Hawaii and to the "Hawaiian Islands" would be deleted or modified by the amendments. Report contains statements and communications from Federal officials, Congressmen, and officials of business firms; the text of the bill; the report of the Bureau of the Budget; and a section by section analysis.

IMPORTS IMPACT ON SMALL BUSINESS: The Subcommittee on Relations of Business with Government of the Senate Select Committee on Small Business held hearings on June 16, on the subject of the impact of imports on American small business. Government witnesses were heard, as well as numerous public witnesses representing various segments of industry and several organizations. Hearings were adjourned subject to call.

INTERIOR DEPARTMENT APPROPRIATIONS: On May 5, 1960, the House adopted by a voice vote the conference report on H. R. 10401, a bill making appropriations for the Department of the Interior and related agencies for fiscal year 1961, and sent the legislation to the Senate. Two Senate amendments were reported in disagreement on which the House voted to recede and concur therein.

The President signed H. R. 10401 on May 13, 1960 (P. L. 86-455).

H. Rept. No. 1571, Department of the Interior and Related Agencies Appropriation Bill, 1961 (May 3, 1960, 86th Congress, Second Session, Report of the Committee on Conference, to accompany H. R. 10401), 8 pp., printed. The two Houses disagreed on the amendments of the Senate to H. R. 10401, appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes. The Committee on Conference agreed to recommend to their respective Houses various amendments, among which Amendment No. 24 pertains to the Bureau of Commercial Fisheries: Appropriates \$6,591,000 for management and investigations of resources instead of \$7,051,000 as proposed by the Senate and \$6,249,000 as proposed by the House. The increase provided over the House bill is for the following: pesticides research, \$67,000; industrial fisheries research (menhaden, sardines, and herring), \$175,000; South Atlantic exploratory fishing gear and development program, \$100,000. In addition, the conferees direct that \$60,000 be made available for this latter program from Saltonstall-Kennedy funds to make a total of \$160,000 available

during fiscal year 1961. For the Bureau of Sport Fisheries and Wildlife Amendment 22 appropriates \$18,645,000 for management and investigations of resources instead of \$18,770,000 as proposed by the Senate and \$18,220,000 as proposed by the House. The increase provided over the House bill is as follows: Assistance to Navajo, Hopi, Fort Apache, and Zuni Indian Reservations in fishery management, \$25,000; research on effects of pesticides on fish and wildlife, \$250,000; and marine sport fisheries research, \$150,000. Amendment No. 23 appropriated \$4,535,000 for construction instead of \$4,841,000 as proposed by the Senate and \$3,485,000 as proposed by the House. The increase provided over the House bill is for the following hatcheries: Alchey Springs, Ariz., \$260,000; Garrison Dam, N. Dak., \$200,000; Corning, Ark., \$100,000; Erwin, Tenn., \$100,000; Creston, Mont., \$130,000; Gavins Point Dam, S. Dak., \$150,000; Hot Springs, N. Mex., \$100,000; and for a survey, Walker Lake area, Nevada, \$10,000.

LAW OF THE SEA CONVENTIONS: By a record vote the Senate on May 26, 1960, ratified en bloc five treaties, all from 86th Congress, 1st Session: Convention on the Territorial Sea and the Contiguous Zone (Ex. J); Convention on the High Seas (Ex. K); Convention on Fishing and Conservation of the Living Resources of the High Seas (Ex. L); Convention on the Continental Shelf (Ex. M); and Optional Protocol of Signature Concerning Compulsory Settlement of Disputes on Law of the Sea (Ex. N). Following objections of several Senators to the voting en bloc of these treaties, another vote was taken on Optional Protocol of Signature Concerning Compulsory Settlement of Disputes on Law of the Sea (Ex. N), the Senate failed to agree to resolution of ratification of that treaty. An affirmative two-thirds vote is necessary for ratification. So the Senate, in essence, rejected the Optional Protocol which would give the World Court jurisdiction over all disputes arising under the Law of the Sea Convention signed at Geneva.

The four conventions that were ratified codify existing international law and establish some new international law with respect to activities on the seas.

On May 27, 1960, a motion was made by Senator Mansfield to reconsider the vote by which the resolution approving ratification of Ex. N., 86th Congress, 1st Session, was disagreed to. The motion to reconsider permits debate and full explanation and clarification of Ex. N.

NATIONAL AQUARIUM IN DISTRICT OF COLUMBIA: H. R. 12634 (Kirwin), introduced in the House on June 14, 1960, a bill to authorize the Secretary of the Interior to construct a national aquarium in the District of Columbia; referred to the Committee on the District of Columbia.

NATIONAL FISHERIES CENTER: H. R. 9979 (Foley), a bill to create a Federal planning commission to conduct a study of the possible establishment of a national fisheries center in the District of Columbia; to the Committee on the District of Columbia; introduced in House January 27, 1960. Identical to other bills previously introduced.

OCEANOGRAPHIC NATIONAL DATA CENTER: H. R. 12018 (George P. Miller) on May 2, 1960, in-

troduced in the House a bill to establish within the U. S. Coast and Geodetic Survey a National Oceanographic Data Center and a National Instrumentation Test and Calibration Center; to the Committee on Merchant Marine and Fisheries.

OCEANOGRAPHY (Hearing before the Special Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries, House of Representatives, 86th Congress, 2nd Session, on S. 2482, to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes; and S. 2483, to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey, and of the Weather Bureau, January 22, 1960), 35 pp., printed. Contains statements of government officials; letters and resolutions of various organizations. This legislation would advance the marine sciences and enlarge the abilities of the Coast and Geodetic Survey to enable it to conduct surveys in waters which extend beyond the immediate territories of the United States set forth in existing Coast and Geodetic Survey authority; and would simplify the administrative action of the Coast and Geodetic Survey and Weather Bureau, authorizing the Secretary of Commerce to fix certain rates of pay for extra compensation for members of crews of vessels when assigned to certain duties and to employees of other agencies when performing certain duties for the Coast and Geodetic Survey.

OCEANOGRAPHIC RESEARCH PROGRAM: On May 18, 1960, the Senate Committee on Interstate and Foreign Commerce in executive session, ordered favorably reported without amendment S. 2692 (Magnuson & 10 other Senators), a bill introduced in the Senate on September 11, 1959. The purpose of the bill is to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys; to promote commerce and navigation, to secure the national defense; to expand ocean resources; to authorize the construction of research and survey ships and facilities; to assure systematic studies of the effects of radioactive materials in marine environments; to enhance the general welfare, and for other purposes. Titled "The Marine Sciences and Research Act of 1959" the bill provides for a 10-year program relating to Oceanographic Research and objectives expressed in Senate Resolution 136, previously introduced and adopted by Senate. Report No. 1525 was reported by the Committee on Interstate and Foreign Commerce, with amendments on June 7, 1960.

Marine Science (Hearings before the Committee on Interstate and Foreign Commerce United States Senate, 86th Congress, Second Session, on S. 2692, April 20, 21, and 22, 1960), 165 pp., printed. Contains statements, letters, communications, reports, resolutions, and tables from various government and state agencies, commissions, universities, laboratories, etc. The Bureau of Commercial Fisheries, Fish and Wildlife Service, submitted 3 tables: Table 1 - research contracts either negotiated or in effect in fiscal year 1960; Table 9 - contracts negotiated with Saltonstall-Kennedy Act funds, fiscal years 1955-60; Table 12 - contracts utilizing Saltonstall-Kennedy Act funds (analysis by contracting organization and location).

OCEANOGRAPHY EDUCATIONAL ASSISTANCE: Frontiers in Oceanic Research (Hearings before the Committee on Science and Astronautics, U. S. House of Representatives, 86th Congress, Second Session, April 28 and 29, 1960, on H. R. 6298), 76 pp., printed. This legislation provides financial assistance to educational institutions for the development of teaching facilities, provides fellowships in the field of oceanography, and provides fellowships for graduate study in such fields. Contains statements of a geochemistry professor, California Institute of Technology, and Chairman, Committee on Oceanography, National Academy of Sciences; Director of Development Planning, Lockheed Aircraft Corporation, Burbank, California; the scientist in charge of the Navy's bathyscope program; and the Assistant Secretary of the Navy for Research and Development.

POLLUTION OF THE SEA BY OIL: Executive C, 86th Congress, Second Session, was reported from the Committee on Foreign Relations on June 2, 1960. The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, was signed at London, on May 12, 1954, in behalf of certain states, but not the United States (Ex. Rept. No. 5). This Convention would help clean up the ocean oil pollution which annually kills thousands of water birds, fish, shellfish, and other wildlife.

PUBLIC WORKS APPROPRIATION BILL, 1961: The Committee on Appropriations held an additional hearing on H. R. 12326 (Cannon), a bill introduced in the House on May 20, 1960, fiscal 1961 appropriations for public works. This legislation includes funds for the Fish and Wildlife Service for studies on effect of certain public works construction on fish and wildlife; Lower Columbia River fish sanctuary program; and also, the Committee requested that consideration be given to transferring the Columbia Fisheries Program under Public Works Appropriations to the budget for the Fish and Wildlife Service.

Public Works Appropriation Bill, 1961 (Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, 86th Congress, Second Session, Part 2), 98 pp., printed. Contains statements of public officials; project data sheets; tables; and details of projects. Nearly each project lists funds for studies of effect of project upon fish and wildlife. Includes funds (\$750,000) to permit detailed studies by the Fish and Wildlife Service of 191 Corps of Engineers and the Bureau of Reclamation projects in the United States, exclusive of the Missouri River Basin. These studies are provided for in the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U. S. C. 661 et seq.) which require that the Fish and Wildlife Service determine the probable effects on fish and wildlife resources of water control projects proposed under the jurisdiction or control of the Federal Government and to insure that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs. Measures are recommended to protect and, where possible, to develop and improve fish and wildlife. The act authorizes transfer of funds for these studies to the Fish and Wildlife Service from moneys appropriated to the Federal construction agencies for investigations, engineering, or construction. Each project and its cost for fish and wildlife study is listed.

H. R. 12326 (Cannon), introduced in the House on May 20, 1960, a bill making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 20, 1961, and for other purposes. This bill was reported without amendment on May 20, 1960 (H. Rept. No. 1634).

H. Rept. No. 1634, Public Works Appropriation Bill, 1961 (May 20, 1960, 86th Congress Second Session, Report from the Committee on Appropriations to accompany H. R. 12326), 45 pp., printed. This legislation includes funds for the Fish and Wildlife Service for studies on effect of certain public works construction on fish and wildlife, \$500,000; Lower Columbia River fish sanctuary program, \$1,400,000. Also, the Committee requested that consideration be given to transferring the Columbia Fisheries Program under Public Works Appropriations to the budget for the Fish and Wildlife Service.

The Committee of the Whole House on the State of the Union concluded consideration of H. R. 12326 on May 24, 1960, but deferred final action on the bill until May 25, 1960, upon development of a record vote on a motion to recommit the bill. The recommittal motion was designed to prevent use of any funds for construction of the Allegheny River Reservoir in Pennsylvania and New York. No amendments were adopted. On May 25, 1960, the bill passed the House with Allegheny River Reservoir included and was sent to the Senate. Was referred to Senate Committee on Appropriations.

SALMON IMPORT RESTRICTIONS: Hearings by the Subcommittee on Merchant Marine and Fisheries of the Senate Committee on Interstate and Foreign Commerce continued hearings on May 18, 1960, on S. 502, a bill introduced in Senate January 20, 1959, to facilitate the application and operation of the Fish and Wildlife Act of 1956, and for other purposes.

SALTONSTALL-KENNEDY ACT FUNDS RE-APPORTIONMENT: H. R. 12141 (Coffin), introduced in House on May 10, 1960, a bill to amend the Act of August 11, 1939, with respect to the allocation of funds available under that Act, and for other purposes. The Act entitled "An Act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry," as amended, is further amended. It would allow the Secretary of the Interior, after deducting 8 percentum for his expenses in the conduct of necessary investigations, administration, and execution of this Act, to allocate funds for the purposes mentioned in this section to the agencies, organizations, and individuals mentioned in this section as follows: (1) one-third in the form of grants; (2) one-third in the form of contracts; and (3) one-third for apportionment on an equitable basis, as the Secretary of the Interior may determine, among the several states. In making such apportionments the Secretary of the Interior shall take into account the extent of the fishing industry within each state as compared with the total fishing industry of the United States and such other factors as may be relevant in view of the purposes of this section.

Any state desiring to avail itself of the benefits of this section shall, through its state fisheries department, submit to the Secretary of the Interior full and detailed statements of any project proposed for that state. If the Secretary of the Interior finds that such project is consistent with the purposes of this section, and meets with standards to be established by him and otherwise approves such project, the state fisheries department shall furnish him such detailed surveys, plans, specifications, and estimates with respect to such project as he may request. If the Secretary of the Interior approves such detailed surveys, plans, specifications, and estimates, he shall so notify the state fisheries department. No part of any moneys apportioned under this subsection shall be paid with respect to any project until the detailed surveys, plans, specifications, and estimates have been approved by the Secretary of the Interior, and not more than 50 percent of the total estimated cost of the approved project shall be paid from funds made available under this section. If any funds made available for an approved project under this section are not used by the state for that project, that state shall not receive any further funds under this section until it shall have replaced the misapplied funds. Allocation to the states would be based on a formula involving the volume and value of their fisheries and the number of fishermen engaged in the fishing industry. Also, each state would be required to match the funds approved for use of that state. The amendment would take effect July 1, 1961.

This bill is identical to H. R. 12142 (Anfuso), H. R. 12143 (Lennon), H. R. 12144 (Geo. P. Miller), H. R. 12145 (Oliver), H. R. 12146 (Pelly), and H. R. 12147 (Thompson of Louisiana)--all introduced in the House on May 10, 1960; similar but not identical to H. R. 10939 (Rivers of Alaska), introduced in House on March 7, 1960. H. R. 12215 (McIntire), introduced in the House on May 12, 1960, identical to seven bills introduced in House on May 11, 1960, and similar to one on March 7, 1960.

S. 3658 (Gruening, for himself and Magnuson, Jackson, Morse, Lusk, and Engle), introduced in the Senate on June 10, 1960, a bill to amend the act authorizing the use for fishery research and other purposes of 30 percent of amounts collected as custom duties on fishery products in order to increase such percentage to 60; to the Committee on Interstate and Foreign Commerce.

While the bill contains no stipulation on how additional funds available under the expanded program would be spent, Senator Gruening states in a speech in the Senate that the purpose of the bill is to provide additional funds "for the rehabilitation of the salmon fishing resources of the Pacific Northwest, particularly those in Alaska."

SHRIMP CONSERVATION CONVENTION WITH CUBA: S. 2867 (Magnuson), introduced in the Senate January 20, 1960, a bill to give effect to the Convention between the United States and Cuba for the conservation of shrimp, signed at Havana, August 15, 1958; was reported to the Senate by the Committee on Interstate and Foreign Commerce on May 12, 1960 (S. Rept. No. 1346).

S. Rept. No. 1346, Shrimp Conservation Act (May 12, 1960, 86th Congress, Second Session, Report from the Committee on Interstate and For-

ign Commerce, to accompany S. 2867), 7 pp., printed. The bill, which was introduced at the request of the Department of State, would implement a convention for the conservation of shrimp between the United States and Cuba, signed at Havana, August 15, 1958. The Senate gave its advice and consent to the ratification of the convention, June 4, 1959.

The Commission for the Conservation of Shrimp, to be established by the convention, will have two national sections, each composed of three members appointed by the respective Governments. Each section will have one vote, and both must approve any decisions of the Commission. Each Government may establish an advisory committee for its national section. The Commission will have two principal duties: First it will obtain and disseminate scientific information regarding stocks of shrimp of common concern in the convention area. Secondly, on the basis of its findings, it will adopt appropriate regulations which will enter into force 50 days after notification to the parties, in the absence of objection by either party.

Share of the joint expenses of the Commission, will be determined by the proportion of the total shrimp catch from the convention area by vessels belonging to the respective countries. Initially the United States would have the largest share of the expense, but Cuba's share will be expected to increase.

Enforcement of the legislation would be by the Coast Guard, Department of the Interior, Bureau of Customs, or Federal officers and employees designated so to act by the Secretary of the Interior. Judges of the U. S. District Courts and the U. S. Commissioners, within their jurisdiction, would be authorized to issue warrants or other process necessary to enforce the legislation. Shrimp and gear used to take same in violation of this proposed act, could be seized, and persons in violation could be fined up to \$5,000 for the first offense and up to \$10,000, and catch and gear ordered forfeited. Committee amendment changes the "Shrimp Conservation Act of 1959," to "Shrimp Conservation Act of 1960." Despite recent occurrences in Cuba, the Department of State still favors the enactment of this legislation. The committee points out that this is a matter of an economic nature between the two countries, and should not be evaluated on any other basis. Report contains letters from various agencies stating their approval of the enactment of this legislation.

On May 26, 1960, the Senate considered S. 2867, a bill which had been reported out by the Committee on Interstate and Foreign Commerce with amendment. The amendment was agreed to, the bill was read for the third time, and passed.

SHRIMP IMPORT DUTIES: The Commissioners Court of Brazoria County, Tex., on April 11, 1960, and the Propeller Club of the United States, Port of Brownsville and Port Isabel, Tex., on February 18, 1960, sent resolutions to the Senate urging congressional passage of pending bills establishing country-by-country quotas on shrimp imports (S. 3204 and H. R. 8769).

S. 3639 (Long, and others), a bill for the relief of the domestic shrimp industry, introduced in the

Senate on June 7, 1960, and referred to the Committee on Finance. The purpose of this legislation is to grant temporary quotas to meet distressed conditions in the domestic shrimp industry.

SMALL BUSINESS ACT AMENDMENTS: S. 3698 (Proxmire, for himself, Sparkman, Hart, Fulbright and Capehart), by unanimous consent, on June 16, 1960, introduced bill to amend the Small Business Act, and for other purposes; referred to the Committee on Banking and Currency. This legislation would increase by \$75 million the authorization for the revolving fund for the Small Business Administration's regular business loan program.

SMALL BUSINESS INVESTMENT ACT OF 1958 AMENDMENTS: On May 14, 1960, S. 2611, a bill which was introduced in the Senate on August 27, 1959, to amend the Small Business Investment Act of 1958, and for other purposes, was reported with amendments by the Committee on Banking and Currency and committed to the Committee of the Whole House on the State of the Union (H. Rept. 1608). The legislation provides for amendments to the Small Business Act of 1958 (P. L. 85-833), for the purpose of removing certain legal impediments to the formation and successful operation of small business investment companies. Passed House amended June 6, 1960. After concurring to House amendments, the Senate cleared for President S. 2611 (Proxmire). Approved and signed by the President on June 11, 1960 (P. L. 86-502).

H. Rept. No. 1608, Small Business Investment Act Amendments of 1960 (May 14, 1960, 86th Congress, Second Session, Report of the Committee on Banking and Currency to accompany S. 2611), 12 pp., printed. Contains purpose and provisions of the bill; committee recommendations; names, locations, and capital structure of licensed Small Business Investment Companies; section by section summary of the bill and amendments. The purpose of this legislation is to remove certain legal impediments to the formation and successful operation of small business investment companies.

SPORT FISHING ORGANIZATIONS MAIL RATE EXTENSION: H. R. 12333 (Johnson of Maryland), introduced in the House on May 23, 1960, a bill to extend to nonprofit sport fishing or fishing fair or contest organizations and associations the third-class mail rates applicable to certain categories of nonprofit organizations or associations; to the Committee on Post Office and Civil Service.

TARIFF NEGOTIATIONS: H. Con. Res. 697 (Hiestand), introduced on June 1, a concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means. H. Con. Res. 699, introduced in the House on June 13, is similar to H. Con. Res. 697.

TARIFF REDUCTIONS AND WAGE DIFFERENTIALS: S. Con. Res. 110 (Bush), introduced in Senate on June 14, 1960, a concurrent resolution relative to consideration of certain tariff reductions and wage differentials at the coming GATT Conference; referred to the Committee on Finance.

UNEMPLOYMENT RELIEF IN DEPRESSED AREAS: On May 6, 1960, the Senate adopted a motion by Johnson (Texas), to agree to the House amendment to S. 722, a bill to establish an effective program to alleviate conditions of unemployment and underemployment in certain economically depressed areas. This action cleared the bill for the President.

On May 9, 1960, the Secretary of the Senate presented to the President of the United States for signature S. 722. The President vetoed S. 722 on May 13, 1960. On May 24, 1960, the Senate debated and voted to override the Presidential veto. This attempt was defeated because a two-thirds affirmative vote, which is necessary to override a Presidential veto, was not polled.

WAGES--MINIMUM HOURLY RATE INCREASE: The Subcommittee on Labor Standards of the House Committee on Education and Labor met in Executive session on May 31, 1960, to mark-up H. R. 4488 (Roosevelt), introduced on February 16, 1959, a bill to amend the Fair Labor Standards Act of 1938 to establish a \$1.25 minimum hourly wage, and for other purposes.

Minimum Wage-Hour Legislation (Hearings before the Subcommittee on Labor Standards of the Committee on Education and Labor, House of Representatives, 86th Congress, Second Session, on various bills regarding minimum wage legislation, March 16, 17, 23, 24, 29, 30, 31, and April 7, 11, and 13, 1960 - Part I), 490 pp., printed. Contains statements and letters of union leaders; industry officials; employers and employees in various industries; government officials; and various exhibits, charts, and tables. Sixty-seven bills have been introduced in Congress, all dealing with the same subject matter, and generally to the same extent. This legislation is designed to substantially increase the Federal minimum wage and extend the coverage of the Fair Labor Standards Act of 1938 to include some 20 million workers who are not now covered. One of the bills, H. R. 4488, would eliminate minimum wage and overtime exemptions for employees "in packing, canning, or other processing of fish or seafood products (but fishing and other occupations which precede processing of such products continue to be exempt)."

Minimum Wage-Hour Legislation (Hearings before the Subcommittee on Labor Standards of the Committee on Education and Labor, U. S. House of Representatives, 86th Congress, Second Session, on various bills regarding minimum wage legislation, April 19, 20, 21, 26, 27, and May 3 and 5, 1960 - Part II), 948 pp., printed. Contains letters, prepared statements and supplemental material of labor officials; industry officials; government and state officials; and various charts, exhibits, and tables.

WAGES--MINIMUM HOURLY RATE INCREASE: H. R. 12677 (Roosevelt), introduced on June 15, 1960, a bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the Act of \$1.25 an hour, and for other purposes; to the Committee on Education and Labor.

The Senate Committee on Labor and Public Welfare continued its executive consideration of S. 1046 (Kennedy and others), introduced in the Senate February 16, 1959, a bill proposing amendments to the Fair Labor Standards Act, but did not conclude action, and on June 15 recessed subject to call. Committee has removed the fishery exemption from the bill, except that seafood processing and canning have retained the overtime exemption.

The House Committee on Education and Labor continued on June 15 in executive session consideration of H. R. 4488 (Roosevelt), introduced in the House on February 16, 1959, a bill to amend the Fair Labor Standards Act of 1938 in regard to increasing the Federal minimum wage to \$1.25 an hour.

On June 16, 1960, the House Committee on Education and Labor met in executive session and ordered favorably reported to the House H. R. 12677. The bill retains existing year-round exemption from overtime for fish cannery and increases statutory minimum wage to \$1.15 an hour on November 1 this year, to \$1.20 an hour on November 1, 1961, and to \$1.25 an hour on November 1, 1962; also would continue wage order program for employees in Puerto Rico, the Virgin Islands, and American Samoa, and would provide for increases in their wages reflecting the same percentage as the annual increases on the mainland. The general fishery exemption in the bill is the same as in present law except for a few words. The bill provides that "any employee employed in or necessary to the conduct of the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including the going to and returning from work and including employment in or necessary to the conduct of the loading, unloading, or packing of such products for shipment or in propagating, processing (other than canning), marketing, freezing, curing, storing, or distributing the alive products or byproducts thereof; . . ." is exempt

from Sections 6 and 7 of the Act. In addition, the bill also provides that "any employee employed in the canning of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life; or any by-product thereof; . . ." is exempt from Section 7 of the Act.

WATER CONSERVATION ACT OF 1959: Policy and Procedure for the Development of Water Resources (Hearing before the Committee on Public Works, House of Representatives, 86th Congress, Second Session on H. R. 8, April 27, 1960), Part 2, 315 pp., printed. The bill H. R. 8, introduced in the House on January 7, 1959, would promote and establish policy and procedure for the development of water resources of lakes, rivers, and streams. The report on the hearing contains statements of members of Congress, various public officials, and public utility officials. Among other things, this legislation provides that the development of water resources by the United States shall be based upon adequate and reliable data and shall be so planned and prosecuted on a comprehensive multiple-purpose basis to achieve maximum sustained usefulness of resources for all beneficial purposes; to protect and promote commerce among the several states, and the general welfare, security, and defense of the United States.

WILDLIFE, FISH, AND GAME CONSERVATION: A Special Subcommittee hearing was held on May 19, on H. R. 2565, a bill which was introduced in the House on March 23, 1960, to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations.

On May 27, 1960, the Senate Committee on Interior and Insular Affairs submitted Report No. 1492 on H. R. 2565.

H. R. 2565, was passed over by the Senate, by the request of New York State authorities, on June 2, 1960.



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