



FEDERAL ACTIONS



Interdepartmental Committee on Trade Agreements

TRADE-AGREEMENT NEGOTIATIONS UNDER GATT INCLUDE FISHERY PRODUCTS:

Notice of intention of the United States to conduct trade agreement negotiations under the General Agreement on Tariffs and Trade with foreign governments which are contracting parties to that agreement and with the Governments of Israel, Spain, Switzerland, and Tunisia was published in the Federal Register of May 28, 1960.

Annexed to the notice was a list of articles imported into the United States to be considered for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations. Fishery products and related products are included in the list, such as marine-animal oils; netting; fish-liver oils; dressed swordfish; fish fillets and steaks; dried fish; canned smoked sardines in oil over 30 cents per pound; other specialty canned fishery products such as anchovies, fish balls, cakes, etc.; certain types of pickled or salted fish; certain types of smoked or kippered fish; etc.

Persons interested in export articles also were requested to express their views regarding any tariff or other trade concessions that might be requested of foreign governments with which negotiations are to be conducted, whether or not such articles are included in the list of export articles on which the United States is considering requesting such concessions. The list of export articles was issued May 28 by the Department of State in its Publication No. 6987. Sever-

al fishery products or related products are included in the list.

Note: See pp. 39-41 of this issue.



Committee for Reciprocity Information

TRADE-AGREEMENT NEGOTIATIONS UNDER GATT INCLUDE FISHERY PRODUCTS:

Notice for submission of information to the Committee for Reciprocity Information in regard to trade-agreement negotiations under GATT was published in the May 28, 1960, Federal Register. The notice pointed out that closing date for application to appear at the hearing and for submission of briefs was June 27. The hearing opened on July 11, 1960. Persons or groups interested in import articles were requested to present to the Committee their views concerning possible tariff concessions by the United States on any article, whether or not included in the list annexed to the notice of intention to negotiate of the Interdepartmental Committee on Trade Agreements. Persons or groups interested in export articles were also requested to present their views regarding any tariff or other trade concessions that might be requested of the foreign governments with which negotiations are to be conducted, whether or not the articles are included in the list of export articles published by the Department of State. Certain fishery products are included in both the import and export list.

Note: See pp. 39-41 of this issue.



U. S. Tariff Commission

"PERIL POINT" INVESTIGATION OF IMPORTED ARTICLES TO BE CONSIDERED IN TRADE-AGREEMENT NEGOTIATIONS UNDER GATT:

Concurrently with the announcement of the Interdepartmental Committee on Trade Agreements concerning proposed trade agreement negotiations, the President furnished the U. S. Tariff Commission a list of articles imported into the United States to be considered in the proposed trade agreement negotiations under GATT, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in section 3 of the Trade Agreements Extension Act of 1951, as amended. The notice of the Commission's investigation and hearings appeared in the Federal Register of May 28, 1960. The final date for filing requests to testify and written statements was June 27. The public hearings began on July 11, 1960.

The purpose of the Commission's investigation is to obtain the facts necessary to enable the Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of Section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions are required.

It was pointed out that oral testimony and written statements received by the Commission will be available to the Committee for Reciprocity Information, so that appearance before both the Committee and the Commission, although permissible, was not necessary. Likewise testimony and statements received by the Committee will be available to the Commission.

Note: See pp. 39-41 of this issue.

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HEARINGS ON EFFECT OF IMPORTS OF HARD FIBER CORDS AND TWINES ON DOMESTIC INDUSTRY:

Upon application of the Cordage Institute, New York, N. Y., received June 10, 1960, the U. S. Tariff Commission, on June 24, 1960, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether cords and twines^{1/} provided for in paragraph 1005(b) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

A public hearing in connection with this investigation will be held on September 28, 1960, in the Hearing Room, Tariff Commission Building, Washington, D. C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

^{1/}Cords and twines (whether or not composed of three or more strands, each strand composed of two or more yarns), tared or untared, single or plied, wholly or in chief value of henequen, manila (abaca), sisal, or other hard fiber.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

EFFECTIVE DATE EXTENDED FOR STATUTE FOR CERTAIN FOOD ADDITIVES:

The Commissioner of Food and Drugs, pursuant to authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Pub. Law 85-929; 72 Stat. 1788; 21 U. S. C., note under sec. 342) authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefore denied. On the basis of data supplied and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, certain additives may be used in food under certain specified conditions for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the Act, whichever occurs first.

Two separate documents on this subject appeared in the June 15 Federal Register. The two documents contain an extensive list of food additives (about 250 items), mostly flavoring substances and natural substances used in conjunction with flavors. The lists give the common and botanical or zoological name of source for each substance.



Department of the Interior

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

ALASKA REGIONAL DIRECTOR NAMED TO FILL REGIONAL FISHERIES POST IN NORTH ATLANTIC REGION:

The appointment of John T. Gharrett, Regional Director of the Bureau

of Commercial Fisheries in Alaska, as Director of the Bureau's Regional Office (Region 3) in Gloucester, Mass., was announced June 21, 1960, by Assistant Secretary of the Interior Ross Leffler.

Gharrett replaces Joseph F. Puncochar who resigned July 5 to become Director of Research for the Maine Sardine Council.

Puncochar, an employee of the Fish and Wildlife Service for a quarter of a century, has been in charge of Bureau operations in the North Atlantic Region since the office was established in 1958. In his new position, he will be located in Bangor, Maine.

Gharrett has been employed in fisheries research and management since 1940. He has been with the International Pacific Halibut Commission, Oregon State Fish Commission, Pacific Marine Fisheries Commission, and the Bureau of Commercial Fisheries. He came to the Bureau in October 1955, and was attached to Alaska activities with headquarters in Juneau.

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PROPOSED REVISION OF PROHIBITION TO FISH FOR SALMON WITH ANY NET IN NORTH PACIFIC:

In order to provide identical coverage with that provided the Pacific Coast States, a revision was proposed of the U. S. Department of the Interior regulation prohibiting to fish for or take salmon with any net in the North Pacific. Interested persons had until July 9 to submit comments, suggestions, or objections to the proposed amendments. The proposed revision as it appeared in the June 9 Federal Register follows:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 130]

NORTH PACIFIC AREA

Definition; Salmon Fishery Prohibition

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 12 of the act of August 12, 1954 (68 Stat. 700; 16 U.S.C. 1031), it is proposed to amend 50 CFR Part 130 as set forth below. The

purpose of the amendment is to extend the boundaries of the area where it is prohibited to fish for or take salmon with any net and to define the term North Pacific area.

Such fishing has been prohibited by Federal regulations since 1957 under authority of the North Pacific Fisheries Act as far west as longitude 175 degrees west.

In order to provide identical coverage with that provided the Pacific Coast States, it is now proposed to extend the prohibition against such fishing throughout the North Pacific area.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Commercial Fisheries, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 1, 68 Stat. 698, as amended; 16 U.S.C. 1021 et seq.)

ROSS LEFFLER,

Assistant Secretary of the Interior.

JUNE 3, 1960.

Part 130—North Pacific Area, would be revised as follows:

§ 130.1 Definition.

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

SALMON FISHERY

§ 130.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

BUREAU OF INDIAN AFFAIRS

REVISION PROPOSED OF COMMERCIAL FISHING REGULATIONS FOR RED LAKE INDIAN RESERVATION:

A proposed revision of the commercial fishing regulations for the Red Lake Indian Reservation, Minnesota, appeared in the Federal Register of May 28, 1960. The principal revisions in the regulations include application of a maximum annual quota to yellow or walleye pike,

the main species, rather than to all game fish; and prohibits the taking of yellow and northern pike (pickerel) during their spawning season except for propagation purposes. The remaining revisions are primarily for the purpose of clarification and to eliminate functions of the Red Lake Fisheries Association from the regulations.

Interested persons had until June 27, 1960, to submit comments, suggestions, or objections.

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ALASKAN INDIAN COMMERCIAL FISHING REGULATIONS, 1960:

Regulations have been issued by the Bureau of Indian Affairs of the U. S. Department of the Interior to perpetuate certain fishing rights long recognized by Federal statutes, regulations, and custom and secured to the Alaska Eskimos, Indians and Aleuts by section 4 of the Alaska Statehood Act of July 7, 1958. The regulations were published in the June 2, 1960, Federal Register and became effective on the date of publication.

The proposed regulations appeared in the April 9, 1960, Federal Register. Interested persons were given an opportunity to submit their views, data, or arguments in writing, to the Bureau of Indian Affairs by May 9, 1960. Several comments regarding the proposed regulations were received. They dealt mainly with the sections providing for the authorization of fish trap operation by three native communities of Kake, Angoon, and Metlakatla, and the declaration of an exclusive fishery at the Karluk Reservation. Written comments, suggestions, and objections were considered. In addition, in response to their request to be heard, an opportunity was extended to seven Alaska cannery operators operating in Kodiak Island to orally present their view on the proposed regulations pertaining to the Karluk Reservation. Further, the views of the native inhabitants of the Karluk Reservation were sought as to their plans and desires for the utilization of reservation waters for the 1960 fishing season.

The regulations revise and clarify the language of the section on restrictions on Indian traps pertaining to the locations and periods in which traps may be operated. The wording in §88.2(a) as published would allow the operation of Indian traps at any time fishing was allowed by the State in the established fishing section in which the traps are located or at any time fishing was allowed in the adjacent district. The newly-proposed wording would key the trap fishing season in each section to the periods in which purse-seine fishing is permitted by the State in the respective sections, with one exception. In the case of Metlakatla traps the fishing season would be keyed to the purse-seine fishing season in the Southeast Section of Clarence Strait, and also to the seining season in the adjacent general section of the Southern District, since relatively little purse-seining is conducted in the South East Section of Clarence Strait.

The section on commercial fishing on the Karluk Indian Reservation has revised language in accordance with comments received from the natives of Karluk Reservation and others, to provide that the waters of the Karluk Indian reservation shall be open to native inhabitants of the village of Karluk and vicinity and to other persons insofar as the fishing activities of the latter do not restrict or interfere with fishing by such natives. Further, the newly-worded section provides for the use of beach seines up to 250 fathoms in length by natives and, prior to July 1, for their fishing up to within 100 yards of the mouth of the Karluk River.

The regulations as published include sections on scope; restrictions on Indian fish traps, size and operation of Indian salmon traps; definition Karluk Indian Reservation; commercial fishing, Karluk Indian Reservation; commercial

salmon fishing by native Indians in the Yukon and Kuskokwim Rivers; personal use fishing by native Indians; modification of regulations; and enforcement.



Department of Labor

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISION

INTERPRETATION OF FISHERIES INDUSTRIES EXEMPTIONS UNDER FAIR LABOR STANDARDS ACT DEFENDED:

The Department of Labor's interpretation of exemptions from the Fair Labor Standards Act for employees in the fishery and seafood industries was contained in an interpretative bulletin issued by the Administrator of the Department's Wage and Hour and Public Contracts Division. Two exemptions are interpreted. One is a minimum-wage and overtime pay exemption for workers employed in catching, processing, distributing, and performing other specified operations on fish and other aquatic products. The other exemption is one from the overtime-pay provisions--but not the minimum-wage requirements--applying to workers employed in canning fish and other aquatic products.

In response to a letter from Senator Byrd of Virginia protesting the Department's interpretation of the fishery industries exemptions, Acting Secretary of Labor James O'Connell wrote:

"This is in reply to your letter of May 31, 1960, in which you state it is your opinion that the fishery and seafood exemptions contained in the Fair Labor Standards Act apply to the entire industry and that the Department's Interpretative Bulletin, Part 784, giving a more limited scope to the exemptions should be rescinded and inspections of seafood plants should be stopped.

"The Interpretative Bulletin, referred to, was issued after careful study and with a full awareness of the views of the members of the seafood industry. The Department feels that the position taken therein, namely that the exemptions (Sections 13(a)(5) and 13(b)(4) are limited to the enumerated employee activities is supported by the language of the exemptions, the legislative history and pertinent court decisions. The Court of Appeals for the First Circuit in arriving at the same conclusion in the case of Mitchell v. Calvin Stinson d/b/a Stinson Canning Company, 217 F(2) 210, predicated its decision on the aforesaid grounds.

"In view of the foregoing, and having in mind the admonition of the Supreme Court of the United States that exemption from this humanitarian Act must 'be narrowly construed' and applied only to those 'plainly and unmistakably within its terms and spirit' (Phillips Co. v. Walling, 324 U.S. 490) and that exemption should not be enlarged by implication (Addison v. Holly Hill Co., 322 U.S. 607), I do not feel there is justification for adopting the courses of action you recommend."

Notes: Also see Commercial Fisheries Review, April 1959 p. 98.



Department of the Treasury

FISH BLOCKS FROM ICELAND NOT SOLD AT LESS THAN FAIR VALUE:

Fish blocks from Iceland are not being sold in the United States at less than fair value, according to a determination of the Department of the Treasury pub-

lished in the Federal Register of June 15. The finding was as follows:

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

FISH BLOCKS FROM ICELAND

Determination of No Sales at Less Than Fair Value

JUNE 9, 1960.

A complaint was received that fish blocks from Iceland were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that fish blocks from Iceland are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The fish blocks in question were imported by a subsidiary of the foreign seller and were not resold in the United States in their imported condition, being further processed by the importer into fish portions, fish sticks, and similar products. Under these circumstances, exporter's sales price, which is the applicable basis of comparison, does not exist and the Antidumping Act has no application.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

A. GILMORE FLUES,

Acting Secretary of the Treasury.

UNITED STATES CUSTOMS COURT

WHALE-LIVER OIL IMPORTS CLASSIFIABLE AS ADVANCED DRUG:

Certain imports of whale-liver oil extracted from whale livers to obtain vitamin "A" oil, with the extraction made in the country of exportation, were held properly classifiable under paragraph 34, Tariff Act of 1930, as modified by the General Agreement on Tariffs and Trade (T. D. 51802) at the rate of 5 percent ad valorem as a drug, "advanced" in value or condition, as classified, rather than free of duty under paragraph 1669 of the said act, as modified by T. D. 51802, supra, as a "crude" drug. The decision held that the whale-liver oil was "advanced in value or condition," by certain processes beyond that essential to the proper packing of the drug and the prevention of decay or deterioration pending manufacture. The judgment was rendered on May 24, 1960, in the case Alaska Fish Oil Extractors, Inc. v. United States (Whale Liver oil--Crude drug--Advanced drug), and published (C. D. 2179) in Treasury Decisions of June 2, 1960.

The Plaintiff contended that the oil in question is the "crudest" form of the drug imported into the United States and that any grinding or other process applied to the drug prior to importation was essential to the separation of the "drug" from the whole liver for the proper packing and the prevention of decay or deterioration of the drug pending manufacture.

On the other hand, the Government maintained that the imported oil represents an advancement over the liver "which is the crude drug," and that the processing of the whole "livers" to obtain the whale-liver "oil" in the case under consideration is essentially the same type of processing as took place in the case of fish livers previously under consideration by the Customs Court and the Appellate Court. See *Geo. S. Bush & Co., Inc., et al. v. United States*, 42 C.C.P.A. (Customs) 190, C.A.D. 592; *Eastman Kodak Company v. United States*, 41 C.C.P.A. (Customs) 114, C.A.D. 539; *Geo. S. Bus & Co., Inc. v. United States*, 32 C.C.P.A. (Customs) 56, C.A.D. 2851 *Wilbur-Ellis Company v. United States*, 27 Cust. Ct. 317, Abstract 55884; and *Ralston Purina Company v. United States*, 40 Cust. Ct. 407, Abstract 61435, in all of which cases the involved merchandise was held to be drugs, "advanced."



U. S. Supreme Court

RULES ON CASE WHICH AFFECTS USE OF FISH TRAPS BY INDIAN COMMUNITIES IN ALASKA:

The United States Supreme Court handed down a decision on June 20, 1960, in *Metlakatla Indian Community vs. Egan* and the two cases related to it. By a 6 to 3 decision, the Court announced that it would refrain from deciding the issues presented to it on their merits in order to afford the Alaska Supreme Court the opportunity to rule on the questions open to it for decision.

In the meantime, the stay ordered by Justice Brennan on July 11, 1959, is continued in force until the final disposition of the three cases. This means that the

three Indian communities will continue to use the fish traps authorized by regulations issued by the Secretary of the Interior for the 1960 season at least.

The decision recognizes the questions of Federal law but indicates the Court would prefer to decide these questions after having an interpretation of the State law involved by the State Supreme Court.

The three dissenting Justices were of the view that the controlling questions in the cases were Federal in nature and were opposed to remitting the parties to the Alaska Supreme Court.



White House

PRESIDENT APPOINTS UNITED STATES MEMBERS TO NEW SHRIMP CONSERVATION COMMISSION:

The White House announced on April 20, 1960, that the President had on that date appointed the following to be members of the United States section of the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico: John C. Ferguson, President, St. George Packing Co., Fort Myers, Fla.; Robert M. Ingle, Director of Research, Florida State Conservation Commission; and Donald L. McKernan, Director, Bureau of Commercial Fisheries, U. S. Department of the Interior.

The Commission was established pursuant to a Convention for the Conservation of Shrimp with Cuba signed on Aug. 15, 1958.

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UNITED STATES COMMISSIONER APPOINTED TO INTER-AMERICAN TROPICAL TUNA COMMISSION:

The White House on April 22, 1960, announced the appointment of Dr. J. Lawrence McHugh, Chief, Division of Biological Research, U. S. Bureau of Commercial Fisheries, as a United States Commissioner on the Inter-American



Dr. J. Lawrence McHugh

Tropical Tuna Commission, vice Arnie J. Suomela who resigned from this post because of the press of other duties.



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.



The two Houses of Congress adjourned on July 3, 1960. The Senate will reconvene on August 8, 1960, and the House of Representatives will reconvene on August 15, 1960.

APPROPRIATIONS CARRYOVER RESOLUTION: H. J. Res. 778 (Cannon), introduced in the House on July 1, 1960, a joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes; to the Committee on Appropriations; was passed by the House and signed by the Speaker, and sent to Senate for consideration. The resolution was passed by the Senate on July 1, and signed by the Acting President pro tempore. This joint resolution makes temporary appropriations for the months of July and August. Resolution covers a number of appropriation bills, among which are H. R. 12326, Public Works Appropriation Act, 1961--which includes funds for Fish and Wildlife studies regarding fishways, etc., and lower Columbia River fish sanctuary program; and H. R. 11666, Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act, 1961--which includes, in State Department Appropriations, funds for the international fisheries commissions, of which there are nine with the inclusion of the Tortugas Shrimp Commission. As these and other appropriation bills are signed by the President, the joint resolution will have no application, as it is intended only for carryover purposes.

AREA ASSISTANCE ACT OF 1960: H. R. 12812 (Moore), introduced in the House on June 24, 1960, a bill to assist areas to develop and maintain stable and diversified economies by a program of financial and technical assistance and otherwise, and for other purposes to the Committee on Banking and Currency. This legislation provides that the Federal Government shall, in cooperation with the States,

help areas of substantial and persistent unemployment to take effective steps in planning and financing their economic development; shall enable communities to achieve lasting improvement and decrease economic vulnerability by the establishment of a stable and diversified local economy; and that new employment opportunities should be created rather than merely transferred from one community to another.

This bill is similar to S. 722, a bill which was, passed by both houses of Congress, and vetoed by the President on May 13, 1960. Congress on May 24, 1960, failed to over-ride the Presidential veto.

AREA REDEVELOPMENT ACT OF 1960: H. R. 12854 (Flood), introduced in the House on June 28, 1960, a bill to promote the redevelopment of economically depressed areas by establishing a Government corporation which will provide a secondary market for industrial mortgages covering property in those areas; to the Committee on Banking and Currency.

CHEMICAL PESTICIDES COORDINATION ACT: S. Report No. 1601, Cooperation in the Use of Pesticides and Other Such Chemicals (June 16, 1960, 86th Congress, Second Session, Report of the Committee on Interstate and Foreign Commerce, to accompany S. 3473), 8 pp., printed. This bill, if enacted, is to be cited as the Chemical Pesticides Coordination Act. It is designed to avert the serious and unnecessary losses of fish and wildlife that have occurred as a result of the wide use of pesticides. Before programs involving the use of pesticides or other chemicals designed for mass biological controls are initiated or financed by agencies of the Federal Government, the initiating agency would be required to consult with the U. S. Fish and Wildlife Service and state wildlife agencies exercising administration over wildlife resources in states affected by the program. The legislation would provide that the U. S. Fish and Wildlife Service advise agencies consulting with it of damages which might result from any proposed program. In the event that agencies failed to take action recommended by the Fish and Wildlife Service, the Service must report the failure to the Congress for referral to the appropriate committees. The bill would authorize the Secretary of the Interior to exempt by regulation chemicals which would cause little or no damage by their use. The bill would provide that any Federal department or agency, in submitting requests to the Congress for appropriations for programs involving the use of chemicals for eradication or control of any animal or plant pest, shall include a full description of the proposed program, including the comments and recommendations of the U. S. Fish and Wildlife Service. Report discusses purpose and need for the legislation; presents Committee amendments and reports from the departments of Interior, Agriculture, and Health, Education and Welfare. Committee reported favorably on the bill with amendments.

The Senate on June 18, 1960, passed over S. 3473 (Magnuson), a bill introduced in the Senate on May 3, 1960, 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.

The Senate on June 24, agreed to the removal from the calendar and referred to the Committee on Agriculture and Forestry for study, S. 3473.

COLOR ADDITIVES IN FOODS: Color Additives (Hearings before the Committee on Interstate and Foreign Commerce, House of Representatives, 86th Congress, Second Session, on H. R. 7624 and S. 2197, January 26, 27, 29, February 10, 11, March 11, April 5, 6, and May 9, 1960), 614 pp., printed. The purpose of these bills is to provide a scientifically sound basis for listing the colors that may be safely used in foods, drugs, and cosmetics; and to provide for other safeguards in the use of such colors, including, where necessary, appropriate tolerance limitations on the amount of color that may be used. The bills also would provide for a continuation of the present system of certifying the safety of individual batches of the so-called coal tar colors and would extend this system, where necessary, to natural colors not now covered by the certification system. They would, on the other hand, permit an exemption of any listed color from the certification requirement where certification is not necessary for the protection of the public health. Contains the text of both bills, reports on the bills from the Agriculture Department and the Bureau of the Budget, and statements from Federal officials, members of Congress, and businessmen.

On June 20, 1960, the House considered, under suspension of the rules, H. R. 7624 (Harris), a bill introduced in the House on June 9, 1959, 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 tolerances) under which such additives may be safely used; debate to be limited to 2 hours.

On June 25, 1960, by a voice vote, the House adopted committee amendments and passed H. R. 7624. This passage was subsequently vacated and S. 2197 (Hill and Goldwater), a similar bill introduced in the Senate on June 17, 1959, was passed in lieu after being amended to contain the House-passed language. H. Res. 559, the rule under which the legislation was considered, had been adopted earlier by a voice vote.

Bill was cleared for the President's signature on June 30, when the Senate concurred with House amendment to S. 2197.

On July 1, 1960, a motion was made in the Senate to reconsider action of June 30, in which the Senate concurred with House amendment to adopt S. 2197 in lieu of H. R. 7624, and cleared bill for signature of President. The Senate tabled the motion to reconsider.

On July 12, 1960, the President signed S. 2197 into public law (P. L. 86-618). The legislation would expedite the testing of colors to determine safe levels of use by requiring color manufacturers to do the appropriate research and to submit the results to the Food and Drug Administration. All types of color additives would be subject to the safety requirements of the new law, not merely "coal-tar-colors" as under present regulations. Amends the Federal Food, Drug, and Cosmetic Act and authorizes Food and Drug Administration to list the color additives which may be used in foods.

COMMERCIAL SPONGE INDUSTRY RELIEF: H. R. 12934 (Cramer), introduced in the House on July 1, 1960, a bill to prohibit the importation into the United States of commercial sponges measuring less than 5 inches in diameter; to the Committee on Ways and Means. This legislation is to prohibit the buying of foreign sponges under 5 inches in diameter, as they are competing unfairly with the American sponge industry. The American sponge industry is prohibited the taking of sponges less than 5 inches in diameter, while imports of sponges that size and smaller are permitted to enter the United States.

FISH AND WILDLIFE COOPERATIVE RESEARCH TRAINING UNITS: On June 24, 1960, the House passed over without prejudice S. 1781, a bill to facilitate cooperation between the Federal Government, colleges and universities, the states, and private organizations for cooperative unit programs of research and education relating to fish and wildlife. Would authorize the U. S. Fish and Wildlife Service and other agencies of the Department of Interior to enter into cooperative agreements for conducting research, training, and demonstrational programs. This bill passed the Senate on May 4, 1960.

FISH HATCHERIES: H. Rept. 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), 3 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. Background and need for this legislation is contained in the report. Development costs and property acquisition would require the expenditure of \$290,000, annual operating costs would be approximately \$30,000. Contains report of the Department of the Interior, with excerpts of an opinion of the Bureau of the Budget.

The House passed on the call of the Consent Calendar and cleared for the President on June 24, 1960, S. 2053, a bill to provide for the acceptance by the United States of a fish hatchery in the State of South Carolina. This bill was passed by the Senate on August 19, 1959.

S. 2053, was signed by the Speaker of the House, and sent to the President, on June 27, 1960.

On July 5, the President signed S. 2053 into public law (P. L. 86-572). Bill provides authority for the Secretary of the Interior to accept by donation on behalf of the United States, title to the Orangeburg County, S. C., fish hatchery, together with rights to take adequate water from Orangeburg County Lake therefor.

FISHING VESSEL MORTGAGE INSURANCE: H. Rept. 1785, Relating to Vessel Mortgage Insurance Functions Transferred to the Secretary of the Interior (June 9, 1960, 86th Congress, Second Session, Report of the Committee on Merchant Marine and Fisheries, and committed to the Committee of the Whole House on the State of the Union, to accompany S. 2481), 6 pp., printed. The purpose of the bill is to make the program of mortgage insur-

ance on fishing vessels effective. Originally, authority to grant mortgage insurance on fishing vessels as well as merchant vessels reposed in the Secretary of Commerce. However, pursuant to the provisions of the Fish and Wildlife Act of 1956, jurisdiction over insurance on fishing vessels was transferred to the Secretary of the Interior. This jurisdiction over fishing vessel mortgage insurance did not authorize the Secretary of the Interior to draw on the Treasury to the extent that the premium fund proved inadequate, which would be likely in the early stages of the program. This bill would give the Secretary of the Interior the same authority as is possessed by the Secretary of Commerce to draw upon the Treasury to make payments on defaults of insured mortgages. Report gives background and need of legislation, and presents statements from several Federal officials. Committee recommended passage of the bill without amendment.

The House passed on the call of the Consent Calendar and cleared for the President on June 24, 1960, S. 2481, a bill 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. Would create a Federal Fishing Vessel Mortgage Insurance Fund which shall be used by the Secretary of the Interior as a revolving fund for the purpose of carrying out the ship mortgage provisions as it applies to fishing vessels under the Fish and Wildlife Act of 1956. Further provides that if at any time funds are not sufficient to pay any amount the Secretary of the Interior is required to pay on ship mortgage insurance on fishing vessels, notes or other obligations may be issued to the Secretary of the Treasury as may be necessary. This bill was passed by the Senate September 11, 1959.

S. 2481, was signed by the Speaker of the House, and sent to the President, on June 27, 1960. The President signed the bill on July 5, 1960 (P. L. 86-577).

Public Law 86-577
86th Congress, S. 2481
July 5, 1960

AN ACT

74 STAT. 314.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit the efficient execution of functions relating to the issuance of Federal ship mortgage insurance on fishing vessels, pursuant to the Merchant Marine Act of June 29, 1936, as amended (49 Stat. 1985; 46 U.S.C., 1952 edition, sec. 1271 and the following), which functions relating to fishing vessels have been transferred to the Secretary of the Interior pursuant to the Fish and Wildlife Act of 1956, the Secretary of the Interior hereafter may exercise authority comparable to the authority of the Secretary of Commerce under the said Merchant Marine Act of 1936, including, but not limited to, the authority contained in the amendment to such Act of July 15, 1958 (72 Stat. 358). 70 Stat. 1119. 16 USC 742a note. 46 USC 1275.

Approved July 5, 1960.

FOREIGN COMMERCE STUDY (U. S. Trade and Common Market) (Hearings before the Committee on Interstate and Foreign Commerce, United States Senate, 86th Congress, Second Session, May 9 and 10, 1960), 298 pp., printed. This report discusses the effect regional trade groupings will have on our exports, specifically in the Common Market area of Europe as well as the European free trade area. The report contains, among others, statements from officials of international business concerns, international trade organizations, nationwide industry committees, international chambers of com-

merce, etc. Also contains a variety of exhibits, among which are exhibits on United States exports and imports; hourly wage charts of various countries, and United States investments in foreign business. A section of the report is entitled "The European Common Market and the European Free Trade Association--Their Significance to United States Business," a lucid report submitted to the United States Senate Committee on Interstate and Foreign Commerce by the Chase Manhattan Bank. Covers all aspects of the two groups of countries that have signed treaties establishing certain bonds between them: the six-nation European Economic Community (comprising France, West Germany, Italy and the Benelux countries of Belgium, Luxembourg, and the Netherlands), and the seven-nation European Free Trade Association (comprising Austria, Switzerland, Portugal, Denmark, Norway, Sweden, and the United Kingdom). Also contains a list of companies with new operations in Western Europe during 1958-1959 (since the start of the European Common Market).

HAWAII OMNIBUS ACT AMENDMENTS: The Senate Committee on Interior and Insular Affairs on June 24 reported out (S. Rept. No. 1681), with amendments H. R. 11602 (Inouye), a bill to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union.

S. Rept. No. 1681, Hawaii Omnibus Bill (June 24, 1960, Report of the Committee on Interior and Insular Affairs, to accompany H. R. 11602), 53 pp., printed. This legislation is a necessary measure to make complete and perfect the admission of Hawaii into the Union on a free and equal footing with the other 49 States. It amends a number of acts of Congress, some merely technically, such as changing the phraseology in a statute from "Territory of Hawaii" to "State of Hawaii." Other Federal laws are amended substantively, primarily to equalize Federal activities in the new State, especially with respect to grant-in-aid programs. Section 11 contains perfecting amendments to the statute, codified at 16 U. S. C. 758-758d, 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. Section 12 provides a perfecting amendment to section 2(d) of the Fish Restoration Act (16 U.S.C. 777a(d), to remove the definition of the term "State." The term is defined by existing law to include the States and the territory of Hawaii. The report discusses the purpose and background of the bill, committee amendments, cost, and maintenance of existing arrangements. Also presents a section-by-section analysis and changes in existing law. The Committee reported favorably on the bill with amendments.

H. R. 11602 with amendment was sent back to the House on June 28, 1960.

On June 30, 1960, the House adopted H. Con. Res. 706, authorizing the making of certain corrections in the enrolling of H. R. 11602.

On July 2, 1960, the Vice-President announced that he had signed H. R. 11602 and on July 5, H. R. 11602 was presented to the President for signature.

On July 12, 1960, the President signed H. R. 11602 into public law (P. L. 86-624). The purpose of this 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. One section 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.

IMPORTED COMMODITY LABELING: H. R. 5054 (Herlong), was reported out of the Senate Committee on Finance on June 27, 1960 (S. Rept. No. 1747), a bill to amend the Tariff Act of 1930 with respect to the marking of imported articles and containers. This bill passed the House on February 3, 1960.

S. Rept. 1747, Marking of New Packages for Imported Articles (June 27, 1960, 86th Congress, Second Session, Report of the Committee on Finance, to accompany H. R. 5054), 5 pp., printed. The purpose of this legislation is to amend section 304 of the Tariff Act of 1930, as amended, to provide that when articles, imported in containers required to be marked, are repackaged in the United States and offered for sale, the new package shall be marked with the name of the country of origin. Imported items which are processed in this country sufficiently to become an American manufacture are not included within the purview of the legislation and would not be affected. The committee reported the bill favorably with amendment and recommended that it pass. The report contains changes in existing law.

On July 2, 1960, the Senate passed with an amendment, in which the concurrence of the House was requested, H. R. 5054. The principle of the legislation is that items which are simply repackaged in the U. S. from bulk containers to consumer containers should continue to indicate the origin of the imported articles. Imported items which are processed in this country sufficiently to become an American manufacture (such as fish sticks from fish blocks and breaded shrimp from raw shrimp), are not included within the purview of the legislation and would not be affected. The Senate amendment, which had been recommended by the Finance Committee, provides that, "This subsection shall not apply in cases where the Secretary of the Treasury finds that compliance with the marking requirements of this subsection would necessitate such substantial changes in customary trade practices as to cause undue hardship and that repackaging of the article in question is otherwise than for the purpose of concealing the origin of such article."

INCOME TAX LAW REVISION IN FAVOR OF FISHERMEN: H. R. 1925 (King of Calif.), introduced in the House on January 9, 1959, a bill to extend to fishermen the same treatment afforded farmers in relation to estimated income tax; was reported out of the Committee on Ways and Means on June 28, 1960 (H. Rept. No. 2016).

INCOME TAX LAW REVISION IN FAVOR OF FISHERMEN: H. Rept. No. 2016, Declaration of Estimated Income Tax by Fishermen (June 28, 1960, 86th Congress, Second Session, Report from the Committee on Ways and Means, to accompany H. R. 1925), 5 pp., printed. This legislation provides that, for purposes of the estimated income tax, fishermen are to be accorded the same treatment as presently is available for farmers. Under the amendment this is to be provided for taxable years beginning after December 31, 1960. The principal advantage for income from farming which the bill extends to income from fishing is the privilege of filing the declaration of estimated tax, and paying the estimated tax, by January 15 after the end of the year in question (in the case of a calendar-year taxpayer), rather than filing the declaration by the prior April 15 and making quarterly payments of estimated tax largely during the year. This bill has been reported unanimously by the committee. The report includes a general statement regarding payment of the estimated tax, and the changes in existing law.

On June 29, 1960, H. R. 1925, was read three times, passed by the House, and sent to the Senate.

INTERNATIONAL FISHERIES ORGANIZATIONS: United States Contributions to International Organizations, House Document No. 418, 86th Congress, 2nd Session (Letter from the Acting Secretary of State, dated June 17, 1960, transmitting the eighth report on the extent and disposition of U. S. contributions to international organizations for the fiscal year 1959, pursuant to section 2 of public law 806, 81st Congress), 133 pp., printed. Each year the Secretary of State reports on the extent and disposition of financial contributions by the United States to International Organizations of which it is a member. This is the eighth such report to Congress, and covers United States contributions for the fiscal year 1959. Only the multilateral organizations and programs to which the United States contributes are included. Bilateral commissions have been excluded. This document gives a brief outline of the history of each such commission: secretary or director; term of office, origin and development; initial date of United States participation; current authority for United States participation; purpose of organization; United States contribution; and the governing body. Among the fishery commissions mentioned are the Inter-American Tropical Tuna Commission; International Commission for the Northwest Atlantic Fisheries; International Whaling Commission; and the North Pacific Fur Seal Commission.

LAW OF THE SEA CONVENTIONS: On July 2 Senator Long of Louisiana sent to the Senate desk a reservation to the ratification of the Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes, which originated at the Law of the Sea Conference held at Geneva in 1958. The Senate on May 26 approved resolutions of ratification of the four conventions which also were the result of the Geneva Conference, and at the same time rejected ratification of the Optional Protocol on the grounds that it failed to include the so-called Connally reservation. The motion to reconsider the unfavorable vote entered by Senator Mansfield of Montana on May 27 is still pending before the Senate. The reservation ordered by Senator Long

is similar to the Connally reservation in that it reserves to the United States the authority to decide what matters are essentially within the domestic jurisdiction of the United States and thus not to be referred to the International Court of Justice.

MARINE SCIENCES SPECIAL COMMITTEE: H. R. 12700 (Brooks of Louisiana), introduced in the House on June 17, 1960, a bill to amend the National Science Foundation Act of 1950 to create a Special Committee on Marine Sciences, to develop and encourage a national program for the promotion of research, surveys, and education in the marine sciences, to recommend contracts, grants, or other forms of assistance, to encourage the cooperation of agencies and evaluate the programs of marine research undertaken by agencies of the Federal Government in these scientific fields; referred to the Committee on Science and Astronautics. The bill would appropriate \$37.2 million for marine research operations by the Foundation for 10 years.

OCEANOGRAPHIC RESEARCH PROGRAM: H. Rept. No. 2078, Ocean Sciences and National Security (Report of the Committee on Science and Astronautics, U. S. House of Representatives, 86th Congress, Second Session, Serial h), 180 pp., printed. Contains tables, summaries of studies various government agencies are making on oceanography, and a list of congressional bills which relate to oceanography, their preambles, and in some instances, pertinent sections of the bills are included. The Bureau of Commercial Fisheries, U. S. Fish and Wildlife Service, is responsible for extensive programs in support of all types of fishery interests, including particularly biological aspects of oceanography, and these are also discussed in the report. The Bureau maintains a number of laboratories for the purpose of studying those characteristics of the ocean which affect fish and fishing, and the report summarizes their work in the following fields: (1) Plankton sampling; (2) Behavior of marine animals; (3) Artificial cultivation of young fish and shellfish; (4) Distribution of marine populations; (5) Biological surveys and inventories of the ocean; (6) Taxonomy of marine species; (7) Genetics of marine organisms; (8) Pond fish culture, brackish water farming; (9) Effects of industrial and domestic waste on estuaries; (10) Study of disease and parasites and their effects in marine ecology; (11) Transplantation of organisms; (12) The potential of artificially increasing nutrients; (13) The utilization of new marine products; (14) The improvement of fishing techniques and equipment; and (15) The economy and legal aspects of commercial fisheries. The report further inventories the existing capabilities in oceanographic research, in terms of universities and other laboratories undertaking oceanic research, manpower, the size and sources of funds especially from Federal agencies, including the manner in which Federal programs from some 19 different agencies are integrated; and, finally, the manner in which the United States participates in international programs. The three different 10-year plans are abstracted, compared, and analyzed. The Committee adopted and approved the report on June 30, 1960.

Oceanography (Hearings before the special Subcommittee on Oceanography of the Committee on

Merchant Marine and Fisheries, House of Representatives, 86th Congress, Second Session on H. R. 9361, H. R. 10412, and H. R. 12018, May 17, 18, 19, 20, 24, and 25, 1960), 217 pp., printed. This legislation is designed to foster a program for the establishment of an effective, coordinated national oceanographic program. Contains the text of the three oceanographic bills, and statements and testimony of various oceanographers, geologists, zoologists, marine biologists, government officials, and members of various fisheries commissions.

S. Rept. No. 1525, Marine Sciences and Research Act (June 7, 1960, 86th Congress, Second Session, Report of the Committee on Interstate and Foreign Commerce, to accompany S. 2692), 64 pp., printed. The primary purpose of the bill is to enhance the national economy, security, and welfare by increasing our knowledge of the oceans and the Great Lakes in all pertinent scientific fields, such as physics, biology, chemistry, meteorology, and geology. To speed this objective, the bill is designed to approximately double, within the next 10 years, the capabilities of the United States to conduct a balanced, comprehensive program of marine research and surveys. This program would consist of (1) a national policy of continuous and constructive scientific studies of the waters of our national boundaries; (2) educate and train additional marine scientists in adequate numbers; (3) construct and operate new and advanced research ships, laboratories, equipment, etc.; (4) coordinate oceanographic and limnological activities of the various Federal departments and agencies participating in the program; and (5) International and interdepartmental exchange of oceanographic data. Report discusses need, explains, and presents a section-by-section analysis of the bill. Also includes the reports submitted by the Budget Bureau, Comptroller General, and the departments of Commerce, Navy, Interior, Treasury, and Health, Education and Welfare; as well as the National Science Foundation. Committee reported favorably on the bill with amendments.

OCEANOGRAPHIC RESEARCH PROGRAM: The Senate on June 18 passed over as not appropriate for calendar action, S. 2692 (Magnuson), a bill 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 effects of radioactive materials in marine environments; to enhance the general welfare, and for other purposes.

Senate on June 23, 1960, passed S. 2692 (Magnuson), a bill 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, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and facilities, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the general welfare, and for other purposes. As passed, the bill authorizes work to be done by the National Science Foundation, the Bureau of Commercial Fisheries and the Bureau of Mines of the Department of the Interior, the Department of Commerce,

Atomic Energy Commission, Department of the Navy, Department of the Army, Smithsonian Institute, and the Department of Health, Education, and Welfare. Motion to reconsider passage was tabled.

Bill authorizes \$534,382,485 over 10 years, of which \$170,840,000 would be for a new Division of Marine Sciences to be established by the National Science Foundation to coordinate the program, \$60,555,000 for Atomic Energy Commission to control and monitor radioactive waste disposal and for various radioactivity in the oceans; \$131,000,000 for Interior Department to study water resources, particularly fish, in the oceans and Great Lakes. Also an open-end authorization for the Navy to build 24 research and survey ships (300-3,000 tons); the new National Science Foundation \$9,950,000 to build similar ships.

POWER PROJECT FISHERIES RESOURCES PROTECTION: S. 2586, a bill to provide for the conservation of anadromous fish spawning areas in the Salmon River, Idaho, was ordered favorably reported by the Senate Committee on Interstate and Foreign Commerce on June 29, 1960. This legislation would prohibit authorization for dams on the Salmon River in Idaho which would exceed in height those dams presently existing on downstream sections of the Snake and Columbia Rivers. Also would prevent licensing of any project by the Federal Power Commission which would tend to have a more restrictive effect on the passage of anadromous fish than similar projects already in existence throughout the Columbia River Basin. Would require the Secretary of the Interior to report to the Congress on any conservation developments including those relating to fish passage around dams that in his opinion would justify amending the provisions of the proposed bill. The bill would open the Salmon River to possible power projects and development.

PUBLIC WORKS APPROPRIATIONS, 1961:

Part I--Civil Functions, Department of the Army (Hearings before the subcommittee of the Committee on Appropriations, House of Representatives, 86th Congress, Second Session, to accompany H. R. 12326), February 1960, pp. 1-1431, 1473 pp., printed. Contains, among others, statement of the Director, Bureau of Commercial Fisheries, and the Chief, Branch of Columbia River Fisheries, Bureau of Commercial Fisheries, U. S. Fish and Wildlife Service. The appropriation for the Corps of Engineers, Department of the Army, contains funds for the Columbia River Fishery Development Program, and studies to determine the effects of fish and wildlife resources of water-control projects of the Corps of Engineers. The statement of the Director generally points out the importance of the Columbia River fishery development program--a total of 20 hatcheries have been modernized or newly constructed; 400 fish screens have been installed in irrigation diversions, 15 major fishways have been constructed, and stream improvements have made 1,200 miles of stream more accessible to salmon and steelhead. During 1959, some 15 million young salmon and steelhead were produced at program hatcheries. The 1961 budget totals \$1,400,000 for construction and \$1,915,000 for operation and maintenance. The construction budget provides for the following items required to carry forward the program necessary to obtain increased production from areas still accessible

to anadromous fish in order to mitigate fisheries losses resulting from the Federal dam construction program: (1) repairs and additions to several hatcheries; (2) operational studies; (3) screening of diversions; (4) stream improvement; and (5) project appraisal. The printed hearings also contain references to preservation of fish and funds available for that purpose; and fish losses from construction of dams on the Columbia River.

Part I (of two parts)--Civil Functions, Department of the Army (Hearings before the subcommittee of the Committee on Appropriations, United States Senate, 86th Congress, Second Session, on H. R. 12326), February-April 1960, pp. 1-1431, 1473 pp., printed. Contains, among others, statements of the Chief of Division of Resource Management, and Chief of Branch of Columbia River Fisheries, Bureau of Commercial Fisheries, U. S. Department of the Interior. Development of the hydroelectric potential of the Columbia River, as well as flood control and irrigation and navigation needs, has resulted in a program of construction of major dams, which is a civil function of the Corps of Engineers, Department of the Army. These structures have blocked and impeded the access of salmon and steelhead to their spawning areas. Additional dams under construction will further reduce productivity and endanger the commercial and sport fisheries for these species, valued at approximately \$20 million annually. To counteract the expected damage to this resource the Bureau of Commercial Fisheries, in cooperation with the States of Idaho, Oregon, and Washington, prepared a program for the maximum production of salmon and steelhead in streams tributary to the Columbia River. To date this program has included the clearance of obstructions from streams to permit passage of fish, the construction of fishways over waterfalls, the construction and emplacement of screening devices at hydroelectric and irrigation diversions, and the construction of hatcheries and other facilities for the protection and development of salmon and steelhead.

For fiscal year 1961 stream clearing, fishway construction, and screening of water diversions are being continued under the program with special emphasis given to the Willamette System and the area above McNary Dam. The associated activities of project appraisal, operational studies, engineering and inspection, coordination, and general administration will continue. To carry on these activities, the amount of \$1,400,000 is required for fiscal year 1961. This part of the hearings has references to fish and wildlife studies by the U. S. Fish and Wildlife Service; fish facilities; and fish ladders.

Part II (of two parts)--Civil Functions, Department of the Army (Hearings before the subcommittee of the Committee on Appropriations, United States Senate, 86th Congress, Second Session, on H. R. 12326), April-June 1960, pp. 1433-2866, 1475 pp., printed. This year's budget includes for the Columbia River fishery development program, \$1,400,000 for construction and \$1,915,000 for operation and maintenance. This program is designed to counteract damages to fisheries resulting from dam construction and other obstructions in the lower Columbia River. The program has been developed by the Fish and Wildlife Service with funds appropriated to the Corps of Engi-

neers. The Fish and Wildlife Service has coordinated its activities with the fisheries departments of Oregon and Washington. There is an urgent need for an intensified study of the program of fish passage around high dams. This type of study is strongly endorsed by the Columbia Basin Inter-agency Committee. Time is of the essence because normal resource development of our great Pacific Northwest rivers cannot be realized fully until the fish passage problem is solved. The budget also includes an item of \$500,000 for fish and wildlife studies to determine the effects of fish and wildlife resources of water-control projects of the Corps of Engineers. This part of the printed hearings has references to fish and wildlife studies by the U. S. Fish and Wildlife Service; fish facilities; and fish ladders.

H. R. 12326, 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 30, 1961; was marked up and ordered favorably reported (S. Rept. 1768) with amendments by the Senate Committee on Appropriations in executive session on June 29, 1960. Includes funds to permit detailed studies by the Fish and Wildlife Service of 191 Corps of Engineers and 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 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 fish and 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.

S. Rept. No. 1768, Public Works Appropriation Bill, 1961 (June 29, 1960, 86th Congress, Second Session, Report of the Committee on Appropriations, to accompany H. R. 12326), 47 pp., printed. In the appropriations for the Civil Functions, Department of the Army, Corps of Engineers, are included: (1) under general investigations for certain river basins and bays \$50,000 for fish and wildlife studies; for Lower Columbia River Fisheries Development \$1,400,000--\$351,000 of which is programmed for Idaho (in view of the importance of Idaho streams to the fishery resources of the Pacific Northwest, the committee desires that these funds be utilized in Idaho, and not diverted to other phases of the program); for the Lower Columbia River fish sanctuary program for operation and maintenance by the U. S. Fish and Wildlife Service is included \$1,915,000.

SCIENCE AND TECHNOLOGY COMMISSION: H. R. 12952 (Brooks of La.), introduced on July 5, 1960, a bill for the investigation of the establishment of a Commission on a Department of Science and Technology; to the Committee on Government Operations.

SHRIMP CONSERVATION WITH CUBA: On June 30, 1960, the House Subcommittee on Fisheries and Wildlife Conservation of the Committee on

Merchant Marine and Fisheries held a hearing on H. R. 9917, a bill giving effect to the convention between the United States and Cuba for the conservation of shrimp, signed at Havana, August 15, 1958. Officials of the Fish and Wildlife Service of the Department of the Interior were heard.

SHRIMP IMPORT DUTIES--LOUISIANA MEMORIAL: A memorial of the Louisiana State Legislature was presented to the House and Senate on June 20. The Memorial urges the President and the Congress of the United States to legislatively institute some type of program to curtail and control the foreign importation of shrimp; referred to the House Committee on Ways and Means, and the Senate Committee on Finance. Copies of the resolution were sent to the President of the United States, members of the Louisiana delegation in the U. S. Congress, and to Presiding Officers of the House of Representatives and the Senate of the Congress of the United States.

STATE DEPARTMENT APPROPRIATIONS: On June 21, 1960, the Subcommittee of the Senate Committee on Appropriations began hearings on H. R. 11666, a bill introduced in the House on April 8, 1960, making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961.

H. R. 11666, was marked up, and ordered favorably reported (S. Rept. 1777), with amendments by the Senate Committee on Appropriations in executive session on June 29, 1960. State Department appropriations provide funds for the international fisheries commissions, to enable the United States to meet its obligations in connection with participation in nine such commissions (including the new Tortugas Shrimp Commission), pursuant to treaties or conventions, and implementing Acts of Congress. This bill passed the House on April 13, 1960.

S. Rept. No. 1777, Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Bill, 1961 (June 29, 1960, Report of the Committee on Appropriations, to accompany H. R. 11666), 17 pp., printed. State Department appropriations include funds for international fisheries commissions. The 1961 budget estimate for this purpose was \$1,925,000, the amount recommended in both Senate and House committees is \$1,875,000--\$150,000 more than for 1960 but \$50,000 less than the budget estimate for 1961. Committee reported the bill to the Senate with various amendments.

The Senate by voice vote on June 30 passed H. R. 11666. All Committee amendments were adopted en bloc. The Senate insisted on its amendments, asked for conference with House, and appointed conferees.

STERN RAMP TRAWLERS: S. J. Res. 216 (Magnuson) introduced in the Senate on June 30, 1960, a joint resolution to authorize the Secretary of Commerce to construct a modern stern ramp trawler to be used for research purposes and authorizing the appropriation of funds. This legislation would provide for the Secretary of Commerce to be authorized to consult with the Secretary of the Navy and Secretary of the Interior to

determine the appropriate size, design, and equipment for a large, modern, stern ramp trawler with scientific facilities suitable for use in general oceanographic studies and as a research vessel to develop basic fisheries sciences and advanced techniques for production, preparation, and preservation of fisheries products from areas distant from ports and subject to severe weather and navigational difficulties. Referred to the Committee on Interstate and Foreign Commerce.

SUPPLEMENTAL APPROPRIATIONS: H. Rept. No. 12740, Supplemental Appropriation Bill, 1961 (June 20, 1960, 86th Congress, Second Session, Report of the Committee on Appropriations, to accompany H. R. 12740), 14 pp., printed. An explanation of the individual items in the bill for various departments and agencies and a detailed tabulation of the budget estimates and recommended appropriations appear in this report. For the Fish and Wildlife Service, the Committee has disallowed the supplemental request for authority to purchase special heavy-duty equipment for 20 passenger motor vehicles. Also disallowed \$4,158,000 requested by the President for a stepped-up Government program for export trade.

H. R. 12740, was reported out on July 1, by the Senate Committee on Appropriations, with amendments (S. Rept. No. 1832).

The bill was passed by the Senate on June 30. The Senate insisted upon its amendment, requested a conference with the House, and appointed conferees.

House consideration of the Senate version of H. R. 12740 began July 2. House adopted a resolution (H. Res. 596), which in turn would permit the House to consider the Senate amendments to the bill. The House restored to the bill some items which the Senate had deleted. The House also refused to accept the Senate amendments. The Senate insisted on retaining in the final version of the bill certain amendments. If the House would accept those amendments, the Senate in turn would agree to the House position on other amendments. By voice vote, the House agreed to the compromise and sent H. R. 12740 back to the Senate, which acted immediately. The Senate accepted the compromise measure and sent the bill to the White House.

On July 14, 1960, the President signed H. R. 12740 into public law (P. L. 86-651).

TARIFF NEGOTIATIONS: H. Con. Res. 707 (Levering), a concurrent resolution introduced in the House on July 1, 1960, 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. Identical to about 37 other concurrent resolutions introduced in both House and Senate since January 25, 1960.

WAGES--MINIMUM HOURLY RATE INCREASE: 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,

May 10, 11, 17, 18, and 19, 1960--Part 3), 1663 pp., printed. Of the 20 million workers not covered by wage-hour law, 61,000 employees that are engaged in fishing or the canning and processing of fish products are specifically exempt, even though they are engaged in commerce, or in the production of goods for commerce. Contains statements of businessmen, representatives of associations, and members of Congress.

H. R. 12677 (Roosevelt), introduced in the House 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 to \$1.25 an hour, and for other purposes.

H. Rept. 1933, Fair Labor Standards Amendments of 1960 (June 22, 1960, Report from the Committee on Education and Labor, to accompany H. R. 12677), 63 pp., printed. The committee-reported bill would extend wage-hour coverage under the Fair Labor Standards Act of 1938, as amended, to approximately 3,509,000 additional employees, and increase the prescribed minimum rate per hour for the employees now subject to the act from the present \$1 to \$1.25, based upon a graduated scale over a period of several years. The minimum rate per hour for employees newly brought within coverage of the act would start at \$1 and be gradually increased from year to year also to \$1.25. Among the industries, and the employees therein, which would be affected by the extension of wage-hour coverage and brought under the act are the employees engaged in seafood activities. Under the bill, section 13(a)(5) of the act is amended to exempt any employed in, or necessary to the conduct of, the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, and other stated aquatic forms of life. It is the committee's intent that this additional language also provide an exemption for employees necessary to the conduct of the loading, unloading, or packing of such seafood products for shipment or necessary to the conduct of propagating, processing, marketing, freezing, curing, storing, or distributing the above products or byproducts. The effect therefore, in the committee's view, would be to reaffirm congressional intent in the original seafood exemption including those employees whose services are necessary to the conduct of the stated operations as set forth in the act.

The minimum wage and maximum hour schedules contained in the committee bill both minimize and cushion the alleged impact of applying minimum wage and maximum hours standards to wage earners who would be covered by the Fair Labor Standards Act for the first time under the committee bill. When the bill would first come into effect, the minimum wage would be \$1 an hour and the maximum workweek would be 48 hours; during the second year the minimum wage rate would be \$1.10 an hour, the maximum workweek 46 hours; during the third year the minimum wage rate would be \$1.20 an hour, the maximum workweek 44 hours. The minimum wage rate of \$1.25 an hour would be achieved at the beginning of the fourth year after the effective date of the bill, but the maximum workweek of 42 hours, which would at that time apply to newly covered workers would still be some-

what longer than the maximum workweek of 40 hours applicable to presently-covered workers. The 40-hour maximum workweek would not be achieved for newly-covered workers until the beginning of the fifth year after the effective date of the bill.

The report discusses the purpose, background, areas covered, and problems. Also contains a section-by-section analysis, changes in existing laws, and minority views, as well as additional views by Congressmen Dent and James Roosevelt. Committee reported the bill to the House without amendment.

H. R. 12853 (Kitchin), introduced in the House on June 28, 1960, a bill similar to S. 3758 except that it increases the minimum wage under the act only to \$1.15 an hour instead of \$1.25. The Committee on Rules granted an open rule, with 2 hours debate, waiving points of order, making H. R. 12853 in order as a substitute for H. R. 12677 (Roosevelt).

H. R. 12847 (Kearns), introduced in the House on June 28, 1960, a bill similar to H. R. 12853.

On June 30, by a record voice vote, the House passed H. R. 12677, a bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of interstate retail enterprises and to increase the minimum wage under the act to \$1.15 an hour. By a record vote the House adopted the Kitchin amendment to replace the text of H. R. 12677 with the language of H. R. 12853. Prior to its adoption the Kitchin amendment was amended to exempt certain agricultural commodity processing workers. H. Res. 581, the rule for the consideration of the legislation, had been adopted earlier. The bill as passed by the House would raise the \$1-an-hour-minimum to \$1.15 for the workers now covered by the law effective January 1, 1961. It would also bring another 1.4 million retail workers under the law's protection but their minimum would be \$1 an hour and they would not receive overtime payments. Only employers with five or more retail stores in two or more states would come under the bill. Section 13 of the Fair Labor Standards Act of 1938 is amended so that the exemption for the fishing industry in (a)(5) reads: "any employee employed in or necessary to the conduct of 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 above products or byproducts thereof;" and the exemption for the fish canning industry in (b)(4) reads: "any employee employed in the canning of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof." But the fish canning exemption is still limited to those employees "employed in the canning of any kind of fish." Present overtime exemption for fish canners and processors is not changed by the bill as passed by the House. The bill is cited as the "Fair Labor Standards Amendments of 1960."

S. 3758 (Morse for Kennedy), introduced in the Senate on June 27, 1960, an original Committee

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 to \$1.25 an hour, and for other purposes; and placed on the calendar. This bill was reported out by the Senate Committee on Labor and Public Welfare on June 27 (S. Rept. No. 1744). As reported out by the Committee, no change would be made in the year-time overtime exemption now available to fish canners and processors and treats both the canning and processing industry on the same basis.

An amendment covering the fishery exemption was proposed on June 29, in the Senate by Goldwater to S. 3758. The amendment states: On page 21, line 13, strike the period and insert the following: "; or (16) any employee employed in 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 the loading, unloading, or packing of such products for shipment or in propagating, processing (other than canning), marketing, freezing, curing, storing, or distributing the above products or byproducts thereof." This in essence, would broaden the present fishery exemption in the act for fish processors. This amendment was ordered to lie on the table and printed.

S. Rept. 1744, Fair Labor Standards Amendments of 1960 (June 27, 1960, Report from the Committee on Labor and Public Welfare, together with Minority Views, to accompany S. 3758), 96 pp., printed. The bill seeks to increase the minimum wage of those employees presently covered by the act and by extending the benefits of the law to additional workers employed in large retail and service enterprises and other employers engaged in activities affecting commerce. The committee bill makes the following principal changes in the Fair Labor Standards Act of 1938, as amended: (1) Minimum wage for employees now covered by the act is increased by 15 cents an hour during calendar year 1961 and by an additional 5 cents an hour in each of the following 2 years, so as to raise the present minimum wage under the Fair Labor Standards Act from \$1 to \$1.25 an hour over a 3-year period. (2) Coverage is extended to additional groups of employees for whom minimum wages and overtime under the act are set on the following schedule: 1st year after effective date \$1 an hour, no overtime requirement; 2nd year after effective date \$1.05 an hour, overtime after 44 hours a week; 3rd year after effective date \$1.15 an hour, overtime after 42 hours a week; and thereafter \$1.25 an hour with overtime after 40 hours a week. Among others, employees of the seafood processing industry, exempt from the present law, are brought under the minimum wage provisions of the act in accordance with the above schedule, but not under the overtime requirements. This will equalize the treatment of these employees with those engaged in seafood canning who are already covered by the act's minimum wage provisions. The bill does not change the exemption for employees engaged in fishing operations, or in the first processing and canning performed by such fishing employees as an incident to or in conjunc-

tion with their fishing operations. Nor does the bill change the status under the present law of employees who are engaged in the canning of seafood.

The only change the bill makes in these exemptions is with respect to the processing of seafood. Employees engaged in such activities are brought under the minimum wage provisions on the same scale as newly-covered employees in retail and service enterprises. They will continue to be exempt from the overtime requirements.

The change made by the bill will have the effect of placing fish processing and fish canning on the same basis under the act. It is estimated that approximately 32,000 employees will be brought under the minimum wage provisions of the act as a result of the changes made by the bill.

The present exemptions in sections 13(a)(5) and 13(b)(4) have been judicially interpreted to apply to all employees employed in the seafood industry including any employee who participates in activities which are necessary to the conduct of the operations specifically described in the exemptions (*McComb v. Consolidated Fisheries Company*, 174 F. 2d 74, C. A. 3, 1949). These interpretations are consistent with the congressional purpose of treating all employees of one establishment in the same manner under the act and of avoiding segmentation as between different employees of the same employer engaged in the named operations.

For the same reasons, there was included in section 13(a)(5) as amended by the bill an exemption for the "first processing, canning, or packing" of marine products "at sea as an incident to or in conjunction with such fishing operations." The purpose of this additional provision is to make certain that the act will be uniformly applicable to all employees on the fishing vessel including those employees on the vessel who may be engaged in these activities at sea as an incident to the fishing operations conducted by the vessel.

The report also contains 24 pages of "Minority Views," in which members of the committee in the minority group point out their objections to many of the specific amendments contained in the committee bill.

The report also discusses the principal provisions and new coverage; presents a section-by-section analysis, changes in existing law, and relationship to other laws. The bill was reported to the Senate with amendments.

WILDLIFE, FISH, AND GAME CONSERVATION IN MILITARY RESERVATIONS: The Senate on June 23, 1960, passed with amendments H. R. 2565, to promote fish and game conservation and rehabilitation in military reservations. This bill was passed by the House March 21, 1960.



THAWING METHOD BEFORE COOKING EFFECTS FLAVOR OF COOKED FISH

The method used by housewives to thaw frozen cod before cooking has a great deal to do with the flavor-appeal of the cooked product. An experiment conducted by the Home Economics Science Department of the University of Toronto proved that the method of thawing rather than oven temperature affected the palatability of cooked fish.

The results of the experiment clearly showed that there was no significant difference in flavor between cod cooked at high or low temperatures for varying lengths of time, but the method of thawing was another matter. A panel of five judges, especially trained in testing cod, expressed a preference for cod which was thawed by submersion in tap water (179 degrees F.) for 50 minutes before cooking over all other methods of defrosting.

Although the experiment was conducted along purely scientific lines, it employed basically the same apparatus found in the modern kitchen. The fish were placed in a freezer prior to the commencement of the experiment, and were cooked in a thermostatically-controlled oven.