



FEDERAL ACTIONS



Federal Trade Commission

SHRIMP-PROCESSING MACHINERY FIRM DENIES CHARGES OF UNFAIR COMPETITION:

A New Orleans shrimp-processing machinery firm has denied Federal Trade Commission charges of using unfair methods of competition which have unlawfully hindered its competitors in the shrimp-processing machinery business (answer 7887, Shrimp). Joining in the firm's answer are the firm's 6 active partners, who were cited in the May 13, 1960, complaint of the Commission as the firm's active partners and as representative of approximately 26 limited partners.

A separate answer was filed by the Houma, La., packing company, 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 Houma company processes and cans raw shrimp which is taken primarily from the Gulf Coast fishing area; and the New Orleans firm leases, licenses, and sells shrimp-processing machinery, such as cleaners, graders, deveiners, and separators.

Both companies deny Commission allegations that they have combined in carrying out various unfair practices engaged in by the New Orleans firm, and that these practices have given the New Orleans firm a virtual monopoly in the domestic shrimp-processing machinery industry and otherwise lessened competition.

For example, the complaint alleged, the New Orleans firm has obtained exclusive rights to processing machinery through agreements with patentees and prospective patentees but in most instances never attempted to manufacture, develop, or commercially exploit the machinery; also, the firm has acquired from inventors rights to all their future inventions in this field.

To this, the company refers to the agreements "for a full and complete statement of the terms thereof."

The complaint also charged that the New Orleans firm unfairly filed patent infringement suits against manufactures and users of a competitive peeler developed by a New Orleans inventor and patented by him in 1957.

Defending its actions, the New Orleans company declared that this peeling machine was a full infringement of, and has been judicially held to be a full infringement of its valid and existing patent rights. The answer adds that the company "intends to assert and will assert its patent rights against any other purchaser or user or manufacturer" of such machines.

The respondents ask dismissal of the complaint. The New Orleans firm's answer to Commission charges was released by the Commission on July 26, 1960.

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TWO MARYLAND CLAM-DIGGER ASSOCIATIONS CONSENT TO ORDER FORBIDDING PRICE-FIXING:

Two Maryland clam-digger associations have consented to a Federal Trade Commission order (Consent Order 7578, Seafood) forbidding them to fix and enforce prices and selling conditions for seafood and to boycott dealers seeking better prices.

The Commission affirmed Hearing Examiner Edward Creel's order filed May 23, 1960, which had been agreed to both by the respondents and the Commission's Bureau of Litigation.

In its complaint of September 2, 1959, the Commission charged that since 1958 the respondents had conspired to suppress competition among themselves and between them-

selves and others in the purchase or sale of soft-shell clams harvested in the Chesapeake Bay region.

Under this conspiracy, the complaint alleged, they (1) established and maintained uniform and noncompetitive prices and terms for the purchase or sale of their clams; (2) boycotted dealers who purchased or sought to purchase at less than the fixed prices; and (3) used threats of reprisals, intimidation, and physical violence and other means to enforce adherence to their prices and terms.

The Commission's order halting these practices provides, however, that any association of bona fide clam fishermen acting pursuant to the Fisherman's Cooperative Marketing Act is not prevented from performing any acts permitted by that statute.

The agreement is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law.

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TWO FISHERIES FIRMS FORBIDDEN TO PAY ILLEGAL BROKERAGE:

Two Seattle, Wash., fishery firms are forbidden to pay illegal brokerage to their customers under the terms of a consent order announced July 18, 1960, by the Federal Trade Commission (Consent Order 7652, Seafood).

The Commission affirmed its hearing Examiner's initial decision based on an order agreed to by the Commission's Bureau of Litigation, the two companies, and their president and sales manager.

The concerns were charged in the complaint of August 6, 1959, with giving certain purchasers of their seafood pack allowances in lieu of brokerage or price concessions reflecting brokerage, in violation of Sec. 2 (c) of the amended Clayton Act. According to the complaint, a typical method used was to give these customers or their agents price reductions which were coupled with or offset wholly or partly by reducing the broker's fee earned on the sales.

The respondent's agreement to discontinue the challenged practices is for settlement purposes only and does not constitute an admission that they have violated the law.

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Department of the Interior

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

NEW TRAINING PROGRAM FOR KEY EXECUTIVES INITIATED:

A new program designed to broaden the experience of key executives both in the Washington and field offices of the Bureau of Commercial Fisheries will be initiated this month, Commissioner of U. S. Fish and Wildlife Arnie J. Suomela announced on August 10.

The first step in the program involves the exchange of headquarters--and homes--for most of next year by a Division Chief in the Washington, D. C., office and the Area Director of California.

H. E. Crowther, Chief of the Division of Industrial Research in Washington, D. C., went to California in mid-August to take over the duties of Area Director in charge of the Bureau's Area Office at Terminal Island, Calif.

Donald R. Johnson, now Area Director for California, reported to Washington late in August for approximately a year.

In his new capacity, Crowther is responsible for line supervision of all phases of the Bureau's activities in California where the tuna, sardine, and oceanographic research programs are of major importance. In his Washington office position, Crowther has had staff supervision of industrial research programs for the country as a whole.

Crowther's duties in Washington are being handled by Charles Butler, Saltonstall-Kennedy Program Coordinator. This gives Johnson the opportunity to gain experience in all the fields in which the Bureau functions since he will serve several months in a staff capacity in the four Divisions--Administration, Biological Research, Industrial Research, and Resource Development--and in the Office of the Director of the Bureau.

Other similar exchanges of personnel are planned for the future.

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PROPOSED REGULATIONS FOR FISHING VESSEL CONSTRUCTION SUBSIDY:

A notice of Proposed Rule Making covering procedures for the Fishing Vessel Construct-

tion Differential Subsidy Program was published in the Federal Register of August 10, 1960. Interested parties had until September 9, 1960, to present suggestions or comments.

This program cannot take effect until the final regulations are promulgated and funds are appropriated. There is a possibility that funds will be appropriated during the present session of Congress.

The proposed regulations as published cover the basis and purpose of the program, definitions, eligibility requirements, applicants, subsidy, contract, inspection of vessels, and payment of subsidy.

The Act of June 12, 1960 (Public Law 86-516) authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States.



Department of Labor

WAGE AND HOUR DIVISION

COMMITTEE APPOINTED TO INVESTIGATE AND RECOMMEND MINIMUM WAGES IN PUERTO RICO FOR FOOD AND FISHERY INDUSTRY:

The appointments to, convening, and notice of hearings of committees to investigate and recommend minimum wages in various industries in Puerto Rico were announced in the Federal Register of July 29, 1960. Among the committees appointed was one for the food and related products industry (Industry Committee No. 49-A), which was to concern itself with the phases of the food industry which had to do with canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), and packaging of foods, including meat animals, poultry, milk, and fish and seafood products, etc.

To the committee was referred the question of the minimum wage rates to be fixed under the provisions of section 6(c) of Fair Labor Standards Act of 1938, as amended. The committee was asked to investigate conditions in its industry, hear witnesses, and receive evidence. The committee convened on August 15, 1960, in San Juan, Puerto Rico. After the public hearings, the committee was instructed to recommend to the Wage and Hour Administrator the highest minimum wage rates for the industry covered by the commit-

tee. Therefore, the committee, among its recommendations, will include recommended wage rates for the canning and processing of fishery products in Puerto Rico.



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.



BUY AMERICAN ACT: H. R. 13025 (Van Pelt) on August 17, 1960, introduced a bill to amend title III of the Act of March 3, 1933, commonly referred to as the Buy American Act, so as to provide that, to the maximum extent practicable, the procurement of articles, materials, and supplies by the Federal Government shall be limited to articles, materials, and supplies domestically produced or manufactured; referred to the Committee on Public Works. Provides for purchase of other than United States-produced goods by Federal Government if quantity produced in United States is not sufficient or available in reasonable commercial quantities.

CHEMICAL PESTICIDES COORDINATION ACT: Regarding a request in the House to consider H. R. 12419, a bill 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, one objection was voiced on August 23 and the bill was passed over.

COLD SPRING HARBOR MARINE BIOLOGICAL RESERVE: S. J. Res. 218 (Murray), on August 15, 1960, introduced a joint resolution to authorize the Secretary of the Interior to establish the Cold Spring Harbor Marine Biological Reserve; referred to the Committee on Interior and Insular Affairs. Would preserve in perpetuity the inner harbor of Cold Spring Harbor, Long Island, N. Y., because it is an unusual confluence of fresh and salt water in a protected area containing particularly rich marine flora and fauna. Since it has been the subject of marine research for 70 years and since the town of Oyster Bay plans to dredge the inner harbor, this bill was introduced to preserve the area's unique features.

COLUMBIA RIVER BASIN FISHERY RESOURCES (Hearings before the Committee on Interstate and

Foreign Commerce, United States Senate, 86th Congress, 1st Session, on S. Con. Res. 35, a concurrent resolution to make an investigation concerning anadromous fish and S. 2586, a bill to provide for the conservation of anadromous fish spawning areas in the Salmon River, Idaho, and S. 1420, a bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act, November 10 and 12, 1959), Part 2, Astoria, Oreg., and Lewiston, Idaho; 430 pp., printed. Contains letters, statements, and resolutions from the public and local government agencies.

FEDERAL FISHING STAMP (Hearings before the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries, House of Representatives, 86th Congress, 2nd Session, on H. R. 11410, May 31 and June 1, 1960), 58 pp., printed. Contains testimony presented by Government representatives; certain Departmental and Commission reports; and information, letters, and statements on the use of a Federal-State fishing stamp in connection with noncommercial fishing licenses for nonresidents of states.

FISH & WILDLIFE COOPERATIVE RESEARCH TRAINING UNITS: On August 23, 1960, the House passed S. 1781, a bill to establish cooperative unit programs of research, education, and demonstration between the Federal Government, colleges, and universities, the states and territories, and private organizations in the field of fish and wildlife resources. The Senate passed this bill May 4, 1960. The bill would continue a program which is already in progress. Senate on August 27 presented the bill to the President for signature.

FISHING VESSELS AND FREIGHTING OF FISH: H. R. 13052 (Kilgore) introduced in the House on August 19, 1960, a bill relating to documentation and inspection of vessels of the United States; referred to the Committee on Merchant Marine and Fisheries. Regarding United States laws relating to documentation and inspection of vessels of the United States, the bill reads as follows: "a vessel enrolled and licensed, or licensed, as a vessel of the United States to engage in the fishery, shall not be deemed to be used in employment for which not licensed, and shall not be subject to inspection, solely because such vessel takes on board on the high seas and transports without charge to a port of the United States the catch of another fishing vessel of the United States."

ICA GRANTS FOR FISHERIES: On August 24, 1960, Senator Gruening ordered to be printed in the Congressional Record, ICA grants to foreign countries for fishery projects for the past 5 fiscal years. Grants for 1955 totaled \$1,431,561; 1956, \$2,355,503; 1957, \$3,415,000; 1958, \$1,526,000; and 1959, \$2,201,000.

IMPORTED COMMODITY LABELING: Presented to the President for signature August 26 by the House was H. R. 5054, an act to amend the Tariff Act of 1930 with respect to the marking of imported articles and containers. Provides 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 in the purview of the legislation and would not be affected. Passed House February 2; passed Senate July 2.

INSURANCE INDUSTRY: S. Rept. 1834, The Insurance Industry--Aviation, Ocean Marine, and State Regulation (August 10, 1960, 86th Congress, Second Session, Report of the Committee on the Judiciary Together with Individual Views made by its Subcommittee on Antitrust and Monopoly pursuant to S. Res. 238), 343 pp., printed. The March 9, 1945, McCarran-Ferguson Act of Public Law 15, established that the Federal antitrust laws "were applicable to the business of insurance to the extent that such business is not regulated by State law." This report is the first comprehensive effort by Congress to reexamine the insurance industry in the light of the McCarran-Ferguson Act and to measure the effectiveness of state regulation. This report deals essentially with the hearings relating to aviation insurance and ocean marine insurance, and the additional study by the subcommittee of the structure of state regulation. With regard to ocean marine insurance, the report deals with the industry structure, exemption from antitrust laws, the Federal Trade Commission investigation (discusses marine extension clause, agreements as to hull forms, protection and indemnity coverage, rating formula), and the nature and operation of American Hull Insurance Syndicate.

INTERNATIONAL FOOD AND RAW MATERIALS RESERVE: S. Res. 357 (Humphrey) introduced in the Senate August 9; referred to the Committee on Foreign Relations: Resolved, That it is the sense of the Senate that the President should explore with other nations the establishment of an International Food and Raw Materials Reserve under the auspices of the United Nations and related international organizations for the purpose of acquiring and storing in appropriate countries raw or processed farm products and other raw materials, exclusive of minerals, with a view to their use in (1) preventing extreme price fluctuations in the international market in these commodities; (2) preventing famine and starvation; (3) helping absorb temporary market surpluses of farm products and other raw materials (exclusive of minerals); (4) economic and social development programs formulated in cooperation with other appropriate international agencies. Participation by the United States in such an International Food

and Raw Materials Reserve shall be contingent upon statutory authorization or treaty approval, as may be appropriate.

Senate Committee on Foreign Relations on August 29 ordered favorably reported its original S. Con. Res. 116, expressing the sense of the Congress that the President should explore the creation of an International Food Program (S. Rept. 1922). Resolution provides for an international food program for furnishing food to less-favorably situated peoples with a view to its use in --(1) combating extreme price fluctuations in the international market; (2) alleviating famine; (3) helping absorb temporary market surpluses of farm products; (4) economic and social development programs.

H. Con. Res. 729 (Wolf), favoring further explanation for the establishment of an international food program for relief purposes, was introduced in the House August 29; referred to the Committee of Foreign Affairs.

S. Con. Res. 116 was received by the House and referred to the Committee on Foreign Affairs.

IRRADIATION OF FOOD: National Food Irradiation Research Program (Hearing before the Subcommittee on Research and Development of the Joint Committee on Atomic Energy, Congress of the United States, 86th Congress, second session, on national food irradiation research program, March 31, 1960, Part 2, 229 pp., printed. Contains statements from Atomic Energy Commission and Defense Department, and Department of Army witnesses; additional material submitted for the record by various Federal officials involved in the program. Appendixes include reports of various tests and studies made on acceptability of irradiated food products. Also included is a short bibliography on food preservation by irradiation.

OUTER CONTINENTAL SHELF AREA RESTRICTIONS IN GULF OF MEXICO: S. 3847 (Murray by request) introduced August 15, 1960, a bill to provide for the restriction of certain areas in the outer Continental Shelf for defense purposes, and for other purposes (Matagorda Water Range); referred to the Committee on Interior and Insular Affairs. Similar to S. 3866 (Murray) introduced in the Senate August 18, 1960.

PUBLIC WORKS APPROPRIATION BILL, 1961: By unanimous vote, the Senate on August 10, 1960, passed with amendments 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. The Senate insisted on its amendments and asked for a conference and appointed conferees. H. R. 12326 was passed by the House May 25, 1960.

On August 22, 1960, the House disagreed to Senate amendments to H. R. 12326, agreed to a conference, and appointed conferees.

Conference report was submitted to House August 26 on H. R. 12326 (H. Rept. 2181). Includes funds to permit detailed studies by the Fish and Wildlife Service of numerous Corps of Engineers and Bureau of Reclamation projects in the United States. 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 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. Also includes funds for Lower Columbia River Fisheries Development, and Lower Columbia River fish sanctuary program for operation and maintenance by the U. S. Fish and Wildlife Service. •

SCIENCE AND TECHNOLOGY COMMISSION: S. 1851, for the establishment of a commission on a Department of Science and Technology was passed over on August 19. Reported in Senate June 18, 1959, by the Committee on Government Operations (Senate Report No. 408). A similar bill, S. 3887 (Humphrey), was introduced in the Senate on August 25; referred to the Committee on Government Operations.

SHRIMP IMPORTS: On August 24, 1960, the Senate Committee on Finance adopted a committee resolution directing the Tariff Commission to make a thorough study of the shrimp industry and report to the Finance Committee early in the next session of Congress.

SMALL BUSINESS: Small Business Administration, 1960 (Annual Review of Programs and Activities of the Small Business Administration--Hearings before the Select Committee on Small Business, United States Senate, 86th Congress, Second Session, July 1, 1960. Part 2--Review of Lending Policies of the Small Business Administration), 59 pp., printed. Contains testimony, memorandums, tables, and charts concerned with a general review of the Small Business Administration's lending policies from July 1, 1958, to June 30, 1960.

SMALL BUSINESS ACT AMENDMENTS: On August 25, 1960, the Senate insisted on its amendments to H. R. 11207, to amend the Small Business Act so as to authorize an additional \$150 million for loans to small business, agreed to conference requested by House, and appointed conferees. On the same day, the House disagreed to Senate amendments to H. R. 11207, requested a conference with the Senate, and appointed conferees.

SMALL BUSINESS ADVISORY SERVICES: H. R. 13039 (Schwengel) introduced in the House on August 18, 1960, a bill to amend the Small Business Act to improve and promote the development of a sound United States economy through the establishment of a program of advisory services to small business and other concerns, referred to the Committee on Banking and Currency. Provides for assistance to local communities by appointing advisory specialists to aid, advise, and inform small business concerns.

SMALL BUSINESS AND IMPORTS: The Select Committee on Small Business submitted on August 23, 1960, a report to the Senate entitled "Impact of Imports on Small Business" (S. Rept. 1908). The Small Business Committee's report briefly reviews existing and proposed legislation regarding tariffs and trade. "Our desire," said Senator Randolph on releasing the report, "was to provide for small businessmen an introduction to the aids that are now available to them, as well as to some of the ideas that have been advanced for improving the aids, when import competition becomes a serious problem." The Committee in its report makes six recommendations to ease the adverse effects of imports on small business.

Impact of Imports on American Small Business (Hearing before a Subcommittee of the Select Committee on Small Business, United States Senate, 86th Congress, 2nd session, on the impact of imports on American small business, June 16, 1960), 321 pp., printed. Contains statements from Congressmen, Federal officials, and the public.

Senate Report No. 1908, Impact of Imports on Small Business (August 23, 1960, 86th Congress, Second Session, Report of the Select Committee on Small Business), 21 pp., 1 graph, printed. Discusses the history of import controls, impact of imports on small business, Federal help available to small business, legislative proposals before Congress, and recommendations of the committee.

STATE DEPARTMENT APPROPRIATIONS: The House on August 22, 1960, disagreed to Senate amendments to H. R. 11666, the State, Justice, and Judiciary appropriation bill for 1961, agreed to a conference, and appointed conferees. The bill, which passed the House April 13, 1960, and the Senate June 30, 1960, provides funds for the United States to meet its obligations in connection with participation in nine international fisheries commissions.

On August 23, 1960, a conference report on H. R. 11666 was submitted to the House (H. Rept. 2136).

House Report No. 2136, Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Bill, 1961 (August 23, 1960, 86th Congress, Second Session, Report from the Committee of Conference, to accompany H. R. 11666), 8 pp., printed. Contains the recommendations of the Conference Committee regarding this appropriation bill, which includes funds for nine inter-

national fisheries commissions. But none of the commissions are mentioned in this report since there was no disagreement between the House and Senate on the amount of funds to be provided for the commissions.

On August 24, 1960, the House considered and adopted conference report on H. R. 11666. The Senate on the same date also considered and adopted the conference report and cleared the bill for the President. Conference action provided \$1,875,000 for International Fisheries Commissions. This amount is the same as in the Senate and House bills. It is a little under the 1961 estimate of \$1,925,000 and a little over the 1960 appropriation of \$1,725,000. H. R. 11666 was passed by the House April 13, 1960, and by the Senate June 30, 1960. House presented bill on August 26 to the President for signature.

SUPPLEMENTAL APPROPRIATIONS FY 1961: The Senate Committee on Appropriations held hearings on August 14 on proposed supplemental items to be included in Second Supplemental Appropriations Bill for Fiscal Year 1961. Among the testimony presented was that by Andrew W. Anderson, Bureau of Commercial Fisheries, on funds for fishing vessel subsidies and Pacific Coast tuna research program.

H. R. 13161 (Thomas), a bill making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes; introduced in the House August 26; House Committee on Appropriations on August 26 reported the bill to the House without amendment (H. Rept. No. 2166). Referred to the Committee of the Whole House on the State of the Union. Passed the House on August 26, 1960. This bill contains \$100,000 for tuna research program and \$500,000 to initiate the fishing vessel differential construction subsidy program. By a voice vote the House August 26 passed H. R. 13161. House-passed bill on August 27 was reported to the Senate (S. Rept. 1925).

House Report No. 2166, Second Supplemental Appropriation Bill, 1961 (August 26, 1960, 86th Congress, Second Session, Report from the Committee on Appropriations, to accompany H. R. 13161), 18 pp., printed. Contains summary of bill and Committee recommendations. Includes additional funds for a number of agencies and departments. For the Bureau of Commercial Fisheries the Committee allowed \$100,000 (a reduction of \$200,000 in the budget request) to expand tuna research in the Eastern Pacific. The Committee pointed out, "A total of \$1,076,000 was recently made available for tuna research in the regular 1961 Appropriation Act, including \$322,600 to continue special research on Eastern Pacific tunas which has been conducted over the past three years at a cost of \$760,000. Effective use of the additional amount provided together with available funds should provide an adequate program during the remainder of the current fiscal year." The Committee also approved \$500,000 of the \$1,000,000 requested to initiate the program for payment of cost differential subsidies for construction of

fishing vessels in United States shipyards as authorized by Public Law 86-516, approved June 12, 1960. "The amount provided should be adequate for requirements during the remainder of the current fiscal year," states the Committee. Also provided \$100,000 for the Bureau of Sport Fisheries and Wildlife for emergency repair of flood damage at three national wildlife refuges, and \$150,000 for emergency dredging of the Oxbow Channel at the De Soto National Wildlife Refuge.

Senate on August 29 passed H. R. 13161, after adopting by voice vote most committee amendments.

TERRITORIAL WATERS EXTENSION FOR ALA., MISS., AND LA.: S. 3851 (Hill for himself and Sparkman), introduced in the Senate on August 15, 1960, a bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending three marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals and natural resources within said boundaries; referred to the Committee on Interior and Insular Affairs. Gives the three states the same seaward boundaries (3 marine leagues, almost $10\frac{1}{2}$ statute miles) as the Supreme Court awarded to Florida and Texas. Similar bills were introduced in the House on the same day: H. R. 12964 (Roberts); H. R. 12966 (Boykin); and H. R. 12972 (Huddleston). Also H. R. 12994 (Elliot), H. R. 12996 (Mc Sween), and H. R. 12997 (Selden) were introduced August 16, 1960, in the House; and H. R. 13199 (Brooks of La.) introduced in House August 29, 1960.

WAGES--MINIMUM HOURLY RATE INCREASE: On August 10, 1960, the Senate debated S. 3758, proposing amendments to the Fair Labor Standards Act, and raising the minimum hourly wage to \$1.15 effective January 1, 1961, to \$1.20 in 1962, and to \$1.25 in 1963. The present law provides a complete exemption from both the minimum wage and overtime requirements for fishing operations and for the processing of seafood. Seafood canning, however, is now covered by the minimum wage under the existing law and has an exemption only from the overtime requirements. The Senate bill changes the exemption with respect to the processing (freezing, preserving, packing) of seafood. Employees engaged in fish-processing activities are brought under the minimum wage provisions on the same scale as newly-covered employees in retail and service enterprises, but they will continue to be exempt from the overtime requirements. However, fishing and activities at sea will continue to be exempt from minimum-wage coverage. The companion bill, H. R. 12677, passed the House June 30, 1960. The bill as passed by the House, would raise the \$1-an-hour-minimum to \$1.15 for 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. 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. While the Senate bill does not add to the fish-canning section the broader language added to the fish-processing part of the house bill, the Senate Committee on Labor and Public Welfare on June 27 stated: "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."

Senator Stennis on August 12, 1960, submitted an amendment to be proposed by him to S. 3758, to retain the fisheries exemption and strengthen it by adding the words, "or necessary to the conduct of," both in the fresh and frozen fish and canned fish provision. The amendment submitted reads: On page 19, beginning with line 8, strike out through line 16, and insert the following: "(5) 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 above products or byproducts thereof; or . . ." On page 22, line 1, after the words "employed in" insert the words "or necessary to the conduct of . . ." The amendment was ordered to lie on the table and be printed.

On August 18, 1960, the Senate passed with an amendment H. R. 12677, after substituting for its text the amended language of S. 3758, companion bill. Prior to this action, the Senate considered

several amendments to S. 3758, some of which were accepted. The Senate insisted on its amendments, asked for conference, and appointed conferees. S. 3758 was indefinitely postponed. The general fishery exemption for processing in the present law has not been retained in the Senate version of H. R. 12677. But the House version does retain the fishery exemption, for both fishing and processing activities. No action was taken on the Stennis amendment submitted on August 12, 1960.

Regarding a request in the House to send to conference H. R. 12677, one objection was voiced and the bill was passed over on August 23, 1960. On August 24 the House Committee on Rules deferred action on a rule to send the bill to conference.

On August 25, 1960, the House Committee on Rules granted a rule to take H. R. 12677 from the Speaker's table and send it to conference. The same day Smith from the Committee on Rules reported to the House H. Res. 624, providing for sending to conference H. R. 12677 (H. Rept. No. 2156). The resolution was adopted by the House by a voice vote, and the Speaker appointed conferees. The conferees then met in executive session to resolve the differences between the Senate- and House-passed versions of H. R. 12677, but did not reach agreement. H. R. 12677 passed the House June 30, 1960, and the Senate August 18, 1960.

WATER RESOURCES: The Senate Select Committee on National Resources met in executive ses-

sion August 12, 1960, and approved an outline on the basis of which the staff will prepare a draft of the committee's report on problems of national water resources. This report will be acted on by a subcommittee after the sine die adjournment of Congress.

National Water Resources (Hearings before the Select Committee on National Water Resources, United States Senate, 86th Congress, Second Session, pursuant to S. Res. 48, May 24, 25, and 26, 1960. Part 22), 332 pp., 1 map, printed. Contains statements, resolutions, letters, and reports of various cooperators, organizations, and Federal Government and state officials in favor of a unified national water policy.

National Water Resources (Hearings before the Select Committee on National Water Resources, United States Senate, 86th Congress, Second Session, pursuant to S. Res. 48, May 26, 1960. Part 23), 240 pp., 1 map, printed. Contains statements and reprints of articles in favor of the Federal Government assisting in the development of our national water resources.

National Water Resources (Index to Hearings before the Select Committee on National Water Resources, United States Senate, 86th Congress, Second Session, pursuant to S. Res. 48. Index to Parts 1-23), 48 pp., printed. Contains an alphabetical list of people who appeared before the hearings, as well as lists of charts, graphs, maps, and tables that were presented.



FOOD ADDITIVES AMENDMENT DEALS WITH PROBLEM OF UNTESTED CHEMICALS IN FOODS

"The problem of untested or questionable chemicals in food is one of extreme importance, and the Food Additives Amendment is designed to deal squarely with this problem," said Dr. K. L. Milstead on May 3, 1960, in discussing the new amendment to the Federal Food, Drug and Cosmetic Act at the National Fisheries Institute convention at Miami Beach, Fla. Milstead is Director of the Division of Regulatory Management, Bureau of Enforcement, Food and Drug Administration, U. S. Department of Health, Education and Welfare.

Under the Food Additive Amendment, which became fully effective on March 6, 1960, only those substances "generally recognized to be safe" and appearing on the so-called "white lists" may be an acceptable ingredient, Milstead told over 800 fishery executives.

"We have refused all entries into this country of fish that contain nitrites and several seizures have been made of products that were originally exported from Canada or Nova Scotia," said Milstead, in citing an example of action taken under the amendment. "However, there apparently has been very little use of sodium nitrite in this country for preservation of fresh or frozen fish."