



FEDERAL ACTIONS



Committee for Reciprocity Information

CONSULTATIONS ON FOREIGN IMPORT RESTRICTIONS SCHEDULED FOR 1961:

The Committee for Reciprocity Information (CRI) on March 1, 1961, issued a notice inviting the public to submit views in connection with consultations scheduled during 1961 under the provisions of Articles XII and XVIII:B of the General Agreement on Tariffs and Trade (GATT). (The notice appeared in the March 2, 1961, Federal Register.) The consultations will be conducted by a panel of 14 countries, including the United States, at meetings scheduled for April and October and will relate to the use of import restrictions for balance-of-payments reasons by the following countries: April: Austria, Burma, Chile, Indonesia, Turkey, Union of South Africa; October: Denmark, Finland, Japan, New Zealand, Norway, Israel.

The consultations will afford the opportunity for the panel to review the economic and financial situation of the consulting countries individually, to explore in this context the possibilities for further relaxation of their import restrictions, and to discuss moderation of particular policies and practices that have proved unduly burdensome to exporters in other countries.

United States traders, business firms, labor organizations, and other individuals or associations which have an interest in exporting to one or more of the consulting countries were asked, as a result of their own experience, to submit information which will be useful to the United States Government during the course of the consultations. Especially sought is a discussion of the possibilities for further relaxation of the level of import restrictions by any of the countries listed and the moderation of particular policies and practices which are burdensome to exporters.

Representations to the Committee in response to this invitation, which should con-

tain all available supporting information, might include views along the following lines:

1. Quantitative import restrictions affecting goods available from the United States have resulted in unnecessary damage to the commercial or economic interest of the United States, its citizens, or organizations;
2. Not even minimum commercial quantities of imports of specific commodities from the United States are permitted, to the impairment of regular channels of trade;
3. Trade is being restrained by complex or arbitrary licensing procedures, or lack of adequate information available to traders regarding import regulations;
4. Reasonable access to a traditional foreign market has not been restored for a particular commodity, even though the country concerned has substantially relaxed its restrictions on imports in general;
5. The long-standing application of import restrictions by a country on a particular product has been accompanied by the growth of uneconomic output of that product within the country; or
6. Discrimination exists in the treatment of goods available from the United States as compared with the treatment afforded similar goods from other countries with convertible currencies.

The CRI is an inter-agency group within the United States Government which receives views of interested persons regarding proposed or existing trade agreements and actions related to such agreements. It is prepared to receive at any time statements from the public regarding import restrictions imposed by any contracting party to the GATT.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

EFFECTIVE DATE OF REGULATIONS FOR CERTAIN FOOD ADDITIVES EXTENDED:

The extension of the effective date of regulations under the Federal Food, Drug, and Cosmetic Act for certain specified food additives was announced by the U. S. Food and Drug Administration in the March 18, 1961, Federal Register in two separate orders.

One of the orders contained a list of indirect additives mostly in packages used for food--about 20 substances. Both orders contained lists of certain food additives used as direct additives in food. A total of about 50 substances are shown in the two lists, among which are included vitamin K₅, sodium alkyl sulfate, stearyl alcohol, mineral oil, benzoic acid, sodium benzoate, sodium nitrite, etc. Limits are shown for some of the substances listed. Both orders became effective March 3, 1961. No specific termination dates have been specified in the two orders.

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PROPOSAL TO RETAIN TWO OF THE LABELING REQUIREMENTS PROTESTED IN THE STANDARD OF IDENTITY FOR CANNED TUNA:

It is proposed not to change the definition and standard of identity for canned tuna by



rescinding (1) the requirement that the word "dark" be included on the label for tuna darker than Munsell value 5.3 or (2) the requirement that the words "in water" be included in the name of water-pack or in-brine tuna. The findings of fact were published by the U. S. Food and Drug Administration in the March 31, Federal Register as follows:

[21 CFR Part 37]

[Docket No. FDC-64]

CANNED TUNA FISH

Definition and Standard of Identity; Findings of Fact

In the matter of establishing a definition and standard of identity for canned tuna fish:

In the FEDERAL REGISTER of August 28, 1956 (21 F.R. 6492), there was published

a notice of a proposal for establishing a definition and standard of identity and a standard of fill of container for canned tuna fish. An order was published in the FEDERAL REGISTER of February 13, 1957 (22 F.R. 892), adopting the proposals, with modifications. Subsequently, objections were filed, and a public hearing was requested on two of the labeling requirements in the identity standard: (1) The requirement that tuna darker than a prescribed level be labeled "dark", and (2) the requirement that for water-

pack tuna the name on the label should include the words "in water." By an order published in the FEDERAL REGISTER of August 29, 1957 (22 F.R. 6961), notice was given that no objections had been filed to the fill of container standard or to the compositional requirements of the identity standard, and the effective date for these provisions, as set out in the order of February 13, 1957 (22 F.R. 892), as confirmed. In recognition of the objections to the labeling requirements of the identity standard, these requirements were stayed pending the outcome of the hearing on the issues raised by the objections.

Pursuant to a notice of hearing published in the FEDERAL REGISTER of December 28, 1957 (22 F.R. 10964), a public hearing was held to receive evidence on the issues raised by the objections. On the basis of the evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e)(3), 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371(e)(3)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

Findings of fact. 1. By an order published in the FEDERAL REGISTER of February 13, 1957 (22 F.R. 892), a definition and standard of identity for canned tuna fish was promulgated. Objections were filed protesting those portions of the order requiring that tuna darker in color than Munsell value 5.3 be declared on the label as "dark tuna" and that the name on the label of canned tuna packed in water rather than in oil include the words "in water" as a part of the name of the food. Notices of the objections, the stay of the labeling requirements, and the announcement of the public hearing on the objections were published in the FEDERAL REGISTER on August 29, 1957 (22 F.R. 6961), and December 28, 1957 (22 F.R. 10964). (Ex. 2, 4, 5, 7, 23)

2. The only issue concerning the color of canned tuna to be determined on the basis of the evidence was raised in the objection filed by one packer, the operator of a cannery in Maine, who advocated changing the wording of § 37.1(d)(3) of the standard from:

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

(3) **Tuna.** This designation includes all tuna darker than Munsell value 5.3 canned from the light meat of tuna.

The objection did not make an issue of whether the method specified in the order was appropriate for making the differentiation between dark and light tuna; of whether the value for such differentiation was properly set at 5.3 on the Munsell scale; or of whether the standard should require the label designation for tuna darker than Munsell value 5.3 to be different from the label designation for tuna lighter than Munsell value 5.3. The sole issue was whether the standard should require cans containing tuna darker than Munsell value 5.3 to be labeled "dark tuna" rather than simply "tuna." (R. 9, 11-12, 14, 17, 38, 47, 54-55; Ex. 7)

3. The only witness who supported the objection to the label declaration "dark tuna" sometimes employed the phrase "light meat of tuna" to mean striated muscular tissue, as specified in § 37.1(c) of the standard, without regard to the color shade of such tissue. At other times, when referring to this same striated muscular tissue (as prepared from large blue-fin tuna and from Atlantic little tunny), the witness used

¹ The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

the term "dark meat." Apparently, it was for this dark-colored, striated muscular tissue that he urged the change of the standard to provide for labeling it by the unmodified word "tuna" though he sometimes used the designation "dark meat" or "black meat" to mean non-striated tissue, which is an entirely different part of the fish and which the standard requires to be eliminated before canning. (R. 18, 33-34, 37, 43, 50, 66)

4. Several kinds of tuna have been caught in the Atlantic waters, but the only color determinations reported in the record are for the categories little tunny; large blue-fin tuna, exceeding 500 pounds in weight; and blue-fin tuna ranging in weight from 20 pounds to 104 pounds. These color determinations showed that little tunny and the large blue-fin tuna yield canned tuna of color darker than Munsell 5.3. The canned tuna prepared from the smaller blue-fin tuna (those not exceeding 104 pounds in weight) measured lighter than Munsell 5.3. (R. 10, 18, 29-30, 54, 58, 60, 74, 76; Ex. 8)

5. The canned article prepared from large blue-fin tuna, where the fish weighed in excess of 500 pounds each, not only was of a dark color but it was coarse in texture and had a distinctive taste, described as stronger, heartier, and more fishy. The opinion was expressed that this darker colored, stronger flavored article prepared from large blue-fin tuna would appeal to a limited segment of consumers. (R. 14, 33-35, 46-47, 58-59)

6. The responses to a questionnaire answered by more than 4,000 consumers showed an interest on the part of a substantial number of consumers in having labels show whether the meat in the can is light or dark. A consumer survey in which interviewers visited 252 households in which the homemaker used canned tuna showed that 65 percent of these homemakers regarded a color photograph of a can of tuna measuring 5.3 on the Munsell scale as dark tuna. Over two-thirds of the homemakers interviewed were interested in whether the tuna they serve is light or dark tuna, and substantially all wanted the label on the cans to show whether the tuna is light or dark. (R. 140-141, 162-164, 168, 172, 184-189, 202-204, 210-212, 273, 278-279, 281-282; Ex. 14, 17, 18, 24, 25, 26)

7. In households where canned tuna is used, one of the forms in which it is most frequently served is as a salad. For use as a salad the color of tuna is important to housewives and they wish to avoid dark tuna for salads. (R. 42, 168-169)

8. The other issue for the hearing arose from objections filed by distributors of water-pack tuna imported from Japan. These distributors objected to the requirement that the name on the label of such canned tuna should include the words "in water." They asserted: (a) That showing the words "in water" in the name would lead consumers to believe that water would be a major ingredient of the food and that cans so labeled would contain less fish than equal-sized cans of oil-pack tuna; (b) that consumers generally discard the oil from oil-pack canned tuna; (c) that by inference the provision concerning label declaration of the words "in water" requires that these words must follow the word "tuna" in the same line on labels. They declared that these assertions would be proved by consumer letters and consumer survey data that would be produced at the hearing. (R. 86-87, 91, 98, 101, 106-107, 109, 111-114, 134-135; Ex. 23)

9. Historically, it has been conventional to use vegetable oil as the packing medium for canned tuna. Tuna canned in the United States, with the exception of tuna prepared for special dietary use, has been packed in oil. Around 1951 or 1952 small quantities of imported canned tuna packed in water appeared on the United States markets. Since then, the volume of imported water-pack tuna has increased considerably but remains substantially below the total vol-

ume of oil-pack tuna on the market. (R. 108, 112, 121, 127, 145-146, 148-149, 173, 249-250; Ex. 15, 16)

10. The assertion that consumers usually discard the oil from oil-pack tuna was not supported by the evidence presented at the hearing. The results of a questionnaire-type survey submitted by the Food and Drug Administration showed that of more than 4,000 consumers who answered the questionnaire, 56.4 percent reported that when using oil-pack tuna they either always or sometimes use the oil. This percentage agrees well with data published by the Fish and Wildlife Service of the United States Department of the Interior, showing that of more than 1,900 homemakers interviewed in a 1956 survey, 38.7 percent reported that in using oil-pack tuna they always use the oil with the fish and 20.4 percent reported that they sometimes use the oil. (R. 109, 150, 278-279; Ex. 16, 24-26)

11. Consumers are concerned whether the canned tuna they purchase is the conventional oil-pack article or is tuna packed in water. Some labels on water-pack tuna have shown "no oil added" or "without added oil," but, in general, the declaration that the tuna is packed in water has been so subordinated on labels that consumers would be apt to overlook it under customary conditions of purchase. Housewives serve canned tuna in various ways; they make salads, sandwiches, casserole dishes, tuna-with-noodles, and use tuna in other cooked dishes. Generally, recipes for the cooked dishes, and frequently those for tuna in salads, call for using the oil from the can along with the tuna fish. The oil adds richness and significantly increases the caloric value of the dishes. When following such recipes, a housewife using water-pack tuna needs to add butter, margarine, or salad oil. It promotes her interests for the label declaration showing that the tuna is packed in water to be so displayed that under ordinary conditions of purchase she will note it.

Some distributors of imported water-pack tuna have sought in their promotions to appeal to those consumers who wish to avoid high-calorie foods. These promotions have emphasized that canned tuna where water has been substituted for oil as the packing medium is lower in caloric value than conventional oil-pack tuna. The interest of these consumers also is promoted by a prominent label declaration to show that the tuna is packed in water. (R. 120, 128, 134, 137, 138, 167-174; Ex. 12)

12. A consumer survey especially designed to elicit evidence from a fair sample of homemakers on the issues raised in the objections to the canned tuna order was carried out by an organization experienced in conducting such consumer interviews. In this survey homemakers were shown cans of water-pack tuna under conditions designed to simulate those she would experience in marketing for canned foods. For cans with commercial labels, fairly representative of the labels that have been used on water-pack tuna and showing "Packed in water" on side panels, two-thirds of the homemakers interviewed mistakenly thought that the tuna was packed in oil. (R. 79-83, 178-190, 200-202, 207-210, 219, 221-223, 237, 245, 255, 270-271; Ex. 17-22)

13. The evidence at the hearing did not support the assertion by the objectors that including the words "in water" in the name on labels of water-pack tuna would lead consumers to believe water to be a major ingredient and to believe that the cans so labeled would contain less fish than similar cans of oil-pack

tuna. In the consumer survey described in Finding 12, the interviewers showed homemakers cans of water-pack tuna with labels specially printed to conform to the requirements of the standard. The names on the labels were:

LIGHT TUNA FLAKES
IN WATER

and

SOLID PACK
LIGHT TUNA IN WATER

The homemakers were asked whether they thought the cans of water-pack tuna would contain less fish, the same amount of fish, or more fish than cans of the same size where the tuna is packed in oil. Half the homemakers answered that the amount of fish would be the same and the others divided about equally between answering that there would be less fish or more fish in the cans of water-pack tuna. Two witnesses trained in statistically evaluating such data testified that these results do not support the claim that showing the words "in water" in the names on labels would lead consumers to believe the cans contain less tuna fish. (R. 87, 106-107, 111-112, 135, 204, 213-214, 251, 267-269, 274-275; Ex. 17-22)

14. The objectors to the labeling requirement for water-pack tuna failed to show that it would promote consumer interests to rescind the provision that the words "in water" be included in the name and to substitute a requirement that water be named on labels as an optional ingredient. One witness, supporting the objections, expressed approval of a suggestion that the words "in water" be shown on labels in type half as large, and on a line below, the other words in the name. A witness, trained and employed in the field of home economics, objected to the use of smaller type for the words "in water." She explained that women are accustomed to getting tuna packed in oil and for that reason when the tuna is packed in water the label should declare "in water" in easily legible type. She made no specific objection to the suggestion that these words be shown in a line immediately below other words in the name. (R. 97, 152, 154, 156, 165-168, 170, 173)

Conclusions. On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that, for the purpose of promoting honesty and fair dealing in the interest of consumers, the definition and standard of identity for canned tuna should not be changed by rescinding the requirement that the word "dark" be included in the label designation of tuna darker than Munsell value 5.3 or the requirement that the words "in water" be included in the name of water-pack canned tuna.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: March 21, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

Note: See Commercial Fisheries Review, April 1961 p. 42.

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STANDARDS OF IDENTITY PROPOSED FOR FROZEN RAW BREADED SHRIMP:

A Proposed definition and standard of identity for frozen raw breaded shrimp was published in the March 31, 1961, Federal Register, by the U. S. Food and Drug Administration.

The notice points out that the National Fisheries Institute, and the National Shrimp Breaders Association, representing members who are processors of breaded shrimp, have jointly filed a petition setting forth a proposed definition and standard of identity for breaded shrimp.

The Food and Drug Administration proposes to add a new section to Part 36 of its regulations: "36.30 Frozen raw breaded shrimp (prawns); identity; label statement of optional ingredients."

The standard proposed establishes that the finished product contain not less than 50 percent by weight of shrimp material as determined by the method described in the proposed regulations. A description of frozen raw breaded shrimp is included, as well as the raw material to produce it. Among the shrimp material listed for breading are: fantail or butterfly shrimp (deveined and split); round or round fantail (deveined but not split); butterfly, tail-off (deveined and split, tail fin and shell segments removed); round, tail-off (deveined but not split, tail and shell segments removed); tidbits (parts of tail portions, but free of tail fin and shell segments). The batter and breading are described, and the optional ingredients that may be used in the preparation of the mixtures are listed. The names of the frozen raw breaded shrimp product prepared in accordance with proposed regulations are listed together with several alternatives in each case. Also, the regulations indicate that the label is to bear one of the names specified in the regulations, a statement listing the optional ingredients employed in the batter and breading, plus any spice or coloring used, if any; and if a chemical preservative has been used, the label is to indicate that fact.

Interested persons were invited to present their views in writing regarding the proposed regulations, prior to May 30, 1961.



U. S. Tariff Commission

REPORT ON SHRIMP:

The Tariff Commission on March 31 issued a report on its investigation of shrimp, conducted under Section 332 of the Tariff Act of 1930. The investigation was made pursuant to a resolution of the Senate Finance Committee, adopted in August 1960.

The Commission's report to the Senate Finance Committee describes the domestic shrimp fishery and the processing of shrimp in the United States; discusses domestic production, exports, imports, and consumption of raw shrimp and shrimp products; gives data on prices, cold-storage holdings, and wage rates in the United States; provides data on the shrimp fisheries of foreign countries; considers the interests of domestic producers, processors, and consumers of shrimp; and discusses the probable results of the imposition of the import restrictions set forth in the resolution.

The resolution of the Senate Committee called for an analysis of the possible results of a 35-percent ad valorem duty as well as an analysis of the results of a tariff quota under which all imports not in excess of the imports in the calendar year 1960 shall enter free of duty and all imports in excess of those in 1960 shall be dutiable at 50-percent ad valorem.

UNITED STATES TARIFF COMMISSION

SHRIMP

Report on Investigation No. 332-40
Under Section 332 of the Tariff Act of 1930
Pursuant to a Resolution of the
Committee on Finance of the United States Senate
Adopted in August 1960



Washington
March 1961

The Commission points out that the analysis ". . . describes the probable economic effects of the indicated import restrictions on those segments of the U. S. economy directly concerned with the production, handling, processing, importing, and marketing of shrimp. No attempt is made to set forth the possible effects on our foreign relations and other aspects of the national interest or on the economic welfare of the numerous foreign countries involved.

"In attempting to forecast the results of the imposition of a duty on shrimp, the Commission has premised a more or less constant per capita purchasing power during the next several years. Should a duty of 35 percent ad valorem be imposed on imports of shrimp, it is unlikely that the major foreign suppliers of the U. S. market could reduce their

prices sufficiently to absorb most or all of the duty. Nor would the reduction or elimination of export duties and taxes now levied in certain foreign countries have a significant effect on the ability of foreign suppliers to overcome a U. S. duty of 35 percent ad valorem. The application of such a duty, therefore, would result in a substantial reduction of total U. S. imports of shrimp in all forms; the reduction in imports would be accompanied by a sharp increase in prices and a curtailment of consumption in the U. S. market. With a restricted supply and a continuation of high prices in the United States, a limited expansion of the domestic catch of shrimp might be expected within a year or two. This could be accomplished by an extension of the operations of the U. S. shrimp fleet to new areas, where fishing costs would be substantially higher than in the areas now exploited, and by a somewhat larger catch of shrimp in the Gulf of Mexico. If Mexico's exports of shrimp to the United States were sharply reduced by the imposition of a U. S. duty, the Mexican shrimp fleet presumably would be forced to reduce its operations in the Gulf of Mexico, thereby permitting the U. S. fleet operating in the same waters to increase its catch. The extent of the increase would be limited, however, because the U. S. fleet probably would not be permitted to fish in Mexico's territorial waters. At present, nearly three-fourths of Mexico's total shrimp catch is taken from the Gulf of California and other west-coast waters near the Mexican shore. If Mexican fleet operations were curtailed in these waters, it is unlikely that the U. S. shrimp fleet could extend its operations to the west coast of Mexico. It appears from the foregoing that only a small part of the loss of U. S. imports resulting from the imposition of a 35-percent duty on shrimp could be made up by an increase in the U. S. production of shrimp from the Gulf of Mexico and from areas not now being exploited.

"With a net reduction in the total supply of shrimp available in the U. S. market, prices in all channels of distribution would increase sharply and undoubtedly would remain higher than at present. High prices would be especially beneficial to domestic craft owners and fishermen, but not to processors (including freezers) who must purchase raw shrimp in the open market. As previously indicated, high prices would result in a curtailment of total consumption in the United States, particularly in those areas that are now dependent on imports partly because of their distance from domestic landing ports and processing facilities. Many institutional users throughout the country would replace shrimp with other food products, and household consumers would reduce their purchases of shrimp in favor of other seafoods, poultry, and meats.

"From the foregoing, it appears that the imposition of a 35-percent duty on shrimp would result in increased financial returns to the U. S. shrimp fleet as a whole. It would also result in higher average returns per shrimp craft and per fisherman at least in the short run. How long individual craft owners and fishermen would receive the benefit of increased financial returns is conjectural. High ex-vessel prices and enhanced profits to craft owners could be expected to encourage additions to the domestic shrimp fleet. With more vessels and boats fishing for a limited resource, the average annual catch per craft would eventually decline. As a result of the smaller catch per craft, the average annual income per craft and per fisherman also would decline from the high levels attained immediately after the imposition of the duty.

"Certain packinghouses and freezers of shrimp are able to avoid the hazards of price fluctuations by charging a fixed fee per pound of shrimp for the services they perform, irrespective of market prices; the welfare of this group, therefore, is determined largely by the quantity of shrimp handled. Such packinghouses and freezers would benefit from any increase in domestic landings of shrimp; they would not, however, benefit from increased prices unless they were able to raise their fees.

"A duty of 35 percent on all shrimp and shrimp products undoubtedly would arrest the increasing imports of frozen peeled and deveined shrimp and frozen breaded shrimp and reduce the imports of canned shrimp. Domestic breaders,

canners, and producers of frozen peeled and deveined shrimp apparently are concerned about the expansion in recent years of processing facilities abroad and the possibility of a substantial increase in imports of the processed products. Whether imposition of a 35-percent duty would eliminate such imports entirely cannot be determined, but it would certainly discourage the expansion of facilities abroad to process shrimp for exportation to the United States. Elimination of the possibility of more intense competition from imports of processed shrimp would be of little benefit to domestic processors since restrictions of imports of all shrimp would cause more intense competition among the processors in the purchase of raw material and would arrest the expansion of shrimp-processing operations in the United States. Certain processors, particularly breaders, now rely heavily on imports of frozen heads-off, shell-on shrimp for their raw material supplies. If such imports were greatly reduced, some processors outside the South Atlantic and Gulf States might have to curtail their operations substantially or even discontinue production of processed shrimp. For processors in the South Atlantic and Gulf States, some of which rely partly on imported frozen shrimp, increased raw-material costs would tend to reduce the extent and profitability of their operations. A uniform duty on all shrimp, therefore, would be generally detrimental to shrimp processors.

"A U. S. duty of 35 percent on shrimp, and the resultant high prices in the U. S. market, would no doubt cause a substantial reduction of the U. S. exports of shrimp. In terms of heads-off, shell-on shrimp, domestic exports were equivalent to 7½ percent of total U. S. landings of shrimp in 1960.

"Imposition of the tariff quota specified in the resolution of the Senate Finance Committee would have a less drastic effect on the shrimp trade than would a 35-percent duty on all imports of shrimp. Provision for the annual duty-free entry of imports equal to the quantity of shrimp imported in 1960 would not reduce the total supply of shrimp available in the U. S. market and presumably would not immediately cause a marked upturn in prices. However, should the quota be stated in terms of pounds--irrespective of the form in which the shrimp were imported--it might result in a substantial shift in the composition of imports from frozen heads-off, shell-on shrimp to more advanced forms of processed shrimp. On the one hand, such a shift would work to the disadvantage of domestic producers of the more advanced forms of processed shrimp, not only because of increased competition from imports of the processed products, but also because of a reduced supply of imported frozen heads-off, shell-on shrimp, which are used as raw material by many processors. On the other hand, domestic craft owners, fishermen, and freezers of raw shrimp would benefit from the shift in imports; because of the smaller supply of imported frozen heads-off, shell-on shrimp, the demand for domestic raw shrimp by retail and institutional outlets would be increased.

"Should a separate quota be established for each form of shrimp, based on imports in 1960, it would halt the development of facilities abroad to process shrimp for exportation to the United States. Although domestic processors would benefit from restrictions of imports of the processed products, the quota on raw shrimp would preclude a continued expansion of processing operations in the United States because of a restricted supply of raw material. Craft owners and fishermen would be aided by the assurance that they could expect no more competition from imports than that encountered in 1960. Restriction of imports of each form of shrimp to the 1960 level presumably would prevent the price-depressing effects of sudden sharp increases in imports and might provide a measure of stability to the shrimp market, which would be beneficial to all segments of the shrimp trade.

"A global annual quota on imports of shrimp, without allocation by country of origin, would affect the supplying countries in varying degrees. Those countries able to ship to the United States early in the year could fill the quota and prevent other countries from sharing in it. Country quotas based solely on the level of imports in 1960, as implied in the resolution of the Senate Finance Committee, would be most detrimental

to those countries whose shipments to the United States were smaller in 1960 than in earlier years (e.g., Japan, Costa Rica, Peru, Australia, Norway, Korea, Argentina, Sweden, West Germany, Israel, British Honduras, and the United Kingdom). Moreover, if one or several supplying countries could not fill their quotas in a particular year, a shortage might develop in the U. S. market and affect many segments of the shrimp trade.

"It is unlikely that there would be any significant imports of shrimp at the over-quota rate of 50 percent ad valorem. Shipments arriving in the United States after the quota was filled probably would be diverted to other markets or held in bonded warehouses in the United States for entry at the opening of the new quota year.

"It should be recognized that if the supply of shrimp is not restricted and if prices thereof do not increase greatly, the long-run expansion of the total U. S. consumption of shrimp may be expected to continue. Several factors, in addition to the growth in population, point to this conclusion. Potential markets exist in some areas of the United States where shrimp are regarded as a luxury item and where only small quantities are now purchased for home use. The nutritional value, the low-calorie content, and the taste appeal of shrimp are not yet widely known in the mass consumer market. The increasing acceptance of individually frozen peeled and deveined shrimp, which can be served in the home with little preparation, may be expected to continue. The rising consumption of breaded shrimp has not yet shown a tendency to level off. Of the major processed shrimp products, canned shrimp is the only type that has not grown in popularity in U. S. consumer markets in the past decade.

"The imposition of either of the import restrictions on shrimp and shrimp products suggested in the resolution of the Senate Finance Committee would limit the supply of shrimp available in the U. S. market and thereby arrest the long-run expansion of shrimp consumption in the United States. If imports were restricted to the 1960 level or lower, any increase in consumption above the present level would have to be supplied by domestic production. Although the U. S. catch of shrimp may vary from year to year, there appears to be little probability of a sustained increase in the catch, even on the west coast where the large potential supply consists almost entirely of small-size shrimp suitable primarily for the production of canned shrimp, a product which has a relatively stable but limited market in the United States."

Note: Title of report: "Shrimp. Report on Investigation No. 332-40 Under Section 332 of the Tariff Act of 1930 Pursuant to a Resolution of the Committee on Finance of the United States Senate Adopted in August 1960." U. S. Tariff Commission, Washington, D. C., March 1961.



Treasury Department

BUREAU OF CUSTOMS

IMPORT RESTRICTIONS ON SOVIET CANNED CRAB MEAT LIFTED:

The removal by the United States of a prohibition on imports of Soviet canned crab meat, which has been in effect since January 27, 1951, was announced by the Treasury Department on March 20, 1961, and published in the Federal Register of March 25, 1961.

The prohibition was placed in force under Section 307 of the U. S. Tariff Act, which

bans imports of goods produced with convict or forced labor.

The decision to remove the prohibition on imports of Soviet canned crab meat is in accordance with United States law, and is based upon the fact that there is no current evidence that prison or forced labor is still being used in connection with Soviet canned crab meat.

A Treasury spokesman said:

"If the removal of this restriction also helps to promote better relations between the Soviet Union and the United States, it should be welcomed by the peoples of both countries.

"This action supports the President's desire for improved relations between the Soviet and American peoples and the often-expressed willingness of the United States Government to offer the Soviet Union every opportunity to trade with us in peaceful goods on normal commercial terms.

"In connection with this action, representatives of the State of Alaska have expressed concern over possible expanded activities of foreign fishing fleets in areas of the high seas near Alaska. We understand that the Department of State has long been aware of the problems which would be posed by the expansion of foreign fishing activities into new areas of primary interest to Alaskan fishermen, and is giving serious consideration to this matter, which involves complex aspects of conservation and fisheries policy."

The Treasury Department in answering questions with regard to their announcement indicated:

1. The information available indicates that no forced labor is involved in the Soviet canning operation. The Secretary of the Treasury, who administers this law, has gone over the available evidence and determined that removing the prohibition is justified.

2. In 1950 the United States imported some 2.3 million pounds of canned Soviet king crab meat with a value of roughly US\$2.3 million.

3. The product involved is the king crab found only in far northern Pacific waters. It could compete directly with some one million pounds canned in Alaska, with a value of

roughly US\$1.4 million. Indirectly, it could compete with some 2 million pounds of other domestic varieties, with a value of roughly US\$2.1 million. It should be pointed out that Soviet crab meat will be subject to the normal import duty of 22½ percent ad valorem.

4. Total United States production of king crabs was about 18 million pounds of which about 4 million was canned, yielding a canned weight of about one million pounds.

The notice as it appeared in the Federal Register follows:

[T.D. 55342]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Canned Crabmeat From Union of Soviet Socialist Republics

I hereby find, pursuant to the provisions of § 12.42, Customs Regulations, promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U.S.C. 1307), that canned crabmeat manufactured or produced wholly or in part in the Union of Soviet Socialist Republics does not come within the purview of section 307, Tariff Act of 1930.

Accordingly, on and after the date of the publication of this finding in the FEDERAL REGISTER, the finding made in T.D. 52655 (16 F.R. 776) is no longer in effect.

Section 12.42(h), Customs Regulations, is amended by deleting from the list the following:

Canned crabmeat—Union of Soviet Socialist Republics—52655

(Secs. 807, 824, 46 Stat. 689, 759; 19 U.S.C. 1307, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 20, 1961.

DOUGLAS DILLON,
Secretary of the Treasury.

* * * * *

QUOTA FOR 1961 ESTABLISHED ON IMPORTS OF CANNED TUNA:

The quantity of tuna canned in brine which may be imported into the United States during calendar year 1961 at the 12½-percent rate of duty is limited to 57,114,714 pounds. This is 6.9 percent more than the 53,448,330 pounds in 1960, 9.1 percent more than the 52,372,574 pounds in 1959, 27.8 percent more than the 44,693,874 pounds in 1958, and 25.6 percent more than the 45,460,000-pound quota for 1957. Any imports in excess of the 1960 quota will be dutiable at 25 percent ad valorem.

Any tuna classifiable under Tariff Act paragraph 718(b)--fish, prepared or preserved in any manner, when packed in air-tight containers. . . (except fish packed in oil or in oil and other substances; . . .)-- which is entered or withdrawn for consumption is included.

A proclamation (No. 3128), issued by the President on March 16, 1956, gave effect to an exchange of notes with the Government of Iceland to withdraw tuna canned in brine from the 1943 trade agreement and invoked the right to increase the duty reserved by the United States in negotiations with Japan and other countries under the General Agreement on Tariffs and Trade. The quota is based on 20 percent of the previous year's United States pack of canned tuna. The announcement as it appeared in the April 11, 1961, Federal Register follows:

DEPARTMENT OF THE TREASURY

Bureau of Customs

(T.D. 56360)

TUNA FISH

Tariff-Rate Quota

APRIL 5, 1961.

Pursuant to Presidential Proclamation No. 3128 of March 16, 1956 (T.D. 54051), it has been determined that 57,114,714 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1961 at the rate of 12½ per centum ad valorem under paragraph 718(b), Tariff Act of 1930, as modified. Any tuna classifiable under paragraph 718(b) of the tariff act which is entered, or withdrawn, for consumption during the current calendar year in excess of this quota will be dutiable at the full rate of 25 per centum ad valorem.

The above quota is based on the United States pack of canned tuna during the calendar year 1960, as reported by the United States Fish and Wildlife Service.

(SEAL)

PHILIP NICHOLS, Jr.,
Commissioner of Customs.



White House

NORTH PACIFIC 1961 HALIBUT FISHING REGULATIONS APPROVED BY PRESIDENT:

On March 29, 1961, the President of the United States approved the 1961 North Pacific halibut fishing regulations as recommended by the International Pacific Halibut Commission.

The regulations as published in the April 8, 1961, Federal Register follow:

Title 50—WILDLIFE AND FISHERIES

Chapter III—International Regulatory Agencies (Fishing and Whaling)

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953.

Sec.	Regulatory areas.
301.1	Regulatory areas.
301.2	Length of halibut fishing seasons.
301.3	Closed seasons.
301.4	Catch limits in Areas 2 and 3A.
301.5	Size limits.
301.6	Licensing of vessels.
301.7	Retention of halibut taken under permit.
301.8	Conditions limiting validity of permit.
301.9	Statistical return by vessels.
301.10	Statistical return by dealers.
301.11	Dory gear prohibited.
301.12	Nets prohibited.
301.13	Retention of tagged halibut.
301.14	Responsibility of master.
301.15	Supervision of unloading and weighing.
301.16	Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.16 issued under Art. III, 50 Stat., Part II, 1953.

§ 301.1 Regulatory areas.

(a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A (South of Heceta Head) shall include all convention waters southeast of a line running northeast and southwest through Heceta Head Light, as shown on Chart 5802, published in July 1947, by the United States Coast and Geodetic Survey, Washington, D.C., which light is approximately latitude 44°08'18" N., longitude 124°07'36" W.

(c) Area 1B (Heceta Head to Willapa Bay) shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July 1939, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17" N., longitude 124°04'15" W.

(d) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W.; thence south one-quarter east.

(e) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08" N., longitude 159°36'00" W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey.

(f) Area 3B South (Shumagin Islands to Cape Sagak, Umnak Island not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running southwest by west from Cape Sagak, the southwestern extremity of Umnak Island, at a point approximately latitude 52°49'20" N., longitude 169°07'00" W., and that are south of

straight lines running from Cape Kabuch Light at the head of Iktalan Bay, which light is approximately latitude 54°49'00" N., longitude 163°21'36" W.; thence to Scotch Cap Light at the western end of Umnak Island, which light is approximately latitude 54°23'48" N., longitude 164°44'30" W.; thence to Brundage Head on Unalaska Island, which head is approximately latitude 53°56'00" N., longitude 166°12'36" W.; thence to Cape Alak on Unalaska Island, which cape is approximately latitude 53°15'45" N., longitude 167°29'30" W.; thence to Cape Sagak. The positions of Cape Kabuch Light, Scotch Cap Light and Brundage Head were determined from Chart 8860, published 1942 (12th Edition), and the positions of Cape Sagak and Cape Alak were determined from Chart 8861, published in May 1942, revised April 1959, both charts as published by the U.S. Coast and Geodetic Survey.

(g) Area 3B North (Bering Sea and Aleutian Islands west of Cape Sagak) shall include all convention waters which are not included in Areas 1A, 1B, 2, 3A, and 3B South.

§ 301.2 Length of halibut fishing seasons.

(a) In Area 1A, the halibut fishing season shall commence at 6:00 a.m. of the 10th day of May and terminate at 6:00 a.m. of the 1st day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(b) In Area 1B, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(c) In Area 2, the halibut fishing season shall commence at 6:00 a.m. on the 10th day of May and terminate at 6:00 a.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(d) In Area 3A, the halibut fishing season shall commence at 6:00 a.m. of the 10th day of May and terminate at 6:00 a.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(e) In Area 3B South, the halibut fishing season shall commence at 6:00 a.m. of the 25th day of April and terminate at 6:00 a.m. of the 1st day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(f) In Area 3B North, the halibut fishing season shall commence at 6:00 a.m. of the 10th day of April and terminate at 6:00 a.m. of the 1st day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(g) All hours of opening and closing of areas in this section and other sections of these regulations shall be Pacific standard time.

§ 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of these regulations, shall be closed to halibut fishing at 6:00 a.m. of the 1st day of December and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in § 301.7. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in these regulations referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as

provided for in paragraph 3 of Article I of the Convention.

§ 301.4 Catch limits in Areas 2 and 3A.

(a) The quantity of halibut to be taken during the halibut fishing season in Area 2 and during the halibut fishing season in Area 3A in 1961 shall be limited to 28,000,000 pounds and 33,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A.

§ 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 28 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with

for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 must be validated at a port or place within Area 1A prior to each such fishing operation when Areas 1B and 2 are closed to halibut fishing.

(f) The halibut license of any vessel fishing for halibut in Area 3B South or Area 3B North when Area 3A is closed to halibut fishing must be validated at a port or place within Area 3B South prior to such fishing, except as provided in paragraph (g) of this section.

(g) Any vessel already fishing in Area 3B South or in Area 3B North prior to the date of closure of Area 3A may continue to fish in said areas until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (h) of this section when it departs from Areas 3B North and 3B South.

(h) The halibut license of any vessel departing from Areas 3B South and 3B North with any halibut on board when Area 3A is closed to halibut fishing, must be validated at a port or place in Area 3B South subsequent to fishing and prior to such departure.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(j) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(k) A halibut license shall not be valid for halibut fishing in more than one of Areas 1A, 1B, 2, or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(l) A halibut license may be validated for halibut fishing in more than one of Areas 3A, 3B South or 3B North except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (f), (g), and (h) of this section and to any other applicable provisions of these regulations.

(m) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing.

(n) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(o) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(p) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B North and Area 3B North shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(q) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna; and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this regulation for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut: *Provided*, That the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut caught in all convention waters in the year 1961 shall become invalid at 6:00 a.m. of the 16th day of November of said year or at such earlier date as the Commission shall determine.

§ 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under §§ 301.2 or 301.4 must have a halibut license and a permit

if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.7.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.7.

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

§ 301.9 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under these regulations and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in these regulations, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the opera-

tion of any vessel licensed or holding a permit under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North after the closure of Area 3A unless the license of said vessel has been validated at a port or place in Area 3B South as required in paragraphs (f) and (h) of § 301.6 or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in all convention waters.

§ 301.12 Nets prohibited.

It is prohibited to retain halibut taken in any convention waters with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under these regulations be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

§ 301.13 Retention of tagged halibut.

Nothing contained in these regulations shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.14 Responsibility of master.

Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.15 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under these regulations and the unloading and weighing of halibut and other species of any vessel holding a permit under these regulations shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of these regulations.

§ 301.16 Previous regulations superseded.

These regulations shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of these regulations. These regulations shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to these regulations shall become effective immediately.

WILLIAM M. SPRULES,
Chairman.
ANDREW W. ANDERSON,
Vice Chairman.

WILLIAM A. BATES,
HAROLD S. HELLAND,
MATTIAS MADSEN,
RICHARD NELSON.

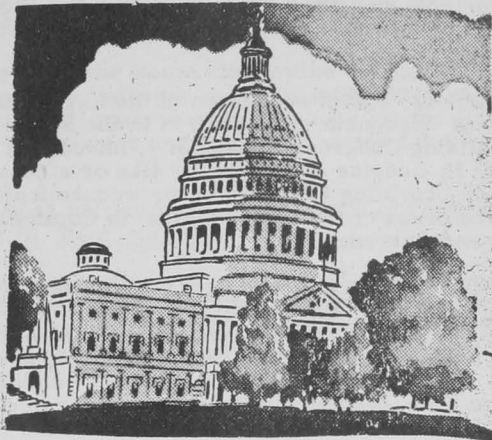
WILLIAM M. SPRULES,
Chairman.
H. A. DUNLOP,
Secretary.

Approved: March 29, 1961.

JOHN F. KENNEDY.

Eighty-Seventh Congress (First 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.

ATLANTIC STATES MARINE FISHERIES COMMISSION: On April 12, the Senate received a letter from the Secretary-Treasurer, Atlantic States Marine Fisheries Commission, Mount Vernon, N. Y., transmitting, pursuant to law, a report of that Commission, dated March 1961 (with accompanying report); to the Committee on Interstate and Foreign Commerce.

CATCH TRANSFER AT SEA: H. R. 5929 (Wilson of California), introduced in House Mar. 24, to Committee on Merchant Marine and Fisheries. Identical to a number of bills introduced previously on same subject. Would legalize the transfer of catch of one fishing vessel to another on the high seas and transporting it without charge to a port of the United States.

DEPRESSED AREAS: H. R. 5943 (Widnall), introduced in House Mar. 24; to Committee on Banking and Currency.

On Mar. 27, the House Committee on Rules granted an open rule, waiving points of order, with 3 hours debate on S. 1, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically-distressed areas (H. Rept. No. 201). Bill was referred to House Calendar. On Mar. 28, the House by a voice vote adopted H. Res. 237. On Mar. 29, by a vote of 250 yeas to 166 nays the House passed S. 1. Prior to passage a recommittal motion designed to replace the text of the bill with the provisions of H. R. 5943 (Widnall), had been rejected by a vote of 125 yeas to 292 nays. Before the committee substitute amendment was adopted, several amendments were added, including one to authorize vocational training for certain seasonal agricultural workers; also one to require

the Secretary of Commerce to study and report to Congress of the impact on the economy where Government installations are deactivated in areas where at least 6-percent unemployment exists.

On Mar. 30 the Senate disagreed to House amendments to S. 1, Area Redevelopment Act of 1961, asked for conference with House and appointed conferees.

On April 12, the House insisted on the House amendments and agreed to the conference asked by the Senate on S. 1.

On April 12, a joint resolution of the Legislature of the State of Wisconsin was received in the Senate, memorializing Congress to pass S. 1, introduced by Sen. Paul H. Douglas of Illinois, or like or similar legislation providing Federal aid for economically-distressed areas of the United States; to Committee on Banking and Currency.

EXEMPT RAILROAD TRANSPORTATION FOR FISH, LIVESTOCK, AND AGRICULTURAL PRODUCTS: H. R. 6247 (Cunningham), introduced in House April 12, a bill to amend the Interstate Commerce Act, as amended, so as to extend to the railroads a conditional exemption from economic regulation comparable to that provided for motor carriers engaged in the transportation of ordinary livestock, fish, or agricultural commodities; to the Committee on Interstate and Foreign Commerce. Identical to H. R. 1823 (Rostenkowski).

FEDERAL BOATING ACT AMENDMENTS: On Mar. 27, the Senate received a letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, copy of amendments to the rules and regulations regarding "Numbering of Undocumented Vessels, Statistics on Numbering and Boating Accident Reports and Accident Statistics," to become effective on June 30, 1961 (with accompanying papers); to Committee on Interstate and Foreign Commerce.

FISH AND WILDLIFE AID THROUGH EQUIPMENT TRANSFER: H. R. 6301 (Gray), introduced in House April 13, a bill to provide that excess personal property of the United States may be donated to the States for the promotion of fish and wildlife management activities, and for other purposes; to the Committee on Government Operations. Identical to H. R. 4724 (Barry).

FISH AND WILDLIFE ASSISTANT SECRETARY: The Senate on Mar. 24, 1961, confirmed the nomination of Frank P. Briggs to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

FOOD ADDITIVES: On Mar. 24, the Senate Committee on Labor and Public Welfare submitted S. Rept. 86 on H. R. 3980, an act to protect the public health by prohibiting the use of food additives which are not adequately tested, without amendment.

S. Rept. No. 86, Food Additives Transitional Provisions Amendment of 1961 (March 24, 1961, 87th Congress, 1st Session, report of the Committee on Labor and Public Welfare to accompany H. R. 3980), 11 pp., printed. Contains letter from Department of Health, Education, and Welfare recommending enactment of H. R. 3980 as it passed the House, additional correspondence explaining the need for the bill, and an explanation of its provisions.

On Mar. 27, the Senate passed H. R. 3980, without amendment, and cleared the bill for signature by the President. On Mar. 28, H. R. 3980 was signed by the President pro tempore of the Senate.

On April 7, the President signed H. R. 3980, to amend the transitional provisions of the Food Additives Amendment Act of 1958 (P. L. 87-19).

This bill would extend, from March 5, 1961, until June 30, 1964, the final effective dates of the Food Additives Amendment of 1958 (P. L. 85-929) and the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (P. L. 86-139). This extension would authorize the continued use of certain food additives and pesticides chemicals not covered by regulations issued by the Secretary of the Department of Health, Education, and Welfare, if the Secretary finds that such continued use would involve no undue risk to the public health, that such additives and pesticide chemicals were in commercial use prior to January 1, 1958, and that scientific investigations to determine safe levels of use are being pursued with due diligence.

Additional time is required by the Food and Drug Administration and the affected industries to complete and evaluate scientific investigations and studies needed to determine final assurance of safe use for about 30 pesticide chemicals and to determine whether some 3,000 substances are actually additives in or on a food and, if they are, what if any tolerance limitations or other conditions should be imposed on their use.

Under the bill, the Secretary of Health, Education, and Welfare could permit the continued use of the food additives or pesticide chemicals which have not been finally cleared for safety only in those instances where he has received satisfactory evidence, and has either authorized or has pending a request for authorization for the continued usage of these chemicals up to March 5, 1961, the limit of this authority, and he finds that the persons requesting the extensions have taken bona fide action before March 6, 1960, to investigate the chemicals concerned, that such investigations have continued with reasonable diligence, and that more time is necessary to complete them.

The Secretary would, at any time, be able to terminate any extension of time granted under this legislation if he finds that (1) it should not have been granted, (2) the basis for an extension no longer exists owing to a change in circumstances, or (3) there has been a failure to comply with any requirement for the submission of progress reports or with other conditions attached to the extension.

FOOD ADDITIVES STUDY COMMISSION: H. R. 6011 (King of Utah), introduced in House on Mar. 28, a bill to establish a commission to conduct an impartial and scientific study and investigation to determine the effects on the public health of the practice of adding various chemicals to food products and beverages; to the Committee on Interstate and Foreign Commerce.

IMPORT COMPETITION ADJUSTMENT: H. R. 6150 (Van Zandt) introduced in House April 10, and H. R. 6280 (Bailey), introduced on April 13, bills to regulate the foreign commerce of the United States by providing for fair competition between domestic industries operating under the Fair Labor Standards Act and foreign industries that supply articles imported into the United States, and for other purposes; to Committee on Ways and Means. Identical to H. R. 5635 (Thomson of Wisconsin).

INCOME TAX REVISION IN FAVOR OF FISHERMEN: H.R. 6413 (King of California), introduced in House on April 18, a bill to extend to fishermen the same treatment accorded farmers in relation to estimated income tax; to the Committee on Ways and Means.

INTERIOR APPROPRIATIONS: Department of the Interior and Related Agencies Appropriations for 1962 (Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, Eighty-Seventh Congress, First Session, on appropriations for the Department of Interior except Bonneville Power Administration, Bureau of Reclamation, Southeastern Power Administration, and Southwestern Power Administration), 1,482 pp., printed. Includes hearings on operations of the Fish and Wildlife Service and its two Bureaus--total funds registered for the Service for fiscal year 1962--\$48,041,000, or \$8,063,027 more than in fiscal year 1961.

For the U. S. Fish and Wildlife Service, Office of the Commissioner, the estimate of \$364,000 is the same as for 1961.

Bureau of Commercial Fisheries: Estimates for the fiscal year 1962 total \$19,339,000. Of this total, \$9,296,000 is for management and investigations of resources; \$1 million is under the special foreign currency program; \$7,561,000 is for construction; \$482,000 is for general administrative expenses; and \$1 million is for assistance in construction of fishing vessels. An additional \$1,981,000, to be derived from the Pribilof Islands fund, is requested for administration of the Pribilof Islands.

Increases totaling \$455,000 in the estimate for management and investigations provide \$221,000 for program expansion in connection with research on fish migration over dams, \$154,000 for operation and maintenance of a new vessel and new shore facilities under construction in the current year, and \$80,000 to finance increased pay costs under P.L. 86-568 for a full year.

Funds requested under the special foreign currency program are to finance technological and biological studies in foreign countries, to complement work being performed in these fields in the United States under the management and investigations of resources appropriation.

The estimate of \$7,561,000 for construction includes \$2,450,000 for a new research laboratory at La Jolla, Calif; \$1,775,000 for a research vessel for use in the central Pacific Ocean; \$1,250,000 for a vessel to replace the Delaware, an obsolete North Atlantic type trawler constructed in 1938; \$200,000 for a research vessel to be used in the Gulf of Mexico; and \$455,000 for service facilities and laboratory improvements at Oxford, Md., Boothbay Harbor, Maine, and Auke Bay, Alaska. All this construction involves facilities recommended for the national oceanographic program. Also included in the \$7,561,000 estimate is \$1,431,000 for Columbia River fishery facilities, a decrease of \$566,642 compared to the 1961 comparative transfer for this activity from the Corps of Engineers.

Bureau of Sport Fisheries and Wildlife: The overall estimate for management and investigations of resources is \$23,200,000, an increase of \$3,947,000 over fiscal year 1961. For the most part this increase will be used to place new fish hatcheries and wildlife refuges under operation and to provide funds needed to

maintain the work in general at 1961 levels. Construction estimate is \$4,067,000, a reduction of \$718,000 when compared with 1961. The estimate includes funds for a new fish hatchery on the Jordan River, Antrim County, Mich., for the purpose of restoring lake trout in the Great Lakes. Funds are also provided for initial work at the Navajo and Vernal units of the Colorado River storage project. General Administrative expenses total \$1,071,000 or \$55,000 more than in fiscal year 1961. Grand total for Bureau of Sport Fisheries and Wildlife is \$28,338,000 or \$3,284,000 more than in 1961.

On April 13 the House Committee on Appropriations was granted permission to file by midnight April 14 a report on a bill making appropriations for the Department of the Interior and related agencies for fiscal year 1962.

H.R. 6345 (Kirwin) was reported out of committee on April 14 (H. Rept. No. 233).

The appropriations include funds for the Fish and Wildlife Service, Office of the Commissioner. The Committee recommends the budget estimate of \$364,000, the same as the amount available for the current fiscal year.

For the Bureau of Commercial Fisheries, Management and Investigations of Resources, the Committee recommended \$11,700,000 an increase of \$3,774,000 in the 1961 appropriation and a decrease of \$96,000 in the budget estimate. On an available funds basis, the increase over the current year is only \$1,769,669 due to the transfer in the estimates to this item of \$2,004,331 for the operation and maintenance costs of Columbia River fishery facilities heretofore appropriated for under the Corps of Engineers. Increases allowed include \$1,000,000 for additional work in the field of oceanography; \$500,000 for continuation of emergency research program for Alaska salmon; \$131,000 for operation of the new facilities being constructed in 1961; \$221,000 for expansion of the research program on fish migration over dams, and \$23,000 for operation of the new exploratory fishing vessel being constructed in 1961.

The amount allowed reflects a decrease of \$89,331 in the level of the Columbia River fishery facilities program, and Committee reductions of \$96,000 consisting of disallowance of the request of \$80,000 to restore that portion of the pay act cost being absorbed during the current year, and \$16,000 to round off the estimate.

The Committee recommends \$300,000, a reduction of \$700,000 in the budget request, to initiate a new research program to be conducted in foreign countries with foreign currencies.

The Committee has approved the budget request of \$7,561,000 for construction, an increase of \$5,161,000 in the 1961 appropriation. Actual increase provided over 1961 is \$3,730,000 due to the transfer in the estimates to this item of \$1,431,000 for the construction of the Columbia River fisheries facilities heretofore appropriated to the Corps of Engineers. The amount provided includes: \$1,775,000 for the construction of an oceanic research vessel for the Central Pacific Ocean; \$1,240,000 for construction of an experimental fishing vessel for use in the North Atlantic as a replacement for the Delaware; \$200,000 for the construction of a research vessel for use of the Galveston laboratory in the Gulf of Mexico; \$2,450,000 for construction of a biological research laboratory at La Jolla, California; \$170,000 for additional construction at the Oxford,

Maryland, laboratory; \$85,000 for improvements at Boothbay Harbor, Maine, laboratory; and \$200,000 for additional facilities at the Auke Bay, Alaska, laboratory.

For subsidies for the construction of fishing vessels, the Committee has allowed an appropriation of \$750,000, the same as the appropriation for the current year, and a decrease of \$250,000 in the budget estimate.

For general administrative expenses the Committee has allowed the budget request of \$482,000, an increase of \$97,000 in the 1961 appropriation.

For administration of Pribilof Islands, the Committee recommends the budget request of \$1,981,000, a decrease of \$89,000 in the amount provided for the current fiscal year.

For the Bureau of Sport Fisheries and Wildlife, Management and Investigations of Resources, the Committee recommends an appropriation of \$23,000,000, an increase of \$3,692,000 in the 1961 appropriation, and a decrease of \$200,000 in the budget request. Increases included \$554,100 for operation of new hatchery facilities and for more adequate equipment replacement; \$253,400 for additional fishery research.

For construction the Committee recommends an appropriation of \$3,770,000, a decrease of \$1,365,000 in the 1961 appropriation, and a decrease of \$297,000 in the budget estimate.

For general administrative expenses the Committee recommends an appropriation of \$1,016,000, the same as the amount available for the current fiscal year, and a reduction of \$55,000 in the budget request.

On April 18 the House, by a voice vote, passed H.R. 6345. Appropriations for commercial and sport fisheries and wildlife amount to \$48.9 million, an increase of \$8.2 million for additional research in oceanography, salmon, and wildlife, construction of research vessels and laboratories, and cooperation and maintenance of hatcheries and wildlife refuges. Included are funds to initiate a new research program to be conducted in foreign countries with foreign currencies--\$300,000, a reduction from \$1 million requested. These funds are to be used for: (1) a study to determine the nature and causes of the denaturation of protein in frozen fish--study to be made in Israel; (2) a study to measure nutritional contributions of fishery products to the well-being of humans and animals--the study to be made in India; (3) a study of "at-sea processing or freezing of ocean perch" aboard factory trawlers in the North Atlantic--the study made by a Polish university. Further, a sum of \$650,000 was requested for radioisotope studies--in India--also a biometrics research program in India, a Pakistan study of shrimp physiology, an Egyptian study of "food chain studies in fresh-water lakes," and an Israeli study of fish behavior and physiology--sardine.

MINIMUM-WAGE LEGISLATION: Amendments to the Fair Labor Standards Act (Hearings before the Subcommittee on Labor of the Committee on Labor and Public Welfare, United States Senate, Eighty-Seventh Congress, First Session on S. 256, S. 879, S. 895, bills amending the Fair Labor Standards Act of 1938, as amended, Feb. 28, Mar. 1, 2, 3, and 6, 1961), 759 pp., printed. Contains statements of various Government officials, union officials, and business officials. Of interest to the fisheries are statements of the Chair-

man, Legislative Committee, National Fisheries Institute, Inc.; National Cannery Association; and the Oyster Institute of North America.

On Mar. 27, the Senate read twice by its title the bill passed by the House on Mar. 24, H.R. 3925, 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 commerce or in the production of goods for commerce, to increase the minimum wage, and for other purposes; referred to Committee on Labor and Public Welfare.

S. 1457 (McNamara), introduced in Senate Mar. 28; to the Committee on Labor and Public Welfare. Bill contains basic provisions of the administration measure introduced earlier.

On April 11, the Senate Committee on Labor and Public Welfare in executive session, ordered favorably reported with an amendment in the nature of a substitute, H.R. 3935. As approved by the committee, the bill would (1) extend minimum wage coverage to approximately 4.1 million workers, the majority of whom are in the retail trades and services, (2) adopt the \$1.25 minimum wage, which amount would be reached in 28 months for presently-covered workers, the latter of whom would be given overtime protection, reaching the 40-hour maximum workweek in 52 months (until these points are reached \$1.15 minimum wage would be in effect), and (3) adopt the so-called "inflow" test, which means that retail and service enterprises would be covered by the bill, only if they met the following test: (a) the employer must be engaged in commerce or the production of goods for commerce, (b) the employer must receive \$250,000 worth of goods for resale, which have moved across state lines (so-called "inflow" test), and (c) the employer must have an annual gross volume of sale of not less than \$1 million, exclusive of excise taxes at the retail level.

Would not affect the existing year-round overtime exemption for fish canners. It would, however, place onshore fish processing (other than canning) under the minimum wage. Thus, fish canning and fish processing would be placed on the same basis--both subject to minimum wage provisions; both exempt from overtime pay requirements. The exemption for offshore fishery activities would still be retained: "(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee."

On April 12, bill was reported by Committee (S. Rept. No. 145) to the Senate.

The Committee report which accompanied the Senate bill contained the following language, which is identical to that in last year's Senate report:

"The present exemptions in sections 13(a)(15) 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. 2nd 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."

S. Rept. No. 145, Fair Labor Standards Amendments of 1961 (87th Congress, 1st Session, United States Senate, Report of Committee on Labor and Public Welfare to accompany H.R. 3935), 111 pp., printed. Contains history of legislation, committee objections of House-passed bill, summary of major provisions of committee bill including changes in exemptions--which concern seafood processing in that the bill covers for minimum wage, but not for overtime, employees engaged in on-shore seafood processing. Also contains minority views.

On April 13 the Senate took up and considered H.R. 3935. Pending at adjournment was Dirksen amendment, identical with House-passed bill of \$1.15 minimum wage, except for \$1.05 minimum wage for newly covered employees instead of \$1 in House-passed bill.

On April 14 the Senate continued consideration of H.R. 3935, reaching unanimous-consent agreement that effective April 18 debate on any amendment, motion, or appeal (except motion to table) shall be limited to one hour, equally divided; no nongermane amendment may be received; and on question of final passage, debate shall be limited to 4 hours, equally divided.

In addition to limiting further debate on the bill, Senate adopted Cooper amendment to eliminate language in committee amendment that would reduce to 10 weeks the overtime payments exemption in industries engaged in certain food and agricultural processing. The Committee bill would remove from exemption the onshore activities (fish processing, other than canning) and leave exemption applicable to offshore activities connected with procurement of the aquatic products. Pending at adjournment was Dirksen amendment (in nature of a substitute for committee substitute), similar to bill as it passed House. Dirksen amendment would retain the exemptions for onshore fish processing (other than fish canning) as in the House-passed bill.

On April 18 the Senate continued consideration of H.R. 3935, taking several actions on amendments to committee amendment (in nature of a substitute), none of which pertained directly to fisheries.

NATIONAL AQUARIUM IN DISTRICT OF COLUMBIA: H.R. 5990 (Olsen), introduced in House on Mar. 28, a bill to authorize the Secretary of the Interior to construct a national aquarium in the District of Columbia; to the Committee on the District of Columbia.

NATIONAL SCIENCE ACADEMY: On Mar. 28, Subcommittee No. 3 of the House Committee on Science

and Astronautics began hearings on H.R. 1, to establish a National Science Academy. Witnesses from the National Science Foundation, and various other public witnesses were heard. On March 29, hearings were concluded.

H.R. 6138 (Monagan), introduced in House April 10, a bill to provide for the establishment, under the National Science Foundation, of a National Science Academy; to the Committee on Science and Astronautics.

NATIONAL OCEANOGRAPHIC PROGRAM: On Mar. 29, a communication from the President of the United States, relating to a proposed national oceanographic program (with accompanying papers), was received in the Senate; to Committee on Interstate and Foreign Commerce. Also, the same message (No. 734) was received in the House; referred to the Committee on Merchant Marine and Fisheries.

NATURAL RESOURCES CONSERVATION: On April 13 the Senate Committee on Interior and Insular Affairs held and concluded hearings on S. 239 and S. 1415, proposed Resources and Conservation Act of 1961, after receiving testimony of various Senators, and other Government witnesses. Bills would declare a national policy on conservation, development, and utilization of natural resources.

NEW BEDFORD-MADE FISH FLOUR: On April 18, the Senate received a resolution of the city council of New Bedford, Mass., seeking approval for the marketing of New Bedford-made fish flour from the Food and Drug Administration; referred to Committee on Agriculture and Forestry.

OCEANOGRAPHIC RESEARCH: H. Res. 242 (Keith), H. Res. 245 (Morse), H. Res. 246 (Tupper), H. Res. 247 (Philbin), introduced in House Mar. 28, resolution expressing the sense of the House of Representatives with respect to the expansion of oceanographic research; to the Committee on Merchant Marine and Fisheries.

OUTDOOR RECREATION RESOURCES REVIEW COMMISSION: On Mar. 29 the President signed S. 449 extending until Jan. 31, 1962, the time within which the Outdoor Recreation Resources Review Commission shall submit its final report (P. L. 87-13). Provides that Commission by date specified shall present a report of its review, a compilation of its data, and its recommendations on a State by State, region by region, and national basis to the President and Congress. Commission will cease to exist after September 1, 1962.

SALTONSTALL-KENNEDY ACT FUNDS REAPPORTIONMENT: H.R. 6130 (Johnson of Calif.), introduced in House April 10; H.R. 6252 (Garmatz) and H.R. 6259 (Multer), introduced in House April 12; bills to amend the act of August 11, 1939, relating to domestically-produced fishery products to establish a fund for the advancement of commercial fisheries; to the Committee on Merchant Marine and Fisheries. Identical to H.R. 5301 (Rivers). Would allocate funds to State agencies having immediate responsibility for management of commercial fishery resources, for fisheries research and development.

SHRIMP IMPORT DUTIES: H.R. 6168 (Boggs) and H.R. 6212 (Willis), introduced in House April 11; H.R. 6294 (Fascell), introduced in House April 13; H.R. 6324 (Rivers of Alaska), introduced in House April 18; bills to amend the Tariff Act of 1930 to impose a duty on shrimp and to provide for duty free entry of unproc-

essed shrimp annually in an amount equal to imports of shrimp in 1960; to the Committee on Ways and Means. Also, S. 1571 (Long, Smathers, Talmadge, Bartlett), introduced in Senate April 13; to the Committee on Finance; similar to H.R. 6168. Would allow the duty-free entry of raw headless shrimp up to an amount equal to 1960 imports, and would impose a duty of 35 percent, or 35 cents per pound whichever is higher, on all imports of processed shrimp as well as on imports of raw headless in excess of the 1960 imports.

SMALL BUSINESS: S. Rept. No. 89, Small Business Exports and the World Market (87th Congress, 1st Session, United States Senate, Report of the Select Committee on Small Business on Encouragement and Expansion of Exports by Small Business, March 27, 1951), 45 pp., printed. Contains the facts today on U.S. exports, what Government agencies are doing, areas for new progress (recommendations), miscellaneous signs of progress, summary of recommendations, 3 exhibits, and 5 appendices.

SPORT FISH STUDY: S. 1524 (McGee and Hickey), introduced in Senate on April 12, a bill to authorize and direct the Secretary of the Interior to conduct studies of the genetics of sport fishes and to carry out selective breeding of such fishes to develop strains with inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery resources; to the Committee on Interstate and Foreign Commerce.

SUBMERGED LANDS ACT AMENDMENTS: S. 1400 (Long of La., and Ellender), introduced in Senate March 21; to Committee on Interior and Insular Affairs. Also H.R. 5792 (Boggs), H.R. 5793 (Colmer), H.R. 5794 (McSween), H.R. 5795 (Hebert), H.R. 5796 (Morrison), H.R. 5797 (Passman), H.R. 5798 (Thompson of La.), H.R. 5799 (Willis), introduced in House March 21, to the Committee on the Judiciary. Bills to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 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.

Congressman Willis in the March 21 Congressional Record reviewed the whole controversy on submerged lands jurisdiction at the time of decision of the Supreme Court in the California case in 1947 to the time of the Court's decision of May 1960.

SUPPLEMENTAL APPROPRIATIONS: Third Supplemental Appropriation Bill for 1961 (Hearings before the Committee on Appropriations, United States Senate, Eighty-Seventh Congress, First Session, on H.R. 5188, an act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes), 762 pp., printed. Contains, among others, for the Bureau of Sport Fisheries and Wildlife estimates of supplemental appropriations to cover hurricane damage and pay raises. No statement presented on Bureau of Commercial Fisheries supplemental appropriations.

On Mar. 24, the Senate Committee on Appropriations submitted S. Rept. 85 on H.R. 5188, an act making supplemental appropriations for fiscal year ending June 30, 1961. H.R. 5188 passed Senate, amended, on March 27 and on the same date Senate asked for a conference.

On Mar. 28, the Senate received a message from the House announcing that the House had disagreed to the amendments of the Senate on H.R. 5188. House agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and appointed conferees.

On Mar. 29, the Committee on Conference agreed to file a report on the differences between the House- and Senate-passed versions of H.R. 5188, and submitted its report (H. Rept. No. 211) to the House. On Mar. 29 by a voice vote the House adopted the conference report on H.R. 5188, and sent the legislation to the Senate. The Senate began consideration of conference report. Two of the amendments considered in Conference were: Amendment No. 45--Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife: Appropriates \$350,000 for construction as proposed by Senate instead of \$200,000 as proposed by House; and Amendment No. 46--Fish and Wildlife Service, Bureau of Commercial Fisheries: Appropriates an additional \$1,000,000 as proposed by the Senate for North Pacific salmon fisheries research.

On Mar. 30 the Senate adopted conference report and cleared for President H.R. 5188, third supplemental appropriations for fiscal year 1961. Includes additional funds for Bureau of Commercial Fisheries: \$1 million for North Pacific salmon fisheries research (S. Doc. 18) and funds for pay-raise costs. Also additional funds for Bureau of Sport Fisheries and Wildlife for construction, other expenses under management and investigation of resources, and pay-raise costs. For State Department, an additional \$21,000 is included for international fisheries commissions to cover increased pay costs.

On Mar. 30, the Senate's President pro tempore signed H.R. 5188, which had previously been signed by the Speaker of the House of Representatives.

On Mar. 31 H.R. 5188, an act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes was signed by the President (P.L. 87-14).

Both the Senate and House gave \$663,000 to the Bureau of Sport Fisheries and Wildlife for management and investigation of resources--\$55,000 for costs of fire suppression and storm damage on wildlife refuges, and \$608,000 for increased pay costs. The Bureau also gained \$350,000 from the Senate for construction, \$150,000 more than the House allowed, and the difference is intended for a trout hatchery at Wytheville, Va. The Bureau of Commercial Fisheries was granted \$1,000,000 by the Senate for an emergency research program for Alaska salmon, an amount not in the bill as passed by the House. The Senate also added \$350,000 to the U.S. Army Corps of Engineers for construction of the Libby Dam in Montana as part of the recently-approved Columbia River Treaty, a new item not in the House-passed version of H.R. 5188. In addition, for increased pay costs: \$22,000 Office of the Commissioner of Fish and Wildlife; \$66,000 Bureau of Sport Fisheries and Wildlife; and \$288,000 Bureau of Commercial Fisheries.

TARIFF NEGOTIATIONS: H. Con. Res. 213 (Baker), submitted on April 10, a concurrent resolution declaring the sense of the Congress that no further reductions in tariffs be made during the life of the present Reciprocal Trade Agreements Act; to the Committee on Ways and Means.

WATER POLLUTION CONTROL: H.R. 5927 (Perkins), introduced in House Mar. 24, a bill to amend Federal Water Pollution Control Act; to Committee on Public Works.

On Mar. 29, the House Committee on Public Works concluded hearings on H.R. 4036, and related bills, to amend the Federal Water Pollution Control Act. The Secretary of Health, Education, and Welfare, testified on the measure.

On April 11 and 12, the House Committee on Public Works met in executive session to consider H.R. 4036, Water Pollution Control Act Amendments of 1961. No announcements were made; the committee continued on this subject, in executive session, April 13.

On April 13 the House Committee on Public Works continued executive consideration of H.R. 4036. The Committee continued on this subject, in executive session, April 18. On that date Committee ordered a revised version of H.R. 4036 reported to House.

H.R. 6441 (Blatnik), and H.R. 6446 (Halpern) introduced in House April 18, bills to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control; to the Committee on Public Works. Similar to 27 other bills introduced in both Houses. H.R. 6441, a revised version of H.R. 4036, makes strengthening changes in the Federal Water Pollution Control Act of 1956 (P.L. 660). Would provide financial assistance to communities, Federal law enforcement, research, State program

grants, and a change in the status of the program.

WATER POLLUTION CONTROL RESEARCH LABORATORY: On April 10, a joint resolution of the 51st Legislature of the State of Oregon was received in Senate urging the President and Congress to pass legislation authorizing the establishment of a Pacific Northwest Pollution Control Laboratory, which would conduct research for the treatment of water, waste waters, atmospheric contaminants, and control of water pollution; to Committee on Public Works. On April 11, the same memorial was received in the House; to Committee on Interstate and Foreign Commerce.

WATER RESOURCES PLANNING ACT OF 1961: S. 1629 (Anderson, et al), introduced in the Senate April 14, 1961, a bill to provide financial assistance to the states for comprehensive water resources planning; to the Committee on Interior and Insular Affairs.

WORLD TRADE: Committee Print, *The United States and World Trade, Challenges and Opportunities* (87th Congress, 1st Session, Final report to the Committee on Interstate and Foreign Commerce, United States Senate, by special staff on the Study of U. S. Foreign Commerce, March 14, 1961), 335 pp., printed. This report presents results of a special staff study of the foreign commerce of the United States, the domestic and international forces affecting it, and the policies under which it is carried on. Contains 2 parts: Part I--World Trade: the challenge to U. S. policy, and Part II--Essentials of a modern trade policy; two appendices, 45 tables, and 6 charts.



ARTIFICIAL REEFS PROVE SUCCESSFUL

Two reports show encouraging results on artificial ocean reefs.

In California, within a month, several thousand fish were observed schooling around three artificial reefs installed in Santa Monica Bay.

In Hawaii several species of fish were observed moving in on a reef made of 43 car bodies placed in Maunalua Bay.

Also in Hawaii, a creel census on Oahu indicated $\frac{1}{2}$ million anglers fished a total of 14 million hours in 1959.