



FEDERAL ACTIONS



Department of Commerce

AREA REDEVELOPMENT ADMINISTRATION

INDUSTRIAL LOAN TO MAINE FISHERY FIRM APPROVED:

A \$275,000 industrial loan to aid expansion of Forty-Fathoms Fisheries, Inc., at Rockland, Maine, has been approved by the Area Redevelopment Administration (ARA) of the U. S. Department of Commerce. The firm's expansion project will create 26 new jobs, according to the ARA announcement of September 14, 1962. The ARA loan, repayable over a 15-year period and bearing an annual interest rate of 4 percent, will finance only part of the fishery firm's \$425,000 expansion project. Additional support has been obtained from a local nonprofit organization known as Knox Industries, Inc., which will contribute \$60,000, and a bank in Portland, Maine, which will invest \$60,000. Forty-Fathoms Fisheries is putting \$30,000 of its own funds into the project.

The money will be used to buy land, construct a new building for frozen fish storage, and purchase machinery and equipment. The 26 new jobs created by the expanded facilities will add about \$90,000 a year to the firm's local payroll. New facilities will also allow diversification and the addition of a fish stick and fish portion unit which will help place operations on a year-round rather than a seasonal basis. The firm now employs about 300 people in Rockland.

Rockland is in Knox County, Maine, which was designated as eligible to participate in the Area Redevelopment program because of persistent and substantial unemployment.

The Small Business Administration investigated the project and conducted negotiations which led to approval of the loan by ARA. The U. S. Bureau of Commercial Fisheries recommended approval of the loan subject to adequate safeguards that purchase of domestic fish would not be abandoned. Forty-

Fathoms Fisheries, Inc., of Rockland is a subsidiary of Ocean Fisheries, Limited, Halifax, Nova Scotia.

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INDUSTRIAL LOAN TO WASHINGTON OYSTER FIRM APPROVED:

A \$110,000 industrial loan to a Washington State oyster firm has been approved by the Area Redevelopment Administration (ARA) of the U. S. Department of Commerce. The loan will help provide 40 new year-round jobs in Nahcotta, Wash., where job opportunities are limited. The ARA announcement of September 5, 1962, pointed out that unemployment in this community of 5,756 people averaged 11.6 percent of the work force in 1961.

The loan, repayable over a 12-year period and bearing an annual interest rate of 4 percent, will be made to the Northwest Oyster Farms, Inc., of Nahcotta. The firm plans to expand its oyster farming and processing operations in a project that will cost \$171,623. Additional financing has been obtained from a nonprofit organization known as Pacific County Development Co., which is contributing \$17,162 and a bank in Ilwaco, Wash., which is investing \$9,699. Northwest Oyster Farms is putting \$34,762 of its own funds into the expansion project.

The money will be used to purchase a plant, specialized machinery and equipment, and an oyster-harvesting dredge. The company now holds leases on 1,000 acres of oyster tidelands. In addition to harvesting and canning fresh oysters, the company will process and can smoked and "casserole" oysters. It will also do custom processing for other companies. The firm plans to market its canned oysters nationwide, thereby putting its operation on a year-round rather than seasonal basis.

Nahcotta is in Pacific County, Wash., which was designated as eligible to participate in

the Area Redevelopment program because of substantial and persistent unemployment and underemployment. The Small Business Administration investigated the feasibility of the Nahcotta project and made recommendations on which ARA's approval of the loan was based. The Nahcotta project has also been approved by the U. S. Bureau of Commercial Fisheries.



Department of Health, Education and Welfare

FOOD AND DRUG ADMINISTRATION

CANNED TUNA LABELS MUST SAY "LIGHT" OR "DARK:"

Canned tuna prepared from dark meat must be labeled "dark," and tuna packed in water instead of oil must be labeled to show the words "in water" as a part of the name, according to a food standards ruling published by the Food and Drug Administration. The new labeling requirements were made final after a review of objections to a tentative order published March 31, 1961, based on evidence presented at public hearings.

Lighter colored canned tuna is generally considered more desirable and there have been consumer complaints in the past because rather dark tuna was labeled "light," the agency said. Under the standard, tuna will be required to be labeled "white," "light," or "dark." In the case of blends of light and dark tuna, the label will show both color designations. Color designations are determined by measurements made on a special optical instrument.

One of the issues for the hearing was whether dark meat tuna should be so labeled. One packer objected to a label designation of certain dark portions of the meat as "dark," and proposed instead that the product be labeled simply as "tuna." However, a majority of more than 4,000 consumers interviewed were interested in whether the tuna they serve is light or dark tuna, and substantially all of them wanted the labels to give this information.

The other issue dealt with in the hearing was whether the label of water-packed tuna should bear the words "in water." Objectors asserted that the oil in oil-packed tuna is discarded and is not an edible part of the contents. However, the consumer survey showed that more than half of those answering always or sometimes use the oil. It was concluded that consumers are interested in knowing whether the tuna they buy is the conventional oil-pack, or is tuna packed in water.

This conclusion as stated in the tentative order was challenged by distributors of water-packed tuna imported from Japan. Restudy of the hearing record resulted in revision of the findings of fact. However, the revisions did not alter the ultimate conclusion that consumer interests are best served by retaining the requirement that the words "in water" be included in the name on labels of water-packed tuna.

The new labeling requirements become effective on January 5, 1963, and complete the official definitions and standards of identity for tuna. These definitions and standards cover composition, fill of container, and labeling of canned tuna fish.

Note: See *Commercial Fisheries Review*, October 1962 p. 69.

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USE OF HYDROGENATED SPERM OIL PERMITTED AS FOOD ADDITIVE:

The food additive hydrogenated sperm oil as a release agent or lubricant in bakery pans may be safely used under certain conditions. The amendment to the food additive regulations providing for this change as published by the Food and Drug Administration in the October 16, 1962 Federal Register follows:

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROGENATED SPERM OIL

The Commissioner of Food and Drugs having evaluated the data submitted in a petition (FAP 761) filed by Archer-Daniels-Midland Company, 733 Marquette Avenue, Minneapolis 40, Minnesota, and other relevant material, has concluded that the following regulation should issue with respect to the food additive hydrogenated sperm oil as a release agent or lubricant in bakery pans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1101 Sperm oil, hydrogenated.

The food additive hydrogenated sperm oil may be safely used in accordance with the following prescribed conditions:

(a) The sperm oil is derived from rendering the fatty tissue of the sperm whale or is prepared by synthesis of fatty acids and fatty alcohols derived from the sperm whale. The sperm oil obtained by rendering is refined. The oil is hydrogenated.

(b) It is used alone or as a component of a release agent or lubricant in bakery pans.

(c) The amount used does not exceed that reasonably required to accomplish the intended lubricating effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication 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 objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will

be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the **FEDERAL REGISTER**.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 48(c)(1))

Dated: October 10, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.



Department of the Interior

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

PROPOSED YELLOWFIN TUNA CONSERVATION REGULATIONS FOR EASTERN PACIFIC:

"An unprecedented advance in safeguarding the world's marine resources--protecting a resource before it has been seriously damaged by overutilization--was made this week when President Kennedy signed a bill to protect and conserve the yellowfin tuna," Acting Secretary of the Interior James K. Carr said on October 19, 1962.

The bill amends the Tuna Convention Act of 1950. Regulations implementing it were published in the Federal Register of October 18.

"This broad new international conservation effort of the Administration carries out the recommendations of the Inter-American Tropical Tuna Commission, an investigative body established by the Tuna Convention of which the United States, Costa Rica, Panama, and Ecuador are members," Acting Secretary Carr explained. "Scientific evidence collected by the Commission indicated that unless the yellowfin tuna fishery in the eastern tropical Pacific Ocean was regulated at once the yield might be seriously reduced."

The bill signed by President Kennedy was introduced in Congress by Senator Warren G. Magnuson of Washington. Applying only to the yellowfin tuna fishery in the eastern tropical Pacific Ocean, the proposed regulations will not interfere with fishing for albacore, bluefin, skipjack, and other tuna. Basically, the regulations provide for:

1. The annual publishing of a yellowfin catch quota, recommended by the Tuna Commission, to be approved by the Secretary of the Interior and the Secretary of State. (For example, the Commission recommended for 1962 a quota of 78,000 short tons for all nations during the open season for yellowfin tuna, and 5,000 tons to be reserved for incidental catches made while fishing for other tuna species after the yellowfin season is closed; the total 1961 catch was 117,300 tons.)

2. An open season from January 1 of each year, terminating on a date (to be determined by the Tuna Commission's Director of Investigations) on which it is deemed the annual catch limit will be reached. This will be based on the aggregate weight of yellowfin tuna landings reported since the opening of the season and the estimated additional quantities expected to be taken by the vessels of all nations in the regulatory area;

3. Permission for vessels to land not more than 15 percent by weight of yellowfin among the other tuna catch on each fishing trip after the yellowfin tuna fishing season is closed;

4. Annual registration and clearance for each fishing trip, in conformity with the regulations, of all vessels wishing to operate in the yellowfin tuna fishery in the regulatory area; and,

5. Provisions for requiring an accurate log of pertinent fishing operations, for reporting by radio once a week during voyages, and for reporting the delivery or sale of a catch of tuna.

Exempted are authorized research fishing vessels, common carrier vessels, those less than 10 gross tons, and those engaged in sport fishing.

These proposed regulations will apply only to persons and vessels subject to the jurisdiction of the United States, and will become operative when all other nations fishing in the regulatory area for species covered under the Convention also comply with the recommendations made by the Tuna Commission in May 1962 for yellowfin tuna conservation. The Government of Costa Rica has invited representatives of all such nations to meet at San Jose, Costa Rica, in November 1962 to set the date when these measures can be put into effect.

Since some of the countries are not parties to the Convention, the conservation objectives depend on international cooperative efforts to implement the Commission's recommendations, Acting Secretary Carr said. To encourage effective cooperation, the regulations also provide for the restriction of all imports of yellowfin tuna taken from the regulatory area from any country which does not comply with conservation measures recommended by the Tuna Commission. In the case of continued abuses, the offending country could be banned from selling in the United States any species of tuna under investigation by the Commission and taken from the regulatory area.

Interested persons were invited to participate in the rule-making process by submitting written data, views, or arguments, to the Area Director, California Area, U. S. Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, Calif., by November 17, 1962.

A public hearing was held November 19, 1962, at the United Portuguese Club, San Diego 6, Calif., where views were presented orally.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 280, 281]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna; Restrictions on Tuna Imports

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), and section 6(c) of the Tuna Conventions Act of 1950 (64 Stat. 778), as amended by Public Law 87-814, that the Secretary of the Interior proposes to amend Title 50, Code of Federal Regulations, by adding a new Subchapter H—Eastern Pacific Tuna Fisheries, consisting of Part 280—Yellowfin Tuna and Part 281—Restrictions on Tuna Imports. The proposed regulations are set forth in tentative form below.

The proposed regulations are to be issued under the authority contained in section 6(c) of the Tuna Conventions Act of 1950, as amended by Public Law 87-814. In accordance with the authority cited, after adoption of the regulations proposed as Part 280 and publi-

cation thereof in the FEDERAL REGISTER, such regulations are to become applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of the Interior shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species of fish covered by the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 U.S.T. 230), in the regulatory area on a meaningful scale of effective measures for the implementation of the Commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. Steps are being taken to reach agreement with the several countries whose fishermen participate in the tuna fisheries of the eastern Pacific Ocean concerning a date for the simultaneous application by all such countries of suitable conservation measures to be observed by their fishing vessels.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Area Director, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, California, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed regulations at a public hearing to be held at United Portuguese Club, 2818 Addison Street, San Diego, California, beginning at 9:30 a.m., November 19, 1962. Any person who intends to present views orally at such hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Area Director not later than November 15, 1962.

Issued at Washington, D.C., and dated October 16, 1962.

JAMES K. CARR,
Acting Secretary of the Interior.

PART 280—YELLOWFIN TUNA

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280.1	Definitions.
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AUTHORITY: §§ 280.1 to 280.8 issued under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Convention*. The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(b) *Commission*. The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(c) *Director of Investigations*. The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(d) *Bureau Director*. The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, United States Department of the Interior.

(e) *Area Director*. The Area Director, California Area, Bureau of Commercial Fisheries, Terminal Island, California.

(f) *Regulatory area*. All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(g) *Yellowfin tuna*. Any fish of the species *Thunnus albacares* (synonym: *Neothunnus macropterus*).

(h) *Other tuna fishes*. Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonym: *Thunnus germon*).

(2) Bigeye—*Thunnus obesus* (synonym: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonym: *Thunnus saliens*).

(4) Skipjack—*Katsuwonus pelamis* (synonym: *Euthynnus pelamis*).

(i) *Fishing vessel*. Every kind, type or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(j) *Person*. Individual, association, corporation or partnership subject to the jurisdiction of the United States.

(k) *Open season*. The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing trip. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to standard time in the area affected.

(l) *Closed season*. The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for other tuna fishes.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California on September 14, 1961, the Commission recommended to the parties to the Convention that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most re-

cent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than the maximum average sustainable yield. The Commission's recommendation for joint action by the parties to restrict the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum average sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At its annual meeting held at Quito, Ecuador, May 16-18, 1962, the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and again recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during the calendar year 1962 from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) At a meeting held at _____, on _____ 1962,¹ representatives of the Governments of _____,

_____ and the United States of America (being the several countries which are parties to the Convention or, not being parties, exercised jurisdiction over vessels which, during 1962, engaged in fishing for species covered by the Convention in the regulatory area on a meaningful scale), gave assurances that beginning as of _____, each country would apply to all vessels and persons subject to its jurisdiction effective measures for the implementation of the recommendations made by the Commission in May 1962 for a yellowfin tuna conservation regime.

(d) The regulations in this part are designed to implement the Commission's current and future recommendations for the conservation of yellowfin tuna so far as they affect all vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area during the open season by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit

¹ Arrangements are being made to hold a meeting of the Governments concerned early in November 1962.

thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 12:01 a.m. of the first day of January and terminate at midnight on a date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

(a) Pursuant to authority granted by the Commission, the Director of Investigations will maintain records of the catches of yellowfin tuna taken from the regulatory area and landed from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the aggregate weight of the yellowfin tuna landings and the estimated additional quantities of yellowfin tuna expected to be taken by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems the annual catch limit will be reached and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the catch limit will not be reached by such date, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

(b) After the date determined in the manner provided in this section for the closing of the yellowfin fishing season, the taking of yellowfin tuna shall be prohibited until the yellowfin tuna fishing season reopens on January 1 next following the close of the season: *Provided*, That any fishing vessel which has departed port to engage in yellowfin tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading the whole or any part of the fishing vessel's cargo of tuna in port: *Provided further*, That after the close of the yellowfin tuna fishing season as provided in this section, yellowfin tuna captured as an incident to fishing for other tuna fishes may be taken on board a fishing vessel and landed in an amount not exceeding fifteen percent by weight of all tuna fishes on board the vessel from which the fishing was conducted.

§ 280.6 Registration certificates.

(a) Except as permitted by § 280.8, after the _____ day of _____, 1962; no person shall use a fishing vessel for the capture, retention, transportation, or landing of yellowfin tuna in any quantity from the regulatory area unless such vessel shall have first been registered and cleared for yellowfin tuna fishing in conformity with the provisions of this section.

(b) The managing owner, master, or other person in charge of a fishing ves-

sel may register such vessel to engage in yellowfin tuna fishing by furnishing, either by letter or on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the managing owner and master, respectively, of the vessel, and the name, official number, home port, and cargo capacity (in tons of frozen tuna) of the vessel. Such application shall be submitted to the Area Director who shall, without charge, issue in the name of the fishing vessel a certificate evidencing its registration to engage in yellowfin tuna fishing during the calendar year applied for. Each such certificate shall expire at the end of the calendar year during which it is issued and shall be replaced by a new certificate upon application made in like manner as prescribed for the original certificate. New certificates shall similarly be issued to replace lost or mutilated certificates.

(c) Not earlier than 48 hours prior to each departure from port to engage in tuna fishing during the open season for yellowfin tuna, the master or other person in charge of a fishing vessel shall present the vessel's registration certificate for validation. Validation of a registration certificate shall be accomplished in the manner specified in paragraph (e) of this section. Such validation shall terminate at the time of the first landing thereafter of any part of the catch of tuna taken during the voyage authorized by the validated certificate.

(d) Prior to each departure from port during the closed season to engage in fishing for species of tuna other than yellowfin, the master or other person in charge of a fishing vessel shall present the vessel's registration certificate for validation for the purpose of permitting the retention on board such vessel of yellowfin tuna, taken as an incident to fishing for other tuna species, in an amount not exceeding fifteen percent by weight of all tuna species taken by the fishing vessel during the voyage covered by the validated certificate. Validation of a registration certificate during the closed season shall likewise be accomplished in the manner prescribed in paragraph (e) of this section and such validation shall terminate at the time of the first landing thereafter of any part of the catch of tuna taken during the voyage covered by the validated certificate.

(e) Validation of a registration certificate as required in paragraphs (c) and (d) of this section shall, upon proper request, be entered as an endorsement made by an authorized validating officer upon the certificate held by the fishing vessel. Authorized officers as listed below, and their authorized representatives, may perform the functions of authorized validating officers:

(1) For fishing vessels departing ports of the United States—

Area Director, California Area, Bureau of Commercial Fisheries, Terminal Island, California; and Regional Director, Pacific Region, Bureau of Commercial Fisheries, Arcade Building, Seattle, Washington.
Officers of the United States Bureau of Customs.
Officers of the United States Coast Guard.
Officers and employees of the Commonwealth of Puerto Rico.

(2) For fishing vessels departing foreign ports—

The officer in charge at each of the following United States Consular posts:
Colombia: Barranquilla, Bogota, Buenaventura, and Call.
Chile: Antofagasta, Concepcion, Santiago, and Valparaiso.
Costa Rica: Puntarenas and San Jose.
Ecuador: Guayaquil and Quito.
El Salvador: San Salvador.
Guatemala: Guatemala.
Mexico: Mexico, D.F., and Mazatlan.
Nicaragua: Managua.
Panama: Colon and Panama.
Peru: Arequipa and Lima.

(f) As circumstances require, the Bureau Director from time to time shall revise the list of authorized validating officers by publishing appropriate changes in the FEDERAL REGISTER. In the event an authorized validating officer is not available in port at the time of impending departure of a fishing vessel on a fishing voyage, a validation of the nature required by paragraph (c) or (d) of this section may be obtained by letter or telegraphic communication.

(g) The registration certificate and validation endorsements thereon issued as provided in this section shall at all times be carried on board the fishing vessel for which issued and such certificate, the vessel, and its cargo shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 280.7 Reports and record keeping.

The master or other person in charge of a fishing vessel holding a registration certificate issued under this part shall—

(a) Keep an accurate log of all fishing operations conducted from the vessel, entering therein for each day the name and official number of the vessel, date, noon position (stated in latitude and longitude or in relation to known physical features) and the estimated quantities (in short tons) of tuna fish by species which are taken on board the vessel: *Provided*, That the fishing record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log;

(b) Report by radio at least once each calendar week during a fishing voyage (alternatively) to Radio Station WWD, La Jolla, California, 415.8 mc or 3805.6 kc, to Radio Station Balboa, Canal Zone (call letters and frequencies to be supplied later), or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between the hours of 8:00 a.m. and 12:00 midnight and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board during the fishing voyage from the time of departure from port until the return of the vessel to port; and

(c) Furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing trip and listing separately by species and weight in short tons, the gross quantities

of each species of tuna fish so sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form supplied by the Bureau of Commercial Fisheries, if such alternate record is similarly certified and contains all items of information required by this subparagraph. Such report shall be delivered or mailed to the Area Director within 24 hours after the weigh-out has been completed.

§ 280.8 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.7 shall apply to:

- (a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.
- (b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.
- (c) Any vessel of less than ten gross tons.
- (d) Any person or vessel engaged in sport fishing for personal use.

PART 281—RESTRICTIONS ON TUNA IMPORTS

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AUTHORITY: §§ 281.1 to 281.8 issued under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

§ 281.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

- (a) *United States*. All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.
- (b) *Convention*. The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).
- (c) *Commission*. The Inter-American Tropical Tuna Commission established pursuant to the Convention.
- (d) *Bureau Director*. The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, United States Department of the Interior.
- (e) *Regulatory area*. All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of

10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(f) *Yellowfin tuna*. Any fish of the species *Thunnus albacares* (synonymy: *Neothunnus macropterus*).

(g) *Other tuna fishes*. Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonymy: *Thunnus germon*).

(2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).

(4) Skipjack—*Katsuwonus pelamis* (synonymy: *Kuthynnus pelamis*).

(h) *Fishing vessel*. Every kind, type or description of watercraft (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(i) *Person*. Individual, association, corporation or partnership.

§ 281.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California on September 14, 1961, the Commission recommended to the Government of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fisherman of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum average sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum average sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At its annual meeting held at Quito, Ecuador, May 16-18, 1962, the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and again recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during the calendar year 1962 from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

(4) Obtain from governments not parties to the Convention, but having

vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) At a meeting held at _____, on _____ 1962,¹ representatives of the Governments of _____,

_____ and the United States of America (being the several countries which are parties to the Convention or, not being parties, exercised jurisdiction over vessels which, during 1962, engaged in fishing for species covered by the Convention in the regulatory area on a meaningful scale), gave assurances that beginning as of _____, each country would apply to all vessels and persons subject to its jurisdiction effective measures for the implementation of the recommendations made by the Commission in May 1962 for a yellowfin tuna conservation regime.

(d) In conformity with the provisions of section 6(c) of the Tuna Conventions Act of 1950, as amended, and simultaneously with the adoption of the regulations in this part, the Secretary of the Interior has made effective Part 280 of this title for the purpose of carrying out the current and future recommendations of the Commission for the conservation of yellowfin tuna in the regulatory area so far as such recommendations affect all vessels and persons subject to the jurisdiction of the United States.

(e) The yellowfin tuna stocks recommended for regulation by the Commission constitute a significant part of an international high seas fishery in which the vessels of a number of countries are engaged in varying degrees. Since some of the countries are not parties to the Convention and, therefore, have no applicable treaty obligations to fulfill, the achievement of the conservation objectives with respect to the tuna resources of the eastern Pacific Ocean is dependent upon international cooperative efforts to implement the Commission's recommendations. With a view toward encouraging effective cooperation on the part of such countries, the Tuna Conventions Act of 1950, as amended, directs that restrictions be established on the importation of certain tuna fish from any country which shall fail to take action to prevent the occurrence of certain proscribed activities. Thus, section 6(c) of the Act provides that the Secretary of the Interior, with the concurrence of the Secretary of State, shall promulgate regulations—

(1) To prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area; and

(2) To prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission.

¹ Arrangements are being made to hold a meeting of the Governments concerned early in November 1962.

(f) Section 6(c) of the Act further provides that "in the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary of the Interior, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the Commission and which were taken in the regulatory area."

(g) The regulations in this part are designed to implement the provisions of section 6(c) of the Act with respect to import controls and to prescribe procedures for the establishment of restrictions on imports of tuna whenever such action shall be deemed warranted.

§ 281.3 Species subject to regulation.

The species of fish currently subject to regulation pursuant to a recommendation of the Commission within the meaning of section 6(c) of the Act is yellowfin tuna.

§ 281.4 Species under investigation by the Commission.

The species of fish currently under investigation by the Commission within the meaning of section 6(c) of the Act are yellowfin tuna, skipjack tuna, and bigeye tuna.

§ 281.5 Investigations authorized.

(a) The Bureau Director shall cause to be made from time to time such inquiries and investigations as may be necessary to keep himself and other persons concerned currently informed regarding the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being carried out by countries whose vessels engage in fishing within the regulatory area. In making a finding as to whether or not a country is condoning the use of vessels in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Bureau Director shall take into account, among such other considerations as may appear to be pertinent in a particular case, the following factors:

- (1) Whether or not the country provides or causes to be provided to the Commission pertinent statistics on a timely basis.
- (2) Whether or not the country has in force conservation measures applicable to its own fishermen adequate for the implementation of the Commission's recommendations.
- (3) Whether or not the country has in force measures for the control of landings in its ports of species subject to regulation which are taken in the regulatory area by fishermen of other countries contrary to the Commission's conservation recommendations.
- (4) Whether or not the country, having put conservation measures into effect, takes reasonable action to enforce such measures.
- (5) The number of vessels of the country which conduct fishing operations in the regulatory area.
- (6) The quantity of species subject to regulation taken from the regulatory area by the country's vessels contrary

to the Commission's conservation recommendations and its relationship to (i) the total quantity permitted to be taken by the vessels of all countries participating in the fishery and (ii) the quantity of such species sought to be restored to the stocks of fish pursuant to the Commission's conservation recommendations.

(b) Any person who shall have reason to believe that the vessels of any country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission or that other acts within the purview of the import control provisions of section 6(c) of the Tuna Conventions Act of 1950, as amended, are occurring or are likely to occur, may communicate his belief to the Bureau Director. Every such communication shall contain or be accompanied by a full statement of the reasons for the belief, including a detailed description of such specific acts or events as may support the belief, and such other pertinent facts as may indicate a need for instituting an investigation as authorized in this part.

(c) Upon receipt by the Bureau Director of any communication submitted pursuant to paragraph (b) of this section and found to comply with the requirements of that paragraph, the Bureau Director promptly shall cause such investigation to be made as appears to be warranted by the circumstances of the case. In conducting such investigation the Bureau Director or his designated representative shall consider any representations offered by foreign interests, importers, brokers, domestic producers, or other interested persons. Unless good cause to the contrary shall exist, every such investigation shall be completed within 60 days following receipt of the communication.

§ 281.6 Publication of findings.

If it shall be determined on the basis of § 281.5 that species of fish subject to regulation or under investigation by the Commission, as the case may be, are ineligible for entry into the United States from a particular country pursuant to the provisions of section 6(c) of the Act, the Bureau Director, with the approval of the Secretary of the Interior, shall publish a finding to that effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding in the FEDERAL REGISTER every shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry either directly or indirectly from the country named in the finding shall be denied entry unless it shall be established by satisfactory proof pursuant to § 281.7 that a particular shipment of such fish is not ineligible for entry: *Provided*, That entry shall not be denied and no such proof shall be required for any such shipment which, on the date of such publication, was in transit to the United States on board a vessel operating as a common carrier.

§ 281.7 Proof of admissibility.

For the purposes of § 281.6 and section 8(c) of the Tuna Conventions Act of 1950, as amended, a shipment of fish in any form of the species under regulation or under investigation by the Com-

mission offered for entry, directly or indirectly, from a country named in a finding published under such § 281.6 shall be deemed to be eligible for entry if the shipment is accompanied by a certificate of eligibility, executed in the form and manner set forth below, certifying that the tuna in the shipment are not of the species specified in the published finding or, if of such species, were not taken in the regulatory area. The required certificate of eligibility must be executed by a duly authorized official of the country named in the published finding and the certificate must be authenticated with respect to the signature and official position of the person executing the same by a consular officer or consular agent of the United States.

CERTIFICATE OF ELIGIBILITY

I, _____, an authorized officer of the Government of _____, certify that the shipment of tuna fish accompanied by this certificate, consisting of _____ of _____ (Quantity)

_____ in _____ (Species) _____ (Number and kind of packages or containers) bearing the following marks and numbers _____

(a) Contains no fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended.

(b) Contains fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, but that such fish were caught in the waters of _____

(Identify area or areas in _____ by vessels subject to the jurisdiction of _____ (Country)

and that none of the said fish was taken in any part of the eastern Pacific Ocean subject to conservation regulations pursuant to recommendations of the Inter-American Tropical Tuna Commission.

(Signature)

(Title)

(Address)

[This certificate must be accompanied by a certificate of authentication executed by a consular officer or consular agent of the United States]

§ 281.8 Removal of import restrictions.

Upon a determination by the Bureau Director that the conditions no longer exist which warranted the imposition of import restrictions against the country named in the finding published pursuant to section 281.6, the Bureau Director, with the approval of the Secretary of the Interior, shall publish a finding to such effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding, the prior existing import restrictions against the country designated therein shall terminate: *Provided*, That for a period of one year from such date of publication every shipment of fish in any form of the species subject to regulation or under investigation by the Commission shall continue to be denied entry unless the shipment is accompanied by a certification executed by an authorized official of the country of export and authenticated by a consular officer or consular agent of

the United States, certifying that no portion of the shipment is comprised of fish which are of species under regulation and which were prohibited from entry under the prior existing import restrictions.



Department of the Treasury

COAST GUARD

PLANS FOR FULL-TIME FISHERIES PATROL VESSEL FOR GEORGES BANK:

Plans for a full-time Coast Guard patrol vessel for the Georges Bank fishing grounds off the New England coast were made public in a letter from the Department of State to Senator Saltonstall. Provision for the fisheries patrol vessel is included in the Coast Guard's 1964 fiscal year plans.

At present Coast Guard search and rescue patrols off the New England coast are being used for fisheries patrols when they are not engaged in their primary mission.



Eighty-Seventh Congress

(Second Session)

CONGRESS ADJOURNS: The Eighty-Seventh Congress adjourned "sine die" or finally on Oct. 13, 1962, and a number of bills of interest to fisheries ended up as "unfinished business." These bills will have to be re-introduced in the 88th Congress next year if they are to receive consideration, since all bills not completed during the Second Session of this Congress are "dead" and do not carry over to the Eighty-Eighth Congress, which will convene in January 1963. Also, this means that bills if and when re-introduced must go through the entire process of committee consideration, hearings, etc. Before adjourning, the House and the Senate on October 13



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adopted H. J. Res. 907, fixing the time of assembly of the 88th Congress as January 9, 1963. Ordinarily the next Congress would have convened on January 3, 1963.

AMERICAN SAMOA INCLUDED IN CERTAIN LAWS: Public Law 87-688, 87th Congress (H. R. 10062), Sept. 25, 1962, an act to extend the application of certain laws to American Samoa. Authorizes the Secretary of the Interior to request Federal departments, corporations, or agencies to extend, without reimbursement, scientific and technical assistance to promote the welfare of the territory. Examples of the sorts of technical assistance which may be called for from time to time include revision of Samoa's tax structure, education, agricultural and fisheries production and marketing, harbor improvement, public utilities, and land planning and zoning. There is a limitation of an aggregate of \$150,000 in any one fiscal year.

FISHERY MARKETING ACT AMENDMENT: Senator Warren G. Magnuson (D.-Wash.), Chairman of the Senate Committee on Commerce, announced on Oct. 3 that the Merchant Marine and Fisheries Subcommittee will hold public hearings in mid-October in Seattle and in four Alaska communities on S. 3093, sponsored by him and Senator E. L. (Bob) Bartlett of Alaska. Senator Bartlett will chair the hearings.

The measure, introduced as part of the Senate Commerce Committee's study on the subject, would amend the Fisheries Marketing Act of 1934, an act originally designed to provide fishermen as primary producers with the right of self-association for cooperative improvements of their conditions. The amendment seeks to bring the Marketing Act up to date by relating it to the practical problems that presently cloud the rights of fishermen to associate themselves together, whether in unions or cooperatives, and collectively bargain for a fair return on the fish harvested by their labors at sea.

S. 3093 would make clear that fishermen's organizations, regardless of their technical legal status, have a voice in the ex-vessel sale of fish or other aquatic products on which the livelihood of their members depends.

In introducing the measure last April, Senator Magnuson said he did so to give the industry a chance to study the proposal. "What is needed," he said, "above all is to bring together in a comprehensive record the facts pertinent to the problems we are striving to solve with this legislation. To guide us we need the ideas and mature judgments of the producers, the dealers, the canners, and all others who make up the U. S. fishery. Out of such an approach, I am sure, will emerge a solution that will help us to legislate a foundation for stable relationships between the several divisions of our industry."

Senator Bartlett held the first hearing in Seattle, Wash., on October 15. This was followed by hearings in Ketchikan on October 16, Petersburg on October 17, Anchorage on October 18, and Dillingham, Alaska, on October 19. It is expected that November hearings will be held in San Pedro, Calif., Senator Magnuson said.

FISHERY PROBLEMS: The appendix of the Congressional Record of Oct. 9, 1962 (pp. A7483-84) reported on the extension of remarks by Congressman Kirwan, who inserted an article by Senator Benjamin

Smith of Massachusetts, "Our Fishing Fleet Comes in Fifth--Using New Techniques of Catching and Processing, Other Nations Have Far Surpassed Us in This Vital Field--A Senator Outlines What Can Be Done About It." Senator Smith in his article points out that the United States fishing fleet comes in fifth among the world's fishing fleets. He also points out that the efficiency of foreign fishing fleets, such as Japanese and Soviet, have increased in recent years. That as late as 1948 the United States supplied nearly 13 percent of the world's fishery production. Now we are down to 7.4 percent. The Senator proposes expanding research in finding, catching, and processing fish; additional research vessels for the U. S. Bureau of Commercial Fisheries; Government matching grant or loan program to help the fishing industry in key areas; a matching fund program to help the State commercial fishery agencies; a loan program to help the processors; Government and industry cooperation in developing new products and marketing techniques. Senator Smith also states, ". . . We have a great opportunity in the fishing field. We can begin today to rehabilitate our fishermen and regain our rightful place among the nations of the world. The benefits to our economy and our foreign policy will greatly exceed the costs. I hope that both the Government and industry will see the truth in this and make the effort necessary to save the American fishing industry."

FISH PROTEIN CONCENTRATE: Fish Protein Concentrate (Hearings before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 87th Congress, 2nd Session), 133 pp., printed. Contains hearings held on Aug. 8 & 9, 1962, on H. R. 9101, H. R. 9102, H. R. 9331, H. R. 10587, to amend clause (3) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act. Bills would amend chapter 4--Food--section 402 (Adulterated Food) of the Federal Food, Drug, and Cosmetic Act as amended which spells out what makes the food adulterated. It would provide that processed seafood products can be produced from whole fish. Clause (3) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act is amended by inserting: ". . . but no processed seafood product shall be deemed to consist of any such substance or to be otherwise unfit for food because such processed seafood product is derived from whole fish, provided such product is processed under sanitary conditions and after processing is nutritious and in no manner harmful to the health of consumers thereof." Also contains the reports of various Government agencies, testimony given by Congressmen, industry, and Government agencies, and additional information and communications submitted to the Committee.

FISHERY RESOURCES INTERNATIONAL CONFERENCE: S. Rept. 2112, International Fisheries Conference (Sept. 20, 1962, a report from the Committee on Commerce, U. S. Senate, 87th Congress, 2nd Session to accompany S. Res. 392), 7 pp., printed. Resolution is to express the sense of the Senate on an International Conference on the Conservation of Fishery Resources. The Committee reported favorably and recommended that the resolution be adopted. The resolution is of great significance and importance because of an amendment to the Trade Expansion Act of 1962 (H. R. 11970). The text of the amendment is as follows: "Upon the convocation of a conference on the use or conservation of international fishery resources, the President shall, by all appropriate means at his disposal, seek to persuade countries whose domestic fishing practices or policies affect such resources, to engage in negotiations

in good faith relating to the use or conservation of such resources. If, after such efforts by the President and other countries which have agreed to engage in such negotiations, any other country whose conservation practices or policies affect the interests of the United States and such other countries has in the judgment of the President, failed or refused to engage in such negotiations in good faith, the President may, if he is satisfied that such action is likely to be effective in inducing such country to engage in such negotiations in good faith, increase the rate of duty on any fish in any form imported from such country into the United States for such time as he deems necessary, to a rate not more than 50 per centum above the rate existing on July 1, 1934." S. Res. 392, briefly summarizes the reasons why it is important that an international conference be held to consider conservation of fishery resources. The resolution states:

"Whereas the increasing world population and the consequent growing demand for animal protein, together with industrial and economic development in all parts of the world, have resulted in remarkable expansion of world fishing effort; and

"Whereas technological developments have vastly improved man's ability to harvest the living resources of the sea; and

"Whereas estuarine fishery resources, to which little attention has been devoted on a worldwide basis in spite of their increasing importance as a source of human food, present unique scientific and technical problems; and

"Whereas these developments raise new technical and scientific conservation problems the solution of which would best be approached on a worldwide basis; Now, therefore, be it

"Resolved, That it is the sense of the Senate that the President should propose an International Conference on the Conservation of Fishery Resources to consider the technical, economic, and scientific problems relating to the conservation, utilization, and regulation of living marine resources in the high seas and estuarine waters of the world, and that government, industrial, scientific, and technical participation in such Conference on as wide a basis as may be practicable should be encouraged." The report also contains a short explanation of the world food problem and the United States fishing industry.

The Senate on Sept. 20, 1962, adopted S. Res. 392. Since this is a Senate Resolution no House action is required.

FOOD AND AGRICULTURE ACT OF 1962: H. Rept. 2385, Food and Agriculture Act of 1962 (Sept. 17, 1962, Conference Report from the Committee of Conference, House of Representatives, 87th Congress, 2nd Session, to accompany H. R. 12391, 37 pp., printed. To improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes. The Committee of Conference recommended passage to their respective Houses. The Committee retained the amendment to Sec. 343 which is as follows: "As

used in this title (1) the term 'farmers' shall be deemed to include persons who are engaged in, or who, with assistance afforded under this title, intend to engage in fish farming, and (2) the term 'farming' shall be deemed to include fish farming." Contains various other amendments agreed to and the statement of Managers on the part of the House.

INDEPENDENT OFFICE APPROPRIATIONS: Independent Offices Appropriations, 1963 (Hearings before the Subcommittee of the Committee on Appropriations, U. S. Senate, 87th Congress, 2nd Session, on H. R. 12711, making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes), 1,459 pp., printed. Contains hearing held on Aug. 6, 1962; includes, among others, testimony given on behalf of the Office of Science and Technology; National Science Foundation and various agencies. Under the National Science Foundation mention was made of oceanographic research, its vessels and facilities.

The President on Oct. 3, 1962, signed H. R. 12711 (P. L. 87-741), making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1963, and for other purposes. Included are funds for the Office of Science and Technology, (\$750,000).

MAINE LOBSTERMAN STATUE: H. Rept. 2445, Making Provisions for a Statue to "The Maine Lobsterman" in the "New Southwest," Washington (Sept. 20, 1962, a report from the Committee on the District of Columbia, House of Representatives, 87th Congress, 2nd Session, to accompany H. Res. 799), 1 p., printed. The Committee reported favorably and recommended passage. Contains the purpose of the resolution.

MEDICAL CARE FOR VESSEL PERSONNEL AND OWNERS: Medical Care for Fishing Boat Owners (Hearing before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 87th Congress, 2nd Session), 50 pp., printed. Contains hearings held on Aug. 13, 1962, on H. R. 2262, to amend section 322 of the Public Health Service Act to permit certain owners of fishing boats to receive medical care and hospitalization without charge at hospitals of the Public Health Service; H. R. 3797, H. R. 8029, H. R. 10921, H. R. 11920, to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel; and S. 367, to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel. Also contains, the reports of various Federal agencies, statements submitted by industry people and Government agencies and communications submitted to the Committee.

NATIONAL FISHERIES CENTER AND AQUARIUM: The House Committee on Rules, Oct. 1, 1962, granted a rule to take H. R. 8181 (to authorize the construction of a National Fisheries Center and Aquarium in D. C., and to provide for its operation) from the Speaker's table to consider Senate amendments thereto. Sen. Delaney for the Committee on Rules, filed a privileged resolution (H. Res. 822, Rept. No. 2503) which was referred to the House Calendar.

The House on Oct. 2, 1962, adopted H. Res. 822, providing for House agreement to Senate amendments to

H. R. 8181. This action cleared the legislation for Presidential action. The Senate passed the bill on Sept. 21, 1962.

The President on Oct. 9, 1962, signed H. R. 8181 (P. L. 87-758).

The Speaker of the House on Oct. 13, 1962, appointed Congressmen Kirwan and Jensen to membership on the National Fisheries Center and Aquarium Advisory Board.

NETTING IMPORTS FOR RESEARCH: The Senate Sept. 28, 1962, adopted the conference report (H. Rept. 2413) on H. R. 12180, to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders. The bill as adopted includes an amendment (the text of S. 1814) providing for free importation of monofilament gill nets for use in fish sampling.

The President on Oct. 10, 1962, signed H. R. 12180 (P. L. 87-790).

OCEANOGRAPHIC RESEARCH PROGRAM: The House on Oct. 1, 1962, adopted the conference report (H. Rept. 2493) on S. 901, to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes. Sent to the Senate for approval of conference report.

OCEANOGRAPHIC RESEARCH PROGRAM: H. Rept. 2493, Oceanographic Act of 1962 (Sept. 27, 1962, conference report of the Committee of Conference, House of Representatives, 87th Congress, 2nd Session, to accompany S. 901), 6 pp., printed. To advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes. The Committee recommended to their respective Houses that the bill as reported in the report be adopted. Contains the amendment, and statement of the managers on the part of the House.

The Senate on Oct. 3, 1962, adopted the conference report (H. Rept. 2493) on S. 901. It is to be cited as the "Oceanographic Act of 1962." This action cleared the bill for the President's signature. The bill as agreed to by the conferees contains no authorization for funds, for construction of ships, for purchase of instruments, or for research. It just declares as a policy of the United States to develop, encourage, and maintain a long-range national program in oceanography, to be participated in by all qualified persons, organizations, institutions, agencies or entities. To make such a policy work, the Office of Science and Technology is directed to advance or develop a national program of oceanography, to issue a statement of national goals, methods of achieving them, and how the various agencies of Government will fit in to the over-all plan.

On Oct. 17, 1962, the 10-day period for Presidential action on S. 901 expired. The failure of the President to sign this legislation within the 10 days after Congress adjourned constitutes a pocket veto.

OYSTER PLANTERS DISASTER LOANS: Emergency Loans to Oyster Planters (Hearing before a Subcommittee on the Committee on Agriculture and Forestry, U. S. Senate, 87th Congress, 2nd Session, on H. R. 946, to extend to oyster planters the benefits of the provisions of the present law which provides for production disaster loans for farmers and stockmen, July 9, 1962), 37 pp., printed. Contains the testimony from state and Federal agencies and industry people; reports from various Government agencies and congressmen; and an excerpt from the House report on the bill. Would amend the Consolidated Farmers Home Administration Act of 1961 so that it will include oyster planters as well as farmers for the purposes of obtaining an emergency loan during disaster periods.

The Senate, Oct. 1, 1962, received from the Committee on Agriculture and Forestry, without amendment a report (S. Rept. 2219) on H. R. 946, to extend to oyster planters the benefits of the provisions of the present law which provide for production disaster loans for farmers and stockmen. Would provide supplementary financial assistance to oyster producers in distressed oyster production areas.

S. Rept. 2219, Emergency Loans to Oyster Planters (Oct. 1, 1962, a report from the Committee on Agriculture and Forestry, U. S. Senate, 87th Congress, 2nd Session, to accompany H. R. 946), 6 pp., printed. The Committee favorably reported the bill and recommended passage. Contains the purpose; need for the legislation; costs; committee amendment; departmental recommendations and changes in existing law.

The Senate on Oct. 2, 1962, passed H. R. 946. The House passed the bill on April 2, 1962; therefore the bill was cleared for the President's signature.

The President on Oct. 15, 1962, signed H. R. 946 (P. L. 87-832).

NORTH PACIFIC FISHERIES PROBLEMS: On Oct. 4, 1962, Mr. Bartlett (Alaska) received the consent of the Senate to have printed in the Congressional Record a paper by Edward W. Allen, a Seattle attorney who is chairman of the International North Pacific Fisheries Commission. Mr. Allen's paper discusses the problems of conserving stocks of halibut and salmon in the North Pacific. His paper points out that different methods of conservation are needed for different species of fish. It notes that both the salmon and halibut fisheries of the Pacific coast of North America have been exclusively developed and subjected to scientific research and public regulation by the United States and Canada. The paper traces the interest of Japanese fishermen in the Bering Sea, which began in the 1930's and has continued to grow. It lists past actions to conserve North Pacific stocks of salmon and halibut such as the action of Secretary of State Cordell Hull in 1937, President Truman's fishery proclamation of Sept. 28, 1945, and the negotiations leading to the Tripartite (Canada, Japan, United States) North Pacific Fisheries Convention. The present activities of Japanese and Russian fishermen in the Bering Sea and their affect on salmon and halibut stocks are mentioned. The doctrine of "historic rights" in certain fisheries is contrasted with the idea of "freedom of the seas." It is pointed out that at the Geneva Conference on the Law of the

Sea in 1958, a substantial majority of the delegates endorsed the resolution embodying the principle of abstention. After noting the opposition of part of the Japanese fishing industry to continuation of the present Tripartite North Pacific Fisheries Convention, Allen summarizes his ideas with the statement: "If international law is to survive it must justify its usefulness to humanity and it must be sufficiently flexible to deal with realities. There are two distinct types of ocean fishery. One is unrestricted exploitation. The other is conservation regulated."

The appendix of the Congressional Record of Oct. 6, 1962 (pp. A7361-62) reported on extension of remarks by Congressman Pelly on the sound conservation principles that must be the basis of United States fisheries policy at the forthcoming November meeting of the International North Pacific Fisheries Commission, when discussions of fisheries problems of common interest with Canada and Japan take place. Included is a letter from the secretary-treasurer of Alaska's Fishermen's Union to the Under Secretary of State George Ball urging a realistic policy based on the merits of the fishery problem.

PACIFIC MARINE FISHERIES COMPACT: H. Rept. 2454, Amendment to Pacific Marine Fisheries Compact (Sept. 21, 1962, a report from the Committee on Merchant Marine and Fisheries, House of Representatives, 87th Congress, 2nd Session, to accompany S. 3431), 6 pp., printed. This bill would amend the Pacific Marine Fisheries Compact as to the participation of certain additional States in such compact. The Committee favorably reported the bill and recommended passage. Contains the purpose of the bill, background of the legislation, departmental reports, and changes in existing law.

The House Oct. 1, 1962, passed S. 3431, to consent to the amendment of the Pacific Marine Fisheries Compact and to the participation of certain additional States in such compact in accordance with the terms of such amendment. The change consists of an addition to the existing compact which provides in part: "The States of Alaska or Hawaii, or any State having rivers or streams tributary to the Pacific Ocean may become a contracting State by enactment of the Pacific Marine Fisheries compact." The Senate passed the bill on July 18, 1962, therefore the bill was cleared for the President's signature.

The President on Oct. 9, 1962, signed S. 3431 (P. L. 87-766).

POTOMAC RIVER COMPACT (MD. & VA.) OF 1958: The President on Oct. 10, 1962, signed H. J. Res. 659 (P. L. 87-783), granting consent of the Congress to a compact entered into between the State of Maryland and the Commonwealth of Virginia for the creation of the Potomac River Compact of 1958. Gives Maryland and Virginia permission to set up a Potomac River Fisheries Commission. It would regulate through three members from each State the taking of fish and shellfish from the Potomac River between the District of Columbia line and Chesapeake Bay. Research, regulation of fisheries, an oyster inspection fee and licensing would be within the power of the new commission. The compact succeeds an obsolete agreement of 1785, which has been disputed by the States.

PRICE-QUALITY STABILIZATION: Quality Stabilization (Hearings before a Subcommittee of the Committee on Commerce, United States Senate, 87th Congress, 2nd Session, on S. J. Res. 159, a joint resolution to a-

mend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to conform, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes), 477 pp., printed. Reports on hearings held April 9, 19, 23, May 24 and 25, 1962; contains statements received from various Federal agencies and industry people, and letters submitted to the Committee.

On Oct. 3, 1962, the House Committee on Rules reported (H. Rept. 2520) to the House a resolution (H. Res. 825) for consideration of H. J. Res. 636, to amend the Federal Trade Commission act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to confirm, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes; without amendment. Referred to the House Calendar.

SALMON IMPORT RESTRICTIONS: The House Oct. 1, 1962, received a report (H. Rept. 2498) from the Committee on Merchant Marine and Fisheries on H. R. 9547, to facilitate the application and operation of the Fish and Wildlife Act of 1956 and for other purposes. Would prohibit the import of salmon products derived from fish caught by nationals of any country that permits fishing for salmon by gill nets on the high seas at times and places where occur large quantities of immature salmon of North American origin. Referred to the Committee of the Whole House on the State of the Union.

H. Rept. 2498, Facilitating the Application and Operation of the Fish and Wildlife Act of 1956 (Oct. 1, 1962, a report from the Committee on Merchant Marine and Fisheries, House of Representatives, 87th Congress, 2nd Session, to accompany H. R. 9547, to facilitate the application and operation of the Fish and Wildlife Act of 1956, and for other purposes), 4 pp., printed. The Committee favorably reported the bill and recommended passage with amendment. Contains purpose of the bill, background of the legislation, cost of the legislation, changes in existing law, and departmental reports.

SPORT FISH RESEARCH: Fish and Wildlife Legislation (Hearings before a Subcommittee of the Committee on Commerce, U. S. Senate, 87th Congress, 2nd Session), 109 pp., printed. Contains hearings held July 9 and 18, 1962, on S. 1642, 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; reports of various Federal agencies; testimony of various State and Federal agencies, U. S. Senators and industry organizations; and statements submitted to the committee.

STATE DEPARTMENT APPROPRIATIONS: Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations, 1963 (Hearings before the Subcommittee of the Committee on Appropriations, U. S. Senate, 87th Congress, Second Session, to accompany H. R. 12580), 776 pp., printed. Contains hearings held on making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies for the fiscal year

ending June 30, 1963. Included in the appropriations for the Department of State are funds for the international fisheries commissions. Testimony was heard from various personnel from the State Department, and letters and communications were submitted to the Committee.

The Subcommittees of the Senate Committee on Appropriations, in executive session, Sept. 28, 1962, marked up and approved for full committee consideration with amendments H. R. 12580, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for fiscal year 1963. Included in the appropriations for the Department of State are funds for the international fisheries commissions.

The Senate received from the Committee on Appropriations on Oct. 1, 1962, a favorable report (S. Rept. 2226) on H. R. 12580 (with amendments).

S. Rept. 2226, Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Bill, 1963 (Oct. 1, 1962, a report from Committee on Appropriations, U. S. Senate, 87th Congress, 2nd Session, to accompany H. R. 12580), 38 pp., printed. The Committee under the Department of State appropriations recommended \$2,082,000 for international fisheries commissions. This is an increase of \$172,000 over the House bill and the 1962 appropriation, but \$83,000 under the 1963 budget estimate. The funds would enable the United States to meet its share of expenses of the eight international fisheries commissions.

The Senate passed with amendments on Oct. 3, 1962, H. R. 12580. Senate insisted on its amendments, asked for conference with House, and appointed conferees. This bill was passed by the House on July 20, 1962. On Oct. 3, the House disagreed to Senate amendments, agreed to conference requested by Senate, and appointed conferees.

Conferees, in executive session, on Oct. 5, 1962, agreed to file a conference report on the differences between the Senate- and House-passed H. R. 12580.

The House on Oct. 8, 1962, received the conference report (H. Rept. 2546) on H. R. 12580.

H. Rept. 2546, Departments of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Bill, 1963 (Oct. 8, 1962, a report from the Committee of Conference, House of Representatives, 87th Congress, 2nd Session to accompany H. R. 12580), 8 pp., printed. The Committee under the Department of State appropriations recommended \$1,910,000 for international fisheries commissions as proposed by the House instead of \$2,082,000 as proposed by the Senate.

The Senate and the House on Oct. 10, 1962, adopted the conference report (H. Rept. 2546) on H. R. 12580. The Conference action agreed on \$1,910,000 appropriations for the international fisheries commissions, the same as the 1962 appropriations and the same as the 1963 House bill. This was less than the \$2,165,000 in the 1963 revised budget estimates and also less than the Senate version of the bill that had allowed \$2,082,000. The President on Oct. 18, 1962, signed H. R. 12580 (P. L. 87-843).

SUPPLEMENTAL APPROPRIATIONS 1963: Supplemental Appropriations for 1963 (Hearings before the

Subcommittee of the Committee on Appropriations, House of Representatives, 87th Congress, 2nd Session), 515 pp., printed. Contains hearings held on proposed supplemental appropriations for the fiscal year 1963. Included are funds for the Bureau of Commercial Fisheries in the sum of \$500,000 to finance the development and perfection of commercial techniques for the production of fish protein concentrate. Also contains the statements of various Federal agencies and others as submitted to the Committee.

H. R. 13290 (Thomas) introduced in the House on Oct. 1, 1962, making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes. The Committee on the same date reported the bill favorably (H. Rept. 2507); referred to the Committee of the Whole House on the State of the Union. Included in the appropriations for the Department of the Interior was an allocation of \$500,000 for the Bureau of Commercial Fisheries, for research and development of processes to produce a concentrated protein from fish. The Committee report (H. Rept. 2507) recommended only \$375,000 instead of the \$500,000 asked by the President in his communication (H. Doc. 514). The House on Oct. 3, 1962, passed the bill.

The Senate Committee on Appropriations on Oct. 1, 1962, started hearings on the proposed supplemental appropriations for fiscal year 1963. Testimony was heard from various Interior Department personnel including a representative from the Bureau of Commercial Fisheries and other Federal agencies. The Senate on Oct. 4, 1962, received the bill (H. R. 13290) from the House; referred to the Committee on Appropriations. The Committee favorably reported the bill to the Senate, Oct. 8, 1962 (S. Rept. 2285). The Senate Committee recommended an appropriation of \$500,000 for development and perfection of commercial techniques for the production of fish protein concentrate. This is a matter of great importance to the fishing industry of the United States; and success in the program will result in a food supplement much needed throughout the world, reported the Committee. Although the House directed that \$125,000 of the requested amount be available from unallocated Saltonstall-Kennedy funds, such funds will not be available because of the impending employee pay increase. The Bureau will have to absorb the pay increase, and is not permitted to request additional funds to cover it. To use the Saltonstall-Kennedy funds, therefore, will mean a reduction in other current programs, pointed out the Committee.

H. Rept. 2507, Supplemental Appropriation Bill, 1963 (Oct. 1, 1962, report of the Committee on Appropriations, House of Representatives, 87th Congress, 2nd Session, to accompany H. R. 13290), 15 pp., printed. The Committee considered budget estimates totaling \$648,436,980 and is recommending for appropriation \$404,497,880. Included are funds for the Bureau of Commercial Fisheries--the Committee recommends an appropriation of \$375,000 for research and development of processes to produce a concentrated protein from fish. This amount together with the \$125,000 carryover and unallocated funds available under the permanent appropriation of customs duties on fishery products (Saltonstall-Kennedy Funds) will provide a total of \$500,000, the same as the requested amount, reported the Committee.

S. Rept. 2285, Supplemental Appropriation Bill, 1963 (Oct. 8, 1962, a report from the Committee on Appropriations, U. S. Senate, 87th Congress, 2nd Session, to accompany H. R. 13290), 32 pp., printed. The Commit-

tee recommended various amendments and recommended passage. The Committee restored to the Bureau of Commercial Fisheries the full amount requested--\$500,000--for the development and perfection of commercial techniques for the production of fish protein concentrate.

On Oct. 12, 1962, Congressman Thomas requested that the bill H. R. 13290, making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes, be taken from the Speaker's table, that the House disagree to the Senate amendments and agree to the conference asked by the Senate. Congressman Cannon objected, therefore no action was taken. As a result, the bill is "dead" and will have to be re-introduced in the Eighty-Eighth Congress if it is to be considered.

TRADE EXPANSION ACT OF 1962: Trade Expansion Act of 1962 (Hearings before the Committee on Finance, U. S. Senate, 87th Congress, 2nd Session, on H. R. 11970, to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes), printed in 5 parts, Part I (July 23, 24, 25, and 26, 1962), 512 pp.; Part II (July 30, 31, August 1, 2, and 6, 1962), 533 pp.; Part III (August 7, 8, 9, and 10, 1962), 611 pp.; Part IV (August 13, 14, 15, and 16, 1962), 646 pp.; and Part V (Index to hearings), 13 pp. Contains a brief analysis of the Trade Expansion Act as passed by the House; text of the bill; departmental reports; testimony of the various Government officials and members of industry; and communications submitted to the Committee.

Foreign Trade (Hearings before the Committee on Commerce, U. S. Senate, 87th Congress, 2nd Session), 100 pp., printed. Contains hearings held on April 3, 4, and May 7, 1962, pertaining to the development of foreign trade by American exporters and problems of foreign trade in general; testimony of various Federal agencies and statements submitted to the Committee from industry. The Director of the Bureau of Commercial Fisheries in his testimony to the Committee stated that the Department of the Interior is encouraging the export of fishery products to its best ability. Some of the major highlights of his statement were: economic importance of exports to the United States fishing industry, some factors affecting U. S. fishery exports, current export promotion program, and expanded export promotion program.

On Sept. 28, 1962, the President sent to Congress a message proposing appropriations totaling \$10.2 million for expenses under the Act this fiscal year. Of the total, \$1,450,000 would be for trade adjustment assistance activities by the Commerce Department, \$3,741,000 for trade adjustment programs of the Labor Department, and \$5 million to provide funds for Small Business Administration loans to firms injured by import competition.

The House on Oct. 2, 1962, received from the Committee of Conference the report (H. Rept. 2518) on H. R. 11970.

The House and the Senate on Oct. 4, 1962, adopted the conference report (H. Rept. 2518) on H. R. 11970. The bill was cleared for the President's signature.

H. Rept. 2518, Trade Expansion Act of 1962 (Oct. 2, 1962, a report from the Committee of Conference, House of Representatives, 2nd Session, 87th Congress

to accompany H. R. 11970, 13 pp., printed. The Committee of Conference having reached agreement recommended to their respective Houses passage of the bill. Contains statement of the managers on the part of the House and the amendments.

On Oct. 11, 1962, the President signed H. R. 11970 (P.L. 87-794).

As enacted, the key provisions of the law are: (1) The President has authority to cut all tariffs as much as 50 percent in the next five years. (2) He has the power to eliminate tariffs as much as he wants to on products in which the United States and Western Europe account for most of the world trade. (3) He is empowered to negotiate tariff reductions on entire categories of commodities, instead of item-by-item as at present. (4) A new program of subsidies is established to serve as a substitute for tariff protection for workers and firms which would be hurt by actions taken under the legislation to reduce tariffs on the things they make. These companies, injured by foreign competition, could receive loans and workers, made idle under these circumstances, could receive cash payments as high as \$61 a week for as long as 78 weeks.

TRANSPORTATION BILLS: Proposed Amendments to Federal Transportation Laws (Hearings before the Committee on Commerce, U. S. Senate, 87th Congress, 2nd Session, on S. 3242, to provide for strengthening and improving the national transportation system, and for other purposes; and S. 3243, to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes), Part 1, 224 pp., printed. Contains statements of Government witnesses, reports from Federal agencies, and the President's message "The Transportation System of our Nation."


TUNA CONVENTION ACT AMENDMENT: Conservation of Tropical Tuna (Hearings before the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs, House of Representatives, 87th Congress, 2nd Session), 108 pp., printed. Contains hearings held on Aug. 14, 28, and 30, 1962, on S. 2568, to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, and for other purposes; testimony of representatives of the Bureau of Commercial Fisheries, State Department, and various industry associations; and statements and affidavits submitted to the Committee.

The House Oct. 1, 1962, passed with amendments S. 2568, to amend the act of Sept. 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed at Washington May 31, 1949, and for other purposes. Would provide for the issuance and enforcement of Federal regulations to carry out recommendations of the Commission for the conservation of tuna (especially yellowfin) resources in the eastern Pacific.

The Senate on Oct. 2, 1962, concurred with the House amendments to S. 2568. The House passed the bill on Oct. 1, 1962.

On Oct. 15, 1962, the President signed S. 2568 (P.L. 87-814).

Public Law 87-814
87th Congress, S. 2568.
October 15, 1962



An Act

76 STAT. 923.

To amend the Act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes.

He it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "Tuna Conventions Act of 1950" (16 U.S.C. 951) is amended by repealing subsection (e) in its entirety and substituting therefor a new subsection (e) as follows:

"(e) 'United States' shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone."

Sec. 2. Section 6 of the Act entitled "Tuna Conventions Act of 1950" (16 U.S.C. 955) is amended by striking out the phrase "head of the enforcement agency" where it appears once each in subsections (a) and (b) and inserting in lieu thereof in both places the term "Secretary of the Interior," and by adding a new subsection (c) immediately following subsection (b), as follows:

"(c) Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of the Interior upon approval of such recommendations by the Secretary of State and the Secretary of the Interior. The Secretary of the Interior shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of the Interior shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of the Interior shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance certificates for vessels as may be necessary to carry out the purposes of the convention and this Act; and such other measures incidental thereto as the Secretary of the Interior may deem necessary to implement the recommendations of the commission: *Provided*, That upon the promulgation of any such regulations the Secretary of the Interior shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of the Interior, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of the Interior is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry."

Tuna Conventions Act of 1950, amendment, 64 Stat. 777.
 "United States,"
 Regulations.
 Publication in F. R.
 Applicability.
 76 STAT. 924.

64 Stat. 778. Sec. 3. Section 7 of the Act entitled "Tuna Conventions Act of 1950" (16 U.S.C. 956) is amended by deleting the section in its entirety and substituting in lieu thereof the following:

"Sec. 7. Any person authorized to carry out enforcement activities under this Act and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this Act to be made, kept, or furnished."

Violations. Sec. 4. Section 8 of the Act entitled "Tuna Conventions Act of 1950" (16 U.S.C. 957) is amended by deleting the section in its entirety and substituting in lieu thereof the following:

"Sec. 8. (a) It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any regulation adopted pursuant to section 6(c) of this Act, or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

Ante, p. 923.

"(b) It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this Act to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this Act, or the convention, as the case may be.

76 STAT. 925.

Ante, p. 923.

"(c) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 6(c) of this Act, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 6(c) of this Act. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of the Interior shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 6(c) of this Act.

Penalties.

"(d) Any person violating any provision of subsection (a) of this section shall be fined not more than \$25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than \$50,000.

"(e) Any person violating any provision of subsection (b) of this section shall be fined not more than \$1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than \$5,000.

"(f) Any person violating any provision of subsection (c) of this section shall be fined not more than \$100,000.

"(g) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

"(h) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, and the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act."

64 Stat. 779.

Enforcement.

Sec. 5. Section 10 of the Act entitled "Tuna Conventions Act of 1950" (16 U.S.C. 959) is amended by deleting the section in its entirety and substituting in lieu thereof the following:

"Sec. 10. (a) The judges of the United States district courts and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and the regulations issued pursuant thereto.

"(b) Enforcement of the provisions of this Act and the regulations issued pursuant thereto shall be the joint responsibility of the United States Coast Guard, the United States Department of the Interior, and the United States Bureau of Customs. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

"(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

"(d) Such person so authorized shall have the power—

"(1) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this Act or the regulations issued thereunder;

"(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such

76 STAT. 926.

vessel or any person on board is engaging in operations in violation of the provisions of this Act or the regulations issued thereunder, then to arrest such person.

"(e) Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of the provisions of this Act or the regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of the Interior.

62 Stat. 974.

"(f) Notwithstanding the provisions of section 2464 of title 28 of the United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case."

Sec. 6. Nothing in this Act shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended (46 U.S.C. 251).

The Department of the Interior has published in the Federal Register of Oct. 18, 1962, proposed regulations for the eastern Pacific yellowfin tuna fishery.

VESSEL REPLACEMENT PROBLEMS: The following statement by Mr. Tollefson (Washington) appeared in the Appendix of the Congressional Record, Oct. 8, 1962 (p. A7462):

"Mr. Speaker, according to the August 31 issue of the Fishing News, London, 14 German fishing trawlers are being scrapped. These vessels are termed 'obsolete.' They were built: one in 1953; one in 1951; seven in 1949; one in 1948; one in 1944; one reconditioned in 1941, and so forth.

"Unfortunately, we in the United States do not regard vessels of this age as obsolete. Many of our trawlers are twice as old as the oldest German trawler being scrapped. Still worse is the fact that we cannot scrap our old vessels for the simple reason that we cannot build new ones at double the cost our friends in Germany, Japan, and the rest of the world can build them. This constitutes one more urgent reason for Congress to enact legislation in the next Congress, if the United States is to continue in the business of producing fish. Otherwise, we shall yield the resources of the high seas to other nations who have forced us from the second highest producing nation to the fifth in a matter of 3 years."

VESSEL COLLISION LIABILITY: The Senate on Sept. 28, 1962, agreed to postpone indefinitely action on S. 2313, to unify apportionment of liability in cases of collision between vessels, and related casualties.

VESSEL OWNERS LIABILITY: The Senate on Sept. 28, 1962, agreed to postpone indefinitely action on S. 2314, to limit the liability of shipowners, and for other purposes.

