



Department of Commerce

COAST AND GEODETIC SURVEY

RESEARCH OCEANOGRAPHER APPOINTED:

Dr. Robert S. Dietz, internationally known scientist and author, has been appointed as a research oceanographer for the Coast and Geodetic Survey, U. S. Department of Commerce, the Director of the Survey, announced on September 22, 1963.



Dr. Robert S. Dietz

Dietz is the author of more than 100 scientific papers on oceanography and marine geology. He participated in the United States development of the Piccard bathyscaph, the Trieste, which descended in 1960 to a record depth of seven miles in the Marianas Trench of the Pacific.

The Director said one of Dietz' initial assignments will be to represent the United States in deep sea studies to be undertaken by a joint United States-Japanese Committee established by President Kennedy and the Prime Minister of Japan. Dietz spent a year at Tokyo University in 1953 as a Fulbright scholar. His knowledge of Japanese and oceanography make him peculiarly well qualified for this task.

The appointment "is part of our effort to carry out the increasing responsibilities of the Coast and Geodetic Survey in such important fields as oceanography, seismology, geodesy, and cartography," the Director stated.

Dietz is a graduate of the University of Illinois with BS, MS, PhD degrees. Most of his graduate work was done at Scripps Institution of Oceanography at La Jolla.



Department of Defense

ARMY CORPS OF ENGINEERS

PROPOSED REVISION OF FEDERAL REGULATIONS CONCERNING OPERATION OF DRAWBRIDGES ON ATLANTIC AND GULF COASTS:

Public notice of a proposed modification of the existing Federal Regulations governing the operation of drawbridges was issued by the U. S. Army Corps of Engineers on September 24, 1963.

Section 203.240 of Title 33 of the Code of Federal Regulations prescribes regulations for the operation of drawbridges crossing navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay, and into the Gulf of Mexico (including the Lower Atchafalaya River, La.), except the Mississippi River and its tributaries and outlets. It is proposed to amend the existing regulations by the addition of the following paragraph:

"j. (1) Drawbridges shall not be required to open for craft carrying appurtenances unessential to navigation and any vessel operator who causes a bridge to be opened in order to clear appurtenances unessential for navigation shall be considered in violation of the regulations of this section.

(2) Appurtenances unessential for navigation shall include but not be

be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(3) Owners of drawbridges shall report to the proper District Engineer the names of any vessels requiring bridge openings considered to be in violation of this section. The District Engineer may at any time cause an inspection to be made of any craft utilizing the above-captioned navigable waters and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Engineer decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making necessary alterations. If the vessel owner is aggrieved by the decision of the District Engineer, he may within 30 days after receipt of the request to perform necessary alterations, appeal the decision to the District Engineer in writing. After receipt by the District Engineer, the appeal will be forwarded through channels to the Secretary of the Army. If the Secretary of the Army rules that an appurtenance is unessential to navigation, the District Engineer shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel on the above-captioned navigable waters in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this section, unless the necessary alterations shall have been made.¹¹

Regulations identical to the above have been in effect since 1957 on that portion of the Atlantic Intracoastal Waterway between

the Virginia-North Carolina boundary and Key West, Fla., and on that section of the Gulf Intracoastal Waterway from Rigolets, La., to Apalachee Bay, Fla., and tributaries thereto. The proposed additional regulations, if adopted, would not leave it to the judgment of a bridgetender as to whether or not a bridge would be opened. Bridgetenders would still be required to open a bridge upon receipt of proper signal from an approaching vessel if the bridge was otherwise required to be opened at the time. The regulations would merely provide a means by which boat owners could be required to alter their vessels in such way as to eliminate the necessity of bridge openings brought about entirely by appurtenances which have been determined to be unessential to navigation. The Army Corps of Engineers did not plan to hold a public hearing for consideration of the proposed amendment to the bridge regulations. Interested persons were given until October 25, 1963, to submit comments and such comments were to be given the same weight as if developed in a public hearing.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

USE OF CALCIUM DISODIUM EDTA PERMITTED AS A COLOR RETENTION ADDITIVE IN CANNED CLAMS:

The food additive calcium disodium EDTA to promote color retention in canned cooked clams 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 September 25, 1963, Federal Register follows:

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA (CALCIUM DISODIUM ETHYLENEDIAMINETETRAACETATE; CALCIUM DISODIUM (ETHYLENEDIAMINETRILO) TETRAACETATE)

The Commissioner of Food and Drugs, having evaluated data in a petition filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, and other relevant material, has concluded that an amendment to § 121.1017 should

issue to prescribe the conditions of use of the additive as a stabilizer of the color of canned clams. 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), § 121.1017 *Calcium disodium EDTA* * * * is amended by inserting in paragraph (b) (1), immediately preceding "Crabmeat (cooked canned)," a new item reading as follows:

Food	Limitations (parts per million)	Use
Clams (cooked canned).	340	Promote color retention.

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. 348 (c) (1))

Dated: September 18, 1963.

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



Department of the Interior

FISH AND WILDLIFE SERVICE

ASSISTANT DIRECTOR FOR NATIONAL FISHERIES CENTER APPOINTED:

The appointment of William Hagen, Jr., as Assistant Director of the new National Fisheries Center and Aquarium to be built in Washington, D. C., was announced on September 26, 1963, by Secretary of the Interior Stewart L. Udall. Hagen, former Chief of the Branch of Fish Hatcheries in the U. S. Bureau of Sport Fisheries and Wildlife, also will serve as Acting Director of the Center.

The new National Fisheries Center and Aquarium, which is to be constructed on Hains Point in the Nation's capital, will be one of the largest and most complete installations in the world for exhibiting and studying aquatic life. Construction and operating costs of the new \$10-million center will be repaid by a small admission charge. More than 1,000 species of fish, amphibians, and invertebrates will be displayed in natural surroundings which will include indoor and outdoor pools. There will be a trout stream, a bayou for bass, and especially designed tanks for tropical fish.



William Hagen, Jr.

The Fisheries Center will have facilities and specimens to aid aquatic research in such varied fields as marine fish diseases, behavior of aquatic organisms, nutrition of fish, and medical values of antibiotics produced by marine animals.

In his new position, Hagen will work on the preliminary planning and design for the National Fisheries Center and Aquarium.



Treasury Department

INTERNAL REVENUE SERVICE

FISHERMEN'S ESTIMATED INCOME TAX:

Notice of proposed rule making having been published by the Internal Revenue Service in the Federal Register, July 2, 1963, and no objection to the rules proposed having been received, regulations as proposed were adopted September 25, 1963, to extend to fishermen the same treatment accorded farmers in relation to estimated income tax. The regulations consist of amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform the regulations to changes made by Public Law 87-682 approved September 25, 1962.

The amendments as published in the Federal Register, October 1, 1963, follow:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension to Fishermen of Same Treatment Accorded Farmers in Relation to Estimated Tax

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 6015(f), 6073, 6153, and 6654 of the Internal Revenue Code of 1954 to the Act of September 25, 1962 (Public Law 87-682, 76 Stat. 575), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6015(f) is amended by revising subsection (f) of section 6015 and the historical note to read as follows:

§ 1.6015(f) Statutory provisions; declaration of estimated income tax by individuals; return as declaration or amendment.

SEC. 6015. Declaration of estimated income tax by individuals. * * *

(f) Return as declaration or amendment. If on or before January 31 (or February 15, in the case of an individual referred to in section 6073(b), relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by part IV of subchapter A of chapter 1) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (e) to be filed on or before January 15.

In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto.

[Sec. 6015(f) as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 1(a)(1), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 2. Section 1.6015(f)-1 is amended by revising subparagraph (1) of paragraph (a) to read as follows:

§ 1.6015(f)-1 Return as declaration or amendment.

(a) Time for filing return. (1) If the taxpayer files his return for the calendar year on or before January 31 (or February 15, in the case of an individual referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the succeeding calendar year (or if the taxpayer is on a fiscal year basis, on or before the last day of the first month (in the case of a farmer or, with respect to taxable years beginning after December 31, 1962, a fisherman, the 15th day of the second month) immediately succeeding the close

of such fiscal year), and pays in full the amount computed on the return as payable, then—

(i) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year), such return shall be considered as such declaration; or

(ii) If a declaration was filed during the taxable year, such return shall be considered as the amendment of the declaration permitted by section 6015(e) to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year). Hence, for example, an individual taxpayer on the calendar year basis who, subsequent to September 1, 1963, first meets the requirements of section 6015(a) which necessitate the filing of a declaration for 1963, may satisfy the requirements as to the filing of such declaration by filing his return for 1963 on or before January 31, 1964 (February 15, 1964, in the case of a farmer or fisherman), and paying in full at the time of such filing the tax shown thereon to be payable. Likewise, if a taxpayer files on or before September 15, 1963, a timely declaration for such year and subsequent thereto and on or before January 31, 1964, files his return for 1963, and pays at the time of such filing the tax shown by the return to be payable, such return shall be treated as an amended declaration timely filed.

PAR. 3. Section 1.6073 is amended by revising subsections (a) and (b) of section 6073 and by adding a historical note. The amended provisions read as follows:

§ 1.6073 Statutory provisions; time for filing declarations of estimated income tax by individuals.

SEC. 6073. Time for filing declarations of estimated income tax by individuals—(a) Individuals other than farmers or fishermen. Declarations of estimated tax required by section 6015 from individuals regarded as neither farmers nor fishermen for the purpose of that section shall be filed on or before April 15 of the taxable year, except that if the requirements of section 6015 are first met—

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(b) Farmers or fishermen. Declarations of estimated tax required by section 6015 from individuals whose estimated gross income from farming or fishing (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in lieu of the time prescribed in subsection (a), be filed at any time on or before January 15 of the succeeding taxable year.

[Sec. 6073 as amended by secs. 1 (a) (2), (b), (c), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 4. Section 1.6073-1 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.6073-1 Time and place for filing declarations of estimated income tax by individuals.

(a) Individuals other than farmers or fishermen. Declarations of estimated tax for the calendar year shall be made on or before April 15th of such calendar year by every individual whose anticipated income for the year meets the requirements of section 6015(a). If, however, the requirements necessitating the filing of the declaration are first met, in the case of an individual on the calendar year basis, after April 1st, but before June 2d of the calendar year, the declaration must be filed on or before June 15th; if such requirements are first met after June 1st and before September 2d, the declaration must be filed on or before September 15th; and if such requirements are first met after September 1st, the declaration must be filed on or before January 15th of the succeeding calendar year. In the case of an individual on the fiscal year basis, see § 1.6073-2.

(b) Farmers or fishermen—(1) In general. In the case of an individual on a calendar year basis, whose estimated gross income from farming (including oyster farming) or, with respect to taxable years beginning after December 31, 1962, from fishing for the calendar year is at least two-thirds of his total estimated gross income from all sources for such year, his declaration may be filed on or before the 15th day of January of the succeeding calendar year in lieu of the time prescribed in paragraph (a) of this section. For the filing of a return in lieu of a declaration, see paragraph (a) of § 1.6015(f)-1.

(2) Farmers. The estimated gross income from farming is the estimated income resulting from oyster farming, the cultivation of the soil, the raising or harvesting of any agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. In other words, the requisite gross income must be derived from the operations of a stock, dairy, poultry, fruit, or truck farm, or plantation, ranch, nursery, range, orchard, or oyster bed. If an individual receives for the use of his land income in the form of a share of the crops produced thereon such income is from farming. As to determination of income of farmers, see sections 61 and 162 and the regulations thereunder.

(3) Fishermen. The estimated gross income from fishing is the estimated income resulting from the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, clams and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other aquatic forms of animal and vegetable life. The estimated gross income from fishing includes the income expected to be received by an officer or member of the crew of a vessel while the vessel is engaged in any such activity, whether or not the officer or member of the crew is himself so engaged, and, in the case of an individual who is engaged in any such activity in the employ of any person, the

income expected to be received by such individual from such employment. In addition, income expected to be received for services performed as an ordinary incident to any such activity is estimated gross income from fishing. Similarly, for example, the estimated gross income from fishing includes income expected to be received from the shore services of an officer or member of the crew of a vessel engaged in any such activity, if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to such activities include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(d) *Amendment of declaration.* An amended declaration of estimated tax may be filed during any interval between installment dates prescribed for the taxable year. However, no amended declaration may be filed until after the installment date on or before which the original declaration was filed and only one amended declaration may be filed during each interval between installment dates. An amended declaration shall be filed with the district director with whom the original declaration was filed.

PAR. 5. Section 1.6073-2 is amended to read as follows:

§ 1.6073-2 Fiscal years.

(a) *Individuals other than farmers or fishermen.* In the case of an individual on the fiscal year basis, the declaration must be filed on or before the 15th day of the 4th month of the taxable year. If, however, the requirements of section 6015(a) are first met after the 1st day of the 4th month and before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month of the taxable year. If such requirements are first met after the 1st day of the 6th month, and before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month of the taxable year. If such requirements are first met after the 1st day of the 9th month, the declaration must be filed on or before the 15th day of the 1st month of the succeeding fiscal year. Thus, if an individual taxpayer has a fiscal year ending on June 30, 1956, his declaration must be filed on or before October 15, 1955, if the requirements of section 6015(a) are met on or before October 1, 1955. If, however, such requirements are not met until after October 1, 1955, and before December 2, 1955, the declaration need not be filed until December 15, 1955.

(b) *Farmers or fishermen.* An individual on the fiscal year basis whose estimated gross income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing (as defined in paragraph (b) of § 1.6073-1) is at least two-thirds of his total estimated gross income from all sources for such taxable year may file his declaration on or before the 15th day of the month immediately following the close of his taxable year.

PAR. 6. Section 1.6073-3 is amended to read as follows:

§ 1.6073-3 Short taxable years.

(a) *Individuals other than farmers or fishermen.* In the case of short taxable years the declaration shall be filed on or before the 15th day of the 4th month of such taxable year if the requirements of section 6015(a) are met on or before the 1st day of the 4th month of such year. If such requirements are first met after the 1st day of the 4th month but before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month. If such requirements are first met after the 1st day of the 6th month but before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month. If, however, the period for which the declaration is filed is one of 4 months, or one of 6 months and the requirements of section 6015(a) are not met until after the 1st day of the 4th month, or one of 9 months and such requirements are not met until after the 1st day of the 6th month, the declaration may be filed on or before the 15th day of the succeeding taxable year.

(b) *Farmers or fishermen.* In the case of an individual whose estimated gross income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing (as defined in paragraph (b) of § 1.6073-1) for a short taxable year is at least two-thirds of his total estimated gross income from all sources for such taxable year, his declaration may be filed on or before the 15th day of the month immediately following the close of such taxable year.

PAR. 7. Section 1.6153 is amended by revising subsection (b) of section 6153 and by adding a historical note. The amended provision reads as follows:

§ 1.6153 Statutory provisions; installment payments of estimated income tax by individuals.

Sec. 6153. *Installment payments of estimated income tax by individuals.* * * *

(b) *Farmers or fishermen.* If an individual referred to in section 6073(b) (relating to income from farming or fishing) makes a declaration of estimated tax after September 15 of the taxable year and on or before January 15 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

[Sec. 6153 as amended by sec. 1 (a) (3), (c), Act of Sept. 25, 1962 (Pub. Law 87-882, 76 Stat. 575)]

PAR. 8. Section 1.6153-1 is amended by revising paragraph (b) to read as follows:

§ 1.6153-1 Payment of estimated tax by individuals.

(b) *Farmers or fishermen.* Special provisions are made with respect to the filing of the declaration and the payment of the tax by an individual whose estimated gross income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing is at least two-thirds of his total gross income from all sources for the taxable year. As to what constitutes income from farming or fishing within the meaning of this paragraph, see paragraph (b) of § 1.6073-1. The declaration of such an individual may be filed on or

before January 15 of the succeeding taxable year in lieu of the time prescribed for individuals generally. Where such an individual makes a declaration of estimated tax after September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

PAR. 9. Section 1.6654 is amended by revising subsection (b) (1) of section 6654 and so much of subparagraph (C) of subsection (d) (1) of section 6654 as precedes clause (1), and by adding a historical note. The amended provisions read as follows:

§ 1.6654 Statutory provisions; failure by individual to pay estimated income tax.

Sec. 6654. *Failure by individual to pay estimated income tax.* * * *

(b) *Amount of underpayment.* * * *
(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b) relating to income from farming or fishing) of the tax for such year, over

(d) *Exception.* * * *

(1) * * *
(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

[Sec. 6654 as amended by sec. 1(a) (4), Act of Sept. 25, 1962 (Pub. Law 87-882, 76 Stat. 575)]

PAR. 10. Section 1.6654-1 is amended by revising subparagraph (1) (i) of paragraph (a) and Example (1) in paragraph (c) to read as follows:

§ 1.6654-1 Addition to the tax in the case of an individual.

(a) *In general.* (1) * * *

(i) 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the tax for such year, divided by the number of installment dates prescribed for such taxable year, over

(c) *Examples.* * * *

Example (1). An individual taxpayer files his return for the calendar year 1955 on April 15, 1956, showing a tax of \$40,000. He has paid a total of \$20,000 of estimated tax in four equal installments of \$5,000 on each of the four installment dates prescribed for such year. No other payments were made prior to the date the return was filed. Since the amount of each installment paid by the

last date prescribed for payment thereof is less than one-quarter of 70 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return-----	\$40,000
(2) 70 percent of item (1)-----	28,000
(3) One-fourth of item (2)-----	7,000
(4) Deduct amount paid on each installment date-----	5,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))-----	2,000
(6) Addition to the tax:	
1st installment—period 4-15-55 to 4-15-56-----	\$120
2d installment—period 6-15-55 to 4-15-56-----	100
3d installment—period 9-15-55 to 4-15-56-----	70
4th installment—period 1-15-56 to 4-15-56-----	30
Total-----	320

PAR. 11. Section 1.6654-2 is amended by revising so much of subparagraph (3) of paragraph (a) as precedes subdivision (i). This amended provision reads as follows:

§ 1.6654-2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* * * *

(3) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the tax computed by placing on an annual basis the taxable income for the calendar months in the taxable year preceding such date. The taxable income shall be placed on an annual basis by—

Note: See Commercial Fisheries Review, Sept. 1963 p. 108.



Eighty-Eighth Congress

(First Session)

Public bills and resolutions which may directly or indirectly affect the fisheries and allied industries are reported upon. Introduction, referral to committees, pertinent leg-



islative actions by the House and Senate, as well as signature into law or other final disposition are covered.

ANTIDUMPING ACT AMENDMENT: S. 2241 (Allott & Dominick) introduced in Senate Oct. 16, 1963, to amend section 201 of the Antidumping Act, 1921, with respect to the determination of injury or threatened injury to an industry in the United States; referred to Committee on Finance. Similar to other bills previously introduced in Senate. Would require that imports of the same item from several different foreign countries be aggregated in measuring the injury to domestic industry and that under this bill an injury to domestic industry is conclusively presumed where dumping is found to exist and where imports have accounted for more than 10 percent, but less than 90 percent, of our total consumption of the article in the preceding 12 months.

CLAM PLANTERS DISASTER LOANS: H. R. 8726 (Lennon) introduced in House October 7, 1963, to extend to clam planters the benefits of the provisions of the present law which provide for production disaster loans for farmers, stockmen, and oyster planters; referred to the Committee on Agriculture. Similar or identical to another bill previously introduced in the House.

COLLISION AT SEA, REGULATIONS FOR PREVENTION: The President, on Sept. 24, 1963, signed into law (P. L. 88-131) the bill H. R. 6012, to authorize the President to proclaim regulations for preventing collision at sea. Would authorize the President, on behalf of the United States, to proclaim the international regulations for preventing collisions at sea, 1960, on or after a date fixed by the Intergovernmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such regulations shall thereafter have effect as if enacted by statute, and be followed by all public and private vessels of the United States and by all aircraft of United States registry. However, they shall not apply to inland waters or any territorial waters of the United States. Would repeal the existing international rules for preventing collisions at sea, 1948. Regulations were formulated at the Fourth International Conference on Safety of Life at Sea, 1960 (annex E to the final act of the International Conference on Safety of Life at Sea). Parts of the rules of the International Regulations for preventing collisions at sea were rewritten. Those applying directly to fishing vessels are covered under Rules 9 and 13.

COMMERCIAL FISHERIES FUND: H. R. 8537 (Glenn) introduced in the House Sept. 24, 1963, to promote State commercial fishery research and development projects, and for other purposes; referred to Committee on Merchant Marine and Fisheries. Similar or identical to other bills previously introduced in the House.

CONSERVATION OF MARINE FISHERIES RESOURCES: On Sept. 12, 1963, the Senate Committee on Commerce, in executive session, ordered favorably to the Senate with amendments S. 1988, to prohibit fishing in territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States.

The Senate on Oct. 1, 1963, passed with amendments S. 1988, to prohibit fishing in the territorial waters of

the United States and in certain other areas by persons other than nationals of the United States. Bill declares that it is unlawful for foreign vessels to engage in the fisheries within the territorial waters of the United States and its territories and possessions and the Commonwealth of Puerto Rico or to engage in the taking of any fishery resource of the Continental Shelf which appertains to the United States, except as provided by an international agreement to which the United States is a party. Violators would be subject to a fine of not more than \$10,000 or imprisonment of not more than 1 year or both. Every vessel employed in any manner in connection with a violation of the Act shall be subject to forfeiture and all fish taken or retained or the monetary value thereof shall be forfeited. The responsibility for enforcement is to be shared by the Coast Guard, the Department of the Interior, the Bureau of Customs, and such State and territorial officers as the Secretary of the Interior may designate. Federal district courts are empowered to issue such warrants as may be required for the enforcement of the Act. Persons authorized to carry out enforcement activities are given the power to execute those warrants; to arrest, with or without a warrant, any person committing in their presence a violation of the Act; and, if as a result of such search they have reason to believe that such vessel or any person on board is in violation of the Act, then to arrest such person; to seize any vessel which has been used or which reasonably appears to have been used contrary to the provisions of the Act; and to seize, whenever and wherever lawfully found all fish taken or retained in violation of the Act. Provides for the seizure and disposal of fish taken in violation of the Act, and establishes procedures for setting of a bond by alleged violators. The Secretary of the Treasury would be authorized to issue such regulations as he determines necessary to carry out the provisions of the Act.

Senator Gruening (Alaska) on October 2, 1963, presented a statement to the Senate in support of his bill S. 1816, to conserve the offshore fishery resources of the United States and its territories, and for other purposes. Included in his statement were letters from the Governor of Alaska to the President of the United States and the Secretary of State protesting the Russian invasion of the waters off Kodiak Island. (Congressional Record, October 2, 1963, pages 17600-17602.)

Representative Rivers (Alaska) presented a statement to the House Oct. 15, 1963, concerning the exploitation of fishing grounds adjacent to the United States by fishing fleets of foreign nations. He urged the House to help resolve this problem by the passage of important and pertinent legislation before the House (either the Senate-passed S. 1988 or H. R. 7954). Representative Rivers also included in his statement a letter he wrote to the President of the United States. (Congressional Record, Oct. 15, 1963, page A6430.)

EXEMPT TRANSPORTATION OF AGRICULTURAL AND FISHERY PRODUCTS: The Surface Transportation Subcommittee of the Senate Committee on Commerce Sept. 30, 1963, resumed hearings on S. 1061, to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes. The Subcommittee on Oct. 7, 1963, recessed the hearings subject to call.

See Transportation Bill for hearings held on H. R. 4700.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT: Labeling and Registration of Economic Poisons (Hearing before a Subcommittee of the Committee on Agriculture and Forestry, United States Senate, 88th Congress, 1st Session), 40 pp., printed. Contains hearing held Sept. 10, 1963, on S. 1605, to amend the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to provide for labeling of economic poisons with registration numbers, to eliminate registration under protest, and for other purposes; contents of the bill; reports from various Federal agencies; statements of Federal and industry personnel; and statements filed by members of the Senate.

The Senate Committee on Agriculture and Forestry, in executive session, Oct. 16, 1963, ordered favorably reported with amendments S. 1605.

FISHERY MARKETING ACT AMENDMENT: Fishermen's Marketing Act (Hearings before the Merchant Marine and Fisheries Subcommittee of the Committee on Commerce, United States Senate, 88th Congress, 1st Session), 215 pp., printed. Contains hearings held May 8 and June 27, 1963, in Washington, D. C.; May 24, 1963, in San Pedro, California; and May 25, 1963, in San Diego, California, on S. 1135, to make clear that fishermen's organizations, regardless of their technical legal status, have a voice in the ex-vessel sale of fish and other aquatic products on which the livelihood of their members depends; reports of various Federal agencies; testimony given by various fishermen organizations, unions, institutes, and Federal agencies; and letters and correspondence submitted to the Committee.

FISHING INDUSTRY PROBLEMS: On Sept. 11, 1963, Senator Bartlett spoke in the Senate calling attention to problems of the United States fishing industry and some of the pending legislation (S. 1988, S. 1006, and S. 627) designed to assist the industry (Congressional Record, page 15899). A newspaper article discussing the need for such legislation was also inserted in the Congressional Record by the Senator.

The need of the United States fishing industry for assistance was also discussed on Sept. 11, 1963, under an extension of remarks by Congressman Keith (Congressional Record Appendix, pages A5743-5744) and Congressman Rogers (Congressional Record Appendix, page A5765).

An address by Senator Muskie on United States fishing industry problems and some of the pending legislation (S. 1988, S. 1816, S. 627, S. 1006, and H. R. 6997) designed to aid the industry, which was given before the sixth annual New England fish and seafood parade dinner held in Boston, Mass., was inserted in the Sept. 26, 1963, Congressional Record (page 17259) by Senator Kennedy.

FISH PROTEIN CONCENTRATE: Congressman Keith, on Sept. 17, 1963, addressed the House on the effects of the U. S. Food and Drug Administration ruling on Fish Protein Concentrate (Congressional Record, pages 16396-16397). He also had inserted in the Congressional Record a newspaper article on the same subject titled "FDA Bottleneck," which was published in the New Bedford (Mass.) Standard-Times, on Sept. 10, 1963.

IMPORTATION OF FOODSTUFFS: Senator Curtis, on Sept. 9, 1963, spoke in the Senate calling attention to the increased importation of foodstuffs by the United

States. In his remarks he included a tabulation of imports of foodstuffs for 1962, which included fishery products (Congressional Record, pages 15643-15644).

INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES: S. Res. 207 (Pell) introduced in the Senate Oct. 1, 1963, to urge the President to secure fuller enforcement of provisions of the International Convention for the Northwest Atlantic Fisheries; referred to Committee on Foreign Relations. Senator Pell (Rhode Island) stated, upon introduction of the resolution, that the objectives "... could be achieved by the adoption of a multilateral enforcement policy within the Northwest Convention, setting forth the provision that the enforcement arm of any signatory nation can board and inspect any fishing vessel within the prescribed waters. This could then serve as a guideline policy for other fishing conventions to which the United States are signatory." The Senator also stated that the Department of State should be urged "... to make every effort to secure one more country's ratification of the Geneva Convention of 1958 on the Continental Shelf. This convention would give the coastal State sovereign rights for the purpose of exploring and exploiting the natural resources of the Continental Shelf. Then, too, the shelf is defined in such a manner that little doubt would exist as to the rights granted therein to any coastal State. One more ratifying country would put this convention into effect, and thus could resolve our problems with respect to ocean resources in that area."

INTERNATIONAL FISHERIES ORGANIZATIONS: H. Doc. 131, United States Contributions to International Organizations (Letter from Acting Secretary of State transmitting the 11th report on the extent and disposition of United States contributions to international organizations for the fiscal year 1962, pursuant to Section 2 of Public Law 806, 81st Congress), 127 pp., illus., printed. It is the annual report presented to Congress on the United States contributions to International Organizations by the Secretary of State. Included are reports on the following international fisheries organizations: North Pacific Fur Seal Commission, Inter-American Tropical Tuna Commission, International North Pacific Fisheries Commission, and the International Commission for Northwest Atlantic Fisheries. It also contains charts showing the estimated contributions from 1946 to 1963.

INTERNATIONAL NORTH PACIFIC FISHERIES PROBLEMS: Oct. 11, 1963, Senator Gruening (Alaska) presented a statement to the Senate concerning the threat to our greatest national fish resource, the Pacific salmon by a new predator in the form of foreign fishing, namely Japan and the Soviet Union. Senator Gruening also included an article from the Seattle Post-Intelligencer titled "International Fisheries: The Problems Are Complex." (Congressional Record, Oct. 11, 1963, pages 18379-18380.)

JAPANESE FISHERY EXPORTS TO THE UNITED STATES: Pointing out the importance of the United States market to the Japanese fishing industry, Senator Bartlett, on Sept. 6, 1963, inserted in the Congressional Record (pages 15576-15577) a table showing the quantity and value of Japanese exports of fishery products to the United States in 1962. The table also compared the 1963 United States tariff rate on fishery products from Japan with that in effect July 1, 1934. Senator Bartlett states, in part, "It should be pointed out that this enormous value of fishery exports to the

United States came about in some degree because of the fact the duties imposed have been substantially reduced during recent years. . . ."

MEDICAL CARE FOR VESSEL OWNERS: The Subcommittee on Public Health and Safety of the House Committee on Interstate and Foreign Commerce held a hearing Oct. 14, 1963, on medical care for fishing boat owners. Testimony was given by members of Congress, officials of various Federal agencies and public witnesses.

METRIC SYSTEM STUDY: On Oct. 10, 1963, Senator Pell (Rhode Island) announced to the Senate the release by the White House of the first report of the Consumer Advisory Council which recommends, with other proposals, that a study be made by an appropriate executive department or agency of the desirability and practicability of conversion--by the United States--to the metric system. He noted that the Committee for the Study of the Metric System of the American Geophysical Union has done notable work in this field and included in the Congressional Record (pages 18207-18211) the progress report of the Committee and an address by the Committee's Chairman, titled "Why Adopt the Metric System?" Senator Pell stating that since the introduction of his bill S. 1278, to provide that the National Bureau of Standards shall conduct a program of investigations, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures, he has received support from various groups and individuals including several Federal agencies.

NORTH PACIFIC FISHERIES CONVENTION: Concerning the meeting in Tokyo, Japan, on Sept. 16, 1963, of the Parties to the International Convention for the High Seas Fisheries of the North Pacific Ocean, Senator Bartlett addressed the Senate on Sept. 12, 1963, on the principle of abstention (Congressional Record, pages 15979-15980). A newspaper article on the subject was also inserted in the Congressional Record by the Senator.

On Sept. 13, 1963, Senator Mansfield, on behalf of Senator Gruening, inserted in the Congressional Record (page 16064) a resolution of the Ketchikan, Alaska, Chamber of Commerce, urging the Parties to the International Convention for the High Seas Fisheries of the North Pacific Ocean to renew the abstention principle at their meeting in Tokyo, Japan, on Sept. 16, 1963.

Congressman Pelly, on October 7, 1963, inserted in the Congressional Record Appendix (pages A6268-6269) a newspaper article discussing the principle of abstention.

OCEANOGRAPHIC RESEARCH PROGRAM: Congressman Hanna, on Sept. 9, 1963, under extended remarks in the Congressional Record Appendix (pages A5678-5679), discussed United States and Soviet efforts in the field of oceanography.

Congressman Hanna, on Sept. 17, 1963, under extended remarks in the Congressional Record Appendix (pages A5874-5875) discussed United States efforts and needs in the field of oceanography.

Congressman Hanna on October 8, 1963, inserted in the Congressional Record Appendix (page A6314) a letter from the Director of the U. S. Coast and Geodetic Survey outlining the work the Agency is doing in the field of oceanography.

Congressman Hanna (California) on Oct. 10, 1963, extended his remarks on the problems and programs of oceanography in the United States. He stated that since there were 15 separate agencies of the Government involved in the important work of this field, that the establishment of a joint committee in Congress which can act as the coordinating forum for the future oceanographic programs should be considered. He also inserted an article "Nation Launches 10-Year, \$2.3 Billion Scientific Study Into Ocean's Secrets," which appeared in a recent issue of Washington World. (Congressional Record, Oct. 11, 1963, pages A6387-A6388.)

RUSSIAN FISHING VESSELS OFF UNITED STATES COASTS: On September 5, 1963, Congressman Rogers addressed the House for one minute on the subject of Russian trawlers off United States coasts (Congressional Record, page 15513).

Senator Bartlett, on Sept. 9, 1963, addressed the Senate on the subject of Soviet fishing vessels off United States coasts (Congressional Record, pages 15683-15687). The Senator inserted in the Congressional Record (1) a U. S. Coast Guard report on the activities of Soviet vessels off Alaska on Aug. 28 and Sept. 8, 1963, and (2) a report from the U. S. Library of Congress on Soviet provisions for enforcing fishing regulations within their territorial waters.

Congressman Rogers, on Sept. 10, 1963, addressed the House for one minute on the subject of Russian trawlers off United States coasts (Congressional Record, pages 15832-15833).

Congressman Gibbons, on Sept. 12, 1963, addressed the House for one minute, pointing out steps taken by the United States Department of the Navy to keep more Soviet trawlers under closer surveillance when they are operating close to the United States coasts (Congressional Record, page 16035).

Senator Bartlett spoke from the floor of the Senate on Sept. 13, 1963, calling attention to the activities of Russian fishing vessels off Kodiak, Alaska, in an area where United States fishermen were conducting crab-fishing operations (Congressional Record, pages 16069-16070).

Senator McIntyre (New Hampshire) on Oct. 10, 1963, presented a statement to the Senate stating "... the farflung operations of Soviet fisheries reveal the vigor of their efforts to turn the riches of the seas to good account. Hopefully the increasing interest in new ship construction, commercial fisheries development, and oceanography in the United States will revive our own lagging interest in this vital resource." He also inserted in the Congressional Record (pages 18205-18206) an article "Soviet Fishing Watched," which appeared in a recent issue of the Christian Science Monitor.

SHELLFISH INDUSTRY PROBLEMS: The Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries held hearings Oct. 3 and 4, 1963, to consider problems of the shellfish industry. Testimony was heard from public witnesses.

Congressman Dingell, on October 7, 1963, inserted in the Congressional Record Appendix (pages A6276-6277) testimony presented to the Subcommittee on Fisheries and Wildlife Conservation of the House Com-

mittee on Merchant Marine and Fisheries by a representative of a seafood firm in Seattle, Wash.

TRADE EXPANSION ACT AMENDMENT: H. R. 8490 (Monagan) introduced in House Sept. 18, 1963, to amend the Trade Expansion Act, 1962. Would amend the "adjustment assistance" provisions of section 301 of the act so as to permit action by the Tariff Commission where imports have been a substantial cause of injury; referred to the Committee on Ways and Means.

In presenting the bill, Congressman Monagan stated, in part, "According to a recent report, the (Tariff) Commission has completed 11 investigations under section 301. In all cases, the Commission unanimously found no basis for qualifying the petitioner for assistance under the act. The principal reason for this Commission finding has been the requirement of the law that the Commission determine that increased imports shall be a major cause of injury to the petitioner. . . . Accordingly, I have prepared and filed a bill to amend section 301 of the Trade Expansion Act to substitute for major cause the phrase substantial factor in causing. This will permit action by the Commission in its discretion where imports have been a substantial cause of injury, but will not make it mandatory that the Commission find such injury only when at least 51 percent of the cause shall have been the imports." (Congressional Record, Sept. 18, 1963, pages 16431-16432.)

TRANSPORTATION ACT OF 1963: The Surface Transportation Subcommittee of the Senate Committee on Commerce Sept. 30, 1963, resumed hearings on S. 1062, to provide for strengthening and improving the national transportation system and for other purposes. The hearings were recessed, subject to call, on Oct. 7, 1963.

See Transportation Bills for hearings held on H. R. 4701.

TRANSPORTATION BILLS: Transportation Act 1963, Part I and II (Hearings before the Committee on Interstate and Foreign Commerce, House of Representatives, 88th Congress, 1st Session), 584 and 583 pages respectively, illus., printed. Part I contains hearings held on Apr. 30, May 1, 2, 3, 7, 8, 9, 1963, on H. R. 4700, to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes; and H. R. 4701, to provide for strengthening and improving the national transportation system and for other purposes; reports by various Federal agencies on the bills and testimony given by industry people. Part II contains the hearings held on May 10, 17, June 4, 5, 6, 7, 1963, on H. R. 4700 and H. R. 4701; the President's message to Congress dated Mar. 5, 1963, and statements of personnel of various Federal agencies and industry people.

UNITED STATES TERRITORIAL LIMITS: The Senate on Sept. 30, 1963, was presented with a resolution from the Senate of the State of Massachusetts entitled "Resolution Urging the Congress of the United States to Take Appropriate Action to Extend the Present Territorial Limits," referred to the Senate Committee on Commerce. The resolution urges the Congress to extend the territorial limits in regard to fishing rights from the present 3-mile limit to one of 200 miles.

VESSEL CONSTRUCTION SUBSIDY AMENDMENTS: The Senate, October 2, 1963, passed with amendments,

S. 1006, to amend the Act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes. Provides for a \$10 million annual appropriation and the Program is limited to a five-year period. Provides a subsidy up to 55 percent of the cost of construction of a fishing vessel in a domestic shipyard, and deletes Section 4 from the recently expired Program which limited construction of such vessels to fisheries injured by foreign imports.

WATER POLLUTION CONTROL ADMINISTRATION: The Special Subcommittee on Air and Water Pollution of the Senate Committee on Public Works on Sept. 25, 1963, in executive session, approved for full committee consideration with amendments S. 649.

The Senate Committee on Public Works, on October 4, 1963, reported favorably, with amendments, S. 649, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to increase grants for construction of municipal sewage treatment works, to provide financial assistance to municipalities and others for the separation of combined sewers, to authorize the

issuance of regulations to aid in preventing, controlling, and abating pollution of interstate or navigable waters, and for other purposes.

S. Rept. 556, Federal Water Pollution Control Act Amendments of 1963 (October 4, 1963, report from the Committee on Public Works, United States Senate, 88th Congress, 1st Session), 35 pp., printed. The Committee recommended passage (with amendments) of S. 649. Contains the purpose of the bill, general statement, and the major provisions of the bill.

Senator Muskie spoke from the floor of the Senate on October 7, 1963, calling attention to the purpose of the bill (Congressional Record, pages 17818-17819).

Senator Mansfield, during an address to the Senate on October 7, 1963, concerning the problem of water pollution, referred to the provisions of S. 649 (Congressional Record, pages 17807-17809).

The Senate on Oct. 16, 1963, passed with amendments S. 649.

