



FEDERAL ACTIONS



Department of Commerce

AREA REDEVELOPMENT ADMINISTRATION

OYSTER INDUSTRY STUDY TO BE CONTINUED IN WILLAPA BAY, WASHINGTON:

Approval of a \$32,000 technical assistance project to finance a second year's work in oyster production research at Willapa Bay, Wash., was announced April 9, 1965, by the Area Redevelopment Administration (ARA).

The project, requested by the Washington State Department of Fisheries, continues a program designed to develop ways to increase the yield of marketable oysters, increase the nutrient level of oyster beds through application of chemical fertilizers, and increase the production of local oyster seed.

A review of the findings of the program after the first year shows that it holds promise of ultimately increasing employment and income in the Willapa Bay area.

The project has already helped the oyster industry in Willapa Bay to increase its supply of seed oysters.

Note: See Commercial Fisheries Review, Feb. 1964 p. 88.



Department of the Interior

FISH AND WILDLIFE SERVICE

GOVERNMENT-INDUSTRY MEETING ON PROPOSED REVISED STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP:

The U. S. Bureau of Commercial Fisheries received comments and objections to the Proposed Revised Standards for Grades of Frozen Raw Breaded Shrimp which were published

in the Federal Register, March 18, 1965. In addition to the comments, the Bureau also received a request to hold a meeting with industry to discuss the points of objection.

In response to that request, the Bureau held a meeting with industry on April 30, 1965, in Washington, D. C. For the convenience of the industry, the meeting was arranged to coincide with the North American Fisheries Conference.

Note: See Commercial Fisheries Review, Feb. 1965 p. 85, May 1965 pp. 91, 95.

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NOTICE OF PROPOSED AMENDED ELIGIBILITY REQUIREMENTS UNDER THE FISHING FLEET IMPROVEMENT ACT OF 1964:

In order to prevent payment of disproportionate amounts to any individual applicant under the Fishing Vessel Construction Differential Subsidy Program and disproportionate subsidy payments in any one region, notice of a proposed amendment to Title 50, Code of Federal Regulations, Part 256, was published in the Federal Register, April 14, 1965. The proposed amendment to provide additional eligibility requirements as published follows:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 256]

FISHING VESSEL CONSTRUCTION DIFFERENTIAL SUBSIDY

Proposed Revision of Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 12, 1960 (P.L. 86-516; 46 U.S.C. 1401-1413), as amended, it is proposed to amend 50 CFR Part 256 as set forth below. The purpose of the amendment is to prevent payment of a disproportionate amount of the subsidy to any individual applicant who applies for subsidies for the construction of more than one vessel in a fiscal year or to applicants from one Region during a fiscal year if such payment would prevent another applicant from obtaining a sub-

payment because of a lack of funds available to the Secretary of the Interior for such payments.

The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 256.2 is amended by adding paragraphs (h) and (i) to read:

§ 256.2 Definitions.

(h) Affiliate. Any person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with the applicant. The term "control", including the terms "controlled by" and "under common control with", means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant, whether through ownership, by contract, or otherwise.

(i) Region. One of the Administrative Regions or Areas of the Bureau of Commercial Fisheries set forth in the Department of the Interior Departmental Manual, Part 140.3.4.

Section 256.3 is amended by adding paragraph (e) to read:

§ 256.3 Eligibility requirements.

(e) In addition to those conditions which the Secretary may attach from

time to time under sec. 2(8) of the Act or otherwise, the following conditions shall apply to all applications:

(1) Unless otherwise determined by the Secretary no application for subsidy will be considered in any fiscal year from any applicant or its affiliate who has been awarded a subsidy in that year or has a subsidy application pending.

(2) Unless otherwise determined by the Secretary no application for subsidy will be considered in any fiscal year where the total subsidy, in any one Region or Area, may on the basis of pending and decided applications, exceed thirty percent (30 percent) of the total funds available for obligation in such fiscal year.

STEWART L. UDALL, Secretary of the Interior.

APRIL 7, 1965.

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PROPOSED AMENDED REGULATIONS UNDER THE COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT:

Notice of a proposal to adopt amendments to title 50, Code of Federal Regulations, Part 223-Commercial Fisheries Research and Development--was published in the Federal Register, April 15, 1965. The proposed amendments would apply only to Sections 253.2 (a) and 253.3 (f) of the regulations.

The regulations in 50 CFR Part 253 brought into effect the Commercial Fisheries Research and Development Act of 1964 (P. L. 88-309). The Act provided, among other things, for the payment under Section 4(a) of \$5 million annually to States for commercial fishery research and development over a 5-year period. Congress adjourned in 1964 before it was able to appropriate funds to implement that portion of the Act.

States are required to provide matching funds equal to at least 25 percent of the cost of a project financed under Section 4(a) of P. L. 88-309. Generally the matching funds provided by States must be additional funds created for the particular project and not diverted from some other commercial fishery project. But a limited exception to this requirement was provided in Section 253.2 of the regulations, for the benefit of those States in which the legislature did not meet when the Act was approved. In such case, the obligation of State matching funds from appropriations for other fishery projects could be considered in fiscal years 1965 and 1966. The purpose of the proposed amendment to Section

253.2 (a) is to extend that exception for a limited time after Federal funds are appropriated to implement the Act.

The purpose of the proposed amendment to Section 253.3 (f) of the regulations is to provide an exception to State contracting procedures in respect to contracts for research and development and professional services.

The proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedures Act. However, interested persons were given the opportunity to submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D. C., before May 15, 1965.

Note: See Commercial Fisheries Review, Dec. 1964 p. 118.



United States District Court

CERTAIN GULF SHRIMP FISHERMEN HELD TO BE INDEPENDENT CONTRACTORS FOR TAX PURPOSES:

On February 24, 1965, in the tax refund case, Sea Garden Corporation and Deep Sea Trawlers, Inc. v. United States, Judge McRae in the United States District Court for the Middle District of Florida ruled that captains and crewmen working on a share basis on

plaintiffs' shrimp trawlers were not employees, but independent contractors for Federal employment tax purposes.

In his opinion, Judge McRae said, "There was no evidence of any effort on the part of plaintiffs to control the captains and crewmen to such an extent that their status would be one of 'employee' (master and servant) under common law rules."

The plaintiffs owned a number of shrimp trawlers which operated in the Gulf of Mexico off the coast of Texas and Mexico. Plaintiffs selected experienced fishermen to serve as captains of their shrimp trawlers.

The Court found, among other things, that: "After an individual was selected as captain, the arrangement between the plaintiffs and the captain was concluded and the boat was turned over to him by plaintiffs Each captain determined the qualifications of and selected his crewmen Each captain had charge of his crew and determined (i) when to depart on a fishing trip, (ii) when to return, (iii) where to fish (that is, the fishing ground to work), (iv) when to fish, (v) how to fish (that is the actual mechanical process of operating the fishing nets and gear), and (vi) all other matters concerning the operation, maintenance, and fishing of the boat from the time of departure from plaintiffs' dock until the return of the boat from a particular trip. The foregoing were the prerogatives of the captains. The crewmen looked to the captains for their orders."

Some of the actual methods of operation mentioned by Judge McRae in his opinion were: "The captain decided how much fuel and ice to take aboard The payment to the crew for each trip depended entirely upon the proceeds of the catch. The length of any trip depended upon many factors, such as the capacity of the boat, the fuel and ice supply, the weather, and run of the shrimp When the fishing was off Campeche, Mexico, a trip may have lasted as long as 60 days, in the captain's discretion, before returning to port There was no guarantee of any kind of compensation to the captain, regardless of the time or effort expended for attempting to catch shrimp There was no express agreement specifying the extent to which plaintiffs had control over the fishing activities of the captains The plaintiffs' boats were not equipped with ship-to-shore telephones. They were equipped with radios which

permitted contact with the boats only through the marine operator. The communication between plaintiffs and the boats during fishing was infrequent, usually only in cases of emergency The captains were not required to, nor did they keep any kind of ship's log The plaintiffs had no agreement with any of the captains which entitled them to a preferred call on the captains' time and services beyond the immediate trip."

As regards evidence of control by plaintiffs over captains and crews, Judge McRae found, in part that: "Plaintiffs had certain general policies which were known to the captains and crews and which were part of the arrangement between plaintiffs and each captain; for example, introducing liquors were not to be taken aboard the boat The boats were to be fished in the Gulf of Mexico and the catches were to be brought back to Brownsville, Tex., if possible, and sold at the highest market price obtainable. Plaintiffs would terminate relations with a captain whose actions would tend to injure persons and property." But Judge McRae held that "the degree of control exercised by the plaintiffs in the marketing of the product which was jointly owned with the fishermen was not sufficient to create the relationship of employer-employee (master and servant) under common law rules."

Judge McRae ruled that the essential facts in the case were not different from those considered by the United States District Court for the Southern District of Texas in the case of Crawford Packing Co. v. United States, findings and conclusions reported 228 F. Supp. 549 (1962) and affirmed 330 F. 2d 19 (CA-5, 1964). The District Court in that case found that the shrimp fishermen were not employees under the Social Security Act.

Note: See *Commercial Fisheries Review*, July 1964 p. 88, July 1964 p. 79, July 1963 p. 107, Aug. 1962 p. 78, and May 1962 p.



Eighty-Ninth 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, pe

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

ALASKA FUR SEAL: Rep. Sullivan in Congressional Record, Apr. 13, 1965 (pp. 7703-7704) commented on the Interior Department award of Government contract for processing Alaska fur seal skins.

BIOLOGICAL RESEARCH VESSEL DEDICATION: Rep. Henderson (Congressional Record, May 4, 1965, pp. 9110-9111) speaking from the floor of the House, stated that he attended the dedication ceremonies of the biological research vessel Eastward on May 1, 1965. The vessel has been provided by the National Science Foundation to Duke University and will be operated from the University's Marine Biological Laboratory located on Pivers Island in the Beaufort-Morehead City area. He inserted the speech made at the ceremony by John M. Drewry, Chief Counsel of the House Committee on Merchant Marine and Fisheries.

CALIFORNIA: Bodega Bay, California: H. Doc. 106, letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, Dated November 6, 1964, Submitting a Report, Together with Accompanying Papers and Illustrations, and Review of the Reports on Bodega Bay, California, requested by a Resolution of the Committee on Public Works, House of Representatives, Adopted June 3, 1959, referred to Committee on Public Works, House of Representatives, 89th Congress, 1st session, Mar. 10, 1965, 109 pp., illus., printed. Contains favorable report from the Army Chief of Engineers on the construction of a mole and channel in Bodega Bay, Calif. Report of District Engineer discusses authority, scope of study, Tributary area, bridges, prior reports, existing Corps of Engineers' project, local cooperation on existing and prior projects, other improvements, terminal and transfer facilities, vessel traffic, plan of improvement, shoreline changes, estimate of benefits, comparison of benefits and costs, proposed local cooperation, apportionment of costs; also contains comments from various Federal agencies. One section of the report deals with increased fish catch, increased party boat sportsfishing, and commercial fishing.

COMMERCIAL FISHERIES AND SPORT FISHERIES SEPARATION: S. 1778 (Magnuson) introduced in Senate Apr. 13, 1965, to establish the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife as separate services in the Department of the Interior and to abolish the U. S. Fish and Wildlife Service. Committee on Commerce. Sen. Magnuson pointed out the need (Congressional Record, Apr. 13, 1965, pp. 9748-7550) to create within the Department of the Interior an Assistant Secretary for Commercial Fisheries and an Assistant Secretary for Sport Fisheries and Wildlife since the two interests (one in the development of commercial fisheries and the other in the maintenance of sport fisheries and wildlife) are obviously different although equally important.

COMMODITY PACKAGING AND LABELING: Introduced in House, H. R. 7600 (Kastenmeier) Apr. 26, and H. R. 7619 (Dent) Apr. 27, 1965, to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce and for other purposes; to Committee on International Foreign Commerce.

Senate Committee on Commerce, Apr. 28-30, 1965, held hearings on S. 985, to prevent unfair or deceptive methods of packaging or labeling of commodities distributed in interstate commerce. Hearings continue. S. 985 (Hart and 12 others) introduced in Senate Feb. 3, 1965; to Committee on Commerce.

CONTINENTAL SHELF FISHERY RESOURCES: Senate received a joint resolution of the Legislature of the State of Washington (Senate Joint Memorial 17) urging the President of the United States to issue a proclamation "(1) Prohibiting foreign fishing in some or all of the waters of the Continental Shelf up to distances of 12 miles, or (2) protect, preserve and assist in the development of our fisheries resources by establishing a Marine Exploration and Development Commission;" to Committee on Commerce. Further urges the Congress to enact legislation designed to (1) implement the President's proclamation, and (2) protect, preserve and assist in the development of our fisheries resources by setting up the Commission mentioned.

FISH FARMING: S. 1671 (Fulbright) introduced in Senate Apr. 1, 1965, to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the amount for which loans may be made under such Act for fish farming; to Committee on Banking and Currency. Would provide loans up to \$125,000 for fish farming in lieu of \$60,000.

FISHING VESSEL REPLACEMENT RESERVE FUND: S. 1858 (Bartlett) introduced in Senate Apr. 30, 1965, to promote the replacement and expansion of the U. S. non-subsidized merchant and fishing fleets; to Committee on Commerce. Sen. Bartlett (Congressional Record, Apr. 30, 1965, (pp. 8714-8716) pointed out that what this bill in essence does is allow merchant vessel operators to commit themselves by contract with the Secretary of Commerce, and fishing vessel owners with the Secretary of the Interior, for the establishment of a vessel replacement reserve fund. Into this fund must be deposited the proceeds of the sale of any vessel, proceeds of any insurance and indemnities, annual depreciation charges, earnings made on deposits in the fund, and may be deposited moneys from other sources such as operating earnings. Such deposits are treated as tax deferred but only if they are used for this exclusive national interest purpose--the replacement and modernization of merchant or fishing vessels. The present fishing fleet is composed of approximately 12,000 vessels. Ninety percent of these are extremely small craft capable of fishing only inland and coastal waters; two-thirds of the present U. S. fishing fleet is over age; 50 percent was constructed 30 years ago. Also H. R. 7956 (Keith) introduced in House May 6, 1965; to Committee on Merchant Marine and Fisheries.

FOOD MARKETING NATIONAL COMMISSION: House April 5, 1965, suspended the rules and passed without amendment H. R. 5702, to extend for 1 year the date on which the National Commission on Food Marketing shall make a final report to the President and to the Congress and to provide necessary authorization of appropriations for such commission.

Senate Apr. 6, 1965, received for concurrence House-passed bill; to Committee on Agriculture and Forestry. Senate Committee on Commerce, in executive session, Apr. 27, 1965, ordered favorably reported H. R. 5702. Committee Apr. 30, 1965, reported (S. Rept. No. 174) to Senate H. R. 5702, without amendment.

S. Rept. 174, Extension of National Commission on Food Marketing (Apr. 30, 1965, report from the Committee on Commerce, U. S. Senate, 89th Congress, 1st session, to accompany H. R. 5702), 4 pp., printed. Committee reported bill favorably without amendment. Includes purpose, cost, and executive communications.

Senate May 3, 1965, passed without amendment and cleared for President H. R. 5702.

Commission on May 5, 1965, began hearings on a study of food retailing. Hearings continued May 6.

HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, FY 1966: Departments of Labor and Health, Education, and Welfare Appropriations for 1966: Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 89th Congress, 1st Session, Part 1 (Exclusive of Public Health Service), 1,548 pp., Part 2, 824 pp., Part 3, 840 pp., Part 4, 835 pp., illus., printed. Includes statements and budget summaries from the agencies covered, as well as statements from outside agencies. Includes testimony of Congress, interested organizations and individuals on funds for botulism research under the Food and Drug Administration; water pollution control under Office of the Secretary; pesticide activities, water supply and water pollution control, shellfish sanitation program and botulism under the Public Health Service.

H. R. 7765, introduced in House May 5, 1965, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes; to Committee on Appropriations.

H. Rept. 272, Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Bill, 1966 (Apr. 29, 1965, report from Committee on Appropriations, 89th Congress, 1st session, to accompany H. R. 7765), 71 pp., printed.

HIGHWAYS AND FISH AND WILDLIFE PROTECTION: H. R. 7561 (Fulton of Pa.) introduced in House Apr. 22, 1965, to amend title 23 of the United States Code relating to highways in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highway systems for the purpose of protecting fish and wildlife and recreation resources; to Committee on Public Works. (Similar to bills in 88th Congress; no action.)

HUDSON RIVER FISHERY RESOURCES: Rep. Ottinger (Congressional Record, May 3, 1965, pp. 8869-8871) spoke from the floor of the House in support of a bill (H. R. 3012) he introduced in Jan., to provide for the establishment of the Hudson Highlands National Scenic Riverway in the State of New York. Rep. Ottinger inserted an article by Robert Boyle, an editor of Sports Illustrated, which documents the destruction of the Hudson's unique anadromous fish by interests exploiting the river's resources.

Rep. Bingham Congressional Record, May 4, 1965 (p. 9110) was granted permission to extend his remarks and to insert in the record a letter from Dominic J. Pirone, a biologist and consultant for the League of Saltwater Sportsmen, which appeared in the Tarrytown News on Apr. 22, 1965. Letter supports H. R. 3012.

INTERIOR DEPARTMENT: Cain Nomination: Hearing before the Committee on Commerce, United States Senate, 89th Congress, 1st session, on nomination of Stanley A. Cain, of Michigan, to be Assistant Secretary of the Interior for Fish and Wildlife, Mar. 16, 1965, Serial No. 89-3, 24 pp., printed. Contents include biographical sketch, and statements and letters of various members of Congress.

INTERIOR DEPARTMENT APPROPRIATIONS REQUEST FY 1966: Department of the Interior and Related Agencies Appropriations for 1966: Hearings before Subcommittee of the Committee on Appropriations, United States Senate, 89th Congress, 1st Session, on H. R. 6767, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes. Part 1, Feb. 15-26, 1965, 1,047 pp., Part 2, Mar. 1-10, 1965, 967 pp., printed. Included are funds for the Fish and Wildlife Service and its two Bureaus: Commercial Fisheries and Sport Fisheries and Wildlife. Subcommittee Apr. 26, 1965, in executive session, approved bill for full committee consideration.

Committee on Appropriations Apr. 29, 1965, filed in Senate report (S. Rept. No. 172) on H. R. 6767.

S. Rept. 172, Interior Department and Related Agencies Appropriation Bill, 1966 (Apr. 29, 1965, report from Committee on Appropriations, 89th Congress, 1st session, to accompany H. R. 6767), 46 pp., printed. The Committee recommended increases for the Bureau over the House allowances, as follows: (1) Under Management and Investigations of Resources (\$1,050,000)--\$250,000 for Pacific coast oyster mortality studies; \$370,000 to initiate an ocean engineering program; and \$430,000 for research to revitalize the Great Lakes fishing industry. (2) Under Construction (\$175,000)--\$100,000 to restore reductions made by the House in funds budgeted for the Columbia River program; and \$75,000 for construction and installation of fish screens in the Salmon River drainage, Idaho. (3) Under Federal Aid for Commercial Fisheries Research and Development (\$1,600,000): \$1,150,000 for apportionment to States; \$300,000 for resource disaster aid; and \$150,000 for program administration.

Rep. Race in Congressional Record, May 3, 1965 (pp. A2092-A2093), in extension of remarks inserted an announcement by Sen. Nelson (Wis.) that the Senate Appropriations Committee has approved five key budget requests which offer new hope to the Great Lakes area--ultimate approval probably will rest with a Senate-House conference committee. Of interest to the Bureau are the following: (a) \$430,000 to help Great Lakes fishermen hurt by the sea lamprey and last year's marketing difficulties (less than the \$1.43 million requested by Sen. Nelson, the Great Lakes Conference on Senators, and the Midwest Fisheries Council; however, the House has refused to appropriate anything for this purpose); (b) \$5,600,000 to implement the Commercial Fisheries Research and Development Act of 1964, to finance research and disaster aid (when Act was approved last year, \$5.5 million was authorized, but the 1966 budget recommended only \$2 million and the House added \$2 million).

INTERNATIONAL FISHERY TREATIES STUDY: Presented to House Apr. 14, 1965, a memorial of the Legislature of the State of Massachusetts relative to establishing a special commission for the purpose of conducting a study of existing international fishing treaties and recommending such treaty modifications

it may deem necessary to the protection of the fishing industry; to Committee on Merchant Marine and Fisheries.

Senate received Apr. 21, 1965, a similar resolution from the General Court of the Commonwealth of Massachusetts; to Committee on Commerce.

MARINE BIOLOGICAL LABORATORY: S. 1735 (Magnuson) introduced in Senate Apr. 7, 1965, and H. R. 78 (Bonner) introduced in House May 3, relating to the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes; Senate bill to Committee on Commerce; House bill to Committee on Merchant Marine and Fisheries. Sen. Magnuson inserted in Congressional Record (Apr. 1965, p. 7010) letter from the Under Secretary of Interior requesting proposed legislation.

MARINE EXPLORATION AND DEVELOPMENT: Senate Apr. 22, 1965, received a joint resolution from the Legislature of the State of Alaska (Senate Joint Res. 50) strongly endorsing S. 1091 and urging the Congress of the United States to take appropriate action to insure its prompt passage; to Committee on Commerce. S. 1091 would establish and announce U. S. policy to undertake and accelerate program of exploration and economic development of the physical, chemical, geological, and biological resources of the Continental Shelf.

Presented by Speaker to House Apr. 26, 1965, a memorial of the Legislature of the State of Alaska, relative to endorsing S. 1091.

MINIMUM WAGE: S. 1770 (Javits) introduced in House Apr. 13, 1965, to amend the Fair Labor Standards Act to provide for an increase in the minimum wage; to the Committee on Labor and Public Welfare. Would raise minimum to \$1.50 an hour.

NAVIGATION FEES: S. 1875 (Magnuson) introduced in Senate May 3, 1965, to repeal and amend certain statutes fixing or prohibiting the collection of fees for certain services under the navigation laws; to Committee on Commerce. Sen. Magnuson (Congressional Record, May 3, 1965, pp. 8895-8897) pointed out that the proposed legislation would permit the Secretary of the Treasury, under general authority, to fix fees to be collected upon the rendering of any of these services: measurement of vessels; registry of vessels; issuance of enrollments, and licenses; or licenses, renewals of licenses, issuance of special certificates to vessels; authorization for changes of names of vessels; furnishing and recording abstracts of title of vessels; recording of evidence of title to, and encumbrances on, vessels and the discharge of the latter; entry and clearance of vessels; furnishing certificates of ownership of vessels; furnishing copies of documents, records, or other papers filed in offices of collectors of customs or in the Bureau of Customs, and certifying such copies.

NORTH PACIFIC FISHERIES TREATY: Rep. Pelly (Congressional Record, May 3, 1965, p. A2091) in extension of remarks requested that the text of the resolution of the legislature of the State of Washington proposed by Representatives be inserted in the Record. The resolution states, in part, "... That we offer our support to our sister State of Alaska and to our congressional delegation, and that we express the hope that the problems that have arisen in connection with our fisher-

ies may be successfully resolved at the forthcoming meetings of the North Pacific Salmon Fisheries Commission"

NORTH PACIFIC FISHERY PROBLEMS: Rep. Pelly (Congressional Record, May 3, 1965, pp. A2103-A2105) as a matter of background on problems of our American fishing industry, under unanimous consent, included the text of his remarks in a speech, "Fisheries Problems in General and in the North Pacific in Particular," delivered in Seattle on Apr. 21, at a meeting of Pacific Coast fishermen.

OCEANOGRAPHIC AGENCY OR COUNCIL: Sen. Magnuson Apr. 6, 1965, inserted in Congressional Record (pp. 6857-6858) the resolution (H. J. Res. 23), previously presented to the Senate Mar. 25, adopted by the legislature of the State of Alaska, urging congressional enactment of S. 944, to expand marine research and establish a National Oceanographic Council.

Senate Committee on Commerce, Apr. 12, 1965, held hearings on S. 944. Hearings recessed subject to call.

Sen. Fong (Congressional Record, May 3, 1965, p. 8915) pointed out that the Honolulu Advertiser, a daily newspaper, has established a professional chair in oceanography at the University of Hawaii and provided \$25,000 a year for the services of whatever scientist the university selects to fill it. This will enable the University of Hawaii to augment its State-supported staff in oceanography. The Senator pointed out that hearings on S. 944 have been conducted by the Senate Commerce Committee; and that the views of those in industry and the scientific world have been particularly forceful in endorsing the objectives of that bill, which provides for expanded oceanic research of the scope and stature hoped for by communities like Hawaii.

Introduced in House, H. R. 7301 (Hanna) Apr. 8 and H. R. 7798 (Huot) May 3, 1965, to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes; to Committee on Merchant Marine and Fisheries. Similar to S. 944. H. R. 7849 (Teague of Texas) introduced in House May 4, 1965, to provide for the development of ocean resources, to provide for economic development of the Continental Shelf, to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes; to Committee on Merchant Marine and Fisheries.

OCEANOGRAPHIC LEGAL PROBLEMS: Subcommittee on Oceanography of House Committee on Merchant Marine and Fisheries met May 4, 5, and 6 on H. R. 5175, providing for a study of the legal problems of management, use, and control of the natural resources of the oceans and ocean beds.

OCEANOGRAPHIC RESEARCH VESSEL INSPECTION: Senate Committee on Commerce, Apr. 6, 1965, in executive session, ordered favorably reported S. 627, to exempt oceanographic research vessels from the application of certain inspection laws. Committee Apr. 28, 1965, reported (S. Rept. 168) to Senate S. 627.

S. Rept. 168, Exemption of Oceanographic Research Vessels from Certain Inspection Laws (Apr. 28, 1965, report from the Committee on Commerce, U. S. Senate, 89th Congress, 1st session, to accompany S. 627), 7 pp., printed. Committee reported bill favorably without amendment and recommended passage. Presents pur-

pose, general statement and background, cost, agency comments, and changes in existing law.

Senate Apr. 29, 1965, passed without amendment S. 627.

H. R. 7320 (Keith) introduced in House Apr. 8, 1965; to Committee on Merchant Marine and Fisheries; similar to S. 627.

Senate-passed S. 627 was referred by the House May 3, 1965; to Committee on Merchant Marine and Fisheries.

Subcommittee on Oceanography of House Committee on Merchant Marine and Fisheries met May 4-6, on H. R. 3419.

OCEANOGRAPHY: Representative Lairs (Congressional Record, Apr. 6, 1965, pp. A1672-A1673) in extension of remarks discussed the new science of oceanography and inserted a speech by Congressman Bob Wilson (Calif.) outlining the opportunities ahead in oceanography.

Rep. Wilson in Congressional Record, May 5, 1965, (pp. A2176-A2178) in extension of remarks pointed out that oceanography in America is finally gaining notoriety and momentum. He stated that he was proud of the advances contributed in this area by San Diego, Calif., and inserted in the Record an article entitled "Oceanography in San Diego, Calif."

PESTICIDES AND FISH AND WILDLIFE: Committee on Commerce Apr. 28, 1965, reported (S. Rept. 169) to Senate on S. 1623.

S. Rept. 169, Protection of Fish and Wildlife from Pesticides (Apr. 28, 1965, report from the Committee on Commerce, U. S. Senate, 89th Congress, 1st session, to accompany S. 1623), 11 pp., printed. Committee reported favorably with amendment and recommended passage. Shows purpose, background, committee consideration of bill, Agency comments, and changes in existing law.

Senate Apr. 29, 1965, passed with committee amendment S. 1623, authorizing funds for a continued study of effects on insecticides and other pesticides upon fish and wildlife. As passed by the Senate, Department of Interior's annual appropriation of \$2,565,000 ceiling would be raised to \$3,200,000 for FY 1966 and to \$5 million annually for fiscal years 1967 and 1968.

Senate-passed S. 1623 was referred by the House May 3, 1965, to its Committee on Merchant Marine and Fisheries.

PRICE-QUALITY STABILIZATION: H. R. 7841 (Gilligan) introduced in House, May 4, 1965, 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; to Committee on Interstate and Foreign Commerce.

SALMON IMPORT RESTRICTIONS: Apr. 6, 1965, S. 1734 (Magnuson and Bartlett) introduced in Senate and sent to Committee on Commerce; introduced in House Apr. 6 H. R. 7187 (Meeds), Apr. 7 H. R. 7269 (Pelly), Apr. 14 H. R. 7483 (Rivers of Alaska), Apr. 27

H. R. 7661 (Wyatt); referred to Committee on Ways and Means; bills would conserve and protect Pacific salmon of North American origin. Would provide that when the Secretary of the Interior finds that a country is fishing in a manner to diminish the effectiveness of U. S. conservation programs of Pacific salmon of North American origin, the President may increase the duty on any fishery product in any form from such country for such time as necessary to a rate not more than 50 percent above the July 1, 1934 rate. Sen. Magnuson (Congressional Record, Apr. 6, 1965, pp. 6860-6867) remarked that "This legislation would assist the United States in its continuing effort to conserve and protect the salmon resources of the North Pacific by permitting the use of economic sanctions when this becomes necessary to assure that state conservation programs for salmon are not being thwarted by abusive and reckless fishing practices by other nations." The Senator also discussed at some length the coming season for the salmon and halibut fisheries. He inserted a table of 1962 U. S. imports of fishery products from Japan by commodity description; includes the tariff of July 1, 1934, and shows by unit the quantity and value of Japanese fishery imports, and the 1963 tariff. He also inserted an editorial from Fishermen's News of March 1965, second issue, which discusses the problem of Japanese high-seas fishing of Bristol Bay salmon. Senator Magnuson in extension of remarks inserted in Congressional Record (Apr. 6, 1965, pp. A1662-A1663) an editorial ("Pacific Fisheries Competition") which discusses foreign fishing activities in waters adjacent to the United States. Rep. Pelly announced (Congressional Record, Apr. 7, 1965, pp. 6993-6994) that he was hopeful that an early hearing on this legislature could be arranged.

Rep. Rivers (Congressional Record, Apr. 15, 1965, pp. 7796-7797) in extension of remarks stated that within a few weeks fleets of Japanese fishing vessels are expected to begin an intensive harvest of red salmon on the high seas--salmon spawned in large numbers in Alaska's Bristol Bay region.

SUPPLEMENTAL APPROPRIATIONS, FY 1965 (2nd Second Supplemental Appropriation Bill 1965: Hearing before the subcommittee of the Committee on Appropriations, House of Representatives, 89th Congress, 1st session, Part 1, 745 pp., and Part 2, Appalachian Regional Development, 282 pp., printed. Includes testimony, statements, and exhibits on additional funds for the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife.

H. R. 7091 (Mahon) introduced in House Apr. 2, 1965, making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes. Same date Committee on Appropriations filed a report (H. Rept. 224) on H. R. 7091. Includes additional funds for the Bureau of Commercial Fisheries (\$1,125,000) and the Bureau of Sport Fisheries and Wildlife (\$1,200,000) principally to repair flood damage to facilities; also funds for pay costs.

H. Rept. 224, Second Supplemental Appropriation Bill, 1965 (Apr. 2, 1965, report from the Committee on Appropriations, U. S. House of Representatives, 89th Congress, 1st session, to accompany H. R. 7091), 59 pp., printed. Discusses scope and summary of the bill.

Passed House Apr. 6, 1965.

Second Supplemental Appropriation Bill, 1965: Hearings before the Committee on Appropriations, United States Senate, 89th Congress, 1st session, on H. R. 7091

act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, H. R. 7091, printed. Includes testimony, statements, communications, and reports from various Federal agencies and their officials, as well as Senators.

Subcommittee of Senate Committee on Appropriations held hearings Apr. 7-8, and concluded its hearings Apr. 14 on H. R. 7091. Senate Committee on Appropriations Apr. 23, 1965, in executive session, ordered bill favorably reported with amendments. Bill reported (S. Rept. 167) to Senate on same day.

S. Rept. 167, Second Supplemental Appropriation Bill, 1965 (Apr. 23, 1965, report from the Committee on Appropriations, United States Senate, 89th Congress, 1st session, to accompany H. R. 7091), 58 pp., printed.

Senate passed Apr. 27, 1965, with committee amendments (motion to reconsider tabled) H. R. 7091. Senate agreed on its amendments, asked for conference with House, and appointed conferees.

House Apr. 28, 1965, disagreed to Senate amendments to H. R. 7091; agreed to conference requested by Senate, and appointed conferees. Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions. Same day committee of Conference filed report (H. Rept. 227) in House on H. R. 7091.

H. Rept. 270, Supplemental Appropriation Bill, 1965 (Apr. 28, 1965, report from the Committee of Conference in House of Representatives, 89th Congress, 1st session, to accompany H. R. 7091), 10 pp., printed. Committee made recommendations on the disagreeing amendments of the two Houses. In addition to the recommendations, includes statement of the House manager.

In a record vote, Apr. 29, 1965, the House adopted the conference report on H. R. 7091. Same day Senate agreed conference report on H. R. 7091, thus clearing the bill for the White House. Bill was signed Apr. 30, 1965, by the President, P. L. 89-16 (79 STAT 81).

WATER POLLUTION CONTROL ADMINISTRATION:

Water Pollution Control Hearings on Water Quality Act of 1965: Hearings before the Committee on Public Works, House of Representatives, 89th Congress, 1st session, on H. R. 3988, S. 4, and Related Bills, Feb. 11-12, and 23, 1965, 404 pp., printed. Contents include testimony of various Federal and state officials, members of Congress, associations, water resources commissions, and representatives of business firms. Testimony refers to the need to stop the outpouring of pollution into our streams and lakes, to save clean water from destruction, and to raise the quality of waters already polluted.

S. Rept. 215, Water Quality Act of 1965 (Mar. 31, 1965, report from the Committee on Public Works, U. S. House of Representatives, 89th Congress, 1st session, to accompany S. 4), 29 pp., printed. Committee reported bill favorably with amendments. Discusses purpose and major provisions of the bill, views of committee, committee recommendation, additional support of bill, and changes in existing law.

In unanimous record vote House Apr. 28, 1965, passed and returned to the Senate S. 4, the Water Quality Act of 1965, after adopting a committee substitute

amendment that provided new text. Adopted several perfecting amendments to the committee amendment.

Several Congressmen, speaking in support of S. 4, discussed the damage by water pollution to the shellfish industry and discussed the provision which will authorize the Secretary of Health, Education, and Welfare to take action when he finds that substantial economic injury results from the inability to market shellfish in interstate commerce due to health threats resulting from pollution of interstate or navigable waterways.

Rep. Hanley (Congressional Record, May 3, 1965, pp. A2114-A2117) pointed out that this legislation strengthens and reaffirms our national policy for the prevention, control, and abatement of water pollution. All of the functions of the Department of Health, Education, and Welfare in the area of water pollution control will be invested in a Federal Water Pollution Control Administration. Recently the Syracuse Herald-Journal has published a series of excellent articles on the major pollution problems in the 34th district.

WATER POLLUTION IN U. S. NAVIGABLE WATERS:

H. R. 7976 (Stalbaum) introduced in House and S. 1908 (Nelson) introduced in Senate May 6, 1965, to expand and improve existing law and to provide for the establishment of regulations for the purpose of controlling pollution from vessels and certain other sources in the Great Lakes and other navigable waters of the United States; to Committee on Merchant Marine and Fisheries and to Committee on Public Works, respectively. Sen. Nelson in Congressional Record, May 6, 1965 (pp. 9477-9481), pointed out that the bill will meet a phase of the pollution problem which is often neglected--the pollution resulting from vessels and shore installations. The bill gives the Secretary of Health, Education, and Welfare the authority to establish reasonable regulations and standards for facilities to be used in the retention or treatment of sewage and refuse. Waters are being polluted by oil, sewage, and refuse of every kind discharged or dumped by vessels plying them. It is necessary that the disposal by vessels be controlled by forbidding it to the greatest practical extent, by establishing standards for treatment before disposal, and by designating points and places where disposal may take place.

WATER PROJECT RECREATION ACT: Water Project Recreation Act:

Hearing before the Committee on Interior and Insular Affairs, United States Senate, 89th Congress, 1st session, on S. 1229, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, Mar. 23, 1965, 69 pp., printed. Contents include statements and communications of various Federal and state officials, Senators, and associations.

Senate Apr. 7, 1965, received report (S. Rept. 149) of the Committee on Interior and Insular Affairs, with amendments, on S. 1229, proposed Federal Water Project Recreation Act.

S. Rept. 149, Federal Water Project Recreation Act (Apr. 7, 1965, report from the Committee on Interior and Insular Affairs, U. S. Senate, 89th Congress, 1st session, to accompany S. 1229), 31 pp., printed. Committee reported bill favorably with amendments. Discusses purpose, background of measure, committee amendments, section-by-section analysis, separable

costs-remaining benefits method of cost allocation, and changes in existing law; presents Departmental reports.

Senate passed Apr. 13, 1965, with committee amendments, S. 1229. Motion to reconsider passage was tabled.

Senate Apr. 14, 1965, asked for concurrence of the House on Senate-passed S. 1229; to House Committee on Interior and Insular Affairs.

Committee on Interior and Insular Affairs Apr. 27, 1965, filed in House report (H. Rept. 254) on H. R. 5269, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control; with amendment; to Committee of the Whole House on the State of the Union.

H. Rept. 254, Federal Water Project Recreation Act (Apr. 27, 1965, report from the Committee on Interior and Insular Affairs, House of Representatives, 89th Congress, 1st session, to accompany H. R. 5269), 28 pp., printed. Committee reported bill favorably with a amendment and recommended passage. Presents pur-

pose, need, cost, committee amendment, section-by-section analysis, and changes in existing law.

WATER RESOURCES PLANNING ACT: Senate Apr. 5, 1965, received for concurrence House-passed version of S. 21, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commission and by providing financial assistance to the States in order to increase State participation in such planning; to Committee on Interior and Insular Affairs.

Senate Apr. 9, 1965, disagreed to House amendments to S. 21, proposed Water Resources Planning Act, asked for conference with House and appointed conferees.

House Apr. 13, insisted on its amendment to S. 21 agreed to a conference requested by the Senate, and appointed conferees.

Note: REPORT ON FISHERY ACTIONS IN 88TH CONGRESS: The U. S. Bureau of Commercial Fisheries has issued a leaflet on the status of all legislation of interest to commercial fisheries at the end of the 88th Congress. For copy of MNL-3--"Legislative Actions Affecting Commercial Fisheries, 88th Congress 1st Session 1963 and 2nd Session 1964," write to the Fishery Market News Service, U. S. Bureau of Commercial Fisheries, 1815 N. Fort Myer Drive, Room 510, Arlington, Va. 22209. Requests for this leaflet will be filled on a first-come first-served basis until the supply is exhausted.



FISH NOISES

Sounds or noises made by fish are as common as the sounds of birds, but only with the development of adequate hydrophones has it been possible to "tune in" on this aspect of fish behavior. Among the most comprehensive and thought-provoking discussions of the sounds fish make and their significance in behavior is presented by University of Maryland biologists H. E. Winn, A. Marshall, and B. Hazlett (Copeia, 1964, no. 20, pp. 413-425). Pointed out are the parallels between the development of alarm calls by birds and the alarm call of the squirrelfish, which include: (1) both attractive and dispersive effects on members of the same species; (2) mobbing accompanied by sound; (3) attention and alarm components; (4) differentiation of alarm call; (5) similar calls at dusk and dawn; (6) a different distress, alarm, and territorial aggressive call are developed; and (7) a potential differentiation in fishes, as in birds, of responses to a predator on the bottom and one swimming off the bottom.

Created in 1849, the Department of the Interior--a department of conservation--is concerned with the management, conservation, and development of the Nation's water, fish, wildlife, mineral, forest, and park and recreational resources. It also has major responsibilities for Indian and Territorial affairs.

As the Nation's principal conservation agency, the Department works to assure that nonrenewable resources are developed and used wisely, that park and recreational resources are conserved for the future, and that renewable resources make their full contribution to the progress, prosperity, and security of the United States--now and in the future.