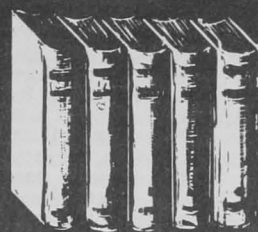




# FEDERAL ACTIONS



## Department of Commerce

### AREA REDEVELOPMENT ADMINISTRATION

#### INDUSTRIAL LOAN TO MARYLAND PET FOOD FIRM APPROVED:

The Area Redevelopment Administration (ARA) of the U. S. Department of Commerce has approved an industrial loan of \$461,500 to help Custom Pet Food Packers, Inc., establish a plant at Princess Anne, Md., for the production of dog and cat food. While cereals, grains, and poultry byproducts will constitute the principal ingredients of the pet food, the manufacturer anticipates using 48 tons of "fish" fish per day in the products.

The loan funds will be used to buy and improve land, to construct buildings, and to purchase machinery and equipment. The total cost of the project will be \$710,000. Production at the plant will require 123 workers, and in addition it is estimated that 36 directly related jobs will be generated in fishing and support industries.

\* \* \* \* \*

#### POTENTIAL OF FISHERIES IN CARTERET COUNTY, NORTH CAROLINA:

A technical assistance project to survey the expansion potential of the fisheries industry in Carteret County, N. C., has been approved by the Area Redevelopment Administration (ARA) of the U. S. Department of Commerce.

The 16-months research project is to be conducted by a firm in Morehead City, N. C. The U. S. Bureau of Commercial Fisheries will supervise the contract work. The technical assistance project will include: (1) a survey of fishery resources to determine present sufficiency and the potential for future development; (2) establishment of an experimental pilot-plant operation using modern techniques to produce new products for consumer tests to determine their acceptance

and marketability; and (3) a labor-skill survey to determine present skills and possible new requirements.

On the basis of the study results, recommendations will be made as to the most promising lines for expansion of existing seafood processing plants as well as the potential for new enterprises. The total cost of the fishery research project will be approximately \$40,000. ARA will finance \$36,000 of that amount with Carteret County contributing the balance.



## Department of Health, Education, and Welfare

### FOOD AND DRUG ADMINISTRATION

#### NEW FOOD ADDITIVE REGULATION CONCERNING KELP:

A regulation prescribing the use of kelp as a source of iodine in foods for special dietary use was issued by the Commissioner of Food and Drugs, effective April 24, 1964, as an amendment to food additive regulations (Title 21, Code of Federal Regulations, Part 121).

The new regulation as it appeared in the Federal Register, April 24, 1964, follows:

### Title 21—FOOD AND DRUGS

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

##### SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

##### Subpart D—Food Additives Permitted in Food for Human Consumption

##### KELP

The Commissioner of Food and Drugs, having evaluated the data in a petition

(FAP 411) filed by California Vegetable Concentrates, Inc., P.O. Box 149, Huntington Park, California; Diketan Laboratories, Inc., 9201 Wilshire Boulevard, Los Angeles, California; Kopco, Inc., Dock 1, Port Hueneme, California; Philip R. Park, Inc., Berth 42, Outer Harbor, San Pedro, California; S. O. Barnes & Sons, Inc., 17250 South Main Street, Gardena, California; and Thurston Laboratories, 3355 Glendale Road, Los Angeles, California, and other relevant material, has concluded that a food additive regulation should issue to prescribe the use of kelp as a source of iodine in foods for special dietary use. 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 (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended by adding to Subpart D a new section reading as follows:

#### § 121.1149 Kelp.

Kelp may be safely used as a source of iodine in foods for special dietary use when the amount of iodine so provided for daily intake does not exceed 0.15 milligram. The food additive kelp is the dehydrated, ground product prepared from *macrocyctis pyrifera*.

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: April 20, 1964.

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



## Department of the Interior

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

### EASTERN PACIFIC YELLOWFIN TUNA FISHING REGULATIONS PROPOSED:

Notice of proposed regulations concerning catch quota, open seasons, and closed seasons for yellowfin tuna; and restrictions on tuna imports were published in the Federal Register, May 9, 1964, by the U. S. Department of the Interior. The proposed regulations are to be issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950, as added by the Act of October 16, 1962.

The notice provided that consideration would be given to any data, views, or arguments pertaining thereto which were submitted in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, Terminal Island, Calif., by June 8, 1964.

A public hearing also was held at the United Portuguese Club, 2818 Addison Street, San Diego, Calif., May 23, 1964, when interested persons were given an opportunity to comment orally on the proposed regulations.

The proposed regulations as they appear in the Federal Register, May 9, 1964, follow:

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[ 50 CFR Parts 280, 281 ]

### EASTERN PACIFIC TUNA FISHERIES

#### Notice of Proposed Rule Making

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), and section 6(c) of the Tuna Conventions Act of 1950 (64 Stat. 778), as amended by the Act of October 15, 1962 (76 Stat. 923; 16 U.S.C. 955), that the Secretary of the Interior proposes to amend Title 50, Code of Federal Regulations, by adding a new Subchapter H—Eastern Pacific Tuna Fisheries, consisting of Part 280—Yellowfin Tuna and Part 281—Restrictions on Tuna Imports. The proposed regulations are set forth in tentative form below.

The proposed regulations are to be issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950, as added by the Act of October 15, 1962. In accordance with the authority cited, after adoption of the regulations proposed as Part 280

publication thereof in the FEDERAL REGISTER, such regulations are to become applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of the Interior shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species of fish covered by the Convention for the Establishment of an Inter-American Tropical Commission (1 U.S.T. 230), in the regulatory area on a meaningful scale of effective measures for the implementation of the Commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. Steps are being taken to reach agreement with the several countries whose fishermen participate in the tuna fisheries of the eastern Pacific Ocean looking toward January 1, 1964, as the date for the simultaneous application by all such countries of suitable conservation measures to be observed by their fishing vessels.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments bearing thereon which are submitted in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, California, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed regulations at a public hearing to be held at United Portuguese Club, 2818 Addison Street, San Diego, California, beginning at 10:00 a.m. May 23, 1964. Any person who intends to present views orally at such hearing is requested to furnish in writing the name and the name of the organization he represents, if any, to the said Regional Director and not later than May 20, 1964.

Held at Washington, D.C., and dated May 7, 1964.

JAMES K. CARR,  
Under Secretary of the Interior.

CHAPTER II—EASTERN PACIFIC TUNA FISHERIES  
PART 280—YELLOWFIN TUNA

- Definitions.
- Basis and purpose.
- Catch limit.
- Open season.
- Closed season.
- Tuna clearance certificates.
- Reports and record keeping.
- Persons and vessels exempted.

AUTHORITY: The provisions of this Part 280 are derived under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

**280.1 Definitions.**  
For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:  
**Convention.** The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).  
**Commission.** The Inter-American Tropical Tuna Commission established pursuant to the Convention.

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

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

(e) **Regional Director.** The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, California.

(f) **Regulatory area.** All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines:

Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 80 degrees south latitude intersects the coast.

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

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

- (1) Albacore—*Thunnus alalunga* (synonymy: *Thunnus germon*).
- (2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).
- (3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).
- (4) Skipjack—*Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

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

(j) **Transport vessel.** Every kind, type or description of watercraft subject to the jurisdiction of the United States used or capable of being used exclusively to take on board on the high seas and transport to a port of the United States the catches of fishing vessels of the United States.

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

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

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

**§ 280.2 Basis and purpose.**

(a) At a special meeting held at Long Beach, California, on September 14, 1961,

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

(b) At annual meetings held at Quito, Ecuador, May 16-18, 1962; at Panama City, Panama, April 16-17, 1963; and at San Diego, California, March 18-19, 1964; the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

- (1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;
- (2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;
- (3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and
- (4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) At a meeting held at San Diego, California, on March 20, 1964, representatives of the Governments of Costa Rica, Ecuador, Japan, Mexico, and the United States of America gave assurances that beginning as of July 1, 1964, each country would apply to all vessels and persons subject to its jurisdiction effective measures for the implementation of the recommendations made by the Commission in March 1964 for a yellowfin tuna conservation regime. Subsequent to March 20, 1964, the Governments of ----- and ----- gave like assurances. The several countries named are parties to the Convention or, not being parties, exercise jurisdiction over vessels which "engage in fishing for species covered by the Convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program" within the purview of section 6(c) of the Tuna Conventions Act of 1950, as amended.

(d) The regulations in this part are designed to implement the Commission's

current and future' applicable recommendations for the conservation of yellowfin tuna so far as they affect all vessels and persons subject to the jurisdiction of the United States.

### § 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area during the open season by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

### § 280.4 Open season.

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

### § 280.5 Closed season.

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

(b) Except as provided in paragraphs (c) and (d) of this section, after the date determined in the manner provided in this section for the closing of the yellowfin fishing season, the taking of yellowfin tuna shall be prohibited until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(c) Any fishing vessel which has departed port to engage in yellowfin tuna fishing pursuant to a tuna clearance certificate last validated prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading in port or by transferring to a transport vessel the whole or any part of the fishing vessel's cargo of tuna.

(d) After the close of the yellowfin tuna fishing season as provided in this section, yellowfin tuna captured as an incident to fishing for other tuna fishes may be taken on board a fishing vessel and landed or transferred to a transport vessel in an amount not exceeding fifteen percent by weight of all tuna fishes landed or transferred by the fishing vessel.

(e) At any time during the closed season a transport vessel, without regard to the quantities of yellowfin or other tuna fishes possessed on board the transport vessel, may receive, possess and transport to a port of the United States yellowfin tuna lawfully taken and transferred by a fishing vessel on the high seas: *Provided*, That no yellowfin tuna in any amount may be transferred from a fishing vessel or be received on board a transport vessel during the closed season unless an officer authorized to enforce the regulations in this part is aboard the transport vessel for the purpose of inspecting all such transfers.

### § 280.6 Tuna clearance certificates.

(a) Except as permitted by § 280.8, after the first day of July 1964, no person shall use a fishing vessel or a transport vessel for the capture, retention, transportation, or landing of yellowfin tuna in any quantity from the regulatory area during the open season unless such vessel shall have first been registered and cleared for yellowfin tuna fishing or for transporting yellowfin tuna in conformity with the provisions of this section.

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

(c) Except as provided in paragraph (f) of this section, not earlier than 48 hours prior to each departure from port to engage in fishing for or transporting yellowfin tuna during the open season for such tuna, the master or other person in charge of a fishing vessel or a transport vessel or the agent of such person shall present the vessel's tuna clearance certificate for validation. Validation of a tuna clearance certificate shall be accomplished in the manner specified in paragraph (d) of this section. Such validation shall terminate at the time of the first discharge thereafter of any part of the tuna taken on board during the

voyage authorized by the validated certificate.

(d) Validation of a tuna clearance certificate as required in paragraph (c) of this section shall, upon request and only during the open season on yellowfin tuna, be entered as an endorsement made by an authorized validating officer upon the certificate held by the fishing vessel or transport vessel. Authorized officers as listed below, and their authorized representatives, may perform the functions of authorized validating officers:

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

Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, Terminal Island, California; and Regional Director, Pacific Northwest Region, Bureau of Commercial Fisheries, Arcade Building, Seattle, Wash.,

Officers of the United States Bureau of Customs, Officers of the United States Coast Guard, Officers and employees of the Commonwealth of Puerto Rico.

(2) For vessels departing foreign ports—

The officer-in-charge at each of the following United States Consular posts:

Colombia: Barranquilla, Bogota, Buenaventura, and Cali.

Chile: Antofagasta, Concepcion, Santiago, and Valparaiso.

Costa Rica: Puntarenas and San Jose.

Ecuador: Guayaquil and Quito.

El Salvador: San Salvador.

Guatemala: Guatemala.

Mexico: Mexico, D.F., and Mazatlan.

Nicaragua: Managua.

Panama: Colon and Panama.

Peru: Arequipa and Lima.

(e) As circumstances require, the Bureau Director from time to time shall revise the list of authorized validating officers by publishing appropriate changes in the FEDERAL REGISTER. In the event an authorized validating officer is unavailable in port at the time of impending departure of a fishing vessel on fishing voyage, a validation of the certificate required by paragraph (c) of this section may be obtained by letter or prepaid telegraphic communication.

(f) A validation by an authorized validating officer shall not be required for a vessel departing a foreign port in the case where the Bureau Director first publishes notice thereof in the FEDERAL REGISTER that the Government of the country in which the port is situated is in force conservation measures which are adequate to meet the objectives of this section, including the means for producing documentary evidence establishing the date of departure of the vessel to engage in fishing for or transporting yellowfin tuna.

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

### § 280.7 Reports and record keeping.

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

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

(b) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through an operating vessel to Radio Station WJLD, La Jolla, California, 4415.8 kc or 16.6 kc or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400, P.S.T., and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board each week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this paragraph may be submitted to the Director of Investigations on the shore representative of the vessel in lieu of the radio reports from the vessel.

(c) Furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage and listing separately by species and weight in pounds or short tons, the quantities of each species of tuna sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form supplied by the Bureau of Commercial Fisheries, if such alternate record is properly certified and contains all items of information required by this paragraph: *Provided*, That any vessel landings catch in California and reporting means of a copy of the California fish ticket may indicate the California Fish and Game boat number in lieu of the vessel's official number. Such report may be delivered or mailed to the Bureau Director within 48 hours after the fishing-out has been completed.

**280.8 Persons and vessels exempted.** Nothing contained in §§ 280.2 to 280.7 shall apply to:

- (a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.
- (b) Any vessel documented as a commercial carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers

(other than a transport vessel as defined in § 280.1(j)).

(c) Any vessel of less than ten gross tons.

(d) Any person or vessel engaged in sport fishing for personal use.

**PART 281—RESTRICTIONS ON TUNA IMPORTS**

- Sec. 281.1 Definitions.
- 281.2 Basis and purpose.
- 281.3 Species subject to regulation.
- 281.4 Species under investigation by the Commission.
- 281.5 Investigations authorized.
- 281.6 Publication of findings.
- 281.7 Proof of admissibility.
- 281.8 Removal of import restrictions.

**AUTHORITY:** The provisions of this Part 281 issued under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

No. 92—Pt. I—3

**§ 281.1 Definitions.**

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

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

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

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

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

(e) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines:

Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

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

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

- (1) *Albacore*—*Thunnus alalunga* (synonymy: *Thunnus germon*).
- (2) *Bigeye*—*Thunnus obesus* (synonymy: *Parathunnus sibi*).
- (3) *Bluefin*—*Thunnus thynnus* (synonymy: *Thunnus saliens*).
- (4) *Skippjack*—*Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

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

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

**§ 281.2 Basis and purpose.**

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

(b) At annual meetings held at Quito, Ecuador, May 16-18, 1962; at Panama City, Panama, April 16-17, 1963; and at San Diego, California, March 18-19, 1964; the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

- (1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;
- (2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;
- (3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and
- (4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) At a meeting held at San Diego, California, on March 20, 1964, representatives of the Government of Costa Rica, Ecuador, Japan, Mexico, and the United States of America gave assurances that beginning as of July 1, 1964, each country would apply to all vessels and persons subject to its jurisdiction effective measures for the implementation of the recommendations made by the Commission in March 1964 for a yellowfin tuna conservation regime. Subsequent to March 20, 1964, the Governments of ----- and ----- gave like assurances. The several countries named are parties to the Convention or, not being parties, exercise jurisdiction over vessels which "engage in fishing for species covered by the Convention in the regulatory area on a meaningful scale,

in terms of effect upon the success of the conservation program," within the purview of section 6(c) of the Tuna Conventions Act of 1950, as amended.

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

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

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

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

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

(g) The regulations in this part are designed to implement the provisions of section 6(c) of the Act with respect to

import controls and to prescribe procedures for the establishment of restrictions on imports of tuna whenever such action shall be deemed warranted.

#### § 281.3 Species subject to regulation.

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

#### § 281.4 Species under investigation by the Commission.

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

#### § 281.5 Investigations authorized.

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

(1) Whether or not the country provides or causes to be provided to the Commission pertinent statistics on a timely basis.

(2) Whether or not the country has in force conservation measures applicable to its own fishermen adequate for the implementation of the Commission's recommendations.

(3) Whether or not the country has in force measures for the control of landings in its ports of species subject to regulation which are taken in the regulatory area by fishermen of other countries contrary to the Commission's conservation recommendations.

(4) Whether or not the country, having put conservation measures into effect, takes reasonable action to enforce such measures.

(5) The number of vessels of the country which conduct fishing operations in the regulatory area.

(6) The quantity of species subject to regulation taken from the regulatory area by the country's vessels contrary to the Commission's conservation recommendations and its relationship to (i) the total quantity permitted to be taken by the vessels of all countries participating in the fishery and (ii) the quantity of such species sought to be restored to the stocks of fish pursuant to the Commission's conservation recommendations.

(7) Whether or not repeated and flagrant fishing operations in the regulatory area by the vessels of the country seriously threaten the achievement of the objectives of the Commission's recommendations.

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

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

#### § 281.6 Publication of findings.

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

#### § 281.7 Proof of admissibility.

For the purposes of § 281.6 of this part and section 8(c) of the Tuna Conventions Act of 1950, as amended, a shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry directly or indirectly, from a country named in a finding published under § 281.6 shall be deemed to be eligible for entry if the shipment is accompanied by a certificate of eligibility, executed in the form and manner set forth below, certifi-

fyng that the tuna in the shipment are not of the species specified in the published findings or, if of such species, were not taken in the regulatory area. The required certificate of eligibility must be executed by a duly authorized official of the country named in the published finding and the certificate must be authenticated with respect to the signature and official position of the person executing the same by a consular officer or consular agent of the United States.

#### CERTIFICATE OF ELIGIBILITY

I, \_\_\_\_\_, an authorized officer of the Government of \_\_\_\_\_, certify that the shipment of tuna fish accompanied by this certificate, consisting of \_\_\_\_\_ of \_\_\_\_\_

(Quantity)  
in \_\_\_\_\_  
(Species) (Number and kind of packages or containers)

bearing the following marks and numbers \_\_\_\_\_:

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

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

(Identify area or areas in which fish were taken)

by vessels subject to the jurisdiction of \_\_\_\_\_, and that none of the said fish (Country)

was taken in any part of the eastern Pacific Ocean subject to conservation regulations pursuant to recommendations of the Inter-American Tropical Tuna Commission.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address)

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

#### § 281.8 Removal of import restrictions.

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



## Office of Emergency Planning

### ALASKA AND A CALIFORNIA COUNTY DECLARED MAJOR DISASTER AREAS:

Two Notices of Major Disaster dated May 1, 1964, by the Office of Emergency Planning concerning the States of Alaska and California as a result of the earthquake beginning March 27, and its adverse consequences, were published in the Federal Register of May 7, 1964. Under the Act of September 30, 1950, Federal assistance to States and local governments is warranted in major disasters.

The Director of the Office of Emergency Planning has determined the entire State of Alaska to have been adversely affected, and has also determined that Del Norte County in California was affected by seismic sea waves of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

The Notices as published in the May 7, Federal Register follow:

### OFFICE OF EMERGENCY PLANNING

#### ALASKA

#### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 28, 1964, reading in part as follows:

I hereby declare a major disaster in those areas of Alaska adversely affected by the earthquake beginning on March 27.

I do hereby determine the entire State of Alaska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 28, 1964.

Dated: May 1, 1964.

#### CALIFORNIA

#### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Execu-

tive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated April 1, 1964, reading in part as follows:

I have determined the damage in Del Norte County, California, adversely affected by seismic sea waves beginning on or about March 27, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

Dated: May 1, 1964.

EDWARD A. McDERMOTT,  
Director,  
Office of Emergency Planning.



## United States Court of Appeals for the Fifth Circuit

### FISHERMEN CONSIDERED INDEPENDENT CONTRACTORS FOR TAX PURPOSES:

On March 3, 1964, in the tax refund case, United States v. Crawford Packing Company, the United States Court of Appeals for the Fifth Circuit upheld a ruling that captains and fishermen aboard shrimp vessels who work on a share basis are independent contractors for Federal employment tax and income withholding tax purposes. The ruling had been handed down January 23, 1962, by a Judge in the United States District Court for the Southern District of Texas. The District Court had ruled that the Government did not overcome Crawford's clear showing that the fishermen were free from direction and control of their fishing activities and that their earnings were dependent solely upon their skill, initiative, weather, and good fortune.

The decision only affects the liability of the vessel owners for Federal employment and income withholding taxes. It does not relieve them from liability for injuries to fishermen, nor interfere with the ancient rights of fishermen to maintenance and cure, nor any rights under the Jones Act.

Editor's Note: The decision by the Court of Appeals for the Fifth Circuit in the Crawford Packing Company case appears to be in conflict with the decision of December 6, 1963, by the Court of Appeals for the First Circuit

which upheld a ruling that fishing vessel crews and captains who operate under the "share" system are considered employees for Federal tax purposes.

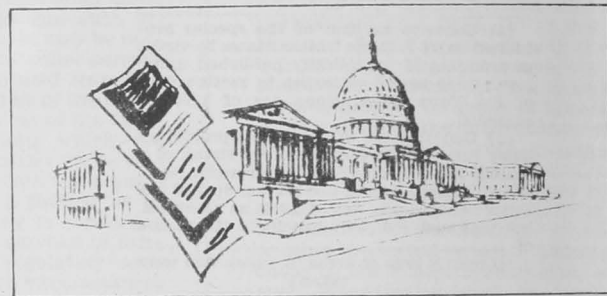
Note: See Commercial Fisheries Review, Jan. 1964 p. 79, July 1963 p. 107, Aug. 1962 p. 95, and May 1962 p. 78.



## Eighty-Eighth Congress

### (Second Session)

Public bills and resolutions which may directly or indirectly affect the fisheries and



allied industries are reported upon. Introduction, referral to committees, pertinent legislative actions by the House and Senate, as well as signature into law or other final disposition are covered.

ALASKA DISASTER: Senator Gruening from the floor of the Senate May 21, 1964 (Congressional Record pages 11170-11171) pointed out that: "... I have been urging for some time now that the Administrator of the Small Business Administration... lower the interest rate on disaster loans to Alaska victims to three-fourths of 1 percent--the same amount charged to foreign borrowers under the foreign aid program. ..." The latest addition to the list of supporters for the idea is the executive council of the AFL-CIO, which on May 20 adopted a resolution supporting it. The Senator requested that the resolution adopted by the AFL-CIO council be printed in the Record.

ALASKA OMNIBUS ACT AMENDMENTS: H. Rept. 1410, Amending the Alaska Omnibus Act (May 14, 1964) report from the Committee on Interior and Insular Affairs, House of Representatives, 88th Congress, 2nd Session, 6 pp., printed. The Committee recommended passage (with amendments) of H. R. 11037, to amend the Alaska Omnibus Act, as amended, to increase by \$23.5 million the amount authorized to be appropriated for grants to assist the State of Alaska to assume burdens which were borne by the Federal Government when it was a territory and to extend to June 30, 1966, the period for which such grants may be made, and to extend by two years the time during which the Federal Government may continue to provide in Alaska certain services that normally belong to a State and during which property used for providing such services may be transferred to the State. Contains the purpose, need, committee amendment, cost, executive recommendation.



committee recommendation, and changes in existing law.

May 18, 1964, the House passed S. 2772 (in lieu of H. R. 11037), to amend the Alaska Omnibus Act authorizing an additional grant of \$23.5 million to the State of Alaska for earthquake recovery purposes. This action ended the bill for the President's signature.

May 27, 1964, the President signed S. 2772 into law (P. L. 88-311).

May 27, 1964, a communication was received from the President containing a draft of proposed legislation to amend the Alaska Omnibus Act to provide assistance to Alaska for reconstruction of damage by the earthquake last March. Referred to House Committee on Interior and Insular Affairs and Senate Committee on Public Works.

S. 2881 (Bartlett et al) introduced in the Senate and H. R. 11438 (Rivers) introduced in the House on May 28, 1964, bills to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes; referred to the Senate and House Committee on Interior and Insular Affairs. Senator Bartlett's descriptive remarks when he introduced the bill appear in that day's Congressional Record (pages 11779-11783).

June 3, 1964, Senator Gruening spoke from the floor of the Senate and inserted in the Congressional Record (pages 12159-12163), the statement of the Attorney General of Alaska before the Senate Interior and Insular Affairs Committee on S. 2881, which would amend the Alaska Omnibus Act, to provide assistance to the State recover from the effects of the earthquake and subsequent seismic waves. Included in his remarks were proposed amendments. One amendment would reduce the rate of interest on any loans made by the U. S. Government to Alaska to a rate lower than 3%.

On the same date the Senate Committee on Interior and Insular Affairs held and concluded hearings on S. 2881.

The Subcommittee on Territorial and Insular Affairs of the House Committee on Interior and Insular Affairs held hearings June 11, 1964, on H. R. 11438.

**ALASKA TRANSPORTATION RATES:** On June 4, 1964, Senator Gruening spoke from the floor of the Senate concerning the possible reduction of the transportation rates to Alaska. The Senator also referred to the filing of a tariff with the Interstate Commerce Commission by the Trans-Continental Freight Bureau which was to become effective June 10. (Congressional Record, pages 12239-12242.)

**ANADROMOUS FISH CONSERVATION:** The Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries held hearings May 26, 27, and 28, 1964, on H. R. 11160 and H. R. 11160 and similar bills authorizing the Secretary of the Interior to initiate a program for the conservation, development, and enhancement of the National anadromous fish in cooperation with several States. All witnesses appearing before the Subcommittee favored the principles set forth in the bills. The Commissioner of the Fish and Wildlife Service appeared

on behalf of the Interior Department and endorsed H. R. 2392, recommending amendments now incorporated into H. R. 11160. He pointed out that the Service needs additional authority to cooperate with the states in developing plans for the management and manipulation of water and anadromous fish. He indicated such legislation would supplement the Fish and Wildlife Coordination Act. He then recommended a cooperative program with the states, one to enhance the fisheries values as well as mitigate losses. Testimony was received from the Commissioner of the Maine Department of Inland Fisheries and Game, the Chief of the Marine Resources Branch of the California Department of Fish and Game, and from representatives of several private conservation organizations.

H. R. 11398 (Lipscomb) introduced in the House May 26, 1964, a bill similar to H. R. 2392; referred to the Committee on Merchant Marine and Fisheries.

On June 1, 1964, the Speaker of the House presented a memorial of the Legislature of the State of California memorializing the President and the Congress of the United States relative to anadromous fish; referred to the House Committee on Merchant Marine and Fisheries.

**ANTIDUMPING ACT AMENDMENT:** H. R. 11270 (Ellsworth), H. R. 11284 (Moore), and H. R. 11286 (Nix) introduced in the House May 18, 1964, to amend the Antidumping Act, 1921; also H. R. 11304 (Watson) introduced in the House May 19; H. R. 11347 (Fulton) and H. R. 11359 (McClory) introduced on May 21; and H. R. 11441 (Tollefson) introduced on May 28; all were referred to the Committee on Ways and Means. Similar or identical to bills previously introduced.

**CHEMICAL PESTICIDES COORDINATION:** On June 2, 1964, the Senate Committee on Commerce reported favorably, with amendments, S. 1251 (S. Rept. No. 1053), which amends the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife by the use of insecticides, herbicides, fungicides, and pesticides. The bill as reported "turns out to be more or less a Committee bill."

S. Rept. No. 1053, Protection of Fish and Wildlife from Pesticides (June 2, 1964, report from the Committee on Commerce, United States Senate, 88th Congress, 2nd Session, to accompany S. 1251), 28 pp., printed. The Committee reported the bill with amendments and recommended passage. Contains purpose of the bill, need for the bill, Committee consideration of the bill, agency comments, changes in existing law, and an appendix of notices.

**COMMERCIAL FISHERIES FUND:** On May 20, 1964, the President signed into law S. 627, an act to promote State commercial fishery research and development projects, and for other purposes--P. L. 88-309. The Act authorizes the Secretary of the Interior to cooperate with the States through their respective State agencies in carrying out projects designed for the research and development of the commercial fisheries resources of the Nation.

**CONSERVATION OF MARINE FISHERIES RESOURCES:** On May 20, 1964, the President signed into law S. 1988, an act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons other than United States nationals or in-

habitants--P. L. 88-308. In signing the bill the President issued the following statement: "This law fills a long-standing need for legislation to prevent foreign fishing vessels, which in recent years have appeared off our coast in increasing numbers, from fishing in our territorial waters. The new law will not establish any new rights to the continental shelf. But it will make possible the enforcement of whatever rights that now exist or may be established. Since the waters over the continental shelf are high seas, efforts will be made to work out in advance with foreign countries procedures for enforcement there. In this connection, the United States has assured Japan that in such consultations with Japan full consideration will be given to Japan's long-established king crab fishery."

Senator Bartlett on June 5, 1964, spoke from the floor of the Senate concerning the presence of Soviet fishing fleets off U. S. shores. He also inserted an article, "Big Soviet Fleet Reported Fishing in Waters off Mexico," which was published in the Mexico News of May 29. (Congressional Record, pages 12385-12386.)

**CONSUMER PROTECTION:** On June 3, 1964, Congressman Dingell under extension of remarks inserted in that day's Congressional Record (pages A2977-2978) portions of an address given by the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, delivered before the Conference on the Government's Role in Consumer Protection at the University of Toledo, on April 24, 1964, regarding the Government's role in consumer protection as viewed from the executive-judicial perspective.

**FEDERAL PESTICIDES CONTROL ACT OF 1964:** On May 26, 1964, the House Committee on Agriculture held a hearing on operation of pesticide laws and regulations. Testimony was heard from representatives of three Government agencies.

**FOOD MARKETING NATIONAL COMMISSION: Study of Food Marketing** (Hearings before the Committee on Commerce, United States Senate, 88th Congress, 2nd Session), Part I, 126 pp., and Part II, 196 pp., printed. Contains hearings held March 23, 24, 25, and April 8, 13, 16, 22, 23, 29, and 30, 1964, on S. J. Res. 71, and S. J. Res. 71, as amended. Included are statements of various Federal and state officials.

S. Rept. No. 1022, Establishing a National Commission on Food Marketing (May 12, 1964, report from the Committee on Commerce, United States Senate, 88th Congress, 2nd Session, to accompany S. J. Res. 71, as amended), 18 pp., printed. The Committee reported the resolution with amendments and recommended passage. Contains purpose, background, and need for the resolution, committee amendments, cost, section-by-section analysis, agency reports, memorandum, and changes in existing law.

H. Rept. 1401, National Commission on Food Marketing (May 13, 1964, report from the Committee on Agriculture, House of Representatives, 88th Congress, 2nd Session), 7 pp., printed. The Committee recommended passage (with amendments) of H. J. Res. 977, to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer. Contains the purpose of the bill, general statement, hearings, committee amendments, and executive communications.

On May 18, 1964, the Senate (after adopting committee amendments en bloc and 2 floor amendments) passed

S. J. Res. 71, to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer. Descriptive remarks concerning the bill are found in that day's Congressional Record (pages 10822-10828).

On May 21, 1964, the House Committee on Rules referred action on H. J. Res. 977, a resolution similar to S. J. Res. 71.

On May 26, 1964, the House Committee on Rules granted an open rule on H. J. Res. 977.

On June 4, 1964, the House passed H. J. Res. 977. This passage was subsequently vacated and S. J. Res. 71, a similar resolution, was passed in lieu after being amended to contain the House-passed language. The House insisted on its amendment; requested a conference with the Senate; and appointed conferees. House adopted amendments relating to approval of employees of the Commission by the Commissioner in lieu of the Chairman; also to broaden proposed study to include effectiveness of dissemination of market news; and the effect of imported foods on U. S. producers, processors and consumers. Rejected an amendment to reduce authorization of Commission to \$500,000 instead of \$1,500,000. H. Res. 737, the rule under which the legislation was considered, had been adopted earlier by voice vote.

Committees of both houses have approved joint resolutions to establish a National Commission on Food Marketing. Amendments by the House Committee included a reduction in the authorization for funds from \$2.5 million to \$1.5 million and also provided that the Commission's report is to be completed by July 1, 1966, instead of July 1, 1966, and that it will state only conclusions and findings without making legislative recommendations. House amendments also provided that at least three members of the Commission would be required to conduct hearings, and that the powers of the Commission could be exercised only on majority vote. Amendments by the Senate Committee were minor, including one to bring products such as seafood within the scope of the Commission's investigations. These amendments, however, would authorize a two-year study without the fund cut authorized by the House Committee. Both measures (H. J. Res. 977 and S. J. Res. 71) provide for a Commission of 15 members. In the proposed legislation, the duties of the Commission are described as follows: "The Commission shall study and appraise the marketing structure of the food industry including the following: (1) the actual changes in the various segments of the food industry; (2) the changes likely to materialize if present trends continue; (3) the kind of food industry that would assure efficiency of production, assembly, processing and distribution, provide appropriate services to consumers and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer; (4) the changes in status or public policy, the organization of farming and food assembly, processing, and distribution, and interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency; and the effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry."

On June 5, 1964, the Senate disagreed to House amendment to S. J. Res. 71. The Senate then agreed to the conference requested by House, and appointed conferees.

**GREAT LAKES FISHERIES:** On May 19, 1964, Congressman Cederberg and Congressman Chamberlain, in an extension of remarks, inserted in that day's Congressional Record (pages A2600 and A2641) a resolution adopted by the Legislature of the State of Michigan urging Congress to speed the proposed financial assistance to the Great Lakes fishing industry and urging that an inspection system with respect to in-water fish imported from Canada be instituted.

**INTERNATIONAL CONVENTION FOR THE NORTH-ATLANTIC FISHERIES:** On June 1, 1964, the Committee on Foreign Relations submitted to the Senate a favorable report on Executive B, Protocol International Convention for the Northwest Atlantic Fisheries (signed at Washington, February 8, 1949), which protocol relates to harp and hood seals and was adopted July 15, 1963 (Ex. Rept. No. 8). Ratification of the protocol by the Senate would indicate the approval of the United States in bringing those species within the jurisdiction of the Northwest Atlantic Fisheries Commission. (The principal commercial fishery for harp and hood seals is conducted on the ice of the Gulf of St. Lawrence and east of Newfoundland in early spring. The parties to the Convention presently engage in the fishery: Canada, Denmark, Norway, and the Soviet Union.)

**INTERNATIONAL FOOD STANDARDS:** On June 2, 1964, Senator Anderson inserted in that day's Congressional Record (pages A2924-2926) an address by the Chairman of the U. S. Food and Agriculture Organization Interagency Subcommittee on Codex Alimentarius of the Institute of Food Technologists (24th annual meeting, May 25, Washington, D. C., on "A New Vital Importance in International Food Standards." The Senator introducing the insertion of the address said: "... United States, in cooperation with the Food and Agriculture Organization and the World Health Organization is participating very actively in creating a system of international food standards. New food technology, development of trade areas through the world, and improved transportation have accelerated the need for a body of food standards. . . ."

**MEDICAL CARE FOR VESSEL OWNERS:** On June 4, 1964, the House Committee on Interstate and Foreign Commerce met in executive session and ordered reported favorably to the House H. R. 3873. (H. Rept. No. 1467, to amend session 322 of the Public Health Service to permit certain owners of fishing boats to receive medical care and hospitalization without charge from the Public Health Service. It appears that the Committee reported this House bill in lieu of the Senate-passed S. 978. The House bill is similar to the Senate bill. Under the terms of H. R. 3873 the medical service privileges would be extended to "Persons who own vessels registered, enrolled or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels, on such operations, and a substantial part of whose services in connection with such fishing operations are attributable to services performed by seamen employed on such vessel or on vessels engaged in similar operations."

Rept. No. 1467, Medical Care for Fishing Boat Owners (June 9, 1964, Report from the Committee on Interstate and Foreign Commerce, House of Representatives, 88th Congress, 2nd Session, to accompany H. R. 3873), 14 pp., printed. The Committee reported

the bill without amendments and recommended passage. Contains purpose, provisions, and cost of the bill; agency reports; and changes in existing law.

**NATIONAL OCEANOGRAPHY AGENCY:** On May 19, 1964, Congressman Wilson under extension of remarks inserted in the Congressional Record (page A2607) an article from Undersea Technology entitled "Centralizing Oceanography."

**NORTH PACIFIC FISHERIES RESOURCES:** On June 2, 1964, Congressman Pelly inserted in that day's Congressional Record (page A2931) extension of remarks concerning a resolution adopted May 20, 1964, by the Ballard Exchange Club of Seattle, Wash., on protection of North Pacific fisheries. The Congressman remarked that this resolution indicates public concern over the adverse impact the Japanese and Soviet fishing fleets are having on North Pacific fisheries resources.

**OCEANOGRAPHIC LEGAL PROBLEMS:** H. R. 11419 (Lennon) introduced in the House on May 27, 1964, a bill authorizing the appropriation of \$50,000 for a study of the legal problems of management, use, and control of the natural resources of the oceans and ocean beds; referred to the Committee on Merchant Marine and Fisheries.

**RESEARCH PROGRAMS:** On May 19 and 20, 1964, the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics held hearings on geographical distribution and indirect costs of Federal research and development. Testimony was given by public witnesses.

**STATE DEPARTMENT APPROPRIATIONS FY 1965:** On May 25, 1964, the Subcommittee of the Senate Committee on Appropriations continued hearings on H. R. 11134, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965. Testimony was given by several Federal officials. Included are funds for the International Fisheries Commission.

**SUPPLEMENTAL APPROPRIATIONS FY 1964:** On May 8, 1964, the Committee on Appropriations reported (H. Rept. 1386) to the House H. R. 11201, making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes. The bill passed the House on May 11. The Senate received the House-passed bill on May 12. Bill reported (S. Rept. 1030) in Senate May 27 by the Committee on Appropriations. On May 28 after adopting Committee amendments en bloc and a technical amendment by Senator Pastore, the Senate, by unanimous consent, passed H. R. 11201, making deficiency appropriations for fiscal year 1964. As passed by the Senate, the bill would provide the sum of \$46,570,000 for items relating to Alaskan earthquake damage, which sum includes \$650,000 for repair and rehabilitation of Bureau of Commercial Fisheries facilities and equipment replacement; \$17,000,000 for extension of transitional grants to Alaska to assist the State in recovering from the earthquake effects; and \$150,000 for the necessary expenses of the Federal Reconstruction and Development Planning Commission for Alaska. The Senate insisted on its amendments, asked for conference with the House, and appointed conferees.

On June 2, 1964, the House disagreed to Senate amendments to H. R. 11201, and agreed to the conference

requested by the Senate. House also appointed conferees and scheduled a meeting for June 3.

On June 3, 1964, the House and Senate conferees in executive session agreed to file a conference report on the differences between the Senate- and House-passed versions of H. R. 11201 (H. Rept. 1457). As approved by the conferees, the bill would provide a total of \$1,336,687,143. The Senate version of the bill provided a total of \$1,349,637,143, and the House-passed figure was \$1,264,913,689.

On June 4, 1964, the House adopted the conference report on H. R. 11201, and sent the legislation to the Senate. The Senate adopted conference report on H. R. 11201 on the same day, concurring in certain House amendments to Senate amendments. This cleared the legislation for the President's signature. As approved by both Houses, the bill still provides \$650,000 for the Bureau of Commercial Fisheries for construction relating to the Alaskan earthquake disaster.

Deficiency Appropriations for 1964 (Hearings before the Committee on Appropriations, United States Senate, 88th Congress, 2nd Session), 266 pp., printed. Contains hearings held on H. R. 11201, making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes.

H. Rept. No. 1386, Deficiency Appropriation Bill, 1964 (May 8, 1964, report from the Committee on Appropriations, House of Representatives, 88th Congress, 2nd Session, to accompany H. R. 11201), 28 pp., printed. The Committee submitted the report in explanation of the deficiency appropriations in H. R. 11201. Contains scope and summary of the bill. Included is a table summarizing the budget estimates and amounts recommended in the bill.

S. Rept. No. 1030, Deficiency Appropriation Bill, 1964 (May 27, 1964, report from the Committee on Appro-

priations, United States Senate, 88th Congress, 2nd Session, to accompany H. R. 11201), 35 pp., printed. The Committee reported the bill with various amendments. Contains additional appropriations for various Government agencies.

H. Rept. No. 1457, Deficiency Appropriation Bill, 1964 (June 3, 1964, report from the Committee on Conference, House of Representatives, 88th Congress, 2nd Session, to accompany H. R. 11201), 5 pp., printed. The Committee agreed to recommend various agreements to the House and Senate.

On June 9, 1964, the President signed into law H. R. 11201 making deficiency appropriations for fiscal year 1964.

TRADE NEGOTIATIONS: On June 3, 1964, Senator Javits spoke from the floor of the Senate (Congressional Record, pages 12197-12200) and on June 14, Congressman Curtis made a statement under an extension of remarks (Congressional Record, pages A3263-3264) concerning the forthcoming trade negotiations in Geneva under the General Agreement on Tariffs and Trade. Senator Javits and Congressman Curtis both inserted in the Congressional Record, a newspaper article titled "Free Trade Hurdles--Multitude of Non-tariff Obstacles to Imports Troubles GATT Talks--France Rejects Unsanitary U. S. Pork; Europe Fumes; Buy American Policies--Undercutting Geneva Gains?"

UNITED STATES FISHING INDUSTRY: On May 2, 1964, Senator Kennedy spoke from the floor of the Senate and inserted in the Congressional Record (pages 11168-11170) excerpts from a speech ("A New Thrust for American Fisheries") given by Under Secretary of the Interior James K. Carr at the National Fisheries Institute Convention held in Seattle April 24-25, 1964.



#### UNDERWATER INTERCOM PERMITS SKIN DIVERS TO TALK

In the short history of skin diving as a popular sport, one of the major bottlenecks has been underwater communication which traditionally has been carried out with sign language of the most difficult type. Now they have developed an effective intercom system that works underwater called "Watercom." The new system consists of a special face mask, a throat mike, and a 5-pound cylindrical transmitter strapped to the diver's air tank. Spoken words are picked up by the throat mike, carried to the transmitter on the air tank, amplified, and broadcast into the water so any diver within 100 yards can hear the speaker without any special receiving equipment to bother with.

--By John L. Russell, Jr.  
The Aquarium, May 1964.