

**FRUIT AND NUTS, IMPORT RESTRICTIONS
UNDER AGRICULTURAL MARKETING
AGREEMENT ACT OF 1937, AS
AMENDED; HEARING, EIGHTY-SIXTH
CONGRESS, SECOND SESSION, MAY 9
AND 10, 1960, SERIAL ZZ**

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Fruit and Nuts, Import Restrictions Under Agricultural Marketing Agreement Act of 1937, As Amended; hearing, eighty-sixth congress, second session, May 9 and 10, 1960, Serial ZZ by Various

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FRUIT AND NUTS

Import Restrictions Under the Agricultural Marketing Agreement Act of 1937, as Amended

MONDAY, MAY 9, 1960

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DOMESTIC MARKETING,
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1310 New House Office Building, Hon. Harlan Hagen presiding.

Mr. HAGEN. We have one Democrat and one Republican present. Therefore, we shall start to hear testimony on the various proposals to amend section 8e of the Agricultural Adjustment Act of 1933 as amended by the Agricultural Marketing Agreement Act of 1937.

Mr. TEAGUE. Mr. Chairman, I think the record should show who that Republican and that Democrat present are.

Mr. HAGEN. We have Congressman Teague from California and myself. Mr. Grant, who is the chairman of this subcommittee, will be here soon, as I understand it.

I think at this point in the record we might include section 8e as it is presently written.

(Section 8e follows:)

AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

RESTRICTIONS ON IMPORTED COMMODITIES

Sec. 8e. Notwithstanding any other provision of law, whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of this Act contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, or eggplants produced in the United States the importation into the United States of any such commodity during the period of time such order is in effect shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder: *Provided*, That this prohibition shall not apply to such commodities when shipped into continental United States from the Commonwealth of Puerto Rico or any Territory or possession of the United States where this Act has force and effect: *Provided further*, That whenever two or more such marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of any such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition. Such prohibition shall not become effective until after the giving of such notice as the Secretary of Agriculture determines reasonable, which shall not be less than three days. In determining the amount of notice that is reasonable in the case of tomatoes the Secretary of Agriculture shall give due consideration to the time required for their transportation and entry into the United States after picking.

Whenever the Secretary of Agriculture finds that the application of the restrictions under a marketing order to an imported commodity is not practicable because of variations in characteristics between the domestic and imported commodity he shall establish with respect to the imported commodity such grade, size, quality, and maturity restrictions by varieties, types, or other classifications as he finds will be equivalent or comparable to those imposed upon the domestic commodity under such order. The Secretary of Agriculture may promulgate such rules and regulations as he deems necessary, to carry out the provisions of this section. Any person who violates any provision of this section or of any rule, regulation, or order promulgated hereunder shall be subject to a forfeiture in the amount prescribed in section 8a(5) or, upon conviction, a penalty in the amount prescribed in section 8c(14) of the Act, or to both such forfeiture and penalty (8 U.S.C. 608e-1).

Mr. HAGEN. This is a repeat subject. We have had similar bills previously and have held hearings. We have a series of bills introduced by various Congressmen, all of which seek to amend the aforesaid section 8e.

(The bills and reports thereon follow:)

[H. R. 998, 86th Cong., 1st sess.]

A BILL To amend section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to shelled walnuts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "limes, grapefruit" and inserting in lieu thereof "limes, grapefruit, shelled walnuts."

U. S. DEPARTMENT OF AGRICULTURE,
Washington, D. C., November 6, 1959.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of June 17 for a report on H. R. 998, a bill to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, by striking out the words "limes, grapefruit" and inserting in lieu thereof "limes, grapefruit, shelled walnuts." The effect of this bill would be to require that imports of shelled walnuts meet the same grade, size, quality, and maturity requirements as are imposed upon domestic marketings of shelled walnuts under a marketing order.

We do not object to the passage of this bill. The principle of equivalent quality regulations on the domestic and imported commodity we believe to be basically sound.

Walnuts both in shell and shelled are now regulated by quality under a marketing order when marketed in domestic commerce. If this bill becomes law, it would mean that the same quality regulations applicable to shelled walnuts sold in domestic commerce would be applicable to imports of shelled walnuts. Imports of shelled walnuts vary from year to year, but average approximately 7 million pounds a year.

All commodities regulated under section 8e of the aforementioned act are required to be inspected and meet specified quality requirements at the United States port of entry. This means that every lot requires inspection by the Department of Agriculture, and the cost of such inspection is borne by the importer.

The cost of administering this amendment is estimated at \$2,000 per year.

The Departments of State and Commerce do not concur with the position taken by this Department on the proposed legislation. Enclosed are copies of letters from the above-mentioned Departments in which their views are set forth.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, Acting Secretary.

[H.R. 1010, 86th Cong., 1st sess.]

A BILL To amend section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to all imported citrus fruits, and to sliced figs, dried figs, fig paste, and shelled walnuts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "limes, grapefruit" and inserting in lieu thereof "any citrus fruit, sliced figs, dried figs, fig paste, shelled walnuts".

[H.R. 1018, 86th Cong., 1st sess.]

A BILL To amend section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to all imported limes, grapefruit, lemons, mandarins, all types of oranges including temples, tangerines, marcotts, and tangeloes, dried figs, fig paste, sliced dried figs, shelled walnuts, dates with pits, dates with pits removed, and products made entirely of dates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "limes, grapefruit" and inserting in lieu thereof "limes, grapefruit, lemons, mandarins, all types of oranges including temples, tangerines, marcotts, and tangeloes, dried figs, fig paste, sliced dried figs, shelled walnuts, dates with pits, dates with pits removed, and products made entirely of dates."

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 6, 1959.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of January 14, 1959, for a report on H.R. 1018, a bill to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to include lemons, mandarins, all types of oranges including temples, tangerines, marcotts, tangeloes, dried figs, fig paste, sliced dried figs, shelled walnuts, dates with pits, dates with pits removed, and products made entirely of dates in the list of commodities for which imports thereof must be regulated by grade, size, quality, and maturity in the same manner as the handling of part or all of the domestic commodity is regulated.

We do not object to the passage of this bill. The principle of equivalent quality regulations on the domestic and imported items we believe to be basically sound.

The principal citrus fruits added by this bill are oranges and lemons. We now have marketing orders in operation which regulate the quality of fresh oranges; consequently, imports thereof would come under regulation if this bill were to become law. U.S. imports of fresh oranges as well as fresh lemons are very small in relation to domestic production.

The proposal to add dried figs, fig paste, and sliced dried figs as well as dates and date products would result in the first semiperishable and semimanufactured items being added to the commodities for which imports are subject to regulation under section 8e of the said act. The marketing of dates and figs domestically is covered by marketing orders, and the imports thereof would come under equivalent quality regulation if this proposal were enacted into law. U.S. imports of figs and dates are very substantial. Most domestic figs are marketed in the form of fig paste, and most of the imported figs are imported in the form of fig paste.

It is suggested that the term "products made entirely of dates" as used in this bill be further clarified. We know of no date product (except those with moisture content below 5 percent) which consists 100 percent of date material.

Date pieces are coated with rice flour or other material to produce a free-flowing product. Other products, such as date butter, contain preservatives or flavor intensifiers. Under our interpretation of the language contained in this bill, none of these products would be included. Moreover, it would be necessary at times to have the date product analyzed to determine whether in fact it was made entirely of dates. This would cause delays and accompanying difficulties in administration.

Imported figs, fig paste, shelled walnuts, dates, and date products are now subject to inspection by the Food and Drug Administration; however, we are advised that such inspections are made on a selective basis and some lots may enter the country uninspected. Although both the Food and Drug Administration and the Department of Agriculture inspections are directed at wholesomeness, the quality requirements of the Department of Agriculture under marketing orders may be different and apply to items of fruit quality not of direct concern to the Food and Drug Administration.

All commodities and products included under section 8e of the aforementioned act are required to be inspected and meet specified requirements at the port of entry. This means that every lot requires inspection by the Department of Agriculture, and the cost of such inspection is borne by the importer.

The cost of administering this amendment is estimated at \$25,000 per year.

The Departments of State, Commerce, and Health, Education, and Welfare do not concur with the position taken by this Department on the proposed legislation. Enclosed are copies of letters from the above-mentioned Departments in which their views are set forth.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUX D. MORSE, *Acting Secretary.*

[H.R. 1019, 86th Cong., 1st sess.]

A BILL To amend section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to all imported shelled walnuts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "limes, grapefruit" and inserting in lieu thereof "any shelled walnuts, citrus fruit."

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 6, 1959.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture, House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of January 16, 1959, for a report on H.R. 1019, a bill to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, by striking out the words "limes, grapefruit" and inserting in lieu thereof "any shelled walnuts, citrus fruit." The effect of this bill would be to require that imports of shelled walnuts and citrus fruits meet the same grade, size, quality, and maturity requirements as are imposed on domestic marketings of such commodities under marketing orders.

We do not object to the passage of this bill. The principle of equivalent quality regulations on the domestic and imported items we believe to be basically sound.

We now have marketing orders in operation which regulate the quality of fresh oranges marketed; consequently, imports of oranges would come under regulation if this bill were to become law. United States imports of fresh oranges have been relatively small in relation to domestic production. Walnuts both in shell and shelled are now regulated by quality under a marketing order when marketed in domestic commerce. If this bill becomes law, it would mean that the same quality regulations would become applicable to imports of shelled