

administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 8 of 1950 and 29 CFR 511.18, the recommendations of Industry Committee No. 17 are hereby published, revising §§ 697.1 and 697.3 of Part 697, Title 29, Code of Federal Regulations.

Because, under sections 5, 6, and 8 of the Fair Labor Standards Act and 29 CFR 511.18, the Department has no authority to disapprove the recommended rates set by the industry committee, the Department finds, pursuant to 5 U.S.C. 553.(b)(3)(B), that notice and public procedure thereon under the Administrative Procedure Act are not necessary.

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division.

Classification

This rule is not classified as a "rule" under Executive Order 12291 on Federal Regulations because the Department is simply complying with the statutory requirement of publishing the recommendations of an industry committee in accordance with sections 5, 6, and 8 of the Fair Labor Standards Act. Pursuant to such sections, the Department is required to approve the recommendations of such industry committee and to publish such recommendations in the Federal Register. The performance of such a ministerial act by the Department does not constitute the promulgation of a "rule" under E.O. 12291.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b) the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, Stat. 1164, 5 U.S.C. 601 *et seq.* pertaining to regulatory flexibility analysis, do not apply to this rule. See: 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 697

Minimum wages, American Samoa.

Accordingly, Part 697 of Chapter V of Title 29, Code of Federal Regulations is amended as set forth below.

PART 697—INDUSTRY IN AMERICAN SAMOA

Part 697 of Title 29 CFR is amended as follows:

1. The authority citation for Part 697 continues to read as follows:

Authority: Secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 208, 208.

2. Section 697.1 (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1), (h)(1), (i)(1), (j)(1), (k)(1), (l)(1), (m)(1) and (2), (n)(1), is revised to read as follows:

§ 697.1 Wage rates and industry definitions.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is \$3.35 an hour effective July 7, 1986.

(b) *Shipping and transportation industry.* (1) The minimum wage for classification A, stevedoring, lighterage and maritime shipping agency activities, is \$3.35 an hour effective July 7, 1986. The minimum wage for classification B, all other activities, is \$3.22 an hour effective July 7, 1986 and \$3.35 an hour effective July 6, 1987.

(c) *Tour and travel service industry.* (1) The minimum wage for this industry is \$2.90 an hour effective July 7, 1986 and \$3.35 an hour effective July 6, 1987.

(d) *Petroleum marketing industry.* (1) The minimum wage for this industry is \$3.35 an hour effective July 7, 1986.

(e) *Construction industry.* (1) The minimum wage for this industry is \$2.93 an hour effective July 7, 1986 and \$3.35 an hour effective July 6, 1987.

(f) *Hotel industry.* (1) The minimum wage for this industry is \$2.12 an hour effective July 7, 1986, \$2.47 an hour effective January 5, 1987, \$2.82 an hour effective July 6, 1987, \$3.17 an hour effective January 4, 1988, and \$3.35 an hour effective April 4, 1988.

(g) *Retailing, wholesaling and warehousing industry.* (1) The minimum wage for this industry is \$2.35 an hour effective July 7, 1986, \$2.65 an hour effective January 5, 1987, \$3.00 an hour effective July 6, 1987, and \$3.35 an hour effective January 4, 1988.

(h) *Laundry and dry cleaning industry.* (1) The minimum wage for this industry is \$1.95 an hour effective July 7, 1986, \$2.30 an hour effective July 5, 1986, \$2.65 an hour effective July 6, 1986, \$2.95 an hour effective July 4, 1986, and \$3.35 an hour effective April 4, 1988.

(i) *Bottling and dairy products industry.* (1) The minimum wage for this

industry is \$2.35 an hour effective July 7, 1986, \$2.65 an hour effective January 5, 1987, \$3.00 an hour effective July 6, 1987, and \$3.35 an hour effective January 4, 1988.

(j) *Printing and publishing industry.* (1) The minimum wage for this industry is \$2.86 an hour effective July 7, 1986 and \$3.35 an hour effective July 6, 1987.

(k) *Finance and insurance industry.* (1) The minimum wage for this industry is \$3.11 an hour effective July 7, 1986 and \$3.35 an hour effective July 6, 1987.

(l) *Private hospitals and educational institutions industry.* (1) The minimum wage for this industry is \$2.19 an hour effective July 7, 1986, \$2.54 an hour effective January 5, 1987, \$2.89 an hour effective July 6, 1987, \$3.24 an hour effective January 4, 1988, and \$3.35 an hour effective April 4, 1988.

(m) *Government employees industry.* (1) The minimum wage for this industry is \$2.30 an hour effective October 1, 1986, \$2.65 an hour effective April 1, 1987, \$3.00 an hour effective October 1, 1987, and \$3.35 an hour effective April 4, 1988.

(2) This industry includes all activities of employees of the Government of American Samoa. This industry does not include any employee of the United States or its agencies.

(n) *Miscellaneous activities industry.* (1) The minimum wage for this industry is \$2.30 an hour effective October 1, 1986, \$2.65 an hour effective April 1, 1987, \$3.00 an hour effective October 1, 1987, and \$3.35 an hour effective April 4, 1988.

3. Section 697.3 is revised to read as follows:

§ 697.3 Effective dates.

The wage rates specified in § 697.1 shall be effective as follows:

(a) Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of 697.1 are effective on July 7, 1986.

(b) Paragraphs (m) and (n) of 697.1 are effective on October 1, 1986.

Signed at Washington, D.C., this 18th day of June, 1986.

Paula V. Smith,

Administrator, Wage and Hour Division, U.S. Department of Labor.

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