

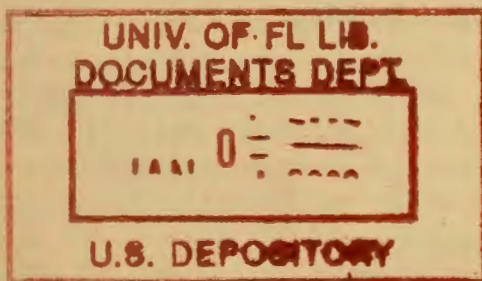
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

LUMBER AND TIMBER
PRODUCTS INDUSTRY

AS APPROVED ON OCTOBER 6, 1934



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AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
LUMBER AND TIMBER PRODUCTS INDUSTRY

As Approved on October 6, 1934

ORDER

APPROVING AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE
LUMBER AND TIMBER PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Lumber and Timber Products Industries, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

PROVIDED, FURTHER, that this Order shall become effective four (4) days after the date hereof, subject, however, to suspension or modification on good cause shown by any interested parties within fifteen (15) days of the effective date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Acting Division Administrator.

WASHINGTON, D. C.,
October 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Lumber and Timber Products Industries, as approved by you on August 19, 1933, the Lumber Code Authority has submitted its Amendment, which is included and attached.

This is a report of the Hearing on the foregoing Amendment conducted March 27 to 30, 1934, in Washington, D. C., in accordance with the provisions of the National Industrial Recovery Act.

This Amendment purports to further restrict the transfer of production allotments and is necessitated by the fact that in the past transfers have been too freely given, resulting in an unfair advantage to some producers and augmenting of inventories which were already much too large. Article VIII of the Lumber and Timber Products Industries Code has limited production in the Industry, but despite this, the inventories of many mills have been built up resulting in stocks which are unnecessarily large. This Amendment permits the Lumber Code Authority to maintain a greater control over production and at the same time eliminates abuses which have existed under administration of the Code as now written.

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 hereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, we have approved this Amendment to the Code.

Respectfully,

NATIONAL INDUSTRIAL RECOVERY BOARD,
By G. A. LYNCH, *Administrative Officer*.

OCTOBER 6, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

In Article VIII (g), strike out the last sentence and substitute therefor the following:

"Allotments shall not be cumulative except as authorized in specific cases under Section (d) (1) of this Article, or in cases of seasonal operations of a division or subdivision under Section (d) (2) of this Article, and shall not be transferable except that upon application, the administrative agency of a division or subdivision, if it shall find that the nontransferability of an allotment causes or will cause an undue hardship in any particular case, and if it shall find, further, that the limitations hereinafter set forth upon the exercise of its authority do not exist, may authorize, under such equitable conditions and limitations as it shall determine, the transfer of allotments between operations under the same ownership within the same division or subdivision, provided that such authorization shall not become effective for a period of fifteen (15) days after the date thereof, and provided, further, that such authorization, together with the findings of fact of said agency shall be transmitted on the date thereof to the Authority and the National Recovery Administration, and provided further, that such authorization shall be subject to appeal by any interested party as provided in Article XVII hereof. No division or subdivision agency shall authorize the transfer of any allotment: (1) from a mill or factory acquired after the effective date hereof until such mill shall have been operated in good faith for six consecutive months by the new owner; (2) from one mill to another unless the species ordinarily produced by both are substantially the same; or (3) from any mill, the greater part of whose product may, under the provisions of Article IX, Section (a), Subsection 2 of this Code, be sold at prices less than the approved reasonable costs for the division or subdivision, except from a mill of the same class."

Approved Code No. 9—Amendment No. 23.
Registry No. 313-1-06.

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