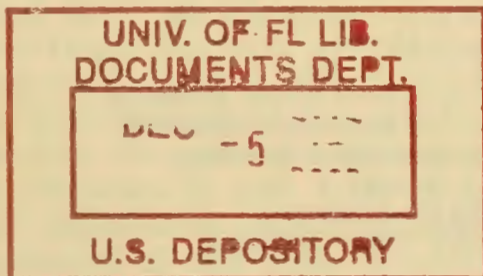


NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
BITUMINOUS COAL INDUSTRY**

AS APPROVED ON NOVEMBER 5, 1934



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Approved Code No. 24—Amendment No. 4

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

As Approved on November 5, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL 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 16th, 1933, for approval of an amendment to a Code of Fair Competition for the Bituminous Coal Industry as contained in a published Notice of Opportunity to File Objections, Administrative Order 24-52, dated August 1, 1934, and amended to meet certain objections which were filed as provided in said Published Notice and 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 complies in all respects with the pertinent provisions and will promote the policy and the purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Acting Division Administrator.

WASHINGTON, D. C.,
November 5, 1934

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VII, Section 3 of the Code for said Industry, is entirely inadequate in view of the necessity of obtaining reliable data and facts for use in studies of wages and prices and in administering the provisions of the Code, and it is therefore evident that the proposed amendment to Article VII, Section 3, of said Code will overcome the existing inadequate provision.

FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all 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 among trade groups, by including and maintaining united 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 modified 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 thereof.

(c) The Code empowers any Divisional 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.

Said amendment is accordingly approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

NOVEMBER 5, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

Delete Section 3 of Article VII and substitute in lieu thereof the following:

SECTION 3. (a) Each Code Authority shall set up and maintain a Statistical Bureau which shall be under the direction of a Managing Director, who may be the Secretary of the Code Authority and who shall not be an officer, director, or employee of any producer. All producers shall, in their respective Sub-divisions, (or Divisions) report all spot orders to such Bureau and shall file with such Bureau copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda and such other information concerning the production and sale of coal as such Code Authority, with the approval of its Presidential Member, may require.

(b) Each producer shall, in his Sub-division (or Division) file all such reports and other information as described in sub-section (a) above with the Statistical Bureau of the Sub-division (or Division). Failure to file such reports or other information, or filing materially inaccurate reports or other information, shall be a violation of the Code.

(c) All such records shall be held by such Bureau as the confidential records of the producer filing such information, until the Code Authority shall direct their return to the producer filing the same.

(d) Each Bureau shall, if so directed by the Code Authority, compile from such records, in composite form and in such manner as shall not be prejudicial to the interests of any producer, statistical information with respect to the sale and distribution of coal. None of such records nor the information contained therein shall be disclosed to anyone except as so compiled and except as hereinafter provided in subsections (e) and (f) hereof in connection with violations of the Code.

(e) The Managing Director shall examine such records and if such examination shall, in the opinion of the Managing Director, disclose a violation of the Code, the Managing Director shall report such violation to the Presidential Member, together with any information necessary to enable the Presidential Member to consider such violation. In investigations of any complaint of unfair practices, the Presidential Member of a Code Authority shall have power to require such other reports from, and shall be given access to inspect the books and records of producers within the jurisdiction of such Code Authority to the extent he may deem necessary for the determination of the validity of the complaint.

(f) If the Presidential Member shall determine that any such complaint as described in subsection (e) hereof discloses a violation of the Code, the Presidential Member shall report such violation to the Code Authority together with any reports or other information

filled in accordance with the provisions of this section which may appear necessary to the Presidential Member to enable the Code Authority to consider the merits of such violation and to take such steps as it shall deem necessary to secure observance of the Code.

(g) All producers subject to the Code shall furnish to any government agency or agencies designated by the Administrator such statistical information as the Administrator may from time to time deem necessary for the purpose recited in Section 3 (a) of the National Industrial Recovery Act.

(h) The expense of administering this Code by a Divisional (or Sub-Divisional) Code Authority shall be borne by those subject to such Code Authority, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by the Code Authority with the approval of the Administrator, and failure to pay such assessments shall constitute a violation of the Code.

Approved Code No. 24—Amendment No. 4.
Registry No. 702-45.



