

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
INLAND WATER CARRIER TRADE IN
THE EASTERN DIVISION
OF THE
UNITED STATES OPERATING VIA THE
NEW YORK CANAL SYSTEM**

AS APPROVED ON JULY 27, 1934



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AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
INLAND WATER CARRIER TRADE IN THE
EASTERN DIVISION OF THE UNITED STATES
OPERATING VIA THE NEW YORK CANAL
SYSTEM

As Approved on July 27, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
INLAND WATER CARRIER TRADE IN THE EASTERN DIVISION OF THE
UNITED STATES OPERATING VIA THE NEW YORK CANAL SYSTEM

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 Inland Water Carrier Trade in the Eastern Division of the United States, operating via the New York Canal System, and opportunity to be heard having been duly afforded all interested parties 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, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do 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 do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
July 27, 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 Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System, submitted by the Code Authority for the said Trade.

The existing provision of Article X, Section 9 of the Code for said Trade, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the proposed amendment to Article X of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

FINDINGS

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

I 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 inducing 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 the industries, by avoiding undue restrictions 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 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Trade 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, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 27, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE INLAND WATER CARRIER TRADE IN THE EAST- ERN DIVISION OF THE UNITED STATES OPERATING VIA THE NEW YORK CANAL SYSTEM

Amend Article X by deleting the present Section 9 and substituting in lieu thereof a new Section 9 reading as follows:

SECTION 9 (1). It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2). Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Trade complying with the code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(a) The expenses of administering the Code shall be prorated equitably among all members of the Trade on the basis of tonnage carried and at the rate of assessment provided in the budget for the Trade approved by the Administrator. A report of the tonnage carried the preceding month shall be filed with the Code Authority by each member of the Trade within ten (10) days after the close of each calendar month.

(b) Changes in the rate of assessment provided in the budget for the Trade may be made upon application by the Code Authority to the Administrator and become effective upon his approval.

(3). The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event, exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 266—Amendment No. 1.
Registry No. 1417-14.



