

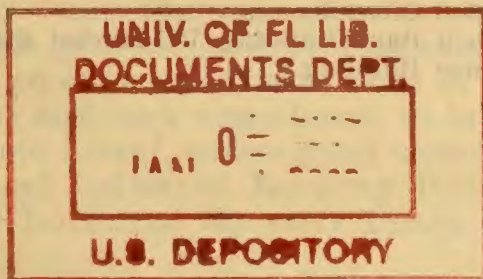
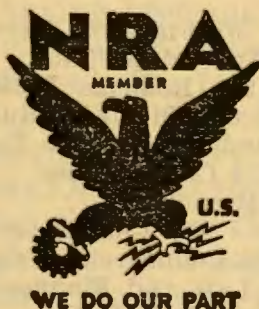
NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION**


FOR THE

CORK INDUSTRY

AS APPROVED ON APRIL 13, 1935



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Approved Code No. 199—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CORK INDUSTRY

As Approved on April 13, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CORK 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 Cork Industry, and an opportunity to be heard having been duly afforded 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, dated September 27, 1934, 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 the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

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

Approval recommended:

ROBT. N. CAMPBELL,
Acting Division Administrator.

WASHINGTON, D. C.,
April 13, 1935.

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 amendment to the Code of Fair Competition for the Cork Industry, submitted by the Code Authority for said Industry.

The purpose and effect of the deletion and amendment as submitted are to revise the Code in conformity with the standard requirements for child labor and hazardous occupations; and for the insertion in the Code of the standard mandatory clauses for the basis of assessment and contribution by members of the Industry to the expenses of administering the Code for the Cork Industry.

FINDINGS

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

The Board finds that:

(a) The amendment to said Code and the Code as amended are well designated 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 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 sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

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

(d) 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.

(e) 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, said amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

APRIL 13, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CORK INDUSTRY

Delete Section 1 of Article V in its entirety, which is as follows:

"SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age."

Insert as new Section 1 of Article V the following:

SECTION 1. No person under sixteen (16) years of age shall be employed in this Industry in any capacity. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the National Industrial Recovery Board for approval within ninety (90) days after the effective date of this amendment, a list of such operations or occupations and upon approval by the National Industrial Recovery Board such list shall become effective as a part of this Code. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

Delete Section 3(g) of Article VI in its entirety, which is as follows:

"(g) To allocate assessments among the divisional groups of the Institute and to collect from those members of the Industry participating in the activities of the Code Authority an equitable and proportionate share of the reasonable expenses of maintaining the Code Authority and its activities."

Insert as new Section 3 (g) of Article VI the following:

(g) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) 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;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon

which the funds necessary to support such budget shall be contributed by members of the Industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(4) Each member of the Industry 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 National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions,) 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.

(5) 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 National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

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Registry No. 308—1-01.





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which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, it is necessary that the industry association therefor in its own name;

(4) Each member of the industry shall pay his or its equitable contribution to the expense of the maintenance of the Code within the department as hereinbefore provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry participating with the industry association in the expense of its administration as hereinabove provided, shall be entitled to participate in the election of members of the industry association; and the benefits of any of its voluntary activities or to make use of any equipment or machine of the National Recovery Administration.

(5) The Code Authority shall neither incur nor pay any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(6) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(7) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(8) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(9) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(10) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(11) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(12) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(13) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(14) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.

(15) The Code Authority shall not be liable for any obligation, contractually in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount authorized in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of those budgeted, except as approved.