Approved Code No. 102—Amendment No. 3 Registry No. 1329—1—01

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SHOVEL, DRAGLINE AND CRANE INDUSTRY

AS APPROVED ON APRIL 6, 1935

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1935

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Approved Code No. 102—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SHOVEL, DRAGLINE AND CRANE INDUSTRY

As Approved on April 6, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SHOVEL, DRAGLINE AND CRANE 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 Shovel, Dragline and Crane Industry, and opportunity to be heard thereon having been duly noticed 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 that 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:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
April 6, 1935.

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REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Amendment to Article II, "Definitions", of the Code of Fair Competition for the Shovel, Dragline and Crane Industry, which provides in the definition of "Industry" for the inclusion of portable drilling machines. Opportunity to be heard was given from January 17 to February 6, 1935.

FINDINGS

The Assistant 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:

It is found 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 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, this Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

APRIL 6, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SHOVEL, DRAGLINE AND CRANE INDUSTRY

Amend Article II, definition of "Industry", to read as follows:

"Industry—the manufacture and the sale by the manufacturer within the continental United States of America, including Alaska and the Territory of Hawaii, of

(1) power-operated, convertible shovels and draglines and special modifications thereof, such as cranes equipped for clamshell or lifting service, back-digging trench-hoes, skimmers, auto truck-cranes, and the like, all having a nominal rating of one-third (⅓) cubic yard capacity and more;

(2) full revolving locomotive cranes having a nominal rating of three (3) tons capacity and more, and special modifications of such machines embodying locomotive crane superstructure;

(3) portable drilling machines (as distinguished from 'standard rigs' and pneumatic drills) of the cable-tool, rotary or hollow-pipe system, including attachments therefor and modifications thereof, and equipment and tools for the aforesaid, and mechanical bit-sharpening machines, when produced by the manufacturer of the finished product for use as integral or auxiliary equipment to the said portable drilling machines.

(a) provided that the sale by the manufacturer of portable drilling machines, tools and equipment, as herein defined, for use in the Petroleum Industry, as defined in Article I of the Code of Fair Competition for the American Petroleum Equipment Industry and Trade, shall be subject to the provisions of Articles VI and X of said American Petroleum Equipment Industry and Trade Code, and

(b) provided that those manufacturers of portable drilling machines, tools and equipment whose total volume of business is preponderantly under the American Petroleum Equipment Industry and Trade Code shall be exempt from the wage and hour provisions of the Shovel, Dragline and Crane Industry Code and shall be subject to the wage and hour provisions of the American Petroleum Equipment Industry and Trade Code, and

(c) provided that all sales for use outside the Petroleum Industry as above defined shall be subject to the Fair Trade Practices effecting the sale of portable drilling machines, tools and equipment of the Shovel, Dragline and Crane Industry Code."

Approved Code No. 102—Amendment No. 3.
Registry No. 1329—1-01.

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