CODE AUTHORITY MEETING

New York, N. Y. September 25, 1934.

A meeting of the Code Authority for the Lead Industry was held on [illegible]day, September 2[illegible], 19[illegible]4, at 10:00 A.M., in the Board Room of the National Lead Company, 111 Broadway, New York, N. Y.

PRESENT

MEMBERS

Clinton H. Crane, Chairman
F. M. Carter
W. Y. C. Hunt
R. M. Roosevelt
P. E. Sprague

ALTERNATES

H. M. Brush
F. F. Colcord
I. H. Cornell
Clarence Class
R. O. McKay
F. S. Mulock

G. W. Farny, Administration Member
F. E. Wormser, Secretary, Treasurer.

BY INVITATION

W. Hochschild
F. Laist
S. H. Levison

The minutes of the fourth Code Authority meeting of August 20 were approved.

EQUITABLE WAGE ADJUSTMENT REPORTS

The Secretary reported the receipt of numerous statements from members setting forth equitable adjustments made by them under the provisions of Article IV, Section 5, but reported that many statements were still outstanding. As some uncertainty existed with reference to the responsibilities and duties of the Code Authority in procuring compliance with Section 5 of Article IV, and as the Code Authority had not had an opportunity to scrutinize the individual reports submitted, without objection the Secretary was instructed to prepare a digest of the reports that had been received, mailing copies of the reports to the Code Authority members and sending letters to those members who had not yet responded, urging them to furnish their reports at once. The Secretary was also directed to ascertain from counsel the duties of the Code Authority under Article [illegible] Section 5.

SAFETY AND HEALTH PROGRAM

The Secretary reported progress among the various Divisions in comparing Safety and Health Standards, as required by Article V, Section 4.

EIGHT-HOUR DAY REPORT

The report on the Operation of the Eight-Hour Day for the Mining Division, as submitted to the Administrator under date of September 1, and the supplementary report of September 18, were approved and are attached hereto as Exhibit "A".

PLAN FOR SAFE-GUARDING CODE AUTHORITY FUNDS

The Plan for the Safe-Guarding of Code Authority Funds, as submitted to the Administrator under date of September 18 was approved and appears in these minutes as Exhibit "B", together with correspondence on the budget with Deputy Administrator Janssen, letters being dated as follows:

| | | |
|---|---|---|
| Exhibit B-1 | W.A.Janssen's letter | - July 27, 1934 |
| Exhibit B-2 | F.E.Wormser's letter | - Aug. 2, 1934, with enclosure |
| Exhibit B-3 | W.A.Janssen's letter | - Aug. 10, 1934. |

PETITION FOR EXEMPTION - LEAD PIGMENT DIVISION

As the Lead Pigments Division was desirous of procuring an extension of exemption from the provisions of Section 2, Article VII and Schedule A, the Secretary reported the submission to the Administrator, under date of September 18, of a formal request for such extension. The letter mailed the National Recovery Administration under date of September 18, on behalf of the Pigments Division, was formally approved by the Code Authority and appears as follows:

"Under date of June 27, 1934, an order granting temporary exemption from the trade and marketing provisions for the Lead Pigments Division of the Lead Industry, particularly in reference to the provisions of Section 2 of Article VII and Schedule A was granted by the Administrator for a period of three months from that date, provided 'that such exemption be granted without prejudice to further extension beyond three months if at the end it shall appear to the Administrator that the Industry has been unable to determine upon either the execution of Section 2 of Article VII and Schedule A, which is a part thereof or upon modification thereof.'

"Inasmuch as the Lead Pigments Division has not yet been able to determine upon the modification of Article VII, Section 2 of the Code, a further extension for a period of at least three months granting temporary exemption from the provisions of Section 2, Article VII and Schedule A is respectfully requested."

## INDUSTRIAL RELATIONS BOARD PLAN
## OVERTIME REPORTS

The letter from Deputy Administrator Janssen, dated August 31, granting an extension of time for the submission of an Industrial Relations Board Plan and outlining the policy of the National Recovery Administration, with regard to Overtime Reports, was inserted in the record as follows:

> "Receipt is acknowledged of a copy of the Minutes of the Fourth Meeting of your Code Authority, held August 20, 1934, and of your letter dated August 23, regarding reports on overtime. There are no objections to referring these reports to the Administration Member for his review. This, however, is not necessary and has not been required in view of the policy to divorce administration members from as much detail work as possible.
>
> "I note on page 2 of the Minutes that the Code Authority requests an extension of time to November 4, 1934, for the submission of a plan for Regional Industrial Relations Boards. In view of the fact that a detailed procedure for handling labor complaints and labor disputes has not yet been developed, it will be satisfactory to delay the submission of this plan until such time as our policies in this regard are more definite."

## DEFINITION OF "WEEK"

The Secretary reported the receipt of and read a letter from Deputy Administrator Janssen on the meaning of "week" and inasmuch as this was a matter which some Code Authority members desired to give further study, consideration was postponed to a subsequent meeting.

## TRADE PRACTICE COMPLAINTS COMMITTEE PLAN

A Trade Practice Complaints Committee Plan, as prepared by the Code Authority Members especially interested, was presented by the Chairman for consideration. Formal action upon the Plan was deferred to a later meeting.

## CERTIFICATES OF COMPLIANCE

Two forms of Certificates of Compliance, which had been circulated among Code Authority Members, were presented for consideration and are attached herewith as Exhibit "C". The Chairman reported that the Code Authority had been advised by two members of the committee of three as counsel to study the subject, that only the longer form of Certificate complied with the President's Order but that this did not, however, prejudice members against the use of any form of certificate which they felt served their requirements.

## STATUS OF ANTIMONIAL LEAD

The Chairman of the Metallic Lead Products Division, having requested an official interpretation of the statue of antimonial lead, as follows, Code Authority members present were invited to express their views:

> "Article II, Section 6, Paragraph (c) of the Code defines lead smelting and refining, Paragraph (d) defines antimonial pig lead, and Paragraph (f) defines metallic lead products.
>
> "We have all along been proceeding on the assumption that manufacturers of antimonial pig lead were properly included in the Metallic Lead Products Division, and, as you know, we have set up within that Division a Section devoted to antimonial lead, the leading members of which are the manufacturers of antimonial pig lead rather than manufacturers of extruded, rolled, or otherwise fabricated lead products.
>
> "The more I study the terminology of the Code above referred to, the more it appears to me that antimonial pig lead properly is included in and belongs under the Lead Smelting and Refining Division and not under the Metallic Lead Products Division.
>
> "Would you please ask the Code Authority to interpret the following point, therefore:
>
> "Are manufacturers of antimonial pig lead included in the Metallic Lead Products Division of the Code?" Signed: P.E.Sprague.

The Secretary read a letter from Deputy Administrator Janssen, dated September 13, on the subject, as follows:

> "This comes as an acknowledgment to your Memorandum No. 38, under date of September 8, asking for an interpretation of the status of antimonial pig lead.
> "Antimonial pig lead is a product of the Lead Smelting and Refining Division and logically comes under that Division and not under the Metallic Lead Products Division.
> "The Metallic Lead Products Division was meant to cover finished or semi-finished products of Industry rather than such 'raw materials' as pig lead or 'antimonial lead'".

It was pointed out, however, that the answer to the problem was not simple because there were really two kinds of antimonial lead involved, one a crude antimonial lead produced by the primary smelters of antimony bearing materials and the other a finished antimonial product produced to exact specification for the storage battery manufacturers.

The Chairman requested Mr. Sprague, representing the Metallic Lead Products Division, and Mr. H. M. Brush, representing the Smelting and Refining Division, to act as a Committee to draft a definition of Antimonial Lead for submission to the Code Authority at its next meeting.

EXECUTIVE ORDER NO. 6767

With reference to the letter from Mr. Leon Henderson, Director of Division of Research and Planning of the National Recovery Administration, dated September 17, inquiring as to the effects of Executive Order No. 6767, which is attached as Exhibit "D", the Secretary was instructed to advise Mr. Henderson that as the Lead Code had no pricing provisions in it that were in effect today, that no information could be supplied in answer to his inquiry.

SPEAKERS' BUREAU

The Chairman read a communication from the Speakers' Bureau, as follows, requesting assistance in furnishing speakers on behalf of the National Recovery Administration:

"I have been asked by Mr. Charles F. Horner, Public Relations Director of the NRA, to organize a Speakers' Bureau in the City of New York, to be composed of representatives from all local Code Authorities.

"This Speakers' Bureau will function as the Educational Advisory Group of the NRA in the State of New York and it will be the duty of these speakers to accept assignments to speak before business groups, civic groups and philanthropic groups. We are naturally anxious to have men and women who understand the purposes of the NRA and who, at the same time, are equipped to talk about their particular industry.

"Will you therefore, give this your very serious consideration, and advise me at the earliest possible moment the name of the person whom you wish to designate on this Speakers' Bureau."

Signed: Lawrence Craner
Publicity Director.

Major Farny volunteered his services to assist the Speakers' Bureau.

The meeting adjourned to reconvene on Tuesday, October 23, 1934.

Secretary.

LI A09338

CODE AUTHORITY FOR
THE LEAD INDUSTRY
420 LEXINGTON AVENUE
NEW YORK, N. Y.

September 1, 1934.

Mr. Walter A. Janssen
Deputy Administrator
National Recovery Administration
Washington, D. C.

Dear Mr. Janssen:

Enclosed please find a "Report on the Operation of the Eight-Hour Day for the Mining Division", in quadruplicate, submitted on behalf of the Code Authority for the Lead Industry to the Administrator, as required by the Code of Fair Competition for the Lead Industry, under the provisions of Article III, Section 1.

Very truly yours,

F. E. Watson

Secretary.

N 3015.01

CODE AUTHORITY FOR THE LEAD INDUSTRY

[illegible]

[illegible] N.Y.

[illegible]

[illegible] 1934.

## Report on the Operation of [illegible] Mining Division

The Code of Fair Competition for the Lead Industry provides under Article III, Section 1, as follows:

> "No employee shall be permitted to work in any division of the Industry in excess of forty (40) hours per week, or in excess of eight (8) hours in any twenty-four (24) hour period except as herein otherwise provided. A normal work day shall not exceed eight (8) hours.
>
> "The interpretation of the eight (8) hour provision for the Mining Division in each state shall be in accordance with any laws of such state pertaining to the eight (8) hour day on mining operations.
>
> "The Code Authority shall study the operation of the eight (8) hour provision for the Mining Division and not later than ninety (90) days from the effective date shall report fully to the Administrator the results of such study. The Administrator may, at his discretion, appoint an impartial investigator who shall review the conditions in the Mining Division of the Industry concerning the operation of the eight (8) hour provision and shall report thereon to the Administrator not later than ninety (90) days from the effective date and forward a copy of such report to the Code Authority."

In accordance with the mandate expressed in the above section, the Code Authority, through members of the Mining Division, has made a study of the operation of the eight-hour day and herewith respectfully submits its report.

At the outset, it is necessary to point out that mining operations vary greatly from State to State and depend upon the nature of the lead deposit mined and upon the operating conditions at each property. In general, it is customary to operate lead mines on only two shifts to allow ample time between shifts to remove waste gases from the mine workings resulting from blasting and to make necessary repairs upon operating equipment. Where three eight-hour shifts are used, the operation is generally one of shaft sinking or tunnelling or some activity where great speed is essential.

N 3015.02

[illegible] in lead [illegible] uniform interpretation of the eight [illegible]

In making this [illegible] average worked [illegible] lead production in the United [illegible] as distinct from "lead" [illegible] lead in the [illegible]. Our study shows [illegible] of the mining operations [illegible] in the United States, it is [illegible] no case known to us do the regular working [illegible] require the men to work underground more than eight hours. In fact the weighted average working time at the working place is much lower and amounts only to six hours and fifty-eight minutes, as the following table shows:

**Working Time In The Lead Mines Of The United States**
**(Weighted Average)**

| | Number of Underground Employees | Time Spent at Work (Exclusive of Lunch Period) In Hours and Minutes: Day or Night Shift | Time Spent at Work: Range in Hours | Time Spent Underground (Exclusive of Lunch Period) In Hours and Minutes: Day or Night Shift |
|---|---|---|---|---|
| Utah | 1251 | 7:10 | 6:30 to 7:40 | 8:15 |
| Idaho | 1241 | 6:45 | 6:34 to 7:25 | 8:06 |
| Missouri | 1175 | 7:00 | 6:30 to 7:30 | 8:25 |
| | 3667 | 6:58 | 6:30 to 7:40 | 8:15 |

The table clearly shows that the average time actually worked by 3667 employees during their "eight-hour day" averaged only 6 hours, 58 minutes. At the same time it will be observed that the total time spent underground by these employees, exclusive of lunch time, averages 8 hours, 15 minutes which is slightly more than 8 hours. The excess above the actual working time represents, of course, the time spent in going to and coming from work. The mining companies have recognized the fact that they have not been receiving eight-hours work for eight-hours pay. They have realized that a circumstance offsetting this to some extent is the fact that their mine employees have had to remain underground generally longer than eight hours.

[illegible] all is said and done, the operating schedules which have been adopted in [illegible] are the development [illegible] which takes into consideration [illegible] necessity for getting [illegible] and charging a round on each [illegible] This cycle must be [illegible] if orderly progress is to be [illegible] this [illegible] to observe and in doing so, it is significant that our survey [illegible] for any hardship in the form of long hours to be placed on the men and thus the eight-hour day invariably means less than eight hours of actual work.

The mining companies contributing data to this survey were as follows:

Bunker Hill & Sullivan Mining and Concentrating Co.
Eureka Standard Mining Company
Federal Mining and Smelting Company
Golconda Mines Company
Hecla Mining Company
Hercules Mining Company
Page Mining Company
St. Joseph Lead Company
Silver King Coalition Mines Company
Sunshine Mining Company
Tintic Standard Mining Company
United States Smelting Refining and Mining Co.
Utah-Delaware Mining Company
Jack Waite Mining Company

The assistance of these companies is gratefully acknowledged.

Respectfully submitted,

CODE AUTHORITY FOR THE LEAD INDUSTRY

F. E. Wormser

Secretary.

LIA09342

COPY

NATIONAL RECOVERY ADMINISTRATION

Washington, D. C.

September 8, 1934.

In Reply Refer to Div. 1.

Mr. F. E. Wormser, Secretary,
Code Authority for the Lead Industry,
420 Lexington Avenue,
New York, N. Y.

Dear Mr. Wormser:

This will acknowledge your memorandum No. 34 of September 1, being a report on the operation of the eight hour day for the Mining Division, as provided in Section 1 of Article III of your Code.

In connection with this report, we would ask if your study shows the average for the three states given of the time spent underground inclusive of the lunch period.

Thanking you for your advice on this matter, we remain

Very truly yours,

W. A. JANSSEN (SIGNED)

Deputy Administrator.

N 3015.03

LIA09343

CODE AUTHORITY FOR
THE LEAD INDUSTRY
420 LEXINGTON AVENUE
NEW YORK, N. Y.

[illegible]

September 12, 1934.

Mr. Walter A. Janssen,
Deputy Administrator,
National Recovery Administration,
Washington, D. C.

Dear Mr. Janssen:

Replying to your letter of September 8, our study of the operation of the eight-hour day for the Mining Division shows the following weighted average time spent for the lunch period by the employees covered by our survey:

[illegible]
(In [illegible])

| | Number of Underground Employees | Range | Average, Weighted |
|---|---|---|---|
| Utah | 1251 | 20 - 40 | 25 |
| Idaho | 1241 | 30 - 50 | 40 |
| Missouri | 1175 | 15 - 30 | 22.5 |
| | 3667 | 15 - 50 | 29.2 |

Therefore, the weighted average time spent underground, in hours and minutes, exclusive and inclusive of the lunch period, is as follows:

TIME SPENT UNDERGROUND
(In Hours and Minutes)

| | Number of Underground Employees | Exclusive of Lunch Period | Inclusive of Lunch Period |
|---|---|---|---|
| Utah | 1251 | 8:15 | 8:40 |
| Idaho | 1241 | 8:05 | 8:45 |
| Missouri | 1175 | 8:25 | 8:47½ |
| | 3667 | 8:15 | 8:44 |

**************

Very truly yours,

E. W. [illegible]

Secretary.

/L

N 3015.04

C O P Y

[illegible]
September [illegible], 19[illegible].

NATIONAL RECOVERY ADMINISTRATION

Washington, D.C.

August 28, 1934.

In reply refer to
Division X.

Mr. F. E. Wormser, Secretary-Treasurer,
Code Authority, the Lead Industry,
420 Lexington Avenue,
New York City, N. Y.

Dear Mr. Wormser:

In connection with the Budget and Basis of Contribution Plan for your Industry, we should have on file a Plan for the Safe-guarding of the Funds.

The Provisions in your By-laws do not completely cover the points required. I therefore suggest that you submit a plan incorporating the following:

(a) Designation of the officer who will receive and account for all funds, and for the giving of adequate security by him;

(b) The opening of a separate Code Authority bank account;

(c) The keeping of accurate books;

(d) The submission of quarterly reports to NRA and to members of the Industry;

(e) The auditing of accounts.

Very truly yours,

W. A. JANSSEN (SIGNED)

Deputy Administrator
Mining and Metals Section
Room No. [illegible].

LIA09345

EXHIBIT "B"
Code Authority Meeting
[illegible] 22, 1934.

[illegible]

(a) The [illegible] Code Authority for the Lead Industry [illegible] Section [illegible] of the By-Laws, as follows:

"[illegible] officer [illegible] shall give such bond, [illegible] as the Code Authority [illegible] perform such other [illegible] to him by the Chairman of the Code Authority."

At the Code Authority meeting on June 18, 1934, the Treasurer was requested to furnish a bond in the sum of $10,000. [illegible] the Treasurer arranged [illegible] and on June [illegible], bond was given in the sum of $10,000 by the United States Guarantee Company of New York City, covering the services of Felix Edgar Wormser, Secretary and Treasurer of the Code Authority for the Lead Industry. Bond is in the custody of the Chairman of the Code Authority.

(b) The Code Authority at its second meeting on June 18, 1934 authorized the opening of an account, for the deposition of Code Authority funds, in the Chemical Bank and Trust Company in New York City. As no Code Authority funds have been collected, the account has not yet been opened.

(c) It is planned to keep separate and accurate books, accounting for the receipts and disbursements of the Code Authority.

(d) It is contemplated that quarterly reports will be submitted to the N.R.A. and to members of Industry, with reference to the funds of the Code Authority.

(e) It is also contemplated that the accounts will be audited annually by an auditor selected by the Chairman of the Code Authority.

[illegible]

[illegible]
Code [illegible] Meeting
[illegible], 1934.

[illegible] ADMINISTRATION

[illegible], D. C.

[illegible], 193[illegible]

In reply refer to
Division No. 2

Mr. [illegible], Secretary,
Code [illegible] for the Lead Industry,
[illegible],
New York [illegible].

Dear Sir:

Final approval of your budget cannot be made until after the expiration date of the notice of opportunity to be heard which is August 2nd. We will be able to expedite the procedure, however, if you will furnish us with a more detailed outline of your assessment plan.

You state that the number of employees under the Lead Industry Code is estimated to be about 13,000. Your assessments, however, are based on a man shift basis, which figure might vary considerably from the number of employees.

If your plans in this respect are definite please indicate the estimated number of man shifts and the amount each company will be assessed for each shift and the period of the assessment, whether monthly or yearly, etc.

Very truly yours,

(Signed) W. A. JANSSEN
Deputy Administrator

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[illegible] September [illegible], 1934.

CODE AUTHORITY FOR THE LEAD INDUSTRY
420 LEXINGTON AVENUE August 2, 1934.
NEW YORK, N. Y.

[illegible]

[illegible]
[illegible]
[illegible] Administration
Washington, D. C.

Dear Mr. [illegible]:

[illegible] to your letter of July 27 with reference to our proposed [illegible] to [illegible] estimated, on the attached memorandum, the number of [illegible] which we might expect to find in our component industries during one quarter of the year, provided employment stays at nearly the current rate. This [illegible] is based upon the labor questionnaires which were [illegible] the [illegible] of the Lead Industries Association for the first three months of 1934 and although all reports have not been returned, sufficient information has been received from which I believe we can make a close approximation.

Our estimate indicates that there are 16,000 employees in the lead industries embraced by the Code of which 14,000 are already accounted for by the information supplied to the Lead Industries Association and that the total of man-shifts per month that may be expected to result from the employment in the lead industries will be about 254,000 man-shifts, or 762,000 man-shifts per quarter.

As the total budget is in the sum of $40,000.00 for twelve months, or $10,000 per quarter, a simple calculation shows that, based on the number of man-shifts estimated for the industry, the unit of assessment will be roughly 1.3¢ per man-shift. I think it is safe to say that the assessment will be between 1¢ and 1½¢ when it is ultimately worked out.

In other words, a small member of the industry, employing say, ten men in his factory, and there are many small ones, would be expected to contribute, assuming that his factory operates five days each week, or 65 days per quarter, the sum of $8.45 per quarter toward the support of his Code Authority.

Although the Code Authority has not yet made any definite ruling, I believe that assessments will be made, or voluntary subscriptions requested from the industry on a quarterly basis. This has been found to be the most satisfactory procedure in the Lead Industries Association.

Very truly yours,

F. E. Wormser

SECRETARY.

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LIA09348

August 2, 1934

Exhibit "B-3"
Code Authority Meeting
Sept.[illegible] [illegible] OF MAN-SHIFTS IN LEAD INDUSTRY

| | Average Monthly |
|---|---|
| **Mining Division** | |
| Number of Employees | 5,500 |
| Number of Man-Shifts | 90,000 |
| **Smelting & Refining Division** | |
| Number of Employees | 3,600 |
| Number of Man-Shifts | 65,000 |
| **Lead Pigments Division** | |
| Number of Employees | 2,000 |
| Number of Man-Shifts | 34,000 |
| **Metallic Lead Products Division** | |
| Number of Employees | 4,250 |
| Number of Man-Shifts | 55,000 |
| **Foil Division** | |
| Number of Employees (No Data) | 700 (Estimated) |
| Number of Man-Shifts (No Data) | 10,000 (Estimated) |
| TOTAL Number of Employees | 16,050 |
| TOTAL Number of Man-Shifts | 254,000 |

Total man-shifts per quarter - 762,000

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N 3015.09

EXHIBIT "B-3
Code Authority Meeting
September 25, 1934.

NATIONAL RECOVERY ADMINISTRATION
Washington, D. C.

August 10, 1934.

Mr. F. E. Wormser, Secretary,
Code Authority, The Lead Industry,
420 Lexington Avenue,
New York City, N.Y.

Dear Sir:

A Notice of Opportunity to be Heard on the Budget for the Lead Industry for the period from June 7, 1934, to June 7, 1935, expired on August 2. No objections to this Budget were received and we are, therefore, placing it on file.

In view of the fact that contributions for the support of the Code Authority are at present on a voluntary basis, no official approval of this Budget will be required. If, however, your Code Authority sees fit to request a modification of the Code of Fair Competition for the Lead Industry providing for mandatory contributions it will be necessary to secure an official approval of the Budget before collections are requested.

This Budget has already been examined and we will therefore be in a position to grant official approval with a minimum of delay should your Code Authority request an amendment.

Very truly yours,

W. A. JANSSEN (SIGNED)

Deputy Administrator
Mining and Metals Section.

[illegible] "G"
Case [illegible] Hearing
Sept. 25, [illegible]

-1-

CERTIFICATE OF COMPLIANCE

It is hereby certified that the undersigned is complying with and will continue to comply with each approved code of fair competition to which he is subject, and/or if engaged in any trade or industry for which there is no approved code of fair competition, then as to such trade or industry that he has become a party to and is complying with and will continue to comply with an agreement with the President under Section 4 (a) of the National Industrial Recovery Act (President's Reemployment Agreement) and that all other conditions and requirements of Executive Order No. 6646, dated March 14, 1934 are being and will be complied with.

Provided, that where supplies are purchased that are not mined, produced, or manufactured in the United States (see Sec. 2, title III, of the act approved March 3, 1933, Public No. 428, 72d Cong.), the special or general code of fair practice shall apply to that portion of the contract executed within the United States.

| | |
|---|---|
| (Date) | (Individual or firm name) |

• • • • • •

Taken from Circular Letter No. 3, addressed to all Departments and Independent Establishments of the Government by the Procurement Division of the Treasury Department under date of March 22, 1934.

EXHIBIT "C"
Code Authority Meeting
Sept. 25, 1934.



CERTIFICATE OF COMPLIANCE

It is hereby certified that the undersigned is complying with the Code of Fair Competition for the Lead Industry.

The ______________ Company further certifies that this certificate is intended to and shall be deemed to be a continuing Certificate of Compliance with the Code of Fair Competition for the Lead Industry during the effective period of said Code, or until such time as the Company shall terminate this Certificate by written notice to you.

______________________________

By____________________________

[illegible]
Code Au[illegible]
[illegible]

C O P Y

NATIONAL RECOVERY ADMINISTRATION

Washington, D. C.

September 17, 1934.

Mr. F. E. [illegible], Secretary,
Lead Industry,
New York City, N. Y.

Dear Sir:

The President has requested the Research and Planning Division of the National Recovery Administration to report to him on the effects of Executive Order 6767 on public and private purchasing. This Division is at the same time reporting on the effects of Administration Order X-48.

In order to expand the factual basis for this study, we request your cooperation in submitting to us information regarding the effects of these two orders on members of your industry, supporting your statements by citing as many actual instances of these effects as you can, and quoting pertinent figures if available. Please include in your statement an estimate (from your present knowledge) of the percentage of your industry's sales made to governmental agencies in normal periods and at the present time.

Promptness in replying will greatly increase the usefulness of the material you submit.

Very truly yours,

LEON HENDERSON (SIGNED)

Director,
Division of Research and Planning.

COPY

EXHIBIT "D"
Code Authority Meeting
September 25, 1934.

Major Provisions of
Administrative Order X-48
June 18, 1934.

................"It is hereby ordered that members of industry subject to codes of fair competition who bid or may bid on contracts to be awarded by governmental agencies be and they are hereby exempted from compliance with any provisions of such codes governing the making of quotations to governmental agencies which prohibit any of the following practices of such members, notwithstanding such prohibitions contained in such codes may:

(a) quote prices and terms of sale to governmental agencies as favorable as those permitted to be quoted to any commercial buyer for like quantities;
(b) Quote definite prices or terms of sale, not subject to adjustment resulting in increased costs during the life of the contract, for definite quantities and for definite periods not to exceed three months (Unless a longer period is now permitted by any such code);
(c) Quote definite prices or terms of sale, not subject to adjustment resulting in increased costs during the life of the contract, for indefinite quantities and for definite periods not to exceed six months (unless a longer period is now permitted by any such code);
(d) quote prices and terms to apply on contracts to become effective not more than sixty days from the date of the opening of bids;
(e) quote prices F.O.B. point of origin and/or F.O.B. destination,....

Major Provisions of
Executive Order 6767
June 29, 1934.

................"1. Any person submitting a bid to any agency or instrumentality of the United States, or any State, municipal or other public authority, to furnish goods or services at prices which, in accordance with the requirements of one or more approved codes of fair competition, must have been filed, prior to their quotation, with the Code Authority, or other designated agency, shall be held to have complied adequately with the requirements of such code of fair competition: (a) If said bidder shall quote a price or prices not more than 15 per cent below his price or prices filed in accordance with the requirements of such code or codes: and (b) if, after the bids are opened, such bidder quoting a price or prices below his filed price or prices shall immediately file a copy of his bid with the Code Authority or other appropriate agency with which he is required to file prices."........

13260