

[CHAPTER 661.]

AN ACT

June 19, 1934.
[H. R. 1603.]
[Public, No. 425.]

To amend the Act entitled "An Act to create the California Débris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Act entitled "An Act to create the California Débris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended (U.S.C., title 33, sec. 678), is amended to read as follows:

California Débris
Commission.
Vol. 27, p. 507; U.S.C.,
p. 1088.

Hydraulic mining
process.
Modification of order
granting privilege of.

Revocation.

Tax payments.

Determination of
amount.

Credited to debris
fund.

Provisos.
Deposit into Treas-
ury.

Liability.

"SEC. 18. The said commission may, at any time when the condition of the navigable rivers or when the capacities of all impounding and settling facilities erected by mine owners or such as may be provided by Government authority require same, modify the order granting the privilege to mine by the hydraulic mining process so as to reduce the amount thereof to meet the capacities of the facilities then in use; or, if actually required in order to protect the navigable rivers from damage or in case of failure to pay the tax prescribed by section 23 hereof within thirty days after same becomes due, may revoke same until the further notice of the commission."

SEC. 2. Section 23 of such Act, as amended (U.S.C., title 33, sec. 683), is amended to read as follows:

"SEC. 23. Upon the construction by the said commission of dams or other works for the detention of debris from hydraulic mines and the issuing of the order provided for by this Act to any individual, company, or corporation to work any mine or mines by hydraulic process, the individual, company, or corporation operating thereunder working any mine or mines by hydraulic process, the debris from which flows into or is in whole or in part restrained by such dams or other works erected by said commission, shall pay for each cubic yard mined from the natural bank a tax equal to the total capital cost of the dam, reservoir, and rights of way divided by the total capacity of the reservoir for the restraint of debris, as determined in each case by the California Débris Commission, which tax shall be paid annually on a date fixed by said commission and in accordance with regulations to be adopted by the Secretary of the Treasury, and the Treasurer of the United States is hereby authorized to receive the same. All sums of money paid into the Treasury under this section shall be set apart and credited to a fund to be known as the debris fund, and shall be expended by said commission under the supervision of the Chief of Engineers and direction of the Secretary of War, for repayment of any funds advanced by the Federal Government or other agency for the construction of restraining works and settling reservoirs, and for maintenance: *Provided*, That said commission is hereby authorized to receive and pay into the Treasury from the owner or owners of mines worked by the hydraulic process, to whom permission may have been granted so to work under the provisions thereof, such money advances as may be offered to aid in the construction of such impounding dams, or other restraining works, or settling reservoirs, or sites therefor, as may be deemed necessary by said commission to protect the navigable channels of said river systems, on condition that all moneys so advanced shall be refunded as the said tax is paid into the said debris fund: *And provided further*, That in no event shall the Government of the United States be held liable to refund same except as directed by this section."

Approved, June 19, 1934.