

Public Law 87-347

AN ACT

October 3, 1961
[H. R. 84]

To stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes.

Lead and zinc
mining.
Stabilization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to establish and maintain a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands as provided in this Act.

SEC. 2. (a) Subject to the limitations of this Act, the Secretary shall make stabilization payments to small domestic producers upon presentation of evidence satisfactory to him of their status as such producers and of the sale by them of newly mined ores, or concentrates produced therefrom, as provided in this Act. Payments shall be made only with respect to the metal content as determined by assay.

(b) Such payments shall be made to small domestic producers of lead as long as the market price for common lead at New York, New

York, as determined by the Secretary, is below 14½ cents per pound, and such payments shall be 75 per centum of the difference between 14½ cents per pound and the average market price for the month in which the sale occurred as determined by the Secretary.

(c) Such payments shall be made to small domestic producers of zinc as long as the market price for prime western zinc at East Saint Louis, Illinois, as determined by the Secretary, is below 14½ cents per pound, and such payments shall be 55 per centum of the difference between 14½ cents per pound and the average market price for the month in which the sale occurred as determined by the Secretary.

(d) The maximum amount of payments which may be made pursuant to this Act on account of sales of newly mined ores or concentrates produced therefrom made during the calendar year 1962 shall not exceed \$4,500,000; the maximum amount of such payments which may be made on account of such sales made during the calendar year 1963 shall not exceed \$4,500,000; the maximum amount of such payments which may be made on account of such sales made during the calendar year 1964 shall not exceed \$4,000,000; and the maximum amount of such payments which may be made on account of such sales made during the calendar year 1965 shall not exceed \$3,500,000.

SEC. 3. (a) Subject to the provisions of subsection (b) and subsection (c) of this section, no stabilization payments under this Act shall be made to any small domestic producer on sales, or further processing in lieu of sales, in the twelve-month period ending December 31, 1962, in excess of one thousand five hundred tons of zinc and one thousand five hundred tons of lead; or in the twelve-month period ending December 31, 1963, in excess of one thousand two hundred tons of zinc and one thousand two hundred tons of lead; or in the twelve-month period ending December 31, 1964, in excess of nine hundred tons of zinc and nine hundred tons of lead; and in the twelve-month period ending December 31, 1965, in excess of six hundred tons of zinc and six hundred tons of lead, subject to the further limitation that no producer may be paid in any such calendar year for an amount in excess of his maximum production during any calendar year between January 1, 1950, and December 31, 1960. Payments shall be made only with respect to ores and concentrates produced from an operating unit which was operated during the whole or some part of the period January 1, 1956, to August 1, 1961. No payments shall be made on any production from any property acquired by sale, lease, permit, or otherwise (except devise or inheritance) subsequent to August 1, 1961: *Provided, however,* That any person or firm acquiring a property by sale, lease, permit, or otherwise may qualify as a small domestic producer if such person or firm produced ores or concentrates from a mine specified in a lease, permit, or contract during the whole or some part of the period January 1, 1956, to August 1, 1961.

(b) No stabilization payments under this Act shall be made on any domestically produced material which is sold to or eligible for sale to the United States Government, or any agency thereof, pursuant to a contract made under the provisions of the Defense Production Act of 1950, as amended, or the Strategic and Critical Materials Stockpiling Act. Any such material shall be applied to reduce the annual limitations specified in this section, and the quarterly limitations as fixed by the Secretary.

(c) For purposes of administration the Secretary may fix quarterly limitations on the total amounts of each material on which stabilization payments are made for the purpose of achieving stabilization in the annual rates of production.

SEC. 4. The Secretary is authorized to establish and promulgate such regulations and require such reports as he deems necessary to carry out

64 Stat. 798.
50 USC app.
2051.
60 Stat. 596.
50 USC 98 note.

Regulations and reports.

the purposes of this Act, but such regulations shall assure equitable distribution of the benefits of the programs provided by this Act among the small domestic producers affected.

SEC. 5. The Secretary may delegate any of the functions authorized by this Act to the Administrator of General Services.

Definitions.

SEC. 6. (a) For the purposes of this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "small domestic producer" means any person or firm engaged in producing ores or concentrates from mines located within the United States or its possessions and in selling the material so produced in normal commercial channels who, during any twelve-month period between January 1, 1956, and the first day of the period for which he seeks payments under this Act, has not produced or sold ores or concentrates the recoverable content of which is more than three thousand tons of lead and zinc combined, recoverable content being computed as 95 per centum of the lead content of the ores or concentrates and 85 per centum of the zinc content of the ores or concentrates.

(3) The term "sale" means a bona fide transfer for value of ores and concentrates from a producer to a processing plant. In the event that a producer further processes ores or concentrates, a sale shall be deemed to have occurred when such ores or concentrates are shipped to the processing plant.

(4) The term "newly mined" means domestic material processed into concentrates or severed from the land subsequent to the date of enactment of this Act, but shall not exclude normal inventories of crude ore. The term does not refer to material recovered from mine dumps, mill tailings, or from smelter slags and residues derived from material mined prior to the date of enactment of this Act.

(5) The term "quarter" means the calendar periods commencing on the first day of the months of January, April, July, and October.

(b) For the purposes of this Act, the Secretary may determine what constitutes a single operating unit producing ores and, in the event that more than one producer claims payment for sales from production of a single operating unit, the Secretary may determine the quantity of sales for each such producer to which the above limitations apply.

(c) For purposes of this Act, sales of concentrates produced from ores sold to a mill or processing plant in accordance with regulations issued pursuant to this Act shall not be considered as the sales of the owner of the mill, but shall be considered as the sales of the small domestic producer of the ores.

SEC. 7. No payment shall be made under this Act on any ores or concentrates sold, or processed in lieu of sale, after December 31, 1965; but authorized payment shall be made only if application therefor is filed not later than March 31, 1966, in accordance with regulations established by the Secretary.

Report to Congress.

SEC. 8. The Secretary shall make an annual report with respect to operations under this Act not later than March 1 of each year to the Congress of the United States. Any such report shall contain such recommendations as the Secretary may deem appropriate.

SEC. 9. (a) Whoever, for the purpose of procuring a payment to which he is not entitled under this Act and the regulations issued pursuant thereto or for the purpose of assisting another to procure a payment to which the other is not entitled under this Act and the regulations issued pursuant thereto, misrepresents any material fact, knowing the same to be false, fictitious, or fraudulent, shall be guilty of an offense against the United States and shall be fined not more than \$5,000 or imprisoned not more than two years, or both, and shall thenceforth be entitled to no benefits under this Act.

(b) Whoever accepts a payment under this Act to which, or any portion of which, he is not entitled, knowing that he is not entitled thereto or whoever, having accepted a payment under this Act to which, or any portion of which, he is not entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine of not more than \$5,000 or imprisonment for not more than two years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under this Act.

(c) No producer shall be eligible for payment under this Act if he is operating under a lease, contract, or permit obtained after the effective date of this Act from another producer of lead and zinc who has placed a larger portion of his mining properties under lease, contract, or permit to other producers than he had placed at his highest production level since January 1, 1956, to the effective date of this Act.

Approved October 3, 1961.