the State of Minnesota. As a result of this act of the Minnesota Legislature, there is a full-time paid deputy sheriff in Cass County who does nothing but supervise the administration of the law, inspection of boats and the enforcement thereof in the Leech Lake area. This is the first time that they ever had this needed service in the Leech Lake area, and everyone concerned was most pleased with it and it worked out quite satisfactorily. But the Coast Guard's own admission, the Minnesota law "incorporates all the requirements of the Federal boating laws."

Not only is there quite adequate inspection of boats in the Leech Lake area at the present time by way of the action of the State legislature, but also I find it difficult to believe that the Congress in enacting the statutes to which I have referred ever contemplated that they would be used to cover the Leech Lake area. The Coast Guard has determined that Leech Lake is part of the navigable waters of the United States. From a strictly technical point of view this might be the case, but I can tell my colleagues that as a practical matter Leech Lake can certainly not be considered navigable. The Coast Guard argues that Leech Lake in its original condition was part of the network of waters used in that area to transport goods in commerce. This, however, was before the construction of a Federal dam which was erected to control the water level of the lake. I can state without fear of successful contradiction that while Leech Lake in the dim distant past might have been part of a navigable chain of lakes, such is not the case today. Anyone who knows the Leech Lake area would laugh at any suggestion that it would be so considered.

Therefore, I believe that the Federal legislation in this regard was never intended to cover the Leech Lake area.

To put it plainly, this as an area where the Coast Guard does not need to use its personnel. I suggest, if the Coast Guard has extra personnel, they be used on the coast in operations where they are required.

In view of the fact that there is adequate boat regulation in the area now by way of the action of the State of Minnesota, I ask that this bill be promptly considered, reported, and enacted into law to correct a situation which has been a matter of great concern to the people of that area.

CONVEYANCE OF CERTAIN PUBLIC LANDS TO LINCOLN COUNTY, NEV.

Mr. BIBLE. Mr. President, on behalf of my colleague, the junior Senator from Nevada [Mr. CANNON] and myself, I introduce, for appropriate reference, a bill to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Lincoln, State of Nevada.

At the present time, the Federal Government owns about 87 percent of the 110,000 square miles that make up the land area of Nevada. Most of its communities are landlocked as a result of these tremendous Federal holdings. In addition, Lincoln County has been adversely affected by the closing of its lead-zinc mines. Local people have been unable to interest industry to move into the county because of the lack of land for such purposes. By making this land available to the community, it is hoped that those citizens who have been distressed through the closing of the mines will have an opportunity to rehabilitate themselves in some other type of industry. The bill provides that the 2,900 acres of land will be sold to the county after appraisal for its fair market value.

This legislation is vitally needed, and I trust it will receive prompt attention by the Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3448) to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Lincoln, State of Nevada, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADJUSTMENTS IN FOREIGN SERVICE ANNUITIES

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for adjustments in the annuities under the Foreign Service retirement and disability system.

The proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right of course, to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State, Mr. Dutton, dated March 3, 1962, and an explanation of the bill prepared by the Department of State.

The VICE PRESIDENT. The bill will be received and appropriately referred; and without objection, the bill, letter, and explanation will be printed in the RECORD.

The bill (S. 3450) to provide for adjustments in the annuities under the Foreign Service retirement and disability system, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and Houe of Representatives of the United States of America in Congress assembled, That the first section of the Act of July 12, 1960 (74 Stat. 371), is amended by adding at the end thereof the following new subsection:

"(e) The benefits provided in subsection (a) of this section are hereby extended to not to exceed ten (10) participants who retire and become entitled to receive an annuity from the Foreign Service Retirement and Disability Fund subsequent to June 30, 1962, and prior to June 30, 1963, whenever the Secretary of State determines it to be in the public interest to extend said benefits to any such participant."

The letter and explanation presented by Mr. SPARKMAN are as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 3, 1962.

The VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: There is enclosed draft legislation that will authorize an extension from June 30, 1962, to June 30, 1963, of one of the provisions of Public Law 86–612 for a 10-percent increase in Foreign Service annuities.

A number of participants in the Foreign Service retirement and disability system who are eligible for voluntary retirement, subject to the Secretary's approval, have been able to take advantage of this substantial annuity increase by planning retirement prior to June 30, 1962.

There are in the Service, however, a few high ranking career officers eligible for voluntary retirement and the benefit of this annuity increase whose services are needed beyond June 30, 1962.

The Secretary is reluctant to disapprove their applications for retirement in view of the financial hardship this would impose upon them by denying them the benefits of Public Law 86–612.

This proposed legislation will enable the Secretary to extend for periods up to 12 months the benefits of Public Law 86–612 to the few officers who must be kept on duty beyond its expiration date. This extension of benefits will apply to not more than 10 officers of the Foreign Service.

Favorable action on this proposal will greatly assist the Secretary in the administration of the Foreign Service.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this draft legislation to the Congress.

Sincerely yours,
FREDERICK G. DUTTON,
Assistant Secretary
(For the Secretary of State).

(Enclosures: tab A, draft bill; tab B, explanation of bill; tab C, cost estimate.)

DEPARTMENT OF STATE EXPLANATION OF BILL

The proposed bill provides authority for the Secretary of State to extend the benefits provided in subsection (a) of section 1 of Public Law 86–612, approved July 12, 1960, to June 30, 1963, to not to exceed 10 officers of the Foreign Service, when he determines it to be in the public interest to do so. Public Law 86–612 provides that the annuity of any participant in the Foreign Service retirement and disability system entitled to receive an annuity on or before June 30, 1962, shall be increased by 10 percent.

Section 636 of the Foreign Service Act of 1946, as amended, provides that any participant in the Foreign Service retirement and disability system who is at least 50 years of age and has rendered 20 years of service may, on his own application with the consent of the Secretary of State, be retired from the Service and receive an immediate annuity. A number of participants in the Foreign Service retirement and disability system have taken advantage of this benefit which provides them with a substantial increase in annuity if their annuity begins before June 30, 1962. The voluntary retirement of these participants is dependent upon the approval of the Secretary. In most instances such approval is granted. There are, however, in the Service a few high ranking career officers who nearing mandatory retirement age, have elected to apply for voluntary retirement because of the benefits accruing to them under the

provisions of Public Law 86–612 whose services are needed beyond June 30, 1962. The Secretary is reluctant to disapprove their applications for voluntary retirement in view of the financial hardship this would impose upon them by denying them the annuity benefits of Public Law 86–612. On the other hand, their continued service in the key positions to which they are assigned (most of them are serving as Chiefs of Mission or are assigned to other high level positions) is in the public interest. This proposed amendment would enable the Secretary to extend, in his discretion, for additional periods up to 12 months the benefits of Public Law 86–612 to not to exceed 10 officers.

DEPARTMENT OF STATE ESTIMATE OF COST

The estimated cost of this proposed legislation, spread over a period of years, is: $360,000.

This cost estimate is based on the assumption that the provision of the bill will be applicable to 10 officers whose average annuity increase will be $1,800 per year and that their life expectancy is 20 years ($10 \times \$1,800 \times 20$ years $= \$360,000$). This will be financed from the Foreign Service retirement and disability system and will not require an appropriation.

RELIEF FOR RESIDENTIAL OCCUPANTS OF CERTAIN UNPATENTED MINING CLAIMS

Mr. CHURCH. Mr. President, I introduce, for appropriate reference, a bill to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes. I wish to state briefly the circumstances which, in my judgment, indicate a need for the passage of this bill, and explain how it would work to relieve situations where strong and persuasive equities cannot now be recognized under existing law.

In the mountain West, there is a long tradition supporting the right of a private citizen to go upon the public lands, to stake a mining claim, and thereafter to have and retain a possessory interest immune to interference from anyone. The power of the Government to challenge the validity of a mining claim has been recognized, but the Government traditionally has interferred little, and locators and their successors in interest have felt secure in their right to possession.

Nothing in the mining laws requires a locator to proceed to patent. He may never do so, yet his estate is fully maintained in its integrity so long as the law, which is a muniment of his claim, is complied with. Thus, although some miners obtain patent to their claims, many others, content to enjoy their right of possession to the exclusion of third parties, have not undertaken the expensive and protracted procedures necessary to obtain a patent.

Often in the past, the mining locator established his home upon his claim and worked his claim from his home. These homes have become, in many instances, permanent residences for the prospector's heirs. By long-established custom, mining claims embracing residential improvements have been sold for the value of the improvements, the seller giving a quitclaim deed.

Thus there can be found, throughout the West, hundreds of unpatented mining claims, valuable chiefly for the fact that they have been used, sometimes for generations, as actual homesites, on a year-round or seasonable basis, by families which have inherited them from the original locators, or paid value for the improvements, in reliance upon the customs prevailing in the area that effective title could be obtained by gift, inheritance, or quitclaim deed.

But, for one of a variety of reasons, many of the claims may not, in fact, be patentable at the present time. In some cases, the mineral veins which justified the original location have been worked out. In others, mineral deposits which would have sustained a patent application some years ago will no longer suffice, because rising costs and artificially fixed prices for the minerals have rendered actual mining operations uneconomic. In still other cases, due to the absence of surveys, or to inaccuracies in them, such claims have been located upon land which was, in fact, withdrawn from mineral entry, or has since been withdrawn, so that patent applications will not lie.

In all such cases the claims are subject to invalidation at the initiative of the Government. The situation was further aggravated by the passage of Public Law 167 of the 84th Congress. This statute, enacted in 1955—more than 2 years before the beginning of my service in the Senate—prohibits all uses not reasonably incident to prospecting, mining, or processing operations on unpatented claims located after July 23, 1955. Moreover, it authorizes procedures under which prior locators, or their successors in interest, may be required to prove the validity of their claims or be subject to the same prohibitions. This law has resulted in an intensified campaign to drive out people who are using their claims primarily for residential purposes. As to those who have purchased claims and given value in the expectation that they would be allowed to live on the claims, it means that the rules of the game have been changed while play was in progress, and the results, in many cases, have been grossly unfair.

Although the residential uses which I have described present an anomaly to the law, it is clear that there are, in many cases, substantial equities based on custom, need, and value given, in favor of the users. It is to the problem of resolving the anomaly, while recognizing the equities, that this bill I am introducing is directed.

It would authorize the Secretary of the Interior to convey the fee or any lesser interest in tracts of 5 acres or less to any person occupying a mining claim for residential purposes on January 10, 1962, provided the claim is declared invalid or relinquished. Any conveyance under the bill would be made at fair market value—exclusive of any improvements placed on the land by the applicant or his predecesors in interest—as of the date of enactment of the bill, less any equities possessed by the claimant and his predecessors in interest. In any case, however, the purchase price would not be less than 50 percent of the fair market value of the land. Applications would have to be filed within 5 years, and the right to apply would not be assignable.

In cases where the Secretary finds that the public interest would not be served by such a conveyance, or where the land is withdrawn for a purpose which does not admit of a waiver by the responsible head of the administering agency, the Secretary would have authority to grant, under appropriate regulations, a preference right to purchase another tract of land, 5 acres or less in size, upon payment of a fair price to the Government.

Mr. President, it is not the way of a just Government to disturb arrangements, sanctioned by time and custom, which can be regularized without injury to the public interest. This the bill seeks to do.

Senators will be interested to know that a similar measure, limited originally to apply only to his home State of California, was introduced in the House by Mr. JOHNSON, on March 15. With amendments suggested by the Interior Department and the Forest Service, the bill has been reported from the House Subcommittee on Public Lands to the full Interior Committee. Testimony favorable to its objectives was received from administration spokesmen. I am hopeful that both Houses of the Congress can move speedily to agreement on a measure which will permit humane and equitable solutions to the problems now faced by this large group of residents on the public lands.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, introduced by Mr. CHURCH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

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 may convey to any occupant of an unpatented mining claim which is determined by the Secretary, after due process, to be invalid an area within the claim of not more than (a) five acres or (b) the acreage actually occupied by him, whichever is less. The Secretary may make a like conveyance to any occupant of an unpatented mining claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes to the United States all right in and to such claim which he may have under the mining laws or who within two years prior to the date of this Act, relinquished such rights to the United States or had his unpatented mining claim invalidated after due process. Any conveyance authorized by this section, however, shall be made only to a qualified applicant, as that term is defined in section 2 of this Act, who applies therefor within five years from the date of this Act and upon payment of the amount established pursuant to section 5 of this Act.