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REFERENCE: Vol. 135 No. 164; Continuation of Senate and House Proceedings of November 20, 1989, Issue No. 164; and Proceedings of November 21, 1989, Issue No. 165.

TITLE: NEVADA WILDERNESS ACT

SPEAKER: Mr. HUMPHREY; Mr. McCLURE; Mr. REID; Mr. WALLOP

TEXT: [*S16436] Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 974.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

RESOLVED, That the bill from the Senate (S. 974) entitled "An act to designate certain lands in the State of Nevada as wilderness, and for other purposes," do pass with the following amendments:

- (1) Page 3, line 11, strike out [May, 1989,], and insert "October, 1989,".
- (2) Page 4, line 23, strike out ["Mike O'Callaghan-Paradise], and insert "Santa Rosa-Paradise".
- (3) Page 11, strike out all after line 21, over to and including page 12, line 11, and insert:

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

AMENDMENT NO. 1191

(Purpose: To amend S. 974)

Mr. HUMPHREY. Mr. President, I move to concur in the amendment of the House with an amendment which I send to the desk on behalf of Mr. McClure.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. Humphrey], for Mr. McClure, proposes an amendment numbered 1191.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new subsection 8(e):

"(e) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Nevada designated by this Act. Nothing in this Act, nor in any legislative history accompanying this Act related to reserved Federal water rights, shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto."

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1191) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I urge support of my amendment to S. 974 with respect to federally reserved water rights in order to clarify ambiguities in the legislative history with respect to legislative intent regarding acts other than this act. Simply stated, this amendment makes it clear that neither this act nor any of its legislative history related to Federal reserved water rights are relevant to any other act.

MILITARY OVERFLIGHT OF NEVADA WILDERNESS

Mr. WALLOP. I would like to clarify with you the meaning of section 11 of S. 974. Is it the Senator from Nevada's understanding that the language in that section will preserve

the option for future military overflight activities in the Alta Toquima, Arc Dome, Table Mountain, and current mountain wilderness areas?

Mr. REID. Yes.

Mr. WALLOP. In other words, the designation of those four areas as wilderness will not preclude future military overflights?

Mr. REID. Yes.

Mr. WALLOP. In the Senator's opinion then, the absence of specific reference to the Wilderness Act does not detract from the ability of the military to overfly these newly created wilderness areas, should creation of military operations areas be recommended in the special Nevada report.

Mr. REID. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.