

Description of Laws Waived:
Laws Affected by H.R. 1505, The National Security and Federal Land
Protection Act

- 1) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
 - *The National Environmental Policy Act requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. All federal agencies must prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the human environment. These statements are commonly referred to as environmental impact statements (EISs).*

- 2) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
 - *The Endangered Species Act provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The law requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and/or the NOAA Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife.*

- 3) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)
 - *The Federal Water Pollution Control Act, popularly known as the Clean Water Act (CWA), is a comprehensive statute aimed at restoring and maintaining the chemical, physical and biological integrity of the nation's waters.*

- 4) The National Historic Preservation Act (16 U.S.C. 470 et seq.)
 - *The National Historic Preservation Act establishes preservation as a national policy and directs the Federal government to provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Preservation is defined as the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or engineering.*

- 5) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.)
 - *The Migratory Bird Treaty Act makes it illegal for people to "take" migratory birds, their eggs, feathers or nests. The Act defines "take" to include any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof.*

- 6) The Clean Air Act (42 U.S.C. 7401 et seq.)
 - *The Clean Air Act is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes the EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants.*

- 7) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.)
 - *The Archaeological Resources Protection Act preserves and protects resources and sites on federal and Indian lands. It fosters cooperation between governmental authorities, professionals, and the public. The Act prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally (i.e., without permits) from public or Indian lands and authorizes federal agency permit procedures for investigations of archeological resources on public lands under the agency's control.*

- 8) The Safe Drinking Water Act (42 U.S.C. 300f et seq.)
 - *The Safe Drinking Water Act protects the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The Act authorizes the EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards.*

- 9) The Noise Control Act of 1972 (42 U.S.C. 4901 et seq.)
 - *The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products.*

- 10) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
 - *The Solid Waste Disposal Act initiates a national research and development program for new and improved methods of disposal, with provisions for recovery and recycling. Technical and financial assistance is provided to state and local governments in the development of programs.*

- 11) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)
 - *The Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.*

- 12) The Reservoir Salvage Act of 1960 (Public Law 86-523, 16 U.S.C. 469 et seq.)
 - *The Reservoir Salvage Act of 1960 directly affects salvage archeology programs. Such programs, which began during the Depression, salvage the data from many archeological sites, and create many new collections. The passage of this law was related to the widespread destruction of archeological sites from large-scale construction, such as federal dams and highways. The Act does not address the care and management of the large collections that result from salvage work.*

- 13) The Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.)
 - *The Antiquities Act of 1906 establishes the permit process for archeological excavation on federal and tribal lands in an effort to deter destruction of sites by anyone who is not a professional archeologist. It establishes fines and punishment for unauthorized excavation or looting. It also allows the president to declare sites or structures as national monument.*

- 14) The Historic Sites Act of August 21, 1935 (16 U.S.C. 461 et seq.)
 - *The Act declares it a national policy to preserve historic sites and objects of national significance, including those located on refuges. It provides procedures for designation, acquisition, administration and protection of such sites. Among other things, National Historic and Natural Landmarks are designated under authority of this Act. As of January 31, 1989 national wildlife refuges contained such sites.*

- 15) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.)
- *The Wild and Scenic Rivers Act establishes a National Wild and Scenic Rivers System for the protection of rivers with important scenic, recreational, fish and wildlife, and other values. Rivers are classified as wild, scenic or recreational. The Act designates specific rivers for inclusion in the System and prescribes the methods and standards by which additional rivers may be added. The Act contains procedures and limitations for control of lands in federally administered components of the System and for disposition of lands and minerals under federal ownership. Hunting and fishing are permitted in components of the System under applicable federal and state laws.*
- 16) The Farmland Protection Policy Act (7 U.S.C. 4201 et seq.)
- *The Farmland Protection and Policy Act seeks to minimize impacts on farmland and maximize compatibility with state and local farmland programs and policies. The Natural Resources Conservation Service of the USDA oversees this act.*
- 17) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)
- *The Coastal Zone Management Act encourages states/tribes to preserve, protect, develop, and where possible, restore or enhance valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. It includes areas bordering the Atlantic, Pacific, and Arctic Oceans, Gulf of Mexico, Long Island Sound, and Great Lakes.*
- 18) The Wilderness Act (16 U.S.C. 1131 et seq.)
- *The Wilderness Act established the National Wilderness Preservation System. The Act directs the Secretaries of the Interior and Agriculture to review every roadless area of 5,000 acres or more and every roadless island within the national wildlife refuge and national park systems for possible inclusion in the System. The Act also included some national forest lands in the System and directs the Secretary of Agriculture to recommend others.*
- 19) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
- *The Federal Land Policy and Management Act constitutes the organic act for the Bureau of Land Management and governs most uses of the federal public lands, including grazing. The Act requires the Bureau to execute its management powers under a land use planning process that is based on multiple use and sustained yield principles. The Act also provides for public land sales, withdrawals, acquisitions and exchanges.*

- 20) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)
- *The National Wildlife Refuge System Administration Act provides for the administration and management of the national wildlife refuge system, including wildlife refuges, areas for the protection and conservation of fish and wildlife threatened with extinction, wildlife ranges, game ranges, wildlife management areas and waterfowl production areas.*
- 21) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.)
- *This Fish and Wildlife Act directs the Secretary of the Interior to develop the policies and procedures necessary for carrying out fish and wildlife laws and to research and report on fish and wildlife matters. The Act establishes the Fish and Wildlife Service within the Department of the Interior, as well as the positions of Assistant Secretary for Fish and Wildlife and Director of the Service.*
- 22) The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.)
- *This Act provides that whenever the waters or channel of a body of water are modified by a department or agency of the U.S., the department or agency first shall consult with the U.S. Fish and Wildlife Service and with the head of the agency exercising administration over the wildlife resources of the state where construction will occur, with a view to the conservation of wildlife resources.*
- 23) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘‘Administrative Procedure Act’’)
- *The Administrative Procedure Act (APA) governs the process by which federal agencies develop and issue regulations. It includes requirements for publishing notices of proposed and final rulemaking in the Federal Register, and provides opportunities for the public to comment on notices of proposed rulemaking. In addition to setting forth rulemaking procedures, the APA addresses other agency actions such as issuance of policy statements, licenses, and permits. It also provides standards for judicial review if a person has been adversely affected or aggrieved by an agency action.*
- 24) The Otay Mountain Wilderness Act of 1999 (Public Law 106–145, 113 Stat. 1711)
- *The Otay Mountain Wilderness Act designated a portion of the Otay Mountain region of California as wilderness.*

- 25) Sections 102(29) and 103 of California Desert Protection Act of 1994 (16 U.S.C. 410aaa et seq.)
- *Section 102(29) of the California Desert Protection Act designates as wilderness certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres. Section 103 of the Act appoints the administration of each wilderness area designated under the Act to the Secretary of the Interior in accordance with the Wilderness Act.*
- 26) The National Park Service Organic Act (16 U.S.C. 1 et seq.)
- *This Act constitutes the organic act of the National Park Service. The Act mandates that the NPS shall "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."*
- 27) The General Authorities Act of 1970 (Public Law 91–383, 16 U.S.C. 1a–1 et seq.)
- *The purpose of the Act is to include all areas administered by the National Park Service in one National Park System and to clarify the authorities applicable to the system.*
- 28) Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625, 92 Stat. 3467)
- *Section 401(7) designated the Organ Pipe Cactus National Monument, Arizona as wilderness. Section 403 of the Act prohibits uses inconsistent with the Wilderness Act from any lands which represent potential wilderness additions under the title. Section 404 delegates the administration of the areas designated by this Act to the Secretary of the Interior.*
- 29) The Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628)
- *The Arizona Desert Wilderness Act designated three million acres of new wilderness lands in order to provide for the preservation and protection of this relatively undisturbed but fragile complex of desert, riparian and aquatic ecosystems, and the native plant, and wildlife communities dependent on it, as well as to protect and preserve the area's great scenic, geologic, and historical values, to a greater degree than would be possible in the absence of wilderness designation.*
- 30) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- *Section 10 of the Act provides that the building of any wharfs, piers, jetties, and other structures is prohibited without Congressional approval, and excavation or fill within navigable waters requires the approval of the Chief of Engineers of the Corps of Engineers. Service concerns include*

contaminated sediments associated with dredge or fill projects in navigable waters.

- 31) The Bald Eagle Protect Act (16 U.S.C. 668 et seq.), (25 U.S.C. 3001 et seq.)
 - *The Act prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions.*

- 32) The American Indian Religious Freedom Act (Public Law 95–341, 42 U.S.C. 1996)
 - *This law protects places of religious importance to American Indians, Eskimos, and Native Hawaiians.*

- 33) The Religious Freedom Restoration Act (Public Law 103–141, 42 U.S.C. 2000bb et seq.)
 - *This Act was intended to restore the compelling interest test previously applicable to free exercise cases by requiring that government actions that substantially burden the exercise of religion be demonstrated to be the least restrictive means of furthering a compelling governmental interest. The Act amends Section 722 of the Revised Statutes (42 U.S.C. 1988) by inserting “the Religious Freedom Restoration Act of 1993,” before “or title VI of the Civil Rights Act of 1964.”*

- 34) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)
 - *The Forest and Rangeland Renewable Resources Planning Act of 1974 requires the Secretary of Agriculture to conduct an assessment of the Nation's renewable resources every 10 years.*

- 35) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.)
 - *The Multiple-Use Sustained-Yield Act declares that the purposes of the national forest include outdoor recreation, range, timber, watershed and fish and wildlife. The Act directs the Secretary of Agriculture to administer national forest renewable surface resources for multiple use and sustained yield.*

- 36) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.)
 - *The Native American Graves Protection and Repatriation Act protects Native American graves.*