

Important Laws for NPS Employees

This is an annotated list of some of the many important laws that apply directly or indirectly to the National Park Service.

The first section of the list is a chronological sequence of laws that helped shape the National Park System. The second section of the list includes other laws that NPS employees should become familiar with. The full text of many of these laws can be found on the Policy website at <https://home.nps.gov/applications/npspolicy/getlaws.cfm>.

Section 1—Shaping the National Park System and Service

1. Yosemite Land Grant (1864)

(Act of June 30, 1864, ch. 184, §§ 1, 2; [13 Stat. 325](#)¹)

Granted the Yosemite Valley, and the Mariposa Big Tree Grove, to the State of California “upon the express conditions that the premises shall be held for public use, resort, and recreation [and] shall be inalienable for all time.” See [16 USC 48](#).² Lands eventually would be ceded to the Federal Government and added to Yosemite National Park in 1906 (see 34 Stat. 831).

2. Yellowstone Act (1872)

(Rev. Statute 2473, from Act of March 1, 1872, ch. 24, §1; [17 Stat. 32](#))

Set aside two million acres of land in the States of Montana and Wyoming near the headwaters of the Yellowstone River “as a public park or pleasuring-ground for the benefit and enjoyment of the people,” thus creating the world’s first national park. See [16 USC 21](#).

3. Chickamauga & Chattanooga National Military Park (1890)

(Act of Aug. 19, 1890, ch. 806, §§1-11; 26 Stat. 333-336)

Set aside lands in the States of Tennessee and Georgia “for the purpose of preserving and suitably marking for historical and professional military study the fields of some of the most remarkable maneuvers and most brilliant fighting in the [Civil War].” See [16 USC 424](#).

4. Forest Reserve Act of 1891

(Act of March 3, 1891, ch. 561, §24; [26 Stat. 1095, 1103](#))

Gave the President authority—by public proclamation—to “set apart and reserve” as “public reservations” any “part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not.” Beginning of the National Forest System, and forerunner of the Antiquities Act of 1906. See [16 USC 471](#) (repealed) and [16 USC 475](#).

5. Yellowstone Hunting Act (1894)

(Act of May 7, 1894, ch. 72, §4; 28 Stat. 73)

Prohibited “[a]ll hunting, or the killing, wounding, or capturing . . . of any bird or wild animal except . . . when . . . necessary to prevent them from destroying human life or inflicting an injury.” Directed the Secretary of the Interior to make and publish any rules and regulations s/he deemed necessary “for the proper management and care of the park and . . . for the protection of

¹ HeinOnline’s U.S. Statutes at Large library should be accessible from any NPS computer; go to <http://www.heinonline.org/HOL/Index?collection=statute>.

² The US Code (USC) can be accessed on the Internet, e.g., at <http://www4.law.cornell.edu/uscode/>, or <http://www.gpoaccess.gov/uscode/index.html>.

the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park.” See [16 USC 26](#).

6. Antiquities Act of 1906

(Act of June 8, 1906 ch. 3060; [34 Stat. 225](#))

Authorized the President to “declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments.”

Act provided further that lands so reserved “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” See [54 USC 320301](#).

7. National Park Service Organic Act (1916)

(Act of Aug. 25, 1916, ch. 408; [39 Stat. 535-36](#))

Congress created the National Park Service to care for the 14 parks, 21 monuments and 1 reservation then in existence, with the directive that “[t]he service thus established shall promote and regulate the use of the [parks] hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks . . . which purpose is to 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.” See [54 USC 100101\(a\)](#) *et seq.*

8. Reorganization Act (1933)

(Act of March 3, 1933, ch. 212, §16; [47 Stat. 1489, 1517-19](#))

In response to the “serious emergency” of the Depression, and for the purposes of reducing government expenditure and increasing efficiency of operations, Congress empowered the President to regroup, consolidate, transfer, or abolish “any executive agency or agencies and/or the functions thereof” by Executive order.

a) Executive Order 6166

(June 10, 1933, §2) Pursuant to authority granted by the Reorganization Act, President Roosevelt consolidated “[a]ll functions of administration of . . . reservations, national parks, national monuments, and national cemeteries” in the National Park Service.

b) Executive Order 6228

(July 28, 1933, §1) Specified which national military parks, national monuments and national cemeteries were transferred to the Interior Department from the War Department by Executive Order 6166. Among the transferred properties were Gettysburg and Antietam battlefields, the Statue of Liberty, and 11 Civil War cemeteries.

9. Everglades National Park Act (1934)

(Act of May 30, 1934, ch. 371; [48 Stat. 816-17](#))

Congress set apart the Everglades “as a public park for the benefit of the people,” to be managed by the National Park Service in accordance with the provisions of the Organic Act. The legislation further specified that the area was to “be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions.” See [16 USC 410](#), 410b and 410c.

10. Historic Sites, Buildings, and Antiquities Act (1935)

(Act of Aug. 21, 1935, ch. 593; [49 Stat. 666-68](#))

Congress declared it to be a “national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States.” Gave the Park Service authority to (1) acquire “any property, personal or real, or any interest or estate therein” for purposes of the Act, and (2) “[o]perate and manage historic and archaeologic sites, buildings and properties acquired” pursuant to the Act. Further, directed the NPS to “[d]evelop an educational program and service for the purpose of making available to the public facts and information pertaining to American historic and archaeologic sites, buildings, and properties of national significance.” Finally, established the National Park System Advisory Board. See [54 USC 320101](#) *et seq.*

11. Park, Parkway, and Recreational Area Study Act (1936)

(Act of June 23, 1936, ch. 735, §§1, 2; [49 Stat. 1894-95](#))

Directed the National Park Service to make a comprehensive study of “the public park, parkway, and recreational-area programs of the United States, and of the several States and political subdivisions thereof, and of the lands throughout the United States which are or may be chiefly valuable as such areas,” in order to “provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States.” In addition, directed the Secretary to aid States and localities in park, parkway, and recreational area planning. See [54 USC 100504](#).

12. Act for Administration (1953)

(Act of Aug. 8, 1953, ch. 384, §2; [67 Stat. 496](#))

Defined the term “National Park System” for the first time, as “all federally owned or controlled lands which are administered under the direction of the Secretary of the Interior in accordance with the provisions of the [NPS Organic Act] and which are grouped into the following descriptive categories: (1) National parks, (2) national monuments, (3) national historical parks, (4) national memorials, (5) national parkways, and (6) national capital parks.” Additionally, defined the term “miscellaneous areas” as

“lands under the administrative jurisdiction of another Federal agency, or lands in private ownership, and over which the National Park Service . . . pursuant to cooperative agreement, exercises supervision for recreational, historical, or other related purposes, and also any lands under the care and custody of the National Park Service other than those heretofore described in this section.” See [54 USC 100501](#).

13. Wilderness Act (1964)

(Pub. L. 88-577; 78 Stat. 890—96)

Congressional declaration of policy “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.” To protect same from the threats associated with “an increasing population, accompanied by expanding settlement and growing mechanization,” the Act established a “National Wilderness Preservation System to be composed of federally owned areas designated by Congress.” Legislation defined wilderness as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.” Federal agencies administering wilderness areas were instructed to do so “in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for [their] protection . . . the preservation of their wilderness character, and

for the gathering and dissemination of information regarding their use and enjoyment as wilderness.” The NPS opposed enactment of this legislation. See [16 USC 1131-36](#). Also see Director’s Order #41.

14. Land and Water Conservation Fund Act of 1965

(Pub. L. 88-578; [78 Stat. 897](#)—904)

In order to assure “accessibility to all citizens of the United States” to “such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen [their] health and vitality,” Congress established the Land and Water Conservation Fund as a means to provide (1) “assistance to the States in planning, acquisition, and development of needed land and water areas and facilities,” and (2) “for the Federal acquisition and development of certain lands and other areas.” The Fund would receive proceeds from entrance, admission and other recreation user fees; surplus property sales; motorboat fuel taxes; and other sources. See [54 USC 200301—200310](#).

15. National Historic Preservation Act (1966)

(Pub. L. 89-665; [80 Stat. 915](#)-19)

Congress, declaring that the Nation’s “historical and cultural foundations . . . should be preserved as a living part of . . . community life and development in order to give a sense of orientation to the American people,” finds it “necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities.” The most far-reaching preservation legislation ever enacted, the Act requires Federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.) through a process known as Section 106 review (see 16 USC 470f). Also created the National Register of Historic Places, the list of National Historic Landmarks, the Advisory Council on Historic Preservation (ACHP), and the State Historic Preservation Offices. See [54 USC 300101](#) *et seq.*

16. Endangered Species Preservation Act of 1966

(Pub. L. 89-669; [80 Stat. 926](#))

Authorized the Secretary to “carry out a program . . . of conserving, protecting, restoring, and propagating selected species of native fish and wildlife that are threatened with extinction.” Directed him/her to list such endangered species, and permitted the U.S. Fish and Wildlife Service to expend up to \$15 million per year to buy habitat for same. Directed Federal land management agencies to preserve habitat on lands they administered. Amended in 1969 (Pub. L. 91-135; 83 Stat. 275) to (1) provide protection to species in danger of “worldwide extinction” by banning their importation and sale in the U.S., and (2) expand the Lacey Act (Act of May 25, 1900, ch. 553; [31 Stat. 187](#); [16 USC 3371—78](#)) (which prohibits the transport of wildlife taken in violation of Federal, State, or foreign laws) to include reptiles, amphibians, mollusks and crustaceans. Rewritten by the Endangered Species Act of 1973 (Pub. L. 93-205; [87 Stat. 884](#))

17. National Trails System Act (1968)

(Pub. L. 90-543; [82 Stat. 919](#))

This Act authorized a national system of trails to provide opportunities for hiking, walking, bicycling and other activities in metropolitan, rural and back country areas. Established trail categories of “scenic,” “historic,” and “recreational.” Some of the trails are considered units of the national park system. See [16 USC 1241–1251](#). Also see Director’s Order #45.

18. Wild and Scenic Rivers Act (1968)

(Pub. L. 90-542; [82 Stat. 906](#))

This Act provided for the protection and preservation in free-flowing condition of selected rivers that possessed outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, or cultural values. The legislation added to the national park system long, winding units with complex management challenges. See [16 USC 1271–1287](#). Also see Director’s Order #46.

19. National Environmental Policy Act of 1969

(Pub. L. 91-190; [83 Stat. 852-56](#))

Passed in the wake of the outcry over the Santa Barbara oil spill, NEPA established a national policy of promoting the enhancement of the environment. Created the President’s Council on Environmental Quality ([CEQ](#)). Required all Federal agencies to study and report environmental impacts of a project during the planning process, which would be open for public input. Significantly increased the complexity of resource management in national parks. See [42 USC 4321—4370d](#). Also see Director’s Order #12.

20. National Park System General Authorities Act (1970)

(Pub. L. 91-383; [84 Stat. 825-27](#))

Congress, reacting to separate modes of NPS management of “natural,” “historic” and “recreational” areas, declares that “these areas are united through their inter-related purposes and resources into one national park system . . . preserved and managed for the benefit and inspiration of all the people of the United States . . .” Section 2(b) amends 1953 law to redefine “national park system.” See [54 USC 100101\(b\)](#) *et seq.*

21. Redwood Act Amendment (1978)

(Pub. L. 95-250; [92 Stat. 163](#), §101(b))

In the so-called Redwood Amendment, Congress added language to the 1970 General Authorities Act to direct that the management of the National Park System

“shall be consistent with and founded in the purpose established by the [NPS Organic Act],” and to that end, “the protection, management, and administration of [national park system] areas . . . shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

22. National Parks and Recreation Act of 1978

(Pub. L. 95-625, §604; [92 Stat. 3467](#), 3518-19)

Required every unit of the National Park System to have a general management plan, such plan to include identification of visitor carrying capacities.

23. Archaeological Resources Protection Act of 1979

(Pub. L. 96-95; [93 Stat. 721](#))

Congress, finding that archeological resources were increasingly endangered because of their commercial attractiveness, passed ARPA to govern the excavation of archeological sites on Federal and Indian lands, and the removal and disposition of archeological collections therefrom. Remedied the inadequacies of the Antiquities Act by defining archeological resources and introducing civil penalties for violation, including cost-recovery for damages and restoration. See [16 USC 470aa—470mm](#). Also see Director’s Order #28A.

24. Alaska National Interest Lands Conservation Act (1980)

(Pub. L. 96-487; [94 Stat. 2371](#))

Originally introduced as a series of individual park bills—many of them quite controversial in Alaska—beginning in 1974, ANILCA as eventually enacted in 1980 provided for the creation or revision of 15 NPS units, and set aside other public lands for the U.S. Forest Service and the U.S. Fish and Wildlife Service. In all, the legislation designated 79.53 million acres (124,281 square miles) of public lands, 47 million acres being added to the national park system, doubling its size. A third of the land set aside was designated wilderness. See 16 USC 3101—3233.

25. National Park System Resource Protection Act (1990)

(Pub. L. 101-337; [104 Stat. 379](#))

Passed in the aftermath of the Exxon Valdez oil spill, allowed the Federal Government for the first time to recover in damages a sum equal to the cost of replacing or restoring lost or damaged park resources—including marine resources—or acquiring their equivalent. The Secretary is required to “undertake all necessary actions to prevent or minimize the destruction, loss of, or injury to park system resources,” and to “assess and monitor damages.” See [54 USC 100721—100725](#). Also see Director’s Order #13B.

26. National Park Service Omnibus Management Act of 1998

(Pub. L. 105-391; [112 Stat. 3497](#))

Landmark legislation which, among other things, enacted concessions management reforms and gave the Service training and research mandates. In particular, title II directed the Secretary to “assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information” (§202; 16 USC 5932). And section 204 (16 USC 5934) required the NPS to undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources.” Title IV is referred to as the “NPS Concessions Management Improvement Act.” It authorizes concessions in the parks, but limits development of public accommodations, facilities, and services to those that (1) are necessary and appropriate for public use and enjoyment, and (2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit. See [54 USC 100701 et seq.](#)

27. Federal Lands Recreation Enhancement Act (2004)

(Pub. L. 108-447, div. J, title VIII; [118 Stat. 2809, 3377-93](#))

Repealed the Recreational Fee Demonstration Program and most provisions of the Land and Water Conservation Fund Act, and created a new interagency pass program, the *America the Beautiful – the National Parks and Federal Recreational Lands Pass*, which replaces the Golden Age, Golden Access, Golden Eagle, and National Parks Pass programs. The Act is the statutory authority for the recreation entrance fees and expanded amenity (use) fees collected by the NPS. This authority allows for no less than 80% of fees collected to be retained by the collecting sites, although the Secretary is authorized to reduce the percentage allocation to as little as 60% for a fiscal year if the “Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.” See [16 USC 6801—6814](#). Also see Director’s Order #22.

Section 2—Other Laws Important to the National Park Service

In alphabetical order:

Administrative Procedure Act (APA) (1946)

([5 USC 551 et seq.](#); June 11, 1946, ch. 324, 60 Stat. 237)

This Act governs the way Federal agencies propose and establish regulations. The APA also sets up a process for Federal courts to directly review agency decisions. Pursuant to the Act, courts will set aside NPS actions that are found to be “arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with the law.” This is often the basis on which management decisions are challenged.

Americans with Disabilities Act of 1990 (ADA)

([42 USC 12101–12213](#); Pub. L. 101-336)

This Act prohibits, under certain circumstances, discrimination based on “a physical or mental impairment that substantially limits a major life activity.” The determination of a disability is made on a case-by-case basis. In complying with this law, the NPS is subject to the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines. See [Director’s Order #42](#).

Architectural Barriers Act of 1968

([42 USC 4151–4156](#); Pub. L. 90-480)

This Act requires that facilities designed, built, altered, or leased with funds supplied by the Federal government be accessible to, and usable by, physically disabled persons. Federal agencies are responsible for ensuring compliance with the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines when funding the design, construction, alteration, or leasing of facilities. See Director’s Order #42.

Clean Air Act

([42 USC 7401–7671q](#); Pub. L. 88-206)

Originally enacted in 1963, this law creates affirmative responsibilities for the NPS to protect air quality-related values in Class I areas, which are national parks over 6,000 acres and national wilderness areas over 5,000 acres that were in existence on August 7, 1977. The Act establishes a national goal of preventing any future and remedying any existing human-made visibility impairment in Class I areas. The Act also recognizes the importance of integral vistas, which are those views perceived from within Class I areas of a specific landmark or panorama located outside the boundary of the Class I area. Although the Act gives the highest level of air quality protection to Class I areas, it provides many opportunities for the NPS to participate in the development of pollution control programs to preserve, protect, and enhance the air quality of all units of the national park system.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

([42 USC 9601–9675](#); Pub. L. 96-510)

Commonly called CERCLA, this law provides broad authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, CERCLA allows the NPS to recover civil damages and costs from anyone

who causes the loss of, or injury to, park resources due to release of hazardous substances or discharged oil. See Director's Order #13B.

Federal Water Pollution Control Act

([33 USC 1251–1387](#); Pub. L. 92-500, 95-217)

Commonly known as the Clean Water Act, this is the primary Federal law governing water pollution. Federal facilities, including NPS units, are subject to the Act, so that wastewater released by the Service back into watercourses must meet or exceed the water quality standards established pursuant to the Act. The NPS must comply with water quality standards established by the States.

Freedom of Information Act (FOIA)

([5 USC 552](#); Pub. L. 89-554)

FOIA allows for the full or partial disclosure of previously unreleased information and documents controlled by the Federal government. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute. Although the NPS is generally committed to sharing its information, the NPS is subject to three statutes prohibiting the release, and a fourth allowing withholding, of information that would expose park resources to harm, destruction, or theft. The Electronic Freedom of Information Act Amendments of 1996 (E-FOIA) stated that all agencies are required by statute to make certain types of records available electronically. See Director's Order #66.

Mining in the Parks Act

([54 USC 100731—100737](#); Pub. L. 94-429)

In this 1976 Act, Congress found and established as a matter of policy that, because of changes in mining technology, the continued application of the mining laws to areas of the National Park System conflicts with the purposes for which the areas were established, and that all mining operations in the national park system should be conducted to prevent and minimize damage. The exercise of valid existing mineral rights on both patented and unpatented mining claims in System units was made subject to regulation by the Secretary of the Interior.

National Parks Air Tour Management Act of 2000

(Pub. L. 106-181, Title VIII; [114 Stat. 61, 185](#))

This Act provides for a joint FAA/NPS planning process that will lead to the management by the FAA of commercial air tours over national parks (with the exception of parks in Alaska and ROMO, which are specifically excluded from the process). The NPS assists the FAA in developing an air tour management plan for each park with existing or proposed air tours. See Director's Order #47.

Volunteers in the Parks Act of 1969

([54 USC 102301](#); Pub. L. 91-357)

Authorized the Secretary of the Interior to establish a "volunteers in the parks" program to aid in interpretation functions or other visitor services or activities in and related to NPS-administered areas. Allows the Service to utilize volunteer help and services provided that VIPs will not displace NPS employees, nor engage in hazardous duty (unless they have the skills) or law enforcement work or in policymaking processes. See Director's Order #7.