



2022 Legislative Priority: Define USACE Park Ranger Functions as Inherently Governmental

Background: The United States Army Corps of Engineers (USACE) Park Rangers are first responders who work daily to keep the public safe and to protect critical infrastructure at USACE water resources development projects.

USACE Park Rangers are the federal “eyes and ears” of the USACE on the waterfront, keeping watch by water and land on and around our nation’s top critical infrastructure such as locks and dams that have been built to protect communities against flooding, to provide drinking water and irrigation supplies, to provide recreational opportunities, to enable interstate commerce in ports and inland waterways, to generate clean hydropower, and to support ecosystem restoration efforts.

In addition to protecting natural resources and providing interpretive services to visitors, USACE Park Rangers provide a national security function by detecting and reporting suspicious activity that may be a threat to USACE critical infrastructure. USACE Park Rangers issue citations for violations of USACE regulations on Federal water resources development projects. The uniformed federal presence and authority of USACE Park Rangers is an inherently governmental obligation.

Current Status: USACE Park Rangers are at risk of attempts to privatize or outsource these critical positions.

Impacts: Privatization or outsourcing of the role of USACE Park Ranger at any USACE water resources development project would result in an unacceptable tradeoff between the obligation to protect Federal critical infrastructure and a contractor’s fiduciary obligation to maximize profit.

Requested Action:

- Introduce a bill (suggested language attached) to define the USACE Park Ranger duties as inherently governmental.

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To designate certain U.S. Army Corps of Engineers functions as inherently governmental, and for other purposes.

IN THE SENATE OF THE UNITED STATES

A BILL

To designate certain U.S. Army Corps of Engineers functions as inherently governmental, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Army Corps of Engineers Park Ranger Enforcement and Homeland Security Functions Act of ----”.

SEC. 2. INHERENTLY GOVERNMENTAL DETERMINATION.

(a) IN GENERAL.—

(1) INHERENTLY GOVERNMENTAL.—For purposes of section 2(a) of the Federal Activities Inventory Reform Act of 1998 (112 Stat. 2382, P.L. 105-270), The functions performed by the Army Corps of Engineers’ Park Rangers, including park management, real property/shoreline management, environmental compliance, visitor assistance, public safety, and natural, historical, and cultural resources management duties at Corps water resources development projects are considered inherently governmental functions that require performance by Federal employees.

(2) TRANSFER.—The transfer to a different U.S. Agency or the transfer to any department of an Agency shall not change the determination regarding the functions described in section 2(a)(1) or any other functions that have been declared inherently governmental by statute or regulations relating to operations and maintenance at Army Corps of Engineers water resources development projects. Such functions are necessary to maintain control of the Agency’s mission and operations, and therefore are intimately related to the public interest as to require performance by federal government employees.

(b) EXCEPTIONS.—Notwithstanding subsection (a), the Army Corps of Engineers may continue to procure contracts for private sector performance of duties such as campsite hosts and other duties not related to the enforcement of federal laws or regulations; or to the protection of federal resources, lands, and property at Corps water resources development projects.

(1) Nothing in this section shall prevent the Secretary or the Army Corps of Engineers from ending or terminating contracts or service contracts and using federal employees to perform such functions.

(c) DEFINITIONS.—

(1) For purposes of this Act, the terms “park ranger” or “lead park ranger” include employees who perform work, manage, or supervise the stewardship of federal lands, waters, and park resources at Corps projects. These employees may have various titles including Park Ranger, Lead Park Ranger, Natural Resources Management Specialist, and similar. These employees are typically classified into the GS-0401 or GS-0025 series, and are typically graded from GS-04 to GS-12.

(2) For the purposes of this Act, the term “water resources development project” has the same meaning as utilized in the United States Code, title 36. These projects include, but are not limited to, reservoirs and inland waterways that may be authorized by Congress for various purposes including navigation, power generation, water and irrigation supply, flood control, recreation, and environmental restoration; along with the infrastructure and lands required to achieve the authorized project purposes such as locks, dams, navigation structures, levees, parks, roads, and bridges.