



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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2022 IFPTE Issue Brief

117th Congress

Army Corps of Engineers Park Rangers are Inherently Governmental Jobs

Overview: The United States Army Corps of Engineers (USACE) Park Rangers are first responders who work daily to keep the public safe. 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 infrastructures navigational lock and dams and hydroelectric dams. They provide a Continuity of Operations to ensure federal authority on-site Army Corps federal property, detect and report suspicious activity that may be a threat to national security or be related to any evolving threats on federal property.

The IFPTE urges Congress to pass legislation that includes language designating USACE Park Ranger functions as inherently governmental.

H. R. ----

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

IN THE HOUSE OF REPRESENTATIVES

A BILL

To designate certain Army Corps of Engineers USACE 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 Rangers Enforcement and Homeland Secure 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), The Army Corps of Engineers environmental, public safety and enforcement duties for projects, district and division control, water and navigational resource USACE park projects and facilities, federal park rangers and lead park ranger functions are considered inherently governmental functions not commercial activity that require the performance by Federal employees.

(2) TRANSFER.—The transfer to a different U.S. Agency or the transfer of any department of an Agency, shall not change the functions determination and tasks described in section 2(a)(1) or any other, Army Corps of Engineers critical infrastructure projects, navigation control, operation and maintenance functions that are declared - inherently governmental not commercial activity by statute or regulations as those functions are intimately related to the public interest as to require performance by federal government employees and will ensure an Agency “critical functions” will maintain control of its mission and operations. - See Office of Federal Procurement Policy (OFPP) Policy Letter 11-01. Noting:

A (critical function) defined, as “a function that is necessary to the Agency being able to effectively perform and maintain control of its mission and operations...”

(b) EXCEPTIONS.—Notwithstanding subsection (a), the Army Corps of Engineers may continue to contract with “non-enforcement or host functions” not related to park ranger functions under Statute, Title 36 or Army Corps of Engineer and Federal regulations mandated duties.

(1) for private sector performance of functions not related to Army Corps of Engineer park rangers enforcement and security duties under Statute, Title 36 Noting: Except that 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; and

(c) DEFINITION.—For purposes of this section, the term “park ranger or lead park ranger” includes all activities associated with the policy of the Secretary of the Army, acting through the Chief of Engineers, to manage and secure the environment, natural and cultural resources manage and enforce violations of laws and regulations on federal property, waterways, lakes, navigational rivers, and critical infrastructures lock and dams, hydroelectric dams and property oversight. Homeland security responsibilities for each navigation project and resources. This in the public interest as a critical function.