

115TH CONGRESS
1ST SESSION

H. R. 2771

To amend the Fair Labor Standards Act of 1938 to revise an exemption to the minimum wage and maximum hours provisions of that Act for certain seasonal workers in national parks and forests, and to amend title 41, United States Code, to include an exemption for contracts providing services directly related to recreational activities to the general public, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2017

Mr. STEWART (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mrs. LOVE, Mr. PEARCE, Mr. GOSAR, Mr. TIPTON, Mr. AMODEI, Mr. LAMALFA, Ms. CHENEY, Mr. LAMBORN, Mr. ROGERS of Kentucky, Mr. COOK, Mr. COLE, Mr. MEADOWS, and Mr. FRANKS of Arizona) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to revise an exemption to the minimum wage and maximum hours provisions of that Act for certain seasonal workers in national parks and forests, and to amend title 41, United States Code, to include an exemption for contracts providing services directly related to recreational activities to the general public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Outdoor Recreation
3 Enhancement Act”.

4 **SEC. 2. EXEMPTION FOR CERTAIN SEASONAL WORKERS.**

5 Section 13(a)(3) of the Fair Labor Standards Act of
6 1938 (29 U.S.C. 213(a)(3)) is amended—

7 (1) by striking “except that” and all that fol-
8 lows through “Secretary of Agriculture”; and

9 (2) by inserting before the semicolon the fol-
10 lowing: “, provided that, for the purposes of this
11 paragraph, and notwithstanding the definition of es-
12 tablishment in section 779.23 of title 29 of the Code
13 of Federal Regulations, an employee of an entity en-
14 gaged in providing services or facilities directly re-
15 lated to outfitting and guiding or similar outdoor
16 recreation activities, or rental of outdoor recreational
17 equipment (including services, facilities, or equip-
18 ment relating to rafting, boating, zip lines, camp-
19 grounds, horseback riding, bicycling, hiking, guest
20 ranches, summer camps, hunting, and fishing), or a
21 private entity engaged in providing services and fa-
22 cilities directly related to skiing, shall be considered
23 an employee employed by an establishment which is
24 a recreational establishment”.

1 **SEC. 3. EXEMPTION FOR SERVICE CONTRACTS DIRECTLY**
2 **RELATED TO CERTAIN RECREATIONAL AC-**
3 **TIVITIES.**

4 Section 6702(b) of title 41, United States Code, is
5 amended—

6 (1) in paragraph (6), by striking “and” after
7 the semicolon;

8 (2) in paragraph (7), by striking the period
9 after “stations” and inserting “; and”; and

10 (3) by adding after paragraph (7) the following:

11 “(8) a contract with the Secretary of the Inte-
12 rior or the Secretary of Agriculture, the principal
13 purpose of which is to provide services to the general
14 public directly related to outfitting and guiding or
15 similar outdoor recreation activities, or rental of out-
16 door recreational equipment (including services, fa-
17 cilities, or equipment relating to rafting, boating, zip
18 lines, campgrounds, horseback riding, bicycling, hik-
19 ing, guest ranches, summer camps, hunting, skiing,
20 and fishing).”.

21 **SEC. 4. NOTIFICATION OF CHANGE OF EXEMPTIONS.**

22 (a) IN GENERAL.—In connection with any contract,
23 permit, license, or other agreement as described in section
24 6702(b)(8) of title 41, United States Code (as added by
25 this Act), and entered into between the Federal Govern-
26 ment and an employer of an employee described in section

1 13(a)(3) of the Fair Labor Standards Act (29 U.S.C.
2 213(a)(3)) as amended in this Act, the head of the agency
3 that entered into such contract, permit, license, or other
4 agreement shall—

5 (1) notify the holder of such contract, permit,
6 license, or other agreement, of the applicability of
7 the exemptions in such sections, as amended by this
8 Act; and

9 (2) modify such contract, permit, license, or
10 other agreement to reflect the change to such ex-
11 emptions as a result of the amendments made by
12 sections 2 and 3, including by removal of the con-
13 tract clause set forth in Appendix A of part 10 of
14 title 29, Code of Federal Regulations, if such clause
15 is included in such contract, permit, license, or other
16 agreement, without requiring consideration or any
17 other amendment to the terms and conditions of
18 such contract, permit, license, or other agreement.

19 (b) RULE OF CONSTRUCTION.—No action taken
20 under this section shall be considered a major Federal ac-
21 tion significantly affecting the quality of the human envi-
22 ronment within the meaning of the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1 **SEC. 5. EXEMPTION FROM PAID SICK LEAVE.**

2 The contracts as described in section 6702(b)(8) of
3 title 41, United States Code (as added by this Act), shall
4 not be considered to be “contracts” or “contract-like in-
5 struments” within the meaning of the Executive order es-
6 tablishing paid sick leave for Federal contractors, issued
7 September 7, 2015.

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