

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0301**

March 29, 2016

The Honorable Mike Connor  
Deputy Secretary  
US Department of the Interior  
1849 C Street  
Washington, DC 20240

Dear Secretary Connor:

We have received alarming reports that the Department of Interior is directing the BLM and the National Park Service to disregard the intent of Congress with respect to a Department of Labor regulation on wage and overtime rules for federal contractors.

Section 110 of the Consolidated Appropriations Act of 2016 (Public Law No: 114-113), which was signed into law on December 18, 2015 by President Obama, prohibits the Department of Labor from using funds to implement, administer and enforce E.O. 13658 on federal contracts and permits authorizing seasonal recreation services or seasonal recreational equipment rental. This provision was specifically designed to prevent the Department of Labor contract clause enforcing E.O. 13658 from being included on outfitter and guide permits, contracts and contract-like instruments.

As you may know, E.O. 13658 sharply raised the minimum wage and overtime pay requirement for federal contractors, most of whom are paid by the federal government to provide equipment and services to various federal agencies. Unlike outfitter and guide contracts, when new procurement contracts are issued, the costs are passed on to the agency. Federal permit holders, including outfitters and guides who operate on public lands, are in a very different situation—they do not fit the traditional definition of a contractor. Instead of being paid by an agency to perform a service, they pay the agencies. Their connection to the federal government is the permit they require to operate on federal lands. The higher costs associated with E.O. 13658 will have to be paid by the public, which will cause many of the guides and outfitters to either go out of business or simply not operate on public lands.

It was clearly the intent of Congress in the Consolidated Appropriations Act of 2016 that federal agencies abate implementation of E.O. 13658 for these seasonal recreational service providers. An attempt by the Department of Interior to skirt Congressional intent would be ill-advised, harmful to the economy of many western communities, and will hurt the ability of millions of Americans to access public lands.

Therefore, we urge you to advise those agencies under your authority to recognize the intent of Congress and to abate inclusion of the Department of Labor standard contract clause implementing E.O. 13658 on new outfitter and guide permits issues in 2016 and to cease making that clause a condition of permit compliance for any permits in which the clause was included in 2015.

For your convenience the language included in P.L. No. 114-1134 can be found below.

SEC. 110. None of the funds made available by this Act may be used to implement, administer, or enforce the Establishing a Minimum Wage for Contractors regulation published by the Department of Labor in the Federal Register on October 7, 2014 (79 Fed. Reg. 60634 et seq.), with respect to Federal contracts, permits, or other contract-like instruments entered into with the Federal Government in connection with Federal property or lands, specifically related to offering seasonal recreational services or seasonal recreation equipment rental for the general public: Provided, That this section shall not apply to lodging and food services associated with seasonal recreation services.

We look forward to hearing your response.

Thank you,



Chris Stewart  
Member of Congress



Cynthia Lummis  
Member of Congress



Ryan Zinke  
Member of Congress



Doug Lamborn  
Member of Congress



Sean Duffy  
Member of Congress



Bruce Westerman  
Member of Congress



Matt Salmon  
Member of Congress



Scott Tipton  
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Rob Bishop  
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Doug LaMalfa  
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Paul Gosar  
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Kevin Cramer  
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