

113TH CONGRESS  
2D SESSION

# H. R. 3896

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## AN ACT

To amend the Longshore and Harbor Workers' Compensation Act to provide a definition of recreational vessel for purposes of such Act.

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 “Longshore and Harbor  
3 Workers’ Compensation Clarification Act of 2014”.

4 **SEC. 2. DEFINITION OF RECREATIONAL VESSEL.**

5       (a) DEFINITION.—Section 2 of the Longshore and  
6 Harbor Workers’ Compensation Act (33 U.S.C. 902) is  
7 amended—

8           (1) by redesignating paragraph (22) as para-  
9 graph (23); and

10          (2) by inserting after paragraph (21) the fol-  
11 lowing:

12           “(22)(A) The term ‘recreational vessel’ means a  
13 vessel—

14                   “(i) being manufactured or operated pri-  
15 marily for pleasure; or

16                   “(ii) leased, rented, or chartered to an-  
17 other for the latter’s pleasure.

18           “(B) In applying the definition in subparagraph  
19 (A), the following rules apply:

20                   “(i) A vessel being manufactured or built,  
21 or being repaired under warranty by its manu-  
22 facturer or builder, is a recreational vessel if  
23 the vessel appears intended, based on its design  
24 and construction, to be for ultimate recreational  
25 uses. The manufacturer or builder bears the

1           burden of establishing that a vessel is rec-  
2           reational under this standard.

3           “(ii) A vessel being repaired, dismantled  
4           for repair, or dismantled at the end of its life  
5           will be treated as recreational at the time of re-  
6           pair, dismantling for repair, or dismantling,  
7           provided that such vessel shares elements of de-  
8           sign and construction of traditional recreational  
9           vessels and is not normally engaged in a mili-  
10          tary, commercial, or traditionally commercial  
11          undertaking.

12          “(iii) A vessel will be treated as a rec-  
13          reational vessel if it is a public vessel, such as  
14          a vessel owned or chartered and operated by the  
15          United States, or by a State or political subdivi-  
16          sion thereof, at the time of repair, dismantling  
17          for repair, or dismantling, provided that such  
18          vessel shares elements of design and construc-  
19          tion with traditional recreational vessels and is  
20          not normally engaged in a military, commercial,  
21          or traditionally commercial undertaking.”.

22          (b) REGULATIONS.—Not later than 90 days after the  
23          date of enactment of this Act, the Secretary of Labor  
24          shall—

1           (1) amend the regulations in section 701.501 of  
2           title 20, Code of Federal Regulations, by deleting  
3           the text of subsections (a) and (b) of such section  
4           and replacing it with only the text of the definition  
5           of recreational vessel in section 2(22) of the  
6           Longshore and Harbor Workers' Compensation Act,  
7           as added by subsection (a); and

8           (2) make no further modification to such defini-  
9           tion in another regulation or any administrative di-  
10          rective.

Passed the House of Representatives July 29, 2014.

Attest:

*Clerk.*



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