

113TH CONGRESS
2^D SESSION

H. R. 3896

IN THE SENATE OF THE UNITED STATES

JULY 30, 2014

Received

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:

KAREN L. HAAS,

Clerk.