

114TH CONGRESS  
1ST SESSION

# H. R. 436

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2015

Ms. WASSERMAN SCHULTZ (for herself, Ms. FRANKEL of Florida, Ms. WILSON of Florida, Mr. DEUTCH, Mr. MURPHY of Florida, Mr. HUNTER, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Longshore and Harbor  
5 Workers' Compensation Clarification Act of 2015”.

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

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

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

3 (2) by inserting after paragraph (21) the fol-  
4 lowing:

5 “(22)(A) The term ‘recreational vessel’ means a  
6 vessel—

7 “(i) being manufactured or operated pri-  
8 marily for pleasure; or

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

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

13 “(i) A vessel being manufactured or built,  
14 or being repaired under warranty by its manu-  
15 facturer or builder, is a recreational vessel if  
16 the vessel appears intended, based on its design  
17 and construction, to be for ultimate recreational  
18 uses. The manufacturer or builder bears the  
19 burden of establishing that a vessel is rec-  
20 reational under this standard.

21 “(ii) A vessel being repaired, dismantled  
22 for repair, or dismantled at the end of its life  
23 will be treated as recreational at the time of re-  
24 pair, dismantling for repair, or dismantling,  
25 provided that such vessel shares elements of de-

1 sign and construction of traditional recreational  
2 vessels and is not normally engaged in a mili-  
3 tary, commercial, or traditionally commercial  
4 undertaking.

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

15 (b) REGULATIONS.—Not later than 90 days after the  
16 date of enactment of this Act, the Secretary of Labor shall  
17 revise the regulations in section 701.501 of title 20, Code  
18 of Federal Regulations, by deleting the text of subsections  
19 (a) and (b) of such section and replacing it with only the  
20 text of the definition of recreational vessel in section 2(22)  
21 of the Longshore and Harbor Workers’ Compensation Act,  
22 as added by subsection (a).

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