

109TH CONGRESS
1ST SESSION

H. R. 940

To amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. KELLER (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. SHAW, Ms. ROS-LEHTINEN, Mr. FOLEY, Ms. HARRIS, Mr. DICKS, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. RENZI, Mr. BROWN of South Carolina, Mrs. MILLER of Michigan, Mr. TAYLOR of Mississippi, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Recreational Marine
5 Employment Act of 2005".

1 **SEC. 2. CLARIFICATION OF RECREATIONAL VESSEL WORK-**
2 **ER EXEMPTION.**

3 The Longshore and Harbor Workers' Compensation
4 Act (33 U.S.C. 901 et seq.) is amended as follows:

5 (1) Section 2 (33 U.S.C. 902) is amended—

6 (A) in paragraph (3)—

7 (i) so that subparagraph (C) reads as
8 follows:

9 “(C) individuals employed by or at, or en-
10 gaged in the construction or maintenance of, a
11 recreational marine facility or structure;”;

12 (ii) so that subparagraph (F) reads as
13 follows:

14 “(F) individuals employed principally to
15 build, repair, test, maintain, accommodate, buy,
16 sell, store, restore, transport by land, or dis-
17 mantle a recreational vessel;” and

18 (iii) by striking the unenumerated text
19 following subparagraph (H) and inserting
20 the following:

21 “if the employer of an individual described in subpara-
22 graphs (A) through (F) is in compliance with a State
23 workers' compensation law.”; and

24 (B) by redesignating paragraph (22) as
25 paragraph (24) and inserting after paragraph
26 (21) the following new paragraphs:

1 “(22) The term ‘recreational marine facility or
2 structure’ means a place used principally to build,
3 repair, test, maintain, accommodate, buy, sell, store,
4 restore, or dismantle recreational vessels.

5 “(23) The term ‘recreational vessel’ means a
6 vessel manufactured principally for pleasure use.”.

7 (2) Section 5(b) (33 U.S.C. 905(b)) is amended
8 by striking “a person covered under this Act” and
9 inserting “a person in maritime employment who
10 does not qualify as a seaman under section 20 of the
11 Act of March 4, 1915 (46 App. U.S.C. 688; Chap.
12 153; 38 Stat. 1185) (as such section was amended
13 by section 33 of the Merchant Marine Act, 1920
14 (Chap. 250, 41 Stat. 1007; commonly known as the
15 Jones Act))”.

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