

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.

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## 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

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## 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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