

117TH CONGRESS  
1ST SESSION

# H. R. 628

To amend title 46, United States Code, to exclude certain aquaculture workers from treatment as seamen for the purpose of liability in the event of injury or death, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. YOUNG (for himself, Mr. LARSON of Connecticut, and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 46, United States Code, to exclude certain aquaculture workers from treatment as seamen for the purpose of liability in the event of injury or death, 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 “Shellfish Aquaculture  
5 Improvement Act of 2021”.

1 **SEC. 2. LIMITATION ON RECOVERY FOR CERTAIN INJURIES**  
2 **INCURRED IN SHELLFISH AQUACULTURE AC-**  
3 **TIVITIES IF A STATE REMEDY IS AVAILABLE.**

4 (a) IN GENERAL.—Section 30104 of title 46, United  
5 States Code, is amended—

6 (1) by inserting “(a) IN GENERAL.—” before  
7 the first sentence; and

8 (2) by adding at the end the following:

9 “(b) LIMITATION ON RECOVERY BY AQUACULTURE  
10 WORKERS.—For purposes of subsection (a)—

11 “(1) IN GENERAL.—The term ‘seaman’ does  
12 not include an individual who—

13 “(A) is an aquaculture worker if State  
14 workers’ compensation is available to such indi-  
15 vidual; and

16 “(B) was, at the time of injury, engaged in  
17 aquaculture in a place where such individual  
18 had lawful access.

19 “(2) AQUACULTURE WORKER DEFINED.—For  
20 purposes of paragraph (1), the term ‘aquaculture  
21 worker’ means an individual who—

22 “(A) is employed by a commercial enter-  
23 prise that is involved in the controlled cultiva-  
24 tion and harvest of aquatic plants and animals,  
25 including—

1                   “(i) the cleaning, processing, or can-  
2                   ning of fish and fish products;

3                   “(ii) the cultivation and harvesting of  
4                   shellfish; and

5                   “(iii) the controlled growing and har-  
6                   vesting of other aquatic species;

7                   “(B) does not hold a license issued under  
8                   section 7101(e) of this title; and

9                   “(C) is not required to hold a merchant  
10                  mariner credential under part F of subtitle II  
11                  of this title.”.

12               (b) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to injuries incurred on or after the  
14 date of enactment of this Act.

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