

S 236

Longshore and Harbor Workers' Compensation Act Amendments of 2009

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Jan 14, 2009

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jan 14, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/236>

Sponsor

Name: Sen. Isakson, Johnny [R-GA]

Party: Republican • **State:** GA • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jan 14, 2009

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

No related bills are listed.

Longshore and Harbor Workers' Compensation Act Amendments of 2009 - Amends the Longshore and Harbor Workers' Compensation Act to declare that it is the intent of Congress that: (1) in a claim brought under such Act, the facts are not to be given a broad liberal construction in favor of the employee or of the employer; (2) the laws pertaining to the claim are to be construed in accordance with the basic principles of statutory construction and not liberally in favor of either the employee or employer; and (3) the system established under the Act shall be efficient and self-executing, but not an economic or administrative burden.

Makes compensation under the Act payable regardless of fault as a cause of an injury (no-fault).

Specifies requirements for proportional payment of compensation, the last employer doctrine, intervening employment, and noncontributing employment exposure.

Prescribes criteria for the preemption of state law providing additional or alternative remedies for an injured employee, the employee's legal representative, spouse, next of kin, or anyone otherwise entitled to recover from an employer on account of an employee's injury or death.

Revises requirements for physician selection. Allows a carrier to designate one or more participating networks or one or more health care panels, or both, to provide medical services to employees.

Modifies the formula used to determine disability compensation, including for loss of hearing.

Increases allowed funeral expenses.

Revises requirements for: (1) determination of death compensation to survivors; (2) timing and recipients of a notice of such injury or death; (3) filing of claims; (4) date of payment of compensation; (5) assignment and exemption from the claims of creditors; (6) presumptions, burdens, and rules of evidence; (7) review of compensation orders; (8) modification of compensation awards for fraud or overpayment; (9) reports of fraud; and (10) payments into the special fund in the absence of an entitled survivor of an employee.

Actions Timeline

- **Jan 14, 2009:** Introduced in Senate
- **Jan 14, 2009:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.