To preclude absolute liability in any action against the United States as a condition for receiving Federal financial assistance for infrastructure and transportation development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FASO introduced the following bill; which was referred to the Committee on

A BILL

To preclude absolute liability in any action against the United States as a condition for receiving Federal financial assistance for infrastructure and transportation development, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Infrastructure Expansion Act of 2017”.

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SEC. 2. PRESERVATION OF FEDERAL FINANCIAL ASSISTANCE FOR INFRASTRUCTURE AND TRANSPORTATION DEVELOPMENT.

(a) No Absolute Liability Against the United States.—Notwithstanding any other provision of law, in the case of any project for which the United States is the property owner or a party to a contract relating to the property that is the subject of the project, no action may be instituted by any person who supervises or performs any work on or who is otherwise affiliated with the project against the United States for any injury resulting from an elevation or gravity related risk, unless, upon consideration of the conduct of the claimant and the conduct of all officers and employees of the Government whose conduct contributed to the occurrence of the injury, the court determines that the latter was the predominant cause of the injury.

(b) No Absolute Liability as Condition of Receiving Federal Financial Assistance.—For any project for which Federal financial assistance is used, directly or indirectly, no action on the basis of absolute liability may be instituted against a property owner or a party to a contract relating to the property that is the subject of the project for any injury associated with an elevation or gravity related risk occurring on that project.

For any project for which Federal financial assistance is
used, a State shall, for any claim otherwise available against a property owner or contractor for any injury associated with an elevation or gravity related risk, apply the liability standard applicable to the United States in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term “absolute liability” means liability for a personal injury or death that is imposed without consideration of the responsibility of the injured person, including failure to follow safety instructions or safe work practices in accordance with training provided, failure to utilize provided safety equipment or devices, impairment by the use of drugs or alcohol, or involvement in a criminal act, when such failure, impairment, or act is a proximate cause of an injury to such person.

(2) The term “elevation or gravity related risk” means a hazard related to the effects of gravity either due to the difference between the elevation level of the required work and a lower level or a difference between the elevation level where the worker is positioned and the higher level of the materials or load being hoisted or secured.

(3) The term “project” means the erection, demolition, repairing, altering, painting, cleaning or
pointing of a highway, bridge, tunnel, airport, railway, bus or railroad station, depot, pier, building, or any other structure owned or operated by the Federal government or for which Federal financial assistance is used.

(4) The term “State” includes a port authority, transit agency, public toll authority, metropolitan planning organization, or other political subdivision of a State or local government.

(d) WORKERS’ COMPENSATION LAWS.—Nothing in this section shall be construed to preempt any law of a State providing for workers’ compensation.

(e) EFFECTIVE DATE.—This section applies to claims arising from projects in which a State or local government accepts Federal financial assistance on or after January 1, 2018.