

115TH CONGRESS
1ST SESSION

H. R. _____

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.

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 “Infrastructure Expan-
5 sion Act of 2017”.

1 **SEC. 2. PRESERVATION OF FEDERAL FINANCIAL ASSIST-**
2 **ANCE FOR INFRASTRUCTURE AND TRANS-**
3 **PORTATION DEVELOPMENT.**

4 (a) NO ABSOLUTE LIABILITY AGAINST THE UNITED
5 STATES.—Notwithstanding any other provision of law, in
6 the case of any project for which the United States is the
7 property owner or a party to a contract relating to the
8 property that is the subject of the project, no action may
9 be instituted by any person who supervises or performs
10 any work on or who is otherwise affiliated with the project
11 against the United States for any injury resulting from
12 an elevation or gravity related risk, unless, upon consider-
13 ation of the conduct of the claimant and the conduct of
14 all officers and employees of the Government whose con-
15 duct contributed to the occurrence of the injury, the court
16 determines that the latter was the predominant cause of
17 the injury.

18 (b) NO ABSOLUTE LIABILITY AS CONDITION OF RE-
19 CEIVING FEDERAL FINANCIAL ASSISTANCE.—For any
20 project for which Federal financial assistance is used, di-
21 rectly or indirectly, no action on the basis of absolute li-
22 ability may be instituted against a property owner or a
23 party to a contract relating to the property that is the
24 subject of the project for any injury associated with an
25 elevation or gravity related risk occurring on that project.
26 For any project for which Federal financial assistance is

1 used, a State shall, for any claim otherwise available
2 against a property owner or contractor for any injury as-
3 sociated with an elevation or gravity related risk, apply
4 the liability standard applicable to the United States in
5 subsection (a).

6 (c) DEFINITIONS.—In this section:

7 (1) The term “absolute liability” means liability
8 for a personal injury or death that is imposed with-
9 out consideration of the responsibility of the injured
10 person, including failure to follow safety instructions
11 or safe work practices in accordance with training
12 provided, failure to utilize provided safety equipment
13 or devices, impairment by the use of drugs or alco-
14 hol, or involvement in a criminal act, when such fail-
15 ure, impairment, or act is a proximate cause of an
16 injury to such person.

17 (2) The term “elevation or gravity related risk”
18 means a hazard related to the effects of gravity ei-
19 ther due to the difference between the elevation level
20 of the required work and a lower level or a dif-
21 ference between the elevation level where the worker
22 is positioned and the higher level of the materials or
23 load being hoisted or secured.

24 (3) The term “project” means the erection,
25 demolition, repairing, altering, painting, cleaning or

1 pointing of a highway, bridge, tunnel, airport, rail-
2 way, bus or railroad station, depot, pier, building, or
3 any other structure owned or operated by the Fed-
4 eral government or for which Federal financial as-
5 sistance is used.

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

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

13 (e) EFFECTIVE DATE.—This section applies to
14 claims arising from projects in which a State or local gov-
15 ernment accepts Federal financial assistance on or after
16 January 1, 2018.