

AMENDMENT TO
RULES COMMITTEE PRINT 118-36
OFFERED BY MR. WILLIAMS OF NEW YORK

At the end of subtitle C of title XVII, add the following:

1 **SEC. 17___ . PRESERVATION OF FEDERAL FINANCIAL AS-**
2 **SISTANCE FOR INFRASTRUCTURE AND**
3 **TRANSPORTATION DEVELOPMENT.**

4 (a) NO ABSOLUTE LIABILITY ON CERTAIN
5 PROJECTS.—For any project for which Federal financial
6 assistance is used, directly or indirectly, no action on the
7 basis of absolute liability may be instituted by a covered
8 person against a property owner or a party to a contract
9 relating to the property that is the subject of the project
10 for any injury associated with an elevation or gravity re-
11 lated risk occurring on that project.

12 (b) COMPARATIVE NEGLIGENCE LIABILITY STAND-
13 ARD FOR CERTAIN CLAIMS.—For any project for which
14 Federal financial assistance is used, a State shall apply
15 to any claim brought by a covered person against a prop-
16 erty owner or contractor for an injury associated with an
17 elevation or gravity related risk a comparative negligence

1 liability standard that considers the comparative neg-
2 ligence of the injured person for any claim in which—

3 (1) such negligence is a proximate cause of an
4 injury to a person; and

5 (2) State law would otherwise apply absolute li-
6 ability as the basis for such claim.

7 (c) DEFINITIONS.—In this section:

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

18 (2) The term “covered person” means any per-
19 son who supervises or performs any work on or who
20 is otherwise affiliated with a project.

21 (3) The term “elevation or gravity related risk”
22 means a hazard related to the effects of gravity ei-
23 ther due to the difference between the elevation level
24 of the required work and a lower level or a dif-
25 ference between the elevation level where the worker

1 is positioned and the higher level of the materials or
2 load being hoisted or secured.

3 (4) The term “project” means the erection,
4 demolition, repairing, altering, painting, cleaning or
5 pointing of a highway, bridge, tunnel, airport, rail-
6 way, bus or railroad station, depot, pier, building, or
7 any other structure owned or operated by the Fed-
8 eral Government or for which Federal financial as-
9 sistance is used.

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

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

17 (e) EFFECTIVE DATE.—This section applies to
18 claims arising from projects in which a State or local gov-
19 ernment accepts Federal financial assistance on or after
20 January 1, 2026.

