

1 with particularity to the statements presented in the no-
2 tice.

3 “(4) Not later than 15 working days following the
4 Secretary’s response provided pursuant to paragraph (3),
5 the employee or representative of employees shall, on mak-
6 ing a request to the Commission, be entitled to a hearing
7 before the Commission as to whether adoption of the pro-
8 posed agreement would effectuate the purposes of this Act,
9 including a determination as to whether the proposed
10 agreement would adequately abate the alleged violations
11 alleged in the citation.

12 “(5) If the Commission determines that the proposed
13 agreement fails to effectuate the purposes of this Act, the
14 proposed agreement shall not be entered as an order of
15 the Commission and the citation shall not be withdrawn
16 or modified in accordance with the proposed agreement.”.

17 **SEC. 310. CIVIL PENALTIES.**

18 (a) IN GENERAL.—Section 17 (29 U.S.C. 666) is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking “\$70,000” and inserting
22 “\$120,000”;

23 (B) by striking “\$5,000” and inserting
24 “\$8,000”; and

1 (C) by adding at the end the following: “If
2 such a violation causes the death of an em-
3 ployee, such civil penalty amounts shall be in-
4 creased to not more than \$250,000 for such
5 violation, but not less than \$50,000 for such
6 violation, except that for an employer with 25
7 or fewer employees such penalty shall not be
8 less than \$25,000 for such violation.”;

9 (2) in subsection (b)—

10 (A) by striking “\$7,000” and inserting
11 “\$12,000”; and

12 (B) by adding at the end the following: “If
13 such a violation causes the death of an em-
14 ployee, such civil penalty amounts shall be in-
15 creased to not more than \$50,000 for such vio-
16 lation, but not less than \$20,000 for such viola-
17 tion, except that for an employer with 25 or
18 fewer employees such penalty shall not be less
19 than \$10,000 for such violation.”;

20 (3) in subsection (c)—

21 (A) by striking “\$7,000” and inserting
22 “\$12,000”; and

23 (B) by adding at the end the following: “If
24 such a violation causes the death of an em-
25 ployee, such civil penalty amounts shall be in-

1 creased to not more than \$50,000 for such vio-
2 lation, but not less than \$20,000 for such viola-
3 tion, except that for an employer with 25 or
4 fewer employees such penalty shall not be less
5 than \$10,000 for such violation.”;

6 (4) in subsection (d)—

7 (A) by striking “\$7,000” and inserting
8 “\$12,000”; and

9 (B) by adding at the end the following: “If
10 such a violation causes the death of an em-
11 ployee, such civil penalty amounts shall be in-
12 creased to not more than \$50,000 for such vio-
13 lation, but not less than \$20,000 for such viola-
14 tion, except that for an employer with 25 or
15 fewer employees such penalty shall not be less
16 than \$10,000 for such violation.”;

17 (5) by redesignating subsections (e) through (l)
18 as subsections (f) through (m), respectively; and

19 (6) in subsection (j) (as redesignated in para-
20 graph (5)), by striking “\$7,000” and inserting
21 “\$12,000;”.

22 (b) INFLATION ADJUSTMENT.—Section 17 (29
23 U.S.C. 666) (as amended by subsection (a)) is further
24 amended by inserting after subsection (d) the following:

1 “(e) Amounts provided under this section for civil
2 penalties shall be adjusted by the Secretary at least once
3 during each 4-year period to account for the percentage
4 increase or decrease in the Consumer Price Index for all
5 urban consumers during such period.”.

6 **SEC. 311. OSHA CRIMINAL PENALTIES.**

7 (a) IN GENERAL.—Section 17 (29 U.S.C. 666) (as
8 amended by section 310) is further amended—

9 (1) by amending subsection (f) to read as fol-
10 lows:

11 “(f)(1) Any employer who willfully violates any stand-
12 ard, rule, or order promulgated pursuant to section 6 of
13 this Act, or of any regulations prescribed pursuant to this
14 Act, and that violation caused death to any employee,
15 shall, upon conviction, be punished by a fine in accordance
16 with section 3571 of title 18, United States Code, or by
17 imprisonment for not more than 10 years, or both; except
18 that if the conviction is for a violation committed after
19 a first conviction of such person under this subsection or
20 subsection (i), punishment shall be by a fine in accordance
21 with section 3571 of title 18, United States Code, or by
22 imprisonment for not more than 20 years, or by both.

23 “(2) For the purpose of this subsection, the term ‘em-
24 ployer’ means, in addition to the definition contained in
25 section 3 of this Act, any responsible corporate officer.”;

1 (2) in subsection (g), by striking “fine of not
2 more than \$1,000 or by imprisonment for not more
3 than six months,” and inserting “fine in accordance
4 with section 3571 of title 18, United States Code, or
5 by imprisonment for not more than 2 years,”;

6 (3) in subsection (h), by striking “fine of not
7 more than \$10,000, or by imprisonment for not
8 more than six months,” and inserting “fine in ac-
9 cordance with section 3571 of title 18, United States
10 Code, or by imprisonment for not more than 5
11 years,”;

12 (4) by redesignating subsections (j) through
13 (m) as subsections (k) through (n), respectively; and

14 (5) by inserting after subsection (i) the fol-
15 lowing:

16 “(j)(1) Any employer who willfully violates any stand-
17 ard, rule, or order promulgated pursuant to section 6, or
18 any regulation prescribed pursuant to this Act, and that
19 violation causes serious bodily injury to any employee but
20 does not cause death to any employee, shall, upon convic-
21 tion, be punished by a fine in accordance with section
22 3571 of title 18, United States Code, or by imprisonment
23 for not more than 5 years, or by both, except that if the
24 conviction is for a violation committed after a first convic-
25 tion of such person under this subsection or subsection

1 (e), punishment shall be by a fine in accordance with sec-
2 tion 3571 of title 18, United States Code, or by imprison-
3 ment for not more than 10 years, or by both.

4 “(2) For the purpose of this subsection, the term ‘em-
5 ployer’ means, in addition to the definition contained in
6 section 3 of this Act, any responsible corporate officer.”.

7 (b) DEFINITION.—Section 3 (29 U.S.C. 652) is
8 amended by adding at the end the following:

9 “(15) The term ‘serious bodily injury’ means
10 bodily injury that involves—

11 “(A) a substantial risk of death;

12 “(B) protracted unconsciousness;

13 “(C) protracted and obvious physical dis-
14 figurement; or

15 “(D) protracted loss or impairment, of the
16 function of a bodily member, organ, or mental
17 faculty.”.

18 (c) JURISDICTION FOR PROSECUTION UNDER STATE
19 AND LOCAL CRIMINAL LAWS.—Section 17 (29 U.S.C.
20 666) (as amended by subsection (a)) is further amended
21 by adding at the end the following:

22 “(o) Nothing in this Act shall preclude a State or
23 local law enforcement agency from conducting criminal
24 prosecutions in accordance with the laws of such State or
25 locality.”.