

# House Calendar No. 178

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 645

[Report No. 108–497]

Providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2004

Mr. SESSIONS, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

Providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an em-

ployer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

1       *Resolved*, That upon the adoption of this resolution  
2 it shall be in order to consider in the House the bill (H.R.  
3 2728) to amend the Occupational Safety and Health Act  
4 of 1970 to provide for adjudicative flexibility with regard  
5 to an employer filing of a notice of contest following the  
6 issuance of a citation by the Occupational Safety and  
7 Health Administration. The bill shall be considered as  
8 read for amendment. The amendment recommended by  
9 the Committee on Education and the Workforce now  
10 printed in the bill shall be considered as adopted. The pre-

1 vious question shall be considered as ordered on the bill,  
2 as amended, to final passage without intervening motion  
3 except: (1) one hour of debate on the bill, as amended,  
4 equally divided and controlled by the chairman and rank-  
5 ing minority member of the Committee on Education and  
6 the Workforce; and (2) one motion to recommit with or  
7 without instructions.

8       SEC. 2. Upon the adoption of this resolution it shall  
9 be in order to consider in the House the bill (H.R. 2729)  
10 to amend the Occupational Safety and Health Act of 1970  
11 to provide for greater efficiency at the Occupational Safety  
12 and Health Review Commission. The bill shall be consid-  
13 ered as read for amendment. The amendment in the na-  
14 ture of a substitute recommended by the Committee on  
15 Education and the Workforce now printed in the bill,  
16 modified by the amendment printed in part A of the report  
17 of the Committee on Rules accompanying this resolution,  
18 shall be considered as adopted. The previous question shall  
19 be considered as ordered on the bill, as amended, to final  
20 passage without intervening motion except: (1) one hour  
21 of debate on the bill, as amended, equally divided and con-  
22 trolled by the chairman and ranking minority member of  
23 the Committee on Education and the Workforce; and (2)  
24 one motion to recommit with or without instructions.

1        SEC. 3. Upon the adoption of this resolution it shall  
2 be in order to consider in the House the bill (H.R. 2730)  
3 to amend the Occupational Safety and Health Act of 1970  
4 to provide for an independent review of citations issued  
5 by the Occupational Safety and Health Administration.  
6 The bill shall be considered as read for amendment. The  
7 amendment recommended by the Committee on Education  
8 and the Workforce now printed in the bill, modified by  
9 the amendment printed in part B of the report of the  
10 Committee on Rules accompanying this resolution, shall  
11 be considered as adopted. The previous question shall be  
12 considered as ordered on the bill, as amended, to final pas-  
13 sage without intervening motion except: (1) one hour of  
14 debate on the bill, as amended, equally divided and con-  
15 trolled by the chairman and ranking minority member of  
16 the Committee on Education and the Workforce; and (2)  
17 one motion to recommit with or without instructions.

18        SEC. 4. Upon the adoption of this resolution it shall  
19 be in order to consider in the House the bill (H.R. 2731)  
20 to amend the Occupational Safety and Health Act of 1970  
21 to provide for the award of attorney's fees and costs to  
22 very small employers when they prevail in litigation  
23 prompted by the issuance of citations by the Occupational  
24 Safety and Health Administration. The bill shall be con-  
25 sidered as read for amendment. The amendment in the

1 nature of a substitute recommended by the Committee on  
2 Education and the Workforce now printed in the bill,  
3 modified by the amendment printed in part C of the report  
4 of the Committee on Rules accompanying this resolution,  
5 shall be considered as adopted. The previous question shall  
6 be considered as ordered on the bill, as amended, to final  
7 passage without intervening motion except: (1) one hour  
8 of debate on the bill, as amended, equally divided and con-  
9 trolled by the chairman and ranking minority member of  
10 the Committee on Education and the Workforce; and (2)  
11 one motion to recommit with or without instructions.

12       SEC. 5. At any time after the adoption of this resolu-  
13 tion the Speaker may, pursuant to clause 2(b) of rule  
14 XVIII, declare the House resolved into the Committee of  
15 the Whole House on the state of the Union for consider-  
16 ation of the bill (H.R. 2432) to amend the Paperwork Re-  
17 duction Act and titles 5 and 31, United States Code, to  
18 reform Federal paperwork and regulatory processes. The  
19 first reading of the bill shall be dispensed with. Points of  
20 order against consideration of the bill for failure to comply  
21 with clause 4(a) of rule XIII are waived. General debate  
22 shall be confined to the bill and shall not exceed one hour  
23 equally divided and controlled by the chairman and rank-  
24 ing minority member of the Committee on Government  
25 Reform. After general debate the bill shall be considered

1 for amendment under the five-minute rule. It shall be in  
2 order to consider as an original bill for the purpose of  
3 amendment under the five-minute rule the amendment in  
4 the nature of a substitute recommended by the Committee  
5 on Government Reform now printed in the bill. The com-  
6 mittee amendment in the nature of a substitute shall be  
7 considered as read. No amendment to the committee amend-  
8 ment in the nature of a substitute shall be in order except  
9 those printed in part D of the report of the Committee  
10 on Rules accompanying this resolution. Each such amend-  
11 ment may be offered only in the order printed in the re-  
12 port, may be offered only by a Member designated in the  
13 report, shall be considered as read, shall be debatable for  
14 the time specified in the report equally divided and con-  
15 trolled by the proponent and an opponent, shall not be  
16 subject to amendment, and shall not be subject to a de-  
17 mand for division of the question in the House or in the  
18 Committee of the Whole. All points of order against such  
19 amendments are waived. At the conclusion of consider-  
20 ation of the bill for amendment the Committee shall rise  
21 and report the bill to the House with such amendments  
22 as may have been adopted. Any Member may demand a  
23 separate vote in the House on any amendment adopted  
24 in the Committee of the Whole to the bill or to the com-  
25 mittee amendment in the nature of a substitute. The pre-

1 vious question shall be considered as ordered on the bill  
2 and amendments thereto to final passage without inter-  
3 vening motion except one motion to recommit with or  
4 without instructions.

5 SEC. 6. (a) In the engrossment of H.R. 2728, the  
6 Clerk shall—

7 (1) await the disposition of all the bills con-  
8 templated in sections 2–5;

9 (2) add the respective texts of all the bills con-  
10 templated in sections 2–5, as passed by the House,  
11 as new matter at the end of H.R. 2728;

12 (3) conform the title of H.R. 2728 to reflect the  
13 addition to the engrossment of the text of all the  
14 bills contemplated in sections 2–5 that have passed  
15 the House;

16 (4) assign appropriate designations to provi-  
17 sions within the engrossment; and

18 (5) conform provisions for short titles within  
19 the engrossment.

20 (b) Upon the addition to the engrossment of H.R.  
21 2728 of the text of the bills contemplated in sections 2–  
22 5 that have passed the House, such bills shall be laid on  
23 the table.

24 (c) If H.R. 2728 is disposed of without reaching the  
25 stage on engrossment as contemplated in subsection (a),

1 the bill that first passes the House as contemplated in sec-  
2 tion 2–5 shall be treated in the manner specified for H.R.  
3 2728 in subsections (a) and (b), and only the other bills  
4 contemplated in sections 2–5 that have passed the House  
5 shall be laid on the table.



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