

# Union Calendar No. 276

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

# H. R. 2728

[Report No. 108-487]

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2003

Mr. NORWOOD introduced the following bill; which was referred to the Committee on Education and the Workforce

MAY 13, 2004

Additional sponsors: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, Mr. SCHROCK, Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, Mr. TOOMEY, Mr. BEAUPREZ, Mr. SHIMKUS, Mr. DEMINT, Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. PAUL, Mr. OTTER, and Mr. BARRETT of South Carolina

MAY 13, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

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.

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 “Occupational Safety  
5 and Health Small Business Day in Court Act of ~~2003~~  
6 *2004*”.

7 **SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPA-**  
8 **TIONAL SAFETY AND HEALTH ACT.**

9 (a) CITATION.—The second sentence of section 10(a)  
10 of the Occupational Safety and Health Act of 1970 (29  
11 U.S.C. 659(a)) is amended by inserting “(unless such fail-  
12 ure results from mistake, inadvertence, surprise, or excus-  
13 able neglect)” after “assessment of penalty”.

14 (b) FAILURE TO CORRECT.—The second sentence of  
15 section 10(b) of the Occupational Safety and Health Act  
16 of 1970 (29 U.S.C. 659(b)) is amended by inserting “(un-  
17 less such failure results from mistake, inadvertence, sur-  
18 prise, or excusable neglect)” after “assessment of pen-  
19 alty”.



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