

## House Calendar No. 60

109TH CONGRESS  
1ST SESSION

# H. RES. 351

[Report No. 109–163]

Providing for the consideration of the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 740) 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. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; and for consideration of the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2005

Mr. BISHOP of Utah, 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 the consideration of the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the

filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 740) 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. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; and for consideration of the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration.

1       *Resolved*, That upon the adoption of this resolution  
 2 it shall be in order without intervention of any point of  
 3 order to consider in the House the bill (H.R. 739) to  
 4 amend the Occupational Safety and Health Act of 1970  
 5 to provide for adjudicative flexibility with regard to the  
 6 filing of a notice of contest by an employer following the  
 7 issuance of a citation or proposed assessment of a penalty  
 8 by the Occupational Safety and Health Administration.  
 9 The bill shall be considered as read. The previous question  
 10 shall be considered as ordered on the bill to final passage  
 11 without intervening motion except: (1) one hour of debate

1 on the bill equally divided and controlled by the chairman  
2 and ranking minority member of the Committee on Edu-  
3 cation and the Workforce; and (2) one motion to recom-  
4 mit.

5       SEC. 2. Upon the adoption of this resolution it shall  
6 be in order without intervention of any point of order to  
7 consider in the House the bill (H.R. 740) to amend the  
8 Occupational Safety and Health Act of 1970 to provide  
9 for greater efficiency at the Occupational Safety and  
10 Health Review Commission. The bill shall be considered  
11 as read. The amendment in the nature of a substitute rec-  
12 ommended by the Committee on Education and the Work-  
13 force now printed in the bill shall be considered as adopt-  
14 ed. The previous question shall be considered as ordered  
15 on the bill, as amended, to final passage without inter-  
16 vening motion except: (1) one hour of debate on the bill,  
17 as amended, equally divided and controlled by the chair-  
18 man and ranking minority member of the Committee on  
19 Education and the Workforce; and (2) one motion to re-  
20 commit with or without instructions.

21       SEC. 3. Upon the adoption of this resolution it shall  
22 be in order without intervention of any point of order to  
23 consider in the House the bill (H.R. 741) to amend the  
24 Occupational Safety and Health Act of 1970 to provide  
25 for judicial deference to conclusions of law determined by

1 the Occupational Safety and Health Review Commission  
2 with respect to an order issued by the Commission. The  
3 bill shall be considered as read. The amendment in the  
4 nature of a substitute recommended by the Committee on  
5 Education and the Workforce now printed in the bill shall  
6 be considered as adopted. The previous question shall be  
7 considered as ordered on the bill, as amended, to final pas-  
8 sage without intervening motion except: (1) one hour of  
9 debate on the bill, as amended, equally divided and con-  
10 trolled by the chairman and ranking minority member of  
11 the Committee on Education and the Workforce; and (2)  
12 one motion to recommit with or without instructions.

13       SEC. 4. Upon the adoption of this resolution it shall  
14 be in order without intervention of any point of order to  
15 consider in the House the bill (H.R. 742) to amend the  
16 Occupational Safety and Health Act of 1970 to provide  
17 for the award of attorney's fees and costs to small employ-  
18 ers when such employers prevail in litigation prompted by  
19 the issuance of a citation by the Occupational Safety and  
20 Health Administration. The bill shall be considered as  
21 read. The previous question shall be considered as ordered  
22 on the bill to final passage without intervening motion ex-  
23 cept: (1) one hour of debate on the bill equally divided  
24 and controlled by the chairman and ranking minority

1 member of the Committee on Education and the Work-  
2 force; and (2) one motion to recommit.

3 SEC. 5. (a) In the engrossment of H.R. 739, the  
4 Clerk shall—

5 (1) await the disposition of all the bills con-  
6 templated in sections 2–4;

7 (2) add the respective texts of all the bills con-  
8 templated in sections 2–4, as passed by the House,  
9 as new matter at the end of H.R. 739;

10 (3) conform the title of H.R. 739 to reflect the  
11 addition to the engrossment of the text of all the  
12 bills contemplated in sections 2–4 that have passed  
13 the House;

14 (4) assign appropriate designations to provi-  
15 sions within the engrossment; and

16 (5) conform provisions for short titles within  
17 the engrossment.

18 (b) Upon the addition of the text of the bills con-  
19 templated in sections 2–4 that have passed the House to  
20 the engrossment of H.R. 739, such bills shall be laid on  
21 the table.

22 (c) If H.R. 739 is disposed of without reaching the  
23 stage of engrossment as contemplated in subsection (a),  
24 the bill contemplated in sections 2–4 that first passes the  
25 House shall be treated in the manner specified for H.R.

1 739 in subsections (a) and (b), and all other bills con-  
2 templated in sections 2–4 that have passed the House  
3 shall be laid on the table.



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