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109TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
109–163

PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005, H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005, H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005, AND H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

JULY 11, 2005.—Referred to the House Calendar and ordered to be printed

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Mr. BISHOP, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 351]

The Committee on Rules, having had under consideration House Resolution 351, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for separate consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742 under closed rules. The rule provides one hour of debate in the House for H.R. 739, H.R. 740, H.R. 741, and H.R. 742. The rule provides that each hour of debate shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule waives all points of order against consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742. The rule provides that the amendments in the nature of substitutes recommended by the Committee on Education and the Workforce for H.R. 740 and H.R. 741 now printed in the bills, shall be considered as adopted. The rule provides one motion to recommit, with or without instructions, for H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

Section 5 of the resolution provides that in the engrossment of H.R. 739, the Clerk shall add the texts of H.R. 740, H.R. 741, and H.R. 742, as passed by the House, as new matter at the end of H.R. 739, and then lay on the table H.R. 740, H.R. 741, and H.R. 742.

Finally, the rule provides that if H.R. 739 is disposed of without reaching the stage of engrossment, then whichever of H.R. 740, H.R. 741, or H.R. 742 that first passes the House shall be treated

in the manner specified for H.R. 739 and all other bills that have passed the House shall be laid on the table.

EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against consideration of the bills. The waivers of all points of order against consideration of the bills are prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 88

Date: July 11, 2005.
Measure: H.R. 742, Occupational Safety and Health Small Employer Access to Justice Act of 2005.
Motion by: Mrs. Slaughter.
Summary of motion: To make in order and provide the appropriate waivers for the amendment in the nature of a substitute offered by Representative George Miller of California, which raises the minimum wage from $5.15 an hour to $7.25 an hour in three steps: $5.85 60 days after enactment, $6.55 one year after the first increase, and $7.25 one year after the second increase. The amendment phases in coverage of the federal minimum wage for the Commonwealth of the Northern Marianas.
Results: Defeated 4 to 9.
Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 89

Date: July 11, 2005.
Measure: H.R. 739, Occupational Safety and Health Small Business Day in Court Act of 2005.
Motion by: Mr. McGovern.
Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Al Green of Texas, which seeks to include contract workers in the provision that allows employers to be held criminally accountable if a willful OSHA violation led to the death of an employee so that employers could be held accountable in the case of death to a contract worker.
Results: Defeated 4 to 9.
Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 90

Date: July 11, 2005.
Measure: H.R. 739, Occupational Safety and Health Small Business Day in Court Act of 2005.
Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Gene Green of Texas, which requires the Secretary of Labor to revise regulations concerning the reporting and recording of occupational injuries to require site-controlling employers to keep a site log for all employees including contractors and part-time workers.

Results: Defeated 4 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

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