

HR 2728

Occupational Safety and Health Small Business Day in Court Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Jul 15, 2003

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 535.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 535.
(May 20, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/2728>

Sponsor

Name: Rep. Norwood, Charles W. [R-GA-9]

Party: Republican • **State:** GA • **Chamber:** House

Cosponsors (26 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Ballenger, Cass [R-NC-10]	R · NC		Sep 24, 2003
Rep. Biggert, Judy [R-IL-13]	R · IL		Sep 24, 2003
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Sep 24, 2003
Rep. Boehner, John A. [R-OH-8]	R · OH		Sep 24, 2003
Rep. Hoekstra, Peter [R-MI-2]	R · MI		Sep 24, 2003
Rep. Isakson, Johnny [R-GA-6]	R · GA		Sep 24, 2003
Rep. Keller, Ric [R-FL-8]	R · FL		Sep 24, 2003
Rep. Kline, John [R-MN-2]	R · MN		Sep 24, 2003
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Sep 24, 2003
Rep. Schrock, Edward L. [R-VA-2]	R · VA		Sep 24, 2003
Rep. Akin, W. Todd [R-MO-2]	R · MO		Oct 1, 2003
Rep. Chocola, Chris [R-IN-2]	R · IN		Oct 1, 2003
Rep. Gerlach, Jim [R-PA-6]	R · PA		Oct 1, 2003
Rep. Musgrave, Marilyn N. [R-CO-4]	R · CO		Oct 1, 2003
Rep. Toomey, Patrick J. [R-PA-15]	R · PA		Oct 1, 2003
Rep. Beauprez, Bob [R-CO-7]	R · CO		Oct 15, 2003
Rep. DeMint, Jim [R-SC-4]	R · SC		Oct 15, 2003
Rep. Shimkus, John [R-IL-19]	R · IL		Oct 15, 2003
Rep. Sullivan, John [R-OK-1]	R · OK		Oct 28, 2003
Rep. Franks, Trent [R-AZ-2]	R · AZ		Feb 10, 2004
Rep. Johnson, Sam [R-TX-3]	R · TX		Apr 27, 2004
Rep. Wilson, Joe [R-SC-2]	R · SC		Apr 30, 2004
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		May 4, 2004
Rep. Paul, Ron [R-TX-14]	R · TX		May 4, 2004
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		May 5, 2004
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		May 11, 2004

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported by	Jul 24, 2003

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
108 HR 2432	Related bill	May 18, 2004: Pursuant to the provisions of H. Res. 645, H.R. 2432 is laid on the table.
108 HR 2729	Related bill	May 18, 2004: Pursuant to the provisions of H. Res. 645, H.R. 2729 is laid on the table.
108 HR 2730	Related bill	May 18, 2004: Pursuant to the provisions of H. Res. 645, H.R. 2730 is laid on the table.
108 HR 2731	Related bill	May 18, 2004: Pursuant to the provisions of H. Res. 645, H.R. 2731 is laid on the table.
108 HRES 645	Related bill	May 18, 2004: Motion to reconsider laid on the table Agreed to without objection.

Title I: Occupational Safety and Health Small Business Day in Court Act - Occupational Safety and Health Small Business Day in Court Act of 2004 - Amends the Occupational Safety and Health Act of 1970 (OSH Act) to exempt employers from a 15-day deadline for notifying the Secretary of Labor of their intent to contest citations, notices of uncorrected violations, and proposed penalties issued by the Occupational Safety and Health Administration (OSHA), if their failure to meet such deadline results from mistake, inadvertence, surprise, or excusable neglect.

Title II: Occupational Safety and Health Review Commission Efficiency Act - Occupational Safety and Health Review Commission Efficiency Act of 2004 - Amends the Occupational Safety and Health Act of 1970 (OSH Act) to increase the membership of the Occupational Safety and Health Review Commission (OSHRC) from three to five. Requires the presence of three of such five members to constitute a quorum.

Includes an individual's legal training among possible qualifications for OSHRC membership.

Authorizes the President to extend for up to 365 days the term of an OSHRC member until a nominated successor is confirmed to serve by the Senate.

Title III: Occupational Safety and Health Independent Review of OSHA Citations Act - Occupational Safety and Health Independent Review of OSHA Citations Act of 2004 - Amends the Occupational Safety and Health Act of 1970 (OSH Act) to revise judicial review provisions to require deference to be given to reasonable conclusions of the Occupational Safety and Health Review Commission (OSHRC), with respect to all questions of law that are subject to agency deference under governing court precedent relating to citations issued by the Occupational Safety and Health Administration (OSHA) against businesses for violations of the OSH Act.

Title IV: Occupational Safety and Health Small Employer Access to Justice Act - Occupational Safety and Health Small Employer Access to Justice Act of 2004 - Amends the Occupational Safety and Health Act of 1970 (OSH Act) to provide for the award of attorney's fees and costs to certain small employers when they prevail in specified administrative or court proceedings.

Requires such awards to prevailing employers if they had not more than 100 employees and a net worth of not more than \$7 million at the time of: (1) the initiation of the administrative proceedings (in the case of an adversary adjudication); or (2) the filing of the action addressed in the court proceedings (in the case of judicial review of an administrative action).

Provides for such awards without regard to whether the position of the Secretary of Labor or the Federal Government was substantially justified or whether special circumstances make an award unjust.

Title V: Paperwork and Regulatory Improvements Act - Paperwork and Regulatory Improvements Act of 2004 - Amends the Paperwork Reduction Act to require the Director of the Office of Management and Budget (OMB) to review information collection conducted by the Internal Revenue Service (IRS) to identify actions IRS can take to reduce the information collection burden imposed on small business concerns, and to include the results of such review in a specified annual report.

Amends the Farm Security and Rural Investment Act of 2002 to repeal specified exemptions from Paperwork Reduction Act requirements and certain other rulemaking requirements.

Amends the Truth in Regulating Act of 2000 to make permanent the authority of a chairman or ranking member of a

congressional committee to request the Comptroller General to perform a regulatory analysis of an economically significant rule upon agency publication.

Amends the Treasury and General Government Appropriations Act, 2001 to instruct the Director of OMB to require each agency annually to submit an estimate of the total annual costs and benefits of Federal rules and paperwork for the agency and each agency program.

Requires the Director to designate at least three agencies to participate in a study on regulatory budgeting for FY 2006 and 2007. Includes the regulatory budgets of the designated agencies as an alternative budget presentation. Requires a report on the study to be included in a certain report to Congress, as well as submitted directly to specified congressional committees.

Actions Timeline

- **May 20, 2004:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 535.
- **May 19, 2004:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **May 18, 2004:** Considered under the provisions of rule H. Res. 645. (consideration: CR H3107-3115, H3130, H3161; text of measure as reported in House: CR H3107-3108)
- **May 18, 2004:** Rule provides for consideration of H.R. 2728, H.R. 2729, H.R. 2730, H.R. 2731 and H.R. 2432.
- **May 18, 2004:** DEBATE - Pursuant to House Resolution 645, the House proceeded with one hour of debate on H.R. 2728.
- **May 18, 2004:** The previous question was ordered pursuant to the rule.
- **May 18, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on H.R. 2728, the Chair put the question on adoption of the bill and by voice vote, announced that the ayes had prevailed. Mr. Owens demanded the Yeas and Nays and the Chair postponed further proceedings on the question of adoption of the bill until later in the legislative day.
- **May 18, 2004:** Considered as unfinished business. (consideration: CR H3130, H3161)
- **May 18, 2004:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 251 - 177 (Roll No. 183).
- **May 18, 2004:** On passage Passed by the Yeas and Nays: 251 - 177 (Roll No. 183).
- **May 18, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **May 18, 2004:** ENGROSSMENT OF H.R. 2728 - Pursuant to the provisions of H. Res. 645, the texts of H.R. 2729, H.R. 2730, H.R. 2731, and H.R. 2432 will be appended to the engrossment of H.R. 2728.
- **May 17, 2004:** Rules Committee Resolution H. Res. 645 Reported to House. Rule provides for consideration of H.R. 2728, H.R. 2729, H.R. 2730, H.R. 2731 and H.R. 2432.
- **May 13, 2004:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-487.
- **May 13, 2004:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-487.
- **May 13, 2004:** Placed on the Union Calendar, Calendar No. 276.
- **May 5, 2004:** Committee Consideration and Mark-up Session Held.
- **May 5, 2004:** Ordered to be Reported (Amended) by the Yeas and Nays: 24 - 20.
- **Jul 24, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 24, 2003:** Forwarded by Subcommittee to Full Committee by Voice Vote.
- **Jul 21, 2003:** Referred to the Subcommittee on Workforce Protections.
- **Jul 15, 2003:** Introduced in House
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- **Jul 15, 2003:** Sponsor introductory remarks on measure. (CR E1483)
- **Jul 15, 2003:** Referred to the House Committee on Education and the Workforce.