

# Union Calendar No. 29

109TH CONGRESS  
1ST SESSION

# H. R. 741

**[Report No. 109–50]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. McKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. PAUL, and Mr. NEUGEBAUER) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 21, 2005

Additional sponsors: Mr. FORTUÑO, Mrs. DRAKE, Mr. PITTS, Mr. HALL, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. SULLIVAN, Mrs. MUSGRAVE, Mr. BOUSTANY, Mr. BARRETT of South Carolina, Mr. SOUDER, Ms. FOXX, and Mr. KUHL of New York

APRIL 21, 2005

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

[Strike out all after the enacting clause 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 judicial deference to conclusions of law

determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission.

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 Independent Review of OSHA Citations Act  
 6 of 2005”.

7 **SEC. 2. JUDICIAL DEFERENCE.**

8 Section 11(a) of the Occupational Safety and Health  
 9 Act of 1970 (29 U.S.C. 660(a)) is amended in the sixth  
 10 sentence by inserting before the period the following: “,  
 11 and with respect to such record, the conclusions of the  
 12 Commission with respect to questions of law that are sub-  
 13 ject to agency deference under governing court precedent  
 14 shall be given deference if reasonable”.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Occupational Safety and*  
 17 *Health Independent Review of OSHA Citations Act of*  
 18 *2005”.*

19 **SEC. 2. INDEPENDENT REVIEW.**

20 *Section 11(a) of the Occupational Safety and Health*  
 21 *Act of 1970 (29 U.S.C. 660) is amended by adding at the*  
 22 *end the following: “The conclusions of the Commission with*  
 23 *respect to all questions of law that are subject to agency*

- 1 *deference under governing court precedent shall be given*
- 2 *deference if reasonable.”.*

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