

Wasserman	Waxman	Wu
Schultz	Weiner	Wynn
Waters	Wexler	
Watson	Woolsey	

NOT VOTING—20

Abercrombie	Gonzalez	Ortiz
Berman	Hinojosa	Poe
Brown, Corrine	Jones (OH)	Pombo
Clay	Kennedy (RI)	Price (GA)
Conyers	Miller (FL)	Shadegg
Delahunt	Myrick	Watt
Frank (MA)	Obey	

□ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of July 12, I missed one rollcall vote. It was my intention to vote “no” on rollcall 366 for H. Res. 351, Rule providing for consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

The SPEAKER pro tempore (Mr. FORBES). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 177, not voting 14, as follows:

[Roll No. 367]

YEAS—242

Aderholt	Capito	Foley
Akin	Carter	Forbes
Alexander	Case	Fortenberry
Bachus	Castle	Fossella
Baker	Chabot	Foxx
Barrett (SC)	Chandler	Franks (AZ)
Barrow	Chocola	Frelinghuysen
Bartlett (MD)	Coble	Gallely
Barton (TX)	Cole (OK)	Garrett (NJ)
Bass	Conaway	Gerlach
Bean	Cox	Gibbons
Beauprez	Cramer	Gilchrest
Biggett	Crenshaw	Gillmor
Bilirakis	Cubin	Gingrey
Bishop (UT)	Cuellar	Gohmert
Blackburn	Culbertson	Goode
Blunt	Cunningham	Goodlatte
Boehlert	Davis (KY)	Granger
Boehner	Davis, Jo Ann	Graves
Bonilla	Davis, Tom	Green (WI)
Bonner	Deal (GA)	Gutknecht
Bono	DeLay	Hall
Boozman	Dent	Harris
Boren	Diaz-Balart, L.	Hart
Boustany	Diaz-Balart, M.	Hastings (WA)
Bradley (NH)	Doolittle	Hayes
Brady (TX)	Drake	Hayworth
Brown (SC)	Dreier	Hefley
Brown-Waite,	Duncan	Hensarling
Ginny	Ehlers	Henger
Burgess	Emerson	Hobson
Burton (IN)	English (PA)	Hoekstra
Buyer	Everett	Holden
Calvert	Feeney	Hostettler
Camp	Ferguson	Hulshof
Cannon	Fitzpatrick (PA)	Hunter
Cantor	Flake	Hyde

Inglis (SC)	Miller (MI)	Sensenbrenner
Issa	Miller, Gary	Sessions
Istook	Moran (KS)	Shaw
Jenkins	Murphy	Shays
Judal	Musgrave	Sherwood
Johnson (CT)	Neugebauer	Shimkus
Johnson, Sam	Ney	Shuster
Jones (NC)	Northup	Simmons
Keller	Norwood	Simpson
Kelly	Nunes	Skelton
Kennedy (MN)	Nussle	Smith (NJ)
King (IA)	Osborne	Smith (TX)
King (NY)	Otter	Sodrel
Kingston	Oxley	Souder
Kirk	Paul	Stearns
Kline	Pearce	Sullivan
Knollenberg	Pence	Sweeney
Kolbe	Peterson (PA)	Tancredo
Kuhl (NY)	Petri	Tanner
LaHood	Pickering	Taylor (MS)
Latham	Pitts	Taylor (NC)
LaTourette	Platts	Terry
Leach	Poe	Thomas
Lewis (CA)	Porter	Thornberry
Lewis (KY)	Price (GA)	Tiahrt
Linder	Pryce (OH)	Tiberi
Lipinski	Putnam	Turner
LoBiondo	Radanovich	Upton
Lucas	Ramstad	Walden (OR)
Lungren, Daniel	Regula	Walsh
E.	Rehberg	Wamp
Mack	Reichert	Wasserman
Manzullo	Renzi	Schultz
Marchant	Reynolds	Weldon (FL)
Marshall	Rogers (AL)	Weldon (PA)
Matheson	Rogers (KY)	Weller
McCaul (TX)	Rogers (MI)	Westmoreland
McCotter	Rohrabacher	Whitfield
McCrery	Ros-Lehtinen	Wicker
McHenry	Royce	Wilson (NM)
McHugh	Ryan (WI)	Wilson (SC)
McKeon	Ryun (KS)	Wolf
McMorris	Sanchez, Loretta	Young (AK)
Melancon	Saxton	Young (FL)
Mica	Schwarz (MI)	

NAYS—177

Ackerman	Fattah	Meehan
Allen	Filner	Meek (FL)
Andrews	Ford	Meeks (NY)
Baca	Frank (MA)	Menendez
Baird	Gordon	Michaud
Baldwin	Green, Al	Millender-
Becerra	Green, Gene	McDonald
Berkley	Grijalva	Miller (NC)
Berman	Gutierrez	Miller, George
Berry	Harman	Mollohan
Bishop (GA)	Hastings (FL)	Moore (KS)
Bishop (NY)	Herseeth	Moore (WI)
Blumenauer	Higgins	Moran (VA)
Boswell	Hinchey	Murtha
Boucher	Holt	Nadler
Boyd	Honda	Napolitano
Brady (PA)	Hooley	Neal (MA)
Brown (OH)	Hoyer	Oberstar
Butterfield	Inslee	Olver
Capps	Israel	Owens
Capuano	Jackson (IL)	Pallone
Cardin	Jackson-Lee	Pascarell
Cardoza	(TX)	Pastor
Carnahan	Jefferson	Payne
Carson	Johnson, E. B.	Pelosi
Cleaver	Kanjorski	Peterson (MN)
Clyburn	Kaptur	Pomeroy
Cooper	Kennedy (RI)	Price (NC)
Costa	Kildee	Rahall
Costello	Kilpatrick (MI)	Rangel
Crowley	Kind	Reyes
Cummings	Kucinich	Ross
Davis (AL)	Langevin	Rothman
Davis (CA)	Lantos	Roybal-Allard
Davis (FL)	Larsen (WA)	Ruppersberger
Davis (IL)	Larson (CT)	Rush
Davis (TN)	Lee	Ryan (OH)
DeFazio	Levin	Sabo
DeGette	Lewis (GA)	Salazar
Delahunt	Lofgren, Zoe	Sánchez, Linda
DeLauro	Lowe	T.
Dicks	Lynch	Sanders
Dingell	Maloney	Schakowsky
Doggett	Markey	Schiff
Doyle	Matsui	Schwartz (PA)
Edwards	McCarthy	Scott (GA)
Emanuel	McCollum (MN)	Scott (VA)
Engel	McDermott	Serrano
Eshoo	McGovern	Sherman
Etheridge	McIntyre	Slaughter
Evans	McKinney	Smith (WA)
Farr	McNulty	Snyder

Solis	Tierney	Watson
Spratt	Towns	Watt
Stark	Udall (CO)	Waxman
Strickland	Udall (NM)	Weiner
Stupak	Van Hollen	Wexler
Tauscher	Velázquez	Woolsey
Thompson (CA)	Visclosky	Wu
Thompson (MS)	Waters	Wynn

NOT VOTING—14

Abercrombie	Hinojosa	Obey
Brown, Corrine	Johnson (IL)	Ortiz
Clay	Jones (OH)	Pombo
Conyers	Miller (FL)	Shadegg
Gonzalez	Myrick	

□ 1356

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 367 I was unavoidably detained. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was delayed in my district attending a very important Base Realignment and Closure Commission hearing of critical importance to my constituents. Had I been here, I would have voted “yes” on rollcalls 363, 364, 368 and “no” on rollcalls 365, 366 and 367.

COMMENDING THE STATE OF KENTUCKY FOR GRANTING WOMEN CERTAIN IMPORTANT POLITICAL RIGHTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 343.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 368]

YEAS—420

Ackerman	Bishop (GA)	Burgess
Aderholt	Bishop (NY)	Burton (IN)
Akin	Bishop (UT)	Butterfield
Alexander	Blackburn	Buyer
Allen	Blumenauer	Calvert
Andrews	Blunt	Camp
Baca	Boehlert	Cannon
Bachus	Boehner	Cantor
Baird	Bonilla	Capito
Baker	Bonner	Capps
Baldwin	Bono	Capuano
Barrett (SC)	Boozman	Cardin
Barrow	Boren	Cardoza
Bartlett (MD)	Boswell	Carnahan
Barton (TX)	Boucher	Carson
Bass	Boustany	Carter
Bean	Boyd	Case
Beauprez	Bradley (NH)	Castle
Becerra	Brady (PA)	Chabot
Berkley	Brady (TX)	Chandler
Berman	Brown (OH)	Chocola
Berry	Brown (SC)	Cleaver
Biggett	Brown-Waite,	Clyburn
Bilirakis	Ginny	Coble

Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson

Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Ingalls (SC)
Inlee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markley
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCullum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender
McDonald
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Muggrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Oliver
Osborne
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)

Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)

Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters

Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Brown, Corrine
Clay
Conyers
Gonzalez
Hinojosa
Jones (OH)
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 363, 364, 365, 366, 367, and 368, had I been present, I would have voted "yes" on 363, 364, and 368, and "no" on 365, 366 and 367.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated:

Rollcall vote No. 363—"yes"; rollcall vote No. 364—"yes"; rollcall vote No. 365—"no"; rollcall vote No. 366—"no"; rollcall vote No. 367—"no", and rollcall vote No. 368—"yes."

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

Mr. BOEHNER. Madam Speaker, pursuant to House Resolution 351, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 739 is as follows:

H. R. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Small Business Day in Court Act of 2005".

SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

Section 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)"; and

(2) in the second sentence of subsection (b), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 739, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will debate four important bills that make modest reforms to the Occupational Safety and Health Act. These measures ensure that small business owners who make good faith efforts to comply with health and safety laws are dealt with fairly and equitably by the Occupational Safety and Health Administration.

Nearly every employer recognizes that improving workplace safety is good for business, and it is good for workers. Employers are subject to fierce competition both at home and abroad and must compete in the face of high taxes, skyrocketing health costs, escalating litigation, and burdensome government regulations. These OSHA reform bills are designed to improve worker safety and enhance the competitiveness of small businesses that are the real engine of job growth in our country.

The U.S. economy continues to grow, and more and more employers are continuing to hire workers each month. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003, marking 25 consecutive months of sustained job creation. But we need to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire