

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 741, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill 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 226, nays 197, not voting 10, as follows:

[Roll No. 371]

YEAS—226

Aderholt	Fossella	Miller, Gary
Akin	Fox	Moran (KS)
Alexander	Franks (AZ)	Murphy
Bachus	Frelinghuysen	Musgrave
Baker	Gallely	Neugebauer
Barrett (SC)	Garrett (NJ)	Ney
Bartlett (MD)	Gerlach	Northup
Barton (TX)	Gibbons	Norwood
Bass	Gilchrest	Nunes
Beauprez	Gillmor	Nussle
Biggart	Gingrey	Osborne
Bilirakis	Gohmert	Otter
Bishop (UT)	Goode	Oxley
Blackburn	Goodlatte	Pearce
Blunt	Granger	Pence
Boehlert	Graves	Peterson (PA)
Boehner	Green (WI)	Petri
Bonilla	Gutknecht	Pickering
Bonner	Hall	Pitts
Bono	Harris	Platts
Boozman	Hart	Platts
Boren	Hastings (WA)	Poe
Boustany	Hayes	Porter
Boyd	Hayworth	Price (GA)
Bradley (NH)	Hefley	Pryce (OH)
Brady (TX)	Hensarling	Putnam
Brown (SC)	Herger	Radanovich
Brown-Waite,	Hobson	Ramstad
Ginny	Hoekstra	Regula
Burgess	Hostettler	Rehberg
Burton (IN)	Hulshof	Reichert
Buyer	Hunter	Renzi
Calvert	Hyde	Reynolds
Camp	Inglis (SC)	Rogers (AL)
Cannon	Issa	Rogers (KY)
Cantor	Istook	Rogers (MI)
Capito	Jenkins	Rohrabacher
Carter	Jindal	Ros-Lehtinen
Case	Johnson (CT)	Royce
Castle	Johnson (IL)	Ryan (WI)
Chabot	Johnson, Sam	Ryun (KS)
Chocola	Jones (NC)	Schwarz (MI)
Coble	Keller	Sensenbrenner
Cole (OK)	Kelly	Sessions
Conaway	Kennedy (MN)	Shaw
Cox	King (IA)	Shays
Cramer	Kingston	Sherwood
Crenshaw	Kirk	Shimkus
Cubin	Kline	Shuster
Cuellar	Knollenberg	Simpson
Culberson	Kolbe	Smith (TX)
Cunningham	Kuhl (NY)	Sodrel
Davis (KY)	LaHood	Souder
Davis (TN)	Latham	Stearns
Davis, Jo Ann	LaTourette	Sullivan
Davis, Tom	Leach	Tancredo
Deal (GA)	Lewis (CA)	Taylor (MS)
DeLay	Lewis (KY)	Taylor (NC)
Dent	Linder	Terry
Diaz-Balart, L.	Lucas	Thomas
Diaz-Balart, M.	Lungren, Daniel	Thornberry
Doolittle	E.	Tiahrt
Drake	Mack	Tiberi
Dreier	Manzullo	Turner
Duncan	Marchant	Upton
Ehlers	Marshall	Walden (OR)
Emerson	Matheson	Walsh
English (PA)	McCaul (TX)	Wamp
Everett	McCotter	Weldon (FL)
Feeney	McCrery	Weldon (PA)
Ferguson	McHenry	Weller
Flake	McKeon	Westmoreland
Foley	McMorris	Whitfield
Forbes	Mica	
Fortenberry	Miller (MI)	

Wicker  
Wilson (NM)

Wilson (SC)  
Wolf

Young (AK)  
Young (FL)

NAYS—197

Ackerman	Higgins
Allen	Hinchey
Andrews	Hinojosa
Baca	Holden
Baird	Holt
Baldwin	Honda
Barrow	Hooley
Bean	Hoyer
Becerra	Inslee
Berkley	Israel
Berman	Jackson (IL)
Berry	Jackson-Lee
Bishop (GA)	(TX)
Bishop (NY)	Jefferson
Blumenauer	Johnson, E. B.
Boswell	Kanjorski
Boucher	Kaptur
Brady (PA)	Kennedy (RI)
Brown (OH)	Kildee
Butterfield	Kilpatrick (MI)
Capps	Kind
Capuano	King (NY)
Cardoza	Kucinich
Carmahan	Langevin
Carson	Lantos
Chandler	Larsen (WA)
Clay	Larson (CT)
Cleaver	Lee
Clyburn	Levin
Cooper	Lewis (GA)
Costa	Lipinski
Costello	Scott (VA)
Crowley	Serrano
Cummings	Sherman
Davis (AL)	Simmons
Davis (CA)	Skelton
Davis (FL)	Slaughter
Davis (IL)	Smith (NJ)
DeFazio	Smith (WA)
DeGette	Snyder
Delahunt	Soils
DeLauro	Spratt
Dicks	Stark
Dingell	Strickland
Doggett	Stupac
Doyle	Sweeney
Edwards	Tanner
Emanuel	Tauscher
Engel	Thompson (CA)
Eshoo	Thompson (MS)
Etheridge	Tierney
Evans	Towns
Farr	Udall (CO)
Fattah	Udall (NM)
Filner	Van Hollen
Fitzpatrick (PA)	Velázquez
Ford	Visclosky
Frank (MA)	Wasserman
Gonzalez	Schultz
Gordon	Moore (WI)
Green, Al	Moore (VA)
Green, Gene	Murtha
Grijalva	Nader
Gutierrez	Napolitano
Harman	Neal (MA)
Hastings (FL)	Oberstar
Herseth	Olver
	Ortiz

NOT VOTING—10

Abercrombie  
Brown, Corrine  
Cardin  
Conyers

Jones (OH)  
Miller (FL)  
Myrick  
Obey

Pombo  
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1835

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 742, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 11, as follows:

[Roll No. 372]

YEAS—235

Aderholt	Foley	McHugh
Akin	Forbes	McKeon
Alexander	Ford	McMorris
Bachus	Fortenberry	Mica
Baker	Fossella	Miller (MI)
Barrett (SC)	Fox	Miller, Gary
Bartlett (MD)	Franks (AZ)	Moran (KS)
Barton (TX)	Frelinghuysen	Murphy
Bass	Gallely	Musgrave
Beauprez	Garrett (NJ)	Neugebauer
Biggart	Gerlach	Ney
Bilirakis	Gibbons	Northup
Bishop (GA)	Gilchrest	Norwood
Bishop (UT)	Gillmor	Nunes
Blackburn	Gingrey	Nussle
Blunt	Gohmert	Osborne
Boehner	Gonzalez	Otter
Bonilla	Goode	Oxley
Bonner	Goodlatte	Paul
Bono	Granger	Pearce
Boozman	Graves	Pence
Boren	Green (WI)	Peterson (PA)
Boustany	Gutknecht	Petri
Boyd	Hall	Pickering
Bradley (NH)	Harris	Pitts
Brady (TX)	Hart	Platts
Brown (SC)	Hastings (WA)	Poe
Brown-Waite,	Hayes	Porter
Ginny	Hayworth	Price (GA)
Burgess	Hefley	Pryce (OH)
Burton (IN)	Hensarling	Putnam
Buyer	Herger	Radanovich
Calvert	Hobson	Ramstad
Camp	Hoekstra	Regula
Cannon	Hostettler	Rehberg
Cantor	Hulshof	Reichert
Capito	Hunter	Renzi
Carter	Hyde	Reynolds
Case	Inglis (SC)	Rogers (AL)
Castle	Issa	Rogers (KY)
Chabot	Istook	Rogers (MI)
Chocola	Jenkins	Rohrabacher
Coble	Jindal	Ros-Lehtinen
Cole (OK)	Johnson (CT)	Royce
Conaway	Johnson (IL)	Ryan (WI)
Cooper	Johnson, Sam	Ryun (KS)
Costa	Jones (NC)	Schwarz (MI)
Cox	Keller	Sensenbrenner
Cramer	Kelly	Sessions
Crenshaw	Kennedy (MN)	Shaw
Cubin	King (IA)	Sherwood
Cuellar	King (NY)	Shimkus
Culberson	Kingston	Shuster
Cunningham	Kirk	Simmons
Davis (KY)	Kline	Simpson
Davis (TN)	Knollenberg	Smith (TX)
Davis, Jo Ann	Kolbe	Sodrel
Davis, Tom	Kuhl (NY)	Souder
Deal (GA)	LaHood	Stearns
DeLay	Latham	Sullivan
Dent	Leach	Sweeney
Diaz-Balart, L.	Lewis (CA)	Tancredo
Diaz-Balart, M.	Lewis (KY)	Tanner
Doolittle	Linder	Taylor (MS)
Drake	Lucas	Taylor (NC)
Dreier	Lungren, Daniel	Terry
Duncan	E.	Thomas
Edwards	Mack	Thornberry
Ehlers	Manzullo	Tiahrt
Emerson	Marchant	Tiberi
English (PA)	Matheson	Turner
Everett	McCaul (TX)	Upton
Feeney	McCotter	Velázquez
Ferguson	McCrery	Walden (OR)
Flake	McHenry	Walsh

Wamp  
Weldon (FL)  
Weller  
Westmoreland

Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)

Wolf  
Wynn  
Young (AK)  
Young (FL)

NAYS—187

Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Boehlert  
Boswell  
Boucher  
Brady (PA)  
Brown (OH)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson  
Chandler  
Clay  
Cleaver  
Clyburn  
Costello  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Fitzpatrick (PA)  
Frank (MA)  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Herse  
Higgins  
Hinche

Hinojosa  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Marshall  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meeke (FL)  
Meeke (NY)  
Melancon  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Olver  
Ortiz

351, the text of H.R. 740, H.R. 741, and H.R. 742 as passed by the House, will be appended to the engrossment of H.R. 739 and H.R. 740, H.R. 741 and H.R. 742 shall be laid on the table.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, on July 12, 2005, I missed four recorded votes. Had I been present, I would have voted "yea" on H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005 (rollcall No. 369); "yea" on H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005 (rollcall No. 370); "yea" on H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005 (rollcall No. 371); and "yea" on H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act of 2005 (rollcall No. 372).

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I rise today to enter into the RECORD that on July 12 of this year, due to unavoidable circumstances, I was unable to be present. If I had not been detained today, July 12, 2005, I would have voted as follows:

On Previous Question on OSHA rollbacks, I would have voted "nay" to defeat the previous question on the Rule. If defeated we would have allowed the House to consider the Miller-Owens bill to raise the minimum wage. The minimum wage would be raised to \$7.25 an hour from \$5.15 an hour. The minimum wage has been frozen since 1997.

On H. Res. 351—rule providing consideration for 4 OSHA rollback bills—I would have voted "aye."

On H. Res. 352—providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy—I would have voted "nay." I would not have supported the legislation because it would not improve U.S. competitiveness. Instead this resolution attempts to blame trial lawyers and "regulation" for the challenges facing the U.S. economy.

On H. Res. 343—commending the State of Kuwait for granting women certain important political rights—I would have voted "yea."

On H.R. 804—to exclude from consideration as income certain payments under the national flood insurance program—I would have voted "yea."

On H.R. 68—NASA and JPL 50th Anniversary Commemorative Coin Act—I would have voted "yea."

On H.R. 739—OSHA rollback on employer citations—I would have voted "nay." I would not have supported the legislation because it undermines the timely abatement of unsafe working conditions, encouraging employers to challenge OSHA citations. One of the principal purposes of the Occupational Safety and Health Act is "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." However, this bill effectively delays the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correcting health and safety hazards.

On H.R. 740—OSHA rollback to stack the Occupational Safety and Health Review Com-

mission—I would have voted "nay." I would not have supported the legislation because it unjustifiably ensures that only lawyers are appointed to the Commission.

On H.R. 741—OSHA rollback of the Secretary of Labor's authority to issue citations—I would have voted "nay." I would not have supported the legislation because it provides that the OSHA Review Commission shall have deference to override the Secretary of Labor's reasonable interpretations of the Secretary's own workplace safety standards—thereby increasing the incentives for challenges to Labor Department's rules and regulations.

On H.R. 742—OSHA rollback to require OSHA to pay attorneys' fees—I would have voted "nay." I would not have supported the legislation because it requires OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of \$7 million or less in an administrative or judicial proceeding in which OSHA does not prevail. It is a blatant attempt to chill OSHA's exercise of statutory responsibility to enforce the Occupational Safety and Health (OCS) Act, by penalizing the agency for every instance in which it attempts to do so unsuccessfully, and therefore, undermined the enforcement of workplace health and safety laws.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was testifying before the BRAC Commission on June 27 for the purpose of protecting 1,075 jobs in Cleveland, Ohio, from removal by the BRAC process. Had I been here, I would have cast the following votes: roll call 322, aye; roll call 323, aye.

□ 1845

ECONOMIC AND JOB GROWTH

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, you know last night I came down and had a little bit to say about the jobs, 146,000 new jobs that this economy, this private sector has grown in June, and near historic lows in unemployment at 5 percent.

And with the economic growth, the tax reductions, our deficit will be \$100 billion lower than original projections. And we are going to continue to build on all of this.

Today, Mr. Speaker, I want to call attention to another article, this one on spending regulation keeps growing. And I think that is one of the things that we continue to look at and one of the reasons that we are addressing some of the bills and legislation that we are this week.

It is also the reason that we continue to address waste, fraud and abuse in this Congress, finding ways to reduce the cost of government so that this economy will continue to move forward and continue to grow.

NOT VOTING—11

Abercrombie  
Brown, Corrine  
Cardin  
Conyers

Jones (OH)  
Menendez  
Miller (FL)  
Myrick

Obey  
Pombo  
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1843

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MENENDEZ. Mr. Speaker, I was unavoidably detained on this last roll call vote. Had I been here to vote, I would have voted "no."

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution