



The Daily Whip

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TUESDAY, JULY 12, 2005

House Meets At...	Last Vote Predicted At...
9:00 a.m.: Morning Hour 10:00 a.m.: Legislative Business Unlimited "One Minutes"	7:00 – 8:00 p.m.

FLOOR SCHEDULE AND BILL SUMMARY

Suspensions (3 bills):

- 1) **H.R. 804** - To exclude from consideration as income certain payments under the national flood insurance program (*Rep. Baker - Financial Services*)
- 2) **H.R. 68** - NASA and JPL 50th Anniversary Commemorative Coin Act (*Rep. Culberson - Financial Services*)
- 3) **H.Res. 352** - Providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy (*Rep. Tiahrt - Education and the Workforce*)

H.Res. 351 - Rule providing for separate consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742 (*Rep. Bishop (UT) - Rules*). The Rules Committee has recommended one closed Rule for the consideration of four separate OSHA bills: HR 739, HR 740, HR 741, and HR 742. Under the Rule, each of these bills will be considered separately with one hour of debate each. Unfortunately, the rule does not make in order an amendment by Reps. George Miller and Major Owens to increase the minimum wage. The Miller/Owens amendment is identical to H.R. 2429 and would increase the minimum wage from \$5.15 an hour to \$5.85 an hour 60 days after the date of enactment, to \$6.55 an hour one year after the first increase, and to \$7.25 an hour one year from the second increase. Therefore, **Democrats are urged to VOTE NO on the Previous Question on the Rule** in order to allow consideration of this important amendment.

H.R. 739 - (*Rep. Norwood - Education and the Workforce*) (Subject to a Rule). This bill amends current law to authorize the Occupational Safety and Health Review Commission (OSHRC) to make exceptions to the 15-day deadline for employers to challenge OSHA citations if the employer's failure to meet this deadline is due to a "mistake, inadvertence, surprise, or excusable neglect." This would weaken the ability of the Occupational Safety and Health Review Commission to enforce the current deadline and would encourage increased litigation and disrupt OSHA's ability to address workplace hazards in a timely manner. A similar bill was considered by the House and strongly opposed by Democrats last Congress. This bill was reported out of committee on a 27-19 party-line vote. **Democrats are urged to VOTE NO.**

H.R. 740 - (*Rep. Norwood - Education and the Workforce*) (Subject to a Rule). This bill amends current law to expand the Occupational Safety and Health Review Commission from three to five members. This would allow the Bush Administration to stack the OSHRC with appointees unfriendly to worker interests. A similar bill was considered by the House and overwhelmingly opposed by Democrats last Congress. This bill was reported out of committee on a 27-19 party-line vote. **Democrats are urged to VOTE NO.**

H.R. 741 - (*Rep. Norwood - Education and the Workforce*) (Subject to a Rule). This bill would overturn a unanimous 1991 Supreme Court decision that found that Congress intended the Secretary of Labor, as the official responsible for enforcing the Occupational Safety and Health Act,



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to have deference in questions of law relating to OSHA citations. Instead, this bill would give deference to the OSHRC in interpreting OSHA standards, even though the Secretary has issued the standard, has greater expertise required to interpret these safety and health standards. This would increase incentives for challenges to the Secretary's rules and interpretations. A similar bill was considered by the House and overwhelmingly opposed by Democrats last Congress. This bill was reported out of committee on a 27-19 party-line vote. **Democrats are urged to VOTE NO.**

H.R. 742 - (Rep. Norwood - Education and the Workforce) (Subject to a Rule). This bill changes current law to require award of attorney's fees by taxpayers to certain employers when they prevail in administrative or court proceedings brought by OSHA. This bill would discourage OSHA from citing safety and health violations by requiring that taxpayers pay the attorney's fees and legal costs of certain employers (those with 100 or less employees and a net worth of not more than \$7,000,000) if OSHA does not prevail in administrative or court proceedings. These costs would have to be paid, even if OSHA was found to be substantially justified in pursuing the action. Current law already permits small businesses to recover litigation costs where the government position was not substantially justified. In 2000, 97.7% of all private establishments had less than 100 employees and such establishments have a higher rate of occupational fatalities than do establishments with more than 100 workers. A similar bill was considered by the House and overwhelmingly opposed by Democrats last Congress. This bill was reported out of committee on a 27-19 party-line vote. **Democrats are urged to VOTE NO.**

Postponed Suspension Votes (1 bill):

- 1) **H.Res. 343** - Commending the State of Kuwait for granting women certain important political rights (*Rep. Crowley - International Relations*)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule: on Wednesday, the House will meet at 10:00 a.m. for legislative business. The House is expected to consider seven bills under Suspension of the Rules. In addition, the House will also consider: **H.R. 2864** - Water Resources Development Act of 2005 (*Rep. Young {AK} - Transportation & Infrastructure*) (*Subject to a Rule*); and will also appoint and instruct conferees on **H.R.6** – the Energy Policy Act.

Daily Quote...

"In 2003, [White House press secretary Scott] McClellan said it was 'a ridiculous suggestion' that [Deputy Chief of Staff Karl] Rove was involved [in identifying a CIA operative]. 'I've made it very clear, he was not involved, that there's no truth to the suggestion that he was,' he said. He also said that any culprit in the White House should be fired 'at a minimum.' . . . McClellan demurred yesterday [Monday] when asked several times whether Bush will stand by his pledge to fire anyone who leaked classified information. 'This question is coming up in the context of this ongoing investigation,' he said. 'Our policy continues to be that we're not going to get into commenting on an ongoing criminal investigation from this podium.'

- A story in *The Washington Post* this morning