

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6429) TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO PROMOTE INNOVATION, INVESTMENT, AND RESEARCH IN THE UNITED STATES, TO ELIMINATE THE DIVERSITY IMMIGRANT PROGRAM, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

NOVEMBER 28, 2012.—Referred to the House Calendar and ordered to be printed

Mr. NUGENT, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 821]

The Committee on Rules, having had under consideration House Resolution 821, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6429, the STEM Jobs Act of 2012, under a closed rule. The resolution provides 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-34, as modified by the amendment printed in this report, shall be considered as adopted. The bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

Finally, the resolution provides that it shall be in order at any time on the legislative day of December 6, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 10 of rule XXI, prohibiting the consideration of a bill if it has the net effect of increasing mandatory spending over the five or ten year period. The bill, as amended, would

extend by one year the mortgage fees and premiums included in Title IV of P.L. 112–78, which are currently set to expire on Oct. 1, 2021. This modification to current law would save an estimated \$3.8 billion over ten years. While this modification would cause the underlying measure to have the net effect of decreasing mandatory spending over a ten year period, the measure would still have the net effect of increasing mandatory spending over the five year period specified in clause 10 of rule XXI, therefore the waiver is necessary.

The waiver of all points of order against consideration of the bill includes a waiver of section 303 of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority for the current fiscal year until a concurrent resolution on the budget for that fiscal year has been agreed to. The waiver is necessary because the House has not adopted a budget resolution for FY 2014.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 362

Motion by Ms. Slaughter to report an open rule. Defeated: 3–7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 363

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #1, offered by Rep. Jackson Lee (TX), which would strike section 3 to protect the Diversity Immigration Visa Program; and the amendment #2 offered by Rep. Jackson Lee (TX), which would authorize Congress or the Secretary of the Department of Homeland Security to reallocate unused STEM visas to other classes of immigrant visas, while protecting the Diversity Immigration Visa program and adding an additional 55,000 visas to the STEM program. Defeated: 3–7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 364

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for the following amendments offered by Rep. Lofgren (CA) en bloc: amendment #4 which would strike everything after the enacting clause and insert the text of H.R. 2161, the Immigration Driving Entrepreneurship in America Act of 2012 or the IDEA Act of 2012; and amendment #5 which would strike everything after the enacting clause and insert the text of H.R. 6412, the Attracting the Best and Brightest Act of 2012. Defeated: 3–7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 365

Motion by Mr. Polis to make in order and provide the appropriate waivers for amendment #3, offered by Rep. Polis (CO), which would create a “Start-up Visa” for entrepreneurs and update the EB–5 visa system to help create American jobs by encouraging investment in U.S. companies. Defeated: 3–7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 366

Motion by Mr. Bishop of Utah to report the rule. Adopted: 7–3.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Yea	Ms. Slaughter	Nay
Ms. Foxx	Yea	Mr. Hastings of Florida	Nay
Mr. Bishop of Utah	Yea	Mr. Polis	Nay
Mr. Nugent	Yea		
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

SUMMARY OF THE AMENDMENT CONSIDERED AS ADOPTED

Smith, Lamar (TX): MANAGER’S AMENDMENT. Would change effective date of bill to FY14; would extend by one year certain fees and premiums included in title IV of P.L. 112–78, the Temporary Payroll Tax Cut Continuation Act of 2011.

TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Page 1, line 12, strike “2013” and insert “2014”.

Page 2, line 16, strike “2013,” and insert “2014.”

Page 2, line 23, strike “2013” and insert “2014”.

Page 3, line 2, strike “2013” and insert “2014”.

Page 3, line 5, strike “2013.” and insert “2014.”.

Page 3, line 7, strike “2014,” and insert “2015.”.

Page 3, line 14, strike “2014” and insert “2015”.

Page 3, line 18, strike “2014” and insert “2015”.

Page 3, line 21, strike “2014.” and insert “2015.”.

Page 3, line 23, strike “2015,” and insert “2016.”.

Page 4, line 6, strike “2015” and insert “2016”.

Page 4, line 11, strike “2014” and insert “2015”.

Page 4, line 17, strike “2015.” and insert “2016.”.

Page 4, line 19, strike “2015” and insert “2016”.

Page 4, line 22, strike “2015.” and insert “2016.”.

Page 4, line 24, strike “2016,” and insert “2017.”.

Page 5, line 7, strike “2016” and insert “2017”.

Page 5, line 12, strike “2015” and insert “2016”.

Page 5, line 18, strike “2016.” and insert “2017.”.

Page 5, line 23, strike “2016.” and insert “2017.”.

Page 16, line 3, strike “2017,” and insert “2018.”.

Page 17, line 7, strike “2012,” and insert “2013.”.

Page 17, line 9, add at the end the following: “Nothing in the preceding sentence shall be construed to prohibit the Secretary of Homeland Security from accepting before such date petitions under section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b) of such Act (8 U.S.C. 1153(b)) (as added by this section).”

Page 18, line 16, strike “2012,” and insert “2013.”.

Page 19, beginning on line 17, strike “the date of the enactment of this Act” and insert “October 1, 2013,”.

Page 22, beginning on line 24, strike “the date of the enactment of this Act” and insert “October 1, 2013,”.

Page 24, beginning on line 10, strike “the date of the enactment of this Act” and insert “October 1, 2013,”.

Page 24, beginning on line 14, strike “the date of the enactment of this Act;” and insert “such date;”.

Page 24, beginning on line 18, strike “the date of the enactment of this Act.” and insert “such date.”.

Page 24, after line 19, insert the following:

SEC. 7. EXTENSION OF GUARANTEE FEES FOR GOVERNMENT-SPONSORED HOUSING ENTERPRISES AND FHA.

(a) GSEs.—Subsection (f) of section 1327 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547) is amended by striking “October 1, 2021” and inserting “October 1, 2022”.

(b) FHA.—Subsection (b) of section 402 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78; 125 Stat. 1289) is amended by striking “October 1, 2021” and inserting “October 1, 2022”.