TO AMEND AND EXTEND THE IRISH PEACE PROCESS
CULTURAL AND TRAINING PROGRAM ACT OF 1998

SEPTEMBER 4, 2003.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 2655]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 2655) to amend and extend the Irish Peace Process Cultural
and Training Program Act of 1998, having considered the same, re-
ports favorably thereon without amendment and recommends that
the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2655 would extend the expiration date of the Irish Peace
Process Cultural and Training Program for 2 years, from 2006 to
2008, and modify the provisions of the program to ensure that
those aliens receiving visas are those the program was designed to
benefit.
BACKGROUND AND NEED FOR THE LEGISLATION

In 1998, the Irish Peace Process Cultural and Training Program Act was enacted.¹

The purpose of the program was to allow adults between the ages of 18 and 35 years old who lived in disadvantaged areas of Northern Ireland and designated border counties of Ireland that were suffering from sectarian violence and high unemployment to enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment, so that they could return to their homes better able to contribute toward economic regeneration and the Irish peace process. Up to 4,000 qualifying aliens (and their spouses and minor children) could be admitted each year and they could stay in the U.S. for up to 3 years. The program was set to sunset on October 1, 2005. In the 107th Congress, the program was extended until October 1, 2006.²

H.R. 2655 would extend the program for another 2 years, until October 1, 2008. It would also make a number of changes to the program. These changes are mainly designed to ensure that the aliens granted admission are those truly economically disadvantaged young adults the program was designed to help. These changes include requirements that only 20% of the program participants may have a degree from a higher education institution, that they be at least 21 years of age, and that they have been unemployed and resident in Northern Ireland or the designated border counties for at least 6 months.

The bill would also make changes to the program to help ensure that the aliens return to Ireland to foster economic development and peace. The bill would reduce the duration of the visa term from 3 years to 2 years. This change would discourage visa holders from remaining in the United States by reducing the amount of time they would have to establish roots here. The bill would also require that aliens admitted under the program return home for 1 year before they could apply for an immigrant visa, permanent residence, or another nonimmigrant visa.³

HEARINGS

No hearings were held on H.R. 2655.

COMMITTEE CONSIDERATION

On July 25, 2003, the Committee met in open session and ordered favorably reported the bill H.R. 2655 without amendment by voice vote, a quorum being present.

³The bill permits the Secretary of Homeland Security to waive the 1-year residence requirement if: (1) the alien’s departure from the United States would impose exceptional hardship upon the alien’s U.S. citizen or lawfully resident spouse or child, (2) the alien would be subject to persecution on account of race, religion, or political opinion, or (3) the admission of the alien is in the public interest or the national interest of the United States.
VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee consideration of H.R. 2655.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2655, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Hon. F. JAMES SENSENBRENNER, Jr., Chairman,
Committee on the Judiciary,
House of Representatives, Washington, DC.


If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member


SUMMARY

The Irish Peace Process Cultural and Training Program Act of 1998 (Public Law 105–319) provides nonimmigrant visas for young adults from certain areas of Northern Ireland and the Republic of Ireland. These individuals work or study in the United States for up to 3 years. This program is currently scheduled to terminate on
October 1, 2006. H.R. 2655 would make several administrative changes to the program and would extend it until October 1, 2008. CBO estimates that implementing H.R. 2655 would cost about $4 million in each of fiscal years 2007 and 2008 for the Department of State to administer this program, subject to the availability of appropriations. Enacting the bill also would affect direct spending, but CBO estimates that any such effects would not be significant.

H.R. 2655 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2655 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

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<th>By Fiscal Year, in Millions of Dollars</th>
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### SPENDING SUBJECT TO APPROPRIATION

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a. The 2003 level (about $3.4 million) is the amount appropriated for that year for the Irish Peace Process Cultural and Training Program. The estimated authorization levels for 2004 through 2008 are CBO baseline estimates.

Since the program’s inception, there have been about 300 participants each year. Thus, CBO estimates that the increase in the amount of application fees collected and spent by the Bureau of Citizenship and Immigration Services and the State Department as a result of extending the program would be insignificant.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2655 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860) and Sunita D’Monte (226–2840)
Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2960)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis
PERFORMANCE GOALS AND OBJECTIVES

H.R. 2655 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION


The terms of the Irish Peace Process Cultural and Training Program Act may be found at section 101(a)(15)(Q)(ii) of the Immigration and Nationality Act and as a note at section 1101 of title 8 of the U.S. Code.

Subsection (a) amends the Irish Peace Process Cultural and Training Program Act of 1998 by requiring that not more than 20% of the participants in the program may have a degree from an institution of higher education. Subsection (a) also requires that participants be between the ages of 21 and 35, have been unemployed for not less than 6 months, and have resided for not less than 6 months in Northern Ireland or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, or Donegal within the Republic of Ireland. The subsection also provides that program participants can stay in the U.S. under the program for not more than 24 months.

Subsection (a) also amends section 212(e) of the Immigration and Nationality Act to provide that no person admitted as a program participant or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa until it is established that such person has resided and been physically present in his country of nationality or last residence for an aggregate of at least 1 year following departure from the United States. The Secretary of Homeland Security may waive this requirement if he determines that 1) departure from the United States would impose exceptional hardship upon the alien’s spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), 2) the alien cannot return to the country of the alien’s nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion, or 3) the admission of the alien is in the public interest or the national interest of the United States.

Subsection (b) is designed to extend the date of repeal of the program until October 1, 2008. Subsection (b)(2) contains incorrect date designations that the Committee expects will be corrected on the House floor. Subsection (b) also modifies the requirement that reports be provided to Congress on the number of aliens admitted who have overstayed their visas to provide that the report be provided each year the program is in existence.

Subsection (c) corrects makes technical and conforming changes recognizing the transfer of the functions of the Immigration and Naturalization Service to the Department of Homeland Security.
Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

SEC. 2. IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.
(a) PURPOSE.—
(1) In General.—The Secretary of State and the Attorney General shall establish a program to allow young people from disadvantaged areas of designated counties suffering from sectarian violence and high structural unemployment to enter the United States for the purpose of developing job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment, so that those young people can return to their homes better able to contribute toward economic regeneration and the Irish peace process. The program shall promote cross-community and cross-border initiatives to build grassroots support for long-term peaceful coexistence. The Secretary of State and the Attorney General shall cooperate with nongovernmental organizations to assist those admitted to participate fully in the economic, social, and cultural life of the United States.

(2) Scope and Duration of Program.—
(A) In General.—The program under paragraph (1) shall provide for the admission of not more than 4,000 aliens under section 101(a)(15)(Q)(ii) of the Immigration and Nationality Act (including spouses and minor children) in each of 4 consecutive program years. Not more than 20 percent of participants in the program may have a degree from an institution of higher education.

(3) Records and Report.—The Immigration and Naturalization Service shall maintain records of the nonimmigrant status and place of residence of each alien admitted under the program. Not later than 120 days after the end of the third program year and for the 4 subsequent years, the Immigration and Naturalization Service shall compile and submit to the Congress a report on the number of aliens admitted with nonimmigrant status under section 101(a)(15)(Q)(ii) who have overstayed their visas.

(b) Temporary Nonimmigrant Visa.—
(1) In General.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—
(A) * * *

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(B) by inserting after the semicolon at the end the following: “or (ii)(I) an alien 35 years of age or younger having a residence in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 36 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Attorney General under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society, and (II) the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien;”.

(d) SUNSET.—
(1) Effective October 1, 2006, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

IMMIGRATION AND NATIONALITY ACT

TITLE I—GENERAL DEFINITIONS

SECTION 101. (a) As used in this Act—
(1) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens—
(Q)(i) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien’s nationality and who will be employed under the same wages and working conditions as domestic workers; or (ii)(I) an alien 35 years of age or younger having a residence 21 to 35 years of age, unemployed for not less than 6 months, having resided
for not less 6 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Attorney General under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society, and (II) the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien;

* * * * * * *

TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

SEC. 212. (a) * * *

(q)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under this Act until it is established that such person has resided and been physically present in the country of nationality or last residence for an aggregate of at least one year following departure from the United States.

(2) The Secretary of Homeland Security may waive the requirement of such one-year foreign residence abroad if the Secretary determines that—

(A) departure from the United States would impose exceptional hardship upon the alien’s spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien);

(B) that the alien cannot return to the country of the alien’s nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion; or

(C) the admission of the alien is in the public interest or the national interest of the United States.

* * * * * * *

MARKUP TRANSCRIPT

BUSINESS MEETING

FRIDAY, JULY 25, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 9:40 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., [Chairman of the Committee] presiding.

[Intervening business.]
Chairman SENSENBRENNER. Pursuant to notice I now call up the bill H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998, for purposes of markup and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 2655, follows:]
H. R. 2655


IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Mr. Walsh (for himself, Mr. King of New York, Mr. Neal of Massachusetts, Mr. Crowley, Mr. Sweeney, Mr. McDermott, Mrs. McCarthy of New York, Mr. Doyle, Mr. Quinn, Mr. Mollohan, Mr. Holden, Mr. Smith of New Jersey, Mr. Ackerman, Mr. McNulty, Mr. Engel, Mr. Payne, Mr. Frost, and Mr. Duncan) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL


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


(a) Amendment of Program.—
(1) Section 2(a)(2)(A) of such the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end “Not more than 20 percent of participants in the program may have a degree from an institution of higher education.”.


(A) by striking “35 years of age or younger having a residence” and inserting “21 to 35 years of age, unemployed for not less than 6 months, having resided for not less 6 months”; and

(B) by striking “36 months” and inserting “24 months”.

(3) Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended by inserting after subsection (p) the following:

“(q)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under this Act until it is established that such person has resided and been physically present
in the country of nationality or last residence for an aggregate of at least one year following departure from the United States.

“(2) The Secretary of Homeland Security may waive the requirement of such one-year foreign residence abroad if the Secretary determines that—

“(A) departure from the United States would impose exceptional hardship upon the alien’s spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien);

“(B) that the alien cannot return to the country of the alien’s nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion; or

“(C) the admission of the alien is in the public interest or the national interest of the United States.”.

(b) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(1) in subsection (d)(1) by striking “2006,” and inserting “2008,”;

(2) in subsection (d)(2) by striking “2005,” and inserting “2011,”;
(3) in subsection (a)(3) by striking “the third program year and for the 3 subsequent years,” and inserting “each program year”.

(c) TECHNICAL AND CONFORMING CHANGES.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note; Public Law 105–319) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) by striking “Immigration and Naturalization Service” each place it appears and inserting “Department of Homeland Security”.

○
Chairman SENSENBRENNER. Without objection, all Members’ opening statements will be placed in the record at this point. I have one of them.

[The prepared statement of Mr. Sensenbrenner follows:]

PREPARED STATEMENT OF THE HONORABLE F. JAMES SENSENBRENNER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

H.R. 2655, is a bill to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998. The original Act established a cultural training program to assist the Irish peace process. The program created 12,000, three-year non-immigrant visas for adults between the ages of 18 and 35 years old and who live in disadvantaged areas in Northern Ireland and border counties of Ireland. The purpose of the visa is to provide practical training, employment, and the experience of coexistence and conflict resolution in a diverse society and strong economy.

H.R. 2655 amends the program to state that only 20 percent of the program participants may have a degree from a higher education institution.

It also would change the eligible age group from 18–35 to 21–35 years old, require that the applicant has been unemployed for at least six months immediately preceding the visa application, and require that the applicant have resided in the specified area for at least six months. The bill would also reduce the duration of the “Q” visa from three years to two years. The author of the bill, Rep. James Walsh, believes these changes will improve the program so that college graduates who merely wish to vacation in the U.S. do not take advantage of this program. Also, reducing the duration of the visa discourages “Q” visa holders from remaining in the United States by reducing the amount of time they have to marry and establish roots in the U.S.

H.R. 2655 adds the requirement that an alien admitted under the program would have to return home for one year before the alien could apply for an immigrant visa, permanent residence, or another nonimmigrant visa.

However, the bill permits the Secretary of Homeland Security to waive the one-year residence requirement if: (1) the alien’s departure from the United States would impose exceptional hardship upon the alien’s U.S. citizen or lawful permanent resident spouse or child; (2) the alien would be subject to persecution on account of race, religion, or political opinion; or (3) the admission of the alien is in the public interest or the national interest of the United States. Finally, the bill delays the sunset of the program from 2006 to 2008.

I urge my colleagues to support the passage of this bill.

Chairman SENSENBRENNER. I would point out that the provisions in this bill are the same as those that were in the State Department authorization bill which was passed last week by the House. The visa program for the so-called Walsh visas expires on September 30. Mr. Walsh has asked this Committee to report out stand-alone legislation so that if the State Department authorization bill is delayed, the Senate can take up H.R. 2655 and thus provide an uninterrupted program for these types of visas.

Mr. WATT. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from North Carolina.

Mr. WATT. Would the gentleman yield?

Chairman SENSENBRENNER. I am happy to yield.

Mr. WATT. I just want to know what a Walsh visa is.

Chairman SENSENBRENNER. The Walsh visas are named after Congressman Walsh of New York State, and there has been a program that has been—for the last 5 years that brings Catholic and Protestant kids from Northern Ireland to work side by side in the United States where there is not the ethnic group pressure for them to hate each other like there is back home. And this program has gotten very good reviews, you know, in terms of attempting to bridge the religious hatred in that part of the world. And Mr. Walsh wants to have it continued, and I think it is a good idea.

Mr. WATT. Thank you, Mr. Chairman.
Chairman SENSENBRENNER. Are there amendments to the bill? If there are no amendments, a reporting quorum is not present, and without objection, the previous question is ordered on reporting this bill favorably.
[Intervening business.]
Chairman SENSENBRENNER. The unfinished business is the motion to report the bill H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998, upon which the previous question had been ordered on the motion to report favorably. Those in favor will say aye.
Opposed, no.
The ayes appear to have it. The ayes have it. The motion to report favorably is agreed to.
Without objection, the Chair will be authorized to move to go to conference pursuant to House rules.
Without objection, the staff will be given authority to make technical and conforming changes, and all Members will be given 2 days pursuant to the rules in order to submit additional, supplemental, dissenting or minority views.