

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2368, Department of Defense Appropriations.

Senate agreed to the conference report to accompany H.R. 2360, Homeland Security Appropriations.

The House passed the following measure, "Gasoline for America's Security Act of 2005."

Senate

Chamber Action

Routine Proceedings, pages S11247–S11337

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 1855–1868, S. Res. 271–272, and S. Con. Res. 58.

Pages S11313–14

Measures Passed:

Department of Defense Appropriations: By a unanimous vote of 97 yeas (Vote No. 254), Senate passed H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, as amended. **Pages S11247–75**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, Feinstein, and Mikulski.

Page S11275

Community Disaster Loans: Senate passed S. 1858, to provide for community disaster loans.

Pages S11280–85

Social Services Emergency Relief and Recovery Act: Senate passed H.R. 3971, to provide assistance to individuals and States affected by Hurricane Katrina, after agreeing to the following amendment proposed thereto: **Pages S11329–30**

Stevens (for Grassley) Amendment No. 2059, in the nature of a substitute. **Pages S11329–30**

Kosovo: Committee on Foreign Relations was discharged from further consideration of S. Res. 237, expressing the sense of the Senate on reaching an

agreement on the future status of Kosovo, and the resolution was then agreed to. **Pages S11331–32**

Permit Processing Fund Extension: Committee on Environment and Public Works was discharged from further consideration of H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits, and the measure was then passed, after agreeing to the following amendments proposed thereto: **Page S11332**

Stevens (for Inhofe) Amendment No. 2057, to modify the reauthorization period of a certain water resource program. **Page S11332**

Stevens (for Inhofe) Amendment No. 2058, to amend the title. **Page S11332**

National Character Counts Week: Senate agreed to S. Res. 271, designating the week beginning October 16, 2005, as "National Character Counts Week". **Pages S11332–33**

Honoring Judge Constance Baker Motley: Senate agreed to S. Res. 272, recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York. **Pages S11333–34**

Use of Capitol Grounds: Senate agreed to H. Con. Res. 161, authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March. **Page S11334**

Department of Homeland Security Appropriations—Conference Report: Senate agreed to the conference report to accompany H.R. 2360, making

appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, clearing the measure for the President.

Pages S11275–79

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions. Page S11331

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. Page S11331

Adjournment Resolution: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, when the Senate receives from the House of Representatives the adjournment resolution, the concurrent resolution be agreed to and the motion to reconsider be laid on the table. Page S11331

Transportation/Treasury Appropriations—Agreement: A unanimous-consent agreement was reached providing that at 3 p.m. on Monday, October 17, 2005, Senate begin consideration of H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006. Page S11329

Nomination—Joint Referral: A unanimous-consent agreement was reached providing that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security, the nomination be referred sequentially to the Committee on the Judiciary for up to 30 calendar days, provided further, that if the nomination is not reported by that time it be discharged automatically from the Committee on the Judiciary and placed on the Executive Calendar. Page S11331

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Inter-American Convention Against Terrorism (Treaty Doc. 107–18) with one understanding; and

U.N. Convention Against Transnational Organized Crime (Treaty Doc. 108–16). Pages S11334–36

Nominations Confirmed: Senate confirmed the following nominations:

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years.

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

Darryl W. Jackson, of the District of Columbia to be an Assistant Secretary of Commerce.

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Patricia Louise Herbold, of Washington, to be Ambassador to the Republic of Singapore.

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal.

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010.

George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

William Paul McCormick, of Oregon, to be Ambassador to New Zealand, and serve concurrently and without additional compensation as Ambassador to Samoa.

Francis Rooney, of Florida, to be Ambassador to the Holy See.

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

Jacqueline Ellen Schafer, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica.

Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Republic of Korea.

Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

A routine list in the Foreign Service.

Pages S11330–31, S11336–37

Nominations Received: Senate received the following nomination:

Harriet Ellan Miers, of Texas, to be an Associate Justice of the Supreme Court of the United States.

Page S11336

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Philip D. Morrison, of the District of Columbia, to be an Assistant Secretary of the Treasury, which was sent to the Senate on May 26, 2005.

Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, which was sent to the Senate on June 20, 2005.

Page S11337

Messages From the House: Pages S11304–05

Measures Referred: Page S11305

Petitions and Memorials: Pages S11305–13

Additional Cosponsors: Page S11314

Statements on Introduced Bills/Resolutions: Pages S11314–28

Additional Statements: Pages S11299–S11304

Amendments Submitted: Pages S11328–29

Notices of Hearings/Meetings: Page S11329

Authority for Committees to Meet: Page S11329

Record Votes: One record vote was taken today. (Total—254) Page S11256

Adjournment: Senate convened at 8:15 a.m. and adjourned at 1:11 p.m., until 2 p.m., on Monday, October 17, 2005, contingent on the action of the Senate on the adjournment resolution from the House of Representatives, that if the Senate does not agree to the adjournment resolution, the Senate will reconvene at 12 noon on Tuesday, October 11, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11336.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

An original bill to repeal the increased micropurchase threshold; and

The nomination of Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 44 public bills, H.R. 4012–4055; 1 private bill, H.R. 4056; and 8 resolutions, H. Con. Res. 264–266; and H. Res. 486–490, were introduced. **Pages H8807–09**

Additional Cosponsors: **Pages H8809–10**

Reports Filed: Reports were filed today as follows: S. 1339, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 109–246). **Page H8807**

Chaplain: The prayer was offered today by Rev. Henry Holley, Director of Asian Affairs, Billy Graham Evangelistic Association, Marietta, Georgia. **Page H8737**

Journal: Agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 348 yeas to 63 nays, Roll No. 516. **Pages H8737, H8749–50**

Permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center—Order of Business: The House agreed that (1) it shall be in order at any time to consider H. Res. 480, permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center; (2) the resolution be considered as read; (3) the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. **Page H8739**

Permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center: The House agreed to H. Res. 480, to permit individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, with no objections. **Page H8739**

Gasoline for America's Security Act of 2005: The House passed H.R. 3893, to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people (by a recorded vote of 212 yeas to 210 noes, Roll No. 519). **Pages H8750–53**

Rejected the Bishop motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with amendments (by a recorded vote of 200 yeas to 222 noes, Roll No. 518). **Pages H8788–91**

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, now printed in the bill and modified by the amendment printed in part A of H. Rept. 109–245, shall be considered as adopted. **Page H8756**

Rejected:

Stupak amendment in the nature of a substitute (printed in part B of H. Rept. 109–245) that sought to give explicit authority to the FTC to define price gouging. It preserves the FTC's existing civil penalty authority and authorizes new civil penalties of up to three times the amount of unjust profits gained by companies who engage in price gouging. It also increases our nation's refinery capacity by establishing a federal Strategic Refinery Reserve which would build upon the success of the Strategic Petroleum Reserve (SPR) by creating a natural extension of the SPR—a refinery reserve (by a recorded vote of 199 yeas to 222 noes, Roll No. 517). **Pages H8778–88**

H. Res. 481, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote 216 yeas to 201 nays, Roll No. 515, after agreeing to order the previous question without objection. **Pages H8739–49**

Agreed by unanimous consent that H. Res. 481 be considered as amended by striking the number 3983 and inserting in lieu thereof the number 3893 in the text. **Page H8739**

Agreed to amend the title so as to read "Providing for the consideration of the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes." **Page H8749**

Suspensions: The House agreed to suspend the rules and pass the following measure which was debated on Thursday, October 6:

Honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations: H. Con. Res. 248, to honor the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and

in all nations, by a yea-and-nay vote of 354 yeas with none voting “nay”, Roll No. 520.

Pages H8793–94

Adjournment Resolution: The House agreed to H. Con. Res. 263, providing for the conditional adjournment of the House and conditional adjournment or recess of the Senate.

Page H8794

Providing for Community Disaster Loans: The House passed S. 1858, to provide for community disaster loans.

Pages H8794–98

Committee Resignation: Read a letter from Representative Ginny Brown-Waite of Florida wherein she resigned from the Committee on Government Reform and all subcommittees under its jurisdiction as of September 30, 2005.

Page H8799

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representatives Tom Davis of Virginia and Bartlett of Maryland to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 17, 2005.

Page H8799

Speaker: Read a letter from the Speaker wherein he appointed Representative Schmidt to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

Page H8806

Senate Message: Messages received from the Senate today appear on pages H8749, H8778, H8798–99, and H8806.

Quorum Calls—Votes: Three yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H8749, H8749–50, H8787–88, H8791, H8791–92, and H8793. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 4:31 p.m. on Friday, October 7, and pursuant to the provisions of H. Con. Res. 263, stands adjourned until 2:00 p.m. on Monday, October 17.

Committee Meetings

STRENGTHENING THE OWNERSHIP OF PRIVATE PROPERTY ACT OF 2005

Committee on Agriculture: Ordered reported, as amended, H.R. 3405, Strengthening the Ownership of Private Property Act of 2005.

DOE'S EFFORTS TO CONSOLIDATE SURPLUS PLUTONIUM INVENTORIES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing to review GAO's findings and recommendations regarding the Department of Energy's efforts to consolidate Surplus Plutonium Inventories. Testimony was heard from Gene Aloise, Director, Natural Resources and the Environment, GAO; Charles E. Anderson, Prin-

cipal Deputy Assistant Secretary, Environmental Management, Department of Energy; and A. J. Eggenberger, Chairman, Defense Nuclear Facility Safety Board.

COMMITTEE BUSINESS

Committee on Homeland Security: Approved a committee resolution creating the Subcommittee on Investigations.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, H.R. 972, Trafficking Victims Protection Reauthorization Act of 2005.

The Committee also favorably considered and adopted a motion urging the chairman to request that the following measures be considered on the Suspension Calendar: H. Con. Res. 252, amended, Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country; H. Res. 192, amended, Expressing the sense of the House of Representatives encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities; H. Res. 368, Congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly; and H. Res. 472, amended, Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

OVERSIGHT—FEDERAL ROLE AFTER CATASTROPHIC EVENTS AFFECTING FOREST LANDS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing entitled “Restoration after Recent Hurricanes and other Natural Disasters: Federal Role in Recovery after Catastrophic Events Affecting Forest Lands.” Testimony was heard from Lynn Scarlet, Assistant Secretary, Policy, Management, and Budget, Department of the Interior; Dale Bosworth, Chief, Forest Service, USDA; Everard Baker, Acting Forester, State of Mississippi; Max Peterson, former Chief, Forest Service, USDA; and public witnesses.

NOAA HURRICANE FORECASTING

Committee on Science: Held a hearing on NOAA Hurricane Forecasting. Testimony was heard from the following officials of NOAA, Department of Commerce: David L. Johnson, Director, National Weather Service; and Max Mayfield, Director, Hurricane Center.

SMALL BUSINESS AND HURRICANE KATRINA: REBUILDING THE ECONOMY

Committee on Small Business: Held a hearing entitled "Small Businesses and Hurricane Katrina: Rebuilding the Economy." Testimony was heard from Hector V. Barreto, Administrator, SBA; and public witnesses.

GAINSHARING—ALIGNMENT OF PHYSICIAN AND HOSPITAL INTERESTS

Committee on Ways and Means: Subcommittee on Health held a hearing on Gainsharing. Testimony

was heard from Lewis Morris, Chief Counsel to the Inspector General, Department of Health and Human Services; and public witnesses.

Joint Meetings**EMPLOYMENT**

Joint Economic Committee: Committee concluded hearings to examine the employment-unemployment situation for September 2005, after receiving testimony from Philip Rones, Deputy Commissioner, John Galvin, Associate Commissioner for Employment and Unemployment Statistics, and John Greenlees, Associate Commissioner for Prices and Living Conditions, all of the Bureau of Labor Statistics, Department of Labor.

Next Meeting of the SENATE

2 p.m., Monday, October 17

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, October 17

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will begin consideration of H.R. 3058, Transportation, Treasury, HUD, Judiciary, DC Appropriations.

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E2072
 Beauprez, Bob, Colo., E2061
 Bishop, Sanford D., Jr., Ga., E2078
 Brady, Robert A., Pa., E2074
 Burgess, Michael C., Tex., E2059
 Cannon, Chris, Utah, E2064
 Castle, Michael N., Del., E2068
 Cleaver, Emanuel, Mo., E2047, E2050
 Costa, Jim, Calif., E2058, E2076
 Costello, Jerry F., Ill., E2071
 Cuellar, Henry, Tex., E2065
 Cummings, Elijah E., Md., E2070
 Cunningham, Randy "Duke", Calif., E2059
 Davis, Susan A., Calif., E2069
 Diaz-Balart, Lincoln, Fla., E2053
 Dreier, David, Calif., E2062
 Engel, Elliot L., N.Y., E2078
 Etheridge, Bob, N.C., E2055
 Evans, Lane, Ill., E2065
 Farr, Sam, Calif., E2081
 Forbes, J. Randy, Va., E2060
 Gallegly, Elton, Calif., E2053
 Gohmert, Louie, Tex., E2070
 Harman, Jane, Calif., E2052
 Hensarling, Jeb, Tex., E2078

Herger, Wally, Calif., E2054
 Hobson, David L., Ohio, E2065
 Honda, Michael M., Calif., E2061, E2070, E2079
 Inglis, Bob, S.C., E2056
 Jackson, Jesse L., Jr., Ill., E2073
 Kanjorski, Paul E., Pa., E2046, E2048, E2049, E2050,
 E2052, E2054, E2056
 Kind, Ron, Wisc., E2064
 Kucinich, Dennis J., Ohio, E2047, E2049, E2081
 Lantos, Tom, Calif., E2053, E2057
 Lee, Barbara, Calif., E2045, E2048, E2051, E2056, E2072,
 E2082
 Lofgren, Zoe, Calif., E2073
 McCollum, Betty, Minn., E2071
 McCotter, Thaddeus G., Mich., E2047, E2049
 Maloney, Carolyn B., N.Y., E2055, E2062, E2071
 Manzullo, Donald A., Ill., E2082
 Markey, Edward J., Mass., E2075
 Meehan, Martin T., Mass., E2080
 Meek, Kendrick B., Fla., E2060
 Meeks, Gregory W., N.Y., E2062
 Menendez, Robert, N.J., E2053
 Mica, John L., Fla., E2079
 Miller, Gary G., Calif., E2069
 Miller, Jeff, Fla., E2052
 Moran, James P., Va., E2058
 Napolitano, Grace F., Calif., E2058

Norton, Eleanor Holmes, D.C., E2073
 Owens, Major R., N.Y., E2083
 Pallone, Frank, Jr., N.J., E2061
 Poe, Ted, Tex., E2069
 Pombo, Richard W., Calif., E2057, E2066
 Pryce, Deborah, Ohio, E2079
 Putnam, Adam H., Fla., E2057
 Rahall, Nick J., II, W.Va., E2053, E2075
 Rangel, Charles B., N.Y., E2045, E2048, E2052, E2054,
 E2056, E2060
 Reyes, Silvestre, Tex., E2070
 Roybal-Allard, Lucille, Calif., E2075
 Smith, Adam, Wash., E2055
 Smith, Christopher H., N.J., E2077
 Solis, Hilda L., Calif., E2059
 Spratt, John M., Jr., S.C., E2065
 Tancredo, Thomas G., Colo., E2082
 Tauscher, Ellen O., Calif., E2073
 Thompson, Mike, Calif., E2079
 Tiberi, Patrick J., Ohio, E2065
 Towns, Edolphus, N.Y., E2082
 Udall, Mark, Colo., E2076
 Udall, Tom, N.M., E2048, E2051
 Van Hollen, Chris, Md., E2048, E2050
 Watson, Diane E., Calif., E2082
 Wilson, Joe, S.C., E2066
 Wu, David, Ore., E2083



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