

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7289–S7360

Measures Introduced: Eight bills were introduced, as follows: S. 3631–3638. **Page S7331**

Measures Passed:

National Audubon Society: Senate agreed to S. Res. 301, commemorating the 100th anniversary of the National Audubon Society. **Page S7357**

Captive Primate Safety Act: Senate passed S. 1509, to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species. **Pages S7357–58**

Ed Fountain Park Expansion Act: Senate passed S. 2041, to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada. **Page S7358**

Great Lakes Fish and Wildlife Restoration Act: Senate passed S. 2430, to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study, after agreeing to the committee amendment in the nature of a substitute. **Pages S7358–59**

Free Newspaper Access for Disabled Persons: Committee on Rules and Administration was discharged from further consideration of S. 2918, to provide access to newspapers for blind or other persons with disabilities. **Pages S7359–60**

VA Department Ceremony: Senate agreed to H. Con. Res. 427, permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. **Page S7360**

Homeland Security Appropriations: Senate continued consideration of H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, taking action on the following amendments proposed thereto: **Pages S7293–S7305, S7306–28**

Adopted:

By 68 yeas to 32 nays (Vote No.191), Vitter Modified Amendment No. 4548, to prohibit the United States Customs and Border Protection from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug. **Pages S7295–S7305**

Byrd Amendment No. 4557, to provide additional resources for border infrastructure and program integrity. **Pages S7306–07**

Byrd Amendment No. 4559, to provide additional funding for port security enhancements in fiscal year 2006. **Pages S7307–09**

Gregg (for Salazar) Modified Amendment No. 4555, to require the Secretary of Homeland Security to prepare a report on activities to ensure that the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service is operating effectively and to ensure that States are receiving adequate guidance. **Page S7316**

By 87 yeas to 11 nays (Vote No. 192), Collins Amendment No. 4560, to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority. **Pages S7309–16, S7318–20, S7325–26**

Gregg/Byrd Amendment No. 4579, to require the Secretary of Homeland Security to revise Management Directive 11056 to provide for the treatment of certain sensitive security information. **Pages S7327–28**

Rejected:

By 32 yeas to 66 nays (Vote No. 193), Akaka (for Clinton) Amendment No. 4563, to establish the Federal Emergency Management Agency as an independent agency. **Pages S7320–25, S7326**

Pending:

Feinstein Amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition. **Pages S7316–18**

Cornyn Amendment No. 4577 (to Amendment No. 4556), to provide for immigration injunction reform. **Pages S7326–27**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, July 12, 2006. **Page S7360**

Appointments:

U.S. Merchant Marine Academy: The Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, and pursuant to Title 46, Section 1295 b(h), of the U.S. Code, appointed the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: Senators Lott and Inouye, both from the Committee on Commerce, Science, and Transportation. **Page S7360**

Messages From the House: **Page S7330**

Measures Referred: **Pages S7330–31**

Measures Read First Time: **Page S7331**

Executive Communications: **Page S7331**

Additional Cosponsors: **Pages S7331–33**

Statements on Introduced Bills/Resolutions: **Pages S7333–38**

Additional Statements: **Pages S7329–30**

Amendments Submitted: **Pages S7338–56**

Notices of Intent: **Page S7356**

Authorities for Committees to Meet: **Pages S7356–57**

Record Votes: Three record votes were taken today. (Total—193) **Pages S7305, S7325–26, S7326**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:52 p.m., until 9:30 a.m., on Wednesday, July 12, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7360.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: STATE/JUSTICE/ COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies approved for full Committee consideration, H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

INSURANCE REGULATION REFORM

Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine insurance regulation reform issues, receiving testimony from Alessandro Iuppa, Maine Superintendent of Insurance, Augusta, on behalf of the National Association of Insurance Commissioners; John D. Johns, Protective Life Corporation, Birmingham, Alabama; Thomas Minkler, Clark-Mortenson Agency, Inc., Keane, New Hampshire, on behalf of the Independent Insurance Agents and Brokers of America, Inc.; Travis Plunkett, Consumer Federation of America, Alan F. Liebowitz, Old Mutual (Bermuda) Ltd., on behalf of the America Bankers Insurance Association, and Scott A. Sinder, Scott Group, on behalf of the Council of Insurance Agents and Brokers, all of Washington, D.C.; Joseph J. Beneducci, Fireman's Fund Insurance Company, Novato, California; Jaxon White, Medmarc Insurance Group, Chantilly, Virginia, on behalf of the Property Casualty Insurers Association of America; Robert A. Wadsworth, Preferred Mutual Insurance Company, New Berlin, New York, on behalf of the National Association of Mutual Insurance Companies; and Robert M. Hardy, Jr., Investors Heritage Life Insurance Company, Frankfort, Kentucky, on behalf of the National Alliance of Life Companies.

Hearing recessed subject to the call.

RENEWABLE ENERGY

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the implementation of the Energy Policy Act of 2005 on geothermal energy and other renewable energy production of Federal lands in the Western states, including the current state of and potential for geothermal development, challenges faced by developers of geothermal resources, Federal, state, and local government actions to address these challenges, and how provisions of the Act are likely to affect Federal geothermal royalty disbursement and collections, after receiving testimony from Lynn Scarlett, Deputy Secretary of the Interior; Jim Wells, Director, Natural Resources and Environment, Government Accountability Office; Sally Collins, Associate Chief, Forest Service, Department of Agriculture; Walter S. Snyder, Boise State University, Boise, Idaho, on behalf of the Intermountain West Geothermal Consortium; Chris Taylor, Horizon Wind Energy, LLC, Portland, Oregon, on behalf of the American Wind Energy Association; Bernie Karl, Chena Hot Springs Resort, Fairbanks, Alaska; Paul A. Thomsen, ORMAT Technologies, Reno, Nevada, on behalf of the Geothermal Energy Association; Robert B. Liden, Stirling Energy Systems, Inc., Phoenix, Arizona, on behalf of the Solar Energy Industries Association; and V. John White,

Center for Energy Efficiency and Renewable Technologies, Sacramento, California.

NORTH KOREA

Committee on Foreign Relations: Committee met in closed session to receive a briefing relative to North Korea from John D. Negroponte, Director of National Intelligence.

SOMALIA

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine United States government policy and challenges relative to Somalia, after receiving testimony from Jendayi E. Frazer, Assistant Secretary of State for African Affairs; Michael E. Heiss, Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development; and David H. Shinn, George Washington University Elliott School of International Affairs, Andre Le Sage, National Defense University Africa Center for Strategic Studies, and J. Stephen Morrison, Center for Strategic and International Studies, all of Washington, D.C.

NOMINATIONS:

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Anna Blackburne-Rigsby and Phyllis D. Thompson, each to be an Associate Judge of the District of Columbia Court of Appeals, and Jennifer M. Anderson, to be an Associate Judge of the Superior Court of the District of Columbia, who were all introduced by District of Columbia Delegate Norton, after the nominees testified and answered questions in their own behalf.

HAMDAN V. RUMSFELD

Committee on the Judiciary: Committee concluded a hearing to examine efforts to establish a constitu-

tional process for the humane treatment and fair trial of suspected terrorist detainees, relative to the recent Supreme Court's decision in *Hamdan v. Rumsfeld*, after receiving testimony from Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice; Daniel J. Dell'Orto, Principal Deputy General Counsel, Office of General Counsel, Paul W. Cobb, Jr., former Deputy General Counsel, and Lieutenant Commander Charles D. Swift, JAGC, USN, Office of Military Commissions, Office of Chief Defense Counsel, all of the Department of Defense; Theodore B. Olson, Gibson, Dunn and Crutcher, Washington, D.C., former Solicitor General; Harold Koh, Yale Law School, New Haven, Connecticut; Scott L. Silliman, Duke University School of Law, Durham, North Carolina, former Judge Advocate General, USAF; and Daniel P. Collins, Munger, Tolles and Olson, Los Angeles, California, former Associate Deputy Attorney General.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit, who was introduced by Senators Warner and Allen, and Frances Marie Tydingco-Gatewood, to be Judge for the District Court of Guam, who was introduced by Guam Delegate Bordallo, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 5755–5764; and 3 resolutions, H.J. Res. 91 and H. Res. 908–909, were introduced.

Pages H5046–47

Additional Cosponsors:

Page H5047

Reports Filed: A report was filed today as follows: H.R. 4855, to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 addi-

tional years the public and private school tuition assistance programs established under the Act (H. Rept. 109–553).

Page H5046

Recess: The House recessed at 9:12 a.m. and reconvened at 10 a.m.

Page H4964

Chaplain: The prayer was offered by the guest Chaplain, Rev. J. Cletus Kiley, President, The Faith and Politics Institute, Washington, D.C.

Page H4964

Unlawful Internet Gambling Enforcement Act of 2006: The House passed H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, by a recorded vote of 317 ayes to 93 noes, Roll No. 363.

Pages H4978–H5001, H5005–08

Pursuant to the rule, in lieu of the amendments recommended by the Committees on Financial Services and the Judiciary now printed in the bill, the amendment in the nature of a substitute depicted in the Rules Committee Print dated July 5, 2006, shall be considered as adopted.

Page H4980

Rejected the Conyers motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 167 ayes to 243 noes, Roll No. 362, after ordering the previous question.

Pages H5006–08

Rejected:

Berkley amendment (No. 1 printed in H. Rept. 109–551) which sought to eliminate the exceptions to the bill's general prohibition against online gambling, thereby establishing a complete ban on all Internet gambling-related activities, by a yea-and-nay vote of 114 yeas to 297 nays, Roll No. 361.

Pages H4998–H5001, H5005–06

H. Res. 907, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 214 yeas to 189 nays, Roll No. 360.

Pages H4969–78

Further Consideration of Unlawful Internet Gambling Enforcement Act of 2006: Earlier, the House agreed by unanimous consent that during consideration of H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, pursuant to H. Res. 907, notwithstanding the ordering of the previous question, it may be in order at any time for the Chair to postpone further consideration of the bill until a later time to be designated by the Speaker.

Page H4978

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention: S. 655, amended, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention;

Pages H5003–05

Celebrating Advancement Via Individual Determination's 25 years of success: H. Res. 576, amended, to celebrate Advancement Via Individual Determination's 25 years of success; and

Pages H5008–10

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003: H.J. Res. 86, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Pages H5010–12

Suspension—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration of the measure is expected to resume tomorrow, July 12th:

To study and promote the use of energy efficient computer servers in the United States: H.R. 5646, amended, to study and promote the use of energy efficient computer servers in the United States.

Pages H5001–03

Authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure: The House agreed by unanimous consent to S.J. Res. 40, to authorize the printing and binding of a supplement to, and revised edition of, Senate Procedure—clearing the measure for the President.

Page H5010

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H4977, H5005–06, H5007–08, and H5008. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 8:48 p.m.

Committee Meetings

CFIUS REFORM—REFORM OF NATIONAL SECURITY REVIEWS OF FOREIGN DIRECT INVESTMENTS ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection, hearing on CFIUS Reform: H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act. Testimony was heard from Patrick A. Mulloy, Commissioner, United States-China Economic and Security Review Commission; and public witnesses.

DELETING ONLINE PREDATORS ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on H.R. 5319, Deleting Online Predators Act of 2006. Testimony was heard from Greg Abbot, Attorney General, State of Texas; David W. Zellis, First Assistant District Attorney, Office of the Bucks County District Attorney, State of Pennsylvania; and public witnesses.

TERROR FINANCE TRACKING PROGRAM

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled

“The Terror Finance Tracking Program.” Testimony was heard from Stuart Levey, Under Secretary, Terrorism and Financial Intelligence, Department of the Treasury.

PHARMACEUTICAL SUPPLY CHAIN SECURITY

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled “Pharmaceutical Supply Chain Security.” Testimony was heard from Randall W. Lutter, Acting Associate Commissioner, Policy and Planning, FDA, Department of Health and Human Services; Kevin Delli-Colli, Deputy Assistant Director, Financial and Trade Investigations Division, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

TASK FORCE TO IMPROVE FEDERAL EMPLOYEE APPEALS

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled “Establishing a Task Force to Improve Federal Employee Appeals.” Testimony was heard from Neil A.G. McPhie, Chairman, Merit Systems Protection Board; William Tobey, Deputy Solicitor, Federal Labor Relations Authority; Cari M. Dominguez, Chair, EEOC; Scott Bloch, Special Counsel, Office of Special Counsel; Nancy H. Kichak, Associate Director, Strategic Human Resource Policy Division, OPM; Scot Beckenbaugh, Acting Deputy Director, Federal Mediation and Conciliation Service; and public witnesses.

IRAQ NATIONAL VICTORY STRATEGY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled “The Evolving National Strategy for Victory in Iraq.” Testimony was heard from David M. Walker, Comptroller General, GAO; Ambassador James Jeffrey, Senior Advisor on Iraq to the Secretary, and Principal Deputy Assistant Secretary, Middle East, Department of State; BG Michael Jones, USA, Deputy Director, Political Military Affairs, Joint Chiefs of Staff, Department of Defense; Kenneth Katzman, Specialist in Middle East Affairs, CRS, Library of Congress; and public witnesses.

CHEMICAL FACILITY ANTI-TERRORISM ACT

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity approved for full Committee action, as amended, H.R. 5695, Chemical Facility Anti-Terrorism Act of 2006.

BALLAST WATER MANAGEMENT/ REDUCTION SHIP AIR POLLUTION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on a proposal regarding Ballast Water Management and Reduction of Air Pollution from Ships. Testimony was heard from RADM Brian M. Salerno, USCG, Director, Inspection and Compliance, U.S. Coast Guard, Department of Homeland Security; Timothy R.E. Kenney, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D742)

H.R. 4912, to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals. Signed on July 10, 2006. (Public Law 109-240)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 12, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwiy Conlin, of New Jersey, to be First Vice President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, both of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, and Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury, 10:30 a.m., SD-538.

Committee on Energy and Natural Resources: business meeting to consider the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission, 11:30 a.m., SD-366.

Committee on Finance: to hold hearings to examine S. 3495, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, 10 a.m., SD-215.

Committee on Foreign Relations: to hold hearings to examine development effectiveness of infrastructure projects relating to multilateral development banks, 9:30 a.m., SD-419.

Committee on Indian Affairs: to hold hearings to examine S. 660, to provide for the acknowledgement of the Lumbee Tribe of North Carolina, 9:30 a.m., SD-106.

Committee on the Judiciary: to hold hearings to examine immigration issues, 9:30 a.m., SD-226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine strengthening participation of small

businesses in Federal contracting and innovation research programs, 10:30 a.m., SR-428A.

Select Committee on Intelligence: to hold a closed briefing on intelligence matters, 2:30 p.m., SH-219.

House

Committee on Armed Services, hearing on standards of military commissions and tribunals, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled “No Child Left Behind: Ensuring High Academic Achievement for Limited English Proficient Students and Students with Disabilities,” 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 4591, Stockholm and Rotterdam Toxics Treaty Act of 2005; H.R. 2567, Antifreeze Bittering Act of 2005; and H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled “ILCs—A Review of Charter, Ownership, and Supervision Issues,” 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Diversity: The GAO Perspective,” 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy and Resources, hearing entitled “Can the U.S. Electric Grid Take Another Hot Summer?” 2 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Management, Integration, and Oversight, hearing entitled “Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control, Part I, Response,” 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 2965, Federal Prison Industries Competition

in Contracting Act of 2005; H.R. 1704, Second Chance Act of 2005; H.R. 1369, To prevent certain discriminatory taxation of natural gas pipeline property; H.R. 4772, Private Property Rights Implementation Act of 2005; and H.R. 4132, Law Enforcement Cooperation Act of 2005, 10:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 3558, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2005; H.R. 5282, Southern California Desert Region Integrated Water and Economic Sustainability Plan Act; H.R. 5299, Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006; and H.R. 5715, To make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 9, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, 3 p.m., H-313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing entitled “Reforming the Wright Amendment,” 2 p.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on the Reauthorization of the Appalachian Regional Commission and proposals to Create Additional Regional Economic Development Authorities, 1 p.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, to mark up the following bills: H.R. 5038, Veterans' Memorial Marker Act of 2006; and H.R. 2963, Dr. James Allen Disabled Veterans Equity Act, 4 p.m., 334 Cannon.

Committee on Ways and Means, hearing on the implementation of the U.S.-Peru Trade Promotion Agreement, 10:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 12

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 12

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 5441, Homeland Security Appropriations.

House Chamber

Program for Wednesday: Consideration of H.R. 2990—Credit Rating Agency Duopoly Relief Act of 2006 and H. Res. 906 (Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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