

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12331–S12387

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 1760–1765, and S. Res. 186. **Pages S12368–69**

Measures Reported:

Report to accompany S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products. (S. Rept. No. 107–106)

H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, with an amendment in the nature of a substitute. **Page S12368**

Measures Passed:

Senate Representation: Senate agreed to S. Res. 186, to authorize representation of Senator Lott in the case of *Lee v. Lott*. **Page S12386**

Comprehensive Retirement Security and Pension Reform Act: Senate continued consideration of H.R. 10, to provide for pension reform, taking action on the following amendments proposed thereto:

Pages S12340–44, S12350–51, S12352–63

Rejected:

By 40 yeas to 59 nays (Vote No. 347), Domenici Amendment 2202 (to Amendment No. 2170), to strike section 105 (c), regarding Office of Management and Budget's reporting and scorekeeping of the bills budgetary outlays. **Pages S12340–44, S12350–51**

By 27 yeas to 72 nays (Vote No. 348), Nickles Amendment No. 2175 (to Amendment No. 2170), to use a 5-year average rather than a 10-year average in computing the average account benefits ratio. **Pages S12355–62**

By 21 yeas to 78 nays (Vote No. 349), Gramm Amendment No. 2196 (to Amendment No. 2170), to ensure that returns on investment are earned prior to any reduction in taxes or increase in benefits. **Pages S12352–55, S12362–63**

Pending:

Daschle (for Hatch/Baucus) Amendment No. 2170, in the nature of a substitute. **Pages S12340–44, S12350–51, S12352–63**

A unanimous-consent agreement was reached providing that at 9:30 a.m., on Wednesday, December 5, 2001, Senator Nickles be recognized to raise a point of order against the pending substitute (listed above), with Senator Baucus being recognized to make a motion to waive. Further, that following 30 minutes of debate time, the Senate proceed to a vote on the motion to waive and if the motion to waive is agreed to then the substitute amendment be agreed to, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill, with the pending cloture vote having been vitiated. **Pages S12385–86**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, December 5, 2001. **Page S12386**

Federal Farm Bill: A unanimous-consent-time agreement was reached providing that upon disposition of H.R. 10 (listed above), the Senate resume consideration of the motion to proceed to consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, on Wednesday, December 5, 2001, with a vote on the motion to close further debate on the motion to proceed to consideration of the bill. **Page S12386**

Department of Transportation Appropriations Conference Report: By 97 yeas to 2 nays (Vote No. 346), Senate agreed to the conference report on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, clearing the measure for the President. **Pages S12332–40, S12348, S12350**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the Emergency Regarding Proliferation of Weapons of Mass Destruction; to the Committee on Banking, Housing, and Urban Affairs. (PM–60) **Page S12367**

Transmitting, pursuant to law, the Periodic Report on the National Emergencies with Respect to

the Federal Republic of Yugoslavia (Serbia and Montenegro) and Kosovo; to the Committee on Banking, Housing, and Urban Affairs. (PM-61) **Page S12367**

Nominations Received: Senate received the following nominations:

James R. Mahoney, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Grant S. Green, Jr., of Virginia, to be Deputy Secretary of State for Management and Resources. (New Position)

Samuel E. Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency for a term of six years. (New Position)

Pages S12386-87

Messages From the House: **Page S12367**

Measures Read First Time: **Page S12367**

Executive Communications: **Pages S12367-68**

Additional Cosponsors: **Pages S12369-70**

Statements on Introduced Bills/Resolutions:
Pages S12370-85

Additional Statements: **Pages S12364-67**

Authority for Committees to Meet: **Page S12385**

Privilege of the Floor: **Page S12385**

Record Votes: Four record votes were taken today. (Total—349) **Pages S12350, S12351, S12362, S12363**

Adjournment: Senate met at 9:30 a.m., and adjourned at 5:36 p.m., until 9:30 a.m., on Wednesday, December 5, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12386.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, with an amendment in the nature of a substitute.

BUSINESS MEETING

Committee on Appropriations: Subcommittee on Defense approved for full committee consideration H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002.

CLONING

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings to examine the differences between human reproductive cloning and regenerative medicine, or therapeutic cloning, the ethical implications of cloning research, and the implications of cloning legislation on potential cell-based therapies, receiving testimony from Senator Brownback; Michael D. West, Advanced Cell Technology, Worcester, Massachusetts; Ronald M. Green, Dartmouth College Ethics Institute, Hanover, New Hampshire, on behalf of the Advanced Cell Technology Ethics Advisory Board; Bert Vogelstein, Johns Hopkins Oncology Center and the Howard Hughes Medical Institute, Baltimore, Maryland, on behalf of the National Research Council Committee on the Biological and Biomedical Applications of Stem Cell Research; and Phyllis E. Greenberger, Society for Women's Health Research, Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Armed Services: Committee concluded hearings on the nomination of Claude M. Bolton, Jr., of Florida, to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology, after the nominee testified and answered questions in his own behalf.

Also, committee met in closed session to consider certain pending nominations, but made no announcements and recessed subject to call.

REMEDIATION

Committee on Environment and Public Works: Committee concluded hearings to examine the remediation process of biologically contaminated buildings, focusing on federal, state, local, and private efforts to provide effective treatment techniques to address the threat of anthrax contamination, after receiving testimony from Christine Todd Whitman, Administrator, Environmental Protection Agency; Patrick J. Meehan, Director, Division of Emergency and Environmental Health Services, National Center for Environmental Health, Centers for Disease Control and Prevention, Department of Health and Human Services; James M. Grosser, Technical Director, Program Manager, Nuclear, Biological, and Chemical Defense Systems, Marine Corps Systems Command (Quantico, Virginia); Ivan C. A. Walks, District of Columbia Department of Health, Washington, D.C.; and Les C. Vinney, Steris Corporation, Mentor, Ohio.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported S. 1209, to amend the Trade Act of 1974

to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nomination of Adolfo A. Franco, of Virginia, to be Assistant Administrator for Latin America and the Caribbean, Frederick W. Schieck, of Virginia, to be Deputy Administrator, and Roger P. Winter, of Maryland, to be Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, all of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf. Mr. Franco was introduced by Senator McCain and Representative Hyde; Mr. Schieck was introduced by Senators Allen and Warner; and Mr. Winter was introduced by Senator Brownback, and Representatives Payne and Wolf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of William R. Brownfield, of Texas, to be Ambassador to the Republic of Chile, Charles S. Shapiro, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Earl Norfleet Phillips, Jr., of North Carolina, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, and Donna Jean Hrinak, of Virginia, to be Ambassador to the Federative Republic of Brazil, after the nominees testified and answered questions in their own behalf. Mr. Phillips was introduced by Senator Helms.

WAR CRIME COMMISSIONS

Committee on the Judiciary: Committee concluded hearings to examine the constitutional and legal implications of the President's recent executive order to establish military commissions with respect to the detention, treatment, and trial of persons accused of terrorist activities, after receiving testimony from Pierre-Richard Prosper, Ambassador-at-Large for War Crimes Issues, Department of State; George J. Terwilliger III, White and Case, former Deputy Attorney General, Maj. Gen. Michael J. Nardotti, Jr.,

USA (Ret.), Patton Boggs, former Army Judge Advocate General, and Timothy Lynch, Cato Institute, all of Washington, D.C.; Laurence H. Tribe, Harvard Law School, Cambridge, Massachusetts; and Cass R. Sunstein, University of Chicago Law School and Department of Political Science, Chicago, Illinois.

JUSTICE DEPARTMENT RESPONSE TO TERRORISM

Committee on the Judiciary: Committee concluded oversight hearings to examine the response of the Department of Justice to terrorist attacks of September 11, 2001, focusing on current U.S. immigration policy and practices related to the detention of certain individuals, after receiving testimony from Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, Department of Justice; Michael Boyle, North Haven, Connecticut, on behalf of the American Immigration Lawyers Association; Steven Emerson, The Investigative Project, and Victoria Toensing, diGenova and Toensing, both of Washington, D.C.; Gerald H. Goldstein, Goldstein, Goldstein and Hilley, San Antonio, Texas, on behalf of the National Association of Criminal Defense Lawyers; and Nadine Strossen, New York Law School, New York, New York, on behalf of the American Civil Liberties Union; and Ali Al-Maqtari, New Haven, Connecticut.

“CLUB” DRUGS

United States Senate Caucus on International Narcotics Control: Caucus concluded hearings on the relation between rave promoters and club drug abuse, focusing on providing current information on the medical effects of club drugs, advancing drug education and prevention, and enhancing parental knowledge of club drugs, after receiving testimony from Asa Hutchinson, Administrator, Drug Enforcement Administration, Department of Justice; Glen R. Hanson, Acting Director, National Institute on Drug Abuse, National Institutes of Health, Department of Health and Human Services; Eladio M. Paez, City of Miami Police Department, Miami, Florida; Harry P. Mendoza, New Orleans Police Department, New Orleans, Louisiana; Sean McCullough, Iowa Division of Narcotics Enforcement, Des Moines; and Kate Patton, Kelley McEney Baker Foundation for the Prevention, Education, and Awareness of Ecstasy, Rolling Meadows, Illinois.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 3385, 3391–3403; and 4 resolutions, H.J. Res. 75; H. Con. Res. 280–281, and H. Res. 301, were introduced. **Pages H8841–42**

Reports Filed: Reports were filed today as follows:

S. 494, to provide for a transition to democracy and to promote economic recovery in Zimbabwe, amended (H. Rept. 107–312 Pt. 1);

H.R. 3046, to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the Medicare Program, amended (H. Rept. 107–313, Pt. 1);

H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, amended (H. Rept. 107–314); and

H.R. 3322, to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah (H. Rept. 107–315).

Page H8841

Recess: The House recessed at 12:53 p.m. and reconvened at 2 p.m. **Page H8749**

Private Calendar: Agreed to dispense with the call of the Private Calendar. **Pages H8749–50**

Presidential Messages: Read the following messages from the President:

National Emergency Re Yugoslavia (Serbia and Montenegro) and Kosovo: Message wherein he transmitted a combined 6-month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992, and Kosovo in Executive Order 13088 on June 9, 1998—referred to the Committee on International Relations and ordered printed (H. Doc. 107–154); and **Page H8751**

National Emergency Re Proliferation of Weapons of Mass Destruction: Message wherein he transmitted a 6-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994—referred to the Committee on International Relations and ordered printed (H. Doc. 107–155). **Page H8751**

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

Zimbabwe Democracy and Economic Recovery: S. 494, amended, to provide for a transition to democracy and to promote economic recovery in Zimbabwe (agreed to by a yea-and-nay vote of 396 yeas to 11 nays, Roll No. 468); **Pages H8758–63, H8815**

Know Your Caller Act: H.R. 90, amended, to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made; **Pages H8763–65**

Important Contributions of the Hispanic Chamber of Commerce: H. Con. Res. 277, Recognizing the important contributions of the Hispanic Chamber of Commerce; **Pages H8765–66**

Increasing Awareness of Tuberos Sclerosis: H. Con. Res. 25, amended, expressing the sense of the Congress regarding tuberous sclerosis; **Pages H8766–68**

National Hansen's Disease Programs Center Designation: H.R. 2441, to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center; **Pages H8768–70**

Remembering Maureen Reagan and Her Advocacy for the Millions Affected and Afflicted by Alzheimer's Disease: H.J. Res. 60, amended, honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell, and her daughter Rita Revell; **Pages H8770–72**

One Year Extension for Submitting Electronic Simplification Plans: H.R. 3323, amended, to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act (agreed to by a yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 466); **Pages H8776–78, H8813–14**

Medicare Regulatory and Contract Reform: H.R. 3391, to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program (agreed to by a yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 467); **Pages H8778–H8801, H8814–15**

Simplification of IRS Higher Education Expense Reporting Requirements: H.R. 3346, to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses; **Pages H8801–03**

Gerald B.H. Solomon Saratoga National Cemetery: H.R. 3392, to name the national cemetery in

Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery; and **Pages H8803-07**

Criminal Justice Coordinating Council Restructuring Act: H.R. 2305, amended, to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council. Agreed to amend the title.

Pages H8811-13

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules upon which further proceedings were postponed until Wednesday, Dec. 5:

Recognizing Radio Free Europe/Radio Liberty's Successes: H. Con. Res. 242, recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests; **Page H8751-53**

George P. Shultz National Foreign Affairs Training Center: H.R. 3348, to designate the George P. Shultz National Foreign Affairs Training Center; **Pages H8753-54**

Hunger to Harvest Resolution: A Decade of Concern for Africa: H. Con. Res. 102, amended, relating to efforts to reduce hunger in sub-Saharan Africa; and **Pages H8754-58**

Veterans Day Observance on November 11: H. Res. 298, expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances. **Pages H8807-11**

Consideration of Suspensions on Wednesday, Dec. 5: Agreed that it be in order on Wednesday, December 5, 2001, for the Speaker to entertain motions to suspend the rules relating to the following measures: H. Con. Res. 232, honoring the crew and passengers of United Airlines Flight 93; H.R. 3248, Todd Beamer Post Office Building, Cranbury, New Jersey; H. Con. Res. 280, solidarity with Israel in the fight against terrorism; H.R. 3322, Bear River Migratory Bird Refuge Visitor Center, Box Elder County, Utah; H.R. 2238, Fern Lake Conservation and Recreation Act in Kentucky and Tennessee; H.R. 2115, Lakehaven Utility District, Washington Wastewater Project; and H.R. 2538, Native American Small Business Development. **Page H8815**

Committee Election: The House agreed to H. Res. 301, electing Representative Boozman to the Committees on Transportation and Infrastructure and Veterans' Affairs. **Page H8815**

Senate Messages: Messages received from the Senate today appears on page H8763.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H8843-44.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H8813-14, H8814-15, and H8815. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:08 p.m.

Committee Meetings

CABLE AND SATELLITE BROADCAST COMPETITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on The Status of Competition in the Multi-Channel Video Programing Distribution Marketplace. Testimony was heard from public witnesses.

OVERSIGHT

Committee on the Judiciary: Held an oversight hearing on Direct Broadcast Satellite Service and Competition in the Multichannel Video Distribution Market. Testimony was heard from public witnesses.

OVERSIGHT—CONFLICTING LAWS AND REGULATIONS GOVERNING NATIONAL FORESTS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Conflicting Laws and Regulations—Gridlock on the National Forests. Testimony was heard from Dale Bosworth, Chief, Forest Service; USDA; the former officials of the USDA: Jack Ward Thomas, Chief, Forest Service; and James P. Perry, Associate General Counsel, Natural Resources Division; and a public witness.

MEDICARE+CHOICE PROGRAM STATUS

Committee on Ways and Means: Subcommittee on Health held a hearing on Status of the Medicare+Choice Program. Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 5, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Treasury and General Government, to hold hearings to examine

United States northern border security policy, 9:30 a.m., SD-192.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, to hold hearings to examine the response of the technology sector in times of crisis, focusing on the successes and failures in the aftermath of the events of September 11, 2001, 9 a.m., SR-253.

Committee on Energy and Natural Resources: to hold hearings on the nomination of Margaret S.Y. Chu, of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, and the nomination of Beverly Cook, of Idaho, to be Assistant Secretary for Environment, Safety and Health, both of the Department of Energy; and the nomination of Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, and the nomination of Rebecca W. Watson, of Montana, to be Assistant Secretary for Land and Minerals Management, both of the Department of the Interior, 9:30 a.m., SD-366.

Committee on the Judiciary: to hold hearings to examine the nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, 10 a.m., SD-226.

Subcommittee on Crime and Drugs, to hold hearings to examine the future of the community oriented policing services program of the Department of Justice, 1:30 p.m., SD-226.

House

Committee on the Budget, hearing on Re-Structuring Government for Homeland Security: Nuclear/Biological/Chemical Threats, 10 a.m., 2128 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing titled "A Review of Security Issues at Nuclear Power Plants," 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on "Federal Law Enforcement: Long Term Implications of Homeland Security Needs," 9:30 a.m., 2154 Rayburn.

Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on "The Debt Collection Improvement Act of 1996: How Well is it Working?" 10 a.m., 2244 Rayburn.

Committee on International Relations, hearing on Russia, Iraq, and Other Potential Sources of Anthrax, Smallpox and Other Bioterrorist Weapons, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, hearing on H.R. 3295, Help America Vote Act of 2001, 1:30 p.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 3005, Bipartisan Trade Promotion Authority Act of 2001, 2:15 p.m., 313 Capitol.

Committee on Science, hearing on Science of Bioterrorism: Is the Federal Government Prepared?" 10 a.m., 2318 Rayburn.

Joint Meetings

Conference: closed meeting of conferees on H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 2 p.m., S-407, Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 5

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act, with a vote on a motion to waive with respect to a point of order raised against the pending substitute to occur at approximately 10 a.m.

Also, following disposition of H.R. 10, Senate will resume consideration of the motion to proceed to consideration of S. 1731, Federal Farm Bill, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 5

House Chamber

Program for Wednesday: Consideration of a motion to go to conference on H.R. 2883, Intelligence Authorization Act; and

Consideration of suspensions:

- (1) H. Con. Res. 232, honoring the crew and passengers of United Airlines Flight 93;
- (2) H.R. 3248, Todd Beamer Post Office Building, Cranbury, New Jersey;
- (3) H. Con. Res. 280, solidarity with Israel in the fight against terrorism;
- (4) H.R. 3322, Bear River Migratory Bird Refuge Visitor Center, Box Elder County, Utah;
- (5) H.R. 2238, Fern Lake Conservation and Recreation Act in Kentucky and Tennessee;
- (6) H.R. 2115, Lakehaven Utility District, Washington Wastewater Project; and
- (7) H.R. 2538, Native American Small Business Development.

Extensions of Remarks, as inserted in this issue

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