

Analysis of the Final FY 2018 Omnibus Appropriations Bill | March 22, 2018

On March 21, Congress released the details of a bipartisan deal to fund the federal government through the remainder of fiscal year (FY) 2018. The omnibus appropriations bill includes all 12 individual appropriations bills and keeps the government operating through September 30, 2018.

Should the bill pass this week, as it is expected to do, the final, much-delayed result for FY 2018 will be mostly positive for social and behavioral science research. Thanks to a <u>bipartisan budget agreement</u> that was reached on February 9, the final FY 2018 appropriations bills were able to make positive adjustments to many research agencies and accounts over what was originally proposed in earlier bills (see COSSA's full coverage <u>here</u>). The final outcome for FY 2018 is especially positive given the steep cuts that were originally proposed by President Trump in his first budget request last year (more here).

FY 2018 APPROPRIATIONS SNAPSHOT

e de l	FY 2018	FY 2018 vs.
(in millions)	Final	FY 2017
DEPARTMENT OF AGRICULTURE		
Economic Research Service	86.8	0.0%
National Agricultural Statistics Service	191.7	12.0%
National Institute of Food and Agriculture	1407.8	3.3%
DEPARTMENT OF COMMERCE		
Bureau of the Census	2814.0	91.4%
DEPARTMENT OF EDUCATION		
Institute of Education Sciences	613.5	1.3%
International Education and Foreign Language Studies	72.2	0.0%
DEPARTMENT OF HEALTH AND HUMAN SERVICES		
National Institutes of Health	37084.0	8.8%
Agency for Healthcare Research and Quality	334.0	3.1%
Centers for Disease Control and Prevention	8005.8	11.4%
National Center for Health Statistics	160.4	0.0%
DEPARTMENT OF JUSTICE		
Bureau of Justice Statistics	48.0	5.5%
National Institute of Justice	42.0	6.3%
DEPARTMENT OF LABOR		
Bureau of Labor Statistics	612.0	0.5%
NATIONAL SCIENCE FOUNDATION	7767.4	3.9%

Note: Actions taken this week pertain to FY 2018, which began on October 1, 2017. Once passed, agencies will work on a condensed timeline to spend their FY 2018 budgets before the close of the fiscal year. Work is just beginning on the FY 2019 appropriations process; the President's FY 2019 and Congressional committees have begun holding their oversight hearings. Stay tuned to COSSA's coverage for details on the FY 2019 bills as the process unfolds.

The omnibus bill passed the House on March 22. It must be approved by the Senate and signed by the President before midnight on Friday, March 23 to avert a government shutdown.

The following pages include analysis of the final bill and accompanying report language as they pertain to social and behavioral science research. The text of the bill and explanatory statement can be viewed on the House Appropriations Committee <u>website</u>.

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Agency for Healthcare Research and Quality

The omnibus provides a total of \$334 in discretionary funding for the Agency for Healthcare Research and Quality (AHRQ), an increase of \$10 million compared to FY 2018. This total includes an additional \$5.6 million for investigator-initiated research grants within AHRQ's Health Services Research, Data, and Dissemination portfolio and an increase of \$4 million for the Medical Expenditure Panel Survey.

The bill does not enact the Administration's proposal to consolidate AHRQ as an institute within the National Institutes of Health (NIH) (see COSSA's analysis of the Administrations FY 2018 budget request for details). It does, however include \$1 million to undertake a study of health services and primary care research supported by the federal government over the past five years, to be delivered to Congress within a year of the legislation's passage. The study "should identify research gaps and areas for consolidation, as well as propose strategies for better coordination of the Federal health services research enterprise."

(in milliona)	FY 2017	FY 2018	FY 2018	FY 2018	FY 2018	2018 vs.
(in millions)	Enacted	Request	House	Senate	Final	2017
Agency for Healthcare Research and Quality	324.0	272.0	300.0	324.0	334.0	3.1%
Patient Safety	70.3	74.1	70.3	70.3	70.3	0.0%
Health Services Research, Data, and Dissemination ¹	88.7	n/a	68.7	88.7	94.3	6.3%
Health Information Technology	16.5	0.0	16.5	16.5	16.5	0.0%
U.S. Preventive Services Task Force	11.6	7.4	11.6	11.6	11.6	0.0%
Medical Expenditure Panel Survey	66.0	70.0	66.0	66.0	70.0	6.0%

Bureau of Labor Statistics

The agreement provides the Bureau of Labor Statistics (BLS) with a \$3 million increase, bringing its FY 2018 budget to \$612 million. The omnibus provides increases of \$1 million to BLS' Employment and Unemployment Statistics and \$2 million to the Prices and Cost of Living program. BLS' remaining accounts, Compensation and Working Conditions, Productivity and Technology, and Executive Direction and Staff Services, would be held flat at FY 2017 levels.

(in millions)	FY 2017	FY 2018	FY 2018	FY 2018	FY 2018	2018 vs.
(in millions) Enacte		Request	House	Senate	Final	2017
Bureau of Labor Statistics	609.0	607.8	609.0	609.0	612.0	0.5%

Census Bureau & Bureau of Economic Analysis

The omnibus will provide the Census Bureau with a total of \$2.8 billion, an increase of \$1.3 billion compared to FY 2017. The agreement provides flat funding of \$270 million to the Bureau's Current Surveys and Programs while more than doubling the Periodic Censuses and Programs account, bringing it to a total of \$2.5 billion for FY 2018. The increase provides the Bureau with much-needed resources to continue its preparations for the 2020 Decennial Census after several years of anemic funding compared to past decennial cycles.

 $^{^{1}}$ Called "Crosscutting Activities Related to Quality, Effectiveness, and Efficiency Research" in the omnibus agreement.

The omnibus includes a \$50 million contingency fund requested by the Administration as part of the revised life-cycle cost estimate for the 2020 Census. It also directs the Bureau to "ensure that its FY 2018 partnership and communication activities in support of the 2020 Census are conducted at a level of effort and staffing no less than that conducted during fiscal year 2008 in preparation for the 2010 Decennial Census."

The FY 2018 omnibus does not adopt the Administration's proposed reorganization of the Department of Commerce's Economics and Statistics Administration (ESA), the entity that oversees the Census Bureau and the Bureau of Economic Analysis (BEA). The proposal, which was proposed in both the FY 2018 and FY 2019 budget requests, would have consolidated the majority of ESA's functions within BEA. The agreement adopts language in the Senate Committee report stipulating that the Appropriations Committees would need additional information on the impacts of the reorganization before it would be approved (see COSSA's analysis for the full report language). The FY 2018 agreement includes \$99 million for Economic and Statistical Analysis (which includes ESA and BEA), \$8.3 million below the FY 2017 level.

(in millions)	FY 2017 Enacted	FY 2018 Request	FY 2018 House	FY 2018 Senate	FY 2018 Final	2018 vs. 2017
Bureau of the Census	1470.0	1497.0	1507.0	1521.0	2814.0	91.4%
Current Surveys and Programs	270.0	246.0	256.0	270.0	270.0	0.0%
Periodic Censuses and Programs	1200.0	1251.0	1251.0	1251.0	2544.0	112.0%
Economic and Statistical Analysis						
(Economics and Statistics Administration and Bureau of Economic Analysis)	107.3	97.0	96.0	99.0	99.0	-7.7%

Centers for Disease Control and Prevention

The FY 2018 omnibus includes \$8 billion for the Centers for Disease Control and Prevention (CDC), which includes \$7.2 billion in discretionary funding and \$800.9 million in funding through the Prevention and Public Health Fund. The National Center for Health Statistics would receive flat funding of \$160.4 million.

After several years of advocacy to overturn the "Dickey amendment," a longstanding prohibition on use of funds to advocate for or promote gun control that has had a chilling effect on CDC research into the causes and prevention of gun violence, the agreement includes language clarifying that the CDC "has the authority to conduct research on the causes of gun violence." However, no additional funding is appropriated for any such research. The omnibus does include an increase in funding to expand the National Violent Death Reporting System (NVDRS) to cover all 50 states and the District of Columbia, which "will allow researchers, practitioners, and policymakers to get a more complete understanding of violent deaths in the United States."

The omnibus includes \$350 million above FY 2017 for the Center for Injury Prevention and Control's Opioid Prescription Drug Overdose Prevention activities. The new funding is to be used to "advance the understanding of the opioid overdose epidemic" and scale up prevention activities, including improving surveillance data and monitoring of prescription and dispensing practices and enhancing efforts to work with medical examiners and coroner offices. It also includes \$10 million for a nationwide public education and awareness campaign.

(in millions)	FY 2017	FY 2018	FY 2018	FY 2018	FY 2018	2018 vs.
(III IIIIIIONS)	Enacted		House	Senate	Final	2017
Centers for Disease Control and Prevention	7184.8	5975.2	7001.5	7119.9	8005.8	11.4%
HIV, Viral Hepatitis, STI, and TB Prevention	1117.3	934.0	1117.3	1117.3	1127.3	0.9%
Chronic Disease Prevention, Health Promotion	1115.6	952.3	1041.6	1065.1	1162.9	4.2%
National Center for Health Statistics	160.4	155.0	155.4	160.4	160.4	0.0%
Environmental Health	215.8	157.0	159.8	180.8	205.8	-4.6%
Injury Prevention and Control	286.1	216.2	286.1	291.1	648.6	126.7%
Occupational Safety and Health	335.2	200.0	325.2	335.2	335.2	0.0%
Global Health	435.1	350.0	435.1	433.6	488.6	12.3%
Public Health Preparedness and Response	1405.0	1266.0	1450.0	1405.0	1450.0	3.2%

Department of Agriculture

Overall, the statistical agencies within the U.S. Department of Agriculture (USDA) receives flat funding under the FY 2018 omnibus agreement. The bill provides the Economic Research Service (ERS) with flat funding of \$86.8 million. The National Agricultural Statistics Service (NASS) will receive an increase of \$20.5 million. The Census of Agriculture, which will reach the peak of its five-year cycle in FY 2018, receives an increase of a \$21.2 million, meaning that NASS' Agricultural Estimates programs would actually see an effective cut of \$0.7 million. The agreement directs NASS to enhance its reporting of alfalfa prices.

The National Institute of Food and Agriculture (NIFA) will receive an additional \$44.9 million above the FY 2017 enacted level. The Agriculture and Food Research Initiative (AFRI), the Department's main competitive extramural grants program, will receive a \$25 million increase, bringing it to a total of \$400 million. The FY 2018 agreement continues to fund the Rural Health and Safety Education Program at \$3 million "to address the opioid abuse epidemic and to combat opioid abuse in rural communities."

(in millions)	FY 2017 Enacted	FY 2018 Request	FY 2018 House	FY 2018 Senate	FY 2018 Final	2018 vs. 2017
Economic Research Service	86.8	76.7	76.8	86.8	86.8	0.0%
National Agricultural Statistics Service	171.2	185.7	183.8	191.7	191.7	12.0%
Census of Agriculture	42.2	63.9	65.4	63.4	63.4	50.1%
National Institute of Food and Agriculture	1362.9	1252.8	1341.3	1373.2	1407.8	3.3%
Hatch Act	243.7	243.2	243.7	243.7	243.7	0.0%
Agricultural and Food Research Initiative	375.0	349.3	375.0	375.0	400.0	6.7%

Department of Education

For the Institute for Education Sciences (IES), the statistics, research, and evaluation arm of the Department of Education, the bipartisan agreement provides \$613.5 million, a reduction of \$3.3 million from its FY 2017 funding level. The National Center for Education Statistics, the statistical agency of the Department of Education, is flat-funded from its FY 2017 appropriation with \$109.5 million.

For International Education (Title VI), the agreement provides \$65.1 million. The Foreign Language (Fulbright-Hays) program will receive \$7.1 million, which is level with the FY 2017 funding level. These programs were proposed for elimination in the President's FY 2018 budget request.

(in millions)	FY 2017 Enacted	FY 2018 Request	FY 2018 House	FY 2018 Senate	FY 2018 Final	2018 vs. 2017
Institute of Education Sciences	605.3	616.8	605.3	600.3	613.5	1.3%
Research, Development, and Dissemination	187.5	194.6	187.5	185.0	192.7	2.8%
Statistics (National Center for Education Statistics)	109.5	111.8	109.5	107.0	109.5	0.0%
Regional Educational Laboratories	54.4	54.3	54.4	54.4	55.4	1.9%
Research in Special Education	54.0	53.9	54.0	54.0	56.0	3.7%
Special Education Studies and Evaluations	10.8	10.8	10.8	10.8	10.8	0.2%
Assessment	156.8	156.9	156.7	156.7	156.7	0.0%
Statewide Data Systems	32.3	34.5	32.3	32.3	32.3	-0.1%
International Education and Foreign Language Studies	72.2	0.0	65.1	72.2	72.2	0.0%
Domestic Programs (Title VI)	65.1	0.0	65.1	65.1	65.1	0.0%
Overseas Programs (Fulbright-Hays)	7.1	0.0	0.0	7.1	7.1	0.0%
Graduate Assistance in Areas of National Need	28.1	5.8	5.8	23.0	23.0	-18.0%

Department of Justice

Within the Department of Justice (DOJ), the omnibus includes \$48 million for the Bureau of Justice Statistics (BJS) and \$42 million for the National Institute of Justice (NIJ), both more than the amount appropriated in FY 2017. The omnibus allows for two percent of funds appropriated to the DOJ Office of Justice Programs to be transferred to NIJ and BJS for research, evaluation and statistics activities, the same amount as the last two years. The proposal also calls for \$4 million of the NIJ budget to be dedicated to domestic radicalization research and for \$5 million of the BJS budget to be dedicated to the National Crime Statistics Exchange. Finally, the bill includes \$3.5 million in transfers from the Office on Violence against Women (OVW) for research and evaluation on violence against women.

(in millions)	FY 2017	FY 2018	FY 2018	FY 2018	FY 2018	2018 vs.
	Enacted	Request	House	Senate	Final	2017
Bureau of Justice Statistics National Institute of Justice	45.5	38.0	44.5	45.5	48.0	5.5%
	39.5	33.0	38.5	39.5	42.0	6.3%
National institute of Justice	39.5	33.0	36.3	39.3	42.0	0.5%

National Institutes of Health

The final agreement reflects continued bipartisan support for the National Institutes of Health (NIH). In fact, thanks to the bipartisan budget deal brokered last month raising the discretionary budget caps, NIH received an astonishing \$3 billion increase in the FY 2018 omnibus (for reference, advocates were pushing for a \$2 billion increase). The omnibus provides the agency with a total budget of \$37.084 billion in FY 2018, which is \$3 billion (8.8 percent) over the FY 2017 enacted level. In addition to increases to each individual institute and center (IC), the agreement provides major funding boosts to trans-NIH initiatives, including:

- Alzheimer's disease research, +\$414 million
- All of Us precision medicine initiative, +\$60 million
- BRAIN Initiative, +\$140 million (including \$86 million in 21st Century Cures funds)
- Research on opioid addiction (to NINDS and NIDA), +\$500 million

In addition, the bill provides increases to the **National Children's Study Follow-on** program for a total budget of \$165 million and for **Institutional Development Awards (IDeA)** at \$350.6 million.

The appropriations also includes \$496 million for targeted initiatives as authorized in the 21st Century Cures Act (included in the \$3 billion increase). The Cures funding is directed as follows:

- Cancer research, \$300 million to NCI
- BRAIN Initiative, \$43 million to NINDS and \$43 million to NIMH
- Precision Medicine Initiative Cohort, \$100 million
- Regenerative medicine, \$10 million

See APPENDIX A for details on individual institute and center funding levels.

Additional report language and directives relevant to the social and behavioral sciences included in the agreement are outlined below.

Clinical Trials Definition

The agreement includes substantial language delaying implementation of the NIH clinical trials definition. As <u>previously reported</u>, NIH recently made significant changes to its <u>definition of a clinical trial</u>, governing which research projects are to be categorized as a "clinical trial" from here on out. This new definition and the requirements that go along with it have been a major source of consternation to the social and behavioral science community because under the expanded definition, research that involves a "prospective experimental manipulation of an independent variable" would now fall under the definition of a clinical trial.

While applauding NIH for its efforts to increase transparency and oversight of its clinical trials, the omnibus language expresses concern that "many fundamental research studies involving human participants are being redefined as clinical trials without sufficient notification and consultation with this segment of the research community."

The language continues:

"Fundamental research is crucial to the NIH mission and of value to the public, and there is concern that policy changes could have long-term, unintended consequences for this research, add unnecessary regulatory burdens, and substantially increase the number of studies in the clinicaltrials.gov database that are not clinical trials. For fiscal year 2018, the agreement directs NIH to delay enforcement of the new policy published in the Federal Register on September 21, 2017—including NIH's more expansive interpretation of "interventions"—in relation to fundamental research projects involving humans. The new policy should go forward for research projects that would have been considered clinical trials under the prior policy. This delay is intended to provide NIH sufficient time to consult with the basic research community to determine the reporting standards best suited to this kind of research. The agreement directs NIH to provide the [House and Senate Appropriations Committees] a plan and schedule for soliciting comments and input

from the research community within 30 days of enactment of this act, and brief the Committees on the results of these consultations and next steps by June 22, 2018. [emphasis added]"

Opioids Research

As noted, the omnibus includes an increase of \$500 million for research on opioids, including \$250 million to both the National Institute of Neurological Disorders and Stroke (NINDS) and the National Institute on Drug Abuse (NIDA) for "targeted research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment." Expressing concern with the proportion of the NIDA budget currently dedicated to opioid addiction (currently about 15 percent of its annual budget), the bill urges NIDA to commit additional funding from its base appropriation to the epidemic, in addition to the targeted \$250 million.

Birth Settings Study

The agreement directs the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD) to contract with the National Academy of Sciences on "an evidence-based analysis of the complex findings in the research on birth settings, including but not limited to: definitions and assessment of risk factors; access to and choice in birth settings; social determinants that influence risk and outcomes in varying birth settings; financing models for childbirth across settings; and the licensing, training, and accreditation issues impacting professionals providing maternity care across all settings."

Down Syndrome Initiative

The agreement directs NIH to develop a new trans-NIH initiative "to study trisomy 21, with the aim of yielding scientific discoveries to improve the health and neurodevelopment of individuals with Down syndrome and typical individuals at risk for Alzheimer's disease, cancer, cardiovascular disease, immune system dysregulation, and autism, among others." NIH is instructed to report back to Congress on its plans for the new initiative for FY 2018-2022.

National Science Foundation

The omnibus bill includes a total of \$7.77 billion for the National Science Foundation (NSF) for FY 2018, an increase of 3.7 percent. Earlier FY 2018 House and Senate bills had originally proposed roughly 2 percent cuts to the agency. The report accompanying the bill states, "This strong investment in basic research reflects the Congress' growing concern that China and other competitors are outpacing the United States in terms of research spending, as noted in the 2018 Science and Engineering Indicators report of the National Science Board."

With the raised caps, the Research and Related Activities (R&RA) account will see a 5 percent increase in FY 2018. R&RA is where most of NSF's competitive research programs receive their funding, including the Social, Behavioral, and Economic Sciences Directorate (the exception is the Education and Human Resources Directorate, which is funded separately by Congress).

Of particular note is the absence of any language in the final bill targeting SBE for cuts. This can be largely attributed to the ongoing work of the COSSA community and our many partners and champions on Capitol Hill. NSF will determine the final funding levels for its individual directorates and will deliver those details to the Congress by way of a spending plan in the coming weeks.

The Education and Human Resources (EHR) Directorate, which is the only NSF directorate to receive a direct appropriation from Congress and not funded within R&RA, is funded at \$902 million in the final agreement, an increase of 2.5 percent. This is the first increase EHR has seen in several years.

The report accompanying the bill includes specific funding levels for individual EHR programs, including (note, these are flat with FY 2017 in most cases):

- \$62.5 million for Advancing Informal STEM Learning
- \$55 million for CyberCorps: Scholarships for Service
- \$35 million for the Historically Black Colleges and Universities Undergraduate Program
- \$46 million for the Louis Stokes Alliance for Minority Participation
- \$64.5 million for the Robert Noyce Teacher Scholarship Program
- \$51.9 million for STEM + Computing Partnerships (STEM+C)
- \$14 million for the Tribal Colleges and Universities Program

(in millions)	FY 2017 Enacted	FY 2018 Request	FY 2018 House	FY 2018 Senate	FY 2018 Final	2018 vs. 2017
National Science Foundation	7472.2	6652.9	7339.5	7311.0	7767.4	3.9%
Research and Related Activities	6033.6	5361.7	6033.6	5917.8	6334.5	5.0%
Education and Human Resources	880.0	760.6	880.0	862.6	902.0	2.5%
Major Research Equipment and Facilities Construction	209.0	182.8	77.8	182.8	182.8	-12.5%
Agency Operations and Award Management	330.0	328.5	328.5	328.5	328.5	-0.5%
National Science Board	4.4	4.4	4.4	4.4	4.4	0.0%
Office of the Inspector General	15.2	15.0	15.2	15.2	15.2	0.0%

Appendix A: NIH Funding by Institute and Center

(in millions)	FY 2017	FY 2018	FY 2018	FY 2018	FY 2018	2018 vs.
(in millions)	Enacted	Request	House	Senate	Final	2017
National Institutes of Health	34084.0	26920	35184.0	36084.0	37084.0	8.80%
John E. Fogarty International Center for Advanced Study in the Health Sciences	72.2	0.0	73.4	74.4	75.7	4.9%
National Cancer Institute	5389.2	4174.2	5471.2	5558.3	5664.8	5.1%
National Center for Advancing Translational Sciences	705.9	557.4	718.9	729.1	742.4	5.2%
National Center for Complementary and Integrative Health	134.7	101.8	136.7	139.7	142.2	5.6%
National Eye Institute	732.6	549.8	743.9	758.5	772.3	5.4%
National Heart, Lung, and Blood Institute	3206.6	2534.8	3256.5	3322.8	3383.2	5.5%
National Human Genome Research Institute	528.6	399.6	536.8	546.9	556.9	5.4%
National Institute on Aging	2048.6	1303.5	2458.7	2535.5	2574.1	25.7%
National Institute on Alcohol Abuse and Alcoholism	483.4	361.4	490.8	500.5	509.6	5.4%
National Institute of Allergy and Infectious Diseases	4906.6	3782.7	5005.8	5127.9	5260.2	7.2%
National Institute of Arthritis and Musculoskeletal and Skin Diseases	557.9	417.9	566.5	576.2	586.7	5.2%
National Institute of Biomedical Imaging and Bioengineering	357.1	282.6	362.5	371.2	377.9	5.8%
Eunice Kennedy Shriver National Institute of Child Health and Human Development	1380.3	1032.0	1401.7	1426.1	1452.0	5.2%
National Institute on Deafness and Other Communication Disorders	436.9	325.8	443.6	451.8	460.0	5.3%
National Institute of Dental and Craniofacial Research	425.8	320.7	432.4	439.7	447.7	5.2%
National Institute of Diabetes and Digestive and Kidney Diseases	1870.6	1449.5	1899.7	1935.6	1970.8	5.4%
National Institute on Drug Abuse	1090.9	865.0	1107.5	1113.4	1383.6	26.8%
National Institute of Environmental Health Sciences	714.3	533.5	725.4	737.7	751.1	5.2%
National Institute of General Medical Sciences	2650.8	2185.5	2713.8	2887.2	2785.4	5.1%
National Institute of Mental Health	1601.9	1201.9	1625.5	1681.6	1711.8	6.9%
National Institute on Minority Health and Health Disparities	289.1	214.7	293.6	297.9	303.2	4.9%
National Institute of Neurological Disorders and Stroke	1783.7	1313.0	1810.0	1861.7	2145.1	20.3%
National Institute of Nursing Research	150.3	113.7	152.6	155.2	158.0	5.1%
National Library of Medicine	407.5	373.3	413.8	420.9	428.6	5.2%

Appendix B: Funding for Other Agencies Relevant to Social and Behavioral Science Research

(in millions)	Enacted FY 2017	Proposed FY 2018	FY 2018 Final	2018 vs. 2017
Educational and Cultural Exchange Programs, Department of State	634.1	285.0	646.1	1.9%
Energy Information Administration	122.0	118.0	125.0	2.5%
National Archives and Records Administration	375.9	351.0	384.9	2.4%
National Endowment for the Humanities	149.8	42.3	152.85	2.0%
Office of Policy Development and Research, Department of Housing and Urban Development	89.0	85.0	89.0	0.0%
United States Institute of Peace	37.9	19.0	37.9	0.0%
Woodrow Wilson International Center for Scholars	10.5	8.0	12.0	14.3%

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