BEFORE THE NEW YORK STATE SENATE
STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY, AND MILITARY AFFAIRS

PUBLIC HEARING

TO DISCUSS THE NEW YORK JOBS FOR HEROES PROGRAM

(S. 2803-B)

Legislative Office Building
181 State Street
Room 711-A, 7th Floor
Albany, New York 12247

February 10, 2014
1:00 p.m. to 2:00 p.m.

PRESIDING:

Senator Greg Ball
Chair

Senator Joseph P. Addabbo, Jr. (RM)
Co-Chair

PRESENT:

Senator Terry Gipson

Assemblyman Felix Ortiz

SPEAKERS:	PAGE	QUESTIONS
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SENATOR BALL: We're a little late, sorry for that.

Feel free to take your seats.

We will be -- flexibility is the key to air power, at least that's what they tell you at the Air Force Academy.

So, we will be somewhat flexible.

But I want you to thank -- and just so you know, of course, we're in budget time now, so people are going to be coming in and out; we have senators that will be coming in and out.

It's not that we're being rude. It's just that, very intense schedules of dozens of events today.

So, I want to thank our colleague over on the other side, Assemblyman Ortiz, who is actually sponsoring this legislation in the Assembly, and really has been doing the hero's work of getting this through the Assembly with nearly 60 co-sponsors now.

And then our Co-Chair, Ranker, on the Senate side, Senator Addabbo, who has been an awesome friend, not only to the veterans, but myself, which is tough to find.

I got a dog when I first came, so now I have

two friends.

And, Senator Gipson, who we actually share half a county.

I don't know how that redistricting thing, how that worked, but, Senator Gipson, thank you for being here.

Without further ado, because know we're behind, unless you guys want to do something else, I'd like to have, Carolyn, first lieutenant, all the way from Texas.

We hear a lot about people moving from New York to Texas.

This is a Texan that moved to New York.

Hey, Carolyn, how are you?

CAROLYN HULSE: Good afternoon. Thank you for having me here.

I was active duty in the Air Force for a total of 12 years. And, I was enlisted for 7 years, went over to the Gulf War. We were the first hospital to set up in theater.

And then I got out and used my GI Bill to earn my of master's degree, and came back in as a first lieutenant, and served five more years, and got out as a captain; whereas, I'm commissioned as a captain, as a hospital administrator.

I have a 70 percent service-connected disability rating. Part of that is from PTSD and other injuries that I sustained while I was on active duty.

So, I want to thank you all for having me here today. It's truly an honor.

And I did move up here. Actually, I arrived on Christmas Eve, and -- to start my new venture and make a career change.

I worked in health care for 28 years, and was laid off just over a year ago.

And it was actually a blessing in disguise, because my mother was diagnosed with cancer. I was able to live with her and take care of her until she passed away.

The president of our company flew me up to New York and interviewed me, and I told him my story, and told him I want to work hard.

You know, like I said, I've been laid off for a year, but like I said, it was a blessing in disguise, to help care for my mother, and take care of things.

And the president of our company has a heart of gold, and he hired me on. And, I started up here in early January, as an intern. So, I'm still

studying for my Series 7.

And the financial-services industry is a career change for me, but they've been very patient.

We have well-seasoned Wall Street veterans there. Very nice, humble people that are training us, taking us under their wing, and training the future of the financial-services industry.

And all I have to say, after working in health care, I work with some very, very professional men and women there; mostly men.

But, they're very professional, very respectful. They're smart.

And like I said, the president of the company really saved my life.

So, I just wanted to thank everyone for being here.

And thank you, for all our veterans here, war-wounded or not, thank you for your service.

I can truly appreciate it.

My dad was a World War II vet.

SENATOR BALL: Thank you, Carolyn.

[Applause.]

SENATOR BALL: Any questions?

SENATOR ADDABBO, JR.: First and foremost, thank you so much, once again, to see you here.

Thank you.

And to all servicemen and -women, to all veterans, thank you so much for your commitment and dedication to our country.

Just on the bill, because I'm a little frustrated why this bill doesn't move.

And I got to thank, you know, our Chair here, Senator Ball, for his tenacity about, and his persistence about, this bill.

But it's a little frustrating on our end, why this bill doesn't go forward.

Do you foresee any problems -- I don't -- do you foresee any problems with this bill, as far as implementation?

I mean, we do know it has no cost to the state. Actually, it's going to be, fiscally, beneficial.

CAROLYN HULSE: Uh-huh. Absolutely.

SENATOR ADDABBO, JR.: Do you see any problems with this bill, as far as implementation?

CAROLYN HULSE: I would think it would be a positive, absolutely, to support the economy of New York, and also support the veterans.

But implementing it, to the point where we are right now, I think the implementation is the

easy part.

I think it would be -- and I don't -- and I don't say that with a grain of salt.

"Easy" being, just implement it, let's move it through, because it will move. It will pick up its own momentum and it will move.

Like I said, the veterans, having the veteran-owned, and especially the service-connected disabled-veteran-owned businesses, will greatly prosper New York.

And, we really want New York be a veteran-friendly state.

Texas is a very veteran-friendly state.

I saved a lot of taxes when I was a homeowner.

I could park free at the airport. Hey, that's $20 a day.

So, you know, lots and lots of perks.

My son is actually going to college now, using my Hazlewood Act. It pays for all of his college tuition.

So there are a lot of things, that, we really want New York to support our veterans and our service-connected disabled veterans.

And this bill would help support them their

families.

And like I said a few minutes ago, we're hard-working, we have high integrity. We'll show up to work, we'll work as many hours as we need to do.

And, as an Air Force, flexibility is the key to air power. But, also, another mantra we would use is, "Whatever it takes."

We will do whatever it takes.

So, whenever I would ask, when I was a hospital administrator, I'd ask any of my staff: The surgery is going to run another hour or two. Would you mind working, you know, until 6 p.m.?

And instead of getting an eye roll, like, "Really?" if I asked any of my veterans, they'll be, like, <snaps fingers> "I'll be right there, not a problem."

We don't watch the clock. We do whatever it takes.

So, I think this bill would -- the implementation shouldn't be a factor, because I think if the veterans are afforded this opportunity, they're going to take it and go with it, and they're going to do us proud.

SENATOR BALL: And we've seen the success with the minority-, women-owned, program; the vast

success under this Governor's leadership to over 20 percent of the State contracts.

This program has been rolled out specifically at the federal level, and then 44 other states where there haven't been any complications.

And we have over 72,000 disabled vets in New York State, so, this, it's a big deal.

Well, Carolyn, thank you very much.

CAROLYN HULSE: Thank you.

ASSEMBLYMAN ORTIZ: And thank you for serving our country.

[Applause.]

SENATOR BALL: Jim? You ready?

Just a little bit about James. I'll read it from the bio hearing.

"Enlisted in the U.S. Army in 1972.

"Served until his honorable discharge in 1977.

"Continues military service in the New York Army National Guard, from '77 to '80, and then reenlisted in 2001 with the Army National Guard."

James.

JAMES M. TERHUNE: And another five years, then, I went through OCS.

My condition, when I was 51, I think I was

the oldest second lieutenant in the military at the time. Pretty funny.

I wish I was still there, but, I can't do it anymore.

So, I've got five minutes, and this stuff's all important; so, if you don't mind my reading it?

SENATOR BALL: Yep.

JAMES M. TERHUNE: Okay.

Well, Chairman --

SENATOR BALL: I actually hate reading, but --

JAMES M. TERHUNE: You'll see it. Most of it, I'll just cut through. I tend to wing it anyhow. It's the old Army, I guess.

But, Chairman Ball, members of the Senate Committee on Veterans, Homeland Security, and Military Affairs, and my fellow veterans: Good afternoon.

My name is Jim Terhune.

I founded T&T Materials in 2006, and I serve as the president and the CEO.

I am a service-disabled veteran, and my company carries that designation.

Now, I'd just like to tell you quickly what we do.

T&T Materials is a successful metal supplier to the U.S. Military.

When the Army was short of armor plate back in the Iraq War, we would be the ones they'd look for, to send it in, to build the machine-gunners' kits, and save our soldiers' lives.

We're approved through 12 different military organizations as suppliers, through IDIQs and BAEs.

And, we are a STAR Supplier Award recipient with Lockheed Martin, the only one in our designation that has received that award.

So my point is, we've been doing this for eight years and we're very good at it, but in the past eight years, I haven't had one order through New York State in a procurement area, even though we've tried.

And, I've discussed it with other veteran-owned and service-disabled veteran-owned companies and they've had the same problems, which is the reason that I'm here today and that I showed up.

What I'd like to do now is just talk about those three Senate bills, and the benefits to veterans-owned and service-disabled veteran-owned small businesses.

So, for those that don't know, the 2803-B seeks to establish a modest set-aside for state-agency purchases that will be awarded to service-disabled and veteran-owned small businesses.

Now, that is a successful practice that's already been implemented by well over 40 states and the federal government.

I think California was one of the first ones, and they, 20 years, probably, have been doing it, and they're doing a heck of a job.

So those that argue what's the appropriate set-aside percentage or debate the fairness in a free-market economy completely miss the point.

By implementing and enforcing a finite and measurable target for a percentage of purchase contracts to be awarded to veteran- and service-disabled veteran-owned small businesses, you will motivate the state agencies to reach out to those businesses; and, therefore, move out of their comfort zones of working with those large incumbent organizations.

I can assure you, being in the government arena, that those set-asides don't guarantee any company any business, but if enacted, they'll simply level the playing field for our veteran-owned small

businesses.

And then, on the other hand, for those that embrace and support the advocacy ineffectiveness of set-asides for government purchases for women-owned, minority-owned, I would ask: Are those who have borne the burden of defending our rights and liberties, those that have put themselves in harm's way, and, for some, endured lifelong injury and disability, are those heros any less deserving of consideration from this state government?

And I think we would all agree here, they are not.

So, Senate Bill 3038-A is a good one, too, which is going to help veteran-owned small businesses overcome the insurmountable advantage of those large corporate entities which I think artificially lower the competitive-pricing threshold, effectively, shutting out the service-disabled veteran-owned small businesses, which is what I think has happened to me.

In my industry, too often, a government contract's awarded at a price point that translates to zero profitability for the bidding corporation.

That predatory business strategy employed there is to win the lead contract, and by so doing

so, become the favored supplier for all similar products and services, freezing out your competition.

I don't think -- I think this new Senate bill will overcome that.

The competitive indexing for the fair evaluation of bids that will be enacted by that legislation will mitigate the staggering advantage of large established corporations.

And I think there was a 15 percent preference for veteran -- service-disabled veteran-owned, and 10 percent for veteran-owned.

And I think including the veteran-owned in all of this is as important.

The last one, this one is beyond me: Tax credits to companies that hire veterans.

From my perspective, it seems almost unnecessary to present a justification for what should be an obvious and non-debatable remedy.

An unemployment rate of 20 percent of the employable veteran population is, at best, unacceptable; and, at worse, shameful.

And it's -- an even worse strategy -- tragedy, I'm sorry, because it's compounded by the labor statistics that show that the rate is even

more severe for the younger veterans who have recently returned from the conflicts in Iran and Afghanistan.

The noble men and women who answer our nation's call to duty and who fought bravely against the enemies of our republic now find themselves marking time on unemployment.

Those soldiers don't want a government handout, but they deserve a hand-up.

So as I conclude my remarks, I just want to thank Senator Ball.

I probably talked too much and read, and he took off, so, and I understand that.

[Laughter.]

I tend to talk too much, usually.

But as I reflect on the possible impacts of that trio of legislation -- legislative initiatives that he's got in front of us, I'm reminded of a line from a speech given by President Kennedy for a Veteran's Day event.

And he said, "As we express our gratitude to our veterans, we must never forget that the highest appreciation is not to utter words, but to live by them."

So, finally, the economic challenges facing

our veterans, both as entrepreneurs and as job-seekers, are formidable and well-documented.

How you, the elected servants of the people of this state respond will be measured, not by the eloquence of your words, but by the courage of your actions.

And that's it.

SENATOR ADDABBO, JR.: Good job.

[Applause.]

SENATOR ADDABBO, JR.: Thank you.

UNKNOWN SPEAKER: Mr. Morales.

SENATOR ADDABBO, JR.: Daniel Morales.

And while he approaches, I'll mention, that:

Daniel Morales joined Drexel Hamilton Equity Trading on January 1, 2013.

Prior to joining Drexel, he served as the field radio operator for the 2nd Battalion, 25th Marine Regiment, H&S Company Communications Platoon.

In addition, he served as the field radio operator for the Sniper Platoon.

DANIEL MORALES: Good afternoon, ladies and gentlemen.

I'd like to begin, first, by thanking my fellow veterans here. Your presence and your voice

is crucially important, as unemployment itself is a battlefield.

And many of you men and women who are here have retired; and, yet, here you are, continuing to fight the good fight on the battlefield so that veterans like myself returning from the wars in Iraq and Afghanistan can come home and build the life.

I'd like to further extend the gratitude to Senators present, Assemblyman Ortiz, for giving us the opportunity to speak on a very important issue.

I work for a firm called Drexel Hamilton, with my colleagues, Joseph and Carolyn.

And, we are a disabled-veteran owned-and-managed institutional broker-dealer firm.

What we do is, we take returning veterans from the wars in Iraq and Afghanistan and we train them, and provide them with the opportunity to find meaningful employment in the finance industry.

We pair our Wall Street veteran with a military veteran, so on and so forth; get them battle-ready, and send them off to a meaningful career.

We are, literally, in the front lines of this battle that is plaguing our veterans: this unemployment situation here.

But our efforts, in the greater picture, is -- it feels insignificant.

It isn't, but it feels that way.

But with a bill like the bill you guys are putting forth today, it allows institutions, as Drexel Hamilton, and other veteran-owned small businesses, to reach back and continue hiring veterans.

As has been said more than once here today, one of the best things that veteran-owned companies do, is hiring more veterans. We take care of our own.

And that is, ultimately, the reason why we are having this discussion today.

This bill, in its very essence, will echo through the generations.

It will reach back to the veterans of the wars of yesterday, those who have established small businesses, and say, We recognize and appreciate your sacrifices and contributions, and this is one way we're going to show it.

And it tells the veterans returning from the wars in Iraq and Afghanistan today, the same thing: We appreciate you raising a hand and volunteering, and, we're going to take care of you.

And most importantly, it will reach further into the future and tell the veterans of tomorrow: That this is how we take care of our own. This is how we say "thank you" to our men and women who put themselves on that front line, risking, and those who sacrifice.

I thank you all for your time today, and I'd love to take any questions if there are any.

SENATOR BALL: Thank you.

Any questions here?

Awesome.

Thank you for your time.

[Applause.]

SENATOR BALL: Next we've got, Bill Nelson.

Bill is a combat vet from Vietnam. Served with the U.S. Army's 2nd 502 Strike Force Infantry Regiment of the 101st Airborne.

He is the former chairman and CEO of HBO.

And, he also happens to live in my district, so I better not mess up.

He'll be running against me.

[Laughter.]

SENATOR BALL: Colin, I think we have a name, by the way.

Where's Colin?

BILL NELSON: First let me say, it's a privilege for me to be here, and to lend support, to join all the other veterans in this room, and all the other veterans across this state who couldn't be here, to speak out in support of this very important legislation.

I want to commend Senator Ball, Assemblyman Ortiz, Senator Addabbo, and Senator Gipson, and all of your colleagues in both the Assembly and the Senate who support, along with you, this legislation.

I'm here simply because I'm a Vietnam veteran, and I've seen that there are other Vietnam veterans in this room.

And what we believe in, what our motto is, with the founding principle of Vietnam Veterans of America, is: Is never again will one generation of veterans abandon another.

That's why many of us are here.

[Applause.]

DANIEL MORALES: As I said to someone earlier, in the hallway: We don't only talk the talk, we walk the walk.

And, I was very happy to hear, therefore, that the federal government and 44 states -- that's

almost 90 percent of the United States -- passed similar legislation, with a contract preference for service-disabled veterans and those with small businesses.

And as a lifelong citizen of New York State, I was stunned when I found out that New York was one of the six who hadn't passed this legislation.

And I say that especially so.

I was in Manhattan when 9/11 happened. Maybe many of you were as well.

But the thing that most impressed me, not only the first responders and the whole community and whole state, but those men and women who stepped forward because of that attack, raised their right hand, as Senator Ball has said today many times, to go into harm's way, to risk their lives, to leave their families, to make sure that this country would be secure, to make sure that New York City and New York State would be secure.

Those are the people, and many of them are right here, who went on the battlefields of Iraq and Afghanistan, got shot up, seeing their buddies die, lost limbs, lost eyesight. I said before, traumatic brain injury, PTSD, down the list.

"Down the list."

This State called on those people -- and not very many of them who were able to accomplish that, another point -- they went into harm's way. They accomplished extraordinary things in mostly hellacious circumstances.

And born of that extraordinary selfless sacrifice comes an extraordinary obligation on the citizens of this state; and more importantly, those elected officials, elected officials of this state, to pass this legislation.

What are we saying to these veterans, what are we saying to future veterans, if this bill doesn't pass?

I'd like to actually sit in a hearing like this and have the people, whoever they are, those elected officials who do not support this bill.

I think it's incumbent upon them to defend themselves, because this is nothing more than a moral obligation and a patriotic obligation for this state.

So those who don't support it, I think have an obligation to come forward with the microphone and their lips over it, saying why they don't support it.

And I actually would say, maybe that's

something that should happen with all the cameras across this good state and all the citizens listening in, because I cannot believe the majority of citizens in New York State, if they were fully informed about what this bill is, and there are some that oppose it, that those people would be re-elected in the spots that they currently sit in.

I'm going to close by saying this, and I said it before:

We are defined by what we do and what we don't do.

What we do and what we don't do, in equal measure.

I actually think it's quite simple: That this group of elected officials know what the right thing to do is, and I think they should and must make this legislation part of their legacy in August.

Thank you.

SENATOR BALL: Thank you, Bill. God bless.

[Applause.]

SENATOR BALL: Thank you.

ASSEMBLYMAN ORTIZ: Thank you.

SENATOR BALL: Joe.

JOSEPH KRULDER II: Good afternoon,

gentlemen.

My name is Joseph Krulder. I am the assistant vice president of Drexel Hamilton.

We are a service-disabled veteran-owned-and-operated institutional broker-dealer, as Danny Morales and Carolyn Hulse, my cohorts, have described in the past.

I'm also the nephew of the gentleman sitting right behind the Senator, who is also vice commander of the National DAV, my proud uncle, Dennis Krulder.

[Applause.]

JOSEPH KRULDER II: I've had a very long day.

And the Senator and Assemblyman, and many of their leaders, have had a very long couple of sessions, trying to fight for something that is, in the words of my brother-in-arms, 101st Airborne Division partner in crime, "Something that's just morally right, obligated by our citizenry."

There's not much I have to say about what this bill shouldn't pass for.

Here's why I guarantee you it should:

Drexel Hamilton is founded on the premise that we reach back and we hire more men and women, "veterans," period.

If you're a veteran and you come home, you

come home to the highest unemployment rate this country's seen in decades. You come home to the highest underemployment rate that this country's seen in decades. You come home, after serving 4, 5, 6, 11 tours of duty.

I put to anybody: How many people can hold a job steady in a career, that's been deployed more than twice in a four-year period?

There's a lot of laws out there that say you can't fire you.

You go out, and -- I promise you, I know personally, men and women that have been released from their service to their businesses because they, frankly, can't be there.

Why? Because their country, and this state, says, We need you somewhere of higher importance.

That's our obligation, gentlemen. You know that.

I'm preaching to the choir when I talk to you guys, because I know you're here because you believe in the same thing I do.

You believe in the same thing every single man and woman in this room believes in: That we fought for our country. Some of us died for our country. And some live with the lasting impression,

that they'll never let go of certain things, for this country.

I'm one of those men.

At the 101st Airborne Division, I probably wear my pin and my CIB that Mr. Nelson honored me today with.

When you're pinned to CIB, it means that you were in direct combat and you returned that combat fire. You fought the fight.

Being pinned a CIB means that you've done something at a higher level and have been asked to do something great.

I'm asking each one of you to go back to your fellow constituents, your Assemblymen and your Senators, both sides of the party. This is not a -- this is so far from being a political issue, it's a little ridiculous.

This is an issue of honor and integrity.

The same things that you're elected under.

It's the issue of each one of us, to go back and say: Listen, let's pin a badge of honor on each one of us, because our constituents [inaudible] would say, We need to make sure that the men and women that come home don't get a promise. They receive that 5 percent guaranteed set-aside, so that

they can perform that dream that they fought for, that you and I currently continue to have; and that's meaningful employment, meaningful opportunity to create business, and meaningful opportunity to stand in front of their wives or husbands and their children and feel honor again.

Because I promise you, I was there once, gentlemen. I was one of those men that was in a very deep dark hole.

Now, I might not look it.

I might sound very eloquent and a little savvy, but my wife and my children suffered for years, because of the pains that I had on the inside, the things that I had to deal with.

And the fact that, as an educated man, I couldn't even find a job. And I was like, Oh, my God, I'm an educated man. What you are talking about?

Well, because education has nothing to do with it.

Unemployment is unemployment.

No jobs are no jobs.

This bill will make a significant dent in the state of New York, on making sure just one extra veteran, one extra disabled veteran, can afford to

take care of his family or her family.

That's my story and I'm sticking to it.

[Laughter.]

[Applause.]

SENATOR BALL: Any questions?

Okay.

Well, gentlemen, I want to thank you.

And I guess, do we want to close?

ASSEMBLYMAN ORTIZ: Yep.

JOSEPH KRULDER II: Thank you, gentlemen.

ASSEMBLYMAN ORTIZ: I would like to, if you mind, I would like to really thank all of you who are here.

For those of you who are here for the first time and don't know me, I used to be the Chair of the Veteran Affairs Committee, about six years ago. And I'm also a former Army person. I served in the Army many years ago.

SENATOR BALL: All right. Yeah.

[Applause.]

ASSEMBLYMAN ORTIZ: And I have a history, a family member who has served throughout different ranks of the military; by the way, including the Coast Guard, and which I do believe that we also have to include to be part of this.

And I would like just to really thank the Senator for bringing more light into this issue.

I will say this publicly, I never said this before to him:

I will say that this Senator, not only he has it in his heart and in his blood, but this is, he has become to be the real champion and the real hero of this issue for us all. Not just for you, but also, for me, for my son who served in Iraq.

And I do also share your pain about unemployment, because when I came from the military, I was told that I will go back to my job because I took a absent -- a military absence.

And, all of a sudden, was not a job there available for me.

And then I have to bring three more lawyers to fight for me, to ensure that my job get back to me.

And I got the job back, by the way, after that.

But, the bottom line is, we sometimes get told things that is on the rules, it's part of the rules of our law. And, all of a sudden, people believe that they can get away with it.

And I would like to finalize by saying this:

Thank you for giving me the opportunity to have this bill, together with the Senator, and to serve my brothers and sisters from the armed forces from a different capacity, where we know both can make a big difference.

And I hope that the -- as the Governor stated today to some of us, that the 2014 will be that shining star. That we will see the light at the end of the tunnel, that this bill become to be reality.

Thank you for the opportunity that you have given us.

[Applause.]

SENATOR BALL: Senator Gipson? Senator Addabbo?

SENATOR GIPSON: Go ahead.

SENATOR ADDABBO, JR.: No.

SENATOR BALL: Well, I want to thank everybody.

First, I want to thank my staff. Putting this together is not easy.

Thank you.

[Applause.]

SENATOR BALL: I kind have high expectations, and today they were met; so, thank you.

But, there's a lot more that still needs to

be done.

You know, when we think about something like this, it really is a moral obligation. It should be considered a moral obligation.

I'm sorry, as an elected official, that we have to work so hard, that we force you guys to work so hard, to do something. That, this should have been done a long, long time ago.

But when we think about both veterans' unemployment and veteran suicide, this bill will allow service-disabled veteran-owned businesses to taps into hundreds of millions of dollars in contracts. They, in turn, will hire veterans, taking them off the unemployment line.

And we all have friends that have succumbed to suicide after service, and there's no doubt that many of them, with meaningful employment, never would have taken their own lives.

This bill isn't just about jobs. It's going to save lives.

And we're doing God's work.

And I thank Felix for his continued leadership. The go-to guy on veterans affairs if you want to get something done in the New York State Assembly.

I thank each and every one of you.

And, certainly, Senator Addabbo and Senator Gipson, for showing up here for this hearing today.

[Applause.]

(Whereupon, at approximately 1:33 p.m., the public hearing held before the New York State Senate Standing Committee on Veterans, Homeland Security, and Military Affairs concluded, and adjourned.)

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