

GLOBAL FUND OBSERVER (GFO) NEWSLETTER, a service of Aidspace.

Issue 34 – Monday 8 November 2004. (For formatted web, Word and PDF versions of this and other issues, see [www.aidspace.org/gfo/archives/newsletter](http://www.aidspace.org/gfo/archives/newsletter) )

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"Those who wish to apply in the next Round will be told "There are billions in the bank, but we can't launch a new Round." And potential donors will be told "There are billions in the bank, but we desperately need more money." This situation is not only un-productive, it is counter-productive. It harms the Fund."

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**1. NEWS: Global Fund Encounters Criticism in Washington, DC**  
by Esther Kaplan, GFO Contributing Editor  
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The US Capitol Hill briefing in late September started out as a routine event – a discussion of what to do about the portion of the United States' 2004 allocation to the Global Fund that hadn't been matched, two-to-one, by other donors. But the briefing of Senate staffers by US administration officials quickly turned into an indictment of the Global Fund for everything from having poor financial management to supporting rogue states. The meeting nearly sparked one Senator to introduce legislation slashing the United States' 2005 contribution by \$150 million, and it spurred Global Fund operations chief Brad Herbert to fly to the US Capitol for three days of damage control. The flurry of criticism may still have an impact on the United States' 2005 contribution to the Fund, likely to be finalized later this month.

The September 21 briefing for more than half a dozen Democratic and Republican Senate staffers was led by Bill Steiger (who directs the Office of Global Health Affairs in the department of Health and Human Services (HHS), is a senior advisor to HHS Secretary and GF Chair Tommy Thompson, and has long been a senior member of the US board delegation to the Fund), Pam Pearson (of the office of the Global AIDS Coordinator, which runs the President's Emergency Plan for AIDS Relief (PEPFAR)), and other administration officials. Steiger, whom the journal *Science* describes as "a political appointee with close ties to the Bush family," often comes across as skeptical of multilateral organizations; last spring, he instituted a policy that US government scientists must submit paperwork for foreign travel approval to meet with any UN organization – even if its office is just across town.

At the briefing, Steiger and the other administration officials raised significant concerns about the Global Fund's performance, including slow disbursements, inadequate staffing at the Secretariat, insufficient strength to manage a Round 5, and irresponsible disbursements to corrupt or repressive states. (Steiger and Pearson did not respond to GFO requests for comment.) What started out as an update on the Fund turned into a laundry list of complaints.

Within days, Republican Senator John Ensign planned to introduce an amendment shifting \$150 million of the 2005 Global Fund contribution to PEPFAR, apparently motivated by a mistaken belief that Global Fund prevention dollars could be used to pay for abortions, but he was persuaded to back down by fellow Republican Senators, such as Rick Santorum, who have long supported the Fund. A week after the briefing, the Chairs of three Senate committees sent a letter to Executive Director Richard Feachem expressing concerns about the Fund's recently signed grant agreement with Burma (also known as Myanmar) and about the board's approval of proposals from other "illegitimate and hard line regimes" in Cuba, Sudan, Iran, and North Korea. These communications amplified concerns and conditions set out earlier by the House Appropriations Committee in a July report accompanying its 2005 budget bill.

Facing this flurry of criticism, the Fund Secretariat responded decisively. Feachem sent a 10-page letter to Senate staffers responding to the issues raised at the September 21 briefing, and the Fund's Herbert flew to Washington on September 29 for meetings with Senators, Senate staffers, and administration officials.

The primary concerns raised, and the Secretariat's response, were as follows:

Burma:

Katy French, a senior policy advisor to Sam Brownback, one of the three Republican Senators who signed the Burma letter, told GFO that a Global Fund grant to Burma might provide legitimacy to the brutal military regime there. "Senator Brownback wants US foreign aid, paid for by taxpayers, to save lives," French said. "And propping up illegitimate regimes that are oppressing their people and exporting terrorism does not save lives. While Senator Brownback wants to be supportive of the Fund, he'd urge the Fund to avoid any activities that would fail the sniff test."

Although the Principal Recipient in Burma is the UNDP rather than a domestic organization, the September 28 letter from Senators Brownback, Judd Gregg, and Mitch McConnell questioned why the initial disbursement of \$2.4 million was so large (34% of the grant), a decision that struck them as "reckless given the difficulties of conducting programs in a repressive environment." They also asked why, "as the world seeks to strangle the financial strongholds of terrorists," the Secretariat chose to support proposals from nations the United States has designated as sponsors of terrorism: Cuba, Iran, North Korea, and Sudan, all of which had proposals approved by the board. (Brownback has typically been supportive of efforts to increase the US contribution to the Fund above the amount in presidential budget requests.) Senate staffers also expressed concerns that some proposed Sub-recipients listed in the proposal are in fact NGOs linked to the military government.

GF response: In his letter, Feachem explained that the initial Burma disbursement was – as is usual – an investment in local infrastructure, in this case procurement of vehicles for use by UNDP, establishment of a UNDP project office, etc., and that the Fund has imposed additional "safeguard standards" stricter than those employed with other GF grants, or those typically imposed in international humanitarian assistance to Burma. In a press release, the Fund said that the Burma government will not have access to or benefit from any part of the grant. And in his meetings in DC, Herbert explained that with countries such as Burma and North Korea, the Fund's safeguard standards, approved at last March's board meeting, allow the Secretariat to choose the Principal Recipient and to insist on approving individual Sub-recipients.

In the case of Burma, Herbert emphasized that the Sub-recipients listed in the original proposal, some of whom are indeed connected to the regime, are unlikely to receive GF money. Not a single dollar will be disbursed to a Sub-recipient, he said, until the Local Fund Agent and the Secretariat carry out a full assessment of each organization. "It's all about protecting the assets of the Global Fund," Herbert told GFO he had said in his meetings in DC. "If this can't be done, whether in Burma or North Korea, then we're absolutely comfortable saying to the board that we have to pull the plug."

Feachem also noted in his letter that the Secretariat has been supplying almost weekly updates to the office of the Fund's Chair on grant negotiations with the five countries of concern.

### Disbursements:

According to one Senate staffer present, Administration briefers raised concerns that the Global Fund had, on the one hand, made an irresponsibly large first disbursement to Ethiopia of \$45 million over three grants (44% of the total) and, on the other hand, was generally proving to be extremely slow at disbursing grants, to the point that the Fund might be ill prepared to launch a Round 5. A report from the House Appropriations Committee, in proposing a \$400 million contribution to the Fund for 2005 (double the President's request), noted that although the Fund had approved more than \$2 billion in grants, only \$400 million had been disbursed, and of this, "only a fraction has reached those in need." "It is critical," the report continued, "for the Fund to show that the billions of dollars that donors have committed are being used expeditiously and efficiently."

GF response: On the question of Ethiopia, Feachem wrote, the large initial disbursement was necessitated by the country's procurement policy, which requires the full cost of a tender to be in the bank. "We were merely putting money into an account so they'd have the legitimacy to go out for tendering" for the full procurement of Phase 1 drug requirements, Herbert told GFO he said at the meetings. "Our LFA requested it, our LFA stayed abreast of it, and it was reviewed internally by our own legal staff." Now, Herbert said, after twelve months of delay during which the Fund's portfolio manager visited the country twice to troubleshoot, the commodities are beginning to flow in. (Feachem's letter did note, however, that the delays caused by Ethiopia's "particularly detailed and time-consuming tender process" mean that the Phase 2 renewal of these grants "is in peril.")

Herbert views the broader concerns about disbursement delays as a problem that the Secretariat, having added additional positions approved by the board in June, now has the "critical mass" to resolve. "We've clearly demonstrated that the Secretariat will not be a bottleneck," he told GFO. "I committed that we'd get Round 3 fully approved by October 15, which we did – we got every grant signed, with the exception of a few cases where we have to put 'additional safeguards' in place. We've started signing Round 4 agreements, and with Phase 2, of the 31 grants due for renewal, every Grant Performance Report got out on time. It's a board decision when and how we initiate a Round 5. But the Secretariat will have no problem implementing it."

### Transparency and Accountability:

Administration briefers and the House Appropriations Committee called for stronger evidence of grant performance on the ground; the latter even called for an independent inspector general to audit the Secretariat.

GF response: Feachem, in his letter, pointed out that the first proposals approved by the Fund in early 2002 lacked adequate and consistent performance targets for measuring progress. Since then, the Secretariat, with the help of the consulting group Accenture, developed detailed grant performance templates that will facilitate the reporting of data. While there have been some delays in posting this data to the Fund's website, he wrote, "when delays occur in the actual receipt of reports...this is the subject of immediate attention by the LFA and the Secretariat's own portfolio managers." He noted that the Global Fund is currently being audited by the United States' Government Accountability Office; to assist in that effort, Feachem has designated a GAO liaison person and provided dedicated office space in Geneva for the GAO team.

### Feachem salary:

Administration briefers questioned whether the Fund's Executive Director was receiving excessive compensation.

GF response: Herbert said this wasn't a hot topic in his meetings in Washington, but Feachem did address it in his written response. His compensation package, he wrote, is pegged at the grade of an Undersecretary-General at the UN, and includes salary, allowance, pension contribution, and a housing subsidy. It was approved by the board in April 2002 and has not been increased since.

Overall:

Advocates close to these developments said that efforts by the Secretariat to smooth the feathers ruffled by the September briefing went well, and that people on Capitol Hill and in the administration were appreciative of Herbert's whirlwind of meetings.

Looking back on the meetings, Herbert told GFO, "I was expecting the worst, that it would all be political, but it wasn't. The meetings played out as frank exchanges and I really enjoyed them. I was talking with concerned staffers who had done their homework. Every question they asked was legitimate, and they were questions we should be answering on a more regular basis." As an illustration of the cooperative attitude, he pointed to the fact that his meetings with members of Congress were facilitated by Scott Evertz and other AIDS staffers in Secretary Thompson's office. "That demonstrates the confidence they have in us," he said.

But several Washington-based advocates for the Fund feel that the climate in Washington has deteriorated. "I saw that briefing as a shift in administration tactics," said Paul Zeitz of the Global AIDS Alliance, who attributes the shift in part to the beating that PEPFAR took at the Bangkok AIDS conference, and the perception that the Fund didn't adequately defend the US program. "For the first time, the administration was aggressively trying to undermine the Fund. And that has a ripple effect, because it sends a political signal."

"The honeymoon is over," added Zeitz. "The Global Fund isn't going to get unbridled praise from anyone any more. I keep hearing complaints from the field about disbursement delays, and donors are starting to draw the line as well, saying you have to get the money to move before we can push for a big increase. And Feachem's salary may be a legitimate issue, too."

The House and Senate will reconvene on November 15 to work out discrepancies between their numbers for the US contribution to the Fund in 2005 – \$250 million on the Senate side and \$400 million on the House side in the Foreign Operations bill, an additional \$150 million on the Senate side and \$100 million on the House side in Labor and Health appropriations, and a possible additional \$150 million in emergency spending on the Senate side. It is difficult to predict the impact that the return to office of President Bush and the strengthened position of Republicans on Capitol Hill will have on US contributions to the Fund, given that the Fund has supporters on both side of the aisle. But it looks unlikely that the Fund will get more than the \$547 million it was promised (subject to some matching requirements) for 2004, and it might get less.

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**2. ANALYSIS: Topics for Discussion at the Forthcoming Board Meeting**  
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The Global Fund's third board meeting of 2004 will take place in Arusha, Tanzania, on November 18-19. GFO will be present, and will report on developments after the meeting is over.

Analysis of decisions made at the June board meeting, and of recommendations made at the July Partnership Forum, reveals a number of topics that are due to be discussed at next week's board meeting.

CCM requirements vs. recommendations

At its June meeting, the board discussed a collection of proposed "requirements" and "recommendations" regarding CCM composition and working methods. The board's Governance and Partnership Committee (GPC) presented several CCM actions that it suggested be made "requirements", and several more that it suggested just be "recommendations." However, in a stormy session, the board softened all the proposed "requirements" into "recommendations."

The Fund's 400-person Partnership Forum in July strongly objected to this backing off by the board. (The Forum has no formal powers, but its recommendations are expected to be considered seriously by the board.) The Forum recommended that the GF Secretariat "should immediately begin developing much more rigorous, and auditable, standards for CCMs, paying particular attention to CCM composition, transparency and inclusion in decision-making, and mitigation of conflict of

interest." The Forum added that "the Board's GPC committee should ... prepare a new resolution on these matters for consideration of the entire Board in November 2004."

The eight proposed "requirements" that were converted in June into "recommendations" were as follows. (In some cases, the wording has been lightly edited in order to achieve stylistic consistency.)

- The membership of the CCM should comprise a minimum of 40% representation of non-government sectors such as NGOs/community based organizations, people living with the diseases, religious/faith-based organizations, private sector, academic institutions.
- The CCM should show evidence of membership of people living with and/or affected by the diseases.
- The CCM should submit to the Global Fund Secretariat, for publication at its web site, an annual list showing the name, organization, sector and (when available) email details for each member of the CCM, and should make this publicly available domestically.
- CCM members representing the non-government sectors should be selected/elected by their own sector(s) based on a documented, transparent process, developed within each sector.
- The CCM should put in place a transparent, documented mechanism to facilitate the provision of input of all stakeholders, both members and nonmembers, in the proposal development process.
- The CCM should put in place a fair, transparent, documented process for reviewing all qualitatively sound submissions it receives for integration into the Coordinated Country Proposal.
- The CCM should elect a Chair and Vice Chair from different sectors.
- The CCM should put in place a transparent, documented mechanism to facilitate the participation of all stakeholders, both members and non-members, in the implementation of grants.

#### CCM auditable standards

The June board meeting directed the Secretariat to develop "a pilot set of auditable standards for benchmarking the performance of CCMs" and to report on this to next week's board meeting.

[GFO adds: It will be difficult, however, to audit CCM performance if the board does not provide some required standards against which to audit CCMs.]

#### Round 5

Round 5 was the other issue on which the Partnership Forum had strong views. The Forum report says that "a large majority of delegates called for the Global Fund to launch Round 5 ... in November 2004 or early in 2005." And the Forum recommended that a board committee make a decision regarding Round 5, "soon enough to allow possible announcement at the November 2004 Board Meeting."

In June, the board asked the Secretariat to begin preparations for Round 5, in order to make it possible for a decision to be made at next week's board meeting regarding when Round 5 might take place.

[GFO adds: The US delegation has strong views on the timing of Round 5 that conflict with those of the Partnership Forum and the Global Fund Secretariat. The delegation has sent a memo to some board members as follows:

"The United States opposes a launching of Round Five at the Arusha board meeting. This is a position we hold with great regret; we support a strong and robust Global Fund, and would have

wished to be in a position to support a strong new Round at this point in time. However, given its current level of performance, we do not believe the Fund currently has the capacity to support another round of grants. While a few grants have performed well or even exceeded expectations, far too many grants are in trouble...

"We believe that in 2005 the Global Fund should focus on consolidating its work ... and [that it] will be in a better position to provide support for a new Round at the end of 2005. In addition ... the Fund regrettably does not have the financial means to launch a Fifth Round at this time...

"We remain committed to finding additional sources of funding, particularly from the private sector and government donors that have never pledged to the Global Fund, that will allow us to move forward; but we believe that it would be an irresponsible move to raise the hopes of potential recipients by generating a round of grant writing that drains scarce resources, without any certainty that we will have the funds to approve a single grant at the July 2005 Board meeting."

Asia Russell of Health GAP, who will attend the board meeting as a member of the Developed Countries NGO delegation, responded, "The reason the US does not want a new funding round launched is because they know it would increase pressure on them to contribute their fair share to fully fund that round."

Round 5 is also discussed in the Commentary article below.]

### Phase 2 renewals

When a grant is approved, the board approves a proposal for its full duration (usually 5 years), but only makes a financial commitment for the first two years. Thus, a procedure is needed for making a financial commitment for years 3-5 (known as Phase 2).

At its March meeting, the board delegated the authority to make Phase 2 grant commitments to the Secretariat.

Then at its June meeting, as the result of urging by the US delegation, the board had second thoughts, and asked the board's Monitoring, Evaluation, Finance and Audit (MEFA) Committee to explore options for giving the board the ultimate decision-making authority in all Phase 2 renewal decisions.

[GFO adds: The recent memo circulated by the US (see above) describes a procedure that the US supports whereby the board will have the opportunity to block Phase 2 renewal of any particular grant. The memo says that MEFA, which will be reporting to next week's board meeting on this matter, "approved this process a few weeks ago."

Under the proposed procedure, it would be possible for any four board members in the "donor group" or any four in the "recipient group" to block renewal of a particular grant. This is a power that board members do not currently have with the original approval of grants. One of the great strengths of the Global Fund is that the grant-approval process is depoliticized. The TRP in effect passes a pile of proposals to the board that it believes are technically sound, and the board votes to approve the entire pile, without discussing the views of individual board members regarding individual grant recipients. The concerns raised by the US in September about GF grants to Burma, Cuba, Sudan, Iran, and North Korea (see article "Global Fund Encounters Criticism in Washington, DC," above) raises the possibility that Phase 2 renewals, and then possibly Phase 1 approvals, will become a contentious and politicized process, with different board members objecting to different recipient countries. On the other hand, if the board decides not to permit this "line item budgeting," there is the risk that the US will cut back on its contributions to the Fund.]

### Budget

The board has to agree on a 2005 budget for the Secretariat that is low enough for the Fund to be "lean and mean," and yet is high enough to ensure that the Secretariat does not slow down grants as a result of being hopelessly overworked.

### Euros and dollars

The board has to decide the practicalities of implementing its June decision that grants approved from 2005 onwards may be provided in either US dollars or Euros.

### Continuity of services

At its June meeting, the board agreed that in November it must decide what to do if a grant is not renewed for Phase 2, yet during Phase 1 people have started to be provided with life-saving antiretroviral treatments that are needed on a life-long basis.

### Grant reprogramming

At its June meeting, the board agreed that in November it must decide what to do if an approved proposal subsequently needs to have its design changed as a result of new scientific evidence that the approach in the proposal is no longer the best approach.

[GFO adds: What triggered this was the fact that many Round 1 and 2 grants were based on older malaria drugs which in many regions have become less effective than the newer and more expensive artemisinin-based combination therapy (ACT). The Fund was strongly criticized in some academic papers for not responding quickly to this situation.]

### Replenishment Mechanism Conference

In the first half of 2005, the Fund will hold a two-part "Replenishment Mechanism Conference." This will bring large numbers of potential funders to the table in the hope that they will collectively agree on some coordinated longer-term GF funding commitments.

In July, at the Bangkok International AIDS Conference, NGO leaders asked Kofi Annan, the UN Secretary General, whether he would take on the role of Chair or Co-Chair of the Replenishment Mechanism Conference. He expressed interest.

The board now has to decide who the Chair(s) of the Replenishment Mechanism Conference will be.

### Comprehensive Funding Policy

The report of the Partnership Forum states that a number of delegates called for reconsideration of the Fund's "Comprehensive Funding Policy" in order to allow the Fund to make new grant commitments beyond the level of cash deposits in the Fund's bank account. The Forum called for the board to discuss this topic.

[The Comprehensive Funding Policy is also discussed in the Commentary article below]

### Resource mobilization in general

The report of the Partnership Forum states that "the vast majority of delegates expressed concern that the Global Fund was not raising enough money." The Forum called for the board to establish a standing agenda item to consider resource mobilization. It also called for donor countries to provide additional funding to allow Round 5 to be launched.

### Technical Support

In June, the board recommended the formation of a special Ad Hoc Working Group that will assess needs and make policy recommendations to next week's board meeting regarding the provision of Global Fund-related technical support.

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**3. COMMENTARY: It's Time to Soften the Comprehensive Funding Policy  
by Bernard Rivers**

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The Global Fund board looks all set for a difficult discussion about Round 5 next week. What are the factors?

First, precedent: Until the last board meeting, the Fund has always launched a new round of grants every second board meeting – that is, every eight months. According to that schedule, the board should have agreed in June to launch Round 5 two months ago. If, at next week's meeting, the board delays Round 5 until some unspecified future time, it will anger many, particularly the 52 countries that the board encouraged to improve and resubmit their Round 4 proposals in the next Round. (Those proposals alone had a 2-year value of \$980 m.)

Second, capacity: As quoted in this issue of GFO, the US says "We do not believe the Fund currently has the capacity to support another round of grants", yet Brad Herbert, the Fund's Chief of Operations, says "It's a board decision when and how we initiate a Round 5. But the Secretariat will have no problem implementing it". And in July, Richard Feachem told GFO, "One of the strongest messages to emerge at the Partnership Forum was the urgent need to launch Round 5 immediately following the board meeting in Arusha in November. While recognizing the need for financial prudence, I fully support this call."

Third, money: The Fund calculates that if pledges for 2005 are approximately what they will be for 2004, there will be about \$400 m. available for Round 5 grants next year (significantly less than the Round 4 cost of about \$1,000 m.). That's true. But a continuation of those assumptions into 2006 shows that the Fund will then be \$1,100 m. short of cash in 2006, because the cost of renewing Round 1-4 grants really escalates that year.

The "precedent" factor says the Fund should belatedly agree this month to launch Round 5 in January, one year after Round 4. The "capacity" factor says the same, if one accepts Herbert's analysis. But the "money" factor seems to say No – hold on to any cash generated in 2005 in order to help cover the 2006 renewals. To put it another way: as things stand, the Fund can't really afford Round 5 until 2007.

However, all this assumes that the Fund continues to follow its current financial rules, known as the Comprehensive Funding Policy. This policy says that before a 2-year (Phase 1) or a 3-year (Phase 2) grant agreement is signed, the Fund must put the entire cost in the bank, and that money cannot be used for any other purpose. The money then sits idle for up to 3.5 years.

As a result, by some time in 2006 the Fund will have about \$3 billion in the bank to cover Round 1-4 commitments. Those who wish to apply in the next Round will be told "There are billions in the bank, but we can't launch a new Round." And potential donors will be told "There are billions in the bank, but we desperately need more money." This situation is not only un-productive, it is counter-productive. It harms the Fund.

The Comprehensive Funding Policy is a conservative approach that was perfectly appropriate when the Fund was new. But the Fund is now approaching its third birthday, and it's now both possible and appropriate to soften the policy.

A comparison with the private sector is instructive. If a billion dollar corporation signs multiple contractual obligations (e.g. property leases, employment contracts) that commit it to pay money over three years, the CEO would be fired if he insisted on placing all the required money in the bank at the start of the three years. Good financial planning would say that the percentage of the contractual obligation that is locked up in the bank should decrease as the corporation matures, i.e. as it is able to develop estimates of likely future revenue.

Time is short, because the Global Fund board has engaged in its own form of denial by never seriously discussing resource mobilization challenges.



At its meeting this month, the board should commission an urgent study of the financial consequences of the Comprehensive Funding Policy, and of changes that the Board might make to that policy. The study should be completed in time for board committees to review it prior to the March 2005 Replenishment Conference and the April 2005 Board meeting.

The study should be carried out by a major financial services firm. It should examine what is typically done when major corporations, and major inter-governmental institutions, sign obligations to make payments over multiple years. In particular, it should examine what factors determine the percentages of those future obligations that those institutions believe must be locked up "in the bank".

The study should end with recommendations for what the Global Fund's evolving policy on this should be as the Fund matures yet further.

One path that the Fund currently faces is for next week's board meeting to commission this study and to agree on a January launch of Round 5; for the April board meeting to agree, based on the study, that a portion of the money that will otherwise be locked up in the bank to cover future obligations can be used to fund Round 5; and then for the July board meeting to approve Round 5 grants worth a billion dollars.

The other path forward is for the board to put aside the vision set out by Kofi Annan, and to turn the Fund into a modest-sized agency preoccupied over the next two or three years with no more than raising and disbursing money to complete grants that have already been started.

[Bernard Rivers ([rivers@aidspan.org](mailto:rivers@aidspan.org)) is Executive Director of Aidspan and Editor of its GFO. He will attend the Global Fund board meeting next week as an observer.]

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This is an issue of the GLOBAL FUND OBSERVER (GFO) NEWSLETTER.

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