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The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 1:05 p.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
PATRICIA TIMMONS-GOODSON, Vice Chair
ROBERTA ACHTENBERG, Commissioner*
GAIL HERIOT, Commissioner*
PETER N. KIRSANOW, Commissioner*
DAVID KладNEY, Commissioner
KAREN NARASAKI, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel
* Present via telephone
STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD
ANGELA FRENCH-BELL
GERSON GOMEZ
ALFREDA GREENE
TINALOUISE MARTIN, Director, OM
MARCEL NEAL
JOHN RATCLIFFE
JUANDA SMITH
TAMIKA TUCKER
MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DUELL
AMY GRANT
JASON LAGRIA
CARISSA MULDER
ALISON SOMIN
KIMBERLY TOLHURST
IRENA VIDULOVIC

* Present via telephone
AGENDA

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CHAIRMAN CASTRO: All right, we're back on the record now. This is the continuation of our meeting, the business meeting portion.

I did neglect to say at the end of the briefing that public comments can be sent to the Commission, at the Office of General Counsel, 1331 Pennsylvania Avenue, N.W., Suite 1150, Washington 20425, or via email to qccomments@usccr.gov.

Okay, now onto the business meeting agenda. The first item up today is discussion and vote on Part B of the Proposed Findings and Recommendations for the Peaceful Coexistence Report. That has been distributed to everyone already.

And in order to have a discussion can we get a motion on that?

COMMISSIONER ACHTENBERG: I'd like to move Part B, the Findings and Recommendations.

CHAIRMAN CASTRO: Motion by Commissioner Achtenberg. Is there a second?

COMMISSIONER KLANDNEY: I will second.

CHAIRMAN CASTRO: Seconded by
Commissioner Kladney. Any discussion? Any discussion?

So, we'll move forward then. No discussion, so I will take a roll call on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot is not present, is that right at the moment?

Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote? Is that Commissioner Heriot?

Okay, no. Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: I'll recuse myself. I'll abstain.
CHAIRMAN CASTRO: Okay, abstaining.

Okay. And I vote yes. So we have one, two, three, four, five, six yeses, an abstention, and one non-participating. All right, so the motion passes.

Next we have management and operations.

No? No problem.

We have a report from our state advisory committee, the Mississippi State Advisory Committee has issued an advisory memo to us which I know I read with great interest as I know you all have. Low-income Childcare Subsidies Distribution in the State of Mississippi which was adopted by a majority of the Mississippi SAC on November 19, 2015.

We have with us by phone Dr. Susan Glisson, the SAC chair who will make a presentation on the advisory memo and then we can ask her some questions.

And actually I will have a motion on that at the end of this based on the request that they make at the end of the memorandum to us at the Commission.

Madam Chair, thank you for joining us.
MS. GLISSON: Hi, how are you?

CHAIRMAN CASTRO: Good. Yourself?

MS. GLISSON: I'm good. I'm delighted to be with all of you. Thank you so much for this time.

CHAIRMAN CASTRO: You're welcome.

MS. GLISSON: I'd really first like to thank the staff. David Mussatt and Melissa were just fantastic in their support of us. We couldn't have gotten done what we were able to get done without their help. So thank you for them and thank you for your guidance in this important work.

Just a little bit about how we elected to choose this particular topic. It was important to us to select an issue of great importance that would make the most meaning in helping to end childhood poverty and helping to support vulnerable working families in Mississippi.

And we wanted to choose an issue that had bipartisan support. That was very important to us. And we knew that the low-income childcare subsidies were in fact a bipartisan program. So that suggested to us that that would be a good issue to follow through on.
So, in order to do our work we were able to host two public forums which we did very successfully by conference call. We appreciated the technology. We think it worked well.

In the first public hearing we were able to bring testimony or hear testimony from advocates of low-income childcare families and trying to make those benefits available to as many people who were eligible as possible, and researchers and scholars who work to study best practices and to lift up policy recommendations.

And then in the second public forum we were able to include representatives of the state agencies who oversee the program.

And we were grateful for all of the people who called in. We had a very rich, robust conversation and presentations and we learned a lot from those hearings.

One of the things that was a challenge as we moved forward with the process is there's a sort of lack of transparency on the part of the Department of Human Services in Mississippi which oversees this particular program.

So it was hard to get easily available
information in order to really do a thorough study.

We were trying to figure out if there was a disproportionate impact on families of color, on women in the way that the program is administered because we know that the number of eligible children who are able to benefit from this so their parents can work is not nearly the percentage that it could be.

And we know that the Department of Human Services ends up using some of the funds that could be used to support children to investigate things like potential fraud of parents, which they have not been able to find any statistically significant information to do that.

So, among the recommendations that we were able to make, we asked that the Department of Human Services consider to eliminate the child support requirement that we believe has a disparate, harmful impact on women.

We asked them if they could try to work to make sure that parents are able to keep childcare for all 365 days of the year. The obstacles or the forms that parents are required to re-certify and re-certify every several months really makes it a
barrier to having consistent childcare so that you can be consistently at your job.

There was also conversation about the quality rating system which is supposed to help ensure that centers are performing well and are excellent pre-K opportunities for children.

But the challenge is that none of the quality rating system guidelines have ever been written down. So childcare providers are not exactly clear what they need to do in order to meet those rating system requirements.

And the money that could be used to help them improve their childcare centers is not readily available. So we believe this has a disparate impact on largely people of color, women of color who are running the childcare centers.

And then of course we asked for transparency and to make accurate data available so that it's clear what data the DHS is using to make decisions, and if there are concerns that the public has that it can have accurate data in order to be informed as it may offer guidance and support to the DHS department.

I think the general consensus that the
committee had was that while it was difficult for us to prove that there's documented racial bias, what is quite clear to us is that there is a great degree of mistrust between the predominantly African-American women who run many of the childcare centers and the Department of Human Services.

And so we hope that the report that we have generated can create an important rhetorical nudge to the DHS, and advocates, and families, and childcare providers to come to a table and to seek some trust-building, community-building in order to do what I think and hope that we all want to do which is to make sure that children are able to access this important program, and that working families can contribute as they like to Mississippi's well-being and economy.

We did get to release the report publicly just a few weeks ago at the Mississippi State Capitol. And we know that there are advocates in the field who are working with the Mississippi State Legislature to ask that they create a sort of an advisory board that would include parents, and childcare providers, and
advocates, and state agency folks so that -- with a sense of more transparency and a sort of accountable governance with the DHS.

So, we're watching that bill as it moves through the legislature. Hopefully it will move through the legislature.

So, we've been really excited about the conversation that the report has generated. In fact, as part of the momentum of this report a local -- the state paper, the Mississippi Clarion-Ledger and in partnership with the Hechinger Report which has a base in Mississippi has initiated a nine-part series on childcare in Mississippi, and especially on low-income childcare options.

And we know from one of the childcare advocates that there was a national meeting in January in D.C. And the report was lifted up and generated apparently quite a lot of excitement because there were other states that said they have similar issues.

We may have the most egregious issues, but there were other issues similar in other states, and they were excited that the report may offer support, an example for what other states
could do.

So, we are excited about the process. We hope and pray that we're able to continue with future work.

Our next desired topic is to look at prosecutorial discretion in drug sentencing which of course is a hugely important issue in our national dialogue right now.

So, that's where we are and I'll be happy to take any questions that you all might have.

CHAIRMAN CASTRO: Well, thank you, Madam Chair. That was a great summary of the report and we really appreciate the work that you're doing on this and the future work you just suggested the committee is going to be doing.

I have a question and then I'll see if any other Commissioners do, and then I'll do a quick motion on your request at the end of the memo.

I think from the way I read this there's a critique of the federal block grant way these funds are being given to Mississippi in that it gives it perhaps too much discretion in where to use or not to use the dollars.

Is that my understanding? Am I reading
that right?

MS. GLISSON: Yes, sir. We're concerned that all of the money that could be made available for actual childcare gets redirected to other kinds of programs.

And in one instance it seemed to be directed toward a desire to check for drug use among parents. And there was an ID system that they wanted to implement.

They spent some generous amount of money on that instead of actually making the childcare grant available to the folks for whom it was intended.

CHAIRMAN CASTRO: It seems to me that either that's some kind of government mismanagement, or maybe outright fraudulent action.

Has anything been done to address some of that locally?

MS. GLISSON: The only person, and there may be others that I am not aware of, and that's certainly possible.

Congressman Bennie Thompson has been an incredible advocate to ask for explanations for
So you know, for instance, there were 124,426 children who were eligible for the CCDBG block grant, but only 18,300 are served. So that's just -- I mean, that strikes us as a real gap that needs to be addressed.

And as far as we know, Congressman Thompson has been the main one who has pushed for that. So whatever support and assistance we could get in that area would be great.

You know, they're undergoing a sort of open comment question right now in order to adjust their policies.

But you know, because of the mistrust that exists there has not been a sense of confidence on the part of childcare providers, and parents, and advocates that DHS would actually listen to the folks that have been trying to submit comments.

CHAIRMAN CASTRO: Thank you. Commissioner Narasaki, you have a question?

COMMISSIONER NARASAKI: Yes, I wanted to join the chair in commending the work of the SAC. I note that in the Findings and Recommendations it seems like there's a request
from the advisory committee for the Commission to advise the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Childcare with a series of recommendations that are being made.

I'm wondering if that has happened and if not, Mr. Chair?

CHAIRMAN CASTRO: No, and that's going to be the motion I make at the end of our questions.

COMMISSIONER NARASAKI: Exactly, yes. So, I wanted to note whether there was any other agency or whether we should also be writing to the President or Congress on this matter.

CHAIRMAN CASTRO: Well, I was also going to suggest that we, at a minimum, copy the congressional delegation from Mississippi on that letter.

COMMISSIONER NARASAKI: Yes. So, you've actually done a press release and have -- it's been released at a conference.

I'm wondering if you've already -- if the advisory committee has already also sent it out, where else you have sent it out to.

MS. GLISSON: Well, we sent it out to
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all of our -- I should say I'm now wearing my Winter Institute for Racial Reconciliation hat.

We have press contacts who contact us frequently about race-related matters. So we sent out the press advisory to all of those folks.

Though I haven't seen a lot of coverage picked up outside of the State of Mississippi.

I was asked to draft an op-ed for the Hechinger Report Clarion-Ledger series, which I've done. They're supposed to publish that on March 1st.

And then I believe one of the childcare advocates has also been asked to draft an op-ed.

So, the state newspaper with Hechinger's Report has been very generous in giving us a lot of air time to nurture the issue and nurture conversation about the issue.

COMMISSIONER NARASAKI: Thank you.

MS. GLISSON: But we'd love other ideas if there are other things that we could be doing.

CHAIRMAN CASTRO: We will. Any other questions, Commissioners? Okay. Anyone on the phone?

If not, then what I'd like to do is make
a motion that the Commission authorize the chair to send a letter on behalf of the Commission to the U.S. Department of Health and Human Services as requested by the Mississippi SAC, and that we copy that letter to the Mississippi congressional delegation including a copy of the SAC advisory memo to us, and that our staff also prepare an appropriate press release once that letter is sent indicating that the Commission is taking action on this SAC issue as well.

Is there a second?

COMMISSIONER Kladney: Second.

CHAIRMAN CASTRO: Any discussion? If not then I'd like to take a roll call vote.

Commissioner Kirsanow, how do you vote? You still there, Pete? He's gone? Okay. Commissioner Heriot?

COMMISSIONER HERIOT: I'm going to have to abstain. I thought this meeting was going to reconvene later than it did so I came in in the middle of the presentation.

CHAIRMAN CASTRO: Sorry about that. Sorry. Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.
CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADENY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. One, two, three, four, five, six yeses, an abstention and one person not voting. So the motion passes.

Thank you, Madam Chair, for your participation and your help on this. We'll also make sure you get a copy of the information that we send out.

MS. GLISSON: Excellent. Thank you so, so much. I appreciate what you all are doing. Take care.

CHAIRMAN CASTRO: Thank you. We'll
now move onto Commissioner Kladney. You have the
floor on your request for a letter.

COMMISSIONER KLADNEY: Thank you very
much, Mr. Chairman. I've distributed this letter,
I think Amy distributed it last Wednesday.

And I move that we issue a letter to the
members of Congress supporting the Fair Day in
Court for Kids Act.

This letter is a reflection of what we
discovered in last year's statutory report.
Although adult immigrants who apply for asylum are
allowed to work six months after entry to earn funds
to hire counsel, unaccompanied children are too
young to work and accumulate funds, hire competent
counsel and navigate our judicial system while they
are in our foster system.

This bill was presented in response to
the humanitarian crisis in Honduras, Guatemala and
El Salvador.

In these countries the rule of law has
broken down. Violence, kidnappings, rape and
murder go unpunished. Horrific conditions on the
ground caused the United States Peace Corps to
withdraw from El Salvador.
San Salvador is known to be the murder capital of the world. And this is a result of drug gangs and other conditions.

Children fleeing these violent conditions have made the dangerous journey to the United States seeking safe haven of asylum.

When they arrive here, even if they voluntarily surrender to authorities they are placed in foster care with a foster parent and assigned social worker in some community.

They are then required to take part in a complex immigration process without counsel.

The United States Supreme Court has even found that minors have a very limited understanding of the consequences of the legal system because their brains are not yet fully formed when it comes to making decisions.

Many asylum seekers are left without representation. In 9 out of 10 cases, minors without representation are unsuccessful in their immigration proceedings and are ordered to be removed.

It is hard to believe that the United States would require children of 10 or 12 years of
age to represent themselves in a complex judicial proceeding.

The Fair Day in Court for Kids Act requires unaccompanied minors to be represented, restoring a measure of basic fairness to the proceedings. The act deserves our support.

I move we adopt this letter and send it to each member of Congress. It's my understanding even though I drafted it saying the U.S. Commission on Civil Rights urges the member of Congress, if the vote is not unanimous here today the wording will be changed to a majority of the Commission. Thank you.

CHAIRMAN CASTRO: I'll second that motion, and I would also add that we have our press people put out a press release regarding the letter.

COMMISSIONER KLANDNEY: Sure. And hopefully you'll add some punch to it, Mr. Chairman.

CHAIRMAN CASTRO: I will. Thank you. So we have a motion that's been made and seconded. Any discussion? Madam Vice Chair? No? Okay. Anybody?
If not then let me take a roll call vote.

Commissioner Kirsanow is not here, is that correct?

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm going to have to vote no on this one. I agree with Commissioner Kladney that we've got a very serious issue here, but I don't think creating a legal bureaucracy is the way to solve it. So I'm going to have to vote no and the letter is going to have to change to a majority of rather than the Commission.

CHAIRMAN CASTRO: It will reflect that, thank you. Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes, Mr. Chairman.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: I vote yes, and I commend Commissioner Kladney. This is an extremely important issue and I agree that it's a
direct outgrowth of the conclusions that we drew from the statutory report.

    And I think it's very, very important that this, Senator Reid's bill gets every serious consideration. So I think it's terrific.

    CHAIRMAN CASTRO: Thank you.

    Commissioner Yaki, how do you vote?

    COMMISSIONER YAKI: Can we say supermajority? Aye.

    CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

    VICE CHAIR TIMMONS-GOODSON: Strong yes.

    CHAIRMAN CASTRO: And I vote yes as well. So that's one, two, three, four, five, six yeses, one no, and one not participating. So the letter and the motion pass. Thank you, Commissioner Kladney.

    Now we will give the floor to the staff director for his monthly report. That will be the last item on the agenda.

    DIRECTOR MORALES: Thank you, Mr. Chairman. I just wanted to touch base with all of you, of course, during the meeting.

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You have a staff report. I don't want to go through it in detail, but I do want to call your attention to several items for your consideration.

One is that we've submitted a spending plan to the congressional appropriations committee.

I might be confused. I think I've sent it to you. If I haven't, I will. And pursuant to our request to get our appropriations.

We've also submitted our 2017 budget justification as part of the President's budget request. It's on the website. I can also send it to you, or give you a link if you so desire.

I will tell you that we are working on the Union Town, scheduling the Union Town. We have -- Pam Dunston will be traveling out to Union Town on Tuesday to evaluate the sites under consideration.

We have a city hall, school gym, a church and a library. I know there was some pressure on this. We just didn't want to make a selection over the phone. It's been about nine, I think 10 days since the Commission voted on --
so we're moving as quickly as we can.

Of course, she had a lot of logistical issues in getting this briefing ready for all of us. And so she's said that she'll give me a recommendation before the end of next week which then I'll forward on to all of you.

In addition, I have, I wanted to let you know that I am putting out a position description for a communications and public affairs position here to, again, do our external communications and improve that as I've talked to all of you on various occasions about that as well.

And lastly, that's all I have.

CHAIRMAN CASTRO: And I understand that the Illinois State Advisory Committee is doing its environmental justice briefing on March 9?

DIRECTOR MORALES: That is correct.

CHAIRMAN CASTRO: And it looks like April 7 for North Carolina?

DIRECTOR MORALES: I believe so, yes. I think they finally got that date nailed down. And when those are confirmed I'll get those dates out to all of you.

CHAIRMAN CASTRO: Great, thanks. Any
questions for the staff director? Commissioner Narasaki.

COMMISSIONER NARASAKI: So, in the list of OGC activities, one of the activities is drafting the First Amendment Speech on College Campuses Report. What is that?

DIRECTOR MORALES: I'm not sure. Let me look at that and get back to you.

CHAIRMAN CASTRO: We had a hearing on that, didn't we?

DIRECTOR MORALES: That sounds like it somehow came out --

(Simultaneous speaking.)

COMMISSIONER NARASAKI: Is that the Title IX?

CHAIRMAN CASTRO: I think that's what it was. Didn't we vote not to proceed with that, or am I forgetting? No? What is it, Alison. You're flailing over there.

MS. SOMIN: The briefing was held in I believe July 2014. It's about sexual harassment and the tension between that and free speech provisions in the Constitution on college campuses and K-12 schools.
CHAIRMAN CASTRO: Okay. All right, thank you.

COMMISSIONER NARASAKI: Because I don't think it's referred to -- it's called out anywhere else.

CHAIRMAN CASTRO: Maybe it's a matter of the label. We'll figure it out and we'll get back to people.

COMMISSIONER NARASAKI: Okay. Because that was our first hearing and I would be disturbed if that's really what it's being called.

CHAIRMAN CASTRO: Okay.

COMMISSIONER NARASAKI: I have another question.

CHAIRMAN CASTRO: Go ahead.

COMMISSIONER NARASAKI: Or concern. And that is I looked at the SAC reports and I'm concerned about the fact that it looks like there's 17 expired committees with 15 in progress.

And we haven't talked about the state advisory committees in a while.

CHAIRMAN CASTRO: Because we keep pulling them. Every month one comes up and somebody yanks it for some reason.
COMMISSIONER NARASAKI: No, we haven't actually had -- we actually haven't had very many presented in the last several months.

CHAIRMAN CASTRO: Well, we were going to have one today, and the other ones were pulled before they even got here.

But I think there's a working group that's going to make a presentation on a policy or a new procedure for this. Is that right, Mr. Staff Director?

COMMISSIONER NARASAKI: Could I just say, Mr. Chair? It says 2 are submitted and 15 in progress. I think 15 in progress means we have not seen them.

CHAIRMAN CASTRO: I don't know where they are in the process.

COMMISSIONER NARASAKI: So, I just want to say I don't think the 15 is --

(Simultaneous speaking.)

COMMISSIONER NARASAKI: -- on the Commission. I think the two might be.

CHAIRMAN CASTRO: I share your frustration because frankly some of these, particularly the eastern regional office has been
really slow in getting these packages to us. So, it needs to be addressed.

And that's why we have this other process that we directed staff to work on. So do you want to talk about that, Mr. Staff Director?

DIRECTOR MORALES: Certainly. Thank you, Mr. Chairman.

As you're aware, I've had a conversation I believe with all of you and certainly with all the staff assistants about finding a way when we reach an impasse with a particular state advisory committee.

And so David Mussatt who's the -- he was the director and coordinator of all regional offices. We've had Alison as well as Sheryl. And we've also had general counsel on a working group. And they're putting forward recommendations I believe this week as to finding a way to work out any issues when they come up regarding a particular SAC.

In regards to being behind on the SACs I am working with David and we're going to do what we can to address those and get these SACs up in the next few -- over the course of the next few
business meetings so that we're in full compliance
and we get all the SACs operating the way they're
supposed to be.

CHAIRMAN CASTRO: Any other questions?
No? Hearing none then I will adjourn the meeting
at 1:34 -- who is this?

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Gail?

COMMISSIONER HERIOT: It's Gail.

CHAIRMAN CASTRO: Okay, go ahead.

COMMISSIONER HERIOT: I just -- to
register that I had understood there was going to
be a 45-minute break between the two sessions and
didn't get back on the phone in time to vote on the
findings and recommendations. So I want to point
out that my vote is no on those findings and
recommendations.

CHAIRMAN CASTRO: Okay, we'll do that
for the record. And yes, before we went off the
phone from the briefing, it was suggested that we
just work through lunch in order to get this done.
So I'm sorry if we didn't catch you on that. It
was not an effort to try to --

COMMISSIONER HERIOT: Yes, at the very
end my phone ran out of juice.

CHAIRMAN CASTRO: Oh, I didn't know that. So I had assumed you'd heard.

But in any event your vote will be registered. Okay? Thank you. Now we are adjourned at 1:34 p.m. Thanks.

(Whereupon, the above-entitled matter went off the record at 1:34 p.m.)