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Tribal per capita income

The United States government has concluded many agreements with Native American tribes. Often, the income that Native Americans derive from these agreements will not be counted. However, per capita income derived from the revenues of tribal games is calculated on the basis of household eligibility. When a family member reports that he or she is a Native American tribe member, ask if the member receives income from the tribe. If a member of the tribe earns an income, contact the clan and see how much the member gets and what source the tribe uses to finance payments. Payments cannot be calculated from the following sources. The Alaska Native Claims Settlement Act, The SAC and Fox Indian Claims Agreement, Maine Indian Claims Settlement Act of 1980 for members of the Basamacodi Nation and The State of Penopaco, coppel's settlement in the Claims Decision Act of 2010, disposed of the funds to the Ottawa IndianS Great River Band for P.L. 94-540, by members of the Confederate tribes men of the Meculero Reserve for each P.L. 95-433, from the U.S. Sub-Marine Territory held in confidence for the Bad River Division of the Lake Superior Tribe of The Chibiwa Indians of Wisconsin, the Blackfitz Tribe, the Oklahoma Cherokee Nation, the SiuShayan River Tribe, Lower Prol Siu Tribe, The Devils Lake Siu tribe, Fort Belknap Indian Community, Aspen and Sios Tribes, LAC Oreilles Court Band of Lake Superior Chibiwa Indians, Keweenaw Bay Indian Community, Minnesota Chibewa Tribe, Navajo Tribe, Ogala Siu Tribe, Rosebud Siu tribe, Shoshone Panok tribe, or Sioux Rock Standing Tribe, from per capita payments distributed from judicial bonuses and trusts per P.L. 98-64, from any interest or investment due to arbitration decisions The trust funds for each P.L. 98-64 while held in a trust fund, i.e. the Osage tribe per capita payments, the rights of the Head of the Osage tribe, or income from mineral or other tribal leases, other commercial projects paid per capita, and income of up to \$2,000 per year received by individual Indians derived from leases or other uses of individually owned trust or restricted land. @type=sok-wcm/components/content/v1/text}} id=text-ea8bc27fd Class=cmp-text&t; Alaska Native Claims Settlement Act, SAC and Fox Indian Claims Agreement, Indian Claims Settlement Act of 1980 for Members of Passamaquoddy and Penobscot Nation, Coppel's Settlement in the Claims Decision Act of 2010, and the disposal of funds to the Great River Band of the Ottawa Indians in P.L. 94-94-94 540, by members of the Confederate tribes of the Miskileuro Reserve for each P.L. 95-433, of the U.S. Semi-Marine Lands held in confidence for the Bad River Band of the Lake Superior Tribe of The Chibiwa Indians of Wisconsin, the Blackvetz Tribe, and the Oklahoma Cherokee Nation, the River Tribe Siu Tea, Lower Siu Brül Tribe, Devils Lake Siotribe, Fort Belknap Indian Aseñboen and Sioux Tribes, LAC Court Oreilles Squad of Lake Superior Chibiwa Indians, Keweenaw Bay Indian Community, Minnesota Chibewa Tribe, Navajo Tribe, Ogala Siu Tribe Rosebud Siu, Shoshon Panok Tribe, or Standing Rock Sioux Tribe, from distributed per capita payments of arbitral judgments and trust funds provided at P.L. 98.64 Of any interest or investment income accumulated on the judgement awards and trust funds provided to each P.L. 98-64 while held in trust, i.e. the Osaji tribe individual payments, heads of the Osaji tribe, income from mineral leases or other tribal businesses paid per capita, income up to \$2,000 per year received by individual Indians derived from leases or other trusts for the individual owned or restricted land. Since it received 1099-MISC, it indicates that per capita income is income from the proceeds of Indian games, and therefore it is taxable. Unfortunately, you will not be able to claim it on your taxes. In general, per capita payments issued to an Indian tribal member are not subject to federal income tax, unless they are from gaming proceeds. For each IRS: If you are a member of a federally recognized tribe and receive income from the distribution of tribal per capita or from the proceeds of Indian games, here is some important information. This income should be included in section 21 of Form 1040, with a description, in the revenue statement in the revenue list 1099-MISC. For paper or e-file returns, please enter one of the following descriptions on Line 21: Indian Gaming ProceedsIndian Tribal DistribNative Distrib View solution in original post [House Hearing, 112 Congress] [From the U.S. [1] The united states is the only country in the world that has been able to build a new state of security. AP-111 The government's decision to re-apply the new government to the Government of The United States bookstore.gov.gov of The United States The government has also been able to make a positive and positive decision on the issue of the united nations system, which is #x3 #x3 -----

----- the United States of the United States ----- the United States of American and British peoples. Free Number (866) 512-1800; D.C. Area (202) 512-1800 Fax: (202) 512-2104 Mail: Off IDCC, Washington, D.C. 20402-0001 Natural Resources Commission Document Hastings, WA, President Edward J. Markie, MA, Senior Democratic Member Don Young, AK Del E. Kilde, MI John J. Duncan, Jr., TM Peter A. Defazio, Louis Gohmert, Texas Eni F. H. Valiumaviaga, as Rob Bishop, UT Frank Ballon, Jr., NJ Doug Lamborn, CO Grace F. Napolitano, CA Robert J. Whitman, VA Rush D. Holt, NJ Paul C. Broun, GA Raoul M. Grijalva, AZ John Fleming, LA Madeleine Z. Bordallo, GU Mike Kaufman, CO Jim Costa, Ca Tom McClintock, CA Dan Boren, Jeff Denham, CA GNM Dan Benchik, MI Martin Heinrich, NM David Rivera, Florida Ray Ben Logan, Jeff Duncan, SC Saton, Oh Scott R. Tipton, Tsunagae CO, Ma Paul A. Gosar, AZ Pedro R. Pierfosi, PR Raul R. Labrador, ID John Garamandi, California Christie L. Noem, SD Colin W. Hanabusa, HI Steve Suterland, II, Florida Paul Texas Vacancy Andy Harris, MD Jeffrey M. Landry, LA John Ronian, NJ Bill Johnson, OH Mark E. Amodei, NV Todd Young, Chief of Staff Lisa Pittman, Senior Advisors Jeffrey Duncan , Democratic Chief of Staff David Watkins, Democratic advisers ----- Subcommittee on Indian and Alaska native Affairs Don Young, AK, Chairman Ben Ray LUJAN, NM, Senior Democratic Member Tom McClintock, CA Del E., MI Jeff Denham, CALIFORNIA Eni F. H. Faleonavaaga, AS Dan Bencic, MI Colin W. Hanabusa, HI Paul A. Gosar, AZ Raoul M. Grijalva, AZ Raoul R. Labrador, ID Edward J. Markey, MA, De facto Christy L. Noem, SD Duke Hastings, WA, position ----- the contents of the ----- hearing of the ----- hearing held on Friday, September 14, 2012. 1 Member's Statement: Hastings, Hoon Document, a congressional representative from Washington State.... 8 Logan, Honorable Ben Ray, a representative in Congress from New Mexico.... 3 Prepare a statement.... 6 young, nobility don, representative in Congress of alaska.... 1 stomach statement of.... 2 Witness Statement: Jacobs, Christie J., Director, Bureau of Indian Tribal Governments, Internal Revenue Service, U.S. Treasury Department.... 9 Prepare a statement from.... 10 Answer ing questions submitted to the registry..... 12 Sanchi Yalop, The Honorable Athens, Executive Secretary, Confederate tribes and gangs of the Yakama nation..... 13 Prepared statement from..... 15 memorandum to the Office of Indian Affairs from the Regional Counsel's Office, dated May 1, 1957..... 20 Sirois, John E. Honore, Chairman, Confederate Tribes of Colville Reservation.... 28 Prepared statement from..... 29 Suppah, Ron Honourable, Vice-President of the Tribal Council of Confederate Tribes of Warm Springs Save from 24 Prepare a statement from..... 26 additional materials supplied: National Conference of the American Indians, LNK-12-010 decision provided for the record by Honorable Ben Ray Logan.... 4 ITG FAQs #2 submitted to the register by Honorable Ben Ray Logan.... 6 Hearing on the Control of Per Capita Law and Federal Treatment of Trust Distributions ----- Friday, September 14, 2012, The Subcommittee on Natural Affairs of the Indian and Alaska in Washington. C----- The Subcommittee met, at the invitation, at 11:00 a.m.m, in room 1324, the House of Representatives Office building in Longworth, subcommittee chairman Don Young present: Representatives Young, Noem, Hastings (ex of fide), Logan, Kildy, Hanabosa. Statement by Unruple Don Young, a representative of Congress from Alaska Mr. Young. The Committee will take over. I note that the quorum exists. The Subcommittee on Aboriginal Affairs of The Indian and Alaskan S.A.A. meets today to hear testimony on the Per capita law and federal treatment of credit per capita distributions. Under article 4 of the Committee from the opening statements of members, the President, myself, the eminent member or his seat, we will request unanimous approval for the inclusion of the opening statements of other members if presented to the clerk of the meeting by today. Today, the Subcommittee will review the federal government's controversial tax treatment for unrestricted per capita payments distributed by Indian tribes to its registered members. Gaming proceeds are governed by the Indian Gaming Regulatory Act of 1988 and is not a problem at this hearing. Under a historical judicial precedent and a law known as per capita law, per capita payments to their members are unaccountable if funds are taken from accounts held by the Ministry of the Interior as a matter of trust. These funds, in turn, are derived from the development of natural resources in the territories held in a tribal trust fund, among other sources. Per capita payments should, to be clear, not government donations. These benefits belong to Indians secured under terms negotiated in the Treaty and statute, where tribes ceded tens of millions of land to the United States. It would be grossly unfair to have tax revenues from the land seized for exclusive use and benefit to American Indians who had secured their property at great cost. The hearing was held today when the Committee learned that several tribes had received disturbing notices from the IRS. The IRS has notified the tribes that registered members receiving per capita payments from tribal trust fund accounts benefit from taxes. The taxability of these benefits appears to be unprecedented. It has a severe impact on the special provisions of the recognized tribes, an issue that this Commission has As tribes grapple with this new unauthorized tax liability, the IRS last week issued a public notice declaring that per capita payments from private accounts to 55 tribes are taxable. These are tribes that have recently settled on the trust of mismanagement lawsuits with the Obama administration, a settlement procedure called a settlement proposal from the Obama administration, or SPOA. While the United States should not tax tribal settlement funds, its directives regarding work programme funds based on currency advice are curious. It is clear that the Per Capita Act protects tribal funds from taxes when they are in trust accounts. It does not protect funds held in private non-accountable accounts. This begs the question: why does the IRS tax tribal payments derived from trust resources when granting tax relief for payments derived from non-monopoly accounts? This, to me, makes no sense, but it generates a perception that something political has happened in the Treasury Department. The Committee is interested in ensuring the validity of the intent intended by Congress and its followers under the Per capita Act. I look forward to hearing my witnesses, and now I will confess to my late eminent member to make an opening statement. [Mr. Young's pre-prepared statement follows:] A statement by Don Young Honorable, chairman of the Subcommittee on Indian and Alaska Native Affairs today, will review the federal government's controversial tax treatment without per capita payments distributed by Indian tribes to its registered members. Gaming revenue is governed by the Indian Gaming Regulation Act of 1988 and is not a problem at this hearing. Under historical precedents, case law and the statute known as per capita law, per capita payments to their members are not taxed if funds are taken from accounts held by the Ministry of the Interior in a trust fund. These funds, in turn, are derived from the development of natural resources in the territories held in a tribal trust fund, among other sources. We need to be clear, the per capita of these payments is not government payments. These benefits belong to the Indians, guaranteed under terms negotiated in the Treaty and the Statute where tribes ceded tens of millions of land to the United States. It would be grossly unfair to have tax revenue from the land it retains for exclusive use and benefit to American Indians, who have secured their property at great cost. 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It is clear that the Per Capita Act protects tribal funds from taxes when they are in trust accounts. It does not protect funds held in private non-trust accounts. This begs the question: why does the IRS tax tribal payments derived from trust resources, with tax exemption for payments derived from non-trust accounts? This makes no sense and creates a perception that something political has happened in the Treasury Department. I think none of the money I've described should be taxable, but the IRS should explain why it thinks that some trust payments are taxable while private ones aren't. I look forward to hearing more on these issues from our witnesses today, and I hope to explore solutions to ensure that the Per Capita Population Act is implemented as envisaged by Congress. ___ Statement by The Honourable Ben Ray Logan, Representative of the Congress of the State of New Mexico Mr. Logan. Thank you very much, Mr. President. Tribal governments, such as states and local entities, are not subject to federal taxes. Similarly, the land held by the United States for the benefit of Indian tribes is not subject to federal taxes. The status of the tax exemption of the tribes and their trust lands is based on Indian treaties and trust liability, but indian individuals tax their personal income subject to limited exceptions. For decades, the IRS has dealt with income derived from natural resources on tribal trust lands that are then distributed on the basis of per capita trust accounts as immune from federal taxes. However, the tribal leadership recently reported an increase in the tax authority's efforts to tax per capita payments of trust funds derived from trust resources, despite what the tribes claim to be clear legal authority under the Per capita Labour Act to prohibit the treatment of such funds as tax income. The National Congress of American Indians has approved a resolution rejecting the IRS's alleged efforts and urging the IRS and the Treasury Department to stop such efforts immediately. And, Mr. President, I would like to request collective approval to join the National Conference of American Indians resolution LNK-12-010 Record. Mr. Young, unchallenged, ordered it. Mr. Logan Thank you Mr. President [Here's the National Conference of The American Indians Resolution LNK-12-010:] [Graphic] 85943.001 [Graphic] 85943.002 Mr. Logan. I am pleased that the Tax Service has been invited to testify today to answer questions regarding the taxation of individual income derived from these resources, for registration purposes. I am concerned that the Tax Authority is not communicating with the Indian country as effectively as it should, that tribal tax policies are not conveyed consistently and that this contributes to uncertainty in this area. Let me be clear: in terms of the tax policy of the Federal Government, the IRS has notified several tribes that members receiving per capita payments of wooden trust resources are now taxable, while the IRS has just issued a new notice declaring that some per capita payments made by 55 tribes of funds in private accounts are not taxable. These funds in these accounts are derived from the settlement of the recent tribal trust claim with the Obama administration. The disparity in the treatment of these payments is a source of great uncertainty for tribes everywhere, particularly those active in forest management, a vital activity in the North-West Pacific. IRS policy is likely to expose many poor Indians in Washington state to unexpected new tax obligations at a time of rising unemployment and rising energy prices. This policy seems to be turning the old federal principles of Indian law to its head. The government's decision to re-establish a new government in 1994 was a very complex and time-limited one. In addition, government tax policies that are inconsistent and not always clear lead to economic uncertainty. In the middle of a recession, the last thing tribes need while trying to serve their members is more uncertainty regarding the tax treatment of tribal revenues. I therefore greatly appreciate the subcommittee's convening of this meeting. This was brought to my attention by a recent casual remark made by a member of the tribe, which we considered and found that this was indeed serious. I appreciate the President and the high-level member who held this hearing. [Mr. Hastings' pre-prepared statement follows:] H.E. Dr. Hastings, Chairman of the Natural Resources Committee, thank you, President Young, for scheduling the meeting. Welcome all three tribal witnesses who flew here from the Pacific Northwest to be We are today. Two witnesses - Executive Secretary Athena Sanchi Yalop and Chairman John Serwa here represent ing the Yakma nation and the Colville tribes respectively. Each of these tribes is located in East Washington, an area where I have the honor and privilege to represent them. Mr. President, this session is necessary to clarify the Obama administration's potentially vague and conflicting policies regarding the federal government's treatment of income tax for some of the payments that tribes make to their registered members. It is understood that the distribution of individual payments to registered tribal members for at least the past 50 years would have been considered non-tax if such payments were derived from accounts held by the Ministry of the Interior as a matter of confidence. These are the accounts in which funds are deposited from the development of the trust resources of the tribe - such as timber - and from judgments and claims. However, the IRS has notified several tribes that members receiving per capita payments from wood trust resources now benefit from taxes. At the same time, the IRS has just issued a new notice declaring that some per capita payments made by 55 tribes of funds in private accounts are not taxable. The funds in these accounts are derived from the settlement of the recent tribal trust claim with the Obama administration. The disparity in the treatment of these payments is a source of great uncertainty for tribes everywhere, particularly those active in forest management, a vital activity in the North-West Pacific that supports thousands of jobs and drives the economies of many small cities. IRS policy is likely to expose many poor Indians in Washington state to unexpected new tax obligations at a time of rising unemployment and rising energy prices. This policy seems to be shifting the old federal principles of Indian law to its climax. 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I will now call witnesses to the table Christy Jacobs, Director of the Bureau of Indian Tribal Governments, Internal Revenue Service; Athena Sanchi Yalop, Executive Secretary, Confederate Tribes and Yakama Nation Teams; Ron Subah, Vice President of the Confederate Tribal Council at the Warm Springs Reserve in Oregon; and John Serwais, Chairman of the Confederate Board of Directors of Colville's reservation. Please take your seats. Please know that your opening statements are five minutes. Watch the clock in front of you; But if not, I'll stop you anyway. Microphones are turned on by a button in front of you. Make sure you push it. And I'm sure you know what the timing lights do. 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clusion did not include the distribution of per capita trust resources. The Treasury seemed to believe that the 2012-2060 notice resolved the whole issue of trust resources, making this hearing moot. Although the IRS notice does not impose appropriate taxes on adjustments relating to the mismanagement of trust resources, their analysis does not reach a logical conclusion: that the distribution of trust resources per capita is not taxable. Notice 2012-60 cites to 25 U.S.C. C. sec. 1407 reference in the Per Capita Law states that funds distributed under 25 United States. C. sec. 117A is subject to the provisions of 25 United States. C. Sec. 1407. The IRS uses the Per capita population law to justify its position that mismanagement funds for distributed credit per capita are not taxable. Where we fail to follow up on the IRS analysis is where this logic does not expand into our trust resources. Why will the Yakama nation enjoy tax-free distributions on timber revenues acquired 25 years ago, but will not enjoy tax-free distributions of timber extracted today? The law hasn't changed. The trees being cut today are no different from the trees that have been cut over the past 75 years. Our confusion is compounded by the IRS's reliance on the principle of the origin of the claim. The origin of the claim principle is the recovery of the settlement to the source of the claim to determine its tax status. In this case, the source is 'mismanaging' trust accounts, land and natural resources. . . . The United States retains confidence in the benefit of the tribes. The only word in that sentence that distinguishes the resources of trust in the case in our case from the trust resources covered by tribal settlements is mismanagement. To follow this difference to its logical conclusion, if the Yakama nation continues to manage its trust resources by the United States, our trust resources will not be taxable. But if our credit resources are not mismanaged by the United States, our resources are taxable. This proposal is so absurd that I am embarrassed to submit it to this Subcommittee, but we are here. To resolve this dispute once and for all, we ask this Subcommittee to reaffirm Congress's intention to exclude our individual distributions of trust resources from taxes, and to prompt the IRS and the Treasury Department to consult with the Yakama nation on the basis of government to the Government. The exclusion of resources to determine federal benefits is not limited to the effect of changing IRS policy on the final amount of taxable income on our members' tax filings. This policy change will directly affect the eligibility of our members for the federal benefits they rely heavily on. In the wake of the Per capita act, federal agencies responsible for determining the income of the American citizen for the purposes of determining federal benefits have issued regulations that exclude the distribution of trust per capita of income. In essence, the agencies have determined that this tax-exempt income should also be exempted from determining federal income. The new policy of the Tax Service would force the Ministry of the Interior, the Ministry of Health and Human Services, the Ministry of Housing and Urban Development, the Department of Social Security, the Ministry of Education and the Ministry of Agriculture to begin calculating the distribution of trust resources per capita as income. Such a policy change is not supported by the intention of Congress and will have a very detrimental impact on the people of Yakama. First, after the passage of the Per capita Act, the IRS has argued that the distribution of trust resources per capita is not taxable. 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is another example of why we are eliminating indigenous spokespersons in the Home Office and BIA. They should be at this table, saying that this has never been done. No need for this notice. It has caused panic among indigenous tribes. I can assure you, Mrs. Jacobs, with all due respect, not you personally. I would suggest that you come back with respect and make it clear that the income from trust funds, from resources, is not profitable so that they understand it, so that they do not worry about it. If they don't, and if they don't, I'm sure I have the votes not only in this committee but in this House and maybe in the room -- I want to see the IRS put its nose in the air and say, we're not going to change our policy. You have enough problems for what it is. You have bigger chickens to pluck from this problem. As Mr. Kilde said, I am deeply frustrated with the branching tongue approach, with the notion that we can get a settlement and possibility - and now we send a notice saying that 55 will not be taxed but those with trust funds will be taxed at all. Would anyone else like to comment? Would the nice guy from Hawaii or anyone else like to make a proposal? Would anyone on the Committee like to say anything before I adjourn editing? Yes ma'am. Athens. Ms. Sanchi Yaloub. Thank you, Chairman. Thank you for these comments. I appreciate it on behalf of the Yakama nation. As you note, in the 2012-60 notice or opinion of the IRS, yakama nation is not listed there. So this is our question to her and knowing that the settlement agreement is mismanaging our trust resources - and from the 1972 period to the 1992 arthur anderson audit period, again, that is all confidence. I can only be mismanaged by the Federal Government. When I came here today, I felt the same way, that I was confused in the notice. In fact, it should be said that all settlement agreement funds issued, granted or are ours to the tribes are not rewardable. The income of the trust is not profitable. Because, since we saw in 1957 the Yakama nation, it has been unprofitable. Once again, the natural resources for the exclusive use of Yakama in article II of our treaty rights say that they are our use and take advantage of the exclusive use of the Yakama people. Within minutes, the Yakama Treaty speaks of the burden. Taxes in 2012 is a burden on the Yakama nation. The treaty is written and understood as Yakama, and that is how we look at it. Our resources are not taxable. I do not appreciate your comment. I appreciate the opportunity to sit here on behalf of my people on this issue. He worries me as a leader, he worries all our elected officials across the Indian country on this issue. And my brothers to my left, I really support their efforts. We're from the Northwest and I really appreciate it. Mr. Young, thank you and Ron. I say, I don't like lawyers. It cost me a lot of money but, having said that, we hope to have the IRS respond to this meeting and answer this question, and clarify it. If not, we will take care of them. I'd rather they do it themselves, Ron, go ahead. Mr. Supah, Mr. President, two things: In order for the warm springs to protect our interest in our tribal membership, the Tribal Council took action to develop the IRS protocol policy because we feared that there would be many entrances that the IRS could use to get the information they wanted to obtain. And we did it to protect ourselves, to make sure that they only have one door to come by consulting with us about any IRS business. Finally, Mr. President, I would be grateful if the Committee would look closely at our trustees to move away from speeding up support for the position of the tribes. Because, right now, the emergence of warm springs looking in from outside federal government agencies, is pretty much fragmented; I think all of these agencies to work together must work together to do what's right. Thank you. Mr. Young, I appreciate that, and this may be something we can look at. Because the Home Office didn't have a good record that's why we got the settlement. By the way, I thought it should have been \$27 billion. I've done a lot of work on this before they reach a settlement. The lack of work and the utter corruption of the Interior Ministry over the years has cost the tribes a lot of money. I know you must have this confidence. I think, with the Home Office. Again, there must be a sergeant so that we do not have the same problem. Come on, Mr. Logan, Mr. Logan, Mr. President, just one follow-up to the last plan of responses. Director, I think your testimony covers this when you are asked why other tribes are not included or that other tribes will be brought in for consideration, you said you expect to enter into additional similar agreements in the future with other tribal litigants. Here is my line of question, does the new IRS directive on the status of tax exemption for the distribution of per capita settlement funds apply only to the 55 tribes included in the directives? Mrs. Jacobs, congressman, right now, it only applies to 55. But the Ministry of Justice and the Ministry of the Interior told us that they expect 10 or 11 other settlements that are very similar. So those will then be added to the list. Mr. Logan, so given the Yakama questions, they fall into this category and will be included? Mrs. Jacobs, if they have a settlement, yes, sir. But I think the concern for them is the broader issue of payments made from trust assets, not from settlement. Mr. Logan. The notice should be clarified. Mrs. Jacobs. Mr. Logan is very good. Mr. Young, I thank the members of the Committee and I thank the witnesses and I appreciate that. I hope we can solve this problem. I have always found a way to solve a problem. I still want to know, as I say, where this wonderful idea came from. We will continue to follow up on this unless there is a different change in the situation. The Committee has been lifted. [The Subcommittee was postponed at 1:15 p.m..m]

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