DIRECTORS' ORGANIZATIONAL MEETING

Monday, September 14, 2020
555 S. 10TH STREET
BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' Minutes from August 24, 2020

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR'S OFFICE

1. Fiscal Impact Statement - Urban Development

V. DIRECTORS CORRESPONDENCE

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

1. Public Health Update provided by Pat Lopez, Interim Director, Lincoln-Lancaster County Health Department

PLANNING DEPARTMENT

1. Action dated September 2, 2020
2. Final Action dated September 2, 2020

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. ILC - Christensen, Shobe, Washington (08.31.20)
2. DLA - Meginnis, Ward (08.25.20)
3. PAC - Shobe, Christensen, Bowers (08.25.20)
4. PRT - Bowers (08.27.20)
5. Safe & Successful Kids Inter-local - Shobe, Meginnis (08.27.20)
6. BOH - Bowers (09.08.20)
7. MAC - Shobe (09.08.20)
8. PBC - Meginnis, Raybould (09.08.20)
9. RTSD - Christensen, Bowers, Raybould (09.08.20)
10. Parks & Rec - Christensen (09.10.20)

VII. CONSTITUENT CORRESPONDENCE

1. Updated Data released by CDC - Tricia Hiltgen
   Staff response provided by Jon Carlson
2. Support for DACA resolution - Stephaine Bondi
3. Snodgrass v. Big Ten Conference, Inc. (Public records) - Stevan Johnson
4. NCAA must raise "labor trafficking" awareness with College Football players - Stevan Johnson
5. Signs and disturbances - Claudia Lindley
6. Scooters downtown - Steve Graziano
   Staff response provided by Mark Lutjeharms
7. Boneless Chicken Wings Comment for Newsweek - Andrew Whalen
8. Media Inquiry - Erik Hawkins
9. Mask Mandate - freepookigirle
10. Quote request from Today.com/The Today Show - Randee Dawn
11. Mayor plans to move the dial to red tomorrow - Angie Matthews
12. Medical Insurance Gender Bias - Jeff Staples
13. Boneless Chicken Wings - Tim McGraw
14. SARS-COV-2: End the Mask Mandate - David Kohrell

VIII. ADJOURNMENT

FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: Urban Development_____ DATE: 08/26/2020___

NEED To transfer unused funds from FY 18/19 into the categories where need is greater than the FY 19/20 budget and to reflect actual program income earned in FY 18/19. See attached for detail.			
FUTURE IMPACT:	☐ Ongoing ☒ Limited Projected Completion Date August 31, 2020		
REVENUES GENERATED		LEGISLATIVE CHANGES	
		City	Yes ☐ No ☐
		County	Yes ☐ No ☐
		State	Yes ☐ No ☐

IMPACT	Current Fiscal Year	Next Fiscal Year Annualized
PERSONNEL (full time equivalents)		
PERSONNEL (cost) business unit: object code description		
SUPPLIES business unit: object code description		
OTHER SERVICES & CHARGES business unit: object code description		
EQUIPMENT business unit: object code description		
TOTAL EXPENDITURES		
SOURCE OF REVENUES CDBG and HOME Federal Funds		

DIRECTOR _____ DATE_August 26, 2020_____

FINANCE DEPARTMENT COMMENTS	Availability of Appropriations: Yes ☒ No ☐
	BUDGET OFFICER Sherry Wolf Drbal
	PURCHASING AGENT _____
FINANCE DIRECTOR _____	DATE 9/3/20

APPROVED: Yes ☑ No ☐	MAYOR Seiron Gaylor Baird
	DATE 09. 08. 2020

WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

HOW TO USE FISCAL IMPACT STATEMENT

NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of fte's the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.

2019/20 CDBG FISCAL IMPACT STATEMENT

Business Unit/ Object Code	LIVABLE NEIGHBORHOODS HOUSING	8/31/2020 Fiscal Impact Statement IN/(OUT)
270004.6025	Temporary/Permanent Relocation	(711.38)
270013.5656	League of Human Dignity Barrier Removal	(22,000.00)
270211.6023	Lead-Based Paint Abatement Grant	62,314.23
	LIVABLE NEIGHBORHOODS - NON HOUSING	
270007.6136	11th Street Streetscape/Lighting	(2,500.00)
Program Income received in FY 18/19 in excess of budget		37,102.85

2019 HOME FISCAL IMPACT STATEMENT

	LIVABLE NEIGHBORHOODS HOUSING	8/31/2020 FY 19/20 Fiscal Impact Statement IN/(OUT)
265010.6026	RESCUE Program	(45,849.34)
Program Income received in FY 18/19 less than budgeted		(45,849.34)

ACTION BY PLANNING COMMISSION

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 2, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

<u>PLEASE NOTE:</u> The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

For the protection of all those involved, the Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, SEPTEMBER 2, 2020

<u>[All Commissioners present]</u>

Approval of minutes of the regular meeting held August 19, 2020. **<u>**APPROVED: 8-0. **</u>**

1. <u>CONSENT AGENDA:</u>
<u>(Public Hearing and Administrative Action);</u>

<u>SPECIAL PERMITS:</u>

1.1 SPECIAL PERMIT 1827A, to allow for a height extension of a tower to 121 feet, on property generally located at 1346 Saunders Avenue. *** **FINAL ACTION** ***
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
<u>Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated August 20, 2020: 8-0. Resolution No. PC-01723.</u>

1.2 SPECIAL PERMIT 20030, to allow for a temporary mobile home while building a house, on property generally located at 13500 West Van Dorn Street. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated August 20, 2020: 8-0. Resolution No. PC-01724.

1.3 SPECIAL PERMIT 20031, to allow for the use of part of an existing building for classrooms with up to 40 students, on property generally located at 1035 North 33rd Street. *****FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the revised staff report dated August 20, 2020: 8-0. Resolution No. PC-01725.

TEXT AMENDMENT:

1.4 TEXT AMENDMENT 20005, amending Chapter 27.56 Capitol Environs District of the Lincoln Municipal Code by amending Section 27.56.050 Membership, to add a fourth Ex Officio Member to the Nebraska Capitol Environs Commission, and repealing Section 27.56.050 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Collin Christopher, 402-441-6370, cchristopher@lincoln.ne.gov
Planning Commission recommendation: APPROVAL: 8-0. Public hearing before the City Council is tentatively scheduled for Monday, September 21, 2020, 3:00 p.m.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA: None.

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

* * * * * * * * * *

FOR ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

* * * * * * * * * *

Adjournment 1:06 p.m.

PLANNING COMMISSION FINAL ACTION NOTIFICATION

TO: Mayor Leirion Gaylor Baird
Lincoln City Council

FROM: Geri Rorabaugh, Planning

DATE: September 2, 2020

RE: Notice of final action by Planning Commission: September 2, 2020

Please be advised that on September 2, 2020, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

Resolution PC-01723, approving **SPECIAL PERMIT 1827A,** to allow for a height extension of a tower to 121 feet, on property legally described as Lots 37 and 38, Block 19, Belmont Addition, located in the NE 1/4 of Section 14-10-6, Lincoln, Lancaster County, Nebraska, generally located at 1346 Saunders Avenue; and

Resolution PC-01725, approving **SPECIAL PERMIT 20031,** to allow for the use of part of an existing building for classrooms with up to 40 students, on property legally described as Lot 6, Block 1, City Impact Addition, located in the NW 1/4 of Section 19-10-7, Lincoln, Lancaster County, Nebraska, generally located at 1035 North 33rd Street.

The Planning Commission action on this application is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the Search "Selection" screen and search by application number (i.e. SP1827A, SP20031). The Resolution and Planning Department staff report are in "Related Documents" under the application number.

Angela M. Birkett

From: Mayor
Sent: Monday, August 31, 2020 1:41 PM
To: 'Tricia Hiltgen'; Council Packet
Subject: RE: Updated Data released by CDC

Ms. Hiltgen,

Thank you for reaching out to share your feedback on our public health response to the pandemic.

We have received a number of emails based on a Twitter posting that was later removed by Twitter for violating its rules with a mis-interpretation of the CDC's novel coronavirus data. The website link you include references that same Twitter post. To help clarify, while 6 percent of the COVID-19 deaths reported by the CDC list the COVID-19 as the only cause of death mentioned on the death certificate, the remaining 94 percent of deaths have COVID-19 as an underlying cause. This means that COVID-19 contributed to their death.

For example, the other 94% includes people whose death certificate listed both Covid-19 and obesity, both Covid-19 and diabetes, or both Covid-19 and heart disease -- among other conditions. People can live with obesity, diabetes or heart disease for years but then get infected with Covid-19 and die quickly. The CDC tracks predicted and actual deaths and the COVID-19 pandemic has pushed death rates well above what would be expected even for those with existing health issues.

Public health experts have stated throughout the pandemic that those with chronic medical conditions are more likely to experience severe illness or death when infected with COVID-19. Further, the CDC estimates that 6 in 10 American adults live with a chronic disease such as heart disease, cancer, lung disease, or diabetes. It is important that we take all reasonable and proven precautions, such as wearing masks, washing our hands, and watching our distance (keeping 6 feet between ourselves and others) to protect ourselves and others in our community who may be particularly vulnerable to the impact of the virus and prevent unnecessary loss of life among our residents.

Thanks again for your email,

Jon

Jon Carlson
Deputy Chief of Staff | Office of Mayor Leirion Gaylor Baird
City of Lincoln
O: 402-441-7224 | M: 402-450-1637

555 South 10th Street, Ste. 301
Lincoln, NE 68508

lincoln.ne.gov
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From: Tricia Hiltgen <queenlatricia@gmail.com>
Sent: Monday, August 31, 2020 10:30 AM
To: Council Packet <CouncilPacket@lincoln.ne.gov>; Mayor <mayor@lincoln.ne.gov>
Subject: Updated Data released by CDC

[CAUTION] This email comes from a sender outside your organization.

Council members and mayor,

This weekend brought with it the update of Coronavirus numbers by the CDC. I have added a link to a website that shows the data from the CDC. Since this is where we are told the data is being pulled from (CDC), it is time to open up the city fully and stop with the mask mandate. The link provided shows that less than 10,000 people died of Covid-19 alone. Every death is tragic, even when someone dies of the flu, H1N1, ebola, and so forth. If you are following the science, the science you are following says 1) masks do not work for those who are healthy and 2) This is no longer a pandemic. It's time Lincoln is opened up completely with no more mask mandate.

https://www.thegatewaypundit.com/2020/08/shock-report-week-cdc-quietly-updated-covid-19-numbers-9210-americans-died-covid-19-alone-rest-serious-illnesses/?ff_source=Twitter&ff_campaign=websitesharingbuttons&fbclid=IwAR1-xEhq7PI42FSjjtFlPOSRVabAFsgzK_5OsaQb6L8iViCkY7VqoibQE8E

Thank you,
Tricia Hiltgen

Angela M. Birkett

From: Stephanie Bondi <bondist@yahoo.com>
Sent: Monday, August 31, 2020 2:21 PM
To: Council Packet
Subject: Support for DACA resolution

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email comes from a sender outside your organization.

I wanted to write and extend my excitement and full support for the resolution to "support for allowing undocumented immigrants who were brought to the United States when they were younger than 16 years of age to continue to live, work, study, and be included in the country that has become their home. "

I know several undocumented people who are just as deserving of protections as me and my family are. My family immigrated 100 years ago instead of recently and those differences do not

I so look forward to seeing this justice become reality and sending a message of welcome and affirmation out to our community members.

Stephanie Bondi
Lincoln, NE
she/her/hers

Angela M. Birkett

From:	Stevan JOHNSON <hackneydriver9312@gmail.com>
Sent:	Tuesday, September 01, 2020 12:34 PM
To:	Tammy J. Ward; Bennie R. Shobe; James M. Bowers; Richard W. Meginnis; Sandra J. Washington; Jane Raybould; Roy A. Christensen
Cc:	Jared Gavin; alugar@jonesday.com; Clerk of District Court
Subject:	Fwd: Snodgrass v. Big Ten Conference, Inc. (August 27, 2020) --- (public records)
Attachments:	Walter Byers - Wikipedia (September 1, 2020).pdf; Money Laundering Control Act of 1986 (100 Stat. 3207-18).pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

[CAUTION] This email comes from a sender outside your organization.

---------- Forwarded message ---------
From: **Stevan JOHNSON** <hackneydriver9312@gmail.com>
Date: Tue, ***Sep 1, 2020*** at 10:55 AM
Subject: Snodgrass v. Big Ten Conference, Inc. (August 27, 2020) --- (public records)
To: <mcounley2@unl.edu>, <jpottorff@nebraska.edu>, <ebusch@nebraska.edu>
Cc: <memmert@ncaa.org>, <mlaughlin@fraserstryker.com>, <mhausfeld@hausfeld.com>, <jwjohnson@huskers.com>, <dremy@ncaa.org>, <lawyers@jewellcollins.com>, <maddiesalamone@mcf-esq.com>, <htarr@uw.edu>, <skatz@constangy.com>, <ocr@ed.gov>, <pcooper@fraserstryker.com>, <jkessler@winston.com>

Mr. James P. Pottorff, J.D. - *General Counsel*
UNIVERSITY OF NEBRASKA
Lincoln, Nebraska
Dear Attorney Pottorff,
It became abundantly clear in May 2020 that National Collegiate Athletic Association ("NCAA") decision-makers were single-minded in their dogged pursuit to garner support for an acceptable basis to get the Power Five conference football players, who are predominately Negro athletes, to ***voluntarily*** risk their lives amid this deadly ***COVID-19*** pandemic by being back on their respective campuses. This single-minded focus --- by financial beneficiaries --- seems to stem from **no other apparent reason** outside of tremendous economic pressures from the potential loss of billions of dollars of revenue generated from **$0 per/hr** wage-free labor performed by a class of predominately Negro athletes. ***See*** Victims of Trafficking and Violence Protection Act of 2000 ("***TVPA***"), 114 Stat. 1464 - (October 28, 2000)("The purposes…are to combat trafficking in persons, a contemporary manifestation of slavery").
Note, the NCAA did not announce the recommendation to extend eligibility for College Football players until after August 1, 2020. By doing so, NCAA Division I College Football players were ***forced*** to choose to opt-out of returning to their respective campuses in June/July without knowing whether or not a year of athletic eligibility would be forfeited. In this manner, NCAA Division I Power Five College Football coaches it is believed gained leverage in their ability to obtain the unpaid **$0 per/hr** wage-free labor performed by a class of predominately Negro athletes. The free labor that generates billions of dollars annually on the backs of these unpaid athletes.
Ask yourself, how many NCAA Division I College Football players do you believe would have opted-out before August 10, 2020 (or even returned to their respective campuses between June 1, 2020 and July 31, 2020) if they had been timely informed between May 20, 2020 and May 31, 2020 that their eligibility would be extended an additional (6th) year --- whether they competed **or not** in the Fall 2020 College Football season.
Walter Byers, the *first* NCAA Executive Director (president), penned a memoir in collaboration with Charles Hammer entitled ***Unsportsmanlike Conduct: Exploiting College Athletes***, in which it is asserted that the NCAA established "a

nationwide money laundering scheme" presumably in violation of Federal law. *See* 100 Stat. 3207-18, *Pub. L. 99-570* - (October 27, 1986)("Money Laundering Control Act of 1986").
Mr. Byers conspicuously omits **student** from the title of that book discussing commercial exploitation.
It was reported that members of the NCAA Division I Council voted May 20, 2020 to allow football and basketball programs of NCAA members to conduct "*voluntary*" athletic activities on campus beginning June 1, 2020 - even after the decision was made by a California Chancellor to protect the health and welfare of students. Even more disturbing, the predominately white head football coaches of 'Power Five' College Football, programs continue to collect payments from their multi-million dollar employment contracts, while their '*essential workers*' missed valuable higher education opportunities over the traditional summer session, that no 'Power Five' College Football coach seems to be concerned about. *See* ***TVPA***,114 Stat. 1487 - (Human labor "trafficking with respect to peonage, slavery, involuntary servitude, or forced labor").
By making athletic activities appear "*voluntary*" it ***forced*** a class of predominately Negro athletes to make a choice of risking their health and welfare by returning to campus and be subjected to group gatherings in order to (1) please certain multi-million dollar College Football coaches who are indirectly pressuring Negro athletes through their public broadcasts and (2) to put in the time most of these coaches are communicating is needed before any games can be played in the 2020 College Football season. On its face, this method of eliciting *volunteers* appears eerily like racial discrimination because it ***forced*** a class of athletes (colored) who have historically been relegated to certain economic positions in the United States to consider the devastating consequences football coaches can inflict upon future economic prosperity commonly available from employment offered to Negro athletes by organizations in the National Football League ("NFL").
The latest annual NFL 'draft' selection process was held in late April 2020.
The majority of the 2020 NFL draftees are Negro athletes who combined have provided wage-free labor to the 'Power Five' College Football programs, enabling the members of this "classic cartel" to collectively generate billions of dollars in revenue in 2019 alone. *See* U.S. Const. amend. V - ("Takings Clause"); *see also* U.S. Const. amend. XIII.
In fact, it appears the majority of 2020 NFL 'draftees' from (1) The University of Alabama ("Alabama"), (2) Louisiana State University ("LSU") and (3) The Ohio State University were Negro athletes. Each had at least nine (9) 'draftees' selected during the April 2020 selection process. Just those three (3) NCAA members alone accounted for more ten percent (10%) of the total number of 'draftees' selected in 2020 for employment by an NFL club.
What percentage of the ***Nebraska*** football roster are Negro athletes?
What percentage of the total undergraduate ***Nebraska*** student-body are Negro males?
[When (#32) Jerome Sparkman ("Spark" or "Sparky") did not choose to participate in "*voluntary*" athletic activities at the university football facility during a summer school session, where a university employee was at all times relevant present to take unofficial attendance, the head football coach openly expressed displeasure with Spark not *volunteering* when he called a team meeting at the beginning of the fall season. The head football coach did this to Sparky in front of the entire football squad.]
It is impossible to think that the unofficial attendance that was taken after June 1, 2020 by 'Power Five' College Football programs will not be discussed in terms of future employment connected with NFL 'draft' days in the next two or three years. *See* 122 Stat. 5069 - (December 23, 2008)("exert pressure on another person to cause that person to take some action").
Negro athletes recruited by 'Power Five' College Football programs are (arguably) '*essential workers*' to a massive content producing business who are being exploited from a historical standpoint, insofar as future NFL employment references allows College Football coaches, such as ***Nebraska*** Head Football coach Scott Frost, the ability to unfairly exert pressure (both directly and indirectly) on Negroes, who continue to suffer from invidious forms of employment discrimination, on top of higher unemployment rates throughout the United States.
"[I]t is cavil to suggest that college football,…is not a business." *Board of Regents* v. *NCAA*, 546 F. Supp. 1276, 1288 (W.D. Okla. 1982). *See* **TVPA**; *see also* 100 Stat. 3207-18, ("Whoever knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity").
"It is a big business and [b]illions of dollars are involved." *Id*.
After a trial on the merits, the U.S. District Court for the Western District of Oklahoma (Burciaga, J.) "conclude[d] that the NCAA controls over college football make NCAA a classic cartel." *Id*. at 1300. Furthermore, "the internal wrangling among NCAA members strongly resemble classic cartel infighting." *Id*. at 1301.

The science of slavery in the United States from 1619-1865 may be illuninating.

REQUESTED RECORDS

Please kindly provide a copy of (i) each communication, *if any*, the University of Nebraska-Lincoln ("***Nebraska***") has had with the NCAA (or any other NCAA member institution) since October 28, 2000 relative to the presumably credible accusation made by a *former* NCAA Executive Director, who was in position to have direct knowledge of unlawful activity,

that the NCAA is engaged in “a money laundering scheme” in connection to Negro athletes providing unpaid **$0 per/hr** wage-free labor to NCAA member institutions;

(ii) Any and all contract(s) ***Nebraska*** has executed since October 28, 2000 with any individual who has served in the following official capacity:

(a) Head Women’s Basketball Coach,

(b) Head Volleyball Coach,

(c) Head Football Coach,

(d) Athletic Director,

(e) President;

(iii) Any contract memorializing the joint-venture, between the University of Nebraska-Lincoln (Lincoln) and The Ohio State University (Columbus), relative to a contest previously scheduled this calendar year to be held in Columbus, Ohio in which it was anticipated that Negro athletes recruited by ***Nebraska*** would have been transported across State lines by means of any of the instrumentalities of interstate commerce with intent to conduct financial transactions involving property based upon proceeds derived from unpaid **$0 per/hr** wage-free labor;

(iv) Any electronic mail (email) communications any ***Nebraska*** football coach has had since August 31, 2019 with any person affiliated with the National Football League; and

(v) Any complaints filed by any head coach that alleges unequal pay compared to the head football coach.

Respectfully submitted,

Labor Trafficking Victim,

September 1, 2020

STEVAN JOHNSON

City of Boston

Hackney Carriage Driver

WIKIPEDIA

Walter Byers

Walter Byers in 1951

Walter Byers (March 13, 1922 – May 26, 2015) was the first executive director of the National Collegiate Athletic Association. He served from 1951 to 1988. He also helped start the United States Basketball Writers Association in 1956. The NCAA Walter Byers Scholarship is named in his honor.

Byers expanded the NCAA men's basketball tournament in 1951 from 8 to 16 teams, the first step in expanding the tournament to the spectacle it is today. The number of teams fluctuated over the next few decades, but never went below 16 again and eventually expanded further under Byers' leadership. WFAN New York's Mike Francesa referred to him as an "Oz-like" figure who ran the NCAA with ultimate control.

Byers went on to negotiate lucrative TV contracts that preempted individual colleges' rights on the way to building a billion-dollar business, leading to a 1984 U.S. Supreme Court ruling that freed the colleges to negotiate on their own.[1] Ever since players have been attempting to win the rights to their names and images, the right to be paid, etc.

In his book *Unsportsmanlike Conduct: Exploiting College Athletes*[2] Byers turned against the NCAA in its current form, saying it established "a nationwide money-laundering scheme." (P. 73). Byers also revealed that the NCAA developed the term "student-athlete" in order to insulate the colleges from having to provide long term disability payments to players injured while playing their sport (and making money for their university and the NCAA). (P. 69).

Byers concludes the book demanding that Congress, "Free the Athletes," and enact a "comprehensive College Athletes' Bill of Rights." (P. 374). He says that "[t]his is *not* a suggestion for new government controls; on the contrary, it is an argument that the federal government should require deregulation of a monopoly business operated by not-for-profit institutions contracting together to achieve maximum financial returns." Doing so would treat the "twin curses of exploitation and hypocrisy that have bedeviled college athletics in direct proportion to its intensified commercialization," and would prevent colleges from denying players the freedoms available to other students. (P. 375). Finally, he says, "Collegiate amateurism is not a moral issue; it is an economic camouflage for monopoly practice. . . , [one which] 'operat[es] an air-tight racket of supplying cheap athletic labor.'" (Pp. 376, 388). On May 26, 2015, Byers died at the age of 93.[3]

See also

- College Football Association

References

1. The NCAA: A High House of Hypocrisy | Vols in the Fall (http://norcalvol.wordpress.com/2011/09/26/the-ncaa-a-high-house-of-hypocrisy/). Norcalvol.wordpress.com (September 26, 2011). Retrieved on 2018-01-11.
2. Byers, Walter (1995). *Unsportsmanlike Conduct: Exploiting College Athletes* (http://www.press.umich.edu/14482/unsportsmanlike_conduct). USA: The University of Michigan Press.
3. Walter Byers, Ex-N.C.A.A. Leader Who Rued Corruption, Dies at 93 (https://www.nytimes.com/2015/05/28/sports/walter-byers-ex-ncaa-leader-who-rued-corruption-dies-at-93.html). *The New York Times* (May 27, 2015). Retrieved on 2018-01-11.

External links

- SI.com article on Byers (http://sportsillustrated.cnn.com/vault/article/magazine/MAG1065309/index.htm)
- The Shame of College Sports (https://www.theatlantic.com/magazine/archive/2011/10/the-shame-of-college-sports/308643/) – Taylor Branch, The Atlantic, September 7, 2011

Retrieved from "https://en.wikipedia.org/w/index.php?title=Walter_Byers&oldid=875397009"

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*Public Law 99-570
99th Congress

An Act

To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Oct. 27, 1986
[H.R. 5484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anti-Drug Abuse Act of 1986.
21 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Abuse Act of 1986".

SEC. 2. ORGANIZATION OF ACT.

This Act is organized as follows:

TITLE I—ANTI-DRUG ENFORCEMENT

Subtitle A—Narcotics Penalties and Enforcement Act of 1986

Subtitle B—Drug Possession Penalty Act of 1986

Subtitle C—Juvenile Drug Trafficking Act of 1986

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Subtitle R—Precursor and Essential Chemical Review

Subtitle S—White House Conference for a Drug Free America

Subtitle T—Common Carrier Operation Under the Influence of Alcohol or Drugs

Subtitle U—Federal Drug Law Enforcement Agent Protection Act of 1986

*Note: This is a subsequently typeset print of the hand enrollment which was signed by the President on October 27, 1986.

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United States Code, or $2,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding the prior sentence, and notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this paragraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.".

(b) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)), as redesignated, is amended— *Ante*, p. 3207-15.

(1) by striking out ", except as provided in paragraph (4)";

(2) by striking out "fined not more than $50,000" and inserting in lieu thereof "fined not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual"; and

(3) by inserting "except in the case of 100 or more marihuana plants regardless of weight," after "marihuana,".

Subtitle H—Money Laundering Control Act of 1986

Money Laundering Control Act of 1986.

SEC. 1351. SHORT TITLE.

18 USC 981 note.

This subtitle may be cited as the "Money Laundering Control Act of 1986".

SEC. 1352. NEW OFFENSE FOR LAUNDERING OF MONETARY INSTRUMENTS.

(a) Chapter 95 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1956. Laundering of monetary instruments 18 USC 1956.

"(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

"(A) with the intent to promote the carrying on of specified unlawful activity; or

"(B) knowing that the transaction is designed in whole or in part—

"(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than $500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

"(2) Whoever transports or attempts to transport a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

"(A) with the intent to promote the carrying on of specified unlawful activity; or

"(B) knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part—

"(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of $500,000 or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for not more than twenty years, or both.

"(b) Whoever conducts or attempts to conduct a transaction described in subsection (a)(1), or a transportation described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of—

"(1) the value of the property, funds, or monetary instruments involved in the transaction; or

"(2) $10,000.

"(c) As used in this section—

"(1) the term 'knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity' means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State or Federal law, regardless of whether or not such activity is specified in paragraph (7);

"(2) the term 'conducts' includes initiating, concluding, or participating in initiating, or concluding a transaction;

"(3) the term 'transaction' includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

"(4) the term 'financial transaction' means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects interstate or foreign commerce, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

"(5) the term 'monetary instruments' means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery;

"(6) the term 'financial institution' has the definition given that term in section 5312(a)(2) of title 31, United States Code, and the regulations promulgated thereunder;

"(7) the term 'specified unlawful activity' means—

"(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under the Currency and Foreign Transactions Reporting Act; 18 USC 1961.

"(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act); 84 Stat. 1118. 31 USC 5311 note. 21 USC 801 note.

"(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848); or

"(D) an offense under section 152 (relating to concealment of assets; false oaths and claims; bribery), section 215 (relating to commissions or gifts for procuring loans), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 511 (relating to securities of States and private entities), section 543 (relating to smuggling goods into the United States), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 875 (relating to interstate communications), section 1201 (relating to kidnaping), section 1203 (relating to hostage taking), section 1344 (relating to bank fraud), or section 2113 or 2114 (relating to bank and postal robbery and theft) of this title, section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 2 (relating to criminal penalties) of the Export Administration Act of 1979 (50 U.S.C. App. 2401), section 203 (relating to criminal sanctions) of the International Emergency Economic Powers Act (50 U.S.C. 1702), or section 3 (relating to criminal violations) of the Trading with the Enemy Act (50 U.S.C. App. 3). 18 USC 152.

"(d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(f) There is extraterritorial jurisdiction over the conduct prohibited by this section if—

"(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and

"(2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding $10,000.

18 USC 1957.

"§ 1957. Engaging in monetary transactions in property derived from specified unlawful activity

"(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than $10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

"(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is a fine under title 18, United States Code, or imprisonment for not more than ten years, or both.

"(2) The court may impose an alternate fine to that imposable under paragraph (1) of not more than twice the amount of the criminally derived property involved in the transaction.

"(c) In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.

"(d) The circumstances referred to in subsection (a) are—

"(1) that the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or

"(2) that the offense under this section takes place outside the United States and such special jurisdiction, but the defendant is a United States person (as defined in section 3077 of this title, but excluding the class described in paragraph (2)(D) of such section).

18 USC 3077.

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(f) As used in this section—

"(1) the term 'monetary transaction' means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined for the purposes of subchapter II of chapter 53 of title 31) by, through, or to a financial institution (as defined in section 5312 of title 31);

31 USC 5311 *et seq.*

"(2) the term 'criminally derived property' means any property constituting, or derived from, proceeds obtained from a criminal offense; and

"(3) the term 'specified unlawful activity' has the meaning given that term in section 1956 of this title.".

18 USC 1956.

(b) The table of sections at the beginning of chapter 95 of title 18 is amended by adding at the end the following new items:

"1956. Laundering of monetary instruments.
"1957. Engaging in monetary transactions in property derived from specified unlawful activity.".

SEC. 1353. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.

(a) CLARIFICATION OF RIGHT OF FINANCIAL INSTITUTIONS TO REPORT SUSPECTED VIOLATIONS.—Section 1103(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403(c)) is amended by adding at the end thereof the following new sentences: "Such information may

include only the name or other identifying information concerning any individual or account involved in and the nature of any suspected illegal activity. Such information may be disclosed notwithstanding any constitution, law, or regulation of any State or political subdivision thereof to the contrary. Any financial institution, or officer, employee, or agent thereof, making a disclosure of information pursuant to this subsection, shall not be liable to the customer under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the customer of such disclosure.".

(b) Section 1113(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(i)) is amended by inserting immediately before the period at the end thereof a comma and the following: "except that a court shall have authority to order a financial institution, on which a grand jury subpoena for customer records has been served, not to notify the customer of the existence of the subpoena or information that has been furnished to the grand jury, under the circumstances and for the period specified and pursuant to the procedures established in section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409)".

SEC. 1354. STRUCTURING TRANSACTIONS TO EVADE REPORTING REQUIREMENTS PROHIBITED.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code (relating to records and reports on monetary instruments transactions) is amended by adding at the end thereof the following new section:

"§ 5324. Structuring transactions to evade reporting requirement prohibited 31 USC 5324.

"No person shall for the purpose of evading the reporting requirements of section 5313(a) with respect to such transaction— 31 USC 5313.

"(1) cause or attempt to cause a domestic financial institution to fail to file a report required under section 5313(a);

"(2) cause or attempt to cause a domestic financial institution to file a report required under section 5313(a) that contains a material omission or misstatement of fact; or

"(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more domestic financial institutions.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"5324. Structuring transactions to evade reporting requirement prohibited.".

SEC. 1355. SEIZURE AND CIVIL FORFEITURE OF MONETARY INSTRUMENTS AND RELATED PROVISIONS.

(a) CUSTOMS AUTHORITY TO CONDUCT SEARCHES AT BORDER.—Section 5317(b) of title 31, United States Code, is amended to read as follows:

"(b) SEARCHES AT BORDER.—For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.". 31 USC 5316.

(b) FAILURE TO REPORT EXPORT OR IMPORT OF MONETARY INSTRUMENT.—The first sentence of section 5317(c) of title 31, United States Code (relating to seizure and forfeiture of monetary instruments in foreign commerce) is amended to read as follows: "If a report required under section 5316 with respect to any monetary instrument is not filed (or if filed, contains a material omission or misstatement of fact), the instrument and any interest in property, including a deposit in a financial institution, traceable to such instrument may be seized and forfeited to the United States Government.".

31 USC 5316.

SEC. 1356. COMPLIANCE AUTHORITY FOR SECRETARY OF THE TREASURY AND RELATED MATTERS.

(a) SUMMONS POWER.—Section 5318 of title 31, United States Code, is amended—

(1) by inserting "(a) GENERAL POWERS OF SECRETARY.—" before "The Secretary of the Treasury";

(2) in paragraph (1), by inserting "except as provided in subsection (b)(2)," before "delegate";

(3) by striking out "and" at the end of paragraph (2);

(4) by inserting after paragraph (2) the following new paragraphs:

"(3) examine any books, papers, records, or other data of domestic financial institutions relevant to the recordkeeping or reporting requirements of this subchapter;

"(4) summon a financial institution, an officer or employee of a financial institution (including a former officer or employee), or any person having possession, custody, or care of the reports and records required under this subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation described in subsection (b); and";

(5) by redesignating paragraph (3) as paragraph (5); and

(6) by adding at the end the following new subsections:

"(b) LIMITATIONS ON SUMMONS POWER.—

"(1) SCOPE OF POWER.—The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) only in connection with investigations for the purpose of civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.) or any regulation under any such provision.

12 USC 1829b.
12 USC 1730d.

"(2) AUTHORITY TO ISSUE.—A summons may be issued under subsection (a)(4) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of the Secretary of the Treasury.

"(c) ADMINISTRATIVE ASPECTS OF SUMMONS.—

"(1) PRODUCTION AT DESIGNATED SITE.—A summons issued pursuant to this section may require that books, papers, records, or other data stored or maintained at any place be produced at any designated location in any State or in any territory or other place subject to the jurisdiction of the United States not more than 500 miles distant from any place where the financial institution operates or conducts business in the United States.

"(2) FEES AND TRAVEL EXPENSES.—Persons summoned under this section shall be paid the same fees and mileage for travel in the United States that are paid witnesses in the courts of the United States.

"(3) NO LIABILITY FOR EXPENSES.—The United States shall not be liable for any expense, other than an expense described in paragraph (2), incurred in connection with the production of books, papers, records, or other data under this section.

"(d) SERVICE OF SUMMONS.—Service of a summons issued under this section may be by registered mail or in such other manner calculated to give actual notice as the Secretary may prescribe by regulation.

"(e) CONTUMACY OR REFUSAL.—

"(1) REFERRAL TO ATTORNEY GENERAL.—In case of contumacy by a person issued a summons under paragraph (3) or (4) of subsection (a) or a refusal by such person to obey such summons, the Secretary of the Treasury shall refer the matter to the Attorney General.

"(2) JURISDICTION OF COURT.—The Attorney General may invoke the aid of any court of the United States within the jurisdiction of which—

"(A) the investigation which gave rise to the summons is being or has been carried on;

"(B) the person summoned is an inhabitant; or

"(C) the person summoned carries on business or may be found,

to compel compliance with the summons.

"(3) COURT ORDER.—The court may issue an order requiring the person summoned to appear before the Secretary or his delegate to produce books, papers, records, and other data, to give testimony as may be necessary to explain how such material was compiled and maintained, and to pay the costs of the proceeding.

"(4) FAILURE TO COMPLY WITH ORDER.—Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(5) SERVICE OF PROCESS.—All process in any case under this subsection may be served in any judicial district in which such person may be found.".

(b) AMENDMENT RELATING TO EXEMPTIONS GRANTED FOR MONETARY TRANSACTION REPORTING REQUIREMENTS.—Section 5318 of title 31, United States Code, is amended by adding after subsection (e) (as added by subsection (a) of this section) the following new subsection:

"(f) WRITTEN AND SIGNED STATEMENT REQUIRED.—No person shall qualify for an exemption under subsection (a)(5) unless the relevant financial institution prepares and maintains a statement which—

"(1) describes in detail the reasons why such person is qualified for such exemption; and

"(2) contains the signature of such person.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 5321 and 5322 of title 31, United States Code, are each amended by striking out "5318(2)" each place such term appears and inserting in lieu thereof "5318(a)(2)".

Ante, p. 3207-23.

(2) The heading of section 5318 of title 31, United States Code, is amended to read as follows:

"§ 5318. Compliance, exemptions, and summons authority".

(d) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by striking out the item relating to section 5318 and inserting in lieu thereof the following:

"5318. Compliance, exemptions, and summons authority.".

SEC. 1357. PENALTY PROVISIONS.

(a) CIVIL MONEY PENALTY FOR STRUCTURED TRANSACTION VIOLATION.—Section 5321(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) STRUCTURED TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who willfully violates any provision of section 5324.

31 USC 5324.

"(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed the amount of the coins and currency (or such other monetary instruments as the Secretary may prescribe) involved in the transaction with respect to which such penalty is imposed.

"(C) COORDINATION WITH FORFEITURE PROVISION.—The amount of any civil money penalty imposed by the Secretary under subparagraph (A) shall be reduced by the amount of any forfeiture to the United States under section 5317(d) in connection with the transaction with respect to which such penalty is imposed.".

(b) INCREASE IN AMOUNT OF PENALTY FOR FINANCIAL INSTITUTIONS.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by striking out "$10,000" and inserting in lieu thereof "the greater of the amount (not to exceed $100,000) involved in the transaction or $25,000"; and

(2) by striking out "section 5315" each place such term appears and inserting in lieu thereof "sections 5314 and 5315".

(c) SEPARATE CIVIL MONEY PENALTY FOR VIOLATION OF SECTION 5314.—Section 5321(a) of title 31, United States Code, is amended by inserting after paragraph (4) (as added by subsection (a) of this section) the following new paragraph:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who willfully violates any provision of section 5314.

"(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed—

"(i) in the case of violation of such section involving a transaction, the greater of—

"(I) the amount (not to exceed $100,000) of the transaction; or

"(II) $25,000; and

(ii) in the case of violation of such section involving a failure to report the existence of an account or any identifying information required to be provided with respect to such account, the greater of—

"(I) an amount (not to exceed $100,000) equal to the balance in the account at the time of the violation; or

"(II) $25,000.".

(d) SEPARATE CIVIL MONEY PENALTY FOR NEGLIGENT VIOLATION OF SUBCHAPTER.—Section 5321(a) of title 31, United States Code, is amended by inserting after paragraph (5) (as added by subsection (d) of this section) the following new paragraph:

"(6) NEGLIGENCE.—The Secretary of the Treasury may impose a civil money penalty of not more than $500 on any financial institution which negligently violates any provision of this subchapter or any regulation prescribed under this subchapter.".

(e) EXTENSION OF TIME LIMITATIONS FOR ASSESSMENT OF CIVIL PENALTY.—Section 5321(b) of title 31, United States Code, is amended to read as follows:

"(b) TIME LIMITATIONS FOR ASSESSMENTS AND COMMENCEMENT OF CIVIL ACTIONS.—

"(1) ASSESSMENTS.—The Secretary of the Treasury may assess a civil penalty under subsection (a) at any time before the end of the 6-year period beginning on the date of the transaction with respect to which the penalty is assessed.

"(2) CIVIL ACTIONS.—The Secretary may commence a civil action to recover a civil penalty assessed under subsection (a) at any time before the end of the 2-year period beginning on the later of—

"(A) the date the penalty was assessed; or

"(B) the date any judgment becomes final in any criminal action under section 5322 in connection with the same transaction with respect to which the penalty is assessed.".

(f) CLARIFICATION OF RELATIONSHIP BETWEEN CIVIL PENALTY AND CRIMINAL PENALTY.—Section 5321 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) CRIMINAL PENALTY NOT EXCLUSIVE OF CIVIL PENALTY.—A civil money penalty may be imposed under subsection (a) with respect to any violation of this subchapter notwithstanding the fact that a criminal penalty is imposed with respect to the same violation.".

(g) AMENDMENTS TO CRIMINAL PENALTY FOR CERTAIN OFFENSES.—Section 5322(b) of title 31, United States Code, is amended—

(1) by striking out "illegal activity involving transactions of" and inserting in lieu thereof "any illegal activity involving"; and

(2) by striking out "5 years" and inserting in lieu thereof "10 years".

(h) CONFORMING AMENDMENT.—Section 5321(c) of title 31, United States Code, is amended by striking out "section 5317(b)" and inserting in lieu thereof "subsection (c) or (d) of section 5317". 31 USC 5316.

SEC. 1358. MONETARY TRANSACTION REPORTING AMENDMENTS.

(a) CLOSELY RELATED EVENTS.—Section 5316 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) CUMULATION OF CLOSELY RELATED EVENTS.—The Secretary of the Treasury may prescribe regulations under this section defining the term 'at one time' for purposes of subsection (a). Such regulations may permit the cumulation of closely related events in order that such events may collectively be considered to occur at one time for the purposes of subsection (a).".

(b) INCHOATE OFFENSE.—Section 5316(a)(1) of title 31, United States Code, is amended—

(1) by striking out "or attempts to transport or have transported,", and

(2) by inserting ", is about to transport," after "transports".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 5316(a)(2) of title 31, United States Code, is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

SEC. 1359. BANKING REGULATORY AGENCY SUPERVISION OF RECORDKEEPING SYSTEMS.

(a) INSURED BANKS.—

(1) IN GENERAL.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end thereof the following new subsection:

"(s) COMPLIANCE WITH MONETARY TRANSACTION RECORDKEEPING AND REPORT REQUIREMENTS.—

"(1) COMPLIANCE PROCEDURES REQUIRED.—Each appropriate Federal banking agency shall prescribe regulations requiring insured banks to establish and maintain procedures reasonably designed to assure and monitor the compliance of such banks with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5311 *et seq.*

"(2) EXAMINATIONS OF BANK TO INCLUDE REVIEW OF COMPLIANCE PROCEDURES.—

"(A) IN GENERAL.—Each examination of an insured bank by the appropriate Federal banking agency shall include a review of the procedures required to be established and maintained under paragraph (1).

"(B) EXAM REPORT REQUIREMENT.—The report of examination shall describe any problem with the procedures maintained by the insured bank.

"(3) ORDER TO COMPLY WITH REQUIREMENTS.—If the appropriate Federal banking agency determines that an insured bank—

"(A) has failed to establish and maintain the procedures described in paragraph (1); or

"(B) has failed to correct any problem with the procedures maintained by such bank which was previously reported to the bank by such agency,

the agency shall issue an order in the manner prescribed in subsection (b) or (c) requiring such bank to cease and desist from its violation of this subsection or regulations prescribed under this subsection.".

(2) CIVIL MONEY PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE PROCEDURES.—Section 8(i)(2)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)(i)) is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "subsection (b), (c), or (s)".

(b) INSTITUTIONS REGULATED BY THE BANK BOARD.—

(1) IN GENERAL.—Section 5(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)) is amended by adding at the end thereof the following new paragraph:

"(16) COMPLIANCE WITH MONETARY TRANSACTION RECORDKEEPING AND REPORT REQUIREMENTS.—

Regulations.

"(A) COMPLIANCE PROCEDURES REQUIRED.—The Board shall prescribe regulations requiring associations to establish and maintain procedures reasonably designed to assure and monitor the compliance of such associations with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5311 *et seq.*

"(B) EXAMINATIONS OF ASSOCIATIONS TO INCLUDE REVIEW OF COMPLIANCE PROCEDURES.—

"(i) IN GENERAL.—Each examination of an association by the Board shall include a review of the procedures required to be established and maintained under subparagraph (A).

"(ii) EXAM REPORT REQUIREMENT.—The report of examination shall describe any problem with the procedures maintained by the association.

"(C) ORDER TO COMPLY WITH REQUIREMENTS.—If the Board determines that an association—

"(i) has failed to establish and maintain the procedures described in subparagraph (A); or

"(ii) has failed to correct any problem with the procedures maintained by such association which was previously reported to the association by the Board,

the Board shall issue an order in the manner prescribed in paragraph (2) or (3) requiring such association to cease and desist from its violation of this paragraph or regulations prescribed under this paragraph.".

(2) CIVIL MONEY PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE PROCEDURES.—Section 5(d)(8)(B)(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(8)(B)(i)) is amended by striking out "paragraph (2) or (3)" and inserting in lieu thereof "paragraph (2), (3), or (16)".

(c) INSURED THRIFT INSTITUTIONS.—

(1) IN GENERAL.—Section 407 of the National Housing Act (12 U.S.C. 1730) is amended by adding at the end thereof the following new subsection:

"(s) COMPLIANCE WITH MONETARY TRANSACTION RECORDKEEPING AND REPORT REQUIREMENTS.—

"(1) COMPLIANCE PROCEDURES REQUIRED.—The Corporation shall prescribe regulations requiring insured institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such institutions with the requirements of subchapter II of chapter 53 of title 31, United States Code.

Regulations.

31 USC 5311 *et seq.*

"(2) EXAMINATIONS OF INSTITUTIONS TO INCLUDE REVIEW OF COMPLIANCE PROCEDURES.—

"(A) IN GENERAL.—Each examination of an insured institution by the Corporation shall include a review of the procedures required to be established and maintained under paragraph (1).

"(B) EXAM REPORT REQUIREMENT.—The report of examination shall describe any problem with the procedures maintained by the insured institution.

"(3) ORDER TO COMPLY WITH REQUIREMENTS.—If the Corporation determines that an insured institution—

"(A) has failed to establish and maintain the procedures described in paragraph (1); or

"(B) has failed to correct any problem with the procedures maintained by such institution which was previously reported to the institution by the Corporation,

the Corporation shall issue an order in the manner prescribed in subsection (e) or (f) requiring such institution to cease and desist from its violation of this subsection or regulations prescribed under this subsection.".

(2) CIVIL MONEY PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE PROCEDURES.—Section 407(k)(3)(A) of the National Housing Act (12 U.S.C. 1730(k)(3)(A)) is amended by striking out "subsection (e) or (f) of this section shall forefit" and inserting in lieu thereof "subsection (e), (f), or (s) of this section shall forfeit".

(d) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end thereof the following new subsection:

"(q) COMPLIANCE WITH MONETARY TRANSACTION RECORDKEEPING AND REPORT REQUIREMENTS.—

Regulations.

"(1) COMPLIANCE PROCEDURES REQUIRED.—The Board shall prescribe regulations requiring insured credit unions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such credit unions with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5331 *et seq.*

"(2) EXAMINATIONS OF CREDIT UNIONS TO INCLUDE REVIEW OF COMPLIANCE PROCEDURES.—

"(A) IN GENERAL.—Each examination of an insured credit union by the Board shall include a review of the procedures required to be established and maintained under paragraph (1).

"(B) EXAM REPORT REQUIREMENT.—The report of examination shall describe any problem with the procedures maintained by the credit union.

"(3) ORDER TO COMPLY WITH REQUIREMENTS.—If the Board determines that an insured credit union—

"(A) has failed to establish and maintain the procedures described in paragraph (1); or

"(B) has failed to correct any problem with the procedures maintained by such credit union which was previously reported to the credit union by the Board,

the Board shall issue an order in the manner prescribed in subsection (e) or (f) requiring such credit union to cease and desist from its violation of this subsection or regulations prescribed under this subsection.".

(2) CIVIL MONEY PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE PROCEDURES.—Section 206(k)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1786(k)(2)(A)) (as in effect on September 1, 1986) is amended by striking out "subsection (e) or (f)" and inserting in lieu thereof "subsection (e), (f), or (q)".

SEC. 1360. CHANGE IN BANK CONTROL ACT AMENDMENTS.

(a) ADDITIONAL REVIEW TIME.—

(1) INITIAL EXTENSION AT DISCRETION OF AGENCY.—The first sentence of section 7(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(1)) is amended by striking out "or extending up to another thirty days" and inserting in lieu thereof "or, in the discretion of the agency, extending for an additional 30 days".

(2) ADDITIONAL EXTENSIONS IN CASE OF INCOMPLETE OR INACCURATE NOTICE OR TO CONTINUE INVESTIGATION.—The second sentence of section 7(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(1)) is amended to read as follows: "The period for disapproval under the preceding sentence may be extended

not to exceed 2 additional times for not more than 45 days each time if—

"(A) the agency determines that any acquiring party has not furnished all the information required under paragraph (6);

"(B) in the agency's judgment, any material information submitted is substantially inaccurate;

"(C) the agency has been unable to complete the investigation of an acquiring party under paragraph (2)(B) because of any delay caused by, or the inadequate cooperation of, such acquiring party; or

"(D) the agency determines that additional time is needed to investigate and determine that no acquiring party has a record of failing to comply with the requirements of subchapter II of chapter 53 of title 31, United States Code.".

31 USC 5331 *et seq.*

(b) DUTY TO INVESTIGATE APPLICANTS FOR CHANGE IN CONTROL APPROVAL.—Section 7(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(2)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "(2)(A) NOTICE TO STATE AGENCY.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) INVESTIGATION OF PRINCIPALS REQUIRED.—Upon receiving any notice under this subsection, the appropriate Federal banking agency shall—

"(i) conduct an investigation of the competence, experience, integrity, and financial ability of each person named in a notice of a proposed acquisition as a person by whom or for whom such acquisition is to be made; and

"(ii) make an independent determination of the accuracy and completeness of any information described in paragraph (6) with respect to such person.

"(C) REPORT.—The appropriate Federal banking agency shall prepare a written report of any investigation under subparagraph (B) which shall contain, at a minimum, a summary of the results of such investigation. The agency shall retain such written report as a record of the agency.".

(c) PUBLIC COMMENT ON CHANGE OF CONTROL NOTICES.—Section 7(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(2)) is amended by adding after subparagraph (C) (as added by subsection (b) of this section) the following new subparagraph:

"(D) PUBLIC COMMENT.—Upon receiving notice of a proposed acquisition, the appropriate Federal banking agency shall, within a reasonable period of time—

"(i) publish the name of the insured bank proposed to be acquired and the name of each person identified in such notice as a person by whom or for whom such acquisition is to be made; and

"(ii) solicit public comment on such proposed acquisition, particularly from persons in the geographic area where the bank proposed to be acquired is located, before final consideration of such notice by the agency,

unless the agency determines in writing that such disclosure or solicitation would seriously threaten the safety or soundness of such bank.".

(d) INVESTIGATIONS AND ENFORCEMENT.—Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) by redesignating paragraphs (15) and (16) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (14) the following new paragraph:

"(15) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—

"(A) INVESTIGATIONS.—The appropriate Federal banking agency may exercise any authority vested in such agency under section 8(n) in the course of conducting any investigation under paragraph (2)(B) or any other investigation which the agency, in its discretion, determines is necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this subsection or otherwise is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection.

12 USC 1818.

"(B) ENFORCEMENT.—Whenever it appears to the appropriate Federal banking agency that any person is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection, the agency may, in its discretion, apply to the appropriate district court of the United States or the United States court of any territory for—

"(i) a temporary or permanent injunction or restraining order enjoining such person from violating this subsection or any regulation prescribed under this subsection; or

"(ii) such other equitable relief as may be necessary to prevent any such violation (including divestiture).

"(C) JURISDICTION.—

"(i) The district courts of the United States and the United States courts in any territory shall have the same jurisdiction and power in connection with any exercise of any authority by the appropriate Federal banking agency under subparagraph (A) as such courts have under section 8(n).

"(ii) The district courts of the United States and the United States courts of any territory shall have jurisdiction and power to issue any injunction or restraining order or grant any equitable relief described in subparagraph (B). When appropriate, any injunction, order, or other equitable relief granted under this paragraph shall be granted without requiring the posting of any bond.".

SEC. 1361. CHANGE IN SAVINGS AND LOAN CONTROL ACT AMENDMENTS.

(a) ADDITIONAL REVIEW TIME.—

(1) INITIAL EXTENSION AT DISCRETION OF AGENCY.—The first sentence of section 407(q)(1) of the National Housing Act (12 U.S.C. 1730(q)(1)) is amended by striking out "or extending up to another thirty days" and inserting in lieu thereof "or, in the discretion of the Corporation, extending for an additional 30 days".

(2) ADDITIONAL EXTENSIONS IN CASE OF INCOMPLETE OR INACCURATE NOTICE OR TO CONTINUE INVESTIGATION.—The second sentence of section 407(q)(1) of the National Housing Act (12 U.S.C. 1730(q)(1)) is amended to read as follows: "The period for disapproval under the preceding sentence may be extended not to exceed 2 additional times for not more than 45 days each time if—

"(A) the Corporation determines that any acquiring party has not furnished all the information required under paragraph (6);

"(B) in the Corporation's judgment, any material information submitted is substantially inaccurate;

"(C) the Corporation has been unable to complete the investigation of an acquiring party under paragraph (2)(B) because of any delay caused by, or the inadequate cooperation of, such acquiring party; or

"(D) the Corporation determines that additional time is needed to investigate and determine that no acquiring party has a record of failing to comply with the requirements of subchapter II of chapter 53 of title 31, United States Code.". 31 USC 5331 *et seq.*

(b) DUTY TO INVESTIGATE APPLICANTS FOR CHANGE IN CONTROL APPROVAL.—Section 407(q)(2) of the National Housing Act (12 U.S.C. 1730(q)(2)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "(2)(A) NOTICE TO STATE AGENCY.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) INVESTIGATION OF PRINCIPALS REQUIRED.—Upon receiving any notice under this subsection, the Corporation shall—

"(i) conduct an investigation of the competence, experience, integrity, and financial ability of each person named in a notice of a proposed acquisition as a person by whom or for whom such acquisition is to be made; and

"(ii) make an independent determination of the accuracy and completeness of any information described in paragraph (6) with respect to such person.

"(C) REPORT.—The Corporation shall prepare a written report of any investigation under subparagraph (B) which shall contain, at a minimum, a summary of the results of such investigation. The Corporation shall retain such written report as a record of the Corporation.".

(c) PUBLIC COMMENT ON CHANGE OF CONTROL NOTICES.—Section 407(q)(2) of the National Housing Act (12 U.S.C. 1730(q)(2)) is amended by adding after subparagraph (C) (as added by subsection (b) of this section) the following new subparagraph:

"(D) PUBLIC COMMENT.—Upon receiving notice of a proposed acquisition, the Corporation shall, within a reasonable period of time—

"(i) publish the name of the insured institution proposed to be acquired and the name of each person identified in such notice as a person by whom or for whom such acquisition is to be made; and

"(ii) solicit public comment on such proposed acquisition, particularly from persons in the geographic area where the institution proposed to be acquired is located, before final consideration of such notice by the Corporation,

unless the Corporation determines in writing that such disclosure or solicitation would seriously threaten the safety or soundness of such institution.".

(d) INVESTIGATIONS AND ENFORCEMENT.—Section 407(q) of the National Housing Act (12 U.S.C. 1730(q)) is amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18), respectively; and

(2) by inserting after paragraph (15) the following new paragraph:

"(16) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—

"(A) INVESTIGATIONS.—The Corporation may exercise any authority vested in the Corporation under paragraph (2) or (3) of subsection (m) in the course of conducting any investigation under paragraph (2)(B) or any other investigation which the Corporation, in its discretion, determines is necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this subsection or otherwise is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection.

"(B) ENFORCEMENT.—Whenever it appears to the Corporation that any person is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection, the agency may, in its discretion, apply to the appropriate district court of the United States or the United States court of any territory for—

"(i) a temporary or permanent injunction or restraining order enjoining such person from violating this subsection or any regulation prescribed under this subsection; or

"(ii) such other equitable relief as may be necessary to prevent any such violation (including divestiture).

"(C) JURISDICTION.—

"(i) The district courts of the United States and the United States courts in any territory shall have the same jurisdiction and power in connection with any exercise of any authority by the Corporation under subparagraph (A) as such courts have under paragraph (2) or (3) of subsection (m).

"(ii) The district courts of the United States and the United States courts of any territory shall have jurisdiction and power to issue any injunction or restraining order or grant any equitable relief described in subparagraph (B). When appropriate, any injunction, order, or other equitable relief under this paragraph shall be granted without requiring the posting of any bond.".

SEC. 1362. AMENDMENTS TO DEFINITIONS.

(a) UNITED STATES AGENCIES INCLUDES THE POSTAL SERVICE.—Section 5312(a)(2)(U) of title 31, United States Code (defining financial institutions) (as redesignated by subsection (a)) is amended by inserting before the semicolon at the end the following: ", including the United States Postal Service".

(b) UNITED STATES INCLUDES CERTAIN TERRITORIES AND POSSESSIONS.—Section 5312(a)(5) of title 31, United States Code, is amended by inserting "the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands," after "Puerto Rico".

31 USC 5315 note.

SEC. 1363. INTERNATIONAL INFORMATION EXCHANGE SYSTEM; STUDY OF FOREIGN BRANCHES OF DOMESTIC INSTITUTIONS.

Banks and banking.

(a) DISCUSSIONS ON INTERNATIONAL INFORMATION EXCHANGE SYSTEM.—The Secretary of the Treasury, in consultation with the Board of Governors of the Federal Reserve System, shall initiate discussions with the central banks or other appropriate governmental authorities of other countries and propose that an information exchange system be established to assist the efforts of each

participating country to eliminate the international flow of money derived from illicit drug operations and other criminal activities.

(b) REPORT ON DISCUSSIONS REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall prepare and transmit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of discussions initiated pursuant to subsection (a).

(c) STUDY OF MONEY LAUNDERING THROUGH FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS REQUIRED.—The Secretary of the Treasury, in consultation with the Attorney General and the Board of Governors of the Federal Reserve System, shall conduct a study of—

(1) the extent to which foreign branches of domestic institutions are used—

(A) to facilitate illicit transfers of coins, currency, and other monetary instruments (as such term is defined in section 5312(a)(3) of title 31, United States Code) into and out of the United States; and

(B) to evade reporting requirements with respect to any transfer of coins, currency, and other monetary instruments (as so defined) into and out of the United States;

(2) the extent to which the law of the United States is applicable to the activities of such foreign branches; and

(3) methods for obtaining the cooperation of the country in which any such foreign branch is located for purposes of enforcing the law of the United States with respect to transfers, and reports on transfers, of such monetary instruments into and out of the United States.

(d) REPORT ON STUDY OF FOREIGN BRANCHES REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall prepare and transmit a report to the Committee on Banking, Finance and Urban Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate on the results of the study conducted pursuant to subsection (c).

SEC. 1364. EFFECTIVE DATES.

(a) The amendment made by section 1354 shall apply with respect to transactions for the payment, receipt, or transfer of United States coins or currency or other monetary instruments completed after the end of the 3-month period beginning on the date of the enactment of this Act. 31 USC 5324 note.

(b) The amendments made by sections 1355(b) and 1357(a) shall apply with respect to violations committed after the end of the 3-month period beginning on the date of the enactment of this Act. 31 USC 5317 note.

(c) The amendments made by section 1357 (other than subsection (a) of such section) shall apply with respect to violations committed after the date of the enactment of this Act. 31 USC 5321 note.

(d) Any regulation prescribed under the amendments made by section 1358 shall apply with respect to transactions completed after the effective date of such regulation. 31 USC 5316 note.

(e) The regulations required to be prescribed under the amendments made by section 1359 shall take effect at the end of the 3-month period beginning on the date of the enactment of this Act. 12 USC 1464 note.

12 USC 1730 note.

(f) The amendments made by sections 1360 and 1361 shall apply with respect to notices of proposed acquisitions filed after the date of the enactment of this Act.

SEC. 1365. PREDICATE OFFENSES.

(a) Subsection (b) of section 1952 of title 18, United States Code, is amended by striking out "or" before "(2)", and by striking out the period at the end thereof and inserting in lieu thereof the following: ", or (3) any act which is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title.".

31 USC 5331 *et seq.*

(b) Subsection (l) of section 1961 of title 18, United States Code, is amended by inserting "section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)," after "section 1955 (relating to the prohibition of illegal gambling businesses),".

(c) Subsection (l) of section 2516 of title 18, United States Code, is amended in paragraph (c) by inserting "section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)," after "section 1955 (prohibition of relating to business enterprises of gambling),".

SEC. 1366. FORFEITURE.

(a) Title 18 of the United States Code is amended by adding after chapter 45 a new chapter 46 as follows:

"CHAPTER 46—FORFEITURE

"Sec.
"981. Civil Forfeiture.
"982. Criminal Forfeiture.

18 USC 981.

"§ 981. Civil forfeiture

"(a)(1) Except as provided in paragraph (2), the following property is subject to forfeiture to the United States:

"(A) Any property, real or personal, which represents the gross receipts a person obtains, directly or indirectly, as a result of a violation of section 1956 or 1957 of this title, or which is traceable to such gross receipts.

"(B) Any property within the jurisdiction of the United States, which represents the proceeds of an offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act), within whose jurisdiction such offense or activity would be punishable by death or imprisonment for a term exceeding one year and which would be punishable by imprisonment for a term exceeding one year if such act or activity had occurred within the jurisdiction of the United States.

21 USC 801 note.

"(C) Any coin and currency (or other monetary instrument as the Secretary of the Treasury may prescribe) or any interest in other property, including any deposit in a financial institution, traceable to such coin or currency involved in a transaction or attempted transaction in violation of section 5313(a) or 5324 of title 31 may be seized and forfeited to the United States Government. No property or interest in property shall be seized or

forfeited if the violation is by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, officer, or employee thereof.

"(2) No property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or emission established by that owner or lienholder to have been committed without the knowledge of that owner or lienholder.

"(b) Any property subject to forfeiture to the United States under subsection (a)(1)(A) or (a)(1)(B) of this section may be seized by the Attorney General or, with respect to property involved in a violation of section 1956 or 1957 of this title investigated by the Secretary of the Treasury, may be seized by the Secretary of the Treasury, and any property subject to forfeiture under subsection (a)(1)(C) of this section may be seized by the Secretary of the Treasury, in each case upon process issued pursuant to the Supplemental Rules for certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

"(1) the seizure is pursuant to a lawful arrest or search; or

"(2) the Attorney General or the Secretary of the Treasury, as the case may be, has obtained a warrant for such seizure pursuant to the Federal Rules of Criminal Procedure, in which event proceedings under subsection (d) of this section shall be instituted promptly. 18 USC app.

"(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General or the Secretary of the Treasury, as the case may be, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under this subsection, the Attorney General or the Secretary of the Treasury, as the case may be, may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) For purposes of this section, the provisions of the customs laws relating to the seizure, summary and judicial forfeiture, condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale of this section, the remission or mitigation of such forfeitures, and the compromise of claims (19 U.S.C. 1602 et seq.), insofar as they are applicable and not inconsistent with the provisions of this section, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Secretary of the Treasury, as the case may be.

"(e) Notwithstanding any other provision of the law, except section 3 of the Anti Drug Abuse Act of 1986, the Attorney General or the Secretary of the Treasury, as the case may be, is authorized to retain property forfeited pursuant to this section, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

State and local governments.

The Attorney General or the Secretary of the Treasury, as the case may be, shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General or the Secretary of the Treasury pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency. The Attorney General or the Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this section in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this section, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.

"(f) All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(g) The filing of an indictment or information alleging a violation of law which is also related to a forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the forfeiture proceeding.

"(h) In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.

"(i) In the case of property subject to forfeiture under subsection (a)(1)(B), the following additional provisions shall, to the extent provided by treaty, apply:

"(1) Notwithstanding any other provision of law, except section 3 of the Anti Drug Abuse Act of 1986, whenever property is civilly or criminally forfeited under the Controlled Substances Act, the Attorney General may, with the concurrence of the Secretary of State, equitably transfer any conveyance, currency, and any other type of personal property which the Attorney General may designate by regulation for equitable transfer, or any amounts realized by the United States from the sale of any real or personal property forfeited under the Controlled

21 USC 801 note.

Substances Act to an appropriate foreign country to reflect generally the contribution of any such foreign country participating directly or indirectly in any acts which led to the seizure or forfeiture of such property. Such property when forfeited pursuant to subsection (a)(1)(B) of this section may also be transferred to a foreign country pursuant to a treaty providing for the transfer of forfeited property to such foreign country. A decision by the Attorney General pursuant to this paragraph shall not be subject to review. The foreign country shall, in the event of a transfer of property or proceeds of sale of property under this subchapter, bear all expenses incurred by the United States in the seizure, maintenance, inventory, storage, forfeiture, and disposition of the property, and all transfer costs. The payment of all such expenses, and the transfer of assets pursuant to this paragraph, shall be upon such terms and conditions as the Attorney General may, in his discretion, set. Transfers may be made under this subsection during a fiscal year to a country that is subject to paragraph (1)(A) of section 481(h) of the Foreign Assistance Act of 1961 (relating to restrictions on United States assistance) only if there is a certification in effect with respect to that country for that fiscal year under paragraph (2) of that section.

21 USC 801 note.

22 USC 2291.

"(2) The provisions of this section shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including property which is sought as evidence of a crime committed in the foreign country.

"(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a foreign country concerning property which is the subject of forfeiture under this section and was determined by such court to be the type of property described in subsection (a)(1)(B) of this section, and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of forfeiture, shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of forfeiture, when admitted into evidence, shall constitute probable cause that the property forfeited by such order or judgment of forfeiture is subject to forfeiture under this section and creates a rebuttable presumption of the forfeitability of such property under this section.

"(4) A certified order or judgment of conviction by a court of competent jurisdiction of a foreign country concerning an unlawful drug activity which gives rise to forfeiture under this section and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of conviction shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of conviction, when admitted into evidence, creates a rebuttable presumption that the unlawful drug activity giving rise to forfeiture under this section has occurred.

"(5) The provisions of paragraphs (3) and (4) of this subsection shall not be construed as limiting the admissibility of any evidence otherwise admissible, nor shall they limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissible.

"(j) For purposes of this section—

"(1) the term 'Attorney General' means the Attorney General or his delegate; and

"(2) the term 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

18 USC 982.

"§ 982. Criminal forfeiture

Real property.

"(a) The court, in imposing sentence on a person convicted of an offense under section 1956 or 1957 of this title shall order that the person forfeit to the United States any property, real or personal, which represents the gross receipts the person obtained, directly or indirectly, as a result of such offense, or which is traceable to such gross receipts.

"(b) The provisions of subsections 413 (c) and (e) through (o) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (c) and (e)—(o)) shall apply to property subject to forfeiture under this section, to any seizure or disposition thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this section.".

(b) The chapter analysis of part I of title 18, United States Code, is amended by inserting after the item for chapter 45 the following:

"46. Forfeiture ..... 981".

18 USC 981 note.

SEC. 1367. SEVERABILITY CLAUSE.

If any provision of this subtitle or any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the provisions of every other part, and their application, shall not be affected thereby.

Subtitle I—Armed Career Criminals

Career Criminals Amendment Act of 1986.
18 USC 921 note.

SEC. 1401. SHORT TITLE.

This subtitle may be cited as the "Career Criminals Amendment Act of 1986".

SEC. 1402. EXPANSION OF PREDICATE OFFENSES FOR ARMED CAREER CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 924(e)(1) of title 18, United States Code, is amended by striking out "for robbery or burglary, or both," and inserting in lieu thereof "for a violent felony or a serious drug offense, or both,".

(b) DEFINITIONS.—Section 924(e)(2) of title 18, United States Code, is amended by striking out subparagraph (A) and all that follows through subparagraph (B) and inserting in lieu thereof the following:

"(A) the term 'serious drug offense' means—

"(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the first section or section 3 of Public Law 96-350 (21 U.S.C. 955a et seq.), for which a maximum term of imprisonment of ten years or more is prescribed by law; or

"(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21

Angela M. Birkett

From: Stevan JOHNSON <hackneydriver9312@gmail.com>
Sent: Tuesday, September 01, 2020 1:03 PM
To: Tammy J. Ward; Bennie R. Shobe; James M. Bowers; Richard W. Meginnis; Sandra J. Washington; Jane Raybould; Roy A. Christensen; moberly@unl.edu
Cc: Clerk of District Court; aluger@jonesday.com; Jared Gavin
Subject: Fwd: NCAA must raise "labor trafficking" awareness with College Football players

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Date: Mon, ***May 18, 2020*** at 10:55 AM
Subject: NCAA must raise "labor trafficking" awareness with College Football players
To: <memmert@ncaa.org>, <skatz@constangy.com>
Cc: <drake.379@osu.edu>, <ocr@ed.gov>, <maddiesalamone@mcf-esq.com>, <jkessler@winston.com>, <ocrmail@hhs.gov>, <steve@hbsslaw.com>, <htarr@uw.edu>, <dremy@ncaa.org>, <mhausfeld@hausfeld.com>

Dr. Mark A. Emmert, *President*
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
700 W. Washington Street
Indianapolis, Indiana 46204
Dear Dr. Emmert,
The Victims of Trafficking and Violence Protection Act ("TVPA") was approved October 28, 2000 by the U.S. Congress to combat labor trafficking, which is a "contemporary manifestation of slavery" or modern-day slavery. *See* 22 U.S.C. § 7101(a).
When you ask Division I College Football players recruited by Power Five conference members, most will probably never have heard of the term "labor trafficking" or know about the TVPA because it seems public awareness in the United States miniscule. Thus, signs of "labor trafficking" are going to be nearly impossible for a Division I College Football player to recognize. Most obviously because Division I College Football players just simply do not know how many of the signs manifest in modern-day interactions. *See* U.S. Const. amend. V - ("Takings Clause").
Ignorance of the TVPA must change for Division I College Football players. *See* U.S. Const. amend XIII.
With your help, and that of the NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ("NCAA"), that change must be made a priority for the NCAA and NCAA members. Educating this class of predominately Negro athletes about "labor trafficking" aligns with the professed mission of the NCAA. The financial ability of the NCAA and NCAA members to increase awareness of this issue by actively informing this very specific class of athletes about the practice of "labor trafficking" as a form of modern-day slavery is significant.
Failure by you or the NCAA to draw national awareness to the issue of "labor trafficking" is a travesty.
The presumably significant amount of revenue the NCAA has expended for legal fees to defend against antitrust claims since September 8, 1981 should be taken into consideration when deciding how much priority the NCAA is willing to place on raising awareness about "labor trafficking" through the re-allocation of revenue.
For instance, the NCAA could produce a pamphlet outlining some of the signs of "labor trafficking" which each NCAA member would be mandated to distribute to each Division I College Football player prior to each individual athlete competing in a contest that will generate revenue for any Power Five conference member.
What are your general thoughts about raising awareness about "labor trafficking" with College Football players?
Respectfully submitted,
Labor Trafficking Victim,

May 18, 2020

STEVAN JOHNSON
City of Boston
Hackney Carriage Driver

Angela M. Birkett

From: Claudia Lindley <crl1030@gmail.com>
Sent: Tuesday, September 01, 2020 3:12 PM
To: Council Packet
Subject: Signs and disturbances

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Thank you for enacting a sign ban and allowing the council chair to clear the room of spectators if there is a disturbance during a council meeting. I know the vote had to be difficult, but I believe the changes protect everyone's right to be heard.

Personally, I strongly support Black Lives Matter as well as the Lincoln City Police and all ethical law enforcement men and women; I'm saddened that those perspectives are considered to be at odds.

I think you all have a tremendously stressful but essential job as council members. Thank you for your fine work. I respect and appreciate your discernment and courage, whether you voted for or against the changes.

No response necessary or expected.

Sincerely,
Claudia Lindley
1411 N. 38 St. 68503

Sent from my iPhone

Angela M. Birkett

From: Steve Graziano <stevegraziano@outlook.com>
Sent: Wednesday, September 02, 2020 11:57 AM
To: Mark E. Lutjeharms
Cc: Elizabeth D. Elliott; David R. Cary; Jon D. Carlson; Roberto Partida; Council Packet; Donald Scheinost
Subject: Re: scooters downtown

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email comes from a sender outside your organization.

Mr. Lutjeharms:

Thank you for your response outlining what the city is doing to prevent scooter-pedestrian accidents.

I do want to point out the front page of today's Lincoln-Journal Star featuring a rider - on the sidewalk.

I want to mention that yesterday afternoon I saw two scooters on the sidewalk. Last evening was a third.

I saw none on the street.

My fear is the steps you have outlined, while well-meaning, are ineffective. Without some proactive enforcement that will help get the word out in a meaningful way, we will have problems with scooters hitting pedestrians. I hope not to be the pedestrian hit.

Steve Graziano

From: Mark E. Lutjeharms <MLutjeharms@lincoln.ne.gov>
Sent: Wednesday, September 2, 2020 11:31 AM
To: stevegraziano@outlook.com <stevegraziano@outlook.com>
Cc: Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; Jon D. Carlson <jcarlson@lincoln.ne.gov>; Roberto Partida <RPartida@lincoln.ne.gov>; Council Packet <CouncilPacket@lincoln.ne.gov>; Donald Scheinost <LPD798@cjis.lincoln.ne.gov>
Subject: RE: scooters downtown

Mr. Graziano,
I was forwarded your email regarding scooters operating on sidewalks in downtown Lincoln.
The City of Lincoln has been proactive in educating the public on the proper rules related to scooter operations. The actions performed to date include:

- Created a ScooterLNK website (https://lincoln.ne.gov/city/ltu/engine/traffic/active-transportation/scooter.htm) that details the do's and don'ts of scooter riding and parking.
- Issued multiple press releases explaining how scooters should be ridden in Downtown Lincoln.
- On Saturday, August 29, in partnership with both scooter operators, conducted a safety demo event where representatives demonstrated/explained how to safely and properly ride a scooter in Downtown Lincoln.
- Messaging within the apps used by riders to access the scooters indicating proper riding of scooters
- Coordinated with both scooter operators to establish No Park/No Ride zones in/around campus and other locations in downtown Lincoln (specifically Centennial Mall)
- Issued a media advisory and press release to assist in educating the public on proper riding and operation rules

- Posted a LTU Facebook Live interview about operation and parking guidelines

Additionally, we have, and will continue to:

- Work with both scooter operators to identify ways of educating users to ensure we mitigate the number of people found riding on city sidewalks. (including social media)
- Working with UNL and UNLPD to coordinate our messaging around scooters to minimize the number of people riding scooter improperly.
- Working with LPD to maintain proper understanding of the scooter operating rules by LPD officers such that enforcement can be carried out properly

Best regards,

TELEWORKING – Available by Cell or Email
Mark Lutjeharms, PE, PTOE
Manager | Traffic Engineering
City of Lincoln Transportation and Utilities
M: 402-416-9925

From: Steve Graziano <stevegraziano@outlook.com>
Sent: Tuesday, September 1, 2020 4:42 PM
To: Jon D. Carlson <jcarlson@lincoln.ne.gov>
Cc: Council Packet <CouncilPacket@lincoln.ne.gov>
Subject: scooters downtown

[CAUTION] This email comes from a sender outside your organization.

Mr. Carlson:
I live and work downtown.
Scooters arrived today. Everything in the media said scooters were street-legal and were not to be used on sidewalks.
Predictably, that is not the case. Already today I've seen two people whizzing by on the sidewalks.
Bikes and skateboarders are dangerous enough. Motor vehicles on sidewalks is asking for trouble.
What steps is the city taking to nip this in the bud? Is the city doing anything proactively to minimize this problem?
I hope no one gets seriously injured because the city feels that making something illegal absolves them of culpability.
Steve Graziano
402-423-4747

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Angela M. Birkett

From: Andrew Whalen <a.whalen@newsweek.com>
Sent: Wednesday, September 02, 2020 9:49 AM
To: Council Packet
Subject: Boneless Chicken Wings Comment for Newsweek

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Hi Lincoln City Council,

I'm writing about a man who recently argued before the council that Lincoln should rename boneless chicken wings to "show the country where we stand." Does the Lincoln City Council have any plans to take up his proposal and pass a resolution or take other actions in regards to saucy nugs? If no, what are some of the current legislative priorities on the council's plate?

I'd appreciate any comment any member of the council might be able to provide. It would also be helpful if you could provide me a little more context around the meeting. When did this meeting take place? Has Anders Christensen spoken before the council before? Any details would be very helpful in my reporting.

Thank you for considering the above. Unfortunately, since it's a quick article about a viral video, my deadline is tight, so I can't offer much time to return comment. I would need to hear back by 10:47 CDT in order to include. If a call is easier than email, I can be reached at 614-507-8028. Thank you again, and sorry for the short notice.

Best,
Andrew Whalen

--
Andrew Whalen | **Writer**
NEWSWEEK

T | +1 646 484 7570
E | A.Whalen@newsweek.com
W | newsweek.com
A | 33 Whitehall Street, Floor 8, New York, NY, 10004

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Angela M. Birkett

From: Erik Hawkins <erik.hawkins@heavy.com>
Sent: Wednesday, September 02, 2020 10:47 AM
To: Council Packet
Subject: Media Inquiry - Heavy.com

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Hello,

I'm a reporter with Heavy.com. I wanted to reach out about the passionate speech delivered at your recent meeting regarding boneless chicken wings.

Was the speech given at the Aug. 31 meeting? And has the council given any thought to Mr. Christensen's proposal?

Would love to have a representative for the council weigh in on this fun story.

Thanks very much!
Erik Hawkins

Angela M. Birkett

From: freepookigirle <freepookigirle@protonmail.com>
Sent: Wednesday, September 02, 2020 11:21 AM
To: Council Packet
Subject: Mask mandate

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

It's time to end this ridiculous mask mandate. The facts and truths ARE coming to light and you will be held accountable for the damages done.

If you go to the CDC website below, you'll find the following information.

Total COVID-19 deaths as of 8/22/2020: 161,392.

94% of deaths documented as COVID had additional conditions or causes of death. On average, there were 2.6 additional conditions or causes per death.

For 6% of the deaths, COVID-19 was the only cause mentioned.

That's 9,684 deaths.

Why does this matter?

Did you know that the method for recording cause of death was changed for COVID cases? Typically when a person has documented chronic conditions or comorbidities, the very first health condition that was acquired is listed as the primary cause of death.

Not so for COVID...
Watch: https://youtu.be/twI06UfCk_w

For COVID, "COVID-19" is listed as the primary cause of death regardless of what other chronic conditions the person had, no matter how severe or serious they were.

Check the table below.

80% of "COVID" deaths occur in ages 65 and up.

This is not unique to COVID.

From the CDC: "...it's estimated that between 70 percent and 85 percent of seasonal flu-related deaths have occurred in people 65 years and older."

https://www.cdc.gov/flu/highrisk/65over.htm

(Average US life expectancy is 78.5 years.)

42% of "COVID" deaths also had influenza or pneumonia listed as a cause of death.

Also: 5,133 "COVID" deaths also had intentional or unintentional injuries, poisonings, etc. listed as a cause of death...

Yet somehow, these made the list for COVID deaths...? What happened? Did someone sustain fatal injuries in a car accident and they were tested for covid before they died? I mean what on earth does this mean?

This was already exposed in an Orlando Florida Fox news investigation, by the way:

https://www.facebook.com/100000349373954/posts/3238829442805336/

All of this sure instills confidence in what's being reported by the media, doesn't it?

Data in image below is taken from Table 3: Conditions contributing to deaths involving coronavirus disease 2019 (COVID-19), by age group, United States. Week ending 2/1/2020 to 8/22/2020.

https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm

Pookigirle
"Make this a great day for yourself AND those you are around!"

Sent with ProtonMail Secure Email.

Angela M. Birkett

From: Dawn, Randee (Contractor-NBCUniversal) <Randee.Dawn@nbcuni.com>
Sent: Wednesday, September 02, 2020 1:56 PM
To: Council Packet
Subject: Quote request from Today.com/The Today Show

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Greetings –

My name is Randee Dawn and I'm with The Today Show's website, Today.com.

We saw the viral video from one of your recent city council meetings and had a chuckle from Ander Christensen's plea to change the definition of boneless wings.

I wondered if we could get a statement or a quote from someone on the Council about whether this is being taken under advisement. We're writing a fun, light-hearted post and would love to hear from you.

Thanks in advance,
Randee Dawn
Contributing editor, Today.com
718-502-8711

Angela M. Birkett

From: Angie Matthews <matthews_news@yahoo.com>
Sent: Thursday, September 03, 2020 12:06 PM
To: Council Packet
Subject: MAYOR Plans to MOVE the DIAL to RED tomorrow??

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Council Members,

Please read this email in it's entirety. Thank you.

An anonymous source has supposedly stated that the Mayor has intentions to move the **Covid Dial to RED tomorrow.**

If true, where is the evidence for this????????????? The people will not accept this change without adequate PROOF.

THERE is currently NO EMERGENCY. We have herd immunity now. The pandemic is behind us. There is no second wave coming, again because of HERD IMMUNITY. Don't know what that is? Look it up!

The TESTING has to STOP.

Have you seen that the worst of the draconian measures in the world as a result of Covid-19 Government Overreach are taking place in beautiful AUSTRALIA? Have you seen what is happening there? Get off the boobtube and get informed online. They have had around 300 deaths in 9 months and Southern Australia is experiencing FASCISM. Police can enter homes without a warrant to do a spot check. Citizens cannot leave their houses for more than an hour a day (ONE person per HOUSEHOLD), they cannot go within a 5 Kilometer radius of their home, you can get ARRESTED for just walking down the street without a mask, if you post anything online going against their narrative they can come to your home and arrest you.

As yourself why this is happening?

This is not about a virus any longer! Wake up!
FREE SPEECH is vanishing in many so-called democracies! Ours included.

GO TO:

questioningcovid.com

ALSO: you can join 'The Healthy American with Peggy Hall' facebook group to see the personal accounts of what is happening in Australia. I understand if you are scared to join for fear of your job, so join using a friend's login credentials. You must see what's going on in our world because the mainstream media is not reporting on it.

I implore you to GET EDUCATED! Get out of your bubble and do the research!

Sincerely,

A concerned citizen

Sincerely,

A concerned Lincolnite

Angela M. Birkett

From: Jeff Staples <jealcats@yahoo.com>
Sent: Thursday, September 03, 2020 12:24 PM
To: Council Packet
Subject: Medical Insurance Gender Bias

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Mayor Baird:

The Women's Health and Cancer Rights Act of 1998 (WHCRA) guarantees, by law, that no woman can be denied corrective surgery by her insurance company following her battle with breast cancer. As a male who has undergone surgery for prostate cancer, along with countless other men, I do not have similar protections that all forms of therapy for dysfunction resulting from nerve damage are at my disposal.

My diagnosis came in the Spring of 2018. Surgery was done later that Fall. Nerve damage was discussed as a potential consequence of that particular procedure, but I was assured that there are therapies available should that happen, and indeed, it did. So far, I've tried two different types of rehabilitation. Both of which failed. My last option is an implant procedure. Although it won't get me back to my previous state, it's better than nothing. My insurance plan, through my employer, doesn't cover this option although some insurance companies/plans do. We are talking about a man's ability to function. My employer and benefits department have been informed about this situation. When the insurance company was asked by my Urologist's office about pre-authorization, they were told "no, no matter what the diagnosis."

In a published article spearheaded by Danial J. Mazur with the Baylor College of Medicine, the conclusion was that men "may be doomed to impotence based on the lack of federally protected men's rights and are at the mercy of the insurers which dominate their marketplace." This was published only two years ago in 2018 and presented at the Annual Meeting of the American Urological Association. Other articles suggest that some insurance companies will do what they can to deny or delay men from seeking implant treatment until they are old enough to qualify for Medicare. This is a covered procedure with Medicare, but that's five years away for me. The result being that the government bears the financial responsibility, rather than the insurance company; in my case an insurance company where I contribute every pay period, my share of the cost of my health care benefits.

My questions become: 1) How can this inequity be possible in the year 2020? 2) Are you aware that this bias is happening? 3) How many insurance plans don't provide coverage for this situation? 4) How many men in your communities may be in the same predicament? 5) How many employers in your communities are also unknowingly providing health benefits that don't cover this procedure for their employees and most importantly, 6) How do we get this changed?

So, speaking on their behalf, I would like to enlist your help. My purpose here, is to inform you of this imbalance in treatment options and to encourage you to reach out to any legislative contacts you may have and share my story. Perhaps they would be willing to launch an investigation into this. They may also be unaware that this situation exists, much as I was. They are likely to have constituents who know and understand exactly this very issue. They are living with it on a daily basis, but due to the sensitivity of the subject, are too proud or embarrassed to mention it. Perhaps you know someone personally who is also dealing with this silently. Would you want them to be? Had I known at the time I would be where I am today, I would have made very different decisions concerning my cancer diagnosis and treatment. It's time for a change!

Should I have researched incorrect information in order to make contact with you, please forward to the appropriate recipient. I appreciate your time. Thank you!

Jeff Staples – 10804 W. 75th Terr., #102 – Shawnee, KS 66214 – 913-326-3286 – jealcats@yahoo.com

Angela M. Birkett

From: Tim McGraw <mcgrawtim123@aol.com>
Sent: Friday, September 04, 2020 12:16 AM
To: Council Packet
Subject: Boneless Chicken Wings

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

Dear Council Members, September 3, 2020

I grew up in Lincoln. From a six year old in 1958 (went to Blessed Sacrament) to when I was 19. I attended the U of N on a National Merit Scholarship. I went to Lincoln Southeast High School.

My good friend P, who also grew up in Lincoln, now lives in LA, sent me the link to the video about the long haired young man who wants to change the name of boneless chicken wings. P worked in high school for the KFC on So. 27th Street across from Mr. "B's" grocery store, where I worked as a bagger.

We laughed our butts off at the video. P tells hilarious stories of what happened behind the scenes in the kitchen of that KFC in the late 1960's.

On August 21st, 1971 us hippies were at the communal hippie house on the corner of Garfield and South 14th Street. It was a very hot muggy afternoon as we watched on an old black and white TV a fat bureaucrat in DC pull out our birthdates from the draft lottery drum. This would decide our fates. Would we be drafted and sent to that stupid fecking war in Vietnam? Or get lucky?

Some got lucky. Some got a bad number. Some were 4F. We burned our draft cards and went up to South Dakota to hide out on a farm.

And now I see you masked cowards hiding behind plexiglas in the Lincoln council chambers listening to a man, a son of a council member, arguing about the name of boneless chicken wings.

Really? Is this a Monty Python skit?

I'm glad I left Lincoln 50 years ago. Though I did greatly enjoy growing up there. South Dakotans are made of sterner stuff. The governor of South Dakota is a hero of liberty. Of course here in Sonoma County, CA there are even more Covid Cowards, wildfires, power outages, earthquakes, and all around government insanity, but you can't beat the climate and the soil here. Luther Burbank, the famous agronomist claimed that Sonoma County was the most fertile land on Earth with the best climate. He was right.

Nebraska's claim to fame was "The Good Life." Is it still a good life there?

Tim McGraw
Healdsburg, CA

Lincoln man addresses city council over boneless chicken wings

Angela M. Birkett

From: David Kohrell <dkohrell@fastmail.com>
Sent: Wednesday, September 09, 2020 2:54 PM
To: Commish; Commish; Council Packet; Deb E. Schorr; Deb E. Schorr; Mayor; pete.ricketts@nebraska.gov; pete.ricketts@nebraska.gov; taylor.gage@nebraska.gov; taylor.gage@nebraska.gov; awishart@leg.ne.gov; Steve Halloran; Mike Groene; Robert Clements; Steve Erdman
Subject: SARS-COV-2: End the Mask Mandate, Direct Health Measures, State of Emergency – Lincoln / Lancaster and Nebraska
Attachments: SARS-COVID-DHM-Lincoln-Lancaster Nebraska - 9SEP2020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This email comes from a sender outside your organization.

The negative impact from government overreach due to SARS-COV-2 producing COVID-19 has been more adverse than the underlying risk. Nebraskans rally together when there is a true emergency. This is no longer an emergency. The data do not validate your ongoing, abusive intrusion. My request is simple.

• End the false mask mandate. There are hundreds of businesses in Lincoln that reject your false mandate. They are joined by tens-of-thousands of Lincolnites. We are no longer a silent majority. Every vote you take, every arbitrary action you make, we are watching you. You will see it at the ballot box, in court and in our daily lives. On Labor Day, I was able to be part of a Rally for Freedom at the State Capitol and in honoring one of Lincoln's finest Investigator Mario Herrera. Thousands of Nebraskans lined up in support from Omaha to Butherus, Maser & Love on 40th and A. Adults made decisions for themselves and their families about distancing and PPE, exactly where those decisions belong.
• Keep the Directed Health Measure on schedule to move to Phase 4, September 13, 2020. No further delay. Exit Phase 4 as planned on September 30, 2020.
• Better yet, end the state-of-emergency for Nebraska and Lincoln/ Lancaster. Let our neighbor to the North, South Dakota, be your inspiration. Governor Noem and Mayor Paul TenHaken serve as your guides...

The attached PDF contains the full content of this letter. Please review.

Thank you for your consideration

Sincerely,

David

David Kohrell

September 9, 2020

Mayor Leiron Gaylord Baird
Lincoln City Council
Lancaster County Board
CC: Governor Pete Ricketts and area State Senators.

Topic: End the Mask Mandate, Direct Health Measures, State of Emergency – Lincoln / Lancaster and Nebraska

Elected officials.

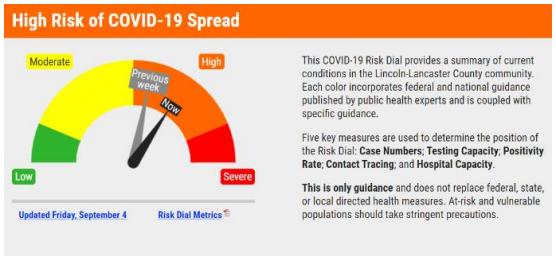
The **negative impact** from government overreach due to SARS-COV-2 producing COVID-19 has been more adverse than the underlying risk. Nebraskans rally together when there is a true emergency. This is no longer an emergency. The data do not validate your ongoing, abusive intrusion. My request is simple.

- End the false mask mandate. **There are hundreds of businesses in Lincoln that reject your false mandate. They are joined by tens-of-thousands of Lincolnites.** We are no longer a silent majority. Every vote you take, every arbitrary action you make, we are watching you. You will see it at the ballot box, in court and in our daily lives. **On Labor Day, I was able to be part of a Rally for Freedom at the State Capitol and in honoring one of Lincoln's finest Investigator Mario Herrera. Thousands of Nebraskans lined up in support from Omaha to Butherus, Maser & Love on 40th and A.** Adults made decisions for themselves and their families about distancing and PPE, **exactly where those decisions belong.**
- Keep the Directed Health Measure on schedule to move to Phase 4, September 13, 2020. No further delay. Exit Phase 4 as planned on September 30, 2020.
- Better yet, end the state-of-emergency for Nebraska and Lincoln/ Lancaster. Let our neighbor to the North, South Dakota, be your inspiration. Governor Noem and Mayor Paul TenHaken serve as your guides.
- Open the suspect measures used for Lincoln/Lancaster. I do not seek individual PHI/PII data. Presumably, all data are scrubbed and PHI/PII redacted per HIPAA. Open source the weights, variables and measures used. I know several in Lincoln with depth and breadth of statistical analysis and modeling who will help – pro bono. I have 30 years of risk management experience (IT/Business) and Master's in Planning and Management (MIS). I also have taught risk management and Lean Six Sigma (holding a LSSBB).

Why?
Your measurements have led to the wrong risk management approach. They also have triggered the following secondary and residual risks (https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/ https://www.aier.org/article/the-covid-19-catastrophe/ and https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response):

- Delayed healthcare preventative visits and treatment.
- Depression.
- Substance abuse.
- Social isolation.
- Adverse economic impact for all Americans and Nebraskans.
- Economic loss for small businesses.
- Unemployment
- Infringement of constitutionally guaranteed rights of assembly and religion (First Amendment to the US Constitution) and surveillance (Fourth Amendment).

Lincoln / Lancaster COVID Dial: Independent and Dependent Variables



The dial used to determine risk management measures fails. To be true science, it should be able to be replicated by any outside source at any time. Anyone should also be able to go back in time and be able to recreate the dial for any week in time. If this is not possible, that alone shows that the dial is 100% subjective and not at all scientific

Quick definitions. Independent variables measure the targeted interventions. Dependent variables measure that intervention (https://keydifferences.com/difference-between-independent-and-dependent-variable.html).

The following are independent variables. Public health, LLCHD, has largely ignored 1-6 below.

1. Vitamin D (https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2770157).
2. Nutrition (https://nutrition.org/coronavirus-nutrition-information/).
3. Low BMI (https://www.independent.co.uk/news/health/coronavirus-obesity-overweight-bmi-boris-johnson-phe-a9637166.html).
4. Exercise (https://www.acsm.org/blog-detail/acsm-blog/2020/03/30/exercise-immunity-covid-19-pandemic)
5. Glucose monitoring and control (https://www.webmd.com/lung/news/20200409/covid19-what-t1-diabetes-patients-need-to-know#1).
6. VO2 Max improvement, contrary to the now retracted Penn State team physician concern about myocarditis, VO2 Max and improvement are vital. (https://www.si.com/college/michigan/football/michigan-football-big-ten-kevin-warren-myocarditis-covid-19-coronavirus-harbaugh).
7. Quarantines and Lockdowns.
8. Hygiene (first three covered by your parents or kindergarten teacher or hopefully both):
    - Washing hands
    - Covering mouth or nose when sneezing
    - Staying home if symptomatic or sick (Strep, Mono, Flu)
    - Mass mask mandates.

There are two valid dependent variables: hospitalizations and mortality. **Each show there is no pandemic.**

Four of the five dependent variable measures used in the Lincoln/ Lancaster "dial" are inherently subjective and flawed. Mortality has been omitted entirely. The weights for each measure are not disclosed.

1. Case Numbers, case definition is only a positive test. It does not include symptomatic response accompanying a SARS-COV-2 Test. The bizarre case definition on a "positive test" without symptoms has driven the quarantine, lockdown, mask madness.
   Malcolm Kendrick, GP in the UK who successfully challenged the false math mortality error of 1% vs the correct .01% to .09% from COVID, noted:
   Instead of celebrating that, we've artificially created a whole new thing to scare ourselves with. We now call a positive test a Covid "case." This is not medicine. A "case" is someone who has symptoms. A case is not someone carrying tiny amounts of virus in their nose. https://www.rt.com/op-ed/500000-covid19-math-mistake-panic/
2. Positivity Rate, duplicates case numbers, assumes a symptomatic response that does not exist.
3. Testing Capacity, capacity is a process issue. Wild swings of those tested and ability to meet that demand since July 20 validate there's capacity.
4. Contact Tracing assumes ability to trace. This also ignores the constitutional issues of privacy and association as well as unnecessary public expenditure of funds to fund contact traces.
5. **Hospital Capacity. Valid.**

Hospitalization and Mortality.

Additional information regarding hospitalization and mortality follow.

Hospitalization rates have been than 6.5% in Lincoln and Nebraska. Not an issue.

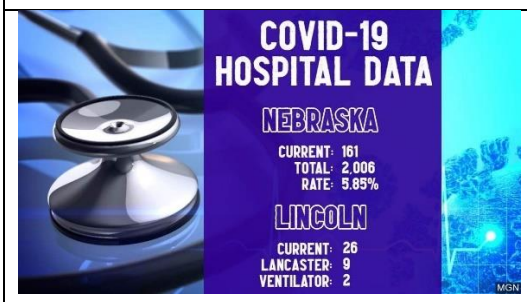
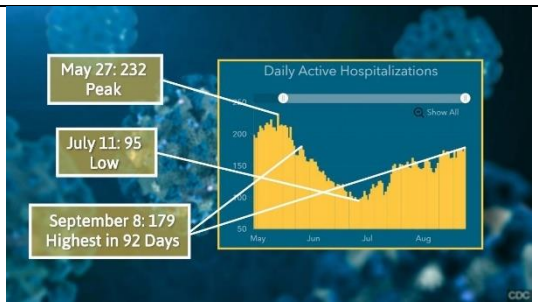
Nebraska's bed capacity is 3,542 per the American Hospital Association. Hospitalization as of September 4, 2020 was 161 or 4.8% of capacity. The high point was May 27 with 232 – 6.5% of capacity and low was 95 or 2.6%. Yesterday, September 8 there were eleven more people hospitalized or 5%. Beds were set aside specially for COVID remediation in March, the CDC established a 61% for Nebraska (39% reserved for the "pandemic").

A range of 2.6% to 6.5% utilization of bed capacity does not constitute an overwhelming of the healthcare sector!

The reason used for the State-of-Emergency (SoE) on March 16 was healthcare impact. SoE's have a duration of 72 hours. It was extended to 15 days of flattening the curve. It now is 175 days of government overreach.

> https://www.lincoln.ne.gov/city/mayor/media/2020/031620a.htm
> Although we have no confirmed cases of COVID-19 in Lincoln, the Mayor said it is just a matter of time before we do. "It is imperative that we all do our part to prevent the number of those cases from rising too quickly and overwhelming our healthcare sector," she said.

Lincoln had 26 hospitalized with 17 from outside Lancaster on August 31. Only 9 beds were needed for people who live here. **NINE.** Hospitalization rates of those tested as "positive" were 5.5% or 161 hospitalized on August 31, 2020. See below.

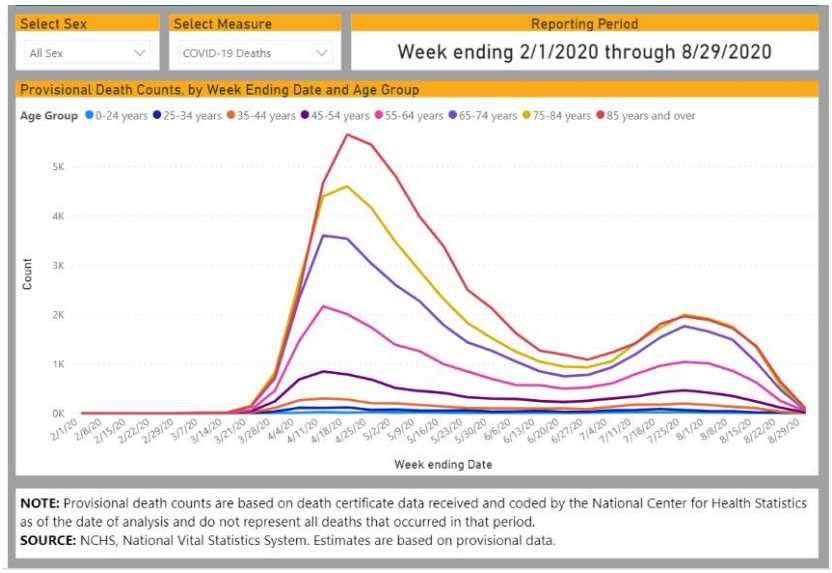
From 10/11 Now – August 31, 2020	From 10/11 Now – September 8, 2020
	
Bill Schammert, September 8. Some good news - hospital bed, ICU bed, and ventilator capacity are all at healthy levels NEBRASKA AVAILABILITY Beds: 1,435 (38%) ICU: 206 (34%) Vents: 707 (83%)	

Mortality – FROM vs WITH

No excess deaths, minor risk (.02% of the population). Not An Issue. Even less when the words "from" vs "with" are understood.

The United States, Nebraska and Lincoln / Lancaster demonstrate that death **from** SARS-COV-2 is rare and mortality rate low. The horrific public policy and treatment from March through May in New York, New Jersey, Illinois, Pennsylvania and Massachusetts spiked the comingled death **with** COVID total. Lesson learned, don't place symptomatic patients in nursing homes. The trend in the CDC graph demonstrates there was not a second wave, at worst a slight bump.

https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/



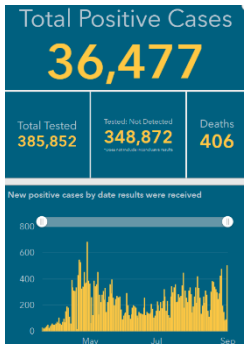
Yes, the CDC stated that only 6% of deaths can be attributed to COVID only – it's still on their website for review. For death where COVID was a listed as a factor there were **2.6 comorbidities** – type 2 diabetes, obesity and blood pressure – all controllable conditions among them.
https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/#Comorbidities

COVID's primary impact seems to be elimination of nearly all deaths from Flu (6,660) - https://www.cdc.gov/nchs/nvss/vsrr/COVID19/index.htm

Updated September 2, 2020

Sex	Age group	All Deaths involving COVID-19 (U07.1)[1]	Deaths from All Causes	Deaths involving Pneumonia, with or without COVID-19, excluding Influenza deaths (J12.0–J18.9)[2]	Deaths involving COVID-19 and Pneumonia, excluding Influenza (U07.1 and J12.0–J18.9)[2]	All Deaths involving Influenza, with or without COVID-19 or Pneumonia (J09–J11)[3]	Deaths involving Pneumonia, Influenza, or COVID-19 (U07.1 or J09–J18.9)[4]	Population[5]
Total								
	All ages	**170,566**	1,841,678	175,096	75,771	6,660	275,565	327,167,434

Drilling into Nebraska and Lincoln / Lancaster



Nebraska

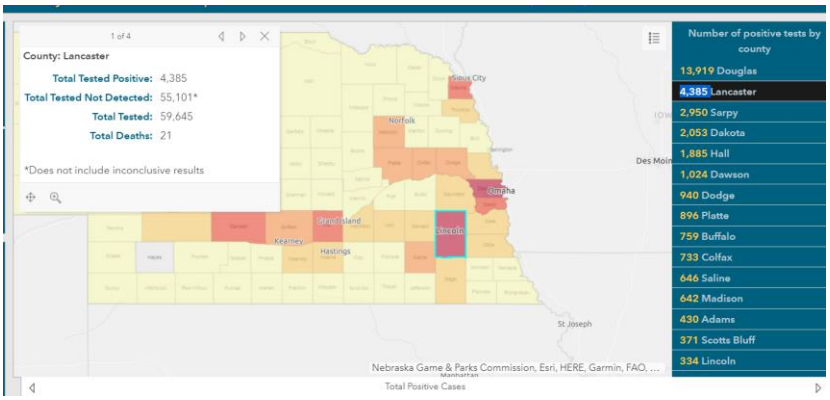
The September 9, 2020 DHHS Dashboard listed 36,477positive "COVID" cases or roughly 9.6% of the test population and 1.6% of all Nebraskans (1.92 Million). That percentage has remained the same since August.

Deaths recorded are 406 **with** COVID per the Nebraska DHHS dashboard. The CDC lists 386 of 10,257 or 3.7% of all deaths in Nebraska in 2020. Note, there is a slight lag in Nebraska data with CDC recording.

Lincoln / Lancaster County

Twenty-one deaths **with** COVID have been recorded in Lincoln / Lancaster County. With a population estimated at 323,826 that's a .0006% mortality rate for all residents. For those tested that's .003%. Of those twenty-one only two died without a comorbidity, aka **from** COVID. **TWO.** More people have died in Lincoln/ Lancaster County this year by running into buildings (Moose's Tooth), off an interstate ramp or into a tree.

99.99% of our residents will NOT be impacted and are not at risk! But Lincolnites and Nebraskans have all been adversely impacted in their businesses, schools, churches and personal life.
https://experience.arcgis.com/experience/ece0db09da4d4ca68252c3967aa1e9dd



Conclusion

- End the false mask mandate.
- No further delay of the DHM Phase 4 for Lincoln / Lancaster– September 13, 2020 is the date to meet.
- End the state-of-emergency alongside exiting DHM Phase 4 on September 30, 2020.
- Please accept my offer and open the suspect measures used for Lincoln/Lancaster to examination.

Sincerely,

David Kohrell

Lifelong Nebraskan and resident in Council Member Raybould's SW Dist. and Deb Schorr's Lancaster Co Dist. 2.
John 8:32 "Then you will know the truth, and the truth will set you free"