111TH CONGRESS
1ST SESSION

# S. 378

To correct the interpretation of the term proceeds under RICO.

---

### IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2009

Mr. BAYH (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

# A BILL

To correct the interpretation of the term proceeds under RICO.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the ''Money Laundering

5 Control Enhancement Act of 2009''.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the 2007 National Money

9 Laundering Strategy, ''Money laundering, in its own

10 right, is a serious threat to our national and eco-

11 nomic security. Integrating illicit proceeds into the

1 financial system enables organized crime, fuels cor-
2 ruption, and erodes confidence in the rule of law.''.

3     (2) The United Nations Convention Against
4 Transnational Organized Crime, the Model Money
5 Laundering Act, and the 14 States that have money
6 laundering statutes that define the term proceeds do
7 so in a way that encompasses gross receipts.

8     (3) In United States v. Santos (2008) (128 S.
9 Ct. 2020), the Supreme Court misinterpreted Con-
10 gressional intent with respect to the definition of
11 proceeds in money laundering crimes.

12 **SEC. 3. PROCEEDS.**

13 Section 1956(c)(1) of title 18, United States Code,
14 is amended by striking ''represented proceeds'' and insert-
15 ing ''represented proceeds, including gross receipts,''.

16 **SEC. 4. SENTENCING COMMISSION STUDY.**

17 The United States Sentencing Commission shall—

18     (1) study any merger problem that may result
19 from the amendment made by this Act and, if nec-
20 essary, amend its guidelines to avoid unwarranted
21 sentencing disparities among those found guilty of
22 similar criminal conduct; and

1    (2) report the findings of the study to Congress

2    not later than 6 months after the date of enactment

3    of this Act.

○