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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Money Laundering Control Enhancement Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the 2007 National Money Laundering Strategy, "Money laundering, in its own right, is a serious threat to our national and economic security. Integrating illicit proceeds into the

financial system enables organized crime, fuels corruption, and erodes confidence in the rule of law.''.

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

(3) In United States v. Santos (2008) (128 S. Ct. 2020), the Supreme Court misinterpreted Congressional intent with respect to the definition of proceeds in money laundering crimes.

SEC. 3. PROCEEDS.

Section 1956(c)(1) of title 18, United States Code, is amended by striking ''represented proceeds'' and inserting ''represented proceeds, including gross receipts,''.

SEC. 4. SENTENCING COMMISSION STUDY.

The United States Sentencing Commission shall—

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

(2) report the findings of the study to Congress not later than 6 months after the date of enactment of this Act.

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