

13. **Gross Receipts Enhancement under Subsection (b)(17)(A).—**

- (A) **In General.**—For purposes of subsection (b)(17)(A), the defendant shall be considered to have derived more than \$1,000,000 in gross receipts if the gross receipts to the defendant individually, rather than to all participants, exceeded \$1,000,000.
- (B) **Definition.**—“*Gross receipts from the offense*” includes all property, real or personal, tangible or intangible, which is obtained directly or indirectly as a result of such offense. *See* 18 U.S.C. § 982(a)(4).

14. **Application of Subsection (b)(17)(B).—**

- (A) **Application of Subsection (b)(17)(B)(i).**—The following is a non-exhaustive list of factors that the court shall consider in determining whether, as a result of the offense, the safety and soundness of a financial institution was substantially jeopardized:
 - (i) The financial institution became insolvent.
 - (ii) The financial institution substantially reduced benefits to pensioners or insureds.
 - (iii) The financial institution was unable on demand to refund fully any deposit, payment, or investment.
 - (iv) The financial institution was so depleted of its assets as to be forced to merge with another institution in order to continue active operations.
 - (v) One or more of the criteria in clauses (i) through (iv) was likely to result from the offense but did not result from the offense because of federal government intervention, such as a “bailout”.
- (B) **Application of Subsection (b)(17)(B)(ii).**—
 - (i) **Definition.**—For purposes of this subsection, “*organization*” has the meaning given that term in Application Note 1 of §8A1.1 (Applicability of Chapter Eight).
 - (ii) **In General.**—The following is a non-exhaustive list of factors that the court shall consider in determining whether, as a result of the offense, the solvency or financial security of an organization that was a publicly traded company or that had more than 1,000 employees was substantially endangered:
 - (I) The organization became insolvent or suffered a substantial reduction in the value of its assets.
 - (II) The organization filed for bankruptcy under Chapters 7, 11, or 13 of the Bankruptcy Code (title 11, United States Code).
 - (III) The organization suffered a substantial reduction in the value of its equity securities or the value of its employee retirement accounts.
 - (IV) The organization substantially reduced its workforce.
 - (V) The organization substantially reduced its employee pension benefits.