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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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SALINAS *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 96–738. Argued October 8, 1997– Decided December 2, 1997.

This federal prosecution arose from a scheme in which a Texas county sheriff accepted money, and his deputy, petitioner Salinas, accepted two watches and a truck, in exchange for permitting women to make so-called "contact visits" to one Beltran, a federal prisoner housed in the county jail pursuant to an agreement with the Federal Government. Salinas was charged with one count of violating the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U. S. C. §1962(c), one count of conspiracy to violate RICO, §1962(d), and two counts of bribery, §666(a)(1)(B). The jury convicted him on all but the substantive RICO count, and the Fifth Circuit affirmed.

Held:

1. Section 666(a)(1)(B) does not require the Government to prove the bribe in question had a demonstrated effect upon federal funds. The enactment's plain language is expansive and unqualified, both as to the bribes forbidden and the entities covered, demonstrating by its reference to "any" business or transaction, §666(a)(1)(B), that it is not confined to transactions affecting federal funds; by its application to all cases in which an "organization, government, or agency" receives a specified amount of federal benefits, §666(b), that it reaches the scheme involved here; and by its prohibition on accepting "anything of value," §666(a)(1)(B), that it encompasses the transfers of personal property to petitioner in exchange for his favorable treatment of Beltran. Given the statute's plain and unambiguous meaning, petitioner is not aided by the legislative history, see, *e.g.*, *United States* v. *Albertini*, 472 U. S. 675, 680, or by the plain-statement rule set forth in *Gregory* v. *Ashcroft*, 501 U. S. 452, 460–461, and *McNally* v. *United States*, 483 U. S. 350, 360, see, *e.g.*, *Seminole Tribe of Florida* v. *Florida*, 517 U. S. 44, 57, n. 9. Moreover, the construction he seeks cannot stand

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when viewed in light of the pre-§666 statutory framework– which limited federal bribery prohibitions to "public official[s]," defined as "officer[s] or employee[s] or person[s] acting for or on behalf of the United States, or any … branch … thereof," and which was interpreted by some lower courts not to include state and local officials– and the expansion prescribed by §666(a)(1)(B), which was designed to extend coverage to bribes offered to state and local officials employed by agencies receiving federal funds. Under this Court's construction, §666(a)(1)(B) is constitutional as applied in this case. Its application to petitioner did not extend federal power beyond its proper bounds, since the preferential treatment accorded Beltran was a threat to the integrity and proper operation of the federal program under which the jail was managed. See *Westfall* v. *United States*, 274 U. S. 256, 259. Pp. 3–9.

2. To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c). Section 1962(d)– which forbids "any person to conspire to violate" §1962(c)– is even more comprehensive than the general conspiracy provision applicable to federal crimes, §371, since it contains no requirement of an overt or specific act to effect the conspiracy's object. Presuming Congress intended the "to conspire" phrase to have its ordinary meaning under the criminal law, see *Morissette* v. *United States*, 342 U. S. 246, 263, well-established principles and contemporary understanding demonstrate that, although a conspirator must intend to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense, it suffices that he adopt the goal of furthering or facilitating the criminal endeavor, and he need not agree to undertake all of the acts necessary for the crime's completion. Salinas' contrary interpretation of §1962(c) violates the foregoing principles and is refuted by *Bannon* v. *United States*, 156 U. S. 464, 469. Its acceptance, moreover, is not required by the rule of lenity, see *United States* v. *Shabani*, 513 U. S. 10, 17. Even if Salinas did not accept or agree to accept two bribes, there was ample evidence that the sheriff committed at least two predicate acts when he accepted numerous bribes and that Salinas knew about and agreed to facilitate the scheme, and this is sufficient to support Salinas' conviction under §1962(d). Pp. 9–14.

89 F. 3d 1185, affirmed.

KENNEDY, J., delivered the opinion for a unanimous Court.