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# UNITED STATES SENTENCING COMMISSION

## SUPPLEMENT TO THE 2006 GUIDELINES MANUAL

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MAY 1, 2007

This supplement incorporates the emergency guideline amendments to §2H3.1 and Appendix A (Statutory Index). This document, used in conjunction with the 2006 Guidelines Manual (crimson cover), constitutes the operative Guidelines Manual effective May 1, 2007.

**TABLE OF CONTENTS**

	Page
§2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information) .....	1
Appendix A (Statutory Index) .....	3
Supplement to the 2006 Supplement to Appendix C .....	25

**AMENDED GUIDELINES\***

\*For guidelines other than those shown in this supplement, see the main volume of the 2006 Guidelines Manual.

**3. PRIVACY AND EAVESDROPPING**

**§2H3.1. Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information**

- (a) Base Offense Level (Apply the greater):
  - (1) **9**; or
  - (2) **6**, if the defendant was convicted of 26 U.S.C. § 7213A or 26 U.S.C. § 7216.
- (b) Specific Offense Characteristic
  - (1) If (A) the defendant is convicted under 18 U.S.C. § 1039(d) or (e); or (B) the purpose of the offense was to obtain direct or indirect commercial advantage or economic gain, increase by **3** levels.
- (c) Cross Reference
  - (1) If the purpose of the offense was to facilitate another offense, apply the guideline applicable to an attempt to commit that other offense, if the resulting offense level is greater than that determined above.

Commentary

*Statutory Provisions:* 18 U.S.C. §§ 1039, 2511; 26 U.S.C. §§ 7213(a)(1)-(3), (a)(5), (d), 7213A, 7216; 47 U.S.C. § 605. For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. Satellite Cable Transmissions.—If the offense involved interception of satellite cable transmissions for purposes of commercial advantage or private financial gain (including avoiding payment of fees), apply §2B5.3 (Criminal Infringement of Copyright) rather than this guideline.
2. Imposition of Sentence for 18 U.S.C. § 1039(d) and (e).—Subsections 1039(d) and (e) of title 18, United States Code, require a term of imprisonment of not more than 5 years to be imposed in addition to any sentence imposed for a conviction under 18 U.S.C. § 1039(a), (b), or (c). In order to comply with the statute, the court should determine the appropriate "total punishment" and divide the sentence on the judgment form between the sentence attributable to the conviction under 18 U.S.C. § 1039(d) or (e) and the sentence attributable to the conviction under 18 U.S.C. § 1039(a), (b), or (c), specifying the number of months to be served for the conviction under 18 U.S.C. § 1039(d) or (e). For example, if the applicable adjusted guideline range is 15-21 months and the court determines a "total punishment" of 21 months is appropriate, a sentence of 9

*months for conduct under 18 U.S.C. § 1039(a) plus 12 months for 18 U.S.C. § 1039(d) conduct would achieve the "total punishment" in a manner that satisfies the statutory requirement.*

3. Upward Departure.—*There may be cases in which the offense level determined under this guideline substantially understates the seriousness of the offense. In such a case, an upward departure may be warranted. The following are examples of cases in which an upward departure may be warranted:*
- (i) *The offense involved confidential phone records information of a substantial number of individuals.*
  - (ii) *The offense caused or risked substantial non-monetary harm (e.g. physical harm, psychological harm, or severe emotional trauma, or resulted in a substantial invasion of privacy interest) to individuals whose private or protected information was obtained.*

Historical Note: Effective November 1, 1987. Amended effective November 1, 1989 (see Appendix C, amendment 169); November 1, 2001 (see Appendix C, amendment 628); May 1, 2007 (see Appendix C, amendment 697).

## APPENDIX A - STATUTORY INDEX

### INTRODUCTION

This index specifies the offense guideline section(s) in Chapter Two (Offense Conduct) applicable to the statute of conviction. If more than one guideline section is referenced for the particular statute, use the guideline most appropriate for the offense conduct charged in the count of which the defendant was convicted. For the rules governing the determination of the offense guideline section(s) from Chapter Two, and for any exceptions to those rules, see §1B1.2 (Applicable Guidelines).

Historical Note: Effective November 1, 1987. Amended effective November 1, 1989 (see Appendix C, amendments 296 and 297); November 1, 1993 (see Appendix C, amendment 496); November 1, 2000 (see Appendix C, amendment 591).

### INDEX

<u>Statute</u>	<u>Guideline</u>	<u>Statute</u>	<u>Guideline</u>
2 U.S.C. § 437g(d)	2C1.8	7 U.S.C. § 6o	2B1.1
2 U.S.C. § 439a	2C1.8	7 U.S.C. § 13(a)(1)	2B1.1
2 U.S.C. § 441a	2C1.8	7 U.S.C. § 13(a)(2)	2B1.1
2 U.S.C. § 441a-1	2C1.8	7 U.S.C. § 13(a)(3)	2B1.1
2 U.S.C. § 441b	2C1.8	7 U.S.C. § 13(a)(4)	2B1.1
2 U.S.C. § 441c	2C1.8	7 U.S.C. § 13(c)	2C1.3
2 U.S.C. § 441d	2C1.8	7 U.S.C. § 13(d)	2B1.4
2 U.S.C. § 441e	2C1.8	7 U.S.C. § 13(f)	2B1.4
2 U.S.C. § 441f	2C1.8	7 U.S.C. § 23	2B1.1
2 U.S.C. § 441g	2C1.8	7 U.S.C. § 87b	2N2.1
2 U.S.C. § 441h(a)	2C1.8	7 U.S.C. § 136	2Q1.2
2 U.S.C. § 441i	2C1.8	7 U.S.C. § 136j	2Q1.2
2 U.S.C. § 441k	2C1.8	7 U.S.C. § 136k	2Q1.2
7 U.S.C. § 6	2B1.1	7 U.S.C. § 136l	2Q1.2
7 U.S.C. § 6b(A)	2B1.1	7 U.S.C. § 149	2N2.1
7 U.S.C. § 6b(B)	2B1.1	7 U.S.C. § 150bb	2N2.1
7 U.S.C. § 6b(C)	2B1.1	7 U.S.C. § 150gg	2N2.1
7 U.S.C. § 6c	2B1.1	7 U.S.C. § 154	2N2.1
7 U.S.C. § 6h	2B1.1	7 U.S.C. § 156	2N2.1

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

7 U.S.C. § 157	2N2.1	8 U.S.C. § 1253	2L1.2
7 U.S.C. § 158	2N2.1	8 U.S.C. § 1255a(c)(6)	2L2.1, 2L2.2
7 U.S.C. § 161	2N2.1	8 U.S.C. § 1324(a)	2L1.1
7 U.S.C. § 163	2N2.1	8 U.S.C. § 1325(a)	2L1.2
7 U.S.C. § 195	2N2.1	8 U.S.C. § 1325(b)	2L2.1, 2L2.2
7 U.S.C. § 270	2B1.1	8 U.S.C. § 1325(c)	2L2.1, 2L2.2
7 U.S.C. § 281	2N2.1	8 U.S.C. § 1326	2L1.2
7 U.S.C. § 472	2N2.1	8 U.S.C. § 1327	2L1.1
7 U.S.C. § 473c-1	2N2.1	8 U.S.C. § 1328	2G1.1, 2G1.3
7 U.S.C. § 491	2N2.1	12 U.S.C. § 631	2B1.1
7 U.S.C. § 499n	2N2.1	15 U.S.C. § 1	2R1.1
7 U.S.C. § 503	2N2.1	15 U.S.C. § 3(b)	2R1.1
7 U.S.C. § 511d	2N2.1	15 U.S.C. § 50	2B1.1, 2J1.1, 2J1.5
7 U.S.C. § 511i	2N2.1	15 U.S.C. § 77e	2B1.1
7 U.S.C. § 516	2N2.1	15 U.S.C. § 77q	2B1.1
7 U.S.C. § 610(g)	2C1.3	15 U.S.C. § 77x	2B1.1
7 U.S.C. § 2018(c)	2N2.1	15 U.S.C. § 78j	2B1.1, 2B1.4
7 U.S.C. § 2024(b)	2B1.1	15 U.S.C. § 78dd-1	2C1.1
7 U.S.C. § 2024(c)	2B1.1	15 U.S.C. § 78dd-2	2C1.1
7 U.S.C. § 2156	2X5.2	15 U.S.C. § 78dd-3	2C1.1
7 U.S.C. § 6810	2N2.1	15 U.S.C. § 78ff	2B1.1, 2C1.1
7 U.S.C. § 7734	2N2.1	15 U.S.C. § 80b-6	2B1.1
7 U.S.C. § 8313	2N2.1	15 U.S.C. § 158	2B1.1
8 U.S.C. § 1160(b)(7)(A)	2L2.1, 2L2.2	15 U.S.C. § 645(a)	2B1.1
8 U.S.C. § 1185(a)(1)	2L1.2	15 U.S.C. § 645(b)	2B1.1
8 U.S.C. § 1185(a)(2)	2L1.1	15 U.S.C. § 645(c)	2B1.1
8 U.S.C. § 1185(a)(3)	2L2.1, 2L2.2	15 U.S.C. § 714m(a)	2B1.1
8 U.S.C. § 1185(a)(4)	2L2.1	15 U.S.C. § 714m(b)	2B1.1
8 U.S.C. § 1185(a)(5)	2L2.2	15 U.S.C. § 714m(c)	2B1.1

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

15 U.S.C. § 1172	2E3.1	16 U.S.C. § 117c	2B1.1
15 U.S.C. § 1173	2E3.1	16 U.S.C. § 123	2B1.1, 2B2.3
15 U.S.C. § 1174	2E3.1	16 U.S.C. § 146	2B1.1, 2B2.3
15 U.S.C. § 1175	2E3.1	16 U.S.C. § 413	2B1.1
15 U.S.C. § 1176	2E3.1	16 U.S.C. § 470ee	2B1.5
15 U.S.C. § 1281	2B1.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 668(a)	2B1.5, 2Q2.1
		16 U.S.C. § 707(b)	2B1.5, 2Q2.1
15 U.S.C. § 1644	2B1.1	16 U.S.C. § 742j-1(a)	2Q2.1
15 U.S.C. § 1681q	2B1.1	16 U.S.C. § 773e (a)(2), (3),(4),(6)	2A2.4
15 U.S.C. § 1693n(a)	2B1.1	16 U.S.C. § 773g	2A2.4
15 U.S.C. § 1983	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 831t(a)	2B1.1
		16 U.S.C. § 831t(b)	2B1.1
15 U.S.C. § 1984	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 831t(c)	2B1.1, 2X1.1
		16 U.S.C. § 916c	2Q2.1
15 U.S.C. § 1985	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 916f	2Q2.1
		16 U.S.C. § 973c(a)(8), (10),(11),(12)	2A2.4
15 U.S.C. § 1986	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 973e	2A2.4
		16 U.S.C. § 1029	2A2.4
15 U.S.C. § 1987	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 1030	2A2.4
		16 U.S.C. § 1174(a)	2Q2.1
15 U.S.C. § 1988	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 1338(a)	2Q2.1
		16 U.S.C. § 1372	2Q2.1
15 U.S.C. § 1990c	2N3.1(for offenses committed prior to July 5, 1994)	16 U.S.C. § 1375(b)	2Q2.1
		16 U.S.C. § 1387	2Q2.1
15 U.S.C. § 2614	2Q1.2	16 U.S.C. § 1417(a)(5), (6),(b)(2)	2A2.4
15 U.S.C. § 2615	2Q1.2	16 U.S.C. § 1437(c)	2A2.4
15 U.S.C. § 6821	2B1.1	16 U.S.C. § 1540(b)	2Q2.1
15 U.S.C. § 7704(d)	2G2.5	16 U.S.C. § 1857(1)(D)	2A2.4
16 U.S.C. § 114	2B1.1		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

16 U.S.C. § 1857(1)(E)	2A2.4	18 U.S.C. § 32(a),(b)	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3, 2A4.1, 2A5.1, 2A5.2, 2B1.1, 2K1.4, 2X1.1
16 U.S.C. § 1857(1)(F)	2A2.4		
16 U.S.C. § 1857(1)(H)	2A2.4		
16 U.S.C. § 1859	2A2.4	18 U.S.C. § 32(c)	2A6.1
16 U.S.C. § 2435(4)	2A2.4	18 U.S.C. § 33	2A2.1, 2A2.2, 2B1.1, 2K1.4
16 U.S.C. § 2435(5)	2A2.4		
16 U.S.C. § 2435(6)	2A2.4	18 U.S.C. § 34	2A1.1, 2A1.2, 2A1.3, 2A1.4
16 U.S.C. § 2435(7)	2A2.4		
16 U.S.C. § 2438	2A2.4	18 U.S.C. § 35(b)	2A6.1
16 U.S.C. § 3373(d)	2Q2.1	18 U.S.C. § 36	2D1.1
16 U.S.C. § 3606	2A2.4	18 U.S.C. § 37	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3, 2A3.1, 2A3.4, 2A4.1, 2A5.1, 2A5.2, 2B1.1, 2B3.1, 2K1.4, 2X1.1
16 U.S.C. § 3637(a)(2), (3),(4),(6),(c)	2A2.4		
16 U.S.C. § 4223	2Q2.1	18 U.S.C. § 38	2B1.1
16 U.S.C. § 4224	2Q2.1	18 U.S.C. § 43	2B1.1
16 U.S.C. § 4910(a)	2Q2.1	18 U.S.C. § 81	2K1.4
16 U.S.C. § 4912(a)(2)(A)	2Q2.1	18 U.S.C. § 111	2A2.2, 2A2.4
16 U.S.C. § 5009(5),(6), (7),(8)	2A2.4	18 U.S.C. § 112(a)	2A2.1, 2A2.2, 2A2.3, 2A4.1, 2B1.1, 2K1.4
16 U.S.C. § 5010(b)	2A2.4	18 U.S.C. § 113(a)	2A2.1 (for offenses committed prior to September 13, 1994)
17 U.S.C. § 506(a)	2B5.3		
18 U.S.C. § 2	2X2.1	18 U.S.C. § 113(a)(1)	2A2.1
18 U.S.C. § 3	2X3.1	18 U.S.C. § 113(a)(2)	2A2.2
18 U.S.C. § 4	2X4.1	18 U.S.C. § 113(a)(3)	2A2.2
18 U.S.C. § 25	2X6.1	18 U.S.C. § 113(a)(5) (Class A misdemeanor provisions only)	2A2.3
		18 U.S.C. § 113(a)(6)	2A2.2
		18 U.S.C. § 113(a)(7)	2A2.3



SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

18 U.S.C. § 113(b)	2A2.2 (for offenses committed prior to September 13, 1994)	18 U.S.C. § 207	2C1.3
		18 U.S.C. § 208	2C1.3
18 U.S.C. § 113(c)	2A2.2 (for offenses committed prior to September 13, 1994)	18 U.S.C. § 209	2C1.3
		18 U.S.C. § 210	2C1.5
18 U.S.C. § 113(f)	2A2.2 (for offenses committed prior to September 13, 1994)	18 U.S.C. § 211	2C1.5
		18 U.S.C. § 212	2C1.2
18 U.S.C. § 114	2A2.2	18 U.S.C. § 213	2C1.2
		18 U.S.C. § 214	2C1.2
18 U.S.C. § 115(a)	2A1.1, 2A1.2, 2A1.3, 2A2.1, 2A2.2, 2A2.3, 2A4.1, 2A6.1, 2X1.1	18 U.S.C. § 215	2B4.1
		18 U.S.C. § 217	2C1.2
18 U.S.C. § 115(b)(1)	2A2.1, 2A2.2, 2A2.3	18 U.S.C. § 219	2C1.3
18 U.S.C. § 115(b)(2)	2A4.1, 2X1.1	18 U.S.C. § 224	2B4.1
18 U.S.C. § 115(b)(3)	2A1.1, 2A1.2, 2A2.1, 2X1.1	18 U.S.C. § 225	2B1.1, 2B4.1
18 U.S.C. § 115(b)(4)	2A6.1	18 U.S.C. § 228	2J1.1
18 U.S.C. § 152	2B1.1, 2B4.1, 2J1.3	18 U.S.C. § 229	2M6.1
18 U.S.C. § 153	2B1.1	18 U.S.C. § 241	2H1.1, 2H2.1, 2H4.1
18 U.S.C. § 155	2B1.1	18 U.S.C. § 242	2H1.1, 2H2.1
18 U.S.C. § 175	2M6.1	18 U.S.C. § 245(b)	2H1.1, 2H2.1, 2J1.2
18 U.S.C. § 175b	2M6.1	18 U.S.C. § 246	2H1.1
18 U.S.C. § 175c	2M6.1	18 U.S.C. § 247	2H1.1
18 U.S.C. § 201(b)(1)	2C1.1	18 U.S.C. § 281	2C1.3
18 U.S.C. § 201(b)(2)	2C1.1	18 U.S.C. § 285	2B1.1
18 U.S.C. § 201(b)(3)	2J1.3	18 U.S.C. § 286	2B1.1
18 U.S.C. § 201(b)(4)	2J1.3	18 U.S.C. § 287	2B1.1
18 U.S.C. § 201(c)(1)	2C1.2	18 U.S.C. § 288	2B1.1
18 U.S.C. § 201(c)(2)	2J1.9	18 U.S.C. § 289	2B1.1
18 U.S.C. § 201(c)(3)	2J1.9	18 U.S.C. § 332	2B1.1
18 U.S.C. § 203	2C1.3	18 U.S.C. § 335	2B1.1
18 U.S.C. § 204	2C1.3	18 U.S.C. § 342	2D2.3
18 U.S.C. § 205	2C1.3		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

18 U.S.C. § 351(a)	2A1.1, 2A1.2, 2A1.3, 2A1.4	18 U.S.C. § 483	2B1.1
18 U.S.C. § 351(b)	2A1.1, 2A4.1	18 U.S.C. § 484	2B1.1, 2B5.1
18 U.S.C. § 351(c)	2A2.1, 2A4.1	18 U.S.C. § 485	2B1.1, 2B5.1
18 U.S.C. § 351(d)	2A1.5, 2A4.1	18 U.S.C. § 486	2B1.1, 2B5.1
18 U.S.C. § 351(e)	2A2.2, 2A2.3	18 U.S.C. § 487	2B5.1
18 U.S.C. § 371	2A1.5, 2C1.1 (if conspiracy to defraud by interference with governmental functions) 2T1.9, 2K2.1 (if a conspiracy to violate 18 U.S.C. § 924(c)), 2X1.1	18 U.S.C. § 488	2B1.1
		18 U.S.C. § 490	2B5.1
		18 U.S.C. § 491	2B1.1, 2B5.1
		18 U.S.C. § 493	2B1.1, 2B5.1
		18 U.S.C. § 494	2B1.1
		18 U.S.C. § 495	2B1.1
18 U.S.C. § 372	2X1.1	18 U.S.C. § 496	2B1.1, 2T3.1
18 U.S.C. § 373	2A1.5, 2X1.1	18 U.S.C. § 497	2B1.1
18 U.S.C. § 401	2J1.1	18 U.S.C. § 498	2B1.1
18 U.S.C. § 403	2J1.1	18 U.S.C. § 499	2B1.1
18 U.S.C. § 440	2C1.3	18 U.S.C. § 500	2B1.1, 2B5.1
18 U.S.C. § 442	2C1.3	18 U.S.C. § 501	2B1.1, 2B5.1
18 U.S.C. § 470	2B1.1, 2B5.1	18 U.S.C. § 502	2B1.1
18 U.S.C. § 471	2B1.1, 2B5.1	18 U.S.C. § 503	2B1.1
18 U.S.C. § 472	2B1.1, 2B5.1	18 U.S.C. § 505	2B1.1, 2J1.2
18 U.S.C. § 473	2B1.1, 2B5.1	18 U.S.C. § 506	2B1.1
18 U.S.C. § 474	2B1.1, 2B5.1	18 U.S.C. § 507	2B1.1
18 U.S.C. § 474A	2B1.1, 2B5.1	18 U.S.C. § 508	2B1.1
18 U.S.C. § 476	2B1.1, 2B5.1	18 U.S.C. § 509	2B1.1
18 U.S.C. § 477	2B1.1, 2B5.1	18 U.S.C. § 510	2B1.1
18 U.S.C. § 478	2B1.1	18 U.S.C. § 511	2B6.1
18 U.S.C. § 479	2B1.1	18 U.S.C. § 513	2B1.1
18 U.S.C. § 480	2B1.1	18 U.S.C. § 514	2B1.1
18 U.S.C. § 481	2B1.1	18 U.S.C. § 541	2B1.5, 2T3.1
18 U.S.C. § 482	2B1.1		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

18 U.S.C. § 542	2B1.5, 2T3.1	18 U.S.C. § 651	2B1.1
18 U.S.C. § 543	2B1.5, 2T3.1	18 U.S.C. § 652	2B1.1
18 U.S.C. § 544	2B1.5, 2T3.1	18 U.S.C. § 653	2B1.1
18 U.S.C. § 545	2B1.5, 2Q2.1, 2T3.1	18 U.S.C. § 654	2B1.1
18 U.S.C. § 546	2B1.5	18 U.S.C. § 655	2B1.1
18 U.S.C. § 547	2T3.1	18 U.S.C. § 656	2B1.1
18 U.S.C. § 548	2T3.1	18 U.S.C. § 657	2B1.1
18 U.S.C. § 549	2B1.1, 2T3.1	18 U.S.C. § 658	2B1.1
18 U.S.C. § 550	2T3.1	18 U.S.C. § 659	2B1.1
18 U.S.C. § 551	2J1.2, 2T3.1	18 U.S.C. § 660	2B1.1
18 U.S.C. § 552	2G3.1	18 U.S.C. § 661	2B1.1, 2B1.5
18 U.S.C. § 553(a)(1)	2B1.1	18 U.S.C. § 662	2B1.1, 2B1.5
18 U.S.C. § 553(a)(2)	2B1.1, 2B6.1	18 U.S.C. § 663	2B1.1
18 U.S.C. § 592	2H2.1	18 U.S.C. § 664	2B1.1
18 U.S.C. § 593	2H2.1	18 U.S.C. § 665(a)	2B1.1
18 U.S.C. § 594	2H2.1	18 U.S.C. § 665(b)	2B3.3, 2C1.1
18 U.S.C. § 597	2H2.1	18 U.S.C. § 665(c)	2J1.2
18 U.S.C. § 607	2C1.8	18 U.S.C. § 666(a)(1)(A)	2B1.1, 2B1.5
18 U.S.C. § 608	2H2.1	18 U.S.C. § 666(a)(1)(B)	2C1.1, 2C1.2
18 U.S.C. § 611	2H2.1	18 U.S.C. § 666(a)(2)	2C1.1, 2C1.2
18 U.S.C. § 641	2B1.1, 2B1.5	18 U.S.C. § 667	2B1.1
18 U.S.C. § 642	2B1.1, 2B5.1	18 U.S.C. § 668	2B1.5
18 U.S.C. § 643	2B1.1	18 U.S.C. § 669	2B1.1
18 U.S.C. § 644	2B1.1	18 U.S.C. § 709	2B1.1
18 U.S.C. § 645	2B1.1	18 U.S.C. § 712	2B1.1
18 U.S.C. § 646	2B1.1	18 U.S.C. § 751	2P1.1
18 U.S.C. § 647	2B1.1	18 U.S.C. § 752	2P1.1, 2X3.1
18 U.S.C. § 648	2B1.1	18 U.S.C. § 753	2P1.1
18 U.S.C. § 649	2B1.1	18 U.S.C. § 755	2P1.1
18 U.S.C. § 650	2B1.1		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 756	2P1.1	18 U.S.C. § 844(m)	2K1.3
18 U.S.C. § 757	2P1.1, 2X3.1	18 U.S.C. § 844(n)	2X1.1
18 U.S.C. § 758	2A2.4	18 U.S.C. § 844(o)	2K2.4
18 U.S.C. § 793(a)-(c)	2M3.2	18 U.S.C. § 871	2A6.1
18 U.S.C. § 793(d),(e)	2M3.2, 2M3.3	18 U.S.C. § 872	2C1.1
18 U.S.C. § 793(f)	2M3.4	18 U.S.C. § 873	2B3.3
18 U.S.C. § 793(g)	2M3.2, 2M3.3	18 U.S.C. § 874	2B3.2, 2B3.3
18 U.S.C. § 794	2M3.1	18 U.S.C. § 875(a)	2A4.2, 2B3.2
18 U.S.C. § 798	2M3.3	18 U.S.C. § 875(b)	2B3.2
18 U.S.C. § 831	2M6.1	18 U.S.C. § 875(c)	2A6.1
18 U.S.C. § 832	2M6.1	18 U.S.C. § 875(d)	2B3.2, 2B3.3
18 U.S.C. § 842(a)-(e)	2K1.3	18 U.S.C. § 876	2A4.2, 2A6.1, 2B3.2, 2B3.3
18 U.S.C. § 842(f)	2K1.6	18 U.S.C. § 877	2A4.2, 2A6.1, 2B3.2, 2B3.3
18 U.S.C. § 842(g)	2K1.6	18 U.S.C. § 878(a)	2A6.1
18 U.S.C. § 842(h),(i)	2K1.3	18 U.S.C. § 878(b)	2B3.2
18 U.S.C. § 842(j)	2K1.1	18 U.S.C. § 879	2A6.1
18 U.S.C. § 842(k)	2K1.1	18 U.S.C. § 880	2B1.1
18 U.S.C. § 842(l)-(o)	2K1.3	18 U.S.C. § 892	2E2.1
18 U.S.C. § 842(p)(2)	2K1.3, 2M6.1	18 U.S.C. § 893	2E2.1
18 U.S.C. § 844(b)	2K1.1	18 U.S.C. § 894	2E2.1
18 U.S.C. § 844(d)	2K1.3	18 U.S.C. § 911	2B1.1, 2L2.2
18 U.S.C. § 844(e)	2A6.1	18 U.S.C. § 912	2J1.4
18 U.S.C. § 844(f)	2K1.4, 2X1.1	18 U.S.C. § 913	2J1.4
18 U.S.C. § 844(g)	2K1.3	18 U.S.C. § 914	2B1.1
18 U.S.C. § 844(h)	2K2.4 (2K1.4 for offenses committed prior to November 18, 1988)	18 U.S.C. § 915	2B1.1
		18 U.S.C. § 917	2B1.1
		18 U.S.C. § 922(a)-(p)	2K2.1
18 U.S.C. § 844(i)	2K1.4	18 U.S.C. § 922(q)	2K2.5

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 922(r)-(w)	2K2.1	18 U.S.C. § 1012	2B1.1, 2C1.3
18 U.S.C. § 922(x)(1)	2K2.1	18 U.S.C. § 1013	2B1.1
18 U.S.C. § 923	2K2.1	18 U.S.C. § 1014	2B1.1
18 U.S.C. § 924(a)	2K2.1	18 U.S.C. § 1015(a)-(e)	2B1.1, 2J1.3, 2L2.1, 2L2.2
18 U.S.C. § 924(b)	2K2.1	18 U.S.C. § 1015(f)	2H2.1
18 U.S.C. § 924(c)	2K2.4	18 U.S.C. § 1016	2B1.1
18 U.S.C. § 924(e)	2K2.1 (see also 4B1.4)	18 U.S.C. § 1017	2B1.1
18 U.S.C. § 924(f)	2K2.1	18 U.S.C. § 1018	2B1.1
18 U.S.C. § 924(g)	2K2.1	18 U.S.C. § 1019	2B1.1
18 U.S.C. § 924(h)	2K2.1	18 U.S.C. § 1020	2B1.1
18 U.S.C. § 924(i)	2K2.1	18 U.S.C. § 1021	2B1.1
18 U.S.C. § 924(j)(1)	2A1.1, 2A1.2	18 U.S.C. § 1022	2B1.1
18 U.S.C. § 924(j)(2)	2A1.3, 2A1.4	18 U.S.C. § 1023	2B1.1
18 U.S.C. § 924(k)-(o)	2K2.1	18 U.S.C. § 1024	2B1.1
18 U.S.C. § 929(a)	2K2.4	18 U.S.C. § 1025	2B1.1
18 U.S.C. § 930	2K2.5	18 U.S.C. § 1026	2B1.1
18 U.S.C. § 956	2A1.5, 2X1.1	18 U.S.C. § 1027	2E5.3
18 U.S.C. § 970(a)	2B1.1, 2K1.4	18 U.S.C. § 1028	2B1.1, 2L2.1, 2L2.2
18 U.S.C. § 1001	2B1.1, 2J1.2 when the statutory maximum term of imprisonment relating to international terrorism or domestic terrorism is applicable	18 U.S.C. § 1028A	2B1.6
		18 U.S.C. § 1029	2B1.1
		18 U.S.C. § 1030(a)(1)	2M3.2
		18 U.S.C. § 1030(a)(2)	2B1.1
18 U.S.C. § 1002	2B1.1	18 U.S.C. § 1030(a)(3)	2B2.3
18 U.S.C. § 1003	2B1.1, 2B5.1	18 U.S.C. § 1030(a)(4)	2B1.1
18 U.S.C. § 1004	2B1.1	18 U.S.C. § 1030(a)(5)	2B1.1
18 U.S.C. § 1005	2B1.1	18 U.S.C. § 1030(a)(6)	2B1.1
18 U.S.C. § 1006	2B1.1, 2S1.3	18 U.S.C. § 1030(a)(7)	2B3.2
18 U.S.C. § 1007	2B1.1, 2S1.3	18 U.S.C. § 1030(b)	2X1.1
18 U.S.C. § 1010	2B1.1	18 U.S.C. § 1031	2B1.1
18 U.S.C. § 1011	2B1.1		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 1032	2B1.1, 2B4.1	18 U.S.C. § 1153	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3, 2A3.1, 2A3.2, 2A3.3, 2A3.4, 2A4.1, 2B1.1, 2B1.5, 2B2.1, 2B3.1, 2K1.4
18 U.S.C. § 1033	2B1.1, 2J1.2	18 U.S.C. § 1163	2B1.1, 2B1.5
18 U.S.C. § 1035	2B1.1	18 U.S.C. § 1167	2B1.1
18 U.S.C. § 1037	2B1.1	18 U.S.C. § 1168	2B1.1
18 U.S.C. § 1038	2A6.1	18 U.S.C. § 1170	2B1.5
18 U.S.C. § 1039	2H3.1	18 U.S.C. § 1201(a)	2A4.1
18 U.S.C. § 1071	2X3.1	18 U.S.C. § 1201(c),(d)	2X1.1
18 U.S.C. § 1072	2X3.1	18 U.S.C. § 1202	2A4.2
18 U.S.C. § 1073	2J1.5, 2J1.6	18 U.S.C. § 1203	2A4.1, 2X1.1
18 U.S.C. § 1082	2E3.1	18 U.S.C. § 1204	2J1.2
18 U.S.C. § 1084	2E3.1	18 U.S.C. § 1301	2E3.1
18 U.S.C. § 1091	2H1.3	18 U.S.C. § 1302	2E3.1
18 U.S.C. § 1111(a)	2A1.1, 2A1.2	18 U.S.C. § 1303	2E3.1
18 U.S.C. § 1112	2A1.3, 2A1.4	18 U.S.C. § 1304	2E3.1
18 U.S.C. § 1113	2A2.1, 2A2.2	18 U.S.C. § 1306	2E3.1
18 U.S.C. § 1114	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1	18 U.S.C. § 1341	2B1.1, 2C1.1
18 U.S.C. § 1115	2A1.4	18 U.S.C. § 1342	2B1.1, 2C1.1
18 U.S.C. § 1116	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1	18 U.S.C. § 1343	2B1.1, 2C1.1
18 U.S.C. § 1117	2A1.5	18 U.S.C. § 1344	2B1.1
18 U.S.C. § 1118	2A1.1, 2A1.2	18 U.S.C. § 1347	2B1.1
18 U.S.C. § 1119	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1	18 U.S.C. § 1348	2B1.1
18 U.S.C. § 1120	2A1.1, 2A1.2, 2A1.3, 2A1.4	18 U.S.C. § 1349	2X1.1
18 U.S.C. § 1121	2A1.1, 2A1.2	18 U.S.C. § 1350	2B1.1
18 U.S.C. § 1129(a)	2X5.2	18 U.S.C. § 1361	2B1.1, 2B1.5
18 U.S.C. § 1152	2B1.5	18 U.S.C. § 1362	2B1.1, 2K1.4
		18 U.S.C. § 1363	2B1.1, 2K1.4

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 1364	2K1.4	18 U.S.C. § 1505	2J1.2
18 U.S.C. § 1365(a)	2N1.1	18 U.S.C. § 1506	2J1.2
18 U.S.C. § 1365(b)	2N1.3	18 U.S.C. § 1507	2J1.2
18 U.S.C. § 1365(c)	2N1.2	18 U.S.C. § 1508	2J1.2
18 U.S.C. § 1365(d)	2N1.2	18 U.S.C. § 1509	2J1.2
18 U.S.C. § 1365(e)	2N1.1	18 U.S.C. § 1510	2J1.2
18 U.S.C. § 1365(f)	2X5.2	18 U.S.C. § 1511	2E3.1, 2J1.2
18 U.S.C. § 1366	2B1.1	18 U.S.C. § 1512(a)	2A1.1, 2A1.2, 2A1.3, 2A2.1
18 U.S.C. § 1369	2B1.1, 2B1.5	18 U.S.C. § 1512(b)	2A1.2, 2A2.2, 2J1.2
18 U.S.C. § 1422	2B1.1, 2C1.2	18 U.S.C. § 1512(c)	2J1.2
18 U.S.C. § 1423	2L2.2	18 U.S.C. § 1512(d)	2J1.2
18 U.S.C. § 1424	2L2.2	18 U.S.C. § 1513	2J1.2
18 U.S.C. § 1425	2L2.1, 2L2.2	18 U.S.C. § 1516	2J1.2
18 U.S.C. § 1426	2L2.1, 2L2.2	18 U.S.C. § 1517	2J1.2
18 U.S.C. § 1427	2L2.1	18 U.S.C. § 1518	2J1.2
18 U.S.C. § 1428	2L2.5	18 U.S.C. § 1519	2J1.2
18 U.S.C. § 1429	2J1.1	18 U.S.C. § 1520	2E5.3
18 U.S.C. § 1460	2G3.1	18 U.S.C. § 1541	2L2.1
18 U.S.C. § 1461	2G3.1	18 U.S.C. § 1542	2L2.1, 2L2.2
18 U.S.C. § 1462	2G3.1	18 U.S.C. § 1543	2L2.1, 2L2.2
18 U.S.C. § 1463	2G3.1	18 U.S.C. § 1544	2L2.1, 2L2.2
18 U.S.C. § 1464	2G3.2	18 U.S.C. § 1546	2L2.1, 2L2.2
18 U.S.C. § 1465	2G3.1	18 U.S.C. § 1581	2H4.1
18 U.S.C. § 1466	2G3.1	18 U.S.C. § 1582	2H4.1
18 U.S.C. § 1466A	2G2.2	18 U.S.C. § 1583	2H4.1
18 U.S.C. § 1468	2G3.2	18 U.S.C. § 1584	2H4.1
18 U.S.C. § 1470	2G3.1	18 U.S.C. § 1585	2H4.1
18 U.S.C. § 1501	2A2.2, 2A2.4	18 U.S.C. § 1586	2H4.1
18 U.S.C. § 1502	2A2.4	18 U.S.C. § 1587	2H4.1
18 U.S.C. § 1503	2J1.2		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 1588	2H4.1	18 U.S.C. § 1751(a)	2A1.1, 2A1.2, 2A1.3, 2A1.4
18 U.S.C. § 1589	2H4.1	18 U.S.C. § 1751(b)	2A4.1
18 U.S.C. § 1590	2H4.1	18 U.S.C. § 1751(c)	2A2.1, 2A4.1, 2X1.1
18 U.S.C. § 1591	2G1.1, 2G2.1, 2G1.3	18 U.S.C. § 1751(d)	2A1.5, 2A4.1, 2X1.1
18 U.S.C. § 1592	2H4.1	18 U.S.C. § 1751(e)	2A2.2, 2A2.3
18 U.S.C. § 1621	2J1.3	18 U.S.C. § 1791	2P1.2
18 U.S.C. § 1622	2J1.3	18 U.S.C. § 1792	2P1.3
18 U.S.C. § 1623	2J1.3	18 U.S.C. § 1801	2X5.2
18 U.S.C. § 1700	2H3.3	18 U.S.C. § 1831	2B1.1
18 U.S.C. § 1702	2B1.1, 2H3.3	18 U.S.C. § 1832	2B1.1
18 U.S.C. § 1703	2B1.1, 2H3.3	18 U.S.C. § 1841(a)(1)	2X5.1
18 U.S.C. § 1704	2B1.1	18 U.S.C. § 1841(a)(2)(C)	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2
18 U.S.C. § 1705	2B1.1	18 U.S.C. § 1851	2B1.1
18 U.S.C. § 1706	2B1.1	18 U.S.C. § 1852	2B1.1
18 U.S.C. § 1707	2B1.1	18 U.S.C. § 1853	2B1.1
18 U.S.C. § 1708	2B1.1	18 U.S.C. § 1854	2B1.1
18 U.S.C. § 1709	2B1.1	18 U.S.C. § 1855	2K1.4
18 U.S.C. § 1710	2B1.1	18 U.S.C. § 1857	2B1.1, 2B2.3
18 U.S.C. § 1711	2B1.1	18 U.S.C. § 1860	2R1.1
18 U.S.C. § 1712	2B1.1	18 U.S.C. § 1861	2B1.1
18 U.S.C. § 1716 (felony provisions only)	2K1.3, 2K3.2	18 U.S.C. § 1864	2Q1.6
18 U.S.C. § 1716C	2B1.1	18 U.S.C. § 1901	2C1.3
18 U.S.C. § 1716D	2Q2.1	18 U.S.C. § 1902	2B1.4
18 U.S.C. § 1720	2B1.1	18 U.S.C. § 1903	2C1.3
18 U.S.C. § 1721	2B1.1	18 U.S.C. § 1905	2H3.1
18 U.S.C. § 1728	2B1.1	18 U.S.C. § 1909	2C1.3
18 U.S.C. § 1735	2G3.1	18 U.S.C. § 1915	2T3.1
18 U.S.C. § 1737	2G3.1	18 U.S.C. § 1919	2B1.1



SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 1920	2B1.1	18 U.S.C. § 2071	2B1.1
18 U.S.C. § 1923	2B1.1	18 U.S.C. § 2072	2B1.1
18 U.S.C. § 1951	2B3.1, 2B3.2, 2B3.3, 2C1.1	18 U.S.C. § 2073	2B1.1
18 U.S.C. § 1952	2E1.2	18 U.S.C. § 2111	2B3.1
18 U.S.C. § 1952A	2E1.4	18 U.S.C. § 2112	2B3.1
18 U.S.C. § 1952B	2E1.3	18 U.S.C. § 2113(a)	2B1.1, 2B2.1, 2B3.1, 2B3.2
18 U.S.C. § 1953	2E3.1	18 U.S.C. § 2113(b)	2B1.1
18 U.S.C. § 1954	2E5.1	18 U.S.C. § 2113(c)	2B1.1
18 U.S.C. § 1955	2E3.1	18 U.S.C. § 2113(d)	2B3.1
18 U.S.C. § 1956	2S1.1	18 U.S.C. § 2113(e)	2A1.1, 2B3.1
18 U.S.C. § 1957	2S1.1	18 U.S.C. § 2114(a)	2B3.1
18 U.S.C. § 1958	2E1.4	18 U.S.C. § 2114(b)	2B1.1
18 U.S.C. § 1959	2E1.3	18 U.S.C. § 2115	2B2.1
18 U.S.C. § 1960	2S1.1, 2S1.3	18 U.S.C. § 2116	2A2.2, 2A2.3, 2B2.1, 2B3.1
18 U.S.C. § 1962	2E1.1	18 U.S.C. § 2117	2B2.1
18 U.S.C. § 1963	2E1.1	18 U.S.C. § 2118(a)	2B3.1
18 U.S.C. § 1991	2A2.1, 2X1.1	18 U.S.C. § 2118(b)	2B2.1
18 U.S.C. § 1992	2A1.1, 2B1.1, 2K1.4, 2X1.1	18 U.S.C. § 2118(c)(1)	2A2.1, 2A2.2, 2B3.1
18 U.S.C. § 1993(a)(1)	2B1.1, 2K1.4	18 U.S.C. § 2118(c)(2)	2A1.1
18 U.S.C. § 1993(a)(2)	2K1.4, 2M6.1	18 U.S.C. § 2118(d)	2X1.1
18 U.S.C. § 1993(a)(3)	2K1.4, 2M6.1	18 U.S.C. § 2119	2B3.1
18 U.S.C. § 1993(a)(4)	2A5.2, 2B1.1	18 U.S.C. § 2153	2M2.1
18 U.S.C. § 1993(a)(5)	2A5.2	18 U.S.C. § 2154	2M2.1
18 U.S.C. § 1993(a)(6)	2A2.1, 2A2.2, 2A5.2	18 U.S.C. § 2155	2M2.3
18 U.S.C. § 1993(a)(7)	2A6.1	18 U.S.C. § 2156	2M2.3
18 U.S.C. § 1993(a)(8)	2A5.2 (if attempt or conspiracy to commit 18 U.S.C. § 1993(a)(4), (a)(5), or (a)(6)), 2A6.1	18 U.S.C. § 2197	2B1.1
18 U.S.C. § 1993(b)	2A5.2, 2K1.4, 2M6.1	18 U.S.C. § 2199	2B1.1, 2B2.3
		18 U.S.C. § 2231	2A2.2, 2A2.3
		18 U.S.C. § 2232	2B1.5, 2J1.2

18 U.S.C. § 2233	2B1.1, 2B3.1	18 U.S.C. § 2281	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3, 2A4.1, 2B1.1, 2B3.1, 2B3.2, 2K1.4, 2X1.1
18 U.S.C. § 2241	2A3.1	18 U.S.C. § 2312	2B1.1
18 U.S.C. § 2242	2A3.1	18 U.S.C. § 2313	2B1.1
18 U.S.C. § 2243(a)	2A3.2	18 U.S.C. § 2314	2B1.1, 2B1.5
18 U.S.C. § 2243(b)	2A3.3	18 U.S.C. § 2315	2B1.1, 2B1.5
18 U.S.C. § 2244	2A3.4	18 U.S.C. § 2316	2B1.1
18 U.S.C. § 2245	2A1.1	18 U.S.C. § 2317	2B1.1
18 U.S.C. § 2251(a),(b)	2G2.1	18 U.S.C. § 2318	2B5.3
18 U.S.C. § 2251(c)(1)(A)	2G2.2	18 U.S.C. § 2319	2B5.3
18 U.S.C. § 2251(c)(1)(B)	2G2.1	18 U.S.C. § 2319A	2B5.3
18 U.S.C. § 2251A	2G2.3	18 U.S.C. § 2319B	2B5.3
18 U.S.C. § 2252	2G2.2	18 U.S.C. § 2320	2B5.3
18 U.S.C. § 2252A	2G2.2	18 U.S.C. § 2321	2B6.1
18 U.S.C. § 2252B	2G3.1	18 U.S.C. § 2322	2B6.1
18 U.S.C. § 2257	2G2.5	18 U.S.C. § 2332(a)	2A1.1, 2A1.2, 2A1.3, 2A1.4
18 U.S.C. § 2260(a)	2G2.1	18 U.S.C. § 2332(b)(1)	2A2.1
18 U.S.C. § 2260(b)	2G2.2	18 U.S.C. § 2332(b)(2)	2A1.5
18 U.S.C. § 2261	2A6.2	18 U.S.C. § 2332(c)	2A2.2
18 U.S.C. § 2261A	2A6.2	18 U.S.C. § 2332a	2K1.4, 2M6.1
18 U.S.C. § 2262	2A6.2	18 U.S.C. § 2332b(a)(1)	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A4.1, 2B1.1
18 U.S.C. § 2271	2X1.1	18 U.S.C. § 2332b(a)(2)	2A6.1
18 U.S.C. § 2272	2B1.1	18 U.S.C. § 2332d	2M5.1
18 U.S.C. § 2275	2B1.1, 2K1.4	18 U.S.C. § 2332f	2K1.4, 2M6.1
18 U.S.C. § 2276	2B1.1, 2B2.1	18 U.S.C. § 2332g	2K2.1
18 U.S.C. § 2280	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3, 2A4.1, 2B1.1, 2B3.1, 2B3.2, 2K1.4, 2X1.1	18 U.S.C. § 2332h	2M6.1

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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18 U.S.C. § 2339	2X2.1, 2X3.1	19 U.S.C. § 1434	2B1.1, 2T3.1
18 U.S.C. § 2339A	2X2.1, 2X3.1	19 U.S.C. § 1435	2B1.1, 2T3.1
18 U.S.C. § 2339B	2M5.3	19 U.S.C. § 1436	2B1.1, 2T3.1
18 U.S.C. § 2339C (a)(1)(A)	2X2.1	19 U.S.C. § 1464	2T3.1
18 U.S.C. § 2339C (a)(1)(B)	2M5.3	19 U.S.C. § 1465	2T3.1
18 U.S.C. § 2339C (c)(2)(A)	2X3.1	19 U.S.C. § 1586(e)	2T3.1
18 U.S.C. § 2339C (c)(2)(B)	2M5.3, 2X3.1	19 U.S.C. § 1707	2T3.1
18 U.S.C. § 2340A	2A1.1, 2A1.2, 2A2.1, 2A2.2, 2A4.1	19 U.S.C. § 1708(b)	2T3.1
18 U.S.C. § 2342(a)	2E4.1	19 U.S.C. § 1919	2B1.1
18 U.S.C. § 2344(a)	2E4.1	19 U.S.C. § 1919	2B1.1
18 U.S.C. § 2381	2M1.1	19 U.S.C. § 2316	2B1.1
18 U.S.C. § 2421	2G1.1, 2G1.3	19 U.S.C. § 2401f	2B1.1
18 U.S.C. § 2422	2G1.1, 2G1.3	19 U.S.C. § 3907	2T3.1
18 U.S.C. § 2423(a)	2G1.3	20 U.S.C. § 1097(a)	2B1.1
18 U.S.C. § 2423(b)	2G1.3	20 U.S.C. § 1097(b)	2B1.1
18 U.S.C. § 2425	2G1.3	20 U.S.C. § 1097(c)	2B4.1
18 U.S.C. § 2511	2B5.3, 2H3.1	20 U.S.C. § 1097(d)	2B1.1
18 U.S.C. § 2512	2H3.2	21 U.S.C. § 101	2N2.1
18 U.S.C. § 2701	2B1.1	21 U.S.C. § 102	2N2.1
18 U.S.C. § 3056(d)	2A2.4	21 U.S.C. § 103	2N2.1
18 U.S.C. § 3146(b)(1)(A)	2J1.6	21 U.S.C. § 104	2N2.1
18 U.S.C. § 3146(b)(1)(B)	2J1.5	21 U.S.C. § 105	2N2.1
18 U.S.C. § 3147	2J1.7	21 U.S.C. § 111	2N2.1
19 U.S.C. § 283	2T3.1	21 U.S.C. § 115	2N2.1
19 U.S.C. § 1304	2T3.1	21 U.S.C. § 117	2N2.1
19 U.S.C. § 1433	2T3.1	21 U.S.C. § 120	2N2.1
		21 U.S.C. § 121	2N2.1
		21 U.S.C. § 122	2N2.1
		21 U.S.C. § 124	2N2.1
		21 U.S.C. § 126	2N2.1
		21 U.S.C. § 134a-e	2N2.1

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

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21 U.S.C. § 135a	2N2.1	21 U.S.C. § 622	2C1.1
21 U.S.C. § 141	2N2.1	21 U.S.C. § 642	2N2.1
21 U.S.C. § 143	2N2.1	21 U.S.C. § 643	2N2.1
21 U.S.C. § 144	2N2.1	21 U.S.C. § 644	2N2.1
21 U.S.C. § 145	2N2.1	21 U.S.C. § 675	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3
21 U.S.C. § 151	2N2.1	21 U.S.C. § 676	2N2.1
21 U.S.C. § 152	2N2.1	21 U.S.C. § 841(a)	2D1.1
21 U.S.C. § 153	2N2.1	21 U.S.C. §	2D1.1
21 U.S.C. § 154	2N2.1	841(b)(1)-(3)	
21 U.S.C. § 155	2N2.1	21 U.S.C. § 841(b)(4)	2D2.1
21 U.S.C. § 156	2N2.1	21 U.S.C. § 841(b)(7)	2D1.1
21 U.S.C. § 157	2N2.1	21 U.S.C. §	2D1.11
21 U.S.C. § 158	2N2.1	841(c)(1),(2)	
21 U.S.C. § 331	2N2.1	21 U.S.C. § 841(c)(3)	2D1.13
21 U.S.C. § 333(a)(1)	2N2.1	21 U.S.C. § 841(d)	2D1.9
21 U.S.C. § 333(a)(2)	2B1.1, 2N2.1	21 U.S.C. § 841(f)(1)	2D1.11, 2D1.13
21 U.S.C. § 333(b)	2N2.1	21 U.S.C. § 842(a)(1)	2D3.1
21 U.S.C. § 458	2N2.1	21 U.S.C. § 842(a)(2), (9),(10)	2D3.2
21 U.S.C. § 459	2N2.1	21 U.S.C. § 842(b)	2D3.2
21 U.S.C. § 460	2N2.1	21 U.S.C. §	2D3.1
21 U.S.C. § 461	2N2.1	843(a)(1),(2)	
21 U.S.C. § 463	2N2.1	21 U.S.C. § 843(a)(3)	2D2.2
21 U.S.C. § 466	2N2.1	21 U.S.C. §	2D1.13
21 U.S.C. § 610	2N2.1	843(a)(4)(A)	
21 U.S.C. § 611	2N2.1	21 U.S.C. §	2D1.13
21 U.S.C. § 614	2N2.1	843(a)(4)(B)	
21 U.S.C. § 617	2N2.1	21 U.S.C. §	2D1.12
21 U.S.C. § 619	2N2.1	843(a)(6),(7)	
21 U.S.C. § 620	2N2.1	21 U.S.C. § 843(a)(8)	2D1.13
		21 U.S.C. § 843(a)(9)	2D3.1

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

21 U.S.C. § 843(b)	2D1.6	21 U.S.C. § 960(d)(1),(2)	2D1.11
21 U.S.C. § 843(c)	2D3.1	21 U.S.C. § 960(d)(3),(4)	2D1.11
21 U.S.C. § 844(a)	2D2.1	21 U.S.C. § 960(d)(5)	2D1.13
21 U.S.C. § 845	2D1.2	21 U.S.C. § 960(d)(6)	2D3.1
21 U.S.C. § 845a	2D1.2	21 U.S.C. § 960(d)(7)	2D1.11
21 U.S.C. § 845b	2D1.2	21 U.S.C. § 961	2D3.2
21 U.S.C. § 846	2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.7, 2D1.8, 2D1.9, 2D1.10, 2D1.11, 2D1.12, 2D1.13, 2D2.1, 2D2.2, 2D3.1, 2D3.2	21 U.S.C. § 963	2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.7, 2D1.8, 2D1.9, 2D1.10, 2D1.11, 2D1.12, 2D1.13, 2D2.1, 2D2.2, 2D3.1, 2D3.2
21 U.S.C. § 848(a)	2D1.5	22 U.S.C. § 1980(g)	2B1.1
21 U.S.C. § 848(b)	2D1.5	22 U.S.C. § 2197(n)	2B1.1
21 U.S.C. § 848(e)	2A1.1	22 U.S.C. § 2778	2M5.2
21 U.S.C. § 849	2D1.2	22 U.S.C. § 2780	2M5.2
21 U.S.C. § 854	2S1.1	22 U.S.C. § 4217	2B1.1
21 U.S.C. § 856	2D1.8	22 U.S.C. § 4221	2B1.1
21 U.S.C. § 857	2D1.7	25 U.S.C. § 450d	2B1.1
21 U.S.C. § 858	2D1.10	26 U.S.C. § 5148(1)	2T2.1
21 U.S.C. § 859	2D1.2	26 U.S.C. § 5214(a)(1)	2T2.1
21 U.S.C. § 860	2D1.2	26 U.S.C. § 5273(b)(2)	2T2.1
21 U.S.C. § 861	2D1.2	26 U.S.C. § 5273(c)	2T2.1
21 U.S.C. § 863	2D1.7	26 U.S.C. § 5291(a)	2T2.1, 2T2.2
21 U.S.C. § 864	2D1.12	26 U.S.C. § 5601(a)	2T2.1, 2T2.2
21 U.S.C. § 952	2D1.1	26 U.S.C. § 5602	2T2.1
21 U.S.C. § 953	2D1.1	26 U.S.C. § 5603	2T2.1, 2T2.2
21 U.S.C. § 954	2D3.2	26 U.S.C. § 5604(a)	2T2.1, 2T2.2
21 U.S.C. § 955	2D1.1	26 U.S.C. § 5605	2T2.1, 2T2.2
21 U.S.C. § 955a(a)-(d)	2D1.1	26 U.S.C. § 5607	2T2.1
21 U.S.C. § 959	2D1.1, 2D1.11	26 U.S.C. § 5608	2T2.1
21 U.S.C. § 960(a),(b)	2D1.1		

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

26 U.S.C. § 5661	2T2.1, 2T2.2	26 U.S.C. § 7213(a)(2)	2H3.1
26 U.S.C. § 5662	2T2.2	26 U.S.C. § 7213(a)(3)	2H3.1
26 U.S.C. § 5671	2T2.1, 2T2.2	26 U.S.C. § 7213(a)(5)	2H3.1
26 U.S.C. § 5684	2T2.1	26 U.S.C. § 7213(d)	2H3.1
26 U.S.C. § 5685	2K1.3, 2K2.1	26 U.S.C. § 7213A	2H3.1
26 U.S.C. § 5691(a)	2T2.1	26 U.S.C. § 7214	2B1.1, 2C1.1, 2C1.2
26 U.S.C. § 5751(a)(1),(2)	2T2.1	26 U.S.C. § 7215	2T1.7
26 U.S.C. § 5752	2T2.2	26 U.S.C. § 7216	2H3.1
26 U.S.C. § 5762(a)(1), (2), (4), (5), (6)	2T2.2	26 U.S.C. § 7232	2B1.1
26 U.S.C. § 5762(a)(3)	2T2.1	26 U.S.C. § 7512(b)	2T1.7
26 U.S.C. § 5861(a)-(l)	2K2.1	26 U.S.C. § 9012(e)	2B4.1
26 U.S.C. § 5871	2K2.1	26 U.S.C. § 9042(d)	2B4.1
26 U.S.C. § 7201	2T1.1	28 U.S.C. § 1826(c)	2P1.1
26 U.S.C. § 7202	2T1.6	28 U.S.C. § 2902(e)	2P1.1
26 U.S.C. § 7203	2S1.3, 2T1.1	29 U.S.C. § 186	2E5.1
26 U.S.C. § 7204	2T1.8	29 U.S.C. § 431	2E5.3
26 U.S.C. § 7205	2T1.8	29 U.S.C. § 432	2E5.3
26 U.S.C. § 7206(1), (3), (4), (5)	2S1.3, 2T1.1	29 U.S.C. § 433	2E5.3
26 U.S.C. § 7206(2)	2S1.3, 2T1.4	29 U.S.C. § 439	2E5.3
26 U.S.C. § 7207	2T1.1	29 U.S.C. § 461	2E5.3
26 U.S.C. § 7208	2B1.1	29 U.S.C. § 501(c)	2B1.1
26 U.S.C. § 7210	2J1.1	29 U.S.C. § 530	2B3.2
26 U.S.C. § 7211	2T1.1	29 U.S.C. § 1131	2E5.3
26 U.S.C. § 7212(a)	2A2.4	29 U.S.C. § 1141	2B1.1, 2B3.2
26 U.S.C. § 7212(a) (omnibus clause)	2J1.2, 2T1.1	29 U.S.C. § 1851	2H4.2
26 U.S.C. § 7212(b)	2B1.1, 2B2.1, 2B3.1	30 U.S.C. § 1461(a)(3), (4), (5), (7)	2A2.4
26 U.S.C. § 7213(a)(1)	2H3.1	30 U.S.C. § 1463	2A2.4

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

31 U.S.C. § 5311 note (section 329 of the USA PATRIOT Act of 2001)	2C1.1	38 U.S.C. § 3501(a)	2B1.1
31 U.S.C. § 5313	2S1.3	38 U.S.C. § 3502	2B1.1
31 U.S.C. § 5314	2S1.3	40 U.S.C. § 5104(e)(1)	2K2.5
31 U.S.C. § 5316	2S1.3	40 U.S.C. § 14309(a),(b)	2C1.3
31 U.S.C. § 5318	2S1.3	41 U.S.C. § 53	2B4.1
31 U.S.C. § 5318A(b)	2S1.3	41 U.S.C. § 54	2B4.1
31 U.S.C. § 5322	2S1.3	41 U.S.C. § 423(e)	2B1.1, 2C1.1
31 U.S.C. § 5324	2S1.3	42 U.S.C. § 261(a)	2D1.1
31 U.S.C. § 5326	2S1.3, 2T2.2	42 U.S.C. § 262	2N2.1
31 U.S.C. § 5331	2S1.3	42 U.S.C. § 300h-2	2Q1.2
31 U.S.C. § 5332	2S1.3	42 U.S.C. § 300i-1	2Q1.4
33 U.S.C. § 403	2Q1.3	42 U.S.C. § 408	2B1.1
33 U.S.C. § 406	2Q1.3	42 U.S.C. § 1011	2B1.1
33 U.S.C. § 407	2Q1.3	42 U.S.C. § 1307(a)	2B1.1
33 U.S.C. § 411	2Q1.3	42 U.S.C. § 1307(b)	2B1.1
33 U.S.C. § 506	2J1.1	42 U.S.C. § 1320a-7b	2B1.1, 2B4.1
33 U.S.C. § 1227(b)	2J1.1	42 U.S.C. § 1383(d)(2)	2B1.1
33 U.S.C. § 1232(b)(2)	2A2.4	42 U.S.C. § 1383a(a)	2B1.1
33 U.S.C. § 1319(c)(1), (2),(4)	2Q1.2, 2Q1.3	42 U.S.C. § 1383a(b)	2B1.1
33 U.S.C. § 1319(c)(3)	2Q1.1	42 U.S.C. § 1395nn(a)	2B1.1
33 U.S.C. § 1321	2Q1.2, 2Q1.3	42 U.S.C. § 1395nn(b)(1)	2B4.1
33 U.S.C. § 1342	2Q1.2, 2Q1.3	42 U.S.C. § 1395nn(b)(2)	2B4.1
33 U.S.C. § 1415(b)	2Q1.2, 2Q1.3	42 U.S.C. § 1395nn(c)	2B1.1
33 U.S.C. § 1517	2Q1.2, 2Q1.3	42 U.S.C. § 1396h(a)	2B1.1
33 U.S.C. § 1907	2Q1.3	42 U.S.C. § 1396h(b)(1)	2B4.1
33 U.S.C. § 1908	2Q1.3	42 U.S.C. § 1396h(b)(2)	2B4.1
38 U.S.C. § 787	2B1.1	42 U.S.C. § 1713	2B1.1

SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

---

42 U.S.C. § 1760(g)	2B1.1	42 U.S.C. § 3220(a)	2B1.1
42 U.S.C. § 1761(o)(1)	2B1.1	42 U.S.C. § 3220(b)	2B1.1
42 U.S.C. § 1761(o)(2)	2B1.1	42 U.S.C. § 3426	2B1.1
42 U.S.C. § 1973i(c)	2H2.1	42 U.S.C. § 3611(f)	2J1.1
42 U.S.C. § 1973i(d)	2H2.1	42 U.S.C. § 3631	2H1.1
42 U.S.C. § 1973i(e)	2H2.1	42 U.S.C. § 3791	2B1.1
42 U.S.C. § 1973j(a)	2H2.1	42 U.S.C. § 3792	2B1.1
42 U.S.C. § 1973j(b)	2H2.1	42 U.S.C. § 3795	2B1.1
42 U.S.C. § 1973j(c)	2X1.1	42 U.S.C. § 5157(a)	2B1.1
42 U.S.C. § 1973aa	2H2.1	42 U.S.C. § 5409	2N2.1
42 U.S.C. § 1973aa-1	2H2.1	42 U.S.C. § 6928(d)	2Q1.2
42 U.S.C. § 1973aa-1a	2H2.1	42 U.S.C. § 6928(e)	2Q1.1
42 U.S.C. § 1973aa-3	2H2.1	42 U.S.C. § 7270b	2B2.3
42 U.S.C. § 1973bb	2H2.1	42 U.S.C. § 7413(c)(1)-(4)	2Q1.2, 2Q1.3
42 U.S.C. § 1973gg-10	2H2.1	42 U.S.C. § 7413(c)(5)	2Q1.1
42 U.S.C. § 2000e-13	2A1.1, 2A1.2, 2A1.3, 2A1.4, 2A2.1, 2A2.2, 2A2.3	42 U.S.C. § 9151(2),(3), (4),(5)	2A2.4
42 U.S.C. § 2077	2M6.1	42 U.S.C. § 9152(d)	2A2.4
42 U.S.C. § 2122	2M6.1	42 U.S.C. § 9603(b)	2Q1.2
42 U.S.C. § 2131	2M6.1	42 U.S.C. § 9603(c)	2Q1.2
42 U.S.C. § 2272	2M6.1	42 U.S.C. § 9603(d)	2Q1.2
42 U.S.C. § 2273	2M6.2	42 U.S.C. § 14133	2X5.2
42 U.S.C. § 2274(a),(b)	2M3.1	42 U.S.C. § 14905	2B1.1
42 U.S.C. § 2275	2M3.1	43 U.S.C. § 1350	2Q1.2
42 U.S.C. § 2276	2M3.5	43 U.S.C. § 1733(a) (43 C.F.R. 4140.1(b)(1)(i))	2B2.3
42 U.S.C. § 2278a(c)	2B2.3	43 U.S.C. § 1816(a)	2Q1.2
42 U.S.C. § 2283(a)	2A1.1, 2A1.2, 2A1.3, 2A1.4	43 U.S.C. § 1822(b)	2Q1.2
42 U.S.C. § 2283(b)	2A2.2, 2A2.3	45 U.S.C. § 359(a)	2B1.1
42 U.S.C. § 2284(a)	2M2.1, 2M2.3		



SUPPLEMENT TO 2006 GUIDELINES MANUAL - MAY 1, 2007

46 U.S.C. § 1276	2B1.1	49 U.S.C. § 11907(b)	2B4.1(for offenses committed prior to January 1, 1996)
46 U.S.C. § 3718(b)	2Q1.2		
46 U.S.C. App. § 1707a (f)(2)	2B1.1	49 U.S.C. § 14103(b)	2B1.1
46 U.S.C. App. § 1903(a)	2D1.1	49 U.S.C. § 14905(b)	2B1.1
46 U.S.C. App. § 1903(g)	2D1.1	49 U.S.C. § 14909	2J1.1
46 U.S.C. App. § 1903(j)	2D1.1	49 U.S.C. § 14912	2B1.1
47 U.S.C. § 223(a)(1)(C)	2A6.1	49 U.S.C. § 16102	2B1.1
47 U.S.C. § 223(a)(1)(D)	2A6.1	49 U.S.C. § 16104	2J1.1
47 U.S.C. § 223(a)(1)(E)	2A6.1	49 U.S.C. § 30170	2B1.1
47 U.S.C. § 223(b)(1)(A)	2G3.2	49 U.S.C. § 32703	2N3.1
47 U.S.C. § 553(b)(2)	2B5.3	49 U.S.C. § 32704	2N3.1
47 U.S.C. § 605	2B5.3, 2H3.1	49 U.S.C. § 32705	2N3.1
49 U.S.C. § 121	2B1.1(for offenses committed prior to July 5, 1994)	49 U.S.C. § 32709(b)	2N3.1
49 U.S.C. § 1809(b)	2Q1.2(for offenses committed prior to July 5, 1994)	49 U.S.C. § 46308	2A5.2
49 U.S.C. § 5124	2Q1.2	49 U.S.C. § 46312	2Q1.2
49 U.S.C. § 11902	2B4.1	49 U.S.C. § 46317(a)	2B1.1
49 U.S.C. § 11903	2B1.1	49 U.S.C. § 46317(b)	2D1.1
49 U.S.C. § 11904	2B1.1(2B4.1 for offenses committed prior to January 1, 1996)	49 U.S.C. § 46502(a),(b)	2A5.1, 2X1.1
49 U.S.C. § 11907(a)	2B4.1(for offenses committed prior to January 1, 1996)	49 U.S.C. § 46503	2A5.2
		49 U.S.C. § 46504	2A5.2
		49 U.S.C. § 46505	2K1.5
		49 U.S.C. § 46506	2A5.3
		49 U.S.C. § 46507	2A6.1
		49 U.S.C. § 60123(b)	2B1.1, 2K1.4, 2M2.1, 2M2.3
		49 U.S.C. § 60123(d)	2B1.1
		49 U.S.C. § 80116	2B1.1
		49 U.S.C. § 80501	2B1.1
		49 U.S.C. App. § 1687(g)	2B1.1(for offenses committed prior to July 5, 1994)

50 U.S.C. § 421	2M3.9
50 U.S.C. § 783(b)	2M3.3
50 U.S.C. § 421	2M3.9
50 U.S.C. § 783(b)	2M3.3
50 U.S.C. § 783(c)	2M3.3
50 U.S.C. App. § 462	2M4.1
50 U.S.C. App. § 1701	2M5.1, 2M5.2
50 U.S.C. App. § 2410	2M5.1

Historical Note: Effective November 1, 1987. Amended effective January 15, 1988 (see Appendix C, amendments 60 and 61); June 15, 1988 (see Appendix C, amendments 62 and 63); October 15, 1988 (see Appendix C, amendments 64 and 65); November 1, 1989 (see Appendix C, amendments 297-301); November 1, 1990 (see Appendix C, amendment 359); November 1, 1991 (see Appendix C, amendment 421); November 1, 1992 (see Appendix C, amendment 468); November 1, 1993 (see Appendix C, amendment 496); November 1, 1995 (see Appendix C, amendment 534); November 1, 1996 (see Appendix C, amendment 540); November 1, 1997 (see Appendix C, amendment 575); November 1, 1998 (see Appendix C, amendment 589); November 1, 2000 (see Appendix C, amendment 592); May 1, 2001 (see Appendix C, amendment 612); November 1, 2001 (see Appendix C, amendments 617, 622, 626, 627, 628, 633, and 634); November 1, 2002 (see Appendix C, amendments 637, 638, 639, and 646); January 25, 2003 (see Appendix C, amendments 647 and 648); November 1, 2003 (see Appendix C, amendments 653, 654, 655, 656, 658, and 661); November 1, 2004 (see Appendix C, amendments 664, 665, 666, 667, 669, and 674); October 24, 2005 (see Appendix C, amendments 675 and 676); November 1, 2005 (see Appendix C, amendments 677, 679, and 680); November 1, 2006 (see Appendix C, amendments 685, 686, 687, 689, and 690); May 1, 2007 (see Appendix C, amendment 697).

**SUPPLEMENT TO THE 2006 SUPPLEMENT TO APPENDIX C**

This supplement to the 2006 supplement to Appendix C presents the emergency amendment to §2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Certain Private or Protected Information), effective May 1, 2007.

The format under which this amendment is presented in Appendix C, including this supplement and the 2006 supplement to Appendix C, is designed to facilitate a comparison between previously existing and amended provisions, in the event it becomes necessary to reference the former guideline, policy statement, or commentary language. For amendments to the guidelines, policy statements, and official commentary effective November 1, 1997, and earlier, see the main volume of Appendix C. For amendments to the guidelines, policy statements, and official commentary effective after November 1, 1997, but before May 1, 2007, see the 2006 Supplement to Appendix C.

**AMENDMENT**

**697. Amendment:** Section 2H3.1 is amended in the heading by striking "Tax Return Information" and inserting "Certain Private or Protected Information".

Section 2H3.1(b)(1) is amended by inserting "(A) the defendant is convicted under 18 U.S.C. § 1039(d) or (e); or (B)" after "If".

The Commentary to §2H3.1 captioned "Statutory Provisions" is amended by inserting "§ 1039," after "18 U.S.C. §".

The Commentary to §2H3.1 captioned "Application Notes" is amended by striking Note 1 as follows:

- "1. Definitions.—For purposes of this guideline, ‘tax return’ and ‘tax return information’ have the meaning given the terms ‘return’ and ‘return information’ in 26 U.S.C. § 6103(b)(1) and (2), respectively.”;

by redesignating Note 2 as Note 1; and by inserting after Note 1, as redesignated by this amendment, the following:

- "2. Imposition of Sentence for 18 U.S.C. § 1039(d) and (e).—Subsections 1039(d) and (e) of title 18, United States Code, require a term of imprisonment of not more than 5 years to be imposed in addition to any sentence imposed for a conviction under 18 U.S.C. § 1039(a), (b), or (c). In order to comply with the statute, the court should determine the appropriate ‘total punishment’ and divide the sentence on the judgment form between the sentence attributable to the conviction under 18 U.S.C. § 1039(d) or (e) and the sentence attributable to the conviction under 18 U.S.C. § 1039(a), (b), or (c), specifying the number of months to be served for the conviction under 18 U.S.C. § 1039(d) or (e). For example, if the applicable adjusted guideline range is 15-21 months and the court determines a ‘total punishment’ of 21 months is appropriate, a sentence of 9 months for conduct under 18 U.S.C. § 1039(a) plus 12 months for 18 U.S.C. § 1039(d) conduct would achieve the ‘total punishment’ in a manner that satisfies the statutory requirement.
3. Upward Departure.—There may be cases in which the offense level determined under this guideline substantially understates the seriousness of the offense. In such a case, an upward departure may be warranted. The following are examples of cases in which an upward

departure may be warranted:

- (i) The offense involved confidential phone records information of a substantial number of individuals.
- (ii) The offense caused or risked substantial non-monetary harm (e.g. physical harm, psychological harm, or severe emotional trauma, or resulted in a substantial invasion of privacy interest) to individuals whose private or protected information was obtained."

Section 2H3.1 is amended by striking the Commentary captioned "Background" as follows:

"Background: This section refers to conduct proscribed by 47 U.S.C. § 605 and the Electronic Communications Privacy Act of 1986, which amends 18 U.S.C. § 2511 and other sections of Title 18 dealing with unlawful interception and disclosure of communications. These statutes proscribe the interception and divulging of wire, oral, radio, and electronic communications. The Electronic Communications Privacy Act of 1986 provides for a maximum term of imprisonment of five years for violations involving most types of communication.

This section also refers to conduct relating to the disclosure and inspection of tax returns and tax return information, 26 U.S.C. §§ 7213(a)(1)-(3), (5), (d), 7213A, and 7216. These statutes provide for a maximum term of imprisonment of five years for most types of disclosure of tax return information, but provide a maximum term of imprisonment of one year for violations of 26 U.S.C. §§ 7213A and 7216."

Appendix A (Statutory Index) is amended by inserting after the line referenced to 18 U.S.C. § 1038 the following new line:

"18 U.S.C. § 1039            2H3.1".

**Reason for Amendment:** This amendment implements the emergency directive in section 4 of the Telephone Records and Privacy Protection Act of 2006, Pub. L. 109-476. The directive, which requires the Commission to promulgate an amendment under emergency amendment authority by July 11, 2007, instructs the Commission to "review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 1039 of title 18, United States Code." Section 1039 criminalizes the fraudulent acquisition or disclosure of confidential phone records. The penalties for violating the statute include fines and imprisonment for a term not to exceed 10 years. The statute also includes enhanced penalties for certain forms of aggravated conduct, providing for up to a five year term of imprisonment, in addition to the penalties for a violation of section 1039(a), (b), or (c). See 18 U.S.C. § 1039 (d), (e).

The amendment refers the new offense at 18 U.S.C. § 1039 to §2H3.1 (Interception of Communications; Eavesdropping; Disclosure of Tax Return Information). The Commission concluded that disclosure of telephone records is similar to the types of privacy offenses referenced to this guideline. In addition, this guideline includes a cross reference, instructing that if the purpose of the offense was to facilitate another offense, that the guideline applicable to an attempt to commit the other offenses should be applied, if the resulting offense level is higher. The Commission concluded that operation of the cross reference would capture the harms associated with the aggravated forms of this offense referenced at 18 U.S.C. § 1039(d) or (e). Finally, the amendment expands the scope of the existing three-level enhancement in the guideline to include cases in which the defendant is convicted under 18 U.S.C. § 1039(d) or (e). Thus, in cases where the cross reference does not apply, application of the enhancement will capture the increased harms associated

with the aggravated offenses.

**Effective Date: The effective date of this amendment is May 1, 2007.**