

## §2X1.1

### (d) Special Instruction

#### (1) Subsection (b) shall not apply to:

- (A) Any of the following offenses, if such offense involved, or was intended to promote, a federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5):

18 U.S.C. § 81;

18 U.S.C. § 930(c);

18 U.S.C. § 1362;

18 U.S.C. § 1363;

18 U.S.C. § 1992(a)(1)–(a)(7), (a)(9), (a)(10);

18 U.S.C. § 2339A;

18 U.S.C. § 2340A;

49 U.S.C. § 46504;

49 U.S.C. § 46505; and

49 U.S.C. § 60123(b).

- (B) Any of the following offenses:

18 U.S.C. § 32; and

18 U.S.C. § 2332a.

### Commentary

**Statutory Provisions:** 18 U.S.C. §§ 371, 372, 2271, 2282A, 2282B. For additional statutory provision(s), *see* Appendix A (Statutory Index).

### Application Notes:

1. Certain attempts, conspiracies, and solicitations are expressly covered by other offense guidelines.

Offense guidelines that expressly cover attempts include:

§§2A2.1, 2A3.1, 2A3.2, 2A3.3, 2A3.4, 2A4.2, 2A5.1;

§§2C1.1, 2C1.2;

§§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;

§2E5.1;

§2M6.1;

§2N1.1;

§2Q1.4.

Offense guidelines that expressly cover conspiracies include:

§2A1.5;

§§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;

§2H1.1;