

of justice, national defense, or national security, increase by 2 levels; or

(B) the trespass occurred at the White House or its grounds, or the Vice President’s official residence or its grounds, increase by 4 levels.

(2) If a dangerous weapon (including a firearm) was possessed, increase by 2 levels.

(3) If (A) the offense involved invasion of a protected computer; and (B) the loss resulting from the invasion (i) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (ii) exceeded \$6,500, increase by the number of levels from the table in §2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount.

(c) Cross Reference

(1) If the offense was committed with the intent to commit a felony offense, apply §2X1.1 (Attempt, Solicitation, or Conspiracy) in respect to that felony offense, if the resulting offense level is greater than that determined above.

Commentary

Statutory Provisions: 18 U.S.C. §§ 1030(a)(3), 1036, 2199; 38 U.S.C. § 2413; 42 U.S.C. § 7270b. For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

1. **Definitions.**—For purposes of this guideline:

“**Airport**” has the meaning given that term in section 47102 of title 49, United States Code.

“**Critical infrastructure**” means systems and assets vital to national defense, national security, economic security, public health or safety, or any combination of those matters. A critical infrastructure may be publicly or privately owned. Examples of critical infrastructures include gas and oil production, storage, and delivery systems, water supply systems, telecommunications networks, electrical power delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), transportation systems and services (including highways, mass transit, airlines, and airports), and government operations that provide essential services to the public.

“**Felony offense**” means any offense (federal, state, or local) punishable by imprisonment for a term exceeding one year, whether or not a criminal charge was brought or a conviction was obtained.

“**Firearm**” and “**dangerous weapon**” are defined in the Commentary to §1B1.1 (Application Instructions).

“**Government entity**” has the meaning given that term in 18 U.S.C. § 1030(e)(9).