

## **§2B4.1**

### (c) Cross References

- (1) If the offense involved extortion under color of official right, apply §2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions).
- (2) If the offense involved extortion by force or threat of injury or serious damage, apply §2B3.2 (Extortion by Force or Threat of Injury or Serious Damage).

### **Commentary**

**Statutory Provisions:** 18 U.S.C. §§ 873, 875–877, 1951. For additional statutory provision(s), see Appendix A (Statutory Index).

### **Application Note:**

1. This section applies only to blackmail and similar forms of extortion where there clearly is no threat of violence to person or property. “**Blackmail**” (18 U.S.C. § 873) is defined as a threat to disclose a violation of United States law unless money or some other item of value is given.

**Background:** Under 18 U.S.C. § 873, the maximum term of imprisonment authorized for blackmail is one year. Extortionate threats to injure a reputation, or other threats that are less serious than those covered by §2B3.2, may also be prosecuted under 18 U.S.C. §§ 875–877, which carry higher maximum sentences.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendment 114); November 1, 1993 (amendment 479); November 1, 2001 (amendment 617); November 1, 2005 (amendment 679); November 1, 2015 (amendment 791).
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## **4. COMMERCIAL BRIBERY AND KICKBACKS**

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### **§2B4.1. Bribery in Procurement of Bank Loan and Other Commercial Bribery**

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#### (a) Base Offense Level: 8

#### (b) Specific Offense Characteristics

- (1) If the greater of the value of the bribe or the improper benefit to be conferred (A) exceeded \$2,500 but did not exceed \$6,500, increase by 1 level; or (B) exceeded \$6,500, increase by the number of levels from the table in §2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount.