

7. OFFENSES INVOLVING BORDER TUNNELS AND SUBMERSIBLE AND SEMI-SUBMERSIBLE VESSELS

Historical Note

Effective November 1, 2007 (amendment 700). Amended effective November 1, 2009 (amendment 728).

§2X7.1. Border Tunnels and Subterranean Passages

(a) Base Offense Level:

- (1) If the defendant was convicted under 18 U.S.C. § 555(c), **4** plus the offense level applicable to the underlying smuggling offense. If the resulting offense level is less than level **16**, increase to level **16**.
- (2) **16**, if the defendant was convicted under 18 U.S.C. § 555(a); or
- (3) **8**, if the defendant was convicted under 18 U.S.C. § 555(b).

Commentary

Statutory Provision: 18 U.S.C. § 555.

Application Note:

1. **Definition.**—For purposes of this guideline, “*underlying smuggling offense*” means the smuggling offense the defendant committed through the use of the tunnel or subterranean passage.

Historical Note

Effective November 1, 2007 (amendment 700). Amended effective November 1, 2008 (amendment 724).

§2X7.2. Submersible and Semi-Submersible Vessels

(a) Base Offense Level: **26**

(b) Specific Offense Characteristic

- (1) (Apply the greatest) If the offense involved—
 - (A) a failure to heave to when directed by law enforcement officers, increase by **2** levels;
 - (B) an attempt to sink the vessel, increase by **4** levels; or