

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