

UNITED STATES SENTENCING COMMISSION
ONE COLUMBUS CIRCLE, NE
SUITE 2-500, SOUTH LOBBY
WASHINGTON, DC 20002-8002
(202) 502-4500
FAX (202) 502-4699



October 27, 2005

To all recipients of the *Guidelines Manual*:

As Chair of the United States Sentencing Commission, I am pleased on behalf of the Commission to transmit this edition of the *Guidelines Manual*, which incorporates new amendments effective November 1, 2005. The 2005 amendments include some substantive, clarifying, and technical revisions to guidelines, policy statements, and commentary.

A supplement to Appendix C setting forth guideline amendments effective November 1, 2004, through November 1, 2005, and the reasons for those amendments, also is enclosed. You should already have the existing two-volume set of Appendix C, which chronicles guideline amendments effective November 1, 1987, through November 5, 2003, and the reasons for those amendments.

As always, the Commission encourages judges, probation officers, prosecuting and defense attorneys, and other interested individuals to submit suggestions for improving the guidelines. Please send comments to: United States Sentencing Commission, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, D.C. 20002-8002, Attention: Office of Publishing and Public Affairs.

Sincerely,

Ricardo H. Hinojosa

UNITED STATES SENTENCING COMMISSION **GUIDELINES MANUAL**

RICARDO H. HINOJOSA
Chair

RUBEN CASTILLO
Vice Chair

WILLIAM K. SESSIONS III
Vice Chair

JOHN R. STEER
Vice Chair

MICHAEL E. HOROWITZ
Commissioner

BERYL A. HOWELL
Commissioner

EDWARD F. REILLY, JR.
Commissioner, Ex-officio

DEBORAH J. RHODES
Commissioner, Ex-officio

This document contains the text of the *Guidelines Manual* incorporating amendments effective January 15, 1988; June 15, 1988; October 15, 1988; November 1, 1989; November 1, 1990; November 1, 1991; November 27, 1991; November 1, 1992; November 1, 1993; September 23, 1994; November 1, 1994; November 1, 1995; November 1, 1996; May 1, 1997; November 1, 1997; November 1, 1998; May 1, 2000; November 1, 2000; December 16, 2000; May 1, 2001; November 1, 2001; November 1, 2002; January 25, 2003; April 30, 2003; October 27, 2003; November 1, 2003; November 5, 2003; November 1, 2004; and November 1, 2005.

RECOMMENDED CITATION FORM

United States Sentencing Commission Guidelines, Policy Statements, and Commentary may be cited as follows:

I. Full citation form

United States Sentencing Commission, Guidelines Manual, §3E1.1 (Nov. 2005)

II. Abbreviated citation form

[using USSG as the designated short form for United States Sentencing Guidelines]

- a guideline —
USSG §2D1.1
- a policy statement —
USSG §6A1.1, p.s.
- commentary designated as an application note —
USSG §2B1.1, comment. (n.1)
- commentary designated as background —
USSG §2B1.1, comment. (backg'd.)
- commentary designated as an introduction —
USSG Ch.3, Pt.D, intro. comment.
- an appendix to the Guidelines Manual —
USSG App. C

TABLE OF CONTENTS

	Page
CHAPTER ONE - Authority and General Application Principles	1
Part A-Authority	1
Part B-General Application Principles	16
 CHAPTER TWO - Offense Conduct	 43
Part A-Offenses Against the Person	44
1. Homicide	44
2. Assault	47
3. Criminal Sexual Abuse	53
4. Kidnapping, Abduction, or Unlawful Restraint	64
5. Air Piracy and Offenses Against Mass Transportation Systems	67
6. Threatening or Harassing Communications, Stalking, and Domestic Violence	69
Part B-Basic Economic Offenses	74
1. Theft, Embezzlement, Receipt of Stolen Property, Property Destruction, and Offenses Involving Fraud or Deceit	74
2. Burglary and Trespass	101
3. Robbery, Extortion, and Blackmail	104
4. Commercial Bribery and Kickbacks	110
5. Counterfeiting and Infringement of Copyright or Trademark	113
6. Motor Vehicle Identification Numbers	118
Part C-Offenses Involving Public Officials and Violations of Federal Election Campaign Laws ..	120
Part D-Offenses Involving Drugs	131
1. Unlawful Manufacturing, Importing, Exporting, Trafficking, or Possession; Continuing Criminal Enterprise	131
2. Unlawful Possession	174
3. Regulatory Violations	176
Part E-Offenses Involving Criminal Enterprises and Racketeering	178
1. Racketeering	178
2. Extortionate Extension of Credit	181
3. Gambling	182
4. Trafficking in Contraband Cigarettes	183
5. Labor Racketeering	184
Part F-[Deleted]	188
Part G-Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors, and Obscenity	189
1. Promoting A Commercial Sex Act or Prohibited Sexual Conduct	189
2. Sexual Exploitation of a Minor	196
3. Obscenity	204
Part H-Offenses Involving Individual Rights	208
1. Civil Rights	208
2. Political Rights	210
3. Privacy and Eavesdropping	211
4. Peonage, Involuntary Servitude, and Slave Trade	213
Part I-[Not Used]	

Part J-Offenses Involving the Administration of Justice	216
Part K-Offenses Involving Public Safety	226
1. Explosives and Arson	226
2. Firearms	233
3. Mailing Injurious Articles	243
Part L-Offenses Involving Immigration, Naturalization, and Passports	245
1. Immigration	245
2. Naturalization and Passports	251
Part M-Offenses Involving National Defense and Weapons of Mass Destruction	255
1. Treason	255
2. Sabotage	255
3. Espionage and Related Offenses	256
4. Evasion of Military Service	261
5. Prohibited Financial Transactions and Exports, and Providing Material Support to Designated Foreign Terrorist Organizations	261
6. Nuclear, Biological, and Chemical Weapons and Materials, and Other Weapons of Mass Destruction	265
Part N-Offenses Involving Food, Drugs, Agricultural Products, and Odometer Laws	269
1. Tampering with Consumer Products	269
2. Food, Drugs, and Agricultural Products	271
3. Odometer Laws and Regulations	272
Part O-[Not Used]	
Part P-Offenses Involving Prisons and Correctional Facilities	273
Part Q-Offenses Involving the Environment	277
1. Environment	277
2. Conservation and Wildlife	284
Part R-Antitrust Offenses	287
Part S-Money Laundering and Monetary Transaction Reporting	291
Part T-Offenses Involving Taxation	297
1. Income Taxes, Employment Taxes, Estate Taxes, Gift Taxes, and Excise Taxes (Other Than Alcohol, Tobacco, and Customs Taxes)	297
2. Alcohol and Tobacco Taxes	306
3. Customs Taxes	307
4. Tax Table	309
Part U-[Not Used]	
Part V-[Not Used]	
Part W-[Not Used]	
Part X-Other Offenses	310
1. Conspiracies, Attempts, Solicitations	310
2. Aiding and Abetting	313
3. Accessory After the Fact	313
4. Misprision of Felony	315
5. All Other Offenses	315
6. Offenses Involving Use of a Minor in a Crime of Violence	316
Part Y-[Not Used]	

Part Z-[Not Used]	
CHAPTER THREE - Adjustments	318
Part A-Victim-Related Adjustments	318
Part B-Role in the Offense	324
Part C-Obstruction	331
Part D-Multiple Counts	335
Part E-Acceptance of Responsibility	347
CHAPTER FOUR - Criminal History and Criminal Livelihood	350
Part A-Criminal History	350
Part B-Career Offenders and Criminal Livelihood	365
CHAPTER FIVE - Determining the Sentence	376
Part A-Sentencing Table	376
Part B-Probation	379
Part C-Imprisonment	387
Part D-Supervised Release	393
Part E-Restitution, Fines, Assessments, Forfeitures	401
Part F-Sentencing Options	409
Part G-Implementing the Total Sentence of Imprisonment	415
Part H-Specific Offender Characteristics	423
Part I-[Not Used]	
Part J-Relief From Disability	428
Part K-Departures	429
1. Substantial Assistance to Authorities	429
2. Other Grounds for Departure	430
3. Early Disposition Programs	447
CHAPTER SIX - Sentencing Procedures and Plea Agreements	448
Part A-Sentencing Procedures	448
Part B-Plea Agreements	452
CHAPTER SEVEN - Violations of Probation and Supervised Release	457
Part A-Introduction to Chapter Seven	457
1. Authority	457
2. Background	457
3. Resolution of Major Issues	458
4. The Basic Approach	460
5. A Concluding Note	460

Part B-Probation and Supervised Release Violations	462
CHAPTER EIGHT - Sentencing of Organizations	470
Part A-General Application Principles	471
Part B-Remedying Harm from Criminal Conduct, and Effective Compliance and Ethics Program	475
1. Remedying Harm from Criminal Conduct	475
2. Effective Compliance and Ethics Program	478
Part C-Fines	484
1. Determining the Fine - Criminal Purpose Organizations	484
2. Determining the Fine - Other Organizations	484
3. Implementing the Sentence of a Fine	500
4. Departures from the Guideline Fine Range	503
Part D-Organizational Probation	507
Part E-Special Assessments, Forfeitures, and Costs	512
Part F-Violations of Probation - Organizations	514
APPENDIX A - Statutory Index	515
APPENDIX B - Selected Sentencing Statutes	536
INDEX TO GUIDELINES MANUAL	634

SUPPLEMENTARY VOLUMES

APPENDIX C (Volume I) - Amendments to the Guidelines Manual	1
(effective November 1, 1997, and earlier)	
APPENDIX C (Volume II) - Amendments to the Guidelines Manual	1
(effective November 1, 1998, through November 5, 2003)	
SUPPLEMENT to APPENDIX C - Amendments to the Guidelines Manual	1
(effective November 1, 2004, through November 1, 2005)	