

Table 2
Proportional Comparison of National Defense Guidelines with Other Types of Offenses

National Defense Guidelines	BOL/Sentence Range ¹	Proportionally Serious Guidelines
§2M1.1, Treason	43 (LIFE)	<u>Same As:</u> §2A1.1, First Degree Murder; §2D1.1, Drug Trafficking (BOL 43 if death or serious bodily injury results from substance use)
§2M2.1, Destruction of, or Production of Defective War Material, Premises, or Utilities	32 (121 - 151)	<u>Same As:</u> §2D1.1, Drug Trafficking (10-year mandatory minimum trigger weights for all drugs); §2E1.4, Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire
§2M2.3, Destruction of, or Production of Defective National Defense Material, Premises, or Utilities	26 (63 - 78)	<u>Same As:</u> §2D1.1, Drug Trafficking (5-year mandatory minimum trigger weights for all drugs);
§2M3.1, Gathering or Transmitting National Defense Information to Aid a Foreign Government (<i>Top Secret Information</i>)	42 (360 - LIFE)	<u>Just Below:</u> §2A1.1, First Degree Murder (BOL 43); §2D1.1, Drug Trafficking (BOL 43 if death or serious bodily injury results from substance use)
§2M3.1, Gathering or Transmitting National Defense Information to Aid a Foreign Government (<i>Other Information</i>)	37 (210 - 262)	<u>Just Below:</u> §2A5.1, Aircraft Piracy (BOL 38); §2D1.1, Drug Trafficking (Top Quantity Level, BOL 38)
§2M3.2, Gathering National Defense Information (<i>Top Secret Information</i>)	35 (168 - 210)	<u>Just Below:</u> §2D1.1, Drug Trafficking (Major Quantity Level, BOL 36)
§2M3.2, Gathering National Defense Information (<i>Other Information</i>)	30 (97 - 121)	<u>Same As:</u> §2A5.2, Interference with Flight Crew Member or Flight Attendant (intentionally endangering the safety of the aircraft and passengers)
§2M3.3, Transmitting National Defense Information; Disclosure of Classified Cryptographic Information; Unauthorized Disclosure to a Foreign Government or a Communist Organization of Classified Information by a Government Employee; Unauthorized Receipt of Classified Information (<i>Top Secret Information</i>)	29 (87 - 108)	<u>Just Above:</u> §2A2.1, Assault with Intent to Commit Murder; Attempted Murder (BOL 28 if object of offense would have constituted first degree murder); §2A1.5, Conspiracy or Solicitation to Commit Murder (BOL 28)

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§2M3.3, Transmitting National Defense Information; etc. (<i>Other Information</i>)	24 (51 - 63)	<u>Same As:</u> §2K1.3, Unlawful Receipt, Possession, or Transportation of Explosive Materials (if the defendant had at least 2 prior felony convictions of either a crime of violence or a controlled substance offense); §2K1.4, Arson; Property Damage by Use of Explosives (if the offense (A) created a substantial risk of death or serious bodily injury to any person other than a participant in the offense, and that risk was created knowingly; or (B) involved the destruction or attempted destruction of a dwelling)
§2M3.4, Losing National Defense Information (<i>Top Secret Information</i>)	18 (27 - 33)	<u>Same As:</u> §2A5.2, Interference with Flight Crew Member or Flight Attendant (if offense involved recklessly endangering the safety of the aircraft and passengers; §2B3.2, Extortion by Force or Threat of Injury or Serious Damage)
§2M3.4, Losing National Defense Information (<i>Other Information</i>)	13 (12 - 18)	<u>Same As:</u> §2D2.3, Operating or Directing the Operation of a Common Carrier Under the Influence of Alcohol or Drugs (if no death or serious bodily injury resulted); §2P1.1, Escape, Instigating or Assisting Escape (if custody or confinement is by virtue of an arrest on a charge of felony or conviction of any offense)
§2M3.5, Tampering with Restricted Data Concerning Atomic Energy	24 (51 - 63)	<u>Same As:</u> §2K1.3, Unlawful Receipt, Possession, or Transportation of Explosive Materials (if the defendant had at least 2 prior felony convictions of either a crime of violence or a controlled substance offense); §2K1.4, Arson; Property Damage by Use of Explosives (if the offense (A) created a substantial risk of death or serious bodily injury to any person other than a participant in the offense, and that risk was created knowingly; or (B) involved the destruction or attempted destruction of a dwelling)
§2M3.9, Disclosure of Information Identifying a Covert Agent (<i>Access to Covert Agent Information</i>)	30 (97 - 121)	<u>Same As:</u> §2A5.2, Interference with Flight Crew Member or Flight Attendant (intentionally endangering the safety of the aircraft and passengers)

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§2M3.9, Disclosure of Information Identifying a Covert Agent (<i>Access to Other Information</i>)	25 (57 - 71)	<u>Same As:</u> §2A1.3, Voluntary Manslaughter
§2M4.1, Failure to Register and Evasion of Military Service	6 (0 - 6)	<u>Same As:</u> §2C1.4, Payment or Receipt of Unauthorized Compensation; §2D2.1, Unlawful Possession [of Drugs], Attempt or Conspiracy; §2J1.5, Failure to Appear by Material Witness
§2M5.1, Evasion of Export Controls (<i>National Security or Nuclear Proliferation is Evaded</i>)	22 (41 - 51)	<u>Same As:</u> §2H4.1, Peonage, Involuntary Servitude, and Slave Trade; §2P1.3, Engaging in, Inciting or Attempting to Incite a Riot Involving Persons in a Facility for Official Detention
§2M5.1, Evasion of Export Controls (<i>Otherwise</i>)	14 (15 - 21)	<u>Same As:</u> §2A1.4, Involuntary Manslaughter (if conduct was reckless); §2G1.1, Promoting Prostitution or Prohibited Sexual Conduct
§2M5.2, Exportation of Arms, Munitions, or Military Equipment or Services Without Required Valid Export License (<i>Weapons are Not Fully-Automatic/Did Not Exceed 10 Weapons</i>)	14 (15 - 21)	<u>Same As:</u> §2A1.4, Involuntary Manslaughter (if conduct was reckless); §2G1.1, Promoting Prostitution or Prohibited Sexual Conduct
§2M5.2, Exportation of Arms, Munitions, or Military Equipment or Services Without Required Valid Export License (<i>Otherwise</i>)	22 (41 - 51)	<u>Same As:</u> §2H4.1, Peonage, Involuntary Servitude, and Slave Trade; §2P1.3, Engaging in, Inciting or Attempting to Incite a Riot Involving Persons in a Facility for Official Detention
§2M6.1, Unlawful Acquisition, Alteration, Use, Transfer, or Possession of Nuclear Material, Weapons, or Facilities	30 (97 - 121)	<u>Same As:</u> §2A5.2, Interference with Flight Crew Member or Flight Attendant (intentionally endangering the safety of the aircraft and passengers)
§2M6.2, Violation of Other Federal Atomic Energy Statutes, Rules, and Regulations (<i>Intent to Injure US or Aid a Foreign Nation</i>)	30 (97 - 121)	<u>Same As:</u> §2A5.2, Interference with Flight Crew Member or Flight Attendant (intentionally endangering the safety of the aircraft and passengers)

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§2M6.2, Violation of Other Federal Atomic Energy Statutes, Rules, and Regulations (<i>Otherwise</i>)	6 (0 -6)	<u>Same As:</u> §2C1.4, Payment or Receipt of Unauthorized Compensation; §2D2.1, Unlawful Possession [of Drugs], Attempt or Conspiracy; §2J1.5, Failure to Appear by Material Witness

¹Sentence Range is denoted in months. Range assumes that no SOCs, Chapter Three adjustments, or departures were received. Range is applicable for offenders in Criminal History Category I.