

- (F) “*Pre-Columbian monumental or architectural sculpture or mural*” has the meaning given that term in 19 U.S.C. § 2095(3).
- (G) “*Sacred object*” has the meaning given that term in 25 U.S.C. § 3001(3)(C) (*see also* 43 C.F.R. § 10.2(d)(3)).

5. **Pecuniary Gain and Commercial Purpose Enhancement Under Subsection (b)(4).—**

- (A) “**For Pecuniary Gain**.”—For purposes of subsection (b)(4), “*for pecuniary gain*” means for receipt of, or in anticipation of receipt of, anything of value, whether monetary or in goods or services. Therefore, offenses committed for pecuniary gain include both monetary and barter transactions, as well as activities designed to increase gross revenue.
- (B) **Commercial Purpose.**—The acquisition of resources for display to the public, whether for a fee or donation and whether by an individual or an organization, including a governmental entity, a private non-profit organization, or a private for-profit organization, shall be considered to involve a “commercial purpose” for purposes of subsection (b)(4).

6. **Pattern of Misconduct Enhancement Under Subsection (b)(5).—**

- (A) **Definition.**—For purposes of subsection (b)(5), “*pattern of misconduct involving cultural heritage resources or paleontological resources*” means two or more separate instances of offense conduct involving a resource that did not occur during the course of the offense (*i.e.*, that did not occur during the course of the instant offense of conviction and all relevant conduct under §1B1.3 (Relevant Conduct)). Offense conduct involving a resource may be considered for purposes of subsection (b)(5) regardless of whether the defendant was convicted of that conduct.
- (B) **Computation of Criminal History Points.**—A conviction taken into account under subsection (b)(5) is not excluded from consideration of whether that conviction receives criminal history points pursuant to Chapter Four, Part A (Criminal History).

7. **Dangerous Weapons Enhancement Under Subsection (b)(6).**—For purposes of subsection (b)(6), “*brandished*” and “*dangerous weapon*” have the meaning given those terms in Application Note 1 of the Commentary to §1B1.1 (Application Instructions).

8. **Multiple Counts.**—For purposes of Chapter Three, Part D (Multiple Counts), multiple counts involving offenses covered by this guideline are grouped together under subsection (d) of §3D1.2 (Groups of Closely Related Counts). Multiple counts involving offenses covered by this guideline and offenses covered by other guidelines are not to be grouped under §3D1.2(d).

<i>Historical Note</i>	Effective November 1, 2002 (amendment 638). Amended effective November 1, 2006 (amendment 685); November 1, 2007 (amendment 700); November 1, 2010 (amendments 745 and 746); November 1, 2014 (amendment 781); November 1, 2015 (amendment 791); November 1, 2018 (amendment 813); November 1, 2025 (amendment 836).
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§2B1.6. Aggravated Identity Theft

- (a) If the defendant was convicted of violating 18 U.S.C. § 1028A, the guideline sentence is the term of imprisonment required by statute. Chapters Three