

3. **Application of Subsection (b)(3).**—The term “*used*” is to be construed broadly and includes the attempted renewal of previously-issued passports.

4. **Application of Subsection (b)(4).**—For purposes of subsection (b)(4):

“**Serious human rights offense**” means (A) violations of federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code, *see* 28 U.S.C. § 509B(e); and (B) conduct that would have been a violation of any such law if the offense had occurred within the jurisdiction of the United States or if the defendant or the victim had been a national of the United States.

“**The offense of incitement to genocide**” means (A) violations of 18 U.S.C. § 1091(c); and (B) conduct that would have been a violation of such section if the offense had occurred within the jurisdiction of the United States or if the defendant or the victim had been a national of the United States.

5. **Multiple Counts.**—For the purposes of Chapter Three, Part D (Multiple Counts), a count of conviction for unlawfully entering or remaining in the United States covered by §2L1.2 (Unlawfully Entering or Remaining in the United States) arising from the same course of conduct as the count of conviction covered by this guideline shall be considered a closely related count to the count of conviction covered by this guideline, and therefore is to be grouped with the count of conviction covered by this guideline.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective January 15, 1988 (amendment 39); November 1, 1989 (amendment 196); November 1, 1992 (amendment 450); November 1, 1993 (amendment 481); November 1, 1995 (amendment 524); May 1, 1997 (amendment 544); November 1, 1997 (amendment 563); November 1, 2004 (amendment 671); November 1, 2006 (amendment 692); November 1, 2010 (amendment 746); November 1, 2012 (amendment 765); November 1, 2025 (amendment 836).
------------------------	---

§§2L2.3 – 2L2.4. [Deleted]

<i>Historical Note</i>	Section 2L2.3 (Trafficking in a United States Passport), effective November 1, 1987, and amended effective November 1, 1989 (amendment 197) and November 1, 1992 (amendment 450), was deleted by consolidation with §2L2.1 effective November 1, 1993 (amendment 481). Section 2L2.4 (Fraudulently Acquiring or Improperly Using a United States Passport), effective November 1, 1987, and amended effective January 15, 1988 (amendment 40) and November 1, 1989 (amendment 198), was deleted by consolidation with §2L2.2 effective November 1, 1993 (amendment 481).
------------------------	---

§2L2.5. Failure to Surrender Canceled Naturalization Certificate

(a) Base Offense Level: 6

Commentary

Statutory Provision: 18 U.S.C. § 1428.

<i>Historical Note</i>	Effective November 1, 1987.
------------------------	-----------------------------