

§2C1.2

Section 2C1.1 also applies to fraud involving the deprivation of the intangible right to honest services of government officials under 18 U.S.C. §§ 1341–1343 and conspiracy to defraud by interference with governmental functions under 18 U.S.C. § 371. Such fraud offenses typically involve an improper use of government influence that harms the operation of government in a manner similar to bribery offenses.

Offenses involving attempted bribery are frequently not completed because the offense is reported to authorities or an individual involved in the offense is acting in an undercover capacity. Failure to complete the offense does not lessen the defendant's culpability in attempting to use public position for personal gain. Therefore, solicitations and attempts are treated as equivalent to the underlying offense.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective January 15, 1988 (amendment 18); November 1, 1989 (amendments 120, 121, and 122); November 1, 1991 (amendments 367 and 422); November 1, 1997 (amendment 547); November 1, 2001 (amendment 617); November 1, 2002 (amendment 639); November 1, 2003 (amendment 653); November 1, 2004 (amendment 666); November 1, 2007 (amendment 699); November 1, 2008 (amendment 720); November 1, 2010 (amendment 746); November 1, 2015 (amendment 791); November 1, 2024 (amendment 827); November 1, 2025 (amendment 836).
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§2C1.2. Offering, Giving, Soliciting, or Receiving a Gratuity

(a) Base Offense Level:

- (1) **11**, if the defendant was a public official; or
- (2) **9**, otherwise.

(b) Specific Offense Characteristics

- (1) If the offense involved more than one gratuity, increase by **2** levels.
- (2) If the value of the gratuity exceeded \$6,500, increase by the number of levels from the table in §2B1.1 (Theft, Property Destruction, and Fraud) corresponding to that amount.
- (3) If the offense involved an elected public official or any public official in a high-level decision-making or sensitive position, increase by **4** levels. If the resulting offense level is less than level **15**, increase to level **15**.
- (4) If the defendant was a public official who facilitated (A) entry into the United States for a person, a vehicle, or cargo; (B) the obtaining of a passport or a document relating to naturalization, citizenship, legal entry, or legal resident status; or (C) the obtaining of a government identification document, increase by **2** levels.