

- (1) takes or withholds, or offers or threatens to take or withhold, an official act, or
- (2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(b) In this section, the term “covered government person” means—

- (1) a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress;
- (2) an employee of either House of Congress; or
- (3) the President, Vice President, an employee of the United States Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States Code).

(Added Pub. L. 110–81, title I, §102(a), Sept. 14, 2007, 121 Stat. 739; amended Pub. L. 112–105, §18(a), Apr. 4, 2012, 126 Stat. 304.)

AMENDMENTS

2012—Pub. L. 112–105 inserted “or an officer or employee of the legislative or executive branch” after “Congress” in section catchline, designated existing provisions as subsec. (a), substituted “a covered government person” for “a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress” in introductory provisions, and added subsec. (b).

EFFECTIVE DATE

Pub. L. 110–81, title I, §105(b), Sept. 14, 2007, 121 Stat. 741, provided that: “The amendments made by section 102 [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 14, 2007].”

CONSTRUCTION

Pub. L. 110–81, title I, §102(b), Sept. 14, 2007, 121 Stat. 739, provided that: “Nothing in section 227 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 227 of title 18, United States Code, was a criminal or civil offense before the enactment of this Act [Sept. 14, 2007], including under section 201(b), 201(c), any of sections 203 through 209, or section 872, of title 18, United States Code.”

CHAPTER 11A—CHILD SUPPORT

Sec. 228. Failure to pay legal child support obligations.

§ 228. Failure to pay legal child support obligations

- (a) OFFENSE.—Any person who—
 - (1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000;
 - (2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or
 - (3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid

for a period longer than 2 years, or is greater than \$10,000;

shall be punished as provided in subsection (c).
 (b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

(c) PUNISHMENT.—The punishment for an offense under this section is—

- (1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and
- (2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

(e) VENUE.—With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for—

- (1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an “obligor”) failed to meet that support obligation;
- (2) the district in which the obligor resided during a period described in paragraph (1); or
- (3) any other district with jurisdiction otherwise provided for by law.

(f) DEFINITIONS.—As used in this section—

- (1) the term “Indian tribe” has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);
- (2) the term “State” includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and
- (3) the term “support obligation” means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.

(Added Pub. L. 102–521, §2(a), Oct. 25, 1992, 106 Stat. 3403; amended Pub. L. 104–294, title VI, §607(l), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 105–187, §2, June 24, 1998, 112 Stat. 618.)

AMENDMENTS

1998—Pub. L. 105–187 reenacted section catchline without change and amended text generally. Prior to amendment, section consisted of subssecs. (a) to (d) relating to a description of the offense, punishment for an offense, restitution upon conviction of an offense, and definitions of terms used in this section.

1996—Subsec. (d)(2). Pub. L. 104–294 inserted “commonwealth,” before “possession or territory of the United States”.

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–187, §1, June 24, 1998, 112 Stat. 618, provided that: “This Act [amending this section] may be