

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To direct the Attorney General to submit to the Congress a report on  
Federal criminal offenses, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEE (for himself, Mr. COONS, Mr. CRUZ, Mr. BOOKER, Mr. WICKER, and  
Mr. WELCH) introduced the following bill; which was read twice and re-  
ferred to the Committee on \_\_\_\_\_

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**A BILL**

To direct the Attorney General to submit to the Congress  
a report on Federal criminal offenses, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Count the Crimes to  
5       Cut Act”.

6       **SEC. 2. REPORT ON FEDERAL CRIMINAL OFFENSES.**

7       (a) DEFINITIONS.—In this section—

8               (1) the term “criminal regulatory offense”  
9       means a Federal regulation that is enforceable by a  
10       criminal penalty; and

1           (2) the term “criminal statutory offense”  
2 means a criminal offense under a Federal statute.

3           (b) REPORT ON CRIMINAL STATUTORY OFFENSES.—

4 Not later than 1 year after the date of enactment of this  
5 Act, the Attorney General shall submit to the Committee  
6 on the Judiciary of the Senate and the Committee on the  
7 Judiciary of the House of Representatives a report, which  
8 shall include—

9           (1) a list of all criminal statutory offenses, in-  
10 cluding a list of the elements for each criminal stat-  
11 utory offense; and

12           (2) for each criminal statutory offense listed  
13 under paragraph (1)—

14               (A) the potential criminal penalty for the  
15 criminal statutory offense;

16               (B) the number of prosecutions for the  
17 criminal statutory offense brought by the De-  
18 partment of Justice each year for the 15-year  
19 period preceding the date of enactment of this  
20 Act; and

21               (C) the mens rea requirement for the  
22 criminal statutory offense.

23           (c) REPORT ON CRIMINAL REGULATORY OF-  
24 FENSES.—

1           (1) REPORTS.—Not later than 1 year after the  
2           date of enactment of this Act, the head of each Fed-  
3           eral agency described in paragraph (2) shall submit  
4           to the Committee on the Judiciary of the Senate and  
5           the Committee on the Judiciary of the House of  
6           Representatives a report, which shall include—

7                   (A) a list of all criminal regulatory of-  
8                   fenses enforceable by the agency; and

9                   (B) for each criminal regulatory offense  
10           listed under subparagraph (A)—

11                   (i) the potential criminal penalty for a  
12                   violation of the criminal regulatory offense;

13                   (ii) the number of violations of the  
14                   criminal regulatory offense referred to the  
15                   Department of Justice for prosecution in  
16                   each of the years during the 15-year period  
17                   preceding the date of enactment of this  
18                   Act; and

19                   (iii) the mens rea requirement for the  
20                   criminal regulatory offense.

21           (2) AGENCIES DESCRIBED.—The Federal agen-  
22           cies described in this paragraph are the Department  
23           of Agriculture, the Department of Commerce, the  
24           Department of Education, the Department of En-  
25           ergy, the Department of Health and Human Serv-

1       ices, the Department of Homeland Security, the De-  
2       partment of Housing and Urban Development, the  
3       Department of the Interior, the Department of  
4       Labor, the Department of Transportation, the De-  
5       partment of the Treasury, the Commodity Futures  
6       Trading Commission, the Consumer Product Safety  
7       Commission, the Equal Employment Opportunity  
8       Commission, the Export-Import Bank of the United  
9       States, the Farm Credit Administration, the Federal  
10      Communications Commission, the Federal Deposit  
11      Insurance Corporation, the Federal Election Com-  
12      mission, the Federal Labor Relations Authority, the  
13      Federal Maritime Commission, the Federal Mine  
14      Safety and Health Review Commission, the Federal  
15      Trade Commission, the National Labor Relations  
16      Board, the National Transportation Safety Board,  
17      the Nuclear Regulatory Commission, the Occupa-  
18      tional Safety and Health Review Commission, the  
19      Office of Congressional Workplace Rights, the Postal  
20      Regulatory Commission, the Securities and Ex-  
21      change Commission, the Securities Investor Protec-  
22      tion Corporation, the Environmental Protection  
23      Agency, the Small Business Administration, the  
24      Federal Housing Finance Agency, and the Office of  
25      Government Ethics.

1 (d) INDEX.—Not later than 2 years after the date  
2 of enactment of this Act—

3 (1) the Attorney General shall establish a pub-  
4 lically accessible index of each criminal statutory of-  
5 fense listed in the report required under subsection  
6 (b) and make the index available and freely acces-  
7 sible on the website of the Department of Justice;  
8 and

9 (2) the head of each agency described in sub-  
10 section (c)(2) shall establish a publically accessible  
11 index of each criminal regulatory offense listed in  
12 the report required under subsection (c)(1) and  
13 make the index available and freely accessible on the  
14 website of the agency.

15 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
16 tion shall be construed to require or authorize appropria-  
17 tions.