

119TH CONGRESS
2D SESSION

S. 3868

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. LEE (for himself, Mr. COONS, Mr. CRUZ, Mr. BOOKER, Mr. WICKER, and Mr. WELCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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.

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