

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2159
OFFERED BY M

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Count the Crimes to
3 Cut Act”.

4 SEC. 2. REPORT ON FEDERAL CRIMINAL OFFENSES.

5 (a) DEFINITIONS.—In this section—

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

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

11 (b) REPORT ON CRIMINAL STATUTORY OFFENSES.—

12 Not later than 1 year after the date of enactment of this
13 Act, the Attorney General shall submit to the Committee
14 on the Judiciary of the Senate and the Committee on the
15 Judiciary of the House of Representatives a report, which
16 shall include—

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

4 (2) for each criminal statutory offense listed
5 under paragraph (1)—

6 (A) the potential criminal penalty for the
7 criminal statutory offense;

8 (B) the number of prosecutions for the
9 criminal statutory offense brought by the De-
10 partment of Justice each year for the 15-year
11 period preceding the date of enactment of this
12 Act; and

13 (C) the mens rea requirement for the
14 criminal statutory offense.

15 (c) REPORT ON CRIMINAL REGULATORY OF-
16 FENSES.—

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

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

1 (B) for each criminal regulatory offense
2 listed under subparagraph (A)—

3 (i) the potential criminal penalty for a
4 violation of the criminal regulatory offense;

5 (ii) the number of violations of the
6 criminal regulatory offense referred to the
7 Department of Justice for prosecution in
8 each of the years during the 15-year period
9 preceding the date of enactment of this
10 Act; and

11 (iii) the mens rea requirement for the
12 criminal regulatory offense.

13 (2) AGENCIES DESCRIBED.—The Federal agen-
14 cies described in this paragraph are the Department
15 of Agriculture, the Department of Commerce, the
16 Department of Education, the Department of En-
17 ergy, the Department of Health and Human Serv-
18 ices, the Department of Homeland Security, the De-
19 partment of Housing and Urban Development, the
20 Department of the Interior, the Department of
21 Labor, the Department of Transportation, the De-
22 partment of the Treasury, the Commodity Futures
23 Trading Commission, the Consumer Product Safety
24 Commission, the Equal Employment Opportunity
25 Commission, the Export-Import Bank of the United

1 States, the Farm Credit Administration, the Federal
2 Communications Commission, the Federal Deposit
3 Insurance Corporation, the Federal Election Com-
4 mission, the Federal Labor Relations Authority, the
5 Federal Maritime Commission, the Federal Mine
6 Safety and Health Review Commission, the Federal
7 Trade Commission, the National Labor Relations
8 Board, the National Transportation Safety Board,
9 the Nuclear Regulatory Commission, the Occupa-
10 tional Safety and Health Review Commission, the
11 Office of Compliance, the Postal Regulatory Com-
12 mission, the Securities and Exchange Commission,
13 the Securities Investor Protection Corporation, the
14 Environmental Protection Agency, the Small Busi-
15 ness Administration, the Federal Housing Finance
16 Agency, and the Office of Government Ethics.

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

19 (1) the Attorney General shall establish a pub-
20 lically accessible index of each criminal statutory of-
21 fense listed in the report required under subsection
22 (b) and make the index available and freely acces-
23 sible on the website of the Department of Justice;
24 and

1 (2) the head of each agency described in sub-
2 section (c)(2) shall establish a publically accessible
3 index of each criminal regulatory offense listed in
4 the report required under subsection (c)(1) and
5 make the index available and freely accessible on the
6 website of the agency.

7 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to require or authorize appropria-
9 tions.

