

March 11, 2026

The Honorable Chuck Grassley
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
224 Dirksen Senate Office Building
Washington, DC 20510

Chairman Grassley, Ranking Member Durbin, and Members of the Committee,

The undersigned organizations write in support of the Count the Crimes to Cut Act, H.R. 2159. This legislation would require the Attorney General to produce a comprehensive accounting of federal criminal offenses contained in the United States Code and federal regulations.

Although federal criminal law carries serious penalties and consequences, no one can provide a certain number of federal crimes or regulations that carry criminal penalties. Over the past several decades, Congress has expanded the scope of federal criminal law through statutes and through delegations to regulatory agencies. As a result, criminal offenses now exist not only in the federal criminal code but also across thousands of pages of federal regulations. Scholars repeatedly noted that no authoritative count of these offenses exists.¹

This lack of transparency makes meaningful oversight difficult. Legislators cannot responsibly evaluate the scope of federal criminal law—or determine whether criminal penalties are being applied appropriately—without first understanding the full scope of offenses in federal statutes and regulations.

The Count the Crimes to Cut Act addresses this problem by requiring the Department of Justice to identify federal criminal offenses and provide Congress with a comprehensive inventory of federal criminal statutes and regulations that carry criminal penalties. The Department of Justice must include the statutory source for each crime, the elements of the offense, the potential criminal penalties, the *mens rea* requirement, and the number of prosecutions in the preceding 15 years. The legislation would also require the inventory to be posted online.

Importantly, the Count the Crimes to Cut Act does not eliminate or modify any existing criminal offenses. Instead, it provides Congress with the basic information necessary to conduct responsible oversight of federal criminal law. A transparent inventory of federal crimes would give policymakers the data needed to evaluate whether the scope of federal criminal law is appropriately tailored and whether criminal penalties are being used in a manner consistent with principles of fairness.

¹ See <https://www.congress.gov/113/chrg/CHRG-113hhr81464/CHRG-113hhr81464.pdf> and <https://www.wsj.com/articles/SB10001424052702304319804576389601079728920>.

In an era of increasing statutory and regulatory complexity, transparency is an essential prerequisite for effective governance. The Count the Crimes to Cut Act represents a straightforward but important step toward ensuring that Congress has a clear understanding of the criminal laws it has enacted.

For these reasons, we respectfully urge the Members of the Senate Judiciary Committee to support the Count the Crimes to Cut Act, H.R. 2159.

Sincerely,

Due Process Institute

Unify.US

Dream.Org

National Association of Criminal Defense Lawyers

Law Enforcement Action Partnership

CPAC

R Street Institute

Justice Action Network

Faith and Freedom Coalition

REFORM Alliance