



## **Fact Sheet: President Donald J. Trump Fights Overcriminalization in Federal Regulations**

**EASING THE REGULATORY BURDEN:** Today, President Donald J. Trump signed an Executive Order to ease the regulatory burden on everyday Americans and ensure no American is transformed into a criminal for violating a regulation they have no reason to know exists.

- The Order discourages criminal enforcement of regulatory offenses, prioritizing prosecutions only for those who knowingly violate regulations and cause significant harm.
  - Strict liability offenses, which don't require proof of bad intent, are generally disfavored.
- The Order requires each agency, in consultation with the Attorney General, to provide to the Office of Management and Budget (OMB) a list of all enforceable criminal regulatory offenses, the range of potential criminal penalties, and applicable state of mind required for liability.
  - Agencies must post these reports publicly and update them annually.
- Criminal enforcement of offenses not publicly posted is strongly discouraged, and the Attorney General must consider the amount of public notice provided regarding an offense before pursuing investigations or charges.
- The Order instructs agencies to explore adopting a guilty-intent standard for criminal regulatory offenses and cite the authorizing statute.
- Agencies must publish guidance on referring violations for criminal enforcement, factoring in harm, defendant's gain, and awareness of unlawfulness.
- The Order does not apply to immigration law enforcement or national security functions.

**FIGHTING OVERCRIMINALIZATION IN FEDERAL REGULATIONS:** President Trump believes that the United States is drastically overregulated and is taking action to protect Americans from unjust criminalization.

- The Code of Federal Regulations contains over 48,000 sections, stretching over 175,000 pages – far too vast for any citizen to fully comprehend, much less be criminally convicted over violations.
- Many regulations carry criminal penalties for violations, including “strict liability” offenses that do not require proof of intent, meaning Americans can be convicted without knowing they violated a rule.

- No one knows how many separate criminal offenses are contained in the Code of Federal Regulations, with at least one source estimating hundreds of thousands of such crimes.
- The situation is absurd, unjust, and ripe for abuse, enabling government officials to target unwitting individuals and weaponize regulations against them.
- Overregulation privileges large corporations, which can afford expensive legal teams to navigate complex regulatory schemes, while disadvantaging small businesses and individual Americans and stifling new market entrants.

**CUTTING RED TAPE AND DISMANTLING BUREAUCRACY:** Since returning to office, President Trump has worked at lightning speed to slash regulations, streamline government, reduce the Federal bureaucracy, and drain the swamp.

- President Trump established the “Department of Government Efficiency” to examine how to streamline the Federal Government, eliminate unnecessary programs, and reduce bureaucratic inefficiency.
- President Trump launched a 10-to-1 deregulation initiative, ensuring every new rule is justified by clear benefits.
- President Trump authorized buyout programs to encourage federal employees to leave voluntarily.
- President Trump simplified the Federal procurement process.
- President Trump required cost-effective commercial solutions in Federal contracts.