



Consumer Financial Protection Bureau

Criminal Regulatory Offenses Enforceable by the CFPB or the Department of Justice

Prepared for the Office of Management and Budget

1. Overview

Pursuant to the request in Executive Order 14294, “Fighting Overcriminalization in Federal Regulations” (May 9, 2025),¹ the Consumer Financial Protection Bureau (CFPB or Bureau) submits this report to the Office of Management and Budget (OMB).

The Executive Order’s stated purpose is “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.”² To that end, among other directives and apart from specified exemptions related to immigration enforcement and national security functions, the Executive Order instructs Executive agencies to create and publish a series of deliverables pertaining to each agency’s enforcement of criminal regulatory offenses.

First, section 7 of the Executive Order directs agencies, within 45 days of the date of the Executive Order and in consultation with the Attorney General, to publish guidance in the *Federal Register* describing the agency’s plan to address criminally liable regulatory offenses.³ The Bureau’s guidance was published on June 27, 2025.⁴

Second, section 4 of the Executive Order directs the head of each agency, within 365 days of the date of the Executive Order and in consultation with the Attorney General, to provide to the Director of OMB and publish on the agency’s webpage a report containing “a list of all criminal regulatory offenses enforceable by the agency or the Department of Justice” and, “for each criminal regulatory offense identified ... , the range of potential criminal penalties for a violation and the applicable mens rea standard for the criminal regulatory offense.”⁵ The present report serves as the Bureau’s response to that directive.

And third, section 6 of the Executive Order directs the head of each agency, within 30 days of the submission of the aforementioned report and in consultation with the Attorney General, to submit another report to the Director of OMB summarizing the information submitted in the earlier report and “assessing whether the applicable mens rea standards for criminal regulatory offenses enforced by the agency are appropriate”; further, “[i]f consistent with the statutory authorities identified, ... the report should present a plan for changing the applicable mens rea standards and adopting a generally applicable background mens rea standard, and provide a justification for each criminal regulatory offense for which the agency proposes to deviate from its default mens rea standard.”⁶ The Bureau plans to submit this report by the specified deadline.

¹ Exec. Order No. 14,294, 90 Fed. Reg. 20,363 (May 14, 2025).

² *Id.* at 20,363.

³ *Id.* at 20,364-65.

⁴ Guidance on Referrals for Potential Criminal Enforcement, 90 Fed. Reg. 27,530 (June 27, 2025).

⁵ 90 Fed. Reg. 20,363, 20,364.

⁶ *Id.*

2. Criminal Regulatory Offenses Enforceable by the CFPB or the Department of Justice

The appended chart serves as the Bureau’s response to the request in section 4 of the Executive Order. In this chart, the Bureau has listed regulatory provisions that implement statutes for which the Bureau has enforcement or rulemaking authority and that carry criminal enforcement penalties. Consistent with guidance provided by the Department of Justice, the Bureau has listed each regulatory provision at a level no higher than the Section level, even if the offenses are of the same mens rea type and are subject to the same penalties. The Bureau has not listed any regulatory provisions that have been vacated by final court order or subject to a joint resolution of disapproval issued by Congress under the Congressional Review Act, 5 U.S.C. § 801 *et seq.*

In line with the directive in section 4(c) of the Executive Order, the Bureau intends to update this report periodically, and in any event not less than once a year. In addition, consistent with the directive in section 4(d) of the Executive Order, the Bureau will consider whether a criminal regulatory offense is included in this report when considering whether to make a criminal referral to the Department of Justice. The Bureau notes, however, that it is subject to a general statutory requirement under Section 1056 of the Dodd-Frank Act to refer any evidence obtained of a potential violation of Federal criminal law to the Attorney General.⁷ In addition, pursuant to Dodd-Frank Act section 1054(d)(2)(B),⁸ the Bureau and the Department of Justice entered into a Memorandum of Understanding (MOU) in January 2012 reiterating this obligation as part of an effort to avoid conflicts between parallel investigations.⁹

⁷ Dodd-Frank Act section 1056, titled “Referrals for Criminal Proceedings,” provides: “If the Bureau obtains evidence that any person, domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, the Bureau shall transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under appropriate law. Nothing in this section affects any other authority of the Bureau to disclose information.” 12 U.S.C. § 5566.

⁸ 12 U.S.C. § 5564(d)(2)(B).

⁹ The MOU is available on the Bureau’s website at <https://files.consumerfinance.gov/f/2012/01/CFPB-DOJ-MOU.pdf>.