

SERVICE DATE – MAY 8, 2026

SURFACE TRANSPORTATION BOARD

NOTICE

Docket No. EP 783

GUIDANCE ON REFERRALS FOR POTENTIAL CRIMINAL ENFORCEMENT

Decided: May 8, 2026

On May 9, 2025, the President issued Executive Order (E.O.) 14294, Fighting Overcriminalization in Federal Regulations. 90 FR 20,363 (May 14, 2025). Section 7 of E.O. 14294 provides that within 45 days of the order, and in consultation with the Attorney General, each agency should publish guidance in the Federal Register describing its plan to address criminally liable regulatory offenses. On June 20, 2025, the Board served a decision that, among other things, advised the public that by May 9, 2026, the Board, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget (OMB) a report containing: (1) a list of all criminal regulatory offenses¹ enforceable by the Board or the Department of Justice (DOJ); and (2) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea² standard for the criminal regulatory offense.

This notice is to advise the public that on May 8, 2026, the Board provided the attached report to the Director of OMB, consistent with the requirements of Section 4 of E.O. 14294.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

¹ “Criminal regulatory offense” means a federal regulation that is enforceable by a criminal penalty. E.O. 14294, sec. 3(b).

² “Mens rea” means the state of mind that by law must be proven to convict a particular defendant of a particular crime. E.O. 14294, sec. 3(c).

(Column A)	(Column B)	(Column C)	(Column D)	(Column E)	(Column F)	(Column G)	(Column H)	(Column I)	(Column J)	(Column K)	(Column L)
Agency	Subagency	CFR Citation	Description	Authority Type	Authority Citation	Mens Rea Type	Mens Rea Source Citation	Penalty Type	Penalty Range	Penalty Source	Add'l Information
Surface Transportation Board	N/A	49 CFR 1016.201	Contents for application for adjudication expenses submitted under oath or penalty of perjury	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	

Surface Transportation Board	N/A	49 CFR 1017.4	Knowingly false or frivolous statements, representation s, or evidence regarding government employee indebtedness or collections	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	
Surface Transportation Board	N/A	49 CFR 1018.26	Disputed debts may be supported by affidavits and statement under penalty of perjury	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	

Surface Transportation Board	N/A	49 CFR 1103.3	Requires non-attorney practitioner applicants to certify under penalty of perjury that they have not been convicted of certain crimes	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	
Surface Transportation Board	N/A	49 CFR 1104.5	Affirmations or declarations under penalty of perjury in filings with the Board	Statutory	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively	knowingly and willfully	18 USC 1001 and 18 USC 1621	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (3571 not specified in the regulation)	

Surface Transportation Board	N/A	49 CFR 1104.15	Requires certain license applicants to certify under penalty of perjury that they have not been convicted of certain crimes	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	
Surface Transportation Board	N/A	49 CFR 1177.3	Requires recordation submissions be certified under penalty of perjury	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	

Surface Transportation Board	N/A	49 CFR 1182.2	Requires certain license applicants to certify under penalty of perjury that they have not been convicted of certain crimes	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	
Surface Transportation Board	N/A	49 CFR 1182.8	Requires certain applications and pleadings in motor passenger carrier matters be certified under penalty of perjury	Statutory	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively	knowingly and willfully	18 USC 1001 and 18 USC 1621	Imprisonment; Criminal Fine	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (3571 not specified in the regulation)	This regulation requires updating. The certification language includes penalty amounts of \$10,000 for 1001 violations and \$2,000 for 1621 violations, which have since been changed by statute. 108 Stat. 2147.

Surface Transportation Board	N/A	49 CFR 1312.4	Requires water carrier tariffs to be annually certified under penalty of perjury	Statutory (not specified in the regulation)	18 USC 1001 and 18 USC 1621 address false statements to government officials and perjury, respectively (not specified in the regulation)	knowingly and willfully (not specified in the regulation)	18 USC 1001 and 18 USC 1621 (not specified in the regulation)	Imprisonment; Criminal Fine (not specified in the regulation)	Imprisonment not more than five years; fine of the greater of not more than \$250,000 (not more than \$500,000 for an organization) or twice the loss or gain associated with the offense (not specified in the regulation)	18 USC 1001(a)(3) (imprisonment); 18 USC 1621 (imprisonment); 18 USC 3571 (fines) (not specified in the regulation)	
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