

112TH CONGRESS
1ST SESSION

S. 350

To require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2011

Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. SANDERS, Mr. REED, Mr. WHITEHOUSE, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Crimes
5 Enforcement Act of 2011”.

6 **SEC. 2. ENVIRONMENTAL CRIMES.**

7 (a) SENTENCING GUIDELINES.—

8 (1) DIRECTIVE.—Pursuant to its authority
9 under section 994 of title 28, United States Code,

1 and in accordance with this subsection, the United
2 States Sentencing Commission shall review and
3 amend the Federal Sentencing Guidelines and policy
4 statements applicable to persons convicted of of-
5 fenses under the Federal Water Pollution Control
6 Act (33 U.S.C. 1251 et seq.), in order to reflect the
7 intent of Congress that penalties for the offenses be
8 increased in comparison to those provided on the
9 date of enactment of this Act under the guidelines
10 and policy statements, and appropriately account for
11 the actual harm to the public and the environment
12 from the offenses.

13 (2) REQUIREMENTS.—In amending the Federal
14 Sentencing Guidelines and policy statements under
15 paragraph (1), the United States Sentencing Com-
16 mission shall—

17 (A) ensure that the guidelines and policy
18 statements, including section 2Q1.2 of the Fed-
19 eral Sentencing Guidelines (and any successor
20 thereto), reflect—

21 (i) the serious nature of the offenses
22 described in paragraph (1);

23 (ii) the need for an effective deterrent
24 and appropriate punishment to prevent the
25 offenses; and

1 (iii) the effectiveness of incarceration
2 in furthering the objectives described in
3 clauses (i) and (ii);

4 (B) consider the extent to which the guide-
5 lines appropriately account for the actual harm
6 to public and the environment resulting from
7 the offenses;

8 (C) ensure reasonable consistency with
9 other relevant directives and guidelines and
10 Federal statutes;

11 (D) make any necessary conforming
12 changes to guidelines; and

13 (E) ensure that the guidelines relating to
14 offenses under the Federal Water Pollution
15 Control Act (33 U.S.C. 1251 et seq.) ade-
16 quately meet the purposes of sentencing, as set
17 forth in section 3553(a)(2) of title 18, United
18 States Code.

19 (b) RESTITUTION.—Section 3663A(c)(1) of title 18,
20 United States Code, is amended—

21 (1) in clause (ii), by striking “or” at the end;

22 (2) in clause (iii), by striking “and” at the end
23 and inserting “or”; and

24 (3) by adding at the end the following:

1 “(iv) an offense under section 309(c) of
2 the Federal Water Pollution Control Act (33
3 U.S.C. 1319(c)); and”.

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