

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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