

111TH CONGRESS
2D SESSION

S. _____

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

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on _____

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 2010”.

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,
10 and in accordance with this subsection, the United

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

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

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

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

22 (ii) the need for an effective deterrent
23 and appropriate punishment to prevent the
24 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 the Federal Water
2 Pollution Control Act (33 U.S.C. 1251 et seq.);
3 and”.