



Clean Energy Jobs ^{and} Oil Company Accountability Act

Increasing Sentences for Environmental Crimes

Background

One of the most important duties of the United States Sentencing Commission (the Commission) is the establishment of sentencing policies and practices for federal courts. Congress granted the Commission the power to formulate sentencing guidelines and to define parameters for federal trial judges to follow in their sentencing decisions.

Need

Under current law, the criminal penalties for violations to the *Clean Water Act* are not as severe as for other white-collar crimes despite the widespread harm that environmental crimes cause. Furthermore, under current law, even if an environmental crime takes a human life, restitution is discretionary and is only available under limited circumstances.

Legislation

The Clean Energy Jobs and Oil Company Accountability Act would address the need to increase sentences for environmental crimes by:

- Directing the Commission to amend the sentencing guidelines for environmental crimes so they reflect the actual harm to the public and the environment;
- When amending the sentencing guidelines, requiring the Commission to consider:
 - The serious nature of environmental crimes;
 - The need for an effective deterrent and appropriate punishment to prevent future environmental crimes; and
 - The effectiveness of incarceration in order to deter and prevent future environmental crimes.
- Mandating restitution be available to those impacted by violations to the *Clean Water Act*.