

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 24, 2010

Opening Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee  
Executive Business Meeting  
June 24, 2010

I had hoped that the Committee would have been allowed to take up and approve the Environmental Crimes Enforcement Act last week in the wake of the British Petroleum oil spill. I want to thank our ranking Republican member, Senator Sessions, for working with me, and note that we were ready to proceed then, and are ready to proceed now, with a bipartisan substitute. This is a common-sense piece of legislation to ensure that those who destroy the lives and livelihoods of Americans through environmental crime are held accountable. I thank all Senators on both sides of the aisle who have joined to work with me and those who have joined as cosponsors of this measure to ensure accountability.

It has been almost two months since the collapse of British Petroleum's Deepwater Horizon Oil Rig, which killed 11 men. We had a family member, the brother of one of those men, testify before us a few weeks ago. I have also introduced a bill to assist those families that I would like to see passed without delay.

Oil continues to flow into the Gulf of Mexico, and deadly contaminants are washing onto the shores and wetlands of Louisiana, Mississippi, Florida, and Alabama. This catastrophe threatens the livelihood of thousands of people throughout the Gulf region. The people responsible for this catastrophe must be held accountable. The Environmental Crimes Enforcement Act aims to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors.

As the current crisis makes clear, Clean Water Act offenses can have serious consequences to people's lives and livelihoods. This bill takes a reasonable approach and should have a deterrent effect. All too often corporations treat fines and monetary penalties as merely a cost of doing business to be factored against profits. To deter criminal behavior by corporations, it is important to have laws resulting in prison time. In that light, this bill directs the United States Sentencing Commission to consider the sentencing guidelines for environmental crimes to reflect the seriousness of these crimes.

This bill also aims to help victims of environmental crime - the people who lose their livelihoods, their communities, and even their loved ones. To do that, it makes restitution mandatory for criminal Clean Water Act violations. Under this bill, those who commit Clean

Water Act offenses would have to compensate the victims of these offenses for their losses. That restitution would help the people of the Gulf Coast rebuild their coastline and wetlands, their fisheries, and their livelihoods should criminal liability be found.

This bill then makes two common sense improvements to the law - a well-reasoned increase in sentences and mandatory restitution for environmental crime. These measures are tough but fair. They are important steps toward deterring criminal conduct that can cause environmental and economic disaster and toward helping those who have suffered so much. I hope all Senators will join us in supporting these important reforms.

In addition, I note that I have added to our agenda the House-passed measure to resolve the problem known as libel tourism. American authors and journalists are the victims of libel lawsuits in countries that do not respect our First Amendment protections. I have joined with Senators Sessions, Specter, and Schumer to introduce the SPEECH Act to ensure that American authors and journalists are shielded domestically from foreign libel lawsuits that would otherwise infringe on their First Amendment rights. It is my hope that we can agree to the SPEECH Act provisions as the way forward in this area and pass it without delay. I thank Representative Cohen and Senators Schumer, Specter and Lieberman for their leadership in this area.

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