

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY _____**

At the end of subtitle D, add the following new chapter:

1 CHAPTER 4—OTHER MATTER

2 SEC. 3331. ENHANCED GENERAL PENALTY.

3 (a) IN GENERAL.—Title V of the Communications
4 Act of 1934 (47 U.S.C. 501 et seq.) is amended by adding
5 after section 501, the following new section:

6 “§ 501A. Enhanced general penalty

7 “(a) OFFENSES.—Whoever, during and in relation to
8 a violation enumerated in section 501, willfully or mali-
9 ciously destroys any communications facility, in addition
10 to the punishment provided for a violation that includes
11 imprisonment, be sentenced to a term of imprisonment of
12 2 years.

13 “(b) CONSECUTIVE SENTENCE.—Notwithstanding
14 any other provision of law—

15 “(1) a court may not place on probation any
16 person convicted of a violation of this section;

17 “(2) except as provided in paragraph (3), a
18 term of imprisonment imposed on a person under

1 this section may not run concurrently with any other
2 term of imprisonment imposed on the person under
3 any other provision of law, including any term of im-
4 prisonment imposed for the violation of this section;
5 and

6 “(3) a term of imprisonment imposed on a per-
7 son for a violation of this section may, in the discre-
8 tion of the court, run concurrently, in whole or in
9 part, only with another term of imprisonment that
10 is imposed by the court at the same time on that
11 person for an additional violation of this section, if
12 the discretion is exercised in accordance with appli-
13 cable guidelines and policy statements issued by the
14 Sentencing Commission pursuant to section 994 of
15 title 28, United States Code.

16 “(c) COMMUNICATIONS FACILITY DEFINED.—In this
17 section, the term ‘communications facility’ includes—

18 “(1) any infrastructure, including any transmit-
19 ting device, tower, or support structure, and any
20 equipment, switches, wiring, cabling, power sources,
21 shelters, or cabinets, associated with the licensed or
22 permitted unlicensed wireless or wireline trans-
23 mission of writings, signs, signals, data, images, pic-
24 tures, and sounds of all kinds; and

25 “(2) any antenna or apparatus that—

1 “(A) is designed for the purpose of emit-
2 ting radio frequency;

3 “(B) is designed to be operated, or is oper-
4 ating, from a fixed location pursuant to author-
5 ization by the Commission or is using duly au-
6 thorized devices that do not require individual
7 licenses; and

8 “(C) is added to a tower, building, or other
9 structure.”.

