A BILL

To amend the Communications Act of 1934 to provide for enhanced penalties for pirate radio, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Illegal
Radio Abuse Through Enforcement Act” or the “PIRATE
Act”.

SEC. 2. PIRATE RADIO ENFORCEMENT ENHANCEMENTS.

Title V of the Communications Act of 1934 (47
U.S.C. 501 et seq.) is amended—
(1) in section 510(b), by inserting after “Attorney General of the United States” the following: “, or by the Commission, acting on its own behalf,”; and

(2) by adding at the end the following new section:

“SEC. 511. ENHANCED PENALTIES FOR PIRATE RADIO BROADCASTING; SEIZURE OF ILLEGAL EQUIPMENT; ENFORCEMENT SWEEPS.

“(a) INCREASED GENERAL PENALTY.—Any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $2,000,000.

“(b) VIOLATION OF RULES, REGULATIONS, AND SO FORTH.—Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, relating to a pirate radio broadcasting shall, in addition to any other penalties provided by law, be subject to a fine of not more than $100,000 for each day during which such offense occurs.
“(c) LIVE PIRATE RADIO BROADCASTING.—Section 503(b)(4) does not apply for a forfeiture penalty imposed on a person if the Commission has direct evidence that the person is responsible for a pirate radio broadcast and such broadcast is occurring in real time.

“(d) FACILITATION.—Any person who knowingly and intentionally facilitates pirate radio broadcasting shall be subject to a fine of not more than $2,000,000.

“(e) DISPOSAL OF ILLEGAL PIRATE RADIO EQUIPMENT.—The Commission may dispose of any equipment seized under this section as the Commission determines to be appropriate without notice after the expiration of the 90-day time period beginning on the date on which the equipment was seized.

“(f) ENFORCEMENT SWEEPS.—

“(1) BIENNIAL SWEEPS.—Not less than twice each year, the Commission shall assign appropriate enforcement personal to focus specific and sustained attention on the elimination of pirate radio broadcasting within the top five radio markets identified as prevalent for such broadcasts. Such effort shall include identifying, locating, and terminating such operations and seizing related equipment under subsection (e).
“(2) No effect on remaining enforcement.—Notwithstanding paragraph (1), the Commission shall not decrease or diminish the regular enforcement efforts targeted to pirate radio broadcast stations for other times of the year.

“(g) State and Local Government Authority.—

“(1) Statutes or ordinances permitted.—
A State or local government may enact a statute or ordinance that imposes civil or criminal penalties for pirate radio broadcasting, or for knowingly and intentionally facilitating pirate radio broadcasting, provided that the determination whether a radio station is engaged in pirate radio broadcasting shall be made exclusively by the Commission.

“(2) Commission authority preserved.—
Enforcement by a State or local government of a statute or ordinance under this section shall not preclude the Commission or Federal law enforcement authority from concurrently enforcing this section and section 301 of this Act, any other Federal law, or any regulation of the Commission thereunder.

“(h) Definitions.—In this section:

“(1) Pirate radio broadcasting.—The term ‘pirate radio broadcasting’ means the transmission
of communications on spectrum frequencies between 535 to 1705 kHz or 88 to 108 MHz (AM or FM broadcast bands) without a license issued by the Federal Communications Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.

“(2) FACILITATES.—The term ‘facilitates’ means providing access to property (and improvements thereon) or providing physical goods or services, including providing housing, facilities, or financing, that directly aid pirate radio broadcasting.

“(3) KNOWINGLY AND INTENTIONALLY.—The term ‘knowingly and intentionally’ means the person was previously served by the Commission with a notice of unlicensed operations, notice of apparent liability, or citation for efforts to facilitate pirate radio broadcasting.”.