

Suspend the Rules and Pass the Bill, H.R. 5709, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 5709

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

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2018

Mr. LANCE (for himself, Mr. TONKO, Mr. COLLINS of New York, Mr. GENE GREEN of Texas, Mr. BILIRAKIS, Mr. MOULTON, Mr. FLORES, Mrs. DINGELL, Mr. KING of New York, Mrs. CAROLYN B. MALONEY of New York, Ms. VELÁZQUEZ, Mr. FASO, Miss RICE of New York, and Mr. SEAN PATRICK MALONEY of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for enhanced penalties for pirate radio, 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 “Preventing Illegal
5 Radio Abuse Through Enforcement Act” or the “PIRATE
6 Act”.

1 **SEC. 2. PIRATE RADIO ENFORCEMENT ENHANCEMENTS.**

2 Title V of the Communications Act of 1934 (47
3 U.S.C. 501 et seq.) is amended by adding at the end the
4 following new section:

5 **“SEC. 511. ENHANCED PENALTIES FOR PIRATE RADIO**
6 **BROADCASTING; ENFORCEMENT SWEEPS; RE-**
7 **PORTING.**

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

12 “(b) VIOLATION OF THIS ACT, RULES, OR REGULA-
13 TIONS.—Any person who willfully and knowingly violates
14 this Act or any rule, regulation, restriction, or condition
15 made or imposed by the Commission under authority of
16 this Act, or any rule, regulation, restriction, or condition
17 made or imposed by any international radio or wire com-
18 munications treaty or convention, or regulations annexed
19 thereto, to which the United States is or may hereafter
20 become party, relating to pirate radio broadcasting shall,
21 in addition to any other penalties provided by law, be sub-
22 ject to a fine of not more than \$100,000 for each day
23 during which such offense occurs, in accordance with the
24 limit described in subsection (a).

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

4 “(d) ANNUAL REPORT.—Not later than one year
5 after the date of enactment of the PIRATE Act, and an-
6 nually thereafter, the Commission shall submit to the
7 House Committee on Energy and Commerce and the Sen-
8 ate Committee on Commerce, Science, and Transportation
9 a report summarizing the implementation of this section
10 and associated enforcement activities for the previous fis-
11 cal year, which may include the efforts by the Commission
12 to enlist the cooperation of Federal, State, and local law
13 enforcement personnel (including United States Attorneys
14 and the United States Marshals Service) for service of
15 process, collection of fines or forfeitures, seizures of equip-
16 ment, and enforcement of orders.

17 “(e) ENFORCEMENT SWEEPS.—

18 “(1) ANNUAL SWEEPS.—Not less than once
19 each year, the Commission shall assign appropriate
20 enforcement personnel to focus specific and sus-
21 tained attention on the elimination of pirate radio
22 broadcasting within the top five radio markets iden-
23 tified as prevalent for such broadcasts. Such effort
24 shall include identifying, locating, and taking en-

1 enforcement actions designed to terminate such oper-
2 ations.

3 “(2) ADDITIONAL MONITORING.—Within six
4 months after conducting the enforcement sweeps re-
5 quired by paragraph (1), the Commission shall con-
6 duct monitoring sweeps to ascertain whether the pi-
7 rate radio broadcasting identified by enforcement
8 sweeps is continuing to broadcast and whether addi-
9 tional pirate radio broadcasting is occurring.

10 “(3) NO EFFECT ON REMAINING ENFORCE-
11 MENT.—Notwithstanding paragraph (1), the Com-
12 mission shall not decrease or diminish the regular
13 enforcement efforts targeted to pirate radio broad-
14 cast stations for other times of the year.

15 “(f) STATE AND LOCAL GOVERNMENT AUTHOR-
16 ITY.—The Commission may not preempt any State or
17 local law prohibiting pirate radio broadcasting.

18 “(g) REVISION OF COMMISSION RULES REQUIRED.—
19 The Commission shall revise its rules to require that, ab-
20 sent good cause, in any case alleging a violation of sub-
21 section (a) or (b), the Commission shall proceed directly
22 to issue a ‘Notice of Apparent Liability’ without first
23 issuing a ‘Notice of Unlicensed Operations’.

24 “(h) PIRATE RADIO BROADCASTING DATABASE.—

1 “(1) IN GENERAL.—Not later than 90 days
2 after the date of the enactment of this section, and
3 semi-annually thereafter, the Commission shall pub-
4 lish a database in a clear and legible format of all
5 licensed radio stations operating in the AM and FM
6 bands. The database shall be easily accessible from
7 the Commission home page through a direct link.
8 The database shall include the following information:

9 “(A) Each licensed station, listed by the
10 assigned frequency, channel number, or Com-
11 mission call letters.

12 “(B) All entities that have received a No-
13 tice of Unlicensed Operation, Notice of Appar-
14 ent Liability, or Forfeiture Order by the Com-
15 mission.

16 “(2) CLEAR IDENTIFICATION.—The Commis-
17 sion shall clearly identify in the database—

18 “(A) each licensed station as a station li-
19 censed by the Commission; and

20 “(B) each entity described in paragraph
21 (1)(B) as operating without a Commission li-
22 cense or authorization.

23 “(i) DEFINITIONS.—In this section:

24 “(1) PIRATE RADIO BROADCASTING.—The term
25 ‘pirate radio broadcasting’ means the transmission

1 of communications on spectrum frequencies between
2 535 to 1705 kHz or 87.7 to 108 MHz without a li-
3 cense issued by the Federal Communications Com-
4 mission, but does not include unlicensed operations
5 in compliance with part 15 of title 47, Code of Fed-
6 eral Regulations.

7 “(2) FACILITATES.—The term ‘facilitates’
8 means providing access to property (and improve-
9 ments thereon) or providing physical goods or serv-
10 ices, including providing housing, facilities, or fi-
11 nancing, that directly aid pirate radio broadcasting.

12 “(3) KNOWINGLY AND INTENTIONALLY.—The
13 term ‘knowingly and intentionally’ means the person
14 was previously served by the Commission with a no-
15 tice of unlicensed operations, notice of apparent li-
16 ability, or citation for efforts to facilitate pirate
17 radio broadcasting.”.

18 **SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.**

19 No additional funds are authorized to be appro-
20 priated to carry out this Act or the amendment made by
21 this Act. This Act and the amendment made by this Act
22 shall be carried out using amounts otherwise authorized.