

## COMMITTEE PRINT

SHOWING THE TEXT OF H.R. 5709 AS FORWARDED BY THE SUBCOMMITTEE  
ON COMMUNICATIONS AND TECHNOLOGY, JUNE 13, 2018

115TH CONGRESS  
2D SESSION

# H. R. 5709

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

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### 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

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## 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, including the efforts by the Commission to enlist  
12 the cooperation of Federal, State, and local law enforce-  
13 ment personnel (including United States Attorneys and  
14 the United States Marshals Service) for service of process,  
15 collection of fines or forfeitures, seizures of equipment,  
16 and enforcement of orders.

17           “(e) ENFORCEMENT SWEEPS.—

18           “(1) BIENNIAL SWEEPS.—Not less than twice  
19 each year, the Commission shall assign appropriate  
20 enforcement personnel to focus specific and sustained  
21 attention on the elimination of pirate radio broad-  
22 casting within the top five radio markets identified  
23 as prevalent for such broadcasts. Such effort shall  
24 include identifying, locating, and terminating such  
25 operations.

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

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

9           “(g) REVISION OF COMMISSION RULES REQUIRED.—  
10          The Commission shall revise its rules to require that, ab-  
11          sent compelling circumstances, in any case alleging a vio-  
12          lation of subsection (a) or (b), the Commission shall pro-  
13          ceed directly to issue a ‘Notice of Apparent Liability’ with-  
14          out first issuing a ‘Notice of Unlicensed Operations’.

15          “(h) DEFINITIONS.—In this section:

16                 “(1) PIRATE RADIO BROADCASTING.—The term  
17                 ‘pirate radio broadcasting’ means the transmission  
18                 of communications on spectrum frequencies between  
19                 535 to 1705 kHz or 87.7 to 108 MHz without a li-  
20                 cense issued by the Federal Communications Com-  
21                 mission, but does not include unlicensed operations  
22                 in compliance with part 15 of title 47, Code of Fed-  
23                 eral Regulations.

24                 “(2) FACILITATES.—The term ‘facilitates’  
25                 means providing access to property (and improve-

1       ments thereon) or providing physical goods or serv-  
2       ices, including providing housing, facilities, or fi-  
3       nancing, that directly aid pirate radio broadcasting.

4               “(3) KNOWINGLY AND INTENTIONALLY.—The  
5       term ‘knowingly and intentionally’ means the person  
6       was previously served by the Commission with a no-  
7       tice of unlicensed operations, notice of apparent li-  
8       ability, or citation for efforts to facilitate pirate  
9       radio broadcasting.”.