

[DISCUSSION DRAFT]115TH CONGRESS
2^D SESSION**H. R.** _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. LANCE introduced the following bill; which was referred to the Committee on _____

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”.

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

8 Title V of the Communications Act of 1934 (47
9 U.S.C. 501 et seq.) is amended—

1 (1) in section 510(b), by inserting after “Attor-
2 ney General of the United States” the following: “,
3 or by the Commission, acting on its own behalf,”;
4 and

5 (2) by adding at the end the following new sec-
6 tion:

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

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

14 “(b) VIOLATION OF RULES, REGULATIONS, AND SO
15 FORTH.—Any person who willfully and knowingly violates
16 any rule, regulation, restriction, or condition made or im-
17 posed by the Commission under authority of this Act, or
18 any rule, regulation, restriction, or condition made or im-
19 posed by any international radio or wire communications
20 treaty or convention, or regulations annexed thereto, to
21 which the United States is or may hereafter become a
22 party, relating to a pirate radio broadcasting shall, in ad-
23 dition to any other penalties provided by law, be subject
24 to a fine of not more than \$100,000 for each day during
25 which such offense occurs.

1 “(c) LIVE PIRATE RADIO BROADCASTING.—Section
2 503(b)(4) does not apply for a forfeiture penalty imposed
3 on a person if the Commission has direct evidence that
4 the person is responsible for a pirate radio broadcast and
5 such broadcast is occurring in real time.

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

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

15 “(f) ENFORCEMENT SWEEPS.—

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

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 “(g) STATE AND LOCAL GOVERNMENT AUTHOR-
7 ITY.—

8 “(1) STATUTES OR ORDINANCES PERMITTED.—
9 A State or local government may enact a statute or
10 ordinance that imposes civil or criminal penalties for
11 pirate radio broadcasting, or for knowingly and in-
12 tentionally facilitating pirate radio broadcasting,
13 provided that the determination whether a radio sta-
14 tion is engaged in pirate radio broadcasting shall be
15 made exclusively by the Commission.

16 “(2) COMMISSION AUTHORITY PRESERVED.—
17 Enforcement by a State or local government of a
18 statute or ordinance under this section shall not pre-
19 clude the Commission or Federal law enforcement
20 authority from concurrently enforcing this section
21 and section 301 of this Act, any other Federal law,
22 or any regulation of the Commission thereunder.

23 “(h) 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 88 to 108 MHz (AM or FM
3 broadcast bands) without a license issued by the
4 Federal Communications Commission, but does not
5 include unlicensed operations in compliance with
6 part 15 of title 47, Code of Federal 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.”.