

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5709
OFFERED BY MR. LANCE OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

5 SEC. 2. PIRATE RADIO ENFORCEMENT ENHANCEMENTS.

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

9 **“SEC. 511. ENHANCED PENALTIES FOR PIRATE RADIO**
10 **BROADCASTING; ENFORCEMENT SWEEPS; RE-**
11 **PORTING.**

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

16 “(b) VIOLATION OF THIS ACT, RULES, OR REGULA-
17 TIONS.—Any person who willfully and knowingly violates
18 this Act or any rule, regulation, restriction, or condition

1 made or imposed by the Commission under authority of
2 this Act, or any rule, regulation, restriction, or condition
3 made or imposed by any international radio or wire com-
4 munications treaty or convention, or regulations annexed
5 thereto, to which the United States is or may hereafter
6 become party, relating to pirate radio broadcasting shall,
7 in addition to any other penalties provided by law, be sub-
8 ject to a fine of not more than \$100,000 for each day
9 during which such offense occurs, in accordance with the
10 limit described in subsection (a).

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

14 “(d) ANNUAL REPORT.—Not later than one year
15 after the date of enactment of the PIRATE Act, and an-
16 nually thereafter, the Commission shall submit to the
17 House Committee on Energy and Commerce and the Sen-
18 ate Committee on Commerce, Science, and Transportation
19 a report summarizing the implementation of this section
20 and associated enforcement activities for the previous fis-
21 cal year, including the efforts by the Commission to enlist
22 the cooperation of Federal, State, and local law enforce-
23 ment personnel (including United States Attorneys and
24 the United States Marshals Service) for service of process,

1 collection of fines or forfeitures, seizures of equipment,
2 and enforcement of orders.

3 “(e) ENFORCEMENT SWEEPS.—

4 “(1) BIANNUAL SWEEPS.—Not less than twice
5 each year, the Commission shall assign appropriate
6 enforcement personal to focus specific and sustained
7 attention on the elimination of pirate radio broad-
8 casting within the top five radio markets identified
9 as prevalent for such broadcasts. Such effort shall
10 include identifying, locating, and terminating such
11 operations.

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

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

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

1 “(h) DEFINITIONS.—In this section:

2 “(1) PIRATE RADIO BROADCASTING.—The term
3 ‘pirate radio broadcasting’ means the transmission
4 of communications on spectrum frequencies between
5 535 to 1705 kHz or 87.7 to 108 MHz without a li-
6 cense issued by the Federal Communications Com-
7 mission, but does not include unlicensed operations
8 in compliance with part 15 of title 47, Code of Fed-
9 eral Regulations.

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

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

