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:

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 by adding at the end the following new section:

“SEC. 511. ENHANCED PENALTIES FOR PIRATE RADIO BROADCASTING; ENFORCEMENT SWEEPS; REPORTING.

“(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 THIS ACT, RULES, OR REGULATIONS.—Any person who willfully and knowingly violates this Act or 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 party, relating to 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, in accordance with the limit described in subsection (a).

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

“(d) ANNUAL REPORT.—Not later than one year after the date of enactment of the PIRATE Act, and annually thereafter, the Commission shall submit to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report summarizing the implementation of this section and associated enforcement activities for the previous fiscal year, including the efforts by the Commission to enlist the cooperation of Federal, State, and local law enforcement personnel (including United States Attorneys and the United States Marshals Service) for service of process,
collection of fines or forfeitures, seizures of equipment,
and enforcement of orders.

“(e) Enforcement Sweeps.—

“(1) Biannual 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 broad-
casting within the top five radio markets identified
as prevalent for such broadcasts. Such effort shall
include identifying, locating, and terminating such
operations.

“(2) No effect on remaining enforcement.—Notwithstanding paragraph (1), the Com-
mission shall not decrease or diminish the regular
enforcement efforts targeted to pirate radio broad-
cast stations for other times of the year.

“(f) State and local government authority.—The Commission may not preempt any State or
local law prohibiting pirate radio broadcasting.

“(g) Revision of Commission rules required.—
The Commission shall revise its rules to require that, ab-
sent compelling circumstances, in any case alleging a vi-o-
lation of subsection (a) or (b), the Commission shall pro-
ceed directly to issue a ‘Notice of Apparent Liability’ with-
out first issuing a ‘Notice of Unlicensed Operations’.
“(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 87.7 to 108 MHz 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.”.