

Union Calendar No. 652

115TH CONGRESS
2^D SESSION

H. R. 5709

[Report No. 115-843]

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

JULY 18, 2018

Additional sponsor: Mrs. BLACKBURN

JULY 18, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 8, 2018]

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 Radio*
5 *Abuse Through Enforcement Act” or the “PIRATE Act”.*

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

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

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

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

17 *“(b) VIOLATION OF THIS ACT, RULES, OR REGULA-*
18 *TIONS.—Any person who willfully and knowingly violates*
19 *this Act or any rule, regulation, restriction, or condition*
20 *made or imposed by the Commission under authority of this*
21 *Act, or any rule, regulation, restriction, or condition made*
22 *or imposed by any international radio or wire communica-*
23 *tions treaty or convention, or regulations annexed thereto,*
24 *to which the United States is or may hereafter become*
25 *party, relating to pirate radio broadcasting shall, in addi-*

1 *tion to any other penalties provided by law, be subject to*
2 *a fine of not more than \$100,000 for each day during which*
3 *such offense occurs, in accordance with the limit described*
4 *in subsection (a).*

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

8 “(d) *ANNUAL REPORT.*—*Not later than one year after*
9 *the date of enactment of the PIRATE Act, and annually*
10 *thereafter, the Commission shall submit to the House Com-*
11 *mittee on Energy and Commerce and the Senate Committee*
12 *on Commerce, Science, and Transportation a report sum-*
13 *marizing the implementation of this section and associated*
14 *enforcement activities for the previous fiscal year, which*
15 *may include the efforts by the Commission to enlist the co-*
16 *operation of Federal, State, and local law enforcement per-*
17 *sonnel (including United States Attorneys and the United*
18 *States Marshals Service) for service of process, collection of*
19 *finest or forfeitures, seizures of equipment, and enforcement*
20 *of orders.*

21 “(e) *ENFORCEMENT SWEEPS.*—

22 “(1) *ANNUAL SWEEPS.*—*Not less than once each*
23 *year, the Commission shall assign appropriate en-*
24 *forcement personnel to focus specific and sustained at-*
25 *tention on the elimination of pirate radio broad-*

1 *casting within the top five radio markets identified as*
2 *prevalent for such broadcasts. Such effort shall in-*
3 *clude identifying, locating, and taking enforcement*
4 *actions designed to terminate such operations.*

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

12 *“(3) NO EFFECT ON REMAINING ENFORCE-*
13 *MENT.—Notwithstanding paragraph (1), the Commis-*
14 *sion shall not decrease or diminish the regular en-*
15 *forcement efforts targeted to pirate radio broadcast*
16 *stations for other times of the year.*

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

20 *“(g) REVISION OF COMMISSION RULES REQUIRED.—*
21 *The Commission shall revise its rules to require that, absent*
22 *good cause, in any case alleging a violation of subsection*
23 *(a) or (b), the Commission shall proceed directly to issue*
24 *a ‘Notice of Apparent Liability’ without first issuing a ‘No-*
25 *tice of Unlicensed Operations’.*

1 “(h) *PIRATE RADIO BROADCASTING DATABASE.*—

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

10 “(A) *Each licensed station, listed by the as-*
11 *signed frequency, channel number, or Commis-*
12 *sion call letters.*

13 “(B) *All entities that have received a Notice*
14 *of Unlicensed Operation, Notice of Apparent Li-*
15 *ability, or Forfeiture Order by the Commission.*

16 “(2) *CLEAR IDENTIFICATION.*—The Commission
17 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 *cence or authorization.*

23 “(i) *DEFINITIONS.*—In this section:

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

1 *communications on spectrum frequencies between 535*
2 *to 1705 kHz or 87.7 to 108 MHz without a license*
3 *issued by the Federal Communications Commission,*
4 *but does not include unlicensed operations in compli-*
5 *ance with part 15 of title 47, Code of Federal Regula-*
6 *tions.*

7 “(2) *FACILITATES.*—*The term ‘facilitates’ means*
8 *providing access to property (and improvements*
9 *thereon) or providing physical goods or services, in-*
10 *cluding providing housing, facilities, or financing,*
11 *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 radio*
17 *broadcasting.’.*

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