

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.

---

## 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

---

## 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; SEIZURE OF ILLEGAL**  
7 **EQUIPMENT; ENFORCEMENT SWEEPS.**

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).

25 “(c) LIVE PIRATE RADIO BROADCASTING.—Section  
26 503(b)(4) does not apply for a forfeiture penalty imposed

1 on a person if the Commission has direct evidence that  
2 the person is responsible for a pirate radio broadcast and  
3 such broadcast is occurring in real time.

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

7 “(e) ENFORCEMENT SWEEPS.—

8 “(1) BIENNIAL SWEEPS.—Not less than twice  
9 each year, the Commission shall assign appropriate  
10 enforcement personnel to focus specific and sustained  
11 attention on the elimination of pirate radio broad-  
12 casting within the top five radio markets identified  
13 as prevalent for such broadcasts. Such effort shall  
14 include identifying, locating, and terminating such  
15 operations and seizing related equipment under sub-  
16 section (e).

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

22 “(f) STATE AND LOCAL GOVERNMENT AUTHOR-  
23 ITY.—

24 “(1) STATUTES OR ORDINANCES PERMITTED.—  
25 A State or local government may enact a statute or

1 ordinance that imposes civil or criminal penalties for  
2 pirate radio broadcasting, or for knowingly and in-  
3 tentiously facilitating pirate radio broadcasting,  
4 provided that the determination whether a radio sta-  
5 tion is engaged in pirate radio broadcasting shall be  
6 made exclusively by the Commission.

7 “(2) COMMISSION AUTHORITY PRESERVED.—  
8 Enforcement by a State or local government of a  
9 statute or ordinance under this section shall not pre-  
10 clude the Commission or Federal law enforcement  
11 authority from concurrently enforcing this section  
12 and section 301 of this Act, any other Federal law,  
13 or any regulation of the Commission thereunder.

14 “(g) DEFINITIONS.—In this section:

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

23 “(2) FACILITATES.—The term ‘facilitates’  
24 means providing access to property (and improve-  
25 ments thereon) or providing physical goods or serv-

1       ices, including providing housing, facilities, or fi-  
2       nancing, that directly aid pirate radio broadcasting.

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

○