

Calendar No. 374116TH CONGRESS
1ST SESSION**S. 1228****[Report No. 116-178]**

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

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2019

Mr. DAINES (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2019

Reported by Mr. WICKER, without amendment

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; ENFORCEMENT SWEEPS; RE-**
7 **PORTING.**

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 party, relating to
20 pirate radio broadcasting shall, in addition to any other
21 penalties provided by law, be subject to a fine of not more
22 than \$100,000 for each day during which such offense oc-
23 curs, in accordance with the limit described in subsection
24 (a).

25 “(c) ANNUAL REPORT.—Not later than 1 year after
26 the date of enactment of the PIRATE Act, and annually

1 thereafter, the Commission shall submit to the Committee
2 on Energy and Commerce of the House of Representatives
3 and the Committee on Commerce, Science, and Transpor-
4 tation of the Senate a report summarizing the implemen-
5 tation of this section and associated enforcement activities
6 for the previous fiscal year, which may include the efforts
7 by the Commission to enlist the cooperation of Federal,
8 State, and local law enforcement personnel (including
9 United States attorneys and the United States Marshals
10 Service) for service of process, collection of fines or forfeit-
11 ures, seizures of equipment, and enforcement of orders.

12 “(d) ENFORCEMENT SWEEPS.—

13 “(1) ANNUAL SWEEPS.—Not less than once
14 each year, the Commission shall assign appropriate
15 enforcement personnel to focus specific and sus-
16 tained attention on the elimination of pirate radio
17 broadcasting within the top 5 radio markets identi-
18 fied as prevalent for such broadcasts. Such effort
19 shall include identifying, locating, and taking en-
20 forcement actions designed to terminate such oper-
21 ations.

22 “(2) ADDITIONAL MONITORING.—Within 6
23 months after conducting the enforcement sweeps re-
24 quired by paragraph (1), the Commission shall con-
25 duct monitoring sweeps to ascertain whether the pi-

1 rate radio broadcasting identified by enforcement
2 sweeps is continuing to broadcast and whether addi-
3 tional pirate radio broadcasting is occurring.

4 “(3) NO EFFECT ON REMAINING ENFORCE-
5 MENT.—Notwithstanding paragraph (1), the Com-
6 mission shall not decrease or diminish the regular
7 enforcement efforts targeted to pirate radio broad-
8 cast stations for other times of the year.

9 “(e) STATE AND LOCAL GOVERNMENT AUTHOR-
10 ITY.—The Commission may not preempt any State or
11 local law prohibiting pirate radio broadcasting.

12 “(f) REVISION OF COMMISSION RULES REQUIRED.—
13 The Commission shall revise its rules to require that, ab-
14 sent good cause, in any case alleging a violation of sub-
15 section (a) or (b), the Commission shall proceed directly
16 to issue a notice of apparent liability without first issuing
17 a notice of unlicensed operation.

18 “(g) PIRATE RADIO BROADCASTING DATABASE.—

19 “(1) IN GENERAL.—Not later than 90 days
20 after the date of the enactment of this section, and
21 semi-annually thereafter, the Commission shall pub-
22 lish a database in a clear and legible format of all
23 licensed radio stations operating in the AM and FM
24 bands. The database shall be easily accessible from

1 the Commission home page through a direct link.

2 The database shall include the following information:

3 “(A) Each licensed station, listed by the
4 assigned frequency, channel number, or Com-
5 mission call letters.

6 “(B) All entities that have received a no-
7 tice of unlicensed operation, notice of apparent
8 liability, or forfeiture order issued by the Com-
9 mission.

10 “(2) CLEAR IDENTIFICATION.—The Commis-
11 sion shall clearly identify in the database—

12 “(A) each licensed station as a station li-
13 censed by the Commission; and

14 “(B) each entity described in paragraph
15 (1)(B) as operating without a Commission li-
16 cense or authorization.

17 “(h) DEFINITION OF PIRATE RADIO BROAD-
18 CASTING.—In this section, the term ‘pirate radio broad-
19 casting’ means the transmission of communications on
20 spectrum frequencies between 535 and 1705 kilohertz, in-
21 clusive, or 87.7 and 108 megahertz, inclusive, without a
22 license issued by the Commission, but does not include un-
23 licensed operations in compliance with part 15 of title 47,
24 Code of Federal Regulations.”.

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