

117TH CONGRESS
1ST SESSION

H. R. 1042

To provide an enhanced general penalty for any person who willfully or maliciously destroys a communications facility.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

Mr. BUCSHON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide an enhanced general penalty for any person who willfully or maliciously destroys a communications facility.

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 “Protecting Critical In-
5 frastructure Act”.

6 **SEC. 2. ENHANCED GENERAL PENALTY.**

7 (a) IN GENERAL.—Title V of the Communications
8 Act of 1934 (47 U.S.C. 501 et seq.) is amended by adding
9 after section 501, the following new section:

1 **“§ 501A. Enhanced general penalty**

2 “(a) OFFENSES.—Whoever, during and in relation to
3 a violation enumerated in section 501, willfully or mali-
4 ciously destroys any communications facility, in addition
5 to the punishment provided for a violation that includes
6 imprisonment, be sentenced to a term of imprisonment of
7 2 years.

8 “(b) CONSECUTIVE SENTENCE.—Notwithstanding
9 any other provision of law—

10 “(1) a court may not place on probation any
11 person convicted of a violation of this section;

12 “(2) except as provided in paragraph (3), a
13 term of imprisonment imposed on a person under
14 this section may not run concurrently with any other
15 term of imprisonment imposed on the person under
16 any other provision of law, including any term of im-
17 prisonment imposed for the violation of this section;
18 and

19 “(3) a term of imprisonment imposed on a per-
20 son for a violation of this section may, in the discre-
21 tion of the court, run concurrently, in whole or in
22 part, only with another term of imprisonment that
23 is imposed by the court at the same time on that
24 person for an additional violation of this section, if
25 the discretion is exercised in accordance with appli-
26 cable guidelines and policy statements issued by the

1 Sentencing Commission pursuant to section 994 of
2 title 28, United States Code.

3 “(c) COMMUNICATIONS FACILITY DEFINED.—In this
4 section, the term ‘communications facility’ includes—

5 “(1) any infrastructure, including any transmit-
6 ting device, tower, or support structure, and any
7 equipment, switches, wiring, cabling, power sources,
8 shelters, or cabinets, associated with the licensed or
9 permitted unlicensed wireless or wireline trans-
10 mission of writings, signs, signals, data, images, pic-
11 tures, and sounds of all kinds; and

12 “(2) any antenna or apparatus that—

13 “(A) is designed for the purpose of emit-
14 ting radio frequency;

15 “(B) is designed to be operated, or is oper-
16 ating, from a fixed location pursuant to author-
17 ization by the Commission or is using duly au-
18 thorized devices that do not require individual
19 licenses; and

20 “(C) is added to a tower, building, or other
21 structure.”.

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