

Calendar No. 374

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-178

PREVENTING ILLEGAL RADIO ABUSE
THROUGH ENFORCEMENT ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1228



DECEMBER 17, 2019.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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PREVENTING ILLEGAL RADIO ABUSE THROUGH ENFORCEMENT ACT

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1228]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1228) to amend the Communications Act of 1934 to provide for enhanced penalties for pirate radio, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting. The bill also would direct the Federal Communications Commission (FCC or Commission) to increase its efforts to combat pirate radio broadcasting through increased, targeted enforcement, annual reporting, and to revise its rules to speed enforcement procedures against pirate radio broadcast operations.

BACKGROUND AND NEEDS

It is a foundational principle of United States telecommunications law that to operate a radio station, one needs a license from the FCC. Specifically, section 301 of the Communications Act prohibits the “use or operat[ion of] any apparatus for the transmission of energy or communications or signals by radio” without a li-

cense.¹ Indeed, a primary reason for creating the FCC was to “maintain the control of the United States over all the channels of radio transmission; and to provide for the use of such channels . . . under licenses granted by Federal authority.”²

This statutory requirement has not stopped various individuals and companies from operating radio transmission equipment without a license. “Pirate radio” is the common term used to describe radio operations in the AM and FM radio bands without first obtaining a license from the FCC. These pirate radio operations harm the public in a number of ways; most importantly, by undermining public safety. For example, pirate radio operations may interfere with legitimate, licensed broadcast stations’ ability to convey important public safety messages—including Emergency Alert System (EAS) transmissions—that provide vital information regarding weather and other dangers to the public.³ In addition to potentially blocking EAS transmissions, because pirate radio is unlicensed, these operators do not participate in the EAS system and do not follow Commission rules regarding emergency alerting. Pirate radio stations neither receive messages through the Integrated Public Alert and Warning System⁴ nor broadcast any such warnings. In addition, pirate radio operations can undermine or even block the ability of licensed, legal broadcasters to provide news and entertainment. In some instances, pirate radio is even alleged to have caused interference to aircraft.⁵

Advances in technology have allowed for the creation of a new breed of small, highly mobile pirate radio stations. Despite Commission efforts to combat pirate radio, these operations continue to be a significant problem.⁶ Pirate radio is particularly problematic in several major radio markets such as New York, Boston, and Miami, which have the greatest concentration of pirate radio activities.⁷ One study estimated that there were more illegal than legal radio stations operating in the New York metropolitan area.⁸ Consequently, in addition to the Commission’s regular enforcement actions, these markets require additional, targeted enforcement sweeps by the Commission.

The growth of pirate radio operations can be attributed to several factors. The price of transmitting equipment has declined signifi-

¹47 U.S.C. 301.

²Id.

³FCC’s Ramped Up ‘Pirate Radio’ Enforcement Yields Results, Press Release, Federal Communications Commission, Apr. 11, 2018 (<https://www.fcc.gov/document/fccs-ramped-pirate-radio-enforcement-yields-results>).

⁴The Integrated Public Alert & Warning System (IPAWS) provides public safety officials with an effective way to alert and warn the public about serious emergencies using the Emergency Alert System, Wireless Emergency Alerts, the National Oceanic and Atmospheric Administration (NOAA) Weather Radio, and other public alerting systems from a single interface (<https://www.fema.gov/integrated-public-alert-warning-system>).

⁵Repeat Pirate Accused of Interfering with Airplane Radio Signals, Inside Radio (Aug. 29, 2018) (http://www.insideradio.com/free/repeat-pirate-accused-of-interfering-with-airplane-radio-signals/article_bd7a872e-ab4f-11e8-8f38-d7f621daed53.html).

⁶FCC’s Ramped Up ‘Pirate Radio’ Enforcement Yields Results, Press Release, Federal Communications Commission, Apr. 11, 2018 (<https://www.fcc.gov/document/fccs-ramped-pirate-radio-enforcement-yields-results>).

⁷FCC Enforcement Actions Against Pirate Radio by Location, Summary of Enforcement Actions (Jan. 1, 2017–May 29, 2019) (<https://www.fcc.gov/reports-research/maps/fcc-enforcement-actions-against-pirate-radio-location/>).

⁸Wallace, Dennis, Meintel, Sgrirnoli & Wallace, Field Measurements of Unauthorized FM Band Radio Signals in New York NY Metropolitan Area; Phase Four, May 19, 2016 at 2, 9 (<https://nysbroadcasters.org/wp-content/uploads/2018/03/Pirates-MSW-2016-study-final-pdf.pdf>).

cantly, making it more affordable for illegal operators.⁹ Improvements in technology have reduced the size of transmitting equipment, making it easier to locate such equipment on rooftops or easily accessible locations. Transmitting equipment may be obtained online from suppliers overseas,¹⁰ and information on how to build and operate a pirate radio station is readily available on the internet.¹¹ Additionally, pirate radio studios are not necessarily located in the same location as the transmitting antenna—pirate operators today can set up internet connections to run their broadcasts remotely.¹² And in some cases, pirate radio operators have found willing assistance from landlords, property owners, and other entities that knowingly facilitate continued pirate radio broadcasting.

The Communications Act grants the Commission authority to impose fines and forfeitures for pirate radio operations.¹³ However, these fines have not acted as a strong enough deterrent for pirate radio operations. Pirate radio operators often pay the fine and then continue their illegal broadcasting. In one recent incident, the FCC issued multiple warnings to an illegal operator and issued a fine of \$15,000 for repeated violations.¹⁴ However, the pirate radio broadcaster simply switched to a different frequency and resumed broadcasting without a license.¹⁵

Current Commission procedures also impede the FCC’s ability to quickly halt pirate radio broadcasting.¹⁶ The FCC follows a multi-step process when attempting to shut down pirate radio stations for illegal broadcasting. This delay can give pirate radio operators time to move locations and alter their broadcast systems to stymie enforcement efforts.¹⁷ These issues with pirate radio enforcement

⁹ See, https://www.ebay.com/sch/i.html?from=R40&trksid=m570.l1313&_nkw=non-fcc+fm+broadcast+transmitter+antenna&_osacat=0&LH_TitleDesc=0&_odkw=fm+broadcast+transmitter+antenna&_osacat=0&LH_TitleDesc=0 (last visited Jun. 6, 2019).

¹⁰ Id.

¹¹ See, e.g., “How To Make Your Own Pirate Radio Station,” *Wired*, Nov. 3, 2015 (<https://www.wired.com/2015/11/create-your-own-pirate-radio/>); see also “How to Set Up Pirate Radio Station in 15 Minutes,” Sep. 23, 2012 (<http://freemedia.blogspot.com/2012/09/how-to-set-up-pirate-radio-station-in.html>); see also <https://www.reddit.com/r/pirateradio/>; see also <http://www.hobbybroadcaster.us/faq.html>.

¹² <http://freemedia.blogspot.com/2012/09/how-to-set-up-pirate-radio-station-in.html>

¹³ See, 47 U.S.C. 503(b)(2)(D); 47 U.S.C. 1.80(b)(7), (9); see also Jay Peralta, *Corona, New York, Notice of Apparent Liability for Forfeiture*, 32 FCC Rcd 3246, 3250 n.30 (2017) (discussing inflation adjustments to the forfeitures specified in section 503(b)(2)(D)); see also Amendment of Section 1.80(b) of the Commission’s Rules Adjustment of Civil Monetary Penalties to Reflect Inflation, Order, DA 18–12 (https://apps.fcc.gov/edocs_public/attachmatch/DA-18-12A1.pdf) (EB 2018).

¹⁴ *Illegal Radio Station Broadcasting in Worcester Agrees to Settlement*, Press Release, Federal Communications Commission, Jun. 10, 2019 (<https://docs.fcc.gov/public/attachments/DOC-357899A1.pdf>).

¹⁵ Id.

¹⁶ In cases of pirate radio, the FCC generally follows the following procedure: (1) Commission receives a complaint and conducts an investigation; (2) Commission’s Enforcement Bureau issues a Notice of Unlicensed Operations (NOUO) to the pirate radio broadcaster; (3) Enforcement Bureau issues Notice of Apparent Liability (NAL), which notifies the pirate broadcaster that they will be fined (and can be appealed by the pirate operator to the full Commission); (4) Enforcement Bureau issues a Forfeiture Order, which can be appealed by the pirate operator; (5) Commission must go to Federal District court for de novo trial to collect. In some cases, the FCC also works with local law enforcement to seize the broadcasting transmitters and equipment used for the illegal station. See statement of David Donovan, president and executive director, New York State Broadcasters Association, Inc., House Energy and Commerce Committee, Subcommittee on Communications and Technology, Legislative Hearing on Four Communications Bills, March 22, 2018 (<https://docs.house.gov/meetings/IF/IF16/20180322/108059/HHRG-115-IF16-Wstate-DonovanD-20180322-U31.pdf>).

¹⁷ See, e.g., Gerlens Cesar, *Radio Teleboston, Malden, Massachusetts, Notice of Unlicensed Operation*, case numbers: EB–FIELDNER–19–00029169, EB–FIELDNER–17–00025344, EB–FIELDNER–17–00024874, Jun. 18, 2019 (wherein a pirate radio broadcaster moved the illegal

have led licensed broadcasters to call on Congress to take action to provide necessary statutory clarity to assist the FCC with the elimination of pirate radio operations.¹⁸

SUMMARY OF PROVISIONS

S. 1228 would add a new section 511 to the Communications Act of 1934 to do the following:

- Increase the overall fine cap from \$144,344 to \$2,000,000 for any person who willfully and knowingly facilitates any pirate radio broadcasting;
- Establish a fine of not more than \$100,000 for each day for specific law, rule, and treaty violations related to pirate radio broadcasting, subject to the \$2,000,000 cap.
- Require the FCC to conduct specific pirate radio broadcasting enforcement sweeps, along with required follow-ups to those sweeps to gauge their effectiveness.
- Mandate that the FCC not diminish its regular enforcement efforts targeting pirate radio broadcast stations during other times of the year.
- Preclude the FCC from preempting any State or local law prohibiting pirate radio broadcasting.
- Eliminate the requirement that the FCC issue a notice of unlicensed operation before issuing a notice of apparent liability for pirate radio broadcasting.
- Create a new database containing information on licensed radio stations and alleged pirate radio activities.

LEGISLATIVE HISTORY

S. 1228 was introduced on April 29, 2019, by Senator Daines (for himself and Senator Peters) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On May 15, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 1228 to be reported favorably without amendment.

On January 16, 2019, identical legislation, H.R. 583, was introduced by Representative Tonko (for himself and Representative Bilirakis) and was referred to the Committee on Energy and Commerce of the House of Representatives. There are eight additional cosponsors. On February 25, 2019, that bill was passed, by voice vote, in the House of Representatives and was referred to the Committee on Commerce, Science, and Transportation of the Senate on February 26, 2019.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget

station from Brockton, MA to Everett, MA) (<https://docs.fcc.gov/public/attachments/DOC-358058A1.pdf>).

¹⁸Broadcasters Cheer Pirate Radio Bill, Radio Ink, May 8, 2018 (<https://radioink.com/2018/05/08/broadcasters-cheer-pirate-radio-bill/>); see also testimony of David L. Donovan, Legislative Hearing on Four Communications Bills, Subcommittee on Communications and Technology, Committee on Energy and Commerce, House of Representatives, Mar. 22, 2018 (<https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Testimony-DDonovan-CAT-Hrg-on-Legislative-Hearing-on-Four-Communications-Bills-2018-03-22.pdf>).

Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

| S. 1228, PIRATE Act | | | |
|--|------|-------------------------------------|----------------------|
| As ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 15, 2019 | | | |
| By Fiscal Year, Millions of Dollars | 2019 | 2019-2024 | 2019-2029 |
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | * | * |
| Deficit Effect | 0 | * | * |
| Spending Subject to Appropriation (Outlays) | 0 | * | n.e. |
| Pay-as-you-go procedures apply? | Yes | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | Yes, Under Threshold |
| n.e. = not estimated; * = between -\$500,000 and \$500,000. | | | |

S. 1228 would expand the scope of a current prohibition against the transmission of communications on certain radio frequencies without a Federal Communications Commission (FCC) license. The bill would raise the maximum allowable civil penalty for such unlicensed transmissions to \$2 million, and would make the facilitation of such transmissions a punishable offense. S. 1228 also would require the FCC to undertake additional enforcement and monitoring of unlicensed transmissions in the top five radio markets in the United States, publish a database of licensed radio stations and unlicensed entities that have been subject to an enforcement action, and report annually to the Congress on its enforcement activities.

Using information from the FCC, CBO estimates that implementing S. 1228 would require the agency to hire 30 employees to expand enforcement; CBO expects that the agency would hire about half of those employees in 2020 and the remainder in 2021. After accounting for inflation, CBO estimates that the average annual cost for each employee would be \$230,000, or about \$8 million annually over the 2021–2024 period. In addition, CBO estimates that it would cost about \$3 million for the agency to expand a current database and purchase additional equipment necessary to implement the bill. Over the 2019–2024 period, CBO estimates, implementing the bill would have a gross cost of about \$36 million. However, under current law, the FCC is authorized to collect fees sufficient to offset the costs of its regulatory and enforcement activities each year; therefore, CBO estimates that the net cost to the FCC would be negligible, assuming appropriation actions consistent with that authority.

S. 1228 would increase the maximum civil penalty associated with the transmission of communications without an FCC license. Civil penalties are recorded in the federal budget as revenues. CBO estimates that any additional civil penalties collected under the bill would be insignificant. In 2018, the FCC imposed less than \$200,000 in penalties for such infractions.

If the FCC increases annual fee collections to offset the costs of implementing additional enforcement measures as required by the

bill, S. 1228 would increase the cost of an existing private-sector mandate on commercial entities required to pay those fees. Using information from the FCC, CBO estimates that the incremental cost of the mandate would be small—roughly \$8 million annually—and would fall well below the annual threshold established in the Unfunded Mandates Reform Act (UMRA) for private-sector mandates (\$164 million in 2019, adjusted annually for inflation).

The bill would not impose an intergovernmental mandate as defined in UMRA.

The CBO staff contacts for this estimate are David Hughes (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The bill would affect entities already subject to FCC rules and regulations, and therefore the number of persons covered should be consistent with the current levels of individuals impacted under the provisions that are addressed in the bill.

ECONOMIC IMPACT

S. 1228, as reported, is not expected to have an adverse impact on the Nation's economy. In fact, it is expected that the bill will have positive impacts on the economy as illegal pirate radio operations are shuttered and the interference from such stations to commercial broadcasters, public safety operations, and others is eliminated.

PRIVACY

S. 1228, as reported, is not expected to have an adverse impact on the personal privacy of individuals.

PAPERWORK

The legislation would not increase paperwork requirements for private individuals or businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “Preventing Illegal Radio Abuse Through Enforcement Act” or as the “PIRATE Act”.

Section 2. Pirate radio enforcement enhancements.

This section would add a new section 511 to title V of the Communications Act of 1934.

Subsection (a) of the new section 511 would subject any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting to a fine of not more than \$2,000,000. The Committee intends for the FCC, in implementing this subsection, to use the plain meaning of “suffers to be done,” which means to allow or permit pirate radio broadcasting as defined by this Act.

Subsection (b) of the new section 511 would establish a fine of not more than \$100,000 per day for the following actions: (1) willfully or knowingly violating the PIRATE Act; (2) willfully or knowingly violating any rule, regulation, restriction, or condition made by the Commission under the PIRATE Act; or (3) willfully or knowingly violating any rule, regulation, restriction, or condition made or imposed by a treaty or convention, or regulations annexed thereto, relating to pirate radio broadcasting to which the United States is a party. These daily penalties would be subject to the cap set under subsection (a).

The Committee intends, under subsections (a) and (b) of new section 511, for the Commission to interpret the provisions in such subsections as broadly as possible. The Committee intends for the Commission to extend the enforcement and penalties in subsections (a) and (b) to those persons or entities who willfully and knowingly violate these sections through facilitating, supporting, causing, or permitting pirate radio broadcasting.

Subsection (c) of the new section 511 would require the Commission, not later than 1 year after enactment and annually thereafter, to submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the following: (1) the implementation of the PIRATE Act; and (2) the associated enforcement activities for the previous fiscal year. The enforcement activity section of the report could include information on efforts to enlist the cooperation of Federal, State, and local law enforcement personnel to assist such enforcement activity.

Subsection (d) of the new section 511 would direct the FCC to engage in specific, targeted enforcement efforts related to pirate radio broadcasting. First, this subsection would direct the FCC, at least once a year, to assign appropriate enforcement personnel to focus specific and sustained attention on pirate radio broadcasting in the top five radio markets identified as prevalent for such broadcasts. Second, this subsection would require the FCC to conduct additional monitoring of any pirate radio broadcasting identified in those yearly enforcement sweeps within 6 months of each sweep to ascertain if such broadcasting is continuing. The subsection would further require that the Commission not decrease or diminish its regular enforcement efforts against pirate radio broadcasting throughout the nation.

Subsection (e) of the new section 511 would preclude the FCC from preempting any State or local law prohibiting pirate radio broadcasting.

Subsection (f) of the new section 511 would direct the FCC to revise its rules such that, absent good cause, the Commission is to

proceed directly to issuing a notice of apparent liability for violations of subsections (a) and (b) of new section 511 without first issuing a notice of unlicensed operation. The Committee intends for the FCC, in implementing the “good cause” standard under this subsection, to balance the need for efficient and effective enforcement activity with the intent of this Act to eliminate the problems associated with pirate radio broadcasting.

Subsection (g) of the new section 511 would direct the FCC to publish a database in a clear and legible format of all licensed radio stations operating in the AM and FM bands. This database would be required to be published within 90 days of enactment of this Act, and semi-annually thereafter. The database would be required to be easily accessible through a direct link on the Commission’s home page. The database would be required to include the following information: (1) each licensed station listed by the assigned frequency, channel number, or call letters; and (2) all entities that have received a notice of unlicensed operation, notice of apparent liability, or forfeiture order issued by the FCC. The FCC also would be required to clearly identify the following: (1) each station licensed by the FCC as so licensed; and (2) each entity that has received a notice of unlicensed operation, notice of apparent liability, or forfeiture order as operating without a FCC license or authorization. With respect to the identification of entities that have received a notice of unlicensed operation, notice of apparent liability, or forfeiture order issued by the FCC, the Committee intends for that requirement to apply to only those actions pertaining to pirate radio broadcasting in the AM and FM bands.

Subsection (h) of the new section 511 would define pirate radio broadcasting for purposes of new section 511.

The Committee intends for the FCC to interpret this Act as additive to, and not a replacement of, the authority already provided to the Commission to prosecute violations of the Communications Act of 1934 under other provisions in title V of such Act. Thus, the Committee does not intend for the new section 511 to be interpreted as eliminating, limiting, or otherwise affecting the scope of other provisions in title V of the Communications Act of 1934, including as those relate to prosecutions of activities related to pirate radio broadcasting as defined in new section 511. The Committee also intends that to the extent that the FCC or a court does interpret new section 511 as affecting the FCC’s ability to prosecute pirate radio broadcasting under other provisions in title V of the Communications Act of 1934, such limitations should be prospective only and should not affect past or current enforcement actions undertaken by the FCC related to pirate radio broadcasting.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

TITLE V—PENAL PROVISIONS—FORFEITURES

[47 U.S.C. 501 et seq.]

* * * * *

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 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) *ANNUAL REPORT.*—Not later than 1 year after the date of enactment of the PIRATE Act, and annually thereafter, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the implementation of this section and associated enforcement activities for the previous fiscal year, which may include 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.

(d) *ENFORCEMENT SWEEPS.*—

(1) *ANNUAL SWEEPS.*—Not less than once each year, the Commission shall assign appropriate enforcement personnel to focus specific and sustained attention on the elimination of pirate radio broadcasting within the top 5 radio markets identified as prevalent for such broadcasts. Such effort shall include identifying, locating, and taking enforcement actions designed to terminate such operations.

(2) *ADDITIONAL MONITORING.*—Within 6 months after conducting the enforcement sweeps required by paragraph (1), the Commission shall conduct monitoring sweeps to ascertain whether the pirate radio broadcasting identified by enforcement sweeps is continuing to broadcast and whether additional pirate radio broadcasting is occurring.

(3) *NO EFFECT ON REMAINING ENFORCEMENT.*—Notwithstanding paragraph (1), the Commission shall not decrease or diminish the regular enforcement efforts targeted to pirate radio broadcast stations for other times of the year.

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

(f) *REVISION OF COMMISSION RULES REQUIRED.*—The Commission shall revise its rules to require that, absent good cause, in any case alleging a violation of subsection (a) or (b), the Commission shall proceed directly to issue a notice of apparent liability without first issuing a notice of unlicensed operation.

(g) *PIRATE RADIO BROADCASTING DATABASE.*—

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

(A) Each licensed station, listed by the assigned frequency, channel number, or Commission call letters.

(B) All entities that have received a notice of unlicensed operation, notice of apparent liability, or forfeiture order issued by the Commission.

(2) *CLEAR IDENTIFICATION.*—The Commission shall clearly identify in the database—

(A) each licensed station as a station licensed by the Commission; and

(B) each entity described in paragraph (1)(B) as operating without a Commission license or authorization.

(h) *DEFINITION OF PIRATE RADIO BROADCASTING.*—In this section, the term “pirate radio broadcasting” means the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.