

116TH CONGRESS
2D SESSION

S. 1228

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Illegal
3 Radio Abuse Through Enforcement Act” or the “PIRATE
4 Act”.

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

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

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

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

16 “(b) VIOLATION OF THIS ACT, RULES, OR REGULA-
17 TIONS.—Any person who willfully and knowingly violates
18 this Act or any rule, regulation, restriction, or condition
19 made or imposed by the Commission under authority of
20 this Act, or any rule, regulation, restriction, or condition
21 made or imposed by any international radio or wire com-
22 munications treaty or convention, or regulations annexed
23 thereto, to which the United States is party, relating to
24 pirate radio broadcasting shall, in addition to any other
25 penalties provided by law, be subject to a fine of not more
26 than \$100,000 for each day during which such offense oc-

1 curs, in accordance with the limit described in subsection
2 (a).

3 “(c) ANNUAL REPORT.—Not later than 1 year after
4 the date of enactment of the PIRATE Act, and annually
5 thereafter, the Commission shall submit to the Committee
6 on Energy and Commerce of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate a report summarizing the implemen-
9 tation of this section and associated enforcement activities
10 for the previous fiscal year, which may include the efforts
11 by the Commission to enlist the cooperation of Federal,
12 State, and local law enforcement personnel (including
13 United States attorneys and the United States Marshals
14 Service) for service of process, collection of fines or forfeit-
15 ures, seizures of equipment, and enforcement of orders.

16 “(d) ENFORCEMENT SWEEPS.—

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

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

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

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

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

22 “(g) PIRATE RADIO BROADCASTING DATABASE.—

23 “(1) IN GENERAL.—Not later than 90 days
 24 after the date of the enactment of this section, and
 25 semi-annually thereafter, the Commission shall pub-

1 lish a database in a clear and legible format of all
 2 licensed radio stations operating in the AM and FM
 3 bands. The database shall be easily accessible from
 4 the Commission home page through a direct link.
 5 The database shall include the following information:

6 “(A) Each licensed station, listed by the
 7 assigned frequency, channel number, or Com-
 8 mission call letters.

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

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

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

17 “(B) each entity described in paragraph
 18 (1)(B) as operating without a Commission li-
 19 cense or authorization.

20 “(h) DEFINITION OF PIRATE RADIO BROAD-
 21 CASTING.—In this section, the term ‘pirate radio broad-
 22 casting’ means the transmission of communications on
 23 spectrum frequencies between 535 and 1705 kilohertz, in-
 24 clusive, or 87.7 and 108 megahertz, inclusive, without a
 25 license issued by the Commission, but does not include un-

- 1 licensed operations in compliance with part 15 of title 47,
- 2 Code of Federal Regulations.”.

Passed the Senate January 8, 2020.

Attest:

Secretary.

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