

(g) Penalties

Any person who violates any provision of this section shall, for each such violation, be fined not more than \$10,000 or imprisoned not more than one year, or both.

(June 19, 1934, ch. 652, title V, § 507, formerly § 508, as added Pub. L. 86-752, § 8(b), Sept. 13, 1960, 74 Stat. 896; renumbered § 507, Pub. L. 96-507, § 1, Dec. 8, 1980, 94 Stat. 2747.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 507 of act June 19, 1934, ch. 652, was renumbered section 506 by section 1 of Pub. L. 96-507, and is classified to section 507 of this title.

§ 509. Prohibited practices in contests of knowledge, skill, or chance**(a) Influencing, prearranging, or predetermining outcome**

It shall be unlawful for any person, with intent to deceive the listening or viewing public—

(1) To supply to any contestant in a purportedly bona fide contest of intellectual knowledge or intellectual skill any special and secret assistance whereby the outcome of such contest will be in whole or in part prearranged or predetermined.

(2) By means of persuasion, bribery, intimidation, or otherwise, to induce or cause any contestant in a purportedly bona fide contest of intellectual knowledge or intellectual skill to refrain in any manner from using or displaying his knowledge or skill in such contest, whereby the outcome thereof will be in whole or in part prearranged or predetermined.

(3) To engage in any artifice or scheme for the purpose of prearranging or predetermining in whole or in part the outcome of a purportedly bona fide contest of intellectual knowledge, intellectual skill, or chance.

(4) To produce or participate in the production for broadcasting of, to broadcast or participate in the broadcasting of, to offer to a licensee for broadcasting, or to sponsor, any radio program, knowing or having reasonable ground for believing that, in connection with a purportedly bona fide contest of intellectual knowledge, intellectual skill, or chance constituting any part of such program, any person has done or is going to do any act or thing referred to in paragraph (1), (2), or (3) of this subsection.

(5) To conspire with any other person or persons to do any act or thing prohibited by paragraph (1), (2), (3), or (4) of this subsection, if one or more of such persons do any act to effect the object of such conspiracy.

(b) “Contest” and “the listening or viewing public” defined

For the purposes of this section—

(1) The term “contest” means any contest broadcast by a radio station in connection with which any money or any other thing of value is offered as a prize or prizes to be paid or presented by the program sponsor or by any other person or persons, as announced in the course of the broadcast.

(2) The term “the listening or viewing public” means those members of the public who, with the aid of radio receiving sets, listen to or view programs broadcast by radio stations.

(c) Penalties

Whoever violates subsection (a) shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(June 19, 1934, ch. 652, title V, § 508, formerly § 509, as added Pub. L. 86-752, § 9, Sept. 13, 1960, 74 Stat. 897; renumbered § 508, Pub. L. 96-507, § 1, Dec. 8, 1980, 94 Stat. 2747.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 508 of act June 19, 1934, ch. 652, was renumbered section 507 by section 1 of Pub. L. 96-507, and is classified to section 508 of this title.

§ 510. Forfeiture of communications devices**(a) Violation with willful and knowing intent**

Any electronic, electromagnetic, radio frequency, or similar device, or component thereof, used, sent, carried, manufactured, assembled, possessed, offered for sale, sold, or advertised with willful and knowing intent to violate section 301 or 302a of this title, or rules prescribed by the Commission under such sections, may be seized and forfeited to the United States.

(b) Seizure

Any property subject to forfeiture to the United States under this section may be seized by the Attorney General of the United States upon process issued pursuant to the supplemental rules for certain admiralty and maritime claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made if the seizure is incident to a lawful arrest or search.

(c) Laws applicable to seizure and forfeiture

All provisions of law relating to—

(1) the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws;

(2) the disposition of such property or the proceeds from the sale thereof;

(3) the remission or mitigation of such forfeitures; and

(4) the compromise of claims with respect to such forfeitures;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such seizures and forfeitures shall be limited to the communications device, devices, or components thereof.

(d) Disposition of forfeited property

Whenever property is forfeited under this section, the Attorney General of the United States may forward it to the Commission or sell any forfeited property which is not harmful to the public. The proceeds from any such sale shall be deposited in the general fund of the Treasury of the United States.

(June 19, 1934, ch. 652, title V, § 510, as added Pub. L. 97-259, title I, § 125, Sept. 13, 1982, 96 Stat. 1098.)

Editorial Notes

REFERENCES IN TEXT

The supplemental rules for certain admiralty and maritime claims, referred to in subsec. (b), were renamed the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and are set out as part of the Federal Rules of Civil Procedure in the Appendix to Title 28, Judiciary and Judicial Procedure.

PRIOR PROVISIONS

A prior section 510, act June 19, 1934, ch. 652, title V, § 510, as added May 11, 1962, Pub. L. 87-448, § 1, 76 Stat. 68, related to forfeitures for violations of rules and regulations by radio stations operating in common carrier, safety and special radio fields, prior to repeal effective the thirtieth day after Feb. 21, 1978, by Pub. L. 95-234, §§ 4, 7, Feb. 21, 1978, 92 Stat. 35.

§ 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 chapter, rules, or regulations

Any person who willfully and knowingly violates this chapter or any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this chapter, 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 January 24, 2020, 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 ef-

fort 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 January 24, 2020, 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.

(June 19, 1934, ch. 652, title V, § 511, as added Pub. L. 116-109, § 2, Jan. 24, 2020, 134 Stat. 3.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning act June 19, 1934, ch. 652,