

116TH CONGRESS  
1ST SESSION

# S. 1228

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

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## 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

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## 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”.

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

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

1 **“SEC. 511. ENHANCED PENALTIES FOR PIRATE RADIO**  
2 **BROADCASTING; ENFORCEMENT SWEEPS; RE-**  
3 **PORTING.**

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

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

21 “(c) ANNUAL REPORT.—Not later than 1 year after  
22 the date of enactment of the PIRATE Act, and annually  
23 thereafter, the Commission shall submit to the Committee  
24 on Energy and Commerce of the House of Representatives  
25 and the Committee on Commerce, Science, and Transpor-  
26 tation of the Senate a report summarizing the implemen-

1 tation of this section and associated enforcement activities  
2 for the previous fiscal year, which may include the efforts  
3 by the Commission to enlist the cooperation of Federal,  
4 State, and local law enforcement personnel (including  
5 United States attorneys and the United States Marshals  
6 Service) for service of process, collection of fines or forfeit-  
7 ures, seizures of equipment, and enforcement of orders.

8 “(d) ENFORCEMENT SWEEPS.—

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

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

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

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

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

15          “(g) PIRATE RADIO BROADCASTING DATABASE.—

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

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

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

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

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

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

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

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