

# NABOB

National Association of  
Black Owned Broadcasters

June 11, 2018

**The Honorable Greg Walden**  
Chairman  
Energy and Commerce Committee  
U.S. House of Representatives  
2125 RHOB  
Washington DC 20515

**The Honorable Frank Pallone**  
Ranking Member  
Energy and Commerce Committee  
2322A RHOB  
U.S. House of Representatives  
Washington DC 20515

**The Honorable Marsha Blackburn**  
Chairman  
Subcommittee on Communications  
Energy and Commerce Committee  
2125 RHOB  
U.S. House of Representatives  
Washington DC 20515

**The Honorable Michael Doyle**  
Ranking member  
Subcommittee on Communications  
Energy and Commerce Committee  
2322A  
U.S. House of Representatives  
Washington DC 20515

**RE: Support for the PIRATE ACT, H.R. 5709**

Dear Chairman Walden, Congressman Pallone, Chairman Blackburn, and Congressman Doyle:

On behalf of the National Association of Black Owned Broadcasters ("NABOB"), I am writing to express our strong support for H.R. 5709, the Preventing Illegal Radio Abuse Through Enforcement Act ("PIRATE Act"). NABOB is the only trade organization representing the interests of African American owners of radio and television stations across the country. Since 1976 our mission has been to establish a voice and a viable presence in the industry and to address specific concerns facing African American broadcasters.

For many years NABOB has been concerned about the increasing number of illegal pirate radio stations now operating in the FM radio band. We appreciate and support the FCC's recent efforts concerning the need to increase enforcement against pirate radio operations.

Nonetheless, the FCC needs Congressional assistance to help it solve the pirate radio problem. We believe the PIRATE Act, H.R. 5709, will give the FCC the additional enforcement tools to accomplish this task.

Illegal pirate radio operations continue to plague large radio markets across the U.S. These pirate stations have a considerable negative impact on minority owned stations as well as minority communities.

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With a relatively minor investment of several thousand dollars, a pirate can commence operation in any radio market across the United States. Many of these illegal operations focus their programming towards minority communities. Although a small number of these pirates have gained recognition for providing quality service to minority communities, such pirates are by far the exception, not the rule. Many pirates garner audience by playing music and other material that would violate the Commission's indecency rules if aired by licensed stations.

There are possibly hundreds of pirate radio stations throughout major markets, especially on the East Coast. By selling advertising in minority communities to legitimate businesses, pirates give themselves the false appearance of legitimacy and undermine the advertising base for legitimate licensed minority owned stations. It is patently unfair for NABOB members to invest substantial sums purchasing and operating radio stations, only to discover that they must compete against illegal operators who do not live by the same rules. These operators do not have to build or purchase a facility that meets the Commission's engineering and operating standards. They do not have to comply with Commission rules, consumer protection laws, or Emergency Alert System requirements.

To make matters worse, some of the illegal pirate stations cause harmful interference to legitimate minority owned radio stations, thereby preventing our members from reaching portions of the communities they are licensed to serve. Increasing minority ownership in radio broadcasting becomes much more difficult with unrestrained pirate operations.

NABOB urges the Congress not to lose sight of the needs of minority communities. It would not be appropriate, as some have suggested, for the Commission, through a lack of enforcement, to allow minority communities to be "served" by illegal operators. In effect, Congress would be sending the message that other communities have the right to be served by radio stations that meet all of the Commission's public interest obligations, provide news, weather and life-saving EAS information during emergencies, but the government will allow minority communities to be "served" by stations that are not held to these standards. I am certain this is not the message you intend to convey, but a failure to increase enforcement against pirate operations could inadvertently send such a message.

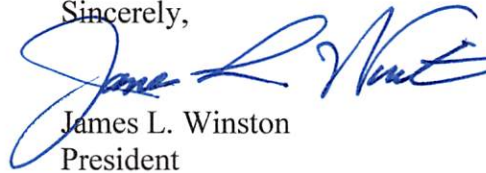
The PIRATE Act will assist the FCC in its mission by 1) significantly increasing the fines for illegal pirate radio operation, 2) requiring enforcement sweeps in radio markets with the highest concentration of illegal pirate operations; 3) holding property owners and those who "knowingly" facilitate pirate operators accountable; 4) expediting the enforcement process, and 5) recognizing state laws making pirate operations illegal. These new tools will help the FCC's enforcement efforts.

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NABOB applauds recent statements from members of Congress about the need for increased pirate radio enforcement, and we applaud statements from members of Congress about the need to increase minority ownership in the media. We hope that the Congress will keep both issues as top priorities going forward. Unfortunately, the continued growth of pirate radio stations undermines the goal of increasing minority ownership in broadcasting.

We respectfully request that you move forward with the PIRATE Act as soon as possible. Thank you for your consideration.

Sincerely,



James L. Winston  
President

cc Members of the Energy and Commerce Committee