Hearing on
"Oversight of A.I.: The Future of Journalism"

United States Senate
Committee on the Judiciary

Subcommittee on Privacy, Technology, and the Law

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Statement of Curtis LeGeyt
President and Chief Executive Officer

National Association of Broadcasters

I. Introduction

Good afternoon, Chairman Blumenthal, Ranking Member Hawley and members of the subcommittee. My name is Curtis LeGeyt, and I am the president and chief executive officer of the National Association of Broadcasters (NAB). I am proud to testify today on behalf of our thousands of free, local, over-the-air television and radio station members who serve your constituents across the United States.

I applaud the subcommittee's timely consideration of the important issues surrounding artificial intelligence (AI) and its impact on local journalism, and particularly local broadcasters. Broadcasters' critical role as first informers, emergency lifelines and entertainment media have never been more important, yet technological advancements and dramatic shifts in the media and advertising marketplace present dangerous challenges to this uniquely free and local model. While broadcasters relish the opportunity to embrace technology when it can be used to better serve their communities, the improper use of AI will exacerbate these challenges and pose novel attacks on broadcasting's unique and indispensable role in American life.

The full committee has already recognized the critical importance of sustaining truly local, independent and trusted journalism for our communities and our democracy, having overwhelmingly passed the Journalism Competition and Preservation Act by a strong, bipartisan vote, thanks to the leadership of Senators Klobuchar and Kennedy. While we are hopeful that the full Senate will soon consider and pass this measure to address the anticompetitive behavior of Big Tech behemoths, the subcommittee is wise today to consider the promise and the peril posed by AI, the next great technological frontier.

II. Local Broadcasters are the Most Trusted Source of News and the Leading Antidote to Misinformation

Broadcasting remains the <u>most popular</u> source of news, entertainment, sports and investigative journalism in communities across America. More than 181 million adults watch broadcast TV monthly, and more than 227 million listeners tune into broadcast radio each week.[1]

But even more importantly, studies show that for American viewers and listeners around the country, local broadcast stations are the <u>most trusted</u> source of news and information.[2] Our investigative reports have received both national and regional awards in journalism for exemplifying the importance and impact of journalism as a service to the community. For example, WTNH News 8 in New Haven, Connecticut was recently awarded a regional Edward R. Murrow Award for its investigative series that brought to light the disturbing underground child sex trafficking industry in the state. Similarly, KMOX Radio and KMOV-TV in St. Louis, Missouri were both recently honored with national Edward R. Murrow Awards for their accurate and heartfelt reporting of a deadly school shooting.

Meanwhile, local news production is increasingly costly. From 2013 to 2018, TV stations spent nearly a quarter of their budgets on news costs, averaging over $3 million per year.[3] The all-news radio station WTOP-FM here in Washington, D.C. spends more

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[1] Nielsen.

[2] *See* https://knightfoundation.org/articles/local-news-most-trusted-in-keeping-americans-informed-about-their-communities/; https://www.pewresearch.org/journalism/2019/03/26/nearly-as-many-americans-prefer-to-get-their-local-news-online-as-prefer-the-tv-set/#:~:text=The%20results%20show%20that%20local,popular%20providers%20of%20local%20news; NAB and Morning Consult quarterly surveys, 2017-2018.

[3] *See* NAB Television Financial Reports 2004 to 2019.

than $12 million a year to run its newsrooms, with more than a third of that expense going to running its digital operation.[4] Despite the significant investment, TV and radio stations are producing a record-high amount of local news. A recent survey of newsrooms found weekday local news increased 18 minutes on local TV stations and 21 more minutes on radio compared to last year.[5] This increase is driven by broadcast groups that have been able to leverage large economies of scale to invest in more local news and launch free hyperlocal streaming channels.

This is especially important as local newspapers have been shutting down at an average of two per week.[6] Fighting against news deserts, broadcasters are investing time and resources into investigative news – a public service that online sources cannot replicate. In 2019, the broadcast industry accounted for nearly a third of all newsroom employees, nearly the same amount as the newspaper industry.[7]

Broadcasters consider the trust Americans place in them a sacred bond with their viewers and listeners in the communities they serve. That is why broadcasters go to extraordinary lengths to protect this unrivalled confidence, and are combatting online misinformation by dedicating teams to fact-check viral stories and claims. For example:

- Just this week, FOX launched a brand-new open-source AI tool called Verify that will help its local TV stations and other media properties to register content and grant usage rights to AI platforms, giving consumers the ability to verify the authenticity of content found online.

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[4] *See* https://www.judiciary.senate.gov/imo/media/doc/Oxley%20Testimony.pdf.
[5] https://www.rtdna.org/news/rtdna-syracuse-survey-local-news-minutes-increase-across-the-board.
[6] https://localnewsinitiative.northwestern.edu/research/state-of-local-news/report/.
[7] https://www.pewresearch.org/fact-tank/2020/04/20/u-s-newsroom-employment-has-dropped-by-a-quarter-since-2008/.

- CBS News has launched a unit called "CBS News Confirmed" to investigate misinformation and deepfakes.
- Hearst partners with FactCheck.org to produce segments combating misinformation for its stations across the country.
- Here in Washington, D.C., television station WUSA 9 is helping viewers determine the accuracy of third-party information as part of TEGNA's VERIFY team of journalists dedicated to fighting the spread of misinformation across platforms through fact checks, research and expert interviews.[8]

III. AI Imperils Broadcasters' Unique Level of Trust in American Media

As this subcommittee is keenly aware, the danger of deliberate misinformation online is clear and present. Broadcasters take seriously our role to combat its prevalence, but the proliferation of easy-to-use AI tools and lack of legal guardrails are creating a perfect misinformation storm. Nearly 70 percent of Americans report coming across fake news on social media. And according to the Pew Research Center, an overwhelming majority of Americans believe that "false information online" is a major threat to our democracy. Morning Consult has reported that just 37 percent of Americans believe that the upcoming 2024 election will be both honest and open, and nearly two-thirds believe that disinformation will influence the outcome. To give a recent illustration of these statistics, after the terrorist attacks on Israel in October, fake photos and videos reached an unprecedented level on social media in a matter of minutes. Of the thousands of videos that one broadcast network sifted through to report on the attacks, only 10% of them were usable or authentic.

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[8] https://www.wusa9.com/verify. VERIFY reporting is produced in all 48 of TEGNA's local newsrooms.

As this misinformation and disinformation thrive online, local television and radio stations have become an even more critical source of trusted news for Americans. The lack of attribution and sourcing in AI-generated outputs, however, raises several concerns that risk undermining this trust.

First, this lack of attribution makes it increasingly difficult to identify and distinguish legitimate, copyrighted broadcast content, from the unvetted and potentially inaccurate content being generated by AI.

Second, it increases the likelihood of legitimate, copyrighted broadcast content being ingested and then mixed with unverified and inaccurate third-party content, especially when the particular use wasn't authorized in the first place.

Finally, there is also particular concern among broadcasters about AI tools being used to create images, video and audio that replace the likeness of a trusted radio or television personality to spread misinformation or perpetrate fraud. The use of AI to doctor, manipulate and distort information is a significant and growing problem that must be addressed in balance with the First Amendment.

For example:

- A recent video clip of a routine discussion between two broadcast TV anchors was manipulated to create a hateful, racist, anti-Semitic rant. After the doctored video was posted online, the station was ultimately forced to sue the platform in federal court to have the video removed.
- Univision's Jorge Ramos is one of the most respected figures in American journalism, particularly in the Spanish-speaking communities Univision serves. Yet AI technologies have repeatedly appropriated and manipulated his voice and image to advertise all kinds of unauthorized goods and services, including shadowy financial services and sexual enhancement products.

Broadcasters have vigilantly monitored and fought to correct those false representations at every turn, but more may be needed. In that regard, I want to applaud Senators Coons, Blackburn, Klobuchar and Tillis for recognizing the growing use of AI to doctor, manipulate and distort information. The discussions they have initiated as part of their draft "NO FAKES" legislation are an important first step in addressing these challenges. At the same time, it is paramount that any new federal right in this space also respect the First Amendment interests of content creators, a balance I'm confident can be achieved.

IV.   **Despite Promising Applications for Newsrooms, AI Will Exacerbate Existing Marketplace Challenges Threatening Local Journalism**

Broadcasters are eager to embrace new technologies when those advancements provide tools that can help local journalists serve their communities, particularly when it comes to quickly delivering critical breaking news and emergency information. So when AI can help these local journalists – *real people* – perform their jobs in their communities, we welcome that technology. For example, one local broadcaster is exploring how AI can help convert broadcast scripts – written by the station's local journalists – into digital stories that are also accessible on a local station's website, thus allowing viewers multiple avenues to access breaking news and stories of interest. Another broadcast group is looking into how AI might be used to quickly translate their stations' stories into Spanish and other languages to better serve their diverse audience. Another broadcaster is piloting a tool that will use AI to help its journalists quickly analyze inbound email and social tips with recommendations that they can turn into stories that are important and interesting to their communities. The tool takes into

account the station's coverage priorities as well as metrics from digital and social media when reviewing the hundreds of emails and social media posts sent to the station daily. In other instances, AI tools may provide additional operational efficiencies that allow local stations to invest more of its resources into newsgathering. For example, some broadcasters have employed AI to aid in scripting commercials and first drafts of content for human review.

However, the use of broadcasters' news content in generative AI models, without authorization or compensation, risks further diminishing reinvestment in local news. Broadcasters have already seen numerous examples where content created by broadcast journalists has been ingested and regurgitated by AI bots, with little or no attribution. Not only are broadcasters losing out on compensation for their own work product, but this unauthorized usage actually *increases* costs for local stations due to additional vetting of stories and footage and the costs associated with protecting broadcast content.

Broadcasters' expressive content is particularly valuable for AI ingestion precisely because it is vetted and trusted. If broadcasters are not compensated for use of their valuable, expressive works, they will be less able to invest in local news content creation. Having fewer resources to invest in local news and content would negatively impact the communities those stations serve.

Here are just a few recent examples of this misuse and misappropriation of local broadcaster content, which has increased significantly in recent months:

- In the past two weeks, KFVS-TV in Cape Girardeau, Missouri, began to notice to that the station's stories and graphics were appearing regularly

on a well-known AI-powered news aggregation app, often with no sourcing to the station at all.

- Recently a local broadcast news leader in Southern California started to notice that a well-funded AI tool was using headlines and stories from the station to answer questions posed by users, but the AI-generated responses included no attribution to the station's stories and no opportunity to link to the stories themselves.

- When a well-known generative AI system was recently prompted to provide the latest "news" in Parkersburg, West Virginia, it generated news stories copied nearly word-for-word from WTAP-TV's website. The station did not grant permission for use of this content, nor did it receive compensation for it.

This committee is to be applauded for its efforts to enable local news outlets to negotiate for the fair market value of their content by passing the JCPA. The concerns that drove this committee's consideration of that legislation – ensuring local media remain viable and fairly compensated when our content is accessed through Big Tech platforms – are exacerbated by the emergence of generative AI technologies. Ensuring broadcasters trusted local journalism continues to be accessible for the public should remain a continued focus of this subcommittee and we are grateful for your attention to this issue today.

V.   Conclusion

America's broadcasters are extremely proud of the role we play in serving your constituents, and we are eager to embrace technology when it can be harnessed to enhance that critical role. Broadcasters are already looking at the ways in which AI can allow local stations to deliver news and lifesaving emergency information more broadly and more quickly, and to invest even more deeply in local journalism. However, as we have seen in the cautionary tale of Big Tech, unfettered technological advancement can also significantly undermine local news, and we must be vigilant as the malevolent uses of emerging AI tools become increasingly apparent. We thank this subcommittee for today's timely discussion of these critical issues facing local journalism in the era of artificial intelligence.

Thank you again for inviting me to testify today. I look forward to answering your questions.