Senator Josh Hawley
Questions for the Record

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1. **Are Google, Meta, and other social media responsible for a great deal of your members' online traffic?**

   Broadcasting remains the most popular source of news, entertainment, sports and investigative journalism in communities across America. According to Nielsen, more than 181 million adults watch broadcast TV monthly, and more than 227 million listeners tune into broadcast radio each week. American consumers have an intense interest in local news, and study after study has shown that Americans of all political stripes consider broadcast news the most trusted news source in the country. It is this desire for broadcast content that ultimately drives interest in our members' digital products. That being said, the Big Tech behemoths are the *gatekeepers* of virtually all traffic on the web, and they – and they alone – decide what people see or do not see online. It is their algorithms that decide which content will be prioritized, and in many instances these algorithms favor sensationalized, unverified content instead of the trusted news that broadcasters provide. So broadcasters are left with no choice – if they want their content to be seen, they must be carried on these huge platforms, and Big Tech does not negotiate – these platforms offer only take-it-or-leave-it terms that give broadcasters little control or compensation for their content.

2. **Do you believe that Google, Meta, and other big tech have an unfair advantage when it comes to bargaining for use of your members' content?**

   Yes. Google, Meta, and other Big Tech platforms have an overwhelming anticompetitive advantage when it comes to bargaining for use of our member's content. These Tech giants exert enormous influence over what online content is eligible to be monetized. These platforms control how much revenue they keep and how much they pass on to content providers, who ironically bear the costs of producing the high-quality journalism that ultimately benefits Big Tech financially. Because of this imbalance of power, a study by BIA Advisory Services estimated that each year radio and television broadcasters lose nearly $2 billion in value that they generate for the two of the largest technology platforms through publication of their valuable content, particularly local news.

3. To your knowledge, have any of these companies approached your members to ask for permission to train their AI models on your content? Or did they simply do it without asking?

While I am aware of certain of our members receiving outreach from large AI platforms who are interested in licensing, I am not aware of any commercial agreements. However, this outreach has been a relatively recent development and, in many instances, has come after ingesting broadcasters' original content to train their AI models. This appropriation and subsequent ingestion was done without asking, and I have heard many stories from our members who have been shocked to see their content regurgitated before their eyes – without attribution, and certainly without compensation.

4. Do you believe the AI models developed by these companies will increase their market power?

History has shown that the Big Tech behemoths will not hesitate to use new technologies to become even more effective gatekeepers, increasing their market power. Unfortunately, we know that the vast majority of entities that are innovating in the AI space are actually owned, or largely funded, by the Big Tech companies themselves. It therefore seems inevitable that these companies will use this dominance in the AI market to further their overall market power in the future.

5. From your experience with these companies in the past, do you think the increase in their market power will be good or bad for your members?

This increase in market power will undoubtedly impact our members negatively. Almost certainly, this market power in the AI arena will simply multiply the harms already being felt by our members as a result of the anticompetitive practices of these companies. The Big Tech platforms, who already own the vast majority of AI technology, will likely continue to use broadcasters' original journalistic content with little or no compensation, and broadcasters will be forced to accept these terms if they are to have their content fully reach consumers. To give an example of this past experience, a recent report by BIA Advisory Services focusing on Google Search and Facebook News Feed found that local broadcasters lose an estimated $1.873 billion annually by providing their content to these platforms.

Moreover, the anticompetitive ingestion and regurgitation of broadcast content, in which broadcasters will have little to no say as to how their content is used, will continue to present situations where that content is being misused and misrepresented, potentially leading to an erosion of the valuable trust broadcasters possess in their communities.

6. What about their readers and viewers?

Readers and viewers will also suffer. Big Tech's abuse of their market power will continue to drain resources away from local journalists, and likely result in fewer options for consumers and a diminished quality of journalism.

7. Do you believe these companies could use generative AI technology to divert advertising dollars to themselves?

Yes. These companies have historically used their market power to control the share of advertising revenue they retain from content that is produced and paid for by broadcasters and other local journalists. There is nothing that suggests that the Big Tech companies will pursue a different strategy with these new technologies.

8. Please explain your view on why using published content for training AI models is not (or should not be) fair use.

Broadcasters' ability to reinvest in news will be undermined by AI platforms that ingest our copyrighted material and create a competitive product without our authorization or a meaningful business relationship. Broadcasters across the country are finding plagiarized versions of their news stories on major AI platforms, including the use of stations' graphics and headlines, without attribution. While fair use analysis is highly fact-dependent, we are hopeful that the courts can properly apply this doctrine and address the inequity of this situation.

9. OpenAI provides outlets the ability to request that their content not be used to train AI models. Do other companies provide your members with the same option?

While I do not have an exhaustive list of companies providing journalists with such "opt-out" options, it is my understanding that other AI companies are now offering such options. Although now separated, broadcasters and other news publishers were particularly concerned that Google initially tied the blocking of Bard and Vertex AI to also blocking its search platform.

10. OpenAI claims that regurgitation of published content is a "rare bug." Have any of your members' content ever been, to your knowledge, regurgitated in such a "rare" occurrence?

We have had many reports from our members where AI models have regurgitated published broadcast content without attribution or permission. Several instances of this misuse and misappropriation are described in my written testimony, including one example impacting KFVS-TV in Cape Girardeau, Missouri.

11. Do you anticipate that generative AI will be used to aid the production of news media in the near future?

AI tools are increasingly being used in the production of news media. However, it is important to note that these models are merely being used as tools by local journalists – to perform their jobs more quickly and even more effectively. As more generative AI tools are developed, I would anticipate that they will continue to be implemented where they may aid the work of news journalists.

12. Is AI already being used to aid the production of news media? In what capacity?

AI tools are being used in a variety of capacities to help local broadcasters do their jobs in their communities. 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. In other instances, AI tools may provide additional operational efficiencies that allow local stations to invest more of their resources into newsgathering. For example, some broadcasters have employed AI to aid in scripting commercials and first drafts of content for human review.

13. Do you anticipate that generative AI models could replace current employees at news media companies?

Newsgathering and local journalism are time and resource-intensive undertakings, and the roles that individual journalists play at local broadcast stations will never be able to be replicated by AI bots. While AI tools may prove useful for local journalists and local stations in achieving some operational efficiencies that allow local stations to invest more of their resources into newsgathering, AI models will never replace the difficult work done by live journalists.