

**Written Statement for the AI Insight Forum: Transparency, Explainability,
Intellectual Property and Copyright**

November 29, 2023

**Submitted by Curtis LeGeyt, President and CEO
National Association of Broadcasters**

NAB is the voice of local television and radio broadcasters and broadcast networks in our nation's capital. Our members provide freely available news, sports and entertainment programs to your constituents, keeping them connected and informed. Further, broadcasters' critical role as first informers and emergency lifelines has never been more important as misinformation runs rampant online.

The trusted journalism broadcasters provide is the antidote to the misinformation storm that AI tools are propagating. Yet the uncontrolled advancement of generative AI poses significant challenges. Beyond the increased costs for vetting stories and footage, as well as the need to protect the image and likeness of our trusted media personalities in balance with the First Amendment, the ingestion of broadcasters' copyrighted news content in AI systems without authorization or compensation risks further diminishing reinvestment in local news. Even as some broadcasters have responsibly embraced this emerging technology for its efficiencies in helping to serve local communities, the level of cost and vigilance to maintain our trusted status continues to rise.

I appreciate the opportunity to participate in this forum and address the challenges and opportunities AI poses to broadcasters across the country, particularly our local journalism.

Broadcasters Play a Vital and Unique Role Among All Communications Media

The nation's broadcasters represent one of the last bastions of truly local, unbiased journalism. Study after study shows that local broadcasters are the most trusted source of news and information. 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. And our unique community connection and role as a lifeline during times of emergency truly sets us apart from other mediums, especially when the internet and cellular wireless networks fail.

Broadcasters make all these services freely available over-the-air to our viewers and listeners in every community in America. No subscription or data plan is required to access our unique service.

Broadcasters' investment in news, emergency alerting, local and national entertainment and sports does not, however, exist in a vacuum. Local news production continues to be costly. In 2019, TV stations spent more than 20% of their budgets on news costs, averaging \$2.765 million per station. The all-news radio station WTOP-FM here in

Washington, D.C. spends more than \$12 million a year to run its newsrooms, with more than a third of that expense going to running its digital operation. And yet, TV and radio stations are producing a record-high amount of local news and maintaining high-quality journalism.

Broadcasters Have Increased Efforts to Combat Online Misinformation While AI-Generated Misinformation Surges

Broadcasters are committed to delivering trusted, fact-based local and national news and are investing heavily to ensure stories are verified before they are aired. While many broadcasters are responsibly embracing AI tools for operational efficiencies, such as scripting commercials and first drafts of content for human review, AI presents challenges to the critical local journalism broadcasters provide. Broadcast newsrooms are spending an increasing amount of time and resources to vet stories and footage, verifying sources to ensure they continue to deliver the trusted information their audiences depend upon. For example, 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.

The proliferation of easy-to-use AI tools and lack of legal guardrails are creating a perfect misinformation storm. Nearly 70% 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. According to Morning Consult, just 37% of Americans believe the upcoming 2024 election will be both honest and open, and nearly two-thirds believe that disinformation will influence the outcome.

Broadcasters are combatting online misinformation head-on by dedicating teams to fact-check viral stories and claims:

- CBS News has launched a unit called “[CBS News Confirmed](#)” to investigate misinformation and deepfakes.
- TEGNA, working with its 49 newsrooms across the country, employs a [VERIFY team](#) to evaluate stories and help viewers identify misinformation.
- News radio reporters use dedicated long-form segments like “[Looped In: Chicago](#)” from Audacy or the “[Philadelphia Community Podcast](#)” from iHeart Media to explore stories that impact their communities.
- Hearst Television partners with [FactCheck.org](#) to produce segments combating misinformation for its stations across the country.

These necessary efforts further increase the cost of providing our audiences with the trusted news and information they rely on, and heighten the need to ensure that broadcasters are fairly compensated when our programming content is accessed through both existing and emerging tech platforms, including AI systems.

The Ingestion of Broadcasters' Copyrighted Content Into AI Systems Without Compensation or Authorization Threatens Reinvestment in Local Journalism

While AI may present certain opportunities, broadcasters are concerned about the ingestion of their copyrighted works into AI systems without compensation or authorization. AI tools use stations' work product without compensation while at the same time broadcasters are being forced to devote more resources to fight the misinformation AI systems so easily proliferate. 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 served by those stations.

In smaller markets, a local broadcast station is often the only source of local news, and so the ingestion of broadcasters' copyrighted content into AI systems is unmistakable. For example, WTAP-TV is a broadcast TV station in Parkersburg, West Virginia owned by Gray Television. When a well-known generative AI system was recently prompted to provide the latest "news" in Parkersburg, 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.

The Use of AI Systems to Distort Broadcasters' Copyrighted Content and Spread Misinformation Raises Concerns

As 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 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's owner filed notices under the Digital Millennium Copyright Act (DMCA) to have the content removed as a violation of the station's copyright and in violation of the platforms' policies on hate speech. Ultimately, the station was forced to sue one of the platforms in federal court to have the video removed; but the underlying AI technology must be held accountable.

Conclusion

Our nation is at a crucial crossroads where the trust, integrity and authenticity of journalism is at stake. America's broadcasters are extremely proud of the role we play in serving communities and combatting online misinformation across the United States. We are grateful to Leader Schumer and Senators Rounds, Heinrich and Young for convening this forum and look forward to a robust discussion about harnessing the power of AI while ensuring that truth and transparency for the American people prevail.