Before the
Office of Science and Technology Policy and
Networking and Information Technology Research and Development
Alexandria, VA 22314

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In the Matter of	)	
Development of an	)	Docket No. 2025-02305
Artificial Intelligence Action Plan	)	
	)	

COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

I.   INTRODUCTION

The National Association of Broadcasters ("NAB") hereby submits the following

comments in response to the Office of Science and Technology Policy ("OSTP") and

Networking and Information Technology Research and Development's ("NITRD") request for

information ("RFI") concerning the development of the Trump Administration's Artificial

Intelligence ("AI") Action Plan ("AI Action Plan").[1]

NAB is the voice of local television and radio stations and broadcasters in our

nation's capital. Our members provide freely available news, sports, and entertainment

programs, keeping people 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 that broadcasters provide is the antidote to the

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[1] This document is approved for public dissemination. The document contains no business-proprietary or confidential information. Document contents may be reused by the government in developing the AI Action Plan and associated documents without attribution.

misinformation storm that AI tools are propagating and that global tech companies and social media platforms are disseminating. NAB appreciates the opportunity to address both the challenges and the potential that AI presents for broadcasters across the country, particularly to our local journalism.

At the outset and quintessential to the foundation of an AI Action Plan, the Administration must first modernize existing broadcast ownership regulations at the Federal Communications Commission ("FCC") to ensure such regulations reflect the current media marketplace, including the emergence of tech platforms and AI. The media marketplace has transformed in recent years, yet broadcasters are still constrained by ownership regulations at the FCC that originated in the 1940's. Although these regulations have been updated incrementally by the FCC throughout the decades, there has been no meaningful reform to these rules since 1996[2] and no change at all since 2004.[3] They certainly do not reflect the emergence of AI (furthered by Big Tech's heavy investment into AI technology),[4] streaming platforms, or competition from Big Tech overall.

Current FCC ownership regulations create a lack of scale that makes broadcasters more vulnerable to the potential harms posed by AI. Not only is Big Tech now competing

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[2] Telecommunications Act of 1996 §§ 202(b)(1), 202(c)(1), Pub. L. No. 104-104, 110 Stat. 56 (1996).

[3] *See* Consolidated Appropriations Act, 2004, § 629(1), Pub. L. No. 108-199, 118 Stat. 3 (2004).

[4] *See* J. Novet, *Microsoft's $13 billion bet on OpenAI carries huge potential along with plenty of uncertainty*, CNBC (Apr. 8, 2023), *available at* https://www.cnbc.com/2023/04/08/microsofts-complex-bet-on-openai-brings-potential-and-uncertainty.html; *see also* J. Singh, *Meta to spend up to $65 billion this year to power AI goals, Zuckerberg says,* Reuters (Jan. 24, 2025), available at https://www.reuters.com/technology/meta-invest-up-65-bln-capital-expenditure-this-year-2025-01-24/.

with broadcasters for audience, content (including sports content),[5] and advertising,[6] but through their investment in AI technologies and AI's ingestion of broadcasters' content, Big Tech threatens to act as a direct substitute to broadcasting as well – using broadcasters' own content to do so.

While broadcasters are heavily regulated by the FCC, Big Tech remains wholly unregulated. Thus, the foundation of an AI Action Plan must include FCC modification of both the national and local broadcast ownership regulations to allow local broadcasters the ability to compete with Big Tech in the media marketplace. This could also help foster critical licensing arrangements between Big Tech/AI companies and broadcasters, similar to that which has occurred between AI companies and publishers.[7]

Next, an AI Action Plan must address the ingestion of broadcasters' copyrighted content into AI systems without authorization or compensation as this undermines the ability of broadcasters to sustain their operations. The costs of producing high-quality news content continue to increase as broadcasters must allocate more resources to vetting stories and footage. Without adequate protections in place for broadcasters – especially

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[5]*See Netflix will be the home to live NFL games this Christmas Day,* nlf.com(May 15, 2024), *available at*https://www.nfl.com/news/netflix-will-be-the-home-to-live-nfl-games-this-christmas-day*; Amazon's $19.8 billion NBA deal set to sweep up two NBA championships plus poach top TNT and ESPN talent,* talksport.com(Jan. 15, 2025), *available at*https://talksport.com/basketball/2732702/amazon-nba-rights-tnt-espn-talent-taylor-rooks-dirk-nowitzki/; *Apple embraces potential of sports streaming with MLS deal,* AP (Feb. 1, 2023), *available at*https://apnews.com/article/mlb-technology-sports-television-baseball-5f5ba756efea27be391d36e7d565bee8#:~:text=MLS%20will%20receive%20at%20least,significant%20involvement%20with%20a%20league; *Apple Takes Swing at Sports With Major League Baseball Rights,* Variety (Mar. 8, 2022), *available at*https://variety.com/2022/tv/news/apple-major-league-baseball-rights-deal-1235198815/.

[6] In 2024, Borrell estimated that digital would account for 71% of all local advertising expenditures in that year, with projections to rise to 76% by 2027. Google/Alphabet, Amazon and Facebook/Meta garner the "lion's share" of those digital ad revenues. Borrell Associates, *2024 Annual Benchmarking Report* (Apr. 23, 2024).

[7] *See* M. O'Brien, *ChatGPT-maker OpenAI signs deal with AP to license news stories,* AP (Jul. 13, 2023), *available at* https://apnews.com/article/openai-chatgpt-associated-press-ap-f86f84c5bcc2f3b98074b38521f5f75a.

those in smaller markets – the unchecked use of copyrighted materials to train AI systems could diminish broadcasters' ability to reinvest in local news and communities.

Finally, it is essential that AI policies, laws, and regulations prioritize the protection of the image and likeness of our trusted media personalities, in balance with the First Amendment. Generative AI technologies, including deepfakes, have the ability to create unauthorized and harmful distortions of broadcaster content. Unauthorized deepfakes of broadcasters not only exacerbate the spread of misinformation but also unnecessarily add to the cost and vigilance needed to maintain broadcasters' trusted status in their local communities.

II.   BROADCASTERS PLAY A VITAL AND UNIQUE ROLE AMONG ALL COMMUNICATION MEDIA

The nation's broadcasters represent one of the last bastions of truly local, unbiased journalism. Broadcasters' critical role as first informers, emergency lifelines and entertainment media has never been more important as misinformation runs rampant online. Study after study shows that local broadcasters are the most trusted source of news and information.[8] 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.[9]

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[8] *See* S. Fioroni, *Local News Most Trusted in Keeping Americans Informed About Their Communities,* Knight Foundation (May, 19, 2022) *available at* https://knightfoundation.org/articles/local-news-most-trusted-in-keepingamericans-informed-about-their-communities/; *see also For Local News, Americans Embrace Digital But Still Want Strong Community Connection,* Pew Research (Mar. 26, 2019) *available at* https://www.pewresearch.org/journalism/2019/03/26/nearly-as-many-americans-prefer-to-get-their-local-news-online-as-prefer-the-tv-set/ ; NAB and Morning Consult quarterly surveys, 2017-2018.

[9] *See Fox News' Trey Yingst honored at First Amendment Awards, stresses importance of 'unflinching' journalism* (Mar. 7, 2025) *available at* https://www.foxnews.com/media/fox-news-trey-yingst-honored-first-amendment-awards-stresses-importance-unflinching-journalism; *see also KSDK-TV Wins Regional Edward R. Murrow Awards for Sports Reporting* (Oct. 14, 2024), *available at* https://www.rtdna.org/2024-national-edward-r-murrow-award-winners#SmallTV.

It is broadcasters' deep connection to their communities and their critical role as a lifeline during times of emergency that truly sets us apart from other mediums. Because of the resiliency of the broadcast infrastructure and the power of the airwaves, local broadcast stations are often the only available communications medium during disasters, especially when internet and cellular networks fail. Consider the wildfires that recently ravaged California, or the hurricanes that devastated the Southeastern states, destroying homes, lives, and businesses and forcing thousands of people to evacuate. For days there was no power, and in many instances, no water or internet service. In some cases where internet service was available, misinformation about events on the ground was rampant. However, it was local radio and television stations that remained steadfast and dependable sources of communication, providing around-the-clock updates to keep people safe, as well as information about emergency supplies and shelter.[10]

Broadcasters provide these essential services freely, over-the-air, to 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.[11] The all-news radio station WTOP-FM here in

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[10] *See, e.g.,* M. Schneider, *The L.A. Fires Proved the Urgent Need for Local News in an Age of Social Media Conspiracies and Outright Lies,* Variety (Jan. 16, 2025) *available at* L.A. Fires Proved a Need for Local News in an Age of Social Media Lies (reporting the critical information conveyed by local TV and radio during the L.A. fires in contrast with the lack of information or misinformation on social media platforms); *see also* R. Lane, *Radio to the Rescue in Asheville,* Radio Ink. (Oct. 9, 2024) *available at* https://radioink.com/2024/10/09/randy-lane-radio-to-the-rescue-in-asheville/.

[11] *See* NAB Television Financial Reports 2020.

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.[12] Despite these challenges, TV and radio stations are producing a record-high amount of local news while upholding their commitment to high-quality journalism.[13]

III.   BROADCASTERS HAVE INCREASED EFFORTS TO COMBAT ONLINE MISINFORMATION WHILE AI-GENERATED MISINFORMATION SURGES

The advent of AI technology brings immense potential for unlocking operational efficiencies in broadcasting when it's used responsibly and its development respects copyright ownership. 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. Many broadcasters are responsibly embracing AI tools for operational efficiencies, such as scripting commercials and first drafts of content that can then be reviewed by station personnel, speeding up transcription services and even helping create first drafts of social media posts for on-air talent. But AI also presents challenges to the crucial 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, in the wake of terrorist attacks on Israel in October 2023, fake photos and videos reached an unprecedented level on social media in a matter of minutes. Of the thousands of videos that one broadcast

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[12] *See* Testimony of Joel Oxley on behalf of that National Association of Broadcasters before the Senate Judiciary Committee, Subcommittee on Competition Policy, Antitrust, and Consumer Rights, *available at* https://www.judiciary.senate.gov/imo/media/doc/Oxley%20Testimony.pdf.

[13] *See* B. Papper and K. Henderson, *TV and Radio News Report,* RTDNA and Syracuse University (Jul. 19, 2023) *available at* https://www.rtdna.org/news/rtdna-syracuse-survey-local-news-minutes-increase-across-the-board.

network sifted through to report on the attacks, only 10% of them were usable or authentic.[14]

The proliferation of easy-to-use AI tools and the lack of legal guardrails are creating a perfect misinformation storm. Nearly 70% of Americans report coming across fake news on social media.[15] And according to the Pew Research Center, an overwhelming majority of Americans believe that "false information online" is a major threat to our democracy.[16]

IV. A COMPREHENSIVE ACTION PLAN MUST PROTECT AGAINST THE INGESTION OF BROADCASTERS' COPYRIGHTED CONTENT INTO AI SYSTEMS WITHOUT COMPENSATION OR AUTHORIZATION

Broadcasters' continued ability to invest in local journalism depends on being fairly compensated and attributed for use of their content. Broadcasters primarily rely on advertising revenue to pay for this investment. When programming content is accessed through both existing and emerging tech platforms, including AI systems, broadcasters are deprived of that revenue. Broadcasters' expressive content is particularly valuable for AI ingestion precisely because it is vetted and trusted. 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. If broadcasters are not compensated for use of their valuable, expressive works, they will be less able to invest in local news and content and it would negatively impact the communities served by those stations.

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[14] *See* K. Marino, *Newsrooms should be prepared for deepfakes at a "staggering" scale,* Axios (Oct. 12, 2023), *available at* Newsrooms should be prepared for deep fakes at a "staggering" scale.

[15] *See* S. Orbanek, *Study shows verified users are among biggest culprits when it comes to sharing fake news,* Temple University (Nov. 9, 2021), *available at* Study shows verified users are among biggest culprits when it comes to sharing fake news | Temple Now.

[16] *See* C. St. Aubin, J. Liedke, *Most Americans favor restrictions on false information, violent content online,* Pew Research Center (Jul. 20, 2023), *available at* In US, most favor restricting false information, violent content online | Pew Research Center.

In smaller markets, a local broadcast station is often the only source of local news, and so the online scraping of broadcasters' copyrighted content and ingestion into AI systems is unmistakable. For example, WTAP-TV is a broadcast TV station in Parkersburg, West Virginia owned by Gray Media. When a well-known generative AI system was recently prompted to provide the latest "news" in Parkersburg, the AI system generated a few news "stories" copied nearly word for word from the WTAP-TV's website. The station did not grant permission for use of this content, nor did it receive compensation for it. This example also illustrates how AI-generated "news" has the potential to substitute for and supplant the market for copyrighted broadcast content on which the AI systems have been trained.

Generative AI platforms have themselves faced similar threats. When OpenAI was recently the target of attempts by Chinese AI startup DeepSeek to exfiltrate large volumes from OpenAI's AI tools to train DeepSeek without authorization or compensation, OpenAI took "aggressive, proactive countermeasures to protect [their] technology and will continue working closely with the U.S. government to protect the most capable models being built here."[17] This signals just how important it is that an AI Action plan protect all content against unauthorized ingestion by AI and that content owners be provided compensation for such use.

V.   THE ADMINISTRATION SHOULD ENSURE THAT SOURCES OF CONTENT ARE ATTRIBUTED TO MITIGATE UNAUTHORIZED USE OF BROADCASTERS' COPYRIGHTED CONTENT AND THE SPREAD OF MISINFORMATION AND UNAUTHORIZED DEEPFAKES

In addition to use of broadcaster content without authority or compensation, the lack of attribution and sourcing in AI-generated outputs also raises several concerns that risk

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[17] S. Schechner, *OpenAI Is Probing Whether DeepSeek Used Its Models to Train New Chatbot,* The Wall Street Journal (Jan. 29, 2025), *available at* OpenAI Investigating if China's DeepSeek Used Its Models to Train New Chatbot - WSJ.

undermining public trust in local broadcasters – trust that local broadcasters do not take lightly or for granted.

First, this lack of attribution makes it increasingly difficult to identify and distinguish legitimate, copyrighted broadcast content, from 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 was not authorized in the first place.

Finally, there is a 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 and generated a video consisting of a hateful, racist, anti-Semitic rant. After the doctored video had been posted on two well-known online platforms, the station's owner filed notices under the Digital Millennium Copyright Act 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.

VI. 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 across the United States. We are grateful to OSTP and NITRD for their

attention to these important issues and we encourage the Administration to carefully

consider the unique challenges that AI systems and AI-generated materials pose to

broadcasters. By establishing tailored guardrails for AI technology, the Administration can

harness the power of AI while ensuring that the integrity of local journalism for the American

people prevails.

Respectfully submitted,

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