

June 24, 2025

Oregon State Senate
Oregon State Capitol
900 E Court St. NE
Salem, OR 97301

Re: SB 686-B – “Prohibits a covered platform from accessing for an Oregon audience the online content of a digital journalism provider without an agreement.” (Oppose)

Dear Oregon State Senators:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose the latest version of SB 686-B in advance of a potential second and third reading on the Senate floor. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Therefore, proposed regulations on the interstate provision of digital services can have a significant impact on our members, including those that host or link to news content.

CCIA values free speech and recognizes the important role of local journalism; however, the latest version of the bill will not solve the challenges newsrooms are facing today. Even with the engrossed -9 amendments, we continue to have serious concerns about the bill’s constitutionality and the likely long-lasting, detrimental effects on Oregon’s news and digital services industries.

The premise of SB 686-B surmises that digital services somehow ‘siphon’ revenue away from news sites by linking to them and then sending them traffic.² While there is a major transition going on in newsrooms nationwide, this has many causes, as explained by a 2022 report from the U.S. Copyright Office.³ Overall, there is little evidence that online services’ linking to news sites is the cause of this, and in reality, news sites depend on this linking, and the publications get much of their traffic from search engines and news aggregators.

SB 686-B is still unconstitutional in numerous ways.

The updates to SB 686-B continue to violate state and federal constitutional protections of free speech. Even with the updated definitions of “accessing” news content for an Oregon audience, the display of news content to users remains at the center of the bill and does not solve the previously discussed concerns. Additionally, the bill’s added review procedures violate “covered platforms” due process rights and right to a jury trial because of their one-sided nature. In determining the payment amount to digital journalism providers, the

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB686>

³ Copyright Protections for Press Publishers: A Report of the Register of Copyrights (June 2022), <https://www.copyright.gov/policy/publishersprotections/202206-Publishers-Protects-Study.pdf>, at 7-16.

proposed system in the engrossed version of the bill not only favors journalism providers but also actively interferes with reviewing courts and their core functions.

SB 686-B also does not solve the free speech concerns found in the other previous versions of the bill. Even with the updates to the language that emphasize the “access” to content by digital journalism providers, the same expressive activity still applies. Through labeling expressive conduct as something else (in this case, “access”) the latest version of the bill continues to have the same problem and does not make any meaningful change to the free speech violation in the text. Overall, these updates did not solve any constitutional or preemption concerns found in other versions of the bill, and the core problems discussed in our previous written testimonies still apply.

SB 686-B will not contribute to sustainable, meaningful funding for community publications.

SB 686-B would also provide little help to local newspapers or reporters in Oregon. Much of the money would still go to large out-of-state publications or out-of-state publications owned by hedge funds or broadcasting conglomerates. Even with attempts at amended language including an emphasis on “access for an Oregon audience”, the changes would only benefit news outlets that meet strict and complicated criteria and are likely to further entrench large media corporations and harm smaller competitors.

In various parts of the world, these kinds of link taxes have passed and created detrimental conditions for both community publications and internet users alike. These past efforts in Germany, Spain, and France, as well as ongoing efforts in Canada and Australia, have resulted in vast reductions in traffic being driven to news websites.⁴ Indigenous and immigrant community publications, which rely on the internet to reach their audiences, have also been disproportionately affected, and vital investment in the news industry slowed dramatically or stopped altogether due to the uncertainty of these laws.⁵

SB 686-B will harm the information-sharing ecosystem.

Putting these serious legal and economic problems aside, SB 686-B would start the internet down a slippery slope. The internet depends on linking, and once Oregon requires these kinds of agreements that mandate if and how a digital service can host news, there would be no end to Oregon (and other states) applying similar practices to other industries favored by legislatures. During a time when half of U.S. adults get news “at least sometimes” from social media, publications must be able to reach their current and potential audiences.⁶

Overall, SB 686-B undermines the principle of open access to information on the internet, significantly underrates the value of linking for publications online, and stands to repeat similar

⁴ Link Tax Failures: Global Efforts Continue to Uproot the Internet’s Foundation and Journalism Ecosystem (May 14, 2024), <https://ccianet.org/library/link-tax-failures-global-efforts-continue-to-uproot-internets-foundation-and-journalism-ecosystem/>.

⁵ Panel Urges Policymakers to Consider Past Lessons on Link Tax Policies (Sept. 17, 2024), <https://ccianet.org/articles/panel-urges-policymakers-consider-past-lessons-link-tax-policies/>.

⁶ Pew Research Center, Social Media and News Fact Sheet (Sept. 17, 2023), <https://www.pewresearch.org/journalism/fact-sheet/social-media-and-news-fact-sheet/>.

unsuccessful attempts seen in various parts of the world. Furthermore, the bill also mischaracterizes the role digital services play in the online information ecosystem, and how they act as important mediums for information sharing and free expression on the internet.

Even with the engrossed amendments, this bill continues to threaten news access and the free flow of information online. CCIA recognizes the important role of local journalism, and while there is a major transition going on in newsrooms nationwide, this has many causes. The bill's language relies on subsidizing one industry at the expense of another and avoids finding a sustainable solution that supports independent community publications.

While we have concerns about this bill, we stand ready to work with you on truly supporting local journalism and free expression on the internet.

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We appreciate your consideration of our comments and stand ready to provide additional information as the Oregon Legislature considers proposals related to technology policy.

Sincerely,

Aodhan Downey
State Policy Manager, West
Computer & Communications Industry Association