



**Oregon State Legislature
Senate Committee on Commerce and General Government**

**Testimony of Erin Simon
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Chairman Meek, Vice Chair Drazan, and distinguished Members of the Committee; thank you for the opportunity to appear before you today. My name is Erin Simon, and I am Senior Counsel at Google with the Search & News team.

We appreciate the Senate Committee on Commerce and General Government holding this important hearing. We have welcomed the opportunity to work with the legislature on numerous issues throughout the years, and we look forward to continuing to collaborate with Members of this Committee.

Since 1998, Google's mission has been to make the world's information universally accessible and useful. We fulfill this by serving as a discovery engine that connects users with content they value, sending billions of visits to news publishers of all sizes. This exchange relies on the principle that any website can be discoverable on the open web without first seeking a negotiated agreement.

To underscore: We are committed to helping Oregon's journalists navigate shifts in technology and innovate. However, we believe SB 1580 would create an unworkable environment for news outlets on the open web. SB 1580 purports to prohibit Google Search from the basic technical acts of "acquiring, crawling, or indexing" local content "for an Oregon audience" without a mandated agreement. By attaching financial liabilities to these foundational mechanics of internet services, the bill moves away from the open standards that have allowed the internet to function for decades, under which publishers themselves already decide whether or not to be crawled, indexed, and included in Google Search results.

Google believes this bill raises serious constitutional issues. It conflicts with the US Copyright Act, the First Amendment to the US Constitution, and the Constitution of the State of Oregon by interfering with the rights to link, quote, and make fair uses of copyrighted material. The First Amendment animates these limitations on copyright. Oregon cannot lawfully override choices the Constitution reserves for Congress, like federal intellectual property law.

It is also deeply troubling that the legislature would seek to enact a law that targets a single entity. Exempting other companies who engage in the same activities makes it particularly clear that this bill is not grounded in principle. The bill contains a clear double standard by exempting social media platforms and businesses that earn more than 50 percent of their revenue from branded hardware sales – and as of yesterday afternoon’s amendments, subscriptions – suggesting that, rather than a broad effort to support journalism, SB 1580 is a targeted penalty on the single platform that actually drives the most traffic to local news outlets and which continues to innovate with local entities as the news ecosystem changes.

SB 1580 is built upon the flawed premise that platforms appropriate news content without providing value. In reality, Google directs significant traffic to the websites of large and small news publishers, representing expanded readership that publishers highly value and successfully monetize.

We are also concerned that we have had insufficient time to analyze relevant recent amendments and evaluate impacts potentially created by this legislation.

Today, Google connects publishers with millions of internet users for free, and we are also one of the largest supporters of journalism in the world. That includes paid licensing programs through our News Showcase product and our Google News Initiative programs, which provide tools, training, and funding specifically focused on local community-based publications. Through the Google News Initiative, we have already supported over 7,000 news partners with more than \$550 million in global funding. We make these investments, while other platforms have reduced their support for news, because connecting our users to news about the world around them is a natural extension of our mission. That is also why we continue to bring new features, like ‘preferred sources’ to Search.

While well intentioned, we strongly believe that SB 1580 takes the wrong approach. It will hurt the publishers it seeks to support and it presents significant legal challenges. For decades, Google has grounded our efforts to support journalism in our core products, and worked hard to sustain that collaboration, despite the lack of commercial significance to our business. No other platform has anywhere close to the same scale of investment. We encourage the Committee to reconsider its approach.

Thank you for the opportunity to testify on this bill.