

115TH CONGRESS
1ST SESSION

H. R. 1574

To amend the Communications Act of 1934 to clarify that the Federal Communications Commission may not take action against a broadcast licensee or any other person on the basis of viewpoint, to clarify that the President may not direct an agency to take such an action, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2017

Mr. BEN RAY LUJÁN of New Mexico introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to clarify that the Federal Communications Commission may not take action against a broadcast licensee or any other person on the basis of viewpoint, to clarify that the President may not direct an agency to take such an action, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Dissenting
5 Viewpoints and Voices Act of 2017”.

1 **SEC. 2. VIEWPOINT PROTECTION.**

2 (a) ACTIONS BY FCC.—Title I of the Communica-
3 tions Act of 1934 (47 U.S.C. 151 et seq.) is amended by
4 adding at the end the following:

5 **“SEC. 13. VIEWPOINT PROTECTION.**

6 “(a) PROHIBITION AGAINST RETALIATION ON BASIS
7 OF VIEWPOINT.—The Commission may not revoke any li-
8 cense or other authorization of, or otherwise take action
9 against, any person on the basis, in whole or in part, of
10 viewpoints taken, or not taken, on issues of public impor-
11 tance in content that is broadcast or otherwise dissemi-
12 nated by such person or any person affiliated with such
13 person.

14 “(b) PROHIBITION AGAINST CONDITIONS ON VIEW-
15 POINT IN TRANSACTION REVIEW.—The Commission may
16 not place on any approval under subsections (a), (b), and
17 (c) of section 214 or section 310(d) any condition with
18 respect to viewpoints to be taken, or not taken, on issues
19 of public importance in content broadcast or otherwise dis-
20 seminated by the person seeking such approval, any suc-
21 cessor of such person, or any person affiliated with such
22 person or successor.

23 “(c) NO EFFECT ON CERTAIN OTHER AUTHORITY
24 OF COMMISSION.—Nothing in this section shall be con-
25 strued to affect the authority of the Commission to take

1 action on the basis of, or to place a condition on an ap-
2 proval described in subsection (b) with respect to—

3 “(1) a violation of—

4 “(A) section 1304 of title 18, United
5 States Code, or conduct that would constitute a
6 violation of such section if content disseminated
7 by means other than radio or television broad-
8 cast were disseminated by means of radio or
9 television broadcast;

10 “(B) section 1343 of such title; or

11 “(C) section 1464 of such title, or conduct
12 that would constitute a violation of such section
13 if content disseminated by means other than
14 radio communication were disseminated by
15 means of radio communication;

16 “(2) a violation of, or conduct that the Commis-
17 sion has the authority to require or prohibit under,
18 section 312(a)(7), 315, or 317 of this Act;

19 “(3) any public interest obligation under this
20 Act of the person broadcasting or otherwise dissemi-
21 nating the content involved; or

22 “(4) the broadcast or other dissemination of
23 content that constitutes incitement under the First
24 Amendment to the Constitution.”.

25 (b) ACTIONS AT DIRECTION OF PRESIDENT.—

1 (1) RETALIATION ON BASIS OF VIEWPOINT.—
2 The President may not direct an agency to take any
3 action against any person on the basis, in whole or
4 in part, of viewpoints taken, or not taken, on issues
5 of public importance in content that is broadcast or
6 otherwise disseminated by such person or any person
7 affiliated with such person.

8 (2) CONDITIONS ON APPROVALS OR OTHER DE-
9 CISIONS.—The President may not direct an agency
10 to place on any approval or other decision within the
11 jurisdiction of the agency any condition with respect
12 to viewpoints to be taken, or not taken, on issues of
13 public importance in content broadcast or otherwise
14 disseminated by the person seeking such approval or
15 other decision, any successor of such person, or any
16 person affiliated with such person or successor.

17 (3) NO EFFECT ON CERTAIN OTHER AUTHOR-
18 ITY OF PRESIDENT.—Nothing in this subsection
19 shall be construed to affect the authority of the
20 President—

21 (A) to direct an agency to take action on
22 the basis of, or to place a condition on an ap-
23 proval or other decision within the jurisdiction
24 of the agency, with respect to—

25 (i) a violation of—

1 (I) section 1304 of title 18,
2 United States Code, or conduct that
3 would constitute a violation of such
4 section if content disseminated by
5 means other than radio or television
6 broadcast were disseminated by means
7 of radio or television broadcast;

8 (II) section 1343 of such title; or

9 (III) section 1464 of such title,
10 or conduct that would constitute a
11 violation of such section if content dis-
12 seminated by means other than radio
13 communication were disseminated by
14 means of radio communication; or

15 (ii) the broadcast or other dissemina-
16 tion of content that constitutes incitement
17 under the First Amendment to the Con-
18 stitution; or

19 (B) to execute the duties of the President
20 under any provision of law.

21 (4) AGENCY DEFINED.—In this subsection, the
22 term “agency” has the meaning given such term in
23 section 551 of title 5, United States Code.

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