

119TH CONGRESS
1ST SESSION

S. 867

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2025

Mr. LUJÁN (for himself, Ms. ROSEN, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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, 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 “Broadcast Freedom
5 and Independence Act of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Federal Communications Commission
2 (in this section referred to as the “FCC”) was estab-
3 lished as an independent agency by the Communica-
4 tions Act of 1934 (47 U.S.C. 151 et seq.) for the
5 purpose of “regulating interstate and foreign com-
6 merce in communication by wire and radio so as to
7 make available, so far as possible, to all the people
8 of the United States, without discrimination on the
9 basis of race, color, religion, national origin, or sex,
10 a rapid, efficient, Nation-wide, and world-wide wire
11 and radio communication service with adequate fa-
12 cilities at reasonable charges. . .”.

13 (2) Commissioners at the FCC, an independent
14 agency, are confirmed by Congress for specified
15 terms and the President does not have the power to
16 remove them at will.

17 (3) The independence of the FCC is paramount
18 to the FCC carrying out its mission without political
19 pressure or intimidation.

20 (4) The FCC’s priorities and agenda must be
21 set by the FCC without undue influence from the
22 President or any advisors to the President who do
23 not work for the FCC.

24 (5) As established in section 326 of the Com-
25 munications Act of 1934 (47 U.S.C. 326), nothing

1 in the FCC’s authority “shall be understood or con-
 2 strued to give the Commission the power of censor-
 3 ship over the radio communications or signals trans-
 4 mitted by any radio station, and no regulation or
 5 condition shall be promulgated or fixed by the Com-
 6 mission which shall interfere with the right of free
 7 speech by means of radio communication”.

8 (6) Investigations and threats of Commission
 9 action or inaction must not be used to suppress cer-
 10 tain viewpoints or intimidate broadcast licensees into
 11 aligning with any political agenda.

12 **SEC. 3. VIEWPOINT PROTECTION.**

13 Title I of the Communications Act of 1934 (47
 14 U.S.C. 151 et seq.) is amended by adding at the end the
 15 following:

16 **“SEC. 14. VIEWPOINT PROTECTION.**

17 “(a) PROHIBITION AGAINST RETALIATION ON BASIS
 18 OF VIEWPOINT.—The Commission may not revoke any li-
 19 cense or other authorization of, or otherwise take action
 20 against, any person on the basis, in whole or in part, of
 21 viewpoints broadcast or otherwise disseminated by that
 22 person or any person affiliated with that person.

23 “(b) PROHIBITION AGAINST CONDITIONS ON VIEW-
 24 POINT IN TRANSACTION REVIEW.—The Commission may
 25 not place on any approval under subsections (a), (b), and

1 (c) of section 214 or section 310(d) any condition with
 2 respect to viewpoints broadcast or otherwise disseminated
 3 by the person seeking that approval, any successor of that
 4 person, or any person affiliated with that person or suc-
 5 cessor.

6 “(c) NO EFFECT ON CERTAIN OTHER AUTHORITY
 7 OF COMMISSION.—Nothing in this section shall be con-
 8 strued to affect the authority of the Commission to take
 9 action on the basis of, or to place a condition on an ap-
 10 proval described in subsection (b) with respect to—

11 “(1) a violation of—

12 “(A) section 1304 of title 18, United
 13 States Code, or conduct that would constitute a
 14 violation of that section if content disseminated
 15 by means other than radio or television broad-
 16 cast were disseminated by means of radio or
 17 television broadcast;

18 “(B) section 1343 of title 18, United
 19 States Code; or

20 “(C) section 1464 of title 18, United
 21 States Code, or conduct that would constitute a
 22 violation of that section if content disseminated
 23 by means other than radio communication were
 24 disseminated by means of radio communication;
 25 or

1 “(2) the broadcast or other dissemination of
2 content that constitutes incitement under the First
3 Amendment to the Constitution of the United
4 States.”.

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