

#### 117TH CONGRESS 1ST SESSION

# H. R. 5897

To direct the Federal Communications Commission to promulgate regulations requiring material in the online public inspection file of a covered entity to be made available in a format that is machine-readable.

### IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2021

Ms. Eshoo (for herself, Mr. Welch, Mr. Yarmuth, Ms. Schakowsky, Mr. Khanna, Mr. McNerney, Ms. Norton, Ms. Clarke of New York, Ms. McCollum, Mr. Smith of Washington, Ms. Brownley, Mr. Cohen, Mr. Himes, Mr. Morelle, Mr. Cooper, Mr. Takano, Mr. Lieu, and Mr. Defazio) introduced the following bill; which was referred to the Committee on Energy and Commerce

## A BILL

To direct the Federal Communications Commission to promulgate regulations requiring material in the online public inspection file of a covered entity to be made available in a format that is machine-readable.

- 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 "Fair and Clear Cam-
- 5 paign Transparency Act".

#### SEC. 2. FINDINGS.

- 2 Congress finds the following:
- 3 (1) On May 9, 2013, President Barack Obama 4 issued Executive Order 13642 (78 Fed. Reg. 28111 5 (May 14, 2013)), which made open and machine-6 readable data the new default for Federal Govern-7 ment information.
  - (2) Open data principles are essential for transparency and efficiency in government.
  - (3) In 2012, the Federal Communications Commission required television broadcast stations to post on an online database hosted by the Commission certain materials in the files that those stations are required to maintain and make available for public inspection, including important information about the purchasing of political advertisements. In 2016, the Commission extended the online public inspection file requirement to providers of cable and satellite television service, radio broadcast stations, and providers of satellite radio service.
  - (4) The Commission declined to require those materials to be machine-readable, deciding at the time that it was more important to get the information online faster.
  - (5) Machine readability is a critical component of open government and provides interested parties

1	with the necessary access to evaluate data in a more
2	comprehensive way.
3	SEC. 3. MATERIAL IN ONLINE PUBLIC INSPECTION FILE RE
4	QUIRED TO BE IN MACHINE-READABLE FOR
5	MAT.
6	(a) Definitions.—In this section:
7	(1) Commission.—The term "Commission"
8	means the Federal Communications Commission.
9	(2) COVERED ENTITY.—The term "covered en
10	tity" means a full-powered television broadcast sta
11	tion, class A television system, AM or FM radio
12	broadcast station, cable operator, direct broadcas
13	satellite service provider, satellite digital audio radio
14	service provider, or any other entity to which an on
15	line public inspection file requirement applies.
16	(3) Machine-readable.—The term "machine
17	readable" means, with respect to the format of ma
18	terial in a public inspection file, that the format sup
19	ports—
20	(A) the automated searching for particular
21	text within and among documents;
22	(B) the bulk downloading of data con
23	tained in the material;

1	(C) the aggregation, manipulation, sorting
2	and analysis of the data contained in the mate
3	rial; and
4	(D) any other functionality that the Com-
5	mission considers appropriate.
6	(4) Online public inspection file re-
7	QUIREMENT.—The term "online public inspection
8	file requirement" means a requirement for a covered
9	entity to make material in the public inspection file
10	of the entity available on, or upload the material to
11	the online public file database hosted by the Com-
12	mission.
13	(5) Political file.—The term "political file"
14	means, with respect to a covered entity, the file that
15	the entity is required to maintain and make avail-
16	able for public inspection under section 315(e) of the
17	Communications Act of 1934 (47 U.S.C. 315(e)) or
18	under any similar requirement applicable to the enti-
19	ty that is administered by the Commission.
20	(6) Public inspection file.—The term
21	"public inspection file", with respect to a covered en-
22	tity—
23	(A) means the file or files that the entity
24	is required to maintain and make available for

public inspection under section 25.701, 25.702,

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1	73.3526, 73.3527, or 76.1700 of title 47, Code
2	of Federal Regulations (or any successor regu-
3	lation), as applicable to the entity, or under any
4	similar requirement applicable to the entity that
5	is administered by the Commission; and
6	(B) includes any political file that the enti-
7	ty is required to maintain and make available
8	for public inspection.
9	(b) Regulations.—Not later than 180 days after
10	the date of enactment of this Act, the Commission shall
11	promulgate regulations that require a covered entity, to
12	the extent that the entity is required to make material
13	in the public inspection file of the entity available on, or
14	upload the material to, the online public file database
15	hosted by the Commission, to make the material available
16	or upload the material in a format that is machine-read-
17	able.
18	(e) Applicability.—
19	(1) Covered entities.—
20	(A) In general.—Except as provided in
21	subparagraph (B), the regulations promulgated
22	under subsection (b) shall apply—
23	(i) to a covered entity for which an
24	online public inspection file requirement is

1	in effect on the date of the promulgation
2	of such regulations—
3	(I) with respect to the political
4	file portion of the public inspection
5	file, beginning not later than the date
6	that is 60 days after the date of such
7	promulgation; and
8	(II) with respect to the other por-
9	tions of the public inspection file, at
10	the same time as the regulations
11	apply under subclause (I) with respect
12	to the political file portion of the pub-
13	lic inspection file or as soon thereafter
14	as the Commission considers prac-
15	ticable; and
16	(ii) to a covered entity for which an
17	online public inspection file requirement
18	becomes effective after the date of the pro-
19	mulgation of the regulations—
20	(I) with respect to the political
21	file portion of the public inspection
22	file, beginning on the later of—
23	(aa) the date of applicability
24	of the regulations under clause
25	(i)(I); or

1	(bb) the date on which the
2	online public inspection file re-
3	quirement becomes effective for
4	the entity; and
5	(II) with respect to the other por-
6	tions of the public inspection file, at
7	the same time as the regulations
8	apply under subclause (I) with respect
9	to the political file portion of the pub-
10	lic inspection file or as soon thereafter
11	as the Commission considers prac-
12	ticable.
13	(B) Extensions for good cause.—The
14	Commission may extend a deadline under sub-
15	paragraph (A) for a specific covered entity or a
16	group of covered entities for good cause.
17	(2) New Material only.—The regulations
18	promulgated under subsection (b) shall apply only to
19	material in the public inspection file of a covered en-
20	tity that is newly generated on or after the date of
21	the promulgation of the regulations.

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