

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.

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## 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

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## 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”.

1 **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.

8 (2) Open data principles are essential for trans-  
9 parency and efficiency in government.

10 (3) In 2012, the Federal Communications Com-  
11 mission required television broadcast stations to post  
12 on an online database hosted by the Commission cer-  
13 tain materials in the files that those stations are re-  
14 quired to maintain and make available for public in-  
15 spection, including important information about the  
16 purchasing of political advertisements. In 2016, the  
17 Commission extended the online public inspection  
18 file requirement to providers of cable and satellite  
19 television service, radio broadcast stations, and pro-  
20 viders of satellite radio service.

21 (4) The Commission declined to require those  
22 materials to be machine-readable, deciding at the  
23 time that it was more important to get the informa-  
24 tion online faster.

25 (5) Machine readability is a critical component  
26 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 broadcast  
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  
25 public inspection under section 25.701, 25.702,

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          (c) 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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