

115TH CONGRESS
1ST SESSION

H. R. 1440

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

MARCH 8, 2017

Mr. BEN RAY LUJÁN of New Mexico (for himself, Mr. YARMUTH, Mr. WELCH, Mr. KHANNA, Mr. CONYERS, Mr. COHEN, Mr. PALLONE, Mr. BUTTERFIELD, Mr. SARBANES, Mrs. DAVIS of California, Mr. MCNERNEY, Ms. ESHOO, Mr. RASKIN, Ms. SHEA-PORTER, Ms. JACKSON LEE, Mr. POCAN, Ms. SCHAKOWSKY, Mr. O'HALLERAN, Mr. QUIGLEY, Mr. NORCROSS, Ms. NORTON, Mr. TONKO, Mr. LOEBSACK, Ms. MCCOLLUM, Mr. KEATING, Mr. RUIZ, Ms. KAPTUR, Ms. BROWNLEY of California, Mr. EVANS, 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On May 9, 2013, President Barack Obama
4 issued an Executive order that made open and ma-
5 chine-readable data the new default for Government
6 information.

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

9 (3) In 2012, the Federal Communications Com-
10 mission required television broadcast stations to
11 place on the Internet website of the Commission cer-
12 tain materials in the files such stations are required
13 to maintain and make available for public inspection,
14 including important information about the pur-
15 chasing of political advertisements. In 2016, the
16 Commission extended the online public inspection
17 file requirement to providers of cable and satellite
18 television service, radio broadcast stations, and pro-
19 viders of satellite radio service.

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

24 (5) Machine readability is a critical component
25 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) REGULATIONS.—Not later than 180 days after
7 the date of the enactment of this Act, the Commission
8 shall promulgate regulations that require a covered entity,
9 to the extent such entity is required to make material in
10 the public inspection file of such entity available on, or
11 upload such material to, an Internet website, to make such
12 material available or upload such material in a format that
13 is machine-readable.

14 (b) APPLICABILITY.—The regulations promulgated
15 under subsection (a) shall apply—

16 (1) to a covered entity for which an online pub-
17 lic inspection file requirement is in effect on the date
18 of the promulgation of such regulations—

19 (A) with respect to the political file portion
20 of the public inspection file, beginning not later
21 than the date that is 60 days after the date of
22 such promulgation; and

23 (B) with respect to the other portions of
24 the public inspection file, at the same time as
25 such regulations apply under subparagraph (A)

1 with respect to the political file portion of the
 2 public inspection file or as soon thereafter as
 3 the Commission considers practicable; and

4 (2) to a covered entity for which an online pub-
 5 lic inspection file requirement becomes effective after
 6 the date of the promulgation of such regulations—

7 (A) with respect to the political file portion
 8 of the public inspection file, beginning on the
 9 later of—

10 (i) the date of applicability of such
 11 regulations under paragraph (1)(A); or

12 (ii) the date on which the online pub-
 13 lic inspection file requirement becomes ef-
 14 fective for such entity; and

15 (B) with respect to the other portions of
 16 the public inspection file, at the same time as
 17 such regulations apply under subparagraph (A)
 18 with respect to the political file portion of the
 19 public inspection file or as soon thereafter as
 20 the Commission considers practicable.

21 (c) DEFINITIONS.—In this section:

22 (1) COMMISSION.—The term “Commission”
 23 means the Federal Communications Commission.

24 (2) COVERED ENTITY.—The term “covered en-
 25 tity” means a television broadcast station, AM or

1 FM radio broadcast station, cable operator, direct
2 broadcast satellite service provider, or satellite dig-
3 ital audio radio service provider.

4 (3) MACHINE-READABLE.—The term “machine-
5 readable” means, with respect to the format of ma-
6 terial in a public inspection file, that such format
7 supports the automated searching for particular text
8 within and among documents, the bulk downloading
9 of data contained in such material, the aggregation,
10 manipulation, sorting, and analysis of the data con-
11 tained in such material, and such other functionality
12 as the Commission considers appropriate.

13 (4) ONLINE PUBLIC INSPECTION FILE RE-
14 QUIREMENT.—The term “online public inspection
15 file requirement” means a requirement for a covered
16 entity to make material in the public inspection file
17 of such entity available on, or upload such material
18 to, an Internet website.

19 (5) POLITICAL FILE.—The term “political file”
20 means, with respect to a covered entity, the file that
21 such entity is required to maintain and make avail-
22 able for public inspection under section 315(e) of the
23 Communications Act of 1934 (47 U.S.C. 315(e)) or
24 under any similar requirement applicable to such en-
25 tity that is administered by the Commission.

1 (6) PUBLIC INSPECTION FILE.—The term
2 “public inspection file”, with respect to a covered en-
3 tity—

4 (A) means the file or files that such entity
5 is required to maintain and make available for
6 public inspection under section 25.701, 25.702,
7 73.3526, 73.3527, or 76.1700 of title 47, Code
8 of Federal Regulations (or any successor regu-
9 lation), as applicable to such entity, or under
10 any similar requirement applicable to such enti-
11 ty that is administered by the Commission; and

12 (B) includes any political file that such en-
13 tity is required to maintain and make available
14 for public inspection.

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