

114TH CONGRESS
1ST SESSION

H. R. 4179

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

DECEMBER 3, 2015

Mr. BEN RAY LUJÁN of New Mexico (for himself, Mr. PALLONE, Ms. ESHOO, Mr. YARMUTH, Mr. WELCH, Ms. MATSUI, Mr. MICHAEL F. DOYLE of Pennsylvania, and Ms. CLARKE of New York) 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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

7 (3) In 2012, the Federal Communications Com-
8 mission required television stations to place on the
9 Internet website of the Commission certain materials
10 in the files such stations are required to maintain
11 and make available for public inspection, including
12 important information about the purchasing of polit-
13 ical advertisements.

14 (4) The Commission declined to require such
15 materials to be machine-readable, deciding at the
16 time that it was more important to get the informa-
17 tion online faster.

18 (5) Machine readability is a critical component
19 of open government and provides interested parties
20 with the necessary access to evaluate data in a more
21 comprehensive way.

1 **SEC. 3. MATERIAL IN ONLINE PUBLIC INSPECTION FILE RE-**
2 **QUIRED TO BE IN MACHINE-READABLE FOR-**
3 **MAT.**

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

12 (b) APPLICABILITY.—The regulations promulgated
13 under subsection (a) shall apply—

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

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

21 (B) with respect to the other portions of
22 the public inspection file, at the same time as
23 such regulations apply under subparagraph (A)
24 with respect to the political file portion of the
25 public inspection file or as soon thereafter as
26 the Commission considers practicable; and

(2) to a covered entity for which an online public inspection file requirement becomes effective after the date of the promulgation of such regulations—

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

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

(ii) the date on which the online public inspection file requirement becomes effective for such entity; and

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

(c) DEFINITIONS.—In this section:

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

(2) COVERED ENTITY.—The term “covered entity” means a television broadcast station, AM or FM radio broadcast station, cable operator, direct broadcast satellite service provider, or satellite digital audio radio service provider.

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

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

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

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

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

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