

117TH CONGRESS
1ST SESSION

S. 2152

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 SENATE OF THE UNITED STATES

JUNE 21, 2021

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 Executive Order 13642 (78 Fed. Reg. 28111
3 (May 14, 2013)), which made open and machine-
4 readable data the new default for Federal Govern-
5 ment information.

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

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

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

23 (5) Machine readability is a critical component
24 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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