

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5564  
OFFERED BY MS. CLARKE OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Enhancing Diversity  
3 and Inclusion by Verifying and Ensuring the Reporting  
4 required by Statute Is Transpiring and Yielding Data  
5 Act” or the “Enhancing DIVERSITY Data Act”.

**6 SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Recognizing the long history of exclusion of  
9 women and people of color from media resources in  
10 the United States, promoting diversity, localism, and  
11 inclusion in the broadcast and multichannel video  
12 programming distributor industries is a compelling  
13 government interest.

14 (2) The Federal Communications Commission  
15 has the statutory obligation and authority to require  
16 employment reports for all broadcasters and multi-  
17 channel video programming distributors.

1 **SEC. 3. MEDIA EMPLOYMENT, OWNERSHIP, AND DIVERSITY**

2 **REPORTING.**

3 (a) REQUIREMENTS.—

4 (1) EMPLOYMENT DATA.—

5 (A) COMPLETION OF RULEMAKING PRO-  
6 CEEDING REGARDING PUBLIC ACCESS.—Not  
7 later than 18 months after the date of the en-  
8 actment of this Act, the Commission, after ad-  
9 ditional notice and opportunity for comment,  
10 shall complete the rulemaking proceeding in the  
11 Fourth Notice of Proposed Rulemaking (FCC  
12 04–103) in the matter of Review of the Com-  
13 mission’s Broadcast and Cable Equal Employ-  
14 ment Opportunity Rules and Policies (MM  
15 Docket No. 98–204).

16 (B) DEADLINE TO BEGIN COLLECTION.—

17 Not later than 1 year after the completion of  
18 the rulemaking proceeding described in sub-  
19 paragraph (A), the Commission shall begin col-  
20 lecting employment data using FCC Form 395-  
21 A and FCC Form 395-B (or any successor  
22 forms).

23 (C) PROHIBITIONS.—The Commission may  
24 not use employment data collected using FCC  
25 Form 395-A or FCC Form 395-B (or any suc-  
26 cessor forms)—

1 (i) to review any application for a  
2 broadcast license, the renewal of such a li-  
3 cense, or the transfer, assignment, or dis-  
4 posal of such a license under section  
5 310(d) of the Communications Act of 1934  
6 (47 U.S.C. 310(d)); or

7 (ii) to assess compliance with any pro-  
8 vision of law enforced by the Commission  
9 or any rule issued by the Commission.

10 (D) INCLUSION OF ANALYSIS OF EMPLOY-  
11 MENT DATA IN COMMUNICATIONS MARKET-  
12 PLACE REPORT.—Section 13(d)(3) of the Com-  
13 munications Act of 1934 (47 U.S.C. 163(d)(3))  
14 is amended by inserting before the period at the  
15 end the following: “and include in the report re-  
16 quired by subsection (a) an analysis of the em-  
17 ployment data collected using FCC Form 395-  
18 A and FCC Form 395-B (or any successor  
19 forms), as such data relates to such barriers  
20 and such national policy”.

21 (2) OWNERSHIP DATABASE.—

22 (A) IN GENERAL.—Not later than 2 years  
23 after the date of the enactment of this Act, the  
24 Commission shall create a database that con-  
25 tains the ownership data of broadcast station li-

1           censees to the extent such data is otherwise col-  
2           lected, and made public, by the Commission.

3           (B) REQUIREMENTS.—The database re-  
4           quired by subparagraph (A) shall be accessible  
5           on the website of the Commission, searchable  
6           by the public, and capable of being used to  
7           produce reports identifying any or all of the fol-  
8           lowing:

9                   (i) Ownership data with respect to  
10                  any licensee.

11                  (ii) Ownership interests of any li-  
12                  censee.

13                  (iii) Industry-wide statistics.

14                  (iv) Statistics for particular geo-  
15                  graphic regions.

16                  (v) Statistics for particular licensee  
17                  classifications.

18           (b) COMMISSION DEFINED.—In this section, the term  
19           “Commission” means the Federal Communications Com-  
20           mission.

          Amend the title so as to read: “A bill to amend the  
Communications Act of 1934 to provide for certain re-  
quirements with respect to media employment, ownership,  
and diversity reporting, and for other purposes.”.

