

117TH CONGRESS  
1ST SESSION

# H. R. 5836

To amend the Communications Act of 1934 to provide for certain requirements with respect to media employment, ownership, and diversity reporting, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2021

Ms. CLARKE of New York introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to provide for certain requirements with respect to media employment, ownership, and diversity reporting, and for other purposes.

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 “Enhancing Diversity  
5 and Inclusion by Verifying and Ensuring the Reporting  
6 required by Statute Is Transpiring and Yielding Data  
7 Act” or the “Enhancing DIVERSITY Data Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Recognizing the long history of exclusion of  
4 women and people of color from media resources in  
5 the United States, promoting diversity, localism, and  
6 inclusion in the broadcast and multichannel video  
7 programming distributor industries is a compelling  
8 government interest.

9 (2) The Federal Communications Commission  
10 has the statutory obligation and authority to require  
11 employment reports for all broadcasters and multi-  
12 channel video programming distributors.

13 **SEC. 3. MEDIA EMPLOYMENT, OWNERSHIP, AND DIVERSITY**  
14 **REPORTING.**

15 (a) REQUIREMENTS.—

16 (1) EMPLOYMENT DATA.—

17 (A) COMPLETION OF RULEMAKING PRO-  
18 CEEDING REGARDING PUBLIC ACCESS.—Not  
19 later than 18 months after the date of the en-  
20 actment of this Act, the Commission, after ad-  
21 ditional notice and opportunity for comment,  
22 shall complete the rulemaking proceeding in the  
23 Fourth Notice of Proposed Rulemaking (FCC  
24 04–103) in the matter of Review of the Com-  
25 mission’s Broadcast and Cable Equal Employ-

ment Opportunity Rules and Policies (MM  
Docket No. 98–204).

(B) DEADLINE TO BEGIN COLLECTION.—

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

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

(i) to review broadcast license applica-  
tions or broadcast license renewal applica-  
tions; or

(ii) to assess compliance with the  
equal employment opportunity rules of the  
Commission.

(D) INCLUSION OF ANALYSIS OF EMPLOY-  
MENT DATA IN COMMUNICATIONS MARKET-  
PLACE REPORT.—Section 13(d)(3) of the Com-  
munications Act of 1934 (47 U.S.C. 163(d)(3))  
is amended by inserting before the period at the  
end the following: “and include in the report re-

quired by subsection (a) an analysis of the employment data collected using FCC Form 395–A and FCC Form 395–B (or any successor forms), as such data relates to such barriers and such national policy”.

(2) OWNERSHIP DATABASE.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commission shall create a database that contains the ownership data of television broadcast station licensees to the extent such data is otherwise collected, and made public, by the Commission.

(B) REQUIREMENTS.—The database required by subparagraph (A) shall be accessible on the website of the Commission, searchable by the public, and capable of being used to produce reports identifying any or all of the following:

(i) Ownership data with respect to any licensee.

(ii) Ownership interests of any licensee.

(iii) Industry-wide statistics.

1 (iv) Statistics for particular geo-  
2 graphic regions.

3 (v) Statistics for particular licensee  
4 classifications.

5 (b) COMMISSION DEFINED.—In this section, the term  
6 “Commission” means the Federal Communications Com-  
7 mission.

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