

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1084  
OFFERED BY MS. ESHOO OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Commercial Advertise-  
3 ment Loudness Mitigation Act”.

**4 SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.**

5       (a) **REGULATION REQUIRED.**—Within 1 year after  
6 the date of enactment of this Act, the Federal Commu-  
7 nications Commission shall prescribe pursuant to the  
8 Communications Act of 1934 (47 U.S.C. 151 et seq.) a  
9 regulation that incorporates by reference the “Rec-  
10 ommended Practice: Techniques for Establishing and  
11 Maintaining Audio Loudness for Digital Television” (A/  
12 85), and any successor thereto, approved by the Advanced  
13 Television Systems Committee, only insofar as such rec-  
14 ommended practice concerns the transmission of commer-  
15 cial advertisements by a television broadcast station, cable  
16 operator, or other multichannel video programming dis-  
17 tributor.

18       (b) **IMPLEMENTATION.**—

1           (1) EFFECTIVE DATE.—The Federal Commu-  
2           nications Commission shall prescribe that the regula-  
3           tion adopted pursuant to subsection (a) shall become  
4           effective 1 year after the date of adoption.

5           (2) WAIVER.—For any television broadcast sta-  
6           tion, cable operator, or other multichannel video pro-  
7           gramming distributor that demonstrates that obtain-  
8           ing the equipment to comply with the regulation  
9           adopted pursuant to subsection (a) would result in  
10          severe financial hardship, the Federal Communica-  
11          tions Commission may grant a waiver of the effec-  
12          tive date set forth in paragraph (1) for 1 year and  
13          may renew such waiver for 1 additional year.

14          (c) DEFINITIONS.—For purposes of this section—

15                 (1) the term “television broadcast station” has  
16                 the meaning given such term in section 325 of the  
17                 Communications Act of 1934 (47 U.S.C. 325); and

18                 (2) the terms “cable operator” and “multi-  
19                 channel video programming distributor” have the  
20                 meanings given such terms in section 602 of Com-  
21                 munications Act of 1934 (47 U.S.C. 522).

