

Suspend the Rules and Pass the Bill, H.R. 1084, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

111TH CONGRESS
1ST SESSION

H. R. 1084

To require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Ms. ESHOO (for herself, Mr. DOYLE, Mr. GEORGE MILLER of California, Ms. SUTTON, Mr. SIRES, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, Ms. WATSON, Ms. SCHWARTZ, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. HARE, Mr. HONDA, Mr. CAPUANO, Ms. SPEIER, Mr. GENE GREEN of Texas, Mr. DICKS, Mr. CROWLEY, Ms. LEE of California, and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commercial Advertise-
3 ment Loudness Mitigation Act” or the “CALM 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 is limited to incorporating by reference and
10 making mandatory (subject to any waivers the Commis-
11 sion may grant pursuant to subsection (b)(2)) the “Rec-
12 ommended Practice: Techniques for Establishing and
13 Maintaining Audio Loudness for Digital Television” (A/
14 85), and any successor thereto, approved by the Advanced
15 Television Systems Committee, only insofar as such rec-
16 ommended practice concerns the transmission of commer-
17 cial advertisements by a television broadcast station, cable
18 operator, or other multichannel video programming dis-
19 tributor.

20 (b) **IMPLEMENTATION.**—

21 (1) **EFFECTIVE DATE.**—The Federal Commu-
22 nications Commission shall prescribe that the regula-
23 tion adopted pursuant to subsection (a) shall become
24 effective 1 year after the date of its adoption.

25 (2) **WAIVER.**—For any television broadcast sta-
26 tion, cable operator, or other multichannel video pro-

1 gramming distributor that demonstrates that obtain-
2 ing the equipment to comply with the regulation
3 adopted pursuant to subsection (a) would result in
4 financial hardship, the Federal Communications
5 Commission may grant a waiver of the effective date
6 set forth in paragraph (1) for 1 year and may renew
7 such waiver for 1 additional year.

8 (e) DEFINITIONS.—For purposes of this section—

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

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