

Calendar No. 625

111TH CONGRESS
2^D SESSION

S. 2847

To regulate the volume of audio on commercials.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2009

Mr. WHITEHOUSE (for himself, Mr. SCHUMER, Mr. JOHNSON, Mrs. MURRAY, Mr. BROWN of Ohio, Mr. NELSON of Florida, Mrs. MCCASKILL, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 28, 2010

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To regulate the volume of audio on commercials.

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 “Commercial Advertise-~~
5 ~~ment Loudness Mitigation Act” or the “CALM Act”.~~

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

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

15 (b) **IMPLEMENTATION.**—

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

20 (2) **WAIVER.**—For any television broadcast sta-
21 tion, cable operator, or other multichannel video pro-
22 gramming distributor that demonstrates that obtain-
23 ing the equipment to comply with the regulation
24 adopted pursuant to subsection (a) would result in
25 financial hardship, the Federal Communications
26 Commission may grant a waiver of the effective date

1 set forth in paragraph (1) for 1 year and may renew
2 such waiver for 1 additional year.

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

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

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

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Commercial Advertise-*
13 *ment Loudness Mitigation Act” or the “CALM Act”.*

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

15 (a) *RULEMAKING REQUIRED.*—*Within 1 year after the*
16 *date of enactment of this Act, the Federal Communications*
17 *Commission shall prescribe pursuant to the Communica-*
18 *tions Act of 1934 (47 U.S.C. 151 et seq.) a regulation that*
19 *is limited to incorporating by reference and making man-*
20 *datory (subject to any waivers the Commission may grant)*
21 *the “Recommended Practice: Techniques for Establishing*
22 *and Maintaining Audio Loudness for Digital Television”*
23 *(A/85), and any successor thereto, approved by the Ad-*
24 *vanced Television Systems Committee, only insofar as such*
25 *recommended practice concerns the transmission of com-*

1 *mercial advertisements by a television broadcast station,*
2 *cable operator, or other multichannel video programming*
3 *distributor.*

4 *(b) IMPLEMENTATION.—*

5 *(1) EFFECTIVE DATE.—The Federal Communica-*
6 *tions Commission shall prescribe that the regulation*
7 *adopted pursuant to subsection (a) shall become effec-*
8 *tive 1 year after the date of its adoption.*

9 *(2) WAIVER.—For any television broadcast sta-*
10 *tion, cable operator, or other multichannel video pro-*
11 *gramming distributor that demonstrates that obtain-*
12 *ing the equipment to comply with the regulation*
13 *adopted pursuant to subsection (a) would result in fi-*
14 *nancial hardship, the Federal Communications Com-*
15 *mission may grant a waiver of the effective date set*
16 *forth in paragraph (1) for 1 year and may renew*
17 *such waiver for 1 additional year.*

18 *(3) WAIVER AUTHORITY.—Nothing in this sec-*
19 *tion affects the Commission's authority under section*
20 *1.3 of its rules (47 C.F.R. 1.3) to waive any rule re-*
21 *quired by this Act, or the application of any such*
22 *rule, for good cause shown to a television broadcast*
23 *station, cable operator, or other multichannel video*
24 *programming distributor, or to a class of such sta-*
25 *tions, operators, or distributors.*

1 (c) *DEFINITIONS.*—*For purposes of this section—*

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

5 (2) *the terms “cable operator” and “multi-chan-*
6 *nel video programming distributor” have the mean-*
7 *ings given such terms in section 602 of Communica-*
8 *tions Act of 1934 (47 U.S.C. 522).*

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