

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1084

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## AN ACT

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       (c) 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).

Passed the House of Representatives December 15,  
2009.

Attest:

*Clerk.*

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