

The point of no quorum is considered withdrawn.

□ 1830

# COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

Ms. ESHOO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2847

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Advertisement Loudness Mitigation Act” or the “CALM Act”.

## SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) **RULEMAKING REQUIRED.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television” (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) **IMPLEMENTATION.**—

(1) **EFFECTIVE DATE.**—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) **WAIVER.**—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) **WAIVER AUTHORITY.**—Nothing in this section affects the Commission’s authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) **COMPLIANCE.**—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) **DEFINITIONS.**—For purposes of this section—

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

(2) the terms “cable operator” and “multichannel video programming distributor”

have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ESHOO) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

## GENERAL LEAVE

Ms. ESHOO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening to urge my colleagues to vote in favor of a bill designed to eliminate the ear-splitting levels of television advertisements and return control of television sound modulation to the American consumer. A vote for this bipartisan bill with 90 cosponsors will send it on to the President for his signature, and when he signs it, it will bring relief to millions of television viewers across the country.

I first introduced the CALM Act more than 3 years ago in the previous Congress. The premise of the bill then, as now, was simple, to make the volume of commercials and regular programming uniform so consumers can control sound levels.

The problem with ear-splitting TV advertisements has existed for more than 50 years—not 5, 50. Television advertisers first realized that consumers often left the room during commercials, so they used loud commercials to grab their attention as they moved to other parts of their home. This has been one of the top complaints to the Federal Communications Commission for decades.

The bill directs the FCC to adopt the engineering standards recommended by the body that sets the technical standards for digital television as mandatory rules within 1 year. These standards were developed when I introduced the legislation in the last Congress.

So now we don’t have to wait another 50 years for a solution. With the passage of this legislation, we will end the practice of consumers being subjected to advertisements that are ridiculously loud, and we can protect people from needlessly loud noise spikes that can actually harm their hearing. This technical fix is long overdue, and under the CALM Act, as amended by the Senate, consumers will be in the driver’s seat.

I look forward to the enactment of this bill, but most importantly, so do millions of consumers across the country. So I urge my colleagues to vote for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

How many times a night does this scenario play out: You’re on your couch and you’re watching a nice program. The program has people conversing and it’s getting to that pinnacle point in the show and it fades, and the commercial comes on and it’s really loud. You reach for your remote and you can’t find the remote. Your spouse in the other room, with her impatient voice, says, Turn that down, but you can’t find the remote. You say, where is that blanked-out remote. Then you look between the cushions and there it is. You hit the mute button, and peace and calm is now restored in the living rooms of thousands of American households.

Several of my colleagues, people in this House, have said that this act isn’t needed, but for that living room on that night it was sure helpful to restore calm. The Commercial Advertisement Loudness Mitigation, or CALM Act, is why we are here today. Some say, and especially coming on the heels of the last bill, a Diabetes Awareness Month bill, that maybe there are more important issues to deal with; well, not for that family in that living room on that night.

I do want to point out one thing here in that the industry has recognized that there is an issue with the loudness of the commercials. On November 5, 2009, the Advanced Television Systems Committee, ATSC, announced the approval of an industry standard, the “ATSC Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television,” which provides guidance to creators and distributors of TV content focusing on audio measurement, audio monitoring techniques, and methods to control loudness. It’s not as easy as we may think to control that, especially when you come off of a calm commercial or a show into a more boisterous commercial.

Now this bill has been amended in the Senate to codify that standard that has been developed by the experts. The industry will move to solve the purported concerns by simply moving to comply with that consensus standard. Furthermore, the act would create a kind of “safe harbor” by deeming an operator that installs, utilizes and maintains the appropriate equipment and software in compliance with the act.

Now while many Members may feel that there are more important issues for this Congress to deal with, this is the issue at hand. And as a member of the Energy and Commerce Committee where this went through regular order of subcommittee and committee, we stand in support.

Mr. Speaker, I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, in closing, I would like to thank all of the staff, both at the committee and certainly at my office, that have worked hard on

this bill over the last 3 years. And I would like to thank Mr. TERRY for the remarks that he made about the legislation.

This really is a very simple bill. It started out as a one-page bill, it's now maybe two and a few lines. It was never drafted with the intent that it would solve some of the great, great challenges that are facing our country. It is a small bill, but it is consumer friendly. And it does recognize the complaints that the American people have registered with the FCC over the last 50 years; in fact, it's been the top complaint.

I want to thank the broadcasters for working with us, for those that came up with the technology, the technology standard that will be the national standard for broadcasters, satellite and cable.

Again, I would like to thank all that were involved in this and urge my colleagues to vote for this bill. I think that we will have more peace in homes across the country, as Mr. TERRY described it.

Mr. GENE GREEN of Texas. Mr. Speaker, I am an original cosponsor of the House companion to the bill we are considering today.

I appreciate the leadership shown by Congresswoman ESHOO, who introduced the CALM Act and moved it through our committee and saw it passed by voice vote on the floor late last year.

I am pleased we have the opportunity to consider these measures once again, because I believe it is important to set some boundaries for reasonable practices for television advertisements.

Perhaps only during the Super Bowl do Americans actually look forward to television commercials.

The rest of the time, most of us are mildly inconvenienced but understand that this short time spent watching ads allows for the programming we enjoy.

What has become increasingly prevalent and extremely disruptive is the distinctly higher volume of sound of these commercials compared with the volume of the programming. There is a significant difference and it interferes with the viewer's ability to enjoy the experience.

This bill will effectively end this discrepancy in volume.

I believe that this is reasonable regulation and preserves the viewers' ability to control their own electronic devices without wildly fluctuating sound.

I urge my colleagues to support this bill.

Ms. ESHOO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ESHOO) that the House suspend the rules and pass the bill, S. 2847.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1840

#### CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1735) condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1735

Whereas Yeonpyeong Island is a South Korean island in the Yellow Sea, inhabited by over 1,000 South Korean civilians and military personnel;

Whereas, on November 23, 2010, at approximately 2:34 p.m. local time, the North Korean military began firing artillery shells at Yeonpyeong Island;

Whereas North Korea fired over 100 artillery shells, causing considerable harm and damage;

Whereas the artillery barrage killed 2 South Korean marines, 2 civilians, and wounded at least 19 others;

Whereas the USS George Washington Carrier Strike Group is conducting exercises with Republic of Korea naval forces in the waters west of the Korean Peninsula;

Whereas North Korea's shelling of Yeonpyeong Island follows the hostile torpedo attack against the South Korean naval vessel Cheonan on March 26, 2010, that killed 46 sailors;

Whereas the North Korean artillery barrage was one of the most serious attacks on civilians since the Korean War, and press reports indicate the highest levels of North Korea's government ordered the attack;

Whereas the recent disclosure of a newly operational North Korean uranium enrichment plant is a violation of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009); and

Whereas the United States is firmly committed to the defense of South Korea and to the maintenance of regional peace and stability: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns North Korea in the strongest terms for its unprovoked military attack against South Korea in violation of the Korean War Armistice Agreement and for causing civilian casualties;

(2) calls for North Korea to renounce further acts of aggression and abide by the terms of the Korean War Armistice Agreement and its international obligations;

(3) expresses its deep condolences and sympathy to the South Korean victims and their families;

(4) stands in solidarity with the people and Government of the Republic of Korea at this time of national crisis;

(5) reaffirms its strong commitment to the alliance between the United States and the Republic of Korea, the security of South Korea, and stability on the Korean Peninsula;

(6) supports further close, security cooperation between the United States and the Republic of Korea;

(7) encourages continued dialogue and cooperation between the United States and

United States allies and other countries in the region in the interests of enhancing peace and security in the Asia-Pacific region;

(8) calls on China to restrain North Korea, its treaty ally, from further acts of belligerence and to work constructively with the international community to promote regional stability;

(9) calls upon North Korea to immediately cease any and all uranium enrichment activities and take concrete steps to dismantle, under international verification and assistance, all sensitive nuclear facilities, in accordance with United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009); and

(10) urges responsible nations to abide by United Nations Security Council Resolutions 1695, 1718, and 1874, and to fully implement the sanctions and other obligations contained therein.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

##### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

A little over a week ago on November 23, North Korea launched a brazen daytime artillery barrage on a South Korean island inhabited by civilians. North Korea fired over 100 rounds at Yeonpyeong Island, killing two South Korean civilians and two young Marines. The shelling also caused considerable damage to the island.

This provocative military act by North Korea was one of the most serious attacks involving civilians since the end of the Korean War and is in violation of the Armistice Agreement.

This bipartisan resolution strongly condemns North Korea's unprovoked attack, calls on the North to renounce further acts of aggression and abide by the terms of the Armistice Agreement.

I would also like to express my deepest sympathies and condolences to the South Korean victims and their families.

This resolution expresses the House of Representatives' firm solidarity with the people and the government of South Korea. We stand shoulder-to-shoulder with them at this time of national crisis.

This resolution also expresses support for the continued close security cooperation between the United States and South Korea and for the alliance between our two nations. Indeed, a U.S. aircraft carrier strike group is currently conducting exercises with the