

111TH CONGRESS  
1ST SESSION

# S. 2847

To regulate the volume of audio on commercials.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2009

Mr. WHITEHOUSE (for himself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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”.

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

7 (a) **RULEMAKING REQUIRED.**—Within 1 year after  
8 the date of enactment of this Act, the Federal Commu-  
9 nications Commission shall prescribe pursuant to the  
10 Communications Act of 1934 (47 U.S.C. 151 et seq.) a  
11 regulation that is limited to incorporating by reference the

1 “Recommended Practice: Techniques for Establishing and  
2 Maintaining Audio Loudness for Digital Television” (A/  
3 85), and any successor thereto, approved by the Advanced  
4 Television Systems Committee, only insofar as such rec-  
5 ommended practice concerns the transmission of commer-  
6 cial advertisements by a television broadcast station, cable  
7 operator, or other multichannel video programming dis-  
8 tributor.

9 (b) IMPLEMENTATION.—

10 (1) EFFECTIVE DATE.—The Federal Commu-  
11 nications Commission shall prescribe that the regula-  
12 tion adopted pursuant to subsection (a) shall become  
13 effective 1 year after the date of its adoption.

14 (2) WAIVER.—For any television broadcast sta-  
15 tion, cable operator, or other multichannel video pro-  
16 gramming distributor that demonstrates that obtain-  
17 ing the equipment to comply with the regulation  
18 adopted pursuant to subsection (a) would result in  
19 financial hardship, the Federal Communications  
20 Commission may grant a waiver of the effective date  
21 set forth in paragraph (1) for 1 year and may renew  
22 such waiver for 1 additional year.

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

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

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

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