

## COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

June 7, 2010

Purpose: To clarify the FCC's waiver authority under the bill.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION—111TH Cong., 2D Sess.**

**S. 2847**, 111TH Congress, 2D Session

JUNE 9, 2010

INTENDED to be proposed by Mr. ROCKEFELLER

Viz: Strike out all after the enacting clause and insert the following:

**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) RULEMAKING 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) the “Recommended Practice: Techniques  
12 for Establishing and Maintaining Audio Loudness for Dig-

1 ital Television” (A/85), and any successor thereto, ap-  
2 proved by the Advanced Television Systems Committee,  
3 only insofar as such recommended practice concerns the  
4 transmission of commercial advertisements by a television  
5 broadcast station, cable operator, or other multichannel  
6 video programming distributor.

7 (b) IMPLEMENTATION.—

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

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

21 (3) WAIVER AUTHORITY.—Nothing in this sec-  
22 tion affects the Commission’s authority under sec-  
23 tion 1.3 of its rules (47 C.F.R. 1.3) to waive any  
24 rule required by this Act, or the application of any  
25 such rule, for good cause shown to a television

1 broadcast station, cable operator, or other multi-  
2 channel video programming distributor, or to a class  
3 of such stations, operators, or distributors.

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

- 5 (1) the term “television broadcast station” has  
6 the meaning given such term in section 325 of the  
7 Communications Act of 1934 (47 U.S.C. 325); and  
8 (2) the terms “cable operator” and “multi-  
9 channel video programming distributor” have the  
10 meanings given such terms in section 602 of Com-  
11 munications Act of 1934 (47 U.S.C. 522).

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