

111TH CONGRESS
1ST SESSION

H. R. 1084

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Ms. ESHOO (for herself, Mr. DOYLE, Mr. GEORGE MILLER of California, Ms. SUTTON, Mr. SIRES, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, Ms. WATSON, Ms. SCHWARTZ, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. HARE, Mr. HONDA, Mr. CAPUANO, Ms. SPEIER, Mr. GENE GREEN of Texas, Mr. DICKS, Mr. CROWLEY, Ms. LEE of California, and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Advertise-
5 ment Loudness Mitigation Act”.

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

2 (a) **REGULATION REQUIRED.**—Within one 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 provides, in connection with any video pro-
7 gramming that is broadcast or that is distributed by any
8 multichannel video programming distributor, that—

9 (1) advertisements accompanying such video
10 programming shall not be excessively noisy or stri-
11 dent;

12 (2) such advertisements shall not be presented
13 at modulation levels substantially higher than the
14 program material that such advertisements accom-
15 pany; and

16 (3) the average maximum loudness of such ad-
17 vertisements shall not be substantially higher than
18 the average maximum loudness of the program ma-
19 terial that such advertisements accompany.

20 (b) **DEFINITIONS.**—For purposes of this section, the
21 terms “video programming” and “multichannel video pro-
22 gramming distributor” have the meanings given such
23 terms in section 602 of Communications Act of 1934 (47
24 U.S.C. 522).

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