



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

April 13, 2021

The Honorable Jessica Rosenworcel,
Acting Chairwoman
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Dear Acting Chairwoman Rosenworcel,

I write to request that the FCC investigate a reported increase in complaints related to loud television advertisements that may violate the CALM Act.

I authored the CALM Act, which President Obama signed into law on December 15, 2010.¹ The statute directs the FCC to issue regulations to limit loudness levels of TV advertisements,² and the Act led to a decrease in complaints about TV ad loudness.

On July 21, 2020, I wrote to then-Chairman Pai, requesting information about complaints related to and enforcement of the CALM Act.³ His response of August 11, 2020, indicated that the FCC has *never* brought an enforcement action under the law, even though the FCC receives thousands of complaints. His response also indicated that CALM Act complaints were increasing in the first half of 2020.⁴ A press report using more recent data shows that complaints increased sharply from April 2020 through February 2021, with the article concluding that "2021 is poised to be the worst year since the initial rollout" of the CALM Act.⁵ This worries me a great deal.

It is for these reasons I ask that the FCC investigate the rise in the loudness of TV advertising complaints and take enforcement actions as appropriate, and I thank you in advance for your consideration of my request.

Most gratefully,

Anna G. Eshoo
Member of Congress

cc: The Honorable Brendan Carr, Commissioner
The Honorable Geoffrey Starks, Commissioner
The Honorable Nathan Simington, Commissioner

¹ CALM Act (Pub. L. 111-311), 47 U.S.C. § 621.

² 47 C.F.R. §§73.682(e) and 76.607

³ Rep. Anna G. Eshoo, Letter to FCC Chairman Ajit Pai, July 21, 2020, <https://docs.fcc.gov/public/attachments/DOC-366308A2.pdf>.

⁴ FCC Chairman Ajit Pai, Letter to Rep. Anna G. Eshoo, August 11, 2021, <https://docs.fcc.gov/public/attachments/DOC-366308A1.pdf>.

⁵ Walt Hickey, "Americans Hate Loud Commercials. There's a Law to Ban Them but the FCC isn't Enforcing It - and Streaming TV Has a Loophole," *Insider* (March 31, 2021), <https://www.businessinsider.com/why-commercials-are-so-loud-streaming-tv-calm-act-2021-3>.