

115TH CONGRESS  
2D SESSION

# S. 3668

To amend the Federal Trade Commission Act to eliminate the common carrier exemption for telecommunications companies.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 28, 2018

Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) 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 amend the Federal Trade Commission Act to eliminate the common carrier exemption for telecommunications companies.

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 “Robocall Elimination  
5 At Last Protecting Every American Consumer’s Ears Act  
6 of 2018” or the “REAL PEACE Act of 2018”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1           (1) illegal robocalls and spam calls are a grow-  
2           ing annoyance and problem for the people of the  
3           United States; and

4           (2) exemptions within the Federal Trade Com-  
5           mission Act (15 U.S.C. 41 et seq.) limit the enforce-  
6           ment capabilities of the Federal Trade Commission  
7           with respect to illegal robocalling and spam calling.

8 **SEC. 3. ELIMINATING THE COMMON CARRIER EXEMPTION**  
9                                   **FOR TELECOMMUNICATIONS COMPANIES.**

10          (a) IN GENERAL.—Section 4 of the Federal Trade  
11          Commission Act (15 U.S.C. 44) is amended by striking  
12          “the Act entitled ‘An Act to regulate commerce,’ approved  
13          February 14, 1887, and all Acts amendatory thereof and  
14          supplementary thereto and the Communications Act of  
15          1934” and inserting “subtitle IV of title 49, United States  
16          Code,”.

17          (b) RULE OF CONSTRUCTION.—Nothing in this Act,  
18          or an amendment made by this Act, may be construed to  
19          displace any authority of the Federal Communications  
20          Commission or the States to take action to protect net  
21          neutrality or otherwise protect consumers and competi-  
22          tion, including in the provision of broadband services.

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