## AMENDMENT TO H.R. 1644 Offered by M\_.

Page 1, beginning on line 6, strike "SEC. 2. RES-TORATION" and all that follows through the end of the bill and insert the following:

## 1 SEC. 2. OPEN INTERNET REQUIREMENTS.

2 (a) TRANSPARENCY.—Any person providing 3 broadband internet access service shall publicly disclose 4 accurate information regarding the network management 5 practices, performance characteristics, and commercial terms of its broadband internet access services sufficient 6 to enable consumers to make informed choices regarding 7 the purchase and use of such services and entrepreneurs 8 9 and other small businesses to develop, market, and maintain internet offerings. The disclosure shall be made via 10 11 a publicly available, easily accessible website.

(b) PROHIBITION ON BLOCKING, IMPAIRMENT AND
DEGRADATION, AND PAID PRIORITIZATION.—A person
engaged in the provision of broadband internet access
service, insofar as the person is so engaged, may not—
(1) block lawful content, applications, services,
or nonharmful devices, subject to reasonable network
management;

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(2) impair or degrade lawful internet traffic on
 the basis of internet content, application, or service,
 or use of a nonharmful device, subject to reasonable
 network management; or

- 5 (3) engage in paid prioritization.
- 6 (c) SAVINGS CLAUSE.—Nothing in this section—

7 (1) supersedes any obligation or authorization a
8 provider of broadband internet access service may
9 have to address the needs of emergency communica10 tions or law enforcement, public safety, or national
11 security authorities, consistent with or as permitted
12 by applicable law, or limits the provider's ability to
13 do so; or

(2) prohibits reasonable efforts by a provider of
broadband internet access service to address copyright infringement or other unlawful activity.

(d) ENFORCEMENT.—The Commission shall implement and enforce this section as if this section is a part
of the Communications Act of 1934 (47 U.S.C. 151 et
seq.). A violation of this section, or a regulation promulgated under this section, shall be considered to be a violation of the Communications Act of 1934, or a regulation
promulgated under such Act, respectively.

24 (e) DEFINITIONS.—In this section:

25 (1) BROADBAND INTERNET ACCESS SERVICE.—

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1	(A) IN GENERAL.—The term "broadband
2	internet access service" means a mass-market
3	retail service by wire or radio that provides the
4	capability to transmit data to and receive data
5	from all or substantially all internet endpoints,
6	including any capabilities that are incidental to
7	and enable the operation of the communications
8	service, but excluding dial-up internet access
9	service.
10	(B) FUNCTIONAL EQUIVALENT; EVA-
11	SION.—The term includes any service that—
12	(i) the Commission finds to be pro-
13	viding a functional equivalent of the service
14	described in subparagraph (A); or
15	(ii) is used to evade the protections
16	set forth in this section.
17	(2) Commission.—The term "Commission"
18	means the Federal Communications Commission.
19	(3) Edge provider.—The term "edge pro-
20	vider" means any individual or entity that provides
21	any content, application, or service over the internet,
22	and any individual or entity that provides a device
23	used for accessing any content, application, or serv-
24	ice over the internet.

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(4) END USER.—The term "end user" means
 any individual or entity that uses a broadband inter net access service.

(5) PAID PRIORITIZATION.—The term "paid 4 5 prioritization" means the management of a 6 broadband provider's network to directly or indi-7 rectly favor some traffic over other traffic, including 8 through the use of techniques such as traffic shap-9 ing, prioritization, resource reservation, or other 10 forms of preferential traffic management, either-

11 (A) in exchange for consideration, mone12 tary or otherwise, from a third party; or

(B) to benefit an affiliated entity.

14 (6) REASONABLE NETWORK MANAGEMENT. The term "reasonable network management" means 15 a practice that has a primarily technical network 16 17 management justification, but does not include other 18 business practices. A network management practice 19 is reasonable if it is primarily used for and tailored 20 to achieving a legitimate network management pur-21 pose, taking into account the particular network ar-22 chitecture and technology of the broadband internet 23 access service.

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Amend the title so as to read: "A bill to provide for open internet requirements for providers of broadband internet access service.".

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