



1           (2) impair or degrade lawful internet traffic on  
2           the basis of internet content, application, or service,  
3           or use of a nonharmful device, subject to reasonable  
4           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 communica-  
10          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

14          (2) prohibits reasonable efforts by a provider of  
15          broadband internet access service to address copy-  
16          right infringement or other unlawful activity.

17          (d) ENFORCEMENT.—The Commission shall imple-  
18          ment and enforce this section as if this section is a part  
19          of the Communications Act of 1934 (47 U.S.C. 151 et  
20          seq.). A violation of this section, or a regulation promul-  
21          gated under this section, shall be considered to be a viola-  
22          tion of the Communications Act of 1934, or a regulation  
23          promulgated under such Act, respectively.

24          (e) DEFINITIONS.—In this section:

25          (1) BROADBAND INTERNET ACCESS SERVICE.—

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.

1           (4) END USER.—The term “end user” means  
2 any individual or entity that uses a broadband inter-  
3 net access service.

4           (5) PAID PRIORITIZATION.—The term “paid  
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, mone-  
12 tary or otherwise, from a third party; or

13                   (B) to benefit an affiliated entity.

14           (6) REASONABLE NETWORK MANAGEMENT.—  
15 The term “reasonable network management” means  
16 a practice that has a primarily technical network  
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.

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

