

**AMENDMENT TO H.R. 1643**  
**OFFERED BY MR. SMITH OF TEXAS**

Page 5, line 8, by striking “7(2)(B)” and inserting “7(2)(A)(ii)”.

Page 10, strike lines 17 through 23, and insert the following:

1           (3) DELIVERED OR TRANSFERRED ELECTRONI-  
2           CALLY; PROVIDED ELECTRONICALLY.—The term  
3           “delivered or transferred electronically” means the  
4           delivery or transfer of a digital good by means other  
5           than tangible storage media, and the term “provided  
6           electronically” means the provision of a digital serv-  
7           ice remotely via electronic means.

Page 11, strike lines 3 through 11, and insert the following:

8           (5) DIGITAL GOOD.—The term “digital good”  
9           means any software or other good that is delivered  
10          or transferred electronically, including sounds, im-  
11          ages, data, facts, or combinations thereof, main-  
12          tained in digital format, where such software or  
13          other good is the true object of the transaction,

1       rather than the activity or service performed to cre-  
2       ate such software or other good, that results in the  
3       delivery to the customer of a complete copy of such  
4       software or other good, with the right to use perma-  
5       nently or for a specified period and includes, as an  
6       incidental component, charges for the delivery or  
7       transfer of such software or other good.

