

115TH CONGRESS  
1ST SESSION

# S. 1013

To amend the Internal Revenue Code of 1986 to provide tax benefits for investments in gigabit opportunity zones.

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IN THE SENATE OF THE UNITED STATES

MAY 3, 2017

Mrs. CAPITO introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to provide tax benefits for investments in gigabit opportunity zones.

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 “Gigabit Opportunity  
5 Act”.

6 **SEC. 2. GIGABIT OPPORTUNITY ZONES.**

7 (a) ESTABLISHMENT OF ZONES AND BENEFITS.—

8 (1) IN GENERAL.—Chapter 1 of the Internal  
9 Revenue Code of 1986 is amended by adding at the  
10 end the following:

## 1   **“Subchapter Z—Gigabit Opportunity Zones**

“Sec. 1400Z-1. Designation.

“Sec. 1400Z-2. Deferral for eligible taxpayer of capital gains invested in gigabit opportunity zones.

“Sec. 1400Z-3. Immediate expensing of qualified gigabit opportunity zone business property.

### 2   **“SEC. 1400Z-1. DESIGNATION.**

3           “(a) QUALIFIED GIGABIT OPPORTUNITY ZONE DE-  
4 FINED.—For the purposes of this subchapter, the term  
5 ‘qualified gigabit opportunity zone’ means a population  
6 census tract that is a low-income community—

7                   “(1) which is located in a jurisdiction—

8                           “(A) that has been certified by Secretary,  
9                           in consultation with the National Telecommuni-  
10                           cations and Information Administration, as  
11                           having adopted the Uniform Model Broadband  
12                           Deployment Act prescribed by the Federal  
13                           Communications Commission pursuant to sec-  
14                           tion 4 of the Gigabit Opportunity Act, or

15                           “(B) which has been determined by the  
16                           Secretary, in consultation with the National  
17                           Telecommunications and Information Adminis-  
18                           tration, to have adopted laws which are com-  
19                           parable to such Model Broadband Development  
20                           Act, and

21                           “(2) which is designated as a qualified gigabit  
22                           opportunity zone.

1 Paragraph (1)(B) shall not apply with respect to any ju-  
 2 risdiction for which a determination has been made after  
 3 the date which is 3 years after the date of the enactment  
 4 of this section.

5 “(b) DESIGNATION.—

6 “(1) IN GENERAL.—For purposes of subsection  
 7 (a)(3), a population census tract that is a low-in-  
 8 come community and which meets the requirements  
 9 of paragraph (1) of subsection (a) is designated as  
 10 a qualified gigabit opportunity zone if—

11 “(A) not later than the end of the deter-  
 12 mination period, the governor of the State in  
 13 which the tract is located—

14 “(i) nominates the tract for designa-  
 15 tion as a qualified gigabit opportunity  
 16 zone, and

17 “(ii) notifies the Secretary in writing  
 18 of such nomination, and

19 “(B) the Secretary certifies such nomina-  
 20 tion and designates such tract as a qualified  
 21 gigabit opportunity zone before the end of the  
 22 consideration period.

23 “(2) EXTENSION OF PERIODS.—A governor  
 24 may request that the Secretary extend either the de-  
 25 termination or consideration period, or both (deter-

1 mined without regard to this subparagraph), for an  
2 additional 30 days.

3 “(c) OTHER DEFINITIONS.—For purposes of this  
4 subsection—

5 “(1) LOW-INCOME COMMUNITIES.—The term  
6 ‘low-income community’ has the same meaning as  
7 when used in section 45D(e).

8 “(2) DEFINITION OF PERIODS.—

9 “(A) CONSIDERATION PERIOD.—The term  
10 ‘consideration period’ means the 30-day period  
11 beginning on the date on which the Secretary  
12 receives notice under subsection (b)(1)(A)(ii),  
13 as extended under subsection (b)(2).

14 “(B) DETERMINATION PERIOD.—The term  
15 ‘determination period’ means the 90-day period  
16 beginning on the date on which the State  
17 adopts the Uniform Model Broadband Act de-  
18 scribed in subsection (a)(1)(A), as extended  
19 under subsection (b)(2).

20 “(d) GUIDANCE FOR OPPORTUNITY ZONE NOMINA-  
21 TIONS.—When considering the nomination of qualified  
22 gigabit opportunity zones, governors should strive for the  
23 creation of qualified gigabit opportunity zones that are  
24 geographically concentrated and contiguous clusters of

1 population census tracts and should give particular consid-  
2 eration to areas that—

3 “(1) are currently facing obstacles to economic  
4 development due to a lack of geographic broadband  
5 coverage or a lack of broadband speed,

6 “(2) are currently the focus of mutually rein-  
7 forcing State, local, or private economic development  
8 initiatives, and

9 “(3)(A) are poised for economic growth that re-  
10 quires access to high speed broadband for commer-  
11 cial purposes, and

12 “(B) represent the areas of a State where such  
13 service would result in the highest return on invest-  
14 ment.

15 “(e) NUMBER OF DESIGNATIONS.—

16 “(1) IN GENERAL.—Except as provided by  
17 paragraph (2), the number of population census  
18 tracts in a State that may be designated as qualified  
19 gigabit opportunity zones under this section may not  
20 exceed 25 percent of the number of low-income com-  
21 munities in the State.

22 “(2) EXCEPTION.—If the number of low-income  
23 communities in a State is less than 100, then a total  
24 of 25 of such tracts may be designated as qualified  
25 gigabit opportunity zones.

1       “(f) DESIGNATION OF TRACTS CONTIGUOUS WITH  
2 LOW-INCOME COMMUNITIES.—

3           “(1) IN GENERAL.—A population census tract  
4 that is not a low-income community may be des-  
5 ignated as a qualified gigabit opportunity zone under  
6 this section if—

7           “(A) such tract meets the requirements of  
8 paragraph (1) of subsection (a),

9           “(B) the tract is contiguous with the low-  
10 income community that is designated as a  
11 qualified gigabit opportunity zone, and

12           “(C) the median family income of the tract  
13 does not exceed 150 percent of the median fam-  
14 ily income of the low-income community with  
15 which the tract is contiguous.

16           “(2) LIMITATION.—Not more than 25 percent  
17 of the population census tracts designated in a State  
18 as a qualified gigabit opportunity zone may be des-  
19 ignated under paragraph (1).

20       “(g) PERIOD FOR WHICH DESIGNATION IS IN EF-  
21 FECT.—A designation as a qualified gigabit opportunity  
22 zone shall remain in effect for the period beginning on  
23 the date of the designation and ending at the close of the  
24 7th calendar year beginning on or after such date of des-  
25 ignation.

1 **“SEC. 1400Z-2. DEFERRAL FOR ELIGIBLE TAXPAYER OF**  
2 **CAPITAL GAINS INVESTED IN GIGABIT OP-**  
3 **PORTUNITY ZONES.**

4 “(a) IN GENERAL.—

5 “(1) EXCLUSION OF GAIN INVESTED IN GIG-  
6 ABIT OPPORTUNITY ZONE PROPERTY.—In the case  
7 of gain from the sale to, or exchange with, an unre-  
8 lated person of any property held by an eligible tax-  
9 payer, at the election of the eligible taxpayer—

10 “(A) gross income for the taxable year  
11 shall not include so much of such gain as does  
12 not exceed the aggregate cost of all qualified  
13 gigabit opportunity zone property acquired by  
14 the taxpayer during the 180-day period begin-  
15 ning on the date of such sale or exchange, and

16 “(B) the amount of gain excluded by sub-  
17 paragraph (A) shall be included in gross income  
18 as provided by paragraph (2).

19 “(2) DEFERRAL OF GAIN INVESTED IN QUALI-  
20 FIED GIGABIT OPPORTUNITY ZONE PROPERTY.—

21 “(A) YEAR OF INCLUSION.—Except as  
22 provided by subparagraph (C), gain to which  
23 paragraph (1)(B) applies shall be included in  
24 income in the taxable year in which the quali-  
25 fied gigabit opportunity zone property related to

1 such gain is sold or exchanged in the amount  
2 determined under subparagraph (B).

3 “(B) AMOUNT INCLUDIBLE.—The amount  
4 of gain determined under this clause shall be—

5 “(i) 100 percent of such gain in the  
6 case of the sale or exchange of the quali-  
7 fied gigabit opportunity zone property with  
8 respect to which gain is deferred under  
9 paragraph (1) that is held for less than 5  
10 years,

11 “(ii) 90 percent of such gain in the  
12 case of the sale or exchange of the quali-  
13 fied gigabit opportunity zone property with  
14 respect to which gain is deferred under  
15 paragraph (1) that is held for at least 5  
16 years but less than 7 years, and

17 “(iii) 85 percent of such gain in the  
18 case of the sale or exchange of the quali-  
19 fied gigabit opportunity zone property with  
20 respect to which gain is deferred under  
21 paragraph (1) that is held for at least 7  
22 years.

23 “(3) EXCLUSION OF GAIN ON QUALIFIED GIG-  
24 ABIT OPPORTUNITY ZONE PROPERTY HELD FOR AT  
25 LEAST 10 YEARS.—Except as provided in paragraph



1 (2), in the case of the sale or exchange of qualified  
2 gigabit opportunity zone property, or an investment  
3 in a qualified opportunity fund, held for at least 10  
4 years, gross income for the taxable year shall not in-  
5 clude any gain from the sale or exchange of such  
6 property or investment.

7 “(4) ONE ELECTION PER PROPERTY.—No elec-  
8 tion may be made under paragraph (1) with respect  
9 to a sale or exchange if an election previously made  
10 with respect to such sale or exchange is in effect.

11 “(b) BASIS RULES RELATING TO QUALIFIED GIG-  
12 ABIT OPPORTUNITY ZONE PROPERTY.—

13 “(1) REDUCED BY GAIN DEFERRED UNDER  
14 SUBSECTION (a)(1).—The basis of a qualified gig-  
15 abit opportunity zone property immediately after its  
16 acquisition under subsection (a) shall be reduced by  
17 the amount of gain deferred by reason of subsection  
18 (a)(1)(A) with respect to such property.

19 “(2) INCREASE FOR GAIN RECOGNIZED UNDER  
20 SUBSECTION (a)(2).—The basis of qualified gigabit  
21 opportunity zone property shall be increased by the  
22 amount of gain recognized by reason of subsection  
23 (a)(2) with respect to such property.

24 “(3) SUBSEQUENT INCREASE IN BASIS FOR  
25 PROPERTY HELD FOR AT LEAST 5 YEARS BUT LESS

1 THAN 10 YEARS.—In the case of qualified gigabit op-  
2 portunity zone property held for at least 5 years but  
3 less than 10 years—

4 “(A) PROPERTY HELD FOR 5 YEARS.—For  
5 qualified gigabit opportunity zone property held  
6 for at least 5 years, the basis of such property  
7 shall be increased by an amount equal to 10  
8 percent of the amount of gain deferred by rea-  
9 son of subsection (a)(1)(A) with respect to such  
10 property.

11 “(B) PROPERTY HELD FOR 7 YEARS.—For  
12 qualified gigabit opportunity zone property held  
13 for at least 7 years, the basis of such property  
14 shall be increased by an amount equal to 5 per-  
15 cent of the amount of gain deferred by reason  
16 of subsection (a)(1)(A) with respect to such  
17 property.

18 “(c) ELIGIBLE TAXPAYER.—For purposes of this sec-  
19 tion, the term ‘eligible taxpayer’ means any taxpayer who  
20 has a trade or business a substantial part of which con-  
21 sists of selling broadband Internet service to commercial  
22 customers, residential customers, or both through one or  
23 a combination of the following technologies:

24 “(1) Digital Subscriber Line transmission tech-  
25 nology that transmits data faster over traditional

1 copper telephone lines, without regards to the spe-  
2 cific type of Digital Subscriber Line transmission  
3 technology such as Asymmetrical Digital Subscriber  
4 Line, Symmetrical Digital Subscriber Line, High  
5 data rate Digital Subscriber Line, or Very High  
6 data rate Digital Subscriber Line.

7 “(2) Cable Modem transmission technology that  
8 enables operators to provide broadband using the  
9 same coaxial cables that deliver pictures and sound  
10 to televisions.

11 “(3) Fiber optic transmission technology that  
12 converts electrical signals carrying data to light and  
13 sends the light through transparent glass fibers.

14 “(4) Wireless transmission technology that uti-  
15 lizes a radio link between the customer’s location  
16 and the service provider’s facility, whether mobile or  
17 fixed.

18 “(5) Satellite transmission technology that pro-  
19 vides broadband links via orbiting satellites.

20 “(6) Broadband over powerline transmission  
21 technology that delivers broadband over the existing  
22 low- and medium-voltage electric power distribution  
23 network.

24 “(7) Such other technologies as the Secretary,  
25 in consultation with the Federal Communications

1 Commission, may designate by rule as a broadband  
2 provider technology.

3 “(d) QUALIFIED GIGABIT OPPORTUNITY ZONE  
4 PROPERTY.—For purposes of this section:

5 “(1) IN GENERAL.—The term ‘qualified gigabit  
6 opportunity zone property’ means property which  
7 is—

8 “(A) qualified gigabit opportunity zone  
9 stock,

10 “(B) qualified gigabit opportunity zone  
11 partnership interest,

12 “(C) qualified gigabit opportunity zone  
13 business property, or

14 “(D) an interest in a qualified investment  
15 fund.

16 “(2) QUALIFIED GIGABIT OPPORTUNITY ZONE  
17 STOCK.—

18 “(A) IN GENERAL.—Except as provided in  
19 subparagraph (B), the term ‘qualified gigabit  
20 opportunity zone stock’ means any stock in a  
21 domestic corporation if—

22 “(i) such stock is acquired by the tax-  
23 payer after December 31, 2017, at its  
24 original issue (directly or through an un-

1           derwriter) from the corporation solely in  
2           exchange for cash,

3           “(ii) as of the time such stock was  
4           issued, such corporation was a qualified  
5           gigabit opportunity zone business (or, in  
6           the case of a new corporation, such cor-  
7           poration was being organized for purposes  
8           of being a qualified gigabit opportunity  
9           zone business), and

10           “(iii) during substantially all of the  
11           taxpayer’s holding period for such stock,  
12           such corporation qualified as a qualified  
13           gigabit opportunity zone business.

14           “(B) REDEMPTIONS.—A rule similar to  
15           the rule of section 1202(c)(3) shall apply for  
16           purposes of this paragraph.

17           “(3) QUALIFIED GIGABIT OPPORTUNITY ZONE  
18           PARTNERSHIP INTEREST.—The term ‘qualified gig-  
19           abit opportunity zone partnership interest’ means  
20           any capital or profits interest in a domestic partner-  
21           ship if—

22           “(A) such interest is acquired by the tax-  
23           payer after December 31, 2017, from the part-  
24           nership solely in exchange for cash,

1           “(B) as of the time such interest was ac-  
 2           quired, such partnership was a qualified gigabit  
 3           opportunity zone business (or, in the case of a  
 4           new partnership, such partnership was being  
 5           organized for purposes of being a qualified gig-  
 6           abit opportunity zone business), and

7           “(C) during substantially all of the tax-  
 8           payer’s holding period for such interest, such  
 9           partnership qualified as a qualified gigabit op-  
 10          portunity zone business.

11          “(4) QUALIFIED GIGABIT OPPORTUNITY ZONE  
 12          BUSINESS PROPERTY.—

13           “(A) IN GENERAL.—The term ‘qualified  
 14           gigabit opportunity zone business property’  
 15           means tangible property used in a trade or  
 16           business of the taxpayer if—

17                   “(i) such property—

18                           “(I) is used primarily to provide  
 19                           broadband transmission services to lo-  
 20                           cations which do not have such service  
 21                           that meets the minimum speed re-  
 22                           quirements required for universal  
 23                           service support under Phase II of the  
 24                           Connect America Fund of the Federal  
 25                           Communications Commission, as set

1           forth under subpart D of part 54 of  
2           title 47, Code of Federal Regulations,  
3           and

4                   “(II) is capable of transmitting  
5           signals at a rate of at least  
6           1,000,000,000 bits per second,

7                   “(ii) such property was acquired by  
8           the taxpayer by purchase (as defined in  
9           section 179(d)(2)) after December 31,  
10          2017,

11                   “(iii) the original use of such property  
12          in the qualified gigabit opportunity zone  
13          commences with the taxpayer or the tax-  
14          payer substantially improves the property,  
15          and

16                   “(iv) during substantially all of the  
17          taxpayer’s holding period for such prop-  
18          erty, substantially all of the use of such  
19          property was in a qualified gigabit oppor-  
20          tunity zone.

21                   “(B) SPECIAL RULE FOR CERTAIN PROP-  
22          PERTY.—In the case of property which is placed  
23          in service before January 1, 2021, and which is  
24          with respect to technology described in para-  
25          graph (4) or (5) of subsection (c), subpara-

1 graph (A)(i)(II) shall be applied by substituting  
2 ‘150,000,000 bits per second’ for  
3 ‘1,000,000,000 bits per second’.

4 “(C) SUBSTANTIAL IMPROVEMENT.—For  
5 purposes of subparagraph (A)(iii), property  
6 shall be treated as substantially improved by  
7 the taxpayer only if, during any 30-month pe-  
8 riod beginning after the date of acquisition of  
9 such property, additions to basis with respect to  
10 such property in the hands of the taxpayer ex-  
11 ceed an amount equal to the adjusted basis of  
12 such property at the beginning of such 30-  
13 month period in the hands of the taxpayer.

14 “(D) TREATMENT OF RELATED PAR-  
15 TIES.—For purposes of subparagraph (A)(ii),  
16 the rules of subparagraph (A) of section  
17 179(d)(2) shall be applied using the relation-  
18 ship described in subsection (e)(2) in lieu of the  
19 relationship described in such subparagraph.

20 “(5) QUALIFIED GIGABIT OPPORTUNITY  
21 FUND.—The term ‘qualified gigabit opportunity  
22 fund’ means any investment vehicle organized as a  
23 corporation or a partnership for the purpose of in-  
24 vesting in qualified gigabit opportunity zone prop-  
25 erty (other than another qualified opportunity fund)



1 that holds at least 90 percent of its assets in quali-  
2 fied opportunity zone property, determined—

3 “(A) on the last day of the first 6-month  
4 period of the taxable year of the fund, and

5 “(B) on the last day of the taxable year of  
6 the fund.

7 “(6) QUALIFIED GIGABIT OPPORTUNITY ZONE  
8 BUSINESS.—

9 “(A) IN GENERAL.—The term ‘qualified  
10 gigabit opportunity zone business’ means a  
11 trade or business—

12 “(i) in which substantially all of the  
13 tangible property owned or leased by the  
14 taxpayer is qualified gigabit opportunity  
15 zone business property,

16 “(ii) which satisfies the requirements  
17 of paragraphs (2), (4), and (8) of section  
18 1397C(b), and

19 “(iii) which is not described in section  
20 144(e)(6)(B).

21 “(B) SPECIAL RULE.—For purposes of  
22 subparagraph (A), tangible property that ceases  
23 to be a qualified gigabit opportunity zone busi-  
24 ness property shall continue to be treated as a

1 qualified gigabit opportunity zone business  
2 property for the lesser of—

3 “(i) 5 years after the date on which  
4 such tangible property ceases to be so  
5 qualified, or

6 “(ii) the date on which such tangible  
7 property is no longer held by the qualified  
8 gigabit opportunity zone business.

9 “(e) APPLICABLE RULES.—

10 “(1) IN GENERAL.—For purposes of this sec-  
11 tion and except as otherwise provided in this section,  
12 rules similar to the rules applicable to deferred like  
13 kind exchanges under section 1031 shall apply ex-  
14 cept that reinvestment in qualified gigabit oppor-  
15 tunity zone property need not require an inter-  
16 mediary party.

17 “(2) RELATED PERSONS.—For purposes of this  
18 subsection, persons are related to each other if such  
19 persons are described in section 267(b) or 707(b)(1),  
20 determined by substituting ‘20 percent’ for ‘50 per-  
21 cent’ each place it occurs in such sections.

22 “(3) DECEDENTS.—In the case of a decedent,  
23 amounts recognized under this section shall, if not  
24 properly includible in the gross income of the dece-

1 dent, be includible in gross income as provided by  
2 section 691.

3 “(4) REGULATIONS.—The Secretary shall pre-  
4 scribe such regulations as may be necessary or ap-  
5 propriate to carry out the purposes of this section,  
6 including—

7 “(A) rules providing for proportionate in-  
8 clusion in income and increases in basis for  
9 purposes of subsections (a) and (b) in cases in  
10 which a sale or exchange of any qualified gig-  
11 abit opportunity zone property with respect to  
12 which gain is deferred under subsection  
13 (a)(1)(A) is less than all of such property,

14 “(B) rules requiring taxpayers to provide  
15 such information as the Secretary determines to  
16 be necessary or appropriate for the identifica-  
17 tion of both the assets sold (including basis and  
18 sale price) and the assets acquired and invest-  
19 ments made, and

20 “(C) rules to prevent abuse.

21 **“SEC. 1400Z-3. IMMEDIATE EXPENSING OF QUALIFIED GIG-**  
22 **ABIT OPPORTUNITY ZONE BUSINESS PROP-**  
23 **ERTY.**

24 “(a) IN GENERAL.—A eligible taxpayer may elect to  
25 treat the cost of any qualified gigabit opportunity zone

1 business property (as defined in section 1400Z-2) as an  
2 expense which is not chargeable to capital account. Any  
3 cost so treated shall be allowed as a deduction for the tax-  
4 able year in which the qualified gigabit opportunity zone  
5 business property is placed in service.

6 “(b) ELIGIBLE TAXPAYER.—For purposes of this  
7 section, the term ‘eligible taxpayer’ has the same meaning  
8 given to such term under section 1400Z-2(c).

9 “(c) EXCEPTION FOR CERTAIN PROPERTY.—For  
10 purposes of this section, the term ‘qualified gigabit oppor-  
11 tunity zone business property’ shall not include any prop-  
12 erty to which section 168(g) applies.

13 “(d) ELECTION.—An election under this section shall  
14 be made under rules similar to the rules of section 179(c).

15 “(e) COORDINATION WITH SECTION 179.—For pur-  
16 poses of section 179, qualified gigabit opportunity zone  
17 business property shall not be treated as section 179 prop-  
18 erty.

19 “(f) APPLICATION OF OTHER RULES.—Rules similar  
20 to the rules of paragraphs (3), (4), (5), (7), (9), and (10)  
21 of section 179(d) shall apply for purposes of this section.

22 “(g) TAXPAYER REPORTING.—This section shall not  
23 apply with respect to any taxpayer for any taxable year  
24 unless such taxpayer provides the Secretary with such in-  
25 formation as the Secretary may require to allow the Sec-

1 retary to evaluate the effectiveness of the program estab-  
2 lished under this part.”.

3 (2) BASIS ADJUSTMENTS.—Section 1016(a) of  
4 such Code is amended by striking “and” at the end  
5 of paragraph (36), by striking the period at the end  
6 of paragraph (37) and inserting “, and”, and by in-  
7 serting after paragraph (37) the following:

8 “(38) to the extent provided in section 1400Z–  
9 2(b).”.

10 (3) CLERICAL AMENDMENT.—The table of sub-  
11 chapters for chapter 1 of such Code is amended by  
12 adding at the end the following new item:

“SUBCHAPTER Z. GIGABIT OPPORTUNITY ZONES”.

13 (4) EFFECTIVE DATE.—The amendments made  
14 by this subsection shall take effect on the date of the  
15 enactment of this Act.

16 **SEC. 3. PRIVATE ACTIVITY BONDS FOR QUALIFIED**  
17 **BROADBAND PROJECTS.**

18 (a) IN GENERAL.—Section 142(a) of the Internal  
19 Revenue Code of 1986 is amended by striking “or” at the  
20 end of paragraph (14), by striking the period at the end  
21 of paragraph (15) and inserting “, or”, and by adding at  
22 the end the following new paragraph:

23 “(16) qualified broadband projects.”.

1 (b) QUALIFIED BROADBAND PROJECTS.—Section  
2 142 of such Code is amended by adding at the end the  
3 following new subsection:

4 “(n) QUALIFIED BROADBAND PROJECT.—

5 “(1) IN GENERAL.—For purposes of subsection  
6 (a)(16), the term ‘qualified broadband project’  
7 means any project which—

8 “(A) is located in a jurisdiction that has  
9 been certified by Secretary, in consultation with  
10 the National Telecommunications and Informa-  
11 tion Administration, as having adopted the Uni-  
12 form Model Broadband Deployment Act pre-  
13 scribed by the Federal Communications Com-  
14 mission pursuant to section 4 of the Gigabit  
15 Opportunity Act, and

16 “(B) results in gigabit capable Internet ac-  
17 cess to residential or commercial locations—

18 “(i) where a broadband service pro-  
19 vider previously did not provide service, or

20 “(ii) which do not have broadband  
21 service which meets the minimum speed re-  
22 quirements required for universal service  
23 support under Phase II of the Connect  
24 America Fund of the Federal Communica-  
25 tions Commission, as set forth under sub-

1 part D of part 54 of title 47, Code of Fed-  
2 eral Regulations.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to bonds issued after the date of  
5 the enactment of this Act.

6 **SEC. 4. UNIFORM MODEL BROADBAND ACT.**

7 (a) IN GENERAL.—Not later than 1 year after the  
8 date of the enactment of this Act, the Federal Commu-  
9 nications Commission shall publish a Uniform Model  
10 Broadband Deployment Act containing laws for the State  
11 regulation of the deployment of broadband services.

12 (b) NO INFERENCE RELATING TO DATA COLLEC-  
13 TION.—Nothing in this Act or the amendments made by  
14 this Act shall be construed to provide additional authority  
15 for the collection of data to the Federal Communications  
16 Commission or the National Telecommunications and In-  
17 formation Administration.

○