

–CITE–

40 USC CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–MISC1–

Sec.

17701. Definitions.

17702. Transfer of Government–owned long–lines communication facilities in and to Alaska.

17703. National defense considerations and qualification of transferee.

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–CITE–

40 USC Sec. 17701 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17701. Definitions

–STATUTE–

In this chapter, the following definitions apply:

(1) Agency concerned. – The term "agency concerned" means a department, agency, wholly owned corporation, or instrumentality of the Federal Government.

(2) Long–lines communication facilities. – The term "long–lines communication facilities" means the transmission systems connecting points inside the State with each other and with points outside the State by radio or wire, and includes all kinds of property and rights of way necessary to accomplish this interconnection.

(3) Transfer. – The term "transfer" means the conveyance by the Government of any element of ownership, including any estate or interest in property, and franchise rights, by sale, exchange, lease, easement, or permit, for cash, credit, or other property with or without warranty.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1286.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17701 40:771. Pub. L. 90–135, title I,

Sec. 101, Nov. 14, 1967, 81

Stat. 441.

In clause (1), the word "including" is substituted for "including but not restricted to" to eliminate unnecessary words. The word "estate" is omitted as being included in "interest".

–End–

–CITE–

40 USC Sec. 17702 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17702. Transfer of Government–owned long–lines communication facilities in and to Alaska

–STATUTE–

(a) In General. –

(1) Authority of the secretary of defense. –

(A) Requirements prior to transfer. – Subject to section 17703 of this title and with the advice, assistance, and, in the case of an agency not under the jurisdiction of the

Secretary of Defense, the consent of the agency concerned, and after approval of the President, the Secretary of Defense shall transfer for adequate consideration any or all long–lines communication facilities in or to Alaska under the jurisdiction of the Federal Government to any person qualifying under section 17703.

(B) Authority to carry out chapter. – The Secretary of Defense may take action and exercise powers as may be necessary or appropriate to carry out the purposes of this chapter.

(2) Consent of secretary concerned. – An interest in public lands, withdrawn or otherwise appropriated, shall not be transferred under this chapter without the prior consent of the Secretary of the Interior, or, with respect to lands in a national forest, of the Secretary of Agriculture.

(3) Procedures and methods. – The Secretary of Defense shall carry out a transfer under this chapter in accordance with the procedures and methods required of the Administrator of General Services by section 545(a) and (b) of this title.

(b) Documents of Title or Other Property Interests. – The head of the agency concerned (or a designee of the head) shall execute documents for the transfer of title or other interest in property, except any mineral rights in the property, and take other action that the Secretary of Defense decides is necessary or proper to transfer the property under this chapter. A copy of a deed, lease, or other instrument executed by or on behalf of the head of the agency concerned purporting to transfer title or another interest

in public land shall be provided to the Secretary of the Interior.

(c) Solicitation of Offers To Purchase Certain Facilities. – In connection with soliciting offers to purchase long–lines facilities of the Alaska Communication System, the Secretary of Defense shall

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(1) provide any prospective purchaser who requests it data on –

(A) the facilities available for purchase;

(B) the amounts considered to be the current fair and reasonable value of those facilities; and

(C) the initial rates that will be charged to the purchaser for capacity in facilities retained by the Government and available for commercial use;

(2) provide in the request for offers to purchase that offerors must specify the rates the offerors propose to charge for service and the improvements in service the offerors propose to initiate;

(3) provide an opportunity for prospective purchasers to meet as a group with Department of Defense representatives to ensure that the data and public interest requirements described in clauses (1) and (2) are fully understood; and

(4) seek the advice and assistance of the Federal Communications Commission and the Governor of Alaska (or a designee of the Governor) to ensure consideration of all public interest factors associated with the transfer.

(d) Applicability of Antitrust Provisions. – The requirements of section 559 of this title apply to transfers under this chapter.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1286.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17702(a)(1) 40:781(1). Pub. L. 90–135, title I,

Sec. 201, Nov. 14, 1967, 81

Stat. 442.

17702(a)(2) 40:781(5).

17702(a)(3) 40:781(2).

17702(b) 40:781(4).

17702(c) 40:781(6).

17702(d) 40:781(3).

In this chapter, the words "or his designee" are omitted because of 10:113.

In subsection (a)(1)(A), the words "and notwithstanding provisions of any other law" are omitted as unnecessary. The words "shall transfer" are substituted for "is authorized to and shall transfer" for clarity.

In subsection (c)(4), the words "the Federal Field Committee for Development Planning in Alaska" are omitted because the Committee has been terminated. See Executive Order No. 11608 (eff. July 19, 1971).

–End–

–CITE–

40 USC Sec. 17703 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17703. National defense considerations and qualification of transferee

–STATUTE–

A transfer under this chapter shall not be made unless the Secretary of Defense determines that –

- (1) the Federal Government does not need to retain the property involved in the transfer for national defense purposes;
- (2) the transfer is in the public interest;
- (3) the person to whom the transfer is made is prepared and qualified to provide the communication service involved in the transfer without interruption; and
- (4) the long–lines communication facilities will not directly or indirectly be owned, operated, or controlled by a person that would legally be disqualified from holding a radio station license by section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)).

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1287.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17703 40:782. Pub. L. 90–135, title I,

Sec. 202, Nov. 14, 1967, 81

Stat. 443.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17702 of this title.

–End–

–CITE–

40 USC Sec. 17704 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17704. Contents of agreements for transfer

–STATUTE–

An agreement by which a transfer is made under this chapter shall provide that –

(1) subject to regulations of the Federal Communications

Commission and of any body or commission established by Alaska to govern and regulate communications services to the public and all applicable statutes, treaties, and conventions, the person to whom the transfer is made shall provide the communication services involved in the transfer without interruption, except those services reserved by the Federal Government in the transfer;

(2) the rates and charges for those services applicable at the time of transfer shall not be changed for a period of one year from the date of the transfer unless approved by a governmental body or commission having jurisdiction; and

(3) the transfer will not be final until the transferee receives the requisite license and certificate of convenience and necessity to operate interstate and intrastate commercial communications in Alaska from the appropriate governmental regulatory bodies.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1288.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17704 40:783. Pub. L. 90–135, title I,

Sec. 203, Nov. 14, 1967, 81

Stat. 443.

In clause (1), the word "rules" is omitted as being included in "regulations".

In clause (3), the words "unless and" are omitted as unnecessary.

–SECF–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17705 of this title.

–End–

–CITE–

40 USC Sec. 17705 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17705. Approval of Federal Communications Commission

–STATUTE–

A transfer under this chapter does not require the approval of the Federal Communications Commission except to the extent that the approval of the Commission is necessary under section 17704(3) of this title.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1288.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17705 40:784. Pub. L. 90-135, title I,

Sec. 204, Nov. 14, 1967, 81

Stat. 443.

-End-

-CITE-

40 USC Sec. 17706 01/06/03

-EXPCITE-

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

-HEAD-

Sec. 17706. Gross proceeds as miscellaneous receipts in the

Treasury

-STATUTE-

The gross proceeds of each transfer shall be deposited in the

Treasury as miscellaneous receipts.

-SOURCE-

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17706 40:785. Pub. L. 90–135, title I,

Sec. 205, Nov. 14, 1967, 81

Stat. 443.

The words "Notwithstanding the provisions of any other law" are omitted as unnecessary.

–End–

–CITE–

40 USC Sec. 17707 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17707. Reports

–STATUTE–

The Secretary of Defense shall report to the Congress and the President –

(1) in January of each year, the actions taken under this chapter during the preceding 12 months; and

(2) not later than 90 days after completion of each transfer under this chapter, a full account of that transfer.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1288.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17707 40:786. Pub. L. 90–135, title I,

Sec. 206, Nov. 14, 1967, 81

Stat. 443.

–End–

–CITE–

40 USC Sec. 17708 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE V – MISCELLANEOUS

CHAPTER 177 – ALASKA COMMUNICATIONS DISPOSAL

–HEAD–

Sec. 17708. Nonapplication

–STATUTE–

This chapter does not modify in any manner the Communications Act
of 1934 (47 U.S.C. 151 et seq.).

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1288.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

17708 40:791. Pub. L. 90–135, title I,

Sec. 301, Nov. 14, 1967, 81

Stat. 444.

–REFTEXT–

REFERENCES IN TEXT

The Communications Act of 1934, referred to in text, is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (Sec. 151 et seq.) of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

–End–