Commission except to the extent that the approval of the Commission is necessary under section 17704(3) of this title.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
17705	40:784.	Pub. L. 90–135, title I, §204, Nov. 14, 1967, 81 Stat. 443.

§ 17706. Gross proceeds as miscellaneous receipts in the Treasury

The gross proceeds of each transfer shall be deposited in the Treasury as miscellaneous receipts.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
17706	40:785.	Pub. L. 90–135, title I, §205, Nov. 14, 1967, 81 Stat. 443.

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

§ 17707. Reports

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.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
17707	40:786.	Pub. L. 90–135, title I, §206, Nov. 14, 1967, 81 Stat. 443.

§ 17708. Nonapplication

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

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
17708	40:791.	Pub. L. 90–135, title I, §301, Nov. 14, 1967, 81 Stat. 444.

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 (§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.

CHAPTER 179—ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP

Sec.
17901. Definitions.
17902. Sale of electric energy.
17903. Purchase of electric power.
17904. Implementation powers and limitations.

§ 17901. Definitions

In this chapter, the following definitions apply:

(1) FEDERAL AGENCY.—The term ''federal agency'' means a department, agency, or instrumentality of the Federal Government.

(2) FEDERALLY GENERATED ELECTRIC ENERGY.—The term ''federally generated electric energy'' means any electric power generated by an electric generating facility owned and operated by a federal agency.

(3) NON-FEDERAL PERSON.—The term ''non-federal person'' means a corporation, cooperative, municipality, or other non-federal entity that generates electric energy through a facility other than a federally owned electric generating facility.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
17901	40:795.	Pub. L. 96–571, §2, Dec. 22, 1980, 94 Stat. 3341.

In clause (1), the definition of ''agency'' as referring to the head of any department, agency, or instrumentality of the United States Government is rewritten as a definition of ''federal agency'' to avoid confusion between the role of the ''agency'' and the ''head of the agency''. Throughout the chapter, the words ''head of the federal agency'' are used when the source provision is referring to action taken by an official as opposed to the concept of the agency as an institution.

In clause (3), the text of 40:795(1) and (4) is combined to eliminate a definition (40:795(1)) that is used only once.

§ 17902. Sale of electric energy

(a) IN GENERAL.—To conserve oil and natural gas and better utilize coal, the head of a federal agency may sell, or enter into a contract to sell, to any non-federal person electric energy generated by coal-fired electric generating facilities of that agency in Alaska without regard to any provision of law that precludes the sale when the electric energy to be sold is available from other local sources, if the head of the federal agency determines that—

(1) the electric energy to be sold is generated by an existing coal-fired generating facility;

(2) the electric energy to be sold is surplus to the federal agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, another federal agency;

(3) the cost to the ultimate consumers of the electric energy to be sold is less than the cost that, in the absence of the sale, would be incurred by those consumers for the purchase of an equivalent amount of energy; and

(4) the sale will reduce the total consumption of oil or natural gas by the non-federal person purchasing the electric energy below the level of consumption that would occur in the absence of the sale.

(b) PRICING POLICIES.—Federally generated electric energy sold by the head of a federal