

**CHAPTER 17—ALASKA COMMUNICATIONS
DISPOSAL**

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

771. Definitions.

SUBCHAPTER II—TRANSFER OF GOVERNMENT-OWNED LONG-LINES COMMUNICATION FACILITIES IN AND TO ALASKA

781. Matters relative to transfer.
- (1) Authorization, Executive approval, adequate consideration, scope of transfer, qualification of transferee, necessary or appropriate actions and powers.
 - (2) Procedures and methods.
 - (3) Applicability of antitrust provisions.
 - (4) Documents of title or other property interests; mineral rights exception; other necessary or proper action; copy of instrument to Secretary of the Interior.
 - (5) Consent of Secretary concerned.
 - (6) Solicitation of offers to purchase.
782. National defense considerations; public interest; qualification of transferee; disqualification of aliens.
783. Agreements for transfer; services without interruption, change of rates and charges, and finality of transfer.
784. Approval of Federal Communications Commission.
785. Gross proceeds as miscellaneous receipts in the Treasury.
786. Reports to President and Congress.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

791. Communications Act of 1934; nonmodification.
792. Authorization of appropriations.

SUBCHAPTER I—GENERAL PROVISIONS

§ 771. Definitions

In this chapter—

(1) “Transfer” means the conveyance by the United States of any element of ownership, including but not restricted to 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.

(2) “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) “Agency concerned” means any department, agency, wholly owned corporation, or instrumentality of the United States.

(Pub. L. 90-135, title I, § 101, Nov. 14, 1967, 81 Stat. 441.)

SHORT TITLE

Section 1 of Pub. L. 90-135 provided: “That this Act [enacting this chapter] may be cited as the ‘Alaska Communications Disposal Act.’”

SUBCHAPTER II—TRANSFER OF GOVERNMENT-OWNED LONG-LINES COMMUNICATION FACILITIES IN AND TO ALASKA

§ 781. Matters relative to transfer

(1) Authorization, Executive approval, adequate consideration, scope of transfer, qualification of transferee, necessary or appropriate actions and powers

Subject to the provisions of section 782 of this title, and notwithstanding provisions of any other law, the Secretary of Defense or his designee, with the advice, assistance, and, in the case of any agency not under the jurisdiction of the Secretary of Defense, the consent of the agency concerned, and after approval of the President, is authorized to and 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 the provisions of section 782 of this title, and may take such action and exercise such powers as may be necessary or appropriate to effectuate the purposes of this chapter.

(2) Procedures and methods

Transfers under this subchapter shall be made in accordance with the procedures and methods required by section 484(e), (1), (2), and (3) of this title, except that “the Secretary of Defense or his designee” shall be substituted for all references therein to “the Administrator”.

(3) Applicability of antitrust provisions

The requirements of section 488 of this title shall apply to transfers under this subchapter.

(4) Documents of title or other property interests; mineral rights exception; other necessary or proper action; copy of instrument to Secretary of the Interior

The head of the agency concerned or his designee shall execute such documents for the transfer of title or other interest in property, except any mineral rights therein, and take such other action as the Secretary of Defense deems necessary or proper to transfer such property under the provisions of this subchapter. A copy of any deed, lease, or other instrument executed by or on behalf of the head of the agency concerned purporting to transfer title or any other interest in public land shall be furnished to the Secretary of the Interior.

(5) Consent of Secretary concerned

No interest in public lands, withdrawn or otherwise appropriated, may be transferred under this subchapter, without the prior consent of the Secretary of the Interior, or, with respect to lands within a national forest, of the Secretary of Agriculture.

(6) Solicitation of offers to purchase

In connection with soliciting offers to purchase such long-lines facilities of the Alaska Communication System the Secretary of Defense or his designee shall:

- (a) Provide any prospective purchaser who requests it data on (i) the facilities available for purchase, (ii) the amounts deemed to be the current fair and reasonable value of those

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

(b) Provide, in the request for offers to purchase, that offerors must specify the rates they propose to charge for service and the improvements in service which they propose to initiate;

(c) Provide an opportunity for prospective purchasers to meet as a group with Department of Defense representatives to assure that the data and the public interest requirements described in (a) and (b), above, are fully understood; and

(d) Seek the advice and assistance of the Federal Communications Commission, the Federal Field Committee for Development Planning in Alaska, and the Governor of Alaska or his designees, to assure consideration of all public interest factors associated with the transfer.

(Pub. L. 90-135, title II, §201, Nov. 14, 1967, 81 Stat. 442.)

ABOLITION OF FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA

For termination of Federal Field Committee for Development Planning in Alaska, see Ex. Ord. No. 11608, set out as a note under section 3121 of Title 42, The Public Health and Welfare.

§ 782. National defense considerations; public interest; qualification of transferee; disqualification of aliens

No transfer under this subchapter may be made unless the Secretary of Defense or his designees determines that—

(1) the United States 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, without interruption, the communication service involved in the transfer; and

(4) the long-lines communication facilities will not directly or indirectly be owned, operated, or controlled by a person who would legally be disqualified by section 310(a) of title 47, from holding a radio station license.

(Pub. L. 90-135, title II, §202, Nov. 14, 1967, 81 Stat. 443.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 781 of this title.

§ 783. Agreements for transfer; services without interruption, change of rates and charges, and finality of transfer

The agreements by which a transfer is made under this subchapter shall include a provision that—

(1) the person to whom the transfer is made shall, subject to the rules and regulations of any body or commission established by the State of Alaska to govern and regulate communications services to the public and of the Federal Communications Commission and all applicable statutes, treaties, and conventions,

provide without interruption, the communication services involved in the transfer, except those services reserved by the United States in the transfer;

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

(3) the transfer will not be final unless and until the transferee shall receive any requisite licenses and certificates of convenience and necessity to operate interstate and intrastate commercial communications in Alaska from the appropriate governmental regulatory bodies.

(Pub. L. 90-135, title II, §203, Nov. 14, 1967, 81 Stat. 443.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 784 of this title.

§ 784. Approval of Federal Communications Commission

Transfers under this subchapter do not require the approval of the Federal Communications Commission except to the extent that the approval of the Federal Communications Commission is necessary under section 783(3) of this title.

(Pub. L. 90-135, title II, §204, Nov. 14, 1967, 81 Stat. 443.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 781 of this title.

§ 785. Gross proceeds as miscellaneous receipts in the Treasury

Notwithstanding the provisions of any other law, the gross proceeds of each transfer shall be covered into the Treasury of the United States as miscellaneous receipts.

(Pub. L. 90-135, title II, §205, Nov. 14, 1967, 81 Stat. 443.)

§ 786. Reports to President and Congress

The Secretary of Defense or his designee shall report to the Congress and the President—

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

(2) not later than ninety days after completion of each transfer under this subchapter a full account of that transfer.

(Pub. L. 90-135, title II, §206, Nov. 14, 1967, 81 Stat. 443.)

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

§ 791. Communications Act of 1934; nonmodification

This chapter does not modify in any manner the provisions of the Communications Act of 1934, as amended [47 U.S.C. 151 et seq.].

(Pub. L. 90-135, title III, §301, Nov. 14, 1967, 81 Stat. 444.)

REFERENCES IN TEXT

The Communications Act of 1934, as amended, 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.

§ 792. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Defense such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 90-135, title III, §302, Nov. 14, 1967, 81 Stat. 444.)

CHAPTER 17A—ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP

Sec.

795. Definitions.

795a. Sale of electric energy; contracting authority; required determinations; pricing policies.

795b. Purchase of electric power; authority; applicable criteria.

795c. Implementation powers and limitations.

(a) Accommodation of needs of non-Federal person for electric energy.

(b) Availability of revenues from sales.

(c) Exercise of authorities.

(d) Negotiation and execution of contracts and other agreements.

795d. Reports.

§ 795. Definitions

As used in this chapter—

(1) The term “non-Federal electric energy” means electric energy generated by any facility other than a federally owned electric generating facility.

(2) The term “agency” means the head of any department, agency, or instrumentality of the United States.

(3) The term “federally generated electric energy” means any electric power generated by an electric generating facility owned and operated by an agency.

(4) The term “non-Federal person” means any corporation, cooperative, municipality, or other non-Federal entity which generates non-Federal electric energy.

(Pub. L. 96-571, §2, Dec. 22, 1980, 94 Stat. 3341.)

SHORT TITLE

Section 1 of Pub. L. 96-571 provided that: “This Act [enacting this chapter] shall be referred to as the ‘Alaska Federal-Civilian Energy Efficiency Swap Act of 1980’.”

§ 795a. Sale of electric energy; contracting authority; required determinations; pricing policies

(a) For the purposes of conserving oil and natural gas and better utilizing coal, any agency is authorized to sell to any non-Federal person, and to enter into contracts for the sale to any non-Federal person of, electric energy generated by coal-fired electric generating facilities of such agency in Alaska without regard to any provision of law which precludes such sale where

such energy is available from other local sources, if the agency determines that—

(1) such energy is generated by an existing coal-fired generating facility;

(2) such energy is surplus to such agency’s needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, any department, agency, or instrumentality of the United States;

(3) the costs to the ultimate consumers of such energy is less than the costs which, in the absence of such sale, would be incurred by such consumers for the purchase of an equivalent amount of energy; and

(4) such sale will result in a reduction in the total consumption of oil or natural gas by the non-Federal person purchasing such electric energy below that consumption which would occur in the absence of such sale.

(b) Federally generated electric energy sold by an agency as provided in subsection (a) of this section shall be priced to recover the fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation, and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

(Pub. L. 96-571, §3, Dec. 22, 1980, 94 Stat. 3341.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 795c of this title.

§ 795b. Purchase of electric power; authority; applicable criteria

For purposes of economy and efficiency and conserving oil and natural gas, whenever practicable and consistent with other laws applicable to any agency and whenever consistent with the requirements applicable to any agency, such agency shall endeavor to purchase electric power from any non-Federal person for consumption in Alaska by any facility of such agency where such purchase—

(1) will result in a savings to other consumers of electric energy sold by such non-Federal person without increasing the cost incurred by any agency for electric energy, or

(2) will result in a cost savings to such agency of electric energy without increasing costs to other consumers of electric energy,

taking into account the remaining useful life of any facility available to such agency to generate electric energy for such agency and the cost of maintaining such facility on a standby basis.

(Pub. L. 96-571, §4, Dec. 22, 1980, 94 Stat. 3342.)

§ 795c. Implementation powers and limitations**(a) Accommodation of needs of non-Federal person for electric energy**

Nothing in this chapter shall be construed as requiring or authorizing any department, agency, or instrumentality of the United States to