

(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.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                  |
|-----------------|--------------------|---|
| 17702(a)(1) ..  | 40:781(1).         | Pub. L. 90–135, title I, §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).

§ 17703. National defense considerations and qualification of transferee

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)).

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                  |
|-----------------|--------------------|---|
| 17703 .....     | 40:782.            | Pub. L. 90–135, title I, §202, Nov. 14, 1967, 81 Stat. 443. |

§ 17704. Contents of agreements for transfer

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.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                  |
|-----------------|--------------------|---|
| 17704 .....     | 40:783.            | Pub. L. 90–135, title I, §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.

§ 17705. Approval of Federal Communications Commission

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.

(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.)