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- 17704. Contents of agreements for transfer.
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**§ 17701. Definitions**

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.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
17701 .....	40:771.	Pub. L. 90-135, title I, §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”.

**§ 17702. Transfer of Government-owned long-lines communication facilities in and to Alaska**

- (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    - (2) CONSENT OF SECRETARY CONCERNED.—An interest in public lands, withdrawn or otherwise appropriated, shall not be transferred under this chapter without the prior consent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—

- (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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.