

sold by the Secretary shall not be less than the amount determined by the Secretary by—

(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.

(d) Extraction of helium from deposits on Federal lands

All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c) of this section.

(e) Helium production fund

(1) All moneys received under this chapter, including moneys from sale of helium or other products resulting from helium operations and from the sale of excess property shall be credited to the helium production fund, which shall be available without fiscal year limitation, for carrying out the provisions of this chapter, including any research relating to helium carried out by the Department of the Interior. Amounts accumulating in said fund in excess of amounts the Secretary deems necessary to carry out this chapter and contracts negotiated hereunder shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c) of this section.

(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 167b(c) of this title, all amounts in such fund in excess of \$2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this chapter during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

(B) On repayment of all amounts referred to in subsection (c) of this section, the fund established under this section shall be terminated and all moneys received under this chapter shall be deposited in the general fund of the Treasury.

(Mar. 3, 1925, ch. 426, §6, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 921; amended Pub. L. 104-273, §4, Oct. 9, 1996, 110 Stat. 3317.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-273, §4(a), substituted “from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary” for “from the Secretary”.

Subsec. (b). Pub. L. 104-273, §4(b), inserted “crude” before “helium” and inserted at end “Except as may be required by reason of subsection (a) of this section, sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.”

Subsec. (c). Pub. L. 104-273, §4(c)(2), which directed the amendment of subsec. (c) by substituting “all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as ‘repayable amounts’). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—” and pars. (1) and (2) for “together with interest as provided in

this subsection” and all that followed through the end of the subsec., was executed by making the substitution for language which read “together with interest as provided in subsection (d) of this section, the following:” along with former pars. (1) to (3), to reflect the probable intent of Congress. Prior to amendment, pars. (1) to (3) read as follows:

“(1) Within twenty-five years from September 13, 1960, the net capital and retained earnings of the helium production fund (established under section 164 of this title prior to amendment by the Helium Act Amendments of 1960), determined by the Secretary as of September 13, 1960, plus any moneys expended thereafter by the Department of the Interior from funds provided in the Supplemental Appropriation Act, 1959, for construction of a helium plant at Keyes, Oklahoma;

“(2) Within twenty-five years from the date of borrowing, all funds borrowed, as provided in section 167j of this chapter, to acquire and construct helium plants and facilities; and

“(3) Within twenty-five years from September 13, 1960, unless the Secretary determines that said period should be extended for not more than ten years, all funds borrowed, as provided in section 167j of this title for all purposes other than those specified in clause (2) above.”

Pub. L. 104-273, §4(c)(1), inserted “crude” after “Sales of”.

Subsec. (d). Pub. L. 104-273, §4(d), inserted heading and amended text generally. Prior to amendment, text read as follows: “Compound interest on the amounts specified in clauses (1), (2), and (3) of subsection (c) of this section which have not been paid to the Treasury shall be calculated annually at rates determined by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the investments authorized by this chapter, except that the interest rate on the amounts specified in clause (1) of subsection (c) of this section shall be determined as of Sept. 13, 1960, and the interest rate on the obligations specified in clauses (2) and (3) of subsection (c) of this section as of the time of each borrowing.”

Subsecs. (e), (f). Pub. L. 104-273, §4(e), (f), redesignated subsec. (f) as (e)(1), added par. (2), and struck out former subsec. (e) which read as follows: “Helium shall be sold for medical purposes at prices which will permit its general use therefor; and all sales of helium to non-Federal purchasers shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by regulations.”

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 167b, 167c, 167f of this title.

§ 167e. Intragovernmental cooperation

The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this chapter, and shall have complete right of access to plants, data, and accounts.

(Mar. 3, 1925, ch. 426, §7, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 921.)

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The

Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

§ 167f. Elimination of stockpile

(a) Stockpile sales

(1) Commencement

Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

(2) Times of sale

The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

(3) Price

The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 167d(c) of this title.

(b) Discovery of additional reserves

The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a) of this section.

(Mar. 3, 1925, ch. 426, § 8, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 922; amended Pub. L. 104-273, § 5, Oct. 9, 1996, 110 Stat. 3318.)

AMENDMENTS

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section related to condemnation proceedings under Federal helium refining program.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 167m of this title.

§ 167g. Promulgation of rules and regulations

The Secretary is authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this chapter and are necessary to carry out the provisions hereof.

(Mar. 3, 1925, ch. 426, § 9, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 922.)

§ 167h. Administrative procedure

(a) The provisions of subchapter II of chapter 5 of title 5 shall apply to any agency proceeding and any agency action taken under this chapter, including the issuance of rules and regulations, and the terms “agency proceeding” and “agency action” shall have the meaning specified in subchapter II of chapter 5 of title 5.

(b) In any proceeding under this chapter for the granting, suspending, revoking, or amending of any license, or application to transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, the Secretary

shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceeding shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, and to the provisions of chapter 7 of title 5.

(Mar. 3, 1925, ch. 426, § 10, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 922.)

CODIFICATION

In subsecs. (a) and (b), “subchapter II of chapter 5 of title 5” and “chapter 7 of title 5” substituted for “the Administrative Procedure Act of June 11, 1946 (60 Stat. 637; 5 U.S.C. 1001-1011), as amended”, “the Administrative Procedure Act”, and “section 10 of the Administrative Procedure Act”, respectively, on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In subsec. (b), “chapter 158 of title 28” substituted for “the Act of December 29, 1950 (64 Stat. 1129; 5 U.S.C. 1031-1042), as amended” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, section 4(e) of which enacted chapter 158 of Title 28, Judiciary and Judicial Procedure.

§ 167i. Exclusion from Natural Gas Act provisions

The provisions of the Natural Gas Act of June 21, 1938, as amended [15 U.S.C. 717 et seq.], shall not be applicable to the sale, extraction, processing, transportation, or storage of helium either prior to or subsequent to the separation of such helium from the natural gas with which it is commingled, whether or not the provisions of such Act apply to such natural gas, and in determining the rates of a natural gas company under sections 4 and 5 of the Natural Gas Act, as amended [15 U.S.C. 717c, 717d], whenever helium is extracted from helium-bearing natural gas, there shall be excluded (1) all income received from the sale of helium; (2) all direct costs incurred in the extraction, processing, compression, transportation or storage of helium; and (3) that portion of joint costs of exploration, production, gathering, extraction, processing, compression, transportation or storage divided and allocated to helium on a volumetric basis.

(Mar. 3, 1925, ch. 426, § 11, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 922.)

REFERENCES IN TEXT

The Natural Gas Act of June 21, 1938, as amended, referred to in text, means act June 21, 1938, ch. 556, 52 Stat. 821, as amended, known as the Natural Gas Act, which is classified generally to chapter 15B (§ 717 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 717w of Title 15 and Tables.

§ 167j. Land conveyance in Potter County, Texas

(a) In general

The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) of this section to the Texas Plains Girl Scout Council for consideration of \$1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

(b) Land description

The parcel of land referred to in subsection (a) of this section is all those certain lots, tracts or