

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

parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

(1) First tract

One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

(2) Second tract

One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

Containing an area of 331 acres, more or less.

(Mar. 3, 1925, ch. 426, § 12, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 923; amended Pub. L. 104-273, § 6, Oct. 9, 1996, 110 Stat. 3318.)

AMENDMENTS

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section related to Secretary's authority under Federal helium refining program to obtain loans and issue obligations to carry out program.

§ 167k. Violations; penalties

Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this chapter or any regulation or order issued or any terms of a license granted thereunder shall,

upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

(Mar. 3, 1925, ch. 426, § 13, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 923.)

§ 167l. Injunctions

Whenever in the judgment of the Secretary any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter, or any regulation or order issued or any term of a license granted thereunder, any such act or practice may be enjoined by any district court having jurisdiction of such person, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

(Mar. 3, 1925, ch. 426, § 14, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 923.)

§ 167m. Report on helium

(a) NAS study and report

Not later than three years before the date on which the Secretary commences offering for sale crude helium under section 167f of this title, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to study and report on whether such disposal of helium reserves will have a substantial adverse effect on United States scientific, technical, biomedical, or national security interests.

(b) Transmission to Congress

Not later than 18 months before the date on which the Secretary commences offering for sale crude helium under section 167f of this title, the Secretary shall transmit to the Congress—

(1) the report of the National Academy under subsection (a) of this section;

(2) the findings of the Secretary, after consideration of the conclusions of the National Academy under subsection (a) of this section and after consultation with the United States helium industry and with heads of affected Federal agencies, as to whether the disposal of the helium reserve under section 167f of this title will have a substantial adverse effect on the United States helium industry, United States,¹ helium market or United States,¹ scientific, technological, biomedical, or national security interests; and

(3) if the Secretary determines that selling the crude helium reserves under the formula established in section 167f of this title will have a substantial adverse effect on the United States helium industry, the United States helium market or United States scientific, technological, biomedical, or national security interest, the Secretary shall make recommendations, including recommendations

¹ So in original. The comma probably should not appear.