

to section 301(a) of Pub. L. 85-568, title III, July 29, 1958, 72 Stat. 432, formerly set out as a note under former section 2472 of Title 42, The Public Health and Welfare, which terminated the Committee and transferred all its functions, powers, duties, and obligations to the National Aeronautics and Space Administration.

Section 151, acts Mar. 3, 1915, ch. 83, 38 Stat. 930; Mar. 2, 1929, ch. 482, 45 Stat. 1451; June 23, 1938, ch. 601, §1107(e), 52 Stat. 1027; 1940 Reorg. Plan No. IV, §7, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1235; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; May 25, 1948, ch. 335, §1, 62 Stat. 266; Aug. 10, 1949, ch. 412, §12(a), 63 Stat. 591; Aug. 8, 1950, ch. 645, §4, 64 Stat. 419; June 3, 1954, ch. 254, 68 Stat. 170, established National Advisory Committee for Aeronautics, provided for its composition, prescribed compensation of members and duties of Committee, and required reports to Congress.

Section 151a, act Mar. 2, 1929, ch. 482, 45 Stat. 1451, was incorporated in section 151 of this title.

Section 151b, act Aug. 8, 1950, ch. 645, §1, 64 Stat. 418, related to functions of Committee.

Section 151c, act Aug. 8, 1950, ch. 645, §2, 64 Stat. 418, related to transfer of supplies to Committee.

Section 151d, act Aug. 8, 1950, ch. 645, §3, 64 Stat. 418, related to employment of aliens.

Section 151e, act Aug. 8, 1950, ch. 645, §6, 64 Stat. 419, related to availability of appropriations.

Section 151f, act Aug. 8, 1950, ch. 645, §7, 64 Stat. 419, related to prosecution of projects.

§§ 152, 153. Repealed. May 25, 1948, ch. 335, §3(a), (b), 62 Stat. 267

Section 152, act July 1, 1918, ch. 113, 40 Stat. 650, as amended July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, related to office space for Advisory Committee.

Section 153, act Mar. 3, 1915, ch. 83, 38 Stat. 930, related to annual reports.

§ 154. Repealed. Oct. 10, 1940, ch. 851, §4, 54 Stat. 1114

Section, act Apr. 22, 1926, ch. 171, 44 Stat. 314, related to purchases and services.

§ 155. Repealed. May 25, 1948, ch. 335, §3(c), 62 Stat. 267

Section, act Apr. 22, 1926, ch. 171, 44 Stat. 314, related to Langley Memorial Aeronautical Laboratory.

§§ 156, 157. Omitted

CODIFICATION

Section 156, acts Apr. 18, 1940, ch. 107, §1, 54 Stat. 134; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972, authorized National Advisory Committee for Aeronautics to pay compensation of a retired officer of the Army or Navy performing service for Committee. See note set out under sections 151 to 151f of this title.

Section 157, which related to transfer of aircraft, supplies, and equipment by Army and Navy to National Advisory Committee for Aeronautics, was from appropriation acts July 30, 1947, ch. 359, title I, §101, 61 Stat. 599; Apr. 20, 1948, ch. 219, title I, §101, 62 Stat. 188; Aug. 24, 1949, ch. 506, title I, §101, 63 Stat. 646; Sept. 6, 1950, ch. 896, ch. VIII, title I, §101, 64 Stat. 711, and was not repeated in the Independent Offices Appropriation Act, 1952, act Aug. 31, 1951, ch. 376, 65 Stat. 268. Section was formerly classified to section 246 of former Title 49, Transportation.

§§ 158 to 159. Transferred

CODIFICATION

Section 158, act Aug. 1, 1947, ch. 433, §1(b), (c), as added July 13, 1949, ch. 332, §1, 63 Stat. 410, related to professional and scientific service on the Committee and was transferred to section 1161 of former Title 5, Executive Departments and Government Officers and

Employees, prior to repeal by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

Section 158a, act Aug. 1, 1947, ch. 433, §2, 61 Stat. 715, related to classification of positions and appointments and was transferred to section 1162 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenacted as section 3104(b) of Title 5, Government Organization and Employees.

Section 159, acts Aug. 1, 1947, ch. 433, §3, 61 Stat. 715; July 13, 1949, ch. 332, §2, 63 Stat. 411, related to reports to Congress and confidential information and was transferred to section 1163 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenacted as section 3104(c) of Title 5, Government Organization and Employees.

§ 160. Omitted

CODIFICATION

Section, which was from acts Aug. 24, 1949, ch. 506, title I, §101, 63 Stat. 646; Sept. 6, 1950, ch. 896, ch. VIII, title I, §101, 64 Stat. 711, and prior appropriation acts, related to employment of aliens, and was not repeated in the Independent Offices Appropriation Act, 1952, act Aug. 31, 1951, ch. 376, 65 Stat. 268.

§§ 160a to 160f. Repealed. Pub. L. 85-707, §21(b)(5), July 7, 1958, 72 Stat. 337

Section 160a, act Apr. 11, 1950, ch. 86, §1, 64 Stat. 43, related to employees pursuing graduate study or research.

Section 160b, act Apr. 11, 1950, ch. 86, §2, 64 Stat. 43, related to acceptable types of graduate study and research.

Section 160c, act Apr. 11, 1950, ch. 86, §3, 64 Stat. 43, related to duration of leaves of absence available.

Section 160d, act Apr. 11, 1950, ch. 86, §4, 64 Stat. 43, related to payment of tuition and expenses.

Section 160e, act Apr. 11, 1950, ch. 86, §5, 64 Stat. 43, related to continuation of salary and leave benefits.

Section 160f, acts Apr. 11, 1950, ch. 86, §6, 64 Stat. 43; May 6, 1954, ch. 183, 68 Stat. 78; Mar. 17, 1958, Pub. L. 85-349, 72 Stat. 48, related to limitation on government expenditure.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 21(a) of Pub. L. 85-507.

CHAPTER 10—HELIUM GAS

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§§ 161 to 164. Omitted

CODIFICATION

Act Mar. 3, 1925, ch. 426, 43 Stat. 1110, as completely amended, renumbered, and revised by Pub. L. 86-777,

Sept. 13, 1960, 74 Stat. 918, is classified to section 167 et seq. of this title.

Section 161, acts Mar. 3, 1925, ch. 426, § 1, 43 Stat. 1110; Mar. 3, 1927, ch. 355, 44 Stat. 1387; Sept. 1, 1937, ch. 895, 50 Stat. 885, authorized Secretary of the Interior to acquire and reserve helium-gas lands and to produce and store helium gas. See section 3 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167a of this title.

Section 162, acts Feb. 12, 1925, ch. 225, title I, 43 Stat. 908; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized Navy Department to acquire helium-gas lands and to produce and experiment with helium gas.

Section 163, acts Mar. 3, 1925, ch. 426, § 2, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1387; Sept. 1, 1937, ch. 895, 50 Stat. 886, authorized Bureau of Mines to produce helium gas. See section 4 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167b of this title.

Section 164, acts Mar. 3, 1925, ch. 426, § 3, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1387; Sept. 1, 1937, ch. 895, 50 Stat. 886, related to disposal of helium by sale, upon request of Army or Navy or other Federal Government agencies, or for medicinal, scientific or commercial use, to deposit and use of funds obtained by sale of gas, and to an annual report to Congress by Secretary of the Interior on said funds. See section 6 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167d of this title.

§ 165. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(13), 68 Stat. 861

Section, acts Mar. 3, 1925, ch. 426, § 4, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887, related to exportation of helium gas. See section 2778 of Title 22, Foreign Relations and Inter-course.

§ 166. Omitted

Section, acts Mar. 3, 1925, ch. 426, § 5, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized Secretaries of Army and Navy to designate representatives to cooperate with Department of the Interior to effectuate the purposes of this chapter, and gave them the right of access to plants, data, and accounts. See section 7 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167e of this title.

§ 167. Definitions

In this chapter:

(1) Cliffside Field

The term “Cliffside Field” means the helium storage reservoir in which the Federal Helium Reserve is stored.

(2) Federal Helium Pipeline

The term “Federal Helium Pipeline” means the federally owned pipeline system through which helium for the Federal Helium Reserve may be transported.

(3) Federal Helium Reserve

The term “Federal Helium Reserve” means helium reserves owned by the United States.

(4) Federal Helium System

The term “Federal Helium System” means—

- (A) the Federal Helium Reserve;
- (B) the Cliffside Field;
- (C) the Federal Helium Pipeline; and
- (D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal,

enrichment, purification, or management of helium.

(5) Federal user

The term “Federal user” means a Federal agency or extramural holder of one or more Federal research grants using helium.

(6) Low-Btu gas

The term “low-Btu gas” means a fuel gas with a heating value of less than 250 Btu per standard cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

(7) Person

The term “person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision.

(8) Priority pipeline access

The term “priority pipeline access” means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

(9) Qualified bidder

(A) In general

The term “qualified bidder” means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users.

(B) Exclusion

The term “qualified bidder” does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this chapter.

(10) Qualifying domestic helium transaction

The term “qualifying domestic helium transaction” means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

(11) Refiner

The term “refiner” means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

(12) Secretary

The term “Secretary” means the Secretary of the Interior.

(Mar. 3, 1925, ch. 426, § 2, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 918; amended Pub. L. 113-40, § 2, Oct. 2, 2013, 127 Stat. 534.)

PRIOR PROVISIONS

A prior section 2 of act Mar. 3, 1925, authorized Bureau of Mines to produce helium gas and was classified to section 163 of this title, prior to the general amendment of this chapter by Pub. L. 86-777.

AMENDMENTS

2013—Pub. L. 113-40 amended section generally. Prior to amendment, section defined “Secretary”, “person”, “helium-bearing natural gas”, and “helium-gas mixture”.

EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-777, § 3, Sept. 13, 1960, 74 Stat. 923, provided that: “The amendment made by this Act [enacting this section and sections 167a to 167n of this title] shall become effective on March 1, 1961.”

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-40, § 1, Oct. 2, 2013, 127 Stat. 534, provided that: “This Act [see Tables for classification] may be cited as the ‘Helium Stewardship Act of 2013’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-273, § 1, Oct. 9, 1996, 110 Stat. 3315, provided that: “This Act [amending sections 167a to 167d, 167f, 167j, and 167m of this title] may be cited as the ‘Helium Privatization Act of 1996’.”

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-777, § 1, Sept. 13, 1960, 74 Stat. 918, provided that: “This Act [enacting this section, sections 167a to 167n of this title, and provisions set out as notes below] may be cited as the ‘Helium Act Amendments of 1960’.”

SHORT TITLE

Section 1 of act Mar. 3, 1925, as added by Pub. L. 86-777, § 2, provided that: “This Act [enacting this section, sections 167a to 167n of this title, and provisions set out as a note below] may be cited as the ‘Helium Act’.”

REGULATIONS

Pub. L. 113-40, § 9, Oct. 2, 2013, 127 Stat. 544, provided that: “The Secretary of the Interior shall promulgate such regulations as are necessary to carry out this Act [see Tables for classification] and the amendments made by this Act, including regulations necessary to prevent unfair acts and practices.”

SEPARABILITY

Act Mar. 3, 1925, ch. 426, § 20, formerly § 17, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 923, renumbered § 20, Pub. L. 113-40, § 6(2), Oct. 2, 2013, 127 Stat. 540, provided that: “If any provision of this Act [enacting this section, sections 167a to 167n of this title, and provisions set out as a note above], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

EXISTING AGREEMENTS

Pub. L. 113-40, § 8, Oct. 2, 2013, 127 Stat. 544, provided that:

“(a) **IN GENERAL.**—This Act [see Tables for classification] and the amendments made by this Act shall not affect or diminish the rights and obligations of the Secretary of the Interior and private parties under agreements in existence on the date of enactment of this Act [Oct. 2, 2013], except to the extent that the agreements are renewed or extended after that date.

“(b) **DELIVERY.**—No agreement described in subsection (a) shall affect or diminish the right of any party that purchases helium after the date of enactment of this Act in accordance with section 6 of the Helium Act (50 U.S.C. 167d) (as amended by section 5) to receive delivery of the helium in accordance with section 5(e)(2) of the Helium Act (50 U.S.C. 167c(e)(2)) (as amended by section 4).”

SEVERANCE PACKAGE FOR HELIUM OPERATIONS EMPLOYEES

Pub. L. 106-113, div. B, § 1000(a)(3) [title I, § 112], Nov. 29, 1999, 113 Stat. 1535, 1501A-157, provided that:

“(a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

“(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

“(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995 [Pub. L. 103-337, 10 U.S.C. 1597 note].

“(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

“(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996 [probably means the Helium Act, which is classified to section 167b(c)(4) of this title]. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

“(f) This section shall remain in effect through fiscal year 2002.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105-277, div. A, § 101(e) [title I, § 112], Oct. 21, 1998, 112 Stat. 2681-231, 2681-254.

Pub. L. 105-83, title I, § 113, Nov. 14, 1997, 111 Stat. 1562.

§ 167a. Authority of Secretary**(a) Extraction and disposal of helium on Federal lands****(1) In general**

The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

(2) Leasehold rights

The Secretary may grant leasehold rights to any such helium.

(3) Limitation

The Secretary may not enter into any agreement by which the Secretary sells such helium

other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

(4) Regulations

Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

(5) Existing rights

An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

(6) Terms and conditions

An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

(7) Prior agreements

This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on October 9, 1996, except to the extent that such agreements are renewed or extended after October 9, 1996.

(b) Storage, transportation, and sale

The Secretary may store, transport, and sell helium only in accordance with this chapter.

(c) Extraction of helium from deposits on Federal land

All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 167d(e) of this title.

(Mar. 3, 1925, ch. 426, §3, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 918; amended Pub. L. 104-273, §3, Oct. 9, 1996, 110 Stat. 3315; Pub. L. 113-40, §3, Oct. 2, 2013, 127 Stat. 535.)

PRIOR PROVISIONS

A prior section 3 of act Mar. 3, 1925, related to disposal of helium by sale, use of funds so obtained, and reports to Congress on such uses and was classified to section 164 of this title, prior to the general amendment of this chapter by Pub. L. 86-777.

AMENDMENTS

2013—Subsec. (c). Pub. L. 113-40 added subsec. (c).
1996—Pub. L. 104-273 amended section generally. Prior to amendment, section enumerated various aspects of Secretary's authority, including provisions in subsec. (a) relating to conserving, producing, buying, and selling helium, in subsec. (b) relating to helium on public domain, and in subsec. (c) relating to contract price for helium.

§ 167b. Storage, transportation, and withdrawal of crude helium

(a) Storage, transportation, and withdrawal

The Secretary may store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on October 9, 1996, at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

(b) Cessation of production, refining, and marketing

Not later than 18 months after October 9, 1996, the Secretary shall cease producing, refining,

and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this chapter before October 9, 1996, except activities described in subsection (a) of this section.

(c) Disposal of facilities

(1) In general

Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

(2) Applicable law

The disposal of such property shall be in accordance with chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(3) Proceeds

All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 167d(e) of this title.

(4) Costs

All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) of this section shall be paid from amounts available in the helium production fund established under section 167d(e) of this title.

(5) Exception

Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation, and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

(d) Existing contracts

(1) In general

All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on October 9, 1996, shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b) of this section.

(2) Costs

Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 167d(e) of this title.

(Mar. 3, 1925, ch. 426, §4, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 920; amended Pub. L. 104-273, §3, Oct. 9, 1996, 110 Stat. 3316; Pub. L. 113-40, §7(a), Oct. 2, 2013, 127 Stat. 544.)

CODIFICATION

In subsec. (c)(2), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906,

4710, and 4711) of subtitle I of title 41'' substituted for ''the Federal Property and Administrative Services Act of 1949'' on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

PRIOR PROVISIONS

A prior section 4 of act Mar. 3, 1925, related to exportation of helium gas and was classified to section 165 of this title, prior to repeal by act Aug. 26, 1954, ch. 937, title V, §542(a)(13), 68 Stat. 861.

AMENDMENTS

2013—Subsecs. (c)(3), (4), (d)(2). Pub. L. 113-40 substituted ''section 167d(e)'' for ''section 167d(f)''.

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section consisted of single par. authorizing Secretary to maintain and operate helium production and purification plants and to conduct or contract for research as to helium production, purification, transportation, liquefaction, storage, and utilization.

§ 167c. Storage, withdrawal and transportation

(a) In general

If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

(b) Minimum fees

The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing storage, withdrawal, or transportation services, including capital investments in upgrades and maintenance at the Federal Helium System.

(c) Schedule of fees

Prior to sale or auction under subsection (a), (b), or (c) of section 167d of this title, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

(d) Treatment

All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 167d(e) of this title.

(e) Storage and delivery

In accordance with this section, the Secretary shall—

(1) allow any person or qualified bidder to which crude helium is sold or auctioned under section 167d of this title to store helium in the Federal Helium Reserve; and

(2) establish a schedule for the transportation and delivery of helium using the Federal Helium System that—

(A) ensures timely delivery of helium auctioned pursuant to section 167d(b)(2) of this title;

(B) ensures timely delivery of helium acquired from the Secretary from the Federal Helium Reserve by means other than an auction under section 167d(b)(2) of this title, including nonallocated sales; and

(C) provides priority access to the Federal Helium Pipeline for in-kind sales for Federal users.

(f) New Pipeline access

The Secretary shall consider any applications for access to the Federal Helium Pipeline in a manner consistent with the schedule for phasing out commercial sales and disposition of assets pursuant to section 167d of this title.

(Mar. 3, 1925, ch. 426, §5, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 920; amended Pub. L. 104-273, §3, Oct. 9, 1996, 110 Stat. 3317; Pub. L. 113-40, §4, Oct. 2, 2013, 127 Stat. 535.)

PRIOR PROVISIONS

A prior section 5 of act Mar. 3, 1925, authorized governmental cooperation with Department of the Interior to effectuate the purposes of this chapter and was classified to section 166 of this title, prior to the general amendment of this chapter by Pub. L. 86-777.

AMENDMENTS

2013—Pub. L. 113-40 amended section generally. Prior to amendment, section related to fees for storage, transportation, and withdrawal.

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section related to licensing for extraction, transportation, and sale of helium under Federal helium refining program, including provisions in subsec. (a) relating to rules and regulations, in subsec. (b) relating to terms, assignments, and revocations of licenses, in subsec. (c) relating to purpose of licenses, and in subsec. (d) relating to suspension of licenses and reacquisition of helium supplies in times of war or national emergency.

§ 167d. Sale of crude helium

(a) Phase A: allocation transition

(1) In general

The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection with minimum market disruption.

(2) Federal purchases

Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(3) Duration

This subsection applies during—

(A) the period beginning on October 2, 2013, and ending on September 30, 2014; and

(B) any period during which the sale of helium under subsection (b) is delayed or suspended.

(b) Phase B: auction implementation

(1) In general

The Secretary shall offer crude helium for sale in quantities not subject to auction under paragraph (2), after completion of each auction, at not less than the minimum price established under paragraph (7), and under such terms and conditions as the Secretary determines necessary—

(A) to maximize total recovery of helium from the Federal Helium Reserve over the long term;

(B) to maximize the total financial return to the taxpayer;

(C) to manage crude helium sales according to the ability of the Secretary to extract and produce helium from the Federal Helium Reserve;

(D) to give priority to meeting the helium demand of Federal users in the event of any disruption to the Federal Helium Reserve; and

(E) to carry out this subsection with minimum market disruption.

(2) Auction quantities

For the period described in paragraph (4) and consistent with the conditions described in paragraph (8), the Secretary shall annually auction to any qualified bidder a quantity of crude helium in the Federal Helium Reserve equal to—

(A) for fiscal year 2015, 10 percent of the total volume of crude helium made available for that fiscal year;

(B) for each of fiscal years 2016 through 2019, a percentage of the total volume of crude helium that is 15 percentage points greater than the percentage made available for the previous fiscal year; and

(C) for fiscal year 2020 and each fiscal year thereafter, 100 percent of the total volume of crude helium made available for that fiscal year.

(3) Federal purchases

Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(4) Duration

This subsection applies during the period—

(A) beginning on October 1, 2014; and

(B) ending on the date on which the volume of recoverable crude helium at the Federal Helium Reserve (other than privately owned quantities of crude helium stored temporarily at the Federal Helium Reserve under section 167c of this title and this section) is 3,000,000,000 standard cubic feet.

(5) Safety valve

The Secretary may adjust the quantities specified in paragraph (2)—

(A) downward, if the Secretary determines the adjustment necessary—

(i) to minimize market disruptions that pose a threat to the economic well-being of the United States; and

(ii) only after submitting a written justification of the adjustment to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; or

(B) upward, if the Secretary determines the adjustment necessary to increase participation in crude helium auctions or returns to the taxpayer.

(6) Auction format

The Secretary shall conduct each auction using a method that maximizes revenue to the Federal Government.

(7) Prices

The Secretary shall annually establish, as applicable, separate sale and minimum auction prices under subsection (a)(1) and paragraphs (1) and (2) using, if applicable and in the following order of priority:

(A) The sale price of crude helium in auctions held by the Secretary under paragraph (2).

(B) Price recommendations and disaggregated data from a qualified, independent third party who has no conflict of interest, who shall conduct a confidential survey of qualifying domestic helium transactions.

(C) The volume-weighted average price of all crude helium and pure helium purchased, sold, or processed by persons in all qualifying domestic helium transactions.

(D) The volume-weighted average cost of converting gaseous crude helium into pure helium.

(8) Terms and conditions

(A) In general

The Secretary shall require all persons that are parties to a contract with the Secretary for the withdrawal, acceptance, storage, transportation, delivery, or redelivery of crude helium to disclose, on a strictly confidential basis—

(i) the volumes and associated prices in dollars per thousand cubic feet of all crude and pure helium purchased, sold, or processed by persons in qualifying domestic helium transactions;

(ii) the volumes and associated costs in dollars per thousand cubic feet of converting crude helium into pure helium; and

(iii) refinery capacity and future capacity estimates.

(B) Condition

As a condition of sale or auction to a refiner under subsection (a)(1) and paragraphs (1) and (2), effective beginning 90 days after October 2, 2013, the refiner shall make excess refining capacity of helium available at commercially reasonable rates to—

(i) any person prevailing in auctions under paragraph (2); and

(ii) any person that has acquired crude helium from the Secretary from the Federal Helium Reserve by means other than an auction under paragraph (2) after October 2, 2013, including nonallocated sales.

(9) Use of information

The Secretary may use the information collected under this chapter—

(A) to approximate crude helium prices; and

(B) to ensure the recovery of fair value for the taxpayers of the United States from sales of crude helium.

(10) Protection of confidentiality

The Secretary shall adopt such administrative policies and procedures as the Secretary considers necessary and reasonable to ensure the confidentiality of information submitted pursuant to this chapter.

(11) Forward auctions

Effective beginning in fiscal year 2016, the Secretary may conduct a forward auction once

each fiscal year of a quantity of helium that is equal to up to 10 percent of the volume of crude helium to be made available at auction during the following fiscal year if the Secretary determines that the forward auction will—

- (A) not cause a disruption in the supply of helium from the Reserve;
- (B) represent a cost-effective action;
- (C) generate greater returns for taxpayers; and
- (D) increase the effectiveness of price discovery.

(12) Sale schedule and frequency

For fiscal year 2015 the Secretary shall conduct only one auction, which shall precede, and one sale, which shall take place no later than August 1, 2014, with full and final payment for the sale being made no later than September 26, 2014. Consistent with the annual volumes established under paragraph (2), effective beginning in fiscal year 2016, the Secretary may conduct auctions twice during each fiscal year if the Secretary determines that the auction frequency will—

- (A) not cause a disruption in the supply of helium from the Reserve;
- (B) represent a cost-effective action;
- (C) generate greater returns for taxpayers; and
- (D) increase the effectiveness of price discovery.

(13) One-time sale

(A) In general

Notwithstanding paragraph (4)(A), the Secretary shall hold a one-time sale of helium, no later than August 1, 2014 from amounts available in fiscal year 2016 pursuant to this section. Full and final payment for the sale must be made no later than 45 days after the date the sale takes place.

(B) Volume sold

The volume of helium sold under this paragraph—

- (i) shall be at least 250 million cubic feet; and
- (ii) shall be made available for sale consistent with paragraph (2)(B).

(c) Phase C: continued access for Federal users

(1) In general

The Secretary shall offer crude helium for sale to Federal users in such quantities, at such times, at such prices required to reimburse the Secretary for the full costs of the sales, and under such terms and conditions as the Secretary determines necessary to carry out this subsection.

(2) Federal purchases

Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(3) Effective date

This subsection applies beginning on the day after the date described in subsection (b)(4)(B).

(d) Phase D: disposal of assets

(1) In general

Not earlier than 2 years after the date of commencement of Phase C described in subsection (c) and not later than September 30, 2021, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests in the same, held by the United States in the Federal Helium System.

(2) Applicable law

The disposal of the property described in paragraph (1) shall be in accordance with subtitle I of title 40.

(3) Proceeds

All proceeds accruing to the United States by reason of the sale or other disposal of the property described in paragraph (1) shall be treated as funds received under this chapter for purposes of subsection (e).

(4) Costs

All costs associated with the sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under this subsection shall be paid from amounts available in the Helium Production Fund established under subsection (e).

(e) Helium Production Fund

(1) In general

All amounts received under this chapter, including amounts from the sale or auction of crude helium, shall be credited to the Helium Production Fund, which shall be available without fiscal year limitation for purposes determined to be necessary and cost effective by the Secretary to carry out this chapter (other than sections 167n, 167o, and 167p of this title), including capital investments in upgrades and maintenance at the Federal Helium System, including—

- (A) well head maintenance at the Cliffside Field;
- (B) capital investments in maintenance and upgrades of facilities that pressurize the Cliffside Field;
- (C) capital investments in maintenance and upgrades of equipment related to the storage, withdrawal, enrichment, transportation, purification, and sale of crude helium from the Federal Helium Reserve;
- (D) entering into purchase, lease, or other agreements to drill new or uncap existing wells to maximize the recovery of crude helium from the Federal Helium System; and
- (E) any other scheduled or unscheduled maintenance of the Federal Helium System.

(2) Excess funds

Amounts in the Helium Production Fund in excess of amounts the Secretary determines to be necessary to carry out paragraph (1) shall be paid to the general fund of the Treasury and used to reduce the annual Federal budget deficit.

(3) Retirement of public debt

Out of amounts paid to the general fund of the Treasury under paragraph (2), the Sec-

retary of the Treasury shall use \$51,000,000 to retire public debt.

(4) Report

Not later than 1 year after October 2, 2013, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all expenditures by the Bureau of Land Management to carry out this chapter.

(f) Minimum quantity

The Secretary shall offer for sale or auction during each fiscal year under subsections (a), (b), and (c) a quantity of crude helium that is the lesser of—

(1) the quantity of crude helium offered for sale by the Secretary during fiscal year 2012; or

(2) the maximum total production capacity of the Federal Helium System.

(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; Pub. L. 113-40, § 5, Oct. 2, 2013, 127 Stat. 536.)

AMENDMENTS

2013—Pub. L. 113-40 amended section generally. Prior to amendment, section related to sale of helium.

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.

§ 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. Repealed. Pub. L. 113-40, § 7(b), Oct. 2, 2013, 127 Stat. 544

Section, act 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, related to elimination of helium stockpile.

§ 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. Information

(a) Transparency

The Secretary, acting through the Bureau of Land Management, shall make available on the Internet information relating to the Federal Helium System that includes—

- (1) continued publication of an open market and in-kind price;
- (2) aggregated projections of excess refining capacity;
- (3) ownership of helium held in the Federal Helium Reserve;
- (4) the volume of helium delivered to persons through the Federal Helium Pipeline;
- (5) pressure constraints of the Federal Helium Pipeline;
- (6) an estimate of the projected date when 3,000,000,000 standard cubic feet of crude helium will remain in the Federal Helium Reserve and the final phase described in section 167d(c) of this title will begin;
- (7) the amount of the fees charged under section 167c of this title;
- (8) the scheduling of crude helium deliveries through the Federal Helium Pipeline; and
- (9) other factors that will increase transparency.

(b) Reporting

Not later than 90 days after October 2, 2013, to provide the market with appropriate and timely information affecting the helium resource, the Director of the Bureau of Land Management shall establish a timely and public reporting

process to provide data that affects the helium industry, including—

(1) annual maintenance schedules and quarterly updates, that shall include—

- (A) the date and duration of planned shutdowns of the Federal Helium Pipeline;
- (B) the nature of work to be undertaken on the Federal Helium System, whether routine, extended, or extraordinary;
- (C) the anticipated impact of the work on the helium supply;
- (D) the efforts being made to minimize any impact on the supply chain; and
- (E) any concerns regarding maintenance of the Federal Helium Pipeline, including the pressure of the pipeline or deviation from normal operation of the pipeline;

(2) for each unplanned outage, a description of—

- (A) the beginning of the outage;
- (B) the expected duration of the outage;
- (C) the nature of the problem;
- (D) the estimated impact on helium supply;
- (E) a plan to correct problems, including an estimate of the potential timeframe for correction and the likelihood of plan success within the timeframe;
- (F) efforts to minimize negative impacts on the helium supply chain; and
- (G) updates on repair status and the anticipated online date;

(3) monthly summaries of meetings and communications between the Bureau of Land Management and the Cliffside Refiners Limited Partnership, including a list of participants and an indication of any actions taken as a result of the meetings or communications; and

(4) current predictions of the lifespan of the Federal Helium System, including how much longer the crude helium supply will be available based on current and forecasted demand and the projected maximum production capacity of the Federal Helium System for the following fiscal year.

(Mar. 3, 1925, ch. 426, §15, as added Pub. L. 113-40, §6(3), Oct. 2, 2013, 127 Stat. 541.)

PRIOR PROVISIONS

A prior section 167m, act Mar. 3, 1925, ch. 426, §15, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 923; amended Pub. L. 104-273, §7, Oct. 9, 1996, 110 Stat. 3319, related to a National Academy of Sciences study and report on helium, prior to repeal by Pub. L. 113-40, §6(1), Oct. 2, 2013, 127 Stat. 540.

§ 167n. Helium gas resource assessment

(a) In general

Not later than 2 years after October 2, 2013, the Secretary, acting through the Director of the United States Geological Survey, shall—

(1) in coordination with appropriate heads of State geological surveys—

- (A) complete a national helium gas assessment that identifies and quantifies the quantity of helium, including the isotope helium-3, in each reservoir, including assessments of the constituent gases found in each helium resource, such as carbon dioxide, nitrogen, and natural gas; and

(B) make available the modern seismic and geophysical log data for characterization of the Bush Dome Reservoir;

(2) in coordination with appropriate international agencies and the global geology community, complete a global helium gas assessment that identifies and quantifies the quantity of the helium, including the isotope helium-3, in each reservoir;

(3) in coordination with the Secretary of Energy, acting through the Administrator of the Energy Information Administration, complete—

(A) an assessment of trends in global demand for helium, including the isotope helium-3;

(B) a 10-year forecast of domestic demand for helium across all sectors, including scientific and medical research, commercial, manufacturing, space technologies, cryogenics, and national defense; and

(C) an inventory of medical, scientific, industrial, commercial, and other uses of helium in the United States, including Federal uses, that identifies the nature of the helium use, the amounts required, the technical and commercial viability of helium recapture and recycling in that use, and the availability of material substitutes wherever possible; and

(4) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the assessments required under this paragraph.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,000,000.

(Mar. 3, 1925, ch. 426, §16, as added Pub. L. 113–40, §6(3), Oct. 2, 2013, 127 Stat. 542.)

PRIOR PROVISIONS

A prior section 167n, act Mar. 3, 1925, ch. 426, §16, as added Pub. L. 86–777, §2, Sept. 13, 1960, 74 Stat. 923, directed the Secretary of the Interior to make annual reports to Congress, prior to repeal by Pub. L. 105–362, title IX, §901(q), Nov. 10, 1998, 112 Stat. 3291.

§ 167o. Low-Btu gas separation and helium conservation

(a) Authorization

The Secretary of Energy shall support programs of research, development, commercial application, and conservation (including the programs described in subsection (b))—

(1) to expand the domestic production of low-Btu gas and helium resources;

(2) to separate and capture helium from natural gas streams; and

(3) to reduce the venting of helium and helium-bearing low-Btu gas during natural gas exploration and production.

(b) Programs

(1) Membrane technology research

The Secretary of Energy, in consultation with other appropriate agencies, shall support a civilian research program to develop ad-

vanced membrane technology that is used in the separation of low-Btu gases, including technologies that remove helium and other constituent gases that lower the Btu content of natural gas.

(2) Helium separation technology

The Secretary of Energy shall support a research program to develop technologies for separating, gathering, and processing helium in low concentrations that occur naturally in geological reservoirs or formations, including—

(A) low-Btu gas production streams; and

(B) technologies that minimize the atmospheric venting of helium gas during natural gas production.

(3) Industrial helium program

The Secretary of Energy, working through the Advanced Manufacturing Office of the Department of Energy, shall carry out a research program—

(A) to develop low-cost technologies and technology systems for recycling, reprocessing, and reusing helium for all medical, scientific, industrial, commercial, aerospace, and other uses of helium in the United States, including Federal uses; and

(B) to develop industrial gathering technologies to capture helium from other chemical processing, including ammonia processing.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$3,000,000.

(Mar. 3, 1925, ch. 426, §17, as added Pub. L. 113–40, §6(3), Oct. 2, 2013, 127 Stat. 542.)

PRIOR PROVISIONS

A prior section 17 of act Mar. 3, 1925, ch. 426, was redesignated section 20 and is set out as a Separability note under section 167 of this title.

§ 167p. Helium-3 separation

(a) Interagency cooperation

The Secretary shall cooperate with the Secretary of Energy, or a designee, on any assessment or research relating to the extraction and refining of the isotope helium-3 from crude helium and other potential sources, including—

(1) gas analysis; and

(2) infrastructure studies.

(b) Feasibility study

The Secretary, in consultation with the Secretary of Energy, or a designee, may carry out a study to assess the feasibility of—

(1) establishing a facility to separate the isotope helium-3 from crude helium; and

(2) exploring other potential sources of the isotope helium-3.

(c) Report

Not later than 1 year after October 2, 2013, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of the results of the assessments conducted under this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,000,000.

(Mar. 3, 1925, ch. 426, § 18, as added Pub. L. 113–40, § 6(3), Oct. 2, 2013, 127 Stat. 543.)

§ 167q. Federal agency helium acquisition strategy

In anticipation of the implementation of Phase D described in section 167d(d) of this title, and not later than 2 years after October 2, 2013, the Secretary (in consultation with the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Director of the National Institutes of Health, and other agencies as appropriate) shall submit to Congress a report that provides for Federal users—

(1) an assessment of the consumption of, and projected demand for, crude and refined helium;

(2) a description of a 20-year Federal strategy for securing access to helium;

(3) a determination of a date prior to September 30, 2021, for the implementation of Phase D as described in section 167d(d) of this title that minimizes any potential supply disruptions for Federal users;

(4) an assessment of the effects of increases in the price of refined helium and methods and policies for mitigating any determined effects; and

(5) a description of a process for prioritization of uses that accounts for diminished availability of helium supplies that may occur over time.

(Mar. 3, 1925, ch. 426, § 19, as added Pub. L. 113–40, § 6(3), Oct. 2, 2013, 127 Stat. 544.)

CHAPTER 11—ACQUISITION OF AND EXPENDITURES ON LAND FOR NATIONAL-DEFENSE PURPOSES**§§ 171, 171–1. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641**

Section 171, acts Aug. 18, 1890, ch. 797, § 1, 26 Stat. 316; July 2, 1917, ch. 35, 40 Stat. 241; Apr. 11, 1918, ch. 51, 40 Stat. 518, authorized Secretary of War to institute condemnation proceedings for acquisition of land, to purchase land, and to accept donations of land. See section 2663 of Title 10, Armed Forces.

Section 171–1, act Oct. 25, 1951, ch. 563, § 101, 65 Stat. 641, granted certain condemnation authority to Secretary of Navy. See sections 2663 and 2668 of Title 10.

§ 171a. Omitted

CODIFICATION

Section, act July 2, 1917, ch. 35, § 2, as added Mar. 27, 1942, ch. 199, title II, § 201, 56 Stat. 177, related to acquisition of real property during war, and terminated on Dec. 28, 1945 by act Mar. 27, 1942, ch. 199, title II, § 202, as added Dec. 28, 1945, ch. 590, § 1(a), 59 Stat. 658.

§ 171b. Repealed. Pub. L. 85–861, § 36A, Sept. 2, 1958, 72 Stat. 1570

Section, acts Aug. 3, 1956, ch. 939, title IV, § 406, 70 Stat. 1015; Aug. 20, 1958, Pub. L. 85–685, title V, § 510, 72 Stat. 662, related to acquisition of land not exceeding \$5,000 in cost.

§§ 172, 173. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 172, act July 9, 1918, ch. 143, subch. XV § 8, 40 Stat. 888, related to acquisition of property for production of lumber. See section 2665 of Title 10, Armed Forces.

Section 173, act Apr. 28, 1904, ch. 1762, § 1, 33 Stat. 497, related to purchase of land for quarters and barracks in addition to sites for fortifications.

§ 174. Omitted

CODIFICATION

Section, act Aug. 18, 1890, ch. 797, § 1, 26 Stat. 316, provided that nothing contained in former section 171 of this title should be construed to authorize an expenditure or involve the Government in any contract for future payment of money in excess of sums appropriated therefor.

§ 175. Transferred

CODIFICATION

Section, R.S. § 355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083; Sept. 1, 1970, Pub. L. 91–393, § 1, 84 Stat. 835, which related to approval of title prior to Federal land purchases, payment of title expenses, application to Tennessee Valley Authority, and Federal jurisdiction over acquisitions, was transferred to section 255 of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3111 and 3112 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as amended by Pub. L. 108–178, § 2(a)(8), Dec. 15, 2003, 117 Stat. 2638, 2640.

§ 176. Omitted

CODIFICATION

Section, act Mar. 28, 1918, ch. 28, § 1, 40 Stat. 460, authorized acquisition of property on Hudson River owned by North German Lloyd Dock Company and Hamburg-American Line Terminal & Navigation Company and provided that section 175 of this title did not apply to expenditures authorized in connection with such property. The President, by proclamation dated June 28, 1918, took possession of such property.

§§ 177 to 179. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 177, act June 25, 1906, ch. 3540, 34 Stat. 463, related to contracts for construction of fortifications and other works of defense.

Section 178, act Apr. 11, 1898, No. 21, 30 Stat. 737, provided for erection of forts in emergency. See sections 4776 and 9776 of Title 10, Armed Forces.

Section 179, act June 30, 1921, ch. 33, § 1, 42 Stat. 81, related to chargeability of appropriations with respect to transportation cost incident to construction and maintenance of seacoast fortifications.

CHAPTER 12—VESSELS IN TERRITORIAL WATERS OF UNITED STATES

Sec.

191. Regulation of anchorage and movement of vessels during national emergency.

191a. Transfer of Secretary of Transportation's powers to Secretary of Navy when Coast Guard operates as part of Navy.

191b, 191c. Repealed.

192. Seizure and forfeiture of vessel; fine and imprisonment.

193. Repealed.

194. Enforcement provisions.

195. Definitions.