

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