

Calendar No. 152113TH CONGRESS
1ST SESSION**S. 783****[Report No. 113–83]**

To amend the Helium Act to improve helium stewardship, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2013

Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. KING, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. FLAKE, Mr. RISCH, Mr. HEINRICH, Mr. CRAPO, Mr. MERKLEY, Mr. CASEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 29, 2013

Reported by Mr. WYDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Helium Act to improve helium stewardship,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Helium Stewardship
3 Act of 2013”.

4 **SEC. 2. DEFINITIONS.**

5 Section 2 of the Helium Act (50 U.S.C. 167) is
6 amended to read as follows:

7 **“SEC. 2. DEFINITIONS.**

8 “In this Act:

9 “(1) **CLIFFSIDE FIELD.**—The term ‘Cliffside
10 Field’ means the helium storage reservoir in which
11 the Federal Helium Reserve is stored.

12 “(2) **FEDERAL HELIUM PIPELINE.**—The term
13 ‘Federal Helium Pipeline’ means the federally owned
14 pipeline system through which the Federal Helium
15 Reserve may be transported.

16 “(3) **FEDERAL HELIUM RESERVE.**—The term
17 ‘Federal Helium Reserve’ means helium reserves
18 owned by the United States.

19 “(4) **FEDERAL HELIUM SYSTEM.**—The term
20 ‘Federal Helium System’ means—

21 “(A) the Federal Helium Reserve;

22 “(B) the Cliffside Field;

23 “(C) the Federal Helium Pipeline; and

24 “(D) all other infrastructure owned,
25 leased, or managed under contract by the Sec-

1 retary for the storage, transportation, with-
2 drawal, purification, or management of helium.

3 “(5) FEDERAL USER.—The term ‘Federal user’
4 means a Federal agency or extramural holder of one
5 or more Federal research grants using helium.

6 “(6) LOW-BTU GAS.—The term ‘low-Btu gas’
7 means a fuel gas with a heating value of less than
8 250 Btu per standard cubic foot measured as the
9 higher heating value resulting from the inclusion of
10 noncombustible gases, including nitrogen, helium,
11 argon, and carbon dioxide.

12 “(7) PERSON.—The term ‘person’ means any
13 individual, corporation, partnership, firm, associa-
14 tion, trust, estate, public or private institution, or
15 State or political subdivision.

16 “(8) PRIORITY PIPELINE ACCESS.—The term
17 ‘priority pipeline access’ means the first priority of
18 delivery of crude helium under which the Secretary
19 schedules and ensures the delivery of crude helium
20 to a helium refinery through the Federal Helium
21 System.

22 “(9) QUALIFIED BIDDER.—

23 “(A) IN GENERAL.—The term ‘qualified
24 bidder’ means a person the Secretary deter-

1 mines is seeking to purchase helium for their
2 own use, refining, or redelivery to users.

3 “(B) EXCLUSION.—The term ‘qualified
4 bidder’ does not include a person who was pre-
5 viously determined to be a qualified bidder if
6 the Secretary determines that the person did
7 not meet the requirements of a qualified bidder
8 under this Act.

9 “(10) QUALIFYING DOMESTIC HELIUM TRANS-
10 ACTION.—The term ‘qualifying domestic helium
11 transaction’ means any agreement entered into or
12 renegotiated agreement during the preceding 1-year
13 period in the United States for the purchase or sale
14 of at least 20,000,000 standard cubic feet of crude
15 or pure helium to which any holder of a contract
16 with the Secretary for the acceptance, storage, deliv-
17 ery, or redelivery of crude helium from the Federal
18 Helium System is a party.

19 “(11) REFINER.—The term ‘refiner’ means a
20 person with the ability to take delivery of crude he-
21 lium from the Federal Helium Pipeline and refine
22 the crude helium into pure helium.

23 “(12) SECRETARY.—The term ‘Secretary’
24 means the Secretary of the Interior.”

1 **SEC. 3. AUTHORITY OF SECRETARY.**

2 Section 3 of the Helium Act (50 U.S.C. 167a) is
3 amended by adding at the end the following:

4 “(e) **EXTRACTION OF HELIUM FROM DEPOSITS ON**
5 **FEDERAL LAND.**—All amounts received by the Secretary
6 from the sale or disposition of helium on Federal land
7 shall be credited to the Helium Production Fund estab-
8 lished under section 6(d).”.

9 **SEC. 4. STORAGE, WITHDRAWAL AND TRANSPORTATION.**

10 Section 5 of the Helium Act (50 U.S.C. 167e) is
11 amended to read as follows:

12 **“SEC. 5. STORAGE, WITHDRAWAL AND TRANSPORTATION.**

13 “(a) **IN GENERAL.**—If the Secretary provides helium
14 storage, withdrawal, or transportation services to any per-
15 son, the Secretary shall impose a fee on the person that
16 accurately reflects the economic value of those services.

17 “(b) **MINIMUM FEES.**—The fees charged under sub-
18 section (a) shall be not less than the amount required to
19 reimburse the Secretary for the full costs of providing
20 storage, withdrawal, or transportation services.

21 “(c) **SCHEDULE OF FEES.**—Prior to sale or auction
22 under subsection (a), (b), or (e) of section 6, the Secretary
23 shall annually publish a standardized schedule of fees that
24 the Secretary will charge under this section.

1 “(d) TREATMENT.—All fees received by the Secretary
2 under this section shall be credited to the Helium Produc-
3 tion Fund established under section 6(d).

4 “(e) NEW STORAGE.—In accordance with this sec-
5 tion, the Secretary shall allow any person or qualified bid-
6 der to which crude helium is sold or auctioned under sec-
7 tion 6 to store that helium in the Federal Helium Re-
8 serve.”.

9 **SEC. 5. SALE OF CRUDE HELIUM.**

10 Section 6 of the Helium Act (50 U.S.C. 167d) is
11 amended to read as follows:

12 **“SEC. 6. SALE OF CRUDE HELIUM.**

13 “(a) PHASE A: ALLOCATION TRANSITION.—

14 “(1) IN GENERAL.—The Secretary shall offer
15 crude helium for sale in such quantities, at such
16 times, at not less than the minimum price estab-
17 lished under subsection (b)(7), and under such
18 terms and conditions as the Secretary determines
19 necessary to carry out this subsection with minimum
20 market disruption.

21 “(2) FEDERAL PURCHASES.—Federal users
22 may purchase refined helium with priority pipeline
23 access under this subsection from persons who have
24 entered into enforceable contracts to purchase an

1 equivalent quantity of crude helium from the Sec-
2 retary.

3 “(3) DURATION.—This subsection applies dur-
4 ing the period—

5 “(A) beginning on the date of enactment of
6 the Helium Stewardship Act of 2013; and

7 “(B) ending on September 30, 2014.

8 “(b) PHASE B: AUCTION IMPLEMENTATION.—

9 “(1) IN GENERAL.—The Secretary shall offer
10 crude helium for sale in quantities not subject to
11 auction under paragraph (2), at such times, at not
12 less than the minimum price established under para-
13 graph (7), and under such terms and conditions as
14 the Secretary determines necessary—

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

18 “(B) to maximize the total financial return
19 to the taxpayer;

20 “(C) to manage crude helium sales accord-
21 ing to the ability of the Secretary to extract and
22 produce helium from the Federal Helium Re-
23 serve;

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

4 ~~“(E) to carry out this subsection with min-~~
5 ~~imum market disruption.~~

6 ~~“(2) AUCTION QUANTITIES.—For the period de-~~
7 ~~scribed in paragraph (4) and consistent with the~~
8 ~~conditions described in paragraph (8), the Secretary~~
9 ~~shall annually auction to any qualified bidder a~~
10 ~~quantity of crude helium in the Federal Helium Re-~~
11 ~~serve equal to—~~

12 ~~“(A) for fiscal year 2015, 10 percent of~~
13 ~~the total volume of crude helium made available~~
14 ~~for that fiscal year; and~~

15 ~~“(B) for each subsequent fiscal year, a~~
16 ~~percentage of the total volume of crude helium~~
17 ~~that is 10 percentage points greater than the~~
18 ~~percentage available for the previous fiscal year,~~
19 ~~but not to exceed 100 percent.~~

20 ~~“(3) FEDERAL PURCHASES.—Federal users~~
21 ~~may purchase refined helium with priority pipeline~~
22 ~~access and at the in-kind price under this subsection~~
23 ~~from persons who have entered into enforceable con-~~
24 ~~tracts to purchase an equivalent quantity of crude~~
25 ~~helium from the Secretary.~~

1 “(4) DURATION.—This subsection applies dur-
2 ing the period—

3 “(A) beginning on October 1, 2014; and

4 “(B) ending on the date on which the vol-
5 ume of recoverable crude helium at the Federal
6 Helium Reserve (other than privately owned
7 quantities of crude helium stored temporarily at
8 the Federal Helium Reserve under section 5
9 and this section) is 3,000,000,000 standard
10 cubic feet.

11 “(5) SAFETY VALVE.—The Secretary may ad-
12 just the quantities specified in paragraph (2)—

13 “(A) downward, if the Secretary deter-
14 mines the adjustment necessary—

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

18 “(ii) only after submitting a written
19 justification of the adjustment to the Com-
20 mittee on Energy and Natural Resources
21 of the Senate and the Committee on Nat-
22 ural Resources of the House of Represent-
23 atives; or

24 “(B) upward, if the Secretary determines
25 the adjustment necessary to increase participa-

1 tion in crude helium auctions or returns to the
2 taxpayer.

3 “(6) AUCTION FORMAT.—The Secretary shall
4 conduct each auction using a method that maximizes
5 revenue to the Federal Government.

6 “(7) PRICES.—The Secretary shall annually es-
7 tablish, as applicable, sale and minimum auction
8 prices under subsection (a)(1) and paragraphs (1)
9 and (2) using, if applicable and in the following
10 order of priority:

11 “(A) The sale price of crude helium in auc-
12 tions held by the Secretary under paragraph
13 (2).

14 “(B) Price recommendations and
15 disaggregated data from a qualified, inde-
16 pendent third party who has no conflict of in-
17 terest, who shall conduct a confidential survey
18 of qualifying domestic helium transactions.

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

23 “(D) The volume-weighted average cost of
24 converting gaseous crude helium into pure he-
25 lium.

1 “(8) TERMS AND CONDITIONS.—

2 “(A) IN GENERAL.—The Secretary shall
3 require all persons that are parties to a con-
4 tract with the Secretary for the withdrawal, ac-
5 ceptance, storage, transportation, delivery, or
6 redelivery of crude helium to disclose, on a
7 strictly confidential basis—

8 “(i) the volumes and associated prices
9 in dollars per thousand cubic feet of all
10 crude and pure helium purchased, sold, or
11 processed by persons in qualifying domes-
12 tic helium transactions;

13 “(ii) the volumes and associated costs
14 in dollars per thousand cubic feet of con-
15 verting crude helium into pure helium; and

16 “(iii) refinery capacity and future ca-
17 pacity estimates.

18 “(B) CONDITION.—As a condition of sale
19 or auction to a refiner under subsection (a)(1)
20 and paragraphs (1) and (2), effective beginning
21 90 days after the date of enactment of the He-
22 lium Stewardship Act of 2013, the refiner shall
23 make excess refining capacity of helium avail-
24 able at commercially reasonable rates to—

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

3 “(ii) any person that has acquired
4 crude helium from the Secretary from the
5 Federal Helium Reserve by means other
6 than an auction under paragraph (2) after
7 the date of enactment of the Helium Stew-
8 ardship Act of 2013.

9 “(9) USE OF INFORMATION.—The Secretary
10 may use the information collected under this Act—

11 “(A) to approximate crude helium prices;
12 and

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

16 “(10) PROTECTION OF CONFIDENTIALITY.—
17 The Secretary shall adopt such administrative poli-
18 cies and procedures as the Secretary considers nec-
19 essary and reasonable to ensure the confidentiality
20 of information submitted pursuant to this Act.

21 “(e) PHASE C: CONTINUED ACCESS FOR FEDERAL
22 USERS.—

23 “(1) IN GENERAL.—The Secretary shall offer
24 crude helium for sale to Federal users in such quan-
25 tities, at such times, at not less than the minimum

1 price established under subsection (b)(7), and under
2 such terms and conditions as the Secretary deter-
3 mines necessary to carry out this subsection.

4 “(2) FEDERAL PURCHASES.—Federal users
5 may purchase refined helium with priority pipeline
6 access under this subsection from persons who have
7 entered into enforceable contracts to purchase an
8 equivalent quantity of crude helium from the Sec-
9 retary.

10 “(3) EFFECTIVE DATE.—This subsection ap-
11 plies beginning on the day after the date described
12 in subsection (b)(4)(B).

13 “(d) HELIUM PRODUCTION FUND.—

14 “(1) IN GENERAL.—All amounts received under
15 this Act, including amounts from the sale or auction
16 of crude helium, shall be credited to the Helium Pro-
17 duction Fund, which shall be available without fiscal
18 year limitation for purposes considered necessary by
19 the Secretary to carry out this Act (other than sec-
20 tions 16, 17, and 18), including capital investments
21 in upgrades and maintenance at the Federal Helium
22 System, including—

23 “(A) well head maintenance at the Cliff-
24 side Field;

1 “(B) capital investments in maintenance
2 and upgrades of facilities that pressurize the
3 Cliffside Field;

4 “(C) capital investments in maintenance
5 and upgrades of equipment related to the stor-
6 age, withdrawal, transportation, purification,
7 and sale of crude helium from the Federal He-
8 lium Reserve;

9 “(D) entering into purchase, lease, or
10 other agreements to drill new or uncap existing
11 wells to maximize the recovery of crude helium
12 from the Federal Helium System if the Sec-
13 retary determines the actions to be cost-effec-
14 tive; and

15 “(E) any other scheduled or unscheduled
16 maintenance of the Federal Helium System.

17 “(2) EXCESS FUNDS.—Any amounts in the He-
18 lium Production Fund described in paragraph (1)
19 that exceed the amounts that the Secretary deter-
20 mines to be necessary to carry out paragraph (1)
21 shall be deposited in the general fund of the Treas-
22 ury.

23 “(e) MINIMUM QUANTITY.—The Secretary shall offer
24 for sale or auction during each fiscal year under sub-

1 “(1) continued publication of an open market
2 and in-kind price;

3 “(2) aggregated projections of excess refining
4 capacity;

5 “(3) ownership of helium held in the Federal
6 Helium Reserve;

7 “(4) the volume of helium delivered to persons
8 through the Federal Helium Pipeline;

9 “(5) pressure constraints of the Federal Helium
10 Pipeline;

11 “(6) an estimate of the projected date when
12 3,000,000,000 standard cubic feet of crude helium
13 will remain in the Federal Helium Reserve and the
14 final phase described in section 6(e) will begin;

15 “(7) the amount of the fees charged under sec-
16 tion 5;

17 “(8) the scheduling of crude helium deliveries
18 through the Federal Helium Pipeline; and

19 “(9) other factors that will increase trans-
20 parency.

21 “(b) REPORTING.—Not later than 90 days after the
22 date of enactment of the Helium Stewardship Act of 2013,
23 to provide the market with appropriate and timely infor-
24 mation affecting the helium resource, the Director of the
25 Bureau of Land Management shall establish a timely and

1 public reporting process to provide data that affects the
2 helium industry, including—

3 “(1) annual maintenance schedules and quar-
4 terly updates; that shall include—

5 “(A) the date and duration of planned
6 shutdowns of the Federal Helium Pipeline;

7 “(B) the nature of work to be undertaken
8 on the Federal Helium System, whether rou-
9 tine, extended, or extraordinary;

10 “(C) the anticipated impact of the work on
11 the helium supply;

12 “(D) the efforts being made to minimize
13 any impact on the supply chain; and

14 “(E) any concerns regarding maintenance
15 of the Federal Helium Pipeline, including the
16 pressure of the pipeline or deviation from nor-
17 mal operation of the pipeline;

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

20 “(A) the beginning of the outage;

21 “(B) the expected duration of the outage;

22 “(C) the nature of the problem;

23 “(D) the estimated impact on helium sup-
24 ply;

1 “(E) a plan to correct problems, including
2 an estimate of the potential timeframe for cor-
3 rection and the likelihood of plan success within
4 the timeframe;

5 “(F) efforts to minimize negative impacts
6 on the helium supply chain; and

7 “(G) updates on repair status and the an-
8 ticipated online date;

9 “(3) monthly summaries of meetings and com-
10 munications between the Bureau of Land Manage-
11 ment and the Cliffside Refiners Limited Partner-
12 ship, including a list of participants and an indica-
13 tion of any actions taken as a result of the meetings
14 or communications; and

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

21 **“SEC. 16. HELIUM GAS RESOURCE ASSESSMENT.**

22 “(a) **IN GENERAL.**—Not later than 2 years after the
23 date of enactment of the Helium Stewardship Act of 2013,
24 the Secretary, acting through the Director of the United
25 States Geological Survey, shall—

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

3 “(A) complete a national helium gas as-
4 sessment that identifies and quantifies the
5 quantity of helium, including the isotope he-
6 lium-3, in each reservoir, including assessments
7 of the constituent gases found in each helium
8 resource, such as carbon dioxide, nitrogen, and
9 natural gas; and

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

13 “(2) in coordination with appropriate inter-
14 national agencies and the global geology community,
15 complete a global helium gas assessment that identi-
16 fies and quantifies the quantity of the helium, in-
17 cluding the isotope helium-3, in each reservoir;

18 “(3) in coordination with the Secretary of En-
19 ergy, acting through the Administrator of the En-
20 ergy Information Administration, complete—

21 “(A) an assessment of trends in global de-
22 mand for helium, including the isotope helium-
23 3;

24 “(B) a 10-year forecast of domestic de-
25 mand for helium across all sectors, including

1 scientific and medical research, commercial,
2 manufacturing, space technologies, cryogenics,
3 and national defense; and

4 “(C) an inventory of medical, scientific, in-
5 dustrial, commercial, and other uses of helium
6 in the United States, including Federal uses,
7 that identifies the nature of the helium use, the
8 amounts required, the technical and commercial
9 viability of helium recapture and recycling in
10 that use, and the availability of material sub-
11 stitutes wherever possible; and

12 “(4) submit to the Committee on Energy and
13 Natural Resources of the Senate and the Committee
14 on Natural Resources of the House of Representa-
15 tives a report describing the results of the assess-
16 ments required under this paragraph.

17 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 such sums as are necessary.

20 **“SEC. 17. LOW-BTU GAS SEPARATION AND HELIUM CON-**
21 **SERVATION.**

22 “(a) AUTHORIZATION.—The Secretary of Energy
23 shall support programs of research, development, commer-
24 cial application, and conservation (including the programs
25 described in subsection (b))—

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

3 “(2) to separate and capture helium from nat-
4 ural gas streams; and

5 “(3) to reduce the venting of helium and he-
6 lium-bearing low-Btu gas during natural gas explo-
7 ration and production.

8 “(b) PROGRAMS.—

9 “(1) MEMBRANE TECHNOLOGY RESEARCH.—

10 The Secretary of Energy, in consultation with other
11 appropriate agencies, shall support a civilian re-
12 search program to develop advanced membrane tech-
13 nology that is used in the separation of low-Btu
14 gases, including technologies that remove helium and
15 other constituent gases that lower the Btu content
16 of natural gas.

17 “(2) HELIUM SEPARATION TECHNOLOGY.—The
18 Secretary of Energy shall support a research pro-
19 gram to develop technologies for separating, gath-
20 ering, and processing helium in low concentrations
21 that occur naturally in geological reservoirs or for-
22 mations, including—

23 “(A) low-Btu gas production streams; and

1 “(B) technologies that minimize the atmos-
2 pheric venting of helium gas during natural gas
3 production.

4 “(3) INDUSTRIAL HELIUM PROGRAM.—The Sec-
5 retary of Energy, working through the Advanced
6 Manufacturing Office of the Department of Energy,
7 shall carry out a research program—

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

14 “(B) to develop industrial gathering tech-
15 nologies to capture helium from other chemical
16 processing, including ammonia processing.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 such sums as are necessary.

20 **“SEC. 18. HELIUM-3 SEPARATION.**

21 “(a) INTERAGENCY COOPERATION.—The Secretary
22 shall cooperate with the Secretary of Energy, or a des-
23 ignee, on any assessment or research relating to the ex-
24 traction and refining of the isotope helium-3 from crude

1 helium at the Federal Helium Reserve or along the Fed-
2 eral Helium Pipeline, including—

3 “(1) gas analysis;

4 “(2) infrastructure studies; and

5 “(3) cooperation with refiners.

6 “(b) FEASIBILITY STUDY.—The Secretary, in con-
7 sultation with the Secretary of Energy, or a designee, may
8 carry out a study to assess the feasibility of establishing
9 a facility to separate the isotope helium-3 from crude he-
10 lium at—

11 “(1) the Federal Helium Reserve; or

12 “(2) an existing helium separation or purifi-
13 cation facility connected to the Federal Helium Pipe-
14 line.

15 “(c) REPORT.—Not later than 1 year after the date
16 of enactment of the Helium Stewardship Act of 2013, the
17 Secretary shall submit to the Committee on Energy and
18 Natural Resources of the Senate and the Committee on
19 Natural Resources of the House of Representatives a re-
20 port that contains a description of the results of the as-
21 sessments conducted under this section.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 such sums as are necessary.

1 **“SEC. 19. FEDERAL AGENCY HELIUM ACQUISITION STRAT-**
2 **EGY.**

3 “Not later than 2 years after the date of enactment
4 of the Helium Stewardship Act of 2013, the Secretary (in
5 consultation with the Secretary of Energy, the Secretary
6 of Defense, the Director of the National Science Founda-
7 tion, and the Director of the National Institutes of
8 Health) shall submit to Congress a report that provides
9 for Federal users—

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

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

14 “(3) an assessment of the effects of increases in
15 the price of refined helium and methods and policies
16 for mitigating any determined effects; and

17 “(4) a description of a process for prioritization
18 of uses that accounts for diminished availability of
19 helium supplies that may occur over time.”.

20 **SEC. 7. CONFORMING AMENDMENTS.**

21 (a) Section 4 of the Helium Act (50 U.S.C. 167b)
22 is amended by striking “section 6(f)” each place it appears
23 in subsections (c)(3), (c)(4), and (d)(2) and inserting
24 “section 6(d)”.

25 (b) Section 8 of the Helium Act (50 U.S.C. 167f)
26 is repealed.

1 **SEC. 8. EXISTING AGREEMENTS.**

2 This Act and the amendments made by this Act shall
3 not in any manner affect or diminish the rights and obli-
4 gations of the Secretary of the Interior and private parties
5 under agreements in existence on the date of enactment
6 of this Act, except to the extent that the agreements are
7 renewed or extended after that date.

8 **SEC. 9. REGULATIONS.**

9 The Secretary of the Interior shall promulgate such
10 regulations as are necessary to carry out this Act and the
11 amendments made by this Act, including regulations nec-
12 essary to prevent unfair acts and practices.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Helium Stewardship*
15 *Act of 2013”.*

16 **SEC. 2. DEFINITIONS.**

17 *Section 2 of the Helium Act (50 U.S.C. 167) is amend-*
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19 **“SEC. 2. DEFINITIONS.**

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22 *Field’ means the helium storage reservoir in which*
23 *the Federal Helium Reserve is stored.*

24 *“(2) FEDERAL HELIUM PIPELINE.—The term*
25 *‘Federal Helium Pipeline’ means the federally owned*

1 *pipeline system through which the Federal Helium*
2 *Reserve may be transported.*

3 “(3) *FEDERAL HELIUM RESERVE.*—*The term*
4 *‘Federal Helium Reserve’ means helium reserves*
5 *owned by the United States.*

6 “(4) *FEDERAL HELIUM SYSTEM.*—*The term*
7 *‘Federal Helium System’ means—*

8 *“(A) the Federal Helium Reserve;*

9 *“(B) the Cliffside Field;*

10 *“(C) the Federal Helium Pipeline; and*

11 *“(D) all other infrastructure owned, leased,*
12 *or managed under contract by the Secretary for*
13 *the storage, transportation, withdrawal, enrich-*
14 *ment, purification, or management of helium.*

15 “(5) *FEDERAL USER.*—*The term ‘Federal user’*
16 *means a Federal agency or extramural holder of one*
17 *or more Federal research grants using helium.*

18 “(6) *LOW-BTU GAS.*—*The term ‘low-Btu gas’*
19 *means a fuel gas with a heating value of less than*
20 *250 Btu per standard cubic foot measured as the*
21 *higher heating value resulting from the inclusion of*
22 *noncombustible gases, including nitrogen, helium,*
23 *argon, and carbon dioxide.*

24 “(7) *PERSON.*—*The term ‘person’ means any in-*
25 *dividual, corporation, partnership, firm, association,*

1 *trust, estate, public or private institution, or State or*
2 *political subdivision.*

3 “(8) *PRIORITY PIPELINE ACCESS.*—*The term*
4 *‘priority pipeline access’ means the first priority of*
5 *delivery of crude helium under which the Secretary*
6 *schedules and ensures the delivery of crude helium to*
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9 “(9) *QUALIFIED BIDDER.*—

10 “(A) *IN GENERAL.*—*The term ‘qualified bid-*
11 *der’ means a person the Secretary determines is*
12 *seeking to purchase helium for their own use, re-*
13 *fining, or redelivery to users.*

14 “(B) *EXCLUSION.*—*The term ‘qualified bid-*
15 *der’ does not include a person who was pre-*
16 *viously determined to be a qualified bidder if the*
17 *Secretary determines that the person did not*
18 *meet the requirements of a qualified bidder*
19 *under this Act.*

20 “(10) *QUALIFYING DOMESTIC HELIUM TRANS-*
21 *ACTION.*—*The term ‘qualifying domestic helium*
22 *transaction’ means any agreement entered into or re-*
23 *negotiated agreement during the preceding 1-year pe-*
24 *riod in the United States for the purchase or sale of*
25 *at least 20,000,000 standard cubic feet of crude or*

1 *pure helium to which any holder of a contract with*
2 *the Secretary for the acceptance, storage, delivery, or*
3 *redelivery of crude helium from the Federal Helium*
4 *System is a party.*

5 “(11) *REFINER.*—*The term ‘refiner’ means a*
6 *person with the ability to take delivery of crude he-*
7 *lium from the Federal Helium Pipeline and refine the*
8 *crude helium into pure helium.*

9 “(12) *SECRETARY.*—*The term ‘Secretary’ means*
10 *the Secretary of the Interior.”.*

11 **SEC. 3. AUTHORITY OF SECRETARY.**

12 *Section 3 of the Helium Act (50 U.S.C. 167a) is*
13 *amended by adding at the end the following:*

14 “(c) *EXTRACTION OF HELIUM FROM DEPOSITS ON*
15 *FEDERAL LAND.*—*All amounts received by the Secretary*
16 *from the sale or disposition of helium on Federal land shall*
17 *be credited to the Helium Production Fund established*
18 *under section 6(e).”.*

19 **SEC. 4. STORAGE, WITHDRAWAL AND TRANSPORTATION.**

20 *Section 5 of the Helium Act (50 U.S.C. 167c) is*
21 *amended to read as follows:*

22 **“SEC. 5. STORAGE, WITHDRAWAL AND TRANSPORTATION.**

23 “(a) *IN GENERAL.*—*If the Secretary provides helium*
24 *storage, withdrawal, or transportation services to any per-*

1 son, the Secretary shall impose a fee on the person that ac-
2 curately reflects the economic value of those services.

3 “(b) *MINIMUM FEES.*—The fees charged under sub-
4 section (a) shall be not less than the amount required to
5 reimburse the Secretary for the full costs of providing stor-
6 age, withdrawal, or transportation services, including cap-
7 ital investments in upgrades and maintenance at the Fed-
8 eral Helium System.

9 “(c) *SCHEDULE OF FEES.*—Prior to sale or auction
10 under subsection (a), (b), or (c) of section 6, the Secretary
11 shall annually publish a standardized schedule of fees that
12 the Secretary will charge under this section.

13 “(d) *TREATMENT.*—All fees received by the Secretary
14 under this section shall be credited to the Helium Produc-
15 tion Fund established under section 6(e).

16 “(e) *STORAGE AND DELIVERY.*—In accordance with
17 this section, the Secretary shall—

18 “(1) allow any person or qualified bidder to
19 which crude helium is sold or auctioned under section
20 6 to store helium in the Federal Helium Reserve; and

21 “(2) establish a schedule for the transportation
22 and delivery of helium using the Federal Helium Sys-
23 tem that—

24 “(A) ensures timely delivery of helium auc-
25 tioned pursuant to section 6(b)(2);

1 “(B) ensures timely delivery of helium ac-
2 quired from the Secretary from the Federal He-
3 lium Reserve by means other than an auction
4 under section 6(b)(2) after the date of enactment
5 of the Helium Stewardship Act of 2013, includ-
6 ing nonallocated sales; and

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

10 “(f) *NEW REFINING CAPACITY.*—The Secretary shall
11 consider any applications for access to the Federal Helium
12 Pipeline in a manner consistent with the schedule for phas-
13 ing out commercial sales and disposition of assets pursuant
14 to section 6.”.

15 **SEC. 5. SALE OF CRUDE HELIUM.**

16 Section 6 of the Helium Act (50 U.S.C. 167d) is
17 amended to read as follows:

18 **“SEC. 6. SALE OF CRUDE HELIUM.**

19 “(a) *PHASE A: ALLOCATION TRANSITION.*—

20 “(1) *IN GENERAL.*—The Secretary shall offer
21 crude helium for sale in such quantities, at such
22 times, at not less than the minimum price established
23 under subsection (b)(7), and under such terms and
24 conditions as the Secretary determines necessary to

1 *carry out this subsection with minimum market dis-*
2 *ruption.*

3 “(2) *FEDERAL PURCHASES.*—*Federal users may*
4 *purchase refined helium with priority pipeline access*
5 *under this subsection from persons who have entered*
6 *into enforceable contracts to purchase an equivalent*
7 *quantity of crude helium at the in-kind price from*
8 *the Secretary.*

9 “(3) *DURATION.*—*This subsection applies dur-*
10 *ing—*

11 “(A) *the period beginning on the date of en-*
12 *actment of the Helium Stewardship Act of 2013*
13 *and ending on September 30, 2014; and*

14 “(B) *any period during which the sale of*
15 *helium under subsection (b) is delayed or sus-*
16 *pending.*

17 “(b) *PHASE B: AUCTION IMPLEMENTATION.*—

18 “(1) *IN GENERAL.*—*The Secretary shall offer*
19 *crude helium for sale in quantities not subject to auc-*
20 *tion under paragraph (2), after completion of each*
21 *auction, at not less than the minimum price estab-*
22 *lished under paragraph (7), and under such terms*
23 *and conditions as the Secretary determines nec-*
24 *essary—*

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

4 “(B) to maximize the total financial return
5 to the taxpayer;

6 “(C) to manage crude helium sales accord-
7 ing to the ability of the Secretary to extract and
8 produce helium from the Federal Helium Re-
9 serve;

10 “(D) to give priority to meeting the helium
11 demand of Federal users in the event of any dis-
12 ruption to the Federal Helium Reserve; and

13 “(E) to carry out this subsection with min-
14 imum market disruption.

15 “(2) AUCTION QUANTITIES.—For the period de-
16 scribed in paragraph (4) and consistent with the con-
17 ditions described in paragraph (8), the Secretary
18 shall annually auction to any qualified bidder a
19 quantity of crude helium in the Federal Helium Re-
20 serve equal to—

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

24 “(B) for each subsequent fiscal year, a per-
25 centage of the total volume of crude helium that

1 is 10 percentage points greater than the percent-
2 age available for the previous fiscal year, but not
3 to exceed 100 percent.

4 “(3) *FEDERAL PURCHASES.*—Federal users may
5 purchase refined helium with priority pipeline access
6 under this subsection from persons who have entered
7 into enforceable contracts to purchase an equivalent
8 quantity of crude helium at the in-kind price from
9 the Secretary.

10 “(4) *DURATION.*—This subsection applies during
11 the period—

12 “(A) beginning on October 1, 2014; and

13 “(B) ending on the date on which the vol-
14 ume of recoverable crude helium at the Federal
15 Helium Reserve (other than privately owned
16 quantities of crude helium stored temporarily at
17 the Federal Helium Reserve under section 5 and
18 this section) is 3,000,000,000 standard cubic feet.

19 “(5) *SAFETY VALVE.*—The Secretary may adjust
20 the quantities specified in paragraph (2)—

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

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

1 “(i) only after submitting a written
2 justification of the adjustment to the Com-
3 mittee on Energy and Natural Resources of
4 the Senate and the Committee on Natural
5 Resources of the House of Representatives;
6 or

7 “(B) upward, if the Secretary determines
8 the adjustment necessary to increase participa-
9 tion in crude helium auctions or returns to the
10 taxpayer.

11 “(6) AUCTION FORMAT.—The Secretary shall
12 conduct each auction using a method that maximizes
13 revenue to the Federal Government.

14 “(7) PRICES.—The Secretary shall annually es-
15 tablish, as applicable, sale and minimum auction
16 prices under subsection (a)(1) and paragraphs (1)
17 and (2) using, if applicable and in the following
18 order of priority:

19 “(A) The sale price of crude helium in auc-
20 tions held by the Secretary under paragraph (2).

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

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

5 “(D) *The volume-weighted average cost of*
6 *converting gaseous crude helium into pure he-*
7 *lium.*

8 “(8) *TERMS AND CONDITIONS.—*

9 “(A) *IN GENERAL.—The Secretary shall re-*
10 *quire all persons that are parties to a contract*
11 *with the Secretary for the withdrawal, accept-*
12 *ance, storage, transportation, delivery, or rede-*
13 *livery of crude helium to disclose, on a strictly*
14 *confidential basis—*

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

20 “(ii) *the volumes and associated costs*
21 *in dollars per thousand cubic feet of con-*
22 *verting crude helium into pure helium; and*

23 “(iii) *refinery capacity and future ca-*
24 *capacity estimates.*

1 “(B) *CONDITION.*—*As a condition of sale or*
2 *auction to a refiner under subsection (a)(1) and*
3 *paragraphs (1) and (2), effective beginning 90*
4 *days after the date of enactment of the Helium*
5 *Stewardship Act of 2013, the refiner shall make*
6 *excess refining capacity of helium available at*
7 *commercially reasonable rates to—*

8 “(i) *any person prevailing in auctions*
9 *under paragraph (2); and*

10 “(ii) *any person that has acquired*
11 *crude helium from the Secretary from the*
12 *Federal Helium Reserve by means other*
13 *than an auction under paragraph (2) after*
14 *the date of enactment of the Helium Stew-*
15 *ardship Act of 2013, including nonallocated*
16 *sales.*

17 “(9) *USE OF INFORMATION.*—*The Secretary may*
18 *use the information collected under this Act—*

19 “(A) *to approximate crude helium prices;*
20 *and*

21 “(B) *to ensure the recovery of fair value for*
22 *the taxpayers of the United States from sales of*
23 *crude helium.*

24 “(10) *PROTECTION OF CONFIDENTIALITY.*—*The*
25 *Secretary shall adopt such administrative policies*

1 *and procedures as the Secretary considers necessary*
2 *and reasonable to ensure the confidentiality of infor-*
3 *mation submitted pursuant to this Act.*

4 “(c) *PHASE C: CONTINUED ACCESS FOR FEDERAL*
5 *USERS.—*

6 “(1) *IN GENERAL.—The Secretary shall offer*
7 *crude helium for sale to Federal users in such quan-*
8 *tities, at such times, at such prices required to reim-*
9 *burse the Secretary for the full costs of the sales, and*
10 *under such terms and conditions as the Secretary de-*
11 *termines necessary to carry out this subsection.*

12 “(2) *FEDERAL PURCHASES.—Federal users may*
13 *purchase refined helium with priority pipeline access*
14 *under this subsection from persons who have entered*
15 *into enforceable contracts to purchase an equivalent*
16 *quantity of crude helium at the in-kind price from*
17 *the Secretary.*

18 “(3) *EFFECTIVE DATE.—This subsection applies*
19 *beginning on the day after the date described in sub-*
20 *section (b)(4)(B).*

21 “(d) *PHASE D: DISPOSAL OF ASSETS.—*

22 “(1) *IN GENERAL.—Not earlier than 2 years*
23 *after the date of commencement of Phase C described*
24 *in subsection (c) and not later than January 1, 2023,*
25 *the Secretary shall designate as excess property and*

1 *dispose of all facilities, equipment, and other real and*
2 *personal property, and all interests in the same, held*
3 *by the United States in the Federal Helium System.*

4 “(2) *APPLICABLE LAW.*—*The disposal of the*
5 *property described in paragraph (1) shall be in ac-*
6 *cordance with subtitle I of title 40, United States*
7 *Code.*

8 “(3) *PROCEEDS.*—*All proceeds accruing to the*
9 *United States by reason of the sale or other disposal*
10 *of the property described in paragraph (1) shall be*
11 *treated as funds received under this Act for purposes*
12 *of subsection (e).*

13 “(4) *COSTS.*—*All costs associated with the sale*
14 *and disposal (including costs associated with termi-*
15 *nation of personnel) and with the cessation of activi-*
16 *ties under this subsection shall be paid from amounts*
17 *available in the Helium Production Fund established*
18 *under subsection (e).*

19 “(e) *HELIUM PRODUCTION FUND.*—

20 “(1) *IN GENERAL.*—*All amounts received under*
21 *this Act, including amounts from the sale or auction*
22 *of crude helium, shall be credited to the Helium Pro-*
23 *duction Fund, which shall be available without fiscal*
24 *year limitation for purposes determined to be nec-*
25 *essary and cost effective by the Secretary to carry out*

1 *this Act (other than sections 16, 17, and 18), includ-*
2 *ing capital investments in upgrades and maintenance*
3 *at the Federal Helium System, including—*

4 *“(A) well head maintenance at the Cliffside*
5 *Field;*

6 *“(B) capital investments in maintenance*
7 *and upgrades of facilities that pressurize the*
8 *Cliffside Field;*

9 *“(C) capital investments in maintenance*
10 *and upgrades of equipment related to the storage,*
11 *withdrawal, transportation, purification, and*
12 *sale of crude helium from the Federal Helium*
13 *Reserve;*

14 *“(D) entering into purchase, lease, or other*
15 *agreements to drill new or uncap existing wells*
16 *to maximize the recovery of crude helium from*
17 *the Federal Helium System; and*

18 *“(E) any other scheduled or unscheduled*
19 *maintenance of the Federal Helium System.*

20 *“(2) EXCESS FUNDS.—Amounts in the Helium*
21 *Production Fund in excess of amounts the Secretary*
22 *determines to be necessary to carry out paragraph (1)*
23 *shall be paid to the general fund of the Treasury and*
24 *used to reduce the annual Federal budget deficit.*

1 “(3) *RETIREMENT OF PUBLIC DEBT.*—*Out of*
 2 *amounts paid to the general fund of the Treasury*
 3 *under paragraph (2), the Secretary of the Treasury*
 4 *shall use \$51,000,000 to retire public debt.*

5 “(f) *MINIMUM QUANTITY.*—*The Secretary shall offer*
 6 *for sale or auction during each fiscal year under subsections*
 7 *(a), (b), and (c) a quantity of crude helium that is the lesser*
 8 *of—*

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

11 “(2) *the maximum total production capacity of*
 12 *the Federal Helium System.”.*

13 **SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND**
 14 **STRATEGY.**

15 *The Helium Act (50 U.S.C. 167 et seq.) is amended—*

16 (1) *by repealing section 15 (50 U.S.C. 167m);*

17 (2) *by redesignating section 17 (50 U.S.C. 167*
 18 *note) as section 20; and*

19 (3) *by inserting after section 14 (50 U.S.C. 167l)*
 20 *the following:*

21 **“SEC. 15. INFORMATION.**

22 “(a) *TRANSPARENCY.*—*The Secretary, acting through*
 23 *the Bureau of Land Management, shall make available on*
 24 *the Internet information relating to the Federal Helium*
 25 *System that includes—*

1 “(1) continued publication of an open market
2 and in-kind price;

3 “(2) aggregated projections of excess refining ca-
4 pacity;

5 “(3) ownership of helium held in the Federal He-
6 lium Reserve;

7 “(4) the volume of helium delivered to persons
8 through the Federal Helium Pipeline;

9 “(5) pressure constraints of the Federal Helium
10 Pipeline;

11 “(6) an estimate of the projected date when
12 3,000,000,000 standard cubic feet of crude helium will
13 remain in the Federal Helium Reserve and the final
14 phase described in section 6(c) will begin;

15 “(7) the amount of the fees charged under section
16 5;

17 “(8) the scheduling of crude helium deliveries
18 through the Federal Helium Pipeline; and

19 “(9) other factors that will increase trans-
20 parency.

21 “(b) *REPORTING.*—Not later than 90 days after the
22 date of enactment of the Helium Stewardship Act of 2013,
23 to provide the market with appropriate and timely infor-
24 mation affecting the helium resource, the Director of the Bu-
25 reau of Land Management shall establish a timely and pub-

1 *lic reporting process to provide data that affects the helium*
 2 *industry, including—*

3 “(1) *annual maintenance schedules and quar-*
 4 *terly updates, that shall include—*

5 “(A) *the date and duration of planned shut-*
 6 *downs of the Federal Helium Pipeline;*

7 “(B) *the nature of work to be undertaken on*
 8 *the Federal Helium System, whether routine, ex-*
 9 *tended, or extraordinary;*

10 “(C) *the anticipated impact of the work on*
 11 *the helium supply;*

12 “(D) *the efforts being made to minimize*
 13 *any impact on the supply chain; and*

14 “(E) *any concerns regarding maintenance*
 15 *of the Federal Helium Pipeline, including the*
 16 *pressure of the pipeline or deviation from nor-*
 17 *mal operation of the pipeline;*

18 “(2) *for each unplanned outage, a description*
 19 *of—*

20 “(A) *the beginning of the outage;*

21 “(B) *the expected duration of the outage;*

22 “(C) *the nature of the problem;*

23 “(D) *the estimated impact on helium sup-*
 24 *ply;*

1 “(E) a plan to correct problems, including
2 an estimate of the potential timeframe for correc-
3 tion and the likelihood of plan success within the
4 timeframe;

5 “(F) efforts to minimize negative impacts
6 on the helium supply chain; and

7 “(G) updates on repair status and the an-
8 ticipated online date;

9 “(3) monthly summaries of meetings and com-
10 munications between the Bureau of Land Manage-
11 ment and the Cliffside Refiners Limited Partnership,
12 including a list of participants and an indication of
13 any actions taken as a result of the meetings or com-
14 munications; and

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

21 **“SEC. 16. HELIUM GAS RESOURCE ASSESSMENT.**

22 “(a) *IN GENERAL.*—Not later than 2 years after the
23 date of enactment of the Helium Stewardship Act of 2013,
24 the Secretary, acting through the Director of the United
25 States Geological Survey, shall—

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

3 “(A) complete a national helium gas assess-
4 *ment that identifies and quantifies the quantity*
5 *of helium, including the isotope helium-3, in*
6 *each reservoir, including assessments of the con-*
7 *stituent gases found in each helium resource,*
8 *such as carbon dioxide, nitrogen, and natural*
9 *gas; and*

10 “(B) make available the modern seismic
11 *and geophysical log data for characterization of*
12 *the Bush Dome Reservoir;*

13 “(2) in coordination with appropriate inter-
14 *national agencies and the global geology community,*
15 *complete a global helium gas assessment that identi-*
16 *fies and quantifies the quantity of the helium, includ-*
17 *ing the isotope helium-3, in each reservoir;*

18 “(3) in coordination with the Secretary of En-
19 *ergy, acting through the Administrator of the Energy*
20 *Information Administration, complete—*

21 “(A) an assessment of trends in global de-
22 *mand for helium, including the isotope helium-*
23 *3;*

24 “(B) a 10-year forecast of domestic demand
25 *for helium across all sectors, including scientific*

1 *and medical research, commercial, manufac-*
2 *turing, space technologies, cryogenics, and na-*
3 *tional defense; and*

4 “(C) *an inventory of medical, scientific, in-*
5 *dustrial, commercial, and other uses of helium in*
6 *the United States, including Federal uses, that*
7 *identifies the nature of the helium use, the*
8 *amounts required, the technical and commercial*
9 *viability of helium recapture and recycling in*
10 *that use, and the availability of material sub-*
11 *stitutes wherever possible; and*

12 “(4) *submit to the Committee on Energy and*
13 *Natural Resources of the Senate and the Committee*
14 *on Natural Resources of the House of Representatives*
15 *a report describing the results of the assessments re-*
16 *quired under this paragraph.*

17 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
18 *authorized to be appropriated to carry out this section*
19 *\$1,000,000.*

20 **“SEC. 17. LOW-BTU GAS SEPARATION AND HELIUM CON-**
21 **SERVATION.**

22 “(a) *AUTHORIZATION.—The Secretary of Energy shall*
23 *support programs of research, development, commercial ap-*
24 *plication, and conservation (including the programs de-*
25 *scribed in subsection (b))—*

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

3 “(2) to separate and capture helium from nat-
4 *ural gas streams; and*

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

8 “(b) *PROGRAMS.—*

9 “(1) *MEMBRANE TECHNOLOGY RESEARCH.—The*
10 *Secretary of Energy, in consultation with other ap-*
11 *propriate agencies, shall support a civilian research*
12 *program to develop advanced membrane technology*
13 *that is used in the separation of low-Btu gases, in-*
14 *cluding technologies that remove helium and other*
15 *constituent gases that lower the Btu content of nat-*
16 *ural gas.*

17 “(2) *HELIUM SEPARATION TECHNOLOGY.—The*
18 *Secretary of Energy shall support a research program*
19 *to develop technologies for separating, gathering, and*
20 *processing helium in low concentrations that occur*
21 *naturally in geological reservoirs or formations, in-*
22 *cluding—*

23 “(A) *low-Btu gas production streams; and*

1 “(B) technologies that minimize the atmos-
2 pheric venting of helium gas during natural gas
3 production.

4 “(3) *INDUSTRIAL HELIUM PROGRAM.*—The Sec-
5 retary of Energy, working through the Advanced
6 Manufacturing Office of the Department of Energy,
7 shall carry out a research program—

8 “(A) to develop low-cost technologies and
9 technology systems for recycling, reprocessing,
10 and reusing helium for all medical, scientific, in-
11 dustrial, commercial, aerospace, and other uses
12 of helium in the United States, including Fed-
13 eral uses; and

14 “(B) to develop industrial gathering tech-
15 nologies to capture helium from other chemical
16 processing, including ammonia processing.

17 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
18 authorized to be appropriated to carry out this section
19 \$3,000,000.

20 “**SEC. 18. HELIUM-3 SEPARATION.**

21 “(a) *INTERAGENCY COOPERATION.*—The Secretary
22 shall cooperate with the Secretary of Energy, or a designee,
23 on any assessment or research relating to the extraction and
24 refining of the isotope helium-3 from crude helium and
25 other potential sources, including—

1 *Energy, the Secretary of Defense, the Director of the Na-*
2 *tional Science Foundation, the Administrator of the Na-*
3 *tional Aeronautics and Space Administration, and the Di-*
4 *rector of the National Institutes of Health) shall submit to*
5 *Congress a report that provides for Federal users—*

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

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

10 “(3) *a determination of a date prior to January*
11 *1, 2023, for the implementation of Phase D as de-*
12 *scribed in section 6(d) that minimizes any potential*
13 *supply disruptions for Federal users;*

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

17 “(5) *a description of a process for prioritization*
18 *of uses that accounts for diminished availability of*
19 *helium supplies that may occur over time.”.*

20 **SEC. 7. CONFORMING AMENDMENTS.**

21 (a) *Section 4 of the Helium Act (50 U.S.C. 167b) is*
22 *amended by striking “section 6(f)” each place it appears*
23 *in subsections (c)(3), (c)(4), and (d)(2) and inserting “sec-*
24 *tion 6(d)”.*

1 (b) *Section 8 of the Helium Act (50 U.S.C. 167f) is*
2 *repealed.*

3 **SEC. 8. EXISTING AGREEMENTS.**

4 *This Act and the amendments made by this Act shall*
5 *not affect or diminish the rights and obligations of the Sec-*
6 *retary of the Interior and private parties under agreements*
7 *in existence on the date of enactment of this Act, except*
8 *to the extent that the agreements are renewed or extended*
9 *after that date.*

10 **SEC. 9. REGULATIONS.**

11 *The Secretary of the Interior shall promulgate such*
12 *regulations as are necessary to carry out this Act and the*
13 *amendments made by this Act, including regulations nec-*
14 *essary to prevent unfair acts and practices.*

15 **SEC. 10. AMENDMENTS TO OTHER LAWS.**

16 (a) **SECURE RURAL SCHOOLS AND COMMUNITY SELF**
17 **DETERMINATION PROGRAM.—**

18 (1) **SECURE PAYMENTS FOR STATES AND COUN-**
19 **TIES CONTAINING FEDERAL LAND.—**

20 (A) **AVAILABILITY OF PAYMENTS.—***Section*
21 *101 of the Secure Rural Schools and Community*
22 *Self-Determination Act of 2000 (16 U.S.C. 7111)*
23 *is amended by striking “2012” each place it ap-*
24 *pears and inserting “2013”.*

1 (B) *ELECTIONS.*—Section 102(b) of the *Se-*
2 *ecure Rural Schools and Community Self-Deter-*
3 *mination Act of 2000 (16 U.S.C. 7112(b)) is*
4 *amended—*

5 (i) *in paragraph (1)(A), by striking*
6 *“2012” and inserting “2013”; and*

7 (ii) *in paragraph (2)(B), by striking*
8 *“2012” each place it appears and inserting*
9 *“2013”.*

10 (C) *DISTRIBUTION OF PAYMENTS TO ELIGI-*
11 *BLE COUNTIES IN CALIFORNIA.*—Section
12 *103(d)(2) of the Secure Rural Schools and Com-*
13 *munity Self-Determination Act of 2000 (16*
14 *U.S.C. 7113(d)(2)) is amended by striking “and*
15 *2012” and inserting “through 2013”.*

16 (2) *CONTINUATION OF AUTHORITY TO CONDUCT*
17 *SPECIAL PROJECTS ON FEDERAL LAND.*—Title II of
18 *the Secure Rural Schools and Community Self-Deter-*
19 *mination Act of 2000 is amended—*

20 (A) *in section 203(a)(1) (16 U.S.C.*
21 *7123(a)(1)), by striking “2012” and inserting*
22 *“2013”;*

23 (B) *in section 204(e)(3)(B)(iii) (16 U.S.C.*
24 *7124(e)(3)(B)(iii)), by striking “2012” and in-*
25 *serting “2013”;*

1 (C) in section 205(a)(4) (16 U.S.C.
2 7125(a)(4)), by striking “2011” each place it ap-
3 pears and inserting “2012”;

4 (D) in section 207(a) (16 U.S.C. 7127(a)),
5 by striking “2012” and inserting “2013”; and

6 (E) in section 208 (16 U.S.C. 7128)—

7 (i) in subsection (a), by striking
8 “2012” and inserting “2013”; and

9 (ii) in subsection (b), by striking
10 “2013” and inserting “2014”.

11 (3) *CONTINUATION OF AUTHORITY TO RESERVE*
12 *AND USE COUNTY FUNDS.*—Section 304 of the *Secure*
13 *Rural Schools and Community Self-Determination*
14 *Act of 2000* (16 U.S.C. 7144) is amended—

15 (A) in subsection (a), by striking “2012”
16 and inserting “2013” ; and

17 (B) in subsection (b), by striking “2013”
18 and inserting “2014”.

19 (4) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
20 *tion 402 of the Secure Rural Schools and Community*
21 *Self-Determination Act of 2000* (16 U.S.C. 7152) is
22 amended by striking “2012” and inserting “2013”.

23 (b) *ABANDONED WELL REMEDIATION.*—Section 349 of
24 the *Energy Policy Act of 2005* (42 U.S.C. 15907) is amend-
25 ed by adding at the end the following:

1 “(i) *FEDERALLY DRILLED WELLS.*—Out of any
2 amounts in the Treasury not otherwise appropriated,
3 \$50,000,000 shall be made available to the Secretary, with-
4 out further appropriation and to remain available until ex-
5 pended, to remediate, reclaim, and close abandoned oil and
6 gas wells on current or former National Petroleum Reserve
7 land.”.

8 (c) *NATIONAL PARKS MAINTENANCE BACKLOG.*—Sec-
9 tion 814(g) of the Omnibus Parks and Public Lands Man-
10 agement Act of 1996 (16 U.S.C. 1f) is amended by adding
11 at the end the following:

12 “(4) *AVAILABLE FUNDS.*—Out of any amounts
13 in the Treasury not otherwise appropriated,
14 \$50,000,000 shall be made available to the Secretary
15 of the Interior, without further appropriation and to
16 remain available until expended, to pay the Federal
17 funding share of challenge cost-share agreements for
18 deferred maintenance projects and to correct defi-
19 ciencies in National Park Service infrastructure.

20 “(5) *COST-SHARE REQUIREMENT.*—Not less than
21 50 percent of the total cost of project for funds made
22 available under paragraph (4) to pay the Federal
23 funding share shall be derived from non-Federal
24 sources, including in-kind contribution of goods and
25 services fairly valued.”.

1 (d) *ABANDONED MINE RECLAMATION FUND.*—Section
2 *411(h) of the Surface Mining Control and Reclamation Act*
3 *of 1977 (30 U.S.C. 1240a(h)) is amended by adding at the*
4 *end the following:*

5 “(6) *SUPPLEMENTAL FUNDING.*—

6 “(A) *WAIVER OF LIMITATION.*—Notwith-
7 *standing paragraph (5), the limitation on the*
8 *total annual payments to a certified State or In-*
9 *Indian tribe under this subsection shall not apply*
10 *for fiscal year 2014.*

11 “(B) *LIMITATION ON WAIVER.*—Notwith-
12 *standing subparagraph (A), the total annual*
13 *payment to a certified State or Indian tribe*
14 *under this subsection for fiscal year 2014 shall*
15 *not be more than \$75,000,000.*

16 “(C) *INSUFFICIENT AMOUNTS.*—If the total
17 *annual payment to a certified State or Indian*
18 *tribe under paragraphs (1) and (2) is limited by*
19 *subparagraph (B), the Secretary shall—*

20 “(i) *give priority to making payments*
21 *under paragraph (2); and*

22 “(ii) *use any remaining funds to make*
23 *payments under paragraph (1).”.*

24 (e) *SODA ASH ROYALTIES.*—Notwithstanding section
25 *24 of the Mineral Leasing Act (30 U.S.C. 262) and the*

1 *terms of any lease under that Act, the royalty rate on the*
2 *quantity of gross value of the output of sodium compounds*
3 *and related products at the point of shipment to market*
4 *from Federal land in the 2-year period beginning on the*
5 *date of enactment of this Act shall be 4 percent.*

6 (f) *AUTHORIZATION OFFSET.—Section 207(c) of the*
7 *Energy Independence and Security Act of 2007 (42 U.S.C.*
8 *17022(c)) is amended by inserting before the period at the*
9 *end the following: “, except that the amount authorized to*
10 *be appropriated to carry out this section not appropriated*
11 *as of the date of enactment of the Helium Stewardship Act*
12 *of 2013 shall be reduced by \$5,000,000”.*

Calendar No. 152

113TH CONGRESS
1ST Session

S. 783

[Report No. 113-83]

A BILL

To amend the Helium Act to improve helium stewardship, and for other purposes.

JULY 29, 2013

Reported with an amendment