

In the House of Representatives, U. S.,

September 25, 2013.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 527) entitled “An Act to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

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 amend-*
6 *ed 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.*

1 “(2) *FEDERAL HELIUM PIPELINE.*—*The term*
2 *‘Federal Helium Pipeline’ means the federally owned*
3 *pipeline system through which helium for the Federal*
4 *Helium Reserve may be transported.*

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

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

10 “(A) *the Federal Helium Reserve;*

11 “(B) *the Cliffside Field;*

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

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

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

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

1 “(7) *PERSON*.—The term ‘person’ means any in-
2 dividual, corporation, partnership, firm, association,
3 trust, estate, public or private institution, or State or
4 political subdivision.

5 “(8) *PRIORITY PIPELINE ACCESS*.—The term
6 ‘priority pipeline access’ means the first priority of
7 delivery of crude helium under which the Secretary
8 schedules and ensures the delivery of crude helium to
9 a helium refinery through the Federal Helium Sys-
10 tem.

11 “(9) *QUALIFIED BIDDER*.—

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

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

22 “(10) *QUALIFYING DOMESTIC HELIUM TRANS-*
23 *ACTION*.—The term ‘qualifying domestic helium
24 transaction’ means any agreement entered into or re-
25 negotiated agreement during the preceding 1-year pe-

1 *riod in the United States for the purchase or sale of*
2 *at least 15,000,000 standard cubic feet of crude or*
3 *pure helium to which any holder of a contract with*
4 *the Secretary for the acceptance, storage, delivery, or*
5 *redelivery of crude helium from the Federal Helium*
6 *System is a party.*

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

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

13 **SEC. 3. AUTHORITY OF SECRETARY.**

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

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

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

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

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

2 “(a) *IN GENERAL.*—If the Secretary provides helium
3 storage, withdrawal, or transportation services to any per-
4 son, the Secretary shall impose a fee on the person that ac-
5 curately reflects the economic value of those services.

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

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

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

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

21 “(1) allow any person or qualified bidder to
22 which crude helium is sold or auctioned under section
23 6 to store helium in the Federal Helium Reserve; and

24 “(2) establish a schedule for the transportation
25 and delivery of helium using the Federal Helium Sys-
26 tem that—

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

3 “(B) ensures timely delivery of helium ac-
4 quired from the Secretary from the Federal He-
5 lium Reserve by means other than an auction
6 under section 6(b)(2), including nonallocated
7 sales; and

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

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

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

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

19 **“SEC. 6. SALE OF CRUDE HELIUM.**

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

21 “(1) *IN GENERAL.*—The Secretary shall offer
22 crude helium for sale in such quantities, at such
23 times, at not less than the minimum price established
24 under subsection (b)(7), and under such terms and
25 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;

24 “(B) for each of fiscal years 2016 through
25 2019, a percentage of the total volume of crude

1 *helium that is 15 percentage points greater than*
2 *the percentage made available for the previous*
3 *fiscal year; and*

4 “(C) *for fiscal year 2020 and each fiscal*
5 *year thereafter, 100 percent of the total volume*
6 *of crude helium made available for that fiscal*
7 *year.*

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

14 “(4) *DURATION.—This subsection applies during*
15 *the period—*

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

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

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

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

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

6 “(ii) only after submitting a written
7 justification of the adjustment to the Com-
8 mittee on Energy and Natural Resources of
9 the Senate and the Committee on Natural
10 Resources of the House of Representatives;
11 or

12 “(B) upward, if the Secretary determines
13 the adjustment necessary to increase participa-
14 tion in crude helium auctions or returns to the
15 taxpayer.

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

19 “(7) PRICES.—The Secretary shall annually es-
20 tablish, as applicable, separate sale and minimum
21 auction prices under subsection (a)(1) and para-
22 graphs (1) and (2) using, if applicable and in the fol-
23 lowing order of priority:

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

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

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

10 “(D) *The volume-weighted average cost of*
11 *converting gaseous crude helium into pure he-*
12 *lium.*

13 “(8) *TERMS AND CONDITIONS.—*

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

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

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

4 “(iii) refinery capacity and future ca-
5 pacity estimates.

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

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

15 “(ii) any person that has acquired
16 crude helium from the Secretary from the
17 Federal Helium Reserve by means other
18 than an auction under paragraph (2) after
19 the date of enactment of the Helium Stew-
20 ardship Act of 2013, including nonallocated
21 sales.

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

24 “(A) to approximate crude helium prices;
25 and

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

4 “(10) *PROTECTION OF CONFIDENTIALITY.*—The
5 Secretary shall adopt such administrative policies
6 and procedures as the Secretary considers necessary
7 and reasonable to ensure the confidentiality of infor-
8 mation submitted pursuant to this Act.

9 “(11) *FORWARD AUCTIONS.*—Effective beginning
10 in fiscal year 2016, the Secretary may conduct a for-
11 ward auction once each fiscal year of a quantity of
12 helium that is equal to up to 10 percent of the volume
13 of crude helium to be made available at auction dur-
14 ing the following fiscal year if the Secretary deter-
15 mines that the forward auction will—

16 “(A) not cause a disruption in the supply
17 of helium from the Reserve;

18 “(B) represent a cost-effective action;

19 “(C) generate greater returns for taxpayers;
20 and

21 “(D) increase the effectiveness of price dis-
22 covery.

23 “(12) *SALE SCHEDULE AND FREQUENCY.*—For
24 fiscal year 2015 the Secretary shall conduct only one
25 auction, which shall precede, and one sale, which

1 shall take place no later than August 1, 2014, with
2 full and final payment for the sale being made no
3 later than September 26, 2014. Consistent with the
4 annual volumes established under paragraph (2), ef-
5 fective beginning in fiscal year 2016, the Secretary
6 may conduct auctions twice during each fiscal year
7 if the Secretary determines that the auction frequency
8 will—

9 “(A) not cause a disruption in the supply
10 of helium from the Reserve;

11 “(B) represent a cost-effective action;

12 “(C) generate greater returns for taxpayers;

13 and

14 “(D) increase the effectiveness of price dis-
15 covery.

16 “(13) ONE-TIME SALE.—

17 “(A) IN GENERAL.—Notwithstanding para-
18 graph (4)(A), the Secretary shall hold a one-time
19 sale of helium, no later than August 1, 2014
20 from amounts available in fiscal year 2016 pur-
21 suant to this section. Full and final payment for
22 the sale must be made no later than 45 days
23 after the date the sale takes place.

24 “(B) VOLUME SOLD.—The volume of helium
25 sold under this paragraph—

1 “(i) shall be at least 250 million cubic
2 feet; and

3 “(ii) shall be made available for sale
4 consistent with paragraph (2)(B).

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

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

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

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

22 “(d) PHASE D: DISPOSAL OF ASSETS.—

23 “(1) IN GENERAL.—Not earlier than 2 years
24 after the date of commencement of Phase C described
25 in subsection (c) and not later than September 30,

1 *2021, the Secretary shall designate as excess property*
2 *and dispose of all facilities, equipment, and other real*
3 *and personal property, and all interests in the same,*
4 *held by the United States in the Federal Helium Sys-*
5 *tem.*

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

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

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

21 “(e) *HELIUM PRODUCTION FUND.*—

22 “(1) *IN GENERAL.*—*All amounts received under*
23 *this Act, including amounts from the sale or auction*
24 *of crude helium, shall be credited to the Helium Pro-*
25 *duction Fund, which shall be available without fiscal*

1 *year limitation for purposes determined to be nec-*
2 *essary and cost effective by the Secretary to carry out*
3 *this Act (other than sections 16, 17, and 18), includ-*
4 *ing capital investments in upgrades and maintenance*
5 *at the Federal Helium System, including—*

6 *“(A) well head maintenance at the Cliffside*
7 *Field;*

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

11 *“(C) capital investments in maintenance*
12 *and upgrades of equipment related to the storage,*
13 *withdrawal, enrichment, transportation, purifi-*
14 *cation, and sale of crude helium from the Fed-*
15 *eral Helium Reserve;*

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

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

22 *“(2) EXCESS FUNDS.—Amounts in the Helium*
23 *Production Fund in excess of amounts the Secretary*
24 *determines to be necessary to carry out paragraph (1)*

1 *shall be paid to the general fund of the Treasury and*
2 *used to reduce the annual Federal budget deficit.*

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

7 “(4) *REPORT.*—*Not later than 1 year after the*
8 *date of enactment of the Helium Stewardship Act of*
9 *2013 and annually thereafter, the Secretary of the In-*
10 *terior shall submit to the Committee on Energy and*
11 *Natural Resources of the Senate and the Committee*
12 *on Natural Resources of the House of Representatives*
13 *a report describing all expenditures by the Bureau of*
14 *Land Management to carry out this Act.*

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

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

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

23 **SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND**
24 **STRATEGY.**

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

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

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

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

6 **“SEC. 15. INFORMATION.**

7 “(a) *TRANSPARENCY.—The Secretary, acting through*
8 *the Bureau of Land Management, shall make available on*
9 *the Internet information relating to the Federal Helium*
10 *System that includes—*

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

13 “(2) *aggregated projections of excess refining ca-*
14 *capacity;*

15 “(3) *ownership of helium held in the Federal He-*
16 *lium Reserve;*

17 “(4) *the volume of helium delivered to persons*
18 *through the Federal Helium Pipeline;*

19 “(5) *pressure constraints of the Federal Helium*
20 *Pipeline;*

21 “(6) *an estimate of the projected date when*
22 *3,000,000,000 standard cubic feet of crude helium will*
23 *remain in the Federal Helium Reserve and the final*
24 *phase described in section 6(c) will begin;*

1 “(7) *the amount of the fees charged under section*
2 5;

3 “(8) *the scheduling of crude helium deliveries*
4 *through the Federal Helium Pipeline; and*

5 “(9) *other factors that will increase trans-*
6 *parency.*

7 “(b) *REPORTING.—Not later than 90 days after the*
8 *date of enactment of the Helium Stewardship Act of 2013,*
9 *to provide the market with appropriate and timely infor-*
10 *mation affecting the helium resource, the Director of the Bu-*
11 *reau of Land Management shall establish a timely and pub-*
12 *lic reporting process to provide data that affects the helium*
13 *industry, including—*

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

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

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

21 “(C) *the anticipated impact of the work on*
22 *the helium supply;*

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

1 “(E) any concerns regarding maintenance
2 of the Federal Helium Pipeline, including the
3 pressure of the pipeline or deviation from nor-
4 mal operation of the pipeline;

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

7 “(A) the beginning of the outage;

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

9 “(C) the nature of the problem;

10 “(D) the estimated impact on helium sup-
11 ply;

12 “(E) a plan to correct problems, including
13 an estimate of the potential timeframe for correc-
14 tion and the likelihood of plan success within the
15 timeframe;

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

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

20 “(3) monthly summaries of meetings and com-
21 munications between the Bureau of Land Manage-
22 ment and the Cliffside Refiners Limited Partnership,
23 including a list of participants and an indication of
24 any actions taken as a result of the meetings or com-
25 munications; and

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

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

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

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

14 “(A) *complete a national helium gas assess-*
15 *ment that identifies and quantifies the quantity*
16 *of helium, including the isotope helium-3, in*
17 *each reservoir, including assessments of the con-*
18 *stituent gases found in each helium resource,*
19 *such as carbon dioxide, nitrogen, and natural*
20 *gas; and*

21 “(B) *make available the modern seismic*
22 *and geophysical log data for characterization of*
23 *the Bush Dome Reservoir;*

24 “(2) *in coordination with appropriate inter-*
25 *national agencies and the global geology community,*

1 *complete a global helium gas assessment that identi-*
2 *fies and quantifies the quantity of the helium, includ-*
3 *ing the isotope helium-3, in each reservoir;*

4 *“(3) in coordination with the Secretary of En-*
5 *ergy, acting through the Administrator of the Energy*
6 *Information Administration, complete—*

7 *“(A) an assessment of trends in global de-*
8 *mand for helium, including the isotope helium-*
9 *3;*

10 *“(B) a 10-year forecast of domestic demand*
11 *for helium across all sectors, including scientific*
12 *and medical research, commercial, manufac-*
13 *turing, space technologies, cryogenics, and na-*
14 *tional defense; and*

15 *“(C) an inventory of medical, scientific, in-*
16 *dustrial, commercial, and other uses of helium in*
17 *the United States, including Federal uses, that*
18 *identifies the nature of the helium use, the*
19 *amounts required, the technical and commercial*
20 *viability of helium recapture and recycling in*
21 *that use, and the availability of material sub-*
22 *stitutes wherever possible; and*

23 *“(4) submit to the Committee on Energy and*
24 *Natural Resources of the Senate and the Committee*
25 *on Natural Resources of the House of Representatives*

1 *constituent gases that lower the Btu content of nat-*
2 *ural gas.*

3 “(2) *HELIUM SEPARATION TECHNOLOGY.*—*The*
4 *Secretary of Energy shall support a research program*
5 *to develop technologies for separating, gathering, and*
6 *processing helium in low concentrations that occur*
7 *naturally in geological reservoirs or formations, in-*
8 *cluding—*

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

10 “(B) *technologies that minimize the atmos-*
11 *pheric venting of helium gas during natural gas*
12 *production.*

13 “(3) *INDUSTRIAL HELIUM PROGRAM.*—*The Sec-*
14 *retary of Energy, working through the Advanced*
15 *Manufacturing Office of the Department of Energy,*
16 *shall carry out a research program—*

17 “(A) *to develop low-cost technologies and*
18 *technology systems for recycling, reprocessing,*
19 *and reusing helium for all medical, scientific, in-*
20 *dustrial, commercial, aerospace, and other uses*
21 *of helium in the United States, including Fed-*
22 *eral uses; and*

23 “(B) *to develop industrial gathering tech-*
24 *nologies to capture helium from other chemical*
25 *processing, including ammonia processing.*

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

4 “**SEC. 18. HELIUM-3 SEPARATION.**

5 “(a) *INTERAGENCY COOPERATION.*—*The Secretary*
6 *shall cooperate with the Secretary of Energy, or a designee,*
7 *on any assessment or research relating to the extraction and*
8 *refining of the isotope helium-3 from crude helium and*
9 *other potential sources, including—*

10 “(1) *gas analysis; and*

11 “(2) *infrastructure studies.*

12 “(b) *FEASIBILITY STUDY.*—*The Secretary, in consulta-*
13 *tion with the Secretary of Energy, or a designee, may carry*
14 *out a study to assess the feasibility of—*

15 “(1) *establishing a facility to separate the iso-*
16 *tope helium-3 from crude helium; and*

17 “(2) *exploring other potential sources of the iso-*
18 *tope helium-3.*

19 “(c) *REPORT.*—*Not later than 1 year after the date*
20 *of enactment of the Helium Stewardship Act of 2013, the*
21 *Secretary shall submit to the Committee on Energy and*
22 *Natural Resources of the Senate and the Committee on Nat-*
23 *ural Resources of the House of Representatives a report that*
24 *contains a description of the results of the assessments con-*
25 *ducted under this section.*

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

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

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

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

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

14 **SEC. 8. EXISTING AGREEMENTS.**

15 (a) *IN GENERAL.*—This Act and the amendments
16 made by this Act shall not affect or diminish the rights and
17 obligations of the Secretary of the Interior and private par-
18 ties under agreements in existence on the date of enactment
19 of this Act, except to the extent that the agreements are re-
20 newed or extended after that date.

21 (b) *DELIVERY.*—No agreement described in subsection
22 (a) shall affect or diminish the right of any party that pur-
23 chases helium after the date of enactment of this Act in ac-
24 cordance with section 6 of the Helium Act (50 U.S.C. 167d)
25 (as amended by section 5) to receive delivery of the helium

1 *in accordance with section 5(e)(2) of the Helium Act (50*
2 *U.S.C. 167c(e)(2)) (as amended by section 4).*

3 **SEC. 9. REGULATIONS.**

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

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

9 *(a) SECURE RURAL SCHOOLS AND COMMUNITY SELF*
10 *DETERMINATION PROGRAM.—*

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

13 *(A) AVAILABILITY OF PAYMENTS.—Section*
14 *101 of the Secure Rural Schools and Community*
15 *Self-Determination Act of 2000 (16 U.S.C. 7111)*
16 *is amended by striking “2012” each place it ap-*
17 *pears and inserting “2013”.*

18 *(B) ELECTIONS.—Section 102(b) of the Se-*
19 *cure Rural Schools and Community Self-Deter-*
20 *mination Act of 2000 (16 U.S.C. 7112(b)) is*
21 *amended—*

22 *(i) in paragraph (1)(A), by striking*
23 *“2012” and inserting “2013”; and*

1 (ii) in paragraph (2)(B), by striking
2 “2012” each place it appears and inserting
3 “2013”.

4 (C) *DISTRIBUTION OF PAYMENTS TO ELIGI-*
5 *BLE COUNTIES.*—Section 103(d)(2) of the Secure
6 Rural Schools and Community Self-Determina-
7 tion Act of 2000 (16 U.S.C. 7113(d)(2)) is
8 amended by striking “and 2012” and inserting
9 “through 2013”.

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

14 (A) in section 203(a)(1) (16 U.S.C.
15 7123(a)(1)), by striking “2012” and inserting
16 “2013”;

17 (B) in section 204(e)(3)(B)(iii) (16 U.S.C.
18 7124(e)(3)(B)(iii)), by striking “2012” and in-
19 serting “2013”;

20 (C) in section 205(a)(4) (16 U.S.C.
21 7125(a)(4)), by striking “2011” each place it ap-
22 pears and inserting “2012”;

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

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

1 (i) in subsection (a), by striking
2 “2012” and inserting “2013”; and

3 (ii) in subsection (b), by striking
4 “2013” and inserting “2014”.

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

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

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

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

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

20 “(i) *FEDERALLY DRILLED WELLS.*—Out of any
21 amounts in the Treasury not otherwise appropriated,
22 \$10,000,000 for fiscal year 2014, \$36,000,000 for fiscal year
23 2015, and \$4,000,000 for fiscal year 2019 shall be made
24 available to the Secretary, without further appropriation
25 and to remain available until expended, to remediate, re-

1 *claim, and close abandoned oil and gas wells on current*
2 *or former National Petroleum Reserve land.”.*

3 (c) *NATIONAL PARKS MAINTENANCE BACKLOG.*—Section
4 *814(g) of the Omnibus Parks and Public Lands Man-*
5 *agement Act of 1996 (16 U.S.C. 1f) is amended by adding*
6 *at the end the following:*

7 “(4) *AVAILABLE FUNDS.*—Out of any amounts
8 *in the Treasury not otherwise appropriated,*
9 *\$20,000,000 shall be made available to the Secretary*
10 *of the Interior for fiscal year 2018, and \$30,000,000*
11 *shall be made available to the Secretary of the Inte-*
12 *rior for fiscal year 2019, without further appropri-*
13 *ation and to remain available until expended, to pay*
14 *the Federal funding share of challenge cost-share*
15 *agreements for deferred maintenance projects and to*
16 *correct deficiencies in National Park Service infra-*
17 *structure.*

18 “(5) *COST-SHARE REQUIREMENT.*—Not less than
19 *50 percent of the total cost of project for funds made*
20 *available under paragraph (4) to pay the Federal*
21 *funding share shall be derived from non-Federal*
22 *sources, including in-kind contribution of goods and*
23 *services fairly valued.”.*

24 (d) *ABANDONED MINE RECLAMATION FUND.*—Section
25 *411(h) of the Surface Mining Control and Reclamation Act*

1 of 1977 (30 U.S.C. 1240a(h)) is amended by adding at the
2 end the following:

3 “(6) SUPPLEMENTAL FUNDING.—

4 “(A) WAIVER OF LIMITATION.—Notwith-
5 standing paragraph (5), the limitation on the
6 total annual payments to a certified State or In-
7 dian tribe under this subsection shall not apply
8 for fiscal years 2014 and 2015.

9 “(B) LIMITATION ON WAIVER.—Notwith-
10 standing subparagraph (A), the total annual
11 payment to a certified State or Indian tribe
12 under this subsection for fiscal year 2014 shall
13 not be more than \$28,000,000 and for fiscal year
14 2015 shall not be more than \$75,000,000.

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

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

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

23 (e) SODA ASH ROYALTIES.—Notwithstanding section
24 24 of the Mineral Leasing Act (30 U.S.C. 262) and the
25 terms of any lease under that Act, the royalty rate on the

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

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

Attest:

Clerk.

113TH CONGRESS
1ST SESSION

H.R. 527

**HOUSE AMENDMENT TO
SENATE AMENDMENT**