

In the Senate of the United States,

September 19, 2013.

Resolved, That the bill from the House of Representatives (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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and 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:*

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

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

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

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

13 “(A) *the Federal Helium Reserve;*

14 “(B) *the Cliffside Field;*

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

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

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

23 “(6) *LOW-BTU GAS*.—The term ‘*low-Btu gas*’
24 *means a fuel gas with a heating value of less than*
25 *250 Btu per standard cubic foot measured as the*

1 *higher heating value resulting from the inclusion of*
2 *noncombustible gases, including nitrogen, helium,*
3 *argon, and carbon dioxide.*

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

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

14 “(9) *QUALIFIED BIDDER.*—

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

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

1 “(10) *QUALIFYING DOMESTIC HELIUM TRANS-*
2 *ACTION.—The term ‘qualifying domestic helium*
3 *transaction’ means any agreement entered into or re-*
4 *negotiated agreement during the preceding 1-year pe-*
5 *riod in the United States for the purchase or sale of*
6 *at least 15,000,000 standard cubic feet of crude or*
7 *pure helium to which any holder of a contract with*
8 *the Secretary for the acceptance, storage, delivery, or*
9 *redelivery of crude helium from the Federal Helium*
10 *System is a party.*

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

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

17 **SEC. 3. AUTHORITY OF SECRETARY.**

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

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

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

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

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

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

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

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

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

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

24 *“(1) allow any person or qualified bidder to*
25 *which crude helium is sold or auctioned under section*
26 *6 to store helium in the Federal Helium Reserve; and*

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

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

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

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

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

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

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

22 **“SEC. 6. SALE OF CRUDE HELIUM.**

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

24 “(1) *IN GENERAL.*—The Secretary shall offer
25 crude helium for sale in such quantities, at such

1 *times, at not less than the minimum price established*
2 *under subsection (b)(7), and under such terms and*
3 *conditions as the Secretary determines necessary to*
4 *carry out this subsection with minimum market dis-*
5 *ruption.*

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

12 “(3) *DURATION.*—*This subsection applies dur-*
13 *ing—*

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

17 “(B) *any period during which the sale of*
18 *helium under subsection (b) is delayed or sus-*
19 *pending.*

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

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

1 *and conditions as the Secretary determines nec-*
2 *essary—*

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

6 *“(B) to maximize the total financial return*
7 *to the taxpayer;*

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

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

15 *“(E) to carry out this subsection with min-*
16 *imum market disruption.*

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

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

1 “(B) for each of fiscal years 2016 through
2 2019, a percentage of the total volume of crude
3 helium that is 15 percentage points greater than
4 the percentage made available for the previous
5 fiscal year; and

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

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

16 “(4) *DURATION.*—This subsection applies during
17 the period—

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

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

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

3 “(A) *downward, if the Secretary determines*
4 *the adjustment necessary—*

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

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

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

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

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

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

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

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

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

15 “(8) *TERMS AND CONDITIONS.—*

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

22 “(i) *the volumes and associated prices*
23 *in dollars per thousand cubic feet of all*
24 *crude and pure helium purchased, sold, or*

1 *processed by persons in qualifying domestic*
2 *helium transactions;*

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

6 “(iii) *refinery capacity and future ca-*
7 *capacity estimates.*

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

15 “(i) *any person prevailing in auctions*
16 *under paragraph (2); and*

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

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

1 “(A) to approximate crude helium prices;
2 and

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

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

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

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

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

21 “(C) generate greater returns for taxpayers;

22 and

23 “(D) increase the effectiveness of price dis-
24 covery.

1 “(12) *AUCTION FREQUENCY.*—*Consistent with*
2 *the annual volumes established under paragraph (2),*
3 *effective beginning in fiscal year 2016, the Secretary*
4 *may conduct auctions twice during each fiscal year*
5 *if the Secretary determines that the auction frequency*
6 *will—*

7 “(A) *not cause a disruption in the supply*
8 *of helium from the Reserve;*

9 “(B) *represent a cost-effective action;*

10 “(C) *generate greater returns for taxpayers;*

11 *and*

12 “(D) *increase the effectiveness of price dis-*
13 *covery.*

14 “(c) *PHASE C: CONTINUED ACCESS FOR FEDERAL*
15 *USERS.*—

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

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

1 *quantity of crude helium at the in-kind price from*
2 *the Secretary.*

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

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

7 “(1) *IN GENERAL.*—*Not earlier than 2 years*
8 *after the date of commencement of Phase C described*
9 *in subsection (c) and not later than September 30,*
10 *2022, the Secretary shall designate as excess property*
11 *and dispose of all facilities, equipment, and other real*
12 *and personal property, and all interests in the same,*
13 *held by the United States in the Federal Helium Sys-*
14 *tem.*

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

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

24 “(4) *COSTS.*—*All costs associated with the sale*
25 *and disposal (including costs associated with termi-*

1 *nation of personnel) and with the cessation of activi-*
2 *ties under this subsection shall be paid from amounts*
3 *available in the Helium Production Fund established*
4 *under subsection (e).*

5 “(e) *HELIUM PRODUCTION FUND.*—

6 “(1) *IN GENERAL.*—*All amounts received under*
7 *this Act, including amounts from the sale or auction*
8 *of crude helium, shall be credited to the Helium Pro-*
9 *duction Fund, which shall be available without fiscal*
10 *year limitation for purposes determined to be nec-*
11 *essary and cost effective by the Secretary to carry out*
12 *this Act (other than sections 16, 17, and 18), includ-*
13 *ing capital investments in upgrades and maintenance*
14 *at the Federal Helium System, including—*

15 “(A) *well head maintenance at the Cliffside*
16 *Field;*

17 “(B) *capital investments in maintenance*
18 *and upgrades of facilities that pressurize the*
19 *Cliffside Field;*

20 “(C) *capital investments in maintenance*
21 *and upgrades of equipment related to the storage,*
22 *withdrawal, transportation, purification, and*
23 *sale of crude helium from the Federal Helium*
24 *Reserve;*

1 “(D) entering into purchase, lease, or other
2 agreements to drill new or uncap existing wells
3 to maximize the recovery of crude helium from
4 the Federal Helium System; and

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

7 “(2) *EXCESS FUNDS.*—Amounts in the Helium
8 Production Fund in excess of amounts the Secretary
9 determines to be necessary to carry out paragraph (1)
10 shall be paid to the general fund of the Treasury and
11 used to reduce the annual Federal budget deficit.

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

16 “(4) *REPORT.*—Not later than 1 year after the
17 date of enactment of the Helium Stewardship Act of
18 2013 and annually thereafter, the Secretary of the In-
19 terior shall submit to the Committee on Energy and
20 Natural Resources of the Senate and the Committee
21 on Natural Resources of the House of Representatives
22 a report describing all expenditures by the Bureau of
23 Land Management to carry out this Act.

24 “(f) *MINIMUM QUANTITY.*—The Secretary shall offer
25 for sale or auction during each fiscal year under subsections

1 (a), (b), and (c) a quantity of crude helium that is the lesser
2 of—

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

5 “(2) the maximum total production capacity of
6 the Federal Helium System.”.

7 **SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND**
8 **STRATEGY.**

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

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

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

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

15 **“SEC. 15. INFORMATION.**

16 “(a) **TRANSPARENCY.**—*The Secretary, acting through*
17 *the Bureau of Land Management, shall make available on*
18 *the Internet information relating to the Federal Helium*
19 *System that includes—*

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

22 “(2) *aggregated projections of excess refining ca-*
23 *capacity;*

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

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

3 “(5) *pressure constraints of the Federal Helium*
4 *Pipeline;*

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

9 “(7) *the amount of the fees charged under section*
10 *5;*

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

13 “(9) *other factors that will increase trans-*
14 *parency.*

15 “(b) *REPORTING.—Not later than 90 days after the*
16 *date of enactment of the Helium Stewardship Act of 2013,*
17 *to provide the market with appropriate and timely infor-*
18 *mation affecting the helium resource, the Director of the Bu-*
19 *reau of Land Management shall establish a timely and pub-*
20 *lic reporting process to provide data that affects the helium*
21 *industry, including—*

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

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

1 “(B) the nature of work to be undertaken on
2 the Federal Helium System, whether routine, ex-
3 tended, or extraordinary;

4 “(C) the anticipated impact of the work on
5 the helium supply;

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

8 “(E) any concerns regarding maintenance
9 of the Federal Helium Pipeline, including the
10 pressure of the pipeline or deviation from nor-
11 mal operation of the pipeline;

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

14 “(A) the beginning of the outage;

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

16 “(C) the nature of the problem;

17 “(D) the estimated impact on helium sup-
18 ply;

19 “(E) a plan to correct problems, including
20 an estimate of the potential timeframe for correc-
21 tion and the likelihood of plan success within the
22 timeframe;

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

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

3 “(3) monthly summaries of meetings and com-
4 munications between the Bureau of Land Manage-
5 ment and the Cliffside Refiners Limited Partnership,
6 including a list of participants and an indication of
7 any actions taken as a result of the meetings or com-
8 munications; and

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

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

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

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

22 “(A) complete a national helium gas assess-
23 ment that identifies and quantifies the quantity
24 of helium, including the isotope helium-3, in
25 each reservoir, including assessments of the con-

1 *stituent gases found in each helium resource,*
2 *such as carbon dioxide, nitrogen, and natural*
3 *gas; and*

4 “(B) *make available the modern seismic*
5 *and geophysical log data for characterization of*
6 *the Bush Dome Reservoir;*

7 “(2) *in coordination with appropriate inter-*
8 *national agencies and the global geology community,*
9 *complete a global helium gas assessment that identi-*
10 *fies and quantifies the quantity of the helium, includ-*
11 *ing the isotope helium-3, in each reservoir;*

12 “(3) *in coordination with the Secretary of En-*
13 *ergy, acting through the Administrator of the Energy*
14 *Information Administration, complete—*

15 “(A) *an assessment of trends in global de-*
16 *mand for helium, including the isotope helium-*
17 *3;*

18 “(B) *a 10-year forecast of domestic demand*
19 *for helium across all sectors, including scientific*
20 *and medical research, commercial, manufac-*
21 *turing, space technologies, cryogenics, and na-*
22 *tional defense; and*

23 “(C) *an inventory of medical, scientific, in-*
24 *dustrial, commercial, and other uses of helium in*
25 *the United States, including Federal uses, that*

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

4 “(b) *PROGRAMS.—*

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

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

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

20 “(B) *technologies that minimize the atmos-*
21 *pheric venting of helium gas during natural gas*
22 *production.*

23 “(3) *INDUSTRIAL HELIUM PROGRAM.—The Sec-*
24 *retary of Energy, working through the Advanced*

1 *Manufacturing Office of the Department of Energy,*
2 *shall carry out a research program—*

3 *“(A) to develop low-cost technologies and*
4 *technology systems for recycling, reprocessing,*
5 *and reusing helium for all medical, scientific, in-*
6 *dustrial, commercial, aerospace, and other uses*
7 *of helium in the United States, including Fed-*
8 *eral uses; and*

9 *“(B) to develop industrial gathering tech-*
10 *nologies to capture helium from other chemical*
11 *processing, including ammonia processing.*

12 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
13 *authorized to be appropriated to carry out this section*
14 *\$3,000,000.*

15 **“SEC. 18. HELIUM-3 SEPARATION.**

16 *“(a) INTERAGENCY COOPERATION.—The Secretary*
17 *shall cooperate with the Secretary of Energy, or a designee,*
18 *on any assessment or research relating to the extraction and*
19 *refining of the isotope helium-3 from crude helium and*
20 *other potential sources, including—*

21 *“(1) gas analysis; and*

22 *“(2) infrastructure studies.*

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

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

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

5 “(3) a determination of a date prior to Sep-
6 tember 30, 2022, for the implementation of Phase D
7 as described in section 6(d) that minimizes any po-
8 tential supply disruptions for Federal users;

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

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

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

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

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

22 **SEC. 8. EXISTING AGREEMENTS.**

23 (a) *IN GENERAL.*—This Act and the amendments
24 made by this Act shall not affect or diminish the rights and
25 obligations of the Secretary of the Interior and private par-

1 *ties under agreements in existence on the date of enactment*
2 *of this Act, except to the extent that the agreements are re-*
3 *newed or extended after that date.*

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

11 **SEC. 9. REGULATIONS.**

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

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

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

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

21 **(A) AVAILABILITY OF PAYMENTS.**—*Section*
22 *101 of the Secure Rural Schools and Community*
23 *Self-Determination Act of 2000 (16 U.S.C. 7111)*
24 *is amended by striking “2012” each place it ap-*
25 *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.*—Section 103(d)(2) of the *Secure*
12 *Rural Schools and Community Self-Determina-*
13 *tion Act of 2000 (16 U.S.C. 7113(d)(2)) is*
14 *amended by striking “and 2012” and inserting*
15 *“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 \$46,000,000 for fiscal year 2014 and \$4,000,000 for fiscal
4 year 2018 shall be made available to the Secretary, without
5 further appropriation and to remain available until ex-
6 pended, to remediate, reclaim, and close abandoned oil and
7 gas wells on current or former National Petroleum Reserve
8 land.”.

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

13 “(4) *AVAILABLE FUNDS.*—Out of any amounts
14 in the Treasury not otherwise appropriated,
15 \$50,000,000 shall be made available to the Secretary
16 of the Interior for fiscal year 2018, without further
17 appropriation and to remain available until ex-
18 pended, to pay the Federal funding share of challenge
19 cost-share agreements for deferred maintenance
20 projects and to correct deficiencies in National Park
21 Service infrastructure.

22 “(5) *COST-SHARE REQUIREMENT.*—Not less than
23 50 percent of the total cost of project for funds made
24 available under paragraph (4) to pay the Federal
25 funding share shall be derived from non-Federal

1 sources, including in-kind contribution of goods and
2 services fairly valued.”.

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

7 “(6) *SUPPLEMENTAL FUNDING.*—

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

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

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

22 “(i) give priority to making payments
23 under paragraph (2); and

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

1 (e) *SODA ASH ROYALTIES.*—Notwithstanding section
2 24 of the Mineral Leasing Act (30 U.S.C. 262) and the
3 terms of any lease under that Act, the royalty rate on the
4 quantity of gross value of the output of sodium compounds
5 and related products at the point of shipment to market
6 from Federal land in the 2-year period beginning on the
7 date of enactment of this Act shall be 4 percent.

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

Attest:

Secretary.

113TH CONGRESS
1ST SESSION

H.R. 527

AMENDMENT