

113TH CONGRESS  
1ST SESSION

# H. R. 527

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## 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.

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 “Responsible Helium  
3 Administration and Stewardship Act”.

4 **SEC. 2. DEFINITIONS.**

5 Section 2 of the Helium Act (50 U.S.C. 167) is  
6 amended—

7 (1) in paragraph (1), by striking the semicolon  
8 at the end and inserting a period;

9 (2) in paragraph (2), by striking “; and” and  
10 inserting a period; and

11 (3) by adding at the end the following:

12 “(4) FEDERAL HELIUM RESERVE.—

13 “(A) IN GENERAL.—The term ‘Federal  
14 Helium Reserve’ means the Bureau of Land  
15 Management Cliffside Gas Field and supporting  
16 infrastructure.

17 “(B) INCLUSIONS.—The term ‘Federal He-  
18 lium Reserve’ includes—

19 “(i) the Cliffside Gas Field helium  
20 storage reservoir; and

21 “(ii) all associated infrastructure  
22 owned, leased, or managed under contract  
23 by the Secretary for storage, transpor-  
24 tation, withdrawal, purification, or man-  
25 agement of helium.

1           “(5) QUALIFYING DOMESTIC HELIUM TRANS-  
2           ACTION.—The term ‘qualifying domestic helium  
3           transaction’—

4                   “(A) except as provided in subparagraph  
5                   (B), means any new or newly renegotiated  
6                   agreement for the purchase or sale of at least  
7                   15,000,000 standard cubic feet of crude helium  
8                   or bulk liquid helium delivered in the United  
9                   States in the most recent full fiscal year; and

10                   “(B) does not include any purchase of  
11                   crude helium from the Secretary.

12           “(6) TOLLING AGREEMENT.—The term ‘tolling  
13           agreement’ means an agreement between a helium  
14           refiner and another party under which the helium  
15           refiner agrees to process the other person’s helium  
16           at an agreed upon price.”.

17 **SEC. 3. SALE AND AUCTION OF CRUDE HELIUM.**

18           (a) IN GENERAL.—Section 6 of the Helium Act (50  
19 U.S.C. 167d) is amended to read as follows:

20 **“SEC. 6. SALE OF HELIUM.**

21           “(a) PHASE A: FINALIZING DEBT PAYOFF.—

22                   “(1) IN GENERAL.—Subject to paragraph (2),  
23                   the Secretary shall offer for sale crude helium for  
24                   Federal, medical, research, scientific, and commer-  
25                   cial uses in such quantities, at such times, and

1 under such conditions as the Secretary determines  
2 necessary to carry out this subsection with minimum  
3 market disruption.

4 “(2) MINIMUM QUANTITY.—The Secretary shall  
5 offer for sale during each fiscal year under para-  
6 graph (1) a quantity of crude helium equivalent to  
7 the quantity of crude helium produced from the Fed-  
8 eral Helium Reserve during fiscal year 2012.

9 “(3) IN-KIND PURCHASE BY FEDERAL AGEN-  
10 CIES AND GRANTEES.—Federal agencies, and hold-  
11 ers of 1 or more Federal research grants, may pur-  
12 chase refined helium under this subsection for Fed-  
13 eral, medical, research and scientific uses from per-  
14 sons who have entered into enforceable contracts to  
15 purchase an equivalent quantity of crude helium  
16 from the Secretary.

17 “(4) PRICES AND DETERMINATIONS.—Sales of  
18 crude helium by the Secretary under this subsection  
19 shall be at prices established by the Secretary that  
20 shall not be less than the price in the last sale of  
21 crude helium from the Federal Helium Reserve be-  
22 fore the date of enactment of the Responsible He-  
23 lium Administration and Stewardship Act, except  
24 that any sale to a person referred to in paragraph

1 (3) for a purchase authorized by that paragraph  
2 shall be at a price specified by the Secretary.

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

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

8 “(B) ending on the expiration of the one-  
9 year period following such date of enactment.

10 “(b) PHASE B: MAXIMIZING TOTAL RECOVERY OF  
11 HELIUM AND INCREASING RETURNS TO THE AMERICAN  
12 TAXPAYER.—

13 “(1) IN GENERAL.—The Secretary shall offer  
14 for sale at auction, as described in subsection (d),  
15 crude helium for medical, research, scientific, and  
16 commercial uses in such quantities, at such times,  
17 and under such conditions as the Secretary deter-  
18 mines necessary—

19 “(A) to maximize total recovery and con-  
20 servation of helium from the Federal Helium  
21 Reserve;

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

1           “(C) to respond to helium market supply  
2           and demand and minimize market disruption;  
3           and

4           “(D) to give priority to meeting the helium  
5           demand of Federal users through purchases  
6           under paragraph (2).

7           “(2) IN-KIND PURCHASE BY FEDERAL AGEN-  
8           CIES AND GRANTEES.—Any Federal agency, and any  
9           holder of 1 or more Federal research grants, may  
10          purchase refined helium for Federal, medical, re-  
11          search, and scientific uses from an eligible person.  
12          The Secretary shall then provide an equivalent vol-  
13          ume of crude helium to the eligible person as if the  
14          eligible person was the successful bidder for the he-  
15          lium at auction. Provision of helium by the Sec-  
16          retary under this paragraph shall not be considered  
17          a sale of helium by the Secretary at auction. The  
18          Secretary shall provide such helium at the minimum  
19          price established by the Secretary for the most re-  
20          cent auction held under this subsection or such other  
21          price as may be specified by the Secretary.

22          “(3) ELIGIBLE PERSON.—For purposes of this  
23          subsection, the term ‘eligible person’ means a helium  
24          distributor who is registered as such with the Sec-  
25          retary.

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

3                   “(A) beginning on the expiration of the pe-  
4                   riod described in subsection (a)(5)(B); and

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

12           “(5) MAXIMUM ANNUAL SALES.—Notwith-  
13           standing any provision of subsection (d), for each  
14           fiscal year, the Secretary may not offer or provide  
15           for sale under this subsection a total volume of  
16           crude helium that exceeds the lesser of—

17                   “(A) the projected maximum total produc-  
18                   tion capacity of the Federal Helium Reserve  
19                   during that fiscal year; and

20                   “(B) the maximum refining capacity of  
21                   persons connected by pipeline to the Federal  
22                   Helium Reserve during that fiscal year.

23           “(c) PHASE C: ACCESS FOR FEDERAL USERS.—

24                   “(1) IN GENERAL.—The Secretary may offer  
25                   for sale crude helium for Federal uses (including

1 medical, research, and scientific uses) in such quan-  
2 tities, at such times, and under such conditions as  
3 the Secretary determines necessary to carry out this  
4 subsection.

5 “(2) PURCHASE BY FEDERAL AGENCIES AND  
6 GRANTEES.—Federal agencies, and holders of 1 or  
7 more Federal research grants related to helium or  
8 the use of helium, may purchase refined helium  
9 under this subsection for Federal uses (including  
10 medical, research, and scientific uses) from persons  
11 who have entered into enforceable contracts to pur-  
12 chase an equivalent quantity of crude helium from  
13 the Secretary.

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

17 “(d) AUCTION AND MINIMUM PRICES DETERMINA-  
18 TION.—

19 “(1) IN GENERAL.—Sales of crude helium by  
20 the Secretary in auctions under subsection (b) shall  
21 be conducted under the conditions described in this  
22 section and at no less than the minimum price es-  
23 tablished by the Secretary.

24 “(2) AUCTION.—The Secretary shall conduct  
25 such auctions of crude helium as soon as practical



1 but no later than beginning 180 days after the first  
2 day of the period described in subsection (b)(4),  
3 under the following conditions:

4 “(A) 60 percent of the volume of crude he-  
5 lium made available in each auction shall be  
6 made available to entities that can show the  
7 Secretary they have either adequate refining ca-  
8 pacity or tolling agreements for refining in  
9 place, in accordance with the conditions set  
10 forth in paragraph (3).

11 “(B) 20 percent of the volume of crude he-  
12 lium made available in each auction shall be  
13 made available to any bidder, in accordance  
14 with the conditions set forth in paragraph (3).

15 “(C) In each auction after the first auction  
16 under this subsection after the date of the en-  
17 actment of the Responsible Helium Administra-  
18 tion and Stewardship Act, the Secretary shall  
19 make available an additional volume of crude  
20 helium, in an amount equivalent to the amount  
21 made available under subparagraph (B) that  
22 the Secretary certifies can be refined, through  
23 tolling agreements or otherwise. Of such addi-  
24 tional volume, a person may not acquire in the  
25 auction a volume in excess of the volume they

1 demonstrate to the Secretary they have the  
2 ability to refine through either refining capacity  
3 or tolling agreements.

4 “(D) The Secretary shall conduct such  
5 auctions at such times as the Secretary deter-  
6 mines necessary to ensure a reliable supply of  
7 helium and a fair return to taxpayers, but no  
8 less frequently than 2 times each fiscal year.

9 “(E) For purposes of the first auction  
10 under this subsection after the date of the en-  
11 actment of the Responsible Helium Administra-  
12 tion and Stewardship Act, the Secretary may  
13 revise the percentage under subparagraph (A)  
14 so as to make available for auction 100 percent  
15 of the volume of crude helium intended to be of-  
16 fered.

17 “(F) The Secretary may adjust the per-  
18 centages and amount specified in subpara-  
19 graphs (A) through (C), respectively, in any  
20 auction if the Secretary determines the adjust-  
21 ment is necessary to—

22 “(i) respond to market supply and de-  
23 mand and minimize market disruption; or

24 “(ii) increase participation in helium  
25 auctions.

1           “(G) The Secretary may conduct an auc-  
2           tion no more frequently than once each fiscal  
3           year of an amount of helium equal to up to 10  
4           percent of the volume of crude helium to be  
5           made available at auction during the following  
6           fiscal year. Such amount of crude helium shall  
7           be made available to any bidder, in accordance  
8           with the conditions set forth in paragraph (3).  
9           Notwithstanding paragraph (3)(C), for crude  
10          helium sold in such an auction the Secretary  
11          shall begin charging a storage fee under clause  
12          (i) of that paragraph beginning 1 year after the  
13          date of such auction, and shall begin charging  
14          increasing storage fees under clause (ii) of that  
15          paragraph beginning 270 days after beginning  
16          charging storage fees under clause (i) of that  
17          paragraph.

18          “(3) AUCTION CONDITIONS.—

19                 “(A) BIDDING METHOD.—The Secretary  
20                 shall conduct each auction by sealed bid for  
21                 predetermined volume lots, unless the Secretary  
22                 determines that an alternative bidding method  
23                 may result in more revenue to the Federal Gov-  
24                 ernment or may increase participation in the  
25                 auction.

1           “(B) BIDDER QUALIFICATIONS AND LIM-  
2           ITS.—In carrying out an auction under sub-  
3           section (b), the Secretary—

4                   “(i) may accept bids only from per-  
5                   sons the Secretary determines are seeking  
6                   to purchase helium for their own use, for  
7                   refining, or for delivery to users; and

8                   “(ii) may not award to a person more  
9                   than 30 percent of the total volume of  
10                  crude helium offered in that auction, ex-  
11                  cept that the Secretary may adjust such  
12                  limitation based on the number of bidders  
13                  in the auction.

14           “(C) STORAGE FEES.—In each auction the  
15           Secretary—

16                   “(i) shall begin charging each winning  
17                   bidder a storage fee for crude helium pur-  
18                   chased by the bidder that remains in the  
19                   Federal Helium Reserve, beginning on the  
20                   date the Secretary receives payment of the  
21                   purchase price for the helium; and

22                   “(ii) beginning 270 days after the  
23                   date of the auction, shall charge increasing  
24                   storage fees that will encourage the with-

1 drawal of the helium no later than 2 years  
2 after the date of the auction.

3 “(4) DETERMINATION OF MINIMUM SALE  
4 PRICE.—The Secretary shall make a determination  
5 of the minimum sale price for sales described in  
6 paragraph (1) using—

7 “(A) a confidential survey of qualifying do-  
8 mestic helium transactions to which any holder  
9 of a contract with the Secretary for the accept-  
10 ance, storage, and redelivery of crude helium in  
11 the Cliffside Gas Field helium storage reservoir  
12 is a party;

13 “(B) current market crude helium prices  
14 as represented by the sale price at any auction  
15 held by the Secretary in the preceding 2 years;

16 “(C) the volume-weighted average cost  
17 among helium refiners, producers, and lique-  
18 fiers, in dollars per thousand cubic feet, of con-  
19 verting gaseous crude helium into bulk liquid  
20 helium;

21 “(D) the additional layer of cost and profit  
22 associated with the sale or resale of bulk liquid  
23 helium; and

1           “(E) the sale price for crude helium of-  
2           fered in the most recent auction under para-  
3           graph (2)(G).

4           “(5) AUTHORITY OF SECRETARY.—The Sec-  
5           retary shall—

6           “(A) require all persons that are parties to  
7           a contract with the Secretary for the accept-  
8           ance, storage, and redelivery of crude helium to  
9           disclose, on a strictly confidential basis in dol-  
10          lars per thousand cubic feet, the weighted aver-  
11          age price of all crude helium and bulk liquid he-  
12          lium purchased, sold, or processed by the per-  
13          sons in all qualifying domestic helium trans-  
14          actions during the fiscal year;

15          “(B) appoint a qualified independent third  
16          party to perform data collection and analysis  
17          for the purposes of the survey under paragraph  
18          (4)(A); and

19          “(C) adopt such administrative policies  
20          and procedures as the Secretary considers nec-  
21          essary and reasonable to ensure robust protec-  
22          tion of the confidentiality of data submitted by  
23          private persons.

24          “(6) CHANGES IN MINIMUM PRICE.—If the Sec-  
25          retary believes that the minimum price as deter-

1 mined by the survey under paragraph (4)(A) may  
2 not be reflective of the current market value of he-  
3 lium, or if a higher minimum price may result in  
4 greater conservation of the Federal crude helium re-  
5 source, the Secretary may change the minimum  
6 price charged for crude helium sold under this sec-  
7 tion by up to 10 percent of the price determined  
8 under paragraph (4). If at any sale in which the  
9 minimum price is increased under this paragraph all  
10 crude helium offered is sold at the increased price,  
11 the Secretary shall consider that increased price to  
12 be the minimum price determined under paragraph  
13 (4) for all future sales of crude helium under this  
14 section unless that price is further changed in ac-  
15 cordance with this paragraph.

16 “(7) ENSURING FAIR AND NONDISCRIMINATORY  
17 ACTS AND PRACTICES.—The Secretary may issue  
18 such rules and regulations with respect to ensure  
19 bidding, transfer, and refining of helium produced  
20 from or held in the Federal Helium Reserve as may  
21 be necessary to ensure fair and nondiscriminatory  
22 acts and practices.

23 “(8) AUCTION RECORDS.—

24 “(A) FURNISHING RECORDS.—Every per-  
25 son participating in auctions of helium from the

1 Federal Helium Reserve shall furnish to the  
2 Secretary on request such records of trans-  
3 actions in helium auctions as the Secretary may  
4 require to reconstruct bidding or trading in the  
5 course of a particular inquiry or investigation  
6 being conducted by the Secretary for enforce-  
7 ment or surveillance purposes. In requiring in-  
8 formation pursuant to this paragraph, the Sec-  
9 retary shall specify the information required,  
10 the period for which it is required, and the time  
11 and date on which the information must be fur-  
12 nished.

13 “(B) REPORTING REQUIREMENTS.—The  
14 Secretary may issue rules to require persons  
15 participating in helium auctions to file such re-  
16 ports as the Secretary determines to be nec-  
17 essary for purposes of this Act.

18 “(C) RECORDKEEPING REQUIREMENTS.—  
19 Rules under this subsection may require speci-  
20 fied persons to make and keep for prescribed  
21 periods such records as the Secretary deter-  
22 mines are necessary or appropriate to ensure  
23 that such persons can comply with reporting re-  
24 quirements under this subsection.



1           “(D) LIMITATION ON DISCLOSURE OF IN-  
2           FORMATION.—Notwithstanding any other provi-  
3           sion of law, the Secretary shall not be compelled  
4           to disclose any proprietary information required  
5           to be kept or reported under this subsection.  
6           Nothing in this subsection authorizes the Sec-  
7           retary to withhold information from Congress,  
8           prevents the Secretary from complying with a  
9           request for information from any other Federal  
10          department or agency requesting information  
11          for purposes within the scope of its jurisdiction,  
12          or prevents the Secretary from complying with  
13          an order of a court of the United States in an  
14          action brought by the United States or by the  
15          Secretary.

16          “(e) HELIUM PRODUCTION FUND.—

17                 “(1) IN GENERAL.—All amounts received under  
18                 this Act shall be credited to the Helium Production  
19                 Fund, which shall be available without fiscal year  
20                 limitation for purposes considered necessary by the  
21                 Secretary to carry out this subsection.

22                 “(2) ADMINISTRATIVE EXPENSES.—Amounts in  
23                 the Helium Production Fund may be used by the  
24                 Secretary to conduct helium auctions and otherwise  
25                 administer this Act.

1           “(3) REPAYMENT AMOUNTS.—During the pe-  
2           riod described in subsection (a)(4), amounts in the  
3           Helium Production Fund in excess of amounts the  
4           Secretary considers necessary to conduct helium auc-  
5           tions and otherwise administer this Act shall be paid  
6           to the general fund of the Treasury and credited  
7           against all amounts required to be repaid to the  
8           United States under this Act as of October 1, 1995.

9           “(4) CAPITAL INVESTMENTS AND MAINTEN-  
10          NANCE.—Amounts in the Helium Production Fund  
11          in excess of amounts the Secretary considers nec-  
12          essary to carry out paragraphs (1) through (3) may  
13          be used to fund the following capital investments in  
14          upgrades and maintenance at the Federal Helium  
15          reserve:

16                 “(A) Wellhead maintenance at the Cliffside  
17                 Gas Field helium storage reservoir.

18                 “(B) Capital investments in maintenance  
19                 and upgrades of facilities that pressurize the  
20                 Cliffside Gas Field helium storage reservoir.

21                 “(C) Capital investments in maintenance  
22                 and upgrades of equipment related to the stor-  
23                 age, withdrawal, transportation, purification,  
24                 and sale of crude helium at the Cliffside Gas  
25                 Field helium storage reservoir.

1           “(D) Any other scheduled or unscheduled  
2           maintenance of the Cliffside Gas Field helium  
3           storage reservoir and helium pipeline.

4           “(5) EXCESS FUNDS AND DEFICIT REDUC-  
5           TION.—Amounts in the Helium Production Fund in  
6           excess of amounts the Secretary considers necessary  
7           to carry out paragraphs (1) through (4) shall be  
8           paid to the general fund of the Treasury and used  
9           to reduce the annual Federal budget deficit.

10          “(f) EXTRACTION OF HELIUM FROM DEPOSITS ON  
11          FEDERAL LAND.—All amounts received by the Secretary  
12          from the sale or disposition of crude helium on Federal  
13          land shall be paid to the general fund of the Treasury and  
14          credited against all amounts required to be repaid to the  
15          United States under this Act as of October 1, 1995.

16          “(g) MAINTENANCE OF HELIUM SUPPLY.—The Sec-  
17          retary shall ensure that there is no disruption in the sup-  
18          ply of helium from the Federal Helium Reserve during the  
19          transition between phases of helium sales under sub-  
20          sections (a), (b), and (c).”.

21          (b) REPORT.—Not later than 1 year after the date  
22          of enactment of this Act and annually thereafter, the Sec-  
23          retary of the Interior shall submit to the Committee on  
24          Natural Resources of the House of Representatives and  
25          the Committee on Energy and Natural Resources of the

1 Senate a report describing all expenditures by the Bureau  
2 of Land Management for operation and maintenance of  
3 the Federal Helium Reserve (as that term is defined in  
4 the amendment made by section 2(3)), investments made  
5 by the Bureau for such reserve, and scheduled or unsched-  
6 uled maintenance of such reserve or its infrastructure to  
7 be conducted by the Bureau.

8 **SEC. 4. BLM TRANSPARENCY REQUIREMENTS TO FACILI-**  
9 **TATE MARKET AND SUPPLY CHAIN INFORMA-**  
10 **TION.**

11 The Helium Act (50 U.S.C. 167 et seq.) is further  
12 amended by redesignating sections 15 and 17 as sections  
13 17 and 18, and by inserting after section 14 the following:

14 **“SEC. 15. PIPELINE ACCESS.**

15 “(a) ANNUAL REPORT.—The Secretary, acting  
16 through the Bureau of Land Management, shall make  
17 available on the Internet the current refining capacity on  
18 the Federal Helium Reserve pipeline, including—

19 “(1) refinery capacity and future capacity esti-  
20 mates;

21 “(2) ownership of federally auctioned helium  
22 held in the Federal Helium Reserve;

23 “(3) volume of helium delivered to individual  
24 buyers through such pipeline;

25 “(4) for each helium refiner—

1           “(A) the number of tolling agreements en-  
2           tered into before October 1, 2013; and

3           “(B) for each fiscal year thereafter—

4                   “(i) the number of tolling agreements  
5           entered into;

6                   “(ii) the number of tolling requests  
7           received; and

8                   “(iii) the total volume of helium re-  
9           fined under each tolling agreement entered  
10          into;

11          “(5) pipeline pressure constraints; and

12          “(6) other factors that will increase trans-  
13          parency for persons interested in entering refining  
14          contracts with existing refiners.

15          “(b) NEW REFINING CAPACITY.—The Secretary shall  
16          take any applications for new refining capacity on the  
17          Federal Helium Reserve pipeline. To create more competi-  
18          tion, any new refining capacity added to the Federal He-  
19          lium Reserve pipeline system shall be granted access to  
20          crude helium that is equal to the access provided to exist-  
21          ing refining facilities.

22          “(c) ACCESS BY PURCHASERS OF HELIUM.—The  
23          Secretary shall manage Federal Helium Reserve pipeline  
24          access in a competitive manner to ensure that all persons

1 purchasing helium have equal access to timing and deliv-  
2 ery of the helium, subject to the capacity of the system.

3 “(d) SCHEDULING DELIVERIES.—The Secretary  
4 shall, to the greatest extent practicable, make the sched-  
5 uling of crude helium deliveries through the Federal He-  
6 lium Reserve pipeline open and transparent to all pur-  
7 chasers of helium through the auction process, and to the  
8 public if the Secretary believes that it is in the national  
9 interest.

10 “(e) SCHEDULING PRIORITY.—

11 “(1) IN GENERAL.—In scheduling crude helium  
12 deliveries through the Federal Helium Reserve pipe-  
13 line the Secretary shall grant pipeline access in the  
14 following order of priority:

15 “(A) Helium held in the Reserve as a re-  
16 sult of a purchase under subsection (b)(2).

17 “(B) Helium sold at auction being deliv-  
18 ered to fulfill a tolling agreement.

19 “(C) Other helium sold at auction.

20 “(D) Helium held in the Reserve as a re-  
21 sult of a crude helium exchange resulting from  
22 any temporary shutdown of the Reserve or of a  
23 refinery on the Reserve pipeline.

24 “(E) Helium held in inventory in the Re-  
25 serve before the date of enactment of the Re-

1           sponsible Helium Administration and Steward-  
2           ship Act.

3           “(2) In scheduling such deliveries of helium de-  
4           scribed in each of subparagraphs (A) through (E) of  
5           paragraph (1), the Secretary shall grant pipeline ac-  
6           cess based on the following order of priority:

7                   “(A) The price paid to the United States  
8                   for the helium, giving higher priority to helium  
9                   for which a greater price was paid.

10                   “(B) The date the helium was purchased  
11                   from the Secretary, giving higher priority to he-  
12                   lium purchased on an earlier date.

13                   “(C) Any other factor the Secretary con-  
14                   siders appropriate to prioritize delivery.

15   **“SEC. 16. BLM REPORTING REQUIREMENTS TO FACILITATE**  
16                   **SUPPLY CHAIN INFORMATION.**

17           “(a) IN GENERAL.—In order to provide the market  
18           with appropriate and timely information affecting the he-  
19           lium resource, the Director of the Bureau of Land Man-  
20           agement shall establish, no later than 90 days after the  
21           date of enactment of the Responsible Helium Administra-  
22           tion and Stewardship Act, a real-time reporting process,  
23           including reporting over the Internet, to provide data that  
24           will affect the helium industry, including such effects for

1 all persons in such industry from crude helium suppliers  
2 to end users.

3 “(b) INCLUDED INFORMATION.—Information pro-  
4 vided under this section shall include the following:

5 “(1) Annual maintenance schedules and quar-  
6 terly updates thereof, which shall be available on the  
7 Internet, to the extent practicable, and shall include  
8 the following:

9 “(A) The date and duration of planned  
10 shutdowns of the Federal Helium Reserve pipe-  
11 line.

12 “(B) The nature of work to be undertaken,  
13 whether routine, extended, or extraordinary.

14 “(C) The anticipated impact on the helium  
15 supply.

16 “(D) The efforts to minimize any impact  
17 on the supply chain.

18 “(E) Any concerns regarding maintenance  
19 of the Federal Helium Reserve pipeline, pres-  
20 sure of such pipeline, or deviation from normal  
21 operation of such pipeline.

22 “(2) For each unplanned outage, the following:

23 “(A) The beginning of the outage.

24 “(B) The expected duration of outage.

25 “(C) A description of the problem.



1           “(D) The estimated impact on helium sup-  
2           ply.

3           “(E) A plan to correct problems, an esti-  
4           mate of the potential timeframe for correction,  
5           and the likelihood of plan success within the  
6           timeframe.

7           “(F) Efforts to minimize negative impacts  
8           on the helium supply chain.

9           “(G) Updates on repair status and the an-  
10          ticipated online date.

11          “(3) Minutes of meetings between the Bureau  
12          of Land Management and the Cliffside Refiners  
13          Limited Partnership, including—

14               “(A) publication of the minutes of each  
15               meeting between the Bureau of Land Manage-  
16               ment and the Cliffside Refiners Limited Part-  
17               nership, including attendees and their affili-  
18               ations, on the Internet site of the Bureau with-  
19               in 1 week after the meeting; and

20               “(B) indication in the minutes of any ac-  
21               tion taken that could affect the supply or oper-  
22               ating status related to the Federal helium pro-  
23               gram.

24          “(4) Current predictions of the lifespan of the  
25          Federal Helium Reserve, including how much longer

1 such crude helium supply will be available based on  
2 current and forecasted demand and the projected  
3 maximum production capacity of the Federal Helium  
4 Reserve for the following fiscal year.”.

5 **SEC. 5. HELIUM RESOURCE ASSESSMENT AND HELIUM-3**  
6 **SEPARATION.**

7 (a) HELIUM GAS RESOURCE ASSESSMENT.—Not  
8 later than 2 years after the date of enactment of this Act,  
9 the Secretary of the Interior shall—

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

12 (A) complete a national helium gas assess-  
13 ment that identifies and quantifies the quantity  
14 of helium, including the isotope helium-3, in  
15 each reservoir, including assessments of the  
16 constituent gases found in each helium re-  
17 source, such as carbon dioxide, nitrogen, and  
18 natural gas; and

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

22 (2) in coordination with appropriate inter-  
23 national agencies and the global geology community,  
24 complete a global helium gas assessment that identi-

1       fies and quantifies the quantity of the helium, in-  
2       cluding the isotope helium-3, in each reservoir;

3               (3) in consultation with the Secretary of En-  
4       ergy, acting through the Administrator of the En-  
5       ergy Information Administration, complete—

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

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

14                      (C) an inventory of medical, research, sci-  
15      entific, industrial, commercial, and other uses  
16      of helium in the United States, including Fed-  
17      eral and commercial helium uses, that identifies  
18      the nature of the helium use, the amounts re-  
19      quired, the technical and commercial viability of  
20      helium recapture and recycling in that use, and  
21      the availability of material substitutes wherever  
22      possible;

23               (4) complete an assessment of options for en-  
24      suring a domestic helium supply in the future, in-  
25      cluding—

1 (A) an analysis of how the Federal Helium  
2 Reserve has influenced domestic and global he-  
3 lium supply and prices historically; and

4 (B) an assessment of options for how the  
5 Federal Helium Reserve could promote the long  
6 term availability and security of domestic he-  
7 lium supplies; and

8 (5) submit to the Committee on Natural Re-  
9 sources of the House of Representatives and the  
10 Committee on Energy and Natural Resources of the  
11 Senate a report describing the results of the assess-  
12 ments required under this subsection.

13 (b) HELIUM-3 SEPARATION.—

14 (1) INTERAGENCY COOPERATION.—The Sec-  
15 retary of the Interior shall cooperate with the Sec-  
16 retary of Energy, or a designee of the Secretary of  
17 Energy, on any assessment or research relating to  
18 the extraction and refining of the isotope helium-3  
19 from crude helium at the Federal Helium Reserve  
20 (as that term is defined in the amendments made by  
21 section 2) or along the Federal Helium Reserve  
22 pipeline system, including—

23 (A) gas analysis;

24 (B) infrastructure studies; and

1 (C) cooperation with private helium refin-  
2 ers.

3 (2) FEASIBILITY STUDY.—The Secretary of the  
4 Interior shall assess the feasibility of establishing a  
5 facility to separate the isotope helium-3 from crude  
6 helium at—

7 (A) the Federal Helium Reserve; or

8 (B) an existing helium separation or purifi-  
9 cation facility connected to the Federal Helium  
10 Reserve pipeline system.

11 (3) REPORT.—Not later than 1 year after the  
12 date of enactment of this Act, the Secretary of the  
13 Interior shall submit to the Committee on Natural  
14 Resources of the House of Representatives and the  
15 Committee on Energy and Natural Resources of the  
16 Senate a report that contains a description of the re-  
17 sults of the assessments conducted under this sub-  
18 section.

19 **SEC. 6. ADDITIONAL CONNECTIONS TO THE FEDERAL HE-**  
20 **LIUM RESERVE.**

21 The Secretary of the Interior may allow any person  
22 not connected to the Federal Helium Reserve, as that term  
23 is defined under section 2 of the Helium Act (50 U.S.C.  
24 167), as amended by this Act, to connect to the Federal  
25 Helium Reserve for the purpose of storing helium, subject

- 1 to such storage fees as may be required by the Secretary.
- 2 Withdrawal of such helium shall be governed by that Act.

Passed the House of Representatives April 26, 2013.

Attest:

*Clerk.*



113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 527**

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**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.