

113TH CONGRESS
1ST SESSION

S. 783

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

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2013

Mr. WYDEN (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Helium Stewardship
5 Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

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

9 **“SEC. 2. DEFINITIONS.**

10 “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,
17 leased, or managed under contract by the Sec-
18 retary for the storage, transportation, with-
19 drawal, 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
5 individual, corporation, partnership, firm, associa-
6 tion, trust, estate, public or private institution, or
7 State or 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
12 to a helium refinery through the Federal Helium
13 System.

14 “(9) QUALIFIED BIDDER.—

15 “(A) IN GENERAL.—The term ‘qualified
16 bidder’ means a person the Secretary deter-
17 mines is seeking to purchase helium for their
18 own use, refining, or redelivery to users.

19 “(B) EXCLUSION.—The term ‘qualified
20 bidder’ does not include a person who was pre-
21 viously determined to be a qualified bidder if
22 the Secretary determines that the person did
23 not 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
4 renegotiated agreement during the preceding 1-year
5 period in the United States for the purchase or sale
6 of at least 20,000,000 standard cubic feet of crude
7 or pure helium to which any holder of a contract
8 with the Secretary for the acceptance, storage, deliv-
9 ery, or redelivery of crude helium from the Federal
10 Helium 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
14 the crude helium into pure helium.

15 “(12) SECRETARY.—The term ‘Secretary’
16 means 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
23 shall be credited to the Helium Production Fund estab-
24 lished under section 6(d).”.

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

2 Section 5 of the Helium Act (50 U.S.C. 167e) 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
8 accurately 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
12 storage, withdrawal, or transportation services.

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

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

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

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

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

4 **“SEC. 6. SALE OF CRUDE HELIUM.**

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

6 “(1) IN GENERAL.—The Secretary shall offer
7 crude helium for sale in such quantities, at such
8 times, at not less than the minimum price estab-
9 lished under subsection (b)(7), and under such
10 terms and conditions as the Secretary determines
11 necessary to carry out this subsection with minimum
12 market disruption.

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

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

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

23 “(B) ending on September 30, 2014.

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

25 “(1) IN GENERAL.—The Secretary shall offer
26 crude helium for sale in quantities not subject to

1 auction under paragraph (2), at such times, at not
2 less than the minimum price established under para-
3 graph (7), and under such terms and conditions as
4 the Secretary determines necessary—

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

8 “(B) to maximize the total financial return
9 to the taxpayer;

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

14 “(D) to give priority to meeting the helium
15 demand of Federal users in the event of any
16 disruption to the Federal Helium Reserve; and

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

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

1 “(A) for fiscal year 2015, 10 percent of
2 the total volume of crude helium made available
3 for that fiscal year; and

4 “(B) for each subsequent fiscal year, a
5 percentage of the total volume of crude helium
6 that is 10 percentage points greater than the
7 percentage available for the previous fiscal year,
8 but not to exceed 100 percent.

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

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

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

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

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

3 “(A) downward, if the Secretary deter-
4 mines the adjustment necessary—

5 “(i) to minimize market disruptions
6 that pose a threat to the economic well-
7 being 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
11 of the Senate and the Committee on Nat-
12 ural Resources of the House of Represent-
13 atives; 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, sale and minimum auction
23 prices under subsection (a)(1) and paragraphs (1)
24 and (2) using, if applicable and in the following
25 order of priority:

1 “(A) The sale price of crude helium in auc-
2 tions held by the Secretary under paragraph
3 (2).

4 “(B) Price recommendations and
5 disaggregated data from a qualified, inde-
6 pendent third party who has no conflict of in-
7 terest, who shall conduct a confidential survey
8 of qualifying domestic helium transactions.

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

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

16 “(8) TERMS AND CONDITIONS.—

17 “(A) IN GENERAL.—The Secretary shall
18 require all persons that are parties to a con-
19 tract with the Secretary for the withdrawal, ac-
20 ceptance, storage, transportation, delivery, or
21 redelivery of crude helium to disclose, on a
22 strictly confidential basis—

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

1 processed by persons in qualifying domes-
2 tic 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 pacity estimates.

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

23 “(9) USE OF INFORMATION.—The Secretary
24 may 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
4 for the taxpayers of the United States from
5 sales of crude helium.

6 “(10) PROTECTION OF CONFIDENTIALITY.—
7 The Secretary shall adopt such administrative poli-
8 cies and procedures as the Secretary considers nec-
9 essary and reasonable to ensure the confidentiality
10 of information submitted pursuant to this Act.

11 “(c) PHASE C: CONTINUED ACCESS FOR FEDERAL
12 USERS.—

13 “(1) IN GENERAL.—The Secretary shall offer
14 crude helium for sale to Federal users in such quan-
15 tities, at such times, at not less than the minimum
16 price established under subsection (b)(7), and under
17 such terms and conditions as the Secretary deter-
18 mines necessary to carry out this subsection.

19 “(2) FEDERAL PURCHASES.—Federal users
20 may purchase refined helium with priority pipeline
21 access under this subsection from persons who have
22 entered into enforceable contracts to purchase an
23 equivalent quantity of crude helium from the Sec-
24 retary.

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

4 “(d) HELIUM PRODUCTION FUND.—

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

14 “(A) well head maintenance at the Cliff-
15 side Field;

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

19 “(C) capital investments in maintenance
20 and upgrades of equipment related to the stor-
21 age, withdrawal, transportation, purification,
22 and sale of crude helium from the Federal He-
23 lium Reserve;

24 “(D) entering into purchase, lease, or
25 other agreements to drill new or uncap existing

1 wells to maximize the recovery of crude helium
2 from the Federal Helium System if the Sec-
3 retary determines the actions to be cost-effec-
4 tive; and

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

7 “(2) EXCESS FUNDS.—Any amounts in the He-
8 lium Production Fund described in paragraph (1)
9 that exceed the amounts that the Secretary deter-
10 mines to be necessary to carry out paragraph (1)
11 shall be deposited in the general fund of the Treas-
12 ury.

13 “(e) MINIMUM QUANTITY.—The Secretary shall offer
14 for sale or auction during each fiscal year under sub-
15 sections (a), (b), and (c) a quantity of crude helium that
16 is the lesser of —

17 “(1) the quantity of crude helium offered for
18 sale by the Secretary during fiscal year 2012; and

19 “(2) the maximum total production capacity of
20 the Federal Helium System.

21 “(f) MAINTENANCE OF HELIUM SUPPLY.—The Sec-
22 retary shall minimize disruption in the supply of helium
23 from the Federal Helium System during the transition be-
24 tween phases of helium sales under subsections (a), (b),
25 and (c).”.

1 **SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND**
2 **STRATEGY.**

3 The Helium Act (50 U.S.C. 167 et seq.) is amend-
4 ed—

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

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

8 (3) by inserting after section 14 (50 U.S.C.
9 167l) the following:

10 **“SEC. 15. INFORMATION.**

11 “(a) **TRANSPARENCY.**—The Secretary, acting
12 through the Bureau of Land Management, shall make
13 available on the Internet information relating to the Fed-
14 eral Helium System that includes—

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

17 “(2) aggregated projections of excess refining
18 capacity;

19 “(3) ownership of helium held in the Federal
20 Helium Reserve;

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

23 “(5) pressure constraints of the Federal Helium
24 Pipeline;

25 “(6) an estimate of the projected date when
26 3,000,000,000 standard cubic feet of crude helium

1 will remain in the Federal Helium Reserve and the
2 final phase described in section 6(c) will begin;

3 “(7) the amount of the fees charged under sec-
4 tion 5;

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

7 “(9) other factors that will increase trans-
8 parency.

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

16 “(1) annual maintenance schedules and quar-
17 terly updates, that shall include—

18 “(A) the date and duration of planned
19 shutdowns of the Federal Helium Pipeline;

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

23 “(C) the anticipated impact of the work on
24 the helium supply;

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

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

7 “(2) for each unplanned outage, a description
8 of—

9 “(A) the beginning of the outage;

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

11 “(C) the nature of the problem;

12 “(D) the estimated impact on helium sup-
13 ply;

14 “(E) a plan to correct problems, including
15 an estimate of the potential timeframe for cor-
16 rection and the likelihood of plan success within
17 the timeframe;

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

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

22 “(3) monthly summaries of meetings and com-
23 munications between the Bureau of Land Manage-
24 ment and the Cliffside Refiners Limited Partner-
25 ship, including a list of participants and an indica-

1 tion of any actions taken as a result of the meetings
2 or communications; and

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

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

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

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

16 “(A) complete a national helium gas as-
17 sessment that identifies and quantifies the
18 quantity of helium, including the isotope he-
19 lium-3, in each reservoir, including assessments
20 of the constituent gases found in each helium
21 resource, such as carbon dioxide, nitrogen, and
22 natural gas; and

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

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

6 “(3) in coordination with the Secretary of En-
7 ergy, acting through the Administrator of the En-
8 ergy Information Administration, complete—

9 “(A) an assessment of trends in global de-
10 mand for helium, including the isotope helium-
11 3;

12 “(B) a 10-year forecast of domestic de-
13 mand for helium across all sectors, including
14 scientific and medical research, commercial,
15 manufacturing, space technologies, cryogenics,
16 and national defense; and

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

1 “(4) submit to the Committee on Energy and
2 Natural Resources of the Senate and the Committee
3 on Natural Resources of the House of Representa-
4 tives a report describing the results of the assess-
5 ments required under this paragraph.

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

9 **“SEC. 17. LOW-BTU GAS SEPARATION AND HELIUM CON-**
10 **SERVATION.**

11 “(a) AUTHORIZATION.—The Secretary of Energy
12 shall support programs of research, development, commer-
13 cial application, and conservation (including the programs
14 described in subsection (b))—

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

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

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

22 “(b) PROGRAMS.—

23 “(1) MEMBRANE TECHNOLOGY RESEARCH.—
24 The Secretary of Energy, in consultation with other
25 appropriate agencies, shall support a civilian re-

1 search program to develop advanced membrane tech-
2 nology that is used in the separation of low-Btu
3 gases, including technologies that remove helium and
4 other constituent gases that lower the Btu content
5 of natural gas.

6 “(2) HELIUM SEPARATION TECHNOLOGY.—The
7 Secretary of Energy shall support a research pro-
8 gram to develop technologies for separating, gath-
9 ering, and processing helium in low concentrations
10 that occur naturally in geological reservoirs or for-
11 mations, including—

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

13 “(B) technologies that minimize the atmos-
14 pheric venting of helium gas during natural gas
15 production.

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

20 “(A) to develop low-cost technologies and
21 technology systems for recycling, reprocessing,
22 and reusing helium for all medical, scientific,
23 industrial, commercial, aerospace, and other
24 uses of helium in the United States, including
25 Federal uses; and

1 “(B) to develop industrial gathering tech-
2 nologies to capture helium from other chemical
3 processing, including ammonia processing.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 such sums as are necessary.

7 **“SEC. 18. HELIUM-3 SEPARATION.**

8 “(a) INTERAGENCY COOPERATION.—The Secretary
9 shall cooperate with the Secretary of Energy, or a des-
10 ignee, on any assessment or research relating to the ex-
11 traction and refining of the isotope helium-3 from crude
12 helium at the Federal Helium Reserve or along the Fed-
13 eral Helium Pipeline, including—

- 14 “(1) gas analysis;
15 “(2) infrastructure studies; and
16 “(3) cooperation with refiners.

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

- 22 “(1) the Federal Helium Reserve; or
23 “(2) an existing helium separation or purifi-
24 cation facility connected to the Federal Helium Pipe-
25 line.

1 “(c) REPORT.—Not later than 1 year after the date
2 of enactment of the Helium Stewardship Act of 2013, the
3 Secretary shall submit to the Committee on Energy and
4 Natural Resources of the Senate and the Committee on
5 Natural Resources of the House of Representatives a re-
6 port that contains a description of the results of the as-
7 sessments conducted under this section.

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

11 **“SEC. 19. FEDERAL AGENCY HELIUM ACQUISITION STRAT-**
12 **EGY.**

13 “Not later than 2 years after the date of enactment
14 of the Helium Stewardship Act of 2013, the Secretary (in
15 consultation with the Secretary of Energy, the Secretary
16 of Defense, the Director of the National Science Founda-
17 tion, and the Director of the National Institutes of
18 Health) shall submit to Congress a report that provides
19 for Federal users—

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

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

1 “(3) 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 “(4) 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)
9 is amended by striking “section 6(f)” each place it appears
10 in subsections (c)(3), (c)(4), and (d)(2) and inserting
11 “section 6(d)”.

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

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

15 This Act and the amendments made by this Act shall
16 not in any manner affect or diminish the rights and obli-
17 gations of the Secretary of the Interior and private parties
18 under agreements in existence on the date of enactment
19 of this Act, except to the extent that the agreements are
20 renewed or extended after that date.

21 **SEC. 9. REGULATIONS.**

22 The Secretary of the Interior shall promulgate such
23 regulations as are necessary to carry out this Act and the

- 1 amendments made by this Act, including regulations nec-
- 2 essary to prevent unfair acts and practices.

○