

**Calendar No. 190**113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1513**

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.

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 17, 2013

Mr. WYDEN (for himself and Ms. MURKOWSKI) introduced the following bill;  
which was read the first time

SEPTEMBER 18, 2013

Read the second time and placed on the calendar

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**A BILL**

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 “High Technology Jobs  
3 Preservation Act of 2013”.

4 **SEC. 2. DEFINITIONS.**

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

7 **“SEC. 2. DEFINITIONS.**

8 “In this Act:

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

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

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

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

21 “(A) the Federal Helium Reserve;

22 “(B) the Cliffside Field;

23 “(C) the Federal Helium Pipeline; and

24 “(D) all other infrastructure owned,  
25 leased, or managed under contract by the Sec-  
26 retary for the storage, transportation, with-

1 drawal, enrichment, purification, or manage-  
2 ment of helium.

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

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

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

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

22 “(9) QUALIFIED BIDDER.—

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(b) **MINIMUM FEES.**—The fees charged under sub-  
18 section (a) shall be not less than the amount required to  
19 reimburse the Secretary for the full costs of providing  
20 storage, withdrawal, or transportation services, including  
21 capital investments in upgrades and maintenance at the  
22 Federal Helium System.

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

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

4       “(e) STORAGE AND DELIVERY.—In accordance with  
5 this section, the Secretary shall—

6           “(1) allow any person or qualified bidder to  
7 which crude helium is sold or auctioned under sec-  
8 tion 6 to store helium in the Federal Helium Re-  
9 serve; and

10          “(2) establish a schedule for the transportation  
11 and delivery of helium using the Federal Helium  
12 System that—

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

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

20           “(C) provides priority access to the Fed-  
21 eral Helium Pipeline for in-kind sales for Fed-  
22 eral users.

23       “(f) NEW PIPELINE ACCESS.—The Secretary shall  
24 consider any applications for access to the Federal Helium  
25 Pipeline in a manner consistent with the schedule for

1 phasing out commercial sales and disposition of assets  
2 pursuant to section 6.”.

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

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

6 **“SEC. 6. SALE OF CRUDE HELIUM.**

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

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

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

21 “(3) DURATION.—This subsection applies dur-  
22 ing—

23 “(A) the period beginning on the date of  
24 enactment of the High Technology Jobs Preser-

1 vation Act of 2013 and ending on September  
2 30, 2014; and

3 “(B) any period during which the sale of  
4 helium under subsection (b) is delayed or sus-  
5 pended.

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

7 “(1) IN GENERAL.—The Secretary shall offer  
8 crude helium for sale in quantities not subject to  
9 auction under paragraph (2), after completion of  
10 each auction, at not less than the minimum price es-  
11 tablished under paragraph (7), and under such  
12 terms and conditions as the Secretary determines  
13 necessary—

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

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

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

23 “(D) to give priority to meeting the helium  
24 demand of Federal users in the event of any  
25 disruption to the Federal Helium Reserve; and

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

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

9           “(A) for fiscal year 2015, 10 percent of  
10          the total volume of crude helium made available  
11          for that fiscal year;

12          “(B) for each of fiscal years 2016 through  
13          2019, a percentage of the total volume of crude  
14          helium that is 15 percentage points greater  
15          than the percentage made available for the pre-  
16          vious fiscal year; and

17          “(C) for fiscal year 2020 and each fiscal  
18          year thereafter, 100 percent of the total volume  
19          of crude helium made available for that fiscal  
20          year.

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

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

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

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

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

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

15 “(A) downward, if the Secretary deter-  
16 mines the adjustment necessary—

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

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

1           “(B) upward, if the Secretary determines  
2           the adjustment necessary to increase participa-  
3           tion in crude helium auctions or returns to the  
4           taxpayer.

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

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

13           “(A) The sale price of crude helium in auc-  
14          tions held by the Secretary under paragraph  
15          (2).

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

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

1           “(D) The volume-weighted average cost of  
2           converting gaseous crude helium into pure he-  
3           lium.

4           “(8) TERMS AND CONDITIONS.—

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

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

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

19           “(iii) refinery capacity and future ca-  
20           pacity estimates.

21           “(B) CONDITION.—As a condition of sale  
22           or auction to a refiner under subsection (a)(1)  
23           and paragraphs (1) and (2), effective beginning  
24           90 days after the date of enactment of the High  
25           Technology Jobs Preservation Act of 2013, the

1 refiner shall make excess refining capacity of  
2 helium available at commercially reasonable  
3 rates to—

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

6 “(ii) any person that has acquired  
7 crude helium from the Secretary from the  
8 Federal Helium Reserve by means other  
9 than an auction under paragraph (2) after  
10 the date of enactment of the High Tech-  
11 nology Jobs Preservation Act of 2013, in-  
12 cluding nonallocated sales.

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

15 “(A) to approximate crude helium prices;  
16 and

17 “(B) to ensure the recovery of fair value  
18 for the taxpayers of the United States from  
19 sales of crude helium.

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

1           “(11) FORWARD AUCTIONS.—Effective begin-  
2           ning in fiscal year 2016, the Secretary may conduct  
3           a forward auction once each fiscal year of a quantity  
4           of helium that is equal to up to 10 percent of the  
5           volume of crude helium to be made available at auc-  
6           tion during the following fiscal year if the Secretary  
7           determines that the forward auction will—

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

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

11                   “(C) generate greater returns for tax-  
12                   payers; and

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

15           “(12) AUCTION FREQUENCY.—Consistent with  
16           the annual volumes established under paragraph (2),  
17           effective beginning in fiscal year 2016, the Secretary  
18           may conduct auctions twice during each fiscal year  
19           if the Secretary determines that the auction fre-  
20           quency will—

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

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

24                   “(C) generate greater returns for tax-  
25                   payers; and

1                   “(D) increase the effectiveness of price dis-  
2                   covery.

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

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

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

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

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

22                   “(1) IN GENERAL.—Not earlier than 2 years  
23                   after the date of commencement of Phase C de-  
24                   scribed in subsection (c) and not later than Sep-  
25                   tember 30, 2022, the Secretary shall designate as

1 excess property and dispose of all facilities, equip-  
2 ment, and other real and personal property, and all  
3 interests in the same, held by the United States in  
4 the Federal Helium System.

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

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

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

20 “(e) HELIUM PRODUCTION FUND.—

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

1        essary and cost effective by the Secretary to carry  
2        out this Act (other than sections 16, 17, and 18),  
3        including capital investments in upgrades and main-  
4        tenance at the Federal Helium System, including—

5                “(A) well head maintenance at the Cliff-  
6                side Field;

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

10              “(C) capital investments in maintenance  
11              and upgrades of equipment related to the stor-  
12              age, withdrawal, transportation, purification,  
13              and sale of crude helium from the Federal He-  
14              lium Reserve;

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

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

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

1 and used to reduce the annual Federal budget def-  
2 icit.

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

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

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

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

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

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 High Technology Jobs Preserva-  
12       tion Act of 2013, the Secretary, acting through the Direc-  
13       tor of the United 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           \$1,000,000.

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 \$3,000,000.

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 and other potential sources, including—

13           “(1) gas analysis; and

14           “(2) infrastructure studies.

15           “(b) FEASIBILITY STUDY.—The Secretary, in con-  
16 sultation with the Secretary of Energy, or a designee, may  
17 carry out a study to assess the feasibility of—

18           “(1) establishing a facility to separate the iso-  
19 tope helium-3 from crude helium; and

20           “(2) exploring other potential sources of the  
21 isotope helium-3.

22           “(c) REPORT.—Not later than 1 year after the date  
23 of enactment of the High Technology Jobs Preservation  
24 Act of 2013, the Secretary shall submit to the Committee  
25 on Energy and Natural Resources of the Senate and the

1 Committee on Natural Resources of the House of Rep-  
2 resentatives a report that contains a description of the re-  
3 sults of the assessments conducted under this section.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$1,000,000.

7 **“SEC. 19. FEDERAL AGENCY HELIUM ACQUISITION STRAT-**  
8 **EGY.**

9 “In anticipation of the implementation of Phase D  
10 described in section 6(d), and not later than 2 years after  
11 the date of enactment of the High Technology Jobs Pres-  
12 ervation Act of 2013, the Secretary (in consultation with  
13 the Secretary of Energy, the Secretary of Defense, the Di-  
14 rector of the National Science Foundation, the Adminis-  
15 trator of the National Aeronautics and Space Administra-  
16 tion, and the Director of the National Institutes of  
17 Health) shall submit to Congress a report that provides  
18 for Federal users—

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

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

23 “(3) a determination of a date prior to Sep-  
24 tember 30, 2022, for the implementation of Phase D

1 as described in section 6(d) that minimizes any po-  
2 tential supply disruptions for Federal users;

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

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

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

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

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

16 **SEC. 8. EXISTING AGREEMENTS.**

17 (a) IN GENERAL.—This Act and the amendments  
18 made by this Act shall not affect or diminish the rights  
19 and obligations of the Secretary of the Interior and private  
20 parties under agreements in existence on the date of en-  
21 actment of this Act, except to the extent that the agree-  
22 ments are renewed or extended after that date.

23 (b) DELIVERY.—No agreement described in sub-  
24 section (a) shall affect or diminish the right of any party  
25 that purchases helium after the date of enactment of this

1 Act in accordance with section 6 of the Helium Act (50  
2 U.S.C. 167d) (as amended by section 5) to receive delivery  
3 of the helium in accordance with section 5(e)(2) of the  
4 Helium Act (50 U.S.C. 167c(e)(2)) (as amended by sec-  
5 tion 4).

6 **SEC. 9. REGULATIONS.**

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

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

12 (a) SECURE RURAL SCHOOLS AND COMMUNITY SELF  
13 DETERMINATION PROGRAM.—

14 (1) SECURE PAYMENTS FOR STATES AND COUN-  
15 TIES CONTAINING FEDERAL LAND.—

16 (A) AVAILABILITY OF PAYMENTS.—Section  
17 101 of the Secure Rural Schools and Commu-  
18 nity Self-Determination Act of 2000 (16 U.S.C.  
19 7111) is amended by striking “2012” each  
20 place it appears and inserting “2013”.

21 (B) ELECTIONS.—Section 102(b) of the  
22 Secure Rural Schools and Community Self-De-  
23 termination Act of 2000 (16 U.S.C. 7112(b)) is  
24 amended—

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

3 (ii) in paragraph (2)(B), by striking  
4 “2012” each place it appears and inserting  
5 “2013”.

6 (C) DISTRIBUTION OF PAYMENTS TO ELI-  
7 GIBLE COUNTIES.—Section 103(d)(2) of the Se-  
8 cure Rural Schools and Community Self-Deter-  
9 mination Act of 2000 (16 U.S.C. 7113(d)(2)) is  
10 amended by striking “and 2012” and inserting  
11 “through 2013”.

12 (2) CONTINUATION OF AUTHORITY TO CON-  
13 DUCT SPECIAL PROJECTS ON FEDERAL LAND.—Title  
14 II of the Secure Rural Schools and Community Self-  
15 Determination Act of 2000 is amended—

16 (A) in section 203(a)(1) (16 U.S.C.  
17 7123(a)(1)), by striking “2012” and inserting  
18 “2013”;

19 (B) in section 204(e)(3)(B)(iii) (16 U.S.C.  
20 7124(e)(3)(B)(iii)), by striking “2012” and in-  
21 serting “2013”;

22 (C) in section 205(a)(4) (16 U.S.C.  
23 7125(a)(4)), by striking “2011” each place it  
24 appears and inserting “2012”;

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

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

4 (i) in subsection (a), by striking  
5 “2012” and inserting “2013”; and

6 (ii) in subsection (b), by striking  
7 “2013” and inserting “2014”.

8 (3) CONTINUATION OF AUTHORITY TO RESERVE  
9 AND USE COUNTY FUNDS.—Section 304 of the Se-  
10 cure Rural Schools and Community Self-Determina-  
11 tion Act of 2000 (16 U.S.C. 7144) is amended—

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

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

16 (4) AUTHORIZATION OF APPROPRIATIONS.—  
17 Section 402 of the Secure Rural Schools and Com-  
18 munity Self-Determination Act of 2000 (16 U.S.C.  
19 7152) is amended by striking “2012” and inserting  
20 “2013”.

21 (b) ABANDONED WELL REMEDIATION.—Section 349  
22 of the Energy Policy Act of 2005 (42 U.S.C. 15907) is  
23 amended by adding at the end the following:

24 “(i) FEDERALLY DRILLED WELLS.—Out of any  
25 amounts in the Treasury not otherwise appropriated,

1 \$46,000,000 for fiscal year 2014 and \$4,000,000 for fiscal  
2 year 2018 shall be made available to the Secretary, with-  
3 out further appropriation and to remain available until ex-  
4 pended, to remediate, reclaim, and close abandoned oil and  
5 gas wells on current or former National Petroleum Re-  
6 serve land.”.

7 (c) NATIONAL PARKS MAINTENANCE BACKLOG.—  
8 Section 814(g) of the Omnibus Parks and Public Lands  
9 Management Act of 1996 (16 U.S.C. 1f) is amended by  
10 adding at the end the following:

11 “(4) AVAILABLE FUNDS.—Out of any amounts  
12 in the Treasury not otherwise appropriated,  
13 \$50,000,000 shall be made available to the Sec-  
14 retary of the Interior for fiscal year 2018, without  
15 further appropriation and to remain available until  
16 expended, to pay the Federal funding share of chal-  
17 lenge cost-share agreements for deferred mainte-  
18 nance projects and to correct deficiencies in National  
19 Park Service infrastructure.

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

1 (d) ABANDONED MINE RECLAMATION FUND.—Sec-  
2 tion 411(h) of the Surface Mining Control and Reclama-  
3 tion Act of 1977 (30 U.S.C. 1240a(h)) is amended by add-  
4 ing at the end the following:

5 “(6) SUPPLEMENTAL FUNDING.—

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

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

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

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

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

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

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

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



**Calendar No. 190**

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

**S. 1513**

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**A BILL**

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.

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SEPTEMBER 18, 2013

Read the second time and placed on the calendar