

Public Law 104-273
104th Congress

An Act

To amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

Oct. 9, 1996

[H.R. 4168]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Helium Privatization Act of 1996”.

Helium
Privatization Act
of 1996.
50 USC 167 note.

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Helium Act (50 U.S.C. 167–167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

50 USC
167a–167c.

“SEC. 3. AUTHORITY OF SECRETARY.

“(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

“(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

“(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

“(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

“(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

“(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

“(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

“(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

“(b) STORAGE, TRANSPORTATION, AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

“SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

“(a) STORAGE, TRANSPORTATION, AND WITHDRAWAL.—The Secretary may store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

“(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

“(c) DISPOSAL OF FACILITIES.—

“(1) IN GENERAL.—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

“(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

“(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

“(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

“(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation, and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

“(d) EXISTING CONTRACTS.—

“(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect

on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

“(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

“SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

“(a) IN GENERAL.—Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

“(b) TREATMENT.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).”

SEC. 4. SALE OF CRUDE HELIUM.

(a) Subsection 6(a) is amended by striking “from the Secretary” and inserting “from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary”.

50 USC 167d.

(b) Subsection 6(b) is amended—

(1) by inserting “crude” before “helium”; and

(2) by adding the following at the end: “Except as may be required by reason of subsection (a), sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.”.

(c) Subsection 6(c) is amended—

(1) by inserting “crude” after “Sales of”; and

(2) by striking “together with interest as provided in this subsection” and all that follows through the end of the subsection and inserting “all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as ‘repayable amounts’). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—

“(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

“(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.”.

(d) Subsection 6(d) is amended to read as follows:

“(d) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LANDS.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).”.

(e) Subsection 6(e) is repealed.

(f) Subsection 6(f) is amended—

(1) by striking “(f)” and inserting “(e)(1)”; and

(2) by adding the following at the end:

“(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c),

all amounts in such fund in excess of \$2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

“(B) On repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the general fund of the Treasury.”.

SEC. 5. ELIMINATION OF STOCKPILE.

50 USC 167f.

Section 8 is amended to read as follows:

“SEC. 8. ELIMINATION OF STOCKPILE.

“(a) STOCKPILE SALES.—

“(1) COMMENCEMENT.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

“(2) TIMES OF SALE.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

“(3) PRICE.—The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

“(b) DISCOVERY OF ADDITIONAL RESERVES.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a).”.

SEC. 6. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

50 USC 167j.

Section 12 is amended to read as follows:

“SEC. 12. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

“(a) IN GENERAL.—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of \$1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

“(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

“(1) FIRST TRACT.—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

"Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

"Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

"Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

"Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

"Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

"(2) SECOND TRACT.—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

"Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

"Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

"Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

"Containing an area of 331 acres, more or less."

SEC. 7. REPORT ON HELIUM.

Section 15 is amended to read as follows:

50 USC 167m.

"SEC. 15. REPORT ON HELIUM.

"(a) NAS STUDY AND REPORT.—Not later than three years before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to study and report on whether such disposal of helium reserves will have a substantial adverse effect on United States scientific, technical, biomedical, or national security interests.

"(b) TRANSMISSION TO CONGRESS.—Not later than 18 months before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall transmit to the Congress—

"(1) the report of the National Academy under subsection (a);

"(2) the findings of the Secretary, after consideration of the conclusions of the National Academy under subsection (a) and after consultation with the United States helium industry and with heads of affected Federal agencies, as to whether the disposal of the helium reserve under section 8 will have a substantial adverse effect on the United States helium industry, United States, helium market or United States, scientific, technological, biomedical, or national security interests; and

“(3) if the Secretary determines that selling the crude helium reserves under the formula established in section 8 will have a substantial adverse effect on the United States helium industry, the United States helium market or United States scientific, technological, biomedical, or national security interest, the Secretary shall make recommendations, including recommendations for proposed legislation, as may be necessary to avoid such adverse effects.”.

Approved October 9, 1996.

LEGISLATIVE HISTORY—H.R. 4168:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 26, considered and passed House.

Sept. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Oct. 9, Presidential statement.