

Editorial Notes**PRIOR PROVISIONS**

A prior section 3 of act Mar. 3, 1925, related to disposal of helium by sale, use of funds so obtained, and reports to Congress on such uses and was classified to section 164 of this title, prior to the general amendment of this chapter by Pub. L. 86-777.

AMENDMENTS

2013—Subsec. (c). Pub. L. 113-40 added subsec. (c).

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section enumerated various aspects of Secretary's authority, including provisions in subsec. (a) relating to conserving, producing, buying, and selling helium, in subsec. (b) relating to helium on public domain, and in subsec. (c) relating to contract price for helium.

§ 167b. 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 October 9, 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 October 9, 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 chapter before October 9, 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 chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(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 167d(e) of this title.

(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 167d(e) of this title.

(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 October 9, 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 167d(e) of this title.

(Mar. 3, 1925, ch. 426, §4, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 920; amended Pub. L. 104-273, §3, Oct. 9, 1996, 110 Stat. 3316; Pub. L. 113-40, §7(a), Oct. 2, 2013, 127 Stat. 544.)

Editorial Notes**CODIFICATION**

In subsec. (c)(2), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

PRIOR PROVISIONS

A prior section 4 of act Mar. 3, 1925, related to exportation of helium gas and was classified to section 165 of this title, prior to repeal by act Aug. 26, 1954, ch. 937, title V, §542(a)(13), 68 Stat. 861.

AMENDMENTS

2013—Subsecs. (c)(3), (4), (d)(2). Pub. L. 113-40 substituted “section 167d(e)” for “section 167d(f)”.

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section consisted of single par. authorizing Secretary to maintain and operate helium production and purification plants and to conduct or contract for research as to helium production, purification, transportation, liquefaction, storage, and utilization.

§ 167c. Storage, withdrawal and transportation**(a) In general**

If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

(b) Minimum fees

The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing

storage, withdrawal, or transportation services, including capital investments in upgrades and maintenance at the Federal Helium System.

(c) Schedule of fees

Prior to sale or auction under subsection (a), (b), or (c) of section 167d of this title, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

(d) Treatment

All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 167d(e) of this title.

(e) Storage and delivery

In accordance with this section, the Secretary shall—

(1) allow any person or qualified bidder to which crude helium is sold or auctioned under section 167d of this title to store helium in the Federal Helium Reserve; and

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

(A) ensures timely delivery of helium auctioned pursuant to section 167d(b)(2) of this title;

(B) ensures timely delivery of helium acquired from the Secretary from the Federal Helium Reserve by means other than an auction under section 167d(b)(2) of this title, including nonallocated sales; and

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

(f) New Pipeline access

The Secretary shall consider any applications for access to the Federal Helium Pipeline in a manner consistent with the schedule for phasing out commercial sales and disposition of assets pursuant to section 167d of this title.

(Mar. 3, 1925, ch. 426, §5, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 920; amended Pub. L. 104-273, §3, Oct. 9, 1996, 110 Stat. 3317; Pub. L. 113-40, §4, Oct. 2, 2013, 127 Stat. 535.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5 of act Mar. 3, 1925, authorized governmental cooperation with Department of the Interior to effectuate the purposes of this chapter and was classified to section 166 of this title, prior to the general amendment of this chapter by Pub. L. 86-777.

AMENDMENTS

2013—Pub. L. 113-40 amended section generally. Prior to amendment, section related to fees for storage, transportation, and withdrawal.

1996—Pub. L. 104-273 amended section generally. Prior to amendment, section related to licensing for extraction, transportation, and sale of helium under Federal helium refining program, including provisions in subsec. (a) relating to rules and regulations, in subsec. (b) relating to terms, assignments, and revocations of licenses, in subsec. (c) relating to purpose of licenses, and in subsec. (d) relating to suspension of licenses and reacquisition of helium supplies in times of war or national emergency.

§ 167d. Sale of crude helium

(a) Phase A: allocation transition

(1) In general

The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection with minimum market disruption.

(2) Federal purchases

Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(3) Duration

This subsection applies during—

(A) the period beginning on October 2, 2013, and ending on September 30, 2014; and

(B) any period during which the sale of helium under subsection (b) is delayed or suspended.

(b) Phase B: auction implementation

(1) In general

The Secretary shall offer crude helium for sale in quantities not subject to auction under paragraph (2), after completion of each auction, at not less than the minimum price established under paragraph (7), and under such terms and conditions as the Secretary determines necessary—

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

(B) to maximize the total financial return to the taxpayer;

(C) to manage crude helium sales according to the ability of the Secretary to extract and produce helium from the Federal Helium Reserve;

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

(E) to carry out this subsection with minimum market disruption.

(2) Auction quantities

For the period described in paragraph (4) and consistent with the conditions described in paragraph (8), the Secretary shall annually auction to any qualified bidder a quantity of crude helium in the Federal Helium Reserve equal to—

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

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

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