

provided that: “If any provision of this Act [enacting this section, sections 167a to 167n of this title, and provisions set out as a note above], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

#### EXISTING AGREEMENTS

Pub. L. 113–40, § 8, Oct. 2, 2013, 127 Stat. 544, provided that:

“(a) **IN GENERAL.**—This Act [see Tables for classification] and the amendments made by this Act shall not affect or diminish the rights and obligations of the Secretary of the Interior and private parties under agreements in existence on the date of enactment of this Act [Oct. 2, 2013], except to the extent that the agreements are renewed or extended after that date.

“(b) **DELIVERY.**—No agreement described in subsection (a) shall affect or diminish the right of any party that purchases helium after the date of enactment of this Act in accordance with section 6 of the Helium Act (50 U.S.C. 167d) (as amended by section 5) to receive delivery of the helium in accordance with section 5(e)(2) of the Helium Act (50 U.S.C. 167c(e)(2)) (as amended by section 4).”

#### SEVERANCE PACKAGE FOR HELIUM OPERATIONS EMPLOYEES

Pub. L. 106–113, div. B, § 1000(a)(3) [title I, § 112], Nov. 29, 1999, 113 Stat. 1535, 1501A–157, provided that:

“(a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

“(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

“(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995 [Pub. L. 103–337, 10 U.S.C. 1597 note].

“(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

“(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996 [probably means the Helium Act, which is classified to section 167b(c)(4) of this title]. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium pro-

duction and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

“(f) This section shall remain in effect through fiscal year 2002.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–277, div. A, § 101(e) [title I, § 112], Oct. 21, 1998, 112 Stat. 2681–231, 2681–254.

Pub. L. 105–83, title I, § 113, Nov. 14, 1997, 111 Stat. 1562.

### § 167a. 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 October 9, 1996, except to the extent that such agreements are renewed or extended after October 9, 1996.

#### (b) Storage, transportation, and sale

The Secretary may store, transport, and sell helium only in accordance with this chapter.

#### (c) Extraction of helium from deposits on Federal land

All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 167d(e) of this title.

(Mar. 3, 1925, ch. 426, § 3, as added Pub. L. 86–777, § 2, Sept. 13, 1960, 74 Stat. 918; amended Pub. L. 104–273, § 3, Oct. 9, 1996, 110 Stat. 3315; Pub. L. 113–40, § 3, Oct. 2, 2013, 127 Stat. 535.)

## 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) of this section.

**(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) of this section 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) of this section.

**(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.)

## 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 Sec-