

tract 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.)

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