

Interior on said funds. See section 6 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167d of this title.

§ 165. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(13), 68 Stat. 861

Section, acts Mar. 3, 1925, ch. 426, §4, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887, related to exportation of helium gas. See section 2778 of Title 22, Foreign Relations and Intercourse.

§ 166. Omitted

Section, acts Mar. 3, 1925, ch. 426, §5, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, authorized Secretaries of Army and Navy to designate representatives to cooperate with Department of the Interior to effectuate the purposes of this chapter, and gave them the right of access to plants, data, and accounts. See section 7 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167e of this title.

§ 167. Definitions

In this chapter:

(1) Cliffside Field

The term “Cliffside Field” means the helium storage reservoir in which the Federal Helium Reserve is stored.

(2) Federal Helium Pipeline

The term “Federal Helium Pipeline” means the federally owned pipeline system through which helium for the Federal Helium Reserve may be transported.

(3) Federal Helium Reserve

The term “Federal Helium Reserve” means helium reserves owned by the United States.

(4) Federal Helium System

The term “Federal Helium System” means—

- (A) the Federal Helium Reserve;
- (B) the Cliffside Field;
- (C) the Federal Helium Pipeline; and
- (D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal, enrichment, purification, or management of helium.

(5) Federal user

The term “Federal user” means a Federal agency or extramural holder of one or more Federal research grants using helium.

(6) Low-Btu gas

The term “low-Btu gas” means a fuel gas with a heating value of less than 250 Btu per standard cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

(7) Person

The term “person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision.

(8) Priority pipeline access

The term “priority pipeline access” means the first priority of delivery of crude helium

under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

(9) Qualified bidder

(A) In general

The term “qualified bidder” means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users.

(B) Exclusion

The term “qualified bidder” does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this chapter.

(10) Qualifying domestic helium transaction

The term “qualifying domestic helium transaction” means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

(11) Refiner

The term “refiner” means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

(12) Secretary

The term “Secretary” means the Secretary of the Interior.

(Mar. 3, 1925, ch. 426, §2, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 918; amended Pub. L. 113-40, §2, Oct. 2, 2013, 127 Stat. 534.)

PRIOR PROVISIONS

A prior section 2 of act Mar. 3, 1925, authorized Bureau of Mines to produce helium gas and was classified to section 163 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 defined “Secretary”, “person”, “helium-bearing natural gas”, and “helium-gas mixture”.

EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-777, §3, Sept. 13, 1960, 74 Stat. 923, provided that: “The amendment made by this Act [enacting this section and sections 167a to 167n of this title] shall become effective on March 1, 1961.”

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-40, §1, Oct. 2, 2013, 127 Stat. 534, provided that: “This Act [see Tables for classification] may be cited as the ‘Helium Stewardship Act of 2013’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-273, §1, Oct. 9, 1996, 110 Stat. 3315, provided that: “This Act [amending sections 167a to 167d, 167f, 167j, and 167m of this title] may be cited as the ‘Helium Privatization Act of 1996’.”

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-777, §1, Sept. 13, 1960, 74 Stat. 918, provided that: “This Act [enacting this section, sections 167a to

167n of this title, and provisions set out as notes below] may be cited as the ‘Helium Act Amendments of 1960.’”

SHORT TITLE

Section 1 of act Mar. 3, 1925, as added by Pub. L. 86-777, §2, provided that: “This Act [enacting this section, sections 167a to 167n of this title, and provisions set out as a note below] may be cited as the ‘Helium Act.’”

REGULATIONS

Pub. L. 113-40, §9, Oct. 2, 2013, 127 Stat. 544, provided that: “The Secretary of the Interior shall promulgate such regulations as are necessary to carry out this Act [see Tables for classification] and the amendments made by this Act, including regulations necessary to prevent unfair acts and practices.”

SEPARABILITY

Act Mar. 3, 1925, ch. 426, §20, formerly §17, as added Pub. L. 86-777, §2, Sept. 13, 1960, 74 Stat. 923, renumbered §20, Pub. L. 113-40, §6(2), Oct. 2, 2013, 127 Stat. 540, 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 production 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