

(C) capital investments in maintenance and upgrades of equipment related to the storage, withdrawal, enrichment, transportation, purification, and sale of crude helium from the Federal Helium Reserve;

(D) entering into purchase, lease, or other agreements to drill new or uncap existing wells to maximize the recovery of crude helium from the Federal Helium System; and

(E) any other scheduled or unscheduled maintenance of the Federal Helium System.

**(2) Excess funds**

Amounts in the Helium Production Fund in excess of amounts the Secretary determines to be necessary to carry out paragraph (1) shall be paid to the general fund of the Treasury and used to reduce the annual Federal budget deficit.

**(3) Retirement of public debt**

Out of amounts paid to the general fund of the Treasury under paragraph (2), the Secretary of the Treasury shall use \$51,000,000 to retire public debt.

**(4) Report**

Not later than 1 year after October 2, 2013, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all expenditures by the Bureau of Land Management to carry out this chapter.

**(f) Minimum quantity**

The Secretary shall offer for sale or auction during each fiscal year under subsections (a), (b), and (c) a quantity of crude helium that is the lesser of—

(1) the quantity of crude helium offered for sale by the Secretary during fiscal year 2012; or

(2) the maximum total production capacity of the Federal Helium System.

(Mar. 3, 1925, ch. 426, § 6, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 921; amended Pub. L. 104-273, § 4, Oct. 9, 1996, 110 Stat. 3317; Pub. L. 113-40, § 5, Oct. 2, 2013, 127 Stat. 536.)

AMENDMENTS

2013—Pub. L. 113-40 amended section generally. Prior to amendment, section related to sale of helium.

1996—Subsec. (a). Pub. L. 104-273, § 4(a), substituted “from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary” for “from the Secretary”.

Subsec. (b). Pub. L. 104-273, § 4(b), inserted “crude” before “helium” and inserted at 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.”

Subsec. (c). Pub. L. 104-273, § 4(c)(2), which directed the amendment of subsec. (c) by substituting “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—” and pars. (1) and (2) for “together with interest as provided in this subsection” and all that followed through the end

of the subsec., was executed by making the substitution for language which read “together with interest as provided in subsection (d) of this section, the following:” along with former pars. (1) to (3), to reflect the probable intent of Congress. Prior to amendment, pars. (1) to (3) read as follows:

“(1) Within twenty-five years from September 13, 1960, the net capital and retained earnings of the helium production fund (established under section 164 of this title prior to amendment by the Helium Act Amendments of 1960), determined by the Secretary as of September 13, 1960, plus any moneys expended thereafter by the Department of the Interior from funds provided in the Supplemental Appropriation Act, 1959, for construction of a helium plant at Keyes, Oklahoma;

“(2) Within twenty-five years from the date of borrowing, all funds borrowed, as provided in section 167j of this chapter, to acquire and construct helium plants and facilities; and

“(3) Within twenty-five years from September 13, 1960, unless the Secretary determines that said period should be extended for not more than ten years, all funds borrowed, as provided in section 167j of this title for all purposes other than those specified in clause (2) above.”

Pub. L. 104-273, § 4(c)(1), inserted “crude” after “Sales of”.

Subsec. (d). Pub. L. 104-273, § 4(d), inserted heading and amended text generally. Prior to amendment, text read as follows: “Compound interest on the amounts specified in clauses (1), (2), and (3) of subsection (c) which have not been paid to the Treasury shall be calculated annually at rates determined by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the investments authorized by this chapter, except that the interest rate on the amounts specified in clause (1) of subsection (c) shall be determined as of Sept. 13, 1960, and the interest rate on the obligations specified in clauses (2) and (3) of subsection (c) as of the time of each borrowing.”

Subsecs. (e), (f). Pub. L. 104-273, § 4(e), (f), redesignated subsec. (f) as (e)(1), added par. (2), and struck out former subsec. (e) which read as follows: “Helium shall be sold for medical purposes at prices which will permit its general use therefor; and all sales of helium to non-Federal purchasers shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by regulations.”

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

**§ 167e. Intragovernmental cooperation**

The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this chapter, and shall have complete right of access to plants, data, and accounts.

(Mar. 3, 1925, ch. 426, § 7, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 921.)

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

**§ 167f. Repealed. Pub. L. 113-40, § 7(b), Oct. 2, 2013, 127 Stat. 544**

Section, act Mar. 3, 1925, ch. 426, § 8, as added Pub. L. 86-777, § 2, Sept. 13, 1960, 74 Stat. 922; amended Pub. L.