

ing 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 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.

(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.)

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

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 the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.].

(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(f) 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(f) 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(f) 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.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(2), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that Act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 167d of this title; title 35 section 210.

§ 167c. Fees for storage, transportation, and withdrawal**(a) In general**

Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

(b) Treatment

All fees received by the Secretary under subsection (a) of this section shall be treated as moneys received under this chapter for purposes of section 167d(f) 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.)

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

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 helium**(a) Purchase by Government agencies**

The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary.

(b) Sales by Secretary

The Secretary is authorized to sell crude helium for Federal, medical, scientific, and commercial uses in such quantities and under such terms and conditions as he determines. Except as may be required by reason of subsection (a) of this section, 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.

(c) Prices and determinations; repayable amounts

Sales of crude helium by the Secretary shall be at prices established by him which shall be adequate to cover all costs incurred in carrying out the provisions of this chapter and to repay to the United States by deposit in the Treasury, 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