



Legislative Bulletin..... April 25, 2013

Contents:

Amendments to H.R. 527 – Responsible Helium Administration and Stewardship Act

Amendments to H.R. 527 – Responsible Helium Administration and Stewardship Act (Hastings, R-WA)

Order of Business: The legislation is scheduled to be considered during the week of April 22, 2013, under a rule, [H.Res. 178](#). The rule allows for the consideration of H.R. 527 in the Committee of the Whole House for the state of the Union. The rule provides for one hour of general debate equally divided and controlled by the chair and ranking member of the Committee on Natural Resources. After general debate, the bill shall be considered for amendment under the 5-minute rule, and makes in order the amendments that are summarized below. After amendment debate, the Committee shall report the bill to the House with amendments. At that time, any Member may demand a separate vote in the House on an amendment that was adopted in the Committee of the Whole. The rule also provides for one motion to recommit with or without instructions.

The rule also allows for the approval for the Journal between April 27, 2013, and May 3, 2013, while the House is in its scheduled recess. Additionally, during this same time, the Chair may declare the House adjourned, the Speaker may appoint Members to perform the duties of the Chair, and the Committee on Education and the Workforce may, at any time before 5:00pm on Tuesday, April 30, 2013, file a report to accompany H.R. 1406.

Amendments Made In Order:

Collins (R-GA), Scott (R-GA): The amendment specifies that any excess funds from the auction of crude helium shall be used for reduction of the annual federal deficit. The amendment can be [viewed here](#).

Dent (R-PA), Higgins (D-NY), Esty (D-CT): The amendment prohibits the bill from affecting any existing contract between the Bureau of Land Management (BLM) and anyone who owns:

- Helium stored in the Federal Helium Reserve; or
- A helium enrichment unit that is part of the Federal Helium Reserve.

There are companies that are connected to the Reserve that have contracts with BLM based on their refining capacity. This legislation has the potential to change the amount of crude helium these companies receive, because helium will be sold to the highest bidder at auction. Therefore, some businesses are claiming the legislation could result in a violation of their contract, because it could alter the amount of helium that the companies receive. Existing contracts expire when the program ends on October 1, 2013 or October 1, 2015. The amendment can be [viewed here](#).

While the RSC does not attempt to take a legal position on the company's contracts with BLM, it is important to note that in the contract with BLM the definition of "force majeure" includes "any laws, orders, rules regulations, acts, or restraints of any government or governmental body of authority..."

The amendment is supported by the following businesses/associations:

- Air Products
- Linde
- Praxair
- Gas and Welding Distributors Association - letter of support [linked here](#)

The amendment is opposed by the following businesses, who issued [this letter](#) to the Natural Resources Committee:

- Airgas
- Air Liquide
- Matheson Targas

Conservative Concerns: Some Members have stated that the amendment undermines free-market competition because it extends otherwise expiring contracts that guarantee an automatic non-competitive handout of helium from BLM. Some Members have expressed that the amendment undermines market competition, and that it would block other companies from competing to purchase the crude helium from BLM.

Holt (D-NJ): The amendment directs the Secretary of Interior to complete an assessment of options for ensuring a domestic helium supply in the future, including

- "An analysis of how the Federal Helium Reserve has influenced domestic and global helium supply and prices historically; and
- "An assessment of options for how the Federal Helium Reserve could promote the long term availability and security of domestic helium supplies."

The amendment can be [viewed here](#).

Thornberry (R-TX): The amendment adds a new section to the end of the bill. The amendment allows the Secretary of Interior to allow any person that is not connected to the Federal Helium Reserve to connect to the Reserve, for the purpose of storing helium. The person(s) storing helium in the reserve would be subject to storage fees that the Secretary is allowed to charge. The amendment further clarifies that the withdrawal of their helium would be governed by this legislation. The amendment can be [viewed here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.