

AMENDMENT TO H.R. 5120
OFFERED BY MR. RODNEY DAVIS OF ILLINOIS

At the end of the bill, add the following:

1 **SEC. ____ . PIPELINE SAFETY VOLUNTARY INFORMATION-**
2 **SHARING SYSTEM.**

3 (a) IN GENERAL.—Chapter 601 of title 49, United
4 States Code, is further amended by adding at the end the
5 following:

6 **“§ 60145. Voluntary information-sharing system**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—Subject to the availability
9 of funds, the Secretary may establish a confidential
10 and nonpunitive voluntary information-sharing sys-
11 tem (referred to in this section as the ‘System’) to
12 encourage collaborative efforts to improve inspection
13 information feedback and information sharing, with
14 the purpose of improving natural gas transmission
15 and hazardous liquid pipeline safety.

16 “(2) COMPONENTS.—The System—

17 “(A) shall include pipeline integrity risk
18 analysis information; and

19 “(B) may include other information relat-
20 ing to reducing pipeline incidents, such as—

1 “(i) lessons learned from accidents
2 and near misses;
3 “(ii) process improvements;
4 “(iii) technology deployments; and
5 “(iv) other voluntary information-
6 sharing systems.

7 “(3) REQUIREMENT.—The System shall protect
8 proprietary information while encouraging the ex-
9 change of data, including in-line inspection and dig
10 verification data, among operators, tool vendors, and
11 the representatives of the Secretary to facilitate the
12 development of—

13 “(A) advanced pipeline-inspection tech-
14 nologies; and

15 “(B) enhanced risk analysis.

16 “(4) CONSULTATION.—If appropriate, the Sec-
17 retary may involve other public and private stake-
18 holders in establishing and maintaining the System.

19 “(b) DATA MANAGER.—In carrying out this section,
20 the Secretary may engage a partner agency or nongovern-
21 mental entity to receive, store, manage, and provide for
22 the use of—

23 “(1) system data; and

24 “(2) information submitted to the System.

25 “(c) LIMITATION ON DISCLOSURE.—

1 “(1) APPLICABILITY OF FOIA.—Any part of any
2 record (including, but not limited to an analysis by
3 a pipeline operator of the safety risks of the pipeline
4 operator and a statement of the mitigation measures
5 identified by the pipeline operator to address those
6 risks) provided to the Secretary and retained in the
7 System is exempt from the requirements of section
8 552 of title 5, and specifically exempt from release
9 under subsection (b)(3) of that section, if the record
10 is—

11 “(A) supplied to the Secretary for purposes
12 of the System; or

13 “(B) made available for inspection and
14 copying by an officer, employee, or agent of the
15 Secretary for purposes of the System.

16 “(2) EXCEPTION.—Notwithstanding paragraph
17 (1), the Secretary in consultation with the informa-
18 tion owner, may disclose deidentified material or any
19 part of any record comprised of facts otherwise
20 available to the public if, in the sole discretion of the
21 Secretary, the Secretary determines that disclosure
22 would be consistent with the confidentiality needed
23 for the System and improve pipeline safety.

24 “(d) EXCLUDED EVIDENCE.—Except as provided in
25 subsection (f), any data or information submitted to or

1 stored, managed, analyzed, or produced by the System
2 shall not be used—

3 “(1) as evidence for any purpose in any Fed-
4 eral, State, local, Tribal, or private litigation, includ-
5 ing any action or proceeding; or

6 “(2) to support any corrective action relating to
7 a probable violation under this chapter (including
8 any regulation promulgated or order issued under
9 this chapter).

10 “(e) EXCLUSION FROM DISCOVERY.—Except as pro-
11 vided in subsection (f), any data or information submitted
12 to or stored, managed, analyzed, or produced by the Sys-
13 tem shall not be subject to discovery in any Federal, State,
14 local, Tribal, or private litigation or other proceeding.

15 “(f) LIMITATIONS ON EXCLUSION.—The exclusions
16 described in subsections (d) and (e) shall not apply to—

17 “(1) evidence of a knowing and willful violation;

18 “(2) a reportable release under sections 191.7
19 or 195.50 of title 49, Code of Federal Regulations
20 (or a successor regulation);

21 “(3) a safety-related condition under sections
22 191.7 or 195.55 of title 49, Code of Federal Regula-
23 tions (or a successor regulation); or

24 “(4) data or information obtained by the Sec-
25 retary independently of the System.

1 “(g) GOVERNING BOARD.—Not later than 180 days
2 after the date of enactment of this Act, the Administrator
3 shall establish a governing board co-chaired by the Admin-
4 istrator and a representative of the pipeline industry to—

5 “(1) govern the System through consensus of
6 the board and co-chairs;

7 “(2) develop governance documents and oversee
8 their enforcement; and

9 “(3) establish and appoint members of issue
10 analysis teams;

11 “(h) CONFIDENTIALITY.—No person, including any
12 System governing board member, program manager,
13 third-party data manager, issue analysis team member,
14 nor any Federal, State, local or tribal agency, having or
15 obtaining access to any data or information submitted to,
16 stored, managed, analyzed or produced by the System,
17 shall release or communicate that information to any per-
18 son outside the System, with the sole exception being the
19 publication of reports by the System based on analysis of
20 de-identified information and safety related findings that
21 the System governing board in its sole discretion deter-
22 mines to publish or authorize the Administration to pub-
23 lish.

1 “(i) VOLUNTARY PARTICIPATION.—No person may
2 be compelled to participate in or submit data or informa-
3 tion to the System.

4 “(j) SUSTAINABLE FUNDING.—The Secretary shall
5 explore sustainable funding sources for the System, in-
6 cluding public-private partnerships.

7 “(k) EFFECT.—Nothing in this section affects any
8 Federal or State pipeline safety law.

9 “(l) LIMITATION ON FUNDING.—The Secretary may
10 expend not more than \$1,000,000 for each of the fiscal
11 years 2020 through 2024 to establish the System.

12 “(m) SAVINGS CLAUSE.—Notwithstanding the pro-
13 tections provided under this section, no pipeline operator
14 may use the submission of information to the System as
15 protection against enforcement actions or corrective orders
16 that are based on information or evidence obtained outside
17 of the System.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for chapter 601 of title 49, United States Code, is further
20 amended by adding at the end the following:

“60145.Voluntary information-sharing system.”.

