AMENDMENT SUBMISSION FORM

Bill Number: HR 5120

Primary Sponsor: Rep. Rodney Davis

Cosponsors (if any):
(200 Characters)

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Description:
(140 Characters)

Creates a Voluntary Information Sharing system to improve pipeline safety through the sharing of ideas and information.

Is this a REVISION? □ YES □ NO

IF YES, Please provide the Amendment Number as listed on the Original Leg. Counsel Caption

Make sure the following requirements have been met:

100 copies of amendment
Submission form with a short description of amendment [1-2 sentences]
Amendment text and Submission Form emailed to: T&IAmendments@housemail.house.gov

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

At the end of the bill, add the following:

SEC. _____. PIPELINE SAFETY VOLUNTARY INFORMATION-SHARING SYSTEM.

(a) In general.—Chapter 601 of title 49, United States Code, is further amended by adding at the end the following:

“§ 60145. Voluntary information-sharing system

“(a) Establishment.—

“(1) In general.—Subject to the availability of funds, the Secretary may establish a confidential and nonpunitive voluntary information-sharing system (referred to in this section as the ‘System’) to encourage collaborative efforts to improve inspection information feedback and information sharing, with the purpose of improving natural gas transmission and hazardous liquid pipeline safety.

“(2) Components.—The System—

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

“(B) may include other information relating to reducing pipeline incidents, such as—
“(i) lessons learned from accidents and near misses;
“(ii) process improvements;
“(iii) technology deployments; and
“(iv) other voluntary information-sharing systems.
“(3) REQUIREMENT.—The System shall protect proprietary information while encouraging the exchange of data, including in-line inspection and dig verification data, among operators, tool vendors, and the representatives of the Secretary to facilitate the development of—
“(A) advanced pipeline-inspection technologies; and
“(B) enhanced risk analysis.
“(4) CONSULTATION.—If appropriate, the Secretary may involve other public and private stakeholders in establishing and maintaining the System.
“(b) DATA MANAGER.—In carrying out this section, the Secretary may engage a partner agency or nongovernmental entity to receive, store, manage, and provide for the use of—
“(1) system data; and
“(2) information submitted to the System.
“(e) LIMITATION ON DISCLOSURE.—
“(1) APPLICABILITY OF FOIA.—Any part of any record (including, but not limited to an analysis by a pipeline operator of the safety risks of the pipeline operator and a statement of the mitigation measures identified by the pipeline operator to address those risks) provided to the Secretary and retained in the System is exempt from the requirements of section 552 of title 5, and specifically exempt from release under subsection (b)(3) of that section, if the record is—

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

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

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

“(d) EXCLUDED EVIDENCE.—Except as provided in 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 Regu-
23 lations (or a successor regulation); or
24 “(4) data or information obtained by the Sec-
25 retary independently of the System.
“(g) GOVERNING BOARD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a governing board co-chaired by the Administrator and a representative of the pipeline industry to—

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

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

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

“(h) CONFIDENTIALITY.—No person, including any System governing board member, program manager, third-party data manager, issue analysis team member, nor any Federal, State, local or tribal agency, having or obtaining access to any data or information submitted to, stored, managed, analyzed or produced by the System, shall release or communicate that information to any person outside the System, with the sole exception being the publication of reports by the System based on analysis of de-identified information and safety related findings that the System governing board in its sole discretion determines to publish or authorize the Administration to publish.
“(i) VOLUNTARY PARTICIPATION.—No person may
be compelled to participate in or submit data or informa-
tion to the System.

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

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

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

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

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

“60145. Voluntary information-sharing system.”.