

118TH CONGRESS
1ST SESSION

H. R. 6509

To amend title 49, United States Code, to require the Secretary of Transportation to establish a confidential voluntary information-sharing system to encourage the sharing of pipeline safety data, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2023

Mr. MOLINARO (for himself and Mr. COHEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to require the Secretary of Transportation to establish a confidential voluntary information-sharing system to encourage the sharing of pipeline safety data, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Information-
5 Sharing System Act”.

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

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

6 **“§ 60144. Voluntary information-sharing system**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a confidential voluntary information-sharing sys-
10 tem (referred to in this section as ‘VIS’) to encour-
11 age the sharing of pipeline safety data and informa-
12 tion in a non-punitive context in order to improve
13 the safety of gas, carbon dioxide, and hazardous liq-
14 uid gathering, transmission, and distribution pipe-
15 lines and facilities, including storage facilities.

16 “(2) PURPOSE.—The purpose of the VIS is to
17 establish a comprehensive, systematic, and inte-
18 grated structure to gather, evaluate, and quantify
19 critical pipeline safety data and information and to
20 share recommended remediation measures and les-
21 sons learned across the pipeline industry in an effort
22 to improve pipeline safety, including damage preven-
23 tion efforts, while protecting participant confiden-
24 tiality.

25 “(3) IMPLEMENTATION AND MANAGEMENT.—In
26 establishing the VIS under this section, the Sec-

1 retary shall implement and manage such VIS based
2 on the Pipeline Safety Voluntary Information-Shar-
3 ing System Recommendation Report prepared pur-
4 suant to section 10 of the Protecting Our Infra-
5 structure of Pipelines and Enhancing Safety Act of
6 2016 (49 U.S.C. 60108 note).

7 “(4) INAPPLICABILITY OF FACa.—The VIS
8 shall not be considered a Federal advisory committee
9 and shall not be subject to the requirements of chap-
10 ter 10 of title 5.

11 “(b) GOVERNANCE.—

12 “(1) IN GENERAL.—A Governing Board, a Pro-
13 gram Manager, a Third-Party Information Manager,
14 and Issue Analysis Teams shall govern the VIS.

15 “(2) GOVERNING BOARD.—

16 “(A) IN GENERAL.—Not later than 180
17 days after the date of enactment of this section,
18 the Administrator of the Pipeline and Haz-
19 ardous Materials Safety Administration shall
20 appoint a Governing Board after consulting
21 with public and private pipeline safety stake-
22 holders.

23 “(B) COMPOSITION OF THE BOARD.—The
24 Governing Board shall be comprised of at least
25 9 members and shall represent a balanced

1 cross-section of pipeline safety stakeholders
2 with pipeline safety knowledge or experience as
3 follows:

4 “(i) at least 3 individuals shall be se-
5 lected from departments, agencies, instru-
6 mentalities of the Federal Government,
7 Territories, State governments, or local
8 governments, 1 of which shall be the Ad-
9 ministrator.

10 “(ii) at least 3 individuals shall be se-
11 lected from the gas, carbon dioxide, or haz-
12 ardous liquid industries, such as operators,
13 trade associations, inspection technology,
14 coating, and cathodic protection vendors,
15 and pipeline inspection organizations.

16 “(iii) at least 3 individuals shall be se-
17 lected from public safety advocate organi-
18 zations, such as pipeline safety and envi-
19 ronmental advocacy groups, public safety-
20 focused research institutions, or labor and
21 worker safety representatives.

22 “(C) BOARD TERMS.—

23 “(i) IN GENERAL.—Each member of
24 the Governing Board shall be appointed for

1 a term of 3 years, with the terms of 3 of
2 the members expiring each year.

3 “(ii) TERM EXPIRATION.—The term
4 of at least 1 member of each of the 3
5 stakeholder groups established in subpara-
6 graph (B) shall expire each year.

7 “(iii) INITIAL APPOINTMENT.—In the
8 initial appointment of members, terms of
9 1, 2, and 3 years shall be established to
10 allow the terms of 3 members to expire
11 thereafter each year.

12 “(iv) REAPPOINTMENT.—Each mem-
13 ber may be reappointed for consecutive 3-
14 year terms.

15 “(D) CO-CHAIRS.—

16 “(i) IN GENERAL.—The Governing
17 Board shall be co-chaired by—

18 “(I) the Administrator;

19 “(II) a representative of the
20 stakeholder group described in sub-
21 paragraph (B)(ii), who shall be ap-
22 pointed with advice and consent of the
23 Governing Board; and

24 “(III) a representative of the
25 stakeholder group described in sub-

1 paragraph (B)(iii), who shall be ap-
2 pointed with advice and consent of the
3 Governing Board.

4 “(ii) RESPONSIBILITIES.—The co-
5 chairs of the Governing Board shall be
6 jointly responsible for organizing and con-
7 ducting meetings of the Governing Board.

8 “(E) AUTHORITY.—The Governing Board
9 shall make decisions by a super-majority of two-
10 thirds plus 1 of the Governing Board members
11 and shall have the authority to—

12 “(i) govern and provide strategic over-
13 sight to the VIS;

14 “(ii) develop governance documents,
15 including a Governing Board charter that
16 is made available to the public, and that
17 describes the scope of the authority and
18 objectives of the Board;

19 “(iii) select a Third-Party Data Man-
20 ager described in paragraph (4) with ex-
21 pertise in data protection, aggregation, and
22 analytics and geographic information sys-
23 tems;

24 “(iv) approve the criteria and proce-
25 dures governing how the Third-Party Data

1 Manager described in paragraph (4) will
2 receive and accept pipeline safety data and
3 information and who will have the author-
4 ity to view VIS data;

5 “(v) establish and appoint members to
6 Issue Analysis Teams described in para-
7 graph (5) that consist of technical and
8 subject matter experts;

9 “(vi) collaborate with Issue Analysis
10 Teams described in paragraph (5) to iden-
11 tify the issues and topics to be analyzed;

12 “(vii) collaborate with Issue Analysis
13 Teams described in paragraph (5) to speci-
14 fy the type of de-identified pipeline safety
15 data and information that Issue Analysis
16 Teams need in order to analyze the issues
17 identified under clause (vi) and topics;

18 “(viii) determine the information to be
19 disseminated;

20 “(ix) determine the reports to be dis-
21 seminated;

22 “(x) at least once per year, issue a re-
23 port to the public on VIS processes, mem-
24 bership of the Governing Board, issues or
25 topics being investigated and analyzed,

1 pipeline safety data and information that
2 the VIS has requested for submission to
3 the VIS, and safety trends identified; and

4 “(xi) perform other functions as the
5 Governing Board decides are necessary or
6 appropriate consistent with the purpose of
7 the VIS.

8 “(3) PROGRAM MANAGER.—The Administrator
9 shall provide the day-to-day program management
10 and administrative support for the VIS, including
11 oversight of the Third-Party Data Manager de-
12 scribed in paragraph (4).

13 “(4) THIRD-PARTY DATA MANAGER.—

14 “(A) IN GENERAL.—A Third-Party Data
15 Manager shall provide data management and
16 data oversight services for the VIS.

17 “(B) RESPONSIBILITIES.—In fulfilling the
18 responsibilities described in subparagraph (A),
19 the Third-Party Data Manager shall—

20 “(i) accept pipeline safety data and
21 information submitted to the VIS that
22 meets the criteria and procedures estab-
23 lished by the Governing Board under para-
24 graph (2)(E)(iv);

1 “(ii) de-identify, securely store, and
2 manage pipeline safety data and informa-
3 tion that is accepted by the VIS;

4 “(iii) collaborate with Issue Analysis
5 Teams described in paragraph (5) to ag-
6 gregate and analyze de-identified pipeline
7 safety data and information that is accept-
8 ed by the VIS;

9 “(iv) prepare reports as requested by
10 the Governing Board regarding the type of
11 pipeline safety data and information that
12 is managed by the VIS; and

13 “(v) make recommendations regarding
14 the management of pipeline safety data
15 and information, as appropriate.

16 “(5) ISSUE ANALYSIS TEAMS.—Issue Analysis
17 Teams of the VIS shall—

18 “(A) work with the Third-Party Data
19 Manager described in paragraph (4) to aggre-
20 gate and analyze de-identified pipeline safety
21 data and information accepted by the VIS;

22 “(B) collaborate with the Governing Board
23 to identify issues and topics for analysis and
24 submit internal reports and recommendations to
25 the Governing Board; and

1 “(C) prepare reports as requested by the
2 Governing Board regarding issues and topics
3 identified for additional research by the Gov-
4 erning Board.

5 “(6) PARTICIPATION.—

6 “(A) IN GENERAL.—The submission of
7 pipeline safety data and information to the VIS
8 by any person shall be voluntary, with no per-
9 son compelled to participate in or submit data
10 or information for inclusion in the VIS.

11 “(B) ACCEPTANCE OF INFORMATION.—
12 The VIS shall implement policies to ensure that
13 all operator data or information submitted has
14 been authorized by the operator for submission.

15 “(C) SHARING OF INFORMATION.—The
16 Governing Board shall encourage the voluntary
17 sharing of pipeline safety data and information
18 among operators of gas, carbon dioxide, and
19 hazardous liquid gathering, transmission, and
20 distribution pipelines and facilities, employees,
21 labor unions, contractors, in-line inspection
22 service providers, non-destructive evaluation ex-
23 perts, the Pipeline and Hazardous Materials
24 Safety Administration, representatives of State
25 pipeline safety agencies, local and Tribal gov-

1 ernments, pipeline safety advocacy groups,
2 manufacturers, research and academic institu-
3 tions, and other pipeline stakeholders.

4 “(c) INFORMATION SHARING.—

5 “(1) INCLUSIONS.—Pipeline safety data and in-
6 formation accepted by the VIS may include—

7 “(A) pipeline integrity risk analysis infor-
8 mation;

9 “(B) lessons learned from accidents and
10 near misses;

11 “(C) process improvements;

12 “(D) technology deployment practices;

13 “(E) information obtained through VIS
14 pipeline safety surveys of pipeline operator em-
15 ployees, as long as such surveys are voluntarily
16 agreed to by the pipeline operator; and

17 “(F) pipeline safety data and information
18 which may lead to the identification of pipeline
19 safety risks.

20 “(d) CONFIDENTIALITY.—

21 “(1) IN GENERAL.—

22 “(A) CONFIDENTIALITY.—To facilitate the
23 sharing of otherwise non-public pipeline safety
24 data and information (hereinafter known as
25 ‘non-public information’) in the VIS, non-public

1 information accepted by the VIS and which
2 may be analyzed, stored, or managed by the
3 VIS shall be kept confidential by the VIS.

4 “(B) RULE OF CONSTRUCTION.—Subpara-
5 graph (A) shall not be construed to apply to
6 public information that may be submitted to the
7 VIS or to non-public information that is re-
8 quired to be submitted to any Federal, State,
9 local, or Tribal agency under any other provi-
10 sion of law.

11 “(2) DISCLOSURE OF DE-IDENTIFIED, NON-
12 PUBLIC INFORMATION.—

13 “(A) IN GENERAL.—Notwithstanding sub-
14 sections (e) and (f), the Governing Board may
15 approve the disclosure of de-identified, non-pub-
16 lic information by the VIS or by the Adminis-
17 trator of the Pipeline and Hazardous Materials
18 Safety Administration based on analysis of the
19 de-identified information and any safety find-
20 ings or recommendations that the Governing
21 Board in the sole discretion of the Board deter-
22 mines to publish or authorizes the Adminis-
23 trator to publish to improve pipeline safety.

24 “(B) PUBLIC REPORTS.—In issuing public
25 reports under subsection (b)(2)(E)(x), the Gov-

1 governing Board shall approve the disclosure of de-
2 identified, non-public information by the VIS
3 that the Governing Board determines is nec-
4 essary to adequately describe and illustrate the
5 issues and topics being investigated and ana-
6 lyzed by the VIS.

7 “(3) LIMITATION.—Except as provided in para-
8 graph (2), no person, including any VIS Governing
9 Board member, the Program Manager, the Third-
10 Party Data Manager described in subsection (b)(4),
11 an Issue Analysis Team member described in sub-
12 section (b)(5), or any Federal, State, local, or Tribal
13 agency, having or obtaining access to non-public in-
14 formation by virtue of the acceptance of such infor-
15 mation to the VIS, shall release or communicate VIS
16 held non-public information, in either an identified
17 or de-identified form, to any person that does not
18 have the authority to view VIS data.

19 “(e) APPLICABILITY OF FOIA.—Any non-public in-
20 formation that is accepted by the VIS and which may be
21 analyzed, stored, or managed by the VIS and subsequently
22 obtained by the Secretary or the Administrator by virtue
23 of the acceptance of such information to the VIS shall be
24 exempt from the requirements of section 552 of title 5

1 and specifically exempt from release under subsection
2 (b)(3) of such section.

3 “(f) EXCLUSIONS.—

4 “(1) EXCLUDED EVIDENCE.—Except as pro-
5 vided in paragraph (3), non-public information ac-
6 cepted by the VIS and which may be analyzed,
7 stored, or managed by the VIS shall not be obtained
8 from the VIS—

9 “(A) for use as evidence for any purpose in
10 any Federal, State, local, Tribal, or private liti-
11 gation, including any action or proceeding; or

12 “(B) to initiate any enforcement action or
13 civil litigation against a pipeline operator or
14 employees or contractors of such operator relat-
15 ing to a probable violation under this chapter
16 (including any regulation promulgated or order
17 issued under this chapter).

18 “(2) EXCLUSION FROM DISCOVERY.—Except as
19 provided in paragraph (3), non-public information
20 accepted by the VIS and which may be analyzed,
21 stored, or managed by the VIS shall not be subject
22 to discovery from the VIS in any Federal, State,
23 local, Tribal, or private litigation or other pro-
24 ceeding.

1 “(3) LIMITATIONS ON EXCLUSIONS.—The ex-
2 clusions described in paragraphs (1) and (2) shall
3 not apply to non-public information accepted by the
4 VIS that is—

5 “(A) evidence of a criminal violation;

6 “(B) not related to the established purpose
7 of the VIS described in subsection (a)(2);

8 “(C) otherwise required to be reported to
9 the Secretary under part 191 (including infor-
10 mation about an incident or accident), part
11 192, part 194, part 195, or part 199 of title
12 49, Code of Federal Regulations (or successor
13 regulations), or required to be reported under
14 the requirements of a State authority; or

15 “(D) developed or obtained from a source
16 other than the VIS, including through discovery
17 from a person or an entity other than the VIS
18 in an enforcement action or private litigation.

19 “(g) EFFECT ON STATE LAW.—Nothing in this sec-
20 tion shall be construed to affect Federal, State, or local
21 pipeline safety law.

22 “(h) NO EFFECT ON DISCOVERY.—

23 “(1) RULE OF CONSTRUCTION.—Nothing in
24 this section or any rule, regulation, or amendment
25 issued pursuant to this section shall be construed to

1 create a defense to a discovery request or otherwise
2 limit or affect the discovery of pipeline safety data
3 and information arising from a cause of action au-
4 thorized under any under Federal, State, or local
5 law.

6 “(2) EXCEPTION.—Paragraph (1) shall not
7 apply to exclusions from discovery from the VIS as
8 described in subsection (f)(2).

9 “(i) EXPENSES.—

10 “(1) IN GENERAL.—Members of the VIS Gov-
11 erning Board and Issue Analysis Teams may be paid
12 expenses under section 5703 of title 5.

13 “(2) RULE OF CONSTRUCTION.—A payment
14 under this subsection shall not be construed to make
15 a member of the VIS Governing Board an officer or
16 employee of the Federal Government.

17 “(3) FEDERAL EMPLOYEES.—Paragraph (1)
18 shall not apply to members of the VIS Governing
19 Board that are employees of the Federal Govern-
20 ment.

21 “(j) REPORT ON VIS.—Not later than 2 years after
22 the date of enactment of this section, the Secretary shall
23 submit to the Committee on Transportation and Infra-
24 structure and the Committee on Energy and Commerce
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate,
2 and make publicly available, a report that includes—

3 “(1) a detailed accounting of the allocation and
4 uses of expenditures authorized under this section;

5 “(2) an estimate of the annual cost to maintain
6 the VIS program, including an assessment and pro-
7 jection of costs associated with the Third-Party
8 Data Manager, data sourcing and storage, data gov-
9 ernance, data architecture, data consumption, and
10 the VIS operations and administration by the Pipe-
11 line and Hazardous Materials Safety Administration;

12 “(3) the methodology for determining the esti-
13 mate under paragraph (2);

14 “(4) the number of expected participants in the
15 VIS program;

16 “(5) the number of Pipeline and Hazardous
17 Materials Safety Administration positions needed to
18 maintain the VIS program;

19 “(6) the projected timeline for the implementa-
20 tion of the VIS program to meet the purposes under
21 subsection (a)(2); and

22 “(7) recommendations to ensure sufficient
23 funding for the ongoing activities of the VIS pro-
24 gram, including a reasonable fee assessed on author-
25 ized participants in the VIS program.

1 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for the establishment
3 of a voluntary information-sharing program under this
4 section—

5 “(1) \$1,000,000 for fiscal year 2024;

6 “(2) \$10,000,000 for fiscal year 2025;

7 “(3) \$10,000,000 for fiscal year 2026; and

8 “(4) \$10,000,000 for fiscal year 2027.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 601 of title 49, United States Code, is amended by
11 adding at the end the following:

“60144.Voluntary information-sharing system.”.

○