AMENDMENT TO H.R. 4
OFFERED BY MR. WELCH OF VERMONT

At the end of title III, insert the following:

SEC. 3. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.

(a) Policy.—It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.

(b) Sense of Congress.—It is the sense of Congress that—

(1) each person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, except for news gathering, should have a written privacy policy consistent with subsection (a) that is appropriate to the nature and scope of the activities regarding the collection, use, retention, dissemination, and deletion of any data collected during the operation of an unmanned aircraft system;
(2) each privacy policy described in paragraph (1) should be periodically reviewed and updated as necessary; and

(3) each privacy policy described in paragraph (1) should be publicly available.

(e) Federal Trade Commission Authority.—A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).

(d) Commercial and Governmental Operators.—

(1) In general.—Except for model aircraft under section 44808 of title 49, United States Code, in authorizing the operation of any public unmanned aircraft system or the operation of any unmanned aircraft system by a person conducting civil aircraft operations, the Administrator of the Federal Aviation Administration, to the extent practicable and consistent with applicable law and without compromising national security, homeland defense, or law enforcement, shall make the identifying information in paragraph (2) available to the public via an easily
searchable online database. The Administrator shall place a clear and conspicuous link to the database on the home page of the Federal Aviation Administration’s Web site.

(2) CONTENTS.—The database described in paragraph (1) shall contain the following:

(A) The name of each individual, or agency, as applicable, authorized to conduct civil or public unmanned aircraft systems operations described in paragraph (1).

(B) The name of each owner of an unmanned aircraft system described in subparagraph (A).

(C) The expiration date of any authorization related to a person identified in subparagraph (A) or subparagraph (B).

(D) The contact information for each person identified in subparagraphs (A) and (B), including a telephone number and an electronic mail address, in accordance with applicable privacy laws.

(E) The tail number or specific identification number of all unmanned aircraft authorized for use that links each unmanned aircraft to the owner of that aircraft.
(F) For any unmanned aircraft system, except those operated for news gathering activities protected by the First Amendment to the Constitution of the United States, that will collect personally identifiable information about individuals, including the use of facial recognition—

(i) the circumstance under which the system will be used;

(ii) the specific kinds of personally identifiable information that the system will collect about individuals; and

(iii) how the information referred to in clause (ii), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—

(I) how the collection or retention of such information that is unrelated to the specific use will be minimized;

(II) under what circumstances such information might be sold, leased, or otherwise provided to third parties;

(III) the period during which such information will be retained;
(IV) when and how such information, including information no longer relevant to the specified use, will be destroyed; and

(V) steps that will be used to protect against the unauthorized disclosure of any information or data, such as the use of encryption methods and other security features.

(G) With respect to public unmanned aircraft systems—

(i) the locations where the unmanned aircraft system will operate;

(ii) the time during which the unmanned aircraft system will operate;

(iii) the general purpose of the flight; and

(iv) the technical capabilities that the unmanned aircraft system possesses.

(3) RECORDS.—Each person described in paragraph (2)(A), to the extent practicable without compromising national security, homeland defense, or law enforcement shall maintain and make available to the Administrator for not less than 1 year a record of the name and contact information of each
person on whose behalf the unmanned aircraft system has been operated.

(4) **DEADLINE.**—The Administrator shall make the database available not later than 1 year after the date of enactment of this Act.

(e) **ANALYSIS OF CURRENT REMEDIES UNDER FEDERAL, STATE, AND LOCAL JURISDICTIONS.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit to the appropriate committees of Congress a review of the privacy issues and concerns associated with the operation of unmanned aircraft systems in the national airspace system that—

(1) examines and identifies the existing Federal, State, or local laws, including constitutional law, that address an individual’s personal privacy;

(2) identifies specific issues and concerns that may limit the availability of existing civil or criminal legal remedies regarding inappropriate operation of unmanned aircraft systems in the national airspace system;

(3) identifies any deficiencies in current Federal, State, or local privacy protections; and
(4) recommends legislative or other actions to address the limitations and deficiencies identified in paragraphs (2) and (3).