

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**11**

**OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike section 204 of the bill and insert the following:

**1 SEC. 204. DATA PRIVACY.**

2 (a) IN GENERAL.—Chapter 441 of title 49, United  
3 States Code, is amended by adding at the end the following:  
4

**5 “§ 44114. Privacy**

6 “(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation  
7 Administration shall establish and continuously improve a  
8 process by which, upon request of a private aircraft owner  
9 or operator, the Administrator blocks the registration  
10 number and other similar identifiable data or information,  
11 except for physical markings required by law, of the aircraft of the owner or operator from any public dissemination or display (except in furnished data or information  
12 made available to or from a Government agency pursuant  
13 to a government contract, subcontract, or agreement) for  
14 the noncommercial flights of the owner or operator.  
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1           “(b) WITHHOLDING PERSONALLY IDENTIFIABLE IN-  
2 FORMATION ON THE AIRCRAFT REGISTRY.—Not later  
3 than 1 year after the enactment of this Act and notwith-  
4 standing any other provision of law, the Administrator  
5 shall establish a procedure by which, upon request of a  
6 private aircraft owner or operator, the Administrator shall  
7 withhold from public disclosure (except in furnished data  
8 or information made available to or from a Government  
9 agency pursuant to a government contract, subcontract,  
10 or agreement, including that for traffic management pur-  
11 poses) the personally identifiable information of such indi-  
12 vidual, including on FAA websites.

13           “(c) ICAO AIRCRAFT IDENTIFICATION CODE.—

14           “(1) IN GENERAL.—The Administrator shall es-  
15 tablish a program for aircraft owners and operators  
16 to apply for a new ICAO aircraft identification code.

17           “(2) LIMITATIONS.—In carrying out the pro-  
18 gram described in paragraph (1), the Administrator  
19 shall require—

20           “(A) each applicant to attest to a safety or  
21 security need in applying for a new ICAO air-  
22 craft identification code; and

23           “(B) each approved applicant who obtains  
24 a new ICAO aircraft identification code to com-  
25 ply with all applicable aspects of, or related to,

1 part 45 of title 14, Code of Federal Regula-  
2 tions, including updating an aircraft's registra-  
3 tion number and N-Number to reflect such air-  
4 craft's new ICAO aircraft identification code.

5 “(d) DECOUPLING MODE S CODES.—The Adminis-  
6 trator shall develop a plan for which the Administrator  
7 could allow for a process to disassociate an assigned Mode  
8 S code with the number assigned to an aircraft that is  
9 registered pursuant to section 44103.

10 “(e) DEFINITIONS.—In this section:

11 “(1) ADS-B.—The term ‘ADS-B’ means auto-  
12 matic dependent surveillance-broadcast.

13 “(2) ICAO.—The term ‘ICAO’ means the Inter-  
14 national Civil Aviation Organization.

15 “(3) PERSONALLY IDENTIFIABLE INFORMA-  
16 TION.—The term ‘personally identifiable informa-  
17 tion’ means—

18 “(A) the mailing address or registration  
19 address of an individual;

20 “(B) an electronic address (including an  
21 email address) of an individual; or

22 “(C) the telephone number of an indi-  
23 vidual.

24 “(D) the names of the aircraft owner or  
25 operator.”.

1 (b) STUDY ON ENCRYPTING ADS-B.—

2 (1) IN GENERAL.—Not later than 1 year after  
3 the date of enactment of this Act, the Administrator  
4 of the Federal Aviation Administration shall seek to  
5 enter into an agreement with a qualified organiza-  
6 tion to conduct a study assessing the technical chal-  
7 lenges, impact to international aviation operations,  
8 benefits, and costs of encrypting ADS-B signals to  
9 provide for a safer and more secure environment for  
10 national airspace system users.

11 (2) CONSULTATION.—In carrying out the study  
12 under paragraph (1), a qualified organization shall  
13 consult with representatives of—

14 (A) air carriers;

15 (B) collective bargaining representatives of  
16 the Federal Aviation Administration and navi-  
17 tical information specialists;

18 (C) original equipment manufacturers of  
19 ADS-B equipment;

20 (D) general aviation;

21 (E) business aviation; and

22 (F) aviation safety experts with specific  
23 knowledge of aircraft cybersecurity.

1           (3) CONSIDERATIONS.—In carrying out the  
2 study under paragraph (1), a qualified organization  
3 shall consider—

4           (A) the technical requirements for  
5 encrypting ADS–B signals for both the 978  
6 Mhz and 1090 Mhz frequencies;

7           (B) the advantages of encrypting ADS–B  
8 signals for both the 978 Mhz and 1090 Mhz  
9 frequencies, including those related to cyberse-  
10 curity protections, safety, and privacy of na-  
11 tional airspace system users;

12           (C) the disadvantages of encrypting ADS–  
13 B signals for both the 978 Mhz and 1090 Mhz  
14 frequencies, including those related to cyberse-  
15 curity protections, safety, and privacy of na-  
16 tional airspace system users;

17           (D) the challenges of encrypting ADS–B  
18 signals for both the 978 Mhz and 1090 Mhz  
19 frequencies, including coordination consider-  
20 ations with the International Civil Aviation Or-  
21 ganization and foreign civil aviation authorities;

22           (E) potential new aircraft equipage re-  
23 quirements and estimated costs;

24           (F) the impact to nongovernmental third  
25 party users of ADS–B data;

- 1 (G) the estimated costs to—
- 2 (i) the Federal Aviation Administra-
- 3 tion;
- 4 (ii) aircraft owners required to equip
- 5 with ADS-B equipment for aviation oper-
- 6 ations; and
- 7 (iii) other relevant persons the Admin-
- 8 istrator determines necessary; and
- 9 (H) the impact to national airspace system
- 10 operations during implementation and post-im-
- 11 plementation.
- 12 (4) REPORT.—In any agreement entered into
- 13 under paragraph (1), the Administrator shall ensure
- 14 that, not later than 1 year after the completion of
- 15 the study required under paragraph (1), the quali-
- 16 fied organization that has entered into such agree-
- 17 ment shall submit to the Administrator, the Com-
- 18 mittee on Transportation and Infrastructure of the
- 19 House of Representatives, and the Committee on
- 20 Commerce, Science, and Transportation of the Sen-
- 21 ate a report on the results of the study described in
- 22 paragraph (1), including the findings and rec-
- 23 ommendations related to each item specified under
- 24 paragraph (3).

1           (5) DEFINITION OF QUALIFIED ORGANIZA-  
2           TION.—In this subsection, the term “qualified orga-  
3           nization” means an independent nonprofit organiza-  
4           tion, described in section 501(c)(3) of the Internal  
5           Revenue Code of 1986 and exempt from taxation  
6           under section 501(a) of such Code.

7           (c) CLERICAL AMENDMENT.—The analysis for chap-  
8           ter 441 of title 49, United States Code, is amended by  
9           adding at the end the following:

“44114. Privacy.”.

10          (d) CONFORMING AMENDMENT.—Section 566 of the  
11          FAA Reauthorization Act of 2018 (49 U.S.C. 44103 note)  
12          and the item relating to such section in the table of con-  
13          tents under section 1(b) of that Act are repealed.

