

[First Look: Preserving American Privacy Act of 2018. \(HR 6617, 115th Congress\)](#)

Limits the challenges to privacy and security posed by public and privately operated unmanned aerial systems.

Updated last **August 14, 2018**

for the 07/26/2018 version of HR 6617.



WHAT IT DOES

[HR 6617](#), the "Preserving American Privacy Act of 2018", establishes a series of rules appended to [18 U.S.C. 3101-3118](#) (dealing with Criminal Procedure, Searches and Seizures) that limits the challenges to privacy and security posed by public and privately operated unmanned aerial systems (UAS). Specifically, this bill aims to direct the usage, reporting, evidentiary application, and retaliatory discipline of publicly operated UAS that intentionally or implicitly collect surveillance data of citizens and/or their property.

First, this bill stipulates that all public UAS operators should minimize the collection and disclosure of surveillance data of citizens and/or their property to greatest extent possible.

Regarding the reporting of publicly operated UAS surveillance data, all government agencies operating UAS that collect and/or grant surveillance data of citizens and/or their property must submit a report to the [Attorney General](#) that provides details of the data collected. In turn, and within six months of this bill's passage, the Attorney General will establish a publicly available database of these reports. The Attorney General must also submit an annual summary of these reports to the [Administrative Office of the United States Courts](#) that in turn would submit an annual report to Congress.

With respect to the use of UAS surveillance data as evidence, this bill stipulates that only those data collected in accordance to this bill will be admissible in any trial, hearing, or related proceedings. With the following exceptions of granted warrants, court orders, emergencies, or preserving boarder security, public UAS are not allowed to collect or store surveillance data for any law enforcement purpose unless the surveilled citizens give their consent.

Finally, this bill also includes a provision banning any form of weaponized UAS as well as unauthorized surveillance and trespassing by private UAS operators.

RELEVANT SCIENCE

While older radio-controlled aircraft and vehicles have posed a risk as potential weapons for many years, the technology was difficult to learn, and it took time, skill, and patience to build and operate. These challenges imposed some limits on their broader use. Modern control technology has made commercial unmanned vehicles and aircraft far easier to operate.

With respect to UAS, since 2015, the increased availability of commercial drones has led to increases in sales and public acceptance. For example, according to a [poll](#) from Saint Leo University, 72% of adults support using drones for community policing. The FAA projects growth in [annual UAS sales](#) from \$1.9 million in 2016 to \$4.3 million by 2020.

The use of commercial UAS as weapons has already become an issue in other countries. In 2014, the Islamic State (IS) began using

commercial drones to make propaganda films and later used drones as [scouts](#). The IS has also fit explosive charges to UASs to make [inexpensive guided missiles](#). [Concerns have also been raised](#) about domestic attacks using commercial UASs.

STATUS

Bill [HR 6617](#) was first introduced in the House on July 26, 2018 and subsequently referred to the [House Judiciary Committee](#).

SPONSORS

Sponsor: [Representative Ted Poe](#) (R-TX-2)

Cosponsors:

- [Representative Zoe Lofgren](#) (D-CA-19)

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