

112TH CONGRESS
2D SESSION

H. R. 6199

To provide for limitations on the domestic use of drones in investigating regulatory and criminal offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2012

Mr. POE of Texas (for himself, Mr. GARRETT, Mr. HUIZENGA of Michigan, Mr. PITTS, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. RIGELL, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. CULBERSON, Mr. DESJARLAIS, Mr. WALBERG, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. JORDAN, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. BURGESS, Mr. SOUTHERLAND, and Mr. CAMPBELL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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 provide for limitations on the domestic use of drones in investigating regulatory and criminal offenses, 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 “Preserving American
5 Privacy Act of 2012”.

1 **SEC. 2. PROHIBITION ON AUTHORIZATION OF DOMESTIC**
2 **USE OF DRONES EXCEPT FOR CERTAIN LAW**
3 **ENFORCEMENT PURPOSES.**

4 No Federal agency may authorize the domestic use
5 of an unmanned aircraft (as defined in section 331 of the
6 FAA Modernization and Reform Act of 2012 (49 U.S.C.
7 40101 note)) for law enforcement purposes or for surveil-
8 lance of a United States national or real property owned
9 by that national, including by any State or local govern-
10 ment, except pursuant to warrant and in the investigation
11 of a felony. The domestic use of such an unmanned air-
12 craft shall be subject to the same limitations and excep-
13 tions as apply in the case of any other search in the rel-
14 evant jurisdiction.

15 **SEC. 3. LIMITATION ON DOMESTIC USE OF DRONES IN FED-**
16 **ERAL CRIMINAL INVESTIGATIONS.**

17 Chapter 205 of title 18, United States Code, is
18 amended by adding at the end the following:

19 **“§ 3119. Limitation on domestic use of drones**

20 “No Federal agency other than a Federal law en-
21 forcement agency may use in the United States or author-
22 ize any Federal officer or employee to use in the United
23 States (including by granting a permit to use) an un-
24 manned aircraft (as defined in section 331 of the FAA
25 Modernization and Reform Act of 2012 (49 U.S.C. 40101
26 note)) for law enforcement purposes or for surveillance of

1 a United States national or real property owned by that
2 national except pursuant to warrant and in the investiga-
3 tion of a felony. The domestic use of such an unmanned
4 aircraft shall be subject to the same limitations and excep-
5 tions as apply in the case of any other search. No informa-
6 tion obtained in violation of this section using such an un-
7 manned aircraft may be used in a criminal proceeding be-
8 fore a Federal court.”.

9 **SEC. 4. NO USE OF DRONE EVIDENCE IN ADMINISTRATIVE**
10 **HEARINGS.**

11 Section 556 of title 5, United States Code, is amend-
12 ed by adding at the end the following:

13 “(f) No evidence obtained by an agency using an un-
14 manned aircraft (as defined in section 331 of the FAA
15 Modernization and Reform Act of 2012 (49 U.S.C. 40101
16 note)) may be introduced in a hearing under this section.”.

17 **SEC. 5. NO AUTHORIZATION FOR DOMESTIC USE IN PRI-**
18 **VATE SURVEILLANCE.**

19 No Federal agency may authorize the domestic use,
20 including granting a permit to use, of an unmanned air-
21 craft (as defined in section 331 of the FAA Modernization
22 and Reform Act of 2012 (49 U.S.C. 40101 note)), to per-
23 mit any private person to conduct surveillance on any
24 other private person without the consent of that other pri-

1 vate person or the owner of any real property on which
2 that other private person is present.

3 **SEC. 6. RULE OF CONSTRUCTION.**

4 Nothing in this Act shall be construed to change the
5 laws regarding the permissible uses of drones for border
6 security applications within 25 miles of the United States
7 border.

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