

AMENDMENT NO. _____ Calendar No. _____

Purpose: To protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aircraft systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

H. R. 636

To amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PAUL (for himself and Mr. MARKEY) to the amendment (No. 3464) proposed by Mr. THUNE (for himself and Mr. NELSON)

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . UNWARRANTED SURVEILLANCE.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “law enforcement party” means a
5 person or entity authorized by law, or funded by the
6 Government of the United States or by a political
7 subdivision of a State, to investigate or prosecute of-
8 fenses against the United States or to make arrests;
9 and

1 (2) the term “unmanned aircraft system” has
2 the meaning given the term in section 44801 of title
3 49, United States Code, as added by section 2121(a)
4 of this Act.

5 (b) PROHIBITED USE OF UNMANNED AIRCRAFT SYS-
6 TEMS.—Except as provided in subsection (c), a person or
7 entity acting under the authority, or funded in whole or
8 in part by, the Government of the United States or by
9 a political subdivision of a State shall not use an un-
10 manned aircraft system to gather evidence or other infor-
11 mation pertaining to criminal conduct or conduct in viola-
12 tion of a statute or regulation or for intelligence purposes
13 except to the extent authorized in a warrant that satisfies
14 the requirements of the Federal Rules of Procedure and
15 the Constitution of the United States.

16 (c) EXCEPTIONS.—This section does not prohibit any
17 of the following:

18 (1) PATROL OF BORDERS.—The use of an un-
19 manned aircraft system to patrol national borders to
20 prevent or deter illegal entry of any persons or ille-
21 gal substances within 3 miles of the physical border.

22 (2) EXIGENT CIRCUMSTANCES.—The use of an
23 unmanned aircraft system by a law enforcement
24 party when exigent circumstances exist. For the pur-
25 poses of this paragraph, exigent circumstances exist

1 when the law enforcement party possesses reason-
2 able suspicion that under particular circumstances,
3 swift action to prevent imminent danger to life is
4 necessary.

5 (3) HIGH RISK.—The use of an unmanned air-
6 craft system to counter a high risk of an imminent
7 terrorist attack by a specific individual or organiza-
8 tion, when the Secretary of Homeland Security de-
9 termines credible intelligence indicates there is such
10 a risk.

11 (4) INFORMATION OR DATA UNRELATED TO EX-
12 IGENT CIRCUMSTANCES.—A person operating an un-
13 manned aircraft system under the exception set
14 forth in paragraph (2) shall minimize the collection
15 by the unmanned aircraft system of information and
16 data that is unrelated to the exigent circumstances.
17 If the unmanned aircraft system incidentally collects
18 any such unrelated information or data while being
19 operated under such exception, the person operating
20 the unmanned aircraft system shall destroy such un-
21 related information and data.

22 (5) PROHIBITION ON INFORMATION SHARING.—
23 A person may not intentionally divulge information
24 collected in accordance with this section with any
25 other person, except as authorized by law.

1 (d) REMEDIES FOR VIOLATION.—Any aggrieved
2 party may in a civil action obtain all appropriate relief
3 to prevent or remedy a violation of this section.

4 (e) PROHIBITION ON USE OF EVIDENCE.—No evi-
5 dence obtained or collected in violation of this section may
6 be admissible as evidence in a criminal prosecution in any
7 court of law in the United States.