



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, JULY 24, 2012

No. 111

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RIVERA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 24, 2012.

I hereby appoint the Honorable DAVID RIVERA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE DRONES ARE COMING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, for years, the United States has used drones to track terrorists overseas, catch outlaws along the border and other lawful purposes—but now, thousands of drones are heading to the homeland. The FAA plans to allow the expanded use of drones to operate nationwide by the year 2015. It is estimated, by 2020, 30,000 of them will be flying in American skies.

Yes, Mr. Speaker, the drones are coming.

Who will operate these drones, and what will be their mission? Could it be a suspicious government agent who thinks someone looks kind of funny? The EPA bureaucrat to monitor somebody's farm and watch Bessie the cow graze in the pasture? Or a nosy neighbor who wants to make sure someone's shutters are pretty and the flowers don't violate the homeowners' association rules? Or could it be a legitimate and lawful and legal purpose of drones that doesn't violate the right of privacy?

These are the kinds of situations Americans face as we enter this uncharted and unprecedented world of drone technology.

Congress has the legal obligation to ensure that the Fourth Amendment rights of private citizens are protected in this new "drone world." You see, Mr. Speaker, the Fourth Amendment says this:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. No warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The Fourth Amendment limits government intrusion into our lives. The Constitution limits eavesdropping, snooping, and spying on American citizens. While there are some legitimate uses for drones domestically, such as monitoring forest fires and floods and hurricanes, tracking an escaped bank robber, and other law enforcement uses, it is up to Congress to limit their use so that the Fourth Amendment and the right of privacy are protected.

That is why I am introducing the Preserving American Privacy Act.

Now is the time for Congress to act, not in 2015. With the increased technology of surveillance, Congress has to be proactive in controlling drone use to law enforcement and also in protecting civilians from the private use of

drones. This bill will ensure the privacy of private citizens is protected by establishing guidelines about when and for what purposes law enforcement agencies, private citizens, and businesses can use drones.

I repeat: This bill will ensure the privacy of private citizens, that it is protected by establishing guidelines about when and for what purposes law enforcement agencies, private citizens, and businesses can use drones.

First, it would prevent the FAA from issuing a permit for the use of a drone to fly in United States airspace for law enforcement purposes unless it is pursuant to a warrant and in the investigation of a felony. This would apply to State, Federal, and local jurisdictions. The warrant exceptions and exigent circumstances rules that are already the law of the land would be the same as those that are applicable in the State, Federal, or local jurisdiction where that surveillance occurs.

It would also prevent the FAA from issuing a permit to any private individual for the use of a drone for the surveillance of a U.S. citizen or the property of a U.S. citizen unless that person under surveillance has consented or the owner of the property has consented. There may be some other lawful exceptions as well.

Lastly, this bill would ensure that no evidence obtained from the use of a drone may be used at an administrative hearing.

Americans expect their constitutional rights will be protected at any time in our history or our future, so Congress must decide when drones can and cannot be used in order to ensure constitutional safeguards. This decision cannot be left up to government agencies, special interest groups, or others. Mr. Speaker, technology may change with time, but the Constitution does not.

And that's just the way it is.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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