

115TH CONGRESS  
1ST SESSION

# S. 631

To amend the FAA Modernization and Reform Act of 2012 to provide guidance and limitations regarding the integration of unmanned aircraft systems into United States airspace, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 2017

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the FAA Modernization and Reform Act of 2012 to provide guidance and limitations regarding the integration of unmanned aircraft systems into United States airspace, 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 “Drone Aircraft Privacy  
5 and Transparency Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) On February 14, 2012, President Obama  
2           signed the FAA Modernization and Reform Act of  
3           2012 (Public Law 112–95; 49 U.S.C. 40101 note)  
4           into law, and sections 331 through 336 of such Act  
5           require the Federal Aviation Administration to fully  
6           integrate government, commercial, and recreational  
7           unmanned aircraft systems, commonly known as  
8           “drones”, into United States airspace by October  
9           2015.

10          (2) As the technology advances and the cost de-  
11          creases—unmanned aircraft systems are already or-  
12          ders of magnitude less expensive to purchase and op-  
13          erate than piloted aircraft—the market for Federal,  
14          State, and local government and commercial un-  
15          manned aircraft systems is rapidly growing.

16          (3) It has been estimated there could be as  
17          many as 2,700,000 commercial unmanned aircraft  
18          systems sold annually in the United States by 2020.

19          (4) There will no doubt be many beneficial ap-  
20          plications for unmanned aircraft systems, including  
21          delivering goods, serving as early warning systems,  
22          performing search and rescue missions, and pro-  
23          viding critical aid to those in need.

24          (5) However, there also is the potential for un-  
25          manned aircraft system technology to enable

1       invasive and pervasive surveillance without adequate  
 2       privacy protections, and currently, no explicit pri-  
 3       vacy protections or public transparency measures  
 4       with respect to such system technology are built into  
 5       the law.

6               (6) Federal standards for informing the public  
 7       and protecting individual privacy with respect to un-  
 8       manned aircraft systems are needed.

9   **SEC. 3. GUIDANCE AND LIMITATIONS REGARDING UN-**  
 10                   **MANNED AIRCRAFT SYSTEMS.**

11       (a) IN GENERAL.—Subtitle B of title III of the FAA  
 12   Modernization and Reform Act of 2012 (Public Law 112–  
 13   95; 49 U.S.C. 40101 note) is amended by adding at the  
 14   end the following new sections:

15   **“SEC. 337. RULEMAKING.**

16       “(a) IN GENERAL.—The Secretary of Transportation  
 17   shall establish procedures to ensure that the integration  
 18   of unmanned aircraft systems into the national airspace  
 19   system is done in compliance with the privacy principles.

20       “(b) EXCEPTION.—The procedures established under  
 21   subsection (a) shall not apply with respect to unmanned  
 22   aircraft systems operated for news-gathering activities  
 23   protected by the First Amendment to the Constitution of  
 24   the United States.

1 **“SEC. 338. DATA COLLECTION STATEMENTS AND DATA**  
2 **MINIMIZATION STATEMENTS.**

3 “(a) IN GENERAL.—Beginning on the date of the en-  
4 actment of this section, the Secretary of Transportation  
5 may not approve, issue, or award any certificate, license,  
6 or other grant of authority to operate an unmanned air-  
7 craft system in the national airspace system unless the  
8 application for such certificate, license, or other grant of  
9 authority includes—

10 “(1) a data collection statement in accordance  
11 with the requirements of subsection (b) that provides  
12 reasonable assurance that the applicant will operate  
13 the unmanned aircraft system in accordance with  
14 the privacy principles; and

15 “(2) in the case of such an unmanned aircraft  
16 system that is to be operated by a law enforcement  
17 agency or a law enforcement agency contractor or  
18 subcontractor, a data minimization statement in ac-  
19 cordance with the requirements of subsection (c)  
20 that provides reasonable assurance that the appli-  
21 cant will operate the unmanned aircraft system in  
22 accordance with the privacy principles.

23 “(b) DATA COLLECTION STATEMENT.—A data col-  
24 lection statement under subsection (a), with respect to an  
25 unmanned aircraft system, shall include information iden-  
26 tifying—

1           “(1) the individuals or entities that will have  
2           the power to use the unmanned aircraft system;

3           “(2) the specific locations in which the un-  
4           manned aircraft system will operate;

5           “(3) the maximum period for which the un-  
6           manned aircraft system will operate in each flight;

7           “(4) whether the unmanned aircraft system will  
8           collect information or data about individuals or  
9           groups of individuals, and if so—

10               “(A) the circumstances under which the  
11               system will be used; and

12               “(B) the specific kinds of information or  
13               data the system will collect about individuals or  
14               groups of individuals and how such information  
15               or data, as well as conclusions drawn from such  
16               information or data, will be used, disclosed, and  
17               otherwise handled, including—

18                       “(i) how the collection or retention of  
19                       such information or data that is unrelated  
20                       to the specified use will be minimized;

21                       “(ii) whether such information or data  
22                       might be sold, leased, or otherwise pro-  
23                       vided to third parties, and if so, under  
24                       what circumstances it might be so sold or  
25                       leased;

1 “(iii) the period for which such infor-  
2 mation or data will be retained; and

3 “(iv) when and how such information  
4 or data, including information or data no  
5 longer relevant to the specified use, will be  
6 destroyed;

7 “(5) the possible impact the operation of the  
8 unmanned aircraft system may have upon the pri-  
9 vacy of individuals;

10 “(6) the specific steps that will be taken to  
11 mitigate any possible impact identified under para-  
12 graph (5), including steps to protect against unau-  
13 thorized disclosure of any information or data de-  
14 scribed in paragraph (4), such as the use of  
15 encryption methods and other security features that  
16 will be used;

17 “(7) a telephone number or electronic mail ad-  
18 dress that an individual with complaints about the  
19 operation of the unmanned aircraft system may use  
20 to report such complaints and to request confirma-  
21 tion that personally identifiable data relating to such  
22 individual has been collected;

23 “(8) in a case in which personally identifiable  
24 data relating to an individual has been collected, a  
25 reasonable process for the individual to request to

1       obtain such data in a timely and an intelligible man-  
2       ner;

3               “(9) in a case in which a request described in  
4       paragraph (8) is denied, a process by which the indi-  
5       vidual may obtain the reasons for the denial and  
6       challenge the denial; and

7               “(10) in a case in which personally identifiable  
8       data relating to an individual has been collected, a  
9       process by which the individual may challenge the  
10      accuracy of such data and, if the challenge is suc-  
11      cessful, have such data erased or amended.

12      “(c) DATA MINIMIZATION STATEMENT.—A data  
13      minimization statement described in this subsection, with  
14      respect to an unmanned aircraft system operated by a law  
15      enforcement agency, contractor, or subcontractor de-  
16      scribed in subsection (a)(2), shall detail the applicable—

17               “(1) policies adopted by the agency, contractor,  
18      or subcontractor, as the case may be, that—

19                       “(A) minimize the collection by the un-  
20                       manned aircraft system of information and data  
21                       unrelated to the investigation of a crime under  
22                       a warrant;

23                       “(B) require the destruction of such infor-  
24                       mation and data, as well as of information and  
25                       data collected by the unmanned aircraft system

1           that is no longer relevant to the investigation of  
2           a crime under a warrant or to an ongoing  
3           criminal proceeding; and

4                 “(C) establish procedures for the method  
5           of such destruction; and

6                 “(2) audit and oversight procedures adopted by  
7           the agency, contractor, or subcontractor, as the case  
8           may be, that will ensure that the agency, contractor,  
9           or subcontractor, as the case may be, uses the un-  
10          manned aircraft system in accordance with the pa-  
11          rameters outlined in the data collection statement  
12          and the statement required by this subsection.

13          “(d) EXCEPTION.—The procedures established under  
14          subsections (a), (b), and (c) shall not apply with respect  
15          to unmanned aircraft systems operated for news-gathering  
16          activities protected by the First Amendment to the Con-  
17          stitution of the United States.

18         **“SEC. 339. DISCLOSURE OF APPROVED CERTIFICATES, LI-**  
19                 **CENSES, AND OTHER GRANTS OF AUTHORITY.**

20                 “(a) IN GENERAL.—The Administrator of the Fed-  
21          eral Aviation Administration shall make available on the  
22          public Internet website of the Federal Aviation Adminis-  
23          tration in a searchable format—



1           “(1) the name of each person or agency author-  
2           ized to conduct civil or public unmanned aircraft  
3           system operations;

4           “(2) the name of the owner of each unmanned  
5           aircraft system described in paragraph (1);

6           “(3) the expiration date of the authorization de-  
7           scribed in paragraph (1);

8           “(4) the contact information for each person  
9           identified under paragraph (1) or (2), including a  
10          telephone number and electronic mail address, sub-  
11          ject to applicable privacy laws;

12          “(5) the tail number or other specific identifica-  
13          tion number of each unmanned aircraft system au-  
14          thorized to conduct operations, with a link to the  
15          owner of the unmanned aircraft system;

16          “(6) the approved certificate, license, or other  
17          grant of authority for each unmanned aircraft sys-  
18          tem awarded a certificate, license, or other grant of  
19          authority to operate in the national airspace system,  
20          including any such certificate, license, or other grant  
21          of authority awarded prior to the date of the enact-  
22          ment of this section;

23          “(7) information detailing where, when, and for  
24          what purpose each unmanned aircraft system will be  
25          operated;

1           “(8) information detailing any data security  
2       breach that occurs with regard to information col-  
3       lected by an unmanned aircraft system;

4           “(9) a description of the technical capability of  
5       each unmanned aircraft system, including whether  
6       the system has cameras, thermal imaging capabili-  
7       ties, mobile phone interception capabilities, facial  
8       recognition capabilities, and license plate readers;  
9       and

10          “(10) in the case of a certificate, license, or  
11       other grant of authority awarded on or after the  
12       date of the enactment of this section to operate an  
13       unmanned aircraft system in the national airspace  
14       system, the data collection statement described in  
15       section 339(b) and, if applicable, the data minimiza-  
16       tion statement described in section 339(c) required  
17       with respect to such unmanned aircraft system.

18          “(b) DEADLINE.—The Administrator shall complete  
19       the requirements under subsection (a) with regard to each  
20       unmanned aircraft system—

21           “(1) in the case of a certificate, license, or  
22       other grant of authority awarded before the date of  
23       the enactment of this section, not later than 90 days  
24       after such date of enactment; and

1           “(2) in the case of a certificate, license, or  
2           other grant of authority awarded on or after the  
3           date of the enactment of this section, as soon as is  
4           practicable after the date of approval of such certifi-  
5           cate, license, or other grant of authority.

6   **“SEC. 340. WARRANTS REQUIRED FOR GENERALIZED SUR-**  
7                           **VEILLANCE.**

8           “(a) IN GENERAL.—A governmental entity (as de-  
9           fined in section 2711 of title 18, United States Code) may  
10          not use an unmanned aircraft system or request informa-  
11          tion or data collected by another person using an un-  
12          manned aircraft system for protective activities, or for law  
13          enforcement or intelligence purposes, except pursuant to  
14          a warrant issued using the procedures described in the  
15          Federal Rules of Criminal Procedure (or, in the case of  
16          a State court, issued using State warrant procedures) by  
17          a court of competent jurisdiction, or as permitted under  
18          the Foreign Intelligence Surveillance Act of 1978 (50  
19          U.S.C. 1801 et seq.).

20          “(b) EXCEPTIONS.—

21               “(1) IN GENERAL.—Subsection (a) shall not  
22          apply in a case in which a governmental entity is  
23          using an unmanned aircraft system in exigent cir-  
24          cumstances (as defined in paragraph (2)).

1           “(2) EXIGENT CIRCUMSTANCES DEFINED.—Ex-  
2           igent circumstances exist when—

3                   “(A) a law enforcement entity reasonably  
4                   believes there is an imminent danger of death  
5                   or serious physical injury; or

6                   “(B) a law enforcement entity reasonably  
7                   believes there is a high risk of an imminent ter-  
8                   rorist attack by a specific individual or organi-  
9                   zation and the Secretary of Homeland Security  
10                  has determined that credible intelligence indi-  
11                  cates there is such a risk.

12           “(3) REQUIRED DOCUMENTATION.—In the case  
13           of a person operating an unmanned aircraft system  
14           under an exception under paragraph (1), documenta-  
15           tion justifying the exception shall be submitted to  
16           the Secretary of Transportation not later than 7  
17           days after the date of the relevant unmanned air-  
18           craft system flight.

19           “(4) INFORMATION OR DATA UNRELATED TO  
20           EXIGENT CIRCUMSTANCES.—A person operating an  
21           unmanned aircraft system under an exception under  
22           paragraph (1) shall minimize the collection by the  
23           unmanned aircraft system of information and data  
24           unrelated to the reason for the exception. If the un-  
25           manned aircraft system incidentally collects any

1       such information or data while being operated under  
2       that exception, the person operating the unmanned  
3       aircraft system shall destroy the information and  
4       data.

5       “(c) PROHIBITION ON INFORMATION SHARING.—A  
6       person may not intentionally divulge information collected  
7       in accordance with this section with any other person, ex-  
8       cept as authorized by law.

9       “(d) PROHIBITION ON USE AS EVIDENCE.—If infor-  
10      mation has been collected by means of use of an un-  
11      manned aircraft system, no part of the contents of that  
12      information and no evidence derived from that information  
13      may be received in evidence in any trial, hearing, or other  
14      proceeding in or before any court, grand jury, department,  
15      officer, agency, regulatory body, legislative committee, or  
16      other authority of the United States, a State, or a political  
17      subdivision thereof unless that information is collected in  
18      accordance with this section.

19      “(e) INJUNCTION.—A person injured by an act in vio-  
20      lation of this section may bring in an appropriate State  
21      court or an appropriate district court of the United States  
22      an action to enjoin such violation.”.

23      (b) DEFINITIONS.—Section 331 of the FAA Mod-  
24      ernization and Reform Act of 2012 (Public Law 112–95;  
25      49 U.S.C. 40101 note) is amended—

1           (1) by redesignating paragraphs (4) through  
2           (9) as paragraphs (7) through (13);

3           (2) by redesignating paragraph (3) as para-  
4           graph (4);

5           (3) by inserting after paragraph (2) the fol-  
6           lowing:

7           “(3) LAW ENFORCEMENT.—The term ‘law en-  
8           forcement’ means—

9                   “(A) any entity of the United States or of  
10                  a State, or political subdivision thereof, that is  
11                  empowered by law to conduct investigations of  
12                  or to make arrests for offenses; and

13                  “(B) any entity or individual authorized by  
14                  law to prosecute or participate in the prosecu-  
15                  tion of such offenses.”; and

16           (4) by inserting after paragraph (4), as redesign-  
17           nated by paragraph (2), the following:

18           “(5) PRIVACY PRINCIPLES.—The term ‘privacy  
19           principles’ means the principles described in Part  
20           Two of the Organization for Economic Co-operation  
21           and Development guidelines titled ‘Annex to the  
22           Recommendation of the Council of 23rd September  
23           1980: Guidelines Governing The Protection Of Pri-  
24           vacy And Transborder Flows Of Personal Data’,

1       adopted by the Organization for Economic Co-oper-  
2       ation and Development on September 23, 1980.

3               “(6) PRIVACY PROTECTIONS.—The term ‘pri-  
4       vacy protections’ means protections that relate to  
5       the use, collection, and disclosure of information and  
6       data about individuals and groups of individuals.”.

7       **SEC. 4. ENFORCEMENT.**

8       (a) PROHIBITED CONDUCT.—

9               (1) IN GENERAL.—It shall be unlawful for a  
10       person to operate an unmanned aircraft system in a  
11       manner that is not in accordance with the terms of  
12       a data collection statement submitted under section  
13       338(a)(1) of the FAA Modernization and Reform  
14       Act of 2012, as added by section 3, or in a manner  
15       that violates any portion of the final rule required  
16       under section 332(b)(1) of such Act insofar as such  
17       portion relates to the procedures described in section  
18       337 of such Act.

19              (2) REGULATIONS.—The Commission may pro-  
20       mulgate regulations in accordance with section 553  
21       of title 5, United States Code, to carry out para-  
22       graph (1) with respect to persons, partnerships, and  
23       corporations described in subsection (b)(3).

24       (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
25       SION.—

1           (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
2           TICES.—A violation of subsection (a) or the regula-  
3           tions promulgated under such subsection shall be  
4           treated as a violation of a regulation under section  
5           18(a)(1)(B) of the Federal Trade Commission Act  
6           (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-  
7           tive acts or practices.

8           (2) POWERS OF COMMISSION.—The Commis-  
9           sion shall enforce subsection (a) and the regulations  
10          promulgated under such subsection in the same  
11          manner, by the same means, and with the same  
12          powers and duties as though all applicable terms  
13          and provisions of the Federal Trade Commission Act  
14          (15 U.S.C. 41 et seq.) were incorporated into and  
15          made a part of this Act, and any violator shall be  
16          subject to the penalties and entitled to the privileges  
17          and immunities provided in the Federal Trade Com-  
18          mission Act.

19          (3) APPLICABILITY.—Paragraphs (1) and (2)  
20          shall apply—

21                (A) with respect to persons, partnerships,  
22                and corporations over which the Commission  
23                has jurisdiction under section 5(a)(2) of the  
24                Federal Trade Commission Act (15 U.S.C.  
25                45(a)(2)) (except to the extent such person,



partnership, or corporation is a law enforcement contractor or subcontractor); and

(B) notwithstanding such section, with respect to air carriers and foreign air carriers.

(c) ACTIONS BY STATES.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice in violation of subsection (a) or a regulation promulgated under such subsection, or by the operation of an unmanned aircraft system in violation of the terms of a data minimization statement submitted under section 338(a)(2) of the FAA Modernization and Reform Act of 2012, as added by section 3, the State may bring a civil action on behalf of the residents of the State in an appropriate State court or an appropriate district court of the United States to—

(A) enjoin the violation;

(B) enforce compliance with such subsection, regulation, or statement;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

1 (D) obtain such other legal and equitable  
2 relief as the court may consider to be appro-  
3 priate.

4 (2) NOTICE.—Before filing an action under this  
5 subsection against a person, partnership, or corpora-  
6 tion over which the Commission has jurisdiction  
7 under section 5(a)(2) of the Federal Trade Commis-  
8 sion Act (15 U.S.C. 45(a)(2)) (except to the extent  
9 such person, partnership, or corporation is a law en-  
10 forcement contractor or subcontractor) or an air car-  
11 rier or foreign air carrier, the attorney general, offi-  
12 cial, or agency of the State involved shall provide to  
13 the Commission a written notice of that action and  
14 a copy of the complaint for that action. If the attor-  
15 ney general, official, or agency determines that it is  
16 not feasible to provide the notice described in this  
17 paragraph before the filing of the action, the attor-  
18 ney general, official, or agency shall provide written  
19 notice of the action and a copy of the complaint to  
20 the Commission immediately upon the filing of the  
21 action.

22 (3) AUTHORITY OF THE COMMISSION.—

23 (A) IN GENERAL.—On receiving notice  
24 under paragraph (2) of an action under this

subsection, the Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or the Attorney General of the United States has instituted a civil action for violation of subsection (a) or a regulation promulgated under such subsection (referred to in this subparagraph as the “Federal action”), no State attorney general, official, or agency may bring an action under this subsection during the pendency of the Federal action against any defendant named in the complaint in the Federal action for any violation as alleged in that complaint.

(4) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under this subsection, nothing in this Act or any amendment made by this Act shall be construed to prevent an attorney general, official, or agency of a State from exercising the powers conferred on the attorney general, official, or

1 agency by the laws of that State to conduct inves-  
2 tigations, administer oaths and affirmations, or com-  
3 pel the attendance of witnesses or the production of  
4 documentary and other evidence.

5 (d) PRIVATE RIGHT OF ACTION.—

6 (1) IN GENERAL.—A person injured by an act  
7 in violation of subsection (a) or the regulations pro-  
8 mulgated under such subsection, or by the operation  
9 of an unmanned aircraft system in violation of the  
10 terms of a data minimization statement submitted  
11 under section 338(a)(2) of the FAA Modernization  
12 and Reform Act of 2012, as added by section 3, may  
13 bring in an appropriate State court or an appro-  
14 priate district court of the United States—

15 (A) an action to enjoin such violation;

16 (B) an action to recover damages for ac-  
17 tual monetary loss from such violation, or to re-  
18 ceive up to \$1,000 in damages for each such  
19 violation, whichever is greater; or

20 (C) both such actions.

21 (2) INTENTIONAL VIOLATIONS.—If the defend-  
22 ant committed a violation described in paragraph  
23 (1), and intended to do so, the court may increase  
24 the amount of the award to an amount equal to not

1 more than 3 times the amount available under para-  
2 graph (1)(B).

3 (3) COSTS.—The court shall award to a pre-  
4 vailing plaintiff in an action under this subsection  
5 the costs of such action and reasonable attorney’s  
6 fees, as determined by the court.

7 (4) LIMITATION.—An action may be com-  
8 menced under this subsection not later than 2 years  
9 after the date on which the person first discovered  
10 or had a reasonable opportunity to discover the vio-  
11 lation.

12 (5) NONEXCLUSIVE REMEDY.—The remedy pro-  
13 vided by this subsection shall be in addition to any  
14 other remedies available to the person.

15 (e) SUITS AGAINST GOVERNMENTAL ENTITIES.—  
16 Notwithstanding the Federal Trade Commission Act (15  
17 U.S.C. 41 et seq.), a suit under subsection (c) or (d) may  
18 be maintained against a governmental entity.

19 (f) LICENSE REVOCATION.—The Federal Aviation  
20 Administration shall revoke the certificate, license, or  
21 other grant of authority to operate an unmanned aircraft  
22 system if such system is operated in a manner that—

23 (1) is not in accordance with the terms of—

24 (A) a data collection statement submitted  
25 under subsection (a)(1) of section 338 of the

1           FAA Modernization and Reform Act of 2012,  
2           as added by section 3; or

3           (B) a data minimization statement sub-  
4           mitted under subsection (a)(2) of such section;  
5           or

6           (2) violates any portion of the final rule re-  
7           quired under section 332(b)(1) of such Act insofar  
8           as such portion relates to the procedures described  
9           in section 337 of such Act, as added by section 3.

10          (g) VIOLATIONS.—Each day on which each un-  
11         manned aircraft system is operated in violation of sub-  
12         section (a), or the regulations promulgated under such  
13         subsection, or the terms of a data minimization statement  
14         submitted under section 338(a)(2) of the FAA Moderniza-  
15         tion and Reform Act of 2012, as added by section 3, shall  
16         be treated as a separate violation.

17          (h) DEFINITIONS.—In this section:

18                 (1) AIR CARRIER; FOREIGN AIR CARRIER.—The  
19                 terms “air carrier” and “foreign air carrier” have  
20                 the meanings given those terms in section 40102 of  
21                 title 49, United States Code.

22                 (2) COMMISSION.—The term “Commission”  
23                 means the Federal Trade Commission.

24                 (3) LAW ENFORCEMENT.—The term “law en-  
25                 forcement” has the meaning given such term in sec-

1       tion 331 of the FAA Modernization and Reform Act  
2       of 2012, as amended by section 3.

3           (4) STATE.—The term “State” means each of  
4       the several States, the District of Columbia, each  
5       commonwealth, territory, or possession of the United  
6       States, and each federally recognized Indian tribe.

7           (5) UNMANNED AIRCRAFT SYSTEM.—The term  
8       “unmanned aircraft system” has the meaning given  
9       such term in section 331 of the FAA Modernization  
10      and Reform Act of 2012 (49 U.S.C. 40101 note).

11 **SEC. 5. MODEL AIRCRAFT PROVISION.**

12      Nothing in this Act may be construed to apply to  
13      model aircraft (as defined in section 336(c) of the FAA  
14      Modernization and Reform Act of 2012 (Public Law 112–  
15      95; 49 U.S.C. 40101 note)).

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