

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:
QUESTIONS FOR THE RECORD**

**HEARING ON
UNMANNED AIRCRAFT SYSTEMS: KEY CONSIDERATIONS REGARDING SAFETY, INNOVATION,
ECONOMIC IMPACT, AND PRIVACY
TUESDAY, MARCH 24, 2015**

**Questions for Mr. John B. Morris, Jr., Associate Administrator, Office of Policy Analysis
and Development, National Telecommunications and Information Administration**

From Chairman Thune

- 1. What can Congress do now to help the FAA and other stakeholders facilitate the integration of UAS in a safe and secure manner?**

Answer. Pursuant to the FAA Modernization and Reform Act of 2012 (Public Law 112-95), the Federal Aviation Administration (FAA) is executing a plan to safely integrate unmanned aircraft systems (UAS) into the National Airspace System (NAS). I would defer to my colleagues at the FAA regarding how best to ensure safe and secure integration. NTIA is pleased to be working with private sector stakeholders and our colleagues across the federal government, including the FAA, to promote privacy safeguards for commercial UAS operation, as requested by the February 2015 Presidential Memorandum.

- 2. How long do you anticipate NTIA will take in working through the multi-stakeholder process with regard to privacy and best practices?**

Answer. Ultimately, stakeholders will determine the duration of the NTIA process to develop best practices that can enhance privacy, transparency, and accountability in the commercial operation of UAS. As directed by the February 15, 2015, Presidential Memorandum “Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems,” NTIA will bring industry, civil society, technical experts, academics, and other stakeholders together to craft best practices that mitigate potential privacy, transparency and accountability issues raised by UAS, while at the same time promoting growth and innovation. NTIA will act as a facilitator and convenor of the multistakeholder process, ensuring the process is open, transparent, and consensus-based, but NTIA will not make substantive decisions about what the best practices should include. Stakeholders will discuss the relevant issues, draft best practices, and make the substantive decisions. NTIA expects that stakeholders will work diligently and efficiently. We anticipate that the group will set a working timeline that reflects the scope of their anticipated efforts.

From Senator Wicker

1. How will your UAS multistakeholder process differ from previous efforts? How are best practices different than a code of conduct?

Answer. NTIA has previously convened stakeholders to develop privacy codes of conduct for mobile apps and commercial uses of facial recognition technology. The hallmark of these processes is that they are open, transparent, and consensus-driven. Although all NTIA processes share these foundational traits, none of NTIA's multistakeholder efforts are identical. Each process involves different stakeholders, different topics, and potentially different procedural norms.

In addition to these typical differences, NTIA's UAS multistakeholder process will differ from previous efforts in two important ways. First, the UAS process will focus on three aspects of commercial UAS operation: privacy, transparency, and accountability. Previous processes focused on one aspect of the relevant technologies: privacy. Second, the goal of the UAS process is slightly different from previous efforts. The UAS process is intended to help stakeholders develop non-binding best practices for privacy, transparency, and accountability challenges arising from commercial UAS. Previous efforts have been intended to help stakeholders develop codes of conduct that would be adopted by companies and enforced by the Federal Trade Commission under the Commission's existing authority to hold companies to their promises. The NTIA UAS process is focused on best practices rather than a code of conduct because commercial UAS operations are just beginning to expand. It is unlikely that stakeholders have sufficient experience to draft a binding code to govern this emerging commercial sector, but it is realistic for stakeholders to draft voluntary best practices that can help guide the commercial rollout of this important technology.