

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) GENERAL AVIATION AIRPORT.—The term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

(b) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor’s jurisdiction.

(d) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor’s application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor’s request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

SA 58. Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment to the bill S. 223, to

modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

“CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security screening images.

“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

“(a) IN GENERAL.—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

“(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

“(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

“(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual’s employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution or in an investigation relating to foreign intelligence or a threat to the national security.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) DEFINITIONS.—In this section:

“(1) **ADVANCED IMAGING TECHNOLOGY.**—The term ‘advanced imaging technology’—

“(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(B) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(2) **FOREIGN INTELLIGENCE; THREAT TO THE NATIONAL SECURITY.**—The terms ‘foreign intelligence’ and ‘threat to the national security’ have the meanings given those term in part VII of the guidelines entitled ‘The Attorney General’s Guidelines for Domestic FBI Operations’, dated September 29, 2008, or any successor thereto.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

“124. Unauthorized recording and distribution of security screening images 2731”.

SA 59. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the

bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Jeremy Parsons, a NASA detailee of Senator BILL NELSON, be granted privilege of the floor during the Senate’s consideration of S. 223, the FAA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 10, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Thursday, February 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes during Thursday’s session of the Senate. We hope to clear the trade assistance adjustment legislation on Thursday. Senators should expect the next rollcall votes to occur at 5:30 p.m. on Monday. We will have more than one vote on that evening, February 14, Valentine’s Day. That vote could be on a judicial nomination. We will also have some amendments to vote on on the FAA authorization bill.

ADJOURNMENT UNTIL THURSDAY, FEBRUARY 10, 2011, AT 4 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:17 a.m., adjourned until Thursday, February 10, 2011, at 4 p.m.