

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3935
OFFERED BY MR. LAMALFA OF CALIFORNIA**

At the end of title VIII, add the following:

1 **SEC. ____ . BANNING MUNICIPAL AIRPORT.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) In 2016, the City of Banning commissioned
4 an Airport Feasibility Study to analyze the future of
5 the Banning Municipal Airport. The study found
6 that—

7 (A) the Banning Airport had a 71 percent
8 reduction in traffic from 2010 to 2015, dras-
9 tically reducing revenues and creating a finan-
10 cial burden for the city;

11 (B) the Banning Municipal Airport lacks
12 the needed infrastructure, amenities or superior
13 location to successfully compete with other air-
14 ports for more business; and

15 (C) the hangars available at Banning Mu-
16 nicipal Airport are lacking as compared to other
17 nearby airports.

18 (2) The closure of Banning Municipal Airport’s
19 operations is supported by the community and the

1 Banning City Council who voted in 2017 on a reso-
2 lution “declaring that it shall be a goal of the city
3 of Banning to close the Banning Municipal Airport
4 as soon as legally permitted.”.

5 (3) The closure of the airport would benefit the
6 Morongo Band of Mission Indians by removing avia-
7 tion easements on lands held in trust adjacent to the
8 airport.

9 (4) The repurposing of the land for industrial
10 use such as distribution, logistics, e-commerce and
11 light manufacturing will lead to job creation, sales
12 tax and demand for housing.

13 (b) IN GENERAL.—The United States, acting
14 through the Administrator of the Federal Aviation Admin-
15 istration, shall release the City of Banning, California,
16 from all restrictions, conditions, and limitations on the
17 use, encumbrance, conveyance, and closure of the Banning
18 Municipal Airport, as described in the most recent airport
19 layout plan approved by the Federal Aviation Administra-
20 tion, to the extent such restrictions, conditions, and limita-
21 tions are enforceable by the Administrator.

22 (c) CONDITIONS.—The release under subsection (b)
23 shall not be executed before the City of Banning, Cali-
24 fornia, or its designee, transfers to the Department of
25 Transportation of the State of California—

1 (1) the amounts described in subsection (d), to
2 be used for FAA-approved capital improvements
3 within the meaning of airport development (as de-
4 fined in section 47102(3) of title 49, United States
5 Code) at other public use, general aviation airports
6 serving the region; and

7 (2) for no consideration, all airport and avia-
8 tion-related equipment of the Banning Municipal
9 Airport owned by the City of Banning and deter-
10 mined by the FAA or Department of Transportation
11 of the State of California to be salvageable for use
12 at other airports.

13 (d) AMOUNTS DESCRIBED.—The amounts described
14 in this subsection are the following:

15 (1) An amount equal to the fair market value
16 for the highest and best use of the Banning Munic-
17 ipal Airport property determined in good faith by 2
18 independent and qualified real estate appraisers and
19 an independent review appraiser on or after the date
20 of the enactment of this Act.

21 (2) An amount equal to the unamortized por-
22 tion of any Federal development grants other than
23 land paid to the City of Banning for use at the Ban-
24 ning Municipal Airport, which may be paid with, and
25 shall be an allowable use of, airport revenue notwith-

1 standing section 47107 or 47133 of title 49, United
2 States Code.

3 (3) An amount equal to the airport revenues,
4 along with accrued interest, remaining in the airport
5 account for the Banning Municipal Airport as of the
6 date of the enactment of this Act and otherwise due
7 to or received by the City of Banning after such date
8 of enactment pursuant to sections 47107(b) and
9 47133 of title 49, United States Code.

10 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to limit the applicability of—

12 (1) the requirements and processes under sec-
13 tion 46319 of title 49, United States Code;

14 (2) the requirements under the National Envi-
15 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.);

17 (3) the requirements and processes under part
18 157 of title 14, Code of Federal Regulations; or

19 (4) the public notice requirements under section
20 47107(h)(2) of title 49, United States Code.

