

118TH CONGRESS
1ST SESSION

S. 222

To require the designation of certain airports as ports of entry.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Mr. CRUZ introduced the following bill; which was read twice and referred to
the Committee on Finance

A BILL

To require the designation of certain airports as ports of
entry.

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 “Border Airport Fair-
5 ness Act of 2023”.

6 **SEC. 2. DESIGNATION OF CERTAIN AIRPORTS AS PORTS OF**
7 **ENTRY.**

8 (a) IN GENERAL.—The President shall—

9 (1) pursuant to the Act of August 1, 1914 (38
10 Stat. 623, chapter 223; 19 U.S.C. 2), designate each

1 airport described in subsection (b) as a port of
2 entry; and

3 (2) terminate the application of the user fee re-
4 quirement under section 236 of the Trade and Tar-
5 iff Act of 1984 (19 U.S.C. 58b) with respect to the
6 airport.

7 (b) AIRPORTS DESCRIBED.—An airport described in
8 this subsection is an airport that—

9 (1) is a primary airport (as defined in section
10 47102 of title 49, United States Code);

11 (2) is located not more than 30 miles from the
12 northern or southern international land border of
13 the United States;

14 (3) is associated, through a formal, legal instru-
15 ment, including a valid contract or governmental or-
16 dinance, with a land border crossing or a seaport not
17 more than 30 miles from the airport; and

18 (4) through such association, meets the numer-
19 ical criteria considered by U.S. Customs and Border
20 Protection for establishing a port of entry, as set
21 forth in—

22 (A) Treasury Decision 82–37 (47 Fed.
23 Reg. 10137; relating to revision of customs cri-
24 teria for establishing ports of entry and sta-
25 tions), as revised by Treasury Decisions 86–14

1 (51 Fed. Reg. 4559) and 87–65 (52 Fed. Reg.
2 16328); or

3 (B) any successor guidance or regulation.

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