

118TH CONGRESS
2D SESSION

H. R. 9368

To require the Commissioner for U.S. Customs and Border Protection to assess current efforts to respond to hazardous weather and water events at or near United States borders and, to the extent such efforts may be improved, to develop a hazardous weather and water events preparedness and response strategy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 16, 2024

Mr. TONY GONZALES of Texas (for himself and Mr. STANTON) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To require the Commissioner for U.S. Customs and Border Protection to assess current efforts to respond to hazardous weather and water events at or near United States borders and, to the extent such efforts may be improved, to develop a hazardous weather and water events preparedness and response strategy, 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 “Border Weather Resil-

5 iency Act of 2024”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Homeland Security
7 and Governmental Affairs of the Senate; and

8 (B) the Committee on Homeland Security
9 of the House of Representatives.

10 (2) COMMISSIONER.—The term “Commis-
11 sioner” means the Commissioner for U.S. Customs
12 and Border Protection.

13 (3) HAZARDOUS WEATHER AND WATER
14 EVENTS.—The term “hazardous weather and water
15 events” means weather and weather-related water
16 events that have a high risk of endangering life or
17 causing significant damage to property, including—

18 (A) severe storms, such as hurricanes and
19 short-fused, small-scale hazardous weather or
20 hydrologic events produced by thunderstorms,
21 including large hail, damaging winds, torna-
22 does, and flash floods;

23 (B) winter storms, such as freezing or fro-
24 zen precipitation (including freezing rain, sleet,
25 and snow), or combined effects of freezing or
26 frozen precipitation and strong winds; and

1 (C) other weather hazards, such as ex-
2 tremenous heat or cold, wildfire, drought, dense fog,
3 damaging winds, earthquakes, tsunamis, river
4 flooding, and lakeshore flooding.

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Homeland Security.

7 **SEC. 3. ASSESSMENT OF IMPACTS OF HAZARDOUS WEATH-**
8 **ER AND WATER EVENTS ON U.S. CUSTOMS**
9 **AND BORDER PROTECTION PERSONNEL,**
10 **TECHNOLOGY, AND INFRASTRUCTURE.**

11 (a) ASSESSMENT.—The Commissioner shall conduct
12 an assessment of the impacts that hazardous weather and
13 water events, occurring during the 5-year period imme-
14 diately preceding the date of the enactment of this Act,
15 have had on—

16 (1) the effectiveness by which U.S. Customs
17 and Border Protection has carried out the duties as
18 set forth in section 411(c) of the Homeland Security
19 Act of 2002 (6 U.S.C. 211(c));

20 (2) the health, safety, and well-being of—

21 (A) U.S. Customs and Border Protection
22 personnel; and

23 (B) individuals being inspected by U.S.
24 Customs and Border Protection;

1 (3) the ability of U.S. Customs and Border
2 Protection to maintain the integrity and operability
3 of border security technology, infrastructure, vehi-
4 cles, and other significant real or personal property
5 owned or operated by U.S. Customs and Border
6 Protection; and

7 (4) the effectiveness of agent and officer uni-
8 forms and the uniform distribution platform in en-
9 suring agent and officer safety and comfort during
10 such events.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary shall submit
13 a report to the appropriate congressional committees
14 that—

15 (1) contains the results of the assessment con-
16 ducted by the Commissioner pursuant to subsection
17 (a); and

18 (2) describes the efforts of the Secretary and
19 the Commissioner to respond to and otherwise ad-
20 dress the impacts of the hazardous weather and
21 water events referred to in subsection (a).

22 **SEC. 4. STRATEGY TO ADDRESS IMPACTS OF HAZARDOUS**
23 **WEATHER AND WATER EVENTS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of the enactment of this Act, the Secretary shall sub-

1 mit to the appropriate congressional committees a strategy
2 for mitigating the impacts of hazardous weather and water
3 events on—

4 (1) the effectiveness by which U.S. Customs
5 and Border Protection carries out its statutory du-
6 ties, as prescribed under section 411 of the Home-
7 land Security Act of 2002 (6 U.S.C. 211);

8 (2) the health, safety, and well-being of—

9 (A) U.S. Customs and Border Protection
10 personnel; and

11 (B) individuals being inspected by U.S.
12 Customs and Border Protection; and

13 (3) the ability of U.S. Customs and Border
14 Protection to maintain the integrity and operability
15 of border security technology, infrastructure, vehi-
16 cles, and other significant real or personal property
17 owned or operated by U.S. Customs and Border
18 Protection.

19 (b) CONSULTATION.—

20 (1) IN GENERAL.—While developing and imple-
21 menting the strategy required under subsection (a),
22 the Secretary, in addition to consulting with appro-
23 priate officials of the Department of Homeland Se-
24 curity, and except as provided in paragraph (2)—

1 (A) shall consult and engage with, at a
2 minimum—

3 (i) the Administrator of the National
4 Oceanic and Atmospheric Administration;

5 (ii) the Administrator of the General
6 Services Administration;

7 (iii) the Secretary of Health and
8 Human Services;

9 (iv) Governors of States with an inter-
10 national border;

11 (v) Tribal governments whose official
12 territory is within 50 miles of the southern
13 or northern border of the United States;
14 and

15 (vi) representative organizations rep-
16 resenting U.S. Customs and Border Pro-
17 tection personnel, including Border Patrol
18 agents; and

19 (B) may consult with nongovernmental ex-
20 perts, including experts in the fields of—

21 (i) meteorology;

22 (ii) public health; and

23 (iii) infrastructure and technology
24 weather resiliency.

1 (2) NONAPPLICABILITY OF FEDERAL ADVISORY
2 COMMITTEE ACT.—Chapter 10 of title 5, United
3 States Code (commonly referred to as the “Federal
4 Advisory Committee Act”), shall not apply to any
5 consultation authorized under paragraph (1)(B).

6 (c) COST-BENEFIT ANALYSIS.—The strategy re-
7 quired under subsection (a) shall include a cost-benefit
8 analysis of implementing such strategy.

9 (d) IMPLEMENTATION.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date on which the strategy required under sub-
12 section (a) is submitted to the appropriate congres-
13 sional committees, the Secretary shall commence the
14 implementation of such strategy.

15 (2) SEMIANNUAL REPORT.—Not later than 180
16 days after the commencement of the implementation
17 of the strategy pursuant to paragraph (1), and semi-
18 annually thereafter for the following 5 years, the
19 Secretary shall submit a report to the appropriate
20 congressional committees that—

21 (A) describes the efforts of the Depart-
22 ment of Homeland Security to implement the
23 strategy and the progress made as a result of
24 such efforts;

1 (B) includes any recommendations for
2 mitigating the impacts of hazardous weather
3 and water events and the extent to which such
4 recommendations were implemented; and

5 (C) assesses the resources and cost nec-
6 essary for U.S. Customs and Border Protection
7 to implement such recommendations, with a
8 focus on effectively carrying out its statutory
9 duties.

10 (e) LIMITATION.—Nothing in the strategy developed
11 pursuant to subsection (a) may conflict with any provision
12 of the Immigration and Nationality Act (8 U.S.C. 1001
13 et seq.).

14 **SEC. 5. SAFETY PROTOCOLS TO PROTECT U.S. CUSTOMS**
15 **AND BORDER PROTECTION PERSONNEL,**
16 **TECHNOLOGY, AND INFRASTRUCTURE.**

17 Not later than 1 year after the date of the enactment
18 of this Act, the Commissioner shall establish safety proto-
19 cols and procedures to mitigate the impact of hazardous
20 weather and water events on the ability of U.S. Customs
21 and Border Protection—

22 (1) to carry out its statutory duties;

23 (2) to ensure the health, safety, and well-being
24 of—

1 (A) U.S. Customs and Border Protection
2 personnel; and

3 (B) individuals being inspected by U.S.
4 Customs and Border Protection; and

5 (3) to maintain the integrity and operability of
6 border security technology, infrastructure, vehicles,
7 and other significant real or personal property
8 owned or operated by U.S. Customs and Border
9 Protection.

10 **SEC. 6. NO ADDITIONAL FUNDS.**

11 No additional funds are authorized to be appro-
12 priated for the purpose of carrying out this Act.

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