

118TH CONGRESS
2D SESSION

S. 4672

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 SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Ms. SINEMA (for herself, Mr. CORNYN, Mr. PETERS, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Border Weather Resil-
3 iency Act of 2024”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Homeland Security
10 and Governmental Affairs of the Senate; and

11 (B) the Committee on Homeland Security
12 of the House of Representatives.

13 (2) **COMMISSIONER.**—The term “Commis-
14 sioner” means the Commissioner for U.S. Customs
15 and Border Protection.

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

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

1 (B) winter storms, such as freezing or fro-
2 zen precipitation (including freezing rain, sleet,
3 and snow), or combined effects of freezing or
4 frozen precipitation and strong winds; and

5 (C) other weather hazards, such as ex-
6 treme heat or cold, wildfire, drought, dense fog,
7 damaging winds, earthquakes, tsunamis, river
8 flooding, and lakeshore flooding.

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

11 **SEC. 3. ASSESSMENT OF IMPACTS OF HAZARDOUS WEATH-**
12 **ER AND WATER EVENTS ON U.S. CUSTOMS**
13 **AND BORDER PROTECTION PERSONNEL,**
14 **TECHNOLOGY, AND INFRASTRUCTURE.**

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

20 (1) the effectiveness by which U.S. Customs
21 and Border Protection has carried out the duties as
22 set forth in section 411(e) of the Homeland Security
23 Act of 2002 (6 U.S.C. 211(e));

24 (2) the health, safety, and well being 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;

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

11 (4) the effectiveness of agent and officer uni-
12 forms and the uniform distribution platform in en-
13 suring agent and officer safety and comfort during
14 such events.

15 (b) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary shall submit
17 a report to the appropriate congressional committees
18 that—

19 (1) contains the results of the assessment con-
20 ducted by the Commissioner pursuant to subsection
21 (a); and

22 (2) describes the efforts of the Secretary and
23 the Commissioner to respond to and otherwise ad-
24 dress the impacts of the hazardous weather and
25 water events referred to in subsection (a).

1 **SEC. 4. STRATEGY TO ADDRESS IMPACTS OF HAZARDOUS**
2 **WEATHER AND WATER EVENTS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Secretary shall sub-
5 mit to the appropriate congressional committees a strategy
6 for mitigating the impacts of hazardous weather and water
7 events on—

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

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

13 (A) U.S. Customs and Border Protection
14 personnel; and

15 (B) individuals being inspected by U.S.
16 Customs and Border Protection; and

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

23 (b) CONSULTATION.—

24 (1) IN GENERAL.—While developing and imple-
25 menting the strategy required under subsection (a),
26 the Secretary, in addition to consulting with appro-

1 appropriate officials of the Department of Homeland Se-
2 curity, and except as provided in paragraph (2)—

3 (A) shall consult and engage with, at a
4 minimum—

5 (i) the Administrator of the National
6 Oceanic and Atmospheric Administration;

7 (ii) the Administrator of the General
8 Services Administration;

9 (iii) the Secretary of Health and
10 Human Services;

11 (iv) Governors of States with an inter-
12 national border;

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

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

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

23 (i) meteorology;

24 (ii) public health; and

1 (iii) infrastructure and technology
2 weather resiliency.

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

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

11 (d) IMPLEMENTATION.—

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

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

23 (A) describes the efforts of the Depart-
24 ment of Homeland Security to implement the

1 strategy and the progress made as a result of
2 such efforts;

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

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

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

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

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

24 (1) to carry out its statutory duties;

1 (2) to ensure the health, safety, and well being
2 of—

3 (A) U.S. Customs and Border Protection
4 personnel; and

5 (B) individuals being inspected by U.S.
6 Customs and Border Protection; and

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

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