

Calendar No. 682118TH CONGRESS
2^D SESSION**S. 4672****[Report No. 118–279]**

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

DECEMBER 9, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 9 **TEES.**—The term “appropriate congressional com-

10 mittees” means—

11 (A) the Committee on Homeland Security
 12 and Governmental Affairs of the Senate; and

13 (B) the Committee on Homeland Security
 14 of the House of Representatives.

15 (2) **COMMISSIONER.**—The term “Commis-

16 sioner” means the Commissioner for U.S. Customs
 17 and Border Protection.

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

23 (A) severe storms, such as hurricanes and
 24 short-fused, small-scale hazardous weather or
 25 hydrologic events produced by thunderstorms;

1 including large hail, damaging winds, torna-
2 does, and flash floods;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) describes the efforts of the Secretary and
24 the Commissioner to respond to and otherwise ad-

1 dress the impacts of the hazardous weather and
2 water events referred to in subsection (a).

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

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

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

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

15 (A) U.S. Customs and Border Protection
16 personnel; and

17 (B) individuals being inspected by U.S.
18 Customs and Border Protection; and

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

25 (b) CONSULTATION.—

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

6 (A) shall consult and engage with, at a
7 minimum—

8 (i) the Administrator of the National
9 Oceanic and Atmospheric Administration;

10 (ii) the Administrator of the General
11 Services Administration;

12 (iii) the Secretary of Health and
13 Human Services;

14 (iv) Governors of States with an inter-
15 national border;

16 (v) Tribal governments whose official
17 territory is within 50 miles of the southern
18 or northern border of the United States;
19 and

20 (vi) representative organizations rep-
21 resenting U.S. Customs and Border Pro-
22 tection personnel, including Border Patrol
23 agents; and

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

- 1 (i) meteorology;
2 (ii) public health; and
3 (iii) infrastructure and technology
4 weather resiliency.

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

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

13 (d) IMPLEMENTATION.—

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

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

1 (A) describes the efforts of the Depart-
2 ment of Homeland Security to implement the
3 strategy and the progress made as a result of
4 such efforts;

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

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

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

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

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

- 1 (1) to carry out its statutory duties;
- 2 (2) to ensure the health, safety, and well being
- 3 of—
- 4 (A) U.S. Customs and Border Protection
- 5 personnel; and
- 6 (B) individuals being inspected by U.S.
- 7 Customs and Border Protection; and
- 8 (3) to maintain the integrity and operability of
- 9 border security technology, infrastructure, vehicles,
- 10 and other significant real or personal property
- 11 owned or operated by U.S. Customs and Border
- 12 Protection.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Border Weather Resil-*

15 *ency Act of 2024”.*

16 **SEC. 2. DEFINITIONS.**

17 *In this Act:*

18 (1) *RELEVANT CONGRESSIONAL COMMITTEES.—*

19 *The term “relevant congressional committees”*

20 *means—*

21 (A) *the Committee on Homeland Security*

22 *and Governmental Affairs of the Senate; and*

23 (B) *the Committee on Homeland Security of*

24 *the House of Representatives.*

1 (2) *COMMISSIONER.*—*The term “Commissioner”*
2 *means the Commissioner for U.S. Customs and Bor-*
3 *der Protection.*

4 (3) *HAZARDOUS WEATHER AND WATER*
5 *EVENTS.*—*The term “hazardous weather and water*
6 *events” means weather and weather-related water*
7 *events that have a high risk of endangering life or*
8 *causing significant damage to property, including—*

9 (A) *severe storms, such as hurricanes and*
10 *short-fused, small-scale hazardous weather or hy-*
11 *drologic events produced by thunderstorms, in-*
12 *cluding large hail, damaging winds, tornadoes,*
13 *and flash floods;*

14 (B) *winter storms, such as freezing or frozen*
15 *precipitation (including freezing rain, sleet, and*
16 *snow), or combined effects of freezing or frozen*
17 *precipitation and strong winds; and*

18 (C) *other weather hazards, such as extreme*
19 *heat or cold, wildfire, drought, dense fog, dam-*
20 *aging winds, earthquakes, tsunamis, river flood-*
21 *ing, and lakeshore flooding.*

22 (4) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of Homeland Security.*

1 **SEC. 3. ASSESSMENT OF IMPACTS OF HAZARDOUS WEATH-**
2 **ER AND WATER EVENTS ON U.S. CUSTOMS**
3 **AND BORDER PROTECTION PERSONNEL,**
4 **TECHNOLOGY, AND INFRASTRUCTURE.**

5 (a) *ASSESSMENT.*—*The Commissioner shall conduct*
6 *an assessment of the impacts that hazardous weather and*
7 *water events, occurring during the 5-year period imme-*
8 *diately preceding the date of the enactment of this Act, have*
9 *had on—*

10 (1) *the effectiveness by which U.S. Customs and*
11 *Border Protection has carried out the duties as set*
12 *forth in section 411(c) of the Homeland Security Act*
13 *of 2002 (6 U.S.C. 211(c));*

14 (2) *the health, safety, and well being of—*

15 (A) *U.S. Customs and Border Protection*
16 *personnel; and*

17 (B) *individuals being inspected by U.S.*
18 *Customs and Border Protection;*

19 (3) *the ability of U.S. Customs and Border Pro-*
20 *tection to maintain the integrity and operability of*
21 *border security technology, infrastructure, vehicles,*
22 *and other significant real or personal property owned*
23 *or operated by U.S. Customs and Border Protection;*
24 *and*

25 (4) *the effectiveness of agent and officer uniforms*
26 *and the uniform distribution platform in ensuring*

1 *agent and officer safety and comfort during such*
2 *events.*

3 **(b) REPORT.**—*Not later than 180 days after the date*
4 *of the enactment of this Act, the Secretary shall submit a*
5 *report to the relevant congressional committees that—*

6 *(1) contains the results of the assessment con-*
7 *ducted by the Commissioner pursuant to subsection*
8 *(a); and*

9 *(2) describes the efforts of the Secretary and the*
10 *Commissioner to respond to and otherwise address the*
11 *impacts of the hazardous weather and water events*
12 *referred to in subsection (a).*

13 **SEC. 4. STRATEGY TO ADDRESS IMPACTS OF HAZARDOUS**
14 **WEATHER AND WATER EVENTS.**

15 **(a) IN GENERAL.**—*Not later than 1 year after the date*
16 *of the enactment of this Act, the Secretary shall submit to*
17 *the relevant congressional committees a strategy for miti-*
18 *gating the impacts of hazardous weather and water events*
19 *on—*

20 *(1) the effectiveness by which U.S. Customs and*
21 *Border Protection carries out its statutory duties, as*
22 *prescribed under section 411 of the Homeland Secu-*
23 *rity Act of 2002 (6 U.S.C. 211);*

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; and*

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

10 (b) *CONSULTATION.—*

11 (1) *IN GENERAL.—While developing and imple-*
12 *menting the strategy required under subsection (a),*
13 *the Secretary, in addition to consulting with appro-*
14 *priate officials of the Department of Homeland Secu-*
15 *rity, and except as provided in paragraph (2)—*

16 (A) *shall consult and engage with, at a*
17 *minimum—*

18 (i) *the Administrator of the National*
19 *Oceanic and Atmospheric Administration;*

20 (ii) *the Administrator of the General*
21 *Services Administration;*

22 (iii) *the Secretary of Health and*
23 *Human Services;*

24 (iv) *Governors of States with an inter-*
25 *national border;*

1 (v) Tribal governments whose official
2 territory is within 50 miles of the southern
3 or northern border of the United States; and

4 (vi) representative organizations rep-
5 resenting U.S. Customs and Border Protec-
6 tion personnel, including Border Patrol
7 agents; and

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

10 (i) meteorology;

11 (ii) public health; and

12 (iii) infrastructure and technology
13 weather resiliency.

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

19 (c) *COST-BENEFIT ANALYSIS.*—The strategy required
20 under subsection (a) shall include a cost-benefit analysis of
21 implementing such strategy.

22 (d) *IMPLEMENTATION.*—

23 (1) *IN GENERAL.*—Not later than 1 year after
24 the date on which the strategy required under sub-
25 section (a) is submitted to the relevant congressional

1 *committees, the Secretary shall commence the imple-*
2 *mentation of such strategy.*

3 (2) *SEMIANNUAL REPORT.*—*Not later than 180*
4 *days after the commencement of the implementation*
5 *of the strategy pursuant to paragraph (1), and semi-*
6 *annually thereafter for the following 5 years, the Sec-*
7 *retary shall submit a report to the relevant congres-*
8 *sional committees that—*

9 (A) *describes the efforts of the Department*
10 *of Homeland Security to implement the strategy*
11 *and the progress made as a result of such efforts;*

12 (B) *includes any recommendations for miti-*
13 *gating the impacts of hazardous weather and*
14 *water events and the extent to which such rec-*
15 *ommendations were implemented; and*

16 (C) *assesses the resources and cost necessary*
17 *for U.S. Customs and Border Protection to im-*
18 *plement such recommendations, with a focus on*
19 *effectively carrying out its statutory duties.*

20 (e) *LIMITATION.*—*Nothing in the strategy developed*
21 *pursuant to subsection (a) may conflict with any provision*
22 *of the Immigration and Nationality Act (8 U.S.C. 1001 et*
23 *seq.).*

1 **SEC. 5. SAFETY PROTOCOLS TO PROTECT U.S. CUSTOMS**
2 **AND BORDER PROTECTION PERSONNEL,**
3 **TECHNOLOGY, AND INFRASTRUCTURE.**

4 *Not later than 1 year after the date of the enactment*
5 *of this Act, the Commissioner shall establish safety protocols*
6 *and procedures to mitigate the impact of hazardous weather*
7 *and water events on the ability of U.S. Customs and Border*
8 *Protection—*

9 *(1) to carry out its statutory duties;*

10 *(2) to ensure the health, safety, and well being*
11 *of—*

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

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

16 *(3) to maintain the integrity and operability of*
17 *border security technology, infrastructure, vehicles,*
18 *and other significant real or personal property owned*
19 *or operated by U.S. Customs and Border Protection.*

20 **SEC. 6. NO ADDITIONAL FUNDS.**

21 *No additional funds are authorized to be appropriated*
22 *for the purpose of carrying out this Act.*

Calendar No. 682

118TH CONGRESS
2^D SESSION

S. 4672

[Report No. 118-279]

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.

DECEMBER 9, 2024

Reported with an amendment