

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. SINEMA

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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:

1 (1) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term “relevant congressional commit-
3 tees” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate; and

6 (B) the Committee on Homeland Security
7 of the House of Representatives.

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

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

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

21 (B) winter storms, such as freezing or fro-
22 zen precipitation (including freezing rain, sleet,
23 and snow), or combined effects of freezing or
24 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 relevant congressional committees that—

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

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

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

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, the Secretary shall sub-
25 mit to the relevant congressional committees a strategy

1 for mitigating the impacts of hazardous weather and water
2 events on—

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

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

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

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

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

18 (b) CONSULTATION.—

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

24 (A) shall consult and engage with, at a
25 minimum—

1 (i) the Administrator of the National
2 Oceanic and Atmospheric Administration;

3 (ii) the Administrator of the General
4 Services Administration;

5 (iii) the Secretary of Health and
6 Human Services;

7 (iv) Governors of States with an inter-
8 national border;

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

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

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

19 (i) meteorology;

20 (ii) public health; and

21 (iii) infrastructure and technology
22 weather resiliency.

23 (2) NONAPPLICABILITY OF FEDERAL ADVISORY
24 COMMITTEE ACT.—Chapter 10 of title 5, United
25 States Code (commonly referred to as the “Federal

1 Advisory Committee Act’), shall not apply to any
2 consultation authorized under paragraph (1)(B).

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

6 (d) IMPLEMENTATION.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date on which the strategy required under sub-
9 section (a) is submitted to the relevant congressional
10 committees, the Secretary shall commence the imple-
11 mentation of such strategy.

12 (2) SEMIANNUAL REPORT.—Not later than 180
13 days after the commencement of the implementation
14 of the strategy pursuant to paragraph (1), and semi-
15 annually thereafter for the following 5 years, the
16 Secretary shall submit a report to the relevant con-
17 gressional committees that—

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

22 (B) includes any recommendations for
23 mitigating the impacts of hazardous weather
24 and water events and the extent to which such
25 recommendations were implemented; and

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

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

10 **SEC. 5. SAFETY PROTOCOLS TO PROTECT U.S. CUSTOMS**
11 **AND BORDER PROTECTION PERSONNEL,**
12 **TECHNOLOGY, AND INFRASTRUCTURE.**

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

18 (1) to carry out its statutory duties;

19 (2) to ensure the health, safety, and well being
20 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; and

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

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

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