117th CONGRESS 1st Session

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To establish a Global Climate Change Resilience Strategy, to authorize the admission of climate-displaced persons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

- To establish a Global Climate Change Resilience Strategy, to authorize the admission of climate-displaced persons, 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. TABLE OF CONTENTS.

- 4 The table of contents for this Act is as follows:
 - Sec. 1. Table of contents.
 - Sec. 2. Findings; sense of Congress.
 - Sec. 3. Definitions.
 - Sec. 4. Required data collection and reporting.
 - Sec. 5. Global climate change resilience strategy.
 - Sec. 6. Training of foreign service officers in climate change resilience.
 - Sec. 7. Guidance on the humanitarian impacts of climate change.
 - Sec. 8. Admission of climate-displaced persons.
 - Sec. 9. Authorization of appropriations.

1	SEC. 2. FINDINGS; SENSE OF CONGRESS.
2	(a) FINDINGS.—Congress finds the following:
3	(1) According to the Intergovernmental Panel
4	on Climate Change, the Earth's climate is now
5	changing faster than at any point in history.
6	(2) The October 2018 report entitled "Special
7	Report on Global Warming of 1.5° C" by the Inter-
8	governmental Panel on Climate Change and the No-
9	vember 2018 Fourth National Climate Assessment
10	report found that a changing climate is—
11	(A) causing sea levels to rise;
12	(B) contributing to an increase in wildfires
13	and temperature extremes in some parts of the
14	world; and
15	(C) contributing to an increase in heavy
16	precipitation in certain locations.
17	(3) Forced displacement and forced migration
18	are increasing in the context of environmental
19	changes and climate-induced disruptions, including
20	weather-related disasters, drought, famine, and ris-
21	ing sea levels.
22	(4) A December 2019 Oxfam International re-
23	port found that climate-related events forced an esti-
24	mated 20,000,000 people from their homes every
25	year during the previous decade.

1 (5) The United Nations Human Rights Council 2 has recognized that climate change poses an existen-3 tial threat that has already negatively affected the 4 fulfilment of human rights, specifically noting that— 5 (A) parties should, when taking action to 6 address climate change, respect, promote and 7 consider their respective obligations on human 8 rights; and 9 (B) the adverse effects of climate change 10 are felt most acutely by those segments of the 11 population that are already in vulnerable situa-12 tions owing to factors such as geography, pov-13 erty, gender, age, indigenous or minority status, 14 national or social origin, birth, or other status 15 and disability. 16 (6) The Office of the United Nations High 17 Commissioner for Human Rights has suggested that 18 a person who cannot be reasonably expected to re-19 turn to his or her country of origin— 20 (A) should be considered a victim of forced 21 displacement; and 22 (B) should be granted at least a temporary 23 stay in the country where they have found ref-24 uge.

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1	(7) The Intergovernmental Panel on Climate
2	Change affirms with high confidence that societal
3	adaptations in the near term can help reduce the
4	risks of climate change throughout the 21st century.
5	(8) In 2013, Super Typhoon Haiyan made
6	landfall in the Philippines, affecting nearly
7	15,000,000 people and displacing more than
8	4,000,000 people.
9	(9) Since 2017, violence in Burma's Rakhine
10	State has forced more than 740,000 Rohingya refu-
11	gees into Bangladesh, where they remain exposed to
12	the country's vulnerability to the effects of extreme
13	flooding and landslides worsened by climate change.
14	(10) In 2020, extreme rainfall and flooding in
15	Northeast India's Assam State displaced more than
16	3,300,000 people.
17	(11) The small Pacific island Nation of Kiribati
18	is preparing for large swaths of the country to be
19	uninhabitable and for its people to migrate with the
20	skill to integrate into their new host nation.
21	(12) More than 150,000,000 people around the
22	world now live on land that may be below sea level
23	or regular flood levels by the end of the century un-
24	less adaptation measures are taken.

1	(13) The effects of climate change also exacer-
2	bate social, economic, and political tensions within
3	and among nations.
4	(14) A 2020 CARE report, "Evicted by Climate
5	Change: Confronting the Gendered Impacts of Cli-
6	mate-Induced Displacement", notes that—
7	(A) the climate crisis exacerbates gender
8	inequality and makes it harder to achieve gen-
9	der justice;
10	(B) more than half of the 41,000,000 peo-
11	ple internally displaced in 2018 were women;
12	(C) poor women and children are up to 14
13	times more likely to be killed than men by a cli-
14	mate-fueled disaster, such as a hurricane, ty-
15	phoon, cyclone, or flood; and
16	(D) women who are displaced by climate
17	change related impacts often have less access to
18	relief resources.
19	(15) In 2014, the Department of Defense
20	Quadrennial Defense Review cited the effects of cli-
21	mate change as a "threat multiplier" that could lead
22	to violence abroad.
23	(16) In 2016, a memorandum from the Na-
24	tional Intelligence Counsel entitled "Implications for
25	U.S. National Security of Anticipated Climate

Change" highlighted how climate change could cre ate or aggravate tensions between nations in already
 disputed regions, such as the Arctic.

4 (17) The 2020 Ecological Threat Register pub-5 lished by the Institute for Economics and Peace 6 projects that climate-related threats will continue to 7 cause significant displacement worldwide over the 8 coming decades. Nineteen countries, with a com-9 bined population of 2,100,000,000 people, are noted 10 to be most at risk given population growth, water 11 stress, food insecurity, droughts, floods, cyclones and 12 rising temperature and sea levels.

13 (18) In February 2021, President Biden sig14 naled his intention to raise the United States ref15 ugee resettlement goal.

16 (19) In January 2021, President Biden issued 17 Executive Order 14008 on tackling the climate crisis 18 domestically and abroad. The order affirmed climate 19 considerations essential to United States foreign and 20 defense policy, reaffirmed the role of the Special 21 Envoy for Climate John Kerry, created a national 22 climate task force, and set timelines to produce 23 strategies and implementation plans for integrating 24 climate considerations into foreign policy efforts.

1	(20) Previous presidential administrations have
2	not systematically and specifically acted to address
3	climate displacement or to provide appropriate dura-
4	ble solutions to those who are displaced.
5	(b) SENSE OF CONGRESS.—It is the sense of Con-
6	gress that the United States should—
7	(1) reduce its domestic greenhouse gas emis-
8	sions on a scale and rate proportionate to its histor-
9	ical responsibility and the urgency of the threat of
10	climate change;
11	(2) welcome the shared responsibility of climate
12	change adaptation, global disaster risk reduction, re-
13	siliency building, and disaster response and recovery;
14	(3) assist in providing durable solutions for cli-
15	mate-displaced persons;
16	(4) aid other countries in their climate change
17	mitigation efforts; and
18	(5) work with the international community—
19	(A) to establish a framework to share such
20	responsibilities; and
21	(B) to ensure that the human rights of cli-
22	mate-displaced persons are acknowledged, re-
23	spected, protected, and fulfilled.

1 SEC. 3. DEFINITIONS.

2 Section 101(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1101(a)) is amended—

4 (1) by amending paragraph (8) to read as fol-5 lows:

6 "(8) The term 'climate-displaced person' means any
7 person who, for reasons of sudden or progressive change
8 in the environment that adversely affects his or her life
9 or living conditions—

10 "(A) is obliged to leave his or her habitual
11 home, either within his or her country of nationality
12 or in another country;

13 "(B) is in need of a durable resettlement solution; and

15 "(C) whose government cannot or will not pro16 vide such durable resettlement solution."; and

17 (2) by amending paragraph (34) to read as fol-18 lows:

"(34) The term 'designated application center' means
any United States embassy or consulate, or other facility
as the Secretary of State may delegate to accept applications for climate-displaced person status.".

23 SEC. 4. REQUIRED DATA COLLECTION AND REPORTING.

(a) DATA COLLECTION.—The President, in coordination with the Department of Commerce, the Environmental Protection Agency, the Department of State, the

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United States Agency for International Development, the 1 2 Office of the Director of National Intelligence, the Depart-3 ment of Defense, the Department of Homeland Security, 4 and other relevant agencies, shall collect and maintain 5 data on displacement caused by climate change, including information from— 6 7 (1) the International Organization for Migra-8 tion; 9 (2) the United Nations High Commissioner for 10 Refugees; 11 (3) UNICEF; and 12 (4) other international organizations that are 13 collecting such data. 14 (b) ANNUAL REPORT.—Not later than 180 days after 15 the date of the enactment of this Act, and annually thereafter, the President shall submit a report to the Senate 16 17 Foreign Relations and House Foreign Affairs Committees that details the collection and analysis of the data de-18 19 scribed in subsection (a). The report required under this 20 subsection shall be submitted in unclassified form, but 21 may include a classified annex. 22 SEC. 5. GLOBAL CLIMATE CHANGE RESILIENCE STRATEGY. 23 Section 117 of the Foreign Assistance Act of 1961 24 (22 U.S.C. 2151p) is amended—

25 (1) in subsection (b)—

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1	(A) by inserting "(1)" after "(b)"; and
2	(B) by adding at the end the following:
3	"(2)(A) The President is authorized to furnish
4	assistance to programs and initiatives that—
5	"(i) promote resilience among communities
6	facing harmful impacts from climate change;
7	and
8	"(ii) reduce the vulnerability of persons af-
9	fected by climate change.
10	"(B) There shall be, in the Department of
11	State, a Coordinator of Climate Change Resilience,
12	who shall coordinate the assistance authorized under
13	this paragraph."; and
14	(2) by adding at the end the following:
15	"(d)(1) The Secretary of State, in coordination with
16	the Administrator of the United States Agency for Inter-
17	national Development and the Special Presidential Envoy
18	for Climate, shall establish a comprehensive, integrated,
19	10-year strategy, which shall be referred to as the 'Global
20	Climate Change Resilience Strategy', to mitigate the im-
21	pacts of climate change on displacement and humanitarian
22	emergencies.
23	"(2) The Global Climate Change Resilience Strategy

24 shall

	11
1	"(A) focus on addressing slow-onset and rapid-
2	onset effects of events caused by climate change;
3	"(B) consider the effects of events caused by
4	climate change;
5	"(C) describe the key features of successful
6	strategies to prevent such conditions;
7	"(D) include specific objectives and multisec-
8	toral approaches to the effects of events caused by
9	climate change;
10	"(E) describe approaches that ensure national
11	leadership, as appropriate, and substantively engage
12	with civil society, local partners, and the affected
13	communities, including marginalized populations and
14	underserved populations, in the design, implementa-
15	tion, and monitoring of climate change programs to
16	best safeguard the future of those subject to dis-
17	placement;
18	"(F) assign roles for relevant Federal agencies
19	to avoid duplication of efforts, while ensuring that—
20	"(i) the Department of State is responsible
21	for—
22	"(I) leading the Global Climate
23	Change Resilience Strategy;
24	"(II) establishing United States for-
25	eign policy;

1	"(III) advancing diplomatic and polit-
2	ical efforts;
3	"(IV) guiding security assistance and
4	related civilian security efforts to mitigate
5	climate change threats; and
6	"(V) providing overseas humanitarian
7	assistance to respond to international dis-
8	placement caused by climate change and to
9	coordinate the pursuit of protection and
10	durable solutions for climate-displaced per-
11	sons, including resettlement into the
12	United States;
13	"(ii) the United States Agency for Inter-
14	national Development is—
15	"(I) responsible for overseeing pro-
16	grams to prevent the effects of events
17	caused by climate change; and
18	"(II) the lead implementing agency
19	for providing overseas humanitarian assist-
20	ance to respond to internal displacement
21	and food insecurity caused by climate
22	change, and for development and related
23	nonsecurity program policy related to
24	building resilience and achieving recovery;
25	and

1 "(iii) other Federal agencies support the 2 activities of the Department of State and the 3 United States Agency for International Devel-4 opment, as appropriate, with the concurrence of 5 the Secretary of State and the Administrator of 6 the United States Agency for International De-7 velopment; 8 "(G) describe programs that agencies will un-9 dertake to achieve the stated objectives, including 10 descriptions of existing programs and funding by fiscal year and account; 11 12 "(H) identify mechanisms to improve coordina-13 tion between the United States, foreign govern-14 ments, and international organizations, including the 15 World Bank, the United Nations, regional organiza-16 tions, and private sector organizations; 17 "(I) address efforts to expand public-private 18 partnerships and leverage private sector resources; 19 "(J) describe the criteria, metrics, and mecha-20 nisms for monitoring and evaluation of programs 21 and objectives in the Global Climate Change Resil-22 ience Strategy; and 23 "(K) describe how the Global Climate Change 24 Resilience Strategy will ensure that programs are 25 country-led and context-specific.

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1 "(3) Not later than 270 days after the date of the 2 enactment of this subsection, and annually thereafter, the 3 President shall submit a report to Committee on Foreign 4 Relations of the Senate and the Committee on Foreign 5 Affairs of the House of Representatives, based in part on the information collected pursuant to this section, that de-6 7 tails the Global Climate Change Resilience Strategy. The 8 report shall be submitted in unclassified form, but may 9 include a classified annex, if necessary.

10 "(4) Not later than 180 days after the date of the 11 enactment of this subsection, the Secretary of State and 12 the Coordinator of Global Climate Change Resilience shall 13 brief the House Foreign Affairs Committee and the Sen-14 ate Foreign Relations Committee on administration 15 progress towards the Global Climate Change Resilience 16 Strategy.

17 ((5)(A) Not later than 270 days after the date of the enactment of this subsection, and annually thereafter, 18 19 the Comptroller General of the United States, in coopera-20 tion and consultation with the Secretary of State, shall 21 produce a report evaluating the progress that the Federal 22 Government has made toward incorporating climate 23 change into department and agency policies, including the 24 resources that have been allocated for such purpose.

1	"(B) The report required under subparagraph (A)
2	shall assess—
3	"(i) the degree to which the Department of
4	State and the United States Agency for Inter-
5	national Development (USAID) are—
6	"(I) developing climate change risk assess-
7	ments; and
8	"(II) providing guidance to missions on
9	how to include climate change risks in their in-
10	tegrated country strategies;
11	"(ii) whether the Department of State and
12	USAID have sufficient resources to fulfill the re-
13	quirements described in paragraph (2); and
14	"(iii) any areas in which the Department of
15	State and USAID may lack sufficient resources to
16	fulfill such requirements.".
17	SEC. 6. TRAINING OF FOREIGN SERVICE OFFICERS IN CLI-
18	MATE CHANGE RESILIENCE.
19	Section $708(a)(1)$ of the Foreign Service Act of 1980
20	(22 U.S.C. 4028(a)(1)) is amended—
21	(1) in subparagraph (C), by striking "and" at
22	the end;
23	(2) in subparagraph (D), by striking the period
24	at the end and inserting "; and"; and
25	(3) by adding at the end the following:

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1	"(E) for Foreign Service Officers who will
2	be assigned to a country from which climate-
3	displaced persons (as defined in section
4	101(a)(8) of the Immigration and Nationality
5	Act) have been displaced, instruction on climate
6	displacement, including the Global Climate
7	Change Resilience Strategy established under
8	section 117(d) of the Foreign Assistance Act of
9	1961 (22 U.S.C. 2151p(d)).".
10	SEC. 7. GUIDANCE ON THE HUMANITARIAN IMPACTS OF
11	CLIMATE CHANGE.
12	The Secretary of State shall provide guidance to each
13	United States diplomatic mission, in accordance with Ex-
14	ecutive Order 13677 (79 Fed. Reg. 58229), addressing the
15	humanitarian impacts associated with climate change.
16	SEC. 8. ADMISSION OF CLIMATE-DISPLACED PERSONS.
17	(a) Admission of Climate-Displaced Persons.—
18	(1) IN GENERAL.—Chapter 4 of title II of the
19	Immigration and Nationality Act (8 U.S.C. 1221 et
20	seq.) is amended by adding at the end the following:
21	"SEC. 244A. CLIMATE-DISPLACED PERSONS.
22	"(a) Admission Goal.—
23	"(1) IN GENERAL.—Notwithstanding section
24	207, the number of climate-displaced persons who
25	may be admitted under this section in any fiscal

1	year (beginning with fiscal year 2021) shall be not
2	fewer than the greater of—
3	"(A) 50,000; or
4	"(B) the number that the President deter-
5	mines, before the beginning of the fiscal year
6	and after appropriate consultation with Con-
7	gress, is justified by humanitarian concerns or
8	is otherwise in the national interest.
9	"(2) Effect of numerical adjustment.—If
10	the President determines that the number of cli-
11	mate-displaced persons who may be admitted in a
12	fiscal year based on humanitarian concerns or the
13	national interest is greater than the number set
14	forth in paragraph (1)(A), the President shall—
15	"(A) set the admissions level for climate-
16	displaced persons at the same time as the
17	President determines the number of refugees
18	who may be admitted in such fiscal year under
19	section 207; and
20	"(B) follow all of the procedures relating
21	to refugee admissions under section 207, in-
22	cluding the requirement to engage in an appro-
23	priate consultation with Congress.
24	"(b) Admissibility; Applications.—
25	"(1) IN GENERAL.—

1	"(A) Admissibility.—Subject to the nu-
2	merical limitation under subsection (a), the Sec-
3	retary of Homeland Security, pursuant to such
4	regulations as the Secretary may prescribe, may
5	admit any climate-displaced person under this
6	section who—
7	"(i) is admissible;
8	"(ii) is not described in section
9	208(b)(2); and
10	"(iii) is not described in paragraph
11	(2).
12	"(B) APPLICATIONS.—Any noncitizen de-
13	scribed in subparagraph (A), regardless of such
14	noncitizen's immigration status, may apply for
15	admission as a climate-displaced person if the
16	noncitizen—
17	"(i) is physically present in the
18	United States;
19	"(ii) arrives in the United States
20	(whether or not at a designated port of ar-
21	rival and including a noncitizen who is
22	brought to the United States after having
23	been interdicted in international or United
24	States waters); or

1	"(iii) applies at a designated applica-
2	tion center.
3	"(2) LIMITATIONS.—Except as provided in
4	paragraph (3), a noncitizen may not apply for status
5	as a climate-displaced person if—
6	"(A) the Secretary of Homeland Security
7	determines that the noncitizen may be removed,
8	pursuant to a bilateral or multilateral agree-
9	ment, to a country (other than the country of
10	the noncitizen's nationality or, in the case of a
11	noncitizen having no nationality, the country of
12	the noncitizen's last habitual residence) that is
13	outside of the zone in which the sudden or pro-
14	gressive change in the environment obliged the
15	noncitizen to leave his or her residence, pro-
16	vided that such determination does not violate
17	our Nation's human rights obligations;
18	"(B) the application is not filed within 1
19	year after the date of the noncitizen's arrival in
20	the United States; or
21	"(C) an earlier application by the noncit-
22	izen for climate-displaced person status has
23	been denied.
24	"(3) Exceptions.—

	20
1	"(A) UNACCOMPANIED NONCITIZEN CHIL-
2	DREN.—Paragraph (2) shall not apply to unac-
3	companied noncitizen children (as defined in
4	section 462(g) of the Homeland Security Act of
5	2002 (6 U.S.C. 279(g))).
6	"(B) CHANGED CIRCUMSTANCES.—Sub-
7	paragraphs (B) and (C) of paragraph (2) shall
8	not apply if the noncitizen demonstrates, to the
9	satisfaction of the Secretary of Homeland Secu-
10	rity that—
11	"(i) extraordinary circumstances pre-
12	vented the noncitizen from filing an appli-
13	cation within the period specified in para-
14	graph $(2)(B)$; or
15	"(ii) changed circumstances materially
16	affect the applicant's eligibility for climate-
17	displaced person status.
18	"(C) Referrals authorized.—The Sec-
19	retary of State may also accept applications
20	submitted on behalf of eligible applicants for
21	climate-displaced person status by qualified
22	international agencies.
23	"(4) CONTENTS.—Applications submitted under
24	this subsection shall contain such information as the
25	Secretary of State, in consultation with the Sec-

1	retary of Homeland Security, determines to be nec-
2	essary to determine whether the applicant is eligible
3	for admission as a climate-displaced person.
4	"(5) FEES.—
5	"(A) IN GENERAL.—Except as provided in
6	subparagraph (B), an applicant for climate-dis-
7	placed person status shall not be charged a fee.
8	"(B) EXCEPTION.—If a noncitizen has ap-
9	plied for, and been denied, climate-displaced
10	person status on 2 or more previous occasions,
11	the Secretary may charge a reasonable fee for
12	any subsequent applications, which shall set at
13	a level equal to the average cost of adjudicating
14	such applications.
15	"(c) TREATMENT OF CLIMATE-DISPLACED PER-
16	SONS.—
17	"(1) IN GENERAL.—A noncitizen who qualifies
18	for climate-displaced person status under this sec-
19	tion shall be eligible for resettlement assistance, en-
20	titlement programs, and other benefits available to
21	refugees admitted under section 207.
22	"(2) TREATMENT OF CHILDREN AND
23	SPOUSE.—
24	"(A) IN GENERAL.—A spouse or a child
25	(as defined in subparagraph (A), (B), (C), (D),

1 or (E) of section 101(b)(1)) of a noncitizen who 2 is granted climate-displaced person status 3 under this section may, if not otherwise eligible 4 for such status, be granted the same status as 5 the climate-displaced person if accompanying, 6 or following to join, such noncitizen.

7 "(B) TREATMENT OF CHILDREN.—An un-8 married noncitizen who seeks to accompany, or 9 follow to join, a parent granted climate-dis-10 placed person status under this section, and 11 who was younger than 21 years of age on the 12 date on which such parent applied for such sta-13 tus, shall continue to be classified as a child for 14 of this subsection purposes and section 15 209(b)(3), if the noncitizen attains 21 years of 16 age while such application is pending.

17 "(d) GROUNDS FOR INELIGIBILITY.—A noncitizen
18 may not be admitted as a climate-displaced person under
19 this section if the noncitizen is described in section
20 208(b)(2)

21 "(e) DEFINED TERM.—In this section, the term 'non22 citizen' means any person who is not a citizen or national
23 of the United States.".

24 (2) CLERICAL AMENDMENT.—The table of con25 tents for the Immigration and Nationality Act (8)

1 U.S.C. 1101 note) is amended by inserting after the 2 item relating to section 244 the following: "Sec. 244A. Climate-displaced persons.". 3 (b) ADJUSTMENT OF STATUS.—Section 209(a)(1) of 4 the Immigration and Nationality Act (8 U.S.C. 1159(a)) is amended by inserting "or 244A" before the em dash 5 6 immediately preceding subparagraph (A). 7 (c) SAVINGS PROVISION.— 8 (1) IN GENERAL.—Nothing in section 244A of 9 the Immigration and Nationality Act, as added by 10 subsection (a)(1), may be construed to affect the 11 United States commitment to the United States Ref-12 ugee Admissions Program. 13 (2) ADDITIONAL PROTECTIONS.—The protec-14 tions described in such section 244A are in addition 15 to the refugee admissions goal established by the 16 Presidential determination described in subsection 17 (a)(1)(B) of such section. 18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.** 19 There are authorized to be appropriated such sums as may be necessary to carry out this Act. 20