

117TH CONGRESS
1ST SESSION

S. 1335

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

APRIL 22, 2021

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

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.

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

1 Change” highlighted how climate change could cre-
2 ate or aggravate tensions between nations in already
3 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 sig-
14 naled his intention to raise the United States ref-
15 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 solu-
14 tion; and

15 “(C) whose government cannot or will not pro-
16 vide such durable resettlement solution.”; and

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

19 “(34) The term ‘designated application center’ means
20 any United States embassy or consulate, or other facility
21 as the Secretary of State may delegate to accept applica-
22 tions for climate-displaced person status.”.

23 **SEC. 4. REQUIRED DATA COLLECTION AND REPORTING.**

24 (a) DATA COLLECTION.—The President, in coordina-
25 tion with the Department of Commerce, the Environ-
26 mental Protection Agency, the Department of State, the

1 United States Agency for International Development, the
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
6 information from—

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 there-
16 after, the President shall submit a report to the Senate
17 Foreign Relations and House Foreign Affairs Committees
18 that details the collection and analysis of the data de-
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)—

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—

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 fis-
11 cal year and account;

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.

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
6 the information collected pursuant to this section, that de-
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
18 the enactment of this subsection, and annually thereafter,
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:

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.—

1 “(A) UNACCOMPANIED NONCITIZEN CHIL-
2 DREN.—Paragraph (2) shall not apply to unac-
3 panied 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),

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

“(B) TREATMENT OF CHILDREN.—An unmarried noncitizen who seeks to accompany, or follow to join, a parent granted climate-displaced person status under this section, and who was younger than 21 years of age on the date on which such parent applied for such status, shall continue to be classified as a child for purposes of this subsection and section 209(b)(3), if the noncitizen attains 21 years of age while such application is pending.

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

“(e) DEFINED TERM.—In this section, the term ‘non-citizen’ means any person who is not a citizen or national of the United States.”.

(2) CLERICAL AMENDMENT.—The table of contents 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))
 5 is amended by inserting “or 244A” before the em dash
 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
 20 as may be necessary to carry out this Act.

