

116TH CONGRESS
1ST SESSION

S. 2565

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

SEPTEMBER 26, 2019

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) Climate-related events and disasters are
23 causing a person to be displaced from his or her
24 home every second.

25 (5) The United Nations Human Rights Council
26 has recognized that climate change poses an existen-

1 tial threat that has already had a negative impact on
 2 the fulfilment of human rights, specifically noting
 3 that—

4 (A) parties should, when taking action to
 5 address climate change, respect, promote and
 6 consider their respective obligations on human
 7 rights; and

8 (B) the adverse effects of climate change
 9 are felt most acutely by those segments of the
 10 population that are already in vulnerable situa-
 11 tions owing to factors such as geography, pov-
 12 erty, gender, age, indigenous or minority status,
 13 national or social origin, birth or other status
 14 and disability.

15 (6) The Office of the United Nations High
 16 Commissioner for Human Rights has suggested that
 17 a person who cannot be reasonably expected to re-
 18 turn to his or her country of origin—

19 (A) should be considered a victim of forced
 20 displacement; and

21 (B) should be granted at least a temporary
 22 stay in the country where they have found ref-
 23 uge.

24 (7) The Intergovernmental Panel on Climate
 25 Change affirms with high confidence that societal

1 adaptations in the near term can help reduce the
2 risks of climate change throughout the 21st century.

3 (8) Since 2013, typhoons and storms in the
4 Philippines have displaced nearly 15,000,000 people.

5 (9) Violence in Burma's Rakhine State has
6 forced nearly 1,000,000 Rohingya refugees into
7 Bangladesh, where they are exposed to the country's
8 vulnerability to the effects of extreme flooding and
9 landslides worsened by climate change.

10 (10) In 2019, extreme flooding in Northern and
11 Northeast India displaced at least 3,000,000 people,
12 including almost 2,000,000 people in the Northern
13 Indian state of Bihar and more than 1,700,000 peo-
14 ple in Northeastern Assam state.

15 (11) The small Pacific island Nation of Kiribati
16 is preparing for large swaths of the country to be
17 uninhabitable and for its people to migrate with the
18 skill to integrate into their new host nation.

19 (12) More than 150,000,000 people around the
20 world now live on land that will be below sea level
21 or regular flood levels by the end of the century un-
22 less adaptation measures are taken.

23 (13) The effects of climate change also exacer-
24 bate social, economic, and political tensions within
25 and among nations.

1 (14) In 2014, the Department of Defense
2 Quadrennial Defense Review cited the effects of cli-
3 mate change as a “threat multiplier” that could ag-
4 gravate stressors abroad.

5 (15) In 2016, a memorandum from the Na-
6 tional Intelligence Counsel entitled “Implications for
7 U.S. National Security of Anticipated Climate
8 Change” highlighted how climate change could cre-
9 ate or inflame tensions between nations in already
10 disputed regions, such as the Arctic.

11 (16) Continued climate change will drive fur-
12 ther displacement. According to the International
13 Organization for Migration, by 2050, there could be
14 as many as 200,000,000 climate-displaced persons,
15 including those who are internally displaced.

16 (17) The United States has not systematically
17 acted to address climate displacement or to provide
18 appropriate durable solutions to those who are dis-
19 placed.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the United States should—

22 (1) reduce its domestic greenhouse gas emis-
23 sions on a scale and rate proportionate to its histor-
24 ical responsibility and the urgency of the threat of
25 climate change;

1 (2) welcome the shared responsibility of climate
2 change adaptation, global disaster risk reduction, re-
3 siliency building, and disaster response and recovery;

4 (3) assist in providing durable solutions for cli-
5 mate-displaced persons;

6 (4) aid other countries in their climate change
7 mitigation efforts; and

8 (5) work with the international community—

9 (A) to establish a framework to share such
10 responsibilities; and

11 (B) to ensure that the human rights of cli-
12 mate-displaced persons are acknowledged, re-
13 spected, protected, and fulfilled.

14 **SEC. 3. DEFINITIONS.**

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

17 (1) by striking paragraph (8) and inserting the
18 following:

19 “(8) The term ‘climate-displaced person’ means any
20 person who, for reasons of sudden or progressive change
21 in the environment that adversely affects his or her life
22 or living conditions—

23 “(A) is obliged to leave his or her habitual
24 home, either within his or her country of nationality
25 or in another country;

1 “(B) is in need of a durable resettlement solu-
2 tion; and

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

5 (2) by amending paragraph (34) to read as fol-
6 lows:

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

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

12 (a) DATA COLLECTION.—The President, in coordina-
13 tion with the Department of Commerce, the Environ-
14 mental Protection Agency, the Department of State, the
15 Director of National Intelligence, the Department of De-
16 fense, and other relevant agencies, shall collect and main-
17 tain data on displacement caused by climate change, in-
18 cluding information from—

19 (1) the International Organization for Migra-
20 tion;

21 (2) the United Nations High Commissioner for
22 Refugees;

23 (3) UNICEF; and

24 (4) other international organizations that are
25 collecting such data.

1 (b) ANNUAL REPORT.—Not later than 180 days after
 2 the date of the enactment of this Act, and annually there-
 3 after, the President shall submit a report to the appro-
 4 priate congressional committees that details the collection
 5 and analysis of the data described in subsection (a). The
 6 report required under this subsection shall be submitted
 7 in unclassified form, but may include a classified annex.

8 **SEC. 5. GLOBAL CLIMATE CHANGE RESILIENCE STRATEGY.**

9 Section 117 of the Foreign Assistance Act of 1961
 10 (22 U.S.C. 2151p) is amended—

11 (1) in subsection (b)—

12 (A) by inserting “(1)” after “(b)”; and

13 (B) by adding at the end the following:

14 “(2)(A) The President is authorized to furnish assist-
 15 ance to programs and initiatives that—

16 “(i) promote resilience among communities fac-
 17 ing harmful impacts from climate change; and

18 “(ii) reduce the vulnerability of persons affected
 19 by climate change.

20 “(B) There shall be, in the Department of State, a
 21 Coordinator of Climate Change Resilience, who shall co-
 22 ordinate the assistance authorized under this paragraph.”;
 23 and

24 (2) by adding at the end the following:

1 “(d)(1) The Secretary of State, in coordination with
2 the Administrator of the United States Agency for Inter-
3 national Development, shall establish a comprehensive, in-
4 tegrated, 10-year strategy, which shall be referred to as
5 the ‘Global Climate Change Resilience Strategy’, to miti-
6 gate the impacts of climate change on displacement and
7 humanitarian emergencies.

8 “(2) The Global Climate Change Resilience Strategy
9 shall—

10 “(A) focus on addressing slow-onset and rapid-
11 onset effects of events caused by climate change;

12 “(B) consider the effects of events caused by
13 climate change;

14 “(C) describe the key features of successful
15 strategies to prevent such conditions;

16 “(D) include specific objectives and multisec-
17 toral approaches to the effects of events caused by
18 climate change;

19 “(E) describe approaches that ensure national
20 leadership, as appropriate, and substantively engage
21 with civil society, local partners, and the affected
22 communities, including marginalized populations and
23 underserved populations, in the design, implementa-
24 tion, and monitoring of climate change programs to

1 best safeguard the future of those subject to dis-
2 placement;

3 “(F) assign roles for relevant Federal agencies
4 to avoid duplication of efforts, while ensuring that—

5 “(i) the Department of State is responsible
6 for—

7 “(I) leading the Global Climate
8 Change Resilience Strategy;

9 “(II) establishing United States for-
10 eign policy;

11 “(III) advancing diplomatic and polit-
12 ical efforts;

13 “(IV) guiding security assistance and
14 related civilian security efforts to mitigate
15 climate change threats; and

16 “(V) providing overseas humanitarian
17 assistance to respond to international and
18 internal displacement caused by climate
19 change and to coordinate the pursuit of
20 durable solutions for climate-displaced per-
21 sons, including resettlement into the
22 United States;

23 “(ii) the United States Agency for Inter-
24 national Development is—

1 “(I) responsible for overseeing pro-
2 grams to prevent the effects of events
3 caused by climate change; and

4 “(II) the lead implementing agency
5 for development and related nonsecurity
6 program policy related to building resil-
7 ience and achieving recovery; and

8 “(iii) other Federal agencies support the
9 activities of the Department of State and the
10 United States Agency for International Devel-
11 opment, as appropriate, with the concurrence of
12 the Secretary of State and the Administrator of
13 the United States Agency for International De-
14 velopment;

15 “(G) describe programs that agencies will un-
16 dertake to achieve the stated objectives, including
17 descriptions of existing programs and funding by fis-
18 cal year and account;

19 “(H) identify mechanisms to improve coordina-
20 tion between the United States, foreign govern-
21 ments, and international organizations, including the
22 World Bank, the United Nations, regional organiza-
23 tions, and private sector organizations;

24 “(I) address efforts to expand public-private
25 partnerships and leverage private sector resources;

1 “(J) describe the criteria, metrics, and mecha-
2 nisms for monitoring and evaluation of programs
3 and objectives in the Global Climate Change Resil-
4 ience Strategy; and

5 “(K) describe how the Global Climate Change
6 Resilience Strategy will ensure that programs are
7 country-led and context-specific.

8 “(3) Not later than 270 days after the date of the
9 enactment of this subsection, and annually thereafter, the
10 President shall submit a report to the Committee on For-
11 eign Relations of the Senate and the Committee on For-
12 eign Affairs of the House of Representatives, based in part
13 on the information collected pursuant to this section, that
14 details the Global Climate Change Resilience Strategy.
15 The report shall be submitted in unclassified form, but
16 may include a classified annex, if necessary.

17 “(4) Not later than 180 days after the date of the
18 enactment of this subsection, the Secretary of State and
19 the Coordinator of Global Climate Change Resilience shall
20 brief the Committee on Foreign Relations of the Senate
21 and the Committee on Foreign Affairs of the House of
22 Representatives regarding the progress made by the Fed-
23 eral Government in implementing the Global Climate
24 Change Resilience Strategy.

1 “(5)(A) Not later than 270 days after the date of
2 the enactment of this subsection, and annually thereafter,
3 the Comptroller General of the United States, in coopera-
4 tion and consultation with the Secretary of State, shall
5 produce a report evaluating the progress that the Federal
6 Government has made toward incorporating climate
7 change into department and agency policies, including the
8 resources that have been allocated for such purpose.

9 “(B) The report required under subparagraph (A)
10 shall assess—

11 “(i) the degree to which the Department of
12 State and the United States Agency for Inter-
13 national Development (USAID) are—

14 “(I) developing climate change risk assess-
15 ments; and

16 “(II) providing guidance to missions on
17 how to include climate change risks in their in-
18 tegrated country strategies;

19 “(ii) whether the Department of State and
20 USAID have sufficient resources to fulfill the re-
21 quirements described in paragraph (2); and

22 “(iii) any areas in which the Department of
23 State and USAID may lack sufficient resources to
24 fulfill such requirements.”.

1 **SEC. 6. TRAINING OF FOREIGN SERVICE OFFICERS IN CLI-**
 2 **MATE CHANGE RESILIENCE.**

3 Section 708(a)(1) of the Foreign Service Act of 1980
 4 (22 U.S.C. 4028(a)(1)) is amended—

5 (1) in subparagraph (C), by striking “and” at
 6 the end;

7 (2) in subparagraph (D), by striking the period
 8 at the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(E) for Foreign Service Officers who will
 11 be assigned to a country from which climate-
 12 displaced persons (as defined in section
 13 101(a)(8) of the Immigration and Nationality
 14 Act) have been displaced, instruction on climate
 15 displacement, including the Global Climate
 16 Change Resilience Strategy established under
 17 section 117(d) of the Foreign Assistance Act of
 18 1961 (22 U.S.C. 2151p(d)).”.

19 **SEC. 7. GUIDANCE ON THE HUMANITARIAN IMPACTS OF**
 20 **CLIMATE CHANGE.**

21 The Secretary of State shall provide guidance to each
 22 United States diplomatic mission, in accordance with Ex-
 23 ecutive Order 13677 (79 Fed. Reg. 58229), addressing the
 24 humanitarian impacts associated with climate change.

25 **SEC. 8. ADMISSION OF CLIMATE-DISPLACED PERSONS.**

26 (a) ADMISSION OF CLIMATE-DISPLACED PERSONS.—

1 (1) IN GENERAL.—Chapter 4 of title II of the
2 Immigration and Nationality Act (8 U.S.C. 1221 et
3 seq.) is amended by adding at the end the following:

4 **“SEC. 244A. CLIMATE-DISPLACED PERSONS.**

5 “(a) ADMISSION GOAL.—

6 “(1) IN GENERAL.—Notwithstanding section
7 207, the number of climate-displaced persons who
8 may be admitted under this section in any fiscal
9 year (beginning with fiscal year 2020) shall be not
10 fewer than the greater of—

11 “(A) 50,000; or

12 “(B) the number that the President deter-
13 mines, before the beginning of the fiscal year
14 and after appropriate consultation with Con-
15 gress, is justified by humanitarian concerns or
16 is otherwise in the national interest.

17 “(2) EFFECT OF NUMERICAL ADJUSTMENT.—If
18 the President determines that the number of cli-
19 mate-displaced persons who may be admitted in a
20 fiscal year based on humanitarian concerns or the
21 national interest is greater than the number set
22 forth in paragraph (1)(A), the President shall—

23 “(A) set the admissions level for climate-
24 displaced persons at the same time as the
25 President determines the number of refugees

1 who may be admitted in such fiscal year under
 2 section 207; and

3 “(B) follow all of the procedures relating
 4 to refugee admissions under section 207, in-
 5 cluding the requirement to engage in an appro-
 6 priate consultation with Congress.

7 “(b) ADMISSIBILITY; APPLICATIONS.—

8 “(1) IN GENERAL.—

9 “(A) ADMISSIBILITY.—Subject to the nu-
 10 merical limitation under subsection (a), the Sec-
 11 retary of Homeland Security, pursuant to such
 12 regulations as the Secretary may prescribe, may
 13 admit any climate-displaced person under this
 14 section who—

15 “(i) is admissible;

16 “(ii) is not described in section
 17 208(b)(2); and

18 “(iii) is not described in paragraph
 19 (2).

20 “(B) APPLICATIONS.—Any alien described
 21 in subparagraph (A), regardless of such alien’s
 22 immigration status, may apply for admission as
 23 a climate-displaced person if the alien—

24 “(i) is physically present in the
 25 United States;

1 “(ii) arrives in the United States
2 (whether or not at a designated port of ar-
3 rival and including an alien who is brought
4 to the United States after having been
5 interdicted in international or United
6 States waters); or

7 “(iii) applies at a designated applica-
8 tion center.

9 “(2) LIMITATIONS.—Except as provided in
10 paragraph (3), an alien may not apply for status as
11 a climate-displaced person if—

12 “(A) the Secretary of Homeland Security
13 determines that the alien may be removed, pur-
14 suant to a bilateral or multilateral agreement,
15 to a country (other than the country of the
16 alien’s nationality or, in the case of an alien
17 having no nationality, the country of the alien’s
18 last habitual residence) that is outside of the
19 zone in which the sudden or progressive change
20 in the environment obliged the alien to leave his
21 or her residence, provided that such determina-
22 tion does not violate our Nation’s human rights
23 obligations;

1 “(B) the application is not filed within 1
 2 year after the date of the alien’s arrival in the
 3 United States; or

4 “(C) an earlier application by the alien for
 5 climate-displaced person status has been denied.

6 “(3) EXCEPTIONS.—

7 “(A) UNACCOMPANIED ALIEN CHIL-
 8 DREN.—Paragraph (2) shall not apply to unac-
 9 companied alien children (as defined in section
 10 462(g) of the Homeland Security Act of 2002
 11 (6 U.S.C. 279(g))).

12 “(B) CHANGED CIRCUMSTANCES.—Sub-
 13 paragraphs (B) and (C) of paragraph (2) shall
 14 not apply if the alien demonstrates, to the satis-
 15 faction of the Secretary of Homeland Security
 16 that—

17 “(i) extraordinary circumstances pre-
 18 vented the alien from filing an application
 19 within the period specified in paragraph
 20 (2)(B); or

21 “(ii) changed circumstances materially
 22 affect the applicant’s eligibility for climate-
 23 displaced person status.

24 “(C) REFERRALS AUTHORIZED.—The Sec-
 25 retary of State may also accept applications

1 submitted on behalf of eligible applicants for
2 climate-displaced person status by qualified
3 international agencies.

4 “(4) CONTENTS.—Applications submitted under
5 this subsection shall contain such information as the
6 Secretary of State, in consultation with the Sec-
7 retary of Homeland Security, determines to be nec-
8 essary to determine whether the applicant is eligible
9 for admission as a climate-displaced person.

10 “(5) FEES.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), an applicant for climate-dis-
13 placed person status shall not be charged a fee.

14 “(B) EXCEPTION.—If an alien has applied
15 for, and been denied, climate-displaced person
16 status on 2 or more previous occasions, the Sec-
17 retary may charge a reasonable fee for any sub-
18 sequent applications, which shall set at a level
19 equal to the average cost of adjudicating such
20 applications.

21 “(c) TREATMENT OF CLIMATE-DISPLACED PER-
22 SONS.—

23 “(1) IN GENERAL.—An alien who qualifies for
24 climate-displaced person status under this section
25 shall be eligible for resettlement assistance, entitle-

1 ment programs, and other benefits available to refu-
2 gees admitted under section 207.

3 “(2) TREATMENT OF CHILDREN AND
4 SPOUSE.—

5 “(A) IN GENERAL.—A spouse or a child
6 (as defined in subparagraph (A), (B), (C), (D),
7 or (E) of section 101(b)(1)) of an alien who is
8 granted climate-displaced person status under
9 this section may, if not otherwise eligible for
10 such status, be granted the same status as the
11 climate-displaced person if accompanying, or
12 following to join, such alien.

13 “(B) TREATMENT OF CHILDREN.—An un-
14 married alien who seeks to accompany, or follow
15 to join, a parent granted climate-displaced per-
16 son status under this section, and who was
17 younger than 21 years of age on the date on
18 which such parent applied for such status, shall
19 continue to be classified as a child for purposes
20 of this subsection and section 209(b)(3), if the
21 alien attains 21 years of age while such applica-
22 tion is pending.

23 “(d) GROUNDS FOR INELIGIBILITY.—An alien may
24 not be admitted as a climate-displaced person under this
25 section if the alien is described in section 208(b)(2).”.

1 (2) CLERICAL AMENDMENT.—The table of con-
 2 tents for the Immigration and Nationality Act (8
 3 U.S.C. 1101 note) is amended by inserting after the
 4 item relating to section 244 the following:

“Sec. 244A. Climate-displaced persons.”.

5 (b) ADJUSTMENT OF STATUS.—Section 209(a)(1) of
 6 the Immigration and Nationality Act (8 U.S.C. 1159(a))
 7 is amended by inserting “or 244A” before the em dash
 8 immediately preceding subparagraph (A).

9 (c) SAVINGS PROVISION.—

10 (1) IN GENERAL.—Nothing in section 244A of
 11 the Immigration and Nationality Act, as added by
 12 subsection (a)(1), may be construed to affect the
 13 United States commitment to the United States Ref-
 14 ugee Admissions Program.

15 (2) ADDITIONAL PROTECTIONS.—The protec-
 16 tions described in such section 244A are in addition
 17 to the refugee admissions goal established by the
 18 Presidential determination described in subsection
 19 (a)(1)(B) of such section.

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
 22 as may be necessary to carry out this Act.

