

Policy Recommendations to Address Climate-Forced Displacement in the United States: *The Need for an Equitable and Just Response*

Climate-Forced Displacement Policy Solutions:

ESTABLISH A JUST RESPONSE FOR

ADAPTATION AND RELOCATION

Climate change is ravaging communities nationwide, particularly Indigenous peoples and communities of color, who are at extreme risk of displacement. Yet, federal climate adaptation and disaster relief programs are not designed to assist Black, Indigenous and People of Color (BIPOC) communities with the greatest need. This disparity is made worse because the government has not developed a coordinated plan—or dedicated proper funding—to support communities who wish to adapt to live safely where they are or relocate out of harm’s way.

Problem

The US Governmental Accountability Office identified that “unclear federal leadership is the key challenge to climate migration as a resilience strategy.”¹ Yet, there is no federal lead agency to manage and coordinate the federal government’s response, nor is there dedicated funding to support community relocation efforts or adaptation measures that can protect communities from forced relocation and, instead, allow them to adapt in place (i.e., make necessary changes in infrastructure to remain where they live).

While there are federal programs that can increase resiliency and reduce hazards—and that could support communities’ decisions to adapt in place—each program has specific funding and eligibility requirements and limitations. These programs operate along different timelines, are not always available at the same time, and are very challenging to combine. In addition, communities spend most of their available funds to hire consultants to conduct studies or plan projects, many of which are never implemented due, in large part, to a lack of access to implementation funding. Developing and implementing preventative climate change adaptation measures to protect existing infrastructure in Tribal communities in Alaska and the contiguous United States over the next 50 years is estimated to cost at least \$6 billion.² However, this amount likely significantly underestimates the need due to the lack of community-specific risk assessments.

While the need for dedicated funding for adaptation-in-place and relocation is clear, it is important to recognize that funding can only support material upgrades to homes and infrastructure; it does not account for the full costs to a community, including the loss of sacred sites, cultural values, burial sites, health and social wellbeing, and other intrinsic values that frontline communities, and in particular Indigenous Peoples, experience when separated from their ancestral lands and subsistence way of life. This is why it is even more imperative that Tribes and community representatives are included in planning.

Recommendation³

The federal government should work with frontline communities to establish a governance framework that is centered on protecting the rights and dignity of affected communities and providing them with adequate financial resources and effective support. Our specific recommendations include the following:

- 1.1.** Congress and the executive should work with community-led coalitions, organizations, and groups to establish a multidisciplinary, multijurisdictional working group to guide the federal government in developing the institutional capability required to assist communities. Federal departments within the most relevant agencies, including Homeland Security, Interior, Housing and Urban Development, Defense, and Energy, Health and Human Services, Environmental Protection Agency and the Department of Education should issue joint rulemaking to implement the creation of such a cross-departmental working group. Congress should also authorize the creation of a formal interagency group (on the model of the National Fish and Wildlife Foundation), which would allow agencies to work collaboratively with community leaders, NGOs, and academic institutions. Concurrently, Congress should create a new cabinet-level position focused on resettlement, drawing on the historical experience of the former U.S. Resettlement Administration.
 - 1.** At a minimum, the working group should comprise relevant government and nongovernmental actors, but primarily affected community leaders. Representatives of the coalition that authors this policy brief are willing to join the working group; the coalition is led by impacted community leaders, academic researchers, and legal and policy advocates.
 - 2.** The primary objectives of the working group should be to develop strategies for how the federal government can better coordinate its response to climate-forced displacement within the United States and to develop a planning and operationalization budget for consideration by Congress.
 - 3.** Building on existing information, the working group should review all existing legislation that may be triggered in situations of adaptation in place or relocation to identify what other agencies or organizations should be included, what the legislation allows and its limitations, where legislation should be amended to support community-led efforts, and where a federal agency can exercise its discretionary power.

Using the above information, the working group should identify the following for executive action:

- A.** Designate a point federal agency or interagency working group (as described above) that will develop and coordinate all federal government responses among multiple agencies and jurisdictions;
- B.** Develop an understanding of climate risks and how communities are being affected, and the role of local and tribal governments, state agencies, and the federal government;
- C.** Develop a set of criteria and thresholds that will trigger state, local, Tribal, and federal government responses and action;
- D.** Advocate for congressional action to designate federal funding for adaptation-in-place and relocation efforts and agency responses;
- E.** Dedicate technical and financial resources to support frontline communities in their decision making and meaningful engagement with federal agencies;

- F.** Designate an independent oversight committee that include community-elected representatives to monitor all government responses, to ensure transparency and accountability and respect for human rights, including the role of the interagency working group mentioned above;
- G.** Undertake a review of all federal regulatory permitting processes involved in relocation efforts in an effort to simplify them;
- H.** Pool together all existing federal funding programs that support a community's decision to adapt in place or relocate to relieve a community's burden of navigating various funding requirements;
- I.** Support Tribal, state, and local government efforts in assessing and identifying communities at high risk of climate-forced displacement;
- J.** Support Indigenous communities that choose to relocate in acquiring lands that are sufficient and appropriate to meet the needs and lifeways of the community;
- K.** Provide planning guidance for tribal governments, local governments, municipalities, cities, and states for adapt in place and relocation;
- L.** Raise awareness about climate-forced displacement and the role of robust community engagement in ensuring just and equitable government responses;
- M.** Create more spaces for information sharing and learning among local governments, state and federal government agencies, and other nongovernmental entities and frontline communities, in an effort to continually improve policy practices and responses;
- N.** Support communities to collect and steward socioecological data to monitor their environmental hazards. The government should support and resource frontline communities to collect, analyze, and interpret data that they can use to advocate for effective and appropriate responses. In accordance with data sovereignty, this data should be owned and held by communities and their designates, not government agencies.

¹<https://www.gao.gov/assets/gao-20-488.pdf>

²ATNI [Affiliated Tribes of Northwest Indians]. (2020). (Internal report) *American Indian Communities in the Contiguous United States: Unmet infrastructure needs and the recommended pathway to address a fundamental threat to lives, livelihoods, and cultures; DOI Bureau of Indian Affairs Office of Trust Services Tribal Resilience Program (2020), Report on the unmet infrastructure needs of Tribal communities and Alaska Native villages in process of relocating to higher ground as a result of climate change. Submitted to the Subcommittee on Interior and Related Agencies Committee on Appropriations, U.S. House of Representatives (May 2020), 16 pp.*

³These recent executive orders provide room to address these recommendations: EO 14008: Tackling the Climate Crisis at Home and Abroad; EO 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis; EO 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

