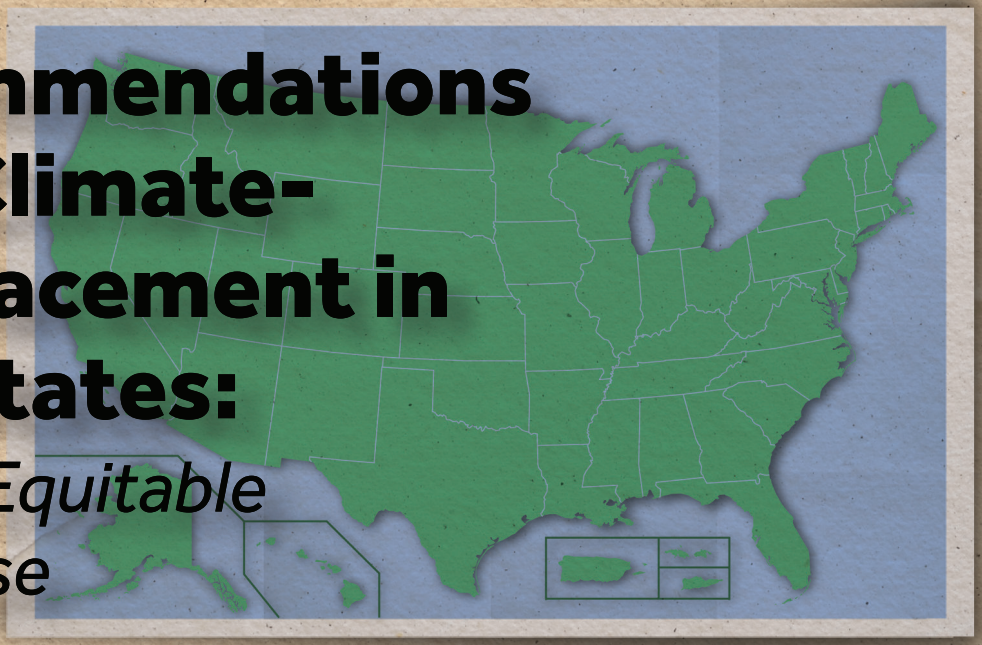
Policy Recommendations to Address Climate-Forced Displacement in the United States:

The Need for an Equitable and Just Response



Many people in the United States are being forcibly displaced by the climate crisis, with millions more at risk in the coming decades.[1] Coastal communities are already seeing more recurrent flooding and extreme weather and water events, while inland communities are facing destruction caused by drought-induced wildfires, extreme rain, riverine flooding, and other natural hazards. These impacts disproportionately affect some communities. Native Villages in Alaska, for example, are experiencing severe flooding and permafrost melt that lead to sewage overflow and inundation of homes. Ancestral lands in coastal Louisiana are becoming less viable every year due to flooding and saltwater intrusion, which have already forcibly displaced tribal community members while putting more at risk. Communities of color in the Gulf of Mexico are losing their homes and livelihoods because of increasingly severe storms and flooding. Yet, current federal disaster recovery and climate change adaptation programs are limited in their ability to support these frontline communities as they adapt in place, resettle in advance of a catastrophic event,[2] or relocate.[3]

Tribal Nations and Indigenous communities, particularly those without federal recognition, face unique challenges. Some federal programs require adaptation or emergency funding to flow through states, instead of allowing Tribal Nations and Indigenous communities to receive funds directly. The current approach compromises tribal sovereignty and Indigenous self-determination. Historic legacies of Indigenous and African American forced relocation and dispossession raise questions about the capacity of state officials to administer climate adaptation and any potential relocation programs responsibly and equitably.

These challenges and limitations require a combination of congressional action—to authorize a new, more proactive and equitable response to disaster recovery, adaptation, and climate displacement—and executive decision making to implement this vision. State and local government support is also required to provide urgently needed and timely resources that protect the human rights and dignities of those affected. This means, above all, that any government action to address climate-forced displacement by the Biden administration should prioritize the human rights and needs of affected

communities by focusing on their informed decision making, knowledge, priorities, and leadership. These elements are essential for an inclusive and just approach that avoids perpetuating historical legacies of harm, neglect, and inequitable government responses that have caused irreparable damage to frontline communities.

These recommendations complement existing congressional actions and related policy recommendations provided by other nongovernmental organizations (NGOs).[4]

INCREASE RESOURCES FOR FRONTLINE COMMUNITIES

Congress should increase funding to relevant federal programs and create more programs that specifically target the particular needs and unique vulnerabilities of frontline communities. Executive agencies should identify and address the barriers that frontline communities face in accessing current resources that would help them to build their resiliency and adapt in place (i.e., make necessary changes in infrastructure to remain in place). Examples of existing federal programs that should be strengthened include the Bureau of Indian Affairs Tribal Resilience Program and the Housing and Urban Development's Indian Community Development Block Grant (ICDBG) and the ICDBG Imminent Threat Program. Examples of programs that need significant improvements in order to be effective for communities include: at the Federal Emergency Management Agency's (FEMA), the Building Resilient Infrastructure and Communities (BRIC) program and the Hazard Mitigation Grant Program; Environmental Protection Agency (EPA) programs; National Oceanic and Atmospheric Administration (NOAA) programs; and the US Army Corps of Engineers programs.

The government should make it easier for community-based organizations and Tribal Nations to access resources—especially those that serve historically disenfranchised communities—by practicing affirmative outreach to communities in appropriate languages and making public information about funding programs more understandable and accessible. This may mean sharing information about federal funding programs through radio, mail, and social media in addition to posting on websites. The government should ensure that communities understand what they need to do to access funding and that information reaches communities well within the projected funding deadlines. Other important ways of making funding accessible include removing the cost-sharing burden for federal programs; providing alternatives to the standard cost-benefit methodology; streamlining federal applications; relaxing reporting requirements; expanding eligibility to communities as a whole and to those who do not own land or property, like renters; resourcing the infrastructure needs of climate-affected communities, including ensuring reliable access to affordable water, power, and broadband internet; and providing long-term technical assistance to support communities in applying to federal grant programs. The government should provide funds based on social and economic need and eliminate competition-based grant programs that pit communities with few resources against those with significantly more resources.[5]

GRANT FEDERAL FUNDS DIRECTLY TO COMMUNITIES

Burdensome federal program requirements disqualify smaller communities and community groups from accessing federal climate change funds directly and perpetuate systemic institutional barriers. Larger NGOs that have the capacity to apply for and manage funds are privileged in this context, which further marginalizes smaller

communities that lack a direct connection with these NGOs. Many small community groups rely on the already-limited funding that they have to apply for federal funds due to the excess time and resources they require, with no guarantee that their applications will be successful. When federal funds are funneled through state and local government programs, issues of transparency and accountability surface; communities are left to wonder about the ways that these entities handle federal funds, the type of screening that are carried out to identify who the funds should go to, and the time it takes for these funds to be delivered. These issues delay the ability of communities to recover quickly and to protect themselves from the ongoing impacts of the climate crisis, extreme weather and water events—limiting communities' access to public infrastructure, jobs, health care, safe housing, food, water, and other basic human needs. Granting funds directly to communities supports their agency, builds their capacity to receive more funds directly, and, particularly for Indigenous Peoples, supports their tribal sovereignty and right to self-determination. As much as possible, federal funding should flow directly to affected communities or to designated community-based organizations to address their urgent needs.

MAKE FEMA MORE EQUITABLE

The Biden administration should push Congress to amend the Stafford Act so that sea-level rise, permafrost melt, and other types of slow, ongoing climate change events may receive Presidential Disaster Declarations, which would require FEMA to respond effectively to communities facing these disasters. The Stafford Act is the primary disaster relief and response legislation in the United States that governs FEMA. It does not adequately take into consideration slow, ongoing climate-induced environmental changes, such as sea-level rise and permafrost thaw, as major disasters, although they are some of the key drivers of environmental change, causing flooding and forcing many frontline communities to consider relocation. While FEMA has a policy for sea-level rise considerations for communities in rebuilding and hazard mitigation planning, the Stafford Act would need to authorize any upgrades of infrastructures to implement these plans. In addition, FEMA's current funding program that addresses sea-level rise is inadequate. FEMA's BRIC program provides for pre-disaster funding. One of the six criteria for its qualitative evaluation of applications is "Future Conditions," which includes "expected population growth or shrinkage, land use and development shifts, aging population, shifts in income or employment, changes in housing needs, sea level rise, more intense rainfall events, increasing storm frequency, etc." [6] While FEMA's programs may include sea-level rise or permafrost thaw as one of a broad range of "future conditions," neither the Stafford Act nor its hazard mitigation funds specifically refer to them as major threats. Rather, by broadly defining what constitutes "future conditions," it creates another layer of competition with the "future conditions" of other applicants.

The federal government should address the racial disparity in the distribution of federal funds and ensure the equitable distribution of federal disaster recovery aid. Communities of color receive fewer federal disaster relief loans than white communities due to systemic inequities, such as bad credit scores and endemic poverty.[7] On average, Alaska Natives and citizens of American Indian Tribes receive only $3 per year in federal disaster aid from the federal government, while other US citizens receive $26 per year.[8] This statistic does not include members of non-federally recognized Tribes, who may receive less than $3 per year. In addition, federally recognized Tribes are not guaranteed that FEMA will cover the full costs of long-term mitigation or permanent non-emergency repairs,[9] and Tribes often fail to qualify for FEMA's flood insurance, disaster recovery programs, and grants for

disaster mitigation and preparedness in part because of their small populations and remote locations, which make collection of government-required technical data difficult and cost-benefit analyses prohibitively expensive. FEMA's technical assistance to Tribes is also often inadequate because Tribes must navigate several different layers of government and face onerous application and paperwork requirements.[10] FEMA should dedicate more funding to long-term mitigation solutions and tailor its responses to suit the specific capabilities and vulnerabilities of Tribes. For instance, Tribes without federal recognition do not qualify for federal resources or technical assistance and, therefore, do not qualify for FEMA support during disasters unless they do so as "non-profit agencies," which greatly limits their options. The federal government should make funding for Indigenous communities and other self-identified historied communities more flexible and expand existing programs to assist those that lack recognition. The federal government should increase the rate of recovery aid to $26 per Tribal citizen per year or more for all Tribes in the United States, including for state and non-federally recognized Tribes, and prioritize disaster recovery aid in communities of color based on their social and economic vulnerabilities, instead of using these parameters to disqualify them.

FEMA should recognize that not all communities recover from a disaster equally and that preexisting socioeconomic burdens and racial injustices make some communities less able to recover than others. Communities already facing economic hardships are further burdened when they do not receive timely reimbursements from FEMA or are deemed ineligible to receive FEMA assistance if they did not receive a federal disaster declaration. This does not take into account the reality that for low-income communities, a simple power outage could cause significant economic and social burdens that put them at high risk of permanent displacement. FEMA should streamline its processes to ensure that affected communities receive funding and effective technical assistance in a timely and responsive manner. FEMA should proactively engage with local government and states to coordinate federal government support, to ensure that those who are most affected and least able to access resources are prioritized. FEMA should also make disaster preparedness tools more accessible for frontline communities, to help them prepare their communities and to understand what they need to do if they need to access FEMA resources. In particular, if frontline households and/or communities need to relocate temporarily in advance of a disaster, FEMA should work with local and state officials to coordinate resources to facilitate this decision in a timely manner, instead of limiting their response to issuing evacuation orders. In particular, FEMA should expand the scope of its BRIC program to allow communities to access resources to move to safety in advance of natural hazard events.

In addition, FEMA's funding to build back public infrastructure and to rebuild homes is insufficient, causing delays in the ability of communities to recover and, in many cases, placing them at risk of additional catastrophes and threats. FEMA should prioritize funding to rebuild public infrastructure in frontline communities and to rebuild homes. FEMA should also advocate for more financial resources to provide displaced individuals and/or households with adequate housing while they wait to rebuild, and it should include measures to protect tenants from eviction as a condition of financial assistance for property owners.

ESTABLISH A JUST RESPONSE TO SUPPORT ADAPTATION IN PLACE AND RELOCATION

The US Government Accountability Office identified that "unclear federal leadership is the key challenge to climate migration as a resilience strategy."[11] Currently, there is no lead federal agency tasked with managing and coordinating the federal government's climate crisis response, nor is there dedicated funding to support community relocation efforts and adaptation measures to prevent communities from forced relocation, instead of adaptation in place. While the federal programs identified above (in Sec. 2) increase resiliency and reduce hazards (and thus 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, most communities use their available funds to pay 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.[12] However, due to the lack of community-specific risk assessments, it is likely that this estimate is significantly less than the actual need.

While the need for dedicated funding for adaptation in place and relocation is clear, it is important to recognize that current funding can only support material upgrades to homes and infrastructure. Estimates do not account for the true costs to a community, including loss of sacred sites, cultural values, burial sites, health and social well-being, and other intrinsic values—which 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 disaster planning at the state and federal levels.

ESTABLISH A HUMAN RIGHTS GOVERNANCE FRAMEWORK

The federal government should establish a governance framework for climate-forced displacement that protects the rights and dignity of communities and provides them with financial resources and effective support. To achieve this, we offer the following recommendations:

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. Executive-branch departments constituent of 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 rule making to implement the creation of such a cross-departmental working group. Congress should also authorize the creation of a formal interagency group (based on the model of the National Fish and Wildlife Foundation) that would allow agencies to work collaboratively with community leaders, NGOs, and academic institutions. Concurrently, Congress should create a new cabinet-level position focused on climate-induced resettlement, drawing on the historical experience of the former US Resettlement Administration.

2. At a minimum, the working group should comprise relevant government and non-governmental actors, but primarily leaders from affected communities. The representatives of the coalition drafting this policy brief are willing to join the working group. We are led by leaders of impacted communities, researchers, legal experts, and policy advocates.
3. 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.
4. Building on existing information, the working group should review all existing legislation that may be triggered in situations of adaptation in place or relocation, in order 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:

5. 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.
6. Develop an understanding of climate risks, how communities are being affected, and the role of local and tribal governments, state agencies, and the federal government.
7. Develop a set of criterions and thresholds that will trigger state, local, Tribal, and federal government responses and action.
8. Advocate for congressional action to designate federal funding for adaptation-in-place and relocation efforts and agency responses.
9. Dedicate technical and financial resources to support frontline communities in their decision making and meaningful engagement with federal agencies.
10. Designate an independent oversight committee that will include community-elected representatives to monitor all government responses, including the role of the interagency working group mentioned in recommendation 1 above, in order to ensure transparency and accountability and respect for human rights.
11. Undertake a review of all federal regulatory permitting processes involved in relocation efforts in an effort to simplify them.
12. Pool together all existing federal funding programs that support a community's decision to adapt in place or relocate to relieve the burden on communities to navigate multiple funding requirements.
13. Support Tribal, state, and local government efforts in assessing and identifying communities at high risk of climate-forced displacement.
14. Support Indigenous communities that choose to relocate in acquiring lands that are sufficient and appropriate to meet their needs and lifeways.
15. Provide planning guidance for tribal governments, local governments, municipalities, cities, and states for adaptation in place and relocation.
16. Raise awareness about climate-forced displacement and the role of robust community engagement in ensuring just and equitable government responses.

17. Create more spaces for information sharing and learning among local governments, state, and federal government agencies, and other NGO entities and frontline communities in an effort to continually improve policy practices and responses.

18. 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.

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[1]TUSGCRP, 2018. Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 1515 pp. doi: 10.7930/NCA4.2018. https://nca2018.globalchange.gov

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[3]These 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.

[4]Senator Markey's Global Climate Change Resilience Bill & U.S.GAO report on Climate Migration and RCUSA policy recommendations & climate migration issue brief developed by Refugees International.

[5]http://assets.bwbx.io/documents/users/iqjWHBFdfxIU/rqCoiOj.HYkQ/v0

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[8]Allison Herrera, "U.S. citizens receive $26 per person in federal disaster aid. Tribal citizens get $3," CrossCut, November 11, 2019, https://crosscut.com/2019/11/us-citizens-receive-26-person-federal-disaster-aid-tribal-citizens-get-3

[9]Ibid. or Allison Herrera, "U.S. citizens receive $26 per person in federal disaster aid. Tribal citizens get $3," CrossCut, November 11, 2019, https://crosscut.com/2019/11/us-citizens-receive-26-person-federal-disaster-aid-tribal-citizens-get-3

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[11]US GAO, 2020. https://www.gao.gov/assets/gao-20-488.pdf

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