

118TH CONGRESS
1ST SESSION

H. R. 4300

To clarify the inability of the President to declare national emergencies under the National Emergencies Act, major disasters or emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and public health emergencies under the Public Health Service Act on the premise of climate change, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2023

Mr. PFLUGER (for himself, Mr. HERN, Mr. RESCHENTHALER, Mrs. MILLER of Illinois, Mr. PERRY, Mr. MCCLINTOCK, Mr. STEUBE, Mr. GOOD of Virginia, Mr. ARRINGTON, Mr. WEBER of Texas, Mr. BABIN, Mr. HIGGINS of Louisiana, Mr. MEUSER, Mr. DONALDS, Mr. DUNCAN, Mr. PALMER, Mr. ROUZER, and Ms. VAN DUYNÉ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To clarify the inability of the President to declare national emergencies under the National Emergencies Act, major disasters or emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and public health emergencies under the Public Health Service Act on the premise of climate change, 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. SHORT TITLE.**

4 This Act may be cited as the “Real Emergencies
5 Act”.

6 **SEC. 2. CLARIFICATION OF EXECUTIVE INABILITY TO DE-**
7 **CLARE CERTAIN NATIONAL EMERGENCIES,**
8 **MAJOR DISASTERS, EMERGENCIES, AND PUB-**
9 **LIC HEALTH EMERGENCIES.**

10 (a) NATIONAL EMERGENCY.—The President may not
11 declare a national emergency under the National Emer-
12 gencies Act (50 U.S.C. 1601 et seq.) on the premise of
13 climate change.

14 (b) MAJOR DISASTER; EMERGENCY.—The President
15 may not declare a major disaster or emergency under sec-
16 tion 401 or 501, respectively, of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42 U.S.C.
18 5170, 5191) on the premise of climate change.

19 (c) PUBLIC HEALTH EMERGENCY.—The President
20 may not declare a public health emergency under section
21 319 of the Public Health Service Act (42 U.S.C. 247d)
22 on the premise of climate change.

23 (d) RULE OF CONSTRUCTION.—Nothing in this Act
24 shall be construed to imply the authority of the President

1 before the date of enactment of this Act to declare, on
2 the premise of climate change—

3 (1) a national emergency under the National
4 Emergencies Act (50 U.S.C. 1601 et seq.);

5 (2) a major disaster or emergency under the
6 under section 401 or 501, respectively, of the Robert
7 T. Stafford Disaster Relief and Emergency Assist-
8 ance Act (42 U.S.C. 5170, 5191); or

9 (3) a public health emergency under section
10 319 of the Public Health Service Act (42 U.S.C.
11 247d).

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