

117TH CONGRESS
2D SESSION

H. R. 7404

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2022

Mr. MCKINLEY (for himself, Mr. PFLUGER, Mr. ELLZEY, Mr. MAST, Mr. MOONEY, Mr. SMITH of Nebraska, Mr. MCCLINTOCK, Ms. HERRELL, Mr. VAN DREW, Mr. PERRY, and Mr. CARTER of Georgia) 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 authority of the President to declare certain national emergencies under the National Emergencies Act, certain major disasters or emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or 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 “The Real Emergencies
5 Act”.

6 **SEC. 2. CLARIFICATION OF EXECUTIVE AUTHORITY TO**
7 **DECLARATION OF NATIONAL EMERGENCY,**
8 **MAJOR DISASTER, EMERGENCY, AND PUBLIC**
9 **HEALTH EMERGENCY.**

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 an emergency or major disaster under the
16 Robert T. Stafford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5121 et seq.) on the premise of cli-
18 mate 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) SAVINGS CLAUSE.—Nothing in this Act shall be
24 construed to imply the authority of the President before
25 the date of enactment of this Act to declare a national

1 emergency under the National Emergencies Act (50
2 U.S.C. 1601 et seq.), emergency or major disaster under
3 the Robert T. Stafford Disaster Relief and Emergency As-
4 sistance Act (42 U.S.C. 5121 et seq.), or public health
5 emergency under section 319 of the Public Health Service
6 Act (42 U.S.C. 247d) on the premise of climate change.

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