

Suspend the Rules and Pass the Bill, H.R. 6972, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2D SESSION

H. R. 6972

To amend title 5, United States Code, to require an Executive agency whose head is a member of the National Security Council to notify the Executive Office of the President, the Comptroller General of the United States, and congressional leadership of such head becoming medically incapacitated within 24 hours, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2024

Mrs. KIGGANS of Virginia (for herself, Mr. DAVIS of North Carolina, Mr. WITTMAN, Mr. FALLON, Mr. VAN ORDEN, Ms. MACE, Mr. GIMENEZ, Mr. MOYLAN, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To amend title 5, United States Code, to require an Executive agency whose head is a member of the National Security Council to notify the Executive Office of the President, the Comptroller General of the United States, and congressional leadership of such head becoming medically incapacitated within 24 hours, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing Chain of
3 Command Continuity Act”.

4 **SEC. 2. NATIONAL SECURITY COUNCIL MEDICAL INCA-
5 PACITY NOTIFICATION ENHANCEMENT.**

6 Section 3349 of title 5, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(c)(1) Not later than 24 hours after the head of an
10 Executive agency who is a member of the National Secu-
11 rity Council becomes medically incapacitated or 24 hours
12 in advance of a planned medical procedure where incapaci-
13 tation is known or may be reasonably assumed, the person
14 serving or who will be serving in an acting capacity as
15 such head or, if no person is or will be so acting, the first
16 assistant to the office of such head, shall submit to the
17 appropriate Federal officials a notification that such head
18 is or will be medically incapacitated.

19 “(2) If the notification required by paragraph (1)
20 with respect to a head of an Executive agency becoming
21 medically incapacitated is not submitted in accordance
22 with the requirements of such paragraph, not later than
23 72 hours after such head became subject to such medical
24 incapacity the person serving in an acting capacity as such
25 head or, if no person is so acting, the first assistant to

1 the office of such head, shall submit to the appropriate
2 Federal officials a report including—

3 “(A) the name of each individual who served in
4 an acting capacity as such head pursuant to such
5 medical incapacity and, for each such individual—

6 “(i) the dates of such service;

7 “(ii) whether such individual was author-
8 ized to serve in such acting capacity; and

9 “(iii) a comprehensive list of resources and
10 authorities allocated to such individual while
11 serving in such acting capacity to ensure that
12 such individual could perform the functions and
13 duties of the office of such head;

14 “(B) an explanation why the notification re-
15 quired by paragraph (1) was not submitted in ac-
16 cordance with the requirements of such paragraph;

17 “(C) the dates of such head’s medical incapaci-
18 tation, and if such head has resumed performing the
19 functions and duties of the office, the date such
20 head so resumed performing such functions and du-
21 ties; and

22 “(D) an explanation why such head was medi-
23 cally incapacitated.

24 “(3) In the event the head of an Executive agency
25 remains medically incapacitated on the date the report is

1 submitted under paragraph (2), the person serving in an
2 acting capacity as such head or, if no person is so acting,
3 the first assistant to the office of such head, shall submit
4 periodic updates, as such person or first assistant con-
5 siderers appropriate, to such report to the appropriate Fed-
6 eral officials.

7 “(4) In this subsection—

8 “(A) the term ‘appropriate Federal officials’
9 means the Executive Office of the President, the
10 Comptroller General of the United States, the Ma-
11 jority Leader of the Senate, the Minority Leader of
12 the Senate, the Speaker of the House of Representa-
13 tives, and the Minority Leader of the House of Rep-
14 resentatives;

15 “(B) the terms ‘medical incapacity’ and ‘medi-
16 cally incapacitated’ mean, with respect to the head
17 of an Executive agency, that such head is unable to
18 perform the functions and duties of the office of
19 such head due to sickness, injury, or other medical
20 condition and such inability to perform the functions
21 and duties of the office of such head constitutes a
22 vacancy of the office of such head to which this sec-
23 tion and sections 3345, 3346, 3347, 3348, 3349a,
24 3349b, 3349c, and 3349d apply; and

1 “(C) the term ‘National Security Council’
2 means the council established under section 101 of
3 the National Security Act of 1947 (50 U.S.C.
4 3021).”.