

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, the person
12 serving in an acting capacity as such head or, if no person
13 is so acting, the first assistant to the office of such head,
14 shall submit to the Executive Office of the President, the
15 Comptroller General of the United States, the Majority
16 Leader of the Senate, the Minority Leader of the Senate,
17 the Speaker of the House of Representatives, and the Mi-
18 nority Leader of the House of Representatives a notifica-
19 tion that such head is medically incapacitated.

20 “(2) If the notification required by paragraph (1)
21 with respect to a head of an Executive agency becoming
22 medically incapacitated is not submitted in accordance
23 with the requirements of such paragraph, not later than
24 30 days after the date on which such head became subject
25 to such medical incapacity the person serving in an acting
26 capacity as such head or, if no person is so acting, the

1 first assistant to the office of such head, shall submit to
2 the Executive Office of the President, the Comptroller
3 General of the United States, the Majority Leader of the
4 Senate, the Minority Leader of the Senate, the Speaker
5 of the House of Representatives, and the Minority Leader
6 of the House of Representatives a report including—

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

10 “(i) the dates of such service;

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

13 “(iii) a comprehensive list of resources al-
14 located to such individual while serving in such
15 acting capacity to ensure that such individual
16 could perform the functions and duties of the
17 office of such head;

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

21 “(C) the dates during which such head was sub-
22 ject to such medical incapacity, including the date
23 on which such head resumed performing the func-
24 tions and duties of the office of the head; and

1 “(D) an explanation why such head was medi-
2 cally incapacitated.

3 “(3) In this subsection:

4 “(A) The terms ‘medical incapacity’ and ‘medi-
5 cally incapacitated’ mean, with respect to the head
6 of an Executive agency, that such head is unable to
7 perform the functions and duties of the office of
8 such head due to sickness and such inability to per-
9 form the functions and duties of the office of such
10 head constitutes a vacancy of the office of such head
11 to which this section and sections 3345, 3346, 3347,
12 3348, 3349a, 3349b, 3349c, and 3349d apply.

13 “(B) The term ‘National Security Council’
14 means the council established under section 101 of
15 the National Security Act of 1947 (50 U.S.C.
16 3021).”.

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