

## Calendar No. 711

118TH CONGRESS  
2D SESSION**H. R. 6972****[Report No. 118-305]**

## IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**AN ACT**

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).”.

5   **SECTION 1. SHORT TITLE.**

6           *This Act may be cited as the “Securing Chain of Com-  
7   mand Continuity Act”.*

8   **SEC. 2. NATIONAL SECURITY COUNCIL MEDICAL INCA-  
9                           PACITY NOTIFICATION ENHANCEMENT.**

10          *Section 3349 of title 5, United States Code, is amended  
11   by adding at the end the following new subsection:*

12          “(c)(1) *Not later than 24 hours after the head of an  
13   Executive agency who is a member of the National Security  
14   Council becomes medically incapacitated or 24 hours in ad-  
15   vance of such head undergoing a planned medical procedure  
16   for which medical incapacity is known or may be reason-  
17   ably assumed, the first assistant to the office of such head  
18   shall submit to the appropriate Federal officials—*

19                 “(A) *a notification that such head is or will be  
20   medically incapacitated; and*

21                 “(B) *the name of the individual who will serve  
22   in an acting capacity or otherwise perform the func-  
23   tions and duties of the office of such head during the  
24   medical incapacitation of the head.*

1       “(2) If the notification required under paragraph (1)  
2 with respect to the head of an Executive agency who is a  
3 member of the National Security Council is not submitted  
4 in accordance with the requirements under paragraph (1),  
5 not later than 72 hours after such head becomes subject to  
6 a medical incapacity, the first assistant to the office of such  
7 head shall submit to the appropriate Federal officials a re-  
8 port including—

9               “(A) the name of each individual who served or  
10 is serving in an acting capacity as such head or oth-  
11 erwise performed or is performing the functions and  
12 duties of the office of such head pursuant to such med-  
13 ical incapacity and, for each such individual—

14               “(i) the dates of such service or, if such head  
15 has not resumed performing the functions and  
16 duties of the office of such head, the expected  
17 dates of service;

18               “(ii) the authority for the individual to  
19 serve in such acting capacity or otherwise per-  
20 form the functions and duties of the office of such  
21 head; and

22               “(iii) a comprehensive list of resources and  
23 authorities allocated to such individual while  
24 serving in such acting capacity or otherwise per-  
25 forming the functions and duties of the office of

1           *such head to ensure that such individual could*  
2           *perform the functions and duties of the office of*  
3           *such head;*

4           “(B) *the dates of such head’s medical incapacita-*  
5           *tion, and if such head has resumed performing the*  
6           *functions and duties of the office, the date such head*  
7           *so resumed performing such functions and duties; and*

8           “(C) *an explanation of why such head was medi-*  
9           *cally incapacitated.*

10          “(3) *In the event the head of an Executive agency who*  
11          *is a member of the National Security Council remains*  
12          *medically incapacitated on the date the report is submitted*  
13          *under paragraph (2), the first assistant to the office of such*  
14          *head shall submit periodic updates, as the first assistant*  
15          *considers appropriate, to such report to the appropriate*  
16          *Federal officials.*

17          “(4) *If the head of an Executive agency who is a mem-*  
18          *ber of the National Security Council and is medically inca-*  
19          *pacitated does not have a first assistant, the individual per-*  
20          *forming the functions and duties of the first assistant shall*  
21          *perform the reporting obligations of the first assistant under*  
22          *this subsection.*

23          “(5) *In this subsection—*

24                 “(A) *the term ‘appropriate Federal officials’*  
25                 *means the Majority Leader of the Senate, the Minor-*

1 *ity Leader of the Senate, the Speaker of the House of*  
2 *Representatives, the Minority Leader of the House of*  
3 *Representatives, and each required recipient of a re-*  
4 *port under subsection (b);*

5 *“(B) the terms ‘medical incapacity’ and ‘medi-*  
6 *cally incapacitated’ mean, with respect to the head of*  
7 *an Executive agency, that such head is unable to per-*  
8 *form the functions and duties of the office of such*  
9 *head due to sickness, injury, or other medical condi-*  
10 *tion; and*

11 *“(C) the term ‘National Security Council’ means*  
12 *the council established under section 101 of the Na-*  
13 *tional Security Act of 1947 (50 U.S.C. 3021).”.*

14 **SEC. 3. NO ADDITIONAL FUNDS.**

15 *No additional funds are authorized to be appropriated*  
16 *for the purpose of carrying out this Act or the amendment*  
17 *made by this Act.*





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## **AN ACT**

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