

118TH CONGRESS  
2D SESSION

# H. R. 7622

To amend title 5, United States Code, to require any member of the President's cabinet who is temporarily unable to perform the functions and duties of office to provide notice to the President, the Congress, and the public of their absence, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2024

Mr. CLYDE (for himself, Mr. McCORMICK, Mr. MOONEY, Mrs. MILLER of Illinois, Mr. HUNT, Ms. BOEBERT, Mr. ROSENDALE, Mr. BRECHEEN, Mr. GOSAR, Mr. BURLISON, Mr. HARRIS, Mr. PALMER, and Mr. CRANE) 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 any member of the President's cabinet who is temporarily unable to perform the functions and duties of office to provide notice to the President, the Congress, and the public of their absence, 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 “Announcement of Un-  
5 availability by Secretaries Through Informational Notifi-  
6 cations Act of 2024” or the “AUSTIN Act of 2024”.

1 **SEC. 2. NOTIFICATION OF INABILITY TO PERFORM FUNC-**  
2 **TIONS AND DUTIES OF CABINET-LEVEL POSI-**  
3 **TIONS.**

4 (a) IN GENERAL.—Subchapter III of chapter 33 of  
5 title 5, United States Code, is amended by inserting after  
6 section 3349e the following:

7 **“§ 3349f. Notification of inability to perform functions**  
8 **and duties of cabinet-level position**

9 “(a) NOTIFICATION.—

10 “(1) IN GENERAL.—If any cabinet-level official  
11 is unable to perform the functions and duties of  
12 their office, including during any absence due to ill-  
13 ness, the cabinet-level official shall—

14 “(A) submit a notification (in writing) to  
15 the President and congressional leaders; and

16 “(B) publish, on the public website of the  
17 cabinet-level official’s employing agency, the no-  
18 tification not later than 24 hours after submit-  
19 ting such notification.

20 “(2) CONTENTS.—Any notification submitted  
21 under paragraph (1) shall include—

22 “(A) a description of the reasons the cabi-  
23 net-level official is unable to perform the func-  
24 tions and duties of their office; and

25 “(B) a timeline setting forth the first day  
26 the cabinet-level official will be unable to per-

1 form the functions and duties of their office  
2 and the date the cabinet-level official expects to  
3 be able to resume performance of such func-  
4 tions and duties.

5 “(3) DATE OF SUBMISSION.—Except as pro-  
6 vided in subsection (c), the cabinet-level official shall  
7 submit notice under this subsection before such cabi-  
8 net-level official is unable to perform the functions  
9 and duties of their office.

10 “(4) NATIONAL SECURITY WAIVER.—

11 “(A) IN GENERAL.—The President may  
12 waive the publication requirement under para-  
13 graph (1)(B) if the President determines such  
14 publication would severely jeopardize United  
15 States national security. The President shall  
16 submit a notice of such waiver (in writing) to  
17 the congressional leaders with a detailed expla-  
18 nation of the reasons for the waiver.

19 “(B) PUBLICATION.—Notwithstanding  
20 subclause (A), any of the congressional leaders  
21 may publish the applicable notification waived  
22 under such subclause if that congressional lead-  
23 er determines the President’s reasons under  
24 such subclause do not merit the waiver.

1       “(b) END OF PERIOD OF ABSENCE.—Any cabinet-  
2 level official who, after a period of inability to perform  
3 the functions and duties of the office, shall—

4               “(1) on the date such official is able to resume  
5 the performance of such functions and duties, sub-  
6 mit a notification (in writing) to the President and  
7 the congressional leaders; and

8               “(2) publish, on the public website of the cabi-  
9 net-level official’s employing agency, the notification  
10 not later than 24 hours after submitting such notifi-  
11 cation.

12       “(c) DESIGNEE.—

13               “(1) IN GENERAL.—If the cabinet-level official  
14 is incapacitated or otherwise unable to carry out  
15 subsection (a) or (b), the individuals designated  
16 under this subsection shall make the notifications  
17 and publications required under such subsections (a)  
18 and (b).

19               “(2) DESIGNATION.—Not later than 60 days  
20 after the date a cabinet-level official assumes the du-  
21 ties of their office, the cabinet-level official—

22                       “(A) shall designate at least one employee  
23 of the employing agency of the cabinet-level of-  
24 ficial to carry out this subsection; and

1           “(B) submit, to the congressional commit-  
2           tees of jurisdiction, a report identifying each  
3           employee designated under subparagraph (A).

4           “(3) NEW DESIGNEE.—The cabinet-level official  
5           may designate any other employees if the individuals  
6           designated under paragraph (2) are unable or no  
7           longer eligible to carry out the duties of a designee  
8           under this subsection. On the date of such a subse-  
9           quent designation, the cabinet-level official shall sub-  
10          mit, to the congressional committees of jurisdiction,  
11          a notification of the change in designees.

12          “(4) PRIVACY ACT.—Section 552a (popularly  
13          known as the Privacy Act of 1974) shall not apply  
14          to any individual designated under this subsection  
15          for purposes of making the notice and publication  
16          required by this section.

17          “(d) ENFORCEMENT.—

18                 “(1) OFFENSE.—It shall be unlawful for any  
19                 cabinet-level official or any designee under sub-  
20                 section (c) to knowingly—

21                         “(A) withhold information that prevents  
22                         the implementation of this section; or

23                         “(B) fail to carry out this section.

24                 “(2) PENALTY.—No Federal funds may be used  
25                 for the salary or expenses of any person who violates

1 paragraph (1). It is the sense of Congress that such  
2 person’s employment with the United States should  
3 be immediately terminated and such person should  
4 be subject to debarment.

5 “(e) DEFINITIONS.—In this section—

6 “(1) the term ‘cabinet-level official’ means—

7 “(A) the head of any Executive department  
8 (as that term is defined in section 101); and

9 “(B) any other officer or employee who is  
10 a member of the President’s cabinet; and

11 “(2) the term ‘congressional leaders’ means the  
12 Speaker of the House of Representatives, the minor-  
13 ity leader of the House of Representatives, the ma-  
14 jority leader of the Senate, the minority leader of  
15 the Senate, the chair and ranking member of any  
16 committee of jurisdiction of the House of Represent-  
17 atives or the Senate, the chair and ranking member  
18 of the Committee on Oversight and Accountability of  
19 the House of Representatives, and the chair and  
20 ranking member of the Committee on Homeland Se-  
21 curity and Governmental Affairs of the Senate.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 for subchapter III of chapter 33 of title 5, United States  
24 Code, is amended by inserting after the item relating to  
25 section 3349e the following:

“3349f. Notification of inability to perform functions and duties of cabinet-level position.”.

