

HR 6972 -- Redline

Referred in Senate to Reported -- Securing Chain of Command Continuity Act

Deletions ~~struck~~ · Insertions underlined

6972 ~~Referred~~Reported in Senate ~~(RFS)}~~(RS)} <DOC> ~~118th~~Calendar ~~CONGRESS~~No. ~~2d Session H.~~
711 118th CONGRESS 2d Session H.

6972 ~~_____~~[Report IN~~THE SENATE OF~~
~~THE UNITED STATES May 7, 2024 Received;~~
~~read~~118-305] ~~twice and referred to the Committee on Homeland Security and Governmental Affairs~~

~~_____~~AN IN ACT~~THE To~~SENATE ~~amend~~OF
~~title~~THE 5,~~UNITED~~ ~~United~~UNITED STATES ~~States~~May Code, 7, ~~to~~2024 ~~require~~Received; ~~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.~~

~~Be~~read ~~it~~twice enacted and by ~~referred to the Senate Committee and on House~~Homeland of Security
~~Representatives and of Governmental the Affairs United~~December States~~17 of (Legislative America~~
~~day,~~in December Congress~~16), assembled, 2024 SECTION~~Reported 1-~~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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress
assembled, <DELETED>SECTION 1.

SHORT TITLE.</DELETED> <DELETED> This Act may be cited as the ``Securing Chain of Command Continuity
Act''.</DELETED> <DELETED>SEC.

2.

NATIONAL SECURITY COUNCIL MEDICAL INCAPACITY NOTIFICATION ENHANCEMENT.</DELETED> <DELETED> Section 3349
of title 5, United States Code, is amended by adding at the end the following new subsection:</DELETED>
<DELETED> ``(c)(1) Not later than 24 hours after the head of an Executive agency who is a member of the
National Security Council becomes medically incapacitated or 24 hours in advance of a planned medical
procedure where incapacitation is known or may be reasonably assumed, the person serving or who will be
serving in an acting capacity as such head or, if no person is or will be so acting, the first assistant
to the office of such head, shall submit to the appropriate Federal officials a notification that such
head is or will be medically incapacitated.</DELETED> <DELETED> ``(2) If the notification required by
paragraph (1) with respect to a head of an Executive agency becoming medically incapacitated is not
submitted in accordance with the requirements of such paragraph, not later than 72 hours after such head
became subject to such medical incapacity the person serving in an acting capacity as such head or, if
no person is so acting, the first assistant to the office of such head, shall submit to the appropriate
Federal officials a report including--</DELETED> <DELETED> ``(A) the name of each individual who served
in an acting capacity as such head pursuant to such medical incapacity and, for each such individual--
</DELETED> <DELETED> ``(i) the dates of such service;</DELETED> <DELETED> ``(ii) whether such individual
was authorized to serve in such acting capacity;

and</DELETED> <DELETED> ``(iii) a comprehensive list of resources and authorities allocated to such
individual while serving in such acting capacity to ensure that such individual could perform the
functions and duties of the office of such head;</DELETED> <DELETED> ``(B) an explanation why the
notification required by paragraph (1) was not submitted in accordance with the requirements of such
paragraph;</DELETED> <DELETED> ``(C) the dates of such head's medical incapacitation, and if such head
has resumed performing the functions and duties of the office, the date such head so resumed performing
such functions and duties;

and</DELETED> <DELETED> ``(D) an explanation why such head was medically incapacitated.</DELETED>
<DELETED> ``(3) In the event the head of an Executive agency remains medically incapacitated on the date
the report is submitted under paragraph (2), the person serving in an acting capacity as such head or,
if no person is so acting, the first assistant to the office of such head, shall submit periodic
updates, as such person or first assistant considers appropriate, to such report to the appropriate
Federal officials.</DELETED> <DELETED> ``(4) In this subsection--</DELETED> <DELETED> ``(A) the term
`appropriate Federal officials' means the Executive Office of the President, the Comptroller General of
the United States, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of
the House of Representatives, and the Minority Leader of the House of Representatives;</DELETED>
<DELETED> ``(B) the terms 'medical incapacity' and 'medically incapacitated' mean, with respect to the
head of an Executive agency, that such head is unable to perform the functions and duties of the office

of such head due to sickness, injury, or other medical condition and such inability to perform the functions and duties of the office of such head constitutes a vacancy of the office of such head to which this section and sections 3345, 3346, 3347, 3348, 3349a, 3349b, 3349c, and 3349d apply; and</DELETED> <DELETED> `` (C) the term 'National Security Council' means the council established under section 101 of the National Security Act of 1947 (50 U.S.C. 3021). ''</DELETED> SECTION 1.

`` (c)(1) Not later than 24 hours after the head of an Executive agency who is a member of the National Security Council becomes medically incapacitated or 24 hours in advance of such head undergoing a planned medical procedure ~~wherefor incapacitation~~ which medical incapacity is known or may be reasonably assumed, the ~~person serving or who will be serving in an acting capacity as such head or, if no person is or will be so acting, the first assistant to the office of such head, head~~ shall submit to the appropriate Federal officials ~~officials--~~ `` (A) a notification that such head is or will be medically incapacitated. incapacitated;

~~`` (2) and If `` (B) the notification name required by paragraph (1) with respect to a head of an Executive agency becoming medically incapacitated is not submitted in accordance with the requirements individual of who such will paragraph, serve not later than 72 hours after such head became subject to such medical incapacity the person serving in an acting capacity as or such otherwise head perform or, if no person is so acting, the first functions assistant and to duties the office of such head, shall submit to the appropriate office Federal officials a report including--~~ `` (A) the name of each individual who served in an acting capacity as such head pursuant during to the such medical incapacity incapacitation and, of for each such individual-- `` (i) the dates head of such service;

~~`` (ii) `` (2) whether If such the individual notification was required authorized under paragraph (1) with respect to serve the head of an Executive agency who is a member of the National Security Council is not submitted in accordance with the requirements under paragraph (1), not later than 72 hours after such head becomes subject to a medical incapacity, the first assistant to the office of such head shall submit to the appropriate Federal officials a report including--~~ `` (A) the name of each individual who served or is serving in an acting ~~capacity;~~ capacity as such head or otherwise performed or is performing the functions and duties of the office of such head pursuant to such medical incapacity and, for each such individual-- `` (i) the dates of such service or, if such head has not resumed performing the functions and duties of the office of such head, the expected dates of service;

and `` (ii) ~~`` (iii) the a authority comprehensive for list the of individual resources and authorities allocated to such serve individual while serving in such acting capacity to or ensure otherwise that such individual could perform the functions and duties of the office of such head;~~

~~`` (B) and an `` (iii) explanation a why comprehensive the list notification of required resources by and paragraph authorities (1) allocated was to not such submitted individual while serving in accordance such with acting capacity or otherwise performing the requirements functions and duties of the office of such paragraph; head to ensure that such individual could perform the functions and duties of the office of such head;~~

~~`` (C) `` (B) the dates of such head's medical incapacitation, and if such head has resumed performing the functions and duties of the office, the date such head so resumed performing such functions and duties; and~~ `` (D) `` (C) an explanation of why such head was medically incapacitated.

`` (3) In the event the head of an Executive agency who is a member of the National Security Council remains medically incapacitated on the date the report is submitted under paragraph (2), the ~~person serving in an acting capacity as such head or, if no person is so acting, the first assistant to the office of such head, head~~ shall submit periodic updates, as such the person or first assistant considers appropriate, to such report to the appropriate Federal officials.

`` (4) ~~In If this subsection--~~ `` (A) the term head appropriate of Federal an officials' Executive means agency the who Executive is Office a member of the President, National the Security Comptroller Council General and of is the medically United incapacitated States, does the not Majority have Leaders a offirst the assistant, Senate, the Minority individual Leader performing of the Senate functions the and Speaker duties of the House first of assistant Representatives, shall and perform the Minority reporting Leader obligations of the House first of assistant Representatives; under this subsection.

~~`` (B) `` (5) the In terms this 'medical subsection--~~ incapacity' `` (A) and the 'medically term incapacitated' appropriate mean, Federal with officials' respect means to the head Majority Leader of an the Executive Senate, agency, that such head is unable to perform the functions Minority and Leader duties of the office Senate, of such head due to sickness, injury, or other medical condition and such inability to perform the functions Speaker and duties of the office House of such Representatives, head the constitutes Minority a leader vacancy of the office House of such Representatives, head to which this section and section each 3345, required 3346, recipient 3347, of 3348, a 3349a, report 3349b, under 3349c, subsection and (b); 3349d apply;

`` (B) the terms 'medical incapacity' and 'medically incapacitated' mean, with respect to the head of an Executive agency, that such head is unable to perform the functions and duties of the office of such head due to sickness, injury, or other medical condition;

~~Passed SEC. the House of Representatives May 6, 2024.~~

~~Attest: 3.~~

~~KEVINNO F. ADDITIONAL FUNDS.~~

~~MCCUMBER, No Clerk. additional funds are authorized to be appropriated for the purpose of carrying out this Act or the amendment made by this Act.~~

~~Calendar No.~~

~~711 118th CONGRESS 2d Session H.~~

~~R.~~

~~6972 [Report No.~~

~~118-305] 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.~~

~~December 17 (legislative day, December 16), 2024 Reported with an amendment~~