

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Securing Chain of
- 5 Command Continuity Act”.

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

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

6 “(c)(1) Not later than 24 hours after the head of an
7 Executive agency who is a member of the National Secu-
8 rity Council becomes medically incapacitated or 24 hours
9 in advance of such head undergoing a planned medical
10 procedure for which medical incapacity is known or may
11 be reasonably assumed, the first assistant to the office of
12 such head shall submit to the appropriate Federal offi-
13 cials—

14 “(A) a notification that such head is or will be
15 medically incapacitated; and

16 “(B) the name of the individual who will serve
17 in an acting capacity or otherwise perform the func-
18 tions and duties of the office of such head during
19 the medical incapacitation of the head.

20 “(2) If the notification required under paragraph (1)
21 with respect to the head of an Executive agency who is
22 a member of the National Security Council is not sub-
23 mitted in accordance with the requirements under para-
24 graph (1), not later than 72 hours after such head be-
25 comes subject to a medical incapacity, the first assistant

1 to 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 or
4 is serving in an acting capacity as such head or oth-
5 erwise performed or is performing the functions and
6 duties of the office of such head pursuant to such
7 medical incapacity and, for each such individual—

8 “(i) the dates of such service or, if such
9 head has not resumed performing the functions
10 and duties of the office of such head, the ex-
11 pected dates of service;

12 “(ii) the authority for the individual to
13 serve in such acting capacity or otherwise per-
14 form the functions and duties of the office of
15 such head; and

16 “(iii) a comprehensive list of resources and
17 authorities allocated to such individual while
18 serving in such acting capacity or otherwise
19 performing the functions and duties of the of-
20 fice of such head to ensure that such individual
21 could perform the functions and duties of the
22 office of such head;

23 “(B) the dates of such head’s medical incapaci-
24 tation, and if such head has resumed performing the
25 functions and duties of the office, the date such

1 head so resumed performing such functions and du-
2 ties; and

3 “(C) an explanation of why such head was
4 medically incapacitated.

5 “(3) In the event the head of an Executive agency
6 who is a member of the National Security Council remains
7 medically incapacitated on the date the report is submitted
8 under paragraph (2), the first assistant to the office of
9 such head shall submit periodic updates, as the first as-
10 sistant considers appropriate, to such report to the appro-
11 priate Federal officials.

12 “(4) If the head of an Executive agency who is a
13 member of the National Security Council and is medically
14 incapacitated does not have a first assistant, the individual
15 performing the functions and duties of the first assistant
16 shall perform the reporting obligations of the first assist-
17 ant under this subsection.

18 “(5) In this subsection—

19 “(A) the term ‘appropriate Federal officials’
20 means the Majority Leader of the Senate, the Mi-
21 nority Leader of the Senate, the Speaker of the
22 House of Representatives, the Minority Leader of
23 the House of Representatives, and each required re-
24 cipient of a report under subsection (b);

1 “(B) the terms ‘medical incapacity’ and ‘medi-
2 cally incapacitated’ mean, with respect to the head
3 of an Executive agency, that such head is unable to
4 perform the functions and duties of the office of
5 such head due to sickness, injury, or other medical
6 condition; and

7 “(C) the term ‘National Security Council’
8 means the council established under section 101 of
9 the National Security Act of 1947 (50 U.S.C.
10 3021).”.

11 **SEC. 3. NO ADDITIONAL FUNDS.**

12 No additional funds are authorized to be appro-
13 priated for the purpose of carrying out this Act or the
14 amendment made by this Act.