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United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, DC 20510-6050

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JOHN P. KEAST, REPUBLICAN STAFF DIRECTOR

January 11, 2024

Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Austin,

We would like to wish you a speedy and complete recovery. We are heartened to know that your prognosis is good, and we look forward to your return to full health. However, we are concerned that critical notification procedures were not followed while you were receiving medical care the past several weeks. Based on available information, we understand that alarmingly few leaders in the Department of Defense, the White House, and Congress were aware of your condition, and that members of your senior staff neglected to fully inform senior leadership within the Department or the interagency.

The Senate Armed Services Committee has serious questions about this incident, and members need a full accounting to ensure it never happens again. We appreciate that the Department has tasked the Director of Administration and Management (DA&M) to conduct a 30-day review of the notification process for the assumption of functions and duties of the Secretary of Defense, and we are encouraged that the Department of Defense Inspector General (DoD IG) will conduct an independent review of this matter. In order for the DA&M and DoD IG reviews to be sufficient, Department of Defense officials must thoroughly address the following matters:

1. Each review should begin with the circumstances surrounding the Secretary's medical procedure and hospitalization on December 22, including the consequences of the fact that the Secretary was under general anesthesia at the time.
2. A description of the existing policies for notifying senior staff of a Secretary's medical emergency if they are not present.
3. A description of the existing policies and practices for transferring authority from the Secretary of Defense to the Deputy Secretary of Defense, and whether these policies were appropriately executed at all times.
4. The standard used by the Secretary when delegating control of the Department to the Deputy Secretary.
5. The standard for the Secretary or the Deputy Secretary to conclude that the Secretary is "unable to perform the functions and duties of the office," as prescribed in 10 USC 132 for when the Deputy performs the duties of the Secretary.
6. The Department's responsibility and duty to comply with the reporting requirements contained in the Vacancy Act under circumstances where the Secretary is temporarily unable to perform his duties due to planned medical procedures.
7. The timing and adequacy of notification to the Combatant Commanders and interagency leaders of Secretary Austin's status, including a description and assessment of operational decisions that were approved by the Deputy Secretary during this time.

The Department of Defense is the most vital element of the United States government. We expect you and the Department to address this lapse in procedure—whether intended or not—with the utmost seriousness and tenacity, and to uphold the ethic of accountability that our military holds sacred. We must work together to ensure this does not happen again, and we look forward to reviewing the forthcoming reports.

The Senate Armed Services Committee will work with you to schedule a briefing immediately upon completion of the DA&M and DoD IG reviews.

We again wish you good health and a comfortable recovery.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack Reed".

Jack Reed
Chairman

A handwritten signature in blue ink, appearing to read "Roger F. Wicker".

Roger F. Wicker
Ranking Member