



OFFICE OF THE SECRETARY OF DEFENSE
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JAN 08 2024

MEMORANDUM FOR SENIOR STAFF OF THE SECRETARY AND DEPUTY
SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
CABLES EXECUTIVE SUPPORT OFFICE
SECRETARY OF DEFENSE COMMUNICATIONS
EXECUTIVE SECRETARY

SUBJECT: Review of Notification Process for Assumption of Functions and Duties of the Secretary of Defense

In accordance with 10 U.S.C. § 132(b) and Executive Order 13533, "Providing an Order of Succession within the Department of Defense," under certain circumstances the Deputy Secretary of Defense shall act for, and exercise the powers of, the Secretary of Defense, including when the Secretary is unable to perform the functions and duties of his office. On the evening of January 1, 2024, Secretary of Defense Lloyd J. Austin III was admitted to Walter Reed National Military Medical Center for complications following a recent elective medical procedure. On January 2, 2024, certain authorities of the Secretary of Defense were transferred to the Deputy Secretary of Defense. This transfer remained in place until Friday, January 5, 2024.

I hereby direct Ms. Jennifer Walsh, the Director of Administration and Management, in consultation with the General Counsel, to immediately lead a review to identify the relevant facts and circumstances during this period and evaluate the processes and procedures through which the Deputy Secretary of Defense was notified that she should to carry out the functions and duties of the Secretary of Defense under 10 U.S.C. § 132(b) and Executive Order 13533. The purpose of such review is to better understand the facts surrounding these events and to recommend appropriate processes going forward. This review will help to ensure (1) clarity and transparency when a determination has been made that certain authorities have been transferred, and (2) that proper and timely notification has been made to the President and White House and, as appropriate, the United States Congress and the American public.

The review should include the following:

- A timeline of events and notifications beginning from the hospitalization of the Secretary of Defense on January 1, 2024;
- Examination of the current process for determining whether the Secretary is or will be unable to perform the functions and duties of his office and how such notifications will be made; and
- Recommendations for improving the existing processes for notification of the President of the United States, senior officials within the Department of Defense, and other relevant parties, as appropriate.



I hereby direct that this review be completed within 30 days.

While the review is underway and effective immediately, I direct the following:

- When a “transfer of authority” (TOA) occurs, Cables Executive Support Office (ESO) will ensure the following parties are notified via email: the General Counsel, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Combatant Commanders, the Service Secretaries, the Service Chiefs of Staff, the White House Situation Room, and the senior staff of the Secretary and Deputy Secretary of Defense.
- The email message will include the reason for the TOA (e.g., out of range of communication devices, routine medical treatment, hospitalization).
- When coordinating a pre-planned TOA, a member of the Secretary’s Military Assistant (MA) team will update me, the Deputy Secretary’s Chief of Staff, the Deputy Chiefs of Staff to the Secretary and Deputy Secretary, the Deputy Secretary’s Senior Military Assistant, and other Secretary and Deputy Secretary MAs, on the expected schedule for pre-planned TOAs. When coordinating a short-notice or emergent TOAs, the responsible MAs will rely on voice communications at a minimum, and follow-up with an email. In all cases, the email from Cables ESO will memorialize the notification.

The above immediate actions may be further amended as a result of the 30-day review. Thank you for your continued support to the Secretary and the Deputy Secretary.



Kelly E. Magsamen
Chief of Staff to
the Secretary of Defense

cc: General Counsel