



# UNCLASSIFIED SUMMARY OF 30-DAY REVIEW

FEBRUARY 26, 2024

## **Introduction:**

The 30-day review was informed by candid and cooperative participation by many relevant personnel, including those supporting the offices of the Secretary and Deputy Secretary. The review was conducted on a compressed timeframe by career civilian staff whose foremost priority was assessing the health of our institution and the strength of our chain of command. Today, the Department of Defense is releasing this unclassified summary of key events and related observations identified in the review, understanding its purpose was to establish a sufficient level of facts within the 30-day timeline to inform internal process improvements.

## **Overview of the Review:**

On January 8, 2024, the Chief of Staff to the Secretary of Defense directed a 30-day review to identify the relevant facts and circumstances related to Secretary Austin's hospitalization during the period of January 1-5, 2024 and to evaluate the processes and procedures through which the Deputy Secretary of Defense was notified that she would carry out the functions and duties of the Secretary of Defense under 10 U.S.C. § 132(b) and Executive Order 13963. The 30-day review focused on understanding the facts and evaluating the processes and procedures in place at the time to inform recommendations on process improvements, including relating to notifications. To place events in context, the review also considered certain information and events outside of January 1-5.

The review and its recommendations is helping to inform internal policy deliberations regarding lessons learned and improvements to processes and procedures.

To understand the existing framework for when the Deputy Secretary of Defense assumes the functions and duties of the Secretary of Defense, internally referred to as a "transfer of authority" or "TOA," as well as continuity operations and information sharing within the Department's senior offices, the review examined applicable law and policy.

The review also included conversations with current personnel as well as former DoD personnel with relevant experience and review of relevant records.

## **Timeline of Events:**

Secretary of Defense Lloyd Austin underwent a medical procedure related to his prostate cancer on December 22, 2023, and was subsequently released from the hospital on December 23. He remained at home, working and taking leave during the holidays.

On January 1, 2024, Secretary Austin worked on some official matters from home in the morning. In the afternoon, Secretary Austin began experiencing nausea and pain in his abdomen, hip and leg. He was transported to Walter Reed National Military Medical Center the

evening of January 1, by ambulance, and was admitted that evening. Secretary Austin's security and communications personnel remained nearby him at all times.

On January 2, Secretary Austin was transferred to the Critical Care Unit. Given the inability to provide timely communications to the Secretary while in the Critical Care Unit, the Secretary's military assistants agreed that a "transfer of authorities" to the Deputy Secretary was necessary and identified next steps in executing the transfer process and notifying additional personnel. The Secretary's and Deputy Secretary's teams executed the "transfer of authority" process during the afternoon of January 2. This included multiple calls between the Secretary's and Deputy Secretary's teams both before and after the transfer. The Secretary's Senior Military Assistant informed the Secretary's Chief of Staff and the Chairman of the Joint Chiefs of Staff about the hospitalization and TOA. He also informed the Assistant to the Secretary of Defense for Public Affairs about the Secretary's hospitalization.

During this period, the Deputy Secretary was on leave in Puerto Rico, traveling with a support staff and with timely access to all necessary communications equipment. Although Deputy Secretary Hicks, when informed of the "transfer of authority" to her, was not notified of Secretary Austin's hospitalization, she was at all times positioned to perform all the functions and duties of the Secretary.

Between the afternoon of January 2 and the afternoon of January 4, the Secretary's and the Deputy Secretary's teams continued to communicate. On January 4, the Deputy Secretary and her team were informed of Secretary Austin's hospitalization, as was the Assistant to the President for National Security Affairs. On January 5, the Department notified Congress and, shortly thereafter, released a public statement about the Secretary's hospitalization.

Over the week between January 2 and 5, Secretary Austin's medical situation improved, and he was moved from the Critical Care Unit to a different room that allowed for more privacy and communications access. He made the decision for authorities to be transferred back to him, which was executed in the evening of January 5.

### **Observations:**

The Secretary's staff focused on ensuring continuity of the mission following standing processes. Their efforts, while respecting the Secretary's privacy, combined with the uncertainty of a medical situation and its bearing on how best to execute a TOA in the absence of an established methodology for making such an unplanned decision, may have contributed to the lack of comprehensive information sharing about the situation. However, when from January 1-5, 2024, the Secretary's team was faced with an unprecedented situation, they executed a TOA in the same way they had previously done.

The Secretary's staff was limited in three significant ways. First, medical privacy laws prohibited medical providers from candid sharing of medical information with the Secretary's staff. Second, for privacy reasons, his staff were hesitant to pry or share any information that they did learn. Third, the Secretary's medical situation remained in flux and as long as he remained in the Critical Care Unit, timely secured communications could not be assured. Although, as hindsight

has shown, the process for making decisions to transfer the Secretary's authority could and should be improved, as further explained in the recommendations approved by the Secretary, nothing examined during this review demonstrated any indication of ill intent or an attempt to obfuscate.

Additional written guidance and support plans would aid in setting optimal conditions for the Secretary's and Deputy Secretary's teams to provide appropriate support for the Deputy Secretary (or another designated official in the order of succession) when assuming the functions and duties of the Secretary as Acting Secretary.

### **Secretary of Defense Approved Recommendations:**

The 30-Day Review made eight recommendations to the Secretary of Defense. Secretary Austin has subsequently provided direction to implement all eight, as noted in the memorandum that he signed today. The Department has already implemented the first two recommendations, via separate memoranda dated February 24, 2024, and will move out swiftly on implementing the remaining six recommendations.