

**STATEMENT OF
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DEPARTMENT OF DEFENSE**

**BEFORE THE
COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES**

FEBRUARY 29, 2024

On behalf of the entire Department of Defense (DoD), I am grateful to this Committee for its continued support for our brave troops, their outstanding families, and our devoted civilian workforce. They are America's greatest strategic asset.

As always, the Department remains focused on keeping America secure, including meeting the pacing challenge of the People's Republic of China; tackling new dangers in the Middle East in the wake of Hamas's horrific October 7, 2023, terrorist assault on Israel; and ensuring that, after two years of Vladimir Putin's cruel and unprovoked war of choice, Ukraine's brave defenders have the capabilities and the ammunition that they so urgently need to fight for their lives and their freedom.

I accepted the Committee's invitation to appear today to discuss questions around my hospital stay in January 2024. As I have noted, there were no gaps in authorities and no risk to the Department's command and control. Either I or the Deputy Secretary of Defense has always been fully prepared to support the President as Commander-in-Chief.

However, I also want to be clear from the outset. As I said in my February 1, 2024, press conference—and will reiterate to Members of Congress and the public today—we did not handle this right, and I did not handle this right. I should have told the President and my team about my cancer diagnosis. And I take full responsibility. I apologize to my teammates, to Congress, and to the American public. As I have frequently said, the Department is a learning organization, and we are committed to doing better.

I will briefly describe the details surrounding my cancer diagnosis and attendant hospitalizations; the steps the Department has taken to improve our processes and procedures for notifying appropriate stakeholders when the Deputy Secretary or another designated official, as determined by the order of succession or the President, assumes the duties and functions of the Secretary of Defense; and key observations and recommendations from an internal 30-day review conducted by the Department.

It may be helpful to begin with the timeline. Following my prostate cancer diagnosis, I underwent a minimally invasive prostatectomy at Walter Reed on December 22, 2023. I was placed under general anesthesia for the procedure. The Deputy Secretary assumed the functions and duties of my office and was serving as the Acting Secretary of Defense pursuant to 10 U.S.C. § 132(b), referred to internally as a "transfer of authority" (TOA), for a temporary period.

On December 23, I was discharged from the hospital and resumed my full functions and duties as Secretary of Defense.

On January 1, 2024, as an unexpected complication of the December 22 procedure, I began experiencing nausea and severe pain in my abdomen, hip, and leg. I decided to return to Walter Reed by ambulance, given the amount of pain that I was experiencing. The doctors found that I had several issues that needed treatment, including a bladder infection and abdominal problems.

On January 2, my medical condition changed, and I began to experience fever, chills, and shallow breathing. The medical staff decided to transfer me to the Critical Care Unit for closer monitoring and better team care by my doctors. Given the inability to provide timely communications to me while in the Critical Care Unit, my military assistants agreed that a TOA to the Deputy Secretary was necessary and identified next steps in executing the transfer process and notifying additional personnel. The Deputy Secretary again assumed the functions and duties of my office. The Deputy Secretary's staff and my staff, as well as the Joint Staff, were notified that the TOA had occurred through regular notification procedures. The Deputy Secretary, who was in Puerto Rico at the time, as always had access to the classified and unclassified communications systems necessary to carry out her duties and to act for, and exercise the powers of, the Secretary of Defense, as required.

On January 5, I resumed my functions and duties as Secretary of Defense from the hospital. I stayed at Walter Reed for two weeks for additional treatment, including physical therapy for some lingering issues with my leg. During my stay at Walter Reed beginning on January 1, I did not lose consciousness or undergo general anesthesia. I was discharged on January 15. I continued working from home and returned to work at the Pentagon on January 29.

On February 11, I was admitted to Walter Reed with discomfort and concern from a bladder issue related to my December 2023 prostatectomy. The Deputy Secretary of Defense was notified of my hospitalization and again assumed the functions and duties of my office. We employed the new procedures we recently put in place to prevent any lapses in notification, and the Chairman of the Joint Chiefs of Staff, the White House, and Congress were notified. Later that evening, after a series of tests and evaluations, I was admitted into the Critical Care Unit for supportive care and close monitoring. The next day, I underwent non-surgical procedures under general anesthesia to address the bladder issue. I was released from Walter Reed on February 13. I resumed my functions and duties that same day.

As I have said before, I take full responsibility for my personal decisions related to the disclosure of my cancer diagnosis. When I was diagnosed with prostate cancer, the news shook me, and my first instinct was to keep it private. But that was a mistake. In retrospect, I should have told the President and my team about my cancer diagnosis.

I did not direct anyone to keep my hospitalizations from the White House. Health matters, particularly serious illnesses such as cancer, are deeply personal, but I recognize that the office I hold requires a greater level of transparency.

As I have said publicly, I am offering this background as an explanation, not an excuse. I am extremely proud of what we have achieved at the Department over the past three years. But in this instance, we fell short.

As a rule, I do not talk about my conversations with the President, but in this case, I can reiterate that I apologized directly to President Biden. I told him that I was deeply sorry for not letting him know immediately that I had received a heavy diagnosis and was getting treatment. President Biden responded with the grace and the warm heart that anyone who knows him would expect. I remain grateful for the President's full confidence in me.

Again, at no time during my hospitalizations were there any gaps in authorities or risk to the Department's command-and-control. Either I or the Deputy Secretary of Defense was always fully prepared to support the President as Commander-in-Chief throughout the duration of my care at Walter Reed. The Deputy Secretary keeps a complete suite of unclassified and classified communications and capable staff with her at all times, regardless of geographic location, as do I. While I was in the Critical Care Unit in January, the Deputy Secretary made some routine operational and management decisions for the Department, and she was fully authorized and ready to support the President on other matters should the need have arisen.

During the week of January 8, 2024, the Department put in place certain new procedures to help prevent lapses in notification. On January 8, 2024, the Department issued a memorandum, "Review of Notification Process for Assumption of Functions and Duties of the Secretary of Defense," directing specific additional protocols to be immediately implemented pursuant to 10 U.S.C. § 132(b). Under these new procedures, in the event the Deputy Secretary of Defense, or the designated official as determined by the President or the order of succession, acts for, and exercises the powers of, the Secretary of Defense when the Secretary is unable to perform the functions and duties of the office, the Department of Defense Cables Executive Support Office (ESO) will ensure the following parties are promptly notified via email: the White House Situation Room, the White House Office of Cabinet Affairs, the White House Chief of Staff, the DoD 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 Executive Secretary, and the senior staff of the Secretary and the Deputy Secretary of Defense. The reason for that assumption of duties will be included in writing.

On January 8, 2024, the Department of Defense Performance Improvement Officer and Director of Administration and Management (PIO/DA&M) was directed to conduct a review of the Department of Defense's notification process for instances when the Deputy Secretary or another designated official assumes the duties and functions of the Secretary of Defense. Although the report is classified, as it relates generally to continuity of operations and the security of Department of Defense personnel, it contained a number of specific recommendations for my consideration. The Department has released an unclassified summary of the review, which was prepared by the PIO/DA&M and reflects unclassified content from the review. In addition, the classified review was made available to Congress following the procedures necessary to share classified information with lawmakers.

I reviewed the observations from the classified report and received a briefing from the lead review author. On February 26, I issued a memorandum providing direction to implement the recommendations from the review.

Informed by the report and the subsequent discussion, the Deputy Secretary and I, along with our Chiefs of Staff, have already implemented the first two recommendations:

- The Deputy Secretary and I have reaffirmed our expectations of and for our immediate offices and support staff in the context of information sharing, staffing support, team relationships, and understandings of any changes in processes or staff support during periods when the Deputy Secretary or another designated official, as determined by the order of succession or the President, assumes the functions and duties as Acting Secretary of Defense.
- Furthermore, our Chiefs of Staff, together, have issued written guidelines and conveyed reporting expectations that make routine how information flowing to the Secretary is shared with the Deputy Secretary and immediate staff to ensure they are aware and tracking issues that could fall to the Deputy in a routine or unplanned period when the Deputy or another senior leader assumes the functions and duties as Acting Secretary. This includes expectations for how the respective staffs support the Deputy Secretary when the Deputy Secretary is performing the functions and duties of the Secretary, clearly delineating the staffs' respective roles.

In addition, I directed that the remaining six recommendations be implemented within the next 90 days:

- The Director of Administration and Management will develop and codify internal guidance for making determinations regarding the assumption of functions and duties of the Secretary of Defense, minimizing subjectivity in any guidance, and will provide me with a proposed communication and training plan for all relevant organizations and officials.
- The Director of Administration and Management will ensure officials who are designated in the order of succession for the Secretary of Defense are familiar with and supported for the processes, procedures, and staffing necessary, should they be called on to perform the functions and duties of the Acting Secretary, and provide me with a proposed training plan that incorporates the use of plausible scenarios. This will ensure that the Secretary's immediate staff is prepared to quickly support an Acting Secretary. This is particularly important for possible successors other than the Deputy Secretary of Defense, as those other possible successors may be less routinely exposed to these processes, procedures, and staffing.
- The Director of Administration and Management, within 120 days, will ensure that applicable Department of Defense issuances, as appropriate, to reflect policy changes made as a result of this review. This could include, among others, DoD Directive 3020.04, "Order of Succession Pursuant to Executive Order 13533 and the Federal Vacancies Reform Act of 1998."
- The Chiefs of Staff to the Secretary of Defense and Deputy Secretary of Defense will develop a mandatory reporting protocol (i.e., criteria for mandatory reporting requirements) for personnel providing direct support to the Secretary and Deputy Secretary of Defense related to situations or circumstances that might impact these leaders' ability to perform their duties and functions.
- The General Counsel, in conjunction with the Director of Administration and Management, will review, and work with responsible Components to update and

align, as appropriate, internal reporting requirements associated with what has been referred to colloquially as “transfer of authorities” situations relating to the Secretary, Deputy Secretary, and others in the order of succession. The Office of the General Counsel will work with responsible Components and any other appropriate partners to align, where possible, language and requirements for external reporting.

- The Under Secretary of Defense for Policy will review and update, as appropriate, the Secretary of Defense Continuity of Operations Plan to consider scenarios and issues associated with the assumption of functions and duties of the Secretary of Defense and the order of succession.

I recognize that, during the course of implementing these improvements, we may find additional actions that need to be taken or processes that need to be adjusted. As a learning organization, we will continue to learn and adjust. As we implement the above recommendations, we do so with our service members foremost in mind—ensuring the continuity of our command and control is never in doubt.

The DoD Office of Inspector General (DoD OIG) is also looking into this matter. The Department fully supports this review and is making every effort to provide DoD OIG access to the documents and information it requests to carry out its work.

As Secretary, I remain focused on defending our nation and taking the best possible care of our Service members and their families. Thank you again for your support of the men and women of the Department of Defense.