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January 9, 2024

Kelly E. Magsamen
Chief of Staff to the Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Ms. Magsamen:

As Chief of Staff to Secretary Austin, you are “responsible for leading the Secretary of Defense’s executive staff and providing counsel and advice to the Secretary on all matters concerning the Department [of Defense].”¹ It appears you, as the Secretary’s chief of staff, were not made aware until January 2, 2024, of the Secretary’s hospitalization and incapacitation, the day after he was reportedly “rushed by ambulance to Walter Reed National Military Medical Center.”² According to press reports, you “said nothing to White House officials, awaiting updates on the secretary’s medical condition,” and failed to “notify the White House until two days later,” including the National Security Advisor the President of the United States.

As you must be aware, this lack of transparency is inexcusable and could have resulted in calamity.

Congress must understand how this unacceptable breakdown in disclosure concerning the Secretary’s capacity to lead the Department occurred. Please answer the following questions promptly concerning your and the Department’s failure to appropriately inform relevant officials of Secretary Austin’s emergency hospitalization:

- 1) As reported, were you in fact only made aware that the Secretary was rushed to Walter Reed by ambulance the day after it happened? When exactly were you informed of the

¹ U.S. Department of Defense, Bio of Kelly E. Magsamen, Chief of Staff to the Secretary of Defense, *available at* Defense.gov.

² Eric Schmitt and Helene Cooper, *4 Aides to Austin Waited 2 Days to Tell White House About His Hospitalization*, THE NEW YORK TIMES, Jan. 8, 2024.

Secretary's hospitalization?

- 2) As reported, did you in fact wait two days before informing anyone at the White House of the Secretary's predicament and/or incapacitation? When exactly did you inform the White House and who did you inform?
- 3) As reported, were you in fact "out with the flu"³ when you first learned of the Secretary's hospitalization, and did you have backup officials in place who were authorized to make necessary disclosures to relevant officials of the Secretary's incapacitation, or had you delegated such authority?
- 4) What were the dates you were "out with the flu"?
- 5) While you were "out with the flu," did you send any official correspondence in your capacity as chief of staff? Please provide the Committee with any and all communications during your time "out with the flu."
- 6) As reported, is it accurate that you, Pentagon spokesman Maj. Gen. Patrick S. Ryder, Lt. Gen. Ronald Clark, the secretary's senior military aide, and a fourth aide, Chris Meagher, the assistant to the secretary for public affairs, were all aware of the Secretary's hospitalization? Were there any other Department officials made aware of the Secretary's hospitalization?
- 7) Did you or any other Department official notify anyone outside the Department prior to the purported disclosure to the White House?
- 8) To whom at the White House or in the Administration did you relay the nature of the Secretary's medical condition, and when exactly did those communications occur?
- 9) In terms of the Secretary's condition and health, did you provide the White House, including the President or the National Security Advisor, information concerning the Secretary's capacity, or lack thereof, to lead the Department? What did that disclosure or information include? and,
- 10) Who, if anyone, directed you to initiate a review of these events to be conducted by the Director of Administration and Management and why was that office selected for such a review as opposed to an independent investigative body? Will the review include independent investigators, have access to all documents and communications produced during this period of Secretary Austin's hospitalization, and ability to conduct interviews of anyone associated with the failure to provide disclosures to relevant officials?

Thank you for your immediate attention to this request. The Committee on Armed Services, under Rule X, clause 1 of the Rules of the House of Representatives ("House Rules"), maintains oversight jurisdiction over the Department of Defense generally. Moreover, under the House Rules, the Committee on Armed Services derives its authority to conduct oversight from, among other things, clause 2(b)(1) of Rule X (relating to general oversight responsibilities), clause 3(b) of Rule X (relating to special oversight functions), and clause 1(b) of rule XI (relating to investigations and studies).

To arrange delivery of documents or ask any related follow-up questions, please contact Ryan Breitenbach of the Committee on Armed Services Majority Staff.

³ Meghann Myers, *Austin's chief of staff failed to tell anyone about hospitalization*, MILITARY TIMES, Jan. 8, 2024.

Kelly E. Magsamen
Chief of Staff
January 9, 2024
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Sincerely,



Mike Rogers
Chairman
Committee on Armed Services

cc: The Honorable Adam Smith
Ranking Member
Committee on Armed Services