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U.S. House of Representatives

Washington, DC 20515-6035

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January 9, 2024

The Honorable Kathleen H. Hicks
Deputy Secretary
U.S. Department of Defense
1010 Defense Pentagon
Washington, D.C. 20301

Dear Deputy Secretary Hicks:

You acknowledge being informed on January 4, 2024, of Secretary Austin's hospitalization for "complications from an elective procedure," even though the Secretary had been hospitalized since January 1, 2024.¹ This delay in knowing the Secretary of Defense's whereabouts is shocking. It is disconcerting that you were acting in his capacity as Secretary of Defense without fully understanding his condition.

I wholeheartedly hope Secretary Austin makes a full recovery, but the Secretary's failure to inform his number two in command is unacceptable and begs many questions concerning the intent behind his secrecy and lack of transparency.

It is vitally important for the President, high-level Administration officials, Department leadership, and Congress to be fully and properly informed of a department head's ability to perform his appointed job and responsibility of leading the nation's capability to defend itself. It is mindboggling that the Commander in Chief, was not aware of the location or operational competence of the Secretary of Defense.²

To understand how this outrageous situation and lack of disclosure transpired for so long, please promptly answer the following questions and produce related documents:

¹ James Doubek and Tom Bowman, *The Pentagon's 2nd in command was not informed of defense secretary's hospitalization*, NPR, Jan. 7, 2024.

² Alexander Ward, Lara Seligman, and Jonathan Lemire, *Pentagon didn't inform Biden, White House for days about Austin's hospitalization*, POLITICO, Jan. 6, 2024.

- 1) When did you first learn of Secretary Austin's hospitalization and incapacitation?
- 2) When were you made aware that there would be a transfer of authorities to you while the Secretary was hospitalized? Were you given a timeline or indication of how long this transfer would last?
- 3) Did you cut short your vacation from Puerto Rico upon learning the severity of Secretary Austin's situation? If you cut short your vacation, why did you do so?
- 4) What actions did you take to ensure command and control once you learned that Secretary Austin was in the hospital?
- 5) When were you aware that the President did not know that the Secretary was in the hospital?
- 6) Did you advise anyone in the White House about Secretary Austin's condition upon learning the President did not know the whereabouts of the Secretary?
- 7) When did you assume the duties of Secretary of Defense during this period of Secretary Austin's hospitalization?
- 8) When were you informed of the reason for the transfer of authority? and,
- 9) Did you make any operational decisions during the time you were Acting Secretary of Defense or following assumption of duties leading the Department, and the nature of such decisions?

In addition to answers to the questions above, please produce the following information to the Committee:

- 10) A record of all other periods where you assumed the duties of Secretary of Defense, the duration of such periods, and specifically any times which coincided with medical procedures or other medical activities rendering Secretary Austin unable to perform such duties;
- 11) All written communications concerning Secretary Austin's whereabouts, operational capability to lead the Department, and any other matter associated with you assuming Acting Secretary of Defense duties, between you, Secretary Austin, your staff, or other Department of Defense staff from the time of Secretary Austin's hospitalization on January 1, 2024 to today, January 9, 2024; and,
- 12) All Department communications from January 1 through January 9, 2024, with the White House or Biden Administration officials regarding the Secretary's health or operational control of the Department of Defense.

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).

The Honorable Kathleen H. Hicks

January 9, 2024

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

Sincerely,



Mike Rogers
Chairman
Committee on Armed Services

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