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SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1000

FEB 26 2024

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS
SENIOR STAFF OF THE SECRETARY AND DEPUTY
SECRETARY OF DEFENSE
EXECUTIVE SECRETARY
CABLES EXECUTIVE SUPPORT OFFICE
SECRETARY OF DEFENSE COMMUNICATIONS

SUBJECT: Follow-on Actions: Review of Notification Process for Assumption of Functions and Duties of the Secretary of Defense

(U) On January 8, 2024, my Chief of Staff directed a 30-day review to identify the relevant facts and circumstances 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 13963.¹ In line with this task, the classified 30-day review process focused on understanding the facts, evaluating the processes and procedures in place at the time, and recommending process improvements, including relating to notifications.

(U) In the same January 8, 2024 memorandum, my Chief of Staff directed several immediate improvements to the processes and procedures when the Deputy Secretary of Defense or another designated official, as determined by the order of succession or the President, assumes the functions and duties of the Secretary of Defense. On January 12, 2024, the Department of Defense issued supplemental notification guidance updating the additional measures provided in the January 8 memorandum to specifically require additional notifications to the White House and to clarify decision-making regarding the need for an assumption of functions and duties. Also, on January 12, 2024, I provided an update to the White House encapsulating the updated guidance.

(U) All of these actions demonstrate our deep commitment to strengthening our internal processes without delay. As I have repeatedly stated, we are a learning organization, and we will continue to strengthen our processes as we identify ways to improve upon our existing procedures. The Department's already-improved processes and procedures were employed most recently when I transferred the functions and duties of my office to the Deputy Secretary of Defense, who then served as the Acting Secretary of Defense, from February 11 to 13, 2024.

(U) I have reviewed the classified report resulting from the aforementioned 30-day review, which was informed by candid and cooperative participation by many relevant personnel, including those supporting the offices of the Secretary and Deputy Secretary. The

¹ On January 11, 2024, a corrected copy of this memorandum was promulgated to reference the correct operative Executive Order.

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review was conducted on a compressed timeframe by career civilian staff whose foremost priority was assessing the processes of our institution and the strength of our chain of command. I want to thank everyone who participated in this effort for their contributions to continuing to build on our processes and procedures. Today, the Department of Defense is releasing an unclassified summary of the 30-day review that summarizes the 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 for review to inform internal process improvements. Of note, the review validated that the Deputy Secretary was at all times positioned to perform all the functions and duties of the Secretary of Defense during the period of transfer from January 2 to 5, 2024, as well as from December 22 to 23, 2023.

(U) As directed, the 30-day review also contained a number of specific recommendations for my consideration. I have reviewed the observations from the classified report and received a briefing from the lead review author. Informed by the report and the subsequent discussion, the Deputy Secretary and I, along with our Chiefs of Staff, have implemented the first two recommendations.

- (U) 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.
- (U) 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.

(U) I am hereby directing implementation of the remaining six recommendations as described below. Unless otherwise specified, all recommendations will be implemented within the next 90 days, and responsible Components will provide progress updates to the Deputy Secretary and me for each of the two quarters thereafter.

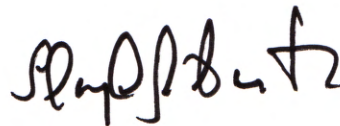
- (U) The Director of Administration and Management will develop and codify internal guidance for making determinations regarding the assumption of functions and duties of the Secretary of Defense, minimizing subjectivity in any guidance, and will provide me with a proposed communication and training plan for all relevant organizations and officials.
- (U) 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

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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.

- (U) 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."
- (U) 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.
- (U) 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.
- (U) 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.

(U) 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.

A handwritten signature in black ink, appearing to read "D. P. Burtz".