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CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

MEMORANDUM FOR RECORD

Milley 27 Sept 2021

SUBJECT: General Milley's Engagements with the People's Liberation Army Leaders

1. In order to clearly establish the facts related to my 30 October 2020 and 8 January 2021 phone calls with my People's Republic of China (PRC) counterpart, General Li Zuocheng, I am submitting for the record supporting information to address requests for information from multiple members of both the U.S. Senate and the U.S. House of Representatives.
2. This information is provided in the context of my role as the Chairman of the Joint Chiefs of Staff (CJCS) in the execution of policy and procedure of the "Guidance for U.S. Department of Defense Contacts and Exchanges with the PRC for Calendar Year 2020" and Calendar Year 2021 as published by the Office of the Secretary of Defense (OSD).
3. This memorandum for record provides specific details on:
 - The roles and responsibilities of the Chairman of the Joint Chiefs of Staff (CJCS)
 - The requirements and guidelines as directed in U.S. Government and Department of Defense (DoD) instructions and directives
 - The processes followed for PRC counterpart engagements
4. This memorandum also outlines specific key details related to my 30 October 2020 and 8 January 2021 phone calls with my PRC counterpart, General Li Zuocheng. This includes:
 - A detailed timeline of key actions and events
 - Establishes the causal relationship between U.S. intelligence community reporting and the DoD engagement with senior members of the PRC
 - Highlights preparatory actions taken by OSD
 - Confirms interagency involvement
5. Statutory Directive and Guiding Documents

Role of the CJCS. Per Sections 151, 153, and 163 of Title 10, U.S. Code (U.S.C.), the CJCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense (SecDef). The CJCS is not a member of the chain of command, but *is integral in the chain of communication, as directed by the*

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President in the Unified Command Plan. Pursuant to this requirement, the CJCS regularly communicates with the President, the National Security Council, and the SecDef and transmits guidance and orders on their behalf to the Joint Chiefs of Staff and the Combatant Commands. Specifically:

- Section 163 of Title 10, U.S.C.
 - The President may direct communications between the President, the Secretary of Defense, and the commanders of the combatant commands be transmitted through the CJCS.
 - The President may also assign duties to the CJCS to assist the Secretary of Defense and President in their command functions.
 - Subject to Secretary of Defense authority, direction, and control, the CJCS is the spokesperson for the combatant commanders especially on operational requirements of their commands.
 - Responsibilities assigned by the President or Secretary of Defense do not confer any command authority on the CJCS, nor does it alter a combatant commander's responsibilities as prescribed in 10 U.S.C. §164.
- Section 153 of Title 10, U.S.C.
 - CJCS performs "such other duties as may be prescribed by law or by the President or the Secretary." (10 U.S.C. §153(a)(7))
- Section 151 of Title 10, U.S.C.
 - CJCS is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the SecDef.
 - CJCS shall provide dissenting or differing advice from the Joint Chiefs to the President, National Security Council, Homeland Security Council, or SecDef.

Unified Command Plan. The Unified Command Plan (UCP), signed by the President, establishes the missions and responsibilities for Commanders of Combatant Commands (CCMDs) (CCDRs). The UCP further defines the roles and responsibilities of the Secretary of Defense and the Chairman of the Joint Chiefs, as it pertains to the CCMDs. Specific to the CJCS:

- ***General. The CJCS (the Chairman) is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.*** Although the Chairman does not have command authority, in matters requiring global military strategic and operational integration, the Chairman, as global integrator, is responsible for providing advice to the Secretary on the arrangement of cohesive military

actions in time, space, and purpose, executed as a whole to address trans-regional, all-domain, and multi-functional challenges. The Chairman's advice to the Secretary on the allocation and transfer of forces and responsibilities occurs through routine dialogue among senior leaders for optimal implementation of the Secretary's direction.

- ***Communications between the President or the Secretary (or their duly deputized alternates or successors) and the CCDRs "will be transmitted through the Chairman unless otherwise directed."***

Department of Defense Guidance.

- National Defense Strategy (NDS). The 2018 National Defense Strategy identifies long-term strategic competition with China as the principal priorities for the Department. Both the National Security Strategy (NSS) and the NDS recognize the PRC as a strategic competitor vying for economic, diplomatic, and military advantages globally. The most far-reaching objective of this defense strategy is to set the military relationship between China and the United States on a path of *transparency and non-aggression*. The current administration's Interim National Security Strategic Guidance also recognizes that we are in an era of strategic competition with China, but also directs that we will work with China when it is in our national interests to do so.
- **Guidance for U.S. Department of Defense Contacts and Exchanges with the Peoples Republic of China (PRC).** The Department of Defense Assistant Secretary of Defense for Indo-Pacific Security Affairs (ASD (IPSA)), produces an annual document titled *Guidance for U.S. Department of Defense Contacts and Exchanges with the Peoples Republic of China (PRC)*. This document, in support of the NSS and the NDS – Implementation, provides direction and guidance to Department of Defense leadership and staff with respect to engagement with the Peoples Republic of China.

The CY2019 and CY2020 Guidance for U.S. Department of Defense Contacts and Exchanges with the PRC ***directed the DoD to routinize and prioritize DoD contacts and exchanges with the PLA to enhance predictability, stability, and prevent an incident between U.S. and PRC operational forces from inadvertently escalating to crisis.***

The guidance document for CY2020 was signed and distributed within the Department in 2019 by the Assistant Secretary of Defense for Indo Pacific Security Affairs, Mr. Randall G. Schriver. The guidance document for CY2021 was signed and distributed in December 2020 Mr. David F. Helvey performing the duties of the Assistant Secretary of Defense for Indo Pacific Security Affairs.

The 2020 annual guidance establishes a **Policy Dialogue System (PDS)** that routinizes DoD contacts and exchanges with the PLA that drives toward the NDS objective of setting the military relationship between China and the United States on a path of *transparency and non-aggression*. The PDS prioritizes the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, and the Commander, U.S. Indo-Pacific Command for Key Leader Engagements with their PLA counterparts.

In my first call with General Li in 2019, he and I agreed to conduct quarterly calls, which my staff incorporates into annual defense engagement planning, as directed by the annual guidance, in coordination with the Secretary's staff.

Engagement Processes and Methods.

- Since becoming Chairman in 2019, I have engaged with the PLA Chief of the Joint Staff Department, General Li, on four occasions: in December 2019, April 2020, October 2020, and January 2021. These four engagements were conducted via a Defense Telephone Link (DTL) connection, which is a dedicated secure video teleconference link between Washington and Beijing.
- These DTLs do not occur automatically. They must be pre-coordinated with the PLA via requests sent through our Defense Attaché Office at our embassy in Beijing, who send requests to the PLA's Office for International Military Cooperation. I have no other means of communicating with the PLA. My requests to speak with General Li takes days if not weeks to coordinate.
- Prior to sending any request to the PLA, my staff coordinates with the Secretary's Deputy Assistant Secretary of Defense for China and his staff to ensure my objectives for the call are aligned with that of the Secretary of Defense. Briefing materials, talking points, and other background information is shared with the Secretary's staff, USINDOPACOM, the State Department, and others as necessary.
- During the calls, only General Li and I are visible on screen, but staff is present on both sides. Routine participants on my staff include my State Department Political Advisor, my Director for Intelligence, my Director for Strategy, Plans and Policy, among others.
- Immediately following the calls, my staff prepared readouts for distribution and I informed the Secretary of Defense and other Cabinet officials.

Appendix 1: PLA Engagement Timeline (November 2019 to January 2021)

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November 2019

5 Nov: SecDef Esper conducted his first video teleconference (VTC) with Chinese MINDEF General (GEN) Wei.

18 Nov: SecDef Esper and GEN Wei met during ASEAN's Defense Ministers Meeting (ADMM) conference.

December 2019

Dec: ASD Schriver published guidance for U.S. DoD contacts and engagements with PRC.

2 Dec: GEN Milley prep session prior to VTC with GEN Li.

3 Dec: GEN Milley VTC with GEN Li.

3 Dec: Joint Staff (JS) published a press release of GEN Milley and GEN Li's engagement.

12 Dec: GEN Milley provided OSD an e-mail readout of his 3 Dec 2019 engagement with GEN Li.

15 Dec: JS sent DASD China, Mr. Sbragia, and INDOPACOM GEN Milley's 3 Dec readout.

March 2020

03 Mar: SecDef Esper VTC with PRC MINDEF GEN Wei.

April 2020

08 April: GEN Milley VTC with GEN Li.

09 April: GEN Milley provided OSD an e-mail readout of his 8 Apr 2020 engagement with GEN Li.

May 2020

Mid-May: PRC and India begin to surge troops and clash in largest cross-border altercation since 2017.

July 2020

14 Jul: A PRC Ministry of Foreign Affairs spokesperson publicly condemned the "irresponsible" shift in the U.S. policy towards South China Sea (SCS) claims.

21 Jul: State Department ordered closure of China's Consulate in Houston due to PRC-sponsored "influence operations."

24 Jul: PRC told the U.S. to close the U.S. Consulate in Chengdu.

August 2020

6 Aug: SecDef Esper called Chinese MINDEF General Wei.

9-12 Aug: U.S. Secretary of Health and Human Services (HHS) Azar visited Taiwan and met with senior Taiwan officials.

Aug: Multiple PRC scholars expressed alarm the Trump administration would provoke a conflict with the PRC to win the November election.

Aug: The PLA delivered multiple demarches condemning U.S. activities near the PRC that Beijing viewed as provocative.

September 2020

Mid-Sep: PLA officials claimed that PRC leadership remains concerned of a plot to provoke a conflict with the PRC.

Late Sep: PRC state media speculated the Trump administration might seek to create a military crisis with the PRC as an “October Surprise” to boost its reelection challenges.

October 2020

Early Oct: PLA issued a demarche condemning U.S. activities near PRC SCS claims.

Mid-Oct: PLA accused the U.S. of ‘saber-rattling’ and preparing to attack PRC interests in the SCS.

19 Oct: USINDOPACOM noted tense strategic environment with PLA.

20 Oct: DASD China and his PLA counterpart VTC.

21 Oct: Foreign media claimed that all five PLA theater commands are on ‘high alert’ status as a response to regional tensions.

22 Oct: SecDef, CJCS, and Admiral Davidson VTC; SecDef Esper directed GEN Milley to contact his counterpart.

26 Oct: JS coordinated with Beijing DAO for a VTC between GEN Milley and GEN Li.

Late Oct: PRC scholars claimed the PRC remains concerned of a potential U.S.-PRC conflict.

28-29 Oct: DoD and PLA officials conducted a Crisis Communications Working Group to improve mil-to-mil coordination.

29 Oct: A PLA spokesperson publicly acknowledged rumors of an “October Surprise,” claiming SecDef Esper assured the PRC the U.S. has no plans to start a military crisis against the PRC.

29 Oct: GEN Milley prep session prior to VTC with GEN Li.

30 Oct: GEN Milley VTC with GEN Li; GEN Milley provided e-mail readout to OSD.

November 2020

1 Nov: CJCS Milley directed the JS to coordinate another VTC with GEN Li before 20 Nov 20.

3 Nov: JS requested DAO Beijing coordinate a VTC with GEN Li on 18 Nov.

Early Nov: PLA issued a demarche condemning announced U.S. weapon sales to Taiwan.

9 Nov: President Trump relieved SecDef Esper and Mr. Miller assumed Acting SecDef position.

December 2020

14 Dec: PLA refused to attend the USINDOPACOM initiated Military Maritime Consultative Agreement (MMCA) Meeting.

14 Dec: Acting SecDef Miller received NDS –Implementation briefing on U.S.-China Defense relations policy. Acting SecDef Miller carefully reviewed the slides and read ahead material and approved the Policy Dialogue System as a framework for U.S.-China defense relations to include prioritizing key leader engagements for the Chairman.

22 Dec: DASD-China, JS, and DAO Beijing coordinated to reengage with PLA for VTC with GEN Milley.

23 Dec: PDASD Helvey published guidance for U.S. DoD contacts and engagements with PRC.

31 Dec: PLA requested a VTC with GEN Milley on 8 Jan 21 or 15 Jan 21.

January 2021

- 4 Jan:** GEN Milley's VTC was confirmed to occur on 8 Jan 21
- 4 Jan:** OSD requested a VTC between DASD China, Mr. Sbragia, and Maj Gen Huang to occur on 6 Jan 21.
- 5 Jan:** JS coordinated with DASD China office to review GEN Milley's talking points for VTC on 8 Jan 21.
- 6 Jan:** DASD China, Mr. Sbragia, conducted VTC with Maj Gen Huang.
- 8 Jan:** GEN Milley's VTC with GEN Li; readout provided to OSD and interagency.
- 11 Jan:** Joint Staff provided a verbal readout of GEN Milley's 08 Jan VTC to DASD China's Director of Defense Relations.
- 30 Jan:** Reports indicated PLA are reducing operational readiness levels.