

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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September 28, 2021

Mr. Jake Sullivan
Assistant to the President for National Security Affairs
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. Sullivan:

On Sunday, August 29, 2021, United States Central Command (CENTCOM) deployed an AGM-114 Hellfire air-to-surface missile against Afghan citizen Zemari Ahmadi. The missile was fired from an MQ-9 Reaper unmanned aerial vehicle (UAV) that throughout the day had tracked and surveilled Ahmadi. In addition to Ahmadi, nine civilians, including seven children, were also killed in the attack. At the time of the strike, Ahmadi worked for Nutrition and Education International, a group working to eradicate malnutrition in Afghanistan, “especially among women and children.”¹ In announcing the attack, however, Gen. Mark A. Milley, Chairman of the Joint Chiefs of Staff, described the strike as “righteous” and the threat Ahmadi posed as “imminent.”

Separate reporting by the *Washington Post*² and the *New York Times*,³ however, found Ahmadi was not in fact a terrorist and was simply performing a daily routine—picking up coworkers and filling water containers for his family.⁴ A guard with Ahmadi confirmed to the *Times* the containers contained only water and not, as the military had suggested, explosives.⁵ While our U.S. military leaders spread a theory of a secondary explosion confirming the existence of explosives, the *Times* found no evidence of explosives on the scene, or even a secondary explosion at all.⁶

¹ *Our Mission and Vision*, Nutrition and Education International, available at <https://www.neifoundation.org/mission-vision>.

² Alex Horton, Sarah Cahlan, Dalton Bennett, Joyce Sohyun Lee, Meg Kelly and Elyse Samuels, *Examining a ‘righteous’ strike*, WASH. POST (Sept. 10, 2021), available at <https://www.washingtonpost.com/investigations/interactive/2021/kabul-drone-strike-questions/>.

³ Matthieu Aikins, Christoph Koettl, Evan Hill and Eric Schmitt, *Times Investigation: In U.S. Drone Strike, Evidence Suggests No ISIS Bomb*, N.Y. TIMES (Sept. 10, 2021, updated Sept. 15, 2021), available at <https://www.nytimes.com/2021/09/10/world/asia/us-air-strike-drone-kabul-afghanistan-isis.html>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

For weeks after Ahmadi's death, the Biden Administration accused him of acting on behalf of the Islamic State in furtherance of a terrorist plot. It was not until after two separate, independent investigations concluded otherwise that public pressure forced the Pentagon to finally come clean about what occurred. In a September 17, 2021 statement Defense Secretary Lloyd Austin acknowledged, "There was no connection between Mr. Ahmadi and ISIS-Khorasan [ISIS-K], that his activities on that day were completely harmless and not at all related to the imminent threat we believed we faced, and that Mr. Ahmadi was just as innocent a victim as were the others tragically killed."⁷

The death of Zemari Ahmadi represents the confusion and tragedy which have defined this Administration's Afghanistan withdrawal. Unfortunately, the drone strike and loss of civilian life appear indicative of the President's strategy moving forward in Afghanistan. Since the beginning of his retreat from Afghanistan, the President has touted the efficacy and ability of "over-the-horizon" capabilities "that will allow us to keep our eyes firmly fixed on any direct threats to the United States[.]"⁸ This phrase—fancy rhetoric masquerading as a strategy—is "going to be extremely difficult to do," according to CENTCOM Commander Gen. Kenneth F. McKenzie, Jr.⁹

The difficult nature of the "over-the-horizon" rhetoric espoused by President Biden has already been on full display, resulting in the unnecessary assassination of ten innocent civilians. Perhaps the errant drone strike will cause the Administration to realize its "over-the-horizon" capabilities are really an "over the rainbow" idea in need of serious recalibration.

Further, the unstated—yet evident—rationale for the drone strike is disturbing. Occurring in the wake of a suicide bomber killing thirteen U.S. servicemembers at Hamid Karzai International Airport (HKIA), the drone strike served to limit the political fallout from the suicide bombing by changing the narrative from an Administration on the defensive regarding its Afghanistan withdrawal to one on offense.

Your role as Assistant to the President for National Security Affairs (National Security Advisor) puts you in a unique position to have visibility into all aspects of decision-making regarding national security. Your job as National Security Advisor is the only job in the White House—perhaps the only job in government—other than the President where policy, intelligence,

⁷ Statement by Secretary of Defense Lloyd J. Austin III on the Results of Central Command Investigation Into the August 29 Airstrike (Sept. 17, 2021), *available at* <https://www.defense.gov/Newsroom/Releases/Release/Article/2780404/statement-by-secretary-of-defense-lloyd-j-austin-iii-on-the-results-of-central/>.

⁸ Remarks by President Biden on the Drawdown of U.S. Forces in Afghanistan, East Room (Jul. 8, 2021), *available at* <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/07/08/remarks-by-president-biden-on-the-drawdown-of-u-s-forces-in-afghanistan/>.

⁹ Missy Ryan and Karoun Demirjian, 'Extremely difficult, but not impossible': General provides assessment of Afghan counterterrorism effort after U.S. troops depart, WASH. POST (Apr. 20, 2021), *available at* https://www.washingtonpost.com/national-security/afghan-war-us-withdrawal/2021/04/20/d9b05468-a201-11eb-8a6d-f1b55f463112_story.html.

and operations all intersect to create a unique blend of decision-making and oversight authority of the intelligence and national security communities. You serve both on the National Security Council and as a cross-cutting conduit between the President and his top national security officials. Given your role, please answer the following questions:

- Did President Biden personally authorize the drone strike that killed Zemari Ahmadi? If not, who is the highest-ranking government official who authorized the strike?
- Were you contemporaneously aware of the UAV surveillance of Ahmadi on August 29 and the possibility of a drone strike that day?
- When was President Biden informed the drone strike killed children? When was President Biden informed the drone strike killed only innocent civilians and no ISIS-K assets?
- Who made the decision for the Department of Defense to acknowledge fault in the August 29 drone strike, and on what date was that decision made?

The August 26 Suicide Bombing

On August 22, the President provided a public update on the retreat from Afghanistan, which he first announced in April. The President revealed his administration was working with the Taliban, stating, “We’ve discussed a lot with the Taliban. They’ve been cooperative in extending some of the perimeter [around Hamid Karzai International Airport].”¹⁰ The President further said, “We’re executing a plan to move groups of these Americans [located throughout Kabul] to safety and to safely and effectively move them to the airport compound.”

In the meantime, a NATO country diplomat in Kabul acknowledged that “Taliban cadres [] promised to provide security outside Kabul airport, but intelligence reports of an imminent threat from Islamic State militants [could not] be ignored.”¹¹

By August 22, the threat of a terrorist attack at the airport was a growing concern around the world. You said on CNN, “The threat is real, it is acute, it is persistent, and it is something that we are focused on with every tool in our arsenal . . . We are working hard with our intelligence community to try to isolate and determine where an attack might come from.”¹²

¹⁰ Remarks by President Biden on Tropical Storm Henri and the Evacuation Operation in Afghanistan, Roosevelt Room (Aug. 22, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan/>.

¹¹ *Taliban promises security at Kabul airport but IS threats can't be ignored - Western diplomat*, REUTERS (Aug. 26, 2021), available at <https://www.reuters.com/world/asia-pacific/taliban-promises-security-kabul-airport-is-threats-cant-be-ignored-western-2021-08-26/>.

¹² Tony Czuczka, *Biden Adviser Sees 'Acute' ISIS Terror Risk at Kabul Airport*, BLOOMBERG (Aug. 22, 2021), available at <https://www.bloomberg.com/news/articles/2021-08-22/pentagon-drafts-u-s-airlines-to-help-with-afghanistan-evacuees>.

The situation at HKIA continued to worsen, and American dependence on the Taliban continued. On August 23, you stated:

[W]e are engaging with the Taliban, consulting with the Taliban on every aspect of what's happening in Kabul right now — on what's happening at the airport; on how we need to ensure that there is facilitated passage to the airport for American citizens, SIVs, third-country nationals, and so forth. We'll continue those conversations with them.

Ultimately, it will be the President's decision how this proceeds, no one else's.¹³

You also stated the U.S. military had been confined to the airport, and the Taliban now served as gatekeepers to it for the rest of Afghanistan:

American troops are not operating outside the perimeter of the airport. What has happened is, through these military channels of communication with the Taliban, they have extended the perimeter from the point of view of their checkpoints to allow Americans through[.]¹⁴

By August 25, the risk of an imminent terrorist attack continued to grow. Recognizing this imminent threat, other governments began evacuating or urging their citizens to leave the airport to prevent loss of life.¹⁵ Australian Minister of Foreign Affairs Marise Payne said, “there is an ongoing and very high threat of a terrorist attack.”¹⁶ In an alert, Great Britain's Foreign, Commonwealth & Development Office pleaded, “There is an ongoing and high threat of terrorist attack . . . Do not travel to Kabul Hamid Karzai International Airport,”¹⁷ British soldiers “reinforced barriers around their handling centre for evacuees at Kabul airport as a bulwark against the terror threat.”¹⁸

¹³ Press Briefing by Press Secretary Jen Psaki and National Security Advisor Jake Sullivan, Briefing Room (Aug. 23, 2021), available at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/08/23/press-briefing-by-press-secretary-jen-psaki-and-national-security-advisor-jake-sullivan-august-23-2021/> (remarks delivered from the James S. Brady Press Briefing Room).

¹⁴ *Id.*

¹⁵ Colin Packham, *Australia urges people to leave Kabul airport area on terrorism threat*, REUTERS (Aug. 25, 2021), available at <https://www.reuters.com/world/australia-urges-people-leave-kabul-airport-area-terrorism-threat-2021-08-26/>.

¹⁶ *Id.*

¹⁷ Celine Castronuovo, *Britain tells citizens to avoid Kabul airport, citing 'high threat' of terrorist attack*, THE HILL (Aug. 25, 2021), available at <https://thehill.com/policy/national-security/569475-britain-tells-citizens-to-avoid-kabul-airport-citing-high-threat-of->

¹⁸ Sam Fleming, Helen Warrell and James Politi, *Nato chief warns 'real danger' of terror attack at Kabul airport*, FIN. TIMES (Aug. 25, 2021), available at <https://www.ft.com/content/e73b4355-3868-44ca-9922-0bf013fd478e>.

Even NATO Secretary General Jens Stoltenberg warned of “a real danger” of a terrorist threat at the airport.¹⁹ And James Heapey, a British Minister of Armed Forces, told BBC radio:

There is now very, very credible reporting of an imminent attack, and hence why the Foreign Office advice was changed last night, that people should not come to Kabul Airport, they should move to a safe place and await further instructions. I can't stress the desperation of the situation enough. The threat is credible, it is imminent, it is lethal. We wouldn't be saying this if we weren't genuinely concerned about offering Islamic State a target that is just unimaginable.²⁰

A rare security alert from the U.S. Embassy in Kabul noted that “U.S. citizens who are at the Abbey Gate, East Gate, or North Gate now should leave immediately.”²¹

Unfortunately, not all U.S. citizens were able to leave the gates immediately. At 17:50 local time on August 26, 2021, two ISIS-K terrorists detonated a bomb at the HKIA’s Abbey Gate, killing over 180 people, including thirteen U.S. military servicemembers.²² As a result, August 26, 2021, became the deadliest day for the United States in Afghanistan in over a decade.

Though intelligence collection is an imperfect art, it can provide insight into events being planned in the future. In this case, statements from multiple governments, including our own, indicated an attack was imminent. Those statements proved prescient. The lives of thirteen U.S. citizens could have been saved—in fact, should have been saved—had national security officials been more prudent in ensuring the safety of our servicepersons deployed at HKIA. Therefore, please produce to the Committee:

- All raw intelligence reports indicating, referring, or relating to the possibility of an attack at HKIA.
- All documents and communications regarding: a) any official or unofficial notice of an imminent attack; and b) any orders to evacuate the airport or close any of the airport gates.

¹⁹ *Id.*

²⁰ Sophie Reardon and Tucker Reals, *U.S. and Britain warn people to avoid Kabul airport over “imminent attack” threat*, CBS NEWS (Aug. 26, 2021), available at <https://www.cbsnews.com/news/afghanistan-kabul-airport-security-threats/>.

²¹ Security Alert – Embassy Kabul, Afghanistan (Aug. 25, 2021), available at <https://af.usembassy.gov/security-alert-embassy-kabul-afghanistan-august-25-2021/>.

²² Joe Hernandez, *What We Know About ISIS-K, The Group Behind The Kabul Attack*, NPR (Aug. 28, 2021), available at <https://www.npr.org/2021/08/26/1031349674/isis-k-taliban-who-what-you-need-to-know>.

The Retaliatory Drone Strikes

That evening, after the attacks, the President read to the nation from prepared remarks and promised retaliation against ISIS-K. The President committed to striking “ISIS-K assets, leadership and facilities.” He said, “We will respond with force and precision at our time, at the place we choose, and the moment of our choosing.”²³ The President said, “We have over-the-horizon capability to keep them from going after us.”²⁴

On August 27, CENTCOM carried out a UAV attack against three ISIS-K terrorists in Nangarhar Province, killing two and injuring one.²⁵ Responding to the events, President Biden said, tellingly, “This strike was not the last.”²⁶

Following up on the President’s promise from two days earlier, on August 29, CENTCOM deployed the Hellfire missile that killed 43-year-old Zemari Ahmadi and nine of his family members: three of his children, his cousin, three of his brother’s children, and two additional children. At the time of the attack, Ahmadi was applying for a U.S. visa to allow his family to leave Taliban-controlled Afghanistan.²⁷

After the strike, Gen. Mark Milley, Chairman of the Joint Chiefs of Staff, described the strike as “righteous” and the threat Ahmadi posed as “imminent.” Two days later, when reports of civilian casualties emerged, Gen. Milley remained defiant and said, “At the time – and I think this is still valid – we had very good intelligence[.]”²⁸

By September 10, both the *Washington Post*²⁹ and the *New York Times*,³⁰ had uncovered and published the truth. Ahmadi was not a terrorist and, instead of loading explosives, he was performing a daily routine picking up coworkers and filling water containers for his family.³¹ Yet

²³ Remarks by President Biden on the Terror Attack at Hamid Karzai International Airport, East Room (Aug. 26, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/26/remarks-by-president-biden-on-the-terror-attack-at-hamid-karzai-international-airport/>.

²⁴ *Id.*

²⁵ Courtney Kube, Dartunorro Clark and Chantal Da Silva, *2 high profile ISIS targets killed in U.S. drone strike in Afghanistan, Pentagon says*, NBCNEWS.COM (Aug. 27, 2021), available at <https://www.nbcnews.com/news/world/u-s-retaliates-against-isis-drone-strike-afghanistan-n1277844>.

²⁶ Statement by President Joe Biden on the Evacuation Mission in Kabul, Briefing Room (Aug. 28, 2021) available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/28/statement-by-president-joe-biden-on-the-evacuation-mission-in-kabul/>.

²⁷ Sandi Sidhu, Julia Hollingsworth, Anna Coren, Abdul Basir Bina and Ahmet Mengli, *They wanted a new life in America. Instead they were killed by the US military*, CNN.COM (Sept. 14, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan/>.

²⁸ Rachel Pannett, Ellen Francis, Haq Nawaz Khan, Miriam Berger and Sammy Westfall, *Top general defends Kabul drone strike, despite reported civilian casualties*, WASH. POST (Sept. 1, 2021), available at <https://www.washingtonpost.com/world/2021/09/01/afghanistan-kabul-taliban-live-updates/>.

²⁹ *Supra* n.2.

³⁰ *Supra* n. 3.

³¹ *Id.*

three days later, on September 13, the Pentagon still asserted the strike against Ahmadi was warranted.³² On September 14, amid mounting evidence and public pressure, Secretary of State Anthony Blinken said “I don’t know,” in response to a question at a Senate hearing whether Zemari Ahmadi was a terrorist or an aid worker.³³ It was not until September 17, 2021—three weeks after the attack Gen. Milley called “righteous” and one week after two separate major newspapers presented incontrovertible evidence to the contrary—that the Administration finally acknowledged the August 29 drone strike killed only innocent civilians.

Even while acknowledging the failure of the strike Administration officials refused to acknowledge the failure of their strategy. CENTCOM Commander Gen. Kenneth F. McKenzie, Jr. stated the UAV strike against Ahmadi was not, in fact, an over-the-horizon strike³⁴—even though the official CENTCOM statement released the day of the Ahmadi’s strike described the strike as “a self-defense unmanned over-the-horizon airstrike.”³⁵ Due to the conflicting statements and delays, please provide to the Committee:

- All raw intelligence reports and analytic products indicating Zemari Ahmadi was a member of ISIS-K.
- Complete video surveillance of Zemari Ahmadi on August 29, 2021, and a video of the Hellfire missile attack on Ahmadi.

In addition, please answer the following questions:

- Did CENTCOM learn children would be killed in the strike before the missile’s detonation? If so, how many seconds before detonation?
- Were there any discussions about aborting the strike if CENTCOM believed children may be collateral damage? If so, who participated in these discussions?
- Was the pre-strike targeting process conducted fully in accordance with Department of Defense policies and procedures?

³² Helene Cooper and Eric Schmitt, *Pentagon Defends Deadly Drone Strike in Kabul*, N.Y. TIMES (Sept. 13, 2021), available at <https://www.nytimes.com/2021/09/13/us/politics/pentagon-drone-strike-kabul.html>.

³³ John Haltiwanger, *Rand Paul grills Blinken on whether drone strike hit aid worker or ISIS-K: ‘You’d think you’d kind of know before you off someone,’* BUSINESS INSIDER (Sept. 14, 2021), available at <https://www.businessinsider.com/rand-paul-grills-blinken-on-whether-drone-strike-hit-aid-worker-isis-k-2021-9>.

³⁴ Anna Coren, Julia Hollingsworth, Sandi Sidhu and Zachary Cohen, *US military admits it killed 10 civilians and targeted wrong vehicle in Kabul airstrike*, CNN.COM (Sept. 17, 2021), available at <https://www.cnn.com/2021/09/17/politics/kabul-drone-strike-us-military-intl-hnk/index.html>.

³⁵ Statement, *U.S. Central Command statement on defensive strike in Kabul*, U.S. Central Command Public Affairs (Aug. 29, 2021), available at <https://www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/2756293/update-us-central-command-statement-on-defensive-strike-in-kabul/>.

The Path Forward

The President's reckless strategy in America's withdrawal from Afghanistan culminated with the deaths of thirteen U.S. servicemembers from a terrorist attack at HKIA and was underscored by the deaths of ten innocent Afghans in an attempt for the President to save political face.

There is overwhelming evidence the Biden Administration knew a terrorist attack would occur at HKIA. Yet, instead of preventing the attack and subsequent needless death, the Administration scrambled to rescue its sinking poll numbers by projecting a veneer of strength through ill-defined and opaque "over-the-horizon" capabilities the President had touted for months. The President seems less concerned with the targets of the over-the-horizon capabilities than his ability to use them to bolster his image.

As the chief architect of the Administration's failings in Afghanistan, you played a major role in every decision over the past nine months that led to the removal of an American presence in Afghanistan and the delivery of the country to the Taliban—an authoritative and brutal regime.³⁶ A review of these failings will be comprehensive. The facts surrounding the assassination of Zemari Ahmadi and his family serve as a fitting start for that oversight.

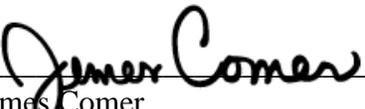
The Hellfire missile drone strike against the Ahmadi family indicates failings of both an intelligence and operational nature. Though the justification for the drone strike was to prevent a future ISIS-K attack, no further terrorist attack has occurred against American interests. The drone strike against the Ahmadi family appears to have been conducted for political advantage rather than to prevent any threat to American lives. The same can be said for much of what has occurred in Afghanistan since April.

With no intelligence network in Afghanistan, no local partners on the ground, and currently no nearby airbase available for American use, the President's "over-the-horizon" approach appears to be nothing more than an over the rainbow fantasy. To assist us in fulfilling our constitutional oversight role, please arrange to provide two separate Member-level briefings to the Committee no later than October 5, 2021. The first should cover the Administration's "over-the-horizon" strategy, and the second regarding the drone strike that killed Zemari Ahmadi. In addition, thank you in advance for producing all requested documents and answers to all questions no later than October 12, 2021.

³⁶ This is not dissimilar to your role in the Benghazi tragedy—the worst foreign policy failing of the Obama Administration, which resulted in the deaths of four Americans—when you served as the Director of Policy Planning and deputy chief of staff to the Secretary of State. In that role, you pushed for American intervention in Libya and a lasting American presence in Benghazi—all without ensuring our diplomats were properly protected. Libya has since been involved in a decade-long civil war. *See generally Final Report of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi*, 114th Cong., H. Rep. 114-848 (2016), available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>.

The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee staff at (202) 225-5074.

Sincerely,


James Comer
Ranking Member
Committee on Oversight and Reform

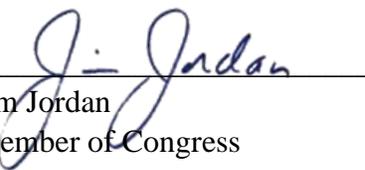

Jody Hice
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Michael Cloud
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Ralph Norman
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Nancy Mace
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Civil Liberties

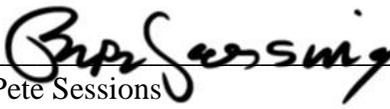

Jim Jordan
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Paul A. Gosar, D.D.S.
Member of Congress

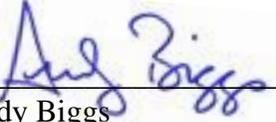

Virginia A. Foxx
Member of Congress

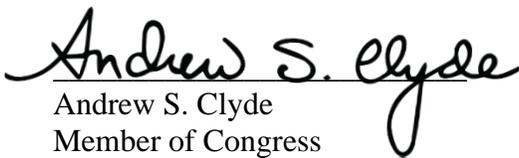

Bob Gibbs
Member of Congress

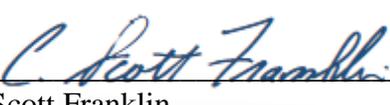

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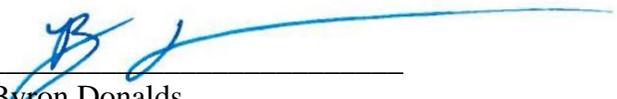

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cc: The Honorable Carolyn Maloney, Chairwoman
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The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

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Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties