

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

May 22, 2018

The Honorable Mike Pompeo
Secretary of State
Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Pompeo:

I write to inquire about U.S. policy objectives and operations in Niger. In response to terrorist threats in the broader Sahel-Maghreb, the United States military has deployed more than 800 U.S. troops to conduct train and equip missions, and to construct an airfield in Agadez to provide additional Intelligence Surveillance and Reconnaissance coverage in the region in order to help the Nigeriens confront and respond to terrorist threats. Tragically, as you know, four American servicemen lost their lives in Niger last year, and our troops continue to operate in a potentially dangerous environment. On May 11, 2018, U.S. Africa Command personnel briefed Senate Foreign Relations Committee staff on the findings of its investigation into the circumstances that led to these deaths. While the investigation revealed some information—including the troubling assessment that soldiers incorrectly characterized this specific mission-- serious issues remain unresolved including the legal authorities under which U.S. soldiers in Niger are operating.

The State Department has responsibility for formulating and executing U.S. foreign policy. Congress has a responsibility to ensure that military operations that put our men and women in uniform in harm's way support our diplomatic efforts. As you prepare for our hearing this week, I hope that you will be able to provide the Committee with a full understanding of our efforts in Niger, including the authorities under which U.S. personnel are operating. Specifically:

- AFRICOM has stated that the soldiers who were killed in Niger in October were operating under Title 10 Authorities. Under which specific chapter and section of Title 10 were they operating? In what other countries do these legal authorities provide the basis for missions by the U.S. military?
- What military actions, if any, does the Executive Branch believe are, and are not, permitted under existing train, equip, and advise and accompany authorities (and which specific authorities)? In what other countries do these legal authorities provide the basis for missions by the U.S. military?
- When was our Ambassador in Niger made aware that an inaccurate concept of operations for the mission was sent up the military chain of command? What procedures are in place to ensure Chiefs of Mission have adequate information about what has been approved by the military chain of command and at what level the approval was granted?

- Is there a procedure in place through which our Chiefs of Mission can be sure that our country partners are in fact in the lead in missions; are fully briefed in advance of operations; and are being accompanied by U.S. soldiers rather than led by U.S. soldiers?
- Is there a whole-of-government strategy for Niger that includes adequate emphasis on diplomacy and development? What are our main diplomatic and development goals in Niger, and how do they dovetail with the deployment of U.S. troops?
- How long are U.S. Armed Forces to remain deployed in Niger, and what diplomatic and development achievements are hoped to be achieved by the end of the deployment?

Mr. Secretary, it is in our interest to help the Nigeriens and countries in the Sahel confront and respond to terrorism. However, a military approach alone is not enough. Successfully countering terrorism and violent extremism requires that we use all three of our foreign policy tools: Defense, Diplomacy and Development. Any military action must be a component of a comprehensive strategy, and executed under clear legal authorities authorized by Congress. I look forward to discussing these and other issues with you next week.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Robert Menendez
Ranking Member