

2107 RAYBURN HOUSE OFFICE
BUILDING
WASHINGTON, DC 20515
(202) 225-4671

504 BROADWAY
LONG BRANCH, NJ 07740
(732) 571-1140

67/69 CHURCH STREET
KILMER SQUARE
NEW BRUNSWICK, NJ 08901
(732) 249-8892

Congress of the United States
House of Representatives
Washington, DC 20515

May 4, 2021

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn HOB
Washington, DC 20515

The Honorable Mike Rogers
Ranking Member
House Armed Services Committee
Washington, DC 20515

Dear Chairman Smith and Ranking Member Rogers,

Thank you for providing me the opportunity to submit testimony to your Committee. As co-chair of the Congressional Armenian Caucus, I believe the Fiscal Year 2022 National Defense Authorization Act should reflect our unwavering commitment to building democracy and a stronger geo-strategic relationship with like-minded countries in the South Caucasus Region like the Republic of Armenia. We must also make sure that any security aid sent to this region prioritizes promoting lasting peace in the Republic of Artsakh (Nagorno Karabakh) and inhibits the destabilizing efforts of Turkey and Azerbaijan.

For years, the United States has invested in a negotiated peace to the conflict in the Nagorno Karabakh region, including humanitarian assistance and funding for landmine and unexploded ordnance clearance efforts in Artsakh. Shockingly, we saw bombastic rhetoric lead to a full-scale war against Artsakh last fall, only a year removed from Azerbaijan receiving over \$100 million in security aid from the United States through the Section 333 Building Partner Capacity program in Fiscal Years 2018-19. This funding defies almost two decades of parity in U.S. security assistance to Armenia and Azerbaijan.

The fungibility and enormous amount of the Section 333 aid also provided Azerbaijani President Aliyev an opportunity to shift resources toward purchasing offensive capabilities like the Turkish Bayraktar drones, heavy weaponry including illegal cluster and white phosphorus munitions, and hiring foreign mercenaries – all of which he used to deadly effect last fall, killing thousands of ethnic Armenians. This information, along with consistent State Department and international reports on gross human rights abuses committed by the Aliyev regime, points to a clear violation of American principals and of Leahy Law restrictions that prohibit U.S. military assistance to foreign security force units that commit human rights abuses.

I am also concerned that the Biden Administration decided to move forward with a waiver to Section 907 of the Freedom Support Act on April 26. This follows in the footsteps of past administrations since 2002, which contradicts Congressional intent in the original bill language prohibiting U.S. funding from going to Azerbaijan until the halt their offensive military actions


against Armenia and Nagorno Karabakh. In the wake of the deadly fighting in the fall that was initiated by Azerbaijan and fully supported by Turkish forces and Turkish-backed mercenaries, we must take immediate, focused action to amend the Section 907 waiver process and ensure that the United States is not supporting autocratic, human rights abusing regimes under the pretenses of our national security interests.

The United States should immediately suspend all military aid to Azerbaijan until its government ceases its attacks against Armenia and Artsakh, releases prisoners of war and civilians it detained during the fall 2020 conflict, agrees to the peaceful resolution of regional conflicts, and proves it has halted all human rights abuses. We must also strive to send a more supportive signal to our regional partners currently undergoing positive, democratic transitions like Armenia by increasing security assistance and bolstering strategic cooperation between our countries. In this light, I ask that you include specific language in the National Defense Authorization Act that would:

- Suspend U.S. military aid, including under Section 333 Building Partner Capacity Program, to Azerbaijan.
- Establish reporting requirements on end use monitoring for border services funding through Section 333 to ensure stronger oversight and prevent funds from going to human rights abusing regimes like the one in Azerbaijan.
- Require under the certification process for Section 907 of the Freedom Support Act that the President, before any consideration of a waiver takes place, make an initial evaluation as to whether Azerbaijan has taken steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh. If Azerbaijan has not, a waiver should only be permitted for serious national security interests which the Administration would be required to provide in specific detail to Congress.
- Dedicate and robustly increase the funds made available for military assistance to Armenia through programs like IMET, FMF, and Section 333.

Taking these steps will continue to build on the U.S.-Armenia strategic relationship, support democratic and civil society institutions in Armenia, and protect innocent lives from Azerbaijani and Turkish aggressions in the region. I urge the Committee to invest in peace and assist Armenia and Artsakh during this difficult time.

Sincerely,


FRANK PALLONE, JR.
Member of Congress