

# **ANCA Policy Brief: Zero Out U.S. Military Aid to Oil-Rich Azerbaijan**

## **Legislative Request:**

The ANCA supports the following two legislative avenues to stop U.S. military aid to Azerbaijan:

1) Language in the FY23 State-Foreign Operations bill requiring that: “No funds appropriated or otherwise made available under this Act may be provided to the Government of Azerbaijan for U.S. military or security programs.

2) Language in the FY23 National Defense Authorization Act repealing the President’s authority to waive Section 907 of the FREEDOM Support Act restrictions on U.S. aid to Azerbaijan.

## **What’s at Stake:**

American credibility. Tens of millions of U.S. tax dollars. The survival of an ancient Christian nation on its indigenous homeland.

## **Why it Matters:**

U.S. taxpayers should not have to subsidize the army of an oil-rich dictator ethnically cleansing indigenous Christians from their ancient homeland.

## **Key Points:**

-- The \$164,000,000 in U.S. military aid already sent to Azerbaijan (as documented by the General Accountability Office) materially strengthened and morally emboldened its leaders to ethnically-cleanse Artsakh.

-- In the wake of Azerbaijan’s 2020 ethnic cleansing of 100,000+ indigenous Armenians from Artsakh (Nagorno Karabakh) –amid Azerbaijan’s ongoing invasion and occupation of Armenian territory – not a single U.S. tax-dollar should be sent to Aliyev’s armed forces.

-- Now, more than ever, the Congress must maintain the spirit and letter of Section 907 of the Freedom Support Act, a longstanding provision of law aimed at holding Azerbaijan accountable for its aggression against Armenians.

-- Two days before Russia invaded Ukraine, Azerbaijan signed a major security agreement cementing its political and military alliance with Russia.

## **Big Picture:**

- Sending U.S. military aid to human rights abusers like Azerbaijan undermines the Biden Administration's commitment to center human rights as a core tenet of our foreign policy.
- The danger of green-lighting military aid to Azerbaijan extends beyond the South Caucasus. Abetting one of the world's most authoritarian regimes weakens America's standing as a beacon of human rights.
- U.S. recognition of the Armenian Genocide comes with the responsibilities, among them not sending arms or aid to states – like Azerbaijan that are hell-bent on completing this crime.
- Amid pressing needs at home and abroad, Congress should not be sending U.S. tax dollars to subsidize the oil-rich regime of corrupt Azerbaijani dictator Ilham Aliyev.

## **Background:**

As a candidate, President Biden (October 2020) responded to Azerbaijan's attack on Artsakh by calling on the United States to enforce Section 907 of the FREEDOM Support Act to "stop the flow of military equipment to Azerbaijan." Despite this public stand, President Biden reversed himself, waiving Section 907 on April 23, 2021.

Section 907, as originally enacted in 1992 with strong bipartisan support, restricts U.S. assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh. It has been waived – under expanded authority granted by Congress in 2001 – during the Bush, Obama, Trump, and Biden Administrations.

The General Accountability Office – which has documented that a total of \$164,000,000 has been provided under Section 907 waiver authority – concluded that the Executive Branch has violated Section 907 by failing to meet its statutory obligation to address all elements of its reporting requirements to Congress – including the prohibition on any U.S. assistance being used by Azerbaijan for offensive purposes against Armenia.

## **GAO link:**

<https://www.gao.gov/products/gao-22-104619>

# GAO Highlights

Highlights of [GAO-22-104619](#), a report to the Chairman, Committee on Foreign Relations, U.S. Senate

## Why GAO Did This Study

For decades, Azerbaijan and its neighbor Armenia have disputed rights to the region of Nagorno-Karabakh; in 2020, this dispute escalated to open conflict. While Section 907 generally restricts U.S. assistance to the government of Azerbaijan, the President may waive this provision. The President delegated to State the responsibility for making the certification necessary to waive the Section 907 restriction and for reporting to Congress on assistance provided pursuant to the waiver.

GAO was asked to review assistance provided under the Section 907 waiver. This report examines (1) amounts and types of assistance provided for Azerbaijan in fiscal years 2002 through 2020, (2) State's processes for determining that conditions exist to extend the waiver and the extent of compliance with related consultation and reporting requirements, and (3) the extent to which agencies have considered the waiver provision when assessing programs that provided assistance to the government of Azerbaijan pursuant to a waiver. GAO analyzed data for fiscal years 2002 through 2021; reviewed agency guidance, processes, and assessments of assistance to the government of Azerbaijan; and interviewed agency officials.

## What GAO Recommends

GAO is making three recommendations—that State ensure its reporting to Congress meets the Section 907 reporting requirement and that State and DOD ensure they document consideration of the Section 907 waiver provision. State and DOD concurred with the recommendations.

View [GAO-22-104619](#). For more information, contact Chelsa Kenney at (202) 512-2964 or [kenneyc@gao.gov](mailto:kenneyc@gao.gov).

January 2022

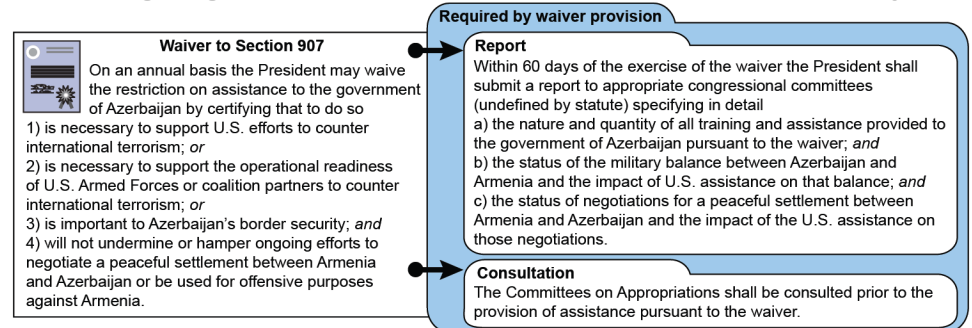
## FOREIGN ASSISTANCE

### Agencies Should Take Steps to Improve Reporting on Assistance to the Government of Azerbaijan

## What GAO Found

Section 907 of the FREEDOM Support Act of 1992 generally prohibits assistance, other than specified support for nonproliferation and disarmament, to the government of Azerbaijan. Subsequent legislation has exempted other types of aid, such as democracy and humanitarian assistance. Since 2002, the President has had the authority to waive the Section 907 restriction annually by certifying certain conditions.

#### Provision Regarding Waiver of Restriction on Assistance to the Government of Azerbaijan



Source: GAO analysis of Pub. L. No. 107-115, 115 Stat. 2129. | GAO-22-104619

The Departments of State, Defense (DOD), and Energy and the U.S. Agency for International Development reported providing about \$808 million for assistance for Azerbaijan in fiscal years 2002 through 2020. State and DOD reported providing about \$164 million of this amount (20 percent) for security assistance to the government of Azerbaijan pursuant to the Section 907 waiver. Other U.S. agencies' reported categories of assistance—for example, to support democracy and nuclear nonproliferation—were exempt from the Section 907 restriction.

State coordinates with other U.S. agencies providing assistance for Azerbaijan, collecting information needed to determine whether conditions exist to certify the extension of the Section 907 waiver and to comply with the reporting requirement. However, in fiscal years 2014 through 2021, State's reporting to Congress did not address some required elements, such as the impact of proposed assistance on the military balance between Azerbaijan and Armenia. State's 2021 guidance to agencies did not provide detailed instructions about the information required for its reporting to Congress. Unless State takes steps to ensure its reporting addresses all required elements, Congress may lack important information about U.S. assistance to the government of Azerbaijan.

In assessments of their programs providing assistance to the Azerbaijani government pursuant to the Section 907 waiver in fiscal years 2014 through 2021, State and DOD did not document consideration of information the waiver provision requires to be communicated to Congress. For example, the agencies did not document how they determined that their programs would not be used for offensive purposes against Armenia. While program-level considerations of the waiver provision are not statutorily required, documenting such considerations would help ensure State's access to quality information to support its certification of the waiver extension and its related reporting to Congress.