To protect and provide humanitarian assistance to Armenians in Armenia and Nagorno-Karabakh impacted by actions taken by the Government of Azerbaijan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

Mr. Menendez (for himself, Mr. Cassidy, Mr. Whitehouse, Mr. Padilla, Mr. Van Hollen, Mr. Markey, and Mr. Peters) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To protect and provide humanitarian assistance to Armenians in Armenia and Nagorno-Karabakh impacted by actions taken by the Government of Azerbaijan, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Supporting Armenians Against Azerbaijani Aggression Act of 2023”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:
(1) In September 2020, Azerbaijan invaded Nagorno-Karabakh, resulting in conflict in which more than 6,500 people in Armenia, Azerbaijan, and Nagorno-Karabakh were killed.

(2) According to the United Nations High Commissioner for Refugees (UNHCR), Azerbaijan’s 2020 invasion resulted in the displacement of more than 91,000 individuals from Nagorno-Karabakh, with the vast majority, primarily women and children, living in a “refugee-like” situation in the war’s aftermath.

(3) People displaced by Azerbaijan’s invasion of Nagorno-Karabakh continue to have acute humanitarian needs, including access to drinking water and health care.

(4) The COVID–19 pandemic compounded many of the challenges faced by Armenians displaced from Nagorno-Karabakh.

(5) Human Rights Watch found that Azerbaijani forces indiscriminately used cluster munitions and artillery rockets against civilian targets and destroyed civilian infrastructure, including hospitals and schools during the 2020 war.

(6) In September 2022, Azerbaijan unleashed another assault on Armenian territory, including the
cities of Vardenis, Sotk, Artanish, Ishkhanasar, Goris, and Kapan, which killed almost 400 military personnel.

(7) Azerbaijani forces shelled Armenian communities in September 2022, killing at least 4 civilians, injuring 14, and displacing at least 7,600 people, including almost 1,500 children and 100 people with disabilities.

(8) In December 2022, Azerbaijan imposed a blockade of the Lachin Corridor, a road by which 90 percent of food consumed by residents of Nagorno-Karabakh previously entered the enclave.

(9) Representatives of Nagorno-Karabakh report that shortages of electricity and gas have caused 20 percent of the region’s businesses to close, led hospitals to ration power, prevented rural residents from traveling to hospitals in the capital city of Stepanakert, and resulted in children missing school.

(10) The International Committee of the Red Cross (ICRC) has evacuated 196 patients from Nagorno-Karabakh through the Lachin Corridor for medical treatment since the blockade’s beginning and has helped 422 people to overcome family separations resulting from the blockade.
(11) The International Court of Justice ordered Azerbaijan in February 2023 to “ensure unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions,” a ruling with which it has failed to comply.

(12) Azerbaijan’s installation of a military checkpoint in the Lachin Corridor in April 2023 further threatens the supply of urgent humanitarian goods to Nagorno-Karabakh.

(13) On August 6, 2023, the Armenian Ombudsperson reported that no humanitarian aid had entered Nagorno-Karabakh since June 15, and that miscarriages had tripled.

(14) On August 7, 2023, a United Nations group of experts stated that Azerbaijan’s ongoing blockade of the Lachin Corridor “is a humanitarian emergency that has created severe shortages of essential food staples” and threatens medical reserves. They further noted that Azerbaijan’s lifting of the blockade could alleviate the suffering of thousands and is “essential to ensure the safety, dignity, and well-being of all individuals during this critical time”.

(15) In certain instances, Azerbaijani authorities have detained residents of Nagorno-Karabakh
traveling to Armenia through the Lachin Corridor, leaving ethnic Armenians who choose to depart for Armenia to avoid starvation to wonder if they can depart safely.

(16) According to the International Committee of the Red Cross, residents of Nagorno-Karabakh lack life-saving medication, hygiene products, and baby formula, and basic foodstuffs are increasingly scarce.

(17) The United States Commission on International Religious Freedom’s 2023 Annual Report noted the documented destruction of Armenian heritage sites in Nagorno-Karabakh, including St. Sargis Church, while the European Parliament in March 2023 condemned an Azerbaijani policy to “erase and deny Armenian cultural heritage in and around Nagorno-Karabakh”.

(18) In a September 2022 report, the United Nations Committee on the Elimination of Racial Discrimination expressed deep concern in Azerbaijan regarding “[i]ncitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials, and the lack of de-
tailed information on investigations, prosecutions, convictions, and sanctions for such acts’.

(19) Azerbaijan could open the Lachin Corridor and allow lifesaving provisions to reach the population inside, but is choosing not to.

(20) Any peace agreement between Armenia and Azerbaijan will only be sustainable if its includes protections for the Armenian population of Nagorno-Karabakh.

(21) On September 19, 2023 Azerbaijan launched an assault on Nagorno-Karabakh, attacking civilian infrastructure and killing numerous civilians, including children.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Azerbaijan is conducting a campaign of ethnic cleansing against Armenians living in Nagorno-Karabakh and the United States and the international community have a responsibility to provide immediate humanitarian support;

(2) Azerbaijan’s blockade of the Lachin Corridor threatens the lives and wellbeing of all people inside Nagorno-Karabakh, and the Government of Azerbaijan must immediately open the humanitarian corridor to allow for the flow of goods;
(3) the Government of Azerbaijan must immediately cease actions that undermine the mission of the International Committee of the Red Cross and restore unfettered humanitarian access to the region, including by facilitating the transfer of food, fuel, medicine, and hygiene products; and

(4) the Government of Azerbaijan should immediately release all Armenian prisoners of war.

SEC. 4. HUMANITARIAN ASSISTANCE FOR ARMENIANS IN ARMENIA AND NAGORNO-KARABAKH.

There is authorized to be appropriated to the United States Agency for International Development, for fiscal year 2024, $30,000,000 to provide humanitarian assistance to groups in Armenia and Nagorno-Karabakh impacted by the 2020 Nagorno-Karabakh War, Azerbaijan’s September 2022 attack on Armenia, and Azerbaijan’s blockade of the Lachin Corridor.

SEC. 5. FREEDOM SUPPORT ACT SECTION 907 WAIVER REPEAL.

Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115) (22 U.S.C. 5812 note) is amended, under the heading “ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION”, by striking paragraphs (2) through (6) of subsection (g).
SEC. 6. FOREIGN MILITARY FINANCING.

(a) Authorization.—There is authorized to be appropriated $10,000,000 for the Department of State for fiscal year 2024 for Foreign Military Financing program assistance for the Republic of Armenia.

(b) Purposes.—The Foreign Military Financing program assistance authorized by subsection (a) shall be used to—

(1) support Armenia’s sovereign independence;

(2) support joint training and exercises with the United States;

(3) enhance United States-Armenia interoperability; and

(4) train Armenian forces for future international peacekeeping operations.

SEC. 7. STRATEGY TO PROTECT THE RIGHTS OF PEOPLE IN NAGORNO-KARABAKH.

(a) Strategy Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed strategy to ensure the durable security for the people of Nagorno-Karabakh.

(b) Elements.—The strategy required by subsection (a) shall include—

(1) incorporating the rights and security of the people in Nagorno-Karabakh into any and all efforts...
to facilitate peace talks between Armenia and Azerbaijan; and

(2) a plan to work with leaders of Nagorno-Karabakh and the international community to ensure—

(A) the establishment of accountability measures to ensure the rights and security of the population of Nagorno-Karabakh in the event that the governments of Armenia and Azerbaijan reach a peace agreement;

(B) support for the protection of Armenian cultural heritage sites in Nagorno-Karabakh; and

(C) Armenians in Nagorno-Karabakh are able maintain their right to study according to a curriculum designed by local representatives, worship according to their chosen religious beliefs, and speak their preferred language.

SEC. 8. ACCOUNTABILITY FOR ALLEGED AZERBAIJANI ATROCITIES DURING SEPTEMBER 2022 ATTACK ON ARMENIA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed report regarding alleged Azerbaijani atrocities
during its attacks on Armenia in September 2022 and on Nagorno-Karabakh in September 2023.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the status of efforts to investigate, verify, and promote accountability for alleged atrocities, including war crimes and crimes against humanity that Azerbaijani forces committed during the course of Azerbaijan’s attacks on Armenia in September 2022 and on Nagorno-Karabakh in September 2023, and a description any the documented atrocities to date.

(2) A description of United States support for efforts to investigate, verify, and promote accountability for alleged atrocities, including war crimes and crimes against humanity that Azerbaijani forces committed during the course of Azerbaijan’s attacks on Armenia in September 2022 and on Nagorno-Karabakh in September 2023.

(3) A description of efforts to promote justice for victims of alleged atrocities.

(4) A strategy for diplomatic engagement to build support for widespread accountability for these atrocities, including multilateral engagements, economic sanctions, and visa restrictions.
(5) Plans to deter future Azerbaijani attacks against Armenia.

SEC. 9. ASSISTANCE TO SUPPORT THE ENERGY SECTOR OF THE REPUBLIC OF ARMENIA.

(a) AUTHORITY.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to implement activities identified in the January 2021 “Action Plan to Ensure Implementation of the Republic of Armenia Energy Sector Development Strategic Program—Market Liberalization and Electricity Trade (MLET) program” produced by the Government of the Republic of Armenia and USAID to improve the Republic of Armenia’s energy security and enhance Armenia’s domestic energy production.

(b) TECHNICAL SUPPORT FOR GRID SYNCHRONIZATION.—

(1) COOPERATION.—The Secretary and the Administrator shall work with the Republic of Armenia and the Republic of Georgia, as requested by the governments of those countries, to cooperate on the synchronization of electrical grids and broker arrangements to allow for the purchase and transmission of electricity between the Republic of Armenia and the Republic of Georgia.
(2) TECHNICAL ASSISTANCE.—The Secretary and the Administrator may provide technical assistance to the Republic of Georgia and the Republic of Armenia on energy sector regulatory reforms and system modifications, including the development of compatible cross-border transmission infrastructure necessary to allow for the safe and secure operation of an integrated power grid between the Republic of Armenia and the Republic of Georgia.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $650,000,000 for each of fiscal years 2024 through 2026 to carry out activities under this section.

SEC. 10. PARTNERSHIPS FOR UNITED STATES-ARMENIAN COOPERATION ON SCIENCE AND TECHNOLOGY.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant Federal agencies, shall seek opportunities to facilitate partnerships between various United States entities and appropriate entities in Armenia to deepen collaboration and exchanges in science and technology, including—

(1) an institution of higher education; or

(2) a United States national laboratory or relevant federally operated research facility, including
research, innovation, or technology laboratories, proving grounds, test facilities, or centers of excellence operated by the Department of Agriculture, the Department of Transportation, or the Department of Commerce that specialize in facilitating collaboration on the development of new applied science, research and technologies in the fields of transportation, agriculture, and food production, or telecommunications and information technology.

(b) Identification of Partners.—The Secretary of State shall identify private sector entities that will contribute resources to the initiatives and projects developed through partnerships under this section.

(c) Authorization of Appropriations.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2024 through 2028 for activities under this section.

SEC. 11. IMPOSITION OF SANCTIONS WITH RESPECT TO OFFICIALS OF THE GOVERNMENT OF AZERBAIJAN RELATED TO ETHNIC CLEANSING IN NAGORNO-KARABAKH.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, and after making the determination required by subsection (c), the President
shall impose sanctions described in subsection (d) with re-
spect to each official of the Government of Azerbaijan—

(1) specified in subsection (b); or

(2) determined by the President under sub-
section (c) to have directed an attack or the block-
ade described in that subsection.

(b) OFFICIALS SPECIFIED.—The officials specified in
this subsection are the following:

(1) The President of Azerbaijan.

(2) The Minister of Defense of Azerbaijan.

(3) The Minister of Defense Industry of Azer-
baijan.

(4) The Chief of the State Border Service of
Azerbaijan.

(5) The Chief of the State Security Service of
Azerbaijan.

(6) The Chief of the Foreign Intelligence Serv-
ice of Azerbaijan.

(c) IDENTIFICATION OF ADDITIONAL OFFICIALS.—
Not later than 30 days after the date of the enactment
of this Act, the President shall determine whether any offi-
cials of the Government of Azerbaijan, in addition to the
officials specified in subsection (b), directed—

(1) operations that instigated the 2020
Nagorno-Karabakh War;
(2) attacks on Armenia in September 2022;
(3) the blockade of the Lachin Corridor beginning in December 2022; or
(4) attacks on Nagorno-Karabakh in September 2023.

(d) Sanctions Described.—The sanctions to be imposed under subsection (a) with respect to an official described in that subsection include any of the sanctions authorized under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law.

(e) National Security Waiver.—The President may waive the imposition of sanctions under this section with respect to an official described in subsection (a) if the President—

(1) determines that such a waiver is in the national security interests of the United States; and
(2) submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 12. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.