

118TH CONGRESS
1ST SESSION

S. 416

To designate the Russian-based mercenary Wagner Group as a foreign terrorist organization, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2023

Mr. WICKER (for himself, Mr. CARDIN, Mrs. SHAHEEN, Mr. TILLIS, Mr. BLUMENTHAL, Mr. GRAHAM, Mr. WHITEHOUSE, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To designate the Russian-based mercenary Wagner Group as a foreign terrorist organization, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Holding Accountable
5 Russian Mercenaries Act” or the “HARM Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Secretary of State’s designation of an
2 entity as a foreign terrorist organization results
3 from a determination that—

4 (A) the entity is foreign and engages in
5 terrorism or terrorist activity; and

6 (B) the terrorist activity threatens the se-
7 curity of the United States or its nationals.

8 (2) The activities of the Wagner Group and af-
9 filiated entities of Russian national Yevgeniy
10 Prigozhin pose a threat to the national interests and
11 national security of the United States and allies and
12 partners of the United States, including with respect
13 to Russia’s war on Ukraine, which President Biden
14 declared, on March 2, 2022, “pose[s] an unusual
15 and extraordinary threat to the national security
16 and foreign policy of the United States”.

17 (3) On June 20, 2017, the Department of the
18 Treasury’s Office of Foreign Assets Control des-
19 ignated the Wagner Group and its military leader,
20 Dmitry Utkin, pursuant to Executive Order 13660
21 (50 U.S.C. 1701 note; relating to blocking property
22 of certain persons contributing to the situation in
23 Ukraine) “for being responsible for or complicit in,
24 or having engaged in, directly or indirectly, actions
25 or policies that threaten the peace, security, sta-

1 bility, sovereignty or territorial integrity of
2 Ukraine”.

3 (4) On September 20, 2018, the Department of
4 State added Yevgeniy Prigozhin and his affiliated
5 entities, including the Wagner Group, to the list of
6 persons identified as part of, or operating for or on
7 behalf of, the defense or intelligence sectors of the
8 Government of the Russian Federation under section
9 231 of the Countering America’s Adversaries
10 Through Sanctions Act (22 U.S.C. 9525).

11 (5) On January 20, 2023, a White House
12 spokesperson announced that the Department of the
13 Treasury will designate the Wagner Group as a sig-
14 nificant transnational criminal organization pursu-
15 ant to Executive Order 13581 (50 U.S.C. 1701 note;
16 relating to blocking property of transnational crimi-
17 nal organizations), consistent with the authority
18 granted to the President under section 203(a) of the
19 International Emergency Economic Powers Act (50
20 U.S.C. 1702).

21 (6) The Wagner Group, a self-described private
22 actor that undertakes military action and subversive
23 operations at the behest of the Government of the
24 Russian Federation, is a “terrorist group” that en-
25 gages in “terrorism” (as defined in section 140(d) of

1 the Foreign Relations Authorization Act, Fiscal
2 Year 1988 and 1989 (22 U.S.C. 2656f(d))), which
3 is “premeditated, politically motivated violence per-
4 petrated against noncombatant targets by sub-
5 national groups or clandestine agents”.

6 (7) The Wagner Group and its affiliated enti-
7 ties have committed, or are credibly accused of com-
8 mitting, terrorist activity (as defined in section
9 212(a)(3)(B) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(a)(3)(B))), through their in-
11 volvement in—

12 (A) the massacres, rape, and torture of ci-
13 vilians in Bucha, Ukraine, in March 2022;

14 (B) the massacres in Moura, Mali, in
15 March 2022;

16 (C) the massacres of migrant workers and
17 civilians in mining regions along the Sudan-
18 Central African Republic border in 2022;

19 (D) the murder of Russian journalists in
20 the Central African Republic in June 2018 as
21 well as threats against United States journalists
22 investigating such incident;

23 (E) the kidnapping of children in the Cen-
24 tral African Republic in 2022 to work in mines;

1 (F) the rape and sex trafficking of women
2 and children in the Central African Republic
3 between 2018 and 2022;

4 (G) the sabotage and lethal suppression of
5 civilian protestors in Sudan in 2019;

6 (H) the use of nerve agents against
7 Libya's Government of National Accord and de-
8 ployment of illegal land mines and booby-traps
9 in civilian areas of Tripoli between 2019 and
10 2020;

11 (I) the torture and execution of a Syrian
12 national in June 2017;

13 (J) efforts to assassinate Ukrainian Presi-
14 dent Volodymyr Zelensky in March 2022; and

15 (K) the receipt of weapons shipments ini-
16 tially reported in December 2022 from the
17 Democratic People's Republic of Korea, which
18 the Secretary of State had designated a state
19 sponsor of terrorism on November 20, 2017.

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) the Russian-based mercenary Wagner
23 Group meets the criteria for designation by the Sec-
24 retary of State as a foreign terrorist organization

1 under section 219(a) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1189(a)); and

3 (2) the Secretary of State should designate the
4 Wagner Group as a foreign terrorist organization
5 under such section 219(a).

6 **SEC. 4. DESIGNATION OF THE MERCENARY WAGNER**
7 **GROUP AS A FOREIGN TERRORIST ORGANI-**
8 **ZATION.**

9 (a) IN GENERAL.—Upon the enactment of this Act,
10 the Secretary of State shall designate the Wagner Group
11 as a foreign terrorist organization in accordance with sec-
12 tion 219(a) of the Immigration and Nationality Act (8
13 U.S.C. 1189(a)).

14 (b) APPLICATION.—The designation required under
15 subsection (a) shall equally apply to any affiliated and suc-
16 cessor entities to the Wagner Group undertaking malign
17 activities against the United States and its allies and part-
18 ners, including activities taking place in Ukraine, Africa,
19 and the Middle East.

20 (c) WAIVER.—The President may waive the applica-
21 tion of sanctions under this section if the President deter-
22 mines and reports to the appropriate congressional com-
23 mittees that such a waiver is in the national security inter-
24 est of the United States.

1 (d) ANNUAL REPORT.—Not later than 1 year after
2 the date of the enactment of this Act, and annually there-
3 after, the Secretary of State shall submit a report to the
4 appropriate congressional committees describing the inter-
5 national activities of the Russian-based mercenary Wagner
6 Group.

7 (e) DEFINED TERM.—In this section, the term “ap-
8 propriate congressional committees” means—

9 (1) the Committee on Armed Services of the
10 Senate;

11 (2) the Committee on Foreign Relations of the
12 Senate;

13 (3) the Committee on Banking, Housing, and
14 Urban Affairs of the Senate;

15 (4) the Committee on Financial Services of the
16 House of Representatives;

17 (5) the Committee on Foreign Affairs of the
18 House of Representatives;

19 (6) the Committee on the Judiciary of the
20 House of Representatives; and

21 (7) the Committee on Armed Services of the
22 House of Representatives.

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