

# Calendar No. 147

118TH CONGRESS  
1ST SESSION

# S. 416

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

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## 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, Mr. RUBIO, Mrs. BLACKBURN, Mr. HEINRICH, Mr. SCOTT of Florida, Mr. KELLY, Mr. GRASSLEY, Mr. MANCHIN, Mr. DURBIN, Mr. YOUNG, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 25, 2023

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## 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~~”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

6 (A) the entity is foreign and engages in  
7 terrorism or terrorist activity; and

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

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

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

1 or policies that threaten the peace, security, sta-  
2 bility, sovereignty or territorial integrity of  
3 Ukraine”.

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

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

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

1 gages in “terrorism” (as defined in section 140(d) of  
2 the Foreign Relations Authorization Act, Fiscal  
3 Year 1988 and 1989 (22 U.S.C. 2656f(d))), which  
4 is “premeditated, politically motivated violence per-  
5 petrated against noncombatant targets by sub-  
6 national groups or clandestine agents”.

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

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

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

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

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

24 (E) the kidnapping of children in the Cen-  
25 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.

23 **SECTION 1. SHORT TITLES.**

24       *This Act may be cited as the “Holding Accountable*  
25 *Russian Mercenaries Act” or the “HARM Act”.*

1 **SEC. 2. FINDINGS.**

2 *Congress makes the following findings:*

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

6 *(A) the entity is foreign and engages in ter-*  
7 *rorism or terrorist activity; and*

8 *(B) the terrorist activity threatens the secu-*  
9 *rity of the United States or its nationals.*

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

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



1        *that threaten the peace, security, stability, sovereignty*  
2        *or territorial integrity of Ukraine”.*

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

11           (5) *On January 20, 2023, a White House spokes-*  
12       *person announced that the Department of the Treas-*  
13       *ury will designate the Wagner Group as a significant*  
14       *transnational criminal organization pursuant to Ex-*  
15       *ecutive Order 13581 (50 U.S.C. 1701 note; relating to*  
16       *blocking property of transnational criminal organiza-*  
17       *tions), consistent with the authority granted to the*  
18       *President under section 203(a) of the International*  
19       *Emergency Economic Powers Act (50 U.S.C. 1702).*

20           (6) *The Wagner Group, a self-described private*  
21       *actor that undertakes military action and subversive*  
22       *operations at the behest of the Government of the Rus-*  
23       *sian Federation, is a “terrorist group” that engages*  
24       *in “terrorism” (as defined in section 140(d) of the*  
25       *Foreign Relations Authorization Act, Fiscal Year*

1       1988 and 1989 (22 U.S.C. 2656f(d))), which is “pre-  
2       meditated, politically motivated violence perpetrated  
3       against noncombatant targets by subnational groups  
4       or clandestine agents”.

5               (7) *The Wagner Group and its affiliated entities*  
6       *have committed, or are credibly accused of commit-*  
7       *ting, terrorist activity (as defined in section*  
8       *212(a)(3)(B) of the Immigration and Nationality Act*  
9       *(8 U.S.C. 1182(a)(3)(B))), through their involvement*  
10       *in—*

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

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

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

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

22                   (E) *the kidnapping of children in the Cen-*  
23       *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 be-  
3           tween 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 Libya's  
7           Government of National Accord and deployment  
8           of illegal land mines and booby-traps in civilian  
9           areas of Tripoli between 2019 and 2020;

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

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

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

19 **SEC. 3. SENSE OF CONGRESS.**

20          *It is the sense of Congress that—*

21               (1) the Russian-based mercenary Wagner Group  
22               meets the criteria for designation by the Secretary of  
23               State as a foreign terrorist organization under section  
24               219(a) of the Immigration and Nationality Act (8  
25               U.S.C. 1189(a)); and

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

4 **SEC. 4. DESIGNATION OF THE MERCENARY WAGNER GROUP**  
5                                   **AS A FOREIGN TERRORIST ORGANIZATION.**

6           (a) *IN GENERAL.*—*Upon the enactment of this Act, the*  
7           *Secretary of State shall designate the Wagner Group as a*  
8           *foreign terrorist organization in accordance with section*  
9           *219(a) of the Immigration and Nationality Act (8 U.S.C.*  
10           *1189(a)).*

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

17           (c) *WAIVER.*—*The President may waive the applica-*  
18           *tion of sanctions under this section if the President deter-*  
19           *mines and reports to the appropriate congressional commit-*  
20           *tees that such a waiver is in the national security interest*  
21           *of the United States.*

22           (d) *ANNUAL REPORT.*—*Not later than 1 year after the*  
23           *date of the enactment of this Act, and annually thereafter,*  
24           *the Secretary of State shall submit a report to the appro-*  
25           *priate congressional committees describing the inter-*

1 *national activities of the Russian-based mercenary Wagner*  
2 *Group.*

3 (e) *DEFINED TERM.—In this Act, the term “appro-*  
4 *prate congressional committees” means—*

5 (1) *the Committee on Armed Services of the Sen-*  
6 *ate;*

7 (2) *the Committee on Foreign Relations of the*  
8 *Senate;*

9 (3) *the Committee on Banking, Housing, and*  
10 *Urban Affairs of the Senate;*

11 (4) *the Committee on Financial Services of the*  
12 *House of Representatives;*

13 (5) *the Committee on Foreign Affairs of the*  
14 *House of Representatives;*

15 (6) *the Committee on the Judiciary of the House*  
16 *of Representatives; and*

17 (7) *the Committee on Armed Services of the*  
18 *House of Representatives.*

19 (f) *EXCEPTION FOR HUMANITARIAN ASSISTANCE AND*  
20 *PEACEBUILDING ACTIVITIES.—When applying the terms*  
21 *“material support or resources” (as defined in section*  
22 *2339A(b)(1) of title 18, United States Code) and “material*  
23 *support” (as defined at section 212(a)(3)(B) of the Immi-*  
24 *gration and Nationality Act (8 U.S.C. 1182 (a)(3)(B)) with*  
25 *respect to activities and transactions involving the Wagner*

1 *Group, such terms shall exclude activities and support di-*  
2 *rectly related to humanitarian assistance or peacebuilding*  
3 *activities, including—*

4           (1) *activities and transactions described in an*  
5 *authorizing document issued by the Secretary of the*  
6 *Treasury (or designee) by means of a license, regula-*  
7 *tion, exemption, or other document;*

8           (2) *activities that—*

9                   (A) *support humanitarian projects to meet*  
10 *basic human needs and to support education;*

11                   (B) *support peacebuilding, conflict preven-*  
12 *tion, or conflict resolution programs;*

13                   (C) *support disarmament, demobilization,*  
14 *or reintegration programs;*

15                   (D) *directly benefit the civilian population,*  
16 *including support for the removal of landmines*  
17 *and economic development projects directly bene-*  
18 *fitting the civilian population;*

19                   (E) *support democracy building;*

20                   (F) *support non-commercial development*  
21 *projects directly benefitting civilians; and*

22                   (G) *support environmental and natural re-*  
23 *source protection;*

1           (3) *any transaction by a nongovernmental orga-*  
2 *nization that are ordinarily incident and necessary to*  
3 *the activities described in paragraph (2), including—*

4                   (A) *processing and transferring funds;*

5                   (B) *paying taxes, fees, or import duties;*

6                   (C) *the purchase or receipt of permits,*  
7 *visas, licenses, or public utility services if such*  
8 *nongovernmental organization is not a person or*  
9 *entity whose property or interests in property*  
10 *are blocked pursuant to another provision of*  
11 *statute or regulation; and*

12           (4) *noncommercial transactions that are related*  
13 *to the direct or indirect provision of agricultural com-*  
14 *modities, medicine, medical devices, replacement*  
15 *parts and components for medical devices, or software*  
16 *updates for medical devices to an individual whose*  
17 *property and interests in property are blocked pursu-*  
18 *ant to another provision of statute or regulation, if*  
19 *such items are transferred in quantities consistent*  
20 *with personal, noncommercial use.*

21 **SEC. 5. TASK FORCE ON COUNTERING RUSSIAN MALIGN AC-**  
22 **TORS AND MERCENARY PROXIES.**

23           (a) *ESTABLISHMENT.—*

24                   (1) *IN GENERAL.—Not later than 90 days after*  
25 *the date of the enactment of this Act, the Secretary of*

1     *State shall establish a task force on countering the*  
 2     *Russian mercenary groups and their proxies (referred*  
 3     *to in this section as the “Task Force”).*

4             (2) *RUSSIAN MERCENARY GROUPS AND THEIR*  
 5     *PROXIES DEFINED.—In this section, the term “Rus-*  
 6     *sian mercenary groups and their proxies” means—*

7                     (A) *mercenary proxy groups, such as Wag-*  
 8                     *ner PMC (and any relevant successors that en-*  
 9                     *gage in similar conduct), PMC Patriot,*  
 10                    *Andreyevsky Krest PMC, PMC Convoy, Akhmat*  
 11                    *PMC, Moran Security Group, and RSB Group;*

12                    (B) *any organization or network that is di-*  
 13                    *rectly involved in planning and carrying out in-*  
 14                    *fluence operations in the United States or in any*  
 15                    *country that is an ally or partner of the United*  
 16                    *States; and*

17                    (C) *any overt or covert financial, procure-*  
 18                    *ment, or logistics network directly involved in*  
 19                    *supporting the actors or activities described in*  
 20                    *subparagraphs (A) or (B).*

21             (b) *OBJECTIVES.—The objectives of the Task Force*  
 22     *shall be to—*

23                     (1) *identify individuals and entities linked to*  
 24     *Russian mercenary groups and their proxies that are*



1       *responsible for, or complicit in, transnational criminal*  
2       *activities and atrocities in Africa;*

3             (2) *degrade the operational capabilities of Russian*  
4       *mercenary groups and their proxies worldwide;*

5             (3) *disrupt and degrade the financial, procurement,*  
6       *and logistics networks that sustain Russian*  
7       *mercenary groups and their proxies and networks;*

8             (4) *deny Russian mercenary groups and their*  
9       *proxies the use of third-country safe havens or bases*  
10       *of operations that can be used to project influence or*  
11       *support their operations globally;*

12            (5) *coordinate diplomatic activities in countries*  
13       *in which the Wagner Group poses a national security*  
14       *threat;*

15            (6) *engage with allies and partners of the United*  
16       *States to carry out the objectives described in paragraphs*  
17       *(1) through (5); and*

18            (7) *make recommendations for sanctions, including*  
19       *regarding designations and any additional sanctions*  
20       *authorities that may be needed.*

21       (c) *COMPOSITION.—*

22            (1) *LEADERSHIP.—The Task Force shall be led*  
23       *by the Deputy Secretary of State or another senior official*  
24       *of the Department of State who has been des-*

1       *ignated by the Secretary of State to lead the Task*  
2       *Force.*

3               (2) *DEPARTMENT OF STATE REPRESENTA-*  
4       *TIVES.—Members of the Task Force shall include rep-*  
5       *resentatives of—*

6                       (A) *relevant regional or functional bureaus*  
7       *of the Department of State;*

8                       (B) *the Global Engagement Center;*

9                       (C) *the Office of Sanctions Coordination;*

10                      (D) *the Bureau of Cyberspace and Digital*  
11       *Policy; and*

12                      (E) *other offices and bureaus of the Depart-*  
13       *ment of State that the Secretary of State deter-*  
14       *mines should be represented on the Task Force.*

15               (3) *OTHER FEDERAL DEPARTMENTS AND AGEN-*  
16       *CIES.—Members of the Task Force shall also include*  
17       *representatives of—*

18                      (A) *the Department of Defense;*

19                      (B) *the Department of the Treasury;*

20                      (C) *the intelligence community (as defined*  
21       *in section 3 of the National Security Act of 1947*

22       *(50 U.S.C. 3003);*

23                      (D) *the Department of Justice; and*

24                      (E) *any other relevant Federal department*  
25       *or agency.*

1       (d) *REPORT.*—Not later than 90 days after establish-  
2       ment of the Task Force, and annually thereafter for the fol-  
3       lowing 3 years, the Secretary of State shall submit to the  
4       appropriate congressional committees a report con-  
5       taining—

6               (1) a summary of the Task Force’s efforts to  
7       counter Russian mercenary groups and their proxies  
8       during the preceding year;

9               (2) a description of the Task Force’s diplomatic  
10       efforts to carry out the objectives described in sub-  
11       section (b), including—

12                       (A) diplomatic demarches;

13                       (B) bilateral engagements;

14                       (C) coordination of multilateral initiatives  
15       with allies and partners; and

16                       (D) any other relevant diplomatic activities;

17               (3) a description of financial, cyber, military, or  
18       intelligence tools or authorities used to carry out the  
19       objectives described in subsection (b), including the  
20       cyber capabilities authorized to be shared under sec-  
21       tion 398 of title 10, United States Code;

22               (4) a description of any information operations  
23       or public diplomacy efforts associated with any of the  
24       activities described in paragraphs (1) through (3);  
25       and

1           (5) a description of the coordination and syn-  
2           chronization of efforts among the Department of  
3           State, the Department of the Treasury, the Office of  
4           the Director of National Intelligence, Department of  
5           Defense, and any other relevant Federal agencies, to  
6           counter Russian mercenary groups and their proxies  
7           in affected countries.

8   **SEC. 6. ENHANCED DIPLOMATIC EFFORTS AND INCREAS-**  
9                           **ING PERSONNEL TO COUNTER THE ACTIVI-**  
10                          **TIES OF THE WAGNER GROUP AND OTHER**  
11                          **RUSSIAN MILITARY COMPANIES.**

12           (a) *PLAN TO ENHANCE DIPLOMATIC EFFORTS.*—Not  
13           later than 90 days after the date of the enactment of this  
14           Act, the Secretary of State shall develop and submit to the  
15           appropriate congressional committees a plan for enhancing  
16           diplomatic efforts with governments and regional organiza-  
17           tions to counter the Wagner Group, any relevant successors  
18           to the Wagner Group that engage in similar conduct, and  
19           other Russian mercenary groups and their proxies. Such  
20           plan shall include recommendations for increasing the  
21           number of personnel at certain United States diplomatic  
22           missions to ensure that relevant embassies have the per-  
23           sonnel to focus on the activities, policies, and investments  
24           of Russian mercenary groups and their proxies.

25           (b) *ADDITIONAL STAFFING PLAN.*—

1           (1) *IN GENERAL.*—Not later than 180 days after  
2           the date of the enactment of this Act, the Secretary of  
3           State shall submit a staffing plan to the appropriate  
4           congressional committees for key diplomatic posts in  
5           Africa (including north Africa) to increase moni-  
6           toring and reporting on the activities of the Wagner  
7           Group, any relevant successors to the Wagner Group  
8           that engage in similar conduct, and other Russian  
9           mercenary groups and their proxies. Such plan shall  
10          identify new incentives for filling positions that are  
11          hard to staff.

12          (2) *FINANCIAL AND HUMAN RESOURCES.*—The  
13          Secretary of State shall prioritize efforts to ensure  
14          that United States diplomatic missions in countries  
15          in which the Wagner Group poses a national security  
16          threat have sufficient financial and human resources  
17          to engage in effective public diplomacy to counter the  
18          influence of the Wagner Group and other Russian  
19          mercenary proxy groups.

20          (c) *BRANDING AND MARKING UNITED STATES FOR-*  
21          *EIGN ASSISTANCE.*—The Secretary of State, the Adminis-  
22          trator of the United States Agency for International Devel-  
23          opment, and the heads of other relevant Federal depart-  
24          ments and agencies should—

1           (1) *prescribe the use of the United States flag to*  
2           *identify, consistent with section 641 of the Foreign*  
3           *Assistance Act of 1961 (22 U.S.C. 2401), all foreign*  
4           *assistance provided by the United States to countries*  
5           *in which the Wagner Group poses a national security*  
6           *threat;*

7           (2) *limit the use of branding and marking waiv-*  
8           *ers, as appropriate, for humanitarian assistance pro-*  
9           *vided by the United States to such countries; and*

10          (3) *only use branding and marking waivers on*  
11          *a case-by-case basis for non-humanitarian programs*  
12          *administered by the Department of State, the United*  
13          *States Agency for International Development, or an-*  
14          *other Federal department or agency administering*  
15          *programs in such countries.*

16          (d) *EFFORTS TO LIMIT BENEFITS FROM ILLICIT EX-*  
17          *TRACTION AND TRADE IN NATURAL RESOURCES.—The Sec-*  
18          *retary of State, in coordination with the heads of other rel-*  
19          *evant Federal departments and agencies, shall engage in*  
20          *diplomatic efforts to limit the ability of the Wagner Group,*  
21          *any successor to the Wagner Group that engages in similar*  
22          *conduct, and other Russian mercenary proxy groups to en-*  
23          *gage in, or materially benefit from, the smuggling and il-*  
24          *licit extraction, refining, and trade of gold and other nat-*  
25          *ural resources, including by encouraging—*

- 1           (1) *the harmonization of tax regimes;*
- 2           (2) *the adoption of due diligence and inter-*  
3           *national standards for conflict-free and responsible*  
4           *sourcing of natural resources; and*
- 5           (3) *the formalization of artisanal mining sectors.*

6 **SEC. 7. STRATEGY TO COUNTER THE WAGNER GROUP.**

7           (a) *IN GENERAL.*—Not later than 90 days after the  
8 *date of the enactment of this Act, the Secretary of State,*  
9 *in consultation with relevant Federal agencies, shall develop*  
10 *and submit to the appropriate congressional committees a*  
11 *strategy to deter and counter the global activities of the*  
12 *Wagner Group and any successor to the Wagner Group that*  
13 *engages in similar conduct.*

14           (b) *ELEMENTS.*—The strategy required under sub-  
15 *section (a) shall include the following elements:*

16           (1) *Regional and country-specific approaches to*  
17 *countering the influence and activities of the Wagner*  
18 *Group and any successor that engages in similar con-*  
19 *duct in Africa, Europe, the Middle East, and Latin*  
20 *America, including efforts to counter recruitment by*  
21 *or on behalf of the Wagner Group and any successor*  
22 *to the Wagner Group that engages in similar conduct.*

23           (2) *A comprehensive campaign, conducted in*  
24 *partnership with the Global Engagement Center, de-*  
25 *signed to—*

1           (A) expose the activities of the Wagner  
2           Group and any successor to the Wagner Group  
3           that engages in similar conduct; and

4           (B) counter the propaganda and  
5           disinformation and misinformation operations of  
6           the Wagner Group.

7           (3) Examples of past efforts to accomplish the  
8           objectives described in subparagraphs (A) and (B) of  
9           paragraph (2) and a list of the tools that have been  
10          used for disinformation purposes.

11          (4) A plan to utilize other tools available to the  
12          United States Government to degrade the operations  
13          of the Wagner Group and any successor to the Wag-  
14          ner Group that engages in similar conduct.

15          (5) An analysis of policy and programmatic  
16          limitations, gaps, and resource requirements to effec-  
17          tively counter the Russian Federation's malign influ-  
18          ence and activities in Africa, Latin America, the Car-  
19          ibbean, the Middle East, Asia, and other regions, as  
20          appropriate.

21          (6) Recommendations for any additional au-  
22          thorities or resources needed to more effectively de-  
23          grade operations and influence of the Wagner Group,  
24          any successor to the Wagner Group that engages in  
25          similar conduct, and similar groups.



1           (c) *FORM.*—*The strategy required under subsection (a)*  
 2 *shall be submitted in unclassified form, but may contain*  
 3 *a classified annex.*

4 **SEC. 8. INFLUENCING INTERNATIONAL FINANCIAL INSTI-**  
 5 **TUTIONS TO CONSIDER WAGNER GROUP MIN-**  
 6 **ING CONCESSIONS WHEN CONSIDERING**  
 7 **LOANS AND DEVELOPMENT FINANCING**  
 8 **PROJECTS.**

9           (a) *CONSIDERATION BY INTERNATIONAL MONETARY*  
 10 *FUND OF MINING CONCESSIONS WITH AFFILIATED ENTI-*  
 11 *TIES OF THE WAGNER GROUP.*—*The Secretary of State, in*  
 12 *consultation with the Secretary of the Treasury, shall advise*  
 13 *the United States Executive Director of the International*  
 14 *Monetary Fund to use the voice and vote of the United*  
 15 *States to ensure that the International Monetary Fund,*  
 16 *when considering a loan to a country, considers whether*  
 17 *the potential recipient of such loan has provided mining*  
 18 *concessions or direct budgetary support to the Wagner*  
 19 *Group or entities affiliated with the Wagner Group.*

20           (b) *CONSIDERATION BY EXPORT-IMPORT BANK OF THE*  
 21 *UNITED STATES OF MINING PROJECTS.*—*The Secretary of*  
 22 *State, in consultation with the Secretary of Treasury, shall*  
 23 *advise the United States Chair and Director of the Board*  
 24 *of Governors of the Export-Import Bank of the United*  
 25 *States to use the voice and vote of the United States to en-*

1 *sure that the Export-Import Bank, when considering devel-*  
2 *opment financing projects, reviews whether the potential re-*  
3 *ipient has provided mining concessions or direct budgetary*  
4 *support to the Wagner Group or entities affiliated with the*  
5 *Wagner Group.*

6 **SEC. 9. INFORMATION SHARING ON HIGH-VALUE WAGNER**  
7 **GROUP TARGETS.**

8 *The Secretary of State is authorized to take appro-*  
9 *priate steps to share information regarding high-value*  
10 *Wagner Group targets with like-minded foreign government*  
11 *partners, which could include full names and biometric*  
12 *data of individual targets, if available and relevant to de-*  
13 *termining visa restrictions.*



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118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 416**

**A BILL**

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

JULY 25, 2023

Reported with an amendment