

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 416

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. RISCH

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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:

8 (1) The Secretary of State’s designation of an

9 entity as a foreign terrorist organization results

10 from a determination that—

11 (A) the entity is foreign and engages in

12 terrorism or terrorist activity; and

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

3 (2) The activities of the Wagner Group and af-
4 filiated entities of Russian national Yevgeniy
5 Prigozhin pose a threat to the national interests and
6 national security of the United States and allies and
7 partners of the United States, including with respect
8 to Russia's war on Ukraine, which President Biden
9 declared, on March 2, 2022, "pose[s] an unusual
10 and extraordinary threat to the national security
11 and foreign policy of the United States".

12 (3) On June 20, 2017, the Department of the
13 Treasury's Office of Foreign Assets Control des-
14 ignated the Wagner Group and its military leader,
15 Dmitry Utkin, pursuant to Executive Order 13660
16 (50 U.S.C. 1701 note; relating to blocking property
17 of certain persons contributing to the situation in
18 Ukraine) "for being responsible for or complicit in,
19 or having engaged in, directly or indirectly, actions
20 or policies that threaten the peace, security, sta-
21 bility, sovereignty or territorial integrity of
22 Ukraine".

23 (4) On September 20, 2018, the Department of
24 State added Yevgeniy Prigozhin and his affiliated
25 entities, including the Wagner Group, to the list of

1 persons identified as part of, or operating for or on
2 behalf of, the defense or intelligence sectors of the
3 Government of the Russian Federation under section
4 231 of the Countering America's Adversaries
5 Through Sanctions Act (22 U.S.C. 9525).

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

16 (6) The Wagner Group, a self-described private
17 actor that undertakes military action and subversive
18 operations at the behest of the Government of the
19 Russian Federation, is a "terrorist group" that en-
20 gages in "terrorism" (as defined in section 140(d) of
21 the Foreign Relations Authorization Act, Fiscal
22 Year 1988 and 1989 (22 U.S.C. 2656f(d))), which
23 is "premeditated, politically motivated violence per-
24 petrated against noncombatant targets by sub-
25 national groups or clandestine agents".

1 (7) The Wagner Group and its affiliated enti-
2 ties have committed, or are credibly accused of com-
3 mitting, terrorist activity (as defined in section
4 212(a)(3)(B) of the Immigration and Nationality
5 Act (8 U.S.C. 1182(a)(3)(B))), through their in-
6 volvement in—

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

9 (B) the massacres in Moura, Mali, in
10 March 2022;

11 (C) the massacres of migrant workers and
12 civilians in mining regions along the Sudan-
13 Central African Republic border in 2022;

14 (D) the murder of Russian journalists in
15 the Central African Republic in June 2018 as
16 well as threats against United States journalists
17 investigating such incident;

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

20 (F) the rape and sex trafficking of women
21 and children in the Central African Republic
22 between 2018 and 2022;

23 (G) the sabotage and lethal suppression of
24 civilian protestors in Sudan in 2019;

1 (H) the use of nerve agents against
2 Libya's Government of National Accord and de-
3 ployment of illegal land mines and booby-traps
4 in civilian areas of Tripoli between 2019 and
5 2020;

6 (I) the torture and execution of a Syrian
7 national in June 2017;

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

10 (K) the receipt of weapons shipments ini-
11 tially reported in December 2022 from the
12 Democratic People's Republic of Korea, which
13 the Secretary of State had designated a state
14 sponsor of terrorism on November 20, 2017.

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the Russian-based mercenary Wagner
18 Group meets the criteria for designation by the Sec-
19 retary of State as a foreign terrorist organization
20 under section 219(a) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1189(a)); and

22 (2) the Secretary of State should designate the
23 Wagner Group as a foreign terrorist organization
24 under such section 219(a).

1 **SEC. 4. DESIGNATION OF THE MERCENARY WAGNER**
2 **GROUP AS A FOREIGN TERRORIST ORGANI-**
3 **ZATION.**

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

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

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

20 (d) ANNUAL REPORT.—Not later than 1 year after
21 the date of the enactment of this Act, and annually there-
22 after, the Secretary of State shall submit a report to the
23 appropriate congressional committees describing the inter-
24 national activities of the Russian-based mercenary Wagner
25 Group.

1 (e) DEFINED TERM.—In this Act, the term “appro-
2 priate congressional committees” means—

3 (1) the Committee on Armed Services of the
4 Senate;

5 (2) the Committee on Foreign Relations of the
6 Senate;

7 (3) the Committee on Banking, Housing, and
8 Urban Affairs of the Senate;

9 (4) the Committee on Financial Services of the
10 House of Representatives;

11 (5) the Committee on Foreign Affairs of the
12 House of Representatives;

13 (6) the Committee on the Judiciary of the
14 House of Representatives; and

15 (7) the Committee on Armed Services of the
16 House of Representatives.

17 **SEC. 5. TASK FORCE ON COUNTERING RUSSIAN MALIGN**
18 **ACTORS AND MERCENARY PROXIES.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary
22 of State shall establish a task force on countering
23 the Russian mercenary groups and their proxies (re-
24 ferred to in this section as the “Task Force”).

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

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

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

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

19 (b) OBJECTIVES.—The objectives of the Task Force
20 shall be to—

21 (1) identify individuals and entities linked to
22 Russian mercenary groups and their proxies that are
23 responsible for, or complicit in, transnational crimi-
24 nal activities and atrocities in Africa;

1 (2) degrade the operational capabilities of Rus-
2 sian mercenary groups and their proxies worldwide;

3 (3) disrupt and degrade the financial, procure-
4 ment, and logistics networks that sustain Russian
5 mercenary groups and their proxies and networks;

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

10 (5) coordinate diplomatic activities in countries
11 in which the Wagner Group poses a national secu-
12 rity threat;

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

16 (7) make recommendations for sanctions, in-
17 cluding regarding designations and any additional
18 sanctions authorities that may be needed.

19 (c) COMPOSITION.—

20 (1) LEADERSHIP.—The Task Force shall be led
21 by the Deputy Secretary of State or another senior
22 official of the Department of State who has been
23 designated by the Secretary of State to lead the
24 Task Force.

1 (2) DEPARTMENT OF STATE REPRESENTA-
2 TIVES.—Members of the Task Force shall include
3 representatives of—

4 (A) relevant regional or functional bureaus
5 of the Department of State;

6 (B) the Global Engagement Center;

7 (C) the Office of Sanctions Coordination;

8 (D) the Bureau of Cyberspace and Digital
9 Policy; and

10 (E) other offices and bureaus of the De-
11 partment of State that the Secretary of State
12 determines should be represented on the Task
13 Force.

14 (3) OTHER FEDERAL DEPARTMENTS AND
15 AGENCIES.—Members of the Task Force shall also
16 include representatives of—

17 (A) the Department of Defense;

18 (B) the Department of the Treasury;

19 (C) the intelligence community (as defined
20 in section 3 of the National Security Act of
21 1947 (50 U.S.C. 3003);

22 (D) the Department of Justice; and

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

1 (d) REPORT.—Not later than 90 days after establish-
2 ment of the Task Force, and annually thereafter for the
3 following 3 years, the Secretary of State shall submit to
4 the 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 activi-
17 ties;

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

23 (4) a description of any information operations
24 or public diplomacy efforts associated with any of

1 the activities described in paragraphs (1) through
2 (3); and

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

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

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

1 the personnel to focus on the activities, policies, and in-
2 vestments of Russian mercenary groups and their proxies.

3 (b) ADDITIONAL STAFFING PLAN.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of State shall submit a staffing plan to the
7 appropriate congressional committees for key diplo-
8 matic posts in Africa (including north Africa) to in-
9 crease monitoring and reporting on the activities of
10 the Wagner Group, any relevant successors to the
11 Wagner Group that engage in similar conduct, and
12 other Russian mercenary groups and their proxies.
13 Such plan shall identify new incentives for filling po-
14 sitions that are hard to staff.

15 (2) FINANCIAL AND HUMAN RESOURCES.—The
16 Secretary of State shall prioritize efforts to ensure
17 that United States diplomatic missions in countries
18 in which the Wagner Group poses a national secu-
19 rity threat have sufficient financial and human re-
20 sources to engage in effective public diplomacy to
21 counter the influence of the Wagner Group and
22 other Russian mercenary proxy groups.

23 (c) BRANDING AND MARKING UNITED STATES FOR-
24 EIGN ASSISTANCE.—The Secretary of State, the Adminis-
25 trator of the United States Agency for International De-

1 velopment, and the heads of other relevant Federal depart-
2 ments and agencies should—

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

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

12 (3) only use branding and marking waivers on
13 a case-by-case basis for non-humanitarian programs
14 administered by the Department of State, the
15 United States Agency for International Develop-
16 ment, or another Federal department or agency ad-
17 ministering programs in such countries.

18 (d) EFFORTS TO LIMIT BENEFITS FROM ILLICIT EX-
19 TRACTION AND TRADE IN NATURAL RESOURCES.—The
20 Secretary of State, in coordination with the heads of other
21 relevant Federal departments and agencies, shall engage
22 in diplomatic efforts to limit the ability of the Wagner
23 Group, any successor to the Wagner Group that engages
24 in similar conduct, and other Russian mercenary proxy
25 groups to engage in, or materially benefit from, the smug-

1 gling and illicit extraction, refining, and trade of gold and
2 other natural resources, including by encouraging—

3 (1) the harmonization of tax regimes;

4 (2) the adoption of due diligence and inter-
5 national standards for conflict-free and responsible
6 sourcing of natural resources; and

7 (3) the formalization of artisanal mining sec-
8 tors.

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

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

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

19 (1) Regional and country-specific approaches to
20 countering the influence and activities of the Wagner
21 Group and any successor that engages in similar
22 conduct in Africa, Europe, the Middle East, and
23 Latin America, including efforts to counter recruit-
24 ment by or on behalf of the Wagner Group and any

1 successor to the Wagner Group that engages in simi-
2 lar conduct.

3 (2) A comprehensive campaign, conducted in
4 partnership with the Global Engagement Center, de-
5 signed to—

6 (A) expose the activities of the Wagner
7 Group and any successor to the Wagner Group
8 that engages in similar conduct; and

9 (B) counter the propaganda and
10 disinformation and misinformation operations
11 of the Wagner Group.

12 (3) Examples of past efforts to accomplish the
13 objectives described in subparagraphs (A) and (B) of
14 paragraph (2) and a list of the tools that have been
15 used for disinformation purposes.

16 (4) A plan to utilize other tools available to the
17 United States Government to degrade the operations
18 of the Wagner Group and any successor to the Wag-
19 ner Group that engages in similar conduct.

20 (5) An analysis of policy and programmatic lim-
21 itations, gaps, and resource requirements to effec-
22 tively counter the Russian Federation's malign influ-
23 ence and activities in Africa, Latin America, the
24 Caribbean, the Middle East, Asia, and other regions,
25 as appropriate.

1 (6) Recommendations for any additional au-
2 thorities or resources needed to more effectively de-
3 grade operations and influence of the Wagner
4 Group, any successor to the Wagner Group that en-
5 gages in similar conduct, and similar groups.

6 (c) FORM.—The strategy required under subsection
7 (a) shall be submitted in unclassified form, but may con-
8 tain a classified annex.

9 **SEC. 8. INFLUENCING INTERNATIONAL FINANCIAL INSTI-**
10 **TUTIONS TO CONSIDER WAGNER GROUP MIN-**
11 **ING CONCESSIONS WHEN CONSIDERING**
12 **LOANS AND DEVELOPMENT FINANCING**
13 **PROJECTS.**

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

1 (b) CONSIDERATION BY EXPORT-IMPORT BANK OF
2 THE UNITED STATES OF MINING PROJECTS.—The Sec-
3 retary of State, in consultation with the Secretary of
4 Treasury, shall advise the United States Chair and Direc-
5 tor of the Board of Governors of the Export-Import Bank
6 of the United States to use the voice and vote of the
7 United States to ensure that the Export-Import Bank,
8 when considering development financing projects, reviews
9 whether the potential recipient has provided mining con-
10 cessions or direct budgetary support to the Wagner Group
11 or entities affiliated with the Wagner Group.

12 **SEC. 9. INFORMATION SHARING ON HIGH-VALUE WAGNER**
13 **GROUP TARGETS.**

14 The Secretary of State is authorized to take appro-
15 priate steps to share information regarding high-value
16 Wagner Group targets with like-minded foreign govern-
17 ment partners, which could include full names and biomet-
18 ric data of individual targets, if available and relevant to
19 determining visa restrictions.