

117TH CONGRESS
2D SESSION

S. 5164

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2022

Mr. WICKER (for himself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To designate the Russian-based PMC 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:

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

1 (A) the entity is foreign and engages in
2 terrorism or terrorist activity; and

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

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

14 (3) On June 20, 2017, the Department of the
15 Treasury’s Office of Foreign Assets Control des-
16 ignated PMC Wagner and its military leader,
17 Dmitry Utkin, pursuant to Executive Order 13660
18 (titled “Blocking Property of Additional Certain
19 Persons Contributing to the Situation in Ukraine”)
20 “for being responsible for or complicit in, or having
21 engaged in, directly or indirectly, actions or policies
22 that threaten the peace, security, stability, sov-
23 ereignty or territorial integrity of Ukraine”.

24 (4) On September 20, 2018, the Department of
25 State added Yevgeniy Prigozhin and his affiliated

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

7 (5) The PMC Wagner Group, a self-described
8 private actor that undertakes military action and
9 subversive operations at the behest of the Govern-
10 ment of the Russian Federation, is a "terrorist
11 group" that engages in "terrorism" (as defined in
12 section 140(d) of the Foreign Relations Authoriza-
13 tion Act, Fiscal Year 1988 and 1989 (22 U.S.C.
14 2656f(d))), which is "premeditated, politically moti-
15 vated violence perpetrated against noncombatant
16 targets by subnational groups or clandestine
17 agents".

18 (6) The PMC Wagner Group and its affiliated
19 entities have committed, or are credibly accused of
20 committing, terrorist activity (as defined in section
21 212(a)(3)(B) of the Immigration and Nationality
22 Act (8 U.S.C. 1182(a)(3)(B)), through their involve-
23 ment in—

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

1 (B) the massacres in Moura, Mali, in
2 March 2022;

3 (C) the massacres of migrant workers and
4 civilians in mining regions along the Sudan-
5 Central African Republic border in 2022;

6 (D) the murder of Russian journalists in
7 the Central African Republic in June 2018 as
8 well as threats against United States journalists
9 investigating such incident;

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

12 (F) the rape and sex trafficking of women
13 and children in the Central African Republic
14 between 2018 and 2022;

15 (G) the sabotage and lethal suppression of
16 civilian protestors in Sudan in 2019;

17 (H) the use of nerve agents against
18 Libya's Government of National Accord and de-
19 ployment of illegal landmines and booby-traps
20 in civilian areas of Tripoli between 2019 and
21 2020;

22 (I) the torture and execution of a Syrian
23 national in June 2017; and

24 (J) efforts to assassinate Ukrainian Presi-
25 dent Volodymyr Zelensky in March 2022.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the Russian-based PMC Wagner Group
4 meets the criteria for designation by the Secretary
5 of State as a foreign terrorist organization under
6 section 219(a) of the Immigration and Nationality
7 Act (8 U.S.C. 1189(a)); and

8 (2) the Secretary of State should designate the
9 PMC Wagner Group as a foreign terrorist organiza-
10 tion under such section 219.

11 **SEC. 4. DESIGNATION OF PMC WAGNER GROUP AS A FOR-**
12 **EIGN TERRORIST ORGANIZATION.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of the enactment of this Act, the Secretary of State
15 shall designate the PMC Wagner Group as a foreign ter-
16 rorist organization in accordance with section 219(a) of
17 the Immigration and Nationality Act (8 U.S.C. 1189(a)).

18 (b) APPLICATION.—The designation required under
19 subsection (a) shall equally apply to any affiliated and suc-
20 cessor entities to the PMC Wagner Group undertaking
21 malign activities against the United States and its allies
22 and partners, including activities taking place in Ukraine,
23 Africa, and the Middle East.

24 (c) WAIVER.—The President may waive the applica-
25 tion of sanctions under this section if the President deter-
26 mines and reports to the appropriate congressional com-

1 mittees that such a waiver is in the national security inter-
2 est of the United States.

3 (d) DEFINED TERM.—In this section, the term “ap-
4 propriate congressional committees” means—

5 (1) the Committee on Armed Services of the
6 Senate;

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
16 House of Representatives; and

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

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