

AMENDMENT NO. _____ Calendar No. _____

Purpose: To except humanitarian assistance and peacebuilding activities from the definition of material support with respect to activities and transactions involving the Wagner Group.

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 intended to be proposed by Mr. MERKLEY (for himself and Mr. BOOKER)

Viz:

- 1 At the end of the bill, add the following:
- 2 (d) EXCEPTION FOR HUMANITARIAN ASSISTANCE
- 3 AND PEACEBUILDING ACTIVITIES.—When applying the
- 4 terms “material support or resources” (as defined in sec-
- 5 tion 2339A(b)(1) of title 18, United States Code) and
- 6 “material support” (as defined at section 212(a)(3)(B) of
- 7 the Immigration and Nationality Act (8 U.S.C. 1182
- 8 (a)(3)(B)) with respect to activities and transactions in-
- 9 volving the Wagner Group, such terms shall exclude activi-

1 ties and support directly related to humanitarian assist-
2 ance or peacebuilding activities, including—

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

7 (2) activities that—

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

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

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

14 (D) directly benefit the civilian population,
15 including support for the removal of landmines
16 and economic development projects directly ben-
17 efitting the civilian population;

18 (E) support democracy building;

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

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

23 (3) any transaction by a nongovernmental orga-
24 nization that are ordinarily incident and necessary

1 to the activities described in paragraph (2), includ-
2 ing—

- 3 (A) processing and transferring funds;
4 (B) paying taxes, fees, or import duties;
5 (C) the purchase or receipt of permits,
6 visas, licenses, or public utility services if such
7 nongovernmental organization is not a person
8 or entity whose property or interests in prop-
9 erty are blocked pursuant to another provision
10 of statute or regulation; and

11 (4) noncommercial transactions that are related
12 to the direct or indirect provision of agricultural
13 commodities, medicine, medical devices, replacement
14 parts and components for medical devices, or soft-
15 ware updates for medical devices to an individual
16 whose property and interests in property are blocked
17 pursuant to another provision of statute or regula-
18 tion, if such items are transferred in quantities con-
19 sistent with personal, noncommercial use.