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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act to require the Secretary of State to submit to Congress information relating to cases of United States nationals detained abroad in which the Secretary has not made a determination or has determined that there is not credible information that the individuals are being detained unlawfully or wrongfully.

IN THE HOUSE OF REPRESENTATIVES

Mr. RESCHENTHALER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act to require the Secretary of State to submit to Congress information relating to cases of United States nationals detained abroad in which the Secretary has not made a determination or has determined that there is not credible information that the individuals are being detained unlawfully or wrongfully.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marc Fogel Act”.

3 **SEC. 2. AMENDMENT TO ROBERT LEVINSON HOSTAGE RE-**
4 **COVERY AND HOSTAGE-TAKING ACCOUNT-**
5 **ABILITY ACT.**

6 Section 302 of the Robert Levinson Hostage Recov-
7 ery and Hostage-Taking Accountability Act (22 U.S.C.
8 1741) is amended—

9 (1) by redesignating subsections (e) and (d) as
10 subsections (e) and (f), respectively; and

11 (2) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) **SUBMISSION TO CONGRESS OF INFORMATION**
14 **RELATING TO CASES WITHOUT DETERMINATIONS OR DE-**
15 **TERMINATIONS THAT THERE IS NOT CREDIBLE INFOR-**
16 **MATION THAT THE INDIVIDUALS ARE BEING DETAINED**
17 **UNLAWFULLY OR WRONGFULLY.—**

18 “(1) **IN GENERAL.—**If, within 180 days of the
19 initiation of any review of a case of a United States
20 national detained abroad under subsection (a), the
21 Secretary of State—

22 “(A) has not made a determination with
23 respect to the detention of the individual, the
24 Secretary shall submit to the appropriate con-
25 gressional committees copies of all documents
26 and communications described in paragraph (2)

1 relating to the review of the criteria described
2 in subsection (a) with respect to the detention
3 of the individual; or

4 “(B) has made a determination that there
5 is not credible information that the individual is
6 being detained unlawfully or wrongfully, the
7 Secretary shall submit to the appropriate con-
8 gressional committees—

9 “(i) copies of all documents and com-
10 munications described in paragraph (2) re-
11 lating to the review of the criteria de-
12 scribed in subsection (a) with respect to
13 the detention of the individual; and

14 “(ii) copies of all documents providing
15 a justification for the determination.

16 “(2) DOCUMENTS AND COMMUNICATIONS DE-
17 SCRIBED.—The documents and communications de-
18 scribed in this paragraph are documents, memo-
19 randa, advisory legal opinions, audio recordings (in-
20 cluding telephone records), correspondence (includ-
21 ing electronic mail records), and other communica-
22 tions, or any portion of any such communications.

23 “(3) FORM.—The information required by
24 paragraph (1) shall be submitted in unclassified
25 form, but may contain a classified annex.”