

118TH CONGRESS  
1ST SESSION

# H. R. 4388

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2023

Mr. RESCENTIALER (for himself, Mr. KELLY of Pennsylvania, Mr. DELUZIO, Mr. BOYLE of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mr. EVANS, and Mr. ZINKE) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## 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 (c) 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.

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

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