

Calendar No. 380118TH CONGRESS
2^D SESSION**S. CON. RES. 18**

Calling for the immediate release of Marc Fogel, a United States citizen and teacher, who was given an unjust and disproportionate criminal sentence by the Government of the Russian Federation in June 2022.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Mr. CASEY (for himself, Mr. DAINES, Mr. FETTERMAN, Mr. TESTER, Mr. TILLIS, and Mr. COONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

MAY 7, 2024

Reported by Mr. CARDIN, with an amendment

[Strike out all after the resolving clause and insert the part printed in *italic*]

CONCURRENT RESOLUTION

Calling for the immediate release of Marc Fogel, a United States citizen and teacher, who was given an unjust and disproportionate criminal sentence by the Government of the Russian Federation in June 2022.

Whereas United States citizen Marc Fogel has lived a life of service, teaching history at international schools in Colombia, Malaysia, Oman, Venezuela, and Russia for 35 years;

Whereas Marc Fogel taught at the Anglo-American School of Moscow from 2012 to 2021, honorably serving the children of United States diplomats and members of the Armed Forces;

Whereas Marc Fogel is known to his family, friends, colleagues, and students as a kind, personable, upbeat, and giving man, a loving father, and a passionate and dedicated teacher;

Whereas Marc Fogel has undergone three back surgeries, a spinal fusion, a hip replacement, and two knee surgeries to correct various injuries and health issues, which have left him with chronic back pain and a permanent limp;

Whereas Marc Fogel did not wish to use opioids to manage his pain and was instead prescribed medical marijuana for pain management in a manner consistent with the State law of Pennsylvania;

Whereas, on August 14, 2021, as he returned to Russia for one final year of teaching before his intended retirement, Marc Fogel was arrested in the Sheremetyevo airport in Moscow for carrying about half an ounce of medical marijuana in his luggage;

Whereas Marc Fogel has stated he intended that marijuana solely for personal consumption, and the Government of the Russian Federation has presented no evidence to the contrary;

Whereas, on June 16, 2022, a Russian court convicted Marc Fogel of “large-scale drugs smuggling” in a politicized show trial and sentenced him to 14 years in a maximum-security penal colony in Russia;

Whereas Russian lawyers informed the family that the typical sentence for Marc Fogel’s offense is five years of proba-

tion, and in 2019, the same Russian court sentenced Alexander Grigoriev to eight years in prison for the possession of 1,500 grams of various narcotics;

Whereas Marc Fogel’s sentence is vastly disproportionate to the severity of his nonviolent crime, wildly dissimilar to the typical punishments for comparable offenses in Russia, and clearly motivated by ongoing political tensions between Russia and the United States;

Whereas, in August 2022, Russian courts denied Marc Fogel’s appeal of his sentence;

Whereas the 2021 Country Report on Human Rights Practices in Russia issued by the Department of State reported, “Conditions in prisons and detention centers . . . were often harsh and life threatening. Overcrowding, abuse by guards and inmates, limited access to health care, food shortages, and inadequate sanitation were common”;

Whereas Marc Fogel turns 62 years old in July 2023, and his physical and mental health is rapidly declining due to the stress and harsh conditions of his detention, such that his family fears he will not survive his sentence; and

Whereas the Department of State requested Marc Fogel be released from Russian custody on humanitarian grounds, but received no response to that request: Now, therefore, be it

- 1 *Resolved by the Senate (the House of Representatives*
- 2 *concurring), That Congress—*
- 3 (1) calls on the Government of the Russian
- 4 Federation to immediately release Marc Fogel, who

1 has already served more time in prison than his
2 minor and nonviolent crimes can justify;

3 (2) urges the Government of the Russian Fed-
4 eration to respect Mare Fogel's human rights and to
5 provide full, unfettered, and consistent consular ac-
6 cess to Mare Fogel while he remains in detention, in
7 accordance with its international obligations;

8 (3) urges all United States executive branch of-
9 ficials, including President Joseph Biden, Secretary
10 of State Antony Blinken, and Special Presidential
11 Envoy for Hostage Affairs Roger Carstens, to raise
12 the case of Mare Fogel and to press for his imme-
13 diate release in all interactions with the Government
14 of the Russian Federation;

15 (4) urges the Government of the Russian Fed-
16 eration to desist from issuing outlandishly dispro-
17 portionate criminal sentences to nonviolent United
18 States citizens;

19 (5) condemns the Government of the Russian
20 Federation's continued use of detentions and pros-
21 ecutions of citizens and lawful permanent residents
22 of the United States for political purposes;

23 (6) calls for the immediate release of other citi-
24 zens and lawful permanent residents of the United
25 States who are wrongfully detained in Russia, such

1 as Paul Whelan, Evan Gershkovich, and Vladimir
2 Kara-Murza; and

3 ~~(7) expresses sympathy for and solidarity with~~
4 ~~the families of all other citizens and lawful perma-~~
5 ~~nent residents of the United States wrongfully de-~~
6 ~~tained abroad for the personal hardship experienced~~
7 ~~as a result of the arbitrary and baseless detention of~~
8 ~~their loved ones.~~

9 *That Congress—*

10 *(1) calls on the Government of the Russian Fed-*
11 *eration to immediately release Marc Fogel, who has*
12 *already served more time in prison than his minor*
13 *and nonviolent crimes can justify;*

14 *(2) urges the Government of the Russian Federa-*
15 *tion to respect Marc Fogel's human rights and to pro-*
16 *vide full, unfettered, and consistent consular access to*
17 *Marc Fogel while he remains in detention, in accord-*
18 *ance with its international obligations;*

19 *(3) urges all United States executive branch offi-*
20 *cial, including relevant officials at the Department*
21 *of State and the White House, to raise the case of*
22 *Marc Fogel and to press for his immediate release in*
23 *all interactions with the Government of the Russian*
24 *Federation;*

1 (4) urges the Government of the Russian Federa-
2 tion to desist from issuing outlandishly dispro-
3 portionate criminal sentences to nonviolent United States
4 nationals;

5 (5) condemns the Government of the Russian
6 Federation's continued use of detentions and prosecu-
7 tions of citizens and lawful permanent residents of the
8 United States for political purposes;

9 (6) calls for the immediate release of other citi-
10 zens and lawful permanent residents of the United
11 States who are wrongfully and unlawfully detained
12 in Russia, such as Paul Whelan, Evan Gershkovich,
13 Ksenia Khavana, Alsu Kurmasheva, and Vladimir
14 Kara-Murza; and

15 (7) expresses sympathy for and solidarity with
16 the families of all other citizens and lawful perma-
17 nent residents of the United States wrongfully de-
18 tained abroad for the personal hardship experienced
19 as a result of the arbitrary and baseless detention of
20 their loved ones.

Calendar No. 380

118TH CONGRESS
2^D SESSION
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