

116TH CONGRESS
1ST SESSION

S. _____

To express the sense of Congress regarding the likely involvement of the Government of Saudi Arabia in assisting no fewer than two Saudi nationals to avoid criminal prosecution in the United States, and to require the Secretary of State to submit a report to Congress that describes such involvement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To express the sense of Congress regarding the likely involvement of the Government of Saudi Arabia in assisting no fewer than two Saudi nationals to avoid criminal prosecution in the United States, and to require the Secretary of State to submit a report to Congress that describes such involvement, 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,*

1 **SECTION 1. SHORT TITLES.**

2 This Act may be cited as the “Examining Saudi Con-
3 sular Activities Promoting Extraction Act” or the “ES-
4 CAPE of Saudi Nationals Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) On August 19, 2016, a vehicle driven by
8 Abdhulrahmen Sameer Noorah, a Saudi national,
9 struck and killed a 15-year-old Portland, Oregon na-
10 tive while driving between 55 and 60 miles per hour,
11 approximately twice the posted speed limit.

12 (2) Saudi Arabia’s Los Angeles consulate re-
13 portedly posted \$100,000 bail to secure the release
14 of Mr. Noorah.

15 (3) On June 17, 2017, while awaiting trial for
16 indictments of manslaughter, felony hit-and-run, and
17 reckless driving, Mr. Noorah arrived in Saudi Arabia
18 from Oregon, despite having surrendered his Saudi
19 passport to Oregon law enforcement authorities.

20 (4) Officials from the Department of Homeland
21 Security and the United States Marshals Service
22 have publicly revealed that the Government of Saudi
23 Arabia likely played a role in Mr. Noorah’s repatri-
24 ation back to Saudi Arabia.

25 (5) The Saudi consulate in Los Angeles is re-
26 ported to have posted bond for at least 4 additional

1 Saudi nationals: Abdulaziz Al Duways, Waleed Ali
2 Alharthi, Suliman Ali Algwaiz, and Ali Hussain
3 Alhamoud, who—

4 (A) were charged with serious criminal of-
5 fenses in Oregon, beginning in 2012;

6 (B) fled from the custody of law enforce-
7 ment authorities; and

8 (C) are still at large.

9 (6) The Saudi consulate in Los Angeles posted
10 a \$100,000 bond for Ali Hussain Alhamoud, a Saudi
11 national, who subsequently fled Oregon for Saudi
12 Arabia in 2012 before facing trial on multiple sex-
13 crime charges, including rape in the first degree.

14 (7) Saudi national and Portland University stu-
15 dent, Suliman Al Algwaiz, faced charges in 2016 for
16 striking a homeless man with his vehicle, but he dis-
17 appeared before completing his jail sentence.

18 (8) The Saudi consulate posted a \$500,000 se-
19 curity deposit for Waleed Ali Alharthi, an Oregon
20 State University student and Saudi national, who
21 was arrested in 2015 on 10 counts of encouraging
22 child sex abuse before fleeing to Paris, France in the
23 midst of court hearings.

24 (9) The Saudi consulate posted a \$500,000
25 bond for Abdulaziz Al Duways, a Western Oregon

1 University Student and Saudi national, who was ar-
2 rested in 2014 on the charge of rape, but subse-
3 quently disappeared before standing trial for the
4 charge.

5 (10) Article 41 of the Vienna Convention on
6 Diplomatic Relations, done at Vienna April 18,
7 1961, states—

8 (A) “it is the duty of all persons enjoying
9 [diplomatic] privileges and immunities to re-
10 spect the laws and regulations of the receiving
11 State”; and

12 (B) such persons “also have a duty to not
13 interfere in the internal affairs of that State”.

14 (11) The Government of Saudi Arabia’s flaunt-
15 ing of international norms and diplomatic law fol-
16 lows a pattern of disturbing behavior, including—

17 (A) the brutal murder of Washington Post
18 contributor and United States resident Jamal
19 Khashoggi in a Saudi Arabia consulate in
20 Istanbul, Turkey;

21 (B) the jailing of prominent women rights
22 activists, Samar Badawi and Nassima al- Sada,
23 and the ongoing detention of countless others,
24 such as blogger Raif Badawi and human rights
25 lawyer Waleed Abu al-Khair;

1 (C) failing to avoid civilian casualties it its
2 use of military force in the Yemeni civil war;

3 (D) the shake down of Saudi royals in the
4 Ritz Carlton hotel in Riyadh, Saudi Arabia; and

5 (E) the detention of the Lebanese Prime
6 Minister, Saad al-Hariri, against his will.

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the Secretary of State should engage with
10 the highest levels of the Government of Saudi Arabia
11 to advocate for the immediate extradition of Mr.
12 Noorah, Mr. Alhamoud, and any other Saudi na-
13 tional or citizen charged with a criminal offense
14 committed in the United States back to the appro-
15 priate authorities in the United States;

16 (2) the apparent involvement of the Govern-
17 ment of the Kingdom of Saudi Arabia in the removal
18 of Mr. Noorah violates Oregon Statute 162.325,
19 which prohibits providing a person with money,
20 transportation, weapon, disguise, or any other means
21 of avoiding discovery or apprehension, and should be
22 condemned.

23 (3) the Attorney General, in coordination with
24 relevant Federal and State authorities, should inves-
25 tigate—

1 (A) whether any Saudi diplomat or agent
2 of the Government of Saudi Arabia—

3 (i) furnished Mr. Noorah with a
4 fraudulent passport; or

5 (ii) assisted him in traveling to Saudi
6 Arabia on or before June 17, 2018; and

7 (B) the degree to which any party or par-
8 ties assisted in the removal of Mr. Alhamoud
9 from Oregon to Saudi Arabia in 2012;

10 (4) the President should declare any individual
11 enjoying diplomatic or consular immunity who pro-
12 tected a party from the criminal jurisdiction of the
13 United States as a “persona non grata”; and

14 (5) the Department of State should not accredit
15 any Saudi diplomat to serve in the Saudi consulate
16 in Los Angeles until—

17 (A) Abdhulrahmen Noorah and Ali
18 Hussain Alhamoud are returned to the United
19 States to face criminal charges brought against
20 them and;

21 (B) the United States finds no reasonable
22 cause to conclude that a Saudi diplomat or
23 agent of the Saudi government aided in the
24 transport of either individual back to Saudi
25 Arabia.

1 **SEC. 4. REPORTING REQUIREMENTS.**

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

4 (1) the Committee on Foreign Relations of the
5 Senate;

6 (2) the Committee on the Judiciary of the Sen-
7 ate;

8 (3) the Committee on Foreign Affairs of the
9 House of Representatives; and

10 (4) the Committee on the Judiciary of the
11 House of Representatives.

12 (b) **REPORT.**—

13 (1) **IN GENERAL.**—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of State shall submit a report to the appropriate
16 congressional committees that describes the degree
17 to which any citizen of the Kingdom of Saudi Ara-
18 bia, who enjoys diplomatic immunity from criminal
19 jurisdiction in the United States, has assisted in the
20 removal of any Saudi citizen in the United States
21 for the purposes of evading criminal prosecution.

22 (2) **FORM.**—The report required under para-
23 graph (1) shall be submitted in unclassified form.

24 (c) **REPORT ON CASES INVOLVING DIPLOMATIC IM-
25 MUNITY.**—Any conclusions reached during the preparation
26 of the report required under subsection (b) shall be in-

1 cluded in the 2018 Report on Cases Involving Diplomatic
2 Immunity pursuant to sections 56 and 204B of the State
3 Department Basic Authorities Act of 1956 (22 U.S.C.
4 2728 and 4303b).

5 **SEC. 5. RESTRICTION ON FOREIGN GOVERNMENT OWNER-**
6 **SHIP OF REAL PROPERTY IN THE UNITED**
7 **STATES.**

8 Section 205(b) of the State Department Basic Au-
9 thorities Act of 1956 (22 U.S.C. 4305(b)) is amended—

10 (1) by redesignating paragraphs (1), (2), and
11 (3) as subparagraphs (A), (B), and (C), respectively,
12 and by moving such subparagraphs 2 ems to the
13 right;

14 (2) by striking “The Secretary” and inserting
15 the following:

16 “(1) IN GENERAL.—The Secretary”; and

17 (3) by adding at the end the following:

18 “(2) EVADING PROSECUTION.—

19 “(A) IN GENERAL.—Real property in the
20 United States may not be maintained by any
21 foreign mission of a foreign country if the Sec-
22 retary of State, after consultation with the At-
23 torney General, determines that such foreign
24 mission has aided in the removal of a citizen or
25 national of its country from the United States

1 with the effect of evading the prosecution of
2 such citizen or national for 1 or more criminal
3 offenses committed in the United States.

4 “(B) WAIVER.—The President may waive
5 the application of subparagraph (A) if, not later
6 than 60 days after the submission of the report
7 required under section (4)(b) of the ESCAPE
8 of Saudi Nationals Act, the President des-
9 ignates each individual identified in such report
10 as enjoying diplomatic or consular immunity
11 who protected a party from the criminal juris-
12 diction of the United States as a persona non
13 grata.”.