

116TH CONGRESS  
1ST SESSION

# S. 230

To require a report on foreign nationals who flee from the United States while awaiting trial or sentencing for a criminal offense committed in the United States, to establish a list of countries who have assisted or facilitated with such departures, to penalize parties connected to such departures, and to amend the Internal Revenue Code of 1986 to prohibit the exclusion from gross income from certain investments made by foreign governments who are identified on such list.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 24), 2019

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

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## A BILL

To require a report on foreign nationals who flee from the United States while awaiting trial or sentencing for a criminal offense committed in the United States, to establish a list of countries who have assisted or facilitated with such departures, to penalize parties connected to such departures, and to amend the Internal Revenue Code of 1986 to prohibit the exclusion from gross income from certain investments made by foreign governments who are identified on such list.

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 “Preserving American  
3 Justice Act”.

4 **SEC. 2. INVESTIGATION OF CERTAIN FOREIGN NATIONALS.**

5       (a) INVESTIGATION.—Not later than 90 days after  
6 the date of enactment of this Act, the Attorney General  
7 shall complete an investigation of whether the Government  
8 of Saudi Arabia materially assisted or facilitated any cit-  
9 izen or national of Saudi Arabia, including Abdulrahman  
10 Noorah, Abdulaziz Al Duways, Waleed Ali Alharthi,  
11 Suliman Ali Algwaiz, and Ali Hussain Alhamoud, in de-  
12 parting from the United States while the citizen or na-  
13 tional was awaiting trial or sentencing for a criminal of-  
14 fense committed in the United States.

15       (b) REPORT.—If the Attorney General determines  
16 that the Government of Saudi Arabia did materially assist  
17 or facilitate a citizen or national of Saudi Arabia as de-  
18 scribed in subsection (a), the Attorney General shall sub-  
19 mit a written report to Congress and the Secretary of  
20 State detailing the findings of the investigation.

21       (c) PROHIBITION ON ISSUANCE AND REVOCATION OF  
22 CERTAIN VISAS.—

23           (1) IN GENERAL.—Except as provided under  
24 paragraph (2), if the Secretary of State receives a  
25 report under subsection (b), the Secretary of State  
26 may not issue a visa, and shall revoke any visa

1 issued, to a Member of the Council of Ministers of  
2 Saudi Arabia, an immediate family member of a  
3 Member of the Council of Ministers of Saudi Arabia,  
4 a descendant of the King of Saudi Arabia, or an im-  
5 mediate family member of such a descendant until  
6 the date on which the citizen or national of Saudi  
7 Arabia described in the report is extradited to the  
8 United States for completion of the trial or sen-  
9 tencing.

10 (2) EXCEPTION.—The Secretary of State may  
11 issue a visa otherwise prohibited under paragraph  
12 (1), or not revoke a visa otherwise required to be re-  
13 voked under such paragraph, if the Secretary deter-  
14 mines that it is necessary—

15 (A) to enable the President to receive an  
16 Ambassador or other public Minister under Ar-  
17 ticle II, section 3, of the Constitution in a man-  
18 ner consistent with the Vienna Conventions on  
19 Diplomatic and Consular Relations; or

20 (B) to permit the United States to comply  
21 with the Agreement regarding the Head-  
22 quarters of the United Nations, signed at Lake  
23 Success June 26, 1947, and entered into force  
24 November 21, 1947, between the United Na-

1           tions and the United States, or with any other  
2           applicable international obligations.

3           (3) VIENNA CONVENTIONS ON DIPLOMATIC AND  
4           CONSULAR RELATIONS DEFINED.—In this sub-  
5           section, the term “Vienna Conventions on Diplo-  
6           matic and Consular Relations” means—

7                   (A) the Vienna Convention on Diplomatic  
8                   Relations, done at Vienna April 18, 1961; and

9                   (B) the Vienna Convention on Consular  
10                  Relations, done at Vienna April 24, 1963.

11 **SEC. 3. TREATMENT OF FOREIGN NATIONALS FLEEING THE**  
12 **UNITED STATES DURING CRIMINAL PRO-**  
13 **CEEDINGS.**

14           (a) FOREIGN NATIONAL DEFINED.—In this section,  
15 the term “foreign national” means an individual in the  
16 United States who is not a citizen of the United States.

17           (b) REPORT.—Not later than 6 months after the date  
18 of enactment of this Act, and once every year thereafter,  
19 the Attorney General, acting through the Director of the  
20 Bureau of Justice Statistics, in coordination with the Sec-  
21 retary of Homeland Security, shall—

22                   (1) collect information from State courts and  
23 law enforcement agencies on any foreign nationals  
24 who have, during the reporting period, departed  
25 from the United States while awaiting trial or sen-

1 tencing for a criminal offense committed in the  
2 United States; and

3 (2) publish a report based on the information  
4 collected under paragraph (1).

5 (c) LIST OF COUNTRIES.—

6 (1) IN GENERAL.—The Attorney General, in co-  
7 ordination with the Director of National Intelligence,  
8 shall establish and maintain a list of countries the  
9 governments of which have, in the determination of  
10 the Attorney General, materially assisted or facili-  
11 tated the departure of any foreign national included  
12 in the report required under subsection (b).

13 (2) DETERMINATION.—In establishing and  
14 maintaining the list required under paragraph (1),  
15 the Attorney General—

16 (A) shall take into account the information  
17 in the annual reports published under sub-  
18 section (b)(2); and

19 (B) may include or remove any country as  
20 the Attorney General determines appropriate.

21 (3) REPORT TO CONGRESS.—Not later than 1  
22 year after the date of enactment of this Act, and  
23 once every year thereafter, the Attorney General  
24 shall submit to Congress a report on the procedures  
25 used by the Attorney General in determining which

1 countries are on the list maintained under para-  
2 graph (1).

3 (d) LOSS OF TAX EXCLUSION FOR FOREIGN GOV-  
4 ERNMENTS INCLUDED ON LIST.—Section 892 of the In-  
5 ternal Revenue Code of 1986 is amended by redesignating  
6 subsection (c) as subsection (d) and by inserting after sub-  
7 section (b) the following new subsection:

8 “(c) EXCEPTION.—Subsection (a)(1) shall not apply  
9 to any foreign government which is identified on the list  
10 maintained by the Attorney General pursuant to section  
11 3(c) of the Preserving American Justice Act for any period  
12 beginning with the date that is 30 days after the date such  
13 foreign government is added to such list and ending with  
14 the date such foreign government is removed from such  
15 list.”.

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