

TITLE II--EXTRADITION TREATIES INTERPRETATION ACT OF 1998

10/30/1998:

Signed by President.

10/30/1998:

Became Public Law No: 105-323.

SEC. 201. SHORT TITLE.

This title may be cited as the 'Extradition Treaties Interpretation Act of 1998'.

SEC. 202. FINDINGS.

Congress finds that--

- (1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;
- (2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;
- (3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;
- (4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103-173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;
- (5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word 'kidnapping', but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);
- (6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and
- (7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms 'kidnaping' and 'kidnapping' to include parental kidnapping.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.