

## Calendar No. 196

105TH CONGRESS  
1ST SESSION**S. 1266****[Report No. 105-101]**

To interpret the term “kidnaping” in extradition treaties to which the United States is a party.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 1997

Mr. HELMS, from the Committee on Foreign Relations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To interpret the term “kidnaping” in extradition treaties to which the United States is a party.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Extradition Treaties  
5 Interpretation Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) each year, several hundred children are kid-  
2 napped by a parent in violation of law, court order,  
3 or legally binding agreement and brought to, or  
4 taken from, the United States;

5           (2) until the mid-1970's, parental abduction  
6 was not considered a criminal offense in the United  
7 States, either at the State or Federal level;

8           (3) since the mid-1970's, United States crimi-  
9 nal law has evolved such that parental abduction is  
10 now a criminal offense in each of the 50 States and  
11 the District of Columbia;

12           (4) in enacting the International Parental Kid-  
13 napping Crime Act of 1993 (Public Law 103-173;  
14 107 Stat. 1998; 18 U.S.C. 1204), Congress recog-  
15 nized the need to combat parental abduction by  
16 making the act of international parental kidnap-  
17 ping—removing a child from the United States with  
18 intent to obstruct the lawful exercise of parental  
19 rights—a Federal criminal offense;

20           (5) many of the extradition treaties to which  
21 the United States is a party specifically list the of-  
22 fenses that are extraditable and use the word “kid-  
23 napping”, but it has been the practice of the United  
24 States not to consider the term to include parental  
25 abduction because these treaties were negotiated by

1 the United States prior to the development in Unit-  
2 ed States criminal law described in paragraphs (3)  
3 and (4);

4 (6) the more modern extradition treaties to  
5 which the United States is a party contain dual  
6 criminality provisions, which provide for extradition  
7 where both parties make the offense a felony, and  
8 therefore it is the practice of the United States to  
9 consider such treaties to include parental abduction  
10 if the other foreign state party also considers the act  
11 of parental abduction to be a criminal offense; and

12 (7) this circumstance has resulted in a disparity  
13 in United States extradition law which should be  
14 rectified to better protect the interests of children  
15 and their parents.

16 **SEC. 3. INTERPRETATION OF EXTRADITION TREATIES.**

17 For purposes of any extradition treaty to which the  
18 United States is a party, Congress authorizes the interpre-  
19 tation of the terms “kidnaping” and “kidnapping” to in-  
20 clude international parental kidnapping.

21 **SEC. 4. INTERNATIONAL PARENTAL KIDNAPPING DEFINED.**

22 As used in this Act, the term “international parental  
23 kidnapping” means a criminal offense that is the same  
24 or similar to the criminal offense set forth in section 1204  
25 of title 18, United States Code.

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