

105TH CONGRESS  
1ST SESSION

# S. 1266

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## AN ACT

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

7 (2) until the mid-1970's, parental abduction  
8 generally was not considered a criminal offense in  
9 the United States;

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

14 (4) in enacting the International Parental Kid-  
15 napping Crime Act of 1993 (Public Law 103–173;  
16 107 Stat. 1998; 18 U.S.C. 1204), Congress recog-  
17 nized the need to combat parental abduction by  
18 making the act of international parental kidnapping  
19 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  
26 the United States prior to the development in Unit-

1 ed States criminal law described in paragraphs (3)  
2 and (4);

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

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

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

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

Passed the Senate October 23, 1997.

Attest:

*Secretary.*

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