

suspended; but such time limits from indictment to trial shall not be increased to exceed one hundred and eighty days. The time limits for the trial of cases of detained persons who are being detained solely because they are awaiting trial shall not be affected by the provisions of this section.

(c)(1) If, prior to July 1, 1980, the chief judge of any district concludes, with the concurrence of the planning group convened in the district, that the district is prepared to implement the provisions of section 3162 in their entirety, he may apply to the judicial council of the circuit in which the district is located to implement such provisions. Such application shall show the degree of compliance in the district with the time limits set forth in subsections (b) and (c) of section 3161 during the twelve-calendar-month period preceding the date of such application and shall contain a proposed order and schedule for such implementation, which includes the date on which the provisions of section 3162 are to become effective in the district, the effect such implementation will have upon such district's practices and procedures, and provision for adequate notice to all interested parties.

(2) After review of any such application, the judicial council of the circuit shall enter an order implementing the provisions of section 3162 in their entirety in the district making application, or shall return such application to the chief judge of such district, together with an explanation setting forth such council's reasons for refusing to enter such order.

(d)(1) The approval of any application made pursuant to subsection (a) or (c) by a judicial council of a circuit shall be reported within ten days to the Director of the Administrative Office of the United States Courts, together with a copy of the application, a written report setting forth in sufficient detail the reasons for granting such application, and, in the case of an application made pursuant to subsection (a), a proposal for alleviating congestion in the district.

(2) The Director of the Administrative Office of the United States Courts shall not later than ten days after receipt transmit such report to the Congress and to the Judicial Conference of the United States. The judicial council of the circuit shall not grant a suspension to any district within six months following the expiration of a prior suspension without the consent of the Congress by Act of Congress. The limitation on granting a suspension made by this paragraph shall not apply with respect to any judicial district in which the prior suspension is in effect on the date of the enactment of the Speedy Trial Act Amendments Act of 1979.

(e) If the chief judge of the district court concludes that the need for suspension of time limits in such district under this section is of great urgency, he may order the limits suspended for a period not to exceed thirty days. Within ten days of entry of such order, the chief judge shall apply to the judicial council of the circuit for a suspension pursuant to subsection (a).

(Added Pub. L. 93-619, title I, §101, Jan. 3, 1975, 88 Stat. 2085; amended Pub. L. 96-43, §10, Aug. 2, 1979, 93 Stat. 331.)

## REFERENCES IN TEXT

The date of enactment of the Speedy Trial Act Amendments Act of 1979, referred to in subsec. (d)(2), means the date of enactment of Pub. L. 96-43, which was approved Aug. 2, 1979.

## AMENDMENTS

1979—Pub. L. 96-43, §10(6), inserted “and implementation” in section catchline.

Subsec. (a). Pub. L. 96-43, §10(1), inserted “as provided by subsection (b)”.

Subsec. (b). Pub. L. 96-43, §10(2), (3), substituted provisions authorizing the circuit judicial council, upon application of the chief judge of a district, to grant a suspension of the time limits prescribed by section 3161(c) of this title for provisions requiring such circuit council to apply to the Judicial Council of the United States for a suspension of such time limits and substituted provision placing a one hundred and eighty day limit on any time increase from indictment to trial for provision placing such limit for any increase from arraignment to trial.

Subsec. (c). Pub. L. 96-43, §10(4), substituted provisions authorizing the chief judge of any district, with the approval of the planning group convened in such district, to apply to the circuit council to implement the provisions of section 3162 of this title at any time prior to the date the sanctions prescribed therein were to become effective, so long as there was concurrence that the district was prepared to fully implement the provisions of such section for provisions specifying the reporting requirements of this chapter, assuring involvement of the Congress in the suspension process, and guaranteeing that there be an interval of at least six months between consecutive suspension periods. See subsec. (d) of this section.

Subsecs. (d), (e). Pub. L. 96-43, §10(5), added subsecs. (d) and (e).

## CHAPTER 209—EXTRADITION

## Sec.

- |       |   |
|-------|---|
| 3181. | Scope and limitation of chapter.  |
| 3182. | Fugitives from State or Territory to State, District, or Territory.                                 |
| 3183. | Fugitives from State, Territory, or Possession into extraterritorial jurisdiction of United States. |
| 3184. | Fugitives from foreign country to United States.  |
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| 3186. | Secretary of State to surrender fugitive.   |
| 3187. | Provisional arrest and detention within extraterritorial jurisdiction.                              |
| 3188. | Time of commitment pending extradition.   |
| 3189. | Place and character of hearing.   |
| 3190. | Evidence on hearing.  |
| 3191. | Witnesses for indigent fugitives.   |
| 3192. | Protection of accused.  |
| 3193. | Receiving agent's authority over offenders.   |
| 3194. | Transportation of fugitive by receiving agent.  |
| 3195. | Payment of fees and costs.  |
| 3196. | Extradition of United States citizens.  |

## AMENDMENTS

1996—Pub. L. 104-294, title VI, §601(f)(9), (10), Oct. 11, 1996, 110 Stat. 3500, inserted comma after “District” in item 3182 and after “Territory” in item 3183.

1990—Pub. L. 101-623, §11(b), Nov. 21, 1990, 104 Stat. 3356, added item 3196.

## § 3181. Scope and limitation of chapter

(a) The provisions of this chapter relating to the surrender of persons who have committed crimes in foreign countries shall continue in force only during the existence of any treaty of extradition with such foreign government.

(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

(2) the offenses charged are not of a political nature.

(c) As used in this section, the term “national of the United States” has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(June 25, 1948, ch. 645, 62 Stat. 822; Pub. L. 104-132, title IV, § 443(a), Apr. 24, 1996, 110 Stat. 1280.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 658 (R.S. § 5274).  
Minor changes were made in phraseology.

#### AMENDMENTS

1996—Pub. L. 104-132 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

#### EXTRADITION TREATIES INTERPRETATION

Pub. L. 105-323, title II, Oct. 30, 1998, 112 Stat. 3033, provided that:

##### “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.”

#### JUDICIAL ASSISTANCE TO INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND INTERNATIONAL TRIBUNAL FOR RWANDA

Pub. L. 104-106, div. A, title XIII, § 1342, Feb. 10, 1996, 110 Stat. 486, as amended by Pub. L. 111-117, div. F, title VII, § 7034(t), Dec. 16, 2009, 123 Stat. 3364, provided that:

##### “(a) SURRENDER OF PERSONS.—

“(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

“(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

“(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

“(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

“(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

“(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

“(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence [set out in the Appendix to Title 28, Judiciary and Judicial Procedure] and the Federal Rules of Criminal Procedure [set out in the Appendix to this title] do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

“(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—[Amended section 1782 of Title 28, Judiciary and Judicial Procedure.]

“(c) DEFINITIONS.—For purposes of this section:

“(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ‘International Tribunal for Yugoslavia’ means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

“(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ‘International Tribunal for Rwanda’ means the

International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

“(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ‘Agreement Between the United States and the International Tribunal for Yugoslavia’ means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994, as amended.

“(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ‘Agreement between the United States and the International Tribunal for Rwanda’ means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.”

#### EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES AND MODEL COMPREHENSIVE ANTIDRUG LAWS

Pub. L. 100-690, title IV, §4605, Nov. 18, 1988, 102 Stat. 4290, which directed greater emphasis on updating of extradition treaties and on negotiating mutual legal assistance treaties with major drug producing and drug-transit countries, and called for development of model treaties and anti-narcotics legislation, was repealed by Pub. L. 102-583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

Pub. L. 100-204, title VIII, §803, Dec. 22, 1987, 101 Stat. 1397, provided that: “The Secretary of State shall ensure that the Country Plan for the United States diplomatic mission in each major illicit drug producing country and in each major drug-transit country (as those terms are defined in section 481(i) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291(i)]) includes, as an objective to be pursued by the mission—

“(1) negotiating an updated extradition treaty which ensures that drug traffickers can be extradited to the United States, or

“(2) if an existing treaty provides for such extradition, taking such steps as may be necessary to ensure that the treaty is effectively implemented.”

Pub. L. 99-93, title I, §133, Aug. 16, 1985, 99 Stat. 420, provided that: “The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country, particularly those in Latin America.”

#### EXTRADITION AGREEMENTS

The United States currently has bilateral extradition agreements with the following countries:

Country	Date signed	Entered into force	Citation
Albania .....	Mar. 1, 1933 .....	Nov. 14, 1935 .....	49 Stat. 3313.
Antigua and Barbuda .....	June 3, 1996 .....	July 1, 1999 .....	TIAS.
Argentina ...	June 10, 1997 ...	June 15, 2000 ...	TIAS 12866.
Australia ...	Dec. 22, 1931 ...	Aug. 30, 1935 ...	47 Stat. 2122.
	May 14, 1974 ...	May 8, 1976 ...	27 UST 957.
	Sept. 4, 1990 ...	Dec. 21, 1992 ...	1736 UNTS 344.
Austria .....	Jan. 8, 1998 .....	Jan. 1, 2000 .....	TIAS 12916.
	July 20, 2005 .....	Feb. 1, 2010 .....	TIAS 10-201.2.
Bahamas .....	Mar. 9, 1990 .....	Sept. 22, 1994 .....	TIAS.
Barbados .....	Feb. 28, 1996 .....	Mar. 3, 2000 .....	TIAS 00-303.
Belgium .....	Apr. 27, 1987 .....	Sept. 1, 1997 .....	TIAS 97-901.
	Dec. 16, 2004 .....	Feb. 1, 2010 .....	TIAS 10-201.

Country	Date signed	Entered into force	Citation
Belize .....	Mar. 30, 2000 ...	Mar. 27, 2001 ...	TIAS 13089.
Bolivia .....	June 27, 1995 ...	Nov. 21, 1996 ...	TIAS 96-112.
Brazil .....	Jan. 13, 1961 ...	Dec. 17, 1964 ...	15 UST 2093.
	June 18, 1962 ...	Dec. 17, 1964 ...	15 UST 2112.
Bulgaria .....	Mar. 19, 1924 ...	June 24, 1924 ...	43 Stat. 1886.
	June 8, 1934 .....	Aug. 15, 1935 ...	49 Stat. 3250.
	Sept. 19, 2007 ...	May 21, 2009 ...	TIAS.
Burma .....	Dec. 22, 1931 ...	Nov. 1, 1941 ...	47 Stat. 2122.
Canada .....	Dec. 3, 1971 ...	Mar. 22, 1976 ...	27 UST 983.
	June 28, July 9, 1974.	Mar. 22, 1976 ...	27 UST 1017.
	Jan. 11, 1988 ...	Nov. 26, 1991 ...	1853 UNTS 407.
	Jan. 12, 2001 ...	Apr. 30, 2003 ...	TIAS 03-430.
Chile .....	Apr. 17, 1900 ...	June 26, 1902 ...	32 Stat. 1850.
Colombia ...	Sept. 14, 1979 ...	Mar. 4, 1982 ...	TIAS.
Congo	Jan. 6, 1909 .....	July 27, 1911 ...	37 Stat. 1526.
(Brazzaville).	Jan. 15, 1929 ...	May 19, 1929 ...	46 Stat. 2276.
	Apr. 23, 1936 ...	Sept. 24, 1936 ...	50 Stat. 1117.
Costa Rica ..	Dec. 4, 1982 .....	Oct. 11, 1991 ...	TIAS.
Cuba .....	Apr. 6, 1904 ...	Mar. 2, 1905 ...	33 Stat. 2265.
	Dec. 6, 1904 ...	Mar. 2, 1905 ...	33 Stat. 2273.
	Jan. 14, 1926 ...	June 16, 1926 ...	44 Stat. 2392.
Cyprus .....	June 17, 1996 ...	Sept. 14, 1999 ...	TIAS 99-914.
	Jan. 20, 2006 ...	Feb. 1, 2010 ...	TIAS 10-201.4.
Czech Republic <sup>1</sup> .	July 2, 1925 ...	Mar. 29, 1926 ...	44 Stat. 2367.
	Apr. 29, 1935 ...	Aug. 28, 1935 ...	49 Stat. 3253.
	May 16, 2006 ...	Feb. 1, 2010 ...	TIAS 10-201.5.
Denmark .....	June 22, 1972 ...	July 31, 1974 ...	25 UST 1293.
	June 23, 2005 ...	Feb. 1, 2010 ...	TIAS 10-201.6.
Dominica ...	Oct. 10, 1996 ...	May 25, 2000 ...	TIAS 00-525.
Dominican Republic.	June 19, 1909 ...	Aug. 2, 1910 ...	36 Stat. 2468.
Ecuador .....	June 28, 1872 ...	Nov. 12, 1873 ...	18 Stat. 199.
	Sept. 22, 1939 ...	May 29, 1941 ...	55 Stat. 1196.
	Aug. 11, 1874 ...	Apr. 22, 1875 ...	19 Stat. 572.
Egypt .....	Apr. 18, 1911 ...	July 10, 1911 ...	37 Stat. 1516.
El Salvador	Nov. 8, 1923 ...	Nov. 15, 1924 ...	43 Stat. 1849.
Estonia .....	Oct. 10, 1934 ...	May 7, 1935 ...	49 Stat. 3190.
	Feb. 8, 2006 ...	Apr. 7, 2009 ...	TIAS 09-407.
European Union.	June 25, 2003 ...	Feb. 1, 2010 ...	TIAS 10-201.
Fiji .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
	July 14, 1972.	Aug. 17, 1973 ...	24 UST 1965.
	Aug. 17, 1973.		
Finland .....	June 11, 1976 ...	May 11, 1980 ...	31 UST 944.
	Dec. 16, 2004 ...	Feb. 1, 2010 ...	TIAS 10-201.7.
France .....	Apr. 23, 1996 ...	Feb. 1, 2002 ...	TIAS 02-201.
	Sept. 30, 2004 ...	Feb. 1, 2010 ...	TIAS 10-201.8.
Gambia .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
Germany .....	June 20, 1978 ...	Aug. 29, 1980 ...	32 UST 1485.
	Oct. 21, 1986 ...	Mar. 11, 1993 ...	1909 UNTS 441.
	Apr. 18, 2006 ...	Feb. 1, 2010 ...	TIAS 10-201.9.
Ghana .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
Greece .....	May 6, 1931 ...	Nov. 1, 1932 ...	47 Stat. 2185.
	Sept. 2, 1937 ...	Sept. 2, 1937 ...	51 Stat. 357.
	Jan. 18, 2006 ...	Feb. 1, 2010 ...	TIAS 10-201.10.
Grenada .....	May 30, 1996 ...	Sept. 14, 1999 ...	TIAS 99-914.1.
Guatemala ..	Feb. 27, 1903 ...	Aug. 15, 1903 ...	33 Stat. 2147.
	Feb. 20, 1940 ...	Mar. 13, 1941 ...	55 Stat. 1097.
Guyana .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
Haiti .....	Aug. 9, 1904 ...	June 28, 1905 ...	34 Stat. 2858.
Honduras ...	Jan. 15, 1909 ...	July 10, 1912 ...	37 Stat. 1616.
	Feb. 21, 1927 ...	June 5, 1928 ...	45 Stat. 2489.
Hong Kong ..	Dec. 20, 1996 ...	Jan. 21, 1998 ...	TIAS.
Hungary .....	Dec. 1, 1994 ...	Mar. 18, 1997 ...	TIAS 97-318.
	Nov. 15, 2005 ...	Feb. 1, 2010 ...	TIAS 10-201.11.
Iceland .....	Jan. 6, 1902 ...	May 16, 1902 ...	32 Stat. 1096.
	Nov. 6, 1905 ...	Feb. 19, 1906 ...	34 Stat. 2887.
India .....	June 25, 1997 ...	July 21, 1999 ...	TIAS 12873.
Iraq .....	June 7, 1934 ...	Apr. 23, 1936 ...	49 Stat. 3380.
Ireland .....	July 13, 1983 ...	Dec. 15, 1984 ...	TIAS 10813.
	July 14, 2005 ...	Feb. 1, 2010 ...	TIAS 10-201.12.
Israel .....	Dec. 10, 1962 ...	Dec. 5, 1963 ...	14 UST 1707. <sup>2</sup>
	July 6, 2005 ...	Jan. 10, 2007 ...	TIAS 07-110.
Italy .....	Oct. 13, 1983 ...	Sept. 24, 1984 ...	35 UST 3023.
	May 3, 2006 ...	Feb. 1, 2010 ...	TIAS 10-201.13.
Jamaica .....	June 14, 1983 ...	July 7, 1991 ...	TIAS.
Japan .....	Mar. 3, 1978 ...	Mar. 26, 1980 ...	31 UST 892.
Jordan .....	Mar. 28, 1995 ...	July 29, 1995 ...	TIAS.
Kenya .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
	May 14, Aug. 19, 1965.	Aug. 19, 1965 ...	16 UST 1866.
Kiribati .....	June 8, 1972 ...	Jan. 21, 1977 ...	28 UST 227.
Latvia .....	Oct. 16, 1923 ...	Mar. 1, 1924 ...	43 Stat. 1738.
	Oct. 10, 1934 ...	Mar. 29, 1935 ...	49 Stat. 3131.
	Dec. 7, 2005 ...	Apr. 15, 2009 ...	TIAS 09-415.
Lesotho .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
Liberia .....	Nov. 1, 1937 ...	Nov. 21, 1939 ...	54 Stat. 1733.
Liechtenstein.	May 20, 1936 ...	June 28, 1937 ...	50 Stat. 1337.
Lithuania ...	Oct. 23, 2001 ...	Mar. 31, 2003 ...	TIAS 13166.
	June 15, 2005 ...	Feb. 1, 2010 ...	TIAS 10-201.14.
Luxembourg	Oct. 1, 1996 ...	Feb. 1, 2002 ...	TIAS 12804.
	Feb. 1, 2005 ...	Feb. 1, 2010 ...	TIAS 10-201.15.
Malawi .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
	Dec. 17, 1966.	Apr. 4, 1967 ...	18 UST 1822.
	Jan. 6, Apr. 4, 1967.		
Malaysia .....	Aug. 3, 1995 ...	June 2, 1997 ...	TIAS 97-602.
Malta .....	Dec. 22, 1931 ...	June 24, 1935 ...	47 Stat. 2122.
	May 18, 2006 ...	July 1, 2009 ...	TIAS 09-701.
Marshall Islands.	Apr. 30, 2003 ...	May 1, 2004 ...	TIAS 04-501.2.

Country	Date signed	Entered into force	Citation
Mauritius ....	Dec. 22, 1931 ....	June 24, 1935 ...	47 Stat. 2122.
Mexico .....	May 4, 1978 .....	Jan. 25, 1980 ....	31 UST 5059.
	Nov. 13, 1997 .....	May 21, 2001 ....	TIAS 12897.
Micronesia, Federated States of.	May 14, 2003 ....	June 25, 2004 ....	TIAS 04-625.4.
Monaco .....	Feb. 15, 1939 ....	Mar. 28, 1940 ....	54 Stat. 1780.
Nauru .....	Dec. 22, 1931 ....	Aug. 30, 1935 ....	47 Stat. 2122.
Netherlands .....	June 24, 1980 ....	Sept. 15, 1983 ....	35 UST 1334.
	Sept. 29, 2004 ....	Feb. 1, 2010 .....	TIAS 10-201.16.
New Zealand	Jan. 12, 1970 ....	Dec. 8, 1970 .....	22 UST 1.
Nicaragua ...	Mar. 1, 1905 .....	July 14, 1907 .....	35 Stat. 1869.
Nigeria .....	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
Norway .....	June 9, 1977 .....	Mar. 7, 1980 .....	31 UST 5619.
Pakistan .....	Dec. 22, 1931 ....	Mar. 9, 1942 .....	47 Stat. 2122.
Panama .....	May 25, 1904 ....	May 8, 1905 .....	34 Stat. 2851.
Papua New Guinea.	Dec. 22, 1931 ....	Aug. 30, 1935 ....	47 Stat. 2122.
	Feb. 2, 23, 1988	Feb. 23, 1988 ....	TIAS.
Paraguay ....	Nov. 9, 1998 .....	Mar. 9, 2001 .....	TIAS 12995.
Peru .....	July 26, 2001 .....	Aug. 25, 2003 ....	TIAS 03-825.
Philippines ..	Nov. 13, 1994 ....	Nov. 22, 1996 ....	TIAS 96-1122.
Poland .....	July 10, 1996 .....	Sept. 17, 1999 ....	TIAS 99-917.
	June 9, 2006 .....	Feb. 1, 2010 .....	TIAS 10-201.17.
Portugal .....	May 7, 1908 .....	Nov. 14, 1908 ....	35 Stat. 2071.
	July 14, 2005 .....	Feb. 1, 2010 .....	TIAS 10-201.18.
Romania .....	July 23, 1924 ....	Apr. 7, 1925 .....	44 Stat. 2020.
	Nov. 10, 1936 ....	July 27, 1937 ....	50 Stat. 1349.
	Sept. 10, 2007 ....	May 8, 2009 .....	TIAS 09-508.
Saint Kitts and Nevis.	Sept. 18, 1996 ...	Feb. 23, 2000 ....	TIAS 12805.
Saint Lucia	Apr. 18, 1996 ....	Feb. 2, 2000 .....	TIAS 00-202.
Saint Vincent and the Grenadines.	Aug. 15, 1996 ...	Sept. 8, 1999 ....	TIAS 99-908.
San Marino	Jan. 10, 1906 ....	July 8, 1908 .....	35 Stat. 1971.
	Oct. 10, 1934 ....	June 28, 1935 ...	49 Stat. 3198.
Seychelles ..	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
Sierra Leone	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
Singapore ...	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
	Apr. 23, June 10, 1969.	June 10, 1969 ...	20 UST 2764.
Slovakia <sup>1</sup> ...	July 2, 1925 .....	Mar. 29, 1926 ....	44 Stat. 2367.
	Apr. 29, 1935 .....	Aug. 28, 1935 ....	49 Stat. 3253.
	Feb. 6, 2006 .....	Feb. 1, 2010 .....	TIAS 10-201.19.
Slovenia <sup>1</sup> ....	Oct. 17, 2005 ....	Feb. 1, 2010 .....	TIAS 10-201.20.
Solomon Islands.	June 8, 1972 .....	Jan. 21, 1977 ....	28 UST 277.
South Africa	Sept. 16, 1999 ...	June 25, 2001 ....	TIAS 13060.
South Korea	June 9, 1998 .....	Dec. 20, 1999 ....	TIAS 12962.
Spain .....	May 29, 1970 .....	June 16, 1971 ....	22 UST 737.
	Jan. 25, 1975 .....	June 2, 1978 .....	29 UST 2283.
	Feb. 9, 1988 .....	July 2, 1993 .....	TIAS.
	Mar. 12, 1996 .....	July 25, 1999 ....	TIAS.
Sri Lanka ...	Dec. 17, 2004 ....	Feb. 1, 2010 .....	TIAS 10-201.21.
Suriname ...	Sept. 30, 1999 ...	Jan. 12, 2001 ....	TIAS 13066.
	June 2, 1887 .....	July 11, 1889 ....	26 Stat. 1481.
Swaziland ...	Jan. 18, 1904 ....	Aug. 28, 1904 ....	33 Stat. 2257.
	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
	May 13, July 28, 1970	July 28, 1970 ....	21 UST 1930.
Sweden .....	Oct. 24, 1961 ....	Dec. 3, 1963 .....	14 UST 1845.
	Mar. 14, 1983 ....	Sept. 24, 1984 ....	35 UST 2501.
	Dec. 16, 2004 ....	Feb. 1, 2010 .....	TIAS 10-201.22.
Switzerland	Nov. 14, 1990 ....	Sept. 10, 1997 ....	TIAS 97-910.
Tanzania .....	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
	Nov. 30, Dec. 6, 1965.	Dec. 6, 1965 .....	16 UST 2066.
Thailand .....	Dec. 14, 1983 ....	May 17, 1991 ....	TIAS.
Tonga .....	Dec. 22, 1931 ....	Aug. 1, 1966 .....	47 Stat. 2122.
	Mar. 14, Apr. 13, 1977.	Apr. 13, 1977 ....	28 UST 5290.
Trinidad and Tobago.	Mar. 4, 1996 .....	Nov. 29, 1999 ....	TIAS 99-1129.
Turkey .....	June 7, 1979 .....	Jan. 1, 1981 .....	32 UST 3111.
Tuvalu .....	June 8, 1972 .....	Jan. 21, 1977 ....	28 UST 227.
	.....	Apr. 25, 1980 ....	32 UST 1310.
United Kingdom.	Mar. 31, 2003 ....	Apr. 26, 2007 ....	TIAS 07-426.
Uruguay .....	Dec. 16, 2004 ....	Feb. 1, 2010 .....	TIAS 10-201.23.
Venezuela .....	Apr. 6, 1973 .....	Apr. 11, 1984 ....	35 UST 3197.
Yugoslavia <sup>1</sup>	Jan. 19, 21, 1922	Apr. 14, 1923 ....	43 Stat. 1698.
	Oct. 25, 1901 ....	June 12, 1902 ....	32 Stat. 1890.
Zambia .....	Dec. 22, 1931 ....	June 24, 1935 ....	47 Stat. 2122.
Zimbabwe ...	July 25, 1997 ....	Apr. 26, 2000 ....	TIAS.

<sup>1</sup> Status of agreements with successor states of Czechoslovakia and Yugoslavia is under review; inquire of the Treaty Office of the United States Department of State.  
<sup>2</sup> Typographical error corrected by diplomatic notes exchanged Apr. 4 and 11, 1967. See 18 UST 382, 383.

CONVENTION ON EXTRADITION

The United States is a party to the Multilateral Convention on Extradition signed at Montevideo on Dec. 26, 1933, entered into force for the United States on Jan. 25, 1935. 49 Stat. 3111.

Other states which have become parties: Argentina, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

§ 3182. Fugitives from State or Territory to State, District, or Territory

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District, or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District, or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.

(June 25, 1948, ch. 645, 62 Stat. 822; Pub. L. 104-294, title VI, §601(f)(9), Oct. 11, 1996, 110 Stat. 3500.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §662 (R.S. §5278).  
 Last sentence as to costs and expenses to be paid by the demanding authority was incorporated in section 3195 of this title.

Word "District" was inserted twice to make section equally applicable to fugitives found in the District of Columbia.

"Thirty days" was substituted for "six months" since, in view of modern conditions, the smaller time is ample for the demanding authority to act.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 inserted comma after "District" in section catchline and in two places in text.

§ 3183. Fugitives from State, Territory, or Possession into extraterritorial jurisdiction of United States

Whenever the executive authority of any State, Territory, District, or possession of the United States demands any American citizen or national as a fugitive from justice who has fled to a country in which the United States exercises extraterritorial jurisdiction, and produces a copy of an indictment found or an affidavit made before a magistrate of the demanding jurisdiction, charging the fugitive so demanded with having committed treason, felony, or other offense, certified as authentic by the Governor or chief magistrate of such demanding jurisdiction, or other person authorized to act, the officer or representative of the United States vested with judicial authority to whom the demand has been made shall cause such fugitive to be arrested and secured, and notify the executive authorities making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear.

If no such agent shall appear within three months from the time of the arrest, the prisoner may be discharged.

The agent who receives the fugitive into his custody shall be empowered to transport him to the jurisdiction from which he has fled.

(June 25, 1948, ch. 645, 62 Stat. 822; Pub. L. 107-273, div. B, title IV, § 4004(d), Nov. 2, 2002, 116 Stat. 1812.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 662c (Mar. 22, 1934, ch. 73, § 2, 48 Stat. 455).

Said section 662c was incorporated in this section and sections 752 and 3195 of this title.

Provision as to costs or expenses to be paid by the demanding authority were incorporated in section 3196 of this title.

Reference to the Philippine Islands was deleted as obsolete in view of the independence of the Commonwealth of the Philippines effective July 4, 1946.

The attention of Congress is directed to the probability that this section may be of little, if any, possible use in view of present world conditions.

Minor changes were made in phraseology.

#### AMENDMENTS

2002—Pub. L. 107-273 struck out “or the Panama Canal Zone,” after “possession of the United States” in first par.

### § 3184. Fugitives from foreign country to United States

Whenever there is a treaty or convention for extradition between the United States and any foreign government, or in cases arising under section 3181(b), any justice or judge of the United States, or any magistrate judge authorized so to do by a court of the United States, or any judge of a court of record of general jurisdiction of any State, may, upon complaint made under oath, charging any person found within his jurisdiction, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, or provided for under section 3181(b), issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or magistrate judge, to the end that the evidence of criminality may be heard and considered. Such complaint may be filed before and such warrant may be issued by a judge or magistrate judge of the United States District Court for the District of Columbia if the whereabouts within the United States of the person charged are not known or, if there is reason to believe the person will shortly enter the United States. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, or under section 3181(b), he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

(June 25, 1948, ch. 645, 62 Stat. 822; Pub. L. 90-578, title III, § 301(a)(3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 100-690, title VII, § 7087, Nov. 18, 1988, 102 Stat. 4409; Pub. L. 101-647, title XVI, § 1605, Nov.

29, 1990, 104 Stat. 4843; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 104-132, title IV, § 443(b), Apr. 24, 1996, 110 Stat. 1281.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 651 (R.S. § 5270; June 6, 1900, ch. 793, 31 Stat. 656).

Minor changes of phraseology were made.

#### AMENDMENTS

1996—Pub. L. 104-132, in first sentence, inserted “or in cases arising under section 3181(b),” after “United States and any foreign government,” and “or provided for under section 3181(b),” after “treaty or convention,” and in third sentence, inserted “or under section 3181(b),” after “treaty or convention.”

1990—Pub. L. 101-647 inserted “or, if there is reason to believe the person will shortly enter the United States” after “are not known” in second sentence.

1988—Pub. L. 100-690 inserted after first sentence “Such complaint may be filed before and such warrant may be issued by a judge or magistrate of the United States District Court for the District of Columbia if the whereabouts within the United States of the person charged are not known.”

1968—Pub. L. 90-578 substituted “magistrate” for “commissioner” in two places.

#### CHANGE OF NAME

Words “magistrate judge” substituted for “magistrate” wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

### § 3185. Fugitives from country under control of United States into the United States

Whenever any foreign country or territory, or any part thereof, is occupied by or under the control of the United States, any person who, having violated the criminal laws in force therein by the commission of any of the offenses enumerated below, departs or flees from justice therein to the United States, shall, when found therein, be liable to arrest and detention by the authorities of the United States, and on the written request or requisition of the military governor or other chief executive officer in control of such foreign country or territory shall be returned and surrendered as hereinafter provided to such authorities for trial under the laws in force in the place where such offense was committed.

(1) Murder and assault with intent to commit murder;

(2) Counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money;

(3) Counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same;

(4) Forgery or altering and uttering what is forged or altered;

(5) Embezzlement or criminal malversation of the public funds, committed by public officers, employees, or depositaries;

(6) Larceny or embezzlement of an amount not less than \$100 in value;

(7) Robbery;

(8) Burglary, defined to be the breaking and entering by nighttime into the house of another person with intent to commit a felony therein;

(9) Breaking and entering the house or building of another, whether in the day or nighttime, with the intent to commit a felony therein;

(10) Entering, or breaking and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein;

(11) Perjury or the subornation of perjury;

(12) A felony under chapter 109A of this title;

(13) Arson;

(14) Piracy by the law of nations;

(15) Murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens or residents of such foreign country or territory and not under the flag of the United States, or of some other government;

(16) Malicious destruction of or attempt to destroy railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

This chapter, so far as applicable, shall govern proceedings authorized by this section. Such proceedings shall be had before a judge of the courts of the United States only, who shall hold such person on evidence establishing probable cause that he is guilty of the offense charged.

No return or surrender shall be made of any person charged with the commission of any offense of a political nature.

If so held, such person shall be returned and surrendered to the authorities in control of such foreign country or territory on the order of the Secretary of State of the United States, and such authorities shall secure to such a person a fair and impartial trial.

(June 25, 1948, ch. 645, 62 Stat. 823; May 24, 1949, ch. 139, § 49, 63 Stat. 96; Pub. L. 99-646, § 87(c)(6), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, § 3(a)(6), Nov. 14, 1986, 100 Stat. 3663.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 18, U.S.C., 1940 ed., § 652 (R.S. § 5270; June 6, 1900, ch. 793, 31 Stat. 656).

Reference to territory of the United States and the District of Columbia was omitted as covered by definitive section 5 of this title.

Changes were made in phraseology and arrangement.

##### 1949 ACT

This section [section 49] corrects typographical errors in section 3185 of title 18, U.S.C., by transferring to subdivision (3) the words, "indebtedness, bank notes, or other instruments of public", from subdivision (2) of such section where they had been erroneously included.

#### AMENDMENTS

1986—Par. (12). Pub. L. 99-646 and Pub. L. 99-654 amended par. (12) identically, substituting "A felony under chapter 109A of this title" for "Rape".

1949—Pars. (2), (3). Act May 24, 1949, transferred "indebtedness, bank notes, or other instruments of public" from par. (2) to par. (3).

#### EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective, respectively, 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

### § 3186. Secretary of State to surrender fugitive

The Secretary of State may order the person committed under sections 3184 or 3185 of this title to be delivered to any authorized agent of such foreign government, to be tried for the offense of which charged.

Such agent may hold such person in custody, and take him to the territory of such foreign government, pursuant to such treaty.

A person so accused who escapes may be retaken in the same manner as any person accused of any offense.

(June 25, 1948, ch. 645, 62 Stat. 824.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 653 (R.S. § 5272).

Changes were made in phraseology and surplusage was deleted.

### § 3187. Provisional arrest and detention within extraterritorial jurisdiction

The provisional arrest and detention of a fugitive, under sections 3042 and 3183 of this title, in advance of the presentation of formal proofs, may be obtained by telegraph upon the request of the authority competent to request the surrender of such fugitive addressed to the authority competent to grant such surrender. Such request shall be accompanied by an express statement that a warrant for the fugitive's arrest has been issued within the jurisdiction of the authority making such request charging the fugitive with the commission of the crime for which his extradition is sought to be obtained.

No person shall be held in custody under telegraphic request by virtue of this section for more than ninety days.

(June 25, 1948, ch. 645, 62 Stat. 824.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 662d (Mar. 22, 1934, ch. 73, § 3, 48 Stat. 455).

Provision for expense to be borne by the demanding authority is incorporated in section 3195 of this title.

Changes were made in phraseology and arrangement.

### § 3188. Time of commitment pending extradition

Whenever any person who is committed for rendition to a foreign government to remain until delivered up in pursuance of a requisition, is not so delivered up and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he was committed, by the readiest way, out of the United States, any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such

application has been given to the Secretary of State, may order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why such discharge ought not to be ordered.

(June 25, 1948, ch. 645, 62 Stat. 824.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 654 (R.S. § 5273).  
Changes in phraseology only were made.

**§ 3189. Place and character of hearing**

Hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public.

(June 25, 1948, ch. 645, 62 Stat. 824.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 657 (Aug. 3, 1882, ch. 378, § 1, 22 Stat. 215).

First word "All" was omitted as unnecessary.

**§ 3190. Evidence on hearing**

Depositions, warrants, or other papers or copies thereof offered in evidence upon the hearing of any extradition case shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that the same, so offered, are authenticated in the manner required.

(June 25, 1948, ch. 645, 62 Stat. 824.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 655 (R.S. § 5271; Aug. 3, 1882, ch. 378, § 5, 22 Stat. 216).

Unnecessary words were deleted.

**§ 3191. Witnesses for indigent fugitives**

On the hearing of any case under a claim of extradition by a foreign government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defense, that he cannot safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge or magistrate judge hearing the matter may order that such witnesses be subpoenaed; and the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner as in the case of witnesses subpoenaed in behalf of the United States.

(June 25, 1948, ch. 645, 62 Stat. 825; Pub. L. 90-578, title III, § 301(a)(3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 656 (Aug. 3, 1882, ch. 378, § 3, 22 Stat. 215).

Words "that similar" after "manner" were omitted as unnecessary.

AMENDMENTS

1968—Pub. L. 90-578 substituted "magistrate" for "commissioner".

CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

**§ 3192. Protection of accused**

Whenever any person is delivered by any foreign government to an agent of the United States, for the purpose of being brought within the United States and tried for any offense of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safekeeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

(June 25, 1948, ch. 645, 62 Stat. 825.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 659 (R.S. § 5275).

Words "crimes or" before "offenses" were omitted as unnecessary.

**§ 3193. Receiving agent's authority over offenders**

A duly appointed agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safe-keeping.

(June 25, 1948, ch. 645, 62 Stat. 825.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 660 (R.S. § 5276).

Words "jurisdiction of the" were omitted in view of the definition of United States in section 5 of this title. Minor changes only were made in phraseology.

EX. ORD. NO. 11517. ISSUANCE AND SIGNATURE BY SECRETARY OF STATE OF WARRANTS APPOINTING AGENTS TO RETURN FUGITIVES FROM JUSTICE EXTRADITED TO UNITED STATES

Ex. Ord. No. 11517, Mar. 19, 1970, 35 F.R. 4937, provided: WHEREAS the President of the United States, under section 3192 of Title 18, United States Code, has been

granted the power to take all necessary measures for the transportation, safekeeping and security against lawless violence of any person delivered by any foreign government to an agent of the United States for return to the United States for trial for any offense of which he is duly accused; and

WHEREAS fugitives from justice in the United States whose extradition from abroad has been requested by the Government of the United States and granted by a foreign government are to be returned in the custody of duly appointed agents in accordance with the provisions of section 3193 of Title 18, United States Code; and

WHEREAS such duly appointed agents under the provisions of the law mentioned above, being authorized to receive delivery of the fugitive in behalf of the United States and to convey him to the place of his trial, are given the powers of a marshal of the United States in the several districts of the United States through which it may be necessary for them to pass with such prisoner, so far as such power is requisite for the prisoner's safekeeping; and

WHEREAS such warrants serve as a certification to the foreign government delivering the fugitives to any other foreign country through which such agents may pass, and to authorities in the United States of the powers therein conferred upon the agents; and

WHEREAS it is desirable by delegation of functions heretofore performed by the President to simplify and thereby expedite the issuance of such warrants to agents in the interests of the prompt return of fugitives to the United States:

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to issue and sign all warrants appointing agents to receive, in behalf of the United States, the delivery in extradition by a foreign government of any person accused of a crime committed within the United States, and to convey such person to the place of his trial.

SEC. 2. Agents appointed in accordance with section 1 of this order shall have all the powers conferred in respect of such agents by applicable treaties of the United States and by section 3193 of Title 18, United States Code, or by any other provisions of United States law.

SEC. 3. Executive Order No. 10347, April 18, 1952, as amended by Executive Order No. 11354, May 23, 1967, is further amended by deleting numbered paragraph 4 and renumbering paragraphs 5 and 6 as paragraphs 4 and 5, respectively.

RICHARD NIXON.

### § 3194. Transportation of fugitive by receiving agent

Any agent appointed as provided in section 3182 of this title who receives the fugitive into his custody is empowered to transport him to the State or Territory from which he has fled.

(June 25, 1948, ch. 645, 62 Stat. 825.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 663 (R.S. § 5279). Last sentence of said section 663, relating to rescue of such fugitive, was omitted as covered by section 752 of this title, the punishment provision of which is based on later statutes. (See reviser's note under that section.)

Minor changes were made in phraseology.

### § 3195. Payment of fees and costs

All costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive shall be paid by the demanding authority.

All witness fees and costs of every nature in cases of international extradition, including the fees of the magistrate judge, shall be certified by the judge or magistrate judge before whom the hearing shall take place to the Secretary of State of the United States, and the same shall be paid out of appropriations to defray the expenses of the judiciary or the Department of Justice as the case may be.

The Attorney General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign government requesting the extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney General for deposit in the Treasury of the United States.

(June 25, 1948, ch. 645, 62 Stat. 825; Pub. L. 90-578, title III, § 301(a)(3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 662, 662c, 662d, 668 (R.S. § 5278; Aug. 3, 1882, ch. 378, § 4, 22 Stat. 216; June 28, 1902, ch. 1301, § 1, 32 Stat. 475; Mar. 22, 1934, ch. 73, § 2, 3, 48 Stat. 455).

First paragraph of this section consolidates provisions as to costs and expenses from said sections 662, 662c, and 662d.

Minor changes were made in phraseology and surplusage was omitted.

Remaining provisions of said sections 662, 662c, and 662d of title 18, U.S.C., 1940 ed., are incorporated in sections 752, 3182, 3183, and 3187 of this title.

The words "or the Department of Justice as the case may be" were added at the end of the second paragraph in conformity with the appropriation acts of recent years. See for example act July 5, 1946, ch. 541, title II, 60 Stat. 460.

#### AMENDMENTS

1968—Pub. L. 90-578 substituted "magistrate" for "commissioner" in two places.

#### CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of a date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

### § 3196. Extradition of United States citizens

If the applicable treaty or convention does not obligate the United States to extradite its citizens to a foreign country, the Secretary of State may, nevertheless, order the surrender to that country of a United States citizen whose extradition has been requested by that country if the other requirements of that treaty or convention are met.

(Added Pub. L. 101-623, § 11(a), Nov. 21, 1990, 104 Stat. 3356.)

**CHAPTER 211—JURISDICTION AND VENUE**

(June 25, 1948, ch. 645, 62 Stat. 826.)

- Sec.  
 3231. District courts.  
 3232. District of offense—Rule.  
 3233. Transfer within district—Rule.  
 3234. Change of venue to another district—Rule.  
 3235. Venue in capital cases.  
 3236. Murder or manslaughter.  
 3237. Offenses begun in one district and completed in another.  
 3238. Offenses not committed in any district.  
 3239. Optional venue for espionage and related offenses.  
 3240. Creation of new district or division.  
 3241. Jurisdiction of offenses under certain sections.  
 3242. Indians committing certain offenses; acts on reservations.  
 3243. Jurisdiction of State of Kansas over offenses committed by or against Indians on Indian reservations.  
 3244. Jurisdiction of proceedings relating to transferred offenders.

## AMENDMENTS

- 1994—Pub. L. 103-322, title XXXII, § 320909(b), Sept. 13, 1994, 108 Stat. 2127, added item 3239.  
 1984—Pub. L. 98-473, title II, § 1204(b), Oct. 12, 1984, 98 Stat. 2152, struck out item 3239 “Threatening communications”.  
 1978—Pub. L. 95-598, title III, § 314(j)(2), Nov. 6, 1978, 92 Stat. 2678, added item 3244.

**§ 3231. District courts**

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

(June 25, 1948, ch. 645, 62 Stat. 826.)

## HISTORICAL AND REVISION NOTES

Based on section 588d of title 12, U.S.C., 1940 ed., Banks and Banking; title 18, U.S.C., 1940 ed., §§ 546, 547 (Mar. 4, 1909, ch. 321, §§ 326, 340, 35 Stat. 1151, 1153; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; May 18, 1934, ch. 304, § 4, 48 Stat. 783).

This section was formed by combining sections 546 and 547 of title 18, U.S.C., 1940 ed., with section 588d of title 12, U.S.C., Banks and Banking, with no change of substance.

The language of said section 588d of title 12, U.S.C., 1940 ed., which related to bank robbery, or killing or kidnapping as an incident thereto (see section 2113, of this title), and which read “Jurisdiction over any offense defined by sections 588b and 588c of this title shall not be reserved exclusively to courts of the United States” was omitted as adequately covered by this section.

## SENATE REVISION AMENDMENT

The text of this section was changed by Senate amendment. See Senate Report No. 1620, amendment No. 10, 80th Cong.

**§ 3232. District of offense—(Rule)**

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proceedings to be in district and division in which offense committed, Rule 18.

(June 25, 1948, ch. 645, 62 Stat. 826.)

**§ 3233. Transfer within district—(Rule)**

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Arraignment, plea, trial, sentence in district of more than one division, Rule 19.

## REFERENCES IN TEXT

Rule 19 of the Federal Rules of Criminal Procedure, referred to in text, was rescinded Feb. 28, 1966, eff. July 1, 1966.

**§ 3234. Change of venue to another district—(Rule)**

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Plea or disposal of case in district other than that in which defendant was arrested, Rule 20.

(June 25, 1948, ch. 645, 62 Stat. 826.)

**§ 3235. Venue in capital cases**

The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

(June 25, 1948, ch. 645, 62 Stat. 826.)

## HISTORICAL AND REVISION NOTES

Based on section 101 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Mar. 3, 1911, ch. 231, § 40, 36 Stat. 1100).

**§ 3236. Murder or manslaughter**

In all cases of murder or manslaughter, the offense shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered or other means employed which caused the death, without regard to the place where the death occurs.

(June 25, 1948, ch. 645, 62 Stat. 826.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 553 (Mar. 4, 1909, ch. 321, § 336, 35 Stat. 1152).

**§ 3237. Offenses begun in one district and completed in another**

(a) Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.

(b) Notwithstanding subsection (a), where an offense is described in section 7203 of the Internal Revenue Code of 1986, or where venue for prosecution of an offense described in section 7201 or 7206(1), (2), or (5) of such Code (whether or not the offense is also described in another provision of law) is based solely on a mailing to the Internal Revenue Service, and prosecution is begun in a judicial district other than the judicial district in which the defendant resides, he may upon motion filed in the district in which the prosecution is begun, elect to be tried in the