

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

Country	Date signed	Entered into force	Citation
Portugal	May 7, 1908	Nov. 14, 1908	35 Stat. 2071.
Romania	July 14, 2005	Feb. 1, 2010	
	July 23, 1924	Apr. 7, 1925	44 Stat. 2020.
	Nov. 10, 1936	July 27, 1937	50 Stat. 1349.
Saint Kitts and Nevis	Sept. 10, 2007	May 8, 2009	
Saint Lucia	Sept. 18, 1996	Feb. 23, 2000	TIAS 12805.
Saint Vincent and the Grenadines	Apr. 18, 1996	Feb. 2, 2000	TIAS.
San Marino	Aug. 15, 1996	Sept. 8, 1999	TIAS.
Seychelles ..	Jan. 10, 1906	July 8, 1908	35 Stat. 1971.
Sierra Leone	Oct. 10, 1934	June 28, 1935	49 Stat. 3198.
Singapore ...	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
	Apr. 23, June 10, 1969	June 10, 1969	20 UST 2764.
Slovakia ¹ ...	July 2, 1925	Mar. 29, 1926	44 Stat. 2367.
	Apr. 29, 1935	Aug. 28, 1935	49 Stat. 3253.
	Feb. 6, 2006	Feb. 1, 2010	
Slovenia ¹ ...	Oct. 17, 2005	Feb. 1, 2010	
Solomon Islands	June 8, 1972	Jan. 21, 1977	28 UST 277.
South Africa	Sept. 16, 1999	June 25, 2001	TIAS.
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, 1986	July 2, 1983	TIAS.
	Mar. 12, 1996	July 25, 1999	TIAS.
	Dec. 17, 2004	Feb. 1, 2010	
Sri Lanka ...	Sept. 30, 1999	Jan. 12, 2001	TIAS.
Suriname ...	June 2, 1867	July 11, 1869	26 Stat. 1481.
	Jan. 14, 1904	Aug. 28, 1904	33 Stat. 2257.
Swaziland ...	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	
Switzerland	Nov. 14, 1990	Sept. 10, 1997	TIAS.
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.
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	
	Dec. 16, 2004	Feb. 1, 2010	
Uruguay	Apr. 6, 1973	Apr. 11, 1984	35 UST 3197.
Venezuela ...	Jan. 19, 21, 1922	Apr. 14, 1923	43 Stat. 1698.
Yugoslavia ¹	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	

¹ 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.

² 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.