

106TH CONGRESS
1ST SESSION

H. R. 3212

To provide for increased cooperation on extradition efforts between the United States and foreign governments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 1999

Mr. MILLER of Florida (for himself, Mr. SCHAFFER, Mr. CONDIT, Mr. GOSS, Mr. BRADY of Texas, Mr. TRAFICANT, and Mr. MICA) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for increased cooperation on extradition efforts between the United States and foreign governments, and for other purposes.

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 “International Extra-
5 dition Enforcement Act of 1999”.

1 **SEC. 2. ANNUAL REPORT ON EXTRADITION EFFORTS BE-**
2 **TWEEN THE UNITED STATES AND FOREIGN**
3 **GOVERNMENTS.**

4 (a) ANNUAL REPORT.—

5 (1) IN GENERAL.—Not later than January 1 of
6 each year, the Secretary of State, in conjunction
7 with the Attorney General, shall prepare and submit
8 to the Congress an annual report on efforts between
9 the United States and the governments of foreign
10 countries to extradite to the United States individ-
11 uals described in paragraph (2) during the preceding
12 year.

13 (2) INDIVIDUALS DESCRIBED.—An individual
14 described in this paragraph is an individual who is
15 being held in custody by the government of a foreign
16 country (or who is otherwise known to be in the for-
17 eign country), and with respect to which a com-
18 petent authority of the United States—

19 (A) has charged with a major extraditable
20 offense described in paragraph (3);

21 (B) has found guilty of committing a
22 major extraditable offense described in para-
23 graph (3); or

24 (C) is seeking extradition in order to com-
25 plete a judicially pronounced penalty of depriva-

1 tion of liberty for a major extraditable offense
2 described in paragraph (3).

3 (3) MAJOR EXTRADITABLE OFFENSES DE-
4 SCRIBED.—A major extraditable offense described in
5 this paragraph is an offense of murder, attempted
6 murder, manslaughter, aggravated assault, kidnapp-
7 ing, abduction, or other false imprisonment, or
8 rape.

9 (b) ADDITIONAL REQUIREMENTS.—The annual re-
10 port required under subsection (a) shall also include the
11 following:

12 (1) The aggregate number of individuals de-
13 scribed in subsection (a)(2) who are being held in
14 custody by all governments of foreign countries (or
15 are otherwise known to be in the foreign countries)
16 during the preceding year.

17 (2) With respect to each individual described in
18 subsection (a)(2), the reasons why the individual has
19 not been extradited to the United States and the
20 specific actions the United States has taken to ob-
21 tain extradition.

1 **SEC. 3. SANCTIONS AGAINST FOREIGN GOVERNMENTS**
2 **THAT ARE UNCOOPERATIVE IN EXTRADITION**
3 **EFFORTS WITH THE UNITED STATES.**

4 (a) PROHIBITION ON DEVELOPMENT AND SECURITY
5 ASSISTANCE.—

6 (1) PROHIBITION.—Development assistance and
7 security assistance may not be provided to a foreign
8 government that the President identifies under sub-
9 section (d) as uncooperative in extradition efforts
10 with the United States.

11 (2) DEFINITIONS.—In this subsection:

12 (A) DEVELOPMENT ASSISTANCE.—The
13 term “development assistance” means assist-
14 ance under chapter 1 of part I of the Foreign
15 Assistance Act of 1961 (22 U.S.C. 2151 et
16 seq.).

17 (B) SECURITY ASSISTANCE.—The term
18 “security assistance” means assistance under—

19 (i)(I) chapter 2 of the Foreign Assist-
20 ance Act of 1961 (22 U.S.C. 2311 et seq.);
21 and

22 (II) chapter 5 of the Foreign Assist-
23 ance Act of 1961 (22 U.S.C. 2347 et seq.);
24 and

25 (ii) the Arms Export Control Act (22
26 U.S.C. 2751 et seq.).

1 (b) OPPOSITION TO MULTILATERAL ASSISTANCE.—

2 The President shall instruct the United States Executive
3 Director at each international financial institution (as de-
4 fined in section 1701(c)(2) of the International Financial
5 Institutions Act) to use the voice, vote, and influence of
6 the United States to oppose any proposal to provide any
7 kind of assistance that would primarily benefit a foreign
8 government that the President identifies under subsection
9 (d) as uncooperative in extradition efforts with the United
10 States.

11 (c) DENIAL OF VISAS.—No consular officer shall
12 issue a visa to, and the Attorney General shall exclude
13 from the United States, any alien who the Secretary of
14 State determines is a high-ranking official of the govern-
15 ment of a country that the President identifies under sub-
16 section (d) as uncooperative in extradition efforts with the
17 United States.

18 (d) IDENTIFICATION AND REPORT.—

19 (1) IDENTIFICATION.—The President shall
20 identify on an annual basis those foreign govern-
21 ments that are uncooperative in extradition efforts
22 with the United States. In making an identification
23 with respect to a foreign government under this
24 paragraph, the President shall take into account in-

1 formation in the annual report required under sec-
2 tion 2 and the following:

3 (A) The extent to which the foreign gov-
4 ernment has a policy to refuse to extradite to
5 the United States its citizens who are charged
6 with, or found guilty of committing, major ex-
7 traditable offenses described in section 2(a)(3),
8 by such other countries.

9 (B) Whether or not the foreign govern-
10 ment, upon request by competent authorities of
11 the United States, has failed to extradite to the
12 United States during the preceding year 1 or
13 more citizens of the United States who are de-
14 scribed in section 2(a)(2).

15 (C) Whether or not the foreign govern-
16 ment, upon request by competent authorities of
17 the United States (and in accordance with sub-
18 section (f), if applicable), has failed to extradite
19 to the United States during the preceding 2-
20 year period 5 or more individuals (involving un-
21 related extradition requests) described in sec-
22 tion 2(a)(2).

23 (D) The extent to which corruption in the
24 foreign government jeopardizes the extradition
25 process of that country.

1 (2) REPORT.—Not later than March 1 of each
2 year, the President shall prepare and transmit to the
3 Congress a report containing a list of the foreign
4 governments identified under paragraph (1).

5 (e) WAIVER BY PRESIDENT.—

6 (1) WAIVER.—The President may waive the
7 prohibition on development assistance and security
8 assistance under subsection (a), the requirement to
9 oppose multilateral assistance under subsection (b),
10 or the denial of visas under subsection (c), with re-
11 spect to a foreign government if the President deter-
12 mines and certifies to the Congress that it is in the
13 vital national interests of the United States to do so.

14 (2) CONGRESSIONAL REVIEW.—Notwith-
15 standing paragraph (1), if, not later than 60 cal-
16 endar days after receipt of a certification of the
17 President with respect to a foreign government
18 under paragraph (1), a joint resolution is enacted
19 disapproving the certification, then—

20 (A) funds may not be obligated or ex-
21 pended for development assistance or security
22 assistance for the foreign country in accordance
23 with subsection (a);

24 (B) the requirement to oppose multilateral
25 assistance under subsection (b) shall apply; and

1 (C) the requirement to deny visas for high-
2 ranking officials of the government of that
3 country under subsection (c) shall apply.

4 (f) FORMAL COMPLAINT PROCEDURES RELATING TO
5 DENIAL OF EXTRADITION REQUESTS.—The Attorney
6 General shall establish procedures under which a com-
7 petent authority of a State, which is requesting extradition
8 of 1 or more individuals from a foreign country as de-
9 scribed in subsection (d)(1)(C) and with respect to which
10 the foreign country has failed to comply with such request,
11 may submit to the Attorney General a formal complaint
12 for purposes of determining whether or not the country
13 has failed to extradite to the United States during the pre-
14 ceding 2-year period 5 or more individuals (involving unre-
15 lated extradition requests) in accordance with such sub-
16 section (d)(1)(C).

17 **SEC. 4. CRIMINAL PENALTIES.**

18 (a) INCREASED PENALTY FOR FLIGHT TO AVOID
19 PROSECUTION.—Section 1073 of title 18, United States
20 Code, is amended by striking “five years” and inserting
21 “15 years”.

22 (b) TRANSFERS TO PERSONS RESISTING EXTRA-
23 DITION.—

1 (1) GENERALLY.—Chapter 49 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 1075. Transfers to persons resisting extradition**

5 “Whoever knowingly transfers from the United
6 States anything of value to a person who is in a foreign
7 place with the intent to assist that person in resisting ex-
8 tradition to the United States shall be fined under this
9 title or imprisoned not more than 10 years, or both.”

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 49 of title 18,
12 United States Code, is amended by adding at the
13 end the following new item:

“1075. Transfers to persons resisting extradition.”.

14 **SEC. 5. RULE OF CONSTRUCTION.**

15 Nothing in this Act, or in any amendment made by
16 this Act, shall be construed to affect any provision of an
17 extradition treaty between the United States and a foreign
18 government.

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