

PROTOCOL AMENDING THE TREATY ON EXTRADITION BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA SIGNED  
AT WASHINGTON ON DECEMBER 3, 1971, AS AMENDED BY  
AN EXCHANGE OF NOTES ON JUNE 28 AND JULY 9, 1974

The Government of Canada and the Government of  
the United States of America;

Desiring to make more effective the Extradition  
Treaty between the Contracting Parties, signed at  
Washington on December 3, 1971, as amended by the  
agreement effected by an Exchange of Notes on June 28 and  
July 9, 1974 (hereinafter referred to as "the Extradition  
Treaty");

Have agreed as follows:

ARTICLE 1

Article 2 of the Extradition Treaty is deleted  
and replaced by the following:

"Article 2

- (1) Extradition shall be granted for conduct which  
constitutes an offense punishable by the laws of  
both Contracting Parties by imprisonment or other  
form of detention for a term exceeding one year  
or any greater punishment.
- (2) An offense is extraditable notwithstanding
  - (i) that conduct such as interstate  
transportation or use of the mails or of  
other facilities affecting interstate or  
foreign commerce, required for the purpose  
of establishing jurisdiction, forms part of  
the offense in the United States, or
  - (ii) that it relates to taxation or revenue or is  
one of a purely fiscal character."

ARTICLE II

The SCHEDULE to the Extradition Treaty, as  
amended, is deleted.

ARTICLE III

Paragraph (2) of Article 3 of the Extradition  
Treaty is deleted. Paragraph (3) of Article 3 of the  
Extradition Treaty is amended to read as follows:

- "(2) When the offense for which extradition is  
requested was committed outside the territory of  
the requesting State, the executive or other  
appropriate authority of the requested State  
shall grant extradition if the laws of the  
requested State provide for jurisdiction over  
such an offense committed in similar  
circumstances. If the laws in the requested  
State do not so provide, the executive authority  
in the requested State may, in its discretion,  
grant extradition."