

WORLD TRADE ORGANIZATION

TN/S/O/USA
9 April 2003

(03-2003)

**Council for Trade in Services
Special Session**

Original: English

COMMUNICATION FROM THE UNITED STATES

Initial Offer

The following initial offer has been received from the delegation of the United States on 31 March with the request that it be circulated to Members of the Council for Trade in Services.

Introduction

1. Recognizing WTO Members commitment in these negotiations to achieve a progressively higher level of liberalization and to provide effective market access, and recognizing that current U.S. commitments under the GATS already provide among the highest levels of effective market access, in response to requests received from Members the United States proposes the following new commitments.
2. Consistent with GATS Article I.3(b) and (c), this offer applies only to services open to private sector participants, unless otherwise indicated, in the attached draft schedules, and does not include the right to acquire or invest in government monopolies supplying services included within any of the sectors or sub-sectors covered by this offer.
3. Under these proposed new GATS obligations, as under current obligations, the United States will continue to be able to establish, maintain, and fully enforce its domestic laws protecting, *inter alia*, consumers, health, safety, and the environment, as well as take actions it considers necessary for the protection of its essential security interests.
4. The United States will consider adopting new obligations under the GATS regarding transparency in regulation of services if other WTO Members are prepared to do so as well. The United States looks forward to work on these issues in bilateral request-offer discussions as well as in other appropriate WTO fora.
5. The United States reserves the right to withdraw, modify, or reduce this offer, in whole or in part, including necessary amendments to the offer regarding listing of tax measures, at any time prior to the conclusion of the negotiations.
6. The United State further reserves the right to make technical changes to this offer and to correct any errors, omissions, or inaccuracies.

UNITED STATES – INITIAL OFFER

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
I HORIZONTAL COMMITMENTS			
<u>ALL SECTORS COVERED BY THIS SCHEDULE:</u> For the purpose of this schedule the "United States" is defined as encompassing the 50 states of the United States, plus the District of Columbia.			
All Sectors: Temporary Entry And Stay of Natural Persons ¹	<p>4) Unbound, except for measures concerning temporary entry and stay of nationals of another member who fall into the categories listed below:</p> <p><u>Services Salespersons</u> - persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service. Entry for persons named in this section is limited to a ninety-day period.</p>	4) Unbound	

¹"Temporary entry" means entry without intent to establish permanent residence under immigration laws of the US and confers no rights with respect to citizenship. US commitments regarding entry and temporary stay in the US do not apply in cases of labor/management disputes.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p><u>Intra-corporate Transferees</u> - managers, executives and specialists, as defined below, who are employees of firms that provide services within the United States through a branch, subsidiary, or affiliate established in the United States and who have been in the prior employ of their firm outside the United States for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p> <p>a) Managers - persons within an organization who primarily direct the organization, or a department or sub-division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>b) Executives - persons within the organization who primarily direct the management of the organization, establish the goals and policies of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of a service or services of the organization.</p> <p>c) Specialists - persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions.)</p> <p>Entry for persons named in this section is limited to a three-year period that may be extended for up to two additional years for a total term not to exceed five years.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p><u>Personnel Engaged in Establishment</u> - A person who has been employed in the immediately preceding year by an entity described in Section II, receiving remuneration from that source, who occupies a managerial or executive position with that entity and is entering the territory of the United States for the purpose of establishing an entity described in Section II that will support employment of persons named in paragraphs a), b), and c) therein. The subject persons shall present proof of acquisition of physical premises for the entity that shall commence its business operations within one year of the date of entry of that person.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p><u>Fashion Models and Specialty Occupations</u> - Up to 65,000 persons annually on a worldwide basis in occupations as set out in 8 USC. ' 1101 (a) (15) (H) (i) (b), consisting of (i) fashion models who are of distinguished merit and ability; and (ii) persons engaged in a specialty occupation, requiring (a) theoretical and practical application of a body of highly specialized knowledge; and (b) attainment of a bachelor's or higher degree in the specialty (or its equivalent) as a minimum for entry into the occupation in the United States. Persons seeking admission under (ii) above shall possess the following qualifications: (a) full licensure in a US state to practice in the occupation, if such licensure is required to practice in the occupation in that state; and (b) completion of the required degree, or experience in the specialty equivalent to the completion of the required degree and recognition of expertise in the specialty through progressively responsible positions relating to the specialty. Entry for persons named in this section is limited to three years.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Specialty occupation aliens and their employers must be in compliance with all labor condition application requirements that are attested to by the established employer. These requirements are: a) wages paid to the person are the greater of: 1) the actual wage paid by the employer to individuals in that place of employment with similar qualifications and experience, or 2) the prevailing wage for that occupational classification in the area of employment; b) conditions of work are such that they will not adversely affect working conditions for those similarly employed; c) there is no strike or lockout in the course of a labor/management dispute in progress at the place of employment affecting the subject occupation; labor/management dispute in progress at the place of employment;</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
All Sectors: Acquisition of Land	<p>d) the employer has not laid off or otherwise displaced workers in the subject occupation in the previous six months and will not lay off or displace any US worker during the 90-day period following the filing of an application or the 90-day periods preceding and following the filing of any visa petition supported by the application; e) the employer has taken and is taking timely and significant steps to recruit and retain sufficient US workers in the specialty occupation; and f) notice is given at the time of application by the employer to employees or their representatives at the place of employment.</p> <p>3) None</p>	<p>3) The federal government restricts initial sale of federally-owned lands to US citizens. (Preceding restriction does not apply to foreign-owned companies formed under the laws of any state of the United States.)</p> <p>Acquisition of land reclaimed with federal funds and reclamation of desert land is restricted to individual US citizens</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>Ownership of land by non-US citizens is limited in: Kentucky (restrictions apply only to individuals, not to foreign-owned companies incorporated within the United States) and South Carolina (applies to individuals and foreign-owned corporations).</p> <p>Purchase of land by non-US citizens not resident within the state is restricted in: Oklahoma, Florida, and Wyoming. In Mississippi, non-US citizens may not purchase more than 5 acres for residential property, or more than 320 acres for industrial development.</p> <p>Non-US citizens may not purchase or bid on sales of public lands in: Hawaii, Idaho, Mississippi, Montana, and Oregon</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
All Sectors: Taxation Measures	1) None 2) None 3) None	1), 2), 3) At the federal level, with respect to direct taxes: Differential tax treatment may be provided between trusts created or organized in the United States to provide employee benefits and trusts not created or organized in the United States and their respective beneficiaries. Such provisions affect the taxation of the income of the trust or the beneficiary, the availability of deductions to taxpayers for contributions to the trust, and tax administration requirements; these provisions include different rules for allowing deductions to, and determining the earnings of, foreign employee benefit plans. An increase in the rate or a widening of the base of a federal income tax may be imposed on a national, resident or corporation of a foreign country where a national, resident or corporation of the United States is being subjected to discriminatory or extraterritorial taxes (as described in section 891 or section 896 of the Internal Revenue Code).	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
All Sectors: Subsidies	<p>4) Unbound, except as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p>	<p>At the federal level, with respect to taxes other than direct taxes:</p> <p>An excise tax may be imposed in connection with transfers of any property by a citizen or resident of the United States, or by a domestic entity (corporations, partnership, estate or trust) to a foreign entity (corporation partnership, estate or trust).</p> <p>An excise tax may be imposed on US source gross investment income of foreign organizations that are private foundations.</p> <p>4) None</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) The Federal Overseas Private Investment Corporation (OPIC) insurance and loan guarantees are not available to certain aliens, foreign enterprises, and foreign-controlled enterprises established in the United States</p> <p>Trade and Development Agency financing is limited to:</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>I. individuals 1) who are either US citizens or non-US citizens lawfully admitted for permanent residence in the United States and 2) whose principal places of business are in the United States, or</p> <p>II. privately-owned commercial corporations or partnerships that are incorporated or legally organized under the laws of the United States and whose principal places of business are in the United States and (1) that are more than 50 per cent beneficially owned by individuals who are US citizens or (2) that have been incorporated or legally organized in the United States for more than 3 years, have performed similar services in each of the prior 3 years, and employ US citizens in more than half of their permanent full-time positions in the United States and have the existing capability in the United States to perform the contract</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>Unbound for measures at the federal, state or local levels that accord rights or preferences to members of socially or economically disadvantaged groups in the United States, including:</p> <p>Federal Small Business Administration – loans are restricted to US citizens or companies that are 100 per cent owned by US citizens and whose directors are all US citizens</p> <p>Maine - The Maine Veterans Small Business Loan Guarantee Program provides guarantees to eligible resident veterans for business loans from local lending institutions. A qualifying business is one that is independently owned and operated in Maine, and the applicant must be a war veteran. The Small Business Loan Guarantee Program in Maine provides guarantees of loans made by private lenders to eligible residents of Maine for business purposes.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>Maryland - The Maryland Small Business Development Financing Authority makes direct loans to socially or economically disadvantaged business persons. Applicants must be US citizens and have a business that is 70 per cent owned by socially or economically disadvantaged persons. Applicants for the Maryland Small Business Surety Bond Guarantee Program must be US citizens and, if entities, must have their principal places of business in Maryland.</p> <p>Minnesota - Community Development Corporations are only eligible to receive grants if 60 per cent of their directors are residents of the specific geographic community in Minnesota within which they will operate.</p> <p>Oregon - Oregon law requires that the Economic Development Corporation (EDC) give preference in OBDF loans to businesses owned in whole or in part by dislocated timber workers.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>4) Unbound, except as indicated in the horizontal section</p>	<p>Pennsylvania - Minority Business Development Authority provides long-term low interest loans to minority-owned businesses. Applicants must be Blacks, Aleuts, Eskimos, Hispanics or American Indians who are residents of Pennsylvania.</p> <p>Unbound for research and development subsidies</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
<p>1. BUSINESS SERVICES</p> <p>A. PROFESSIONAL SERVICES</p> <p>a) 1) Legal Services: practice services or through a qualified US lawyer</p>	<p>For the following jurisdiction, the following commitments apply: in (all states)</p> <p>1) Services must be supplied by a natural person</p> <p>An in-state office must be maintained for licensure in: District of Columbia, Indiana (or an affiliate with an office and with other attorneys in the state), Michigan, Minnesota (or maintain individual residency in Minnesota), Mississippi, New Jersey, Ohio, South Dakota and Tennessee.</p> <p>2) Services must be supplied by a natural person</p> <p>An in-state office must be maintained for licensure in: District of Columbia, Indiana (or an affiliate with an office and with other attorneys in the state), Michigan, Minnesota (or maintain individual residency in Minnesota), Mississippi, New Jersey, Ohio, South Dakota and Tennessee.</p> <p>3) Services must be supplied by a natural person</p> <p>Partnership in law firms is limited to persons licensed as lawyers</p> <p>US citizenship is required to practice before the US Patent and Trademark Office</p>	<p>1) In-state or US residency is required for licensure in: Hawaii, Iowa, Kansas, Massachusetts, Michigan, Minnesota (or maintain an office in Minnesota), Mississippi, Nebraska, New Jersey, New Hampshire, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, Wyoming.</p> <p>2) In-state or US residency is required for licensure in: Hawaii, Iowa, Kansas, Massachusetts, Michigan, Minnesota (or maintain an office in Minnesota), Mississippi, Nebraska, New Jersey, New Hampshire, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, Wyoming.</p> <p>3) None</p>	
	<p>4) Services must be supplied by a natural person</p>	<p>4) In-state or US residency is required for licensure in: Hawaii, Iowa, Kansas,</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>a) 2) Legal Services: consultancy on law of jurisdiction where service supplier is qualified as a lawyer (such consultancy excludes the following: i) appearing for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state (other than upon admission <u>pro haec vice</u>);</p>	<p>An in-state office must be maintained for licensure in: District of Columbia, Indiana (or an affiliate with an office and with other attorneys in the state), Michigan, Minnesota (or maintain individual residency in Minnesota), Mississippi, New Jersey, Ohio, South Dakota and Tennessee.</p> <p>US Citizenship is required to practice before the US Patent and Trademark Office</p> <p>For the following jurisdiction, the following commitments apply: Alaska²</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>Massachusetts, Michigan, Minnesota (or maintain an office in Minnesota), Mississippi, Nebraska, New Jersey, New Hampshire, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, Wyoming.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted, provided foreign legal consultant (FLC) is competent.</p> <p>b) Practice of 3rd-country law: permitted provided that FLC obtains written legal advice from an attorney licensed in that jurisdiction.</p> <p>c) Practice of host-country law: permitted provided that FLC obtains written legal advice from an attorney licensed to practice in that jurisdiction.</p>
<p>ii) preparing any</p>			<p>d) Association with local</p>

²The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant (FLC) in Alaska. Licensure is subject to meeting requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and agreement to be bound by the Rules of Disciplinary Enforcement, Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association, and the Code of Professional Responsibility. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>instrument effecting the transfer or registration of title to real estate located in the United States of America; iii) preparing any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or any instrument relating to the administration of a decedent's estate in the United States of America; and iv) preparing any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident.)</p>			<p>lawyers: partnerships with local lawyers permitted. e) Employment of local lawyers: permitted. f) Use of firm name: permitted. g) Other: n/a.</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: California³</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

³The following information is provided for transparency purposes only. A supplier regularly providing services is required to be licensed as a foreign legal consultant in California. Licensure is subject to meeting requirements of registration, an experience requirement (4 of the 6 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and agreement to be bound by the requirements of the State Bar of California. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Connecticut⁴</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: permitted provided FLC first obtains advice from an attorney licensed in that jurisdiction.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local attorneys permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

⁴The following information is provided for transparency purposes only. A supplier regularly providing services is required to be licensed as a foreign legal consultant in Connecticut. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), certification of registration, meeting the professional liability insurance requirement, an overdraft notification, good standing with home-country bar, and a written commitment to observe the Connecticut Rules of Professional Conduct. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: District of Columbia⁵</p> <p>1) None</p> <p>2) None</p> <p>3) In-state office required</p> <p>4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted, provided FLC is competent.</p> <p>b) Practice of 3rd-country law: permitted, provided FLC is competent.</p> <p>c) Practice of host-country law: permitted provided FLC first obtains advice from an attorney licensed in that jurisdiction and identifies the person to the client.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

⁵The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in the District of Columbia. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 8 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and a written commitment to be bound by the Code of Professional Responsibility of the American Bar Association. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Florida⁶</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnerships with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

⁶The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Florida. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, and a sworn statement to abide by the Rules of Professional Conduct. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Georgia⁷</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a</p>

⁷ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Georgia. Licensure is subject to meeting requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, and a commitment to observe the Rules of Professional Responsibility and Disciplinary Rules applicable to members of the State Bar of Georgia. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Hawaii⁸</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted, provided FLC is competent.</p> <p>b) Practice of 3rd-country law: permitted provided FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>c) Practice of host-country law: permitted provided FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

⁸ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Hawaii. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), and certification of registration and good standing with home-country bar. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Illinois⁹</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p> <p>For the following jurisdiction, the following commitments apply: Michigan¹⁰</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p> <p>1) None</p> <p>2) None</p> <p>3) In-state residency required</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a</p> <p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p>

⁹The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Illinois. Licensure is subject to meeting requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), meeting the professional liability insurance requirement, a written commitment to observe the Rules of Professional Conduct, and certification of registration and good standing with home-country bar. Professional privileges apply to all foreign lawyers.

¹⁰ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Michigan. Licensure is subject to meeting requirements of registration, a minimum age of 18 years, an experience requirement (3 of the 5 years preceding registration must have been spent practicing law), and certification of registration and good standing with home-country bar. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>4) Unbound, except as indicated in the horizontal section</p> <p>For the following jurisdiction, the following commitments apply: Minnesota¹¹</p> <p>1) None</p> <p>2) None</p> <p>3) In-state office required</p> <p>4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.</p>	<p>4) In-state residency required</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p> <p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a</p>

¹¹ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Minnesota. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, and are subject to the Minnesota Rules of Professional Conduct. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: New Jersey¹²</p> <p>1) None</p> <p>2) None</p> <p>3) In-state office required</p> <p>4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: permitted provided FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>c) Practice of host-country law: permitted provided FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

¹² The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in New Jersey. Licensure is subject to meeting requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), meeting the professional liability insurance requirement, certification of registration and good standing with home-country bar, and shall observe the Rules of Professional Conduct of the American Bar Association. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: New York¹³</p> <p>1) None</p> <p>2) None</p> <p>3) In-state office required</p> <p>4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted, provided FLC is competent.</p> <p>b) Practice of 3rd-country law: permitted, provided FLC is competent.</p> <p>c) Practice of host-country law: permitted to practice NY and federal law provided FLC relies on advice from a person duly qualified and entitled to render professional legal advice on NY or US law. Permitted to practice law of other US states, provided FLC is competent.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: unrestricted.</p> <p>g) Other: n/a.</p>

¹³ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in New York. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (3 of the 5 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and agreement to be bound by the New York Bar Code of Ethics. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Ohio¹⁴</p> <p>1) None</p> <p>2) None</p> <p>3) In-state office required</p> <p>4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted.</p> <p>b) Practice of 3rd-country law: permitted if FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>c) Practice of host-country law: permitted if FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>d) Association with local lawyers: partnership with local lawyers not permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

¹⁴ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Ohio. Licensure is subject to meeting requirements of registration, a minimum age of 21 years, an experience requirement (4 of the 6 years preceding registration must have been spent practicing law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and being subject to the Ohio Code of Professional Responsibility and the disciplinary procedural rules set forth in Gov. Bar R.V. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Oregon¹⁵</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: permitted if FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>c) Practice of host-country law: permitted if FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.</p> <p>d) Association with local lawyers: partnership with local lawyer permitted.</p> <p>e) Employment of local lawyers: permitted</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

¹⁵ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Oregon. Licensure is subject to meeting requirements of registration, a minimum age of 18 years, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), and certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and agreement to comply with ORS Chapter 9, the Oregon Code of Professional Responsibility and the Oregon State Bar's Rules of Procedure. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Texas¹⁶</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) In-state residency required</p> <p>4) In-state residency required</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnership with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

¹⁶ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Texas. Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), meeting the professional liability insurance requirement, certification of registration and good standing with home-country bar, and taking an oath to abide by the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Washington¹⁷</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) In-state residency required at time admitted</p> <p>4) In-state residency required at time admitted</p>	<p>a) Practice of international law: permitted to the extent incorporated in home-country law.</p> <p>b) Practice of 3rd-country law: not permitted.</p> <p>c) Practice of host-country law: not permitted.</p> <p>d) Association with local lawyers: partnerships with local lawyers permitted.</p> <p>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: permitted.</p> <p>g) Other: n/a.</p>

¹⁷ The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licensed as a foreign legal consultant in Washington. Licensure is subject to meeting requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practicing law), and certification of registration and good standing with home-country bar, and agreement to be bound by the Discipline Rules for Lawyers and the Rules of Professional Conduct. Professional privileges apply to all foreign lawyers.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>For the following jurisdiction, the following commitments apply: Other States</p> <p>1) None</p> <p>2) None</p> <p>3) Unbound for Alabama, Arizona, Arkansas, Colorado, Delaware, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.</p> <p>4) Unbound for Alabama, Arizona, Arkansas, Colorado, Delaware, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
b) Accounting, Auditing and Bookkeeping Services	1) None 2) None 3) Sole proprietorships or partnerships are limited to persons licensed as accountants, except in Iowa where accounting firms must incorporate 4) Unbound, except as indicated in the horizontal section. In addition, an in-state office must be maintained for licensure in: Arkansas, Connecticut, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New Hampshire, New Mexico, Ohio, Vermont, and Wyoming. US citizenship is required for licensure in North Carolina.	1) None 2) None 3) None 4) In-state residency is required for licensure in: Arizona, Arkansas, Connecticut, District of Columbia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, and West Virginia.	Will consider undertaking implementation of GATS Disciplines in Regulation of the Accountancy Sector (WTO Disciplines adopted in 1998) if others do the same.
c) Taxation Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
d) Architectural Services	<p>1) None</p> <p>2) None</p> <p>3) Two-thirds of the officers, partners, and/or directors of an architectural firm in Michigan must be licensed in Michigan as architects, professional engineers and/or land surveyors.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>Will consider undertaking commitments for architects similar to those adopted for accountants in the WTO Disciplines in Regulation of the Accountancy Sector (adopted in 1998), if others do the same.</p>
e) Engineering Services	<p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	
f) Integrated Engineering Services	<p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required for licensure in the District of Columbia.</p>	<p>3) None</p> <p>4) In-state residency is required for licensure in: Idaho, Iowa, Kansas, Maine, Mississippi, Nevada, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia.</p>	
g) Urban Planning & Landscape Services	<p>1) None</p> <p>2) None</p> <p>3) Two-thirds of the officers, partners, and/or directors of an architectural firm in Michigan must be licensed in Michigan as architects, professional engineers and/or land surveyors</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. COMPUTER AND RELATED SERVICES (MTN.GNS/W/120 a) - e), except airline computer reservation systems)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>D. REAL ESTATE SERVICES</p> <ul style="list-style-type: none"> - Renting or leasing services involving own or leased residential property - Renting or leasing services involving own or leased non-residential property - Residential buildings and land sales - Non-residential buildings and land sales - Non-residential vacant land sales - Real estate services on a fee or contract basis - Residential property management services on a fee or contract basis 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required for licensure as a real estate broker in: Mississippi and New York. 	<ul style="list-style-type: none"> 1) Corporations that own real estate in Florida must maintain an office and registered agent in Florida 2) None 3) None 4) In-state residency or US citizenship is required for licensure as a real estate broker in South Dakota 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<ul style="list-style-type: none"> - Residential vacant land sales on a fee or contract basis - Non-residential buildings and land sales on a fee or contract basis - Non-residential vacant land sales on a fee or contract basis <p>E. RENTAL/LEASING SERVICES WITHOUT OPERATORS:</p> <p>c) Relating to Other Transport Equipment</p> <p>d) Relating to Other Machinery and Equipment</p> <p>e) Other (except Harbor Dredges)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>F. OTHER BUSINESS SERVICES</p> <p>a) Advertising</p> <ul style="list-style-type: none"> - Sale or leasing services of advertising space or time - Planning, creating and placement services of advertising - Other advertising services (except aerial advertising and sky writing) <p>b) Market Research and Public Opinion Polling Services</p> <ul style="list-style-type: none"> - Market research services - Public opinion polling services 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section <ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None <ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
c) Management Consulting Services - General management consulting services - Financial management consulting services (except business tax) - Marketing management consulting services - Human resources management consulting services - Production management consulting services - Public relations services - Other management consulting services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
d) Services Related to Management Consulting			
f) Services Incidental to Agriculture, Hunting and Forestry (except provision of agricultural machinery with drivers and crew, harvesting and related services, services of farm labor contractors, and aerial fire fighting)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
g) Services Incidental to Fishing	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
h) Services Incidental to Mining	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
j) Services Incidental to Energy Distribution	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
k) Placement and Supply Services of Personnel - <u>Executive search services</u> - <u>Placement services of office support personnel and other workers</u> - <u>Supply services of office support personnel</u> - <u>Supply services of domestic help personnel</u>	1) None 2) None 3) US citizenship is required for ownership of employment agencies in Arkansas. 4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required for licensure as an employment agent, employment agency counselor and employment agency manager in Arkansas.	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<ul style="list-style-type: none"> - Supply services of other commercial or industrial workers 			
<ul style="list-style-type: none"> - Supply services of nursing personnel 			
<ul style="list-style-type: none"> - Supply services of other personnel 			
<p>l) Investigation and Security Services</p>			
<ul style="list-style-type: none"> - Investigation services 	1) None	1) None	
<ul style="list-style-type: none"> - Security consultation services 	2) None	2) None	
<ul style="list-style-type: none"> - Alarm monitoring services 	3) Permanent resident alien status or US citizenship is required to own contract security companies in Maine	3) None	
<ul style="list-style-type: none"> - Armored car services 	4) Unbound, except as indicated in the horizontal section. In addition, permanent resident alien status or US citizenship is required for private investigators and security guards in: Maine and New York.	4) In-state residency is required for private detectives in Michigan	
<ul style="list-style-type: none"> - Guard services 			
<ul style="list-style-type: none"> - Other security services 			
<p>m) Related Scientific & Technical Consulting (except land surveying for the purpose of establishing legal boundaries, aerial surveying and aerial map-making)</p>	1) None	1) None ¹⁸	
	2) None	2) None ¹⁸	
	3) None	3) None ¹⁸	
	4) Unbound, except as indicated in the	4) None	

¹⁸ For those functions where an engineering degree is required, the US limitations on engineering also apply.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	horizontal section		
<p>n) Maintenance & Repair of Equipment (except maritime vessels, aircraft, and other transport equipment)</p> <ul style="list-style-type: none"> - Repair services of personal and household goods - Repair services of fabricated metal products, except machinery and equipment, on a fee or contract basis - Repair services of machinery and equipment n.e.c., on a fee or contract basis - Repair services n.e.c. of office, accounting and computing machinery, on a fee or contract basis 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<ul style="list-style-type: none"> - Repair services of electrical machinery and apparatus n.e.c., on a fee or contract basis - Repair services of radio, television and communication equipment and apparatus, on a fee or contract basis - Repair services of medical, precision and optical instruments, watches and clocks, on a fee or contract basis 			
<p>o) Building-Cleaning Services</p> <ul style="list-style-type: none"> - Disinfecting and exterminating services - Window cleaning services - Janitorial services - Other building cleaning services 	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) None 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>p) Photographic Services (except aerial photographic services)</p> <ul style="list-style-type: none"> - Portrait photography services - Advertising and related photography services - Action photography services - Specialty photography services - Photography processing services - Motion picture processing services not related to the motion picture and television industries - Restoration, copying and retouching services of photography - Other photographic services 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>q) Packaging Services</p> <p>- Services consisting in packaging goods for others on a fee or contract basis, such as food products, pharmaceuticals, household cleaners, toilet preparations and hardware using a variety of automated or manual packaging techniques including blister forming and packaging, shrink or skin wrapping, form filling and sealing, pouch filling, bottling and aerosol packaging. Parcel packing and gift wrapping are also included. This service may also include the labeling or imprinting of the package.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
s) Convention Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) Unbound with respect to tax deductions 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>2. COMMUNICATION SERVICES</p> <p><u>B. Express Delivery Services: Express delivery services are time-sensitive, utilize advanced technologies for communication, and are integrated or controlled from end-to-end. Express delivery services consist of the expedited collection, transport and delivery of documents, printed matter, parcels, and/or other goods, while tracking the location of, and maintaining control over, such items throughout the supply of the service. Express delivery services also may include one or more value added elements, such as collection from an address designated by the sender; release upon signature; guarantee of delivery</u></p>	<p>1), <u>None, except: (a) letters subject to the Private Express Statutes (18 U.S.C. 1693 et seq., 39 U.S.C. 601 et seq. and 39 CFR 310 et seq.), but not including letters subject to the exceptions to, or suspensions promulgated under, those statutes; (b) delivery of items to mail receptacles (18 U.S.C. 1725) and post office boxes (39 CFR 111.1 & Domestic Mail Manual D910); (c) access to the US Postal Service under the Universal Postal Union Convention or other arrangements pursuant to 39 U.S.C. 407; (d) the right to invest in the U.S. Postal Service; and (e) right to make or print U.S. postage stamps (18 U.S.C. 501)</u></p> <p>4) <u>Unbound except as indicated in the horizontal section</u></p>	<p>1), <u>None, except: (a) letters subject to the Private Express Statutes (18 U.S.C. 1693 et seq., 39 U.S.C. 601 et seq. and 39 CFR 310 et seq.), but not including letters subject to the exceptions to, or suspensions promulgated under, those statutes; (b) delivery of items to mail receptacles (18 U.S.C. 1725) and post office boxes (39 CFR 111.1 & Domestic Mail Manual D910); (c) access to the US Postal Service under the Universal Postal Union Convention or other arrangements pursuant to 39 U.S.C. 407; (d) the right to invest in the U.S. Postal Service; and (e) right to make or print U.S. postage stamps (18 U.S.C. 501)</u></p> <p>4) <u>None</u></p>	<p><u>The United States will consider undertaking commitments to establish or maintain appropriate measures, substantive and/or procedural to address certain cross-subsidization of express delivery services, such as may arise from monopoly first-class letter carriage, if other Members are prepared to do so as well.</u></p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>B. C. Land-based Courier Services (except courier services involving any prior or subsequent movement by air)</p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) None</p>	

¹⁹ [This classification is activities-based and does not distinguish among service suppliers. Subject to the limitations noted above, commitments made in the Express Delivery Services sector shall include all express delivery services defined above that are supplied on a competitive and commercial basis. Express Delivery services do not include maritime transport services or services to which the Annex on Air Transport Services applies, but include certain services performed in connection with express delivery, which are classified elsewhere in W/120. To the extent not already reflected in its GATS commitments, the United States is considering commitments on such services, which include:](#)

[1Fc: inventory management services](#)

[1Fq: packaging services](#)

[1Ft: order processing services, production planning and control services](#)

[2Cj online information and data processing](#)

[11Fd: maintenance and repair of road transport equipment](#)

[part of 11Fb: road freight transportation performed in connection with express delivery](#)

[part of 11Fc: rental of commercial vehicles with operators performed in connection with express delivery](#)

[part of 11Fe: supporting services for road transport performed in connection with express delivery](#)

[part of 11H: container station and depot services performed in connection with express delivery](#)

[part of 11Hb: storage and warehousing services performed in connection with express delivery](#)

[part of 11Hc: freight transport agency services performed in connection with express delivery](#)

[part of 11Hd: other supporting and auxiliary transport services performed in connection with express delivery](#)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>C. <u>D. Basic Telecommunications Services</u>²⁰</p> <p><u>The transmission between or among points specified by the user, of information of the users choosing, without change in the form or content of the information as sent or received, as defined in 47 U.S.C. 153 (43). Services can be supplied on either a public or private basis, regardless of the facilities used.</u></p> <p><u>Services include:</u></p> <p>a) Voice <u>telephone</u> services</p> <p>b) Packet-switched data transmission services <u>(note: packet switched services classified as information services are not considered basic telecommunications services.)</u></p> <p>c) Circuit-switched data transmission services</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than</p> <p>Comsat has exclusive rights to links with Intelsat and Inmarsat.</p> <p>- Ownership of a common carrier radio license:</p> <p>Indirect: None</p> <p>Direct: May not be granted to or held by</p> <p>(a) foreign government or the representative thereof</p> <p>(b) non-U.S. citizen or the representative of any non-U.S. citizen</p> <p>(c) any corporation not organized under the laws of the United States or</p> <p>(d) U.S. corporation of which more than 20% of the capital stock is owned or voted by a foreign government or its representative, non-U.S. citizens or their representatives or a corporation not organized under the laws of the United States.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p><u>The United States undertakes the obligations contained in the reference paper attached hereto.</u></p> <p><u>Supplementing the United States Reference Paper commitments (attached) the United States commits to:</u></p> <p><u>Maintain an absence of national government ownership in public telecommunications service suppliers;</u></p> <p><u>Maintain a national telecommunications regulatory body independent of executive and legislative branches, which is required to employ transparent procedures in developing rules (including notice and comment) and is empowered to enforce regulations through sanctions, including fines and revocation of licenses; and</u></p> <p><u>Permit licensed suppliers of basic telecommunications services choice of technology used in the supply of services, subject to requirements necessary to fulfill legitimate public policy objectives.</u></p>

²⁰ Excluding one way satellite transmissions of DTH and DBS television services and of digital audio services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>ii) provide the subscriber additional, different, or restructured information; or</p> <p>iii) involve subscriber interaction with stored information.</p> <p>Includes the following:</p> <p>h) Electronic Mail</p> <p>i) Voice Mail</p> <p>j) On line Information and/or Data Base Retrieval</p> <p>k) Electronic Data Interchange (EDI)</p> <p>l) Enhanced/Value added Facsimile Services (including store and forward, store and retrieve)</p> <p>m) Code and Protocol Conversion</p> <p>n) On line Information and/or Data Processing (including transaction processing)</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><u>E. Information Services</u> (Value-added services)</p> <p><u>The offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, as defined in 47 USC 153(20). Services include, but are not limited to:</u></p> <ul style="list-style-type: none"> - electronic mail - voice mail - on-line Information and/or data base retrieval - Electronic Data Interchange (EDI) - Enhanced/Value-added Facsimile Services - Code and Protocol conversion - on-line information and/or Data processing; - <u>packet-switched information services</u> <p>e) Other</p>	<p>1) <u>None</u></p> <p>2) <u>None</u></p> <p>3) <u>None</u></p> <p>4) <u>Unbound, except as indicated in the horizontal section</u></p>	<p>1) <u>None</u></p> <p>2) <u>None</u></p> <p>3) <u>None</u></p> <p>4) <u>Unbound, except as indicated in the horizontal section</u></p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><u>Note: services below are redundant, as they are captured in the definition of basic services above.</u></p> <p>Mobile Services Analogue/Digital cellular services PCS (Personal Communications services) Paging services Mobile data services</p> <p><u>F. Other Communications Services</u></p> <ul style="list-style-type: none"> - <u>Cable services provided over cable systems, as defined in 47 U.S.C. 522(6) and 47 U.S.C. 522(7)</u> - <u>One-way satellite transmission of DTH and DBS television services and of digital audio services.</u> - Radio and Television <u>Broadcast</u> Transmission Services 	<p>1) <u>None</u></p> <p>2) <u>None</u></p> <p>3) <u>None, except that</u> a single company or firm is prohibited from owning a combination of newspapers, radio and/or TV broadcast stations serving the same local market. Radio and television <u>broadcast</u> licenses may not be held by: a foreign government; a corporation chartered under the law of a foreign country or <u>of which has a non-US citizen as an officer or director or more than 20 per cent of the capital stock of which is owned or voted by non-US citizens</u>; a corporation chartered under the laws of the United States that is directly or indirectly controlled by a corporation more than 25 per cent of whose capital stock is owned by non-US citizens or a foreign government or a corporation of which any officer or more than 25 per cent of the directors are non-US citizens.</p>	<p>1) <u>None</u></p> <p>2) <u>None</u></p> <p>3) <u>None</u></p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><u>D.</u> <u>G.</u> Audiovisual Services</p> <p><u>Note: References below to "home video entertainment" include, but are not limited to, video tapes and optical discs.</u></p> <p><u>Motion picture and home video entertainment promotion or advertising services</u></p> <p>a1) <u>Motion Picture & Video Tape Home Video Entertainment Production & Distribution Services</u></p>	<p>4) <u>Unbound, except as indicated in the horizontal section. In addition, US citizenship is required to obtain radio and television licenses.</u></p> <p>1) <u>None</u></p> <p>2) <u>None</u></p> <p>3) <u>None</u></p> <p>4) <u>Unbound except as indicated by horizontal commitments</u></p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>4) <u>Unbound except as indicated by horizontal commitments</u></p> <p>1) <u>None</u></p> <p>2) <u>None</u></p> <p>3) <u>None</u></p> <p>4) <u>None</u></p> <p>1) Grants from the National Endowment for the Arts are only available for: individuals with US citizenship or permanent resident alien status, and non-profit companies.</p> <p>2) None</p> <p>3) Grants from the National Endowment for the Arts are only available for: individuals with US citizenship or permanent resident alien status, and non-profit companies.</p>	
	4) Unbound, except as indicated in the	4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
a2) Motion Picture and home video entertainment distribution services (i.e. licensing for exhibition, broadcast, or other transmission)	horizontal section 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
b) Motion Picture Projection Service [Note: Projection services have been moved to other recreation services, below]	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
c) Radio & Television Production Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>d) Radio and Television Transmission Services</p> <p>[Note: Radio and television broadcast transmission services have been moved to other communications services, above]</p>	<p>1) None</p> <p>2) None</p> <p>3) A single company or firm is prohibited from owning a combination of newspapers, radio and/or TV broadcast stations serving the same local market. Radio and television licenses may not be held by: a foreign government; a corporation chartered under the law of a foreign country or which has a non-US citizen as an officer or director or more than 20 per cent of the capital stock of which is owned or voted by non-US citizens; a corporation chartered under the laws of the United States that is directly or indirectly controlled by a corporation more than 25 per cent of whose capital stock is owned by non-US citizens or a foreign government or a corporation of which any officer or more than 25 per cent of the directors are non-US citizens.</p> <p>4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required to obtain radio and television licenses.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>e) Sound Recording Services</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
f) Other Audiovisual Services Other services in connection with motion picture, home video entertainment, and radio and television production services, such as film dubbing, film title printing, editing, and cutting	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
3. CONSTRUCTION & RELATED ENGINEERING SERVICES - (except Marine Dredging)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section. In addition, an in-state office must be maintained by all contractors in Michigan.	1) Unbound* 2) None 3) None 4) None	
4. DISTRIBUTION SERVICES A. Commission Agents' Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Wholesale Trade (except wholesale trade of alcoholic beverages, firearms and military equipment)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
B. Wholesale Trade of alcoholic beverages	1) Unbound 2) Unbound 3) Unbound 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
C. Retailing (except retail sale of alcoholic beverages, firearms and military equipment)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
D. Franchising	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
5. EDUCATIONAL SERVICES			
<p><u>The United States is considering including in its offer commitments on Higher Education Services (including training services and educational testing services, but excluding flying instruction). These commitments would include, <i>inter alia</i>, the following limitations:</u></p> <ul style="list-style-type: none"> - <u>Nothing in this agreement will interfere with the ability of individual U.S. institutions to maintain autonomy in admissions policies, in setting tuition rates, and in the development of curricula or course content. Educational and training entities must comply with requirements of the jurisdiction in which the facility is established.</u> - <u>The granting of U.S. federal or state government funding or subsidies may be limited to U.S. schools. Scholarships and grants may be limited to U.S. citizens and/or U.S. residents of particular states. Tuition rates may vary for in-state and out-of-state residents.</u> - <u>Additionally, the commitments would make clear that: Admission policies include considerations of equal opportunity for students (regardless of race ethnicity or gender), as well as recognition of credits and degrees; state regulations apply to the establishment and operation of a facility in the state; accreditation of the institution and its programs may be required by regional and/or specialty organizations; required standards must be met to obtain and maintain accreditation; foreign-owned entities may be ineligible for federal or state funding or subsidies, including land grants, preferential tax treatment, and any other public benefits; and to participate in the U.S. student loan program, foreign institutions established in the United States would need to meet the same requirements as U.S. institutions.</u> 			
D. Adult Education (except flying instruction)	<ol style="list-style-type: none"> 1) None 2) None 3) The number of licenses for cosmetology schools in Kentucky is limited to 48 total licenses, with a total of 8 licenses allowed for operation of such schools per congressional district 4) Unbound, except as indicated in the horizontal section 	1), 2), 3), 4) Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
E. Other Education Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1), 2), 3), 4) Scholarships and grants may be limited to US citizens and/or residents of particular states and may, in some cases, only be used at certain states institutions or within certain US jurisdictions.	
6. ENVIRONMENTAL SERVICES ^{21, 22}			
A. Sewage Services Wastewater Management, excluding Water for Human Use			
- Wastewater services (contracted by private industry)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

²¹ In each of the following subsectors, US commitments are limited to the following activities: implementation and installation of new or existing systems for environmental cleanup, remediation, prevention and monitoring; implementation of environmental quality control and pollution reduction services; maintenance and repair of environment-related systems and facilities not already covered by the US commitments on maintenance and repair of equipment; on-site environmental investigation, evaluation, monitoring; sample collection services; training on site or at the facility; consulting related to these areas.

²² Nothing in this offer related to transportation should be construed to supercede the existing US commitments on transportation or related MFN exemptions.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Solid/hazardous waste management (contracted by private industry)			
B. Refuse disposal services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
C. Sanitation and Similar Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
D. Other (Cleaning services of exhaust gases; Noise abatement services; Nature and landscape protection services; Other environmental services, n.e.c.)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<u>C. Protection of ambient air and climate</u> = <u>Services to reduce exhaust gases and other emissions to improve air quality</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>Unbound, except as indicated in the horizontal section</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>None</u>	
<u>D. Remediation and cleanup of soil and water</u> = <u>Treatment, remediation of contaminated/ polluted soil and water</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>Unbound, except as indicated in the horizontal section</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>None</u>	
<u>E. Noise and vibration abatement</u> - <u>Noise abatement services</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>Unbound, except as indicated in the horizontal section</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>None</u>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
F. <u>Protection of biodiversity and landscape</u> - <u>Nature and landscape protection services</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>Unbound, except as indicated in the horizontal section</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>None</u>	
G. <u>Other environmental and ancillary services</u> - <u>Other services not classified elsewhere</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>Unbound, except as indicated in the horizontal section</u>	1) <u>None</u> 2) <u>None</u> 3) <u>None</u> 4) <u>None</u>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><u>[Note on the financial services offer:</u></p> <p><u>In response to requests from trading partners and in the expectation that it will receive commitments to comparable openness from our trading partners, the United States of America is pleased to make the following offer in financial services. This includes:</u></p> <p><u>Removal or narrowing of limitations listed in our Schedule of Specific Commitments for Insurance (see attached Schedule)</u></p> <p><u>Removal or narrowing of limitations listed in our Schedule of Specific Commitments for Banking and Other Financial Services (excluding insurance) (see attached Schedule).</u></p> <p><u>Regarding the existing U.S. Additional Commitments Paper II, (1), the United States notes passage of the Gramm-Leach-Bliley Act of 1999 which establishes a framework for financial modernization under which conglomerates can provide a variety of financial services in the United States.</u></p> <p><u>Regarding the existing U.S. Additional Commitments Paper II, (2), the United States notes that two additional states, Texas and Montana, have liberalized interstate acquisitions of banks on a basis that provides national treatment to foreign banks, and that all states now permit interstate branching through mergers.</u></p> <p><u>The United States will consider, depending on other Members' willingness to do likewise, adopting additional mode 1 commitments for certain other activities where the consumer is deemed sufficiently sophisticated to manage any attendant risks, such as allowing mutual funds (collective investment schemes) located in the U.S. to obtain certain investment advice and portfolio management services from financial services suppliers located outside its territory.</u></p> <p><u>The United States will consider adopting obligations relating to transparency and other principles for regulation of financial services (as outlined in Annex I of the U.S. request) once further progress is made in these issues in bilateral request/offer discussions or other appropriate WTO fora. The United States also believes that it is important to continue discussions of other regulatory framework principles important for the insurance sector (as outlined in Annex II of the U.S. request) in bilateral request/offer or appropriate WTO fora to determine how they might be addressed within the context of the GATS obligations.]</u></p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>7. FINANCIAL SERVICES</p> <p>A. INSURANCE:</p> <p>1. Commitments in this subsector are undertaken in accordance with the Understanding on Commitments in Financial Services (the AUnderstanding@), subject to the limitations and conditions set forth in these headnotes and the schedule below.</p> <p>2. The market access commitments in this subsector in respect of mode (1), as described in paragraph 2(a) of Article I of the Agreement, are limited to the services indicated in paragraphs B.3(a) and B.3(b) of the market access section of the Understanding. The market access commitments in this subsector in respect of mode (2), as described in paragraph 2(b) of Article I of the Agreement, are limited to the services indicated in paragraphs B.4(a) and B.4(b) of the market access section of the Understanding. It is understood that paragraph B.4 of the Understanding does not require that non-resident financial service suppliers be permitted to solicit business, and no commitment to such solicitation is undertaken.</p> <p>3. National treatment commitments in this subsector are subject to the following limitation: national treatment with respect to services and service suppliers will be provided according to a non-U.S. service supplier's state of domicile, where applicable, in the United States. State of domicile is defined by individual states, and is generally the state in which an insurer either is incorporated, is organized or maintains its principal office in the United States.</p> <p>4. Commitments in this sector do not cover measures set out in the entry applicable to AInsurance@ in the United States list of exemptions from Article II.</p>			
<p>Direct Insurance</p> <p>a) Life, Accident, and Health Insurance Services (except workers compensation insurance)</p> <p>b) Non-Life Insurance Services</p>	<p>1) Government-owned or government-controlled insurance companies, whether US or foreign, are not authorized to conduct business in: Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Kansas, Kentucky, Maine, Maryland, Montana, Nevada, New Jersey (only with respect to surplus lines), New York (non-life companies are authorized; life and health companies are not), North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Washington, West Virginia, Wyoming.</p>	<p>1) A one per cent federal excise tax is imposed on all life insurance premiums and a four per cent federal excise tax is imposed on all non-life insurance premiums covering US risks that are paid to companies not incorporated under US law, except for premiums that are earned by such companies through an office or dependent agent in the United States. When more than 50 per cent of the value of a maritime vessel whose hull was built under federally guaranteed mortgage funds is insured by a non-US insurer, the insured must demonstrate that the risk was substantially first offered in the US market.</p>	<p>The United States undertakes the obligations contained in Additional Commitments Paper I attached hereto.</p>
	<p>2) None</p>	<p>2) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>3) Government-owned or government-controlled insurance companies, whether US or foreign, are not authorized to conduct business in: Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Kansas, Kentucky, Maine, Maryland, Montana, Nevada, New Jersey (only with respect to surplus lines), New York (non-life companies are authorized; life and health companies are not authorized), North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Washington, West Virginia, Wyoming.</p> <p>Branches are not permitted to provide surety bonds for US federal government contracts.</p> <p>The following states have no mechanism for licensing initial entry of a non-US insurance company as a subsidiary, unless that company is already licensed in some other US state: Minnesota, Mississippi, and Tennessee.</p> <p>The following states have no mechanism for licensing initial entry of a non-US insurance company as a branch, unless that company is already licensed in some other US state: Arkansas, Arizona, Connecticut, Georgia, Hawaii, Kansas, Maryland, Minnesota, Nebraska, New Jersey, North Carolina, Pennsylvania, Tennessee, Utah, Vermont, Wyoming, West Virginia.</p>	<p>3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>US citizenship is required for members of the board of directors of locally established and licensed companies in the following states and in the following shares or numbers: 100 per cent required in Louisiana; three-quarters in Washington (mutual life companies with the majority of the board being resident in the state); two-thirds required in Oklahoma (for stock and mutual companies) and Pennsylvania; a majority required in California (for mutual insurers operating as authorized insurers only in the state of California), Florida (for stock and mutual insurers), Georgia (for stock and mutual insurers with one fourth resident in the state), Idaho (for stock and mutual insurers), Indiana, Kentucky, Mississippi, Ohio (for legal reserve life insurers), Oregon, New York, South Dakota (except if more than 1000 persons are entitled to vote for the board of directors and a majority of the voters reside outside the state, or less than one per cent of the shares are owned by state residents), Wyoming (for an insurer operating as an authorized insurer only in Wyoming); seven in Tennessee (for mutual life insurance companies; three resident in Illinois (for stock, mutual, or legal reserve insurers) and Missouri (life and accident).</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>US citizenship for incorporators of insurance companies is required in the following states and in the following percentages or numbers: 100 per cent in Hawaii, Idaho (for stock or mutual insurer), Indiana, South Dakota and Washington; two-thirds in Arizona (for stock and mutual insurers), two-thirds resident in Georgia (for stock and mutual insurers); a majority in Alaska, Florida (for stock and mutual insurers), Arkansas (majority for mutuals or stock), Kansas (all life insurance companies and mutual insurers other than life), Kentucky (for mutual or stock insurers); Maine (life, health, and accident and mutual aid assoc with state residency for mutuals), Missouri (minimum 13 with overall majority resident in the state), Montana (stock or mutual insurers), Texas (life, health, accident and mutual aid assoc with state residency for mutuals), Wyoming (for reserve stock and mutual insurers).</p> <p>State residency is required in the following states for the organizing members of the following types of mutual insurance companies: Arkansas (mutuals and farm mutual insurers), California (county mutual fire insurer); Idaho (all mutuals); Kansas (all mutuals); North Dakota (all mutuals), Minnesota (township mutuals, farmers mutual fire insurance companies); Mississippi (all mutuals); Montana (farm mutual insurer); Vermont (fire cooperatives); Wyoming (farm mutual insurer).</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Seven or more US citizens, a majority of whom are residents of the state, may organize a fraternal benefit society in the following states: Alaska, Arizona (requires 10 or more US citizens, a majority of whom are citizens of the state), Arkansas, California, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Dakota, Oklahoma (requires 10 or more US citizens, a majority of whom are residents of the state), Oregon, Pennsylvania, South Dakota, Virginia, Vermont, Washington, West Virginia and Wyoming.</p> <p>Twenty-five or more persons domiciled in the state may organize a domestic reciprocal insurer in: Arizona, Arkansas, California, Delaware, Georgia, Idaho, Indiana, Kentucky, Maine, Maryland, Mississippi, Montana, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington and Wyoming.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) Unbound, except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>c) Reinsurance and retrocession</p>	<p>1) Government-owned or government-controlled insurance companies, whether US or foreign, are not authorized to conduct business in: Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Kansas, Kentucky, Maine, Maryland, Montana, Nevada, New York (non-life companies are authorized; life and health companies are not), North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Washington, West Virginia, Wyoming.</p> <p>Insurance companies incorporated in Nevada may purchase reinsurance only from an insurer admitted to Nevada. All insurers writing workers' compensation insurance in Minnesota must purchase reinsurance from the Minnesota Workers' Compensation Reinsurance Authority. Unbound for Maine for the provision of reinsurance for workers' compensation.</p> <p>2) Insurance companies incorporated in Nevada may purchase reinsurance only from an insurer admitted to Nevada. All insurers writing workers' compensation insurance in Minnesota must purchase reinsurance from the Minnesota Workers' Compensation Reinsurance Authority. Unbound for Maine for the provision of reinsurance for workers' compensation.</p>	<p>1) A one per cent federal excise tax is imposed on all premiums covering US risks that are paid to companies not incorporated under US law, except for premiums that are earned by such companies through an office or dependent agent in the United States.</p> <p>In Texas, total direct reinsurance of mutual life insurance companies may not be entered into with non-US companies.</p> <p>2) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>3) Government-owned or government- controlled insurance companies, whether US or foreign, are not authorized to conduct business in: Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Kansas, Kentucky, Maine, Maryland, Montana, Nevada, New York (non-life companies are authorized; life and health companies are not), North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Washington, West Virginia, Wyoming.</p> <p>The following states have no mechanism for licensing initial entry of a non-US insurance company as a subsidiary, unless that company is already licensed in some other US state: Maryland, Minnesota, Mississippi, and Tennessee. After a license is obtained in some other US state, licensing and entry into the states listed above is permitted.</p> <p>The following states have no mechanism for licensing initial entry of a non-US insurance company as a branch, unless that company is already licensed in some other US state: Arkansas, Arizona, Connecticut, Georgia, Kansas, Maryland, Minnesota, Nebraska, New Jersey, North Carolina, Pennsylvania, Tennessee, Utah, Vermont, Wyoming, West Virginia. After a license is obtained in some other US state, licensing and entry into the states listed above is permitted.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>d) Services Auxiliary to Insurance:</p> <p>(applicable to sub-sectors i), ii) and iii) below)</p>	<p>1), Nonresident licenses are not issued to 3) individuals not licensed in another US state in Arkansas (agents, brokers, adjusters, consultants), Connecticut (producers/adjusters/appraisers/ consultants/ brokers/reinsurance intermediary), Colorado (producer, adjuster and reinsurance intermediary), California (agents/brokers), Delaware (broker/agent/reinsurance intermediary), Georgia (counselor/adjuster), Florida (agent/broker), Hawaii, Illinois (producers/ adjusters/reinsurance intermediaries), Indiana (agent/broker), Kansas (agent/broker), Kentucky (agent/broker), Louisiana (agent/broker), Maine (agent/ broker), Maryland (agent/broker/reinsurance agent/reinsurance broker), Mississippi (agent/broker), Missouri (brokers), Montana (producer's license/agent/broker), Nevada (solicitor/ adjuster/property bondsman/bail solicitor), New Jersey (producer's agent/broker), New Mexico (bailbondsmen/solicitors/broker agent), North Dakota (agents/brokers) Nebraska (producer's license/agent/broker),</p> <p>New York (reinsurance intermediary), North Carolina (reinsurance intermediary), Oregon (agent/adjuster/consultant/reinsurance intermediary), Pennsylvania (adjuster/solicitor), South Dakota (agent), Virginia (agents/brokers/consultants), West Virginia (broker/reinsurance intermediary) and Texas (agent/broker), Washington (agent/broker).</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
i) Brokerage Services ²³	<p>1), Brokerage licenses are not issued to 3) non-residents in: South Dakota, Wyoming.</p> <p>Brokerage licenses are issued to non-residents for only certain lines of insurance in: Alabama (all except life, accident & health), Arkansas (property, casualty, surety & marine), California, Louisiana (property & casualty), New Mexico (property & casualty).</p> <p>All states require in-state residency for surplus lines brokers <u>except Idaho, Nebraska, North Carolina, North Dakota, Oregon, Texas, Vermont, West Virginia, Wyoming.</u></p> <p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1), Higher license fees for non-residents 3) may be charged in: Alaska, Arizona, Arkansas, California, Colorado, Georgia, Indiana, Louisiana, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont.</p> <p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
ii) Agency Services	<p>1), Agency licenses are issued to non-residents 3) for all or only certain lines of insurance in: California, Florida (general lines, life & health), Kansas, Kentucky (general lines, life & health), Louisiana (life & health), New Mexico (life & health), Ohio (life & casualty), Oregon, Rhode Island (all except general lines), Texas.</p>	<p>1), Higher license fees for non-residents 3) may be charged in: Alaska, Arkansas, California, Colorado, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont,</p>	

²³ For transparency purposes, it should be noted that brokerage firms can generally offer services in most states by obtaining licenses as "brokers" and in other states by obtaining licenses to operate as "agents". Brokerage licenses are not issued in Florida, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Oregon, Tennessee, Texas, Virginia, West Virginia, Wisconsin.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		Wisconsin, Wyoming.	
iii) Consultancy, Actuarial, Risk Assessment, and Claim Settlement Services	<p>All states require in-state residency for surplus lines agents <u>except Alaska, Idaho, Kentucky, Louisiana, Nevada, Ohio, Oregon, Texas, West Virginia, Wyoming.</u></p> <p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p> <p>1), Licenses are not issued to 3) nonresidents in: Alabama (adjuster, solicitor, service representative), California (adjuster, insurance analyst, motor club agents, bail bondsman), Florida (customer representative), Georgia (counselor, adjuster), Hawaii (adjuster, solicitor), Idaho (solicitor), Indiana (bail bondsmen), Kentucky (adjuster), Maryland (adjuster), Michigan (adjuster), Montana (adjuster), Nevada (solicitor, adjuster, property bondsman), New Mexico (solicitor), North Carolina (limited representatives, adjusters, motor vehicle damage appraisers, professional bondsmen, runners), Oklahoma (bail license), Oregon, Pennsylvania (motor vehicle damage appraiser), Washington (solicitor, adjuster), West Virginia (adjuster, solicitor), and Wyoming (adjuster, solicitor).</p>	<p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p> <p>1), None 3)</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>In-state residency is required for licensure in: California (for adjusters; and for life and disability insurance analysts), Georgia (for inspection when not accompanied by a licensed resident adjuster), Illinois (for non-resident public adjusters who are licensed in a state which does not permit equal treatment to Illinois residents), Maryland, Mississippi (for independent adjusters), and Nevada (for appraisers and adjusters).</p> <p>US citizenship is required for licensure in: Alabama (for agents, brokers, solicitors, managing general agents and service representatives), Idaho (for agents, brokers, solicitors and surplus lines brokers), Missouri (for brokers), Nebraska (for brokers), New Mexico (for solicitors and bailbondsmen), Ohio (for surplus lines brokers) and Oklahoma (for bail license).</p> <p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>B. FINANCIAL SERVICES (LIMITED TO BANKING AND OTHER FINANCIAL SERVICES AND EXCLUDING INSURANCE):</p> <ol style="list-style-type: none"> 1. Commitments in these subsectors are undertaken in accordance with the Understanding on Commitments in Financial Services (the AUnderstanding@), subject to the limitations and conditions set forth in these headnotes and the schedule below. 2. The market access commitments in these subsectors in respect of modes (1) and (2), as described in paragraphs 2(a) and (b) of Article I of the Agreement, are limited to the services indicated in paragraphs B.3(c) and B.4(c) of the market access section of the Understanding, respectively. It is understood that paragraph B.4 of the Understanding does not require that non-resident financial service suppliers be permitted to solicit business, and no commitment to such solicitation is undertaken. 3. National treatment commitments in these subsectors are subject to the following limitation: National treatment will be provided based upon the foreign bank's Ahome state@ in the United States, as that term is defined under the International Banking Act, where that Act is applicable. A domestic bank subsidiary of a foreign firm will have its own Ahome state@ and national treatment will be provided based upon the subsidiary's home state, as determined under applicable law.²⁴ 4. Service suppliers choosing to supply a service through a juridical person constituted under the laws of the United States are subject to non-discriminatory limitations on juridical form.²⁵ 5. The offer of new financial services or products is subject, on a non-discriminatory basis, to relevant institutional and juridical form requirements. 			
All Subsectors, except as specifically provided below	<ol style="list-style-type: none"> 1), Michigan limits, according to the country 2), of their home charters, the banks in which 3) corporate credit unions may place deposits. 	<ol style="list-style-type: none"> 1) None 2) None 	The United States undertakes the obligations contained in Additional Commitments Paper II attached hereto.

²⁴ Foreign banking organizations are generally subject to geographic and other limitations in the United States on a national treatment basis. Where such limitations do not conform to national treatment, they have been reserved as market access restrictions. For purposes of illustration, under this approach, the following situation does not accord national treatment and would therefore be scheduled as a limitation: a foreign bank from a particular home state is accorded less favorable treatment than that accorded to a domestic bank from that state with respect to expansion by branching.

²⁵ For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in the United States.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>3) All directors of a national bank must be U.S. citizens unless a national bank is an affiliate or subsidiary of a foreign bank, in which case only a majority of the board need be U.S. citizens.</p> <p>Foreign ownership of Edge corporations is limited to foreign banks and US subsidiaries of foreign banks, while domestic non-bank firms may own such corporations.</p> <p>Federal and state law do not permit a credit union, savings bank, home loan or thrift business in the United States to be provided through branches of corporations organized under a foreign country's law.</p> <p>In order to accept or maintain domestic retail deposits of less than \$100,000, a foreign bank must establish an insured banking subsidiary. This requirement does not apply to a foreign bank branch that was engaged in insured deposit-taking activities on December 19, 1991.</p>	<p>3) Foreign banks are required to register under the Investment Advisers Act of 1940 to engage in securities advisory and investment management services in the United States, while domestic banks (or a separately identifiable department or division of the bank) are exempt from registration unless they advise registered investment companies. The registration requirement involves record maintenance, inspections, submission of reports and payment of a fee.</p> <p>Foreign banks cannot be members of the Federal Reserve System, and thus may not vote for directors of a Federal Reserve Bank. Foreign-owned bank subsidiaries are not subject to this measure.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Unbound with respect to paragraph 2(e) of Article XVI of the Agreement, and paragraphs A, B.5 and B.6 of the Understanding in relation to the expansion, via the establishment of a branch or the acquisition of one or more branches of a bank without acquisition of the entire bank, by a foreign bank into another state from its Ahome state,@ as that term is defined under applicable law. Except as specifically set forth elsewhere in this schedule, such expansion shall be provided on a national treatment basis in accordance with headnote 3.</p> <p>Interstate expansion by a foreign bank through the establishment of branches by merger with a bank located outside the "home state," as that term is defined under applicable law, of a foreign bank shall be provided on a national treatment basis in accordance with headnote 3. is prohibited where Montana or Texas is the home state of the foreign bank or is the state where the bank is located that is to be merged into the foreign bank, resulting in the establishment of branches. except as specifically set forth elsewhere in this schedule, such expansion shall be provided on a national treatment basis in accordance with headnote 3.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Unbound for initial entry by establishment or acquisition of state-chartered banks or state-licensed offices of foreign banks as indicated in the following forms: California (branch; also savings and loan association); Connecticut (bank or holding company; also credit union); Georgia (agency); Illinois (branch); Kentucky (subsidiary); Louisiana (agency); Massachusetts (subsidiary or branch); Michigan (agency); North Carolina (subsidiary, branch, agency, or representative office); Pennsylvania (any deposit-taking or representative bank office); Washington (branch, agency, or representative office). The limitations in this paragraph do not apply to initial establishment or acquisition of a national bank subsidiary by a foreign person or establishment of a federal branch or agency by a foreign bank that does not already have a banking presence in the United States, or generally to interstate expansion. Such limitations may apply to interstate expansion through state-licensed limited branches, agencies, or representative offices.²⁶</p> <p>The following states are unbound for the specified activities: Indiana (establishment of service offices by foreign-owned credit unions); Iowa (activities of foreign-owned savings and loan associations; foreign-owned bank or trust company acting as fiduciary; use of satellite banking terminals).²⁷</p>		

²⁶ The limitations in this paragraph reflect state reciprocity measures.

²⁷ The limitations in this paragraph reflect state reciprocity measures.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Initial entry or expansion by a foreign person (but not a domestic person) through acquisition or establishment of a state-chartered commercial bank subsidiary is prohibited or otherwise limited in the following states: Alabama; Arizona; Arkansas; California (limit on foreign non-bank ownership of international banking corporation); Colorado; Delaware; Indiana; Kansas; Louisiana; Maryland; Michigan; Minnesota; Mississippi; Montana; Nebraska; Nevada; North Carolina; North Dakota; Oklahoma; Oregon; Pennsylvania; South Carolina; Tennessee; Vermont; Virginia; Washington; West Virginia; Wisconsin; Wyoming. The limitations in this paragraph do not apply to establishment or acquisition of a national bank subsidiary by a foreign person that does not already have a banking presence in the United States.</p> <p>The following states limit initial entry or expansion by a foreign person through acquisition or establishment of the following entities: Delaware (savings and loan associations; savings banks); Ohio (savings and loan associations; savings banks; credit unions); Tennessee (savings and loan associations; savings banks; credit unions; trust companies); Washington (savings and loan associations; savings banks; credit unions; trust companies).</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>The boards of directors of depository financial institutions organized under the following states' laws are subject to U.S. citizenship requirements of up to the specified proportions: Alabama (all); Colorado (3/4); District of Columbia (all); Florida (majority); Georgia (all 3/4); Indiana (3/4); Iowa (majority); Kentucky (all); Louisiana (majority); Massachusetts (majority); Mississippi (all); Missouri (all); New Hampshire (majority); New Jersey (all); New Mexico (3/4); New York (all; applies also to trustees of mutual savings bank or savings and loan associations, and to committees of credit unions); North Carolina (3/4); North Dakota (majority); Pennsylvania (all, but may be waived); South Dakota (3/4); Tennessee (all); Vermont (2/3); West Virginia (majority); Wisconsin (2/3).</p>	<p>Texas allows pre-judgment seizure remedies and civil discovery requests to be applied against foreign bank agencies, while bank subsidiaries of foreign banks and branches of foreign banks are exempt to the same extent as domestic banks incorporated in Texas, subsidiaries are exempt.</p> <p>The following states require direct branches or agencies of foreign banks to register under securities broker-dealer or investment adviser measures, while bank subsidiaries of foreign banks are exempt from such registration to the same extent as domestic banks incorporated in the state: Alabama; Arizona; Arkansas; California; Connecticut; Delaware; District of Columbia; Georgia; Idaho; Iowa; Kansas; Louisiana; Maryland; Mississippi; Missouri; Nebraska; New Hampshire; New Jersey; New Mexico; New York; North Carolina; Ohio; Oklahoma; Pennsylvania; South Dakota; Tennessee; Texas; Vermont; Washington. These limitations do not apply to Federally licensed branches or agencies.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>U.S. citizenship is also required for the incorporators or organizers of depository financial institutions organized under state law. Residence within a state may also be required for directors, incorporators, organizers, or executive committee members of depository financial institutions organized under state law.</p> <p>Federal branches.</p>	<p>The following states require direct branches or agencies of foreign banks, but not bank subsidiaries of foreign banks, to register or obtain licenses in order to engage in the following activities: Arkansas (selling checks; mortgage transactions); California (selling payment instruments); Delaware (sale or cashing of checks, drafts, money orders; motor vehicle financing; transportation of money/valuables); Georgia (mortgage lending/brokerage, check selling/cashing); Indiana (money transmission; loan brokerage); Kansas (money transmission); Maryland (selling payment instruments, traveler's checks); Massachusetts (check selling/cashing; foreign transmittal agencies; motor vehicle financing; insurance premium financing; retail installment sales/ servicing; residential real estate mortgage financing -- license requirement applies only to agencies); North Carolina (selling checks); Oklahoma (selling checks); Pennsylvania (mortgage banking/ brokerage); Tennessee (money transmission; residential lending/ brokerage; industrial loan and thrift activities); Texas (currency exchange or transmission --does not apply to Texas agencies; selling checks); Virginia (mortgage lending/brokerage; money transmission; sale of money orders; check cashing); Wisconsin (selling checks).</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<ul style="list-style-type: none"> - State branch license not available, but state agency license is available in Idaho and West Virginia. - No state branch or agency license available – Arizona; Arkansas; Colorado; Indiana; Iowa; Minnesota; Montana; Nebraska; New Mexico; North Dakota; Oklahoma; Rhode Island; South Carolina; South Dakota; Tennessee; Vermont; Virginia; Wisconsin. These limitations do not apply to Federal offices. - Branch license not available but agency license is, subject to any specified limitations --Delaware (state license limited to one office per bank and cannot operate in a manner likely to result in a substantial detriment to existing bank; no fiduciary powers); Florida (available only to a foreign bank with at least \$25 million in capital or that is one of five largest banks in its home country); Georgia (available only to foreign bank with at least \$50 million in excess of liabilities; no fiduciary and limited other powers); Louisiana (limited to parishes with more than 350,000 residents); Mississippi; Missouri (no fiduciary powers); Oklahoma (foreign bank must have at least \$25 million in capital or, <u>inter alia</u>, be one of five largest banks in its home country; special asset. 	<p>The following states restrict various commodities transactions by foreign bank branches and agencies, but not by other depository financial institutions: Arizona; California; Idaho; Indiana; Iowa; Mississippi; Missouri; Nebraska; New Hampshire; Washington.</p> <p>Offers and sales of securities to foreign bank branches and agencies in the following states are subject to registration/disclosure requirements that do not apply if the transaction involves other financial institutions: Illinois; Indiana; Louisiana; Montana; Nebraska; New Jersey; North Dakota; Tennessee; Texas (applies to branches and agencies of all foreign financial institutions).</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<ul style="list-style-type: none"> - maintenance/capital equivalency rules apply, as do other restrictions); Texas (one office only, limited to metropolitan areas with at least 500,000 residents; limited fiduciary powers). Certain restrictions on fiduciary powers apply to federal agencies. - No branch or state agency license available --Wyoming. - No branch or agency license available ---Alabama; Kansas; Maryland; North Dakota. <p>Representative offices of foreign banks are not permitted in the following states, or are limited as specified: Arizona; Arkansas; Colorado; Kansas; Kentucky; Michigan; Mississippi; Montana; North Dakota; Oklahoma (foreign bank must have at least \$10 million in capital or, <i>inter alia</i>, be one of the five largest banks in its home country; special asset maintenance/capital equivalency requirements may apply); Oregon; Rhode Island; South Carolina; South Dakota; Tennessee; Vermont; Virginia; Wisconsin; Wyoming. Other states require incorporation of representative offices.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Trading of Securities and Derivative Products and Services Related Thereto; Participation in Securities Issues	<p>1), Federal law prohibits the offer or sale of</p> <p>2), futures contracts on onions, options contracts</p> <p>3) on onions, and options on futures contracts on onions in the United States, and services related thereto.</p> <p>Unbound for the authority to act as a sole trustee of an indenture for a bond offering in the United States.</p> <p>Unbound with respect to the use of simplified registration and periodic reporting forms for securities issued by small business corporations.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1), 2), 3) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
Participation in Issues of Government Debt Securities	<p>1),2) None</p> <p>3) Unbound for the granting or continuation of Federal Reserve designation as a primary dealer in US government debt.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1), 2), 3) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>8. HEALTH RELATED & SOCIAL SERVICES</p> <p>A. HOSPITAL AND OTHER HEALTH CARE FACILITIES - Direct ownership and management and operation by contract of such facilities on a "for fee" basis</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Establishment of hospitals or other health care facilities, procurement of specific types of medical equipment, or provision of specific types of medical procedures may be subject to needs-based quantitative limits.</p> <p>In New York, corporate ownership of an operating corporation for, and limited partnerships as operators of, hospitals, nursing homes (including long term health care centers) or diagnostic and treatment centers is prohibited. If the operator has any members which are not natural persons or is a corporation whose shares of stock are owned by another corporation, a New York corporation must be established as the operator of a licensed home care services agency and a certified home health agency.</p> <p>In Michigan and New York Health Maintenance Organizations must be incorporated in those states.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound*</p> <p>2) Federal or state government reimbursement of medical expenses is limited to licensed, certified facilities in the United States or in a specific US state</p> <p>3) None</p> <p>4) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. HOTELS AND RESTAURANTS (INCLUDING CATERING)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
B. TRAVEL AGENCIES AND TOUR OPERATORS	1) None 2) None 3) Official tourism offices with diplomatic or official status are not permitted to operate on a commercial basis in the United States or to act as agents or principals in commercial transactions 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
C. TOUR GUIDE SERVICES	1) None 2) None 3) The number of concessions available for commercial operations in federal, state and local facilities is limited 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<ul style="list-style-type: none"> - Circus, amusement park and similar attraction services - Ballroom, discotheque and dance instructor services - Other entertainment services n.e.c. - Cinema theater services, including motion picture Cinema projection services 			
<p>B. NEWS AGENCY SERVICES</p> <ul style="list-style-type: none"> - News agency services to newspapers and periodicals - News-reporting agency services to radio stations - News agency services to television stations - Other news agency services 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
C. LIBRARIES, ARCHIVES, MUSEUMS AND OTHER CULTURAL SERVICES <u>(except non-profit, public, and publicly-funded entities)</u> D. OTHER RECREATIONAL SERVICES (except sporting)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
	4) Unbound, except as indicated in the horizontal section	4) None	
	1) None	1) None	
	2) None	2) None	
	3) The number of concessions available for commercial operations in federal, state and local facilities is limited	3) None	
	4) Unbound, except as indicated in the horizontal section	4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
11. TRANSPORT SERVICES			
C. AIR TRANSPORT SERVICES: Aircraft repair and maintenance. (Aircraft repair and maintenance activities, when undertaken on an aircraft or a part thereof, while it is withdrawn from service. Does not include line maintenance or other repair or maintenance activities undertaken by an air carrier (includes its agents or contractors) on aircraft it owns, leases, or operates.)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) None	
E. RAIL TRANSPORT			
a) Passenger Transportation, excluding high speed rail	1) None 2) None	1) None 2) None	
b) Freight Transportation	3) Foreign railroads must incorporate in Vermont or in an adjacent state in order to own directly or indirectly the stock of a railroad company incorporated in Vermont 4) Unbound, except as indicated in the horizontal section	3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
d) Maintenance and Repair of Rail Transport Equipment	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
F. ROAD TRANSPORT			
a) Passenger transport: Interurban regular transport	1) Unbound until January 1, 1997. No limitations after that date. None 2) None 3) Unbound until January 1, 2001. No limitations after that date. None 4) Unbound, except as indicated in the horizontal section	1) Unbound until January 1, 1997. No limitations after that date. None 2) None 3) Unbound until January 1, 2001. No limitations after that date. None 4) None	
b) Freight transport (Commitment limited to transportation of cargo that has either an origin or a destination outside the United States)	1) Unbound until December 17, 1995. After December 17, 1995, unbound except to or from California, Arizona, New Mexico and Texas through different ports of entry. No limitations after January 1, 2000. None 2) None 3) Unbound until December 17, 1995. After December 17, 1995, no limitations None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
d) Maintenance and Repair of Road Transport Equipment	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) None	
H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT			
d) Other Supporting and Auxiliary Transport Services: Customs House Brokers	1) Unbound* 2) None 3) Services must be supplied by a corporation, association or partnership. One officer of a corporation or association or one of the members of a partnership must hold a valid customs broker's license in order for the entity to engage in such business. A customs broker's license may only be obtained by a US citizen. 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) None	

Energy Services Offer by the United States

The United States is considering including the following services sectors as part of its energy services offer:

Part I of the energy services offer includes services for which commitments have already been made.

Part II of the energy services offer includes services for which commitments have not yet been made. The United States may expand Part II of this offer to include additional services. The specific content of commitments for services listed in Part II will be developed pending the results of discussions concerning a proposed guide for scheduling commitments on energy services.

Nothing in Part I or Part II of the U.S. offer on energy services should be construed as extending a mode 3 right to acquire or invest in a government monopoly that provides a service within any of the sectors or subsectors included in the offer.

Modes of supply:
natural persons

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

4) Presence of

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>PART I</p> <p>1.F.h Services Incidental to Mining</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

Modes of supply:
natural persons

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

4) Presence of

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1.F.m Related Scientific & Technical Consulting (except land surveying for the purpose of establishing legal boundaries, aerial surveying and aerial map-making)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None ²⁸ 2) None ²⁸ 3) None ²⁸ 4) None	
1.F.j Services Incidental to Energy Distribution	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
4.A Commission Agents' Services: sales of fuels, brokerage of electricity	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

²⁸ For those functions where an engineering degree is required, the US limitations on engineering also apply.

Modes of supply:
natural persons

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

4) Presence of

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4.B Wholesale Trade: solid, liquid, and gaseous fuels and related products	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
4.C Retailing: fuel oil, bottled gas, coal, and woods 1.A.e Engineering Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required for licensure in the District of Columbia.	1) None 2) None 3) None 4) None 1) None 2) None 3) None 4) In-state residency is required for licensure in: Idaho, Iowa, Kansas, Maine, Mississippi, Nevada, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia.	

Modes of supply:
natural persons

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

4) Presence of

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1.A.f Integrated Engineering Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required for licensure in the District of Columbia.	1) None 2) None 3) None 4) In-state residency is required for licensure in: Idaho, Iowa, Kansas, Maine, Mississippi, Nevada, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia.	
1.F.n Maintenance & Repair of Equipment (except maritime vessels, aircraft, and other transport equipment)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
1.F.c Management Consulting	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

Modes of supply:
natural persons

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

4) Presence of

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1.F.d Services Related to Management Consulting	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
3. CONSTRUCTION & RELATED ENGINEERING SERVICES - except Marine Dredging	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section. In addition, an in-state office must be maintained by all contractors in Michigan.	1) Unbound* 2) None 3) None 4) None	

PART II

11.G Pipeline transportation of fuels

11.H.b Storage and warehouse services: Bulk storage services of liquids and gases

1.F.e Technical testing and analysis services, except for technical testing and analysis services related to medical devices, food, and food products

ATTACHMENT TO THE UNITED STATES SCHEDULE

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured²⁹

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favorable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;**
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and**
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.**

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

²⁹ Rural local exchange carriers may be exempted by a state regulatory authority for a limited period of time from the obligations of section 2.2. with regard to interconnection with competing local exchange carriers.

Rural telephone companies do not have to provide interconnection to competing local exchange carriers in the manner specified in section 2.2. until ordered to do so by a state regulatory authority.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a license is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a license will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

ATTACHMENT TO THE UNITED STATES SCHEDULE

ADDITIONAL COMMITMENTS PAPER I

- (a) Taking note of principles of federalism under the United States Constitution, recognizing that insurance has been regulated at the state government level since the beginning of insurance regulation in the United States, and further recognizing the provision of the McCarran-Ferguson Act that A[t]he business of insurance...shall be subject to the laws of the several States,@ the Government of the United States welcomes efforts by the National Association of Insurance Commissioners (NAIC@) to promote the harmonization of state insurance regulation, through such steps as its Accreditation Program and the preparation of model insurance laws.
- (b) The Government of the United States notes that under Accreditation Program, the NAIC selects an independent team of auditors to review the compliance of states with the laws, regulations, and regulatory and organizational practices contained in the NAIC accreditation standards. The team reports to the NAIC, which determines whether a state qualifies for accreditation under the standards. As of October 11, 1994, 37 states were accredited by the NAIC through this program.
- (c) The Government of the United States notes that NAIC Model Laws are designed to facilitate legislative and regulatory action on common problems among the states and are intended to save duplication of effort on the part of the states. Some models are adopted by all or most of the states, so there is a harmonizing effect. Some models serve as guidelines which the states may adopt, utilize or amend to fit their individual needs. Certain models have been identified as being of such import that their adoption is necessary for states to be accredited pursuant to NAIC financial regulation standards.
- (d) The Government of the United States encourages the NAIC to continue its effort to work with state governments on these programs.
- (e) Recognizing principles of federalism, the long history of state regulation of insurance in the United States, and the McCarran-Ferguson Act, and noting the concerns of regulators who seek to further increase internationalization of their insurance markets while addressing prudential concerns, the Government of the United States:
 - (i) welcomes that the NAIC in October 1993 adopted a model law on the initial entry of non-U.S. insurance providers without their prior establishment in another state, and the Government of the United States encourages the NAIC to continue and as appropriate intensify its efforts with relevant state authorities with regard to this issue;
 - (ii) would welcome consideration by the NAIC, if appropriate, of the issue of the time period for review of licensing applications of insurance providers, from the perspective that regulatory authorities should make administrative decisions on completed applications of insurance providers within a reasonable time; and
 - (iii) welcomes efforts by the NAIC to review with the states the question of citizenship requirements for the boards of directors of foreign insurance providers, and the Government of the United States encourages the NAIC to continue and as

appropriate intensify its efforts with relevant state authorities within regard to this issue.

- (f) The Government of the United States notes the concern raised by another Member that different state regulations for foreign insurance providers on lines of products permitted, trusted assets requirements, deposit requirements, remittance ceiling and reinsurance trust funds affect foreign insurance providers' ability to enter the insurance market of the United States.**

ADDITIONAL COMMITMENTS PAPER II

- (1) The Administration has expressed its support for Glass-Steagall reform on a national treatment basis and will work with Congress to achieve an appropriate framework to accomplish this objective.
- (2) The Administration, noting that even before the adoption of the Riegle-Neal banking legislation, many states had taken action to liberalize interstate acquisitions of banks on a basis that provided national treatment to foreign banks, welcomes further initiatives by states to provide additional access on a non-discriminatory basis.
- (3) The Government of the United States has taken action to remove impediments to the offering of securities in the United States by foreign and domestic issuers. The National Securities Markets Improvement Act of 1996 preempts state regulation of offerings of certain securities, including those listed on the New York Stock Exchange, the National Association of Securities Dealers Automated Quotation/National Market System, and securities issued by registered investment companies. This legislation eliminates duplicative state and federal securities legislation in the area of securities registration.
- (4) Section 7(d) of the Investment Company Act authorizes the SEC to permit a foreign investment company to register and publicly offer its shares in the United States if the SEC makes the following prudential findings:
 1. that it is both legally and practically feasible for the SEC and U.S. investors effectively to enforce the provisions of the Investment Company Act against the investment company, and
 2. that it is consistent with the requirements set forth in the Investment Company Act.
- (5) The Government of the United States notes that the Federal Reserve, working in cooperation with other domestic supervisory authorities, has established an enhanced framework for the regulation and supervision of U.S. operations of foreign banks, which endeavors to coordinate annual examinations of foreign banks and provide uniform guidance with respect to examination policies.

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors: Taxation Measures	<p>Differential treatment under direct tax measures at the federal level</p> <p>Such measures are:</p> <ul style="list-style-type: none"> - measures under the US Internal Revenue Code (IRC) permitting the residents of countries contiguous to the United States to receive more favorable treatment and permitting certain US taxpayers to receive more favorable treatment as to their contiguous country operations, and providing any other benefits with respect to contiguous countries; - benefits available under the US IRC with respect to US possessions; 	All	Indefinite	<p>Volume of movements across US borders between Canada and the United States and between Mexico and the United States; efficient administration of tax system.</p> <p>Coordination of the United States and US possession income taxes; fiscal arrangements for US possessions; and facilitation of economic development in US possessions</p>

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	<ul style="list-style-type: none"> - benefits available under the US IRC with respect to Caribbean Basin Initiative (CBI) beneficiary countries; - regarding activities covered by the scope of the General Agreement on Trade in Services, reciprocal reduction of taxation on income derived from the international operation of aircraft or of taxation of certain earnings derived from the use of railroad rolling stock; - tax exemption for earnings derived from the ownership or operation of a communications satellite system by a foreign entity designated by a foreign government to participate in such ownership if the United States, through its designated entity, participates in such system pursuant to the Communications Satellite Act of 1962; - denial of statutory reduction of double taxation or deferral of US tax on income earned through controlled foreign corporations, because the country participates in or cooperates with an international boycott, or for similar foreign policy reasons; 			<p>Facilitation of economic development in certain developing countries</p> <p>Prevention of double taxation and proper tax administration</p> <p>Facilitation of satellite communications and proper tax administration</p> <p>Foreign policy considerations</p>

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	<ul style="list-style-type: none"> - measures permitting less favorable taxation for citizens, corporations or products of a foreign country based on discriminatory or extraterritorial taxes, more burdensome taxation, or other discriminatory conduct; - allow the deduction for expenses of an advertisement carried by a foreign broadcast undertaking and directed primarily to a US market only where the broadcast undertaking is located in a foreign country that allows a similar deduction for an advertisement placed with a US broadcast undertaking; 			<p>To foster efficient international taxation policies</p> <p>To encourage the allowance of advertising expenses internationally</p>

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	<ul style="list-style-type: none"> - in connection with the exclusion of, or deduction relating to, certain foreign earned income from the gross income of individuals, the benefit of a waiver of the required period of stay in a foreign country as determined by the Secretary of the Treasury. The Secretary is empowered to determine that individuals were required to leave a foreign country because of war, civil unrest or similar adverse conditions in such foreign country which precluded the normal conduct of business by such individuals; and <p>Sub-federal tax measures affording differential treatment to service suppliers or to services when the differential treatment is based on one of the following criteria:</p> <ul style="list-style-type: none"> - are performed, consumed, or located within different sub-federal entities; - differ based on the size or income of the service supplier or on the scale or methods (including environmental and health and safety measures) of performance; 	All	Indefinite	<p>To take into account problems created by adverse conditions within particular countries</p> <p>To implement fiscal policies of sub-central governments</p>

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	<ul style="list-style-type: none"> - differ in the extent of ownership or participation by minority or other disadvantaged groups; - differ as to the eligibility for non-profit status for pension, profit-sharing or other employee-benefit regimes; - differ based on federal immunity to taxation, for example, exemption from sub-federal tax on US government obligations or contracts; differ based on federal immunity to taxation, for example, exemption from sub-federal tax on US government obligations or contracts; - are performed or located in countries contiguous to the United States; or - are performed or located in jurisdictions with which sub-federal entities have arrangements for tax cooperation and assistance <p>Sub-federal measures substantively incorporating provisions of federal law subject to an MFN exemption under this agreement</p>	All	Indefinite	To implement fiscal policies of sub-central governments

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors: Land Use	Non-US citizens in Wyoming may not acquire or inherit land unless the country of which they are a citizen extends a reciprocal right to US citizens	All	Indefinite	Lack of reciprocity
All Sectors	Canadian small businesses, but not small businesses of other countries, may use simplified registration and periodic reporting forms with respect to their securities	Canada	Indefinite	Maintenance of established preference
Telecommunication services: One way satellite transmission of DTH and DBS television services and of digital audio services	Differential treatment of countries due to application of reciprocity measures or through international agreements guaranteeing market access or national treatment	All	Indefinite	Need to ensure substantially full market access and national treatment in certain markets.
<u>Financial Services</u>	Differential treatment of countries due to application of reciprocity measures or through international agreements guaranteeing market access or national treatment.	All	Indefinite	Need to protect existing activities of US service suppliers abroad and to ensure substantially full market access and national treatment in international financial markets.
Banking and Other Financial Services (excluding Insurance)	A broker-dealer registered under US law that has its principal place of business in Canada may maintain its required reserves in a bank in Canada subject to the supervision of Canada.	Canada	Indefinite	Maintenance of established preference.

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Banking and Other Financial Services (excluding Insurance)	<p>Permission to establish state-licensed branches or agencies, or to own commercial bank subsidiaries, is based on a reciprocity test in the following States: California (applies also to savings and loan associations), Connecticut (applies also to credit unions), Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, North Carolina, Pennsylvania, Texas, Washington. Among the conditions on which agency or agency and representative office licenses may be granted for the following States is that the foreign bank is one of the five largest banks in the home country: Florida, Oklahoma. Permission for a foreign-owned bank or trust company to act as fiduciary, and to use satellite banking terminals, is based on a reciprocity test in Iowa. Iowa also subjects the activities of foreign-owned savings and loan associations to a reciprocity test.</p> <p>Michigan permits corporate central credit unions to place deposits in banks chartered in Canada or the European Common Market but not in banks chartered in other foreign countries.</p>	<p>All</p> <p>Canada and European Common Market.</p>	<p>Indefinite</p> <p>Indefinite</p>	<p>Need to protect existing activities of US service suppliers abroad and to ensure substantially full market access and national treatment in international financial markets.</p> <p>Maintenance of established preference.</p>

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Transport Services: Air Transport Services	Authority to act as a sole trustee of an indenture for a bond offering in the United States is subject to a reciprocity test.	All	Indefinite	Need to ensure US financial service suppliers are permitted to provide trustee services in foreign markets.
	Designation as a primary dealer in US Government debt securities is conditioned on reciprocity.	All	Indefinite	Need to ensure US financial service suppliers are afforded national treatment in foreign government debt markets.
	Measures which pertain to selling and marketing of air transport services (including sales, other than by airlines, of passenger charters and forwarding of air freight other than by airlines) and to operation and regulation of computer reservation system (CRS) services, as described in the Annex on Air Transport Services. (For transparency purposes, these measures include, but are not limited to, bilateral and multilateral civil aviation agreements, understandings and	All partners with which the United States has active aviation relations (approximately 100 countries) covered by bilateral or other air services agreements and comity and reciprocity regimes. Also concerned are the co-signatories of the Chicago Convention and various other international aviation agreements, undertakings, and understandings to which the United States is a party.	Indefinite	The common policy and practice of exchanging rights, settling disputes, and applying laws and other measures pertaining to the operation of civil aircraft and air transportation differentially, with respect to the activities referred to above, on the basis of mutual agreement and balanced exchanges of rights and responsibilities.

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Transport Services: Road Transport	<p>undertakings and informal comity and reciprocity aviation regimes to which the United States is a party; US laws and regulations, including the International Air Transportation Fair Competitive Practices Act of 1974, as amended, the Federal Aviation Act of 1958, as amended, the International Air Transportation Competition Act of 1979, the International Aviation Facilities Act, as amended, and Title 14, Parts 1 - 399, of the Code of Federal Regulations; and measures of US states and territories and the District of Columbia, and of their agencies and subdivisions).</p> <p>The US government has discretion to limit the issuance of trucking licenses to persons from contiguous countries on the basis of reciprocity. The Bus Regulatory Reform Act of 1982 permits the President to remove or modify in whole or in part the moratorium on a finding that such removal or modification is in the national interest. Domestic and cross-border trucking operations are permitted within designated Interstate Commerce Commission commercial zones. The moratorium was lifted for Canada in October 1982.</p>	Mexico, Canada	Indefinite	Need to have authority to impose a moratorium on the issuance of new licenses for domestic operations within and cross-border operations into the United States on the basis of reciprocity

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Transport Services: Pipeline Transport	<p>Pursuant to the Mineral Lands Leasing Act of 1920, aliens and foreign corporations may not acquire rights-of-way for oil or gas pipelines, or pipelines carrying products refined from oil and gas, across on-shore federal lands or acquire leases or interests in certain minerals on on-shore federal lands, such as coal or oil.</p> <p>Non-US citizens may own a 100 per cent interest in a domestic corporation that acquires a right-of-way for oil or gas pipelines across on-shore federal lands, or that acquires a lease to develop mineral resources on on-shore federal lands, unless the foreign investors' home country denies similar or like privileges for the mineral or access in question to US citizens or corporations, as compared with the privileges it accords to its own citizens or corporations or to the citizens or corporations of other countries. Nationalization is not considered to be denial of similar or like privileges. Foreign citizens, or corporations controlled by them, are restricted from obtaining access to federal leases on Naval Petroleum Reserves if the laws, customs or regulations of their country deny the privilege of leasing public lands to US citizens or corporations.</p>	All	Indefinite	Lack of reciprocity

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Transport Services: Space Transportation	Quantitative restrictions and price disciplines in certain bilateral agreements on the launch of satellites in the international commercial space launch market	All	Indefinite	Need to prevent disruption of competition in the international space launch market
