

# **U.S. Schedule of Commitments under the General Agreement on Trade in Services**

With explanatory materials prepared by the  
U.S. International Trade Commission

Includes supplemental commitments and MFN exemptions  
on basic telecommunication services, finalized on February 15, 1997, and  
on financial services, finalized on December 13, 1997

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<sup>3</sup> Most-Favored-Nation (MFN) Exemptions pertaining to financial services are superseded by exemptions specified in "Supplement 3: U.S. List of Article II (MFN) Exemptions," finalized by the WTO in December 1997. See Appendix D.

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## INTRODUCTION

The General Agreement on Trade in Services (GATS) was concluded during the Uruguay Round, and constitutes an integral part of the Uruguay Round Agreements that entered into force on January 1, 1995. The GATS comprises: (1) a framework of rules and obligations (e.g., most-favored-nation (MFN) treatment<sup>4</sup> and regulatory transparency) intended to facilitate international trade and investment in services; (2) national schedules, wherein countries list commitments to accord market access and national treatment<sup>5</sup> to foreign service providers on an industry-by-industry basis, subject to explicit exceptions; and (3) a series of annexes and ministerial decisions that augment rules found in the framework and provide for follow-up activities and additional negotiations. Most of the detail of the final agreement resides in the national schedules of commitments. To date, 132 countries have submitted national schedules. About two-thirds of these have also submitted MFN Exemption Lists, which identify the nature and duration of preferences accorded to service suppliers from certain foreign countries.

At the request of the Office of the United States Trade Representative, the United States International Trade Commission (USITC) assumed responsibility for maintaining and updating, as necessary, the United States' Schedule of Commitments (U.S. Schedule) and List of Article II (MFN) Exemptions.<sup>6</sup> To date, the USITC has updated these documents three times: first, to incorporate financial service commitments and exemptions following from the interim agreement concluded July 28, 1995 (supplement 1); second, to incorporate basic telecommunication service commitments and exemptions following from the agreement concluded February 15, 1997 (supplement 2); and third, to incorporate final financial service commitments and exemptions following from the agreement concluded December 12, 1997 (supplement 3).

In light of the follow-on agreements, this document presents the U.S. Schedule and List of Article II (MFN) Exemptions in three parts. The U.S. Schedule and List of Article II (MFN) Exemptions finalized in April 1994 appear first. Thereafter, supplement 2 of these documents,<sup>7</sup> comprising commitments and exemptions pertaining to basic telecommunication services, appears in appendices A and B, respectively. Supplement 3, comprising final commitments and exemptions pertaining to financial services, follows in appendices C and D, respectively. Appendix E provides a glossary of technical terms.

### Concordance of Industry Classifications

To facilitate comparison of the U.S. Schedule with foreign schedules, the USITC has developed a concordance that demonstrates the relationships between sectors found in the U.S. Schedule, sectors identified in the GATT Secretariat's Services Sectoral Classification List, and sectors defined and numbered in the United Nations' Provisional Central Product Classification (CPC) System. In preparing national schedules, countries were requested to identify and define sectors and subsectors in accordance with the GATT Secretariat's list, which lists sectors and their respective CPC numbers. Accordingly, foreign schedules frequently make explicit references to the CPC numbers. The U.S. Schedule makes no explicit references to CPC numbers, but it corresponds closely with the GATT Secretariat's list.

The concordance developed by the USITC clarifies how the service sectors referenced in the GATT Secretariat's list, the CPC System, and the U.S. Schedule correspond. The first column of the concordance

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<sup>4</sup> MFN treatment accords to each trading partner terms and conditions of trade that are no less favorable than those accorded to any other trading partner. See appendix E for a glossary of selected technical terms.

<sup>5</sup> National treatment generally accords to foreign firms the same rights and obligations accorded to domestic firms.

<sup>6</sup> The USTR requested that the USITC undertake responsibility for maintaining the U.S. Schedule in a letter dated April 18, 1994. The USITC instituted Inv. No. 332-354, Program to Maintain U.S. Schedule of Services Commitments, on May 13, 1994.

<sup>7</sup> Supplement 3 supercedes supplement 1, eliminating the need to present it in this document.

identifies the service sectors listed by the GATT Secretariat. The second column identifies the CPC classifications that correspond to the GATT Secretariat's list. The third column identifies the sectors addressed in the U.S. Schedule, and the fourth column provides more detailed information regarding the structure and coverage of the U.S. Schedule.

### **The U.S. Schedule**

The format of the U.S. Schedule conforms to the structure specified by the GATT. Accordingly, the U.S. Schedule first presents horizontal commitments, which apply to all service sectors for which the United States has scheduled sector-specific commitments. Afterward, beginning on page 15, the U.S. Schedule presents sector-specific commitments, which apply to individual service sectors.

The U.S. Schedule is configured as a matrix, with horizontal issues and individual service sectors listed along the vertical axis and commitments to provide market access, national treatment, and additional commitments along the horizontal axis. Additional commitments pertain to issues such as the recognition of professional qualifications, compliance with technical standards, and licensing requirements or procedures.

The U.S. Schedule records the existence or absence of commitments in each cell of the matrix. Limitations are specific to mode of supply, which is the means of providing services to foreign consumers. Modes of supply include:

- cross-border supply, whereby the service is transported beyond the country of the service supplier to the foreign consumer (the service supplier is not present within the territory of the consumer);
- consumption abroad, whereby the consumer, or the consumer's property, receives a service outside the territory of the consumer's country;
- commercial presence, whereby a service supplier establishes a type of business or professional establishment in the foreign market; and
- presence of natural persons, whereby one individual, acting alone or as an employee of a service provider, provides a service while present in a foreign market.

Inside each cell of the matrix, the four modes of supply are represented by numbers one through four. Information regarding limitations on cross-border supply appear beside number one; consumption abroad, number two; commercial presence, number three; and presence of natural persons, number four. Where commitments exist, details regarding the limitations appear after the appropriate number, in the appropriate cell. For instance, details regarding the U.S. market access limitations on the cross-border supply of legal services appear in the row pertaining to legal services, in the column pertaining to limitations on market access, after the number one.

The words "Unbound" and "None" also appear in cells of the U.S. Schedule. The word "Unbound" conveys that a measure inconsistent with market access or national treatment may be introduced in the sector for a specific mode of supply without penalty. Unbound measures may grow more restrictive in the future. The word "None" conveys that no sector-specific limitations apply for a specific mode of supply. Where all modes of supply are "Unbound" and no additional commitments have been undertaken for a given service sector, the sector does not appear in the schedule. For instance, the United States scheduled no commitments with respect to medical and dental services. As a result, medical and dental services do not appear in the U.S. Schedule. Finally, in cases where a particular mode of supply is not technically feasible (e.g., cross-border supply of cleaning services), the term "Unbound" followed by an asterisk (Unbound\*) is used.



## **List of MFN Exemptions**

Article II of the GATS states that Members shall accord MFN treatment to all other Members. Since several Members expressed concern about free-ridership, the agreement permits some exceptions to MFN obligations. These exceptions are listed in the "Article II (MFN) Exemptions." The United States' List of MFN Exemptions is presented in a table with five columns. The first column identifies the sector(s) in question; the second column describes the measure that is inconsistent with MFN treatment; the third column identifies the countries to which the MFN exemption applies; the fourth column indicates the expected duration of the measure; and the fifth column provides an explanation of the conditions that create the need for such an exemption.

**Concordance of Industry Classifications**

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

x

<p>1. BUSINESS SERVICES</p> <p>A. Professional services</p> <p>a) Legal services</p> <p>b) Accounting, auditing and bookkeeping services</p> <p>c) Taxation services</p> <p>d) Architectural services</p> <p>e) Engineering services</p> <p>f) Integrated engineering services</p> <p>g) Urban planning and landscape architectural services</p> <p>h) Medical and dental services</p> <p>i) Veterinary services</p> <p>j) Services provided by midwives, nurses, physiotherapists and para-medical personnel</p>	<p><u>Group 861</u>: Legal services</p> <p><u>Group 862</u>: Accounting, auditing and bookkeeping services</p> <p><u>Group 863</u>: Taxation services</p> <p><u>Class 8671</u>: Architectural services</p> <p><u>Class 8672</u>: Engineering services</p> <p><u>Class 8673</u>: Integrated engineering services</p> <p><u>Class 8674</u>: Urban planning and landscape architectural services</p> <p><u>9312</u>: Medical and dental services</p> <p><u>Group 932</u>: Veterinary services</p> <p><u>Subclass 93191</u>: Deliveries and related services, nursing services, physiotherapeutic and para-medical services</p>	<p>1. BUSINESS SERVICES</p> <p>A. Professional services</p> <p>a) Legal services</p> <p>    1) Practice as or through a qualified U.S. lawyer</p> <p>    2) Consultancy on law of jurisdiction where service supplier is qualified as a lawyer</p> <p>b) Accounting, auditing and bookkeeping services</p> <p>c) Taxation services</p> <p>d) Architectural services</p> <p>e) Engineering services</p> <p>f) Integrated engineering services</p> <p>g) Urban planning and landscape services</p> <p>h) <i>No U.S. commitment</i></p> <p>i) <i>No U.S. commitment</i></p> <p>j) <i>No U.S. commitment</i></p> <p>k) <i>No U.S. commitment</i></p>	<p><i>U.S. commitments for legal services are recorded on a state-by-state basis.</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

ix.

<p>B. Computer and related services</p> <p>a) Consultancy services related to the installation of computer hardware</p> <p>b) Software implementation services</p> <p>c) Data processing services</p> <p>d) Database services</p> <p>e) Other</p> <p>C. Research and development services</p> <p>a) R&amp;D services on natural sciences</p> <p>b) R&amp;D services on social sciences and humanities</p> <p>c) Interdisciplinary R&amp;D services</p> <p>D. Real estate services</p> <p>a) Involving own or leased property</p>	<p><u>Group 841</u>: Consultancy services related to the installation of computer hardware</p> <p><u>Group 842</u>: Software implementation services</p> <p><u>Group 843</u>: Data processing services</p> <p><u>Group 844</u>: Database services</p> <p><u>Group 845</u>: Maintenance and repair services of office machinery and equipment including computers</p> <p><u>Group 849</u>: Other computer services</p> <p><u>Group 851</u>: Research and experimental development services on natural sciences and engineering</p> <p><u>Group 852</u>: Research and experimental development services on social sciences and humanities</p> <p><u>Group 853</u>: Interdisciplinary research and experimental development services</p> <p><u>Group 821</u>: Real estate services involving own or leased property</p>	<p>B. Computer and related services</p> <p>C. <i>No U.S. commitment</i></p> <p>D. Real estate services</p>	<p><i>U.S. sector "1B: Computer and related services" corresponds to all GATT sectors listed under "Computer and related services" with the exception of airline reservation systems.</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p>E. Rental/leasing services without operators</p> <p>a) Relating to ships</p> <p>b) Relating to aircraft</p> <p>c) Relating to other transport equipment</p> <p>d) Relating to other machinery and equipment</p> <p>e) Other</p>	<p><u>Subclass 83103</u>: Leasing or rental services concerning vessels</p> <p><u>Subclass 83104</u>: Leasing or rental services concerning aircraft</p> <p><u>Subclass 83101</u>: Leasing or rental services concerning private cars</p> <p><u>Subclass 83102</u>: Leasing or rental services concerning goods transport vehicles</p> <p><u>Subclass 83105</u>: Leasing or rental services concerning other land transport equipment</p> <p><u>Subclass 83106</u>: Leasing or rental services concerning agricultural machinery and equipment</p> <p><u>Subclass 83107</u>: Leasing or rental services concerning construction machinery and equipment</p> <p><u>Subclass 83108</u>: Leasing or rental services concerning office machinery and equipment (including computers)</p> <p><u>Subclass 83109</u>: Leasing or rental services concerning other machinery equipment</p> <p><u>Group 832</u>: Leasing or rental services concerning personal and household goods</p>	<p>E. Rental/leasing services without operators</p> <p>a) <i>No U.S. commitment</i></p> <p>b) <i>No U.S. commitment</i></p> <p>c) Relating to other transport equipment</p> <p>d) Relating to other machinery and equipment</p> <p>e) Other (except harbour dredges)</p>	
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	
<p>F. Other business services</p> <p>a) Advertising services</p> <p>b) Market research and public opinion polling services</p> <p>c) Management consulting service</p> <p>d) Services related to management consulting</p> <p>e) Technical testing and analysis services</p> <p>f) Services incidental to agriculture, hunting and forestry</p> <p>g) Services incidental to fishing</p> <p>h) Services incidental to mining</p>	<p><u>Group 871</u>: Advertising services</p> <p><u>Group 864</u>: Market research and public opinion polling services</p> <p><u>Group 865</u>: Management consulting service</p> <p><u>Group 866</u>: Services related to management consulting</p> <p><u>Class 8676</u>: Technical testing and analysis services</p> <p><u>Group 881</u>: Services incidental to agriculture, hunting and forestry</p> <p><u>Group 882</u>: Services incidental to fishing</p> <p><u>Group 883</u>: Services incidental to mining</p> <p><u>Class 5115</u>: Site preparation work for mining</p>	<p>F. Other business services</p> <p>a) Advertising</p> <p>b) Market research and public opinion polling</p> <p>c) Management consulting</p> <p>d) Services related to management consulting</p> <p>e) <i>No U.S. commitment</i></p> <p>f) Services incidental to agriculture, hunting and forestry</p> <p>g) Services incidental to fishing</p> <p>h) Services incidental to mining</p>	<p><i>U.S. subsector "1F(a): Advertising" excludes aerial advertising and skywriting.</i></p> <p><i>U.S. subsector "1F(f): Services incidental to agriculture, hunting and forestry" excludes agricultural machinery with drivers and crew, harvesting and related services, services of farm labor contractors and aerial fire fighting.</i></p>

**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	
<p>I) Services incidental to manufacturing</p> <p>j) Services incidental to energy distribution</p> <p>k) Placement and supply services of personnel</p> <p>l) Investigation and security</p> <p>m) Related scientific and technical consulting services</p>	<p><u>Group 884</u>: Services incidental to manufacturing, except to the manufacture of metal products, machinery and equipment</p> <p><u>Group 885</u>: Services incidental to the manufacture of metal products, machinery and equipment</p> <p><u>Group 887</u>: Services incidental to energy distribution</p> <p><u>Group 872</u>: Placement and supply services of personnel</p> <p><u>Group 873</u>: Investigation and security</p> <p><u>Class 8675</u>: Related scientific and technical consulting services</p>	<p>i) <i>No U.S. commitment</i></p> <p>j) Services incidental to energy distribution</p> <p>k) Placement and supply services of personnel</p> <p>l) Investigation and security services</p> <p>m) Related scientific and technical consulting services</p>	<p><i>GATT subsector "IF(i): Services incidental to manufacturing" excludes UN subclass "88442: Publishing and printing, on a fee or contract basis." Instead, see "IF(r): Printing, publishing."</i></p> <p><i>U.S. subsector "IF(m): Related scientific and technical consulting services" excludes land surveying for the purpose of establishing legal boundaries, aerial surveying and aerial map-making.</i></p>

**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p>n) Maintenance and repair of equipment</p> <p>o) Building-cleaning services</p> <p>p) Photographic services</p> <p>q) Packaging services</p> <p>r) Printing, publishing</p> <p>s) Convention services</p>	<p><u>Group 633</u>: Repair services of personal and household goods</p> <p><u>Class 8861</u>: Repair services incidental to fabricated metal products, except machinery and equipment, on a fee or contract basis</p> <p><u>Class 8862</u>: Repair services incidental to machinery and equipment n.e.c., on a fee or contract basis</p> <p><u>Class 8863</u>: Repair services incidental to office, accounting and computing machinery n.e.c., on a fee or contract basis</p> <p><u>Class 8864</u>: Repair services incidental to electrical machinery and apparatus n.e.c., on a fee or contract basis</p> <p><u>Class 8865</u>: Repair services incidental to radio, television and communication equipment and apparatus, on a fee or contract basis</p> <p><u>Class 8866</u>: Repair services of medical, precision, and optical instruments, watches and clocks, on a fee or contract basis</p> <p><u>Group 874</u>: Building cleaning services</p> <p><u>Group 875</u>: Photographic services</p> <p><u>Group 876</u>: Packing services</p> <p><u>Subclass 88442</u>: Publishing and printing, on a fee or contract basis</p> <p><u>Subclass 87909</u>: Other business services, n.e.c.</p>	<p>n) Maintenance and repair of equipment</p> <p>o) Building-cleaning services</p> <p>p) Photographic services</p> <p>q) Packaging services</p> <p>r) Publishing</p> <p>s) Convention services</p>	<p><i>GATT and U.S. subsector "IF(n): Maintenance and repair of equipment" excludes maritime vessels, aircraft and other transport equipment.</i></p> <p><i>U.S. subsector "IF(p): Photographic services" excludes aerial photographic services.</i></p> <p><i>U.S. subsector "IF(r): Publishing" excludes printing.</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

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<p>2. COMMUNICATION SERVICES</p> <p>A. Postal services</p> <p>B. Courier services</p> <p>C. Telecommunication services</p> <p>    a) Voice telephone services</p> <p>    b) Packet-switched data transmission services</p> <p>    c) Circuit-switched data transmission services</p> <p>    d) Telex services</p> <p>    e) Telegraph services</p> <p>    f) Facsimile services</p> <p>    g) Private leased circuit services</p> <p>    h) Electronic mail</p>	<p><u>Class 7511</u>: Postal services</p> <p><u>Class 7512</u>: Courier services</p> <p><u>Class 7521</u>: Public local telephone services</p> <p><u>Class 7523</u>: Data and message transmission services</p> <p><u>Class 7523</u>: Data and message transmission services</p> <p><u>Class 7523</u>: Data and message transmission services</p> <p><u>Class 7522</u>: Business network services</p> <p><u>Class 7521</u>: Public local telephone services <u>Class 7529</u>: Other telecommunication services</p> <p><u>Class 7522</u>: Business network services <u>Class 7523</u>: Data and message transmission services</p> <p><u>Class 7523</u>: Data and message transmission</p>	<p>2. COMMUNICATION SERVICES</p> <p>A. <i>No U.S. commitment</i></p> <p>B. Land-based courier services</p> <p>C. Telecommunications</p> <p>    a) <i>No U.S. commitment</i></p> <p>    b) <i>No U.S. commitment</i></p> <p>    c) <i>No U.S. commitment</i></p> <p>    d) <i>No U.S. commitment</i></p> <p>    e) <i>No U.S. commitment</i></p> <p>    f) <i>No U.S. commitment</i></p> <p>    g) <i>No U.S. commitment</i></p> <p>Enhanced telecommunication services</p> <p>h) Electronic mail</p>	<p><i>U.S. sector "2B: Land-based courier services" excludes courier services involving any prior or subsequent movement by air.</i></p> <p><i>U.S. commitments for telecommunication services do not extend to basic telecommunication services as represented by GATT subsectors 2C(a) through 2C(g).</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

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<p>j) On-line information and data base retrieval</p> <p>k) Electronic data interchange</p> <p>l) Enhanced/value-added facsimile services (including store and forward, store and retrieve)</p> <p>m) Code and protocol conversion (<i>No corresponding CPC</i>)</p> <p>n) On-line information and/or data processing (including transaction processing)</p> <p>o) Other (<i>No corresponding CPC</i>)</p> <p>D. Audiovisual services</p> <p>a) Motion picture and video tape production and distribution services</p> <p>b) Motion picture projection service</p> <p>c) Radio and television services</p> <p>d) Radio and television transmission services</p> <p>e) Sound recording (<i>No corresponding CPC</i>)</p>	<p><u>Class 7523</u>: Data and message transmission services</p> <p><u>Class 7523</u>: Data and message transmission services</p> <p><u>Class 7523</u>: Data and message transmission services</p> <p><u>Group 843</u>: Data processing services</p> <p><u>Class 9611</u>: Motion picture and video tape production and distribution services</p> <p><u>Class 9612</u>: Motion picture projection services</p> <p><u>Class 9613</u>: Radio and television services</p> <p><u>Class 7524</u>: Programme transmission services</p>	<p>j) On-line information and 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> <p>o) Other</p> <p>D. Audiovisual services</p> <p>a) Motion picture and video tape production and distribution services</p> <p>b) Motion picture projection service</p> <p>c) Radio and television services</p> <p>d) Radio and television transmission services</p> <p>e) Sound recording</p>	
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. General construction work for buildings</p> <p>B. General construction work for civil engineering</p> <p>C. Installation and assembly work</p> <p>D. Building completion/finishing work</p> <p>E. Other</p>	<p><u>Group 512</u>: Construction work for buildings</p> <p><u>Group 513</u>: General construction work for civil engineering</p> <p><u>Group 514</u>: Assembly and erection of prefabricated constructions</p> <p><u>Group 516</u>: Installation work</p> <p><u>Group 517</u>: Building completion/finishing work</p> <p><u>Group 511</u>: Preerection work at construction site</p> <p><u>Group 515</u>: Special trade construction work</p> <p><u>Group 518</u>: Renting services related to equipment for construction or demolition of building or civil engineering work, with operator</p>	<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p>	<p><i>U.S. section "3: Construction and Related Engineering Services" corresponds to all GATT sectors listed under "Construction and Related Engineering Services."</i></p> <p><i>U.S. section "3: Construction and Related Engineering Services" excludes Marine dredging.</i></p>
<p>4. DISTRIBUTION SERVICES</p> <p>A. Commission agents' services</p> <p>B. Wholesale trade services</p> <p>C. Retailing services</p>	<p><u>Group 621</u>: Commission agents' services</p> <p><u>Group 622</u>: Wholesale trade services</p> <p><u>Group 631</u>: Food retailing services</p> <p><u>Group 632</u>: Non-food retailing services</p> <p><u>Class 6111</u>: Sales of motor vehicles</p> <p><u>Class 6113</u>: Sales of parts and accessories of motor</p>	<p>4. DISTRIBUTION SERVICES</p> <p>A. Commission agents' services</p> <p>B. Wholesale trade (except wholesale trade of alcoholic beverages, firearms and military equipment)</p> <p>B. Wholesale trade of alcoholic beverages</p> <p>C. Retailing</p>	<p><i>U.S. subsector "4C: Retailing" excludes retail sale of alcoholic beverages, firearms and military equipment.</i></p>

**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	
<p><i>(DISTRIBUTION SERVICES, cont'd)</i></p> <p>D. Franchising</p> <p>E. Other <i>(No corresponding CPC)</i></p> <p>5. EDUCATIONAL SERVICES</p> <p>A. Primary education services</p> <p>B. Secondary education services</p> <p>C. Higher education services</p> <p>D. Adult education</p> <p>E. Other education services</p> <p>6. ENVIRONMENTAL SERVICES</p> <p>A. Sewage services</p> <p>B. Refuse disposal services</p> <p>C. Sanitation and similar services</p> <p>D. Other <i>(No corresponding CPC)</i></p>	<p><u>Class 8929</u>: Other non-financial intangible assets</p> <p><u>Group 921</u>: Primary education services</p> <p><u>Group 922</u>: Secondary education services</p> <p><u>Group 923</u>: Higher education services</p> <p><u>Group 924</u>: Adult education services, n.e.c.</p> <p><u>Group 929</u>: Other education services</p> <p><u>Class 9401</u>: Sewage services</p> <p><u>Class 9402</u>: Refuse disposal services</p> <p><u>Class 9403</u>: Sanitation and similar services</p>	<p><i>(DISTRIBUTION SERVICES, cont'd)</i></p> <p>D. Franchising</p> <p>E. <i>No U.S. commitment</i></p> <p>5. EDUCATIONAL SERVICES</p> <p>A. <i>No U.S. commitment</i></p> <p>B. <i>No U.S. commitment</i></p> <p>C. <i>No U.S. commitment</i></p> <p>D. Adult education</p> <p>E. Other education services</p> <p>6. ENVIRONMENTAL SERVICES</p> <p>A. Sewage services</p> <p>B. Refuse disposal services</p> <p>C. Sanitation and similar services</p> <p>D. Other</p>	<p><i>U.S. subsector "5D: Adult education" excludes flying instruction.</i></p> <p><i>U.S. subsectors "6A: Sewage services" and "6B: Refuse disposal services" include only those services contracted by private industry.</i></p> <p><i>U.S. subsector "6D: Other" includes exhaust gases, noise abatement, nature and landscape protection, and other environmental services,</i></p>

**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

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<p>7. FINANCIAL SERVICES</p> <p>A. All insurance and insurance-related services</p> <p>a) Life, accident and health insurance services</p> <p>b) Non-life insurance services</p> <p>c) Reinsurance and retrocession</p> <p>d) Services auxiliary to insurance (including brokering and agency services)</p> <p>B. Banking and other financial services</p> <p>a) Acceptance of deposits and other repayable funds from the public</p>	<p><u>Group 812</u>: Insurance (including reinsurance) and pension fund services, except compulsory social security services</p> <p><u>Class 8121</u>: Life insurance and pension fund services</p> <p><u>Class 8129</u>: Non-life insurance services</p> <p><u>Subclass 81299</u>: Other insurance services, n.e.c.</p> <p><u>Class 8140</u>: Services auxiliary to insurance and pension funding</p> <p><u>Subclass 81115</u>: Wholesale deposit services  <u>Subclass 81116</u>: Other bank deposit services  <u>Subclass 81117</u>: Non-central bank currency issue</p>	<p>7. FINANCIAL SERVICES</p> <p>A. Insurance</p> <p>a) Life, accident and health insurance services</p> <p>b) Non-life insurance services</p> <p>c) Reinsurance and retrocession</p> <p>d) Services auxiliary to insurance (includes brokering, agency, consultancy, actuarial, risk assessment and claim settlement services)</p> <p>B. Financial services</p>	<p><i>U.S. commitments in Financial Services are undertaken pursuant to the alternative approach to scheduling commitments set forth in the Understanding on Commitments in Financial Services and therefore may not be consistent with the GATT classification system.</i></p> <p><i>U.S. subsector "7A(a): Life, accident and health insurance services" excludes workers compensation insurance.</i></p> <p><i>Supplemental commitments on insurance and banking and other financial services, submitted at the conclusion of extended negotiations on Financial services, follow the same system for classifying sectors and subsectors as outlined in the following three pages.</i></p> <p><i>U.S. sector "7B: Financial services" is limited to banking and other financial services and does not include insurance.</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

(FINANCIAL SERVICES, cont'd)

- b) Lending of all types including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transactions
- c) Financial leasing
- d) All payment and money transmission services
- e) Guarantees and commitments
- f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
  - \* money market instruments (cheques, bills, certificate of deposits, etc.)
  - \* foreign exchange
  - \* derivative products including but not limited to, futures and options
  - \* Transferable securities
  - \* exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc.

Class 8113: Central bank currency issue

Class 8112: Central bank supervisory services

Subclass 81339: Other services auxiliary to financial intermediation, n.e.c.

Subclass 81199: Intermediation services, n.e.c.

Subclass 81339: Other services auxiliary to financial intermediation, n.e.c.

Subclass 81333: Foreign exchange services

Subclass 81339: Other services auxiliary to financial intermediation, n.e.c.

Subclass 81321: Securities, brokering services

Subclass 81339: Other services auxiliary to financial intermediation, n.e.c.

(FINANCIAL SERVICES, cont'd)

**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p><i>(BANKING, cont'd)</i></p> <p>g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of service related to such issues</p> <p>h) Money brokering</p> <p>i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p> <p>j) Settlement and clearing services for financial assets including securities, derivative products and other negotiable instruments</p> <p>k) Advisory and other auxiliary financial services on all the activities listed in Article 1B of MTN.TNC/W/50, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions, corporate restructuring and strategy</p>	<p><u>Class 8132</u>: Services related to securities markets</p> <p><u>Subclass 81339</u>: Other services auxiliary to financial intermediation, n.e.c.</p> <p><u>Class 8119</u>: Other financial intermediation services other than insurance and pension fund services <u>Subclass 81323</u>: Portfolio management services</p> <p><u>Subclass 81339</u>: Other services auxiliary to financial intermediation, n.e.c. <u>Subclass 81319</u>: Other financial market administration services</p> <p><u>Class 8131</u>: Services auxiliary to the administration of financial markets <u>Class 8133</u>: Other services auxiliary to financial intermediation</p> <p><u>Class 8131</u>: Services auxiliary to the administration of financial markets</p>	<p><i>(BANKING, cont'd)</i></p> <p>Trading of Securities and Derivative Products and Services Related Thereto; Participation in Securities Issues</p> <p>Participation in Issues of Government Debt Securities</p>	
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p>8.. HEALTH RELATED AND SOCIAL SERVICES</p> <p>A. Hospital services</p> <p>B. Other human health services</p> <p>C. Social services</p> <p>D. Other (No corresponding CPC)</p>	<p><u>Class 9311</u>: Hospital services</p> <p><u>Class 9319</u>: Other human health services</p> <p><u>Group 933</u>: Social services</p>	<p>8. HEALTH RELATED AND SOCIAL SERVICES</p> <p>A. Hospital and other health care facilities</p> <p>B. No U.S. commitment</p> <p>C. No U.S. commitment</p> <p>D. No U.S. commitment</p>	<p><i>GATT section "8: Health related and social services" excludes those subsectors listed in section 1A(h-j), under Business Professional Services. (see page 1 of this concordance)</i></p> <p><i>U.S. sector "8A: Hospital and other health care facilities" pertains to direct ownership and management and operation by contract of such facilities on a "for fee" basis.</i></p> <p><i>GATT sector "8B: Other human health services" excludes UN subclass "93191: Deliveries and related services, nursing services, physiotherapeutic and para-medical services."</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. Hotels and restaurants</p> <p>B. Travel agencies and tour operators services</p> <p>C. Tourist guides services</p> <p>D. Other <i>(No corresponding CPC)</i></p>	<p><u>Group 641</u>: Hotel and other lodging services <u>Group 642</u>: Food serving services <u>Group 643</u>: Beverage serving services for consumption on the premises</p> <p><u>Class 7471</u>: Travel agency and tour operator</p> <p><u>Class 7472</u>: Tourist guide services</p>	<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. Hotels and restaurants</p> <p>B. Travel agencies and tour operators</p> <p>C. Tour guide services</p> <p>D. Other</p>	<p><i>GATT and U.S. sector "9A: Hotels and restaurants" includes catering services.</i></p>
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>A. Entertainment services</p> <p>B. News agency services</p> <p>C. Libraries, archives, museums and other cultural services</p> <p>D. Sporting and other recreational services</p>	<p><u>Class 9619</u>: Other entertainment services</p> <p><u>Group 962</u>: News agency services</p> <p><u>Group 963</u>: Library, archive, museum and other cultural services</p> <p><u>Group 964</u>: Sporting and other recreational services</p>	<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>A. Entertainment services</p> <p>B. News agency services</p> <p>C. Libraries, archives, museums and other cultural services</p> <p>D. Other recreational services</p>	<p><i>GATT and U.S. section 10 excludes audiovisual services.</i></p> <p><i>GATT and U.S. sector "10A: Entertainment services" includes theatre, live bands and circus services.</i></p> <p><i>U.S. sector "10D: Other recreational services" excludes sporting.</i></p>



**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p>11. TRANSPORT SERVICES</p> <p>A. Maritime transport service</p> <p>a) Passenger transportation</p> <p>b) Freight transportation</p> <p>c) Rental of vessels with crew</p> <p>d) Maintenance and repair of vessels</p> <p>e) Pushing and towing services</p> <p>f) Supporting services for maritime transport</p> <p>B. Internal waterways transport</p> <p>a) Passenger transportation</p> <p>b) Freight transportation</p> <p>c) Rental of vessels with crew</p> <p>d) Maintenance and repair of vessels</p> <p>e) Pushing and towing services</p> <p>f) Supporting services for internal</p>	<p><u>Class 7211</u>: Passenger transportation</p> <p><u>Class 7212</u>: Freight transportation</p> <p><u>Class 7213</u>: Rental services of seagoing vessels with operator</p> <p><u>Class 8868</u>: Repair services of other transport equipment, on a fee or contract basis</p> <p><u>Class 7214</u>: Towing and pushing services</p> <p><u>Group 745</u>: Supporting services for water transport</p> <p><u>Class 7221</u>: Passenger transportation</p> <p><u>Class 7222</u>: Freight transportation</p> <p><u>Class 7223</u>: Rental services of non-sea-going vessels with operator</p> <p><u>Class 8868</u>: Repair services of other transport equipment, on a fee or contract basis</p> <p><u>Class 7224</u>: Towing and pushing services</p> <p><u>Group 745</u>: Supporting services for water</p>	<p>11. TRANSPORT SERVICES</p> <p>A. <i>No U.S. commitment</i></p> <p>B. <i>No U.S. commitment</i></p>	
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p><i>(TRANSPORT SERVICES, cont'd)</i></p> <p>C. Air transport services</p> <p>a) Passenger transportation</p> <p>b) Freight transportation</p> <p>c) Rental of aircraft with crew</p> <p>d) Maintenance/repair of aircraft</p> <p>e) Supporting services for air transport</p> <p>D. Space transport</p> <p>E. Rail transport</p> <p>a) Passenger transportation</p> <p>b) Freight transportation</p> <p>c) Pushing and towing services</p> <p>d) Maintenance and repair of rail transport equipment</p>	<p><u>Group 731</u>: Passenger transportation by air</p> <p><u>Group 732</u>: Freight transportation by air</p> <p><u>Group 734</u>: Rental services of aircraft with operator</p> <p><u>Class 8868</u>: Repair services of other transport equipment, on a fee or contract basis</p> <p><u>Group 746</u>: Supporting services for air transport</p> <p><u>Group 733</u>: Transportation via space</p> <p><u>Class 7111</u>: Passenger transportation</p> <p><u>Class 7112</u>: Freight transportation</p> <p><u>Class 7113</u>: Pushing or towing services</p> <p><u>Class 8868</u>: Repair services of other transport</p>	<p><i>(TRANSPORT SERVICES, cont'd)</i></p> <p>C. Air transport services: Aircraft repair and maintenance</p> <p>D. <i>No U.S. commitment</i></p> <p>E. Rail transport</p> <p>a) Passenger transportation</p> <p>b) Freight transportation</p> <p>c) <i>No U.S. commitment</i></p> <p>d) Maintenance and repair of rail transport</p>	<p><i>U.S. sector "11C: Air transport services: Aircraft repair and maintenance" corresponds to all GATT sectors listed under "Air transport services."</i></p> <p><i>U.S. sector "11C: Air transport services: Aircraft repair and maintenance" pertains to repair and maintenance activities while the aircraft is withdrawn from service. It excludes line maintenance or other repair or maintenance activities undertaken by an air carrier on aircraft it owns, leases or operates.</i></p> <p><i>U.S. subsector "11E(a): Passenger transportation" excludes high speed rail.</i></p>
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**Concordance of Industry Classifications** (continued)

GATT Secretariat's Services Sectoral Classification List	United Nations' Provisional Central Product Classification System	U.S. Schedule of Services Commitments	Notes
<i>Sectors and Subsectors</i>	<i>Sections, Divisions, Groups, Classes</i>	<i>Sector-Specific Commitments</i>	

<p><i>(TRANSPORT SERVICES, cont'd)</i></p> <p>F. Road transport</p> <p>a) Passenger transportation</p> <p>b) Freight transportation</p> <p>c) Rental of commercial vehicles with operator</p> <p>d) Maintenance and repair of road transport equipment</p> <p>e) Supporting services for road transport services</p> <p>G. Pipeline transport</p> <p>a) Transportation of fuels</p> <p>b) Transportation of other goods</p>	<p><u>Class 7121</u>: Other scheduled passenger transportation</p> <p><u>Class 7122</u>: Other non-scheduled passenger transportation</p> <p><u>Class 7123</u>: Freight transportation</p> <p><u>Class 7124</u>: Rental services of commercial freight vehicles with operator</p> <p><u>Class 6112</u>: Maintenance and repair services of motor vehicles</p> <p><u>Class 8867</u>: Repair services n.e.c. of motor vehicles, trailers and semi-trailers, on a fee or contract basis</p> <p><u>Group 744</u>: Supporting services for road transport</p> <p><u>Class 7131</u>: Transportation of petroleum and natural gas</p> <p><u>Class 7139</u>: Transportation of other goods</p>	<p><i>(TRANSPORT SERVICES, cont'd)</i></p> <p>F. Road transport</p> <p>a) Passenger transport: Interurban regular transport</p> <p>b) Freight transport</p> <p>c) <i>No U.S. commitment</i></p> <p>d) Maintenance and repair of road transport equipment</p> <p>e) <i>No U.S. commitment</i></p> <p>G. <i>No U.S. commitment</i></p>	<p><i>U.S. subsector "11F(b): Freight transport" is limited to transportation of cargo that has either an origin or a destination outside the United States.</i></p>
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<p><i>(TRANSPORT SERVICES, cont'd)</i></p> <p>H. Services auxiliary to all modes of transport</p> <p>a) Cargo-handling services</p> <p>b) Storage and warehouse services</p> <p>c) Freight transport agency services</p> <p>d) Other</p> <p>I. Other transport services (<i>No corresponding CPC</i>)</p> <p>12. Other services not included elsewhere</p>	<p><u>Group 741</u>: Cargo handling services</p> <p><u>Group 742</u>: Storage and warehousing services</p> <p><u>Group 748</u>: Freight transport agency services</p> <p><u>Group 749</u>: Other supporting and auxiliary transport services</p> <p><u>Division 95</u>: Services of membership organizations</p> <p><u>Division 97</u>: Other services</p> <p><u>Division 98</u>: Private households with employed persons</p> <p><u>Division 99</u>: Services provided by extraterritorial organizations and bodies</p>	<p><i>(TRANSPORT SERVICES, cont'd)</i></p> <p>H. Services auxiliary to all modes of transport</p> <p>a) <i>No U.S. commitment</i></p> <p>b) <i>No U.S. commitment</i></p> <p>c) <i>No U.S. commitment</i></p> <p>d) Other supporting and auxiliary transport services: Customs house brokers</p> <p>I. <i>No U.S. commitment</i></p> <p>12. <i>No U.S. commitment</i></p>	
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**GENERAL AGREEMENT**

GATS/SC/90

April 1994

**ON TRADE IN SERVICES**

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**THE UNITED STATES OF AMERICA**

**Schedule of Specific Commitments**

(This is authentic in English only)

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**THE UNITED STATES OF AMERICA - SCHEDULE OF SPECIFIC COMMITMENTS**

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>I. HORIZONTAL COMMITMENTS</b>			
<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 <sup>1</sup>	4) Unbound, except for measures concerning temporary entry and stay of nationals of another member who fall into the categories listed below:  <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.	4) Unbound	

<sup>1</sup> "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 labour/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) <b>Managers</b> - 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>		

**THE UNITED STATES OF AMERICA** (continued)

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) <b>Executives</b> - 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) <b>Specialists</b> - 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 licenced 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>		

**THE UNITED STATES OF AMERICA** (continued)

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 labour 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 labour/management dispute in progress at the place of employment affecting the subject occupation; labour/management dispute in progress at the place of employment;</p>		

**THE UNITED STATES OF AMERICA** (continued)

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>	

**THE UNITED STATES OF AMERICA** (continued)

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).  At the federal level, with respect to taxes other than direct taxes:	

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>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>	

**THE UNITED STATES OF AMERICA** (continued)

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> <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>	



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>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>	

**THE UNITED STATES OF AMERICA** (continued)

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> <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>	

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
	4) Unbound, except as indicated in the horizontal section	Unbound for research and development subsidies  4) None	

**THE UNITED STATES OF AMERICA** (continued)

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>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<p>1. BUSINESS SERVICES</p> <p>A. PROFESSIONAL SERVICES</p> <p>a) 1) Legal Services: practice as 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>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>	

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) Services must be supplied by a natural person</p> <p>Partnership in law firms is limited to persons licenced as lawyers</p> <p>US citizenship is required to practice before the US Patent and Trademark Office</p> <p>4) 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>US Citizenship is required to practice before the US Patent and Trademark Office</p>	<p>3) None</p> <p>4) 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>	

**THE UNITED STATES OF AMERICA** (continued)

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
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 <i>pro haec vice</i> ); ii) preparing any 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	For the following jurisdiction, the following commitments apply: Alaska <sup>2</sup>  1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	a) Practice of international law: permitted, provided foreign legal consultant (FLC) is competent. b) Practice of 3rd-country law: permitted provided that FLC obtains written legal advice from an attorney licenced in that jurisdiction. c) Practice of host-country law: permitted provided that FLC obtains written legal advice from an attorney licenced to practice in that jurisdiction. d) Association with local lawyers: partnerships with local lawyers permitted. e) Employment of local lawyers: permitted. f) Use of firm name: permitted. g) Other: n/a.

<sup>2</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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
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>For the following jurisdiction, the following commitments apply: California<sup>3</sup></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>

<sup>3</sup> The following information is provided for transparency purposes only. A supplier regularly providing services is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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: Connecticut<sup>4</sup></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>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: permitted provided FLC first obtains advice from an attorney licenced 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>

<sup>4</sup> The following information is provided for transparency purposes only. A supplier regularly providing services is required to be licenced 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 practising 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 Columbia<sup>5</sup></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 licenced 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>

<sup>5</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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: Florida<sup>6</sup></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>

<sup>6</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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: Georgia<sup>7</sup></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>

<sup>7</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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: Hawaii<sup>8</sup></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 licenced 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 licenced 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>

<sup>8</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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: Illinois<sup>9</sup></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>

<sup>9</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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: Michigan<sup>10</sup></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: Minnesota<sup>11</sup></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>

<sup>10</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising law), and certification of registration and good standing with home-country bar. Professional privileges apply to all foreign lawyers.

<sup>11</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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
	1) None 2) None 3) In-state office required 4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.  For the following jurisdiction, the following commitments apply: New Jersey <sup>12</sup>	1) None 2) None 3) None 4) None	a) Practice of international law: permitted to the extent incorporated in home-country law. b) Practice of 3rd-country law: not permitted. c) Practice of host-country law: not permitted. d) Association with local lawyers: partnership with local lawyers permitted. e) Employment of local lawyers: permitted. f) Use of firm name: permitted. g) Other: n/a.

<sup>12</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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
	1) None 2) None 3) In-state office required 4) Unbound, except as indicated in the horizontal section. Additionally, an in-state office is required.	1) None 2) None 3) None 4) None	a) Practice of international law: permitted to the extent incorporated in home-country law. b) Practice of 3rd-country law: permitted provided FLC obtains advice from an attorney licenced in that jurisdiction and identifies that person to the client. c) Practice of host-country law: permitted provided FLC obtains advice from an attorney licenced in that jurisdiction and identifies that person to the client. d) Association with local lawyers: partnership with local lawyers permitted. e) Employment of local lawyers: permitted. f) Use of firm name: permitted. g) Other: n/a.



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 York<sup>13</sup></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>

<sup>13</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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: Ohio<sup>14</sup></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>e) Employment of local lawyers: permitted.</p> <p>f) Use of firm name: unrestricted.</p> <p>g) Other: n/a.</p> <p>a) Practice of international law: permitted.</p> <p>b) Practice of 3rd-country law: permitted if FLC obtains advice from an attorney licenced 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 licenced in that jurisdiction and identifies that person to the client.</p> <p>d) Association with local lawyers: partnership with local lawyers not permitted.</p>

<sup>14</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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: Oregon<sup>15</sup></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>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: permitted if FLC obtains advice from an attorney licenced 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 licenced in that jurisdiction and identifies that person to the client.</p>

<sup>15</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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) Association with local lawyers: partnership with local lawyer permitted. e) Employment of local lawyers: permitted f) Use of firm name: permitted. g) Other: n/a.

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: Texas<sup>16</sup></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>

<sup>16</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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.

**THE UNITED STATES OF AMERICA** (continued)

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: Washington<sup>17</sup></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>

<sup>17</sup> The following information is provided for transparency purposes only. A supplier regularly providing services in the jurisdiction is required to be licenced 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 practising 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>	

**THE UNITED STATES OF AMERICA** (continued)

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 licenced 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.	
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	1) None 2) None 3) Two-thirds of the officers, partners, and/or directors of an architectural firm in Michigan must be licenced in Michigan as architects, professional engineers and/or land surveyors. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
e) Engineering Services	1) None 2) None	1) None 2) None	
f) Integrated Engineering Services	3) None 4) Unbound, except as indicated in the horizontal section. In addition, US citizenship is required for licensure in the District of Columbia.	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.	

**THE UNITED STATES OF AMERICA** (continued)

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
g) Urban Planning & Landscape Services	1) None 2) None 3) Two-thirds of the officers, partners, and/or directors of an architectural firm in Michigan must be licenced in Michigan as architects, professional engineers and/or land surveyors 4) Unbound, except as indicated in the horizontal section.	1) None 2) None 3) None 4) None	
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	
D. REAL ESTATE SERVICES	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.	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
E. RENTAL/LEASING SERVICES WITHOUT OPERATORS:			
c) Relating to Other Transport Equipment	1) None	1) None	
d) Relating to Other Machinery and Equipment	2) None	2) None	
e) Other (except Harbour Dredges)	3) None	3) None	
F. OTHER BUSINESS SERVICES	4) Unbound, except as indicated in the horizontal section	4) None	
a) Advertising (except aerial advertising and skywriting)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
b) Market Research and Public Opinion Polling	4) Unbound, except as indicated in the horizontal section	4) None	
	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
	4) Unbound, except as indicated in the horizontal section	4) None	

**THE UNITED STATES OF AMERICA** (continued)

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	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
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	
f) Services Incidental to Agriculture, Hunting and Forestry (except provision of agricultural machinery with drivers and crew, harvesting and related services, services of farm labour 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	

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
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	
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	

**THE UNITED STATES OF AMERICA** (continued)

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
k) Placement and Supply Services of Personnel	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 counsellor and employment agency manager in Arkansas.	1) None 2) None 3) None 4) None	
l) Investigation and Security Services	1) None 2) None 3) Permanent resident alien status or US citizenship is required to own contract security companies in Maine 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.	1) None 2) None 3) None 4) In-state residency is required for private detectives in Michigan	

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
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 <sup>18</sup> 2) None <sup>18</sup> 3) None <sup>18</sup> 4) None	
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	
o) Building-Cleaning Services	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) None	

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

**THE UNITED STATES OF AMERICA** (continued)

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) Photographic Services (except aerial photographic services)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
q) Packaging Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
r) Publishing (Only part of MTN.GNS/W/120 category: "r) Printing, Publishing")	1) None 2) None 3) A single company or firm is not permitted to own a combination of newspaper, radio and/or TV broadcast stations serving the same local market 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
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	
2. COMMUNICATION SERVICES			
B. LAND-BASED COURIER SERVICES (except courier services involving any prior or subsequent movement by air)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	

**THE UNITED STATES OF AMERICA** (continued)

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. TELECOMMUNICATIONS</p> <p>Enhanced Telecommunications Services, as defined by the US Federal Communications Commission in Section 64.702 of the Commission's Rules and Regulations: services, offered over common carrier transmission facilities (i.e., public telecommunications transport services) which employ computer processing applications that:</p> <ul style="list-style-type: none"> <li>i) act on the format, content code, protocol or similar aspects of the subscriber's transmitted information; or</li> <li>ii) provide the subscriber additional, different, or restructured information; or</li> <li>iii) involve subscriber interaction with stored information.</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None</li> </ul>	

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>Includes the following:</p> <ul style="list-style-type: none"> <li>h) Electronic Mail</li> <li>i) Voice Mail</li> <li>j) On-line Information and Data Base Retrieval</li> <li>k) Electronic Data Interchange</li> <li>l) Enhanced/Value-added Facsimile Services (including store and forward, store and retrieve)</li> <li>m) Code and Protocol Conversion</li> <li>n) On-line Information and/or Data Processing (including transaction processing)</li> <li>o) Other</li> </ul> <p>D. AUDIOVISUAL SERVICES</p> <ul style="list-style-type: none"> <li>a) Motion Picture &amp; Video Tape Production &amp; Distribution Services</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>2) None</li> <li>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.</li> <li>4) None</li> </ul>	

**THE UNITED STATES OF AMERICA** (continued)

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) Motion Picture Projection Service	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 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) Radio and Television Transmission Services	1) None 2) None 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.	1) None 2) None 3) 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
e) Sound Recording	<p>Radio and television licences 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 licences.</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>4) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

**THE UNITED STATES OF AMERICA** (continued)

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	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	

**THE UNITED STATES OF AMERICA** (continued)

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. FRANCHISING	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
5. EDUCATIONAL SERVICES			
D. Adult Education (except flying instruction)	1) None 2) None 3) The number of licences for cosmetology schools in Kentucky is limited to 48 total licences, with a total of 8 licences 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.	
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.	



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
6. ENVIRONMENTAL SERVICES <sup>19,20</sup>			
A. Sewage 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	
B. Refuse Disposal 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	

<sup>19</sup> 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.

<sup>20</sup> Nothing in this offer related to transportation should be construed to supersede the existing US commitments on transportation or related MFN exemptions.

**THE UNITED STATES OF AMERICA** (continued)

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. 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	



**THE UNITED STATES OF AMERICA** (continued)

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, Maryland, 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 owned or controlled by governments outside the United States are not authorized to conduct business in: North Carolina, North Dakota and Tennessee.</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 licenced in some other US state: Minnesota, Mississippi, and Tennessee.</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>The following states have no mechanism for licensing initial entry of a non-US insurance company as a branch, unless that company is already licenced in some other US state: Arkansas, Arizona, Georgia, Hawaii, Kansas, Minnesota, Nebraska, New Jersey, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Wisconsin, Wyoming, West Virginia.</p> <p>US citizenship is required for members of the board of directors of locally established and licenced companies in the following states and in the following shares or numbers: 100 per cent required in Louisiana; three-quarters in Washington (for mutual life companies); two-thirds required in Oklahoma (for stock and mutual companies) and Pennsylvania; a majority required in California (for insurers operating as authorized insurers only in the state of California), Florida (for stock and mutual insurers), Georgia (for stock and mutual insurers), Idaho (for stock and mutual insurers), Indiana, Kansas (for stock insurers), Kentucky, Mississippi, Ohio (for legal reserve life insurers), South Dakota (except if more than 1000 persons are entitled to vote for the board of directors and a majority of the voters reside.</p>		

**THE UNITED STATES OF AMERICA** (continued)

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>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 in Illinois (for stock, mutual, or legal reserve insurers) and Missouri (life and accident).</p> <p>US citizenship for incorporators of insurance companies is required in the following states and in the following per centages or numbers: 100 per cent in Hawaii, Idaho (for stock or mutual insurer), South Dakota and Washington; two-thirds in Arizona (for stock and mutual insurers), Georgia (for stock and mutual insurers); a majority in Alaska, Florida (for stock and mutual insurers), Kansas (all life insurance companies and mutual insurers other than life), Kentucky (for mutual or stock insurers); Montana (stock or mutual insurers), Wyoming (for reserve stock and mutual insurers).</p> <p>4) Unbound, except as indicated in the horizontal section</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
c) Reinsurance & Retrocession	<p>1) Insurance companies incorporated in Nevada may purchase reinsurance only from an insurer admitted to Nevada. 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. Unbound for Maine for the provision of reinsurance for workers' compensation.</p> <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, Maryland, 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>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>Some states and some municipalities impose premium taxes on insurance policies covering risks located within the jurisdiction.</p> <p>2) Unbound</p> <p>3) None</p>	

**THE UNITED STATES OF AMERICA** (continued)

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 following states have no mechanism for licensing initial entry of a non-US insurance company as a subsidiary, unless that company is already licenced in some other US state: Minnesota, Mississippi, and Tennessee. After a licence 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 licenced in some other US state: Arkansas, Arizona, Georgia, Kansas, Minnesota, Nebraska, New Jersey, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Wisconsin, Wyoming, West Virginia. After a licence 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>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>d) Services Auxiliary to Insurance:</p> <p>i) Brokerage Services</p>	<p>1) None</p> <p>2) None</p> <p>3) Generally, brokerage firms can offer services in most states by obtaining licences as "brokers" and in other states by obtaining licences to operate as "agents". Brokerage licences are not issued in: Florida, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Oregon, Tennessee, Texas, Virginia, West Virginia, Wisconsin.</p> <p>4) Unbound, except as indicated in the horizontal section. In addition, generally, brokerage firms can offer services in most states by obtaining licences as "brokers" and in other states by obtaining licences to operate as "agents". Brokerage licences are not issued in: Florida, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Oregon, Tennessee, Texas, Virginia, West Virginia, Wisconsin.</p>	<p>1) None</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Brokerage licences are not issued to non-residents in: South Dakota, Wyoming.</p> <p>Brokerage licences are issued to non-residents for only certain lines of insurance in: Alabama (all except life, accident &amp; health), Arkansas (property, casualty, surety &amp; marine), Louisiana (property &amp; casualty), New Mexico (property &amp; casualty).</p> <p>Higher licence fees for non-residents may be charged in: Alaska, Arizona, Arkansas, California, Georgia, Hawaii, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico,</p>	

**THE UNITED STATES OF AMERICA** (continued)

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) Agency Services	1) None 2) None 3) None	<p>North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont.</p> 1) None 2) Unbound 3) Agency licences are issued to non-residents for only certain lines of insurance in: Florida (general lines, life & health), Hawaii (property & operations), Kentucky (general lines, life & health), Louisiana (life & health), New Mexico (life & health), Ohio (all except life & casualty), Rhode Island (all except general lines). Higher licence fees for non-residents may be charged in: Alaska, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wisconsin, Wyoming. 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
iii) Consultancy, Actuarial, Risk Assessment, and Claim Settlement Services	4) Unbound, except as indicated in the horizontal section 1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) Unbound 3) None 4) 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 licenced resident adjuster), Illinois (for non-resident public adjusters who are licenced in a state which does not permit equal treatment to Illinois residents), Mississippi (for independent adjusters), and Nevada (for appraisers and adjusters).	

**THE UNITED STATES OF AMERICA** (continued)

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): Commitments in these subsectors are undertaken in accordance with the Understanding on Commitments in Financial Services (the Understanding), which is incorporated by reference into this schedule, and under Article XVII of the General Agreement on Trade in Services (GATS). These subsectors are unbound with respect to Article XVI of the GATS.</p> <p>In addition, 1) this subsector shall be unbound with respect to market access through modes 1 and 3 for the expansion of existing operations, the establishment of a new commercial presence (in mode 3 only) or the conduct of new activities, and 2) 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.</p> <p>National treatment commitments are subject to the following limitation: National treatment will be provided according to the foreign bank's "home State" in the United States, as that term is defined under the International Banking Act.<sup>21</sup></p>			
All Subsectors	1) None  2) None	1) None  2) Unbound	

<sup>21</sup> Foreign banking organizations are generally subject to geographic limitations in the United States on a national treatment basis. Where geographic limits do not conform to national treatment, they have been reserved as market access restrictions. For purposes of illustration, under this approach the following situations do not accord national treatment and are therefore scheduled as limitations: 1) where a foreign bank from a particular home State is accorded less favourable treatment than that accorded to a domestic bank from that State with respect to expansion by branching, and 2) where a foreign bank is treated less favourably than a domestic bank holding company from the foreign bank's home State with respect to expansion through acquisition or establishment of a bank subsidiary.

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 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 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 prohibition 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 are exempt from registration. 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> <p>Branch, agency and representative offices of foreign banks are required to be charged for the cost of Federal Reserve examinations.</p>	

**THE UNITED STATES OF AMERICA** (continued)

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 commercial bank subsidiary is prohibited or otherwise limited in the following states: Alabama; Arkansas; California (limit on foreign non-bank ownership of international banking corporation); Colorado; Indiana; Kansas; Louisiana; Minnesota; Mississippi; Montana; Nebraska; New Jersey; North Carolina; North Dakota; Oregon; Tennessee; Vermont; Virginia; Washington; West Virginia; Wisconsin. 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 boards of directors of depository institutions organized under the following states' laws are subject to citizenship requirements of up to the specified proportions: Alabama (all); Colorado (majority); District of Columbia (all); Florida (majority); Georgia (all); Indiana (3/4); Iowa (all); Kentucky (all); Louisiana (3/5);</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>Massachusetts (all); Mississippi (all); Missouri (all); New Hampshire (majority); New Mexico (3/4); New York (all); North Carolina (3/4); North Dakota (majority); Ohio (majority); Oklahoma (3/4); Oregon (majority); Pennsylvania (all); South Dakota (3/4); Tennessee (3/4); Virginia (majority). Citizenship is also required for the incorporators or organizers of depository institutions organized under state law.</p> <p>Establishment of a direct branch or agency by a foreign bank is limited as specified in the following states:</p> <p>! State branch licence subject to specified limitations -- California (no trust/fiduciary powers); Illinois (limited trust/fiduciary powers and restricted to Chicago business district); Massachusetts; Oregon; Pennsylvania, Washington (limited trust/fiduciary powers and to one office per bank). These limitations do not apply to Federal branches.</p> <p>! State branch licence not available, but state agency licence is in Idaho.</p>		

**THE UNITED STATES OF AMERICA** (continued)

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>! No state branch or agency licence available -- Arizona; Arkansas; Colorado; Indiana; Iowa; Maine; Maryland; Minnesota; Montana; Nebraska; Nevada; New Hampshire; New Mexico; North Dakota; Ohio; Oklahoma; Rhode Island; South Carolina; South Dakota; Tennessee; Utah; Vermont. These limitations do not apply to Federal offices.</p> <p>! Branch licence not available but agency licence is, subject to any specified limitations -- Delaware (state licence limited to one office per bank and cannot operate in a manner likely to result in a substantial detriment to existing bank); 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); Mississippi; Missouri; Georgia (available only to foreign bank with at least \$50 million in capital); Hawaii (foreign bank must have \$10 billion in assets and be at least 10 years old); Louisiana (limited to parishes with more than 350,000 residents); Michigan (Federal branch licences available); Texas (limited to counties with at least 1.5 million residents).</p> <p>! No branch or state agency licence available -- Wyoming.</p> <p>! No branch or agency licence available -- Alabama; Connecticut; Kansas; New Jersey; North Dakota; Virginia.</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 are exempt from such registration: Alabama; California; District of Columbia; Idaho; Illinois; Louisiana; Missouri; Nebraska; New Hampshire; Texas; Vermont. These limitations do not apply to Federally licenced branches or agencies.</p> <p>Texas allows pre-judgement seizure remedies and civil discovery requests to be applied against foreign bank agencies, while subsidiaries are exempt. Texas also prohibits agencies from acting as fiduciaries in Texas.</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>Trading of Securities and Derivative Products and Services Related Thereto; Participation in Securities Issues</p>	<p>Representative offices of foreign banks are not permitted in the following states: Arizona; Arkansas; Colorado; Connecticut; Kansas; Kentucky; Mississippi; Montana; Nevada; New Hampshire; New Jersey; North Dakota; Oklahoma; Oregon; Rhode Island; South Carolina; South Dakota; Tennessee; Vermont; Virginia; West Virginia; Wisconsin; Wyoming. Other states require incorporation of representative offices.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> <p>1), 2), 3) Federal law prohibits the offer or sale of futures contracts on onions, options contracts 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>4) None</p> <p>1), 3)None (except as noted in the headnote above) Unbound with respect to mode 2</p> <p>4) None</p>	

**THE UNITED STATES OF AMERICA** (continued)

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
Participation in Issues of Government Debt Securities	1), 2) None  3) Unbound for the granting or continuation of Federal Reserve designation as a primary dealer in US government debt  4) Unbound, except as indicated in the horizontal section	1), 2) None  3) None (except as noted in the headnote above)  4) None	
8. HEALTH RELATED & SOCIAL SERVICES			
A. HOSPITAL AND OTHER HEALTH CARE FACILITIES - Direct ownership and management and operation by contract of such facilities on a "for fee" basis	1) Unbound*  2) None  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.  In New York, corporate ownership of an operating corporation for, and limited partnerships as operators of, hospitals, nursing homes (including long term health care centres) or diagnostic and treatment centres 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 licenced home care services agency and a certified home health agency.	1) Unbound*  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  3) 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>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. HOTELS AND RESTAURANTS (INCLUDING CATERING)</p> <p>B. TRAVEL AGENCIES AND TOUR OPERATORS</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) 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) 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</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) 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) None</p> <p>4) None</p>	

**THE UNITED STATES OF AMERICA** (continued)

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. 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	
D. OTHER	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) None	
10. RECREATIONAL, CULTURAL, & SPORTING SERVICES			
A. ENTERTAINMENT SERVICES (INCLUDING THEATER, LIVE BANDS AND CIRCUS 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. NEWS AGENCY 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. LIBRARIES, ARCHIVES, MUSEUMS AND OTHER CULTURAL 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 RECREATIONAL SERVICES (except sporting)	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	

**THE UNITED STATES OF AMERICA** (continued)

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. 2) None 3) Unbound until January 1, 2001. No limitations after that date. 4) Unbound, except as indicated in the horizontal section	1) Unbound until January 1, 1997. No limitations after that date. 2) None 3) Unbound until January 1, 2001. No limitations after that date. 4) None	

**THE UNITED STATES OF AMERICA** (continued)

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) 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.  2) None  3) Unbound until December 17, 1995. After December 17, 1995, no limitations  4) Unbound, except as indicated in the horizontal section	1) None  2) None  3) None  4) None	
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	



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>H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT</b>			
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 licence in order for the entity to engage in such business. A customs broker's licence 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	

**GENERAL AGREEMENT  
ON TRADE IN SERVICES**

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GATS/EL/90  
April 1994

**UNITED STATES OF AMERICA**

**Final List of Article II (MFN) Exemptions**

(This is authentic in English only)

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**UNITED STATES OF AMERICA - FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS**

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
Movement of persons	<p>Government issuance of treaty trader or treaty investor non-immigrant visas that extend a special visa category to nationals of treaty partners in executive and other personnel categories engaged</p> <p>! solely to carry on substantial trade, including trade in services or trade in technology, principally between the US and the foreign state of which a natural person is a national, or</p> <p>! solely to develop and direct the operations of an enterprise in which a natural person has invested or is actively in the process of investing a substantial amount of capital</p>	Countries with whom the United States has a Friendship, Commerce and Navigation Treaty (FCN), a Bilateral Investment Treaty (BIT), or certain countries as described in Section 204 of the Immigration Act of 1990	Indefinite	To facilitate trade under FCNs and BITs

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
<p>All Sectors: Taxation Measures</p>	<p>Restrictions on performance of longshore work when making US port calls by crews of foreign vessels owned and flagged in countries that similarly restrict US crews on US-flag vessels from longshore work</p> <p>Differential treatment under direct tax measures at the federal level</p> <p>Such measures are:</p> <ul style="list-style-type: none"> <li>! measures under the US Internal Revenue Code (IRC) permitting the residents of countries contiguous to the United States to receive more</li> </ul>	<p>Countries that prohibit longshore work by crew members aboard US vessels</p> <p>All</p>	<p>Indefinite</p> <p>Indefinite</p>	<p>Reciprocal restrictions on countries that prohibit longshore work by crew members aboard US vessels</p> <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>

**UNITED STATES OF AMERICA** (continued)

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
	<p>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;</p> <p>! benefits available under the US IRC with respect to US possessions;</p> <p>! benefits available under the US IRC with respect to Caribbean Basin Initiative (CBI) beneficiary countries;</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> <p>Facilitation of economic development in certain developing countries</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
	<p>! 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;</p>			<p>Prevention of double taxation and proper tax administration</p>

**UNITED STATES OF AMERICA** (continued)

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
	<p>! 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;</p>			<p>Facilitation of satellite communications and proper tax administration</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
	<p>! 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> <p>! 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;</p>			<p>Foreign policy considerations</p> <p>To foster efficient international taxation policies</p>



**UNITED STATES OF AMERICA** (continued)

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
	<p>! 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>			<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
	<p>! 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>			<p>To take into account problems created by adverse conditions within particular countries</p>

**UNITED STATES OF AMERICA** (continued)

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
	<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"> <li>! are performed, consumed, or located within different sub-federal entities;</li> <li>! 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;</li> <li>! differ in the extent of ownership or participation by minority or other disadvantaged groups;</li> </ul>	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
	<ul style="list-style-type: none"> <li>! differ as to the eligibility for non-profit status for pension, profit-sharing or other employee-benefit regimes;</li> <li>! 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;</li> <li>! are performed or located in countries contiguous to the United States; or</li> </ul>			

**UNITED STATES OF AMERICA** (continued)

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	<p>! are performed or located in jurisdictions with which sub-federal entities have arrangements for tax cooperation and assistance</p> <p>Sub-federal measures substantively incorporating provisions of federal law subject to an MFN exemption under this agreement</p> <p>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</p>	All	Indefinite	To implement fiscal policies of sub-central governments
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	Lack of reciprocity
				Maintenance of established preference

## UNITED STATES OF AMERICA (continued)

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)	Differential treatment of countries due to application of reciprocity measures or through international agreements guaranteeing market access or national treatment	To be determined before the expiry of six months from the entry into force of the WTO Agreement	Pursuant to the Ministerial Decision on Financial Services, the measures described in this exemption will be suspended from the entry into force of the WTO Agreement until the end of a period six months after entry into force. No other measures are subject to this suspension	Need to protect existing activities of US service suppliers abroad and to ensure substantially full market access and national treatment in international financial markets
	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
	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, Connecticut, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Oregon, Pennsylvania, Texas, Washington.	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

UNITED STATES OF AMERICA (continued)

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.

## UNITED STATES OF AMERICA (continued)

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
	<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>			



**UNITED STATES OF AMERICA** (continued)

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	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.	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
Transport Services: Pipeline Transport	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.	All	Indefinite	Lack of reciprocity

## UNITED STATES OF AMERICA (continued)

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
	<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>			

**UNITED STATES OF AMERICA** (continued)

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
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

# **Appendix A**

## **Supplement 2:**

### **U.S. Schedule of Specific Commitments**

**Finalized by the WTO on February 15, 1997**

Trade in Services

**THE UNITED STATES OF AMERICA**

**Schedule of Specific Commitments**

**Supplement 2**

(This is authentic in English only)

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This text supplements the entries relating to the Telecommunications section contained on pages 45 to 46 of document GATS/SC/90.

**UNITED STATES - SCHEDULE OF SPECIFIC COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2.C. TELECOMMUNICATIONS SERVICES*:</p> <p>2.C.a. Voice services</p> <p>2.C.b. Packet-switched data transmission services</p> <p>2.C.c. Circuit-switched data transmission services</p> <p>2.C.d. Telex services</p> <p>2.C.e. Telegraph services</p> <p>2.C.f. Facsimile services</p> <p>2.C.g. Private leased circuit 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>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>The United States undertakes the obligations contained in the reference paper attached hereto.</p>

UNITED STATES - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2.C.o. Other</p> <p>Mobile Services</p> <p>Analogue/Digital cellular services</p> <p>PCS (Personal Communications services)</p> <p>Paging services</p> <p>Mobile data services</p> <p>*Excluding one-way satellite transmissions of DTH and DBS television services and of digital audio services</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>(4) Unbound except as indicated by horizontal commitments</p>	<p>(4) Unbound except as indicated by horizontal commitments.</p>	

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 ensured<sup>22</sup>

<sup>22</sup>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.



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 favourable 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.

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 licence 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 licence and
- (b) the terms and conditions of individual licences.

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

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.

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.

## **Appendix B**

### **List of Article II (MFN) Exemptions**

**Finalized by the WTO on February 15,1997**

Trade in Services

**THE UNITED STATES OF AMERICA**

**List of Article II (MFN) Exemptions**

**Supplement 2**

(This is authentic in English only)

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This text is inserted in document GATS/EL/90.

**THE UNITED STATES - LIST OF ARTICLE II (MFN) EXEMPTIONS**

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
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.

## **Appendix C**

### **Supplement 3:**

# **U.S. Schedule of Specific Commitments**

**Finalized by the WTO on December 12, 1997**

WORLD TRADE  
ORGANIZATION

GATS/SC/90/Suppl.3

26 February 1998

(98-0709)

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Trade in Services

**UNITED STATES OF AMERICA**

**Schedule of Specific Commitments**

**Supplement 3**

(This is authentic in English only)

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This text replaces the Financial Services section contained in document GATS/SC/90/Suppl.1.

**THE UNITED STATES OF AMERICA - SCHEDULE OF SPECIFIC COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES A. INSURANCE:</p>			

1. Commitments in this subsector are undertaken in accordance with the Understanding on Commitments in Financial Services (the “Understanding”), subject to the limitations and conditions set forth in these headnotes and the schedule below.
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.
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.
4. Commitments in this sector do not cover measures set out in the entry applicable to “Insurance” in the United States list of exemptions from Article II.



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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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>2) None</p> <p>3) Government-owned or governmentcontrolled 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>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.</p> <p>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>2) None</p> <p>3) None</p>	<p>The United States undertakes the obligations contained in Additional Commitments Paper I attached hereto.</p>

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<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>		

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

Sector or Sub-sector	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>		

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	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>		

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<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> <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>		

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Reinsurance and retrocession	<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>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>4) Unbound, except as indicated in the horizontal section</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>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<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>2) None</p>	

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	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>3) None</p>	



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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<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>4) Unbound, except as indicated in the horizontal section.</p>	

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>d) Services Auxiliary to Insurance:  (applicable to sub-sectors i), ii) and iii) below)</p>	<p>1), 3) Nonresident licenses are not issued to 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 (counsellor/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), New York (reinsurance intermediary), North Carolina (reinsurance intermediary),</p>		

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>i) Brokerage Services<sup>23</sup></p>	<p>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> <p>1), 3) Brokerage licenses are not issued to 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 &amp; health), Arkansas (property, casualty, surety &amp; marine), California, Louisiana (property &amp; casualty), New Mexico (property &amp; casualty).</p> <p>All states require in-state residency for surplus lines brokers.</p> <p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1), 3) Higher license fees for non-residents 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>	

<sup>23</sup> 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.

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ii) Agency Services	<p>1), 3) Agency licenses are issued to non-residents for all or only certain lines of insurance in: California, Florida (general lines, life &amp; health), Kansas, Kentucky (general lines, life &amp; health), Louisiana (life &amp; health), New Mexico (life &amp; health), Ohio (life &amp; casualty), Oregon, Rhode Island (all except general lines), Texas.</p> <p>All states require in-state residency for surplus lines agents.</p> <p>2) None</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1), 3) Higher license fees for non-residents 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, Wisconsin, Wyoming.</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
iii) Consultancy, Actuarial, Risk Assessment, and Claim Settlement Services	<p>1), 3) Licenses are not issued to nonresidents in: Alabama (adjuster, solicitor, service representative), California (adjuster, insurance analyst, motor club agents, bail bondsman), Florida (customer representative), Georgia (counsellor, 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>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>	1), 3) None	

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B.	<p>FINANCIAL SERVICES (LIMITED TO BANKING AND OTHER FINANCIAL SERVICES AND EXCLUDING INSURANCE):</p> <ol style="list-style-type: none"> <li>1. Commitments in these subsectors are undertaken in accordance with the Understanding on Commitments in Financial Services (the “Understanding”), subject to the limitations and conditions set forth in these headnotes and the schedule below.</li> <li>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.</li> <li>3. National treatment commitments in these subsectors are subject to the following limitation: National treatment will be provided based upon the foreign bank’s “home 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 “home state” and national treatment will be provided based upon the subsidiary’s home state, as determined under applicable law.<sup>1</sup></li> <li>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.<sup>2</sup></li> <li>5. The offer of new financial services or products is subject, on a non-discriminatory basis, to relevant institutional and juridical form requirements.</li> </ol>		

<sup>1</sup> 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 favourable treatment than that accorded to a domestic bank from that state with respect to expansion by branching.

<sup>2</sup> For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in the United States.

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>All Subsectors, except as specifically provided below</p>	<p>1),2),3) Michigan limits, according to the country of their home charters, the banks in which corporate credit unions may place deposits.</p> <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>1) None</p> <p>2) None</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 are exempt from registration. 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>	<p>The United States undertakes the obligations contained in Additional Commitments Paper II attached hereto.</p>



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

Sector or Sub-sector	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 "home 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 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>		

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	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.<sup>1</sup></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).<sup>2</sup></p>		

<sup>1</sup> The limitations in this paragraph reflect state reciprocity measures.

<sup>2</sup> 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 Sub-sector	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>		

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS (continued)**

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

Sector or Sub-sector	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); 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 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 Sub-sector	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>U.S. citizenship is required to engage in specified activities in the following states: Arizona (collection agency); Indiana (collection agency); Illinois (safe deposits); Nevada (collection agency).</p> <p>Establishment of a branch or agency by a foreign bank is limited as specified in the following states:</p> <ul style="list-style-type: none"> <li>State branch license subject to certain limitations -- California (no trust/fiduciary powers); Hawaii (no trust/fiduciary powers); Massachusetts; Oregon; Pennsylvania; Utah (no trust/fiduciary powers); Washington (limited trust/fiduciary powers and restricted to one office per bank). These limitations do not apply to Federal branches.</li> </ul>	<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, traveller's checks); Massachusetts (check selling/cashing; foreign transmittal agencies; motor vehicle financing; insurance premium financing; retail instalment 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</p>	

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>• State branch license not available, but state agency license is available in Idaho and West Virginia.</li> <li>• 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.</li> </ul>		

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>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 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.</li> </ul>	<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>	

THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS (continued)

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>• No branch or state agency license available -- Wyoming.</li> <li>• No branch or agency license available -- Alabama; Kansas; Maryland; North Dakota.</li> </ul> <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 Sub-sector	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), 2), 3) Federal law prohibits the offer or sale of futures contracts on onions, options contracts 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>	

**THE UNITED STATES OF AMERICA--SCHEDULE OF SPECIFIC COMMITMENTS** (continued)

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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Participation in Issues of Government Debt Securities	1), 2) None  3) Unbound for the granting or continuation of Federal Reserve designation as a primary dealer in US government debt.  4) Unbound, except as indicated in the horizontal section.	1), 2), 3) None          4) Unbound, except as indicated in the horizontal section.	

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 “[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.

## **Appendix D**

### **Supplement 3:**

## **List of Article II (MFN) Exemptions**

**Finalized by the WTO on December 12, 1997**

**WORLD TRADE  
ORGANIZATION**

**GATS/EL/90/Suppl.3**  
26 February 1998

(98-0703)

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**Trade in Services**

**UNITED STATES OF AMERICA**

**List of Article II (MFN) Exemptions**

**Supplement 3**

(This is authentic in English only)

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This text replaces the Financial Services section contained in document GATS/EL/90/Suppl.1.

**UNITED STATES OF AMERICA - LIST OF ARTICLE II (MFN) EXEMPTIONS**

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Insurance	Measures according differential treatment in regard to the expansion of existing operations, the establishment of a new commercial presence or the conduct of new activities, in a circumstance in which a Member adopts or applies a measure that compels, or has the effect of compelling, a person of the United States, on the basis of its nationality, to reduce its share of ownership in an insurance services provider operating in the Member's territory to a level below that prevailing on 12/12/97.	All countries	Indefinite	Need to protect existing US ownership of service suppliers operating in other Members.
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
<p>Banking and Other Financial Services (excluding Insurance)</p>	<p>Permission to establish state-licensed branches, agencies, or representative offices, 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, 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</p>	<p>All countries</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>



**UNITED STATES OF AMERICA - LIST OF ARTICLE II (MFN) EXEMPTIONS**

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
	<p>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>Authority to act as a sole trustee of an indenture for a bond offering in the United States is subject to a reciprocity test.</p> <p>Designation as a primary dealer in US Government debt securities is conditioned on reciprocity.</p>	<p>Canada and European Common Market</p> <p>All</p> <p>All</p>	<p>Indefinite</p> <p>Indefinite</p> <p>Indefinite</p>	<p>Maintenance of established preference.</p> <p>Need to ensure US financial service suppliers are permitted to provide trustee services in foreign markets.</p> <p>Need to ensure US financial service suppliers are afforded national treatment in foreign government debt markets.</p>

## **Appendix E**

### **Glossary of Selected Technical Terms**

## GLOSSARY

**Bound commitment:** A commitment that cannot be made more restrictive in the future; only further liberalization is permitted (unless an agreed penalty is paid).

**Commercial presence:** One of four possible modes of delivering services to foreign consumers, whereby a service supplier establishes any type of business or professional establishment in the foreign market for the purpose of supplying a service. Commercial presence comprises entities such as corporate subsidiaries, trusts, joint ventures, partnerships, sole proprietorships, associations, representative offices, and branches. See modes of supply.

**Commitment:** A measure, usually regarding market access and national treatment, that affects international trade in services. Commitments are listed in national schedules and identify service sectors and modes of supply that are affected. See bound commitment, unbound commitment, full commitment, standstill commitment, rollback commitment, sector-specific commitment and horizontal commitment. See measure.

**Consumption abroad:** One of four possible modes of delivering services to foreign consumers, whereby the consumer, or the consumer's property, receives a service outside the territory of the consumer's country, either by moving or being situated abroad. See modes of supply.

**Cross-border supply:** One of four possible modes of delivering services to foreign consumers, whereby the service is delivered within the territory of the consumer, from the territory of the service supplier. Cross-border supply may entail transportation by mail, telecommunication, or the physical movement of merchandise embodying a service (e.g., a diskette storing information) from one country to another. The service supplier is not present within the territory where the service is delivered. See modes of supply.

**Horizontal commitment:** Commitment that applies to international trade in multiple service sectors. Typically, horizontal commitments constitute limitations on market access or national treatment. In the national schedules, horizontal commitments appear at the beginning, before the sector-specific commitments.

**Juridical person:** Any legal entity duly constituted or otherwise organized under applicable law, whether for profit or otherwise and whether privately- or governmentally-owned. Juridical persons include any corporation, trust, partnership, joint venture, sole proprietorship, or association. Branches and representative offices are not included.

**Full commitment:** This is recorded in the national schedule of a country that wishes to impose no limit on market access or national treatment in a given sector and mode of supply. However, any relevant horizontal limitations still apply. In the national schedules, a full commitment is reflected by the word "none" in the relevant service sector and mode of supply.

**Measure:** A law, regulation, rule, procedure, decision, or administrative action that affects trade in services. Measures may pertain to: (1) the purchase, payment, or use of a service; (2) a service supplier's access to, and use of, services which are required to be available to the general public; and (3) a service supplier's ability to establish a presence, including a commercial presence, in a host country.

**Modes of supply:** Means of delivering services to foreign consumers. Modes of supply are defined on the basis of the origins of the service supplier and consumer, and the type of territorial presence that both have when the service is delivered. There are four modes of supply: (1) cross-border supply; (2) consumption abroad; (3) commercial presence; and (4) presence of natural persons. See definitions of each for more information.

**Most Favored Nation (MFN):** Trading status accorded to a nation wherein the terms and conditions of trade with that nation are as favorable as those with any other nation. The MFN obligation in Article II of the GATS states that the most favorable treatment actually accorded in all sectors, whether the subject of a commitment or not, must also be accorded to all other Members, unless an MFN exemption has been filed.

**Most Favored Nation exemption:** Specific exceptions to the MFN obligation are included in each Member's "List of MFN Exemptions."

**National treatment:** Treatment of a foreign service supplier that is no less favorable than that accorded to domestic service suppliers.

**Natural person:** An individual who is a national of a country under the law of that country, or in the case of a country which does not have nationals (e.g., territories), an individual who has the right of permanent residence under the law of that country. See juridical person.

**Presence of natural persons:** One of four possible modes of delivering services to foreign consumers, whereby one individual, acting alone or as an employee of a service supplier, provides a service while present in a foreign market. For example, a U.S. accounting firm that provides accounting services in Italy by sending U.S. employees to Italy (to either live or visit temporarily) is delivering its service through the "presence of natural persons." See modes of supply.

**Rollback commitment:** A type of bound commitment wherein a country maintains some, but not all, currently existing regulations that limit market access or national treatment in a given sector and mode of supply. In the national schedules, a rollback commitment will describe the remaining measures that are inconsistent with free market access and national treatment.

**Supply of a service:** The production, distribution, marketing, sale, and delivery of a service.

**Standstill commitment:** A type of bound commitment wherein a country maintains all existing regulations that limit market access or national treatment in a given sector and mode of supply. In the national schedules, a standstill commitment will describe the measures that are currently inconsistent with free market access and national treatment.

**Unbound limitation:** A measure inconsistent with market access or national treatment that can be made more restrictive in the future. In the national schedules, an unbound measure is reflected by the word "unbound" in the relevant service sector and mode of supply. In the event that a service sector or mode of supply is unbound, a new measure that is inconsistent with market access and national treatment may be introduced in the future. The word "unbound" may be accompanied by an asterisk if a particular mode of supply is not technically feasible.

**Sector-specific commitment:** An entry in national schedules that indicates either the absence or the existence of market access, national treatment, or other limitations with respect to a specific service sector.