AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

Attached is a copy of the United States Annexes to Appendix I of the Agreement on Government Procurement.

ACCORD RELATIF AUX MARCHES PUBLICS

Addendum


ACUERDO SOBRE COMPRAS DEL SECTOR PÚBLICO

Addendum

Adjuntos figuran los anexos del Apéndice I del Acuerdo sobre Compras del Sector Público correspondientes a los Estados Unidos.

1English only/Anglais seulement/Inglés solamente.
ANNEX 1

Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

UNITED STATES

Threshold: 130,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

1. Department of Agriculture (not including procurement of agricultural products made in
   furtherance of agricultural support programmes or human feeding programmes)
2. Department of Commerce (not including shipbuilding activities of NOAA, as excluded in
   Annex 4)
3. Department of Education
4. Department of Health and Human Services
5. Department of Housing and Urban Development
6. Department of the Interior (including the Bureau of Reclamation)
7. Department of Justice
8. Department of Labor
9. Department of State
10. United States Agency for International Development (not including procurement for the direct
    purpose of providing foreign assistance)
11. Department of the Treasury
12. Department of Transportation (not including procurement by the Federal Aviation Administration,
    and pursuant to Article XXIII, the national security considerations applicable to the Department
    of Defense are equally applicable to the Coast Guard, a military unit of the United States)
13. Department of Energy (pursuant to Article XXIII, national security exceptions include
    procurements made in support of safeguarding nuclear materials or technology and entered
    into under the authority of the Atomic Energy Act, and oil purchases related to the Strategic
    Petroleum Reserve)
14. General Services Administration (except Federal Supply Groups 51 and 52 and Federal Supply
    Class 7340)
15. National Aeronautics and Space Administration
16. The Department of Veterans Affairs
17. Environmental Protection Agency
18. United States Information Agency
19. National Science Foundation
20. Panama Canal Commission
21. Executive Office of the President
22. Farm Credit Administration
23. National Credit Union Administration
24. Merit Systems Protection Board
25. ACTION
26. United States Arms Control and Disarmament Agency
27. Office of Thrift Supervision
28. Federal Housing Finance Board
29. National Labor Relations Board
<table>
<thead>
<tr>
<th></th>
<th>Agency</th>
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<tbody>
<tr>
<td>30.</td>
<td>National Mediation Board</td>
</tr>
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<td>31.</td>
<td>Railroad Retirement Board</td>
</tr>
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<td>32.</td>
<td>American Battle Monuments Commission</td>
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<td>33.</td>
<td>Federal Communications Commission</td>
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<td>Federal Trade Commission</td>
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<td>Interstate Commerce Commission</td>
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<td>36.</td>
<td>Securities and Exchange Commission</td>
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<td>37.</td>
<td>Office of Personnel Management</td>
</tr>
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<td>38.</td>
<td>United States International Trade Commission</td>
</tr>
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<td>39.</td>
<td>Export-Import Bank of the United States</td>
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<td>40.</td>
<td>Federal Mediation and Conciliation Service</td>
</tr>
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<td>41.</td>
<td>Selective Service System</td>
</tr>
<tr>
<td>42.</td>
<td>Smithsonian Institution</td>
</tr>
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<td>43.</td>
<td>Federal Deposit Insurance Corporation</td>
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<td>44.</td>
<td>Consumer Product Safety Commission</td>
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<td>45.</td>
<td>Equal Employment Opportunity Commission</td>
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<td>46.</td>
<td>Federal Maritime Commission</td>
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<td>47.</td>
<td>National Transportation Safety Board</td>
</tr>
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<td>48.</td>
<td>Nuclear Regulatory Commission</td>
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<td>49.</td>
<td>Overseas Private Investment Corporation</td>
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<td>50.</td>
<td>Administrative Conference of the United States</td>
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<td>51.</td>
<td>Board for International Broadcasting</td>
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<td>52.</td>
<td>Commission on Civil Rights</td>
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<td>53.</td>
<td>Commodity Futures Trading Commission</td>
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<td>54.</td>
<td>Peace Corps</td>
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<td>55.</td>
<td>National Archives and Records Administration</td>
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<td>56.</td>
<td>Advisory Commission on Intergovernmental Relations</td>
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<td>57.</td>
<td>African Development Foundation</td>
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<td>58.</td>
<td>Alaska Natural Gas Transportation System</td>
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<td>59.</td>
<td>Appalachian Regional Commission</td>
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<td>60.</td>
<td>Commission of Fine Arts</td>
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<td>61.</td>
<td>Delaware River Basin Commission</td>
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<td>62.</td>
<td>Federal Election Commission</td>
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<td>63.</td>
<td>Federal Emergency Management Agency</td>
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<td>64.</td>
<td>Federal Home Loan Mortgage Corporation</td>
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<td>65.</td>
<td>Federal Maritime Commission</td>
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<td>66.</td>
<td>Federal Mine Safety and Health Review Commission</td>
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<td>67.</td>
<td>Federal Reserve System</td>
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<td>68.</td>
<td>Federal Retirement Thrift Investment Board</td>
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<td>69.</td>
<td>Holocaust Memorial Council</td>
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<td>70.</td>
<td>Inter-American Foundation</td>
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<td>71.</td>
<td>National Capital Planning Commission</td>
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<td>72.</td>
<td>National Commission on Libraries and Information Science</td>
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<td>73.</td>
<td>National Council on Disability</td>
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<td>74.</td>
<td>National Foundation on the Arts and the Humanities</td>
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<td>75.</td>
<td>Occupational Safety and Health Review Commission</td>
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<td>76.</td>
<td>Office of Government Ethics</td>
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<td>77.</td>
<td>Office of the Nuclear Waste Negotiator</td>
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<tr>
<td>78.</td>
<td>Office of Special Counsel</td>
</tr>
</tbody>
</table>
79. Resolution Trust Corporation Oversight Board
80. Small Business Administration
81. Susquehanna River Basin Commission
82. Pennsylvania Avenue Development Corporation
83. Federal Crop Insurance Corporation
84. Federal Prison Industries, Inc.
85. Government National Mortgage Association
86. Uranium Enrichment Corporation
87. Department of Defense, including the Corps of Army Engineers

This Agreement will not apply to the following purchases of the Department of Defense:

(a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstaffs, flagpoles, and flagstaff trucks;
(b) FSC 84 - all elements other than sub-class 8460 (luggage);
(c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
(d) FSC 2310 - (buses only);
(e) Speciality metals, defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.25 per cent of any of the following elements: aluminium, chromium, cobalt, columbium, olybdenum, nickel, titanium, tungsten, or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys;
(f) FSC 19 and 20 - that part of these classifications defined as naval vessels or major components of the hull or superstructure thereof;
(g) FSC 51 and 52;
(h) Following FSC categories are not generally covered due to application of Article VIII, paragraph 1: 10, 12, 13, 14, 15, 16, 17, 19, 20, 28, 31, 58, 59, 95.

This Agreement will generally apply to purchases of the following FSC categories subject to United States Government determinations under the provisions of Article XXIII, paragraph 1.

<table>
<thead>
<tr>
<th>FSC</th>
<th>Description</th>
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<tbody>
<tr>
<td>22</td>
<td>Railway Equipment</td>
</tr>
<tr>
<td>23</td>
<td>Motor Vehicles, Trailers, and Cycles (except buses in 2310)</td>
</tr>
<tr>
<td>25</td>
<td>Vehicular Equipment Components</td>
</tr>
<tr>
<td>26</td>
<td>Tyres and Tubes</td>
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<td>29</td>
<td>Engine Accessories</td>
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<tr>
<td>30</td>
<td>Mechanical Power Transmission Equipment</td>
</tr>
<tr>
<td>32</td>
<td>Woodworking Machinery and Equipment</td>
</tr>
<tr>
<td>34</td>
<td>Metalworking Machinery</td>
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<tr>
<td>35</td>
<td>Service and Trade Equipment</td>
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<tr>
<td>36</td>
<td>Special Industry Machinery</td>
</tr>
<tr>
<td>37</td>
<td>Agricultural Machinery and Equipment</td>
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<td>38</td>
<td>Construction, Mining, Excavating, and Highway Maintenance Equipment</td>
</tr>
<tr>
<td>39</td>
<td>Materials Handling Equipment</td>
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<tr>
<td>40</td>
<td>Rope, Cable, Chain and Fittings</td>
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<tr>
<td>Category</td>
<td>Description</td>
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<tr>
<td>41</td>
<td>Refrigeration and Air Conditioning Equipment</td>
</tr>
<tr>
<td>42</td>
<td>Fire Fighting, Rescue and Safety Equipment</td>
</tr>
<tr>
<td>43</td>
<td>Pumps and Compressors</td>
</tr>
<tr>
<td>44</td>
<td>Furnace, Steam Plant, Drying Equipment and Nuclear Reactors</td>
</tr>
<tr>
<td>45</td>
<td>Plumbing, Heating and Sanitation Equipment</td>
</tr>
<tr>
<td>46</td>
<td>Water Purification and Sewage Treatment Equipment</td>
</tr>
<tr>
<td>47</td>
<td>Pipe, Tubing, Hose and Fittings</td>
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<tr>
<td>48</td>
<td>Valves</td>
</tr>
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<td>49</td>
<td>Maintenance and Repair Shop Equipment</td>
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<tr>
<td>50</td>
<td>Hardware and Abrasives</td>
</tr>
<tr>
<td>53</td>
<td>Prefabricated Structures and Scaffolding</td>
</tr>
<tr>
<td>55</td>
<td>Lumber, Millwork, Plywood and Veneer</td>
</tr>
<tr>
<td>56</td>
<td>Construction and Building Materials</td>
</tr>
<tr>
<td>61</td>
<td>Electric Wire, and Power and Distribution Equipment</td>
</tr>
<tr>
<td>62</td>
<td>Lighting Fixtures and Lamps</td>
</tr>
<tr>
<td>63</td>
<td>Alarm and Signal Systems</td>
</tr>
<tr>
<td>65</td>
<td>Medical, Dental, and Veterinary Equipment and Supplies</td>
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<tr>
<td>66</td>
<td>Instruments and Laboratory Equipment</td>
</tr>
<tr>
<td>67</td>
<td>Photographic Equipment</td>
</tr>
<tr>
<td>68</td>
<td>Chemicals and Chemical Products</td>
</tr>
<tr>
<td>69</td>
<td>Training Aids and Devices</td>
</tr>
<tr>
<td>70</td>
<td>General Purpose ADPE, Software, Supplies and Support Equipment</td>
</tr>
<tr>
<td>71</td>
<td>Furniture</td>
</tr>
<tr>
<td>72</td>
<td>Household and Commercial Furnishings and Appliances</td>
</tr>
<tr>
<td>73</td>
<td>Food Preparation and Serving Equipment</td>
</tr>
<tr>
<td>74</td>
<td>Office Machines, Visible Record Equipment and ADP Equipment</td>
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<tr>
<td>75</td>
<td>Office Supplies and Devices</td>
</tr>
<tr>
<td>76</td>
<td>Books, Maps and Other Publications</td>
</tr>
<tr>
<td>77</td>
<td>Musical Instruments, Phonographs, and Home Type Radios</td>
</tr>
<tr>
<td>78</td>
<td>Recreational and Athletic Equipment</td>
</tr>
<tr>
<td>79</td>
<td>Cleaning Equipment and Supplies</td>
</tr>
<tr>
<td>80</td>
<td>Brushes, Paints, Sealers and Adhesives</td>
</tr>
<tr>
<td>81</td>
<td>Containers, Packaging and Packing Supplies</td>
</tr>
<tr>
<td>85</td>
<td>Toiletries</td>
</tr>
<tr>
<td>87</td>
<td>Agricultural Supplies</td>
</tr>
<tr>
<td>88</td>
<td>Live Animals</td>
</tr>
<tr>
<td>91</td>
<td>Fuels, Lubricants, Oils and Waxes</td>
</tr>
<tr>
<td>93</td>
<td>Non-metallic Fabricated Materials</td>
</tr>
<tr>
<td>94</td>
<td>Non-metallic Crude Materials</td>
</tr>
<tr>
<td>96</td>
<td>Ores, Minerals and their Primary Products</td>
</tr>
<tr>
<td>99</td>
<td>Miscellaneous</td>
</tr>
</tbody>
</table>

The conditions specified in the General Notes apply to this Annex.
ANNEX 2

Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

UNITED STATES

Threshold: 355,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

California
Executive branch agencies

Colorado
Executive branch agencies

Connecticut
Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware*
Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida*
Executive branch agencies

Hawaii
Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)
Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois*

Department of Central Management Services

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies and school construction)
Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

Michigan*

Department of Management and Budget

Mississippi

Department of Finance and Administration (does not include services)
Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York*

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

Governor’s Office
Department of the Auditor General
Treasury Department
Department of Agriculture
Department of Banking
Pennsylvania Securities Commission
Department of Health
Department of Transportation
Insurance Department
Department of Aging
Department of Correction
Department of Labor and Industry
Department of Military Affairs
Office of Attorney General
Department of General Services
Department of Education
Public Utility Commission
Department of Revenue
Department of State
Pennsylvania State Police
Department of Public Welfare
Fish Commission
Game Commission
Department of Commerce
Board of Probation and Parole
Liquor Control Board
Milk Marketing Board
Lieutenant Governor's Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission
Pennsylvania Public Television Network
Department of Environmental Resources
State Tax Equalization Board
Department of Public Welfare
State Employees' Retirement System
Pennsylvania Municipal Retirement Board
Public School Employees' Retirement System
Pennsylvania Crime Commission
Executive Offices

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities
In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

**Wisconsin**

Executive branch agencies, including:

Department of Administration  
State Correctional Institutions  
Department of Development  
Educational Communications Board  
Department of Employment Relations  
State Historical Society  
Department of Health and Social Services  
Insurance Commissioner  
Department of Justice  
Lottery Board  
Department of Natural Resources  
Administration for Public Instruction  
Racing Board  
Department of Revenue  
State Fair Park Board  
Department of Transportation  
State University System

**Wyoming**

Procurement Services Division  
Wyoming Department of Transportation  
University of Wyoming

**Exceptions for All States with Pre-existing Restrictions**

- Construction-Grade Steel (including requirements on subcontracts)  
- Motor Vehicles  
- Coal

Procurements subject to programmes promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women are reserved from coverage.

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*The exceptions for steel, motor vehicles and coal apply only to those states marked by asterisk.*
Notes

In addition to the conditions specified in the General Notes, the following conditions apply:

1. Nothing in this offer shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.

2. This offer shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

3. This offer shall not apply to any procurement associated with a mass transit or highway project that receives federal funds.
ANNEX 3

All Other Entities which Procure in Accordance
With the Provisions of this Agreement

UNITED STATES

Threshold: 400,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

Tennessee Valley Authority
Power Marketing Administrations of the Department of Energy
   --Bonneville Power Administration
   --Western Area Power Administration
   --Southeastern Power Administration
   --Southwestern Power Administration
   --Alaska Power Administration
St. Lawrence Seaway Development Corporation

Waiver of Buy American restrictions on Rural Electrification Administration financing to rural power cooperatives.

The conditions specified in the General Notes apply to this Annex.
ANNEX 4

Services

UNITED STATES

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are excluded:

1. All transportation services, including Launching Services (CPC Categories 71, 72, 73, 74, 8859, 8868).
   
   Note: Transportation services, where incidental to a contract for the procurement of supplies, are not subject to this Agreement.

2. Dredging.

3. All services purchased in support of military forces located overseas.

4. Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (FFRDCs).

5. Public utilities services, including telecommunications and ADP-related telecommunications services except enhanced (i.e., value-added) telecommunications services.

6. Research and Development.

7. Printing Services (for Annex 2 entities only).

The conditions specified in the General Notes also apply to this Annex.
ANNEX 5

Construction Services

UNITED STATES

Specifications on covered construction services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

All services contained in Division 51, CPC

The conditions specified in the General Notes apply to this Annex.
General Notes

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.

2. Procurement in terms of US coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under US annexes to this Agreement.

3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.

4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.

5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:

   Member States of the European Community
   Canada
   Austria
   Switzerland
   Norway
   Sweden
   Finland
   Japan

   The United States is prepared to amend this note at such time as coverage with respect to these annexes can be resolved with a Party listed above.

6. For construction services of the Republic of Korea and suppliers of such services, this Agreement applies only to procurement of the entities listed in Annexes 2 and 3 above a threshold of 15 million SDRs.

7. For goods and services (including construction) of Japan and suppliers of such goods and services, this Agreement does not apply to procurement by the National Aeronautics and Space Administration.

8. A service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has included that service in its Annex 4.