

REVISED APPENDIX
U.S. States, Other Sub-Federal Entities, and Other Entities
Subject to U.S. Obligations under International Agreements
(as of November 30, 2012)

OMB published Amendments of interim final guidance relating to **Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards** in 75 FR 14323-30, dated Mar. 25, 2010. That Notice included amendments to the **Appendix to Subpart B of Part 176 – U.S. States, Other Sub-Federal Entities, and Other Entities Subject to U.S. Obligations Under International Agreements**, and provided that: *“The amended Appendix will be posted on the website of the Office of the United States Trade Representative at: www.ustr.gov/trade-topics/government-procurement. Any subsequent revisions of the Appendix will be made by the Office of the United States Trade Representative and posted on its website.”*

APPENDIX – U.S. States, Other Sub-Federal Entities, and Other Entities Subject to U.S. Obligations under International Agreements

| STATES | Entities Covered | Exclusions | Relevant International Agreements |
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| Arizona | Executive branch agencies | | -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Arkansas | Executive branch agencies, including universities but excluding the Office of Fish and Game | construction services | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA |
| California | Executive branch agencies | | -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Colorado | Executive branch agencies | | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA- |

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| | | | U.S.-Peru TPA -U.S.-Singapore FTA |
| Connecticut | -Department of Administrative Services -Department of Transportation -Department of Public Works -Constituent Units of Higher Education | | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Delaware | -Administrative Services (Central Procurement Agency) -State Universities -State Colleges | construction-grade steel (including requirements on subcontracts); motor vehicles; coal | -WTO GPA -DR-CAFTA (except Honduras) -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA - U.S.-Peru TPA |
| Florida | Executive branch agencies | construction-grade steel (including requirements on subcontracts); motor vehicles; coal | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA |
| Georgia | -Department of Administrative Services -Georgia Technology Authority | beef; compost; mulch | -U.S.-Australia FTA |
| Hawaii | Department of Accounting and General Services | software developed in the state; construction | -WTO GPA -DR-CAFTA (except Honduras) -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Idaho | Central Procurement Agency (including all colleges and universities subject to central purchasing oversight) | | -WTO GPA -DR-CAFTA (except Honduras) -U.S.-Australia FTA -U.S.-Chile FTA |

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| | | | -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Illinois | -Department of Central Management Services | construction-grade steel (including requirements on subcontracts); motor vehicles; coal | -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA -U.S.-EC Exchange of Letters (applies to EC Member States for procurement not covered by WTO GPA and only where the state considers out-of-state suppliers) |
| Iowa | -Department of General Services -Department of Transportation -Board of Regents' Institutions (universities) | construction-grade steel (including requirements on subcontracts); motor vehicles; coal | -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Kansas | Executive branch agencies | construction services; automobiles; aircraft | -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Kentucky | Division of Purchases, Finance and Administration Cabinet | construction projects | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Louisiana | Executive branch agencies | | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |

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| Maine | <ul style="list-style-type: none"> -Department of Administrative and Financial Services -Bureau of General Services (covering state government agencies and school construction) - Department of Transportation | <p>construction-grade steel (including requirements on subcontracts); motor vehicles; coal</p> | <ul style="list-style-type: none"> -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Maryland | <ul style="list-style-type: none"> -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 | <p>construction-grade steel (including requirements on subcontracts); motor vehicles; coal</p> | <ul style="list-style-type: none"> -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |

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| Massachusetts | <ul style="list-style-type: none"> -Executive Office for Administration and Finance -Executive Office of Communities and Development -Executive Office of Consumer Affairs -Executive Office of Economic Affairs -Executive Office of Education -Executive Office of Elder Affairs -Executive Office of Environmental Affairs -Executive Office of Health and Human Service -Executive Office of Labor -Executive Office of Public Safety -Executive Office of Transportation and Construction | | <ul style="list-style-type: none"> -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Michigan | Department of Management and Budget | construction-grade steel (including requirements on subcontracts); motor vehicles; coal | <ul style="list-style-type: none"> -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Minnesota | Executive branch agencies | | <ul style="list-style-type: none"> -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Mississippi | Department of Finance and Administration | services | <ul style="list-style-type: none"> -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA |
| Missouri | <ul style="list-style-type: none"> -Office of Administration -Division of Purchasing and Materials Management | | <ul style="list-style-type: none"> -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |

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| Montana | Executive branch agencies | goods | -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Nebraska | Central Procurement Agency | | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| New Hampshire | Central Procurement Agency | construction-grade steel (including requirements on subcontracts), motor vehicles; coal | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| New York | -State agencies -State university system -Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates | construction-grade steel (including requirements on subcontracts); motor vehicles; coal; transit cars, buses and related equipment | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA |
| North Dakota | | | -U.S.-EC Exchange of Letters (applies to EC Member States and only where the state considers out-of-state suppliers) |
| Oklahoma | Department of Central Services and all state agencies and departments subject to the Oklahoma Central Purchasing Act | construction services; construction-grade steel (including requirements on subcontracts); motor vehicles; coal | -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Peru TPA -U.S.-Singapore FTA |
| Oregon | Department of Administrative Services | | -WTO GPA -DR-CAFTA (except Honduras) -U.S.-Australia FTA -U.S.-Chile FTA |

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| | | | -U.S.-Morocco FTA -U.S.-Singapore FTA |
| 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 | construction-grade steel (including requirements on subcontracts); motor vehicles; coal | -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Singapore FTA |

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| | <ul style="list-style-type: none"> -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 | | |
| Rhode Island | Executive branch agencies | boats, automobiles, buses and related equipment | <ul style="list-style-type: none"> -WTO GPA -DR-CAFTA (except Honduras) -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| South Dakota | Central Procuring Agency (including universities and penal institutions) | beef | <ul style="list-style-type: none"> -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Tennessee | Executive branch agencies | Services; construction | <ul style="list-style-type: none"> -WTO GPA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Singapore FTA |
| Texas | Texas Building and Procurement Commission | | <ul style="list-style-type: none"> -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA -U.S.-Peru TPA |

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| | | | -U.S.-Singapore FTA |
| Utah | Executive branch agencies | | -WTO GPA -DR-CAFTA (except Honduras) -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA |
| Vermont | Executive branch agencies | | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| Washington | Executive branch agencies, including: -General Administration -Department of Transportation -State Universities | fuel; paper products; boats; ships; and vessels | -WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA |
| West Virginia | | | -U.S.-EC Exchange of Letters (applies to EC Member States and only where the state considers out-of-state suppliers) |
| 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 | | -WTO GPA -U.S.-Chile FTA -U.S.-Singapore FTA |

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| | <p>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</p> | | |
| Wyoming | <p>-Procurement Services Division -Wyoming Department of Transportation -University of Wyoming</p> | <p>construction-grade steel (including requirements on subcontracts); motor vehicles; coal</p> | <p>-WTO GPA -DR-CAFTA -U.S.-Australia FTA -U.S.-Chile FTA -U.S.-Morocco FTA -U.S.-Singapore FTA</p> |
| OTHER SUB-FEDERAL ENTITIES | Entities Covered | Exclusions | Relevant International Agreements |
| Puerto Rico | <p>-Department of State -Department of Justice -Department of the Treasury -Department of Economic Development and Commerce -Department of Labor and Human Resources -Department of Natural and Environmental Resources -Department of Consumer Affairs -Department of Sports and Recreation</p> | <p>construction services</p> | <p>-DR-CAFTA -U.S.-Colombia TPA -U.S.-Panama TPA -U.S.-Peru TPA</p> |
| Port Authority of New York and New Jersey | | <p>restrictions attached to Federal funds for airport projects; maintenance, repair and operating materials and supplies</p> | <p>-WTO GPA (except Canada) -U.S.-Chile FTA -U.S.-Singapore FTA</p> |
| Port of Baltimore | | <p>restrictions</p> | <p>-WTO GPA (except</p> |

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| | | attached to Federal funds for airport projects | Canada) -U.S.-Chile FTA -U.S.-Singapore FTA |
| New York Power Authority | | restrictions attached to Federal funds for airport projects; conditions specified for the State of New York | -WTO GPA (except Canada) -U.S.-Chile FTA -U.S.-Singapore FTA |
| Massachusetts Port Authority | | | U.S.-EC Exchange of Letters (applies to EC Member States and only where the Port Authority considers out-of-state suppliers) |
| Boston, Chicago, Dallas, Detroit, Indianapolis, Nashville, and San Antonio | | | U.S.-EC Exchange of Letters (only applies to EC Member States and where the city considers out-of-city suppliers) |
| OTHER ENTITIES | Entities Covered | Exclusions | Relevant International Agreements |
| Rural Utilities Service (waiver of Buy American restriction on financing for all power generation projects) | | | -WTO GPA -DR-CAFTA -NAFTA -U.S.-Australia FTA -U.S.-Bahrain FTA -U.S.-Chile FTA -U.S.-Colombia TPA -U.S.-Morocco FTA -U.S.-Oman FTA -U.S.-Panama TPA -U.S.-Peru TPA -U.S.-Singapore FTA |
| Rural Utilities Service (waiver of Buy American restriction on financing for telecommunications projects) | | | -NAFTA -U.S.-Israel FTA |

General Exceptions: The following restrictions and exceptions are excluded from U.S. obligations under international agreements:

1. The restrictions attached to Federal funds to states for mass transit and highway projects.
2. Dredging.

The World Trade Organization Government Procurement Agreement (WTO GPA) Parties:

Armenia, Aruba, Austria, Belgium, Bulgaria, Canada, Chinese Taipei (Taiwan), Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom.

The Free Trade Agreements and the respective Parties to the agreements are:

- (1) Dominican Republic-Central America-United States Free Trade Agreement (DR-CAFTA): Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua;
- (2) North American Free Trade Agreement (NAFTA): Canada and Mexico;
- (3) United States-Australia Free Trade Agreement (U.S.-Australia FTA);
- (4) United States-Bahrain Free Trade Agreement (U.S.-Bahrain FTA);
- (5) United States-Chile Free Trade Agreement (U.S.-Chile FTA);
- (6) United States-Colombia Trade Promotion Agreement (U.S.-Colombia TPA)
- (7) United States-Israel Free Trade Agreement (U.S.-Israel FTA);
- (8) United States-Morocco Free Trade Agreement (U.S.-Morocco FTA);
- (9) United States-Oman Free Trade Agreement (U.S.-Oman FTA);
- (10) United States-Panama Trade Promotion Agreement (U.S.-Panama TPA);
- (11) United States-Peru Trade Promotion Agreement (U.S.-Peru TPA); and
- (12) United States-Singapore Free Trade Agreement (U.S.-Singapore FTA).

United States-European Communities Exchange of Letters (May 30, 1995) (U.S.-EC

Exchange of Letters) applies to EC Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom.

Agreement between the Government of Canada and the Government of the United States of America on Government Procurement (Feb. 10, 2010) (U.S.-Canada Agreement): Applies only to Canada.