

**Annex II
Schedule of United States**

Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)

Description: Investment

The United States reserves the right to adopt or maintain any measure relating to residency requirements for the ownership by investors of Canada, or their investments, of oceanfront land.

Existing Measures:

Sector: Communications

Sub-Sector: Cable Television

Industry Classification: CPC 753 Radio and Television Cable Services

Type of Reservation: National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)

Description: Investment

Subject to Article 2106, the United States reserves the right to adopt or maintain any measure that accords equivalent treatment to persons of any country that limits ownership by persons of the United States in an enterprise engaged in the operation of a cable television system in that country.

Existing Measures:

Sector:	Communications
Sub-Sector:	Telecommunications Transport Networks and Services and Radiocommunications
Industry Classification:	CPC 752 Telecommunications Services (not including enhanced or value-added services) CPC 7543 Connection Services CPC 7549 Other Telecommunications Services Not Elsewhere Classified (limited to telecommunications transport networks and services)
Type of Reservation:	National Treatment (Articles 1102, 1202) Most-Favored-Nation Treatment (Articles 1103, 1203) Local Presence (Article 1205) Senior Management and Boards of Directors (Article 1107)
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure relating to investment in, or the provision of, telecommunications transport networks, telecommunications transport services or radiocommunications. These measures may apply to such matters as market entry, spectrum assignment, tariffs, intercarrier agreements, terms and conditions of service, and interconnection between networks and services. Telecommunications transport services typically involve the real-time transmission of customer-supplied information between two or more points without end-to-end change in the form or content of the customer's information, whether or not such services are offered to the public generally. These services include voice and data services provided by any electromagnetic means. Radiocommunications include all communications by radio, including broadcasting. This reservation does not apply to measures relating to enhanced or value-added services or to the production, sale or licensing of radio or television programming.
Existing Measures:	<i>Communications Act of 1934</i> , 47 U.S.C. §§ 151 <u>et seq.</u> , see particularly §§ 310(a), (b) (radio licenses for common carrier, aeronautical en route, aeronautical fixed, and broadcasting services) <i>F.C.C. Decision, <u>International Competitive Carrier</u></i> , 102 F.C.C. 2d 812 (1985), as modified in <u>Regulation of International Common Carrier</u>

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Services, CC Docket No. 91-360, FCC 92-463 (released November 6, 1992)

Submarine Cable Landing Act, 47 U.S.C. § 34-9, see particularly § 35 (undersea cables)

Communications Satellite Act of 1962, 47 U.S.C. §§ 701-57

Telegraph Act, 47 U.S.C. § 17 (telegraph cables serving Alaska)

Children's Television Act of 1990, 47 U.S.C. § 303a

Television Program Improvement Act of 1990, 47 U.S.C. § 303c

Sector: Social Services

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Articles 1102, 1202)
Local Presence (Article 1205)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

The United States reserves the right to adopt or maintain any measure with respect to the provision of public law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care.

Existing Measures:

Sector:	Minority Affairs
Sub-Sector:	
Industry Classification:	
Type of Reservation:	National Treatment (Articles 1102, 1202) Local Presence (Article 1205) Performance Requirements (Article 1106) Senior Management and Boards of Directors (Article 1107)
Description:	<u>Cross-Border Services and Investment</u> The United States reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities, including corporations organized under the laws of the State of Alaska in accordance with the <i>Alaska Native Claims Settlement Act</i> .
Existing Measures:	<i>Alaska Native Claims Settlement Act</i> , 43 U.S.C. §§ 1601 <u>et seq.</u>

Sector:	Professional Services
Sub-Sector:	Legal Services
Industry Classification:	SIC 8111 Legal Services
Type of Reservation:	National Treatment (Articles 1102, 1202) Most-Favored-Nation Treatment (Articles 1103, 1203) Local Presence (Article 1205) Senior Management and Boards of Directors (Article 1107)
Description:	<u>Cross-Border Services and Investment</u> Subject to Schedule of the United States, Annex VI, page VI-U-2, the United States reserves the right to adopt or maintain any measure relating to the provision of legal services, including foreign legal consultancy services, by persons of Mexico.
Existing Measures:	

Sector: Publishing

Sub-Sector: Newspaper Publishing

Industry Classification: SIC 2711 Newspapers: Publishing, or Publishing and Printing

Type of Reservation: National Treatment (Article 1102)
Most-Favored-Nation Treatment (Article 1103)

Description: Investment

Subject to Article 2106, the United States reserves the right to adopt or maintain any measure that accords equivalent treatment to persons of any country that limits ownership by persons of the United States in an enterprise engaged in the publication of daily newspapers primarily written for audiences and distributed in that country.

For purposes of this reservation, daily newspapers are newspapers published at least five days each week.

Existing Measures:

Sector:	Transportation	
Sub-Sector:	Water Transportation	
Industry Classification:	SIC 091	Commercial Fishing (limited to fishing vessels and fishing operations within the Exclusive Economic Zone)
	SIC 1629	Heavy Construction, Not Elsewhere Classified (limited to marine dredging)
	SIC 4412	Deep Sea Foreign Transportation of Freight (limited to promotional programs for U.S.-flagged vessels)
	SIC 4424	Deep Sea Domestic Transportation of Freight (includes coastwise transportation of freight, deep sea domestic freight transportation, intercoastal transportation of freight, water transportation of freight to noncontiguous territories)
	SIC 4432	Freight Transportation on the Great Lakes and St. Lawrence Seaway
	SIC 4449	Water Transportation of Freight, Not Elsewhere Classified (includes canal barge operations, canal freight transportation, intracoastal freight transportation, lake freight transportation except on the Great Lakes, log rafting and towing, river freight transportation except on the St. Lawrence Seaway, transportation of freight on bays and sounds of the oceans)
	SIC 4481	Deep Sea Transportation of Passengers, Except by Ferry (limited to promotional programs for U.S.-flagged vessels)
	SIC 4482	Ferries
	SIC 4489	Water Transportation of Passengers, Not Elsewhere Classified (includes airboats, swamp buggy rides, excursion boat operations, passenger water transportation on rivers and canals, sightseeing boats, water taxis)
	SIC 4491	Marine Cargo Handling (limited to crew activities aboard vessels transporting supplies and cargo within U.S. territorial waters and longshore work performed by crew affected by reciprocity restrictions)
	SIC 4492	Towing and Tugboat Services
	SIC 4499	Water Transportation Services, Not Elsewhere Classified (limited to cargo salvaging, chartering of commercial boats, lighterage, bunkering, marine

salvage, pilotage, steamship leasing, cable laying)

Type of Reservation: National Treatment (Articles 1102, 1202)
Most-Favored-Nation Treatment (Articles 1103, 1203)
Local Presence (Article 1205)
Performance Requirements (Article 1106)
Senior Management and Boards of Directors (Article 1107)

Description: Cross-Border Services and Investment

The United States reserves the right to adopt or maintain any measure relating to the provision of maritime transportation services and the operation of U.S.-flagged vessels, including the following:

- (a) requirements for investment in, ownership and control of, and operation of vessels and other marine structures, including drill rigs, in maritime cabotage services, including maritime cabotage services performed in the domestic offshore trades, the coastwise trades, U.S. territorial waters, waters above the continental shelf and in the inland waterways;
- (b) requirements for investment in, ownership and control of, and operation of U.S.-flagged vessels in foreign trades;
- (c) requirements for investment in, ownership or control of, and operation of vessels engaged in fishing and related activities in U.S. territorial waters and the Exclusive Economic Zone;
- (d) requirements related to documenting a vessel under the U.S. flag;
- (e) promotional programs, including tax benefits, available for shipowners, operators and vessels meeting certain requirements;
- (f) certification, licensing and citizenship requirements for crew members on U.S.-flagged vessels;
- (g) manning requirements for U.S.-flagged vessels;
- (h) all matters under the jurisdiction of the Federal Maritime Commission;

- (i) negotiation and implementation of bilateral and other international maritime agreements and understandings;
- (j) limitations on longshore work performed by crew members;
- (k) tonnage duties and light money assessments for entering U.S. waters; and
- (l) certification, licensing and citizenship requirements for pilots performing pilotage services in U.S. territorial waters.

The following activities are not included in this reservation:

- (a) vessel construction and repair; and
- (b) landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to or from land, marine cargo handling, operation and maintenance of piers, ship cleaning, stevedoring, transfer of cargo between vessels and trucks, trains, pipelines and wharves, waterfront terminal operations, boat cleaning, canal operation, dismantling of vessels, operation of marine railways for drydocking, marine surveyors, except cargo, marine wrecking of vessels for scrap and ship classification societies.

Existing Measures:

Merchant Marine Act of 1920, §§ 19 and 27, 46 App. U.S.C. § 876 and § 883 et seq.

Jones Act Waiver Statute, 64 Stat 1120, 46 App. U.S.C., note preceding Section 1

Shipping Act of 1916, 46 App. U.S.C. §§ 802 and 808

Merchant Marine Act of 1936, 46 App. U.S.C. §§ 1151 et seq., 1160-61, 1171 et seq., 1241(b), 1241-1, 1244, and 1271 et seq.

Merchant Ship Sales Act of 1946, 50 App. U.S.C. § 1738

46 App. U.S.C. §§ 121, 292 and 316

46 U.S.C. §§ 12101 et seq. and 31301 et seq.

46 U.S.C. §§ 8904 and 31328(2)

Passenger Vessel Act, 46 App. U.S.C. § 289

42 U.S.C. § 9601 et seq.; 33 U.S.C. § 2701 et seq.; 33 U.S.C. § 1251 et seq.

46 U.S.C. §§ 3301 et seq., 3701 et seq., 8103 and 12107(b)

Shipping Act of 1984, 46 App. U.S.C. §§ 1708 and 1712

Nicholson Act, 46 App. U.S.C. §§ 251

Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987,
46 U.S.C. § 2101 and 46 U.S.C. § 12108

43 U.S.C. § 1841

22 U.S.C. § 1980

Intercoastal Shipping Act, 46 App. U.S.C. § 843

46 U.S.C. § 9302, 46 U.S.C. § 8502; Agreement Governing the
Operation of Pilotage on the Great Lakes, Exchange of Notes at
Ottawa, August 23, 1978, and March 29, 1979, TIAS 9445

Magnuson Fishery Conservation and Management Act, 16 U.S.C.
§§ 1801 et seq.

19 U.S.C. § 1466

North Pacific Anadromous Stocks Convention Act of 1972, P.L.
102-587; *Oceans Act of 1992*, Title VII

Tuna Convention Act, 16 U.S.C. § 951 et seq.

South Pacific Tuna Act of 1988, 16 U.S.C. § 973 et seq.

Northern Pacific Halibut Act of 1982, 16 U.S.C. § 773 et seq.

Atlantic Tunas Convention Act, 16 U.S.C. § 971 et seq.

Antarctic Marine Living Resources Convention Act of 1984, 16
U.S.C. § 2431 et seq.

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Pacific Salmon Treaty Act of 1985, 16 U.S.C. § 3631 et seq.