

CLIENT ALERT

US and Canada Thaw Relations By Reducing Buy American Friction

Feb.05.2010

The U.S. and Canada announced today a tentative agreement that would (1) provide certain permanent and reciprocal commitments under the WTO Agreement on Government Procurement (GPA) with respect to access to provincial, territorial, and state procurements and (2) temporarily provide Canadian suppliers access to certain state and local public works projects funded under the Recovery Act -- specifically those types of projects from which they were not traditionally excluded by statute (e.g., EPA, HUD and Energy) but were under the broader provision of the Recovery Act -- while in return temporarily provide U.S. suppliers access to a range of construction contracts across Canada's provinces and territories (as well as a number of municipalities). The agreement is subject to completion of each country's domestic approval process which the Canadians [[press release](#)] hope could be concluded by February 16, but on the U.S. side will require at least agency waivers under Section 1605 of the Recovery Act and amendment to Note 5 in the General Notes to U.S. GPA Annexes.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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