

9, 2012, if (and only if) the President, as soon as feasible after December 18, 2015, and before exercising proclamation authority under section 4202(a)(1)(B) of this title, notifies Congress of the negotiations relating to the agreement and the specific United States objectives in the negotiations.

(c)¹ Agreement by Asia-Pacific Economic Cooperation members to reduce rates of duty on certain environmental goods

Notwithstanding the notification requirement described in section 4202(a)(2) of this title, the President may exercise the proclamation authority provided for in section 4202(a)(1)(B) of this title to implement an agreement by members of the Asia-Pacific Economic Cooperation (APEC) to reduce any rate of duty on certain environmental goods included in Annex C of the APEC Leaders Declaration issued on September 9, 2012, if (and only if) the President, as soon as feasible after February 24, 2016, and before exercising proclamation authority under section 4202(a)(1)(B) of this title, notifies Congress of the negotiations relating to the agreement and the specific United States objectives in the negotiations.

(Pub. L. 114-26, title I, §107, June 29, 2015, 129 Stat. 355; Pub. L. 114-113, div. Q, title V, §502, Dec. 18, 2015, 129 Stat. 3127; Pub. L. 114-125, title IX, §916, Feb. 24, 2016, 130 Stat. 279.)

Editorial Notes

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-125 added subsec. (c) relating to proclamation authority and requiring notification to Congress after Feb. 24, 2016.

2015—Subsec. (c). Pub. L. 114-113 added subsec. (c) relating to proclamation authority and requiring notification to Congress after Dec. 18, 2015.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 13701, July 17, 2015, 80 F.R. 43903, set out as a note under section 4201 of this title.

§ 4207. Sovereignty

(a) United States law to prevail in event of conflict

No provision of any trade agreement entered into under section 4202(b) of this title, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States, any State of the United States, or any locality of the United States shall have effect.

(b) Amendments or modifications of United States law

No provision of any trade agreement entered into under section 4202(b) of this title shall prevent the United States, any State of the United States, or any locality of the United States from amending or modifying any law of the United States, that State, or that locality (as the case may be).

(c) Dispute settlement reports

Reports, including findings and recommendations, issued by dispute settlement panels con-

vened pursuant to any trade agreement entered into under section 4202(b) of this title shall have no binding effect on the law of the United States, the Government of the United States, or the law or government of any State or locality of the United States.

(Pub. L. 114-26, title I, §108, June 29, 2015, 129 Stat. 356.)

§ 4208. Interests of small businesses

(a) Sense of Congress

It is the sense of Congress that—

(1) the United States Trade Representative should facilitate participation by small businesses in the trade negotiation process; and

(2) the functions of the Office of the United States Trade Representative relating to small businesses should continue to be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small businesses.

(b) Consideration of small business interests

The Assistant United States Trade Representative for Small Business, Market Access, and Industrial Competitiveness shall be responsible for ensuring that the interests of small businesses are considered in all trade negotiations in accordance with the objective described in section 4201(a)(8) of this title.

(Pub. L. 114-26, title I, §109, June 29, 2015, 129 Stat. 356.)

§ 4209. Application of certain provisions

For purposes of applying sections 2135, 2136, and 2137 of this title—

(1) any trade agreement entered into under section 4202 of this title shall be treated as an agreement entered into under section 2111 or 2112 of this title, as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 4202 of this title shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 2112 of this title.

(Pub. L. 114-26, title I, §110(b), June 29, 2015, 129 Stat. 358.)

§ 4210. Definitions

In this chapter:

(1) Agreement on Agriculture

The term “Agreement on Agriculture” means the agreement referred to in section 3511(d)(2) of this title.

(2) Agreement on Safeguards

The term “Agreement on Safeguards” means the agreement referred to in section 3511(d)(13) of this title.

(3) Agreement on Subsidies and Countervailing Measures

The term “Agreement on Subsidies and Countervailing Measures” means the agreement referred to in section 3511(d)(12) of this title.

(4) Antidumping Agreement

The term “Antidumping Agreement” means the Agreement on Implementation of Article

VI of the General Agreement on Tariffs and Trade 1994 referred to in section 3511(d)(7) of this title.

(5) Appellate Body

The term “Appellate Body” means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(6) Common multilateral environmental agreement

(A) In general

The term “common multilateral environmental agreement” means any agreement specified in subparagraph (B) or included under subparagraph (C) to which both the United States and one or more other parties to the negotiations are full parties, including any current or future mutually agreed upon protocols, amendments, annexes, or adjustments to such an agreement.

(B) Agreements specified

The agreements specified in this subparagraph are the following:

- (i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).
- (ii) The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.
- (iii) The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London February 17, 1978.
- (iv) The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, done at Ramsar February 2, 1971 (TIAS 11084).
- (v) The Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra May 20, 1980 (33 UST 3476).
- (vi) The International Convention for the Regulation of Whaling, done at Washington December 2, 1946 (62 Stat. 1716).
- (vii) The Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949 (1 UST 230).

(C) Additional agreements

Both the United States and one or more other parties to the negotiations may agree to include any other multilateral environmental or conservation agreement to which they are full parties as a common multilateral environmental agreement under this paragraph.

(7) Core labor standards

The term “core labor standards” means—

- (A) freedom of association;
- (B) the effective recognition of the right to collective bargaining;
- (C) the elimination of all forms of forced or compulsory labor;
- (D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and
- (E) the elimination of discrimination in respect of employment and occupation.

(8) Dispute Settlement Understanding

The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of this title.

(9) Enabling Clause

The term “Enabling Clause” means the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (L/4903), adopted November 28, 1979, under GATT 1947 (as defined in section 3501 of this title).

(10) Environmental laws

The term “environmental laws”, with respect to the laws of the United States, means environmental statutes and regulations enforceable by action of the Federal Government.

(11) GATT 1994

The term “GATT 1994” has the meaning given that term in section 3501 of this title.

(12) General Agreement on Trade in Services

The term “General Agreement on Trade in Services” means the General Agreement on Trade in Services (referred to in section 3511(d)(14) of this title).

(13) Government Procurement Agreement

The term “Government Procurement Agreement” means the Agreement on Government Procurement referred to in section 3511(d)(17) of this title.

(14) ILO

The term “ILO” means the International Labor Organization.

(15) Import sensitive agricultural product

The term “import sensitive agricultural product” means an agricultural product—

- (A) with respect to which, as a result of the Uruguay Round Agreements, the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or
- (B) which was subject to a tariff rate quota on June 29, 2015.

(16) Information Technology Agreement

The term “Information Technology Agreement” means the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996.

(17) Internationally recognized core labor standards

The term “internationally recognized core labor standards” means the core labor standards only as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).

(18) Labor laws

The term “labor laws” means the statutes and regulations, or provisions thereof, of a

party to the negotiations that are directly related to core labor standards as well as other labor protections for children and minors and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, and for the United States, includes Federal statutes and regulations addressing those standards, protections, or conditions, but does not include State or local labor laws.

(19) United States person

The term “United States person” means—

- (A) a United States citizen;
- (B) a partnership, corporation, or other legal entity that is organized under the laws of the United States; and
- (C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(20) Uruguay Round Agreements

The term “Uruguay Round Agreements” has the meaning given that term in section 3501(7) of this title.

(21) World Trade Organization; WTO

The terms “World Trade Organization” and “WTO” mean the organization established pursuant to the WTO Agreement.

(22) WTO Agreement

The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(23) WTO member

The term “WTO member” has the meaning given that term in section 3501(10) of this title.

(Pub. L. 114-26, title I, §111, June 29, 2015, 129 Stat. 358.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 114-26, June 29, 2015, 129 Stat. 320, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 4201 of this title and Tables.

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