

(4) is an agreement with respect to international trade in services entered into with WTO members with respect to which a notification has been made in a manner consistent with section 4204(a)(1)(A) of this title as of June 29, 2015, or

(5) is an agreement with respect to environmental goods entered into with WTO members with respect to which a notification has been made in a manner consistent with section 4204(a)(1)(A) of this title as of June 29, 2015,

and results from negotiations that were commenced before June 29, 2015, subsection (b) shall apply.

**(b) Treatment of agreements**

In the case of any agreement to which subsection (a) applies, the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 4204(a) of this title (relating only to notice prior to initiating negotiations), and any resolution under paragraph (1)(B), (3)(C), or (4)(C) of section 4205(b) of this title shall not be in order on the basis of a failure or refusal to comply with the provisions of section 4204(a) of this title, if (and only if) the President, as soon as feasible after June 29, 2015—

(1) notifies Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(2) before and after submission of the notice, consults regarding the negotiations with the committees referred to in section 4204(a)(1)(B) of this title and the House and Senate Advisory Groups on Negotiations convened under section 4203(c) of this title.

**(c)<sup>1</sup> 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 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)<sup>1</sup> 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 mem-

bers 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.)

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.

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 convened 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

<sup>1</sup> So in original. Two subssecs. (c) have been enacted.

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