

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.)

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.

**CHAPTER 28—TRADE FACILITATION AND TRADE ENFORCEMENT**

Sec.

4301. Definitions.

**SUBCHAPTER I—TRADE FACILITATION AND TRADE ENFORCEMENT**

4311. Improving partnership programs.  
 4312. Priorities and performance standards for customs modernization, trade facilitation, and trade enforcement functions and programs.  
 4313. Educational seminars to improve efforts to classify and appraise imported articles, to improve trade enforcement efforts, and to otherwise facilitate legitimate international trade.  
 4314. Joint strategic plan.  
 4315. Consultations with respect to mutual recognition arrangements.  
 4316. Commercial Customs Operations Advisory Committee.  
 4317. Centers of Excellence and Expertise.  
 4318. Commercial risk assessment targeting and trade alerts.  
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 4320. Importer of record program.  
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**SUBCHAPTER II—IMPORT HEALTH AND SAFETY**

4331. Interagency Import Safety Working Group.  
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**SUBCHAPTER III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

4341. Definition of intellectual property rights.  
 4342. Notification of persons injured by circumvention devices.  
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