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August 2023 Newsletter



DHS Audit of CBP's Centers of Excellence and Expertise Yields Evidence of Mismanagement

By: [Adrienne Braumiller](#), Founding Partner

Uniformity, or rather the lack thereof, in procedures and practices within U.S. Customs and Border Protection's (CBP) Centers of Excellence and Expertise (Centers) is evidently harming compliant companies within the trade community. The audit report from the Department of Homeland Security's (DHS) Office of Inspector General (OIG) in March 2022 poignantly revealed significant weaknesses in CBP's operational processes and internal controls and has left the trade community justifiably concerned, particularly companies committed to paying their duties in full.

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[Requirements for Bottling/Packing Tequila in the United States](#)

By [Brenda Cordova](#), Mexico Legal Counsel, Braumiller Law Group

In 2022, the United States was the leading recipient of Mexico's tequila exports. In that same year, the U.S. imported more than 338 million liters of tequila from the country, more than 32 times the volume imported by Germany, Mexico's second most important tequila export partner. In fact, the United States Mexico Agreement (USMCA - the free trade agreement signed between Mexico, the United States and Canada) promotes and protects the trading of tequila between these 3 countries as it acknowledges it is a distinctive product of Mexico.

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Compliance Issues in Government “Buy America” Solicitations

By [James R. Holbein](#), Of Counsel, and [Harold Jackson](#), Associate Attorney, Braumiller Law Group

This article discusses compliance “Buy America” provisions in federal procurement laws and how the Federal Acquisition Regulations (FAR) implement some of those commitments in government contracts. It also outlines the application of the Trade Agreements Act to many large solicitations and how that can impact compliance of goods, services and construction. The FAR, found under 48 C.F.R. Part 25, also provides a brief analysis of the fundamental changes and clarifications to the Buy America requirements for federally-funded infrastructure projects that are currently proposed by the Office of Management and Budget (OMB).

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Customs Brokers: Giving Credit to Accreditors

By [Bruce Leeds](#), Senior Counsel, Braumiller Law Group

U.S. Customs & Border Protection (CBP) published the Final Rule on continuing education for individual customs broker license holders in the Federal Register on June 23, 2023. This Final Rule made several changes to Part 111 of the Customs Regulations and imposed a continuing education requirement on individual license holders.

A good part of the background discussion in the Final Rule involved where to get the required educational hours and who is to provide them.

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Taiwan - U.S. 21st Century Trade Initiative, More Than Just a Trade Agreement. A Statement to Beijing Perhaps

By **[Bob Brewer](#)**, Braumiller Law Group

An opinion first, humor me. A little over a year ago on June 1, 2022, the United States and Taiwan launched the United States-Taiwan Initiative on 21st-Century Trade to deepen their economic ties and trade relationship, and advance mutual trade priorities based on shared values, promoting innovation, and economic growth for workers and businesses. About 2 months ago the agreement was made official. So, why did I wait to write about it now? Well, I was actually waiting to see any sign of significant development worth reporting, in particular, a stern response from China. I heard crickets.

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CAFC Refuses to Reverse CIT Decision on Reliquidation Order, Target, Home Products Litigation

By **[Jennifer Horvath](#)**, Partner, Braumiller Law Group

This article examines *Target Corporation v. United States*, Slip Op. 23-106 (Ct Int'l Trade July 20, 2023), a recent ruling by the Court of International Trade (CIT) and its implications on liquidation matters. The court granted the government's request to dismiss Target's case, which aimed to invalidate a CIT order instructing Customs and Border Protection (CBP) to reliquidate Target's metal-top iron tables at a higher dumping rate. Judge Leo Gordon's discussion in the decision emphasized the importance of the Court's authority and the potential consequences of undermining its powers.



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Voluntary Self-Disclosures of Export Violations: Understanding the Consequences

By [Harold Jackson](#), Associate Attorney

The realm of international trade and commerce operates under a complicated system of export control regimes that are designed to protect national security, curb the proliferation of sensitive technologies, and ensure strict adherence to economic and trade sanctions. In the United States, violating these export controls can result in severe penalties and legal repercussions for companies involved in export activities. This article delves into the significance of voluntary self-disclosures when a company becomes aware of export control law violations.

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Is Trade Compliance Even Manageable?

By [Gavin Andersen](#), Braumiller Consulting Trade Advisor

Reframing a Common Problem

Whether you are creating a new in-house trade compliance function or evaluating an established one, there is no getting around the perpetual question: Where should Trade Compliance report?

The answer depends on the business. Operational realities, departmental needs, available staff, budgets, and other limitations unique to your company can practically make the choice for you. Where Trade Compliance is a dedicated function, it typically settles into Logistics or Legal, or an equivalent department.

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Hmmmm.....I would love to import Cavendish variety bananas from China, but how do I know if Forced Labor was involved, or not, within the supply chain?

I better call Braumiller Law Group and vet the process a little more extensively. If Customs seizes just one container at the port, my boss will go bananas... :-)
Monkey humor of course, but true.



Need some assistance? bob@braumillerlaw.com



Braumiller Law Group Partners Adrienne Braumiller and Vicky Wu will present an ICPA webinar on Prior Disclosures, Tuesday , August 29th @ 10:00 am. - 11:00 a.m. CST

More information and registration: <https://web.cvent.com/event/2f6bab8a-e88b-4fa8-8o8d-0a5f2d11d9fb/summary>



September 10th-13th, 2023

Grand Hyatt

**Partner & Founder
Adrienne Braumiller, and
Partner Vicky Wu to present
at ICPA San Antonio.**



**Topics: An Update on Prior
Disclosures, and Effective Management of a CEE**

**Adrienne and George Tuttle III with also conduct a Risk Assessment and Internal
Controls workshop on Wednesday, September 13th.**

Details and registration for the conference: <https://www.icpainc.org/wp-content/uploads/2023/03/San-Antonio-Info-2023.pdf?v=1691075931>

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