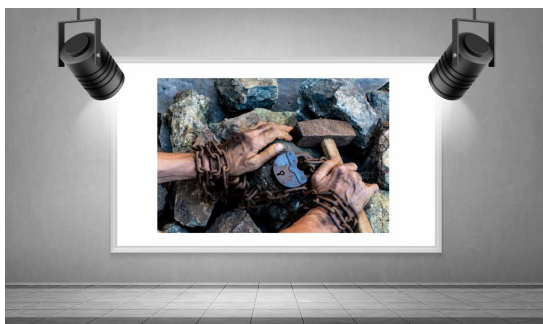


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# April 2023 Newsletter



## The CBP Forced Labor Expo: Spotlight on Forced Labor Compliance

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

U.S. Customs and Border Protection (CBP) held *The Forced Labor Technical Expo: Tools for Supply Chain Transparency* from March 14-15, 2023, which involved members of the U.S. importing community, partner government agencies, and non-

governmental organizations. The public session presentations focused on forced labor compliance and awareness.

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## Advanced Rulings on USMCA Origin

By **Brenda Cordova**, Mexico Legal Counsel, Braumiller Law Group

A good that complies with the USMCA rules of origin may qualify for duty exemption when imported into the United States, Mexico or Canada. The document that certifies such compliance is the certification of origin. This certification includes information about the importer, exporter or producer, certifier, description and harmonized tariff code of the goods, origin criteria, blanket period and authorized signature and date. Completing it seems to be a simple task because such information appears to be relatively basic.



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## OMB Proposes Rule to Clarify Buy America Provision for Grants and Agreements

By **James R. Holbein**, Of Counsel, and **Harold Jackson**, Associate Attorney, Braumiller Law Group

This article 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), Made in America Office in a Federal Register Notice, “Guidance for Grants and Agreements, issued on February 9, 2023 (86 FR 8374). The Proposed Rule stems from the Build America, Buy America Act (BABA) under the Infrastructure Investment and Jobs Act (IIJA), and under the direction of Executive Order 14005 (“Ensuring the Future Is Made in America by All of America’s Workers”) (EO 14005) and OMB Guidance M-22-11 (“Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure”) (OMB Guidance).

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## Hot (or at least warm) Off the Press: Updates & Revisions to the ITAR

By **Bruce Leeds**, Senior Counsel, Braumiller Law Group

The Directorate of Defense Trade Controls (DDTC) is continuing its project to revise and update the



International Traffic in Arms Regulations (ITAR). Some of the changes are editorial and some are substantive. If you are affected by the ITAR or think you might be, you will need to stay on top of the changes because some (or all) may affect you. Here is a summary of some of the recent changes. Most have taken effect, but one is in the comment stage.

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## **World Trade and Invasion, One Year Later Are We on the Brink of a New World Order?**

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

The UN General Assembly recently called once again for ending the war in Ukraine and demanded Russia's immediate withdrawal from the country, in line with the UN Charter. To say the least, this obviously fell on totally deaf ears as Xi

Jinping put on display in Moscow the limitless friendship and bonding with Putin, all while missiles continued to be fired into Ukraine in the scheduled daily barrage. Keep in mind, China's trade with the U.S. and E.U. is 10xs that of Russia @ \$1.62 trillion vs \$190 million annually, making this recent visit a true head scratcher economically speaking on the surface.

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## **China Section 301 Litigation: CIT Issues Order: The Tariffs are Here to Stay**

By [Vicky Wu](#), Partner, and [Brandon French](#), Associate Attorney, Braumiller Law Group



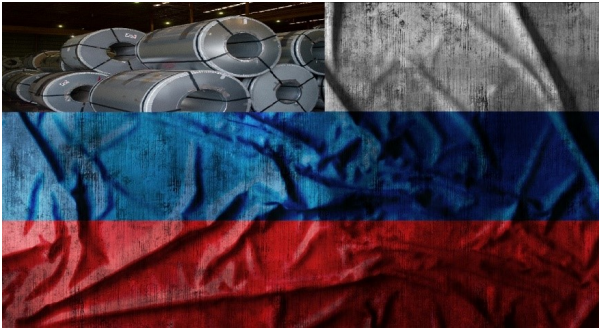
The long-awaited decision by the Court of International Trade ("CIT") was not the outcome thousands of importer companies were hoping for. On March 17, 2023, the CIT determined that the United States Trade Representative ("USTR") legally followed Section 307 of the Trade Act of 1974 and the Administrative Procedure Act ("APA") when the List 3 and List 4A Section 301 China tariffs were put into effect. This decision by the CIT comes after months and months of back and forth between both parties.

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## **Recent U.S. Actions Affecting Imports of Aluminum Products and More from Russia**

By [Megan Mohler](#), Associate Attorney, Braumiller Law Group





With the signing of two recent Presidential Proclamations, the U.S. has chosen to take another hardline stance on Russia from an import perspective. Currently, Russia remains one of the world's top aluminum producers, among other base metals and ore producers. This is troublesome for U.S. importers who still import base metals or derivative metal products from Russia, specifically aluminum.

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### **Origin Verification Procedures under the USMCA**

By [Francisco De La Cruz](#), Braumiller Law Group  
Mexico Legal Counsel

The customs authority is empowered to verify whether a good imported into its territory under Preferential Tariff Treatment (PTT), complies with the rules of origin and other requirements set out in USMCA, by:

- a) written request or questionnaires to the importer, exporter or producer in the territory of another Party;
- b) verification visits to the premises of an exporter or a producer in the territory of another Party to review the records referred to in USMCA and observe the production process and the facilities used in the production of the good; or
- c) Any other procedure that the Parties may agree.



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### **Mexican Customs Regimes - Regimenes aduaneros Mexicanos**

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

This article is aimed to briefly explain what is Mexican Customs regime, when and how it is used and why any party entering or extracting goods in or out of Mexico should be aware of its importance for compliance.

Although there is not a technical definition of what a Mexican Customs regime is, this concept is found numerous times under the Mexican customs legislation. Basically, a customs regime encompasses the

reason or the purpose as to why an importer or exporter intends to enter or extract the goods in Mexico. It is reported under the corresponding records filed for customs clearance and the pertinent goods must comply with it at all times.

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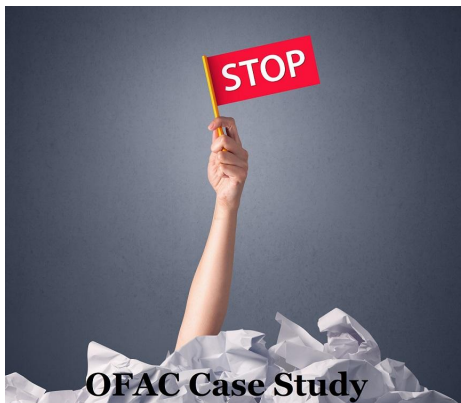
## **OFAC Enforcement Trends – Lack of Due Diligence in Mergers and Acquisitions**

By **Harold Jackson**, Associate Attorney,  
Braumiller Law Group

With roughly 12,000 names now associated with the Specially Designated Nationals and Blocked Persons List (“SDN”), layered sanctions on activities with Russia, and growing sanctions on China activities, U.S. sanctions have reached the forefront of U.S. government enforcement policy. On March 2, 2023, the U.S. Department of the Treasury, Department of Commerce, and Department of Justice released a Joint Compliance Note, which is evidence that the three departments are coordinating to enforce U.S. sanctions and export controls, particularly those on Russia/Belarus activities. The Joint Compliance Notes provides that companies in the trade are primarily responsible for sanctions compliance:



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**OFAC Case Study**

## **Red Flags for Software and Sanctions – OFAC Enforcement Wells Fargo Case Study**

By **Harold Jackson**, Associate Attorney, Braumiller Law Group

On March 30, 2023, Wells Fargo agreed to remit \$30,000,000 to settle its penalty liability across multiple sanctions programs with U.S. Department of the Treasury’s Office of Foreign Asset Controls. Across several years, Wells Fargo and its predecessor in Europe,

Wachovia Bank, provided software that was used to process transactions with U.S.-sanctioned jurisdictions and persons.

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## **The USA International Trade Visa - Does Your Company Qualify?**

**By: Kalani Hawks Villafranca,  
Managing Attorney – Hawks Villafranca Law**

The U.S. immigration system can be both complex and tedious, but for anyone involved in international trade with the United States the E-1 International Trade Visa offers a swift and effective path to U.S. immigration status. The E-1 Visa allows individuals engaged in international trade between the United States and their home country to live and work in the United States to pursue their international trade efforts. The E-1 visa is typically issued for an initial period of 2-5 years, and can be renewed indefinitely, as long as the international trade continues.



### **READ MORE**

Care to view some of the recent podcasts? Click here: [Hot Topics in International Trade.](#)

Click the link above or the image to the left to view.

To view it on Youtube:

<https://youtu.be/bnVed22JiHo>



**Braumiller Law Group Attorneys and Braumiller Consulting Group Senior Trade Advisors will be speaking at the following conferences:**





## **ICPA ITAR Conference**

**April 24 – 26, 2023  
Fort Worth, Texas**

**BLG & BCG ICPA Global  
Partners**

**BLG Senior Counsel Bruce Leeds will be presenting the workshop on April 26th, along with GlobalEyes.**

**Information and Registration:** <https://www.braumillerlaw.com/events/2023-icpa-itar-conference/>

**Braumiller Law Group  
Partner & Founder  
Adrienne Braumiller will be  
speaking on: Forced Labor  
and Supply Chain  
Transparency New  
Developments in European  
Export Control**



**May 15th & 16th, 2023**

**Hilton Amsterdam**

**Information and Registration:** <https://www.braumillerlaw.com/events/forced-labor-and-supply-chain-transparency-new-developments-in-european-export-control/>

**June 13th - 14th, 2023  
Ontario**



**BLG Partner Paul Fudacz to present at ICPA Canada conference**

**Information and**

**registration:** <https://www.braumillerlaw.com/events/changes-to-cbp-cbsa-regulations-upcoming-regulatory-changes-cbsa-carm-in-the-future/>

**September 10th-13th, 2023**

**Grand Hyatt**

**Partner & Founder  
Adrienne Braumiller to  
present at ICPA San Antonio**



**Information and registration:** <https://web.cvent.com/event/e7910053-c854-4b14-a226-b224fb65aa9f/summary>

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