

SHARE:

[Join Our Email List](#)

December 2024 Newsletter



Beyond the Tariff: Proactive Strategies to Mitigate Trade Remedy Impacts

By: [Adrienne Braumiller](#), Managing Partner, Braumiller Law Group

In today's complex global marketplace, businesses are increasingly confronted with the challenges of supply chain disruptions, rising costs, and fierce competition—all exacerbated by trade remedy tariffs.

While many of these tariffs are already in play, President-elect Trump has promised to impose new tariffs and increase old ones. These tariffs can significantly impact profit margins and operational efficiency. However, there is a silver lining: by employing specific strategies, companies can mitigate these adverse effects and maintain their competitive position.

READ MORE

Tariffs, and the Temptation to Use Them as Geopolitical Leverage

By **Bob Brewer**, Braumiller Law Group

The United States has a long history of using tariffs. The first significant tariff legislation was the Tariff Act of 1789, signed by President George Washington. Tariffs have been used for various purposes over the years, including protecting domestic industries, generating government revenue, and negotiating trade agreements. The use of tariffs however has evolved, with significant changes during different historical periods, such as the high tariffs of the 19th century and the shift towards free trade in the mid-20th century, as well as the current U.S. trade war with China, and possibly soon to be with Mexico and Canada.



READ MORE



Presidential Authority to Unilaterally Raise Tariffs

By **James Holbein** Of Counsel, Braumiller Law Group PLLC

Introduction

President-elect Donald Trump has made several recent statements concerning his intention to exercise his authority as President to raise tariffs unilaterally on goods from China, from Mexico and Canada (Washington Post, 11/26/24), and from all countries (unilateral 10% tariff on everyone and everything – Associate Press, 11/26/24). Tariffs are customs duties or fees that are imposed on goods entering into commerce in the U.S. The U.S. has some of the lowest average tariffs of any country in the world, averaging in 2016 about “1.61%; that was about the same as the average rate of 1.6% for the 28-nation EU, and not much higher than Japan’s 1.35%.

READ MORE

Out of This World! Proposed New Regulations on Space and Spacecraft

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

On October 23, 2024, the Directorate of Defense Trade Controls published proposed changes to the International Traffic in Arms Regulations (ITAR) affecting exports of spacecraft and launch vehicles and related activities. Subsequently the department extended the comment period from Nov. 22 to Dec. 23, 2024. The Bureau of Industry & Security (BIS) of the Department of Commerce published corresponding proposed changes to the Export Administration Regulations on Oct. 23, 2024.



READ MORE



Tariffs, Trade & Trump

By **Victoria Holmes**, Braumiller Law Group

Trade agreements under Donald Trump's second administration have taken center stage once again, marked by his characteristic blend of bold rhetoric and high-stakes brinkmanship. In keeping with his "America First" agenda, Trump has doubled down on his threat to impose steep tariffs on China and Mexico, warning that any perceived unfair practices or failure to meet U.S. demands could result in significant economic consequences. While supporters praise his unrelenting focus on protecting domestic industries, critics caution that his aggressive stance risks destabilizing key trade relationships and global markets. The administration's approach reflects a calculated gamble: leveraging tariffs as both a punitive tool and a negotiating tactic, with uncertain implications for economic stability and international diplomacy.

READ MORE

Mexico's Response to Trump's Increase to Import Duties on Goods Coming from Mexico into the United States

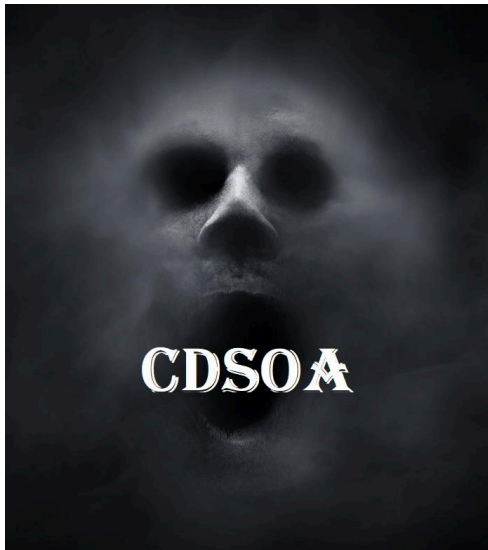
By **Brenda Cordova**, Braumiller Law Group Mexico Counsel

Recently, US elected President Trump threatened that when he takes office one of his first orders will be a 25% import duty on all goods coming from MX into the US. The intention is to put pressure on Mexico to stop the flow of illegal drugs and immigrants.

Soon thereafter, during her morning brief (“*Mañanera*”), the new MX President, Claudia Sheinbaum, with the help of the MX Minister of Economic, Marcelo Ebrad, presented an outlook as to what such an import duty would imply.



READ MORE



The Ghost of CDSOA Still Haunts Us

By **Mike Smiszek**, Senior Trade Advisor,
Braumiller Consulting Group

For the better part of a decade, the United States waged an ugly dispute with the WTO over a U.S. antidumping and countervailing duty law enacted in October of 2000 called the *Continued Dumping and Subsidy Offset Act (CDSOA)*. [1] It became known more informally as the *Byrd Amendment* in recognition of its sponsor, Senator Robert Byrd of West Virginia.[2] Antidumping duties (AD) are assessed when imported goods are, or are likely to be, sold

in the United States at prices below their “normal” fair market value. Countervailing duties (CVD), in contrast, are levied against the importation of goods produced with the benefit of a foreign governmental subsidy.

[1] See *Continued Dumping and Subsidy Offset Act of 2000* (as Title X of H.R. 4461, the *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act*), Pub. L. 106-387, §§ 1001-1003, 114 Stat. 1549A-72 (October 28, 2000); 19 U.S.C. § 1675c. See also 19 C.F.R. §§ 159.61-64.

[2] In this article we will call the *Byrd Amendment* simply “*Byrd*”. Senator Robert Byrd, of West Virginia, held the distinction of serving longer than any other senator in American history (serving, I think—but I could be wrong if fact-checked—for almost 150 years from 1863 until his death in 2010).

[**READ MORE**](#)**Mercosur-EU****A New Potential Powerhouse in Trade Blocs if Ratified**

By **Bob Brewer**, Braumiller Law Group

After 25 years of negotiations, the European Union and the Southern Common Market, commonly known as Mercosur, comprised of Brazil, Argentina, Uruguay, and Paraguay, signed a free trade agreement. I think this, among many more regional deals to come was suddenly expedited due to the anticipated land mines with the upcoming Trump 2.0 administration and trade policy regarding tariffs for all. The official Mercosur-EU trade agreement is one of the largest bilateral free trade agreements in the world and includes a market of over 800 million people and a combined GDP of nearly \$22 trillion.

[**RREAD MORE**](#)**Customs Fraud Investigations Expected to Increase Under Trump Tariffs**

By: **Sarah Wirskye**, Wirskye Law Firm, Of Counsel, Braumiller Law Group

President-elect Trump has repeatedly stated that he will increase tariffs. While it is unclear to what extent, while campaigning he proposed a 10% to 20% tariff on all imports and an additional 60% or more on goods from China. (<https://www.msn.com/en-us/money/markets/trade-sector-eyes-a-new-wave-of-tariffs-under-trump/ar-AA1tDjhv?ocid=BingNewsSerp>). More recently he said he would impose a 25% tariff on all goods from Mexico and Canada and an additional 10% tariff on all products from China. (<https://www.wsj.com/politics/policy/trump-pledges-tariffs-on-mexico-canada-and-china-3c62b1f7>). These increased tariffs could lead to more aggressive tactics by companies.

READ MORE**From Awareness to Action: A Deep Dive into CTPAT Training**

By **Judy Davis**, Senior Trade Advisor,
Braumiller Consulting Group

In the global trade universe, where time holds huge importance, weak security practices in your international operations could be detrimental to your business. Customs and Border Protection (CBP) the folks behind CTPAT, are getting serious about proof. Your Supply Chain Security Specialist (SCSS) is like the detective, always asking, 'Show me the money... er, I mean, the proof!'

**READ MORE****Jurisdiction and History of Tariff Classification Litigation in the U.S.**

By **Mike Smiszek**, Senior Trade Advisor,
Braumiller Consulting Group

Introduction

Several tribunals and courts were established at various periods of America's history to resolve trade-related litigation, both at the trial and appellate levels, and even the Supreme Court has played a significant role in these disputes. The jurisdiction and structure of these courts evolved as the complexities and volume of trade disputes grew. In this article we trace this judicial evolution—with a particular focus on the effect on tariff classification litigation—by examining how Congress has legislatively shaped the trade courts. This examination relies heavily on the commentary found in selected court opinions. Some of the cases we examine have established classification precedents still relied upon by our courts and the government, even though they resolved pre-HTSUS disputes, and we review other cases that are educational for their historical perspectives.

READ MORE



TWELFTH ANNUAL VIRTUAL “Partnering for Compliance[™]” Customs/Import Boot Camp 2025 *with the expertise of senior trainers from:* Braumiller Law Group, PLLC, Dallas TX

Thursday, January 23rd, 2025 Information: [12th Annual](#)

**BLG Attorneys will be speaking at the ATCC Conference in Houston in February
Information: [Upcoming Conference](#)**

**We will also be speaking in Orlando at the ICPA conference in March
[Home - 2025 ICPA Annual Conference - Orlando](#)**

Look for us throughout 2025 in the Tuesday Trade Talks with ICPA



If you are so inclined and have a moment, or two, or ten, check out our podcasts and videos regarding all things in International Trade

Compliance

Podcasts: [BLG Podcast - Braumiller Law Group](#)

Videos: [Videos - Braumiller Law Group](#)





www.braumillerlaw.com
www.braumillerconsulting.com

www.braumillerlaw.com

www.braumillerconsulting.com



Copyright © 2022

Braumiller Law Group | 5220 Spring Valley Road Suite 200 | Dallas, TX 75254 US

[Unsubscribe](#) | [Update Profile](#) | [Constant Contact Data Notice](#)



Try email marketing for free today!