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December 2022 Newsletter



New Rules for Customs Brokers – Bringing Your Brokerage into Compliance with the Modernized Part 111

By: [Adrienne Braumiller](#), [Founding Partner & Bruce Leeds](#), Senior Counsel, Braumiller Law Group

After several years of review by U.S. Customs and Border Protection (“CBP”), the Customs Broker community, and the Commercial Customs Operations Advisory Council, CBP unveiled the new Customs Broker Regulations under 19 C.F.R. Part 111. . On October 18, 2022, CBP published the final rules, [Modernization of the Customs Broker Regulations, 87 FR 63267](#), and [Elimination of Customs Broker District Permit Fee, 87 FR 63262](#), which go into effect on Monday, December 19, 2022. These new regulations impose heightened

responsibilities on Customs Brokers, especially in the areas of “supervision and control” of employees and the broker-client relationship.

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Sonora Lithium

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

In November 2022, Mexican Foreign Secretary Marcelo Ebrard and U.S. Special Presidential Envoy John Kerry announced at COP27 in Sharm el-Sheikh important steps forward to address the climate crisis. Representatives from both countries, including the state governor from Sonora and his cabinet, continued discussing important topics which resulted in agreements related to cut emissions, increase investment, and the creation of clean energy.



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Made in the USA Labeling Rule – What There is to Know About Increased Enforcement Within the Federal Trade Commission

By [Jennifer Horvath](#), Partner, and [Brandon French](#), Associate, BLG

The Federal Trade Commission (“FTC”) has recently begun placing more of an emphasis on Made in the USA (“MUSA”) labeling violations. A MUSA violation occurs when a company labels its product with “Made in the United States” or “USA Made Products,” among other similar phrases, when in fact the country of origin (“COO”) of the product is not the United States. When this type of violation occurs, it harms domestic companies who are manufacturing the items in the USA.

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Update: Quartz Surface Products from China – New Certification Requirements for Shipments from Malaysia

By [Paul Fudacz](#), Partner, Braumiller Law Group

On October 21, 2022, the Department of Commerce, International Trade Administration (The DOC) published its Final Scope Ruling on Malaysian Processed Quartz Slab. The



DOC determined that imports of quartz slab manufactured in the People's Republic of China (China) and processed in Malaysia are covered by the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on certain quartz surface products (QSP) from China.

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Is There Any Hope for Hong Kong to Regain its Special Trade Status with the U.S.? (It's Officially Hong-China now)

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

It seems like it was a couple decades ago, but it was only about 5 years that I was last in Hong Kong on business. I was staying at a very nice upscale hotel (plenty to choose from) directly across from a massive port, marveling at the operations that

seemed to go 24/7 with the incoming ships stacked with a mountain of containers. It was Port Hong Kong, one of the world's largest ports, and it's capable of handling 456,000 vessels per year and has a container throughput (in and out) of around 18 million TEUs. (Twenty-foot equivalent units)

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Can the U.S. Mitigate Digital Assets Fraud While Fostering Innovation?

By [James Holbein](#), Of Counsel, Braumiller Law Group

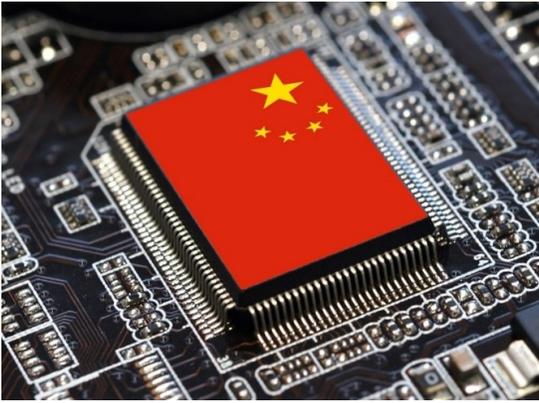
This article will review the options the White House has outlined for regulation and oversight of the digital assets sector, based upon a set of reports issued in the last six months. The collapse in November 2022 of FTX, the second largest cryptocurrency exchange, has precipitated calls for better oversight for digital assets. This financial disaster is likely to influence potential legislation, regulation and oversight that can and should be brought to bear to curb such obvious abuse. At the same time, the legitimate business uses of digital assets technology can be fostered by sensible legislation and oversight.



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Complying with BIS's Advanced Computing and Semiconductor Manufacturing Rules – Knowledge, Due Diligence, and Technology Thresholds

By [Harold Jackson](#), Associate Attorney, Braumiller Law Group



U.S. industries supplying Chinese facilities with products, equipment, software, and technology used in semiconductor development and production are subject to regulatory controls under the Export Administration Regulations (“EAR”). New rules published by the Department of Commerce’s Bureau of Industry and Security (“BIS”) on October 13, 2022, [87 FR 62186](#) imposed additional license requirements regarding the export, reexport, or transfer of certain items, equipment, software, and technology to The People’s Republic of China (“PRC” or “China”).

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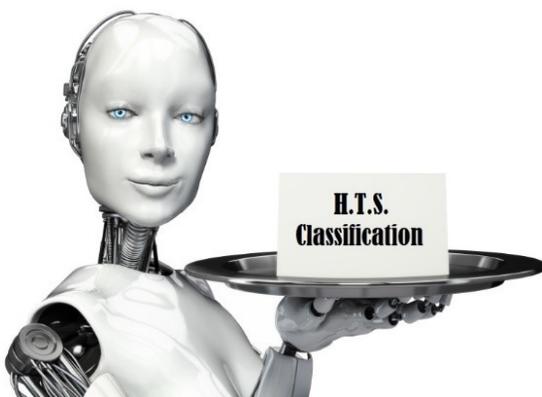
U.S. Bill Introduced to Move Export Controls From Commerce to DTSA Is This a Good Idea?

By [Craig McClure](#), Senior Trade Advisor, Braumiller Consulting Group

On October 28, 2022, on the eve of the mid-term elections, a bill was introduced in the House that, unless you are an export control/compliance nerd, most would not have given it any thought. This bill, [H.R. 9241](#), called the “Prioritizing National Security in Export Controls Act of 2022” was introduced by Representative Jim Banks, (R-Indiana) and co-sponsored by Robert Wittman, (R-Virginia), and Gregory Steube, (R-Florida). If passed, the bill would transfer jurisdiction of the export controls under the Export Administration Regulations to the Department of Defense, specifically the Defense Technology and Security Administration (“DTSA”).



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The Multi-Purpose Role of the U.S. Harmonized Tariff Schedule

By [Mike Smiszek](#), Senior Trade Advisor, Braumiller Consulting Group

When goods are imported into the United States, the importer-of-record (IOR) must, with reasonable care, file an entry (CBP Form 3461) and entry summary (CBP Form

7501), or the electronic equivalents, with U.S. Customs and Border Protection (CBP). These documents are the IOR’s preliminary and final declarations about the nature and circumstances of the import transaction,

and they tell the story of the transaction through more than forty data elements. Of these data elements, the classification of the goods under the Harmonized Tariff Schedule of the United States (HTSUS, or HTS) is perhaps the most critical element because it serves multiple purposes that fall into three broad buckets: *admissibility, statistical reporting, and revenue collection.*

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Happy Everything to Everyone, including Christmas, and the New Year...:-)



Join us for an informative webinar on: Antidumping and Countervailing Duty Risk Management

**January 10th, 2023
10:30 a.m. - noon**

With BLG Partner Paul Fudacz and Megan Mohler BLG Associate Attorney



An ICPA Global Partner webinar

Registration: <https://cvent.me/e8LgbG>



Join us for an informative webinar on:

IMMEX, What You Need to Know with Brenda Cordova, and Francisco De La Cruz, Mexico Legal Counsels, Braumiller Law Group

**An ICPA Global Partner webinar
February 7th, 2023**

Save the date, details to follow.

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