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June 2024 Newsletter



New Legislation Extends Statute of Limitations for Sanctions Violations

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

Recently, President Biden signed a foreign military support bill (H.R. 815) into law, which also encompassed the 21st Century Peace Through Strength Act (the Act), a legislative proposal introduced in the House containing various U.S. sanctions-related measures. These sanctions measures extended the statute of limitations ("SOL") from five to ten years for civil and criminal violations of sanctions programs administered by the U.S. Treasury Department's

Office of Foreign Assets Control ("OFAC"). This change affects sanctions authorized under the International Emergency Economic Powers Act ("IEEPA") and the Trading with the Enemy Act ("TWEA"), doubling the time period during which companies can be held accountable for sanctions violations

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Summary of the Findings of the USTR Four-Year Review of Actions Taken in the Section 301 Investigation

By **James Holbein**, Of Counsel and **Brandon French**, Senior Associate Attorney, Braumiller Law Group



On May 14, 2024, the United States Trade Representative (USTR) released its Final Report relating to the four-year review of actions taken in the Section 301 investigation. Within the Report, the USTR confirmed that it intends to take actions to raise tariffs on specific products as a result of the comprehensive review. In general, the USTR's review determined that China has not eliminated technology transfer actions that imposed a burden on U.S. commerce. The Report also found that China is using aggressive cybertheft and hacking to illicitly acquire technology without payment or contractual protection for the technology owners.

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USTR Extends Certain Section 301 Exclusions for One Year – Is Your Exclusion Still Valid?

By **Brandon French**, Senior Associate, **BLG**

The United States Trade Representative (USTR) recently released a list of Section 301 exclusions that would be extended through May 31, 2025. Within the Notice*, the USTR explained that extending these exclusions will support efforts to shift sourcing out of China, or provide additional time where, despite efforts to source products from alternative sources,

availability of the product outside of China remains limited. A list of exclusions that were extended until May 31, 2025, are listed in Annex C within the Notice.

- https://ustr.gov/sites/default/files/Section%20301%20Exclusion%20Extension%20FRN_0.pdf.

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Australia and United Kingdom License Exemptions on the Way!

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



Canada has long enjoyed International Traffic in Arms Regulations (ITAR) license exemptions and minimal controls for items subject to the Export Administration Regulations (EAR). What about some of our other friends, such as Australia and United Kingdom? There are ITAR license exemptions for these countries in Parts 126.16 and 126.17 of the ITAR; however, these exemptions are only for specific parties and specific projects and most exports do not qualify. Under the EAR, exports to Australia and UK are given favorable treatment but many exports are still subject to a license requirement.

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BRICS A Focus on De-Dollarization and Global Expansion

By **Bob Brewer**, Braumiller Law Group

It was about two years ago I recall writing an article on the QUAD, whose members are the U.S., India, Australia, Japan. It was truly a head scratcher to me as to just how India, newly re-elected Modi specifically, was able to navigate between the BRICS meetings and the QUAD, as the QUAD was established primarily as a deterrent to China. It's always been about picking sides and deterrence, therefore the BRICS countries (Brazil, Russia, India, China & S. Africa) who held their first formal summit in Yekaterinburg, Russia, in 2009 have sought to expand.

South Africa joined the bloc in 2010, and on January 1, 2024, Egypt, Ethiopia, Iran, and the United Arab Emirates also became members of BRICS.

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Recent Developments in Digital Assets Policy

By [James Holbein](#) Of Counsel, Braumiller Law Group, and [Justin Holbein](#), web3 Consulting LLC



INTRODUCTION

Digital assets, including blockchain and cryptocurrency protocols and companies, have been in a defensive posture for much of 2022, 2023 and 2024. The collapse of crypto exchange FTX and numerous enforcement actions taken by the Securities Exchange Commission (SEC) and Commodities Futures Trading Commission (CFTC) have forced the sector to retrench and upgrade their abilities to meet the higher standards of securities laws. The SEC was forced by the courts to approve spot Bitcoin Exchange Traded Funds (ETFs) in January.

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Overcoming Obstacles: Challenges Faced by China's FDI in Mexico

By [Kerry Wang](#), Senior Associate Attorney, Braumiller Law Group

China's foreign direct investment (FDI) in Mexico has seen substantial growth in recent years, reflecting a strategic alignment with global economic shifts and regional trade dynamics. This trend positions China as one of the fastest-growing sources of foreign investment in Mexico, with the majority of investments flowing into the manufacturing sector.

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Foreign Direct Investment Trends in 2024

By [Victoria Holmes](#), Braumiller Law Group

Foreign Direct Investment (FDI) is a driving force behind global economic growth and development, acting as a lifeline of funding for nations around the world. Imagine a company from one corner of the globe setting up shop or acquiring a business in another – that's FDI in action. As we look at 2024, the landscape of FDI is fascinating, with traditional economic giants continuing to dominate while emerging markets rise to prominence, reshaping the global economic map.

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机遇与挑战：中国企业赴墨西哥投资

作者：王焯，资深律师，Braumiller 律师事务所

中国在墨西哥的外国直接投资 (FDI) 近年来显着增长，这反映了中国与全球经济格局转变和区域贸易动态的战略性协调。这一趋势使中国成为墨西哥增长最快的外国投资来源国之一，其中大部分投资流向制造业。中国外国直接投资激增的主要原因 经济和政治压力

中国的企业普遍认为美国试图阻碍中国成为全球经济强国。这种情绪因持续的中美贸易战而加剧。贸易争端不仅增加了额外关税，更造成了不确定的商业环境，对中国企业产生了负面影响。两国之间的谈判始终充满挑战，缺乏全面解决方案持续困扰着企业，影响其运营和战略决策。因此，中国公司越来越多地将墨西哥视为减轻这些经济压力和不确定性的战略替代方案。

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We would like to take this opportunity to introduce you to our new chemicals guru **[Becky Urbanek](#)**

Becky brings 20+ years of experience in a multinational pharmaceutical company to **[Braumiller Consulting](#)**.

Her professional career started in preclinical drug discovery research for a leading pharmaceutical company. She then transitioned to the corporate compliance team, gaining strategic-level corporate compliance knowledge and both strategic and tactical experience in trade compliance spanning import, export, export controls and economic sanctions.

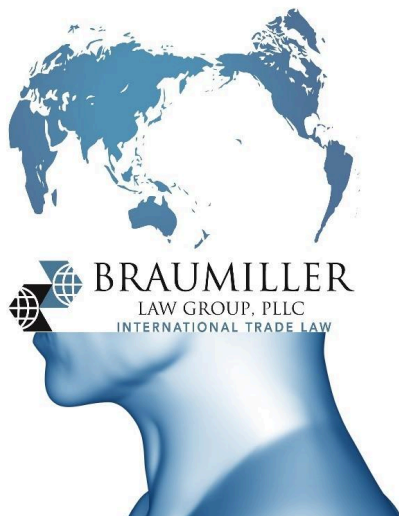


While in industry, she recognized the challenges of working at the interfaces of disciplines, particularly in widely differing areas such as science and trade compliance. With a foundation in chemistry, extensive experience in biopharma research, and a comprehensive understanding of trade compliance, Becky offers a unique blend of skills. Becky has a PhD in Chemistry from the University of Minnesota and is a Licensed Customs Broker.

If you are even remotely unsure of what the final mixture means to CBP, and subsequent HTS classification, it may warrant a 2nd opinion.

For the opportunity to connect via a project submission,
contact: bob@braumillerconsulting.com

Full bio: [Senior Trade Advisor, Becky Urbanek](#)



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June 25th, An ICPA Tuesday Trade Talks webinar, Managing Partner Adrienne Braumiller and VP of Braumiller Consulting Robert Stein will conduct a webinar on Import Compliance Best Practices For more info. click the link:

<https://conta.cc/3yMJdKU>

July 7th - 8th, Adrienne Braumiller, Brenda Cordova, and Robert Stein will be speaking at the ICPA Toronto Canada Conference. Agenda to date: [Agenda-2024-Canada.pdf](#) (icpainc.org).



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

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