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August 2024 Newsletter



USMCA Joint Review Process Part 1

By: [Adrienne Braumiller](#), Managing Partner, Braumiller Law Group and [Gavin Anderson](#), Senior Trade Advisor and Law Clerk

This is the first of a three-part series about the USMCA joint review process, focusing on China, Mexico, and competing visions of a “worker-centered” trade policy. Part one introduces the USMCA joint review process and explores how US trade policy would likely operate during Trump’s second term. Part two outlines some of the major trade issues that will be on the table during joint review, focusing on the Mexico-US relationship, and anticipates Harris’s likely approach to trade policy. Part three offers a critique of the worker-centered trade policy

developed under the Biden administration, presents an alternative, and suggests new avenues for multi-stakeholder participation that Harris's approach might create.

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New Presidential Proclamations Section 232 Duties on Certain Steel and Aluminum Products from Mexico

By **Paul Fudacz**, Partner, and Senior Associate
Attorney **Megan Mohler**,
Braumiller Law Group



On July 10, 2024, the President issued two Presidential Proclamations related to the imposition of Section 232 duties on certain steel and aluminum products from Mexico. The first establishes a “melt and pour” requirement for imports of steel articles that are products of Mexico and will increase the section 232 duty rate for imports of steel articles and derivative steel articles that are products of Mexico that are melted and poured in a country other than Mexico, Canada, or the United States.

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Coming Soon: A New Polar Icebreaker Competition in the Arctic Region for Trade Route Supremacy

By **Bob Brewer**, Braumiller Law Group

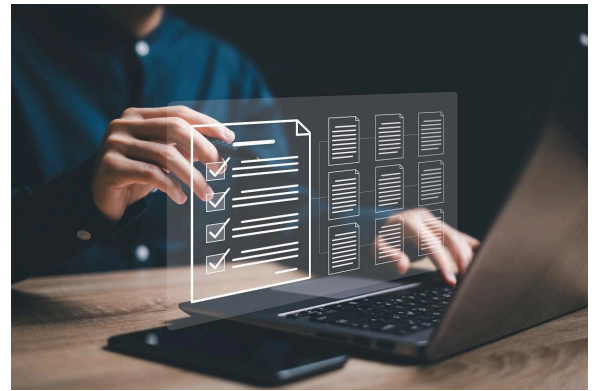
The US, Canada, and Finland are launching a joint partnership to build more ice-breaking ships to compete with China and Russia in Arctic. Sad but true, here we go again. Whether it's the South China sea, or even the moon, there will be territorial disputes to challenge ownership where no ownership should actually exist. The pact aims to produce a fleet of ice-breaking ships to display a posture of power in the polar regions and enforce international norms and treaties.

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Using a Contract Review Checklist for

Commercial International Trade Contracts

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



Introduction

In the complex world of commercial international trade, contracts serve as the foundation for successful transactions. A well-prepared contract review checklist provides a basis for lawyers to ensure that all necessary terms and conditions are covered, protecting all parties involved. This article outlines the essential components of a contract review checklist related to goods in international trade. The goal is to provide a structured approach to reviewing and drafting contracts, beyond the basics of INCOTERMS.

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A Head Scratcher

A product has a country of origin of China, is not subject to China 301 duties and is eligible for USMCA benefits when imported from Canada – Whaaat!?

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

US Customs & Border Protection (CBP) Headquarters ruling H327577 of May 8, 2024 dealt with an unusual set of circumstances and produced some unusual results. The ruling involved a plant fertilizer product sold under the Hyshield brand and imported from Canada. It was classified on entry under 3101.00.00 or 3105.10.00 depending on the weight of the packaging. The importer, Sipco Innovations, filed a 1520(d) claim stating that it was eligible for duty free treatment under the US-Mexico-Canada (USMCA) Free Trade Agreement

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Brics **Shaping the Future of Global Finance and Investment**

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



Imagine a world where five powerhouse nations are redefining the global economic landscape. BRICS—an acronym for Brazil, Russia, India, China, and South Africa—is not just a coalition of emerging markets; it is a formidable alliance shaping the future of global finance and investment. You [can read](#) about the coalition’s attempt to unseat the US dollar in our previous newsletter. These nations, covering 30% of the world and 45% of the global population, are making waves with their rapid economic growth and increasing geopolitical clout. Central to this transformation is the role of Foreign Direct Investment (FDI), a vital catalyst driving their development and integration into the global economy.

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A Day in the Life of a Trade Compliance Manager: A Corporate Parable

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

A fly on the wall at an executive retreat for Acme Super Duper Widget Company overhears the following conversation between Pete, the CFO, and Saira, the General Counsel.

Pete: I was speaking with George [the CEO] earlier today and it looks like we’ll be announcing an across-the-board cut of management heads. He said we need to consolidate redundant roles, and we especially have to get rid of the deadwood who don’t provide any value-added benefit to the Company.

Saira: Yeah, he and I had the same conversation. I was frank with him—I told him that my team is as lean as it can be. I really don’t have anyone who I’d consider non-essential or redundant.

Pete: Oh, c’mon Saira. We’ve all got to take a hit here. I know Legal has a small headcount, but there must be someone who you can cut. How about Erika, your trade compliance manager? I can’t remember the last time I heard about any trade compliance problems.

READ MORE**Judicial Deference in Customs Litigation**

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

One of the most anticipated decisions of the Supreme Court's recent term was *Loper Bright Enterprises v. Raimondo*.^[1] While the specific underlying dispute in *Loper Bright* isn't relevant to the trade community—did fishermen have to pay for government-mandated observers on their vessels?—the Court used this case to overturn the broadly applicable judicial deference test established in 1984 in *Chevron U.S.A. Inc., v. Natural Resources Defense Council*.^[2] After the *Loper Bright* decision was announced, a range of comments were posted on social media about the impact of the decision on cross-border trade.

[1] *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024).

[2] *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

**READ MORE****The Trade Powerhouse: Analyzing Texas' Role in Global and National Trade**

By **Victoria Holmes**, Braumiller Law Group

Texas isn't just celebrated for its breathtaking landscapes and rich history—it's a dynamic powerhouse in international and interstate trade. As the second-largest state in the U.S., Texas capitalizes on its strategic location, diverse economy, and vast infrastructure to fuel an extraordinary flow of goods and services. If Texas was a country, it would be ranked as the eighth-largest economy in the world, ahead of both Canada and Russia. The magnitude of trade that Texas engages in is often overlooked, but who are its key trading partners? And what are its main exports and imports?

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Navigating the Hurdles: Challenges of Conducting an Annual CTPAT Security Review

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

The Customs-Trade Partnership Against Terrorism (CTPAT) program can offer a fast thoroughfare for international trade. But navigating the annual security audits that ensure CTPAT compliance can feel like a maze. Don't worry, we've got you covered! Let's explore some common hurdles faced during CTPAT security audits, along with practical tips to simplify the process.



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Join ICPA and Global Partner **Braumiller Law Group**
for an informative webinar on:

Nearshoring - Foreign Investment in MX

Presenters: Brenda Cordova & Francisco De la Cruz, BLG Mexico Legal Counsel
Tuesday, August 20th, 2024 10:30 a.m. - 11:30 a.m. Registration: simply click the link below.

[Summary - Webinar: Nearshoring - Foreign Investment in MX \(Braumiller Law\) \(cvent.com\)](#)

Join ICPA and [Braumiller Law Group's](#) Washington D.C. of Counsel [Jim Holbein](#) for a presentation on:

[Beyond Incoterms, September 17th 2024, 10:30 a.m. - noon CST](#)

Registration: <https://cvent.me/yP9gVP>

Join BLG Senior Counsel [Bruce Leeds](#) for an informative webinar on [Prior Disclosures](#). September 12th, 11:30 CST

He will cover:

What is a prior disclosure (PD)?

Do you have to do a PD?

What if you don't do a PD?

Alternatives to a PD

Contents of a PD

Paying the amount owed

Registration: [Webinar: Prior Disclosures by Braumiller Law/Braumiller Consulting \(bigmarker.com\)](#)

Brenda Cordova, and Francisco De La Cruz, BLG Mexico Legal Counsel, and Robert Stein, VP Braumiller Consulting Group, will be speaking at the upcoming US-Mexico Summit on Trade. Brenda and Francisco will be speaking on the topic of IMMEX Audits, and Robert will participate in a panel discussion on De Minimis.

Registration: [Pricing - U.S.-Mexico Summit on Trade Compliance & Supply Chain Risk \(americanconference.com\)](#)





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](#)

Upcoming, more podcasts regarding
"Deep Thoughts by Bob, and Other Digressions"
 In the pic below, "quiet and pensive, my thoughts apprehensive, the hours drift away"
 Classic rock enthusiasts, name that tune! Hint, the band is from Canada.



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