

NEWS IN BRIEF

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Presidential Proclamation Issued on Approval of WCO 2022 HTS Changes and Termination of 3 Countries from AGOA

Last week President Biden released a Presidential Proclamation that includes the approval of the World Customs Organization's (WCO) five-year update of the Harmonized Tariff Schedule (HTS) that were due to start on January 1, 2022. However, the changes in the Harmonized Tariff Schedule of the United States (HTSUS) cannot go into effect until 30 days of the publication of the proclamation in a Federal Register Notice (FRN). The FRN has finally been published today, December 28, 2021. Even though the changes were supposed to be in effect on January 1, they will not be effective until January 27, 2022. Until then the current HTSUS will be used for all current entries.

This Proclamation includes instructions to the Office of U.S. Trade Representative (USTR) for maintenance of tariff categories under China 301 to maintain the duty rates by modifying the HTS list to reflect the amendments in the 2022 HTS changes.

This proclamation also includes the termination of three countries from participation in African Growth and Opportunity Act (AGOA) as sub-Saharan African countries. President Biden has removed Ethiopia, Guinea, and Republic of Mali from qualification for duty free treatment as sub-Saharan African countries. This change will be effective on January 1, 2022. The proclamation can be found on the Federal Register [website](#).

LA/LB Dwell Time Fees Postponed Again

The Ports of Los Angeles and Long Beach have once again delayed the implementation of the Container Dwell Fee until January 3, 2022. Since the announcement of the fee program in October 25, 2021, the ports have seen a decline of 41% of the cargo numbers sitting at the terminals beyond normal time.

The ports will continue to assess the progress in the numbers of for their next review of the fees.

Uyghur Forced Labor Act Signed into Law

President Biden signed the Uyghur Forced Labor Act into law on December 23, 2021. To reduce imports to the United States from China that were made with forced labor, the Act will require that goods linked to the China Xinjiang province will have the rebuttable presumption that they are made with forced labor. This will go into effect on June 2, 2022. U.S. Customs and Border Protection (CBP) will be required to produce guidance on the type of evidence that will be sufficient to prove that goods from that area were made with forced labor. This guidance must be issued by June 21, 2022.

The Act also requires a list of those companies that have been found to be using materials made by forced labor, including companies outside the Xinjiang province that are using products from Xinjiang. A copy of this bill can be found on the Congress [website](#).

Have You Looked at Your Blanket Statements Recently?

Many importers take advantage of using annual blanket statements for different programs such as antidumping non-reimbursement statements or many certificates of origin for free trade agreements. Most such blanket statements are only good for one year. Many importers have set up their annual blanket statements to coincide with the calendar year and may have many expiring on December 31. We are reminding importers using blanket statements for their entries to review them so that any programs they are participating in are not interrupted.



By **Todd Boice**, President