



# Navigating Trade Compliance

The Future of Enforcement in the America First Trade Policy Era

Transforming tax.  
Redefining connections.

2025 US Cross-Border Tax Summit





# Notices

The following information is not intended to be “written advice concerning one or more Federal tax matters” subject to the requirements of section 10.37(a)(2) of Treasury Department Circular 230.

The information contained herein is of a general nature and based on authorities that are subject to change. Applicability of the information to specific situations should be determined through consultation with your tax adviser.

# Presenters

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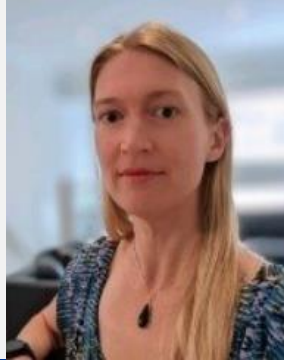
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# Agenda



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**Strategies for Compliance and Risk Management**

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**Panel: Industry Perspective on Customs and Enforcement**

06

**Interactive Q&A**



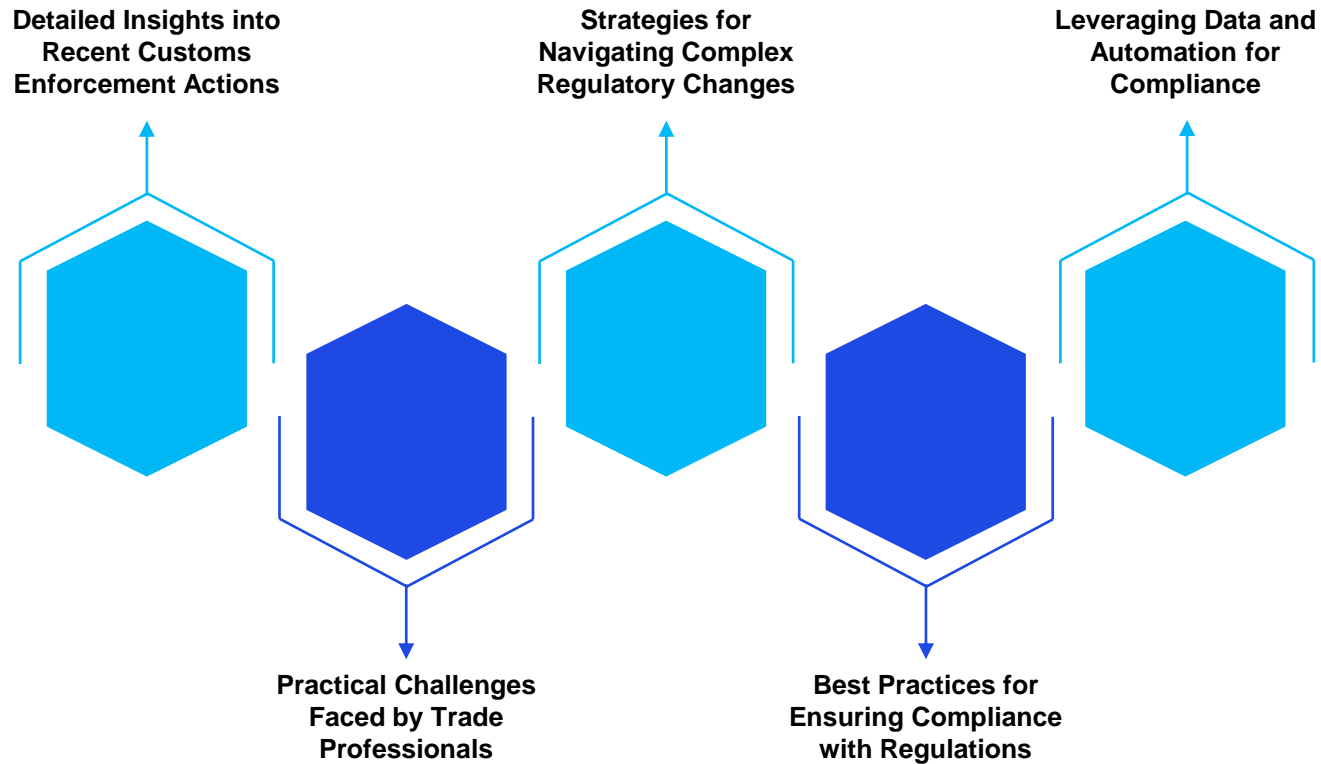
01

# Exploring the Current Trade Landscape



# Introducing Trade Compliance

In today's rapidly evolving global trade environment, staying informed about the latest developments in US customs enforcement is more critical than ever. This session will dive into:



## Key Objectives



Understand Recent Developments in US Customs Enforcement



Learn Strategies for Compliance and Risk Management



Gain Industry Perspectives and Practical Insights

# The Current Trade Landscape

The following measures have been implemented or are currently under review, in alignment with the “America First” trade policy initiated by President Trump:

## Country-Based Tariffs

### All Countries



**Reciprocal IEEPA 10%**  
Except MX/CA & USMCA goods  
(All) Except 20% US Content  
\*country specific rates paused\*

### Canada



**Border IEEPA 25%**  
10% on energy and potash  
Except USMCA eligible goods

### Mexico



**Border IEEPA 25%**  
10% on potash  
Except USMCA eligible goods

### China



**Fentanyl IEEPA 20%**  
**Reciprocal IEEPA 10%\*\*\*\***  
**Sec. 301 7.5-100%**  
\*de minimis excluded

## Industry-Based Tariffs

### IN EFFECT



**Aluminum**  
**25%**

### IN EFFECT



**Steel**  
**25%**

### IN EFFECT



**Autos\***  
**25%**

### IN EFFECT May 3rd



**Car Parts**  
**25%**

### IN EFFECT / THREATENED\*\*\*



**China Maritime**

### Authorized April 2<sup>nd</sup>, 2025



**Venezuela Oil\*\***  
**25%**

### THREATENED



**Pharmaceuticals**

### THREATENED



**Semiconductors**

### THREATENED



**Copper**

### THREATENED



**Lumber**

### THREATENED



**Critical Minerals**

### THREATENED



**Trucks**

### THREATENED



**Commercial Aircraft,  
Jet Engines, and  
Parts**

\* Except USMCA U.S. Content

\*\* All imports from a country that imports VE oil directly or indirectly

\*\*\* Will gradually increase over the next three years

\*\*\*\* China-specific reciprocal tariff rate on pause for 90 days



# Trade Fundamentals



# Trade Compliance Fundamentals: Import Data Filing

Each import shipment requires a customs declaration which is equivalent to a “mini” income tax return

DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

ENTRY SUMMARY

Form Approved OMB No. 1651-0022  
EXP. 03-31-2012

1. Filer Code/Entry No.		2. Entry Type		3. Summary Date	
4. Surety No.		5. Bond Type		6. Port Code	
7. Entry Date		8. Importing Carrier		9. Mode of Transport	
10. Country of Origin		11. Import Date		12. B/L or AWB No.	
13. Manufacturer ID		14. Exporting Country		15. Export Date	
16. I.T. No.		17. I.T. Date		18. Missing Docs	
19. Foreign Port of Lading		20. U.S. Port of Unloading		21. Location of Goods/G.O. No.	
22. Consignee No.		23. Importer No.		24. Reference No.	
25. Ultimate Consignee Name and Address		26. Importer of Record Name and Address		27. City	
28. Description of Merchandise		29. A. HTSUS No.		30. A. Grossweight	
31. Net Quantity in HTSUS Units		32. A. Entered Value		33. A. HTSUS Rate	
34. B. CHSUS		35. B. AD/ACVD Rate		36. Duty and I.R. Tax	
37. C. Relationship		38. C. IRC Rate		39. Dollars	
40. D. Visa No.		41. CBP USE ONLY		42. TOTALS	
43. A. LIQ CODE		44. B. Ascertained Duty		45. 37. Duty	
46. REASON CODE		47. C. Ascertained Tax		48. 38. Tax	
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# Foundations of Compliance

Navigating the challenges brought forth by disruptors requires strong compliance foundations. Companies should look to strengthen their understanding of their products in terms of:

## Definition

## Importance



### Country of Origin

- The country where a product is manufactured, produced, or grown.
- It determines the origin of the goods for customs purposes.
- Highly complex, fact specific analysis



- Identifying the correct country of origin is crucial for applying trade agreements, tariffs, and import restrictions.
- It affects duty rates and eligibility for preferential treatment



### HTS Classification

- The Harmonized Tariff Schedule (HTS) classification is a standardized system for categorizing goods based on their material, composition, function, and use.



- Accurate HTS classification ensures the correct application of tariffs and duties.
- It is essential for compliance with trade laws via correct duty payments, therefore avoiding penalties for miscalculation.



### Customs Value

- Hierarchy of valuation methodologies
- For many companies, it is the invoice price plus certain additions



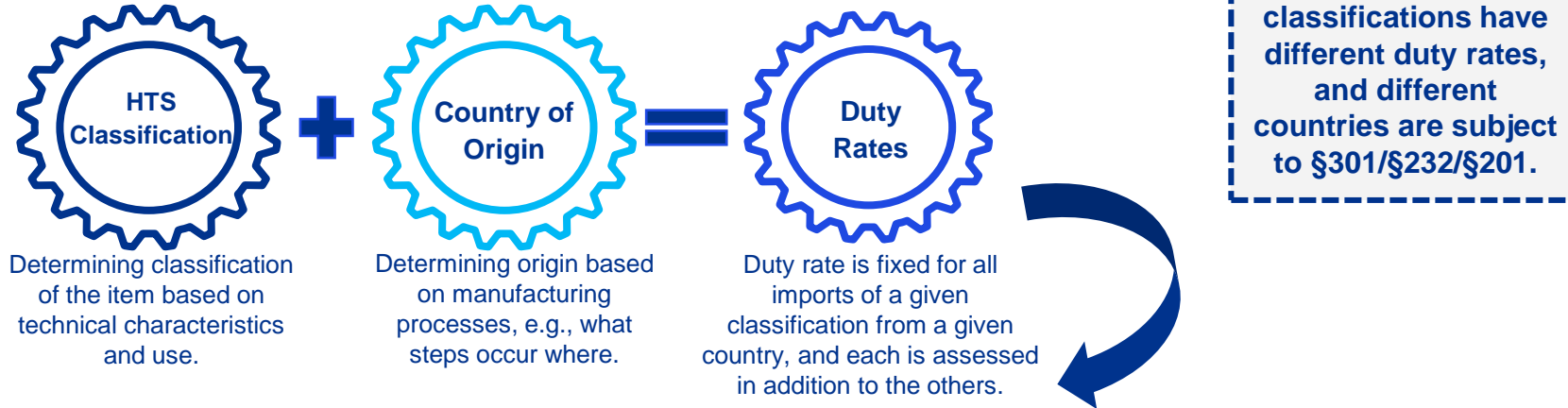
- Customs value is the basis for calculating duties and taxes,
- Accurate valuation prevents underpayment or overpayment of duties, ensuring compliance with fiscal regulations and maintaining fair trade practices.



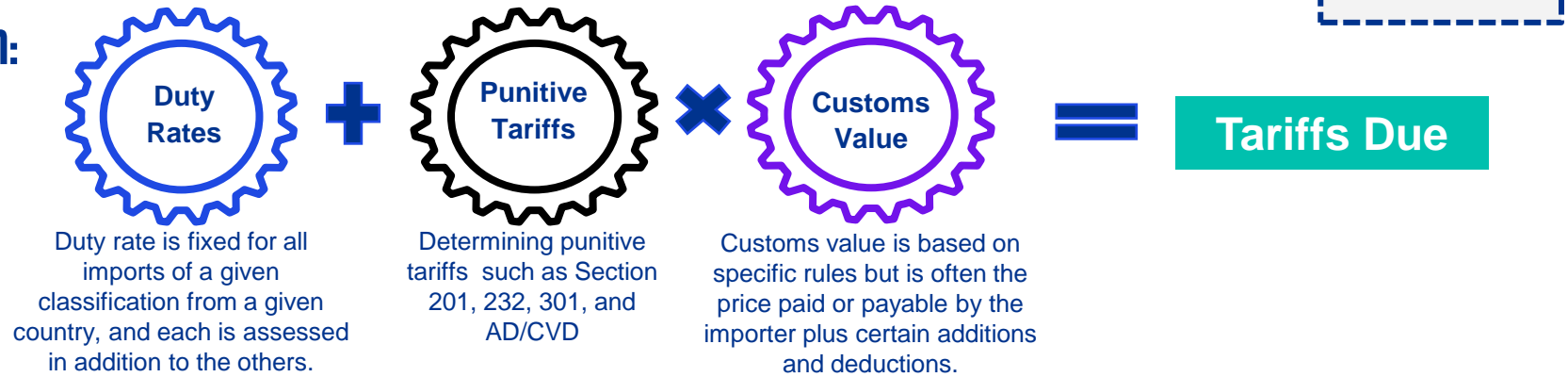
# Trade Compliance Fundamentals: Tariff Calculation

Below outlines how to calculate a tariff (also commonly referred to as duties or import taxes) and what a tariff is composed of.

## Duty Rate Calculation:



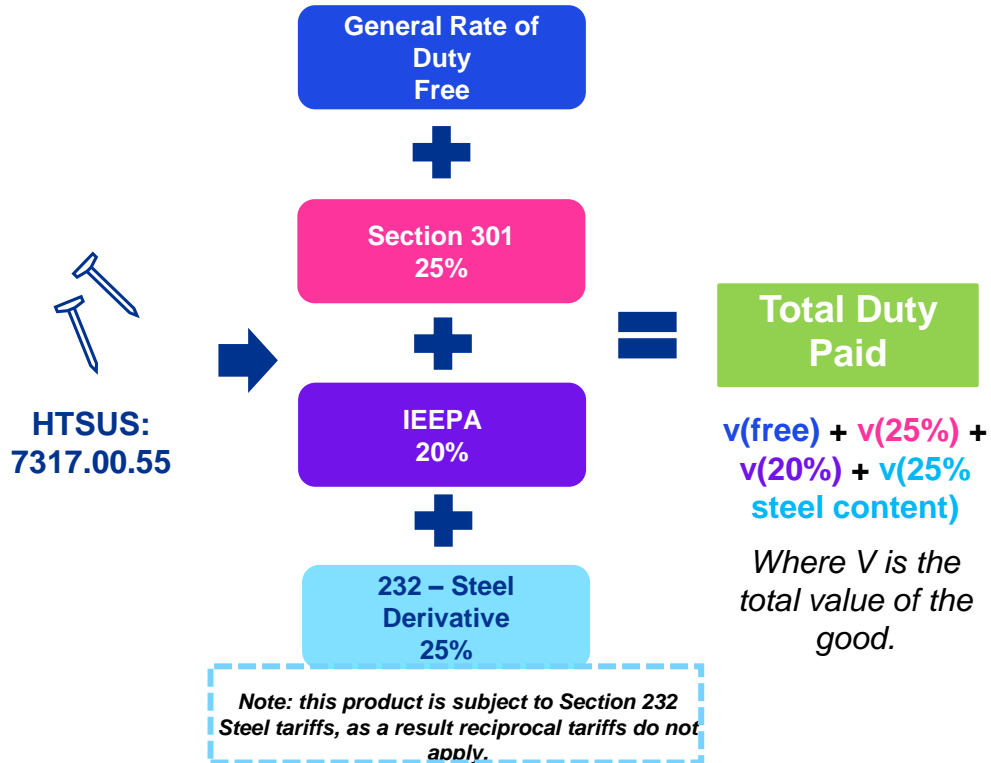
## Tariff Calculation:



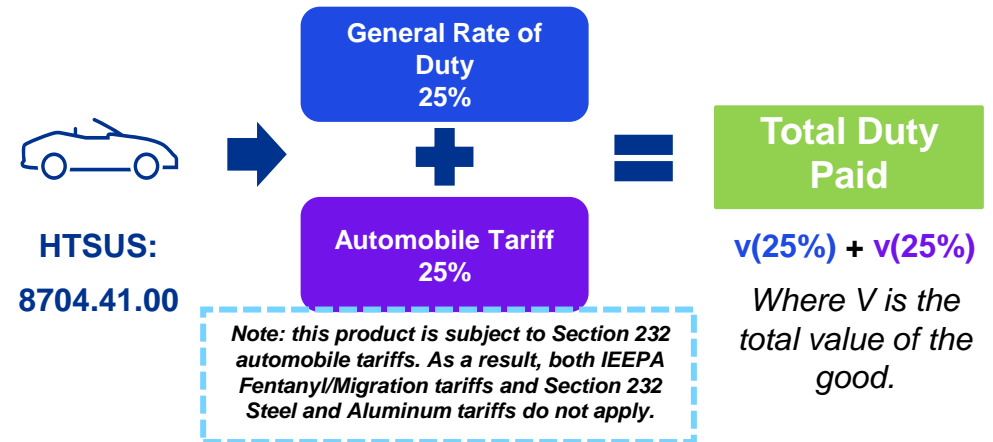


# Tariff Stacking

## Steel Nails – China



## Motor Vehicle (not exceeding 5 metric tons) - Germany



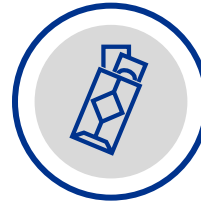
# Understanding the Impact of US Tariffs

Current US tariffs can impact both US and non-US companies, resulting in several spillover effects that can impact business profitability. US tariffs are mainly impacting companies' through:

## Higher Cost of Materials



## Higher Cost to Consumers



## Fewer Product Options



### For US Companies

1. **Local Distributors Facing Tariffs:** Anticipated price and cost increases, reduced sales.
2. **Local Manufacturers Protected by Tariffs:** Anticipated price increases, reduced sales.
3. **Local Manufacturing Using Imported Materials Subject to Tariffs:** Anticipated cost increases similar to supply shocks, reduced sales.

### For Non-US Companies

1. **Local Manufacturers Selling to the US Under Tariffs:** Expected price and cost increases, lower quantities sold.
2. **Local Distributors:** Purchasing US products at higher prices due to increased costs.
3. **Local Manufacturers:** Potentially sourcing cheaper inputs from non-US suppliers with excess capacity.



02

# Recent Developments in US Customs Enforcement



# Role of U.S. Customs and Border Protection (CBP) in Import Compliance

## Inspection and Examination

- **Physical Inspections:** Conduct physical inspections of imported goods to verify compliance with safety, health, and other standards.
- **Document Verification:** Review import documentation (invoices, bills of lading, certificates of origin) for accuracy and compliance.
- **Prohibited and Restricted Items:** Identify and intercept prohibited or restricted items to prevent illegal imports.

## Duty Collection

- **Assessment of Duties:** Assess duties on imported goods based on their tariff classification using the HTSUS, ensuring the correct amount is levied according to U.S. trade laws.
- **Revenue Collection:** Collect duties, taxes, and fees associated with imports.
- **Monitoring Compliance:** Monitor import transactions to ensure that importers correctly declare the value, classification, and origin of goods, preventing underpayment or evasion of duties.



- **Tariffs:** Ensure compliance with tariff regulations, including the accurate assessment and collection of duties, to uphold U.S. trade policies.
- **Intellectual Property Rights:** Enforce laws related to intellectual property rights to prevent the importation of counterfeit goods.
- **Anti-Dumping and Countervailing Duties:** Implement and enforce anti-dumping and countervailing duty orders to protect U.S. industries from unfair trade practices.

- **Trade Facilitation:** Implement programs like the Automated Commercial Environment (ACE) to streamline import processing and facilitate legitimate trade.
- **Risk Management:** Use risk management strategies to identify and target high-risk shipments for additional scrutiny.
- **Collaboration with Agencies:** Work with other federal agencies (e.g., FDA, EPA) to enforce specific regulations and ensure comprehensive compliance.

## Enforcement of Regulations

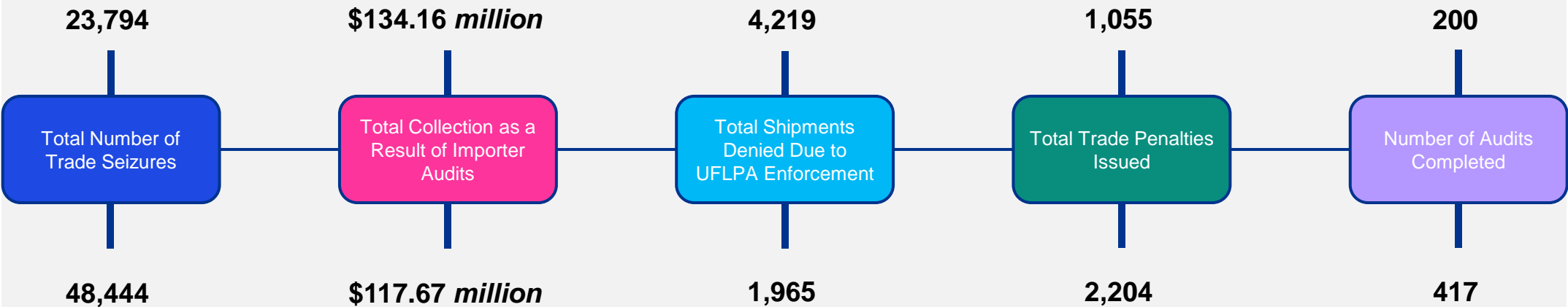
## Facilitation and Risk Management



# Trends and Statistics in Enforcement Actions

Data from the US Customs and Border Protection (CBP) reveals key insights for FY 2025 trends when compared to FY 2024.

## Fiscal Year 2025\* (Oct 2024 – current)



## Fiscal Year 2024 (Oct 2023-Sep 2024)

While CBP statistics do fluctuate year-over-year, the recent increased pressure to raise revenue via duties/tariffs results in compliance with import regulations more critical than ever.

\*CBP's reporting FY runs October through September

CBP Trade Enforcement Activities, updated as of March 31, 2025

CBP Uyghur Forced Labor Prevention Act Statistics



# Penalties Under the False Claims Act

The current administration's intention to "aggressively" enforce the False Claims Act ("FCA") signals a likely increase in FCA investigations and actions in the current fiscal year and beyond..

## False Claims Act ("FCA")

31 U.S.C. §§ 3729 - 3733



- Enacted in 1863, the FCA was created to combat defense contractor fraud during the Civil War.



- The FCA holds individuals and companies liable for knowingly submitting or causing the submission of false claims to the government, with penalties of **three times** the government's damages plus an inflation-linked penalty..



- The FCA allows private citizens to file lawsuits on behalf of the government against those who have defrauded the government, potentially receiving a portion of the recovered funds.



- FCA enforcement aligns with the Trump Administration's priorities of increasing government efficiency and eliminating waste, fraud, and abuse.

## FCA Trends in FY2024

Over \$2.9 billion in settlements and judgements under FCA.

558 settlements and judgements where the government and whistleblowers were party to.

40 resolutions of FCA matters involving customs violations since 2011.

## Anticipating FCA Trends in FY2025

DOJ focus on enforcing the FCA on priority policies, specifically foreign trade issues and tariffs.

Targeting three main areas of conduct, involving underpayment due to misclassification, undervaluation, and country of origin.

An increase in the frequency and financial stakes of customs-related FCA cases.



# Business Impact and Compliance Requirements

Trade professionals are facing a variety of new challenges, including the recent Executive Order announcements on tariffs. KPMG is seeing these developments impact businesses in a variety of ways, including:

## Increased Financial Burden

- The significant rise in audits and identified owed duties and fees indicates a heightened enforcement environment, leading to increased financial liabilities for businesses.

## Operational Adjustments

- The introduction of measures and changes in tariff policies requires businesses to adjust their operational processes.
- Without comprehensive guidance, businesses are struggling to ensure adherence to evolving regulations.



## Complexity in Compliance

- Frequent developments and new requirements under Executive Orders (EOs) add layers of complexity to compliance efforts.

## Limited Mitigation Opportunities

- With minimal guidance and rapid changes, businesses find it difficult to implement effective mitigation strategies to reduce duty liabilities



03

# Strategies for Compliance and Risk Management



# Trade Compliance Covers Multiple Areas of Law

Trade compliance is the process and system of understanding and adhering to the laws and regulations controlling the export and import of goods, products, information and technology between the United States and other countries.



## IMPORT NON-COMPLIANCE

- Fines and penalties based on degree of culpability

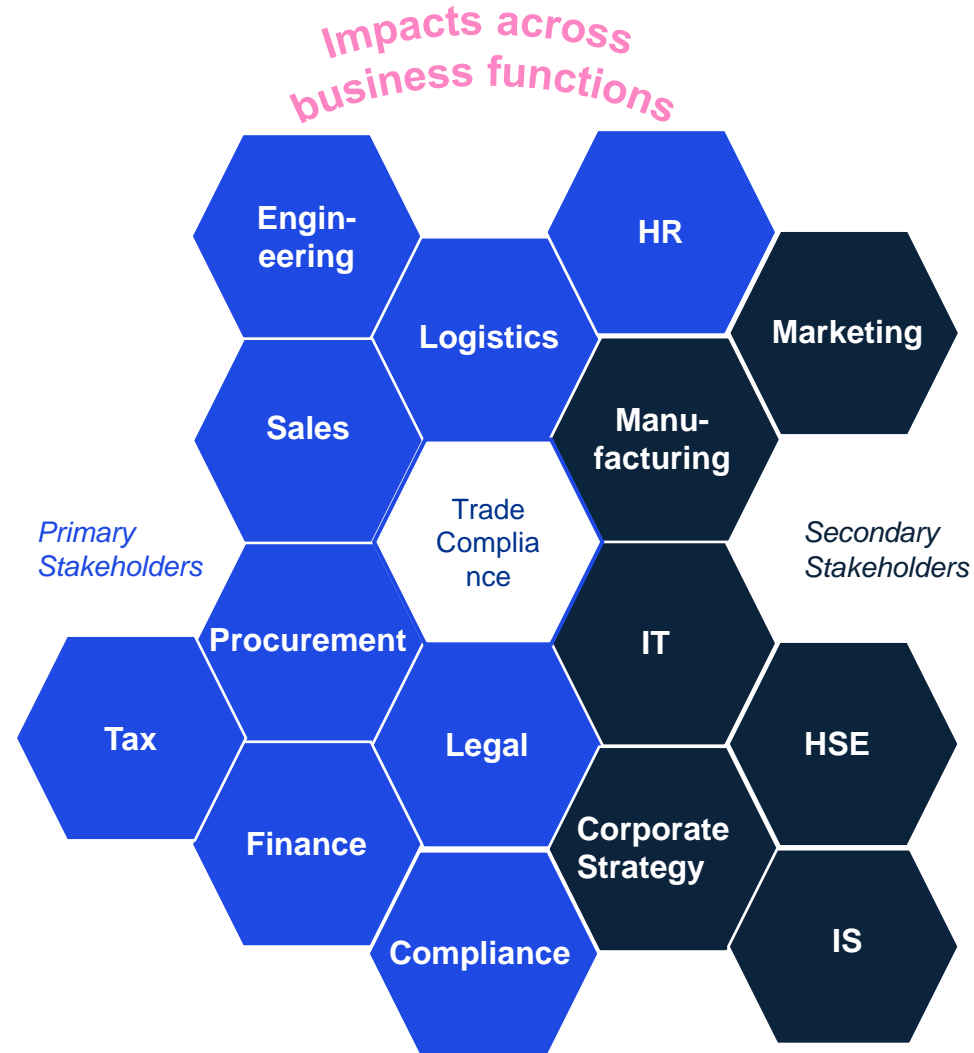


## EXPORT NON-COMPLIANCE

- Fines and penalties
- Criminal prosecutions of executives through entry level
- Reputational damages
- Loss of exporting privileges



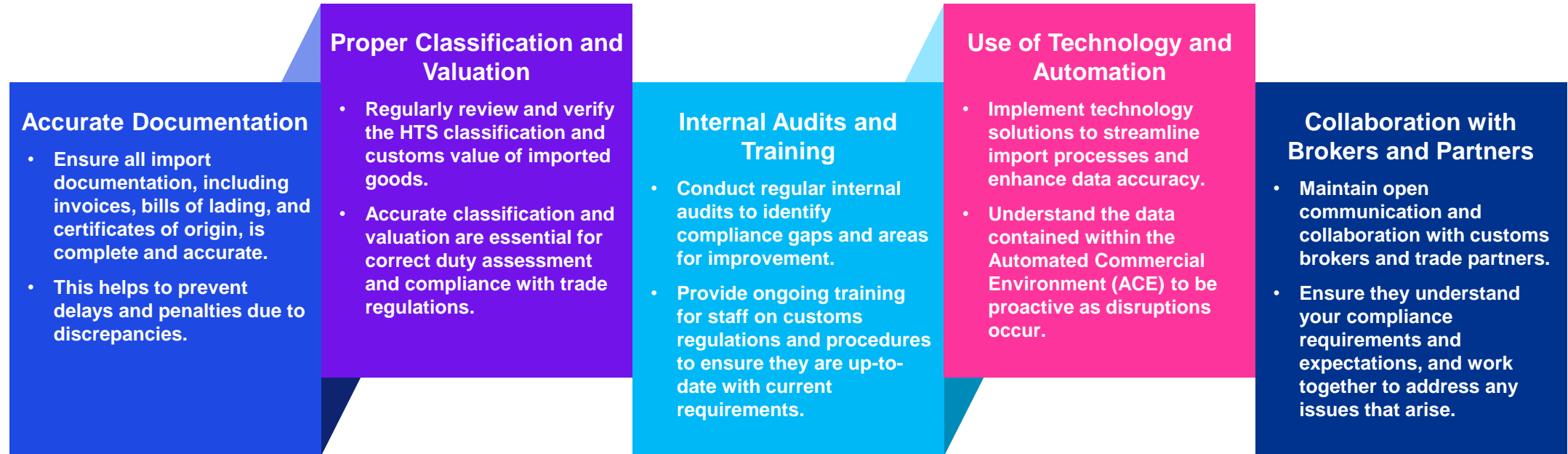
# Multiple Functions are Exposed to Trade Compliance





# Compliance Best Practices

Based on information published by U.S. Customs and Border Protection (CBP), trade professionals should look to the following best practices for guidance on import compliance:



# Leveraging Data and Automation

KPMG's approach to tariff modeling leverages the latest technology, including GenAI, while considering the data needed to navigate today's global trade disruption. Digital transformation for our clients aligns your global trade data and technology with your organizational objectives.



# A Coherent Trade Compliance Strategy Can Also Save \$\$\$

Disruptors such as tariffs can make it more difficult to navigate the complex regulatory environment. Managing these disruptors requires short and long-term mitigation strategies, such as the following:

## First Sale for Export

Reduce duty costs by declaring customs value based on manufacturer's initial sales price rather than final price paid by the importer

## Foreign Trade Zones

Defer duty payment until foreign merchandise leaves the FTZ for US Consumption

## Country of Origin Planning

Plan and manage the country of origin for goods strategically to benefit from preferential trade agreements and reduced duty rates

## Cost Unbundling

Removing or “unbundling” elements from the declared customs price to facilitate a reduction in customs duties

## Strategic Tariff Classification

Ensure precise and strategic classification to avoid overpayment and capitalize on favorable tariff treatments

## Valuation: Post Importation Refunds

Obtain duty refunds from retroactive downward transfer price adjustments which results in a reduced customs value

## Duty Drawback

Claim 99% refund of duties, fees and taxes paid on goods imported into the U.S. that are ultimately exported or destroyed (certain Tariffs are excluded)

## Other Strategies

Bonded warehouses, Temporary Importation Bonds, Chapter 98



04

# Panel: Industry Perspective on Customs and Enforcement

With Nicole Smith and Michelle Welsh from Google



05

Q&A





# Thank you!

**Transforming tax.  
Redefining connections.**

2025 US Cross-Border Tax Summit







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