



AMERICAN ASSOCIATION OF EXPORTERS AND IMPORTERS

# MEMBERSHIP VALUE FOR INVESTMENT REPORT

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DECEMBER 2022



# LETTER FROM THE CHAIR

## OF THE AMERICAN ASSOCIATION OF EXPORTERS AND IMPORTERS

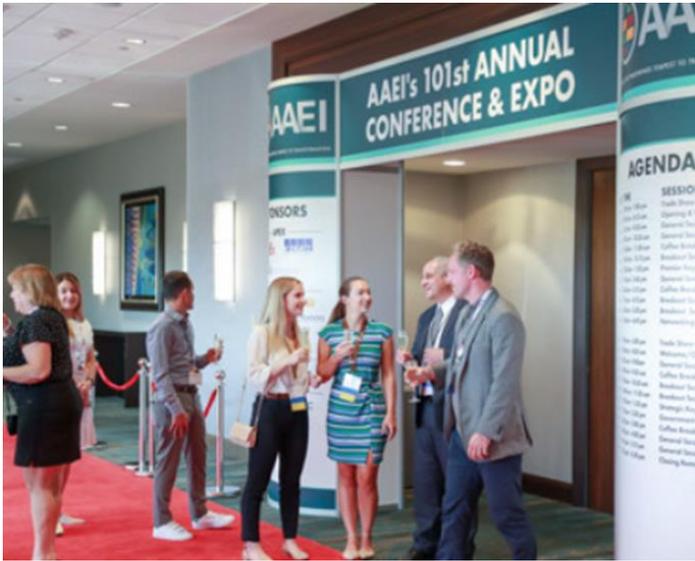
Dear AAEI Members and Trade Advocates,

This year has been a resurgence in international trade as we have reemerged from COVID and supply chain disruptions. Despite the challenges, 2022 has allowed us to move from “Tempest to Transformation” and chart a new course for trade and AAEI as an organization. I am happy with the progress the Association has made this year, and we look forward to ensuring that “Trade Matters” in 2023.

### Julie Parks

Chair, American Association of Exporters and Importers Board of Governors  
Raytheon Co.





# OVERVIEW

AAEI is the premier trade organization representing those immediately engaged in and directly impacted by developments pertaining to international trade. We are recognized as technical experts regarding the day-to-day facilitation of trade.

The American Association of Exporters and Importers (AAEI) is a corporate-membership association based in Washington, DC, for businesses and trade practitioners actively involved in international trade. AAEI members include importers, exporters, customs brokers, freight forwarders, trade services companies, and law firms. AAEI members receive advocacy, education, information and contact with facets of the U.S. government related to trade operations.

AAEI advocates on behalf of U.S. companies on trade policy issues before the U.S. Congress, trade compliance practices and operations before Executive Agencies, and multi-lateral organizations including the World Trade Organization and the World Customs Organization.

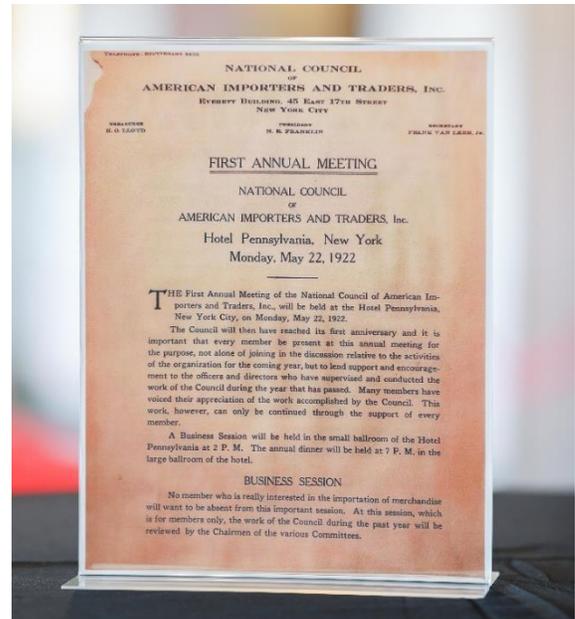
AAEI plays an important role in providing education to international trade compliance professionals through its ten (10) standing committees which review proposed trade policy and regulations for comment, off-the-record webinars with government officials, and the Association's annual conference, seminars, and trade briefings.

AAEI assists international trade compliance professionals by providing information concerning government regulations through its international trade ALERT.

# 100 Years of Making Global Trade Happen

Trade is a key ingredient of economic prosperity. As it has for the past 100 years, AAEI works on behalf of its members to promote free and fair trade and advance prosperity for all Americans. AAEI's overall objectives will remain the same for the next 100 years no matter what unforeseen challenges arise from trade innovations and an ever-changing economic landscape.

This report is designed to provide members with a synopsis of the Association's recent accomplishments and to highlight the value of AAEI membership.



AAEI members work together through unforeseen circumstances to achieve common goals that help their companies' import and export operations. AAEI members formed a community of colleagues and companies which, during the unpredictable events of the year, came together to share information, advice and lessons learned. And AAEI members brought companies and government agencies together to further the objectives of the trade industry. AAEI members make AAEI work. We look forward to the next century together with you.

# GAINS

AAEI succeeded on 7 major issues in 2022 that brought the government's attention to members' obstacles to trade and led to major cost savings in members' trade operations.

**1**

Forced Labor Engagement with CBP and DHS

**2**

21st Century Customs Framework (21CCF)

**3**

CBP's Proposed Country of Origin Marking Rules

**4**

CBP Interim Final Rule for USMCA Drawback

**5**

Port Congestion

**6**

Export Controls & Sanctions

**7**

Customs Broker Modernization Regulations

# Forced Labor Engagement with CBP and DHS

## PRIORITY INTEREST

CBP and DHS Engagement on Forced Labor

## PERFORMANCE

Direct discussion, high-level meetings

AAEI webinars

AAEI task force meetings

AAEI talking points

AAEI comments and testimony on UFLPA

## VALUE

Clarity for compliance

Business certainty

AAEI members were first to hear of agency developments through active engagement

AAEI provides safe space for importers to freely discuss compliance obstacles and solutions

AAEI actively engaged with U.S. Customs and Border Protection (CBP) and the Department of Homeland Security (DHS) on Forced Labor enforcement since 2021 and implementation of the Uyghur Forced Labor Prevention Act (UFLPA) in 2022 with high-level meetings involving, among others, CBP Executive Assistant Commissioner AnnMarie Highsmith; former CBP Executive Director for Trade Remedy Law Enforcement Directorate Ana Hinojosa; CBP Acting Executive Director of Trade Remedy Law Enforcement Eric Choy; and, DHS Director of Trade Policy Amy Strauss.

AAEI relays members’ specific experiences, concerns, and costs to CBP and DHS related to Forced Labor and UFLPA. AAEI developed the Association’s talking points to advocate for transparency and clarity during the investigative process. AAEI members were the first to hear about and get access to CBP’s timeline for processing Forced Labor allegations which provided member value in clarity and business certainty. AAEI members were able to engage directly with CBP and receive straightforward answers on this important issue. AAEI continues to work with CBP on developing best practices for importers. AAEI filed comments to DHS and provided testimony at the government’s public hearing on the implementation of the UFLPA.



# 21st Century Customs Framework (21CCF)

## PRIORITY INTEREST

CBP's 21<sup>st</sup> Century Customs Framework

## PERFORMANCE

Active role in CBP's 21CCF Task Force

Direct discussion, high-level meetings

Publication of AAEL position paper  
Pursuit of "one government" approach to modernizing importing and exporting process

## VALUE

Leveraging stakeholder role as technical experts in shaping future of Customs

Business forecasting  
AAEL members played active role in developing position paper



AAEL is actively engaged with CBP on its 21st Century Customs Framework (21CCF) plans. Association leaders are leveraging their stakeholder role as technical experts to trade in helping shape the future of Customs in the United States. The work has provided members with a means for input on all aspects of the Customs process, including information gathering and record-keeping; consolidation of government agency processes; Trusted Trader/CTPAT/ISA programs; e-commerce; air cargo information; entry filings; HTS classification; release; country of origin; reconciliation; payment; post-summary correction; and prior disclosures/regulatory audit. AAEL continues active engagement through Commercial Customs Operations Advisory Committee's (COAC's) 21CCF working group to include trade facilitation recommendations for the future of Customs and Trade.

# CBP's Proposed Country of Origin Marking Rules

## PRIORITY INTEREST

CBP's Country of Origin Marking Rules

## PERFORMANCE

Identified flaws in CBP proposal to use the USMCA marking rules in 19 CFR Part 102 (tariff shift) to determine non-preferential origin for all purposes regarding products imported from Canada or Mexico

Filed comments proposing to give importers the option to choose substantial transformation test or tariff shift method in determining Country of Origin

Sought examination of full impact of CBP's proposed rules on U.S. importers and exporters

## VALUE

Used technical expertise to maximum advantage in highlighting negative impacts of proposal on some importers

Advocated for importers to choose method that serves them best

Direct cost-savings to members' trade compliance programs

AAEI filed comments on non-preferential origin determinations for goods imported from Canada or Mexico, calling for a full examination of the impact of CBP's proposal on U.S. importers and exporters. AAEI identified flaws in CBP's proposal that would lead to unnecessary complexity and cost for many importers and showed how the proposal represents a significant rewrite of U.S. customs law. AAEI proposed to allow importers to choose the method that best serves them, whether they use the traditional substantial transformation test of the tariff shift method in Part 102 rules.



# CBP Interim Final Rule for USMCA Drawback

## PRIORITY INTEREST

USMCA Drawback

## PERFORMANCE

Identified 3 areas in which drawback rules are impacted by USMCA, including legislative mandates in TFTEA

Preserved drawback as a significant benefit to members where drawback can be claimed with exports to Canada and Mexico

Called for clarity on distinction between goods that qualify for USCMA drawback and those goods that do not qualify for USMCA drawback

## VALUE

Direct cost-savings to members' drawback programs

Clarity for USMCA drawback filers

AAEI filed comments on CBP's Interim Final Rule because it did not clarify what is subject to USMCA vs. what is not. 19 CFR 182 should reflect the drawback language in 19 CFR 190 for Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) drawback, and not what was outlined in 19 CFR 181 for NAFTA drawback. There were many updates with TFTEA that should have carried into 19 CFR 182 for USMCA drawback. The Interim Final Rule does not completely reflect the change to electronic drawback filings in ACE. The language also should be updated to remove outdated references to documents, certificates, and affidavits. There is significant value in this to importers and exporters claiming drawback. Claimants need to understand what is subjected to USMCA and how to go about getting it back, otherwise they risk claiming drawback on articles improperly.



# Port Congestion

## PRIORITY INTEREST

Supply Chain Disruptions

## PERFORMANCE

Among the first organizations to go public nationally on port congestion issue

Called attention to costly impact on U.S. exporters and their ability to compete in overseas markets

AAEI action resulted in major government efforts to remedy problems

Contributed to White House awareness of widespread problems which led to Supply Chain Disruption Task Force and creation of Port Envoy role  
Contributed to action by Federal Maritime Commission (FMC)

## VALUE

Pursuit of relief from members' rising detention and demurrage charges

Forum for members to identify new port fees and share awareness of port congestion rising costs

Participation in effort to fix long-standing and costly problem

Enabling shippers to make better business decisions

AAEI's work on solutions to port congestion has been consistent for the past 18 months. Among AAEI's actions, a letter of concern Federal Maritime Commission (FMC) commissioners highlighting the impact of port congestion on U.S. exporters and shared the letter with the White House. Being one of the first organizations to identify the causes of port congestion resulted in the formation of the Biden-Harris Administration Supply Chain Disruptions Task Force and the creation of the White House Port Envoy. AAEI's communication with FMC led to action including the creation of the FMC's Ocean Carriers Audit Program and the National Shipper Advisory Committee. AAEI supported passage of the Ocean Shippers Reform Act of 2022 (OSRA) and recently filed comments supporting the FMC's capability to issue an emergency order under the law that would require common carriers and marine terminal operators to share information with shippers to make better business decisions.



# Export Controls & Sanctions

## PRIORITY INTEREST

Export Compliance

## PERFORMANCE

Direct discussion with government officials

Benchmarking

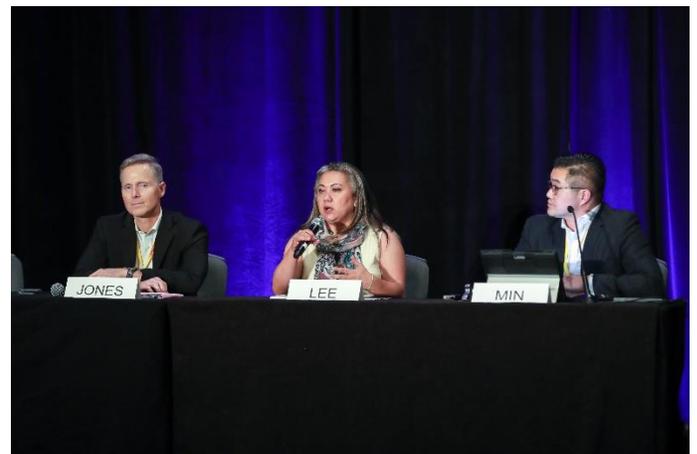
## VALUE

Clarity for compliance

Business certainty

Greater knowledge of industry practices

AAEI's work on export controls and sanctions focuses on compliance. AAEI held multiple webinars on sanctions related to Russia's war in Ukraine and received an update from the Bureau of Industry and Security (BIS) on recent export controls on computer chips and computer manufacturing equipment to China. AAEI addresses the swift changes affecting highly technical export regulations, giving members clarity for compliance, and improving business certainty. Export committee members share industry practices to manage the impact of export sanctions and controls.



# Customs Broker Modernization Regulations

## PRIORITY INTEREST

Licensed Customs Broker  
Compliance

## PERFORMANCE

Expert insights on impact of  
final rule

## VALUE

Clarity for compliance  
Business certainty

AAEI held a webinar on the new customs broker regulations and provided context and on how the new rules will impact brokerages and in-house LCBs. It included details on adjustments to how brokers file their permits on a national level. AEI's Customs Committee also provided members with information-sharing opportunities.



# AAEI ACTIONS IN 2022

[AAEI Comments to Sen. Cassidy Bill on Customs Modernization](#) - January 2022

[AAEI-AFT House COMPETES Section 301 Amendments Letter](#) - February 2022

[AAEI Surface Transportation Letter](#) - February 2022

[AAEI Census Rules of Origin Letter](#) - February 2022

[AAEI Coalition Extension Request for FMC Comments on Demurrage and Detention](#) - February 2022

[AAEI Forced Labor Comments](#) - March 2022

[AAEI-AFT Letter to USTR on Tariff Review Process](#) - March 2022

[Association Letter on De Minimis](#) - March 2022

[AAEI 21CCF White Paper](#) - April 2022

[AAEI Comments to DOC on Indo Pacific Agreement](#) - April 2022

[AAEI Letter to Texas on Inspections](#) - April 2022

[AAEI Comments to FMC on Detention and Demurrage](#) - April 2022

[AAEI Comments to USTR on Indo Pacific Agreement](#) - April 2022

[AAEI OSRA21 Trade Association Support Letter](#) - June 2022

[AAEI Letter on Railroad Labor Negotiations Avoiding Supply Chain Disruptions](#) - July 2022

[AAEI Acceptance to Return to WCO Private Sector Consultative Group](#) - July 2022

[AAEI Forced Labor Comments to USTR NPRM](#) - August 2022

[AAEI Rail Strike Letter to Congress](#) - September 2022

[AAEI Labor Strike Coalition Administration Letter](#) - October 2022

[GSA Joint Statement 2022](#) - October 2022

[AAEI Letter to CBP on Liquidated Damages Notifications](#) - October 2022

[AAEI Comments to FMC on Demurrage and Detention Billing Requirements](#) - December 2022

# ABOUT AAEI

## MISSION, VISION, AND VALUES

The American Association of Exporters and Importers (AAEI) is the only American organization solely devoted to dealing with the many problems that constantly face U.S. merchants handling the incoming/importing and outgoing/exporting of commodities and services. AAEI accepts the interpretations of principles involving the assessment of import duties and trade rules and regulations, so that American standards of living may be maintained.

AAEI strives for reasonable administrative interpretations and applications of U.S. trade and customs laws and regulations, so that the legitimate rights of importers and exporters are upheld.

Since 1921, it has been the aim of AAEI, in considering all trade questions, to do so not in a narrow, partisan spirit, but on a broad national basis, as affecting U.S. foreign trade generally, both incoming and outgoing.

We Make Global Trade Happen!

**Eugene Laney Jr.**

President and CEO

American Association of Exporters and Importers

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