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BILLING CODE 6690-01-C

EXPORT-IMPORT BANK

[Public Notice 64]

**Agency Information Collection
Activities: Submission for OMB
Review; Comment Request**

AGENCY: Export-Import Bank of the U.S.

ACTION: Notice and request for
comments.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) provides working capital guarantees to lenders. In assessing the creditworthiness of an applicant, Ex-Im Bank review EIB Form 84-1. This form provides information which allows the Bank to obtain legislatively required reasonable

assurance of repayment, as well as to fulfill other statutory requirements. The form has had no change in content or purpose; it requires only a three-year extension.

DATES: Written comments should be received on or before June 28, 2004 to be assured of consideration.

ADDRESSES: Direct all requests for additional information to Pamela Bowers, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571 (202) 565-3792, or Pamela.bowers@exim.gov. Direct all comments to David Rostker, Office of Management and Budget, Office of Information and Regulatory Affairs, NEOB, Room 10202, Washington, DC 20503, (202) 395-3897.

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers: U.S. Small Business Administration, Export-Import

Bank of the United States Joint Application for Working Capital Guarantee.

OMB Number: 3048-0003.

Form Number: EIB-SBA 84-1 (Revised 8/2000).

Type of Review: Extension of expiration date.

Annual Number of Respondents: 600.

Estimated Time Per Respondent: 2 Hours.

Annual Burden Hours: 1,200.

Frequency of Reporting or Use: Upon application for guarantees or working capital Loans advanced by the lenders to U.S. exporters.

Dated: May 24, 2004.

Solomon Bush,

Agency Clearance Officer.

BILLING CODE 6690-01-M

OMB No.: 3048-0003
 Expires February 29, 2004
 (Ex-Im Bank Use Only)
 Date Received

(SBA Use Only) Date Received C.I.D. No. <input type="checkbox"/> Intermediary	U.S. SMALL BUSINESS ADMINISTRATION EXPORT-IMPORT BANK OF THE UNITED STATES JOINT APPLICATION FOR WORKING CAPITAL GUARANTEE	
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PART A. PRINCIPAL PARTIES

1. Borrower/Exporter Please circle the appropriate answer: New to Ex-Im Bank or SBA? Yes No

Company Name		D&B No.		Telephone No.	
Name and Title of Contact Person		Federal ID No.		Fax No.	
Address		City	State	Zip	
Gross Sales \$	No. of Full-Time Employees	Primary SIC Code OR North American Industrial Classification System No. (NAIC)		Products/Goods/Services to be exported (Description)	
	Small Business as stipulated by SBA Guidelines? Yes No	*Minority-Owned? Yes No	*Women-Owned? Yes No		

Management (Proprietors, partners, officers, directors and holders of outstanding stock -100% of ownership must be shown).
 (Attach separate sheet of paper if necessary.)

Name and Social Security Number	Complete Address	% owned	*Military Service From: To:	*Race **	*Sex

*This information is collected for statistical purposes only. It has no bearing on the credit decision to approve or decline this application.
 **Please use one of the following categories: 1) American Indian/Alaska Native; 2) Black/African American; 3) Asian; 4) Native Hawaiian/Pacific Islander ; 5) White; 6) Ethnicity Hispanic; 7) Not Hispanic.

Affiliate(s) (If more than one, please attach list on separate sheet of paper.)

Company Name		D&B No.		Telephone No.	
Name and Title of Contact Person		Federal ID No.		Fax No.	
Address		City	State	Zip	

2. Personal Guarantor(s) (If more than one guarantor, please attach separate sheet of paper.)

Name		SSN		Telephone No.	
				Fax No.	
Address		City	State	Zip	

3. Lender Please circle the appropriate answer: New to Ex-Im Bank or SBA? Yes (If yes, submit annual report.) No

Name		Federal ID No.		Telephone No.	
				Fax No.	
Address		City	State	Zip	

OMB No.: 3048-0003
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PART B. INFORMATION ABOUT THE TRANSACTION

Loan Amount \$ _____	Terms and Fees <input type="checkbox"/> 6 months <input type="checkbox"/> 1 year <input type="checkbox"/> Other (Specify) _____	Type (check one) <input type="checkbox"/> Revolving <input type="checkbox"/> Transaction(s) Specific
Interest Rate to be Charged Lender Interest Rate _____ % Per Annum	Other Fees or Charges (type and amount) _____	Renewal? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Interest Rate is to be Variable: Base Rate _____ Adjustment Period _____ (Monthly, Quarterly, Annually, etc.) Spread _____ Base Rate Source _____ (WSJ, LIBOR, etc.)		Conversion of Preliminary Commitment? <input type="checkbox"/> Yes If yes, # _____ <input type="checkbox"/> No

Were you assisted by an Ex-Im Bank City/State partner or a Small Business Development Center?	Yes	No	If yes, please identify: Name & Address Contact Name _____ Telephone No. _____
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Estimated Total Export Sales to be supported by this Loan \$ _____

Principal Countries of Export: (Please identify the top 3 countries.)

U.S. Content _____ % (Ex-Im Bank applicants only)

Please estimate the number of jobs to be supported by this Loan:
_____ Maintained jobs
_____ Additional jobs created

Are Performance Guarantees or Standby Letters of Credit to be issued under this Loan?	Yes	No	Percentage of Loan to be utilized for performance guarantees _____ %
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Please answer the following questions with regard to the "export items" to be exported from the U.S.

Military Is the Buyer associated in any way with the military? Are the items to be used by the military, or are they defense articles, or have a military application?	Yes	No	If yes, please attach a description of the buyer or items, as applicable.
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Nuclear Are the items to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities?	Yes	No	If yes, please attach a description of the items. (Ex-Im Bank applicants only)
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Environmental Are the products to be used for an environmental project or have perceptible environmental benefits?	Yes	No	If yes, please attach a description of the items and answer the following: Identify the project: _____ Project Location: _____ Project Sector or Industry: _____ If not related to a specific project, the products are to be used to create an environmental benefit in: _____ (Please identify Sector)
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Are the items on the U.S. Munitions Control List (Part 121 of Title 22 of the Code of Federal Regulations), OR do they require a validated export license from the Bureau of Export Administration?	Yes	No	If yes, please attach a description of the items. If uncertain whether a validated export license is required, written verification from the appropriate licensing agency may be required before loan approval. (Ex-Im Bank applicants only)
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PART C. CERTIFICATIONS

1. Borrower/Exporter Certification

The Borrower/Exporter certifies that the facts stated and the representations made in this application and any attachments to this application are true, that the Borrower/Exporter has not omitted any material facts, and that the Borrower/Exporter is not delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date hereof.

The undersigned further certifies that it is not currently, nor has it been within the preceding three years: 1) debarred, suspended or declared ineligible from participating in any Federal program; 2) formally proposed for debarment, with a final determination still pending; 3) voluntarily excluded from participation in a Federal transaction; or 4) indicted, convicted or had a civil judgment rendered against it for any of the offenses listed in the Regulations Governing Debarment and Suspension (Governmentwide Nonprocurement Debarment and Suspension Regulations: Common Rule), 53 Fed. Reg. 19204 (1988).

Any applicant who knowingly makes a false statement or conceals a material fact in order to obtain a loan guarantee from SBA or Ex-Im Bank may be fined up to \$10,000 or imprisoned for not more than five years (or both) under 18 USC 1001.

Please circle the appropriate answer. Attach complete information for any "yes" circled.

1. Are there any pending or threatened liens, tax liens, judgments or material litigation against the:

Borrower YES NO **Guarantor** YES NO

2. Has the Borrower/Exporter or its owner(s), or the Guarantor ever filed for protection under U.S. bankruptcy laws? Has either had an involuntary bankruptcy petition filed against it?

Borrower YES NO **Guarantor** YES NO

3. Has the Borrower/Exporter or its owner(s) or affiliates, or the Guarantor ever previously requested U.S. Government financing?

Borrower YES NO **Guarantor** YES NO

4. Is/has the Borrower or Guarantor: (a) presently under indictment, on parole or probation; or (b) ever been charged for any criminal offense; or (c) ever been convicted, placed on pretrial diversion, or placed on any form of probation including adjudication withheld pending probation for any criminal offense other than a minor vehicle violation?

Borrower YES NO **Guarantor** YES NO

5. Are all owners and guarantors U.S. Citizens? YES NO If no, give alien registration number: _____
(SBA APPLICANTS ONLY)

Name of Borrower/Exporter*	Date	Name of Guarantor*	Date
Signature		Signature	
Name and Title (Print or Type)		Name and Title (Print or Type)	

***Please attach a signed, duplicate original of Part C for each Borrower and each Guarantor**

2. Lender Certification

The Lender certifies that the facts stated and the representations made in this application and any attachments to this application are true, to the best of its knowledge and belief after due diligence, that the Lender has not omitted any material facts, and that the Lender is not delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of this application. By signing and submitting this application, the Lender certifies that it would not be willing to make this loan without the guarantee of Ex-Im Bank or SBA.

The Lender further certifies to the best of his or her knowledge and belief, that if any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this commitment providing for the United States to guarantee a loan, the undersigned shall complete and submit a Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, US Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. If Standard Form-LLL is necessary, it may be obtained from Ex-Im Bank or SBA.

The undersigned further certifies that it is not currently, nor has it been within the preceding three years: 1) debarred, suspended or declared ineligible from participating in any Federal program; 2) formally proposed for debarment, with a final determination still pending; 3) voluntarily excluded from participation in a Federal transaction; or 4) indicted, convicted or had a civil judgment rendered against it for any of the offenses listed in the Regulations Governing Debarment and Suspension (Governmentwide Nonprocurement Debarment and Suspension Regulations: Common Rule), 53 Fed. Reg. 19204 (1988).

I certify that none of the Lender's employees, officers, directors, or substantial stockholders (more than 10%) have a financial interest in the applicant. Any Lender who knowingly makes a false statement or conceals a material fact in order to obtain a guaranteed loan from SBA or Ex-Im Bank may be fined up to \$10,000 or imprisoned for not more than five years (or both) under 18 USC 1001.

Name of Lender	Date
Signature	
Name and Title (Print or Type)	

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Right of Financial Privacy Act of 1978 (12 U.S.C. 3401)

This is notice to you as required by the Right of Financial Privacy Act of 1978, of SBA/Ex-Im Bank's access rights to financial records held by financial institutions that are or have been doing business with you or your business, including any financial institutions participating in a loan or loan guarantee. The law provides that SBA/Ex-Im Bank shall have a right of access to your financial records in connection with its consideration or administration of assistance to you in the form of a Government loan or loan guarantee agreement. SBA/Ex-Im Bank is required to provide a certificate of its compliance with the Act to a financial institution in connection with its first request for access to your financial records, after which no further certification is required for subsequent accesses. The law also provides that SBA/Ex-Im Bank's access rights continue for the term of any approved loan or loan guarantee agreement. No further notice to you of SBA/Ex-Im Bank's access rights is required during the term of any such agreement.

The law also authorizes SBA/Ex-Im Bank to transfer to another Government authority any financial records included in an application for a loan, or concerning an approved loan or loan guarantee, as necessary to process, service or foreclose on a loan or loan guarantee or to collect on a defaulted loan or loan guarantee. No other transfer of your financial records to another Government authority will be permitted by SBA/Ex-Im Bank except as required or permitted by law.

Under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) and the Privacy Act of 1974 (5 U.S.C. 552a), the applicant is hereby notified that:

- (1) The purpose of the information collected in this application is to **determine the eligibility** of the request.
- (2) The information collected will be analyzed to **determine the ability** of the participants to perform the transaction and pay for it.
- (3) **Public burden** reporting for this collection of information is estimated to average 2 hours per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send **comments** regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to Office of Management and Budget, Paperwork Reduction Project OMB#3048-0009, Washington, D.C. 20503.
- (4) This information is being requested under the authority of the Export-Import Bank Act of 1945 (12 U.S.C. 635-635i-7); disclosure of this information is mandatory; and failure to provide the requested information may result in Ex-Im being unable to determine your eligibility for the transaction being requested.
- (5) The information collected will be held **confidential** subject to the Freedom of Information Act in Title 5, United States Code, Section 552, and the Privacy Act of 1974 (5 U.S.C. 552a).
- (6) Ex-Im may not require the information requested in this application and applicants are not required to respond unless a currently valid OMB control number is displayed on the form (see upper right of each page).

APPLICATION INSTRUCTIONS

PART A. PRINCIPAL PARTIES

- Borrower/Exporter.** Complete this section with information on the individual or corporate borrower. Provide the preliminary SIC code **OR** North American Industrial Classification System No. (NAIC) of the borrower, rather than the product being exported.
Management. Complete this section for each proprietor, partner, officer or director owning 20% or more of the company.
- Personal Guarantor(s).** The personal guarantee of the owner(s) is required in most cases.
- Lender.** Leave blank if you are applying for a Preliminary Commitment and a prospective lender has not been identified.

PART B. INFORMATION ABOUT THE TRANSACTION
Provide the loan amount, term and type of loan requested, and answer all questions in Part B. (See also Checklist item 2 below.)

PART C. CERTIFICATIONS
This section must be signed by an authorized representative of the borrower and, if a request for a final commitment, an authorized representative of the lender.

CHECKLIST OF INFORMATION TO BE ATTACHED
(Note: All Attachments must be signed and dated by all person(s) signing this form.)

	Yes	N/A
BACKGROUND		
1. Brief resume of principals and key employees, History of business; copy of business plan, if available; identify whether sole proprietorship, general partnership, limited liability company (LLC), corporation and/or subchapter-S corporation.		
2. Explanation of use of proceeds and benefits of the loan guarantee, including details of the underlying transaction(s) for which the loan is needed, including country(s) where the buyers are located.		
TRANSACTION		
3. Attach product literature. If applicable, attach description of items if they are nuclear, military, environmental, on the U.S. Munitions Control List, or require an export license.		
4. Copy of letter of credit and/or copy of buyer's order/contract, if available.		
5. Export credit insurance-related material (policy, application, buyer credit limit), if applicable.		
6. Copy of export license, if required.		
FINANCIAL INFORMATION		
7. Business financial statements (Balance Sheet, Income Statement, statement of Cash Flows) for the last three (3) years, if applicable, supported by the most recent Federal income tax return for the business. SBA applicants must submit the last three (3) years of signed, Federal income tax returns for the business.		
8. Current financial statement (interim) dated within ninety (90) days of the date of application filing.		
9. Aging of accounts receivable and accounts payable.		
10. Schedule of all principal officer/owner's compensation for the past three (3) years and current year to date [if none, please indicate].		
11. Signed joint personal financial statements(s) of each major shareholder(s)/partner(s), owner(s), of the company (with 20% or greater ownership, including assets and liabilities of both spouses) and their most recent Federal income tax return; (not required for venture capital partners).		
12. Estimate of monthly cash flow for the term of the loan, highlighting the proposed export transaction.		
13. Description of type and value of proposed collateral to support the loan (company assets/export product, i.e., inventory, accounts receivable, other).		
14. If Lender, attach Credit memorandum. For SBA Applications, attach D&B Report and Personal Credit Reports on Principals and Guarantors.		
15. For Ex-Im Bank Applications only: Nonrefundable \$500 application fee for a Preliminary Commitment or nonrefundable \$100 application fee for a Final Commitment, whichever is applicable, by check or money order made out to the Ex-Im Bank.		
16. SBA Form 1261 (SBA Applicants only)		
17. Copy of IRS Form 4506 (original to be submitted to IRS by the Lender). (SBA Applicants only)		

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MAILING/FORWARDING INSTRUCTIONS

Please circle the appropriate answer.

1. If submitted by a Borrower/Exporter
- a. Is Borrower/Exporter's requested loan amount in Part B, \$1,111,111 or less? YES NO
- b. Is Borrower/Exporter a small business, as defined by Title 13 CFR Part 121.601? YES NO

If answer to *both* of the above is YES, send entire set of materials to the SBA Representative in the U.S. Export Assistance Center nearest you. Call (800) 827-5722 for the address.

If answer to *both* of the above is NO, send entire set of materials to:

Export-Import Bank of the U.S.
Office of Credit Applications and Processing
811 Vermont Avenue, NW
Washington, DC 20571

2. If submitted by a Lender.
- a. **SBA Participating Lenders** must submit with this application a Lender's check equal to 0.25% of the guaranteed amount of the loan application with a maturity of twelve (12) months or less.
- b. Is Lender using its **Ex-Im Bank Delegated Authority**? YES NO
If YES, send the application, the Loan Authorization Notice (two (2) originals), the appropriate facility fee, and the \$100 application fee to the Ex-Im Bank address *above*, *irrespective of the guarantee amount*.

Public Burden Statements

Public burden reporting for this collection of information is estimated to average 2 hours per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: The Office of Management and Budget, Paperwork Reduction Project (3048-0003), Washington, DC 20503.

FOR SBA USE ONLY

Loan Officer's Recommendations			<input type="checkbox"/>	Approve	<input type="checkbox"/>	Decline	State Reason(s)
Signature		Title		Date			
Other Recommendation if required			<input type="checkbox"/>	Approve	<input type="checkbox"/>	Decline	State Reason(s)
Signature		Title		Date			
THIS BLOCK TO BE COMPLETED BY SBA OFFICIAL TAKING FINAL ACTION							
<input type="checkbox"/>	Approve	<input type="checkbox"/>	Decline	State Reason(s)			
Signature		Title		Date			