



## **FREQUENTLY ASKED QUESTIONS**

### **LOANS AND GUARANTEES EVIDENCE OF EXPORT**

#### Why does EXIM require evidence of export?

- To verify that EXIM financing supports U.S. exports as required by EXIM's Charter
- To establish U.S. content eligibility as required by EXIM's content procedures
- To substantiate that goods originated in the U.S.
- To confirm that goods were shipped to the approved foreign buyer's country
- To verify compliance with Public Resolution 17 U.S. flag ocean shipping requirement, if applicable
- To confirm that goods were shipped on or after the Initial Eligibility Date approved by EXIM

#### What is acceptable evidence of export for goods?

A bill of lading or waybill dated and signed by the carrier, freight forwarder, or shipping agent that shows shipment of the approved goods from the U.S. to the approved foreign buyer's country. "Signed" includes manual/handwriting, electronic, digital signature or other acceptable method of authentication.<sup>1</sup> Copies are acceptable.

#### What does Credit Administration check on a bill of lading?

- Were the goods shipped from the U.S. to the approved foreign buyer's country in accordance with the Annex B Letter (Master Guarantee Agreement) or Credit Agreement?
- Is the bill of lading/waybill dated and signed by the carrier, freight forwarder or shipping agent?
- Is the bill of lading/waybill date on or after the Initial Eligibility Date in the Annex B Letter (Master Guarantee Agreement) or Credit Agreement?
- Are the goods described on the bill of lading/waybill consistent with the invoice presented and with the approved goods on the Annex B Letter (Master Guarantee Agreement) or Acquisition List?
- If P.R. 17 is applicable, were any goods shipped by ocean on a U.S. flag vessel? If not shipped on a U.S. flag vessel, is a certification of vessel non-availability (supply/scheduling/capacity or reasonable rate) or determination (general, compensatory or reachback) from the U.S. Maritime Administration (MARAD) for the shipment attached?
- If goods were shipped using multiple types of transport, was a through/multimodal bill of lading or were "back-to-back" bills of lading provided that show shipment from the U.S. to the approved foreign buyer's country?
- If goods were shipped from a port in Canada to the approved foreign buyer's country, does the through bill of lading indicate that the place of departure was in the U.S.? If not, were "back-to-back" bills of lading provided showing export from the U.S. to Canada and from Canada to the foreign buyer's country?

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<sup>1</sup> Refer to UCP 600 Article 3 for Documentary Credits for a useful description.

## Additional Guidance

- Goods transshipped from another country through the U.S. (including entry through a bonded warehouse) are Excluded Goods and are not considered eligible foreign content.
- If you are a U.S. exporter, contact MARAD as soon as possible to discuss U.S. flag ocean shipping requirements and MARAD's facilitation services for your transaction if P.R. 17 is applicable.
- If P.R. 17 is applicable, contact U.S. flag carriers as soon as possible to obtain bids for transporting ocean-bound cargos in order to obtain the most favorable rates and shipping schedule; check the MARAD website or call MARAD to confirm U.S. flag ocean vessels.
- Do not submit customs documents or Mexican pedimentos.
- Do not submit a letter of receipt of goods from the foreign buyer instead of bills of lading.
- Do not submit a bill of lading or waybill that has been signed by the shipper/exporter but has not been signed by a third-party carrier, freight forwarder or shipping agent.
- Freight forwarder's receipts are not acceptable.
- Courier delivery receipts are acceptable for goods shipped by express delivery companies.
- Non vessel operating common carrier (NVOCC) bills of lading are acceptable.
- Truck bills of lading to a U.S. border city (point of importation) are acceptable for truck shipments to Mexico.
- If goods are delivered to Canada or to a U.S. border city adjacent to Mexico using the U.S. exporter's own delivery trucks, a shipment letter from the U.S. exporter and a receipt letter from the Canadian or Mexican buyer are required.
- Contact Credit Administration if you have questions about evidence of export.

Link to EXIM Bank Shipping Requirements (MARAD) Fact Sheet:

- <http://www.exim.gov/policies/us-flag-shipping-requirements>

Link to MARAD U.S. Flag Shipping Guidance for Shipments Financed by the EXIM Bank

- <https://www.marad.dot.gov/ships-and-shipping/cargo-preference/civilian-agencies/marad-shipping-guidance-EXIM-bank/>

U.S. Maritime Administration Contact Information:

- [cargo.marad@dot.gov](mailto:cargo.marad@dot.gov) or phone: 202 366 4610
- [www.marad.dot.gov](http://www.marad.dot.gov)

Disclaimer: This fact sheet provides general guidance and may not be applicable to all guarantee and loan transactions. It does not supersede EXIM's policies, procedures, and other applicable requirements.

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