

## Direct Loan, Guarantee or Medium-Term Insurance Application

### ATTACHMENT: Anti-lobbying Declaration/Disclosure

The provisions of this Anti-lobbying Declaration/Disclosure apply to the following, as applicable: direct loans, medium-term insurance policies, and medium- or long-term guarantees.

#### 1. Anti-Lobbying Law.

Under a U.S. law (31 U.S.C. 1352), recipients of U.S. government loans (which includes direct loans from EXIM), grants, contracts, and cooperative agreements, are prohibited from spending Federally appropriated funds to influence certain U.S. government employees, including EXIM employees, in connection with the awarding of any such Federal award.

Recipients of U.S. government loans, grants, contracts, and cooperative agreements may spend non-Federally appropriated funds for such lobbying purposes; however, they are required to declare and disclose such lobbying expenditures related to a specific transaction.

The law also requires recipients of EXIM guarantees and insurance to declare and disclose any lobbying activities in connection with the particular guarantee or insurance policy. Declaration and Disclosure Forms are to be filed by applicants and recipients, including certain exporters and suppliers, as defined below.

#### 2. Compliance Procedures.

##### 2a. Who Must File.

All applicants for direct loans, medium-term insurance policies and final commitments for medium or long-term guarantees must file the appropriate Declaration, in the form annexed to this Attachment D, regardless of whether any funds have been spent for lobbying purposes.

For applicants for direct loans, if any funds have been spent for lobbying purposes in connection with this direct loan, a Disclosure Form must also be filed as directed in the annexed Declaration. The Disclosure Form is OMB Standard Form LLL, "Disclosure Form to Report Lobbying," <http://exim.gov/sites/default/files/forms/lll.pdf>.

For applicants for medium-term insurance policies and for final commitments for medium-term and long-term guarantees, if any funds have been spent for lobbying purposes in connection with the insurance policy or guarantee that is the subject of the transaction, a Disclosure Form must also be filed as directed in the annexed Declaration. The Disclosure Form is OMB Standard Form LLL, "Disclosure Form to Report Lobbying," <http://exim.gov/sites/default/files/form/lll.pdf>.

***The Declaration and/or Disclosure Forms must be received by EXIM from the applicant before EXIM will consider the application for a final commitment.***

All recipients under EXIM programs, who are not the applicant for a final commitment, must file the appropriate Declaration and, if they have spent funds for lobbying purposes in connection with the EXIM transaction, a Disclosure Form. Recipients include borrowers who receive EXIM direct loans, exporters who receive EXIM insurance and lenders who receive EXIM insurance or guarantees.

***The Declaration and/or Disclosure Forms must be received by EXIM from the recipients before EXIM will enter into a loan, or issue an insurance policy or guarantee.***

All suppliers who have entered into a contract in excess of \$100,000 with the recipient of an Ex-Im Bank direct loan or grant must file a Declaration and, if funds have been spent for lobbying purposes, a Disclosure Form.

***Such suppliers must file the Declaration and/or Disclosure Forms upon being awarded the supply contract.***

**2b. Exemptions.**

The law has been interpreted so that it does not apply to foreign governments, their instrumentalities or their wholly-owned companies. Therefore, these entities are exempt from filing both the Declaration and Disclosure Forms.

The law's disclosure requirements do not apply to loan, insurance or guarantee transactions where the U.S. Government-financed portion is \$150,000 or less.

**2c. How To File.**

Complete the appropriate Declaration Form on the following page. If you are required to file a Disclosure Form, it will be provided by EXIM upon request. Any person who fails to file the required forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**3. Certification for Contracts, Grants, Loans and Cooperative Agreements.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated 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 Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**4. Statement for Loan Guarantees and Loan Insurance.**

The undersigned 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 a Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit 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, U.S. 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.

Applicant/Recipient \_\_\_\_\_

Company \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_