

Subapplicant information

Name of federal agency **FEMA**
 Type of submission **Application**

CITY OF LEXINGTON

28 W CENTER ST
 LEXINGTON, NC 27292 United States

State	DUNS #	EIN #
NC	077829539	566000233

Subapplicant type **Local Government**
 Is the subapplicant subject to review by Executive Order 12372 Process? **No - Not selected**
 Is the subapplicant delinquent on any federal debt? **No**

Contact information

Subrecipient Authorized Representative (SAR)

John Overton	Primary phone	Mailing address
jmoverton@lexingtonnc.gov		

Point(s) of contact

John Overton	Primary phone	Additional phones	Mailing address
Director of Finance jmoverton@lexingtonnc.gov	3362483925 ext 3204 Work	3362879067 Mobile	28 W Center St Lexington NC 27292
	Fax		

Community

Please provide the following information. If the Congressional district number for your community does not display correctly, please contact your State NFIP coordinator.

Add Communities

Please find the community(ies) that will benefit from this mitigation activity by clicking on the Find communities button. If needed, modify the Congressional District number for each community by entering the updated number under the U.S. Congressional District column for that community. When finished, click the Continue button. NOTE: You should also notify your State NFIP coordinator so that the updated U.S. Congressional District number can be updated in the Community Information System (CIS) database.

Community name	County code	CID number	CRS community	CRS rating	U.S. Congressional District
DAVIDSON COUNTY *	057	370307	N		2,5

Community name	County code	CID number	CRS community	CRS rating	U.S. Congressional District
LEXINGTON, CITY OF	057	370081	Y	7	2,5
ROWAN COUNTY *	159	370351	N		2,8

Please provide any additional comments below (optional).

This project directly impacts the Swearing Creek Watershed. Swearing Creek is an immediate tributary of High Rock Lake. This lake sits between Davidson and Rowan County and contributes to the Yadkin–Pee Dee River Basin, a large river basin in the eastern United States.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Community Impacted.pdf	12/14/2022	rehart@lexingtonnc.gov	Community Attachments	City of Lexington data	

Mitigation plan

Please provide your plan information below.

Is the entity that will benefit from the proposed activity covered by the current FEMA approved multi-hazard mitigation plan in compliance with 44 CFR Part 201? **Yes**

Please provide plan detail

Plan name	Plan type	Plan approval date
Davidson Randolph Regional Hazard Mitigation Plan	Local Multijurisdictional Multi-Hazard Mitigation Plan	06/01/2020
Proposed activity description		

Please provide any additional comments below (optional).

The City of Lexington participates in the Davidson-Randolph Regional Hazard Mitigation Plan. Adopted in 2020, this plan concluded that the region is at high risk for Hurricane/Tropical Storm and Flood. These hazards threaten the life and safety of residents and have the potential to damage or destroy both public and private property, disrupt the local economy, and impact the overall quality of life of individuals who live, work, and vacation in the region.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Davidson Randolph Regional Hazard Mitigation Plan.pdf	11/14/2022	rehart@lexingtonnc.gov	Mitigation Plan Attachments	Regional Hazard Mitigation Plan	

Scope of work

The project Scope of Work (SOW) identifies the eligible activity, describes what will be accomplished and explains how the mitigation activity will be implemented. The mitigation activity must be described in sufficient detail to verify the cost estimate. All activities for which funding is requested must be identified in the SOW prior to the close of the application period. FEMA has different requirements for project, planning and management cost SOWs.

Subapplication title (include type of activity and location)

City of Lexington - Swearing Creek Watershed Pump Station Consolidation Project

Activities

Primary activity type

Develop or conduct engineering, environmental, feasibility and/or benefit cost analyses

Secondary activity type (Optional)

Conduct meetings, outreach and coordination with subapplicants and community residents

Tertiary activity type (Optional)

Activities supporting development of applications

Geographic areas description

This project will focus on four pump stations in the Southwest area of the city within the Swearing Creek Watershed. The Kimberly Clark Pump Station is located on Old Linwood Rd, along Swearing Creek (35.764760, -80.303220). The primary focus of this project is on relocating the Kimberly Clark Pump Station out of the 100-year floodplain. However, the project will also include Brown Street Pump Station (35.792046, -80.289711), Linwood Farms Pump Station (35.772235, -80.301053), and Leggett and Platt Pump Station (35.753489, -80.311047) to determine the feasibility of consolidating those three pump stations into the relocated Kimberly Clark Pump Station. This project aims to remove four pump stations out of the floodplain.

Community lifelines

Primary community lifeline

Food, water, shelter

Primary sub-community lifeline

Water

Secondary community lifeline (optional)

Health and medical

Secondary sub-community lifeline

Public health

Tertiary community lifeline (optional)

Hazard sources

Primary hazard source

Flooding

Secondary hazard source (optional)

Infrastructure failure

Tertiary hazard source (optional)

How will the mitigation activity be implemented?

The mitigation action is floodplain protection and property relocation. The relocation of these critical wastewater pumping assets will result in a revegetation project along Swearing Creek at the abandoned Kimberly Clark Pump Station. The installation of indigenous vegetation along the creek bank will provide additional opportunities for soil stability and reduce the potential for continued erosion. Due to climate change, this area routinely experiences flooding outside Swearing Creek's banks. These persistent floods create further soil erosion in an already fragile ecosystem. Further nature-based solutions will be considered during the planning stage of this project. All efforts to preserve the natural environment in this area will be made with heavy consideration for the installation of conservation easements to provide for walking trails and serve as a corridor for additional recreational activities. This will progress the Swearing Creek Watershed Plan established by the Piedmont Triad Regional Council.

What is the scope of work of the proposal? Will it result in a complete project application for future funding opportunities?

This project will be accomplished in three phases across an 17-month period following the State Grant Contracting period. Phase 1: Engineering and Environmental Feasibility Study – 12 months: the first phrase will require the hiring of a qualified engineering firm to determine how to relocate the

Kimberly Clark Station out of the 100-year floodplain and how to expand that pump station in order to eliminate three other pump stations. Phase 2: Budget Cost Analysis – 2 months: the second phrase will require the engineering firm or another consultant to identify the costs necessary to relocate the Kimberly Clark Pump Station and consolidate the other pump stations. They will use FEMA's BCA toolkit so that the city can apply for future funding for construction. Phase 3: Community Engagement – 3 months: the third phase will focus on community meetings and distributing informational materials to provide education and outreach. This will be in partnership with Stormwater SMART and the Piedmont Triad Regional Council. The goal is to expand upon already existing engagement activities with a narrower focus on Swearing Creek and its impact on High Rock Lake and the Yadkin Pee-Dee River Basin. All three phases should result in tangible resources that will be utilized in a future funding application for the construction.

Who will manage and complete the mitigation activity?

The City of Lexington will hire a professional engineering firm to complete phases 1 and 2. City of Lexington Water Resources and Professional Engineering staff will provide oversight and data. Phase 3 will be completed by the City Stormwater Administrator in partnership with Stormwater SMART and the Piedmont Triad Regional Council.

What are you doing to consider other risks in the project area?

Flooding at the Kimberly Clark Pump Station already poses significant risks in the area. The flood waters inundate the manholes and station and cause excessive pump runtimes, resulting an increase in electrical usage and reducing the useful lifespan of the pump, making it less effective in operation. Flooding has contributed to several past break failures of the Force Main which risks an overflow of untreated wastewater into Swearing Creek. The City of Lexington Water Resources has identified that relocating the pump station is the best course to prevent a sewer overflow into Swearing Creek. It is the goal of Phase 1: Engineering and Environmental Feasibility Study to identify risks in the project area with relocating the pump station. As the other three pump stations are also in the floodplains of Swearing Creek, it was established that while they are not as threatened as Kimberly Clark is, they will also need to be relocated as flood events continue to increase in the region due to climate change. The consolidation of the additional three pump stations into the relocated Kimberly Clark Pump Station should address future increased risks to those individual stations.

Is there an estimate for when the mitigation activity will take place?

All three phases of the project should result in tangible resources that will be utilized in a future funding application for the construction. If the project can begin October 2023 and end February 2025, the City should be able to submit a BRIC application to help fund construction in the 2026 round. This still provides ample time to submit a 2026 application should the project start or wrap up later.

What alternatives will be considered?

Currently identified alternatives include the individual upgrade for these critical facilities.

Do activities being considered align with hazard mitigation plan?

The Davidson and Randolph Regional Hazard Mitigation Plan highlights hazard mitigation techniques, including both structural measures (such as strengthening or protecting buildings and infrastructure from the destructive forces of potential hazards) and non-structural measures (such as the adoption of sound land use policies and the creation of public awareness programs). This project will accomplish structural measures by relocating and consolidating the pump stations to protect the structure and those who service it and reduce the risk of sewer overflow and non-structural measures through the continuation and expansion of education programs and community outreach with Stormwater SMART and the Piedmont Triad Regional Council.

Additional comments (optional)

The sub-recipient management costs (SRMC) will be used for staff salary costs directly related to performing the activities of Phase 1 and 2 where City of Lexington Water Resources and Professional Engineering staff will be providing oversight, data, and analysis.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Pump Stations.pdf	12/14/2022	rehart@lexingtonnc.gov	Scope of Work Attachments	data on pump stations	

Schedule

Specify the work schedule for the mitigation activities.

Add tasks to the schedule

Please include all tasks necessary to implement this mitigation activity; include descriptions and estimated time frames.

<p>Task Name State Grant Contracting</p>	<p>Start Month 1</p>	<p>Task Duration (in Months) 2 months</p>
<p>Task Description State Grant Contracting</p>		
<p>Task Name Engineering and Environmental Feasibility Study</p>	<p>Start Month 3</p>	<p>Task Duration (in Months) 12 months</p>
<p>Task Description A study and engineering design of the Kimberly Clark Sewer Pump Station, Force Main, and Manholes is necessary to determine how best to move the pump station out of the 100-year floodplain. The project will require the hiring of a professional engineering firm to study and design the following: raising and sealing approximately 10 manholes that are below the 100-year flood elevation, relocating and sealing the Sewer Pump Station out of the Floodway of Swearing Creek, and replacing of the Force Main from this station. The study will also include the feasibility of consolidating three pump stations in and along the Swearing Creek Watershed. Field-level surveying will be performed to delineate opportunities for additional consolidations of infrastructure. A preliminary Environmental Assessment will be conducted to fulfill the requirements of the National Environmental Policy Act (NEPA) to determine if significant environmental impacts would occur as a result of the anticipated construction project. Additional Environmental Assessments will be performed to include State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officer (THPO), and Fish and Wildlife Services (FWS). The City of Lexington recognizes the importance of partners in the region and wishes to collaborate with all available resources to comply with all facets of this grant funded opportunity.</p>		
<p>Task Name Budget Cost Analysis</p>	<p>Start Month 15</p>	<p>Task Duration (in Months) 2 months</p>
<p>Task Description The hired engineering firm or another consultant will identify the costs necessary to relocate the Kimberly Clark Pump Station and consolidate the other pump stations. They will use FEMA's BCA toolkit so that the city can apply for future funding for construction.</p>		
<p>Task Name Community Outreach</p>	<p>Start Month 17</p>	<p>Task Duration (in Months) 3 months</p>
<p>Task Description In partnership with Stormwater SMART and the Piedmont Triad Regional Council, the city will conduct community meetings and distribute informational materials to provide education and outreach. The goal is to expand upon already existing engagement activities with a narrower focus on Swearing Creek and its impact on High Rock Lake and the Yadkin Pee-Dee River Basin.</p>		

Estimate the total duration of your proposed activities (in months). **19**

Proposed project start and end dates

Start Date **2023-10-15**
End Date **2025-05-15**

Budget

Budget cost estimate and management cost (optional) should directly link to your scope of work and work schedule. You must add at least one item(s) greater than \$0 for your cost estimate. Once you have added item(s) for your cost estimate, you may then add the item(s) for management cost (optional). As necessary, please adjust your federal/non-federal cost shares and add the non-federal funding source(s) you are planning to use this project. Once you have completed this section, please click the Continue button at the bottom of this page to navigate to the next section.

Add budget cost types and item(s)

Click the Add cost type button below to add cost type cost estimate and then click the Add item(s) button to add the item(s) for the cost estimate. After adding items to your cost estimate, you may then select Add cost type button again to add management costs (optional) and applicable items.

Grand total: \$420,000.00

Budget type: Non construction

▶ Cost type: Cost estimate	\$400,000.00
▶ Cost type: Management cost	\$20,000.00

Program income (optional)

Cost share

Cost share or matching means the portion of project costs not paid by federal funds.

Proposed federal vs. non-federal funding shares

Hazard mitigation assistance (HMA) funds may be used to pay up to 75% federal share of the eligible activity costs. Building Resilient Infrastructure and Communities (BRIC) and small impoverished communities may be eligible for up to 90% federal share. Flood Mitigation Assistance (FMA) and severe repetitive loss (SRL) properties may be eligible for up to 100% federal share. Repetitive loss (RL) properties may be eligible for up to 90% federal share.

Is this an Economically Disadvantaged Rural Community? ⓘ This determines your federal/non-federal share ratio. No	Proposed federal share	69.48	\$291800.00
	Proposed non-federal share	30.52	\$128200.00
	<small>Based on total budget cost: \$420,000.00</small>		

Non-federal funding sources here

That portion of the total costs of the program provided by the non-federal entity in the form of in-kind donations or cash match received from third parties or contributed by the agency. In-kind contributions must be provided and cash expended during the project period along with federal funds to satisfy the matching requirements.

Funding source	Funding amount	% Non-federal share by source
▶ Funding source: City of Lexington	100.00%	\$128,200.00

Please provide any additional comments below (optional).

The City of Lexington does not qualify has a EDRC because it has a larger population than 3,000. However, the city is disadvantaged with an average CDC SVI of .9242.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
Lexington SVI.pdf	11/18/2022	rehart@lexingtonnc.gov	Budget Attachments	Lexington's CDC/ATSDR Social Vulnerability Index (SVI) based off the 2020 Census	
BRIC2022-Lexington-MatchLetter-Rev.pdf	01/05/2023	kaine.riggan@ncdps.gov	Budget Attachments	Matching Funds Commitment Letter	

Cost-effectiveness

How was cost-effectiveness determined for this project?

Not applicable

Please explain why this project is not applicable.

This is a C&CB project which does not require a BCA. However, mitigation planning activities are generally cost-effective. According to FEMA's Fact Sheet "Mitigation's Value To Society", every dollar spent on mitigation saves an average of four dollars.

Please provide any additional comments below (optional).

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Evaluation

Is the applicant participating in the [Community Rating System \(CRS\)](#)? **Yes**

Select rating. **7**

Is the applicant a [Cooperating Technical Partner \(CTP\)](#)? **No**

Was this application generated from a previous FEMA HMA Advance Assistance or Project Scoping award or any other federal grant award, or the subapplicant is a past recipient of Building Resilient Infrastructure and Communities (BRIC) non-financial Direct Technical Assistance? **No**

Has the applicant adopted building codes consistent with the [international codes](#)? **Yes**

Year of building code **2018**

Please provide the building code. **2018 NC Build Code (2018 IBC with NC amendments)**

Have the applicant's building codes been assessed on the [Building Code Effectiveness Grading Schedule \(BCEGS\)](#)? **Yes**

Select rating. **3**

Describe involvement of partners to enhance the mitigation activity outcome. **The City of Lexington has worked with various partners to address critical concerns facing Swearing Creek, High Rock Lake, and the Yadkin-Pee Dee River Basin. In correlation with this consolidation project, the City has had conversations with the Yadkin Riverkeeper, Stormwater SMART, and the Piedmont Triad Regional Council on how the Swearing Creek Watershed Pump Station Consolidation Project ties in and progresses their "Roadmap to a Cleaner Yadkin" and "Swearing Creek Watershed Restoration Plan" projects. These conversations have led to specific plans with Stormwater SMART and the Piedmont Triad Regional Council on how to expand our current educational and community outreach efforts which will occur in phase 3 of this proposed project. Additionally, these pump stations serve a portion of the Southwest area of the City, and their flow is comprised of a mixture of residential and commercial. The City has begun to reach out to those industries near the pump stations to discuss potential partnership opportunities.**

Additional comments (optional)

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
PTRC_BRICLoS.pdf	11/18/2022	rehart@lexingtonnc.gov	Evaluation Attachments	Letter of Support from Piedmont Triad Regional Council and Stormwater SMART	
LexingtonMayorHayesLoS.pdf	11/18/2022	rehart@lexingtonnc.gov	Evaluation Attachments	Letter of Support from Lexington Mayor Hayes with attached City Council approved Water and Wastewater Capital Improvement Plan	
YadkinRiverkeeperLoS.pdf	11/18/2022	rehart@lexingtonnc.gov	Evaluation Attachments	Letter of Support from Yadkin Riverkeeper	

Comments & attachments

▶ Community	1 comment, 1 attachments
▶ Mitigation plan	1 comment, 1 attachments
▶ Scope of work	1 comment, 1 attachments
▶ Budget	1 comment, 2 attachments
▶ Cost-effectiveness	0 comment, 0 attachments
▶ Evaluation	0 comment, 3 attachments

Assurances and certificationsOMB number: 4040-0007, Expiration Date: 02/28/2025 [View burden statement](#)**SF-424B: Assurances - Non-Construction Programs**

OMB Number: 4040-0007

Expiration Date: 02/28/2025

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107),

- which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (F.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
 8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
 9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
 10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
 11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (F.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
 12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
 19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

Certifications regarding lobbying

OMB Number: 4040-0013

Expiration Date: 02/28/2025

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 of Lobbying Activities," 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.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, 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 insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," 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.