

## **Addendum**

### **CERTIFICATION REQUIREMENTS FOR FACILITY GUARANTEE PROGRAM PARTICIPATION FOR FOREIGN FINANCIAL INSTITUTIONS**

**The Certification is defined in Section 1493.250 of Title 7 of the United States Code.**

The Certification should be completed by any **Foreign Financial Institution (FFI)** as defined in 7 CFR 1493.21 as a financial institution (including foreign branches of U.S. financial institutions): (1) Organized and licensed under the laws of a jurisdiction outside the United States; (2) Not domiciled in the United States; and (3) Subject to the banking or other financial regulatory authority of a foreign jurisdiction (except for multilateral and sovereign institutions).

A **Principal** must sign the Certification. As defined in 7CFR 1493.21, a principal of a corporation or other legal entity is an individual serving as an officer, director, owner, partner, or other individual with management or supervisory responsibilities for such corporation or legal entity.

**The FFI must also notify CCC in writing** of any change in facts or circumstances reported in the Certification and certify that the remainder of the information previously provided pursuant to 1493.240(d) has not changed. Notification shall be given within 30 calendar days of such change.

When making the statement required by 1493.240(a)(6), the Foreign Financial Institution is certifying that, to the best of its knowledge and belief:

- (1) The FFI and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) are not presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from covered transactions by any U.S. federal department or agency.
- (2) The FFI and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) The FFI and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in 7 CFR 1493.250(a)(2).
- (4) The FFI and any of its principals (as defined in 2 CFR 180.995) or affiliates (as defined in 2 CFR 180.905) have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.

- (5) The FFI does not have any outstanding nontax debt to the United States that is in delinquent status as provided in 31 CFR 285.13.
- (6) The FFI is not controlled by a person owing an outstanding nontax debt to the United States that is in delinquent status as provided in 31 CFR 285.13 (e.g., a corporation is not controlled by an officer, director, or shareholder who owes a debt).
- (7) The FFI does not control a person owing an outstanding nontax debt to the United States that is in delinquent status as provided in 31 CFR 285.13 (e.g., a corporation does not control a wholly-owned or partially owned subsidiary which owes a debt).

Additional Certifications:

- (a) The FFI and its principals are in compliance with all requirements, restrictions and guidelines as established by the FFI's regulators.
- (b) All U.S. operations of the FFI and its U.S. principals are in compliance with U.S. anti-money laundering and terrorist financing statutes including, but not limited to, the USA Patriot Act of 2001, and the Foreign Corrupt Practices Act of 1977.