

AGREEMENT
BETWEEN
THE COMMODITY CREDIT CORPORATION
AND
THE STATE OF DELAWARE
FOR THE PURPOSE OF ESTABLISHING A STATE GRANT
TO PROVIDE ASSISTANCE TO ELIGIBLE AQUACULTURE PRODUCERS

The Commodity Credit Corporation (CCC) agrees to provide a grant to the State of Delaware for distribution to eligible aquaculture producers that suffered financial losses associated with high feed input costs during the 2008 calendar year, in accordance with the terms of this Agreement.

A. BACKGROUND AND PURPOSE

Section 102(d) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub.L. 111-5) provides not more than \$50 million for a 2008 Aquaculture Grant Program (AGP). To provide assistance to eligible aquaculture producers under this program, CCC will provide a grant to Delaware. The State may choose one of the following methods to provide assistance to eligible aquaculture producers in the State:

1. Provide cash payments directly to eligible aquaculture producers; or
2. Provide assistance in the form of feed credits, vouchers, or similar instruments to be applied to future aquaculture feed purchases.

B. DEFINITIONS

For the purpose of this Agreement, the following definitions apply.

1. Controlled environment means an environment in which everything that can practicably be controlled with structures, facilities, growing media (including but not limited to water or nutrients) by the producer, is in fact controlled by the producer, as determined by industry standards.
2. Eligible aquaculture producer means a producer who, meets all of the following:
 - During the 2008 calendar year:
 - raised an aquaculture species in a controlled environment
 - maintained the aquaculture species as part of a farming operation
 - had a financial risk in the production of such species.
 - Raises aquaculture, as of the date of their AGP application with the State.

- Meets the program loss requirements provided in item D3.

Note: State and Federal-owned hatcheries are not considered an eligible aquaculture producer.

3. Farming operation means a business enterprise engaged in the production of agricultural products that is operated by an individual, entity, or joint operation.

C. DETERMINING AMOUNT OF ASSISTANCE

1. The Recovery Act specifically states that AGP funding will be allocated on a pro rata basis, based on the amount of aquaculture feed used in each State during the 2007 calendar year. Therefore, the amount of the grant to the State from CCC is based on the total aquaculture feed delivered in the State in the 2007 calendar year, as determined by the State. The State's 2007 feed deliveries must include feed for **all** aquaculture species in the State that was delivered to an individual or entity that is still in operation in 2009. In addition, the State's 2007 feed deliveries must **not** include 2007 feed deliveries to Federal or State-owned hatcheries.
2. The grant amount for the State of Delaware is \$17,939.
3. The State shall establish a 2003-2007 5-year average feed price for each aquaculture species in the State.
4. The amount of assistance provided to each eligible aquaculture producer from the State shall be equal to the result of multiplying:
 - The payment rate as determined in item C5, times
 - The producer's total feed deliveries (that is, deliveries to the producer for use in the producer's aquaculture operation) in calendar year 2008 for the applicable aquaculture species.

In accordance with items C6 and C7, adjustments shall be applied to the amount of assistance provided to each eligible aquaculture producer determined above.

5. The payment rate shall be that amount which the State has determined is equal to the result of subtracting:
 - The producer's 2008 average feed price for the applicable aquaculture species, minus
 - The State's 2003-2007 5-year average feed price for the applicable aquaculture species, as established in item C3.

6. If the total amount of benefits calculated in item C4, after applying the payment limitation in item C7, for all eligible applicants in a State exceeds the grant amount provided in item C2, the State shall reduce the amount of assistance calculated for each applicant on a pro rata basis.
7. The total amount of assistance that a person may receive from the funds made available under this Agreement shall not exceed \$100,000, except for general partnerships and joint ventures in which case assistance shall not exceed \$100,000 times the number of members that constitute the general partnership or joint venture. The rules of 7 CFR Part 1400 shall apply to "person" determinations (the rules for attributing payments in addition to the owners of entities and sub-entities will not apply). 7 CFR Part 1400 is available at www.access.gpo.gov/nara/cfr/waisidx_04/7cfr1400_04.html. The payment limitation shall be applied to an applicant based on the applicant's business structure as it existed during calendar year 2008.
8. No person shall be eligible for assistance if they are not in compliance for calendar year 2008 with the conservation compliance provisions of 7 CFR Part 12. Likewise, no person shall be eligible to receive assistance if their adjusted gross income, as computed under 7 CFR Part 1400 with respect to 2008 programs, averaged more than \$2.5 million for calendar years 2005-2007.

D. PROVIDING ASSISTANCE

In the provision of assistance under this grant Agreement to eligible aquaculture producers:

1. Application procedures for 2008 aquaculture feed funds will be as determined by Delaware.
2. Assistance may be provided by the State to eligible aquaculture producers using one of the following methods:
 - a. Provide cash payments directly to eligible producers; or
 - b. Provide assistance in the form of feed credits, vouchers, or similar instruments to be applied to future aquaculture feed purchases.
3. Assistance shall only be provided to an eligible aquaculture producer that:
 - a. Produced an aquaculture species for which 2008 feed costs represented at least 25 percent of the producer's total input costs for the aquaculture operation, as certified by the producer;

- b. Experienced at least a 25 percent price increase of 2008 feed costs above the State's previous 5-year average (2003-2007) established for the applicable species. A 25 percent price increase for a species shall be determined by multiplying the State's previous 5-year average established in item C3 for the applicable species times 1.25.
- c. Submits to the State acceptable documentation, determined by the State, which establishes, at a minimum:
 - i. The producer's total feed deliveries in calendar year 2008 for the applicable aquaculture species; and
 - ii. The producer's 2008 average feed price for the applicable aquaculture species.

Such documentation may include a certification from the feed mill that provides, at a minimum, the producer's total feed deliveries in calendar year 2008 and the producer's 2008 average feed price.

- 4. The amount of assistance provided to an eligible aquaculture producer shall not exceed the amount of losses suffered by the producer as a result of high feed input costs during the 2008 calendar year, as determined in item C4 by the State.
- 5. Assistance shall only be provided to eligible aquaculture producers who certify to the State or agree that:
 - a. **The producer will not apply for or receive any assistance covered by the Supplemental Agricultural Disaster Assistance Programs established under section 531 of the Federal Crop Insurance Act and section 901 of the Trade Act of 1974 (these programs include the Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish (ELAP), Livestock Forage Disaster Program (LFP), Livestock Indemnity Program (LIP), Supplemental Revenue Assistance Program (SURE), and Tree Assistance Program (TAP)) for any losses in 2008 relating to the same species of aquaculture;**
 - b. Funds received by the producer under this program will be used for costs associated with their current aquaculture operation; and
 - c. Records on file for the producer at an applicable Farm Service Agency county office show:
 - i. That their average adjusted gross income does not exceed \$2.5 million for the three preceding tax years (2005-2007), as calculated under regulations in 7 CFR Part 1400; and

- ii. Compliance with the conservation compliance eligibility provisions for other programs found at 7 CFR Part 12. 7 CFR Part 12 is available at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title07/7cfr12_main_02.tpl
 - d. Access will be provided by the producer as needed to assure compliance with the program.
 - e. Feed credits, vouchers, or other similar instruments can not be traded, sold or redeemed for cash, if the State implements the program according to Item A2 of this agreement.
6. The State shall have producers and feed mills certify that the statements producers and feed mills make on the program application and any other program documents are true and correct and that they understand that any false statements made as part of the application, or any other program documents, can be the subject of substantial civil and/or criminal liability and sanctions. The State is responsible for enforcing diligently all program requirements applicable to participants in the program.
 7. The State must have producers and feed mills, if applicable, execute whatever documents as are necessary to assure that CCC can determine that there has been full compliance with this Agreement, including, but not limited to, program application and required supporting documentation.
 8. The State must have producers and feed mills, if applicable, retain financial and other records relating to the funds for a period of 3 years after completion of the distribution of grant funds or until final resolution of any audit findings or litigation claims relating to the distribution of such funds.
 9. The failure of a producer or feed mill, if applicable, to provide access to such documents described in item D7 shall result in that part of the grant to the State to be considered to have been improperly made for which the producer and feed mill, if applicable, shall be responsible for a full refund to the State and for the State to refund to CCC plus interest from the initial date of disbursement from CCC.
 10. Payments are subject to the availability of funds and any requirements of law that may apply.

E. REPORTING REQUIREMENTS

1. The State shall file a 2008 Aquaculture Grant Program work plan with CCC **as soon as possible**. Advancing grant funding to the State is contingent upon CCC's approval of the work plan. The work plan shall provide a summary of how the State will implement the program, including, but not limited to, a copy of the State's application form, payment calculation, loss requirements, required documentation, and the State's methodology for conducting internal reviews of the program, as required in item F1.
2. As required by Section 102(d)(2)(D)(iii) of the Recovery Act, the State agrees to, not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit a report to CCC that describes the:
 - a. Manner in which the State provided assistance
 - b. Amount of assistance provided **per aquaculture species**
 - c. Process by which the State determined the levels of assistance to eligible aquaculture producers.
3. The State agrees to submit a report to CCC not later than 30 days after the State provides assistance to eligible aquaculture producers that provides the amount of assistance provided **per producer and aquaculture species**, in a format determined by CCC, to ensure compliance with Section 102(d)(3) of the Recovery Act. An update will be provided by the States every 30 days until all funds have been disbursed or all receivables have been collected.
4. The State agrees to comply with the reporting and registration requirements of Section 1512 of the Recovery Act as provided in Appendix A and the award terms in 2 CFR Part 176. 2 CFR Part 176 is available at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr176_main_02.tpl
5. The State agrees to do the following in order to establish mechanisms to meet Recovery Act data collection requirements described in item 4:
 - Establish a Dun and Bradstreet Universal Numbering System (DUNS) number or update an existing DUNS record. States may obtain a DUNS number at www.dnb.com.
 - Register in the Central Contractor Registration (CCR) database at www.ccr.gov.
 - Ensure producers that are NOT individuals establish a DUNS number or update an existing DUNS record and register in the CCR database.

- Submit a report no later than 10 calendar days after the initial calendar quarter in which the State receives funds and thereafter no later than 10 calendar days after each quarter in accordance with Section 1512 of the Recovery Act and as referenced in Appendix A of this Agreement.
6. The State is responsible for reporting all the funds expended under this program, as may be required by the United States Internal Revenue Service, and generally accepted accounting principles.

F. TRANSPARENCY AND ACCOUNTABILITY

1. The State agrees to conduct internal random reviews of the program, not later than 60 days after providing assistance to eligible aquaculture producers, to ensure applicants are equitably compensated for losses and to ensure that applicants' losses are verified. As part of the State's internal random reviews, the State agrees to review feed mill records, if applicable, to determine program compliance. The State agrees to conduct internal random reviews on 5 percent of the total applications the State receives from applicants. The 5 percent of applications shall be selected in a way that ensures all participating feed mills are included in the review, if applicable.
2. The State agrees to submit results of the internal random reviews electronically to FSA not later than 90 days after providing assistance to eligible aquaculture producers. Results of internal random reviews shall be emailed to Amy Mitchell, Special Programs Manager, at amy.mitchell1@wdc.usda.gov.
3. The State agrees to have an annual audit of this program as required by the Single Audit Act Amendments of 1996, OMB Circular A-133, and 7 CFR Part 3052, Audits of States, Local Governments, and Non-Profit Organizations. OMB Circular A-133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. 7 CFR Part 3052 is available at www.access.gpo.gov/nara/cfr/waisidx_07/7cfr3052_07.html
4. The State agrees to their responsibilities with respect to preparing audit documentation and reports in accordance with OMB Circular A-133 as provided in Appendix B.

5. If the State chooses to provide assistance to eligible aquaculture producers in the form of feed credits, vouchers, or similar instruments to be applied to future aquaculture feed purchases, the State agrees to execute, with the applicable feed mills, a legally-binding document that:
 - Requires the feed mill to accept aquaculture feed vouchers from eligible aquaculture producers or apply aquaculture feed credits to eligible aquaculture producers for the purpose of future aquaculture feed purchases by the applicable eligible aquaculture producer. Feed vouchers or credits shall not be used to pay-off a producer's debt previously established at a feed mill.
 - Prohibits the feed mills from allowing eligible aquaculture producers to redeem feed vouchers, credits, or other similar instruments, for cash.
 - Is structured such that the feed mill is responsible for compliance with the applicable laws, regulations and provisions of this Agreement.
 - Requires the feed mill to report to the State, by producer and aquaculture species, funds provided under this Agreement that are obligated and expended. States shall require the feed mill to file such report as needed to ensure the State's compliance with Recovery Act reporting requirements outlined in Section E of this Agreement.
 - Requires the feed mill to return to the State any overpayment made to a feed mill and insure that all payments to the feed mill are completed by September 30, 2010. All refunds by Feed Mills to the State must include interest that accrues from the initial date of disbursement from the State for any time in which such funds were under the control of the feed mill.
 - Requires the feed mill to certify that the statements it makes in such document are true and correct and that it understands that any false statements made as part of these certifications can be the subject of substantial civil and/or criminal liability and sanctions.
6. If an eligible aquaculture producer has an aquaculture operation in more than one State and/or purchases aquaculture feed from a feed mill located outside the State in which the aquaculture operation is located, the State agrees to coordinate with the applicable State Department(s) of Agriculture to ensure the eligible aquaculture producer does not exceed the payment limitation provided in Item C7. If an eligible aquaculture producer has aquaculture operations in more than one State, all States, in which the eligible aquaculture producer has an aquaculture operation, are responsible for oversight with respect to this issue. If an eligible aquaculture producer purchases feed outside the State in which the aquaculture operation is located, the State in which the aquaculture operation is located is responsible for oversight with respect to this issue.

G. TERMS OF THIS AGREEMENT

1. The State agrees to accept the funds for the purposes for which they were granted and to use the funds only in a manner that is in accordance with this Agreement. More specifically, the State agrees to comply with Section 1604 of the Recovery Act that prohibits the use of funds for any casino, or other gambling establishment, aquarium, zoo, golf course, or swimming pool but rather agrees, as set forth above, that funds received by the producer under this program may be used only for costs associated with their current aquaculture farming operation. The entire amount authorized will be paid to the State by a one-time electronic transfer using bank information supplied by the State. The State will have sole responsibility for any costs that may be associated with the distribution of the funds advanced. Any violation of this Agreement will result in a refund being due for the amount of any unauthorized disbursement in addition to interest which shall accrue from the date of initial disbursement to the State.
2. The State's administration of the funds, as well as its financial obligations with respect to this grant and its obligation to file reports and other information, will be governed by this Agreement and by the provisions of 7 CFR Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. 7 CFR Part 3016 is available at www.access.gpo.gov/nara/cfr/waisidx_01/7cfr3016_01.html
3. Interest earned on advances of funds from the date of the CCC disbursement, must be refunded promptly, at least quarterly, to CCC. Such interest shall also apply for any return of any monies under this Agreement. It is agreed in this regard that funds advanced by CCC shall be placed in an interest bearing account and the interest earned on the funds shall be returned to CCC to the extent that the interest earned exceeds \$100. Such interest, as indicated, shall be returned to CCC on a quarterly basis. For all other interest payments required in this Agreement the rate shall be that which is applied generally to CCC claims under the rules in 7 CFR Part 1403 provided that interest on all such matters shall run from the date of the CCC disbursement. In no instance shall the State advance funds to any claimant or participant in the program prior to the time at which a valid, present claim has been established by, in the case of a payment to a producer, the filing by the producer of a completed application establishing the producer's eligibility for payment or, in the case of a feed mill, the feed mill requesting by a completed application reimbursement for feed already delivered.
4. CCC will decide only how much the grant, funds advance, shall be and any unused grant money shall be returned by the State including interest that accrues from the initial date of disbursement from CCC.

5. Upon any failure by the State to comply with this Agreement with respect to the administration of any monies under this Agreement, or with the provisions of 7 CFR Part 3016, the State must refund to CCC the full amount of the unauthorized disbursement by the State with interest accruing from the initial date of disbursement from CCC.
6. If the State implements the program using the authority contained in Item A1 of this Agreement, the State agrees to:
 - Provide cash to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds from CCC, as required by Section 102(d)(2)(D)(ii) of the Recovery Act; and
 - Refund to CCC funds provided under this Agreement that are not distributed, by this deadline within 30 days including interest that accrues from the initial date of disbursement from CCC.
7. If the State implements the program using the authority contained in Item A2 of this Agreement, the State agrees to:
 - Provide feed credits, vouchers, or other similar instruments to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds from CCC, as required by Section 102(d)(2)(D)(ii) of the Recovery Act; and
 - Refund to CCC funds provided under this Agreement that are not obligated, via feed vouchers, credits, or other similar instruments, to eligible aquaculture producers, by this deadline within 30 days including interest that accrues from the initial date of disbursement from CCC.
 - Refund to CCC, funds provided under this Agreement, including interest collected on reimbursements by participants (feed mills and producers).
8. The State agrees that the receipt of funds is made to the State contingent on the State meeting the reporting requirements in Section 1512 of the Recovery Act.
9. The State agrees to execute form SF-424B, "Assurances-Non-Construction Programs" (Attachment), as authorized by Office of Management and Budget Circular A-102, "Grants and Cooperative Agreements with State and Local Governments."
10. The State agrees to make a good faith effort, on a continuing basis, to maintain a drug-free workplace by complying with the requirements in Subpart B of 7 CFR Part 3021, Government-wide Requirements for Drug-Free Workplace (Financial Assistance). 7 CFR Part 3021 is available at www.access.gpo.gov/nara/cfr/waisidx_09/7cfr3021_09.html

11. In the case that the State's grant amount exceeds \$100,000, the State agrees to file the Certification Regarding Lobbying (Attachment), and file the Standard Form-LLL, "Disclosure Form to Report Lobbying" (Attachment) as required by 7 CFR Part 3018, New Restrictions on Lobbying. 7 CFR Part 3018 is available at www.access.gpo.gov/nara/cfr/waisidx_07/7cfr3018_07.html
12. The State shall retain financial and other records relating to the funds for a period of 3 years after completion of the distribution of grant funds or until final resolution of any audit findings or litigation claims relating to the distribution of such funds.
13. The State agrees to allow any representative of the CCC, Department of Agriculture (Department), including FSA and Office of the Inspector General, and the Comptroller General of the United States to have access to and the right to examine all records and documents related to this Agreement. The State agrees to require producers and feed mills, if applicable, to provide access to the State and the CCC and other branches of Federal government to facilities and records as needed to assure compliance with the program.
14. The State agrees to enforce the producer eligibility requirements of this program, to take such collection actions as are reasonable and necessary to recover funds paid to producers for which the producer was not eligible or which were not used in accord with the limits of the program, and cover all costs associated with investigations or appeals that may be conducted in relation to the administration or management of the funds made available under this Agreement. Neither the Department nor any other agency of the Federal Government shall be responsible for administrative or management costs incurred by the State or third parties in connection with these grant funds.
15. This Agreement shall be valid from the date of the last signature affixed hereto. Further, this Agreement may be amended, extended, or modified by written amendment signed by the authorized officials of CCC and the State.
16. This Agreement may be terminated by CCC through written notice to the State if CCC determines that the State has failed to comply with the provisions of this Agreement, or other applicable laws or regulations or at its convenience. In the event this Agreement is terminated for any reason due to the fault of the State or because of any false representations made by the State to CCC, to the extent allowed by law, all CCC funds expended under this agreement shall be returned to CCC along with interest that will accrue beginning on the initial date of disbursement by CCC.

17. This Agreement confers no rights on any person or entity not a party to this Agreement. The parties agree that this Agreement creates no third party rights.

It is so agreed.

Douglas J. Caruso
Executive Vice President
Commodity Credit Corporation

Date

Edwin Kee
Secretary
Delaware Department of Agriculture

Date

Reporting and Registration Requirements under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5

(a) This award requires the State to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 ("Recovery Act") and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) The following entities must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds:

- States receiving grant funding directly from the Federal government.
- Producers that are **not** individuals, such as corporations, joint ventures, general partnerships, if the State implements the program based on item A1 of this Agreement.

Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The State shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

Recovery Act Transactions listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Sub-recipients

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 “Uniform Administrative Requirements for Grants and Agreements” and OMB A-102 Common Rules provisions, States agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A-102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102/html>.

(b) For States covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” States agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. OMB Circular A-133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA-” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have 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 (P.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; (i) 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 (P.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.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
		Secretary	
APPLICANT ORGANIZATION		DATE SUBMITTED	
Delaware Dept. of Agriculture		June 9, 2009	

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> C b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> A b. initial award c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input checked="" type="checkbox"/> A b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency: USDA - Farm and Foreign Agricultural Services	7. Federal Program Name/Description: 2008 Aquaculture Grant Program CFDA Number, if applicable: 10.086	
8. Federal Action Number, if known: USDA - FSA - ARRA - AGP - 6	9. Award Amount, if known: \$ 17,939.00	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: <u>W. Edwin Kee, Jr., Secretary</u> Title: <u>Secretary</u> Telephone No.: <u>302-698-4500</u> Date: <u>6/9/09</u>	
Federal Use Only		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Certification Regarding Lobbying
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.

Signature

W. Edwin Kee, Jr.

Date

Name of State Office