

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency
United States Warehouse Act

**ADDENDUM TO THE PROVIDER AGREEMENT TO ELECTRONICALLY FILE AND
MAINTAIN OTHER ELECTRONIC DOCUMENTS**

This Addendum between (a) _____

(Provider) and the Farm Service Agency (FSA) authorizes the Provider to establish and maintain a database and system, referred to as a central filing system (CFS) for the purpose of electronically filing documents related to the shipment, payment, and financing of the sale of agricultural products as authorized by the U. S. Warehouse Act (USWA). Such electronic documents are hereafter referred to as "Other Electronic Documents (OEDs)". By entering into this Agreement Addendum, the Provider agrees to the terms and conditions set forth in this Addenda, and its Appendices, the form WA-490, and the regulations found at 7 CFR Part 735. This Addenda and its Appendices, will become effective upon execution by the Deputy Administrator for Commodity Operations (DACO) and shall remain in effect until terminated as provided for in Section V of the form WA-490.

This Addendum and its Appendices set forth the Provider's minimum requirements for other OED record formatting, reporting requirements, and the protocols to be used in the transmission of such information.

I. Common Computing Environment and eAuthentication

The Common Computing Environment and eAuthentication are as provided for in the form WA-490, except as otherwise authorized by DACO.

II. Data Requirements

FSA, in administration of the USWA, the regulations found at 7 CFR Part 735, the form WA-490, this Addendum, and its Appendices, may, at any time, require the Provider to furnish information beyond the minimum requirements shown in this Addendum.

A. Required Information

The Provider shall, at a minimum, make the elements listed in the attached Appendices available to every user issuing the specific electronic document indicated in the Provider's CFS. The Provider shall ensure that all of these fields are completed by all users. The Provider shall advise users that it is the user's responsibility to supply the necessary data to complete each element.

B. Optional Information

The Provider shall make the elements listed in the attached Appendices available to every user issuing the specific electronic document indicated in the CFS. The Provider shall advise users that it is the user's responsibility to supply the necessary data to complete each element.

C. Assignment of OED Serial Numbers

The Provider shall ensure that users issue OEDs consecutively.

D. Trailer Files and Non-Required OED Data or Information

The Provider shall make available to the users of their CFS or other interested parties, as an outside attachment to an OED's secured data files, a trailer file that may contain non-required OED data or information for associated business processes.

III. Data Security

- A. The Provider shall, at a minimum, use data encryption and security methods recognized and approved by FSA.
- B. The Provider shall, at a minimum, adhere to all aspects of Federal, State, and Maritime public disclosure and privacy laws and regulations.

IV. Special Provisions

In lieu of requiring additional duplicate coverages, reports, financial instruments or fees, DACO may under special conditions accept for this addendum and its appendices financial instruments, financial reporting, insurance policies and fees paid currently in effect under the Provider's executed "Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents" (form WA-460), in meeting the form WA-490's minimum requirements. For DACO's acceptance, the Provider will:

- A. Provide DACO with a detailed and comprehensive risk analysis of USDA's financial and regulatory exposure in authorizing the specific documents and business processes sanctioned under this addendum, and
- B. Provide DACO with a separate cyber-insurance policy in the amount of \$5,000,000 in addition to the insurance policies and coverage that the Provider provided in their executed form WA-460.

V. Disputes

All disputes arising under any transaction within this Agreement, its Addenda, or its Appendices shall be determined by the application of the laws of New York State except that the laws of New York relating to the legal doctrines of the choice of law and determination of venue shall not be applicable.

VI. Contact:

Chief, Licensing Branch
 Warehouse Licensing and Examination Division
 Kansas City Commodity Office
 P.O. Box 419205 – Stop 9148
 Kansas City, MO 64141-6205

Phone: 816-823-1144
 Fax: 816-926-1548

(a) Name of Provider

(b) Signature of Provider

(c) Title of Provider

(d) Date

(e) Signature of Deputy Administrator for Commodity Operations

(f) Date

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the regulations at 7 CFR 735. The information will be used to complete the terms of a license and contract between the warehouse operator and the Deputy Administrator for Commodity Operations. Furnishing the requested information is voluntary, however, without it, eligibility to become a provider under the United States Warehouse Act and the decision as to the applicant's eligibility for a provider agreement must be made in part on the basis of the information provided. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including: 18 U.S.C. 286, 287, 371, 641, 651, 1001, 1014, and 31 U.S.C. 3729, may be applicable to the information provided.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays an OMB control number. The valid OMB control number of this information collection is 0560-0120. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **RETURN THIS COMPLETED FORM TO THE KANSAS CITY COMMODITY OFFICE (KCCO), WAREHOUSE LICENSING AND EXAMINATION DIVISION, POST OFFICE BOX 419205, KANSAS CITY, MO 64141-6205.***

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