

**ADDENDUM TO THE PROVIDER AGREEMENT
TO ELECTRONICALLY FILE AND MAINTAIN
PEANUT WAREHOUSE RECEIPTS AND U.S. WAREHOUSE ACT 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 peanut warehouse receipts and United States Warehouse Act documents issued under the United States Warehouse Act (USWA) and permits the Provider to accept the filing of electronic warehouse receipts from other than USWA licensed warehouse operators in such electronic data filing system. Such electronically filed warehouse receipts for peanuts are hereafter referred to as "Electronic Warehouse Receipts (EWRs) and United States Warehouse Act Electronic Documents (USWAED)." All provisions and terms of the 'FSA Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents' (WA-460) are incorporated except as modified or excluded herein.

This Addendum prevails to the extent it conflicts with the regulations found at 7 CFR Part 735, the Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents (WA-460).

A peanut is defined as Runner Type, Spanish Type, Valencia Type, Virginia Type, or any other peanut type defined in the United States Standards for Peanuts or the Peanut Quality and Handling Standards, subject to the disapproval of FSA.

Notwithstanding any Federal law or United States Department of Agriculture (USDA) data security restrictions, nothing contained herein should be interpreted or construed by a Provider so as to deny cooperation with a State-licensing authority with respect to access to examination or investigation data stored in a CFS by a State-licensed warehouse.

The Provider shall not warrant nor guarantee any part of the underlining transaction or activity that involves the use of the Provider's CFS to perfect or consummate such a transaction or activity. The underlining transaction or activity shall be administered and governed by the applicable Federal or State rule of law.

This Addendum sets forth the Provider's minimum requirements for operational management, EWR record formatting, reporting requirements and the protocols to be used in the transmission of such information.

I. Common Computing Environment and eAuthentication

The Provider will, at a minimum, make available a common computing environment to the users of their CFS that offers nondiscriminatory access and ability to logon remotely to the Provider's CFS through an eAuthentication method recognized by the Deputy Administrator for Commodity Operations (DACO). Before accepting an EWR into their CFS as issued, the Provider will, at a minimum, authenticate the warehouse receipt signer as the person authorized by the warehouse operator to issue the EWR. Note: (Warehouse Operators will be required to submit to USDA or their applicable licensing authority a separate and individual e-signature card for each authorized EWR signer. It will be the responsibility of USDA or the applicable licensing authority, respectfully, to supply each applicable Provider with a complete and current listing of these individuals).

II. Requirements for CFS, Client/User Notification and User Agreements

The Provider will develop and operate their Providership and CFS in such a manner that each of the following applies:

- A. **accommodates** interface mechanisms that allow files to be transferred/downloaded or data to be transmitted from a client's/user's existing accounting software systems commonly used by the peanut industry to populate the information fields contained in EWRs and other USWAEDs offered by the provider,
- B. **provides operational access** to the CFS 24 hours each day by their clients/users and FSA, except during designated or pre-arranged routine backup and maintenance periods. The provider shall pre-notify FSA and clients/users of its schedule for such backup and maintenance.
- C. **provides** a continuous period of uninterrupted access during the hours of 7:00 AM to 6:00 PM Central Time Zone. Routine backup and maintenance shall not be scheduled during these hours.
- D. **notifies DACO and** all affected clients/users immediately in situations when the CFS is idled for "extraordinary maintenance" or when CFS service is unexpectedly disrupted, setting forth the reasons and expected duration of periods in which the Provider cannot furnish access to their CFS,
- E. **notifies** DACO and affected clients/users immediately if any data related to an EWR or USWAED has been lost due to a CFS malfunction,
- F. **notifies** affected clients/users and applicable licensing authority immediately of any possible duplication of any EWR or USWAED issued under this Addendum with respect to the same agricultural product or any portion of that agricultural product while the EWR or USWAED is outstanding,
- G. **notifies** affected clients/users if the Provider's insurance policy is canceled at the same time USDA/FSA is notified, namely, no less than 60 calendar days prior to cancellation,
- H. **provides**, as authorized and permitted on a case-by-case basis by DACO, the comprehensive and continuous log and accompanying set of records that are, at a minimum, sufficient to allow for a reconstruction of the files, activities and events, including providing the affected client/user or holder with access to generate physical documents upon request pertaining to each EWR or USWAED that is: **(all apply)**
 - 1. issued,
 - 2. canceled,
 - 3. converted to paper,
 - 4. converted from paper,
 - 5. transferred or changed in any way,
 - 6. a "before" and "after" field,
 - 7. the date of change,
 - 8. the time of the change,
 - 9. the identity of the user making the change, and
 - 10. details of attempts to make unauthorized changes or access to document data.

- I. **assures the** continuous log and associated records maintained for such reconstruction are kept in secure storage for a period of 6 years after December 31 of the year the EWR is canceled or the date of performance for the USWAED,
- J. **furnishes** DACO with their current public tariff for public posting on DACO's publicly available web site that at a minimum States their charges for basic services involving receiving, filing, maintaining and transmitting EWR and USWAED data,
- K. **furnishes** DACO and all clients/users a 60-calendar day advance notice of their intent to change any charges and rates. Charges and rates assessed must be in effect for a minimum of one year after the effective date of the change. Further, the rates in effect at the time a client/user enters into a User Agreement with a Provider shall remain in effect for a minimum of one year, unless DACO grants the clients/users a waiver to change Providers pursuant to Section II, subsection L, items 1 and 2 of this Addendum.
- L. **enters into** a signed User Agreement with each client/user that sets forth the terms and conditions regarding the use of the Provider's CFS. Warehouse operators and other clients/users of the Provider's CFS shall become an *ex-facto* party to this addendum upon their acceptance and execution of the Provider's User Agreement. The Provider's User Agreement with warehouse operators and other clients/users shall incorporate the specific duties and responsibilities, as set forth in the regulations found at 7 CFR Part 735, the "Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents" and this Addendum.

The User Agreement, among other things, shall incorporate the following Statements:

- 1. Warehouse operators and other clients/users may change Providers only once a year (DACO may waive or modify this limitation of changing Providers only once a year.).
- 2. If changing Providers, warehouse operators and other clients/users must: **(all)**
 - a. **notify** DACO, the current Provider, and their Licensing Authority, if applicable, 30 calendar days prior to the intended transfer date. Notification must include an exact date for the transfer.
 - b. **send** notices of the change to each holder of open EWRs and USWAEDs issued within the past 12 months 30 calendar days prior to the transfer date,

The notice must: **(all)**

- i. **inform** their holders that no access to their EWRs and USWAEDs will be available on the intended transfer date, and
- ii. **clearly state** the last day that the current Provider will be utilized, and the first day that the new Provider will be effective, and
- c. **pay** all charges, including transfer charges, due the current Provider prior to the transfer of EWRs and USWAEDs to the new Provider,

Note: Failure to pay may delay the transfer of data files to the new Provider.

3. Warehouse operators will be held severally liable for failing to follow the provisions set forth in Section IV, subsections D and E of this Addendum. Warehouse operators shall not commit fraud by having both a paper warehouse receipt and a EWR representing the same peanut outstanding or uncanceled at the same time.
4. Warehouse operators and other clients/users will be held severally liable for failing to follow the provisions set forth in Section IV, subsections D and E of this Addendum. Warehouse operators and other clients/users shall not commit fraud by having both a USWA paper document and a USWAED representing the same agricultural product outstanding or performing at the same time.
5. DACO and the applicable licensing authority, respectively, reserve the right to suspend or terminate a warehouse operator or client's/user's right to access or use the Provider's CFS, pending an investigation, if they have a reasonable belief that a serious violation of Federal or State law and/or regulation has occurred.

M. **ensures** that each warehouse operator who issues EWRs or other USWAEDs in their CFS has a current completed electronic profile for EWRs or USWAEDs that they issue on file with their applicable licensing authority. The electronic profile will consist of the same language and information contained in their paper warehouse receipts or USWA documents, terms and conditions of the EWR or USWAED, common repetitious information, under whose authority the EWR or USWAED is issued, warehouse operator's lien, business organization type, and other information specific to the warehouse.

N. **ensures** the on-site security of their computer hardware, software and data designed to prevent the destruction of their facilities and stored data and the unauthorized access to and distribution of EWR or USWAED information,

O. **utilizes** state-of-the-art computer system security standards to protect their computer/CFS systems and backup systems used to store and disseminate EWRs and other USWAEDs,

P. **secures** data and all transmissions of data by using hardware and software approved by DACO,

Q. **notifies** DACO and all CFS clients/users in writing 60 calendar days prior to their planned termination of this Provider Addendum,

R. **requires** that, when transferring a warehouse operator's data to another Provider, a complete list of all holders of any active EWRs, USWAEDs or other electronic records maintained in their CFS be transferred to the new Provider and the applicable client/user,

S. **requires** that, when receiving a transfer of a warehouse operator or other client's/user's data from another Provider, access be made to all holders and authorized users not later than 7:00 a.m. Central Time the day after the transfer date,

T. **prevents and precludes** the warehouse operator or other client/user from making changes or modifications to any data field of a EWR or USWAED originally completed or intentionally left blank by the issuing warehouse operator or other client/user. However, the current holder may request a new EWR or USWAED at anytime by making the issuing warehouse operator/client/user the holder of the EWR or USWAED before issuing the new EWR or USWAED.

- U. **makes** available a common template for EWRs and USWAEDs that contain information fields appropriate to the particular commodity,
- V. **maintains** the anonymity of each subsequent holder's identity, however, each subsequent holder will be able to view the identity of the previous holder only,
- W. **establishes** the chain of custody of the EWR and USWAED from the warehouse operator's or other client's/user's initial issuance to the initial holder, from the initial holder to a possible subsequent holder, from each subsequent holder to the next subsequent holder, from the last subsequent holder (or, initial holder if the EWR was not negotiated) to the warehouse operator for load-out or settlement, and the warehouse operator being the final and the last holder and cancels the EWR or USWAED in the Provider's CFS, and
- X. **allows** the issuing warehouse operator to update only data in trailer files, storage charges and payment fields without being made the current holder.

III. EWR Information Field Requirements

FSA, in administration of the USWA, the regulations found at 7 CFR Part 735, the Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents and this Addendum, may at any time require the Provider to furnish information beyond the minimum requirements shown in this Addendum.

A. Required Information Fields

The Provider shall, at a minimum, make available the following information fields on all EWRs that will be available to be filled in by USWA and non-USWA warehouse operators issuing EWRs in their CFS, if required for marketing assistance loans by USDA or as agreed to by the issuer of the EWR and the initial recipient. The Provider shall advise warehouse operators that it is the warehouse operator's responsibility to supply the necessary data to complete each element, as applicable, when generating a EWR.

USWA license number, if applicable¹

Receipt number and License type, US if Federally licensed, NL if not licensed or the two letter Postal abbreviation if State licensed, will be displayed in front of the receipt number and will be an integral part of the receipt number

Issuance date (date issuance batch file is received and accepted in the Provider's system)

Receipt status

Indicate whether the receipt is "Not Negotiable" or "Negotiable" according to the nature of the receipt

Cancellation date (date cancellation batch file is received and accepted in the Provider's system)

Name of warehouse

Location of warehouse (City)

Location of warehouse (State)

Warehouse Operator

Location receipt issued (City)

Location receipt issued (State)

Received from
Holder
Crop Year
Net Pounds
LSK Pounds
Storage date
How stored²
Status^{2a}
Net tons
Lot identification, if identity preserved
Paper receipt number (if applicable)
Receiving Charges Paid or Due
Warehouse Code
Bin or Compartment where Peanuts are stored if identity preserved
Name of person authorized to sign warehouse receipt
Terms and conditions (Refer to Section VII for USWA license warehouse operators and Section VIII for State licensed warehouse operators and Section IX for non-licensed warehouse operators for terms and conditions that apply to each EWR that must be furnished by the warehouse operator issuing the EWRs).

Peanuts graded

Indicate: "Not graded on request of the depositor," or "Grade determined by Federal State Inspection Service grader," or "Grade determined by USWA licensed grader," or "Grade determined by State licensed grader," or "Grade determined by Non licensed grader." If graded, the following elements must be completed.

Type
Segregation/Grade
% ELK³
% Fancy³
% Moisture
% Foreign Material
% Cracked and Broken Shells^{3a}
% Discoloration of Shells^{3a}

Factors for All Peanuts:

A. Flavus (Yes/No)
% Freeze Damage
% RMD
% SMKRS
% Sound splits
% Total SMK
% Other kernels
% Total damage
% Total kernels
% Hulls
% Total kernels and hulls

¹Enter Federal license number, if not licensed, zero fill field

²Bulk or bag

^{2a}Unshelled or shelled

³For Virginia (shelled) only

^{3a}For Valencia (unshelled)

B. Additional Information

The Provider shall, at a minimum, make the elements listed below available to every USWA warehouse operator, State-licensed warehouse operator and warehouse operators not subject to regulation by Federal or State Warehouse Licensing Authorities who issue EWRs in their CFS. The Provider shall advise warehouse operators that it is the warehouse operator's responsibility to supply the necessary data to complete this element. This Addendum does not restrict the number of additional fields that may be made available to State licensing authorities or warehouse operators.

(CCC) (PSA) (Y or N)

Quality factors applicable to the specific commodity necessary for a producer to obtain a CCC marketing assistance loan

C. Required elements that can be modified without the warehouse operator being the holder

FSA will allow the warehouse operator to modify the elements, "date through which storage has been paid", "storage start date", or "prepaid in or out charges" without being the holder of the EWR. The Provider shall notify the current holder of the EWR of any changes.

D. Suspending an EWR to issue an Interim Paper Warehouse Receipt

When suspending a EWR to issue an interim paper warehouse receipt, the Provider shall advise the warehouse operator to first suspend the EWR, enter the interim paper warehouse receipt number into the applicable EWR data field, and print on the face of the interim paper warehouse receipt the suspended EWR number.

E. Converting a Paper Warehouse Receipt to a EWR

When converting an outstanding paper warehouse receipt to a EWR, the Provider shall advise the warehouse operator to first take possession of and cancel the paper warehouse receipt, print the replacing EWR number on the face of the paper warehouse receipt, and enter the canceled paper warehouse receipt number into the applicable EWR data field.

F. Assignment of EWR Numbers

The Provider shall ensure that warehouse operators issue EWRs consecutively within the number range(s) assigned by DACO or the applicable licensing authority, and shall ensure that warehouse receipts are issued in sequential order and no duplicate warehouse receipt numbers are issued. FSA will assign EWR ranges for warehouse operators who are not subject to regulation by Federal or State Warehouse Licensing Authorities.

G. Trailer Files and Non-Required EWR Data or Information

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

IV. Security of Data

A. The provider shall use only data encryption and security methods that are commonly used in the industry and which are recognized and approved by USDA.

- B. The Provider shall adhere to all aspects of Federal and State public disclosure and privacy laws and regulations.
- C. The Provider shall notify DACO of the name and address of the actual off-site location where the Provider's disaster-recovery records are stored.
- D. The Provider shall notify DACO and clients/users immediately if and/or when it detects a breach in security involving its software and/or computer systems that may compromise the sanctity of EWRs, USWAEDs, or related data or information.

V. Transmission of Data

The Provider shall make available free of charge to FSA and State licensing authorities a common computer utility program that downloads USDA-approved warehouse examination data from their CFS.

VI. Required EWR Information/Profile for USWA-Licensed Warehouse Operators

The following information must be recorded on all EWRs or within the warehouse operator's EWR profile. Each warehouse operator shall have a posted EWR profile. FSA will be responsible for maintaining and updating this information.

The statements:

The Warehouse Operator's business organization type (i.e. sole proprietor, incorporated, partnership, LLC, etc.) and the name of the State whose laws govern that organization (i.e. "a Texas corporation").

Insured, to what extent, by the warehouse operator against loss by fire, lightning and other risks.

The maximum amount of bond or financial assurance underwriting the warehouse receipt.

Weight was determined by a weigher licensed under the USWA.

Grade was determined by

a "Federal Inspection Service grader",
a "Grader Licensed under the USWA", or
"Not Graded on Request of Depositor."

The grade, class, subclass or other special grade stated in this warehouse receipt is in accordance with the Official Nut Grading Standards of the United States. If the grade of peanut is that for which no official nut standards of the United States are in effect, the grade or other class shall be stated in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the peanut trade generally in the locality in which the warehouse is located, subject to the authorization of the FSA, or in the absence of these standards, in accordance with any standards authorized for the purpose by the FSA.

The grade stated in a warehouse receipt is the weighted average of the grades on the applicable inspection certificate(s) or, if an appeal has been taken, the grade will be stated on such warehouse receipt in accordance with the grade as finally determined in such appeal.

The applicable charges claimed by the warehouse operator for storage and other services. Handling and other accrued charges are according to the warehouse operator's effective public tariff. The warehouse operator will furnish depositors and warehouse receipt holders the full amount of charges upon request.

In the event the relationship existing between the warehouse operator and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

VII. Required EWR Information/Profile for State-Licensed Warehouse Operators

The following information must be recorded on all EWRs or within the warehouse operator's EWR profile. Each warehouse operator shall have a posted EWR profile. To the extent required under applicable State law, each State licensing authority will be responsible for maintaining and updating the EWR profile information on their licensed warehouse operators with respect to warehouse receipts and public disclosures.

The statements:

The Warehouse Operator's business organization type (i.e. sole proprietor, incorporated, partnership, LLC, etc.) and the name of the State whose laws govern that organization (i.e. "a Texas corporation").

Insured, to what extent, by the warehouse operator against loss by fire, lightning and other risks.

The authority under which the warehouse operator issues warehouse receipts (e.g., State warehouse code for State-licensed warehouses or Uniform Commercial Code).

The maximum amount of bond or financial assurance underwriting the warehouse receipt.

Weight was determined by

a State of _____ "Licensed Weigher," or
"Unofficial Weight by Warehouse Operator" or
"Not Weighed on Request of Depositor".

Grade was determined by

a "Grader licensed under the State of _____",
or a "Federal Inspection Service Grader", or
"Unofficially Graded by Warehouse Operator" or
"Not Graded on Request of Depositor."

The grade, class, subclass or other special grade stated in this warehouse receipt is in accordance with the Official Nut Grading Standards of the United States. If the grade of peanut is that for which no official nut standards of the United States are in effect, the grade or other class shall be stated in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the peanut trade generally in the locality in which the warehouse is located, subject to the authorization of the FSA, or in the absence of these standards, in accordance with any standards authorized for the purpose by the FSA.

The applicable charges claimed by the warehouse operator for storage and other services. Handling and other accrued charges are according to the warehouse operator's effective public tariff. The warehouse operator will furnish depositors and warehouse receipt holders the full amount of charges upon request.

In the event the relationship existing between the warehouse operator and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

VIII. Required EWR Information/Profile Warehouse Operators Not Regulated by Federal or State Warehouse Licensing Authorities

The following information must be recorded on all EWRs or within the warehouse operator's EWR profile. Each warehouse operator shall have a posted EWR profile. FSA will be responsible for maintaining and updating this information regarding their EWR profile.

It shall be the responsibility of each applicable warehouse operator not regulated by Federal or State Warehouse Licensing Authorities to provide FSA with timely and current information for each of the following items:

The Warehouse Operator's business organization type (i.e. sole proprietor, incorporated, partnership, LLC, etc.) and the name of the State whose laws govern that organization (i.e. "a Texas corporation").

Insured, to what extent, by the warehouse operator against loss by fire, lightning and other risks.

The authority under which the warehouse operator issues warehouse receipts (e.g., State statute or Uniform Commercial Code).

The maximum amount of bond or financial assurance underwriting the warehouse receipt. **Special Note:** For warehouse operators not regulated by Federal or State Warehouse Licensing Authorities, FSA will post the maximum bond or financial-assurance underwriting amount as \$00.00 (zero) until FSA is provided irrevocable and sustainable proof of the actual coverage.

Weight was determined by

a State of _____ "Licensed Weigher," or
"Unofficial Weight by Warehouse Operator" or
"Not Weighed on Request of Depositor".

Grade was determined by

a "Grader licensed under the State of _____", or
a "Federal Inspection Service Grader", or
"Unofficially Graded by Warehouse Operator" or
"Not Graded on Request of Depositor."

The grade, class, subclass or other special grade stated in this warehouse receipt is in accordance with the Official Nut Grading Standards of the United States. If the grade of peanut is that for which no official nut standards of the United States are in effect, the grade or other class shall be stated in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the peanut trade generally in the locality in which the warehouse is located, subject to the authorization of the FSA, or in the absence of these standards, in accordance with any standards authorized for the purpose by the FSA.

The applicable charges claimed by the warehouse operator for storage and other services. Handling and other accrued charges are according to the warehouse operator's effective public tariff. The warehouse operator will furnish depositors and warehouse receipt holders the full amount of charges upon request.

In the event the relationship existing between the warehouse operator and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

IX. Suspension or Termination

DACO and the applicable licensing authority, respectively, upon having reasonable belief that a serious violation of Federal or State law and regulations has occurred and pending an investigation, reserve the right to suspend or terminate the "Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents" and this Addendum.

(b) Name of Provider

(c) Signature of Provider

(d) Title of Provider

(e) Date

(f) Signature of Deputy Administrator for Commodity Operations

(g) 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 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, POST OFFICE BOX 419205, KANSAS CITY, MO 64141-6205.**

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