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Form Approved – OMB No. 0560-0120

(See Page 7 for Privacy Act and Paperwork Reduction Act Statements)

WA-460-12

(10-31-11)

U.S. DEPARTMENT OF AGRICULTURE

Farm Service Agency
United States Warehouse Act

ADDENDUM TO THE PROVIDER AGREEMENT TO ELECTRONICALLY FILE AND MAINTAIN COCOA WAREHOUSE RECEIPTS

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 cocoa electronic warehouse receipts 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 cocoa are hereafter referred to as “Electronic Warehouse Receipts (EWRs).”

Cocoa is defined as any bean of the cacao tree (*Theobroma cacao*), the growth of any country or clime, including new or yet unknown growths, fermented and dried, or any semi-processed product or by-product originating from those beans, subject to the disapproval of the FSA.

Notwithstanding any Federal law or 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 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 FSA. 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.

II. Receipt Record Data 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

The Provider shall, at a minimum, make the elements listed below available to every USWA and non-USWA licensed warehouse operator issuing EWRs in the CFS. The Provider shall ensure that all of these fields are completed by all warehouse operators. The Provider shall advise warehouse operators that it is the warehouse operator's responsibility to supply the necessary data to complete each element.

USWA license number, if applicable*

Holder

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

Paper receipt number (if applicable)

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

Name of warehouse

Location of receiving warehouse (City)

Location of receiving warehouse (State)

Warehouse operator (legal entity of warehouse operator)

Location receipt issued (City)

Location receipt issued (State)

Quantity (number of units)

Quantity units (type of units - Metric Tons, Long Tons, Pounds, Kilograms, 60kg Bags)

Packaging Type (Bags, Bulk, Super-Sacks, Cartons)

Product (general product description – Cocoa Beans, Cocoa Liquor, Cocoa Powder, Cocoa Butter, Other Cocoa semi-processed products)

Lot identification number

Origin (country or region)

Name of person authorized to sign warehouse receipt

Terms and conditions (Refer to Section for USWA licensed warehouse operators and Section for State or non-licensed warehouse operators for terms and conditions that apply to each EWR that must be furnished by the warehouse operators issuing the EWRs).

Indicate "Not graded on request of the depositor", "Grade determined by NYBOT licensed grader", "Grade determined by State licensed grader" or "Grade determined by nonlicensed grader" (or, a toggle for any other statement applicable to the cocoa industry).

* Enter Federal, State or NYBOT license number; if not licensed, zero fill field

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

FSA will allow the warehouse operator to modify the elements, “date to 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.

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

When suspending an 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.

D. Converting a Paper Warehouse Receipt to an EWR

When converting an outstanding paper warehouse receipt to an 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.

E. Assignment of EWR Numbers

The Provider shall ensure that warehouse operators issue EWRs consecutively within the number range(s) assigned by FSA or the applicable licensing authority. FSA will assign EWR ranges for non-licensed warehouse operators.

F. 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.

III. Security of Data

- 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 and State public disclosure and privacy laws and regulations.

IV. Transmission of Data

The Provider shall, at a minimum, make available free of charge to FSA and State operated cocoa warehouse regulatory programs an internet site and/or a computer utility program that will download warehouse examination data, as authorized by USDA, from the Provider’s CFS.

V. Terms and Conditions for USWA Licensed Warehouse Operators

The following information must be recorded on all EWRs or within the warehouse operator's 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 New York Board of Trade (NYBOT) licensed grader" or "Not Graded on Request of Depositor."

The cocoa bean grade stated in this receipt is in accordance with specified tolerances for defects, bean count, bean size, and other standards as established by the NYBOT. If the cocoa on this receipt is that for which no official cocoa 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 cocoa 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.

VI. Terms and Conditions for State 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. (Each applicable licensing authority will be responsible, as required under their applicable State laws regarding warehouse receipts and public disclosure, for maintaining and updating this information regarding their licensed warehouse operators.)

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, that the warehouse operator issues warehouse receipts under, 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."

The cocoa bean grade stated in this receipt is in accordance with specified tolerances for defects, bean count, bean size, and other standards as established by the NYBOT. If the cocoa on this receipt is that for which no official cocoa 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 cocoa 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.

VII. Terms and Conditions for Non-Licensed Warehouse Operators

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

Each warehouse operator shall have a posted EWR profile. (Each applicable Non-Licensed warehouse operator will be responsible for providing FSA with timely and current information regarding the statements below.)

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. (Each applicable Non-Licensed warehouse operator will be responsible for providing FSA with timely and current insurance information. FSA will be responsible for maintaining and updating this information.)

The authority that the warehouse operator issues warehouse receipts under, State statute or Uniform Commercial Code.

The maximum amount of bond or financial assurance underwriting the warehouse receipt. (Each applicable Non-Licensed warehouse operator will be responsible for providing FSA with timely and current bond or financial assurance information. FSA will be responsible for maintaining and updating this information.)

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

The cocoa bean grade stated in this receipt is in accordance with specified tolerances for defects, bean count, bean size, and other standards as established by the NYBOT. If the cocoa on this receipt is that for which no official cocoa 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 cocoa 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. Contact:

Chief, Licensing Branch
Warehouse License 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 - as amended). The authority for requesting the information identified on this form is 7 CFR Part 735, the United States Warehouse Act (Pub. L. 106-472), and the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.). The information will be used to establish and maintain a database and central filing system for electronically filing cocoa warehouse receipts and electronic documents issued under the United States Warehouse Act. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-3, Consultants File. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to obtain new licensing or retain existing licensing under the United States Warehouse Act.

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 a valid OMB control number. The valid OMB control number for 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. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO THE KANSAS CITY COMMODITY OFFICE, WAREHOUSE LICENSE AND EXAMINATION DIVISION, STOP 9148, P.O. BOX 419205, KANSAS CITY, MO 64141-6205.**

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