

<b>WA-82</b> (xx-xx-xx)	<b>U.S. DEPARTMENT OF AGRICULTURE</b> Agricultural Marketing Service United States Warehouse Act	<b>1. FOR AMS USE ONLY</b>	
<b>WAREHOUSE OPERATOR'S IRREVOCABLE LETTER OF CREDIT</b>  <i>(See Page 2 for the Privacy Act and Paperwork Reduction Act Statements)</i>		A. License Number	B. Initials
		C. ILC Number	
<b>See Instructions before completion of Items 2(a) through 2(l) of this form.</b>			

2. The undersigned: (a) \_\_\_\_\_ (Name of Issuer) (Financial Institution)

of (address) (b) \_\_\_\_\_

by order of our client: (c) \_\_\_\_\_ (Principal, Name of Legal Entity, Warehouse Operator)  Proprietor  Partnership  Limited Partnership  LLC  Corporation

(d) \_\_\_\_\_ , at (e) \_\_\_\_\_ (State of Incorporation or Where Organized) (Principal Place of Business (City))

(f) \_\_\_\_\_ , operating the following warehouse(s) for the storage of: (Principal Place of Business (State))

(g) \_\_\_\_\_ (Agricultural Product(s))

hereby open our unconditional, assignable, irrevocable Letter of Credit number (h) \_\_\_\_\_ in favor of the United States Department of Agriculture, Agricultural Marketing Service, as Beneficiary, for an amount not to exceed the

aggregate sum of: (i) \$ \_\_\_\_\_ (j) \_\_\_\_\_ Dollars

effective on the (k) \_\_\_\_\_ day of (l) \_\_\_\_\_ for an indefinite period but not less (Day) (Month and Year)

than two years. The issuing institution is a commercial bank in good standing with deposits insured by the Federal Deposit Insurance Corporation or an institution in good standing regulated by the Farm Credit Administration.

3. The conditions of these obligations are such that, The Principal is either operating warehouse(s) licensed, or for which application has been made, under the United States Warehouse Act (the Act), identified as:

(a) License No.	(b) Name of Warehouse	(c) City	(d) County	(e) State
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For in excess of 5 warehouses, please attach an 8 1/2 x 11 inch sheet listing the warehouses in the manner of the above followed by a statement "This listing is an integral part of the irrevocable letter of credit number \_\_\_\_\_ executed effective \_\_\_\_\_ ." This statement must be signed by both the Principal and Issuing Institution.

4. Now, therefore, the funds under this Letter of Credit are available against sight drafts by the Beneficiary.

5. Each such draft shall be accompanied by a certificate that the Principal has failed to comply with the terms and conditions of the Act, the regulations, or licensing agreements issued thereunder. Upon receipt of the sight drafts and certificate at:

\_\_\_\_\_  
(Address of Issuer)

on or before the expiration date of this Letter of Credit, the Issuer will promptly honor the drafts.

6. Provided, however, that this Letter of Credit may be terminated after a period of two years from the effective date by the Issuer, giving written notice by certified mail to the beneficiary of their intent to terminate this Letter of Credit and all liability thereunder. This notice will be effective 120 calendar days after the date the Beneficiary receives such notice, except the right of the Beneficiary shall not be affected by such notice as to any claims rising hereunder before the effective date of such termination notice. The liability under this Letter of Credit to the Beneficiary will extend for one year or until all claims against the Letter of Credit filed in the one year period, have been settled, whichever is later.

7. Executed this \_\_\_\_\_  
(Date (MM-DD-YYYY))

8. Issuer

Financial Institution: (a) \_\_\_\_\_

By: (b) \_\_\_\_\_

Title: (c) \_\_\_\_\_

FDIC Certificate Number: \_\_\_\_\_

FCA Institution Number: \_\_\_\_\_

**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 869, 7 CFR Part 1423, 7 CFR Part 1427, 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 complete the terms of a license and/or licensing agreement between the warehouse operator and the Deputy Administrator for Commodity Operations 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. 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 0581-0305. The time required to complete this information collection is estimated to average 15 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 WAREHOUSE AND COMMODITY MANAGEMENT DIVISION, STOP 9148, P.O. BOX 419205, KANSAS CITY, MO 64141-6205.**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

## **Instructions For WA-82**

### ***WAREHOUSE OPERATOR'S IRREVOCABLE LETTER OF CREDIT***

**Warehouse and Commodity Management Division, License and Storage Contract Branch to allow warehouse operators licensed or pending licensing under the United States Warehouse Act to provide financial assurance in the form of a Letter of Credit.**

**The Letter of Credit is prepared by the License and Storage Contract Branch and sent to the warehouse operator for forwarding to the warehouse operator's financial institution for execution and submission of the original of the completed form in hard copy or facsimile to the Warehouse and Commodity Management Division, STOP 9148, P.O. Box 419205, Kansas City, MO 64141-6205; or FAX 844-930-0174, for acceptance and licensing.**

***Warehouse operators forward the form to their financial institution for execution. The financial institution executes the form with signatures and witnesses and returns the executed form to the Warehouse and Commodity Management Division.***

**This form is provided for informational purposes only.**