

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
United States Warehouse Act

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

This Addendum between (a) _____

(Provider) and the Agricultural Marketing Service (AMS) 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 869. This Addenda and its Appendices, will become effective upon execution by the Administrator, Agricultural Marketing Service 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 AMS.

II. Data Requirements

AMS, in administration of the USWA, the regulations found at 7 CFR Part 869, 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 AMS.
- 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, AMS 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 AMS's acceptance, the Provider will:

- A. Provide AMS 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 AMS 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, License and Storage Contract Branch
Warehouse and Commodity Management Division
P.O. Box 419205 – Stop 9148
Kansas City, MO 64141-6205
Phone: 816-926-6474
Email: warehousing@usda.gov

(a) Name of Provider

(b) Authorized Signer for Provider

(c) Authorized Signer's Title

(d) Date

(e) Signature of the Administrator, Agricultural Marketing Service

(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 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 establish and maintain a database and central filing system for electronically filing documents related to the shipment, payment, and financing of the sale of agricultural products 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. 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 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 WAREHOUSE AND COMMODITY MANAGEMENT DIVISION, STOP 9148, P.O. BOX 419205, KANSAS CITY, MO 64141-6205 or warehousing@usda.gov**

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, 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 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. USDA is an equal opportunity provider, employer, and lender.