

Animal and Plant Health Inspection Service, USDA

§ 130.49

	User fee			
	Oct. 1, 2000– Sept. 30, 2001	Oct. 1, 2001– Sept. 30, 2002	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Per service minimum fee	23.00	24.00	24.00	25.00

(1) Providing services to live animals for import or entry at airports, ocean ports, and rail ports.

(2) Conducting inspections, including laboratory and facility inspections, required to obtain permits, either to import animal products, aquaculture products, organisms or vectors, or to maintain compliance with import permits.

(3) Obtaining samples required to be tested, either to obtain import permits or to ensure compliance with import permits.

(4) Providing services for imported birds or ratites that are not subject to quarantine.

(5) Supervising the opening of in-bond shipments.

(6) Providing services for in-bond or in-transit animals to exit the United States.

(7) Inspecting an export isolation facility and the animals in it.

(8) Supervising animal or bird rest periods prior to export.

(9) Supervising loading and unloading of animals or birds for export shipment.

(10) Inspecting means of conveyance used to export animals or birds.

(11) Conducting inspections under part 156 of this chapter.

(12) Inspecting and approving an artificial insemination center or a semen collection center or the animals in it.

(13) Providing other import-or export-related veterinary services for which there is no flat rate user fee specified elsewhere in this part.

(b) *When do I pay an additional amount for employee(s) working overtime?* You must pay an additional amount if you need an APHIS employee to work on a Sunday, on a holiday, or at any time outside the normal tour of duty of that employee. Instead of paying the hourly rate user fee, you pay the rate listed in the following table for each employee needed to get the work done.

Overtime rates (outside the employee's normal tour of duty)	Premium rate user fee			
	Oct. 1, 2000– Sept. 30, 2001	Oct. 1, 2001– Sept. 30, 2002	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Premium hourly rate Monday through Saturday and holidays:				
Per hour	\$88.00	\$92.00	\$96.00	\$100.00
Per quarter hour	22.00	23.00	24.00	25.00
Premium hourly rate for Sundays:				
Per hour	104.00	104.00	108.00	112.00
Per quarter hour	26.00	26.00	27.00	28.00

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

[65 FR 52009, Aug. 28, 2000]

§§ 130.31–130.48 [Reserved]

§ 130.49 Exemptions.

(a) *Veterinary diagnostics.* User fees for veterinary diagnostic services, including, but not limited to, tests and diagnostic reagents specified in §§ 130.14 through 130.19, are not charged under the following conditions:

(1) When veterinary diagnostic services are provided in connection with Federal programs to control or eradicate diseases or pests of livestock or poultry in the United States (program diseases);

(2) When veterinary diagnostic services are provided in support of zoonotic disease surveillance when the Administrator has determined that there is a significant threat to human health; and

(3) When veterinary diagnostic reagents are distributed within the

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United States for testing for foreign animal diseases.

(b) [Reserved]

[62 FR 61007, Nov. 14, 1997, as amended at 63 FR 53796, Oct. 7, 1998]

§ 130.50 Payment of user fees.

(a) *Who must pay APHIS user fees?* Any person for whom a service is provided related to the importation, entry, or exportation of an animal, article, or means of conveyance or related to veterinary diagnostics, and any person requesting such service, shall be jointly and severally liable for payment of fees assessed.

(b) *Associated charges—(1) Reservation fee.* Any reservation fee paid by an importer under part 93 of this chapter will be applied to the APHIS user fees specified in §§130.2 and 130.3 for animals or birds quarantined in an animal import center.

(2) *Special handling expenses.* The user fees in this part do not include any costs that may be incurred due to special mail handling, including, but not limited to, express, overnight, or foreign mailing. If any service requires special mail handling, the user must pay all costs incurred, in addition to the user fee for the service.

(3) *When do I pay an additional amount for employee(s) working overtime?* You must pay an additional amount if you need an APHIS employee to work on a Sunday, on a holiday, or at any time outside the normal tour of duty of that employee. You pay the amount specified in paragraphs (b)(3) (i) or (ii), as relevant, for each employee needed to get the work done.

(i) *What additional amount do I pay if I receive a flat rate user fee service?* In addition to the flat rate user fee(s), you pay the overtime rate listed in the following table for each employee needed to get the work done:

OVERTIME^{1 2} FOR FLAT RATE USER FEES

	Outside the employee's normal tour of duty	
	Monday through Saturday and holidays	Sundays
Amount per hour if we must inspect, test, certify, or quarantine your animals, animal products, or other commodities (see § 97.1(a) or 7 CFR 354.3 for details)	\$37.84	\$47.96
Amount per hour if we must inspect your commercial aircraft (see § 97.1(a)(3) for details) ...	30.64	39.36

¹ Minimum charge of 2 hours, unless performed on the employee's regular work day and performed in direct continuation of the regular work day or begun within an hour of the regular work day.

² When the 2 hour minimum applies, you may need to pay commuted travel time. (See § 97.1(b) for specific information about commuted travel time.)

(ii) *What amount do I pay if I receive an hourly rate user fee service?* Instead of paying the normal hourly rate user fee under §130.30(a), you pay the premium rate listed in §130.30(b) for each employee needed to get the work done.

(c) *When are APHIS user fees due?—(1) Animal and bird quarantine and related tests.* User fees specified in §§ 130.2, 130.3, 130.5, 130.10, and tests specified in §§ 130.14 through 130.19 for animals and birds in an Animal Import Center or privately operated permanent or temporary import quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid prior to the release of those animals or birds from quarantine.

(2) *Supervision and inspection services for export animals, animal products.* User fees for supervision and inspection services specified in §130.30 must be paid when billed, or, if covered by a compliance agreement signed in accordance with this chapter, must be paid when specified in the agreement.

(3) *Export health certificates.* User fees for export health certificates specified in §130.20 must be paid prior to receipt of endorsed certificates unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed.

(4) *Veterinary diagnostics.* User fees specified in §§130.14 through 130.19 for veterinary diagnostic services, such as