

DEVELOPING USER FEES FOR APHIS SERVICES

1. PURPOSE

This Directive establishes policy, delegations of authority, and responsibilities for developing, approving, and implementing user fees for APHIS services.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces APHIS Directive 2150.1, dated 10/17/05. This revision includes authority APHIS received for charging user fees in the Food, Agriculture, Conservation, and Trade Act (FACT Act) of 1990, as amended by the Federal Agriculture Improvement and Reform Act of 1996, the Plant Protection Act of 2000, and the Animal Health Protection Act of 2002.

3. BACKGROUND

Fees, as used in this Directive, refer to the fees charged for agricultural quarantine inspection, plant inspection, animal import and export, veterinary diagnostics, reimbursable overtime, administrative support services, and other fees as prescribed by statute or other authority. The APHIS Budget and Accounting Manual, Chapter 10 – Cost Identification and Recovery, contains APHIS' policy determining amounts to be charged. In all cases, APHIS will follow the Executive Office of the President's Office of Management and Budget (OMB) Circular A-25, User Charges, and USDA Department Regulation 2100-3, OCFO Biennial Review of Charges for Things of Value, Appendix A, USDA Definition of Full Cost, dated 09/01/00, to determine and assess fees that provide full-cost recovery for our services.

4. AUTHORITIES

Authority to establish fees is contained in:

- a. 5 U.S.C. 5542;
- b. 7 U.S.C. 1622, 2260, and 7759;
- c. 21 U.S.C. 102-105, 111, 114, 114a, 134a, 134d, 134f, 136, and 136a; and
- d. 31 U.S.C. 9701.

The affected program activities and the implementation regulations are as follows:

- a. Agricultural Quarantine and Inspection Services, 7 CFR Part 354;
- b. Phytosanitary Certificates, 7 CFR Part 354.3;
- c. Reimbursable Overtime, 7 CFR Part 354.1 and 9 CFR Part 97.1;
- d. Animal Import/Export, 9 CFR Part 93 and 9 CFR Part 130; and
- e. Veterinary Diagnostics, 9 CFR Part 130.

5. DELEGATION OF AUTHORITY

The Under Secretary for Marketing and Regulatory Programs has delegated to the Administrator complete authority to establish and approve all APHIS fees.

6. POLICY

It is APHIS policy to establish fees at levels that will recover, to the fullest extent possible, all costs from providing the requested services. Fees will be reviewed at least biennially to ensure proper cost recovery of APHIS user fee program costs.

7. RESPONSIBILITIES

- a. In order to properly set user fee rates, the Financial Management Division (FMD) will:
 - (1) Conduct a continuing review and analysis of the impact of current fees on the Programs, using accounting reports and program data.
 - (2) Develop proposals for fee changes based on analyses of accounting reports, program data, projected trends, and contacts with headquarters, field, and port personnel.
 - (3) Review legislation authorizing fees and develop proposals for implementing new fees.
 - (4) Present recommendations for new or revised fees, supported by all pertinent documentation, to the appropriate Agency officials. FMD obtains concurrence from the appropriate Deputy Administrator/Director and approval from the Administrator.
 - (5) Coordinate, with Deputy Administrators/Directors and the Regulatory Analysis and Development (RAD) Staff, Policy and Program Development, publication of new or revised fees in the **Federal Register**.

- (6) Inform the National Finance Center (NFC) and the Minneapolis Financial Services Branch (MFSB) of new revised fees and the effective date of implementation.
- (7) Act as liaison with NFC, MFSB, and other collecting agents (e.g., U.S. Treasury, and Department of Homeland Security) to coordinate billing and collection and audit activities for fees.
- (8) Conduct periodic reviews of program activities to review the adequacy of the cost components included in the fee.
- (9) Assist management support staffs with financial audits and reviews to determine compliance with charging and collecting established fees.

b. Deputy Administrators/Directors will:

- (1) Conduct ongoing reviews of programs to ensure the most economical and efficient use of resources and assist in ensuring compliance with established billing and collection systems.
- (2) Advise FMD of program developments that may affect fees charged.
- (3) Assist FMD in the review of fees applicable to their programs.
- (4) Concur with new or revised fees prior to approval by the Administrator.
- (5) Assign the appropriate priority status to user fee dockets.
- (6) Notify all field stations of new or revised fees and the effective date of implementation. If publication of fees is not required, interested parties or users of APHIS services should be notified.
- (7) Notify Agency officials of their current financial position through the monthly status of funds process, and develop special reports, as needed, to assist with the analysis.
- (8) Monitor carry-forward/reserve amounts from year-to-year.

c. The RAD Staff will:

- (1) Write **Federal Register** user fee dockets.
- (2) Coordinate the necessary economic analyses and clearances for publication.

- (3) Notify appropriate offices of the publication date of final rules and their effective dates.

8. INQUIRIES

- a. Direct any questions or inquiries to the FMD, User Fee Section, at 301-734-0882.
- b. Copies of current APHIS directives can be accessed on the Internet at www.aphis.usda.gov/library

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