

§ 354.5

7 CFR Ch. III (1–1–98 Edition)

made available to provide the services to be provided.

(6) An agreement can be terminated by either party on 30 days written notice.

(7) If, at the time an agreement is terminated, any unobligated funds remain in the user fee account, APHIS will return them to the owner or operator, or his or her agent.

[57 FR 770, Jan. 9, 1992, as amended at 57 FR 14475, Apr. 21, 1992; 58 FR 38269, July 16, 1993; 59 FR 67611, Dec. 30, 1994]

**§354.5 Penalties for nonpayment or late payment of user fees.**

(a) If a person requesting a service for which an APHIS user fee is payable, is delinquent in paying any APHIS user fee due under either title 7 or title 9, Code of Federal Regulations, or is delinquent in paying the interest on any delinquent APHIS user fee, then APHIS will not provide the service requested.

(b) If APHIS is in the process of providing a service for which an APHIS user fee is due, and the user has not paid the fee within the time required, or if the payment offered by the user is insufficient or not in compliance with the regulations in this part, then APHIS will take the following action:

(1) If an APHIS user fee is due for a certificate or a certificate for reexport, APHIS will not issue the certificate.

(2) If an APHIS user fee is past due by more than 30 days, APHIS will impose a late payment penalty and interest charges in accordance with 31 U.S.C. 3717.

[57 FR 771, Jan. 9, 1992]

**PART 355—ENDANGERED SPECIES REGULATIONS CONCERNING TERRESTRIAL PLANTS<sup>1, 2</sup>**

**Subpart—Purpose and Definitions**

Sec.

<sup>1</sup>Pursuant to section 11 of the Act (16 U.S.C. 1540) it is unlawful for any person to knowingly violate any provision of the Act, any permit or certificate issued under the Act, or any regulation promulgated under the Act. Further, section 11 of the Act provides for criminal, civil, and administrative penalties for any such violation.

355.1 Purpose.  
355.2 Definitions.

**Subpart—Permission to Engage in Business**

355.10 Permission to engage in business concerning nonlisted terrestrial plants.  
355.11 General permits.

**Subpart—Inspections and Related Provisions**

355.20 Marking and notification requirements for plants imported, exported, or reexported by means other than mail.  
355.21 Marking and mailing requirements for plants imported, exported, or reexported by mail.  
355.22 Validation of documentation.  
355.23 Recordkeeping, access, and reports.

AUTHORITY: 16 U.S.C. 1532, 1538, and 1540; 7 CFR 2.22, 2.80, and 371.2(c).

SOURCE: 49 FR 42912, Oct. 25, 1984, unless otherwise noted.

**Subpart—Purpose and Definitions**

**§355.1 Purpose.**

Pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Secretary is responsible for the enforcement of the provisions of the Act and Convention which pertain to the importation, exportation, or re-exportation of terrestrial plants. The regulations in this part are for the purpose of implementing this authority. Regulations of the U.S. Department of the Interior which interrelate with the regulations in this part are contained in 50 CFR chapter I.

**§355.2 Definitions.**

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used

<sup>2</sup>Plant Protection and Quarantine also administers programs under the Lacey Act Amendments of 1981 (16 U.S.C. 3401 *et seq.*), the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*) which contain authority for additional prohibitions and restrictions on the importation of plants subject to this part (see other parts of 7 CFR chapter III for regulations containing prohibitions and restrictions under these authorities).