

(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 United States for testing for foreign animal diseases.

(b) [Reserved]

[62 FR 61007, Nov. 14, 1997]

**§ 130.50 Payment of user fees.**

(a) All user fees must be paid as follows:

(1) User fees for animals and birds in an Animal Import Center or privately operated permanent import-quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid at the time the animals or birds are released from quarantine;

(2) User fees for animals or birds in privately-operated temporary import-quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid at the time the animals or birds are released from quarantine.

(3) User fees for supervision and inspection services specified in § 130.21 must be paid when billed, or, if covered by a compliance agreement signed in accordance with 9 CFR part 156, must be paid when specified in the agreement;

(4) User fees for export health certificates must be paid either prior to receipt of endorsed certificates or when billed. Payment prior to receipt of endorsed certificates must continue until 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;

(5) User fees for tests, other than reference assistance tests, on samples submitted to NVSL or FADDL, and user fees for diagnostic reagents, slide sets, tissue sets, and sterilization by gamma radiation, must be paid when the test, diagnostic reagent, slide set,

tissue set, or sterilization is requested, 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;

(6) User fees for reference assistance tests must be paid when billed;

(7) User fees for live animals presented for importation at a port of entry must be paid either when presented or when billed;

(8) User fees for inspection and permit services listed in § 130.8 must accompany the request for service;

(9) User fees assessed at an hourly rate under § 130.9 must be paid when the service is provided or within the time specified in the bill.

(b) User fees may be paid by the following methods:

(1) Cash, if payment is made at an area office<sup>9</sup> or an Animal Import Center;

(2) All types of checks, including traveler's checks drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA;

(3) Money orders drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA; or

(4) Credit cards (VISA™ or MasterCard™) if payment is made at an Animal Import Center or an APHIS office that is equipped to process credit cards.<sup>9</sup>

(c) Payment must be for the exact amount due.

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38960, July 21, 1993; 58 FR 67656, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994; 61 FR 20434, 20436, May 7, 1996]

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

(a) If any person for whom the service is provided or the person requesting the service fails to pay when due, any debt to APHIS, including any user fee

<sup>9</sup>A list of Animal Import Centers and APHIS offices that accept cash or credit cards may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20737-1231.

due under title 7 or title 9, Code of Federal Regulations, then:

(1) Payment must be made for subsequent user fees before the service is provided if:

(i) For unbilled fees, the user fee is unpaid 60 days after the date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 60 days after date of bill;

(iii) The person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored;

(2) APHIS will estimate the user fee to be paid; any difference between the estimate and the actual amount owed to APHIS will be resolved as soon as reasonably possible following the delivery of the service, with APHIS returning any excess to the payor or billing the payor for the amount due;

(3) The prepayment must be in guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt;

(4) Cash payments will be accepted only at a location designated by the APHIS employee during normal business hours; and

(5) Service will be denied until the debt is paid if:

(i) For unbilled fees, the user fee is unpaid 90 days after the date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 90 days after date of bill;

(iii) The person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored.

(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 inadequate or unacceptable, then APHIS will take the following action:

(1) If an APHIS user fee is due for animals or birds in quarantine at an Animal Import Center or at a privately-operated import-quarantine facility, APHIS will not release them;

(2) If an APHIS user fee is due for an export health certificate, APHIS will not release the certificate;

(3) If a user fee is due for a test conducted by APHIS, APHIS will not release the test result or any endorsed certificate; and

(4) If a user fee is due for a diagnostic reagent, slide set, tissue set, or sterilization by gamma radiation, APHIS will not release the diagnostic reagent, slide set, tissue set, or sterilized material.

(c) If for unbilled user fees, the user fees are unpaid 30 days after that date the pertinent regulatory provisions indicate payment is due, or if billed, are unpaid 30 days after the date of the bill, APHIS will impose a late payment penalty and interest charges in accordance with 31 U.S.C. 3717.

(d) Animals or birds left in quarantine at an Animal Import Center for more than 30 days after the end of the required quarantine period will be deemed to be abandoned.

(1) After APHIS releases the abandoned animals or birds from quarantine, APHIS may seize them and sell or otherwise dispose of them, as determined by the Administrator, provided that their sale is not contrary to any Federal law or regulation, and may recover all expenses of handling the animals or birds from the proceeds of their sale or disposition.

(2) If animals or birds abandoned in quarantine at an Animal Import Center cannot be released from quarantine, APHIS may seize and dispose of them, as determined by the Administrator, and may recover all expenses of handling the animals or birds from the proceeds of their disposition.

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38960, July 21, 1993]