

United States Department of Agriculture
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service

Directive

APHIS 2150.1

9/1/00

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. 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 15 - Code Identification and Recovery, contains APHIS's 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, to determine and assess fees that provide full-cost recovery for our services.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces APHIS Directive 2150.1, dated 6/19/95. 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.

3. AUTHORITIES

Authority to establish fees is contained in 5 U.S.C.5542; 7 U.S.C. 1622 and 2260; 21 U.S.C. 102-105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; and 31 U.S.C. 9701. The affected program activities and the implementation regulations are as

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. RESPONSIBILITIES

- a. In order to properly set user fee rates, the Budget and Accounting Service Enhancement Unit (BASE) 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. BASE 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 MRP-Minneapolis Business Site (MBS) of new or revised fees and the effective date of implementation.

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 BASE of program developments that may affect fees charged.
- (3) Assist BASE 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.

c. The RAD Staff will:

- (1) Write Federal Register user fee dockets.
- (2) Coordinate the necessary clearances for publication.
- (3) Notify appropriate offices of the publication date of final rules and their effective dates.

7. INQUIRIES

- a. Direct any questions or inquiries to the Financial Systems and Services Branch, BASE at (301) 734-8351.

- b. Copies of current APHIS directives can be accessed on the Internet at *www.aphis.usda.gov/library*.

/s/

Deputy Administrator
MRP Business Services