

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

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AUTHORITY: 7 U.S.C. 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

§ 354.1 Overtime work at border ports, sea ports, and airports.

(a)(1) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals,

animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and subchapter D of chapter I, title 9 CFR, who requires the services of an employee of the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection on a Sunday or holiday, or at any other time outside the regular tour of duty of that employee, shall sufficiently in advance of the period of Sunday, holiday, or overtime service request the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector in charge to furnish the service during the overtime or Sunday or holiday period, and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1)(i), (ii), and (iii), and (a)(3) of this section:

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF PLANT, PLANT PRODUCTS, ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Nov. 2, 2015– Sept. 30, 2016	Oct. 1, 2016– Sept. 30, 2017	Beginning Oct. 1, 2017
Monday through Saturday and holidays	\$75	\$75	\$75
Sundays	99	99	100

(i) For any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrivals in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed \$25 for all inspection services performed by the U.S. Customs and Border Protection, Public Health Service, and the Department of Agriculture;

(ii) Owners and operators of aircraft will be provided service without reim-

bursement during regularly established hours of service on a Sunday or holiday; and

(iii) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service is listed in the following table:

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES ¹

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Nov. 2, 2015– Sept. 30, 2016	Oct. 1, 2016– Sept. 30, 2017	Beginning Oct. 1, 2017
Monday through Saturday and holidays	\$64	\$65	\$65
Sundays	85	86	86

¹ These charges exclude administrative overhead costs.

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(2) Except as provided in paragraph (a)(3) of this section, a minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or her, or which is performed by an employee on his or her regular workday beginning either at least 1 hour before his or her scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies may include a commuted traveltime period (CTT) the amount of which shall be prescribed in administrative instructions to be issued by the Administrator, Animal and Plant Health Inspection Service or U.S. Customs and Border Protection for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty. With respect to places of duty within the metropolitan area of the employee's headquarters, such CTT period shall not exceed 3 hours. It shall be administratively determined from time to time which days constitute holidays. The circumstances under which such CTT periods shall be charged and the percentage applicable in each circumstance are as reflected in the following table:

	Actual time ¹ charge—no minimum	2-hour guarantee charge	Com-muted ² travelttime (CTT) charge
CHARGES FOR INSPECTION WITHIN METROPOLITAN AREA OF EMPLOYEE'S HEADQUARTERS			
Work beginning before daily tour begins:			
8 to 59 minutes	Yes	No	None.
60 to 119 minutes	.....	Yes	½ CTT.
120 minutes or more.	.....	Yes	Full CTT.
Work beginning after daily tour ends:			
Direct continuation.	Yes	No	None.

	Actual time ¹ charge—no minimum	2-hour guarantee charge	Com-muted ² travelttime (CTT) charge
Break-in-service of:			
2-29 minutes	Yes	None.
30-60 minutes.	Yes	½ CTT.
61 minutes or more.	Yes	Full CTT.

CHARGES FOR INSPECTION SERVICES PERFORMED OUTSIDE METROPOLITAN AREA OF EMPLOYEE'S HEADQUARTERS

Work beginning before daily tour begins:			
8 to 59 minutes	Yes	No	½ CTT.
60 minutes or more.	.....	Yes	Full CTT.
Work beginning after daily tour ends:			
Direct continuations.	Yes	No	½ CTT.
2-59 minutes	No	Yes	½ CTT.
60 minutes or more.	No	Yes	Full CTT.

CHARGES FOR CALL OUT INSPECTION SERVICE ON HOLIDAY OR NONWORKDAY

Work beginning at any time.	No	Yes	Full CTT.
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¹ Actual time charged when work is contiguous with the daily tour will be in quarter hour multiples, with service time of 8 minutes or more rounded up to the next quarter hour and any time of less than 8 minutes will be disregarded.

² The full CTT allowance will be the amount of commuted traveltime prescribed for the place at which the inspections are performed. See § 354.2. One-half CTT is ½ of the full CTT period.

(3) The overtime rate and all other charges, including minimum and commute compensation charges, to be billed for services provided by an employee of U.S. Customs and Border Protection shall be charged according to the provisions of this section, 5 CFR part 551, or 19 CFR 24.16.

(b) The Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector in charge of honoring a request to furnish inspection, laboratory testing, quarantine or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term *private aircraft* means any civilian aircraft not being used to transport persons or property for compensation or hire, and

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(2) The term *private vessel* means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(d)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity acting as an agent or broker by requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector, or any other person, firm, partnership, corporation, or other legal entity (principal), and who has not previously requested such service from an Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection determines that the agent, broker, or principal has established an acceptable credit history.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector.

(e)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service or

U.S. Customs and Border Protection inspector, and who has a debt to the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection more than 60 days delinquent, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

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

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection inspector.

(f) Reimbursable Sunday, holiday, or overtime services will be denied to any principal, or any person, firm, partnership, corporation, or other legal entity who has a debt to the Animal and Plant Health Inspection Service or U.S. Customs and Border Protection more than 90 days delinquent. Services will be denied until the delinquent debt is paid.

[49 FR 1173, Jan. 10, 1984, as amended at 49 FR 12186, Mar. 29, 1984; 49 FR 19441, May 8, 1984; 52 FR 16822, May 6, 1987; 53 FR 52975, Dec. 30, 1988; 54 FR 13506, Apr. 4, 1989; 55 FR 3198, Jan. 31, 1990; 55 FR 41059, Oct. 9, 1990; 56 FR 1082, Jan. 11, 1991; 58 FR 32434, June 10, 1993; 67 FR 48523, July 25, 2002; 68 FR 51882, Aug. 29, 2003; 80 FR 59566, Oct. 2, 2015]

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime

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period for the respective ports, stations, and areas in which employees are located. The prescribed commuted traveltime periods are set forth below:

COMMUTED TRAVELTIME ALLOWANCES
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Alabama:			
Birmingham (including Birmingham Municipal Airport)	Alabaster .....	.....	2
Birmingham (including Birmingham Municipal Airport)	Pelham .....	.....	2
Chickasaw	Mobile .....	.....	2
Huntsville .....	.....	1	
Mobile .....	.....	2	
Montgomery .....	.....	1	
Undesignated ports .....	.....	.....	3
Alaska:			
Anchorage .....	.....	1	
Seward	Anchorage .....	.....	6
Undesignated ports .....	.....	.....	3
Arizona:			
Davis-Monthan AFB, Tucson	Nogales .....	.....	4
Douglas .....	.....	1	
Douglas	Nogales .....	.....	6
Fort Huachuca Army Base, Sierra Vista	Douglas or Nogales .....	.....	3
Fort Huachuca Army Base, Sierra Vista	Tucson .....	.....	4
Nogales .....	.....	2	
Phoenix .....	.....	2	
Phoenix	Nogales .....	.....	6
Phoenix	Tucson .....	.....	5
San Luis .....	.....	2	
Sasabe	Nogales .....	.....	4
Tucson .....	.....	1	
Tucson	Nogales .....	.....	3
Yuma International airport .....	.....	1	
Undesignated ports .....	.....	.....	3
Arkansas:			
Dardanelle	Conway .....	.....	3
Dardanelle	Little Rock .....	.....	3
Eaker AFB	Blytheville .....	.....	1
Fort Smith	Conway .....	.....	5
Fort Smith	Little Rock .....	.....	6
Helena	Blytheville .....	.....	5
Helena	Little Rock .....	.....	5
Little Rock .....	.....	1	
Little Rock	Conway .....	.....	2
Little Rock AFB .....	.....	2	
Little Rock AFB	Conway .....	.....	2
Osceola	Blytheville .....	.....	2
Pine Bluff	Conway .....	.....	4
Pine Bluff	Little Rock .....	.....	2
Undesignated ports .....	.....	.....	3
West Memphis	Blytheville .....	.....	3
Bahamas:			
Nassau .....	.....	1	
Freeport .....	.....	1	
Bermuda:			
Ferry Reach .....	.....	1	
California:			
Andrade	Calexico .....	.....	2
Antioch	San Francisco .....	.....	4
Bakersfield	Shafter	1	
Beale AFB	Sacramento .....	.....	4
Burbank	Los Angeles .....	.....	3
Calexico .....	.....	1	
Camp Pendleton, USMC, Oceanside	San Diego .....	.....	3
Castle AFB	Merced .....	.....	1
Edwards AFB	Ontario .....	.....	4
El Segundo	Los Angeles .....	.....	2
El Toro MCAS	Los Angeles .....	.....	3
Fairfield	Stockton .....	.....	4
Fresno	Shafter .....	.....	5
Fresno	Stockton .....	.....	5
Hanford	Shafter .....	.....	5

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Lemoore	Shafter		5
George AFB	Los Angeles		4
Hamilton AFB, Novato	Travis AFB		3
Los Angeles (including San Pedro, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport)		2	
March AFB	Los Angeles		4
March AFB	Ontario		3
Martinez	San Francisco		3
Mather Field AFB	Travis AFB		3
Mather Airfield	Sacramento	3	
Mather AFB	Stockton		3
McClellan AFB	Sacramento	3	
McClellan AFB	Stockton		4
McClellan AFB	Travis AFB		3
Merced/Atwater (Old Castle AFB)	Stockton		3
Moffett Field NAS, Sunnyside	San Francisco		3
Moffett Field NAS, Sunnyside	San Jose	2	
Monterey	San Jose		5
Monterey	San Francisco		6
Moss Beach Landing	San Jose		4
Norton AFB	Los Angeles		4
Ontario	Los Angeles		3
Palm Springs International Airport	Ontario		4
Pittsburg	San Francisco		4
Port Chicago	San Francisco		3
Port Hueneme	Port Hueneme	1	
Port Hueneme	San Pedro		4
Redwood City	San Francisco		2
Richmond	San Francisco		3
Rodeo	San Francisco		3
Sacramento		1	
Sacramento	San Francisco		5
Sacramento	San Jose		6
Sacramento	Stockton		3
Sacramento	Travis AFB		2
Sacramento International Airport	Sacramento	3	
Sacramento Metropolitan Airport	Stockton		4
Sacramento Metropolitan Airport	Travis AFB		3
Sacramento Seaport	Sacramento	2	
San Bernardino International Airport (Old Norton AFB)	Ontario		2
San Diego (including Mexican border at San Ysidro; Brown, Gillespie, and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian Maritime within the San Diego Unified Port District)		2	
San Diego	Los Angeles		6
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport)		2	
San Francisco	San Jose		4
San Jose		2	
San Jose	Sacramento		5
San Jose	San Francisco		4
San Jose	Stockton		5
San Luis Obispo Seaport	Port Hueneme		5
Santa Barbara Airport	Port Hueneme		2
Seal Beach	Los Angeles		2
Southern California International Airport (Old George AFB)	Ontario		3
Stockton		1	
Stockton	Sacramento		3
Stockton	San Jose		4½
Tecate	San Ysidro		3
Travis AFB		1	
Travis AFB	San Francisco		4
Vallejo	San Francisco		2
Undesignated ports			3
Canada:			
Vancouver, BC (including Richmond)	Blaine		4

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COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Colorado:			
Denver (including Stapleton International Airport) .....	.....	2	
Ent AFB (Peterson Field)	Denver		5
Stapleton International Airport	Ft. Collins		4
Connecticut:			
Bridgeport	Groton		4
Bridgeport	Wallingford		2
Bridgeport	Warwick, RI		6
Bridgeport	Windsor Locks		4
Groton (including New London)	Wallingford		4
Groton (including New London)	Warwick, RI		4
Groton (including New London)	Windsor Locks		4
Groton (including New London) .....	.....	2	
New Haven	Groton		3
New Haven	Wallingford, CT		1
New Haven	Warwick, RI		6
New Haven	Windsor Locks		3
Windsor Locks (including Bradley Field) .....	.....	1	
Windsor Locks (including Bradley Field)	Boston, MA		6
Windsor Locks (including Bradley Field)	Groton		4
Windsor Locks (including Bradley Field)	Hadley, MA		2
Windsor Locks (including Bradley Field)	Wallingford		3
Windsor Locks (including Bradley Field)	Warwick, RI		6
Undesignated ports .....	.....		3
Delaware:			
Dover .....	.....	1	
Dover	Wilmington		3½
Wilmington (including NCCA, Delaware City, and Claymont) .....	.....	2	
Wilmington (including NCCA, Delaware City, and Claymont)	Dover		3
Wilmington	Philadelphia, PA		3
Wilmington	Baltimore, MD		5
Wilmington	Bridgeton		3
Wilmington	Trenton		3
District of Columbia:			
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard)	Andrews AFB, MD	2	
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard)	Baltimore, MD	2	
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard)	Beltsville, MD	2	
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard)	Dulles International Airport, VA	2½	
Florida:			
Apalachicola	Panama City		3
Apalachicola	Pensacola		6
Boca Grande	Tampa		5
Eglin AFB	Panama City		3
Eglin AFB	Pensacola		3
Fort Lauderdale .....	.....	2	
Fort Meyers	Tampa		5
Fort Myers	Fort Myers	2	
Fort Myers	Palmetto		5
Fort Pierce .....	.....	1	
Fort Pierce	West Palm Beach		3
Jacksonville .....	.....	2	
Key West .....	.....	1	
Marathon	Key West		2
Miami .....	.....	2	
Orlando .....	.....	2	
Orlando	Port Canaveral		3
Orlando	Ocoee		2
Panama City .....	.....	1	
Panama City	Mobile, AL		7

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Panama City	Pensacola .....	.....	5
Patrick AFB .....	.....	1	
Pensacola .....	.....	1	
Pensacola	Mobile, AL .....	.....	3
Pensacola	Panama City .....	.....	5
Pompano Beach	Fort Lauderdale .....	.....	3
Port Canaveral .....	.....	1	
Port Everglades .....	.....	2	
Port St. Joe	Panama City .....	.....	2
Port St. Joe	Pensacola .....	.....	6
St. Petersburg/Clearwater	Tampa	2	
Tampa .....	.....	2	
West Palm Beach .....	.....	1	
Undesignated ports .....	.....	.....	3
Georgia:			
Atlanta .....	.....	2	
Brunswick .....	.....	2	
Brunswick	Savannah .....	.....	4
Columbus	Atlanta .....	.....	4
Marietta	Atlanta .....	.....	2
St. Mary's	Brunswick .....	.....	3
St. Mary's	Jacksonville, FL .....	.....	3
Savannah .....	.....	2	
Undesignated ports .....	.....	.....	3
Hawaii:			
Barbers Point NAS	Honolulu .....	.....	2
Barking Sands NAS	Lihue .....	.....	3
Hakalau	Hilo .....	.....	2
Hilo .....	.....	1	
Honolulu .....	.....	2	
Kaanapali, Lahaina, Maui	Kahului, Maui .....	.....	2
Kaanapali, Lahaina (Maui)	Honolulu .....	.....	6
Kahului, Maui .....	.....	1	
Kahului, Maui	Honolulu .....	.....	4
Kailua, Kona	Hilo .....	.....	5
Kailua, Kona	Keahole	1	
Kalapana	Hilo .....	.....	2
Kaneohe MCAS	Honolulu .....	.....	2
Kapaa	Lihue .....	.....	2
Kapahi	Lihue .....	.....	2
Keaau	Hilo .....	.....	1
Keahole .....	.....	1	
Keauhou	Honolulu .....	.....	5
Keauhou	Keahole .....	.....	2
Kurtistown	Hilo .....	.....	2
Lihue Airport	Lihue	1	
Lihue, Kauai .....	.....	1	
Lihue, Kauai	Honolulu .....	.....	5
Mahaiula	Keahole .....	.....	2
Mt. View	Hilo .....	.....	2
Napili-Kapalua	Maui .....	.....	3
Nawiliwili	Lihue	1	
Pepeekeo	Hilo .....	.....	2
Poipu	Lihue .....	.....	3
Port Allen	Lihue .....	.....	3
Princeville	Lihue .....	.....	3
South Kohala	Hilo .....	.....	4
Umauma	Hilo .....	.....	2
Wahiawa, Oahu	Honolulu .....	.....	2
Wailea-Makena	Maui .....	.....	2
West Loch, Pearl Harbor	Honolulu .....	.....	2
Undesignated ports .....	.....	.....	3
Idaho:			
Mountain Home AFB	Caldwell .....	.....	3
Mountain Home AFB	Twin Falls .....	.....	4
Illinois:			
Chicago	3	
Undesignated ports	3	
Indiana:			
Burns Harbor (including Gary)	Frankfort	5

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COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Evansville	Franklin .....	.....	6
Gary	Hanna .....	.....	2
Indianapolis	Frankfort .....	.....	3
Indianapolis	Franklin .....	.....	2
Indianapolis .....	.....	1	.....
Mount Vernon	Franklin .....	.....	6
Undesignated ports .....	.....	.....	3
Iowa:			
Davenport	Des Moines .....	.....	6
Des Moines .....	.....	1	.....
Soiux City	Des Moines .....	.....	6
Undesignated ports	Des Moines .....	.....	6
Kansas:			
Johnson County Industrial	Kansas City, MO .....	.....	2
Topeka	Kansas City, MO .....	.....	3
Topeka	Wichita .....	.....	6
Wichita .....	.....	1½	.....
Kentucky:			
Covington	Lexington .....	.....	4
Fort Campbell	Brentwood, TN .....	.....	4
Fort Campbell	Jackson, TN .....	.....	5
Greater Cincinnati Airport	Erlanger, KY	2	.....
Greater Cincinnati Airport	Louisville, KY	1	.....
Greater Cincinnati Airport	Louisville, KY .....	.....	4
Louisville	Erlanger .....	.....	4
Louisville	Lexington .....	.....	4
Undesignated ports .....	.....	.....	3
Louisiana:			
Barksdale AFB, Shreveport	Baton Rouge .....	.....	6
Barksdale AFB, Shreveport	Monroe .....	.....	4
Barksdale AFB	Shreveport .....	.....	1½
Baton Rouge (including Port Allen) .....	.....	2	.....
Buras	New Orleans .....	.....	4
Burnside	Baton Rouge .....	.....	3
Cameron	Lake Charles .....	.....	3
Carlyss	Lake Charles .....	.....	2
Clifton Ridge	Lake Charles .....	.....	2
Convent	Baton Rouge .....	.....	3
Donaldsonville	Baton Rouge .....	.....	3
England Air Park	Baton Rouge .....	.....	5
England Air Park	Shreveport .....	.....	5
England Air Park	Monroe .....	.....	4
Fouchon	New Orleans .....	.....	5
Geismar	Baton Rouge .....	.....	2
Hackberry	Lake Charles .....	.....	2
Lake Charles	Baton Rouge .....	.....	5
Lake Charles	Port Arthur, TX .....	.....	3
Lake Charles .....	.....	1	.....
Morgan City	New Orleans .....	.....	4
New Orleans .....	.....	2	.....
Ostrica	New Orleans .....	.....	4
Plaquemine	Baton Rouge .....	.....	2
Port of Tallulah	Baton Rouge .....	.....	6
Port of Tallulah	West Monroe .....	.....	3
St. Gabriel	Baton Rouge .....	.....	2
St. James	Baton Rouge .....	.....	3
Uncle Sam	Baton Rouge .....	.....	3
Venice	New Orleans .....	.....	4
Points on the Mississippi River above the St. Charles-Jefferson Parish boundary and including Gramercy, LA: any point below Chalmette, LA, on the east bank; and Belle Chasse, LA, and points to and including Port Sulphur on the west bank.	New Orleans .....	.....	3
Undesignated ports .....	.....	.....	3
Maine:			
Bangor .....	.....	1	.....
Bangor	Augusta .....	.....	3
Bath	Portland .....	.....	2
Brunswick NAS	Portland .....	.....	2

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Brunswick NAS	Augusta		2
Bucksport	Bangor		2
Cousins Island	Portland		1
Eastport	Bangor		6
Harpswell	Portland		2
Kittery	Portland		3
Portland		1	
Portland	Augusta		3
Portland	Manchester, NH		6
Searsport	Augusta		4
Searsport	Bangor		3
Wiscasset	Portland		3
Winterport	Bangor		2
Undesignated ports			3
Maryland:			
Aberdeen Proving Ground	Baltimore		3
Andrews AFB		2	
Andrews AFB	Baltimore		3½
Andrews AFB	Beltsville	2	
Andrews AFB	Dulles International Airport, VA	2½	
Annapolis	Baltimore		3
Baltimore		3	
Baltimore	Andrews AFB		3½
Cambridge	Baltimore		4
Cambridge	Dover, DE		4
Piney Point	Baltimore		5
Piney Point	Beltsville		4
Salisbury	Dover, DE		3
Salisbury	Baltimore		4
Undesignated ports	Dover, DE, or Dulles International Airport, VA		3
(For other points in Maryland, see DC listing)			
Massachusetts:			
Boston		3	
Boston	New Bedford		5
Fall River	Boston		5
Fall River	New Bedford		2
Fall River	Warwick, RI		3
Gloucester	Boston		4
New Bedford		1	
New Bedford	Boston		5
New Bedford	Warwick, RI		3
Otis ANG/CGNS	Boston		6
Otis ANG/CGNS	New Bedford		3
Otis ANG/CGNS	Warwick, RI		5
Plymouth	Warwick, RI		3
Provincetown	Warwick, RI		6
Sandwich	Boston		6
Sandwich	New Bedford		3
Sandwich	Warwick, RI		4
Somerset	Boston		4
Somerset	New Bedford		2
Westover AFB	Boston		6
Westover AFB	Hadley		1½
Westover AFB	Windsor Locks, CT		2
Woods Hole	Boston		6
Woods Hole	New Bedford		3
Woods Hole	Warwick, RI		5
Undesignated ports	Boston, New Bedford, MA and Warwick, RI		3
Undesignated ports	Windsor Locks, CT		3
Mexico:			
Camargo	Roma, TX	1	
Ciudad Acuna	Del Rio, TX	1	
Ciudad Acuna	Eagle Pass, TX		3
Ciudad Acuna	Laredo, TX		6
Ciudad Acuna	Pleasanton, TX		6
Ciudad Juarez	El Paso, TX	1	
Matamoros	Brownsville, TX	1	

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COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Mier	Roma, TX	1	
Nuevo Cd. Guerrero	Roma, TX	1	
Nuevo Laredo	Del Rio, TX		4
Nuevo Laredo	Eagle Pass, TX		5
Nuevo Laredo	Laredo, TX	1	
Nuevo Laredo	Pharr, TX		6
Nuevo Laredo	Pleasanton, TX		5
Nuevo Progreso	Progreso, TX	1	
Ojinaga	El Paso, TX		6
Ojinaga	Presidio	1	
Piedras Negras	Eagle Pass, TX	1	
Piedras Negras	Laredo, TX		5
Piedras Negras	Pharr, TX		10
Piedras Negras	Pleasanton, TX		5
Reynosa Eagle	Pass, TX		12
Reynosa	Hidalgo, TX	1	
Reynosa	Laredo, TX		5
Reynosa	Mission, TX		1
Reynosa	Pharr, TX		1
San Jeronimo	Presidio, TX		6
San Jeronimo	Santa Theresa, NM		1
Michigan:			
Battle Creek	Grand Rapids		3
Bay City	Mt. Pleasant		3
Detroit (including Detroit Metropolitan Airport, and Willow Run Airport)	Romulus/Detroit	3	
Kent County Airport	Grand Rapids	1	
Muskegon	Grand Rapids		2
Pontiac	Romulus		4
Saginaw	Mt. Pleasant		3
Selfridge AFB	Port Huron		3
Minnesota:			
Duluth .....	.....	2	
Duluth	Minneapolis		6
Minneapolis-St. Paul .....	.....	2	
Mississippi:			
Greenville	Jackson		5
Gulfport .....	.....	1	
Jackson .....	.....	1	
Keesler AFB	Gulfport		1
Natchez	Brookhaven		4
Pascagoula	Gulfport		2
Pascagoula	Mobile, AL		3
Port Bienville	Gulfport		2
Vicksburg	Jackson		3
Undesignated ports .....	.....		3
Missouri:			
Kansas City .....	.....	1	
Kansas City	St. Charles		6
Kansas City International Airport .....	.....	1	
Kansas City International Airport	St. Louis		6
Richards-Gebaur AFB	Kansas City	2	
Rosecrans AFB	Kansas City		3
St. Louis and St. Louis International Airport	St. Louis	2	
Whiteman, AFB	Kansas City		4
Montana:			
Butte International Airport	Billings		6
Great Falls International Airport	Great Falls	1	
Nebraska:			
Omaha (including Offutt AFB)	Lincoln		3
Nevada:			
Las Vegas .....	.....	1	
Reno .....	.....	1	
New Hampshire:			
Keene Airport, Keene	Groton		6
Lebanon	Manchester		5
Manchester .....	.....	2	
Newington	Manchester		4
Newington	Portland, ME		3

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Pease AFB	Manchester		4
Pease AFB	Portland, ME		3
Portsmouth	Manchester		4
Portsmouth	Portland, ME		3
Undesignated ports	Manchester		3
New Jersey:			
Atlantic City	McGuire AFB		3
Atlantic City	Mullica Hill	2½	
Burlington	Trenton		1
Coast Guard Station, Cape May	Mullica Hill		4
Deepwater	Mullica Hill		2
Hammonton	Mullica Hill		2
Hammonton	Trenton		3
Lakehurst NAS	McGuire AFB		2
Leonardo	McGuire AFB		4
Leonardo	Trenton		4
McGuire AFB	Mullica Hill		3
McGuire AFB	Trenton		2
McGuire AFB, Wrightstown		2	
Paulsboro	Mullica Hill		1½
Paulsboro	Philadelphia, PA		3
Salem	McGuire AFB		3
Salem	Trenton		3
Trenton		2	
New Mexico:			
Albuquerque		1	
Columbus	Deming		1½
Columbus	El Paso, TX		6
Columbus	Las Cruces		4
Holloman AFB, Alamogordo	El Paso, TX		4
Santa Teresa	El Paso, TX		1½
Santa Teresa	Las Cruces		1½
Undesignated ports			3
New York:			
Alexandria Bay	Oneida		5
Buffalo		2	
Chateaugay (including Churubusco and Cannon Corners)	Rouses Point		3
Corning	Avoca	2	
Corning	Big Flats	1	
Farmingdale	Westhampton Beach	3	
Islip	Westhampton Beach	2	
Jamaica, Long Island		2	
Lewiston	Buffalo		2
Massena	Rouses Point		5
New York			
Niagara Falls	Buffalo		2
Ogendsburg	Rouses Point		6
Oswego	Buffalo		6
Oswego	Canandaigua	4	
Oswego	Oneida	3	
Plattsburgh	Rouses Point		3
Rochester	Avoca	3	
Rochester	Buffalo		4
Rochester	Canandaigua	2	
Rooseveltown	Rouses Point		5
Rouses Point (including Champlain)	Rouses Point	2	
Syracuse		1	
Syracuse	Buffalo		6
Syracuse	Canandaigua	3	
Syracuse	Oneida	2	
Watertown	Oneida		4
Westhampton ANG	Westhampton	1	
Undesignated ports	Buffalo or Rouses Point		3
North Carolina:			
Camp Lejeune	Morehead City		2
Camp Lejeune	Wilmington		3
Charlotte		2	
Charlotte	Burlington		5
Charlotte	Greensboro		4

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COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Charlotte International Airport	Laurinburg		5
Cherry Point	Goldsboro		4
Cherry Point	Morehead City		2
Elizabeth City		1	
Fort Bragg	Fayetteville	2	
Greensboro		1½	
Greensboro	Charlotte		4
Greensboro	Fayetteville		4½
Greensboro	Laurinburg		6
Morehead City		1	
Morehead City	Clinton		4
Morehead City	Goldsboro		4
New River MCAS	Morehead City		3
Pope AFB	Clinton		2½
Pope AFB	Fayetteville	1½	
Pope AFB	Goldsboro		4
Raleigh	Clinton		4
Raleigh	Fayetteville		4
Raleigh	Goldsboro		4
Raleigh	Raleigh	2	
Seymour-Johnson AFB	Goldsboro	1	
Sunny Point Army Terminal, Southport	Wilmington		2
Wilmington		1	
Undesignated ports			3
Ohio:			
Akron	Cleveland		2
Ashtabula	Cleveland		3
Cincinnati	Columbus		6
Cincinnati	Dayton		3
Cincinnati	Toledo		6
Cincinnati	Washington Court House		3
Cleveland		2	
Cleveland	Toledo		5
Columbus		2	
Columbus	Cleveland		6
Columbus	Dayton		4
Columbus	Toledo		6
Columbus	Washington Court House		3
Dayton		2	
Dayton	Columbus		4
Dayton	Toledo		6
Dayton	Washington Court House		3
Fairport Harbor	Cleveland		2
Greater Cincinnati Airport (Boone County, KY)	Erlanger, KY	2	
Lorraine	Cleveland		2
Lunken Airport	Erlanger, KY		1
Rickenbacker AFB	Cleveland		6
Rickenbacker AFB	Washington Court House		3
Toledo		2	
Toledo	Cleveland		5
Toledo	Romulus, MI		4
Undesignated ports			3
Oklahoma:			
Altus AFB	Oklahoma City		6
Altus AFB	Elk City		3
Oklahoma City	Tulsa		6
Port of Muskogee	Tulsa		2
Port Arrow	Tulsa		1
Port of Catoosa	Tulsa		1
Port of Rogers Terminal	Tulsa		1
Port of Verdigris	Tulsa		1
Tulsa		1	
Tulsa International Airport	Oklahoma City		6
Tulsa International Airport	Tulsa	1	
Tinker AFB, Oklahoma City		1	
Will Rogers World Airport, Oklahoma City		1	
Undesignated ports	Oklahoma City		3
Undesignated ports			3
Oregon:			
Astoria	Portland		5

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Portland		2	
The Dalles	Ellensburg, WA		6
Undesignated ports			3
Pennsylvania:			
Allentown-Bethlehem Easton Airport	Carlisle		5
Allentown-Bethlehem	Dallas		5
Chester	Philadelphia		3
Chester	Wilmington, DE		1
Easton Airport	Gap		5
Erie	Buffalo, NY, or Cleveland, OH		4
Erie	Meadville		3
Erie	Mercer		4
Erie	Pittsburgh		6
Greater Pittsburgh International Airport	Cleveland, OH		6
Greater Pittsburgh International Airport	Meadville		5
Greater Pittsburgh International Airport	Mercer		4
Greater Pittsburgh International Airport	Pittsburgh	3	
Harrisburg International Airport	Carlisle		2
Harrisburg International Airport	Dallas		6
Harrisburg International Airport	Gap		4
Harrisburg International Airport	Philadelphia		5
Harrisburg International Airport	Williamsport		6
Lehigh Valley International Airport, Allentown	Gap		4
Lehigh Valley International Airport, Allentown	Sweet Valley		4
Marcus Hook	Philadelphia		3
Marcus Hook	Wilmington, DE		1
Philadelphia		3	
Philadelphia	Bridgeton		3
Philadelphia	McGuire Air Force Base		3
Philadelphia	Trenton		3
Philadelphia	Wilmington, DE		3
Tullytown	Philadelphia		3
Wilkes-Barre/Scranton International Airport	Dallas		2
Wilkes-Barre/Scranton Airport	Williamsport		6
Willow Grove NAS	Philadelphia		3
Undesignated ports	Dallas or Gap		3
Puerto Rico:			
Aguadilla	Mayaguez		2
Aguirre	Ponce		3
Arecibo	San Juan		3
Borinquen Field	Mayaguez		2
Fajardo	Roosevelt Road		1
Fajardo	San Juan		3
Guanica	Mayaguez		2
Guanica	Ponce		2
Guayama	Ponce		3
Guayanilla	Ponce		2
Humacao and Yabucoa	San Juan		4
Mayaguez (including points from Ramey to Cabo Rojo) ..	San Juan		5
Mayaguez and El Mani Airport		1	
Ponce (including all subports in the Ponce customs district).	San Juan		4
Ponce and Mercedita Airport		1	
Roosevelt Roads		1	
San Juan		2	
Tallaboa (Penuelas)	Ponce		2
Yabucoa	Roosevelt Roads		3
Undesignated ports			3
Rhode Island:			
Davisville NSD	Boston, MA		4
Davisville NSD	Warwick		2
Melville	Warwick		3
Newport	Boston, MA		5
Newport	Warwick		4
Portsmouth	Warwick		3
Providence	Boston, MA		4
Providence	Warwick		2
Quonset Point	Boston, MA		4
Quonset Point	Warwick		2

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COMMUTED TRAVELTIME ALLOWANCES—Continued
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Location covered	Served from—	Metropolitan area	
		Within	Outside
Saunderstown	Warwick		3
Tiverton	Warwick		3
Warwick		2	
Warwick	Groton, CT		4
Undesignated ports			3
South Carolina:			
Beaufort-Port Royal	Charleston		4
Beaufort-Port Royal	Savannah		3
Beaufort-Port Royal	Yemassee		3
Charleston		2	
Columbia	Charleston		4
Columbia		1	
Georgetown	Charleston		3
Greenville-Spartanburg		1	
McEntire NG Air Base	Columbia		2
McEntire NG Air Base, Eastover	Charleston		4
Myrtle Beach AFB	Charleston		4
Myrtle Beach AFB	Conway		1
Shaw AFB	Columbia and Florence		2
Shaw AFB, Sumter	Charleston		4
Undesignated ports			3
South Dakota:			
Ellsworth AFB	Pierre		6
Tennessee:			
Knoxville		1	
Memphis		2	
Memphis	Jackson		4
Memphis International Airport	Batesville, MS		2½
Millington	Jackson		4
Millington	Memphis		2
Nashville		2	
Nashville	Jackson		6
Undesignated ports			3
Texas:			
Aransas Pass	Corpus Christi		2½
Barbour's Cut	Houston	2	
Bayport	Houston	2	
Baytown	Houston	2	
Beaumont	Port Arthur		2
Beaumont	Lake Charles		3
Brownsville		1	
Brownsville	Pharr		3
Carswell Field, Fort Worth	Dallas-Fort Worth International Airport		3
Columbia	Laredo		2
Corpus Christi	Corpus Christi	2	
Corpus Christi NAS	Corpus Christi		2
Dallas		1	
Dallas (including Love Field)	Dallas-Fort Worth International Airport		1
Dallas-Fort Worth International Airport		1	
Dallas-Fort Worth International Airport	Decatur		2
Del Rio		1	
Del Rio	Eagle Pass		3
Donna	Hidalgo		2
Dyess AFB	Abilene	1	
Eagle Pass		1	
El Paso		1	
Fabens	El Paso		2
Falcon Heights	Roma		1½
Freeport	Galveston or Houston		3
Fort Hood	College Station		5
Fort Hood	Waco		3
Galveston		1	
Galveston	Houston		4
Gregory	Corpus Christi		2
Houston (including Houston Intercontinental Airport)	Bellville		4
Houston (including Houston Intercontinental Airport)	Bryan		4
Houston (including Houston Intercontinental Airport)	Georgetown		8
Houston (including Houston Intercontinental Airport)	Pleasanton		8
Ingleside and Harbor Island (Port Aransas)	Corpus Christi		3

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Harlingen .....	.....	1	
Harlingen	McAllen		2
Hidalgo	Brownsville		3
Houston (Including Houston Intercontinental Airport) .....	.....	2	
Kelly AFB	San Antonio		2
La Feria	Hidalgo		2
Laredo .....	.....	1	
Laughlin AFB	Del Rio		1
Meacham Field	Dallas-Fort Worth International Airport		2
Mercedes	Hidalgo		2
Orange	Port Arthur		2
Pharr (Includes Hidalgo and McAllen International Airport) .....	.....	1½	
Point Comfort .....	.....	1	
Point Comfort	Victoria		2
Port Arthur .....	.....	1	
Port Arthur	Lake Charles, LA		3
Port Isabel	Brownsville		2
Presidio .....	.....	1	
Progreso .....	.....	1	
Progreso	Brownsville or Hidalgo		2
Progreso	Harlingen		1½
Randolph AFB	San Antonio		2
Robert Grey Army Airfield	College Station		5
Robert Grey Army Airfield	San Antonio		6
Robert Grey Army Airfield	Waco		3
Rockport	Corpus Christi		3
Roma	Brownsville		5
Roma	Laredo		4
Roma (Includes Rio Grande City) .....	.....	1	
Roma	Pharr		3
Sabine Pass	Port Arthur		1
San Antonio .....	.....	1	
Texas City	Galveston		1
Weslaco	Hidalgo		2
Undesignated ports .....	.....		3
Utah:			
Salt Lake City International Airport .....	.....	2	
Hill Air Force Base, Ogden	Salt Lake City		4
Vermont:			
Alburg	Berlin		5
Alburg	Rouses Point, NY	1	
Alburg	St. Albans		2
Battleboro	Berlin		5
Battleboro	St. Albans		6
Burlington	Montpelier		3
Burlington	St. Albans	1	
Derby Line	Berlin		5
Derby Line	St. Albans		5
Highgate Springs	Berlin		4
Highgate Springs	St. Albans		2
Montpelier .....	.....	1	
Richford	Berlin		5
Richford	St. Albans		3
St. Albans (including Highgate Springs and Morses Line)	Rouses Point, NY		3
Undesignated ports	Montpelier		3
Undesignated ports	Rouses Point, NY		3
Undesignated ports	St. Albans		3
Virgin Islands:			
Alexander Hamilton Airport, St. Croix .....	.....	1	
Charlotte Amalie, St. Thomas .....	.....	1	
Christiansted, St. Croix .....	.....	1	
Cruz Bay, St. John, USVI	St. Thomas, USVI		3
Frederiksted, St. Croix .....	.....	1	
Undesignated ports .....	.....		3
Virginia:			
Alexandria or Arlington	Andrews AFB, MD	2	
Alexandria or Arlington	Dulles International Airport	2½	
Alexandria or Arlington	Beltsville, MD	2	
Dulles International Airport	2	

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COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Dulles International Airport	Baltimore, MD .....	.....	3
Dulles International Airport	Beltsville, MD	2½	
Dulles International Airport	Fredericksburg .....	.....	3
Hopewell	Norfolk .....	.....	5
Norfolk Metropolitan Area (including Chesapeake, Hampton, Newport News, Portsmouth and Virginia Beach) .....	.....	2	
Quantico MCAS	Dulles International Airport .....	.....	3
Quantico MCAS	Fredericksburg	1½	
Richmond	Norfolk .....	.....	5
Undesignated ports .....	.....	.....	3
(For other points in Virginia, see District of Columbia listing)			
Washington:			
Aberdeen	Seattle, maritime port .....	.....	4
Anacortes	Blaine .....	.....	3
Ault Field	Blaine .....	.....	4
Bangor NSO	Seattle, maritime port .....	.....	4
Bellingham	Blaine .....	.....	2
Blaine .....	.....	1	
Brewster	Ellensburg .....	.....	6
Brewster	Spokane .....	.....	6
Brewster	Wenatchee .....	.....	4
Cherry Point	Blaine .....	.....	1
Edmonds	Seattle, maritime port .....	.....	2
Ellensburg .....	.....	1	
Everett	Seattle, maritime port .....	.....	3
Ferndale	Blaine .....	.....	2
Fort Lewis	Tacoma .....	.....	2
Grays Harbor	Seattle, maritime port .....	.....	6
Grays Harbor	Tacoma .....	.....	4
Hood River	Ellensburg .....	.....	6
Lynden	Blaine .....	.....	2
McChord AFB	Seattle, maritime port .....	.....	3
McChord AFB	Tacoma .....	.....	2
Moses Lake	Ellensburg .....	.....	3
Moses Lake	Wenatchee .....	.....	3
Olympia	Seattle, maritime port .....	.....	3
Olympia	Tacoma .....	.....	2
Oroville .....	.....	1	
Paine Field	Seattle, maritime port .....	.....	3
Pasco	Ellensburg .....	.....	5
Pasco	Spokane .....	.....	6
Pasco	Wenatchee .....	.....	6
Point Wells	Seattle, maritime port .....	.....	2
Port Angeles	Seattle, maritime port .....	.....	6
Port Angeles	Tacoma .....	.....	6
Port Townsend	Seattle, maritime port .....	.....	4
Sawyer	Ellensburg .....	.....	3
Sawyer	Wenatchee .....	.....	5
SEA TAC Airport .....	.....	2	
Seattle, maritime port .....	.....	2	
Sumas	Blaine .....	.....	2
Tacoma .....	.....	2	
Wenatchee .....	.....	1	
Wenatchee	Ellensburg .....	.....	4
Wenatchee	Spokane .....	.....	6
Yakima .....	.....	1	
Yakima	Ellensburg .....	.....	3
Yakima	Wenatchee .....	.....	6
West Virginia:			
Kanawha Airport	Charleston	1	
Kanawha Airport	Clarksburg .....	.....	6
Wisconsin:			
Green Bay	Milwaukee .....	.....	4
Kenosha	Milwaukee .....	.....	2
Madison	Milwaukee .....	.....	4
Milwaukee .....	.....	1	
Milwaukee	Madison .....	.....	4½
Milwaukee	O'Hare International Airport, Chicago, IL .....	.....	5

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Racine	Milwaukee		2
Superior	Duluth, MN	1	
Undesignated ports	Duluth, MN or Milwaukee		3
Wyoming:			
Cheyenne .....	.....	1	
Temporary detail:			
Any inspection point to which an employee may be temporarily detailed.	.....	1	

[49 FR 32332, Aug. 14, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 354.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 354.3 User fees for certain international services.

(a) *Definitions.* Whenever in this section the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

APHIS. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA).

Arrival. Arrival at a port of entry, as listed in 19 CFR 101.3 or as defined by 19 CFR 101.1, in the customs territory of the United States or at any place serviced by any such port of entry.

Calendar year. The period from January 1 to December 31, inclusive, of any particular year.

Cascadia. British Columbia and those ports of entry into the United States lying south of 59°26'59.316" N, north of 43°23'34.152" N, west of 122°20'31.2" W, and east of 135°20'2.4" W."

Certificate. Any certificate issued by or on behalf of APHIS describing the condition of a shipment of plants or plant products for export, including but not limited to Phytosanitary Certificate (PPQ Form 577), Export Certificate for Processed Plant Products (PPQ Form 578), and Phytosanitary Certificate for Reexport (PPQ Form 579).

Commercial aircraft. Any aircraft used to transport persons or property for compensation or hire.

Commercial purpose. The intention of receiving compensation or making a gain or profit.

Commercial railroad car. Any carrying vehicle, measured from coupler to coupler and designed to operate on railroad tracks, other than a locomotive or a caboose.

Commercial shipment. A shipment for gain or profit.

Commercial truck. Any self-propelled vehicle, including an empty vehicle or a truck cab without a trailer, which is designed and used for the transportation of commercial merchandise or for the transportation of non-commercial merchandise on a for-hire basis.

Commercial vessel. Any watercraft or other contrivance used or capable of being used as a means of transportation on water to transport property for compensation or hire, with the exception of any aircraft or ferry.

Customs and Border Protection (CBP). U.S. Customs and Border Protection, U.S. Department of Homeland Security.

Customs territory of the United States. The 50 States, the District of Columbia, and Puerto Rico.

Designated State or county inspector. A State or county plant regulatory official designated by the Secretary of Agriculture to inspect and certify to shippers and other interested parties as to the phytosanitary condition of plant products inspected under the Plant Protection Act (7 U.S.C. 7701 *et seq.*).

Great Lakes. The Great Lakes of North America and the waters of the St. Lawrence River west of a rhumb line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a

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line along 63° W. longitude from Anticosti Island to the north shore of the St. Lawrence River.

Passenger. A natural person for whom transportation is provided, including infants, whether a separate ticket or travel document is issued for the infant, or the infant or toddler occupies a seat, or the infant or toddler is held or carried by another passenger.

Person. An individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

(b) *Fee for inspection of commercial vessels of 100 net tons or more.* (1) Except as provided in paragraphs (b)(2) and (3) of this section, the master, licensed deck officer, or purser of any commercial vessel which is subject to inspection under part 330 of this chapter or 9 CFR chapter I, subchapter D, and which is either required to make entry at the customs house under 19 CFR 4.3 or is a U.S.-flag vessel proceeding coastwise under 19 CFR 4.85, shall, upon arrival, proceed to CBP and pay an agricultural quarantine and inspection (AQI) user fee. The base AQI user fee for each arrival is shown in table 1. The fee will be paid for each arrival regardless of the number of arrivals taking place in the course of a single voyage.

TABLE 1 TO PARAGRAPH (b)(1)—FEE FOR INSPECTION OF COMMERCIAL VESSELS OF 100 NET TONS OR MORE

Effective date	Amount
October 1, 2024	\$2,903.73
October 1, 2025	2,981.17
October 1, 2026	3,059.61
October 1, 2027	3,139.06

(2) The following categories of commercial vessels are exempt from paying an AQI user fee:

TABLE 2 TO PARAGRAPH (b)(3)—FEE FOR INSPECTION OF COMMERCIAL VESSELS TRAVELING SOLELY BETWEEN THE UNITED STATES AND CANADA AND WITHIN THE GREAT LAKES OR CASCADIA, AND NOT OTHERWISE EXEMPT

Effective date	Amount
October 1, 2024	\$837.51
October 1, 2025	850.03
October 1, 2026	862.54
October 1, 2027	875.06

(i) Commercial cruise vessels carrying passengers paying fees under paragraph (f) of this section;

(ii) Any vessel which, at the time of arrival, is being used solely as a tugboat;

(iii) Vessels used exclusively in the governmental service of the United States or a foreign government, including any agency or political subdivision of the United States or a foreign government, so long as the vessel is not carrying persons or merchandise for commercial purposes;

(iv) Vessels arriving in distress or to take on fuel, sea stores, or ship's stores;

(v) Tugboats towing vessels on the Great Lakes; and

(vi) Vessels returning to the United States after traveling to Canada solely to take on fuel.

(3) If not otherwise exempt from paying the fee, a vessel traveling solely between the United States and Canada and within the Great Lakes or Cascadia may pay the AQI user fee for each arrival as the fee is shown in table 2, provided that the vessel:

(i) Is not carrying cargo originating from countries other than the United States or Canada.

(ii) Is not carrying plants or plant products.

(iii) Is not carrying animals or animal products.

(iv) Is not carrying soil or quarry products from areas in Canada listed in §319.77–3 of this chapter as being infested with gypsy moth.

(v) Is not carrying wood packaging material as defined under §319.40–1 of this chapter.

(c) *Fee for inspection of commercial trucks—(1) On-arrival payment.* Upon arrival at a CBP port of entry, the driver

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or other person in charge of a commercial truck that is subject to inspection under part 330 of this chapter or under 9 CFR chapter I, subchapter D, must tender the AQI user fees to CBP, unless they have been prepaid as provided for in paragraph (c)(2) of this section.

APHIS strongly encourages electronic remittance of fees. The fee applies to all commercial trucks, regardless of what they are carrying, as well as empty trucks and truck cabs (see table 3).

TABLE 3 TO PARAGRAPH (C)(1)—FEE FOR INSPECTION OF COMMERCIAL TRUCKS

Effective date	Amount (per arrival)	Amount (prepaid annual fees)
October 1, 2024	\$12.40	\$622.00
October 1, 2025	13.45	808.20
October 1, 2026	14.50	870.60
October 1, 2027	15.55	935.40

Note: The per arrival fee has been rounded down to the next \$0.05 (five-cent) increment to facilitate border operations. Additionally, the prepaid fees are set at 50 times the unrounded fee rate of \$12.44, and 60 times the unrounded fee rates of \$13.47, \$14.51, and \$15.59, respectively.

(2) *Prepayment.* (i) The owner, their agent, or person in charge of a commercial vehicle may at any time prepay the commercial truck AQI fee as defined in paragraph (c)(1) of this section for all arrivals of that vehicle during a calendar year or any remaining portion of a calendar year. The prepayment transponder fee is set at 50 times the unrounded per arrival fee for the period between October 1, 2024 and September 30, 2025, and 60 times the unrounded per arrival fee thereafter. Prepayment of the AQI fee must be made in accordance with the procedures and payment methods set forth in 19 CFR 24.22. The following information must be provided, together with the prepayment amount for each arrival:

- (A) Vehicle make, model, and model year;
- (B) Vehicle Identification Number (VIN);
- (C) License numbers issued by State, Province, or country; and
- (D) Owner’s name and address.

(ii) Purchases of transponders may be made at any time during a calendar year; APHIS will not prorate for the portion of the calendar year already

elapsed, nor refund single-crossing fees already paid.

(d) *Fee for inspection of commercial railroad cars—(1) General requirement.* Except as provided in paragraph (d)(2) of this section, an AQI user fee will be charged for each commercial railroad car (loaded or empty) which is subject to inspection under part 330 of this chapter or under 9 CFR chapter I, subchapter D, upon each arrival, as indicated in table 4. The railroad company receiving a railroad car in interchange at a port of entry or, barring interchange, the company moving a car in line haul service into the customs territory of the United States, will be responsible for payment of the fee. Payment of the fee must be made in accordance with the procedures set forth in paragraph (d)(3) or (4) of this section. For purposes of this paragraph (d), the term “railroad car” means any carrying vehicle, measured from coupler to coupler and designed to operate on railroad tracks. If the AQI user fee is prepaid for all arrivals of a commercial railroad car during a calendar year or any remaining portion of a calendar year, the AQI user fee is an amount 48 times the AQI user fee for each arrival.

TABLE 4 TO PARAGRAPH (D)(1)—FEE FOR INSPECTION OF COMMERCIAL RAILROAD CARS

Effective date	Amount (per arrival)	Amount (prepaid)
October 1, 2024	\$6.51	\$312.48
October 1, 2025	7.23	347.04
October 1, 2026	7.97	382.56
October 1, 2027	8.72	418.56

(2) *Exemptions.* The following categories of commercial railroad cars are exempt from paying an AQI user fee:

(i) Any commercial railroad car that is part of a train whose journey originates and terminates in Canada, if:

(A) The commercial railroad car is part of the train when the train departs Canada; and

(B) No passengers board or disembark from the commercial railroad car, and no cargo is loaded or unloaded from the commercial railroad car, while the train is within the United States.

(ii) Any commercial railroad car that is part of a train whose journey originates and terminates in the United States, if:

(A) The commercial railroad car is part of the train when the train departs the United States; and

(B) No passengers board or disembark from the commercial railroad car, and no cargo is loaded or unloaded from the commercial railroad car, while the train is within any country other than the United States; and

(iii) Locomotives and cabooses.

(3) *Prepayment.* The owner, agent, or person in charge of a railroad company may at any time prepay the commercial railroad car AQI fee as defined in paragraph (d)(1) of this section for all arrivals of that railroad car during a calendar year or any remaining portion of a calendar. This payment must be remitted in accordance with paragraph (d)(4)(iii) of this section.

(4) *Remittance procedures.* The Association of American Railroads (AAR), the National Railroad Passenger Corporation (AMTRAK), and railroad companies acting individually shall file monthly written statement with USDA, APHIS, FMD, within 90 days after the end of each calendar month. Each written statement shall indicate:

(i) The number of commercial railroad cars entering the customs territory of the United States during the relevant period by railroad company;

(ii) The total monthly AQI user fees due from each railroad company; and

(iii) In the case of prepayments to cover all annual arrivals of certain railroad car(s) in accordance with paragraph (d)(3) of this section; include the number of railroad cars being prepaid for, railroad car number(s) covered by

the prepayment and the calendar year to which the prepayment applies.

(iv) Railroad companies may include the written statement with their mailed payment as directed in this paragraph (d)(4). For all other payment types, the companies must email the written statement to ABSHelpline@usda.gov. Individual railroad companies must submit a written statement for periods with no fees collected. Detailed remittance instructions are located at <https://www.aphis.usda.gov/aphis/ourfocus/business-services/aqi-user-fees>. Questions and correspondence may be directed to ABSHelpline@usda.gov or (612) 336-3400 (fax) or (877) 777-2128 (phone).

(5) *Payment procedures.* (i) If the railroad company intends to pay monthly, the owner, agent or person in charge of an individual railroad company shall pay the AQI user fees calculated by the Association of American Railroads (AAR), the National Railroad Passenger Corporation (AMTRAK), or the individual railroad company itself within 90 days after the end of each calendar month in which commercial railroad cars entered the customs territory of the United States.

(ii) If the owner, agent or person in charge of an individual railroad company intends to prepay for railroad car(s) for the entire calendar year, as specified in paragraph (d)(3) of this section, prepayment may be made at any time during a calendar year; APHIS will not prorate for the portion of the calendar year already elapsed, nor refund or credit per arrival fees already paid.

(iii) Written statements as described in paragraph (d)(4) of this section, are required to accompany all payments. Detailed payment instructions are located at <https://www.aphis.usda.gov/aphis/ourfocus/business-services/aqi-user-fees>. Questions and correspondence may be sent to ABSHelpline@usda.gov, fax (612) 336-3400 or phone (877) 777-2128.

(6) *Compliance.* (i) AAR, AMTRAK, and each railroad company responsible for making AQI user fee payments must allow APHIS, CBP, and authorized representatives to verify the accuracy of AQI user fees collected and remitted and otherwise determine compliance with 21 U.S.C. 136a and this

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paragraph (d). The AAR, AMTRAK, and each railroad company responsible for making AQI user fee payments must advise the USDA, APHIS, FMD of the name, address, and telephone number of an agent or other responsible person who is authorized to verify AQI user fee calculations, collections, and written statements, payments, as well as any changes in the identifying information submitted.

(ii) The agent or other responsible person for a payment remains the agent or responsible person until the railroad company notifies APHIS of a transfer of responsibility. The agent or responsible person must contact APHIS to initiate any transfer by contacting *ABSHelpline@usda.gov*. The new agent or responsible person assumes all responsibilities for ensuring compliance for meeting the requirements of this part.

(e)(1) *Fee for inspection of commercial aircraft.* Except as provided in paragraph (e)(2) of this section, an AQI user fee will be charged for each commercial aircraft which is arriving, or which has arrived and is proceeding from one United States airport to another under a CBP “Permit to Proceed,” as specified in 19 CFR 122.81 through 122.85, or an “Agricultural Clearance or Safeguard Order” (PPQ Form 250), used pursuant to §330.400 of this chapter and 9 CFR 94.5, and which is subject to inspection under part 330 of this chapter or 9 CFR chapter I, subchapter D. Each carrier or their agent is responsible for paying the AQI user fee. The AQI user fee for each arrival is shown in table 5:

TABLE 5 TO PARAGRAPH (e)(1)—FEE FOR INSPECTION OF COMMERCIAL AIRCRAFT

Effective date	Amount
October 1, 2024	\$281.39
October 1, 2025	300.78
October 1, 2026	320.61
October 1, 2027	340.90

(2) *Exemptions.* The following categories of commercial aircraft are exempt from paying an AQI user fee:

(i) [Reserved]

(ii) Any aircraft used exclusively in the governmental services of the United States or a foreign government, including any Agency or political subdivision of the United States or a for-

eign government, as long as the aircraft is not carrying persons or merchandise for commercial purposes;

(iii) Any aircraft making an emergency or forced landing when the original destination of the aircraft was a foreign port;

(iv) [Reserved]

(v) Any aircraft moving from the U.S. Virgin Islands to Puerto Rico; and

(vi) Any aircraft making an in-transit stop at a port of entry, during which the aircraft does not proceed through any portion of the Federal clearance process, such as inspection or clearance by APHIS or CBP, no cargo is removed from or placed on the aircraft, no passengers get on or off the aircraft, no crew members get on or off the aircraft, no food is placed on the aircraft, and no garbage is removed from the aircraft.

(3) *Remittance and payment procedures.*

(i) The carrier or their agent must pay the appropriate fees for receipt no later than 90 days after the close of the month in which the aircraft arrivals occurred. APHIS strongly encourages electronic payment of fees. To set up electronic payment refer to our detailed instructions at <https://www.aphis.usda.gov/mrpbs/userfees/aqi-payment-types.pdf> or for further information relative to electronic remittance, or for further information relative to electronic remittance, contact *ABSHelpline@usda.gov*. In the event electronic remission is impractical, a check or money order can be mailed to the Agency lock box following detailed payment instructions at <https://www.aphis.usda.gov/mrpbs/userfees/aqi-payment-types.pdf>. Questions and correspondence may be directed to *ABSHelpline@usda.gov* or to (612) 336-3400 (fax) or (877) 777-2128 (phone). For payment information, refer to our detailed payment instructions at <https://www.aphis.usda.gov/aphis/ourfocus/business-services/aqi-user-fees>. Late payments will be subject to interest, penalty, and a charge to cover the cost of processing and handling a delinquent claim as provided in the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3717).

(ii) The carrier or their agent must provide a written statement each

month stating the fees that are due for the month. Carriers or their agents must include a hard copy of the written statement with any mailed payment. For all other payment types, including for months with no fees collected, the carriers must email the written statement to ABSHelpline@usda.gov.

(iii) The written statement must include the following information:

(A) Name and address of the person making the payment;

(B) Calendar month covered by the payment;

(C) Amount being paid, or a written statement stating that no fees were collected.

(iv) All fee payments required under this section must be made in U.S. dollars. For all payment types accepted, please visit <https://www.aphis.usda.gov/aphis/ourfocus/business-services/aqi-user-fees>.

(4) *Compliance.* Each carrier subject to this section must allow APHIS, CBP, and authorized representatives to verify the accuracy of the AQI user fees paid and to otherwise determine compliance in accordance with this paragraph (e) and 21 U.S.C. 136a. Each carrier must advise USDA, APHIS, FMD, FOB of the name, address, and telephone number of an agent or responsible person who is authorized to verify AQI user fee calculations, payments, and written statements as well as any changes in the identifying information submitted. The agent or responsible person for a payment remains the agent or responsible person until the carrier notifies APHIS of a transfer of responsibility. The carrier or their agent or responsible person must contact APHIS at <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/ppq-cbp-aqi-user-fees-contacts> to initiate any transfer. The new agent or responsible person assumes all responsibilities for ensuring compliance for meeting the requirements of this part.

(5) *Limitations on charges.* (i) Airlines will not be charged reimbursable overtime for inspection of aircraft if the aircraft is subject to the AQI user fee for arriving aircraft as prescribed by this section.

(ii) Airlines will not be charged reimbursable overtime for inspection of cargo from an aircraft if:

(A) The aircraft is subject to the AQI user fee for arriving aircraft as prescribed by this section; and

(B) The cargo is inspected between 8 a.m. and 4:30 p.m., Monday through Friday; or

(C) The cargo is inspected concurrently with the aircraft.

(f)(1) *Fee for inspection of international passengers.* Except as specified in paragraph (f)(2) of this section, each passenger aboard a commercial aircraft or cruise ship who is subject to inspection under part 330 of this chapter or 9 CFR chapter I, subchapter D, upon arrival from a place outside of the customs territory of the United States, must pay an AQI user fee. The fee covers one individual arriving into a port of entry within the customs territory of the United States from a foreign port. Each air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document for transportation into the customs territory of the United States is responsible for collecting from the passenger the applicable fee specified in this section, including the fee applicable to any infants or toddlers traveling without a separate ticket or travel document, whether in assigned seats or held in an adult passenger's lap. In the event that the air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document does not collect the AQI user fee when tickets are sold, the air carrier or cruise line must collect the user fee that is applicable at the time of departure from the passenger upon departure. The AQI user fee will apply to tickets purchased beginning October 1, 2024. The fees are shown in tables 6 and 7:

TABLE 6 TO PARAGRAPH (f)(1)—INTERNATIONAL AIR PASSENGER

Effective date	Amount
October 1, 2024	\$3.71
October 1, 2025	3.84
October 1, 2026	3.98
October 1, 2027	4.12

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TABLE 7 TO PARAGRAPH (f)(1)—INTERNATIONAL CRUISE (SEA) PASSENGER

Effective date	Amount
October 1, 2024	\$1.25
October 1, 2025	1.29
October 1, 2026	1.34
October 1, 2027	1.39

(2) *Exemptions.* The following categories of passengers are exempt from paying an AQI user fee:

- (i) Crew members onboard for purposes related to the operation of the vessel;
- (ii) Crew members who are on duty on a commercial aircraft;
- (iii) Airline employees, including “deadheading” crew members, who are traveling on official airline business;
- (iv) Diplomats, except for U.S. diplomats, who can show that their names appear on the accreditation listing maintained by the U.S. Department of State. In lieu of the accreditation listing, an individual diplomat may present appropriate proof of diplomatic status to include possession of a diplomatic passport or visa, or diplomatic identification card issued by a foreign government;
- (v) Passengers departing and returning to the United States without having touched a foreign port or place;
- (vi) Passengers arriving on any commercial aircraft used exclusively in the governmental service of the United States or a foreign government, including any agency or political subdivision of the United States or a foreign government, so long as the aircraft is not carrying persons or merchandise for commercial purposes. Passengers on commercial aircraft under contract to the U.S. Department of Defense (DOD) are exempted if they have been precleared abroad under the joint DOD/APHIS Military Inspection Program;
- (vii) Passengers arriving on an aircraft due to an emergency or forced landing when the original destination of the aircraft was a foreign port;
- (viii) Passengers transiting the United States and not subject to inspection; and
- (ix) Passengers moving from the U.S. Virgin Islands to Puerto Rico.

(3) *Circumstances of user fee collections.* AQI user fees shall be collected under the following circumstances:

(i) When through tickets or travel documents are issued indicating travel to the customs territory of the United States that originates in any foreign country; and

(ii) When passengers arrive in the customs territory of the United States in transit from a foreign country and are inspected by APHIS or CBP.

(4) *Responsibility for collection of fees.*

(i) Any air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document on or after May 13, 1991, is responsible for collecting the AQI user fee from all passengers transported into the customs territory of the United States to whom the AQI user fee applies.

(A) Tickets or travel documents must be marked by the person who collects the AQI user fee to indicate that the required AQI user fee has been collected from the passenger.

(B) If the AQI user fee applies to a passenger departing from the United States and if the passenger’s tickets or travel documents were issued on or after May 13, 1991, but do not reflect collection of the AQI user fee at the time of issuance, then the carrier transporting the passenger from the United States must collect the AQI user fee upon departure.

(C) AQI user fees collected from international passengers pursuant to this paragraph (f) shall be held in trust for the United States by the person collecting such fees, by any person holding such fees, or by the person who is ultimately responsible for remittance of such fees to APHIS. AQI user fees collected from international passengers shall be accounted for separately and shall be regarded as trust funds held by the person possessing such fees as agents, for the beneficial interest of the United States. All such user fees held by any person shall be property in which the person holds only a possessory interest and not an equitable interest. As compensation for collecting, handling, and remitting the AQI user fees for international passengers, the person holding such user fees shall be entitled to any interest or other investment return earned on the user fees between the time of collection and the time the user fees are due to be remitted to APHIS under this

section. Nothing in this section shall affect APHIS' right to collect interest for late remittance.

(ii) [Reserved]

(5) *Remittance and payment procedures.*

(i) The air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document or their own non-carrier related tickets or travel documents, must remit collections of AQI user fees from the passengers to APHIS.

(ii) The air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document must remit the passengers' fees to APHIS no later than 90 days after the close of the calendar month in which the ticket issuer collected the AQI user fees from the passengers. Late payments will be subject to interest, penalties, and a charge to cover the cost of processing and handling a delinquent claim as provided in the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3717).

(iii) All fee payments required under this section must be made in U.S. dollars. For payment types accepted please visit <https://www.aphis.usda.gov/aphis/ourfocus/business-services/aqi-user-fees>. APHIS strongly encourages electronic remittance of fees. To set up electronic remittance refer to our detailed payment instructions at <https://www.aphis.usda.gov/mrpbs/userfees/aqi-payment-types.pdf> or for further information relative to electronic remittance, contact ABSHelpline@usda.gov. In the event electronic remission is impractical, a check or money order can be mailed to the Agency lock box following detailed payment instructions at <https://www.aphis.usda.gov/sites/default/files/aqi-payment-types.pdf>. Questions and correspondence may be sent to ABSHelpline@usda.gov or fax (612) 336-3400 or (877) 777-2128. For payment information, refer to our detailed payment instructions at <https://www.aphis.usda.gov/sites/default/files/aqi-payment-types.pdf>.

(iv) The air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document must provide a written statement each month stating the passenger fees that are due for the month or stating that

no payments are due. The air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document must include the written statement with their mailed payment. For all other payment types, they must email the written statement separately to ABSHelpline@usda.gov. The written statement must include the following information:

(A) Name and address of the person remitting payment;

(B) Calendar month covered by the payment; and

(C) Amount collected and remitted.

(v) Refunds by a remitter of AQI user fees collected in conjunction with unused tickets or travel documents shall be netted against the next subsequent remittance. The ticket or travel document-issuing entity must submit a revised written statement indicating the revised number of passengers and international passenger AQI user fees amount collected. The revised written statement must be completed and filed for each month during which the ticket or travel document-issuing entity certifies that there was a decrease in the number of passengers and international passenger AQI user fees collected.

(6) *Notification.* Carriers contracting with U.S.-based tour wholesalers are responsible for notifying the USDA, APHIS, FMD, FOB at <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/ppq-cbp-aqi-user-fees-contacts> of all journeys contracted, the number of spaces contracted for, and the name, address, and taxpayer identification number of the United States-based tour wholesaler, within 90 days after the close of the calendar month in which such a journey occurred; *except that*, carriers are not required to make notification if tickets, marked to show collection of the AQI user fee, are issued for the individual contracted spaces.

(7) *Compliance.* Each carrier, travel agent, U.S.-based tour wholesaler, or other entity subject to this section must allow APHIS, CBP, and authorized representatives to verify the accuracy of the AQI user fees collected and remitted and to otherwise determine compliance with 21 U.S.C. 136a and this paragraph (f). Each carrier, travel agent, U.S.-based tour wholesaler, or

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other entity must advise USDA, APHIS, FMD, at <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/ppq-program-overview/ppq-cbp-aqi-user-fees-contacts> of the name, address, and telephone number of a responsible officer who is authorized to verify AQI user fee calculations, payments, and remittance, as well as any changes in the identifying information submitted. The responsible person for a payment remains the responsible person until the air or sea carrier, travel agent, tour wholesaler, or other party issuing a ticket or travel document notifies APHIS of a transfer of responsibility. The responsible person must contact APHIS to initiate any transfer. The new responsible person assumes all responsibilities for ensuring compliance for meeting the requirements of this part.

(8) *Limitation on charges.* Airlines and cruise lines will not be charged reimbursable overtime for passenger inspection services required for any aircraft or cruise ship on which a passenger arrived who has paid the international passenger AQI user fee for that flight or cruise.

(g) *Fees for export certification of plants and plant products.* (1) For each

certificate issued by APHIS personnel, the recipient must pay the applicable AQI user fee at the time and place the certificate is issued.

(2) When the work necessary for the issuance of a certificate is performed by APHIS personnel on a Sunday or holiday, or at any other time outside the regular tour of duty of the APHIS personnel issuing the certificate, in addition to the applicable user fee, the recipient must pay the applicable overtime rate in accordance with §354.1.

(3)(i) Each exporter who receives a certificate issued on behalf of APHIS by a designated State or county inspector must pay an administrative user fee, as shown in table 8. The administrative fee can be remitted by the exporter directly to APHIS through the Phytosanitary Certificate Issuance and Tracking System (PCIT), provided that the exporter has a PCIT account and submits the application for the export certificate through the PCIT. If the PCIT is not used, the State or county issuing the certificate is responsible for collecting the fee and remitting it monthly to the U.S. Bank, United States Department of Agriculture, APHIS, AQI, P.O. Box 979043, St. Louis, MO 63197-9000.

TABLE 8 TO PARAGRAPH (g)(3)(i)—ADMINISTRATIVE USER FEE

Effective dates	Amount per shipment	
	PCIT used	PCIT not used
October 1, 2009, through September 30, 2010	\$3	\$6
October 1, 2010, through September 30, 2011	6	12
Beginning October 1, 2011	6	12

(ii) The AQI user fees for an export or reexport certificate for a commercial shipment are shown in table 9.

TABLE 9 TO PARAGRAPH (g)(3)(ii)—EXPORT OR REEXPORT CERTIFICATE FOR COMMERCIAL SHIPMENT

Effective dates	Amount per shipment
October 1, 2009, through September 30, 2010	\$77
October 1, 2010, through September 30, 2011	104
Beginning October 1, 2011	106

(iii) The AQI user fees for an export or reexport certificate for a low-value commercial shipment are shown in table 10. A commercial shipment is a

low-value commercial shipment if the items being shipped are identical to those identified on the certificate; the shipment is accompanied by an invoice

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which states that the items being shipped are worth less than \$1,250; and the shipper requests that the user fee charged be based on the low value of the shipment.

TABLE 10 TO PARAGRAPH (g)(3)(iii)—EXPORT OR REEXPORT CERTIFICATE FOR LOW-VALUE COMMERCIAL SHIPMENT

Effective dates	Amount per shipment
October 1, 2009, through September 30, 2010	\$42
October 1, 2010, through September 30, 2011	60
Beginning October 1, 2011	61

(iv) The AQI user fees for an export commercial shipment are shown in or reexport certificate for a non- table 11.

TABLE 11 TO PARAGRAPH (g)(3)(iv)—EXPORT OR REEXPORT CERTIFICATE FOR NONCOMMERCIAL SHIPMENT

Effective dates	Amount per shipment
October 1, 2009, through September 30, 2010	\$42
October 1, 2010, through September 30, 2011	60
Beginning October 1, 2011	61

(v) The AQI user fees for replacing any certificate are shown in table 12.

TABLE 12 TO PARAGRAPH (g)(3)(v)—REPLACEMENT FEE

Effective dates	Amount per certificate
October 1, 2009, through September 30, 2010	\$11
October 1, 2010, through September 30, 2011	15
Beginning October 1, 2011	15

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(4) If a designated State inspector issues a certificate, the State where the certificate is issued may charge for inspection services provided in that State.

(5) Any State which wishes to charge a fee for services it provides to issue certificates must establish fees in accordance with one of the following guidelines:

(i) *Calculation of a “cost-per-certificate” fee.* The State must:

(A) Estimate the annual number of certificates to be issued;

(B) Determine the total cost of issuing certificates by adding together delivery,¹ support,² and administrative costs;³ and

(C) Divide the cost of issuing certificates by the estimated number of certificates to be issued to obtain a “raw” fee. The State may round the “raw” fee up to the nearest quarter, if necessary for ease of calculation, collection, or billing; or

(ii) *Calculation of a “cost-per-hour” fee.* The State must:

(A) Estimate the annual number of hours taken to issue certificates by

adding together delivery,⁴ support,⁵ and administrative⁶ hours;

(B) Determine the total cost of issuing certificates by adding together delivery,¹ support,² and administrative costs; and

(C) Divide the cost of issuing certificates by the estimated number of hours taken to issue certificates to obtain a “cost-per-hour” fee. The State may round the “cost-per-hour” fee up to the nearest quarter, if necessary for ease of calculation, collection, or billing.

(6) For payment of any of the AQI user fees required in this paragraph (g), we will accept personal checks for amounts less than \$100, and checks drawn on commercial accounts, cashier’s checks, certified checks, traveler’s checks, and money orders for any amount. All payments must be for the exact amount due.

(h)(1) *Fee for conducting and monitoring treatments.* (1) Each importer of a consignment of articles that require treatment upon arrival from a place outside of the customs territory of the United States, either as a preassigned condition of entry or as a remedial measure ordered following the inspection of the consignment, must pay an AQI user fee. The AQI user fee is charged on a per-treatment basis, *i.e.*,

¹Delivery costs are costs such as employee salary and benefits, transportation, per diem, travel, purchase of specialized equipment, and user fee costs associated with maintaining field offices. Delivery hours are similar hours taken by inspectors, including travel time, inspection time, and time taken to complete paperwork.

²Support costs are costs at supervisory levels which are similar to delivery costs, and user fee costs such as training, automated data processing, public affairs, enforcement, legal services, communications, postage, budget and accounting services, and payroll, purchasing, billing, and collecting services. Support hours are similar hours taken at supervisory levels, as well as hours taken in training, automated data processing, enforcement, legal services, communication, budgeting and accounting, payroll purchasing, billing, and collecting.

³Administrative costs are costs incurred as a direct result of collecting and monitoring Federal phytosanitary certificates. Administrative hours are hours taken as a direct result of collecting and monitoring Federal phytosanitary certificates.

⁴Delivery costs are costs such as employee salary and benefits, transportation, per diem, travel, purchase of specialized equipment, and user fee costs associated with maintaining field offices. Delivery hours are similar hours taken by inspectors, including travel time, inspection time, and time taken to complete paperwork.

⁵Support costs are costs at supervisory levels which are similar to delivery costs, and user fee costs such as training, automated data processing, public affairs, enforcement, legal services, communications, postage, budget and accounting services, and payroll, purchasing, billing, and collecting services. Support hours are similar hours taken at supervisory levels, as well as hours taken in training, automated data processing, enforcement, legal services, communication, budgeting and accounting, payroll purchasing, billing, and collecting.

⁶Administrative costs are costs incurred as a direct result of collecting and monitoring Federal phytosanitary certificates. Administrative hours are hours taken as a direct result of collecting and monitoring Federal phytosanitary certificates.

if two or more consignments are treated together, only a single fee will be charged, and if a single consignment is split or must be retreated, a fee will be charged for each separate treatment conducted. The AQI user fee for each treatment is shown in table 13:

TABLE 13 TO PARAGRAPH (h)(1)—FEE FOR CONDUCTING AND MONITORING TREATMENTS

Effective date	Amount
October 1, 2024	\$240.60
October 1, 2025	244.19
October 1, 2026	247.79
October 1, 2027	251.38

(2) *Treatment provider.* (i) Private entities that provide AQI treatment services to importers are responsible for collecting the AQI treatment user fee from the importer for whom the service is provided. Treatment providers must collect the AQI treatment fee applicable at the time the treatment is applied.

(ii) When AQI treatment services are provided by APHIS, APHIS will collect the AQI treatment fee applicable at the time the treatment is applied from the person receiving the services. Remittances must be made by check or money order, payable in United States dollars, through a United States bank, to “The Animal and Plant Health Inspection Service.”

(3) *Collection of fees.* (i) In cases where APHIS is not providing the AQI treatment and collecting the associated fee, AQI user fees collected from importers pursuant to this paragraph (h) shall be held in trust for the United States by the person collecting such fees, by any person holding such fees, or by the person who is ultimately responsible for remittance of such fees to APHIS. AQI user fees collected from importers shall be accounted for separately and shall be regarded as trust funds held by the person possessing such fees as agents, for the beneficial interest of the United States. All such user fees held by any person shall be property in which the person holds only a possessory interest and not an equitable interest. As compensation for collecting, handling, and remitting the AQI treatment user fees, the person holding such user fees shall be entitled to any interest or other investment return earned on the user

fees between the time of collection and the time the user fees are due to be remitted to APHIS under this section. Nothing in this section shall affect APHIS’ right to collect interest from the person holding such user fees for late remittance.

(ii) [Reserved]

(4) *Remittance and statement procedures.* (i) The treatment provider that collects the AQI treatment user fee must remit the fee to USDA, APHIS, AQI, PO Box 979044, St. Louis, MO 63197-9000.

(ii) AQI treatment user fees must be remitted for receipt no later than 31 days after the close of the calendar quarter in which the AQI user fees were collected. Late payments will be subject to interest, penalty, and handling charges as provided in the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3717).

(iii) The remitter must mail with the remittance a written statement to USDA, APHIS, AQI, PO Box 979044, St. Louis, MO 63197-9000. The statement must include the following information:

- (A) Name and address of the person remitting payment;
- (B) Taxpayer identification number of the person remitting payment;
- (C) Calendar quarter covered by the payment; and
- (D) Amount collected and remitted.

(iv) Remittances must be made by check or money order, payable in United States dollars, through a United States bank, to “The Animal and Plant Health Inspection Service.”

(i) *Consequences for nonpayment or late payment of user fees—(1) Unpaid debt.* In cases of delinquent debts, the government is required to charge and collect interest, penalties, and costs. See 31 U.S.C. 3717(a) (interest); 3717(e)(1) (costs); and 3717(e)(2) (penalties). If any person for whom the service is provided fails to pay when due any debt to APHIS, including any user fee due under chapter I or chapter III of this title, then:

(i) *Subsequent user fee payments.* Payment must be made for subsequent user fees before the service is provided if:

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

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

(C) The person for whom the service is provided or the person requesting the service has not paid the late payment penalty charges, interest charges, or charges for the cost of processing and handling the delinquent bill on any delinquent APHIS user fee; or

(D) Payment has been dishonored.

(ii) *Resolution of difference between estimate and actual.* 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 additional amount due.

(iii) *Prepayment form.* The prepayment must be in guaranteed form of payment, such as money order or certified check. Prepayment in guaranteed form will continue until the debt or pays the delinquent debt.

(iv) *Denied service.* Service will be denied until the debt is paid if:

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

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

(C) The person for whom the service is provided or the person requesting the service has not paid the late payment penalty charges, interest charges, or charges for the cost of processing and handling the delinquent bill on any delinquent APHIS user fee; or

(D) Payment has been dishonored.

(2) *Unpaid debt during service.* 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: If regulated articles in quarantine at a treatment facility cannot be released from quarantine, APHIS may seize and dispose of them, as determined by the Administrator, and may recover all expenses of han-

dling the articles from persons liable for user fees under paragraph (h)(1) of this section. If regulated articles can be released from quarantine, the articles will be released, and any unpaid debt will be handled in accordance with procedures for unpaid debt in this section.

(3) *Late payments.* If for unbilled user fees, the user fees are unpaid 30 days after the date the pertinent regulatory provisions indicates payment is due, or if billed, are unpaid 30 days after the date of the bill, APHIS will impose late payment penalty charges, interest charges, and charges for the cost of processing and handling the delinquent bill in accordance with 31 U.S.C. 3717.

(4) *Dishonored payment.* User fees paid with dishonored forms of payment, such as a check returned for insufficient funds, will be subject to interest and penalty charges in accordance with 31 U.S.C. 3717. Administrative charges will be assessed at \$20.00 per dishonored payment to be paid in addition to the original amount owed. Payment must be in guaranteed form, such as a money order or certified check.

(5) *Debt collection management.* In accordance with applicable debt collection law, the following provisions apply:

(i) *Taxpayer identification number.* APHIS will collect a taxpayer identification number from all persons, other than Federal agencies, who are liable for a user fee.

(ii) *Offset.* APHIS takes appropriate action to collect debts through offset under applicable law, including by notifying the Department of the Treasury of debts that are over 120 days delinquent for the purposes of offset through the Treasury Offset Program. Through the Treasury Offset Program, the Department of the Treasury will offset eligible Federal and State payments to satisfy the debt to APHIS.

(iii) *Cross-servicing.* APHIS will transfer debts that are over 120 days delinquent to the Department of the Treasury's Cross-Servicing program. Through the Cross-Servicing program, the Department of the Treasury will collect debts on behalf of APHIS. Exceptions may be made for debts that

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meet certain requirements, for example, debts that are already at a collection agency or in payment plans.

(6) *Report delinquent debt.* APHIS will report all unpaid debts to credit reporting bureaus.

(j) *Recordkeeping and record retention.*

(1) Entities responsible for paying AQI user fees and their agents are required to establish, keep, and make available to APHIS the following records:

(i) Records and reports required under this section, including written statements, if applicable; and

(ii) Legible copies of contracts (including amendments to contracts) between the responsible entity or their agents and agents that conduct activities subject to this part for the responsible entity, and copies of documents relating to agreements made without a written contract.

(2) Responsible entities or their agents must maintain sufficient documentation for APHIS, CBP, and representatives to verify the accuracy of the fee collections and, if applicable, written statements. Such information must be made available for inspection upon APHIS and CBP's demand. Such documentation shall be maintained in the United States for a period of 5 years from the date of remittance calculation, unless a longer retention period is determined to be needed by the Administrator. Each such affected entity shall provide to APHIS and CBP the name, address, and telephone number of a responsible officer who is able to verify any statements or records required to be filed or maintained under this section and shall promptly notify APHIS and CBP of any changes in the identifying information previously submitted.

(k) *Severability.* The sections of this part are separate and severable from one another. If any section or portion therein is stayed or determined to be invalid, or the applicability of any section to any person or entity is held invalid, it is the APHIS' intention that the validity of the remainder of those parts shall not be affected, with the remaining sections to continue in effect.

(Approved by the Office of Management and Budget under control numbers

1651-0019, 0579-0052, 0579-0094, and 0579-0489).

[89 FR 38636, May 7, 2024]

EFFECTIVE DATE NOTE: At 89 FR 38636, May 7, 2024, §354.3 was amended by removing (e)(2)(iv), effective Apr. 1, 2025.

§ 354.4 User fees for certain domestic services.

(a) *Individual agreements for inspection services at ports of entry.* (1) Operators and owners of vessels or aircraft, or their agents, may enter into agreements with APHIS to receive, at points of entry in the United States inspection services in addition to the regular or on-call services available in connection with such vessels or aircraft.

(2) Agreements may be made to cover the following types of services:

(i) Opening and operating a new inspection station at a port of entry; and

(ii) Providing one-time or occasional inspection services at a location where APHIS does not normally provide such services.

(3) Owners and operators of vessels or aircraft, or their agents, must contact the Regional Director, USDA, APHIS, Plant Protection and Quarantine,⁵ for the State where they want APHIS to provide services, to make an agreement.

(4) All agreements must include the following:

(i) Name, mailing address, and telephone number of the operator or owner of the vessel or aircraft, or, if applicable, the operator's or owner's agent;

(ii) Explanation of inspection services to be provided;

(iii) Date(s) and time(s) inspection services will be provided;

(iv) Location (street address, port of entry, berth, dock, gate, etc.) and if applicable, identity (identification number, name, etc.) of vessel or aircraft or other thing to be inspected;

(v) An estimate of the actual cost, as calculated by APHIS, to provide the

⁵A list of the Regional Directors, USDA, APHIS, Plant Protection and Quarantine and the States for which they are responsible, may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Operational Support—Director's Office, 4700 River Road, Unit 131, Riverdale, Maryland 20737-1236.

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described inspection services for 6 months;

(vi) A statement that APHIS agrees to provide the described inspection services;

(vii) A statement that the owner or operator of the vessel or aircraft, or if appropriate, his or her agent, agrees to pay, at the time the agreement is entered into, a user fee equal to the estimated cost of providing the described inspection services for 6 months;

(viii) A statement that APHIS will credit an amount equal to all user fees received for services provided at the location to the owner or operator's account, until the total amount of user fees credited to the account is equal to the amount of money paid into the account by the owner or operator of the vessel or aircraft, or if appropriate, his or her agent, at the time the agreement was entered into; and

(ix) A statement that the owner or operator of the vessel or aircraft, or if appropriate, his or her agent, agrees to maintain a balance in the user fee payment account equal to the cost of providing the services described for 6 months, as calculated monthly by APHIS.

(5) APHIS will enter into an agreement only if qualified personnel can be 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.

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(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

Subpart A—Purpose and Definitions

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Subpart B—Permission to Engage in Business

355.10 Permission to engage in business concerning nonlisted terrestrial plants.

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Subpart C—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 371.3.

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

Subpart A—Purpose and Definitions

SOURCE: Redesignated at 84 FR 2430, Feb. 7, 2019.

§ 355.1 Purpose.

Pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531