- (1) APP-approved participants who wish to enter the United States through a POE other than one designated as an APP through which they may pass must present themselves for inspection or examination by an immigration officer during normal business hours. Entry to the United States during hours when an APP port is not staffed may be made only through a POE designated as an APP.
- (2) Each occupant of a vehicle entering through a POE providing PORTPASS access must have applied for participation in the PORTPASS Program and must have been approved for that purpose.
- (3) Participants must be in possession of any authorization documents issued for PORTPASS access and any other entry documents as required by the Act or by regulation at time of each entry to the United States.
- (4) Participants must positively identify themselves in the manner prescribed by the Service at the time of each application for entry via the PORTPASS system. Each use of the PORTPASS system constitutes a separate application for entry to the United States.
- (5) Participants must agree to an initial inspection of any vehicle prior to use of the PORTPASS access lane.
- (6) Participants may not import merchandise or transport controlled or restricted items while entering the United States under the PORTPASS Program. The entry of any merchandise or goods must be in accordance with the laws and regulations of all other federal inspection agencies.
- (7) Participants must agree to random checks or inspections that may be conducted by the Service at any time and at any location, to ensure compliance.
- (8) Participants agree to abide by all federal, state and local laws regarding the importation of alcohol or agricultural products or the importation or possession of controlled substances as defined in section 101 of the Controlled Substance Act (21 U.S.C. 802).

- (9) Participant acknowledges that all devices, decals, or other equipment, method, or technology used to identify or inspect persons or vehicles seeking entry via any PORTPASS program remains the property of the United States Government at all times, and must be surrendered upon request by the Service. Participant agrees to abide by the terms set forth by the Service for use of any device, decal, or other equipment, method or technology, including but not limited to the payment of any deposit for use of same.
- (10) Participant agrees to abide by all conditions required for use of the special access lane.
- (11) Participant agrees to notify the Service if a vehicle approved for use in a PORTPASS program is sold, stolen, damaged, or disposed of otherwise. If a vehicle is sold, it is the responsibility of the participant to remove or obliterate any identifying device or other authorization for participation in the program before or at the time of sale unless otherwise notified by the Service. If any license plates are replaced on an enrolled vehicle, the participant must submit a properly executed Form I-823, Application—Inspections Facilitation Program, without fee, prior to use of the vehicle in the PORTPASS program.
- (c) Violation of condition of the PORTPASS Program. A PORTPASS Program participant who violates any condition of the PORTPASS Program, or who has violated any immigration law or regulation, or a law or regulation of the United States Customs Service or other Federal Inspection Service, or who is otherwise determined by an immigration officer to be inadmissible to the United States, may have the PORTPASS access revoked at the discretion of the district director or the chief patrol agent and may be subject to other applicable sanctions, such as criminal and/or administrative prosecution or deportation, as well as possible seizure of goods and/or vehicles.

PART 286—IMMIGRATION USER FEE

5. The authority citation for part 286 continues to read as follows:

Authority: 8 U.S.C. 1103, 1356; 8 CFR part 2.

6. Section 286.8 is revised to read as follows:

§ 286.8 Establishment of pilot programs for the charging of a land border fee for inspection services.

Under the provisions of section 286(q) of the Act, the Service may establish pilot programs at one or more land border ports-of-entry to charge fees for immigration inspection services to be collected by the Commissioner. Individual ports-of-entry selected by the Commissioner to participate in such pilot programs may charge a fee to enhance inspection services and to recover the cost of:

- (a) Hiring additional immigration inspectors, including all associated personnel costs such as salary, benefits, and overtime;
- (b) Expansion, operation, and maintenance of information systems for nonimmigrant control;
- (c) Construction costs, including those associated with adding new primary traffic lanes (with the concurrence of the General Services Administration);
- (d) Procuring detection devices and conducting training to identify fraudulent documents used by applicants for entry to the United States; and
- (e) Other administrative costs associated with the PORTPASS Program.

PART 299—IMMIGRATION FORMS

7. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

8. Section 299.1 is amended by revising the entry for the "Form I–823" to read as follows:

§ 299.1 Prescribed forms.

9. Section 299.5 is amended by revising the entry for the "Form I–823" to read as follows:

§ 299.5 Display of control numbers.

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