

IMPORTANT INFORMATION ABOUT ZONE SCHEDULES

This zone schedule is being made available pursuant to 15 CFR 400.44(e), which states: “The Board shall make copies of zone schedules available on its Web site.”

Availability of this zone schedule on the FTZ Board’s website does not imply that the FTZ Board has approved any rate/charge, policy or other content of this zone schedule. In particular, while the FTZ Board staff intends to conduct spot checks over time, zone schedules are not reviewed for compliance with the public utility requirement (19 U.S.C. 81n, 15 CFR 400.42) prior to making the zone schedules available via the Board’s website.

Pursuant to 15 CFR 400.44(b)(4), a grantee may not assess any specific rate or charge for which the amount – or formula for calculating the amount – does not appear in the zone schedule that the grantee has submitted to the FTZ Board.

Complaints about a grantee’s compliance with statutory and regulatory requirements related to public utility and uniform treatment – including rate or charge amounts/formulas, a grantee assessing a rate or charge amount/formula that does not appear in its zone schedule, and a grantee not affording uniform treatment under like conditions – may be presented to the FTZ Board under 15 CFR 400.45 (which also allows for complaints to be made on a confidential basis, if necessary).

Questions or concerns may be addressed to the FTZ Board staff at (202) 482-2862 or ftz@trade.gov.

Original/Revised: Original

Port of Milwaukee
Foreign-Trade Zone No. 41
Zone Schedule No. 4

TITLE PAGE

PORT OF MILWAUKEE- GRANTEE FTZ NO. 41

SCHEDULE NO. 4

CHARGES, RATES, RULES AND REGULATIONS

APPLICABLE AT

FOREIGN-TRADE ZONE NO. 41

MILWAUKEE, WISCONSIN

OPERATING UNDER GRANT OF AUTHORITY

OF THE UNITED STATES FOREIGN-TRADE ZONE BOARD

TO



**ISSUED
DATE**

12/01/2016

ISSUED BY
Port of Milwaukee
Foreign-Trade Zone No. 41 Grantee
2323 S. Lincoln Memorial Drive
Milwaukee, WI 53207

**EFFECTIVE
DATE**

12/08/2016

FOREIGN-TRADE ZONE NO. 41
ZONE SCHEDULE NO. 4

ADMINISTRATION PAGE

GRANTEE

THE PORT OF MILWAUKEE

BOARD MEMBERS

TIMOTHY HOELTER, PRESIDENT
RONALD SAN FELIPPO
CRAIG MASTANTUONO
CLAUDE KRAWCZYK
MARK BORKOWSKI
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GENERAL OFFICE

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MILWAUKEE, WI 53207
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CHECK SHEET FOR ZONE SCHEDULE CHANGES

This Zone Schedule is issued in loose-leaf form, and available at the Port of Milwaukee's FTZ website. The correction explanation and its correlating page is listed below.

Item No.	Correction Explanation	Page No.
	Updating administration contact information and Board members	2
55	Update hours of operation	11
100	Clarify that proration of first year's annual service charge from Grantee to the Operator begins on the date of CBP activation of the zone site	16
105	Eliminate Bentley World Packaging listed as the General Purpose Zone for FTZ 41	16

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**FOREIGN-TRADE ZONE NO. 41
ZONE SCHEDULE NO. 4**

SECTION 1

TABLE OF CONTENTS

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III	General Rules, Regulations and Rates

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12/01/2016		12/08/2016

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SECTION 1

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SECTION II
DEFINITION OF TERMS

ITEM NO.

5 *Definitions of Terms*

Act - The Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998-1003; 19 USC. 81a-81u), as amended by Public Law 566, 81st Congress, approved June 17, 1950 and all lawful amendments.

Activation – Approval by the grantee and the U.S. Customs and Border Protection Port Director permitting operations to begin which allow the admission and handling of merchandise in zone status.

Alternative Site Framework (“ASF”) - An optional approach to designation and management of zone sites allowing greater flexibility and responsiveness to serve single-operator/user locations. The ASF was adopted by the Board as a matter of practice in December 2008 (74 FR 1170, January 12, 2009; correction 74 FR 3987, January 22, 2009) and modified by the Board in November 2010 (75 FR 71069, November 22, 2010).

CBP - U.S. Customs and Border Protection of the Department of Homeland Security

General-Purpose Zone – A multi-use Foreign Trade Zone site designed for use by multiple users engaged in multiple activities that may include storage, distribution, testing, repackaging and repair. Manufacturing may take place in a general-purpose zone with prior permission by the Foreign-Trade Zones Board.

Grantee - A Grantee is a public or private corporation to which the privilege of establishing, operating, or maintaining a foreign-trade zone has been given. The privileges of establishing, operating, and maintaining Foreign-Trade Zone No. 41 have been granted to the Port of Milwaukee.

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5 *Definitions of Terms*

Operating Agreement – (See *User Agreement*)

Port Director of Customs - The Port Director of U.S. Customs & Border Protection, Milwaukee, Wisconsin.

Subzone - A special-purpose zone established as part of a zone project for a limited purpose that cannot be accommodated within an existing zone. The term "zone" also applies to a Subzone, unless specified otherwise.

Usage-Driven Site - A site tied to a single operator or user under the ASF.

User – a party using a zone under agreement with the Zone Grantee or Administrator.

User Agreement (Operating Agreement) – An agreement executed between the Grantee/Operator, a subzone user, or user of general-purpose zone space that is not owned or leased by the Grantee/Operator, but rather a firm under contract to be the Grantee/Operator. Prior to activation of the site, the user agreement will be executed and will outline the amount of annual fees, which the subzone or general-purpose zone user will pay to the Grantee/Operator. Activation cannot occur without an executed agreement.

Zone - The term "Zone" refers to a foreign-trade zone and/or Foreign-Trade Zone No. 41

Zone Administrator - The Administrator of Foreign-Trade Zone No. 41 as appointed by the Port of Milwaukee.

Zone Operator – An Operator is a corporation, partnership, or person that operates a zone under the terms of the User Agreement with the Grantee. With permission from the Grantee and the U.S. Customs & Border Protection, companies may act as their own Operator of their own facilities within FTZ No. 41. ^

Zone Schedule - To be kept by the zone grantee, the zone schedule includes the internal

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**SECTION II
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ITEM NO.

5 *Definitions of Terms*

rules and regulations of the zone, as well as a statement of the rates and fees charged to zone users.

Zone Project – the Zone plan, including all of the Zone and Subzone sites that the Board authorizes a single Grantee to establish.

Zone Site – the physical location of a usage-driven site or Subzone.

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ZONE SCHEDULE NO. 4**

SECTION III

GENERAL RULES, REGULATIONS AND RATES

ITEM NO.	SUBJECT	DESCRIPTION
10	<i>Alternative Site Framework: Service Area</i>	On August 31, 2011, the Port of Milwaukee, as Grantee for Foreign Trade Zone 41, was approved for the expedited program known as ASF (Alternative Site Framework). The reorganization from the traditional FTZ framework to the ASF provides for businesses within the approved 12 county service area to receive an expedited Foreign Trade Zones Board approval. The counties included in the ASF service are; Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, and Waukesha counties.
15	<i>Public Utility and Uniform Treatment</i>	In accordance with the FTZ Act, FTZ No. 41 operates as a public utility, and all rates and charges for all services or privileges shall be fair and reasonable. All who apply for the use of the zone will receive uniform treatment under like conditions.
20	<i>Foreign-Trade Zones Board General Regulations</i>	Foreign-Trade Zone No. 41 is regulated by the Foreign-Trade Zones Board, Washington, D. C., under U.S. Code of Federal Regulations, Title 15, Chapter IV, Part 400. Copies of these regulations are maintained at Foreign-Trade Zone No. 41 office for reference. All FTZ users shall be knowledgeable about the regulations and abide by the provisions therein as a condition of participation in the Foreign-Trade Zones program at Zone No. 41.
25	<i>Foreign-Trade Zones Act</i>	The authority and jurisdiction of the Board is derived from The Act as amended and codified at Chapter 1A, Title 19, United States Code (19 USC 81a - 81u). All FTZ users shall be knowledgeable about the Act and abide by the provisions therein as a condition of participation in the Foreign-Trade Zones program at Zone No. 41.

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GENERAL RULES, REGULATIONS AND RATES

ITEM NO.	SUBJECT	DESCRIPTION
30	<i>United States Customs & Border Protection Regulations</i>	Foreign-Trade Zone No. 41 is subject to special Customs Regulations as defined in U.S. Code of Federal Regulations, Title 19, Customs Duties, Chapter 1, U.S. Customs & Border Protection, Part 146 - Foreign-Trade Zones. Copies of these regulations are maintained at the office of Foreign-Trade Zone No. 41 for reference. All FTZ users shall be knowledgeable about the regulations and abide by the provisions therein as a condition of participation in the Foreign-Trade Zones program at Zone No. 41.

35	<i>Application and Interpretation of Zone Schedule</i>	The Foreign-Trade Zone Administrator of FTZ No. 41 shall be the sole judge to interpret and determine the applicability of any of the rates, rules, regulations, or services provided in this Zone Tariff Schedule. However, any matter involving interpretation or action by U.S. Customs & Border Protection or other agency of the U.S. Government will be determined by the Port Director of Customs or his/her duly appointed representative.
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One (1) copy of this Zone Schedule will be provided to each user. Updates will be provided as revisions occur. The Grantee's Operator/User Agreement and this Zone Schedule represent the agreement between the Grantee, Operator, and/or User.

Acceptance of this Zone Schedule, with the following use of the zone, constitutes agreement to the terms and conditions as set forth in this Zone Schedule.

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SECTION III

GENERAL RULES, REGULATIONS AND RATES

ITEM NO.	SUBJECT	DESCRIPTION
40	<i>Zone Schedule in Compliance with Foreign-Trade Zones Board</i>	Foreign-Trade Zone No. 41 Schedule No. 4 is issued in compliance with Foreign-Trade Zones Board guidelines.
45	<i>Payment of Charges from other Government Agencies</i>	Charges for services of Government agencies not included in this Schedule should be arranged for and paid for by the user who requires and uses such services.
50	<i>Erection of Building within Zone</i>	Prior to commencing any significant new construction, alteration, additions or modifications to present facilities in the zone, which may impact areas activated by CBP, the overall zone security or the granted scope of authority, Operator shall notify the Grantee and CBP; FTZ Board approval may be required before commencing such construction activities in the zone.
55	<i>FTZ 41 Administration Hours of Business and Service</i>	Regular or normal business hours shall be between the hours of 7:30 am to 4:00 pm, Monday through Friday, except on holidays.

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ITEM NO.	SUBJECT	DESCRIPTION
60	<i>Holidays</i>	<p>The zone office is closed for regular business on the following holidays</p> <p>New Year's Day The 1st Day of January Martin Luther King's Birthday The 3rd Monday of January * Washington's/President's Day The 3rd Monday of February + Good Friday Friday preceding Easter Sunday Memorial Day The Last Monday of May Independence Day The 4th Day of July Labor Day The 1st Monday of September Thanksgiving Day The 4th Thursday of November + Day After Thanksgiving The 4th Friday of November + Christmas Eve The 24th Day of December Christmas Day The 25th Day of December + New Year's Eve The 31st Day of December</p> <p>* Observed by U.S. Customs & Border Protection personnel only. + Observed by FTZ #41 personnel only.</p> <p>If a holiday falls on Saturday, the preceding Friday will be observed; and if a holiday falls on Sunday, the following Monday will be observed.</p>
65	<i>General Regulations</i>	<p>All persons and merchandise of every description entering or leaving any site or subzone in FTZ No. 41 for any purpose whatsoever shall be bound by the regulations of the Foreign-Trade Zones Board and by the relevant regulations issued by U.S. Customs & Border Protection.</p>
70	<i>Government Agencies</i>	<p>All lawful regulations regarding government agencies in or about ports of entry must be complied with insofar as they are not in conflict with the FTZ Act and governmental regulations issued thereunder.</p>

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ITEM NO.	SUBJECT	DESCRIPTION
75	<i>Public Interest, Health and Safety</i>	No operation or process of treatment will be permitted in the zone that, in the judgment of the Grantee is detrimental to the public interest, health and safety.
80	<i>Confidential Relationship Between Zone and Users</i>	The Port of Milwaukee and its employees will take precaution to avoid the divulging of confidential information regarding merchandise and services thereon performed in the zone. Any zone employee violating this confidential relationship will be suitably disciplined or discharged.
85	<i>Charges, Rates, Rules, and Regulations Applicable at FTZ No. 41</i>	<p>The Grantee, Zone Operators, and all persons and entities doing business within a zone site or subzone established by the Grantee must comply with the provisions of the Foreign-Trade Zones Act, as amended; with the lawful and effective rules, regulations, and procedures of the Foreign-Trade Zones Board; with such of the laws and lawful regulations of the United States, the States, or the subdivisions and agencies thereof as may be applicable to operators, occupants, their employees and invitees, and users of subzones; and with such of the provisions of this Zone Schedule and subsequent issues and modifications thereof as may be applicable to the operations conducted in the subzone.</p> <p>All persons and entities who request the Grantee to apply for authority to establish a subzone must first enter into an agreement with the Grantee governing proposed subzone or user-driven site operations. This agreement will contain provisions including, but not limited to, those relating to costs incidental to the preparation of the application and any subsequent amendment or modification thereof; costs incidental to public hearings and legal proceedings; charges for providing required Customs services. Applicants for the establishment of a subzone or user-driven site will bear application costs and charges of preparing and filing of an</p>

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ITEM NO.	SUBJECT	DESCRIPTION
		<p>application by the Grantee whether or not the application is favorably acted upon by the Foreign-Trade Zones Board.</p> <p>All persons and/or entities who request that the Grantee apply for authority to establish a subzone or user-driven site are responsible for obtaining any necessary zoning, permit or consent for such zone from the local authorities having jurisdiction in the area in which the proposed zone is to be located.</p> <p>The Grantee will apply the rates and charges set forth in this Zone Schedule and applicable to the zone operation uniformly to all zone occupants or users under like circumstances. Where such rates and charges are not applicable to a zone operation, it is intended that the provisions of the agreement between the Grantee and the zone user will govern.</p> <p>Contingencies not covered by this Zone Schedule or by separate agreements will be subject to agreements amending or supplementing the primary agreement. Amended or supplementary agreements, as well as practices that may develop and be permitted in zone operations will be also uniformly applied to subsequent applicants under identical circumstances for identical services.</p>

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ITEM NO.	SUBJECT	DESCRIPTION														
90	<i>Application, Activation, and Audit Fees</i>	FTZ No. 41 will operate under the Alternative Site Designation and Management Framework. The following rates represent the application and activation fees associated with Grantee's services for support, documentation, and coordination efforts.														
		<table border="1"> <thead> <tr> <th>Service</th> <th>FTZ No. 41 Fee</th> </tr> </thead> <tbody> <tr> <td>Usage-Driven Site: ASF Minor Boundary Modification (per new user application)</td> <td>\$3,500*</td> </tr> <tr> <td>Magnet Site: Expansion or Application</td> <td>\$7,000*</td> </tr> <tr> <td>"Sunset" Renewal</td> <td>\$3,500*</td> </tr> <tr> <td>Expansion of Current Operator's Zone Area</td> <td>\$--0--*</td> </tr> <tr> <td>Subzone (Non ASF Application)</td> <td>\$7,000*</td> </tr> <tr> <td>Activation with CBP</td> <td>\$--0--</td> </tr> </tbody> </table>	Service	FTZ No. 41 Fee	Usage-Driven Site: ASF Minor Boundary Modification (per new user application)	\$3,500*	Magnet Site: Expansion or Application	\$7,000*	"Sunset" Renewal	\$3,500*	Expansion of Current Operator's Zone Area	\$--0--*	Subzone (Non ASF Application)	\$7,000*	Activation with CBP	\$--0--
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Fees above do not cover the actual preparation of applications. Services for the preparation of applications will be contracted directly between the zone applicant/user and its service provider.

*If submitted applications require excessive administrative time by Grantee for application submittal to the FTZB, the Grantee may assess a rate of \$300 per hour to cover possible consulting fees and staff time. (Applicant would be notified before any potential fees would be assessed.)

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95	<i>Requirement for Grantee concurrence for activation</i>	Operator must have a signed User Agreement with the Grantee before the required concurrence letter for activation can be issued to Customs and Border Protection.
100	<i>Annual Zone Fee: Activated Sites or Activated Subzones</i>	<p>The annual zone fee will become due upon activation with Customs and Border Protection (CBP) and each January 1 thereafter. The annual service charge may be prorated to December 31 from the date the zone site is activated by CBP. Upon sixty (60) days written notice from Grantee to Operator, the annual service charge may be modified.</p> <p>The fee will be charged based on a calendar year, payable quarterly in advance, unless otherwise agreed upon:</p> <p>1 to 300 employees \$4,000</p> <p>301 or more employees \$6,600</p> <p><i>(Employee totals will be determined by the total number of employees for the entire company or corporation. International employees are included in the total)</i></p>
105	<i>General Purpose Zone</i>	A General Purpose Zone is a public warehouse that has Foreign Trade Zone designation can be used by more than one business to utilize Foreign Trade Zone benefits for warehousing/distribution and some processing/assembly.

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