

## **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](mailto:ftz@trade.gov).

**EAGLE PASS FOREIGN TRADE ZONE  
EAGLE PASS, TEXAS**

**ZONE SCHEDULE  
RATES, CHARGES, RULES AND REGULATIONS FOR OPERATION  
APPLYING AT**

**FOREIGN TRADE ZONE NO. 96**

**EAGLE PASS, TEXAS**

**TO OPERATE UNDER GRANT OF AUTHORITY OF  
THE UNITED STATES FOREIGN TRADE ZONE BOARD  
TO THE CITY OF EAGLE PASS**

ISSUED: October 31, 1996

**Issued in compliance with instructions of the Foreign Trade Zone Board by:**

**Maverick County Development Corporation, Zone Operator  
P.O. Box 3693 Eagle Pass, Texas 78853**

**FOREIGN TRADE ZONE NO. 96**

**CITY OF EAGLE PASS  
(GRANTEE)**

**GRANTEE ADMINISTRATION  
Mrs. Gloria Barrientos, City Manager**

**FOREIGN TRADE ZONE ADMINISTRATION  
Mr. Raul E. Perez, Executive Director  
Maverick County Development Corporation**

**GENERAL OFFICES**

**1818 Industrial Blvd. /P.O. Box 3693  
MCDC ADMINISTRATION OFFICES**

**Telephone: 830-773-6166  
Eagle Pass, Texas 78853**

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**Maverick County Development Corporation  
P.O. Box 3693, Eagle Pass, Texas 78853**

## FOREIGN TRADE ZONE NO. 96

Foreign Trade Zone No. 96 is a multi-site zone consisting of four sites all located within and around the City of Eagle Pass, Texas.

All rates and charges for all services or privileges within the Zone shall be fair and reasonable, and the operator shall afford to all who may apply for the use of the Zone and its facilities and appurtenances uniform treatment under like condition, subject to all treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments.

Copies of this information will be on file with the Foreign Trade Zones Board, Washington, D.C., and will be available at the office of the operator of Foreign Trade Zone No. 96, the Maverick County Development Corporation, Eagle Pass, Texas, upon request.

**AVAILABILITY OF INFORMATION:** The "Laws, Regulations and Other Information Relating to Foreign Trade Zones in the United States" are contained in booklet form published by the U.S. Government Printing Office and may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. U.S. Customs also produces a "Foreign Trade Zones Manual" available for review at the U.S. Customs administrative offices in Eagle Pass, Texas.

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**Maverick County Development Corporation, Zone Operator  
P.O. Box 3693 Eagle Pass, Texas 78853**

**FOREIGN TRADE ZONE NO. 96**

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**FOREIGN TRADE ZONE NO. 96**

**EXPLANATION OF SYMBOLS, REFERENCE MARKS, AND  
ABBREVIATIONS USED IN THIS SCHEDULE**

c	Cent (U.S.)	Incl.	Inclusive
\$	Dollar (U.S.)	K.D.	Knocked Down
%	Percent	Lbs.	Pounds
Art.	Article	L.C.L.	Less Than Carload
BBL.	Barrel	L.T.L.	Less Than Truckload
B/L	Bill of Lading	No.	Number
B.M.	Board Measure	N.O.S.	Not Otherwise Specified
BDLE	Bundle	Oz.	Ounce
BX.	Box	Pkg.	Package
CFR	Code of Federal Regulations	Par.	Paragraph
C/L	Carload	Pc.	Piece
C.O.D.	Cash on Delivery	Qt.	Quart
Crt.	Crate	Sec.	Section
Ctn.	Carton	Sq. Ft.	Square Foot
Cs.	Case	S.U.	Set Up
Cu. Ft.	Cubic Feet	T/L	Truckload
CWT.	One Hundred Weight	T.S.U.S.A.	Tariff Schedule of the United States Annotated
Doz.	Dozen	U.S.	United States of America
Ea.	Each	Yd.	Yard
E.G.	For Example	#	Text Added
Etc.	Et Cetera	*	Text Deleted
F.F.	Folded Flat		
FTZ	Foreign Trade Zone		
FTZB	Foreign Trade Zone Board		
Gal.	Gallon		

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**Foreign Trade Zone No. 96**  
**Description of Foreign Trade Zone No. 96**  
**Eagle Pass, Texas**

Eagle Pass Foreign Trade Zone No. 96, commonly called a free port is licensed by the U.S. Department of Commerce and controlled by the U.S. Customs Service. Foreign and domestic merchandise may be brought into the zone and stored, exhibited, repackaged, assembled, graded, manufactured or re-exported without payment of customs duties. Other benefits are:

1. Goods may be presented to the U.S. customs Service for classification at the time of their lowest duty rate.
2. Goods may be bought or sold with buyer or seller paying the duties as is most convenient by mutual agreement.
3. Over-quota goods may be brought into the zone and held for future quota openings or possibly re-manufactured into non-quota items.
4. Damaged or unsuitable goods (non-Compliance with Pure Food regulations or labeling) may be destroyed or re-exported without payment of import duties.
5. Goods may be transported from zone to zone or to port of export under bond to eliminate payment of duties.
6. Materials may be brought into the zone and stored in any quantity with entries made and duties paid on a sales program. For example, items such as Christmas tree ornaments may be imported throughout the year and sold during a short period of time.
7. Small amounts of material valued at less than \$250.00 may exit from the zone informally with the duties paid directly to the U.S. Customs officer at the zone facility.
8. The zone is exceptionally compatible with the Border Industrialization or Twin Plant program. Products can move freely to and from a plant in Mexico with a minimum of delay and paperwork.

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**P.O. Box 3693 Eagle Pass, Texas 78853**

**Foreign Trade Zone No. 96**  
**Description of Foreign Trade Zone No. 96 [Cont.]**

**GENERAL DESCRIPTION/SERVICES**

The Eagle Pass Foreign Trade Zone consists of a total of 1,360 acres distributed among four sites, two of which are located outside the City limits.

**Rail Services:** The 188-acre Eagle Pass Industrial Park, Site No. 1, one of the zone sites, and Site No. 2 are serviced by the Southern Pacific Railroad and the Mexican Railway system. International services are available, including public warehousing, customhouse brokerage, freight forwarding and distribution. Site No. 1 and Site No. 2 are located adjacent to the international port of entry facilities.

**Air Services:** Site No. 3 is located on the former Eagle Pass Air Force Base. This site is within Airport property.

**Highway Transport:** Sites No. 1, No. 2, No. 3 and No. 4 are adjacent to U.S. Highway 277. Sites No. 1, No. 2, No. 3 and No. 4 are within 1 hour and 30 minutes of IH-35 and 45 minutes away from US Highway 90.

**Utilities:** Utilities are available in Sites No. 1, No.2 and No. 3. Site No. 4 has no utilities available.

The Zone is required by law to be operated as a public utility. Rate schedules for users are published and available for inspection. The City of Eagle Pass is the Zone Grantee. The Operator of the Zone and the contact for further information is the Maverick County Development Corporation (MCDC).

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**Foreign Trade Zone No. 96  
Description of Foreign Trade Zone No. 96 [Cont.]**

**SITE AVAILABILITY**

Foreign Trade Zone No. 96 is a multi-site zone consisting of four sites all located within and around the City of Eagle Pass, Texas.

Site No. 1: Encompasses 188 acres of industrial land consisting of both developed and undeveloped sites within the Eagle Pass Industrial Park. The park is owned by the operator, the Maverick County Development Corporation (MCDC), and is immediately adjacent to the International Bridge and the Southern Pacific Railroad.

Site No. 2: Consists of 17 acres of industrial land known as the City Mini-Industrial Park. The park is adjacent to the port of entry and the Southern Pacific Railroad. The site is owned by the grantee, the City of Eagle Pass.

Site No. 3: Located at the Maverick County Industrial Park and consists of approximately 1,100 acres of industrial land located 12 miles north of the city and adjacent to U.S. Highway 277. The park has both developed and undeveloped sites on it. Originally, it was the site of the Eagle Pass Air Force Base. The site has utilities and streets already available throughout the premises. This site is owned by Maverick County.

Site No. 4: Consists of 55 acres of undeveloped industrial land adjacent to U.S. Highway 277 and designated for expansion. The site is privately owned.

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P.O. Box 3693 Eagle Pass, Texas 78853**

## Foreign Trade Zone No. 96

### DEFINITION OF TERMS

**ACT** The Foreign Trade Zone Act of June 18, 1934 (48 Stat. 998-1003; 19 U.S.C. 81a-81u), as amended by Public Law 566, 81st Congress, approved June 17, 1950.

**SECRETARY** The term Secretary means the Secretary of Commerce.

**BOARD** The Foreign Trade Zones Board created by the ACT to carry out provisions thereof. The Board shall consist of the Secretary of Commerce, who shall be the chairman and executive officer, the Secretary of the Treasury and the Secretary of the Army.

**ZONE** The term "Zone" means a "foreign trade zone" and/or Foreign Trade Zone No. 96.

**PORT DIRECTOR OF CUSTOMS** The local Director of U.S. Customs, Eagle Pass, Texas.

**GRANTEE** City of Eagle Pass to which the privileges of establishing, operating and maintaining Foreign Trade Zone No. 96 have been granted.

**ZONE OPERATOR** Maverick County Development Corporation (MCDC), a private, non-profit economic development organization representing the City of Eagle Pass, which manages the operation of the zone through the office of the MCDC Executive Director.

**ZONE USER** An individual, company or corporation utilizing the services and facilities of Foreign Trade Zone No. 96.

**UNITED STATES** The several States, District of Columbia and Puerto Rico. The term "United States" includes all Territories and possessions of the United States, except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef and the Island of Guam

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## DEFINITION OF TERMS [Cont.]

**CUSTOMS TERRITORY** The territory of the United States in which the general tariff law of the United States applies but which is not included in any foreign trade zone.

**PORT OF ENTRY** A place designated by the U.S. Government at which a customs officer is assigned with authority to accept entries of any and all merchandise, collect all applicable duties and taxes applicable on such merchandise and to enforce the various provisions of Customs law.

**MERCHANDISE** Includes goods, wares and property of every description, except prohibited articles.

**FOREIGN MERCHANDISE** Imported merchandise of every description (except articles specifically and absolutely prohibited by statute) which has not been properly released from Customs custody into Customs territory.

**DOMESTIC MERCHANDISE** Merchandise of every description (except articles specifically and absolutely prohibited by statute) which has been (1) grown, produced or manufactured in the United States and not exported therefrom or (2) previously imported into Customs territory and properly released from Customs custody.

For the purpose of return to Customs territory from a Zone and freedom from liability for the payment of duties or taxes, it includes only: (1) domestic merchandise brought in the Zone from Customs territory whose identity has been maintained and (2) the product of manipulation or manufacture in the Zone in which only privileged domestic commodities are mixed or combined, or in which foreign merchandise is so changed in form or enhanced in value as to be considered a product made in the United States, except that duties and taxes are payable only on the quantity of the foreign merchandise contained in the product.

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## DEFINITION OF TERMS (Cont.)

**PRIVILEGED FOREIGN MERCHANDISE** Foreign merchandise for which an application (CF 214) has been made for determination of taxes and liquidation of duties and which has been taken under supervision by the Director of Customs.

**PRIVILEGED DOMESTIC MERCHANDISE** Domestic merchandise for which an application (CF 214) has been made for a certificate of identification and which has been taken under supervision by the Director of Customs for the purpose of maintaining its identity.

**ZONE RESTRICTED MERCHANDISE** Foreign or domestic merchandise taken into the Zone, under the rules and regulations of the controlling Federal agency, for the sole purpose of exportation or destruction (except destruction of distilled spirits, wines and fermented malt liquors) or storage pending exportation or destruction.

**NON-PRIVILEGED FOREIGN MERCHANDISE** (1) Foreign merchandise properly in the Zone which does not have the status of (a) privileged foreign merchandise or (b) zone-restricted merchandise; (2) waste recovered from any manipulation or manufacture of privileged foreign merchandise; or (3) domestic merchandise taken into a Zone whose identity has been lost.

**NON-PRIVILEGED DOMESTIC MERCHANDISE** Domestic merchandise taken into a Zone for which no application for a certificate of identification has been made.

**IMPORTS** Foreign merchandise of every description (except articles specifically and absolutely prohibited by statute) entered into Customs territory to become a part of the domestic supply for the purpose of domestic commerce or consumption and particularly that which is entered into Customs territory through a Zone and foreign merchandise which, under the laws and regulations of various other Federal agencies having jurisdiction within the Zone is said to be "imported" into Foreign Trade Zones, Customs bonded warehouses or Customs custody. This latter merchandise, in relation to operations of the Zone, is considered to be foreign merchandise until its entry into the commerce of the United States.

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## DEFINITION OF TERMS [Cont.]

**DOMESTIC EXPORTS** Domestic merchandise exported from the United States and particularly such merchandise exported through a foreign trade zone. It includes merchandise of every description (except articles specifically and absolutely prohibited by statute) which has been (1) grown, produced or manufactured in the United States and not exported therefrom or (2) previously imported into Customs territory and properly released from Customs custody.

For the purpose of marking and labeling, it includes: (1) the product of manipulation or manufacture in the Zone in which only privileged domestic merchandise is used; (2) the product or manipulation or manufacture in the Zone in which there is a mixture of foreign and domestic merchandise which results in a change in form or nature of the commodities, and in which the domestic merchandise consists of a component part or parts or a substantial portion of the finished product; and (3) foreign merchandise which by manipulation or manufacture in the Zone has been so changed in form or nature or enhanced in value that the product is deemed to be one of domestic manufacture.

**IN-TRANSIT MERCHANDISE** The term "in-transit merchandise" includes all foreign merchandise transported into and out of the United States, whether in and out of the same port or across the country or another port, with or without transshipment, warehousing, breaking bulk, or change in mode of transportation, which originated in one foreign country and is destined at the time of the original shipment to another foreign country. Its distinctive feature is that it is being transported from one foreign country through the United States to another foreign country under a through bill of lading or other documentation for a completed journey. The term is particularly applied to foreign merchandise shipped in-transit through a foreign trade zone.

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## DEFINITION OF TERMS (Cont.)

**RE-EXPORTS OR RESHIPMENTS** Merchandise from one foreign country initially destined to the United States which, after being unladen, stored and/or manipulated or manufactured in this country, is transported under a new bill of lading or other new documentation to another foreign country. The term is particularly applied to re-exports or reshipments through a foreign trade zone.

It includes privileged, non-privileged, or zone restricted foreign merchandise which: (1) is in the same condition as when transported into the United States; (2) has been manipulated without any change in its form or nature; or (3) has been manipulated or processed in such a manner as to change its form, whether or not mixed with domestic merchandise, provided the domestic merchandise is not a component part or substantial ingredient thereof.

Generally, it includes all merchandise of foreign origin which has been so manipulated or manufactured as to be deemed a product of the United States and which has not been released from Customs custody into Customs territory.

**TRANSSHIPMENT MERCHANDISE** Foreign merchandise which enters and leaves the United States through the same port, being transferred from one vessel to another directly or by way of a foreign trade zone or customs bonded warehouse. The term is particularly applied to such merchandise transferred through a foreign trade zone.

**ZONE LOT** The unit or units of goods for which a separate record and account is to be kept by the Zone Operator.

**CONTROL NUMBER** The number used on all Zone entry and exit forms to identify all merchandise and commodities. The Control Number shall be, in all cases, the same as the Tariff Number for that same merchandise described in the Tariff Schedules of the United States Annotated.

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## DEFINITION OF TERMS (Cont.)

**BULK** The term used in describing fungibles which can be poured, scooped, or shoveled and which generally cannot be counted or identified piece by piece.

**WAREHOUSE** A covered and enclosed structure affording weather protection used primarily for short or long term storage of merchandise and often containing business offices. In a foreign trade zone it also is used for manipulation, manufacture and exhibition of merchandise.

**STORAGE** The keeping of merchandise in or upon the premises within the foreign trade zone. Covered storage means keeping within a covered and enclosed structure affording weather protection. The term "storage" without other designation ordinarily implies covered storage.

**OPEN OR YARD STORAGE** The keeping of merchandise in or upon the premises within the foreign trade zone where merchandise not requiring weather protection may be stored.

**UNIT OF QUANTITY** The customary grouping of a commodity as a unit to indicate the medium or method of measure.

**QUANTITY** The numerical count of the units composing a shipment of commodity.

**TON** Weight ton of 2,000 pounds unless otherwise indicated.

**MEASUREMENT TON** Ton based on a measurement of 40 cubic feet.

**WEIGHT** The gross weight of the merchandise including container except as noted on the contrary.

**MANIPULATION** Means breaking up, repacking, assembling, distribution, sorting, grading, cleaning, mixing with foreign or domestic merchandise, or other processing which does not constitute a manufacture.

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## DEFINITION OF TERMS (Cont.)

**LEASE** The document of agreement entered into between the Zone Operator and Tenant for assignment of space within Foreign Trade Zone No. 96.

**PERSON OF RECORD** The person, firm or corporation in whose name the application to admit merchandise into the Zone (CF 214) is made, recognized by the Zone Grantee as having the legal right to make the application. Evidence of this right of the applicant is the same as would be required to establish the right to apply for release of the merchandise from Customs custody at the end of its transit through Customs territory and usually consists of an original bill of lading in the name of the applicant, an original bill of lading endorsed to him or a carrier's certificate.

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## FOREIGN TRADE ZONE No. 96

### OPERATION OF ZONE

#### **Zone Supervision**

Foreign Trade Zone No. 96 will operate under the Audit Inspection method of zone supervision. The Audit Inspection approach does not require a Custom officer to be physically present to supervise the admission of merchandise into or removal of merchandise from a zone. The Zone Operator has the responsibility for supervision, recordkeeping and other responsibilities under its bond and must pay an activation and annual reimbursement fee. Customs will verify Operator compliance with regulatory and other requirements through selective merchandise examinations and other spot checks and audits.

#### **Operation of Zone [Forms and Procedures]**

The merchandise and operations permitted in a zone, the disposition of merchandise in a zone, the zone status of the merchandise and special provisions applicable to each status, the subsequent importation of merchandise exported from a zone, and other operations in a zone authorized by the Act, are generally described in this section of the Procedures Manual.

#### **Permission of Grantee Required**

Applications for permission to transfer merchandise into a zone, to do anything involving merchandise in a zone, or to remove merchandise from a zone shall show a written concurrence of the grantee except where the regulations in this procedure manual provide for the making of applications by the grantee itself or permit the grantee to file a separate, specific or blanket approval.

#### **Transportation of Merchandise to the Zone**

Merchandise of every description, subject to Customs approval, may be transported to the zone:

(a) From outside Customs territory. Merchandise may be brought directly to a zone from any place outside Customs territory.

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## OPERATION OF ZONE ( Cont.)

(b) Through Customs territory: Foreign merchandise destined to a zone and transported in bond through Customs territory shall be subject to the laws and regulations applicable to other merchandise transported in bond between two places in Customs territory.

(c) From Customs territory: Domestic merchandise may be brought to a zone from Customs territory by any means of transportation which will not interfere with the orderly conduct of business in the zone.

### **Acceptance and Marking**

All merchandise brought into the zone must be truly marked and accompanied or preceded by the necessary supporting documents for preserving the identity of the merchandise. When repacked or labeled in the zone, the goods must be marked to indicate that fact before merchandise will be permitted to leave the zone.

### **Merchandise Permitted in Zone**

Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the Customs laws of the United States, except as otherwise provided in the Act and its regulations, be brought into a zone:

(a) Merchandise which is specifically and absolutely prohibited by law shall not be admitted into a zone. Any merchandise so prohibited by laws which is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise. A distinction is made between (1) merchandise which is specifically and absolutely prohibited by law on the grounds and policy of morals, such as immoral or subversive literature, obscene articles, or lottery matter and (2) conditionally admissible merchandise which may be imported under certain conditions, for example:

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## OPERATION OF ZONE (Cont.)

articles which are subject to permits or licenses for the protection of economic or national security or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. Directors of Customs are required to exclude the first class of articles and may not permit them to be transferred to a zone if they are aware of their prohibited status, except that the Director may permit the temporary deposit of any such merchandise in the zone pending final determination of its status. The transfer of articles of the second class to a zone is subject to any requirements of the Federal agency concerned. There is no prohibition against placing over quota merchandise in a zone pending its right to transfer to Customs territory pursuant to the applicable quota provisions.

(b) The application for the admission of merchandise into a zone shall be approved or disapproved by Director as the representative of the Board, where the merchandise is not excluded by any other Federal agency having jurisdiction over the merchandise.

### **Disposition of Merchandise in a Zone**

In general, merchandise lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the Act be exported, destroyed, or sent into Customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise, and domestic merchandise whose identity has been lost, is so sent from a zone into Customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise.

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## OPERATION OF ZONE (Cont.)

### **Manipulation, Manufacture, and Exhibition of Merchandise**

In general, merchandise lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the Act, be stored, sold, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign and domestic merchandise or otherwise manipulated, or be manufactured, except as otherwise provided by the Act.

(a) Permission for any manipulation, manufacture, or exhibition in a zone shall be obtained from the Director, as the representative of the Board, subject to such application and procedure prescribed by the Secretary of the Treasury for the protection of the revenue.

(b) In the event of the denial of any application by the Director for any reason, the application, the grantee, or the operator of the zone may appeal the adverse ruling to the Board. If any revenue-protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

### **Status of Merchandise in a Zone**

(a) For the purpose of the Act and the regulations of this Section, all merchandise within a zone, except merchandise in a transit through a zone as provided in Section 30.5 of Customs regulations and except merchandise temporarily transferred to a zone for manipulation as provided in paragraph (b) of this Section, shall be given a zone status as:

- (1) privileged foreign merchandise;
- (2) privileged domestic merchandise;
- (3) nonprivileged foreign merchandise;
- (4) nonprivileged domestic merchandise; or
- (5) zone-restricted merchandise

in accordance with Section 30.6, 30.7, 30.8, 30.9, and 30.10 of Customs regulations.

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## **OPERATION OF ZONE (Cont.)**

(b) Imported merchandise which has been entered and which has remained in continuous Customs custody may be temporarily transferred to a zone for manipulation under Customs supervision pursuant to Section 562, Tariff Act of 1930, as amended and for returned to Custom territory. Any such merchandise shall not be considered within the purview of the Foreign-Trade Zone Act, but shall be treated in all respects as though remaining in Customs territory. Therefore, no zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of Section 562 and other pertinent Customs laws.

### **Use of Zone by Carriers**

The water area, docking facilities, and loading or unloading stations of a zone are intended primarily for the use of vessels, vehicles, or aircraft unloading merchandise into the zone or lading merchandise from the zone, and their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue or by the Board if found to interfere with the primary uses of the zones.

### **Subsequent Importation of Zone Merchandise**

Articles produced or manufactured in a zone and exported therefrom shall, on subsequent importation into the Customs territory of the United States be subject to the import laws applicable to like manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise the identity of which has been maintained in accordance with the Section Provision of Section 3 of the Act, as amended, may, on such importation, be entered as American goods returned.

### **Exclusion From Zone of Goods or Process of Treatment**

When it shall be reported to the Board that any goods or process or treatment is detrimental to the public interest, health, or safety, the Board shall cause such investigation to be made as it may deem necessary. The Board may order the exclusion from the zone of any goods or process of treatment that in its judgment is detrimental to the public interest, health, and safety.

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## **OPERATION OF ZONE (Cont.)**

### **Retail Trade Within Zone**

No retail trade shall be conducted within a zone except under permits issued by the grantee and approved by the Board. Such permittees shall sell no goods except such domestic or duty-paid or duty-free goods as are brought into the zone from Customs territory. Permits which are sent to the Board for approval shall be accompanied by a sworn statement, subscribed to by the applicant before a duly authorized officer to administer oaths, setting forth in detail the nature of the retail trade to be conducted, and containing an agreement that such applicant will sell no goods, except of the kinds specifically authorized by the Act, which are brought into the zone from Customs territory. No goods shall be offered for sale or sold in a zone which are not of the same kind and quality permitted to be offered for sale or sold in the political jurisdiction in which the zone is located. If the permittee violates any provision of the regulations in this Section, this permit shall be revoked by the grantee, who shall immediately report such action to the Board.

### **Residence Within Zone**

No person shall be allowed to reside within a zone except Federal, State, or Municipal officers or agents whose resident presence is deemed necessary by the Board.

### **Employees and Persons Entering and Leaving Zone**

Employees and other persons entering and leaving a zone shall pass through the designated entrances and exits in the enclosure surrounding the zone. Employees and other persons shall be subject to such examination upon entering and leaving a zone as the Zone Operator or its Designee may deem necessary for the protection of the revenue. In general, in addition to specific Foreign-Trade Zone Board and U.S. Customs Regulations, the recommendations contained in the Booklet, "Standards for Cargo Security," prepared by the U.S. Customs Service, will be followed where practical. A copy of the publication is available at Zone office.

### **All Persons Entering Zone Bound by Regulations**

All persons entering a zone for any reason whatsoever shall be bound by the regulations promulgated by the Board, Customs, by the Grantee, or its Designee of the Zone.

ISSUED: October 31, 1996

**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**

## OPERATION OF ZONE (Cont.)

### **Identification of Employees within Zone**

All persons on duty within and in connection with the operation of a zone with the exception of Federal employees and uniformed employees of the zone shall be required while within the zone to carry identification cards or wear appropriate identification badges to be provided by the operator or user of the zone. Persons desiring admittance to the zone shall make application to the Zone Operator or its Designee. The pass issued must be worn and shown upon request. Upon leaving the Zone, any temporary pass must be surrendered and any permanent pass must be shown to the gatekeeper.

### **Business Hours**

The business hours of the Zone, for Customs purposes, shall be same as those prescribed in rules and regulations for Foreign Trade Zone No. 96.

### **Erection of Buildings within Zone by Other than the Grantee**

The grantee may, with the approval of the Board, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by it, permit other persons, firms, corporations or associations to erect such buildings and other structures within the zone as will meet their particular requirements, provided:

(a) that such permission shall not constitute a vested right as against the United States, nor interfere with the regulations of the grantee or the permittee by the United States, nor interfere with or complicate the revocation of the grant by the United States;

(b) that in the event of the United States or the grantee desiring to acquire the property of the permittee, no goodwill shall be considered as accruing from the privilege granted to the zone;

(c) that such permits shall not be granted on terms that conflict with the public use of the zone as set forth in the Act; and

(d) that accepted sanitary practices be followed in the construction, equipment and operation of such buildings and other structures.

### **U.S. Customs Forms**

The following U.S. Customs Forms will be used in Foreign Trade Zone No. 96. They are to be reproduced by the user, with appropriate information added as follows:

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**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

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## OPERATION OF ZONE (Cont.)

1. U.S. Customs Form 214 (020691)  
Application for FTZ Admission and/or Status Designation  
(including Paperwork Reduction Act Notice on Reverse Side)
2. U. S. Customs Form 216 (020791)  
Application for FTZ Activity Permit
3. U.S. Customs Form 216A (020791)  
Application for FTZ Activity Permit for Destruction in Zone
4. U.S. Customs Form 216B (020791)  
Application for FTZ Activity Permit--Application for Removal From Zone of  
Articles Exempt from Entry Requirement
5. U.S. Customs Form 216C(020791)  
Application for FTZ Activity Permit--Application and Permit for Temporary  
Removal from Zone
6. U.S. Customs Form 3461 (010189)  
Entry/Immediate Delivery  
(including Paperwork Reduction Act Notice on Reverse side)
7. U.S. Customs Form 7501 (030884)  
Entry for Consumption
8. U.S. Customs Form 7512 (040984)  
Transportation Entry and Manifest of Goods Subject to Customs Inspection and  
Permit---Entry for Transportation to Zone in Another Port
9. U.S. Customs Form 7512A (040984)  
Transportation Entry and Manifest of Goods Subject to Customs Inspection and  
Permit--Entry for Direct or Immediate Exportation

ISSUED: October 31, 1996

**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**



## FOREIGN TRADE ZONE No. 96

### RULES AND REGULATIONS

#### Zone Regulations

The following rules governing procedures within Foreign Trade Zone No. 96 are issued in conformity with and supplementary to the Foreign Trade Zone Board's regulations and such of the United States laws and regulations relating to the Port of Entry as are applicable to foreign trade zone operations.

#### General Regulations

All persons and merchandise of every description entering or leaving Zone No. 96 for any purpose whatsoever shall be bound by the lawful regulations of the Foreign Trade Zone Board and by the Zone regulations issued by the Board.

#### Government Agencies

All lawful regulations regarding government agencies in or about ports of entry must be complied with.

#### Business Hours

The Zone is available to users twenty-four hours a day, every day in the week. Business to be transacted with Zone management authorities or the Customs service is confined to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, with the exceptions of Federal and State holidays as set forth in this tariff. Any deviation from the above hours will be subject to overtime charges.

#### Holidays

The Zone will be closed for regular business on the following holidays:

New Year's Day	Columbus Day
President's Day	Veteran's Day
Easter Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	Day before or after Christmas

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## **RULES AND REGULATIONS (Cont.)**

If a holiday falls on Saturday, the day immediately preceding such Saturday will be observed; and if a holiday falls on Sunday, the following day will be observed.

### **Rubbish Disposal**

Tenant will not pick up, incinerate, or otherwise dispose of rubbish or waste products resulting from occupant's operations except as approved by Customs. This information will be furnished to tenants by Zone Management.

### **Payment in Advance**

All charges on a month-to-month basis or for other periods of time agreed upon or provided for in this Procedures Manual shall be payable in advance on the first day of the charge period. The acceleration of the payment in advance is for the convenience of the payee, it being well understood that any and all subsequent changes, revisions, amendments and/or supplements in the rate upon which charges are based shall automatically apply to agreement, preferential assignment, lease or tariff item coverage, regardless of said charges having been paid in advance.

### **Payment of Customs Officers**

The Eagle Pass Foreign Trade Zone Operator pays to the U.S. Customs an annual fee based on the level of activity (transactions) as per the revised Audit-Inspection Method of Zone Supervision and corresponding U.S. Customs Regulations.

Other U.S. Customs charges in addition to the annual fee paid by the Eagle Pass Foreign Trade Zone Operator applicable to and as a result of the zone user's activity shall be reimbursed to the Eagle Pass Foreign Trade Zone Operator as determined by the Eagle Pass Foreign Trade Zone Operator within fifteen (15) days of billing.

### **Charges by Government Agencies**

Charges made by government agencies other than the Foreign Trade Zone Operator are not included in Zone schedules and should be arranged by the owner or his agent with the government bureau concerned.

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**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

### **Charges for Zone Personnel**

Zone personnel will be on hand to permit the normal operation of the Zone. All services rendered will be billed directly to the User requesting services of Zone Personnel that are not normally covered by the warehouse storage rates charged by the Operator.

Applicable billing rates will be \$12.00 per hour. Minimum of one-half hour will be charged the User requesting services.

Services covered by this charge include the supervision and processing of paperwork for transactions involving the admission, status change, manipulation, manufacture, destruction and removal of merchandise from Zone.

Zone staff services rendered during holidays, Saturdays and Sundays or during overtime hours at the request of the Zone User will be subject to overtime rates.

### **Merchandise Held for Charges**

Zone charges are due and payable as they accrue and upon presentation of the Zone User. The Grantee, or its Designee, reserves the right to withhold permission to withdraw from the Zone for Users with unpaid charges for Zone use.

### **Enforcement of Charges**

For the purpose of enforcing the payment of charges named in this schedule on merchandise handled over, stored or manipulated on the Zone facilities, the Zone may take possession of such merchandise and may remove and store same at the charge, risk and expense of the owner or consignee thereof and/or sell the goods by public auction and/or such other remedies as may be provided by law.

### **Basis for Leases**

Grantee will lease land for the purpose of constructing private building and facilities subject to agreed rates, and to rules and regulations published in this Procedures Manual.

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**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

### **Rates of Land Lease**

Annual lease rates for land within Foreign Trade Zone No. 96 will vary depending on the location of the land leased, size and configuration of the property, and length of term of the lease.

### **Approval by Grantee**

All leases and sub-leases are subject to the approval of the Grantee.

### **Confidential Relationship Between Zone and Tenants**

The Zone Grantee, or its Designee, will take precautions 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.

### **Public Interest, Health and Safety**

No operation or process of treatment will be permitted in the Zone that, in the judgment of the Zone Grantee or its Designee, is detrimental to the public interest, health, welfare and safety.

### **Grantee's Restrictions and Prohibitions**

The Grantee reserves the right to restrict or prohibit the entry of handling of any commodity in the Zone due to its hazardous, obnoxious or unsanitary conditions or nature.

### **Zone Accommodations**

Before merchandise may be entered into the Zone, applications on appropriate Customs forms must be completed by Zone Users or his agent, filed and approved by the Zone Grantee, or its Designee, and with the authorized Customs personnel. The application shall describe the merchandise fully, in terms of the Tariff Schedules of the United States Annotated and be accompanied by all supporting documents required.

### **Permission to Manipulate, Manufacture or Process**

Foreign Trade Zone Board approval of any manufacture process is required prior to such activity. Before merchandise may be manufactured or manipulated within the Zone,

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## **RULES AND REGULATIONS (Cont.)**

application on Zone CF 214 must be presented to the Zone Grantee, or its Designee, for concurrence by the Zone Grantee. The Zone Grantee, or its Designee, will then forward the application to the Director of Customs.

On approval of the U.S. Customs Director, the contemplated manipulation will be permitted.

### **Tender for Acceptance**

All merchandise for Zone acceptance shall be delivered at designated points properly marked and packaged and accompanied or preceded by the necessary documents for preserving the identity of such merchandise.

### **Clearing Merchandise and Tariff**

All goods, vehicles, and persons entering or leaving the Zone shall obtain clearance through the Zone office.

### **Merchandise Arriving After Hours**

Merchandise arriving after regular business hours may, by special arrangements with the Zone Manager, be placed in a designated location and received subject to special charges.

### **Customs Permit**

Merchandise will not be delivered to or through Customs territory unless permitted by U.S. Customs.

### **Customs Inspection of Merchandise While in Zone**

The consignee or Zone User, or his agent, shall at all times be immediately available to make the merchandise subject to inspection required by the United States Customs Service and shall have the sole responsibility of opening crates and packages, handling the merchandise and securing the crates and packages following the inspection. In the event that the consignee or his agent is not immediately available for the inspections, then Zone personnel shall be authorized to open such packages for the Customs Service and shall not be liable to any loss or damage for any reason whatsoever to the goods.

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**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**

## RULES AND REGULATIONS (Cont.)

### **Indemnification and Hold-Harmless User**

The User hereby indemnifies and agrees to defend and hold the City, its officers, representatives, assigns, agents and employees harmless from any and all claims, action, demands, liabilities and expenses incurred in connection with loss of life, personal injury and/or damaged or lost property (and from any penalty or damages or charges imposed for any violation of any laws or ordinances) arising directly or indirectly from or out of any act or omission of the User, or any act or omission of the User's agent, employees, representatives, assigns, or invitees, in the User's operations within the Zone (including the operation of an Inventory Control and Recordkeeping System), or in the User's performance of its obligations hereunder or in its use of the premises it has leased within the Zone. In the event the City shall, without fault on its part, be made a party to any litigation commenced by or against User, then User shall protect, defend and hold the City harmless from all costs and expenses arising directly or indirectly in connection with such litigation. User also shall pay all costs reasonable and necessary and agreements of this Agreement against User. Said costs and expenses shall, include reasonable attorney's fees and other reasonable expenses.

Lessee, from the time of its occupancy, shall assume sole responsibility for the condition of these premises, and Zone Management shall not be liable for injury or damage, whether to person or property, caused by any vice or defect therein either to Lessee or to anyone in or on the premises by license of Lessee.

The Zone will not be responsible for any loss or damage caused by--fire, frost, heat, dampness, leakage, the elements, evaporation, natural shrinkage, waste or decay, animals, rats, mice or other rodents, moths, weevils or other insects, leakage or discharge from fire protection system, collapse of buildings or structures, breakdown of plant or machinery or equipment; nor will it be answerable for any loss, damage or delay arising from insufficient notification, or from wars, insurrection, shortage of labor, combinations, riots or strikes or any persons in its employ or in the services of others or from consequences arising therefrom.

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## **RULES AND REGULATIONS (Cont.)**

In performing the service of checking, the Zone will accept no responsibility for concealed damage nor for the condition of contents of packages, cases, or other containers, whether or not receipts issued so state.

The Zone will not be responsible for loss or damage occasioned by any misunderstanding or orders or instructions received or taken by telephone.

### **Fidelity-Obligation User**

To the extent that the losses described in this paragraph are recovered by the User under insurance policies in force, and to the extent the below described losses arise directly or indirectly from or out of any act or omission of the User or any act or omission of the User's agents, employees or invitees as authorized by the User, and that occurs in the User's operations within the Zone, the User agrees and covenants, during the term of this Agreement, to indemnify the City, its officers, employees, representatives, assigns, and agents against all loss of money or other personal property belonging to the City, or in which the City has a pecuniary interest, or which is held by the City in any capacity, when the City shall sustain such loss through: larceny, theft, robbery, burglary, embezzlement, forgery, misappropriation, wrongful abstraction, willful misapplication or other fraudulent or dishonest act or acts.

### **Indemnification and Hold-Harmless City**

The City of Eagle Pass hereby indemnifies and agrees to defend and hold the Zone Operator, the User, its officers, agents, representatives, assigns and employees, harmless from any and all claims, actions, demands, liabilities and expenses incurred in connection with loss of life, personal injury and/or damaged or lost property (and from any penalties, damages or charges imposed for any violation of any laws or ordinances) arising directly or indirectly from or out of any act or omission of the City, or any act or omission of the City's agents, employees, representatives, assigns or invitees, in the City's use of the Zone. In the event that the User, without fault on its part, shall be made a party to any litigation commenced by or against the City, then the City shall protect and hold the User harmless from all costs and expenses arising directly or indirectly in connection

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## **RULES AND REGULATIONS (Cont.)**

with such litigation. City also shall pay all reasonable and necessary costs and expenses that may be incurred or paid by the User in enforcing the covenants and agreements of the Agreement against City. Costs and expenses shall include reasonable attorney's fees and other reasonable expenses. Anything in this paragraph to the contrary notwithstanding, the City shall not be required to indemnify, defend or hold the User, its officers, agents, representatives, assigns and employees, harmless from any claims, actions, demands, liabilities and/or expenses incurred in connection with loss of life, personal injury and/or damaged or lost property (and from any penalties, damages or charges imposed for any violation of any laws or ordinances) arising directly or indirectly from or out of any act or omission of the City, or any act or omission of the City's representatives, assigns, agents, employees or invitees that is authorized by the City and that occurs in the City's operations within the Zone or in the City's use of the Zone provided that said loss of life, personal injury and/or damaged or lost property (or penalties, damages or charges imposed for any violations of laws or ordinances) shall arise, directly or indirectly, from or out of any act or omission of the City or the City's agents, employees, invitees, representatives or assigns that is ordered or directed by the Board by Customs. If the City shall cause the User any liabilities or expenses, loss of life, personal injury and/or damaged or lost property (or any penalties, damages or charges imposed for any violation of any laws or ordinances) that arise directly or indirectly as a result of an order of the Board or of Customs, the City agrees to execute any document(s) requested by the User for the purpose of enabling the User to bring an action or actions against the Board or Customs for relief and/or redress for said loss of life, personal injury, and/or damaged or lost property (or any penalties, damages or charges imposed for any violation of any laws or ordinances).

### **Fidelity Obligation City**

To the extent that the losses described in this paragraph are recovered by the City under insurance policies in force, and to the extent the described losses arise directly or indirectly from or out of any act or omission of the City, or any act or omission on the

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**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

City's representatives, agents, employees, assigns or invitees that is authorized by the City, and that occurs in the City's operations or uses within the Zone, the City agrees and covenants, during the term of this Agreement, to indemnify the User, its officers, employees, representatives, agents and assigns against all loss of money or other personal property belonging to the User, or in which the User has pecuniary interest, or which is held by the User in any capacity, when the User shall sustain such loss through: larceny, theft, robbery, burglary, embezzlement, forgery, misappropriation, wrongful abstraction, willful misapplication or other fraudulent or dishonest act or acts.

### **Notice**

Notwithstanding the above indemnification, the Parties hereto agree that prompt and reasonable notice shall be given by one to the other of any matter covered hereby and shall promptly make known to each other every demand, notice, summons or other process received in any claim, allegation or legal proceeding covered hereby.

### **Compensation Insurance**

Every person employed by contractors or customers in the Zone will be properly covered by Workmen's Compensation Insurance. Proof of this shall be furnished before any work may be started or release of liability must be given to the Zone Operator or its Designee.

### **Insurance**

Insurance is carried by the Zone Grantee or its Designee on its own property only and does not include insurance on the contents stored therein. User is prohibited from putting anything within the Zone which will cause the cancellation or forfeiture of the insurance or affect the premium rate thereof on the building or buildings of which the leased premises forms a part. Insurance on commodities or other property stored on the leased premises, if desired, must be carried by and at the expense of User or owner of the commodities or other properties. Merchandise stored, manipulated or transferred within the Zone is not insured by the Grantee and the Zone tariff rates do not include insurance on merchandise.

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**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

### **Business Insurance**

All persons or firms conducting business on or in connection with the facilities of Foreign Trade Zone No. 96 will be required to provide the Zone Grantee or its Designee with proof of existing in-force business insurance in such amounts and type as may be required by the Zone Operator, Maverick County Development Corporation, Eagle Pass, Texas 78853.

### **Truck Liability Insurance**

All foreign trucks traveling Texas highways to the Eagle Pass Foreign Trade Zone must obtain Texas State Liability Insurance as provided by law.

### **Customs Bond**

The Zone Grantee maintains for Customs purposes a Foreign Trade Zone Operator's Bond as a guarantee for the payment from the Zone of all duties and taxes on such merchandise as may be moved from the Zone without a proper Customs permit or otherwise missing from the Zone.

### **Merchandise Which is Prohibited by Law**

Merchandise which is prohibited by law shall not be admitted into a Zone.

The admission into a Zone of merchandise, the importation of which into the United States is restricted, but not absolutely prohibited, such as certain classes of merchandise as set forth in Chapter X Customs Regulations of 1937, shall be under such provisions as may be prescribed by the Department of Agriculture or other Government Agency having jurisdiction in the particular case. No narcotic drug as defined in the Act of May 26, 1922, known as the "Narcotic Drug Import and Export Act," as amended, shall be permitted to be introduced into a Zone, except that such quantities of narcotic drugs as are required for direct emergency medical needs within a zone may be admitted into said Zone from Customs territory of the United States subject to the requirements of the Act of December 17, 1914, known as the "Harrison Narcotic Law," as amended, and regulations thereunder. Any prohibited merchandise, including narcotic drugs not admissible into a Zone as herein provided, found within a Zone shall be seized and disposed of according to law. Merchandise in a Zone may be examined by appropriate officers at any time to enforce the provisions of this paragraph.

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**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

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## **RULES AND REGULATIONS (Cont.)**

### **Hazardous Merchandise**

Explosives, inflammable and other hazardous merchandise will not be permitted in the Zone unless complying with all Federal, State, Municipal and Zone Management regulations.

### **Gold (Except Fabricated)**

Gold (except fabricated) is prohibited by Special Order of the Foreign Trade Zones Board.

### **Improper Packing**

Merchandise not suitably packed for ordinary handling, may, at the discretion of the Foreign Trade Zone Operator, be rejected or repacked at the expense of the shipper, consignee or their agent.

### **Marking and Labeling**

All merchandise handled in the Zone before entry into Customs territory must be truly marked in accordance with Customs regulations as to the country of origin and in accordance with all other governmental regulations and no merchandise will be permitted to leave the Zone for any purpose that carries any false or misleading label or mark. When repacked or labeled in the Zone, the goods should, when possible, be marked to indicate that fact.

### **Location of Merchandise**

Foreign and domestic merchandise will be placed in the areas provided after its identity has been established. privileged and/or restricted merchandise shall be placed in segregated areas as required by Customs permit.

### **Signs**

Signs may be attached or painted on buildings as desired by tenants after approval by Zone Management.

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**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

### **Cleanliness**

The area assigned to an Applicant, Lessee, or other user of Zone property shall be kept clean at all times and failure of applicant, Lessee or other user to maintain a state of cleanliness in assigned area shall be cause for Zone Management, on twenty-four hour's notice, to clean area at Applicant's, Lessee's or other user's own cost, risk and expense.

### **Inspection**

Zone Management may inspect the assigned area at any and all reasonable times to ascertain whether or not the covenants or conditions related to its proper use are being observed.

### **Inventory Control and Recordkeeping**

The Zone user shall maintain either a manual or automated inventory control and recordkeeping system or combination manual and automated system capable of:

- (a) Accounting for all merchandise temporarily deposited, admitted, granted a zone status and/or status change, stored, exhibited, manipulated, manufactured, destroyed and/or removed from the zone;
- (b) Producing accurate and timely reports and documents as may be required by the Zone Operator, Customs and the Board;
- (c) Identifying shortages and overages of merchandise in sufficient detail to determine the quantity, description, tariff classification, zone status and value of the missing or excess merchandise;
- (d) Accounting for the physical output from a given input;
- (e) Providing all the information necessary to make entry for transfer to the Customs territory;
- (f) Providing an audit trail to Customs forms from admission through manipulation, manufacture, destruction or removal of merchandise from a zone.

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**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

The User shall maintain records in accordance with generally accepted accounting principles and practices and in accordance with any rules, regulations or directives of the City, Customs or the Board. Besides maintaining the inventory control and recordkeeping system requirements, the User shall be responsible for the security of the records pertaining to User's merchandise. The proprietor shall provide information from, and physical access to, the records to Customs officers and Zone Management as requested. The User shall keep records pertaining to User's merchandise at the Zone for unannounced spot check verification by Customs. After the merchandise has been removed from the Zone, the records shall be maintained for five years in a readily available location.

### **Contingencies Not Covered by Rules**

Contingencies not covered by these rules and regulations will be subject to arrangements or agreements approved by Grantee, or its Designee.

### **Annual Fee**

User agrees to pay a \$500.00 annual fee for and in consideration of being designated a Foreign Trade Zone User. Said fee to be payable on the date the User Agreement becomes effective and on the anniversary dates thereafter.

This fee does not apply if User does not use the Zone but locates directly within the Zone.

### **Activation Fees**

The Zone Operator will pay to U.S. Customs the initial activation fee if required. However, future requests by Zone Users to activate and/or deactivate all or portion of the leased premises shall be paid by User requesting alteration.

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**Maverick County Development Corporation  
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## **RULES AND REGULATIONS (Cont.)**

### **Miscellaneous Charges**

Zone Users are solely responsible for the payment of all duties, taxes, fines and other fees applicable to User's operations in the Zone. Zone User agrees to indemnify and reimburse Grantee for any duties, taxes, fines and other fees as may be assessed by U.S. Customs, the Board or other Government Agency as a result of shortages, overages, theft, damage, destruction and for noncompliance with Custom's and Board's rules and regulations.

### **Activity Fee**

An activity fee of ten dollars (\$10.00) per transaction will be charged to Zone User to help offset the annual fee paid by the Eagle Pass Foreign Trade Zone to U.S. Customs under the revised Audit-Inspection Method of Zone Supervision. A transaction consists of each admission, manipulation and removal document.

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**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

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P.O. Box 3693 Eagle Pass, Texas 78853**

## FOREIGN TRADE ZONE NO. 96

### APPLICATION OF RATES [TARIFF]

#### TARIFF AUTHORITY

This application is published in response to Federal Register notices given on April 1, 1996 (61 FR 14290) and on July 8, 1996 (61 FR 35711), where the Foreign Trade Zones Board adopted interpretive guidelines and procedures in its implementation of the Lapse of Authority Provision for Inactive Foreign Trade Zones. The rules, regulations and rates of this proposed tariff shall apply at Foreign Trade Zone No. 96 and its sub-zones unless otherwise provided. The Executive Director of the Maverick County Development Corporation will be authorized to compile, publish, post and file revisions and amendments to this tariff.

#### BOARD REGULATIONS

Foreign Trade Zone No. 96 is regulated by the Foreign Trade Zones Board, Washington, D.C., under Final Rules: Foreign Trade Zones Board, 56 Fed. Reg. 50790 (1991): 15 CFR & 400.28 (a) (5). Grants of authority for foreign trade zones and subzones issued prior to November 7, 1991, were expressly subject to the condition that activation occur within a reasonable time. The adoption of Section 400.28 (a)(5) is intended to codify and define this proviso, which is needed in the interest of efficient program operation. The provision first goes into effect on November 8, 1996, for zones like FTZ No. 96 approved prior to November 8, 1991, and thereafter it will have a continuing effect for zones not activated within five years of approval.

#### U.S. CUSTOMS REGULATIONS

Foreign Trade Zone No. 96 is subject to special Customs regulations as set forth in the U.S. Customs Foreign Trade Zones Manual to ensure that grantees, operators, zone users and Customs officers are operating under the same set of public instructions. Rulings from Customs concerning matters covered by the Manual under the procedures of Part 177 of the Customs Regulations (19 CFR Part 177).

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**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**

**FOREIGN TRADE ZONE NO. 96**

**APPLICATION OF RATES [TARIFF] (Cont.)**

ZONE OPERATED AS A PUBLIC UTILITY

All rates and charges for services or privileges within the zone shall be fair and reasonable, the Grantee/Operator shall afford to all who may apply for the use of the Zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments.

INTERPRETATION OF TARIFF

The Grantee/Operator shall interpret and determine the applicability of any of the rates, rules, regulations or services provided for in or another agency of the U.S. Government will be determined by the Director of Customs or his duly appointed representative.

ISSUED: October 31, 1996

**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**



**FOREIGN TRADE ZONE No. 96**

**LEASING GUIDELINES**

- (1) Lessee must comply with Zone Operator's Schedule of Rates, Charges, Rules and Regulations.
- (2) Lessee must comply with all laws and regulations for the U.S. Foreign Trade Zones Board.
- (3) Lessee of land shall be responsible for all necessary off-site (within Zone premises) parking and loading and unloading facilities as indicated in the Zoning Ordinance of the City of Eagle Pass.
- (4) Lessee of land shall comply with all building-setback requirements as indicated in the Zoning Ordinance of the City of Eagle Pass.
- (5) Lessee must comply with all applicable, Federal, State and local laws in the case of a conflict between Federal, State and local laws, the more stringent shall apply.

ISSUED: October 31, 1996

**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**

**FOREIGN TRADE ZONE No. 96**

**EAGLE PASS, TEXAS**

**TARIFF NO. 1**

**SCHEDULE OF RATES AND CHARGES**

**INDUSTRIAL SITES**

USE: Land for tenants' own buildings

<b><u>AMOUNT AVAILABLE:</u></b>	<b><u>Acres</u></b>
Site No. 1	188
Site No. 2	17
Site No. 3	1,100
Site No. 4	55
<b>TOTAL LAND</b>	<b>1,360</b>

Annual lease charge per square foot of land is \$0.21 to \$0.35 per square foot per year.

LENGTH OF LEASE:      Minimum              One Year  
   Maximum              No Limit

Minimum leaseable space--NEGOTIABLE

ISSUED: October 31, 1996

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**Maverick County Development Corporation  
P.O. Box 3693 Eagle Pass, Texas 78853**

**FOREIGN TRADE ZONE NO. 96  
TARIFF NO. 1  
SCHEDULE OF RATES AND CHARGES (Cont.)**

**HANDLING CHARGES**

Foreign Trade Zone tariff/duty privileges		In basic lease
Minimum charge for utilizing zone facilities		\$10.00
Temporary in-Zone open storage	<u>Per Day</u>	<u>Per Month</u>
<b><u>Per Square Foot:</u></b>		
Unpaved	1 Month Minimum	\$0.21
Paved	1 Month Minimum	\$0.35
Semi-Trailer Parking	\$10.00	Negotiable
Administrative Assistance	-----	Negotiable

**PUBLIC UTILITIES ARE AVAILABLE AS FOLLOWS:**

Municipal water	Conventional city rates
Municipal sewer	Conventional city rates
Garbage and trash service	Conventional city rates
Electric Power	Conventional city rates
Natural Gas	Conventional city rates
Telephone Service	Conventional city rates

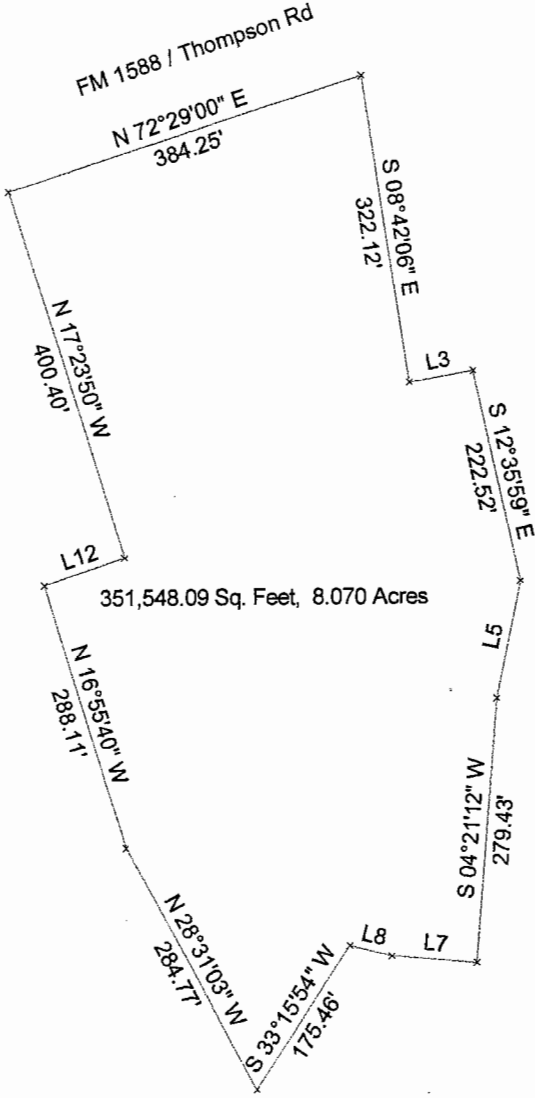
**MAN-HOUR RATES AND EQUIPMENT RENTAL**

GENERAL APPLICATION. Except as otherwise provided, man-hour rates plus charges for equipment rental will be charged for all services not specifically provided for in this tariff.

ISSUED: October 31, 1996

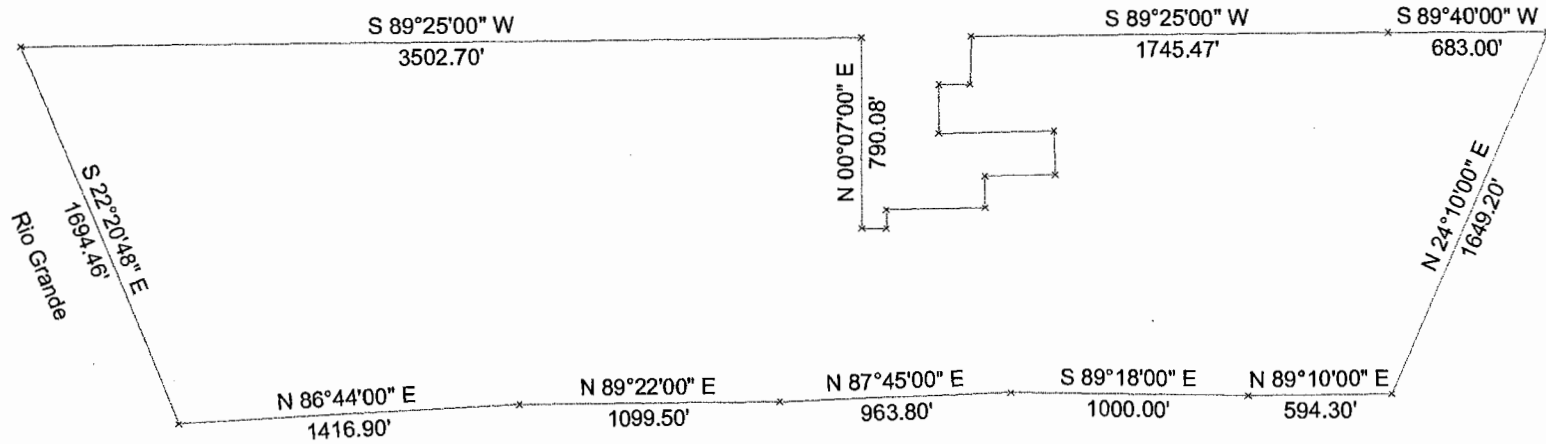
**Issued in compliance with instructions of the Foreign Trade Zones Board by:**

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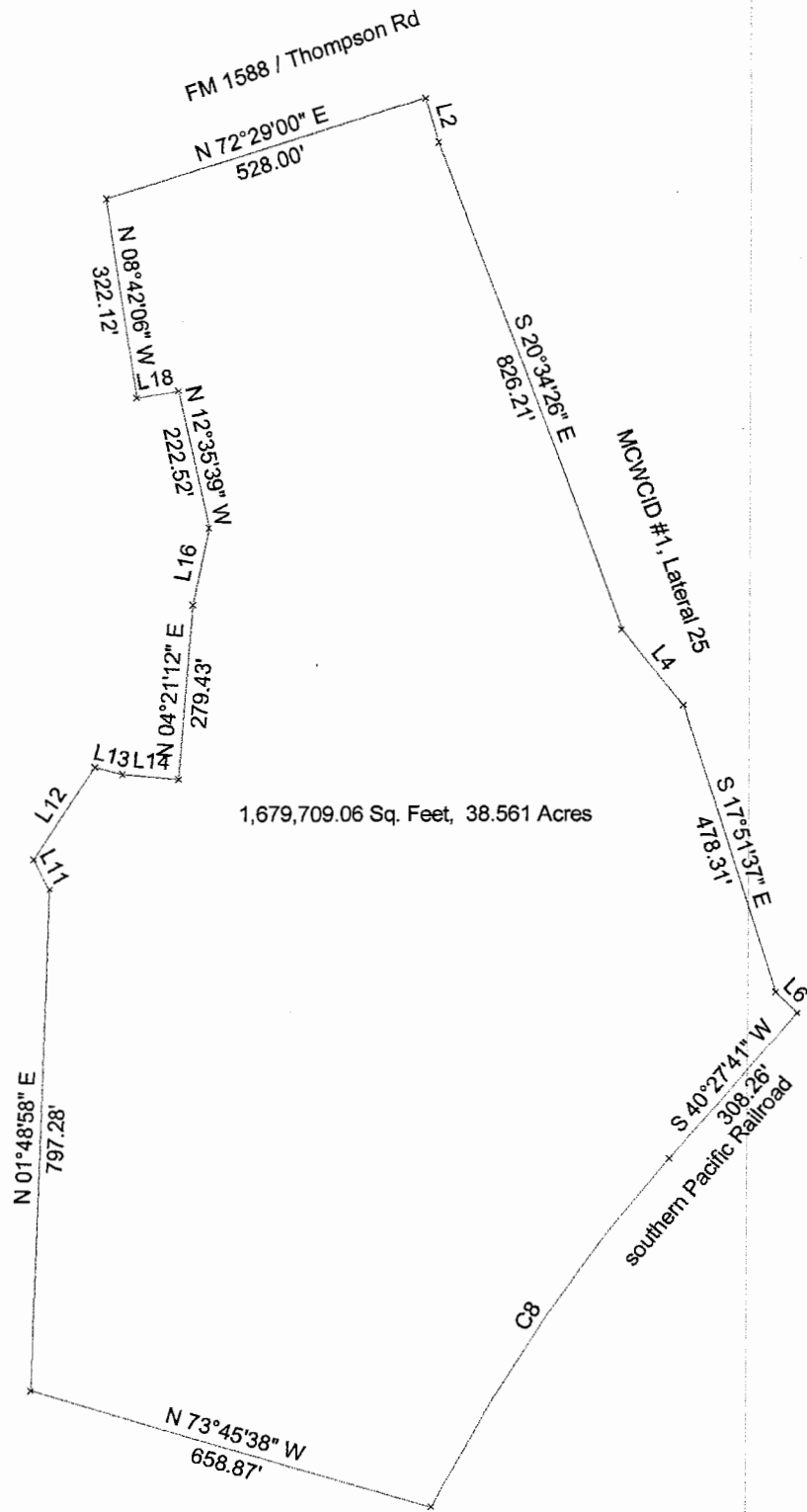


City of Eagle Pass		
Foreign Trade Zone		
DATE: 5/14/2002	SCALE: 1" = 200'	DRAWN BY: E Guerra

8,293,930.58 Sq. Feet, 190.402 Acres



City of Eagle Pass		
Foreign Trade Zone		
Exhibit No. 1		
DATE: 5/13/2002	SCALE: 1" = 800'	DRAWN BY: E. Guerra



1,679,709.06 Sq. Feet, 38.561 Acres

City of Eagle Pass		
Foreign Trade Zone		
DATE: 5/14/2002	SCALE: 1" = 300'	DRAWN BY: E. Guerra